

**From:** Randall Markwood <[REDACTED]>

**Sent:** Wednesday, November 1, 2017 4:47 AM

**To:** Liccardo, Sam; Henninger, Ragan; Jimenez, Sergio; Chapman, Helen; Davis, Dev; Garavaglia, Christina; Nguyen, Tam; Carrigan, Ryan; Arenas, Sylvia; McGarrity, Patrick; Carrasco, Magdalena; Castro, Huascar; Khamis, Johnny; Fedor, Denelle; Connolly, Shane Patrick; Jones, Chappie; Ferguson, Jerad; Pressman, Christina; Diep, Lan; Lebron, Charisse; Lopez, Robert (HSG); District1; District2; District3; Peralez, Raul; District4; District5; District 6; Rocha, Donald; District7; District8; District9; Sykes, Dave; District 10; The Office of Mayor Sam Liccardo; City Clerk; [REDACTED]

**Subject:** ARO: it's time to slow down

Dear Mayor and Council Members,

It's easy to target mom and pop owners, and ignore the facts that being a landlord is a 24/7 job and we are maintaining old properties that need constant maintenance. It's easy to look good when you're spending other people's money, and putting the burden of your decision on them.

How did "let's protect tenants against unjust eviction" turn into?

- No approval process for adults
- No occupancy limit
- No City help for criminal behavior
- Property Owner responsible for relocation during flood or fire
- Housing supporting tenants in making false reports against landlords

How did a recommended unit registry at 5% without banking turn into?

- Ignoring real data
- An expensive rent registry
- Public rent roll because of proposed complicated CPI option
- No more investment in buying and rehabilitating old properties
- An "unfair" return petition
- Ignoring the truth about what it takes to run a small business in San Jose
- Advertising a "teaser" rate for Housing fees

As our leaders, you are here to make a thoughtful decision that will stand the test of time. You can stop the changes now and sort out the current ordinances.

Do you remember the several years of drought that we had and the panic over water and increasing water costs? Well, miraculously this year, we had more than enough water. It is time to slow down and let the changes take effect. There are many forces at work here, and we can find a solution that is unique to San Jose.

Thank you,  
R. Markwood

**From:** Dan Aumack [REDACTED] >

**Sent:** Wednesday, November 1, 2017 7:36 AM

**To:** ARO; VanderVeen, Rachel; Morales-Ferrand, Jacky; District11@sanjoseca.gov; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Sam Liccardo

**Cc:** City Clerk; [REDACTED]

**Subject:** RE: Comment on the Proposed Rent Control ARO CPI

Dear Mayor, Council Members, Housing Department:

I wanted to resend my below note on my frustration with the CPI proposal. I own 1 property. My average rent is \$1000 under what is reported to be San Jose average rent. Now I see water will raise another 8% and who know what PGE will do next. I need a new roof and parking lot and more improvements on my aging property. All my fees are and taxes are escalating. As I watch this debate, I am reminded of an old saying no good deed goes unpunished. Let me provide affordable housing to my long term renters with a stable roof and a safe place to live...

Regards,  
Dan Aumack

Dear Mayor, Council Members, Housing Department:

I am a San Jose native who has enjoyed living and working in San Jose my entire life. I am very concerned about the new proposed ARO draft to reduce the 2016 council approved rent increase cap of 5% to the ARO draft for CPI. The 2016 policy decision was based on two years of discussion and negotiations. Now without any discussions or time to evaluate the 2016 policy we have a new draft with the CPI proposal. Garbage Rates, Insurance, Water, Licenses, and PGE have continued to raise at a greater rate than the CPI.

I am a very responsible housing provider, I own one small Apt building, with my sisters for our retirement. The apartment is located in San Jose and is under rent control . My average rent is about \$1000 lower per unit than what is reported to be the average rent in San Jose.

My renters average over 5 years in my building. I am doing something for affordable housing, and I have not seen San Jose do much in this regard. The developers keep building and are not under any rent controls. The good housing provider who's rents are lower than the average are being asked to shoulder the housing issue for San Jose. You should also consider the issues of an investor has who has invested in their community for their future.

I have never had a complaint from one of my renters to the city housing department in all the years I have owned this property. I will need a new roof very soon as well as resurfacing my parking lot. By never raising my rent significantly when it was 8 % and now a proposal to cut the approved 5% rent increases to the CPI rate will make it very difficult for me to maintain my aging building in the years to come. The Capital Improvement process is cumbersome. Housing is proposing a dual track system of major and minor capital improvements. This will cause confusion as owners will not know which type of process they should use. By maintaining the current 5% cap on rents this complicated system will not be needed. I will have the ability to maintain and improve my property as opposed to waiting for the city to approve a capital improvement on my property.

**From:** Charles Shao <[REDACTED]>

**Sent:** Wednesday, November 1, 2017 5:16 PM

**To:** The Office of Mayor Sam Liccardo; District1; District2; district3@sanjose.gov; District5; District4; District 6; District8; district7@sanjose.gov; District9; District 10; City Clerk

**Subject:** Rent Control Issues

Dear San Jose City Councilperson,

I am writing to you to point out one important point you may want to mull over before you cast your vote in the upcoming Rent Control issue. I hope you don't underestimate or overlook this hidden factor.

If you strip all the options that a landlord needs to manage his/her properties, there will be significant impacts for the city. It is palpable that liability and responsibility are related. If the city takes away the management tools from the landlord, in case of a lawsuit, who is going to shoulder the responsibility? The landlord may know very well that there is a problem, but because of the city rent control ordinance, his/her hands are tied and could not do anything. Remember, the landlord usually is the first person to know there is problem and he or she can serve as the first-line problem solver.

Currently, the 90-day no-cause eviction is the most effective tool the landlord can use to get rid of the bad guys on his/her property and the neighborhood. Because the ordinance already prohibits landlord abuse, no landlord could use this option to make monetary gain, since the ordinance prohibits the landlord from increasing rent if the tenant does not move out voluntarily. A landlord would suffer monetary loss when he/she exercises this option because when changing tenants, the landlord has to spend money to fix up the property and, at the same time, loses at least one to a few months of rent. This usually will cost the landlord several thousand dollars. So, unless the tenant is really bad, no sober mind landlord would bother to exercise this option. You may further beef up this option by inhibiting the landlord from increasing the rent for another year. Please leave this 90-day no-cause eviction untouched. This law was cleverly designed to protect both the tenant and the landlord. It has a built-in check-and-balance. It is an indispensable portion of a sound rent control policy. The tenant, the landlord, the city, and the police department will all benefit from your decision.

Thank you,  
Charles Shao

Mayor Sam Liccardo and Council,

### 50 YEARS OF WIN/WIN HOUSING IN SAN JOSE

I am a 91 year old landlord that believes in WIN/WIN HOUSING and have been a HOUSING PROVIDER FOR 50 YEARS. I have an apartment in West San Jose under rent control. This is a family owned business that provides some of the most affordable housing in San Jose. This building is maintained in "PRIDE OF OWNERSHIP CONDITION". My tenants are happy living in PEACEFUL, HEALTHY AND SAFE HOUSING. This I believe is and has been a WIN/WIN for tenants and owners.

### WHAT WE ARE CURRENTLY DOING IS NOT WORKING

It seems that each side wants to WIN IT ALL. Ultimately when one side WINS at the expense of the other side both sides eventually lose. This becomes a LOSE/LOSE situation.

### SAN JOSE'S AFFORDABLE HOUSING

In San Jose your most AFFORDABLE HOUSING is in apartments under rent control. These buildings are 50 to 75 years old. They need RENOVATIONS and REPAIRS such as roofs, new plumbing, refrigerators, heaters, ovens, ranges, carpets, linoleum, drapes or blinds. Due to these necessary needs they are expensive to operate. These expenses are rising at a fast pace. My annual cap rate is greater than the CPI. Going to the CPI is not the answer.

San Francisco has the rent cap rate tied to the CPI. It has some of the greatest housing problems and it also has some of the highest rents in California. The CPI did not work in San Francisco.

### SAFETY AND HEALTH CONCERNS

In addition to the MAINTENANCE and RENOVATIONS COST these older buildings often have SAFETY AND HEALTH CONCERNS such as mold, lead paint, cockroaches, bed bugs, termites, mice, rats, old windows that are hard to open and break, sidewalks and driveways that crack and are not safe, trees that need constant maintenance to prevent them or limbs from falling and injuring someone. Correcting these issues in a timely manner is expensive, they are HIGH MAINTENANCE properties.

### SAN JOSE'S HOUSING PROVIDERS

An apartment owner is a HOUSING PROVIDER and a business owner. A good many apartments under San Jose rent control are Local Family Owned businesses that depend on the income from their apartments for their livelihood. Most feel that rent control is overly restrictive and unfair and many are currently selling and moving their housing dollars to other cities or areas that do not have rent control and are friendlier to business. This is a LOSE/LOSE SITUATION.

KEEP SAN JOSE INVESTORS IN SAN JOSE. Don't pass new laws that make it too difficult to operate these apartments. Don't pass laws without studying how they would affect owners and tenants. The CPI cap rate will create a bare bones budget that will lower the ability to maintain PEACEFUL, HEALTHY, and SAFE HOUSING.


**Don't vote for the CPI cap rate.**

### SOLUTION

Owners and tenants working together, listening and understanding one another's needs and wants and coming to a compromise is the answer. In a compromise you come to a WIN/WIN

Compromise, let's continue to have WIN/WIN HOUSING IN SAN JOSE.

Sincerely,

  
Joseph Bommarito

Dear Leaders of San Jose,

As a member of the community of San Jose, I strongly oppose any further rent control measures in our City. I object to rental income being controlled by CPI which will punish mom and pop housing providers who are vital to San Jose. I respectfully request that the 5% rent control that was implemented in 2016 stays in place and allow environmentally-friendly utility pass-through (RUBS) to occur.


Quickly moving to another set of rules, that has been economically proven to be harmful to both tenants, landlords and our community, is short-sighted and will serve to harm our community. As a voter/taxpayer, this does not instill confidence in our leadership process.

Granted, it is more difficult to move to "smart" solutions, which involve the community as a whole. But, it's time to implement what we have, and see what is best for San Jose.

Ultimately, it will be the addition of new affordable (income-based) housing that will lead to a fair and economically-sound solution. Let's work to provide additional housing, and address daily housing issues, such as quality of housing, misuse of existing ordinances, and safe neighborhoods.

As your constituents, I urge you to vote to keep RUBS, and vote to oppose the proposal of CPI!

Respectfully,

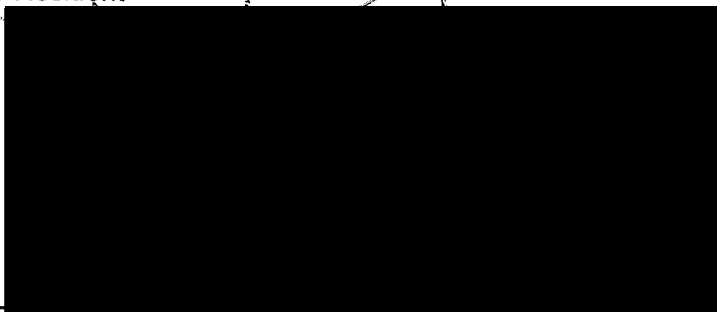
A large black rectangular redaction box covering the signature of the sender.

San Jose Resident

Name:

Email:

Address:

A large black rectangular redaction box covering the contact information (name, email, and address) of the sender.

***Example of multiple similar letters  
received by the City Clerk***

**From:** >

**Sent:** Monday, November 6, 2017 6:50 PM

**To:** City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Sam Liccardo

**Subject:**

Dear Mayor and City Council,

As a property owner in the City of San Jose, I am concerned with the changes to the Apartment Rent Ordinance recommended by the Housing Department. I value the relationship with my tenants and I am committed to providing a safe, clean and desirable place for my tenants to live.

But the changes that have been recommended will hinder my ability to provide that quality housing. The current cap of 5% has been in effect for less than a year and we haven't seen any data to determine what impact the current cap has had. It's important to remember that a 5% cap only allows rents to go up by no more than 5%. So I'm asking that you maintain the current cap of 5%.

RUBS, Ratio Utility Billing System, provides property owner the ability to share utility costs with our tenants. By sharing the cost of water and trash with our tenants, they are given a metric to understand their consumption and a motivation to take actions to reduce their costs. San Jose has a set of green goals to reduce our environmental footprint. With ARO apartments making up a third of all housing units, providing property owners with the ability to encourage our tenants to conserve will assist the City in meeting those green goals. So I'm asking you to maintain the use of RUBS.

Since 2015, the City Council has reduced the rent increase limit, eliminated the ability to save unused rent increases, and imposed eviction controls. Every problem that was surfaced, has been addressed. It's time to stop punishing the city's housing providers and evaluate what's been done.

I appreciate the time and energy you have spent on this very important topic. As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously.

Thank you,

Property Owner.

November 3, 2017



CHARLES W. DAVIDSON

Honorable Mayor Sam Liccardo  
& City Council Members  
City of San Jose  
200 E. Santa Clara St.  
San José, CA 95113

**Re: Proposed Tenant Protection Ordinance Amendment  
City Council Agenda, November 14, 2017**

Dear Mayor Liccardo & City Council Members,

As a community member and business owner in the City of San Jose for over sixty years, I commend your efforts to ensure that San Jose continues to provide housing opportunities for all its residents while maintaining San Jose's role as the leader in job creation in Silicon Valley.

While you review the proposed amendment to the Tenant Protection Ordinance, I respectfully request that you consider my letter to you as background having built, owned and managed apartment communities for over 40 years. We have over 700 subsidized units in San Jose none of which have been converted to market rate, and we also have over 600 market rate units in San Jose. We are not against rent control; however, we think the proposal before you has gone overboard because it might hurt the property owner's ability to maintain their properties at a first class level. As these apartment communities get older, they will require more maintenance to keep them in a first class condition. First class condition benefits the tenants, owners, the city, and especially neighborhoods.

We pay our employees very good salaries, and we try to increase their salaries each year. We can do this with the existing up to 5% rent increase allowed; we could not do this if we went lower. Also, on the utilities, we pay water and garbage on all of our market rate units. On the subsidized units, HUD makes an allowance for gas and electricity. This allowance covers most of the cost. Gas and electricity in our market rate units; which is paid by the tenants, is approximately \$500,000 a year citywide. If we had to absorb this, the lost revenue would have to be replaced from the maintenance budget, employee pay raises, and the owner's profit. There is no way we, as owners, could absorb this entire utility bill. However, paying for the utility bill has never been a problem for our tenants, because we have never gouged tenants on rent increases, and we believe in eviction for only just causes. Also, having the tenants pay for the utility bills helps conserve energy because it serves as an incentive for tenants to use less electricity, gas and water. For your information, affordable housing developers currently use individual gas and electricity meters and are also starting to use individual water meters in their affordable housing communities. Affordable developers have found that individual tenant meters, are effective in promoting tenant energy conservation and water usage and are also the best way to control utility costs.

We invite you to look at any of our housing communities, because I believe that you will conclude that our apartments are an asset to both the neighborhoods and the City of San Jose. With your help we would like to keep it that way. I urge you to please be reasonable and take a balanced approach with any additional rent control changes which you may want to impose.

Sincerely,

  
Charles W. Davidson

**From:** Maxine Lubow < >

**Sent:** Monday, November 6, 2017 6:09 PM

**To:** District8; City Clerk; The Office of Mayor Sam Liccardo; District5; District9; District7; District 10; District3; District1; District 6

**Subject:** Rent Control

Hello All:

Just a message from higher up than you and me.

"Rent Control is Part of the Problem:

"Study after study has shown that rent control inhibits new construction, leads to neglect and deterioration of existing housing, decreases property taxes while increasing administrative costs, reduces tenant mobility, and increases the 'entry costs' for would be tenants."

This quote is what I have said the entire time you have been messing with rent control. Eight percent has been fine for years and the market dictates rent as it is doing now. 5% is livable, but any other is just making one group at City Hall bigger - requiring more cash from landlords, ie: assessing rent control units \$40 each and non-rent control \$4 each. How is this fair when the old buildings need more maintenance and remodeling to give tenants homes that can appreciate???

Maxine Lubow



**From:** Lindsay, David <>  
**Sent:** Monday, November 6, 2017 7:47 PM  
**To:** City Clerk  
**Subject:** rent controll

## San Jose Council to Vote on Draconian Price Controls

### Tell the City Council ENOUGH IS ENOUGH

After more than two years of debate on the Apartment Rent Ordinance (ARO), the San Jose City Council is expected to make a final decision on Tuesday, November 14. The most important changes the Council will consider is whether to lower the 5% annual cap to an inflation index and if property owners can continue sharing utility costs with their residents.

Currently, housing providers can raise rents by no more than 5% annually. That change was approved by the Council last year and now there is a recommendation by the Housing Department to lower the cap to the inflation rate (usually between 2%-3%). The Council needs to hear that keeping the existing 5% cap is simple, predictable and fair for both the residents and property owners. Inflation rates are unpredictable and it do not reflect the cost to provide housing. **Ask the Council to support keeping the existing cap of 5%.**

In addition to the rent cap, the Council will also consider allowing property owners to continue sharing master billed utility costs (water, sewer, trash) with their tenants. Sharing the utility costs, through a system called the Ratio Utility Billing System (RUBS), provides tenants information on their usage levels and the incentive to conserve. **Ask the Council to continue to allow cost sharing of utility costs.**

### Attend the Meeting on November 14th

What:	San Jose City Council
When:	Tuesday, November 14, 2017 at 1:30 pm
Where:	200 E. Santa Clara St, San Jose, CA 95113

Attend the Council meeting to urge them to support the 5% cap and allow property owners to use RUBS. If the Council can see a room full of property owners, then we improve our chances of

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keeping the 5% and RUBS. In addition to attending the Council meeting, write a letter to Council using the sample letter we've provided below. [And take a look at the Real Facts about Housing with this one page infographic.](#)

**Instructions for Submittal:**

1) Copy the letter down below and paste it into an email

2) Copy the following email addresses and paste it in your TO box:

[cityclerk@sanjoseca.gov](mailto:cityclerk@sanjoseca.gov); [District1@sanjoseca.gov](mailto:District1@sanjoseca.gov); [District2@sanjoseca.gov](mailto:District2@sanjoseca.gov);

[District3@sanjoseca.gov](mailto:District3@sanjoseca.gov); [District4@sanjoseca.gov](mailto:District4@sanjoseca.gov); [District5@sanjoseca.gov](mailto:District5@sanjoseca.gov);

[District6@sanjoseca.gov](mailto:District6@sanjoseca.gov); [District7@sanjoseca.gov](mailto:District7@sanjoseca.gov); [District8@sanjoseca.gov](mailto:District8@sanjoseca.gov);

[District9@sanjoseca.gov](mailto:District9@sanjoseca.gov); [District10@sanjoseca.gov](mailto:District10@sanjoseca.gov); [mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov)

3) Send email

Dear Mayor and City Council,

As a property owner in the City of San Jose, I am concerned with the changes to the Apartment Rent Ordinance recommended by the Housing Department. I value the relationship with my tenants and I am committed to providing a safe, clean and desirable place for my tenants to live.

But the changes that have been recommended will hinder my ability to provide that quality housing. The current cap of 5% has been in effect for less than a year and we haven't seen any data to determine what impact the current cap has had. It's important to remember that a 5% cap only allows rents to go up by no more than 5%. So I'm asking that you maintain the current cap of 5%.

RUBS, Ratio Utility Billing System, provides property owner the ability to share utility costs with our tenants. By sharing the cost of water and trash with our tenants, they are given a metric to understand their consumption and a motivation to take actions to reduce their costs. San Jose has a set of green goals to reduce our environmental footprint. With ARO apartments making up a third of all housing units, providing property owners with the ability to encourage our tenants to conserve will assist the City in meeting those green goals. So I'm asking you to maintain the use of RUBS.

Since 2015, the City Council has reduced the rent increase limit, eliminated the ability to save unused rent increases, and imposed eviction controls. Every problem that was surfaced, has been

addressed. It's time to stop punishing the city's housing providers and evaluate what's been done.

I appreciate the time and energy you have spent on this very important topic. As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously.

Thank you,

Property Owner.

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**From:** Topaz < >

**Sent:** Monday, November 6, 2017 8:35 PM

**To:** The Office of Mayor Sam Liccardo; City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10

**Subject:** Vote NO on SJ ARO proposed changes

Hello,

PLEASE DONT PASS THIS PROPOSAL!

If you pass the proposed changes to San Jose's rent ordinances you will make the housing situation WORSE! These measures will cause many owners (like me) to get out of the business when you badly need more housing not less. CPI is not enough to cover costs and improvements meaning maintenance and improvements could be diminished which doesn't improve the living situations for renters.

If this passes we will certainly entertain getting out of the business after providing good clean well maintained units since 1985 (we are a long time tier one occupancy permit holder).

Dont drive us out of a business that the city very much needs to flourish in order to meet the growing need.

VOTE NO!

Thank You

James Townsend

Dear Mayor and City Council,

As a property owner in the City of San Jose, I am concerned with the changes to the Apartment Rent Ordinance recommended by the Housing Department. I value the relationship with my tenants and I am committed to providing a safe, clean and desirable place for my tenants to live.

But the changes that have been recommended will hinder my ability to provide that quality housing. The current cap of 5% has been in effect for less than a year and we haven't seen any data to determine what impact the current cap has had. It's important to remember that a 5% cap only allows rents to go up by no more than 5%. So I'm asking that you maintain the current cap of 5%.

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Thank you,

Property Owner.

Thanks

James Townsend "JT"

**From:** Jaime Gonzalez <>

**Sent:** Tuesday, November 7, 2017 12:00:01 PM

**To:** City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Sam Liccardo

**Subject:** Rental Housing Debacle

Dear Mayor and City Council,

Including Duplexes, all of a sudden, is akin to being blind sided by an 18 wheeler at full speed. None of the 2000 or so owners (over half are minority owned) have had any warning of any kind nor any say in the matter. Including duplexes will have no direct affect on rental stabilization what so ever! Its completely disrespectful, a new burdensome tax without being notified or represented in any meetings, as our property rights are being trampled on by this draconian measure being mandated by you. No To Duplexes! They are not apartment living lifestyle and are in residential areas of this city.

Let it be known that this city council has put our safe and great city on a path to blight, unattended/cared for complexes in and around our beautiful city over the next 5-20 years as the new ARO and TPO ordinances take affect. It will take a tremendous effort to keep our city beautiful and free for the additional crime and nuisance rent control brings to cities that have adopted such measures onto its tax paying citizenry. I feel a law suit to halting such draconian behavior by this city council is in order in a hurry.

Under the ARO - Has the 5% cap worked the one year it has been in existence? Rents have actually gone down the lasts year or so. Has it worked? YES!

Under the TPO - We love our tenants and they can stay forever, those 12 reasons for evictions not withstanding. However; there should be a 13th reason. and that is for DIVORCE! If a married couple can get a divorce for any number of reasons, then an owner and tenant should have the right to a "divorce" as well. Make that the 13th reason. Sometimes, it is just time to move on.

As a property owner in the City of San Jose, I am concerned with the changes to the Apartment Rent Ordinance recommended by the Housing Department. I value the relationship with my tenants and I am committed to providing a safe, clean and desirable place for my tenants to live.

But the changes that have been recommended will hinder my ability to provide that quality housing. The current cap of 5% has been in effect for less than a year and we haven't seen any data to determine what impact the current cap has had. It's important to remember that a 5% cap only allows rents to go up by no more than 5%. So I'm asking that you maintain the current cap of 5%.

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I appreciate the time and energy you have spent on this very important topic. As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously.

Thank you,

Property Owner.  
jaime

**From:** Deb <>

**Sent:** Tuesday, November 7, 2017 3:01 PM

**To:** City Clerk; District2; District3; District4; District5; District 6; District8; District 10; District1; District7; District9

**Subject:** NO CPI for San Jose

Dear San Jose Council members,

As a member of the community of San Jose, I strongly oppose any further rent control measures in our City. I object to rental income being controlled by CPI which will punish mom and pop housing providers who are vital to San Jose. I respectfully request that the 5% rent control that was implemented in 2016 stays in place and allow environmentally-friendly utility pass-through (RUBS) to occur.

Quickly moving to another set of rules, that has been economically proven to be harmful to both tenants, landlords and our community, is short-sighted and will serve to harm our community. As a voter/taxpayer, this does not instill confidence in our leadership process.

Granted, it is more difficult to move to “smart” solutions, which involve the community as a whole. But, it’s time to implement what we have, and see what is best for San Jose.

Ultimately, it will be the addition of new affordable (income-based) housing that will lead to a fair and economically-sound solution. Let’s work to provide additional housing, and address daily housing issues, such as quality of housing, misuse of existing ordinances, and safe neighborhoods.

As your constituents, I urge you to vote to keep RUBS, and vote to oppose the proposal of CPI!

Regards

San Jose Resident and Voter  
Debbie Paul



**From:** Joshua Cedar [REDACTED] >  
**Sent:** Thursday, November 9, 2017 10:38 AM  
**Subject:** Re: Apartment Rent Ordinance

Dear Mayor and City Council,

As a multi-family property owner in San Jose, I am concerned with the changes to the Apartment Rent Ordinance recommended by the Housing Department. I am committed to providing a safe, clean and desirable place for my tenants to live, however, I believe I am entitled to a fair return on my investment. These sorts of measures punish those who have been keeping their rents low and make it very difficult to afford improvements. So I'm asking that you, please, maintain the current cap of 5%.

Thank you very much.

Joshua Cedar

**From:** L A Kurth [REDACTED] >  
**Sent:** Thursday, November 9, 2017 2:22:20 PM  
**To:** City Clerk  
**Subject:** Message to San Jose City Councilors

Dear City Councilors and especially Ms. Davis, my district's rep,  
As a community college teacher, I'm in a position to know about the many obstacles San Jose residents face because of the speculative housing market in this city.  
The rent measures proposed are truly moderate, but they will provide a little more safety and fairness to folks who are committed to hard work and delayed gratification but have been left out of Silicon Valley prosperity.  
I'm appalled and worried at the prospect of so many students working two jobs while going to school part-time. That is not sustainable.  
Please do this small thing which will be a big thing for some renters. I say this as a home owner who was already feeling the rental pinch back in the 90's when I was a renter. I wouldn't live here anymore if I had to pay current rents.

Also, I want to thank those of you who are working on the tiny houses project. I know it's so stressful and difficult, but don't give up. My personal opinion is that many individual home owners would be amenable to having a tiny house on their property. Although the size is not ideal, it could even work out longterm so that the "transition" would be maybe five-ten years instead of one. I am committed to working with you on this.

Cordially,  
Lita Kurth, Willow Glen

**From:** Roberta Moore <[REDACTED]>

**Sent:** Thursday, November 9, 2017 4:56 PM

**To:** The Office of Mayor Sam Liccardo

**Cc:** Reed, Jim; Lujano, Jose; Starbird, Weston; Henninger, Ragan; Cueto, Ruth; Marcoida, Christine; Howard, Barbara; City Clerk

**Subject:** ARO vote 14th - Are you trying to put us out of business and make it more dangerous for our renters?

Can you imagine having to let people into your office and having to pay them to be there even though you didn't hire them?

That's what the proposal to allow anyone to move into an apartment without being qualified or signing a lease is like. Especially since many Rental Providers pay for the utilities for their Renters.

This proposal is legal economic extortion of minority and small mom and pop businesses.

Here is an overview of the unintended consequences from the proposed ARO changes on which you will be voting on Tuesday November 14th. The overview includes sourced data not covered by the press or the Housing Department.

Remember, Sam, a "Smart City" looks at the data.

Regards,

Roberta Moore

[REDACTED]

## Overview Proposed Changes ARO Policy Council Vote November 14<sup>th</sup> at 2 pm

The Housing Department's goals to provide predictability in rents and to protect Renters from unscrupulous Rental Providers who harass Renters, evict without cause, and/or raise rents over the allowable amount are worthy. Unfortunately, the proposed changes won't accomplish the goals. There is a high cost and low benefit for regulations that target mostly minority and small rental owners whose units weren't evaluated in the \$140,000 ARO Study. Here are some of the reasons the proposed changes are bad for San Jose.

### Housing Department's Administrative Approach

- Copies Cities with Worse Quality of Life Measures: Affordability, Safety, & Homelessness
- Creates Burden & Expense NOT Justified with Data Provided

### Reasons Changes aren't Justified

(Source of Data: Housing Department 2015/16 when changes first Proposed)

- ARO Rents average \$1,306 versus Market Rents average \$2,960.
- Most complaints (80%) were from non-ARO units which are not covered by these policies.
- Only 22 complaints filed on ARO units each year for Fiscal year 2010 to 2015 resulted in a hearing. Following are the number and type of complaints filed on ARO units:

Type of Complaints	# of Complaints per Year
Termination of Tenancy	28
Excessive Rent Increases	28
Housing Code Violations	39
Service Reduction	120

- After much media attention, the complaints filed increased to less than 1/10 of 1%.

### Legal Extortion of Minorities & Small Mom and Pop Businesses

The city needs more affordable housing for its residents. This regulation would force a small group of ARO Rental Providers to do it for them. This is an example of legal economic extortion of minorities and small mom and pop businesses. Most ARO Rental Providers (72%) are minority owners. (Source: SCC Tax Records) 75% of the buildings are 9 units or less. (Source: ARO Study January 2016) These are more likely to be owned by a mom and pop owner.

Many ARO Rental Providers work full-time to support their building now as part of the American Dream of one day having the rental income on which to live. Most owners do not have a pension like City and Union Employees or stock options and a 401k like corporate employees.

The Housing Department will need to hire 5 times as many staff (up to 46 people) to support the proposed changes. (Source: Housing Department Evaluation of Staffing Models S.F. & L.A.) This burden will be carried mostly by the small mom and pop and minority owned buildings. Also, the future pension costs will burden future taxpayers with unnecessary unfunded pension liability.

## Overview Proposed Changes ARO Policy Council Vote November 14<sup>th</sup> at 2 pm

### Unintended Consequences

- 93% of Economists, even the most liberal, agree Rent Control harms the people it's meant to help. Overcrowding, less affordable housing, and below quality living conditions will result. (Source: American Economic Association)
- These ARO policies . . . *"will only benefit 11% of San Jose's Renters."* Mayor Sam Liccardo
- The TPO is a dangerous and expensive regulation for benefit of .02% of the renters. The 8 most dangerous Bay Area cities have a TPO-type ordinance. (Source: FBI) The reason these cities are more dangerous is because dangerous criminals can't be evicted. Especially when San Jose has half of the required police staff.
- Could put small mom and pops out of business. Financial evaluation was only done on the 1% of buildings with 50+ units that have economies of scale. (Source: ARO Study)
- Proposed changes copy cities with worse quality of life measures. Refer to charts below.

### Proposed Changes Copy Cities with Worse Quality of Life Measures

#### Quality of Life Measures

City	Homeless (2015)	Homeless Rate	Forbes Safe City Rating (2010)	Crime Rank
San Jose	4063	Decreased 15% past 2 years	2	246
Los Angeles	9535	Increased 12% past 2 years	21	341
San Francisco	7539	Increasing	29	434
Sources:	City's Reports	City's Reports	Forbes	USA.com

#### Affordability

City	Average Cost Rent Controlled Units	Market Rent	% of Income Spent on Rent (2015)
San Jose	\$1,306	\$2,750	41.50%
Los Angeles	\$2,443	\$4,650	48.90%
San Francisco	\$3,096	\$5,000	46.70%
Sources:	ARO Study, Internet	City's Reports	CNN

### City's Audit Department Got it Right When Evaluating Proposed Changes

- Uses Existing Systems & Improves Current Processes and Targets Irresponsible Rental Providers More Quickly
- Focuses on Cooperation, Outreach, & Enforcement
- Is Socially Responsible AND Fiscally Responsible

**From:** BAHN SJ <[REDACTED]>

**Sent:** Sunday, November 12, 2017 11:41 PM

**To:** Jones, Chappie; Jimenez, Sergio; Liccardo, Sam; Peralez, Raul; Diep, Lan; Davis, Dev; Carrasco, Magdalena; Nguyen, Tam; Arenas, Sylvia; Khamis, Johnny; Rocha, Donald; City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; ARO; BAHN SJ

**Subject:** Open Letter to the Mayor and Council of San Jose on Mercury News

Dear Mayor and Councilmembers,

Please find attached an Open Letter from some of your constituents regarding Rent Control issue. The Open Letter is published on today's Mercury News.

The Open Letter is a voice of thousands of mom and pop property owners which has been ignored by our City. Besides the Letter, we would also like to bring the following to your attention:

1. The ARO rent average is \$1306 in 2015, according to Housing Dept data;
2. 75% of the ARO buildings are 3-9 units; 91% of the ARO buildings are 3-19 units, according to Housing Dept data;
3. About 50% of the 3-19 units buildings belong to local (San Jose) ownership, according to Housing Dept data;
4. 99.8% of the tenants do NOT receive a no-cause eviction, TPO is an expensive and dangerous for 0.02% of the tenants. (source: City of San Jose data via NBC News);
5. The proposed Roommate Clause only put limits to 2 adults per room, it does NOT limit the number of children under 18;

Please protect thousands of local small businesses!

Best regards,

BAHN-San Jose Chapter

The Bay Area Homeowners Network (BAHN), is a non-profit grassroots organization representing mom and pop rental property owners in the Bay Area. BAHN advocates mom and pop's property rights.

# OPEN LETTER

## to Mayor Liccardo and the San Jose City Council

### Dear Mayor Liccardo and the San Jose City Council:

As your constituents, we appreciate your efforts to provide financial relief to low-income renters struggling with the high cost of living in our community. Unfortunately, a belief that we can do so by passing increasingly stringent versions of rent control on older properties will do more harm than good.

Many economic studies have shown that, instead of helping those who need it most, excessive rent control reduces the number of low-income units available to the most vulnerable. It also reduces the quality of those same units and drives out small business owners. Rents ultimately increase much more as the imbalance between supply and demand grows.

"Mom and pop" housing providers, who own a majority of San Jose's rent-controlled apartments, are the wrong targets for further restrictions. Most of us are hard-working individuals of various ethnicities and are often from limited means. We aren't the ones who cause rents to skyrocket. Instead, we are helping the city by providing affordable rents that are substantially less than the market rate. Enacting an ordinance that punishes us and further limits our rental income is not the solution to the housing crisis.

The proposal to make all utility costs the responsibility of property owners is particularly alarming. Not only will this increase our costs, but it will remove incentives among tenants for water and energy conservation. Our city should not consider any policy that encourages irresponsible consumption of natural resources.

Coupled with the rent control concerns, the newly proposed "Roommate Clause," which allows a tenant to add roommates without an owner's proper screening and approval – up to as many as 17 tenants for a 2-bedroom apartment – will cause health, safety, overcrowding and parking problems for the surrounding neighborhood. Since we don't even have the right to know who our tenants are, it's nearly impossible for us to evict problem tenants for criminal, drug and nuisance activities. The entire city will have to suffer the unintended consequences.

For years, we as a housing provider community have presented these findings with hopes that logic might break through, and so that any single-minded, bureaucracy-laden approach to low-income housing would not be proposed and adopted. With this letter, we try again. We ask you to look beyond emotion and quick-fix votes, and consider the facts. Please take a long-term view on rent control and give San Jose a fighting chance to become a beacon of low-income housing success – not a failure.

The draft ARO and TPO recommendations from the Housing Department are bad public policies that do not help San Jose renters and will leave taxpayers footing the bill for multi-million-dollar annual administrative costs. We respectfully ask you, our Mayor and City Council, for status quo. On November 14, please vote NO to further rent control and stop the proposed overcrowding.

Thank you very much for your consideration.

Your constituents,

Michael Fitzgerald   Jaime Gonzalez   Quan He   Carlos Padilla   Roberta Moore  
Sean Rhinehart   Seigi Tado   Yong Zhao

Year	Tier I	Tier II	Tier III	Total* Buildings
2015	1,077	1,813	2,125	5,015
2017	827	2,134	2,187	5,148

Total # of ARO Units*
44,370
45,174

\*Note: Number of buildings (4 units and up) under ARO sold or purchased: is 77 (in 2016) and 76 (in 2017).

\*Note: Changes in exemption requirements have resulted in an increase in covered buildings and units.

Source: City of San Jose Housing Department, Multiple Housing Roster (MHR) database.

Table 2: Number of Buildings with ARO Units by Size

Year	3 or 4 Unit Bldgs.		5 to 9 Unit Bldgs.		10 to 19 Unit Bldgs.		20 to 49 Unit Bldgs.		50+ Unit Bldgs.	
2015	2,504	50%	1,260	25%	797	16%	473	8%	42	1%
2017	2532	49%	1,301	25%	836	16%	434	8%	41	1%

Source: Economic Roundtable and City of San Jose Housing Department, Multiple Housing Roster (MHR) database.

Table 3: ARO Units by Owner Location and Building Size

Year	3 or 4 Unit Bldgs.		5 to 9 Unit Bldgs.		10 to 19 Unit Bldgs.		20 to 49 Unit Bldgs.		50+ Unit Bldgs.	
	2015	2017	2015	2017	2015	2017	2015	2017	2015	2017
San Jose	610	970	715	827	413	216	0	96	0	11
California	1714	1928	717	814	514	447	126	215	22	38
Out of State	0	38	0	13	0	6	4	4	0	3
Total	2384	2,936	1432	1,654	927	669	330	315	22	62

Source: City of San Jose Housing Department, Multiple Housing Roster (MHR) database.

Table 4: ARO Units by Owner Location and Building Size, by Percentage

Year	3 or 4 Unit Bldgs.		5 to 9 Unit Bldgs.		10 to 19 Unit Bldgs.		20 to 49 Unit Bldgs.		50+ Unit Bldgs.	
	2015	2017	2015	2017	2015	2017	2015	2017	2015	2017
San Jose	26%	33%	50%	50%	45%	32%	0%	30%	0%	18%
California	72%	66%	50%	49%	55%	67%	39%	68%	100%	61%
Out of State	1%	1%	0%	1%	0%	1%	1%	1%	0%	5%

Source: City of San Jose Housing Department, Multiple Housing Roster (MHR) database.

ATTACHMENT 1



# LAW FOUNDATION of Silicon Valley

Fair Housing Law Project  
152 North Third Street, 3<sup>rd</sup> Floor  
San Jose, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2435 • TDD (408) 294-5667

November 10, 2017.

**SENT VIA EMAIL.**

Mayor Sam Liccardo  
San José City Council  
200 E. Santa Clara St.  
San José, CA 95113

**RE: LAW FOUNDATION OF SILICON VALLEY'S ADDITIONAL COMMENTS  
REGARDING THE APARTMENT RENT ORDINANCE AND TENANT  
PROTECTION ORDINANCE  
November 14, 2017, Items 4.4-4.6**

Dear Mayor and City Council,

I am writing to provide the Law Foundation of Silicon Valley's additional comments regarding Items 4.4-4.6. We remain in full support of the earlier comments we submitted together with the other member organizations of the Silicon Valley Renters' Rights Coalition, which I've included with this letter for Council's ease of reference.

**Protecting the Rights of Unmarried Partners and Kinship Caregiving Arrangements (Item 4.4—TPO, Item 4.5--ARO)**

The portion of the TPO that protects families from eviction for the addition of dependent or foster children, parents, spouses, and domestic partners is critical to protecting families from displacement, especially in light of the housing realities facing tenants in San José. The proposed ARO has a related provision about which family members may be added to the household without additional rent charges, and which may be subject to a joint petition for a rent increase. For both of these provisions, the City should add unmarried partners to the list of protected family members, and should employ a broad definition of "dependent child."

The ARO and TPO should incorporate protections for unmarried partners, as well as for spouses and registered domestic partners. The California Fair Employment and Housing Act prohibits housing discrimination on the basis of marital status, including disparate treatment of unmarried couples relative to married couples. Cal. Gov't Code § 12955; see also *Smith v. Fair Employment and Housing Com.*, 12 Cal. 4th 1143 (1996)(holding that a landlord could not discriminate against a married couple even though her religious beliefs forbade "living in sin.") By making exceptions for spouses and domestic partners but not unmarried partners, the ARO or TPO could expose the City to litigation. CAA's lawsuit against Mountain View regarding the



Community Fair Rent Stabilization Act (aka Measure V) alleged that a similar provision of that law violated FEHA. However, because CAA dismissed their lawsuit, that claim was never adjudicated.

The exclusion of unmarried partners from protection under the ARO and TPO also raises public policy concerns, as many couples live together in relationships of mutual caring and support without being legally married or registered domestic partners. And, such relationships are taken into account in other housing contexts. For example, HUD programs typically allow for the inclusion of a co-head of household to a housing subsidy or subsidized tenancy without requiring that the co-head of household be married to the head of household. According to HUD, “a head and co-head of the family may be a married couple, an unmarried couple, or two adults living together who are listed as head and co-head on the lease agreement.” 76 Fed.Reg. 15, 4196 (Jan. 24, 2011).

Further, neither the City nor landlords should be able to withhold rights or benefits based on a couple’s private decision about whether or not to become legally married, especially in light of the current political climate, which has caused many members of our community to be wary of providing their personal information to a government agency. Requiring proof of marriage or domestic partnership as a condition of adding a partner to a tenant’s household could have a disparate impact on immigrant families.

In a similar vein, ARO, TPO, and regulations should make clear that the addition of a child to a household includes the addition child placed through an informal kinship caregiving arrangement, and that a landlord may neither increase the rent nor evict the family for the addition of such a child to the home. State and federal protections against familial status discrimination include protections for families with foster children, as well as designees of the child’s parent. See, e.g., 24 C.F.R. § 100.20. The ordinances and regulations should be clear that the definition of “child” is expansive and encompasses a variety of custody arrangements.

#### **Protecting Multi-Generational Families and Children (Item 4.4—TPO, Item 4.5—ARO)**

In its draft amendments to the TPO, staff recommends shifting the standard for when a family can be evicted for adding too many family members to the home from one based on the Uniform Housing Code, which is the standard for health and safety in California, to one based on a formula on two adults per bedroom. The memo from Councilmembers Khamis, Davis, and Diep advocates for the imposition of an even more restrictive standard—2 +1—and implies that such a standard should be adopted far beyond the scope of what is being considered by Council this Tuesday. We oppose the Khamis/Davis/Diep memo’s proposals, and support a standard that is based on the Uniform Housing Code because it is based on health and safety, rather than a fixed number relative to the number of bedrooms in a unit.

Generally, restrictive occupancy standards can have a disparate impact on families with children, as well as immigrant households and multigenerational households.

One important way that governments and private housing providers distribute housing opportunities is by setting and enforcing residential occupancy standards to prevent

overcrowding. Traditional regulation of “overcrowding” conflicts with widespread and long-standing practices of families and extended families living closely together in a way that may be beneficial to them and to society. Overly restrictive residential occupancy standards imposed by both governments and private housing providers unduly burden families, and especially families of color in the context of a chronic and likely worsening housing crisis across the nation.

Tim Iglesias, *Thirteenth Annual Symposium on Contemporary Urban Challenges: Urban Equity: Considerations of Race and the Road Towards Equitable Allocation of Municipal Services: Clarifying the Federal Fair Housing Act’s Exemption for Reasonable Occupancy Restrictions*, 31 *Fordham Urb. L.J.* 1211, 1265. An informational power point for a presentation that was given to the Fair Employment and Housing Council regarding the history, legal status, and impact of occupancy standards can be found here: <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/AttachH-PwptBackgroundHistoryofResidentialOccupancyStd.pdf>. Numerical standards based on the number of bedrooms can unduly limit families’ housing choice because they do not take into account factors like the size of the rooms, the possibility of occupying other habitable space (e.g., the living room), and the age of the children. *See, eg., Gashi v. Grubb & Ellis Prop. Mgmt. Servs.*, 801 F. Supp. 2d 12 (D. Conn. 2001)(granting partial summary judgment on plaintiffs’ claim that a 2 persons per bedroom standard had a disparate impact on families with children); *see also R.I. Commission for Human Rights v. Graul*, 120 F. Supp. 3d 110 (Dist. R.I. 2015)(finding that an occupancy policy of 2 persons per bedroom had a disparate impact on the basis of familial status). The Department of Fair Employment and Housing uses 2+1 as an intake standard for disparate impact claims based on occupancy standards, but it takes into account other factors as well. For health and safety purposes, California has adopted the Uniform Housing Code, not 2+1. Health & Safety Code § 17922(a). While what amounts to a “reasonable” occupancy standard for a private landlord in the abstract is the subject of much debate, the reality is that the imposition of a 2+1 standard by the City of San José on San José renters would have a disparate impact on particular groups.

Imposing a 2+1 standard would impact a significant number of families in San José, and would disproportionately affect very low-income tenants, tenants of color, and tenants living on the Eastside. As noted in the Silicon Valley Renters’ Rights Coalition’s earlier comments, 18% of households in San José live in households of 5 or more persons. San José Housing Element (2014-2023) III-27 (available at <http://www.sanJoseca.gov/index.aspx?NID=1275>). More than half of renters living in households of 5 or more are low- or very low-income. San José Housing Element, III-27 to III-28. Nine percent of households have 6 or more members, and families who identify as Hispanic or Asian tend to live in larger households than do white or black families. *Id.* at II-11 to II-12. Households with four or more members live disproportionately on the eastside of San José. *Id.* at II-12.

Regardless of how overcrowding is defined, overcrowding is a measure of housing burden on individual households and a symptom of unmet housing need in the community, and should not be used as a basis for evicting a family. The memo by Councilmembers Khamis, Davis, and Diep argues that overcrowding is harmful to children. However, eviction, housing instability, and homelessness have demonstrated negative impacts on the physical and emotional health,

educational outcomes, and future success of children.<sup>1</sup> The argument that the City of San José should take a draconian approach to overcrowding, and should give landlords the legal means to evict families because of perceived overcrowding, ignores the effects of displacement on children's health and well-being, as well as the day-to-day reality of many low-income tenant families in San José.

#### **Petition and Hearing Process (Item 4.5—ARO)**

Our office has experience representing tenants in Renters Rights and Referrals hearings, as well as in representing litigants in a variety of court settings. We have also advised tenants who, during previous mediations with Renters Rights and Referrals, have agreed to move out or otherwise waive their rights as tenants when there was no legal basis for their doing so.

We generally support staff's recommendations regarding the petition process. However, we oppose the addition of "formal mediation" to the recommendations because it is inappropriate to have the same hearing officer serving as both mediator and arbitrator. Mediation is when a neutral third party assists the two parties in reaching a resolution of their dispute. Arbitration is when a neutral third party hears the facts and arguments presented by both parties and then makes a decision based on what has been presented, applying the relevant law. These are different processes with different procedures and different modes of interaction among the parties and the mediator or arbitrator. For example, mediation is often most effective when the mediator can have private conversations with each of the parties, allowing those parties to be comfortable and candid about areas where they would be willing to compromise. However, one of the ethical obligations of arbitrators is not to engage in conversations with one of the parties to the case when the other party is not present. A system that allows a single person to act as both mediator and arbitrator—which is what San José has now and is also what staff is proposing—raises due process concerns and creates confusion about the role of the hearing officer. A process that incorporates a bright line between what is mediation and what is arbitration, and that makes mediation truly voluntary, would be more efficient, and would better protect the parties' due process rights.

#### **Eviction Protections in Subsidized, LIHTC, and Other Affordable Units (Item 4.5—ARO)**

Staff proposes an exemption to the TPO for government-owned, subsidized, and other restricted affordable units. However, even if such units are to be exempted from the TPO's just cause requirements, we encourage the City to maintain the requirement that notices be submitted to the

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<sup>1</sup> See Matthew Desmond and Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, Social Forces (Feb. 24, 2015) available at <http://nlihc.org/article/effects-eviction-include-material-hardship-and-poor-health-mothers-and-children>. Also see Health and Human Services Information Memorandum at <https://www.acf.hhs.gov/sites/default/files/cb/im1703.pdf>, which notes that "Family and youth homelessness is a key issue for child welfare systems. Inadequate housing and homelessness increase the risk of entry into foster care and cause delays in the reunification of children in foster care with their families." This appears to be the document cited by the Khamis/Davis/Diep memo.

City because the City has an interest in obtaining information regarding the displacement of tenants from its affordable housing stock.

**Rent Registry (Item 4.4—ARO, Item 4.6--Staffing)**

We continue to support the creation of a rent registry, as well as adequate staffing within the City to maintain such a registry and to enforce the ARO and TPO. We appreciate that the City has solicited input from tenants, landlords, and other potential users of the rent registry to design a registry that is a source of useful data, that is a tool for effective enforcement, and that adequately protects the privacy of individuals.

**TPO Protections for Tenants of Less Than One Year (Item 4.4—TPO)**

The proposal of Councilmembers Khamis, Davis, and Diep to restrict the TPO's protections for tenants who have been in their homes for less than one year would undermine the purposes of the TPO by creating an incentive for landlords to evict tenants before their twelfth month of tenancy. We saw an increase in no-cause evictions leading up to the adoption of the TPO, a trend that is consistent with the experience of other cities leading up to the adoption of just cause. Just cause is a critical legal protection, and an essential tool for the City to provide fairness and stability to tenants.

We further note that this proposal is outside the scope of the agenda item and not properly before Council for a decision.

**Tenant Buyouts (Item 4.5—ARO)**

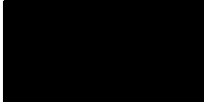
We understand the City's interest in ensuring that tenant buyouts are regulated, and we support the creation of legal safeguards for tenants in negotiating buyout agreements with their landlords.

However, we are concerned about specific language in section 14.02, which is not sufficiently strong to protect the rights of tenants with limited English proficiency. The draft Ordinance says that the landlord must provide the contract in the tenant's primary language *if requested*. However, California Civil Code section 1632 provides that, if a contract affecting a tenancy is negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, the landlord *shall* provide a written translation in that language—the tenant need not request the translation. Additionally, the City forms related to buyouts must be translated into at least Spanish and Vietnamese, and the City should create robust services or referrals to help tenants understand their rights in buyout situations. We are concerned that, given the unequal bargaining power between landlords and tenants, landlords will use buyouts to pressure tenants to move out “voluntarily” without adequate compensation, then raise rents to market-rate.

**Conclusion**

Thank you very much for considering these comments. If you have questions, or would like to discuss these comments further, please contact me at [melissam@lawfoundation.org](mailto:melissam@lawfoundation.org) or (408) 280-2429.

Sincerely,



Melissa A. Morris  
Supervising Attorney



WORKING PARTNERSHIPS USA

November 7, 2017

**SENT VIA EMAIL:**

Mayor Sam Liccardo  
San José City Council  
200 E. Santa Clara St.  
San José, CA 95113

**RE: APARTMENT RENT ORDINANCE AND TENANT PROTECTION  
ORDINANCE  
November 14, 2017, Items 4.4-4.6**

Dear Mayor and City Council,

The Silicon Valley Renters' Rights Coalition<sup>1</sup> writes to urge Council to strengthen the tenant protections in the Apartment Rent Ordinance, and to maintain the Tenant Protection Ordinance's protections for families, when these items come before Council on November 14. Specifically, we urge Council to:

- 1. Limit annual general increases to the cost of living so that tenants are protected from displacement by rent spikes.**
- 2. Limit allowable capital-improvements pass-throughs to prevent windfalls to landlords who have deferred maintenance of their properties.**
- 3. Continue to prohibit pass-throughs of master-metered utilities (RUBS).**
- 4. Protect tenant families from evictions and rent spikes based on the addition of a family member to the home.**
- 5. Extend ARO and TPO coverage to duplexes.**

The ARO and TPO are critical tools to prevent the displacement of low- and moderate-income tenants from San Jose, to preserve neighborhoods, and to prevent unjust evictions. Between 2009

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<sup>1</sup> The Silicon Valley Renter's Rights Coalition is a coalition of the following organizations: Law Foundation of Silicon Valley, Sacred Heart Community Service, Affordable Housing Network, Working Partnerships, People Acting in Community Together (PACT), Latinos United for a New America (LUNA), Silicon Valley De-Bug, and Silicon Valley Rising.

and 2015, the inflation-adjusted average rent for an apartment jumped by 32.2%.<sup>2</sup> Yet over that same time, adjusted median incomes for renters have actually declined 2.8%.<sup>3</sup> Rents have risen nearly *four times* faster than wages and nearly *five times* faster than Social Security payments.<sup>4</sup> 56.9% of families earning less than \$50,000 spend over half their income each month on rent.<sup>5</sup> The gap between wages & rent affordability is nearly *three times* what it was in 2009.<sup>6</sup> High rents are a cause of hunger and homelessness.

On November 14, Council must take a stand for tenants by adopting a strong ARO, and by resisting the efforts of landlords to water down the TPO protections that Council adopted last spring. Silicon Valley landlords continue to assert that rent control measures are “unfair” and prevent them from receiving a fair rate of return for their rental properties. However, research shows that San Jose landlords receive enormous profits from their rental properties, which would not be substantially diminished even with rent control measures.<sup>7</sup> Even in the uncharacteristic circumstance that a landlord does not receive a fair rate of return on their rental property, the ARO sets forth an administrative process for the landlord to file a Fair Rent Petition. This ensures that landlords make a fair profit off of their rental property. We thank City Staff for acknowledging that limiting annual rent increases to the annual change in consumer price index is sufficient to allow landlords a fair return on their property, and limiting annual rent increases to 5% is in excess of what is needed for a fair return.

In order to provide critical protections for San Jose renters, we urge City Council to adopt the following recommendations:

**A) Limit annual general increases to the cost of living so that tenants are protected from displacement by rent spikes.**

**SVRRC supports an Annual General Increase that is tied to the annual change in the Consumer Price Index (CPI) and has a ceiling of 5%.** We support staff’s recommendation to tie the annual allowable rent increase to the CPI. However, we oppose the 8% ceiling for annual increases and recommend limiting the allowable increase in any given year to 5%.

**We oppose banking of rent increases.** As described in the City Auditor’s November 2016 report, banking both allows for large rent increases during market spikes and introduces a great deal of regulatory complexity to the rent stabilization regime.<sup>8</sup> Banking is not necessary to

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<sup>2</sup> Working Partnerships USA and Silicon Valley Rising, *Soaring Rents, Falling Wages* (Oct. 2017) 1, available at <http://www.wpusa.org/Publication/SoaringRentsFallingWages.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 3.

<sup>7</sup> *Id.* at 9.

<sup>8</sup> Office of the City Auditor, *Report to the City Council of the City of San José: The Apartment Rent Ordinance: Additional Investment, Improved Processes, and Strategic Resource*

ensure a fair return to landlords but could create substantial burdens, both for tenants and for the City.

We are particularly concerned about the Maximum Allowable Rent method of banking as it would apply to situations where a rent-controlled building is taken over by a new owner or manager. If the prior owner has not increase rents to the Maximum Allowable rent for a number of years, the new owner could impose rent increases that are so large that tenants cannot pay them and will either be evicted for non-payment of rent or be forced to move out “voluntarily,” even where such an increase is not necessary to guarantee a fair return. The new owner will then be free to increase the rent to market rate for the new tenants, contrary to the purpose of the ARO. This is a practice we have seen in non-ARO buildings since the passage of the TPO—unable to cause building-wide displacements of tenants via no-cause evictions, landlords are increasing rents to unaffordable levels, forcing tenants to move out when they can no longer afford to pay their rent. The Maximum Allowable Rent, as formulated in staff’s recommendation, would permit certain ARO landlords to do the same.

**Accordingly, urge Council to adopt an Annual General Increase tied to the annual change in CPI, without banking.**

**B) Limit allowable capital-improvements pass-throughs to prevent windfalls to landlords who have deferred maintenance of their properties.**

While we understand the City’s interest in incentivizing certain types of major capital improvements that promote the public health and increase tenants’ safety, we are concerned that, as proposed, the capital improvements pass-throughs will lead to excessive rent increases, and create a windfall for landlords who have deferred maintenance. These capital improvements pass-throughs are not necessary to ensure a fair return; they are incentive program for landlords in which tenants—many of whom are barely able to afford their rent—bear the cost of the incentives. **Specifically, the City should not allow pass-throughs for “Major Maintenance Improvements,” and the other pass-throughs should be limited.**

Landlords should not be able to obtain pass-throughs for repair or replacement of items that the landlord was legally required to repair or replace in order to meet the basic warranty of habitability, as described in California Civil Code section 1941.1. All of the specified repairs in the proposed “Major Maintenance Replacements” category are the landlord’s legal responsibility under California Civil Code section 1941.1.

Similarly, for other specified capital improvements pass-throughs, landlords should be allowed to pass through no more than 50% of the total cost of the improvement, as landlords obtain other financial benefits for completing these improvements, including tax benefits, increased property values, and, in some instances government rebates. Additionally, the total rent increase in any given year (AGI + pass-through) should not exceed 5%.

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*Deployment Needed to Better Serve Tenants and Landlords* (Nov. 2016) 40-42, available at <https://www.sanjoseca.gov/DocumentCenter/View/62894>.



**C) Continue to prohibit pass-throughs of master-metered utilities (RUBS).**

**We support staff's recommendation not to allow landlords to pass through the cost of master-metered utilities using a ratio utility billing system, commonly known as "RUBS."** As the staff memo notes, such pass-throughs are not allowed under the current ARO, but many landlords have been imposing RUBS charges in direct contravention of the Ordinance. Such a practice is unfair to tenants and runs counter to the ARO's purpose of stabilizing housing costs.

Because RUBS is not based on an individual household's actual utility usage, tenants have no control over their utility costs. Contrary to landlords' arguments, RUBS does not incentivize conservation—how could it, when the individual household's utility usage has little to no bearing on the cost they are charged? RUBS also forces tenants to pay for common area utilities, as well as utilities used by the landlord and in renovation work that is performed on vacant units. RUBS charges can fluctuate every month, making housing costs unpredictable for tenants who are already struggling to make ends meet.

Additionally, RUBS is easily abused by landlords. The process by which the utility charges are calculated is often mysterious to tenants, and it is easy for landlords to lie about the total utility cost, how that cost is divided among tenants, or both.

Finally, as noted in the consultants' report, master metered-utility costs make up only small fraction of the landlords' operating costs. In the example cited in the staff report, water was only 2.6% of the total operating cost; even significant fluctuations in such costs can be more than covered by rent increases that comply with the AGI.

**D) Protect tenant families from evictions and rent spikes based on the addition of a family member to the home.**

Staff is proposing changes to the TPO and provisions of the ARO that could potentially limit tenants' ability to add children, parents, and other family members to their households. **However, tenant families should not face eviction or rent spikes for the addition of family members to their home, where the total number of people living in the home does not create a threat to health or safety.**

Staff recommends allowing landlords to evict tenants for adding family members if the total number of occupants exceeds two adults per bedroom. However, this strict numerical limitation will disproportionately put very low-income tenants, tenants of color, and tenants living on the Eastside at disproportionate risk of eviction.

Changing the TPO's protections for families from a standard based on the Uniform Housing Code to a 2 adults per bedroom standard would impact a significant number of families in San Jose, and would disproportionately affect very low-income tenants, tenants of color, and tenants living on the eastside. According to San Jose's Housing Element, 18% of households in San

Jose live in households of 5 or more persons.<sup>9</sup> More than half of renters living in households of 5 or more are low- or very low-income.<sup>10</sup> Nine percent of households have 6 or more members, and families who identify as Hispanic or Asian tend to live in larger households than do white or black families.<sup>11</sup> Households with four or more members live disproportionately on the Eastside of San Jose.<sup>12</sup>

For health and safety purposes, California has adopted the Uniform Housing Code, not a strict numerical limit on the number of people based on the number of bedrooms.<sup>13</sup> Rather than changing the TPO to hurt multigenerational families and, Council should maintain the TPO's existing language that is tied to the Uniform Housing Code instead of an overly strict 2 adults per bedroom standard.

**E) Extend ARO and TPO coverage to duplexes.**

**We urge Council to extend ARO and TPO coverage to duplexes.** Doing so could protect over 10,000 tenant families from displacement, and would increase the total number of covered housing units by 20%.

Sincerely,

Silicon Valley Renter's Rights Coalition

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<sup>9</sup> San Jose Housing Element (2014-2023) III-27. *available at* <http://www.sanjoseca.gov/index.aspx?NID=1275>.

<sup>10</sup> San Jose Housing Element, III-27 to III-28.

<sup>11</sup> *Id.* at II-11 to II-12.

<sup>12</sup> *Id.* at II-12.

<sup>13</sup> Health & Safety Code § 17922(a).

**From:** quinlam tong [REDACTED]

**Sent:** Sunday, November 12, 2017 9:23 PM

**To:** Liccardo, Sam; Henninger, Ragan; Jimenez, Sergio; Chapman, Helen; Davis, Dev; Garavaglia, Christina; Nguyen, Tam; Carrigan, Ryan; Arenas, Sylvia; McGarrity, Patrick; Carrasco, Magdalena; Castro, Huascar; Khamis, Johnny; Fedor, Denelle; Connolly, Shane Patrick; Jones, Chappie; Ferguson, Jerad; Pressman, Christina; Diep, Lan; Lebron, Charisse; District1; District2; District3; District4; District5; District 6; Lopez, Robert (HSG); District7; District8; District9; Sykes, Dave; District 10; The Office of Mayor Sam Liccardo; City Clerk; ARO

**Cc:** Takeo Nomoto; quinlam tong

**Subject:** RENT CONTROL IS UNFAIR FOR MOM AND POP LANDLORDS

Hi all,

I escaped my country on a small boat and entered the US as a refugee.

I was a tenant myself for many years, from the time when I just came throughout the time in college and even after I graduated and started working. Having said that, I do understand how it feels being a tenant. Fourteen years after I graduated from college, together with my husband I bought my rental for the first time.

It was very unfortunate that the market went downhill right after we bought the property. The pressure was tremendous on us as we, on one hand had to fight to keep our regular jobs to have some money to pay for our fixing expenses and mortgage for the rental, on the other hand had to manage to get renters. We have never hired any manger. We had to handle everything ourselves to save money to be able to get through the very tough time of operating at a big loss every month.

Our tenants are mostly long term tenants. We understand their situations and kept our rent the same for many years. Our rents started low and still stay way under market as of today. On top of that, we have never charged our tenants for any utilities cost. Last year, we got a huge expense on repiping the whole building with copper pipes and replacing all damaged sidings and painting the whole complex. Every year, we have to spend a good amount on maintenance due to the fact our building is not new. Whatever we can do, we always try to do it ourselves to bring down the expenses. When tenants call, even at 6AM in winter season or even at night right on New Years eve, we still need to come out to fix the issues for them.

We literally trade our sweat, our tears and even our health to get some gain. When it was our worst time, no one even helped us. Why now when it comes to better time, they try to rip us off of some small profits. In the past few years, maintenance cost plus utilities costs are soaring. Contractors now are doubling the labor fee. Shops have been bringing up their prices for materials significantly. We have sacrificed our time, our lives to work to get some money to invest in the rental property and now we feel like we have no right in deciding what is best for our investment. All this reminds me of the communist regime from where I escaped.

I think it is extremely unfair to apply the same rules and regulations to older and especially smaller buildings.

Rent control should be more specific. They should specify what is the market price, then if a rental is at market rent or how many percent below market, then the yearly increase can be at what percentage. For properties already rented out way under market rent, there should be a different percentage landlords can increase per year.

Even though I do not charge my tenants for their utilities usage, I still think the best way for them to think of conserving energy is have them share some cost with landlords.

Extreme rent control will also put new renters at very difficult situations. It is hard for them to find a place with lower rent.

Applying extreme and unreasonable rent control on small complexes will drive mom and pop landlords out of business.

I really hope the council considers the difficulties mom and pop landlords have to face and at least keep the rent increase at 5% and allow some utility cost to be passed down to tenants.

Thank you very much.

Alex

**From:** Martin Bell [REDACTED] >

**Sent:** Sunday, November 12, 2017 4:55 PM

**To:** VanderVeen, Rachel; Morales-Ferrand, Jacky; ARO; City Clerk; The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10

**Subject:** rent control impedes recession recovery

Dear San Jose Housing Department and City Council,

As the pop half of a mom and pop landlord team, I am very concerned about the proposed CPI rent restriction. I empathize with renters who struggle to keep up with housing costs that seem to be spiraling out of site. But rents don't always go up. I've weathered two major recessions since I rented out my first apartment in 2001. I've had to reduce rents to keep my building occupied and the cash flowing to pay the mortgage.

I rented my 2-bedroom units for \$1,700 in 2001. Today those units rent for an average \$1,943. That works out to a less than 1% annual increase over 16 years (0.84% actually). But recessions drove rents down to \$1,300 (or 24%). If CPI rent control were to limit increases to a typical 2.5%, it would take 11 years for rents to recover.

I urge you to leave the 5% rent control in place. Implement the rent registry and use the collected data to find a solution that works for both renters and landlords.

Martin Bell  
Santa Clara, CA

[REDACTED]  
[REDACTED]

Owner of 4-plexes at [REDACTED] [REDACTED] [REDACTED] Stanwood Drive, San Jose, CA 95118

**From:** seigitado@aol.com [REDACTED]

**Sent:** Saturday, November 11, 2017 9:43 AM

**To:** Jimenez, Sergio; Chapman, Helen; Davis, Dev; Garavaglia, Christina; Nguyen, Tam; Carrigan, Ryan; Arenas, Sylvia; McGarrity, Patrick; Carrasco, Magdalena; Castro, Huascar; Khamis, Johnny; Fedor, Denelle; Connolly, Shane Patrick; Jones, Chappie; Ferguson, Jerad; Pressman, Christina; Diep, Lan; Lebron, Charisse; District1; District2; District3; District4; District5; District 6; Lopez, Robert (HSG); District7; District8; District9; Sykes, Dave; District 10; The Office of Mayor Sam Liccardo; City Clerk; ARO  
**Subject:** ARO

Dear Addressee;

Rents tied to CPI-U is a financial hardship to the ARO owners to maintain the property for the tenant's comfort.

Rent control, under any stretch of the imagination, is not a solution to relieve shortage of affordable rents.

Developing more affordable rental units is the solution to shortage.

Housing for 38 years have done nothing to relieve this shortage other than to impose more onerous and financial burdens onto the MOM and POP apt. owners.

Though Council members will continue to change through votes Housing does not. Housing should be the organization that provide the continuity in the vision to solve this problem.

More controls on a fixed number of existing affordable rental units will not solve the need for more affordable rentals.

TPO protects more bad tenants and it too will not solve the shortage problem

Respectfully

Seigi Tadokoro, San Jose Resident.

**From:** BAHN SJ [REDACTED] >

**Sent:** Friday, November 10, 2017 2:32 PM

**To:** Jimenez, Sergio; Chapman, Helen; Peralez, Raul; Rocha, Donald; Liccardo, Sam; Henninger, Ragan; Davis, Dev; Garavaglia, Christina; Nguyen, Tam; Carrigan, Ryan; Arenas, Sylvia; McGarrity, Patrick; Carrasco, Magdalena; Castro, Huascar; Khamis, Johnny; Fedor, Denelle; Jones, Chappie; Ferguson, Jerad; Pressman, Christina; Diep, Lan; Lebron, Charisse; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; ARO; Morales-Ferrand, Jacky; VanderVeen, Rachel; Lopez, Robert (HSG); The Office of Mayor Sam Liccardo; Sykes, Dave

**Cc:** bahn-san-jose-chapter@googlegroups.com; City Clerk; Taber, Toni

**Subject:** Fringe Group?

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Sergio Jimenez, Oak Grove · 1h ago

That letter is being sent out by a fringe group determined to impact decisions we'll be making next week. I can assure you that their statements are flatly false. This is the same group that yelled out to council members and the housing staff, the last time we discussed these issues, that we were communists! As I've said many times, be wary of some of her information being posted on ND.

Dear Councilman Jimenez,

We are not a "fringe group", we are the entire group!

We are the mom and pops running small businesses who San Jose has decided to target.

We have not published any "false facts". We have had a difficult time keeping up with the frequent changes and extremely complicated proposals. But we have never published false facts. We have studied these multiple changes for two years but you have not asked us how we run our businesses and in fact when we reach out to you, your response has been a heartless 'cry me a river'.

Please check with your City officials who have recommended we get audio and video surveillance equipment to monitor our tenants. Please check with your City officials to understand the impact of the roommate clause. Please look at all the proposals.

We strongly urge you give the citizens of San Jose the honor and respect they deserve by completely reading, understanding, and giving some thought to the unintended consequences of these proposals and the burdens that would be placed on mom and pop small businesses.

BAHN - SJ

Here is the Ordinance, please go to Page #7 and read "ii", note that it only limits the number of ADULTS, it doesn't put limits for "CHILDREN". The total number of occupants is defined by "17.20.270" which explains in the Q&A (page #2).

<https://sanjose.legistar.com/LegislationDetail.aspx?ID=3203046&GUID=2C57141A-8AFA-40DF-83D0-630B0674DA09&Options=&Search=>

**From:** Joseph Bommarito [REDACTED]

**Sent:** Friday, November 10, 2017 8:38 AM

**To:** ARO; VanderVeen, Rachel; Morales-Ferrand, Jacky; City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Sam Liccardo

**Subject:** No CPI cap rate for San Jose Rent Control

Thank you all for considering my opinion that the CPI cap rate for San Jose rent control is a bad idea.

I trust you will vote for what is best for San Jose and not for what is popular.

Than You, Joe Bommarito



**From:** Charles Shao <[REDACTED]>  
**Sent:** Monday, November 13, 2017 11:18 AM  
**To:** City Clerk; District3; District 6; District9  
**Subject:** A Different Approach to ARO for Your Consideration

Dear City Councilperson,

While the idea of rent control has a noble cause, its practice grossly violates the principle of fairness. Helping the low income families is a responsibility of all business in San Jose, not just a very small sector of the rental business. Low income families benefit our local industries, they deserve to be supported. A fair approach is to levy a tax from all landlords, not just owners of properties built before 1979, and subsidize those needy families. Currently, some of the residents in ARO units are not truly low income. These families, while drawing good income, live on comfortable life at the expense of the mom-and-pop small business owners. On the contrary, some of the truly needy families, if not currently occupying an ARO unit, are left out of the badly needed assistance. Please vote down the current ARO proposal and start a new proposal to create a new fair, effective program to show the world that San Jose City is truly a leader in helping its needy and management its city housing in a different way.

Charles

November 11, 2017

Dear Leaders of San Jose,

As the representative of the owner of a San Jose apartment building, I strongly oppose any further rent control measures in the city. I respectfully request that the 5% rent control, that was implemented in 2016, stays in place for everyone.

It's very important to look at the failure of extreme rent control in the city of San Francisco. I know, first hand, about this disaster as my son has lived there for four years. He was unable to deal directly with landlords or managers to obtain housing. Most of the one bedroom housing was in the black market control of "master tenants" due to years of 1% extreme rent control. The "fair market" prices for moonlighted one bedrooms were staggering. The developers of lower to middle income housing faded away forever under the total business unfriendliness of extreme rent control.

The San Francisco of today has accomplished the exact opposite of what they hoped to achieve. Housing for lower to middle income families is non-existent to outrageously expensive. The only housing development occurring today is for skyscraper apartment homes for the wealthy, at one million dollars or more. The parking demand has doubled or tripled in the city due to two or three cars required for each two or three bedroom place. And, the quality of life is seriously reduced due to individuals or families sharing the same housing.

If we fail to learn from the mistakes of older and bigger cities, we have little chance of making San Jose a much better city. Granted, it is more difficult and requires more patience to allow the free market system to cure the temporary housing shortage. Rather than just criticize, though, I would like to make constructive suggestions:

- The apartment homes along Capital Expressway are very aesthetically pleasant and well constructed.. More of this nature should be built in other areas of the city.
- Lower peninsula cities of Los Altos, Mountain View, Sunnyvale, and Santa Clara are allowing multiple housing construction as the highest and best use for land along their main ex-commercial streets, like El Camino Real. With the coming of the internet and online shopping, not as much retail space is needed.
- Large cities, like New York City, are allowing multiple uses for their high rises: the first floor for retail, a few floors for offices, and all remaining floors for housing. To improve on New York City, insist on an appropriate mix of one, two, and three bedroom apartment homes. Also, start building them now while the lower market price still allows the middle class to rent or purchase them.
- I have seen creative projects by the city to allow one bedroom places with relief from parking requirements. I think these are good solutions as there are many families and individuals without cars. This also utilizes one of San

Jose's strengths, a very good transit system.

- In areas of diminishing industrial or commercial use, more parking garages can be built for the city. I would suggest that the spaces will lease for one year, or sell outright for profitable prices. I read years ago that Chicago's parking spaces were selling for \$3,000.00 each. The market value today may be tripled to \$10,000.00 or more.

In conclusion, the long term San Jose movement to extreme rent control will greatly diminish our ability to manage our properties properly. The advent of a near permanent "master tenant" will prevent us from screening applicants properly and to select qualified, responsible tenants.

Respectfully submitted,

Huck Enterprises by  
Thomas L. Huckins, President

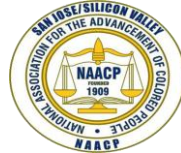
[REDACTED]

Thomas L. Huckins  
Owner of a San Jose apartment building  
c/o Atlantis Properties

[REDACTED]



WORKING PARTNERSHIPS USA



November 13, 2017

**SENT VIA EMAIL:**

Mayor Sam Liccardo  
San José City Council  
200 E. Santa Clara St.  
San José, CA 95113

**RE: APARTMENT RENT ORDINANCE AND TENANT PROTECTION  
ORDINANCE  
November 14, 2017, Items 4.4-4.6**

Dear Mayor and City Council,

We, the undersigned organizations, serve low-income families in San Jose, and write to urge Council to strengthen the tenant protections in the Apartment Rent Ordinance, and to maintain the Tenant Protection Ordinance’s protections for families. On a daily basis we see family after family facing displacement from San Jose with rising rents. The City Council must act so that San Jose remains a place where low-income families can afford to rent. Specifically, we support the prior recommendations of the Silicon Valley Renter’s Rights Coalition and urge Council to:

1. **Limit annual general increases to the cost of living so that tenants are protected from displacement by rent spikes with no banking of rent increases.**
2. **Limit allowable capital-improvements pass-throughs to prevent windfalls to landlords who have deferred maintenance of their properties.** Allowing landlords to pass through deferred maintenance simply rewards bad landlords for failing to maintain the property.

3. **Continue to prohibit pass-throughs of master-metered utilities (RUBS).** We support staff's recommendation not to allow landlords to pass through the cost of master-metered utilities using a ratio utility billing system, commonly known as "RUBS." Such a practice is unfair to tenants and runs counter to the ARO's purpose of stabilizing housing costs.
4. **Protect tenant families from evictions and rent spikes based on the addition of a family member to the home.** Staff is proposing changes to the TPO and provisions of the ARO that could potentially limit tenants' ability to add children, parents, and other family members to their households. However, tenant families should not face eviction or rent spikes for the addition of family members to their home, where the total number of people living in the home does not create a threat to health or safety.
5. **Extend ARO and TPO coverage to duplexes. We urge Council to extend ARO and TPO coverage to duplexes.** Doing so could protect over 10,000 tenant families from displacement, and would increase the total number of covered housing units by 20%.

We again urge the City Council to take these actions to protect renters and families in San Jose.

Sincerely,

Law Foundation of Silicon Valley

Working Partnerships, USA

Latinos United for a New America (LUNA)

Sacred Heart Community Services Housing Action Committee

Silicon Valley De-Bug

Somos Mayfair

People Acting in Community Together

Silicon Valley Rising

Human Rights Institute, San Jose State

Urban Habitat

Housing Choices Coalition

NAACP San Jose/Silicon Valley Chapter

Affordable Housing Network

Grail Family Services

Asian Law Alliance

Date 10/26/17

Dear San Jose Mayor and Councilmembers,

I support RENTERS RIGHTS:

- No rent increases higher than the cost of living with a 5% cap
- Do not allow landlords to charge for utilities
- Limit landlords from passing maintenance/repairs costs to tenants
- Extend rent control to include duplexes

Name 

Address 

City & Zip Code \_\_\_\_\_

Right now I'm living with my brother, because as the rent is so high for the students like me to pay especially in Bay Area. Plus some of the landlords charge for the utilities for living in the house.

**From:** Margaret Flores < >

**Sent:** Tuesday, November 14, 2017 6:34:07 AM

**To:** City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Sam Liccardo

**Subject:** Apartment Rent Ordinance cap of 5%

Dear Mayor and City Council,

As a property owner in the City of San Jose, I am concerned with the proposed changes to the ARO. I believe the existing

5% cap is simple, predictable and fair for both the residents and property owners. Inflation rates are unpredictable and it do not reflect the cost to provide housing.

In addition I strongly encourage you to allow cost sharing of utility costs. Utilities are rising significantly each year. Property owners should be allowed to share master billed utility costs (water, sewer, trash) with their tenants. Sharing the utility costs, through a system called the Ratio Utility Billing System (RUBS), provides tenants information on their usage levels and the incentive to conserve.

Thank you,  
Mrs. Flores  
Burbank Property owner



**From:** Kenneth Rosales

**Sent:** Monday, November 13, 2017 10:46:51 PM

**To:** City Clerk; The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10

**Cc:** Maria Javier

**Subject:** 11/14/17 Agenda Items 4.5, Apartment Rent Ordinance

Hello San Jose City Council and Mayor,

I want to express the position my partner (Maria Javier, cc'd) have for item 4.5 on the 11/14/2017 City Council Agenda, see below for the bolded section. Please note that we both are renters in District 3.

I personally used to live in a rent controlled unit that sky-rocketed its costs to unacceptable, unsustainable figures when I was a starving college and working student, while I had to deal with an erratic property owner that evicted labor class residents for no logical reasons. Moreover, Maria and I both currently reside in a unit that continues to rise in cost that is well beyond the affordability percentage, per HUD definition (>30% take-home earnings). Our stances lie on the support of protecting and strengthening the rights of renters throughout San Jose, even if we're not living in a rent-control unit. As City Council members, you are all expected to do the same and not side with predatory property owners that seek to primarily increase their personal financial gains over the well-being of the working class who need one of the most basic necessities in life - shelter. Please make the correct decisions and avoid further housing displacement and homelessness of families and the working class, particularly to those in this email chain who historically haven't.

#### **4.5 Apartment Rent Ordinance**

We support/recommend the following for this agenda item:

- Limit Annual General Increase under the Apartment Rent Ordinance to the increase in the Consumer Price Index (CPI) of the previous calendar year, with a cap of five percent (5%) and no banking. CPI provides better protection to tenants than the current 5% standard, which is the highest for any rent control jurisdiction in the state. High rents cause hunger and homelessness.
- Do not allow petitions for the pass through of costs to tenants for replacing or maintaining existing Housing Services.
- Do not allow the use of Ratio Utility Billing Systems (RUBS) on master-metered utilities (such as sewage, water and waste.)
- Rather than changing the TPO to hurt multigenerational families, Council should maintain the TPO's existing language that is tied to the Uniform Housing Code instead of an overly strict 2 adults per bedroom standard.
- Add duplexes to the Apartment Rental Ordinance.

Thanks,

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Kenneth Antonio Rosales  
BS Environmental Studies and  
Political Science Minor 2012  
MS Urban and Regional Planning 2015  
San Jose State University

**Taber, Toni**

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**From:** Vince Rocha <[REDACTED]>  
**Sent:** Monday, November 13, 2017 4:17 PM  
**To:** Vincent Rocha  
**Subject:** Rent Control Petition RE Item 4.5 On Tomorrow's Agenda  
**Attachments:** Petition to OPPOSE San Jose Rent Control (Responses).xlsx

Hello,

I am attaching a petition of local realtors and property owners advocating against proposed changes to the Apartment Rent Ordinance outlined on tomorrow's City Council agenda as Item 4.5.

**The list of petition signers is attached and letter for the petition reads as follows:**

Mayor Liccardo and City Council,

As a property owner who is deeply concerned with the new rent control proposals that you are considering on November 14th, I am writing to ask you to oppose reducing the annual allowable increase for Apartment Rent Ordinance owners (ARO) below 5% and to not add duplexes to the ARO. I also ask that you support allowing property owners to share utility costs to master metered tenants using a Ratio Utility Billing System (RUBS).

Property owners have participated in over 30 public meetings over the last two and a half years, yet there remains uncertainty in how the Council will act to regulate our life savings. On May 10, 2016, the City Council adopted reduced the annual allowable rent increase from 8% to 5% and eliminated rent increases available through the pass-through provisions. We believe the 5% cap should continue and ask the City to continue to monitor the impacts of the ordinance.

We also believe that ARO property owners, like market rate owners should be able to share utility costs with their tenants using RUBS. Under RUBS utility costs are approximated because the buildings are master metered and they are calculated based on the size and occupancy of each unit. Charging tenants with their share of utility costs encourages conservation. In fact, buildings with RUBS see a 6-27% reduction in consumption. Eliminating a program that promotes conservation of energy and water is inconsistent with the City's Climate Action Plan.

Finally, we do not believe that duplexes should be added to the ARO. It is unfair to include a new class of properties under this burdensome regulation. Duplex property owners have not been included in the over two year public process and would be blind sided by all of these proposals.

Simply put, we Need to Build More Affordable Housing, Not More Rent Control.

Sincerely,

Property Owner

Regards,

Vince Rocha | **Director of Government Affairs**  
Santa Clara County Association of REALTORS®  
1651 N. First St., San Jose, CA 95112



First and Last Name	Leave a Comment for the San Jose City Council
Lewis Wilhelm	Vote no, I can't properly maintain my duplex with these restrictions.
Ray Shih	
abhinav sharma	I have only 1 rental property and it happens to be in San Jose. San Jose is making it harder for me to keep it with new regulations every few months. If the regulations continue I will have no choice but to sell and move out of San Jose. Perhaps this is what the city wants - drive away individual landlords from San Jose.
Alan Tien	
Alex Vainberg	I oppose San Jose rent control.
Sarah Campbell	
Al Moridi	I urge you to vote No against rent control
Al Pippert	
Amarjit Nijjar	5% cap should continue.
Amol Heda	Rent control without reference to the costs of the areas and median incomes can be very detrimental to property maintenance and a resulting decline in living quality and hence property values. All creating a negative effect on overall living standards.
marianne taylor	
Andrew Shu	Rental Control only skew the market. It does not help the market for rent. Neighborhood getting worse.
Andy Lam	do not believe that duplexes should be added to the ARO
Angeliki Markolefas	Enough is enough. We already have been subjected to the decrease of a 5% cap in less than a year.
Anoush Babayan	I oppose the rent control.
Anthony Ayala	If property is sold then no just cause notice
Anupama Shetty	
Drew Rahman	The facts do not support the need for further restrictions on housing providers. Rents on rent controlled apartments have increased by 4.3 percent annually since 2009, even though the law allowed for increases of up to 8 percent. In addition, adding duplexes to the ARO would significantly blindside owners who have not been part of the public debate.
Rick Wu	
Althea	Putting duplexes and single family homes under rent control seriously harms elderly people who . The real culprit behind skyrocketing rentals are not the individual investor but the corporations that own the huge apartment complexes that are exempt because of Costa Hawkins. Do something about that, not hurt individuals investors.
Rigo Bracamontes	Passing this additional restrictions on mom and pop landlords does not address the housing shortage in San Jose. It will make the housing crisis even worse. These restrictions would discourage developers from building and investors from investing in San Jose. We need to create ways to build more housing units, and to facilitate the process to obtain building permits for home additions, in-law quarters, and new houses to accommodate the new households.
Brendaly Diaz	Help working families afford a home in San Jose
Barry Alhadeff	Keep put restrictions on with increased cost for taxes, insurance, utilities and maintenance will drive landlords out of the rental market and they will buy properties in advantageous locations; not San Jose.
Petra becerra	
Brent Welsh	
Brian Bonnifield	
Bruce Strand	In addition to the above letter I am very concerned that you are considering up to 17 people in a 2 bedroom unit. The overcrowding would cause a tremendous hardship on all the neighbors with health and parking issues.
Elaine Lam	Why do you not tie all my bills to the cost of living index maximum? You tie the rent increases to that index maximum and property owners will go out of business because capital improvements require a lot of cash and there is no extra cash on hand to repair anything. Your additional assessments for the property taxes run thousands and thousands of dollars. Your occupancy permit runs thousands of dollars. Your business license fee almost doubled. You are so intent on putting property owners out of business. The result is no one wants to buy rental property in San Jose. You don't see San Francisco or Berkeley solving their shortage of rental property problems despite years of suffocating restrictions to rent increases. You should restrict your salary increases to that same cost of living index.
Carl San Miguel	Taking care of low income people doesn't mean cutting off the source supply, this what you will accomplish by restricting investors return on investment
Carol Rose	
Cecilia Cavazos	Oppose San Jose rent control
Craig Gorman	Please Oppose San Jose Rent Control.
Christine Rojas	Seize all rent control
A Teodoro	San Jose
Chuck Nunnally	It is tiring that the city government deems fit to determine how I should handle my Real Estate investments when it doesn't impact them.
mei yan	Petition to OPPOSE San Jose Rent Control

Colleen Badagliacco	Severely limiting rent increases and pass-throughs will not solve, but will exacerbate San Jose's housing problems. It is certainly counter-productive to impose this on the city's oldest (pre-1978) housing. Roofs, windows, and countless other repairs and improvements will be difficult if not impossible for the small mom and pop investors that have been singled out under this proposal. Find ways to build more workforce housing instead; this proposal will only make this problem worse. Any economic analysis will tell the same story.
Nan Tingley	Please do not add more rent control.
Carlos Padilla	Why are we constantly being targeted by the housing department? We just finished multiple rental rule changes over the last couple of years and they don't seem to stop
Patrick Crema	Stop picking on the small number of older buildings that rent control affects and start making rent control rules for the majority of rentals in the city that are built after September 7, 1979. Stop allowing the builders to control how you make you decisions.
Chris Campbell	
Dan Pan	
David	the solution is more housing projects, easing the building codes so there is enough housing for all and not penalizing hardworking mom and pops with a duplex and single family houses
David Butler	Rent control is bad for our city. All you will do with this is cause more problems in the future.
David Yamaguchi	Leave the current rent control as is! Let the market handle rent on its own
Diane LoVerde	We need more affordable housing not rent control.
duane gifford	I appeal to you to vote against the rent control proposals. Thank you, Duane Gifford
Dena Rosa	
Dennis Badagliacco	Your proposed rent control adjustment will make it IMPOSSIBLE for a property owner to break even. Owners will be forced to either loose money or attempt to sell their properties. Properties will deteriorate and fewer properties will be available to rent.
David Giarritta	It would not be in the interest of San Jose to install rent controls on single family residents.
David Harris	
Demphina Ogutu	I am opposed to Rent Control. It hurts home owners
Don Jessup	
Donald Tanner, Jr.	Make it easier and entice people to build and rent and leave the pricing to the market!
Doug Goss	Please oppose reducing the annual allowable increase for Apartment Rent Ordinance owners (ARO) below 5% and to not add duplexes to the ARO. I also ask that you support allowing property owners to share utility costs to master metered tenants using a Ratio Utility Billing System (RUBS). Thank you!
Dave Walsh	
Tina Brewster	Please vote NO.
Charlotte Brewster	Please vote NO!
Sheryl	Give Just Cause and the current 5% a chance. Honor your vote from January.
Eric Van Hooser	Please don't
Eva Leanos Perez	If you pass these proposed changes, we will be forced to sell because the stringent & punishing regulations makes it untenable to own investment properties in Santa Clara co.
Fanxin Wu	
Frank Cancilla	
Felice Hollingsworth	
Diane Wesson	
Freddy Bermudez	
Jiayan Gan	rent control hurt housing market, it will eventually reduce supply of housing!!
George Black	
Gary Chang	Please stop the rent control in San Jose!
Genevieve Teodoro	
Gerardo Aguilar	By enacting further rent controls you are damaging the savings of an entire generation of mom and pops rental units.
Michelle Crowe	
Virginia Thomas	Although I recognize the disparity of income in this valley I truly believe homeowners should rightfully manage their own properties. They should be held accountable like any other owner in paying property taxes and maintaining their property without being held to council decisions on private property.
Kinsey	
Greg Pedone	I oppose rent control
Greg Haas	If a housing shortage is the problem, then realize the economic formula, "Excess profit brings ruinous competition." Thus once again, it is governance that is standing in the way of providing additional housing, while proclaiming to be addressing the homeless problem!
Carla Griffin	NO more Rent Control! Rent Control hurts our neighborhoods by creating disincentive for investment in communities, which over the long term can reduce property values and local property tax revenue that pay for infrastructure and schools. Simply put, I believe that we need to create more housing for all incomes. It is time to build more affordable housing, not regulate small property owners.

Grace Vaccaro	NO MORE RENT CONTROL
Gordon Kwan	
Thuan Nguyen	Why raising rent? Looks at San Francisco. It does not help the situation. Landlord will find a way to penalize other tenants to make up the loss. We are waisting resources by shifting the cost of one tenant to another
David walton	Rent prices have not kept up with Real Estate prices. California Landlords have some of the lowest profit margins in the country, and an imprudent Risk/reward ratio. Many of us are losing money on Real Estate Investments.
Hilda Ramirez	DO NOT penalize good landlords who have been providing affordable housing for decades.
Hassan Sabbagh	
David Dwan	
Arnold Gutierrez	The CPI Option A of the revised ARO will not even cover all of the increases in Property Taxes, user fees, garbage collections costs, utility increases, not to mention any capital replacement costs.
John Lin	NO MORE RENT CONTROL
John Lin	No More Rent Control. ITS unfair for particular group(before 1979) and non rent control for others (after 1979) and duplex. The maximum rent increase limit to 5% for already low rent group below the fair market rent is not fair. For an example, a 2 bed room apartment rent above \$2000 per month vs rent below \$950 per month is different. If rent above \$2000 per month can increase \$100 plus is different from for the rent below \$1000 per month can increase \$50.  Why city council can limit ARO 5%, and Allow city to increase permit fee from \$150 to \$581.2, above 387% increase?.
Helen Soukoulis	I oppose further rent control.
Ilana Nahouraii	
Jaime Gonzalez	Unbeknownst to this city council, it has out SJ down a path of blight, poor neighborhoods and shrinking supply of available rentals over the next decade with draconian ARO (a tax and penalty on owners) & TPO (if married couples can get divorced, why can't tenants and owners) ordinances. The intent is well meant, but the consequences are ennumerical for all involved in the coming years. Please reconsider your vote.
James Endo	Please oppose this potential RENT CONTROL. It will hurt investors and small businesses and further erode property benefits and incentives. What will happen when we become a rental state? I appreciate your reply.
Janis welsh	
Joanne Cash	Too much rent control creates new problems and increases rents.
Joseph Tyburski	
Joseph DaRosa	Rent control is not the answer.
Jerry Dias	
Jenny Yuan	
Jesse Mendez	
John Guidace	
Jeff Henriques	Please no rent control it is not fair to property owners!
Jim Campagna	No new rent control
Gerald Mapes	
Joanne McPhee	It's wildly expensive to own property in Santa Clara County, and getting worse all the time. It's not the responsibility of property owners to fix the housing problem.
Joaquin Ramirez	
Joe Vasquez	Learn from the mistakes of other cities; take a fair approach to rent control
Jorge Zegarra	No! to rent control in San Jose
Jose antonio Perez	
Alvaro Nevarez	
Jerry Kimber	Being a property owner in San Jose, I am very concerned with the changes to the Apartment Rent Ordinance. To provide quality housing, we need to keep the current cap of 5%. Also duplex owners would be greatly hampered by including them under this regulation.
Jessica Tong	No more rent control because it hurts everyone.
Ortencia Wingender	Owner have the right to control not the renters. A lot of renters now a days that they do the sublease with out the owner Concern. It is bad. They damaged the house . And if rent control kick in look like the owner had no rights anymore . Even you give them 90 days to move out , you still have to pay them. The world is reverse . I don't agree on a rent control
Jay Morris	We are are a experienced family owned business in San Jose for many decades. How does strong rent control encourage lower rents when it increases our costs significantly? Did it work in San Francisco which has the highest rents now?
Junyun Li	it is unfair to push government's responsibility to individual rental property home owner. The cost to maintain a decent home keep increasing , keep pushing control on the rental income will eventually against the effort for building a better community overall.
Kathy Absher	

Kimberly Allen	I do not approve of rent control
Kim Ngo	
Kip Barnard	vote NO
Kristina Rodgers	Please oppose rent control in San Jose.
Lawrence/Larry Hernandez	
Lawrence Jubb	The last allowable rent change has not been in effect long enough to properly evaluate its affect on rentals in San Jose. This new change is too much too soon!
Larry Grattan	Rent control is not the answer - Expanding urban service area boundary is what is needed. More 6000sf lots with 3bed 2 bath houses is what our Real Estate Market is in short supply and we need more homes now. High rise condo are not the answer.
Linda Guerreiro	I urge you to vote no on rent control
Libby Hall	Please build affordable housing for the underemployed. And please do not reduce the annual allowable increase for ARO, nor add duplexes.
Lisa Grisalin	
Lisa Goodman	Rent Control will NOT help! It will only make landlords invest their funds elsewhere!
xiangke liu	
Liz Niwinski-Bryant	
Helen Castillo	San Jose
Maxine Lubow	
Michael Chin	
Martin Bell	Rent control is the laziest "solution" to a complex problem. Please do not put the entire burden on property owners. We are people, not piggy banks.
Gloria Radam	The costs are rising, such as property taxes, insurance, water, garbage and repairs. Please leave things as they are now. Thank you, Gloria Radam
Marcie Paul	
Margaret	
Maria Hodges	
Marian Campoy	
Mayra harms	We need rent control!!
Mary Chin	
Sam huang	
Melinda Gedryn	When you restrict a landlord from making money on their investment or worse cause them to lose money, they have no choice but to either invest less in the upkeep of the property or not be a landlord at all. Neither option, long term, is beneficial to our City.
Michelle Ford	I oppose reducing the annual allowable increase for Apartment Rent Ordinance owners (ARO) below 5% and to not add duplexes to the ARO.
Michael O'Connor	Please vote NO on Both rent control measures.
Mildred Bolosan	Oppose rent control/San Jose
Michele Mork-Ovson	
Maureen Wise	Don't turn our city into a slum by tying property owners hands from being able to get fair market value for their properties which helps them maintain it properly.
Moise Nahouraii	These restrictions causes a major reduction in the investment funds in multi family housing, it hurts the existing owners, takes away the private property rights, causes deterioration in the properties due to lack of incentive in recovering expenses for any major updating, it promotes being a slumlord. The negative consequences are so large that it impacts the neighboring properties and owners.
Moise Nahouraii	This is like taking your property and investment to subsidize housing on the landlords back. The future will be more landlords removing their property from the residential rental business and converting their property to other uses which in turn will reduce the supply of rental units instead of increasing the supply. It will be the exact opposite of increasing affordable housing.
Mike Sibilila	
Nam	Disagreed
nancy avelar	
Nasef Botros	
Natalie McNany	As a property manager, I see tenants making a substantial amount of money that are protected by rent control. I also see it making it hard for my low-income landlords to maintain their properties. I believe a rent cap should be placed based on a households/landlords income not on a properties age.
Ned Laugharn	
Neil Collins	Rent control is not the answer. Long term it will have a devastating effect on maintenance of existing units and ultimately the development of more housing stock.
Alfonso Martinez	
Stephen	This would drastically hurt property owners. Many of whom intended the income from their properties to be their retirement plans.
Ratendra Pandey	Rent controls are bad for housing market
Paul Bertoldo	
Lisa Furtado	



perry campbell	San Jose
PeterMu	Rent control will increase evictions. Learn from San Francisco's mistakes.
Pritham Shetty	
Yiwei Wang	
Joseph Weinstein	18 people in a 900 square foot apartment, you are creating death traps.
ANNE HANSEN	Let us find the middle ground on this - AND let us build more housing
Steve Liu	We need investors to help to provide more rent units for people who are in need. Rent control works opposite to squeeze them away.
Robin	
Ramiro Garcia	Do the right thing and help property owners without implementing excessive control
Richard Sobin	I am currently not a home owner however, this type of change effects the owners of these types of properties, and doesn't address the need for more affordable housing which in time would benefit all property owners and rents.
Rich Crowley	The vast majority of 4-plex owners are single property owners and minorities are you going to discriminate against them?
Randall Markwood	We do not have pensions like City employees; this is why we invested in San Jose property.
Rochelle Alhadeff	
Joe C. Rosa	
Rosemary Douglas	Please keep our rent control down , and make more affordable housing.
Bill Welch	rent control has never worked to lower rents in the long run. The most expensive cities to rent in in the US have rent control and in many cases it drives out minorities, see Berkeley. for lower rents over build rental property. Stop punishing those investing in and providing rental property
kelly le	
Sal Ruiz	City council and Mr. Mayor. I do not like the proposals you have come up with and are proposing. You are rapidly trying to take away our rights as property owners.The 5% rent raise cap is fine as far as I am concerned but the cost of living proposal would vastly restrict us property owners. Also the proposed registry is much to intrusive into our businesses. Thank you for listening to my comments.Sal Ruiz
Samir Bhatnagar	
Sandra Sarvis	Your asking investors to take on too much risk. This will not end well for anyone.
Sandy Adams	Before you make further changes, perhaps we should see how the current changes play out. This is already a massive and expensive expansion of the housing department.
Stuart Brandon	Please follow recommendations as outlined in Mayor Liccardo's 15-point Housing Plan. Thank you.
Cecilia Echavarria	NO rent control. Build affordable housing!!
Sandi Flansburg	Morgan Hill
Shanna Boigon	Rent control scares owners from entering the rental market..We need more not less!
Zelia Diniz	
Deborah Espinoza	Stop high raising cost of rent! Set a 10 year stop on raising rent.
Sylvia Kalivitis	I strongly oppose enforcing Rent Control across the board.
Sonia Vu	
Steve Borlik	SJ needs new housing, if you make matters worse for landlords, investors will not help increase the supply of available housing.
Steve hanleigh	Please stop punishing housing providers!
steve hanleigh	Please stop this craziness! Your housing department is out of control and driven by personal agendas of its manager.
Steven N Than	OPPOSE San Jose Rent Control
Sue Liu	No more rent control. Small business owner can not survive!
Lani Ng	Oppose CPI, Allow RUBS, to build affordable housing and release rent control to owners.
Mingcha Kuang	
Teera Wang	Oppose to rent control
Tiffany Lloyd-Lofton	
Tim Latshaw	
THUY TRAN	
Steve Tran	Rent control is unfair to property investment owner. Please do not approve it.
Tim Yee	Look to SF for the ramifications of rent control
Valeri Huxley	
Wayne Haraguchi	Oppose SJ Rent Control
Bill Bryant	San Jose
Xiaoyun Chen	Stop hurting landlords! Socialism is disastrous for us. We don't want to be the 2nd China ! Thank you.
Lily Xu	
Donald	Find a community approach to Housing and stop bullying us!

**Taber, Toni**

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**From:** Morales-Ferrand, Jacky  
**Sent:** Tuesday, November 14, 2017 11:46 AM  
**To:** Nguyen, Viviane; VanderVeen, Rachel; Taber, Toni  
**Subject:** FW: Statement to City Council

Public comment.

Jacky Morales-Ferrand  
Director  
City of San José Department of Housing  
[REDACTED] | [www.sjhousing.org](http://www.sjhousing.org)  
[REDACTED]

*Our mission is to strengthen and revitalize our community through housing and neighborhood investment.*

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**From:** Peter Miron-Conk [mailto:[REDACTED]]  
**Sent:** Tuesday, November 14, 2017 10:39 AM  
**To:** Morales-Ferrand, Jacky <[REDACTED]>  
**Subject:** Statement to City Council

Jacky,

Statement to San Jose City Council  
November 14, 2017  
Peter Miron-Conk, Resident District 6

- GREEDY LANDLORDS - THAT IS THE MANTRA FROM MY FRIENDS WITH AFFORDABLE HOUSING
- THE OTHER MANTRA YOU HEAR IS CORRUPT POLITICIANS
- Neither is true. In my life I have found that most politicians seek office as a form of public service - they put in long hours doing city business and at community gatherings.
- Most small landlords are caring individuals who have invested their savings in real estate to provide for their families and retirement.
- They spend endless hours cleaning, painting, making repairs, unclogging toilets, in order to provide clean, comfortable housing for their tenants.
- Solving the housing/rental crisis is the responsibility for all residents not just owners of older apartments.
- GREEDY LANDLORDS / CORRUPT POLITICIANS - Simplistic and disparaging NAME CALLING with little truth in reality.
- I encourage retaining the 5% cap on annual increases and doing away with the modifications to the TPO.
- Please read my letter to the editor in today's Mercury News.

*Sincerely,*

*Peter Miron-Conk*  
[REDACTED]

*PS - Please call me about modifications to Homeless Encampment Procedures.*

I suggest the Housing Department take a look another look at this draft and understand that there are good housing providers in the City of San Jose.

Regards,  
Dan Aumack