

From: GARY SMITH

To: agendadesk@sanjoseca.gov

Date: April 21, 2020 at 1:19 PM

Subject: Item 8.1 Rent freeze

I am in support of the rent freeze proposed in Item 8.1 of the agenda.

Gary Smith

President

Millpond MHP Chapter

GSMOL

Tue 4/21/2020 4:59 PM

To the Mayor and Council,

Speaking as a resident of the Mountain Springs community, I urge that you enact the rent increase freeze as an emergency ordinance to protect the communities including Trailer Terrace, Colonial Mobile Manor, and Magic Sands.

All of these parks are mostly composed of low-income, minority non-English residents that would be severely harmed should you not act. San Jose prides itself in its diversity, ranking in the top 10 nationally according to several statistics. The city's ethnic identity has promoted our culture and has enriched the daily lives of our population. Through this thorough mix of ideas and ways of thinking, San Jose's inhabitants are able to think wider and achieve more. We must maintain this identity to further succeed together, and thus must also protect those of us who need it most.

Additionally, senior communities also belong to the several parks. Considering our current situation, how can we expect the elderly to be able to give up more in such dangerous conditions? It would not only be unjust but also cruel to allow such a situation to unwrap itself. Please consider this when making your decision.

Sincerely,
Lan Tran

From: Raymond Ong
Sent: Wednesday, April 22, 2020 2:20 PM
To: City Clerk
Subject: Defer the Rent Freeze

Dear City Clerk,

As a rental housing provider in the City of San Jose, I have been deeply impacted by not only the COVID-19 pandemic but also the recent steps the Council has taken with the eviction moratorium and the proposed rent freeze. The rent freeze proposal is particularly concerning as it is scheduled to be heard tomorrow and as of 2:30pm today we have yet to review a draft of the ordinance.

I am concerned that as the City Council you are being asked to adopt a very important ordinance and there will have been less than 24 hours for you and key stakeholders such as myself to review it. Given the impact this ordinance will have on me, my residents, and existing rental contracts, it is critical that impacted stakeholders have an opportunity to provide meaningful input on it and have time to properly comply with the key provisions.

I am asking that the Council defer this item to the April 28th meeting to allow time for the Council and those impacted time to review the ordinance and provide feedback.

Thank you

Sincerely,

Raymond Ong

April 22, 2020

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

RE: Item 8.1 City Council Meeting 4/28/2020

We want to express our appreciation for the City delaying the Rent Freeze Moratorium vote on April 21, 2020 to allow time for the Housing Staff to solicit our input. We also respect the City's efforts to find solutions to assist Residents who have been impacted by COVID-19. During this difficult time, it is important for everyone to work together to introduce fair solutions for a path forward.

We have been intently following the City's various ordinances and proposed ordinances such as the Rent Eviction Moratorium, the proposed Rent Moratorium and the newly proposed Rent Freeze Moratorium. While we are not contesting the proposed Rent Freeze Moratorium, we believe it is important to present a solution that we find fair for all parties as we continue through this challenging time.

- Mobilehome parks have a fixed rent increase anniversary date, which are typically outlined in the lot lease agreement. The State requires that mobilehome park management provide a Homeowner with a 90-day written notice before the effective date of an increase (Mobilehome Residency Law 798.30)
 - *For example, if Community A has a rent anniversary date of July 1, then on that date all the residents of Community A may receive a rent increase. However, before this can happen, in accordance with state law, management is required to send a notice of the rent increase to the residents before April 1.*
- Additionally, a park owner may not raise rent more than once every 12 months per the Mobilehome Park Rent Control Ordinance
- We suggest allowing Park Owners to notify their Homeowners of their annual increase in order to maintain that fixed anniversary date
- Instead of initiating the increase upon the anniversary date, Owners will apply the increase and credit the Homeowners account on the same monthly bill.
 - *For instance, if there is an increase of \$30 there will be a credit on the Homeowner's account of \$30. The net effect will equal zero.*
- If City Council adopts this recommendation, we would also request that the Housing Department create a notification/template clarifying the credit policy in multiple languages for Park Owners to provide to the Residents
- This credit will stay in effect until the sooner of the termination of the Moratorium or on December 31, 2020. The original anniversary date for each specific mobilehome park would remain unchanged
- Park Owners will not be allowed to retroactively collect the delayed rent increases after the ordinance is lifted

- We agree with the City's recommendation of denying tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19

Or

- Mobilehome Rent Control Ordinance Chapter 17.22.450 states that after more than 24 months have elapsed since the last effective rent increase, a park owner may calculate and charge the combined allowable maximum rent increase for the current and previous year.

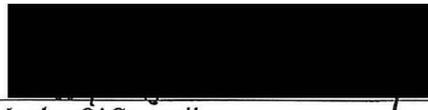
We believe that this compromise is within the spirit of the City's recommended ordinance while also preserving the anniversary dates/lease agreement at each mobilehome park. We want to work with the City to find a fair solution and are willing to discuss further should you have any questions, comments or concerns.

Thank you for your consideration.

Sincerely,



Ryan Jasinsky
BRANDENBURG, STAEDLER & MOORE
Director of Property Management



Martha O'Connell
GSMOL
Golden State Manufactured Homeowners
League -Regional Manager

From: Edward Marrazzo
Sent: Thursday, April 23, 2020 10:53 AM
To: City Clerk
Subject: Defer the Rent Freeze

Dear City Clerk,

As a rental housing provider in the City of San Jose, I have been deeply impacted by not only the COVID-19 pandemic but also the recent steps the Council has taken with the eviction moratorium and the proposed rent freeze. The rent freeze proposal is particularly concerning as it is scheduled to be heard tomorrow and as of 2:30pm today we have yet to review a draft of the ordinance.

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I am asking that the Council defer this item to the April 28th meeting to allow time for the Council and those impacted time to review the ordinance and provide feedback.

Thank you

Sincerely,

Edward Marrazzo

From: Briana McDaniel
Sent: Thursday, April 23, 2020 12:14 PM
To: City Clerk
Subject: Defer the Rent Freeze

Dear City Clerk,

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Thank you

Sincerely,

Briana McDaniel

From: Lynne Saunders
Sent: Tuesday, April 21, 2020 10:43 PM
To: City Clerk
Subject: Defer the Rent Freeze

Dear City Clerk,

As a rental housing provider in the City of San Jose, I have been deeply impacted by not only the COVID-19 pandemic but also the recent steps the Council has taken with the eviction moratorium and the proposed rent freeze. The rent freeze proposal is particularly concerning as it is scheduled to be heard tomorrow and as of 2:30pm today we have yet to review a draft of the ordinance.

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Thank you

Sincerely,

Lynne Saunders

From: Rajkumari Asrani
Sent: Wednesday, April 22, 2020 10:07 AM
To: City Clerk
Subject: Defer the Rent Freeze

Dear City Clerk,

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Thank you

Sincerely,

Rajkumari Asrani

From: BAHN SJ

Sent: Thursday, April 23, 2020 3:11 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; 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>; City Clerk <city.clerk@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Doyle, Richard <Richard.Doyle@sanjoseca.gov>; VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>

Subject: Real Resources for Renters

Dear City Leaders,

What we find so frustrating is your eagerness to assist renters using our personal funds while offering our labor for free. You will put us out of business. San Jose will be left with only corporate landlords. Rather than taking someone else's fish so that renters can eat for a day, let's help everyone learn how to fish and eat for a lifetime.

Below are some renter resources that could actively be used to truly support the independence and survival of renters. You could support renters without sacrificing **mum and pops who are actually providing the services the City so desperately needs.**

RENTER ASSISTANCE PROGRAM (example lead by Los Angeles)

<https://www.foxla.com/news/los-angeles-city-council-votes-to-create-renter-assistance-fund-amid-coronavirus-crisis>

FIND A JOB (help from San Mateo)

<https://www.samceda.org/Employment-Information>

Jobs for Hire during COVID-19

The latest additions will be on the top of the list.

San Francisco International Airport, Kaiser Permanente, OnwardCA (One-Stop Resource for the People of California Impacted by Job Loss During the COVID-19 Pandemic), Good Eggs, Instacart, Papa John's Pizza, Smart & Final, U.S. Postal Service, Amazon Delivers, Chan Zuckerberg Initiative (CZI), Genentech, Amgen, [Support.com](https://www.support.com), FedEx, UPS, Pepisco, Domino's (Supply Chain Center), Domino's, 7-Eleven, Walgreens, CVS, GE Healthcare, Dollar Tree/Family Dollar, Lineage, Walmart, Costco, Raley's, Whole Foods, Save Mart, Amazon, Target, Safeway, Zoom (Remote), Zoom.

From: Garth Clark
Sent: Thursday, April 23, 2020 10:43 PM
To: City Clerk
Subject: Defer the Rent Freeze

Dear City Clerk,

As a rental housing provider in the City of San Jose, I have been deeply impacted by not only the COVID-19 pandemic but also the recent steps the Council has taken with the eviction moratorium and the proposed rent freeze. The rent freeze proposal is particularly concerning as it is scheduled to be heard tomorrow and as of 2:30pm today we have yet to review a draft of the ordinance.

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I am asking that the Council defer this item to the April 28th meeting to allow time for the Council and those impacted time to review the ordinance and provide feedback.

Thank you

Sincerely,

Garth Clark

From: **Bruce Stanton**

Date: Fri, Apr 24, 2020 at 1:11 PM

Subject: Agenda Item 8.1 - April 28, 2020 San Jose City Council Meeting - FOR YOUR IMMEDIATE ATTENTION

To: Morales-Ferrand Jacky , VanderVeen Rachel

Cc: Margaret E. Nanda , Ryan Jasinsky , Martha O'Connell

Dear Ms. Morales-Ferrand and Ms. VanderVeen:

I am writing as corporate counsel of the Golden State Manufactured - Home Owners League, Inc. (GSMOL) in support of a joint letter dated April 22, 2020 (the "Letter") which was submitted to you by Martha O'Connell, GSMOL Regional manager, and Ryan Jasinsky on behalf of park owner Brandenburg, Staedler & Moore. For the following reasons, I would urge both yourselves and the San Jose City Council to adopt what I view to be a skillfully crafted and very workable solution in this time of crisis as recommended in their Letter.

The goal of the City's proposed "Rent Freeze Moratorium" (the "Moratorium") as I understand it, is to provide relief now to San Jose tenants impacted by COVID-19. Because the City's Mobilehome Ordinance provides for fixed rent increase anniversary dates which can only be utilized once per year or otherwise waived, park owners understandably would not desire those anniversary dates to change or be lost during the Moratorium period. Their internal accounting systems and cash flows are based upon the anniversary cycles which they have been used to for many years. Changing those dates could potentially expose the City to objections and challenges from all of the City's park owners. Homeowners representatives agree that those dates should **not** need to change. The Letter thus proposes a rent increase notice/rent "credit back" system which is designed to (1) defer rent increases due to the pandemic, and (2) preserve the park owners' anniversary dates.

I understand the City, and the parties, are also concerned about the possibility that if rents are frozen by a Moratorium, the automatic 24-month two-year increase could kick in allowing for a "banked rent increase" where an increase year is skipped, and thus potentially double a future rent increase amount for residents, which could also have a detrimental effect for residents on fixed or limited incomes. The City Attorney has apparently advised that the anniversary dates cannot be preserved under the Letter proposal, based upon language in Ordinance sec. 17.22.450 (B) and it's use of the term "effective date". But I agree with Margaret Nanda, the attorney for Brandenburg, Staedler & Moore, that the proposal does **not** automatically create a 2-year rent increase risk. Here is why:

As I understand it, the City Attorney has advised that the word "effective" in Ordinance sec. 17.22.450 (B) means the date upon which the rent "is actually collected in full", and that the date of the change in the rent amount set forth in the notice is not the "effective date". Their apparent concern is thus that if the rent increase is credited back, there has been no "effective date" and the two-year banked rent increase is still in play. As an attorney who has been practicing mobilehome and landlord/tenancy law since 1985, I must respectfully disagree.

A notice of rent increase constitutes a "Change in Terms of Tenancy", which pursuant to Civil Code 827 requires a written notice. That section reads, in relevant part (with emphasis added in italics), as follows:

Sec. 827 Change in Terms of Lease; Notice

(a) Except as provided in subdivision (b), in all leases of lands or tenements, or of any interest therein...the landlord may, upon giving notice in writing to the tenant...change the terms of the lease *to take effect*, as to tenancies for less than one month, upon the expiration of a period at least as long as the term of the hiring itself, and, as to tenancies from month to month, *to take effect* at the expiration of not less than 30 days...provided, however, that it shall be competent for the parties to provide by an agreement in writing that a notice changing the terms thereof may be given at any time not less than seven days before the expiration of a term, *to be effective upon expiration of the term.*

The notice, when served upon the tenant, shall in and of itself operate and be effectual to create and establish, as a part of the lease, the terms, rents, and conditions specified in the notice..."

This language makes it clear that when a change in terms of tenancy is noticed, the effective date of the change (in this case the rent increase) is the due date for performance set forth within the notice itself, and not the date upon which performance required by the notice is actually rendered. It is the notice itself which changes the term, and establishes the "effective date". The City's Ordinance should not be interpreted as having a meaning which is inconsistent with State law. And, significantly, the Ordinance refers to the effective **date**, not to the date or fact of payment. A park owner would be allowed to modify payment terms with the resident if so desired, as set forth in Civil Code 827 quoted above.

Nor does the Mobilehome Residency Law change this conclusion. Civil Code 798.30 requires a 90-day notice (instead of the 30-day notice referenced in Civil Code 827) "at least 90 days before the date of the increase". Notably, it does not say "before the date of payment". And Civil Code 798.56 (e) does not allow a termination of tenancy to be noticed until rent is unpaid for at least 5 days after its due date. Thus, the "effective date" of the rent being due must first occur before there can be any non-payment of that rent, followed by a termination notice. The due date for rent and the payment date are two separate things.

During my years of involvement throughout California with mobilehome ordinance and lease issues, I've encountered several situations where a park owner has noticed a rent increase in order to preserve its legal rights to the same, but then credited back an amount of rent to the homeowner by agreement. The solution proposed by the Letter in this case adopts that same approach.

In conclusion, as long as a park owner continues to notice rent increases on their given anniversary date, but then credits that same increase back to the homeowner as required by the Moratorium, there has clearly been an "effective date" of the rent increase, and the 17.22.450 (B) provision would not be triggered. It would seem appropriate language could be included in the Moratorium to confirm this. Of course, if a park owner chose to give no rent increase notice for that year and thus waived the right to an increase, then the 2-year provision would still be available to that park owner. But park owners like Brandenburg, which operates a number of parks within the City and desires to mitigate both the short-term and long-term impacts of a Moratorium upon its residents, would not be forced to change its anniversary dates as a consequence of providing COVID-19 relief.

Please do not hesitate to email me or contact me directly at (408) 691-9692 with any comments or questions, or feel free to have the City Attorney's office do so. Thank you very much for your immediate consideration.

Bruce E. Stanton, Esq.
Law Offices of Bruce E. Stanton

From: Larry

Sent: Friday, April 24, 2020 1:44 PM

To: City Clerk

Subject: Rent suspension

We know a lot of tenants got impacted by COVID-19. However, this is same for property owners. We have a mortgage 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. Prohibiting owners to collect rent is an irresponsible, unreasonable idea. It is communism.

Sincerely,
Larry Alton

From: Cleo Constantin

Sent: Tuesday, April 21, 2020 8:15 PM

To: Malloy, Maria <maria.malloy@sanjoseca.gov>

Subject: Re: City Council Consideration of Moratorium on Rent Increases for Rent-Stabilized Apartments and Mobilehomes

Dear Jacky Morales-Ferrand and Maria Malloy,

What is to become of the hapless landlord who has been hamstrung when it comes to limitations on evicting troublesome tenants who "claim" Covid-19 impact, who have mortgage payments, have seen increasing occupancy taxes, property tax, and income tax, utility bills, greatly increased maintenance charges, taxes on selling, insurance costs, and materials? Why are we vilified and are taking the brunt of the economic setbacks that we all experience? Why is it only the older properties? What about the newer much more expensive rentals? We, who suffer and are regulated the most, have the older rentals and the low rents that serve the more vulnerable economic strata. We are the first step of those who strive to escape homelessness. Yet, we have become the scapegoat of the government and the press.

Food is a greater necessity than shelter. Are the grocery stores required to extend credit that would likely go unpaid? Certainly, food costs have shockingly increased to cover greater expenses....but housing costs cannot change? Why? Are industries required to continue to pay and provide benefits to employees who no longer work for them?

We are very sympathetic to those who are experiencing economic hardships. We identify with their pain as we feel it, too. Can their rent not be subsidized? Some get food stamps. What about rental "stamps"?

Please tell me and the other strapped property owners why we received a notice today that the garbage bills were going up when the news of the same day is that rents may be frozen. Are there no powers that can limit our expenses? Is the city of San Jose helpless regarding the garbage companies..."an increase not to exceed 7 percent"? (See scan) Where is our 7 percent increase? Why are other businesses permitted to go with the market flow and only a certain rental segment is repeatedly economically brutalized, and undeservedly publically shamed?

Thank you for hearing me out. We try very hard to be good landlords and to provide a fair value for our tenants. If our, and the neighboring properties also owned by the Mom and Pops get sold to big developers, there will be little housing left in our price bracket.

Cleo Constantin

Rate Changes

A rate increase not to exceed 7 percent will be recommended for multi-family properties for fiscal year 2020-2021. If approved by the City Council, the rates will become effective July 1, 2020. The tables below provide information on the most common bin sizes and collection frequencies. For a complete rate schedule, including rate schedules for single-family rates, and additional information please visit www.sanjoseca.gov/ratenotices.

Multi-Family Service Rates

Garbage Bin Size	Standard Recycling Bin Size	Number of Collections per Week											
		Current Rate	Maximum Proposed Rate	Current Rate	Maximum Proposed Rate	Current Rate	Maximum Proposed Rate	Current Rate	Maximum Proposed Rate	Current Rate	Maximum Proposed Rate		
1	1	\$125.44	\$134.22	\$227.20	\$243.10	\$328.98	\$352	\$430.79	\$460.95	\$532.59	\$569.87	\$53.98	\$57.75
1.5	1.5	\$157.56	\$168.58	\$289.08	\$309.31	\$420.61	\$450.05	\$552.15	\$590.80	\$683.66	\$731.51	\$61.41	\$65.70
2	2	\$190.51	\$203.84	\$351.81	\$376.43	\$513.09	\$549	\$674.36	\$721.56	\$835.62	\$894.11	\$68.90	\$73.72
3	3	\$254.88	\$272.72	\$475.68	\$508.97	\$696.44	\$745.19	\$917.22	\$981.42	\$1,137.95	\$1,217.60	\$83.86	\$89.73
4	4	\$319.29	\$341.64	\$599.57	\$641.53	\$879.79	\$941.37	\$1,160.07	\$1,241.27	\$1,440.35	\$1,541.17	\$98.83	\$105.74
5	5	\$383.64	\$410.49	\$723.38	\$774.01	\$1,063.17	\$1,137.59	\$1,402.96	\$1,501.16	\$1,742.72	\$1,864.71	\$112.98	\$120.88
6	6	\$448.03	\$479.39	\$847.31	\$906.62	\$1,246.56	\$1,333.81	\$1,645.80	\$1,761	\$2,045.09	\$2,188.24	\$128.71	\$137.71
8	8	\$576.78	\$617.15	\$1,095.05	\$1,171.70	\$1,613.27	\$1,726.19	\$2,131.51	\$2,280.71	\$2,649.78	\$2,835.26	\$158.63	\$169.73

Dismount and Push Charges Per Garbage Bin Per Push								
Distance (in feet)	Up to 25ft	26-50	51-75	76-100	101-125	126-150	151-175	176-200
Current Rate	\$28.08	\$56.17	\$84.26	\$112.35	\$140.43	\$168.52	\$196.61	\$224.70
Maximum Proposed Rate	\$30.04	\$60.10	\$90.15	\$120.21	\$150.26	\$180.31	\$210.37	\$240.42

Dismount and Push Charges Per Collection of Recycling Carts								
Distance (in feet)	Up to 25ft	26-50	51-75	76-100	101-125	126-150	151-175	176-200
Current Rate	\$0	\$28.08	\$56.16	\$84.24	\$112.32	\$140.40	\$168.48	\$196.56
Maximum Proposed Rate	\$0	\$30.04	\$60.09	\$90.13	\$120.18	\$150.22	\$180.27	\$210.31

Compactor Service Multi-Family Rates	
Rate	Per Collection, Per Cubic Yard
Current Rate	\$59.98
Maximum Proposed Rate	\$64.17

From: David Eisbach

Sent: Monday, April 27, 2020 9:00 AM

To: City Clerk

Subject: letter to Council Letters to Editor 4.27.20

On the eve of the San Jose City Council's passage of continuing anti-income property owner legislation, I hope that sanity can be restored. So far, the Council has forbidden evictions due to non-payment of rent because of the pandemic for April and May, with the acknowledgement that rent is not forgiven. What the Council will do if the lockdown is extended through June is a question. The City will decide if an owner may not increase the rent 5% through the end of the year. If the owner's year was up in April or December, they get no increase in 2020. While the City's trash cost rise 3%, Employees 3%, Sewer 2.8% and Water 3.20% and is now asking for \$9 million more compared to owners' zero is a heavy burden. While America worries about small business, San Jose preys on them.

From: Don & Kathy
Sent: Monday, April 27, 2020 2:05 PM
To: City Clerk
Subject: Rent Freeze

Council,

As a retired person my income relies heavily on the rents received from my rentals.

I do realize these are hard times for both renters and landlords. I think we need to be fair to both and as elected officials so do you.

I was in agreement with the rent freeze while we are in shelter at home.

I wasn't sure about extending that freeze past the ending of shelter in home.

I have come to the decision after receiving a notice from the Assessor's office. The Assessor's office notified me of an increase in garbage fees. This is the first of I am sure many increases to property owners from various sources.

There for I am asking that the rent freeze be lifted when the shelter in home is lifted.

If there were no increases to property owners and all remained status quo , it might be a different decision.

Sincerely,

Don & Kathy Anderson

From: Roberta Moore

Sent: Monday, April 27, 2020 3:44 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>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; Nguyen, Viviane <viviane.nguyen@sanjoseca.gov>; Tran, Fred <Fred.Tran@sanjoseca.gov>; VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; Henninger, Ragan <ragragan.henninger@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Doyle, Richard <Richard.Doyle@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; city.auditor <city.auditor@sanjoseca.gov>; Moua, Louansee <Louansee.Moua@sanjoseca.gov>; Connolly, Shane Patrick <shane.connolly@sanjoseca.gov>; Fedor, Denelle M <DenelleM.Fedor@sanjoseca.gov>; Jeff Zell <>; Jenny Zhao <>; Tim Beaubien <>; dhotop <>; Cheryl <>; Anil Babbar <>; wprout

Subject: 4/17 Stakeholder Mtg: Requested Changes to Peralez 8.1 Rent Freeze Memo

Dear Mayor, Council, and City Staff,

Thank you for holding stakeholder meetings to get feedback about what will work and what won't on the 8.1 Rent Freeze Moratorium.

The small mom and pop Housing Providers share the same stated goals as City Council and the Housing Department:

Keep people in their homes and preserve the naturally affordable housing.

Also, we care about our Renters.

Attached is a letter highlighting the requested changes during the Housing Department's 4/17 Zoom call. It is signed by 3 of the attendees: Jeff Zell, Jenny Zhao, and me.

These changes are critical to the success of your citizens. We are already dealing with the impact of prior regulations including increased fees, expenses, and rates as well as increased usage from people being home more (PG&E, Water, Garbage).

"I know the majority of Landlords are fabulous, especially the mom and pops," as Councilmember Esparaza said. Deal with the few bad apples through the petition process instead of adding even more regulations and fees for the rest of us.

Beware of unintended consequences. If the City continues to take from the mom and pop Housing Providers to support the City's objectives, your legacy will be reduced affordable housing and San Jose will be dependent on the mega-corporations after mom and pops have disappeared.

Regards,

Roberta Moore

Date: April 26, 2020

To: Honorable Mayor, City Council, & Housing Department

From: Attendees Housing Department's 4-17 Housing Provider Stakeholder Meeting:

Jeff Zell, Rental Owner, Manager

Jenny Zhao, Rental Owner, Manager, BAHN President

Roberta Moore, Rental Owner, Manager, HCDC Commissioner, HOA Board Member

Subject: Agenda Item 8.1 Rent Freeze Moratorium

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The answers to complex problems are not found within ideological extremes.

Overview

On April 14, 2020, San Jose City Council directed Housing Department staff (hereinafter the City) to get feedback from Stakeholders for final vote on 8.1 rent freeze proposal by Peralez after having approved the memo 7 to 4. Thank you for the opportunity to provide this feedback. It includes a recap of what the Housing Department presented, and feedback Stakeholders shared.

Participants

Housing Provider Stakeholders: Anil Babbar, Jeff Zell, Jenny Zhao, Tim Beaubien, Dean Hotop, Roberta Moore, Cheryl Lobow, Whitney Proust

City Staff: Rachel VanderVeen, Jacky Morales-Ferrand, Fred Tran, and Vivian Nguyen

Suggestions & Feedback

Following is the overview of the ordinance received and information Stakeholders shared including suggestions and reasons. These suggestions are meant to keep the intention of the ordinance without putting Housing Providers at even more unnecessary risk. Some Housing Providers are hit harder than their Renters yet only the Renters are protected with his ordinance while the harm to Housing Providers is significant.

Length of Protection

Proposed Ordinance

Length of Protection	<ul style="list-style-type: none">• Effective date is 4/1/2020 through 12/31/2020.
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Suggestions

- Make sure any future Eviction Moratorium to match the California Judicial Law which is SIP + 90 days unless payback terms are mutually agreed by Renter and Housing Provider and Renter complies with these terms (i.e., pays on time).
- If the moratorium is extended, it should either be limited in scope to only those renters directly impacted by COVID-19. The Housing Department shared their reason as follows: "otherwise I - the Housing Department would have to decide if they qualify. This felt like putting us in an uncomfortable place. We didn't want the tension of a petition process."

Reasons

- Without payback terms, this ordinance creates an excessive burden on Housing Providers and Renters.
- Renters are saying they can't pay 1 month's rent all at once. Payback terms help Renters spread the payments over many months. This is an idea many Housing Providers independently came up with to keep their renters in place and cover some expenses for protection from foreclosure.

- This is a model that the City of Elk Grove instituted so that Renters have guidelines and a structure for their repayment plan, so they are not surprised or do not intentionally postpone and delay payments. The strong possibility exists that Renters would merely move out to avoid a large balloon rental payment which would become uncollectible. Remember these are this ordinance only applies to the Housing Providers who charge below market rents.
- Payback terms keep all parties responsible and on the same page.
- Payback terms don't require Housing Providers to forgo all rent for 9 months.
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Moratorium on Rent Increases

Proposed Ordinance

<p>Moratorium on Rent Increases</p>	<ul style="list-style-type: none"> • Prohibits ARO landlord from increasing rent for rent controlled mobile homes or rent stabilized apartments • Voids any rent increase notice with an effective date of 4/1/2020 or later and may not be collected during the term • Credits rent increases collected since 4/1/2020 or later and may not be collected during the term • Allow ARO landlord or mobile home park owner to file a fair return petition
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Suggestions

- Effective date for rent increases to be the date this ordinance is approved with all prior signed contracts remaining effective.
- Use "suspended" instead of VOID, as the rent increase may not be collected during the term of the rent freeze.

Reasons

- If a rent increase was effective 4/1/2020, and was already paid, there should not be a taking of that money from the landlord via a rent credit. This will be especially hard on Housing Providers who counted on that income. A retroactive law creates uncertainty for Housing Providers. If the City does this once, people will worry it can happen again.
- Current language uses the term void which could void the entire contract and new contracts would need to be signed.
- Even if the agreement was made 60 days before 4/1, the rent increase would be void.

Prohibit Filings

Proposed Ordinance

Prohibit Filings of ARO Tenant Petitions based on Service Reduction	<ul style="list-style-type: none">• Prohibits ARO tenant petitions based upon service reduction claims related to closure or elimination of common area amenities resulting from compliance with County or State public health orders related to COVID-19.
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Suggestions

- Add prohibit service reduction petitions on all areas including inside units.
- Give plus 60 days after SIP.

Reasons

- If Renter refuses entry inside premises or Rented has COVID and Vendor can't enter premises legally then there is a valid reason for the service reduction as mandated by the state that is beyond the control of the Housing Provider.
- Contractors are going to be overbooked quickly. Allow time to get contractors lined up and to work within the laws that govern HOAs.

Suspension of Late Fees

Proposed Ordinance

Suspension of Late Fees for Rent Stabilization Program Fees	<ul style="list-style-type: none">• Suspends outstanding late fees for owners of rent stabilized apartments & mobile home parks through 12/31/2020• Late fees will not accrue during the term of this Ordinance for failure to pay registration fees due in fiscal year 2019-2020, as required under Chapter 17.22 and Chapter 17.23
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Suggestion

- Clarify dates. Waive late fees FY 2020-21.

Reason

- The Housing department has interpreted Council's waiver of ARO late fees to apply to FY 2019-2020. That fee collection period has already passed and, according to the Housing Department, most have paid.
- Unless changed, this is a useless provision that will not help those who are going to have a significant decrease in rental income this year as a result of this ordinance.

Suspension of Building Permit

Proposed Ordinance

Suspension of Building Permit Fees for Rental Properties with 20 or Fewer Units	<ul style="list-style-type: none">• Applies to approximately 27,000 rent stabilized apartments with 20 units or less.• Will apply to building permits needs repairs such as plumbing, mechanical or electric permits.• Currently, only emergency repairs are moving forward due to the shelter in place order.
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Suggestion

- Change suspension of permit fees to all ARO units.
- Can cap the dollar amount of permit fees waived per unit.

Reason

- Every Housing Provider is facing the same issue with income. Those who are impacted should receive the benefit.
- This encourages all Housing Providers to perform their repairs with permits.
- This benefits the Renters by fostering a safe and healthy housing environment.
- No one can file for permits now. There are thousands of Renters sheltered in place and the amount of maintenance and building repairs is adding up with additional wear and tear.

Affirmative Defense

Proposed Ordinance

Affirmative Defense for Eviction if Rents are Increased	<ul style="list-style-type: none">• A landlord who seeks to terminate a tenancy of an affected tenant must comply with this Ordinance• Non-compliance with any applicable component of this Ordinance may be an affirmative defense for an affected tenant against any unlawful detainer action under California Code of Civil Procedure section 1161• A landlord may file an action against a tenant or tenant third party for the damage done to the landlord's property
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Suggestion

- Clarify intention of affirmative defense.

Reason

- According to the current affirmative defense proposal, the Renter can stop paying rent through 12/31/20 and will not be in jeopardy of being evicted for non-payment of rent until 1/1/21, because the Housing Provider mistakenly gave a rent increase.
- Clarification can protect small mom and pops who mistakenly gives a rent increase because they are uninformed or are confused about the timeline.
- Once again, the City is extremely punitive, and mom and pops are left without any support from the City. The Housing Department assured us this was not the intention of this affirmative defense. However, the fact remains, the impact will be lack of rent from numerous Renters and expensive evictions.

Allowance Rent Reduction

Proposed Ordinance

Allowance of a Rent Reduction Under the Apartment Rent Ordinance	<ul style="list-style-type: none">• Rents may be reduced to allow a tenant to remain in place• Rents may return to original rates by the end of the term of the eviction moratorium• Rent increases will be calculated based on 5% of the rental rate charged most recently• Rents may return to original rate within one year following the eviction moratorium• Rent increases are calculated on original rental rate
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Suggestion

- Use language: it's a mutual agreement between the parties for the amount of reduction and duration. Any amount of temporary reduction done is NOT considered a reduction in base rent. Future increases will be based on base rent given prior to this temporary reduction.
- Do not force Housing Providers to give this reduction for any specific period of time.

Reason

- This does not need to be complicated or managed by the Housing Department. Whitney Proust, with CAA, suggested the above language that would keep this simple.
- If rents are required to stay reduced for a period of time as proposed by either alternative the Housing Providers won't reduce any rent.
- Those who don't understand this could be punished for desired behavior. No good deed goes unpunished was mentioned.

From: Clark McDonald [] **On Behalf Of** Clark and Linda McDonald

Sent: Monday, April 27, 2020 1:42 PM

To: Malloy, Maria <maria.malloy@sanjoseca.gov>

Subject: RE: City Council Defers Consideration of Moratorium on Rent Increases to April 28

Hi Jacky,

Thank you for this notice and I appreciate you being a conduit for forwarding messages to our City Council.

First, it was obviously a good decision to postpone this subject to the 4/28 meeting in order to provide time for comments. Second, I agree with this proposal. It makes sense while we try to return to some normalcy for the rest of the year.

However, I think it is unconscionable for the Council to even consider a 15%(!!) increase in garbage rates at ANY time, but especially NOT at this time. Words fail me to try to describe the thinking process from which this originated.

Lastly, there seems to be a prevailing thought on the appropriateness of removing some of our housing provider's income. How about this: start a program whereby the City and/or Council members match what landlords are willing to contribute to a rent decrease for a short term. If we say "we're all in this together", let's prove it by actions, not just words.

Thank you for your consideration.

Clark McDonald

From: **martha O'Connell**

Date: Tue, Apr 28, 2020 at 7:56 AM

Subject: URGENT: Disastrous unintended consequences 8.1

To: martha O'Connell , Ryan Jasinsky , Chapman, Helen <helen.chapman@sanjoseca.gov>, Pearce, Michael <Michael.Pearce@sanjoseca.gov>, Liccardo, Sam <Sam.liccardo@sanjoseca.gov>, Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>, Charles Chappie Jones <Chappie.jones@sanjoseca.gov>, Peralez, Raul <Raul.peralez@sanjoseca.gov>, Diep, Lan <lan.diep@sanjoseca.gov>, Carrasco, Magdalena <Magdalena.carrasco@sanjoseca.gov>, Davis, Dev <dev.davis@sanjoseca.gov>, Esparza, Maya <maya.esparza@sanjoseca.gov>, Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>, Foley, Pam <Pam.Foley@sanjoseca.gov>, Khamis, Johnny <Johnny.khamis@sanjoseca.gov>

I am concerned about the **disastrous unintended consequences** for mobilehome residents if Policy Alternative 1 in the Supplemental Memo of 4-24-20, submitted late yesterday, is adopted by the Council. This memo, on page 7 under Policy Alternative stated “direct staff to explore prohibiting banking for the year – January 2021 through December 2021 and return in the fall with recommendations.”

I urge you to read what I am saying and contact me if you need additional information. In the Con section it is stated “If banking were prohibited for a year, then (mobilehome) landlords may be inclined to submit petitions seeking a fair return. **If a landlord is granted a rent increase based upon a fair return, this could be a larger increase than what is allowed through banking.**”

This is precisely what the Jasinsky/O'Connell proposal sought to remedy among other items. This remedy was rejected by staff, and our attorney's advice was dismissed due to a misinterpretation of the word “effective.”

I have been through two “fair return petitions” at my Park, Colonial Mobile Manor, sat through one at Oakcrest, and watched others on video. **A fair return hearing costs the residents well over \$25,000.** We have to hire an attorney, expert witnesses, and pay for countless other charges such as copying, postage, transcripts, etc.

If the residents cannot raise the money to defend themselves against a large rent increase, which happened at my Park after the owner filed twice in two years, they either have no representation or if they are lucky, they select a knowledgeable resident. I was so designated in my Park. I had to present a case against an attorney, hardly a level playing field to protect residents' rights.

If the Park owner wants to appeal the decision, which happened at my Park, he can file in Superior Court. The case drags on for years and a City Attorney is assigned to the matter.

Please pay attention to what staff has admitted: If a landlord is granted a rent increase based upon a fair return, this could be a larger increase than what is allowed through banking.”

Due to the extremely late submission of this supplemental memo one day before the Council vote, I have no time to seek legal advice. Thus I am forced to submit this as an individual and not in any official capacity.

The joint Jasinsky/O'Connell proposal saves the residents from this disastrous unintended consequence. First do no harm.

Tue 4/28/2020 7:32 AM

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

Martha O'Connell and myself submitted the following proposal for consideration at today's City Council meeting. I want to highlight the importance of this proposal as it preserves the anniversary date for mobilehome park stakeholders. The anniversary date is the a long-standing industry requirement and provides consistency, clarity and predictability for stakeholders and residents. This proposal offers a sound and fair solution for the challenges everyone is facing in our industry today.

Please preserve mobilehome park anniversary dates. Please contact me should you have any questions.

Best regards,

Ryan Jasinsky

Director of Property Management

April 22, 2020

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

RE: Item 8.1 City Council Meeting 4/28/2020

We want to express our appreciation for the City delaying the Rent Freeze Moratorium vote on April 21, 2020 to allow time for the Housing Staff to solicit our input. We also respect the City's efforts to find solutions to assist Residents who have been impacted by COVID-19. During this difficult time, it is important for everyone to work together to introduce fair solutions for a path forward.

We have been intently following the City's various ordinances and proposed ordinances such as the Rent Eviction Moratorium, the proposed Rent Moratorium and the newly proposed Rent Freeze Moratorium. While we are not contesting the proposed Rent Freeze Moratorium, we believe it is important to present a solution that we find fair for all parties as we continue through this challenging time.

- Mobilehome parks have a fixed rent increase anniversary date, which are typically outlined in the lot lease agreement. The State requires that mobilehome park management provide a Homeowner with a 90-day written notice before the effective date of an increase (Mobilehome Residency Law 798.30)
 - *For example, if Community A has a rent anniversary date of July 1, then on that date all the residents of Community A may receive a rent increase. However, before this can happen, in accordance with state law, management is required to send a notice of the rent increase to the residents before April 1.*
- Additionally, a park owner may not raise rent more than once every 12 months per the Mobilehome Park Rent Control Ordinance
- We suggest allowing Park Owners to notify their Homeowners of their annual increase in order to maintain that fixed anniversary date
- Instead of initiating the increase upon the anniversary date, Owners will apply the increase and credit the Homeowners account on the same monthly bill.
 - *For instance, if there is an increase of \$30 there will be a credit on the Homeowner's account of \$30. The net effect will equal zero.*
- If City Council adopts this recommendation, we would also request that the Housing Department create a notification/template clarifying the credit policy in multiple languages for Park Owners to provide to the Residents
- This credit will stay in effect until the sooner of the termination of the Moratorium or on December 31, 2020. The original anniversary date for each specific mobilehome park would remain unchanged
- Park Owners will not be allowed to retroactively collect the delayed rent increases after the ordinance is lifted

- We agree with the City's recommendation of denying tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19

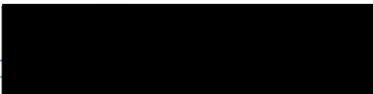
Or

- Mobilehome Rent Control Ordinance Chapter 17.22.450 states that after more than 24 months have elapsed since the last effective rent increase, a park owner may calculate and charge the combined allowable maximum rent increase for the current and previous year.

We believe that this compromise is within the spirit of the City's recommended ordinance while also preserving the anniversary dates/lease agreement at each mobilehome park. We want to work with the City to find a fair solution and are willing to discuss further should you have any questions, comments or concerns.

Thank you for your consideration.

Sincerely,



Ryan Jasinsky
BRANDENBURG, STAEDLER & MOORE
Director of Property Management



Martha O'Connell
GSMOL
Golden State Manufactured Homeowners
League -Regional Manager

From: Raymond Shen
Sent: Tuesday, April 28, 2020 10:15 AM
To: City Clerk ; Liccardo, Sam
Subject: Re: SJ rent increase ordinance

City clerk,

Landlords are people too, with financial hardship. I am a landlord, my work salary has been cut by 10%, and I am having to defer rent for tenants. My mortgages have not been deferred, and I must still pay utility bills for the property. Stopping rent increases doesn't make sense for those that are not impacted financially. Yesterday, a tenant asked me to defer rent, and I asked how he is impacted financially? He said none. People are taking advantage of landlords. It's time that San Jose advocate for landlords, and not just blindly advocate for tenants.

The fees that San Jose charges landlords have gone up on average 34% per year for the last 12 years. Yet they impose a rent cap of 5%. And now they want to take away rent increases, even when it's appropriate and tenants are not impacted.

Raymond Shen
On Tue, Apr 21, 2020 at 10:24 AM Raymond Shen wrote:

Dear City Clerk,

I would like to add one exception to the universal rent increase moratorium:

- when the tenant is not affected financially by Covid-19. Tenants should make known that they have financial hardship.

Raymond Shen

From: Doug Johnson

Sent: Tuesday, April 28, 2020 10:50 AM

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

Cc: City Clerk

Subject: Agenda Item #8.1 / Clarifying Language

Dear Mayor Liccardo & Councilmembers:

The Western Manufactured Housing Communities Association (WMA) is a non-profit trade association that represents the owners and operators of mobilehome communities throughout California.

We support the clarifying ordinance language offered by Ryan Jasinsky — Director of Property Management — at Brandenburg, Staedler & Moore. His proposed language helps to recognize and preserve the unique anniversary rent dates that exist in the city's mobilehome parks and will make the ordinance easier to administer.

During this crisis it is especially important that parkowners and mobilehome park residents alike clearly understand all the coronavirus-related laws and regulations being promulgated by the city.

Respectfully submitted,

DOUG JOHNSON



April 28, 2020

San Jose City Council

City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: Item 8.1 Urgency Ordinance for Temporary Rent Increase Freeze

Dear Honorable Mayor Liccardo and Councilmembers,

On behalf of the Santa Clara County Association of REALTORS® (SCCAOR) and our 6,000 members, I write in support of the memorandum authored by Councilmembers Davis, Foley, and Khamis.

Housing providers know their tenants are in a difficult position, which inevitably places them in a difficult position as well. The market pressures will dictate that concessions will have to be made. We know of housing providers that have lowered rents by 20% proactively. With the current Eviction Moratorium and the closed court system, Housing Providers are feeling particularly vulnerable. The combination of those two factors could allow a tenant to effectively go a year without paying rent. Adding in a declining market, they are looking at mass vacancies and limited cash flow.

For these reasons, SCCAOR supports the alternative ordinances. It protects tenants from burdensome rent increases while supporting our ARO housing providers. It is important to include the additional revisions proposed by Councilmembers Davis, Foley, and Khamis for the following reasons. Housing providers are also financially impacted and struggling during this COVID-19 crisis. They will be using all available cash flow to go towards necessary expenditures such as utilities, mortgages, property taxes, maintenance, and much more. It is crucial to enable late payments of ARO fees for FY 2020-21 without normal penalties. This ensures housing providers can avoid foreclosures, using available revenue for the previous necessary expenditures to remain in business. This prevents unintended displacement and a worsening of the housing crisis. All ARO complexes should receive a waiver of permit fees to ensure the highest level of service for all tenants. Larger complexes will likely have an incredible backlog of maintenance and repairs to complete on the property when the County Shelter in Place Ordinance is no longer in effect. It is important to encourage complexes of all sizes to begin repair and improvement projects when that occurs to increase the quality of life for all ARO tenants.

Regards,


Sandy Jamison
President, Santa Clara County Association of REALTORS®

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SCCAOR exists to meet the business, professional and political needs of its members and to promote and protect home ownership and private property rights.

From: Mohamed Assaf
Sent: Tuesday, April 28, 2020 10:12 AM
To: RSP <RSP@sanjoseca.gov>
Subject: Rent increases

Please remember that NOT all landlords increase their rent on an annual bases. So, what is the situation will be in this case in you deliberations of today?

Thank you,
M. Assaf

From: "birkeland .brian"

Date: April 28, 2020 at 11:24:55 AM PDT

To: "Malloy, Maria" <maria.malloy@sanjoseca.gov>

Subject: Re: Consideration of Moratorium on Rent Increases Today

Thanks for the update. I do find it interesting the City just sent a flyer that garbage rates will increase 7% yet they propose a rent freeze. How does the council think that is fair?

Sincerely,

Brian Birkeland

From: mckbrig2030
Sent: Tuesday, April 28, 2020 11:22 AM
To: City Clerk
Subject: RE: Rent Freeze Urgency Ordinances

Dear Mayor Liccardo and Council Members,

Please do not vote to make these ordinances retroactive. Rent increase notices were given prior to the stay at home orders were put in place by Governor Newsom and the County of Santa Clara County. Please vote to make the effective date May 1.

Since the ordinances will not allow rent increase notices to be given we will be looking at a 9 month period of no rent increases. Please consider evaluating the fees assessed to property owners and adjusting them.

That will be more helpful to small business owners at this time than waiving late fees.

We are trying to cope with this situation the best we can since many of us do not qualify for small business loans.

Thank you for your consideration,

Bridget McKay
Multifamily Housing Provider

From: Ray Tom

Date: April 28, 2020 at 12:56:31 PM PDT

To: "Malloy, Maria" <maria.malloy@sanjoseca.gov>

Subject: RE: **Consideration of Moratorium on Rent Increases Today**

Dear Ms. Malloy and Jacky Morales-Ferrand,

I think it is unconscionable for the City Council to send such an important notice as this 2 hours before the meeting and expect all interested parties to be able to participate. Can this meeting be rescheduled and its content widely broadcast to all stakeholders

Best regards

Ray Tom

From: b. beekman

Sent: Tuesday, April 28, 2020 1:22 PM

To: CouncilMeeting <CouncilMeeting@sanjoseca.gov>; Taber, Toni <toni.taber@sanjoseca.gov>

Subject: from blair beekman. sj city council April 28th, 2020. Item 8.1.

Dear community of San Jose and city govt,

For the past few months, we are publicly trying to find ways, that corporate & small, middle income, apt. owners -

Can be fully compensated, with what may be, 6 to 10 months, of rental, non-payment.

We are also questioning, what can be, full debt forgiveness, for tenants, during this time of emergency.

Overall, why create a debtors prison, for many, who have had nothing to do with, the long-term social planning, involved with this pandemic.

With a possible, smaller virus outbreak, this winter.

I hope, the few public meetings, planned for this May, by the Housing Dept. & Silicon Valley at Home, can be expanded, through the summer, and everyone can feel welcome.

This can give, our entire community, more open, safe, & clear choices, by this fall.

A thank you, to everyone for their patients at this time.

I hope, we are all learning, that locally, no one wants to hurt each other.

And from this, we can trust, how local government, can work to become, a very good facilitator, for all of sides, at this time.

sincerely,
blair beekman