



**City of South Pasadena
Planning and Community
Development Department**

Memo

Date: December 15, 2020

To: Chair and Members of the Planning Commission

From: Joanna Hankamer, Planning & Community Development Director

Re: Additional Document No. 1 for Item No. 4 – Tenant Protection-Impacts of State Law relating to Tenant Protection Act of 2019 (Assembly Bill 1482) on local tenant protection opportunity(Continued)

Four (4) written public comments have been received for this project from the following people:

- Danielle Leidner-Peretz, Apartment Association of Greater Los Angeles (AAGLA)
- Brian Barrett, Pasadena-Foothills Association of Realtors
- Deborah Lutz
- Matthew Buck, California Apartment Association (CAA)

In addition to the written public comments received, one (1) verbal comments was received via voicemail messages. These verbal comments will be played during the meeting for the Commission and the audience to hear.

Written comments received are attached to this document and the verbal comments can be heard from link provided in the attachment list below.

Attachments:

1. Written Public Comments
2. Verbal Comments ([Click here](#))

ATTACHMENT 1
Written Comments



"Great Apartments Start Here!"

Danielle Leidner-Peretz
Director, Government Affairs &
External Relations
danielle@aagla.org
213.384.4131; Ext. 309

December 15, 2020
Via Electronic Mail

South Pasadena Planning Commission
City Hall
1414 Mission Street
South Pasadena, California 91030

Re: Tenant Protection – Impacts of State Law Relating to Tenant Protection Act of 2019 (Assembly Bill 1482) on Local Tenant Protection Opportunity (Continued) (Agenda Item 4)

Dear Members of the Planning Commission;

At tonight's Planning Commission meeting, you will be discussing the City's moratorium for no-fault, just cause terminations due to substantial remodel and renter protections. This item was originally scheduled for discussion at the November 17th and November 19th Commission meetings but was postponed. The Apartment Association of Greater Los Angeles (AAGLA or Association) submitted a letter to the Commission prior to the November meetings and maintains the same concerns as previously noted. The Association urges the Commission to thoughtfully deliberate these matters and allow for key stakeholder engagement with the Commission members and recommend to the City Council that the urgency ordinance not be extended or that such extension be limited to no more than six months.

As stated in our November 17th letter, State Law, Assembly Bill 3088 "the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020," precludes no-fault tenancy terminations for substantial remodels through February 1, 2021 unless necessary to comply with health and safety requirements. Accordingly, there is no urgent need to extend the urgency ordinance, as such terminations are generally prohibited at this time. It is equally important to recognize that notwithstanding the current prohibitions in Assembly Bill 3088, under Assembly Bill 1482, if an owner fails to comply with State law's provisions, the no-fault termination is rendered void and the owner may also be subject to punitive damages. Moreover, the owner may be subject to litigation initiated by his or her renters. These existing renter protections serve to discourage the likelihood that an owner would issue a baseless notice with no intention to renovate the property.

The rationale provided for instituting the moratorium was to address a perceived loophole in the state law whereby owners are serving no-fault evictions for substantial remodel and then not conducting such renovations. Yet, to date, no data has been provided reflective of a widespread issue in the City of South Pasadena warranting the urgency ordinance or the extension thereof.

Given the current State Law requirements and the lack of urgency, we urge the Commission to engage in meaningful discussions with stakeholders to obtain a comprehensive understanding of the issues as well as the intricacies and nuances involved in the permit application process. The current 45-day



“Great Apartments Start Here!”

moratorium fails to account for the various factors and information needed to procure a permit. Requiring issuance of permits prior to serving a tenancy termination will make the permit application process extremely onerous disincentivizing owners from considering moving forward with often necessary renovations. These requirements are particularly problematic and challenging for the City’s small “Mom and Pop” rental housing providers, who have chosen to make an investment in their community through the provision of much needed affordable housing. Such burdensome local regulations will make it difficult, if not insurmountable, for small “Mom and Pop” owners with limited financial resources to rehabilitate and upgrade their building, causing such renovations to not be conducted, further deterioration of the City’s affordable and aging housing supply and potentially compelling many small owners to exit the rental housing industry resulting in the further depletion of much needed affordable housing.

As current State Law under Assembly Bill 1482 provides a clear definition of what constitutes a “substantial remodel” and Assembly Bill 3088 delineates the current limited permissible tenancy terminations, providing community workshops and other educational opportunities will ensure that all stakeholders are properly informed. The Association has always been supportive of education and community outreach to facilitate renters and rental housing providers understanding of their rights and responsibilities. We also recommend that such education and outreach be inclusive of information relative to the City’s permitting process and requirements.

State law has effectively balanced the objectives of providing renter protections while recognizing the vital importance of upgrading the State’s rapidly aging housing stock. We ask that the Commission consider the existing renter protections under Assembly Bill 1482 and Assembly Bill 3088, and the likelihood of unintended consequences that will result from imposing stricter requirements, including potentially hindering essential rehabilitation of the City’s aging housing or unnecessarily increasing the costs of needed renovations. Moreover, we ask that the Planning Commission first determine the scope and extent of the substantial remodel issue and whether any further action is needed prior to consideration of other matters such as relocation assistance which should be evaluated separately, if necessary.

AAGLA urges the Commission to contemplate the matters set forth in this letter, continue the dialogue with key stakeholders and recommend that the City Council not extend the urgency ordinance or limit such extension to no more than six months.

Thank you for your time and consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at danielle@aacla.org.

Very truly yours,

Danielle Leidner-Peretz

Danielle Leidner-Peretz

Joanna Hankamer

From: Rian Barrett <[REDACTED]>
Sent: Monday, December 14, 2020 2:32 PM
To: PlanningComments
Subject: Agenda Item #4

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members:

The Pasadena-Foothills Association of Realtors (of which South Pasadena is a part) believe the current discussions around requirements for building permits before a notice of tenancy termination and the other tenant-centric measures are premature, hastily-conceived and solutions for which there is no evidence of a problem.

The original proposal to require building permits in hand before a notice to terminate tenancy can be given was prompted by one building owner who may have acted illegally. Current law (SB 3088) prohibits such notice for substantial renovation (thoroughly and properly defined in the state statute) except in instances of need for health and safety. This law is in effect until Feb. 1, 2021 and is currently being debated for extension in the state legislature.

The likely unintended consequence of a requirement to obtain building permits before a substantial remodel is that small 'mom and pop' owners will simply not initiate a remodel or just give up and sell their properties to larger corporate owners. This only helps to hasten the deterioration of the housing stock in the community or drives the small owners out of business and their properties in the hands of larger, usually less sympathetic landlords. Either consequence is not in the best interest of the tenants nor the community.

Other tenant protections such as payment of relocation fees and just cause evictions are also provided in state legislation -- also in discussion for extensions at the state level. A very small group of the city's tenants is agitating for change at a time when their state legislators have already protected them.

It is clear that education to both tenants and those that provide them housing is necessary so that all stakeholders understand what is legal, what protections exist, and what housing providers may or may not do.

It is not in the city's best interest to extend a moratorium on housing renovation for almost year. If you must, approve an extension for six more months, and use that time to continue outreach to all stakeholders, initiate a real dialogue between city decision makers and those stakeholders. There is no crisis that causes immediate and rash action that will impact the quality of the city's housing stock for years to come. The COVID crisis has, understandably, made real dialogue impossible. The city's requirement to either write or record a message doesn't allow for back and forth questions and answers, with an understanding of all sides before decision making. We urge you to slow this down, allow the state legislature to extend existing protections, and allow housing providers, when legally able to do so, to renovate their properties and insure the quality housing you expect for your city.

Sincerely,
Rian Barrett

Rian Barrett
Member Outreach and Leadership Development Manager
Pasadena-Foothills Association of REALTORS®

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PASADENA-FOOTHILLS
ASSOCIATION OF REALTORS®

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Or chat online: go.crmls.org/support

PFAR's Flexmls users will no longer contact Flexmls directly for technical support needs as of January 2, 2020

Joanna Hankamer

From: Deborah Lutz <d[REDACTED]>
Sent: Monday, December 14, 2020 3:03 PM
To: PlanningComments
Subject: Agenda Item #18 moratorium on evictions for substantial renovations

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,

I support a fair and healthy housing market within our city.

I oppose the staff recommendation to extend the moratorium for another 10 1/2 months.

This is an unnecessary extension due to the fact that current law (SB 3099) already prohibits such notice for substantial renovations (thoroughly and properly defined in the state statute) except in instances of need for health and safety. This law is in effect until Feb 1, 2021 and is currently being debated for extension in the state legislature.

No evidence has been presented by staff that this is a wide spread problem or that even one example of a specific violation of this law has occurred.

If any landlord in South Pasadena violates this law there are already prescribed remedies. City Council does not need to make a hasty decision without additional stakeholder input and allowing adequate time for new council members to understand more about this issue. A 10 1/2 month extension is unnecessary and unfairly burdensome to landlords.

It is not in the city's best interest to extend a moratorium on housing renovations for almost a year. If any extension is necessary then 30-60 days is sufficient as we see what extensions are granted at the state level.

Please do not make regulations so burdensome that only "well capitalized" real estate investment firms can operate in the South Pasadena housing market. Long term mom and pop housing providers are the same type of small business owners that make South Pasadena a desirable place to live.

Please do not vote to extend the moratorium for another 10 1/2 months.

--

Deborah Lutz
[REDACTED]



California Apartment Association
Los Angeles County
515 S. Flower Street, 18th Fl.
Los Angeles, CA 90071

December 15, 2020

Planning Commission
City of South Pasadena
VIA Email

Re: Eviction Moratorium for Substantial Remodel

Dear Planning Commissioners:

The California Apartment Association (CAA) represents local housing providers, operators and suppliers along with business owners and real estate industry experts who are involved with a range of rental properties from those that offer single-family residences to large apartment communities.

AB 1482 is landmark legislation which creates statewide prohibitions on rent gouging and for cause lease terminations. There is no “loophole” in the legislation. The substantial remodel provisions are designed to encourage healthy and improved housing stock.

We urge you to consider the following as you discuss the moratorium for substantial remodel.

- At this time, due to COVID-19, any type of lease termination due to substantial remodel is prohibited. There is already a statewide moratorium in this regard.
- The goal of the previous City Council was to review substantial remodel protocols and further assist in preventing illegal activity. We are asking the new City Council to recognize this is solely an issue of “city permit accountability.” Further directed actions on this item should remain narrowly focused on this issue.
- CAA appreciates the opportunity to provide feedback on the issue. Although not referenced in the report, many cities have a digital permit tracking system. This would not only help staff track projects of all sorts, but also make permits easily available for public access. A simple system would create further accountability beyond AB 1482.
- We do take issue with the “misconceptions” noted in the report. Owners do understand the general scope of the work needed for the substantial rehabilitation but often are unable to ascertain the detailed extent without intrusive and extensive review.

On behalf of our members, we ask that if you recommend City Council should extend the local moratorium on substantial remodels, please recommend extending for no longer than 6 months. Please do not hesitate to contact us with any questions and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Buck', written over a white background.

Matthew Buck
California Apartment Association
951.809.4423

ATTACHMENT 2
Verbal Comments
([Click Here](#))