

San Jose dumps proposal to evict tenants for criminal activity

By Ramona Giwargis, rgiwargis@bayareanewsgroup.com

Posted: 04/25/2016 03:52:02 AM PDT | Updated: 4 days ago

SAN JOSE -- After an uproar of public criticism, city officials have abandoned a controversial plan that would have allowed landlords to kick out anyone who's been arrested -- even without a conviction.

"It was a civil rights disaster waiting to happen," said Bob Brownstein of Working Partnerships USA, a group that opposed the proposal. "The original idea was just dreadful, and would have led to a lot of problems for the city."

The plan from Councilmen Johnny Khamis and Tam Nguyen, called the Crime Free Multi-Housing Program, would have allowed landlords to require tenants to sign a lease addendum agreeing to eviction if they're involved in certain criminal activity. The voluntary program, launched in 1992 in Arizona, has been used in 2,000 other cities. Under the plan, the San Jose Police Department would supply landlords with the names of people arrested for crimes committed "on or near" the property.



Councilman Johnny Khamis (Courtesy Raymond Rodriguez)

Khamis said the program successfully reduced crime by 30 to 50 percent in other cities. But critics said the terms for eviction were too broad -- the proposal didn't define if petty crimes would be excluded, how to deal with crimes committed by guests or family members of the tenant and where the crime would have had to occur.

And in Silicon Valley's housing crisis fueled by soaring rents, advocates worried it could lead to homelessness and entire families being thrown out.

But the program was dumped before it could even get off the ground. An overwhelming majority of residents at four public meetings rallied against the plan.

"The community has expressed concerns to us about possible problems," Khamis said. "A lot of people thought it may have unintended consequences."

Advertisement

The program has now morphed into something else. It's being called the "safe communities multi-family housing pilot" and the focus is mostly on education and crime prevention efforts.

The one-year pilot will be tested in Khamis' district, starting with the Hoffman/Via Monte neighborhood, a crime hotspot.

If it's successful after one year, it will be expanded to more neighborhoods citywide. The plan goes to a public safety council committee for approval next month.

Police Chief Eddie Garcia said education and prevention is a better approach than the previous idea.

"There already exists a distrust with the police department in regard to immigration status and we certainly don't want to drive a wedge where they don't feel comfortable calling the police for help," Garcia said.

Under the revised plan, police presence will be bolstered in the neighborhood. Officers will drive around more frequently, get out of patrol cars and interact with residents.

The police department's crime prevention specialists will hold monthly educational workshops on topics like gang prevention, drugs and vehicle safety. Specialists will also help landlords and tenants understand their rights and decipher what their leases say -- especially when it comes to criminal activity.

Police Capt. Ed Schroder, who oversees the department's southern division, said some landlords already have provisions that allow an eviction if someone is arrested. The program would help people understand the terms of their leases.

"A lot of these individuals have signed these papers without knowing what they're signing," Schroder said. It also would help with issues like blight and unresponsive landlords, advocates said.

"In some ways I think it will be a better program than what I originally put out," Khamis said. "I'm delighted that we're moving forward."

Attorneys with the Law Foundation of Silicon Valley, one of the most vocal opponents of the original plan, said they're relieved City Hall listened to residents and shifted gears.

"I'm hopeful that it will empower both property managers and tenants, and lead to changes in that specific neighborhood," senior attorney Nadia Aziz said.

Contact Ramona Giwargis at 408-920-5705. Follow her at [Twitter.com/ramonagiwargis](https://twitter.com/ramonagiwargis).

From around the web

Selected for you by a Sponsor

