

## Nguyen, Viviane

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**From:** [REDACTED]  
**Sent:** Tuesday, March 6, 2018 10:42 AM  
**To:** RSP  
**Subject:** Section 8

I have been in property management in San Jose for 14-years. Through the years I have inherited properties with Section 8 tenants and have also rented to a few participants. Unfortunately, while the program is meant to do good and help those in need, it has caused numerous and expensive issue for the property owners, myself as the property manager and the other tenants living in close proximity to the units with Section 8 tenants. I cannot in good conscience recommend to my owners to accept housing when all but one of the participants I've had needed to be evicted. I continue to rent to programs where case works are assigned to the tenants and the tenants are given help to find employment, etc. When you have an issue with a housing tenant, it is next to impossible to reach someone in the department who can help.

I am opposed to requiring acceptance of the voucher program and support an additional Just Cause reason to address crimes related to gangs, drugs, and weapons.

Thank you,

Julie Ann Hedrick  
Broker Associate & Notary Signing Agent

## Nguyen, Viviane

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**From:** [REDACTED]  
**Sent:** Thursday, March 8, 2018 8:10 AM  
**To:** RSP; cityclerk@sanjsoeca.gov  
**Subject:** Section 8 and Criminal Activities

To: Personnel at RSP and the City Clerk,

I am certain you have received a lot of inputs against these two items.  
My thoughts on these are as follows:

### Section 8

In the past I have accepted two section 8 applicants. Other than the onerous procedure to accept Section 8 applicants and the yearly inspection required, which is very subjective, the applicants do not have the same sense of responsibility as those who were not subsidized by section 8.

Both of my section 8 tenants did not keep their units clean and upon vacating the unit, they trashed it at considerable cost to me.

I can't imagine any law that supports the Housing position in forcing the owners to accept them.

If by some insanity it happens then the Housing should be responsible for the repair of all damages done by the vacating section 8 tenants, in brief Housing becomes the co-signer of the lease.

I think it is fair to share in the responsibilities.

### Criminal Activities:

I have enumerated many times that criminal activities should be stated as zero tolerance behavior.

Housing is reluctant to state this as exemplified by the fact that Housing is floundering with how to cope with this issue. What agency, other than Housing, allows three chances to violate ordinances before being penalized. Strong deterrent comes about by strongly penalties. Housing action runs counter to most city's desire to reduce criminals and criminal activities. Place safety and harmony of neighboring tenants first, rather than focusing on continuing to protect bad tenants!

Good tenants, neighbors, and Housing providers do not like to harbor bad tenants, especially criminal activities. Housing stance on tolerating criminal activities would surely make them liable for injury to tenants and neighborhood residents.

Do not make the small percentage of Housing Providers, under rent control, a sanctuary provider regardless of applicant's qualification.

Seigi Tadokoro, San Jose resident and small rental property owner.

## Nguyen, Viviane

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**From:** [REDACTED]  
**Sent:** Wednesday, March 7, 2018 3:45 PM  
**To:** RSP  
**Subject:** Section 8 and TPO

Ladies/Gentlemen:

I do not know if mandating all owners to accept the section 8 application will make things better. Different area of San Jose has different tenant screening policy. Some area may require credit score of 750 plus, and stable employment for two years. If so, 90% of section 8 applicants may get declined.. It is such a waste of time and resource for everyone. Please use more make sense approach.

TPO cannot cover all legitimate reasons for terminating tenancy. If a tenant gets Alzheimer or Parkinson, what should we do? Who should pay for the dementia test? Even if the tenant barely passes the dementia test, it is still a danger for the density housing community. I had a 89 year old tenant, who forgot to turn off the stove, and we got Fire Department came to rescue. It should add a reason: If owners deem the resident may become a danger to the community.

We also should have additional Just Cause reasons to address crimes related to gangs, drugs, and weapons.

By the way, we do not like to terminate the lease. In addition to the emotional stress, it will increase our work loads. I terminate lease only when it becomes a danger to the community.

John Lau

[REDACTED]

## Nguyen, Viviane

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**From:** VanderVeen, Rachel  
**Sent:** Sunday, March 4, 2018 10:03 PM  
**To:** Marcus, Adam; Clements, Kristen  
**Cc:** Nguyen, Viviane  
**Subject:** FW: Opposed to proposed Section 8 and voucher mandate

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Source of Income public comment file.

### Rachel VanderVeen

Program Manager  
408.535.8231

**From:** Cheryl [mailto: [REDACTED]]  
**Sent:** Saturday, March 3, 2018 12:35 AM

[REDACTED]

**Subject:** Opposed to proposed Section 8 and voucher mandate

Dear Mayor and City Council Members,

In regards to the proposed "Source of Income" Ordinance that would mandate landlords to accept Section 8 and all other housing subsidy programs, and could apply to all rentals in San Jose (single family homes, duplexes, condos, guesthouses, 3+units, etc.), I am opposed for the following reasons:

- Processing time is 4+ weeks (lost rent).
- First payment takes 4-6 weeks.
- Inspection guidelines often stricter than code enforcement.
- Often a long wait for non-profits to fund tenant's deposit.
- Approved rent amount not known until inspection and review of comparable rents.
- New fees, staffing, petitions and associated fines.
- No outreach to single family home, duplex, or condo owners.

An alternative proposal is to engage with the Santa Clara County Housing Authority and tailor the program for San Jose, similar to what the Oakland Housing Authority is doing (risk-based inspections, loans to improve properties, automatic approval of rent increases, rents determined by local data). <http://kalw.org/post/housing-vouchers-fail-bay-area#stream/0>

Please consider addressing the faults with the system instead of mandating a policy with administrative hassles and lost rent.

Thank you,.

Cheryl

## Nguyen, Viviane

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**From:** VanderVeen, Rachel  
**Sent:** Sunday, March 4, 2018 9:53 PM  
**To:** Marcus, Adam; Clements, Kristen  
**Cc:** Nguyen, Viviane  
**Subject:** FW: Opposed to proposed Section 8 and voucher mandate

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Source of Income public comment file.

### Rachel VanderVeen

Program Manager  
408.535.8231

**From:** Cheryl [mailto: [REDACTED]]  
**Sent:** Saturday, March 3, 2018 2:31 PM  
**To:** [REDACTED]

**Subject:** Re: Opposed to proposed Section 8 and voucher mandate

Dear Mayor and City Council Members,

Our hard-working Housing Department has been kind enough to reply to my email today.

They clarified that the Section 8 / Voucher Ordinance is not intended to mandate that landlords sign up for the voucher programs. The purpose is to not advertise NO Section 8, and to fairly process applications. And, there will be efforts in place to work on addressing the deficiencies of the programs and educating people.

And, they are not looking to increase Housing fees.

It is well understood that it is disheartening to have a voucher and not be considered by many housing providers.

We do our best to treat our tenants very fairly and maintain a place where they feel safe and proud of where they live.

Thank you for reading, once again.

Cheryl

On Mar 3, 2018 12:34 AM, "Cheryl" [REDACTED] wrote:

Dear Mayor and City Council Members,

In regards to the proposed "Source of Income" Ordinance that would mandate landlords to accept Section 8 and all other housing subsidy programs, and could apply to all rentals in San Jose (single family homes, duplexes, condos, guesthouses, 3+units, etc.), I am opposed for the following reasons:

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Please consider addressing the faults with the system instead of mandating a policy with administrative hassles and lost rent.

Thank you,.

Cheryl

## Nguyen, Viviane

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**From:** VanderVeen, Rachel  
**Sent:** Sunday, March 4, 2018 9:39 PM  
**To:** Marcus, Adam; Clements, Kristen  
**Cc:** Nguyen, Viviane  
**Subject:** FW: Input for Voucher Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

For the Source of Income public comment file.

### Rachel VanderVeen

Program Manager  
408.535.8231

**From:** Cheryl [mailto:cherylxoo@gmail.com]  
**Sent:** Sunday, March 4, 2018 12:53 AM  
**To:** VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Wright, Sara <sara.wright@sanjoseca.gov>; Cheryl Lubow <cherylxoo@gmail.com>  
**Subject:** Input for Voucher Ordinance

Hi Sara and Rachel,

Please include this input for the Voucher Ordinance.

It is illegal for a landlord to ONLY accept tenants who are voucher recipients. This would exclude tenants who have other sources of income.

For those landlords who have only been taking Section 8 or City vouchers, they must no longer discriminate.

Thanks,  
Cheryl



## Nguyen, Viviane

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**From:** VanderVeen, Rachel  
**Sent:** Sunday, March 4, 2018 9:38 PM  
**To:** Marcus, Adam; Clements, Kristen  
**Cc:** Nguyen, Viviane  
**Subject:** FW: Please add this input for Voucher ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

For the Source of Income public comment file.

### Rachel VanderVeen

Program Manager  
408.535.8231

**From:** Cheryl [mailto: [REDACTED]]  
**Sent:** Sunday, March 4, 2018 3:25 AM  
**To:** VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; [REDACTED]; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; Wright, Sara <sara.wright@sanjoseca.gov>; RSP <RSP@sanjoseca.gov>  
**Subject:** Please add this input for Voucher ordinance

Hi,

Please add this input for Voucher Ordinance

If there is going to be a voucher Ordinance, it should pertain only to Section 8. The local vouchers should not be part of it. And, the ordinance should not apply to single family homes, condos or duplexes. It is enough of a financial burden to expect owners of 3+ units to lose a month's rent. But it would be even more difficult for owners with 1-2 units.

Thanks,  
Cheryl

## Nguyen, Viviane

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**From:** Cheryl <[REDACTED]>  
**Sent:** Saturday, March 3, 2018 12:35 AM  
**To:** RSP; Nguyen, Viviane; VanderVeen, Rachel; Wright, Sara; Morales-Ferrand, Jacky; Liccardo, Sam; Henninger, Ragan; Davis, Dev; Garavaglia, Christina; Nguyen, Tam; Moua, Louansee; Khamis, Johnny; Fedor, Denelle; Connolly, Shane Patrick; Jones, Chappie; Ferguson, Jerad; Pressman, Christina; Diep, Lan; Lebron, Charisse; District2; District3; District5; District8; District9; City Clerk; Cheryl Lubow  
**Subject:** Opposed to proposed Section 8 and voucher mandate

Dear Mayor and City Council Members,

In regards to the proposed "Source of Income" Ordinance that would mandate landlords to accept Section 8 and all other housing subsidy programs, and could apply to all rentals in San Jose (single family homes, duplexes, condos, guesthouses, 3+units, etc.), I am opposed for the following reasons:

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Please consider addressing the faults with the system instead of mandating a policy with administrative hassles and lost rent.

Thank you,.

Cheryl

## Nguyen, Viviane

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**From:** Marcus, Adam  
**Sent:** Sunday, March 4, 2018 10:49 PM  
**To:** VanderVeen, Rachel; Clements, Kristen  
**Cc:** Nguyen, Viviane  
**Subject:** RE: Opposed to proposed Section 8 and voucher mandate

Thanks Rachel

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**From:** VanderVeen, Rachel  
**Sent:** Sunday, March 04, 2018 10:03 PM  
**To:** Marcus, Adam <adam.marcus@sanjoseca.gov>; Clements, Kristen <Kristen.Clements@sanjoseca.gov>  
**Cc:** Nguyen, Viviane <viviane.nguyen@sanjoseca.gov>  
**Subject:** FW: Opposed to proposed Section 8 and voucher mandate

Source of Income public comment file.

### Rachel VanderVeen

Program Manager  
408.535.8231

**From:** Cheryl [<mailto:cherylxoo@gmail.com>]

**Sent:** Saturday, March 3, 2018 12:35 AM

**To:**

**Subject:** Opposed to proposed Section 8 and voucher mandate

Dear Mayor and City Council Members,

In regards to the proposed "Source of Income" Ordinance that would mandate landlords to accept Section 8 and all other housing subsidy programs, and could apply to all rentals in San Jose (single family homes, duplexes, condos, guesthouses, 3+units, etc.), I am opposed for the following reasons:

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Please consider addressing the faults with the system instead of mandating a policy with administrative hassles and lost rent.

Thank you,.

Cheryl

## Nguyen, Viviane

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**From:** Fran Turano <[REDACTED]>  
**Sent:** Saturday, March 3, 2018 11:09 AM  
**To:** RSP; City Clerk  
**Subject:** FW: FW:

Please count me on the following. And thank you.

- Opposed to the Section 8 and voucher mandate
- Support an additional Just Cause reason to address crimes related to gangs, drugs, and weapons.

Some reasons to oppose mandate for Section 8 and voucher program:

- Processing time is 4+ weeks (lost rent).
- First payment takes 4-6 weeks.
- Inspection guidelines often stricter than code enforcement.
- Often a long wait for non-profits to fund tenant's deposit.
- Approved rent amount not known until inspection and review of comparable rents.
- Additional fees, staffing, petitions and associated fines.
- No outreach to single family home, duplex, or condo owners.
- Need to address administrative burden of voucher programs.

**Nguyen, Viviane**

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**From:** Judy Li <[REDACTED]>  
**Sent:** Saturday, March 3, 2018 10:48 AM  
**To:** RSP  
**Subject:** Important issues

Opposed to the Section 8 and voucher mandate

- Support an additional Just Cause reason to address crimes related to gangs, drugs, and weapons.

**Nguyen, Viviane**

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**From:** Peter Miron-Conk [REDACTED]  
**Sent:** Monday, March 5, 2018 9:52 AM  
**To:** RSP  
**Subject:** New mandate

City of San Jose Housing Department  
San Jose Housing Commission

I am strongly opposed to mandating landlords accept Section 8 on an available unit. There are significant burdens on the landlord with section 8 tenants and the Housing Authority. In addition it limits our ability to provide a safe, quiet, secure environment for our tenants.

Peter Miron-Conk  
[REDACTED]

## Nguyen, Viviane

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**From:** Silk Iron <[REDACTED]>  
**Sent:** Sunday, March 4, 2018 7:30 PM  
**To:** RSP; City Clerk  
**Subject:** Oppose Section 8 and voucher mandate

Hello,

I'm writing to oppose this mandate because of the following reasons:

1. Tenants with government voucher often manipulate the program and abuse the intent that people are here trying to help them. I have a tenant who lied to me that she's qualified for sect 8 and in fact she is not. She takes advantage of my helping hand, obtain the keys and never pay rent. The voucher she promised to come, never come.
2. Sect 8 inspector puts burden on landlords, exaggerates the building and maintenance issues, makes landlord a run around trying to meet their requirements and no compensation is paid to landlord to work extra to meet their requirements.
3. Voucher housing is government's responsibility, not the landlords. The property taxes collected by the government should be used to provide building additional low income housing, not to be used to squeeze home owners.
4. It seems to me that the city has spend a lot of time trying to squeeze the living space and life out of the home owners, this is a wrong path. You will lose votes on your next election if you keep doing this.  
City should spend more time and energy trying to enhance the 100 year old building code to meet the 21st century city life. The building code is there to help people build houses, not to restrict people to build houses. Please simplify your building code and permit process, let people build more houses and high rises, allow zoning changes! Why do you hold onto a 100 year old zoning when there is housing shortage?

Home owners are having harder and harder time to maintain and manage their rental properties in Bay Area. Higher construction costs and extra government codes have push the landlords to a point to give up all the rental business.. It's time to help the home owners too! They're your citizens too! They are your voters too!

Thanks for your attention

Grace Xu



## Nguyen, Viviane

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**From:** Henry Liang [REDACTED] >  
**Sent:** Sunday, March 4, 2018 11:10 PM  
**To:** RSP; City Clerk  
**Subject:** Opposed to the Section 8 and voucher mandate

Dear City Clerk,

I strongly

- Opposed to the Section 8 and voucher mandate
- Support an additional Just Cause reason to address crimes related to gangs, drugs, and weapons.

Thank you.

**Nguyen, Viviane**

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**From:** casper leung [REDACTED]  
**Sent:** Saturday, March 3, 2018 10:41 AM  
**To:** RSP; City Clerk  
**Subject:** Opposed

I opposed to the section 8 and voucher mandate. Support an additional just cause reason to address crimes related to gangs, and weapons.

Thank You!

Casper Leung

## Nguyen, Viviane

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**From:** benjamin huang [REDACTED]  
**Sent:** Monday, March 5, 2018 11:57 AM  
**To:** RSP; City Clerk  
**Cc:** benjamin huang  
**Subject:** Opposing Section 8 mandate and Supporting Criminal eviction reason

Hi

Here I am sending email to

- Opposed to the Section 8 and voucher mandate
- Support an additional Just Cause reason to address crimes related to gangs, drugs, and weapons.

reasons to oppose mandate for Section 8 and voucher program:

- Processing time is 4+ weeks (lost rent).
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- Often a long wait for non-profits to fund tenant's deposit.
- Approved rent amount not known until inspection and review of comparable rents.
- Additional fees, staffing, petitions and associated fines.
- No outreach to single family home, duplex, or condo owners.
- Need to address administrative burden of voucher programs.

Thanks You!

**Nguyen, Viviane**

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**From:** [REDACTED]  
[REDACTED] Saturday, March 3, 2018 2:21 PM  
**To:** City Clerk; RSP  
**Subject:** Opposition to Housing proposal forcing use of inefficient system. Crime prevention

To whom this may concern,

1. Please do not require renting to section 8 and vouchers. Delays and uncertainty is expensive. This system is inefficient and burdensome working for only a few, not me.
2. Please support an additional Just Cause reason to address crimes related to gangs, drugs, and weapons.

Thank you,  
Duane Gifford

## Nguyen, Viviane

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**From:** Cheryl <[REDACTED]>  
**Sent:** Saturday, March 3, 2018 2:31 PM  
**To:** RSP; Nguyen, Viviane; VanderVeen, Rachel; Wright, Sara; Morales-Ferrand, Jacky; Liccardo, Sam; Henninger, Ragan; Davis, Dev; Garavaglia, Christina; Nguyen, Tam; Moua, Louansee; Khamis, Johnny; Fedor, Denelle; Connolly, Shane Patrick; Jones, Chappie; Ferguson, Jerad; Pressman, Christina; Diep, Lan; Lebron, Charisse; District2; District3; District5; District8; District9; City Clerk  
**Subject:** Re: Opposed to proposed Section 8 and voucher mandate

Dear Mayor and City Council Members,

Our hard-working Housing Department has been kind enough to reply to my email today.

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And, they are not looking to increase Housing fees.

It is well understood that it is disheartening to have a voucher and not be considered by many housing providers.

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Thank you for reading, once again.

Cheryl

On Mar 3, 2018 12:34 AM, "Cheryl" <[REDACTED]> wrote:

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approval of rent increases, rents determined by local data). <http://kalw.org/post/housing-vouchers-fail-bay-area#stream/0>

Please consider addressing the faults with the system instead of mandating a policy with administrative hassles and lost rent.

Thank you,.

Cheryl

## Nguyen, Viviane

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**From:** John Worthing <[REDACTED]>  
**Sent:** Saturday, March 3, 2018 12:09 PM  
**To:** RSP  
**Subject:** Section 8 mandates

Dear City Council Members and housing staff: I'm writing to oppose a mandatory requirement Section 8 and voucher mandates. Running an apartment building is a delicate task of balancing tenants, maintaining property etc. Every owner has invested their life savings in these properties and you cannot expect to run their operations with continued rules and regulations. You have imposed rent control measures that are very strict and tenant favored. Please allow owners to decide whether they want to deal with Section 8 and or mandates as these are rigorous, time consuming measures that work for some but not for others.

Also, under just cause eviction, we desperately need to know and filter past criminal behavior.

John Worthing, Owner

## Nguyen, Viviane

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**From:** Nguyen, Viviane  
**Sent:** Monday, March 12, 2018 9:51 AM  
**To:** Nguyen, Viviane  
**Subject:** FW: Section 8 Concerns

Begin forwarded message:

**From:** Sean Rhinehart [REDACTED]  
**Date:** March 9, 2018 at 7:59:51 PM PST  
**To:** "Morales-Ferrand, Jacky" <[jacky.morales-ferrand@sanjoseca.gov](mailto:jacky.morales-ferrand@sanjoseca.gov)>, "VanderVeen, Rachel" <[rachel.vanderveen@sanjoseca.gov](mailto:rachel.vanderveen@sanjoseca.gov)>  
**Subject:** Section 8 Concerns

### Section 8 Amount of Income Discrimination

To be eligible for Section 8 programs, a tenant must demonstrate a low or very low income level, which makes them unable to afford a security deposit and the full monthly rent of a particular unit. If this were not the case, a Section 8 agency need not be involved.

It is important to understand that in general, neither the tenant nor the Section 8 agency is able to cover a shortage in the other's payment.

This fact alone comprises a defensible basis for discrimination, since there is a reasonable doubt as to whether the property owner will receive the full rent payment each month.

### Section 8 Source of Income Discrimination

Treating a Section 8 voucher as tenant income is patently absurd. The voucher funds are exclusively controlled by a third party, the Section 8 agency. The voucher funds are never under the control of the tenant, so they cannot be considered tenant income.

The voucher funds typically represent the majority of the rent payment, and are paid directly to the property owner via a check that is separate and independent of the tenant's portion of the rent.

Unfortunately, Section 8 agencies are known to pay slowly, pay late, pay below market rates, and even unilaterally reduce the amount significantly. I personally experienced a reduction to 0\$, as one of my best section 8 tenants started earning too much money to keep his eligibility, and was cut off.

Thus, we can readily prove that the third parties' willingness and/or ability to pay is unreliable. This, among other burdensome attributes of Section 8 agencies, is well



known to many property owners in advance, before the property owner knows anything about any particular tenant who is partnering with the Section 8 agency.

### "No Section 8" Advertising

Let's assume that the property owner has chosen not to accept Section 8 tenants, for a legally defensible reason. Why shouldn't the property owner advertise this fact, via a "No Section 8" notice, to avoid wasting the time of all involved?

In other words, if a property owner has the right to refuse section 8 tenants, why wouldn't he be able to inform potential tenants of this, so that section 8 tenants do not waste their time?

For the Housing Department or City Council to attempt to make such advertising illegal in advance is an exercise in prior restraint, a particularly egregious violation of the First Amendment.

Sean Rhinehart

## HCDC Meeting Notes – 3/8/18

### Source of Income - Public comments:

- Had 4 good experiences, a case worker does come with tenant, there are payment delays, there are times when tenants make too much money, similar to a co-signor, and reduce payments, federal program usually still less than market rate
- Property owner has section 8 tenants, like most of them, upkeep property to make it nice, had a case manager come and convince to take tenant, the same rate was not as much as what market, did not receive first rent after 2 months, no late fee payments, punishing landlords
- 10 weeks before first check, say a mandate by Housing, not about source of income, based on government flaws, landlords should be able to take discretions on tenants, what about costs and security deposit and sit and wait on inspection and paper, they can do rent reduction when they want and roll back
- More than just advertising, more aspects, beyond voucher, knows of discrimination still happening of race and sex, not only the voucher, 30% are not using voucher
- Could be very good, sad so much funds are being lost, could be a nightmare to deal with organizations, need to streamline process and make it better for landlord and all income and demographics
- Section 8 bans will specific to discriminate, based on race, need move policy forward so there are less people on the street
- Section 8 holder, have 120 days then 60 days extension, under a lot of pressure to find something, what it takes to get inspection, and entry, system needs to get revamped so landlords get paid
- Income source is misleading and deceptive, rental assistance, always comes with strings attached in the contract, legally binding to landlord, 4 pages long that have conditions that are not acceptable, getting forced to take Sect 8, in 2001 Sec 8 filled the building and then rent decreased by 25%, crippled his income, option was to evict

# Policy Development Meeting Series

## February 7, 2018 to February 22, 2018

### Dot Activity for Public Comments

**Source of Income #1: Have you or someone you know had trouble finding a landlord who will accept housing vouchers or other forms of housing subsidies such as security deposit assistance?**

	Tenant	Landlord
Yes	23	5
No		

**Source of Income #2: If the City were to create a “source of income” ordinance, what housing units should it apply to? Select all that apply.**

	Tenant	Landlord
Single-family homes		
Duplexes		
Secondary dwelling units		
Bedrooms for rent		
All rental housing	22	3
None – there should not be an SOI ordinance		6
Other ideas? Post it!	All the city geniuses never ask how the unhoused people for any input over the ideas they always try to lend from their cities’ comfortable position. I’m so sick of working within this system	

## 2-7-18 Public Meeting Comments Summary

### Source of Income

- A landlord mentioned that he is working with a Section 8 tenant and it has taken 2 to 3 weeks for a deposit and rent, if the program was faster with onboarding he would consider more often.
- Another landlord mentioned he does not have the time to accommodate the additional work required for Section 8 tenants and felt that the word “discriminating” should not be used regarding landlords screening process.
- Participant mentioned if more landlords knew that they could get closer to market rate for their ARO rental units, they might be more willing to take on the programs.

## 2-12-18 Public Comments Summary

### Source of Income

- What is the Housing Department's position on Source of Income, is it neutral or direction to create an Ordinance? Housing will be bringing a framework to Council and wait for direction.
- Given a mandate, the Housing Department's position does not appear neutral.
- What is the reason for the source of income policy issue? City Council asked Housing to explore.
- Source of Income issue is not Section 8 voucher holders, instead the deterrence for landlords is the logistics, time, and cost for using Section 8. Housing is painting the wrong picture about landlords.
- A landlord indicated never used Section 8 because they heard the program was a zoo and has created more problems, does not believe in program.

## 2-22-18 Tenant Input Public Comments Meeting

### Source of Income

- Large percentage of attendees have seen ads posting that states no Section 8, had difficulty finding housing.
- Tenant's rent kept increasing until the amount was not covered under Section 8. Once tenant left, the rent had decreased for following tenant.
- Need an ordinance like this to assist and prevent homelessness.
- How long will it take for the Rent Registry to provide analysis for these types of issues?

\* The wording that is currently used in one item that the City Council directed the Housing Dept. to follow up on re. amendments to the ARO, "Direction to develop an Ordinance disallowing sources of income discrimination," is incorrect. The wording, "source of income" needs to be changed. Tenants that have a subsidy have income from a variety of places, not all the same. We are not discriminated against because of where our income comes from, it's because we have a subsidy for part of the rent. Owners don't want it. Our subsidy is not income paid to us (tenants) it is paid to apt. owners. "They don't want to rent to low-income tenants."

## Nguyen, Viviane

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**From:** Nguyen, Viviane  
**Sent:** Tuesday, February 20, 2018 11:08 AM  
**To:** Nguyen, Viviane  
**Subject:** RE: Comments on the mtg held 2/12/18

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**From:** [REDACTED]  
**Sent:** Friday, February 16, 2018 4:08:17 PM  
**To:** RSP  
**Subject:** Fwd: Comments on the mtg held 2/12/18

-----Original Message-----

**From:** seigitado <[REDACTED]>  
**To:** rsp <[rsp@sanjose.gov](mailto:rsp@sanjose.gov)>  
**Cc:** ireneken <[REDACTED]>; jeff <[REDACTED]>; yzhao1017 <[REDACTED]>; cherylxoo <[REDACTED]>  
**Sent:** Wed, Feb 14, 2018 10:39 pm  
**Subject:** Comments on the mtg held 2/12/18

Following are my comments on items discussed at the meeting held at the 7 trees community on 2.12.18 and a few more.

TPO:

1. Rachel said that "Material" violations are subject to termination based on 1 time occurrence. Definition of "Material" violation is not clear to me
2. Criminal activities should be a separately listed "cause" for eviction. One time occurrence should qualify for "cause" eviction. Consequence of criminal activities will deter thoughts of such activities from the tenants. Housing and the city should adopt a zero tolerance to any criminal activities, Is Housing interested in abating crime and slum conditions in San Jose rentals?
3. Only tenant who is guilty of criminal activity should be evicted; not the entire tenant(s) occupying the unit legally.
3. Tenants who are evicted due to criminal activities should not be automatically allowed to be an occupant to a related tenant renting another unit or apt.

RUBS:

1. All utilities should be included which are water, gas, electricity, and sewer.
2. Tenants pay utilities if the units are metered for the utilities If not metered, it is unfair and discriminatory to impose financial burden solely on the provider for the tenants entire usage of the utilities. Just because master metered utilities may be more difficult to administer, RUBS should not be eliminated to dodge the problem.

SOURCE of INCOME;

1. Speaking for myself but I feel others share the same thought. Housing providers are not reluctant to accept section 8 applicants. The reluctance is from the onerous policies associated with renting to them. I would like to see a policy that states that if the Section 8 renters do not adhere to the rental agreement then they can be evicted and any damages caused by the tenants will be paid by the city and that the tenant loses all future vouchers for rental assistance. Housing annual inspection of the unit should not be necessary.

RENT REGISTRY(RR)

1. RR is an egregious invasion of privacy of a private business which is not receiving any assistance or benefits from the City. Why does Housing want the entire rental financial data of



- a Housing provider visible to everyone? To what end is such information necessary? Housing providers do not need City assistance to advertise vacancy.
2. Why should only the rent controlled housing providers be burdened with the cost associated with RR?

#### HOUSING SERVICES;

1. Additional services, like storage for example, are allowed one time charge of \$50.00. Yet when services are reduced the monthly rent is subject to reduction. So if the Housing providers gets a one time charge of \$50 for storage and then they remove the storage the MONTHLY rent is reduced by the removal of that storage. I fail to see the fairness and logic of this.

Let's all direct our resources and effort toward solving rental shortage for low income family: not to add more and more control on those Housing providers that already serve the lower tiered income families. More controls will not solve shortage!

Respectfully submitted for your consideration.

Seigi Tadokoro, San Jose Rent controlled Housing provider.

## Nguyen, Viviane

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**From:** Ken Yeung <[REDACTED]>  
**Sent:** Saturday, March 10, 2018 9:32 AM  
**To:** [REDACTED] RSP; City Clerk  
**Subject:** Oppose Section 8 and voucher mandate

Hello,

I'm writing to oppose this mandate because of the following reasons:

1. Tenants with government voucher often manipulate the program and abuse the intent that people are here trying to help them. I have a tenant who lied to me that she's qualified for sect 8 and in fact she is not. She takes advantage of my helping hand, obtain the keys and never pay rent. The voucher she promised to come, never come.
2. Sect 8 inspector puts burden on landlords, exaggerates the building and maintenance issues, makes landlord a run around trying to meet their requirements and no compensation is paid to landlord to work extra to meet their requirements.
3. Voucher housing is government's responsibility, not the landlords. The property taxes collected by the government should be used to provide building additional low income housing, not to be used to squeeze home owners.

Home owners are having harder and harder time to maintain and manage their rental properties in Bay Area. Higher construction costs and extra government codes have push the landlords to a point to give up all the rental business.. It's time to help the home owners too! They're your citizens too! They are your voters too!

Thanks for your attention.

Kenny Yang

Sent from my iPhone

## Nguyen, Viviane

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**From:** casper leung <[REDACTED]>  
**Sent:** Friday, March 9, 2018 10:33 AM  
**To:** RSP  
**Subject:** I am writing to oppose this mandate because of the following reasons:

1. Tenants with government voucher often manipulate the program and abuse the intent that people are here trying to help them. I have a tenant who lied to me that she's qualified for sect 8 and in fact she is not. She takes advantage of my helping hand, obtain the keys and never pay rent. The voucher she promised to come, never come.
2. Sect 8 inspector puts burden on landlords. exaggerates the building and maintenance issues, makes landlord a run around trying to meet their requirements and no compensation is paid to landlord to work extra to meet their requirements.
- 3, It seems to me that the city has spend a lot of time trying to squeeze the living space and life out of the home owners, this is a wrong path. You will lose votes on your next election if you keep doing this. City should spend more time and energy trying to enhance the 100 year old building code to meet the 21st century city life. The building code there to help people build houses, not to restrict people to build houses. Please simplify your building code and permit process, let people build more houses and high rises.

Thank You!

Casper Leung

## Nguyen, Viviane

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**From:** Nguyen, Viviane  
**Sent:** Monday, March 19, 2018 9:00 AM  
**To:** Nguyen, Viviane  
**Subject:** FW: Section 8 Concerns

**From:** Sean Rhinehart [REDACTED]

**Sent:** Friday, March 16, 2018 10:25 PM

**To:** Jimenez, Sergio <[sergio.jimenez@sanjoseca.gov](mailto:sergio.jimenez@sanjoseca.gov)>; Chapman, Helen <[helen.chapman@sanjoseca.gov](mailto:helen.chapman@sanjoseca.gov)>; Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)>; Rocha, Donald <[Donald.Rocha@sanjoseca.gov](mailto:Donald.Rocha@sanjoseca.gov)>; Liccardo, Sam <[sam.liccardo@sanjoseca.gov](mailto:sam.liccardo@sanjoseca.gov)>; Henninger, Ragan <[ragan.henninger@sanjoseca.gov](mailto:ragan.henninger@sanjoseca.gov)>; Davis, Dev <[dev.davis@sanjoseca.gov](mailto:dev.davis@sanjoseca.gov)>; Garavaglia, Christina <[Christina.Garavaglia@sanjoseca.gov](mailto:Christina.Garavaglia@sanjoseca.gov)>; Nguyen, Tam <[Tam.Nguyen@sanjoseca.gov](mailto:Tam.Nguyen@sanjoseca.gov)>; Carrigan, Ryan <[ryan.carrigan@sanjoseca.gov](mailto:ryan.carrigan@sanjoseca.gov)>; Arenas, Sylvia <[sylvia.arenas@sanjoseca.gov](mailto:sylvia.arenas@sanjoseca.gov)>; McGarrity, Patrick <[Patrick.McGarrity@sanjoseca.gov](mailto:Patrick.McGarrity@sanjoseca.gov)>; Carrasco, Magdalena <[Magdalena.Carrasco@sanjoseca.gov](mailto:Magdalena.Carrasco@sanjoseca.gov)>; Castro, Huascar <[huascar.castro@sanjoseca.gov](mailto:huascar.castro@sanjoseca.gov)>; Khamis, Johnny <[johnny.khamis@sanjoseca.gov](mailto:johnny.khamis@sanjoseca.gov)>; Fedor, Denelle <[Denelle.Fedor@sanjoseca.gov](mailto:Denelle.Fedor@sanjoseca.gov)>; Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>; Ferguson, Jerad <[Jerad.Ferguson@sanjoseca.gov](mailto:Jerad.Ferguson@sanjoseca.gov)>; Pressman, Christina <[Christina.Pressman@sanjoseca.gov](mailto:Christina.Pressman@sanjoseca.gov)>; Diep, Lan <[lan.diep@sanjoseca.gov](mailto:lan.diep@sanjoseca.gov)>; Lebron, Charisse <[charisse.lebron@sanjoseca.gov](mailto:charisse.lebron@sanjoseca.gov)>; District1 <[district1@sanjoseca.gov](mailto:district1@sanjoseca.gov)>; District2 <[District2@sanjoseca.gov](mailto:District2@sanjoseca.gov)>; District3 <[district3@sanjoseca.gov](mailto:district3@sanjoseca.gov)>; District4 <[District4@sanjoseca.gov](mailto:District4@sanjoseca.gov)>; District5 <[District5@sanjoseca.gov](mailto:District5@sanjoseca.gov)>; District 6 <[district6@sanjoseca.gov](mailto:district6@sanjoseca.gov)>; District7 <[District7@sanjoseca.gov](mailto:District7@sanjoseca.gov)>; District8 <[district8@sanjoseca.gov](mailto:district8@sanjoseca.gov)>; District9 <[district9@sanjoseca.gov](mailto:district9@sanjoseca.gov)>; District 10 <[District10@sanjoseca.gov](mailto:District10@sanjoseca.gov)>; ARO <[ARO@sanjoseca.gov](mailto:ARO@sanjoseca.gov)>; Morales-Ferrand, Jacky <[Jacky.Morales-Ferrand@sanjoseca.gov](mailto:Jacky.Morales-Ferrand@sanjoseca.gov)>; VanderVeen, Rachel <[Rachel.VanderVeen@sanjoseca.gov](mailto:Rachel.VanderVeen@sanjoseca.gov)>; Lopez, Robert (HSG) <[Robert.Lopez@sanjoseca.gov](mailto:Robert.Lopez@sanjoseca.gov)>; The Office of Mayor Sam Liccardo <[TheOfficeofMayorSamLiccardo@sanjoseca.gov](mailto:TheOfficeofMayorSamLiccardo@sanjoseca.gov)>; Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)>

**Subject:** Section 8 Concerns

Hello, all.

As an owner of a building covered by the ARO, I would like to point out my thoughts about Section 8 topics, some of which were discussed recently in an HCDC meeting.

### Section 8 Discrimination Based on Ability to Pay

To be eligible for Section 8 programs, a tenant must demonstrate a low or very low income level, which makes them unable to afford a security deposit and the full monthly rent of a particular unit. If this were not the case, a Section 8 agency need not be involved.

It is important to understand that in general, neither the tenant nor the Section 8 agency is able to cover a shortage in the other's payment.

Unfortunately, many Section 8 agencies are known to pay slowly, pay late, pay below market rates, and even unilaterally reduce the amount significantly. I personally experienced a reduction to 0\$, as one of my best section 8 tenants started earning too much money to keep his eligibility, and was suddenly cut off.

Thus, we can readily show that the Section 8 agencies' willingness and/or ability to pay is unreliable. This, among other burdensome attributes of Section 8 agencies, is well known to many

property owners in advance, before the property owner knows anything about any particular tenant who is partnering with the Section 8 agency.

The fact that neither the tenant, nor the section 8 agency is a guaranteed reliable source of payment comprises a defensible basis for discrimination, since there is a reasonable doubt as to whether the property owner will receive the agreed upon rent payment each month.

### Section 8 Source of Income Discrimination

Treating a Section 8 voucher as tenant income is patently absurd. The voucher funds are exclusively controlled by a third party, the Section 8 agency. The voucher funds are never under the control of the tenant, so they cannot be considered tenant income.

The voucher funds typically represent the majority of the rent payment, and are paid directly to the property owner via a check that is separate and independent of the tenant's portion of the rent.

### "No Section 8" Advertising

Let's assume that the property owner has chosen not to accept Section 8 tenants, for a legally defensible reason. Why shouldn't the property owner advertise this fact, via a "No Section 8" notice, to avoid wasting the time and money of all involved?

For the Housing Department or City Council to attempt to make such advertising illegal in advance is an exercise in prior restraint, a particularly egregious violation of the First Amendment.

Also, as a practical matter, if Section 8 tenants knew in advance that they were unlikely to pass the credit screening of a particular property, they could avoid wasting their limited funds on application fees for these properties, and concentrate their search efforts on the subset of properties that do accept Section 8, or at least those that did not publicly decline to do so in advance.

The Housing Department could better achieve the presumed goal of finding housing for Section 8 tenants if it were to maintain an "opt-in" list of (possibly pre-inspected/vetted) properties that accepted Section 8 vouchers.

Regards,  
Sean Rhinehart

## Nguyen, Viviane

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**From:** Nguyen, Viviane  
**Sent:** Monday, March 19, 2018 5:01 PM  
**To:** Nguyen, Viviane  
**Subject:** FW: Section 8 Concerns

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**From:** Sean Rhinehart <[REDACTED]>

**Sent:** Saturday, March 17, 2018 5:24 AM

**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  
**Subject:** Section 8 Concerns

Hello, all.

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### Section 8 Discrimination Based on Ability to Pay

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The Housing Department could better achieve the presumed goal of finding housing for Section 8 tenants if it were to maintain an "opt-in" list of (possibly pre-inspected/vetted) properties that accepted Section 8 vouchers.

Regards,  
Sean Rhinehart

**From:** [REDACTED]

**Sent:** Tuesday, April 3, 2018 4:02 PM

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

**Cc:** City Clerk; VanderVeen, Rachel; Morales-Ferrand, Jacky

**Subject:** Recommendations on Rent Control To Be Voted On April 24

Dear Mayor and Councilmembers,

Attached please note the recommendations of the Silicon Valley Renters Rights Coalition on the various rent control-related items coming to City Council on April 24. We have already been in contact with many of your offices about these questions. Please contact us if you have any further questions. Thank you!

Sandy Perry  
Silicon Valley Renters Rights Coalition





## SILICON VALLEY RENTERS RIGHTS COALITION PROTECT OUR PEOPLE PLAN APRIL 2018

### RECOMMENDATIONS

- A) **Stop Unfair Utility Charges.** Continue the RUBS exclusion (Section 17.23.315): No charges may be passed through to tenants through RUBS or any similar unmetered allocations. Existing rental agreements for pass throughs of RUBS payments are void.
- B) **Protect Immigrant Tenants.** The Tenant Protection Ordinance will reference Civil Code Section 1940.35(a) (AB 291). Landlords will be required to post a notice in English, Spanish, and Vietnamese in all TPO properties, informing tenants that it is illegal for landlords to threaten to call immigration authorities because of their immigration status or share information regarding their immigration status. The City will assist enforcement of AB 291 by taking landlords who violate it to court.
- C) **Stop Unfair Evictions.** A new criminal activity clause is unnecessary because the existing TPO already allows landlords to evict tenants for criminal activity. The nuisance provision of the TPO specifically permits eviction for “violations of state and federal law that destroy the peace, quiet, comfort or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit.”
- D) **Stop Displacement.** The Ellis Act Ordinance will include one of the two following provisions in cases of demolition, depending on which can be shown to provide the lowest rents for the largest number of tenants: 1) All new replacement units will be re-controlled, or 2) In addition to the affordable units required by the inclusionary ordinance, a substantial additional number of deed restricted units affordable to the displaced tenants will be required. The Ellis Act Ordinance should be extended to triplexes, and should require apartments with three or more units built after 1979 to provide 120 day notice and offer relocation consulting services to tenants.
- E) **Stop Discrimination.** The proposed ordinance disallowing source of income discrimination will ban discrimination at every stage of the rental process and include appropriate enforcement measures to assure compliance.