From:	J. Kevin Hunt
To:	Julie Merritt
Cc:	Grp. City Council and City Web Site
Subject:	Turning Deaf Ear to a Citizen
Date:	Tuesday, June 8, 2021 1:23:58 PM

TO: Missoula Alderwoman Julie Merritt

FROM: J. Kevin Hunt, Ward 1 City Council Candidate

CC: People of Missoula

DATE: June 8, 2021

RE: Turning Deaf Ear to a Citizen

Dear City Councilor Merritt:

I write to (1) again seek your response to my proposed method of evading the Legislature's bans on local rent control and inclusionary zoning; (2) seek your opinion on the substantive merits of rent control without regard to such restrictions on local authority, and (3) register my disillusionment over your action of blocking me from seeing your posted material anywhere on the Facebook ("FB") social media platform.

You recently responded to a plea for City Council action on rent control posted by Ward 3 City Council candidate Daniel Carlino to his open FB campaign group, by again proclaiming that there is nothing the city can do in regard rent control. I have sent to you, and the entire Council, a detailed and specific proposal for mandating inclusionary housing and indexed rent ceilings, that would not run afoul of the Legislature's statutory emasculation of several home rule city police powers.

Only Councilor Hess was kind and diligent enough to respond, and did so by stating his intention to look into my proposed end-run around what he accurately characterizes as the Legislature's "perverse" limitations inflicted upon home rule cities.

Several voters asked me to look at your response to Mr. Carlino's post, but I could not do so, because you blocked me. This blocking actually occurred weeks earlier in the Missoula Rises FB group, when you responded to several persons' comments on this issue by stating that you were tired of hearing calls for rent control because the city is powerless. I replied that the statutory provision precluding the city had not been identified and the Montana Residential Landlord and Tenant Act did not appear to preclude such local government action; the MRLTA is, at best, ambiguous in that regard. Shortly thereafter, Councilor West emailed me (without comment) an image of the MCA provision that in the last few Republican-dominated Legislative sessions has added yet more exercises of police power that home rule local governments can no longer perform, one of which appears to preempt and preclude local rent control.

I thereafter emailed the Council my proposal for achieving targeted rent control without violating that statute.

Because of your decision to not listen to one civically active Missoulian who is now running

for the City Council, you thereby avoid dialogue and enunciation of your positions on specific proposals for effectively dealing with the Legislature's efforts at local government emasculation.

That, in turn, allows you to avoid stating a position on rent control. I believe that you have blocked my public social media replies to you (thereby also preventing me from reading your public comments directly, instead requiring that others copy and send them to me), because of my expressed opinion that some members of the City Council lack the courage to state their positions on rent control because they are beholden to the major landlords, property management firms and others capable of financing electoral campaigns.

I'm reiterating that opinion now. And for the benefit of the public record, I am reproducing below a portion of the discourse in Mr. Carlino's FB open-to-the-public campaign platform that provides (1) a summary of my proposed city actions, and (2) illuminates your efforts to squelch dialogue with a citizen and Council candidate who is critical of your nihilistic position on rent control, and of your refusal to engage in dialogue pertaining to creative approaches. The author of each posted remark is identified within brackets at the beginning of each such posted remark:

"[John Kevin Hunt] For some reason, I'm unable to see the 10 other comments. :-(Let me just say, that despite what folks hear from Councilor Merritt and others, there are ways the city can institute inclusionary mandates and rent ceilings. The most straightforward manner would be in conjunction with the land acquisition/banking endeavors. The city should transfer the parcels only to nonprofit entities that agree to attach covenants running with the land that mandate a certain amount of inclusionary housing and provide that any housing utilized for the commercial purpose of letting premises for rent, shall be bound by the covenants to assess rent not exceeding a ceiling established by an algorithm that takes into account the consumer price index, area annual median income, area rental vacancy rate, area living wage rates for individuals and families, area mean rent, area mean residential home price, etc. as determined every other year. This would have a good chance of surviving a court challenge, because the covenants would be attached by the transitional nonprofit owner, not by the City, and hence the city would not be ordaining an ordinance regulating rental agreements.

"Obviously, these covenants would not apply generally throughout the city. But considering the large amounts of land being publicly acquired and then sold for housing development, yielding only a few somewhat affordable units (I'm not speaking of all of those projects), many more indefinitely affordable dwellings would result from transferring the land through a nonprofit intermediary that attached these covenants.

"I sent this plan to all current city councilors. I've received no responses (other than I just noticed that Alderman Hess has emailed me and may have comment because I recently followed up with him, seeking his feedback on this proposal). If the Mayor and Council aren't willing to think outside the box and if the city attorney won't help craft these kinds of ideas that avoid the legislature's efforts to emasculate the city, then the problem will not be addressed. If unwilling to undertake such efforts, then I say, respectfully, that it's time for new councilors, Mayor and City Attorney who will.

"[Josh Decker] John Kevin Hunt Julie Merritt might have you blocked?

"[John Kevin Hunt] Josh Decker Well, that must be the problem. That tells me a great deal.

She simply does not want to hear the alternative, at least not from me. I won't comment on what I think of that blocking of a citizen and candidate who has not in any manner been disrespectful to her. Councilor Merritt's thoughts regarding creative approaches to the legislature's actions, are vital to resolving our housing emergency. Perhaps you might be kind enough, Josh, to copy and paste my above comment into a reply to her from you, asking what her opinion is of my proposal for getting around the legislature on those two items."

Sincerely.

/s/ J. Kevin Hunt
Resident of Ward 1
Ward 1 City Council candidate

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