ADVISORY COMMITTEE: APARTMENT RENT ORDINANCE

REGULAR MEETING ACTION MINUTES

OCTOBER 31, 2015

MEMBERS PRESENT:	Gustavo Gonzalez	
	Joshua Howard	
	John Hyjer	
	Aimee Inglis	
	Roberta Moore	
	Melissa Morris	
	Michael Pierce	
	Eloise Rosenblatt	
	Tom Scott	
MEMBERS ABSENT:	Matthew Carney	
	Elizabeth Neely	
	Elisha St. Laurent	
STAFF:	Jacky Morales-Ferrand	Housing Department
	Wayne Chen	Housing Department
	Maria Haase	Housing Department
	Paul Lippert	Housing Department
	Ramo Pinjic	Housing Department
	Ann Grabowski	Housing Department
	Shawn Spano	Contracted Facilitator

(a) Call to Order/Orders of the Day—Shawn Spano opened the meeting at 10:08 am.

(b) Introductions— Mr. Spano introduced himself, committee members introduced themselves, and members of the Housing Department introduced themselves.

(c) Unfinished business from October 21st meeting, if any (Housing Staff, Facilitator)

1. Presentation, discussion and potential straw poll on data collection, monitoring and enforcement authority of the Rental Rights & Referrals Program

Mr. Chen presented a recap of the unfinished business on data collection, monitoring, and enforcement function of the ARO.

Mr. Gonzalez reiterated his interest in creating an ombudsman program and training community outreach staff in the school districts.

Ms. Moore stated her interest in an increase in enforcement because it protects the responsible renters from slumlords. The City should institute a 90-day statute of limitations for a tenant who has received a no-cause eviction to report and seek damages from a landlord who does not maintain the rent level for a new tenant.

Mr. Scott said that much of the data collection can be outsourced to third parties instead of the City. More education is needed.

DRAFT

Ms. Rosenblatt said that it's important to establish the appropriate context for data analysis, such as homeowners/renters and demographics/specific populations like persons over 65 and students. It's important to understand the needs of vulnerable populations.

Ms. Morris said that it's necessary to remember that the collection of data is necessary to have local data to analyze. It is important to understand what the City is doing to affirmatively and proactively enforce the ordinance.
Mr. Pierce said that the City should better track the supply and demand balance of housing. Planning decisions directly impact the supply, which drives up rents when demand is high and supply is low.

Ms. Moore said that while she agrees with the need for a more robust program, but does not want an expensive beaurocratic program.

Temperature check:
Green: Hyjer, Inglis, Moore, Morris, Rosenblatt
Yellow: Gonzalez, Howard, Pierce, Scott
Red: None
Absent: Carney, Neely, St. Laurent

(e) Presentation and discussion on the consideration of a just/good cause eviction ordinance (Housing Staff, Facilitator)

Mr. Chen presented information on the current termination of tenancy, the unlawful detainer process and the provisions of just/good cause provisions in other cities.

Mr. Scott stated that the presentation did not include important laws, including the noticing requirements or housing discrimination.

Mr. Howard said that the San Jose Ordinance already requires specific protections for tenants, which are material to the discussion and not presented in the presentation.

Ms. Moore asked the definition of "duress" on slide 9 and the qualification of illegal subleasing. Are there provisions to protect owners from harassment?

Ms. Morris said that California law stipulates 30 and 60 day noticing dependent on the tenure of the tenant. The 90 and 120 day noticing requirements are stipulated in the ordinance. It's important to remember that if a tenant does not vacate the unit at the end of their notice, the landlord will go through the unlawful detainer process. When a year lease converts to a month to month lease, the landlord will serve a 30-day notice, 30 days prior to the expiration of the lease. The five day answer period during the unlawful detainer process is not a period for the tenant to comply. When a tenant is offering an affirmative defense, citing discrimination, the burden of proof is on the tenant.

Mr. Gonzalez said that the data does not support there being a problem the current no-cause provision. As a landlord, he does not want to evict a tenant that is responsible. Evictions are expensive because of the work required, lost rents, lost tenants. Owners can lose 2-3 months of rent, and on average, cost 10-15k per case. The City doesn't need policies to protect good tenants – the landlords already do that. The unintended consequences of just cause include the voluntary move-out

of good tenants while the eviction process proceeds for a bad tenant. Evictions typically take 3 months from when the problem starts to when unlawful detainer begins. Landlords typically provide a grace period for tenants who cannot pay rent. When eviction notices are served, tenants get upset and may damage the unit. Also, Judges may issue a judgement that provides additional time for a tenant to move out.

Ms. Moore asked if a tenant violates the lease in a non-material way, if the tenant can be evicted or not.

Mr. Pierce said that if a tenant cures the issue within the 3-days of the notice, the issue goes away. The process restarts each time they re-violate the lease.

Mr. Howard asked if City Attorney staff was available to answer questions about the legal issues pertaining to just cause eviction.

Ms. Moore said that there are professional tenants that know the process and move around apartments and not pay rent. Ms. Moore offered an example of a tenant that was disrupting the community by vacuuming in the early morning hours. Complaining tenant would not provide a written report of the issue.

Ms. Rosenblatt said that she has experience evicting squatters and the process is lengthy. Nuisance includes a range of problem behaviors, including domestic violence, which expands beyond poor people. Ms. Rosenblatt offered that the Housing Department provide a lease addendum outlining the rights and responsibilities of tenants and owners that include just cause.

Mr. Hyjer said that just cause is essentially blanket amnesty for tenants. His company has litigated just cause evictions on many occasions and never prevailed. Just cause is a failed concept.

Mr. Scott said that the relevant question is not about whether or not the owner needs cause to evict, but rather if the owner should have to state the cause and prove the case in court. There are many questions that can be raised as defenses which take a long time to resolve. Jury trials cost landlords $30,000 when legal aid attorneys are paid by a grant. The majority of the time, owners have a good reason but would prefer to not litigate.

Mr. Howard said that just cause is in place to prevent property owners from serving no-cause evictions to increase the allowable rent increase. This issue was dealt with in 2003 when the noticing requirement was put in place with a unanimous vote from the City Council. Instead the City should enforce the serving of the 90 day notice provisions. Often owners help tenants find new housing after serving a notice. Creating a just cause ordinance would force owners to serve the tenant with an eviction, which damages their record. It’s important to think about which body will create the just cause ordinance and whether that group will politicize the process. Crime free housing is currently being discussed by the City Council, which will impact the just cause framework. Displacement of good tenants, as well as bad tenants that would’ve avoided an eviction under the no-cause notice.

Ms. Rosenblatt said that issues with the just cause procedures should be directed to the State government.

Ms. Morris clarified that the Court process can't be modified by the City. The City can set the reasons for cause. Specifically speaking to the question of fairness its necessary to balance the burden on landlords to go to Court under Just Cause, with the extreme burden on tenants under the no-cause eviction. The self-help center is only open for a partial day, twice a week to support tenants through the process. Most tenants are not represented in court. The 90-day notice is not an effective substitute for just cause.

Mr. Gonzalez said that just cause would offer no certainty, predictability or fairness to owners. It's also not fair to good tenants who have to live with bad tenants under an extended removal process.

Ms. Inglis: Many tenants are afraid to call code enforcement because of retaliation. Just cause provides the tenant greater certainty that landlords can't or won't retaliate against them. Displacement impacts different socio-economic classes differently.

Mr. Pierce said that state law is already imbalanced; tilting towards tenants because of the difference in noticing terms. Landlords have a duty of care under the law, which most take very seriously. Just cause does not provide a landlord any safe harbor under the law because it ties the hands of landlords trying to manage their property and keep tenants safe. Offered an example of a tenant who was making threats against management and other tenants; issued a 3-day notice to quit and lost the case in court. Owners don't have a mechanism or resource to get free help with the eviction process. Just cause offers no stability. It's fairly simple for a tenant to terminate a lease.

Mr. Scott said that retaliation is a serious. Some tenants don't have a fear of retaliation when they knowingly and willingly violate the law. If a tenant does file a retaliatory claim, the burden of proof shifts.

Ms. Morris said that the self-help center does provide free help for owners. Acknowledges
That landlords don't often file no-cause notices without a reason but some reasons are trivial or are illegal. Examples: tenant didn't say hello to landlord, tenant requested a reasonable accommodations for a disability, tenants are said to be strange. The ability to give a no-cause notice puts them in a position to lose their housing without understanding the reason. Most evictions are based on non-payment of rent. If landlords are in a position where they need to document the reasons for evictions that may cause the landlord to have a more of a presence on the property. Just cause eviction does not prohibit an owner from providing a tenant more time.

Mr. Hyjer said that this should not be misinterpreted as an extreme issue. The data does not show an issue.

Ms. Rosenblatt said that there are other legal means like restraining orders to deal with problem or nuisance tenants.

Mr. Gonzalez said that he would never kick out tenants over a trivial issue. If the issue is an illegal cause, the landlord should be enforced against. The last thing a landlord wants to do is to retaliate. The issues discussed today are all being discussed under the context of the laws we have today – not just cause.

Mr. Pierce said that owners are prohibited from discriminating against those with disabilities. Owners use no-cause noticing to ensure the quiet enjoyment of the property. The majority of owners are good people. Bad owners should be enforced against.
Ms. Moore said that 99% of owners and renters are good people. New laws won't be followed by the 1% of bad apples either. Both sides are afraid of retaliation. Tenants won't testify in court and owners don't have attorneys on retainer. The definition of substantial violation of the lease is important.

Mr. Pierce said that there is no change necessary to the program because good tenants are not being given 90-day notices.

Mr. Gonzalez shared Mr. Pierce's statement and said that there should be an expedited process for removing bad tenants.

Ms. Rosenblatt said that education and enforcement is important.

Mr. Howard asked if the any of no-cause notices resulted in residents asking staff for assistance. Mr. Howard subsequently asked how many 60 days resulted in an arbitration hearing. Lease agreement already provides protections because it stipulates the rights and responsibilities of both parties.

Ms. Inglis said that a just cause program should acknowledge the imbalance of power between landlords and tenants. Most tenants are good tenants because they want housing. Any program needs an education component. In San Francisco the City just had to tighten up the language around "substantial violation of the lease" because owners were getting so good at finding cause.

Ms. Morris said that a thoughtfully constructed just cause ordinance would serve the purpose of the ARO. Tenants don't often get to make a choice about where they want to live, even if they have a bad landlord. This public policy will be applied broadly.

Mr. Gonzales said that legal fees are expensive for owners. Just cause will add more bureaucracy to solve a problem that impacts very few people according to the data.

PUBLIC COMMENT

Owner: Owner since 1989. Has problems with renters on an annual basis. Owners are trying to protect good tenants from bad tenants. 90-day no-cause provisions make dealing with bad tenants very difficult.

Tenant Advocate: Lives in rent control unit and attorney. Landlord often notice tenants for improper causes. Just cause balances power.

Tenant Advocate: Landlords don't understand that the good tenants are subjected to an arbitrary power. Would it be okay if the City evicted landlords for no reason?

Owner: State law deals with the issues represented in today's topic in a satisfactory fashion. The law has been around for 45 years and has served San Jose just fine. Expansion of the program will just increase staff and be expensive.

Tenant: Evictions need to be fair and the parties need a balance of power.

Owner: Many other cities have rejected just cause recently. The problem is that landlords are using the 90-day notice to increase rents. The City needs enforcement of 90-day notices, not just cause.

Jose Salcido: Experience with Hoffman-Via Monte neighborhood is that both sides work together to get out bad tenants and the tenants are very concerned about retaliation. Just cause will make that process more difficult.

Owner: Laws are supposed to help people. Just cause will make tenants life harder when bad tenants can't be evicted. Just cause will also discourage investment in San Jose rental housing. No one wants to invest in San Francisco.

Tenant Advocate: This issue is before the group because people are being forced out of housing and rents are being raised exponentially. Just cause eviction ordinance is necessary.

Owner: Absence of just cause ordinance helps tenants. His residents were afraid of a drug ring that had been established in his building. Filed unlawful detainer for non-payment of rent but the process took quite some time.

Owner: Good tenants won't need this law because they don't break the rules and are already protected by the owners.

Owner: Broker, manager and owner of ARO buildings. Have not evicted more than 3 tenants in 20 years. Use no-cause evictions to help tenants find new housing, or tenants correct their behavior.

Owner: Laws shouldn't be changed because people aren't following them. The City should enforce its existing law, not change the eviction proceedings.

Owner: Good tenants need protections. Bad tenants create a bad living environment for tenants. Owners need venue to deal with bad tenants.

Owner: Understands that the ordinance is intended to protect renters, but just cause will give bad tenants too many protections.

Owner: Everyone has the right to be treated equally and fairly. If just cause is applied, it should apply to both parties – tenants should have to provide reason for choosing to vacate the property.

Owner: In an education setting the teacher would be the landlord and students are tenants. Bad students are hard for landlords and are disruptive to the learning environment of tenants.

Owner: Tenant didn't pay rent and the unlawful detainer process took a long time to use, all without rent payment. Owner lost $10,000 through process.

Owner: Stability is important for small landlords. Normal landlords don't evict tenants, even when they are scared, because they need rental income and don't want vacancy.

Owner: Landlords won't use eviction process because it's a last resort.

Owner: Just cause drives away good tenants and keeps bad ones.

Owner: Many tenants are very nice and would never evict them. Sometimes when difficult situations occur they have used 90-day notice because the standard of proof is hard to meet for unlawful detainer.

Owner: Has never had to evict tenants. Just cause would prevent him from removing a bad tenant and maintaining a safe neighborhood. Eviction process is too expensive.

Owner: Landlords don't want to evict good tenants. It's expensive to evict tenants – loss of 3 months of rent, plus the legal process. Could be about $10,000 to remove bad tenants. People should think about how they would feel if the criminal was their neighbor.

Tenant: Owners should put themselves in the tenant's shoes. Used to manage apartments and when tenants had to be moved, they followed the law and recaptured the money owed to them. Kicking a tenant out of their home without good cause is shameful.

Tenant advocate: Tenants often get evicted for the reasons of just cause. It is already happening. People should go to eviction court and watch how easy it is to evict a tenant.

Resident: Just cause evictions take away the owners' rights to manage their property in a way that creates a safe community.

Owner: The standard of proof is too high to prove in for-cause evictions.

Owner: Rents to section 8 tenants. Just because other cities have just cause doesn't mean that the policy is good.

Owner: Small owners don't have the resources to manage the eviction process. Owners need stability as well.

Owner: May get out of the rental housing business if just cause is put in place because of the impact to her bottom line. Just cause does not stabilize rental market.

Owner: Just cause will cause a chain reaction that hurts the rental market because good owners will have fewer resources to create a good and safe community.

Owner: Owns property in Oakland and had a bad tenant.

Manager: 45 years. Constantly evicting people from buildings for cause. Just cause will turn San Jose into East Palo Alto and Oakland.

Owner: Small landlord for 20 years. City should have a crime free policy, not just cause.

Owner: Just cause will hurt ability to create safe housing and will not impact the housing shortage. Don't turn San Jose into San Francisco.

Owner: Just cause is a bad policy. Eviction is not an easy process. Tenants know how to slow down eviction process, which took 6 months.

Owner: Evicting tenants cost money. Good tenants should not worry about eviction because they won't be evicted. No one wants bad tenants to live there. Just Cause will bring down city.

Tenant: Opposed to just cause provision. Has a good relationship with landlords and has never feared eviction. Just cause only helps bad tenants.

Tenant advocate: In favor just cause. Earlier this year there was a fire on story road because a bad landlord didn't manage their building. Tenants were afraid to come forward with code complaints because of retaliation.

Owner: Just cause removes rights of owners to select who they do business with.

Owner: Opposed to just cause because it makes removal of bad tenants more costly and time consuming. Chose to invest in San Jose instead of San Francisco.

Tenant Advocate: Tenants can't protect themselves from bad landlords, just like landlords have said they need protections from bad tenants. This leads to abuse of tenants.

Owner: Just cause creates a corrosive relationship between tenant and owner.

<u>Temperature Check</u>
Green: Inglis, Morris, Rosenblatt
Yellow: None
Red: Gonzalez, Howard, Hyjer, Moore, Pierce, Scott
Absent: Carney, Neely, St. Laurent

(f) Open Forum

Owner: Experience in eviction court is that you have to have evidence with statements.

Tenant Advocate: Tenants need protections. There should be a 2% cap on rent increases.

Tenant: Received a 16% rent increase and 8% increase. Wages aren't tracking with rent.

Owner: 37 years of management and have only done a few evictions.

Owner: Enforcement is important to ensure that bad landlords aren't abusing tenants.

Owner: Rising rents are the symptom of a lack of supply that is overly in demand. What are we going to do to build more housing?

Owner: Changing the ARO will change the relationship between tenants and owners.

Tenant: We need to find a way to collect better data.

Owner: High rents are not going to be solved by rent control. Supply is the solution. People in need should access a government fund to help them pay rent.

(g) Adjourn Facilitator Shawn Spano adjourned the meeting at 2:07 pm.

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Public Discussion: Updating the ARO Apartment Rent Ordinance

Discusión Pública: Actualización de la ARO Apartamento Ordenanza de Arrendamieto

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AS A DISTRICT 10 COUNCIL ASST. I HAVE BEEN WORKING WITH THE HOFFMAN VIA MONTE ~~RIA~~ NEIGHBORHOOD. I REGULARY COMMUNICATE WITH PROPERTY OWNERS AND I CAN TELL YOU THEY UNDERSTAND THAT THE NO CAUSE EVICTION IS A LAST RESORT. THEY DO NOT MAKE EVICTIONS WITHOUT FACTS

over continuado

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AND I REGULARLY OFFER CITY SERVICES TO THE OWNERS FROM POLICE SERVICES, GANG PREVENTION, CODE ENFORCEMENT AND SUPPORT OF MEDIATION. OWNERS ARE WILLING TO GIVE TENNANTS THE TOOLS THEY NEED TO BECOME RESPONSIBLE NEIGHBORS. THAT BEING SAID, NO CAUSE EVICTIONS ARE NEEDED TO KEEP NEIGHBORHOODS SAFE FOR THE RESIDENTS LIVING THERE.

thank you **gracias**

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Pacifica, Mt. View, San Mateo, Burlingame, Oakland, the League of Women Voters, etc. are all AGAINST JUST/GOOD CAUSE since it is BAD LAW.

- Usually the only witnesses are other tenants who are always reluctant to testify.
- Actually proving that all the late night "visitors" are actually buying drugs

over continuado

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- Making it difficult to remove problem tenants provides no additional housing.

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Any eviction followed by raises in rents would be suspicious especially since there are parts of this ordinance that are not being used that would be of benefit and the city's neighborhoods.

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support for just cause

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QUESTION

WHAT AFFECT DOES VOLUNTARY OR INVOLUNTARY EVICTION/NON-RENEWAL HAVE ON LANDLORDS ABILITY TO RAISE RENT

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Just cause eviction is not a solution to today's shortage of rental units in the market. Instead it makes the problem worse. The only group of people who benefit from this potential ordinance are the attorneys, who obviously get more business. It significantly adds landlord's operation cost, which eventually gets reflected in the rental price, and all tenants (mostly good tenants) have to pay for it. So it is not fair for the landlords

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and most good tenants.

In my friends circle, we have many small landlords who own 1~3 rental units. We don't have the resource to collect evidences and fight in courts.

As a landlord I have all good wills to keep my tenats in their home. I do not easily think about evicting a tenant. I always try all efforts to work out a solution with ~~my~~ unwanted tenants. But being a landlord for long enough you will hit a few eviction cases anyway. We want to avoid such a law that makes the process unnecessarily complicated

30

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Just cause eviction is to allow bad tenants stike around to drive good tenants away. Also, it is not an issue we are facing. This discuss is wasting taxpayer's money.
All leases are contracted between tenants & landlord. Both sides agreed only one year commitment after that, both have freedom to do whatever they want to do. Just cause gives tenants right to freely leave, but not allow landlord to freely take their property back. Our issue is low income renters can not catch up high income renters bidding rent price. need to work on that!

over continuado

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1. SAFTEY AND QUIET ENJOYMENT of OTHER RESIDENTS.
2. FOR EXAMPLES, SMOKERS, NOISY TENANTS. DISCRIMINATORY TENANTS
3. ~~THE~~ NO CAUSE will NOT STOP THE RENT INCREASES
4. it locks up THE UNIT ~~AT THE~~ BY THE TENANT FOR AS LONG AS TENANT WISHES
5. UPGRADES will NO LONGER BE IMPLIMENTED BY LANDLORDS - INCLUDI

over continuado

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REFURBISHING

6. VERY COSTLY TO EVICT BAD TENANT THROUGH COURTS OR HEARINGS

7. REAL PROBLEM IS SUPPLY + DEMAND - WE NEED MORE SUPPLY - CITY SHOULD REVISIT THE ZONING ORDINANCES TO ALLOW FOR MORE ~~HOUSIN~~ NEW HOUSING.

8. EDUCATION IS THE KEY TO THIS SITUATION / ISSUE

9. HAVE A COMMITTEE / FORUM FOR OWNERS + TENANTS TO RESOLVE THEIR DISPUTES.

thank you **gracias**

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Just cause eviction will make it very difficult to evict tenants involved in criminal activities. Good tenants will not testify in court for fear of retaliation by tenants involved in gangs & drugs.

Stability for tenants can be gained by being good tenants ~~[illegible]~~ who follow rules and not disturb neighbors

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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Public Discussion: Updating the ARO Apartment Rent Ordinance

Discusión Pública: Actualización de la ARO Apartamento Ordenanza de Arrendamieto

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An owner being able to exercise his right to serve a resident a notice to vacate without cause is essential to providing a safe, comfortable residence for quality tenants to reside. I am a property manager and have used these notices to remove undesirable tenants from properties. The reasons vary for why the notices have been served but they range from lease violations, tenants creating disturbances

over continuado

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to other residents & potential drug dealers.

Given I don't always have an onsite manager it is hard for me to always gather evidence of these problems so I become reliants on other tenants, neighbors, & my off-site manager if I have one. The last thing I want is my quality residents to move because a few bad people are affecting the community. One may say I can evict these residents but not only does that limit the residents time to locate a new property but for an owner it is expensive and it is a long process that will further strain the city's resources

Our residents receive copies of the rental rights addendum within the lease and if tenants believed they were being unjustly served a notice to vacate they have the contact information to contact the appropriate offices. This doesn't happen because these residents know the reason they are being asked to leave.

thank you **gracias**

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Just cause Eviction hurts the tenant because it inhibit landlord's ability to deal with trouble (difficult) tenant. The problem tenant including drug use, crime, theft and postitution in apartment building. And if there is just cause, the landlord require the landlord to deal with these problem through legal process. It's expensive, time consuming and often cause good tenant to flee

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the apartment instead of dealing with the bad tenant. It will make our neighborhood worst because one bad tenant can destroy the entire area.

1. Just cause eviction doesn't protect good tenant it protects mainly problem tenant.

2. Just cause eviction doesn't provide more affordable housing

3. Just cause eviction doesn't help low income tenant to get more housing

4. There is no acure statistic to show a compelling need to have just cause eviction ordinance

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just cause create entitlement and
dishoy any market function.
"Oppose!"

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We strongly oppose Just Cause Eviction

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Against Just Cause eviction.

Normal eviction is hard enough without Just Cause Ordinance which make life even tougher for landlord to evict bad tenants. Good tenants we don't need a reason to keep.

over continuado

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"As a landlord I would never evict without good cause" Great. Then a just-cause eviction won't hurt you. Reframe the discussion from whether there should be just cause but what should the conditions for just cause be?

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Just Cause Eviction

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I am strongly against Just Cause Eviction

It's extremely hard to collect evidence and witness for Just Cause Eviction

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I can accept a reasonable limit for rent increase but the just cause eviction will really hurt the home owner. It is very unfair. Many property owners will quit the rental market, while demand is increasing. This will create more & more homeless!

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I Started to worry What if my husband lost job and we have a problem tenants under just cause ? How can we make living ? become a homeless ?
This was happened at 2008
My husband and I both got laid off.
Right now Economic is good.
~~What i~~ We can not think that will last forever. What if economics go down
Will you helf the owner at that time ?

over continuado

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The purpose of being a landlord is that we don't want to become a burden of our city when our family in case has some difficulties issues. What if my husband lost his job, what about our life? What about my kids' education? Become homeless?

The rent under just cause is unfair as it waste the whole community's resources and create an unstable and unsafe environment

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"Just Cause Eviction", a hostile attitude toward landlord just chases rental property investors away and results in worse rental shortage

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Strongly oppose the "just cause for eviction" proposal on San Jose City.

"Just Cause for Eviction" promotes the community to go to the wrong direction. It drives away good tenants, while keeps the bad tenan

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It protects the bad tenants only.

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The unintended consequence is reducing housings in a tight market. Being afraid of the difficulties of evicting bad tenents, owers reiting part of their residence will not bring to the market. Potential investors will try to keep away from San Jose market, in favor of other cities without "just cause".

over continuado

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1. It takes more than a month to get permit to get a dead tree replacement "Just Cause Eviction" is too much beaucracy.

2. "Just Cause Eviction" will promote unnecessary law suit.

3. "Just Cause Eviction" is not FAIR to landlord. Landlord cannot maintenance a safe neighborhood.

over continuado

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4. We don't need the city to add more cost and time to a eviction process. ~~It it~~ It is already too expensive.

5. The elderly and disabled people should be taken care of by government, not by the landlord. This is a problem of the whole society.

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① Just cause eviction is not fair for housing providers

② no Larellords wants to evict good tenants

③ Just cause eviction is not fair for good Tenants

④ Just cause eviction is good for bad tenants, criminals.

⑤ Eviction is very expensive already

over continuado

Just cause eviction will make much harder.

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Oppose to Just Cause Eviction,

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- The ordinance fails to protect a good property owner to get rid of bad tenants and keep good tenants round.

- It makes it become difficult ~~to~~ and costly in general to evict a tenant.

- The ordinance can cause the owner ~~to create bio~~ to make it harder for tenant to qualify. Especially tenants who has/a

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a history of eviction. ~~Tenants will will not~~ ~~more~~ ~~able~~ ~~to find~~

- This ordinance makes it harder to make a living or do business here in San Jose

- Instead of the ordinance, city can raise awareness of how to be a good owner or a good tenant.

- ~~It creates toxic~~

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- I feel I lose the right to own my own property. Feel like the city owns my property except the owner has to pay for all costs and bear all troubles.

- This ordinance does not protect a good owner. ~~and~~

- Tenants find it harder to qualify as the owner raise higher qualification to tenant just to avoid future troubles and costs.
It back fires the tenants ~~as~~ because property owner ~~feel~~ become insecure of their rights and ~~only want~~ owner only want ~~go~~ absolute good tenant with perfect record as tenant.

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Item # 10/ e
Número de artículo

Tenants face an uphill battle in fighting when facing

- Since 2008 represent tenants in SCC
- Every one on panel, housing dept, city council should go to eviction court W Th F, 9-12 @ Dept 5
- Just cause eviction
- limited resource

over continuado

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You should go to eucrim and

thank you gracias

You should go to eucharist and

thank you gracias

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The only issue we have is lower income renters can't catch up high income renters bidding rent price.
How to improve low income's income whether government can provide subsidie like expand section 8 program, How we can change our zoning & regulation to allow more construction, conversion to provide more supplies, How we can provide public transportation to allow people to live in a more affordable area is what we should think. All of the rest is hitting the bush or cause long-term damage to the housing market in the city.

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If the city like control the, rent, the city should control the cost to rent, which include: 1) maintaince cost, TAX, living cost, real estate price, kid's tution ... If the city can't control the cost to rental, it should not control the rent, it is better of city to keep out this rent control business

over/continuado

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Oppose.

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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Public Discussion: Updating the ARO Apartment Rent Ordinance

Discusión Pública: Actualización de la ARO Apartamento Ordenanza de Arrendamieto

Share Your Comments
Comparta sus comentarios

Item # F
Número de artículo

Oppose.

over continuado

OR send your comments to o envíe sus comentarios a
Wayne.Chen@sanjoseca.gov OR Ann.Grabowski@sanjoseca.gov

About You Acerca de usted

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We strongly oppose rent control, Rent Control will make things even worse

over continuado

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Item # F
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oppose just cause

over continuado

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Item # F
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approve

over continuado

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Item # open forum
Número de artículo

- gram scales are lawful (for the record)
- good data leads to good decisions

over continuado

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Item # F
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against RC change

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East Palo Alto passed just claus Eviction.
Oakland passed that too!
But Mountain View did not pass, ~~but~~ As a San Jose resident, I don't my city to be east Palo Alto or Oakland.
Please ~~AVO~~ just claus eviction.

over continuado

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Comparta sus comentarios

THE CITY SHOULD NOT CONSIDER A JUST CAUSE ORDINANCE. I FEEL IT IS NOT NEEDED, EXISTING LAW IS SUFFICIENT

over continuado

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Email Email : _____

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Item # (f)
Número de artículo

(1) Government should NOT control private business — Let the market drive the price

(2) Respect free market principles that drive free enterprises in our free society.

over continuado

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This may be a new law and should be applied to new owners who understand the law when making investment decision. Current or old owners never have that chance.

over continuado

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Public Discussion: Updating the ARO Apartment Rent Ordinance

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Share Your Comments

Item # E
Número de artículo

Comparta sus comentarios

Asset Forfeiture process.

1. Illegal activity, such as drug, Fireams, ammunition, explosives, Child pornography.
2. Police Investigated and seizing Property.
3. Police hand over property to Fed.
   Fed has strick rule on property seizure
4. Police kept 80% Property Value
5. Owner has no expertize or means to criminal activity
6. "Just Cause Eviction" would Take away Owner's defense
7. Open a liblity for city

over continuado

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About You Acerca de usted

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1) just cause → tons of unnecessary litigation and clutter in the courts.

2) It creates a feeling of hostility because both sides feel that the other is out to get them

3) Change is hard. People are unwilling to step forward.

over continuado

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About You Acerca de usted

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Share Your Comments

Item # E
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Comparta sus comentarios

opposition to "just cost eviction"

I ~~sav~~ own a small property in SJ, currently ~~have~~ Just break even ~~because the~~ between the ~~cause an~~ cost and rent ~~and~~ if no repair cost
If the just cost ~~or~~ eviction orderance in place I may have to quit rental my property out because the chandlengese of removing problem tenante, if most small property ower decide to quit their property out, it ~~will~~ the consgence of that rendan wid go up and good tenant could find place to live,

over continuado

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"just cost eviction" will not stablize the rental market but destory the rental market.

"just cost eviction" will signifant impact landlode (owner) econict condition.

Opposition to

"just cause evictions"

thank you **graclas**

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Discusión Pública: Actualización de la ARO Apartamento Ordenanza de Arrendamieto

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Item # E
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I strongly oppose just-cause law

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About You Acerca de usted

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~~The~~ I own a multi-units property in San Jose.
I have opposition to Just Cause Evictions because the cost of removing a bad tenant is high. It is very challenging and timing consuming as well.
We also have regular job and maintain the property at spair time

over continuado

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so called "cause eviction" is a blanket amnesty without notice on fair legal society. It invites professional tenants/attoneys to take advantage of law/lease binding landlords. It invalidates legal mutual agreed lease. Mountain View (over)

over continuado

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About You Acerca de usted

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City Council have voted to reject any such "cause eviction". Advocating such evil red tape is doing disservice to residents both owner and tenant who honor leased tenancy, rent and let there be rent! A crime free policy instead of "cause eviction"

thank you **gracias**

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Oppose RC and Just Cause Eviction

over *continuado*

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Safety of your neighbood.

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Share Your Comments

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Comparta sus comentarios

I have opposition to Just Cause ordinance

As a tenant who has been renting for over 7 years I've never had any issues with any of my landlord. I've never been evicted or close to that. All of my friends are on the same boat. The reason is because we are good tenants. We don't need a Just cause law to protect us. All it does is open up a way for bad tenants to abuse it. the pure logic of economics protects good tenants.

over continuado

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Item # f
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Strongly oppose the Just cause for Eviction proposal in San Jose.

Just cause for Eviction unfairly protects tenants. It gives an illusion to tenant that they are ~~[illegible]~~ invincable from the landlords. They would choose the worst way to challenge the

over continuado

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landlords, bully the landlords, and finally, the landlords got mad, fought back, went to the court to file eviction against tenants with bad behaviors... That means, Just cause for eviction doesn't promote good behaviors between tenants and landlords, instead, it encourages fights between tenants and landlords. It's bad for both tenants and landlords. For tenants, the battle would eventually be lost, due to their bad behavior. For landlords, it is costly. It's a lose-lose situation. Please don't apply "Just Cause for eviction". It is bad.

thank you **gracias**

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Item # open Forum
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Against the adoption of a "just cause" eviction ordinance. Advocates for this proposal have misled the public, media and officials about just cause. ~~It's was~~ The ordinance was characterizing a just cause eviction as merely requiring Landlord to state a reason when issuing 30 days notice. It's not that simple. AJCE ordinance would force Landlord, other tenants and neighbors to testify in court to evict drug dealers, gang members and abusive tenants. people are reluctant to testify

over continuado

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thank you gracias

Hi,

I am sharing with you our personal eviction story which is ongoing: tenants didn't pay rent for Sept nor Oct, using various excuses to delay paying, requiring our contractor to visit 3-4 times costing several hundred bucks. Enough is enough, we filed eviction on early Oct and court day is finally set in mid Nov. The cost for lawyer plus court fee, is 1800, fingers crossed, they are out by the end of Nov, looking at 3 months of lost rent totaling 5800, during this period, we still need to pay the mortgage, property tax and absorb the utility costs, setting us back another 3200. Adding up all the costs and lost rents, we are staring at a hole of more than 10 grands just for this unit before tenants even depart, a straight-forward eviction case, without Just Cause already tough as is, why make life harder for us? It doesn't take too many cases like this each year to break the back of a small landlord. SF, ~~we all heard horror stories of averaging 50k to evict a single tenant, and eviction attorney is seeking 15k in advanced from landlord before taking on any eviction case....~~

One last parting word: when we are already in a deep hole, the top priority is to STOP DIGGING!

My family and I have lived in the same neighborhood for almost 17 years. Our lives as immigrants here is sometimes difficult because there are many barriers for us to live as God commands. Since we arrived here without any identity to prove ourselves it costs more to get work and housing

If you do not know someone here, you often suffer abuse and discrimination. I remember the first time I said where I lived, my friends told me that my neighborhood is 'hot' and I later learned that had to do with gangs and drugs.

First we lived in a Garage paying $ 500/month. We had to move out because the owner wanted to rent to someone else. We looked around for other housing, but it was always difficult, a landlord demanded a large deposit and when we found a small studio we paid just $ 750 rent but soon after we had to leave because the manager required that we showed we had valid social security including my two small children.

There, our cars were vandalized in the parking lot. Parts were stolen off of the truck that my husband used for work and we had no money to buy new parts. It became so difficult that we moved as soon as we could and went to a bigger house because my children were growing into young men.

We were concerned because we would have to pay almost double the rent so we decided to share the house with two other families and lived very crowded. We thought that this situation would be for a short time but we've lived this way for more than two years.

When my children started school, I had to take my kids to the one according to that district.

Their school seemed unsafe and it was far away . We had to walk a lot so I learned to drive, so I decided it would be better to take them to another school in another district. At that point, my kids were well below their grade level so we had to sacrifice further and get up early to get to school on time. I would have liked to have lived near these better schools but the rent in that area was much higher.

To pay rent, my husband has to work weekends and two different jobs. I try to help him but I earn very little, I would like to have my own business but money is needed to get that started.

Recently, I have been very anxious because the owner of the house we rented announced that he was plan to sell it. we spent several months anguishing over the move and the sinking feeling of not knowing what would happen if we were asked us to leave the house.

Just the idea of what we would be able to find, a rental house that was cheap and the idea of moving and having to find other schools. we were overwhelmed, and spent nights awake wondering as we were going to do.

We went through a lot of stress and many restless days all that was reflected in our health. I had skin problems , my hair started falling out and I was not sleeping well The family became impatient and irritable very easily. I entered a deep depression and even thought about going back to our country. But that

solution was even more distressing because it means that our children go still suffer more there.

Finally, the new owners agreed to keep renting but the rent has been increasing. My children and I see very little of their father because he constantly works to earn more money and everything is going to pay the rent.

We are still looking for a place where we can live well. We would like to find a home that will not cost much because it is absurd to charge so much for a few old houses I want to live in another neighborhood much better than ours with clean streets, better shops and schools or even better still, to be able to buy a home. But we earn very little and want the best for our kids and with low salaries we can not get what we need .We save money problems and live day to day. In our neighborhood my kids can't even go out and have fun and my kids resent it. Each passing day it all seems more impossible.

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Rent Control Advisory Committee 10/29/15

When a debt service regulation states, "*The hearing officer can accept the purchase price as the appraised value only if you, the hearing officer and two-thirds of the tenants agree.*" that is a cumbersome requirement at best. When it also states, "*Finally, the program staff can help explain the rules but cannot assist you in preparing your claim. If you need such assistance you may wish to consult with a financial, property management or legal professional.*" that sends a hostile message and I wonder if tenants receive the same. I've had IRS audits that were less onerous that these regulations.

As an owner of a rental property, I am required by the City to have a business license $150 and be charged an additional amount for each unit. If there is a reduction in the annual 8% raise cap, owners will have no choice but to turn to improvement and debt pass-through petitions. If that happens, estimates call for up to four new staff members at $100,000 each. This cost will be borne by the owners along with expensive professional guidance. I doubt these extra costs will be considered in a pass-through petition. These present regulations are daunting and deserve some revision for clarity and manageability, which explains some of the chief causes of low usage of the pass-through. All this points to the adequacy of the present rent control ordinance, which allows owners to partially recapture extraordinary expenses through the 8% cap.

When one sees the phrase, "Conflict of Interest," part of the explanation is broadened by including "Appearance." Several factors lead me to the Housing Division and its relationship with the Advisory Committee. The Committee is spending time, clarifying, understanding and making their views known to the public and staff. The voting method on the various topics is tepid at best and sometimes called for before all facts are known. It is clear that Housing will wade through the Committee's statements and then present their interpretation of results. The original concept of an Advisory Committee was to do just that. The Committee is such that in most votes a majority can be made. These points might tame that "Appearance:"

1. Housing staff should do everything in its power to gather all comments and give the results to the Committee and solicit comments, challenges, alterations and eliminations during a public meeting. Then vote for passage of each item under consideration.
2. Voting results by the Committee should be passed on to the City Council intact.
3. Housing may give its opinions and recommendations separately.
4. Housing might have the appearance of Conflict by growing with the ARO expansion.
5. Under no circumstances should the hearing officer, be both mediator and arbitrator of any dispute between tenant and owner.
6. There is always a propensity in working with clients from one segment (tenants) to slowly see their point of view and become unintentionally biased.
7. Independent Ombudsman, mediator and arbitrator might be an idea to explore.

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