

Harassment charged in fight over East Palo Alto rent rule

By Thomas G. Keane
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East Palo Alto city officials Tuesday brushed off a court challenge to the city's temporary rent control ordinance as "harassment" and "a waste of court time and money."

Two landlords and a city resident have asked a Superior Court judge to rule the city's "urgency" rent control ordinance as unconstitutional. They argue a referendum filed in December that forced the rent-control issue to the April 10 ballot should have prohibited the city from adopting a temporary ordinance in the meantime.

The City Council in late December voted

City officials call landlords' challenge 'waste of court time and money'

4-1 to enact an urgency rent-control ordinance pending the outcome of the referendum election on a rent-control measure it had enacted Nov. 23. They said an urgent measure was necessary to protect tenants from exorbitant rent increases before the election.

City Attorney Robert Johnson said a Superior Court judge probably would not rule on the constitutionality of the temporary rent-control ordinance before April 10.

In order for the judge to toss out the ordi-

nance before the election, he said, the landlords and the homeowner would have to prove they were being irreparably harmed by it.

"I don't believe there is sufficient justification for the court to issue an injunction," Johnson said. "The issue will be decided before the lawsuit comes to fruition. It's a harassment situation."

A hearing date has been set for Feb. 27 in San Mateo County Superior Court, according to the attorney for the landlords.

But Johnson said the judge would only rule on whether there was enough harm being done to the landlords to grant an injunction. A court date to decide the constitutionality of the ordinance — if it were needed — would be set much later, no sooner than the summer.

Mayor Barbara Mouton said the court action will amount to money spent for naught. "It sounds to me like a lot of time and money for something that is being decided another way," she said. "It's an

abuse of the legal process."

William Esselstein, a Menlo Park attorney representing the landlords, said his clients are losing money because the rents they are charging are being kept artificially low, at their own expense. The landlords might also have to pay fees to the Rent Stabilization Board and face charges that they are in violation of the ordinance, he said.

According to Johnson, such expenses to the landlord would not necessitate an injunction. Money could be paid back to the landlords at some later date, if the court eventually decides the ordinance was unconstitutional. But in no way are they being irreparably harmed now, he said.