

**HOUSING & COMMUNITY DEVELOPMENT COMMISSION**

**REGULAR MEETING ACTION MINUTES**

**SEPTEMBER 14, 2017**

<b>MEMBERS PRESENT:</b>	Mike Graves	Chair
	Davlyn Jones	Commissioner
	Martha O’Connell	Commissioner
	Melissa Medina	Commissioner
	Huy Tran	Commissioner
	Andrea Wheeler	Commissioner
	Alex Shoor	Vice Chair (Arrived 6:23pm)
	Michael Fitzgerald	Commissioner
	Nhi Nguyen	Commissioner (Exited 8:48pm)
	Julie Quinn	Commissioner
	Ruben Navarro	Commissioner
	Lee Thompson	Commissioner
	Barry Del Buono	Commissioner

**MEMBERS ABSENT:** None

<b>STAFF:</b>	Jacky Morales-Ferrand	Housing Department
	Ray Bramson	Housing Department
	James Stagi	Housing Department
	Rachel VanderVeen	Housing Department
	Kathryn Kaminski	Housing Department
	Robert Lopez	Housing Department
	Viviane Nguyen	Housing Department
	Helen Chapman	Councilmember Jimenez’s Office

**(I) Call to Order/Orders of the Day**— Chair Graves opened the meeting at 5:46pm.

Chair Graves announced that because Open Forum was left off the agenda that the Commission would hold an Open Forum at the beginning and at the end of the meeting.

Under Orders of the Day, Commissioner O’Connell commented that documents submitted from the public to the Commission are difficult to review when they are submitted late as Commission members do not always have the time to constantly check e-mail or read during the meeting and that members of the public should take timing into account when they submit documents.

**(II) Open Forum**

Member of the public identified himself as Ken commented that the Tenant Protection ordinance should not be considered by itself, but along together with the Apartment Rent Ordinance and Ellis Act.

Member of the public identified himself as Sergio asked the City what is was going to do to protect residents from the homeless in the Evans Lane neighborhood. He commented that he is

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a resident of Evans Lane and has had his house broken into. He also submitted photographs into the public record.

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

### **(IV) Consent Calendar**

A. Approve the Minutes for the Regular Meeting of August 10, 2017

Commissioner Jones made the motion to approve the action minutes for the August 10, 2017 regular meeting with a friendly amendment by Commissioner O’Connell to correct the name of “Sherman Adams” from the Open Forum comments. The motion was seconded by Commissioner Fitzgerald. The motion passed unanimously (12-0).

### **(IV) Reports and Information Only**

A. Chair – None

B. Director’s Report – Mr. Bramson updated the Commission on the Bridge Housing Development from the previous City Council Meeting. Ms. Morales-Ferrand reported on upcoming City Council items that include the Affordable Housing Impact Fee program updates and Mobilehome General Plan Overlay Updates.

C. Council Liaison – None

### **(V) Old Business - None**

### **(VI) New Business**

A. Public Hearing for the FY 2016-17 Consolidated Annual Performance and Evaluation Report (CAPER) (K. Kaminski, Housing Department)  
ACTION: Hold the first of two Public Hearings on the FY 2016-2017 CAPER and Recommend City Council approval of the FY 2016-2017 CAPER.

Commissioner O’Connell commented that all protected classes should be listed on page 24 of the CAPER.

Chair Graves opened the public hearing.

Melissa Morris, Law Foundation: Ms. Morris commented that the Law Foundation received federal CDBG funds and that they use the funding to educate tenants about fair housing laws and obligations, protects tenants from displacement, harassment, discrimination, and helps to stabilize housing.

Chair Graves closed the public hearing.

Commissioner Wheeler commented that the Department develop a type of cost\benefit model or best practices to evaluate federally funded programs.

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Commissioner Jones commented that the Department should include LGBT data in its CAPER report.

**Commissioner Wheeler made the motion to accept the report and recommend City Council approval of the FY 2016-2017 CAPER with the request of staff to add an evaluation component to the FY17-18 report that includes effectiveness and cost aspects of the programs. Commissioner O'Connell added a friendly amendment to include preliminary figures for the next CAPER if final numbers were not available. The friendly amendment was accepted by Commissioner Wheeler with a second by Commissioner Jones. The motion passed (12-1) with Commissioner Thompson voting "no".**

- B. Initial review and discussion of Draft Apartment Rent Ordinance and Regulations, Staffing Plan and Fee Analysis, and additional items (R. VanderVeen, Housing Department)

ACTION: Accept staff report and provide recommendations to Staff on:

1. New Apartment Rent Ordinance (ARO) and Regulations including consideration of Option A (CPI based rent increases and other provisions) vs. Option B (maximum 5% rent increases and other provisions)

**Motion #1: Commissioner Shoor made the motion to support CPI based rent increases with a floor of 2% and maximum of 6%. Commissioner Tran seconded the motion.**

*Chair Graves made a substitute motion to support Option B - maximum 5% rent increases. Commissioner Fitzgerald seconded the motion. The substitute motion failed (4-8) by roll call vote.*

*Yes: Graves, Fitzgerald, Thompson, Wheeler*

*No: Tran, Shoor, Quinn, Jones, O'Connell, Medina, Navarro, Del Buono*

**Chair Graves called Commissioner Shoor's original motion to roll call vote. The motion passed (8-4) by roll call vote.**

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

**No: Graves, Fitzgerald, Thompson, Wheeler**

**Motion # 2: Commissioner Shoor made the motion to not allow banking with a second by Commissioner O'Connell. The motion passed (7-5) by roll call vote.**

**Yes: Tran, Shoor, O'Connell, Medina, Navarro, Del Buono, Wheeler**

**No: Quinn, Thompson, Jones, Graves, Fitzgerald**

**Motion # 3: Commissioner Tran made the motion to adopt the language under Option A concerning rent increases for additional occupants, but also add caregivers and parents to the exception in addition to the tenant's spouse and children, as well as ask staff to come back with different percentage rent increase scenarios. Commissioner Shoor seconded the motion. The motion passed unanimously (12-0).**

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**Motion #4: Commissioner Jones made the motion to not recommend the Ratio Utility Billing System (RUBS) with a second by Commissioner O’Connell. The motion passed (7-3-2) by roll call vote.**

**Yes: Tran, Quinn, Jones, O’Connell, Medina, Navarro, Del Buono**

**No: Thompson, Graves, Fitzgerald**

**Abstain: Shoor, Wheeler**

**Motion #5: Commissioner Wheeler made the motion to request that staff bring back numbers on utility costs and look into alternatives to RUBS with a second by Commissioner O’Connell. Commissioner O’Connell added a friendly amendment to include the cost to install individual meters, which was accepted by Commissioner Wheeler. The motion pass unanimously (12-0).**

**Motion #6: Commissioner O’Connell made the motion to recommend support of the petition process defined in the Regulations. Commissioner Jones seconded the motion. The motion passed unanimously 12-0.**

2. Staffing Plan and Fee Analysis
3. Additional items not currently included in the ARO
  - a. Adding Duplexes to the ARO
  - b. Adding a one-year lease requirement to the ARO
  - c. Establishing a separate voluntary meditation program

**Motion #7: Commissioner Wheeler made the motion to not consider adding duplexes to the Apartment Rent Ordinance with a second by Commissioner Thompson. The motion passed (8-4) by roll call vote.**

**Yes: Quinn, Thompson, Jones, O’Connell, Graves, Medina, Fitzgerald, Wheeler**

**No: Tran, Shoor, Navarro, Del Buono**

**Motion #8: Commissioner Graves made the motion to defer the staffing plan, fee analysis, as well as the one-year lease requirement and establishing a separate voluntary mediation program until the next meeting either on October 5<sup>th</sup> or October 12<sup>th</sup>. Commissioner O’Connell seconded the motion. The motion passed unanimously (12-0).**

- C. Rental Rights and Referrals Program Annual Report (R. VanderVeen, Housing Department)  
ACTION: Informational only

**Commissioner O’Connell made the motion to defer this item to the November HCDC meeting with a second by Commissioner Fitzgerald. The motion passed unanimously (12-0).**

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### (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.

### (VIII) Open Forum

Vice Chair of the San Jose Neighborhoods Commission, Jonathan Fleming, read a letter on behalf of the Neighborhood Commission to the Housing Commission in support of adding the impact of supportive housing on neighborhoods to the Housing Commission's workplan.

A member of the public from Willow Glen mobile estates who did not disclose their name asked the Commission if they (HCDC) knew what the impact of their decision was concerning the approval of a housing project near his mobilehome park.

### (IX) Adjournment

Chair Graves adjourned the meeting at 12:07am on Friday, September 15, 2017.