

**From:** Jose Lopez <[REDACTED]>  
**Sent:** Monday, October 24, 2022 7:50:31 PM  
**To:** [acardenas@chulavistaca.gov](mailto:acardenas@chulavistaca.gov) <[acardenas@chulavistaca.gov](mailto:acardenas@chulavistaca.gov)>  
**Subject:** Suggested amendments for Chula Vista TPO

**Warning:  
External  
Email**

Dear Council member Cardenas,

Sorry for sending this until now. Thank you for trying to help protect tenants from No Fault evictions. Here are some recommended amendments we would like to see, in order to improve the TPO. Thank you for your time and consideration.

Best,

Jose Lopez  
Director  
ACCE San Diego  
[REDACTED]

**PROPOSED REVISIONS TO CHAPTER 9.65 OF THE CHULA VISTA  
MUNICIPAL CODE**

**I. IMPOSE AN UNEQUIVOCAL RIGHT TO RETURN AT THE SAME RENT FOLLOWING ALL NO-FAULT EVICTIONS, INCLUDING SUBSTANTIAL REHABILITATION.**

**Section 9.65.030 (Residential Rental Complex definition)** – Delete in its entirety.

**Section 9.65.070(B)(1)** – Alter as follows:

**1. No Fault Terminations** ~~Tenancy in Unit in a Residential Rental Complex.~~  
When an Owner terminates a Tenancy of a Residential Rental Unit ~~in a Residential Rental Complex~~ for No-Fault Just Cause, the Owner shall provide notice and relocation assistance to the Tenant as follows:

**Section 9.65.070(B)(1)(a)(iii)** – Alter as follows:

iii. **Notice of Right to ~~Receive Future Offer~~ Return.** The Tenant's right to receive an offer to renew the Tenancy on the same terms in the event that the Residential Rental Unit is offered again for rent or lease for residential purposes within ~~two (2)~~ ten (10) years of the date the Tenant vacated the Residential Rental Unit ~~was withdrawn from the rental market~~, and that to exercise such right, the Tenant: (a) must notify the Owner in writing within ~~sixty (60)~~ thirty (30) days of ~~the termination notice~~ vacating the Residential Rental Unit of such desire to consider an offer to renew the Tenancy in the event that the Residential Rental Unit is offered again for rent or lease for residential purposes; (b) furnish the Owner with an address or email address to which that offer is to be directed; (c) and advise the Owner if they want the offer directed to a different address or email address ~~at any time of a change of address to which an offer is to be directed.~~

**Section 9.65.070(B)(2)** – Delete in its entirety.

**Section 9.65.070(C)(5)** – alter as follows:

5. If the Residential Rental Unit ~~in a Residential Rental Complex~~ is offered for rent or lease for residential purposes within ~~two (2)~~ ten (10) years of the date the ~~Tenancy was terminated~~ Tenant vacated the Residential Rental Unit, the Owner shall first offer the unit for rent or lease to the Tenant displaced from that unit by the No Fault Just Cause termination if the Tenant (a) advised the Owner in writing within ~~sixty (60)~~ thirty (30) days of the ~~termination notice of the~~ Tenant vacating the Residential Rental Unit of the Tenant's desire to consider an offer to renew the Tenancy; and (b) furnished the Owner with an address or email address to which that offer is to be directed. The Owner shall offer to renew the tenancy on the same terms in effect at the time of termination. ~~The Owner shall have the right to~~

~~screen the Tenant using industry accepted methods and shall communicate such minimum screening criteria in the offer for the new Tenancy, subject to the terms of any attendant Administrative regulations.~~

## **II. IMPLEMENT ALL OF THE ELLIS ACT'S AUTHORIZED PROTECTIONS.**

**Section 9.65.070(C)(6)** – Delete in its entirety

**Section 8.65.075** – Add Section below:

**A. System of Control on Rents.** The city of Chula Vista adopts California Civil Code section 1947.12 and Penal Code section 396 as its local system of control on rents. This section does not impose any rent limitations on Landlords that are not already applicable under state law.

**Ellis Act Regulations** – Chula Vista Should Adopt a comprehensive Ellis Act Implementation Ordinance. ACCE provided language for an Ellis Ordinance on May 10, 2022. The City's Ellis regulations should, at minimum, adopt all protections authorized by the Ellis Act.

## **III. MANDATE THAT AN OWNER OR RELATIVE MUST INTEND TO LIVE IN THE UNIT FOR THREE YEARS TO UTILIZE THE OWNER MOVE-IN CAUSE FOR EVICTION.**

**Section 9.65.060 (C)(1)** - Alter as follows:

**1. Intent to Occupy by Owner or Family Member.** The tenancy is terminated on the basis that the Owner or Owner's Family Member intends to occupy the Residential Rental Unit. For leases entered into on or after July 1, 2020, Intent to occupy by Owner or Family Member shall only be a No Fault Just Cause basis for termination if the Tenant agrees, in writing, to the termination, or if a provision of the lease allows the owner to terminate the lease if the Owner or Family Member unilaterally decided to occupy the residential real property. The Owner or their Family Member must in good faith intend to move into the unit within ninety (90) days and occupy the Residential Rental Unit for three consecutive years as their principal residence.

## **IV. PROHIBIT EVICTIONS FOR FAILING TO ABIDE BY UNAGREED TO LEASE TERMS.**

**Section 9.65.060(B)(2)** – Alter as follows:

**2.** A breach of material term of the lease, as described in paragraph (3) of Section 1161 of the Code of Civil Procedure, including, but not limited to, violation of a provision of the lease after being issued a written notice to correct the violation. For purposes of this subdivision, a term of a lease that was unilaterally imposed by the Landlord after the commencement of the tenancy shall not be considered

“a material term of the lease” unless the change to the lease was required by law or was accepted in writing by the Tenant after being advised in writing that the Tenant need not voluntarily agree to the change in tenancy.

**V. ENACT STRONG REMEDIES FOR VIOLATIONS, INCLUDING MANDATORY TRIPLE DAMAGES AND ATTORNEY’S FEES.**

**Section 9.65.080(D)(1)** – Alter as follows:

**1. Civil Action.** An aggrieved Tenant may institute a civil action for injunctive relief, direct money damages, and any other relief allowed by law, including the assessment of civil penalties in the amount of no less than \$2,000 ~~and no more than \$5,000~~ per violation per day, or three times the Tenant’s actual damages (including damages for mental or emotional distress), whichever is greater. If the aggrieved Tenant is Elderly or Disabled, additional civil penalties of up to \$5,000 per violation per day may be assessed at the discretion of the court. This remedy is not exclusive A Tenant may also pursue damages as set forth in ~~Section 9.65.070(C)(6)~~ any attendant administrative regulations. The statute of limitations for all remedies in this subdivision shall be three (3) years. Irreparable harm shall be presumed through violation of this chapter.

**Section 9.65.080(D)(3)** – Alter as follows:

**3. Attorney’s Fees.** The court ~~may~~ shall award reasonable attorney’s fees ~~and costs~~ to a party prevailing tenant ~~who prevails~~ in any action described in paragraphs 1 ~~and 2~~ above. The court may award a prevailing owner reasonable attorney’s fees if the Tenant’s action was devoid of merit and brought in bad faith. Costs shall be awarded according to state law.

Please note that the code of civil procedure governs unlawful detainer proceedings. As such, local ordinances cannot prescribe attorney’s fees in unlawful detainers.<sup>1</sup> For this reason we suggest removing this remedy from the ordinance.

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<sup>1</sup> *Larson v. City & Cty. of S.F.*, 192 Cal. App. 4th 1263, 1297 (2011)



**THE  
PAUL  
MILLER  
COMPANY**

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Written Communications  
Item 6.2 - Kuta - Received 10/25/22

10/20/2022

**Mayor**

Mary Casillas Salas  
276 4<sup>th</sup> Avenue  
Chula Vista, CA 91910

**Council Members**

John McCann  
Jill Galvez  
Stephen Padilla  
Andrea Cardenas

**City Attorney**

Glen Googins

**Subject:** Proposed Residential Landlord and Tenant Ordinance. (TPO)

A review of the proposed TPO ordinance under consideration by the City Council raises some very serious concerns. As a property owner the proposed ordinance is an egregious attempt to overregulate the rental housing stock. Market forces over an extended period of time have served our community well supporting production of rental units. When government adversely tampers with these natural economic forces, it disincentivises production of rental inventory. Excessively high building permit fees and onerous regulatory requirements discourages rental housing production that fosters rent increases. Our Constitution Framers discouraged government tampering with property rights which are foundational with respect to the democratic process. If the Council has not deeply weighed the full impact of this ordinance, then the City of Chula Vista mistakenly has moved governance closer to a left wing socialistic ideology which has failed repeatedly where attempted. The council needs to sufficiently evaluate cyclical economic patterns for overall fairness. Incidentally, who's going to bail out a property owner for fulfilling his or her obligations when the market softens, which could happen when overreaching governmental practices drive more people out of California into moderate governing states that address the concerns of all affected parties.

Can the Chula Vista City Council control service provider fees, fuel costs, mortgage rates, sewer rates, water rates, SDGE rates, insurance premiums, material costs etc.? One must also look at the expense side besides the revenue side to reach a fair and balanced determination.

When an owner experiences abnormal, unruly behavior that is bothersome to other tenants there has to be a process in place to root out a "bad apple" expeditiously for the overall benefit of the existing tenant population who deserve and expect pro-active remedial action from a property owner. Improper behavior should be actionable without burdensome impediments from government.

You stated the ERAP received 7339 applications. What is the overall ratio to Chula Vista's rental population? This seems like an overreach. Perhaps "No Fault" demands more analytical evaluation before irreparable damage is forced onto a critical economic rental housing component in Chula Vista. By your own admission the proposed TPO exceeds state guidelines. In conclusion, I urge the City Council to deeply weigh the economic repercussions regarding adoption of this rental housing control


measure and not ignore the potential hardships, risks, damages, that can have a profound impact on a property owner. The Council needs to be sensitive to the concept that socially benevolent measures although well intended may have long term implications. The Council must act responsibly, sensibly, and in balance for all affected parties. In its current form, the TPO Ordinance is toxic because of its liberal approach to regulate housing which represents a threat to the core values of property ownership.

Governor Newsom announced that he intends to call off the COVID State of Emergency that the Council made use of to promote the ordinance under consideration. COVID 19 restrictions have faded. The Council needs to look forward not in the past and stay focused.

Some suggestions for the Council's consideration:

1. Conduct a comprehensive bi-partisan analysis examining who got rental relief assistance during the COVID 19 period.
2. What was their earning capacity during COVID and after?
3. Wages have generally increased. There is a shortage of qualified workers. This enables more people to cope with higher housing costs.
4. Carefully weigh objectivity over emotion.
5. Provide sufficient attention that affects long term consequences.
6. Your proposal provides for imprisoning a property owner. Have we now embraced enforcement measures from Marxist block countries?
7. Scrutinize more comprehensively the applications for rental assistance. The existing application process falls short of pertinent comprehensive information. It's been easy to get alot of free money at the expense of taxpayers. Some help should be available when sufficiently justified for tenants in dire circumstances.
8. This TPO mimics somewhat another form of welfare assistance which pushes individuals into poverty and dependency rather than encouraging individuals to push out of poverty by working and improving their employment skills.
9. Has a rental vacancy and rent loss factor been calculated and its trend since Covid-19 restrictions were imposed?
10. How many new units are coming online?

A response is appreciated.

  
Sincerely  
Jack Kuta, CPM

**From:** Victor Cao <[REDACTED]>  
**Sent:** Tuesday, October 25, 2022 1:50 PM  
**To:** Mary Salas <[MSalas@chulavistaca.gov](mailto:MSalas@chulavistaca.gov)>; John McCann <[jmccann@chulavistaca.gov](mailto:jmccann@chulavistaca.gov)>; Jill Galvez <[jmgalvez@chulavistaca.gov](mailto:jmgalvez@chulavistaca.gov)>; Steve C. Padilla <[spadilla@chulavistaca.gov](mailto:spadilla@chulavistaca.gov)>; Andrea Cardenas <[acardenas@chulavistaca.gov](mailto:acardenas@chulavistaca.gov)>  
**Cc:** Kerry Bigelow <[KBigelow@chulavistaca.gov](mailto:KBigelow@chulavistaca.gov)>; CityClerk <[CityClerk@chulavistaca.gov](mailto:CityClerk@chulavistaca.gov)>; Melanie Woods <[REDACTED]>; Stacey Kurz <[SKurz@chulavistaca.gov](mailto:SKurz@chulavistaca.gov)>  
**Subject:** CAA Oppose Item 6.2 Tenant Protection Ordinance

**Warning:  
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Mayor Salas and Members of City Council,

CAA has summarized significant legal, operational, and procedural issues with the proposed Residential Tenant Protection Ordinance in the attached letter. CAA recommends that Chula Vista City Council reject the Tenant Protection Ordinance. I would appreciate if the city clerk could enter CAA's opposition letter into the public record for Item 6.2 docketed for the October 25, 2022 City Council meeting.

Melanie Woods, CAA's San Diego Vice President of Public Affairs, is currently out on leave. Please feel free to reach out to me directly if you have any questions about CAA's concerns.

Respectfully,

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Victor Cao ■ Senior Vice President, Local Public Affairs  
California Apartment Association  
[vcao@caanet.org](mailto:vcao@caanet.org) ■ 949-474-1411

Questions about COVID-19: [Visit our Resource Page](#)  
CAA Services: [Events and Education](#) [Insurance](#) [Tenant Screening](#)





**California Apartment Association**  
3349 Michelson Drive, Suite 200  
Irvine, CA 92612

October 25, 2022

Mayor Salas  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA 91910

**Re: Oppose Item 6.2 Tenant Protection Ordinance**

Mayor Salas & Members of the Chula Vista City Council:

The California Apartment Association (CAA) remains opposed to the proposed Tenant Protection Ordinance ("TPO"). CAA is the nation's largest statewide trade association representing owners, investors, developers, managers, and suppliers of rental housing. Our membership is diverse representing individual "mom-and-pop" owners of rental housing to the largest apartment operators throughout San Diego County and California. Our membership provides over 70,000 rental homes across San Diego County.

As it has been already stated, the State of California has been heralded for having the "strongest tenant protections in the nation" through the adoption of AB 1482 (Chiu) in 2019. This legislation established a statewide, consistent standard to protect renters from excessive rent increases and arbitrary evictions. Establishing new laws and policies will only create inconsistencies for landlords, tenants, and courts across the state. CAA has previously held constructive discussions with city staff on methods to enhance landlord and tenant's understanding of their rights and responsibilities, but a year has gone by without any meaningful effort towards proactive education efforts.

Recognizing significant legal, operational, and procedural issues with this ordinance, CAA recommends the Chula Vista City Council reject the TPO for reasons including, but not limited to, the reasons outlined in this letter.

1. The definition of substantial rehabilitation is \$40 per square foot, which does not include planning, engineering, or insurance related costs as part of the valuation. While the valuation was derived by the city's building department analysis of permit activity, it is also important to recognize that the city's housing stock is over 40 years old. Historical permit activity may be biased towards new construction and/or projects that are not representative of complex rehabilitations of aging multifamily properties. proceed with amendments.
2. Prior versions of the TPO limited relocation assistance to tenants who have established at least one-year of tenancy. In the current version, no-fault relocation assistance has been expanded to all tenants (e.g. new residents who do not have an established tie to Chula



Vista's community or new residents from another state). CAA has several member testimonials about how relocation assistance is ridden with fraud and abuse in cities like Los Angeles and Alameda where such poorly constructed laws exist.

3. The ordinance stipulates that an owner or their family member can only move into their own property if the tenant agrees in writing prior to the termination or had agreed to it as a condition of the lease. This creates a considerable burden to an owner who is experiencing an emergency. Not only does an owner carry the trauma and expense of caring for a loved one in an emergency, but the City would then require additional money be paid to relocate a tenant; money that could be otherwise used for ongoing care. The City puts the owner in the position of calculating the health and displacement of their own family member against the financial and litigation risk involved with having to relocate a tenant. CAA encourages City Council to recognize that there are circumstances where owners make best decision to prioritize their loved ones over others they have no relation to. There are unique circumstances where ordinance unreasonably interferes into the familial obligations and property rights of owners.
4. The Reporting Requirements in Section 9.65.060(F) of the ordinance provides a backdoor and blank check for an invasion of privacy for both the owner and tenant. The TPO does not have any explicit reporting requirements. Instead, the TPO delegates authority to city staff and defers the development of such requirements without explicit approval of the city council. Reporting requirements under this scenario requirements may change without much notice and owners could be held in violation for failing to meet arbitrary requirements and deadlines. CAA requests City Council decline to entertain the Tenant Protection Ordinance until specific reporting requirements are explicitly written out and are available for public inspection.

### **Consideration of City's Private Vendor Survey Data and Methodology is Problematic**

The city conducted the July 2022 renter and stakeholder survey inappropriately. On July 14, 2022 city staff requested that various trade associations send an online survey on the city's behalf. The administration of the survey was a disingenuous and the effort towards stakeholder outreach was a veiled attempt to validate the city's presumptions about substantial remodels and evictions.

The administration of the survey was highly questionable. The survey only contained biased, predetermined multiple-choice questions. The vendor relied on their own internet-based platform, SurveySavvy. Independent consumers and reviewers have scored the vendor's platform, SurveySavvy, a 1.8 out of 5 stars and several reviewers alleged they were scammed.<sup>1</sup> Lastly, the survey sample size was clearly flawed and not representative of Chula Vista or rental housing organizations quoted in the research report. For example, respondents who have no business interest or established residency in Chula Vista were able to take the survey. The survey was clearly susceptible to manipulation.

CAA did not distribute the survey due to its poor design and lack of stakeholder on developing useful questions. Had CAA been properly consulted, the survey would have included the ability of

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<sup>1</sup> Adkins, Tonia, Stephanie Galloway, and Julie Kelley. "Surveysavvy Is Rated 'Poor' with 1.8 / 5 on Trustpilot." Trustpilot, August 26, 2022. <https://www.trustpilot.com/review/surveysavvy.com>.

owners to state the purpose of substantial remodels or renovations, project cost and/or financial burden, or other relevant information. Frustrated participants lacked any ability to provide any meaningful feedback in their own words. The city has no need to rely on private vendors to manufacture data when ample public data was already available.

### **City, County, State, and Federal Data is Available to Make Informed Policy Decisions**

The City of Chula Vista has meaningful and relevant data documented in its 2021-2029 Housing Element. The Housing Element stated that CSA San Diego had ample funding of nearly \$300,000 to “carry out investigations and other enforcement activities to prevent or eliminate discriminatory housing practices” (page AE-2). While CSA San Diego has reported an average of 264 cases annually over the past three years, the City’s Housing Element highlights that the U.S. Department of Housing and Urban Development only found 29 harassment cases specific to Chula Vista in a five-year period (2014-2019). To put into context, harassment allegations in Chula Vista amounted to 1 in 2,733 households. In other words, a confirmed incidence of harassment is less than one percent of all households in Chula Vista. By comparison, there were nine times more incidents of a person being hit by lightning in the entire United States than a Chula Vista resident being a victim of housing-related harassment.

According to reporting by CalMatters, evictions throughout San Diego County have been on the decline since 2010.<sup>2</sup> CAA’s assertion, backed by actual eviction filings, is that 1 in 113 households in San Diego County experienced an eviction. This analysis is backed by a CalMatters data set, which contained exactly 9,230 case files requested from San Diego County courts and comparing them to over 1.3 million households that exist in the county. Whereas the city’s vendor is reliant on a poorly assembled extrapolations, Chula Vista City Council has the ability to consider facts.

Reports of substantial rehabilitation are equally as low. The 2019 United States Census found that 48% of Chula Vista’s housing stock is over 40 years of age and yet, less than 70 multifamily properties underwent substantial rehabilitation over the last reporting period.<sup>3</sup> Proponents of the Tenant Protection Ordinance have volleyed wild allegations against rental housing owners’ use of substantial rehabilitation with no evidence. Proponents rely on anecdotes that are still unverified and demand that the city to pass draconian housing laws. Small mom-and-pop owners are unlikely to spend in excess of \$40 per square foot, pay relocation fees, and be expected to navigate overly complicated eviction procedures in order to make improvements to their property. Putting up such regulatory barriers will only exacerbate reinvestment into Chula Vista’s aging housing stock.

The fact is that city, county, state, and federal data shows there has never been an epidemic of harassment or evictions based on substantial rehabilitation.

### **Conclusion**

At prior City Council meetings, Councilmembers expressed concerns about increasing rents, the financial hardship of residents and a desire to address the bad actors. The proposed Tenant Protection Ordinance does not address any of the concerns in any substantial way. Instead, the proposed ordinance would (1) inhibit any substantial investment that improves the quality of life for

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<sup>2</sup> Matt Levin, “A California Housing Crisis Mystery: Rents Are Way up This Decade, but Eviction Filings Are Way Down,” CalMatters, December 22, 2019, <https://calmatters.org/projects/california-eviction-filings-up-housing-crisis-mystery/>.

<sup>3</sup> Stacey Kurz, “Ordinance: Consideration of Establishing Residential Landlord and Tenant Provisions,” Ordinance: Consideration of Establishing Residential Landlord and Tenant Provisions § (2022), <https://pub-chulavista.escribemeetings.com/filestream.ashx?DocumentId=19446>.

tenants and updates the City's aging stock and (2) penalize innocent activities often part of normal property management operations with excessive criminal and civil penalties against its own taxpayers. Adoption of the ordinance would discourage ownership, development, and maintenance of rental housing, putting renters and quality housing at-risk in the long-term.

The city had an opportunity to educate tenants and owners about the abundance of existing laws for over a year. Instead, the city has squandered time and resources in what is the epitome of "a solution in search of a problem." For these reasons, CAA opposes the proposed ordinance and strongly encourages you to vote NO.

Respectfully,



Victor Cao  
Senior Vice President, Local Public Affairs



**From:** Molly Kirkland [REDACTED]  
**Sent:** Wednesday, October 19, 2022 2:56 PM  
**To:** Mary Salas <[MSalas@chulavistaca.gov](mailto:MSalas@chulavistaca.gov)>; John McCann <[jmccann@chulavistaca.gov](mailto:jmccann@chulavistaca.gov)>; Jill Galvez <[jmgalvez@chulavistaca.gov](mailto:jmgalvez@chulavistaca.gov)>; Steve C. Padilla <[spadilla@chulavistaca.gov](mailto:spadilla@chulavistaca.gov)>; Andrea Cardenas <[acardenas@chulavistaca.gov](mailto:acardenas@chulavistaca.gov)>  
**Cc:** Glen Googins <[GGoogins@chulavistaca.gov](mailto:GGoogins@chulavistaca.gov)>; CityManager <[CityManager@chulavistaca.gov](mailto:CityManager@chulavistaca.gov)>; Housing Advisory Commission <[HAC@chulavistaca.gov](mailto:HAC@chulavistaca.gov)>; Stacey Kurz <[SKurz@chulavistaca.gov](mailto:SKurz@chulavistaca.gov)>; Richard D'Ascoli [REDACTED]; George Ching [REDACTED]  
**Subject:** PSAR/SCRHA Letter - Residential Landlord & Tenant Ordinance

**Warning:**  
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Hello,

On behalf of the Pacific Southwest Association of REALTORS (PSAR) and the Southern California Rental Housing Association (SCRHA), I am submitting the attached letter regarding the pending Residential Landlord & Tenant Ordinance.

If you have any questions, please don't hesitate to contact our organizations.

Thank you,

**Molly Kirkland, Director of Public Affairs**  
**Southern California Rental Housing Association**  
5675 Ruffin Road, Suite 310 | San Diego, CA 92123

Office: 858.278.8070 | Direct: [REDACTED]  
[REDACTED]





October 19, 2022

The Honorable Mary Casillas Salas and Councilmembers  
276 Fourth Ave  
Chula Vista, CA 91910

***Sent Via Electronic Transmission***

Dear Mayor and Councilmembers:

On behalf of the Pacific Southwest Association of REALTORS® (PSAR) and the Southern California Rental Housing Association (SCRHA), we are writing to respectfully request that the hearing to consider the Residential Landlord & Tenant Protection Ordinance be delayed until there is time for the City's Housing Advisory Commission and all Stakeholders to thoroughly study and provide input on the new version of the ordinance.

Our organizations sincerely appreciate the efforts of city staff over the course of the last year. The communication and stakeholder outreach has been a process that other jurisdictions should emulate. However, due to circumstances beyond city staff's control, the second hearing on the ordinance has been rescheduled at least five times since July. Additionally, numerous new drafts have been provided to stakeholders, the most recent iterations without track changes to make changes easily identifiable.

As trade organizations with thousands of members, we do our very best to keep members informed and let them know how they may participate in the public process. Our organizations have shared information in anticipation of hearings only to have to notify them of cancellations. It has become tantamount to "crying wolf" in their eyes and some housing providers fear this is being done purposely to dilute their grassroots participation. While our organizations don't necessarily agree with those sentiments, the process thus far has left all stakeholders and their constituencies disenfranchised. The Council had great wisdom in establishing a Housing Advisory Commission. Considering the drastic changes made to the proposed ordinance since the last time it was presented to the Housing Advisory Commission, it is critical that the Commission's value be leveraged. Why wouldn't the council have its own experts review the ordinance?

Again, we understand that there have been some circumstances beyond city staff's control that have necessitated the hearing schedule changes. The tragic loss of a key city staff person has certainly left a void. However, prior to that, stakeholders were informed that at least one delay was in an effort to make sure that all councilmembers could be in attendance at the hearing. On June 28 stakeholders were notified that the hearing scheduled for July 12 was moved to July



26 because staff had been informed that not all Councilmembers would be in attendance at the July 12 meeting and had therefore been asked to wait until the next meeting to present the revised Residential Landlord & Tenant Ordinance. Given that one councilmember must recuse themselves from voting, this approach seems to indicate that the proposed ordinance will only come forward when there are enough councilmembers present who may support the ordinance. This special treatment of this particular ordinance has only served to reinforce the concerns of some in the community as it relates to transparency and a fair public process overall.

It has become clear that all councilmembers do not see the proposed ordinance as an emergency as some have suggested. Therefore, our organizations respectfully request that the ordinance be shelved so as not to require staff to devote valuable time and energy to creating new regulation and instead allow them to focus on education and outreach. Our organizations remain committed to educating the entire community of rights and responsibilities.

Furthermore, a new Mayor, new Councilmembers, and a new City Attorney will be in place in the coming months. An ordinance like this could create permanent regulations and should be considered by those who will be in office during the time in which the law may take effect, especially considering the responsibilities that the ordinance would place on the City Attorney. Inviting input from the Housing Advisory Commission and allowing the next round of elected leaders to continue the deliberation you have started would reassure concerned constituents that this is a public process.

If you have any questions, please contact George Ching, PSAR Government Affairs Director at 619-421-7811 or Molly Kirkland, SCRHA Director of Public Affairs at 858-278-8070.

Sincerely,

Rich D'Ascoli  
Executive Director

Alan Pentico  
Executive Director

CC:

Glen Googins, City Attorney  
Maria V. Kachadoorian, City Manager  
Housing Advisory Commissioners  
Stacey Kurz, Housing Manager