

**CITY COUNCIL MEETING  
TUESDAY, MAY 29, 2018**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Memo to Council**



**DATE:** May 29, 2018  
**TO:** Mayor and City Council  
**FROM:** City Manager  
**THROUGH:** Michael Lawson, City Attorney  
**SUBJECT:** Emergency Ordinances Related to the Residential Rent Stabilization Ordinance

### **RECOMMENDATION**

That Council accepts the amendment to agenda item #1, LB 18-018, Attachment III, regarding emergency ordinances related to the Residential Rent Stabilization Ordinance.

The ordinance (Attachment III) is amended as follows:

- (1) The title of the ordinance is revised from “AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING SECTION 19 OF THE CITY OF HAYWARD RESIDENTIAL RENT STABILIZATION ORDINANCE CLARIFYING THE APPLICABILITY OF SECTION 19 TO UNITS THAT ARE CURRENTLY RENT CONTROLLED AND WERE PREVIOUSLY RENT CONTROLLED PURSUANT TO THE ORDINANCE” to “AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING SECTION 19 OF THE CITY OF HAYWARD RESIDENTIAL RENT STABILIZATION ORDINANCE CLARIFYING THE APPLICABILITY OF SECTION 19 TO UNITS THAT ARE CURRENTLY RENT CONTROLLED AND WHICH WERE PREVIOUSLY RENT CONTROLLED PURSUANT TO THE ORDINANCE”
- (2) Paragraph (D) is revised from “Through the City’s Fall 2017 and Winter 2018 Community Outreach on Housing, the City received extensive public testimony about the exorbitant costs and scarcity of rental units” to “Through the City’s Fall 2017 and Winter 2018 Community Outreach on Housing, the City received extensive public testimony about the scarcity of rental units, no fault evictions, and the need for just cause protections.”
- (3) Paragraph (F) is revised from “Housing insecurity and excessive rent increases, could result in homelessness and displacement of low-income families” to “Housing insecurity, excessive rent increases, and no fault evictions could result in homelessness and displacement of low-income families.”

All other sections of the ordinance not modified by this amendment shall remain the same.

***Recommended by:* Michael Lawson, City Attorney**

Approved by:

A handwritten signature in blue ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

**ITEM #1**

**EMERGENCY ORDINANCES  
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**Shelley Rummel Email**



May 29, 2018

Dear Mayor Halliday, City Council Members, and City Staff,

We encourage you all to continue to consider the moratorium on rent increases.

In light of the staff recommendations released on May 25, 2018, we want to specify some terms for the moratorium on rent increases.

We propose a moratorium on rent increases:

- That applies to all decontrolled units
- Where rent increases mirror what is stipulated in the current ordinance
- With a provision that no increases may be made on units that have enacted an increase that's 5% or more in the past 12 months
- That applies to all notices from May 1, 2018 forward
- Be enacted for 18 months to mirror Vacancy Decontrol moratorium

We acknowledge the noted concern that a moratorium on rent increases may negatively impact developments that are in the pipeline. What we are proposing does not apply to new construction.

We also acknowledge that there may be related concerns about what we - The Hayward Collective - may propose should Costa Hawkins be repealed in November. So we would like to make it known that should that come to pass, we welcome being part of a city-led roundtable conversation involving ourselves, neighborhood tenant advocates, developers, and landlord representatives.

Sincerely,  
The Hayward Collective

#### Mission

The Hayward Collective is a womxn, people of color, LGBTIQ+-led organization. We aim to build a community of accountability, equity, health and social justice through fluid stackivism, art, advocacy, and self-care.

# PROPOSED IMMEDIATE TENANT PROTECTIONS

## PROTECT OUR CONTROLLED HOUSING STOCK

Remove "Vacancy Decontrol" (Section 8) from  
Hayward's Residential Rent Stabilization Ordinance (pgs. 16-20)

## Recontrol All Decontrolled Units

## ENACT AN EMERGENCY MORATORIUM ON RENT INCREASES

per The Hayward Collective's proposal and in accordance with state law

## JUST CAUSE PROTECTIONS FOR ALL TENANTS

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:"

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**Zachariah Oquenda Letter**



## PUBLIC COMMENT

**DATE:** May 29, 2018

**TO:** Mayor and City Council

**FROM:** Zachariah Oquenda (Community Member)

**SUBJECT:** May 29th Special City Council Meeting – Affordable Rental Housing Policy

Dear Mayor and City Council:

After re-watching the Council's March 27th meeting Work Session on affordable rental housing policy and reviewing the Council agenda for May 29th, I have some thoughts as a community member and affordable housing advocate that I hope the Council take under consideration.

### *ON IMMEDIATE LEGISLATIVE PROPOSALS*

FIRST, I urge the Council to vote in **SUPPORT** of the Moratorium on the Decontrol of Rental Units. The law is as good as it can be, as is. The impact is small but each affordable unit counts.

SECOND, I urge the Council to **AMEND AND SUPPORT** the Just Cause for Eviction language to extend to *ALL* Hayward rental units applicable under state law. It is a no brainer that ANY renter should be able to stay in the rental unit as long as they are follow the just-cause conditions spelled out in the ordinance. We must reward the behavior of good tenants.

### *ON COUNCIL PRIORITIES TO PROTECT TENANTS, PUNISH BAD ACTORS, AND STREAMLINE DEVELOPMENT*

THIRD, I urge Council to **SUPPORT** the development an Online Rental Registry Database to gather data on Hayward rental units while enabling monitoring for compliance and enforcement of current laws. (See page 5 of Staff Report.) Without this registry, which several other cities use successfully across the Bay Area, the City of Hayward is flying blind to the possible extent of the issues of harassment and retaliation in the city. More information is better. The rental registry is a low-cost investment that will pay dividends in empowering the Council to make wise decisions later on.

FOURTH, I urge Council to **SUPPORT** a Tenant Protection Ordinance (TPO), a short example of which I have attached to this email. At the March 27th meeting, the Council demanded the staff include a follow up proposal on how to punish "Bad-Actor Landlords" and deter them from taking advantage of Hayward tenants. I noticed the staff did not include any proposal to that effect. During my time working in the Oakland City Attorney's Community Lawyering and Civil Rights Enforcement Unit, I learned a lot about their TPO and helped research and draft language to improve on it. It is effective, and Hayward tenants deserve similar protection.

FIFTH, I urge the Council to take advantage of the newly passed (SB 2 - Atkins 2017) California Health and Safety Code § 50470(b)(1)(A), which grants millions of dollars to cities to "update planning documents and zoning ordinances in order to streamline housing production." Council should encourage staff to prepare now so Hayward can take advantage of the funds when they become available in July 2018. HOWEVER, this funding opportunity will close by January 1, 2019. I urge Council to **SUPPORT** staff proposals to make the follow improvements to our planning, permitting, and zoning, all of which are likely consistent with the SB 2 funding match opportunity:

1. Change use of LoS to VMT in CEQA traffic impact analysis.
2. Adopt small lot single family standards to avoid PD process.
3. Provide flexible standards to increase density by re-examining available parcels that provide density opportunities. (To many projects that have come down the pipeline have failed to achieve the capacity to add to our housing stock that they offered simply because the process was too prohibitively expensive for the developer to agree to consider slight up-zone changes when they made sense.)
4. Expedite the permitting procedures.
5. Consider Downtown Redevelopment Incentives to encourage A and B Street revitalization with an eye for density with office space and residential to complement it.

I sincerely appreciate the Council's work and attention to these important matters. Please let me know if I can be of assistance as it relates to any of the above recommendations I make to Council.

Thanks in advance,

Zachariah Oquenda  
J.D. / Master of Public Policy (MPP) Candidate  
University of California, Berkeley,  
School of Law / Goldman School of Public Policy  
[zoquenda@berkeley.edu](mailto:zoquenda@berkeley.edu)  
(909) 450-9214

## ATTACHMENT

### Tenant Protection Ordinance

#### **Hold bad actor landlords accountable and punish retaliatory/predatory behavior.**

The Tenant Protection Ordinance<sup>1</sup> (“TPO”) provides tenants legal recourse if they are harassed by their property owner. The TPO is meant to deter harassment by property owners. The TPO provides civil remedies for violations (below).

Prohibited Behavior. The TPO defines harassment as the owner doing one of the following in bad faith:

1. Threaten to or interrupt, terminate, or fail to provide housing services.
2. Fail to perform repairs and maintenance.
3. Failing to perform due diligence when completing repairs. For example, not minimizing exposure to noise, dust, lead paint, mold, asbestos, or other building materials with potentially harmful health impacts.
4. Abuse the Owner’s right of access to the rental unit.
5. Remove personal property, furnishings, or any other items without the prior written consent of the tenant.
6. Intimidate or threaten to report the tenant to U.S. Immigration and Customs Enforcement (ICE).
7. Offer payments to a Tenant to vacate more than once in six (6) months.
8. Attempt to coerce a Tenant to vacate with offer(s) of payments to vacate in addition to threats or intimidation.
9. Threaten the tenant, by word or gesture, with physical harm.
10. Substantially and directly interfere with a Tenant’s right to quiet use and enjoyment of the rental unit.
11. Refuse to accept or acknowledge receipt of a Tenant’s lawful rent payment.
12. Refuse to cash a rent check for over thirty (30) days unless a written receipt for payment has been provided to the Tenant.
13. Interfere with a Tenant’s right to privacy.
14. Request information that violates a Tenant’s right to privacy.
15. Commit repeated acts to substantially interfere with or disturb the comfort, repose, peace or quiet of any tenant.
16. Remove a housing service for the purpose of causing the Tenant to vacate the rental unit.

Notice of Tenant’s Rights. The TPO requires owners to post a notice of the TPO in rental units located in a building with an interior common area.

Tenant Gives Notice to Landlord. Before a Tenant may file a violation of the TPO, the Tenant must first notify the Owner of the problem. The tenant must allow fifteen (15) days for the owner to correct the problem. The owner can notify the tenant that the repairs will take more than fifteen (15) days. In this case, the owner must provide a reasonable time period for completion. If

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<sup>1</sup> This attachment is a summary of Oakland’s Tenant Protection Ordinance.

the repair takes more than fifteen (15) days, the tenant may file if the owner does not take steps to start addressing the problem. The tenant may also file if the owner does not follow through to complete the repairs with reasonable diligence.

Tenant Remedies. Tenant Remedies shall be as follows:

1. Injunctive relief, damages, or both enforced by private right of action of aggrieved Tenant or fair representative in class action (also make enforceable by the City Attorney in outrageous cases)
2. As much as treble damages or punitive damages (for a deterrence effect)
3. Attorney's Fees. Tenants get if they win. Landlords get only upon a showing that Tenant brought complaint devoid of merit and with bad faith. City Attorney (if acting to prosecute Landlord) recover all costs of investigation and fees.

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**Arun Maharaj Email**

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Begin forwarded message:

**From:** arun maharaj <>

**Date:** May 28, 2018 at 12:02:24 PM PDT

**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:** RECONTROL APPARTMENT

**Reply-To:** arun maharaj <>

I wanted to take a moment to express my support for the tenant protection proposed by the Hayward collective. Our community is been devastated by lack of legally enforceable tenant rent protection. Please vote to protect the 1,000 rent controlled units to be Recontrol, the 21,000 units removed from rent control . Enact a moratorium on rent increase for those you can , and extent just cause protection to all Hayward Tenants. I was in a unit that was rent control , the apartment was sold to new owner who wanted us out by giving us payouts, I accepted the offer because I have a teenage son who will be going to college soon. My wife is on home care because of kidney failure ,she is on stage 3, I myself had a heart attack and was hospitalized for 6 days , I work full time with difficulty and earn \$30,000 a year barely paying the rent which is now \$2100 a month, I regret moving out of the rent control units , so please hear me out and support the tenants to get Recontrol Apartment back again.

Thank You.

**ITEM #1**

**EMERGENCY ORDINANCES  
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**Barbara Fields Email**

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Begin forwarded message:

**From:** BARBARA FIELDS <>  
**Date:** May 26, 2018 at 10:43:54 PM PDT  
**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:** Emergency Moratorium & All Rent increases without cause  
**Reply-To:** BARBARA FIELDS <>

Dear Mayor Halliday and City Council Members,

I urge you NOT to support this Emergency Moratorium. Hayward does not have an emergency.

I have lived in this area since 1973. Started selling Real Estate in 1977. And own rental property in the City of Hayward. I am a long time member of the Rental Housing Association.

The City of Hayward has had a Rent Ordinance for years. As responsible property owners most of us abide by the ordinance and do not increase rent over the 5% allowed. As responsible owners it is our obligation to keep the property up to provide clean safe housing for our tenants. Rents have to be increased to cover our costs of increased taxes, utilities, maintenance, services and fees. I do not increase the rents unless my costs go up. My current rent for a 3 bedroom is \$1595., 2 bedroom \$1275. and the one bedroom \$945. I pay water, hot water, sewer and garbage. I can't run my property at a loss when these fees go up I have to pass them on to the tenants.

Like most property owners I do not like evictions. I work out issues with the tenants. My personal experience with evictions is limited because of that. However I do know that a Eviction for Cause can be damaging for BOTH the tenant and the landlord. A No Fault Eviction does not do that.

Example:

A tenant allows a family member or friend to move in with them. This person becomes a problem dealing drugs, damaging the property, fighting with the other tenants. With the no cause eviction I can give the tenant notice. They can come to me and work it out or vacate. All the issues do not become a matter of public record. My other tenants do not have to be summoned to court to testify against the tenant. The tenant being evicted does not have this ugly case against them. Making it difficult to go find another place to rent. Or they could end up winning the case and continue to fight with the other tenants that testified against them.

Hayward has worked very hard to keep housing safe and affordable. Echo Housing provides a place tenants can go and work things out with their landlord.

I feel you are being pushed into this without having all the facts. HAYWARD DOES NOT HAVE AN EMERGENCY. You may have a few property owners that need to be taken to task for unfair rental practices. Find out who they are call them in, work it out. Get the names of the tenants that are having problems get Echo Housing to work with them.

I am sure there are a few bad landlords just like there are a few bad tenants. Get the facts and deal with them. Use the tools you already have and keep Hayward a great place live and work.

Thank-you for taking the time to read this.

Barbara Fields



**ITEM #1**

**EMERGENCY ORDINANCES  
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**Barbara Miller Email**

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**From:** DAVID MILLER [mailto:]

**Sent:** Tuesday, May 29, 2018 12:52 PM

**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>; DAVID MILLER <>

**Subject:** meeting tonight regarding emergency moratorium on rent increases, evictions w/o cause and rent de-control

Dear Hayward Mayor and council members,

I am an apartment owner in Hayward and I am out of town at this moment but I am hoping to address my opinion on the above subjects for tonight's meeting.

My father built 10 1-bedroom units on Myrtle Street between 1954 to 1956 and they have been passed down to me. I have managed them for the past 23 years and I take this job very seriously.

They may be old, but my husband and I take great care of them and of our tenants who live in them. We have very few of these units become vacant as we are able to charge very reasonable rates. Our units have hardwood floors, large kitchens with laundry rooms that will each hold a washer and dryer and each but two have covered carports. All our rents are \$950 per month (this includes a recent rental increase) and will probably remain at this rate for the next few years.

I am very concerned by the focus of tonight's meeting. The emergency moratorium on the above issues, in my opinion, would be very unfair to apartment owners like myself. I am very uncomfortable with the evictions without cause portion especially as it is so hard to remove a tenant who is doing damage to a unit, upsetting the rest of the tenants with bad behavior and/or refusing to pay their rent. My apartments are in a small court like setting so a bad tenant can make life really tough for my other 9 tenants. With all the rules and regulations that are put upon small apartment owners like myself, I feel that these emergency regulations will only push me to start thinking of selling my units to the highest bidder. This is something I DO NOT want to do, but I am feeling more pressure to consider it.

Please feel free to drive by and look at my units. I am so very proud of them and my dad who built them. They are only a few blocks from the city hall and are 22735 through 22753 Myrtle Street.

I hope you will give consideration to the small apartment owners as myself.

Sincerely,

Barbara Miller  
Hayward Apartment Owner  
2721 Dowe Avenue  
Union City, CA 94587  
510-489-3095

**ITEM #1**

**EMERGENCY ORDINANCES  
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**Bill Mulgrew Letter**



May 25, 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 outlines our analysis of the Staff Report for the May 29, 2018 Council Meeting.

First and foremost, we vehemently disagree with staff on the need for any emergency measures at this time. Attachment A, "Rent Trend Data" (from Reis Data – a firm that *phone verifies* its rent data) shows that in 2017, average Hayward rents rose only 3.3%, and only 1.3% in the 1<sup>st</sup> quarter of 2018. Hardly an "emergency" status requiring Council to take such drastic action.

We ask you to direct Staff to show evidence that on-going decontrol, per the ordinance, would exacerbate the situation. The investors in Hayward's housing market since 1983 have relied on Council's promise that the current decontrol process would eventually phase out rent control. Per staff, we are over 90% complete. There is no need to dis-incent investment and improvement in older housing stock now.

The process has worked well, and the current development community relies on it to offset the inherent risk. If the current decontrol process is threatened, Hayward may in fact lose investment in housing, both existing and future. We can see the need to increase the investment threshold, but strongly recommend against tampering with the current process.

We do support staff's recommendation that the language in Section 19 of the Rent Stabilization be clarified, but again, not on an emergency ordinance basis. Housing providers in Hayward operate under the belief that Eviction for Cause applies to all the units originally covered under the ordinance.

We also ask you to direct staff to re-order the next steps, giving the "System to track complaints" the highest priority. We support open, fact-based discussion about the housing issues facing the community, and having a robust database of issues is mandatory so the city does not find itself enacting policy on anecdotal information.

Council, Pg. 2,

Similarly, the other “next steps” items need to be tabled at this time to avoid creating an even more confusing overlay of housing rules and regulations in a city thought to be difficult for housing providers to navigate. These “next step” options need to be looked at holistically with the current Rent Stabilization Ordinance.

In closing, please remember that investor confidence is very, very, fragile. If the current Council goes back on the promises made by earlier Council regarding decontrol, credibility with the housing provider community will be severely compromised at a time when the people of Hayward most need investment in rental housing.

Thank you for your work on behalf of our city. Please let me know your thoughts and questions.

Sincerely,

*Bill Mulgrew*

William R. Mulgrew  
Executive Director

# ATTACHMENT A: RENT TREND DATA



Prepared By Reis, Inc.

Apartment - 1st Quarter 2018  
 Metro: Oakland-East Bay  
 Submarket: San Leandro/Hayward

## Section 14 - Market Data by Building Class

Year	Quarter	Inventory (Units)	Completions	Vac %	Vacant Stock	Occupied Stock	Net Abs	Asking Rent(\$)	Rent Change	Constr/ Abs	Abs/Occ Stock %	Gr Rev. Unit (\$)
2003	Y	21,020	0	4.2%	886	20,134	-240	\$1,074	- 4.4%	0.0	-1.2	\$1,028.73
2004	Y	21,020	0	4.5%	951	20,069	-65	\$1,055	- 1.8%	0.0	-0.3	\$1,007.27
2005	Y	21,176	0	3.8%	810	20,366	297	\$1,078	2.2%	0.0	1.5	\$1,036.77
2006	Y	21,049	0	4.6%	971	20,078	-288	\$1,112	3.2%	0.0	-1.4	\$1,060.70
2007	Y	21,049	0	3.6%	754	20,295	217	\$1,165	4.8%	0.0	1.1	\$1,123.27
2008	Y	21,007	0	3.6%	756	20,251	-44	\$1,215	4.3%	0.0	-0.2	\$1,171.27
2009	Y	21,007	0	4.5%	943	20,064	-187	\$1,156	- 4.9%	0.0	-0.9	\$1,104.11
2010	Y	21,007	0	4.0%	844	20,163	99	\$1,160	0.3%	0.0	0.5	\$1,113.39
2011	Y	21,007	0	3.0%	621	20,386	223	\$1,177	1.5%	0.0	1.1	\$1,142.21
2012	Y	20,203	0	2.8%	561	19,642	-744	\$1,229	4.4%	0.0	-3.8	\$1,194.87
2013	Y	20,203	0	1.9%	385	19,818	176	\$1,369	11.4%	0.0	0.9	\$1,342.91
2014	1	20,203	0	1.9%	376	19,827	9	\$1,387	1.3%	0.0	0.0	\$1,361.19
2014	2	20,203	0	2.1%	432	19,771	-56	\$1,400	0.9%	0.0	-0.3	\$1,370.06
2014	3	20,203	0	2.1%	420	19,783	12	\$1,432	2.3%	0.0	0.1	\$1,402.23
2014	4	20,203	0	1.9%	379	19,824	41	\$1,467	2.4%	0.0	0.2	\$1,439.48
2014	Y	20,203	0	1.9%	379	19,824	6	\$1,467	7.2%	0.0	0.0	\$1,439.48
2015	1	20,203	0	1.8%	367	19,836	12	\$1,522	3.7%	0.0	0.1	\$1,494.35
2015	2	20,203	0	1.8%	359	19,844	8	\$1,599	5.1%	0.0	0.0	\$1,570.59
2015	3	20,203	0	1.6%	330	19,873	29	\$1,659	3.8%	0.0	0.1	\$1,631.90
2015	4	20,203	0	1.8%	369	19,834	-39	\$1,697	2.3%	0.0	-0.2	\$1,666.00
2015	Y	20,203	0	1.8%	369	19,834	10	\$1,697	15.7%	0.0	0.1	\$1,666.00
2016	1	20,203	0	1.8%	361	19,842	8	\$1,728	1.8%	0.0	0.0	\$1,697.12
2016	2	20,203	0	1.8%	359	19,844	2	\$1,785	3.3%	0.0	0.0	\$1,753.28
2016	3	20,203	0	1.6%	324	19,879	35	\$1,821	2.0%	0.0	0.2	\$1,791.80
2016	4	20,203	0	1.5%	301	19,902	23	\$1,844	1.3%	0.0	0.1	\$1,816.53
2016	Y	20,203	0	1.5%	301	19,902	68	\$1,844	8.7%	0.0	0.3	\$1,816.53
2017	1	20,203	0	1.5%	297	19,906	4	\$1,878	1.8%	0.0	0.0	\$1,850.39
2017	2	20,203	0	2.2%	453	19,750	-156	\$1,912	1.8%	0.0	-0.8	\$1,869.13
2017	3	20,203	0	2.1%	433	19,770	20	\$1,909	- 0.2%	0.0	0.1	\$1,868.09
2017	4	20,203	0	2.0%	396	19,807	37	\$1,904	- 0.3%	0.0	0.2	\$1,866.68
2017	Y	20,203	0	2.0%	396	19,807	-95	\$1,904	3.3%	0.0	-0.5	\$1,866.68
2018	1	20,203	0	2.0%	394	19,809	2	\$1,928	1.3%	0.0	0.0	\$1,890.40



Click here for a glossary of terms, or go to <https://se.reis.com/ReisSEGGlossary.pdf>

**ITEM #1**

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**Dave Bertini Email**

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Please post and print. Thank you. Miriam

**From:** Dave B [mailto:]  
**Sent:** Thursday, May 24, 2018 11:17 AM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Proposed Emergency Moratorium

Mayor and Council of the City of Hayward.

It is my understanding that on May 28th, you will be deciding on a possible emergency moratorium on: rent increases, evictions without cause and rent de-control.

As a landlord with a property in the City of Hayward I would urge you **NOT** to approve this moratorium.

I currently have one investment property in Hayward and own no others in any other jurisdiction. I charge far below market rents as listed in the HUD Fair Market Rents listing for 2018. I have owned the property since 2004 and have only had 5 tenants since that time and have NEVER had to evict anyone. My current tenants have occupied my property for over 3 years, and were originally assisted by county grants and subsidies to pay for their security deposit and first years rent. Due to that year long assistance, they can now pay the monthly rent unassisted.

Although I have never had to evict a tenant, the ability to do so, within the law, gives me piece of mind and moving to no "evictions without cause" will have a chilling effect on me and other rental property owners. It will discourage us from taking a chance on renting to tenants that may be "bad risks" who are the people in the most need for stable housing. It would also tie up the local courts with countless lawsuits and disputes over evictions.

This is NOT an emergency and I would argue that many of the advocates who are supporting this measure are doing so based on emotions and not facts. It is easy in this day and age to "feel" like something must be done to deal with the cost of living but relying on emotion is not ethical, right or the proper basis for legislation.

If this moratorium does pass, I will be forced to consider selling my investment property therefore evicting my tenants.

Please consider this email as **opposition** to the moratorium which will be in front of you on May 28th.

Respectfully,  
Dave Bertini  
Pacifica, CA.



**ITEM #1**

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STABILIZATION ORDINANCE**

**Dawania Quiett Email**

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**From:** Dawania Quiett []  
**Sent:** Tuesday, May 29, 2018 2:00 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Cc:** Dawania Quiett <>; Caryl Mahar <>  
**Subject:** Rent Control

To Whom It May Concern:

I stand with the Rental Housing Association AGAINST tenant advocates to have the Hayward City Council to consider an emergency moratorium on 1) all rent increases, 2) all evictions without cause, and 3) any further rent de-control. Asking for institution of "Just Cause" for eviction limits my right to terminate the tenancy of bad tenants. Owners have a right to protect our investments. As rental housing providers, we want investment and improvement for the City of Hayward to continue. These proposed changes will only drive away planned and future investments in housing.

Sincerely,

Dawania Quiett  
Owner  
Real Property Management Masters  
O 510.398.8704 | C



21666 Redwood Road, Suite C, Castro Valley, CA 94546

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Denize Sanchez Email**

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**From:** Denize Sanchez [mailto:]  
**Sent:** Tuesday, May 29, 2018 5:01 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Please vote in favor of the people. Housing is a human right.

*Dear Mayor and City Council members,*

*I wanted to take a moment to express my support for the Tenant Protections proposed by The Hayward Collective. Our community is being devastated by a lack of legally enforceable tenant protections. We need to re-enact rent control for those we can, protect whatever rent controlled units we still have, enact Just Cause protections for all Hayward tenants, and enact a moratorium on rent increases for those we can.*

*Thank you!*

-Denize M. Sanchez

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Dharam P. Salwan Email**

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**From:** DHaram Salwan [mailto:]  
**Sent:** Tuesday, May 29, 2018 1:46 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Cc:**  
**Subject:** Rent Control

Hon. Mayor & City Councils,

I am opposing Rent Control & other restrictions. This is not a good Proposal for the Development Of City Of Hayward.

City of Hayward is growing now. By putting restrictions quality of growth will go down. Outside Investors will not do investments. So, please do not put restrictions for the growth of city. City is already having rent control, Please keep the same rent control. Thank you.

Regards,

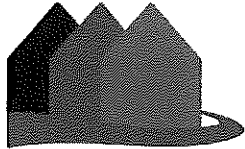
Dharam P. Salwan

37177 Fremont Blvd. #110  
Fremont, CA 94536  
Ph: 510-585-0100 (O)  
Cell:  
Fax: 510-574-0640

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Felson Companies Letter**



**FELSON  
COMPANIES**

May 29, 2018

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

Re: Emergency Ordinances Related to the Residential Rent Stabilization Ordinance

Dear Mayor Halliday and Honorable Council,

Felson Companies, Inc., has developed, owned, and managed housing in Hayward and greater Alameda County over the past 65 years and currently owns and manages communities in Hayward comprising nearly 900 units. Felson Companies, Inc., has a strong commitment to quality and fair housing, we would like to comment on certain recommendations accordingly.

**WE AGREE WITH THE STAFF'S REPORT, THAT THERE IS NO DEMONSTRATED NEED FOR ADDITIONAL RENT INCREASE CONTROLS AT THIS TIME.**

It is good business practice to retain good residents. With this in mind, Felson Companies chooses to implement moderate rental increases reflecting changes in costs of operations and maintenance, which include fair compensation and benefits to our 40 Hayward employees. These increases are only implemented on an annual basis after a comprehensive review of market conditions, vacancy factors and affordability of our customer base. Based on these considerations, Felson Companies has not increased asking rents on our units since the Fall of 2016 and rent increases for existing residents over the past two years have averaged approximately 3.5% per year.

Without reasonable rental increases year over year, we may defer non-necessary improvements or enhancements to our properties. Additionally, there would be a strong disincentive to build new rental apartments in Hayward, which would further exacerbate the already limited supply of housing, which could, therefore, drive rents even higher.

**FELSON COMPANIES ENDORSES RHA'S RECOMMENDATION THAT THE COUNCIL NOT IMPLEMENT AN EMERGENCY MORATORIUM ON THE CURRENT DECONTROL PROCESS FOR THOSE HOUSING UNITS ORIGINALLY CONTROLLED UNDER THE HAYWARD RENT STABILIZATION ORDINANCE.**



The units remaining "controlled" under the Rent Stabilization stock are minimal (we have 8) and have little or no impact on overall housing availability or affordability in the City of Hayward. However, most of these units have now been occupied continuously for over 35 years and the cost to renovate to a modern standard will be substantial. Blocking a landlord from bringing the unit to market rent after such a substantial outlay would be a disincentive for this type of investment.

With regard to "next steps" on page 7 of the Staff Report, we suggest the Council give the "System to Track Complaints" the highest priority. By understanding where the issues are in Hayward's housing, Staff will be able to concentrate their efforts to better benefit and improve that housing stock.

**LASTLY, A MANDATORY MEDIATION PROGRAM WOULD BE COSTLY TO BOTH THE CITY AND TO HAYWARD LANDLORDS.**

These types of services are already being offered to landlords and tenants by ECHO Housing and other housing advocacy groups effectively, and should not become a City operation. It should be added that there is no evidence that the need for mediation has been demonstrated as inquiries in this area are not being tracked.

We would be happy to confer with Staff or any of the member should you have any questions or require an additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph L. Felson", with a long horizontal line extending to the right. The signature is written over the typed name and title below it.

Joseph L. Felson, President  
Felson Companies, Inc.

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Gene Rapp Email**

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**From:** Gene Rapp [mailto:]  
**Sent:** Tuesday, May 29, 2018 12:34 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** rent control

*We all know that rent control does not work for any one. With a shortage of housing in Hayward we do not need to make the problem worse. Hayward had rent control and it stopped almost all apartment construction. Build more units that will take Sec 8..more affordable units.*

*Gene Rapp*

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Lea Sasak Email**

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**From:** SECUREPROPERTYMGMT [mailto:]

**Sent:** Tuesday, May 29, 2018 3:07 PM

**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

**Subject:** very disappointing to investors who provide good service to tenants; soon it will not be worth the effort to stay in business

Good Morning, Mayor and Council

I am now retired and only manage a few rentals for myself; The increase in costs, the negligence of some tenants, not all, add to the frustration of being in business. Tenants that take care of their home do not want to live next to some other tenant who does not; so not only are landlords protecting their property but also protecting their tenants. If it becomes too difficult to remove undesirable tenants then everybody suffers. Every layer of regulation adds costs for everyone.

Some counties are now adding property review costs to be borne by the property owner. Completely unfair.

Lea Sasak

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Les Fohl Email**

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**From:** Les Fohl [mailto:]  
**Sent:** Friday, May 25, 2018 5:38 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Emergency Moratorium On Rent Increases and Evictions Without Cause

It is a huge concern to me that our Mayor and Council members are seriously considering this Emergency Moratorium. I believe that to do so would be short-sighted and certainly not in anyone's best interest...especially in the long run.

A few bad (horrible?) landlords seem to be causing a lot of ruckus, but there are a ton of us landlords that are fair and responsible. I am one of the larger group. I am proud of my Hayward rental properties. I have a balanced mix of Section 8 housing tenants and non-Section 8 housing tenants. My rents are fair. I NEVER evict without major cause (so therefore, hardly ever) and I take excellent care of my units.

Along with many other responsible Hayward rental property owners, I will frown hard if this emergency moratorium is implemented.

Hayward is making GREAT Progress and this is a move in the wrong direction. Penalize bad landlords, not the honest majority that always follow the rules...especially the most important one...."The Golden Rule!"

Peace...

Les Fohl

**Les W. Fohl, BROKER / OWNER, CalBRE# 01275388**  
22326 Main St, Hayward, CA 94541  
Office: (510) 728-8610 Cell: 510-821-8100  
E-Fax: (510) 315-3123  
Les@FohlAndHernandez.com  
www.FohlAndHernandez.com

**FOHL & HERNANDEZ**  
REAL ESTATE  
CalBRE# 01275388



**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Lucy Venegas Email**



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**From:** Lucy Venegas [mailto:]  
**Sent:** Tuesday, May 29, 2018 2:36 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** "Just cause"

Dear City Council,

I am thankful to get the opportunity to share my input. Particularly, I will like to emphasize the "Just Cause" eviction. I help my mother with the property management of all her rental properties, and I can proudly say that we are very lucky and thankful that all of our tenants are very good and content people, and we have never had any bad issues nor when it comes to taking care of our properties or taking care our tenants needs.

I also understand that things may not go so well some time in the future, and that as much as I want to keep good relationships with the entire world some times that may not be possible at all times.

I just imagine, what some landlords have to go trough when dealing with a bad tenant. Particularly in areas where there is such a strict (almost ridiculous) rent control rules where landlords seem to have ZERO rights.

In my opinion a bad tenant not only can drive a homeowner through hell , but can affect the rest of the tenants (families) who are working very hard to have a good & healthy life style. And not only that, I bad "over protected" tenant can affect an entire neighborhood, to the point of making the neighborhoods unsafe and not desirable. And with all that property values go down, and at the end of the day is a loss for the County, the City, other tenants, and to the home owner.

I guess in fewer words I should say that the landlords (following the rules and with out abusing any body) should have the right to evict a bad tenants after following proper procedures.

Thank you very much for allowing me to share my thoughts.

Best Regards,  
Lucy Venegas

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Monzella Curtis Emails**

MAY 29, 2018 TUESDAY

TO: MAYOR HALLIDAY & COUNCIL MEMBERS: LAMNIN, ZERMEÑO, SALINAS, MENDALL, MARQUEZ, PEIXOTO & STAFF

FROM: MONZELLA CURTIS; HAYWARD COMMUNITY (ALOHA APT) & MEMBER OF HAYWARD COLLECTIVE

SUBJECT: REMOVAL OF VACANCY DECONTROL/ NO CAUSE EVICTIONS/ PROTECTING SECTION 8 TENANTS

THE MAYOR, CITY COUNCIL HAS BEEN TOLD NUMEROUS STORIES OF TENANTS COMPLAINTS WHO ARE BEING PRICED OUT OF HAYWARD, SOME TENANTS AT ALOHA ARE FACING INTIMIDATION, HARASSMENT & DISPLACEMENT DUE TO NO FAULT OF THEIR OWN, RUBEN COMPOS ON SITE MANGER (CALL HIMSELF COMMUNITY DIRECTOR), HAS PRESSURED SOME TENANTS TO LEAVE TO MAKE A HIGHER PROFIT OR FORCING SOME TENANT'S TO MOVE FROM THEIR CONTROL UNIT (WHICH BECOMES DECONTROL) INTO A DECONTROL NEW REMODEL UNITS, OR BE SERVED WITH NOTICE.

PLEDGING ALLEGIANCE TO THE FLAG, THERE IS A STATEMENT THAT SAYS "JUSTICE FOR ALL" WHERE IS THE JUSTICE FOR PEOPLE WHO ARE SERVED WITH NOTICE, DISPLACED WITHOUT CAUSE, & MANGERS NOT RENTING TO SECTION 8 TENANTS, ARE THOSE PLEDGES JUST WORDS TO MEMORIZE, THOSE WORDS DOES NOT APPEAR TO HAVE A TRUE MEANING, WHEN IT'S DEALING WITH LOW INCOME PEOPLE, DISPLACMENT OF TENANTS," THERE SHOULD BE AN ORDINANCE SPECIAL WHERE LANDLORD/MANGERS CAN NOT REFUSE SECTION 8, TENANTS, I FEEL THIS IS DISCRIMINATION, NOT ALL TENANTS ARE BAD, NOT ALL LANDLORD/MANGERS ARE BAD", IT APPEARS THAT THIS SYSTEM IS TO MUCH ABOUT MONEY, & NOT ABOUT THE PEOPLE OF HAYWARD, THE OWNER CAN AFFORD TO PAY FOR CONTROLLING WHAT EVER RULES THEY DESIRE TO PROTECT THEIR PROPERTY, MAYOR AND CITY COUNCIL WE ARE BEGGING YOU TO PLEASE ACT NOW TO STOP THESE CRISIS FROM WORSENING, YOU CAN PREVENT THIS FROM HAPPENING,

\*NOTE: EACH DAY NOW WHEN I COME HOME, I'A M CONSTANTLY WORRYING ABOUT SEEING A NOTICE ON MY FRONT DOOR,

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**From:** monzella curtis [mailto:]  
**Sent:** Tuesday, May 29, 2018 10:23 AM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** [BULK] CONCERNING RENTERS

- 1) REMOVAL OF NO CAUSE EVICTION
- 2) STRONGER ORDINANCE FOR SECTION 8 TENANTS, WHERE THE **LANDLORD/MANGERS CAN NOT TURN DOWN TENANTS THAT ARE ON SECTION 8, WHICH IS NEVER MENTION,**

ALOHA APARTMENT DOES NOT RENT TO SECTION 8 TENANTS, SOME PEOPLE THAT I HAVE TALK TO HAVE STATED THAT THEY ARE HAVING HARD TIME FINDING APARTMENT, BECAUSE APARTMENT MANGERS DO NOT ACCEPT SECTION 8 TENANTS, THESE PEOPLE ARE DISPLACED, ALL SECTION 8 TENANTS ARE NOT BAD, ALL LANDLORD/MANGER ARE NOT BAD

IT APPEARS THAT BUSINESS PEOPLE/LANDLORD HAVE CAME INTO OUR CITY OF HAYWARD AND TOOK OVER CONTROLLING THE CITY, PAYING FOR RULES THAT THEY WANT TO EXIST FOR THEM SELF, MAYOR AND CITY COUNCIL, WE ARE BEGGING YOU TO PLEASE ACT NOW TO STOP THESE CRISIS FROM WORSENING YOU CAN PREVENT THIS FROM HAPPENING

THANKS  
MONZELLA

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Begin forwarded message:

**From:** monzella curtis <>  
**Date:** May 28, 2018 at 7:28:57 AM PDT  
**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:** RENTING  
**Reply-To:** monzella curtis <>

- 1) REMOVAL OF NO CAUSE EVICTION
- 2) ORDINANCE FOR SECTION 8 TENANTS, WHERE THE LANDLORD CAN NOT TURN DOWN TENANTS THAT ARE ON SECTION 8, **ALOHA APARTMENT MANGER DOES NOT RENT TO SECTION 8 TENANTS, I HAVE TALK TO OTHER PEOPLE THAT WERE LOOKING AT OTHER APARTMENT, STATED THAT MANGER WILL NOT RENT TO SECTION 8, SO PEOPLE ARE DISPLACED WITH NO PLACE TO LIVE, NOT ALL SECTION 8 TENANTS ARE BAD AND NOT ALL LANDLORD/MANGER ARE BAD**

IT APPEARS THAT BUSINESS PEOPLE/LANDLORD HAVE CAME INTO OUR CITY OF HAYWARD AND TOOK OVER CONTROLLING THE CITY, PAYING FOR RULES THAT THEY WANT TO EXIST FOR THEM SELF, MAYOR AND CITY COUNCIL, WE ARE BEGGING YOU TO PLEASE ACT NOW TO STOP THESE CRISIS FROM WORSENING, YOU CAN PREVENT THIS FROM HAPPENING

THANK YOU  
MONZELLA CURTIS

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Pierron Properties, LLC Email**

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

From: Pierron Properties LLC []

Sent: Tuesday, May 29, 2018 2:09 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Landlord - Tenant issues

Hayward needs to find a middle-ground between landlords and tenants. Landlords have costs of doing business which are not always obvious to the tenants; insurance and legal fees, utilities, site maintenance and management are all costs that are “invisible” to tenants. When those costs go up, landlords have no other choice than to charge more to their customers, who are the tenants. If all of those costs could be “frozen,” then landlords could also freeze the rents... but we know that can’t happen.

Making landlords go to court to evict bad tenants is not sensible. The lawyers will reap the benefits, the courts will be overflowing, and the good tenants continue to suffer during the time it takes to get the bad tenants out. Most of the tenants who have been asked to leave are tenants who make their neighbors miserable... through noise, filth and refusal to obey community rules. Can’t we all just get along? The tenants who are classified “bad” are the ones who need to change. Not the system!

Please consider these issues when you decide how to implement landlord-tenant rules that everyone can live with.

Kathleen Pierron-Miller  
Pierron Properties, LLC

**ITEM #1**

**EMERGENCY ORDINANCES  
RELATED TO THE  
RESIDENTIAL RENT  
STABILIZATION ORDINANCE**

**Shelley Rummel Email**



## Roxanne Epstein

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**From:** Miriam Lens  
**Sent:** Tuesday, May 29, 2018 4:15 PM  
**To:** Roxanne Epstein; Denise Chan  
**Subject:** FW: Rent Control

Please print and post.

Thanks

Miriam

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**From:** BerryTree575@comcast.net [mailto:BerryTree575@comcast.net]  
**Sent:** Tuesday, May 29, 2018 4:02 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Rent Control

As a property owner I pay high taxes, local taxes and extra tax because I own an income property.

The local courts for years now have been enacting their own version of rent control by only evicting the worst offenders. Tenants who habitually late pay and bounce checks have been given a pass due to politics.

Prices are going up for everyone, including owners. There is no valid reason to put the housing burden on current rental property owners when instead local government should be pushing multi use housing projects, fine or legally confiscate the dilapidated abandoned buildings all over Hayward. More housing options can only help the problem that CA, not just the Hayward area is experiencing.

Restraining owners from exercising their legal rights from evictions or from making a reasonable profit from their investments will only contribute to building and tenant neglect, an issue nobody wants for the city.

Shelley Rummel

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone