

HOUSING & COMMUNITY DEVELOPMENT COMMISSION
AMENDED MEETING ACTION MINUTES

SEPTEMBER 12, 2019

MEMBERS PRESENT:

Andrea Wheeler	Chair	
Alex Shoor	Vice Chair	
Barry Del Buono	Commissioner	
Martha O’Connell	Commissioner	
Shavell Crawford	Commissioner	<i>Arrived 6:17 PM</i>
Nhi Duong	Commissioner	<i>Arrived 6:41 PM</i>
Ryan Jasinsky	Commissioner	
Justin Lardinois	Commissioner	
Roberta Moore	Commissioner	<i>Arrived 6:01 PM</i>
Ruben Navarro	Commissioner	
Victoria Partida	Commissioner	
Julie Quinn	Commissioner	

MEMBERS ABSENT: District 8 – VACANT Commissioner

STAFF PRESENT:

Helen Chapman	Council Liaison
Kristen Clements	Housing Department
Selena Copeland	Housing Department
Robert Lopez	Housing Department
Adam Marcus	Housing Department
Viviane Nguyen	Housing Department

(I) Call to Order & Orders of the Day

Chair Wheeler called the meeting to order at 5:46 PM.

(II) Introductions – Commissioners and staff introduced themselves.

(III) Consent Calendar

- A.** Approve the Minutes for the Meeting of August 8, 2019
ACTION: Approve the August 8, 2019 action minutes

**Commissioner Lardinois made the motion to approve the August 8, 2019 minutes, with a second by Commissioner O’Connell. The motion passed unanimously (9-0). Yes: Navarro, Del Buono, Shoor, Wheeler, O’Connell, Jasinsky, Quinn, Lardinois, Partida (9)
Absent: Crawford, Moore, Duong (3)**

- B.** Approve the Minutes for the Annual Retreat of August 24, 2019
ACTION: Approve the August 24, 2019 action minutes

Vice Chair Shoor made the motion to approve the August 8, 2019 minutes, with a second by Commissioner Navarro. The motion passed unanimously (9-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida (9)
Absent: Crawford, Moore, Duong (3)

(IV) Reports and Information Only

- A. **Chair:** Chair Wheeler provided an update on the new administrative changes to conducting the Commission meeting.
- B. **Director:** Ms. Kristen Clements provided an update on the six Housing Department items agendized for City Council on September 24th, the District 8 Commissioner recruitment, and the upcoming City Council study session on displacement in San José.
- C. **Council Liaison:** Ms. Helen Chapman also noted the Housing Department's several items agendized at City Council on September 24th.

(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. **Adopt Commission's Accomplishments for 2018-19 (K. Clements, Housing Department)**
ACTION: Review, discuss, and adopt the Housing and Community Development Commission's FY 2018-19 Accomplishments.

Commissioner Del Buono made the motion to pass the amended Commission accomplishments which clarified the Commissioner-initiated items, with the second by Commissioner Navarro. The motion passed unanimously (10-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore (10)

Absent: Crawford, Duong (2)

- B. **Adopt Commission's Workplan for 2019-20 (K. Clements, Housing Department)**
(TO BE HEARD AFTER NEW BUSINESS)
ACTION: Review, discuss, and adopt the Housing and Community Development Commission's FY 2019-20 Workplan, for consideration by the City Council's Community and Economic Development Committee at its September 23, 2019 meeting.

Commissioner O'Connell made the motion to have a brief overview of each commissioner-initiated idea before voting, an appeal from the current proposal to vote without having a brief overview, with a second by Commissioner Jasinsky. The motion failed 5-6-1.

Yes: Crawford, Duong, Partida, O'Connell, Jasinsky (5)

No: Navarro, Moore, Del Buono, Shoor, Quinn, Lardinois (6)

Abstain: Wheeler (1)

Commissioner Jasinsky made the motion to consolidate commissioner-initiated idea items 4 and 5, with a second by Vice Chair Shoor. The motion passed unanimously (12-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12)

Commissioner Crawford made the motion to add the top four scoring commissioner-initiated ideas to the draft Workplan and approve the Workplan, with a second by Commissioner Del Buono. The four items are:

- **Board and Care Regulations and Properties**
- **Mental Health Proposition 2 Funding**
- **Additional Density Bonus for Affordable Housing**
- **Nonprofit Housing Co-ops First Opportunity to Buy Affordable Housing Properties**

The motion passed 11-1.

Yes: Moore, Crawford, Del Buono, Duong, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida (11)

No: Navarro (1)

Commissioner initiated items include:

- **Board and Care Regulations and Properties** - 85% of shelters in San Jose are composed of senior citizens and with a review of regulations and development, we can properly care for our elderly community members.
- **Mental Health Proposition 2 Funding** - Leverage prop 2 mental health housing bond through collective collaboration with County of Santa Clara.
- **Additional Density Bonus for Affordable Housing** on affordable housing projects
- **Nonprofit Housing Co-ops First Opportunity to Buy Affordable Housing Properties** the first opportunity to buy affordable housing by condition before the owner sells it
- **Provide RV Parking with Services** - Create a safe parking program for RVs. Allocate 1 or more acres of the Fairground, a similar location, such as an abandoned motor lodge for RV Parking or purchase an existing RV rental company. Provide case workers as is done with Safe Parking. Other than this, can start with no services. As budget permits, provide water, sewer, and electrical hookup. Monitor for illegal activity to protect and keep the area safe. Eventually, add bathrooms with showers, sinks, and toilets. Can charge a fee on a sliding scale based on income and service offering
- **Educate Rental Providers** - Bring back Project Blossom with Jodi Marshall. Project Blossom teaches Rental Providers what's required and how to provide the best service possible.

- **Right to counsel for low-income tenants**
- **Benefits for mobile home park residents displaced by park conversions** - The residents of Winchester Ranch were able to negotiate buyouts and replacement housing after their park is closed. The action would be to institutionalize a similar requirement for future mobile home park conversions.
- **Explore different in-lieu fee structures for the Inclusionary Housing Ordinance** - Explore how the current requirement could be tweaked to incentivize developers to build affordable units rather than pay the fee. Two ideas I immediately have are different fee amounts, or making the fee option require an exemption by city council, as Milpitas does.
- **Inclusionary housing ordinance update** - Not using "clustering" as an incentive for development of affordable units
- **Next steps re: vacant properties** - Both our continued work and the City's study of the issue as a possible tax
- **Mobilehome park replacement housing ordinance** to turn the Winchester Ranch Mobile Home Park negotiated agreement into a model for policy
- **Funding worker-owned businesses through CDBG funding**
<https://nonprofitquarterly.org/program-to-promote-employee-ownership-in-communities-of-color-scores-early-wins/>
- **Tiny homes** - request a report back and explore possible replication to other sites in the City
- **Land owned by City of San Jose** within 0.5 miles of transit must be built or sold if it has sat empty for 10 years
- **Tie ARO (rent stabilization)** to the income of tenant instead of year unit was built.
- **Protect families from eviction** if the child is on juvenile probation.

(VII) New Business

A. Commendations for Commissioners Fitzgerald and Tran

(K. Clements, Housing Department) (No memo)

ACTION: None.

Ms. Clements and Ms. Chapman provided commendations to former Commissioner Michael Fitzgerald to recognize his years of service to the Commission representing owners and managers of residential rent-stabilized properties. (Commissioner Tran was not present.)

B. Presentation: Code of Conduct Review (Council Policies 0-15 and 0-4)

(R. Henninger, Housing Department) (No memo)

ACTION: None.

Ms. Henninger presented portions of City Policies 0-15 and 0-4 concerning expectations for commissioners' conduct.

C. Homelessness Annual Report (K. Hemphill, Housing Department)

ACTION: Review the homelessness annual report for Fiscal Year 2018-19 and recommend that the City Council approve the report.

Commissioner Lardinois made a motion to recommend City Council to accept staff recommendation with the Commissioner's comments, with a second by Commissioner Crawford. The motion passed (12-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12-0).

D. Public Hearing for the FY 2018-2019 Consolidated Annual Performance Evaluation Report (CAPER) (R. Lopez, Housing Department)

ACTION: Hold the second of three public hearings on the use of federal funds from the U.S. Department of Housing and Urban Development (HUD) in the FY 2018-2019 Consolidated Annual Performance Evaluation Report (CAPER), and recommend that the City Council approve the FY 2018-2019 CAPER.

Commissioner Crawford made the motion to recommend the CAPER with the Commissioners' comments, with a second by Commissioner Quinn. The motion passes (12-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12-0).

E. Updates on Development of the Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan for 2020-25 (J. Joanino & R. Lopez, Housing Department)

ACTION: Review the Department's reports and workplans for developing the Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan governing the use of federal funding from the U.S. Department of Housing and Urban Development over the 2020-25 period, and give feedback to staff.

Mr. Marcus and Mr. Lopez presented the presentation on Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan for 2020-25. Commissioners gave comments and asked questions. No formal action was taken.

(VIII) Open Forum

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(IX) Meeting Schedule

The next regular Commission meeting is scheduled to be held on Thursday, October 10, 2019, at 5:45 p.m. in Wing Rooms 118-120 at San José City Hall, 200 E. Santa Clara St., San José, CA 95113.

Potential items for October:

- Inclusionary Housing Ordinance changes
- Ellis Act Potential Changes & ARO Tenant Demographics
- Rent Stabilization Programs Annual Report
- Administrative Citations for Tenant Protection and Housing Payment Equality Ordinances
- Mobilehome Park Land Use Changes (or in Nov.)

Chair Wheeler requested commissioners to verify whether meeting dates of December 5 and December 12, 2019, would be possible, with the determination for a December Commission meeting date to be agendized at the Commission's October meeting.

(X) Adjournment

Chair Wheeler adjourned the meeting at 10:05 PM.

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.