

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

John Chen [REDACTED]

Sat 10/23/2021 12:18 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

Greetings CED committee

COPA unfairly gives favorable treatment to non profit organizations that are primarily funded by the city itself. It seems unnecessary since the non profit can just act like a regular buyer. This method also undermines fair market value of assets.

Thanks

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Input:Oct 25 meeting: COPA: Agenda# (d) 2

Sun 10/24/2021 12:43 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

I am Michael Fitzgerald. Owner of some "Mom and Pop" rentals here in downtown San Jose since 1978. I was privileged to serve on the Advisory Commission on Rents, and then subsequently on the Housing and Community Development Commission for two terms through July 2019. I am also a member of the Tri-Counties branch of the California Apartment Association, and as an interested party participated in many of the public meetings that were held in recent year over adjustment to the Rent Control Ordinance. I think that a result of the many hours of my service on the Commissions and participation in so many public forums that my name and contact information is well known by the hard working and dedicated professional in our Housing Department.

Nevertheless, I was completely left out of the loop when the topic of COPA was introduced. I only learned about it by accident in receiving an email from another old friend in our industry. I immediately became quite interested in learning about COPA and having the opportunity to make input. I have not yet learned to ZOOM, however, with the help of Elizabeth Guzman, I was able to go to City Hall and join in the recent meeting on October 4th. In that small meeting there were just two of us small holders present and perhaps three managers of very large organizations each holding thousands of units. There should be many more folks represented in the meeting. Especially the small Mom and Pop, because we are the ones who will be most impacted by the results if any of these proposals eventually are enacted. It is unlikely that REITs with building of hundred apartment will actually be approached with buy offer. Those of us with three to fifteen units would much more likely be the targets. So my main request today is that this process should be slowed down until a strong effort is made to seek broad input from the owners most likely to ever be affected by this proposal. There should be an outreach to notify and educate the small owners and a series of public forums held at convenient locations throughout the city for people of all persuasion, pro and con, to come and voice their opinion. I don't see why the meetings are only being Zoomed. Anywhere I go nowadays where people want to gather in public: the movies, the gym, restaurants, the grocery store, I can go if I wear a mask. It almost seems like whoever is handling the meeting is deliberately trying to restrict participation by keeping them from being open and convenient meetings held in the traditional manner. I am not making an accusation, just noting that it looks that way. The lockdown and near panic about the pandemic and extreme caution that we all practiced last Spring are far behind us now. People are out and about. Let's do these meetings the same way we did back when the Housing Department was providing such wide opportunity for discussion of Rent Control and Just Cause and Rent Rolls.

[REDACTED]

With masking and even proof of vaccination, (as is required at Warriors games), I think that you could achieve a good turnout.

I doubt if I have enough of your time and attention left to explain here why I am not in accord with the main thrust of this plan as

I have seen of it so far. Suffice to say that I don't accept the basic premise of COPA. I don't see why any body or group should

be endowed with the "right" of both first refusal and to tie up a for sale property to the exclusion of other offers.

Also I don't

even see how COPA does anything to increase the amount of housing. And with the recent rules that we have that an owner

cannot refuse to renew any tenant's lease, I don't see how a COPA buyer could change the composition of a building so that

all residents fit within their income guidelines. As far as successful COPA participants owning a building together and making

mutual decisions on how to contract maintenance and pay for it--well I simply think that is a pipe dream and a fool's errand.

I don't make this observation to be sarcastic nor insulting--merely as a consequence of my long experience as the owner who

has to make these expensive decisions and pay for them myself and explain to my family the need for further sacrifice on our

part. Believing that a group, or committee, if you will, of unrelated holders can satisfactorily and responsibly handle the e type

of decisions and expenses belies my experience of human nature garnered over my 74 years.

It seems to me that if a group, any group, wants to make an offer on a small apartment building that everyone should start from

the same position with no special advantages: having a down payment in hand and a current proof of qualification for a certain loan amount from

a lender who can fund in the traditional period of time--30 to 60 days. There are two rules in real estate that are immutable One

is location, location, location. The other is: Time is of the essence. That is actually written into most real estate offers and

agreements to buy or sell. To hamstring an owner who wants to sell by unfairly tying up her building with an entity that i n't

ready to compete with other buyers and close in a timely manner is is grossly unfair and so shocking that I wouldn't be surprised

if someone took it to Court to challenge it's legality.

Thank you for allowing me to have input to your current meeting. I look forward to the opportunity to be more involved in the

discussions in the future. Hopefully in wide ranging open in person public forums.

Michael Fitzgerald
[REDACTED]

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

亭潔Lilian USA

Sun 10/24/2021 1:24 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

Greetings City of San Jose committee

There is no need for COPA.

1. Even before the COVID-19 eviction moratoriums, San Jose had the lowest eviction rate of any major metro area in the U.S, followed by San Francisco.
<https://sf.curbed.com/2017/10/27/16557562/san-francisco-san-jose-owest-eviction-rate-study>
2. Most rental housing is already covered by San Jose's TPO, with the notable exception of federal programs (Section 8) and certain NPOs.
3. The properties most likely to be affected by COPA are older properties, which are already covered by San Jose's ARO, again with the exception of federal programs and certain NPOs.
4. COPA would essentially transfer rent-controlled properties (distressed by eviction moratoriums) from small property owners to larger NPOs at discounted rates. Once in the hands of NPOs, these properties would generally be exempt from the prior TPO and ARO renter protections.
5. The stated goals of COPA would be better met through the speedy disbursement of COVID-19 rental assistance funds, and local resident preferences for subsidized housing.

COPA would be subject to obvious legal challenges:

1. The "right of first offer" and "right of first refusal" are valuable property rights normally granted by the owner of a property to a prospective buyer for a significant contractual consideration. When SF or SJ unilaterally grant these rights to multiple 3rd parties, without any compensation to the property owner, this is a clear regulatory taking, prohibited under the 5th and 14th Amendments.
2. The restriction on advertising to all potential buyers is an infringement of First Amendment free speech rights, as well as MLS obligations.

I have not received any communication from the City of San Jose. It looks like the meetings are being done in the dark without transparency. I only recently saw that COPA is on the agenda for the CED Committee. With the pandemic still happening and property owners still struggling to receive unpaid rent from the past year, this is not the right time to place extra stress on them with COPA. In fact, it's predatory to throw COPA into the mix right now

Thanks
Min-Chin Huang

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

John Chen

Sun 10/24/2021 1:25 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

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Thanks
John Chen

10/25/21, 8:23 AM

On Sat, Oct 23, 2021 at 12:18 PM John Chen [REDACTED] > wrote:

Greetings CED committee

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Thanks

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

Sean Rhinehart

Sun 10/24/2021 4:51 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

First, there is no need for COPA.

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4. COPA would essentially transfer rent-controlled properties (distressed by eviction moratoriums) from small property owners to larger NPOs at discounted rates. Once in the hands of NPOs, these properties would generally be exempt from the prior TPO and ARO renter protections.
5. The stated goals of COPA would be better met through the speedy disbursement of COVID-19 rental assistance funds, and local resident preferences for the limited supply of subsidized housing.

Second, COPA would be subject to obvious legal challenges:

1. The "right of first offer" and "right of first refusal" are valuable property rights normally granted by the owner of a property to a prospective buyer for a significant contractual consideration. When SF or SJ unilaterally grant these rights to multiple 3rd parties, without any compensation to the property owner, this is a clear regulatory taking, prohibited under the 5th and 14th Amendments.
 2. The restriction on advertising to all potential buyers is an infringement of First Amendment free speech rights, as well as MLS obligations.
 3. When SF and SJ pick favorites in the rental housing industry, and unilaterally take property rights from for-profit property owners, and grant these rights to housing industry competitors, there is a clear violation of the 14th Amendment guarantee of equal protection under the law.
- Given that San Jose property owners took the relatively mundane Rent Registry provisions all the way to the U.S. Supreme Court, does the City Council really expect them to roll over for this?

Finally, the secrecy and timing of COPA is suspect. Where was the outreach?

Why the rush to quietly roll out COPA before small property owners receive the rent due to them? Could it be that NPOs want to pressure owners into selling before they receive the funds necessary to stay in business? It does not take too much imagination to see collusion here. The government exceeds its authority and declares rent payments optional because of COVID, and then allows politically allied NPOs to take over distressed rental properties at fire sale prices, because the government has delayed the disbursement of existing rental assistance funds that would have allowed the owners to retain their property.

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

Tobin Gilman [REDACTED] >

Sun 10/24/2021 8:04 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[External Email]

Dear Committee Members,

I urge you to drop consideration of COPA and TOPA. Both represent an unreasonable infringement on private property rights and would distort the housing market. Housing providers should have full control over the timing of sales and offer acceptance criteria. I'm particularly concerned about providing special interest non-profits an unfair advantage over other parties who may be interested purchasing a property.

Tobin Gilman
San Jose

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My Input: Oct. 25 meeting: COPA: Item (d)2

Jenny Zhao

Sun 10/24/2021 8:40 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>;

[External Email]

I am one of the task force members and have attended all the meetings. The entire task force is based on a pre-set agenda, it lacks open discussion and has many unanswered questions. More importantly, there is no data to support its goal and purpose, which is to address "massive displacement". No data show that "massive displacement" is happening or will happen in San Jose. Also there is no discussion to seek any less costly alternatives to address the issue even if "massive displacement" exists.

San Jose has implemented strict rent control and tenant protection ordinance for many years now, coupled with a rent registry system. And the State's AB1482 adds another layer of tenant protection in 2019. The tenants are protected against eviction if there are any ownership changes. So what type of "massive displacement" are we dealing with? Does the rent registry data show it?

We all want to help the needed tenants. And we are not against the nonprofits buying properties, and they can buy at the open market like everybody else does. The city can consider a voluntary program with incentive, but shouldn't consider adding another layer of laws that does nothing but to waste city resources and taxpayer's money.

Thank you for reading,

Jenny Zhao

San Jose resident and housing provider

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Community and Economic Development Committee Input: Oct. 25 mtg: COPA: Item (d)2

BAHN Org [REDACTED]

Sun 10/24/2021 8:53 PM

To CEDCommittee <CEDCommittee@sanjoseca.gov>

Cc Bay Area Homeowner network [REDACTED]

[External Email]

On behalf of the Bay Area Homeowners Network, who represents mom and pop housing providers in the Bay Area, we urge the City of San Jose to stop the COPA discussion, and focus the city resources on adding more housing supply and providing direct rent assistance to needed tenants.

In the past two years, the mom and pop housing providers are the victims of the pandemic and the victims of the eviction moratorium, we got a double hit. We have been struggling to survive. We are the ones who need help from our government. How can our policing makers continue to punish small business owners again and again with unjust law? When can you do something to help us survive?

Since the stay at home order, we have lost our ways to communicate with our elderly members who lack knowledge of using modern tools such as zoom and computer, many of them don't even use email. A large percentage of San Jose mom and pops are elderly immigrants. We want to know what type of outreach effort the City staff did to them? They are directly impacted by COPA so can't be kept in the dark about such an important topic related to their life savings.

We urge the City to put the COPA conversation on hold, until the pandemic is over. The City must put real effort to engage the small housing providers, as well as the entire San Jose community for their input. COPA is to take away an important piece of property rights and it impacts EVERY San Jose homeowners, proper engagement and outreach to the community are a must!

Regards,

Dan Pan

BAHN Representative

Phone: [REDACTED]

BAHN is a non-profit, grassroots organization representing mom and pop rental property owners in California.

BAHN advocates constitutional rights and housing friendly policies. It promotes education and professional development among members for their daily property management needs. It provides a platform for homeowners to connect and help each other. Its mission is to help members achieve greater success in their rental housing business.

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

Shu-Chun Huang

Sun 10/24/2021 10:43 PM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>

[External Email]

To Whom It May Concern,

I cannot believe while in the horrible situation how the city of San Jose runs its city now and it needs to be reshaped urgently, the city is now thinking of robbing from small rental business owners?

The city has been using the first class budget to turn our city to a third world country condition and no one claims the responsibility for all the problems and troubles that the city has created.

I have not received any communication from the City of San Jose. It looks like the meetings are being done in the dark without transparency. I only recently saw that COPA is on the agenda for the CED Committee. With the pandemic still happening and property owners still struggling to receive unpaid rent from the past year, this is not the right time to place extra stress on them with COPA. In fact, it's predatory to throw COPA into the mix right now.

Kimi Huang

Sent from my iPhone

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Oct. 25 input COPA; Item (d)2

Lisa [REDACTED]

Mon 10/25/2021 7:38 AM

To: CEDCommittee <CEDCommittee@sanjoseca.gov>
[REDACTED]

[External Email]

Dear Committee Members,

My name is Lisa Wayne; I have been living at district 3 San Jose for years. I have small rental property in San Jose.

Knowing that you are going to pass COPA, I oppose it. COPA is to take away my ownership rights.

I am Vietnamese, my husband Robert Wayne helped me to escape from the communist Vietnam many years ago to come to US. The government stole my property over there.

Now I see COPA will enact the same violation of rights happening in San Jose. This COPA program should not be considered by the City Council. COPA would turn property owners into criminals if they use their right to sell their property. How can you turn your back on long-time residents of San Jose who have put years of hard work into managing their property? I am already the affordable housing provider and I do a good job. You should leave my rights and my property alone. City has not contacted me for my feedback on COPA.

Please do not pass COPA!

Respectfully

Lisa Wayne

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