

6/21 Special Fairfax Town Council meeting keep for records

Teliha Draheim <tdraheim@imagewestdesign.com>

Tue 6/20/2023 7:27 AM

To:Christine Foster <cfoster@townoffairfax.org>

To Mayor Cutrano and Council Members Coler, Hellman, Ackerman and Blash:

Perhaps you have noticed the lack of available rentals in Fairfax as more and more small housing providers exit the market as a result of the Fairfax Town Council's passing of the ill-conceived "Rent Stabilization" and "Just Cause Eviction" Ordinances. Perhaps you have also noticed the extreme divisiveness these Ordinances have caused in our town.

Your actions, and belief in your own righteousness, have fostered a bias of separation in Fairfax. These unnecessary Ordinances were passed using faulty data*, outside political influence from socialist leaning groups, and without discussion or the consensus of all involved parties. The tax-paying stakeholders who are most negatively affected, were not notified of upcoming decisions and were denied their right to vote on major policies which significantly affect their future livelihoods.

It should be very clear, by the signatures on the voter-driven Ballot Initiative Petition to place these Ordinances on the November 2024 ballot, that over 1000 voting Fairfax residents do not agree with you. Your actions are harming the tax-payers who entrusted you with their vote.

Your attachment to how you think things should be, will ultimately harm you because by fostering a bias of separation, you have created an imbalance in our town. You will never achieve your goal of increased affordable housing by *villainizing* housing providers and harming the supply source.

At the 6/6/23 Fairfax Town Council Meeting, it must have been extremely embarrassing to our Mayor and Town Council members to hear Rose Taber, a 90-year-old Fairfax resident of sixty years, current and twice elected Grand Marshall of the Fairfax Festival, publicly shame the Council by informing them she has been forced to sell her home and move out of town due to their punitive policies.

These Ordinances remove the right of housing providers to control who lives in their homes. This is frightening and unacceptable to Rose, as well as to most housing providers, many of whom are senior citizens, dependent on the income to cover expenses. Your adoption of these Ordinances, caused Rose and those she housed to lose their homes. Your policies prevented Rose Taber, an icon of our community, from aging in place.

Amidst the resulting public outcry and ongoing protest, I believe you may have resisted changing your vote out of fear. However, the action of fear is to claim more fear. Please allow me to encourage you otherwise. This is the People's decision, not yours. There should be no fear in righting a wrong or returning what does not belong to you.

As elected officials, you have a Chance at this upcoming special Town Council meeting on June 21, to rise above the common field, to step out of the way and move into a higher level of objectivity. You have the Chance to reverse your vote in adopting the Ordinances, restoring confidence and a sense of fairness in Fairfa .

As further encouragement, I have copied this email to members of the Marin County Commission on Aging to raise awareness on how these Ordinances have negatively affected the aging population of

Fairfax.

With hope,

Teliha Draheim, Fairfax resident 28 years

** I have been gathering and reporting rental data on over 6,000 apartments in Marin County for over two decades. We provide it to county supervisors and city council members. According to the data I gathered, it appears evictions actually are down. The "tidal wave" of evictions that was predicted after the COVID-19 pandemic not only didn't happen, it appears they fell. The "normal" rate at which renters violate the terms of their rental agreement and the court rulings in favor of the property owner appears to be about 350 per year. That's fewer than in the past.*

In the article, Legal Aid of Marin quotes the county's new housing element as saying that rents in Marin increased 16% from 2021 to 2022. But, as a multi-family real estate specialist, I gather exhausting data on this topic and I can tell you that rents in Marin averaged a rise of 1.61% from 2019 to 2022. I understand that Legal Aid of Marin is trying to make a point, but we clearly need more understanding of all the data.

In order to solve the problem, we have to identify the problem. The problem is a shortage of housing. Please understand that rental housing providers are just that, and this county needs more of them. Let's stop villainizing housing providers, who increased their prices by under 2% while home prices and overall inflation skyrocketed, and start focusing on bringing down barriers to more housing.

According to hard data, the way to bring down rents, as has happened three times in the past 30 years, is to increase the supply.

— Scott Gerber, San Rafael

<https://www.marinij.com/2023/06/02/marin-ij-readers-forum-for-june-3-2023/>

Three Informal Polls on NextDoor about ADUs

At the end of this report is a link to a recent (June 15, 2023) report by the County Grand Jury about ADUs.

Starting last week (June 11, 2023) I posted several polls on ND. Response was good. The first poll, about repurposing an AirBnB was conducted in Fairfax and nearby towns. I would expect AirBnBs to replace permanent housing. About half of those polled would be willing to convert an ADU to an AirBnB.

The next poll was about incentives. My takeaway from this poll is that incentives, no matter how many dollars, are not sufficient to motivate our audience to build enough new ADUs. Pay particular attention to the amount of incentives really being offered and the poll responses at those incentive levels.

The last poll was about deed restrictions. This poll, taken in a territory identical to the second poll, did not have as much of a response. The wording of the poll question, and the lack of understanding that there is already a deed restriction requirement may have impacted the response. Over half of the respondents would consider a deed restriction if it meant an exemption from rental protections. Another takeaway I have is that there is a leaning toward ADUs being constructed without filing the lawful paperwork.

[These polls were meant to be rough work from the beginning. I had not seen a similar poll conducted by a person in the public for the public, so I gave it a quick try.]

Rick Hamer June 21, 2023

Notes:

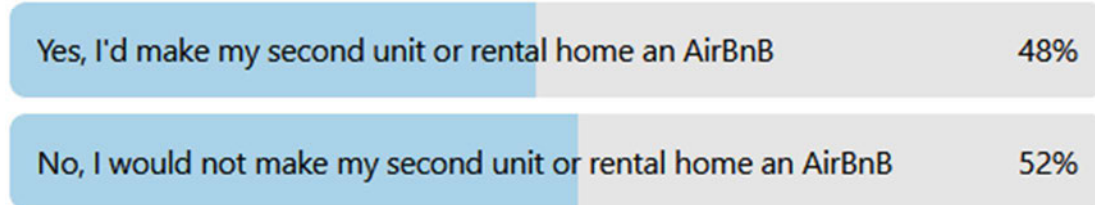
1. Next Door's poll engine prevents users from outside the target area to vote.
2. Next Door polls can only be voted on once per user.
3. There was no way to filter polling homeowners only or any specific qualification before voting.
4. The AirBnB poll was posted in 33 neighborhoods including Fairfax, San Anselmo, San Geronimo, some of San Rafael and Ross, and unincorporated areas adjoining Fairfax.
5. The other two polls were posted in 13 neighborhoods inside Fairfax and unincorporated areas adjoining Fairfax.

(continued)

POLL ONE

<https://www.vice.com/en/article/qjwkd/they-bought-a-house-with-plans-to-airbnb-then-they-were-banned-for-knowing-the-wrong-people>

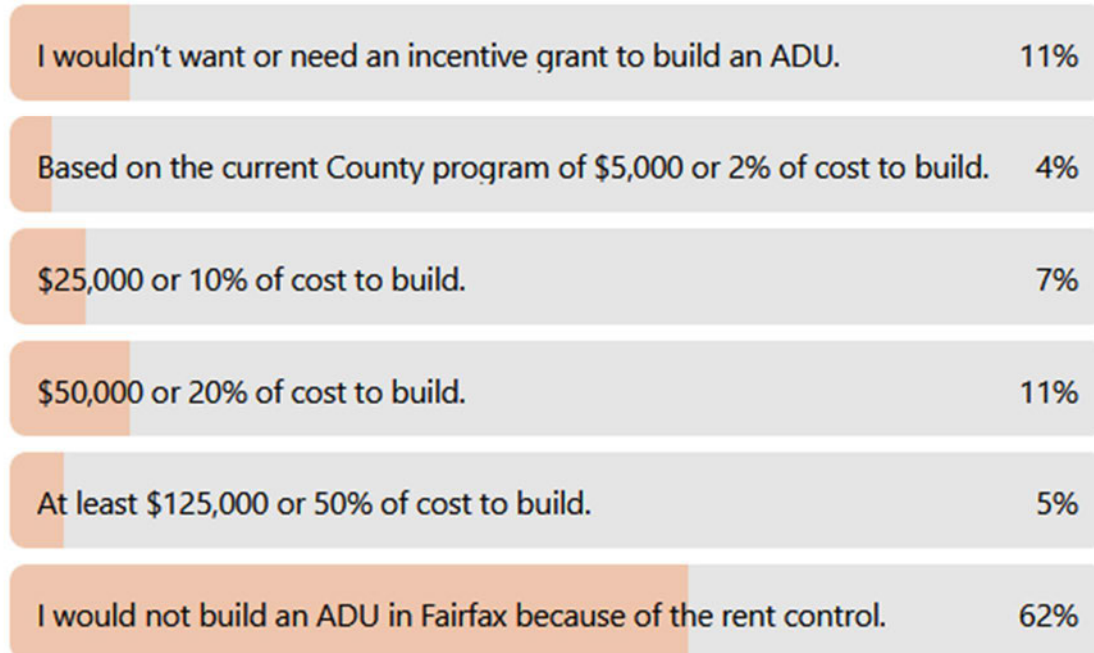
They are exempt from rental protection ordinances. Short-term rentals are a good alternative to generate income?. What are your thoughts on rental income in Fairfax during rental protection ordinances? Any experiences to share?



89 votes Closed

POLL TWO

ADU INCENTIVE POLL Example: If in Fairfax, a new ADU of 600SF 1BR1BA and costs \$250K to build, and it initially rents at MARKET RATE. The LEAST INCENTIVE GRANT with no strings attached to entice you to add a leased rental ADU to your home is?
NEW ADU

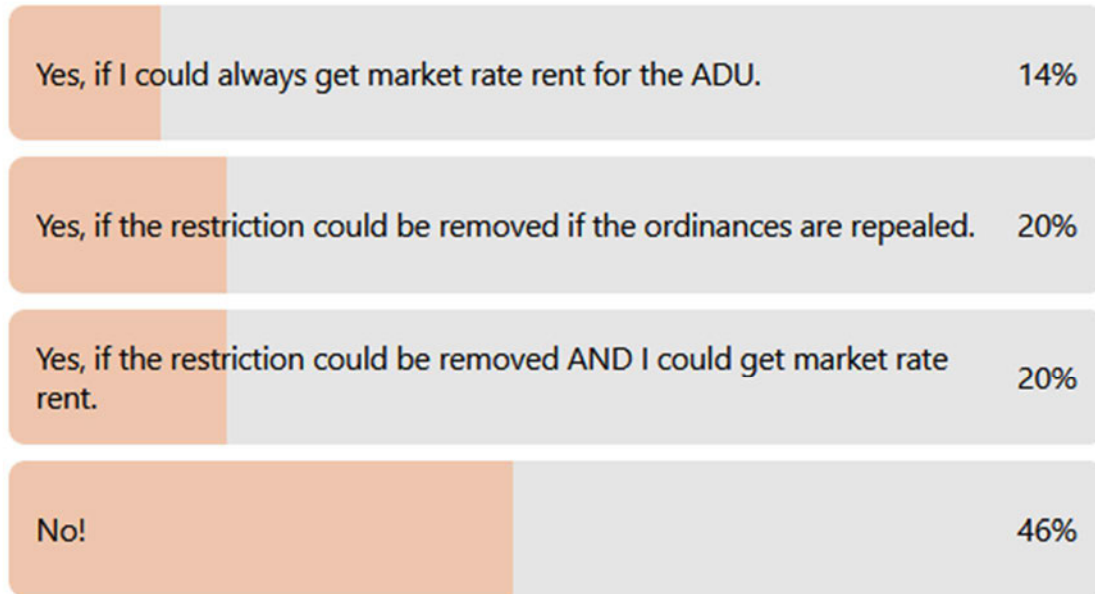


92 votes Closed

(continued)

POLL THREE

Would you be willing to record an additional condition in a deed restriction if it meant you would be EXEMPT from the rental protection ordinances for your ADU (or second unit)? Legal ADU/JADUs already require a deed restriction referencing separate sales and size (see Ordinance 876 / Town Code Chapter 17.048.010(E)(8)).



35 votes Closed

LINKS to POLLS (NextDoor log in required)

POLL ONE https://nextdoor.com/p/QkngL_qcSNSM?view=detail

POLL TWO <https://nextdoor.com/p/bHNGWdBdKMTr?view=detail>

POLL THREE <https://nextdoor.com/p/JtZR3X8GgQR4?view=detail>

The LINK from the first poll: <https://www.vice.com/en/article/qjvvd/they-bought-a-house-with-plans-to-airbnb-then-they-were-banned-for-knowing-the-wrong-people>

LINK to County Grand Jury Report about ADUs dated June 15, 2023

<https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2022-23/build-more-adus--an-rx-for-increasing-marins-housing-supply.pdf?la=en>

Please Uphold Just Cause Eviction Ordinance

Maya Rose <mayaroseyoga@yahoo.com>

Wed 6/21/2023 1:13 PM

To:Christine Foster <cfoster@townoffairfax.org>

Cc:Chance Cutrano <ccutrano@townoffairfax.org>

Dear Town Council,

I am writing to you in regards to the Just Cause Eviction Ordinance. As a Fairfax resident and renter of 30 years I urge you to uphold the Just Cause Eviction Ordinance and stand strong against pressure to amend it.

As someone who has lived in duplexes her whole life, I see no reason why duplexes should be excluded from the ordinance. We currently live in a duplex and believe that we too deserve protection. We pay full utilities and rent and work hard to afford a stable home close to our multiple jobs. Both duplexes, as well as single family homes, should definitely be included in the ordinance!

We passionately support the protection for teachers and students during the school year, as well as adding caretakers to owners move in. We also support exempting lodgers from the ordinance.

Please continue to uphold renter's rights, for the sake of all of us renters and working class people of Fairfax. Up until the Rental Ordinance was passed we all lived in fear of being priced out or evicted from our homes, as many of us have been in the past. Despite the outcry from property owners who claim the ordinances hurt renters, anyone who's had experience renting in Marin county knows that any amount of rights awarded to renters is an absolute win. We deserve support, protection and respect in this town that calls itself fair.

Thank you for your time, and please continue to fight for our rights!

-Maya Ysaguirre
& Phil Hoffman Harris

[Sent from Yahoo Mail for iPhone](#)

Rent Control & extra rent control

Cece Ritchie <ceceritchie@gmail.com>

Wed 6/21/2023 12:24 PM

To: Michele Gardner <mgardner@townoffairfax.org>; Christine Foster <cfoster@townoffairfax.org>

To Whom it may concern:

In regard to extra rent control in Marin County and Fairfax specifically, it will affect renters in a negative way. For instance, my family home since 1967 in Fairfax is now rented to my young adult children. Previously they had roommates who were becoming independent young adults and we provided them with very undermarket rental rate housing. Currently there are only two tenants and I have told them they are no longer allowed to have anyone else move in, because of the new rent control ordinance and the extra rent control ordinance being proposed. The rent control ordinance has made the obstacles of renting to anyone too restrictive. If the two family members move out, we will probably take it off the rental market or sell the house as I would no longer want to deal with the Fairfax rental restrictions. Please consider repealing the rent control ordinance and please do not add more restrictions.

Celine Ritchie

Sent from my iPad

Fwd: Extra rent control

Maria Kennedy <justmaria1016@gmail.com>

Wed 6/21/2023 12:05 PM

To:Christine Foster <cfoster@townoffairfax.org>

Sent from my iPhone

Begin forwarded message:

From: Maria Kennedy <justmaria1016@gmail.com>

Date: June 21, 2023 at 12:00:17 PM PDT

To: mgardner@townoffairfax.org

Subject: Extra rent control

We own two cottages in Fairfax. Like many long time Fairfax families, we often rent them to family members in need of housing.

Currently, we rent to our daughter's family. The family is low income, ethnically mixed and both adults work in education. One is dealing with Cancer and sometimes mobility issues. The other unit we rent out at the going rate to subsidize our daughter's family. It's a system that works for us and other families we know who own rental homes in Fairfax. These are anecdotes but in a town this size, anecdotes count.

As owners, who remodeled and continually preserve and upgrade these cottages, who pay property taxes and always assist our tenants, it's inconceivable that we may face a day when we can not let a family member live in one of the cottages because another tenant can exercise their rights over ours. We have never asked a tenant to leave (since we bought the cottages 1989) but the day may come as our family grows and circumstances change.

In the world of reality, not idealized altruism, giving teachers and elderly tenants MORE power over landlords makes landlords less likely to choose them as tenants. This will apply to my children if they choose to rent another house in Fairfax someday. As the parent of a potential renter I say, No Thank You to that rent control caveat.

I have read lots of DSA literature. The end goal is the State owning all housing options a State which someday could be controlled by a right wing government! Has anyone thought this through?

Labelling tenants as workers and setting them apart from and against capitalist owners of rental homes, many of whom are Fairfax's hardest workers and most creative and generous people, is both ridiculous and offensive. This is not Czarist Russia.

I urge the Council to junk the new ordinances and start over using logic, common sense, and respect for Fairfax citizens and rental providers as a guide.

Maria Kennedy



San Anselmo

Sent from my iPhone

Please forward to council, thx.

PHILIP SALAVERRY <p.salaverry@comcast.net>

Wed 6/21/2023 1:17 PM

To:Christine Foster <cfoster@townoffairfax.org>

June 21, 2023

Dear mayor Cutrano and council,:

I am writing today to say many people I've spoken to are very concerned that you will start spending hard earned taxpayer money implementing the Rent Control ordinances before citizens have voted Rent Control up or down.

Also, I asked mayor Cutrano if he supported TC member Coler's suggestion that the council look into a vacancy tax and he stated in his "cross-talk" at the farmers market that that was an option worth looking into. Implementing a vacancy tax would be seen by many in town as a nuclear scorched earth tactic by the council and would result in more rancor, divisiveness and anger.

Please allow the citizens of Fairfax to vote before spending tax dollars on implementation of the ordinances and please do not subject housing providers to a vacancy tax.

Sincerely, Philip Salaverry

Letter to Fairfax Town Council

morgan@filmsight.com

Wed 6/21/2023 12:00 PM

To:Christine Foster <cfoster@townoffairfax.org>

Dear Fairfax Town Council,

As a Fairfax community member and long term renter of a 1 bedroom duplex in Fairfax I encourage you to keep in place the rent stabilization and just cause eviction ordinances that were passed by you in November of 2022. I was born and raised in Berkeley and my daughter who is now 30 was also born and raised in Berkeley and is a renter in Oakland and works in Corte Madera. My wife (who is a senior on a fixed income) and I are documentary filmmakers and our work has focused mostly on climate change solutions and social justice issues. Much of our documentary work is produced on our own dime and time and is widely distributed in libraries and public television at no cost to our community and country. None of this would be possible if we were forced to pay unpredictable rent increases or were asked to leave for no cause. Please consider keeping these basic rental protections for our community.

Thank you,

Sincerely

Morgan Schmidt-Feng

Rent Ordinances Town Council Meeting 6/21/23

Suzanna Aguayo <suzanna@filmsight.com>

Wed 6/21/2023 1:29 PM

To:Christine Foster <cfoster@townoffairfax.org>

Dear Town Council,

My name is Suzanna Aguayo and I am a senior citizen and Fairfax resident who shares a rented duplex apartment with my husband. Since 2018 we have grown to appreciate the spirit of our community and remain extremely grateful that the town council, and members of our community worked diligently to create the current ordinances. I feel both seen and represented.

Given that over 30% of our community rent homes here, and given the lack of affordable housing in Fairfax and the greater Bay Area, the rent ordinances are a vital protection to the health and stability of everyone in our community. Research shows that rent control ordinances keep people in their homes and create a more stable community.

I support the rent control ordinances that were thoughtfully created but concede that a few amendments make sense. In particular, an exemption should be considered for lodgers who share the essential spaces inside a home with the owner, such as a shared bathroom, kitchen and shared entryway.

Over 200 dwelling units in Fairfax are duplexes. I strongly support protecting the rights of the tenants who live in duplexes and require these protections just as much as those who live in larger apartment buildings. It would be unfair to exclude these tenants from the rent ordinances.

I wish you each continued patience and a peaceful productive meeting tonight.

Suzanna Aguayo

Fairfax, CA

6/21/23

Town Council Members

Fairfax, CA

Re: Rent Control

I own residential income property in Fairfax. I am an 89-year-old small landlord. I raised my children and have lived in Marin since 1963. As many "mom and pop" landlords I worked those years as an independent contractor. There were no pension or profit-sharing plans. Many of us chose to purchase rental property because it was something we could see, touch and thought we could manage. We know our tenants very well and typically keep our rents below market. Expenses, taxes, insurance, maintenance, and periodic major expenses, continue whether rents increase or not. All landlords are affected, but small landlords more. Those landlords who have mortgage payments are most affected. We already have rent restrictions in California in AB 1482, that is enough. I understand we have outside organizations putting pressure on our town councils. We are your friends and neighbors. Please work with us and don't let outside influencers tell you how to govern.

Most sincerely,

Dave Egan

Cell/text: [REDACTED]

Email: [REDACTED]

From: Deborah London <thecoffeeroastery@gmail.com>

Sent: Tuesday, June 20, 2023 12:20:52 PM

To: Chance Cutrano <ccutrano@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>

Subject: Mayor Town Council June 21, 2023

To Mayor Cutrano and Council Members Coler, Hellman, Ackerman and Blash, Town Manager Heather Abrahms

You continue to force this workshop nonsense down the throats of Fairfax Housing Providers, Home Owners and Renters.

Every step of this workshop was unwanted, very poorly executed and an insult to the intelligence of Fairfax Housing Providers, Home Owners and Renters.

I waited 1.5 hours on line trying to attend this workshop. I was never allowed in. Hmmm.

Then you closed the workshop 2 hours early because your ill-equipped representatives could not control the comment.

You allowed out of town people to participate in the workshop.

You say you can't exclude people who don't LIVE in Fairfax. (BTW only 3-5 d\$A members actually live in Fairfax)

Yes you can.

Yes you could have.

This workshop and any possible findings are and continue to be a joke and a waste of everyone's time.

Your just "checking the box" in a selfish attempt to placate and congratulate yourselves.

The coming meeting this Wednesday evening June 21, 2023, is yet another of the many examples of your disingenuous interest in the well being of the residents of Fairfax.

In spite of the continued outcry and demonstration by Fairfax Residents of their opposition to these Extreme Ordinances, you continue to steam roll forward with your misguided personal agendas and ignore the wishes of the residents of this town.

This Mayor and Town Council allowed the d\$A to put out an APB to invite the entire Bay Area d\$A membership to march in our sweet Fairfax Parade.

Then Stephanie Hellman, you thought it was ok to march with this group?

Yet another display of your idea of "equity"?

Todd Greenberg had to read you the definition at one of our last meetings.

You have not the slightest idea of the concept of "equity".

Especially in light of the way you view and continue to treat, Fairfax Housing Providers, Fairfax Home Owners,

Fairfax Residents and let's not forget our friends our Fairfax renters.

Yes they have always been Housing Providers friends.

Until this mayor and town council changed that.

This Town Council's actions and beliefs have harmed every faction of Fairfax and its Residents.

In regard to the unwanted continuation of this ridiculous "workshop"...

I could say for the hundredth time...

Mayor, Town Council

Stand Down

Rescind

However,

We no longer care what you do.

We no longer care what you have to say.

We no longer care what "Tweaks" you make to these insane ordinances.

No amount of "tweaking" will ever make these ordinances acceptable to Fairfax Housing Providers and Home Owners.

Yes.

We submitted to the Town of Fairfax a Ballot Initiative signed by close to 1100 Fairfax Registered voters.

These signatures were gathered in 60 days.

It was easy.

Our Ballot Initiative is not and will not be our only action against this mayor, town council and your catastrophic ordinances.

We are not going away.

What ever it takes...

...we intend to **Take Back Our Town...**

... to return our town to the unified loving charming hamlet it once was...

... without any of you at the helm ...or should we say ...at the paddle of Rene Goddards Raft...

In continued distress and disgust,

Deborah London