COPA Will Hurt the Middle Class!

Carlos Padilla [redacted]
Wed 10/20/2021 10:24 AM
To: CEDCommittee <CEDCommittee@sanjoseca.gov>
Cc: Carlos Padilla [redacted]

[redacted]

[External Email]

Hello City of San Jose,

COPA Will hurt San Jose's middle class families the most!

Home ownership is a worthwhile dream I help people achieve every day. Its expensive, difficult, and complicated especially in San Jose. If COPA passes families that are trying to achieve their "American Dream" of owning a home or small rental property would also have to compete with non-profits that have the first and last right of refusal. Then these non-profits will use the properties as they see fit and this could dramatically change the living conditions for the existing residents and neighbors.

Why are we trying to create an even greater divide between the rich and poor?

Look at the track record at other properties that are government owned:

https://sanjosespotlight.com/san-jose-second-street-studios-covid-infection-hospitalization/
https://sanjosespotlight.com/state-orders-san-jose-housing-department-to-halt-rent-increase-hotel-project-homekey/
NOTE: With the new state laws allowing ADU's and multi-family on single family lots we should completely remove them from the COPA conversation of anything less than 5 units to avoid making things worse for normal home owners and families

Feel free to contact me if you would like to discuss and I hope you take our feedback seriously into consideration!

[redacted]

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Input

David Eisbach [redacted]

Wed 10/20/2021 2:37 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[redacted]

[External Email]

Committee Members:

I. I believe that the COPA and other Housing meetings have not been forthcoming as to the division of attendance. There is no way of knowing just who is invited to attend. I have a number of acquaintenances, who never are included. I am included because I have called in. If the City is satisfied by including every non-profit, who favors its programs, by rallying their troops to fatten numbers, I would hardly call that (I forget the term used--something like. the acceptable public announcement) is not defined and I fear it is lop-sided.

2. I do not think there is useful, frank discussion in the meetings, there should be no, "We will call you and have a good discussion on that topic, later." **In private!** The use of the Doodle (the moving of comments around the screen is divisive and confusing. It is a hold- over from the earlier use of post its instead of actual discussion. In all of these meetings there is never an actual vote or measure of consensus,

3. The result in the above points is the Housing Department can maneuver the loose informational tidbits to underscore their point of view, which to me makes these meetings Show or Theatrical by definition.

Issue of Qualified Non-Profit

COPA-Issue of Qualified Non-Profits:

I have a few things that should be considered regarding various procedures brought up in the COPA program.

1. The proposed extra time before offering an income property for sale and an additional time extension after a private offering for tenant and Qualified Non-Profit is awkward and problematic. Owners should be able to decide when they wish to place their property on the market, because timing is important. If you force an owner to wait before he even puts it on the market so tenants and a possible QNP buyer can decide whether there is desire and ability to purchase, and then take the right of first refusal coupled with a long closing period is outrageous, if not workable. The solution would be to have the seller notify the QNP his desire to sell thirty days before putting it on the market. Have the QNP already be qualified and have financing set up in advance. You would only need the allotted time to see to the existing tenants for desired involvement. The QNP will then approach the listed property like all the other buyers and outbid them. This is important:

If you have a right of first refusal, the owner's agent must inform all potential buyers; Who wants to work on a property that someone else can step in at take away from you.

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3. Property taxes, fees, and city services will be forgiven QNP. It is not clear, whether the property will be purchased outright or financed through the regular banking procedures. If the latter is chosen, I cannot imagine that the city will not be asked to guarantee the loan. Maintenance, repairs and remodeling will have to compete with the low level of rents, made affordable. What I see is very high incidental costs of non-profit services, low income and a growing necessity of subsidies from government and private sources.

4. Management, should be certified by the State of California i.e. A licensed Real Estate Broker, with a specialty in property management.

[redacted]

Input: Oct. 25 mtg: COPA: Item (d)2

Brenda Dohmen [redacted]

Wed 10/20/2021 6:17 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[redacted]

[External Email]

Dear San Jose Community and Economic Development Committee,

Thank you for making the effort and taking the time to serve on this committee in our city. While COPA or TOPA sounds like a great tool to prevent gentrification or displacement of lower income tenants it appears to be unreasonably punitive, burdensome, controlling and regulatory to smaller home providers by non-profits, lobbyists, special interest groups, government agencies or trade associations who are promoting it in San Jose. It's an unjust and unfair policy for them.

Smaller home providers, many of whom are retirees or recent immigrants, worked hard to save up downpayment and took the risk to invest, buy and own single family homes, duplexes, triplexes and quadplexes or smaller apartment buildings individually or as a small home provider business or LLC, to supplement their income or save for retirement. These small businesses don't have the resources to navigate the requirements of COPA/TOPA when they decide to sell in addition to all the normal real estate city, county, state, and federal transfer and sales tax requirements and commissions too.

Many small housing providers purchased financially distressed properties in the years since the 2008/09 Subprime Mortgage Crisis because they worked hard to save cash, secured loans, bought up foreclosures and could take advantage of a market risk and opportunity which helped the US economy recover. The stock market and housing crash of 2008 had its origins in the unprecedented growth of the subprime mortgage market beginning in 1999. US government-sponsored mortgage lenders Fannie Mae and Freddie Mac made home loans accessible to borrowers who had low credit scores and a higher risk of defaulting on loans. Now these same home providers who bought these properties are being unfairly mandated, penalized and forced to participate in an unwanted government nonprofit created sales process inflicted upon them as they decide to sell their properties. I'm sure many of them are housing foreclosed upon former homeowners.

COPA/TOPA appears to be an overly complicated, extra costly, extremely lengthy, home provider-landlord-tenant-nonprofit-governemt-real estate industry intensive sales process riddled with extra regulation, pitfalls and additional paperwork and oversight that will have to managed by the San Jose Housing Department with more personnel and scarce city resources. A smaller housing provider would probably have to hire a consultant at additional cost just to get through it all correctly and even then there could be mis-steps, penalties, fees, extra costs, missed opportunities, market fluctuation and mistakes along the way due to all the requirements that could come with serious financial consequences and little to no incentives to complete a sale properly to a housing non-profit or tenants in the end.

COPA/TOPA would be better suited for larger, corporate REITS and corporate owned buildings and properties such a mobile home parks and well funded non-profits. There would be bigger benefits to lower income tenants, bigger opportunities to prevent displacement for the non-profits and a much larger pool of units to designate for lower income tenants if it were applied only to larger buildings, properties or mobile home parks. Basically bigger bang for the buck for each big transaction with faster, better outcomes for non-profits and at risk tenants.

Large real estate companies, buildings, properties, and mobile home parks owned by companies and investors such as Avalon Bay Communities, Invitation Homes, Peter Wang, Sam Zell of Equity Group Investments, Home Properties Inc., Blackstone, Blackrock, Veritas Investments and others have the resources to manage the regulation required by COPA/TOPA types of transactions. Corporate Landlords raise rents more often and have higher eviction rates and are much more unforgiving and harder to work with for tenants than small housing providers. As an added bonus, large corporate housing units tend to be located nearer to transit centers such as light rail, CalTrain and bus lines compared to small housing provider units scattered all over San Jose and would provide better transportation options for financially stressed tenants.

With this COPA/TOPA “Go Big" strategy in mind San Jose would be able to house more lower income people in danger of displacement faster and with fewer transactions. Dealing with Mom & Pops would require 1000’s more transactions and would take longer to achieve the same success and desired outcome of COPA or TOPA for tenants and non-profits, which is to house more financially stressed tenants at risk of displacement

Forcing COPA/TOPA on small housing providers would also remove opportunities of home ownership for families looking to buy a former smaller rental property to occupy it, even current renters would be competing with non-profits in the market to buy these Mom and Pop home provider units as they become available for sale. Individual home buyers usually don’t have resources to buy large properties or buildings with tenants. Nonprofits with significant resources do. What we all want is more homeownership in San Jose and less tenant displacement.

I urge you to read this article attached, "The Real Problem With Corporate Landlords”. Tenants of large, unaccountable housing investors suffer in ways that don’t necessarily show up in data. Mom & Pop home providers work with tenants to help keep them housed and could even work with tenant homebuyers with owner financed purchases which could be a win/win for everybody. Instead of using the stick, use the carrot to increase homeownership.

Require that only large corporate owned properties go through the COPA/TOPA process with non-profits when they are placed on the market for sale. Penalizing smaller housing providers with a cumbersome, punishing COPA/TOPA process will only be a nuisance for the SJC Housing Department and slow down the process of preventing displacement and gentrification. Use the “Go Big" strategy instead, exclude small housing providers from of the COPA/TOPA process in San Jose. Thank you!

Respectfully,

Brenda Dohmen
San Jose resident

IDEAS

The Real Problem With Corporate Landlords

Tenants of large, unaccountable housing investors suffer in ways that don't necessarily show up in data.

By Alexander Ferrer

Getty

JUNE 21, 2021

SHARE

About the author: *Alexander Ferrer is a planner and researcher at Strategic Actions for a Just Economy, a tenant-advocacy organization in Los Angeles. He is also a graduate student in urban and regional planning at UCLA.*

Among tenant advocates like me, corporate landlords are notorious for squeezing renters in every imaginable way—and for setting up byzantine ownership and management structures that frustrate anyone who might complain. News that investment firms have been buying up single-family homes during the coronavirus pandemic has prompted alarms among progressive tenant advocates and conservative populists alike, and for good reason: More American families will see the kind of major and minor annoyances that tenants of corporate entities have experienced for years.

Read: When Wall Street is your landlord

A 2017 study published by the Federal Reserve Bank of Atlanta found that corporate landlords, especially large institutional investors, were far likelier than other owners to evict their tenants. Other research in Atlanta suggests that such landlords are also more likely to use *threats* of eviction—and serial court filings that deepen tenants' financial woes—as a routine business practice. Tenant advocates around the country have long observed similar patterns. Other profit-maximizing practices are less drastic but still work to renters' disadvantage: In Los Angeles, where I work, one corporate landlord has been steadily cutting back on services and amenities, such as parking, that had been routinely offered to tenants. The same landlord is asking tenants to pay in person at off-site, third-party electronic kiosks that automatically add on extra fees. Another local corporate landlord is notorious for drafting unusually restrictive leases that charge tenants stiff fees when they slip up.

Although giant real-estate companies, financial firms, pension funds, and other large corporate entities have been involved in multifamily housing for decades, a recent *Wall Street Journal* article has prompted fears that large, well-capitalized private-equity investors such as BlackRock will outbid individual buyers in the market for single-family houses and deny average families a traditional route to wealth accumulation. "Blackrock is pursuing an investment strategy that will make it harder for young Americans to own homes," J. D. Vance, the author of *Hillbilly Elegy*, tweeted earlier this month. Scoffing at such comments, prominent liberal urbanist writers have argued instead that the real source of inequality in the housing market is homeowner

NIMBYism, which prevents the construction of new units; decrying Wall Street merely deflects the blame to a less popular target. Indeed, some housing experts have suggested that the entrance of private equity into the single-family housing market could increase the supply and diversity of existing rental units.

Derek Thompson: BlackRock is not ruining the U.S. housing market

RECOMMENDED REA
A Worrisome Peek I
Yale Law's Diversity
CONOR FRIEDERSDOI
John Eastman Is No
Victim of Cancel Cu
JEREMY B. ROSEN

But a reflexive anti-populism threatens real harm, and commentators who defend or excuse corporate landlords are overlooking the day-to-day problems that this form of ownership creates.

Liberal urbanists and renter advocates think about tenancy in fundamentally different ways. Many urbanists' primary concern is with the price of rents. In this view, the consolidation of property ownership among a small number of large corporate landlords is worrisome only if landlords achieve monopolistic power and set artificially high prices in a market. Although some research suggests a link between corporate property ownership and increased rents or home prices, the evidence is far from definitive. Yet tenants and their advocates aren't wary of corporate ownership because it makes the cost of housing go up, but because it magnifies the imbalance of power in the relationship between landlord and tenant. The real issue is not that housing becomes more expensive, but that it becomes more precarious. These problems are harder to track than rent levels, but the difficulty of gathering systematic data does not mean that no problem exists.

Real-estate investors with a large number of properties frequently assign control of each one to a separate limited-liability company—an arrangement that renders opaque the ultimate ownership of buildings and units, obstructs outside research, and limits the ability of tenants and code-enforcement officers to hold landlords accountable for misbehavior. Such complex structures also enable harmful investment strategies such as "milking"—in which investors acquire distressed properties; rent them at relatively low prices, in many cases to tenants with few other options; and still realize steep short-term profits by cutting back on upkeep. According to one study, institutional investors report making more improvements to their rental property than individual owners do, but overall the latter spend more money upgrading their holdings. A 2019 study of rental properties in Milwaukee found that maintenance suffered when units passed from individual ownership into the control of limited-liability companies.

Conor Dougherty: Victims of NIMBYism, unite

In theory, deep-pocketed investors have the resources to maintain properties. But in 2014, researchers for my employer and another housing-advocacy group, the Right to the City Alliance, surveyed tenants of one major corporate landlord in Los Angeles and Riverside Counties. Nearly half had experienced plumbing problems; one-fifth said that their unit had mold; 18 percent reported a leaking roof. The corporate owner remained distant from these troubles—and from tenants who might want to complain face to face—because its main office was an average of 35 miles away from its L.A. properties.

To be clear, no tenant advocate will defend the virtue of small landlords, many of whom treat tenants capriciously and employ predatory profit-maximization strategies similar to those used by corporate property owners. Yet corporate structures make patterns of abuse harder to root out.

Even when tenants are successful in lodging complaints, the apparatus that regulates tenancy in most U.S. cities does not typically consider whether a landlord owns a host of marginally habitable properties—only the conditions at the property being inspected. When landlords are headquartered in a jurisdiction other than where their properties are located, they are even less accountable. In most cases, enforcement is dependent on the capacity of tenants to join together and win lawsuits, often with pro bono representation, against much-better-funded landlords.

People renting single-family houses from corporate landlords are unlikely to fare better than the typical apartment tenant. Indeed, single-family properties in some locations are exempt from tenant protections applicable to multifamily properties. Liberal urbanists, housing experts, and tenant advocates should all contest the current entry of corporate owners into the single-family market—not because people who live in single-family housing deserve special protection, but because corporate landlordship creates distinct harms, and the expansion of those harms should always be contested.

COPA

[redacted]

Thu 10/21/2021 7:43 AM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[redacted]

[External Email]

Dear Committee Members;

I am objecting to COPA for the following three reasons:

1 .It does nothing to increase affordable housing
2. The outreach to those most affected, namely mom and pop owners, requires computer knowledge
3. It intrudes on private business transactions.

AFFORDABLE HOUSING:
COPA transfers ownership from other investors to the non profit organization or tenant group.
How will the administration amongst the three potential buyers differ since most if not all of these properties will be under existing
rent ordinances? Will the non profit organizations forego rent increases, and evictions for safety and health violations?
I seriously doubt that their interest is as personal as if a private buyer were the new owner.
How will the operating financial deficit will be bailed out? By charitable organizations or tax payer fund?
COPA does not increase number of affordable units.

OUTREACH:
Most, if not all, of the sales will be those under rent control and therefore owned by mom and pop. Communication with this
group of people is very poor due to online method, such as via zoom, Many seniors are not knowledgeable enough to participate to appreciate the impact of COPA nor for them to give their input. I am 89 years old and I consider myself fairly knowledgeable about using computers but I have not participated in any Zoom mtgs since it is simply not easy for me to do so. I have not received any mail notices describing what COPA is nor solicitation of input from me.
I became aware of this through a friend who is knowledgeable about this immoral unconstitutional concept.

INTRUSION:
The right of first refusal is a demand. It restricts the owners ability to get the best price via listing, to get cash offers, and to execute timing required for 1031 exchange. If I know nonprofit organizations there is no incentive to move transaction quickly since the delay cost is all on the seller and not on the buyer.
The demand for right of first refusal, without any agreement do do so is political bullying.

INCENTIVE:
As a closing thought I would like to offer means perhaps to incentivize making COPA somewhat palatable.
Solicit amongst the Rent controlled owners if they are interested in selling to nonprofit of tenant organizations and what benefits it would have for them to do so.
Offer waiver to sales commissions or fees associated with the sales.
Such enticements will have people lined up to sell to nonprofit or tenant groups.

Let us find an amicable and fair way to do business in lieu of demands. I know the mayor's statement "we do these things because we can" is not always moral, ethical, nor even constitutional.
Unfortunately the mom and pop housing providers are most targeted private business due to such attitude.

Respectfully,

Seigi Tadokoro, Resident and small property owner in San Jose

[redacted]

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Input: Oct. 25 mtg: COPA: Agenda #(d)2

Lan N. Bui [redacted]
Thu 10/21/2021 9:09 AM
To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[redacted]

[External Email]

Dear Committee Members,

My name is Lan Bui, I am a 40 year resident of San Jose, and I have a small rental property. I escaped from Vietnam and came to the United States many years ago. The communist government in my home country Viet Nam stole our property from us. Now I see the same violation of rights happening in San Jose. This COPA program should not be considered by the City Council. Turning property owners into criminals for advertising their property for sale is not what the United States was ever about. How can you turn your back on long-time residents of San Jose who have put years of hard work into managing their property? In addition, what about other people in San Jose who also have a dream of buying a small investment property to take care of their family in the future? You want to give all rights to special interest groups & give tenants false hope that they will be able to buy the property for themselves. I am already an affordable housing provider and I do a good job. You should leave my rights and my property alone. In addition, by the way, I do not now know how to use Zoom. City has not contacted me for my feedback. You do not have proper outreach. When are the public in-person meetings going to happen?

Please take stock of what you are proposing and reverse your direction on COPA!

Respectfully

Lan Bui

Oct.25 mtg COPA agenda #(d(2

[redacted]

Thu 10/21/2021 10:13 AM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[redacted]

[External Email]

-----Original Message-----ED
[redacted]
To: CEDCommittee@sanjoseca.gov <CEDCommittee@sanjoseca.gov>

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[redacted]

from: David Eisbach [redacted]
To: CEDCommittee@sanjoseca.gov <cedcommittee@sanjoseca.gov>

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David Eisbach, Owner, Broker, Manager

City Employee Policy Reconsideration

J Smith [redacted]
Mon 6/28/2021 1:10 PM
To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

To the San Jose City Council,

I think it is low-resolution thinking to send all employees back to the office/physical place of work because COVID restrictions have lifted. This last year proved that many of these jobs can be just as efficient (in many cases more efficient) working through the internet at home. The old paradigm of the office structure is gone in the age of the internet is upon us and progressive private and government employers need to come to terms with this reality now.

I also don't think we should be causing gridlock and environmental harm just so a few managers can feel important at the office and the higher-ups can virtue signal their adherence to the status quo. It's simple; some employees need to be kept at home, not only to open up space at the infrastructures (that either the private companies or taxpayers are shelling out big time for especially considering all real estate here is worth more than gold) but to keep our already polluted air cleaner.

Gridlock is also stressful and slows down our fast-paced and vibrant Silicon Valley life. I have not heard one positive reason for sending certain employees back to work more than once a week, especially those that have jobs that are primarily done on the computer. Including accounting, drafting, coding, CAD, and other similar jobs. These jobs should come in for occasional meetings if absolutely necessary and then sent home. This idea of sending them all back to work across the board, 3 days a week, is exactly why people complain about out-of-touch bureaucrats at the top that are incapable of understanding micro issues or creating efficient systems.

Sending employees that could easily work from home back to an office space is a sign of a tired and old-fashion company or government that refuses to move forward with the times. It also shows a lack of concern for the environment, gas prices/U.S. dependency on oil, wear and tear on our tax paid for roads/bridges/infrastructures, and air quality we all share, plus the employees' mental health.

The mental health issue needs to be addressed. The Bay Area now has a median house price that keeps the majority of the middle-class from ever owning a home. We are rated #1 in the middle-class percentage of income towards housing in the nation. Most of the middle-class here in San Jose who manage to actaully have a roof over their head have inadequate space, unhealthy living situations, and if not, in a mortgage they will never pay off. If we can't fix the affordability crisis the least we could do is end the nightmare commute for many employees.

Many have turned to moving out of the Bay Area to skim by, enduring horrendous commutes, some sadly totaling 3 -4 hours or more each day. The majority of office workers commute an hour to work each way. By allowing these employees to stay home they are given back 10 to 20 hours a week of family and downtime. We have one of the highest rates of depression and suicide in the nation, and is it a wonder when we burden the middle-class to existence and survival alone? When we talk about the housing crisis an important question is “which one?” We can not just fix the homelessness issue and end the discussion on the note, that’s a separate housing crisis, we need to fix the extreme burden on the middle-class that bad policy has created. We have priced out an entire generation creating a horrid generational lotto. Under 45 years of age? Well then, I hope you’re in the top 10% of income earners, are willing to take on a mortgage you will never pay off in your lifetime or you plan to inherit.

COVID was a nightmare, but there were some good ideas that came of it. One of the few positives was learning that working from home in many cases can be more efficient, less stressful, and better for our environment. We need to move forward and progress. The future is for the people, businesses, and governments that can adapt. We are supposed to be the leaders in innovation in San Jose, so why is our city government living in the stone age and requiring employees to work 3 - 5 days a week that could do it from home? Shouldn’t this be up to the individual’s acting manager or the person who works with them directly during the last year? If their performance was as good or better LEAVE THEM HOME. Spare us all. Do you think the diamond line helped gridlock? That will be a drop in the bucket compared to keeping people home.

I’m not an employee of the City of San Jose, but I’m a citizen and believe we have a say in this policy because it will harm everyone living here. Most citizens I know feel exactly the same way as I do about this short-sighted employee policy.

Thank you, Julie Smith