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Via Email

April 17, 2023

Honorable Todd Gloria, Mayor of the City of San Diego
Honorable Sean Elo-Rivera, San Diego City Council President
Council President Pro Tem, Monica Montgomery Steppe
Councilmember Joe LaCava
Councilmember Jennifer Campbell
Councilmember Stephen Whitburn
Councilmember Marni von Wilpert
Councilmember Kent Lee
Councilmember Raul Campillo
Councilmember Vivian Moreno
San Diego City Council
202 "C" Street, 10th Floor
San Diego, CA 92101

Re: Right to Access Information about City Council's Deliberations Regarding the Mayor and Council President's "New Protections for Renters" Proposal

Greetings:

This letter is sent on behalf of Apartment Owners Association of California, Inc. to assert the constitutional right of the public to witness and participate in the City Council's consideration of, and deliberations over, the Mayor and Council President's "New Protection for Renters" Proposal (New Proposal) announced December 6, 2022. We request you comply with the mandate of Article 1 Section 3(b)(1) of the California Constitution which provides:

"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the **meetings** of public bodies and the writings of public officials and agencies shall be open to public scrutiny."

The Mayor and City Council President propose to add new renter protections to those the California legislature has already provided in AB 1482. It is imperative that the City Council allow the public to scrutinize how the Council goes about deciding what new renter protections to adopt. The Mayor and City Council President propose apartment owners pay for the new renter protections. In other words, what is to be given to renters is to be taken from owners.

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The Council is required under California open meeting law to evaluate the renter proposal in public. Public scrutiny will also show the need for the Council to consider a broader range of alternatives than just placing the financial burden of the unhoused on apartment owners.

In adopting AB 1482, the California legislature provided statewide renter protections regarding owners terminating a tenancy without just cause. With some exceptions, owners cannot terminate a tenancy without just cause. Owners must provide written notice to terminate a tenancy where renter have occupied their apartments for 12 months. Tenants must be given an opportunity to cure before issuing a notice of termination. In some cases, owners must make a direct payment of one month's rent for no fault terminations. Owners are prohibited from increasing gross rental rates more than 5% plus the percentage change in the cost of living or 10%, whichever is lower. Owners cannot increase rental rates in more than 2 increments over a 12-month period. Waivers of the AB 1482 protections cannot be waived.

The problems of the unhoused is a local, state, and national responsibility. AB 1482 already places financial burdens of the unhoused on San Diego apartment owners. The public has a right to scrutinize Council deliberations to see if members consider extending the burden on the broader community.

The Council has not deliberated in public about the New Proposal. Fair inferences may be drawn that the terms of the new proposal have been decided upon in serial meetings amongst Council Members and the Mayor. The made-to-order ordinance released adds further weight to the claim the Council has already agreed to its terms in serial meetings. Public Records have been requested from the City for additional evidence of unlawful deliberations about the New Proposal.

We respectfully request that you conduct a series of public meetings to allow a broader range of alternatives for dealing with the problems of the unhoused.

Respectfully,

/s/ Michael J. Aguirre
Michael J. Aguirre, Esq.

/s/ Maria C. Severson
Maria C. Severson, Esq.