

From: [jeanette \[REDACTED\]](#)
To: -- City Clerk
Cc: [Landlord Tenant Protections](#)
Subject: Petaluma Rental Ordinance Letter, For 3/6/2023 Workshop
Date: Thursday, March 2, 2023 8:47:08 PM

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March 1, 2023

Dana and Jeanette Breaux

[REDACTED]
Petaluma, CA. 94952

Dear Petaluma City Mayor McDonnell, Vice Mayor Cader Thompson, and Council Members Barnacle, Healy, Nau, Pocekay, & Shribbs,

Our family has lived in Petaluma since 1950 and has been active in our community and schools as educators during these 73 years. We have owned, managed, and maintained residential rental property in Petaluma for 17 years and offer our units well below the median price. We provide safe, clean housing, quick response to concerns, and trustworthy community for our tenants.

We urge you, the Petaluma City Council, to listen to its community and put an end to the Petaluma residential tenancy ordinance (RTO). We also urge you to review and revise section 3, goal #6 of the General Plan Housing Element, "Fair Housing," removing all language that seeks to undermine private property rights, landlord agency to evict / terminate tenancy, and creation of discriminatory classes, ie. teachers, children, low-income, minority, and disabled people.

We are alarmed by this Petaluma ordinance and what we heard at the February 4th in-person workshop. The ordinance enacts broad changes and requirements on top of California's Tenancy Act (AB1482), (rent control & just-cause evictions, 2020-2030). First, our general concerns, and then specific ones from our experiences as property owners.

1. **The Petaluma ordinance is unnecessary.** California's AB1482, as well as the Ellis Act, protect tenants sufficiently when enforced. Petaluma's RTO seems designed to punish all landlords and further remove their agency as property owners and managers. The California Act, in combination with the Ellis Act, fulfills the General Plan Update Housing Element for 2023-2031, Goal 6, "Fair Housing," and specifically, Policy 6.3, "Protect tenants from discriminatory housing practices and displacement."
2. **The need for Petaluma's ordinance is not supported by studies or data.** If there is data, we would be interested to see Petaluma statistics. The ordinance is sweeping in its demands of property owners, managers, and landlords. It would be inappropriate to continue the Petaluma RTO's broad requirements without specific empirical data. Conversely, there are statistics from Petaluma property management companies which show up to 90% of rental terminations are tenant-initiated. In fact, evictions in Petaluma are statistically very rare.
3. **Ordinance organizers' "feelings of intimidation," "fearing," and emotional appeals are not sufficient to usurp Petaluma housing data.**
4. **The survey offered by the City is a source of anecdotal information, and while interesting, is not statistical data or evidence of the need for this ordinance.** Additionally, no proof of Petaluma residency was needed, or proof of submitting only one survey per Petaluma resident. The survey also required a gmail account, which many older property owners may not have access to, and therefore, were not able to complete the survey.
5. **When will tenant advocates be satisfied with enough protections?** The anti-housing Petaluma ordinance is proof that there will never be enough concessions for landlords and property owners to make. If the California TPA is not enough, then neither will the Petaluma ordinance. Prepare for a further cascade of demands and reparations. Petaluma will lose its variety of high quality private property housing offerings.
6. **Confusion remains about the Petaluma ordinance's requirements, with little clarification offered.** Recent articles in the Press Democrat and Argus Courier contained inaccuracies which minimized the impact and requirements for property owners. Proponents are also confused. After the February in-person workshop, there were comments by attendees that the ordinance will help "make affordable housing for all." Clearly there has not been enough transparent communication or education on the impacts of the RTO. Why are people still egregiously misinformed about such serious and sweeping changes and penalties for property owners?
7. **The Petaluma ordinance is adversarial and pits tenants and landlords against each other,** as well as city government / employees against housing professionals. Landlords and managers strive for trust and positive relationships with their tenants because that is how good businesses thrive, and that's how great communities are built. Do the Petaluma ordinance organizers really have the peace and good will of Petaluma at heart?
8. **This ordinance will drive the price of rent higher.** Contrary to public opinion, the vast majority of property owners and management companies do not relish raising rents. But the additional layers of regulations required by the ordinance will necessitate raising rents to cover the costs imposed by this ordinance.

The following are among our concerns from our 17 years' experience as property owners, managers and maintainers of residential rental property. We have been fortunate and have only had one lease termination, and it was not an eviction. The low expectations of tenant behavior in the Petaluma ordinance is shocking. This anti-housing ordinance makes it nearly impossible to enforce the terms of a standard rental agreement. Our concerns, specifically, regarding terminations of tenancy:

1. **Criminal activity requires a conviction:** Convictions can take years. Five Sheriff's units arrived one afternoon, rammed open one of our duplex doors and arrested our tenant for possession and distribution of child pornography. It was a dramatic scene and scared our community of renters. It raised many questions among them about safety for families to live on our property. As landlord, we were able to terminate the lease (not evict) for the well-being and quiet enjoyment of the other six units' tenants. Under the Petaluma ordinance, we would not be able to terminate until conviction. This loss of agency for the landlord negatively affects the living conditions for neighboring tenants, real and perceived safety for renters, as well as the value of our rentals.
2. **Tenant can commit waste of unit:** Expense of building / finish materials plus contractor's fees are much higher than people know. Property owners are required by law to provide safe, clean housing. We had tenants who were urinating in all carpeted rooms. Fortunately, tenants initiated termination when asked and we could repair the unit. Under the Petaluma ordinance, we would not be able to terminate for causing this waste.
3. **Tenant can sublet against lease:** We require an application for all tenants over the age of 18, and vet applicants equally and carefully. To be deprived of this right places us in a position of risk we are not willing to take.
4. **Tenants can stay when they no longer qualify financially. Tenants can also stay when they said they would leave.** To deprive the property owner of the right to terminate a tenant who won't be able to pay, or will not leave, deprives landlords of avoiding possible future legal action and places tenants in harm's way.

We urge you to allow Petaluma's residential tenancy ordinance to expire on July 1, 2023. We do not support ratifying this ordinance now, or in the future. Thank you.

Sincerely,

Dana and Jeanette Breaux