

2/27/2024

To Mayor Coler and Council Members Ackerman, Blash, Cutrano and Hellman:

The Fairfax Town Council works in mysterious ways. Over a year ago, in November of 2022, without notifying stakeholders most affected by their upcoming decisions, the Council voted to adopt two ordinances relating to rent stabilization and just-cause-for-eviction, greatly exceeding the regulations established by the State of California in the Tenant Protection Act of 2019, and establishing Fairfax's ordinances as the most punitive in the state for housing providers.

In the aftermath of public outrage, the citizens of Fairfax demanded their constitutional rights by collecting enough signatures to place a citizen's ballot initiative on the November 2024 ballot. This initiative seeks to repeal Fairfax's rent control and just-cause-for-eviction ordinances and provide voters the opportunity to democratically decide the outcome of decisions that will greatly affect their lives and their future.

Yet, instead of heeding this clear call for a pause, the Fairfax Town Council continues to aggravate and escalate the damaging divisiveness their decisions have caused in our town, by considering implementation of the two ordinances prior to hearing the outcome of the vote of the people.

Though exact dollar amounts related to costs associated with creating these ordinances are difficult to verify, according to Fairfax Town Records, the Town has already paid \$287,386 over the budgeted \$190,000 to the Town Attorney in 2022 and approved a 93.7% increase, totaling \$368,000, for the Town Attorney in 2023. For implementation of these laws, Legal Aid of Marin's yearly fee is \$40,000 and the City of Berkeley will charge an additional \$76,000 per year. This does not include the creation of additional data security systems, the hiring of additional staff or creating additional office space to handle the extra work load in Fairfax.

A 19-step appeals process through the Berkeley Rent Board will be required of both housing providers and tenants for resolving disputes and other assessments. Did anybody think to ask why the City of Berkeley will be getting our taxpayer money and providing litigation on our local properties?

With the proposed plan, a database containing tenants and housing providers personal information will be developed. Despite data security systems, this personal information is constantly at risk of being compromised and publicly exposed. **I have received confirmation that Councilmember Bruce Ackerman's email was hacked last week.** As a result of this hacking, my contact information, and those of many other town residents, were compromised. **You cannot ignore this risk.** Is there a financial plan in place to compensate those who may incur financial and personal damages resulting from Town data breaches?

At the November 1, 2023 meeting of the Fairfax Town Council, the citizens of Fairfax spoke again, collecting enough signatures in a resident petition to place an item on the agenda requesting that the Council provide a public presentation outlining the projected costs of implementation, the timeline, and the responsibilities and fees of hired outside consultants, prior to implementing the system. The fact that this fiscal accounting was never determined or presented to the public who will be footing the bill through their taxes, is hard to believe. It's also hard to believe that the residents of Fairfax must continually remind our elected officials of our constitutional rights to voting and free speech.

Even in their infancy, these rental ordinances have failed to produce the desired outcome. A large percentage of formerly available rentals have been removed from the market. I have recently witnessed the actions of a senior citizen, so desperate for housing in Fairfax, that they produced a publicity flyer with color photos, advertising their eligibility as a suitable tenant. Apparently, no one is willing to rent to them because **housing providers are fearful of not being treated fairly** resulting from the new ordinances you have passed. **Are you aware that your decisions, based on ideology, have produced the opposite of your desired outcome by reducing the number of available rentals and negatively affecting the ability of seniors to find affordable housing in Fairfax?**

In adopting and implementing extra rent control and just-cause-for-eviction ordinances, the Council piles an excessive amount of cost, administrative duty and government control upon a town *“with a village-like aesthetic”*, that fiercely doesn’t need or want this kind of government control. **It is truly disheartening when the Town Council’s reaction to a citizen ballot initiative for a democratic vote and demand for fiscal accounting is to proceed with more of their personal ideology, more government control and more expense imposed upon the people of Fairfax.**

These ordinances have caused nothing but divisiveness and anger between the Fairfax Town Council and the entire town. Why not pause and consider a fresh start? A fresh start provides an opportunity to reassess and re-evaluate the issue from a new perspective, consider alternative solutions, and find common ground to move forward. A fresh start provides new opportunities to engage with the community and gather input, building trust and strengthening relationships between policymakers and their constituents. This will help ensure that any future decisions made take into account the needs and concerns of the entire community and are more likely to be accepted and supported by residents.

When facing complex issues, policymakers can become entrenched in their own positions and lose sight of the bigger picture. There is no greater goal to which humanity can aspire than achieving unity and peace, yet this commodity seems to be in short supply both locally and worldwide.

Competing ideologies foster the continuation of war and division. Taking a pause will allow all voters the opportunity to have a voice and give everyone time to evaluate where we are. If Fairfax is a microcosm of the world, let’s begin by achieving peace and unity here.

Teliha Draheim, Fairfax resident 28 years

Responses from Barbara Coler and Lisel Blash.

Hi Teliha,

Thanks for the letter. Have you read the staff report for the upcoming meeting, and do you think any of the options listed would help smaller landlords who need to raise their rents above the rent cap in the interim between now and November?

Best,

*Lisel Blash
Fairfax Town Council*

Dear Ms. Draheim,

Thank you again for writing. I am hopeful that this proposed low-cost partial implementation (Option A) will be helpful in the interim while we await the vote in November 2024. It will allow housing providers who would like to raise the rent above the annual general adjustment cap (75% of the CPI) who have increased costs the ability to go before a Hearing Examiner to potentially make a case to do so. Without this, they would have to pursue civil action in court which is very costly.

I have written you prior as to my concerns with the two ordinances adopted in November 2022 and how I attempted to change to a more "reasonable" (in my view) course of action.

Thank you, Barbara

My response to Barbara:

Dear Mayor Coler,

Though I appreciate your response, it does not address the concerns expressed in my letter. The only action the people of Fairfax will accept as "reasonable" is a vote to reject implementation of these ill conceived ordinances, prior to a democratic vote of the people in November. The options presented by the town taste like margarine spread on moldy bread. This is not leadership. This is you, walking in lockstep, and arriving at Town Council meetings with your mind already made up. There is no space for disagreement, no breathing room.

In the past there has been healthy discourse among Town Council members. This is absent with the current Town Council. Your proposed "Option A" solution to plead our cases before a "hearing examiner" who will determine our fate, has echoes of military tribunals. Is this the atmosphere you wish to foster in Fairfax? This is not the path to re-election. Think about it.

With hope,

Teliha