



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey  
Nanci Klein  
Chris Burton

**SUBJECT: HOUSING CATALYST TEAM  
WORK PLAN STATUS REPORT**

**DATE:** August 17, 2023

Approved

Date

8/18/23

## REASON FOR SUPPLEMENTAL

This supplemental memorandum includes the comments and recommendations of the Housing and Community Development Commission (“Commission”) from its August 10, 2023, meeting, and describes further refinements made by staff to the Housing Catalyst Team Work Plan (work plan) subsequent to the June 26, 2023 Community and Economic Development Committee Meeting.

## ANALYSIS

As described further below, **Attachment A**, is intended as an updated replacement to the version of the work plan included in the report to the Community and Economic Development Committee on June 26, 2023.

### *Further Revisions to Work Plan*

Following the June 26, 2023, Community and Economic Development Committee Meeting, staff revised the work plan in **Attachment A** after further review and discussion among the Housing Catalyst Team members on start dates for near-term work items. Additional items from the adopted Housing Element were included in the work plan, and the timelines of some items were adjusted to best reflect the planned completion timing. The added items and their numeric references from the work plan and the Housing Element (in parentheses) are:

- Item #24 (I-19) *Reasonable accommodation ordinance*
- Item #25 (N-1) *Equitable Neighborhoods-based Investment and Outreach*
- Item #5 (P-1) *Align Zoning with the General Plan*
- Item #29 (P-4) *Affordable Housing Tools for North San José*
- Item #34 (P-38) *Adequate Sites Rezoning*
- Item #36 (P-42) *Group Homes Zoning Code Updates*
- Item #35 (P-46) *Rezoning Program for Low-Income Sites Inventory*

- Item #17 (R-2) *Preservation Notice of Funding Availability*
- Item #39 (R-9) *Preservation Policy*
- Item #41 (S-4) *Updated Relocation Assistance*
- Item #14 (S-12) *Eviction Prevention Programs*
- Item #42 (S-23) *Know Your Rights Materials and Outreach*

### *Impact and Level of Effort Measurements*

As indicated in the report to the Community and Economic Development Committee, staff worked in July to further define measurements for the potential impact of work items and to estimate the level of effort required to complete the work. These measurements have been added to the work plan in **Attachment A** and the definitions of the measurements are included in **Attachment B**. While the work items are not strictly prioritized based on these measurements, they are intended to provide additional information and context to the public and City Council. Additionally, these factors will be used by staff as it evaluates the most effective sequence of initiating new work in the future.

### **COMMISSION RECOMMENDATION AND INPUT**

On August 10, 2023, the Commission heard the Housing Catalyst Work Plan as a regularly agendized item. The Commission discussed the item and provided the following comments on selected items:

- Item #9 (P-26) *Accessory Dwelling Unit (ADU) Amnesty program* – A question was raised about the timeline of the amnesty program. Staff provided an update on the timeline anticipating relaunch of the program by June 2024 and provided further background explaining the work done to date on the program.
- Item #11 (R-13) *Soft Story Program* – A question was raised regarding the definition of “soft story” programs. Staff provided clarification that the program would apply to apartment buildings that have a soft story on the ground floor, not to all rental properties throughout the City.
- Item #13 (P-3) *North San José Affordable Housing Overlay* – The Commission wanted to understand how the new housing overlays would work given the industrial nature of the area. Staff explained that this overlay will allow housing at varying income levels on specific sites identified in the Housing Element for future housing development.
- Item #16 (S-28) *Right to Counsel or Alternative* – A question was raised regarding the scope of this item. Staff clarified that this item is to initiate a study to look at a right to counsel and other alternative programs that would resolve evictions. Staff also clarified that a right to counsel program would provide legal representation for tenants facing eviction.

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- Item #18 (R-6) *Mobilehome Park General Plan Designation for Remaining 56 mobilehome parks* – Staff provided an update on the timeline for implementation of this work. These actions will change the existing General Plan land use designation of these parks to a Mobile Home Park land use designation and, as needed, zoning district. Staff will bring the 13 parks identified as most at risk to City Council in fall 2023 as part of the annual General Plan Review hearing cycle. All of the remaining parks without a Mobile Home Park land use designation will go to City Council in spring 2024.
- Item #20 (S-20) *Anti-Displacement Tenant Preferences* – Staff clarified how the proposed tenant preferences would improve the chances that applicants who meet the preference criteria can access new affordable housing throughout San José.

The Commission expressed general support for the Housing Catalyst Work Plan and did not take any formal action on this item.

/s/  
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/s/  
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/s/  
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**ATTACHMENT A:** Housing Catalyst Team Work Plan (updated August 2023)

**ATTACHMENT B:** Impact and Level of Effort Definitions

Key: \*Production  
 \*\*Preservation  
 \*\*\*Protection

## Attachment A

### Housing Catalyst Team Work Plan (updated August 2023)

Number (Housing Element #)	Work Items Underway	Next Step / Milestones	Lead Department	Planned Completion	Impact	Level of Effort
1 (H-11) ***	<b>Feedback from those with lived experience in homelessness in decision making</b> – Create additional feedback mechanisms for clients with lived experience of homelessness, integrate requirements into City-funded contracts for grantees to create feedback mechanisms, and work with the Lived Experience Advisory Board to evaluate key City-funded services and initiatives.	<b>July 2024:</b> Identify universe of applicable contracts and timeline for renewals.	Housing	December 2025	Medium	Moderate
2 (I-10) ***	<b>Lived Experience with Homelessness seat on Commission</b> – Continue to support the primary and alternate seats for a commissioner with Lived Experience Seat with homelessness on the Housing and Community Development Commission. Evaluate program and process 12 months after seat is filled and implement recommended improvements to support the commissioners.	<b>February 2024:</b> Conduct confidential evaluation <b>Spring 2024:</b> Implement identified improvements	Housing	July 2024	Low	Low
3 (I-14)	<b>Assessment of Fair Housing Plan</b> - Complete the Assessment of Fair Housing Plan and include implementation actions in the Housing Catalyst Team Work Plan.	<b>Fall 2023:</b> Complete draft Plan and seek approvals by HCDC and City Council <b>By end 2023:</b> Submit to HUD	Housing	Fall 2023	Legally Required	Moderate
4 (I-15)	<b>Housing Catalyst Team Work Plan</b> – Create a webpage on City’s website for work plan and updates for transparency to the public.	<b>Summer 2023:</b> Launch updated webpage for workplan.	PBCE, Housing, OEDCA	Fall 2023	Low	Low
5 (P-1) *	<b>Align Zoning with the General Plan</b> – Align zoning with General Plan designations for all sites	<b>Early 2024:</b> Council approval of zoning changes.	PBCE	April 2024	Legally Required	High

Number (Housing Element #)	Work Items Underway	Next Step / Milestones	Lead Department	Planned Completion	Impact	Level of Effort
	planned for housing by April 2024 to meet state law requirements.					
6 (P-10) *	<b>Standardize and streamline permitting, fees, applications</b> – Standardize fees through the Development Fee Framework and create webpage with development-related fees and taxes with a staff contact.	<b>Fall 2023:</b> Create initial webpage.	OEDCA, PBCE	Fall 2024	High	High
7 (P-11) *	<b>Explore Allowing “SB 9” Type Housing on Additional Properties</b> – Examine allowing “SB 9-type” projects on properties zoned R-2 Two Family and properties listed on the Historic Resources Inventory.	<b>April 2024:</b> Seek Council approval of zoning code amendment and design	PBCE	Spring 2024	Low	Moderate
8 (P-12) *	<b>Cost of Residential Development Study update</b> – Conduct analysis every 2-3 years and present to the City Council on the Cost of Residential Development. Report will help inform constraints on the production of housing in San José.	<b>October 2023:</b> Hold initial Study Session on cost of housing development and process	OEDCA, PBCE, Housing	Ongoing	Moderate	High
9 (P-26) *	<b>Accessory Dwelling Unit (ADU) Amnesty program</b> – Resume the ADU Amnesty program to incentivize homeowners to legalize their unpermitted ADUs that meet or will meet code requirements.	<b>July 2024:</b> Release program	PBCE	Fall 2024	Low	Low
10 (P-6) *	<b>Regular Coordination Meetings for Affordable Housing</b> – Continue regular meetings to coordinate construction related permits post-entitlement for affordable housing.	<b>Monthly:</b> Hold interdepartmental meetings	OEDCA, PBCE, Housing, PW, Fire	Ongoing	Moderate	Moderate
11 (R-13)	<b>Soft Story program</b> - Develop a 'soft story' seismic mitigation ordinance for older multifamily buildings. Create an implementation process and incentive	<b>Summer / fall 2023:</b> Conduct outreach	PBCE, OES, Housing	Fall 2024	High	High

Number (Housing Element #)	Work Items Underway	Next Step / Milestones	Lead Department	Planned Completion	Impact	Level of Effort
**	retrofit program that increases renters' safety and considers equity issues for lower-income renters, minimizing their risk of displacement as a result of construction and rent increases.	<b>End 2023:</b> Seek commissions' and City Council approval of program  <b>2024:</b> Begin implementation, including rebate program				
12 (N-2)  **	<b>Urban Village Plans with anti-displacement features</b> – Complete Five Wounds Urban Village Plan updates to prepare for BART station. Identify and integrate residential and small business displacement features. Use these features in other future Urban Village plans.	<b>Fall 2023:</b> Identify draft residential and small business displacement features	PBCE, OEDCA, Housing	Spring 2024	TBD	Moderate
13 (P-3)  *	<b>North San José Affordable Housing Overlay Zones</b> – Create new Affordable Housing Overlay Zones in North San José that support only industrial uses, 100% affordable housing, or market-rate housing that integrates affordable units into their developments for sites identified in the Housing Element.	<b>Fall 2023:</b> Bring Ordinance and General Plan changes to City Council for adoption	PBCE	January 2024	High	Moderate
14 (S-12)  ***	<b>Eviction Prevention Programs</b> – Operate the Eviction Diversion Program located at the County Courthouse, identify additional funding to continue operations and augment rental assistance, explore conversion of the program to a Housing Collaborative Court model, and increase funding to nonprofit legal organizations to provide eviction counseling and defense.	<b>Winter 2024:</b> Identify additional sources of funding for FY 2024-25 and 2025-26 operations and pursue additional State and federal earmarks. <b>2025:</b> Determine if program conversion is viable in near-term	Housing	End 2025	Moderate	Moderate
15 (S-29)  ***	<b>Rent Stabilization Program Strategic Plan and Program Assessment</b> – Complete a Strategic Plan for the Rent Stabilization Program and assess the efficacy of the program in meeting its goals to protect and stabilize tenants' housing. Include	<b>Summer 2023:</b> Complete outreach, program assessment and Strategic Plan with consultant. <b>Fall 2023:</b> Present Strategic Plan to City Council	Housing	Spring 2026	High	Moderate

Number (Housing Element #)	Work Items Underway	Next Step / Milestones	Lead Department	Planned Completion	Impact	Level of Effort
	examination of the Program’s effectiveness at helping to prevent Unlawful Detainers and preventing evictions. Evaluate the City’s current Apartment Rent Ordinance and consider possible amendments if data so indicates.	<b>2024-25:</b> Collect and analyze data <b>2025-26:</b> Conduct outreach with stakeholders on any resulting recommendations				
16 (S-28) ***	<b>Right to Counsel or Alternative</b> – Issue RFP and select consultant to study costs and benefits of a right to counsel program and other court intervention alternatives and to identify necessary legal, financial, and other resources. Evaluate program options and seek City Council approval of a feasible program.	<b>Fall 2023:</b> Issue RFP for consultant study <b>Winter 2024:</b> Select and hire consultant <b>2023-2024:</b> Collaborate with Bay Area Finance Authority on protections policy events. <b>2025:</b> Report back and propose program for City Council approval, if feasible	Housing	Fall 2026	Moderate	Moderate
17 (R-2) **	<b>Preservation Notice of Funding Availability (NOFA)</b> – Issue regular NOFAs with an average of at least \$5 million to fund acquisition/ rehabilitation transactions, including community land trusts and other alternative ownership models.	<b>2023:</b> Issue first NOFA <b>2024:</b> Bring awardee(s) to City Council for approval.	Housing	Winter 2024	Moderate	Moderate
18 (R-6) **	<b>Mobilehome Park General Plan designation for remaining 56 mobilehome parks</b> – Apply the Mobilehome Park Land Use Designation through City-initiated General Plan Amendments to the remaining 56 mobilehome parks.	<b>Fall 2023:</b> General Plan Amendments to City Council and Planning Commission for 13 parks most at risk for development.	PBCE	Spring 2024	Low	Moderate
19 (P-15) *	<b>Moderate-income Housing Strategy</b> - Complete study and implement Council-approved strategy to further rental and homeownership opportunities for moderate-income residents.	<b>Spring 2024:</b> Update CEDC on initial research/findings  <b>Through spring 2025:</b> Work with consultant to finalize Strategy and develop recommendations	Housing, PBCE	Summer 2025	TBD	Moderate

Number (Housing Element #)	Work Items Underway	Next Step / Milestones	Lead Department	Planned Completion	Impact	Level of Effort
		<p><b>By August 2025:</b> Seek Commission, CEDC and Council approval of strategy.</p>				
<p><b>20</b> <b>(S-20)</b>  ***</p>	<p><b>Anti-displacement tenant preferences</b> – Develop fair-housing compliant tenant preferences for this population. Seek Council approval for two tenant preferences: an Anti-Displacement Tenant preference, and a Neighborhood Tenant preference.</p>	<p><b>Summer 2023:</b> Complete disparate impact analysis for two proposed preferences, complete program proposal, and conduct stakeholder and community outreach on proposed preferences</p> <p><b>Fall 2023:</b> Review of program proposal by HCDC, CEDC and City Council</p> <p><b>Winter 2024:</b> Program implementation</p>	<p>Housing</p>	<p>Winter 2024</p>	<p>High</p>	<p>High</p>

## WORK ITEMS TO BE INITIATED

Number (Housing Element #)	Work Items to Be Initiated	Outcome	Lead Department	Planned Initiation	Impact	Level of Effort
21 (H-14) *	<b>Emergency Shelters</b> – Update the Zoning Code to identify additional zones, in addition to Combined Industrial Commercial (CIC), where emergency shelters are permitted by right. Review and ensure compliance with the requirements of Government Code Section 65583 (AB 2339). Conduct outreach to homeless shelter providers to determine additional process changes that the City can incorporate to further facilitate emergency interim housing and homeless shelters.	Council approval of Zoning Code changes.	PBCE, Housing	Fall 2023	Legally Required	Moderate
22 (S-10) ***	<b>Study on rent increases and burden in affordable housing</b> - Research how rent increases in the City's restricted affordable apartments have been implemented over the last five years to inform proposed state legislation and/or City policy.	Council acceptance of presentation of findings and staff informs advocacy for state legislation.	Housing	Winter 2024	TBD	Moderate
23 (I-3) *	<b>Farmworker Housing</b> - Update the City's Zoning Code to make clarifications about farmworker housing to comply with state law.	Council approval of Zoning Code changes.	PBCE	Fall 2023	Legally Required	Low
24 (I-19) *	<b>Reasonable Accommodation</b> – Update the Reasonable Accommodation ordinance to streamline the review process, provide clarity, and ensure consistency with law. Publicize the process availability to the public on the City’s website in English plus top three languages.	Outreach meetings conducted, Council approval of Ordinance changes, and City website updated.	PBCE	Summer 2024	Legally Required	Low
25 (N-1) **	<b>Equitable Neighborhood-based Investment Strategies</b> – Focus the City’s investments to increase equity in racially/ethnically concentrated neighborhoods with extremely low incomes by engaging community members and seeking a	First phase: Outreach meetings conducted and Council approval of Consolidated Plan.	Housing	Fall 2023	Moderate	High

Number (Housing Element #)	Work Items to Be Initiated	Outcome	Lead Department	Planned Initiation	Impact	Level of Effort
	common data-informed approach across City initiatives. Engage residents in these neighborhoods to identify their investment priorities, use this information to inform the City’s forthcoming 2025-2030 Consolidated Plan for the use of federal fund from HUD, and prioritize use of CDBG funds to these place-based investments. Align City data indicators to the extent possible, identify resources and amenities that residents want in these neighborhoods, conduct further research, and identify new funding sources for identified needs.					
26 (N-4)  **	<b>Preservation and Community Development Capacity Building</b> - Establish programs to provide capacity building and technical assistance to community-based nonprofit organizations to engage in grassroots community preservation and development activities. Preservation activities include acquisition and rehabilitation of existing low-cost housing, alternative community ownership models, community stakeholder engagement, and prevention of displacement of community small businesses.	Capacity-building Notice of Funding Availability released and grants awarded to nonprofits.	Housing, OEDCA	Fall 2023	TBD	Moderate
27 (N-7)  *	<b>External infrastructure funding to create complete, high-quality living environments</b> – Continue to seek external funding for parks, transportation, and other types of neighborhood infrastructure that favor cities with a demonstrated commitment to building affordable housing. Pilot investments funded by CDBG coordinated across City departments.	Pilot funding implemented and future work program created.	Housing, DOT, PW, OEDCA, PRNS	Fall 2023	TBD	Moderate

Number (Housing Element #)	Work Items to Be Initiated	Outcome	Lead Department	Planned Initiation	Impact	Level of Effort
28 (S-1) ***	<b>Tenant Resource Centers and violations reporting</b> – Incorporate Code Enforcement and Apartment Rent Ordinance violation reporting procedures as part of expanded tenant resource centers, including allowing tenant associations to report violations. Assist residents with filing complaints.	Regular meetings held between Rent Stabilization Program and Code Enforcement to coordinate and train staff, and sources of funding identified for continued operation of tenant resource centers.	Housing, PBCE	Winter 2024	High	High
29 (P-4) *	<b>Affordable Housing Tools for North San José</b> – Procure consulting assistance to analyze programs and tools to incent creation of affordable homes, including analyzing an area-wide Density Bonus, then create an Affordable Housing Implementation Plan for North San José.	Council approval of new tools to help ensure 20% affordable housing production.	Housing, PBCE	Winter 2024	High	Moderate
30 (P-7) *	<b>City Ministerial Infill Approval Ordinance</b> – Adopt and implement a City ministerial approval process for infill housing development that meets development standards without a public hearing for projects that include deed-restricted affordable units on site.	Council approval of ordinance.	PBCE	Spring 2024	High	High
31 (P-13) **	<b>Replacement of Existing Affordable Units</b> – Develop a policy for City Council consideration to expand and make permanent the current State requirements for replacement housing to mitigate the loss of affordable housing units by requiring new housing developments to replace all affordable housing units lost due to new development.	Council approval of policy.	Housing, PBCE	Spring 2024	Moderate	Moderate
32 (P-14) *	<b>Housing in Business Corridors</b> – Update Zoning Code to allow housing in three Neighborhood Business Districts appropriate for housing (13 <sup>th</sup> Street, Japantown, and Willow Glen).	Council adoption of Zoning Code Amendments.	PBCE	Spring 2024	High	Moderate

Number (Housing Element #)	Work Items to Be Initiated	Outcome	Lead Department	Planned Initiation	Impact	Level of Effort
33 (P-30) *	<b>Updated feasibility study for Commercial Linkage Fee</b> – Initiate an updated feasibility analysis, as directed by City Council, to assess fee levels based on market conditions including a geographic analysis.	Completed feasibility study and presentation of findings to City Council.	Housing, OEDCA	TBD	TBD	Moderate
34 (P-38) *	<b>Adequate Sites Zoning for Lower-Income Households from Previous Housing Element Cycles</b> – By January 31, 2024, rezone sites to allow by-right development for projects including at least 20% affordable units for lower-income households in accordance with State law.	Council adoption of zoning amendments.	PBCE	Fall 2023	Legally Required	Moderate
35 (P-46) *	<b>Rezoning Program for Shortfall, Low-income Sites</b> – The City will rezone sites identified in the Housing Element Sites Inventory as required by State law.	Council adoption of necessary rezonings.	PBCE	Fall 2023	Legally Required	Moderate
36 (P-42) *	<b>Group Homes Zoning Code Updates</b> – Update the Group Homes Zoning Code to ensure group homes serving seven or more persons to be subject only to the same laws that apply to all single-family homes.	Council adoption of Zoning Code Amendments.	PBCE	Summer 2024	Legally Required	Low
37 (P-43) *	<b>Update City Density Bonus Ordinance</b> – Review and, if necessary, update City Density Bonus Ordinance to be consistent with current State Density Bonus Law.	Council approval of any necessary changes.	PBCE	Spring 2024	Legally Required	Moderate
38 (R-1) **	<b>Monitor At-Risk Affordable Units</b> – Secure consulting assistance to proactively assess, monitor, and reach out to owners of affordable units at-risk of losing ability restrictions.	Coordination with property owners and exploration of funding sources to preserve affordability.	Housing	Spring 2024	High	Low
39 (R-9)	<b>Preservation Policy</b> – Create a community-informed Preservation Policy for City Council	Council approval of policy.	Housing	Summer 2024	Low	Low

Number (Housing Element #)	Work Items to Be Initiated	Outcome	Lead Department	Planned Initiation	Impact	Level of Effort
**	consideration to inform programs, resources, and policy.					
40 (R-12)  **	<b>Revised Anti-Displacement Strategy</b> – Update the current Anti-Displacement Strategy approved by the City Council in 2020 to integrate preservation activities and remove completed priorities.	Council approval of revised strategy.	Housing	Spring 2024	TBD	Moderate
41 (S-4)  ***	<b>Updated Relocation Assistance</b> – Update the City’s municipal code to ensure that compensation given to residents for different events displacing them from their rental housing are sufficient, consistent, matches or exceeds State requirements, and easily able to be updated to changing market conditions.	Council approval of revisions to Municipal Code.	Housing, PBCE	Spring 2024	Moderate	Moderate
42 (S-23)  ***	<b>Know Your Rights Materials and Outreach</b> – Create basic Know Your Rights and Responsibilities materials for housing providers and renters in multiple languages with accessibly vocabulary, pictures and infographics, and create an outreach strategy to share this information widely. Identify ongoing funding for future updates and outreach.	Materials created, outreach conducted, and periodic updates made.	Housing	Spring 2024	Moderate	Moderate

**Attachment B**  
**Impact and Level of Effort Definitions**

**Impact:**

*High Impact:* 

- Expected to enable production of 100+ market-rate or affordable housing units annually; OR
- Expected to result in the preservation of 20+ affordable housing units annually; OR
- Expected to result in significant time and/or cost savings for development.
- Expected to increase eviction protection, housing stability, and/or housing safety for 1,000s of households

*Moderate Impact:* 

- Expected to enable production of 50-100 market-rate or affordable housing units annually; OR
- May result in the preservation of 10-20 affordable housing units annually; OR
- May result in time and/or cost savings for market-rate or affordable housing units
- Expected to increase eviction protection, housing stability, and/or housing safety for 100s of households

*Low Impact:* 

- Unlikely to result in the creation of new market-rate or affordable units; OR
- Expected to result in the production of 50 or less housing units annually; OR
- Unlikely to result in the preservation of affordable housing units; OR
- Unlikely to result in any notable increase in eviction protection, housing stability and/or housing safety for a significant number of households

*Impact TBD:* 

- Not enough work has been done on the item to understand its full impact, so no determination can yet be made

*Legally Required:* 

- City is required to complete work due to state or federal rules/law

**Level of Effort:**

*High Effort:* 

- Significant staff time and resources that may require a multi-year effort

*Moderate Effort:* 

- Moderate staff time and resources required and less than 12 months to complete

*Low Effort:* 

- Minimal staff time required to complete