

From: [Daniel Raff](#)
To: -- City Clerk; [Landlord Tenant Protections](#); [McDonnell, Kevin](#); [Cader-Thompson, Janice](#); [Shribbs, John](#); [Barnacle, Brian](#); [Healy, Mike](#); [Karen Nau](#); [Pocekay, Dennis](#)
Cc: [Margaret DeMatteo](#)
Subject: Procedural Proposal for Approaching Petaluma Eviction Ordinance
Date: Friday, March 31, 2023 11:39:39 AM

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Council Members and Staff,

This email is not a policy discussion, and I don't make any policy suggestions in it. As I said at the last council meeting on the ordinance, I understand that the City Council is facing strong feelings on both sides, and you each have the unfortunate task of sorting through those feelings and deciding what is best for the community. This email just provides a suggestion for how the City Council may want to approach this subject moving forward. Here are the steps I would suggest taking:

Step One: The Council votes up or down on threshold issues.

At this point you've heard all of the arguments for why an ordinance is or isn't necessary or why it will or will not cause problems for Petaluma. Tenants have told stories about their experiences, and landlords have pointed to the TPA and to existing protections allowing tenants to sue for habitability problems. Tenants are going to continue saying that state protections aren't enough, and landlords are never going to agree that additional protections make sense for a small town like Petaluma. I understand that the City Council wants to have some sort of consensus, but leaving open the question of whether there will even be an ordinance makes it harder to get anyone to agree on anything because no one knows whether there is anything that needs to be negotiated in the first place. The City Council needs to decide whether we're going to have an ordinance before there can be other meaningful discussions about the provisions of the ordinance.

Step Two: The Council appoints an ad hoc committee to work out the details comprised of tenant advocates and housing providers

After the Council has made a decision about whether there will be an ordinance, the Council should create an ad hoc committee composed of tenant advocates and housing providers to negotiate the rest of the details. When Margaret and I were working on our joint letter before the last City Council meeting, she wanted to negotiate on substantive changes to the ordinance, offering to trade substantive changes in favor of landlords for changes in favor of landlords. I didn't feel comfortable doing that because I didn't have authority to act on anyone's behalf. In this case I am only a concerned citizen with background knowledge relevant to the issues of this ordinance, but I don't represent any coalitions here and I'm not even a renter or a landlord. Because I felt uncomfortable doing anything else, Margaret and I focused on technical critiques of the ordinance that we both agreed were necessary changes.

A committee composed of advocates on both sides appointed by the City won't have that problem. They will be able to have those types of discussions and approaching it this way will make sure that everyone's voices are heard. Some protections will probably be more important to tenants than others, and some regulations will probably be more burdensome to housing providers than others. A committee like this will be able to discuss proposals and maybe trade

provisions like Margaret wanted to do with me. Plus, involving stakeholders in this way may produce solutions that have not been thought of before now. A committee with tenants and housing providers probably won't be able to agree on everything, but they may be able to agree on some things. They can send a report to the Council on the items they do agree on and provide landlord and tenant positions for items they don't.

Response from Margaret DeMatteo and Closing Thoughts

I asked Margaret DeMatteo from Sonoma County Legal Aid if she would join me in recommending this two-step approach but she declined because she is worried that adding another step in the process could result in a less restrictive ordinance. I wanted you to know her perspective but I don't want to speak for her, so I've cc'd her on this email in case she wants to clarify anything. She also said that she might have agreed if this was earlier in the process, and I agree with that point. I think this is how it should have been done from the beginning, and I know that a lot of people felt blindsided by the ordinance. I think there would have been a lot more trust and it probably would have been easier to work things out if these steps had been taken from the start.

I hope you find this suggestion useful, and as always I'm happy to answer any questions regarding this proposal.

Sincerely,

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