



*Housing*

# San José Proposed Tenant Preferences to Fight Displacement

**Public Meeting**  
**August 31, 2023, 6 p.m.**  
**Mayfair Community Center**

**Kristen Clements**  
Acting Deputy Director

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Acting Division Manager

**Avni Desai**  
FUSE Fellow

# Agenda

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- 🏠 Welcome
- 🏠 Introduction to presenters & staff
- 🏠 Tenant Preferences background & purpose
- 🏠 Overview of Tenant Preferences Draft Framework
- 🏠 Q&A
- 🏠 Wrap up & next steps



# Meeting Norms

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- All participants will exhibit respect for each other and for the speakers
- Please keep side conversations to a minimum during the presentation
- Please raise your hand if you'd like to ask a question during the 'Question & Answer' portion of today's presentation



# LAND ACKNOWLEDGEMENT

*We, the City of San Jose Housing Department, acknowledge that San Jose sits on the ancestral lands of native people including the Muwekma Ohlone (mah-WEK-mah Oh-loh-nee) people and aboriginal homeland of the Thamien (Thah-mee-en) Nation. We recognize the resilience of native culture and community. Let us acknowledge with respect all indigenous peoples as they have stewarded this land throughout the generations and not forget the painful history of colonization. The Housing Department acknowledges this history as we work towards a more equitable and inclusive future.*



**Ohlone Dancers at Mission San Jose in 1806 (Langsdorff Expedition)**

# Tenant Preferences that Fight Displacement

- 🏠 A portion of affordable apartments in certain housing properties will be reserved or prioritized for applicants eligible for preferences
- 🏠 Lower-income applicants who qualify for preferences apply for affordable apartments
  - Should have a better chance of being accepted into an apartment due to the preference



# Tenant Preferences

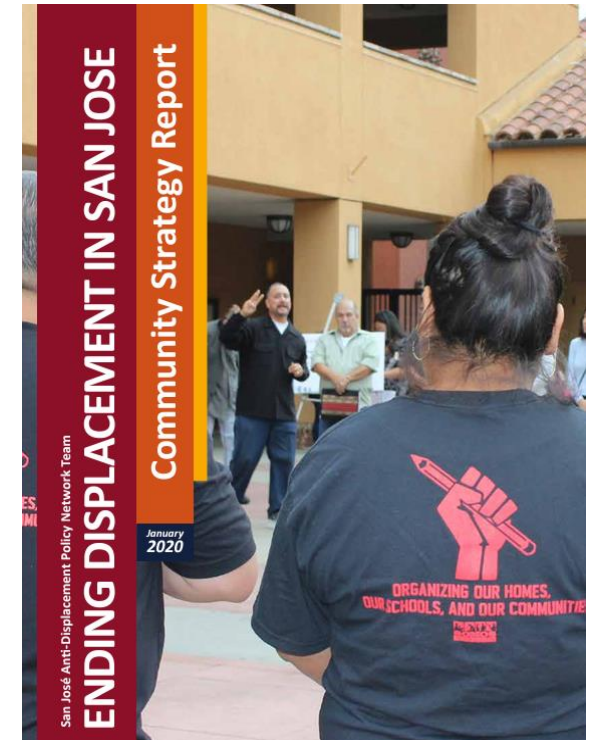
## 🏠 Goals

- Prevent displacement of lower-income renters
- Provide appropriate selection of units (sizes and affordability levels)
- Allow residents to stay have housing choices and stay in San José
- Make best use of scarce publicly-funded affordable housing



# Tenant Preferences: History

- 🏠 City Council direction in 2017
- 🏠 A priority in the Community Report on Ending Displacement in San José
- 🏠 Prioritized by community groups and stakeholders
- 🏠 Included in the Citywide Anti-Displacement Strategy (adopted 2020)
- 🏠 Included in the Housing Element 2023-2031 as required program work
- 🏠 Informed by other cities' preferences and fair housing law



# Requirements to Approve Tenant Preferences

- **Analysis conducted for Fair Housing requirements**
  - Anti-Displacement: Race, Disability, Family Size, Women HOH, Veteran Status, Seniors (protected classes)
  - Neighborhood: 1-mile, 2-mile, Council District for all Races
- **State Housing & Community Development (HCD) requirements & SB 649**
  - State Senate Bill 649 (2021)
  - HCD: Approve tenant preferences proposals after reviewing analyses
- **City Council approval**



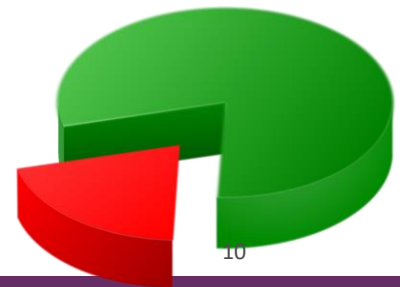




# Two Proposed Preferences to Fight Displacement

## 1. Citywide Anti-Displacement Tenant Preference

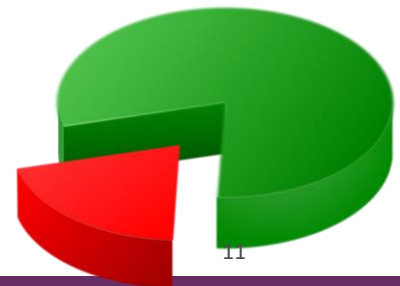
- **Definition:** Requires a portion of affordable apartments in subject properties be reserved/prioritized for applicants from definitive or probable displacement areas
- **Applicants:** Lower-income ( $\leq 80\%$  AMI), currently living in Census tract categorized as having definitive or probable displacement
- **Affordable properties:** New and existing properties throughout San José



# Two Proposed Preferences to Fight Displacement

## 2. Neighborhood Tenant Preference

- **Definition:** Requires a portion of affordable apartments in subject properties be reserved/prioritized for applicants who already live in the same City Council District of the property
- **Applicants:** Lower-income ( $\leq 80\%$  AMI), currently living in same City Council district as subject property
- **Affordable properties:** New and existing properties in San José in same City Council district as preferenced applicant



# Proposed Framework: Applicability

## 🏠 Types of deals

- City-funded deals for new construction and acq/rehab
- Deals subject to negotiated agreements (e.g., Development Agreements)
- Existing City-funded affordable deals (worked in on a deal-by-deal basis)
- Does include senior housing
- Does not include restricted affordable units for special populations, or those not funded by City

## 🏠 Phase-in

- All subject properties 'in process' by the effective date of the approved ordinance



# Proposed Framework: Applicability

## 🏠 Preferences apply to

- Up to a total of 35% of all restricted affordable units otherwise available to the general public in a subject property
  - Limit of 15% of units for Neighborhood Preference
  - Remainder of the 35% of units for Anti-Displacement Preference
- Disparate Impact Analysis results limit the preference applicability to 35% to ensure fair housing requirements are met
  - Analysis will be conducted periodically, and preference applicability will be updated accordingly



# Proposed Framework: Implementation

## 🏠 Housing Department would:

- Integrate preferences into online tenant application portal (Doorway): <https://housing.sanjoseca.gov/listings>
  - Explanation of preferences
  - Geocoding of Census tracts for both preferences
- Place preferences into new and modified properties' loan documents
- Create manual for property managers





# Proposed Framework: Implementation

## 🏠 Property managers would:

- Receive list of applicants
- Apply the tenant preferences to 35% of the general restricted units in the property
- Qualify applicants, including those eligible for one or both preferences
  - Income eligibility
  - Applicant's current address in displacement Census tract and/or same Council District as the property



# Proposed Framework: Implementation

## 🏠 A San José resident would:

- Apply for a specific property that is accepting applications
  - On Doorway tenant portal (English, Spanish, Vietnamese, and Chinese)
  - Paper application
- Provide their current residential address, household size, and income with evidence
- Read about the tenant preferences they qualify for and automatically be selected for those preferences
  - Or opt-out of the tenant preferences they qualify for, if they choose
  - Applicants qualifying for both preferences would be placed higher on the priority list
- Be placed on property managers' qualified tenant preferences list(s)





# Proposed Framework: Engagement & Education

- 🏠 Create materials for community distribution
  - 🏠 Audience: community partners
  - 🏠 Target locations: public sites (libraries, City buildings), affordable housing sites
- 🏠 Hold information sessions with property managers post-adoption
- 🏠 Make community presentations at or near new affordable sites



# Next Steps

- 🏠 Summer/Fall 2023: Present draft framework to property owners and managers, stakeholders, and the public
  - Hold public meetings in August
  - Make presentations to stakeholders
  - Revise framework based on feedback
- 🏠 September - December 2023: Present to public bodies
  - Housing and Community Development Commission: 9/14/2023
  - Community and Economic Development Committee: 10/23/2023
  - City Council
- 🏠 December 2023: Integrate tenant preferences into online affordable housing portal (Doorway)



# Discussion & Q&A

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# Thank You!

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Tenant Preferences Webpage: <https://bit.ly/tenantpreferences>  
Sign-up for emails: <https://bit.ly/SJHousingEmails>