

From: Chris Bajorek [REDACTED]
Sent: Tuesday, February 21, 2023 11:03 AM
To: Council <Council@losgatosca.gov>
Cc: chris bajorek [REDACTED]
Subject: Recommendation re Wording of SB 9 Owner Declaration

[EXTERNAL SENDER]

Ladies and Gentlemen,

The purpose of this note is to request you include this recommendation for discussion on the March 7, 2023 meeting.

I understand the agenda for the March 7 meeting will include review of the SB 9 ordinance.

After reviewing the wording of the subject declaration I was surprised that clause 3 of it uses the language "I **intend to** occupy one of the...". The statement "**intend to**" is very ambiguous in its meaning and I anticipate it will lead speculator owners to easily wiggle out of this commitment. The commitment would be much stronger and more difficult to wiggle out of if the wording were to be modified to say "I **will** occupy one of the...".

I continue to be concerned about speculators/investors taking advantage of the SB 9 ordinance for pure commercial gain and not complying with the 3 year residency requirement of the ordinance.

As such, I recommend the declaration be modified to change the wording in clause 3 from "**intend to**" to "**will**".

I have recently notified Mr. Joel Paulson and Ms. Gabrielle Whelan of this recommendation. Apparently, the wording containing "**intend to**" was copied from the Atherton and Santa Clara County ordinances, and is the wording used in the state statute. However, I do not know of any reason why our Owner Declaration should not use the stricter language of "**will**".

This change should be easy to incorporate in conjunction with other updates of the SB 9 ordinance.

Sincerely Yours,

Christopher Bajorek

Sent from [Mail](#) for Windows

From: Chris Bajorek [REDACTED]
Sent: Wednesday, January 4, 2023 12:39 PM
To: Gabrielle Whelan <GWhelan@losgatosca.gov>
Cc: Joel Paulson [REDACTED]
Subject: RE: Recommendation re Wording of SB9 Owner Declaration

EXTERNAL SENDER

Gabrielle,

Thanks for your reply and status update. I look forward to learning when SB 9 will be scheduled for discussion with the Town Council.

Chris

Sent from [Mail](#) for Windows

From: [Gabrielle Whelan](#)
Sent: Wednesday, January 4, 2023 11:09 AM
To: [REDACTED]
Cc: [Joel Paulson](#)
Subject: FW: Recommendation re Wording of SB9 Owner Declaration

Hello, Mr. Bajorek. I mis-typed your email address in the email below so I am resending.

Thank you.



Gabrielle Whelan • Town Attorney

Town Attorney's Office • 110 E Main Street, Los Gatos, CA 95030
Desk: 408.354.6818 • gwhelan@losgatosca.gov
www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Gabrielle Whelan
Sent: Tuesday, January 3, 2023 9:59 AM
To: [REDACTED]
Cc: Joel Paulson <jpaulson@losgatosca.gov>
Subject: RE: Recommendation re Wording of SB9 Owner Declaration

Hello, Mr. Bajorek.

At its most recent SB 9 discussion, the Town Council asked staff to revise the Town's SB 9 affidavit language to match the affidavits used by the Town of Atherton and the County of Santa Clara. The SB 9 affidavits used by those entities require applicants to state that they "intend to occupy" one of the units. This matches the language of the state statute, which is preemptive of local regulation.

Staff anticipates checking in with the Town Council in mid-February on the Town's SB 9 ordinance and I will let you know when it is scheduled for discussion.

Thank you.



Gabrielle Whelan • Town Attorney

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From: Chris Bajorek [REDACTED]

Sent: Tuesday, January 3, 2023 9:49 AM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: RE: Recommendation re Wording of SB9 Owner Declaration

EXTERNAL SENDER

Joel,

Welcome to 2023. I hope it will be a good one for you.

Please let me know if the Town Attorney will support the change of wording from "intend to" to "will".

Chris Bajorek

Sent from [Mail](#) for Windows

From: [Joel Paulson](#)

Sent: Thursday, December 8, 2022 10:01 AM

To: [REDACTED]

Subject: RE: Recommendation re Wording of SB9 Owner Declaration

Mr. Bajorek – Thank you for your email and thoughts on potential modifications to the Owner Declaration. The statement "intend to" is the language contained in Senate Bill 9 which is why that is the statement contained in the Owner Declaration. I will check with the Town Attorney to see if we have an option to make the language stronger. Thanks.



Joel Paulson • Community Development Director

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

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General Plan update, learn more at www.logatos2040.com



Housing Element update, learn more at <https://engagelogatoshousing.com>

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From: Chris Bajorek [REDACTED]
Sent: Tuesday, December 6, 2022 10:39 AM
To: Joel Paulson <jpaulson@logatosca.gov>
Subject: Recommendation re Wording of SB9 Owner Declaration

EXTERNAL SENDER

Joel,

After reading the wording of the subject declaration I was surprised that clause 3 of it uses the language "I **intend to** occupy one of the...". The statement "**intend to**" is very ambiguous in its meaning and I anticipate it will lead owners to easily wiggle out of this commitment. The commitment would be much stronger and more difficult to wiggle out of if the wording were to be modified to say "I **will** occupy one of the...".

I continue to be concerned about speculators/investors taking advantage of the SB 9 ordinance for pure commercial gain and not complying with the 3 year residency requirement of the ordinance.

As such, I recommend the declaration be modified to change the wording in clause 3 from "**intend to**" to "**will**".

Please let me know if you agree with my recommendation and whether you will take the action to make this change.

Chris Bajorek

Sent from [Mail](#) for Windows