

Ellis Act Conundrum San Jose, 8.12.2019

I've opposed rent control expansion in San Jose since Jacky Morales-Ferrand, Head of the Housing Department began nearly four years ago. San Jose Mercury News, her side-kick, printed roughly twenty letters and op-eds to one in her favor. Prop 10, the statewide rent control was voted down and about that time, SJMN began its campaign on California's housing crisis, flooding its paper.

I was shocked to read SJMN's editorial 8/9/2019 "*Why California's Legislature should kill rent control bill.*" The paper is convinced that... *rent control discourages developers from building new projects.* The state Department of Finance stated: *the number of approved building permits in the first five months of 2019 dropped 12.2% from the same period in 2018.* Multiple and apartment permits were down 42%.

Assemblyman David Chiu's AB1482 has passed the Assembly and is now in the Senate and it appears Governor Newsom will sign anything. It destroys the Costa-Hawkins Act, which protects single family homes and properties built after 1995 from local rent control and the right to seek market rents if a resident leaves voluntarily. New is the rent cap of 7% over inflation, a three year life span (with no guaranty of staying there), just cause evictions, and rent control on **all properties** older than 10 years.

No wonder San Jose's Housing Department has added 16 new full-time employees in the last year and are now at 82. Rental owners pay a business tax of \$195 and the latest is \$73 for each apartment owned to support them. What do these Housing specialists do? Why isn't the Council interested in finding out? Housing is adding a new wrinkle to the Ellis Act. This act under the Apartment Rental Ordinance (ARO), says basically if you want to take your property out of the rental business, you pay relocation fees up to \$15,000 to each of your residents. After that If you want to expand your 4 units into 12 units, you have several choices but the main one is to place 50% (6 units) under ARO control and affordable rents. One of the proposals gives tenants the right to return at the same rent.

Replacing ARO units is understandable, but unbelievable for the City to take advantage while owners' take the financial risk. The City allows builders to pay extra fees to avoid including affordable units; builders add only one and a quarter parking spaces; charge huge permit and impact fees. It's better to buy existing 4 to 10 units for those in need under opposition by NMBYs. Who would go through the time demands and expense of building apartments then place half under the uncertainty of Housing ARO?

AB1482 would give San Jose control of all rental property, even single family homes. San Jose has done away with the one-year lease, replaced it with "forever;" removes resident responsibility for water and PG&E use, two of the fastest rising expenses; removed owners choice of occupancy with two adults per bedroom and any number of children; it caps rents at 5% without considering inflation; created a weighted property inspection tiered fee system that locks properties in forever. Who wants that?

David Eisbach, Owner, Broker, Property Manager.

Sent: Wednesday, November 06, 2019 12:46 AM
To: City Clerk
Subject: Ellis Act Comments

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There were some pretty impassioned presentations.

There are a number of things that come to mind. Many renters who are moderate income end up living together. So they're rent poor. Once a developer finishes construction it's the owner who has to earn their costs back. I live across the street from Fruitdale Station on Southwest. Many of the units are still vacant. There's not much traffic at Zanattos and at times I have been the only person eating at Tasso's. So you have businesses who banked on the success of Fruitdale Station and they're still waiting.

It is true that San Jose needs more housing. But how can the stakeholders claim success when there are no occupants? Saying that there will be occupants is a paper tiger.

One thing that I didn't hear enough about are San Jose's seniors. No one mentioned that seniors are the fastest growing population in San Jose. We heard from Belmont Village about their efforts to provide housing for seniors. Are you serious? Assisted Living isn't really housing for seniors. Average Assisted Living places run over 6K a month. I'm betting most seniors there aren't footing the bill. My sister and I went broke paying the rent (then it was only 4K a month) for my Dad's assisted living at Palo Alto Commons. Hell I would have liked living there myself.

Most seniors that I know didn't luck out like my friend and wife who made some good investments, have inheritances, and own some property. They also travel every four months outside the United States. Seniors I know are on fixed incomes. All of the residents at Chai House where I live could only afford a room if it weren't for below market rate and HUD subsidies. Seniors are the endangered part of the equation.

Sam, you're right we have to do something. But all the statistics end up being is guesswork. I agree that there has to be something and not quicksand.

But unless I see the bodies I'm not persuaded that tweaking the Ellis Act will achieve its desired outcome. In fact it will be like the homeowner I met at the local library one day. She sold her house, got out of San Jose and went to Austin.

I am not a saint, unless you think of a saint as a sinner who keeps on trying.

Nelson Mandela

From: Li Dong
Sent: Sunday, October 20, 2019 12:03 AM
To: Liccardo, Sam
Subject: Ellis Act

Dear Sam,

My project is a new SRO plan. The existing property is a fourplex on a 10000 sf lot. The goal of my project is to increase the housing units, as there are growing demand of single occupancy housing in the area.

I acquired this property four years ago when there were no Ellis Act requirement in the City of San Jose. During the past years, there were numerous rental law changes in the City. Not only I got rent cap and just cause, but also I have to comply with Ellis Act for my project. Under the current Ellis Act, 50% of the new units will have to be under ARO, that's 8 units to my project. It adds tremendous burden on my finance capability and future rents projection. In the meanwhile, both the soft and hard cost of construction are kept rising. The current Ellis Act requirement is killing the profitability and increasing the risk of my project, it's discouraging my determination to continue proceed with it.

There must be many people like me who would be willing to invest in San Jose but can't make the numbers work, because of this unreasonable law. I sincerely hope that San Jose can re-assess the situation and relax the existing Ellis Act restriction. The only way to resolve housing shortage is to let us build, that's a win-win.

Best regards

Dong li

From: "Gaspar, Jonathan"

Date: Thursday, October 31, 2019 at 9:54 AM

To: The Office of Mayor Sam Liccardo

Subject: letter about rent control

Dear Sam Liccardo

Hi my name is Jonathan Gaspar i am a 17 year old high school student that has been living in San Jose my whole life . I am currently attending Calero High School and graduate June 2020 . I am living with my parents and brother in order for us to survive living in San Jose because the rent has not stopped increasing and dont think it will anytime soon. I have taken advantage of the opportunities that this amazing city has for me and my family. some of my hobbies are working hands on projects such as electrical, construction and landscaping and that are jobs that I have learned to do while living in San Jose.

In San Jose the rent has increased dramatically due to people hearing that there are many job opportunities in san jose and people are moving in to the city to take them but what they don't realize is that some of the jobs here don't pay enough to survive living here . most people need to work 1-2 jobs in order to pay all bills and put food on the table. according the official website of San Jose the population growth of San Jose grew 5.5k in 2018. Many residents that lived in San Jose have also moved out of the city because all the prices have gone up and there is no way for them to pay the bills and them to eat. For example, my cousin has lived in San Jose for whole life and recently had to move to texas with her 3 year old daughter and husband in order to push their family ahead and make her daughter to have a non struggling life. San Jose is the largest city in Santa Clara County and named the largest growing Country in California.

I have talked to many people in San Jose talking about how San Jose rent has gone up the roof and what needs to happen in order for us people able to maintain living here and everyone has said something in common and that was that they need to lower the taxes that business need to pay in order to keep the store running which causes everything in San Jose and all over the Bay Area to go up. For example a fortune cookie factory that has been open for six decades had to shut down in San Francisco due to rent skyrocketing. in 2015 the business would pay 1,500 of rent and has increased to 5,750 in the mader of 4 years. in my opinion from a family that came from picking fruits and vegetables in the valley from a very young age think that the should either lower stocks in the city and keep it the same and also keep the salary the same in order for businesses to keep on running.

Sincerely,
Jonathan Gaspar



DESTINATION: **HOME**

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Erica Wood
Silicon Valley Community Foundation

November 2, 2019

Mayor & City Council
City of San Jose
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Re: Ellis Act Ordinance Re-Control Provisions (Item 4.5 on the Nov. 5 Agenda)

Dear Mayor Liccardo and Members of the City Council,

We write today to urge the City Council to maintain the existing re-control provisions currently enshrined in San Jose’s Ellis Act ordinance.

We know that our growing homelessness crisis remains intricately linked to the lack of affordable housing in Silicon Valley. Given the dearth of deed-restricted affordable units in our community, older rent-controlled apartments have become one of the few de-facto affordable options available to lower-income residents - and we should not take the loss of such units through redevelopment lightly.

Fortunately, San Jose’s current Ellis Act ordinance includes re-control provisions that ensures that the redevelopment of rent-controlled properties yields a significant number of new units that are either deed-restricted or rent-controlled. These current re-control provisions are the result of a hard-fought compromise made just over a year ago and strike an appropriate balance between our concurrent goals of increasing the supply of more housing units and achieving the maximum level of affordability of those units.

Now is not the time to tip the scales and further compromise affordability. Please vote in favor of maintaining the current Ellis Act re-control provisions.

Sincerely,

[Redacted signature area]

Jennifer Loving
CEO

From: kathryn hedges
Sent: Sunday, November 03, 2019 9:41 PM
To: City Clerk
Subject: Please Don't Weaken or Repeal the Ellis Act

I am a resident of District 3 in San Jose, and although the Ellis Act won't affect me personally, I am very concerned by the prospect of San Jose making it easier to demolish existing rent-controlled housing by weakening the Ellis Act to benefit developers. This is contrary to the "3 P's Principle" adopted as part of the CASA Compact: preservation of existing affordable housing stock. It also contributes to gentrification, which your own Housing Department says is a major problem in San Jose.

We can't let another housing disaster like the Reserves happen, where over 200 San Jose residents were evicted in the largest mass eviction in California. The Ellis Act was enacted to prevent this situation from recurring, but weakening the Ellis Act to make developers happy could let it happen again. Is San Jose a city of its people or of its developers?

The developers who plan to demolish a (possibly historic) court of 9 bungalows at 1045 W. San Carlos as part of developing over 170 new market rate apartments take it for granted that fulfilling the terms of the Ellis Act is a cost of development at this desirable Urban Village location. (At least that's what their architect said at a recent early stage meeting I attended. The owners were not present.) Although I am unhappy that the developers are also planning to pay in-lieu fees for affordable housing, they will definitely provide more housing in that block than currently exists. (I would hope they could accommodate the 7 remaining tenants under an agreement similar to the one benefiting the tenants of the current Winchester Mobile Estates, as 7 is a small fraction of 170+. As they are all rather frail, they won't be tying up those units for decades as a healthy young SJSU graduate might.)

Their continued interest in the location contraindicates Mayor Liccardo's claims that housing development in San Jose will stop if we don't repeal or weaken the Ellis Act. In this case, the number of displaced residents is low enough for Ellis Act costs to be absorbed and the increase in density on a transit corridor is arguably beneficial even at market rates. If, on the other hand, a developer wishes to follow the bad precedents in Mountain View, where naturally affordable housing is replaced with fewer units of luxury housing or at best a similar number of units, the Ellis Act would serve its purpose of discouraging the net loss of housing.

That doesn't mean San Jose is unaffordable for development. That means San Jose is not interested in gentrifying for gentrification's sake. Replacing functional housing stock that is either rent-controlled or naturally affordable without increasing density is not going to help solve the housing crisis. If a housing complex is no longer functional thanks to failure of the landlord to maintain it properly (i.e. Summerwinds) we should not make it easier for developers to allow existing stock to deteriorate in order to replace with gentrified units. (We need to do something about the slumlords who won't respond to Code Enforcement requests, but that's a different subject.)

I predict that the Housing Department will report that the Ellis Act either has no negative effect on increasing housing stock in San Jose or that the data collected in the short time it has been in effect is insufficient to draw a conclusion. Developers report that uncertainty about fees and policies is a bigger deterrent than the exact value of the fees or content of the policies. In that case, the City of San Jose should stop going back and forth on its housing policies and development fees.

Please do not vote to weaken or repeal the Ellis Act. If you opt to make it stronger, that is a change I could support, but please don't come back in a few months asking to revoke the changes.

San Jose needs a housing policy based on the needs of its residents, not its real estate investors. I know that's what the Housing Department typically recommends, but it's up to the City Council and Mayor to vote

accordingly. Some of you are up for re-election and should keep in mind that real estate pays for campaigns, but 40% of San Jose residents are renters and most homeowners have family and friends who rent. Everyone has seen friends or family be displaced. We can't maintain community networks under those conditions.

Thank you for your consideration.

Kind regards,

Kathryn Hedges

Regarding Item 4.5

From: Howard Friedman
Sent: Monday, November 4, 2019 9:43 AM
To: The Office of Mayor Sam Liccardo
Subject: Affordable Housing

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

Rent controlled apartments are our City's largest source of affordable housing. Over 40,000 households, a majority of who are Latino or African American, live in rent controlled apartments. These families would be placed under greater threat of eviction and losing their home if this policy is weakened.

Additionally, the Mayor's proposal to weaken our Inclusionary Housing Ordinance would slash funding for affordable housing, potentially cutting off the opportunity for hundreds — if not thousands — of families to live in San Jose.

Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Howard Friedman

Item 4.5

From: Thomas Hoffman
Sent: Monday, November 4, 2019 8:52 AM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

Lan Diep, have you no shame?

On November 5th you and the council will be voting to gut the Ellis Act Ordinance by further incentivizing the demolition of rent controlled homes.

Who benefits from this?

KT Urban, the crew that brought us the taxpayer subsidized Slavery Towers. More displacement of elders on fixed incomes, more displacement of those struggling to make ends meet so you can deliver for your developer friends.

Shame on you!

Sincerely,
Thomas Hoffman

Item 4.5

From: Betsy Hammer Carr
Sent: Monday, November 4, 2019 7:44 AM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Betsy Hammer Carr

Item 4.5

From: Chrystine Lawson Villarreal
Sent: Monday, November 4, 2019 7:23 AM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Sylvia Arenas,

As a resident of District 8, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Chrystine Lawson Villarreal

From: Priscilla Acuna

Sent: Monday, November 4, 2019 9:20 AM

To: The Office of Mayor Sam Liccardo

Dear Mayor Sam Liccardo and Councilmember Raul Peralez,

As a resident of District 3, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Priscilla Acuna

From: Ronnel Corre
Sent: Monday, November 4, 2019 12:46 AM
To: The Office of Mayor Sam Liccardo
Subject: Affording housing

Dear Mayor Sam Liccardo and Councilmember Lan Diep,

As a resident of District 4, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Ronnel Corre

From: Lisa Terry

Sent: Monday, November 4, 2019 4:25 AM

To: The Office of Mayor Sam Liccardo

Dear Mayor Sam Liccardo and Councilmember Maya Esparza,

As a resident of District 7, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Lisa Terry

From: Soledad Ceballos
Sent: Monday, November 4, 2019 12:13 AM
To: The Office of Mayor Sam Liccardo

Dear Mayor Liccardo,

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Soledad Ceballos

From: Arthur Coja
Sent: Sunday, November 3, 2019 10:39 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

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Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Arthur Coja

From: Claudia Hamm
Sent: Sunday, November 3, 2019 10:11 PM
To: The Office of Mayor Sam Liccardo
Subject: affordable housing

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

As someone who volunteers regularly at a drop-in center for unhoused women, I see first hand, the need to provide housing to get them off the streets and into safe, clean, and healthy surroundings. Such housing should be a priority since San Jose has so many people who are unhoused.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

Rent controlled apartments are our City's largest source of affordable housing. Over 40,000 households, a majority of who are Latino or African American, live in rent controlled apartments. These families would be placed under greater threat of eviction and losing their home if this policy is weakened.

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Sincerely,

Claudia Hamm

From: Ramona Cardon
Sent: Sunday, November 3, 2019 10:04 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Lan Diep,

As a resident of District 4, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Ramona Cardon

From: Jeannette Schreiber
Sent: Sunday, November 3, 2019 10:03 PM
To: The Office of Mayor Sam Liccardo

Dear Mayor Sam Liccardo and Councilmember Johnny Khamis,

As a resident of District 10, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Jeannette Schreiber

▪

From: Cynthia Denny
Sent: Sunday, November 3, 2019 9:55 PM
To: The Office of Mayor Sam Liccardo

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Cynthia Denny

▪

From: Robert Applebaum
Sent: Sunday, November 3, 2019 9:53 PM
To: The Office of Mayor Sam Liccardo
Subject: Affordable Housing

Dear Mayor Sam Liccardo and Councilmember Sylvia Arenas,

As a resident of District 8, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Robert Applebaum

▪

From: Estella Gonzales
Sent: Sunday, November 3, 2019 9:43 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Estella Gonzales

▪

From: Jessica Trejo
Sent: Sunday, November 3, 2019 9:26 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Magdalena Carrasco,

As a resident of District 5, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Jessica Trejo

▪

From: Lynda Demanti
Sent: Sunday, November 3, 2019 9:17 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Johnny Khamis,

As a resident of District 10, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Lynda Demanti

▪

From: Susan Price-Jang
Sent: Sunday, November 3, 2019 9:07 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

I personally know of 7 people on housing vouchers at 1350 West San Carlos who will be displaced when the new owner, Urban Villas, LLC (Viji Mani of Cupertino) demolishes their units to make way for high rise condos. This is not civilized. The vulnerable are being shoved aside so that wealthy investors can make even more money.

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Susan Price-Jang

From: Tom Morman
Sent: Sunday, November 3, 2019 9:06 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Vice Mayor Charles "Chappie" Jones,

As a resident of District 1, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Tom Morman

▪

From: Daniel Seniff
Sent: Sunday, November 3, 2019 8:51 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Daniel Seniff

▪

From: Salvador Bustamante
Sent: Sunday, November 3, 2019 8:51 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Salvador Bustamante

▪

From: Brian Boortz
Sent: Sunday, November 3, 2019 8:21 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Liccardo,

I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Brian Boortz

▪

From: Celia Campoy
Sent: Sunday, November 3, 2019 8:20 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand up for the Community!!

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Celia Campoy

▪

From: Valerie Pickering
Sent: Sunday, November 3, 2019 7:57 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

Rent controlled apartments are our City's largest source of affordable housing. Over 40,000 households, a majority of who are Latino or African American, live in rent controlled apartments. These families would be placed under greater threat of eviction and losing their home if this policy is weakened.

Additionally, the Mayor's proposal to weaken our Inclusionary Housing Ordinance would slash funding for affordable housing, potentially cutting off the opportunity for hundreds — if not thousands — of families to live in San Jose.

Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Valerie Pickering

▪

From: Bruce Hahne
Sent: Sunday, November 3, 2019 7:41 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Liccardo,

I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Bruce Hahne

▪

From: Hector Castaneda
Sent: Sunday, November 3, 2019 8:19 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Magdalena Carrasco,

As a resident of District 5, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Hector Castaneda

▪

From: David Budd
Sent: Sunday, November 3, 2019 7:35 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

David Budd

▪

From: Veronica Romero
Sent: Sunday, November 3, 2019 7:31 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Veronica Romero

▪

From: Teresa Schiller
Sent: Sunday, November 3, 2019 7:28 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Vice Mayor Charles "Chappie" Jones,

As a resident of District 1, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Teresa Schiller

▪

From: Rudy Stefenel
Sent: Sunday, November 3, 2019 7:25 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Liccardo,

I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Rudy Stefenel

▪

From: Sandra Jacobs-Tolle

Sent: Monday, November 4, 2019 10:49 AM

To: The Office of Mayor Sam Liccardo

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Sandra Jacobs-Tolle

▪



November 4, 2019

The Honorable Mayor Sam Liccardo and City Council
City of San José
200 East Santa Clara Street
San José, CA 95113

Executive Committee

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Bridge Bank

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Lennies Gutierrez
Comcast

PRESIDENT & CEO
Matthew R. Mahood
The silicon valley organization

RE: Ellis Act Re-Control Provision updates – SUPPORT

Dear Mayor Liccardo and Members of the San José City Council,

On behalf of The Silicon Valley Organization (The SVO), I am writing to support the staff recommendation to update the Ellis Act Re-control Provisions. By way of background, The SVO is the Silicon Valley’s premier business advocacy organization representing nearly 1,200 companies that employ over 300,000 local workers, and we represent our membership as the region’s largest Chamber of Commerce.

The staff recommendation would modify the 50% re-control requirement and place a cap of no more than seven times the number of withdrawn rent-stabilized units. Furthermore, the proposal allows a waiver of the re-control requirements as long as deed-restricted, affordable housing homes are provided as a condition of the redevelopment. We believe that the staff recommendation seeks to strike a careful balance that will open up new housing opportunities (both market rate and affordable housing). The key to solving the housing crisis is to significantly accelerate housing production and we must do everything we can to remove impediments to new housing. San José needs at least 70,000 new bedrooms to combat the housing crisis and we won’t get there without redevelopment opportunities that can increase the supply of affordable homes for our residents.

The ultimate price of zero housing production will be more long-term displacement of our low-income residents. Rent inflation will continue to skyrocket, as job growth continues to grow regionally. Since 2010, rents in San José have increased by 47% compared to 16% nationally. Without building the appropriate housing infrastructure, we will continue to see gentrification and displacement happening in San José. The Council must act to facilitate more market rate and affordable housing development to tackle the housing crisis head-on.

For these reasons and more, we strongly urge the Mayor and Council to vote in favor of the staff recommendation to update the Ellis Act Re-control Provisions. If you have any questions about The SVO’s position, please contact Eddie Truong, Director of Government & Community Relations, at (408) 291-5267.

Sincerely,



Matthew R. Mahood
President & CEO

From:

Sent: Monday, November 04, 2019 2:41 PM

To: Liccardo, Sam

Cc: Reed, Jim; City Clerk

Subject: Ellis Act Item 4.5 SJCC 11.5.19

November 4, 2019

Honorable Mayor Liccardo,

I am writing this email, regarding Item 4.5 on the SJCC Agenda, for November 5, 2019, "Ellis Act Ordinance" and I ask that you **please take a position of support** of the staff recommendation.

As you are aware, by the study conducted under Item 4.2, the cost to develop housing in San Jose is nearly impossible. With many factors coming in to play, building residential units in San Jose doesn't make much sense. Adding to that, the economic restrictions under the Ellis Act, it is to no one's surprise that very few if any developers have decided to move forward on redeveloping "Ellis Act" units.

The proposed rule changes below will allow the City of San Jose to head in the right direction when it comes to the redevelopment of Ellis Act properties:

1. (1) Modify the base requirement of 50% re-control of newly built units to require a cap of no more than seven times the number of withdrawn apartments; and
2. (2) Modify the re-control waiver provision from 20% onsite to 15% of newly constructed rental units to be restricted affordable apartments and offer tenants displaced by the prior withdrawal and demolition of the rent stabilized units either:
 - i. A right to return at the prior rent plus annual adjustments at the rate of the Consumer Price Index during the construction period and a maximum of 5% rent increases thereafter; or
 - ii. An equivalent apartment immediately following displacement at the prior rent with annual rent adjustments no greater than 5% per year.

Please support staff's recommendation.

Sincerely,

Tracey Infantino

Davis

11/4/19

Honorable Mayor Liccardo and City Council:

I am writing to you today regarding Item 4.5 on your agenda on November 5, 2019, "Ellis Act Ordinance" and my request that you **please take a position of support** of the staff recommendation.

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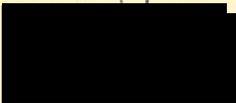
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 - ii. An equivalent apartment immediately following displacement at the prior rent with annual rent adjustments no greater than 5% per year.

I ask that you please support staff recommendation.



John Davis



john@tmfcinc.com



From: Business San Jose Chamber PAC

Sent: Monday, November 4, 2019 7:45 PM

To: Agendadesk; 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>; The Office of Mayor Sam Liccardo

Subject: Support of 4.5

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Honorable Mayor Liccardo and City Council:

I am writing to you today regarding Item 4.5 on your agenda on November 5, 2019, "Ellis Act Ordinance" and my request that you **please take a position of support** of the staff recommendation.

As all of you are aware by the study conducted under Item 4.2, the cost to develop housing in San Jose is nearly impossible. With many factors coming in to play, building residential units in San Jose doesn't make much sense. Adding to that, the economic restrictions under the Ellis Act, it is to no one's surprise that very few if any developers have decided to move forward on redeveloping "Ellis Act" units.

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- ii. An equivalent apartment immediately following displacement at the prior rent with annual rent adjustments no greater than 5% per year.

I ask that you please support staff recommendation.

Business San Jose Chamber PAC

www.BSJCPAC.com

From: Joe Lubas
Sent: Tuesday, November 5, 2019 8:26 AM
To: Joe Lubas
Subject: Support - Item 4.5 - Ellis Act Ordinance
Importance: High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Honorable Mayor Liccardo and City Council:

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I ask that you please support staff recommendation.

Nicole Goehring

Business San Jose Chamber PAC Board Member



November 4, 2019

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Policy

Mayor & City Council
City of San Jose
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Re: Item 4.5 Ellis Act Ordinance Re-Control Provisions

Dear Mayor Liccardo and Members of the City Council,

We write today to urge the City Council to maintain the existing re-control provisions currently enshrined in San Jose's Ellis Act ordinance.

For the past two years, residents in the Mayfair community and across the City of San Jose have voiced fear, anxiety and personal experiences related to displacement.

As noted in Councilmember Maya Esparza's memo, dated October 31, 2019, the Ellis Act Ordinance Re-Control Provisions as proposed by staff will "worsen the very real problem of displacement affecting residents in every council district."

We know that displacement and our growing homelessness crisis remains intricately linked to the lack of affordable housing in Silicon Valley. Given the dearth of deed-restricted affordable units in our community, older rent-controlled apartments have become one of the few de-facto affordable options available to lower-income residents - and we should not take the loss of such units through redevelopment lightly.

Fortunately, San Jose's current Ellis Act ordinance includes re-control provisions that ensures that the redevelopment of rent-controlled properties yields a significant number of new units that are either deed-restricted or rent-controlled. These current re-control provisions are the result of a hard-fought compromise made just over a year ago and strike an appropriate balance between our concurrent goals of increasing the supply of more housing units and achieving the maximum level of affordability of those units.

Now is not the time to tip the scales and further compromise affordability, exacerbating displacement. **Please vote in favor of maintaining the current Ellis Act re-control provisions.**

Sincerely,

Camille Llanes-Fontanilla, MPA
Executive Director
SOMOS Mayfair

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

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Additionally, the Mayor's proposal to weaken our Inclusionary Housing Ordinance would slash funding for affordable housing, potentially cutting off the opportunity for hundreds — if not thousands — of families to live in San Jose.

Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Howard Friedman

Dear Mayor Sam Liccardo and Councilmember Raul Peralez,

As a resident of District 3, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Priscilla Acuna

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

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This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

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Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Betsy Hammer Carr

Dear Mayor Sam Liccardo and Councilmember Sylvia Arenas,

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Chrystine Lawson Villarreal

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Shellie Sayles

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Sincerely,

Rebecxa Haggerty

Dear Mayor Sam Liccardo and Councilmember Maya Esparza,

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Sincerely,

Lisa Terry

Dear Mayor Sam Liccardo and Councilmember Lan Diep,

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Ronnel Corre

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Sincerely,

Gabriel Persijn

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Soledad Ceballos

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Sincerely,

Arthur Coja

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

As someone who volunteers regularly at a drop-in center for unhoused women, I see first hand, the need to provide housing to get them off the streets and into safe, clean, and healthy surroundings. Such housing should be a priority since San Jose has so many people who are unhoused.

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Claudia Hamm

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Ramona Cardon

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Jeannette Schreiber

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Cynthia Denny

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Robert Applebaum

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Estella Gonzales

Dear Mayor Sam Liccardo and Councilmember Magdalena Carrasco,

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Lynda Demanti

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

I personally know of 7 people on housing vouchers at 1350 West San Carlos who will be displaced when the new owner, Urban Villas, LLC (Viji Mani of Cupertino) demolishes their units to make way for high rise condos. This is not civilized. The vulnerable are being shoved aside so that wealthy investors can make even more money.

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Susan Price-Jang

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Tom Morman

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Salvador Bustamante

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Brian Boortz

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Celia Campoy

Dear Mayor Sam Liccardo and Councilmember Magdalena Carrasco,

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Hector Castaneda

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Valerie Pickering

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Veronica Romero

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Teresa Schiller

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Linda Jordan

Dear Mayor Sam Liccardo and Councilmember Johnny Khamis,

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This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

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Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Caroline Thomas

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

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James Armstrong

Dear Mayor Sam Liccardo and Councilmember Sylvia Arenas,

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Janet Atkins

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

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Estella Gonzales

Dear Mayor Sam Liccardo and Vice Mayor Charles “Chappie” Jones,

As a resident of District 1, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Jo Mccord

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James Marshall

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Darby Cunning

Dear Mayor Sam Liccardo and Councilmember Raul Peralez,

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Please consider the negative impact these changes will have on vulnerable seniors and the disabled. We, as a thriving must preserve and protect these important communities!

Be Well,
Anna Harshbarger

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Eugene DeForrest

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Valerie Pickering

Dear Mayor Sam Liccardo and Councilmember Maya Esparza,

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Lisa Terry

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Dotty Myers

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Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Ramona Cardon

Dear Mayor Sam Liccardo and Councilmember Lan Diep,

As a resident of District 4, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Sincerely,

Brandon Catolico

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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Sincerely,

Nathan Temiquel

Dear Mayor Sam Liccardo and Councilmember Dev Davis,

As a resident of District 6, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not fewer.

We are in the middle of a unparalleled housing crisis that threatens the ability of working families to remain in San Jose. While I understand we must develop new housing to meet demand, we cannot compromise on protecting low-income tenants.

I do not appreciate the proposals on November 5th, 2019 to make it easier to demolish affordable homes and evict low-income tenants, and to require developers to contribute less to solving our affordable housing crisis.

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Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds instead of padding the bank accounts of billionaires.

We need the City Council to focus on preserving and producing more affordable homes. Support tenants and working families on November 5th.

Also, end single family zoning. Minneapolis did it and now everyone thinks they're cool. Please for once let's have San Jose be cool. On a recent walk around Willow Glen, I kept seeing yet more \$3mil single family houses springing up (even next to existing apartment complexes); if I have to look at aesthetically appalling new construction, it better be increasing our density.

Best wishes,

Zoe Zandbergen
born and raised in San Jose

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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David Bini

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Sincerely,

Sandra Jacobs-Tolle

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Sincerely,

Lisa Stillwagon

Dear Mayor Sam Liccardo and Councilmember Raul Peralez,

YOU WERE ELECTED TO REPRESENT EVERYONE IN SAN JOSE, NOT JUST THE RICH AND POWERFUL.

Raul, I know u know this, since you don't come from an affluent background. However, funding for your re-election comes from the rich and powerful, including landlords. Lower income individuals don't have as much \$ to back your re-election campaign. NEVER THE LESS, I AM COUNTING ON YOU TO REPRESENT EVERYBODY IN YOUR DISTRICT NOT JUST THE RICH AND POWERFUL💗

MAYOR LICARDO, ALTHOUGH YOU CLAIM TO REPRESENT EVERYONE IN SAN JOSE, You have aligned yourself overwhelmingly with the rich and powerful including landlords, since they fund your campaign. YOU NEED TO REPRESENT EVERYONE IN SAN JOSE💗

THANKS VERY MUCH for listening to my comments💗💗💗💗💗💗

As a resident of District 3, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

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Shelley Leiser

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Sincerely,

Terry Christensen

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Sincerely,

Wendy Greenfield

Dear Mayor Sam Liccardo and Councilmember Sylvia Arenas,

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Sincerely,

Darlene Vales

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Olivier Castaneda

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Helvia Taina

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Louis Rocha

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Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

John Luebben

Dear Mayor Sam Liccardo and Councilmember Pam Foley,

As a resident of District 9, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

Rent controlled apartments are our City's largest source of affordable housing. Over 40,000 households, a majority of who are Latino or African American, live in rent controlled apartments. These families would be placed under greater threat of eviction and losing their home if this policy is weakened.

Additionally, the Mayor's proposal to weaken our Inclusionary Housing Ordinance would slash funding for affordable housing, potentially cutting off the opportunity for hundreds — if not thousands — of families to live in San Jose.

Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

As someone whose family has been negatively impacted by the housing crisis, I follow this issue with interest and it informs my vote.

Sincerely,

Patty Linder

From: Dan oglebee
Sent: Monday, November 4, 2019 3:36 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

Lan Diep, have you no shame?

On November 5th you and the council will be voting to gut the Ellis Act Ordinance by further incentivizing the demolition of rent controlled homes.

Who benefits from this?

KT Urban, the crew that brought us the taxpayer subsidized Slavery Towers. More displacement of elders on fixed incomes, more displacement of those struggling to make ends meet so you can deliver for your developer friends.

Shame on you!

Sincerely,
Dan oglebee



November 4, 2019

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

RE: Item 4.5 – Ellis Act Ordinance Re-Control Provisions

Dear Mayor, Vice Mayor, and Councilmembers:

We write in support of Councilmember Maya Esparza’s memorandum to urge you to make no changes to the Ellis Act Ordinance and retain the ordinance’s re-control provisions in their current form. The changes proposed in the Housing Department’s memorandum would incentivize the demolition of rent-stabilized buildings and lead to the loss of one of the City’s largest sources of naturally-occurring affordable housing. This failure to preserve the City’s current affordable housing stock and protect low-income tenants from displacement would perpetuate residential segregation in San José and have a disparate impact on Hispanic and Latinx residents, single parent households, and non-citizens in violation of the federal Fair Housing Act (FHA) and California Fair Housing and Employment Act (FEHA).

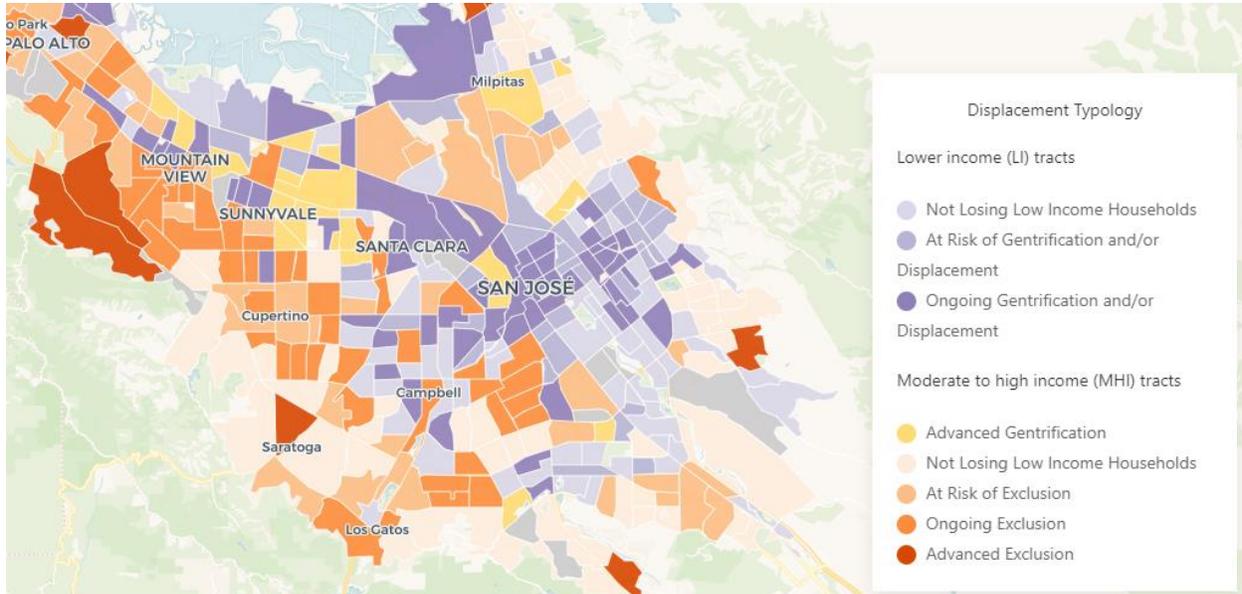
In addition to these legal infirmities, the proposed changes are unsound as a matter of equitable policymaking. Rolling back the Ellis Act Ordinance’s re-control provisions would ignore the long history of discriminatory housing policy in San José and the vulnerability of the city’s naturally-occurring affordable housing stock. The core purpose of the Ordinance, which is barely two years old, is to preserve rent-stabilized units by making redevelopment of these buildings more costly for developers.

This protection was approved with overwhelming community support following several mass displacements of tenants from rent-stabilized buildings, including over 670 tenants from The Reserve Apartments. Despite the community’s need for strong preservation policies, the Ellis Act Ordinance was rolled back just last year to allow developers to re-control fewer of the affordable units they demolish and to seek exemption from the re-control requirement altogether under certain circumstances.

It would be reckless and pernicious to further weaken this important tool for preserving affordable housing given the history of racism in planning and housing policy in San José and existing pressures on low-income tenants. Throughout most of the twentieth century, the practice of redlining specifically targeted communities of color for disinvestment, often merely because people of color lived there.¹ This created severe poverty in these neighborhoods that has

¹ *Redlining and Gentrification*, URBAN DISPLACEMENT PROJ. (2018), <https://www.urbandisplacement.org/redlining>.

incentivized developers to demolish and replace them with more profitable properties. As a result, every census tract within and surrounding downtown San José has seen or is currently experiencing either ongoing gentrification and displacement or advanced gentrification and displacement.²



Gentrification and Displacement Map: SF Bay Area, URBAN DISPLACEMENT PROJ. (2019), available at: <https://www.urbandisplacement.org/map/sf> (showing ongoing gentrification and displacement or advanced gentrification and displacement in every census tract in Downtown San José).

Displacement is fundamentally about power – the power of developers to change places in ways that either create opportunity or exclude people, the power (or lack thereof) of tenants to choose where they live and work, and the power of government to craft policies that help tenants remain housed or put them at risk of losing their homes.

In passing the Ellis Act Ordinance just two years ago, the City chose to exercise its power with low-income communities of color by preserving the buildings these communities call home. Now, a continued focus on preservation is needed to keep current residents of San José housed and retain the City’s diverse cultural identity. Focusing its power instead on the production of new market-rate units will perpetuate a long history of inequity in San José and violate state and federal fair housing law.

Therefore, we urge you to adopt Councilmember Maya Esparza’s memorandum and make no changes to San José’s Ellis Act Ordinance.

1. Weakening the re-control requirements of the Ellis Act Ordinance would violate the Fair Housing Act and California Fair Housing and Employment Act.

² See *Mapping Displacement and Gentrification in the San Francisco Bay Area*, URBAN DISPLACEMENT PROJ. (2018), <http://www.urbandisplacement.org/map/sf>.

Further rolling back the re-control requirements of the Ellis Act Ordinance would have a disparate impact on Hispanic and Latinx residents, single-parent households, and non-citizens in violation of the Federal Fair Housing Act³ and California FEHA,⁴ as well as the City’s obligation to Affirmatively Further Fair Housing.⁵

“Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.⁶

In plain contradiction to this charge, the proposed changes to San José’s Ellis Act Ordinance would exacerbate current disparities in fair housing choice, perpetuate existing patterns of residential segregation, and intensify the housing needs of some individuals while addressing those of others based on race, familial status, and national origin.

- a. *Limiting the Ellis Act Ordinance’s re-control requirements will cause the loss of deeply affordable rent-stabilized units, which Hispanic and Latinx residents, single parents, and non-citizens disproportionately rely on for housing.*

Rent-stabilized apartment units remain an important and significant source of naturally-occurring affordable housing in San José. They represent about 30% of the City’s total rental housing stock, numbering over 39,300 apartments.⁷ They are also deeply affordable, with average rates for one- and two-bedroom units comparable to rents in deed-restricted units affordable to renters earning 60% of the area median income.⁸ Unfortunately, because these units are limited to older buildings under state law, they are at risk of loss through redevelopment pursuant to Ellis Act removals.

The loss of rent-stabilized units and resulting displacement will have a disparate impact on Hispanic and Latinx residents, single parent households, and non-citizens, who are all disproportionately represented in rent-stabilized units. Hispanic and Latinx renters live in nearly

³ See *Tex. Dep’t of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 135 S. Ct. 2507, 2525 (2015) [hereinafter “*Inclusive Communities*”].

⁴ See *Yazdinin v. Las Virgenes Vill. Cmty. Ass’n*, 2012 U.S. Dist. LEXIS 191221, *14 (C.D. Cal. 2012) (“Plaintiffs must demonstrate that the objected-to action results in, or can be predicted to result in, a disparate impact upon a protected class compared to a relevant population as a whole.” (citing *Charleston Hous. Auth. v. USDA*, 419 F.3d 729, 740-741 (8th Cir. 2005))).

⁵ See Cal. Gov’t Code § 8899.50.

⁶ *Id.* at § 8899.50(a)(1).

⁷ ECONOMIC ROUNDTABLE, CITY OF SAN JOSÉ ARO RESEARCH UPDATE 2 (Nov. 2019).

⁸ Memorandum from San José Housing Department to City Council RE: Item 4.5 – Ellis Act Ordinance Re-control Provisions, at 6 (Oct. 24, 2019).

half of all rent-stabilized apartments but comprise only 28% of San José's general population.⁹ Single-parent households also disproportionately rely on rent-stabilized units for housing, occupying 29% of rent-stabilized units but only 20% of the City's general population. Additionally, female heads of households are among the most highly-rent-burdened and frequently-evicted for not being able to afford rent or for no cause in Santa Clara County.¹⁰ Finally, non-citizens, who are protected from discrimination under fair housing laws based on their national origin, live in around 30% of rent-stabilized units but only represent 14% of those San José residents who do not live in rent-stabilized apartments.¹¹

Each of these groups of individuals are protected under state and federal fair housing laws. Hispanic and Latinx households are protected on account of their race and national origin; single parent households are protected on account of their familial status and sex if that parent is a single mother; and non-citizens are protected on account of their national origin.¹²

One reason rent-stabilized units are lost through an Ellis Act conversion is that many of the demolished rent-stabilized units never return to the rental market. Frequently, the building is replaced with a commercial use or for-sale housing instead of rental housing.¹³ Rent-stabilized units are also frequently lost when developers do not return the building to the rental market within five years as required under the Ellis Act's re-control provisions.¹⁴ Thus, even in jurisdictions that require 100% of new rental units to be re-controlled, the demolition of buildings with rent-stabilized units under the Ellis Act drives a steady loss of affordable units. San Francisco, for example, requires 100% re-control, but still lost 1,257 affordable units due to Ellis Act conversions alone between 2008 and 2018.¹⁵

San José will suffer even greater losses to its affordable housing stock if it incentivizes Ellis Act conversions by allowing developers to re-control fewer units or more easily seek exemption from the re-control requirement. Given that under the state Ellis Act the City cannot stem the loss of affordable units where these units are taken off the market completely as explained above, it must retain the strongest possible protection against redevelopment through Ellis Act conversion where the rental units are returning to the rental market to ensure it is not needlessly losing naturally-occurring affordable units as it incentivizes market-rate development.

Another reason that a strong re-control requirement that disincentivizes the demolition of rent-stabilized buildings is needed is that most of the tenants displaced during construction will never be able to remain or return to San José, even if provided relocation assistance and a right to

⁹ Memorandum from San José Housing Department to Housing and Community Development Commission RE: Demographic Study of Renters Living in Apartments Covered by the Apartment Rent Ordinance, at 3 (Oct. 22, 2019).

¹⁰ SILICON VALLEY RISING, CASHING IN ON RENTERS 1, 2 (Apr. 2017), <https://www.siliconvalleyrising.org/files/CashingInOnRenters.pdf>.

¹¹ ECONOMIC ROUNDTABLE, CITY OF SAN JOSÉ ARO RESEARCH UPDATE 42 (Nov. 2019).

¹² See 42 U.S.C § 3604; Cal. Gov't Code § 12955.

¹³ See Memorandum from San José Housing Department to City Council RE: Item 4.2 – Ellis Act Ordinance Re-control Provisions, at 5 (Apr. 9, 2019).

¹⁴ *Id.*

¹⁵ S.F. PLANNING DEP'T, HOUSING BALANCE REPORT NO. 7, at 10 (2018), available at http://default.sfplanning.org/publications_reports/20180920_HousingBalance7CPC.pdf.

return. In the three buildings that have been withdrawn from the rental market under the Ellis Act Ordinance since its passage, only 28% of tenants were able to remain in San José.¹⁶ And, in interviewing tenants in buildings currently in the process of withdrawal from the rental market under the Ellis Act, the Housing Department found that these tenants “would be displaced by the redevelopment regardless of the option chosen by the developer because of the timing of when the units would be made available.”¹⁷ Indeed, displaced tenants typically cannot access affordable units constructed following an Ellis Act conversion because tenants in rent-stabilized apartments are displaced prior to their building’s demolition, but fees for affordable housing development are not collected until the certificate of occupancy is issued.

Therefore, incentivizing the demolition and redevelopment of rent-stabilized buildings by limiting the Ellis Act Ordinance’s re-control requirements will cause the loss of these naturally-occurring affordable units and this loss will disproportionately make housing unavailable for Hispanic and Latinx residents, single parent households, and non-citizens.

b. The proposed changes would perpetuate residential segregation.

Residential segregation in San José has persisted throughout most of the last century, thanks in large part to the explicitly discriminatory practice of redlining. Redlining, the official policy of the federal government from the 1930’s to 1976, identified neighborhoods where people of color lived as blighted, undesirable, and unfit for private investment, often merely because people of color lived there.¹⁸ An area that now covers part of the East Side of San José south of Alum Rock Ave was redlined, for example, because of “inharmonious racial elements,” “the largest concentration of Mexicans in the community,” and “a lower stratum of Italians and Portuguese,” which lead the federal government to conclude that “From a racial standpoint, this area is extremely undesirable.”¹⁹

These overtly racist investment grades prevented residents from securing federally-insured loans to buy homes, precluded private investment, and virtually guaranteed that redlined neighborhoods would fall into disrepair and dilapidation. This made formerly-redlined neighborhoods targets for redevelopment by the San José Redevelopment Agency in the 1980’s and 90’s. Massive projects such as the Guadalupe corridor transportation project, a widening of the Guadalupe River channel, and the construction of what is now the SAP Center destroyed a significant number of housing units in these neighborhoods, a disproportionate number of which were Hispanic households.²⁰

Redlining and the activities of the San José Redevelopment Agency, which displaced communities of color while preserving wealthier, more predominately white neighborhoods,

¹⁶ Memorandum from San José Housing Department to City Council RE: Item 4.5 – Ellis Act Ordinance Re-control Provisions, at 10 (Oct. 24, 2019).

¹⁷ *Id.* at 11–12.

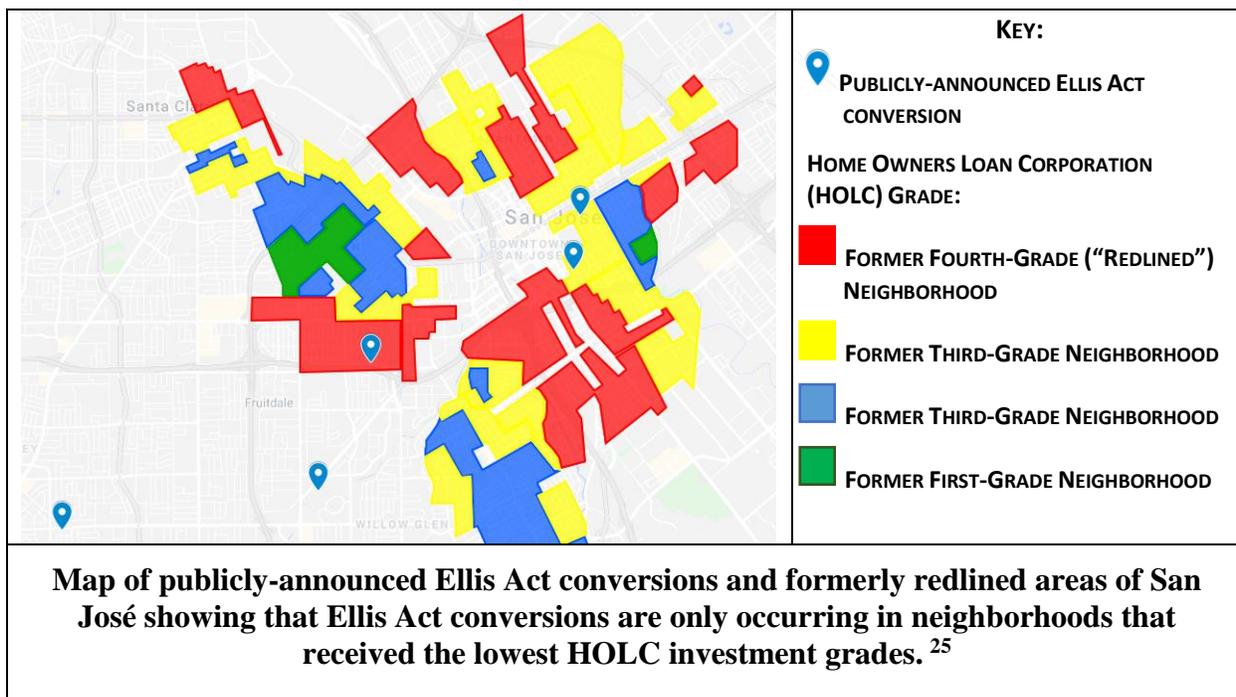
¹⁸ *Redlining and Gentrification*, URBAN DISPLACEMENT PROJ. (2018), <https://www.urbandisplacement.org/redlining>.

¹⁹ *Area Description: Area No. D10, San Jose, California*, HOME OWNERS LOAN CORP. (Sep. 1937), available at: <http://salt.umd.edu/T-RACES/data/sj/ad/ad0041.pdf>.

²⁰ See U.C. BERKELEY CTR. COMM. INNOVATION, DIRIDON STATION CASE STUDY 8, 9 (2015), http://www.urbandisplacement.org/sites/default/files/san_jose_final.pdf.

have left us with a highly segregated city. The City of San José’s Housing Element for 2014–2023 observes that “certain race/ethnic groups tend to concentrate in specific parts of the City.”²¹ Hispanic residents live in higher numbers “on the east side of San José (Central, Alum Rock, and Alviso areas) where traditionally lower income neighborhoods exist, while Asians and Whites are the majority group in the northern, southern, and western parts (Berryessa, Evergreen, Willow Glen, West Valley, Cambrian, and Almaden areas) where traditionally higher income neighborhoods are found.”²²

These patterns of segregation mean that the majority of aging properties with rent-stabilized units that are being considered for demolition under the Ellis Act are located in predominately Hispanic, low-income neighborhoods.²³ As explained above, Ellis Act demolitions displace tenants even where relocation benefits are provided. Although renters of all racial backgrounds typically see a rent hike when moving, low-income renters who are people of color frequently end up in highly segregated, high-poverty regions while low-income white renters are able to access more resource-rich areas.²⁴



²¹ CITY OF SAN JOSÉ, HOUSING ELEMENT II-9 (2015).

²² *Id.* at II-9.

²³ See Attachment A to Memorandum from San José Housing Department to City Council RE: Item 4.2 – Amendments to Procedures for Removal of Rent Stabilized Units from the Rental Market (Ellis Act Ordinance) (Mar. 15, 2018), <https://sanjose.legistar.com/View.ashx?M=F&ID=6190894&GUID=12094E01-AB81-4478-B7BD-7759773FE62B> (providing the location of properties up for conversion under the Ellis Act).

²⁴ U.C. BERKELEY URBAN DISPLACEMENT PROJ. AND THE CAL. HOUS. P’SHP, RISING HOUSING COSTS AND RE-SEGREGATION IN THE SAN FRANCISCO BAY AREA 15 (2019), http://www.urbandisplacement.org/sites/default/files/images/bay_area_re-segregation_rising_housing_costs_report_2019.pdf.

²⁵ Map adapted from: Josh Begley, *San Jose, REDLINING CALIFORNIA, 1936-1939*, <https://joshbegley.com/redlining/sanjose> (last visited October 30, 2019).

Thus, redevelopment of these buildings and surrounding neighborhoods will not only disproportionately displace Hispanic tenants, it will likely concentrate them in high-poverty areas with fewer resources, leaving them worse-off. Therefore, weakening the Ellis Act Ordinance's re-control provisions will only perpetuate existing residential segregation in San José.

c. The proposed changes are not necessary to serve a valid, non-discriminatory interest of the City of San José.

Under federal and state fair housing laws, the City of San José must prove the modifications to its Ellis Act Ordinance are necessary to serve a valid, non-discriminatory interest if it intends to implement policies that will have a disparate impact on multiple protected classes of individuals.²⁶ The City will not be able to make this showing given the legislative history of the proposed changes.

The impetus for revisiting the Ellis Act Ordinance's re-control requirement was the mere observation that Councilmembers "have seen very few Ellis-relevant housing development proposals emerge, and have heard *anecdotally* that the re-control requirement undermines the viability of several projects."²⁷ Of course, this observation belies the fact that the policy is working as intended to preserve rent-stabilized buildings if properties covered by the Ellis Act Ordinance are not being redeveloped.

Nevertheless, Housing Department staff diligently investigated the impact of the Ellis Act Ordinance on the production of affordable housing. In speaking with developers, they found that "no one has been rejected for financing because of the Ellis re-control provision."²⁸ Likewise, in speaking with lenders, the Department found that "it is unclear if they would refuse to loan on a development or offer less competitive rates because of the re-control provision."²⁹ In fact, no lenders that the Department spoke with were actually aware of the Ellis Act Ordinance and several explained that loans are underwritten assuming a rent growth rate tracking the Consumer Price Index,³⁰ which has not exceeded the 5% limit on rent increases applicable to rent-stabilized units in the past 18 years.³¹ The most logical conclusion to draw from these findings is that the Ellis Act Ordinance's re-control requirements is not a barrier to the overall production of housing in San José.

This conclusion bears out in the data on the City's progress on its Regional Housing Needs Allocation (RHNA). According to the City's 2018 Annual Progress Report on the City's General Plan Housing Element, the City has **issued building permits for less than 8.5% of needed units affordable to households with low- and very low-income incomes** (1,226 of

²⁶ *Inclusive Communities*, 135 S. Ct. 2523.

²⁷ Memorandum from Mayor Sam Liccardo and Vice Mayor Chappie Jones to City Council RE: Rent Stabilization Program Implementation Plan, at 1 (Feb. 1, 2019) (emphasis added).

²⁸ Memorandum from San José Housing Department to City Council RE: Item 4.5 – Ellis Act Ordinance Re-control Provisions, at 9 (Oct. 24, 2019).

²⁹ *Id.*

³⁰ *See id.*

³¹ *Consumer Price Index (CPI) Information*, THE CITY OF SAN JOSÉ OFFICE OF THE CITY MANAGER, <https://www.sanjoseca.gov/index.aspx?NID=2417> (last visited Oct. 30, 2019).

14,661 needed), but it is has **issued permits for over 83% of needed units for renters at market rate** (11,827 of 14,231 needed). The fact that the City is falling behind in its production goals only with regard to the housing needs of renters with the lowest incomes is also evident in the fact that for each person exiting homeless in Santa Clara County, “the economy pushes three more out the door.”³²

Changes to the Ellis Act Ordinance’s re-control requirements that would incentivize more development of market-rate housing and the demolition of naturally-occurring affordable housing will only make these trends worse. As the Housing Department has previously pointed out, production of market rate units does not contribute to increased availability of affordable housing in any immediate way because it can take up to 15 years for units produced for median income earners to become affordable “to people at 80% of the median income and closer to 50 years for households earning 50% of the median income.”³³

Thus, the City’s own investigation, as well as its own numbers on its progress towards its RHNA goals, shows that the proposed changes to the Ellis Act Ordinance’s re-control requirements are not necessary to serve the production interest stated in the Mayor and Vice Mayor’s February 1 memorandum.

Moreover, the purpose of the Ellis Act Ordinance itself is to “mitigate any adverse impact on persons displaced” through the withdrawal of rent-stabilized buildings from the rental market and “to provide tenants with the maximum protections under the Ellis Act and to support the City’s Apartment Rent Ordinance.”³⁴ Considering this underlying purpose of the Ordinance – and the lack of factual support for the City’s stated interest in the proposed changes – it is difficult to see the proposed changes as anything but “artificial, arbitrary, and unnecessary barriers”³⁵ to the preservation of naturally-occurring affordable housing and fair housing choice.

The notion that a policy change that will make it more profitable for developers to flip rent-stabilized buildings will somehow create a net benefit for low-income renters sometime after the actual occupants of those buildings are displaced is totally backwards. This logic shows a callous disregard for the history of oppression that San José’s people of color have suffered due to decades of deliberate housing policy, and it promises to reproduce the existing segregation that such policy created.

2. Conclusion

Strong measures to preserve San José’s naturally-occurring affordable housing stock are urgently needed. As the Housing Element explains, while the City considers policy changes that influence market forces to make redevelopment more favorable, “public policies *must* also

³² Press Release: County of Santa Clara, City of San José Release Results of 2019 Homeless Census, COUNTY OF SANTA CLARA, CALIFORNIA (May 16, 2019) (quoting Mayor Sam Liccardo), *available at*: <https://www.sccgov.org/sites/opa/newsroom/Pages/2019homelesscensus.aspx>.

³³ Supplemental Memorandum from San José Housing Department to City Council RE: Ellis Act Ordinance Re-control Provisions, at 13 (Apr. 19, 2019).

³⁴ San José Mun. Code § 17.23.1110(A).

³⁵ *Inclusive Communities*, 135 S. Ct., 135 S. Ct. 2507, 2524 (2015) (citing *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971)).

accompany this vision in order to mitigate the negative impacts that may result from these same market forces, such as displacement, overcrowding, and lack of housing opportunities across incomes.”³⁶ Making it less costly for developers to demolish rent-stabilized buildings directly contradicts this charge to mitigate the negative impacts of development and San José will reproduce a long history of discriminatory housing policy if it chooses to do so.

Therefore, we urge you to adopt Councilmember Esparza’s memorandum and refrain from further rolling back the Ellis Act Ordinance a second time. We would be happy to meet with you to discuss this matter further. You can reach us at michael.trujillo@lawfoundation.org and (408) 280-2454.

Sincerely,



Nadia Aziz, Directing Attorney
Michael Trujillo, Staff Attorney
The Law Foundation of Silicon Valley



Matthew Warren, Staff Attorney
The Western Center on Law and Poverty



Melissa A. Morris, Staff Attorney
The Public Interest Law Project

CC:
San José City Council
Rick Doyle, City Attorney
David Sykes, City Manager

³⁶ CITY OF SAN JOSÉ, HOUSING ELEMENT VI-4 (2015) (emphasis added).

From: Christian Ruiz

Sent: Monday, November 4, 2019 3:37 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Christian Ruiz

From: Bryan Lancaster
Sent: Monday, November 4, 2019 3:37 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

Lan Diep, have you no shame?

On November 5th you and the council will be voting to gut the Ellis Act Ordinance by further incentivizing the demolition of rent controlled homes.

Who benefits from this?

KT Urban, the crew that brought us the taxpayer subsidized Slavery Towers. More displacement of elders on fixed incomes, more displacement of those struggling to make ends meet so you can deliver for your developer friends.

Shame on you!

Sincerely,
Bryan Lancaster

From: MARK ADAMS

Sent: Monday, November 4, 2019 3:42 PM

To: The Office of Mayor Sam Liccardo

Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

Lan Diep, have you no shame?

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Shame on you!

Sincerely,
MARK ADAMS

From: Donald Arriola JR

Sent: Monday, November 4, 2019 3:44 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

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Sincerely,

Donald Arriola JR

From: Curtis Thomson
Sent: Monday, November 4, 2019 3:44 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

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Shame on you!

Sincerely,
Curtis Thomson

From: Tyler Brunick

Sent: Monday, November 4, 2019 3:46 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Tyler Brunick

From: Tim Nester

Sent: Monday, November 4, 2019 3:51 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Tim Nester

From: Anthony Nucci

Sent: Monday, November 4, 2019 3:53 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Anthony Nucci

From: Trent Eves

Sent: Monday, November 4, 2019 3:58 PM

To: The Office of Mayor Sam Liccardo

Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

Lan Diep, have you no shame?

On November 5th you and the council will be voting to gut the Ellis Act Ordinance by further incentivizing the demolition of rent controlled homes.

Who benefits from this?

KT Urban, the crew that brought us the taxpayer subsidized Slavery Towers. More displacement of elders on fixed incomes, more displacement of those struggling to make ends meet so you can deliver for your developer friends.

Shame on you!

Sincerely,
Trent Eves

From: Mario Gonzales

Sent: Monday, November 4, 2019 3:59 PM

To: The Office of Mayor Sam Liccardo

Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

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Lan Diep, have you no shame?

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Shame on you!

Sincerely,
Mario Gonzales

From: Alejandro Rivera
Sent: Monday, November 4, 2019 4:10 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

Lan Diep, have you no shame?

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Shame on you!

Sincerely,
Alejandro Rivera

From: Jacob Calero

Sent: Monday, November 4, 2019 4:13 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Jacob Calero

From: Frank Bernal
Sent: Monday, November 4, 2019 4:14 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep...What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Frank Bernal

From: Marlon Ruiz
Sent: Monday, November 4, 2019 4:17 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

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Shame on you!

Sincerely,
Marlon Ruiz

From: Mary Helen Doherty
Sent: Monday, November 4, 2019 4:30 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Raul Peralez,

As a resident of District 3, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

Rent controlled apartments are our City's largest source of affordable housing. Over 40,000 households, a majority of who are Latino or African American, live in rent controlled apartments. These families would be placed under greater threat of eviction and losing their home if this policy is weakened.

Additionally, the Mayor's proposal to weaken our Inclusionary Housing Ordinance would slash funding for affordable housing, potentially cutting off the opportunity for hundreds — if not thousands — of families to live in San Jose.

Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Mary Helen Doherty

From: Michael Do

Sent: Monday, November 4, 2019 4:33 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Michael Do

From: Manuel Beltran

Sent: Monday, November 4, 2019 4:35 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

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Sincerely,
Manuel Beltran

From: antoni micheals

Sent: Monday, November 4, 2019 4:40 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
antoni micheals

From: Stephanie Hill
Sent: Monday, November 4, 2019 4:42 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Lan Diep,

As a resident of District 4, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Stephanie Hill

From: Cecilia Cervantes
Sent: Monday, November 4, 2019 4:53 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Diep, Khamis, Liccardo...Have you no shame?

Dear Sam Liccardo,

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Shame on you!

Sincerely,
Cecilia Cervantes

From: Dennis Burbridge
Sent: Monday, November 4, 2019 4:57 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Dennis Burbridge

From: John rieland
Sent: Monday, November 4, 2019 5:06 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

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Shame on you!

Sincerely,
John rieland

From: Dominic Gonzales
Sent: Monday, November 4, 2019 5:19 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Dominic Gonzales

From: Elaine Erickson
Sent: Monday, November 4, 2019 5:22 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Sincerely,
Elaine Erickson

From: Nassim Nouri

Sent: Monday, November 4, 2019 5:24 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

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Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Nassim Nouri

From: Alvaro Pinal
Sent: Monday, November 4, 2019 5:28 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

Dear Mayor Sam Liccardo and Councilmember Magdalena Carrasco,

As a resident of District 5, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Alvaro Pinal

▪

From: CHRISTIE MCCULLOUGH
Sent: Monday, November 4, 2019 5:48 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

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Sincerely,
CHRISTIE MCCULLOUGH

From: Jared Lopez
Sent: Monday, November 4, 2019 5:52 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

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Dear Mayor Liccardo,

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Sincerely,

Jared Lopez

From: Stephanie Ray
Sent: Monday, November 4, 2019 6:40 PM
To: The Office of Mayor Sam Liccardo
Subject: Diep, Khamis, Liccardo...Have you no shame?

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Re: Diep, Khamis, Liccardo...Have you no shame?

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Shame on you!

Sincerely,
Stephanie Ray

From: Fikre Adera
Sent: Monday, November 4, 2019 8:01 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Fikre Adera

From: Esteban rodriguez
Sent: Monday, November 4, 2019 8:25 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Sincerely,
Esteban rodriguez

From: Eddie Ramirez
Sent: Monday, November 4, 2019 9:42 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Re: Stop the latest multi-million-dollar developer handout

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Eddie Ramirez

From: Phuong-Nam Tu
Sent: Monday, November 4, 2019 9:49 PM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Sam Liccardo and Councilmember Magdalena Carrasco,

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We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Phuong-Nam Tu

From: Rick Beatty
Sent: Tuesday, November 5, 2019 11:35 AM
To: Agendadesk
Subject: Vote to Support Staff Recommendation on Item 4.4

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Clerk City Clerk,

I write to you today to advocate in support of staff recommendation on Item 4.4, San Jose's Inclusionary Housing Ordinance (IHO), with a few proposed modifications.

The staff recommendation is a step in the right direction. However, I support three recommendations to enhance the staff recommendation:

1. Lower the in-lieu fee
 - \$43 per square foot is still too high of a fee structure and would be a 50% increase over the current fee structure
 - the \$18.29 per square foot fee "transition" should also be lowered to facilitate even more housing development and generate more affordable housing dollars for the city
2. Tie the reduced fee structure for Downtown High-Rises to a unit production goal rather than an arbitrary timeline
3. Apply the fee only to "net rentable/livable" square footage

The above recommendations will lead to more housing produced as more projects will actually be feasible. 15% of zero housing is still zero housing. We need reasonable reform that will allow projects to actually get through the pipeline so we can create more housing.

Thank you for your support of more housing in San Jose.

Sincerely,

Thank you, for your service to our community and this great City. Let's keep San Jose growing and remove barriers to that growth.

Sincerely,

Rick Beatty

From: Heavi Williams
Sent: Monday, November 4, 2019 6:12 PM
To: The Office of Mayor Sam Liccardo
Subject: Stop the latest multi-million-dollar developer handout

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Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Heavi Williams

WORKING PARTNERSHIPS USA

11/5/2019

Mayor Sam Liccardo and Members of the City Council
City of San José
200 East Santa Clara Street
San José, CA 95113

Dear Mayor and Council:

On behalf of Working Partnerships USA, I am asking you to oppose efforts to amend the protections of the Ellis Act Ordinance that place our working families and seniors at greater risk of eviction and displacement and set the City back from its goals of creating and preserving more affordable housing. The proposals within the staff recommendations threaten the wellbeing of working families and communities of color who depend on rent controlled homes to remain in San José, while handsomely rewarding the speculation of a handful of wealthy developers and landowners hoping to profit from weakened tenant protections. Furthermore, efforts to weaken the recontrol provisions of the Ellis Act Ordinance will likely create a perverse incentive, rewarding developers who want to demolish naturally occurring affordable housing low and moderate income families can afford at a time when the City is failing to produce anywhere near enough homes to meet its own affordable housing goals, much less the actual housing demand of these lower income households.

We encourage you to not support these recommendations, and going forward, as part of the City's Anti-Displacement Strategy, to work to strengthen efforts in the City to protect vulnerable tenants from displacement and support the preservation, rather than the destruction, of naturally affordable homes.

In 2017, the City of San José first passed its Ellis Act Ordinance requiring developers who demolish rent controlled apartments to place 100 percent of newly constructed units under rent stabilization, a process known as "recontrol". The ordinance came in response to the largest displacement in California history, the demolition of the 216-units of rent controlled homes at the Reserve Apartments in San José. When the Reserve Apartments chose to demolish these naturally occurring affordable homes, impacting over 670 residents, and replace them with 640 luxury apartments, it set off a much needed public debate about the lack of policy to preserve rent controlled apartments and to protect the low and moderate income tenants who depend on them.

Since 2017, the California Apartment Association, the Silicon Valley Organization and corporate developers like KT Urban have sought to weaken these critical protections with support from Mayor Liccardo and others on Council. As a result, in 2018 the recontrol policy within the Ellis Act Ordinance was weakened to only require 50 percent of new units to be placed under rent stabilization and to create an option for developers to waive recontrol entirely if a development chooses to restrict rents to below market rates for twenty percent or more of new units.

Since 2017, opponents have made the argument that recontrolling units under rent stabilization will not benefit low income tenants, because developers who choose to redevelop can set rents after construction at whatever price the market will bear due to pre-emptive California state law, including the Ellis Act and

the Costa-Hawkins Act. Under this logic, opponents of tenant protections have made the case for reducing the number of units that should be recontrolled under the Ellis Act Ordinance, in order to make redevelopment more financially viable for developers and landowners and, purportedly, to help achieve the City's overall market rate and affordable housing production goals.

This twisted logic misses the point of the City's Ellis Act Ordinance- to disincentivize landowners from demolishing rent controlled apartments, thereby preventing the eviction and displacement of working families and seniors. Weakening the recontrol provision perversely promotes the destruction of some of the City's only affordable housing options.

Thanks to data provided by the City's Rent Registry, we know that the average rent controlled unit is deeply affordable, priced roughly at the price of a deed-restricted Low Income (LI) home and affordable to a family earning 60 percent or more than the median income. So for a two bedroom rent controlled apartment, a family of three would pay just \$1,967. This is the income segment San José has struggled the most to produce, meeting only 4.2% of our goals under the Regional Housing Needs Assessment as of December 31, 2018. Compare these rents with the expectations of future rents from newly built apartments in areas in Downtown or West San José (home to large numbers of ARO apartments) which are expected to charge \$3,300-\$3,500 a month. The majority of the roughly 40,000 rent controlled apartments in San José would qualify today as naturally occurring affordable housing and together represent the City's largest source of affordable housing. As the City had struggled to produce enough resources to build deed restricted affordable homes, falling over \$520 million short of the Mayor's goal of building 10,000 affordable homes, why would we promote the demolition of some of the few affordable homes our working families and seniors have today?

Despite this evidence, in February 2019, Mayor Liccardo and Vice Mayor Jones issued a memo proposing staff study weakening the Ellis Act Ordinance because they had "heard anecdotally [from developers] the re-control requirement undermines the viability of several projects." In Council debate, the Mayor reported he had heard from developers that the recontrol provisions limited developers' ability to obtain financing and direct staff to interview developers who were considering Ellis Act evictions and their financiers to determine if this were the case and how to weaken recontrol in a way that would promote housing production.

Despite the "anecdotal evidence", the interviews conducted by staff and reported in the 10/24 staff memo reported that the five percent annual rent cap meets or exceeds the rent growth most financial institutions expect from a development, and in and of itself would not be a significant impediment to financing. While these development proposals may face challenges in obtaining financing, recontrol was not the primary barrier. The most significant hurdle to development identified by staff was the incompatibility of rent control to the speculative development practices of a small segment of development firms like KT Urban, which utilize incentives to encourage quick lease up of a residential development upon construction with plans to implement large rent increases of ten percent or more in the early years after initial lease up in order to inflate the profitability of a development, in hopes of luring another buyer.

This begs the question, should the City place tenants at greater risk of displacement to benefit the needs of a small segment of politically connected speculative developers, particularly developers like KT Urban who have been associated with projects where workers have faced wage theft and abuse?

Most troubling of all, while efforts to weaken the Ellis Act Ordinance will benefit developers like KT Urban, it also seems clear that these decisions will have a disparate negative impact, not just on low income families but explicitly on communities of color and single parent households. Nearly 80 percent of the households living in rent controlled apartments are people of color. In fact, despite representing only 35% of San José's overall population, more than half (52%) of households living in rent controlled apartments are Latinx or Black. Furthermore, single-parent households also disproportionately rely on rent-stabilized units for housing, occupying 29% of rent-stabilized units but only 20% of the City's general population. Local and national research finds these populations already face disproportionate risks of eviction and displacement.¹ Recognizing these disparate impacts, in their 11/4 letter to the City Council, the Law Foundation of Silicon Valley, the Western Center on Law and Poverty and the Public Interest Law Group each stated that efforts to weaken San José's Ellis Act Ordinance recontrol provisions would be in violation of the Fair Housing Act and California Fair Housing and Employment Act. Furthermore, these kinds of policies threaten to under the City's efforts to develop policy towards Affirmatively Furthering Fair Housing.

Even if we take the supporters of weakening recontrol at their word that weakening the Ellis Act is about meeting our housing production goals, do we really want to be accomplishing these goals by putting 40,000 households, including large numbers of low income people of color and single parent households at higher risk of eviction and displacement? Why is the City not evaluating alternatives that would not put our most vulnerable households at risk, say by upzoning wealthier, less diverse neighborhoods with single family zoning to allow mid-rise multi-family apartment complexes? If the issue is solely about density, there are other alternatives that would not present these kinds of disparate impacts, including alternatives that could be economically feasible under the City's analysis of the cost of development, but which are not being proposed today.

While any efforts to weaken recontrol is problematic, the staff recommendation (B)(1) to limit recontrol to seven times the existing number of units is particularly troubling. Since the Council will be deciding on a proposal immediately following the Ellis Act Ordinance debate on whether to reduce in-lieu fees for the Inclusionary Housing Ordinance for High Rise developers to \$0, there is a likelihood that the City Council could vote for incentivizing the demolition of naturally affordable downtown rent stabilized apartments and subsequently vote to no longer require those same developers to provide any affordable units in replacement for what they demolish. The confluence of these two proposals will set the City back on its affordable housing goals and provide an enormous financial benefit to developers, including KT Urban and its Garden Gate proposal scheduled for review by the City Council in the coming weeks after these proposed changes.

¹ See citations within "Cashing in on Renters", April 2017, Working Partnerships USA, available at: <https://www.wpusa.org/research/cashing-in-on-renters/>



In conclusion, we encourage the City Council to not weaken the recontrol provisions of the Ellis Act Ordinance. In the future we believe the Council should consider strengthening these tenant protections and ensuring tenants displaced under the Ellis Act have right to return to new developments at their current rent, to be placed in similar accommodations sooner and to have a voice in negotiations with their landlord on how to reduce their risk of displacement. Furthermore, we hope the City will consider ways to further protect tenants from displacement and to strengthen the City's efforts to preserve naturally occurring affordable homes as a part of the City's Anti-Displacement Strategy. The solution to the affordable housing crisis is more affordable housing, not less. The solution to the displacement crisis is more protections for tenants, not less. We look forward to continue to work with the City Council, the Housing Department and others on the solutions we need to these enormous challenges.

Sincerely,

A black rectangular redaction box covers the handwritten signature of Jeffrey Buchanan.

Jeffrey Buchanan
Director of Public Policy, Working Partnerships USA

From: Huy Tran

Sent: Tuesday, November 05, 2019 9:20 AM

To: 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>; Le, Candace <candace.le@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Comments for proposed IHO and Ellis Act Ordinance amendments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Esteemed Councilmembers and Mr. Mayor,

I write today once again to oppose any changes to the Ellis Act Ordinance, and also to state my opposition to any changes to the Inclusionary Housing Ordinance.

We are repeatedly told that we need to make it easier for developers to build to increase our housing stock, but we have met every market rate benchmark under our current rules. There is no justification to loosen up the requirements or the affordable housing fees that will actually contribute to affordable housing.

We are repeatedly told that if we don't incentivize these developments, then the fees we require won't materialize and we get no additional resources anyway. Are we to believe that developers are going to pass up on the opportunity to house the 20,000 to 30,000 employees that Google is expected to bring to San Jose? Or to take advantage of the increased access that BART brings?

We are repeatedly told that it is too expensive to build any kind of housing in San Jose, yet developers themselves are presenting models where they are making 4% profit margins on multimillion dollar projects. The sole purpose of the proposed changes today is to guarantee their profit margins at 5.25% to give them incentives to build, yet when they have the opportunity to do so, they have not built the affordable housing that we so desperately need. We do not exist to prioritize profits over the needs of the people.

We are repeatedly told that the benefits of these developments will eventually trickle down to the rest of us. We are well on our way to meeting Mayor Liccardo's goals for market rate production within two years of his announcement in 2017, while it would take us thirty years to reach our affordable housing goals. Is this how long we are supposed to wait while we use up the space that we have for market rate production?

I again urge the Council to reject all changes to the Ellis Act Ordinance, and reject changes to the Inclusionary Housing Ordinance. None of this is justified.

From: Joses Magno
Sent: Tuesday, November 05, 2019 10:01 AM
To: The Office of Mayor Sam Liccardo
Subject: Stand with renters, not wealthy developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Sam Liccardo and Councilmember Johnny Khamis,

As a resident of District 10, I am asking you to stand up for working families, seniors and communities of color who need more affordable housing options, not less.

We are in the middle of a historic housing crisis that threatens the ability of working families to remain in San Jose as rising rents and evictions continue to push far too many families out of their homes.

This is why I am so troubled by proposals on November 5th, 2019 to both make it easier to demolish affordable homes and evict low income tenants, and to require developers to contribute less to solving our affordable housing crisis.

Currently, San Jose's Ellis Act Ordinance helps preserve rent control apartments, which are the most affordable apartments on the market for low and moderate income families. The ordinance requires 50% of new apartments built on the site of previously rent-stabilized apartments be subject to rent control. Early this year, February 5, 2019, the San Jose Mayor asked staff to research the effects on lowering this re-control provision on development.

Rent controlled apartments are our City's largest source of affordable housing. Over 40,000 households, a majority of who are Latino or African American, live in rent controlled apartments. These families would be placed under greater threat of eviction and losing their home if this policy is weakened.

Additionally, the Mayor's proposal to weaken our Inclusionary Housing Ordinance would slash funding for affordable housing, potentially cutting off the opportunity for hundreds — if not thousands — of families to live in San Jose.

Weakening the Ellis Act and reducing our affordable housing fees will add up to more demolitions of affordable homes, more evictions and displacement and far fewer affordable housing units for tenants. Instead, these policies will reward wealthy, politically connected developers with tens of millions of dollars in profits that would previously have funded affordable housing.

Instead of weakening our Ellis Act Ordinance, we should be strengthening it by providing more protection to tenants and ensuring tenants have a right to return at their previous rents. We should be protecting our affordable housing funds, instead of padding the bank accounts of billionaire Wall Street investors and millionaire developers.

We need the City Council to focus on preserving and producing MORE affordable homes, not doing less. Please support tenants and working families on November 5th.

Sincerely,

Joses Magno

For item 4.5

From: Lowell Buchanan

Sent: Monday, November 4, 2019 10:02 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Lowell Buchanan

From: Alex Rodriguez

Sent: Monday, November 4, 2019 9:59 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,

Alex Rodriguez

From: Tania ruiz
Sent: Monday, November 4, 2019 9:53 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep...What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Tania ruiz

From: Michele Mashburn
Sent: Monday, November 4, 2019 9:38 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
Michele Mashburn

From: kirk rensaw
Sent: Monday, November 4, 2019 8:32 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
kirk rensaw

From: Getiyi Habteyes
Sent: Monday, November 4, 2019 7:48 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: No More Developer Giveaways

Dear Sam Liccardo,

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The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
Getiyi Habteyes

From: Martin J Salberg
Sent: Monday, November 4, 2019 7:44 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: No More Developer Giveaways

Dear Sam Liccardo,

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The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
Martin J Salberg

From: Willow Million

Sent: Monday, November 4, 2019 6:59 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Willow Million

From: Christine Pepin

Sent: Monday, November 4, 2019 6:56 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Don't Reward the Slavery Towers Developers

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Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

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Sincerely,
Christine Pepin

From: José varela
Sent: Monday, November 4, 2019 6:25 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
José varela

From: Carlos Ceballos
Sent: Monday, November 4, 2019 6:07 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

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Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
Carlos Ceballos

From: Joe Miranda
Sent: Monday, November 4, 2019 5:07 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
Joe Miranda

From: David Agalotis
Sent: Monday, November 4, 2019 4:42 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
David Agalotis

From: Brian Lee

Sent: Monday, November 4, 2019 4:16 PM

To: The Office of Mayor Sam Liccardo

Subject: No More Developer Giveaways

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,

Brian Lee

From: Alexander Collins
Sent: Monday, November 4, 2019 4:01 PM
To: The Office of Mayor Sam Liccardo
Subject: No More Developer Giveaways

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,
Alexander Collins

From: Ozzie Lee

Sent: Monday, November 4, 2019 3:55 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Ozzie Lee

From: Ron Noda
Sent: Monday, November 4, 2019 3:55 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

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Sincerely,
Ron Noda

From: Ananta Adhikari
Sent: Monday, November 4, 2019 3:47 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep...What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

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Sincerely,
Ananta Adhikari

From: Curtis Clancy
Sent: Monday, November 4, 2019 3:45 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep...What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Curtis Clancy

From: Michael Berek
Sent: Monday, November 4, 2019 3:44 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

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Sincerely,
Michael Berek

From: Adam Seeley
Sent: Monday, November 4, 2019 3:44 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

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Sincerely,
Adam Seeley

From: Paul Plaza

Sent: Monday, November 4, 2019 3:39 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
Paul Plaza

From: JAMES WALLACE

Sent: Monday, November 4, 2019 3:39 PM

To: The Office of Mayor Sam Liccardo

Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

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Sincerely,
JAMES WALLACE

From: Paul Littleton
Sent: Monday, November 4, 2019 3:38 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

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Sincerely,
Paul Littleton

From: George Agapie
Sent: Monday, November 4, 2019 3:35 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
George Agapie

From: Ted Nicolette
Sent: Monday, November 4, 2019 3:33 PM
To: The Office of Mayor Sam Liccardo
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep... What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
Ted Nicolette

From: Nancy Ferguson

Sent: Monday, November 4, 2019 3:32 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,

Nancy Ferguson

From: Kathryn Mathewson

Sent: Monday, November 4, 2019 2:54 PM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,

Kathryn Mathewson

From: Rosie Zepeda

Sent: Monday, November 4, 2019 12:21 PM

To: The Office of Mayor Sam Liccardo

Subject: No More Developer Giveaways

Re: No More Developer Giveaways

Dear Sam Liccardo,

Lan Diep and Sam Liccardo are about to cut the affordable housing requirement for their developer friends, again. This will pad developer's wallets and make it harder for working families to afford a home in San Jose.

The council should reject this cynical ploy to pad the pockets of developers at the expense of San Jose residents.

Sincerely,

Rosie Zepeda

From: John dang

Sent: Monday, November 4, 2019 10:11 AM

To: The Office of Mayor Sam Liccardo

Subject: Stop the latest multi-million-dollar developer handout

Re: Stop the latest multi-million-dollar developer handout

Dear Sam Liccardo,

\$67 Million was not enough for San Jose's greedy developers. They want more and Lan Diep and Sam Liccardo are ready to deliver for their campaign contributors. On November 5th the council will consider handing developers' more taxpayer dollars, cutting affordable housing requirements for developers and gutting the Ellis Act Ordinance so that KT Urban, the Slavery Towers developers, can further line their pockets.

Vote NO on more multi-million dollar handouts to developers.

Sincerely,
John dang

From: monica alvarado [
Sent: Monday, November 4, 2019 10:02 AM
To: The Office of Mayor Sam Liccardo <
Subject: Don't Reward the Slavery Towers Developers

Re: Don't Reward the Slavery Towers Developers

Dear Sam Liccardo,

Mayor Liccardo and Councilmember Diep...What happened to your pledge to create 10,000 affordable homes by 2022? Was it all a hoax, a lie? Do your words even matter?

You should rethink your November 5th attempt to cut the affordable housing requirement for developers, you should find your conscience and not subsidize rich developers by making permanent the high-rise incentive giveaway, and you should not reward the developers of Slavery Towers with more taxpayer money.

Sincerely,
monica Alvarado