

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

SPECIAL MEETING ACTION MINUTES

OCTOBER 5, 2017

MEMBERS PRESENT: Mike Graves Chair
Alex Shoor Vice Chair
Davlyn Jones Commissioner
Martha O’Connell Commissioner
Melissa Medina Commissioner (6:12pm)
Huy Tran Commissioner
Andrea Wheeler Commissioner
Michael Fitzgerald Commissioner
Julie Quinn Commissioner
Ruben Navarro Commissioner
Lee Thompson Commissioner (5:53pm)
Barry Del Buono Commissioner

MEMBERS ABSENT: Nhi Nguyen Commissioner

STAFF: Jacky Morales-Ferrand Housing Department
Rachel VanderVeen Housing Department
Robert Lopez Housing Department
Viviane Nguyen Housing Department
Helen Chapman Councilmember Jimenez’s Office
Charles Oshinuga City Attorney’s Office

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

Under Orders of the Day, Commissioner O’Connell made the motion to allow the Housing Department to present all three agenda items at once and allow the public to comment on each agenda item for 2 minutes. The motion was seconded by Commissioner Wheeler and passed unanimously (10:0)

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

(III) New Business

A. Revisions to Draft Apartment Rent Ordinance and Regulations (R. VanderVeen, Housing Department)

ACTION: Accept staff report and provide recommendations to the City Council on:

- 1.** Proposed substantial revisions to the draft Apartment Rent Ordinance (ARO) and Regulations pertaining to:
 - a.** Rent: Modifications to the annual allowable increase, including increase of CPI-U option to 8%; allowing rent increases to exceed annual allowable increases for voucher-holders; Limit rent increases under the CPI-U Maximum Allowable Rent to 8% annually.

DRAFT

Commissioner Tran made the motion to adopt the 4% allow increase option with no banking, 100% amortization, and no program fees with a second by Commissioner O'Connell. The motion failed by roll call vote (6-6).

Yes: Tran, Quinn, O'Connell, Shoor, Medina, Navarro

No: Thompson, Jones, Graves, Fitzgerald, Del Buono, Wheeler

Commissioner Wheeler made the motion to adopt the 5% allow increase option with no banking, 100% amortization, and no program fees with a second by Commissioner Fitzgerald.

Commissioner O'Connell made a substitute motion to adopt the CPI with 4% ceiling with a second by Commissioner Shoor. The motion failed by roll call vote (5-7)

Yes: Tran, Quinn, O'Connell, Shoor, Navarro

No: Thompson, Jones, Graves, Medina, Fitzgerald, Del Buono, Wheeler

Chair Graves called Commissioner Wheeler's original motion to roll call vote and the motion passed (10-2).

Yes: Tran, Quinn, Thompson, Jones, O'Connell, Graves, Medina, Fitzgerald, Wheeler, Del Buono

No: Shoor, Navarro

Commissioner Shoor made the motion to consider adding duplexes to the Apartment Rent Ordinance to the November meeting agenda with a second by Commissioner Del Buono. The motion passed by roll call vote (8-4).

Yes: Del Buono, Quinn, Thompson, O'Connell, Shoor, Medina, Navarro, Wheeler

No: Tran, Jones, Graves, Fitzgerald

- b. Specified Capital Improvements: Allow 100% pass through for building permit and require a licensed contractor; provide modified amortization periods; construction must be completed within 12 months prior to submitting petition and limiting pass throughs when CPI-U exceeds 5%.

Commissioner Tran made the motion to Allow 100% pass through for building permit and require a licensed contractor; provide modified amortization periods; construction must be completed within 12 months prior to submitting petition and limiting pass throughs when CPI-U exceeds 5% with a second by Commissioner Del Buono.

Commissioner Fitzgerald made a substitute motion to withdraw the licensed contractor language with a second by Commissioner O'Connell. The substitute motion failed by roll call vote (3-9).

Yes: O'Connell, Graves, Fitzgerald

No: Tran, Quinn, Thompson, Jones, Shoor, Medina, Navarro, Del Buono, Wheeler

DRAFT

Chair Graves called Commissioner Tran's original motion to roll call vote and the motion passed (9-3).

Yes: Tran, Quinn, Thompson, Jones, Shoor, Medina, Navarro, Del Buono, Wheeler

No: O'Connell, Graves, Fitzgerald

- c. Allow City Council to authorize ratio utility billing (RUBS) at initial tenancy by resolution.

Commissioner Wheeler made the motion to authorize ratio utility billing (RUBS) at initial tenancy by resolution with the condition that the City Council not approve a resolution until the issue is considered before the Housing & Community Development Commission. Commissioner Shoor seconded the motion.

Commissioner O'Connell made a substitute motion to allow City Council to authorize ratio utility billing (RUBS) at initial tenancy by resolution with a second by Commissioner Jones. The motion failed by roll call vote (5-7).

Yes: O'Connell, Shoor, Navarro, Del Buono, Wheeler

No: Tran, Quinn, Thompson, Jones, Graves, Medina, Fitzgerald

Chair Graves called Commissioner Wheeler's original motion to roll call vote and the motion failed (5-7).

Yes: Thompson, Jones, O'Connell, Graves, Fitzgerald

No: Tran, Quinn, Shoor, Medina, Navarro, Del Buono, Wheeler

Commissioner Tran made the motion to not recommend ratio utility billing (RUBS) with a second by Commissioner Graves. The motion passed by roll call vote (10-2).

Yes: Tran, Quinn, Thompson, Jones, O'Connell, Shoor, Medina, Navarro, Del Buono, Wheeler

No: Graves, Fitzgerald

- d. Allow joint petition for additional occupants for both the 5% and CPI-U options.

Commissioner Tran made the motion to allow joint petition for additional occupants for both the 5% and CPI-U options with a second by Commissioner Quinn. The motion passed by roll call vote (9-2-1).

Yes: Tran, Quinn, Thompson, Jones, O'Connell, Graves, Medina, Del Buono, Wheeler

No: Fitzgerald, Navarro

Abstain: Shoor

- e. Appeals under Chapter 6 (violations of the ARO) will be heard by a Hearing Officer; Under Chapter 7 (Service Reductions) reinstate formal mediation with a hearing officer, but retain voluntary participation.

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Commissioner O’Connell made the motion to recommend that Appeals under Chapter 6 (violations of the ARO) will be heard by a Hearing Officer; Under Chapter 7 (Service Reductions) reinstate formal mediation with a hearing officer, but retain voluntary participation, with a second by Commissioner Jones. The motion passed unanimously (12-0).

- f. Tenant Buyout: Addition of a section allowing and regulating Tenant Buyouts.

Commissioner Wheeler made the motion to recommend the addition of a section allowing and regulating Tenant Buyouts, but to remove the language “if requested” and make the handover mandatory by the landlord. Commissioner Shoor seconded the motion and added a friendly amendment that would add that the tenant self-identify their primary language. Commissioner Wheeler accepted the friendly amendment. The motion passed unanimously (12-0).

- 2. Recommendation to drop one-year written lease requirement.

Commissioner Thompson made the motion to recommend to drop one-year written lease requirement with a second by Chair Graves. The motion passed unanimously (12-0).

B. Amendments to the Tenant Protection Ordinance

ACTION: Accept staff report and provide recommendations to the City Council on amendments to the Tenant Protection Ordinance.

Commissioner O’Connell made the motion to accept the staff report and add parents to the household occupancy of Section 2 A.2.b.ii of the Tenant Protection Ordinance with a second by Commissioner Jones. The motion passed 11-0-1 with Commissioner Shoor abstaining from the vote.

C. Apartment Rent Ordinance Staffing and Fee Analysis

ACTION: Accept staff report and provide recommendations to the City Council on the Apartment Rent Ordinance staffing and associated Program Administration Fees.

Commissioner Thompson made the motion to accept the staff report and recommend the Apartment Rent Ordinance staffing and associates Program Administration Fees with a second by Commissioner Jones. The motion passed unanimously (11-0).

(IV) Public Comment

Community member that did not identify themselves thanked the Commission for their questions of the issues.

Commissioner Thompson thanked staff for staying late and putting together all the information for the meeting.

Commissioner Fitzgerald thanked staff and the Chair for moving the meeting along in a timely manner.

DRAFT

(VII) Meeting Schedule

The next regular meeting will be on Thursday, October 12, 2017 at 5:45PM, in the San Jose City Hall Wing Rooms 118-120.

(IX) Adjournment

Chair Graves adjourned the meeting at 11:51pm.