

One family's battle to stay in Menlo Park



Karla, left, on March 29 sorts through the various notices she and her family have received since moving to their Menlo Park apartment in 2016. (Photo by James Tensuan.)

by [Kate Bradshaw](#) / Almanac

On a sunny Thursday afternoon, one Menlo Park household is a flurry of activity. Twin almost-2-year-olds Khloe and Kaitlyn toddle around their Coleman Avenue apartment, their palms sticky with mashed crackers and cheese snacks; 9-year-old Kenneth observes his family quietly from behind his glasses; and a beaming 11-year-old Kaileen shows off her doll collection. But the setting of their idyllic family life has been precarious since they moved in a little over two years ago.

Since Karla S. and Chad Y. began leasing an apartment on Coleman Avenue, part of the L&B Apartment complex near the Palo Alto VA health care center in Menlo Park at Willow Road, they have received three significant rent increases and two "termination of tenancy" notices: the first, delivered during a children's birthday party on Nov. 26, 2016, and the second, a 60-day notice delivered Dec. 5, 2017, under circumstances that the family has since alleged are discriminatory in a lawsuit filed Feb. 6. (The family has asked that their last names not be used out of privacy concerns for their children.)

For months, they were stuck in housing limbo, waiting for their court-scheduled case management conference on June 6, believing they could be served a three-day eviction order any day.

The move to the L&B apartment was a big step for the couple: Karla and her daughter and Chad and his son were joining households in anticipation of twins. In January 2016, they began renting their two-bedroom apartment month-to-month for \$1,950 a month.

Chad is the sole earner for the household and works as a dining hall manager at Stanford. Daycare is so expensive, he said, that paying for it would effectively cancel out a second household earner's income, which is why Karla stays home with the kids, and likely will need to at least until the twins are old enough for preschool or transitional kindergarten, when they may be eligible for subsidized childcare programs.

The property manager, Katie Cage, lives in the unit below the family's apartment. (Ms. Cage recently served on Menlo Park's advisory districting committee. The committee was tasked with coming up with recommendations for the district boundaries for City Council elections through 2020.)

Ms. Cage declined to speak with the Almanac for this story.

Karla and Chad said that soon after they moved in, they began receiving complaints from the manager that the family's everyday actions – using the kitchen, walking around the apartment, even dropping a toy on the ground – were causing too much noise below.

Karla said the noise complaints were frequent, and that she found herself constantly shushing the kids and becoming stressed when the twins weren't silent.

To decrease noise, she said, she put cork board on the floor (which she later pulled up when the babies started eating it) and decreased the frequency with which she vacuums the floor.

"It feels like we're causing trouble," she said. "We're just living, trying to have a normal life."

Around July 2016, rent increased to \$2,150 from \$1,950 "supposedly to cover the increased cost of 'maintenance and insurance,'" according to the legal complaint.

Then, in November 2016, the family made plans to host a birthday party for their two oldest kids, inviting a small group of family and friends over on a Saturday afternoon.

After the manager told the tenants the group was causing too much noise, she then called the police; officers responded, but did not find a problem with the noise, Karla said.

During the birthday party, the family was immediately served a "termination of tenancy" notice, the complaint reported. Friends and family were asked to leave the party, Karla said.

Next, Karla contacted the property owners, asking them to allow her family to stay in the apartment. Ms. Cage then asked the family to sign a lease addendum that would ban any other gatherings in the apartment or pool area; any contact with the property owners; and any questioning of other tenants.

The agreement also stipulated that they must agree to "no conspiring against property owner or apartment management."

They did not sign the addendum, but stayed in the unit and continued to pay rent.

In February 2017, the family received another rent increase: to \$2,300 from \$2,150.

Between October and November that year, Karla's uncle came to visit after her father died to help care for the kids. According to the legal complaint, he complied with the terms of the lease that applied to visitors. When the property manager learned about Karla's uncle, Ms. Cage requested a lease application, according to the legal complaint.

On Dec. 1, the family received another rent increase, to \$2,600 from \$2,300. That increase combined with the other increases imposed since the family had started leasing the home less than two years before represented a 33 percent overall boost in rent.

By then, the rent increases had increasingly strained the young family. Chad said he has taken on extra work hours at the dining hall at night and spending more time at home during the day to help look after the twins.

Karla said she has looked daily for more affordable housing that meets her family's needs, but has been discouraged. She's also asked her sister to consider moving in with them.

"The market is really expensive," she said.



Chad and Karla pose with their twins in their Menlo Park apartment. (Photo by James Tensuan.)

One of the main reasons both Karla and Chad gave for trying to stay in the area is that they don't want their kids' educations to be interrupted. Both Kaileen and Kenneth are excelling in Menlo Park schools after transferring from schools in South San Francisco and Redwood City, respectively, their parents say. Kaileen, a 6th grader, is on the Honor Roll, and proudly talks about using microscopes to learn about cells in science class. Kenneth, his father reports, told him he likes school because "the teachers aren't yelling."

"Wherever we go is going to be a downgrade in schools," Chad said. "What we can afford would put us in a place where ... the school districts aren't rated very well."

In response to the Dec. 1 rent increase, Karla sent a text message to Ms. Cage in a group text with other tenants, asking for an explanation for the dramatic rent increase. Previously, the explanation had always referred to "maintenance and insurance," according to the legal complaint.

Ms. Cage's text response said that the rent increase applied only to Karla and Chad's apartment.

In the same group text, Karla informed the other tenants of the new Menlo Park ordinance that requires property owners to offer tenants 12-month leases, which the property owners and manager had not offered at that point, the legal complaint alleges.

On Dec. 4, Karla again tried contacting one of the property owners, Lottie Franks, who allegedly told her to abide by the rent increase without further explanation. On Dec. 5, the family was served with a "termination of tenancy" notice and given two months to move out.

After that, the family sought help from the legal-aid nonprofit Community Legal Services in East Palo Alto, and has been working with attorney Justin Hendrix of Finnegan, Henderson, Farabow, Garrett & Dunner LLP, who is working on the case pro bono.

The lawsuit alleges that the property manager and owners retaliated against Chad and Karla's family for exercising the First Amendment right to organize or participate in a tenants' association, and to speak to other tenants and the property owners; and that they were unfairly targeted for the \$300 monthly rent increase because of their "familial status" – having young children who are, by nature, somewhat noisy.

Later, the property owners and manager posted a letter, dated Jan. 26, outside the family's door, saying that all tenants at the property would be permitted to get a 12-month lease – but only if they were willing to pay an extra \$1,000 per month.

"She (the property manager) knows we cannot afford \$3,600 a month," she said. "Who would want to sign that?"

Ken Frank, the son of one of the property owners, told The Almanac that a meeting between the plaintiffs' and defendants' attorneys was held April 3. In response to the family's lawsuit, he has recently stepped in on behalf of the owners – two sisters in their 90s, he said – and is trying to sort matters out. The property has 14 apartments and has been owned by the family since the 1960s, he said.

Mr. Frank said that his family is in the process of bringing in new professional management and has offered to let Karla and Chad's family stay in place, with a 12-month lease and rent at the level it was prior to the most recent increase.

He was shocked, he noted, when he heard about the proposed monthly rent increase of \$1,000 for a 12-month lease, and said it "will not happen."

"That's just not how we roll as a family," he said. "I think we're good landlords. We want to be."

As of April 6, Karla said that her family had not yet reached an agreement with the defendants.

While the owners have agreed to let her family stay there, she said, it's not so easy to forget everything they've been through. "It was really hard for our family," she said.

"We have to consider a lot of stuff before we agree with this," she said. "We need to make sure this is not temporary."

If her family drops the case, she asked, what guarantee is there that the rent won't just go up again – if not at random on a month-to-month rent agreement, then in a year, at the end of a 12-month lease?

"There's no protection," she said.

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