RULES COMMITTEE: 6/12/2019
Item: E
File ID: 19-205

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Honorable Mayor & City Council

FROM: Toni J. Taber, CMC City Clerk

SUBJECT: The Public Record June 7 – June 13

DATE: June 19, 2019

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

1. Letter from Housing and Community Development Commission, received on June 13, 2019, regarding Recommended City Council Support Monitoring All Evictions in Mobile Home Parks.

Letters from the Public

1. Letter from Commissioner Ryan Jasinsky, received on June 13, 2019, regarding the request to support monitoring mobilehome evictions.

2. Letter from Blair Beekman, received on June 10, 2019, regarding a letter from Blair Beekman. Monday June 10, 2019. _____ BD 56. San Jose City Council Budget Proposals.

3. Letter from Blair Beekman, received on June 10, 2019, regarding a letter from Blair Beekman-2. Monday June 10, 2019. _____ S.J. City Council. 1.24.17 - Item 8.2 ALPR's

Toni J. Taber, CMC
City Clerk

TJT/tt

PUBLIC RECORD 1

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Housing and Community Development Commission

May 21, 2019

Mayor Sam Liccardo
Members of the City Council
200 E. Santa Clara St, 18th Floor
San José, CA 95113

RE: Recommended City Council Support Monitoring All Evictions in Mobile Home Parks

Dear Honorable Mayor Liccardo and City Council,

The letter is to convey to the Mayor and City Council the San José Housing and Community Development Commission's recommendations to support monitoring of all evictions in mobile home parks. At the Commission's meeting on April 11, 2019, by an 8-1 vote, the Commission agreed to provide a letter to City Council recommending monitoring all evictions in mobile home parks.

Evictions from mobile homes are currently regulated under California Civil Code 798.55 - 798.61 Cal. Civil Code 798.55 states:

> The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, **it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.**

The Commission agrees with the need for unique protection for mobile home owners and identified an additional reasons for concern:

1. If a legal Termination of Tenancy per the California Mobilehome Residency Laws (MRL) occurs, the property owner **can raise the rent for the property to market rates.**
2. Because it is difficult if not impossible to relocate some mobile homes, owners who are evicted often choose to sell the home. Park owners may **purchase the home and then manage it as a rental unit for ongoing income.** In that situation, the rent for the home would no longer be subject to the Mobilehome Rent Ordinance.

These two unique aspects specific to mobile home parks creates a strong incentive for mobile home park owners or managers to evict tenants.

In addition, the only course of action available to a mobile home owner who is facing eviction is to fight the eviction in court, an expensive and intimidating prospect.

The Commission acknowledges that concerns about improper evictions are based on anecdotal evidence only. However, the Commission recommends that there be actual data about such a potentially harmful practice. Such data could be collected by monitoring mobile home evictions similar to the way that apartment evictions are monitored under the Tenant Protection Ordinance.

The Commission has received feedback from Housing Staff and the City Attorney that the policy addressing mobile home evictions falls under Cal. Civil Code 798.55 - 798.61 and thus, not under the purview of City policies and ordinances.

Therefore, the Housing and Community Development Commission requests that City Council directs Housing Staff to evaluate options to monitor mobile home park evictions and make a recommendation on how that could be accomplished under State or City regulations. The Commission respectfully requests that the City Council identify mobile home eviction tracking as a potential Council priority.

Thank you for your consideration of these recommendations. If you have any questions, please feel free to contact me at Commission6@sanjoseca.gov.

Sincerely,

/s/
Andrea Wheeler
Commission Chair

PUBLIC RECORD 7

Brandenburg
Staedler &
Moore

1122 Willow Street, Suite 200 • San Jose, California 95125-3157 • 408 / 279-5200 • FAX 408 / 279-3678

June 7, 2019

Dear Honorable Mayor Liccardo, Vice Mayor Jones and City Council:

My name is Ryan Jasinsky and I am the Director of Property Management for Brandenburg Staedler and Moore, in addition, I represent the Mobilehome Park Owners on the Housing and Community Development Commission (HCDC). However, this is not an official Commissioner letter. This letter is in response to the HCDC letter dated May 21, 2019 regarding the request to support monitoring mobilehome evictions.

The letter presented by the Housing Commission states that the Commission agrees with the need for unique protection for mobilehome owners. This is due to the ability of mobilehome park owners to raise the rent to market if a legal termination of tenancy, per the California Mobilehome Residency Laws (MRL) occurs and that owners can purchase the mobilehomes for sale and manage them as rentals. They further state that this creates a strong incentive for mobilehome park owners to evict tenants.

I want to refute these claims and highlight that the Tenants already have protections in place such as the CA Mobilehome Residency Laws (MRL), the San Jose Mobilehome Rent Control Ordinance and the court system that would have the ultimate say if a Mobilehome Owner can be evicted. It is important to emphasize that the MRLs, which supersede any local ordinance since they are State Law, already have Tenant protections in place and clearly outlines the Authorized Reasons for Termination of Tenancy in Section 798.56. In addition, the City of San Jose's Mobilehome Rent Ordinance has protections in place such as Section 17.22.2010, titled Retaliation Prohibited, defines that retaliation is prohibited against mobilehome owners/tenants and provides details into what constitutes retaliation.

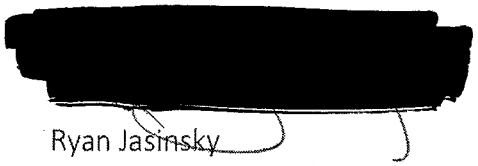
Furthermore, new legislation was recently passed, AB 3066 the Mobilehome Residency Law and Protection Act, which goes into effect on July 1, 2020. The purpose of this program is to provide mobilehome owners another avenue to direct complaints against Park Owners and to ensure that their rights are being protected.

The Mobilehome Residency Law, like provisions of conventional landlord-tenant law, are enforced by the courts. This means that the disputing parties must enforce the MRL against one another in a court of law but only after the appropriate legal notices have been properly served and the applicable amount of time has passed can an unlawful detainer be brought to court. The two parties would have to meet in front of a judge to dispute their claims and the judge has the final decision on the matter. During this time, the Tenant has every right to live in their home, they can sell their home or remove their home.

Given these four layers of protection and by admission and acknowledgment of the Housing Commission that the concerns about improper evictions in mobilehomes are based only on anecdotal evidence, why would the City elect to spend more money and resources monitoring evictions? The City recently presented a reduced annual mobilehome rent control fee because they were utilizing more time on the apartment side of the industry, which demonstrates that the City is not being inundated with evictions coming from the mobilehome industry. Furthermore, it shows there is no correlation with mismanagement.

I am urging City Council to take into consideration the protections that are already in place and to oppose the adoption of mobilehome eviction monitoring. I'd be happy to discuss these protections or answer any questions you may have pertaining to the mobilehome industry. Thank you in advance for your time and consideration.

Sincerely,
BRANDENBURG, STAEDLER & MOORE



Ryan Jasinsky
Director of Property Management

a letter from Blair Beekman. Monday June 10, 2019. _____ BD 56. San Jose City Council Budget Proposals.

bob tom <cranberrysauce23@gmail.com>

Mon 6/10/2019 5:00 PM

Dear city govt. of San Jose,

I ask, to please review, budget item, BD 56, for your city budget proposals.

In the least, I hope the current request, of 12 + alprs, can very possibly, be brought down, to a number, closer to 3-5.

This would save, your city government budget, over $200,000.

At most, maybe this project, can be put off, completely, for a few more years.

As your city government, is starting to better ask itself, its own, new, privacy policy questions, of what can be, good technology values, practices, and principles.

I can understand, the alpr issue, may be an important topic, for many within DoT, city govt., and the community.

The City Council, approved, a total of about, 15 alpr's, a few years ago, for the San Jose Police Dept. I would guess, SJPD & PRNS, may have, 15 + alpr's, each, at this point.

This should already be enough, to handle the vehicle abandonment and abatement issues, around the city.

A small number request, by the DoT, and Councilperson Johnny Khamis , of 3-5 ALPR's, may be all that is needed, for very specific uses, of parking enforcement.

To note, Councilperson Khamis, and his district 10, may be the most distant, from downtown San Jose.

It seems, the memo of item BD 56, mostly spends its time, talking of how it can recoup, its initial costs, in downtown parking fines.

As there are already, some serious parking issues, trying to work themselves out, in downtown San Jose. And, an already, somewhat, low morale, in the downtown area.

And, the important new question, of govt., using fines on its own community, as a way of income.

Why compound, these questions & problems, with more fines, fees, surveillance, and data collecting, upon the many people, trying to visit downtown, or call it their home.

As the future, 'eyes of downtown', should not have to only rely on, law enforcement, its surveillance technology, and large corporate enterprises.

Overall, I am finding this technology project, and its budget request, very questionable.

It is important to note, this project, may only be in, some sort of experimental stages. Emphasizing the need of specific, well written out goals, & good, minimal practices.

To also note, the city of Berkeley, can make for a good reference, as it has been working with, similar downtown parking issues, and the use of technology, for the past few years.

Please also consider, how to ask, the Civic Innovation Dept., in how they are working to create, a more organized set, of good principles, in how technology can be procured, and that can work, within San Jose.

There is a familiar, disorganized, expensive vagueness, to this surveillance technology issue.

This country is now allowed, to work toward, its better democratic ideals. It is this good reasoning, that can work towards, a more peaceful, sustainable community future, and earth.

Lets make the effort, to work toward this purpose.

Sincerely,
Blair Beekman

p.s.

At this time, of your city budget process, it may be important to ask, is it time to re-develop, the city commission process.

As the city commission process, can be, a well structured, middle ground, for both, the public and city government, to help with better communication, & better neighborhood/community spirit.

It can help introduce people, to its city govt. process. It can re-establish old relationships. And, can help people of govt., learn how to better listen, overall.

 PUBLIC RECORD 3

a letter from Blair Beekman-2. Monday June 10, 2019. _____ S.J. City Council. 1.24.17 - Item 8.2 . ALPR's.

bob tom <cranberrysauce23@gmail.com>

Mon 6/10/2019 5:22 PM

Dear city government of San Jose,

A letter below, I have sent, to people of San Jose city govt., in March and September 2016. And in January 2017.

It felt appropriate, to send again, with the DoT, downtown parking enforcement, ALPR question, in your most recent, city govt. budget proposal.

-blair.

Dear city govt. of San Jose,

Hi, this is Blair Beekman,

It is interesting to remember, as recently as mid-2014, local government and law enforcement, were locked into treating, new ALPR technology, as, sacred, war technology, never to be shared, with the everyday public.

Sort of in the same category, as Stingray, cell-phone simulator technology.

Hopefully, this perception is beginning to change. I write today, with an article on SB34, that has created, a good legal example and precedence, for a more open policy, we can now work towards, as local community, of California.

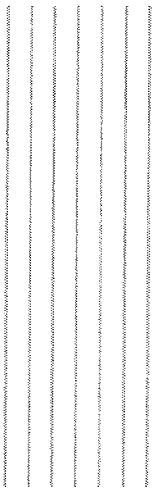
As this country, and this state, attempts to create a distance, from the past fifteen years of opacity, bad habits, and war, I hope we can begin to return to, a warmth, an honesty, and an openness, that is hopefully beginning to return to ourselves, at this time.

Accountability, transparency, studying civil protections, and practicing the healthy ideas, of open, local democracy. These are ideas, that are simply, the 'third leg in a stool', in how to talk about technology, innovation, and community sustainability.

To look for ideas of peace. And work to an end, the past 15 years of war. I hope the city government of San Jose, will want to practice, an incredible good, that is possible, at this time.

Sincerely,
Blair Beekman

From Ars Technica -



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