

**General Comment
- Ted Godshalk**

From: donotreply@escribemeetings.com on behalf of [eSCRIBE.Admin](#)
To: [Tonya Hussain](#)
Subject: Public Comment Approval Request
Date: Tuesday, February 20, 2024 10:22:51 AM

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User Ted has enter the following comment(s):

At the February 6, 2024 meeting, I requested information concerning the \$44,624 check to the law firm of Devaney, Pate.. The City Attorney did not have the details at meeting, but later sent an email explaining the money was for cases involving 1- San Diego Unified School District 2- Cali Mota LLC 3- Ashley Cummins The City Attorney did not detail the amounts involved for each case. Do you know how much you are spending? The public should know also. Please ask for and share complete details.

for PUBLIC COMMENT in Regular City Council Meeting 2/20/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

Item 7.1 - Paul Sande

From: [Paul Sande, ESQ](#)
To: [Public Comment](#)
Subject: Public Comment to National City's Regular City Council Meeting for February 20, 2024.
Date: Tuesday, February 20, 2024 1:02:06 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

This is to provide public comment to National City's Regular City Council Meeting for February 20, 2024.

My name is Paul Sande, I am counsel for the owner of Highland View Apartments that are located at 31-131 N. Highland Ave. in National City, California. ("Highland View Apartments" or "Building").

Our tenants have been deeply affected as a result of flooding that occurred on January 22, 2024 which forced the City to red-tag all of the lower-level units at the Building, 21 in total. Responding to this crisis has not been an easy task. We are thankful to the efforts of City Attorney Barry Schultz and City Manager Benjamin Martinez for their assistance in guiding us through our response efforts.

The purpose of this comment is to provide information as to ownership's current and continued efforts to assist tenants as well as our recovery efforts at the Building.

No Evictions: We have made it abundantly clear that ownership is not evicting any of its displaced tenants. We have provided signed notices to tenants confirming same.

Honoring Current Rental Rates and Security Deposit Amounts: We have confirmed in writing to each tenant that their current rental rates and security deposits will be honored once it is safe for tenants to move back into the Building.

No Rent Collection During Construction: We have advised all tenants that no rent is being collected while the Building is red tagged. Any automatic rental payments that were mistakenly paid to our third-party management company have been promptly returned.

Temporary Housing: Though not legally required to do so, ownership provided temporary housing by paying for hotel stays for our affected residents from January 23 through February 2. The tens of thousands spent on these hotel rooms are not being reimbursed or covered by insurance. Ownership provided this temporary housing as a consideration to ensure our tenants had somewhere safe to go in the immediate aftermath of the flooding.

Reimbursement and Rental Credit: Ownership had envelopes hand-delivered to tenants that included checks with their security deposits and rental credits for the period from January 22, 2024 to January 31, 2024. These reimbursements were made for purposes of compliance with the California Health and Safety Code—NOT for purposes of eviction. Tenants who have been displaced are not being evicted, their current rental rates and security deposit amounts will be honored once the

Building is safe to move back in.

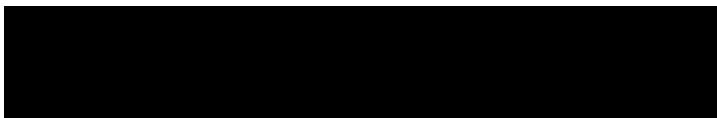
Communication: Tenants have a direct line of communication with ownership. Any new issues or questions that arise are answered by ownership directly, not an intermediary. In addition, ownership representatives have made multiple trips to National City over the past few weeks to meet in person with tenants and answer any questions that they have. We have also provided all of the above information in writing (in both English and Spanish) to all of our affected tenants.

Construction Timetable: Initial estimates from our contractor suggest that repairs will take several months. However, this timeframe may be affected by factors such as incoming rain or unforeseen construction issues. We are working closely with the City, and they will be monitoring our progress. We are committed to keeping tenants informed of the construction process through monthly tenant update letters.

At this point, ownership has done everything it can to assist tenants and keep them informed. Now we turn to rebuilding. Construction costs are already estimated to exceed our policy limits by a significant amount and we expect next year's policy premiums to increase significantly due to the flooding that occurred this year. Ownership has no means of obtaining reimbursement for lost rent during construction, we are already hundreds of thousands of dollars in the red with the total uninsured losses expected to be much more. We simply ask that the City Council consider the strains ownership is already under and have an accurate understanding of ownership's efforts as you consider passing additional regulations on landlords.

Paul W. Sande, Esq.

Attorney



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Item 9.6 - Ted Godshalk

From: donotreply@escribemeetings.com on behalf of [eSCRIBE.Admin](#)
To: [Tonya Hussain](#)
Subject: Public Comment Approval Request
Date: Tuesday, February 20, 2024 10:32:03 AM

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User Ted has enter the following comment(s):

Please pull item 9.6 for discussion prior to approving the spending. This Warrant Register #25 includes a payment to the law firm Devaney, Pate,... from the City Attorney's office for \$39,593.73. Please give us the names of the cases billed here and how much each case is billed for on this payment. If the City Attorney does not have this information at this meeting you should not approve this spending tonight.

for Warrant Register #25 for the period of 12/15/23 through 12/21/23 in the amount of \$767,573.32 in Regular City Council Meeting 2/20/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

Item 11.1 - Melissa De Marco

From: [Melissa De Marco](#)
To: [Public Comment](#)
Subject: Comment for Meeting Item 11
Date: Tuesday, February 20, 2024 8:56:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

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Good Morning

I represent over 600 housing providers and 1200 residents.

We believe existing law provides more than enough protections for the tenants the need help after the floods. Help those specifically affected instead of blanket legislation for all.

Temporary/Permanent Relocation Benefits - This is already covered by existing law. If the unit is uninhabitable, tenants are provided alternative accommodations or a rent credit for the days they need to be out of the unit. Rather than creating a new law, focus on enforcement of existing law and encourage education and outreach to all parties on rights and responsibilities.

Rent Increases - Local and state limitations on rent increases already provide needed protections. It is vital we get aid to property owners so they can mitigate their repair costs, especially for those who didn't have flood insurance and/or are having their claims denied. This will help both landlords and tenants.

Tenant Right to Return - The County Moratorium prevents Termination of Tenancy and Eviction so there is no need for addressing Right of Return. Temporarily relocated tenants are already entitled to return to their rental unit and at their existing rental rate. Only at vacancy can a housing provider reset rent to market rate.

We respectfully ask for no action and rely on the county moratorium.

Item 11.1 - Charlie Upham

From: [Charlie Upham](#)
To: [Public Comment](#)
Subject: Eviction Moratorium and Rent Caps
Date: Friday, February 16, 2024 5:06:27 PM

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Members of the council and Mayor,

I'm writing to thank you for your response to the recent flooding that has affected the city. Further, I'm urging to take no action to further strengthen eviction moratoriums or implement rent caps beyond what is already in place. As a property owner, I believe the existing protections are sufficient and any further action may be actually be burdensome and have unintended consequences for all.

Thank you for considering my opinion on this matter.

Sincerely,
Charlie Upham

Item 11.1 - Mitchell Thompson

From: [Mitchell Thompson](#)
To: [Public Comment](#)
Subject: Item 7.1 Temporary Local Emergency Ordinance, February 20, 2024 Agenda--Please Note, No Draft City Ordinance was attached to your public written agenda, so no one has been able to see it.
Date: Tuesday, February 20, 2024 12:28:52 PM

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**I request that you approve option 3,
Take No Action and Rely on existing County of San Diego Ordinance**

Discussion and Rationale:

- 1. The County Ordinance is exhaustive in protections.**
- 2. Both the County and City ordinances regarding rental housing have unintended consequences that undermine a local rental owner's ability to manage his or her property reasonably as follows:**
 - o the standard for allowing an eviction is solely tied to a tenant being a health and safety hazard. Similar to the ordinance related to COVID by the County, there is no ability for an owner to evict because of non-payment of rent. This became the perfect excuse for many tenants not to pay rent with immunity. I lost over \$20,000 on my small property due to irresponsible tenants abusing this provision. Non payment of rent must remain a valid cause for eviction to prevent economic harm to owners like myself.**
 - o How does several days of flooding which affects some areas translate into a City-wide prohibition for evictions and rent raises? The answer is -- There is no direct NEXUS between flooding and rights of all tenants in the City of National City Why has a small segment of the local economy, the rental housing industry become the target for restrictions. Why not ban any increase in grocery prices in the City of National City? or gas prices? or automotive repairs because affected flood victims might need those services. Taking an action to adopt the City's ordinance sends a clear message to all property owners that National City is not a decent place to own rentals and that the City Council thinks that unneeded regulation to a way to do business.**
- 3. National City's limited and overworked staff should be directed by its Council to continue to create new housing opportunities, new homeownership opportunities (so that the City does not become 100% rentals) and LESS TIME time promulgating new regulations which that overworked staff has no time to enforce.**

--

[Mitch Thompson](#)
[Long Time NC Property Owner](#)

Item 11.1 - William Snell

From: [William Snell](#)
To: [Public Comment](#)
Subject: Need for more housing
Date: Friday, February 16, 2024 4:14:48 PM

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Please do not enact legislation that discourages and penalizes rental housing providers. We need more housing, not less.

William D. Snell

Item 11.1 - William Snell

From: [William Snell](#)
To: [Public Comment](#)
Subject: Rental Housing
Date: Friday, February 16, 2024 4:11:52 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Clearly more housing is needed as more people relocate to Chula Vista.
Please do not enact laws that discourage and penalize rental housing providers.
Best Regards,
William Snell



February 20, 2024

Mayor Morrison and City Councilmembers
National City
1243 National City Blvd.
National City, CA 91950

Re: Agenda Item 11.1 - Temporary Local Emergency Ordinance Prohibiting Evictions and Rental Increases, Providing Relocation Assistance, and a Right to Return During the Local Emergency Related to the Recent Floods

Dear Mayor and Councilmembers:

On behalf of the Southern California Rental Housing Association (SCRHA) I am writing to share our initial thoughts on the Temporary Local Emergency Ordinance on the agenda for Tuesday, February 20, 2024. Specifically, we wish to offer clarity as it relates to existing law and industry best practices. SCRHA recognizes that there will be thoughtful discussion this evening, however, we feel it is important to bring certain items to the attention of the Mayor, Councilmembers, and City Attorney in advance of this important discussion.

Discussion Item 1 - Temporary/Permanent Relocation Benefits

California laws requires landlords provide a habitable living space per Civil Code Section 1941.2. This implied "warrant of habitability" also spells out the rights afforded to tenants when repairs are not completed in a timely manner. As a result, landlords have a duty to repair damaged rental units and must continue to fulfil their contractual obligations. This means property owners and/or managers must provide alternative housing or credit the rent for the days the tenants cannot occupy the rental unit. Industry best practices also typically include meal stipends or credits when alternative housing does not have a kitchen. It is important to note that some residents opt for rent credits in lieu of hotel or short term rentals when they have family or friends with whom they can stay. This is sometimes a preference for renters who wish to stay near their jobs or children's schools.

Civil Code section 1946.2 referenced in the staff report is specific to Termination of Tenancy for Just Cause. The County Eviction Moratorium and Rent Cap ordinance does not allow for Termination of Tenancy other than for imminent health & safety threats caused by tenant. Relocation is a payment to a tenant whose tenancy is terminated, not to a tenant who is temporarily displaced. Rent waiver or a housing payment to tenant pending repairs is already covered by state law.

Health and Safety Code section 17975.2 does mandate specific relocation, however, 17975 states the following: *"Any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive*



Southern California Rental Housing Association

relocation benefits from the owner as specified in this article. The local enforcement agency shall determine the eligibility of tenants for benefits pursuant to this article.”

To our knowledge, there have not been any orders to vacate issued by the City or any other enforcement agency. Should that occur, the mandated relocation defined as “the sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development” will appropriately assist displaced tenants.

Discussion Item 2 – Rent Increases

SCRHA appreciates the assessment in the staff report. We also believe that Civil Code 1942.5 relating to retaliation provides renters with added protection from rent increases in uninhabitable units. California state law presumes retaliation if the lessor moves to evict, increase the rent, decrease services, or harass the tenant within 180 days after the tenant has complained about the premises or made a complaint to an appropriate agency.

Discussion Item 3 - Tenant Right to Return

SCRHA believes that in light of the County Moratorium and the laws mentioned under Discussion Item 1 above, an ordinance covering a tenant’s right to return is unnecessary. We wish to clear up any misinformation or confusion for tenants who may find themselves temporarily displaced. Tenants are being **temporarily** relocated, meaning they still have legal possession of their unit, and their contracts (rental agreement/lease) are still in effect, as are all the terms and conditions, including the existing rental rate. Only at vacancy can a housing provider reset rent to market rate. The County Moratorium specifically prohibits Termination of Tenancy and Eviction, meaning that there cannot be any true vacancies (other than those initiated by the tenant) that would allow a property owner or manager to reset rent. It is important that this is made clear to tenants who may be under the impression that they no longer have the right to return their unit and at their previous rental rate.

SCRHA wishes to express its sincere appreciation to city leadership, city staff, first responders, and citizens who have gone above and beyond in the wake of this unprecedented disaster to help all those impacted. We look forward to discussing the issue further.

Sincerely,



Molly Kirkland
Director of Public Affairs

CC: City Attorney
City Manager

Item 11.1

From: [Ferdinando Roldan](#)
To: [Ron Morrison](#); [Luz Molina](#); [Marcus Bush](#); [Jose Rodriguez](#); [Ditas Yamane](#); [Public Comment](#)
Subject: Public Comment - Temporary Local Emergency Ordinance
Date: Tuesday, February 20, 2024 2:34:00 PM

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Dear Mayor, Vice Mayor and City Councilmembers,

My name is Ferdinando Roldan and I work in National City. I am writing to share that I believe that existing state law and the County Moratorium provide the protections that tenants need in the aftermath of the floods for the following reasons:

- 1) Temporary/Permanent Relocation Benefits - This is already covered by existing law. If the unit is uninhabitable, tenants are provided alternative accommodations or a rent credit for the days they need to be out of the unit. Rather than creating a new law, focus on enforcement of existing law and encourage education and outreach to all parties on rights and responsibilities.
- 2) Rent Increases - Local and state limitations on rent increases already provide needed protections. It is vital we get aid to property owners so they can mitigate their repair costs, especially for those who didn't have flood insurance and/or are having their claims denied. This will help both landlords and tenants.
- 3) Tenant Right to Return - The County Moratorium prevents Termination of Tenancy and Eviction so there is no need for addressing Right of Return. Temporarily relocated tenants are already entitled to return to their rental unit and at their existing rental rate. Only at vacancy can a housing provider reset rent to market rate.

We suggest that you take no action and rely on the County Moratorium.

Sincerely,

Ferdinando Roldan


Item 11.1

From: [Kessa Rychlick](#)
To: [Ron Morrison](#); [Luz Molina](#); [Marcus Bush](#); [Ditas Yamane](#); [Public Comment](#)
Subject: Public Comment - Temporary Local Emergency Ordinance
Date: Tuesday, February 20, 2024 2:39:28 PM

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Dear Mayor, Vice Mayor and City Councilmembers,

My name is Kessa Rychlick and I work in National City. I am writing to share that I believe that existing state law and the County Moratorium provide the protections that tenants need in the aftermath of the floods for the following reasons:

- 1) Temporary/Permanent Relocation Benefits - This is already covered by existing law. If the unit is uninhabitable, tenants are provided alternative accommodations or a rent credit for the days they need to be out of the unit. Rather than creating a new law, focus on enforcement of existing law and encourage education and outreach to all parties on rights and responsibilities.
- 2) Rent Increases - Local and state limitations on rent increases already provide needed protections. It is vital we get aid to property owners so they can mitigate their repair costs, especially for those who didn't have flood insurance and/or are having their claims denied. This will help both landlords and tenants.
- 3) Tenant Right to Return - The County Moratorium prevents Termination of Tenancy and Eviction so there is no need for addressing Right of Return. Temporarily relocated tenants are already entitled to return to their rental unit and at their existing rental rate. Only at vacancy can a housing provider reset rent to market rate.

We suggest that you take no action and rely on the County Moratorium.

Sincerely,
Kessa

Item 11.1

From: [Melanie Woods](#)
To: [Public Comment](#)
Subject: Item 11.1 Discussion and Direction Regarding a Temporary Local Emergency Ordinance
Date: Tuesday, February 20, 2024 2:14:32 PM

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Honorable Mayor and City Council,

CAA is the nation's largest statewide trade association representing owners, investors, developers, managers, and suppliers of rental housing. Our membership is diverse representing individual "mom-and-pop" owners of rental housing to the largest apartment operators throughout San Diego County and California. This membership represents providers of over 70,000 rental homes across San Diego County. We appreciate the opportunity to provide insight on a potential tenant protection ordinance.

The January 22nd flooding had a catastrophic impact for many residents in National City and across the County. Both property owners and tenants experienced unprecedented property damage and losses. We understand the desire to protect those most vulnerable from further economic impacts from the storm. The County of San Diego took swift action and implemented an urgency ordinance which included an eviction moratorium and rent increase cap. The County ordinance addresses the vast majority of the City Council concerns.

Based on previous Council discussions, the desire for the ordinance has arisen based on two instances. CAA would encourage the City work directly with those property owners on solutions. A citywide ordinance is not necessary to address the narrow and limited issues that have arisen at two specific properties.

Temporary/Permanent Relocation Benefits

Per the County ordinance, tenants are not allowed to be evicted from their unit unless there is just cause. Just cause has been narrowly redefined to include only imminent health and safety threats. Additionally, AB 1482 requires relocation assistance be provided to a tenant. The length of time and amount of relocation assistance should be determined by the scope and scale of the required improvements. It should not be dictated by the City. Property owners need the flexibility to address their property damage. If relocation benefits are provided by the landlord, rent must continue to be paid by the tenant. Continuing to pay rent ensures that the tenancy continues. If tenancy continues rent hikes are limited by state law and right of return is not applicable.

Rent Increases

State law and the county ordinance already address rent increases and provide protections for tenants. AB 1482 limits rent increases to 5% plus CPI or 10% whichever is lower. The State of California additionally limits price increases during an emergency period. The County of San Diego further restricted rent increases to CPI. Further rent increase limitations are unnecessary and duplicative. Short term rent freezes could result in market corrections after freezes have been lifted.

Rent caps will be difficult to implement and have a negative impact on the long-term rental housing market in National City.

Tenant Right to Return

Since the eviction moratorium is in place, no tenancy is allowed to end. If the tenancy does not end, there can be no right of return. If a tenant is temporarily relocated for improvements and repairs to take place in the unit, their tenancy continues throughout the process and AB 1482 rent cap restrictions are applicable. A tenant returning to their unit after repairs is already legally required. Right of return only applies if there is an eviction and evictions are currently not allowed under the county moratorium.

Dictating that improvements take place in a timely manner is not something the Council should consider. Labor shortages and permit backlogs will impact the ability to complete repairs in a timely manner. Permit processing timelines could be as long as 6-9 months. Housing providers want their units to habitable as soon as possible, but market forces, outside the property owners control, will dictate how quickly repairs can be completed. Mom and pop landlords may not have the cash on hand to complete large scale unanticipated repairs. Dictating a timeline for repairs forces them to pay top dollar in a competitive labor market.

The California Apartment Association opposed a duplicative National City ordinance. Remedies are already provided through state and local laws. Please let me know if you have any questions or an interest in further discussion.

Sincerely,

[Melanie Woods](#) Vice President, Local Public Affairs
California Apartment Association

CAA Services: [Events and Education](#) [Insurance](#) [Tenant Screening](#)

Item 11.1

From: [Oscar Jones](#)
To: [Ron Morrison](#); [Luz Molina](#); [Marcus Bush](#); [Jose Rodriguez](#); [Ditas Yamane](#); [Public Comment](#)
Subject: Public Comment Email - 02/20/2024
Date: Tuesday, February 20, 2024 2:06:29 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My name is Oscar Jones and I work in National City. I am writing to share that I believe that existing state law and the County Moratorium provide the protections that tenants need in the aftermath of the floods for the following reasons:

- 1) Temporary/Permanent Relocation Benefits - This is already covered by existing law. If the unit is uninhabitable, tenants are provided alternative accommodations or a rent credit for the days they need to be out of the unit. Rather than creating a new law, focus on enforcement of existing law and encourage education and outreach to all parties on rights and responsibilities.
- 2) Rent Increases - Local and state limitations on rent increases already provide needed protections. It is vital we get aid to property owners so they can mitigate their repair costs, especially for those who didn't have flood insurance and/or are having their claims denied. This will help both landlords and tenants.
- 3) Tenant Right to Return - The County Moratorium prevents Termination of Tenancy and Eviction so there is no need for addressing Right of Return. Temporarily relocated tenants are already entitled to return to their rental unit and at their existing rental rate. Only at vacancy can a housing provider reset rent to market rate.

We suggest that you take no action and rely on the County Moratorium.

Sincerely,

Oscar Jones



Item 11.1

From: [Stephan Gaspar](#)
To: [Ron Morrison](#); [Luz Molina](#); [Marcus Bush](#); [Jose Rodriguez](#); [Ditas Yamane](#); [Public Comment](#)
Subject: Public Comment - Temporary Local Emergency Ordinance
Date: Tuesday, February 20, 2024 2:22:38 PM

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Dear Mayor, Vice Mayor and City Councilmembers,

My name is Stephan Gaspar and I work with KIRE Builders, Inc. who has been the most active builder of middle income housing in National City over the past 11 years. We've been devastated to see the extent of flooding that the City received over the past month. We're aware of the City's infrastructure challenges, being one of the oldest communities in San Diego County, and we will continue to do our best to improve conditions for our residents and neighbors within the scope of our individual projects.

We believe that existing state law and the County Moratorium provide the protections that tenants need in the aftermath of the floods for the following reasons:

- 1) Temporary/Permanent Relocation Benefits - This is already covered by existing law. If the unit is uninhabitable, tenants are provided alternative accommodations or a rent credit for the days they need to be out of the unit. Rather than creating a new law, focus on enforcement of existing law and encourage education and outreach to all parties on rights and responsibilities.
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We suggest that you take no action and rely on the County Moratorium.

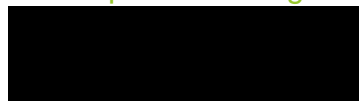
Sincerely,

Stephan Gaspar

--



Stephan Gaspar
Development Manager



Item 11.1

From: [Steven Horowitz](#)
To: [Ron Morrison](#); [Luz Molina](#); [Marcus Bush](#); [Ditas Yamane](#); [Public Comment](#)
Subject: Public Comment - Temporary Local Emergency Ordinance
Date: Tuesday, February 20, 2024 2:56:29 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor, Vice Mayor and City Councilmembers,

My name is Steven Horowitz and I work in National City. I am writing to share that I believe that existing state law and the County Moratorium provide the protections that tenants need in the aftermath of the floods for the following reasons:

- 1) Temporary/Permanent Relocation Benefits - This is already covered by existing law. If the unit is uninhabitable, tenants are provided alternative accommodations or a rent credit for the days they need to be out of the unit. Rather than creating a new law, focus on enforcement of existing law and encourage education and outreach to all parties on rights and responsibilities.
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We suggest that you take no action and rely on the County Moratorium.

Sincerely,

Steven Horowitz