

Ordinance Implementation

Claire Armitage <claire@clairearmitage.com>

Tue 2/27/2024 1:27 PM

To:Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

To the Fairfax Town Council,

As you begin to implement the rent control and just cause eviction ordinances that will be voted on in November, I ask you again to reconsider the severe burden and limitations that these ordinances place on housing providers with 2-unit duplexes and single-family properties with attached/detached ADUs & JDUs. The rent stabilization piece becomes an ever-greater burden daily as we small property owners learn of double-digit increases to our utilities, homeowners' insurance (as well as threats of cancelation), property taxes, and materials and labor costs. State Farm is no longer writing homeowner's insurance in California and has indicated they will increase our policies by 20% this year. This will amount to a \$720 per year increase for us – and this will be just the first of their increases. And we are the lucky ones. Many Fairfax residents have had their policies canceled by their insurance carriers and face astronomical prices for policies with very limited coverage through the California Fair Plan.

Many of us saw our water bills increase by 40% over the summer despite our strict conservation efforts. PGE has raised and continues to raise its costs for energy. Our bill has been over \$350 EACH month this winter to heat a house that is not much larger than 1500 square feet. We have the temperature set at 64 degrees in the evening hours (5-10 PM); the rest of the day it is set to 62. Very soon, no one – neither renters nor older Marin residents – will be able to afford to live in Marin.

There is also still much confusion around certain sections of the Ordinances. For example, I am unclear and would appreciate clarification around whether it will be possible to rent out our house and live overseas for a year or more without being subjected to the just cause eviction clauses on both our primary residence and our ADU should our house not be owner-occupied. Leaving and coming home to the possibility of having lost possession of our home is frightening, and the legal costs to regain our home would be unaffordable.

I know you have heard these things before, most likely from me and other homeowners, but I want to remind you that you were elected to serve in the best interests of ALL your constituents, not just one group. I implore you to reconsider our concerns as you begin implementing these ordinances.

Thank you,

Claire Armitage.



WEBSITE: www.clairearmitage.com
<https://claire-12825.medium.com/>

Re: Town Council Meeting

Holly Baade <hollybaade@gmail.com>

Tue 2/27/2024 9:33 AM

To:Christine Foster <cfoster@townoffairfax.org>

You all should be embarrassed to even show your faces around town. Horrible town management and leadership.

May Love & Blessings Carry You,

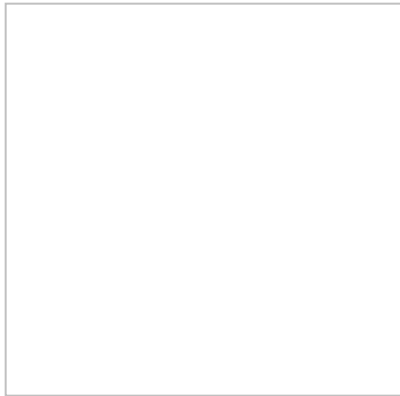
Holly Baade

The Joyful Warrior

415-233-2049

www.hollybaade.com

"Live With Spirit"



On Tue, Feb 27, 2024 at 10:01 AM Town of Fairfax <cfoster-townoffairfax.org@shared1.ccsend.com> wrote:

Town Council Meeting

Thursday, February 29, 2024, at 6:30 p.m.

Fairfax Women's Club, 46 Park Road

And via Zoom

The Fairfax Town Council will hold a meeting on **Thursday, February 29th at 6:30 p.m.**

Agenda highlights for this meeting include:

- 79 Wood Lane Appeal
- Rent Stabilization Program Partial Implementation

You can view and download the full agenda and staff reports on the **February 29, 2024, meeting page.**

[View the agenda](#)


Sincerely,
Christine Foster
Deputy Town Clerk

Town of Fairfax [J_142 Bolinas Road](#), Fairfax, CA 94930

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Sent by cfoster@townoffairfax.org powered by

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Rent control - implementation, and cost.le

John Rushworth <johnnyrush1234@gmail.com>

Wed 2/28/2024 10:00 AM

To:Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Dear town council,

Please explain the cost of implementing this rent control measure. Why do you want to push this through and spend thousands of dollars before it goes to a vote by the people ?

What is your hurry? The residence of Fairfax do not want another bureaucracy that cost taxpayers money.

Thanks you

Sent from my iPhone

I Oppose Agenda Item #2

Kim B <kburggraf@gmail.com>

Thu 2/29/2024 12:46 PM

To: Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

To the Fairfax Town Council-

Regarding agenda item #2 Partial implementation of the extra rent control ordinances;

The people of Fairfax should have had a vote on rent control adoption to begin with. That 5 people decided to make an arbitrary decision with other peoples money ie: personal property investment is ridiculous and should not have happened.

Since then, the people of Fairfax have spoken and want to vote on this issue this November.

That the council members want to continue down this road without our consent is creating further divisiveness an frustration to the homeowners in this town.

I request you do NOTHING which includes spending any of our tax payer money on this partial implementation until Fairfax gets to vote on this issue.

Thank you

Kim Burggraf
46 Canyon Road
Fairfax, CA 94930

2/29 agenda - opposition

Lili Horn <lilihorn@rocketmail.com>

Wed 2/28/2024 4:03 PM

To: Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>

Dear Town of Fairfax Council,

Please kindly note my vehement opposition to the council voting to waste any further taxpayer dollars to fund any housing/rental/oversight activities or new positions related to ordinances soon to be overturned in November.

Please listen to your constituents! Us - The TAXED homeowners who will NOT rent rooms or homes under these soon-to-be-overturned ordinances. It's exhausting to feel like our voices mean absolutely nothing to this council and that somehow, magically, in the past 18 months it's become a shameful and evil thing to have worked so hard to own a home in Marin and that our viewpoints are unworthy of any consideration.

Sincerely,
Lili Horn

[Sent from Yahoo Mail for iPhone](#)

Please include in tomorrow's packet 2/29/24

Marin Town and Country Club <mtcc@classactionlocator.com>

Wed 2/28/2024 8:11 PM

To: Barbara Coler <bcoler@townoffairfax.org>

Cc: Lisel Blash <LBlash@townoffairfax.org>; Chance Cutrano <ccutrano@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Christine Foster <cfoster@townoffairfax.org>

Dear Barbara:

I hope you will reconsider the position you and Council are taking regarding "Tenant Registration". It is bad policy for our community. It actually hurts our tenants. Weaponizing them to garner a vote to support your ill Rent Control, only serves to exploit tenants.

This issue will be voted upon in November. So why are you spending money on a subject that will be certainly voted out? Quit and get on the correct side of justice and what is right.

I have included a letter being sent out. It would be nice to see any of the Council change direction and stand up against this fascism.

Remember; your job is to represent the voice of the majority while protecting the voice of the minority. I do not think these ordinances do either.

Please consider your similarities with the past:

During the 1930s Germany found itself in a great depression. The economy had rampant inflation. Germany lost its national pride. Their people had lost hope.

What started out as a small group of Ideologues grew with intimidation and comradery between the disenfranchised people. They found a leader by listening to the one who made promises of rebuilding the motherland. A fascist who pointed his fingers at one group of people to blame all of Germany's ills upon. By collectedly seducing the poor and disenfranchised and blaming all the ills on the Jews, Hitler had a growing group of Useful Idiots.

The ideologues were jealous of others' successes. The ideologues didn't build something to help everyone, they stole and tore at the success of others. Soon it became apparent that to keep this bounty they had to villainize those who they stole it from. These ideologues moved from bullying and intimidation to theft and murder in the name of fairness.

To keep everyone in check, the ideologues started a registration program. All Jews were identified and their property confiscated. Food was denied as the world just watched.

With the registration in place Jews were marked and their days were numbered. The registration led to the nihilation of millions of registered Jews.

Fairfax's ideologues are embracing this same script by working with the comradery of the DSA. They do not build any housing for the poor. Their failed policies have thwarted all reasonable housing projects and left more people on the street, homeless. They say they want to protect the poor and disenfranchised, but they don't. The ideologues tear down the successes of others because of jealousy.

Now Fairfax wants to register all tenants. Just like the Jews in Germany, this will not bode well for our community. How does tenant registration help tenants? It doesn't. What it does is it puts a big star on their backs.

Listing all tenants' full names, addresses, and the exact amount they pay rent will put them at risk. Even if this database was never hacked, it will still be viewed by others. Fairfax will keep a copy and send a copy to the Berkeley Rent Control Board.

If a tenant pays some rent in cash or with a Cashier's check or maybe by having someone else pay their rent, this will not be reflected by reviewing their rent amount. PG&E has permission to audit all our state tax returns to decide how much to charge us for gas and electricity. With this data base it will be easy to question how can you say you pay \$24,000/year in rent when you only declare \$12,000.00. The State will audit you and fine you for tax evasion.

If you receive any public assistance, the State can rely on what they see that you can pay. The State can then reach and grab your money to reimburse any public assistance received.

So registration of tenants is only bad for tenants. Then why would the Fairfax Council and the DSA want to register our tenants? To weaponize them. With such a database the Fairfax Town Council, Berkeley Rent Control Board, and the DSA ; can make hollow promises offering to register the identified tenants to vote to support these ideologues. Like their protesting in front of Lanai Apartments, these groups are bullies.

Without weaponizing and exploiting large swaths of disenfranchised peoples, such small ideologues fade away. Will the Fairfax Town Council or the DSA or the Berkeley Rent Control Board protect you when you cannot pay these ever growing rents? No they won't. Just ask Sheila Mc Neal. Sheila lost her home and is now at the mercy of temporary housing.

Stand up. Don't be intimidated under the cloud of DEI. My heritage is Ojibwa Indian. We didn't have the privilege of poor treatment and hard work. We were eviscerated and fed to the buffalos. No one owes us anything. Those who committed the wrongs are long dead.

If we work together we will find that there are more similarities between us than differences.

Stand up and tell the Fairfax Town Council members that support this and the DSA and the Berkeley Rent Control Board we do not need their bullying and intimidations.

Michael Mackintosh

Fwd: TOMORROW: Fairfax FINALLY poised to implement rent control

Barbara Coler <bcoler@townoffairfax.org>

Thu 2/29/2024 10:53 AM

To: Heather Abrams <habrams@townoffairfax.org>; Janet Coleson <Janet.Coleson@bbklaw.com>; Christine Foster <cfoster@townoffairfax.org>

Sent from my iPhone

Begin forwarded message:

From: Michelle Allen <michelleallenart@gmail.com>

Date: February 29, 2024 at 9:29:18 AM PST

To: Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Subject: Fwd: TOMORROW: Fairfax FINALLY poised to implement rent control

----- Forwarded message -----

From: **Marin DSA** <info+marin-dsa-info@email.actionnetwork.org>

Date: Wed, Feb 28, 2024 at 8:50 AM

Subject: TOMORROW: Fairfax FINALLY poised to implement rent control

To: <michelleallenart@gmail.com>

Help Micheleys Art@This I Phone



Michele -

The Fairfax Town Council passed rent control in November of 2022, but more than a year later, they still have not implemented the law. Tomorrow's special town council meeting at 6:30pm may *finally* change that.

Please share a brief public comment at the meeting and send an email to the council urging them to move as quickly as possible to adopt a comprehensive implementation plan. [Click here for more information and talking points.](#)

Here's how to contact the Fairfax Town Council:

- **Email:** fairfaxtowncouncil@townoffairfax.org
- **In-person:** At the Fairfax Women's Club, 46 Park Road on Thursday, 2/29 at 6:30pm
- **Zoom:** Join tomorrow's meeting online using this link:
<https://us02web.zoom.us/j/88031001183>

The lack of implementation of Fairfax's landmark rent stabilization ordinance has left both renters and landlords in limbo. Tenants don't have essential enforcement mechanisms to ensure that they aren't charged illegally high rents. And landlords don't have a process to petition for rent increases that exceed the cap established by the ordinance.

Implementing the law will both fully protect renters and create a clear and transparent process for landlords to comply with the ordinance.

This is long overdue. Please join us in pushing Fairfax's Town Council to adopt a robust plan to fully implement the town's rent stabilization ordinance.

In solidarity,

Curt and Sonia
Marin DSA Rent Control Committee Co-Chairs

Sent via [ActionNetwork.org](https://www.actionnetwork.org). To update your email address, change your name or address, or to stop receiving emails from Marin County DSA, please [click here](#).

Public comment, Special TC meeting 02/29/2024 item 2 Discuss Partial Implementation...

R Hamer <hamer2010@live.com>

Wed 2/28/2024 1:44 PM

To: Barbara Coler <bcoler@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Chance Cutrano <ccutrano@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>
Cc: Jeff Beiswenger <jbeiswenger@townoffairfax.org>; Christine Foster <cfoster@townoffairfax.org>

📎 1 attachments (59 KB)

Rick_Hamer_attachment_HIT_v0_02.pdf;

Dear Council,

I would ask the council to consider several things before making its decision on implementation.

Having a single petition fee regardless of number of units owned is not fair.

For example:

A small-time owner with a single rental unit may have a base rent of \$2,000/month, facing a 2.52% cap of \$50/month, equating to \$600/year. For the petition expense to be paid back within a one-year cycle, the petition expense by itself equates to \$83 per unit per month or an additional 4.15% above and beyond the actual increase in landlord costs. For them, this proposed cure is worse than the disease.

An apartment building with 33 revenue rentals units with base rental rates of \$2,000/month would only have a per unit impact of 1/8th of 1% equating to \$2.52 per unit per month.

\$83.00 versus \$2.52 is a regressive fee structure.

The town might consider an implementation method that would WIN OVER VOTER SUPPORT.

The rental protection ordinances are subject to a voter ballot initiative in November. Approve a demonstrably fair plan to all stakeholders. If the implementation is unduly unfair to landlords, those campaigning to repeal rental protections may get sympathy from other voter groups. Conversely, if the implementation program is reasonable to landlords, all voter groups may perceive merit and coalesce against repealing these important protections for housing security, keeping our ordinances in place. This hearing may be the only remaining chance before the November election to soothe public concern.

Please consider:

1. A simple initial step to screen petitions, one that is low cost or no cost. Immediate escalation to a \$1,000.00 fee or deposit should not be necessary if it's a matter of simply adding up billing statements (taxes, insurance, utilities...).
2. Not imposing a fee or deposit until after a petition progresses beyond the initial step(s). Reward quick success.

3. A fee scale based on the number of units being petitioned at each submission.
4. A fee that has a reasonable payback of well under one year (3-6 month's preferred).
Prioritize affordability to the stakeholder above affordability to the town.
5. Address the question, DOES THE PETITION FEE ITSELF AFFECT THE LANDLORD'S REASONABLE RIGHT OF RETURN? The way the fee is being presented here; it is. This fee would trickle down to the tenant as part of a rent increase.

6. Reach out for volunteering, nonprofits, or grants to close a gap, if any, between program cost and the share of funding borne by the town.

I would think the primary purpose of implementation is to impartially evaluate the dollar figure for a landlord's right of reasonable return. This figure would ideally be the point of common ground between landlord, tenant, and market. Let's not overthink this.

I have attached a concept called "Housing Index Tracker" (HIT). This concept began as a joint brainstorm in cooperation between Michael Sexton of Marin Residents corporation (one proponent of the successful petition to repeal rental protection by ballot initiative) and I. Among those included in the preliminary review of HIT was Gabe Paulson, a Larkspur CM. Larkspur has a ballot measure about its own rental protection ordinance on next week's ballot. HIT or a comparable substitute may be an example of winning over wide support, an initial screening, and "keeping it simple".

Rick Hamer
Fairfax resident
Certified Professional of Occupancy (CPO)
HUD Fair Housing Certified (FHC)

Attachment: "Rick_Hamer_attachment_HIT_v0_02", 2 page PDF.

HOUSING INDEX TRACKER version 0.02

“Housing Index Tracker” or “HIT” for short. An alternative to other escalation methods that do not accurately track housing costs.

Executive Summary: HIT could automate the landlord petition process for determination of landlord reasonable right of return.

Purpose: Rather than clogging the appeal process with an extraordinary number of petitions for landlord’s right of reasonable return, use of HIT streamlines the process as an initial step, reducing town costs to administer the implementation of rental protections by using a public online calculator. HIT use could be limited to an automated petition process.

This is a preliminary draft of a sample Housing Index Tracker design specification:

Best published as an online calculator (the simplest version is an Excel spreadsheet with a reference database growing from past transactions) for the staff hearing office’s use, with a printable result. Base month has default date (the date can be edited forward in time), town, base dollar rate, check boxes for options, result to be displayed.

The HIT is expressed as an adjustment factor plus a CPI-U adjusted rate of return and the result after multiplying the base rent by this factor. Only the rate of return on investment is subject to a COLA (cost of living adjustment). By doing so, the owner’s income is adjusted to keep up with a COLA. Operating costs are entered as current dollar amounts for an annual adjustment, not as percentages. With HIT, a core defect of applying a COLA to the entire rental amount is corrected.

Use the cumulative rate change since base month. The base rent for the ordinance is March 2022. **By using a cumulative rate change, landlords who did not increase annually do not get behind.**

The Fairfax ordinance would have allowed a rental increase of 2.52% for a new monthly rent of \$3,383 with the following sample rental base rent of \$3,300/mo.

Factors being considered for input:

1. Actual split between owner unit and tenant unit based on square footage of dwelling space**
2. Base rental rate**
3. Placed in service date**
4. Property tax base assessment *
5. Property tax special assessments *
6. Homeowner's insurance *
7. Water / MMWD (if applicable) *
8. Trash service (if applicable) *
9. PG&E (if applicable) *
10. Reasonable right of return (CPI times 20% of base rental rate)
The above list is easily quantifiable.
11. Common property element maintenance (portion used by tenant)
Requires additional documentation and is being excluded from a semi-automated process and referred to a case worker when warranted.

** Entry on a form

* Indicates default value is sourced from a database of a representative sample (initially a typical housing mix) that can be overridden manually on entry form.

Let's run the HIT numbers for the composited example as an asymmetrical owner-occupied duplex located in Fairfax

GIVEN: Owner portion 1720 SF and rental portion 680 SF. Split is 72%/28%.

Insurance + \$7,000 and property tax (2022 was \$15,049 and 2023 was \$15,282 for a difference of + \$233. Subtotal \$7,233.

Rental share is 28% or \$2,025 per year or \$169/month. Base rent of \$3,300+\$169+\$28 = \$3,497 an increase of \$197.

This is 5.9% compared to our ordinance amount of \$3,383. A difference of:

A) + \$114/month; and

B) Little confusion among small time landlords; AND

C) NO FURTHER STEPS FOR A PETITION FOR REASONABLE RIGHT OF RETURN.

AB1482 would have allowed 5%+4.2% or \$303. **HIT method result is still well under the AB1482 method result is less by \$106 or 35%.**

The above math was for the extreme cases recently brought before the TC of the one-time \$7,000 increase in homeowner's insurance. For that landlord facing a more normal 20% increase in costs, the calculated rent increase may be much closer to our current 2.52% (prorated insurance of \$38+\$28=\$66 which is only 2.0%). For simplicity, the utilities were left out of the example, and they would have been left out if they were metered and charged separately as is allowed in our ordinance.

TC special meeting 02/29/2024 Item 2, implementation of rental protection ordinances, public comment

R Hamer <hamer2010@live.com>

Thu 2/29/2024 8:33 AM

To:Christine Foster <cfoster@townoffairfax.org>

DEAR CHRISTINE, PLEASE DISTRIBUTE TO THE TOWN COUNCIL FOR TONIGHT. THANK YOU!

Dear Council,

The emphasis here is that the true rental cap is NOT our ordinance, nor is it AB1482. The true cap is the LANDLORD RIGHT OF REASONABLE RETURN. This is the “implementation” item before you tonight.

Respond by pioneering a streamline method to evaluate the provision of the law for landlord right of reasonable return, because the instances where this becomes the cap are ready to proliferate. If our process is the least bit awkward, the town and its residents will suffer from the exposure.

See the BLS table. CPI is 339.915 (green freehand lasso). Rental of primary residence index is 503.443 (red freehand arrow). Housing is presently 148% of CPI. This ratio varies. On the left end of the charts, it was 143%; 2017 152%; and 1983 100%! Look at the trend charts below. Note that two both have the same base year and visually do not always track with each other. One chart image is stretched here to emphasize that its Y-Axis scale is twice as steep as the other chart. Why would we use CPI for housing matters?

Sincerely,
Rick Hamer
Fairfax resident

Item and Group	Historical data	Oct. 2023	Nov. 2023	Dec. 2023	Dec. 2022	Oct. 2023	Nov. 2023
Expenditure category							
All Items		341.219	-	339.915	2.6	-0.4	-
All Items (1967=100)		1,049.001	-	1,044.992	-	-	-
Food and beverages		363.712	-	363.640	1.8	0.0	-
Food		366.142	-	366.135	2.0	0.0	-
Food at home		330.300	331.668	329.906	1.1	-0.1	-0.5
Cereals and bakery products		332.010	332.105	339.664	5.8	2.3	2.3
Meats, poultry, fish, and eggs		359.247	357.353	354.307	-0.6	-1.4	-0.9
Dairy and related products		336.736	338.795	335.272	-2.9	-0.4	-1.0
Fruits and vegetables		415.948	425.003	421.261	1.6	1.3	-0.9
Nonalcoholic beverages and beverage materials(1)		249.969	247.139	249.052	2.3	-0.4	0.8
Other food at home		285.068	286.929	282.604	1.1	-0.9	-1.5
Food away from home		409.744	-	410.907	4.2	0.3	-
Alcoholic beverages		338.114	-	339.751	0.3	0.5	-
Housing		393.659	-	394.624	3.3	0.2	-
Shelter		437.202	439.423	438.935	2.9	0.4	-0.1
Rent of primary residence(2)		502.626	504.344	503.443	3.3	0.2	-0.2

Consumer Price Index for All Urban Consumers (CPI-U)

Series Id: CUURS49BSA0

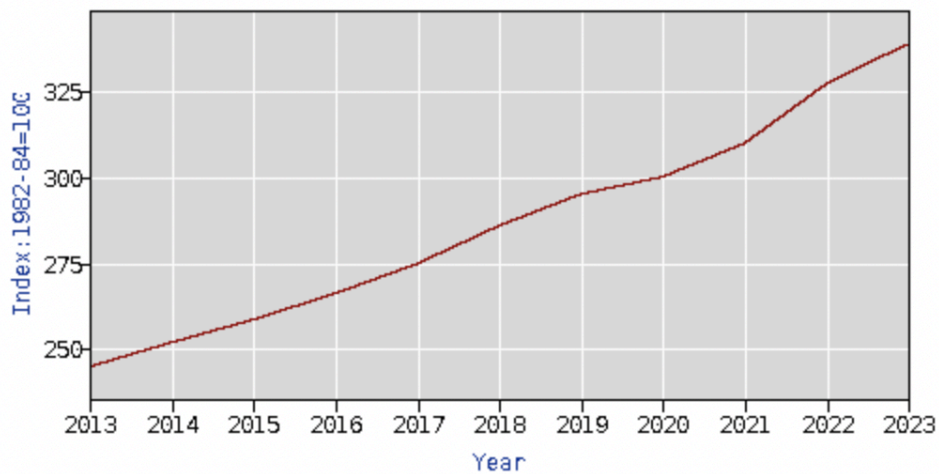
Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100



Series Id: CUURS49BEHA

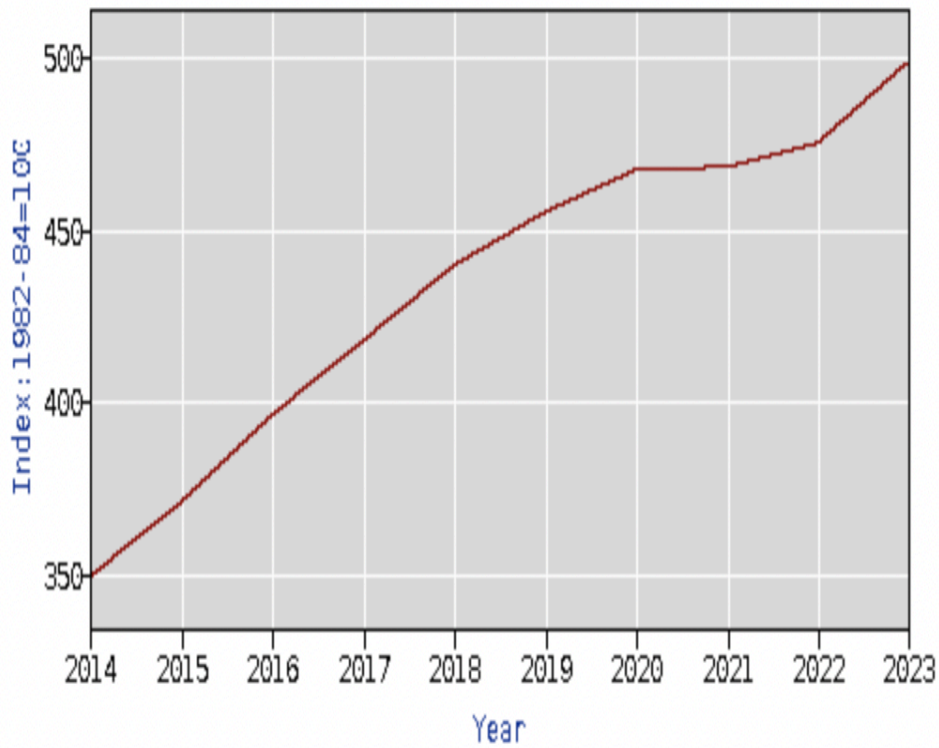
Not Seasonally Adjusted

Series Title: Rent of primary residence in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: Rent of primary residence

Base Period: 1982-84=100



Source: https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm

Fwd: Teliha Draheim's letter

Susan Fischer <susanf@coolstones.com>

Tue 2/27/2024 3:25 PM

To: Christine Foster <cfoster@townoffairfax.org>

PLEASE FORWARD THIS ON TO ALL THE TOWN COUNCIL MEMBERS BEFORE THE MEETING ON THURSDAY!!! THANK YOU!!!

Sent from my iPhone

Begin forwarded message:

From: Susan Fischer <susanf@coolstones.com>
Date: February 27, 2024 at 3:15:04 PM PST
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Teliha Draheim's letter

I second her letter and its contents.

You all should be ashamed of yourselves for implementing these ordinances now instead of waiting to see the outcome of the November vote.

Yet another case of wasting my and the rest of the tax paying people of Fairfax's money to serve your and the Democratic Socialists of America agenda.

Why would you implement these terrible ordinances now instead of waiting to hear what the people have to say? Do you really think that if you implement them now, it will protect renters from the 'evil' landlords? I guess it will for 9 months. When it fails in November, do you actually think that all these restrictions you so cavalierly implemented and wasted yet more of the tax payers money to enforce, will be followed and upheld? Really? Seriously?

Stop ruining our town with your self serving agenda. Start caring about the people/tax paying property owners (NOT renters) who pay your salary, a pittance though it is.

Do the right thing!!!

Susan L Whitney-Fischer
46 year tax paying homeowner in Fairfax

Sent from my iPhone

Ordinance Implementation

Suzanna Aguayo <suzanna@filmsight.com>

Wed 2/28/2024 10:17 PM

To:Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Dear Town Council,

I appreciate the effort it's taken to develop the current rent control implementation options. I support the adoption of all interim steps at your immediate disposal to begin to serve the needs of both landlords and tenants. It means a lot to me, my family and friends to know that our town's rental ordinances offer more housing security in Fairfax. Please continue to fine tune the implementation of the ordinances and bring them to fruition.

Thank you,


Suzanna Aguayo
Fairfax resident

Public Comment for 2/29 Town Council meeting--Keep for records

Teliha Draheim <tdraheim@imagewestdesign.com>

Tue 2/27/2024 1:25 PM

To: Barbara Coler <bcoler@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Chance Cutrano <ccutrano@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>
Cc: Linda Neal <lneal@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>; Kristin Amlie <AgingInFairfax@sonic.net>; Christine Foster <cfoster@townoffairfax.org>; Jeff Beiswenger <jbeiswenger@townoffairfax.org>; Michael Vivrette <mvivrette@townoffairfax.org>

 1 attachments (78 KB)

22724 Ltr. to TC.pdf;

Fairfax Town Council: I am writing to request the attached letter be added to the public comments record relating to Agenda item #2, pertaining to the discussion of partial implementation of a rent stabilization program, during the Fairfax Town Council meeting scheduled for February 29, 2024.

Christine: Can you please confirm receipt of this email and letter and acknowledge that it will be included in the Agenda Package for the Fairfax Town Council, prior to the meeting scheduled for February 29, 2024. I also request that you include just my letter, and not my contact information, considering the recent hacking of Bruce Ackerman's email account which affected me.

Thank you,

Teliha Draheim

2/27/2024

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

The Fairfax Town Council works in mysterious ways. Over a year ago, in November of 2022, without notifying stakeholders most affected by their upcoming decisions, the Council voted to adopt two ordinances relating to rent stabilization and just-cause-for-eviction, greatly exceeding the regulations established by the State of California in the Tenant Protection Act of 2019, and establishing Fairfax's ordinances as the most punitive in the state for housing providers.

In the aftermath of public outrage, the citizens of Fairfax demanded their constitutional rights by collecting enough signatures to place a citizen's ballot initiative on the November 2024 ballot. This initiative seeks to repeal Fairfax's rent control and just-cause-for-eviction ordinances and provide voters the opportunity to democratically decide the outcome of decisions that will greatly affect their lives and their future.

Yet, instead of heeding this clear call for a pause, the Fairfax Town Council continues to aggravate and escalate the damaging divisiveness their decisions have caused in our town, by considering implementation of the two ordinances prior to hearing the outcome of the vote of the people.

Though exact dollar amounts related to costs associated with creating these ordinances are difficult to verify, according to Fairfax Town Records, the Town has already paid \$287,386 over the budgeted \$190,000 to the Town Attorney in 2022 and approved a 93.7% increase, totaling \$368,000, for the Town Attorney in 2023. For implementation of these laws, Legal Aid of Marin's yearly fee is \$40,000 and the City of Berkeley will charge an additional \$76,000 per year. This does not include the creation of additional data security systems, the hiring of additional staff or creating additional office space to handle the extra work load in Fairfax.

A 19-step appeals process through the Berkeley Rent Board will be required of both housing providers and tenants for resolving disputes and other assessments. Did anybody think to ask why the City of Berkeley will be getting our taxpayer money and providing litigation on our local properties?

With the proposed plan, a database containing tenants and housing providers personal information will be developed. Despite data security systems, this personal information is constantly at risk of being compromised and publicly exposed. **I have received confirmation that Councilmember Bruce Ackerman's email was hacked last week.** As a result of this hacking, my contact information, and those of many other town residents, were compromised. **You cannot ignore this risk.** Is there a financial plan in place to compensate those who may incur financial and personal damages resulting from Town data breaches?

At the November 1, 2023 meeting of the Fairfax Town Council, the citizens of Fairfax spoke again, collecting enough signatures in a resident petition to place an item on the agenda requesting that the Council provide a public presentation outlining the projected costs of implementation, the timeline, and the responsibilities and fees of hired outside consultants, prior to implementing the system. The fact that this fiscal accounting was never determined or presented to the public who will be footing the bill through their taxes, is hard to believe. It's also hard to believe that the residents of Fairfax must continually remind our elected officials of our constitutional rights to voting and free speech.

Even in their infancy, these rental ordinances have failed to produce the desired outcome. A large percentage of formerly available rentals have been removed from the market. I have recently witnessed the actions of a senior citizen, so desperate for housing in Fairfax, that they produced a publicity flyer with color photos, advertising their eligibility as a suitable tenant. Apparently, no one is willing to rent to them because **housing providers are fearful of not being treated fairly** resulting from the new ordinances you have passed. **Are you aware that your decisions, based on ideology, have produced the opposite of your desired outcome by reducing the number of available rentals and negatively affecting the ability of seniors to find affordable housing in Fairfax?**

In adopting and implementing extra rent control and just-cause-for-eviction ordinances, the Council piles an excessive amount of cost, administrative duty and government control upon a town *“with a village-like aesthetic”*, that fiercely doesn’t need or want this kind of government control. **It is truly disheartening when the Town Council’s reaction to a citizen ballot initiative for a democratic vote and demand for fiscal accounting is to proceed with more of their personal ideology, more government control and more expense imposed upon the people of Fairfax.**

These ordinances have caused nothing but divisiveness and anger between the Fairfax Town Council and the entire town. Why not pause and consider a fresh start? A fresh start provides an opportunity to reassess and re-evaluate the issue from a new perspective, consider alternative solutions, and find common ground to move forward. A fresh start provides new opportunities to engage with the community and gather input, building trust and strengthening relationships between policymakers and their constituents. This will help ensure that any future decisions made take into account the needs and concerns of the entire community and are more likely to be accepted and supported by residents.

When facing complex issues, policymakers can become entrenched in their own positions and lose sight of the bigger picture. There is no greater goal to which humanity can aspire than achieving unity and peace, yet this commodity seems to be in short supply both locally and worldwide.

Competing ideologies foster the continuation of war and division. Taking a pause will allow all voters the opportunity to have a voice and give everyone time to evaluate where we are. If Fairfax is a microcosm of the world, let’s begin by achieving peace and unity here.

Teliha Draheim, Fairfax resident 28 years