



# City of San Leandro

Meeting Date: September 16, 2013

## Staff Report

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**File Number:** 13-389 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.C.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report for Resolution Approving the Annual Rent Review Program  
Evaluation for July 2012 - June 2013

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### SUMMARY AND RECOMMENDATIONS

The Rent Review Program is a useful resource for both landlords and tenants who seek information, facilitation, and compromise on proposed rent increases. The program is utilized by the community to provide a rent dispute forum for tenants and landlords and is applicable to multi-family residential properties of three (3) units or more as well as mobile homes if a tenant rents the mobile housing unit.

Staff recommends that the City Council review and approve the Annual Rent Review Program Evaluation for July 2012 through June 2013 (attached with resolution).

### BACKGROUND

Title IV, Chapter 32, Article 5, 4-32-500 of the City's Municipal Code requires an annual review of the Rent Review Program to be prepared by the Rent Review Board (RRB) for the City Council. Since May 2001, the Rent Review Program has been an integral part of the City's comprehensive housing services. The Rent Review Program has proven to serve as a helpful resource for landlords and tenants that seek information and resolution regarding lawful and reasonable rent increases.

The RRB consists of five (5) City Council-appointed positions. The Board composition includes: two (2) tenants, one (1) resident landlord, one (1) non-resident landlord, and one (1) homeowner representative. Ms. Mia Ousley (homeowner representative) was officially sworn in as a Board member on November 5, 2012 to formally replace Mr. Steven Leung who served as the homeowner representative since 2008. Ms. Lizzie Brown, who has served as tenant representative since 2002, was reappointed on February 4, 2013 to serve until 2015. Ms. Karyl Lee-Figueroa (tenant representative) was officially sworn in as Board member on May 6, 2013 to fill the remaining RRB tenant vacancy. Mr. Darien Beebe (resident landlord) resigned on May 15, 2013, and the process to select his replacement is under way.

Due to the increase in activity involving the City's Rent Review Program and limited City staff and resources, the City outsourced the administration of the Rent Review Program to the nonprofit ECHO Housing for fiscal year 2013-2014. ECHO Housing is a full service housing counseling organization providing services to very low- and moderate-income clients. The City has partnered with ECHO Housing in providing fair housing and tenant-landlord counseling services to San Leandro residents since the early 1990's. Due to this longstanding partnership ECHO Housing can effectively serve as an experienced, centralized and streamlined intake resource for rental housing-related inquiries (including Rent Review Board concerns) on behalf of the City.

**Current Agency Policies**

Title 1, Chapter 1-3, Article 14 of the Municipal Code authorizes the Rent Review Board. Title IV, Chapter 32, Article 5, 4-32-500 of the Municipal Code authorizes the Rent Review Program. Title 13, Chapter 1, Articles 1-9, of the Administrative Code authorizes the rules of order.

**Previous Actions**

The Rent Review Ordinance was adopted April 2001. The Municipal Code was amended in March 2002, October 2003, and July 2005.

**Board/Commission Review and Actions**

On June 18, 2013, the Rent Review Board unanimously approved the Annual Rent Review Program Evaluation and instructed City staff to forward the evaluation to City Council for review and approval.

**ATTACHMENTS**

None.

**PREPARED BY:** Steve Hernandez, Housing Specialist, Community Development Department



# City of San Leandro

Meeting Date: September 16, 2013

## Resolution - Council

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**File Number:** 13-390

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ADOPT: Resolution Approving the Annual Rent Review Program Evaluation for July 2012 - June 2013 (reviews the program pursuant to San Leandro Municipal Code Section 4-32-500)

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The City Council of the City of San Leandro does RESOLVE as follows:

That the Annual Rent Review Program Evaluation for July 2012 through June 2013 is hereby approved.

### **Annual Rent Review Program Evaluation (July 2012– June 2013)**

From July 2012 to June 2013, there were forty (40) tenant and sixteen (16) landlord inquiries for a total of fifty-six (56) inquiries addressed by staff. Thirteen (13) of the forty (40) tenants reside as neighbors in the same apartment complex. See attached Landlord and Tenant Inquiries logs.

There were three (3) cases heard by the Rent Review Board this year. See attached “Monthly Status Report of Rent Review Activities”. One (1) case was mutually resolved at the hearing. Two (2) cases were heard but subsequently dismissed before being resolved at their respective scheduled continuance hearing. One (1) case was mutually resolved prior to the scheduled hearing taking place. Below is a summary of the cases reviewed by the Board since 2006.

#### **Rent Review Board (RRB) Case Summary**

Period (June – May)	Cases
2006-2007	1
2007-2008	6
2008-2009	4
2009-2010	0
2010-2011	0
2011-2012	0
2012-2013	3

Due to the increase in activity involving the City’s Rent Review Program and limited City staff and resources, the City will be outsourcing the administration of the Rent Review Program to ECHO Housing beginning in July 1, 2013 for fiscal year 2013-2014. ECHO Housing is a full service housing counseling organization providing services to very low- and moderate-income clients. The City has partnered with ECHO Housing in providing fair housing and tenant-landlord counseling services to San Leandro residents since the early 1990’s. Already providing tenant-landlord counseling to San Leandrans, ECHO Housing can seamlessly administer the City’s Rent Review Program.

While there has been an increase in the number of tenant and landlord inquiries, the average annual rents in the City remain to be the lowest among cities in Alameda County. Below are the average rents for the first quarter of 2013.

**Rent Ranking for Cities in Alameda County**

<b>Rank</b>	<b>City</b>	<b>Average Rent</b>
1	Berkeley	\$2,441
2	Emeryville	\$2,289
3	Oakland	\$1,947
4	Dublin	\$1,914
5	Pleasanton	\$1,850
6	Fremont	\$1,665
7	Newark	\$1,637
8	Union City	\$1,629
9	Alameda	\$1,629
10	Livermore	\$1,510
11	Hayward	\$1,344
12	Castro Valley	\$1,331
13	San Leandro	\$1,216

*Source: RealFacts*

Below reflects the average rent (for all bedroom sizes) in San Leandro during first quarter (January through March) of 2013. While the rents increased for 1bedroom/1bath, and 2bedroom/1bath and 2bedroom/2baths units, the rents for studio and 3bedroom/2bath units decreased.

**Average Asking Rent in San Leandro**

<b>Unit Size</b>	<b>2012</b>	<b>2013</b>	<b>% Change</b>
studio	\$998	\$989	-.91%
1bd 1bth	\$1,077	\$1,098	1.91%
2bd 1bth	\$1,264	\$1,279	1.17%
2bd 2bth	\$1,404	\$1,468	4.36%
3bd 2bth	\$1,387	\$1,250	-10.96%

*Source: RealFacts*

**Monthly Status Report of Rent Review Activities**  
**For period July 1, 2012 – June 30, 2013**

Community Development Department  
Housing Services Division

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- Mr. Osejo's Rent Review Board Case (RRB2012-001) was reviewed and resolved by the Rent Review Board at its September 25, 2012 hearing.
- Mr. Rivera's Rent Review Board Case (RRB2012-002) was dismissed after a reassessment determined that Ms. Rivera did not submit her Rent Review Hearing Request Form to the City within the required 15-days after receiving her rent increase notice.
- Ms. Shotlow's Rent Review Board Case (RRB2012-003) was mutually resolved with her landlord, who agreed to only provide her with a \$75 rent increase notice.
- Ms. Phinizee's Rent Review Board Case (RRB2012-004) was dismissed after Ms. Phinizee decided to move out of her unit instead of proceeding with the Continuance Hearing for her case.
- See attached Landlord and Tenant Inquiries from July 1, 2012 to June 30, 2013.

## Landlord Inquiries July 2012 – June 2013

Date	Name	Phone Number	Rental Location	Comments	Outcome
8/15/12	Tatiana Zwaal	510-368-3400	14253 Doolittle Dr	<b>Landlord for 14253 Doolittle Dr. Came to counter on 8/21/12 to inquire if resident had exceeded 15 day RRB application window.</b>	Left Tatiana a voicemail on 8/22/12 that Mr. Aguayo, her tenant, had exceeded the 15 day RRB application window and there will be no RRB hearing. However, notified her that he may be contacting ECHO housing about other issues.
9/13/12	Jean Terwilleger	925-580-2323	1962 Evergreen Avenue	<b>Landlord inquired about rent increase for her renter and how to comply with City's Rent Increase Ordinance.</b>	Informed Jean that City's Rent Increase Ordinance does not apply to single-family home rental properties. Also informed her that 60-day notice is required per CA law since rent increase was greater than 10%.
10/01/12	Stan Wong	688-6075	West Avenue 134 <sup>th</sup> property	<b>Landlord inquired whether City's Rent Increase Ordinance applied to his property (a single-family home and a duplex being rented to 3 different families).</b>	Informed Stan that, per City Attorney's Office, the City's Rent Increase Ordinance does not apply to single-family home rental properties. Also informed him that 60-day notice is required per CA law since rent increase was greater than 10%.
11/02/12	Hera	828-4313	411-455 Central Court	<b>Landlord inquired whether City's Rent Increase Ordinance applied to 11 single-family homes and 1 duplex unit .</b>	Informed Hera that, per City Attorney's Office, the City's Rent Increase Ordinance does not apply to detached single-family home rental properties. Also informed her that 60-day notice is required per CA law for rent increases greater than 10%. Rent increases must also be posted and mailed with 60-day clock beginning when tenant has received rent increase in the mail.
12/19/12	Did not provide	686-3683	Did not state	<b>Landlord inquired whether City's Rent Increase Ordinance applied to single-family homes.</b>	Left voicemail explaining that the City's Rent Increase Ordinance does not apply to single-family homes.
01/14/13	Gene	415-203-1916	Did not state	<b>Landlord inquired whether City's Rent Increase Ordinance applied to single-family homes.</b>	Informed Gene that City's Rent Increase Ordinance does not apply to single-family homes. Advised Gene to comply with CA laws pertaining to proper noticing.
01/25/13	Marva Broome	278-2824	Did not state	<b>Landlord inquired about City of San Leandro Rent Control Board.</b>	Described Rent Increase Ordinance and role of Rent Review Board to Ms. Broome.
01/29/13	Did not state	Did not state	Did not state	<b>Landlord requested the Rent Increase Ordinance Notice that must be attached to rent increase notices.</b>	Informed caller that Rent Increase Ordinance does not apply to single-family homes so he did not have to attach the Rent Increase Ordinance to his rent increase notice.
01/30/13	Claudia	Did not state	Did not state	<b>Landlord inquired whether phone number on Rent Increase Ordinance is updated.</b>	Informed Claudia that phone number on the Rent Increase Ordinance Notice is still valid.
02/19/13	Did not state	415-774-0853	Did not state	<b>Landlord inquired if Rent Increase Ordinance applied to duplexes</b>	Informed caller that Rent Increase Ordinance does not apply to duplexes.
02/25/13	Bruce	925-296-7745	N/A	<b>Not a landlord, but a valuation company hired by Gateway Apartments.</b>	Informed Bruce about the Rent Increase Ordinance and the role of the Rent Review Board. Bruce is assessing rent levels at Gateway, which is being sold.

## Landlord Inquiries July 2012 – June 2013

03/12/13	Did not state	Did not state	Did not state	<b>Landlord inquired about getting a copy of the City's Rent Increase Ordinance to be included with rent increase notices</b>	Provided landlord with a copy of the City' Rent Increase Ordinance Notice. Also informed landlord that Rent Increase Ordinance does not apply to single-family homes.
04/17/13	Andrea Avigil	510-795-8721	Did not state	<b>Landlord inquired about amount of rent increase for the home she is renting out to her niece.</b>	Informed landlord that Rent Increase Ordinance does not apply to single-family homes.
04/18/13	Carmen	415-813-9015	Did not state	<b>Landlord inquired about Rent Control in San Leandro</b>	Informed landlord about the City' Rent Increase Ordinance Notice and that it does not apply to single-family homes.
05/16/13	Mateo & Ellen Kong	Did not state	Did not state	<b>Landlord inquired about Rent Increases in San Leandro</b>	Informed landlord that Rent Increase Ordinance does not apply to the 2 condo units they are renting out.
06/05/13	Angela	707-291-3054	Did not state	<b>Landlord inquired about the City's Rent Increase Ordinance</b>	Informed landlord about the City's Rent Increase Ordinance and its requirements.



## Tenant Inquiries July 2012 – June 2013

Date	Tenant Name	Tenant Phone Number	Rental Location	Comments	Outcome
8/3/12	Jose Osejo		Willows Townhomes, 690 Fargo Avenue	Received notification of rent increase greater than \$75 and 10% of her current rent.	Came in person to counter. Submitted application on 8-9-12 via fax. Submitted completed original in person on 8-13-12. Case settled at 09/25/12 RRB Hearing.
8/3/12	Christina Tadiarca	510-305-0603	Marina Breeze Apts 13885 Doolittle	Received notification of rent increase greater than \$75 and 10% of her current rent.	Referred her to City website and told her to complete a Rent Review Board application. She submitted the completed form via e-mail on 8/3/12 and in person on 8/6/12. Settled with landlord and notified City on 8-23-12.
8/14/12	Eleanor Gauss for Julio Aguayo		14253 Doolittle Dr	Received notification of rent increase greater than \$75	Ms. Gauss came to City Hall on behalf of Mr. Aguayo to request RRB application and file harassment grievance. Staff provided a copy of application but referred him to ECHO Housing for the harassment claim. Ms. Gauss submitted a completed RRB application for Mr. Aguayo on 8/15/12. Met with Mr. Aguayo and he confirmed he received notice on 7/25/12 therefore I informed him he had missed the 15 day application window for RRB so there will be no RRB hearing.
9/5/12	Karen Lassie	239-1741	San Leandro Racquet Club	Received notification of rent increase of possibly more than once in 12 month period.	Notified Ms. Lassie that she missed the 15 day application window as notice was received in late July. Confirmed with ECHO Housing that she is not eligible for a hearing because she missed 15 day window and left Ms. Lassie voicemail on 9/7/12 to confirm her ineligibility.
9/5/12	Julia Rivera	301-1619	Marina Plaza, 2777 Marina Blvd	Received notification of rent increase greater than \$75.	I recommended Ms. Rivera file a RRB application within the 15 day window so I could begin the RRB process. RRB Hearing scheduled for 10/23/12.
9/10/12	Leo T. West	357-0358	755 Fargo Avenue	Received notification of rent increase greater than \$75.	Came in person to counter to submit RRB application on 09-10-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/11/12	Sandra Poole	508-7474	15267 Hesperian Blvd.	Received notification of rent increase greater than \$75.	Came in person to counter to submit RRB application on 09-11-12. Tom Liao called property manager on 9-14-12 and told her the rent increase was void because no RRB notice/summary was attached as required by RRB ordinance. Left voicemail with Sandra on 9-14-12 to confirm my talk with the mgr. Mgr confirmed on 9/18/12 that tenant agreed to a lower rent.
9/12/12	Alvin Amposta	552-0330	713 Fargo Avenue	Received notification of rent increase greater than \$75.	Came in person to counter to submit RRB application for himself and applications for 11 of his neighbors on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.

## Tenant Inquiries July 2012 – June 2013

9/12/12	Melinda Colburn	706-5649	705 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Simon Yoo	818-674-1993	757 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Harold Eldridge	919-3054	759 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Alana Draughty	593-9599	703 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Marco Antonio Ortiz	415-342-7531	763 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Michael McDonald	377-9987	709 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Edna A. Ledesma	484-8227	771 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Angel V. Robles	357-3307	773 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Amaro Henry Brown, Jr.	427-1596	765 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Rachelle Hill	258-9935	769 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
9/12/12	Robert Coates	306-7735	707 Fargo Avenue	Received notification of rent increase greater than \$75.	RRB application submitted by Alvin Amposta on 09-12-12. Spoke to landlord on 9/19/12 to tell him the increase was void because he did not include the RRB notice.
09/27/12	Alejandro Garcia	604-6677	2352 West Avenue 134 <sup>th</sup>	Received notification of rent increase of 10%.	Mr. Garcia was fine with 10% rent increase. Informed him that he has 15 days to submit a Rent Review Hearing Request Application.
09/28/12	Patt Greig	387-0925	490 Estudillo Avenue #14	Received notification of rent increase greater than \$75.	Provided Ms. Greig with RRB application. Per landlord, \$90 rent increase was an error. Rent increase is only \$30.
09/28/12	Patricia Sales	287-2047	1475 167 <sup>th</sup> Avenue #55, San Leandro	Received notification of rent increase greater than \$75.	Ms. Sales received a \$225 rent increase. Referred to Alameda County Rent Review Program since Ms. Sales resides in the unincorporated San Leandro.

## Tenant Inquiries July 2012 – June 2013

10/04/12	Rhonda Collier	437-3514	670 Fargo Avenue	Received notification of rent increase greater than \$75.	Ms. Collier rents a townhome owned by Vasona Management. She has elected to sign a long-term lease which will only have a \$75 rent increase which makes her case ineligible for RRB.
10/25/12	Richard Roe	688-6837	415 Central Court	Received notification of rent increase greater than \$75.	Mr. Roe received a \$195 rent increase. Confirmed with City Attorney's Office that this is not an eligible RRB case because Mr. Roe rents out a single-family home.
11/08/12	Denise	632-4651	did not state	Inquired about rent control in City	Explained to Denise that the City does not have rent control, but it does have a rent increase ordinance.
01/02/13	Katarina Moore	501-5362	2265 Marina Blvd.	Received notification of rent increase of \$75.	Informed Ms. Moore that landlord complied with the City's Rent Increase Ordinance. Rent increase was \$75, and Ordinance notice was attached with the rent increase notice. Ms. Moore may not request a Rent Review Board Hearing.
01/23/13	Bonnie Wood	846-4642	did not state	Received verbal from landlord that she will receive a \$97 rent increase in May.	Informed Ms. Wood to contact the City once she receives her \$97 rent increase notice in May.
02/07/13	Julia Adaya	695-9565	1463 165 <sup>th</sup> Avenue San Leandro	Received \$125 rent increase in January	Informed Ms. Adaya that she resides in unincorporated San Leandro and referred her to contact the Alameda County Rent Mediation Services at 510-670-6682 or at (rentreviewprogram@acgov.org).
02/14/13	Colin Ye	617-686-5418	Did not state	Inquired about the San Leandro Rent Review Program.	Informed Mr. Ye that he resides in unincorporated San Leandro and referred her to contact the Alameda County Rent Mediation Services at 510-670-6682 or at (rentreviewprogram@acgov.org).
03/08/13	Ismael/Marta Lopez	277-6501	164 Mateo Street San Leandro, CA 94578	Received \$75 rent increase	Informed Ismael and Marta that they reside in unincorporated San Leandro and referred them to contact the Alameda County Rent Mediation Services at 510-670-6682 or at (rentreviewprogram@acgov.org).
03/15/13	Wendy Douglas	895-8981	15267 Hesperian Blvd. # 301	Received \$149 rent increase in effective April 1 <sup>st</sup> . Already received \$5 rent increase in March.	Informed Ms. Douglas that the Rent Increase Ordinance does not supersede the rent increases calculated by the Housing Authority of the County of Alameda as rent increases are calculated based on the Section 8 voucher holder's income.
03/29/13	Windy Shotlow	772-9065	235 Haas Ave. # 201	Received notification of rent increase greater than \$75 (\$90).	I recommended Ms. Shotlow file a RRB application within the 15 day window so I could begin the RRB process. RRB Hearing scheduled for 04/23/13.
04/01/13	Addie Kitchen	483-6527	Mobile Homepark	Inquired about rent control in City for mobile homeparks	Explained to Addie that the City does not have rent control, but it does have a rent increase ordinance which does not apply to Mobile Homeparks. Referred to CA State HCD Office of Mobilehome Ombudsman 800-952-5275.
04/03/13	Bonnie Wood	846-4642	15267 Hesperian Blvd. #214	Received \$97 rent increase	Informed Ms. Wood about the City's Rent Increase Ordinance. RRB Hearing Request form and other information were mailed to Ms. Wood to provide her with more information to decide whether she will proceed with requesting a hearing.

## Tenant Inquiries July 2012 – June 2013

04/03/13	Brenda Phinizee	352-1265	2712 Marina Blvd. #4	Received notification of rent increase greater than \$75 (\$124).	I recommended Ms. Phinizee file a RRB application within the 15 day window so I could begin the RRB process. RRB Hearing scheduled for 04/23/13.
04/08/13	Rafaty	818-482-7751	2712 Marina Blvd. (unit # undisclosed)	Received \$175 rent increase	Informed Rafaty about the City's Rent Increase Ordinance. RRB Hearing Request form and other information were emailed to him with more information to decide whether he will proceed with requesting a hearing.
04/29/13	Marilyn Maldonado	510-589-6959	Did not state	Received \$200 rent increase	Informed Marilyn that the Rent Increase Ordinance does not apply to duplexes.
05/06/13	Evelyn	510-305-0702	15267 Hesperian Blvd.	Received \$100 rent increase. Also 2 rent increases in a 12 month period	Informed Evelyn about the City's Rent Increase Ordinance. Requested RRB Request form, but contacted me the next day to let me know that the rent increase was meant for another tenant.
06/04/13	Shani Roberts	408-910-2033	1230 141 <sup>st</sup> Avenue #D	Received \$105 rent increase	Obtained Shani's Rent Review Hearing Request form. Contacted landlord who agreed to renotice and reduce the rent increase amount to \$75.
06/06/13	Dena Alcantar	408-668-5447	1230 141 <sup>st</sup> Avenue #E	Received \$100 rent increase	Explained to Dena that I have contacted her landlord who will be renoticing her similarly to Shani Roberts above.