January 11, 2021

Concord City Council

1950 Parkside Drive

MS/01

Concord, CA 94519

Dear Mayor McGallian and Councilmembers:

On behalf of East Bay Housing Organizations and our members, I write to you addressing Agenda item #9a**,** concerning the establishment of a rent registry in the City of Concord. Knowing that good data is necessary for good policymaking, I urge you to adopt the staff proposal before you— with a few additional modifications to make the rent registry a more useful tool.

I want to thank the City for its commitment to investing in a rent registry. The registry can be a very valuable data tool to inform housing policies and programs in Concord. The City has needed a more accurate picture of true rental costs for many years. For 5 years this subject has been debated at Council, with folks using various citations like Zillow, Rent Cafe, Zumper, etc. to guestimate costs. The City Council has said repeatedly that they do not have enough data to create effective policy. This tool, if done well, can help everyone in the community move forward with the same information. I **appreciate that city staff and the HED committee was responsive to public input and incorporated suggestions around:**

* Tracking Evictions, including formal and informal evictions
* Tracking additional costs to tenants, such as utilities, water and parking
* Tracking Ownership and trying to identify those responsible for decisions at properties
* Public access to the data

**However, there are still areas that need to be strengthened in order to make this tool as useful and effective as possible. These are:**

1. **Tenant Access**: Tenants should have full access to the data submitted concerning their own unit. This can be done by simply having password enabled access. This allows tenants to check the information provided by their own landlord and ensure it is accurate. This is important as there is currently no other process to verify the data provided by landlords. Allowing tenants to register could also allow the city to easily share information with tenants in the future--e.g. notices about eviction protections and rental assistance during the COVID-19 pandemic.
2. **Public Access:** Legal/Advocacy/Research groups should also have full access to the data, w/o having to go through public records request (which will ultimately be labor intensive for the City). This data must include the unit numbers of individual apartments.
3. **Base Rent at Move-in:** It is crucial to include a question about the base rent at the time that the current occupant moved into the unit (and not just ask the current rent as of July 1). This would allow the City to identify the degree to which rents have *already increased* for current tenants right from the outset.  Without it, the City will need to wait years to get a sense of the rate of increases, and how the crisis is affecting rents in Concord. This one additional question makes the tool so much more useful from the start. [It is hard to understand why this would not be included].
4. Evaluate & Expand: We ask that the City make the registry a living and evolving tool to be evaluated next year. At that time we urge the city to expand the registry to all rental units (not just those of 4 or more). Having the registry only include only buildings of 4 units gives us a very partial view, when so many renters live in duplexes and single-family homes. Corporate ownership of single-family homes is a growing trend in the region, in the wake of the foreclosure crisis, and likely to increase in the wake of the pandemic.  We need this rent registry to give us the full rental landscape in Concord. We understand that tracking poses some challenge in this moment and that the priority is to get this program launched. But the city should commit to expanding the rent registry to include all rental property in the future. Advocacy groups and researchers stand ready to help the city identify ways to overcome data collection challenges.
5. **Meaningful Enforcement:** We need concrete penalties for non-compliance or providing false information.  We recognize that most landlords are earnest and law-abiding. So, this doesn’t affect them. But there should be real consequences for those who do not operate in compliance with city programs or seek to misinform.  The city did outline some fines and a graduated scale. But it seemed very modest and possibly ineffectual at actually serving as a deterrent for lying or not-complying. A lot of civil fines--e.g. for nuisance violations--have a per diem or per occurrence structure. This means they start at an amount like $1,000 and can be issued over and over again until the violation is resolved. We also urge that landlords provide the information to the City under penalty of perjury. This was affirmed in the HED committee, but not clearly outlined in the staff report.

I urge the City to take these last extra steps to make this tool truly effective. The City has the power to make Concord’s rent and eviction registry a model in the field. Thank you for the community engagement to date, and for your consideration.

Sincerely,

Gloria Bruce

Executive Director

East Bay Housing Organizations