

**HOUSING & COMMUNITY DEVELOPMENT COMMISSION**  
**SPECIAL MEETING ACTION MINUTES**  
**MARCH 21, 2016**

**MEMBERS PRESENT:**

Martha O’Connell	Chair
Davlyn Jones	Vice Chair
Michael Fitzgerald	Commissioner
Bob Gill	Commissioner
Mike Graves	Commissioner
Alex Shoor	Commissioner (arrived at 5:38PM)
Melissa Medina	Commissioner
Steven Neff	Commissioner
Lee Thompson	Commissioner
Gary Prideaux	Commissioner
Victoria Johnson	Commissioner (exited at 8:49PM)

**MEMBERS ABSENT:** None

**STAFF:**

Jacky Morales-Ferrand	Housing Department
Wayne Chen	Housing Department
Ann Grabowski	Housing Department
Ramo Pinjic	Housing Department
Robert Lopez	Housing Department
Paul Lippert	Housing Department
Maria Haase	Housing Department
Dan Block	Vice Mayor Herrera’s Office

**(a) Call to Order/Orders of the Day**—Chair O’Connell opened the meeting at 5:32pm. Commissioner Jones made the motion to approve the Orders of the Day with a second by Commissioner Graves. The motion passed unanimously (10:0).

**(b) Introductions**—Commissioners, staff, and audience introduced themselves.

**(d) Chair’s Report (Chair O’Connell)**

Chair O’Connell announced that Spanish translation is available from a translator at the front of the Chambers. Chair O’Connell also reminded the attendants of the meeting to respect the right to speak and asked for civil discourse.

**(e) Review and discussion of Draft Staff Recommendations for Modifications to the Apartment Rent Ordinance (Housing Staff)**

**ACTION:** Possible recommendations to City Council on:

Mr. Chen presented the draft staff recommendations for modifications to the apartment rent ordinance. Mr. Chen took questions and comments from the Commission and audience. Approximately 44 people commented that they were against the modifications to the apartment rent ordinance. Approximately 43 people commented that they were in favor of the modifications to the apartment rent ordinance.

## DRAFT

The Housing & Community Development Commission voted on each draft recommendation for modification to the City of San Jose Apartment Rent Ordinance separately. The motions and votes are outlined below.

### **1. Base the annual increase on 100% of the Consumer Price Index for all Urban Consumers (SF-Oakland-SJ), allow banking, allow for a floor of 2% and a cap of 8%, set the base year rent at January 1, 2015, set the base year for Maintenance of Net Operating Income as 2013.**

1<sup>st</sup> Motion:

Commissioner Graves made the motion to oppose to base the annual increase on 100% of the Consumer Price Index for all Urban Consumers (SF-Oakland-SJ), allow banking, allow for a floor of 2% and a cap of 8%, set the base year rent at January 1, 2015, set the base year for Maintenance of Net Operating Income as 2013. The motion was seconded by Commissioner Fitzgerald.

**The motion failed 2-8 by roll call vote.**

Yeas: Graves, Fitzgerald

Noes: Neff, Thompson, Shoor, Medina, O'Connell, Jones, Prideaux, Gill

2<sup>nd</sup> Motion:

Commissioner Thompson made the motion that the 8% straight line cap be eliminated and that the floor and cap percentages be studied further. **Motion did not receive a second and failed to proceed.**

3<sup>rd</sup> Motion:

Commissioner Shoor made the motion to recommend staff's recommendation to base the annual increase on 100% of the Consumer Price Index for all Urban Consumers (SF-Oakland-SJ), allow banking, allow for a floor of 2% and a cap of 8%, set the base year rent at January 1, 2015, set the base year for Maintenance of Net Operating Income as 2013. The motion was seconded by Commissioner Jones.

**The motion passed 6-4 by roll call vote.**

Yeas: Thompson, Shoor, O'Connell, Jones, Prideaux, Gill

Noes: Neff, Graves, Medina, Fitzgerald

### **2. Eliminate the Debt-Service Pass-Through**

Commissioner Shoor made the motion to eliminate the debt-service pass-through. The motion was seconded by Chair O'Connell. **The motion passed 7-3 by roll call vote.**

Yeas: Thompson, Shoor, Medina, O'Connell, Jones, Prideaux, Gill

Noes: Neff, Graves, Fitzgerald

### **3. Adopt the MNOI standard for Capital Improvements and adopt a limited Capital Improvement Incentive Program**

Chair O'Connell made the motion to adopt the MNOI standard for Capital Improvements and adopt a limited Capital Improvement Incentive Program. Commissioner asked to make a friendly amendment to strike the word "limited" from the recommendation to ensure that there is a broad list of capital

## **DRAFT**

improvements that can be included. Chair O'Connell accepted the friendly amendment. The motion was seconded by Commissioner Gill. **The motion passed 7-3 by roll call vote.**

Yeas: Thompson, Shoor, Medina, O'Connell, Jones, Prideaux, Gill

Noes: Neff, Graves, Fitzgerald

### **4. Revise the Notifications Requirements and Amendments to facilitate monitoring and enforcement including increasing staffing levels**

Commissioner Jones made the motion to revise the notifications requirements and amendments to facilitate monitoring and enforcement including increasing staffing levels. The motion was seconded by Commissioner Prideaux.

**The motion passed 6-4 by roll call vote.**

Yeas: Shoor, Medina, O'Connell, Jones, Prideaux, Gill

Noes: Neff, Thompson, Graves, Fitzgerald

### **5. Do not include duplexes**

1<sup>st</sup> Motion

Commissioner Shoor made the motion to include duplexes in staff's recommendation. The motion was seconded by Chair O'Connell.

**The motion failed 4-6 by roll call vote.**

Yeas: Shoor, Medina, O'Connell, Gill

Noes: Neff, Thompson, Graves, Jones, Prideaux, Fitzgerald

2<sup>nd</sup> Motion

Commissioner Graves made the motion to not include duplexes. The motion was seconded by Commissioner Prideaux.

**The motion passed 7-3 by roll call vote.**

Yeas: Neff, Thompson, Graves, Jones, Prideaux, Gill, Fitzgerald

Noes: Shoor, Medina, O'Connell

### **6. Do not include income qualification criteria**

Commissioner Shoor made the motion to not include income qualification criteria. The motion was seconded by Vice Chair Jones.

**The motion passed 7-3 by roll call vote.**

Yeas: Neff, Thompson, Shoor, O'Connell, Jones, Prideaux, Fitzgerald

Noes: Gill, Graves, Medina

### **7. Develop an Anti-Retaliation and Protection Ordinance**

## **DRAFT**

### 1<sup>st</sup> Motion

Chair O'Connell made the motion to support a full good/just cause eviction ordinance. The motion was seconded by Commissioner Shoor.

**The motion passed 7-3 by roll call vote.**

Yeas: Thompson, Shoor, Medina, O'Connell, Jones, Prideaux, Gill

Noes: Neff, Graves, Fitzgerald

### 2<sup>nd</sup> Motion

Chair O'Connell made the motion to the City Council to develop an anti-retaliation and protection ordinance if the City Council does not consider a full good/just cause ordinance. The motion was seconded by Vice Chair Jones.

**The motion passed 6-3-1 by roll call vote.**

Yeas: Thompson, Shoor, Medina, O'Connell, Jones, Prideaux

Noes: Neff, Graves, Gill

Abstained: Fitzgerald

## **8. Recommendation Follow-up**

Commissioner Thompson made the motion to recommend that each, any, or all, of staff's recommendations return to the Housing & Community Development Commission if substantial changes are made, before the City Council makes a final decision. The motion was seconded by Commissioner Graves. **The motion passed unanimously (10-0) by roll call vote.**

Yeas: Neff, Thompson, Shoor, Medina, Graves, O'Connell, Jones, Prideaux, Gill, Fitzgerald

Noes: None

### **(h) Open Forum**

No public comment.

### **(i) Adjournment**

Chair O'Connell adjourned the meeting at 10:00pm.