

LARA WEISIGER

From: Trish Spencer
Sent: Tuesday, March 01, 2016 2:23 PM
To: LARA WEISIGER; Liz Warmerdam; DEBBIE POTTER
Subject: Fwd: Why not eliminate the \$1,900,000 PART at tonight's meeting?

FYI

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: PaulLinda Corvi <corvifortuna@hotmail.com>
Date: 03/01/2016 9:37 AM (GMT-08:00)
To: Trish Spencer <TSpencer@alamedaca.gov>, Frank Matarrese <FMatarrese@alamedaca.gov>, Tony Daysog <TDaysog@alamedaca.gov>, Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>
Subject: Why not eliminate the \$1,900,000 PART at tonight's meeting?

Councilmember Frank Matersse, voted NO to the rent stabilization ordinance because one of the reasons is that the \$1,900,000 is too expensive.

Mayor Trish Spenser said that she feels that with 5% annual rent increase ,the majority of the housing providers will to go along with it and there should not be additional burden on RRAC.

Tony Daysog said he does not want to hurt the small Mom and Pop landlords(who did not create this problem in the first place) .

I know the council does not want to make significant changes to the proposed rent stabilization ordinance but why not eliminate the \$1,900,000 part? Why can't we start with the \$300,000 that was suggested to educate the housing providers about the new ordinance, and go on as "AS NEEDED BASIS" if more funds are needed? We can use some of \$300,000 to mediate with the FEW large investor companies who continue to cause problems. Let's take this step by step.

If we do need more funds, please increase the SALES TAX, so that both tenants and landlords will be paying via the sales tax and split any fees 50/50 between tenant and landlord. It is the fair thing to do (please do NOT INCREASE OUR PROPERTY TAXES).

Nonprofit organizations, small and large companies, they all create their budgets and they know where the money is coming from beforehand. We need to be responsible in making this important decision.

All across the United States, voters are angry with BIG government and they want a REVOLUTION (i.e. Bernie Sander's platform) to reduce all the excess bureaucracy. Let's not continue this old fashioned idea of big GOVT.

Thank you,

Rosalinda Fortuna

LARA WEISIGER

From: Trish Spencer
Sent: Tuesday, March 01, 2016 1:28 PM
To: LARA WEISIGER
Subject: Fwd:

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Jeanne Allen <jeannehallen@gmail.com>
Date: 03/01/2016 1:25 PM (GMT-08:00)
To: Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, Frank Matarrese <FMatarrese@alamedaca.gov>, Jim Oddie <JOddie@alamedaca.gov>, Tony Daysog <TDaysog@alamedaca.gov>, Trish Spencer <TSpencer@alamedaca.gov>
Subject:

Honorable Mayor and city Council members,

No matter what you offer the Alameda Renters Coalition, they will not be happy. In the interest of fairness, you may want to continue the moratorium and forget the ordinance that you voted in last month. The landlords, individual property owners, as well as Alameda renters are not happy with the ordinance. Let it go to the ballot box on both sides of the issue.

Sincerely,

Jeanne Allen

LARA WEISIGER

From: Karen Miller <karenmillercrs@gmail.com>
Sent: Monday, February 29, 2016 8:56 PM
To: Trish Spencer; Frank Matarrese; Tony Daysog; Marilyn Ezzy Ashcraft; Jim Oddie
Cc: LARA WEISIGER
Subject: Tenants just filed for an initiative for the November ballot

Dear Mayor and Council Members,

The ARC just filed the paperwork to put a SF style rent control initiative on the ballot in November. This is a clear “No Confidence” vote in what you have proposed. As a majority of you have voted for the current ordinance in hopes that you will get support from the tenants, your approach is clearly misguided. I urge you to NOT support the ordinance as written in the second reading. The basic requirements for human existence are food, shelter and water. Why are property owners being singled out to solve this problem?

Grocery stores are not required to lower their prices for groceries, doctors are not required to lower their prices for their services and utilities are not required to lower their prices for water, electricity or heating. I sympathize with the elderly and disabled who cannot improve their condition and would support anything that would help them. At the last reading a Trust Fund was suggested that would help those who needed help. I have what I have because I have worked my tail off. It is the promise of America. If you work hard enough you can have a better life. If you choose not to work as hard as I have that is fine but I shouldn't be punished for my hard work and resulting success. I realize that this is a complicated issue but with the filing of the initiative by the ARC for November it is now out of your hands and I think that you should realize that.

Regards,
Karen Miller

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

LARA WEISIGER

From: Trish Spencer
Sent: Sunday, February 28, 2016 11:07 AM
To: Candace Gutleben
Cc: LARA WEISIGER; Liz Warmerdam; DEBBIE POTTER; Andrico Penick
Subject: RE: Amendments to Proposed Rent Ordinance

Dear Mr. and Mrs. Gutleben,

Thank you for your comprehensive email. I will consider your comments in my decisions.

Sincerely,

Trish Spencer
Mayor, City of Alameda

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Candace Gutleben <candacegutleben@comcast.net>
Date: 02/26/2016 2:24 PM (GMT-08:00)
To: Trish Spencer <TSpencer@alamedaca.gov>, Frank Matarrese <FMatarrese@alamedaca.gov>, Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, Jim Oddie <JOddie@alamedaca.gov>
Cc: Tony Daysog <TDaysog@alamedaca.gov>, Ken Gutleben <kengutleben@yahoo.com>
Subject: Amendments to Proposed Rent Ordinance

Mayor Spencer and City Council Members,

We want to thank all of you for your good-faith efforts to secure a sustainable, equitable and reasonable rental ordinance. We know it has not been easy. However, we have two major concerns.

Council member Daysog's proposed amendments are clear indications of his understanding of the *unintended consequences* of the latest rent ordinance to small, local landlords in Alameda. We assume "unintended" because it is truly astonishing that city staff and council members would find it fair to extend *four months* of rent in relocation fees, plus moving fees of \$1500 to tenants who do not qualifying for low-income housing. You must be aware that the cost to a *small* landlord is very significant.

We listened to the justification for relocation fees at the February 16 council meeting based on a lower or low-income household needing to find housing before vacating and having to pay first and last months rent and a deposit. Assuming they have taken care of the unit to be vacated, then 2 months rent and moving fees would be more than reasonable, since they would be refunded their original deposit. Why, when this was brought to your attention, was it summarily dismissed with no discussion? What is your and city staff's rationale for up to *four* months rent plus moving fees for folks who do not qualify as financially at risk when weighed against the cost to a small landlord?

Our family believes in giving back to the community, but we would prefer to choose a worthy non-profit or charity when it comes to tenants who are not financially at risk when having to relocate and who have been paying below-market rent for four or more years. We want to be clear. We are supportive of renters' protections in general. It did not take legislation for us to "protect" our tenants' safety, security, surroundings or their livelihood for all these years.

There is another "unintended consequence" of this new rent ordinance and it is putting at risk the architectural heritage for which Alameda is so widely known and appealing. We brought this to your attention before since Ken, a local contractor, has replaced the foundations of over 300 older Alameda homes, many of which are on the historic register of Alameda, built before 1900 from ancient redwood groves and extremely vulnerable to collapse and fire during and after a major earthquake. We are certain that the Building/Planning Departments are aware of this irreplaceable treasure in our city, as well as the danger they pose to our community. We have communicated tirelessly with the Alameda Fire Department urging that they find the funds to provide alternative water sources to protect the properties and residents of our city, precisely because of the vulnerability of these old homes that put everyone near them at risk during an earthquake.

It takes dedication, determination, passion, time and significant amounts of capital to renovate, retrofit and restore these homes to make them safe and beautiful again, more dedication than the large apartment owners/corporations/LLC's are willing to invest in order to rent them out. It takes highly motivated individuals and small-time landlords to undertake this challenging task - and certainly *not* out of greed. These same folks are the ones willing to rent out their basement or a cottage in back or a portion of their own home to make it financially viable. Why do neither city staff, who prepared this ordinance, nor yourselves see fit to exempt these homes, already designated on the historic register of the city, from the rental ordinance in order to preserve them and help protect the residents?

Please don't settle for a one-size-fits-all model for Alameda's rental ordinance.

Thank you for your time and consideration, once again, to this matter.

Ken and Candace Gutleben

LARA WEISIGER

From: Trish Spencer
Sent: Sunday, February 28, 2016 11:02 AM
To: LARA WEISIGER; Liz Warmerdam; DEBBIE POTTER; Andrico Penick
Subject: Fwd: No Rent Control

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Virginia Jang <jollybean07@gmail.com>
Date: 02/26/2016 9:13 PM (GMT-08:00)
To: Trish Spencer <TSpencer@alamedaca.gov>
Subject: No Rent Control

Hon. Mayer Spencer:

We request your support to stop passing the Second Reading of the Rent Control Ordinance.

The Ordinance as written is costly to the City, property owners and renters alike. It will not make rent more affordable nor rental units more available. It just creates an expensive and unnecessary bureaucracy.

We are elderly owners of a small condo with elevator access. We purchased the unit with large amount of our savings. We intent to move in later when we could no longer climb the stairs in our current home. If not for the fact that we put a lot of cash in the unit, the rent collected doesn't cover the high taxes and expenses. We like to keep good tenants and we don't raise rent annually. With the new ordinance, we would be forced to raise rent annually just to keep up.

With passing of the law, we would have to pay the tenants to move out before we could live in our own property. Is this fair?

We support tenant rights, but not on the back of property owners who's willing to take a risk on their savings and to make rentals available to those who want to live in Alameda.

We urge you Not to pass the Second Reading of the rent control ordinance

Thank you.

Elwin and Virginia Jang

411 Hollister Avenue

Alameda, Ca 94501

LARA WEISIGER

From: Trish Spencer
Sent: Sunday, February 28, 2016 10:52 AM
To: Ann O'Rourke
Cc: DEBBIE POTTER; Liz Warmerdam; LARA WEISIGER; Andrico Penick
Subject: RE: Letter to the editor - rent ordinance issues from an Alameda resident, small landlord, senior, and appraiser

Dear Ms. O'Rourke,

Thank you for your email. The proposed Ordinance allows "no cause" and "for cause" evictions. Relocation and moving costs will not apply to "for cause" evictions.

Also, there would not be a cap, but a "trigger" at more than 5% to go to RRAC.

I am including staff in this email so that they may also respond.

Sincerely,

Trish Spencer
Mayor, City of Alameda

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Ann O'Rourke <ann@appraisaltoday.com>
Date: 02/27/2016 7:06 PM (GMT-08:00)
To: "Eric J. Kos" <ekos@alamedasun.com>, Dennis Evanosky <editor@alamedasun.com>, Tony Daysog <TDaysog@alamedaca.gov>
Cc: Trish Spencer <TSpencer@alamedaca.gov>, Frank Matarrese <FMatarrese@alamedaca.gov>, Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, Jim Oddie <JOddie@alamedaca.gov>
Subject: Letter to the editor - rent ordinance issues from an Alameda resident, small landlord, senior, and appraiser

I have lived in Alameda since 1980, been a landlord since 1986, and done real estate appraisals in Alameda since 1986. I have appraised many apartment properties, from duplexes to large buildings on Shoreline.

As an appraiser, I have seen many local landlords with below market rents, even when rents have been stable for a long time. I have never seen low rents at large properties. I always tell them to raise their rents. They say: "I like my tenants", "They have been tenants for a long time", "They can't afford to pay more", etc.

I own a duplex, I am always under market, typically slightly below market rents. I have been raising my rents by \$100 every two years (about 3.5 % per year) when rents are increasing. I "catch up" on tenant turnover. For unknown reasons, that is "how it is done" in Alameda by local landlords, but not on large properties with non-local owners.

I purchased my duplex in 1986 for retirement income. Instead of putting money in an IRA, I put my money into the duplex. Similar to many of us, I have Social Security, some savings in my IRA, and no pension.

I am 72 years old. Six years ago, planning for retirement, I moved to my duplex. I am still working, so the income is not critical now. But, when I am unable to work, my rental income will make a significant difference for me.

My current tenant moved in 5 years ago and their rent is significantly below market rent. I am very concerned about any limits on the amount of rent I can charge. I can "live with" 5% a year. To get up to current market levels will require 6-7 years at 5% per year. If the current tenants move out, I will be able to increase the rent to market levels.

I made a very big mistake by not increasing my rents more. For the first time in 30 years, I will be raising my rents 5% every year. I suspect that many other landlords will do the same. In my letter to the tenants, I will tell them it is because of the new rent ordinance.

I am very worried about any restrictions on removing "problem" tenants, such as damaging the property, heavy drug users/dealers, etc. These tenants occur in all cities, including Alameda. When they move in, often the other tenants leave. I don't want to have to move from my home. But, it can take months to remove them.

You can contact me any time at cell:510-484-7102.
Below is my business location, etc.

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Ann O'Rourke, MAI, SRA, MBA
2033 Clement Ave. #105
Alameda, CA 94501
Phone: 510-865-8041
Fax: 510-523-1138
Email: ann@appraisaltoday.com
www.appraisaltoday.com

LARA WEISIGER

From: Monty J Heying <mheyding777@yahoo.com>
Sent: Friday, February 26, 2016 5:05 PM
To: Trish Spencer; City Manager; Jim Oddie; Marilyn Ezzy Ashcraft; Tony Daysog; Frank Matarrese; Janet Kern; CityCouncil-List; City Clerk
Subject: Plugging the Fixed-term Lease Loophole

Around 1AM at the February 16th City Council meeting the mayor revealed that fixed-term leases can be used by landlords to avoid paying relocation costs. Once word spreads about this loophole, fixed-term leases will proliferate, and stable, community-minded tenants will be replaced by transient, nomadic individuals with little or no interest in building a community.

Most rental agreements have an “evergreen” provision for automatic renewal or reversion to month-to-month status. A fixed-term lease has no such provision. Mayor Spencer argued that it is not an eviction when a fixed-term lease expires. The right to tenancy simply terminates, and under the proposed new ordinance, relocation benefits don’t apply because there’s been no eviction. If a landlord wants to avoid relocation costs, this can be accomplished by simply switching tenants to fixed-term leases at every opportunity.

The mayor argued that the residential lease is an arms-length transaction, and a renter should know what he/she’s getting into. But I submit that in a majority of instances this is not the case because of the *fundamentally weak and subordinate position of the typical residential tenant* versus a landlord. Very few tenants have \$400 for an attorney to read and advise them on a rental contract, whereas the landlord has had the lease prepared by an attorney with caveats and protections in his/her favor. In many cases, a lease isn’t even shown to the tenant until their goods are packed in a van!

Unless the tenant herself is an attorney, an arms-length lease negotiation is rarely possible in a residential setting.

Renters in a month-to-month status are highly at risk in the proposed ordinance. Month-to-month leases are covered under sub-paragraph C, **Section 6-58.35. “Offer of a One Year Lease,”** which *requires* landlords to offer a one year lease, yet *is silent* whether that lease can be a fixed-term lease. The renter may have resided there for ten years, been a deacon in the church, taught school all those years, but if they sign a fixed-term lease those years go out the window in terms of relocation credit.

To plug the fixed-term lease loophole, all that’s needed is to add language under **Section 6-58.150 “Relocation Fee”** stating *that after two years of tenancy, the right to relocation benefits accrues with the duration of tenancy irrespective of the form of rental contract.*

This simple provision fosters community stability and prevents abuse, yet allows wiggle room for sabbaticals, house swaps, and other legitimate reasons for fixed-term leases.

If all landlords have to do to escape relocation costs is to switch tenants to fixed-term leases, they will do so, and term leases will become the norm, leading to a major shift in the type of renters the city attracts, people with little or no desire to build a community.

Sincerely,
Monty J Heying

510-749-8386 (land/fax)