

Alameda Renters Coalition

December 9, 2015

Rent Review Advisory Commission
City of Alameda
2263 Santa Clara Avenue Alameda, CA 94501

Dear RRAC members.

For over a year, the Mayor and City Council have insisted that the Rent Review Advisory Committee (RRAC) is to play a key role in easing the rent crisis in Alameda. In response, in late October and early November of this year, the Alameda Renters Coalition proposed a series of RRAC reforms to the Mayor, Council and to the RRAC itself. Implementing these reforms is critical if the RRAC is to be successful and if the Mayor and Council hope to ever win the trust of renters with regard to the RRAC.

1. Rent increases. The RRAC's 10% annual increase target is too high and is not rationally related to any reasonable economic metric, such as the Consumer Price Index (CPI).

2. Resolved and withdrawn complaints. The RRAC must retain 'jurisdiction' of complaints once filed and particularly when complaints are withdrawn because of settlement or when complaints are referred to an outside mediator before being heard. The parties must be required to appear at the RRAC and disclose the terms of agreements.

3. Mediators. Use of outside mediators must be disclosed and made part of the public record – currently they are not. The RRAC must provide over-sight of mediators and impose accountability on outside mediation to ensure the mediation process is fair, unbiased and carried out in an equitable and even-handed manner. Timely written reports must be required regarding the progress and results of mediation including the mediated rent increase amount.

4. Compliance monitoring. Follow-up reporting is necessary every 90 and 180 days and with yearly reports to ensure landlords and tenants are adhering to mediated agreements.

5. Written policies and formulas. Written policies and formulas must be developed and implemented as they relate to a tenant's monthly rent. 'Rent' is to be defined as all costs paid to the landlord or shifted from the landlord to the tenant such as:

- Capital improvement pass-through.
- "Banking" of rent increases.
- Shifting utility costs to tenants.
- Changes in parking fees.
- Changes in pet deposits or charging 'pet' rent.

6. Composition of the RRAC. The composition of the RRAC must represent the broadest possible cross-section of the employment, educational, socio-economic and racial backgrounds of Alameda residents.

7. Maintenance and repair. Data on maintenance and repair complaints that accompany many rent increase complaints should be captured and reported.

8. "Problem" landlords. Data should be captured and reported for landlords and properties that are consistently the subject of rent increase complaints and properties that are consistently subject to maintenance and repair complaints.

Even with these reforms, for as long as RRAC decisions are non-binding and compliance is voluntary, we will remain skeptical about the future of the RRAC. These concerns aside, the Mayor and Council should quickly implement the reforms.

Steering Committee

The Alameda Renters Coalition

Attachments

Attachment 1

Item 1. Rent Increases. Following is a history of 10% rent increase recommendations made by the RRAC between March, 2014 and June, 2015, taken from RRAC meeting minutes. It clearly demonstrates the pattern and practice of recommending 10% annual rent increases.

1. March, 2014.

- Two separate 10% increases.
- Chair Miller states that 10% is the RRAC's "unofficial policy."
- Chair Miller, while directing landlord and tenant to meet and then return to the RRAC, states that the RRAC would "probably recommend a 10% increase" on this complaint.

2. April, 2014. 10% increase for four units.

3. June, 2014. 10% increase for 13 units.

4. July, 2014. 10% increase followed by a second 10% increase in six months.

5. October, 2014. 10% increase.

6. December, 2014. 12% increase.

7. January, 2015. 10% increase on seven units.

8. March, 2015. 10% increase.

9. June, 2015.

- 10% increase on two units.
- 10% increase. Landlord stated twice he was following RRAC 10% recommendation saying increase was actually 10% minus \$1. Chair Perry claimed there is no such target or RRAC policy of 10%. Following additional discussion, the RRAC recommended a 10% increase.

3. Mediators. Use of outside mediators must be disclosed and made part of the public record – currently they are not. The RRAC must provide over-sight of mediators and impose accountability on outside mediation to ensure the mediation process is fair, unbiased transparent and carried out in an equitable and even-handed manner. Timely written reports must be required regarding the progress and results of mediation including the mediated rent increase amount.

Attachment 2

Don Lindsey, "Rent review panel is answer to landlord-tenant disputes," Alameda Journal, Dec. 12, 2015.

Attachment 3

Lara Weisiger, personal communication, November 12, 2015.

Claudia Young, personal communication, December 3, 2015.

Claudia Young, personal communication, December 7, 2015

Rent review panel is answer to landlord-tenant disputes

As a longtime Alameda resident and property owner, I've watched what is happening in our community with great sadness as the housing crisis worsens in the Bay Area.

It is unfair to take advantage of market shifts by disrupting tenants, especially the disadvantaged and elderly. I encourage all property owners to consider the vulnerability

DON LINDSEY
MY WORD

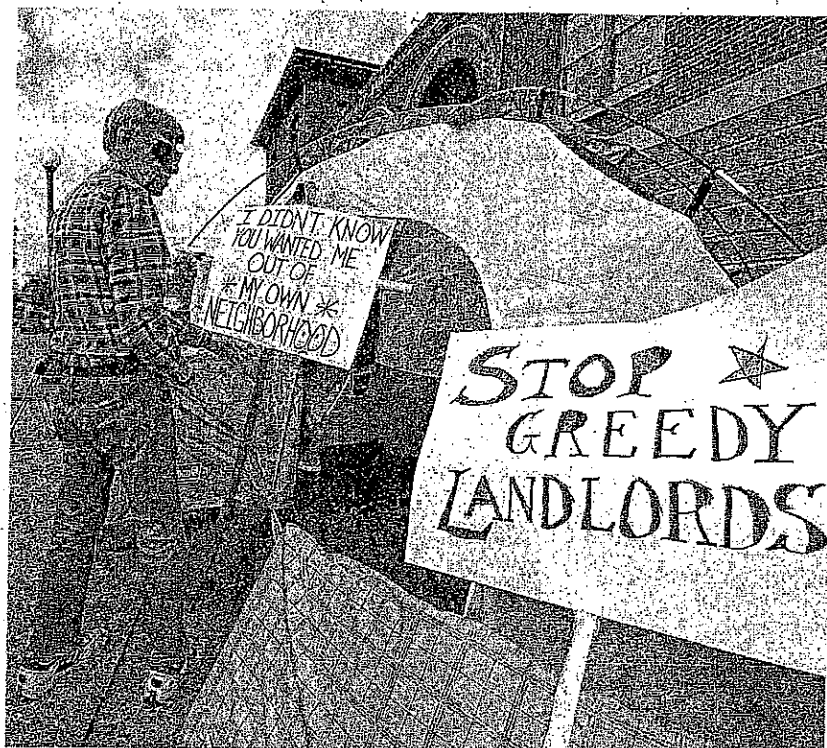
of some of our Alameda renters and think before you act. I also encourage those who purport to represent the interest of rent-

ers to work with property owners to negotiate and mediate disputes. The mass evictions at 470 Central Ave. are a result of bad timing, poor communication and thoughtlessness on the part of the property owner. It seems the owner acted out of panic, rather than considering an approach that would be best for residents today and in the future.

Much of this heartache could have been avoided if the owner had just taken the time to reach out and talk with individual tenants about planned renovations and agreed upon a reasonable timeline, rather than delivering blanket notices just days after the city issued a moratorium on rent increases. Now it seems the residents of 470 Central will not engage in a discussion with the property owner, and the city of Alameda feels forced to intervene to reach a solution.

Over the past two years, Jeff Cambra has personally worked with owners and tenants alike to resolve rental disputes in advance of Rent Review Advisory Committee (RRAC) hearings. Jeff, an attorney trained in mediation, has been hugely successful in the volunteer work he has done. Most recently, he spearheaded an effort to resolve disputes between more than a dozen residents and the owner at 2019 Shoreline Drive. Today he has been excluded from trying to mediate at 470 Central.

Mediation works. Owners sitting down with residents are the first step toward resolution. This should be done swiftly to avoid prolonged stress. If that fails, the issue should be brought before the RRAC. This process should be free from any outside influence, especially by owner or tenant groups who may have a



KRISTOPHER SKINNER/STAFF ARCHIVES

Charlie Edwards, who said he received a 24 percent rent increase in June, participates Oct. 1 in a rally at City Hall to protest rent increases in Alameda.

political agenda.

Sadly, I'm afraid it's too late for 470 Central. But it's not too late for our community to continue working things out. We do not need shouting, name-calling or using force to disrupt city meetings. This is not the Alameda that I know.

Alameda needs effective regulations that include protection for residents from double-digit rent increases and unfair evictions. Owners should not be allowed to evict a sitting tenant for the sole purpose of raising the rent on the next resident.

I believe the RRAC is the answer. It allows Alamedans to do what we have always done — work together to come to fair solutions. Yes, the RRAC needs to be strengthened and monitored by the City Council and community. And yes, we need real data to determine if it accomplishes its mission of assisting owners and residents of Alameda. Let's make it better before we throw out a process that can help our city avoid unnecessary antagonism between our neighbors.

Alameda tenants and property owners can work together to man-

age rent increases, as they have for decades of up and down economic periods. Let's not make the mistake that we have seen made in neighboring cities, where rent control divides owners and tenants into warring camps. Let's do what we do best. Let us work together and build an RRAC that works!

Other property owners, longtime Alameda residents who care about this community like I do, are committed to working with tenants, the RRAC, the city and our neighbors, to collaboratively resolve disputes and reach reasonable compromises.

Don Lindsey is an Alameda resident, property owner and manager and is a founding member of Alamedans for Fair Rents (AFR), a community-based organization of property owners and managers dedicated to keeping rents in Alameda sustainable and fair. Working together, AFR will advocate for reasonable and appropriate protections to preserve the quality of our community for neighbors and other residents.

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John E Klein <mandala051@gmail.com>

Request to RRAC for Mediator Status Report on 2019 Shoreline Dr.

5 messages

John E Klein <mandala051@gmail.com>

Wed, Nov 11, 2015 at 8:40 AM

To: LARA WEISIGER <LWEISIGER@alamedaca.gov>

Hi Lara: can you please pass this request to the chair and members of the RRAC?

Rent increase complaints for approximately 15 units at 2019 Shoreline Drive were scheduled to be heard at the October, 2015, RRAC meeting. That meeting and hearing was cancelled because the complaints were being mediated.

Please ask the mediator to attend the December RRAC meeting and provide a status report on mediation at 2019 Shoreline Dr.

Thank you.
John Klein

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LARA WEISIGER <LWEISIGER@alamedaca.gov>

Thu, Nov 12, 2015 at 1:19 PM

To: John E Klein <mandala051@gmail.com>

Hi John,

Your email will be forwarded to the Chair and Members of the RRAC as you requested.

Thanks,

Lara

From: John E Klein [mailto:mandala051@gmail.com]**Sent:** Wednesday, November 11, 2015 8:41 AM**To:** LARA WEISIGER**Subject:** Request to RRAC for Mediator Status Report on 2019 Shoreline Dr.

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Claudia Young <cyoung@alamedahsg.org>

Thu, Dec 3, 2015 at 2:55 PM

To: mandala051@gmail.com

Cc: Lara Weisiger <lweisiger@alamedaca.gov>, Rosemary Valeska <rvaleska@alamedahsg.org>

Good afternoon Mr. Klein!

I wanted to provide an update on your request. I contacted Jeff Cambra to let him know we had a request regarding the mediation at 2019. He declined to report on the mediation stating that the mediation is a private matter and he is not at liberty to discuss confidential information with the public. Please feel free to contact Mr. Cambra directly.

Thank you.

~Claudia

John E Klein <mandala051@gmail.com>

Fri, Dec 4, 2015 at 8:40 AM

To: Claudia Young <cyoung@alamedahsg.org>

Cc: Lara Weisiger <lweisiger@alamedaca.gov>, Rosemary Valeska <rvalueska@alamedahsg.org>, Catherine Pauling <cjpauling@gmail.com>

Hi Claudia,

Thank you for this but I must disagree that the results of meditation are confidential and that the mediator can refuse to report mediation outcomes to the RRAC. The RRAC is a public body and the process is a public process with the rent amount being the central issue. Tenants disclose the rent amount at the outset and it is only by this disclosure can the RRAC properly function, ie., make a determination as to the appropriateness of rent increases.

Unless the mediator has some agreement with the RRAC that outcomes are confidential, the mediator is in no position to unilaterally determine that the information is confidential and can not be disclosed. The mediator has no authority that I know of to impose greater confidentiality on the process than that which the RRAC itself imposes. Further, without reporting back to the RRAC, what assurances does the RRAC have that the mediation process achieved the desired outcome? In any case, this is a determination for the RRAC to make, not the mediator, and there is no way to know this without disclosure.

By what authority does the mediator claim confidentiality? Does the mediator have confidentiality agreements either with the RRAC or the tenants? If so, please provide me with copies of the agreements. Otherwise, I again request the mediator to provide a detailed report of the outcome of mediation at 2019 South Shore at the next meeting of the RRAC.

Thank you.
John

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Claudia Young <cyoung@alamedahsg.org>

Mon, Dec 7, 2015 at 10:42 AM

To: John E Klein <mandala051@gmail.com>

Cc: Lara Weisiger <lweisiger@alamedaca.gov>, Rosemary Valeska <rvalueska@alamedahsg.org>, Catherine Pauling <cjpauling@gmail.com>

John-

For clarification, Jeff Cambra is not an employee or consultant for the City. He is an independent mediator who contacts the tenants and landlords directly to offer his mediation services. Therefore the RRAC has no jurisdiction over the mediations that occur outside the RRAC

meetings.

Thank you.

~Claudia

Claudia Young
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cyoung@alamedahsg.org



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