

From: Sarah Halpin
Sent: Monday, July 1, 2024 4:51 PM
To: Márquez, Miguel <miguelmarquez@cityofpasadena.net>
Subject: Concerned Citizen - Rental Housing Board

You don't often get email from. [Learn why this is important](#)

[A] CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you **know** the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

Hello,

I own a condo that I worked very hard to purchase. Being a single mother with very little support from my daughter's father nor any help from my parents, ownership was very important to have a stable environment for my daughter and me. I sacrificed vacations and nice things for several years to make this accomplishment real.

I am seeing private property rights stripped away and tax dollars spent frivolously and I am very concerned. Please take into consideration the following items regarding the rental board rules.

1. Exempt all Single Family Homes, Condos and Co-Opts, and small time providers with buildings of 4 or fewer units. Specifically protecting all separately alienable properties, and those with specifically permitted ADU's. We simply cannot afford \$37,000 relocation fees to move into our own property.
2. Adjust the structure of the PRHB to specifically include multi-family landlords. This will add to the depth of knowledge and experience on the Board and reduce the risk of legal challenges to its decisions.
3. Similar to Oakland and Santa Monica, split the rental registry fee between tenants and landlords. There is currently no incentive for the

Rent Board to keep the fee at a reasonable level, there is no skin in the game for the tenants who benefit from Measure H and zero incentive to encourage cost efficient spending by the board.

4. We ask the City Council to prohibit a further expansion of rent control should Costa Hawkins be repealed by protecting separately alienable properties.

Sarah Halpin

McMillan, Acquanette (Netta)

From: cityclerk
Sent: Monday, July 8, 2024 8:01 AM
To: Iraheta, Alba; Jomsky, Mark; Robles, Sandra; Sabha, Tamer; McMillan, Acquanette (Netta); Kenebrew, Jerice; Soo, Christine; Haskett, John
Subject: FW: Council Meeting Agenda Item #15

From: Heidi Hart
Sent: Monday, July 8, 2024 8:00:49 AM (UTC-08:00) Pacific Time (US & Canada)
To: Gordo, Victor <vgordo@cityofpasadena.net>; Madison, Steve <smadison@cityofpasadena.net>; Williams, Felicia <fwilliams@cityofpasadena.net>; miguelmarquex@cityofpasadena.net <miguelmarquex@cityofpasadena.net>; districtliasons@cityofpasadena.net <districtliasons@cityofpasadena.net>; cityclerk <cityclerk@cityofpasadena.net>; citycouncil@cityofpasadena.net <citycouncil@cityofpasadena.net>; Hampton, Tyron <THampton@cityofpasadena.net>; Jones, Justin <justinjones@cityofpasadena.net>; Masuda, Gene <gmasuda@cityofpasadena.net>; Rivas, Jessica <jerivas@cityofpasadena.net>; Lyon, Jason <jlyon@cityofpasadena.net>; Jomsky, Mark <mjomsky@cityofpasadena.net>
Subject: Council Meeting Agenda Item #15

You don't often get email from

[irn why this is important](#)

[⚠] CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you **know** the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

I am writing in regard to tonight's Council meeting and the Rental Board.

I am a long time resident of Pasadena (40 years this year), retired Pasadena teacher of 30 years and a "mom and pop" landlord since 2006.

My property is very close to both PCC and Cal Tech.

Three small houses occupy this one lot. I am asking the Council to consider us landlords with these small properties and the effect it will have on us Mom & Pops - who, I may add, offer the FAIREST rental rates in town.

As a fresh retiree, I really fear that these new restrictions will pose a hardship on me and others like me. Two other teachers I've worked with, also landlords, kept their full time jobs because we certainly weren't getting rich off the rents we charged.

I would also stress the value of adding multi-family landlords to your rental board. Even a school board realizes the value of having a cross section of experts on their boards: teachers, parents, attorneys, neighborhood home owners, city and environmental experts.

I know rents are high EVERYWHERE, even out of state. Costs to offer safe and comfortable housing to renters is ALSO very high for us.

Pasadena doesn't want to be known as a city that is unfriendly to housing providers.

Lastly, splitting the rental registry fee between landlord and tenant seems only fair.

You know, honestly, I feel that as a landlord I am being punished. Every step along the way feels punitive. It makes it very difficult for me to remain positive.

Thank you very much,
Heidi Hart

"The arts are an even better barometer of what is happening in our world than the stock market or the debates in congress." - Hendrik Willem Van Loon

McMillan, Acquanette (Netta)

From: Jomsky, Mark
Sent: Sunday, July 7, 2024 9:46 PM
To: Official Records - City Clerk
Subject: Fwd: City of Pasadena Charter Article XVIII

[Get Outlook for iOS](#)

From: Ernie Boehr
Sent: Friday, July 5, 2024 7:44:30 PM
To: Jomsky, Mark <mjomsky@cityofpasadena.net>
Subject: City of Pasadena Charter Article XVIII

You don't often get email from [learn why this is important](#)

[⚠] CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

July 5, 2024

Dear City Clerk Jomsky,

Thank you for taking the time to read this.

As is the case with many pieces of legislation few voters know what they are voting for. Pasadena Measure H is a prime example. It will ultimately accomplish the exact opposite of its intended purpose.

Ryan Bell, the chair of the Pasadena Rental Housing Board states that "the landlord is your adversary". Does the same hold true for the grocer, the gas station, the tradespeople you hire?? A landlord, and most anyone can become one, is simply offering a service.... housing ... and one typically pays for services. He further states that "the end goal is to convert privately owned rental property into public housing". Is that where the City of Pasadena is heading?

I manage a number of properties in Pasadena for low to medium net worth owners. Rents are below the market and we seldom increase them. We are now on notice that owners will be paying for unnecessary regulation, limited in the amount that rent can be adjusted and penalized in the eventuality that it might be necessary to ask a tenant to move.

It is interesting as well that buildings built after 1995, more likely owned by larger investors, are exempt. It leads one to think that the goal is to hurt the very people who have been providing fairly priced housing all along, the small investor.

The Pasadena City Council is the only body that can intervene. Rental regulation is one thing. A total upheaval of common sense and fairness is quite another. I ask that you would bring the influence of your position to bear before greater damage is done.

Respectfully yours,

Ernie Boehr

McMillan, Acquanette (Netta)

From: cityclerk
Sent: Monday, July 8, 2024 11:12 AM
To: Iraheta, Alba; Jomsky, Mark; Robles, Sandra; Sabha, Tamer; McMillan, Acquanette (Netta); Kenebrew, Jerice; Soo, Christine; Haskett, John
Subject: FW: Public comment - Pasadena City Council item #15 for Monday July 8, 2024

From: Adam Bray-Ali
Sent: Monday, July 8, 2024 11:11:22 AM (UTC-08:00) Pacific Time (US & Canada)
To: cityclerk <cityclerk@cityofpasadena.net>
Cc: Adam Bray-Ali
Subject: Public comment - Pasadena City Council item #15 for Monday July 8, 2024

You don't often get email from

[Learn why this is important](#)

[⚠] CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you **know** the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

Good afternoon City Council and thank you for accepting this comment in the record for the discussion about charter amendments related to Chapter 18 of the city charter created by Measure H.

I urge you to consider adding a revision that exempts all single family homes and condominium dwellings from the Charter restrictions.

I urge you to create a requirement to add owners of rental properties and management companies to the Rental Housing Board. The current makeup of members includes a number of people that openly claim to want to destroy private property rights. This is not an ok situation.

I work as a residential real estate agent in Pasadena and am seeing the obvious fallout today from the rules and fees imposed by the Rental Housing Board in Pasadena. This has come with real world costs for compliance, interest on security deposits, the threat of being exposed to violence and retribution by activists groups and most importantly, an inability to ask a tenant to move from a home that the owner wishes to occupy or sell to another person.

In fact, the RHB has created a rule that prohibits a property owner from moving back into their own home if the tenant is over 62 years of age.

In the real estate market in Pasadena, we have a number of private citizens that choose to rent out their single family home or condominium for various reasons. Under the interpretation of the rules by the Rental Housing Board, they have declared that 'all tenants rights supersede the owners.' This has caused considerable confusion and disarray in the marketplace as people that inherit homes with tenants ask those tenants to move and are faced with fees in the 10's of thousands of dollars along with dramatically increased property tax bills resulting from the rewrite of Proposition 13 in 2020.

The State of California passed a statewide rent control and just cause eviction standated in 2019 that works to provide for limits on rent increases and just cause eviction protections while balancing private property rights. The system created by the Rental Housing Board in Pasadena is causing a dramatic decline in property values when a property is tenant occupied. In turn, this will have a dramatic impact on property tax valuations which fund the city and various services in the county.

In June, a group of us requested the help of the interim director of the Rental Stabilization Department and the city Manager to help put forth suggested amendments. We did this because the Rental Housing Board has ignore all requests for admitting amendments into their discussions (held by an ad-hoc committee led by alternate member Markowitz) and hearing the verbal and written directives from the Rental Housing Board in finding solutions to make Measure H and Chapter 18 of the city code become "Just and Equitable"

At your meeting in June, you saw first hand how the Rental Housing Board failed to provide public discussion related to charter amendments committees and how the leader of that committee belittled and demeaned property owners as trying to 'cut in line' or being 4-5 people.

Several weeks later, we presented the same information to the Rental Housing Board and they failed to act on it and used that meeting to spread mis-information about the so-called right of fair return.

The Rental Housing Board being put in charge of the process of city charter revisions for Chapter 18 has proven to be a failure for all concerned. Their first suggested change is to remove the requirement that they complete a registry in a timely manner. Their budget of over \$5,000,000 includes less than 8% for this critical component but the board recently voted to spend \$100,000 on lawyers that they hope to engage to sue property owners who don't follow the entire chapter in the city charter.

I hope that you will seriously read and consider making many changes to Chapter 18 of the city Charter. This is a core component of the city law now and was written by self proclaimed advocates who wish to create antagonism and destruction of private property. They do not speak for the voters. In fact, they have intentionally deceived voters in Pasadena.

Thank you,
Adam Bray-Ali

--
Adam Bray-Ali

adam@propertybyadam.com
Coldwell Banker Residential Brokerage
DRE#01859026

Jomsky, Mark

From: Steve
Sent: Monday, July 8, 2024 12:52 PM
To: Jomsky, Mark
Subject: Notes of the PRHB and ways to improve on Measure H

You don't often get email from

[learn why this is important](#)

[⚠] **CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you **know** the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

Dear City Clerk Jomsky,

As a lifelong resident of Pasadena, I am writing to share my deep concerns about the recent actions of the Pasadena Rental Housing Board and the potential adverse effects these actions could have on our beloved city. I was born and raised here and have always taken pride in our community's diversity, vitality, and collaborative spirit. However, recent developments have left me fearful for our city's future.

On June 26th, the Rental Housing Board refused to consider the Pasadena Housing Providers' (PHP) five points, which the City Council had unanimously recommended for review. Seeing that the Board never intended to treat our requests seriously is disheartening. The chair of the Board's subcommittee for Charter changes referred to our group as "shadowy" and accused us of trying to "bypass" the process. Additionally, the Chair of the Rental Board has continued to spread false claims about small landlords, further undermining the trust and collaboration necessary to address housing issues effectively.

The Rental Board's actions represent a clear case of bad faith. They prevent voters from having their say and disregard the City Council's recommendations. This not only undermines the democratic process but also jeopardizes the ability of small landlords like myself to operate fairly and transparently within the city. As someone who has invested in this community, I find it deeply concerning to see such disregard for the voices of those who have long been part of Pasadena's fabric.

We ask for the following points to be considered:

1. ****Exempt all single-family homes, Condos, co-ops, and small-time providers with buildings of 4 or fewer units.**** Specifically, protecting all separately alienable properties and those with expressly permitted ADUs. We cannot afford \$37,000 relocation fees to move into our property.
2. ****Adjust the structure of the PRHB to include multi-family landlords specifically.**** This will add to the depth of knowledge and experience on the Board and reduce the risk of legal challenges to its decisions.
3. ****Split the rental registry fee between tenants and landlords, similar to Oakland and Santa Monica.**** The Rent Board has no incentive to keep the cost reasonable. Tenants who benefit from Measure H have no skin in the game, and there is zero incentive to encourage cost-efficient spending by the Board.
4. ****Prohibit further expansion of rent control should Costa Hawkins be repealed (Prop. 33) by protecting separately alienable properties.****

I am particularly alarmed by the activists' push to convert our properties into public housing. This extreme approach threatens to fundamentally alter our neighborhoods' character and diminish our investments' value. Our properties

should not be subject to such drastic changes without thorough and fair consideration of all stakeholders involved.

We must work together to create a balanced and fair housing policy that serves the best interests of our entire community.

Thank you for your attention to this matter. I look forward to your response and working together to find a solution that benefits all Pasadena residents.

Sincerely,

--

Stephen Galloway

Summit Enterprises

P.O. BOX 93576

Pasadena, CA 91109

626-272-1775 Tel

626-457-2742 Fax

www.Summit-Enterprises.com

McMillan, Acquanette (Netta)

From: Jomsky, Mark
Sent: Monday, July 8, 2024 3:42 PM
To: PublicComment-AutoResponse
Subject: FW: Council Meeting Agenda Item #15 - PROTECT SMALL HOUSING PROVIDERS

Item 15 Correspondence.

Regards,

Mark Jomsky
City Clerk
City of Pasadena
(626) 744-4709 (Direct)
(626) 372-6769 (Cell)

From: Christine Saruwatari
Sent: Monday, July 8, 2024 2:52 PM
To: Gordo, Victor <vgordo@cityofpasadena.net>; amadison@cityofpasadena.net; Hampton, Tyron <THampton@cityofpasadena.net>; Williams, Felicia <fwilliams@cityofpasadena.net>; justsinjones@cityofpasadena.net; Masuda, Gene <gmasuda@cityofpasadena.net>; Rivas, Jessica <jerivas@cityofpasadena.net>; Lyon, Jason <jlyon@cityofpasadena.net>; Jomsky, Mark <mjomsky@cityofpasadena.net>; Márquez, Miguel <miguelmarquez@cityofpasadena.net>; City_Council_District_Liaisons <districtliaisons@cityofpasadena.net>; City_Council <ccouncil@cityofpasadena.net>
Subject: Council Meeting Agenda Item #15 - PROTECT SMALL HOUSING PROVIDERS

You don't often get email from

[Learn why this is important](#)

[⚠] CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

Dear Mayor, Vice-Mayor, and Fellow Council Members,

I have "attended" a few of the Rental Housing Board meetings, including the last meeting on July 26, 2024. It is clear to me that the Board, as a whole, does not have the knowledge, experience, expertise or support as to how to run a rental property or a sufficient understanding of the challenges facing many small housing providers (e.g., tenant damage to units that far exceed the rent collected for months or years, or the exponentially rising costs of insurance far exceeding rents and inflation). Unfortunately, there isn't enough housing provider representation by means of housing providers on the board or having a professional property manager advise in the same manner that legal counsel is present.

While I don't disagree there are a small number of unscrupulous housing providers that exist, the majority of small housing providers are trying to do the right thing and this is their source of income, no different than any other person trying to make ends meet. Based on the comments of several Rental Housing Board Members, many seem interested in nothing but "shoving it" to the housing providers as a whole, based on their limited experience with a bad housing provider. They don't understand that housing providers need

to collect enough rent to cover the cost of maintenance and repairs, unexpected repairs or mandated regulatory fees, utilities, insurance, and other expenses, otherwise they will go bankrupt or have to sell to a corporate landlord.

The Pasadena Housing Providers proposed 5 points for the Rental Housing Board to consider which were brushed off with disregard. Based on my experience as a housing provider, I think these 5 points are very reasonable.

1. Exempt all single family homes, condos and co-ops, and small housing providers of 4 or fewer units.
2. Adjust the structure of the Rental Housing Board to include multi-family housing providers so they can have a balanced view of the housing crisis.
3. Allow for the split of the rental registry fee, again to maintain balance and to support cost efficiency.
4. Prohibit further expansion of rent control should Costa Hawkins be repealed.

I ask that you consider what the Rental Housing Board has ignored before a crisis of a different nature develops. Forcing all these restrictions and costs on small housing providers will not help to increase the availability of affordable housing in Pasadena; quite the opposite, it will stifle the ability of small housing providers to maintain ownership of their properties.

Sincerely,
Christine Saruwatari
Small Housing Provider

McMillan, Acquanette (Netta)

From: Loren Naiman
Sent: Monday, July 8, 2024 3:16 PM
To: PublicComment-AutoResponse
Subject: CONSIDERATION OF PROPOSALS TO MODIFY MEASURE H
Attachments: FINAL PHP LOGO LETTER TO CITY ATT RE CRIME.pdf

Some people who received this message don't often get email from

[Learn why this is important](#)

[⚠] CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you **know** the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

To: Mayor Gordo and the members of the Council

On June 17, 2024 members of the PAC of the Pasadena Housing Providers and I attempted to persuade the City Council to entertain five proposed amendments to measure H. Prior to this meeting, PHP members had approached the Charter Reform Commission, but were told the commission would not deal with issues relating to measure H,

During the Council meeting, landlords were screamed at because they were a "parasitic cabal" "who should quit their kvetching". Landlords and Council members were told "They know where we live." The threat called out, "... next time the people of Pasadena may choose to retaliate at the time, place and manner of their own choosing." and "All I can guarantee is tht you willl neither expect nor enjoy their response". There was no public response from the Council regarding these Comments.

The Council listened to this and the other comments then thrust the decision making process onto the Pasadena Rental Board for final recommendations.

On June 26, 2024, Landlords requested the Board to consider the amendments. The Board had previously announced the issues which would mitigate against adopting any amendments. Included in those criteria was anything that would "likely make the Charter Amendment more difficult to enforce and/or implement." or which " would have the effect of undermining, eliminating or fundamentally altering one or more material provisions of the Charter Amendment."

Landlords asked that each of their provisions be debated and considered, but the Board responded by declining to further discuss the proposed amendments. Specifically as to the requested amendment regarding criminal penalties, the Board acknowledged that there was a need for change but endorsed their own amendment without debate on the alternative suggested by the Pasadena Housing Providers.

The City Council has the obligation of deciding what amendments go to the voters. As the statute-making body of last resort, the Pasadena Housing Providers asks the Council to re-consider the proposals, debate the measures and utilize the means to enhance the current legislation.

On June 30th, 2024, a letter was sent to the City Attorney and the City Manager, specifically requesting reform of the criminal enforcement clauses in Measure H. (A copy of that letter is attached hereto and incorporated herein by reference.). At this time, the members of the Pasadena Housing Providers would request that the full City Council consider the discussion in that letter before adopting the proposal of the Rental Board.

Loren Naiman



LOREN MICHAEL NAIMAN

ATTORNEY AT LAW

13535 Ventura Blvd
Suite C-114
Sherman Oaks, CA. 91423
Tel: (818) 371-4380
Fax: (818) 902-1230
LNAIMAN@PACBELL.NET

June 30, 2024

Michele Beal Bagneris
Pasadena City Attorney
Pasadena City Hall
Room N-210
100 North Garfield Ave.
Pasadena, CA 91101
Tel: 626-744-4141

Miguel Márquez
Pasadena City Manager
Pasadena City Hall
Room S-228
100 North Garfield Ave.
Pasadena, CA 91101
Tel: 626-744-4333

RE: 2024 Criminal Penalty Section of Measure M and Charter Amendments

Dear Ms. Bagneris and Mr. Marquez,

I have been retained by the Pasadena Housing Providers, (PHP), PAC, to represent them in presenting the enclosed, proposed, Charter Amendment. As such, on June 17, 2024, because of concerns relating to the criminal penalty section in Article 18 Section 1817(g) and (h). of the City code, I proposed what the PHP thought was a reasonable amendment to the Charter. My statement apparently had some impact on the Council, and further input on the subject was requested from the Pasadena Rental Housing Board. The issues brought to the attention of the Council are listed below.

1. The Article suffered an inherent inconsistency by declaring in Section (g) “a violation of the provisions of this article shall be punishable as an infraction by way of a fine.”, while declaring in the next section “any Landlord that “violates this Article”, by a would be punished as a misdemeanor.

PASADENA HOUSING PROVIDER'S PROPOSED AMENDMENT TO SECTION 1817 (g) and (h)

2. The drafters of Measure H demonstrated extraordinary vindictiveness toward housing providers by making any and all violations of the Article an infraction unless committed by a Landlord. A Landlord could be subjected to up to six months in jail simply because of his status as a Landlord.
3. Measure H makes creates crimes from violations of the entire Article. By so doing, both Sections (g) and (h) would undoubtedly be deemed "*void for vagueness*".¹ By making any violation of any or all of any clauses, found in the 42 pages of "*the Article*", a document which suffers redundancies and inconsistencies, and continues to befuddle many lawyers, no individual and no Landlord could ever be held to all of these standards. In addition, "*the Article*" lacks sufficiently definite guidelines for the police in order to prevent arbitrary and discriminatory enforcement.²
4. "*The Article*" provides no ascertainable elements of the offense to guide prosecutors prior to charging and prosecution. What are the elements of a violation of a 42 page offense?

I am writing to you personally, because as attorneys I thought you would be better prepared to understand the issues that the Pasadena Housing Providers, (PHP), has raised. At the Council meeting, members of the City Council obviously noted problems. Quite a few made comments noting that these issues needed to be addressed. Unfortunately, while sending it back to the Rental Board for consideration, the Board's modifications do not alter the inherent flaws.

The PHP attempted to modify the Article with minor modifications that would maintain the basic tenor of the statute as written. The proposed Amendment will be attached to this document. Section 1817, as amended in subsection (h), would provide:

1817 (g) Penalties for Violations. In addition to the affirmative defense or any other rights of a tenant under law, a violation of the the Rental Board's properly promulgated regulations shall be punishable as an infraction by way of a fine. The Rental Board may establish, and periodically modify, a schedule of fines for violations of the properly promulgated regulations as they see fit, provided these amounts are reasonable, and are chosen in accordance with applicable law.

¹ As was stated in *Parker v. State*, 221 Cal.App.4th 340, 390, (2013) "The requirement of a reasonable degree of certainty in legislation, especially in the criminal law, is a well established element of the guarantee of due process of law." (*People v. Superior Court (Caswell)* (1988) 46 Cal.3d 381, 389 [250 Cal.Rptr. 515, 758 P.2d 1046] (*Caswell*), quoting *In re Newbern* (1960) 53 Cal.2d 786, 792 [3 Cal.Rptr. 364, 350 P.2d 116].) This is the foundation of the void-for-vagueness doctrine. The doctrine arises from due process protections under the United States and California Constitutions. (*Caswell*, at p. 389; *U.S. Const.*, 5th & 14th Amends.; *Cal. Const.*, art. I, § 7.) "The vagueness may be from uncertainty in regard to persons within the scope of the [statute] ... or in regard to the applicable tests to ascertain guilt." (*Winters v. New York* (1948) 333 U.S. 507, 515-516 [92 L.Ed. 840, 68 S.Ct. 665], citation omitted.)...*Parker v. State*, 221 Cal.App.4th 340 (Cal. App. 2013).

²"In California, criminal statutes must satisfy two requirements to withstand a facial vagueness challenge under the due process clause. "First, a statute must be sufficiently definite to provide adequate notice of the conduct proscribed." (*Caswell, supra*, 46 Cal.3d at p. 389.) "Second, a statute must provide sufficiently definite guidelines for the police in order to prevent arbitrary and discriminatory enforcement." (Id. at p. 390.)... *Parker v. State*, 221 Cal.App.4th 340 (Cal. App. 2013)

PASADENA HOUSING PROVIDER'S PROPOSED AMENDMENT TO SECTION 1817 (g) and (h)

The ideas behind the changes were to allow the Rental Board to promulgate appropriate, cognizable offenses, with elements that would ensure that parties understood their legal obligations. In so doing, the issue of "void for vagueness would be obviated". The ambiguity and inconsistency of the current statute would vanish. Further the indicated vindictiveness toward Landlords would be eliminated. All violators would be treated equally regardless of status. They would also face punishments commensurate with their offenses.

The modification also cured a social issue raised at the Council Meeting. Does the City of Pasadena really want to turn their housing providers into criminals with misdemeanor rap sheets?

On June 26, I attended the meeting of the Rental Board and heard discussion of regarding a change to the section that had been proposed by staff of the Rental Board. The staff Amendments as drafted, would state:

"Revise 1817(g) and (h) to read as follows:

In addition to any other remedies provided by law, Landlords and Tenants covered by this Article shall have the following remedies for violations of this Article.

(g) Administrative Penalties for Violations. In addition to any affirmative defense or any other rights of a tenant under law, a violation of this Article shall be punishable administratively by way of a fine. The Rental Board may establish, and periodically modify, a schedule of fines for violations of various provisions of this article as they see fit, provided these amounts are reasonable, and are chosen in accordance with applicable law. (emphasis added)

(h) Criminal Penalties. In addition to the administrative penalties in subsection (g) above, any person that violates this Article be prosecuted for a misdemeanor or an infraction and shall be punished in accordance with Pasadena Municipal Code, in the discretion of the city attorney or city prosecutor, or their assistants." (emphasis added)

The Staff/PRHB Amendment was adopted on June 26th as the only modification supported by the Board. This was done after a discussion on whether there should be any further Board discussion on the subject. In other words, this quasi-legislative body decided that they did not need to fully discuss the alternative supplied by the PHP. They just adopted their own resolution to pass on to the City Council.

They did not want to discuss any of the remaining issues.


1. There was no discussion of the elements of any offenses. No reasonable elements of possible criminal offenses were proffered.
2. By making violations of the entire 42 page document, the entire statute remains suspect under "void for vagueness" standards.
3. The statute as proposed is still inconsistent, insofar as it makes violations of the exact same Article both administrative violations and infractions and misdemeanors. Who decides which type of violation to apply?

PASADENA HOUSING PROVIDER'S PROPOSED AMENDMENT TO SECTION 1817 (g) and (h)

4. How is the perpetrator supposed to know what impact he is facing for a violation? Is the perpetrator supposed to guess?
5. The Staff ignored the request that violations be limited to reasonable, regulations imposed by the Board; regulations that would have cognizable elements that would define criminal versus non-criminal conduct and which would allow police and prosecutors to properly enforce the law.
6. The statute as proposed sets the board, insofar as civil penalties are concerned as the legislature, the enforcement arm, the judge, and the executioners. There is no separation of powers.

For all of these reasons, the PHP asks you, on behalf of the City to rethink the proposed amendments and reconsider the Amendment proposed by the Board.

Yours Truly,



LOREN NAIMAN,
Attorney at Law

Enclosures: 2

PASADENA HOUSING PROVIDER'S PROPOSED AMENDMENT TO SECTION 1817 (g) and (h)

Chapter 1817 (g) and (h)

1817 (g) Penalties for Violations. In addition to the affirmative defense or any other rights of a tenant under law, a violation of the ~~provisions of this article~~ the Rental Board's properly promulgated regulations shall be punishable as an infraction by way of a fine. The Rental Board may establish, and periodically modify, a schedule of fines for violations of ~~various provisions of this article~~ the properly promulgated regulations as they see fit, provided these amounts are reasonable, and are chosen in accordance with applicable law.

~~1817 (h) Criminal Penalties. Any Landlord that violates this Article shall be guilty of a misdemeanor and shall be punished in accordance with Section 1.24.010 of the Pasadena Municipal Code.~~

PASADENA HOUSING PROVIDER'S PROPOSED AMENDMENT TO SECTION 1817 (g) and (h)

Update on Recommended Amendments to Article XVIII of the Pasadena City Charter
June 26, 2024
Page 5 of 6

Screenshot

Revise 1817(g) and (h) to read as follows:

In addition to any other remedies provided by law, Landlords and Tenants covered by this Article shall have the following remedies for violations of this Article.

- (g) Administrative Penalties for Violations. In addition to the any affirmative defense or any other rights of a tenant under law, a violation of the ~~provisions of this Article shall be punishable as an infraction by way of a fine administratively by way of a fine.~~ The Rental Board may establish, and periodically modify, a schedule of fines for violations of various provisions of this article as they see fit, provided these amounts are reasonable, and are chosen in accordance with applicable law.

- (h) Criminal Penalties. In addition to the administrative penalties in subsection (g) above, any Landlord person that violates this Article shall be guilty of a may be prosecuted for a misdemeanor or an infraction and shall be punished in accordance with Section 1.24.010 of the Pasadena Municipal Code, in the discretion of the city attorney or city prosecutor, or their assistants.

The proposed revisions to Sections 1817(h) and (h) were drafted by Staff in collaboration with City Attorney's Office, including the Chief Assistant City Prosecutor. In drafting the language, the Chief Assistant City Prosecutor expressed concern that, as currently written, subsection (g) may be ineffective as a remedy because an infraction is a criminal penalty whereas any fee adopted by the Board would be an administrative penalty. Therefore, the "infraction" language in subsection (g) could be moved into subsection (h) which establishes criminal penalties for violations of the Article. The language of subsection (g) should also be revised to mirror Section 1.24.010 of the Pasadena Municipal Code, which provides that any violation of the Code may be prosecuted as a misdemeanor, as an infraction, or as a civil administrative action in the discretion of the City Attorney, City Prosecutor, or their assistants. Finally, the language in the two subsections was modified to as closely mirror each other as possible, clarifying that either or both administrative and criminal penalties may be imposed on any person who violates Article XVIII.

For the foregoing reasons and in accordance with the Board's adopted criteria for the charter amendment recommendation process, Staff believes that this change will (1) clarify an area of ambiguity in Article XVIII that cannot be resolved via regulation, (2) bring the requirements of Article XVIII into alignment with the existing practices of the City Attorney's (and City Prosecutor's) Office, and (3) reduce legal liability.