



CITY OF SAN JOSÉ

DRAFT 2023-2031 HOUSING ELEMENT

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This is a preliminary draft document that has not been The Housing Element was adopted by the San José City Council. on June 20, 2023. The purpose of this draft is to solicit public input prior to the third submission to the City Council and then to the State Department of Housing and Community Development.

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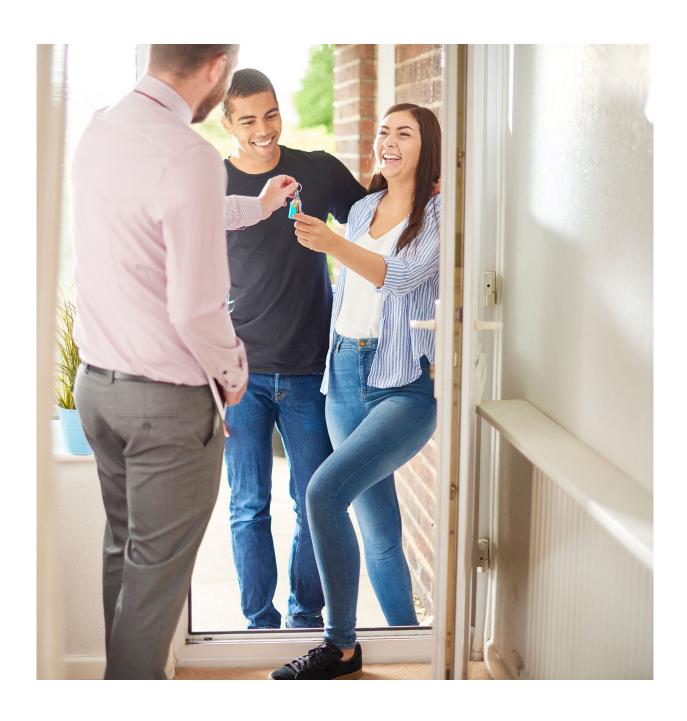
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Chapter 1 Introduction to the Housing Element



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1.1 Purpose of the Housing Element

San José has changed dramatically over the last 60 years, growing from an agricultural community into a diverse and bustling city. Throughout its history, San José has been and continues to be a place of great opportunity, but it has also been shaped by a legacy of regional racial segregation, housing discrimination, and uneven investment in neighborhoods. This legacy combined with a long-term regional housing shortage and a booming economy has resulted in gentrification and harm for many low-income residents, many of whom are people of color, particularly Black, Latino/a/x, and Southeast Asian residents. Examples of this harm include out-of-reach home prices, evictions because rents outpace incomes, severe overcrowding, displacement, and homelessness.

This Housing Element is the City's eight-year housing strategy and commitment for how it will meet the housing needs of everyone in the community. This housing strategy intends to address the housing crisis in San José through a number of goals, policies, and programs that focus on expanding the housing stock and offer a wider range of housing choices for everyone in the City. Equity, inclusion, and anti-displacement are themes that are woven throughout the document and reflected in a number of policies and programs. The City aims to ensure that San José is an equitable and inclusive city by protecting and providing opportunities to those residents who are most vulnerable and prioritizing community resources towards historically disadvantaged communities.

The purpose of this Housing Element is to:

- Identify the City's housing needs;
- State the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs;
- Define the policies and programs that will be implemented to achieve goals and objectives.

Regional Housing Needs Allocation

This Housing Element covers the planning period of January 31, 2023 – January 31, 2031. It is closely aligned with the Regional Housing Needs Allocation projection period, which runs January 1, 2023 – October 31, 2031. The determination of regional housing need begins with the California Department of Housing and Community Development (HCD) and California Department of Finance (DOF), which first calculate statewide housing need based on population projections and regional population forecasts used in preparing regional transportation plans. The statewide need is then distributed to regional Council of Governments (COGs) throughout California, which workswork with cities and counties within their respective purview to assign each jurisdiction its share of the regional housing need, known as the Regional Housing Needs Allocation (RHNA).

The RHNA itself is divided into five income categories that encompass all levels of housing need. The City of San José is a member of the Association of Bay Area Governments (ABAG), which stands as the Bay Area's COG and is comprised of nine counties and 101 cities. The total RHNA for Santa Clara County in the 2023-2031 cycle is 129,927 housing units, of which 62,200 units (approximately 48%) are assigned to San José, as shown in *Table 1-1*.

Table 1-1: Final RHNA Allocation for the Housing Element 6th Cycle							
VERY LOW INCOME (<50% OF AREA MEDIAN INCOME)	LOW INCOME (50%- 80% OF AREA MEDIAN INCOME)	MODERATE INCOME (80%-120% OF AREA MEDIAN INCOME)	ABOVE MODERATE INCOME (120% OF AREA MEDIAN INCOME)	TOTAL			
15,088	8,687	10,711	27,714	62,200			

State Law Framework

State law recognizes the vital role local governments play in the supply and affordability of housing. Each local government in California is required to adopt a Housing Element, which is one of the eight mandated elements of the General Plan. Pursuant to state law, the Housing Element must include the following key components:

- Housing Needs Assessment: Examine demographic, employment and housing trends
 and conditions and identify existing and projected housing needs of the community,
 with attention paid to housing for special needs populations (e.g., large families, persons
 with disabilities) and to fair housing issues, including issues of segregation and access to
 opportunity.
- **Evaluation of Past Performance:** Review the prior Housing Element to measure progress in implementing policies and programs.
- **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels.
- Community Engagement: Implement a robust community engagement program, reaching
 out to all economic segments of the community plus traditionally underrepresented groups.
- **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
- **Policies and Programs:** Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

State law (Government Code Section 65583) requires the City to adopt a Housing Element that addresses the needs of everyone in the community, at all income levels. Because housing needs are recognized as a matter of statewide concern, the state, through theits Department of Housing and Community Development (HCD), must certify the compliance of every jurisdiction's Housing Element upon adoption. The legislature has adopted two bills that have implications for Housing Element compliance.

Assembly Bill 686 (2019) createscreated new requirements in Housing Elementstate law: for Housing elements must nowto include programs and a programsites inventory that promotespromote and affirmatively furthersfurther fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law. Additionally, all housing

State law requires the City to adopt a Housing Element that addresses the needs of everyone in the community, at all income levels. elements due on or after January 1, 2021, must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16, 2015.

Pursuant to Assembly Bill 72 (2017), HCD also has new statutory authority to revoke Housing Element compliance if the local government's actions do not comply with state law. In addition, HCD may notify the California Office of the Attorney General that the local jurisdiction is in violation of state law for non-compliance with housing element law or other state housing laws.

1.2 Housing Element Organization

Document Structure

This Housing Element and associated appendices satisfy the requirements of state law (Government Code Section 65583(a)). The Housing Element is divided into the following chapters:

- Chapter 1-Introduction to the Housing Element This provides an overview of the Housing Element, state requirements, and a summary of the public outreach and community engagement process.
- Chapter 2-Summary of Housing Needs and Assessment of Fair Housing This provides
 an overview of the City's population, household, and housing stock characteristics, and an
 analysis of these factors through a fair housing lens in order to identify housing needs of
 the variety of household types and special needs across the City.
- Chapter 3-Housing Goals, Objectives, Policies and Programs This contains the City's housing goals and policies that provide direction to help the City meet its housing goals. The Housing Element includes five goals that create the framework for how the City will address housing needs. The objectives, policies, and implementation programs under each goal address howsupport the City willin its quest to meet its residents' housing needs across the Cityand promote fair housing.
- Chapter 4-Constraints on Housing This provides an analysis of the governmental and nongovernmental regulations and framework that constitute constraints to housing production and preservation, such as zoning permitting process, land, construction and labor costs, and restricted financing availability.
- **Chapter 5-Adequate Sites for Housing** This includes the inventory of sites that are suitable for residential development during the planning period.
- **Chapter 6-Energy Conservation** This includes an analysis of opportunities for residential energy conservation.

Housing Element and General Plan Alignment

The Housing Element is a component of <u>Envision San José 2040 General Plan</u> a community-based plan that serves as the blueprint for the City's growth. The Housing Element identifies the City's housing needs and opportunities and establishes clear goals and objectives to inform future housing decisions.

State law requires that local general plans be consistent with their housing elements. Because general plans are typically updated every 15-20 years and housing elements are updated more frequently (generally every eight years), the different update cycles create the potential for inconsistencies between the goals, policies, and programs contained in the two documents. Because a housing element affects the locality's policies for growth and residential land uses, a city should review the entire general plan, especially land use provisions, to ensure internal consistency is maintained upon any amendment to the housing element. The Housing Element also includes an implementation workplan that links each action for the 2023-31 RHNA cycle to a General Plan housing policy to ensure alignment and internal consistency between the two documents.

The Housing Element is consistent with the other elements of the General Plan and is guided in particular by these two strategies of the General Plan: Major Strategy #3 Focused Growth and Major Strategy #5 Urban Villages. Together, these two strategies focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability, environmental stewardship, and the development of new, attractive urban neighborhoods.

Consistent with Senate Bill 375 (2008), which requires that California's regions reduce greenhouse gas (GHG) emissions, the San José's urban village strategy promotes a land use pattern that will help the City meet its GHG emissions reduction targets. These General Plan strategies and the Housing Element seek to: improve transportation and land use integration; achieve a jobs-housing balance; create more compact, walkable, and transit-oriented communities; provide more housing capacity for all income levels; and protect open space resources. The Housing Element provides the policy framework for future housing planning decisions and identifies a series of implementation steps to meet the goals, objectives, and policies herein.

The Housing Element has been prepared to maintain internal consistency with the current 2040 General Plan, as required by state law. Specifically, the sites inventory reflects the capacity under the 2040 General Plan land use designations. The Housing Element goals, policies, and programs were drafted with the goal of implementing the vision and guiding principles for the 2040 General Plan, including the vision that "San José's neighborhoods will be affordable and inclusive, and every resident will have the opportunity to thrive." Relevant guiding principles from the 2040 General Plan update are listed below. When the City prepares any future amendment to the 2040 General Plan it will review the Housing Element to ensure internal consistencies.

These General Plan strategies and the Housing Element seek to improve transportation and land use integration; achieve a jobs-housing balance; create more compact, walkable, and transit-oriented communities; provide more housing capacity for all income levels; and protect open space resources.

General Plan and Periodic Reviews

The General Plan of the City of San José is an integrated and internally consistent statement of the official land use policy of the City. The General Plan meets the requirements and intent of the California Government Code while accommodating local conditions and circumstances. It contains each of the elements mandated by Government Code Section 65302. Since they are intrinsically interrelated and overlapping, the elements have been combined into a consistent meaningful whole, and organized in a manner designed to meet the needs of public officials, developers, neighborhood organizations and members of the community who will use it most frequently. In order To facilitate identification of the aspects of each mandatory element, the appendices include a comprehensive list of references for each of the seven mandatory elements.

The Envision 2040 General Plan establishes an ongoing program for the City to monitor and evaluate its success in implementation, fundamental elements of which include both annual reviews and a recurring 4<u>four</u>-year major review cycle. Through these review cycles, the General Plan maintains internal consistency among all its elements.

Consistency with Other Plans

The City of San José's Housing Element is intended to be consistent with other housing plans and policies, including the City's federal 2020–25-Consolidated Plan-and, its local 2015–20-Housing Investment Plans, and the Countywide Community Plans-to End Homelessness:

- 2020-25 Consolidated Plan: The federal Department of Housing and Urban Development (HUD) requires jurisdictions that receive federal housing and community development funding to develop a five year Consolidated Plan and corresponding annual action plans that identify needs, goals, actions, and funding strategies. As part of any approved Consolidated Plan, all grantees must perform an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing and must certify that they will affirmatively further fair housing. The report is called the Consolidated Plan because it includes a comprehensive strategy for expenditures of multiple federal funding sources, including. San José receives four funding sources by formula from the federal government, the spending priorities for which are included in the Consolidated Plan: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with Aids (HOPWA). While CDBG is a more flexible funding source that allows for investments in a variety of activities such as housing, economic development, and public service, other programs such as ESG and HOPWA are more targeted to specific housing and homelessness prevention activities.
- FY 2020/21 FY 2022/23 Affordable Housing Investment Plan: San José's Affordable
 Housing Investment Plan (AHIP) is a strategic document that prioritizes how the City will use
 its resources to implement its programs and policies in the current planning period to meet
 its housing objectives. The AHIP also contains information on key City policies related to
 residential developments. Some of the AHIP policies and priorities may overlap with those
 found in the state and federal plans; others may be unique to San José and are determined
 locally.
- <u>Countywide Community Plan to End Homelessness 2020-2025:</u> Built upon input from more than 8,000 community members, people with lived experience of homelessness, service providers, and advocates, and grounded in evidence-based practices and lessons learned over the past five years, the plan is organized around three main strategies. They

- are to address the root causes of homelessness through system and policy change, expand homelessness prevention and housing programs to meet the needs, and Improve quality of life for unsheltered individuals and create healthy neighborhoods for all.
- Citywide Residential Anti-Displacement Strategy: The San José City Council approved the Citywide Residential Anti-Displacement Strategy (Strategy) during the COVID-19 pandemic. This Strategy is a multi-year plan to help reduce the likelihood that San José residents would need to leave the City, with work items in all "3P" areas of Production, Preservation and Protection. It was created after almost two years of staff's listening to feedback from an estimated 800-1,000 community members and stakeholders through a variety of events and activities in multiple languages. The contents of the final Strategy were based on this extensive community engagement and local research; anti-displacement practices across the nation; an analysis of gaps in San José's then-current anti-displacement policies and programs; an assessment of past discriminatory practices and policies which contribute to displacement; and ongoing housing policy developments at regional and state levels.¹

The City's Housing Element aligns with the goals contained in the General Plan, while also supporting the goals contained in these and other federal, regional and local housing plans. These plans all help to improve affordable housing opportunities to lower- and moderate-income workers, an effective response to homelessness, fair, equitable, and complete communities, and sustainable, transit-oriented neighborhoods that have sufficient infrastructure.

¹ See Chapter 2 for a cross-walk of Housing Element programs that build upon those in the Anti-Displacement Strategy. City of San José Draft Housing Element, Nov. 2023

the goals contained in the City's federal and local housing plans for a range of affordable housing

opportunities to low- and moderate-income workers, an effective response to homelessness, fair, equitable, and complete communities, and for sustainable, transit-oriented development.

1.3 Public Outreach and Engagement

1.3.1 Regulatory Context

State law (Section 65583[c][7]) of the California Government Code) requires cities and counties to make a diligent effort to achieve public participation that includes all economic segments of the community. Housing Elements must provide a summary of the public input received and a description of how it was considered and incorporated into the plan.

Assembly Bill 686, Affirmatively Furthering Fair Housing (2019) requires the Housing Element to include:

- a description of outreach activities intended to reach a broad audience;
- a list of organizations contacted and consulted in the process and for what purpose;
- a summary of comments and how the comments are considered and incorporated; and
- a summary of issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics.

Key areas to seek input include:

- · Review of Past Actions
- Assessment of Fair Housing
- Potential Constraints on Housing for Persons with Disabilities
- Policies and Actions

1.3.2 Overview of the Public Engagement Process

This <u>Sixth Cycle</u> Housing Element <u>Update</u> and associated Assessment of Fair Housing is based upon extensive community input. The City developed and implemented a robust public participation strategy to involve all segments of the population and gather a wide range of feedback on key components of the documents. The strategy involved using a variety of methods to involve the public and stakeholders, including:

- 1. Seven Nine community meetings for the general public
- 2. Two Three online surveys
- 3. Twenty-one focus group meetings with residents of protected classes
- 4. Four working groups with leaders of local nonprofits
- 5. Six internal workshops with City staff from other departments
- 6. Forty-fourSeventy-three roadshow presentations and discussions with stakeholder groups, such as business associations and community-based organizations
- 7. Five Six booths at community events

- 8. Four special community outreach events including a podcast and documentary movie screening
- 9. FourteenSeventeen public hearings of City Council, Council Committees, and City Commissions
- 10. Coordination with Santa Clara County's Let's Talk Housing (Planning Collaborative) and local partners (SV@Home and Law Foundation of Silicon Valley).

The Over 4,500 stakeholders took part in the many Housing Element outreach events from late 2019 to late 2023. The City's intentional and equity-focused approach to public engagement also involved broad and proactive outreach efforts to inform the public about opportunities to get involved, such as through email distribution lists, social media, and connections with a large network of community groups, who helped distribute information to their communities.

Since 2019, the City has conducted severalsix phases of public outreach and engagement to share information and gather feedback to inform the Assessment of Fair Housing (AFH) and the Housing Element. These phases are covered in the next section, along with descriptions of the specific outreach and engagement efforts, the input received, and examples of how the City considered and incorporated input into the plan. A list of all engagement activities and organizations consulted can be found in Appendix H.

Section 1.3.4 describes barriers to participation by protected classes and the inclusive methods that staff used to address the barriers and achieve more equitable outcomes in the process. For example, the process promoted language access by offering interpretation in Spanish and Vietnamese at community meetings, translating materials, and exploring specific methods to intentionally reach and involve limited English speaking community members. In addition, staff worked with the countywide equity collaborative partners SV@Home and the Law Foundation of Silicon Valley and consulted other local equity leaders throughout the process.

The City also considered and incorporated input received through several years of outreach and engagement on a range of housing and community development topics. Stakeholders have urged City staff to integrate public feedback from all recent housing-related outreach to help identify housing needs and potential strategies for the AFH-Assessment of Fair Housing and Housing Element. Accordingly, the project team involved staff from other departments and sought out relevant outreach findings. This approach was intended to recognize, value, and act on the contributions of the many community members who have shared their needs and ideas with the City, particularly protected classes who experience disproportionate barriers to civic engagement.

The following section summarizes the City's specific outreach and engagement efforts, the input received, and examples of how the City considered and incorporated input into the plan. Specifically, input received on the strategies in Chapter 3 is shown in the "Barriers/Need" and "Cited by" columns in the strategy tables. A list of all engagement activities and organizations consulted can be found in Appendix H.

² Stakeholder count is duplicated, as stakeholders may have participated in more than one event. This count also omits attendees at nine public meetings. See Appendix I for more specifics.

1.3.3 Phases of Public Engagement and Input

The City strived to conduct a transparent and participatory process to involve all segments of the population and draw upon relevant outreach findings from other efforts. Input received during each major phase of the process informed the next. As a result, the document reflects the wide range of needs, perspectives, and ideas of the San José community.

Phase 1: Part 1 of the Assessment of Fair Housing

Time span: October 2019 to Spring 2020

The first phase of outreach focused on establishing existing conditions for the Assessment of Fair Housing. During this time, the Lawyers' Committee for Civil Rights (the City's consultant) and Housing Department staff conducted a community engagement process through print and social media engagement, community meetings, focus groups, surveys, and the establishment of a countywide Santa Clara Assessment of Fair Housing Advisory Committee.

City staff and the Lawyers' Committee also conducted a second phase of community engagement (from April to May 2021) with government agency partners to share initial findings from the AFH analysis.

Public outreach during this phase included 48 meetings, including two public hearings, two advisory group meetings, 12 focus groups, 27 stakeholder meetings, and five intergovernmental agency meetings.

Key themes emerging from public input included:

- > The City is segregated. Discrimination in housing exists. It is important for the City to acknowledge these issues and start broader conversations with residents about history and legacy.
- > Displacement continues to happen and is causing harm to communities.
- > More needs to be done to protect residents from displacement and rent burden and provide affordable housing for all.

Input gathered during this phase formed the foundation for the Housing Element Update and the Assessment of Fair Housing. It spurred dialogue about fair housing in San José. Publicity of the public engagement and related conversations resulted in several news articles highlighting the City's history of racial segregation and its impacts. Examples of how staff adjusted course due to the input include:

- Held community conversations about the City's history of segregation, governmental racist
 practices in housing and how legacies of racial discrimination in housing manifest today
 during Phase 2. In the fall of November 2021, the City presented at San José State's Racial
 Justice Symposium and held a documentary movie screening followed by panel discussion of
 "Reckoning in Boston" to spur these conversations.
- Held working groups in Phases 2 and 3 in the issue areas of top concern identified in Phase 1. These include: increasing homeownership opportunities for protected classes, increasing access to rental housing, increasing investment in under resourced neighborhoods, and increasing affordable housing in high resource neighborhoods. These working groups were designed to dive into issues areas to broaden understanding and explore solutions. Working groups members were selected for their related or lived experience and technical expertise.

Phase 2: Housing Element Kick-offKickoff and Part 2 of Assessment of Fair Housing

Time span: September 2021 to January 2022

Staff officially kicked off outreach on the Housing Element Update in September 2021, and proceeded to conduct joint AFH-Assessment of Fair Housing and Housing Element engagement activities since that time. The City began to work with several partners, including the Santa Clara County Collaborative (Let's Talk Housing) and the countywide equity collaborative partners SV@Home and the Law Foundation of Silicon Valley.

This <u>second</u> phase focused on informing the public about the Housing Element Update process and fair housing concepts, given the new state requirements and the City Council's direction to engage the community on our history of segregation and need for fair housing. Another objective <u>of phase two outreach</u> was to gather input on housing needs, issues, and goals. As part of this phase, staff sought input on the effectiveness of current and past housing policies, the findings of Part 1 of the <u>AFHAssessment of Fair Housing</u> process, and potential constraints on <u>securingcreating</u> and maintaining safe, affordable, and accessible housing.

Public outreach during this phase two included:

- Two virtual community meetings.
- Four focus groups with members of protected classes, including disability, veterans, LGBTQ+ and African ancestry.
- One strategy working group meeting about access to rental housing.
- Eight stakeholder meetings, including South Bay Yes in My Backyard (YIMBY) and League of Women Voters.
- Tabling at five community events.
- A panel discussion on the history of segregation in San José at San José State University's Racial Justice Symposium.
- A special screening of the documentary <u>"</u>A Reckoning in Boston<u>"</u> followed by a <u>panel</u> discussion with the producers.
- A City sponsored podcast about housing elements and fair housing.
- An online survey (September 17, 2021, to January 12, 2022) asking about housing priorities; The survey was advertised at City events, on staff's email footers, on the City's website and social media platforms, including Facebook ads in Spanish and Vietnamese. It received 335 responses in English, 155 in Spanish, and 150 in Vietnamese (640 total).

Key themes emerging from public input included:

- > Homelessness is increasing and is a major issue.
- > Housing costs in San José are too high.
- > Homebuyer assistance that requires housing to remain affordable doesn't allow wealth building benefits to the homeowner.

This input informed the draft concepts presented in the focus groups with protected classes and stakeholders in Phase 3 and informed the Draft Goals presented in the April <u>2022</u> online survey. Specific examples of ways that staff adjusted course due to the input include:

 Consistent feedback from community about displacement and its impacts led the City to include <u>and iterate</u> several anti-displacement strategies (<u>e.g.</u>, tenant preferences, Community Opportunity to Purchase, and expansion of tenant protections)-<u>already</u> approved by City Council, more prominently in Housing Element strategies.

- Low responses received from people of color, especially for non-English proficient, in online formats (surveys and meetings) led <u>staff</u> to <u>planning forplan</u> at least one in-person community meeting.
- Feedback regarding a need for systems change to advance homeownership opportunities resulted in a shift in thinking. It led to more creativity about other types of wealth or asset building strategies and comprehensive reform of homeownership programming.

Phase 3: Draft Goals, Strategies, and Policies

Time span: January 2022 to June 2022

The primary objective during this phase outreach Phase 3 was to get feedback on draft goals, strategies, policies, programs, and actions. It also involved ongoing education about fair housing concepts and associated input.

Public outreach during this phase included:

- Four<u>Eight</u> focus groups with people of protected classes, including formerly homeless, LGBTQ+, affordable housing residents, veterans, the disability community, and Indigenous Peoples.
- Ten11 working group meetings corresponding to four five fair housing strategy areas
- Two virtual community meetings
- One in-person community meeting
- Four Two City Commission meetings
- Two City Council committee meetings
- Four stakeholder meetings
- An onlineA third survey that ran the month of online during April 2022. It was advertised at City events and, on the City's website, and on its social media platforms, including Facebook ads in Spanish and Vietnamese. It The survey received 713 responses in English, 92 in Spanish, and 10 in Vietnamese (815 total).

Key themes emerging from public input included:

- > It takes too long to get anything built. The City needs to speed up processes for housing production.
- > Reparations are needed for redlined neighborhoods.
- > Instead of thinking about funding as dividing up a set amount, funding can be thought of more creatively and expansively.

The input from the focus groups, online survey, and community meetings shaped the draft strategies, programs, and policies included in the Housing Element Update. Specific examples of ways that staff adjusted course due to the input include:

- Staff incorporated the prioritization and ideas from the focus groups into the draft policies shared at the community meetings.
- Staff is proposing proposed several policies strategies to speed up the entitlement process including housing navigator, streamlined review, and a City-led environmental clearance for approved urban village plans.
- City adapted <u>aits</u> working group process when participants of the high_ and low_

resource <u>areas</u> working groups found that they could not discuss one topic without the other. So, the issues were combined into one topic area and discussed together at subsequent community meetings.

Comments about land use reparations for redlined neighborhoods and comprehensive
investments in neighborhoods spurred discussions to have cross-departmental city-internal
working group to better coordinate and prioritize investments and policies to address lowerincome and racially segregated neighborhoods, which helped to create strategy N-1,
Equitable Neighborhoods-based Investment Strategies.

Phase 4: Public Review Draft of the Draft Housing Element

Time span: July 2022 to August 2022

The primary objective during this outreach phase 4 was to collect comments on the Draft Housing Element Update. Hthe official draft document comment period ran from July 22, 2022 to August 21, 2022. Topics in outreach meetings focused on the draft site inventory, constraints analysis, and the full list of draft goals, strategies, and policies. It also involved ongoing dialogue about housing needs and fair housing concepts. The official comment period ran from July 22, 2022 to August 21, 2022.

Public outreach and engagement during this phase 4 included:

- One virtual community meeting
- One in-person, open house_style community meeting
- 5 stakeholder meetings (including <u>the regional</u> Equity Advisory Group, Sacred Heart Action Committee Meeting, <u>and California Apartment Association SPUR</u>, and VTA)
- One tabling event at Vietnamese American Organization's Community Day
- An online public comment form

Staff received 17 comments letters and 17 online form submissions during the 30-day comment period. Approximately 40 people attended the virtual meeting and approximately 40 attended the in-person event. The tabling event with VAR was well-attended, with approximately 75 people receiving information about the Housing Element. Staff advertised the comment period and associated engagement events through email lists, social media, and coordination with Council offices and CBOscommunity-based organizations.

Key themes emerging from public input included:

- > Strategies lackneed more specific metrics to make them actionable.
- > Neighborhood opposition is a constraint to building housing.
- > <u>The City should</u> increase representation of people with lived experience in policy development as well as decision-making processes.
- > Increase-Tenant protections should be strengthened and apply to more rented units.
- > Avoid-Encampment sweeps should be avoided.
- > The need to increase code enforcement capacity.
- > The need to allocate and increase funding for proposed programs.

The input shaped the strategies, programs, and policies included in the Housing Element Update.

Specific examples of ways that staff adjusted course due to the input include:

- Staff examined neighborhood opposition and urban villages as constraints to building housing, and included analysis in the Housing Element Update.
- Staff expanded analysis to include demographics of who lives in single family homes and duplexes.
- Staff included data on families experiencing domestic violence to housing needs section.
- Added additional Staff added notes from past focus groups and stakeholder meetings to outreach appendix.
- <u>Staff</u> removed sites from site inventory based on <u>facts provided by public feedback.</u>

Phase 5: Public Hearing Phase

Time span: September 2022 to June 2023

The finalfifth phase of outreach occurred prior to and during the public hearing process, which culminated with City Council adoption of the draft Housing Element Update:on June 20, 2023. During this timephase, staff tookheld a long second public review period on the Housing Element Update to draft document from September 16 to December 17, 2022, focused on integrating changes from the state's December 2022 comment letter, and held three study sessions for the City's Planning Commission and Housing and Community Development Commission (HCDC) for recommendations. focused more on strategies) and one study session for Planning Commission (focused more on land use). Staff then prepared for and sought formal approvals of the revised Housing Element draft at three public hearings in May and June 2023.

The public had opportunities to submit comment letters and or emails throughout this period, and had the opportunity to provide oral testimony at the five commission study sessions and three official public hearings. The City offered Spanish interpretation at each of the three public hearings, as well as interpretation in other languages upon request. For details about these meetings, visit www.sanjoseca.gov/HousingElementUpdate.

DuringThroughout this timephase, staff dedicated significant time working with HCD reviewers and revising to revise the document to address HCDthe state's comments, which. Changes were mainly requests to clarify goals and policies-or to, set additional milestones and targets, provide additional analysis, and add some programs to ensure City codes would be updated per new state laws. Staff continued communication with the public outreach during this phase by sending email updates, following up with stakeholders, and continuing to receive feedback. The top themes of the feedback received included:

- Process: Community members wanted more time to review the draft document prior to the Planning Commission meeting and wanted to see the track changes made in response to HCD's comments. Several people wished there was another community meeting during the public hearing phase so that they could better understand and react to the changes.
- Substance: Most of the comments about the document itself were requests for more details on implementation of the strategies. There was interest in seeing more about "who is going to implement, how will they do it, and by when?"

Staff recognizesacknowledge the process-oriented feedback and will take it into account when planning

for future engagement processes.

With respect to adding implementation specifics, staff worked to include additional details where possible. The focus <u>of staff revisions</u> was on the strategies that HCD <u>called outidentified</u> as requiring <u>those</u> additional details. <u>Staff did not make many of the changes requested by members of the public because HCD did not require additional specificity or because the details are unknown at this time (no work plan in <u>place yet</u>). A couple of examples of changes made to strategies <u>due to public feedback were as follows</u>:</u>

- Strategy H-2 Interim housing for people experiencing homelessness in hotels/motels was expanded to include "other existing buildings" and targets to the metrics were added to show commitments to funding ((\$19 million), the amountnumber of properties (at least on newly_acquired)), and number of residents housed (280).
- Strategy S-9 was combined with P-29 to broaden anti-displacement analysis to specific plans, including urban village plans. Dates were added to metrics to demonstrate commitment to inclusion of anti-displacement features for the Five Wounds Urban Villages Plan (2024) and a year by which the fair housing equity analysis would be defined (2026).

Phase 6: Stakeholder Coalition Comments Phase

Time span: July 2023 to November 2023

The sixth phase of outreach occurred following the City's public hearing process and Council approval of the Sixth Cycle Housing Element on June 20, 2023. Staff submitted the adopted Housing Element to HCD for review on June 29, 2023. On August 28, 2023, HCD sent a letter to the City, stating that further revisions to the Housing Element were necessary to achieve certification. Specifically, HCD requested that the City further clarify housing needs, resources, and constraints with additional analysis. HCD urged the City to continue to engage the community during this revision process and noted that public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. The City recognized this responsibility and continued to engage the community on the revisions for the 3rd submittal to HCD, including organizations that represent lower-income and special needs households.

Stakeholders' comments to the City and HCD focused on:

- Demand for greater City transparency in the late stages of the draft document editing
- Desire for greater details and certainty on sites and the likelihood of their development for the Site
 Inventory, and
- Concerns that the Community Opportunity to Purchase Program had been removed from the
 Housing Element as City Council directed staff to pursue other alternative anti-displacement and
 preservation strategies.

Staff reached out to all stakeholders that had submitted comment letters as part of and following the public hearing process and offered to meet to discuss their comments and review potential revisions to the third draft to address their concerns to the extent they were consistent with HCD's requirements and delegation of authority from the City Council with its approval of the Housing Element in June 2023.

Between mid-September and mid-November 2023, staff held 14 meetings with coalitions of stakeholders to review requested changes and discuss staff's approaches. During this time, staff also focused on addressing issues identified in HCD's second comment letter on August 28, 2023. The following is a list of

dates that staff conducted outreach and engagement with community stakeholders in the post-adoption phase to listen to their concerns, answer questions, provide information and incorporate requested language where appropriate:

- September 14, 2023 REAL Coalition (5 attendees)
- September 26, 2023 Planning Commissioners Tordillos and Lardinois (2 attendees)
- September 26, 2023 Land Use Coalition on Improvements to the Housing Element Meeting #1
 (SPUR/HAC/YIMBY/Greenbelt/SV@Home) (8 attendees)
- October 3, 2023 COPA Community Stakeholder Coalition Meeting #1 (13 attendees)
- October 4, 2023 Land Use Coalition Meeting #2 (5 attendees)
- October 4, 2023 SPUR (2 attendees)
- October 11, 2023 Land Use Coalition Meeting #3 (6 attendees)
- October 11, 2023 Community Stakeholder Coalition Meeting #2 (10 attendees)
- October 12, 2023 Silicon Valley Young Democrats (1 attendee)
- October 12, 2023 Alex Shoor (1 attendee)
- October 19, 2023 Community Stakeholder Coalition Meeting #3 (5 attendees)
- October 20, 2023 Land Use Coalition Meeting #4 (7 attendees)
- November 9, 2023 Land Use Coalition Meeting #5 (8 attendees)
- November 16, 2023 Planning Commissioner Tordillos (1 attendee)

As a result of stakeholder feedback and refinements per HCD guidance, selected changes made to the third draft document during the sixth outreach phase included:

- The inclusion of a stakeholder response grid reflecting comments made and staff's responses, which is included in Appendix H, Stakeholder Comment and Response Matrix.
- Revisions to Strategy S-1 in Chapter 3 to be more specific to identify materials that will be provided at Tenant Resource Centers and that tenant associations are eligible to file Code complaints on behalf of renters.
- The analysis of and revisions to 20 Housing Element programs that were derived from or expanded upon those in the Citywide Residential Anti-Displacement Strategy, as shown in Chapter 2.
- The analysis of and revisions to 28 Housing Element programs with similar objectives to the Community Opportunity to Purchase program, which had been removed from the draft housing element by Council. The analysis demonstrated that all objectives of COPA are covered by one or more other proposed programs, as shown in Chapter 3.
- Revisions to and clarifications on 11 Production programs intended to drive the development of affordable and market rate housing.
- Refinements to the non-vacant sites methodology in Chapter 5 by adding case studies and providing more information on metrics of for sites deemed more likely to convert uses to housing.
- Expansion of the Site Inventory's fair housing analysis in Chapter 5.

In addition, the City will post the November 2023 draft version for the required seven-day public comment period (and additional days to exceed the minimum) prior to resubmitting the Housing Element to the state for certification.

As shown by the multiple phases of the City's intentional and responsive community outreach for the Housing Element, the City takes public participation and civic engagement seriously. It has provided stakeholders with meaningful participation throughout the drafting, adoption, and revision of its Housing Element that goes above and beyond the requirements of the state Housing Element law.

1.3.4 Inclusive Engagement

The City made diligent efforts to include all demographic segments of the community and/or their representatives in the development and update of the Draft Housing Element. In addition to meeting this baseline requirement, the goal is to achieve balanced representation in the planning process and meaningful participation among protected classes.

For planning and community development processes in San José, certain demographic groups are often underrepresented relative to their share of the city's population. Examples include: youth/young adults, people of color, people with limited English proficiency, lower_income households, renters, and people experiencing housing insecurity. Examples of issues that contribute to under-representation in planning processes, including the Housing Element Update, include:

- **COVID-19 pandemic:** The pandemic has had a significant impact on staff's ability to conduct in-person engagement and on the capacity of community-based organizations to engage in the process. Staff has found that some harder-to-reach populations are less likely to participate in virtual meetings compared to in-person meetings. This is particularly true for Vietnamese speaking population, which tends to be older. Outreach tends to be most effective when it is integrated into regularly scheduled community events hosted or cohosted by non-City groups yet the pandemic has made this type of coordination extra challenging.
- Language and communication: Even with translation and interpretation in the City's most common languages built into the process, fully participating in the process as a non-English speaker is a challenge. There is the potential for the information to "get lost in translation" and many phrases related to housing, planning, and policy do not easily translate to other languages. Even for English-speakers, the terminology can be confusing and speaking up in a community to share your experiences and opinions can be intimidating.
- **Time and resources:** Staff has found that lower-income community members face extra logistical barriers to participation compared to higher-income community members. For example, needing to work multiple jobs and/or working in the evening and weekends conflicts with most of the engagement events. Securing affordable childcare, internet, and/or transportation can be a challenge. Furthermore, lower-income community members are more likely to face urgent concerns on a daily basis, such as keeping housed and bills paid, andso participating in long-term planning processes is an added burden and far lower priority.
- **Trust**: Among many community members, there is a general mistrust in government due to patterns of discrimination, <u>a history of</u> decision-making that has marginalized many communities, and inequitable outcomes as well as macro issues that go beyond the control of local government. Community members that do participate in planning processes often get burnt out by answering the same questions for different projects, and when little action or no notable change results from their feedback, it further undermines trust.

Applying an Equity Lens

With these considerations in mind, City staff applied an equity lens when designing the approach to public outreach. This <u>meansmeant</u> paying special attention to underrepresented populations while offering meaningful opportunities, in a variety of venues, for all interested individuals and organizations to get involved. Specific practices included:

- Variety of venues: For each round, staff offered a mix of methods and opportunities for community members to learn about and provide feedback on the planning process recognizing there is no one-size-fits-all method. For example, as pandemic-related constraints eased up, staff reintroduced in-person meetings to draw in people that, for many reasons, were not participating in the virtual methods. Staff also tabled at five community events, in order to meet people where they are, not just invite them to attend City-hosted meetings.
- Interpretations: Special attention was paid to language access for Spanish and Vietnamese speakers (the second and third most spoken languages in San José, after English). Staff offered interpretation at the community meetings, translated the online surveys and the outreach materials advertising the meetings and surveys and ran Facebook ads. These efforts were particularly successful for the fall 2021 online survey, which received 155 responses in Spanish and 150 in Vietnamese (out of 640 total)
- <u>Timing:</u> Staff scheduled the community meetings aimed at the general public in the evenings (and one on the weekend) and offered alternative meeting times and methods to increase opportunities to provide input. Staff also offered refreshments and activities for children at the in-person meetings.
- Clarity of messaging: For the community meetings and surveys, staff paid special attention to
 using clear language with minimal jargon. The messages used in outreach materials were
 intended to make the process welcoming, relevant, and interesting. In seeking feedback, staff
 strove to break down the material in manageable ways and make it easy for people to
 comment only on what interested them most. For example, staff adjusted the April 2022 survey
 in response to feedback from the community about its user friendliness.
- Accessibility: Staff paid attention to accessibility for persons with disabilities by consulting
 with the Housing Department's accessibility specialist and including her suggested program
 language, reviewing communications against accessibility standards and making revisions
 accordingly, providing extensive remote participation opportunities, offering reasonable
 accommodations, and hosting a focus group for people with disabilities.
- Community voices: Staff also partnered with several local organizations to encourage direct participation in the process among underrepresented populations and communities with protected characteristics, as well as to indirectly represent these populations through their relationship to these communities. By partnering with local organizations, opportunities for connections and trust with underrepresented populations can be built. Staff met regularly with SV@Home and Law Foundation of Silicon Valley as the countywide equity collaborative partners, and met early on with the Race Equity Action Leadership (REAL) Coalition, comprised of local non-profit organizations, service providers, and advocacy organizations. Staff also involved sendingsent email updates to a list of approximately 100 community leaders and preparingprepared outreach materials that could be easily distributed. As an example of the impact of these efforts, SOMOS Mayfair helped bring about 15 people to the June 4, 2022 in-person meeting, bringing new voices and the perspectives of Latino/a/x, immigrant, and limited English-speaking residents.³

³ SOMOS Mayfair is a community-based organization that supports East San JoseJosé residents and promotes equitable community development in Mayfair, a "working poor and immigrant neighborhood" that has predominantly has many first-

- Protected class residents: Focus groups were a key method for reaching underrepresented protected class populations. Staff hosted 21 focus groups of people from protected classes, such as unhoused people, LGBTQ+, veterans, survivors of gender violence, and people of Black/African ancestry. Another important outreach method was theholding working groups with leaders of local nonprofits, many of which directly or indirectly represent the interests of lower income populations income populations. The City reached out to many stakeholder groups to participate in Housing Element working group meetings to bring the views of residents they represent. The groups included the Black Kitchen Cabinet, AACSA, NAACP, LUNA, Sacred Heart, SOMOS Mayfair, The Kelsey, and Silicon Valley Independent Living Center.
- <u>CBO meetings:</u> Staff has found that attending meetings hosted by community groups is one of the most effective ways at reaching a broad range of community members and at engaging in meaningful dialogue. Therefore, a significant amount of staff's outreach efforts was dedicated to roadshow meetings and presentations (a total of 44).to community organizations. Examples of community groupsorganizations reached through this method include: Silicon Valley Council of Nonprofits, Destination: Home, League of Women Voters, Chamber of Commerce Public Policy Committee (Housing and Land Use), and the San Francisco Bay Area Planning and Urban Research Association (SPUR). Refer to Appendix H for the complete list of stakeholders.
- Lastly Findings from other outreach efforts: Last, the project team brought in community input from other City projects (separate from the Housing Element Update), particularly from residents in protected classes and/or living in low-resource areas. The team has-mainly doneaccomplished this through interdepartmental workshops and requests for information. The intent was to honor the time and insights from community members, regardless of the context in which they provided input to the City, which helps to help avoid community burnout and increases increase the impact of the community's feedback. See the following section for additional details.

The overall mix of engagement activities and use of best practices has helped reach a wide variety of perspectives and ensure at least some representation across key demographic indicators. Staff is consistently evaluating evaluated the outreach process and making adjustments adjusted to get more inclusive outcomes. For example, the project team is pursuing pursued specific methods to more effectively reach and involve the Vietnamese community, such as attending events at the Vietnamese American Community Center.

and second-generation Mexican-origin families. Source: https://www.somosmayfair.org/about.Source: https://www.somosmayfair.org/about.

1.3.4 Other Community Engagement Efforts

The City of San José has conducted a variety of outreach and engagement efforts in recent years that relate to housing, neighborhoods, and community development. Outlined below are eight such efforts that engaged the community and solicited feedback directly related to housing issues during the same period during whichgeneral timeframe that City staff was conducting the Housing Element/Assessment of Fair Housing processoutreach.

The City coordinated these efforts whenever possible. For example, separate community engagement activities for the Assessment of Fair Housing and the Consolidated Plan focused on those topics but input from both outreach processes was intended to inform both plans. Community feedback from other initiatives educated the development of many of the Housing Element's priorities and strategies. Other initiatives information follows.

Community Opportunity to Purchase Program (COPA)

A<u>The</u> COPA program <u>proposal</u> would <u>givehave given</u> a qualified nonprofit buyer the right to make a first offer on a residential property covered by the program that <u>iswas</u> up for sale. The purpose of COPA is to enable more properties to become restricted affordable, to the extent that City subsidies were available, and be owned by mission-oriented nonprofit organizations that would cooperate with the City to keep them affordable <u>ongoing</u>. Outreach on a potential COPA program in San Jose consisted of <u>2two</u> phases:

- Phase 1, betweenwhich lasted April 1, 2021 to November 30, 2021, included a series of working group meetings made up of two groups, a technical advisory committee and a stakeholder advisory committee. A total of 227 people participated in the meetings and engaged and offered input on COPA. The Working Group included community members and leaders from all council districts across the city and included voices of those who will be would have been directly impacted by the policy: apartment owners, tenants, housing providers, developers, realtors, and housing advocates. Attendees were approximately evenly split between owners and renters and evenly distributed in age ranges.
- Phase 2 commenced December 1, 2021 and ran through February 9, 2022. Almost 200 people attended one of the 7 online public meetings and 274 questions or comments were received, either at the public meeting or via email.

Total public participation in designing the draft COPA program proposal over two years was extensive, with feedback from 1,072 meeting attendees (approximately 480 individuals) helping inform the program proposal. Feedback on the proposal also included extensive information on housing preservation activities, financing and process, as well as involvement of tenants, which all were valuable in educating many of the Housing Element's Preservation and Stability strategies in Chapter 3. (The City Council directed staff to not move forward with COPA and remove it from the Housing Element.)

Project Homekey

Project HomeKey is a state program that gives an opportunity for the City to develop a broad range of housing types and convert-by funding conversion of commercial properties and buildings(hotels or motels) to permanent or interim housing: for homeless residents. The City of San José has hosted a series of community meetings to share information about the State-funded program and gather feedback from residents. A total of 5 five meetings were held between October 2021 to February 2022. Each meeting focused on specific sites.

Diridon Station Area Affordable Housing Implementation Plan

Between 2018-2021, the City conducted a <u>comprehensive community engagement process on the Diridon Station Area</u>, including a proposed mixed-use development by Google. The process was designed to involve underrepresented populations through partnerships with community-based organizations and other inclusive methods. Concerns about displacement and calls for abundant affordable housing and social equity were key themes of the process.

During this time, the City prepared the Diridon Affordable Housing Implementation Plan ("(Diridon Housing Plan")) to address housing-related concerns and goals. The Diridon Housing Plan includes strategies and policies, taking a "3Ps" approach: Production of new homes, both affordable housing units,

<u>and market-rate</u>, Preservation of affordable homes for lower-income residents, and Protection of vulnerable residents from displacement. The Production strategy focuses on the Diridon Station Area Plan (DSAP), while the Preservation and Protection strategies focus on the <u>andneighborhoods</u> surrounding the DSAP with a half-mile <u>buffer</u> (referred to as the Neighborhood Stabilization Area).

The City Council adopted the Diridon Housing Plan in May 2021. Achievement of the plan's goals will require a joint effort between the City, the community, and external funders in the private and philanthropic sectors. One source of funding will be from the community benefit contributions made by Google under the <u>Downtown West Development Agreement</u>.

Affordable Housing Siting Policy

The Affordable Housing Siting Policy is intended to help the City affirmatively further fair housing by increasing affordable housing in higher opportunity neighborhoods of choice and also mitigating displacement. The Housing Department and consultant team hosted eleven 11 listening sessions with more than 250 residents, advocates, developers, and affordable housing residents across the City between February and May 2021 to solicit input on the Siting Policy.

2020-2025 Consolidated Plan

Outreach for the Consolidated Plan included additional activities, including three public hearings, 21 stakeholder interviews, a paper and online survey, and two pop-up tabling events. From fall 2019 to mid-2021, the AFHAssessment of Fair Housing and Consolidated Plan public outreach process together engaged a total of 476 people in-person through public community meetings events and collected 648 written and online surveys. The surveys were available in English, Spanish, Vietnamese, and Chinese.

General Plan Four-Year Review Task Force

The General Plan establishes a four-year review cycle, providing an opportunity to evaluate the City's achievement of key goals and mid-course adjustments to the General Plan. As part of this review staff evaluated and the Taskforce provided feedback on the following housing-related topics: Urban Village Implementation and Affordable Housing Goals, Opportunity Housing, Residential Uses in Underutilized Business Corridors and Commercial Space Requirements for Affordable Developments,

This work was done through open, public meetings of the Envision San José 2040 Task Force and City Council from Fall of 2019 to Spring of 2021. City staff hosted a total of 10 community meetings following each of the public Task Force meetings on various General Plan Four-Year Review Topics. The public was also invited to attend each of the Task Force meetings. More than 1,000 people attended across the meetings. Public comments were taken at each meeting, each commission and council meeting, and also received in written format.

Citywide Residential Anti-Displacement Strategy

City staff engaged an estimated 800 to 1,000 community members and stakeholders through a variety of events and activities over close to two years of work <u>onspent</u> developing the Citywide Residential Anti- Displacement Strategy.

- Early 2018 to early 2019 Outreach included a series of interviews and focus groups to learn directly from residents who lived in neighborhoods that were experiencing ongoing displacement and from those who had been displaced in the past.
- Summer 2019 to winter 2020 Staff gathered feedback on potential anti-displacement

solutions and received new ideas from a broad base of stakeholders at both public and oneon-one meetings.

- Early 2020 Staff conducted outreach to real estate professionals and other stakeholders in
- early 2020 to get their perspectives.

This input helped to generate the list of recommendations included in the Anti-Displacement Strategy—which in turn directly informed the development of 20 Housing Element strategies.

Analysis of Impediments to Fair Housing

Organizations, agencies, and persons were directly engaged via outreach efforts and asked to share materials with their beneficiaries, partners, and contacts between 2014 and 2016. These stakeholders were also encouraged to promote attendance at the public forums and to solicit responses to the Regional Needs Survey. Stakeholder engagement included phone calls, targeted emails, newsletter announcements, social media posts, and personalized requests from jurisdiction staff. Through these communications, stakeholders were invited to participate in one of the forums planned throughout the County and to submit survey responses. A total of 1,472 responses were collected. Approximately 1,225 printed flyers noticing the regional forums were distributed throughout the County, including at libraries, recreation centers, community meetings, and organizations benefiting LMIlower- and moderate-income residents and areas. These flyers were available online and in print in English and Spanish. Multilingual print advertisements in local newspapers were posted in the Gilroy Dispatch (English), Mountain View Voice (English), El Observador (Spanish), La Oferta (Spanish), Thoi Bao (Vietnamese), Philippine News (Tagalog), World Journal (Chinese) and San José Mercury News (English). In addition, an online display ad was placed in the San José Mercury News to reach readers electronically. Each segment of the community outreach and planning process was transparent to ensure the public was aware its input was being collected, reviewed, and considered.