

Sabha, Tamer

From: cityclerk
Sent: Tuesday, October 24, 2023 6:24 PM
To: Flores, Valerie; Iraheta, Alba; Jomsky, Mark; Robles, Sandra; Sabha, Tamer; Stevenson, Garrett; McMillan, Acquanette (Netta)
Subject: FW: Public Comment - PRHB Regular 10-25-2023

From: Simon Ybarra
Sent: Tuesday, October 24, 2023 6:23:49 PM (UTC-08:00) Pacific Time (US & Canada)
To: cityclerk <cityclerk@cityofpasadena.net>; RentalBoard <RentalBoard@cityofpasadena.net>
Subject: Public Comment - PRHB Regular 10-25-2023

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Hello,

I am Simon Ybarra, a tenant in District 3. I am writing to request a change in the way a landlord's obligation to provide first right of refusal / right of return is considered satisfied in the proposed regulation (Item 4) because the current draft provides an incentive for the landlord to fail to comply with the regulations by forgiving loss of contact information.

Charter section 1803(c) requires that tenants be notified when their rights to refusal or return become relevant, and the proposed regulation D.6.c.iii requires that landlords maintain their record of the tenant's contact information, but neither D.6.c.iii nor D.6.c.iv contain any penalty or fee to disincentivize noncompliance. When a landlord receives a tenant's contact information, both following the eviction and for subsequent changes, there is no test at any point to confirm that the landlord received or has stored it. Given this lack of testing, it is concerning to me that the regulation proposes to consider the landlord's obligation satisfied if the landlord and PRHB report that they do not have the contact information at the time a notification must be sent.

The PRHB is mitigating the risk of such events by volunteering to store and receive updates of tenant contact information, and I believe, as long as the board intends to maintain such information, it would be appropriate to create a requirement that the landlord report receipt of such information to the board, a presumption that any landlord shown to have failed to report that information is not operating in good faith, and a fee or penalty for landlords who report that they do not have a record of that information despite tenant cooperation. A requirement to report would improve the board's awareness of eligible tenants in addition to contributing to a record of compliance with D.6.c.iii. Compliance with the requirement to report could be tested against any record submitted by a tenant of sending that information to the landlord; the uncertainty of whether such a record might be submitted creates risk that a landlord should seek to mitigate by complying proactively. That risk can be made substantial by the potential for material loss, either in a finding of wrongful eviction (if a presumption is made based on failure to report) or in a monetary penalty (if a tenant shows or the PRHB finds the landlord to have neglected to maintain or report records as necessary). Such a penalty could be set based on the PRHB's costs in record maintenance or a tenant's time spent on the claim or compensating for delayed notifications.

Thank you for your time and consideration.
Sincerely,
Simon Ybarra