

# 1/21/20 Anti-displacement Forum Notes

Santa Clara County Association of Realtors, California Apartment Association, The Silicon Valley Organization  
SCCAOR Office - Education Room 1651 N. First St., San Jose, CA 95112

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## Production

- Really like YIGBY
- Urban Village – could be promising to include Affordable housing. Need to look at need for extremely low-income (seniors, fixed incomes)
- Production for full lifecycle: families → seniors, complete
- More mixed-use site de-development (dead retail sites) → moving toward Santana Row
- TOT/Short term rentals – generate minimal amounts of revenue. These are more issues for SF/coastal areas
- Need more innovation in production space.
- Need to marry redevelopment with preservation
- Changing employment land to mixed use + housing
- Not enough public land to address affordable housing need
- Need to figure out near-term production methods: CLT, modular, lit, higher density
- Production's role in displacement? How? Not what to produce?
- What to do with existing residents in older housing? Means testing NOAH? Increase affordable housing production of extremely low-income
- How do we move more affordable housing through the process more quickly: Streamlining process + increasing density → looking at state solutions SB 50 + SB 35

## Preservation

- (16) More \$ for downpayment assistance
- More diversity of options for first time homebuyer programs so units stay affordable
- Concern with community land trust (CLT): challenging to operate in difficult neighborhoods + important to have good property management so it doesn't add to local problems. Takes ongoing support for department to work with CLT.
- (15) Concern with fee exemptions - If we are waiving inclusionary housing ordinance (IHO) fees downtown and don't charge a commercial linkage fee, what is the source for preservation funding?

## Protection

- Intersecting social security + housing
- Addressing housing needs for those with disabilities, need housing advocates that can help hand hold. IE. Sister is both deaf and blind. Navigating housing issues will be too difficult to do on her own.
- Legal services could protract the situation for both the tenant and the landlord. Instead consider an ombudsman program.
- City and state are legislating at a pace that property owners cannot keep pace with.
- There should be proactive notice of family resource centers.
- Upon receipt of eviction notices, the City reach out to tenant to provide list of resources.
- Majority of affordable stock is covered by ARO.
- There needs to be protections for families – housing needs are different – place to play etc. esp. families with young children.
- City should study students' housing needs, solutions, and resources.

# 1/24/20 Anti-displacement Forum Notes

SV@Home, Destination:Home, The Housing Trust Silicon Valley  
MLK Library room 255 150 E San Fernando St, San Jose, CA 95112

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## Preservation

### Limited Equity Co-ops/CLTs

- Worthy of study
- *Positive*: potential to preserve neighborhoods, potential to separate land value from buildings theoretically making it more affordable and fewer cost spikes; might be best for missing middle/mod income housing because of lack of subsidy for LI/VLI housing. A good example is Bay Area Land Trust.
- *Negative*: Need new organizations to start this, so that challenge is on top of challenge of delivering affordable housing – which there are professionals already know how to do.

### Preservation Strategy

- Need Council to adopt a preservation policy
- SJ needs local community-based development corporations like SF's Bernal Heights, DC, MEDA. Look to Neighborworks/LISC for training.
- COPA-need affordable housing in a registry. COPA is good but it should cover all apartments, or at least all affordable and all ARO apartments.

### Preservation Investment Fund

- SJ needs to help provide money that is low-cost and fast enough to let nonprofit affordable housing developers to compete to buy NOAH and/expiring use properties quickly.
- Good preservation strategy is for nonprofit developers to buy garden apartments, add units/ a building, and rehab other units to densify properties.

## Production

### Short-term rental

- Airbnb/rbo – “existing hotel tax culture. Could be unrestricted new money for some of the other priorities in 3Ps.
- Also takes resources out of market, maybe different (in SJ than SF?), for entire homes
- Restrictions as important as fees
- Preservation – also ADUs
- Vacancy tax dates per year limits

### YIGBY – allow residential development on church property

- Large parking lots
- Partners? City? Facilitates contact w/ developers
- Is there a track from safe parking to permanent housing?
- Churches can't run out of parking – do need some to operate
- Churches are nonprofit – do they need to rent or sell land? If sell, need funding other than tax credits.
- Affordable housing for families and seniors might be easier

### Production Funding/Land

- Commercial Linkage Fee
- IIF/Infrastructure option
- Public-private partnerships for creative solutions
- Measure E

- Q sales tax
- Production land/opportunity: relieve commercial requirement, maximize density, under utilized land banked jobs land, extra inclusionary requirement where displacement happens, school partnerships
- First time homebuyer – if it's not supported, it's a form of redlining
- Low- and moderate-income opportunities for homeownership

### **Protection and Placement**

- Market-rate apartments should not be allowed to pay in-lieu fee; doing so contributes to segregation
- SJ ordinance prevailed at the Supreme court based on alternatives. The City could impact the incentive to build on-site by increasing the in-lieu fee
- Residents facing displacement should get assistance like the Winchester ranch settlement, preference for affordable housing by neighborhood
- Preference is a good idea, seems like it would help residents stay in their neighborhood
- Important that protections and assistance is available for folks of all circumstances, including folks experiencing homelessness
- Move-in assistance

### **Transportation**

- Concern how Urban Villages/Transit areas will displace not only residents but also small businesses
- Need transit to support affordable housing
- Parking issues with doubled up homes
- Transit projects displace people - BRT and Alum rock, the light rail in downtown
- Protecting vulnerable residents = connection to transit issues

### **Placement into housing**

- Who gets into PSH? And into Affordable? Is it the right mix? Overconcentration?
- Benefits of integrating residents of different incomes?
- Priority for low-income residents already living in the area? (Tenant Preference)
- Sanctioned encampments are a means to help those on the streets, an immediate strategy. Need safe parking.

# 1/28/20 Anti-displacement Forum Notes

Law Foundation of Silicon Valley, Golden State Mobilehome Owners League  
MLK Library room 255 150 E San Fernando St, San Jose, CA 95112

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## Preservation

- Need a fuller description of preservation strategy and it needs to include mobilehome parks
- What are the implications of affordability restrictions on existing residents if a building is bought? Need to keep people in place
- Concern about people being forced to share their income information
- All mobilehome parks should be GP designated “mobilehome park”
- Winchester Ranch Style mobilehome park conversion –
  - o There was a negotiated agreement for residents to move into new housing at their current rents with same rent increases they would have paid in their mobilehomes.
  - o It is being constructed in stages to allow for gradual move-ins.
  - o Not a panacea for all parks (size of project, projected incomes, etc.)
  - o Experience of living in a mobilehome is different from apartment living. There is more space. They own their homes.
- The priority is to preserve all mobilehome park communities.
- No new ordinance or policy is needed – just General Plan designation.
- Protect the people, not the housing stock.

## Protection

Tenant right to legal counsel

- Gideon v Wainwright level defense rights for tenants.
- What is the impact on the court system? Aren't courts over impacted?
- Cases are already happening, what is the burden of having both sides represented?
- Existing research shows there are cost savings to the social safety net by providing legal counsel for tenants facing eviction and avoiding homelessness.
- What is the staff capacity to manage this program?
- Need study to quantify the costs and benefits of the new policy. Shared cost and responsibility with the County.
- Capacity issue: too many cases, not enough staff and resources.
- There are some jurisdictions that provide a right to legal counsel for tenants and low-income landlords.

## 2/5/20 Anti-displacement Forum Notes

SOMOS Mayfair

School of Arts and Culture 1700 Alum Rock Ave, San Jose, CA 95116

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### English Small Group Notes

#### Production

- Encourage homeownership options
- (19) support 100%
- \* public back (LA)? As funding source
- (20) Deep affordability on public lands → support 100% for low-income and no-income people
- (21) Need to be responsive to specific neighborhood needs \* transparency
- (22) Schools, etc. should be added to this
- (24) Eminent domain potentially dangerous route
- \*Places in SJ Don't (generally) sit empty for very long
- 29\* Could generate funds w/ vacancy tax on empty homes
- 30\*Vacant land tax
- (26) Raise inclusionary fees
- Streamline permit & review process
- (31) City builds housing (social housing?)
- (24) Eminent domain on foreclosed (Richmond) homes
- (25) CDC/CLT/Co-op production
- (26) Incentivize on-site inclusionary
- (27) Affordable ADU (pre-fab) "portable ADU"
- (28) [Homeownership]

#### Preservation

- 8) mobilehomes one of last bastions of affordable housing
- new) broader changes → General Plan
- 11) Preservation Strategy such as small-site acquisition, land trust
- New) Long term replacement policy for mobilehome park conversion to be replaced by new affordable homes
- New) Cooperatives
- 12) Can nonprofits afford this?
- Tie this to public banking?
- Issue is how equity is handled, may lose equity yet guarantee affordability
- Community gets more control

#### Protection

- Solutions to political will problem
- Rent board, anti-displacement task force, organizing tenants
- Expand neighborhood associations to include tenants
- AB 1482 enforcement good idea
- Understanding the causes of displacement, it is not one cause. Align solutions w/ the cause
- Tenant representation in land-use and city boards like planning
- Include Vietnamese community view in organizing
- Mailer to all renters re: laws + different community organizations, use social media
- TPO for mobilehomes?

- Revisit vacancy decontrol

## Spanish Small Group Notes

### Preservation

- Quienes son responsable para asegurar que la ciudad/agenicas aydan a la comunidad?
- Crear una campana de infomacion para informar a la comunidad
  - En centros communitarios
  - Utilizer la gente de comm ayundando
- Copiar ideas que ya son exitosos (en otro areas) Vermont/Colorado – Casas mini
- Fondo de inversive cuando, conlo, quien lo aministar? De donde viene los fondos
- A que comunidad se refieren?
- Asegurar que ellos puedan participar
- Crear los fondos de los corporaciones grandes
- Copiars ideas que ya son exitosos (en ortos areas) Vermont/Colorado – casa minis
- Explorar la habitacion
- Control de renta a casas (en general)
- Quitar el opcion de pagar la multa

### Proteccion

- Establecer un nivel real de ingreso (ELI) – basado en el costo de vida
- Dar la preferencia a inquilienos local residents
- Que no piden un deposito demasiado (dos or tres veces alto)
- Eliminar el deposito
- Crear una fecilidad de pagar el deposito
- Crear un comite de gobiernon los apartamentos

### Produccion

- Investigar ortos modelos donde la ciudad colabora con agencias para construir VA
- - Como desarrollar “fido-comistos”
- → Preferencia a los residents no las comprezas
- Usar casas vacias/solas para otros propositos – cuidado de ninos, VA, etc.

*Google translation of small groups notes –*

## Spanish Small Group Notes

### Preservation

- Who is responsible for ensuring that the city / agendas help the community?
- Create an information campaign to inform the community
  - In community centers
  - Utilize comm people by fasting
- Copy ideas that are already successful (in other areas) Vermont / Colorado - Mini houses
- Investing fund when, with it, who will reduce it? Where does the funds come from?
- What community do they refer to?
- Ensure that they can participate
- Create the funds of large corporations

- Copy ideas that are already successful (in other areas) Vermont / Colorado - casa minis
- Explore the room
- House rent control (in general)
- Remove the option to pay the fine

#### Protection

- Establish a real income level (ELI) - based on the cost of living
- Give preference to local residents
- They don't ask for a deposit too much (two or three times high)
- Remove the deposit
- Create an ease of paying the deposit
- Create a government committee the apartments

#### Production

- Investigate other models where the city collaborates with agencies to build VA
- How to develop "fido-comistos"
- → Preference to residents not companies
- Use empty houses / alone for other purposes - child care, VA, etc.

### **Notas para grupos pequeños en inglés**

#### Producción

- Fomentar las opciones de propiedad de vivienda
- (19) soporte 100%
- \* respaldo público (LA)? Como fuente de financiación
- (20) Accesibilidad profunda en tierras públicas → apoyo 100% para personas de bajos ingresos y sin ingresos
- (21) Debe responder a las necesidades específicas del vecindario \* transparencia
- (22) Se deben agregar escuelas, etc.
- (24) Dominio eminente ruta potencialmente peligrosa
- \* Los lugares en SJ (generalmente) no se quedan vacíos por mucho tiempo
- 29 \* Podría generar fondos con impuestos sobre vacantes en casas vacías
- 30 \* impuesto sobre la tierra vacante
- (26) Aumentar tarifas inclusivas
- Agilizar el proceso de permisos y revisión
- (31) La ciudad construye viviendas (¿viviendas sociales?)
- (24) Dominio eminente en casas embargadas (Richmond)
- (25) Producción CDC / CLT / Co-op
- (26) Incentivar la inclusión en el sitio
- (27) ADU asequible (prefabricada) "ADU portátil"
- (28) [Propiedad de vivienda]

#### Preservación

- 8) casas móviles, uno de los últimos bastiones de viviendas asequibles
- nuevos) cambios más amplios → Plan general
- 11) Estrategia de preservación, como adquisición de sitios pequeños, fideicomiso de tierras
- Nuevo) La política de reemplazo a largo plazo para la conversión del parque de casas móviles será reemplazada por nuevas viviendas asequibles
- Nuevo) Cooperativas

- 12) ¿Pueden las organizaciones sin fines de lucro pagar esto?
- ¿Atar esto a la banca pública?
- El problema es cómo se maneja el capital, puede perder capital y garantizar la asequibilidad
- La comunidad tiene más control

#### Proteccion

- Soluciones al problema de voluntad política
- Junta de alquiler, grupo de trabajo antidesplazamiento, organización de inquilinos
- Ampliar las asociaciones de vecinos para incluir inquilinos.
- AB 1482 aplicación buena idea
- Comprender las causas del desplazamiento, no es una causa. Alinear soluciones con la causa
- Representación de los inquilinos en el uso del suelo y las juntas municipales, como la planificación
- Incluir la visión de la comunidad vietnamita en la organización
- Envío a todos los inquilinos: leyes + organizaciones comunitarias diferentes, uso de redes sociales
- TPO para casas móviles?
- Revisar el control de vacantes



## 2/27/20 Anti-displacement Forum Notes

The Silicon Valley Organization  
101 W Santa Clara St, San Jose, CA 95113

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### Production

#### Affordable Housing Funding

- Requirements for code enforcement upgrades in existing housing structures is very \$\$\$ expensive.
- Loss of redevelopment has had a huge impact
- Should advocate to state for redevelopment 2.0
- Create regional AH funding agency
- ADU amnesty program
- Commercial transfer tax will hit mom and pop owners

#### Urban Village

- How would City incent affordable housing on identified sites
- More clarity on where affordable housing can go and what is required
- What can city do to financially incent housing and commercial

#### PQP

- Expand YIGBY to school properties. Allow 100% redevelopment for faculty housing.
  - o Housing on school sites will not make meaningful dent
- Consider tiny homes on parks

#### Parking lot

- Impact fees should be tied to square footage, not doors

### Preservation

#### Explore Community Opportunity to Purchase (COPA)

- 5/1 – clear cooperation – cannot accept offers until certain date for anyone with a MLS account. Realtors could impose \$5K penalty. This could create issues with COPA
- San Francisco COPA law, right of first offer
- Potential advance notice on market rate property (clarify, multifamily?)
- Consider – keep timeline very short. Certain sellers looking to unload property quick
- Gather data for turnaround on multifamily transactions
- Timing – notice
- Tenant consideration → qualifying non-profit/entity to execute
- Value, incentive for property owners. Could face owner resistance
- Capitol gains tax exemption (possible bill)

#### Preservation Investment Fund

- Good idea/Open fund + begin collections
- Where would funds derive from
  - o Measure E funds?
- Public private partnerships – corporate contributions
- Preservation not seem as appealing for tech funding as much as funding for ELI housing
- Tax increment where commercial development taking place (potential development interest)

### Protection

1. Explore expanding legal protections
  - Lots of concern
  - Concerns of allowing non-paying tenants to now get legal representation and further stall evictions
  - It would elongate the process and make it more costly.

- Alternative is a voucher for non-payment rather than legal solution. If the issue is non-payment then maybe then they don't get representation
  - Partner with the court on the process and support people
  - Barrier w/ code enforcement (code enforcement used to retaliate against landlord)
2. Expand Tenant and Landlord Education
    - "Know your rights"
    - General support
  3. Housing Resource Center
    - "Save my house" hotline and physical location. Similar to center set up during foreclosure crisis.
    - General support
  4. Fair Access to Housing: Many groups have particular challenges
    - A solution to support large families is to bring back RUBS. So tenants pay a portion of utilities.
  5. Expand ARO Disclosure:
    - So people know what they are buying
    - Generally support, but most didn't seem to think this was an issue.
  6. Responsible Lending Guidelines
    - In their experience, they can not get financing based on "projected returns." They have to use past assumptions.
    - This is a non-issue
  7. Neighborhood tenant preference
    - Preference for low-income people who live near the new affordable housing.
    - Not much discussion on this.
  8. Increase Housing Quality
    - There is some alignment on this one, but the code enforcement inspection system has problems
    - Explore real safety & health issues, not petty code issues.
    - Differentiate between landlord and tenant issues on inspections. For example, tenants pull down smoke detector and then the landlord get stuck at tier 3. Then they correct right away and they have to stay in tier 3. "Code enforcement is running a cash register"
    - Need consistency between inspectors, need coordination between housing, code enforcement, and building. For example, code might tell me to correct a violation, I comply, then the building inspectors comes out and tells me I have to do it another way and I have to tear out what I've already done plus correct another item. Example of a landlord that lost \$30K because of this type of issue.
    - "We have no problem with you go after the bad guys"
  9. Expand Existing Tenant Protections
    - Local enforcement of AB 1482 protections (rent cap and just cause) like what is done for ARO and mobilehome eviction noticing
    - Not much discussion