

4.2 TPO Letters from the Public

From: Chi Sung

Sent: Saturday, December 8, 2018 4:45 PM

To: [REDACTED]

Subject: Dec 11, 2018 Council Meeting - Source of Income Ordinance and Duplexes under TPO

Dear Mayor Liccardo and Members of the City Council,

I am writing to let you gentlemen know that if the proposal to include Duplexes under the Tenant Protection Ordinance (TPO) is passed, I am going to SELL ALL my duplexes in your City ASAP. I am just a small time operator owning a few properties and I do not want to be bothered by the TPO. With the present hot real estate market in California, especially in the Silicon Valley; I can sell off my properties easily, and at good prices. The buyers of my properties would definitely not use them as rentals. With the rising interest rates on mortgage loans, high property taxes and maintenance costs, it does not make sense to buy a duplex at today's prices and turn it into rentals. Most probably, a buyer would use it as his residence; or he may chip in with a good buddy to buy the property, with each family occupying one of the two units. As a result, the number of available rental units from duplexes in San Jose would just go down. I am sure there are a lot of other duplex owners also contemplating doing the same. Gentlemen, are you sure this is the situation that you want?

I applaud the Housing Department for understanding that adding these type of units to the Tenant Protection Ordinance isn't a good idea. And I support their recommendation to oppose that effort. I also fully support the position of the California Apartment Association on the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Chi Sung

From: Brian Ponty <[REDACTED]>

Sent: Sunday, December 9, 2018 4:42 PM

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

Cc: Anil Babbar

Subject: Section 8

Dear Mayor Liccardo and Members of the City Council,

4.2 TPO Letters from the Public

As a property owner, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

Additionally, the Source of Income ordinance includes the private right of action as a means of enforcement. This sends the signal that the City doesn't have the bandwidth to enforce their own laws. Instead they are relying on lawyers and the judicial system to enforce your ordinances. I would urge you to keep the enforcement within the City who would be more prudent in taking legal action.

In regards to the Duplexes, I applaud the Housing Department for understanding that adding these type of units to the Tenant Protection Ordinance isn't a good idea. And I support their recommendation to oppose that effort.

As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,

Brian Ponty

From: Bruce <[REDACTED]>

Sent: Sunday, December 9, 2018 9:35 AM

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

Subject: Section 8 Mandates and Duplexes

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a

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high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

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As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,

Bruce

Bruce Rueppel

[REDACTED]

Dec. 9, 2018

Dear San Jose City Council Members.

The two issues I am addressing are;

1. Posting Notice on TPO
2. SOI namely section 8 applicants

Posting Notice:

Rent-controlled buildings under ARO are not public entry buildings. Each of the tenants is given notices on the ARO and TPO ordinances. Why should a privately held buildings rented only to registered tenants require additional posting, which is redundant?

Furthermore where does one post these notices when there is no common areas?

SOI:

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I have no problem with renting to section 8 applicants as long as they are treated in the same manner as off the street applicants. All applicants must deposit the requisite amount and can have their background checked.

Since Housing is a co-signer of the tenants under section 8, Housing must be responsible for payment of all cleaning and damages caused by the same vacating tenant(s).

Furthermore on an annual inspection, tenant's responsibility should be directed to them for corrective action. Housing providers do not provide house cleaning services.

Seigi Tadokoro, San Jose property owner under rent control.

From: Timothy Pupach <[REDACTED]>

Sent: Monday, December 10, 2018 8:47 AM

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

Subject: Source of Income Ordinance

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

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4.2 TPO Letters from the Public

As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,

Timothy A. Pupach
Attorney at Law

[REDACTED]
San Jose, CA 95113

Tel: 408 [REDACTED]

Fax: 408 [REDACTED]

Email: [REDACTED]

From: Shawn Smith <[REDACTED]>

Sent: Monday, December 10, 2018 8:54 AM

To: The Office of Mayor Sam Liccardo

Cc: District1; District4; District7; District2; District5; City Clerk; District8; District 6; District9

Subject: TPO

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO,

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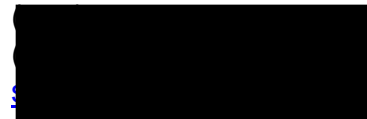
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As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,
Shawn Smith
Your name

Sincerely,
Shawn Smith
Case Manager
Caputo & Van Der Walde LLP



From: Greg Blumstein <[REDACTED]>
Sent: Monday, December 10, 2018 9:21 AM
To: The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9
Cc: City Clerk
Subject: Please Vote NO on Section 8 Mandates and Duplexes

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Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

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As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

--

Regards,

Greg Blumstein | Account Executive | Ad Plus, LLC

O: [REDACTED]

From: Scott Reinert <[REDACTED]>

Sent: Monday, December 10, 2018 9:56 AM

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

Subject: Source of Income Ordinance and Keeping Duplexes out of the TPO

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Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners about the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burdens property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

Additionally, the Source of Income ordinance includes the private right of action as a means of enforcement. This sends the signal that the City doesn't have the bandwidth to enforce their own laws. Instead they are relying on lawyers and the judicial system to enforce your ordinances. This will create an untenable situation while overburdening the courts. I urge you to keep the enforcement within the City who would be more prudent in taking legal action.

In regards to the Duplexes, I applaud the Housing Department for understanding that adding these type of units to the Tenant Protection Ordinance isn't a good idea. And I support their recommendation to oppose that effort.

As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,

Scott A. Reinert | Senior Vice President, Operations
Essex Property Trust, Inc.

[REDACTED]
San Mateo, CA 94403
Phone [REDACTED]
Fax 65 [REDACTED]

4.2 TPO Letters from the Public

From: Anna Liang <[REDACTED]>

Sent: Monday, December 10, 2018 11:00 AM

To: Jimenez, Sergio; Chapman, Helen; Perez, Raul; Rocha, Donald; Liccardo, Sam; Henninger, Ragan; Davis, Dev; Nguyen, Tam; Arenas, Sylvia; McGarrity, Patrick; Carrasco, Magdalena; Khamis, Johnny; Fedor, Denelle; Jones, Chappie; Ferguson, Jerad; Diep, Lan; 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; Ponciano, Frank; City Clerk
Subject: For meeting on 12/11 city council

Dear Sir/ Madam

I am deeply concerned about the proposed amendments to the Tenant Protection Ordinance (TPO) and the potential creation of Source of Income Ordinance (SOI), which will go to the Council meeting of December 11, 2018.

With the reason below, we strongly urge the Council, (1) to vote NO on adding duplex to TPO and (2) to vote NO on the creation of SOI.

1. The proposed amendments, if passed, will disproportionately hurt small momandpop duplex owners. More than 50% of the duplex owners who are going to be affected are San Jose residents, our community members. About 80% of duplex owners own just one duplex. Their duplex may be their only source of income. The proposed amendments will force them to take the units back for family use, because, for many, it is too much of a burden to handle a whole set of regulations, bureaucracy and fees associated with Just Cause Eviction.

2. These amendments harm, rather than protect, the vulnerable. Many of the duplex owners are seniors, single parents, first generation immigrants, and people of color. Rental income may be their only protection against unforeseeable events. These small property owners are typically part-time workers, not wealthy and non-professional. They need as much protection as their tenants do. They should be encouraged to, rather than discouraged from, providing housing to the people of the City of San Jose.

3. There is no data showing that singling out duplex properties and adding them to the TPO will help tenants. In fact we are seeing just the opposite. It is entirely foreseeable that adding duplex to TPO will scare some small mom-and-pop owners away from renting out their units, which result in further shrinkage of affordable rental inventory. It will force owners to increase the tenant screening standards, which will hurt the exact segment of renters that the City is trying to help. It is irrational to regulate duplex when the harms to duplex owners and the

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harms to the vast majority of duplex renters are clearly foreseeable.

4. Expanding TPO to include duplex can create enormous fear among San Jose's homeowner who may consider renting out their property in the future and today's single-family rental property owners. It creates an image that the city will never stop expanding rental restrictions. It is also contradictory to the policy of encouraging homeowner to build ADU to ease the housing crisis.

I am strong urge you to think over

Thanks

发自我的 iPhone

From: Amanda Law <[REDACTED]>
Sent: Monday, December 10, 2018 12:21 PM
To: City Clerk
Subject: Comment for 12/11 council meeting- housing items

To whom it may concern,

My name is Amanda Law and I have lived in San Jose for 14 years- 6 as a renter, 8 as a landlord. We own a duplex in a small community of duplexes in Willow Glen, District 6. We love our community and take great pride in caring for our home. Our kids were born here, they play on the block, go to Booksin, and we are active in our community. I'm not a real estate developer or an investor looking for a return. I'm a citizen of San Jose, an ACTUAL "mom and pop landlord", **and I strongly support tenants rights.**

As a home owner and resident in my community I'm sick of seeing my friends and neighbors being priced out of their homes. Our teachers can't afford to live here. Kids on our street live in houses with cracked windows and doorbells that don't work, because our neighbors know rents go up in retaliation for basic repair requests. In my view, this and the constant sight of moving trucks is the true blight on our community.

Regarding the proposal before you today, I offer you this:

Section 8 is administered by the government to help the housing crisis. As legislators, by allowing discrimination against those most vulnerable to that crisis, you are sabotaging that effort. Don't sabotage an effort that aims to protect the rights of some of the most powerless folks in our community.

Criminal Activity as Just Cause - Our most basic legal precept is "innocent until proven guilty". Why doesn't that extend to losing your home? Ill-defined terms like this have been

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weaponized against tenants in the past. You endanger victims of domestic violence who share a lease with an abuser, and you further disenfranchise communities of color already targeted by our justice system.

Just Cause - I've had difficult tenants in the past. As a duplex owner I could have pulled the classic landlord trick- and in fact was even advised several times- to raise rent until they left or evict them without reason. Instead I chose to read the *very simple* just cause rules and spoke to them like a grown-up, and we found a solution that worked for both of us. I did this because I am a responsible adult who can justify my actions, because that's the right thing to do; and I think it's totally fair to ask ALL landlords to do that. **Not extending just cause protection is by definition unjust.**

I implore you to stand in solidarity with the people of San Jose, whose interests must be protected in the housing crisis, rather than siding with the business class. Be good to the hardworking people of San Jose, and protect their right to fair housing practices, and we will remember you next election. Thank you.

Amanda Law

From: Lindsay, David <[REDACTED]>
Sent: Monday, December 10, 2018 12:08 PM
To: City Clerk
Subject: Tenant Protection Ordinance

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

Additionally, the Source of Income ordinance includes the private right of action as a means of enforcement. This sends the signal that the City doesn't have the bandwidth to enforce their own laws. Instead they are relying on lawyers and the judicial system to enforce your ordinances. I would urge you to keep the enforcement within the City who

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would be more prudent in taking legal action.

In regards to the Duplexes, I applaud the Housing Department for understanding that adding these type of units to the Tenant Protection Ordinance isn't a good idea. And I support their recommendation to oppose that effort.

As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,

David Lindsay
Realtor since 1986

Coldwell Banker Saratoga

Saratoga, Ca. 95070

_____.com

****I have not verified any of the information contained in those documents that were prepared by other people ****

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

From: Virginia Hao < >

Sent: Monday, December 10, 2018 7:08 PM

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

Subject: San Jose: Section 8 Mandates and Duplexes!

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

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Sincerely,

Virginia Hao

From: Jake Tonkel < >

Sent: Tuesday, December 11, 2018 9:52 AM

To: City Clerk; The Office of Mayor Sam Liccardo; District 6

Subject: DUPLEXES, TENANT PROTECTION ORDINANCE, AND SOURCE OF INCOME DISCRIMINATION

I would like to express my support for the following measures that are on today's agenda.

- **A Source of Income Discrimination Ordinance** to prevent landlords from discriminating against tenants just because they have a Section 8 voucher or other subsidy;
- **Include duplexes** in the Tenant Protection Ordinance and the Ellis Act Ordinance so more tenants are protected from wrongful evictions;
- Landlords be required to post a notice, in multiple languages, that tenants have a right to be **free from harassment based on their immigration status**;
- **Eliminate the criminal activity provision** from the TPO, as people of color are more likely to be criminally convicted for minor non-violent offenses;

(CITY OF SAN JOSE POLICE DEPARTMENT
2011-12 ARREST RATE PER 1000 RESIDENTS

132.2 BLACK RATE
35.9 NON-BLACK RATE

<https://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/>

- Protect survivors of domestic violence from eviction in the TPO;
- Require referral to the Rent Stabilization Program and other homelessness prevention resources in termination notices given to tenants under the TPO.

I have read both the [Memorandum from Diep, Davis, Nguyen, Khamis, 12/05/2018](#), and the [Memorandum from Rocha, 12/10/18](#) and find Rocha's statement "to not let perfect be the enemy of the good as we examine the pitfalls of extending TPO to duplexes without ARO" to be a very reasonable one. We have a homeless and housing crisis that will only be exacerbated in the coming years by inequality issues outside the control of San Jose City Council. Protecting people that are unjustly convicted today is more important than "what ifs" of the financial success of a wealthier class of people in the future.

I am neither a renter nor a duplex owner. Just a concerned resident of district 6.

Thank you for your consideration,

Jake Tonkel

Date:

Dear Mayor and City Council,

I am a tenant who rents a home/an apartment in San José and believes everyone has a right to be free from wrongful evictions and unfair housing discrimination. I am writing today to voice my support for measures that help protect tenants from wrongful evictions and unfair discrimination.

I urge the City Council to support the following tenant protections coming to City Council on 12/11:

- A **Source of Income Discrimination Ordinance** that prevent landlords from discriminating against tenants just because they have a Section 8 voucher or another subsidy;
- Including **duplexes** in the Tenant Protection Ordinance and the Ellis Act Ordinance so all tenants are protected from wrongful evictions;
- Landlords be required to post a notice, in multiple languages, that tenants have a right to be **free from harassment based on their immigration status**.
- Eliminating the **criminal activity provision** from the TPO
- Protecting survivors of domestic violence from eviction in the TPO.
- Requiring references to the Rent Stabilization Program and other homelessness prevention resources in termination notices given to tenants under the TPO.

Thank you for continuing to protect the rights of tenants in San José. I appreciate your support of the above as you vote on these measures on December 11th.

Sincerely,

(Name)

(Address)/(Council District)

Date:

Dear Mayor and City Council,

I am a tenant who rents a home/an apartment in San José and believes everyone has a right to be free from wrongful evictions and unfair housing discrimination. I am writing today to voice my support for measures that help protect tenants from wrongful evictions and unfair discrimination.

I urge the City Council to support the following tenant protections coming to City Council on 12/11:

- A **Source of Income Discrimination Ordinance** that prevent landlords from discriminating against tenants just because they have a Section 8 voucher or another subsidy;
- Including **duplexes** in the Tenant Protection Ordinance and the Ellis Act Ordinance so all tenants are protected from wrongful evictions;
- Landlords be required to post a notice, in multiple languages, that tenants have a right to be **free from harassment based on their immigration status**.
- Eliminating the **criminal activity provision** from the TPO or, alternatively, allowing a tenant the right to repossess her unit if the charges against her are dismissed.
- Protecting survivors of domestic violence from eviction in the TPO.
- Requiring references to the Rent Stabilization Program and other homelessness prevention resources in termination notices given to tenants under the TPO.

Thank you for continuing to protect the rights of tenants in San José. I appreciate your support of the above as you vote on these measures on December 11th.

Sincerely,

(Name)

(Address)/(Council District)

Fecha: 11-29-18

Estimado alcalde y Consejo Municipal,

Soy un inquilino que renta una casa/un apartamento en San José y creo que todos tienen el derecho de estar libres de desalojos injustos y discriminación injusta de vivienda. Hoy estoy escribiendo para expresar mi apoyo a las medidas que ayudan a proteger a los inquilinos de los desalojos ilegales y la discriminación injusta.

Les pido que el Concejo Municipal apoyar las siguientes protecciones para inquilinos que vienen al Concejo Municipal el 11 de diciembre:

- **Una Ordenanza sobre la Fuente de Discriminación de Ingresos** que impide que los propietarios discriminen a los inquilinos simplemente porque tienen un cupón de la Sección 8 u otro subsidio;
- Incluir los **dúplex** en la Ordenanza de protección del arrendatario y en la Ordenanza de la Ley Ellis para que todos los arrendatarios estén protegidos contra los desalojos ilegales;
- Se requiere que los propietarios publiquen un aviso, en varios idiomas, que los inquilinos tienen derecho a **estar libres de acoso por su estatus migratorio**;
- Eliminar la **disposición de actividades delictivas** de la TPO,
- Proteger a los sobrevivientes de violencia doméstica del desalojo en el TPO
- Requerir referencias al Programa de Estabilización de Alquileres y otros recursos para la prevención de la falta de vivienda en los avisos de terminación dados a los inquilinos bajo la TPO

Gracias por continuar protegiendo los derechos de los inquilinos en San José. Aprecio su apoyo a lo anterior al votar sobre estas medidas el 11 de diciembre.

Sinceramente,

ROSCA GARCIA

(Nombre)

-

(Dirección)/(Consejo del Distrito)

Date:

Dear Mayor and City Council,

I am a tenant who rents a home/an apartment in San José and believes everyone has a right to be free from wrongful evictions and unfair housing discrimination. I am writing today to voice my support for measures that help protect tenants from wrongful evictions and unfair discrimination.

I urge the City Council to support the following tenant protections coming to City Council on 12/4: 12/11:

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- Including **duplexes** in the Tenant Protection Ordinance and the Ellis Act Ordinance so all tenants are protected from wrongful evictions;
- Landlords be required to post a notice, in multiple languages, that tenants have a right to be **free from harassment based on their immigration status**.
- Eliminating the **criminal activity provision** from the TPO or, alternatively, allowing a tenant the right to repossess her unit if the charges against her are dismissed.
- Protecting survivors of domestic violence from eviction in the TPO.
- Requiring references to the Rent Stabilization Program and other homelessness prevention resources in termination notices given to tenants under the TPO.

Thank you for continuing to protect the rights of tenants in San José. I appreciate your support of the above as you vote on these measures on December 4th.

Sincerely,

(Name)

SHARON BORLAND

(Address)/(Council District)

From: Furlan Family < >

Sent: Saturday, December 8, 2018 3:26 PM

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

Subject: income Discrimination ordinance

Dear Mayor

please take into consideration the owners of Duplexes.

Thank You

Rita Furlan

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

Additionally, the Source of Income ordinance includes the private right of action as a means of enforcement. This sends the signal that the City doesn't have the bandwidth to enforce their own laws. Instead they are relying on lawyers and the judicial system to enforce your ordinances. I would urge you to keep the enforcement within the City who would be more prudent in taking legal action.

In regards to the Duplexes, I applaud the Housing Department for understanding that adding these type of units to the Tenant Protection Ordinance isn't a good idea. And I support their recommendation to oppose that effort.

As a housing provider, I take the responsibility of providing my tenants with a safe, clean and desirable place to live very seriously. At the same time, we need to focus our energy on providing more affordable housing supply not adding unnecessary burdens on property owners.

Sincerely,

From: Carlos Padilla < >

Sent: Tuesday, December 11, 2018 11:11 AM

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

Cc: Carlos Padilla; Denise Padilla

Subject: Oppose Section 8 Mandates and Duplexes

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

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Sincerely,

Carlos Padilla
Property Owner

"Reminder: email is not secure or confidential. Intero Real Estate Services will never request that you send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. If you receive an email message concerning any transaction involving Intero Real Estate Services and the email requests that you send funds or provide nonpublic personal information, do not respond to the email and immediately contact Intero Real Estate Services. To notify Intero Real Estate Services of suspected email fraud,

From: Elizabeth Gonzalez []

Sent: Tuesday, December 11, 2018 10:41 AM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: Charisse Domingo < >

Subject: Letter to City Council re: TPO Amendments on Criminal Activity, 12/11 City Council Meeting

Mayor and City Council

Attached please find a letter regarding amendments to the Tenant Protection Ordinance for Criminal Activity from the following signatories: All of Us Or None, Asian Law Alliance, Coalition for Justice and Accountability, Legal Services for Prisoners with Children, San Jose/Silicon Valley NAACP, San Jose State Human Rights Institute, and Silicon Valley De-Bug.

While we appreciate Councilmember Jimenez's memo to investigate, track and monitor eviction notices brought against tenants using the criminal activity cause and the votes against its inclusion during the first go-around, the opportunity to correct this harmful provision has to be now: it should be taken out completely.

We write to express our opposition to the criminal activity provision of the Tenant Protection Ordinance, and urge the Mayor and Council to eliminate this provision altogether. As organizations that support and work with community members impacted by the criminal justice system, the criminal activity provision is discriminatory, unnecessary, and will uproot families while increasing housing instability in San Jose. We want to highlight the particular example that we describe in the letter of why it's imperative to take the criminal provision out now more than ever.

On behalf of De-Bug and the undersigned organizations,
Charisse Domingo and Liz Gonzalez

--

Liz González // Silicon Valley De-Bug



Coalition for Justice and Accountability

“Building a community where everyone feels safe.”

December 7, 2018

To: Jacky Morales-Ferrand

Mayor Sam Liccardo
Vice-Mayor Magdalena Carrasco
Councilmember Chappie Jones
Councilmember Sergio Jimenez
Councilmember Raul Peralez
Councilmember Lan Diep
Councilmember Dev Davis
Councilmember Tam Nguyen
Councilmember Sylvia Arenas
Councilmember Donald Rocha
Councilmember Johnny Khamis

We, the undersigned organizations, write to express our opposition to the criminal activity provision of the Tenant Protection Ordinance, and urge the Mayor and Council to eliminate this provision altogether. As organizations that support and work with community members impacted by the criminal justice system, this specific amendment was troubling when the Council passed it in April, and it's even more troubling now.

At the last City Council meeting on this, the council discussion around the criminal activity provision sounded largely misinformed and assumptions drove the decision to include it, even when nuisance already covers criminal activity as a reason to evict - making this provision unnecessary. One of the false notions that this provision rode on was the notion that it only took 10 days between an arrest and a hearing where an individual was 'held to answer'. In our collective experience we have never seen an individual go through proceedings within that time frame. Some families at De-Bug have been waiting 3-4 years for their preliminary hearings. They have not yet been convicted of their charges; and for various reasons, their cases are still pending.

We reviewed data from the most recent report from the Housing Department noting 9,304 just cause eviction notices filed by landlords between July 1, 2017 – June 30, 2018. One of those evictions listed criminal activity as the cause.

We obtained a copy of this eviction notice from the Housing Department and upon further research, we found that this was a wrongful eviction. Three individuals were served a thirty day

notice with ‘criminal activity’ listed as the reason. We could find no court records that match the provision of the TPO's criminal activity: that any of the individuals were charged with a serious or violent felony for a crime that took place 1000 feet of the premises and during the person's current tenancy, and was held to answer. We could not find any court records that show they went to eviction proceedings. We also went to the residence and those 3 individuals no longer live there.

This was a **wrongful eviction**, and the landlord used our tenant protection ordinance to do it.

In this situation, the one time the criminal activity provision was used, it was in violation of the ordinance, and until we had examined it, there was no way to hold the landlord accountable for this action. This “Criminal Activity” provision to the Tenant Protection Ordinance is discriminatory, unnecessary, and will separate – or in this case, uproot- families while increasing housing instability in San Jose. As we previously stated in our original opposition to the provision, barriers to housing that start from the guise of public safety and lead to devastating consequences for not only an individual but an entire family’s wellbeing works against the purpose of a Tenant Protection Ordinance, one whose aim is to contribute to the stability of our communities and unburden renters by shifting the unequal power dynamic between landlord and renter to a relationship where both are informed of their rights and abide by their responsibilities.

The Housing Department’s memo does not address the real-life application of how this provision was used. In this case, the individuals evicted have no way to return, much less return to the same rent they were paying. The scenario that played out – where the landlord misused the provision – is the more likely scenario which is what our organizations warned about. Despite the attempts by the Council to narrow the provision, it was misused not even 2 months after the provision was added.

As evidenced by this last City Council meeting where the City decided on selling the land to Google, our community’s most vulnerable populations, now existing in the most insecure moment in housing stability in the history of the city, should not be subjected to even more policies that are antithetical to an inclusive San Jose. Our community deserves to live in the certainty that we are safe from abuse and that when this city’s leaders say they have our back, the actions and policies implemented demonstrate that support.

Sincerely,

All of Us or None
Asian Law Alliance
Coalition for Justice and Accountability
Legal Services for Prisoners with Children
San Jose State University Human Rights Collaborative
Silicon Valley De-Bug
Silicon Valley NAACP

From: message1189@gmail.com < >

Sent: Friday, December 7, 2018 5:09 PM

To: City Clerk

Subject: I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO)

Dear Mayor Liccardo and Members of the City Council,

As a property owner in the City of San Jose, I am deeply concerned with the proposed Source of Income Ordinance and the proposal to include Duplexes under the Tenant Protection Ordinance (TPO).

The reason you are considering the Source of Income ordinance is because there are a high number of voucher holders that cannot find housing. The reason for this is the severe shortage of housing where voucher holders have to compete in the open market for housing. That coupled with the challenges of working under the HUD regulations makes a voucher a very tough form of payment to accept. I applaud the City for including resources to better educate property owners how the voucher process, but this requirement that an owner review all voucher applicants won't achieve your goals and further burden property owners. Much like the ARO and TPO, you are placing the duty of housing San Jose residents on the backs of property owners.

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Sincerely,

Gary