

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

REGULAR MEETING ACTION MINUTES

APRIL 13, 2017

MEMBERS PRESENT:

Mike Graves	Chair
Melissa Medina	Vice Chair
Davlyn Jones	Commissioner
Martha O’Connell	Commissioner
Bob Gill	Commissioner
Andrea Wheeler	Commissioner
Alex Shoor	Commissioner (6:02pm)
Lee Thompson	Commissioner
Michael Fitzgerald	Commissioner
Nhi Nguyen	Commissioner

MEMBERS ABSENT: None

STAFF:

Dave Bopf	Housing Department
Rachel VanderVeen	Housing Department
Robert Lopez	Housing Department
Helen Chapman	Councilmember Jimenez’s Liaison

(I) Call to Order/Orders of the Day— Chair Graves opened the meeting at 5:47pm.

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

(III) Consent Calendar

A. Approve the Minutes for the Special Meeting of March 2, 2017

Commissioner Thompson made the motion to approve the minutes for the March 2, 2017 special meeting with edits to correct the votes for the Draft Ellis Act Ordinance. The motion was seconded by Vice-Chair Medina. The motion passed unanimously (9-0).

(IV) Reports and Information Only

A. Chair – Chair Graves announced that the Rental Rights program fees would be deferred to next month.

B. Director

Mr. Bopf reported on upcoming items to be considered by the Commission and City Council as well as actions in response to the flood.

C. Council Liaison – No report.

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(VI) New Business

A. **Draft Tenant Protection Ordinance (R. VanderVeen, Housing Department)**

1. Commissioner O'Connell made the motion to recommend to the City Council policy alternative #2 to "Implement an Ordinance with Just Cause Eviction Requirements". The motion was seconded by Commissioner Jones. Commissioner Shoor added a friendly amendment to include "with automatic enrollment for all tenants", which was accepted by Commissioner O'Connell. The motion passed 8-1-1 by roll call vote.
Yes: O'Connell, Wheeler, Nguyen, Gill, Medina, Jones, Shoor, Thompson
No: Fitzgerald
Abstain: Graves
2. Commissioner Fitzgerald made the motion to recommend to the City Council to approve an Ordinance adding Part 12 to Chapter 17.23 of the San Jose Municipal Code to include a Tenant Protection Ordinance limiting no-cause evictions and establishing requirements for property owners to state a Just Cause for eviction in certain limited circumstances and amending the ordinance to not include Parts 1 & 2. The motion was seconded by Chair Graves. Commissioner Thompson made a friendly amendment to include the language "If the Ordinance adding Part 12 to Chapter 17.23...is approved, then the ordinance should be amended to not include Parts 1 & 2. The motion failed 2-7-1 by roll call vote.
Yes: Fitzgerald, Graves
No: O'Connell, Jones, Wheeler, Gill, Medina, Shoor, Thompson
Abstain: Nguyen
3. Commissioner Shoor made the motion to recommend to the City Council that the Tenant Protection Ordinance cover duplexes, single family homes, condominiums, townhouses, and second units with full automatic enrollment for all tenants. The motion was seconded by Commissioner O'Connell. The motion passed 7-3 by roll call vote.
Yes: O'Connell, Jones, Wheeler, Gill, Nguyen, Medina, Shoor
No: Fitzgerald, Graves, Thompson
4. Commissioner Wheeler made the motion to recommend to the City Council to add "unlawful use of unit" to the list of just causes for eviction. The motion was seconded by Commissioner O'Connell. The motion passed unanimously (10-0).
5. Commissioner Shoor made the motion to recommend to the City Council that if automatic enrollment for all tenants is not part of the just cause eviction requirements, then it should require a 12-month written lease for all tenants. The motion was seconded by Commissioner Gill. The motion passed 8-2 by roll call vote.
Yes: O'Connell, Jones, Wheeler, Gill, Nguyen, Graves, Medina, Shoor
No: Fitzgerald, Thompson
6. Commissioner Thompson made the motion to recommend to the City Council to direct the City Manager to instruct staff to return with an amendment to Ordinance

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No. 28730 (the Interim Apartment Rent Ordinance) to remove the exemption for units with rental subsidies and to make that change to the forthcoming revised Apartment Rent Ordinance. The motion was seconded by Commissioner O'Connell. The motion passed unanimously (10-0).

7. Commissioner Thompson made the motion to recommend to the City Council to direct the City Manager to instruct staff to explore tenant benefits and administration provided by existing relocation policies in the San Jose Municipal Code. The motion was seconded by Commissioner Gill. The motion passed unanimously (10-0).

(VII) Public Comment

Ms. Cartwright commented that she hopes the Commission has a more inviting environment for people who attend meetings in the future.

(VIII) Meeting Schedule

The next regular meeting will be on Thursday, May 11, 2017 at 5:45PM, in the San Jose City Hall Wing Rooms 118-120.

(IX) Adjournment

Chair Graves adjourned the meeting at 9:39m.