

District 1— Vacant
District 3— Barry Del Buono
District 5— Ruben Navarro
District 7— Melissa Medina
District 9— Julie Quinn
Mayor — Nhi Nguyen

(VC) Alex Shoor — District 2
Huy Tran — District 4
Andrea Wheeler — District 6
Lee Thompson — District 8
Michael Fitzgerald — District 10
Martha O’Connell — CAAC-MR
(C) Mike Graves — CAAC ML

*Commissioners are appointed by corresponding Council Members, but do not represent the Council District.

REGULAR MEETING AGENDA

5:45PM

February 8, 2018

San José City Hall
Wing Rooms 118-120

- I. Call to Order & Orders of the Day**
- II. Introductions**
- III. Consent Calendar**
 - A. Approve the Minutes for the Regular Meeting of January 11, 2018**
ACTION: Approve the January 11, 2018 action minutes
- IV. Reports and Information Only**
 - A. Chair**
 - B. Director**
 - 1. Recent and Upcoming City Council Agenda Items
(K. Clements, Housing Department)
 - C. Council Liasion**
- V. Old Business**

None.
- VI. New Business**
 - A. 2017-2018 First and Second Quarterly Report for the Rent Stabilization Program**
(R. VanderVeen, Housing Department)
ACTION: Informational only
 - B. Mobilehome Activity Quarterly Report for the Rent Stabilization Program**
(R. VanderVeen, Housing Department)
ACTION: Informational only
 - C. Amendment to the Tenant Protection Ordinance – Immigration Status**
(R. VanderVeen, Housing Department)
ACTION:
Accept the report and provide recommendations to staff on potentially amending the Tenant Protection Ordinance to include a requirement for compliance with AB 291 which prohibits landlords from threatening notification of their tenants’ immigration status to immigration authorities, for the purposes or intent of retaliation, harassment, or intimidation.

VII. Open Forum (*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.*)

VIII. Meeting Schedule

The next regular meeting will be Thursday, March 8, 2018 at 5:45PM, in the San Jose City Hall Wing Rooms 118-120.

IX. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Open Fourm on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/hcdc>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

On occasion the Commission may consider agenda items out of order.

The Housing & Community Development Commission meets every Second Thursday of each month (except for July and December) at 5:45pm, with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

City of San José
Attn: Viviane Nguyen
200 East Santa Clara Street, 12th Floor
San José, California 95113
Tel: (408) 975-4462
Email: viviane.nguyen@sanjoseca.gov

Para residentes que hablan español: Si desea mas información, favor de llamar a Theresa Ramos al 408-975-4475.

Riêng đối với quý vị nói tiếng Việt : Muốn biết thêm chi-tiết, xin vui lòng tiếp xúc với Viviane Nguyen, Đ.T. 408-975-4462.

對於說華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。說粵語的居民則請撥打 408-975-4425 與 Yen Tiet 聯絡。

Para sa mga residente na ang wika ay tagalog: Kung kinakailangan pa ninyo ng inpormasyon, tawagan si Shirlee Victorio sa 408-975-2649. Salamat Po.

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

REGULAR MEETING ACTION MINUTES

JANUARY 11, 2018

MEMBERS PRESENT: Mike Graves Chair
 Alex Shoor Vice Chair
 Melissa Medina Commissioner
 Lee Thompson Commissioner
 Martha O’Connell Commissioner
 Huy Tran Commissioner
 Andrea Wheeler Commissioner
 Barry Del Buono Commissioner
 Michael Fitzgerald Commissioner
 Julie Quinn Commissioner
 Ruben Navarro Commissioner

MEMBERS ABSENT: Nhi Nguyen Commissioner

STAFF: Ray Bramson Housing Department
 Patrick Heisinger Housing Department
 Robert Lopez Housing Department
 Viviane Nguyen Housing Department
 Selena Copeland Housing Department
 Helen Chapman Councilmember Jimenez’s Office

(I) Call to Order/Orders of the Day— Chair Graves opened the meeting at 5:46pm.

(II) Introductions—Commissioners, staff, and audience introduced themselves.

(III) Consent Calendar

A. Approve the Minutes for the Regular Meeting of November 9, 2017.

Commissioner Tran made the motion to approve the action minutes for the November 9, 2017 regular meeting with a second by Commissioner Thompson. The motion passed unanimously (10-0).

(IV) Reports and Information Only

A. Chair – Chair Graves announced that Commissioner O’Connell was appointed to the Mobilehome Resident Representative seat of the Commission.

B. Director’s Report – Mr. Bramson reported on past City Council Items, including the passing of Quetzal Gardens, a housing development for formerly homeless families and adults. Mr. Bramson also distributed 2017 Census Survey results as the Commission asked for additional information on homelessness.

DRAFT

C. Council Liaison – No report.

(V) Old Business - None

(VI) New Business

A. Public Hearing for the 2018-2019 Annual Action Plan Funding Priorities (R. Lopez, Housing Department)

ACTION:

- 1) Hold a public hearing on funding priorities for the FY 2018-19 Annual Action Plan
- 2) Provide Housing Department staff with input on the Annual Action Plan funding priorities

Chair Graves opened the public hearing.

No public comment.

Chair Graves closed the public hearing.

B. FY 2017/18 – FY 2020/21 Affordable Housing Investment Plan (P. Heisinger, Housing Department)

ACTION:

- 1) Accept the Housing Department staff report regarding the FY 2017/18 - FY 2020/21 Affordable Housing Investment Plan; and
- 2) Provide input regarding the Housing Department's plan for the expenditure of affordable housing funds through FY 2020/21.

Commissioner Thompson made the motion to accept the Housing Department staff report regarding the FY 2017/18 - FY 2020/21 Affordable Housing Investment Plan with a second by Commissioner Navarro. The motion passed unanimously (10-0).

(VII) Open Forum

Marco Antonio Mora (member of the public) – Stated that the City should work with the County of Santa Clara to assist mobilehome residents stay in their homes in mobilehome parks that are being sold.

Commissioner Shoor commented to staff to remind the Commission on agenda items for January and February,

Commissioners Wheeler asked if the workplan could be sent to the Commission. Chair Graves added that he would like to see the workplan attached to the agenda.

Mr. Bramson announced that this would be his last commission meeting as he is leaving the City of San Jose for a new position.

Ms. Chapman commented that the next Commission meeting is scheduled on the same day of the State of the City.

(VIII) Meeting Schedule

DRAFT

The next regular meeting will be on Thursday, February 8, 2018 at 5:45PM, in the San Jose City Hall Wing Rooms 118-120.

(IX) Adjournment

Chair Graves adjourned the meeting at 7:08pm.

DRAFT



Memorandum

TO: HOUSING COMMUNITY
DEVELOPMENT COMMISSION

FROM: Rachel VanderVeen

SUBJECT: SEE BELOW

DATE: February 1, 2018

Approved

Date

SUBJECT: 2017-2018 FIRST AND SECOND QUARTERLY REPORT FOR THE RENT STABILIZATION PROGRAM

PURPOSE

The Rent Stabilization Program (RSP) is providing a summary of Program activities including reports, rental market status, apartment call log inquiries, petitions filed, and average San José rents, for the first and second quarter 2017–2018 to the Housing Community Development Commission (HCDC). The Rent Stabilization Program provides education and information to protect the rights of, and improve relations between tenants and property owners.

PROGRAM HIGHLIGHTS

Significant accomplishments were achieved during the first and second quarter of 2017–2018 and are summarized below.

Apartment Rent Ordinance and Fee Analysis

On Tuesday, November 14, 2017, the City Council took action on the following agenda items summarized below:

Amendment to the Tenant Protection Ordinance (TPO):

- Include dependent child; foster child; minor in the tenant's care; spouse or domestic partner; or parent of a tenant under exempted categories of additional family members allowed under TPO's Just Cause reason for material or habitual rental agreement violation; and
- Reduce the maximum occupancy limit for adults to the number allowed by the rental agreement or two adults per bedroom, whichever is greater.

Revised Apartment Rent Ordinance (ARO) and Regulations:

- Retain the limit on annual general increases at 5% with no banking,
- Implement a capital improvement pass through petition process for specified capital improvements,

- Defer action on Ratio Utility Billing System (RUBS) to March 2018 with additional research from staff,
- Continue to exclude duplexes from the ARO,
- Allow tenant buyout agreements, and
- Maintain the rent registry as recommended by staff.

Staffing Plan and Associated Fee Increase

On November 14, 2017 the City Council approve staff recommendation with the addition of the memorandum from Mayor Sam Liccardo. The City Council adopted a fee increase for Phase II staffing costs effective December 29, 2017 for all apartments covered by the Apartment Rent Ordinance. This fee increase will provide necessary funding to administer the program changes and the implementation of the Rent Registry. The fee per apartment unit was increased from \$30.30 to \$55.80 per unit per year.

The second reading of the Tenant Protection Ordinance and Apartment Rent Ordinance took place Tuesday, November 28, 2017, and Council approved the changes above and the ordinances went into effect on December 29, 2017.

Marketing Efforts

Effective January 1, 2018, the Rental Rights and Referrals Program changed the name of the Program to the Rent Stabilization Program. The new name more accurately reflects the overall mission of the Program and the current services provided.

IBM Smart Cities Competition

Through the month of November 2017, the IBM Smart City Challenge team spent three weeks working closely with city staff, local officials, citizens, and businesses analyzing their recommendations to the Housing Department's Rent Registry in accordance with the Apartment Rent Ordinance.

Public Outreach

Staff met with landlords and managers of small properties, large properties, and variety of tenants and tenant advocates on multiple occasions while developing amendments to the Tenant Protection Ordinance and the new Apartment Rent Ordinance. A summary of the public outreach for the 1st Quarter is described in **Attachment A**, and 2nd Quarter is described in **Attachment B**.

Property Owner and Tenant Mailers

On January 2, 2018, the Rent Stabilization Program sent mailers to 45,154 renters and landlords providing them with information on the Apartment Rent Ordinance and Tenant Protection Ordinance that went into effect on December 29, 2017. The mailers included a newsletter, post card, and required posting describing the updated notice requirements for landlords under the Apartment Rent Ordinance.

Requests for Fee Exemptions 2017-2018

In July 2017, Program staff reviewed and processed 180 fee-exemption requests from property owners of Rent Stabilized properties.

Ellis Act Ordinance

On April 18, 2017, the City Council recommended approval of the Ellis Act Ordinance which was adopted on April 25, 2017. This Ordinance creates a standardized and formalized process for issuing notices, provides relocation benefits, and creates some protections for tenants when a rent stabilized property owner makes a financial decision to remove their property from the rental housing business. Since the inception of this Ordinance, there have been five inquiries regarding rent controlled properties considering demolition and new construction and zero Ellis Act notices to withdraw a rent controlled property. When the Program receives an Ellis Act notice, Staff will initiate a pending plan of action to administer the Ellis Act Ordinance.

Currently, there is one permit application for property located at 4094 Hamilton Avenue, San José, CA 95130, four units, which is in review for entitlement by the Department of Planning, Building, and Code Enforcement. On September 13, 2017, the Planning Commission reviewed the application: <http://www.sanjoseca.gov/DocumentCenter/View/71481>.

Fair Return Petitions

A landlord may petition for a rent increase in excess of the 5% increase allowed by filing a fair return petition and must notify all tenants of this petition. Subsequently, tenants impacted by the petition may attend and contest the petition at the scheduled hearing. Tenants may file petitions for service reductions at which time those matters will be addressed prior to the fair return petition. A fair return petition is filed on a City approved form and must include copies of all documents and information on which the landlord relies to establish that the base year net operating income was unusually low.

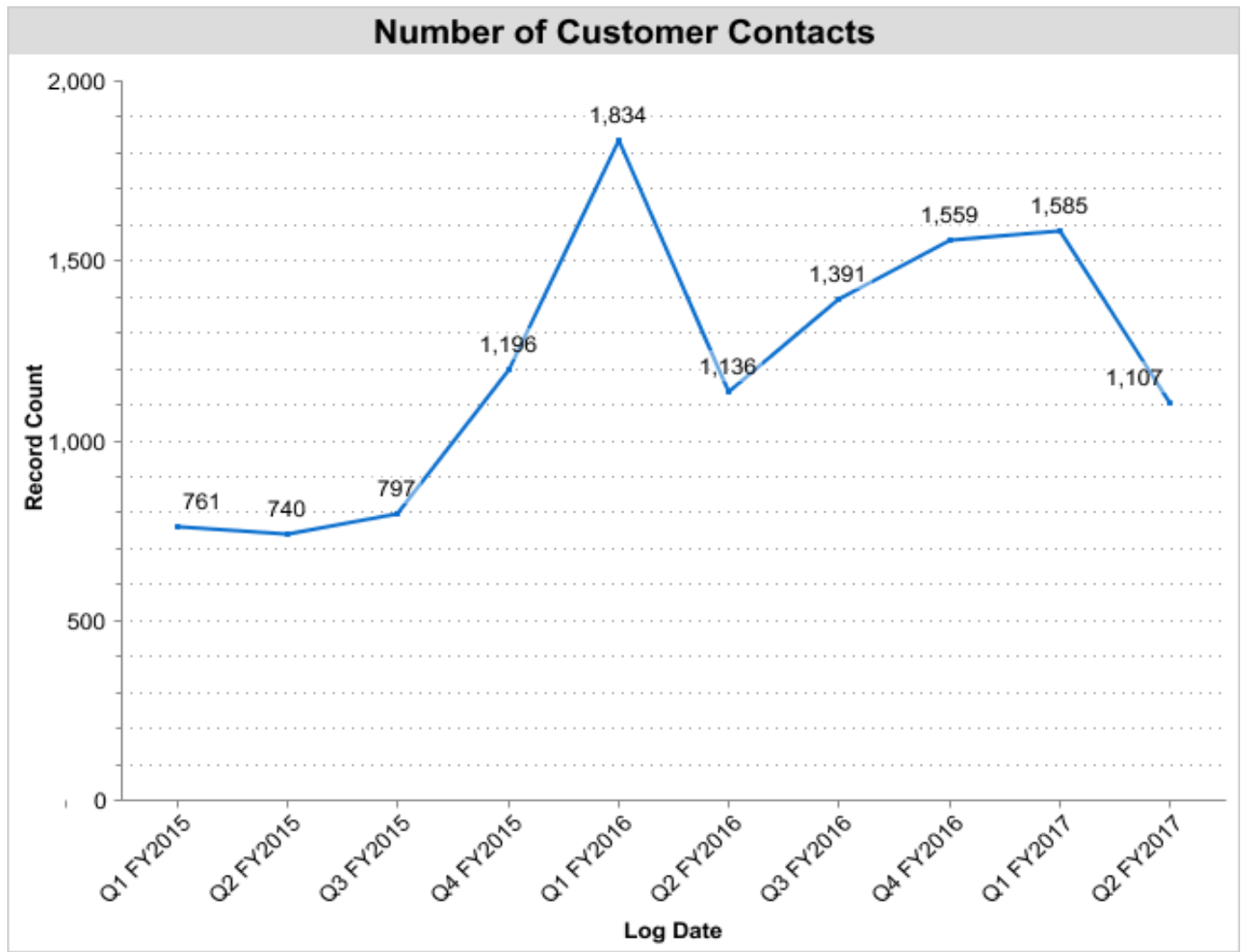
Under the Apartment Rent Ordinance, San José Municipal Code Chapter 17.23, as amended by “Interim Ordinance,” owners are assured a fair return in that the Net Operating Income (“NOI”) of their rental property will increase at 100% of the percentage increase in the Consumer Price Index (“CPI”) from the base year (2014).

Since June 17, 2017, the Program has received three Fair Return Petitions by property owners per the Interim Ordinance. Of the three petitions, one petition was incomplete; one petition is not granted to receive rent increase; one petition pending a hearing.

Apartment Call Log Report Inquiries

From July 1, 2017 through September 30, 2017, the Rent Stabilization Program received 1,585 inquiries and 1,107 during October 1, 2017 through December 31, 2017.

A summary of all calls received by Rent Stabilization Program during the last 10 quarters is provided below:



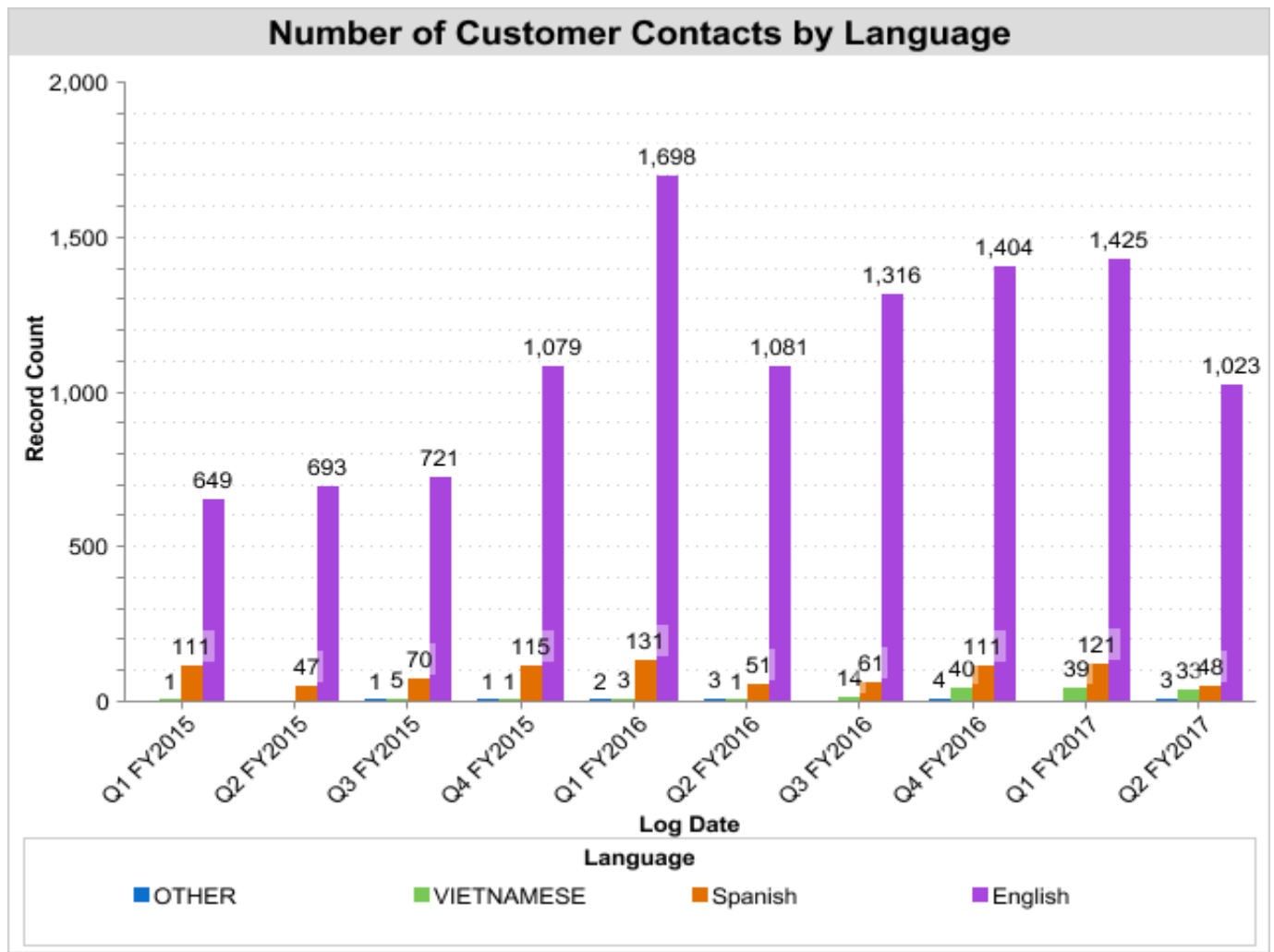
Number of Customer Contacts by Language

During the first quarter 2017-2018, the language spoken by individuals making inquiries is provided below:

- 1,425 inquiries (90%) received in English
- 121 inquiries (8%) received in Spanish
- 39 inquiries (2%) received in Vietnamese

The language spoken (1,107) by individuals making inquiries during the second quarter 2017-2018 is provided below:

- 1,023 inquiries (93%) received in English
- 48 inquiries (4%) received in Spanish
- 33 inquiries (3%) received in Vietnamese
- 3 Other

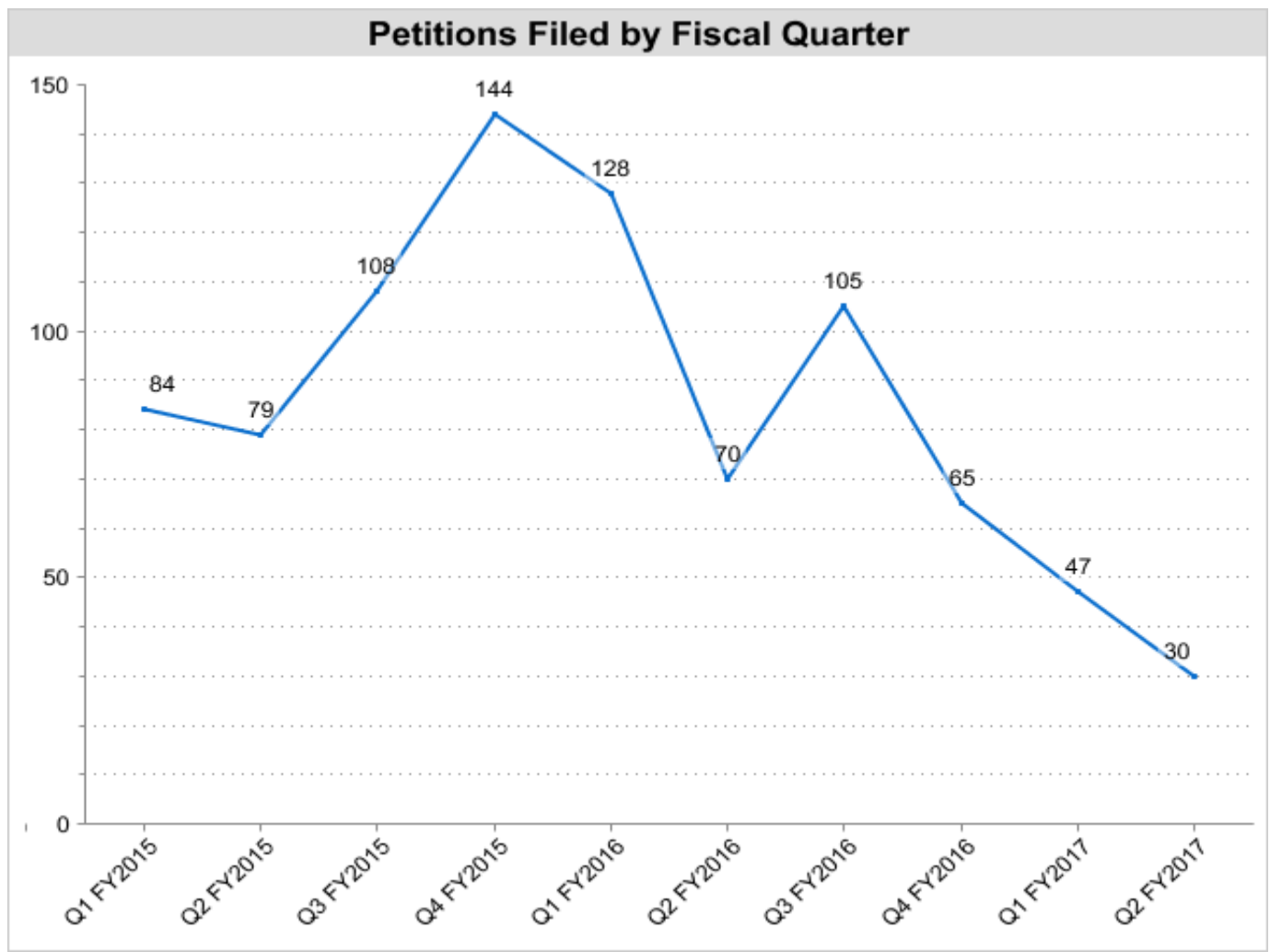


Petitions Filed Quarterly

A summary of petitions filed by fiscal quarter is provided below. The Rent Stabilization Program received 47 petitions between July 1, 2017 and September 30, 2017 and 30 petitions between October 1, 2017 and December 31, 2017. Tenants may and often combine more than one type of claim in a tenant petition.

Landlords are more aware of the restrictions due to the mailers and public events. It's important to note that after the City Council passed the Tenant Protection Ordinance, the number of petitions filed for notices to vacate were eliminated. Overall, the number of petitions filed with the Rent Stabilization Program decreased by 64% from 47 in the first quarter 2017-2018 to 30 in the second quarter.

On May 9, 2017, the Apartment Rent Ordinance was revised to allow voucher holders to petition. Of the 30 petitions filed with the Rent Stabilization Program, three petitions are filed with a Rental Voucher Unit. The outcome of the three petitions filed was one withdrawn, one ineligible, and one pending mediation hearing.



Petitions Filed During the 1st and 2nd Qtr. 2017-2018 with Alleged Ordinance Violations

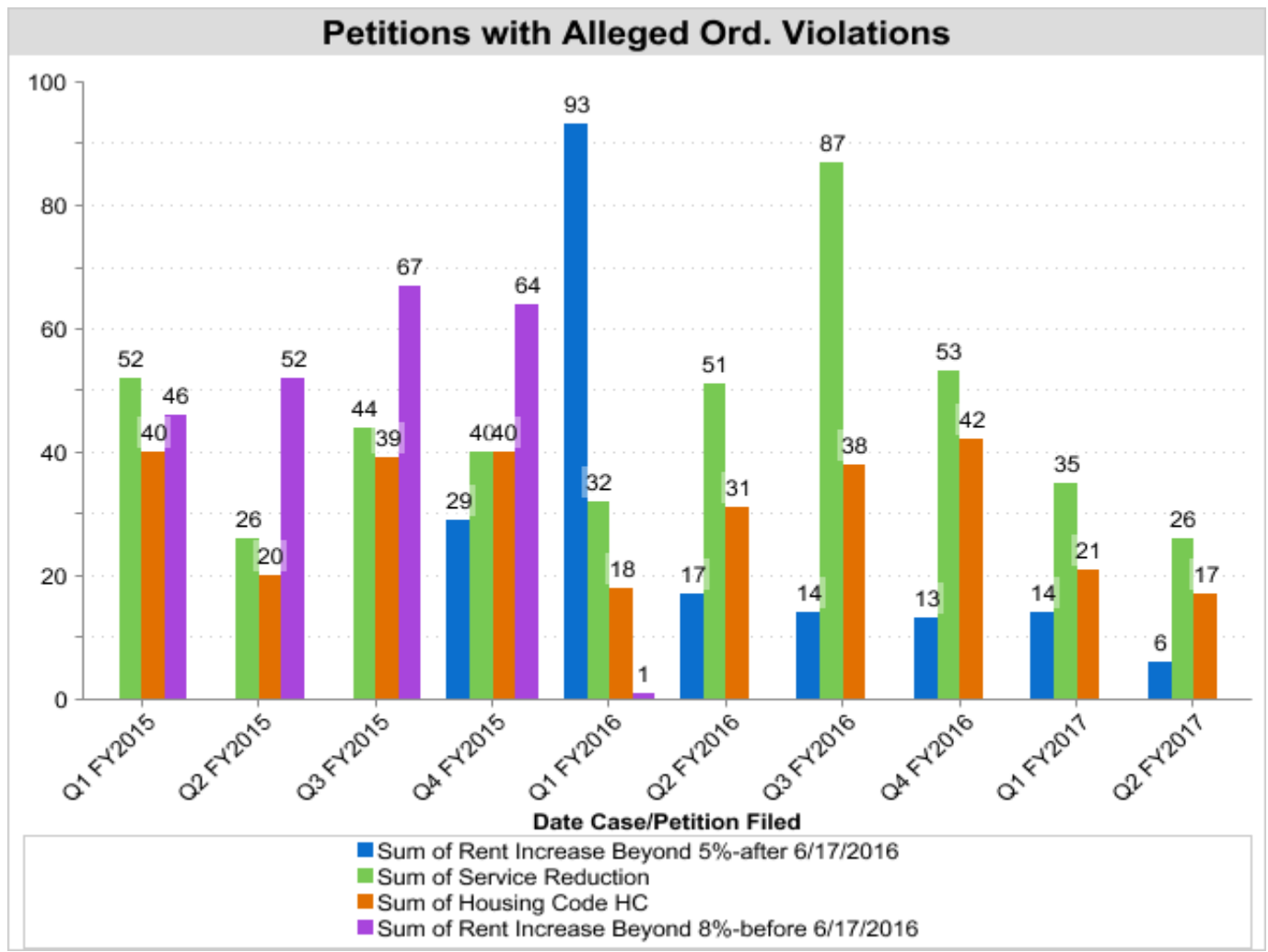
A summary of Petitions with alleged ordinance violations is provided below. As mentioned, the Rent Stabilization Program received 47 petitions and 30 petitions during the first and second quarter 2017-2018. Below is a breakdown of those petitions.

First Quarter:

- 35 petitions (76%) filed regarding service reductions
- 21 petitions (46%) filed regarding housing code issues
- 14 petitions (30%) filed regarding rent increases

Second Quarter:

- 26 petitions (87%) filed regarding service reductions
- 17 petitions (57%) filed regarding housing code issues
- 6 petitions (20%) filed regarding rent increases



Outcomes of Filed Petitions

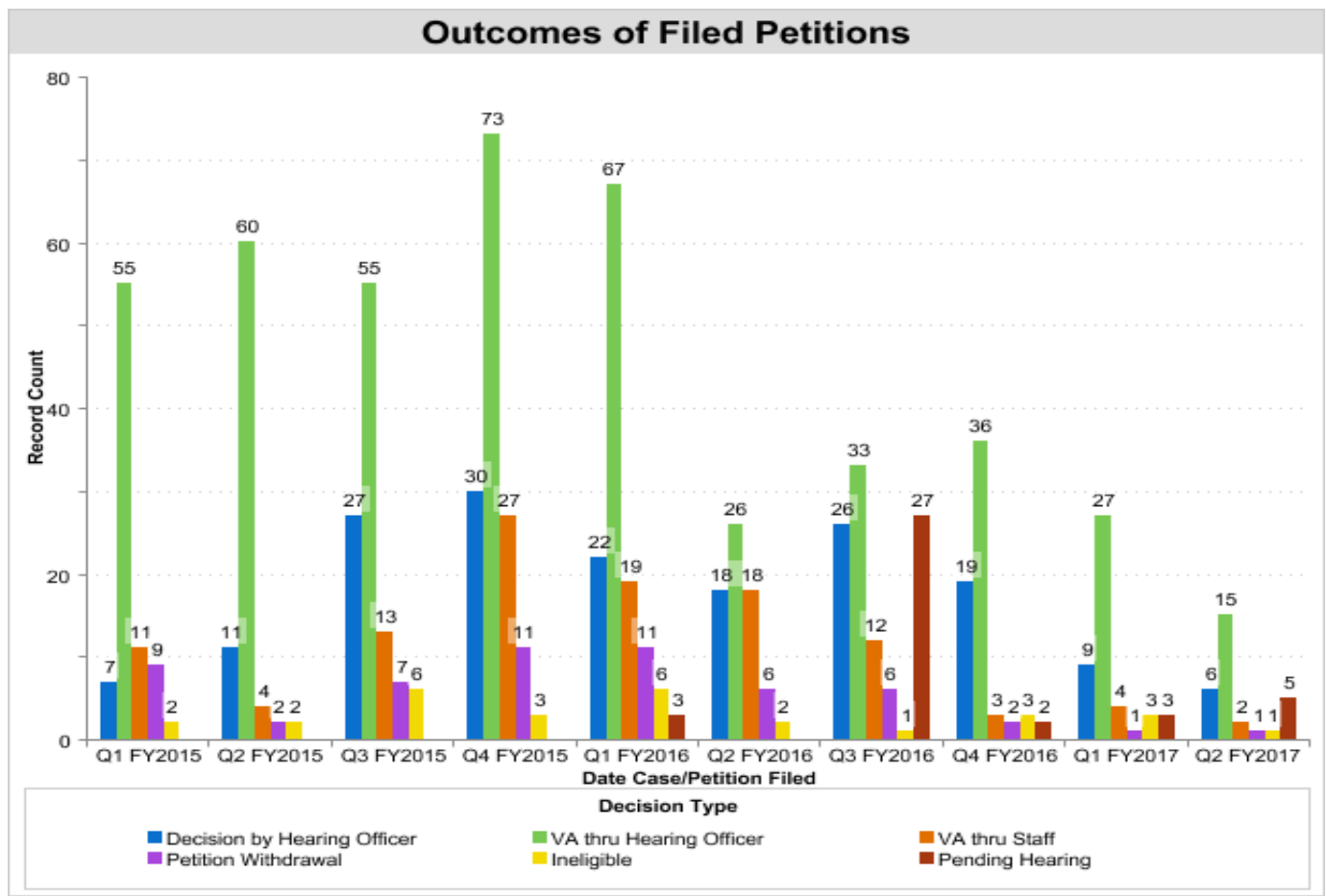
The outcome of the petitions filed with the Rent Stabilization Program for the first and second quarter is provided below.

First Quarter:

- 30 petitions (65%) resolved voluntarily in mutual agreements
- 5 petitions (11%) resolved by a Hearing Officer’s Decision
- 1 petition (2%) withdrawn by a tenant prior to the mediation hearing
- 3 petitions (7%) ineligible
- 7 petitions (15%) pending a mediation hearing (all are regarding utility charges)

Second Quarter:

- 15 petitions (50%) resolved voluntarily in mutual agreements
- 6 petitions (20%) resolved by a Hearing Officer’s Decision
- 1 petition (3%) withdrawn by a tenant prior to the mediation hearing
- 1 petitions (3%) ineligible
- 5 petitions (17%) pending a mediation hearing (service reduction and housing code violations)
- 2 petitions (7%) resolved voluntarily through Staff

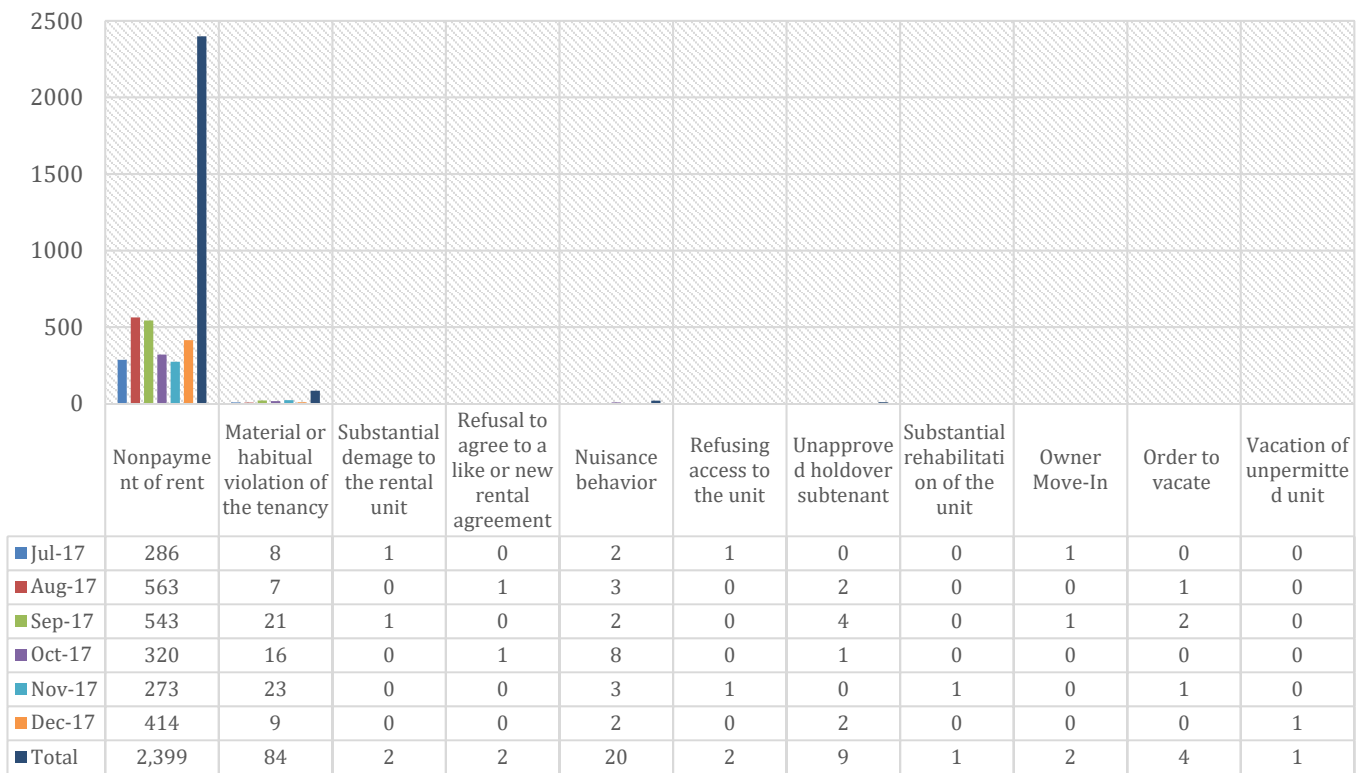


Just Cause Terminations

From July 1, 2017 through September 3, 2017, the Rent Stabilization Program received 1,450 Just Cause Termination notices, and from October 1, 2017 through December 31, 2017 there were 1,076 notices received. During the first quarter 1,392 (96%) notices were filed due to nonpayment of rent and 1,007 (94%) in the second quarter.

Statistical data show that 28% less were notices in the second quarter for nonpayment of rent.

Just Cause Terminations



/s/
 Rachel VanderVeen
 Program Manager

ATTACHMENTS:

- **Attachment A** – Public Outreach for 1st Quarter 2017-2018
- **Attachment B** – Public Outreach for 2nd Quarter 2017-2018

PUBLIC OUTREACH**First Quarter 2017-2018**

<i>Public Meetings – 6 Total</i>		
July 11, 2017	Cypress Community Center	6:30 – 8:30 PM
July 12, 2017	San José City Hall Wing Rooms	9:00 – 11:00 AM
July 18, 2017	Seven Trees Community Center	6:30 – 8:30 PM
August 16, 2017	District 2 – Hosted by councilmember Jimenez	6:30 – 8:30 PM
August 24, 2017	Educational Park Branch Library	6:30 – 8:30 PM
August 31, 2017	San José City Hall Wing Rooms	2:00 – 4:00 PM

<i>Stakeholder Meetings – 12 Total</i>	
August 24, 2017	Santa Clara County Housing Authority Board
August 31, 2017	PACT: People Acting in Community Together
September 7, 2017	Latinos United for a New America (LUNA) & Santee Neighborhood
September 11, 2017	California Apartment Association Tri-County
September 13, 2017	Bay Area Homeowner Network (BAHN)
September 14, 2017	Burbank/Sherman Oaks Neighborhood Association
September 15, 2017	Renters' Coalition
September 15, 2017	Hearing Officers
September 21, 2017	Sacred Heart Community Service
September 21, 2017	Apartment Owner
September 21, 2017	Colonial Gardens Apartment Owners
September 22, 2017	California Apartment Association Tri-County

PUBLIC OUTREACH**Second Quarter 2017-2018**

<i>Community Meetings – 1 Event</i>		
October 5, 2017	ARO Draft Release	Community Meeting

<i>Flood Meetings – 3 Events</i>		
October 18, 2017	Winter Storm Resource Fair	Golden Wheel Mobilehome Park
October 19, 2017	Winter Storm Resource Fair	Franklin-McKinley School
October 28, 2017	Winter Storm Resource Fair	MLK Library

<i>Outreach Events – 7 Events</i>		
October 1, 2017	Prusch Farm Festival	Emma Prusch Park
October 7, 2017	Family Fall Festival	Lake Cunningham
October 8, 2017	Day in the Bay	Alviso County Park
October 14, 2017	Village Fest	Village Oaks Shopping Center
October 16, 2017	25 th Annual Senior Resource Fair	San Jose City Hall
October 20, 2017	Safe & Green Halloween	Franklin-McKinley School
October 28, 2017	3 rd Annual Vietnamese American Fair	Vietnamese Community Center



Memorandum

TO: HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION

FROM: Theresa Ramos, M.A.
Analyst II

SUBJECT: SEE BELOW

DATE: February 1, 2018

Approved

Date

**SUBJECT: MOBILEHOME ACTIVITY QUARTERLY REPORT FOR THE RENT
STABILIZATION PROGRAM**

PURPOSE

The Rent Stabilization Program (RSP) is providing a summary of program activity including reports, and mobilehome call log inquiries for the First and Second Quarterly Report (**Attachment A and B**), FY 2017-2018 regarding mobilehome issues and trends impacting San José mobilehome park communities. The Housing and Community Development Commission (HCDC) has requested periodic data from the program.

PROGRAM HIGHLIGHTS

Major actions taken during the first and second quarter of FY 2017-2018 include:

Mobilehome Inquiries

During the quarter (October 1, 2017 to December 31, 2017), the Rent Stabilization Program received 30 mobilehome park inquiries. In the previous quarter (July 1, 2017 to September 30, 2017) there were 47 inquiries.

Types of inquiries during these two quarters include:

- Allowable rent increases
- Mobilehome title registry
- State Code Issues (health and safety concerns)

Below is a summary of park impacted issues during the last two quarters:

Golden Wheel

Park residents were impacted by a fire in August 2017 where three residents, including two children and one adult lost their lives in a mobilehome fire. The community came together to provide support. Program staff conducted a site visit the following day and participated in Safety Day event where residents received installations of smoke detectors in their homes.

Oakcrest

Park residents were impacted by utility outages during the holidays in November and December 2017. On November 21, 2017, the electricity was turned off and in need of repair. The park manager brought in generators to provide limited use of electricity. Program staff conducted a site visit to assist with contacting both the State Ombudsman's Office and the Pacific Gas and Electric (PG&E) Company to inspect the completion of the work and turn on services for residents.

On December 19, 2017, the water was shut off for about an hour due a cut into the water pipe when fixing the electricity. The gas was also turned off that day. Repairs were made and services were restored.

In addition, the park received a Notice of Intent to Suspend Permit to Operate dated November 2, 2017. Program staff contacted the park manager and the State Housing and Community Development about the issue. The park manager is working with the State to address issues. Program staff will return with an update.

Mobilehome Fees

During the quarter of October 1, 2017 to December 31, 2017, the Rent Stabilization Program mailed out notices for fee exemptions in October with a deadline date of November. In December, invoices were generated and mailed out to park owners.

Housing Policy

The active policy efforts in housing initiatives and issues related to rent stabilization, mobilehome living, and policy development are as follows:

Mobilehome Park Opt-In/Stay-In Business Concept

- In July 2017, Program staff hosted the last meeting with the Joint Advisory Committee with a professional facilitator, Joshua Abrams, from Baird Driskell Community Planning.
- On August 10, 2017, Staff reported to HCDC on a Mobilehome Opt-In/Stay-In-Business Outreach Plan <http://www.sanjoseca.gov/DocumentCenter/View/70875>.
- On October 12, 2017, Staff conducted a policy analysis brought a recommendation to the HCDC <http://www.sanjoseca.gov/DocumentCenter/View/72406>.
- On November 27, 2017, Staff reported to the City Council Committee on Community and Economic Development http://sanjose.granicus.com/Viewer.php?meta_id=691422.
- In March 2018, the Staff report will be agendized for consideration by the full City Council.

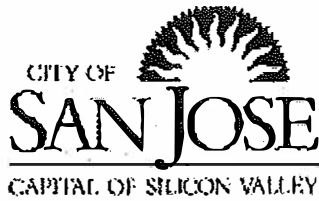
/s/

Theresa Ramos M.A.
Analyst II, Department of Housing
Rent Stabilization Program

ATTACHMENTS:

- **Attachment A** – FY 2017-2018 First Quarter Call Log Report
- **Attachment B** – FY 2017-2018 Second Quarter Call Log Report

First Quarter Mobilehome Call Log Report
(July 1, 2017 to September 30, 2017)



Memorandum

TO: HOUSING & COMMUNITY DEVELOPMENT COMMISSION (HCDC)
SUBJECT: CALL LOG REPORT
Total Calls=48

FROM: Theresa Ramos
DATE: 1/23/2018

	Date	Requestor	Mobilehome Park	Topic	Resolution Suggested
July	7/5/2017	RESIDENT	Magic Sands	Allowable Rent Increase	Information
July	7/5/2017	RESIDENT	Coyote Creek MH Community	Maintenance	Information
July	7/5/2017	RESIDENT	Sunshadow MH Community	Service	Information
July	7/6/2017	RESIDENT	Sunshadow MH Community	Service	Information
July	7/6/2017	RESIDENT	Foothills Mobilelodge	Allowable Rent Increase	Information
July	7/7/2017	RESIDENT	Unavailable	Maintenance	Information
July	7/7/2017	OTHER	Unavailable	Service	Information
July	7/7/2017	RESIDENT	Imperial San Jose Mobile Est	Allowable Rent Increase	Information
July	7/10/2017	OTHER	Spanish Cove MH Park	Rights	Information
July	7/10/2017	LANDLORD	La Buona Vita Mobile Park	Service	Referral
July	7/11/2017	RESIDENT	La Buona Vita Mobile Park	Service	Information
July	7/11/2017	RESIDENT	Foothills Mobilelodge	Allowable Rent Increase	Information
July	7/11/2017	RESIDENT	Chateau La Salle	Service	Information
July	7/12/2017	OTHER	Spanish Cove MH Park	Service	Information
July	7/13/2017	RESIDENT	Casa Del Lago	Service	Referral
July	7/18/2017	RESIDENT	Unavailable	Eviction	Referral
July	7/18/2017	OTHER	WestWinds Manufactured Home Community	Allowable Rent Increase	Information
July	7/19/2017	RESIDENT	Foothills Mobilelodge	Rights	Information
July	7/20/2017	LANDLORD	Casa Alondra	Ordinance	Information
July	7/20/2017	LANDLORD	Casa Alondra	Ordinance	Information

July	7/31/2017	RESIDENT	Western Trailer Park	Code Issue;Maintenance	Referral
July	7/31/2017	RESIDENT	Sunset Mobile Manor	Eviction;Harrasment	Referral
July	7/31/2017	LANDLORD	Villa Teresa	Maintenance	Referral
Aug	8/2/2017	RESIDENT	San Jose Verde MH Park	Maintenance	Referral
Aug	8/10/2017	RESIDENT	Colonial Mobile Manor	Rights	Information
Aug	8/10/2017	RESIDENT	Oakcrest Estates	Ordinance	Information
Aug	8/11/2017	OTHER	River Glen MH Park	Ordinance	Information
Aug	8/11/2017	OTHER	Magic Sands	Service	Information
Aug	8/16/2017	RESIDENT	Colonial Mobile Manor	Rights	Information
Aug	8/17/2017	RESIDENT	Sunshadow MH Community	Service	Information
Aug	8/18/2017	RESIDENT	Sunshadow MH Community	Service	Information
Aug	8/24/2017	RESIDENT	Mayfair Trailer Park	Service	Information
Aug	8/25/2017	LANDLORD	Mountain Springs	Allowable Rent Increase	Information
Aug	8/28/2017	RESIDENT	Colonial Mobile Manor	Eviction	Referral
Sept	9/5/2017	RESIDENT	Arbor Point (SJ) MHPark	Service	Information
Sept	9/5/2017	OTHER	Spanish Cove MH Park	Eviction	Information
Sept	9/5/2017	RESIDENT	Golden Wheel Park	Maintenance	Referral
Sept	9/5/2017	RESIDENT	Village of the Four Seasons	Maintenance	Referral
Sept	9/5/2017	OTHER	Spanish Cove MH Park	Service	Other
Sept	9/6/2017	TENANT	Unavailable	Service	Referral
Sept	9/7/2017	RESIDENT	Oakcrest Estates	Maintenance	Information
Sept	9/11/2017	RESIDENT	Magic Sands	Code Issue;Maintenance	Information
Sept	9/13/2017	RESIDENT	Magic Sands	Service	Information
Sept	9/14/2017	RESIDENT	Sunset Mobile Manor	Harrasment	Information
Sept	9/15/2017	RESIDENT	Sunset Mobile Manor	Eviction	Information
Sept	9/18/2017	RESIDENT	Unavailable	Service	Referral
Sept	9/25/2017	RESIDENT	Ace Trailer Inn Village	Service	Referral
			Village of the Four		

Sept	9/27/2017	RESIDENT	Seasons	Service	Information
------	-----------	----------	---------	---------	-------------

Brief Synopsis on Disposition of Calls

7/5/2017 - Magic Sands

Resident's issue: Resident requested information regarding rent increases. Program staff explained to the resident the Mobilehome Rent Ordinance.

7/5/2017 - Coyote Creek MH Community

Resident's issue: Resident requested information regarding excessive utility charges. Program staff referred the resident to the California Public Utility Commission for assistance.

7/5/2017 - Sunshadow MH Community

Resident's issue: Resident requested assistance with sale of mobilehome and space rent payment. Program staff referred the resident to the State Mobilehome Title Registry for assistance.

7/6/2017 - Sunshadow MH Community

Resident's issue: Resident requested assistance with mobilehome duplicate of registration card.. Program staff referred the resident to State Ombudsman for assistance.

7/6/2017 - Foothills Mobilelodge

Resident's issue: Resident requested assistance with an allowable rent increase. Program staff explained the resident the City's Mobilehome Rent Ordinance.

7/7/2017 - Unavailable

Resident's issue: Resident requested information regarding permit maintenance. Program staff referred the resident to the State Ombudsman for assistance.

7/7/2017 - Unavailable

Other: Caller requested information about possible park sale. Program staff referred the caller to the prospective park for assistance.

7/7/2017 - Imperial San Jose Mobile Est

Resident's issue: Resident requested legal advice regarding a subtenant. Program staff referred the resident to legal services for assistance.

7/10/2017 - Spanish Cove MH Park

Other: Caller requested information regarding mobilhome park title change. Program staff referred the caller to the State Ombudsman for assistance.

7/10/2017 - La Buona Vita Mobile Park

Landlord's issue: Landlord requested information about grass/weed trimming responsibility for neighbor's property. Program staff referred the landlord to the City's Code Enforcement Division for assistance.

7/11/2017 - La Buona Vita Mobile Park

Resident's issue: Resident requested assistance to remove a City lien from mobilehome. Program staff referred the resident to mobilehome grant/loan program for assistance to remove lien.

7/11/2017 - Foothills Mobilelodge

Resident's issue: Resident requested information regarding allowable rent increase. Program staff explained to the resident the City's Mobilehome Rent Ordinance.

7/11/2017 - Chateau La Salle

Resident's issue: Resident requested information regarding a mobilehome title change. Program staff referred the resident to the State Mobilehome Title Registry for assistance.

7/12/2017 - Spanish Cove MH Park

Other: Program staff returned phone call and left a message.

7/13/2017 - Casa Del Lago

Resident's issue: Resident requested information to remove lien holder. Program staff referred the resident to the State Ombudsman for assistance.

7/18/2017 - Unavailable

Resident's issue: Resident requested information regarding an eviction notice. Program staff referred the resident to legal services for assistance.

7/18/2017 - WestWinds Manufactured Home Community

Resident's issue: Resident requested information regarding allowable rent increases. Program staff explained to the resident the City's Mobilehome Rent Ordinance.

7/19/2017 - Foothills Mobilelodge

Resident's issue: Resident complained about drug activity. Program staff referred the resident to the police department and legal services for assistance.

7/20/2017 - Casa Alondra

Landlord's issue: Landlord requested a copy of the annual percentage increase notice. Program staff provided landlord with information.

7/20/2017 - Casa Alondra

Other: Program staff called landlord to verify address.

7/31/2017 - Western Trailer Park

Resident's issue: Resident requested information regarding broken sewage pipe. Program staff referred the State Ombudsman's Office for assistance.

7/31/2017 - Sunset Mobile Manor

Resident's issue: Resident called to complain about the park manager's harassment. Program staff referred the resident to legal services for assistance.

7/31/2017 - Villa Teresa

Landlord's issue: Landlord requested assistance regarding repair to shared fence with neighbor on private property. Program staff referred the landlord to code enforcement for assistance.

8/2/2017 - San Jose Verde MH Park

Resident's issue: Resident requested financial assistance for mobilehome repairs. Program staff referred the resident to community services for assistance.

8/10/2017 - Colonial Mobile Manor

Resident's issue: Resident notified Program staff that park manager has rescinded notice dated August 14, 2017. Program staff has noted resolution of issue.

8/10/2017 - Oakcrest Estates

Resident's issue: Resident requested verification of Housing Departments email distribution list. Program staff confirmed verification.

8/11/2017 - River Glen MH Park

Other: Caller is requesting financial assistance for mother who resides in a mobilehome park. Program staff referred the caller to a community services for assistance.

8/11/2017 - Magic Sands

Other: Caller requested information regarding lien on mobilehome. Program staff referred the resident to the City's mobilehome loan program for assistance.

8/16/2017 - Colonial Mobile Manor

Resident's issue: Resident complained about the park manager's refusal to use park mail tubes to distribute non-US postal service mail. Program staff noted complaint.

8/17/2017 - Sunshadow MH Community

Resident's issue: Resident requested information regarding comcast hookup. Program staff referred the resident to the park manager for assistance.

8/18/2017 - Sunshadow MH Community

Other: Program staff spoke with the park manager regarding Comcast assistance. Park manager has scheduled an appoint for the resident.

8/24/2017 - Mayfair Trailer Park

Resident's issue: Resident dropped off copies of rent receipts for review as resident claims park manager has overcharged for utility services. Program staff called resident and left a message for a call back.

8/25/2017 - Mountain Springs

Resident's issue: Resident inquired about allowable rent increases. Program staff explained to the resident the City's Mobilchome Rent Ordinance.

8/28/2017 - Colonial Mobile Manor

Other: Customer requested information regarding eviction. Program staff referred the customer to legal services for assistance.

9/5/2017 - Arbor Point (SJ) MHPark

Resident's issue: Resident requested information regarding sharing parking driveway with neighbor. Program staff referred the resident with to the park manager and the State Ombudsman for assistance.

9/5/2017 - Spanish Cove MH Park

Other: Caller requested free legal services for an eviction. Program staff referred the resident to legal services for assistance.

9/5/2017 - Golden Wheel Park

Resident's issue: Resident requested financial assistance for mobilehome skirt repair. Program staff referred the resident to community services for assistance.

9/5/2017 - Village of the Four Seasons

Resident's issue: Resident requested financial assistance for mobilehome repairs. Program staff referred the resident to community services for assistance.

9/5/2017 - Spanish Cove MH Park

Other: Caller left a message requesting information for legal services. Program staff returned call and left a message.

9/6/2017 - Unavailable

Other: Caller requested legal advice regarding change of last month's rent. Program staff referred the resident to legal services for assistance.

9/7/2017 - Oakcrest Estates

Resident's issue: Resident complained about no access to office phone and unable to open park gate. Program staff made contact with park manager.

9/11/2017 - Magic Sands

Resident's issue: Resident complained about power outage at mobilhome park. Program staff referred the resident to the State Ombudsman's Office for assistance.

9/13/2017 - Magic Sands

Resident's issue: Resident complained about power outage at mobilehome park. Program staff referred the resident to the State Ombudsman for assistance.

9/14/2017 - Sunset Mobile Manor

Resident's issue: Resident complained about park manager's withholding rent statement. Program staff referred the resident to legal services for assistance.

9/15/2017 - Sunset Mobile Manor

Resident's issue: Resident complained about park manager's on-going harassment and eviction notice for non-payment of rent. Program staff referred the resident to legal services for assistance.

9/18/2017 - Unavailable

Resident's issue: Resident requested assistance with a mobilehome title change. Program staff referred the resident to the State's Mobilehome Title Registry for assistance.

9/25/2017 - Ace Trailer Inn Village

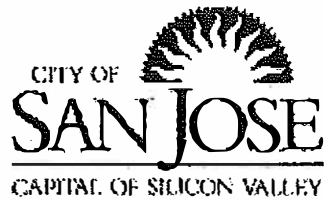
Resident's issue: Resident requested a title change to mobilehome. Program staff referred the resident to the State's Mobilehome Title Registry for assistance.

9/27/2017 - Village of the Four Seasons

Resident's issue: Resident requested information regarding change of mobilehome title. Program staff referred the resident to the State Mobilehome Title Registry for assistance.

Theresa Ramos
Rental Rights & Referrals Program
Analyst II, Policy and Special Projects

Second Quarter Mobilehome Call Log Report
(October 1, 2017 to December 31, 2017)



Memorandum

TO: HOUSING & COMMUNITY DEVELOPMENT COMMISSION (HCDC)
SUBJECT: CALL LOG REPORT
Total Calls=30

FROM: Theresa Ramos
DATE: 1/23/2018

	Date	Requestor	Mobilehome Park	Topic	Resolution Suggested
Oct	10/4/2017	LANDLORD	Colonial Mobile Manor	Maintenance	Information
Oct	10/11/2017	RESIDENT	Ace Trailer Inn Village	Maintenance	Information
Oct	10/11/2017	OTHER	Coyote Creek MH Community	Maintenance	Information
Oct	10/18/2017	RESIDENT	Oakcrest Estates	Service	Information
Oct	10/23/2017	RESIDENT	River Glen MH Park	Service	Referral
Oct	10/24/2017	RESIDENT	Western Trailer Park	Code Issue	Referral
Oct	10/27/2017	RESIDENT	WestWinds Manufactured Home Community	Maintenance	Referral
Oct	10/27/2017	RESIDENT	River Glen MH Park	Rights	Information
Oct	10/27/2017	LANDLORD	Magic Sands	Ordinance	Information
Nov	11/1/2017	RESIDENT	Coyote Creek MH Community	Maintenance	Information
Nov	11/6/2017	RESIDENT	Magic Sands	Service	Information
Nov	11/6/2017	OTHER	Old Orchard MHP	Maintenance	Referral
Nov	11/8/2017	RESIDENT	Casa Del Lago	Lease Dispute	Information
Nov	11/14/2017	RESIDENT	Colonial Mobile Manor	Rights	Referral
Nov	11/14/2017	RESIDENT	Unavailable	Service	Information
Nov	11/14/2017	RESIDENT	Coyote Creek MH Community	Maintenance	Other
Nov	11/14/2017	RESIDENT	Unavailable	Rights	Referral
Nov	11/14/2017	RESIDENT	Unavailable	Service	Information
Nov	11/20/2017	RESIDENT	Oakcrest Estates	Maintenance	Referral
Nov	11/21/2017	RESIDENT	●Oakcrest Estates	Code Issue	Referral
Nov	11/21/2017	RESIDENT	Oakcrest Estates	Maintenance;Rights	Referral

Nov	11/28/2017	RESIDENT	Village of the Four Seasons	Code Issue;Maintenance	Referral
Nov	11/29/2017	RESIDENT	Oakcrest Estates	Service	Information
Nov	11/30/2017	RESIDENT	Summerset Mobile Estates	Ordinance	Information
Nov	11/30/2017	RESIDENT	Oakcrest Estates	Maintenance	
Dec	12/1/2017	RESIDENT	Oakcrest Estates	Service	Information
Dec	12/6/2017	RESIDENT	Oakcrest Estates	Maintenance	Information
Dec	12/19/2017	RESIDENT	Golden Wheel Park	Rights;Service	Referral
Dec	12/22/2017	RESIDENT	Oakcrest Estates	Maintenance	Information
Dec	12/28/2017	RESIDENT	Oakcrest Estates	Maintenance	Information

Brief Synopsis on Disposition of Calls

10/4/2017 - Colonial Mobile Manor

Landlord's issue: Landlord inquired about community service assisting with resident's awning. Program staff referred the landlord to the community agency.

10/11/2017 - Ace Trailer Inn Village

Resident's issue: Resident complained about the park manager not available during office hours. Program staff noted the complaint.

10/11/2017 - Coyote Creek MH Community

Other: Caller complained about street lights outage within the park. Program staff notified the park manager about the outage. Park manager informed staff that light repairs are in progress and will be completed in one day.

10/18/2017 - Oakcrest Estates

Resident's issue: Resident attended an Housing and Community Development Commission (HCDC) on October 12, 2017 and complained about the Commission referring to mobilehome homeowners as tenants and the limit of a two minute testimonial per person. Program staff noted complaint.

10/23/2017 - River Glen MH Park

Resident's issue: Resident requested information regarding permits for new deck. Program staff referred the resident to the State Ombudsman for assistance.

10/24/2017 - Western Trailer Park

Resident's issue: Resident requested assistance with blight at mobilehome park. Program staff referred the resident to the State Ombudsman's office for assistance.

10/27/2017 - WestWinds Manufactured Home Community

Resident's issue: Resident requested information regarding tree trimming responsibility. Program staff referred the resident to the State Ombudsman and legal services for assistance.

10/27/2017 - River Glen MH Park

Other: Caller requested information regarding mobilehome title. Program staff referred the resident to the State Ombudsman for assistance.

10/27/2017 - Magic Sands

Landlord's issue: Landlord requested copies of annual notices. Program staff referred the landlord to the City's website for information.

11/1/2017 - Coyote Creek MH Community

Resident's issue: Resident complained about overgrown trees in common areas within the park. Program staff referred the resident to the State Ombudsman for assistance.

11/6/2017 - Magic Sands

Resident's issue: Resident requested financial assistance to for mobilehome skirting repair. Program staff referred the resident to community services for assistance.

11/6/2017 - Old Orchard MHP

Other: Caller requested financial assistance for a mobilehome repair. Program staff referred the caller to community services for assistance.

11/8/2017 - Casa Del Lago

Resident's issue; Resident requested information regarding long term leases. Program staff explained to the resident the City's Mobilehome Rent Ordinance.

11/14/2017 - Colonial Mobile Manor

Other: Caller inquired about back charge for underpayment of utility charges. Program staff referred the resident to legal services for assistance.

11/14/2017 - Unavailable

Other: Program staff returned phone call and left a message.

11/14/2017 - Coyote Creek MH Community

Resident's issue: Resident complained about no heat or lights at Coyote Creek Mobile home Park. Program staff referred the resident to park manager and State's Ombudsman Office for assistance.

11/14/2017 - Unavailable

Resident's issue: Resident requested assistance to change mobilehome title. Program staff referred the resident to the State Ombudsman's office for assistance.

11/14/2017 - Unavailable

Other: Program staff returned phone call and left a message.

11/20/2017 - Oakcrest Estates

Resident's issue: Resident complained about a park power outage. Program staff referred the resident to the State's Ombudsman office for assistance.

11/21/2017 - Oakcrest Estates

Resident's issue: Resident complained about park power outage. Program staff referred the resident to the State Ombudsman for assistance.

11/21/2017 - Oakcrest Estates

Resident's issue: Resident complained about non functioning of park electric boxes causing a power outages. Program staff referred the resident to the State's Ombudsman office for assistance.

11/28/2017 - Village of the Four Seasons

Other: Caller is a subtenant and requested legal advice regarding a non-payment of rent. Caller was referred to legal services for assistance.

11/29/2017 - Oakcrest Estates

Resident's issue: Resident requested information regarding boards and commissions. Program staff referred the resident to the City Clerk's Office for assistance.

11/30/2017 - Summerset Mobile Estates

Resident's issue: Resident requested information regarding pass through of mobilehome fee. Program staff explained to the resident the City's Mobilehome Rent Ordinance.

11/30/2017 - Oakcrest Estates

Resident's issue: Resident requested assistance to contact the park manager regarding a gas leak at space 148. Program staff will contact the park manager for maintenance assistance.

12/1/2017 - Oakcrest Estates

Resident's issue: Resident requested assistance with a possible gas outage at one of the spaces. Program staff will contact the park manager for maintenance assistance. Program staff also referred the resident to the park manager and the State's Ombudsman office for assistance.

12/6/2017 - Oakcrest Estates

Resident's issue: Resident provide Program staff with an update regarding the gas repair completed at a space lot. Program staff noted completion of repair.

12/19/2017 - Golden Wheel Park

Resident's issue: Resident requested assistance regarding maintenance issue. Program staff referred the resident to legal services for assistance.

12/22/2017 - Oakcrest Estates

Resident's issue: Resident complained about a gas outage at the mobilehome park. Program staff will make contact with the park manager. Program staff also referred the resident to the State's Ombudsman office for assistance.

12/28/2017 - Oakcrest Estates

Resident's issue: Resident complained about a water shut off and non-communication from the park manager and owner. Program staff will make contact with the property manager. Program staff also referred the resident to the park manager and State Ombudsman office for assistance.

Theresa Ramos

Rental Rights & Referrals Program
Analyst II, Policy and Special Projects



Memorandum

TO: HOUSING & COMMUNITY
DEVELOPMENT COMMISSION

FROM: Rachel VanderVeen

SUBJECT: AMENDMENT TO THE TENANT
PROTECTION ORDINANCE –
IMIGRATION STATUS

DATE: February 1, 2018

Approved

Date

RECOMMENDATION

Accept the report and provide recommendations to staff on potentially amending the Tenant Protection Ordinance to include a requirement for compliance with AB 291 which prohibits landlords from threatening notification of their tenants' immigration status to immigration authorities, for the purposes or intent of retaliation, harassment, or intimidation.

BACKGROUND

On May 9, 2017, the City Council adopted the Tenant Protection Ordinance (TPO) which established 12 separate "Just Cause" basis a landlord must use to terminate or evict tenants. The City Council directed the City Attorney to return to Council to make changes to the ordinance to establish criminal activity as a separate just cause for eviction. The City Council also directed staff to provide additional protections pertaining to a tenant's immigration status. Specifically, the City Council directed staff to make the following changes to the Ordinance:

- Amend section "17.23.1250 Just Cause Termination" to ensure that criminal activity committed on or near the premises shall provide an independent basis for tenant's eviction, without requiring neighbors to testify or provide other evidence that the criminal conduct constitutes a legal "nuisance."
- Amend section "17.23.1270 Anti-Retaliation Protections," to prohibit landlords from threatening notification of immigration authorities of their tenants' immigration status, or from sharing information regarding the immigration status of their tenants.

Additionally, City Council action on May 9 approved the May 5 memo from Mayor Liccardo and Councilmember Jones pertaining to criminal activity. This memo directed staff to:

- Establish a list of specific crimes or types of crimes that could serve as the basis for an eviction.
- Require that the tenant be provided "written notice to cease" before an eviction. Such notice would allow the tenant an opportunity to remedy the problem before being evicted.

- Establish specific criteria as to the timeframe and location of the criminal activity, to ensure that tenants are not evicted for crimes committed in the past or which are not related to their tenancy.

On October 5, 2017, Governor Brown signed AB 291. This bill prohibits owners from disclosing information regarding tenants' or their associates' immigration status for the purposes or intent of retaliation, harassment, or intimidation. This bill is further discussed below in the Analysis section of the memorandum.

On November 14, 2017, City Council approved amendments to the Tenant Protection Ordinance regarding modifying the scope of the exception to the material or habitual lease violation of tenancy cause for eviction. Amendments to the Tenant Protection Ordinance were adopted November 28, 2017 and effective December 29, 2017. The staff report discussed by City Council on November 14 did not include recommendations on criminal activity or immigration.

This memorandum addresses the City Council direction regarding immigration status protections. A discussion of criminal activity will be brought to the Commission at a future HCDC meeting.

ANALYSIS

The City Council directed staff to amend the TPO to prohibit landlords from threatening notification of immigration authorities of their tenants' immigration status, or from sharing information regarding the immigration status of their tenants.

Since June 2017, the Department has been conducting public outreach on various aspects of the TPO. Both landlord and tenant stakeholder groups stated that instead of creating new local provisions in the TPO, the City should include a requirement for compliance with the new state law (AB 291) to address the City Council's concerns.

AB 291 provides protections restricting landlord and attorney actions including, but not limited to the following: prohibits landlords from disclosing information related to tenants' immigration status, whether in retaliation for engaging in legally-protected activities or to influence them to vacate; bars landlords from disclosing information related to tenants' immigration status for the purpose of retaliation, intimidation, harassment, or in order to evict a tenant without using proper procedures; provides a defense to unlawful evictions based on immigration status; and prohibits attorneys from reporting, or threatening to report, the immigration status of persons involved in housing cases. AB 291 became effective January 1, 2018, and staff has included **Attachment A**, provided by the Office of Assemblymember Chiu's Office, as an educational resource regarding this new law.

Summary of Recommendation

Staff is recommending that the TPO include a requirement of compliance with AB 291 under Civil Code Section 1940.35(a) to address the City Council’s concerns regarding immigration. This new State law prohibits landlords from threatening notification of their tenants’ immigration status to immigration authorities, for the purpose or intent of retaliation, harassment, or intimidation, or to gain possession of the rental unit or to influence tenants to vacate their rental unit. In order to pursue breaches of this law, tenants would have to pursue violations in court. This can be challenging for tenants particularly when there are limited resources to assist them. By adopting a local ordinance, residents can obtain education about these protections at the local level. Including the protections in the TPO will provide an opportunity for tenants to learn about their rights through the Rent Stabilization Program.

EVALUATION AND FOLLOW-UP

Staff intends to bring the amendments to the TPO to the City Council for consideration in Spring 2018. The City Council will hold a second reading of amendments two weeks following its first reading. The amendments to the Ordinance would be effective 30 days following the City Council’s second reading.

PUBLIC OUTREACH

The Housing Department met with a wide range of stakeholders while developing amendments to the Tenant Protection Ordinance. With the assistance of the California Apartment Association, Bay Area Homeowners Network, and the Renters’ Coalition, the Housing Department met with property owners and managers of small properties, large properties, and a variety of tenants and tenant advocates on multiple occasions. A public meeting was held on June 26, 2017, where the issue of immigration was discussed with the meeting participants. A public comment file summarizing the comments related to immigration is included as **Attachment B**.

Over the coming weeks, the Housing Department is hosting two additional public meetings to discuss amendments to the TPO, the Ellis Act Ordinance and the Apartment Rent Ordinance. The proposed changes to the TPO regarding protections for tenants based on immigration status will be included in those discussions. These meetings will be held at the following dates and times:

Meeting	Date & Time		Location
Policy Development Community Meeting	February 7, 2018	9:00 – 11:00 am	San José City Hall, Wing Rooms
Policy Development Community Meeting	February 12, 2018	6:30 – 8:30 pm	Seven Trees Community Center

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

February 1, 2018

Subject: Amendment to the Tenant Protection Ordinance – Immigration Status

Page 4

/s/

Rachel VanderVeen
Program Manager

ATTACHMENTS:

- **Attachment A** – AB 291 Fact Sheet
- **Attachment B** – Summary of Public Comments on Immigration Status

ASSEMBLY BILL 291 (CHIU)

IMMIGRANT TENANT PROTECTION ACT OF 2017

SUMMARY

This bill protects tenants from deportation threats. California renters should not have to fear intimidation and retaliation in their homes.

BACKGROUND

Landlords learn a lot about tenants: their social security numbers, the languages they speak, the times they're at home, and the identities of their families. Tenants have virtually no protection against misuse of this information.

Advocates in Los Angeles, Orange County, the San Francisco Bay Area, the Central Coast, and the Central Valley share stories of landlords threatening to report tenants to immigration authorities unless they immediately move out. In many cases, these threats are made to retaliate against tenants for reporting habitability issues, such as exposed electrical wiring and vermin, which landlords are legally required to fix. In other cases, it's to avoid the statutory eviction process, which ensures due process for tenants at risk of losing their homes. Threats are even made in connection with gentrification, when, in order to raise rents, long-time tenants are suddenly targeted for eviction based on their suspected immigration status.

THE PROBLEM

While the majority of landlords are law-abiding, some unscrupulous landlords seek to avoid their legal obligations by threatening to report tenants to immigration authorities. In recent years, the Legislature has enacted strong protections against such threats in the workplace. It is time to provide tenants the same protections in their homes.

Advocates statewide have reported many such instances, including the following:

"It is very common that landlords threaten to call ICE if a tenant refuses to vacate (whether a valid eviction notice has been served or not), and also if tenants complain about habitability or other maintenance and repair issues. We are worried that these sorts of threats in a post-Trump era will make it even less likely that undocumented tenants will stand up for themselves against abusive and illegal landlord behavior."

"The main thing I see is intimidation - landlords threatening to call immigration on tenants in order to get them to leave."

"When a new landlord takes over a building and wants to gentrify, he or she will run a credit check on undocumented tenants and then seek to evict on the grounds that the tenants provided false or duplicate social security numbers in their rental applications—even if the rental commenced years earlier."

THE SOLUTION

AB 291 would do as follows:

- Prohibit landlords from threatening to report tenants to immigration authorities, whether in retaliation for engaging in legally-protected activities or to influence them to vacate.
- Bar landlords from disclosing information related to tenants' immigration status for the purpose of retaliation, intimidation, harassment, or in order to evict a tenant without using proper procedures.
- Provide tenants the right to sue landlords who disclose information about their citizenship status to law enforcement for the purpose of retaliation, intimidation, harassment, or in order to evict a tenant without using proper procedures.
- Codify an existing defense to unlawful evictions based on immigration status.
- Prohibit questions about tenants' immigration status in discovery or at trial.
- Prohibit attorneys from reporting, or threatening to report, the immigration status of persons involved in housing cases.

As versions of most of these protections already exist in employment law, it only makes sense to extend them to landlord-tenant law.

Undocumented tenants know their landlords have the power to destroy their lives with a single phone call. Should they have to live in fear simply because they rent their homes?

SUPPORT

California Rural Legal Assistance Foundation (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
ACLU

AIDS Legal Referral Panel
Alameda County Board of Supervisors
Alliance of Californians for Community Empowerment
Asian Americans Advancing Justice
Bay Area Legal Aid
Bet Tzedek
California Apartment Association
California Employment Lawyers Association
California Federation of Teachers, AFT, AFL-CIO
California Immigrant Policy Center
California Labor Federation
California School Employees Association (CSEA), AFL-CIO
California State Council, Service Employees
International Union (SEIU)
California WIC Association (CWA)
City of East Palo Alto
City and County of San Francisco
Coalition for Humane Immigrant Rights of Los Angeles
(CHIRLA)
Community Legal Services in East Palo Alto
Community Water Center
Council on America-Islamic Relations, California (CAIR-
CA)
Courage Campaign
Equal Justice Society
Fair Housing Advocates of Northern California
Fair Housing Council of Orange County
Fathers & Families of San Joaquin
Filipino Advocates For Justice
Filipino Migrant Center
Fresno Interdenominational Refugee Ministries (FIRM)
Golden State Manufactured-Home Owners League
(GSMOL)
Healthy Homes Collaborative
Housing and Economic Rights Advocates (HERA)
Inner City Law Center
Jewish Public Affairs Committee of California
Latino Coalition for a Healthy California
Law Foundation of Silicon Valley
Legal Aid Association of California
Legal Aid Foundation of Los Angeles (LAFLA)
Legal Aid Society of Orange County
Legal Aid Society of San Mateo County
Legal Services of Northern California
Mutual Housing California
National Association of Social Workers, California
Chapter
National Housing Law Project
Neighborhood Legal Services of Los Angeles County
Non-Profit Housing Association of Northern California
(NPHANC)
Pasadena Tenants Union
PolicyLink

Progressive Asian Network for Action (PANA)
Project Sentinel
Public Advocates
Public Counsel
Public Law Center
San Diego Volunteer Lawyer Program, Inc.
Southeast Asia Resource Action Center
Strategic Actions for a Just Economy (SAJE)
Tenants Together
The Public Interest Law Project
University of California, Berkeley City Planning + Public
Health Master's Students Committee
University of California, Berkeley College of
Environmental Design Student of Color
University of California, Berkeley Planning Students
Association
Urban Habitat
Vietnamese Youth Development Center
Individuals (7)

NEUTRAL

Apartment Association, California Southern Cities
Apartment Association of Orange County
California Association of Realtors
East Bay Rental Housing Association
North Valley Property Owners Association
San Diego County Apartment Association

FOR MORE INFORMATION

Rebecca Rabovsky
Office of Assemblymember David Chiu
rebecca.rabovsky@asm.ca.gov
916.319.2085

Summary of Discussion & Comments

Tenant Protection Ordinance

Community Meeting Series 6/26/17

Tenant Protection Ordinance

Topic: **Immigration**

June 26, 2017

6 Comments

1. Research other cities' guidelines
2. If tenants are undocumented and are having trouble providing documentation / proof of being related, and landlords are intimidating tenants based on immigration status, it is going to be even more difficult to provide proof/documentation.
3. There should be sanctions for landlords who threaten tenants based on an immigration status to prevent retaliation.
4. Include the office of Immigrant Affairs during these Housing Department meetings because generalizations made by meeting participants are problematic.
5. Include clause is a step to protect tenants in an unbalanced power dynamic, this fear of immigration authorities called by your landlord should not be how people live. How would it be enforced?
6. If tenant is undocumented but otherwise law abiding, then ignore the tenants immigration status