

Attachment 9
CITY OF UNION CITY
AGENDA
FOR THE MEETING OF THE
RENT AND TENANT TASKFORCE
MONDAY, OCTOBER 3, 2016
7:00 P.M.
RUGGIERI SENIOR CENTER, DINING ROOM
33997 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA

I. ROLL CALL:

Nwokoro (Duru) Ahanotu, Abigail Andrade, Chris Cara, Timothy Conde, Remy Fortier, Annie He, Dorothy Jackson, Chunchi Ma, Bill Mulgrew, Anna Nunez, Ian Palavi, Marjorie Rocha, Tony Samara, Jamie Sessions, Chung Wu

II. APPROVAL OF MINUTES: Not applicable

III. UNFINISHED BUSINESS: None

IV. PRESENTATIONS:

- Review of the Brown Act
- Review of Taskforce Charter and Ground Rules
- Data Review Presentation
- Tenant Protection Measures Presentation

V. TASKFORCE DISCUSSION:

VI. PUBLIC COMMENTS:

(This is an opportunity for the public to speak. Each speaker will be granted up to 3 minutes to speak. This allotted time cannot be aggregated or passed on to another individual. In instances where more than five members of the public wish to address the Taskforce, the three minute time limit may be abbreviated at the discretion of the Moderator in order facilitate the business of the Taskforce.)

V. ADJOURNMENT:

Attachment 9

**CITY OF UNION CITY
MINUTES
FOR THE MEETING OF THE
RENT AND TENANT TASK FORCE
MONDAY, OCTOBER 3, 2016
7:00 P.M.
RUGGIERI SENIOR CENTER, DINING ROOM
33997 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

I. ROLL CALL:

City Manager, Tony Acosta called the meeting to order at 7:00 p.m.

Present Taskforce Members: Nwokoro (Duru) Ahanotu, Abigail Andrade, Chris Cara, Timothy Conde, Remy Fortier, Annie He, Dorothy Jackson, Chunchi Ma, Bill Mulgrew, Anna Nunez, Ian Palavi, Marjorie Rocha, Tony Samara, Jamie Sessions, Chung Wu

Absent: None

Staff: Tony Acosta, City Manager; Kris Kokotaylo, Deputy City Attorney; Joan Malloy, Economic and Community Development Director; Alin Lancaster, Housing and Community Development Coordinator; Lorena Gonzalez, Administrative Assistant II

II. APPROVAL OF MINUTES: Not applicable

III. UNFINISHED BUSINESS: None

IV. PRESENTATIONS:

1. Review of the Brown Act

Kris Kokotaylo, Deputy City Attorney, gave a presentation on the Brown Act.

2. Review of Taskforce Charter and Ground Rules

Tony Acosta, City Manager, gave a presentation on Taskforce Charter and Ground Rules

3. Data Review Presentation

Alin Lancaster, HCD Coordinator, gave a presentation on rental market and ECHO Housing inquiry data

Tony Acosta, City Manager asked the Taskforce if they any relevant data to provide it to staff and to cite the source.

Attachment 9

4. Tenant Protection Measures Presentation

Alin Lancaster, HCD Coordinator for the City of Union City gave a presentation on Tenant Protection Measures.

V. TASKFORCE DISCUSSION:

1. Data Review Presentation

The following data was requested by the members of the Taskforce:

- * Duru Ahanotu - The median mortgage and property tax for new, single-family homes.
- * Dorothy Jackson - The number of landlords that own more than one rental property in Union City.
- * Chunchi Ma - Rent data prior to the recession, starting from 2004-2005 and to separate the rent data for complexes built before and after 1995.
- * Tony Samara - Data on the percent of the population that is rent burdened and if it could be broken down by 30% to 50% and 50% to 80%.
- * Annie He – Also requested rent data from 8 to 10 years ago and requested information on Union City’s population and income.

Chung Wu - Asked why Zillow was selected as a main data source and what Zillow’s methodology is in surveying rent.

Alin Lancaster responded that Zillow has the description of its methodology online and that the methodology can be reviewed at the next meeting. Alin Lancaster also responded that three data sources were presented (Zillow, RealFacts, and staff collected data) to give a broader perspective. Zillow is also used in other jurisdictions to reference median rents.

Chunchi Ma - asked if all the ECHO Housing inquiries were from all types of units (multi-family, single family, and condos).

Marjorie Rocha responded that the ECHO inquiries were from all unit types.

Bill Mulgrew - Asked Marjorie Rocha if she had a sense what the top two to three inquiries were in the “other” category of the presentation regarding ECHO inquiries.

Marjorie Rocha responded that the top “other” inquiries were lease questions, referrals to attorneys, and evictions. They were questions that don’t necessarily pertain to any other category.

2. Tenant Protection Measures Presentation

Duru Ahanotu asked what the logic was for setting 1995 as the guidelines or if that was when the Costa-Hawkins law was passed.

Attachment 9

Kris Kototaylo responded that the legislative history suggest that the State Legislature set the 1995 threshold for the Costa-Hawkins Act because it was concerned that if new developments were subject to rent control, it would hinder development.

Timothy Conde asked if there were any exceptions to the Costa-Hawkins Act. For example, if a rental property was built in 1990, caught fire, and was rebuilt in 2000.

Alin Lancaster responded that Costa-Hawkins eligibility is determined by when the Certificate of Occupancy was issued.

Abigail Andrade asked for the number of properties in Decoto that were eligible for rent stabilization.

Tony Samara asked where these rental units were concentrated and if it was possible to have a demographic profile of who lives there.

Alin Lancaster responded that in Old Alvarado it is fairly well integrated in terms of racial and ethnic background. Decoto does have a larger Hispanic population.

Chris Cara stated that the units that are eligible for rent control are mostly working class, poor and people of color.

Abigail Andrade stated that Latinos are primarily concentrated in Decoto and that number needs to be shared along with the number of properties that are eligible.

Chris Cara responded that this is a Rental Taskforce and we are talking about certain communities that are more vulnerable than others, and is his understanding that the purpose of the Taskforce is to actually address the renter crisis because people are being displaced.

Bill Mulgrew asked if harassment protection equates to retaliation. He was looking for additional data on harassment cases.

Marjorie Rocha responded that the retaliation cases in Union City were predominantly for repair requests, and that she would find more information.

VI. PUBLIC COMMENTS:

1. Dave Stark, Bay East Realtors - encouraged more data and thought it was very important.
2. Bill Wu - Mentioned if rent control was imposed it would not be fair and would punish the landlords that provided housing.
3. Gerald Mendes Jr. - Noted that he had tenants who were at market rate and other tenants who were below market rate. He was concerned he would either have to drop his rates or have to bring up the rates. If rent control was imposed landlords should be able to bring rents up to a certain point and then enforce rent control.

Attachment 9

4. Dan Pan - The data from 2011 was the bottom of the recession and now the economy has gotten better. During hard economic times the rents did not increase. It is not fair that only 43% of the units are eligible for rent control and just cause evictions are very hard.
5. Adeles Fan – Has had problems with tenants and currently has an eviction case for non-payment, where they did not pay rent for two months. She always tries to work with her tenants that need help. She has a tenant that pays in installments and does not try to evict them.
6. David Bhata - Asked if there was a way to know the perspectives of the Taskforce members and wanted to know which members were tenants, landlords or impartial community members.
7. Mike De Lao - Appreciated everyone who took the time to be at this meeting and liked this assembly. Every opinion matters and it is important not to lose focus on why we are here. Tonight's meeting was all about the numbers and he couldn't believe what he was seeing.
8. Teresa Ali - A Union City renter believes there are good landlords and would like to see fair rents because there are landlords that are greedy. In 2011 she payed \$1,600 for a three bedroom the landlord sold the condo and in 2016 she is paying \$3,600. Most of her income goes to rent and cannot pay for additional classes for her children.
9. Demetria Summers- Member of Union City's Human Relation Commission and has been a tenant, landlord and realtor. She appreciates the work that is being done.

V. ADJOURNMENT:

The meeting was adjourned approximately at 9:00 p.m.



History of the Brown Act



- Authored by Ralph M. Brown, a Central Valley assemblyman, the Brown Act was passed in 1953. **Its purpose is to safeguard the public's right to access and participate in local government meetings within the state.**

Why do we care about the Brown Act?



- Compliance with the law ensures that interested members of the public can:
 - Understand the way in which decisions are made,
 - Participate in the process, and
 - Keep watch over government activity

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

How Does the Act Meet its Objectives?

- Defining Meeting
- Requiring Meetings be Public
- Requiring an Agenda
- Limiting Discussion and Action to what is on the Agenda
- Requiring Sufficient Public Notice
- Permitting Public Participation
- Providing Remedies for Violations



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Consequences of Failing to Comply

- Violations of the Brown Act can result in significant penalties:
 - Nullification of a decision made in violation of the Brown Act's requirements,
 - Criminal penalties, and
 - A possible award of attorneys' fees to the party successfully bringing a Brown Act lawsuit.



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Meetings

**“ALL MEETINGS
OF THE LEGISLATIVE BODY
OF THE LOCAL AGENCY
SHALL BE OPEN AND PUBLIC
AND ALL PERSONS SHALL BE
PERMITTED TO
ATTEND ANY MEETING EXCEPT
AS OTHERWISE PROVIDED”
(Gov. Code § 54953)**



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

What is a Meeting?

- “Any congregation of a majority of the members of a legislative body at the same time and location . . . to hear, discuss, or deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Exceptions

- Individual contacts
- Conferences open to the public
 - Issues of general interest to the public or public agencies of the type represented by the body
 - Do not discuss business among selves unless part of scheduled program

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Exceptions

- Community meetings
 - Open and publicized meeting organized by a person or organization
 - Do not discuss business among selves unless part of scheduled program
- Social or ceremonial functions
- Open meeting of another public agency
- Open meeting of the body's standing committees, as an observer

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Meeting Rules

- No Required Sign-in
 - Voluntary sign-in permitted if sheet specifies it is voluntary
- Broadcasting, videotaping or photographs by the public must be permitted
- No secret ballots



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Who Makes Up the Legislative Body?

- Local Governing Body (ex: City Council), including newly elected members.
- Commission or Committee
 - Permanent or temporary
 - Decision making or advisory



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Committees and the Brown Act

Standing Committees

- Ongoing or indefinite term
- Continuing subject matter jurisdiction, or, has a fixed meeting schedule set by the legislative body
- Subject to Brown Act notice and meeting requirements, even if comprised of less than a quorum

Ad Hoc

- A temporary advisory committee
- Composed solely of less than quorum
- Serves a limited or single purpose and must be dissolved on completion of its task
- Not subject to Brown Act notice and meeting requirements

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Serial Meetings

- Outside of a meeting, a majority of the legislative body may not discuss, deliberate, or take action by direct communication, intermediaries, or technology
- Examples:
 - Daisy Chain – A calls B; B calls C; etc.
 - Hub and Spoke
 - Email
 - Documents

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Meeting Agendas

- 72 hours advance posting for regular meetings; 24 hours for special meetings
- Alternate formats for disabled individuals
- Public comment period
- Brief description of each item – 20 words, unless complex
- Must inform public of scope of the intended plans – so they can decide whether to participate
- Must be posted at a location that is “freely accessible to members of the public”
- Posted on City website



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Documents Distributed Less than 72 Hours

- If distributed to majority of legislative body
- Must make available for public inspection at same time
 - At an office/location designated for this purpose
 - Agenda must contain location information
 - May also post on internet



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Public Right to Comment

- Regular meeting – any matter within body's subject matter jurisdiction or listed on agenda
- Special meeting – can be limited to agenda items only
- Comment opportunity occurs either before or during consideration by the legislative body, but before action by body
- May not limit "negative" comments



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

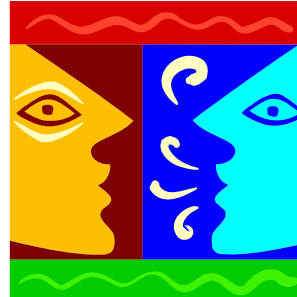
SAN FRANCISCO

SANTA ROSA

FRESNO

Keep Discussion to Agenda Topics

- No discussion or decision on items not on the posted agenda



©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Item Not on Posted Agenda? Exceptions

- Brief response to comments/questions from public
- Clarification/reference to staff
- Requests for future report
- Placement of items on future agenda

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Questions or Comments

- Questions: Contact your staff liaison
- 510.808.2000
- kkokotaylo@meyersnave.com

THANK YOU FOR YOUR SERVICE!!!

©2010 MEYERS NAVE

A PROFESSIONAL LAW CORPORATION

OAKLAND

LOS ANGELES

SACRAMENTO

SAN FRANCISCO

SANTA ROSA

FRESNO

Rent and Tenant Taskforce Meeting 1

October 3, 2016

MEETING AGENDA

- I. Roll Call / Introductions
- II. Presentations
 - Brown Act Review
 - Review of Taskforce Charter and Ground Rules
 - Data Review Presentation
 - Rental market trends
 - ECHO Housing data
 - Types of Tenant Protection Measures Presentation
- III. Taskforce Discussion
- IV. Public Comments
- V. Adjournment



PURPOSE OF THE TASKFORCE

- ☐ Review data on rent and tenant issues.
- ☐ Review and adhere to the legal framework regarding possible tenant protection measures.
- ☐ Solicit a wide range of input and perspectives.
- ☐ Educate all participants regarding rent and tenant issues from both the landlord and tenant perspective.
- ☐ Provide recommendations to the City Council

SCHEDULE



1st and 3rd Mondays

1. October 3, 2016
2. October 17, 2016
3. November 7, 2016
4. November 21, 2016
5. December 5, 2016
6. December 19, 2016

TASKFORCE STRUCTURE / GROUND RULES

- ☐ 15 members
 - 5 Tenant Representatives
 - 5 Landlord Representatives
 - 5 Impartial Community Members
- ☐ Meetings facilitated by the City Manager
- ☐ Meeting duration - max 2 hours
- ☐ Agenda Packets - receive Friday before meeting
- ☐ Absences - notify staff at least 72 hours in advance



MEETING ETIQUETTE

- ☐ Treat each other and members of the public with respect
- ☐ Listen to each other
- ☐ Work cooperatively
- ☐ Allow all members to voice their opinions
- ☐ Be prepared for meetings
- ☐ Maintain focus on the Taskforce's purpose and stay on topic



DATA REVIEW

UNION CITY TENURE

Tenure Type	Units	Percent
Owner Occupied Units	13,837	68.2%
Renter Occupied Units	6,454	31.8%
Total	20,291	100.0%

Source: City of Union City 2015-2023 Housing Element

MEDIAN RENT

All Rentals (single family, multifamily, and condos)

Year	2011	2012	2013	2014	2015	2016 (as of July)
Median Rent	\$2,068	\$2,124	\$2,234	\$2,423	\$2,720	\$2,948
% Change	N/A	2.7%	5.2%	8.5%	12.2%	8.4%

2011 to 2016 increase 42.5%

Source: www.zillow.com/research/data/#rental-data
ZRI Time Series - All Rentals

MEDIAN RENT

Multifamily Only (5+ Units)

Year	2011	2012	2013	2014	2015	2016 (as of July)
Rent	\$1,570	\$1,637	\$1,742	\$1,885	\$2,265	\$2,437
% Change	N/A	4.3%	6.4%	8.2%	20.2%	7.6%
Rent Per SF	N/A	N/A	\$1.95	\$2.16	\$2.53	\$2.65
% Change	N/A	N/A	N/A	10.8%	17.0%	4.7%

2011 to 2016 increase 55.2%

*Source: www.zillow.com/research/data/#rental-data
ZRI Time Series - Multifamily*

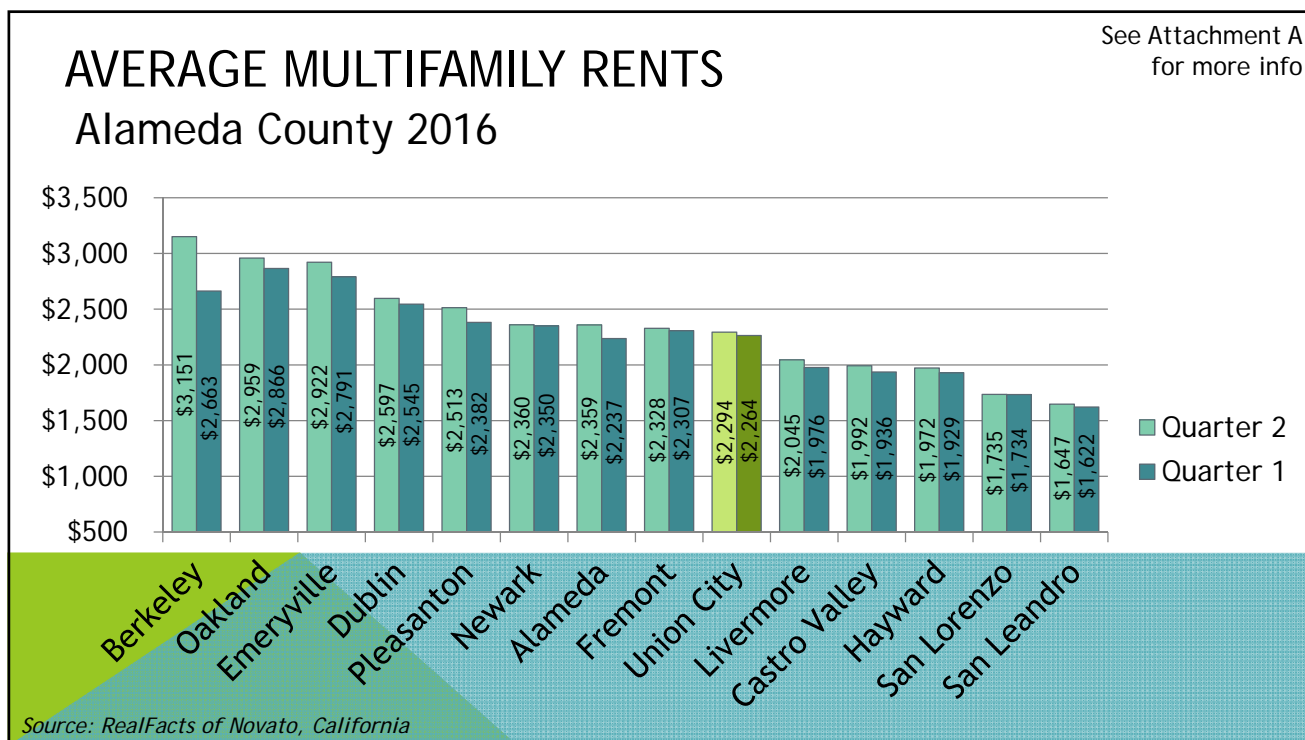
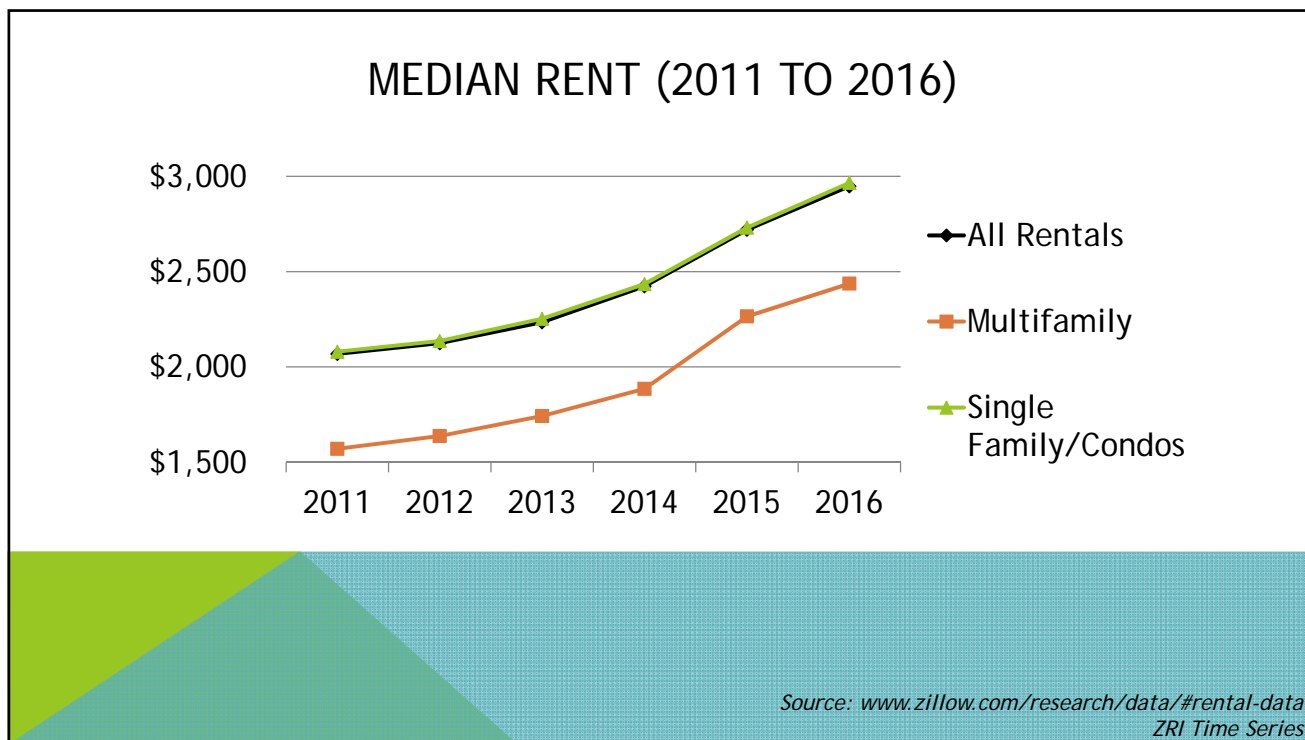
MEDIAN RENT

Single-family and Condos

Year	2011	2012	2013	2014	2015	2016 (as of July)
Median Rent	\$2,080	\$2,136	\$2,253	\$2,435	\$2,731	\$2,966
% Change	N/A	2.7%	5.5%	8.1%	12.2%	8.6%

2011 to 2016 increase 42.6%

*Source: www.zillow.com/research/data/#rental-data
ZRI Time Series - Single Family & Condos*



See Attachment B
for more info

ASKED FOR RENT

Large Apartment Complexes

Unit Size	Average Asked for Rent		% Change 2011-2016
	2011	2016*	
One Bedroom	\$1,148	\$1,914	67%
Two Bedroom	\$1,372	\$2,243	64%

*As of March 2016

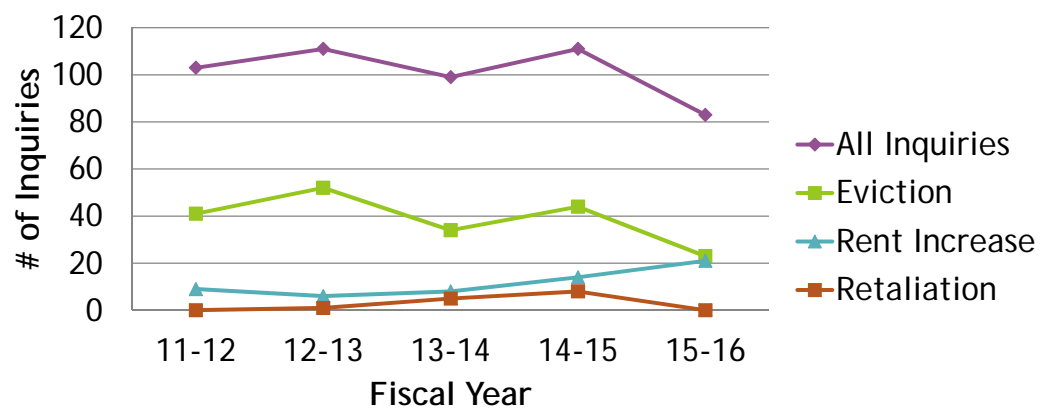
Source: Data was collected from information that was provided by each apartment complex via phone or online

ECHO HOUSING

Union City Tenant/Landlord Inquiries

Year	Eviction	Rent Increase	Retaliation	Repairs	Deposit	Entry	Other	Total
FY 11-12	41	9	0	10	14	0	29	103
FY 12-13	52	6	1	14	16	0	22	111
FY 13-14	34	8	5	10	13	1	28	99
FY 14-15	44	14	8	8	10	1	26	111
FY 15-16	23	21	0	8	9	0	22	83
Total	194	58	14	50	62	2	127	507

ECHO HOUSING INQUIRIES



TENANT PROTECTION MEASURES

EXISTING TENANT PROTECTION MEASURES

Union City does not have local tenant protection regulations

- Exception: Mobile Home Rent Review Ordinance (1987)

State law does provide some protections for Union City tenants:

- State law does set noticing requirements for rent increases
- State law does not set limits on rent increases

TENANT PROTECTION MEASURES

- ❖ Rent Stabilization
- ❖ Just Cause Evictions
- ❖ Relocation for No Fault Evictions
- ❖ Harassment Protections
- ❖ Tenant/Landlord Mediation Programs (Rent Review Board)
- ❖ Minimum Lease Terms

RENT STABILIZATION

Limits rent increases

Example:

- One increase per year
- Increase based on fixed percentage or tied to inflation rates

Example Cities

Alameda	Los Gatos
Berkeley	Oakland
East Palo Alto	San Francisco
Hayward	San Jose

RENT STABILIZATION

Costa-Hawkins Act

- 1995 State law
- Limits what types of homes are eligible for rent stabilization
- Rent stabilization ordinances cannot restrict rental rates on vacant units.
 - e.g. when a unit becomes vacant, rents can be raised to market

RENT STABILIZATION

Costa-Hawkins Act

Eligible for Rent Stabilization	<u>Not</u> Eligible for Rent Stabilization
Multi-family homes built on or before February 1, 1995 <i>(includes duplexes, triplexes, and fourplexes)</i>	<ul style="list-style-type: none"> Single Family Homes Condos Any home built after February 1, 1995 <i>(including multi-family)</i>

UNION CITY RENTAL UNITS

Property Type	# of Units
Single-Family, Condo, Townhome	3,214
Multi-Family Built <u>Before</u> 1995 (includes duplexes, triplexes, and fourplexes)	2,760
Multi-Family Built <u>After</u> 1995 (includes duplexes, triplexes, and fourplexes)	480*
Total Multi-Family Units	3,240
Total Rental Units	6,454

* Excludes 243 additional units under construction

See Attachment C
for more info

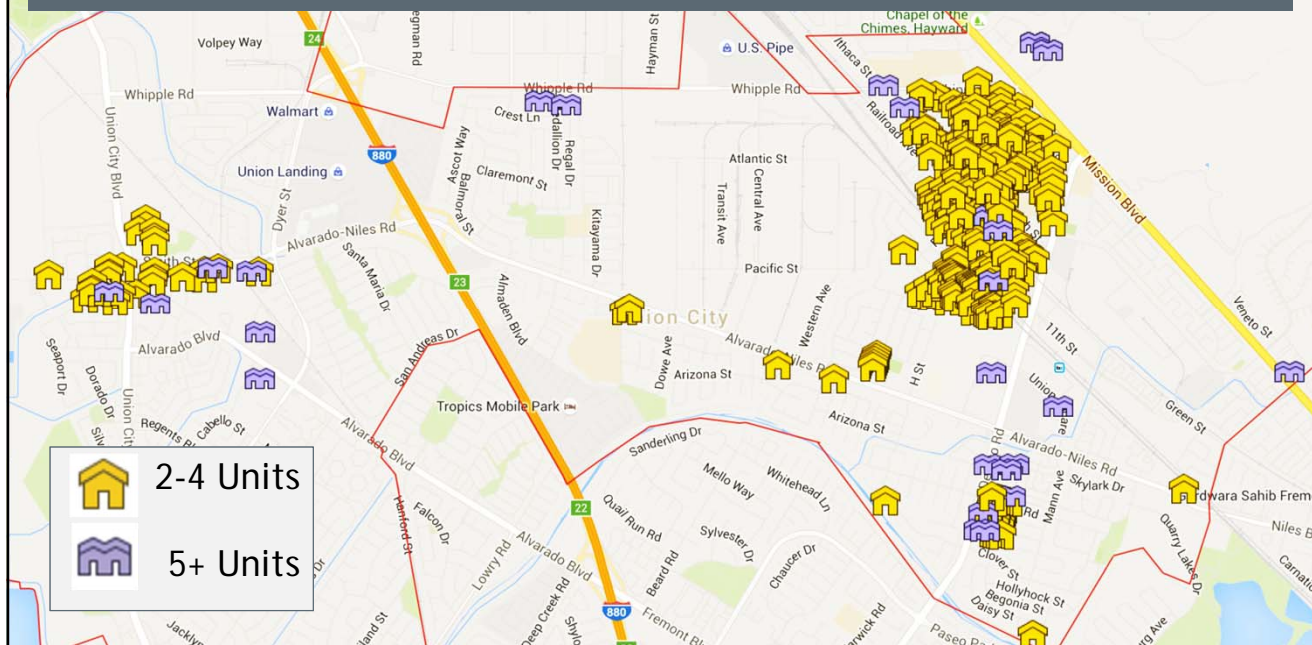
UNITS ELIGIBLE FOR RENT STABILIZATION

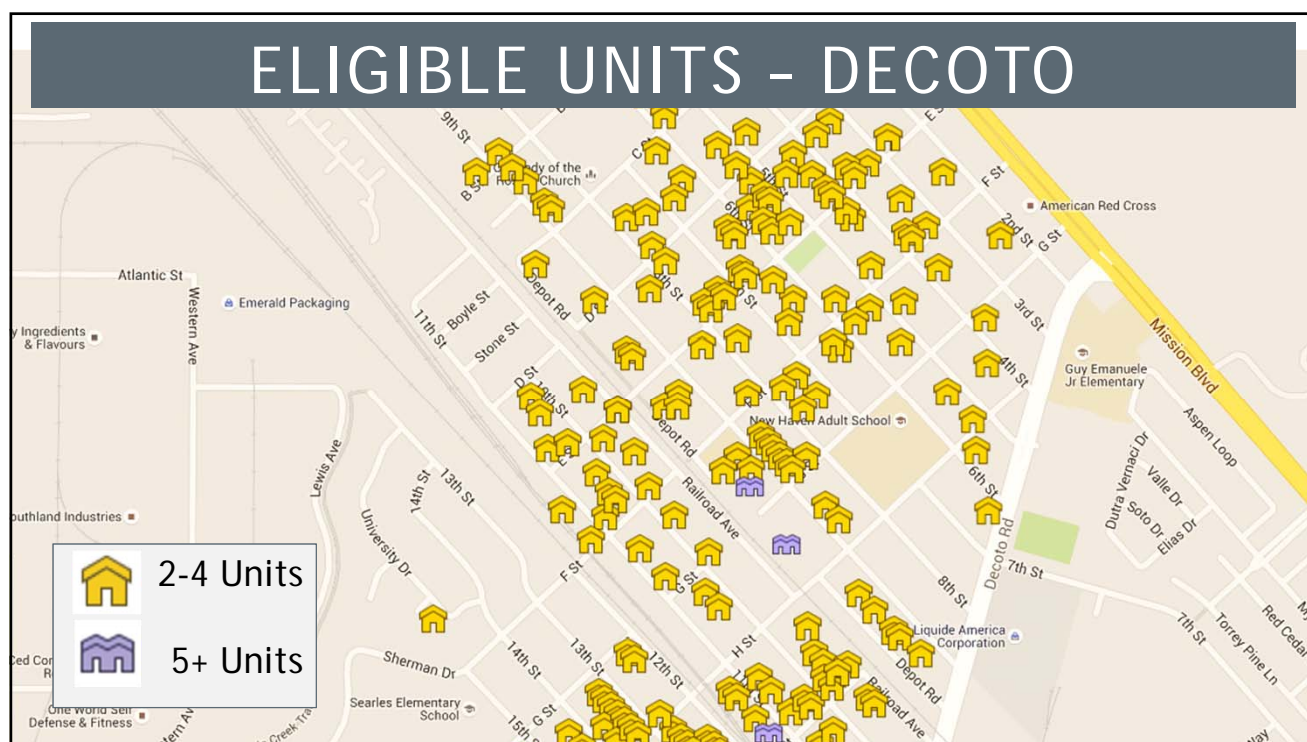
Pre-1995 Market-Rate Rental Housing

Property Type	Units	%	Properties
Apartment Complexes (5+ Units)	2,146	78%	23
Duplex Units	446	16%	223
Triplex	108	4%	36
Fourplex	60	2%	15
Total Eligible Rental Units	2,760	100%	297
Total Renter Occupied Units	6,454		

43% of Rental Units are Eligible for Rent Stabilization

ELIGIBLE UNITS - CITYWIDE





JUST CAUSE EVICTIONS

- Restricts the reasons for which a landlord can evict a tenant

Example Cities	
Alameda	Oakland
Berkeley	San Francisco
East Palo Alto	San Jose
Hayward	

JUST CAUSE EVICTIONS

Examples of typical “just causes” for eviction:

- Failure to pay rent
- Violation of lease terms
- Unauthorized subtenant
- Damaging the unit
- Owner occupancy
- Committing an illegal activity
- Substantial rehabilitation
- Resident manager occupancy
- Denying landlord lawful entry
- Committing or allowing a nuisance

RELOCATION ASSISTANCE FOR NO FAULT EVICTIONS

Requirement for landlords to pay relocation when the eviction is not the fault of the tenants

Examples:

- Substantial rehabilitation
- Demolition of the unit
- Condo conversion
- Owner or resident manager occupancy
- Removal of unit from rental market
i.e. Ellis Act eviction

Example Cities

Mountain View

San Francisco

HARASSMENT PROTECTIONS

Ordinance that protects tenants from landlord harassment and retaliation

Examples:

- Failure to make repairs
- Verbal/physical threats
- Interference with right to privacy
- Refusal to accept rent
- Influencing a tenant to vacate through fraud, intimidation or coercion

Example Cities

Berkeley

Oakland

San Francisco

TENANT/LANDLORD MEDIATION (RENT REVIEW BOARD)

- Ordinances that either offer or require a mediation process before a landlord is able to impose a rent increase
- Non-binding mediation can be applied to all rental units
- Some cities have Rent Review Boards to oversee the process:
 - Hears cases and provide recommendations
 - Comprised of tenant, landlord, and impartial representatives

Example Cities

Alameda

Fremont

San Leandro

ENHANCED LEASE TERMS

- Requires landlords to offer tenants longer term leases
- Protects tenants from receiving rent increases during the term of the lease
- Can be applied to all rental units

Example City

Palo Alto

