

District 1— Justin Lardinois
District 3— Barry Del Buono
District 5— Ruben Navarro
District 7— Vacant
District 9— Julie Quinn
Mayor — Nhi Duong

(VC) Alex Shoor — District 2
Huy Tran — District 4
(C) Andrea Wheeler — District 6
Lee Thompson — District 8
Michael Fitzgerald — District 10
Martha O’Connell — CAAC MR
Ryan Jasinsky — CAAC ML

*Commissioners are appointed by corresponding Council Members, but do not represent the Council District.

SPECIAL MEETING AGENDA

DECEMBER 13, 2018

ROOSEVELT COMMUNITY CENTER

5:45PM

I. Call to Order & Orders of the Day

A. Item VII.C, Status Update on Google-related Actions, is subject to staff availability.

II. Introductions

III. Consent Calendar

A. Approve the Minutes for the Regular Meeting of November 8, 2018
ACTION: Approve the November 8, 2018 action minutes

IV. Reports and Information Only

- A. Chair
- B. Director
- C. Council Liaison

V. Open Forum

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

VI. Old Business

A. Rent Stabilization Program Quarterly Reports for Apartments and Mobilehomes (F. Tran, Housing Department)

ACTION: Review information from the Rent Stabilization Program quarterly reports for apartments and mobilehomes (Informational only).

VII. New Business

A. Mobilehome Park Conversion Policy 6-33 Regarding Evictions Monitoring (K. Clements, Housing Department)

ACTION: Consider writing a letter to City Council to request additional scrutiny of evictions at mobilehome parks subject to potential conversions in land use.

B. General Plan 2040 Text Amendments and Other Changes regarding Affordable Housing

(K. Clements, Housing Department)

ACTION: Provide input on draft letter and approve submission of final letter of Commission support for the four proposed General Plan Text Amendments and other changes as written considered by the Commission at its November 2018 meeting concerning mobilehome parks, housing preservation, and affordable housing to the Planning Commission and City Council, as timing allows.

C. Status Update on Google-related Actions

(L. Severino, Office of Economic Development)

ACTION: Receive update on the City Council's consideration of Google-related actions for the Diridon Station Area regarding housing and community development-related issues (Informational only).

VIII. Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

IX. Meeting Schedule

The next regular meeting is scheduled to be held on Thursday, January 10, 2019 or Thursday, January 17, 2019 at the Roosevelt Community Center, 901 E. Santa Clara St, San José, CA 95116.

X. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/hcdc>.

Correspondence to the Housing & Community Development Commission is public record and will become part of the City's electronic records, which are accessible through the City's website. Before posting online, the following may be redacted: addresses, email addresses, social security numbers, phone numbers, and signatures. However, please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the Housing & Community Development Commission, will become part of the public record. If you do not want your contact information included in the public record, please do not include that information in your communication.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

On occasion the Commission may consider agenda items out of order.

The Housing & Community Development Commission meets every Second Thursday of each month (except for July and December) at 5:45pm, with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

City of San José
Attn: Viviane Nguyen
200 East Santa Clara Street, 12th Floor
San José, California 95113
Tel: (408) 975-4462
Email: viviane.nguyen@sanjoseca.gov

Para residentes que hablan español: Si desea mas información, favor de llamar a Theresa Ramos al 408-975-4475.

Riêng đối với quý vị nói tiếng Việt : Muốn biết thêm chi-tiết, xin vui lòng tiếp xúc với Viviane Nguyen, Đ.T. 408-975-4462.

對於說華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。說粵語的居民則請撥打 408-975-4425 與 Yen Tiet 聯絡。

Para sa mga residente na ang wika ay tagalog: Kung kinakailangan pa ninyo ng inpormasyon, tawagan si Shirlee Victorio sa 408-975-2649. Salamat Po.

**HOUSING & COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING ACTION MINUTES**

NOVEMBER 8, 2018

MEMBERS PRESENT:

Andrea Wheeler	Chair
Alex Shoor	Vice Chair
Martha O’Connell	Commissioner
Barry Del Buono	Commissioner
Ruben Navarro	Commissioner (Arrived 6:42 PM, Exited 9:30 PM)
Huy Tran	Commissioner
Nhi Duong	Commissioner (Arrived 6:15 PM)
Ryan Jasinsky	Commissioner (Exited 10:45 PM)
Justin Lardinois	Commissioner (Arrived 6:18 PM)
Michael Fitzgerald	Commissioner

MEMBERS ABSENT:

Melissa Medina	Commissioner
Julie Quinn	Commissioner
Lee Thompson	Commissioner

STAFF:

Helen Chapman	Council Liaison
Kristen Clements	Housing Department
Selena Copeland	Housing Department
Kelly Hemphill	Housing Department
Viviane Nguyen	Housing Department
Rachel VanderVeen	Housing Department

- (I) **Call to Order/Orders of the Day** – Chair Wheeler opened the meeting at 5:59 PM.
A. Item VII. Open Forum to be heard after IV. Reports and Information Only items
B. Old Business Item VI.C to be heard after items under VII. New Business.
- (II) **Introductions** – Commissioners and staff introduced themselves.
- (III) **Consent Calendar**
- A. Approve the Minutes for the Regular Meeting of October 11, 2018
B. ACTION: Approve the October 11, 2018 action minutes

Commissioner O’Connell moved to approve the minutes with a correction to add “moved” into the motion made by Commissioner Thompson under Item V-B “Potential Policy Concerning Family Affordable Housing,” with a second by Commissioner Jasinsky.

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(IV) Open Forum

Mobilehome resident expressed concerns regarding evictions at Mobilehome Park.

(V) Reports and Information Only

A. Chair – Chair Wheeler wished Commissioner Thompson a quick recovery.

B. Director’s Report – Ms. Kristen Clements provided an update that the three letters written by Commissioners regarding Commercial Impact Fee, State Ballot Propositions, and Family Housing policy were included in the Rules Committee packet on October 24, 2018. Ms. Clements noted that the Community and Economic Development Committee approved an amended Commission Workplan on October 22, 2018. Ms. Clements gave an overview of the forthcoming Affordable Housing Impact Fee annual report.

C. Council Liaison – None.

(VI) Old Business – None

**A. Annual Homeless Report and Homeless Emergency Assistance Program (HEAP)
(K. Clements, Housing Department)**

ACTION: Review additional budget information for homeless programs (Information Only).

Ms. Clements provided additional budget information contained in the Annual Homeless Report and HEAP memo to the Neighborhood Services and Education Committee on November 8, 2018.

**B. Winchester Mobilehome Park Closure and Evictions
(K. Clements, Housing Department)**

ACTION: Review interpretation of Policy 6-33 regarding evictions per Commission question (Information Only).

Ms. Clements provided an update on the interpretation of Policy 6-33.

**C. Station Area Advisory Group (SAAG) Status Update
(A. Wheeler, Commissioner and L. Severino, Office of Economic Development)**

ACTION: Hold Commission-initiated discussion on the Diridon Station Area SAAG civic engagement process status and on its housing and community development-related issues, and make possible recommendation to provide input on these issues to staff or the City Council identified through the SAAG process.

Commissioner Fitzgerald made the motion to defer this item for the next agenda, with a second by Commissioner Del Buono. The motion failed 2-6.

Yes: Fitzgerald, Del Buono

No: Duong, O’Connell, Lardinois, Wheeler, Tran, Shoor

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Commissioner Tran made the motion for stakeholders to evaluate the benefits of a Commercial Impact Fee for businesses in any part of the Diridon Station Area, with a second by Commissioner Lardinois. The motion passed 6-0-2.

Yes: Duong, Del Buono, Lardinois, Wheeler, Tran, Shoor

No: None

Abstain: O'Connell, Fitzgerald

Commissioner Shoor made the motion to recommend to City Council that it require that all housing in the Diridon Station Area developed by Google or its affiliates would be completed within 10 years of conveyance of the City sites to Google, with a second by Commissioner Tran. The motion passed 6-1-1.

Yes: Shoor, Lardinois, Jasinsky, Del Buono, Duong, Tran

No: Fitzgerald

Abstain: O'Connell

Chair Wheeler made the motion that Housing Staff draft a letter on behalf of the Commission recommending these three issues from the August 29, 2018 Station Area Advisory Group Outcomes: 1) "ensure that at least 25% of housing units are offered at below-market rates for lower-income households (ranging from extremely low to moderate)," 2) "build Inclusionary Housing units on-site, rather than pay in lieu fees or build off-site," and 3) "the ultimate goal is no direct/indirect displacement from San Jose, and no increase in homelessness," as the highest priority issues from the Station Area Advisory Group suggestion and delegate the letters' signature to the Chair, with a second by Commissioner O'Connell. The motion passed unanimously 8-0.

(VII) New Business

A. General Plan 2040 Text Amendments and Other Changes regarding Affordable Housing

(M. Brilliot, Planning, Building and Code Enforcement Department)

ACTION: Review information on proposed General Plan amendments regarding affordable housing and mobilehome park preservation issues and make possible recommendation to provide comments to staff, the Planning Commission, and/or the City Council.

Commissioner O'Connell made the motion to support these four proposed General Plan Text Amendments and other changes as written to the Planning Commission and City Council (if timing allows) and for Housing Staff to develop a letter of support, with a second by Commissioner Del Buono. The motion passed 8-2.

Yes: Fitzgerald, Duong, Del Buono, O'Connell, Jasinsky, Lardinois, Wheeler, Navarro

No: Shoor, Tran

B. Actions Related to the Tenant Protection Ordinance: Inclusion of Duplexes, Criminal Activity, and Domestic Violence

(R. VanderVeen, Housing Department)

ACTION: Recommend to the City Council:

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- A. Approve an ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to:
- a) Include duplexes under the Tenant Protection Ordinance;
 - b) Add a provision to require the posting of a notice summarizing the requirements of the Tenant Protection Ordinance including prohibiting retaliation, harassment, and intimidation against tenants based upon their immigration status;
 - c) Add a provision to the criminal activity cause for eviction stating if the tenant is acquitted or the criminal charges which caused termination of tenancy are dismissed, the tenant is permitted to return to the rental unit if the tenant household still resides in the rental unit and consents to the return;
 - d) Add a provision to the unapproved holdover subtenant cause of action to exempt victims of domestic violence;
 - e) Add a provision to require a statement in the notice that the notice is served in good faith and include a reference to the Rent Stabilization Program for referral information (including homeless prevention); and
- B. Provide recommendations to the City Council extending the Non-Rent Control fee to duplexes on a pro-rata basis for 2018-2019.

Commissioner O'Connell made the motion to recommend that the Tenant Protection Ordinance apply to non-owner occupied duplexes, with a second by Commissioner Tran.

Commissioner Fitzgerald made the motion to amend Commissioner O'Connell's motion if the Tenant Protection Ordinance applies to non-owner duplexes, a probationary period of six months apply to all new tenants, with a second by Commissioner Duong. Motion failed 4-5.

Yes: Fitzgerald, Duong, O'Connell, Jasinsky

No: Del Buono, Lardinois, Shoor, Wheeler, Tran

The original motion moved by Commissioner O'Connell passed 7-1-1.

Yes: Duong, Del Buono, O'Connell, Lardinois, Shoor, Wheeler, Tran

No: Fitzgerald

Abstain: Jasinsky

Chair Wheeler made the motion to recommend City Council to direct Housing Staff to investigate extending a probationary period to all units covered by the Tenant Protection Ordinance at a future date and return to the Commission for further discussion, with a second by Commissioner Lardinois. The motion passed 6-3.

Yes: Fitzgerald, Duong, Del Buono, Jasinsky, Lardinois, Wheeler

No: O'Connell, Shoor, Tran

Vice Chair Shoor made the motion to include all duplexes in the Tenant Protection Ordinance as recommended by Housing Staff, with a second by Commissioner Del Buono. The motion failed 2-7.

Yes: Del Buono, Shoor

No: Fitzgerald, Duong, O'Connell, Jasinsky, Lardinois, Wheeler, Tran

Commissioner Lardinois made the motion to recommend to City Council that the Noticing of Rights is presented with the lease at the beginning of tenancy with a friendly

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amendment by Chair Wheeler to replace Staff recommendation of “summarizing” to “listing” of rights under the Tenant Protection Ordinance on the Noticing of Rights, with a second by Commissioner Jasinsky. The motion passed unanimously (9-0).

Commissioner Tran made the motion to recommend approve staff recommendation to add a provision to the criminal activity cause for eviction stating if the tenant is acquitted or the criminal charges which caused termination of tenancy are dismissed, the tenant is permitted to return to the rental unit if the tenant household still resides in the rental unit and consents to the return, with a second by Commissioner Duong. The motion passed unanimously 9-0.

Commissioner Jasinsky made the motion to reject Staff recommendation to add a provision under the unapproved holdover subtenant cause of action to exempt victims of domestic violence, with a second by Commissioner O’Connell. The motion passed 7-1.
Yes: Fitzgerald, Duong, Del Buono, O’Connell, Jasinsky, Wheeler, Tran
No: Lardinois

Commissioner Lardinois made the motion for Housing Staff to return with additional options to City Council to protect survivors of domestic violence, with a friendly amendment by Chair Wheeler to explain that the Commission objected to the unlawful tenancy rights without contract, with a second by Commissioner Jasinsky. The motion passed 8-0-1.

Yes: Fitzgerald, Duong, Del Buono, O’Connell, Jasinsky, Lardinois, Wheeler, Tran
No: None
Abstain: Shoor

Commissioner Tran made the motion to support Staff recommendation to include a statement in the notice that the notice is served in good faith and include a reference to the Rent Stabilization Program for referral information (including homeless prevention), with a second by Commissioner Lardinois. The motion passed unanimously (9-0).

Commissioner Tran made the motion to recommend to City Council to extend the Non-Rent Control fee to non-owner occupied duplexes on a pro-rata basis for 2018-2019, with a second by Commissioner Del Buono. The motion passed unanimously (8-0).

C. Amendments to the Procedures for Removal of Apartments from the Rental Market (Ellis Act Ordinance)

(R. VanderVeen, Housing Department)

ACTION: Recommend the City Council approve an ordinance amending Part 11 of Chapter 17.23 of Title 17 of the San José Municipal Code (“Ellis Act Ordinance”) to:

- a) Include non-rent stabilized two unit buildings (“duplexes”) under the provisions that allow non-rent stabilized buildings withdrawing from the rental market to utilize the Ellis Act Ordinance after providing 120-day notification to their tenants and the City and providing relocation consultant services to their tenants;

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- b) Amend Ellis Act Ordinance's reporting obligations to require the relocation specialist to submit a monthly report to the director after the City receives a notice of intent to withdraw; and
- c) Amend the Ellis Act Ordinance's reporting obligations to allow the Owner to provide a copy of the notice of intent to return removing the requirement to submit a report to the Director.

Commissioner Lardinois made the motion to subject all of the units that City Council chooses to apply to the Tenant Protection Ordinance to also be subject to the Ellis Act Ordinance, with a second by Commissioner Del Buono. The motion passed unanimously (8-0).

D. Rent Stabilization Program Quarterly Reports for Apartments and Mobilehomes (R. VanderVeen, Housing Department)

ACTION: Review information from the Rent Stabilization Program quarterly reports for apartments and mobilehomes (Informational only).

Commissioner O'Connell made the motion to defer this item for the next meeting on December 13, 2018 and request that the item be first on the agenda, with a second by Commissioner Lardinois. The motion passes unanimously (8-0).

(VII) Open Forum

Commissioner Fitzgerald provided feedback that meeting in this conference room on the 17th floor was preferred to the Wing rooms.

Chair Wheeler made the motion to add an agenda item on the next Commission agenda to discuss writing a letter to City Council to give additional review monitoring of evictions at mobilehome parks that are under potential closure, with a second by Commissioner O'Connell. The motion passed unanimously (8-0).

Vice Chair Shoor explained that he abstained from the vote on item VII-B regarding the issue of returning with additional options to City Council to protect survivors of domestic violence, because he was out of the room and missed part of the discussion.

Commissioner O'Connell asked how loaded the agenda is for the December meeting and explained the negative impacts of a long meeting. Commissioner O'Connell requested that the Commission meeting start earlier.

(VIII) Meeting Schedule

The next meeting will be on Thursday, December 13, 2018 at 5:45 PM, in the Roosevelt Community Center at 901 E. Santa Clara St, San José, CA 95116.

(IX) Adjournment

Chair Wheeler adjourned the meeting at 11:51 PM.



Memorandum

TO: HOUSING COMMUNITY
DEVELOPMENT COMMISSION

FROM: Fred Tran

SUBJECT: SEE BELOW

DATE: November 1, 2018

Approved

Date

SUBJECT: 2018-2019 FIRST QUARTER ACTIVITIES IN THE HOUSING DEPARTMENT'S RENT STABILIZATION PROGRAM

PURPOSE

The Rent Stabilization Program is providing a summary of Program activities including reports, rental market status, apartment call log inquiries, petitions filed, and average San José rents, for the first quarter 2018–2019 to the Housing Community Development Commission (HCDC). The Rent Stabilization Program provides education and information to protect the rights of, and improve relations between tenants and property owners.

PROGRAM HIGHLIGHTS

Major actions taken during the first quarter 2018-2019 are summarized below.

Program Fee

The City Council approved a fee structure for 2018-2019 for the Rent Stabilization Program as stated below:

- 1) Annual Apartment Rent Control Fee: increase from \$55.80 to \$77.30 per unit;
- 2) Annual Apartment Non-Rent Control Fee: increase from \$4.10 to \$6.20 per unit;
- 3) Annual Mobilehome Rent Control Fee: decrease from \$34.10 to \$25.70 per unit; and
- 4) Fees in connection with withdrawal of a building under the Ellis Act ordinance: increase from \$2,235 to \$2,258 per unit for up to ten units and increase from \$860 to \$872 per unit for over ten units.

Ellis Act Ordinance

City Council approved the Ellis Act Ordinance and went into effect on May 25, 2017. The Ordinance required apartment buildings with four or more units built prior to 1979 withdrawing units from the rental market must comply with the following:

- ***Noticing Requirements:*** 120 days' notice to all tenants, and may be extended to one year if tenants are over the age of 62, disabled, terminally/catastrophically ill, or have school-aged children

- **Relocation Assistance:** Required for all tenants, additional assistance is required for low-income families, over the age of 62, disabled, terminally/catastrophically ill, or have school-aged children
- **Subject to the ARO:** All new units built are subject to the City's Apartment Rent Ordinance

On April 24, 2018, the City Council approved an amendment to the Ellis Act Ordinance amending Part 11 of Chapter 17.23 of the San José Municipal Code to:

- **Modify the re-control provisions:** Permit re-control under the Apartment Rent Control Ordinance (ARO) of the greater of either the number of apartments removed from the market, or 50% of newly-built apartments,
- **Modify the inclusion from four units to three units:** Include apartment buildings with three units under the Ellis Act,
- **Allow non-ARO apartments with three units or more built after 1979:** Provide a 120-day notification to their tenants and the City and to provide relocation consultant services to impacted tenants.

Currently, there are two buildings with Ellis Act Ordinance withdrawal requests, one of which is under rent control and subject to the re-control and right to return provisions, and second which is exempt from the Apartment Rent Ordinance. The first withdrawal is for a building located at Eight (8) East Reed Street, a rent stabilized four-plex, and three tenants were impacted. The second withdrawal is for a building located at 307 Stockton Ave, a 5-unit non-rent stabilized complex, three tenants households have been noticed, and two units are vacant. All tenants will have access the relocation specialist to develop a relocation plan.

Rent Registry

The City Council approved the creation of a rent registry to collect rent information and help monitor rental activity. On August 17, 2018, the online Rent Registry system was launched. As of October 26, 2018, 787 account users and 5,700 units have registered in the system.

The online rent registry offers owners two options to either input each unit individually by direct entry or input multiple units by using an Excel template. Smaller property owners and those less familiar with computers favor registering their units by direct entry because it provides step by step instructions throughout the registration process. Larger property owners prefer the use of the Excel rent template due to the ability to copy and paste rental information into the spreadsheet from their own data tracking system saving time.

Mailers with unique login credentials were sent to property owners with information on how to register their units, workshop dates, and the registration deadline. The phasing of the mailers allowed for timely system updates and prompt staff response times to owner inquiries. The mailers included a list of seven scheduled workshops where owners and property managers can receive one-on-one technical assistance from housing staff to register their properties. These mailers were mailed out in three different phases:

- Phase One: Mailed on August 17, 2018, targeted small property owners;
- Phase Two: Mailed on August 31, 2018 to a mix of small and large property owners; and
- Phase Three: Mailed on September 14, 2018 included large property owners.

To date, staff have facilitated four workshops with an average of 15 attendees at each workshop. The majority of attendees reported a need for technical assistance due to unfamiliarity with computers. In addition to the workshops, a user guide was developed and available on the website in English, Spanish, and Vietnamese. With the data collected from the registry, the Housing Department will be able to report out more accurate housing statistics, such as the average rent by bedroom size and average rent by City Council district.

Starting November 1, 2018, staff will conduct additional outreach to owners who have not yet completed the registration of their units. This additional outreach will include sending out mailers, email, and phone calls to those owners who have not yet registered their units.

Staff is continually evaluating the implementation process of the rent registry. The phasing of the rent registry naturally provided more time for property owners in the first two phases more time than those in the third phase. The majority of property owners with large properties were included in the third phase. In order to create the time necessary for owners of larger properties to register their apartments on time, staff is considering amending the deadline for registration by approximately 60 days.

Duplexes

The Housing Department staff is in the process of completing a full list of all current duplexes in the City of San José regards to which are owner occupied. The Rent Stabilization Program sent a mailer in August 2018 to owners of San José duplexes to inform them of the proposed changes to the Tenant Protection Ordinance and the Ellis Act Ordinance, and to inform them of community meetings in August regarding these proposed changes. The Program sent a survey to the duplex owners requesting basic information about the units, and is analyzing the data to create an accurate inventory of duplexes and associated ownership information.

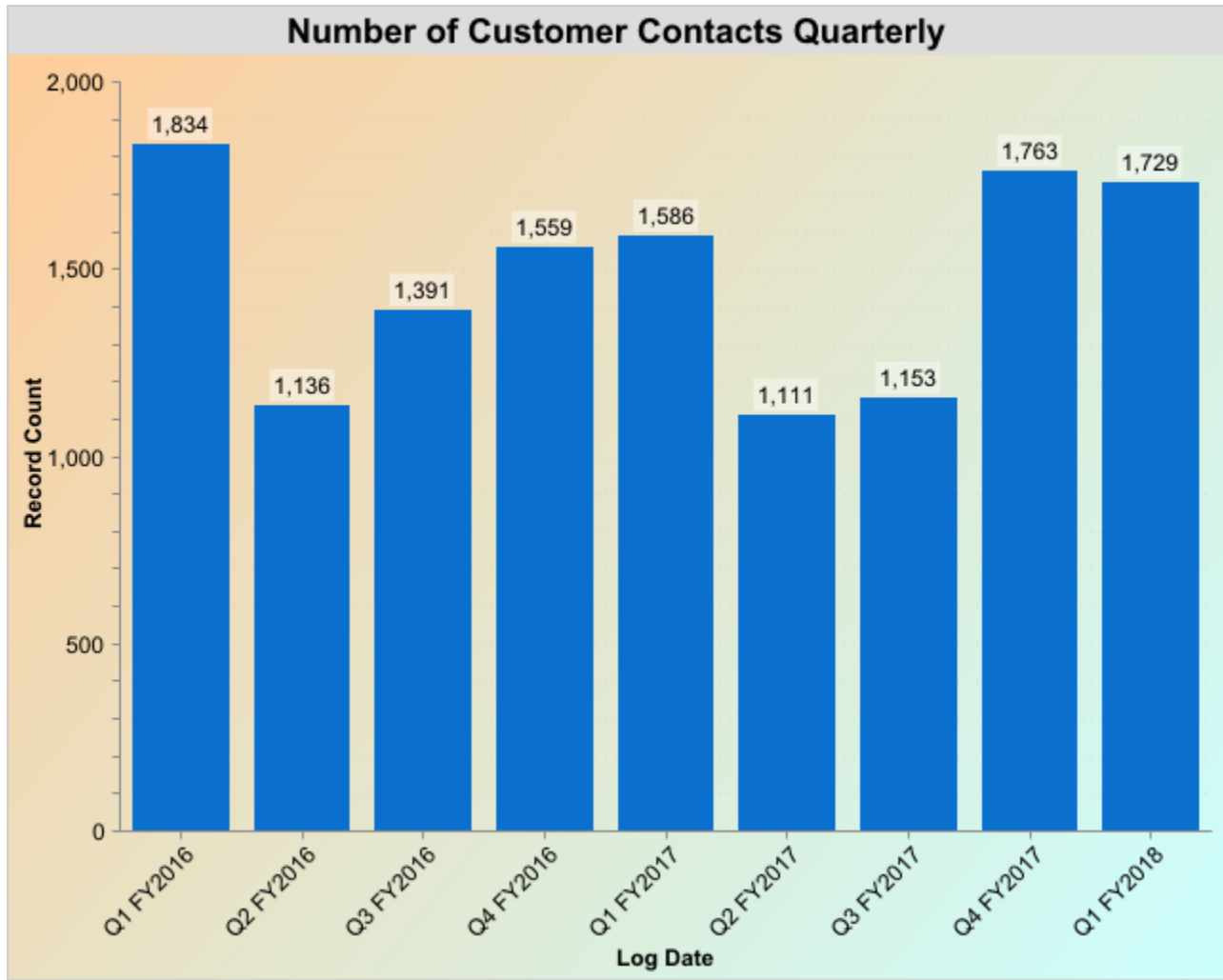
PUBLIC OUTREACH

Staff met with a wide range of stakeholders while developing amendments to the Tenant Protection Ordinance, and the Ellis Act Ordinance. With the assistance from the California Apartment Association, Burbank/Sherman Oaks Neighborhood Association, and the Renters Coalition, the Housing Department met with property landlords and managers of small properties, large properties, and a variety of tenants and tenant advocates on multiple occasions. A summary of all public meetings is listed in **Attachment A**.

Apartment Call Log Report Inquiries

From July 1, 2018 through September 30, 2018, the Rent Stabilization Program received 1,729 inquiries and 1,763 from April 1, 2018 through June 30, 2018. During the first quarter primarily calls received regarding rent registry, and landlords RUBS petitions.

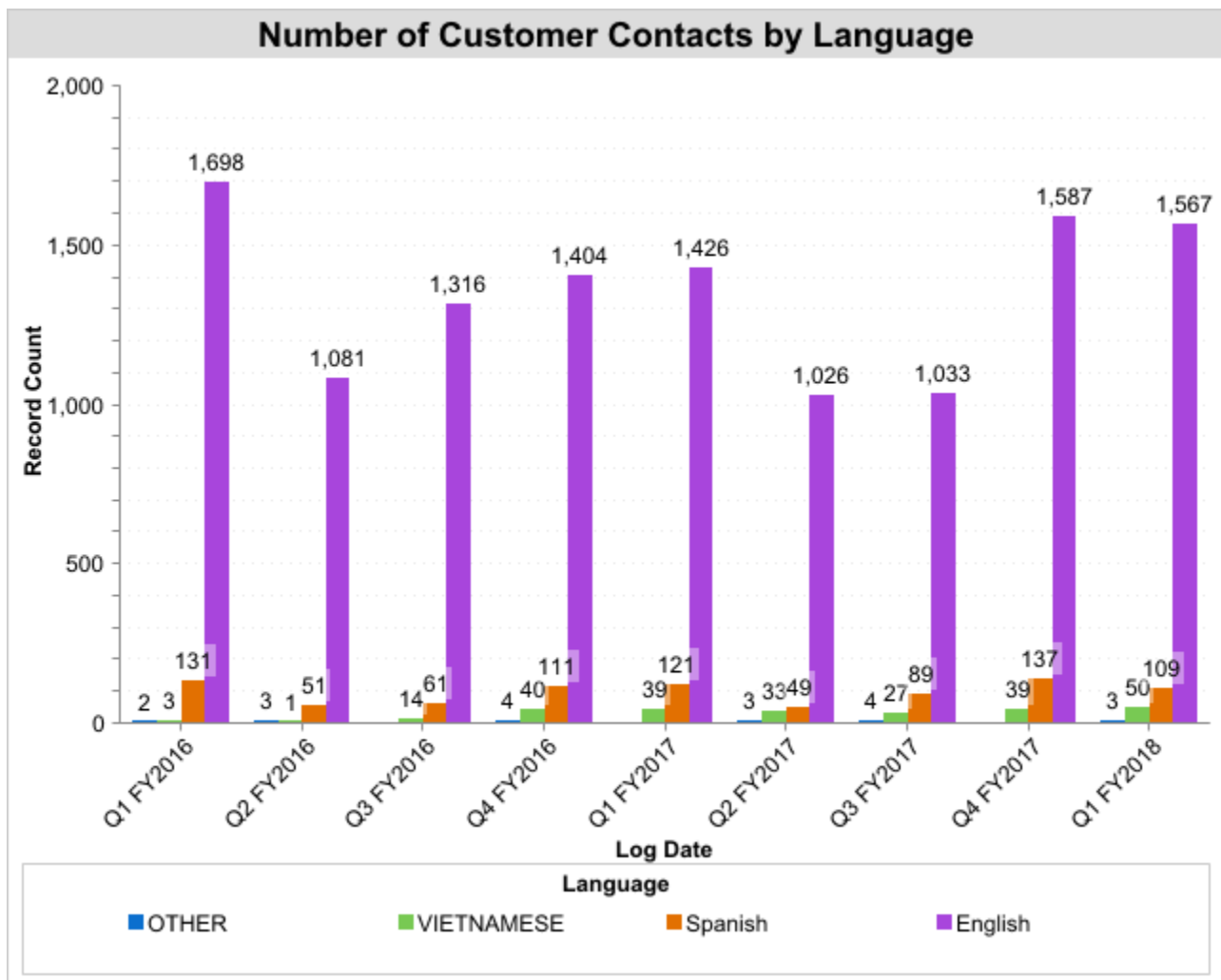
A summary of calls received by the Rent Stabilization Program during the last 9 quarters are provided below:



Number of Customer Contacts by Language

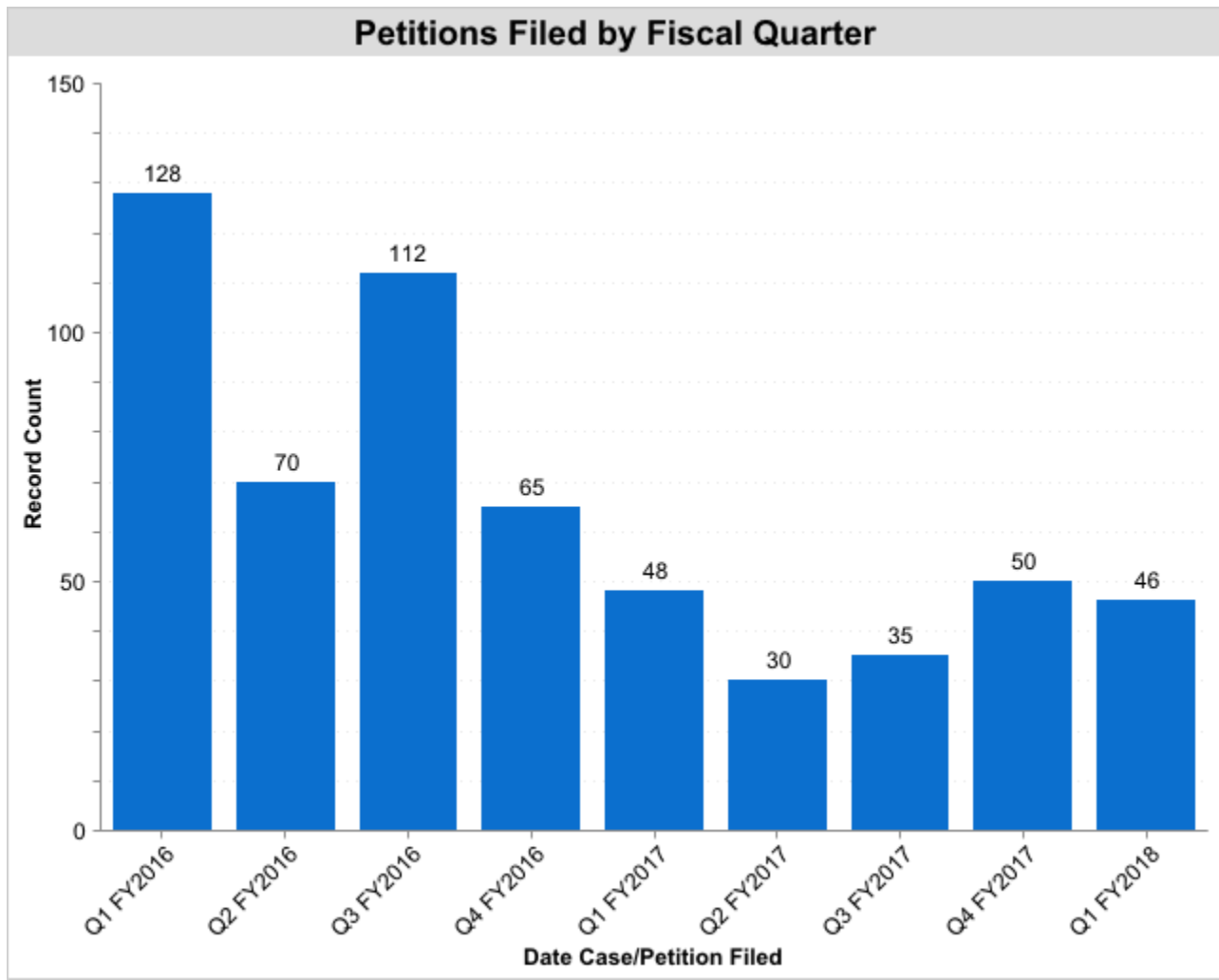
The Rent Stabilization Program received 1,729 inquiries during the first quarter 2018-2019. During the first quarter 2018-2019, the language spoken by individuals making inquiries is provided below.

- 1,567 inquiries (90.63%) received in English;
- 109 inquiries (6.30%) received in Spanish;
- 50 inquiries (2.89%) received in Vietnamese; and
- 3 inquiries (0.18 %) received in Other.



Petitions Filed

A summary of petitions filed by the quarter is provided below. The Rent Stabilization Program received 46 petitions between July 1, 2018 and September 30, 2018. Overall, the number of petitions filed with the Rent Stabilization Program had decreased by four petitions (8%) compared to the prior quarter. Multiple petitions were filed for housing service reductions.



Ratio Utility Billing System (RUBS) Petitions

The Apartment Rent Ordinance, Parts 1-9 of Chapter 17.23 was amended on May 22, 2018 to allow for landlord petitions for one-time offset increase to rent. An “Off Set” Petition must be filed by October 31, 2018 and determined to be complete by November 5, 2018 in order to be eligible for this process. In accordance with Regulations 13.01.4, the Landlord may file an Offset Petition regarding one-time increase pursuant to SJMC 17.23.315A.

Landlords with written utility pass through contracts for water, sewer, and/or garbage (and unmetered electricity/gas) in place prior to January 1, 2018 are allowed to file these petitions for a one-time rent increase. During the first quarter 2018-19, 27 landlords filed an offset petition regarding utility pass throughs.

Apartment Rent Ordinance - Utility Pass Throughs to Tenants

Currently, the Rent Stabilization Program received a total of seven Tenant Petitions regarding utility charges. All seven petitions are pending a hearing after October 31, 2018.

Fair Return Petitions

During the first quarter of 2018-2019 the Rent Stabilization Program did not receive any landlord petitions for a Fair Return. Under the Apartment Rent Ordinance, San José Municipal Code Chapter 17.23, Parts 1-9, owners are assured a fair return. A landlord may petition for a rent adjustment to obtain a fair return in the event that the other increases allowed pursuant to the Apartment Rent Ordinance do not provide a fair return.

Capital Improvements Petitions

During the first quarter of 2018-2019 the Rent Stabilization Program received two landlord petitions for the Capital Improvements. The Petition Examiner issued an Administrative Decision for each petition.

Joint Landlord and Tenant Petition

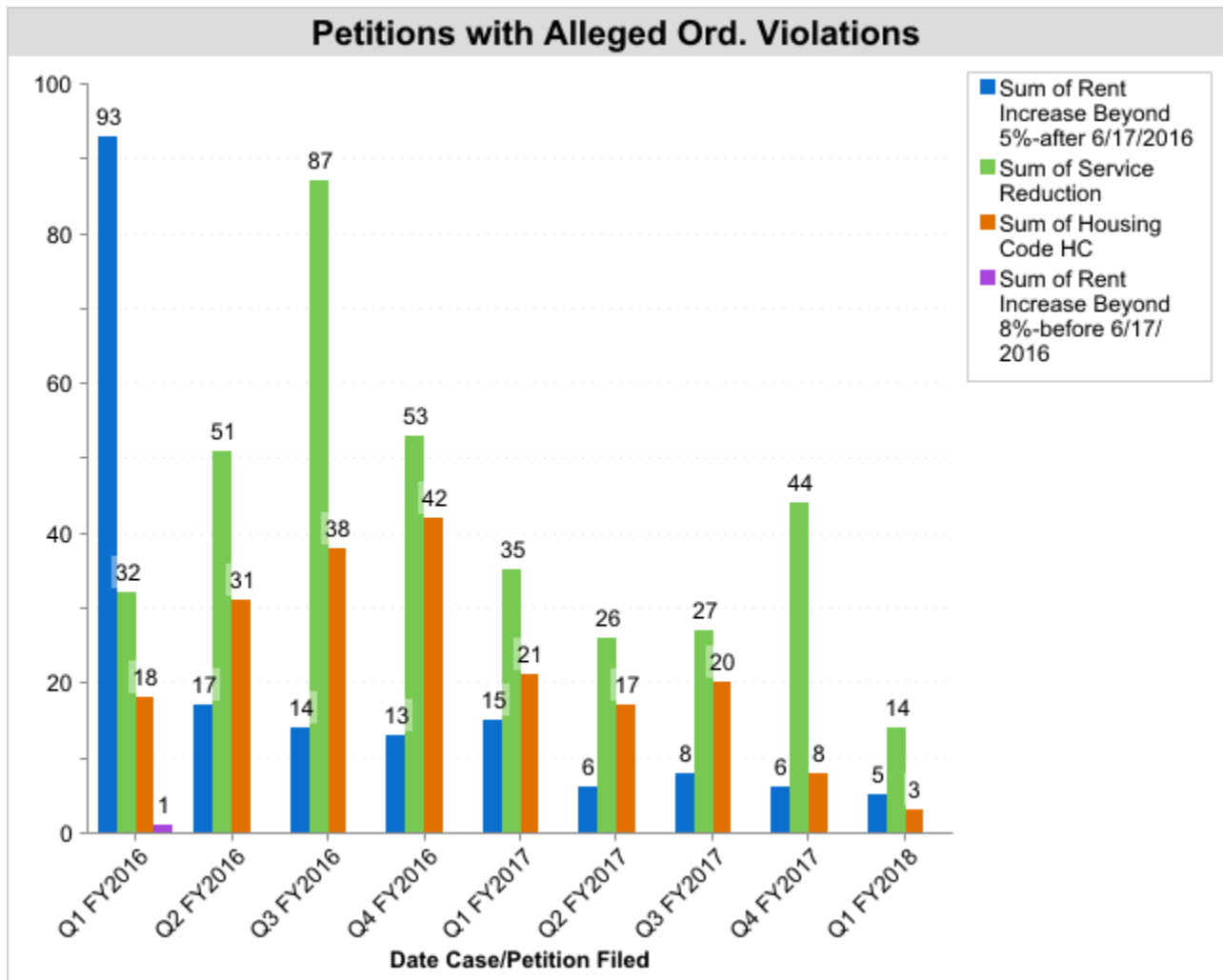
During the first quarter 2018-19 one tenant filed a joint petition to request approval of a one-time payment for Security Deposit for pet (\$500), and an increase in the rent 2.8% which is less than the 5% maximum, to add a friend to the rental agreement. The petition examiner approved the Joint Petition.

Petitions Filed During the First Quarter 2018-2019 with Alleged Ordinance Violations

A summary of petitions with alleged ordinance violations is provided below. As mentioned, the Rent Stabilization Program received 46 petitions during the first quarter 2018-2019. Below is a breakdown of those petitions:

- 14 tenant petitions (30%) filed regarding service reductions;
- 5 tenant petitions (11%) filed regarding rent increases; and
- 3 tenant petitions (7%) filed regarding housing code issues.

Note: As mentioned earlier, there were 22 landlord petitions filed regarding RUBS, and 5 tenant petitions filed regarding utility charges.

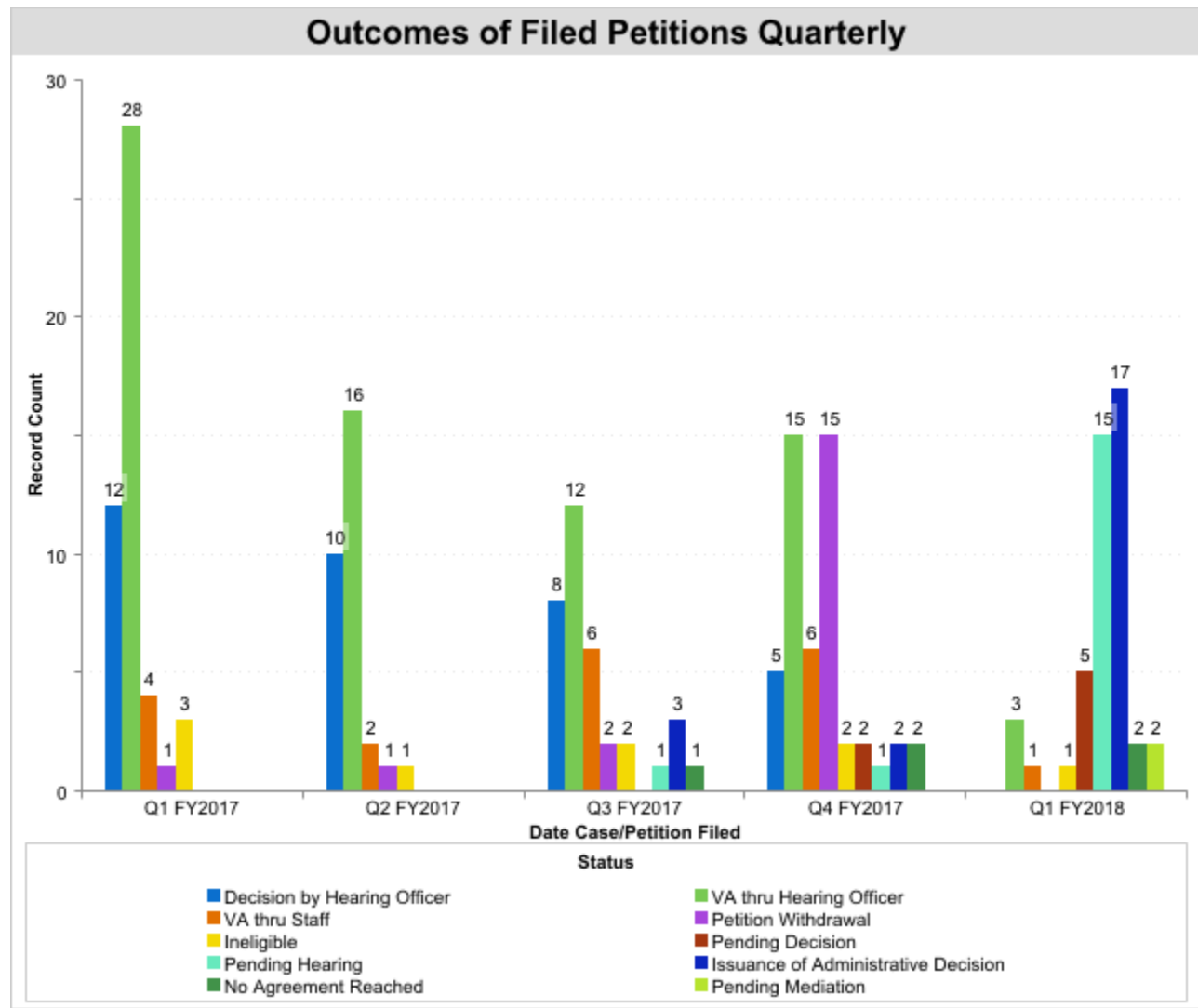


Outcomes of Filed Petitions

The outcome of the petitions filed with the Rent Stabilization Program for the first quarter is provided below.

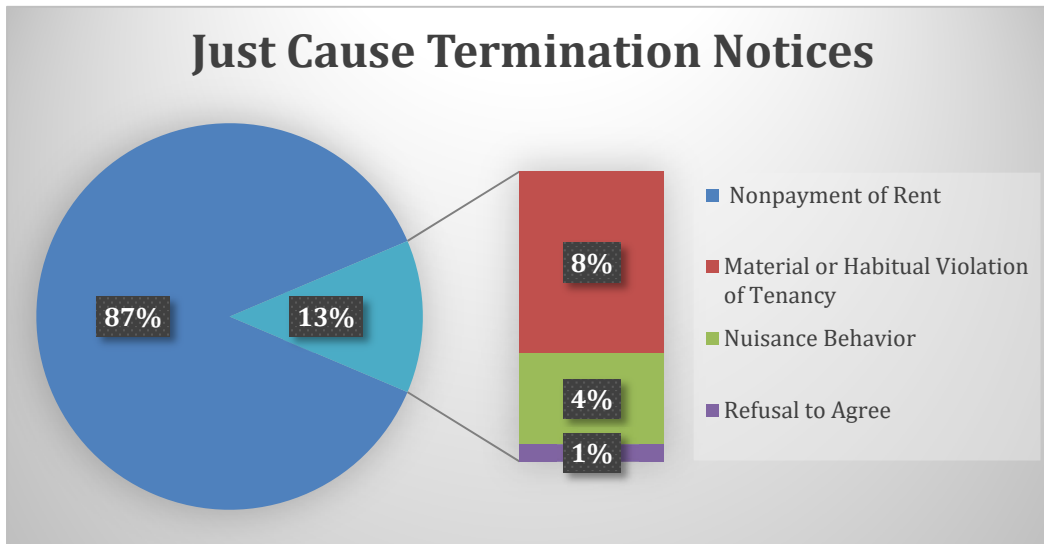
Percentage based by number petitions filed (46 petitions)

- 17 petitions (37%) Issuance of Administrative Decision;
- 15 petitions (33%) pending hearing;
- 5 petitions (11%) pending decision;
- 3 petitions (7%) resolved voluntarily by Hearing Officer;
- 2 petitions (4%) no agreement reached;
- 2 petitions (4%) pending mediation;
- 1 petition (2%) petition ineligible;
- 1 petition (2%) resolved voluntarily by staff.



Just Cause Terminations

From July 1, 2018 through September 30, 2018 the Rent Stabilization Program received 2,521 Just Cause Termination notices, and from April 1, 2018 through June 30, 2018 there were 2,650 notices received. During the last two quarters 5,171 notices were filed with the Rent Stabilization Program. 87% or 2,162 of the first quarter just cause was due to nonpayment of rent.



Reason Stated on the Notice to Vacate	Total
1. Nonpayment of rent	2,162
2. Material or habitual violation of tenancy	209
4. Refusal to agree to a like or new rental agreement	18
5. Nuisance behavior	88
7. Unapproved holdover subtenant	12
9. Substantial rehabilitation of the unit	5
11. Owner move-in	18
12. Order to vacate	6
13. Vacation of unpermitted unit	3
Total	2,521

/s/
 Fred Tran
 Acting Program Manager
 Rent Stabilization Program

Rent Stabilization Program – Community Meetings and Outreach Events

Community Meetings

Date	Time	Topic	Location
August 30, 2018	6:30 PM	Expansion to duplexes	Bascom Community Center
August 23, 2018	1:00 PM	Expansion to duplexes	San José City Hall Wing Rooms 119-120
August 15, 2018	6:30 PM	Expansion to duplexes	Educational Park Library

Other Outreach Events and Meetings

Date	Event
September 29, 2018	Celebrating the Moon Festival Resource Fair
September 27, 2018	Cafecito
September 24, 2018	Housing Department Community Hours at the Vietnamese American Community Center
September 23, 2018	Viva Calle
September 21, 2018	Mural Unveiling – Entrepreneurial Mothers
September 17, 2018	Housing Department Community Hours at the Vietnamese American Community Center
September 10, 2018	Housing Department Community Hours at the Vietnamese American Community Center
September 8, 2018	Project Hope Program Kick Off and Resource Fair
August 26, 2018	Celebrate Cambrian Resource Fair
August 18, 2018	Santa Clara County Office of Education – Back to School
August 18, 2018	District 2 Village Fest
August 16, 2018	Renter’s Housing Network – Landlord ARO Training
August 11, 2018	Vietnamese American Community Center – Summer Festival
August 7, 2018	National Night Out – Cadillac Community
August 7, 2018	National Night Out – Cathedral of Faith
August 7, 2018	National Night Out – Starbird Park
August 7, 2018	National Night Out – Evans Lane
August 1, 2018	Caltrans Community Meeting
July 26, 2018	Breakthrough Silicon Valley – Know Your Rights
July 21, 2018	Vietnamese American Community Center Workshop
July 17, 2018	Housing Department Houser Hour



Memorandum

TO: HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION

FROM: Theresa Ramos

SUBJECT: SEE BELOW

DATE: November 1, 2018

Approved

Date

SUBJECT: 2018-2019 First Quarterly Mobilehome Report for the Rent Stabilization Program

PURPOSE

The Rent Stabilization Program is providing a summary of Program activity including reports, and mobilehome call log inquiries for the first Quarterly Report, 2018-2019, July 1, 2018 to September 30, 2018, regarding mobilehome issues and trends impacting San José mobilehome park communities.

In addition, this report covers activities highlighting current issues. The Rent Stabilization Program provides education and information to protect the rights and improve relations between, residents and park owners/managers. The Housing and Community Development Commission (HCDC) has requested periodic data from the Program.

PROGRAM HIGHLIGHTS

Major actions taken during the first quarter of 2018-2019 include:

Mobilehome Inquiries

During this first quarter, the Rent Stabilization Program received 73 mobilehome park inquiries (**Attachment A**).

Types of inquiries during this fourth quarter include:

- State Code Issues (health and safety concerns)
- Resident’s Rights
- Eviction Notices
- Referral Advice

Below is a summary of mobilehome park issues during this quarter.

Park Specific

Mayfair Trailer Park (54 Spaces)

A mobilehome resident contacted Program staff regarding alleged unsafe electrical conditions. Program and City staff conducted a site visit to verify electric box safety, but were unable to make any determinations. Program staff referred the resident to the State's Housing and Community Development Department, Law Foundation of Silicon Valley, and Habitat for Humanity for their Home Repair Program. Program staff has continued to offer referrals for temporary housing and one-time payment of rent assistance through programs, such as the Emergency Assistance Network of Santa Clara County, to help the resident comply with a non-payment of rent termination of tenancy notice.

Other residents complained about separation of utility changes without receiving a decrease in their rent. Program staff conducted a site visit, but was unable to contact the manager. Consequently, Program staff followed up with property owner. Property owner has agreed to work with Program staff on the issue.

Triangle Trailer Park (24 Spaces)

Triangle Trailer Park Resident contacted Program staff to report health and safety concerns including bed bug infestations and lack of Park maintenance. Program staff conducted a site visit and noted lack of Park maintenance, management, and overall Park safety. Program staff referred the resident to the State's Mobilehome Ombudsman's Office to file a complaint. Program staff also contacted the Park owner and offered resources to address their concerns relating to gang activity, drugs, and resident's non-payment of rent. Program staff then followed up with the Housing and Community Development Office to inform the State of Park conditions.

Lamplighter Mobilehome Park (265 Spaces)

A mobilehome resident contacted Program staff regarding ongoing intermittent utility shut off. Program staff referred the resident to the California Public Utilities Commission and the Mobilehome Ombudsman's Office to file complaints. Program staff also scheduled a site visit and viewed an open ditch where a pipe is leaking water. Program staff spoke with Park manger and with Home Owner's Association President to discuss issue. Program staff also shared the health and safety concerns with the State's Housing and Community Development Department.

Bella Rosa Mobile Lodge (64 Spaces)

Mobilehome residents contacted Program staff regarding an alleged rent increase of 8% which exceeds the 3% increase currently allowed. Program staff reviewed and determined that space lots were permanently exempt because the space lots were permitted after September 7, 1979. The park owner provided the necessary documentation as required by the Mobilehome Rent Control Ordinance to permanently exempt space lots. Residents claimed they were unaware that their space lots were exempt. Program staff referred residents to legal services for assistance.

Ace Trailer (57 Spaces)

A mobilehome resident contacted Program staff regarding an increase of rent and return of deposit. Program staff scheduled a site visit and spoke with the new park manager about the resident's issues. Resident moved out of one space unit and applied to another space within the park which allows for a rent increase in the new rental space. Program staff contacted the resident and explained the reason for a rent increase and shared with them that their security deposit for their previous space was inadvertently sent to the incorrect address. The park manager reissued a new check to the resident. However, after a few weeks, the resident claimed that they did not receive the reissued check. Program staff recommended that the check be made available for pick-up at the main office to prevent further delay.

Winchester Ranch Mobilehome Park (111 Spaces)

Winchester Ranch resident contacted Program staff in response to multiple health and safety code violations the Resident received from a State park inspection. To comply with the notice, the Resident was asked to fix or remove multiple structures on his lot. Program staff referred the resident to Habitat for Humanity's Home Repair Program to assist the resident with the repair costs. The Park owner of Winchester Ranch also contacted Program staff to request information about the State's inspection process for vacant mobilehomes. Program staff referred the park owner to the State's Office of Mobilehome Ombudsman. Program staff also received an inquiry from an attorney from the Law Foundation of Silicon Valley, representing the Winchester Ranch Home Owner's Association, requesting Program information about relocation specialists and appraisers for mobilehomes contracted by the City of San José. Program staff provided the requestor with the names and contact information of all mobilehome relocation consultant and appraisal services.

/s/

Theresa Ramos

Senior Analyst

Rent Stabilization Program

ATTACHMENT:

Attachment A: Mobilehome Call Log



Memorandum

TO: HOUSING & COMMUNITY DEVELOPMENT COMMISSION (HCDC)

FROM: Theresa Ramos

SUBJECT: CALL LOG REPORT

DATE: 10/22/2018

Total Calls=73

	Date	Requestor	Mobilehome Park	Topic	Resolution Suggested
July	7/2/2018	RESIDENT	PepperTree MH Estates	Office Information	Information
July	7/3/2018	RESIDENT	Ace Trailer Inn Village	Referral Advice	Referral
July	7/6/2018	RESIDENT	Oakcrest Estates	Maintenance	Information
July	7/9/2018	RESIDENT	WestWinds Manufactured Home Community	Rights	Information
July	7/9/2018	RESIDENT	Mountain Shadows	Eviction	Referral
July	7/11/2018	RESIDENT	Cal-Hawaiian Mobile Est	Maintenance	Information
July	7/12/2018	RESIDENT	Oakcrest Estates	Lease Dispute	Referral
July	7/13/2018	RESIDENT	San Jose Verde MH Park	Eviction	Referral
July	7/16/2018	RESIDENT	Village of the Four Seasons	Maintenance	Referral
July	7/16/2018	RESIDENT	Riverbend Mobilehome Park	Referral Advice	Information
July	7/16/2018	RESIDENT	Unavailable	Referral Advice	Information
July	7/17/2018	RESIDENT	Unavailable	Referral Advice	Referral
July	7/17/2018	OTHER	Hometown Monterey Oaks	Service	Referral
July	7/19/2018	RESIDENT	Unavailable	Rights;Office Information	Referral
July	7/20/2018	RESIDENT	San Jose Verde MH Park	Maintenance	Information
July	7/23/2018	RESIDENT	San Jose Verde MH Park	Maintenance	Information
July	7/23/2018	RESIDENT	Oakcrest Estates	Lease Dispute	Referral
July	7/24/2018	RESIDENT	Winchester Ranch	Referral Advice	Information
July	7/25/2018	RESIDENT	Bella Rosa Mobile Lodge	Ordinance	Ordinance
July	7/25/2018	RESIDENT	Bella Rosa Mobile Lodge	Ordinance	Ordinance

July	7/26/2018	RESIDENT	Mobile Home Manor	Referral Advice	Information
July	7/27/2018	RESIDENT	Trailer Terrace	Referral Advice	Information
July	7/27/2018	RESIDENT	Riverbend Mobilehome Park	Maintenance	Referral
Aug	8/1/2018	RESIDENT	Bella Rosa Mobile Lodge	Ordinance	Information
Aug	8/2/2018	RESIDENT	Oakcrest Estates	Service	Information
Aug	8/2/2018	LANDLORD	Winchester Ranch	Code Issue	Information
Aug	8/2/2018	RESIDENT	Sunset Mobile Manor	Rights	Information
Aug	8/2/2018	RESIDENT	Mobile Home Manor	Referral Advice	Referral
Aug	8/6/2018	RESIDENT	Unavailable	Eviction	Information
Aug	8/6/2018	OTHER	Casa Alondra	Ordinance	Information
Aug	8/9/2018	RESIDENT	Unavailable	Referral Advice	Information
Aug	8/9/2018	RESIDENT	Lamplighter San Jose	Office Information	Information
Aug	8/13/2018	RESIDENT	Mayfair Trailer Park	Code Issue	Referral
Aug	8/13/2018	RESIDENT	Bella Rosa Mobile Lodge	Allowable Rent Increase	Information
Aug	8/13/2018	RESIDENT	Bella Rosa Mobile Lodge	Referral Advice	Referral
Aug	8/13/2018	RESIDENT	Unavailable	Office Information	Information
Aug	8/14/2018	RESIDENT	Mayfair Trailer Park	Referral Advice	Referral
Aug	8/14/2018	RESIDENT	Casa Alondra	Maintenance	Referral
Aug	8/14/2018	RESIDENT	Lamplighter San Jose	Referral Advice	Referral
Aug	8/17/2018	RESIDENT	Casa Alondra	Referral Advice	Referral
Aug	8/20/2018	RESIDENT	Triangle Trailer Park	Code Issue;Maintenance	Referral
Aug	8/20/2018	RESIDENT	Mountain Springs	Maintenance	Information
Aug	8/20/2018	RESIDENT	Quail Hollow MH Park	Service	Referral
Aug	8/21/2018	RESIDENT	Magic Sands	Office Information	Referral
Aug	8/22/2018	RESIDENT	Triangle Trailer Park	Office Information	Information
Aug	8/22/2018	RESIDENT	Hilton Mobile Park	Maintenance;Referral Advice	Referral
Aug	8/23/2018	ATTORNEY	Winchester Ranch	Office Information	Information
Aug	8/23/2018	RESIDENT	Triangle Trailer Park	Code Issue;Maintenance;Rights	Information
Aug	8/23/2018	RESIDENT	Oakcrest Estates	Office Information	Information

Aug	8/23/2018	RESIDENT	Oakcrest Estates	Office Information	Information
Aug	8/24/2018	LANDLORD	Triangle Trailer Park	Referral Advice	Referral
Aug	8/24/2018	RESIDENT	Triangle Trailer Park	Referral Advice;Rights	Referral
Aug	8/27/2018	LANDLORD	Triangle Trailer Park	Referral Advice	Referral
Aug	8/28/2018	RESIDENT	Bella Rosa Mobile Lodge	Allowable Rent Increase	Ordinance
Aug	8/28/2018	RESIDENT	Bella Rosa Mobile Lodge	Allowable Rent Increase	Referral
Aug	8/28/2018	RESIDENT	Bella Rosa Mobile Lodge	Rights;Fees	Referral
Aug	8/28/2018	RESIDENT	Bella Rosa Mobile Lodge	Allowable Rent Increase;Referral Advice	Referral
Aug	8/30/2018	RESIDENT	Ace Trailer Inn Village	Allowable Rent Increase	Information
Aug	8/31/2018	RESIDENT	Mayfair Trailer Park	Eviction	Referral
Aug	8/31/2018	RESIDENT	Casa Alondra	Referral Advice;Office Information	Information
Sept	9/4/2018	RESIDENT	WestWinds Manufactured Home Community	Referral Advice	Referral
Sept	9/5/2018	RESIDENT	Triangle Trailer Park	Code Issue;Fees	Ordinance
Sept	9/6/2018	RESIDENT	Casa Alondra	Referral Advice	Information
Sept	9/7/2018	RESIDENT	Ace Trailer Inn Village	Allowable Rent Increase	Information
Sept	9/10/2018	RESIDENT	Lamplighter San Jose	Code Issue	Information
Sept	9/10/2018	RESIDENT	Bella Rosa Mobile Lodge	Office Information	Information
Sept	9/10/2018	RESIDENT	Bella Rosa Mobile Lodge	Rights	Information
Sept	9/13/2018	RESIDENT	Coyote Creek MH Community	Maintenance	Information
Sept	9/14/2018	RESIDENT	Colonial Mobile Manor	Referral Advice	Referral
Sept	9/18/2018	RESIDENT	Triangle Trailer Park	Code Issue	Information
Sept	9/18/2018	RESIDENT	Mayfair Trailer Park	Rights	Referral
Sept	9/21/2018	RESIDENT	Triangle Trailer Park	Code Issue	Information
Sept	9/24/2018	LANDLORD	Hometown Eastridge Mobile	Ordinance	Ordinance

Brief Synopsis on Disposition of Calls

7/2/2018 - PepperTree MH Estates

Resident's Issue: Resident needs help getting a hold of their Landlord/Manager to get approval for construction. Program staff called Manager on behalf of the Resident to learn more about the application process. Program staff then followed up with the Resident.

7/3/2018 - Ace Trailer Inn Village

Resident's Issue: Resident reached out to their Council district representative and the Housing Department with concerns regarding park safety and legal concerns. Program staff called the Resident and left a voicemail. Program staff also followed up with an email.

7/6/2018 - Oakcrest Estates

Resident's issue: Resident informed Program staff of an electric outage from 9am to 3pm on June 5, 2018. Program staff noted outage.

7/9/2018 - WestWinds Manufactured Home Community

Resident's Issue: Resident called the Rent Stabilization Program regarding a title issue and resident rights. Program staff called back and left a voicemail.

7/9/2018 - Mountain Shadows

Other: Individual is calling on behalf of his brother who alleges that they have been given an improper eviction notice. Program staff referred the caller to legal agencies.

7/11/2018 - Cal-Hawaiian Mobile Est

Resident's issue: Resident requested legal advice regarding tree trimming on neighboring City commercial property. Program staff referred the resident to the City's Code Enforcement for assistance.

7/12/2018 - Oakcrest Estates

Resident's issue: Resident requested legal advice regarding new park rule about parking. Program staff referred the resident to an advocacy group and legal services for assistance.

7/13/2018 - San Jose Verde MH Park

Resident's Issue: Resident called regarding an eviction notice. Program staff recommended that the Resident contact a legal agency immediately.

7/16/2018 - Village of the Four Seasons

Resident's issue: Resident requested information regarding obtaining permits to perform work at the park. Program staff referred the resident to the State Ombudsman for assistance.

7/16/2018 - Riverbend Mobilehome Park

Resident's Issue: Resident received a 7-day notice to comply with park rules and regulations. Resident needs assistance to repair their mobilehome. Program referred Resident to a legal agency.

7/16/2018 - Unavailable

Resident's Issue: Resident called Program staff to inquire about the mobilehome work permit process. Program staff left the Resident a voicemail with the State's Housing and Community Development information.

7/17/2018 - Unavailable

Resident's Issue: Resident contacted the Housing Department with concerns about pool safety. Program staff referred the Resident to the County Environmental Health Department.

7/17/2018 - Hometown Monterey Oaks

Other: Caller is inquiring about renewal of registration of new mobilehome. Program staff referred the caller to the State Mobilehome Title Registry for assistance.

7/19/2018 - Unavailable

Resident's Issue: Resident called requesting referrals to mobilehome agencies and legal services regarding issues relating to trees, lot lines, and Resident rights. Program Staff emailed the Resident with the requested resources.

7/20/2018 - San Jose Verde MH Park

Resident's issue: Resident complained about the laundry room missing the new washing machine installed a few months ago. Program noted complaint and scheduled a site visit to verify complaint. Referred the resident to file complaint with park manager.

7/23/2018 - San Jose Verde MH Park

Other: Program staff conducted a site visit to verify resident complaint regarding a missing washing machine. The washing machine was not found on site and has not been replaced.

7/23/2018 - Oakcrest Estates

Resident's issue: Resident requested legal advice regarding change of park rules to limit two cars per space lot. Program staff referred the resident to an resident advocacy group and legal services for assistance.

7/24/2018 - Winchester Ranch

Resident's Issue: The Resident called regarding a State inspection violation notice asking him to fix multiple fixtures on his lot. Program Staff referred the Resident to two agencies that may be able to provide funding or services to help repair the structures.

7/25/2018 - Bella Rosa Mobile Lodge

Resident's Issue: Program Staff sent email asking for copy of rent increase.

7/25/2018 - Bella Rosa Mobile Lodge

Resident's Issue: Resident called Program staff requesting that staff investigate a rent increase above the allowable 3%. Program staff requested copies of the rent increase and followed up with the Resident.

7/26/2018 - Mobile Home Manor

Resident's Issue: Resident came for a walk-in to request legal services regarding a new lease agreement. Program Staff referred the Resident to legal agencies and to the Mobilehome Ombudsman's Office.

7/27/2018 - Trailer Terrace

Resident's Issue: Resident requested information about State inspections and the State's contact information. Program staff referred the Resident to the Mobilehome Ombudsman's Office.

7/27/2018 - Riverbend Mobilehome Park

Resident's issue: Resident requested financial assistance for mobilehome repairs. Program staff referred the resident to community services for assistance.

8/1/2018 - Bella Rosa Mobile Lodge

Resident's Issue: Program staff verified that the Resident's 8% increase is allowable because their space is exempt from the Rent Control Ordinance. Program staff referred the Resident to legal services and provided contact to council members and mayor of San Jose.

8/2/2018 - Oakcrest Estates

Other: Program staff returned phone call and left a message.

8/2/2018 - Winchester Ranch

Landlord's issue: Landlord requested information regarding park inspections to vacant mobilehomes. Program staff referred the landlord to the State Ombudsman's Office for assistance.

8/2/2018 - Sunset Mobile Manor

Resident's issue: Resident called to file a complaint about on-going park management harassment during an on-going legal dispute. Program staff noted complaint.

8/2/2018 - Mobile Home Manor

Resident's Issue: Resident contacted Program Staff to request the State's Housing and Community Development application for registration and titling. Program staff sent the Resident an email with the application.

8/6/2018 - Unavailable

Resident's issue; Resident requested information regarding an eviction in Gilroy. Program staff referred the resident to the legal services for assistance.

8/6/2018 - Casa Alondra

Other: Caller inquired about the mobilehome space rent as rent control. Program staff confirmed that the space rent is exempt from rent control.

8/9/2018 - Unavailable

Resident's Issue: Resident left Program staff a voicemail requesting information about adding their mobilehome to their trust. Program staff returned their call and left a voicemail.

8/9/2018 - Lamplighter San Jose

Resident's Issue: Resident called Program staff and left a voicemail regarding community concerns. Program staff called the Resident back and also left a voicemail.

8/13/2018 - Mayfair Trailer Park

Resident's Issue: Resident has electrical safety concerns and is requesting a referral. Program staff called the Resident and left a voicemail.

8/13/2018 - Bella Rosa Mobile Lodge

Resident Issue: Resident is concerned about the 8% increase that she received because her space is not under rent control. Resident is concerned that about future rent increases and the lack of notices. She wants to reach out to councilmembers to get protection for the future. She also wants to work with lawyers to take her case to court.

8/13/2018 - Bella Rosa Mobile Lodge

Resident's Issue: Resident wrote council members and housing department a letter requesting help with payment of rent. Program staff called Resident back and offered a referral to the Emergency Response Network.

8/13/2018 - Unavailable

Resident's Issue: Resident called Program staff to request a list of mobilehome parks in San José. Resident is interested in joining a community. Program staff emailed the Resident a list with relevant park information.

8/14/2018 - Mayfair Trailer Park

Resident's Issue: Program staff conducted a site visit with inspectors from the Housing Department to see if the Resident could potentially qualify for services with Habitat for Humanity. Resident was not present. Program staff left their business cards. Resident called Program staff later that day requesting legal advice. Program staff offered Law Foundation's information and a list of private attorneys in the area that may be able to assist the Resident at no cost.

8/14/2018 - Casa Alondra

Resident's issue: Resident requested financial assistance for mobilehome repairs. Program staff referred the resident to community services for assistance.

8/14/2018 - Lamplighter San Jose

Resident's Issue: Resident called requesting referral advice regarding alleged utility shutoff. Resident claims that every month water and electricity is shut off. Program Staff requested that the Resident provide an email where a list of resources can be provided. Resident provided an email and Program staff shared referrals to the California Public Utilities Commission.

8/17/2018 - Casa Alondra

Resident's Issue: Resident came for a walk-in requesting assistance on filing an application with Habitat for Humanity. Program Staff worked with the Resident and scheduled a site visit to inspect MH park for repair priorities.

8/20/2018 - Triangle Trailer Park

Resident's issue: Resident complained about bedbug infestation in the mobilehome and notified the park owner. Program staff referred the resident to the State Ombudsman's office for assistance.

8/20/2018 - Mountain Springs

Resident's issue: Resident complained about neighbor's tree debris left on her property line. Program staff referred the resident to the park manager and regional office for assistance.

8/20/2018 - Quail Hollow MH Park

Resident's issue: Resident requested services for mobilehome repairs. Program staff offered the contact information of two non-profits that conduct home repairs.

8/21/2018 - Magic Sands

Resident's Issue: Resident requested assistance with paying a State registration fee. Resident claims that they did not receive an initial notice with the fee, but they are now receiving a late payment fee. Program staff called the State's Registration and Titling Center to request help.

8/22/2018 - Triangle Trailer Park

Other: Program staff called and left a message for manager for a call back.

8/22/2018 - Hilton Mobile Park

Resident's Issue: Resident requested advice on State code violations of her mobilehome. Program staff offered the Resident the contact information to the State inspector, a building permit, and State requirements for building a ramp.

8/23/2018 - Winchester Ranch

Other: Attorney emailed Program staff requesting information about relocation specialist and appraisers for mobilehomes contracted by the City. Program staff provided the appropriate information.

8/23/2018 - Triangle Trailer Park

Resident's Issue: Program staff conducted a site visit per a Resident's request. Staff met with the individual who previously served as a Park manager. The Resident disclosed health and safety concerns, lack of Park management, and reduction of services. Program staff offered referrals to the State's Ombudsman's office and to local legal agencies.

8/23/2018 - Oakcrest Estates

Resident's Issue: Resident called Program staff requesting contact information for the Boards and Commission Staff. Staff offered the Resident their number.

8/23/2018 - Oakcrest Estates

Resident's Issue: Resident called Program staff requesting information regarding an appointment they made with the State's Housing and Community Development department. Program staff referred the Resident to the State for more information.

8/24/2018 - Triangle Trailer Park

Other: Program staff called Park Manager to inform them of multiple Resident complaints regarding Park health and safety including bed bug infestation and park maintenance. Program staff also followed up with an email offering Park management resources.

8/24/2018 - Triangle Trailer Park

Resident's Issue: Resident called Program staff to request information about next steps after filing a report with the State's Mobilehome Ombudsman's Office. Program staff suggested that the Resident follow up with their case at Ombudsman's office.

8/27/2018 - Triangle Trailer Park

Other: Program staff returned Park owner's call regarding Resident complaints. Program staff informed Park owner about ongoing Resident health and safety concerns. Park owner requested legal and crime prevention services, in addition to services regarding garbage pick-up, and homelessness concerns. Program staff offered referrals to the appropriate City departments, Santa Clara Bar Association and to the gang and crime prevention hotlines.

8/28/2018 - Bella Rosa Mobile Lodge

Resident issue: Resident received a 8% rent increase notice. Program staff verified that space lot is exempt from rent control. Rent increase is allowed.

8/28/2018 - Bella Rosa Mobile Lodge

Resident issue: Resident received a 8% rent increase notice. Program staff verified that space lot is exempt from rent control. Rent increase is allowed.

8/28/2018 - Bella Rosa Mobile Lodge

Resident's issue: Resident requested information about master meter/submetered utilities charges. Program staff referred resident to the Public Utilities Commission and Weights and Measures for assistance.

8/28/2018 - Bella Rosa Mobile Lodge

Resident issue: Resident received a 8% rent increase notice. Program staff verified that space lot is exempt from rent control. Rent increase is allowed.

8/30/2018 - Ace Trailer Inn Village

Resident's Issue: Resident came for a walk-in regarding a rent increase above the allowable 3%. Resident also had concerns regarding their security deposit. Program staff plans to visit the park to share the City Ordinance and Regulations with new Park Management.

8/31/2018 - Mayfair Trailer Park

Resident's Issue: Resident followed up with Program staff regarding ongoing claims of park electrical and safety. Resident recently received a three-day eviction notice, Program staff referred the Resident to Law Foundation.

8/31/2018 - Casa Alondra

Resident's Issue: Resident came for a walk-in requesting assistance with their Habitat for Humanity Home Repair application. Program staff made copies of their documents and explained the application process.

9/4/2018 - WestWinds Manufactured Home Community

Resident's Issue: Resident called Program staff requesting a referral to the Mobilehome Ombudsman's Office and the Housing and Community Development Office regarding allowable construction. Program staff offered both telephone numbers and websites.

9/5/2018 - Triangle Trailer Park

Other: Program staff contacted park owner regarding two mobilehomes blocking fire lanes. Program staff informed the park owner that a complaint was filed with the State Ombudsman's Office.

9/6/2018 - Casa Alondra

Resident's Issue: Resident requested that Program staff come out to their mobilehome to note new damages inside the home and to assist with requesting a copy of their rental agreement. Program staff notes the damages and asked that they contact their Park management to request a copy.

9/7/2018 - Ace Trailer Inn Village

Other: Program staff conducted a site visit and spoke with the Park manager. Park manager shared copies of the rent roll specific to the Resident's space number. Program staff and Park manager determined that rent had not been increased above the allowable 3%, but rather, the Residents signed a new contract to move into a new space at market rate. Program staff also requested information about the Resident's missing security deposit refund and Park manager verified that it had been sent to the wrong address and reissued the check. Program staff followed up with the Residents.

9/10/2018 - Lamplighter San Jose

Resident's issue: Resident called to complain about water shut off. Program staff scheduled an appointment to visit

resident. Program staff also referred the resident to the state Ombudsman's office for assistance.

9/10/2018 - Bella Rosa Mobile Lodge

Resident's Issue: Resident contacted Program staff requesting the date their space was permitted into the park. Program staff referred to permits the Park Owner submitted and verified that the space was exempt from the Mobilehome Rent Control Ordinance and followed up with the resident.

9/10/2018 - Bella Rosa Mobile Lodge

Resident's Issue: Resident contacted Program staff requesting the date their space was permitted into the park. Program staff referred to permits the Park Owner submitted and verified that the space was exempt from the Mobilehome Rent Control Ordinance and followed up with the resident.

9/13/2018 - Coyote Creek MH Community

Resident's issue: Resident complained about the park manager not maintaining tree trimming. Program staff referred the resident to the State Ombudsman's office for assistance.

9/14/2018 - Colonial Mobile Manor

Resident's Issue: Resident called requesting a referral to the California Department of Housing and Community Development regarding a registration and titling concern.

9/18/2018 - Triangle Trailer Park

Other: Program staff contacted the state Ombudsman's Office as a follow up to resident's complaint regarding two mobilehomes parked in fire lanes.

9/18/2018 - Mayfair Trailer Park

Resident's issue: Resident came requesting legal advice regarding a seven day notice to comply with park rules. Program staff referred the resident to legal services for assistance.

9/21/2018 - Triangle Trailer Park

Other: Program staff followed up with Park resident and was informed that the State inspector conducted a Park inspection regarding alleged health and safety violations.

9/24/2018 - Hometown Eastridge Mobile Estates

Other: Property manager called Program to request information about the Mobilehome Fee Exemption Request. Program notified property manager about the mail-out date.

Theresa Ramos
Rental Rights & Referrals Program
Analyst II, Policy and Special Projects

Exhibit A

City of San José, California

COUNCIL POLICY

TITLE CONVERSION OF MOBILEHOME PARKS TO OTHER USES	PAGE 1 of 12	POLICY NUMBER 6-33
EFFECTIVE DATE	REVISED DATE	
APPROVED BY COUNCIL ACTION February 23, 2016, Item 4.2(b), Res. No. 77673; Amended May 16, 2017, Item 4.1(c), Res. No. 78166.		

BACKGROUND

“Immobile” Homes on Rented Land

Mobilehomes may look like single-family detached houses, but in most cases they are manufactured (factory-built) homes installed in mobilehome parks that may or may not be affixed to a foundation. Unlike other homes where the home-owner owns the land or at least the airspace, the land beneath the mobilehome is, typically, not owned by the purchaser of the mobilehome. The mobilehome owner pays space-rent to the mobilehome park owner for the privilege of use of the space. Mobilehomes have purchase prices that are substantially less than single-family detached houses due to mobilehomes’ factory construction and non-ownership of the land. The result is a hybrid type of housing arrangement, where the resident owns the housing unit, but leases or rents the land on which the housing unit is placed. This arrangement might not be so challenging to set up or maintain if the mobilehome owner could easily move to another mobilehome park, but once a mobilehome is installed in one mobilehome park it is extremely difficult to move the mobilehome to another mobilehome park. In particular, older mobilehomes that are not constructed up to current codes cannot be moved into another mobilehome park. Lack of available spaces in mobilehome parks throughout the region could severely limit the ability to relocate mobilehomes. For practical purposes, the immobility of mobilehomes means if a mobilehome park converts to another use, the mobilehome will very likely be destroyed, the mobilehome owner will lose that significant asset, and any compensation that the mobilehome owner recovers will be that provided in accordance with State and local law.

Parks in San José and the Surrounding Area

San José has had mobilehome rent control since 1979. Approximately 10,800 mobilehome park spaces received plumbing, electrical, and sewer permits on or before September 7, 1979 and are thus subject to rent control under San José Municipal Code Chapter 17.22. This rent control ordinance allows automatic annual rent increases of 75% of the Consumer Price Index (CPI), but not less than 3% or more than 7%. San José's rent control ordinance also imposes vacancy control that limits rent increases when a mobilehome is sold, which allows residents to protect their investments. Although according to staff's research in Fall 2015 there were approximately 21,750 mobilehome spaces in the Santa Clara, Alameda, San Mateo and Santa Cruz counties (the four-county area) surrounding (but not including) San José, only approximately 9,700 of them were rent-controlled spaces.

Park Residents in San José

San José's mobilehome parks are occupied by a variety of individuals and families, including low-income or fixed-income seniors and families. Most residents are owners of their mobilehomes. Additionally, since the ordinance regarding mobilehome park conversions (the Ordinance), now in Chapter 20.180, was adopted in 1986 as an ordinance amending Title 20 (the Zoning Code) of the San José Municipal Code, many more mobilehome park residents have limited English proficiency.

Decreasing Number of Spaces for Relocation

No new mobilehome parks have been built in the City of San José in the last 30 years, and few new mobilehome parks have been built in the State during this time. According to data from the State Department of Housing and Community Development in the last 15 years, approximately 900 mobilehome spaces have been lost in the four-county area due to park closure. As housing and land prices increase, it is reasonable to assume these losses may escalate making it more difficult over time to relocate residents to mobilehome parks in San José and even within the four-county area addressed in Chapter 20.180.

Inability to Afford Available Mobilehomes

As housing costs and land values escalate, interest in mobilehome park conversion to other uses increases, as does demand for rent-controlled mobilehome park spaces. Mobilehomes available for sale and vacant spaces in the City of San José rent-controlled mobilehome parks are unlikely to be sufficient to address the demand created by closure of a relatively large mobilehome park, and unless new parks are constructed this imbalance will increase as mobilehome parks close in the four-county area.

Based on the data submitted to the Housing Department over the last several years, space-rents in the City of San José's mobilehome parks are typically between \$550 and

\$1550 per month. Mobilehome owners who have occupied their mobilehome parks for a long period of time are more likely to have lower rent. Thus, even if the lower-income or fixed-income mobilehome park residents are able to find a mobilehome to purchase in another San José mobilehome park, their incomes may not allow them to meet the other mobilehome park's income requirements because space-rent and the mortgage for the purchased mobilehome will be more than their monthly costs were in their previous mobilehome park location. Consequently, it may be challenging to mitigate the economic impact of conversion and relocation on lower-income and fixed-income mobilehome owners.

Existing Conversion Ordinance

Under Section 20.180.630 of Chapter 20.180 of the Zoning Code, when a mobilehome park owner files an application for mobilehome park conversion, the mobilehome park residents become eligible for benefits under the required program of relocation and purchase assistance. Since this Ordinance was adopted in 1986, there has not been a conversion of a mobilehome park to another use in the City that has been subject to the conversion provisions in the Zoning Code. Over the last several years, several questions have arisen regarding mobilehome park conversion requirements and procedures under Chapter 20.180. Staff has concluded that several of the procedures and definitions would benefit by additional clarification.

Council Direction

The City is concerned that conversions of existing mobilehome parks in the City of San José to other uses may result in (a) the permanent displacement of a substantial number of mobilehome residents, (b) the risk of homelessness for lower-income mobilehome residents due to the inability to afford and qualify for available mobilehomes in San José, (c) the loss of a large amount of relatively affordably-priced housing, (d) the reduction of housing-type choice, and (e) the destruction of established residential communities. The City is also concerned that there is a lack of clarity regarding a sufficient program of relocation and purchase assistance.

As land and housing prices have escalated, there have been more questions to staff regarding mobilehome park conversion requirements and procedures. At least one mobilehome park owner has indicated to the residents of that mobilehome park an interest in converting to another use. As a result of this interest, in 2014 many mobilehome park residents expressed concerns about potential displacement from their homes, and asked the City Council to strengthen regulations for the preservation of existing mobilehome parks and the protection of mobilehomes as affordably-priced housing. In response, the City Council directed staff to prepare a Council Policy to further clarify the provisions in Chapter 20.180 and provide additional guidance for the review of applications of mobilehome park conversion to other uses as described herein.

GUIDING PRINCIPLES

As stated in Chapter 20.180, proposed conversions of mobilehome parks to other uses (conversions), should only be approved when findings can be made that the following guiding principles are furthered by such approval:

1. Make adequate provision for the housing needs of all economic segments of the community;
2. Facilitate resident ownership of mobilehome parks, while recognizing the need for maintaining an adequate inventory of rental space within mobilehome parks;
3. Provide a reasonable balance between mobilehomes and other types of housing;
4. Inform prospective conversion purchasers regarding the physical conditions of the structures and land offered for purchase; and
5. Reduce and avoid the displacement of long-term residents, particularly senior citizens, people with disabilities, those who are of low-income, and families with school-age children, who may be required to move from the community due to a shortage of replacement mobilehome housing.

PURPOSE

The purpose of this City Council Policy (Policy) is to provide clarification regarding how the above principles should be implemented on a project-specific basis so that the City's decisions on proposed conversions are consistent with these guiding principles.

POLICY

1. **Clarification of Certain Definitions in Parts 1-4 of Chapter 20.180**
 - a. "Designated Resident Organization" as described in Section 20.180.110 should be interpreted to include any association formed by the residents that has provided the owner or manager of the mobilehome park written notice of the name and address of the organization and the name and address of the representative of the organization to whom all notices under Chapter 20.180 shall be given. An association may be formed at any time, but for the purpose of negotiating to purchase the park, written notice of the exercise of this right shall be provided to the park owner within sixty (60) days of the date of issuance of the notice of intention to convert. There may be more than one such association. If there is at least one Designated Resident Organization representing at least 10% of the spaces, then any association representing less than 10% of the spaces shall not be considered Designated Resident Organizations. "Spaces" for

the purposes of this paragraph should only include spaces that are not owned by the mobilehome park owner or a proposed developer.

- b. "Mobilehome" should be interpreted to include all structures meeting the criteria in California Civil Code Section 798.3 including trailers, motorhomes, recreational vehicles or similar units, as may be amended from time to time.
- c. "Handicapped Mobilehome Owner" should be interpreted to include all persons who are disabled under State disability law and the Americans with Disabilities Act.
- d. "Good Faith Negotiations" should be interpreted to include the following characteristics:
 - i. Sufficient information, including but not limited to a current appraisal should be provided to each Designated Resident Organization so that the value of the mobilehome park as a mobilehome park can be established. The mobilehome park owner may require such information to be held in confidence by a third party.
 - ii. A detailed response by the applicant based on the price and terms in the offer should be provided within the 180-day period to any written offer by any Designated Resident Organization provided within 15 business days.
- e. The definition of "Mobilehome park conversion of use" should not be interpreted to exclude projects described as "park closure" from the requirements of Chapter 20.180.
- f. The statement of the rights of mobilehome owners, mobilehome tenants and residents required to be included in the notice of intention to convert (notice of intention) in Section 20.180.340.B should be interpreted to mean those rights set forth in Sections 20.180.360 and 20.180.370, and the rights of Designated Resident Organization(s) should be interpreted to mean those rights set forth in Section 20.180.380.
- g. "Relocation Impact Report" should be interpreted to mean the report required pursuant to Government Code Section 65863.7 as may be amended from time to time and as may be supplemented pursuant to Chapter 20.180 or this Council Policy.

2. **Clarification of Standards for Program of Relocation and Purchase Assistance**

In evaluating whether a satisfactory program of relocation and purchase assistance has been provided the following considerations should be taken into account:

- a. The appraiser should be selected from a pre-qualified list of appraisers with at least five (5) years of experience provided by the City. When the mobilehome park owner hires an appraiser, the mobilehome park owner should select an appraiser who is acceptable to the Designated Resident Organization(s). The mobilehome park owner should notify the Designated Resident Organization(s) of the mobilehome park owner's proposed appraiser before conducting appraisals and provide an opportunity for the Designated Resident Organization(s) to object to the proposed selection of appraiser. If a Designated Resident Organization(s) rejects the mobilehome park owner's proposed appraiser, the Designated Resident Organization(s) should provide a list of at least three appraisers that are acceptable to the Designated Resident Organization(s) to the mobilehome park owner. In the event more than one such Designated Resident Organization objects, the Designated Resident Organizations must jointly provide a single list of at least three appraisers to the mobilehome park owner.
- b. Appraisals should list in-place value of mobilehomes, both current and prior to any public discussion or communication regarding sale or conversion of the mobilehome park and should contain the elements described in item 3 below.
- c. The mobilehome park owner should hire a relocation specialist selected by the mobilehome park owner from a pre-qualified list provided by the City to prepare the Relocation Impact Report (RIR) who is acceptable to the Designated Resident Organization(s). The mobilehome park owner should notify the Designated Resident Organization(s) of the mobilehome park owner's proposed relocation specialist before the relocation specialist commences work and provide an opportunity for the Designated Resident Organization(s) to object to the proposed selection of the relocation specialist(s). If a Designated Resident Organization(s) rejects the mobilehome park owner's proposed relocation specialist the Designated Resident Organization(s) should provide a list of at least two relocation specialists that are acceptable to the Designated Resident Organization(s) to the mobilehome park owner. In the event more than one such Designated Resident Organization objects, the Designated Resident Organizations must jointly provide a single list of at least two qualified relocation specialists to the mobilehome park owner.

- d. No unjust or unreasonable evictions should have occurred and no residents should have been coerced to sell without relocation benefits.
- e. All sales occurring after the delivery of notice of intention pursuant to Section 20.180.340 but before the application is filed should include a signed statement acknowledging that by selling the unit prior to the filing of the application, the mobilehome owner is waiving the benefits under the program of purchase and relocation assistance. The mobilehome owner may not waive benefits for renters occupying the units.
- f. For any eligible mobilehome owner whose home cannot be relocated to a comparable mobilehome park in the City of San José or relocated to another mobilehome park chosen by the mobilehome owner, the program of relocation and purchase assistance should provide for the purchase of the mobilehome at 100% of its in-place value consistent with Section 20.180.630.2.e as determined by the selected appraiser.
- g. A program of relocation and purchase assistance should provide payments for the costs of relocation and purchase assistance listed in the contents of the RIR as described in item 3 below, as that are applicable in each resident's circumstances. The mobilehome park owner (also referred to as applicant herein) should include a fair and transparent process for appeal of the determination of applicable assistance in the RIR, including but not limited to consideration of appraisals and reports by appraisers who may be hired by the Designated Resident Association and provide advance notice to the residents of such process.
- h. A program of relocation and purchase assistance should provide sufficient subsidies and other measures to allow residents to find other adequate, safe housing priced at a level that does not create a housing burden. This City Council Policy incorporates the definition of housing costs resulting in undue burden in the City of San José's Housing Element for 2014-2023; housing costs that do not create a housing burden are housing costs that do not exceed 30% of gross income.
- i. A program of relocation and purchase assistance should provide for payment of the costs to reinstall or replace any accessibility improvements made to a resident's mobilehome and surrounding area such as wheelchair ramps, lifts, and grab-bars. Such payments should be provided to displaced residents who made such accessibility improvements.
- j. A program of relocation and purchase assistance should include relocation specialist services including on-site meetings with the residents to assist them in evaluating, selecting and securing housing in a comparable park or other comparable housing. It should also include technical assistance related to the leasing or purchasing of replacement

housing, referral to affordable housing resources, assistance in making arrangements to move personal property and belongings and transportation of residents who are unable to drive to prospective replacement housing.

- k. It is desirable that conversion projects with proposed residential uses contain housing that is affordable to all income levels of existing residents and provide a first priority opportunity to purchase or rent such units to existing residents. Units with rents and purchase prices restricted by recorded covenants will be considered desirable for mitigation of relocation impacts to lower-income residents.
- l. The above standards may be waived, adjusted, or reduced if an applicant shows, based on substantial evidence, that applying the standards in this Policy would take property in violation of the United States or California Constitutions.

3. **Clarification of Standards regarding Contents of RIR to supplement requirements in Section 20.180.630 of the Zoning Code.**

In evaluating whether the RIR provided is consistent with a satisfactory program of relocation and purchase assistance, the following considerations should be taken into account:

- a. The RIR should identify space vacancies and units for sale, including price and space rent, and required purchaser income (if available) in the Santa Clara, Alameda, San Mateo, and Santa Cruz counties (the four counties) and should indicate which, if any, may be subject to rent stabilization ordinances. The list should also include any mobilehome park specifically requested by a resident mobilehome owner within a 100-mile radius of the subject mobilehome park and for each such mobilehome park, the space-rents, whether the park is rent-stabilized and the qualifications for residency in each mobilehome park (e.g., age restrictions, no pets, minimum income), whether the mobilehome park has any available space and will accept mobilehomes being relocated and, if so, any restrictions such as size and age, on the relocated mobilehomes that would be accepted.
- b. The RIR should indicate number of residents in the following categories: earning less than 30% Area Median Income (AMI), 50% AMI and 80% AMI, disabled under State or Federal definitions or by declaration of the resident; senior citizens; and families with minor children. This information should be obtained via a confidential questionnaire sent by the park owner to each mobilehome owner and resident of the park on a form provided by the City. The questionnaires shall be kept separate from the rest of the RIR materials and shall not be included in the overall RIR sent to each mobilehome owner and resident. The identity of each mobilehome owner

and resident and his or her responses shall be kept confidential and used only to determine the relocation assistance to be provided to a particular mobilehome owner or resident. If a questionnaire contains insufficient information, the City may seek the information directly from the mobilehome owner and resident. The City shall be entitled to reimbursement for any such costs if the park owner failed or refused to obtain such information.

- c. The RIR should discuss space-rent affordable for residents in the above 80% AMI and the various lower-income categories, assuming that space-rent plus typical mobilehome mortgage does not exceed 30% of income.
- d. The RIR should indicate the difference between the actual cost of housing available to the residents in the four counties (actual market rent) and the Federal Department of Housing and Urban Development's (HUD) fair market rent, and if this difference is more than 5%, the RIR should adjust the subsidies to reflect actual market rent. The rent subsidy should be the difference of rent paid by the resident in the mobilehome park and any higher rent for either a space at another mobilehome park if the mobilehome is relocated, or rent for comparable housing if the resident moves to other rental housing.
- e. The RIR should include a discussion of measures available to ensure residents have options to relocate to housing that will be affordable once the rent subsidy is no longer available. Such measures might include provision of affordable housing (rental or for-sale) in the proposed conversion project, provision of additional mileage and other benefits needed for a move outside of the four counties, and phasing of resident relocation to allow residents to find new housing within their means.
- f. The RIR should list the other mobilehome parks that are in the closure/conversion process in the four counties and their size. The RIR should also list the mobilehome parks that have closed in the period commencing six months prior to the notice of intention in the four counties, and the outcomes (e.g., new city of residence, rent and space rent) for the former residents of those closed mobilehome parks.
- g. At a minimum, the RIR should include the following information with monetary values determined by the selected appraiser:
 - i. A description of proposed new use(s) for the subject site including, but not limited to appraisals of the mobilehome park site with the proposed uses on-site, and appraisal of the highest and best use of the mobilehome park site;

- ii. A proposed timetable with phases of relocation of existing residents and development of the new project delineated for conversion of the subject mobilehome park to another use;
- iii. A legal description of the mobilehome park; and
- iv. The number of spaces in the mobilehome park.
- v. For each space in the mobilehome park:
 - 1. The size in square feet, type (e.g., single-wide, recreational vehicle, stick-built), number of bedrooms, manufacturer, and date of manufacture of the mobilehome on the space, or if space is unoccupied indicate date of last occupation;
 - 2. The number of occupants of the mobilehome and their length of residency in the mobilehome park;
 - 3. The total monthly space rent currently charged for each space with detail showing the space rent, utility charges, and any other charges paid by the resident to the park owner;
 - 4. The in-place value the mobilehome would have if the mobilehome park were not being closed;
 - 5. Any improvements to the mobilehome, including but not limited to patios, porches, pop-out rooms and any recent major improvements to the home, including but not limited to a new roof or new siding;
 - 6. Any information available to the mobilehome park owner concerning any disability or special need of the occupants, which may be kept confidential by the City.
 - 7. An appraisal of the mobilehome park site if continued in use as a mobilehome park;
 - 8. An appraisal of the mobilehome park site if used for the highest and best use allowable under the existing General Plan land use designation for the subject site;
 - 9. If the appraiser identifies lack of maintenance, or deterioration of the subject mobilehome park that negatively affects the value of a mobilehome, the appraiser should determine the value of the home with an upward adjustment

in value as needed to eliminate the negative effect in value caused by the lack of maintenance or deterioration.

10. The purchase price of mobilehomes with similar size, age and number of bedrooms in comparable mobilehome parks including rent-controlled mobilehome parks. For this purpose, "comparable mobilehome park" means a mobilehome park that is similar in size, age, condition, and amenities to the mobilehome park that is proposed for closure, is located within a community similar to that in which the subject mobilehome park is located, and has similar access to community amenities such as the job market where a displaced resident is employed, schools, shopping, medical services, recreational facilities, and transportation.
- h. The RIR should also enumerate the costs of obtaining other comparable housing for rent and for sale, including but not limited to the purchase price of comparable condominiums and the costs of moving into a comparable house or comparable apartment, including such items as first months' rent, security deposits and higher mortgage and Homeowner Association fee payments or rent of the comparable housing. The moving costs should include the cost to move furniture and personal belongings, temporary lodging, moving insurance, and the appraised value of personal property that cannot be reasonably relocated. For this purpose, "comparable housing" is defined as housing that meets or exceeds the minimum standards of the Housing Code, and is similar to the subject home in terms of rent, size, number of bedrooms and bathrooms, proximity to the resident's place of employment, amenities, schools, and public transportation.
 - i. The RIR should also include estimates from two moving companies acceptable to the Designated Resident Association that are licensed and bonded to move mobilehomes on public streets and highways, of the cost of moving each mobilehome in the mobilehome park up to a maximum distance of 100 miles, including transportation to the new site identified by the resident, the cost of permits, and tearing down and setting up the mobilehome at the new location, including the cost of any upgrades to comply with applicable Federal, State, and local building, plumbing, electrical, housing, mobilehome park, accessibility, and health and safety regulations, and the cost of moving any improvements, including but not limited to patios, porches and pop-out rooms, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups, and any upgrades required by the mobilehome park or State or local law.

4. **Procedural Guidance.**

- a. ***Pre-application Voluntary Agreement regarding Purchase.*** Prior to submitting an application for conversion of a mobilehome park, mobilehome park owners may enter into a voluntary agreement with the mobilehome owners for relocation-impact and purchase-assistance that best addresses their particular situation. Mobilehome owners should have legal representation in the negotiation of such agreements.

- b. ***Translation of Documents related to Notice and Relocation Benefits.*** Consistent with the City Housing Department and State policy, translated notices of intention, notices of rights, mobilehome purchase offers, and descriptions of relocation and purchase assistance benefits should be made available by the mobilehome park owners on request for limited English proficiency mobilehome residents and owners or their representatives. Such translations should be available in Spanish, Vietnamese, Chinese, Korean, and Tagalog. All documents provided in English should provide clear information in those languages on how to obtain translated copies.

- c. ***Voluntary Agreement regarding satisfaction of Negotiation Requirements Allowed.*** If the Designated Resident Organization(s) and the mobilehome park owner agree in writing that negotiations required under Section 20.180.390 have occurred, the City may determine that the requirement for negotiations has been met prior to the initiation or completion of the 180-day negotiations period required by Section 20.180.390. Any "Voluntary Agreement regarding satisfaction of Negotiation Requirements" entered into by a Designated Resident Organization and the mobilehome park owner should contain, in 16-point font, an admonishment that the Designated Resident Organization should have legal representation before entering into and in negotiating such an agreement, that by entering into this agreement the Designated Resident Organization is giving up important rights, and that the 60-day period identified in Section 20.180.380 may still be available to another Designated Resident Organization at the mobilehome park.



Housing and Community Development Commission

December 13, 2018

Mayor Sam Liccardo
Members of the City Council
200 E. Santa Clara St, 18th Floor
San Jose, CA 95113

RE: Recommended City Council support of General Plan Amendments, File nos. GPT18-003, GPT 18-004, GPT 18-005, GPT 18-006

Dear Honorable Mayor Liccardo and City Council,

The letter is to convey to the Mayor and City Council the San José Housing and Community Development Commission's recommendations to support the General Plan 2040 Text Amendments and other changes that support affordable housing as proposed by staff.

The purpose of the City's Housing and Community Development Commission (Commission) is to advise the City Council and the City's Housing Department on policies, programs, and the City's performance in housing and community development. This focus includes issues related to the City's mobilehome rent ordinance, apartment rent ordinance and other programs in Chapters 17.22 and 17.23 of the San José Municipal Code. Given the Commission's responsibilities, its members are focused on a range of strategies and programs that can help San Jose's current housing crisis and shortage of affordable housing.

At the Commission's meeting on November 8, 2018, Planning Department staff presented proposed text amendments that support affordable housing projects and mobilehome park preservation. The Commission voted to support the following recommendation. By a vote of 8-2, it recommended that the Planning Commission and City Council **support the four proposed General Plan Text Amendments and other changes as written** regarding affordable housing and mobilehome park preservation issues. The Commission discussion indicated continued support for protecting mobilehome parks, for preventing displacement of residents from San José, and for creation of both market-rate and affordable housing to help the housing crisis.

Thank you for your consideration of these recommendations. If you have any questions, please feel free to contact me at HCDC6@sanjoseca.gov.

Sincerely,

/s/
Andrea Wheeler
Commission Chair

Update on Council Actions on Google
HCDC December 13, 2018

City Council Approvals on Dec 4th

- ✓ Sale of 6.3 acres of land formerly owned by the Redevelopment Agency and the 4.1-acre Fire Training site to Google
- ✓ Option for Google to buy the City's 10.7-acre parking lot next to the SAP Center, pending a parking arrangement with the Sharks
- ✓ Memorandum of Understanding (MOU) with Google that describes the shared goals and high-level terms for a master-planned development in the Diridon Station Area

**Diridon Station Area:
Former SARA/Redevelopment
Agency and City Properties**

**Former SARA/
Redevelopment
Agency Properties:**

- 8 S. Montgomery St.
(APN: 259-38-130)
- 102 S. Montgomery St.
(APN: 259-48-012)
- 105 S. Montgomery St.
(APNs: 261-35-003, -006, 010)
- 150 S. Montgomery St.
(APN: 259-48-053)
- 510 W. San Fernando St.
(APNs: 259-48-011, -013)
- 645 Park Ave.
(APN: 261-35-014)

**Total Size of Properties =
275,479 square feet
Or ~6.324 acres**

City Properties:

“Lots A/B/C”
525 W. Santa Clara St. and
566 W. Julian St.
(APNs: 259-28-031, -041,
-043, -044)
**Size of Property =
469,371 square feet
Or ~10.775 acres**

Fire Training Center
255 S. Montgomery St.
(APN: 261-37-025)
**Size of Property =
180,514 square feet
Or ~4.144 acres**

697 W. San Carlos St.
(APNs: 261-37-028, -030)
**Size of Property =
6,776 square feet
Or ~0.156 acres**

Key

-  Diridon Station Area Plan Boundary
-  Former SARA Properties
-  City Properties

**Former
SARA/Redevelopment
Agency Properties**

- Include “Lot D” + “Ballpark Sites”
- Land must be sold via Compensation Agreement by 12/31/18 for \$67 million
- Sale approved by 14 taxing entities
- Total size = ~6.3 acres

City Properties

- Include “Lots A/B/C” (Option) + Fire Training Center
- Total size = ~15 acres

MOU's Vision

“The Parties’ shared vision is to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses and that are well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown. This shared vision embodies a commitment to place making, social equity, economic development, and financially-viable private development.

The Parties intend to collaborate and innovate in the development of this urban destination to bring opportunity to the local community and create new models for urban and workplace design and development.”

Memorandum of Understanding

Shared Goals

Create a Balanced Development

Capitalize on Transit Synergy

Optimize Density & Mix of Uses

Grow and Preserve Housing

Create Broad Job Opportunities

Pursue Equitable Development

Design for Human Scale

Enhance & Connect the Public Realm

Pursue Excellence in Design

Maximize Use of Public Transit & Minimize Parking

Pursue Excellence in Transit Access & Operations

Optimize Sustainability

Be Open to Innovation

Proceed with Timely Implementation

Participate in Fair Share Development

Shared Vision - Housing

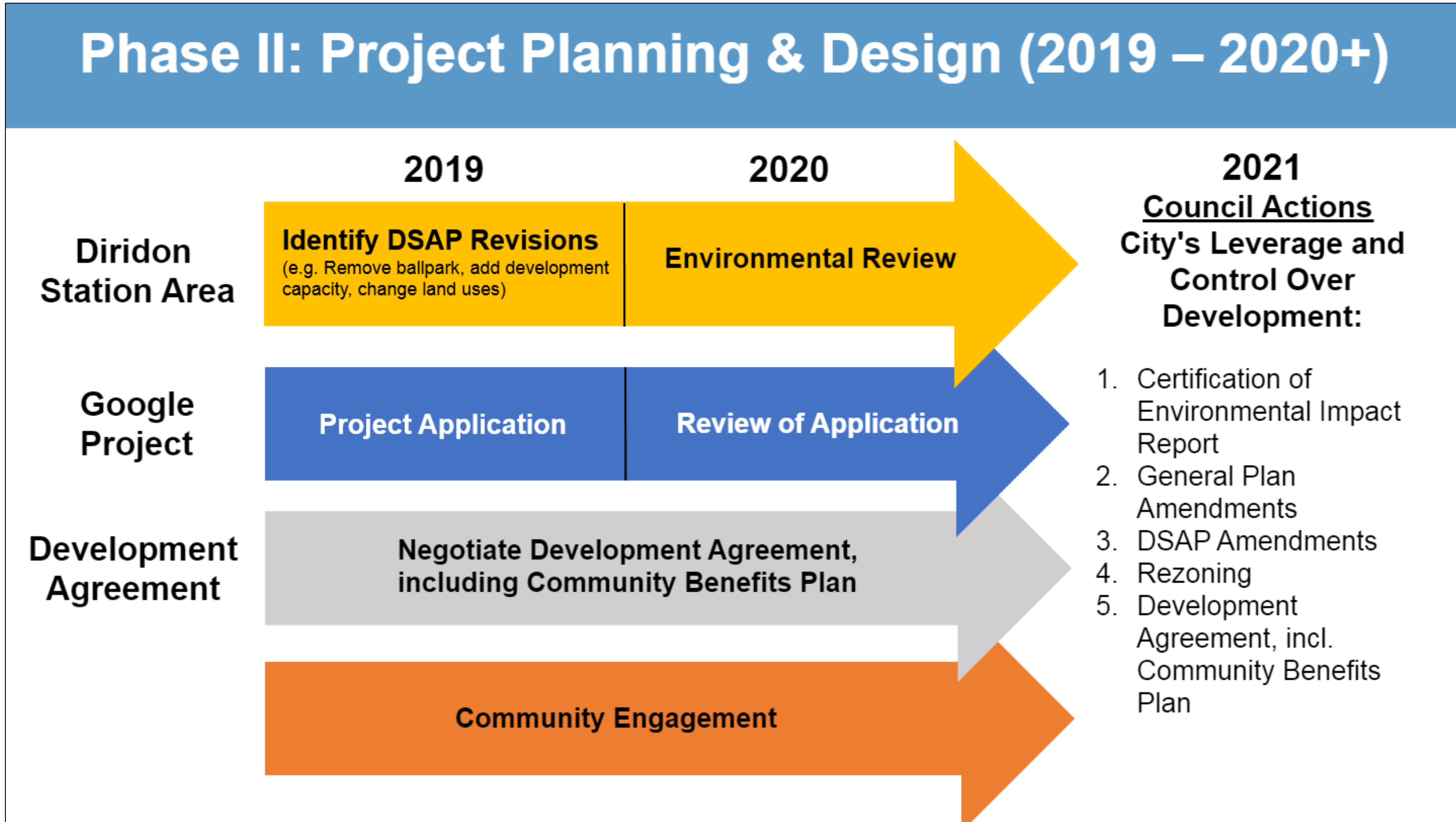
“Grow and Preserve Housing. Grow and preserve housing in the City to help address rising housing costs and displacement. Housing in the Diridon Station Area should include on-site units affordable to low-income households and “missing middle” households, and market rate homes in a combination that is financially viable for residential developers to ensure that planned housing is built. Affordable units can be built both integrated into market-rate developments and as stand-alone affordable housing projects. .”

Memorandum of Understanding

Future Development Agreement and Community Benefits Plan

- PSAs anticipate that the City/Google will enter into a Development Agreement
- Future Development Agreement (DA) will include a Community Benefits Plan
- Basis for Community Benefits: the additional value Google receives as a result of the legislative changes that may be approved by Council that enhance the value of Google's land, and the certainty provided by the DA
- Community Benefits Plan will reflect input provided through the Civic Engagement process; major categories of consideration include:
 - Affordable housing, displacement prevention and mitigation
 - Education, workforce training, and career opportunities
 - Small business opportunities
 - Historic and cultural preservation, public art
 - Public space, trails, and mobility
 - Community nonprofit support, including homeless services
 - Habitat and environmental sustainability

Potential Next Steps



Source: City of San Jose

FAQs available at www.diridonsj.org

Diridon Integrated Station Concept Plan

- A collaboration between the City of San José, Caltrain, VTA, and the California High-Speed Rail Authority to plan for the redesign of Diridon Station to integrate existing and future transit services
- Email Lori.Severino@sanjoseca.gov to sign up for email updates (website update underway)



The city of San Jose is home to almost 60 mobile home parks, housing almost 60,000 people, who make up a particularly vulnerable population:

While mobile home owners own their homes, they do not own the land beneath the homes.

While the homes are labeled “mobile”, they are rarely actually capable of being moved.

Even if the home is moveable, there is no available space in any mobile home park in San Jose or the Bay Area.

The mobile home population is generally a moderate to low income population, with few financial reserves other than the equity in their home.

A significant percentage of the mobile home population is 55+, with a very high number of residents who are 70+.

The mobile home resident population is now more vulnerable than ever because the current economic environment is creating a strong incentive to convert mobile home parks to more profitable developments such as office space, retail space, or high-density housing.

Closing a mobile home park leaves almost no housing alternatives for mobile home owner/residents:

As soon as a mobile home park is under consideration for closure, the value of their homes drops severely, or they can't sell their homes at all, meaning that they can not extract the equity from the home to be used to obtain new housing.

The home is not moveable, or there is no space available to move it to, or they don't have the money to move the home and pay higher rents in the new location.

The resident does not have a high enough income to afford market rate apartments, and can not find an designated affordable rental unit.

The mobile home owner does not have other financial reserves to obtain alternative new housing, even including moving costs and deposits for rentals.

Because of the above reasons, closure of a mobile home park can force many mobile home park owner/residents into new housing situations that are much less desirable than the park, including the quality of their new home and neighborhood, and access to needed services such as health care providers.

Furthermore, because of the current economic and housing environment, closure of a mobile home park creates the very real possibility that significant numbers of mobile home park residents, including senior residents, will become homeless.

The Housing and Community Development Commission has discussed the possible closure of mobile home parks many times and for many hours in the last several years. We have discussed updates to the existing Mobile Home Park Conversion Ordinance, the proposed Mobile Home Park Closure Ordinance, and the proposed Mobile Home Opt-In Ordinance.

In every discussion, the HCDC has recognized the reality that mobile home park closures will happen and have consistently focused on protecting the financial, housing, physical, and mental well-being of the displaced residents. The HCDC worked closely with the Housing staff to ensure that appropriate levels of support are given to the residents in the Mobile Home Park Conversion Ordinance.

During our discussions, the HCDC has heard the concern voiced by mobile home residents that mobile home park owners will attempt to avoid the requirements of the Mobile Home Park Closure Ordinance by pre-emptively evicting residents.

The first mobile home park, Winchester Ranch Mobile Home Park, is now seriously considering closure/conversion. Recently, residents attended an HCDC meeting to complain about eviction notices issued to the residents for minor infractions with minimal notice. The HCDC has listened to their complaints and have found them to be credible. **The HCDC believes that it is possible that the park owners may be trying to pre-emptively evict residents before formally announcing the park conversion and triggering the requirements of the Conversion Ordinance.**

The Commission's concerns extend beyond Winchester Ranch. Other mobile home park owners will watch this closure and will follow the example set. If Winchester Ranch Park owners can avoid the requirements of the Closure Ordinance, other park owners will do the same.

The Commission has received feedback from Housing Staff and the City Attorney that the policy addressing possible improper evictions falls under Council Policy 6-33, CONVERSION OF MOBILEHOME PARKS TO OTHER USES, and that any recommendations regarding the evictions must go to the City Council

Therefore, the Housing and Community Development Commission requests that Council direct Housing Staff to apply heightened scrutiny to eviction notices being issued at mobile home parks and enforce protections as needed to prevent residents and mobile home owners from being pre-emptively evicted in order to avoid the requirements of the Mobile Home Park Conversion Ordinance.