

**CITY COUNCIL MEETING**  
**TUESDAY, FEBRUARY 6, 2018**

**Documents Received After Published Agenda**

# **PUBLIC COMMENTS**

**Michael Christopher**

2/1/2018

Dear mayor and council members,

I bring an issue to your attention tonight because of its scale and its potential to inflict further damage to me as well as the neighborhood.

I live on a hillside at [REDACTED] Civic Ave. My new neighbors just above me on Grand View. Three months ago I noticed that they had placed items on our common boundary and beyond on to my property. I requested that they remove them and they assured me without equivocation that would be done. These assurances were repeated on other occasions but each time more objects were placed including tires, furnishings, carpets, garbage, tree trunks and more. The problem grew exponentially when they brought earth moving equipment and moved 100's or, perhaps 1000's of tons of dirt and debris downward. The built-up is in some places several feet high from one end of our 100' foot long boundary to the other. It bent distorted, and displaced a partial, makeshift fence, rendering it, as I like to say, defenceless.

None of the dirt and debris is native to their property or mine.

I'm dealing with this situation and the city has been helpful.

When a property is to be built on a hillside, Hayward ~~often~~ <sup>sometimes</sup> requires excavation and removal of soil when necessary to insure everybody's safety. In this case, the exact opposite was done with no precautions or safeguards, thus, creating considerable hazards and encroaching on my property.

Many thanks for your attention on this matter.

Michael Christopher

I

**ITEM 1—MIN 18-022**

**Minutes of Special Joint Hayward City Council/  
Redevelopment Successor Agency Meeting  
On January 16, 2018**



**DATE:** February 6, 2018  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT** Revision to Minutes of January 16, 2018

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This serves to amend the minutes of the Special Joint Hayward City Council/Redevelopment Successor Agency Meeting on January 16, 2018.

**Second to last paragraph on page one currently reads:**

“Council Member Mendall noted the Hayward Unified School District will make public the results of pipe tests and any corrective actions by the end of the year.”

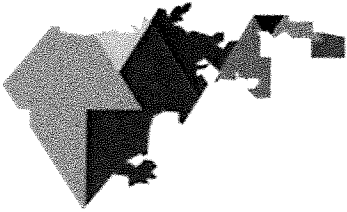
**Proposed to read:**

“Council Member Mendall noted that the Hayward Water System is working with the Hayward Unified School District to test the pipes at every school in the city by the end of the year. The HUSD will make public the results of the tests along with any corrective actions, as that information becomes available.”

With the change noted above, I respectfully request approval of the amended minutes.

## **ITEM 2—CONS 18-055**

**Adoption of Ordinance Amending  
HMC Sections Related to Height for  
New Developments at Hayward Executive Airport**



**TO: City Council**

**FROM: Interim Director of Development Services Stacey Bristow**

**DATE: February 6, 2018**

**SUBJECT: Consent Item No. 2 (CONS 18-055- Air Terminal District Amendment)**

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On February 2, 2018 California Pilots Association (“Cal Pilots”) circulated a letter to the Mayor and City Council related to Consent Item 2, CONS 18-055, Second Reading of Air Terminal District Amendment.

This memorandum is being circulated to address Cal Pilot’s suggested text change to the ordinance. Specifically, Cal Pilot’s recommend that the wording of the first finding to allow an increase in height of a structure be modified to more specifically refer to Federal Aviation Administration (FAA) authority in reviewing and approving the project.

The Council approved finding was as follows:

*The proposed structure will not constitute a hazard to or result in an unsafe condition for air navigation pursuant to Federal Aviation Administration review and approval; and*

The Cal Pilot’s suggested finding is as follows:

*The proposed structure has received a “Determination of No Hazard to Air Navigation” from the FAA pursuant to a 14 CFR Part 77 review; and*

The suggested change would not impact the effectiveness of the ordinance, which clearly calls for FAA review and approval. Staff is concerned that the specificity suggested by the Cal Pilot’s amendment would increase the likelihood of the City’s proposed ordinance requiring an update if the Code of Federal Regulations is updated, or if the FAA form is renamed. Further, staff does not believe that the modification is substantive or important enough to delay adoption of the ordinance.

On that basis, staff recommends that the ordinance remains as introduced.

February 6, 2018

Stacey Bristow, Development Services  
City of Hayward  
777 B. Street  
Hayward, CA 94541

**SUBJ:** - Proposed Amendments to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code to Amend Airport Terminal (AT) District Regulations Related to Height; Application No. 201706359; City of Hayward (Applicant/Owner)

Dear Ms. Bristow,

Thank you for your response to my email last month, stating concerns regarding ALUC referral and review of this proposed ZO . I send these comments for the city's consideration as this proposal is presented at tonight's City Council Hearing. These comments generally address the Resolution the City Council is being asked to approve tonight.

Attachment III – Resolution for Adoption

- A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
- It is not clear what that 'proof' is, and where we can find this discussion in the documents provided to the public. We understand the need for the city to achieve economic goals relative to the success of the airport and Hayward residents and businesses. We're concerned that the city is minimizing the opportunity for meaningful review and input by the ALUC, whose purpose is to promote the public health, safety, and welfare of both residents on the ground, the occupants of flights, and airport operations.
- B. The proposed change is in conformance with all applicable, officially adopted policies and plans;
- It is unknown at this time whether the proposed ZO as currently written, is in conformance with the ALUCP for HWD, (which is an "officially adopted plan"), both in substance (flexible height regulations on airport property) and because the City has not referred the project to the ALUC as required by State law. The



statute provides that Zoning Ordinance amendments, as well as General and Specific Plan amendments reviews by the ALUC are required prior to adoption by the city, whether or not the jurisdiction has gone through an earlier GP/SP compatibility exercise.

- As noted on page 6-7 of the 2011 California Airport Land Use Planning Handbook, *“State law does not specify whether ALUC’s have authority to review projects involving non-aviation development on airport property...ALUCs are explicitly precluded from having authority over operation of any airport. Most ALUCs maintain that they have the authority to review this type of development proposal (i.e., non-aviation development of airport property) because their review does not implicate the “operation” of an airport.”* We are not clear why the City seems to be unwilling to refer the proposal (to have more flexibility in relaxing the city’s own height standards on airport property) to the ALUC for the opportunity to comment and make recommendations, if the commission so chooses.

The FAA, like the ALUC, are both Advisory bodies. They are separate entities that serve different functions with regard to airport operations and aviation safety. Both make recommendations that the local jurisdiction is not required to implement.

The language in the ZO proposal seems to anticipate the need for FAA project review, by stating in part that *“All proposed developments that request an increase in height over base district regulations will be reviewed for compatibility with surrounding development and will be subject to special findings that the FAA reviews and approves the proposed height increase...”* The FAA review is often referred to as “a 7460 Study”, which is the number of the form required to be submitted to the FAA for said review. The FAA’s review response simply says that the project reviewed either will, or will not, pose a threat to air navigation. It often goes on to make specific recommendations for lighting on buildings and other treatments that decrease the chance of interfering with pilot procedures. It should be noted that the FAA also makes a statement that the FAA 7460 Study response does not supplant the need for compliance with other local land use regulations and plans.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

- The text under this heading begins with: *“No properties are proposed to be reclassified.”* This is repeated in other sections of the Draft Resolution, and at best is confusing. A change in the allowed heights--with or without FAA or ALUC review-- in effect reclassifies land uses in those locations.



The ALUC understands the importance of keeping the HWD airport a viable facility that will serve the needs of both Hayward residents and future Airport user demands. To that end, we propose for City and ALUC staff to meet in the near future and continue these important conversations. Please do not hesitate to contact me @ 510-670-5400 or at [cindy.horvath@acgov.org](mailto:cindy.horvath@acgov.org) at your convenience.

Sincerely,



Cindy Horvath  
Senior Transportation Planner

c: Members, Alameda County Airport Land Use Commission  
Albert Lopez, Alameda County Planning Director, ALUC Administrative Officer  
Weddle, Andrea L., County Counsel [andrea.weddle@acgov.org](mailto:andrea.weddle@acgov.org) ;  
Lopez, Albert, CDA [Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org) ;  
McElligott, Elizabeth, CDA [elizabeth.mcelligott@acgov.org](mailto:elizabeth.mcelligott@acgov.org) ;  
Stacey Bristow [Stacey.Bristow@hayward-ca.gov](mailto:Stacey.Bristow@hayward-ca.gov) ;  
Sara Buizer [Sara.Buizer@hayward-ca.gov](mailto:Sara.Buizer@hayward-ca.gov)  
Leigha Schmidt [Leigha.Schmidt@hayward-ca.gov](mailto:Leigha.Schmidt@hayward-ca.gov)





**CALIFORNIA PILOTS ASSOCIATION**  
1414 K ST., 3RD FLOOR, SACRAMENTO, CA 95814

February 2, 2018

**VIA EMAIL ([List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov))**

City Council  
City of Hayward  
777 B Street  
Hayward, California 94541

**Re: *Comments to Proposed Amendments to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code to Amend Airport Terminal (AT) District Regulations Related to Height; Application No. 201706359; City of Hayward (Applicant/Owner)***

***January 16, 2018 – Item #12 - First Reading***

***February 6, 2018 – Item #2 - Second Reading & Proposed Adoption***

Dear Madam Mayor & Members of the City Council:

California Pilots Association (“CalPilots”) submits this comment letter in response to the passage of the first reading of the proposed ordinance change and agendizing of the adoption of the same. Generally, CalPilots is in favor of development near airports so long as it is consistent with safe aviation. It is our understanding this change is ultimately being made to accommodate an airport hotel. We generally support buildings up to the Part 77 height limit, assuming no other land use incompatibility (e.g. a hospital located too close).

### **Why We Worry About Tall Buildings At Hayward**

A concern for Hayward Airport is the relatively high minimums (currently a GPS-based LPV approach) that present a challenge during marine layer events for Hayward-based aircraft. As you may be aware, many corporate jets have been relocating to Hayward Airport, bringing both personal property tax and sales tax to the City coffers, as well as to the airport. Any proposed hotel that would prevent future reductions in minimum altitude for the GPS-LPV approach (currently 300’ above ground level, potentially lowerable to 250’ or 200’) would restrict the airport’s usefulness as a base of operations for corporate aircraft.

### **Alameda County Airport Land Use Commission Review Required**

Having read both Alameda County’s Senior Transportation Planner Cindy Horvath’s email and Ms. Bristow’s January 19 response, CalPilots feels that Ms. Horvath’s point remains valid. The ordinance should have been referred to the ALUC prior to the vote. Regardless of the outcome of the ALUC review, it is clear Hayward has the political will to override. However, having the will, but failing to properly exercise that will renders the ordinance



**CALIFORNIA PILOTS ASSOCIATION**  
1414 K ST., 3RD FLOOR, SACRAMENTO, CA 95814

subject to future challenges outside the relatively speedy CEQA process. CalPilots requests the City take the extra step to protect its decision.

### **FAA Part 77 Determination of No Hazard to Air Navigation**

Although the staff report appears to state the clear intent that all buildings in excess of 40 feet have a Part 77 finding, the language used in the actual ordinance allows for relatively more wiggle room. If the standard is that the building must receive a “Determination of No Hazard to Air Navigation” from the FAA pursuant to a submitted Form 7460-1, please state as much. The current SEC. 10-1.1985-M, subsection (o)(1) states:

- . (1) The proposed structure will not constitute a hazard to or result in an unsafe condition for air navigation pursuant to Federal Aviation Administration review and approval; and

CalPilots would like the language tightened up a bit, simply to clarify and conform the ordinance with the accompanying staff report. CalPilots proposes:

- . (1) The proposed structure has received a “Determination of No Hazard to Air Navigation” from the FAA pursuant to a 14 CFR Part 77 review; and

### **Conclusion**

CalPilots applauds the City of Hayward for expanding commercial opportunities at the airport and providing convenient hotel options for transient pilots and passengers. We believe the proposed minor change to the ordinances terms will insulate any future projects, including a hotel, from legal challenges over approval under this ordinance.

Regards,

/s/ Karl Schweikert  
Karl Schweikert, General Counsel  
California Pilots Association

Via Email

cc: Horvath, Cindy, CDA ([cindy.horvath@acgov.org](mailto:cindy.horvath@acgov.org))  
Bristow, Stacey ([Stacey.Bristow@hayward-ca.gov](mailto:Stacey.Bristow@hayward-ca.gov))  
Lawson, Michael ([Michael.Lawson@hayward-ca.gov](mailto:Michael.Lawson@hayward-ca.gov))  
Hankins, Winter ([Winter.Hankins@hayward-ca.gov](mailto:Winter.Hankins@hayward-ca.gov))

# **ITEM 6—WS 18-005**

**Review of Rental Housing Affordability Strategies**

My name is Arti Garg. I am a Hayward resident and homeowner. I have also served on the Keep Hayward Clean and Green Task Force for the past 3 years. My husband and I moved here almost five years ago. We chose to start our family in Hayward out of a desire to live in Hayward's uniquely diverse community...one that boasts economic diversity along with demographic diversity.

That's why it's been dismaying for us to watch rents skyrocket as Hayward's and the Bay Area's economy has grown. We are seeing people who have lived their entire lives in Hayward, people born at Hayward hospitals and raised in our community, being completely priced out of the Hayward rental market. Economic growth should benefit everyone, but right now the shortage of rental availability means that only a small group of high-earners can continue to live in Hayward where they may work and have other social, familial, or cultural ties.

I'm happy to see that Council is addressing the pressing issue of housing and rental shortages in our community. To me, the long-term solution must include an increase in housing units, particularly transit-accessible, high-density housing. In the short-term, I am also happy to see Council considering measures that would protect longstanding members of our community from being forced to relocate away from their jobs and families. It's a delicate balance to strike, and I support efforts to consider how housing policy will impact the long term economic make-up of Hayward to ensure we maintain an economically diverse community.

I appreciate the City's attention to this acute issue, which gets to the very core of the community we are today and the city we want to be in the future. And I look forward to hearing about progress on the efforts under consideration over the coming months.

Translation of Original Message:

**From:** Elena Lepe [REDACTED]  
**Sent:** Tuesday, February 6, 2018 5:43 PM  
**To:** List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>  
**Subject:** Rent control

Good evening.

The reason for my email is to request rent control in Hayward. I was paying 1200 for a one-bedroom and last June it was raised 700 dollars and trash is separate.

Address: [REDACTED] Amador st apt [REDACTED], Hayward, CA 94544

Also, because of the rent increase, the majority of the tenants in the 150 units have left. The rent is too high in the community. As a health *Promotora*, I see a lot of people going through this and it has resulted in a reduction in school enrollment and I ask that you, as community leaders, institute a regulation to control the rent. I've attended many meetings and I've brought people that are under a lot of stress, including myself. Minimum wage is not much help. Starting in January the minimum wage was raised and, from what I've seen, Hayward hasn't done that yet. Let me know what else you need to have the numbers to approve rent control and minimum wage in Hayward.

Original Message:

**From:** Elena Lepe [REDACTED]  
**Sent:** Tuesday, February 6, 2018 5:43 PM  
**To:** List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>  
**Subject:** Control renta

Ola buenas tarde el motivo del peticion es q haya control de remta en hyward

Yo estaba pagado 1200 de una recara y me sunio de junio ano pasaso 700 dolaresas y apemas nos lleo el cobro aparte [de.la](#) basura

Direcion [REDACTED] amamdor st apt [REDACTED] hayward ca 94544

Tambien la mayoria de q son 150 apartamentos se ido por el incremwnto de renta demasiado alto y asibestamos viendo [en.la](#) comunidad yo como promotora de salud veo la gente navwgar mucho eso a disminuido las inscripciones en las escuelas y si ustedes puede cambiar como.lider comunitario hago la.peticion de haya una regulacion para comtro de renta. He atendido varia juntas y he llevado gente q esta viviendo un strres a eso me sumo ya el.salario minimo no es gran ayuda apti de enero subio el salario minimmo y veo q hayward aun no lo hace hagame saber q mas nesesa saber para tener exactamente.los numeros par aprovar control de renta y salarios y aumenta el.salario minimo en hayward.

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**From:** Sarah M. Winfield [mailto:swinfield@centrolegal.org]  
**Sent:** Wednesday, February 7, 2018 10:24 AM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Cc:** The Hayward Collective <thecollective@thehaywardcollective.com>  
**Subject:** Re: Community Letter Regarding Tenants' Rights

Dear Mayor and Council Members:

I am writing to clarify in writing the proposed change regarding the Just Cause language in the ordinance. To briefly review what we discussed at the meeting last night, Centro Legal and others in the community believe that as currently written, that section does *not* cover decontrolled units, units that cannot have rent control under state law, and units that cannot have rent control under the ordinance because they are not commonly owned with at least 4 other units. The proposed change, we believe, would give all Hayward tenants just cause protections.

Best,

Sarah



**Sarah M. Winfield | *Tenants' Rights Staff Attorney***

[Centro Legal de la Raza | 3022 International Blvd. Suite 410, Oakland, CA 94601](#)  
Office: [\(510\) 437-1554](tel:5104371554) | Direct: [\(510\) 274-2408](tel:5102742408) |

On Mon,  
Feb 5, 2018  
at 7:40 PM,  
Sarah M.  
Winfield

<[swinfield@centrolegal.org](mailto:swinfield@centrolegal.org)> wrote:

Dear Mayor Halliday and Council Members Lamnin, Zermeño, Peixoto, Mendall, Marquez, and Salinas:

Attached please find a letter from community members regarding issues facing Hayward tenants. The signatories respectfully request that you review this document before the city council meeting tomorrow evening.

Sincerely,



**Sarah M. Winfield | *Tenants' Rights Staff Attorney***

[Centro Legal de la Raza | 3022 International Blvd. Suite 410, Oakland, CA 94601](#)



Office: [\(510\) 437-1554](tel:(510)437-1554) | Direct: [\(510\) 274-2408](tel:(510)274-2408) |

# 3 PROPOSED EMERGENCY TENANT PROTECTIONS

## Remove “Vacancy Decontrol” (Section 8)

from Hayward’s Residential Rent Stabilization Ordinance (pgs. 16-20)

## Enact an emergency moratorium on rent increases

on units whose rents can be regulated under state law

Enact an emergency  
moratorium on  
no cause evictions

or

Amend the “Eviction for  
Cause” (Section 19, at page 27)

of the Residential Rent Stabilization Ordinance as follows:

(a) **Cause for Eviction.** “No landlord shall be entitled to evict a tenant recover possession of a rental unit covered by the terms of this ordinance unless the landlord shows the existence of one of the following grounds:”

February 5, 2018

**Re: Issues Facing Hayward Tenants**

Dear Mayor Halliday and Council Members Lamnin, Zermeño, Peixoto, Mendall, Marquez, and Salinas:

We, as members of the Hayward and East Bay communities, are writing to you in advance of the February 6, 2018 City Council meeting to voice our concerns about the current housing crisis and provide suggestions. We view safe, affordable housing as a basic human right. It is clear that the current displacement crisis in the Bay Area is negatively impacting Hayward tenants, who in our view are extremely vulnerable to displacement under current Hayward law.

The current Council has been made aware, starting in November 2016, of numerous stories of tenants who are being priced out of Hayward and facing displacement due to no fault of their own. In many cases these tenants also face serious intimidation and harassment from landlords who are pressuring them to leave in the interest of making a higher profit. Moreover, according to state and U.S. Bureau Statistics and as noted in a recent *East Bay Times* article, almost half of housing in Hayward consists of rental units, and at least 57.3 percent of Hayward renters spend over 30 percent of their income on housing.

The current situation is unsustainable. We urge you to act now to prevent this crisis from worsening. We believe our suggestions, set forth below, will enable you to protect Hayward tenants in a manner that is fair to landlords, while continuing to engage in further community dialogue while you consider longer-term solutions:

- 1. Remove “Vacancy Decontrol” (Section 8) from Hayward’s Residential Rent Stabilization Ordinance (pgs. 16-20)**
  - a. The “vacancy decontrol” provision in current law allows landlords to remove units from rent control protections. City staff has stated in public meetings that the original number of rent-controlled units in the City of Hayward was 20,000. Additionally, according to a presentation by city staff at a community meeting on January 10, 2018, there are currently only approximately 1,000 rent-controlled units. Thus, this provision has caused the number of rent-controlled units in Hayward to dwindle from 20,000 to approximately 1,000. This leaves tenants vulnerable to massive rent increases they cannot possibly pay. It unfairly strips low- and middle-income tenants of their rights and places them in an extremely precarious situation.
  - b. This provision serves no purpose other than to undermine rent control and affordable housing.

2. **Enact an emergency moratorium on rent increases on units whose rents can be regulated under state law and on no cause evictions, either for a period of 12 months or until the next election in November 2018**
  - a. Massive rent increases in Hayward are leaving tenants vulnerable to eviction and displacement from the Bay Area.
  - b. We have heard stories from and about numerous tenants who have received notices of termination of tenancy providing no reasons for evicting them. In many situations, such tenants feel terrified and intimidated, and end up leaving. Such tenants are vulnerable to homelessness and/or displacement from the Bay Area.
  
3. **As an alternative to a moratorium on no cause evictions, amend the “Eviction for Cause” (Section 19, at page 27) of the Residential Rent Stabilization Ordinance as follows:**
  - a. (a) **Cause for Eviction.** “No landlord shall be entitled to **evict a tenant** ~~recover possession of a rental unit covered by the terms of this ordinance~~ unless the landlord shows the existence of one of the following grounds.”
    - i. We propose this amendment as a simple method of ensuring that Hayward tenants are not vulnerable to being evicted for no reason whatsoever; good tenants who respect their neighbors, pay rent, and contribute to the community should be protected from displacement.

Thank you for reading this letter and considering our suggestions. We are extremely concerned about the effect of the housing crisis on our community. We urge you to act now to protect Hayward’s most vulnerable residents and to help preserve our vibrant community.

Sincerely,

**Angela Andrews**, Keep Hayward Clean and Green Chair  
**Crystal Araujo**, J.D., former Vice Chair of City of Hayward’s Community Services Commission  
**Ray Bonilla Jr.**, City of Hayward Planning Commissioner  
**Sheila Burks**, Hayward resident and Anti-Discrimination Task Force Member  
**César Delgadillo**, Hayward resident and member of The Hayward Collective  
**Ginny DeMartini**, Hayward resident and AD20 Vice Chair, Alameda County Democratic Party  
**Heather Enders**, former City of Hayward Planning Commissioner  
**Marcus Harris**, Hayward resident and member of The Hayward Collective  
**Antonio Isais**, Chair of City of Hayward’s Community Services Commission  
**Alicia G. Lawrence**, Hayward resident and member of the The Hayward Collective  
**Bishop J.W. Macklin**, Glad Tidings Church, Hayward  
**Rosaura Figueroa Mendoza**, Hayward resident, member of The Hayward Collective, Anti-Discrimination Task Force member  
**The Rev. Dr. Arlene K. Nehring**, Senior Minister, Eden United Church of Christ, Hayward  
**Karen Norell**, Hayward resident  
**Aaron Ortiz**, Chief Executive Officer of La Familia Counseling Service

**Ramon Rios-Parada**, Hayward resident and member of The Hayward Collective  
**Tim Romano-Pugh**, Hayward resident, Keep Hayward Clean and Green Task force member  
**Denize Sanchez**, Hayward resident and member of The Hayward Collective  
**Annette Sanders-Montgomery**, Hayward resident  
**Ysenia Sepulveda**, Hayward resident and member of The Hayward Collective  
**Veronica Solorio**, Hayward resident and Anti-Discrimination Task Force member  
**Maricris Vlassidis**, Hayward resident  
**Vander Williams**, Hayward resident and member of The Hayward Collective  
**Sarah M. Winfield**, Hayward resident and Centro Legal de la Raza Staff Attorney (Tenants' Rights Program)  
**Alliance of Californians for Community Empowerment (ACCE) Action**  
**Centro Legal de la Raza**  
**East Bay Housing Organizations**  
**The Hayward Collective**  
**Urban Habitat**



**CENTRO LEGAL  
DE LA RAZA**



GOOD EVENING: MAJOR, COUNCIL MEMBERS, & STAFF

NAME: MONZELLA CURTIS (ALOHA APARTMENT)

FEBRUARY: 06, 2018

**A) TOPIC: ABOLISHMENT OF TERMINATION (WITHOUT CAUSE)**

1. NEW MANAGEMENT TOOK OVER IN AUGUST 2017  
**6 UNITS WERE SERVED WITH TERMINATION LETTERS THAT I KNOW OF**
  
2. TENANTS ARE SLOWLY MOVING OUT **ON THEIR OWN FEAR OF GETTING TERMINATION LETTER**
  
3. THERE ARE ABOUT **12-14 VACANT UNITS**
  
4. KIDS ARE NOT PLAYING OUTSIDE LIKE THEY USE TO, **FEAR OF GETTING TERMINATION LETTERS,**
  
5. **FAMILIES FEAR OF SPEAKING OUT OR COMPLAIN ABOUT ITEMS NEEDS FIXING IN THEIR APARTMENT, FEAR OF GET TERMINATION LETTER**
  
6. **I HAVE LIVED IN ALOHA APARTMENT FOR 16YRS, SO IF I AM SERVED WITH A TERMINATION LETTER, ANY TIME DURING MY RESIDENCE, FOR SPEAKING OUT, THIS WILL BE THE LANDLORD RETALITION AGAINST ME**



February 5, 2018

Mayor Barbara Halliday and Council Members  
Hayward City Hall  
777 "B" Street  
Hayward, CA 94541

Sent via email

Dear Mayor Halliday and Honorable Council,

This letter contains our analysis of, and comments on the Staff Report for the Housing Work Session on February 6, 2018.

The most reliable data presented in the report is that between 2005 and 2015 Hayward's population growth outgrew its new housing supply by more than 14,000 people. Supply remains the issue.

It seems that hard conclusions have been drawn in the report based on minimal data: the survey yielded responses from less than one percent of tenant households (172 responses out of 20,000 units) and less than 3% of landlords (60 of 2,200). Similarly, one tenant community meeting facilitated by members of a Tenant Advocacy group and one badly designed Landlord Meeting should not form the foundation for future housing policy. More data is needed.

The process for analyzing and creating housing policy must include the mechanism for landlords and tenants to interact in open, honest, direct conversation, rather than weighing in from opposing corners. That element is absent from the report and recommendations.

The landlord peer-to-peer counseling and mediation that have been so successful in recent months are very worthy of being included in the short term options, both for the ability to deal with rental housing issues in a real-time basis, and also to gather quantifiable data from all parties. City Council empowerment of the continued use of this tool is something that can be done quickly and easily.

Generally, The Rental Housing Association is able to explore all proposed options in Attachment VI of the Staff Report as long as they are all exploratory and subject to validation. For instance, it appears that "Longer Noticing Periods" is a firm City Staff recommendation. We ask for Council's very clear direction to Staff that all options are exploratory at this time.



Pg. 2

We also ask that Council direct Staff to explore and develop the following as a viable Short Term Option:

1. Empower (and fund to \$50,000) ECHO Housing to expand their current DSP responsibilities to include:
  - a. Outreach to CBOs that serve clients who have housing considerations.
  - b. Rigorously gathering data from all parties who contact the City or are referred by CBOs regarding housing issues.
  - c. Refer cases to the RHA for peer-to-peer counseling, and subsequently track and quantify results.

As part of the process going forward to test and validate the short-term options, we strongly request that staff create and conduct combined landlord-tenant community meetings that bring the parties together and offer the opportunity to solve specific issues and discuss situations in a joint problem-solving manner.

Finally, to ensure that the landlords' voices are heard, we strongly request that they are offered a combination of an afternoon meeting and an evening meeting. Many Hayward "Mom and Pop" landlords have day jobs and are not able to attend community meetings during business hours.

We appreciate the work done to date by Staff and Council, and we support the practice of a measured approach to policy based on the gathering and analysis of factual data and a process that focuses on all parties being at the table.

Sincerely,

*Bill Mulgrew*

William R. Mulgrew  
Executive Director



**From:** Mashaël Majid <[mashaël@urbanhabitat.org](mailto:mashaël@urbanhabitat.org)>

**Date:** February 6, 2018 at 6:49:56 PM PST

**To:** <[Barbara.Halliday@hayward-ca.gov](mailto:Barbara.Halliday@hayward-ca.gov)>, <[Sara.Lamnín@hayward-ca.gov](mailto:Sara.Lamnín@hayward-ca.gov)>, <[Francisco.Zermeno@hayward-ca.gov](mailto:Francisco.Zermeno@hayward-ca.gov)>, <[Marvin.Peixoto@hayward-ca.gov](mailto:Marvin.Peixoto@hayward-ca.gov)>, <[Al.Mendall@hayward-ca.gov](mailto:Al.Mendall@hayward-ca.gov)>, <[Elisa.Marquez@hayward-ca.gov](mailto:Elisa.Marquez@hayward-ca.gov)>, <[Mark.Salinas@hayward-ca.gov](mailto:Mark.Salinas@hayward-ca.gov)>

**Cc:** <[david.korth@hayward-ca.gov](mailto:david.korth@hayward-ca.gov)>, <[monica.davis@hayward-ca.gov](mailto:monica.davis@hayward-ca.gov)>, <[Miriam.Lens@hayward-ca.gov](mailto:Miriam.Lens@hayward-ca.gov)>, <[Sara.Buizer@hayward-ca.gov](mailto:Sara.Buizer@hayward-ca.gov)>

**Subject:** Rental Housing Affordability Strategies in Hayward

Dear Mayor Barbara Halliday, Council Member Sara Lamnin, Council Member Francisco Zermeno, Council Member Marvin Peixoto, Council Member Al Mendall, Council Member Elisa Márquez, and Council Member Mark Salinas:

On behalf of the Residents Insisting on Social Equity Fremont (RISE), a coalition of faith congregations, residents, services agencies, and community-based organizations rooted in South Alameda, and Urban Habitat, a non-profit that works to advance equitable housing, land use, and transportation policies across the region to create a just and connected Bay Area for low-income communities of color, we write to express our **strong support for active rent control and just cause for eviction programs in the City of Hayward.**

Please see our attached letter of support detailing the regional displacement crisis, growing tenant movements in the Bay Area, and the need for a multi-pronged approach that protects renters, preserves deed-restricted housing, and produces deeply affordable housing.

Best,  
Mashaël Majid on behalf of RISE and Urban Habitat

--

Mashaël Majid  
Program Manager of Equitable Development  
Urban Habitat  
2000 Franklin St.  
Oakland, CA 94612  
(510) 839-9510 x306

Read our latest report: [Strengthening Communities Through Rent Control and Just-Cause Evictions](#). Follow us on [Twitter](#), like us on [Facebook](#), and [sign up](#) to get our analyses on the state of the region.

February 6, 2018

Dear Mayor Barbara Halliday, Council Member Sara Lamnin, Council Member Francisco Zermeño, Council Member Marvin Peixoto, Council Member Al Mendall, Council Member Elisa Márquez. Council Member Mark Salinas:

On behalf of the Residents Insisting on Social Equity Fremont (RISE), a coalition of faith congregations, residents, services agencies, and community-based organizations rooted in South Alameda, and Urban Habitat, a non-profit that works to advance equitable housing, land use, and transportation policies across the region to create a just and connected Bay Area for low-income communities of color, we write to express our **strong support for active rent control and just cause for eviction programs in the City of Hayward**. We write to you with the spirit of urgency and collaboration.

Over the past few years, we have actively supported grassroots tenant movements at the local, regional, and state levels. More and more frequently, rent increases and mass evictions are disrupting the lives of hard working families, seniors, those on a fixed income. Displacement separates people from their jobs and schools, forces transit riders to switch to polluting cars, contributes to homelessness, adds to health disparities, and destroys social networks. And while renters are a growing constituency across the state, they are often neglected when our cities discuss housing issues. The City of Hayward is made up of 49% renters, 57% of whom are rent-burdened<sup>1</sup>. As of December 2017, the average rent for a two-bedroom apartment in Hayward was \$2318<sup>2</sup>.

Rent control and just cause eviction are two of the effective short term harm-reduction strategies to stabilize communities, along with the longer term push to build and preserve housing at deeply affordable levels. These policies are about protecting people, respecting their dignity, and allowing them to develop and maintain roots within the community without constant fear of displacement. They also guarantee fair returns to landlords, do not impede new construction, are cost-neutral to cities, and protect the social and economic diversity of neighborhoods among other benefits.<sup>3</sup>

Currently, 19 cities in California are covered by some version of rent control and just cause for eviction. In May 2017, delegates at the California Democratic Party Convention took a historic vote in support of rent control and just cause for eviction by passing Resolution 17-05.81 (“Expressing the Support of the California Democratic Party in Protecting Renters from No-Fault Evictions and Illegal or Excessive Rent Increases and Support Rent Stabilization”). Additionally, according to a recent poll conducted by the UC Berkeley Institute of Governmental Studies, more than 50% of voters have considered moving because of high housing costs, 60% of state voters support local rent control, and 50% support a multi-billion dollar statewide bond to build affordable housing.<sup>4</sup>

According to the Alameda County Public Health Department<sup>5</sup>, the number of renters and rent-burdened households (meaning households that pay more than 30% of their income on rent) are rising in Fremont, Union City, and Hayward. Between 2009 and 2016, in all three cities,

- The number of renter households increased by 21%, and the number paying 30% or more of income for rent increased by 40%
- The average severe rent burden for families making less than \$50,000 is 58%, higher than the statewide average
- The percentage of renter households in overcrowded conditions increased 125%, while the percentage of very overcrowded renter households (>1.50 persons per room) increased by 187%

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<sup>1</sup> U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

<sup>2</sup> Rent Jungle, Rent Trend Data, <http://rentjungle.com>

<sup>3</sup> “Strengthening Communities Through Rent Control and Just-Cause Evictions: Case Studies from Berkeley, Santa Monica, and Richmond.” Urban Habitat. January 2018.

<sup>4</sup> “Half say housing affordability an “extremely serious” problem in the area. Majority have considered moving because of high housing costs, 25% out of state. University of California, Berkeley Institute of Governmental Studies. September 19, 2017.

<sup>5</sup> Community Assessment, Planning, and Evaluation from the Alameda County Public Health. American Community Survey, 2016 1-year estimates

Communities across the Bay Area, from Santa Rosa to San Jose, are making tenant protections a priority and leading the fight for an equitable region, reminding us that the right to a dignified home is connected to the struggle for workers' rights, immigrant justice, climate justice, equitable development, and transportation equity. In partnership and solidarity with local Hayward allies, we lift up the demands that:

- Housing be seen as a universal public good and not a commodity for the exclusive purpose of profit-making
- “Vacancy decontrol” provision be removed from the City’s current ordinance and the “eviction for cause” language be amended to ensure and end to no-fault evictions
- The City pass a temporary moratorium on rent-increases on units whose rents are regulated under state law and on no cause evictions, either for a period of 12 months or until the next election in November 2018, as the City works to adopt a stronger rent stabilization program

Hayward has the ability to provide affordable sanctuary to everyone. This is an important opportunity to shape the City on the basis of equity, inclusion, and prosperity for all.

Sincerely,

***RISE Fremont***, Founding Steering Committee  
***Urban Habitat***, Mashael Majid and Tony Roshan Samara

-----Translation of Original Message-----

From: Guadalupe Perez [REDACTED]  
Sent: Tuesday, February 6, 2018 5:25 PM  
To: List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>  
Subject: Thank you for giving me a voice!

I'd like to use this letter to express my thanks for the opportunity to share our experiences regarding the problems that have come up due to the high rent costs in Hayward.

I have many friends that have had to move to cities far away from Hayward, in search of a more affordable place, where their salaries are enough to pay rent, buy food for their families, and cover other similar expenses that are part of having a family. It makes me very sad how rent is getting more and more expensive, making it impossible to cover with just one family, and this has caused a lot of people to have to live two or more families to a home, which can be a risk to their personal safety.

I've also heard of cases where families have been evicted using the excuse that the home is going to be remodeled, but this is only so that they can bring new families in that they can charge more for renting the same home.

I respectfully ask that this problem be looked into. We do not want to have to leave to look for lower rent--our children were born here and they've grown up here, and many of us parents do community service and we love living in Hayward.

Thank you very much for the opportunity to express our concerns and needs. Thank you in advance for your attention.

God bless Hayward ☐

Guadalupe Pérez  
[REDACTED]

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-----Original Message-----

From: Guadalupe Perez [REDACTED]  
Sent: Tuesday, February 6, 2018 5:25 PM  
To: List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>  
Subject: Muchas gracias por escuchar mi voz!

Por medio de este correo quiero dar las gracias el que nos permitan contar nuestras experiencias referentes a los problemas que se han presentado por los altos costos de renta en la ciudad de Hayward. Tengo varios amigos que se han tenido que ir a vivir a otras ciudades lejos de Hayward, buscando un lugar más asequible donde con sus salarios puedan pagar una renta, comprar alimentos para llevar a su hogar y poder sustentar algunos otros gastos que han en la familia. Me llena de mucha tristeza cómo cada vez las rentas van en aumento, haciendo imposible poder pagar esta una sola familia y a resultado de esto tengan que vivir dos o más familias en una sola vivienda, poniendo en riesgo esto la seguridad de ellos mismos.

También he sabido de casos que han desalojado a familias con la excusa de que remodelaran la vivienda, pero esto solamente es con el fin de traer nuevas familias a las que les puedan cobrar un costo

más elevado por el alquiler de esta.

Pido muy respetuosamente se analice este problema que estamos enfrentando en esta ciudad de la cual no nos quisieramos ir para buscar lugares más baratos para rentar, aquí nacieron nuestros hijos y aquí han crecido, muchos padres hacemos labor comunitaria y amamos vivir en Hayward.

Muchas gracias por la oportunidad que se nos da de dejar saber nuestras inquietudes y necesidades.

Agradezco de antemano su atención.

Dios bendiga a Hayward 🙏

Guadalupe Pérez



**From:** Zachariah Oquenda [REDACTED]  
**Date:** February 6, 2018 at 10:28:48 PM PST  
**To:** Hayward City Council Email <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>  
**Cc:** <[Maria.Hurtado@hayward-ca.gov](mailto:Maria.Hurtado@hayward-ca.gov)>  
**Subject:** Rental/Affordable Housing Work Session

Dear Mayor and Council,

Just wanted to reiterate what I hope you make a priority based on the staff recommendations, community comments, and your comments.

First, for the short term, the Just Cause for Eviction sections in the RSO need to be amended to provide immediate protections to all the renters. To be clear, the small amendment recommended by Centro Legal still would exclude properties or owners of fewer than 5 dwelling units from just cause protection. For a more thorough fix, Council should consider amending the language in the RSO to specify that for the purposes of Just Cause for Eviction coverage, covered properties include properties with at least 2 or more units. Maintaining the owner-occupied exemption continues to make sense. That is, owners who share livable area with renters should have greater control over who lives with them than owner's who live off site.

Second, we need to include anti-discrimination language that protects renters relying on government subsidies like Section 8 as a source of income. I worked on this issue in Oakland, and several cities have already enacted legislation to address this gap in the law. As I mentioned during Public Comment, I wanted to send you three sources that could inform recommendations going forward regarding how Hayward can protect some of its most vulnerable citizens. The following sources may be forwarded to the leads of the "Illegal Forms of Discrimination Sub-Committee."

1. See Santa Clara County's Ordinance, B37 "Affordable Housing" passed in April 2017
2. See San Francisco's Police Code Section 3304 (S.F. is litigating the preemption question regarding the "source of income" definition. S.F. won at the trial level and has responded to an appeal.)
3. See Cal. Gov. Code Sections 12955(c) and 12955(p)(1).

Let me know if you need further information, or if I may help bringing legislation to Hayward surrounding this issue.

Third, We must prioritize development of the Rental Assistance Program (or Rent Gap Assistance), which could be done in conjunction with ECHO's structure. I don't think we need to wait until December to figure out a way to pay for and structure this proposal, and measure the effectiveness for this program. We know it works. The structure is a familiar one. Essentially it is an insurance pool, which we can draw on by applying a fee schedule like proposed in the RSO already, except we expand the dwelling unit fee to homeowners as a occupancy fee. (This does need a brief legal analysis to determine potential preemption issues; however, cities have as you all likely know a great deal of latitude regulation land use for public safety and public health.) looking at this program is a way to ensure that we all are sharing in the burden of the housing crisis, not just passing costs on to tenants alone or on to landlords alone.

Fourth, I agreed with Council Member Mendall that the first time homebuyer program could be ineffective if structured as a direct cash payment assistance for down payments. Perhaps, the city can find a way to expand access to or assistance with (in partnership with the County, of course) the the Alameda County Mortgage Credit Certificate Program (MCC). That provides tax based assistance rather than cash assistance and can save families upwards of \$2k a year in mortgage payments or \$60-70k over the life of a loan. This could make the difference for some families (like mine) in the ability to buy a home in Hayward.

Lastly, I request that my email be included in the mailing list for any updates and announces regarding community meetings, volunteer engagement opportunities, and future work sessions.

Thank you in advance,

Zachariah

P.S. Maria, I really appreciate the hard work you and the staff put in to moving the city forward on these issues. I thought the staff report was incredibly thorough and provides great direction for the community.

J.D. Candidate, UC Berkeley School of Law

██████████ Peak Street  
Hayward, CA 94541

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"When we give cheerfully and accept gratefully, everyone is blessed."

-Maya Angelou

**From:** Julieta Martinez [REDACTED]

**Date:** February 6, 2018 at 7:00:20 PM PST

**To:** "[list-mayor-council@hayward-ca.gov](mailto:list-mayor-council@hayward-ca.gov)" <[list-mayor-council@hayward-ca.gov](mailto:list-mayor-council@hayward-ca.gov)>

**Subject:** we need solution to rental housing...

**Reply-To:** [REDACTED]

...in the last 5 years I had to move 3 times, the first time because the house that rents for 9 years did not comply with the codes of the city and the owner could not afford the cost of the adaptations required by the city ,

...there began the difficult times, the mental health of the family was affected, I take the first thing I found, even though that the house was abandoned for more than a year I did not want to wait to be asked to leave without enough time (30 days is not enough to get housing) in the next house where I moved, I only lived 8 months and had to negotiate to finish the contract 4 months before concluding, I had made many improvements on my own, and had to endure a threatening attitude of the intermediary because the owner did not fulfill his obligations , including an electrical problem, another occasion did not respond properly in a water leak emergency and we had to be without water some days ... I got housing right away, but then we had to vacate it because the owner decided to sell it, by then the rent was already very expensive, the house where I live now was quite a feat to get it, \$ 4,000 deposit for breakage, damage or misuse of house \$ 560 as rent for the period that the contract will start, [the owner says that he will decide based on the family that "wants" to move immediately, so I had to pay two rents (\$ 1,800 the other house) to make sure we will be considered ...] \$ 2,100 for the first complete month \$ 1,000 towards last month rent, TOTAL \$ 9,460 + buy a refrigerator, cover the carpet with rugs because he indicate in the contract that someone of his choice will wash in the time stipulated and obviously I must pay for it, the house is in good condition but some things that he only paint or renew described as new or in excellent conditions... Regarding mold in the bathroom he made sure to put a clause where I will be responsible for it and take care of, even though the bathroom does not have a fan for this purpose ...

I was not allowed to have my pet, because I did not believe she was outside dog, in a certain way the conditions of the contract are quite demanding, and despite my letters of recommendation and my excellent credit he was not sure that I could pay the rent because I can not prove that the income was 3.5 times the rent ... as the things are that way who want to question anything? we accept everything instead, fair or not, I take care of the house as if it is mine, but I'm not calm thinking that I can make some mistake or just the owner change his mind or his plans with the property and being to go through this again ...



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**From:** Corina Vasaura [REDACTED]  
**Sent:** Thursday, February 8, 2018 4:59 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Affordable Housing Work Session

Good Evening Mayor,Council and City Staff,

I wanted to follow up by sending you my full statement. I ran out of time and could not cover it all. Please see below.

Thank you, Corina Vasaura

Good Evening Mayor,Council and City Staff,

My name is Corina Vasaura. I am a resident of Hayward. I am, again, here to talk with you during the work session on affordable housing. Right before the last work session on affordable housing, I emailed you all but only heard from a few of you (and thank you to those who replied to my email).

I have worked in nonprofits for 14 years that specially support working class families. Even though affordable housing has always been a concern in working class communities, it is very disturbing to see in the past two plus years, rents have skyrocketed and a lot of these families have had to move out of Hayward. The thing is, the adults in the families are still working in the peninsula or in the east bay and are now commuters from Modesto, Newman, Stockton and Tracy. So they are coming through Hayward area, every day, five times a week, twice a day, but only to drive on our streets to get to their jobs. Not to live, have their kids attend our schools, shop at our stores or eat at our restaurants. These once Hayward residents are now added commuters to our streets.

My two girls asked me tonight, why I was going to the city council meeting tonight? I told them I am going to the meeting on behave of all those who are close to us who have had to move, due to the high rents:

Herman and Darylin

Natali

Mariel and her two sisters

Pedro

These are children (in my girl's two HUSD classes) and their families in the past year have had to move to the Central Valley because of recent high rents. I personally have had 3 adult friends and their family who have had to move out of the bay area, due to high rents.

Along with those who are being displaced from Hayward, we have noticed more homeless neighbors in our area. I live off of Mission and Jackson. Unlike comments you might hear from other neighbors, those who hang out at Jack in the box or at the Hayward Plunge parking lot, I don't mind. I know this is a result of high rents and not enough affordable housing and they have no place to go.

Eight years ago, we choose to live in Hayward, due to the ethnic diversity of the city and the friendly atmosphere. High rents are uprooting families, changing the demographic of our city and increasing traffic. Please don't let what has happened in Oakland, happen to Hayward. I speak to you today to encourage you to think creatively and with compassion:

- Put a personal face on higher rents and all those it affects and act now to keep our families from having to move. As a community we need to act now to keep others families from having to move.
- Make Mediation between landlord and tenants mandatory. Require the landlord and renter to sit at the table to work out disputes. As of now, the landlords don't have to sit down which their tenants which puts renters in a hard situation.
- Develop a First time homebuyers program for working to moderate income families. The stories I bring you tonight were about working class families.
- Reduce barriers/excessive fees for single family homes to legally covert garages or to build mother-in-law units. The reality is families are converting their extra spaces illegally because they can't afford the fees. Work with Hayward residents to be able to legally increase the number of rental spaces.
- Remove "Vacancy Decontrol"
- Enact an emergency moratorium on rent increases
- Enact an emergency moratorium on no cause evictions or Amnd the "Eviction for Cause"

I know Hayward is not alone in skyrocketing rents but I ask that you listen to our comments, act very soon to insure families don't have to make the hard choice to move away from this great city.

Thank you for your time and hard work on this issue.

Corina Vasaure