

From: julie gowerprop.com

Sent: Wednesday, May 13, 2020 3:12 PM

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

Subject: Orders of the Day, May 19, 2020 Meeting - Move up the agenda item pertaining to the Eviction Moratorium Ordinance

Importance: High

I am writing to you as a property manager for many residential property owners in the City of San Jose that cross all districts. We were just notified that there is an agenda item pertaining to proposed changes to the Eviction Moratorium Ordinance. We would like to participate in the public comment period. We also want our owners to be able to reasonably participate. However, based on the experience when someone proposed cancellation of rents, I feel it is incumbent on the City Council to act in a manner that demonstrates true openness to public comment, especially when it is dissent. On that agenda, there were clearly a large number of the public who waited many many hours to comment publicly. You put it on the top of the agenda to then vote at the top of the agenda to push it to the bottom. This is unacceptable. This is hot-button topic of great interest to everyone in the community, tenants and landlords alike. I urge you to push this agenda item to the top of your agenda to make it easier for members of the public to participate. Your actions give the appearance that you want to DISCOURAGE comment. Make this easier when you know that this topic will be of greater interest to the public than any other topic on your agenda. Don't make us wage a war of attrition and stay on Zoom with you until 10:00 p.m.

I await your confirmation of my email and comment on if you support this idea. I hope to see a follow up email from Jackie Morales-Ferrand that makes it clear that landlords and tenants are encouraged to comment and that the item will be placed at the top of the agenda.

Julie Gomez

From: M Chin

Date: May 13, 2020 at 9:13:45 PM PDT

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

Subject: Re: Consideration of Amendments to Eviction Moratorium and Apartment Rent Ordinance

Dear Director of Housing,

I am a SJ housing provider and I am being squeezed and suffering due to the city with all these laws targeting housing providers. Please offer assistance to cover the affected tenants to the housing providers. It's not fair with all these law attacks to the housing providers.

/Michael

From: Glenn Gilliam

Sent: Wednesday, May 13, 2020 2:29 PM

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

Subject: RE: Consideration of Amendments to Eviction Moratorium and Apartment Rent Ordinance

Can the landlords that have mortgages get relief too? Can the county postpone the annual property taxation? How about the water bills, sewer charges, and liability insurance? Can you write a bill for that? I hope so because there are plenty of us out there that are NOT large corporations.

From: Cleo Constantin

Sent: Wednesday, May 13, 2020 2:47 PM

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

Subject: Re: Consideration of Amendments to Eviction Moratorium and Apartment Rent Ordinance

We have already experienced thousands of dollars in losses. Will the reduction in Rent Stabilization fees even come close to compensating? There are food vouchers. Where are the rent vouchers? Rent cannot be increased. Can the price of food be increased? What about taxes and maintenance? Our increase in income has been frozen. Can we do the same for all wage owners and city employees? Is there talk about cutting everyone else's income by 25%? Are there demonstrations that the income of other folks, including the city and county workers be totally eliminated, comparable to the "rent strike" movement? Why are landlords the scapegoat of society when we, personally, provide the most affordable housing in the Bay Area? Why are only older properties penalized into oblivion?

From: Roberta Moore

Sent: Tuesday, May 19, 2020 11:23 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>

Cc: Sykes, Dave <Dave.Sykes@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; city.auditor <city.auditor@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>

Subject: 5/19 8.3 Use County and State Eviction Moratorium or Add Protections for Stability & Predictability

Dear Honorable Mayor and Council Members,

What Rental Providers warned about happening during ARO Advisory Task Force meetings in 2015 and 2016 has happened. This Eviction Moratorium takes income from one group of private citizens without offering any protection for these naturally affordable units. If you keep voting for laws that decimate the mom and pop Home Providers and continue with this regulatory approach to try to solve the housing crisis, three things will happen, as follows:

1. Accelerated elimination of naturally affordable housing.
 - o Lost 5,000+ units since 2015.*
 - o These naturally affordable rentals have monthly rent costs that are almost half of other San Jose's rentals. (Source * & Rent Jungle)
 - o These additional units could have housed 100% of the homeless population.
2. Accelerated increase in homeless count.
 - o Increased by 2,000+ since 2015. This is a 44% increase in homeless count in San Jose.
 - o Homelessness decreased nationwide by 18% since 2007. (Source: HUD)
 - o
3. Increased lawsuits against the City.
 - o Three Lawsuits filed since 2015; two by Building Owners and one by Tenants.
 - o Defense which will need to be funded could help the homeless.

The Housing Department's Rental Stabilization Program's staff salaries and expenses have grown 5 times since 2015*. These are the the kind of funds necessary to implement a Rent Registry.* These additional funds could be used to house 100% of the homeless population every year. (Source * & Rent Jungle)

*Source: San Jose Housing Department Reports.

Please reject this Eviction Moratorium. Instead, use the County and State Eviction Moratorium. If not, please add a payment plan and protection from misuse of the harassment, anti-retaliation, and affidavit form to create stability and predictability for Renters and Home Providers.

Attached is Housing Providers stakeholder feedback from the Housing Department's stakeholder meeting on May 1st that shows support of this recommendation.

Regards,

Roberta Moore I Broker Associate

Attendees

1. Vivian Nguyen, Staff
2. Rachel VenderVeen, Staff
3. Theresa, Housing staff
4. Lupe, Housing Staff
5. Ryan Jazinsky
6. Anil Babbar
7. Cheryl Lubow
8. Jenny Zhao
9. Tim Beasubien
10. Jeff Zell
11. Roberta Moore

Go to stakeholders

1. What the HD is trying to accomplish/goals of this proposal.
2. How does it work. For example, Length of time someone can not pay anything and for what months. The Way worded it sounds like 8 months.
3. Extension of eviction moratorium recommending.
4. Who they hope to help: everyone, those affected by COVID, those who really need help who don't get aid or have savings.
5. Are they willing to add anything such as payment plan, eligibility, and documented need.
6. And, Reasoning for their recommendations. Any documentation that substantiates their need.

Think through provisions as come through. A lot of changes about 6 weeks straight of legislative change. Available willing and really helpful on sharing ideas.

May 12th this action.

Take your thoughts and work into our memo.

Amendment ask look into:

Memo by Carasco – ask additional provisions be added to eviction moratorium incorporated into larger action by city council. (get memo)

What trying to accomplish with this amendment:

Big picture the city council wanted to provide anti-retalitory protections impacted by VOCID 19
Expand those protections against retaliation and harassment.

Protected from what

What kind of evidence seeing.

What's actually happened.

My own personal and our team.

RV Some ll basically saying I wanted to see your documentation, pay stubs, any letter from employer. Making multiple stops to tenants home where is your documentation. I already gave you that piece of paper it's all I have.

Tension demanding information that may or may not exist. Repetitive conversations.

AB Asking for it because tenants asking for time?

Provide notification impacted. Can be phone, text, or email Documenation specific about what can provided.

RV There's been cases where it needs to be provided immediately.

How may incidents. I don't have a count today. People are under al

We have had hunderds of call who have been impacted and who are struggling to pay the rent.

Specifically, where threatened or under pressure, I don't have a specific number on that.

Request for information. Number of tenants harassed.

RV see what can do.

RV Proposed ammendments.

Which memo contains the direction.

RV Carrasco, Peralez and Carrasco.

[Providerepaymentperiod forAffected Tenants](#)

- Allow affected tenants until 12/31/20 to repay the past due rent that accrued during the moratorium period

- ☑Affected Tenants shall have until December31, 2020 to repay any past due rent accruingduring the period of the COVID-19 EvictionMoratorium established by CouncilResolution 79446 and further amended byCouncil. Prior to January 1, 2021, AffectedTenants shall not be subject to eviction fornopayment of rent for failure to pay thepast due rent accruing under during theevasion moratorium.

RV debated about this memo

County eviction includes 120 day repayment period after SIP. They want to include in our local eviction moratorium. Run thru 12/31/20. That's what this is.

RV Does this preclude a repayment period.

Prevents an eviction from happening following eviction period. If the moratorium extended and extended again the expiration has to be 12/31 regardless of the eviction moratorium.

#2 most complex – come back if have other comments. Helpful.

Protect affected tenants from harassment and retaliation under section 17.23.1270 Anti Retaliation Protections

☑ Prohibit evicting an affected tenant under a basis other than nonpayment of rent without good faith.

RV Example tenant subleasing to tenant for 3 years but didn't take action. However if there is another type of eviction, due to subleasing, the reason they chose to do that was non-payment of rent, but not

How prove?

RV agree really hard to prove that.

JB why doing something so hard to implement. If tenant is having a lease violation, that's the fault of the tenant. How LL demonstrate not harassment?

RV Provide protection from harassment and retaliatory. Bringing an eviction for a different reason other than non-payment of rent.

AB - how prove LL knew it. Even if subletting, that's a lease violation. Finding a way to add reasons for non eviction which wasn't intent of council

RV I understand what saying limited to actions. Since then there has been additional action taken by our city council. They voted to bring this back.

Cheryl – somebody there illegally. LL knows there 3 years. Isn't already case can't evict? Forget moratorium.

RV already protections? I'm a little hesitant.

Cheryl – can research . .

JB – if domestic violence, drug dealing, what do we do. Impact other tenants. Not fair to other tenants.

RV – hear just in general. That is basically just providing additional protection and that's something we can work through. When provision for other reasons, there is just a greater concern how you would prove it. Eroding the tools that are out there to deal with problem with rental prop, this might just make this more complicated.

RV This wording is word for word out of TPO.

Why necessary? Impacting by COVID-19.

Providing a new protect class, tenants impacted by COVID-19

Think duplicative.

RV difference Renting anywhere in the city, not just the TPO.

RG how enforced?

RG What constitutes harassment

RV harassment – it's a legal definition. Multiple inquiries, stop by knock on the door.

Retaliation threatened or done.

TB – after tenant has 7 days, should start eviction.

Isn't specific amount of time.

Carrasco has 7 days. Notify within that period. Reaches out 1 time. Shouldn't reach out more than once. They can start the

RG – Can't stop by their house. Just

RV All be enforced by the courts. A tenant can. Depends on the situation. Pending eviction, can be used as a defense against.

JF what's considered reaching out is considered harassment.

RV Isn't it already protection. Extends protections to people in SFR.

Is your owner going to have definition of harassment.

RV Can look into that. Look into TPO and have the same language

AB Bar property owner asking more than once, they themselves facing similar economic and time pressures. If tenant draggins feet, that cause problem for the property owner, such as their

RG applies ot utlity then shut it off. RV didn't understand how?

JF – issue one notice and go straight to eviction. They respond don't respond.

RV I understand what you are saying.

JF can write it just any way you want you've demonstrated that.

4. Prohibit late fees or interest.

This is the most critical.

Copy counties language. Won't change very much.

Vivan send county provision

No where does it call for a moratorium on late fees and interest payments. This is coming from staff. Wasn't' council direction. People confused counties vs cities.

Rg – rented yes

Justification 3 months beyond county.

Rv same day as county.

Don't have payment

Don't have to pay rent for 2 months for 9 monds.

Unacceptable.

Rest of moratorium align with city.

Why didn't align with the county?

RV good question

Reasons pick that date, that was the length of time, federal emergency cares act run thu 12/31.
Align with federal

Whoe meant to protect?

Rv affected tenant

Equalizing or accounting for that? Aid, savings, loan. Savings is not something. Its income based.

JZ if asked for forbearance. Seen the forms. Talked the brokers. If I have to do that why do the tenants not have to do that. The alternative for many people is homelessness. They will then living through greater problem.

Because apply to everyone just put everyone at risk of being homeless.

If I have the savings, no reason can't require that kind of asset. Regardless if have income required to pay mortgage. If have savings,

Cheryl Seen couple ontocies gave me the finger, his excuse bill me.

Since state receiving COVID – why money isn't being used to cover rent. The FEMA going to all kinds of things.

But not for this.

San Jos Source

Why isn't assistance being target to rent. Trying to make assistance to family. The city is providing 1,000 of meals to family every day.

Can we refocus here.

AB don't agree with it want to understand it.

Trv 4th amendment

Extending notification period from 3 to 7 days.

Rb why extending to 7. Looking at it. The problem is they are going to get one notice and evicted. Changes our contract to

Changing

3 days -still 3 days notice. Have 7 days.

Justification.

JZ – legal file at 3 days. ON day 7 here is my notice. I am out that \$1,500

Interfering with the way the law works. We can file, we have to dismiss a case.

Reason?

RV obviously it's to give tenants more time.

RG sorry getting so frustrated. Saying tenants can't function and need babysitting.

RV Aware of last 2 items.

5. affidavit. All cash income. Template. Available on website.

6. last item

Make sure extend, they only have 1 more week to extend it.

Ab look at affidavit has 1099 or w2, how prove that. I have a cash what if we don't know
Or require they provide w2 or lost income?

RV use this form to file a defense in court. Sign under

Rg supporting people who don't report their income to the govt for tax purposes.

AB get some cases – may not have that documentation. Insure this form is being used properly.
Go into ct process and find out they lied. People default to this form. How know legitimately use
ahead of time. Incur all the legal expenses.

City makes sure legitimize for those who need.

TB SV@home – stakeholder meetings, topics, when happen, housing providers invited.

Havne't been as involved in that effort. Pull together thought leaders. Looking at policy people at
legislation at state and federal.

Harrasment – they can't threaten to send ICE out.