



## RESIDENTIAL LANDLORD & TENANT PROVISIONS STAKEHOLDER MEETING NOTES

**June 2, 2022**

**10:00AM-11:30AM**

**City of Chula Vista City Hall, Building A - Executive Suite 103**

### Introductions/Attendees

Stacey Kurz, City of Chula Vista, Housing Manager  
Anne Steinberg, City of Chula Vista, Communications Manager  
Gabriela Dow, City Consultant, NV5  
Melanie Woods, CAA  
Jeremy Sine, SDAR  
Gil Vera, Legal Aid  
Silvia Saldivar, ACCE  
Jose Lopez, ACCE  
George Ching, PSAR  
Chun Che Free, CSA San Diego  
Rich D'Ascoli, PSAR  
Danielle Tailleart, Legal Aid

### **Update from Housing Staff**

10:10 to 10:20AM

- Last meeting was May 17 and Council was presented with two options: 1) draft ordinance for adoption; or 2) city moratorium for no fault evictions. Council directed staff to continue working with stakeholders and bring back an ordinance for consideration.
- Everyone was very clear for all parties that there was a need for better education reach for both landlords and tenants.
- Reason for the additional resources to CSA San Diego.
- Brought on NV-5 to help with the ordinance and education.

### Goals for today:

- Review Survey
  - Want to survey single family homeowners on what they know about landlord/tenant rights/responsibilities right now – staff suspect many are not aware of current state law requirements.
- Develop long term campaigns on local and state laws to education the public, including:
- Landlord 101 trainings for single family homeowners.



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- City & non-profit staff, once currently scheduled for late July (*postponed and held 9/28/22*).
- Continue to track trends and research to stay current on changing regulations and needs.

### Assessment of Community/Organizational Assets

10:20 to 10:50AM

Question from the city to all of the stakeholders: What are we currently doing to teach the public? What are we planning to do to teach the public and are we going to collaborate with others to reach the goals? (Summary from each participant at table below).

#### *Legal Aid:*

- Has a FAQ in both Spanish and English on eviction moratoriums and the rights and responsibilities of tenants/landlords
- Has a handout for AB 2179 and AB 1482 on their website
- Works with refugee organizations in SD, El Cajon, Arabic, Somalia, Farsi
- Has done outreach to landlords - mostly done by email about County section 8 training and fair housing
- Has printed materials like brochures in English, Spanish, Vietnamese, Farsi and are put in libraries or office

#### *ACCE:*

- Has weekly know your rights training - created by legal aid
- Has recurring zoom meetings weekly
- Does door to door flyers
- Works with housinghelpSD month
- Information on legal providers and resources
- Has information of programs expiring to let people know
- SD eviction collaborative
- Has had a few presentations in person about once a month in both Spanish and English
- Helps tenants self-assert and establishes relationships with them. They encourage people to share personal testimonies and claim that it is effective to hear these stories because it motivates others
- Outreach to landlords: don't be the landlord who messes up due to ignorance of the law or other and loses a lot of legal funds because of it. Communicate potential costs for an attorney.
- Legal Aid states to have an attorney before serving an eviction notice
- Legal aid sends people to the CA Bar Association to provide some lawyers and legal advice



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### *PSAR:*

- Has on call lawyers to help people with counseling
- Educates property managers and advises realtors
- Collaborates with CSA San Diego to have regular fair housing workshops. Works with Monica Lopez at CSA San Diego
- Has a blog, social media accounts (most use Facebook about 80% for the older demographic, average age is 55 years old, but Instagram is used for the younger demographic), YouTube channel, texting, etc.
- Has about 40-50 FAQs on landlord/tenant relationships on their website
  - Has federal to state to local refers to attorney
  - ADA issues - federal and state laws
- Hosts 3 property managers training a year with certified property managers
- Work with conflict resolution (National Conflict Resolution Center incorp services) to help with mediation
  - Has mandatory mediations where the county subsidizes them, BUT still needs better advertising
  - Has community mediation NCRC
  - This program helps reach resolutions without going to court and is especially helpful in low cost issues
- Online streams for fair housing workshops

### *CSA San Diego:*

- Has an agency database of cases?
- Outreach on tenant/landlord issues to let both know their rights and responsibilities
- Has an outreach program with the outreach coordinator
- Collaborates with other agencies that work with tenants and landlords
- Housing counselors do follow ups
- Has a hotline with a free toll number
- Has languages in English, Spanish, Arabic
- Has about 3000 cases a year
- Works in the entire city of San Diego

### *CA Apartment Association:*

- Has industry insights
- Has fact sheets based on jurisdiction



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- Has webinars
- Call # for landlords
- Has a vendor database for legal services
- Has a chat function
- Only has these resources for memberships

### SDAR:

- Requires membership
- Information for owners and realtor agents

### Data Collection

10:50 to 11:20AM

- How many times do people call? Track by unique calls
- Household demographics (race, ethnicity, sex, veteran, disability, etc.)
- Criminal allegation/records
- How much do tenants/landlords already know their rights
- Ask if people have been harassed and if it was told to the DA (harassment in terms of legal harassment not oh this person emails me a lot), What was the harassment?
- Nature of complaint: harassment? Discrimination?
- Requesting the # of evictions within the last 10 years
- For landlords: if they remodeled the place, and what was the scope
- For tenants: did you send a reasonable accommodation request? Do you know what a reasonable accommodation request is?
- How much income goes to rent?
- For Landlords: reasons to remodel, Did you obtain a permit?
- For complexes/apartments: do they have any code violations
- For tenants: did you contact the landlord with issues? If not, why? Afraid of retaliation?
- Reasons for evictions
- Landlords provides copies of notices (from evictions to rent hikes) to CSA San Diego
- Require eviction notice to be provided to the city
- Request from court # of evictions
- Notify city when property to be sold
- How was the eviction notice served (online, oral, etc)
- Track rental increases
- City requirement for landlord to provide info
- Ask tenants how rent was increased

Mechanisms for collecting data is not in place right now



## Wrap Up & Next Steps

11:20 to 11:30AM

### **-Chula Vista Housing Division Comment Cards (provided to meeting attendees)**

*Participants were provided with the opportunity to submit handwritten comments.*

- "Thank you for facilitating"
- "It would be helpful to know exactly what CSA is collecting now to see what else should be collected"
- "I think these meeting have produced excellent outcomes & changes. I think the city is heading in the right direction to balance opposing positions. – Jeremy Sine"

### **-Emailed Comments (received after meeting)**

*Molly Kirkland, Southern California Rental Housing Association was unable to join but submitted comments on the agenda.*

### **In terms of what my organization can provide:**

- Outreach to property owners and managers/management companies, both members and non-members.
  - Via our emails newsletters, website, public relations, social media and magazine.
  - Can also share information at classes and major events, such as our Trade Show.
- Ability to share tenant facing information with members who can then share with their residents. (i.e. information flyers that housing providers can post or put in community newsletter)
- Willing to host/co-host community/educational forums/webinars. We've done this with CSA in the past.

### **Data Collection:**

- If tenant initiates contact, what you have listed is fine but I might also suggest...
  - Make sure when the documentation is received, the date of service and the date of termination are noted. (Many housing providers issue a "60-day notice" but with a termination date that is further out than 60 days. Legally, whichever is later takes precedent. It's important to know if housing providers are opting to provide residents with more time.)
  - Was relocation offered/provided? How much? (some housing providers offer more)
  - Is this the first Notice of Termination received?
    - If no, explain. (quite often the housing provider has already given the resident extra time. They will rescind notices or re-notice with a later



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termination date. Again, it's important to quantify that not everyone is simply getting a 60-day.)

- Follow up details (was housing provider contacted? Legal Aid? Other?)
- What was the situation of the housing provider? (are they selling due to a military relocation, financial hardship? For substantial remodel, how old in the property? Last time it had major updates?)
- Was the case referred to mediation? Were the parties amendable? Detail outcomes, including refusal to participate, etc.
- If anything, criminal was alleged, was the case referred to the City or DA?

It's important that more than just calls and reasons for the calls are collected. There are always more details to the story. A fair and balanced data collection is the only way to get a true picture of the environment as a whole. Otherwise, we are back where we started.

With regard to collection of housing provider information, I know that some do call CSA for advice, but I imagine tenant calls are predominant. If a housing provider calls, they should not have to provide information about the entire property unless that is the question they have or reason they are calling. If it's only about a single unit, only information about the unit should be asked of the provider. Some of the questions above could apply here too.



## RESIDENTIAL LANDLORD & TENANT PROVISIONS STAKEHOLDER MEETING NOTES

**July 13, 2022**

**2:00PM-3:30PM**

**City of Chula Vista City Hall, Building A - Executive Suite 103**

### Introductions/Attendees

Stacey Kurz, City of Chula Vista, Housing Manager  
Anne Steinberg, City of Chula Vista, Communications Manager  
Gabriela Dow, City Consultant, NV5  
Melanie Woods, CAA  
Jeremy Sine, SDAR  
Gil Vera, Legal Aid  
Robert Mansouri, Legal Aid  
Silvia Saldivar, ACCE  
Gabriel Guzman, ACCE  
Rich D'Ascoli, PSAR  
Olivia Galvez, SCRHA

### **Update from Housing Staff**

2:10 to 3:00PM

### ***Landlord & Tenant Survey***

Staff provided an overview of the Landlord & Tenant Survey that is currently out for completion to get a better understanding of recent market trends within the City by all property types. A specific question around noticing requirements for AB1482 was included.

Follow up items:

- City will provide a dropbox link to all of the marketing materials and the full survey for stakeholders. Request they use the marketing materials and survey link to email their members, post on social media, etc.
- Staff will also follow up with the target sample size after the meeting.

### ***Overview of Changes to Ordinance***

Staff provided an overview of the comments that were heard at the May 17<sup>th</sup> Council meeting and provided how staff is being responsive, as follows:

- Assess resources ongoing for Tenant/Landlord - Reorganize Housing Dept. – more resources; tenant/landlord issues; housing navigation – back to Council Aug. or Sept.



- Develop outreach plan – how will we educate community. How quickly educate re: ordinance and ongoing.
- Data collection – City take a closer look at what data will be maintained at City and CSA.
  - Ordinance to add data collection requirements. Landlord to report termination action to city.
    - (Section 8 requires same day reporting when tenant is terminating).
    - Some felt same business day or at same time language is too restrictive and may not be feasible. Three business days was proposed and all in attendance agreed that would be more suitable.
    - Questions on how it will be submitted. Should have a variety of ways: email, web form, paper, etc.
  - Mandatory cover sheet will be added to city requirement, from landlord with basic demographic info about number issued, how many vacancies remain, contact info for owner.
    - Some suggested it would be better to have submittal requirements rather than a cover sheet.
    - Suggest City be required to provide confirmation via email.
- City developing administrative guidelines to include process around enforcement and voluntary form for residents when noticed (to make them aware of possible resources).
- Long-term tenancy – Relocation, benefits, impact same for tenants no matter time in housing, and therefore ordinance updated for relocation benefits on day one of tenancy.
  - Relocation benefits: Demo, removal from market, substantial rehab - 2 months rent or 3 months rent disabled or elderly. Greater of the contracted rent or SAFMR (by zip code).
- Any return to unit – requalification based on industry standards. First right refusal for tenant – but they have to qualify.
  - Clarify “industry standard” What is the bare minimum to rent unit?
  - Noticing period for requalification? Written as 30 days from landlord notice of available unit.
- Government or court order (eminent domain) or family move-in relocation one-month rent.
  - Consider uninhabitable violations? Hazard issue?
- Tenancy definitions - were already clarified in last version of ordinance.

Comments from attendees:

- Harassment issue should potentially be separated from ordinance and should also address both landlord and tenant need protections, clear definition of harassment, two tenants harassing each other. Additional input:





- Focus on bad landlords and those who don't know laws/regulations.
- Tenant and landlord remedies.
- Add protections for landlord (harassment).

## **Education & Outreach**

3:00 to 3:30PM

Assuming the Ordinance is adopted and effective October 1, how do we educate and inform community? (group discussion)

- Use common language – decide Tenants? Renters?
- Standardize information
- Survey responses (add notification option to sign up to get updates)
- Additional information for stakeholders.
- How do we work together so we all have the same understanding? How can landlords and tenants get feedback or information?
- How to receive information and keep meeting?
- How long to keep meeting? Check in meeting.
- Send notice to City employees.
- How is data to be used? Need to consider privacy and anonymized. How will it be shared? Add privacy info.
- Contact those on Boards/Commissions.
- Constant Contact email database.
- Send info to landlord or tenant attorneys?
- First right of refusal notification requirements for renting remodeled units.



## **RESIDENTIAL LANDLORD & TENANT PROVISIONS STAKEHOLDER MEETING NOTES**

**Monday, August 22, 2022**

**1:30 - 3:00 p.m.**

**Chula Vista City Hall, Building A – City Manager’s Conference Room #124  
(In-Person and Virtual via Teams provided)**

### Introductions/Attendees

In-person:

Stacey Kurz, City of Chula Vista, Housing Manager  
Anne Steinberg, City of Chula Vista, Communications Manager  
Mark Barnard, Management Analyst  
Gabriela Dow, City Consultant, Ardurra  
Melanie Woods, CAA  
Jeremy Sine, SDAR  
Gil Vera, Legal Aid  
Silvia Saldivar, ACCE  
Jose Lopez, ACCE  
Rich D’Ascoli, PSAR  
Olivia Galvez, SCRHA  
BIA

Virtually:

Simon Silva, Deputy City Attorney  
Leah Simon-Weisberg, Legal Director ACCE Institute

### **Updates from Housing Staff & Stakeholders**

Staff provided a quick summary of the Landlord & Tenant Survey results indicating that responses were received from 89 landlords and 277 tenants. The major item of note was the average rents reported were lower than the HUD Small Area Fair Market Rents.

### **Draft Residential Landlord & Tenant Ordinance**

Staff provided an overview of the restructuring of the document by outlining the table of contents in the Ordinance. They further provided an update on the main issues raised at the May 17th Council meeting and how they had been addressed in the latest version of the ordinance.

Comments from participants during run through of ordinance or via email after:



#### Section 9.65.030 Definitions - "Housing Service":

- The way this is written seems to indicate that all these things are automatically a right. Some are under the law. However, many aren't and tenants might think they automatically get parking, can have as many people in the unit as they want, or can have a pet, etc.
- Suggest revising to refer to the existing requirements in state law and "and any other benefits explicitly agreed upon in the rental agreement." That would capture things like parking and pets, if allowed. Here is a link to the state handbook, page 48 is where the habitability/housing provider requirements list starts: <https://wfhousww.courts.ca.gov/documents/California-Tenants-Guide.pdf>
- There may be other ways to alter so it doesn't imply all those things are rights simply based on "use or occupancy."

#### Section 9.65.030 Definitions - "Owner":

- "...and includes a predecessor in interest to the owner." Can you explain what this pertains to and is trying to accomplish?

#### Section 9.65.040 Tenancies Not Subject – C.2:

- MRL tenancies need the exemption notice as well? Guessing the city requires us to notice of the rent control ordinance so is the city looking for an additional notice of exemption? Mobilehomes are clearly exempt from the definition of "Residential Rental Unit" and the chapter but want clarity on the city's intentions on the noticing.
- Clarify whether you need to provide notice if you do not renew the lease. State law may have had a 30-day notice requirement from implementation.

#### Section 9.65.040 Tenancies Not Subject – F:

- Is this to account specifically for the City's Short-Term rental ordinance? Just curious how it differs from the existing state law exemption for "Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940."

#### Section 9.65.050 Harassment & Retaliation – 11:

- Concerned that this could create issues for someone already involved in an Unlawful Detainer. Counsel usually recommends that rent not be accepted once a case is filed, especially partial rent. If one accepts partial rent, then they would have to start the process all over. Starting with the 3-day to pay or quit, refile the case, so on and so forth. It hardly seems fair to turn that practice into something that a tenant can use to weaponize a harassment complaint.
- Perhaps this could be re-worded: Refuse to acknowledge receipt of a Tenant's lawful rent payment; excluding situations where an Unlawful Detainer or other civil suit is pending that could be impacted by the acceptance of rent.

#### Section 9.65.060 Just Cause – 2:

- Identify time period of 30 days.



#### Section 9.65.060 Just Cause – 10:

- Define using Los Angeles. Concern about application to tenants/agents that are receiving a discount on rent. Define as 100% housing compensation without paying rent.
  - Suggest caution. The state requires a resident manager in a complex with 16 or more units. The requirement to have them as employees is complicated and costly. Even if they only work a few hours a week, they are classified as employees meaning the owner has to pay work comp, etc. And while the “free apartment” was mentioned, the owner/manager still has to track hours and make sure they are properly crediting the minimum wage against any credit. If a resident manager is having their employment agreement terminated and therefore their tenancy, it is likely because they failed to perform their duties as defined. Hence it being an at-fault cause. I looked at the LA ordinance and there are quite a few limitations on the applicability of protections for resident managers. It’s also a rent control jurisdiction.

#### Section 9.65.070 Requirements upon Termination – B.1.c:

- Clarify that relocation is required from day one of tenancy.

#### **Short-Term Outreach, Wrap Up & Next Steps**

Staff provided an overview of a Short-Term Outreach and Education Plan per prior stakeholder meetings to prepare for Ordinance Implementation. Long-Term Outreach and Educational Campaign would be established after adoption.