



Serving Rental Property Owners and Managers
throughout Alameda and Contra Costa Counties



East Bay Rental Housing Association Questionnaire 2014 November General Election

Background: The East Bay Rental Housing Association (EBRHA) is a full-service nonprofit organization dedicated to promoting fair, safe and well-maintained residential rental housing that is compliant with local ordinances and state/federal laws. We offer our member rental property owners and managers city-specific and timely education, one-on-one property management advice, free rental forms, networking opportunities, and advocacy at the state and local level. EBRHA supports our members, neighbors and local businesses with community improvement and sustainability initiatives.

Our 1400+ members own and manage over 18,500 rental units—including apartments, condominiums, duplexes and single-family homes—in over 25 cities throughout Alameda and Contra Costa counties. They range in size from small investors with just one property to large property management companies that own or manage hundreds of units. In addition, EBRHA has over 100 vendor members to help serve members' needs, including attorneys, plumbers, painters and other service providers.

Governance

The Association is governed by a Board of Directors, consisting of independent rental property owners and executives from property management firms that are elected by the general membership.

Completed questionnaires should be signed and **returned by 5pm Thursday, July 10th to:**

Attn:
EBRHA PAC
360 22nd Street, Suite 240
Oakland, CA 94612
Fax(510)893-2906
Email: esalazar@ebrha.com

In addition to completing this questionnaire, we ask all candidates to:

- Include as an attachment to your e-mail, a high resolution photo (headshot).
- Candidate interviews will comprise of EBRHA PAC members (separate entity from the Board of Directors), Board members, staff and general members. A portion or all of this questionnaire may be published for EBRHA members or for the general population of Oakland voters.
- Attach a complete endorsement list.
- Bring a signed original of your questionnaire to your interview.

Thank you for your service and for informing our members.

Name: Joe Tuman	Office Sought: Mayor of Oakland
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Home Address: 957 Sunnyhills	Home City & Zip: Oakland, CA
Home Phone: 510-834-2294	Cell Phone:
Occupation: Department Chair and Professor	Employer: San Francisco State University
Work Address: 1600 Holloway Ave, SF, CA 94132	Work Phone: 415-338-1597
Campaign address P.O. Box 20433 Oakland, CA 94620	Campaign Phone: 510-972-8775
Campaign ID Number (FPPC): # 1359017	Political Party: Democrat
Consultant and/or Campaign Manager: Doug Linney	Committee Name: Joe Tuman for Mayor 2014

Background (Mayor)

- Why do you want to be Mayor of Oakland? (Or serve a second term as Mayor)?

I love this city. As someone who has lived here for nearly three decades, raised a family here, and volunteered in the community by serving on the Boards of several organizations, I am tired of hearing about how Oakland is “a city with great potential.” The moment for acknowledging our potential has passed; it’s time to realize some significant gains. The dominant narrative of Oakland is all about crime and the absence of real public safety. Crime affects everything here in a negative way. It hurts our school system, it depresses property values, it makes it difficult for Oakland businesses to thrive, it deters and retards other business investment and development coming into Oakland--which also means that Oakland’s unemployment rate is higher than all surrounding cities, and it occupies way too much of our elected officials’ time and attention, even if they do a poor job of addressing it. Oakland needs a mayor who will make public safety a priority. I am willing to be that mayor. I will make the hiring of up to 300 new police officers (net of attrition) a priority, and drive our department staffing levels to at least 900 officers. I will only invest in social programs for violence prevention that are regularly evaluated against a metric of the outcome we are looking for: preventing violent crime. The details for funding this are spelled out at the following link:

<http://www.joetuman.com/crimeplan>

This will be paid for in a way that does NOT involve new parcel taxes or raising any taxes at all. Instead, it relies upon monetizing existing public lands, and the attraction of new business development into Oakland to grow new sales tax from retail, more room rate tax from new hotels and new business license taxes from the attraction of new businesses to our city. This change in Oakland can happen, but only with a strong individual in the mayor’s office--someone who is willing to keep everyone focused upon this priority.

No other candidate in this race is willing to commit to 900 police officers. And no other candidate has published a crime plan and an economic development plan (the economic development plan can be found at the following link: http://www.joetuman.com/economic_plan)--not to mention publishing both plans 5-6 months *before* the election in order to give voters a chance to review and understand what I have proposed. As a matter of fact, 3 of the other candidates in this race (Mayor Quan, and CC members Schaaf and Kaplan) had a chance to demonstrate their support for hiring more police officers two nights ago, when they voted to put a

replacement for Measure Y on the November 2014 ballot. But instead of having the city commit to at least 900 officers, the CC opted to commit to only 678 officers, if the new measure is passed. For all their talk of leadership, not one of those candidates could muster the votes or support for a fully staffed department. They will not make that commitment to public safety, but I will do just that. That's why I want to be mayor, and why I think Oakland needs me to be the next mayor.

- Do you have any personal experience working in the private sector or as an entrepreneur? Please describe.

Yes, most definitely. First, as a young person I helped my family operate two businesses (both were restaurants, open 24 hours/day, seven days a week). I performed every job (at different points) at these establishments, including helping to run one of them before I left home to go to UC Berkeley. Later while in school, I created and co-ran an institute teaching argumentation and debate skills for students--a business that ran for nearly five years. For nearly a decade after that, I also ran a successful management consulting practice, with a focus on management communications; my clients were national in scope, and included several of the nation's largest banks, accounting firms, law firms, architects, engineering companies and software developers. In this time I also became a full professor at San Francisco State University, while also signing a contract to work for ABC and later CBS news as a commentator.

- Briefly describe your educational background.

I graduated from UC Berkeley (class of 1980), both *Phi Beta Kappa*, and "*with highest honors and great distinction in general scholarship*" (Berkeley's equivalent of *summa cum laude*) with a BA degree in political science. My senior honor's thesis was a 150 page paper on crisis management and the US presidency; it featured interviews with then-President Ford, Donald Rumsfeld and other former White House officials.

I then attended and graduated from Boalt Hall, School of Law (class of 1983), earning a JD (Juris Doctorate), while also being a quarter finalist in the prestigious McBaine Moot Court competition in my third year of schooling.

- Please describe the successes or accomplishments of the current Mayoral administration.

The Mayor is to be commended for working harder than her predecessor.

- ALL CANDIDATES, except Current Mayor: Please describe where you believe the current administration has failed and how you would you succeed given similar challenges and responsibilities?

There are many things to discuss here, but in the interest of time and space, I will limit myself to the following comments.

First, I believe the Mayor has failed the city in providing for meaningful public safety. Beginning with her mishandling of the Occupy Oakland debacle, Mayor Quan not only seemed conflicted, but also confused about whose interests (the city of Oakland or the demonstrators?) she was to serve as Mayor. She initially welcomed the demonstrators, then had her police department throw them out, then allowed them back in, and then removed them a second time. Later, she compounded this by allowing demonstrators to march on the Port of

Oakland, even giving city workers the day off to join in the demonstration. Worse, she could not bring herself to endorse a statement that she would use "all lawful means" to keep the Port open.

A badly understaffed Oakland police department had to rely on "mutual assistance" from other police departments and law enforcement agencies. With no coordinated crowd control policy for all the other departments and agencies, and facing a large demonstration, it came as no surprise that some people were injured or felt that their rights were violated when the police removed them from Ogawa Plaza. Instead of acknowledging that she herself had placed her own understaffed officers in the middle of an unwinnable situation, the mayor hired Thomas Frazier (who would later become Oakland's NSA compliance director) to convene a commission to investigate if and how the Oakland police had mishandled the Occupy situation. Amazingly, but not surprisingly, the same commission did NOT investigate Mayor Quan's own actions here as contributions to what happened. In point of fact, her actions were not only contributory, they were primary. If she had a) listened to her advisors (like then-city administrator Deanna Santana or then-police chief Howard Jordan), or b) just followed the rule of law in ways I will explain below, she could have averted this crisis, and kept the demonstration small, manageable and peaceful--just as it played out in other cities. Her breathtaking lack of competent management and refusal to be responsible for this was a primary reason Oakland became (in the eyes of that national media) the center of the Occupy universe.

Mayor Quan's inability to address public safety showed itself in other ways as well. From her ill-fated and mis-conceived "100 Blocks" plan, to her claim that most violent crime only occurs in certain areas *and never migrates to other parts of the city*, to her embrace of the violence prevention program "Cease-Fire" (a good program, I might add) without then offering the resources of her office to encourage local businesses to contribute jobs for Cease-Fire participants, or the hiring (again!) of consultants Bill Bratton and Robert Wasserman to give us the same advice they did before about compstat and geographic policing, she has time and time again demonstrated a fundamental lack of understanding about public safety. She continues that to this day by taking credit for having funded several recent police academies--while never acknowledging that the graduation rate from these (as well as the completion rate after field officer training, post-academy) only produces enough new officers to barely cover for existing department attrition--which is historically 5 officers/month or about 60/year for retirement, death, lateral transfers, etc. Under her management, and with the acquiescence of the CC, Oakland continues to be stuck in the mid-600's for police staffing--all for a city of 415,000 people. Even her own consultant, Bill Bratton--currently in charge of police in New York--acknowledged last August before he left, that Oakland needed to have at least 900 officers to be effective.

Second, I believe the mayor has not changed the culture and climate necessary to support existing businesses and attract new businesses that would grow revenues for the city. Oakland under her watch is still perceived to be business-UNfriendly. Businesses complain about everything from an absence of public safety to parking policies that punitive and only for revenue. City Hall is not perceived to be professional; complaints are made that calls are not returned in timely fashions, and permit processes take way too long to complete. The end result is that Oakland's rate of recovery from the big recession continues to lag behind cities around us. Our unemployment rate is still higher. Our rate of crime is worse. And a city that is starved for revenues for public safety or infrastructure repair continues to miss opportunities for bigger growth. Oakland remains a city with unrealized potential.

So what would I do differently?

For starters, when faced with a crisis like Occupy--begin by following the rule of law. As a constitutional law professor, I know numerous Supreme Court decisions (e.g., *Clark v. CCNV*) have supported the right of government (including municipalities) to use reasonable time, place and manner restrictions to regulate access to public land for the purposes of demonstration. These restrictions are essentially land use rules--and

to be consistent with the First Amendment, they must be a) content-neutral (not written to censor a particular message); b) written in a limited and narrow way tailored to advance a legitimate government interest; and c) leave open other opportunities to still get the demonstrators' message out to the public. In this case, I would have met with the demonstrators on the first day, given them a permit to demonstrate at Ogawa Plaza, but with these restrictions: a) allow other pedestrians access to the plaza; b) do not block or disturb the lawful activities of surrounding businesses; and c) follow our rule about camping in public places. The last part is pivotal: nearly every city in the country has a law that prohibits camping overnight in public places. I would have told the demonstrators that they were welcome after sunrise, and that they could demonstrate for the day--and then needed to vacate the plaza at sunset. Following this practice would have allowed them ample opportunity to demonstrate and get their message about income inequity out, while also balancing that with a legitimate government interest in safety. Additionally, the policy against camping in public places were never written to censor Occupy messages. This restriction would pass constitutional muster AND balance competing interests.

Additionally, I would have avoided this by showing the good leadership skills that come from being willing to listen to the smart you surround yourself with when you become mayor. Mayor Quan ignored advice she should have listened to, and also showed a propensity to rely more upon her family members (husband and daughter) instead of city officials.

I will also address these problems for public safety by doing exactly what I promised above regarding investing in more police staffing, and in programs that are evaluated by the outcome we are seeking (e.g., violence prevention).

As far as business development is concerned, I am convinced that a meaningful and serious commitment to safety by a mayor will go a long way to reassuring nervous investors that Oakland is a good place to start a business. It will also go a long way to helping existing businesses. And that climate of business-unfriendliness can be altered by a mayor who sees the business community as partners and stakeholders.

MAYOR QUAN only: As you reflect on your first term, are there any areas you would consider a failure of your administration and, if so, what would you have done differently with years of experience behind you?

N/A

- What is your overall budget for your campaign? How much money does your campaign expect to raise?

We are budgeted to operate at the maximum cap for the Mayor's race--which is a little more than \$400K. Because of the uncertainty for fundraising from a field that may exceed 20 candidates, we have an alternate budget that will also work successfully at \$300K. We believe we can raise to the cap.

- How much money do you currently have on hand?

We have raised more than \$200K to this point (final numbers will be reported later this month), and I believe we have \$134K on hand, with more to come.

- Who do you see as your strongest opponent?

I respect all of my competitors. I think the strongest opponents are Quan, Schaaf and Kaplan.

- How will you win?

By staying focused on my message about public safety and economic development; by trusting the intelligence of voters and continuing to model (not just talk about) "transparency" by releasing all of my plans for the city early, and in accessible ways for everyone (including my opponents!) to review them early enough to make an informed decision; c) by prosecuting a vigorous "ground game"--canvassing across this city (to date I have already personally knocked on close to 4500 doors--and expect to hit 10,000 before the end of September--I have teams of campaign staffers who will also be walking with me); and finally, by remembering this is a ranked choice election, and because with 20-plus candidates it will be difficult for anyone to get 50% -plus one of all the votes, the way to win here is to be most people's first-place candidate, and everyone else's second place candidate. I can do that.

- What will be your next work if you are not successful in this election?

I am a tenured and full Professor at SFSU, where I teach constitutional law, political science and communication. I have also written or edited 16 books. If I am not Mayor, I will continue in these capacities.

Do you consider yourself a pro-business candidate? Small business? What past actions demonstrate this commitment? Do you view income property owners as part of Oakland's small business community?

I am absolutely a pro-business candidate. See my comments from above re: past private sector work, as well as my explanations about public safety and business/economic development. See also the links to plans for both paying more police and the economic plan to get Oakland working again. And yes, I do see income property owners as members of the small business community.

Income property owners are the largest sector of small business in Oakland. They support the local economy through 1) payment of property taxes, 2) payment of Oakland business taxes, 3) funding capital improvements that improve housing quality and put capital into the local economy. Please explain how you understand the impacts of rent control and Measure EE (Eviction Restrictions) on the rental income economy, the whole local economy and Oakland's overall tax revenue.

In the wrong environment--e.g., one that is biased heavily in favor of one side, instead of attempting to balance interests between both sides--rent control generally and severe limitations on evictions can definitely discourage individuals from wanting to invest in rental property, and make it more difficult to expand the supply of housing necessary to serve all our residents in Oakland. I will not go so far as to condemn any and all rent control--or to suggest that all renters are always innocent of any wrongdoing. History is filled with examples of abuse of privilege on both sides; the key is balance.

Oakland recently passed sweeping changes to its rent ordinance limiting rents increases for capital improvements. Specifically, traditional incentives for owners to maintain and improve rental housing have been severely curtailed with more processes and procedures to discourage small owners. This only affects older buildings (built prior to 1983) but not newer buildings. Given that older buildings require greater capital improvements and are now further restricted in recovering any of the costs from the heavily subsidized tenants, do you see any problems for Oakland housing quality from these changes?

On the one hand, effective public policy should always encourage landlords and property investors to do everything necessary to maintain and also improve the quality of rental housing. That serves both a public interest in maintaining a good supply of affordable rental housing, as well as maintaining or improving the value of the property for the owner. As the son of a mother who still owns rental housing in another city, I know first-hand how challenging it can be for property owners to stay current with code enforcement--some of which may be unevenly applied. In Oakland's case, distinguishing older buildings from newer buildings for the purpose of incentives to maintain or improve properties may have the unintended consequence of discouraging owners or investors from participating in rental housing. We need more housing options in Oakland, not less.

Did/do you support these recent changes implemented by Oakland to restrict Capital Improvements by limiting the sharing of costs with long-term tenants? Overall did you feel these changes benefited most tenants? Income property owners? Oakland's overall tax revenue?

A capital improvement is a replacement, not a repair--meaning the capital improvement involves the creation of something new, as opposed to altering or fixing something that already exists. I think the current rent control law is specific on that point. In context, many outright replacements can be very expensive. While they may improve the value of the property for the owner, if their existence (e.g., energy-efficient windows, or a new roof with insulation) creates a new and improved environment for the renter (e.g., better insulation equals lower power bills for a tenant), some but not all of the capital improvement cost can be passed on to tenants, spread out over five years. The fact that there is some cost-sharing seems fair and reasonable IF both conditions apply (property value increases and tenant enjoys new benefits); nevertheless, this situation is more easily borne by large rental property owners than small rental property owners. The difference owes to the number of tenants each type of owner serves. When there are more tenants to share a fraction of the cost for capital improvement, the impact that the leaving of a single tenant moving away could have on the ability to share costs will be less because the property owner shares the fraction of that cost with *all tenants* in the property. More tenants lessens the risk for the property owner. A smaller rental property owner is disadvantaged in this scenario for precisely the opposite reason: less tenants equals more risk of not being able to share some fraction of the cost. The fact that small rental property owners are effectively the same as small businesses also means it is more difficult in the current regulatory banking environment for them to qualify for loans or a line of credit to underwrite these capital improvements.

Please explain the benefits and/or failings of 30 years of rent regulations in Oakland for:

Income property owners of rent controlled buildings? Small owners?

There is no question that income property owners are not always able to fully charge market rates as conditions change for hot housing markets. Generally, as indicated above, it is also more difficult to share the cost of improvements that are not replacements. It is more difficult for small owners than for large owners for the reasons stated above.

For tenants residing in apartments under rent control?

They benefit from keeping rent increases within reasonable margins, and stable when real estate markets suddenly get hot. On the other hand, they sometimes may be disadvantaged when landlords make capital improvements and pass them on in a situation where the tenants have been significantly under market rate for some time. The scale of the improvements may be enough to make the fractional share of the cost for the tenant a big jump in rent over a brief period of time.

For tenants living in apartments which are not under rent control?

They may be disadvantaged by not being protected from large increases in rent.

For residents, in search of a new apartment to lease?

Rent control is attractive for tenants seeking stability of rent costs--but the existence of rent control may sometimes inhibit the amount of housing available. More supply equals more options. Less supply equals less options. Also, the smaller rental properties may not always benefit from capital improvements.

For neighbors of rent controlled buildings?

Especially in the case of small rental properties--it is difficult for owners to afford or qualify for funds to make capital improvements. Over time, this makes the smaller rental properties less valuable. Their relative value also impacts the value and desirability of properties. If the smaller properties are blighted, this also effects the other neighbors.

While rent control has been in Oakland since 1983, rents continue to rise sharply during frequent housing booms. Over time, a small number of rent control tenants pay rent far below market, in essence receiving a private subsidy from the owners. With vacancies thereby discouraged, newly vacated apartments rent at a much higher rent than they would otherwise. Regardless of income, some tenants pay rents far below market while newer tenants, regardless of income, pay rents higher than the surrounding market. Does this appear fair to you? Why?

I don't know if this is a question of fairness, so much as a question of equity that new tenants pay less than tenants who manage to hold on to their apartment for properties for a long time. The inconsistencies in such an approach might be acceptable if tenants who hung on to these rentals were always seniors living their last years on a small fixed income, while the new tenants were always younger, gainfully employed individuals with more disposable income. But as we have seen in the recent recovery from this recession in Oakland, there are lots of young people who are still unemployed, and many more who are underemployed.

Do you believe the Oakland Rent Adjustment Program is currently fairly administered and managed appropriately for tenants and income property owners? Do you have any direct experiences?

I don't have personal experience with this in Oakland. I do have some experience with my mother's experience in another city, but it is not entirely parallel to Oakland. She has had both responsible tenants and also some who sadly took unfair advantage of her kindness, sometimes not paying rent for many months. The rental properties still had mortgages, and as a widow my mother lives on a small income supplemented by rents from the two properties. The rents paid for some of the mortgage. When tenants didn't pay, my mother had to dig into her meager savings to keep up with payments.

Do you support Measure EE (Eviction Restriction Ordinance)? Are you aware of any negative impacts of Measure EE on income property owners? Tenants? Neighbors? Please describe?

While Measure EE did create a basis for legal evictions of tenants under carefully prescribed circumstances (e.g., my mother's problem with a tenant who has not paid rent), it also made for more difficult requirements regarding notice, as well as potential action for unlawful eviction. I have no data for this, but I would guess that more landlords are willing to settle these cases out of court simply because of a fear that comes from not only losing a case but also the imposition of punitive damages--allowed under Measure EE. This is probably most difficult on small property owners--and can be an additional reason investors may be discouraged from creating more housing in this market.

Please describe, in your view, a typical Oakland income property owner.

More likely to be a single individual or a couple with a small rental property of 2 to 4 units. Possibly retired. Could also drink coffee at Peets in the morning at Montclair. (Okay, that last part was a little humor just to see if you are reading all of this!)

What are the largest expenses a rental owner in Oakland faces? In your opinion, would this encourage or discourage someone from investing in Oakland rental housing?

I would guess: maintenance and capital improvements, followed by taxes. The answer to the second question is obvious (and self serving): it is unlikely to encourage more investors in Oakland rental housing.

Property Owners are concerned with quality of life issues and neighborhood schools for many reasons.

What are 2 specific proposals you would support to improve these issues?

I very much support the idea of making more of our schools (especially those under-performing schools in West and East Oakland) into neighborhood and community centers. We can encourage this by funding after-school programs not only for extra-curriculars, but also for completion of homework *before* students go home. We can also use these schools as meeting places for parents who might benefit from support groups, assistance with helping their children for school and the like; doing this connects neighbors and promotes more of a sense of community. It also makes the school desirable for people to visit.

Additionally, I believe we must work on decreasing truancy (especially for AA males) which can lead to dropping out of school all together. While OUSD has an initiative to target AA males, as an educator I am persuaded that the intervention for these young people must occur between 3rd and 6th grade, and revolve around being certain that learning skills and study skills are acquired in place before students

finish middle school. Additionally, I am a big believer that if we are to keep students motivated to remain in class, we have to invest in teacher development. Great, not just good, teachers are what keep students coming back to class. Our poorest schools rely heavily upon Teach for America teachers to supplement meager school budgets. We have to invest in these young teachers--many of whom are good--and make them great teachers who desire to remain at OUSD past the 5 years they may give with the Teach for America program.

Please share your specific ideas in increasing revenue to the city's budget during your first term of elected office? Share your ideas on reducing the debt liabilities.

Please see my above comments regarding support for existing business and attraction of new businesses for increasing revenues to the city's general fund. Follow the link to my website for a comprehensive crime plan and a comprehensive economic development strategy.

There are many infrastructure problems that the City of Oakland faces. If straddled with the choice of servicing these basic services vs. other services, please explain what you would choose to cut and why?

What would you make sure is funded?

The most basic obligations of any government have always been: a) security or public safety; b) infrastructure repair and maintenance (roads, bridges, etc); c) clean water for drinking; and d) waste management and treatment. Our city is mostly only charged with managing two of these four services: public safety and infrastructure, and we don't do these very well at all. As indicated before, public safety is my first priority. Infrastructure--especially street and road repair--would be my second.

I attest that these answers represent my actions and beliefs, are now part of my public record, and may be used by EBRHA to keep their members informed about important issues.

Joe Tuman
Signature

Date July 17, 2014

Joseph Tuman
Print Name

If completed electronically, please provide us with a signed copy via fax or at your interview.