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Honorable Mayor and City Council Members,

04/09/24

I am appearing before you tonight with a deep sense of urgency and disappointment. Despite my best efforts, I have been unable to impress upon you the critical nature of the situation facing our community. In my 75 years of life, I never imagined witnessing a City Council that would, through inaction, cause immense financial harm to a significant portion of our homeless and vulnerable rental population.

The delay in addressing the glaring flaws within the "Tenant Protection Ordinance" has had devastating consequences for our residents. As you are well aware:

- Chula Vista is home to 119,268 vulnerable renters.
- Our community grapples with an escalating homeless crisis.
- The average monthly rent of \$3,047.00 is unattainable for many residents.
- The flawed ordinance compels landlords to continually raise rents due to the threat of hefty fines ranging from \$2,500.00 to \$5,000.00 for minor clerical errors made by tenants.

It perplexes me why there is difficulty in instructing staff to verify the accuracy of presented facts. A brief review of past Council statements indicates unanimous reservations regarding certain clauses of the TPO. Council Member Jill Gavez's

foresight was evident as she voted against the Ordinance, foreseeing the financial turmoil it would unleash upon our community. The measure was passed with the expectation that this Council would rectify its flawed clauses. The time for that rectification is long overdue.

Let us not forget that it is not only the actual fines but also the looming threat of fines that drive rent increases. This issue can be mitigated swiftly by introducing a simple clause to the "Tenant Protection Ordinance": **"Notice to cure must precede the issuance of an administrative citation or civil penalty."**

Importantly, state law does not prohibit the issuance of warnings for non-compliance. A warning system would prompt the vast majority of well-intentioned tenants and landlords to rectify issues promptly, while identifying and penalizing any bad actors more efficiently.

The primary objective of the "Tenant Protection Ordinance" should be to protect tenants, not inadvertently cause rent hikes due to Council inaction.

I implore you to fulfill your duties promptly. Please instruct staff without delay to rectify this injustice and provide relief to the least fortunate members of our community. Thank you for your immediate attention to this matter.

Respectfully,

Joseph A Raso

PS: Staff Supplied Supporting Data:

A) Areas where we all can agree:

- 1) Threatening Landlords and Tenants who have made inadvertent mistakes with \$5,000.00 daily fines is causing the most harm to tenants. **Clause 9.65.080C2: “Civil penalties for violations of this chapter may be assessed at a rate not to exceed \$5,000 per violation per day. When a violation occurs it is not required that a warning or notice to cure must first be given before an administrative citation or civil penalty may be issued.”** and clause **9.65.060E: Reporting Requirements. Owners and Tenants shall provide City with information regarding termination of Tenancies at such time(s) and with such details as shall be required by City in the attendant Administrative Regulations.** **Translation: Tenant makes a mistake, Landlord gets a \$5,000.00 daily fine.**
- 2) Landlords of the *36,033 rental units (*Staff supplied data) must raise rents in order impound funds to pay the potential fines of those who have made inadvertent errors.

B) The City Council is probably unaware that City Staff is not required receive Council’s direction when modifying The TPO’s Administrative Regulations:

City Staff is authorized to change rules at will regarding the enforcement of the “Tenant Protection Ordinance” without consulting The City Council. **Most tenants who voluntarily move away may be unaware they may required to complete forms informing city staff the details of a relocation. See Clause 9.65.060E above. Such an absent of action a tenant’s part forces landlords to substantially raise rents in preparation of potential \$5,000.00 daily fines to follow.**

C) City Council was warned a year ago the Tenant Protection Ordinance would cause a massive increase in homelessness. Although there are many causes for homelessness in our community, most can agree, high rents is a huge contributing factor. I can state unequivocally The Tenant Protection Ordinance is what is forcing this Landlord to raise rents.

D) Conclusions Drawn From City Staff Supplied Data:

1) Chula Vista Population: 283,972 (*Chula Vista - U.S. Census Bureau QuickFacts*)

2) Average number of individuals in each household: **3.31** (*Chula Vista - U.S. Census Bureau QuickFacts*)

3) Percentage Chula Vista housing which are rentals. **42%** (*Data compiled by City Staff*)

4) Number of Chula Vista Rental Units: **36,033**
(*Population of Chula Vista (283,072) divided by the average number of people residing in each Residence (3.31) equals 85,792 multiplied the percentage of residences which are rentals (42%) equals the approximate number of Chula Vista rental units. (36,033)*)

5) Approximate number of Chula Vista renters: **119,268** (*CV Population 283,972 x .42% = 119,268*)

6) Approximate Average Monthly Chula Vista Rent: **\$3,047.00** (*See attached CV Staff provided "Relocation Assistance" Pic below - Average of Line 2nd from bottom*)

7) With no right to cure, amount of daily fine levied if Landlord or Tenant inadvertently makes a paperwork error when Tenant terminates lease and moves: **\$5,000.00** (*Clauses 9.65.060 E and 9.65.080 C2 of "Residential Landlord and Tenant Ordinance"*)

8) Maxim average monthly rent increase allowed . . **\$304.70** ($\$3047.00 \times 10\%$. California AB-1482 5% plus inflation Max 10%)

9) Average number of months required for Landlord to impound a 1 day fine: **16.41** ($\$5000.00$ divided by $\$304.70$)

10) **\$10,979,255.00**: The approximate total monthly maximum rent increase levied on Chula Vista Renters if Landlords are forced to impound funds to the pay daily fines: ($36,033$ Rental Units multiplied by the 10% max allowed rent adjustment $\$304.70 = \$10,979,255.00$)

11) **596 New Homeless**: Approximate number of Homeless created if one half of one percent of Chula Vista renters are forced out of their homes by the rent increases caused by the Tenant Protection Ordinance: (CV Population $283,972 \times 42\% = 119,268 \times .5\% = 596$)

