

Jacobs, Jason

From: David Sparer [REDACTED]
Sent: Friday, February 24, 2017 4:27 PM
To: Jacobs, Jason
Cc: Brist, Steven
Subject: FW: best practices program

Hi Jason:

Below is the e-mail from over a year ago, in which I spelled out the potential process for operating the Best Practices Program. This e-mail is what we went over in our subcommittee.

Note that in paragraph 3, I indicate that SOME number of outstanding orders, over an as yet undecided period of time, would be too many, but do not state the numbers. That is what George was going to think about and talk to other staff about. In terms of sending this out to the public, we could leave those numbers as a question to be answered, OR insert the number suggested by George.

In paragraph 5 I indicate that SOMEONE would investigate whether complaints were true. George had indicated that he felt that BID could provide a staff person to fulfill that task.

The only thing missing is the hearing a participating landlord could request if they are being kicked out, but want to contest the basis for that. I suggest that would be a hearing before the Landlord Tenant Committee. Check in with Steve Brist about the minimum level of due process we would need on this topic. We want to provide what we need to provide, but we also want to avoid making the whole thing overly complicated, given that the entire thing is just voluntary.

I think that is it – right?

Any follow up, certainly let me know.

David

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From: David Sparer
Sent: Friday, January 29, 2016 3:57 PM
To: Hank, George [REDACTED]

Cc: Wood, Zach <[REDACTED]>

Subject: best practices program

Hello George (and Zach):

So, here is my suggestion for a Best Practices Program:

1. We have a specific list of Best Practices (this is the list we perhaps will approve next meeting).
2. Landlords sign an Agreement with the City that they agree to run their business in such a way that they follow all these Best Practices. We would require that they include a separate sheet in their Lease documents, which both the tenant and landlord sign, which indicates that these Best Practices are part of the Lease.
3. A question is – shall we include having BID check the record on this Landlord applicant, and reject an applicant who had more than XX number of outstanding abatement orders, over ?? years, that went to non-compliance and were subject to abatement? I think this is a good idea. How many instances over what period, should qualify for rejection?
4. Then, assuming they pass the BID check about abatement, and that they sign the Agreement with the City to include the Best Practices document as part of their Lease, then they are given a document from the City which identifies them as a Gold Star Best Practices participant. They are specifically authorized to use it in their marketing.
5. A Best Practices participant also could lose their participant status based upon Verified Complaints from tenants or some local helping agency (TRC or CAC for example) that they have not in fact been following all the Best Practices. If tenant, or agency, complained that they were not following the requirements, then someone (BID staff?) would investigate and issue a determination about whether they had failed to comply or not. If they were not found to have failed to comply, then all is OK. If they are found to have failed to comply, then they have a chance to cure that default and restore their status.
6. Then we need to have some annual evaluation – that would be a) having them demonstrate that in the recent time period they continue to use our Best Practices sheet as part of their Lease documents; and b) they still pass the not too many abatement claims evaluation, and c) they submit a renewal Agreement that they still promise to comply. If they pass, then they continue as a Gold Star participant. If they fail, then they get notice they failed, and have some opportunity to cure that default.
7. In terms of an opportunity to cure, I guess we could have a system similar to that for evicting tenants. You get one chance to cure, and if you do, all is well. If you have a second instance of violation, within a one year period, then you simply lose the participant status. However, since we do want to encourage participation and compliance, we want some opportunity for people who lost their status to seek to reestablish qualification and show that they can change and get their act together. So, maybe we say, if you lose your status because of non-compliance you cannot reapply for one year. However, after the one year is over, you can then reapply.
8. Finally, any Landlord can simply drop out of the program at any time, if they want.

So, there you go. Let me know your thoughts.

David

[REDACTED] David R. Sparer
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[REDACTED]
[REDACTED]