

GOLDEN STATE MANUFACTURED - HOME OWNERS  
LEAGUE



GSMOL Region Manager Region 1 Zone A-1

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April 12, 2020

TO: Mayor and Council  
FROM: Martha O'Connell [REDACTED]  
RE: Moratorium on Rent Increases  
CC 4-14-20 Item 8.1

I write this letter as GSMOL's regional manager. GSMOL is the largest and oldest statewide organization representing Mobilehome Park residents.

I urge approval of the Carrasco/Peralez moratorium on rent increases on units subject to the City of San Jose's Apartment Rent Ordinance **and for the mobilehomes in San Jose, all of which are covered by our Mobilehome Rent Control Ordinance.**

In the last few days, I have been helping two residents at Trailer Terrace, D7. These folks do not speak English so I have gone through a translator. I was upset to learn that they are going to be faced with a 3% rent increase in May. They are already struggling. A rent increase may push them over the edge.

All over San Jose, mobilehome residents are facing imminent rent increases which fluctuate depending on their annual anniversary date. Rents in the low to moderate Senior Park, Colonial Mobile Manor, D9, are scheduled to go up in June.

**It is critical that you be aware of the difference between the Apartment RSO and the Mobilehome RSO. Section 17.22.450 D. 1. a. of our City's Mobilehome Rent Control Ordinance provides that in the event of an eviction, the rent can be raised without limit to the new owner. Thus there is great incentive for Park owners to evict when the eviction moratorium is lifted.**

COVID 19 makes the vote on 8.1 a game changer. **It must include Mobilehome Parks where some 35,000+ citizens of San Jose reside.**

Dear Mayor and Councilmembers:

The “Rent Suspension” proposed by Councilmembers Peralez and Carrasco on April 3rd and discussed on April 7th caused huge chaos among mom-and-pop rental property owners. Thousands of San Jose mom-and-pop owners were shocked, frustrated, scared and confused. We felt helpless, ignored, and betrayed in this already horrible pandemic.

This thoughtless and unconstitutional proposal came out at the worst time. In addition to having issues of legality and abuse of power, this rent suspension proposal makes it harder for people to fight the pandemic together. It divides our community when we need unity the most. It incites distrust and resent between renters and owners. The proposal has the effect of making citizens of our community fighting with each other. We demand better leadership to bring the community together to fight this pandemic.

We applaud our City leaders’ efforts to help the homeless, the undocumented, the low income, the health workers, the Uber drivers, the small businesses, the large businesses. Meanwhile, we respectfully remind you that, we, thousands of mom-and-pop rental property owners, are also your constituents. As mom-and-pop owners, we are not immune from the virus. Like our tenants, we are suffering. We pay mortgages. We pay taxes. We pay insurance premiums. We pay HOA fees. We pay maintenance costs. We pay business license fees, permit fees and Apartment Rent Ordinance fees that the city imposes upon us. There is no suspension of those fees. There is no waiver of late fees. There is no moratorium for us. In the pandemic, our obligations to our tenants do not stop. Rental property ownership does not provide sick leave for owners.

Even with all these, BAHN encouraged the owners to help tenants as much as the owners could. BANH sent a letter to all members on March 25 (attached), calling for and encouraging goodwill and selflessness. Voluntary “rent freeze” was one of our suggestions. We have faith that most, if not all, of our members are freezing rents on our own goodwill. However, a mandatory rent freeze takes all the appreciation away. A mandatory rent freeze is based on the false premise that we the housing providers are greedy. A mandatory rent freeze denies that we

have goodwill. A mandatory rent freeze says that our good deeds are forced by the government. A mandatory rent freeze encourages hatred.

We recommend our City leaders to recognize, encourage and reward rental property owners who voluntarily freeze rent. Encouraging us to freeze rent promotes communal goodwill and unity. Forcing us to freeze rent promotes factional suspicion and hatred.

We demand that our City cares about, rewards, and recognizes the good intention and good actions of mom-and-pop small businesses. We urge the City to consider the following measures to show that the City leaders care about all residents of San Jose.

- 1) Eliminating or at least reducing ARO fees;
- 2) Eliminating or at least reducing business taxes;
- 3) Eliminating or reducing permit fees for building repair and maintenance works; and
- 4) Waiving late fees;

COVID-19 is our common enemy. We the People desperately need great leadership during this crisis. Please lead us to fight the virus, instead of fighting each other. Unite us. Do not divide us. Promote care and love. Do not promote suspicion and hate. Your actions in this historic moment will be remembered by us and our children.

Sincerely yours,

**Jenny Zhao/President**  
**BAHN Representative**  
**website: BAHN.house**

The Bay Area Homeowners Network (BAHN) is a non-profit, grassroots organization representing mom and pop rental property owners in the Bay Area. BAHN advocates property rights and housing friendly policies. It promotes education and professional development among members for their daily property management needs. It provides a platform for homeowners to connect and help each other. Its mission is to help members achieve greater success in their rental housing business.

**From:** AJ Sen

**Sent:** Monday, April 13, 2020 9:17 AM

**To:** Reed, Jim <Jim.Reed@sanjoseca.gov>; Opsal, Shelley <shelley.opsal@sanjoseca.gov>; Ibanez, Angel <Angel.Ibanez@sanjoseca.gov>; Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>; Ho, Nathan <Nathan.Ho@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Herbert, Frances <frances.herbert@sanjoseca.gov>; Lechuga-Gutierrez, Maricela <Maricela.Lechuga@sanjoseca.gov>; Ramos, Christina M <christina.m.ramos@sanjoseca.gov>; Nguyen, Mindy <Mindy.Nguyen@sanjoseca.gov>

**Subject:** Rent and Eviction: Must Share the Pain

Dear Mayor, City Council and Policy Staff,

My wife and I have owned rental property in the Bay Area and we understand this business.

Unfortunately, it appears many Mom-and-Pop landlords are trying to shift Covid-19 hardship entirely onto their tenants. Real estate, like all investments, is not risk-free, and landlords ought to know that. Therefore, Mom-and-Pop landlords need to share in the losses arising from Covid-19. This is not a time for landlords to feel "entitled". Landlords have more options than renters at the margin. I urge you to:

1. Extend the eviction moratorium to the end of July 2020. In addition, do not allow any eviction processes to commence.
2. Create a simple, hardship-based formula that recalculates rent for each tenant on a case-by-case basis. Some renters do not need any help while others have no ability to pay at all. Tenants and landlords need to "share the pain". This recalculation should be binding for tenants and landlords.

This time around, I hope the City Attorney will deem these measures to be constitutional. Left to entitled Mom-and-Pop landlords, there will be an awful number of families at the margin, out on the streets. Please help.

Regards,  
AJ Sen  
San Jose

**From:** Liao Wu

**Sent:** Monday, April 13, 2020 10:55 AM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>

**Subject:** Opposing Mandatory Rent Freeze

Dear Mayor and Council Members:

The "Rent Suspension" proposed by Councilmembers Peralez and Carrasco on April 3rd and discussed on April 7th caused huge chaos among mom-and-pop rental property owners. Thousands of San Jose mom-and-pop owners were shocked, frustrated, scared and confused. We felt helpless, ignored, and betrayed in this already horrible pandemic.

As mom-and-pop owners, we are not immune from the virus. Like our tenants, we are suffering. We pay mortgages. We pay taxes. We pay insurance premiums. We pay HOA fees. We pay maintenance costs. We pay business license fees, permit fees and Apartment Rent Ordinance fees that the city imposes upon us. There is no suspension of those fees. There is no waiver of late fees. There is no moratorium for us. In the pandemic, our obligations to our tenants do not stop. Rental property ownership does not provide sick leave for owners.

We would do voluntary "rent freeze" but we oppose mandatory "rent freeze".  
A mandatory rent freeze is based on the false premise that we the housing providers are greedy.  
A mandatory rent freeze denies that we have goodwill.  
A mandatory rent freeze says that our good deeds are forced by the government.  
A mandatory rent freeze encourages hatred.

COVID-19 is our common enemy. Please lead us to fight the virus, instead of fighting each other.

Best Regards,  
Lia

**From:** Flavio P. Pando  
**Sent:** Monday, April 13, 2020 11:30 AM  
**To:** City Clerk  
**Subject:** Ordinance of Rent Freeze

Dear Mayor and Councilmembers:

The "Rent Suspension" proposed by Councilmembers Peralez and Carrasco on April 3rd and discussed on April 7th caused huge chaos among mom-and-pop rental property owners. Thousands of San Jose mom-and-pop owners were shocked, frustrated, scared and confused. We felt helpless, ignored, and betrayed in this already horrible pandemic.

This thoughtless and unconstitutional proposal came out at the worst time. In addition to having issues of legality and abuse of power, this rent suspension proposal makes it harder for people to fight the pandemic together. It divides our community when we need unity the most. It incites distrust and resent between renters and owners. The proposal has the effect of making citizens of our community fighting with each other. We demand better leadership to bring the community together to fight this pandemic.

We applaud our City leaders' efforts to help the homeless, the undocumented, the low income, the health workers, the Uber drivers, the small businesses, the large businesses. Meanwhile, we respectfully remind you that, we, thousands of mom-and-pop rental property owners, are also your constituents. As mom-and-pop owners, we are not immune from the virus. Like our tenants, we are suffering. We pay mortgages. We pay taxes. We pay insurance premiums. We pay HOA fees. We pay maintenance costs. We pay business license fees, permit fees and Apartment Rent Ordinance fees that the city imposes upon us. There is no suspension of those fees. There is no waiver of late fees. There is no moratorium for us. In the pandemic, our obligations to our tenants do not stop. Rental property ownership does not provide sick leave for owners. Even with all these, BAHN encouraged the owners to help tenants as much as the owners could. BANH sent a letter to all members on March 25 calling for and encouraging goodwill and selflessness. Voluntary "rent freeze" was one of our suggestions. We have faith that most, if not all, of our members are freezing rents on our own goodwill. However, a mandatory rent freeze takes all the appreciation away. A mandatory rent freeze is based on the false premise that we the housing providers are greedy. A mandatory rent freeze denies that we

have goodwill. A mandatory rent freeze says that our good deeds are forced by the government. A mandatory rent freeze encourages hatred.

We recommend our City leaders to recognize, encourage and reward rental property owners who voluntarily freeze rent. Encouraging us to freeze rent promotes communal goodwill and unity. Forcing us to freeze rent promotes factional suspicion and hatred.

We demand that our City cares about, rewards, and recognizes the good intention and good actions of mom-and-pop small businesses. We urge the City to consider the following measures to show that the City leaders care about all residents of San Jose.

- 1) Eliminating or at least reducing ARO fees;
- 2) Eliminating or at least reducing business taxes;
- 3) Eliminating or reducing permit fees for building repair and maintenance works; and 4) Waiving late fees;
- 4) Provide direct housing assistance loans to tenants in need.

COVID-19 is our common enemy. We the People desperately need great leadership during this crisis. Please lead us to fight the virus, instead of fighting each other. Unite us. Do not divide us. Promote care and love. Do not promote suspicion and hate. Your actions in this historic moment will be remembered by us and our children.

Respectfully,  
Flavio Pando Sr.  
Maria J. Pando

**From:** Judy Hui

**Sent:** Monday, April 13, 2020 11:36 AM

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

**Subject:** Rent Freeze proposal

Dear Mayor:

I strongly oppose the rent freeze proposal. We are mom and pop property owner; we need the rent income to survive in this difficult time also. Majority of the property owners are voluntarily to reduce rent already to help the affected tenants. Please do not add another ordinance to make it difficult for all of us to survive during this challenging time.

Thank you,

Judy Hui

**From:** David Flores

**Sent:** Monday, April 13, 2020 11:37 AM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>

**Subject:** About Ordinance of Rent Freeze

Dear Mayor and Councilmembers:

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Sincerely yours,

David Flores

Mon 4/13/2020 2:58 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

Rental housing providers like me are struggling to manage the additional strain on our buildings as the shelter in place continues. Maintenance costs are increasing while tenants are facing struggles in paying their rent. Mortgage forbearance is not being offered across the board so many of us who own rental property are not able to take advantage of this opportunity. And, if I could get forbearance, it does not mean my mortgage payments are waived, I will still owe that money.

As you consider the temporary rent freeze proposal, please consider giving us the flexibility to help our residents and partner with us as we face lost income and uncertain times. The Apartment Rent Ordinance limits us by penalizing temporary reductions in rent or closing an amenity because of the public health order. The rent freeze should recognize that we are doing our part and make it clear that we, too, are protected if we do the right thing by not forcing us to lower rents by complying with the public health orders. Also, it's critical that the rent freeze only apply to those who need it most - those impacted by COVID related job or income loss and extend as long as the eviction moratorium you passed last month. We also should be allowed to reserve the frozen increase to be used at a later time without having to endure a complex petition process.

As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal.

Sincerely,

Mark Degraff

Mon 4/13/2020 2:55 PM

Hello,

I am one of those mom and pop rental property owners that has been in your cross hairs for some time now. I want to say that we could use a break from all this negative attention placed upon our shoulders. I co-own property with my siblings and over the years have steadily seen more and more burden placed upon us in the rent control laws. Our parents purchased these properties for future security as they realized that surviving on social security benefits was not enough. They always kept the properties in good condition and we have done the same. But with all the extra layers of fees and restrictions imposed upon us by the city it takes longer to replace aging equipment and upgrades e.g., kitchens and bathrooms. Please consider giving us a break by reducing your fees/taxes, etc... so we can continue to maintain our properties the way they are expected to be maintained.

Rent control has been around for around 40 yrs. and has not resolved the problem even with all the extra restrictions placed upon us. Just look at the neighboring cities and see how it has failed miserably. Try abolishing rent control and give us a little more freedom. It would introduce more competition amongst property owners just like in other industries. It should be obvious to any sensible individual that rent control doesn't work even with more restrictions!

We will voluntarily not increase our rent this year because we understand the hardships incurred by everyone and we don't want to add anymore unnecessary stress to our tenants. But we do resent being told to do this thereby giving us a bad image of greediness which is not the case! Let's work together instead against one another. Remember we are in this together, let's make the most of it by creating a more harmonious environment instead of an acrimonious one.

Respectfully,

Suzanne Muzzio

Mon 4/13/2020 2:53 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

Rental housing providers like me are struggling to manage the additional strain on our buildings as the shelter in place continues. Maintenance costs are increasing while tenants are facing struggles in paying their rent. Mortgage forbearance is not being offered across the board so many of us who own rental property are not able to take advantage of this opportunity. And, if I could get forbearance, it does not mean my mortgage payments are waived, I will still owe that money.

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As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal.

Sincerely,

Joshua Howard

Mon 4/13/2020 2:56 PM

Dear City Clerk,

Would you folks PLEASE spend your time providing financial assistance to those that need it and stop trying to legislate things that you "think" are needed! I know of NO property owner that is or will be increasing rents during this virus pandemic. I'm sure there may be some people that may but is it really an efficient use of your time and tax dollars to create legislation for such a small minority of property owners?

Sincerely,

Stephen Welter

Mon 4/13/2020 2:57 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

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Sincerely,

Steven Seligman

Mon 4/13/2020 2:30 PM

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Sincerely,

Michael Farahnik

**From:** Ray S

**Sent:** Monday, April 13, 2020 2:37 PM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>

**Subject:** Emergency Ordinance of Proposed Rent Freeze in San Jose: Effects on Landlords

Dear Mayor and Councilmembers:

The "Rent Suspension" proposed by Councilmembers Peralez and Carrasco on April 3rd and discussed on April 7th caused huge chaos among mom-and-pop rental property owners. Thousands of San Jose mom-and-pop owners were shocked, frustrated, scared and confused. We felt helpless, ignored, and betrayed in this already horrible pandemic.

This thoughtless and unconstitutional proposal came out at the worst time. In addition to having issues of legality and abuse of power, this rent suspension proposal makes it harder for people to fight the pandemic together. It divides our community when we need unity the most. It incites distrust and resent between renters and owners. The proposal has the effect of making citizens of our community fighting with each other. We demand better leadership to bring the community together to fight this pandemic.

We applaud our City leaders' efforts to help the homeless, the undocumented, the low income, the health workers, the Uber drivers, the small businesses, the large businesses. Meanwhile, we respectfully remind you that, we, thousands of mom-and-pop rental property owners, are also your constituents. As mom-and-pop owners, we are not immune from the virus. Like our tenants, we are suffering. We pay mortgages. We pay taxes. We pay insurance premiums. We pay HOA fees. We pay maintenance costs. We pay business license fees, permit fees and Apartment Rent Ordinance fees that the city imposes upon us. There is no suspension of those fees. There is no waiver of late fees. There is no moratorium for us. In the pandemic, our obligations to our tenants do not stop. Rental property ownership does not provide sick leave for owners.

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We recommend our City leaders to recognize, encourage and reward rental property owners who voluntarily freeze rent. Encouraging us to freeze rent promotes communal goodwill and unity. Forcing us to freeze rent promotes factional suspicion and hatred.

We demand that our City cares about, rewards, and recognizes the good intention and good actions of mom-and-pop small businesses. We urge the City to consider the following measures to show that the City leaders care about all residents of San Jose.

- 1) Eliminating or at least reducing ARO fees;
- 2) Eliminating or at least reducing business taxes;
- 3) Eliminating or reducing permit fees for building repair and maintenance works; and
- 4) Waiving late fees; COVID-19 is our common enemy.

We the People desperately need great leadership during this crisis. Please lead us to fight the virus, instead of fighting each other. Unite us. Do not divide us. Promote care and love. Do not promote suspicion and hate. Your actions in this historic moment will be remembered by us and our children.

Thank you for your time and attention to this matter.

Ray Shih  
Apartment Manager

Mon 4/13/2020 12:20 PM

Dear Mayor and Councilmembers

The "Rent Suspension" proposed by Councilmembers Peralez and Carrasco on April 3rd and discussed on April 7th caused huge chaos among mom-and-pop rental property owners. It is detrimental to those whose sole income is from tenants' rent payments. We will have ZERO income while our obligations as landlords do not lessen. Many will be driven into poverty immediately and begin the domino effects further impacting the housing stock, economy and business climate of the city.

While we are all doing our part to help our tenants during this crisis, we do not want our good will be taken away from the government. We are not greedy landlords but are passionate to our tenants as well. While we already allow our tenants to lower their payments and extend the due dates, it is not good governing by slapping same rules with all cases by the city. This type of proposal divides our community when we need unity the most. It incites distrust and resentment between renters and owners. The proposal has the effect of making citizens of our community fighting with each other. We demand better leadership to bring the community together to fight this pandemic instead of the further division caused by proposals of this kind.

This thoughtless and unconstitutional proposal came out at the worst time. In addition to having issues of legality and abuse of power, this rent suspension proposal makes it harder for people to fight the pandemic together. We applaud our City leaders' efforts to help the homeless, the undocumented, the low income, the health workers, the Uber drivers, the small businesses, the large businesses. Meanwhile, we respectfully remind you that, we, thousands of mom-and-pop rental property owners, are also your constituents. As mom-and-pop owners, we are not immune from the virus. Like our tenants, we are suffering. We pay mortgages. We pay taxes. We pay insurance premiums. We pay HOA fees. We pay maintenance costs. We pay business license fees, permit fees and Apartment Rent Ordinance fees that the city imposes upon us. There is no suspension of those fees. There is no waiver of late fees. There is no moratorium for us. In the pandemic, our obligations to our tenants do not stop. Rental property ownership does not provide sick leave for owners.

As landlords who are going through this crisis just like the tenants, most, if not all, are freezing rents on our own goodwill. However, a mandatory rent freeze takes all the appreciation away. A mandatory rent freeze is based on the false premise that we the housing providers are greedy. A mandatory rent freeze denies that we have goodwill. A mandatory rent freeze says that our good deeds are forced by the government. A mandatory rent freeze encourages hatred. We recommend our City leaders to recognize, encourage and reward rental property owners who voluntarily freeze rent. Encouraging us to freeze rent promotes communal goodwill and unity. Forcing us to freeze rent promotes factional suspicion and hatred.

We demand that our City cares about, rewards, and recognizes the good intention and good actions of mom-and-pop small businesses. We urge the City to consider the following measures to show that the City leaders care about all residents of San Jose, both landlords and tenants alike.

- 1) Eliminating or at least reducing ARO fees;
- 2) Eliminating or at least reducing business taxes;
- 3) Eliminating or reducing permit fees for building repair and maintenance works; and
- 4) Waiving late fees;

COVID-19 is our common enemy. We the People desperately need great leadership during this crisis. Please lead us to fight the virus, instead of fighting each other. Unite us. Do not divide us. Promote care and love. Do not promote suspicion and hate. Your actions in this historic moment will be remembered by us and our children.

Best regards,  
Anthony Lee

Mon 4/13/2020 12:27 PM

Dear Madams & Sirs:

Let us be fair. We know a lot of tenants got impacted by COVID-19. However, this is same for property owners. We got mortgage, property tax, insurance, and other miscellaneous expenses to pay as well. The problem had been addressed by California government and federal government with very generous benefits. People who lost their job can get 40% of their salary, plus \$600 per week from Fed. If city would like to help, please pay the tenant from city's reserve. Using property owner's money instead of city's reserve is purely robbery and unconstitutional. Prohibit owner to collect rent is purely irresponsible, unreasonable and absurd idea. It is communism.

It is up to the owners if they want to help their renters. This cannot be enforced by any law. What compensation do property owners get if you pass this law? As a property owner in San Jose, I strongly oppose this proposal.

Best regards,

Ed Chang - Property Owner in San Jose

Mon 4/13/2020 12:55 PM

Dear council members,

I understand the desire to help tenants impacted by the Pandemic. But it appears to me that the proponents are trying revisit the ARO, which was debated at length. None of my tenants have had their incomes decreased, and each apartment expects to get \$2400 from the stimulus . Many received raises on their jobs in the last year. My costs have gone up, as expected, thus reducing the income that my wife and I live on , in retirement. We have far below market rents that were locked in by the ARO.

It's patently unfair to not means test any rent freeze .

William Pierce

Mon 4/13/2020 1:31 PM

Dear Mayor and Councilmembers:

I am a realtor and own one rental property in San Jose. For the couple of months, I didn't make any money, but I still have paid all my dues on time to support city, county and lenders. I also didn't increase rent for my tenants except a bad one who caused a lot of trouble to her roommates before covid19 pandemic. I think 'rental freeze' should be between landlord and tenants. Landlord should decide whether to increase rent or not, not through law. Too many rental restrictions or rental laws will make less people to invest in San Jose real estate and existing owners to sell rentals, this will make the property values in San Jose decline which will cause more lay offs of local government as less income will be collected. Less rental properties will also cause more homeless people. It is a just bad cycle which might lead big recession.

Sincerely,

Lijun Gu

**From:** Bingxue Xu

**Sent:** Monday, April 13, 2020 1:54 PM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>

**Cc:** Bingxue Xu <bxu\_1999@yahoo.com>

**Subject:** Concerns on emergency Ordinance of Rent Freeze is on 04/14/20 San Jose Council Meeting

Dear Sir or Madam,

We applaud your effort to take care of all the citizens in the great city of San Jose under the Coronavirus pandemic. But as a small property owner, we are appalled by the the illegal and thoughtless and highway-robbery type of proposals to waive three months of rents fro tenants. We are already following the laws to allow postponement and others. As law-abiding citizens, we can't fathom how elected officials could do that by ordering a particular section of citizens to pay three months of rents for another group of citizens and breaking the contract laws.

Majority of us also face the mortgage payment, property tax, insurance, HOA, and repair cost under very difficulty. Please review the attached letter from ours, and consider help us with some small relief. As citizens of San Jose, all citizens deserve to be helped at this time.

Thank you very much for your time and passion to help ALL citizens in San Jose.

Bingxue Xu

Mon 4/13/2020 3:10 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

Rental housing providers like me are struggling to manage the additional strain on our buildings as the shelter in place continues. Maintenance costs are increasing while tenants are facing struggles in paying their rent. Mortgage forbearance is not being offered across the board so many of us who own rental property are not able to take advantage of this opportunity. And, if I could get forbearance, it does not mean my mortgage payments are waived, I will still owe that money.

As you consider the temporary rent freeze proposal, please consider giving us the flexibility to help our residents and partner with us as we face lost income and uncertain times. The Apartment Rent Ordinance limits us by penalizing temporary reductions in rent or closing an amenity because of the public health order. The rent freeze should recognize that we are doing our part and make it clear that we, too, are protected if we do the right thing by not forcing us to lower rents by complying with the public health orders. Also, it's critical that the rent freeze only apply to those who need it most - those impacted by COVID related job or income loss and extend as long as the eviction moratorium you passed last month. We also should be allowed to reserve the frozen increase to be used at a later time without having to endure a complex petition process.

As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal.

Sincerely,

Bonnie Liu

Mon 4/13/2020 3:10 PM

Dear City Clerk,

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Sincerely,

Jae Allen

**From:** Roberta Moore

**Sent:** Monday, April 13, 2020 3:12 PM

**To:** Liccardo, Sam <sam.liccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; city.auditor <city.auditor@sanjoseca.gov>

**Subject:** April 14th Council Meeting 8.1 Agenda Item

Dear Honorable Mayor Liccardo and Council,

First, I lost my husband to cancer.

Then I lost my income to COVID-19.

As if that wasn't enough, Councilmembers Peralez and Carrasco asked me to support my 13 Renters with free rent for up to six months as if the Renters were my dependents and I was legally required to pay for them like I would my own children.

Since that didn't work, Peralez proposed more unconstitutional takings be considered this week.

**The uncertainty and fear that the City is creating in our community is palpable.**

Councilmembers Peralez and Carrasco put forth an unconstitutional proposal to the council last week They had an option to withdraw their proposal once they realized their error but did not. When council members knowingly propose unconstitutional ordinances, this is a clear indication of an unwarranted and unmitigated attack on our business which could be considered a breach of their fiduciary duty to uphold the law.

The egregious and never-ending new laws and added takings demanded from the City Council and its Housing Department is creating lack of predictability and stability for Housing Providers. Of the 368 Housing Providers who attended the April 7th council meeting to oppose agenda item 8.3, 26 of whom got to speak, Chung said it best,

“You have waged economic warfare against us.”

### **Do the Ends Justify the Means?**

For example, the recent fine schedule dictate the City can fine me \$40,000 for not posting the Tenant Protection Ordinance sign at my 4-plex. I have to wonder how commensurate this fine is considering the offense.

And, with all the press the Housing Department and its programs have received these past 4 years, the complaints against ARO Housing Providers is still only about 1/200th of the ARO units. The Housing Department acknowledges most of these complaints are for notice of evictions for non-payment of rent likely from the larger Housing Providers who issue these notices right away. (HCDC Meeting) Despite numbers that most companies would consider a rounding error, the Rent Referral Fees from the ARO units have increased from \$799,362 to \$3,654,882 in that time. (Source City Annual Reports 2015, 2019. We have few complaints from Renters and yet the City has increased the management of ARO 4.5 times when the City is running a deficit budget.

### **Egregious Taking – What are the Motivations?**

I am grappling to understand the City's (Council/Housing Department) motivations:

- Do you just not understand our rental business because there is almost no representation in the Housing Department or on the Housing Commission despite an open seat? (Only Renters are allowed to fill the vacant seat.)
- Do you really want to put us out of business because the City thinks they can do a better job of providing housing?
- Do you just not care because the unions are backing your campaign, and this supports their agenda to put us out of business?

- Do you just not care because it fills the Housing Departments' coffers?
- Is there a personal agenda driven by a vendetta against us small minority-owned mom and pops?

### **Unintended Consequences to Renters & Housing Providers**

Even if the intentions are in doubt, the results are devastating to the Renters they proclaim to protect. The unintended consequences of the City's extensive and hard to understand regulations and 450% growth in Rent Referral Fees in just 4 short years have caused a 10% decrease of affordable housing and a significant increase in rent from \$1,480 to \$2,200 for a 2 bedroom (Source: Housing Department and Rentometer). (Not \$3,000 as claimed.)

These regulations and fees will continue to:

- Push mom and pop Housing Providers out of San Jose.
- A continued and accelerated loss of naturally affordable units and caring Housing Providers who keep rents below market and don't serve evictions notices for non-payment of rent at first chance.
- A dependence on large corporations that are responsible to shareholders for the bottom line with no personal touch, i.e., the Housing Providers who do submit notices of eviction immediately and increase rents to the legal limit each year.

We, the mom and pops of San Jose, are really tired of being made out to be the bad guy when we are small businesses that are part of the fabric of San Jose. We provide an essential service. **And because of our symbiotic relationship, what hurts Renters hurts us and what hurts us hurts Renters.**

### **Protect Affordable Housing**

Just because our earnings are not in the form of a guaranteed salary and pension, like the Councilmembers and Housing Department staff, or we aren't part of the union backing the council members who vote for these egregious takings, please stop making us wrong for being in the business. What we get are earnings not profits. Please stop supporting this union-backed agenda which is fostering much of the false rhetoric about housing and Housing Providers.

### **Request of City Councilmembers and the Housing Department**

If the City really cares about preserving the more affordable housing and letting caring mom and pop businesses continue to provide housing below market average, then we request the city:

- Waive this year's ARO Fees.
- Provide banking of rent increases for at least 1 year after any changes so we can delay raising rents. (Banking is the best tool for keeping rents lower longer.)
- Move Quality Housing Providers up to Tier 1 more quickly. Stop the unnecessary delays.
- Perform your legal and fiduciary obligation to uphold the constitution. Many renters are abusing the moratorium and demanding a rent strike. A rent strike is illegal. Make a political statement that Renters should follow the law and pay rent just like they pay for food, for cable, for car loans. Request they talk to their Housing Provider and find out what's possible and then go to government and non-profit services if they need help.
- Get San Jose's share of California State funding for COVID and rental relief. Get State monies before other Cities get your share.

**Please give some more thought to what you are doing to this City and its constituents!**

Thank you for your consideration.

Regards,

Roberta Moore

Mon 4/13/2020 3:20 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

Rental housing providers like me are struggling to manage the additional strain on our buildings as the shelter in place continues. Maintenance costs are increasing while tenants are facing struggles in paying their rent. Mortgage forbearance is not being offered across the board so many of us who own rental property are not able to take advantage of this opportunity. And, if I could get forbearance, it does not mean my mortgage payments are waived, I will still owe that money.

As you consider the temporary rent freeze proposal, please consider giving us the flexibility to help our residents and partner with us as we face lost income and uncertain times. The Apartment Rent Ordinance limits us by penalizing temporary reductions in rent or closing an amenity because of the public health order. The rent freeze should recognize that we are doing our part and make it clear that we, too, are protected if we do the right thing by not forcing us to lower rents by complying with the public health orders. Also, it's critical that the rent freeze only apply to those who need it most - those impacted by COVID related job or income loss and extend as long as the eviction moratorium you passed last month. We also should be allowed to reserve the frozen increase to be used at a later time without having to endure a complex petition process.

As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal.

Sincerely,

Tom Doglio

Mon 4/13/2020 3:20 PM

Dear City Clerk,

Hello Mr. Mayor and Council Members; Please do not enter an industry from a single sided approach. If you decide to step heavily during this challenging time, do it from a balanced point of view, recognizing that everything you touch from a tenant's side then affects the owner's side as well as the manager's side. It was disastrous when the Council chose to hear an unconstitutional proposal which should not have made it to the agenda and wasted a tremendous amount of everyone's energy. If you are going to once again enact more tenant protections, approach it fairly and give it time for all voters to weigh in. If you think enacting more controls is going to balance the market place, there is ample evidence around the nation of this misguided approach. Please be cautious, do your homework and get more participation and interaction from all sides of the industry before you act. Passage of this proposal limits what landlords and managers can do to keep their tenants in place. Please know the cardinal rule in this industry is to avoid vacancies. I am a manager of over 300 units of which 5% of our tenants struggled this month. We are working with them on a payment plan. We have hard working and good minded clients who we assist in making the right decisions. Allow us to do our job for all the parties in this industry.

Sincerely,

Andrea Caldwell

Mon 4/13/2020 3:20 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

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Sincerely,

Shane Smith

Mon 4/13/2020 3:40 PM

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Sincerely,

Nancy Whelan

Mon 4/13/2020 3:30 PM

Dear City Clerk,

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Sincerely,

Laura Munguia

Mon 4/13/2020 3:30 PM

Dear City Clerk,

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Sincerely,

Todd Robillard

Mon 4/13/2020 3:28 PM

Dear San Jose city Mayor and city councillors,

I, as a small rental complex owner in San Jose, strongly oppose the City of San Jose to put Rent-Freeze in San Jose . Because this will not effectively help the people to get any relief from Covid-19 virus pandemic. I understand epidemic virus impact everyone's live not only the tenants but everyone including landlords. A place to live is an essential need as other essential needs such as foods, can City make order to everyone to take foods without paying from any supermarket or grocery store? Most landlords also rely on those rent incomes to survive daily including to buy foods and paying their mortgages. Take someone's income whom deserved to compensate the others is unconstitutional and illegal in USA.

If the City is really willing to help someone in rental, the administration team should directly help in money to those whom is qualified only case by case after any applicant can approve their financial situation is truly damaged due to this virus pandemic. In long term, the city should really carefully consider how to educate the people about how to managing their monthly incomes for if any accident happen in the future.

The United States of America is NOT a socialist society and I don't think City of San Jose should take any step as communist parties did.

God Bless America.

Joyce Ren

Mon 4/13/2020 4:00 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

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Sincerely,

Ton Dang

Mon 4/13/2020 4:00 PM

Dear City Clerk,

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Sincerely,

David Flores

Mon 4/13/2020 4:00 PM

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As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal.

Sincerely,

Jenny Fan

Mon 4/13/2020 4:00 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing and have already taken proactive steps and communication long before any local ordinances took effect.

We completely understand and empathize with those who truly are impacted financially by this virus and have been working with those who have supplied reasonable documentation on rent deferral payment plans. While we, as housing providers, can act quickly and responsibly in assisting out tenants, the same can not be said for lenders assisting housing providers on mortgage forbearance requests. Forbearance requests are not assured, a Landlord has to wait to prove loss of income documentation which can be extensive and there is a maximum of 3 month's forbearance.

What are Landlords to do when we have utilities to pay, insurance premiums may be due, property tax payments were just due? What about our employees who must be paid to keep our essential businesses (providing housing) open and operating at considerable risk to them while benefiting tenants? Too often, it seems that the necessity we provide, is vilified and punished with little or no consideration to the needs and impacts to owners.

Any rent freeze considered should, at a minimum, correspond to the same time frame as the eviction moratorium and apply to those truly (and I emphasize truly) in need and not a blanket policy that covers all tenants. Further, any tenant petitions for reduced rent now or in the future for any reasons subject to the Rent Control Ordinance and other applicable ordinances should not be allowed.

Thank you for your consideration in balancing the interests of all parties.

Sincerely,

Killian byrne

Mon 4/13/2020 3:57 PM

As you consider the temporary rent freeze proposal, please consider giving us the flexibility to help our residents and partner with us as we face lost income and uncertain times. The Apartment Rent Ordinance limits us by penalizing temporary reductions in rent or closing an amenity because of the public health order. The rent freeze should recognize that we are doing our part and make it clear that we, too, are protected if we do the right thing by not forcing us to lower rents by complying with the public health orders. Also, it's critical that the rent freeze only apply to those who need it most - those impacted by COVID related job or income loss and extend as long as the eviction moratorium you passed last month. We also should be allowed to reserve the frozen increase to be used at a later time without having to endure a complex petition process.

As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal.

Edwin Stafford

Mon 4/13/2020 3:50 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

Rental housing providers like me are struggling to manage the additional strain on our buildings as the shelter in place continues. Maintenance costs are increasing while tenants are facing struggles in paying their rent. Mortgage forbearance is not being offered across the board so many of us who own rental property are not able to take advantage of this opportunity. And, if I could get forbearance, it does not mean my mortgage payments are waived, I will still owe that money.

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Sincerely,

Collin Forgey

Mon 4/13/2020 3:50 PM

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Sincerely,

Kimberly Lin

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Sincerely,

George Wu

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Sincerely,

Ron Evans

Mon 4/13/2020 4:10 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

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Sincerely,

Ashok Domadia

Mon 4/13/2020 4:10 PM

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As housing providers, our goal is to maintain safe and healthy homes for our residents. We need your help to accomplish that goal. WHY IS THE CITY SINGLING OUT UNITS BUILT BEFORE 1979? THIS IS DISCRIMINATION AGAINST OLDER LANDLORDS! OLDER UNITS PROVIDE MUCH NEEDED HOUSING THAT NEW UNITS CAN'T PROVIDE AT THE SAME MONTHLY RENT. STOP ELDERLY ABUSE!

Sincerely,

Yolanda Chavez-Rossy

Mon 4/13/2020 4:10 PM

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Sincerely,

Gordon Tong

Mon 4/13/2020 4:10 PM

Dear City Clerk,

As a rental housing provider, I recognize the challenging times my residents are facing. As housing providers, we are dealing with the uncertainty of meeting our respective financial obligations including payroll, taxes, fees, and maintenance. Additionally, profits are used to [pay for medical care for 2 of the elderly owners and is/will be a financial hardship for them that is ultimately can be a life of death situation. You are quick to run to action for some while not thinking about the impact to all!. This is why I am asking you to consider how your actions impact both property owners and the residents of San Jose.

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Sincerely,

kurt hickam

Mon 4/13/2020 4:10 PM

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Sincerely,

melody buchholz

Mon 4/13/2020 4:10 PM

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Sincerely,

Chapin Hemphill

To whom it may concern:

The "Rent Suspension" proposed by Councilmembers Peralez and Carrasco on April 3rd and discussed on April 7th caused huge chaos among mom-and-pop rental property owners. Thousands of San Jose mom-and-pop owners were shocked, frustrated, scared and confused. We felt helpless, ignored, and betrayed in this already horrible pandemic.

This thoughtless and unconstitutional proposal came out at the worst time. In addition to having issues of legality and abuse of power, this rent suspension proposal makes it harder for people to fight the pandemic together. It divides our community when we need unity the most. It incites distrust and resent between renters and owners. The proposal has the effect of making citizens of our community fighting with each other. We demand better leadership to bring the community together to fight this pandemic.

We applaud our City leaders' efforts to help the homeless, the undocumented, the low income, the health workers, the Uber drivers, the small businesses, the large businesses. Meanwhile, we respectfully remind you that, we, thousands of mom-and-pop rental property owners, are also your constituents. As mom-and-pop owners, we are not immune from the virus. Like our tenants, we are suffering. We pay mortgages. We pay taxes. We pay insurance premiums. We pay HOA fees. We pay maintenance costs. We pay business license fees, permit fees and Apartment Rent Ordinance fees that the city imposes upon us. There is no suspension of those fees. There is no waiver of late fees. There is no moratorium for us. In the pandemic, our obligations to our tenants do not stop. Rental property ownership does not provide sick leave for owners.

Even with all these, BAHN encouraged the owners to help tenants as much as the owners could. BAHN sent a letter to all members on March 25 (attached), calling for and encouraging goodwill and selflessness. Voluntary "rent freeze" was one of our suggestions. We have faith that most, if not all, of our members are freezing rents on our own goodwill. However, a mandatory rent freeze takes all the appreciation away. A mandatory rent freeze is based on the false premise that we the housing providers are greedy. A mandatory rent freeze denies that we have goodwill. A mandatory rent freeze says that our good deeds are forced by the government. A mandatory rent freeze encourages hatred.

We recommend our City leaders to recognize, encourage and reward rental property owners who voluntarily freeze rent. Encouraging us to freeze rent promotes communal goodwill and unity. Forcing us to freeze rent promotes factional suspicion and hatred.

We demand that our City cares about, rewards, and recognizes the good intention and good actions of mom-and-pop small businesses. We urge the City to consider the following measures to show that the City leaders care about all residents of San Jose. 1) Eliminating or at least reducing ARO fees;

2) Eliminating or at least reducing business taxes;

3) Eliminating or reducing permit fees for building repair and maintenance works;

and 4) Waiving late fees;

COVID-19 is our common enemy. We the People desperately need great leadership during this crisis. Please lead us to fight the virus, instead of fighting each other. Unite us. Do not divide us. Promote care and love. Do not promote suspicion and hate. Your actions in this historic moment will be remembered by us and our children.

Sincerely,  
William Zhang