



# City of San Leandro

Meeting Date: September 5, 2017

## Minutes

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**File Number:** 17-481 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.E.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Jeff Kay  
Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Highlights of the Rules Committee Meeting of July 24, 2017

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**CITY OF SAN LEANDRO  
CITY COUNCIL RULES COMMITTEE**

**July 24, 2017**

**8:30 AM - 10:00 AM**

**San Leandro City Hall  
835 East 14<sup>th</sup> Street  
San Leandro, California  
Sister Cities Gallery**

### **HIGHLIGHTS**

#### **1. CALL TO ORDER**

The meeting was called to order at 8:31 a.m.

##### **1. A. Attendance**

Committee members present: Mayor Pauline Cutter, Vice Mayor Lee Thomas, Councilmember Pete Ballew

City staff present: City Manager, Chris Zapata, Assistant City Manager Jeff Kay; Deputy City Clerk, Deon Sailes; Deputy City Manager, Eric Engelbart; City Attorney, Rich Pio Roda; Deputy City Attorney, Alex Mog, Police Chief, Jeff Tudor, Deputy Community Development Director, Tom Liao, Community Development Director, Cynthia Battenberg.

Public present: Leo T. West; Maria Luisa Penaranda; David Stark, Tom Silva, John Sullivan.

## **1. B. Announcements**

City Manager, Chris Zapata- Community Development has selected a new Housing Specialist who will be announced August 1, 2017.

City Attorney, Rich Pio Roda - Alex Mog is from the Sacramento office and has relocated to the Bay Area. Alex will be working as part of the City Attorney's Office.

## **2. DISCUSSION ITEMS**

### **2. A. Proposed Tenant Relocation Assistance Program**

Deputy Community Development Director Tom Liao highlighted the following:

- At the July 3rd meeting, the City Council directed staff to return the proposed Tenant Relocation Assistance Program to the Rules Committee for further consideration and discussion
- Issues for consideration: Coyne case assessment and impact on the San Francisco ordinance and San Leandro proposed ordinance; additional time allowed for relocation payment; regulation of properties with 4 units or less under single ownership; and program funding needs/administration of the program.

## **3. PUBLIC COMMENTS**

There were 5 speakers on this item: David Stark, Tom Silva, John Sullivan, Maria Luisa Penaranda, Leo West.

## **4. COMMITTEE MEMBER COMMENTS**

Mayor Cutter stated the purpose of the program is to provide tenant protections and restated the points of emphasis for the committee to discuss, which included identifying the applicable unit size, defining just cause evictions vs no just cause eviction, whether the City's proposed tenant relocation assistance program will be able to withstand legal scrutiny and closing of loopholes, if any.

City Attorney Rich Pio Roda indicated that Council received the City Attorney's memorandum analyzing the Coyne Case (Coyne v. City and County of San Francisco (2017)) vs the City of San Leandro ordinance. Pio Roda emphasized that the proposed ordinance as it stands is a true tenant relocation program providing payment to tenants who have been either evicted or constructively evicted through rent increase because of actions taken by a landlord as enumerated in the ordinance. The payment is in-line with current law and requirements. This ordinance passes muster under the law including the Coyne case.

Mayor Cutter stated her understanding that the ordinance is a tenant assistance as opposed to

preventing an eviction.

Councilmember Ballew inquired about a recommendation of implementing a two-tier system - “applying the ordinance to owner of duplexes and fourplexes if they own a certain number of properties”.

City Attorney Rich Pio Roda recommended against a two-tier system. The program is not based on where the landlord is or his/her ability to pay. Pio Roda stated the same relocation system should apply to each and every tenant in the same situation. Currently, there are no legal requirements defining how the relocation payment should be paid. The amount squares with constitutional law. No current law supports a two-tier type of distinction.

Councilmember Ballew three topics:

- Recommendation: Do not use Fair Market Rent as a basis for the payment. The program seeks to protect those who do not have protection. Estimated \$50K per year program cost should be paid out of the general fund or, alternatively, by the real property transfer tax
- Clarify use of terms “rent” and “base rent”
- Avoid TRAP acronym

Vice Mayor Thomas stated his recommendation:

- Recommendation: Include 4-unit parcels (2- and 4-unit properties are included) and reduce cap to \$7K from \$10K

City Attorney Pio Roda confirmed the proposal:

Properties with two or more units are included. Single family homes are excluded.

City Manager Chris Zapata mentioned:

- Twice per year, a biannual budget is discussed. Next discussion will occur in December 2017
- Recommendation: Discuss program funding in December.

Mayor Cutter requested staff monitor and maintain statistics of tenant relocation

**Recommendations:**

1. Return to Council on Sept 5, 2017
2. Increase unit size to include 2 or more units (same as original ordinance)
3. Recommend a \$7K cap on payments to tenants for relocation expenses

**5. ADJOURN**

The meeting adjourned at 9:10 a.m.