

## Housing & Community Development Commission (HCDC) Commissioner Information Binder

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- a. <https://www.sanjoseca.gov/your-government/departments-offices/housing/housing-community-development-commission>

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[https://library.municode.com/ca/san\\_jose/codes/code\\_of\\_ordinances?nodeId=TIT2AD\\_CH2\\_08BOBUCO\\_PT1GEPR](https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT2AD_CH2_08BOBUCO_PT1GEPR)
- b. 2.08.2800 – Part 28 Housing and Community Development Commission:  
[https://library.municode.com/ca/san\\_jose/codes/code\\_of\\_ordinances?nodeId=TIT2AD\\_CH2\\_08BOBUCO\\_PT28HOCODECO](https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT2AD_CH2_08BOBUCO_PT28HOCODECO)

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- a. Policy 0-4 and Code of Conduct: <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-policy-manual/section-0-administration-govt/council-policy-0-4>
- b. Robert's Rules of Order:  
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- b. FPPC 700 Form and Gifts form (you will receive email from Clerk's office with login):  
<https://www.fppc.ca.gov/Form700.html>

## 6. Commission's scope of work

- a. Workplan FY 2023-2024  
<https://www.sanjoseca.gov/home/showpublisheddocument/108529/638417952589913519>
- b. Commission Accomplishments FY 2022-2023  
<https://www.sanjoseca.gov/home/showpublisheddocument/108527/638417951550048910>

## 7. Commission Meetings Information

- a. All meeting packets and minutes page:  
<https://www.sanjoseca.gov/your-government/departments-offices/housing/housing-community-development-commission/agendas-synopses>
- b. Videos for recent meetings:
  - o Dec 14, 2023:  
<https://sanjoseca.zoom.us/rec/share/nJRBWoj0TMoJRDN4WSVCzzOTmJDn6ezEPIjTBVcZC8GHWqryxtMKHd34qT7Gkagl.ahecMsfY0MaA6A9T> Passcode: 03Y1\*xv7
  - o Nov 9, 2023:  
<https://sanjoseca.zoom.us/rec/share/MFUvQtKTR8BF805rybkFI0NSCgs-bCKmFLuoW6yAeaERAZFpa3py0sqzsNXkCsE.jWJIGq3H9-oiKOKK> Passcode: y\*M+be7L

## 8. Income Limits Charts

- a. 2023 HUD Income Limits (for federally-funded programs and Commissioner income levels)  
<https://www.sanjoseca.gov/home/showpublisheddocument/99426/638224408279770000>
- b. 2023 State Income & Rent Limits (for non-federally funded Housing Department programs)  
<https://www.sanjoseca.gov/home/showpublisheddocument/99795/638241484745100000>

## 9. Glossary of affordable housing terms

- a. [Affordable Housing and Development Glossary.pdf](#)

### Staff Contacts for Housing & Community Development Commission

Questions or issues	Contact
Policy, absences, conflicts, Lived Experience seat needs	Rachel VanderVeen, <a href="mailto:Rachel.VanderVeen@sanjoseca.gov">Rachel.VanderVeen@sanjoseca.gov</a> , 408-975-4489
Lived Experience Logistics, absences, email problems	Mindy Nguyen, <a href="mailto:Mindy.Nguyen@sanjoseca.gov">Mindy.Nguyen@sanjoseca.gov</a> , 408-534-2961
Day of Logistics, tech support, parking issues	Karly Wolak, <a href="mailto:Karly.Wolak@sanjoseca.gov">Karly.Wolak@sanjoseca.gov</a> , 408-535-8582
Destination: Home Liaison	Claudine Sipili, <a href="mailto:claudine@destinationhomesv.org">claudine@destinationhomesv.org</a> , 615-930-9471
Term of office information, commission applications, Form 700	Clerk's Office, <a href="mailto:Boardsandcommissions@sanjoseca.gov">Boardsandcommissions@sanjoseca.gov</a> , 408-535-1260

Housing & Community Development Commission Regular Meetings Calendar 2024	
January	<i>cancelled</i>
February	February 8, 2024
March	March 14, 2024
April	April 11, 2024
May	May 9, 2024
June	June 13, 2024
<i>July</i>	<i>no meeting</i>
August	August 8, 2024
September	September 12, 2024
October	October 10, 2024
November	November 14, 2024
December	December 12, 2024

*Note: Regular Meetings scheduled for the second Thursday of each month; Special Meetings held as needed*

## CONTACT US

Housing Department  
 200 E. Santa Clara St.  
 San José, CA 95113

Phone: (408) 535-3860

### Hours

Monday - Friday  
 8:00 a.m. - 5:00 p.m.

# HOUSING & COMMUNITY DEVELOPMENT COMMISSION

## OVERVIEW

The Housing and Community Development Commission (HCDC), which was established by the City's Municipal Code, consists of 13 members who advise the Director of Housing, the Mayor, and the City Council on housing and community development matters. [Meeting agendas and post-meeting synopses are available here.](#)

## MEETINGS

HCDC meetings are scheduled for the second Thursday of each month.\* Meetings begin at 5:45 p.m.

Currently, HCDC meetings are conducted via Zoom.

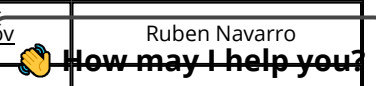
\*The Commission typically does not meet in July.

## BYLAWS, POLICY & CODE

The Housing & Community Development Commission is governed by the [rules established in its bylaws](#), the City's Consolidated Policy Governing Boards and Commissions ("[Policy 0-4](#)," updated 3/17/2020), and the [San José Municipal Code Chapter 2.08, Part 28](#), as amended.

## MEMBERS

SEAT/ROLE	EMAIL	COMMISSIONER
District 1 Seat	<a href="mailto:HCDC1@sanjoseca.gov">HCDC1@sanjoseca.gov</a>	Roma Dawson (Vice Chair)
District 2 Seat	<a href="mailto:HCDC2@sanjoseca.gov">HCDC2@sanjoseca.gov</a>	Alex Shoor (Chair)
District 3 Seat	<a href="mailto:HCDC3@sanjoseca.gov">HCDC3@sanjoseca.gov</a>	Barry Del Buono
District 4 Seat	<a href="mailto:HCDC4@sanjoseca.gov">HCDC4@sanjoseca.gov</a>	Linh Vong
District 5 Seat	<a href="mailto:HCDC5@sanjoseca.gov">HCDC5@sanjoseca.gov</a>	Ruben Navarro
District 6 Seat	<a href="mailto:HCDC6@sanjoseca.gov">HCDC6@sanjoseca.gov</a>	Andrea Wheeler



SEAT/ROLE	EMAIL	COMMISSIONER
District 7 Seat	<a href="mailto:HCDC7@sanjoseca.gov">HCDC7@sanjoseca.gov</a>	Victoria Partida
District 8 Seat	<a href="mailto:HCDC8@sanjoseca.gov">HCDC8@sanjoseca.gov</a>	Huy Tran
District 9 Seat	<a href="mailto:HCDC9@sanjoseca.gov">HCDC9@sanjoseca.gov</a>	VACANT
District 10 Seat & Apartment Rent Ordinance Owner Role	<a href="mailto:HCDC10@sanjoseca.gov">HCDC10@sanjoseca.gov</a>	Roberta Moore
Mayor's Citywide Seat & Apartment Rent Ordinance Tenant Role	<a href="mailto:HCDCCW@sanjoseca.gov">HCDCCW@sanjoseca.gov</a>	Zenia Cardoza
Mobilehome Owner/ Manager Representative	<a href="mailto:HCDCML@sanjoseca.gov">HCDCML@sanjoseca.gov</a>	Ryan Jasinsky
Mobilehome Resident Representative	<a href="mailto:HCDCMR@sanjoseca.gov">HCDCMR@sanjoseca.gov</a>	Daniel Finn
Lived Experience in Homelessness Seat	<a href="mailto:HCDCLE@sanjoseca.gov">HCDCLE@sanjoseca.gov</a>	Sketch Oppie
Lived Experience Alternate	<a href="mailto:HCDCLEALT@sanjoseca.gov">HCDCLEALT@sanjoseca.gov</a>	Jerome Shaw

To apply for a Commission seat, go to the Boards & Commissions [webpage](#). To determine who qualifies as low-income for purposes of the Commission, [refer to this chart](#) to identify the maximum household income listed for a household's size.

For questions, comments, or to be added to the distribution list for Commission meeting announcements and agendas, please call the Housing Department at 408-535-3860, or contact Luisa Cantu at [luisa.cantu@sanjoseca.gov](mailto:luisa.cantu@sanjoseca.gov) or 408-535-8357.

## WORKPLAN AND ACCOMPLISHMENTS

- [2022-23 Workplan](#)
- [2021-22 Workplan & 2021-22 Accomplishments](#)
- [2020-21 Workplan & 2020-21 Accomplishments](#)
- [2019-20 Workplan & 2019-20 Accomplishments](#)
- [2018-19 Workplan & 2018-19 Accomplishments](#)

## CONTACT US

Housing Department  
200 E. Santa Clara St.  
San José, CA 95113

Phone: (408) 535-3860

### Hours

Monday - Friday  
8:00 a.m. - 5:00 p.m.

## ABOUT US

[Staff Directory](#)[Department Calendar](#)[City Council Memos](#)[Dwellings Podcast](#)

The Housing Department's mission is to strengthen and revitalize our community through housing and neighborhood investment.

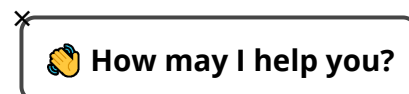
Since the Housing Department was established in 1987, the City has been a leader in affordable housing, creating more than 21,000 new housing opportunities for San José residents.

A major function of the Housing Department is its work as a funder. The Department utilizes numerous financing vehicles to bring new affordable housing to fruition and rehabilitate older affordable housing.

The Department also funds grants for nonprofits to develop and provide social services, homeless response programs, and community infrastructure. Additional grants support Fair Housing policies, place-based neighborhood efforts, and meal programs for low-income seniors.

The Department oversees a range of other critical programs and initiatives, including rent control and stabilization programs for apartments and mobilehomes, and the City's Ellis Act Ordinance that protects the City's supply of affordable rental housing.

And, working in partnership with other City departments and agencies, the Housing Department works to ensure the City has a variety of housing options in every neighborhood.





## OUR MISSION

The Housing Department's mission is to strengthen and revitalize our community through housing and neighborhood investment.

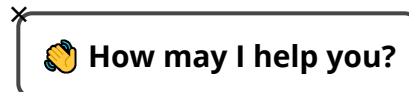
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## ***Part 1 GENERAL PROVISIONS***

### **2.08.010 Establishment of boards and commissions.**

- A. Charter commissions are established by Article X of the Charter.
- B. All other boards and commissions are established by inclusion in this title and discontinued by exclusion from this title.

(Ord. 25209.)

### **2.08.020 Applicability of provisions.**

The general provisions of this part apply to all boards and commissions, except as otherwise specifically provided in the Charter or this chapter with respect to any specific board or commission.

(Ord. 25209.)

### **2.08.030 General functions, powers, and duties.**

- A. Each board or commission shall have the functions, powers, and duties as are granted to or bestowed upon it by the provisions of this chapter.
- B. The city council may, at any time, change the powers, functions and duties in any manner and to any extent as in its judgment is desirable.
- C. Each board or commission shall provide to the council each fiscal year an annual work plan of activities to be undertaken and a subsequent report of its accomplishments.
- D. Each board or commission which requires funding in the city budget shall prepare and submit annually to the city manager a proposed budget covering its proposed activities for the next fiscal year.
- E. Each board or commission may organize advisory and resource subcommittees to advise the board or commission concerning its functions and duties.
- F. Each board or commission shall do such other things as may from time to time be requested or approved by council.
- G. Each board or commission shall coordinate with the city manager and/or the city clerk and the department heads designated by the city manager in the performance of the commission's functions.

(Ords. 25209, 29250.)

### **2.08.040 Continuity.**

Any board or commission which is declared to be a continuation of any discontinued board or commission or to which the functions, powers, or duties of any existing board or commission have been transferred shall have the power to continue any business, proceedings or other matter which was pending before the predecessor board or

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commission and to exercise those functions, powers, and duties in the same manner as the predecessor board or commission.

(Ord. 25209.)

### **2.08.050 Seat deemed vacant when.**

- A. The seat of a member of any board or commission shall become vacant upon the happening of any of the following events:
1. The death of the member;
  2. Insanity of the member, when determined by a final judgment or final order of a court of competent jurisdiction;
  3. Resignation of the member;
  4. The member is no longer eligible, under any of the applicable provisions of this part to hold the office;
  5. Removal of the member from office;
  6. Absence of the member from the state for more than sixty (60) days, unless either upon business of the city or with consent of the council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limit for absence from the state shall be extended by the council;
  7. The member ceases to discharge the duties of the office for a period of three consecutive months, except when prevented by sickness or when absent from the state with permission required by this section;
  8. The member is convicted of a felony or of any offense involving a violation of his or her official duties;
  9. The refusal or neglect of the member to file an official oath or bond, if it is required by law, within the time prescribed by law;
  10. The decision of a court of competent jurisdiction declaring void the member's election or appointment;
  11. The making of an order vacating the member's office or declaring the office vacant when the member fails to furnish an additional or supplemental bond if it is required by law;
  12. The commitment of the member to a hospital or sanitarium, by a court of competent jurisdiction, but in that event the office shall not be deemed vacant until the order of commitment has become final.
- B. In the event a vacancy should occur in the office of any member prior to the expiration of a term, the council, or the mayor if authorized by the council, shall appoint a successor for the unexpired portion of the member's term.

(Ord. 25209.)

### **2.08.060 Absence from meetings - Reappointment.**

- A. A member of any board or commission, other than the planning commission, the salary setting commission and the civil service commission, shall be deemed to have automatically resigned from office if:
1. The board or commission has four or fewer regular meetings in any calendar year, and the member has unexcused absences from any two consecutive regular meetings of the board or commission; or
  2. The board or commission has more than four regular meetings in any calendar year, and the member has unexcused absences from either:

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- a. Any three consecutive regular meetings of the board, or commission; or
  - b. More than twenty percent of the total number of regular meetings in any calendar year, or if the member was appointed to fill a vacancy, more than twenty percent of the total number of remaining regular meetings in that calendar year.
- B. For purposes of this section, the following shall not be considered an unexcused absence:
- 1. An absence due to an illness of the member, or illness or death of a member's spouse, domestic partner, parent, child, sibling or dependent; or
  - 2. An absence because a member is away on authorized board or commission business; or
  - 3. For any member who is a city councilmember or a city employee, an absence due to the member performing required city business; or
  - 4. An absence from a meeting of the board of administration for the federated city employees' retirement system or of the board of administration for the police and fire department retirement plan which the board of administration has found to be for good cause; or
- C. Within a reasonable period, but not exceeding ten days after a member has been deemed to have resigned pursuant to this section, the secretary of the board or commission shall notify the city clerk of the vacancy and the city clerk shall thereupon notify the member that the member is deemed to have resigned pursuant to this section. The city clerk shall simultaneously notify the city council that the vacancy exists as a result of the automatic resignation.
- D. Except as provided in Subsection A. above, the provisions of this section shall apply to all voting members of boards and commissions established or otherwise regulated under this Chapter 2.08.
- E. As used in this section, "regular meetings" means regularly scheduled meetings of the board or commission and shall not include special meetings. For purposes of this section, adjourned regular meetings or continued regular meetings shall be considered special meetings.
- F. For purposes of this section, a member shall be deemed absent from a meeting if the member fails to be in attendance at a regular meeting for at least one-half of the duration of the regular meeting.
- G. A member whose seat has become vacant by virtue of the above provisions may be reappointed to his or her former office for the balance of the member's unexpired term if the council finds there was good excuse for the member's absence from meetings or finds that the reappointment will be in the best interests of the city.
- H. In the event of a reappointment, the previous unexcused absences of the reappointed member shall not be considered in determining any future resignation of the member under this section.

(Ords. 25209, 29250.)

### **2.08.070 Chair and vice chair.**

- A. Unless otherwise provided, each board or commission shall appoint one of its members as chair to serve for a term as the board or commission may determine.
- B. The chair shall preside at all meetings of the board or commission.
- C. Each board or commission may also appoint one of its members as a vice chair to serve in the place and stead of the chair during the chair's absence.
- D. The chair and vice chair shall be subject to removal at any time, for any or no reason, by the board or commission.

(Ord. 25209.)

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## **2.08.080 Procedural Rules and Regulations.**

### **A. Specific procedural rules and regulations.**

1. The following boards and commissions shall each adopt its own procedural rules and regulations for the conduct of its business subject to the approval of the Rules and Open Government Committee:
  - a. Board of Administration for the Federated City Employees Retirement System;
  - b. Board of Administration for the Police and Fire Department Retirement Plan;
  - c. Planning Commission;
  - d. Civil Service Commission;
  - e. Appeals Hearing Board;
  - f. Salary Setting Commission;
  - g. Deferred Compensation Advisory Committee;
  - h. Airport Commission;
  - i. Board of Fair Campaign and Political Practices;
  - j. Voluntary Employees Beneficiary Association Advisory Committee;
  - k. Community Stabilization and Opportunity Pathways Fund Commission.
2. The rules may:
  - a. Provide for the establishment of various offices, provided membership therein is restricted to members of the board or commission.
  - b. Provide for the establishment of various committees or subcommittees which may contain non-members of the board or commission, provided that at least one (1) of the members of the board or commission is a member of every committee or subcommittee.
  - c. Specify the powers, duties and functions of the offices and committees. If non-members of the board or commission are allowed on committees or subcommittees, the rules of the board or commission shall contain specific rules for the establishment and operation of the committees or subcommittees, including rules setting out conflict-of-interest provisions and specifying the number of non-members allowed, whether a majority of members are required, the voting rights of non-members, and the powers, duties and functions of the committees or subcommittees.
3. The rules shall comply with all applicable laws and ordinances and other applicable regulations or limitations.
4. A copy of the rules shall be filed in the office of the City Clerk, where they shall be available for public inspection.

### **B. All other boards and commissions shall conduct their meetings pursuant to standardized rules and regulations developed by the City Clerk and amended from time to time, as approved by the Rules and Open Government Committee.**

(Ords. 25209, 29250, 29771, 30092, 30809.)

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### **2.08.090 Quorum.**

- A. Unless otherwise specifically provided in this Chapter, a majority of the total number of seats, whether filled or vacant, shall be necessary to constitute a quorum for a board or commission to take action, although a lesser number may adjourn from time to time.
- B. This Section shall not apply to the Voluntary Employees Beneficiary Association Advisory Committee.  
(Ords. 25209, 29250, 29379, 30092.)

### **2.08.095 Voting.**

Except for the civil service commission, deferred compensation advisory committee, or the retirement boards, or unless otherwise specifically provided by the Charter or other ordinance, no resolution, motion or action shall be passed, adopted, or become effective unless it receives the affirmative vote of at least a majority of those voting, as long as there is a quorum present.  
(Ord. 29771.)

### **2.08.100 Physical and clerical facilities.**

Except as otherwise provided in this chapter, the city manager, or if appropriate, the city clerk, shall assign to each board and commission adequate space and facilities and the clerical and/or secretarial help as it may need for the performance of its functions, powers, and duties.  
(Ord. 25209.)

### **2.08.110 Relationship with city departments.**

So far as is practicable, and subject to approval of the city manager, the services of the various city departments shall be made available by the heads of each department to the board or commission, to the extent it is necessary to enable it to perform its functions, powers, and duties.  
(Ord. 25209.)

### **2.08.120 Members - Compensation.**

- A. Unless otherwise specifically provided for members of a particular board or commission, each member of each board or commission shall serve as member, and if any office to which the member may be appointed or elected by the board or commission, without compensation.
- B. However, subject to the appropriation of moneys therefor by the council, members may be paid or reimbursed for authorized expenses incurred by them in the performance of their functions, powers and duties.  
(Ord. 25209.)

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### **2.08.130 Removal from Office.**

- A. Except as provided in subsections B., C., and D., notwithstanding an appointment for a specific term or part of a term, any person appointed to and holding the position of member of any board or commission may be removed from appointment, at any time, by the Council, with or without prior notice, and with or without cause.
- B. Notwithstanding the appointment of a person to the position of member of the Board of Administration for the Police and Fire Department Retirement Plan for a specific term or part of a term, any person holding such position may be removed by the Council for cause as follows:
1. The San José Police Officers' Association, the International Association of Fire Fighters, Local 230, the City Manager, any retired member of the Police and Fire Department Retirement Plan or any member of the public may submit a written request for removal to the City Council. Any such request shall state the grounds for which removal is sought.
  2. The City Council shall hold a hearing on any written request for removal submitted by the San José Police Officers' Association, the International Association of Fire Fighters, Local 230, or the City Manager.
  3. The Rules and Open Government Committee of the City Council shall consider any written request for removal submitted by a retired member of the Police and Fire Department Retirement Plan or any member of the public, and shall determine in its discretion, whether such request should be forwarded to the full City Council for hearing. Any such request shall state the grounds for which removal is sought.
  4. Notice of hearing shall be provided to the affected Board member at least ten (10) days prior to the date of any City Council meeting.  
  
After a hearing, the City Council may remove the member of the Board from office if the Council makes a written finding of substantial evidence of cause for removal. Cause may include, but is not limited to, failure to remain qualified for the Board position to which the member is appointed, failure to discharge the Board member's duty as a fiduciary for the Plan, or failure to perform the Board member's duties in accordance with applicable law, including the requirements of Chapter 3.36 of Title 3 of this Code. For public members of the Board, cause for removal may also be based on failure to disclose all conflicts of interest, significant potential for conflict of interest, or appearance of conflict of interest as required by Code Section 2.08.1220E., and/or the existence of conflict of interest, significant potential for conflict of interest, or appearance of conflict of interest as based on information disclosed by public members of the Board pursuant to Code Section 2.08.1220E., or such other information as may be available to Council.
- C. Notwithstanding the appointment of a person to the position of a member of the Board of Administration for the Federated City Employees' Retirement System for a specific term or part of a term, any person holding such position may be removed by the Council for cause as follows:
1. The City Manager or any employee organization recognized by the City as an exclusive representative of employees who are members of the Federated City Employees' Retirement System may submit a written request for removal to the City Council. Any such request shall state the grounds for which removal is sought.
  2. The City Council shall hold a hearing on any request for removal submitted by the City Manager or any employee organization recognized by the City as an exclusive representative of employees who are members of the Federated City Employees' Retirement System.

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3. The Rules and Open Government Committee of the City Council shall consider any written request for removal submitted by a retired member of the Federated City Employees Retirement Plan or any member of the public, and shall determine in its discretion, whether such request should be forwarded to the full City Council for hearing. Any such request shall state the grounds for which removal is sought.
  4. Notice of hearing shall be provided to the affected Board member at least ten (10) days prior to the date of any City Council hearing.
  5. After the hearing, the City Council may remove the member of the Board from office if the Council makes a written finding of substantial evidence of cause for removal. Cause may include, but is not limited to, failure to discharge the Board member's duty as a fiduciary for the Plan, failure to remain qualified for the Board position to which the member is appointed, or failure to perform the Board member's duties in accordance with applicable law, including the requirements of Chapter 3.28 of Title 3 of this Code. For public members of the Board, cause for removal may also be based on failure to disclose all conflicts of interest, significant potential for conflict of interest, or appearance of conflict of interest as required by Code Section 2.08.1070F., and/or the existence of conflict of interest, significant potential for conflict of interest, or appearance of conflict of interest as based on information disclosed by public members of the Board pursuant to Code Section 2.08.1070F., or such other information as may be available to Council.
- D. Notwithstanding the appointment of a person to the position of member of the Voluntary Employees Beneficiary Association Advisory Committee for a specific term or part of a term, any person holding such position may be removed by the Council for cause as set forth by Resolution of the Council.

(Ords. 25209, 26033, 26354, 28786, 28899, 30092.)

### **2.08.140 Temporary vacancies.**

A member of a commission may be granted a leave of absence by the city council, and a temporary vacancy shall thereupon exist for the period of such leave of absence. During the period of such temporary vacancy, the council may fill such vacancy by temporary appointment to the commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume membership on the commission.

(Ord. 25209.)

### **2.08.150 Term and Term Limits.**

- A. The term of appointment to a Charter commission is as established by the Charter.
- B. Members of boards or commissions not established by the Charter shall serve for a term of four (4) years, unless otherwise specified in this Chapter. Such members shall be eligible for reappointment at the expiration of their first term for one (1) additional four (4)-year term. The first term shall begin from the date of the expiration of the former incumbent's term, irrespective of the date of actual appointment.
- C. Unless otherwise specified in this Chapter, members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term.
- D. Except as otherwise specified in this Chapter, a member may be appointed to serve a term of less than four (4) years or a term of less than the number of years established by this Chapter for the particular board or commission if the Council determines that it is in the best interest of the board or commission that a

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member serve a shorter term in order to provide for appropriate staggered terms to preserve a continuity of membership on the board or commission.

- E. Except as otherwise specified in this Chapter, if a member has been appointed to serve a term of less than two (2) years, the member may be reappointed to serve on the same board or commission for up to two (2) consecutive additional terms.
- F. Notwithstanding Subsections A. through E. above, a member may be appointed to serve a third consecutive term with a length of one (1) to four (4) years, in the discretion of the City Council, if the City Council finds that reappointment of such member to a commission would be necessary to:
  - 1. Maintain a functioning quorum on the commission; or
  - 2. Maintain commissioners with one (1) or more years of experience or a required background on the commission; or
  - 3. Establish or reestablish staggered terms to preserve a continuity of membership on the board or commission.
- G. This Section shall not apply to the Voluntary Employees Beneficiary Association Advisory Committee as set forth by Resolution of the Council.

(Ords. 25209, 25498, 25840, 27255, 29250, 29771, 30092.)

### **2.08.160 Council liaison representative.**

- A. Except as set forth in Section 2.08.170, the city council shall appoint one of its members to act as a liaison representative to every board and commission.
- B. The council liaison serves to advise the city council of the background, attitudes and reasons behind decisions and recommendations of the board or commission; and, on request of any member of the board or commission, to advise the commission of policies, procedures and decisions of the council that may bear on matters under discussion by the board or commission.
- C. The council liaison may attend the meetings of the board or commission but, except as elsewhere specifically provided, shall have no power to vote and shall receive no additional compensation.

(Ords. 25209, 28970.)

### **2.08.170 Council representative to retirement boards of administration.**

- A. The city council shall appoint one of its members to act as a nonvoting non-fiduciary member of the board of administration of the federated city employees' retirement system.
  - 1. The council representative to the board of administration of federated city employees' retirement system serves to advise the city council of the background, attitudes and reasons behind decisions and recommendations of the board, and to advise the board of policies, procedures and decisions of the council that may bear on matters under discussion by the board.
  - 2. The council representative may attend the meetings of the board of administration of the federated city employees retirement plan and may fully participate with the voting members of the board in all matters pending before the board, with the exception of quasi-adjudicatory matters and closed sessions. The council representative shall be provided with a copy of the board's public agenda packet at the same time as agenda packets are distributed to board members, but shall not receive closed session material. The council representative shall have no power to vote on any matter pending before



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the board, nor shall the council representative be counted as a board member for the purpose of determining what constitutes a quorum of the board. The council representative shall receive no additional compensation for serving as a nonvoting member of the board. The council representative shall not identify or represent himself or herself as a member of the board of administration of the federated city employees retirement plan except in meetings of the city council and the board of administration of the federated city employees retirement plan.

- B. The city council shall appoint one of its members to act as a nonvoting non-fiduciary member of the board of administration of the police and fire retirement plan.
1. The council representative to the board of administration of the police and fire department retirement plan serves to advise the city council of the background, attitudes and reasons behind decisions and recommendations of the board, and to advise the board of policies, procedures and decisions of the council that may bear on matters under discussion by the board.
  2. The council representative may attend the meetings of the board of administration of the police and fire department retirement plan and may fully participate with the voting members of the board in all matters pending before the board, with the exception of quasi-adjudicatory matters and closed sessions. The council representative shall be provided with a copy of the board's public agenda packet at the same time as agenda packets are distributed to board members, but shall not receive closed session material. The council representative shall have no power to vote on any matter pending before the board, nor shall the council representative be counted as a board member for the purpose of determining what constitutes a quorum of the board. The council representative shall receive no additional compensation for serving as a nonvoting member of the board. The council representative shall not identify or represent himself or herself as a member of the board of administration of the police and fire department retirement plan except in meetings of the city council and the board of administration of the police and fire department retirement plan.

(Ord. 28970.)

### **2.08.180 Council nominated commissions.**

- A. Each councilmember, including the mayor, shall nominate one commissioner to each council nominated commission. Names of those individuals chosen through the nomination process will be submitted to the city council for formal appointment.
- B. On or before the occurrence of a vacancy, the city clerk shall notify the councilmember responsible for the nomination of that seat.
- C. The council nominated commission selection process is only applicable to those commissions specifically referencing this section.

(Ords. 29250, 29771, 30723.)

## ***Part 28 HOUSING AND COMMUNITY DEVELOPMENT COMMISSION***

### **2.08.2800 Commission established, continuation.**

The housing and community development commission is hereby established as the successor to and continuation of (a) the city commissions identified in Chapters 17.22 and 17.23 and related regulations; and (b) the housing and community development advisory commission.

(Ords. 27889, 29250, 29379.)

### **2.08.2810 Members.**

The commission shall consist of fourteen (14) members.

(Ords. 27889, 29250, 29379, 30757.)

### **2.08.2820 Special eligibility requirements.**

- A. One member shall be a person recommended by an organization of owners of San José mobile home parks.
- B. One member shall be a person recommended by an organization of residents of San José mobile home parks.
- C. One member shall be an owner or manager of a residential rent stabilized property.
- D. One member shall be a tenant of a residential rent stabilized rental unit.
- E. One (1) member shall be a person who is currently or was formerly homeless.
- F. At least five members shall represent low income households, which for the purposes of this requirement means a person who meets one or more of the following criteria:
  - 1. The person is a member of a low- or moderate-income household as defined by HUD as at or below eighty percent of the area median income pursuant to 24 CFR 92.2.
  - 2. The person is an elected member of a neighborhood organization in a low- or moderate-income neighborhood (fifty-one percent of the neighborhood is at or below eighty percent of the area median income as defined by HUD).
  - 3. The person is a resident of a city council designated neighborhood targeted under the place-based neighborhoods initiative to receive federal funding.
  - 4. The person is employed by an organization which has as its primary purpose to serve the interests of low-income residents.
- G. The commission should also include members with experience related to development, lending, community development, homeless services, or federal funding.

(Ords. 27889, 29250, 29379, 29687, 30757.)

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## **2.08.2830 Appointment process.**

- A. In the event that there is more than one recommended applicant for either of the seats to be filled by members meeting the special eligibility requirements set forth in Subsections 2.08.2820 A. and B., the Council Appointment Advisory Commission shall review the recommended applicants and make a recommendation to the City Council. If the Council Appointment Advisory Commission is unable to meet, in the event that there is more than one recommended applicant for either of the seats to be filled by members meeting the special eligibility requirements set forth in Subsections 2.08.2820 A. and B., the Mayor shall review the recommended applicants and make a recommendation to the City Council.
- B. The Mayor shall nominate to the City Council the member, and an alternate, who is currently or was formerly homeless. The alternate member shall, in the absence of the member for whom they are an alternate, serve in place of the member on the commission, and may exercise all the rights, privileges, and powers of the member when serving on the Commission. In the event of removal, resignation, or disqualification of a member, the alternate shall act as a member on the commission through the remainder of their term.
- C. The remaining members shall be appointed in accordance with the provisions of Section 2.08.180.
- D. The City Clerk shall implement procedures to ensure that a sufficient number of applicants to fulfill the special eligibility criteria set forth in Section 2.08.2820 C. are recruited for nomination consistent with Section 2.08.180.

(Ords. 29250, 29379, 30632, 30757.)

## **2.08.2840 Functions, powers and duties.**

The commission shall have the following functions, powers, and duties:

- A. Housing and community development advisory functions.
  - 1. Study, review, evaluate and make recommendations to the city council and the department of housing of the City of San José, pertaining to the following matters:
    - a. Existing housing programs and policies in the City of San José.
    - b. New programs and policies that would further the City of San José's housing and community development goals.
    - c. The City of San José's progress in meeting its housing goals.
  - 2. Submit recommendations and reports to the city council and the city manager regarding housing policy in the City of San José as the city council or the city manager may from time to time request.
  - 3. Hold public hearings in order to provide for meaningful citizen participation in the development and implementation of the consolidated plan.
  - 4. Make such studies, and submit to the city council such reports or recommendations respecting affordable housing and community development matters, as the council may from time to time require or request.
  - 5. Develop proposals and recommendations to the city council for use of housing and community development funds.
- B. Functions related to Chapters 17.22 and 17.23.

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1. Make recommendations to the city council regarding rules and regulations and amendments thereto which are necessary for the operation and administration of Chapter 17.22 or Chapter 17.23.
  2. Make recommendations to the city council regarding changes in Chapter 17.22 or Chapter 17.23.
  3. Pursuant to 17.23.490, make recommendations to the city council regarding the amount of the fee necessary to recover the costs of administering Chapter 17.23.
  4. Pursuant to 17.22.910, make recommendations to the city council regarding the amount of the fee necessary to recover the costs of administering Chapter 17.22.
  5. Make recommendations to staff regarding updates of the forms used in implementing Chapter 17.22 or Chapter 17.23.
  6. Conduct such studies and submit to the city council and the city manager such reports or recommendations respecting mobile home parks and mobile home living in the City of San José as the council or the city manager may from time to time request.
  7. Make recommendations to the city council regarding changes in provisions of Title 20 of this Code relating to mobile homes and mobile home parks.

(Ords. 27889, 29250, 29379.)

## **2.08.2850 Representative membership.**

The council of the City of San José finds and declares as follows:

- A. The council of the City of San José finds and declares that the members appointed to the commission to represent the interests of various groups in matters related to administration of the mobile home rent ordinance are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.
- B. The mobile home park owner appointed to the commission pursuant to Section 2.08.2830 is intended to represent and further the interest of the San José mobile home park industry, and their representation will ultimately serve the public interest. Accordingly, the council finds that for the purposes of the mobile home park owner who serves on the commission, the San José mobile home park industry is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. As such, the appointed member is not required to recuse himself or herself from participating in matters that may affect his or her financial interest related to being a representative of the mobile home park industry.
- C. The mobile home park resident appointed to the commission pursuant to Section 2.08.2830 is intended to represent and further the interest of the San José mobile home park residential community and their representation will ultimately serve the public interest. Accordingly, the council finds that for purposes of the mobile home park resident who serves on the commission, the San José mobile home park residential community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. As such, the appointed member is not required to recuse himself or herself from participating in matters that may affect his or her financial interest as a representative of the mobile home park residential community.
- D. The owner or manager of residential rent stabilized rental unit(s) appointed to the commission pursuant to Section 2.08.2820 is intended to represent and further the interest of San José residential rent stabilized rental property owners, and their representation will ultimately serve the public interest. Accordingly, the council finds that for the purposes of the owner or manager of residential

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rent stabilized rental unit(s) who serves on the commission in San José, the residential rent stabilized rental property owners is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.

- E. The tenant of a residential rent stabilized rental unit appointed to the commission pursuant to Section 2.08.2820 is intended to represent and further the interest of San José residential rent stabilized rental unit tenants, and their representation will ultimately serve the public interest. Accordingly, the council finds that for purposes of the tenant of a residential rent stabilized rental unit who serves on the commission, the San José residential rent stabilized rental unit tenants community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.

(Ords. 29250, 29379, 29687.)

### **2.08.2860 Reserved.**

Editor's note(s)—Ord. 30757, adopted May 3, 2022, repealed § 2.08.2860, which pertained to transitional periods and derived from Ords. 29250 and 29379.

### **2.08.2870 Special Provisions.**

- A. Commencing July 1, 2022, the member and their alternate who serves under the formerly homeless or currently homeless seat of the Housing and Community Development Commission shall be paid the sum of two hundred (\$200) per month if they have attended a monthly Commission meeting. This compensation shall be in addition to any reimbursement for expenses incurred in the performance of the commissioners' duties and functions.

(Ord. 30757.)

# COUNCIL POLICY 0-4

<b>TITLE</b> Consolidated Policy Governing Boards and Commissions	<b>PAGE</b> 1 of 33	<b>POLICY NUMBER</b> 0-4
<b>EFFECTIVE DATE</b> August 28, 1984	<b>REVISED DATE</b> March 17, 2020	
<b>APPROVED BY COUNCIL ACTION</b> August 28, 1984, Item 8b(2); August 28, 1990, Item 7d(4); November 20, 1990, Item No. 7d(1); February 19, 1991, Item No. 7b(6); August 1, 1991, Item No. Item 7d(4); March 17, 2020, Item 2.20(b)		

## BACKGROUND

This policy consolidates Council Policy 0-4 (Consolidated Board and Commission Policies) and Council Policy 0-36 (City Council / Commission Code of Conduct), former Council Policy 0-20 (Appointment of City Employees and Council Assistants to Boards and Commissions), and former Council Policy 0-22 (Political Involvement of Boards, Commissions and Committees and their Members), and incorporates portions of Council Policies 0-15 (Code of Ethics for Officials and Employees of the City of San Jose). It is intended as a comprehensive selection of policies as they relate to Boards and Commissions and updated as part of the Board and Commission Consolidation approved by City Council on May 7, 2013.

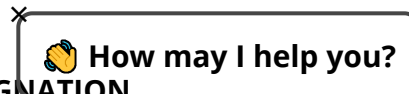
City of San Jose Boards and Commissions are established in order to provide independent recommendations to Council or, in the context of quasi-judicial boards such as the Planning Commission, Civil Service Commission, Board of Fair Campaign and Political Practices, and Appeals Hearing Board, to make independent decisions and take administrative actions. The Boards and Commissions play an important role by being visible in the community and bringing a broad representation of ideas into the process.

The City Charter provides that, in addition to those Boards and Commissions established by the City Charter, the City Council may create such other Boards and Commissions as in its judgment are required, and grant them such functions, powers and duties as are consistent with the City Charter. This Policy intends to fully define the policies and customs as related to those Boards and Commissions.

This Policy only applies to Boards and Commissions whose members are appointed by the City Council pursuant to the City Charter and San José Municipal Code. Therefore, it does not apply to the San José Arena Authority Board of Directors, Deferred Compensation Advisory Committee, Mayor’s Gang Prevention Task Force, Federated Retirement Board, Police and Fire Retirement Board, and work2future Board.

## SECTIONS

### I. RECRUITMENT, SELECTION, APPOINTMENT, AND RESIGNATION



**II. REQUIREMENTS FOR BOARDMEMBERS AND COMMISSIONERS****III. BOARD AND COMMISSION GOVERNANCE AND OPERATIONS****IV. CODE OF CONDUCT****V. AUTHORITY OF BOARDS AND COMMISSIONS****VI. BOARD AND COMMISSION RECOGNITION****VII. IMPLEMENTATION****DEFINITIONS**

For purposes of this Policy, the following definitions are in effect throughout:

**Appointee** – An individual who has been appointed by the City Council to a Board or Commission, but has not been sworn in as a Commissioner by the City Clerk.

**Charter Commission** – The following commissions established by and whose membership, powers and duties are defined in the City Charter, Article X, Boards and Commissions: Planning Commission, Civil Service Commission, and Salary Setting Commission.

**Council Liaison** – See Section IV.B of this Policy.

**Council Nominated Commission** – Commissions whose members without special eligibility requirements are nominated by each Council Member, including the Mayor, and appointed by City Council pursuant to San José Municipal Code Section 2.08.180. A listing of current Council Nominated Commissions is included in Appendix A of this Policy.

**Council Appointment Advisory Commission Nominated Commission** – Commissions whose members with special eligibility requirements are nominated by the Council Appointment Advisory Commission. See Appendix A of this Policy.

**SECTION I: RECRUITMENT, SELECTION, APPOINTMENT, AND RESIGNATION****Purpose**

This Policy establishes a systematic procedure for accepting and reviewing applications from persons interested in serving on Boards and Commissions and provides members of the City Council a process to make nominations to the various Boards and Commissions for appointment by the City Council.

**A. PROCESS AND PROCEDURE**

1. **Roster**: A current roster of Board and Commission members will be maintained by the City Clerk. The roster shall show the first appointment date of each Commissioner, the current term expiration date, and whether the Commissioner is eligible for reappointment.

2. Applications: The City Clerk will provide an application form to all persons wishing to serve on a Commission. Those persons wishing to serve on a Commission, including current Commissioners who wish to be reappointed, must file an application. Applicants who were not appointed to a Board or Commission will have their applications maintained on file in the City Clerk's Office for a period of one year from the date of application. During that year, the applicant may be eligible for appointment to an unanticipated vacancy on the Board or Commission for which they applied. If so eligible, the City Clerk will contact the applicant to confirm their interest and obtain any changes to their application. The City Clerk may continue to accept applications for Boards and Commissions while there are no vacant positions in order to have an applicant pool to fill unanticipated vacancies.
3. City Residency Requirement: Except as provided below, all applicants to Boards and Commissions must be San José residents. Except for Charter Commissions and the Neighborhoods Commission, in specific cases where a qualified San José resident has not applied to fill the vacancy, the Council may appoint a non-resident.
  - a. Residents of land annexed by the City of San José are considered San José residents. Residents of unincorporated County of Santa Clara land are not considered San José residents.
  - b. Except for Charter Commissions and the Neighborhoods Commission, if a Commissioner moves out of the City of San José with less than six months left on their term, they shall be allowed to finish their term; otherwise, Commissioners must retain residency in the City of San José during their term of office.
  - c. If a Commissioner moves out of the City of the San José with six or more months left on their term, the commissioner shall be deemed automatically resigned.
4. Vacancies: The City Clerk shall notify the City Council via memorandum of vacancies and recruitments occurring within the next sixty days. Copies of such notices shall be sent to the secretaries of Boards or Commissions listed therein. When a vacancy exists, the Clerk shall place a notice of said vacancy on the City Calendar and Website for viewing by the public.
5. Terms of Office: The following term limits apply to Boards and Commissions other than the Charter Commissions and Youth Commission. Under San José Municipal Code Section 2.08.150, members of Council Nominated Commissions and the Neighborhoods Commission, except for the Youth Commission, shall serve for a term of four years and are eligible for reappointment at the expiration of their first term for one additional four-year term. Members of the Youth Commission shall serve for a term of two years and are eligible for reappointment at the expiration of their first term for one additional two-year term. Should a Commissioner be off a commission for at least one full term (four years, or two years for the Youth Commission), the Commissioner shall be eligible for a new appointment to that Commission.
6. Limited to Single Legislative Body: No commissioner shall serve on more than one commission at a time. Should a commissioner seek appointment to another commission, upon his/her new



appointment, the commissioner shall be deemed automatically resigned from his or her original commission. Other than Standing Committees of their respective commission, no commissioner shall serve on "Other Advisory Entities" as defined by the Consolidated Open Government and Ethics Resolution.

7. Review of Applications: Applications to all Commissions except Youth Commission will be reviewed by the Office of the City Attorney for potential conflict of interest and Department of Planning, Building, and Code Enforcement for any pending code violations.
8. Appointment Process for Charter Commissions, Appeals Hearing Board and Board of Fair Campaign and Political Practices. The City Council holds public interviews of the applicants according to the following procedure:
  - a. On or before the occurrence of a vacancy, the Commission Secretaries will prepare and send to the City Clerk's Office for distribution a background memo on the Commission which should include any special eligibility requirements, needs, or areas of expertise needed for more equitable representation on the Commission. The memo should include a statement setting forth attendance, residency information, and compliance with City requirements (e.g., commission training, state-mandated training, Form 700 filing) on any incumbents eligible for reappointment.
  - b. The City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
  - c. Upon close of the vacancy notice period, the City Clerk shall forward a copy of the applications and Commission Secretary's background memos, if any, to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications.
  - d. Upon close of the vacancy notice period, the City Clerk will provide full application packages to each member of the City Council. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement Code memo, Commission Secretary's background memos, and any other information as necessary.
  - e. After receipt of the full application package, each Council Member, including the Mayor, shall notify the Clerk in writing of the applicants he/she wishes to interview. If four Council Members indicate they would like to interview the same applicant, the Clerk shall contact the applicant to notify him/her of the time, place and date of the interview, which shall occur during an open meeting of the City Council.
  - f. At the Council meeting at which the interviews are held, the Clerk shall supply the Council Members with a ballot, which may be electronic, containing the names of all the applicants to be interviewed. Upon completion of the interviews, each Council Member shall mark his/her selection of applicant on the ballot. The Clerk shall publicly read the votes of the Council

Members, and the applicant(s) receiving the most Council votes (six or more) shall be appointed. If there are two or more vacancies, and more than two applicants receive six or more votes, then the applicants receiving the highest number of votes shall be appointed. In the case of a tie, a second balloting shall take place.

- g. After the Council makes an appointment to a Board or Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.

9. Appointment Process for Council Nominated Commissions (See Appendix A for a complete list)

- a. Regularly Scheduled Vacancies for Seats Nominated by Council Members: The following appointment process applies to all regularly scheduled vacancies for seats for Council Nominated Commissions specifically referencing 2.08.180.
  - i. On or before the occurrence of a vacancy, the City Clerk shall notify the Council Member responsible for the nomination of that seat.
  - ii. The Commission Secretaries will prepare and send to the City Clerk's Office for distribution a background memo on the Commission which should include any special eligibility requirements, needs, or areas of expertise needed for more equitable representation on the Commission. The memo should include a statement setting forth attendance, residency information, and compliance with City requirements (e.g., commission training, state-mandated training, Form 700 filing) on any incumbents eligible for reappointment.
  - iii. The City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
  - iv. Upon close of the vacancy notice period, the City Clerk's Office shall forward a copy of the applications to the Department staff liaison to the Commission.
    - 1. Within 7 days of receipt, the Department staff liaison may submit a memo to the City Clerk with its evaluation of the applicants based on the powers and duties of the Commission, any special eligibility requirements, and experience, background and expertise of the applicants.
    - 2. Within 7 days of receipt, the Department staff liaison to the Housing and Community Development Commission shall complete a preliminary review of the applications, including but not limited to, completion of the Low- or Moderate-Income Representative Certification Statement and determining whether the applicant meets the required special eligibility requirements in Section 2.08.2820 of the Municipal Code. The Department staff liaison shall submit the results of its review in a memo to the City Clerk's Office.

- v. The City Clerk shall then forward a copy of the applications, Department staff liaison memo, and Commission Secretary's background memos, if any, to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
  - vi. After receipt of the conflicts of interest and code review memos, the City Clerk will provide full application packages to each member of the City Council making appointments. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Commission Secretary's background memos, and any other information as necessary.
  - vii. After receipt of the full application package, each Council Member, including the Mayor, shall submit their nominations for approval by the City Council. Each Council Member, including the Mayor, may interview applicants prior to submitting their nominations.
  - viii. In the event that a Council Member or the Mayor does not provide a nominee within the specified deadline, chooses to delegate their nomination to the Council Advisory Appointment Commission, or request additional recruitment, the Council Advisory Appointment Commission shall be authorized to submit a nominee to the City Council.
  - ix. After Council makes an appointment to a Board or Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.
- b. Vacancies for Seats Nominated By Council Appointment Advisory Commission: The following appointment process applies to seats on Council Nominated Commissions with special eligibility requirements that are nominated by the Council Appointment Advisory Commission:
- i. On or before the occurrence of a vacancy, the City Clerk shall notify the Commission Secretary. The Commission Secretary will prepare and send to the City Clerk's Office for distribution a background memo on the requirements for those seats needing to be filled which should include any special eligibility requirements, needs, or areas of expertise needed for more equitable representation on the Commission. The memo should include a statement setting forth attendance, residency information, and compliance with City requirements (e.g., commission training, state-mandated training, Form 700 filing) on any incumbents eligible for reappointment.
  - ii. The City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
  - iii. Upon close of the vacancy notice period, the City Clerk's Office shall forward a copy of the applications to the Department staff liaison to the Commission.

1. Within 7 days of receipt, the Department staff liaison may submit a memo to the City Clerk with its evaluation of the applicants based on the powers and duties of the Commission, any special eligibility requirements, and experience, background and expertise of the applicants.
  2. Within 7 days of receipt, the Department staff liaison to the Housing and Community Development Commission shall complete a preliminary review of the applications, including but not limited to, completion of the Low- or Moderate-Income Representative Certification Statement and determining whether the applicant meets the required special eligibility requirements in Section 2.08.2820 of the Municipal Code. The Department staff liaison shall submit the results of its review in a memo to the City Clerk's Office.
- iv. The City Clerk shall then forward a copy of the applications, Department staff liaison memo, and Commission Secretary's background memos, if any, to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
  - v. After receipt of the conflicts of interest and code review memos, the City Clerk will provide full application packages to the Council Advisory Appointment Commission for review. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Commission Secretary's background memos, Department staff liaison memo, and any other information as necessary.
  - vi. After receipt of the full application package, the Council Advisory Appointment Commission will interview applicants, select their nominee and submit their nomination to the City Council for final approval.
  - vii. After Council makes an appointment to a Board or Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.
- c. Unanticipated Vacancies for Seats Nominated by Council Members. The following appointment process applies to all unanticipated vacancies for seats for Council Nominated Commissions specifically referencing Section 2.08.180 of the Municipal Code.
- i. Upon receipt of a Board or Commission member resignation, the City Clerk shall notify the Council Member for the represented district of the unanticipated vacancy, and post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.

- ii. Upon close of the vacancy notice period, the City Clerk's Office shall forward a copy of the applications to the Department staff liaison to the Commission.
  1. Within 7 days of receipt, the Department staff liaison may submit a memo to the City Clerk with its evaluation of the applicants based on the powers and duties of the Commission, any special eligibility requirements, and experience, background and expertise of the applicants.
  2. Within 7 days of receipt, the Department staff liaison to the Housing and Community Development Commission shall complete a preliminary review of the applications, including but not limited to, completion of the Low- or Moderate-Income Representative Certification Statement and determining whether the applicant meets the required special eligibility requirements in Section 2.08.2820 of the Municipal Code. The Department staff liaison shall submit the results of its review in a memo to the City Clerk's Office.
- iii. The City Clerk shall then forward a copy of the applications and Department staff liaison memo to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
- iv. After receipt of the conflicts of interest and code review memos, the City Clerk will provide full application packages to each member of the City Council making nominations to the vacant seat(s). The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Commission Secretary's background memos, Department staff liaison memo, and any other information as necessary. Each Council Member, including the Mayor, may interview applicants prior to submitting their nominations.
- v. After receipt of the full application package, if the Council Member chooses to nominate one of the applicants, the nomination will be submitted to the City Council for approval.
- vi. If the Council Member chooses not to nominate any of the applicants, they may conduct outreach for additional applicants or request the City Clerk to conduct additional recruitment.
- vii. In the event that a Council Member or the Mayor does not provide a nominee within the specified deadline, chooses to delegate their nomination to the Council Advisory Appointment Commission, or request additional recruitment, the Council Advisory Appointment Commission shall be authorized to submit a nominee to the City Council.
- viii. If no candidate is nominated, the vacancy will be filled during the next normal Board and Commission recruitment period.
- ix. After Council makes an appointment to a Board or Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the

appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.

- x. Less Than Six Month Term: If a Commissioner is nominated to fill an unexpired term with less than six months remaining, the City Council may choose to additionally appoint him/her to the following four year term.

## 10. Appointment Process for Neighborhoods Commission

- a. Regularly Scheduled Vacancies for Seats Nominated by Neighborhood Groups: The following appointment process applies to all regularly scheduled vacancies for seats for Neighborhoods Commission.
  - i. The Department staff liaison to the Commission shall obtain approval from the City Council of the rules developed by the Commission for the caucus process, in accordance with Section 2.08.3440.A of the Municipal Code.
  - ii. The City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
  - iii. Upon close of the vacancy notice period, the City Clerk shall forward a copy of the applications to the Department staff liaison to the Commission for a preliminary review of applicants, including, but not limited to, District residency verification and identification, and application completeness. Within 7 days of receipt, the Department staff liaison shall submit the results of its review as a Department staff liaison memo to the City Clerk's Office.
  - iv. The City Clerk shall then forward a copy of the applications and Department staff liaison memo to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
  - v. After receipt of the conflicts of interest and code review memos, the City Clerk will provide full application packages to the Department staff liaison to the Commission, to provide to the neighborhood groups during their caucus process. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Department staff liaison memo, and any other information as necessary.
  - vi. After receipt of the full application package, and in accordance with the caucus process in Section 2.08.3440.A-C of the Municipal Code, the Department staff liaison shall submit the nominations of the neighborhood groups for approval by the City Council.
  - vii. After Council makes an appointment to the Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics

Agreement have been signed.

b. Unanticipated Vacancies Nominated By Council Appointment Advisory Commission: The following appointment process applies to unanticipated vacancies for seats on the Neighborhoods Commission:

- i. Upon receipt of a resignation, the City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
- ii. Upon close of the vacancy notice period, the City Clerk shall forward a copy of the applications to the Department staff liaison to the Commission for a preliminary review of applicants, including, but not limited to, District residency verification and identification, and application completeness. Within 7 days of receipt, the Department staff liaison shall submit the results of its review as a Department staff liaison memo to the City Clerk's Office.
- iii. The City Clerk shall then forward a copy of the applications and Department staff liaison memo to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
- iv. After receipt of the conflicts of interest and code review memos, and in accordance with the appointment process in Section 2.08.3440.D of the Municipal Code, the City Clerk will provide full application packages to the Council Advisory Appointment Commission for review. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Department staff liaison memo, and any other information as necessary.
- v. After receipt of the full application package, the Council Advisory Appointment Commission will interview applicants, select their nominee and submit their nomination to the City Council for final approval.
- vi. After Council makes an appointment to the Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.

## 11. Resignations:

- a. Voluntary Resignation: Voluntary resignations from Boards and Commissions shall be submitted in writing to the City Clerk and Commission Secretary. Resignations are effective on the date submitted to the City Clerk or Commission Secretary, unless a different date is noted on the resignation. Resignations cannot be rescinded or revoked.

- b. Automatic Resignation: Commission Secretaries will notify the City Clerk of vacancies occurring due to absences pursuant to the provision of the San José Municipal Code Section 2.08.060 that automatically deem a seat vacant.

## B. CITY EMPLOYEES

1. Because City Boards and Commissions are intended to provide the City Council with a perspective different and additional to that provided by staff and other persons retained to provide that advice, unless a particular Board or Commission is required by the San José Municipal Code or Resolution of the Council to have staff representatives appointed thereto, no City employee or City intern, paid or unpaid, shall be appointed to any City Board or Commission.
2. Notwithstanding the above, Youth Commissioners may also serve the City as a paid or unpaid intern.
3. Former or retired City employees shall not be appointed to the Civil Service Commission.

## **SECTION II: REQUIREMENTS FOR BOARD MEMBERS AND COMMISSIONERS UPON APPOINTMENT**

### **Purpose**

Based upon various local, state, and federal laws and requirements, Board Members and Commissioners are required to complete and have on file with the Office of the City Clerk certain paper work and complete certain trainings in order to serve on a Board or Commission. The City Clerk's Office will notify the Commission Secretary of commissioners who fail to complete any requirements.

### **Policy**

1. Oath of Office: Upon appointment and reappointment, Commissioners and Board Members are required to file a current oath of office with the Office of the City Clerk (Article 20, Section 3 of the California Constitution). ***A new oath of office must be administered for each term of office.***
2. Code of Ethics: Commissioners and Board Members shall read and sign a Code of Ethics Statement. (San José City Council Policy 0-15).
3. Form 700 / Statement of Economic Interest: The following Board Members and Commissioners are required to file a Statement of Economic Interest, Form 700.
  - a. Any Commission designated in the City's conflict of interest code;
  - b. Pursuant to Government Code 87200, Planning Commissioners; and
  - c. Any Commissions added to Government Code 87200 following approval of this Policy.
4. AB 1234 Ethics Training: Commissioners who receive compensation, salary, stipend or reimbursement of expenses are required to complete state mandated ethics training. Said training must be for a minimum of two hours, and completion certificates must be filed with the Office of the City Clerk within 90 days of appointment. Such training must be completed every two years.
5. City Training: Within the first year of appointment, Commissioners will be required to complete a mandatory training session covering, but not limited to, the City Charter, the San José Municipal Code Section 2.08, City Council Policies related to Boards and Commissions, City Policies and Procedures,



Brown Act and Consolidated Open Government and Ethics Resolution, Statement of Economic Interest Disclosure requirements, and Parliamentary Procedures. The training will be coordinated by the City Clerk's Office with the City Attorney's Office and Boards and Commission staff.

## **SECTION III: BOARD AND COMMISSION GOVERNANCE AND OPERATIONS**

### **Purpose and Application**

Standardized Rules and Regulations have been established to better serve the public in that any resident, business, or other interested party appearing before a City Commission may know what to expect regardless of the board or commission. This process standardization was ordered as part of the Boards and Commissions Consolidation approved by City Council on May 7, 2013.

### **Policy**

#### **A. BYLAWS**

All City Commissions, except the Airport Commission, Appeals Hearing Board, Civil Service Commission, Salary Setting Commission, Board of Fair Campaign and Political Practices, and Planning Commission, will operate under a standardized set of Bylaws developed by the City Clerk. Any deviation from the standardized Bylaws must be approved by the Rules and Open Government Committee, or other designated Council Committee, of the City Council. See Appendix B for Commission Bylaws Template.

#### **B. ANNUAL WORKPLAN, BUDGET AND REPORT**

Each fiscal year, all City Commissions except for Charter Commissions and the Appeals Hearing Board, shall submit their annual workplan of activities to be undertaken, budget of personal and non-personal costs, and annual report of its accomplishments to the Rules and Open Government Committee or other designated Council Committee for approval, as delegated by the City Council pursuant to this Policy. Staff shall provide a cover memo indicating whether the workplan corresponds with the Department's workplan. The Commission's annual workplan, budget and annual report shall follow the standard template format provided by the City Clerk. Commissions shall not include items in the workplan that would extend their scope beyond the functions, powers, and duties granted to or bestowed upon them by San José Municipal Code Chapter 2.08.

#### **C. SUBCOMMITTEES (STANDING, AD HOC AND TEMPORARY COMMITTEES)**

1. Standing Committees: Unless approved by the Rules and Open Government Committee or other designated Council Committee, standing committees, which are subcommittees with a continuing subject matter jurisdiction or a meeting schedule fixed by formal action of the Commission are not allowed under the Commission Bylaws as they are Brown Act bodies that require additional staff support. The Board or Commission requesting the creation of a standing committee shall submit a formal request to the Rules and Open Government Committee that includes justification for the standing committee as well as a time and budget analysis by the Department staff in order to assist the Rules and Open Government Committee with their decision. The City Clerk shall provide a format for the standing committee request. Standing committees shall not meet more often than its Board or

Commission. Standing committees must prepare and maintain Action Minutes.

2. Ad Hoc or Temporary Committees: Limited term ad hoc or “temporary” committees, which are comprised of less than a quorum of members of the Commission, are allowed for specific short term tasks or projects with a narrow scope and shall not last longer than six months. Ad hoc committees are not subject to the notice and posting requirements of the Brown Act. The purpose for forming an ad hoc committee must be defined and the scope of the ad hoc committee must be within the functions, powers and duties of the commission as outlined in the San José Municipal Code and as approved by the Commission Secretary. Under no circumstances shall ad hoc committees be formed to bypass the rules and laws of this Council Policy, the Brown Act, or the City Council’s Consolidated Open Government and Ethics Resolution.
3. Subcommittees shall only be formed by and composed solely of members of its parent Board or Commission. Members of the public or former commissioners may not sit on subcommittees as voting or nonvoting members or officers of the subcommittee.
4. Commission members shall not be required to serve on subcommittees.

#### D. COMMISSION OPERATIONS

1. The California Ralph M. Brown Act (Gov’t Code § 54950 et seq.) applies to Boards and Commissions except where stricter standards are adopted by the City of San José pursuant to its Consolidated Open Government and Ethics Resolution . At no point will a policy be enacted that reduces the standards of the Brown Act.
2. The Commission shall not require commission members to perform additional duties outside what is required under San José Municipal Code section 2.08. The Commission may request its members to perform outside duties, but cannot penalize a Commission member who cannot perform these additional duties.
3. Members of the public or former commissioners may not sit on the Commission as voting or nonvoting members or officers of the Commission. Former Commission members shall be treated as members of the public. Emeritus members shall not be allowed.

#### E. MEETING SCHEDULE

1. Except for Charter Commissions, the frequency and schedule of meetings shall be determined by the Board or Commission’s workplan, as approved by the Rules and Open Government Committee, and align with the corresponding City Department, City Service Area, and Council Committee to allow flexibility in scheduling meetings.

2. Commission Meetings may not be cancelled or rescheduled due to personal conflicts in the Commissioners' personal schedules.
3. Meetings will be conducted according to Rosenberg's Rules of Order.

#### F. AGENDAS

1. A standardized agenda format will be provided to Commission Secretaries by the City Clerk and should be used for all agendas, for regular meetings and/or subcommittee meetings. Any proposed change to this format by a Commission must be approved by the Rules and Open Government Committee.
2. Agendas must include the following:
  - a. Commission Name
  - b. The Meeting Date and Time
  - c. Meeting Location
  - d. Description of each item of business to be transacted or discussed
  - e. Public Comments
  - f. Public Record
3. Agenda Distribution Policy:
  - a. Email: Agendas will be distributed via email to commissioners at the City-provided email address.
  - b. Hard Copy: If a Commissioner requires hard copies of the agenda and related materials, the Commissioner must put the request in writing to the Commission Secretary. Requests for hard copies of materials will be effective until the end of the calendar year in which the request was submitted. Requests must be renewed annually. The Commission Secretary will place hard copies in outgoing first-class mail on the same day the agenda is posted, unless the agenda is posted after 3:00 p.m., in which case the agenda will be mailed the following business day. There is no guarantee that the hard copy will arrive at the Commissioner's address prior to the meeting. Alternatively, the Commissioner may pick up a hard copy in person at the office of the Commission Secretary.
4. Agendas and related materials for regular meetings shall be posted seven (7) days in advance of the meeting per the City's Consolidated Open Government and Ethics Resolution. Agendas shall also be posted at City Hall and on the City's website. An amended agenda making administrative, non-substantive changes may be posted no later than three days before the meeting.
5. Agendas and related materials will be posted online and will contain a link to all of the documents referenced or distributed to members of the body. Quasi-judicial Commissions are not obligated to post online any documents presented at the time of an evidentiary hearing.

#### G. MEETINGS

1. Commission Meetings must be audio recorded and the recording must be maintained for two years. Planning Commission meetings must also be video recorded and the recording must be maintained for two years. The Commission Secretary is responsible for maintaining the recording(s) for the two year retention period.
2. Members of Boards and Commissions must follow the attendance rules set forth in Section 2.08.060 of the San José Municipal Code. Attendance at a regular meeting for purposes of Section 2.08.060 of the Municipal Code means attending at least 50% of the duration of the entire meeting. Attending less than 50% of the duration of the entire meeting is considered an absence for purposes of Section 2.08.060 of the Municipal Code. In the case of an excused absence, Commissioners should notify the Commission Secretary of their excused absence as soon as possible.
3. All members of Boards and Commissions will adhere to the Declaration of Conflict of Interest Policy set forth in the Council's Consolidated Open Government and Ethics Resolution.
4. Public meetings of a Board or Commission held in any location will follow the Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms set forth in Council Policy 0-37.
5. Commission Secretaries will be expected to:
  - a. Be a member of City staff
  - b. Attend all meetings, including subcommittee meetings
  - c. Prepare the meeting agendas in accordance with the approved Commission workplan, if any
  - d. Ensure meetings are effectively organized and recorded
  - e. Maintain effective records and administration, including the collection and retention of records submitted at meetings, and drafting meeting minutes
  - f. Manage communication and correspondence

#### H. MINUTES

Minutes are the official written record of what transpires during a meeting and serve as the permanent record of actions taken and staff direction.

1. Minutes will be taken in "Action Minute" format. Action Minutes include only a brief summary of the public comment and action taken by the Commission.
2. Minutes should include the following:
  - a. What type of meeting: Regular, Special, Adjourned, et al.
  - b. The name of the Commission
  - c. Date and Location of the meeting.
  - d. The word "Minutes"
  - e. Time the meeting convened

- f. Names of commissioner and staff persons present
  - g. Public Comments
  - h. Approval of Minutes
  - i. Items on the agenda and actions taken for each item including, but not limited to, motions, direction to staff, brief summary of discussion, as well how each member voted, who made the motion and the second.
  - j. Time the meeting adjourned
  - k. Name of individual preparing the minutes.
3. Commission Secretaries will be expected to follow the standardized “Action Minutes” format provided by the City Clerk.
4. Draft Action Minutes shall be posted within 10 days after the meeting.

## **SECTION IV: CODE OF CONDUCT**

### **A. MEMBERS OF BOARDS AND COMMISSIONS**

#### **1. All Boards and Commissions**

All Commissioners should conduct meetings in a dignified and courteous manner. No bias or prejudice against any individual or group of people should be manifested by any Commissioner or condoned by any Commission.

The following Code of Conduct applies to all Boards and Commissions.

- a. All Commissioners shall be professional, respectful and courteous to staff and the public.
- b. Title Use: A Commissioner cannot use his or her title except as provided below (and all such uses are subject to the other limitations in this policy):
  - a. Resumé: A Commissioner can list his or her title on a resumé or biography. An (non-City) email signature block, footer or similar type of identification does not count as a resumé or biography.
  - b. Use with Disclaimer: A Commissioner may use his or her title when speaking or writing publicly on matters within the purview of his or her Commission, but only where the Commissioner makes it clear he or she is not speaking on behalf of the Commission.
  - c. Use with Commission Authorization:
    - i. A Commissioner may use his or her title to speak or write on behalf of the Commission to City entities (e.g., Rules and Open Government Committee) when authorized by the Commission.
    - ii. A Commissioner may use his or her title for outreach purposes when authorized by the Commission to conduct community outreach on specific topics where such outreach is time limited and specifically listed in the workplan. This authorization is limited to

- seeking input and does not permit advocating or opining on any topic. Commissioners are free to conduct outreach at any time without the use of their Commission title.
- c. Commissions may not interview candidates for political office or make endorsements of such candidates. Individual Commissioners must not use their Commission title in making personal political endorsements, including using the title for identification purposes only.
  - d. Only the City Council has the authority to designate the City's representatives with non-City entities. Commissions may not appoint or invite anyone to act as the City's representative or to advocate a particular cause or viewpoint on behalf of the Commission with any non-City entity, including members of the public. Commissions, however, are free to seek the advice or input of others in the course of making their recommendations to the Council.
  - e. City business cards shall be provided to those Commissioners where requested by the Commission, as approved by the Commission Secretary based on Commission needs for community outreach. Information in the business cards must contain at a minimum: the name of the Commissioner, the title of the Commissioner, and the name of the Commission. Department staff will determine the additional information to be pre-printed on the business card. Such cards shall only be used when the Commissioner is on official Commission business.
  - f. City email addresses shall be provided to all Commissioners. Such email addresses shall only be used for official City Commission business. Commissions shall not use private email addresses for City business.
  - g. Use of City stationery must be limited to official Commission business. All correspondence concerning the Commission's business should be processed by the Commission Secretary.
  - h. Commission recommendations to the City Council must be recommendations of the Commission as a whole, and not subject to undue influence by Council Liaison, Council Member, City staff, or any outside agency.
  - i. Individual Commissioners are free to discuss any issues and concerns with the Council Liaisons, Council District representative or any Council office. However, Commissioners cannot assign themselves as "liaison" to the various Council members and must take care that contact with Council members does not result in a prohibited seriatim meeting of either the Council or the Commission under the Brown Act.
  - j. Commissioners individually or Commissions as a whole are free to recommend candidates for appointment to any City Board or Commission, including their own, to the City Council, Council Appointment Advisory Commission, Council Liaison or individual Council members.
  - k. Commissions may not independently support or oppose state or federal legislation, but instead shall be free to make recommendations on legislation to the City Council through the Rules and Open Government Committee.
  - l. Commissioners are prohibited from using their position as a commissioner to promote themselves for personal gain.
  - m. Commissioners who are members of an organization which is in litigation against the City on issues related to the work of the Commission should not participate in any Commission discussion or review of matters affecting the organization if they are an officer of the organization,

- a named litigant in the lawsuit or disqualified because of a conflict of interest. Litigation includes an administrative enforcement action, lawsuit in a court of law or a claim filed with the City or Successor to the Redevelopment Agency.
- n. All conflicts of interest and circumstances giving rise to a perceived conflict of interest should be avoided. Commissioners must avoid the appearance of favoritism towards people and organizations with whom a Commissioner is affiliated. For example, if a Commissioner serves as a volunteer board member for a service organization, the Commissioner must not vote on any matter which will directly affect that organization. The exception to abstention based on organizational affiliation applies where the Commissioner was appointed as a representative of the organization (e.g., representatives of mobilehome park owners on the Housing and Community Development Commission).
  - o. Commissioners may not contact consultants or others under contract with the City directly, outside of a Commission meeting, unless so authorized by City Administration.
  - p. Commissions should only take actions within their authority, duties and responsibilities as specifically set forth in the City's Municipal Code. Assigned legal staff will advise on legal issues related to jurisdiction and authority as required.
  - q. Commissioners shall not act as mediators or facilitators between the parties on matters that come before them. Any facilitation must be part of the public process and as requested or required by the City Council.
  - r. Commissions shall place items on the Council agenda in accordance with the Council Rules for the Conduct of its Meetings Resolution. Commissions should not request of Council Members to place items on a Rules and Open Government Committee or City Council Agenda.
  - s. The Chair, as defined by San José Municipal Code Section 2.08.070(B), shall preside at the meetings. The responsibility of the Chair is to make sure that each meeting is conducted in accordance with the San José Municipal Code, the approved Bylaws, this Code of Conduct, and Rosenberg's Rules of Order, and that matters before the Commission are dealt with in an orderly, efficient manner.

## 2. Quasi-Judicial Commissions

Commissions which sit as hearing bodies and take administrative actions, including the Planning Commission, Civil Service Commission, Board of Fair Campaign and Political Practices and Appeals Hearing Board must be diligent to ensure that a hearing is fair and impartial.

- a. Commissioners should not have ex parte conversations with anyone on the subject, outside of the hearing. If a Commissioner has a communication with a party or a party's representative regarding the subject matter, facts or the issues of an administrative action pending before the Commission, the communication shall be disclosed on the record of the administrative action or proceeding before the action is heard.
- b. Any visit to the site or other information gained outside of the hearing must be stated on the record. Commissioners should disqualify themselves if there is any appearance of bias.

- c. Commissioners should not make any public comment on a matter pending before them until after the Commission has rendered a decision.

## B. COUNCIL MEMBERS

### 1. Council Liaisons

The Council Liaison is the Council Member who is specifically assigned to be the liaison between the City Council and the Commission. The primary role of the Liaison is that of facilitator of communications between the Commission and the Council. A Council Member who is appointed to sit as a member of a Board or Commission is not a liaison for purposes of this Policy.

#### a. Definition of the Role

The Council Liaison shall facilitate communications between the Commission and the Council. The Liaison should not be an advocate for the Commission, give direction or influence a decision of the Commission. The Liaison may, however, assist and provide guidance to Commissions with their workplans or agendas.

#### b. Purpose

The Council Liaison acts as:

1. Spokesperson on behalf of the Council when so directed by the Council.
2. Contact person, if the Commission or an individual Commissioner wants such a channel of communication.
3. Monitor for the Commission to identify procedural and structural issues relating to the effective functioning of the Commission for Council.

#### c. Participation Expectation

1. Attendance is discretionary with the Council Member - attendance at Commission meetings is not required but is encouraged. The Council Member may send a member of his/her staff in his/her place.
2. The Council Liaison shall have no vote on the Commission and shall not act as an ex officio member of a Commission.
3. The Council Liaison's attendance at Commission retreats is discouraged unless attendance is requested by the Commission.

#### d. Role of Council Liaison Staff

1. Council Liaison staff do not serve as "alternates" to the Liaison but may attend to observe, provide information on behalf of the Liaison and answer questions in order to report back to their respective Council members.
2. Council Liaison staff members should not participate in the discussion by the Commission. However, staff can communicate messages on behalf of the Council Liaison and answer Commission questions.



3. Council Liaison staff members who attend meetings may sit at the table with the Commission at the discretion of the Commission or the chair.

## 2. Council Members

The following guidelines apply to all Council Members.

- a. Council Members should not speak to any Commissioner on any matter that may come before the Council in a manner designed to influence the Commission. Nor should any Council Member privately lobby any Commissioner outside of the meetings in an attempt to influence his or her individual vote.
- b. Any Council Member who has testified on his or her own behalf or as a witness before a Commission on any administrative action which then comes to Council is disqualified from participating as a Council Member on the matter only if there is a legal conflict of interest.
- c. A Council Member must clearly state when he or she is speaking on behalf of the City Council.

## **SECTION V: AUTHORITY OF BOARDS AND COMMISSIONS**

### A. LEGISLATION

Boards and Commissions cannot independently take positions on legislation at the state and federal level. They can, however, recommend positions to the City Council on legislation in areas of their expertise. In addition, Boards and Commissions must act in a timely way to comply with the state and federal legislative schedule, using the following process:

1. Boards and Commissions will send a letter to the Mayor and City Council through the Commission Secretary requesting that they take a position on state or federal legislation.
2. The Mayor and City Council will refer the request to the City Clerk's Office in order to schedule the item on the next available Rules and Open Government Committee agenda.
3. If appropriate, the Rules and Open Government Committee will refer the legislation to the appropriate Council Committee for analysis and recommendation to the City Council. The Commission Secretary will be responsible for notifying the Chair of the Board or Commission when the legislation forwarded by the Board or Commission will be heard by the designated Council Committee.

### B. POLITICAL INVOLVEMENT

1. City of San José Boards and Commissions are strictly prohibited from endorsing any candidate or from taking an independent position on any legislation or ballot measure. Further, Boards and Commissions may not be involved in gathering or disseminating information on any candidates or ballot measures (e.g., surveys, public debates, mailings, etc.)
2. Individual members of Boards and Commissions are free to exercise their individual right of political participation such as endorsing or contributing to a particular campaign. Members of certain Commissions (e.g., Planning Commission) must also be aware that State law imposes certain legal restrictions on soliciting or accepting political contributions and participating in quasi-judicial or entitlement actions.

3. No Board or Commission or individual member of a Board or Commission may take or allow any action which gives the appearance of official City involvement in any political campaign. For example, individual members may not use the titles of "Chair," "Vice-Chair," "Commissioner," "Board member," the title of their Board or Commission, or their commissioner title for identification purposes on any endorsement listing. Actual or facsimiles of City stationery or City business cards may not be used for any political mailing or distribution.

### C. BOARD AND COMMISSION REFERRAL SYSTEM

From time to time, a Board or Commission may have a request for information that is outside the Board or Commission's Work Plan.

1. A "Major Study" means a request for information and/or research which meets one or more of the following criteria:
  - a. It requires 20 staff-hours or more to complete. Exception: In the event of a hiring freeze, department-by-department basis dependent upon the impact of the freeze on a particular department.
  - b. It is not a planned budgeted activity.
  - c. Response action will seriously affect the respondent's annual planned performance or output.
  - d. It will require a formal report.
  - e. Possible change in current policy which was the culmination of extensive public input and/or as a result of committee/task force deliberations (i.e., C & C Tax Task Force or any policy task force, etc.).
  - f. New policy research on which there has been no Council discussion or direction or because of its sensitivity and would involve more than 5 hours of Staff time.
2. All requests for information and/or research outside the Work Plan requested by a Board or Commission must adhere to the following provisions:
  - a. A request for a Major Study requires approval of the Rules and Open Government Committee, and amendment to the Board or Commission's Work Plan.
  - b. A request for a Major Study by a Board or Commission must be submitted in writing from the Board or Commission Chair to the City Clerk to be placed on the next available Rules and Open Government Committee Agenda.
  - c. When a request for information and/or research is made to the Rules and Open Government Committee, it is the responsibility of the appropriate Council Appointee and his or her respective staff to determine the scope of the request and to advise the Council through the Rules and Open Government Committee if a Major Study will be required, if the request can be met by reports or material already on file, or a brief research effort will be required.
  - d. If approved by a majority of the Rules and Open Government Committee, the guidelines for the Major Study must be stated. Evaluation of the request will take place at the Rules and Open Government Committee meeting using the following criteria:
    1. If the Major Study is within the parameters of the Board or Commission making the request.

2. The informational value of the study.
  3. The parameters of the study.
  4. The Staff time to be involved in completing the study.
  5. The estimated cost of the study.
  6. The general feasibility of the study.
  7. Boards and Commissions may receive written information that may require minor staff time or is already consistent with the Board or Commission's Work Plan, i.e., requests for information which is part of the Board or Commission's Work Plan should be accommodated.
3. A request for brief verbal information or for copies of reports already prepared and ready for distribution may be made directly to the Board or Commission Secretary.

#### D. LETTERS REGARDING COUNCIL OR COUNCIL COMMITTEE ITEMS

From time to time, a Board or Commission may submit letters or communications to the City Council or Council Committee regarding items within their subject matter jurisdiction. The City Clerk will provide guidelines for such letters and communications. Such letters or communications shall be submitted through the Commission Secretary. Direct email to the entire Council Committee or City Council from the Commission Chair shall not be allowed.

#### E. LETTERS REGARDING BOARD OR COMMISSION ITEMS TO NON-CITY ENTITIES

From time to time, a Board or Commission may desire to submit letters or communications to non-City entities regarding items within their subject matter jurisdiction. The City Clerk will provide guidelines for such letters and communications. Such letters or communications shall be submitted through the Commission Secretary, and be authorized by the Rules and Open Government Committee, or other designated Council Committee, of the City Council. Upon approval by the Committee, the Commission Secretary shall send the letter or communication to the non-City entities on the City's behalf.

## **SECTION VI: BOARD AND COMMISSION RECOGNITION**

A member of a Board or commission may be recognized for his or her service as follows:

1. The City Clerk will prepare and present a commendation for each outgoing member of a Board or Commission who have served for at least one year and who have not been reappointed to that Board or Commission. Commendations shall be prepared and presented to all Board and Commission Members that the City Council appoints.
2. No commendation shall be prepared if a person ceases to be a member of a Board or Commission for any reason set forth in San José Municipal Code Section 2.08.050 or 2.08.130, except resignation or ineligibility, nor shall a commendation be prepared if the vacancy occurs because of insufficient attendance.

## **SECTION VI. IMPLEMENTATION**

The City Clerk will provide this Policy to all current Board and Commission members, all Commission Secretaries, all City Council Members and appropriate City employees and will post this Policy on the City Clerk's Boards and Commissions page on the City's website.

## **APPENDIX A**

### LIST OF COUNCIL NOMINATED COMMISSIONS

Each Council Member and the Mayor nominates one commissioner to the following commissions. Council Members are not required to nominate commissioners from the district they represent.

- Airport Commission, 11 members
- Arts Commission, 11 members
- Council Appointment Advisory Commission, 11 members
- Housing and Community Development Commission, 13 members:
  - 11 members nominated by Mayor and City Council
  - 1 member recommended by an organization of owners of San Jose mobilehome parks (nominated by the Council Appointment Advisory Commission if more than one)
  - 1 member recommended by an organization of residents of San Jose mobilehome parks (nominated by the Council Appointment Advisory Commission if more than one)
  - 1 member who is an owner/manager of a residential rent stabilized rental property nominated by the Council Appointment Advisory Commission
  - 1 member who is a tenant of a residential rent stabilized rental unit nominated by the Council Appointment Advisory Commission
- Human Services Commission, 13 members:
  - 11 nominated by Mayor and City Council
  - 1 disability service provider or disabled community representative nominated by the Council Appointment Advisory Commission
  - 1 domestic violence service provider or domestic violence survivor nominated by the Council Appointment Advisory Commission
- Library and Education Commission, 15 members
  - 11 nominated by Mayor and City Council
  - 4 representatives with education subject matter expertise nominated by the Council Appointment Advisory Commission
- Parks and Recreations Commission, 11 members

- Senior Citizens Commission, 11 members
- Youth Commission, 11 members

## **APPENDIX B**

### **Commission Bylaws Template**

#### **A RESOLUTION OF THE \_\_\_\_\_ COMMISSION**

#### **ADOPTING AND ESTABLISHING RULES FOR THE CONDUCT OF ITS MEETINGS**

#### **PROCEEDINGS AND BUSINESS, AND REPEALING THE PREVIOUS RESOLUTION**

*WHEREAS*, the \_\_\_\_\_ Commission has found it necessary and desirable to adopt Rules of Order for the conduct of its business, now therefore,

*BE IT RESOLVED BY THE* \_\_\_\_\_ Commission of the City of San Jose that the Commission does hereby adopt Rules of Order for the conduct of its business, as follows:

### **RULES OF ORDER**

#### **ARTICLE I**

#### **GENERAL PROVISIONS**

**Section 100. DEFINITIONS.** As used in these rules, unless the context clearly indicates otherwise:

- (a) "Commission" means the \_\_\_\_\_ Commission;
- (b) "Brown Act" means the Ralph M. Brown Act, California Government Code Sections 54950 et seq., as amended.

**Section 101. GENERAL.** The name of the Commission, the number of its members, the members' qualifications, and their appointment, removal and terms of office shall be prescribed by San José Municipal Code Chapter 2.08.

**Section 102. OFFICE.** San Jose City Hall, 200 E. Santa Clara Street, San Jose, California, is designated as the office of the Commission.

**Section 103. REGULAR MEETING PLACE.** Except as the Commission may from time to time provide an alternate location, the regular meeting place of the Commission shall be in San Jose City Hall, 200 E. Santa Clara Street, San Jose, California in a room to be designated on the meeting agenda. If a meeting cannot be held at the regular meeting place of the Commission or other City property, meetings may be held at any place designated by the Chairperson.

**Section 104. RECORDS.** All books, records, papers, tapes and minutes of the Commission meetings shall be maintained in \_\_\_\_\_, San Jose City Hall, 200 E. Santa Clara Street.

**Section 105. FORMER COMMISSION MEMBERS.** Former Commission members shall be treated as members of the public. Emeritus members shall not be allowed.

## **ARTICLE II**

### **OFFICERS**

#### **CHAIR AND VICE CHAIR**

**Section 200. ELECTION.** The Chair and Vice-Chair of the Commission shall be elected by the Commission from its membership by signed ballot vote or by oral vote at a Commission meeting.

**Section 201. TERMS OF OFFICE.** The Chair and Vice-Chair shall be elected for terms of one (1) year commencing at noon on the first meeting day of [Month], and continuing to the first meeting day of [Month] of the succeeding year. Elections of the Chair and Vice-Chair shall be conducted at [the Commission's annual retreat OR the first meeting of the Commission immediately following the expiration of the terms of office]. The Chair and Vice-Chair shall serve at the pleasure of the Commission during the term of office and may be removed from office by the Commission at any time for any reason. [select appropriate month and language based on the Commissions terms].

**Section 202. VACANCIES IN OFFICE.** The office of the Chair or Vice-Chair shall become vacant before the expiration of his or her term of office upon the happening of any of the events set forth in sub-sections (A) and (B) of Section 2.08.050 of the City of San José Municipal Code, or upon such officer's absence pursuant to Section 2.08.060, unless excused by the Rules and Open Government Committee. If the Chair or Vice-Chair should cease to be a member of the Commission, or if for any other reason the office of the Chair or Vice-Chair should become vacant prior to the expiration of the term of office, the Commission shall elect a successor to the office of Chair or Vice-Chair for the unexpired portion of the term.

**Section 203. CHAIR, POWERS AND DUTIES.** The Chair shall have the following powers and duties:

- (a) The Chair shall preside at all meetings of the Commission.
- (b) The Chair shall conduct meetings in accordance with the San José Municipal Code, the approved Bylaws, Council Policy 0-4 (Consolidated Policy Governing Boards and Commissions), Council Policy 0-37 (Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms), and Rosenberg's Rules of Order. It is the responsibility of the Chair to make sure that matters before the Commission are dealt with in an orderly, efficient manner.
- (c) The Chair shall sign all written resolutions of the Commission and all minutes of all meetings of the Commission which are approved by the Commission.
- (d) The Chair shall perform all other duties which may be required by the City of San José Municipal Code, by ordinance of the City of San Jose, or by resolution or order of the Commission consistent with the Municipal Code and the ordinances of the City of San Jose.

**Section 204. VICE CHAIR, POWERS AND DUTIES.** The Vice-Chair shall have the following powers and duties:

(a) In the event of and during the absence of the Chair, he or she shall preside as Chair at all meetings of the Commission and shall have and perform all other powers and duties of the Chair; and

(b) He or she shall perform all duties which may be required of the Vice-Chair by the City Charter, by ordinance or Council Policy of the City of San Jose, or by resolution or order of the Commission consistent with the Charter, ordinances and policies of the City of San Jose.

### **ARTICLE III**

#### **OFFICERS**

#### **CHAIR PRO TEMPORE**

**Section 300.** In the event of vacancies in offices of the Chair and Vice-Chair, or in the event of the absence of the Chair and Vice-Chair, at the time of any meeting, the Commission may elect one of its members Chair Pro Tempore to preside over such meeting during such vacancies or absences. The Chair Pro Tempore shall have all the powers and duties of the Chair during such meeting.

### **ARTICLE IV**

#### **SECRETARY**

**Section 400. APPOINTMENT.** The Secretary shall be the City staff person designated to serve as such by the City Administration.

**Section 401. POWERS AND DUTIES.** The Secretary shall have the following powers and duties:

- (a) The Secretary shall attend all meetings of the Commission and shall record or keep minutes of all that transpires;
- (b) The Secretary shall attest all minutes of the meetings of the Commission;
- (c) The Secretary shall preserve, and be custodian of, all books, records, papers and tapes of the Commission. Whenever necessary he or she shall certify true copies of Commission documents; and
- (d) The Secretary shall provide to the Commission agendas and agenda packets, and submit Commission letters, communications and recommendations to the Council.
- (e) The Secretary shall perform all duties required of him or her by these rules and regulations, Council Policy 0-4 (Consolidated Policy Governing Boards and Commissions), and/or required of him or her by resolution or order of the Commission consistent with the City of San José Municipal Code and ordinances of the City of San Jose.

### **ARTICLE V**

#### **MEETINGS**

**Section 500. GENERAL.** Except as otherwise provided by this article, meetings of the Commission shall be open and public and shall comply with the requirements of the Brown Act and the City Council's Consolidated Open Government and Ethics Resolution.

**Section 501. REGULAR MEETINGS.** Regular meetings of the Commission shall be at the time and place designated by the Commission in coordination with the City Administration. If the time scheduled for a regular meeting falls on a City Holiday, the regular meeting shall be held on the next succeeding business day.

**Section 502. SPECIAL MEETINGS.** A special meeting may be called at any time by the Chair of the Commission, or by a majority of its membership, in accordance with the Brown Act and the additional rules of procedure as described in the City Council's Consolidated Open Government and Ethics Resolution. The agenda shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered by the Commission at the special meeting.

**Section 503. ADJOURNMENT – ADJOURNED MEETINGS.** The Commission may adjourn any regular, adjourned regular, special or adjourned meeting to a time and place specified in the order of adjournment; a majority of members present, even though less than a quorum may so adjourn. If all members are absent from a regular or adjourned regular meeting, the Secretary of the Commission may declare the meeting adjourned to a stated time and place; and he shall cause a written notice of the adjournment to be given in the manner provided in Section 502 for special meetings. A copy of the order or notice of adjournment shall be posted conspicuously on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

**Section 504. CONTINUANCE.** A convened meeting, or any meeting ordered or noticed to be held, may by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Commission in the same manner and to the same extent set forth in Section 503 for the adjournment of meetings; provided, if a hearing is continued to a time less than twenty-four (24) hours after the time specified in the notice or order of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting which orders or declares the continuance.

## **ARTICLE VI**

### **MEETING AGENDA AND PROCEDURE**

**Section 600. AGENDA.** The Commission shall provide for an agenda. No discussion may be held of any item that is not on the agenda. The Secretary shall prepare and distribute the agenda for the Commission.

**Section 601. QUORUM.** Six (6) members, being a majority of the total number of seats of the Commission, whether filled or vacant, shall constitute a quorum to transact business. Less than a quorum may adjourn the meeting or adjourn the meeting to a stated time. [quorum is 50% of seats, plus 1. Change the quorum as appropriate for your commission]

**Section 602. VOTING.** No action shall be taken by the Commission except by affirmative vote of a simple majority of those voting, as long as there is a quorum present.

**Section 603. MANNER AND RECORDATION OF VOTES.** Voting by members of the Commission shall be by "ayes" and "noes," and the result of each vote shall be entered by the Secretary in the record of the Commission proceedings. Upon the request of any Commission member, a roll call vote shall be taken on



any matter upon which a vote is called, and each vote shall be recorded by the Secretary to the record of the Commission proceedings.

**Section 604. ORDER OF BUSINESS.** At regular meetings of the Commission the order of business shall be conducted in accordance with the requirements of the Brown Act and the City Council's Consolidated Open Government and Ethics Resolution. The order of business may be changed at any meeting by the Commission.

# Roberts Rules of Order – Simplified

## Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

## How to do things:

**You want to bring up a new idea before the group.**

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

**You want to change some of the wording in a motion under discussion.**

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

**You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.**

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

**You want more study and/or investigation given to the idea being discussed.**

Move to refer to a committee. Try to be specific as to the charge to the committee.

**You want more time personally to study the proposal being discussed.**

Move to postpone to a definite time or date.

**You are tired of the current discussion.**

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3<sup>rd</sup>s vote.

**You have heard enough discussion.**

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3<sup>rd</sup>s vote.

**You want to postpone a motion until some later time.**

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3<sup>rd</sup>s vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.  
 “Call for orders of the day.”

You want to take a short break.  
 Move to recess for a set period of time.

You want to end the meeting.  
 Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.  
 Without being recognized, call for a “division of the house.” A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.  
 Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.  
 Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.  
 Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3<sup>rds</sup> vote is required.

**Unanimous Consent:**

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**
  - to get information about business –point of information to get information about rules– parliamentary inquiry
  - if you can't hear, safety reasons, comfort, etc. –question of privilege
  - if you see a breach of the rules –point of order
  - if you disagree with the president of the board’s ruling –appeal
  - if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 <sup>rds</sup>	√
Close Discussion	√			2/3 <sup>rds</sup>	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√

## DRAFT Housing &amp; Community Development Commission Work Plan for FY 2023-24

#	Topics for FY 23-24	Action	HCDC Role, Function, Power, Duty	Topic*	Tentative Date
1	<b>Housing Catalyst Work Plan</b>	RECOMMEND: Review, discuss, and make recommendations to staff and/or Council about cross-department work plan to increase housing and advance the goals of the City's Housing Element	Advisory (General Housing Programs)	GHP	Aug 2023
2	<b>Rent Stabilization Program Draft Strategic Plan</b>	RECOMMEND: Review, discuss, and make recommendations to staff and/or Council about draft RSP Strategic Plan	Advisory (RSP Programs)	RSP	Aug 2023
3	<b>HCDC FY 2022-23 Annual Accomplishments</b>	ADOPT: Review, discuss, and adopt HCDC's FY 2022-23 Annual Accomplishments, based on work completed at Annual Retreat	HCDC Admin / Governance	HCDC	Sep 2023
4	<b>HCDC FY 2023-24 Annual Work Plan</b>	ADOPT: Review, discuss, and adopt HCDC's FY 2023-24 Annual Work Plan, based on work completed at Annual Retreat	HCDC Admin / Governance	HCDC	Sep 2023
5	<b>Draft CAPER</b>	RECOMMEND: Hold a public hearing for the FY 2022-23 Consolidated Annual Performance and Evaluation Report (CAPER) on the use of funds from the U.S. Department of Housing and Urban Development (HUD) and make possible recommendation to City Council to approve the report	HUD-required Hearing	HUD	Sep 2023
6	<b>Draft Tenant Preferences Programs</b>	RECOMMEND: Review, discuss, and make recommendations to staff and/or Council about newly proposed programs to create Tenant Preferences in affordable housing to help prevent displacement of current City residents	Advisory (General Housing Programs)	GHP	Sep 2023
7	<b>Draft Soft Story Retrofit Program</b>	ADVISE: Review, discuss, and advise staff and/or Council about soft story framework	Advisory (General Housing Programs)	GHP	Oct 2023
8	<b>RSP &amp; Mobilehomes Q4 Reports – (Apr-Jun)</b>	REVIEW: Review and possibly provide advice to staff regarding Rent Stabilization Program data (two separate reports, 1 for RSP, 1 for mobilehomes)	Review of ARO- and Mobilehome Rent Ordinance-related data	RSP / MH	Oct 2023

**DRAFT Housing & Community Development Commission Work Plan for FY 2023-24**

#	Topics for FY 23-24	Action	HCDC Role, Function, Power, Duty	Topic*	Tentative Date
9	<b>RSP Annual Reports FY 2022-23 &amp; FY 2021-22</b>	REVIEW: Review and possibly provide advice to staff regarding Rent Stabilization Program data	Review of ARO-related data	RSP / MH	Nov 2023
10	<b>RSP &amp; Mobilehomes Q1 Reports – (Jul-Sep)</b>	REVIEW: Review and possibly provide advice to staff regarding Rent Stabilization Program data (two separate reports, 1 for RSP, 1 for mobilehomes)	Review of ARO- and Mobilehome Rent Ordinance-related data	RSP / MH	Nov 2023
11	<b>Funding Priorities for FY 24-25 Annual Action Plan</b>	RECOMMEND: Hold a Public Hearing and review funding priorities for FY 2024-25 Annual Action Plan and make potential recommendation to Council to approve the plan	HUD-required Hearing	HUD	Dec 2023
12	<b>Measure E Annual Report</b>	REVIEW: Review and possibly provide advice to staff regarding report for expenditures of Measure E funds	Measure E oversight	ME	Dec 2023
13	<b>HCDC Workplan Amendments</b>	ADOPT: As appropriate, review, discuss, and adopt any amendments to the 2 <sup>nd</sup> 6 months of the HCDC FY 2023-24 Annual Work Plan	HCDC Admin / Governance	HCDC	Jan 2024
14	<b>Annual Homeless Report</b>	REVIEW: Review report and provide input on overall policies and programs to address homelessness	Advisory (General Housing Programs)	GHP	Jan 2024
15	<b>Housing Catalyst Team Work Plan</b>	REVIEW: Review, discuss, and provide input about Housing Catalyst proposed 2024 Work Plan	Advisory (General Housing Programs)	GHP	Feb 2024
16	<b>Draft Amendments to Citizen Participation Plan</b>	RECOMMEND: Hold a Public Hearing and review draft amendments to the City’s Citizen Participation Plan which defines required public outreach for Actions related to funding from the U.S. Department of Housing and Urban Development	HUD-required Hearing	HUD	Feb 2024
17	<b>RSP &amp; Mobilehomes Q2 Reports – (Oct-Dec)</b>	REVIEW: Review and possibly provide advice to staff regarding Rent Stabilization Program data (two separate reports, 1 for RSP, 1 for mobilehomes)	Review of ARO- and Mobilehome Rent Ordinance-related data	RSP / MH	Feb 2024

**DRAFT Housing & Community Development Commission Work Plan for FY 2023-24**

#	Topics for FY 23-24	Action	HCDC Role, Function, Power, Duty	Topic*	Tentative Date
18	<b>RSP Program Budget and Fee Recommendations</b>	RECOMMEND: Review, discuss, and make recommendations to staff and Council about proposed RSP Budget and Fee Recommendations	Advisory (RSP Programs)	RSP / MH	Mar 2024
19	<b>Annual Progress Report on the Housing Element and Housing Successor Report</b>	REVIEW: Review report and advise staff and/or Council about progress towards Housing Element goals	Advisory (General Housing Programs)	GHP	Mar 2024
20	<b>Measure E Spending Plan</b>	RECOMMEND: Review, discuss, and make recommendations to staff and Council about proposed Measure E Spending Plan	Measure E oversight	GHP	Apr 2024
21	<b>Housing Trust Fund Budget</b>	RECOMMEND: Review, discuss, and make recommendations to staff and Council about proposed Housing Trust Fund Budget	Advisory (General Housing Programs)	GHP	Apr 2024
22	<b>Draft 2024-25 Annual Action Plan</b>	RECOMMEND: Hold a Public Hearing and review the FY 2024-25 Annual Action Plan and make potential recommendation to Council to approve the plan	HUD-required Hearing	HUD	Apr 2024
23	<b>Moderate-income Housing Strategy</b>	REVIEW: Review, discuss, and provide input about draft Moderate-income Housing Strategy	Advisory (Programs)	GHP	May 2024
24	<b>Commission Nominations/Elections</b>	NOMINATE: Nominate and discuss Chair and Vice Chair for FY 2024-25	HCDC Admin / Governance	HCDC	May 2024
25	<b>RSP &amp; Mobilehomes Q3 Reports – (Jan-Mar)</b>	REVIEW: Review, discuss, and provide input to staff regarding Rent Stabilization Program data (two separate reports, 1 for RSP, 1 for mobilehomes)	Review of ARO- and Mobilehome Rent Ordinance-related data	RSP / MH	Jun 2024
26	<b>Commission Nominations/Elections</b>	ELECT: Nominate and elect Chair and Vice Chair for FY 2024-25	HCDC Admin / Governance	HCDC	Jun 2024
27	<b>Draft AFH Plan</b>	RECOMMEND: Hold a public hearing for the Assessment of Fair Housing (AFH) Plan as required by HUD for use of specified federal funds and make possible recommendation to City Council to approve the AFH	HUD-required Hearing	HUD	TBD

**DRAFT Housing & Community Development Commission Work Plan for FY 2023-24**

#	Topics for FY 23-24	Action	HCDC Role, Function, Power, Duty	Topic*	Tentative Date
28	<b>Amendment(s) to Annual Action Plans (FY 2022-23, FY 2023-24)</b>	RECOMMEND: Hold a Public Hearing and review any proposed amendments to any active Annual Action Plans and make potential recommendation to Council to approve the amendments	HUD-required Hearing	HUD	Scheduled as needed
29	<b>Topics related to Chapters 17.22 and 17.23 of the San José Municipal Code</b>	RECOMMEND: Discuss items related to SJMC Chapters 17.22 and 17.23 regarding the Mobilehome Rent Ordinance, Rent Stabilization and related regulations and take possible action	Review of RSP and Mobilehome Rent Ordinance-related policies and programs	RSP / MH	Scheduled as needed
30	<b>Topics related to Chapter 20.180 of the San José Municipal Code</b>	RECOMMEND: Discuss items related to SJMC Chapters 20.180 regarding mobilehome parks and related policies and take possible action	Review of mobilehome-related policies and programs	MH	Scheduled as needed
31	<b>Proposed State/Federal Legislation</b>	RECOMMEND: Discuss and provide recommendations to staff and/or Council on proposed legislation or ballot measures pertaining to subjects under the purview of the Commission, per Policy 0-4	Advisory (General Housing Programs)	GHP	Scheduled as needed
32	<b>Commissioner-initiated discussions under the purview of the Commission**</b>	TBD: Hold Commissioner-initiated discussions on existing or potential programs, policies, or regulations related to housing and community development policies or programs and take possible action	TBD	TBD	Scheduled as needed

**NOTES**

\* = Legend for Topic Column: MH = Mobilehomes; RSP = Non-MH Rent Stabilization; HUD = HUD Consolidated Plan; GHP = General Housing Programs; ME = Measure E / Property Transfer Tax; HCDC = HCDC admin/governance

\*\* = Commissioner-initiated items are researched and prepared by the Commissioners. All of these actions are to be taken consistent with Policy 0-4. Staff is only responsible for distribution unless capacity exists to provide additional information. These items will be agendized and prioritized around the Commission's regular workload. The proposed agendized items may be subject to change.



**DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23**

	Objective for 22-23	Recommended Actions	Commission Action
<b>Administrative Discussions</b>			
1.	<b>Adopt Commission’s Accomplishments for FY 2021-22</b>  <a href="#">August 15, 2022</a>	Review, discuss, and adopt the Housing and Community Development Commission’s Fiscal Year 2021-22 Accomplishments for submission to the City Council’s Community and Economic Development Committee at its August 22, 2022 meeting.	Commissioner Tran made the motion to adopt the Housing and Community Development Commission’s Fiscal Year 2021-22 Accomplishments for submission to the City Council’s Community and Economic Development Committee at its August 22, 2022 meeting, with a second by Vice Chair Dawson. The motion passed 9-0.  Yes: O’Connell, Dawson, Shoor, Vong, Navarro, Wheeler, Partida, Tran, Moore (9) No: (0) Absent: Jasinsky, Del Buono (2)
2.	<b>Adopt Commission’s Workplan for FY 2022-23</b>  <a href="#">August 15, 2022</a>	Review, discuss, and adopt the Housing and Community Development Commission’s Fiscal Year 2022-23 Workplan, for consideration by the City Council’s Community and Economic Development Committee at its August 22, 2022 meeting.	Commissioner Tran made the motion to approve the Housing and Community Development Commission’s Fiscal Year 2022-23 Workplan giving staff and the chair the flexibility to change dates as needed, with a second by Vice Chair Dawson. The motion passed 7-0 with 1 abstention.  Yes: O’Connell, Dawson, Shoor, Vong, Navarro, Wheeler, Tran (7) No: None (0) Abstain: Moore (1) Absent: Jasinsky, Del Buono, Partida (3)
<b>Policy &amp; Programmatic Discussions</b>			
3.	<b>First Substantial Amendment to the Fiscal Year 2022-23 Annual Action Plan to Transfer Neighborhood Stabilization Program Income Funds to Community Development Block Grant for Eligible Uses</b>	Conduct a public hearing on the proposed First Substantial Amendment to the Fiscal Year 2022-23 Annual Action Plan on the transfer and use of Neighborhood Stabilization Program income funds to the Community Development Block Grant Program for eligible uses, take public comment as required by the U.S.	Commissioner Wheeler made the motion to recommend to the City Council it approve the proposed First Substantial Amendment, with a second by Commissioner Dawson. The motion passed 10-0.  Yes: O’Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Wheeler, Partida, Tran, Moore (10) No: (0) Absent: Navarro (1)



## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
	<a href="#"><u>September 8, 2022</u></a>	Department and Housing and Urban Development, review the staff report, and make recommendations to the City Council to approve the proposed First Substantial Amendment.	
4.	<b>Public Hearing on the Fiscal Year 2021-22 Consolidated Annual Performance Evaluation Report (CAPER)</b>  <a href="#"><u>September 8, 2022</u></a>	Hold a public hearing on the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan and the Fiscal Year 2021-22 Annual Action Plan regarding the use of federal funds from the U.S. Department of Housing and Urban Development, and recommend that the City Council approve the Fiscal Year 2021-22 CAPER.	Commissioner Wheeler made the motion to recommend that Housing staff amend, if needed, the Council memo for the Fiscal Year 2021-22 CAPER to add for each line item the amount allocated and spent, rename outcomes to outputs, add progress towards five-year goals, add outcomes, and add evaluation of each program with a second by Moore. The motion passed 7-2. Yes: O'Connell, Jasinsky, Shoor, Vong, Wheeler, Tran, Moore (7) No: Dawson, Del Buono (2) Absent: Navarro, Partida (2)
5.	<b>Rent Stabilization Program Fiscal Year 2021-2022 Quarter 4 Report for Apartments, Including the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance</b>  <a href="#"><u>September 8, 2022</u></a>	Review the report on the Rent Stabilization Program for Apartments in Quarter 4 of Fiscal Year 2021-2022 and provide possible recommendations to staff.	Commissioner Moore made the motion to update Chart 6 to make the time period the same for rent-stabilized and market-rate rents, with a second by Commissioner Wheeler. The motion passed 9-0. Yes: O'Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Wheeler, Tran, Moore (9) No: None (0) Absent: Navarro, Partida (2)
6.	<b>Rent Stabilization Program Fiscal Year 2021-2022 Quarter 4 Report for Mobilehomes, Including the Mobilehome Rent Ordinance</b>  <a href="#"><u>September 8, 2022</u></a>	Review the report on the Rent Stabilization Program for Mobilehomes in Quarter 4 of Fiscal Year 2021-2022 and provide possible recommendations to staff.	Commissioner O'Connell made the motion to accept the report and ask staff to report back to the Commission this fall on possible actions with respect to issues in the mobilehome park Trailer Terrace, with a second by Commissioner Wheeler. The motion passed 8-1 with 1 abstention. Yes: O'Connell, Dawson, Shoor, Del Buono, Vong, Wheeler, Partida, Tran (8) No: Jasinsky (1) Abstain: Moore (1)

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
			Absent: Navarro (1)
7.	<b>Study Session on the Draft 2023-2031 Housing Element</b>  <a href="#">October 13, 2022</a>	Hold a study session on the Draft 2023-2031 Housing Element and give feedback to staff on draft Chapter 3, Housing Goals and Strategies.	Commissioners asked clarifying questions and gave feedback to staff. No motions were made.
8.	<b>Measure E Transfer Tax Annual Report for Fiscal Year 2021-2022</b>  <a href="#">November 10, 2022</a>	Review the Measure E Transfer Tax Annual Report for Fiscal Year 2021-2022 and provide possible recommendations.	Commissioner Partida made the motion to recommend City Council that it amend the Measure E allocation plan to increase the Homelessness Prevention and Rental Assistance from 10% to 20%, reduce the Creation of New Affordable Housing for Extremely Low-Income Households category from 40% to 35%, and reduce the Creation of New Affordable Housing for Low-Income Households from 30% to 25%, with a second by Commissioner Navarro. The motion passed 10-0. Yes: O’Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Moore (10) No: (0) Absent: Wheeler (1)
9.	<b>Housing Crisis Workplan Update</b>  <a href="#">November 10, 2022</a>	Review the final status report on implementation of the Housing Crisis Work Plan and the transition to a newly-established Housing Catalyst Team Work Plan aligned with the timeline and goals of the Housing Element, and make possible recommendations to staff or the City Council.	Commissioners received the update, made comments, and asked clarifying questions; no motions were made.

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
10.	<p><b>Commissioner-initiated Item on Encampment Locations</b></p> <p><a href="#">November 10, 2022</a></p>	<p>Receive the report, form an ad hoc committee, authorize the ad hoc committee to conduct further research and draft a letter or report for the Commission’s consideration at a future meeting, and/or make possible recommendations to the City Council.</p>	<p>Commissioner Jasinsky made the motion to recommend to the City Council that it adopt a 150-foot buffer zone between mobilehome communities and homeless encampments to protect mobilehome communities from fire to preserve the affordable housing stock, with a second by Commissioner Moore. The motion passed 8-1.</p> <p style="padding-left: 40px;">Yes: O’Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Partida, Moore (8)</p> <p style="padding-left: 40px;">No: Tran (1)</p> <p style="padding-left: 40px;">Absent: Navarro, Wheeler (2)</p> <p>Commissioner Partida made the motion to retroactively form an ad hoc committee through March 2023 to discuss potential policy ideas on homeless encampment locations, including Commissioners Partida, Vong, Jasinsky, O’Connell, with a second by Commissioner Jasinsky. The motion passed 9-0.</p> <p style="padding-left: 40px;">Yes: O’Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Partida, Tran, Moore (9)</p> <p style="padding-left: 40px;">No: None (0)</p> <p style="padding-left: 40px;">Absent: Navarro, Wheeler (2)</p>
11.	<p><b>Rent Stabilization Program Fiscal Year 2022-2023 Quarter 1 Report for Apartments, Including the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance</b></p> <p><a href="#">December 08, 2022</a></p>	<p>Review the report on the Rent Stabilization Program for apartments in Quarter 1 of Fiscal Year 2022-2023 and provide possible recommendations to staff.</p>	<p>Commissioner Dawson made the motion to recommend that Chair Shoor or designee would speak on item 2.19 at the Council meeting on 12/13/22 on behalf of the Commission's desire to see funds approved per staff recommendation for the Eviction Diversion and Settlement Program, with a second by Commissioner Del Buono. The motion passed 10-0.</p> <p style="padding-left: 40px;">Yes: O’Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Navarro, Wheeler, Partida, Moore (10)</p> <p style="padding-left: 40px;">No: None (0)</p> <p style="padding-left: 40px;">Absent: Tran (1)</p>
12.	<p><b>Rent Stabilization Program Fiscal Year 2022-2023 Quarter 1 Report for Mobilehomes</b></p> <p><a href="#">December 08, 2022</a></p>	<p>Review the report on the Rent Stabilization Program for apartments in Quarter 1 of Fiscal Year 2022-2023 and provide possible recommendations to staff.</p>	<p>Commissioners asked clarifying questions and gave feedback to staff. No motions were made.</p>

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
13.	<b>Second Study Session on the Draft 2023-2031 Housing Element</b>  <a href="#">December 08, 2022</a>	Hold a second study session on the Draft 2023-2031 Housing Element and give feedback to staff on draft Chapter 3, Housing Goals and Strategies, focusing on Section 3.2 Housing for People Experiencing Homelessness and Section 3.3 Housing Stability.	Commissioners asked clarifying questions and gave feedback to staff. No motions were made. Notes on Commissioner comments will be created for all three study sessions and included in future draft minutes.
14.	<b>Third Study Session on the Draft 2023-2031 Housing Element</b>  <a href="#">January 12, 2023</a>	Hold a third study session on the Draft 2023-2031 Housing Element and give feedback to staff on draft Chapter 3, Housing Goals and Strategies, focusing on Section 3.4: Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources, and Section 3.5: Racially and socially inclusive neighborhoods that overcome past and present discrimination.	Commissioners asked clarifying questions and gave feedback to staff. No motions were made. Notes on Commissioner comments will be created for all three study sessions and included in future draft minutes.
15.	<b>Sixth Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan for the Reallocation of Coronavirus Aid Relief and Economic Security Act Funds Awarded by the United States Department of Housing and Urban Development for Eligible Uses</b>  <a href="#">February 9, 2023</a>	Conduct a Public Hearing on the Sixth Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan (Action Plan) to reallocate \$6,770,616 in Community Development Block Grant CARES Act funds among eligible uses, take public comment as required by the U.S. Department of Housing and Urban Development (HUD), and recommend to the City Council it approve the Sixth Substantial Amendment.	Commissioner Dawson made the motion to recommend to the City Council it approve the Sixth Substantial Amendment to the 2019-2020 Annual Action Plan, with a second by Commissioner Navarro. Yes: Finn, Jasinsky, Dawson, Shoor, Del Buono, Vong, Navarro, Wheeler, Partida, Tran, Jackson, Moore, Cardoza, Oppie (14) No: (0) Absent: (0)
16.	<b>Rent Stabilization Program Strategic Plan Update</b>  <a href="#">February 9, 2023</a>	Review a progress update on the Strategic Plan for the Rent Stabilization Programs (Apartment Rent Ordinance, Mobilehome Rent Ordinance, Tenant Protection	Commissioners asked clarifying questions and gave feedback to staff. No motions were made.

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
		Ordinance, and Ellis Act Ordinance) and give feedback to staff on content.	
17.	<p><b>First Substantial Amendment to the Fiscal Year 2022-2023 Annual Action Plan to Include the American Rescue Plan Act HOME Allocation Plan</b></p> <p><a href="#">March 9, 2023</a></p>	<p>Conduct a public hearing on the First Substantial Amendment to the Fiscal Year 2022-2023 Annual Action Plan regarding the use of HOME Investment Partnerships Program American Rescue Plan Act (HOME-ARP) federal funds from the U.S. Department of Housing and Urban Development (HUD), and recommend approval to the City Council.</p>	<p>Commissioner Moore made the motion to move 15% of \$4.5 million in TBRA to homelessness prevention for use on rental assistance and move 15% to supportive services, with a second by Commissioner Partida.</p> <p>Yes: Finn, Shoor, Vong, Navarro, Partida, Moore, Cardoza (7)</p> <p>No: Dawson, Del Buono, Tran, Oppie (4)</p> <p>Absent: Jasinsky, Wheeler (2)</p> <p>Abstain: Jackson (1)</p>
18.	<p><b>Fiscal Year 2023-2024 Annual Action Plan Funding Priorities</b></p> <p><a href="#">March 9, 2023</a></p>	<p>Conduct a public hearing on funding priorities for the Fiscal Year 2023-2024 Annual Action Plan for the use of formula funds from the U.S. Department of Housing and Urban Development (HUD), and provide possible input to staff on proposed funding priorities for the City's next Annual Action Plan.</p>	<p>The Commission conducted a public hearing. Commissioners asked clarifying questions and gave feedback to staff, and comments from the public were noted. No motions were made.</p>
19.	<p><b>Rent Stabilization Program Fiscal Year 2022-2023 Quarter 2 Report for Apartments, Including the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance</b></p> <p><a href="#">March 9, 2023</a></p>	<p>Review the report on the Rent Stabilization Program for apartments in Quarter 2 of Fiscal Year 2022-2023 and provide possible recommendations to staff.</p>	<p>Commissioners asked clarifying questions and gave feedback to staff. No motions were made.</p>
20.	<p><b>Rent Stabilization Program Fiscal Year 2022-2023 Quarter 2 Report for Mobilehomes</b></p>	<p>Review the report on the Rent Stabilization Program for mobilehomes in Quarter 2 of Fiscal Year 2022-2023 and provide possible recommendations to staff.</p>	<p>Commissioners asked clarifying questions and gave feedback to staff. No motions were made.</p>

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
	<a href="#">March 9, 2023</a>		
21.	<p><b>Homelessness Annual Report for Fiscal Year 2021-2022</b></p> <p><a href="#">March 9, 2023</a></p>	Review the Annual Homelessness Report for Fiscal Year (FY) 2021-2022 and recommend that the City Council approve the report.	Commissioners asked clarifying questions and gave feedback to staff. No motions were made.
22.	<p><b>Draft Community Opportunity to Purchase Program (COPA)</b></p> <p><a href="#">March 16, 2023</a></p>	Review the staff report on the draft Community Opportunity to Purchase Program (COPA), which would give the right of first and final offer to qualified nonprofits to purchase properties covered by the program in order to increase the stock of preserved and permanently affordable homes, and make possible recommendations.	<p>Commissioner Dawson made the motion to support staff recommendations for draft program on Commission report dated March 9, 2023, pages 23 - 32, with a second by Commissioner Del Buono.</p> <p style="padding-left: 20px;">Yes: Finn, Dawson, Shoor, Del Buono, Navarro, Partida, Cardoza (7) No: Moore (1) Absent: Jasinsky, Vong, Wheeler, Oppie (4) Abstain: Jackson (1)</p> <p>Commissioner Moore made the motion to include incentives that properties acquired through COPA are sold to their renters who remain in place, with a second by Commissioner Navarro.</p> <p style="padding-left: 20px;">Yes: Dawson, Shoor, Del Buono, Navarro, Partida, Jackson, Moore, Cardoza (8) No: (0) Absent: Jasinsky, Vong, Wheeler, Oppie (4) Abstain: Finn (1)</p>
23.	<p><b>First Draft Fiscal Year 2023-2024 Annual Action Plan</b></p> <p><a href="#">April 13, 2023</a></p>	1) Conduct a Public Hearing on the Draft Fiscal Year 2023-2024 Annual Action Plan (Action Plan) for the use of federal funds from the U.S. Department of Housing and Urban Development (HUD), and take public comment as required by HUD, 2) Provide Housing Department staff with input on the draft Action Plan and proposed funding, and 3) Recommend to the City Council it approve the Draft Action Plan.	<p>Vice Chair Dawson made the motion to move to close the public hearing, with a second by Commissioner Moore. The motion passed 11-0.</p> <p style="padding-left: 20px;">Yes: Finn, Dawson, Shoor, Del Buono, Vong, Wheeler, Partida, Jackson, Moore, Cardoza, Oppie (11) No: (0) Absent: Jasinsky, Navarro, Tran (3)</p> <p>Commissioner Vong made the motion to recommend to the City Council it approve the Draft Action Plan, with a second by Commissioner Cardoza. The motion passed 11-0.</p>

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
			<p>Yes: Finn, Dawson, Shoor, Del Buono, Vong, Wheeler, Partida, Jackson, Moore, Cardoza, Oppie (11)                      No: (0)                      Absent: Jasinsky, Navarro, Tran (3)</p>
24.	<p><b>Rent Stabilization Program Fees for Fiscal Year 2023-2024</b></p> <p><a href="#">April 13, 2023</a></p>	<p>Review the proposed fee structure for Fiscal Year 2023-2024 for the Rent Stabilization Program as stated below, and recommend that the City Council approve the proposed fees:</p> <ul style="list-style-type: none"> <li>i. Annual Apartment Rent Control Fee: increase from \$65.00 per unit to \$72.00</li> <li>ii. Annual Apartment Non-Rent Control Fee: increase from \$15.00 per unit to \$34.00</li> <li>iii. Annual Mobilehome Rent Control Fee: increase from \$30.00 per unit to \$33.00, and</li> <li>iv. Fees in connection with withdrawal of a building under the Ellis Act Ordinance: maintain \$2,833 per unit for up to 10 units and \$951 per unit for over 10 units.</li> </ul>	<p>Commissioner Moore made the motion that staff propose an increase in the Annual Apartment Rent Control Fee limited to 5%, for a total of \$68.25 instead of \$72, with a second by Commissioner Oppie. The motion failed, 2-6-3.</p> <p>Yes: Moore, Oppie (2)                      No: Dawson, Del Buono, Vong, Wheeler, Partida, Jackson (6)                      Absent: Jasinsky, Navarro, Tran (3)                      Abstain: Shoor, Finn, Cardoza (3)</p> <p>Commissioner Partida made the motion to recommend that the City Council adopt the proposed fees:</p> <ul style="list-style-type: none"> <li>i. Annual Apartment Rent Control Fee: increase from \$65.00 per unit to \$72.00</li> <li>ii. Annual Apartment Non-Rent Control Fee: increase from \$15.00 per unit to \$34.00</li> <li>iii. Annual Mobilehome Rent Control Fee: increase from \$30.00 per unit to \$33.00, and</li> <li>iv. Fees in connection with withdrawal of a building under the Ellis Act Ordinance: maintain \$2,833 per unit for up to 10 units and \$951 per unit for over 10 units,</li> </ul> <p>with a second by Commissioner Del Buono. The motion passed, 8-2-1.</p> <p>Yes: Finn, Dawson, Del Buono, Wheeler, Partida, Jackson, Cardoza, Oppie (8)                      No: Vong, Moore (2)                      Absent: Jasinsky, Navarro, Tran (3)                      Abstain: Shoor (1)</p>
25.	<p><b>Housing Trust Fund Budget for Fiscal Year 2023-2024</b></p> <p><a href="#">April 13, 2023</a></p>	<p>Acting as the Housing Trust Fund Oversight Committee, recommend that the Director of Housing approve the expenditure plan for the Housing Trust Fund of \$2,927,184 (corrected) for Fiscal Year (FY) 2023-2024.</p>	<p>Commissioner Moore made the motion that the Commission, acting as the Housing Trust Fund Oversight Committee, recommend that the Director of Housing approve the expenditure plan for the Housing Trust Fund of \$2,927,184 for Fiscal Year 2023-2024, with a second by Commissioner Wheeler. The motion passed, 8-0-2.</p>

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
			<p>Yes: Finn, Dawson, Del Buono, Wheeler, Partida, Jackson, Cardoza, Cardoza (8)                      No: None (0)                      Absent: Jasinsky, Navarro, Tran, Vong (4)                      Abstain: Shoor, Oppie (2)</p>
26.	<p><b>Proposed Changes to the Percentage Allocations and the Spending Plan for Fiscal Year 2023-2024 Including Uncommitted Funds Recaptured from Fiscal Year 2020-2021 through Fiscal Year 2022-2023 for Measure E Transfer Tax Funds</b></p> <p><a href="#">May 11, 2023</a></p>	<p>Review the staff report and provide possible recommendations to the City Council regarding the following:</p> <p>A. Proposed changes to the percentage allocations in the allocation framework for Fiscal Year 2023-2024 to: (1)5% for administration with the remaining revenue allocated as follows: (2)0% for the creation of new affordable housing for extremely low-income households; (3)0% for the creation of new affordable housing for low-income households; (4)0% for the creation of new affordable housing for moderate-income households; (5)20% for homeless prevention, gender-based violence programs, legal services, and rental assistance; and (6)80% for homeless support programs including shelter construction and operations</p> <p>B. Proposed spending plan for Fiscal Year 2023-2024 based upon the changes to percentage allocations, that includes the reallocation of \$87 million of uncommitted revenue comprised of \$17 million from FY 2020-2021, \$20.4 million from FY 2021-2022, and \$49.5 million from</p>	<p>Commissioner Navarro made a motion that Commission not approve recommendation A or B and instead reaffirms the current spending percentages already in place consistent with City Council Policy 1-18, with a second by Commissioner Oppie. The motion passed 11-0.</p> <p>Yes: Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)                      No: None (0)                      Absent: Jasinsky, Wheeler, Moore (3)</p> <p>Commissioner Finn made a motion that the Commission write a strongly worded letter to the Mayor and Council reflecting the Commission’s discussion to be composed by Vice Chair Dawson, with copies to the City Manager and City Clerk, with a second by Commissioner Oppie. The motion passed 11-0.</p> <p>Yes: Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)                      No: None (0)                      Absent: Jasinsky, Wheeler, Moore (3)</p> <p>Commissioner Dawson made a motion that Chair Shoor speak or designate a surrogate commissioner to address City Council on behalf of the Measure E Oversight Committee for the budget item 3.3 on Tuesday 5/16/23, with a second by Commissioner Finn. The motion passed 11-0.</p> <p>Yes: Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)                      No: None (0)                      Absent: Jasinsky, Wheeler, Moore (3)</p>



**DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23**

#	Objective for 22-23	Recommended Actions	Commission Action
		<p>FY 2022-2023 to: (1)22% for administration, with the remaining revenue allocated as follows: (2)21% for the creation of new affordable housing for extremely low-income households (3)57% for the creation of new affordable housing for low-income households; (4)0% for the creation of new affordable housing for moderate-income households; (5)4% for homeless prevention, gender-based violence programs, legal services and rental assistance; and (6)18% for homeless support programs including shelter construction and operations.</p>	
27.	<p><b>Seventh Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan to Reallocate a Portion of Community Development Block Grant Cares Act Funding Awarded by the United States Department of Housing and Urban Development</b></p> <p><a href="#">May 11, 2023</a></p>	<p>a) Conduct a Public Hearing on the Fiscal Year 2019-2020 Annual Action Plan to reallocate a portion of the Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CARES) Act (CDBG-CV) funding awarded by the United States Department of Housing and Urban Development (HUD) to the City of San José;</p> <p>b) Approve the Seventh Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan to amend the CDBG-CV Program Allocation Plan and reallocate \$250,000 in unused CDBG-CV funds from the Law Foundation of Silicon Valley to Sacred Heart Community Services for the Eviction Diversion and Settlement Program; and</p> <p>c) Recommend to the City Council it approve the Seventh Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan.</p>	<p>Commissioner Finn made the motion to accept the staff recommendation, with a second by Commissioner Del Buono. The motion passed 10-0.</p> <p>Yes: Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)</p> <p>No: None (0)</p> <p>Absent: Jasinsky, Wheeler, Moore (3)</p>

## DRAFT Housing & Community Development Commission Accomplishments for FY 2022-23

#	Objective for 22-23	Recommended Actions	Commission Action
28.	<b>Information Briefing on the Soft Story Seismic Retrofit Program</b>  <a href="#">May 11, 2023</a>	Receive the briefing on the Soft Story Seismic Retrofit Project and provide feedback to staff on the outreach and engagement strategy to maximize stakeholder participation and input on program elements.	Commissioners asked clarifying questions and gave feedback to staff. No motions were made.
29.	<b>Draft 2023-2031 Housing Element</b>  <a href="#">June 8, 2023</a>	Review the Draft 2023-2031 Housing Element and the Planning Commission Memorandum dated May 24, 2023 and recommend the City Council approve the Housing Element.	Commissioner Tran moved that the Commission recommend the City Council approve the Housing Element, with a second by Commissioner Finn. The motion passed 6-2. Yes: Finn, Dawson, Shoor, Partida, Tran, Jackson (6) No: Jasinsky, Moore (2) Absent: Del Buono, Vong, Navarro, Wheeler, Cardoza, Oppie (6)

## HOME INCOME & RENT LIMITS

(For San Jose - Sunyvale - Santa Clara CA HUD Metro FMR Area)

Effective Date: June 15, 2023

### INCOME LIMITS

Income Level % of AMI	Household Size							
	1	2	3	4	5	6	7	8
Extremely Low Income (30% AMI)	\$37,450	\$42,800	\$48,150	\$53,500	\$57,800	\$62,100	\$66,350	\$70,650
Very Low Income (50% AMI)	\$62,450	\$71,400	\$80,300	\$89,200	\$96,350	\$103,500	\$110,650	\$117,750
60% Limits	\$74,940	\$85,680	\$96,360	\$107,040	\$115,620	\$124,200	\$132,780	\$141,300
Low Income (80% AMI)	\$96,000	\$109,700	\$123,400	\$137,100	\$148,100	\$159,050	\$170,050	\$181,000

Source

<https://www.hudexchange.info/programs/home/home-income-limits/>

[https://www.huduser.gov/portal/datasets/home-datasets/files/HOME\\_IncomeLmts\\_State\\_CA\\_2023.pdf](https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_IncomeLmts_State_CA_2023.pdf)

### RENT LIMITS

HOME Program Rents	Household Size						
	Efficiency	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Low HOME Rent Limit	\$1,561	\$1,673	\$2,007	\$2,319	\$2,587	\$2,855	\$3,122
High HOME Rent Limit	\$1,930	\$2,069	\$2,486	\$2,863	\$3,174	\$3,483	\$3,793
For information only:							
Fair Market Rent	\$2,223	\$2,513	\$2,941	\$3,750	\$4,202	\$4,832	\$5,463
50% Rent Limit	\$1,561	\$1,673	\$2,007	\$2,319	\$2,587	\$2,855	\$3,122
65% Rent Limit	\$1,930	\$2,069	\$2,486	\$2,863	\$3,174	\$3,483	\$3,793

Source

<https://www.hudexchange.info/programs/home/home-rent-limits/>

[https://www.huduser.gov/portal/datasets/home-datasets/files/HOME\\_RentLimits\\_State\\_CA\\_2023.pdf](https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_CA_2023.pdf)

**City of San Jose, Housing**  
**City (HCD Based) Income & Rent Limits**  
**Effective June 15, 2023**

Income Limits	Santa Clara County: Area Median Income \$181,300													
		Area Median Income (AMI)												
		120%	110%	100%	80%	60%	50%	45%	40%	35%	30%	25%	20%	15%
	<b>1 Person</b>	152,280	139,590	126,900	101,520	76,140	63,450	57,105	50,760	44,415	38,070	31,725	25,380	19,035
	<b>2 Person</b>	174,000	159,500	145,000	116,000	87,000	72,500	65,250	58,000	50,750	43,500	36,250	29,000	21,750
	<b>3 Person</b>	195,840	179,520	163,200	130,560	97,920	81,600	73,440	65,280	57,120	48,960	40,800	32,640	24,480
	<b>4 Person</b>	217,560	199,430	<b>181,300</b>	145,040	108,780	90,650	81,585	72,520	63,455	54,390	45,325	36,260	27,195
	<b>5 Person</b>	234,960	215,380	195,800	156,640	117,480	97,900	88,110	78,320	68,530	58,740	48,950	39,160	29,370
	<b>6 Person</b>	252,360	231,330	210,300	168,240	126,180	105,150	94,635	84,120	73,605	63,090	52,575	42,060	31,545
	<b>7 Person</b>	269,760	247,280	224,800	179,840	134,880	112,400	101,160	89,920	78,680	67,440	56,200	44,960	33,720
<b>8 Person</b>	287,160	263,230	239,300	191,440	143,580	119,650	107,685	95,720	83,755	71,790	59,825	47,860	35,895	

Rent Limits	Occupancy Assumption: 1 Person / Bedroom + 1													
		HCD Occupancy Assumption												
	Bedrooms (People)	120%	110%	100%	80%	60%	50%	45%	40%	35%	30%	25%	20%	15%
	<b>Efficiency (1.0)</b>	3,807	3,489	3,172	2,538	1,903	1,586	1,427	1,269	1,110	951	793	634	475
	<b>1 Bedroom (2.0)</b>	4,350	3,987	3,625	2,900	2,175	1,812	1,631	1,450	1,268	1,087	906	725	543
	<b>2 Bedrooms (3.0)</b>	4,896	4,488	4,080	3,264	2,448	2,040	1,836	1,632	1,428	1,224	1,020	816	612
	<b>3 Bedrooms (4.0)</b>	5,439	4,985	4,532	3,626	2,719	2,266	2,039	1,813	1,586	1,359	1,133	906	679
	<b>4 Bedrooms (5.0)</b>	5,874	5,384	4,895	3,916	2,937	2,447	2,202	1,958	1,713	1,468	1,223	979	734
	<b>5 Bedrooms (6.0)</b>	6,309	5,783	5,257	4,206	3,154	2,628	2,365	2,103	1,840	1,577	1,314	1,051	788

Rent Limits	Occupancy Assumption: 1.5 Person / Bedroom													
		TCAC Occupancy Assumption												
	Bedrooms (People)	120%	110%	100%	80%	60%	50%	45%	40%	35%	30%	25%	20%	15%
	<b>Efficiency (1.0)</b>	3,807	3,489	3,172	2,538	1,903	1,586	1,427	1,269	1,110	951	793	634	475
	<b>1 Bedroom (1.5)</b>	4,078	3,738	3,398	2,719	2,039	1,699	1,529	1,359	1,189	1,019	849	679	509
	<b>2 Bedrooms (3.0)</b>	4,896	4,488	4,080	3,264	2,448	2,040	1,836	1,632	1,428	1,224	1,020	816	612
	<b>3 Bedrooms (4.5)</b>	5,656	5,185	4,713	3,771	2,828	2,356	2,121	1,885	1,649	1,414	1,178	942	707
	<b>4 Bedrooms (6.0)</b>	6,309	5,783	5,257	4,206	3,154	2,628	2,365	2,103	1,840	1,577	1,314	1,051	788
	<b>5 Bedrooms (7.5)</b>	6,961	6,381	5,801	4,641	3,480	2,900	2,610	2,320	2,030	1,740	1,450	1,160	870

**Income & Rent Limits** California Code, Health & Safety Sections 50052.5 and 50053  
**Calculation Based** Area Median Income (AMI), Novogradac Rent & Income limits calculator  
**Source** <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2023.pdf>

## Glossary of Affordable Housing Terms

- **Accessory Dwelling Unit (ADU):** A self-contained residential unit located on the same lot as, but separate from, the primary unit, with a separate entrance, kitchen, and bathroom. Also sometimes called a secondary unit, granny unit, in-law unit, or backyard cottage.
- **Affordability Restrictions:** The requirements imposed by a public agency that housing units remain affordable to extremely low-, very low-, low-, or moderate-income households for a specified number of years.
- **Affordable Housing:** According to law, housing with recorded covenants that restrict both resident incomes and housing payment amounts. Profile household typically should spend no more than 30% of their gross monthly income for housing costs including utilities, fees, and other housing-related costs.
- **Amortizing Loan:** A loan that repaid by regular principal-plus-interest payments sized so that the loan is fully repaid by the end its term. In real estate transactions, the term of the loan is typically 30 years.
- **Appraisal:** A report made by a qualified person setting forth an opinion or estimate of value. The term also refers to the process by which this estimate is obtained.
- **Appraised Value:** An opinion of value reached by an appraiser based upon knowledge, experience, and a study of pertinent data.
- **Area Median Income (AMI):** The median income of each Metropolitan Statistical Area (MSA) or each county based on all wage-earners in the area. The U.S. Department of Housing and Urban Development (HUD) issues a listing of AMIs each year adjusted by family size. The State of California takes the HUD limits and adjusts them, and issues them to jurisdictions for use with State-governed programs. AMI is used to determine the eligibility of applicants for both federally and locally funded affordable housing programs and depends on family size.
- **Association of Bay Area Governments (ABAG):** The “council of governments” (COG) and regional planning agency for the nine counties bordering San Francisco and San Pablo Bays – Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma – and the 101 incorporated cities and towns in those counties.
- **Bay Area Rapid Transit District (BART):** The governmental agency – whose boundaries are coterminous with the boundaries of Alameda and Contra Costa Counties and the City and County of San Francisco – that operates heavy rail transit service in and between those three jurisdictions, to San Francisco International Airport, and, beginning in 2020, in Santa Clara County.

- **Below Market Rate (BMR):** A title commonly attached to local programs that make housing available to lower- and moderate-income households at costs below prevailing market rates. The term can include affordable units produced under an inclusionary housing scheme or produced with subsidy loans. In San José, we have only used this term for our previous homebuyer programs.
- **Bridge Housing:** Also called Interim Housing, bridge housing is a type of shelter for homeless residents. Residents live in bridge housing while waiting for placement in permanent affordable housing or for rental vouchers to use in market-rate housing. Residents are often allowed to stay for longer than in traditional emergency shelters, and are generally allowed to stay during the day.
- **California Debt Limit Allocation Committee (CDLAC):** Staffed by the State Treasurer’s Office, this committee makes allocations of authority to issue tax-exempt, private activity bonds from the limited, annual statewide pool for such bonds authorized by federal law. Examples of such private activities include privately owned affordable housing developments and hospitals.
- **California Department of Housing and Community Development (HCD):** State of California agency that provides housing and planning information and guidance, state bond funds, and low-interest loans and grants for affordable housing development and rehabilitation. HCD also oversees jurisdictions’ Housing Elements, including annual reporting, to ensure that jurisdictions are in compliance with state law.
- **California Environmental Quality Act (CEQA):** A state law under which the potential impacts of “projects” on the physical environment must be evaluated prior to project approval. “Project” includes both buildings and alterations of the natural land form as well as adoption or amendment to regulations governing such projects, including zoning laws and General Plans. See also Negative Declaration and Environmental Impact Report.
- **California Tax Credit Allocation Committee (CTCAC or TCAC):** Staffed by the State Treasurer’s Office, this committee makes allocations of the authorization to use the limited, statewide pool of federal and state Low-Income Housing Tax Credits authorized by federal and State law.
- **Chronically Homeless (CH):** According to HUD’s definition, a chronically homeless individual is a homeless individual with at least one disability condition that prevents them from maintaining work or housing, and who lives in a place not meant for human habitation, a safe haven, an emergency shelter, or in an institutional care facility. The individual must have been living in any of the above described places either continuously for at least 12 months or on at least 4 separate occasions in the last three years. Chronically homeless families are families with adult heads of households who meet the definition of a chronically homeless individual. If there is no adult in the family, the family would still be considered chronically homeless if the minor head of household meets all the criteria of a chronically homeless individual.

- **Commercial Linkage Fee:** A fee imposed by a city or county on construction of non-residential projects to finance the development of affordable housing for the lower- and moderate-income wage earners in jobs indirectly created by the new jobs in the subject non-residential development.
- **Committee to House the Bay Area (CASA):** Created by the MTC Board in 2016 for the purpose of developing a comprehensive regional approach by identifying game-changing regional solutions that address the region’s chronic housing challenges, with a focus on supply, affordability at all income levels, and preservation/anti-displacement.
- **Community Development Block Grant (CDBG):** Federal funds administered by the U.S. Department of Housing and Urban Development (HUD), the purpose of the CDBG program is to support community development activities and expand housing opportunities for low- and moderate-income persons. Under Title I of the U.S. Housing and Community Development Act of 1974, eight former categorical grant and loan programs were replaced by a system of unified block grants. San José receives CDBG by formula each year as a HUD ‘participating jurisdiction.’
- **Community Land Trust (CLT):** A nonprofit corporation that may purchase and rehabilitate, develop, and steward affordable housing, community gardens, civic buildings, commercial spaces, and/or other common assets on behalf of a community. CLTs typically own properties or the land beneath properties to keep and balance the needs of individuals to access land and maintain security of tenure with a community’s need to maintain affordability, economic diversity, and local access to essential services.
- **Conditional Grant or Loan:** A grant or loan that is forgivable if certain conditions are met (e.g., compliance with an affordability restriction for the full length of its term).
- **Construction Costs:** Broadly, all costs incurred in bringing a building to completion (primarily labor and materials costs), not including land acquisition, financing, sales costs, or other soft costs.
- **Continuum of Care (CoC):** The Continuum of Care is a broad spectrum of stakeholders dedicated to ending and preventing homelessness in the Santa Clara County. The key responsibilities of the CoC are - ensuring community-wide implementation of efforts to end homelessness, as well as ensuring programmatic and systemic effectiveness
- **Coordinated Assessment/Entry System (CAS/CES):** Coordinated Assessment/coordinated entry is a consistent, community wide intake process that is used to match people experiencing homelessness to existing community resources that are the best fit for their situation. Coordinated assessment maximizes the use of available resources and minimizes the time and frustration people spend while trying to find assistance. It also identifies and quantifies housing and service gaps and thereby enables effective and efficient systems planning.

- **Deed of Trust:** A legal document, filed with the County Recorder, which memorializes a borrower's pledge of certain real property or collateral as guarantee for the repayment of a loan. Differs from a mortgage in a number of important respects. For example, instead of two parties to the transaction, there are three: a borrower called the trustor who signs the deed of trust; a neutral party called the trustee, to whom the trustor deeds the property as security for the payment of the debt; and, a lender called the beneficiary, the one who benefits from the pledge's agreement in that, in the event of a default, the trustee can sell the property and transfer the money obtained at the sale to lender as payment of the debt.
- **Deed Restriction:** A limitation placed in a deed limiting or restricting the use of the real property.
- **Deferred Loan:** A loan wherein payment of part or all of the loan is deferred until a later time as specified in the loan.
- **Density Bonus:** A percentage increase in the number of homes authorized for a particular parcel of land beyond the maximum allowed per local zoning ordinances used to incentivize the developer to include affordable homes. In California, the State Density Bonus Law (Gov. Code 65915), enacted in 1979, requires cities and counties to offer density bonuses, incentives and waivers to housing developments that include a certain percentage of homes affordable to low- or very low-income households.
- **Density:** The number of housing units per acre (a.k.a. du/ac, or dwelling units per acre).
- **Disabled Household:** Households in which at least one of the residents is an adult with a disability. A person is considered to have a disability if they have a physical, mental, or emotional impairment that (1) is expected to be of indefinite duration; (2) substantially impedes their ability to live independently; and (3) is of such nature that the ability could be improved by more suitable housing conditions (federal definition).
- **Discretionary Approval:** The approval of a land use proposal that involves the decision-maker's judgement in the freedom to decide what should be done in a particular circumstance. Decision-makers are, for example, a city council in the case of a general plan amendment or a rezoning, or an architectural review board.
- **Emergency Shelters:** An emergency shelter is a place for homeless people to live temporarily. Most emergency shelters provide shelter for a specific time-period e.g. 90 days after which the individual or family is expected to vacate it.
- **Emergency Solutions Grant (ESG):** The federal Emergency Solutions Grant, administered by HUD, provides funding for homelessness prevention and re-housing as well as emergency shelter. (Formerly known as the Emergency Shelter Grant). San José receives ESG by formula each year as a HUD 'participating jurisdiction.'



- **Environmental Impact Report (EIR):** A document prepared pursuant to the California Environmental Quality Act (CEQA) which evaluates potentially significant impacts on the environment resulting from the physical development of land.
- **Equity:** The interest or value which an owner has in real estate over and above the current indebtedness; usually referred to as the owner’s interest. Proceeds from tax credits invested in an affordable housing project are a form of equity.
- **Equity Sharing:** The generic term for various forms of home financing in which a homeowner shares their property appreciation with another party. The term technically only applies when the other party has an ownership interest in the property. In public homeownership programs, the equity share is between the homebuyer and the jurisdiction that helped to fund or effectuate the original effective below-market sales price.
- **Extremely Low-Income (ELI):** Households earning 30% or less of AMI, by household size.
- **Family:** One or more persons occupying a home and living as a single housekeeping unit irrespective of blood relationship, as distinguished from a group occupying a hotel, club, fraternity, or sorority house.
- **General Plan:** A city’s or county’s blueprint for the future development of the community, consisting of seven interrelated “elements.”
- **Grant:** An outright gift of cash for an intended use, with fewer conditions or stipulations than a Conditional Grant.
- **Grant Deed:** The instrument that transfers ownership of real property from one party to another.
- **HOME:** The federal HOME program is administered by HUD to provide decent affordable housing to lower-income households. Eligible activities under HOME include new construction, acquisition, and rehabilitation of rental housing for low-income renters, as well as tenant-based rental assistance and homebuyer programs for income-eligible households. San José receives HOME by formula each year as a HUD ‘participating jurisdiction.’
- **Homeless:** Individuals and families who are: (1) living in a supervised publicly or privately-operated shelter designated to provide temporary living arrangements; or (2) with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.
- **Homeless Management Information System (HMIS):** The HMIS is a secure online database that stores data on all homelessness services provided in Santa Clara County.

- **Homelessness Prevention:** Homelessness prevention is a key component of the Santa Clara County Community Plan to end homelessness. The homeless prevention program focuses on individuals and households at risk of homelessness in the community and provides critical homeless prevention resources and services to them.
- **Household:** All persons, whether related or unrelated, living in a housing unit.
- **Housing Code:** Standards in state law that ensure that maintenance and improvement of housing meets accepted standards and is adequate for occupancy.
- **Housing Cost Burden:** When more than 30% of a household's income is spent on housing costs.
- **Housing Element:** The part of a city's or a county's general plan that details how the jurisdiction will meet the projected demand for new housing development and affirmatively further fair housing.
- **Housing First:** Housing First is an approach to address homelessness. Over the past decade, Housing First has become one of the most popular models for serving chronically homeless people. This approach is based on the understanding that homelessness is primarily a lack of housing and the fastest way to help a person out of homelessness is to provide that person with housing. The housing first approach focuses on providing housing as quickly as possible and subsequently providing services as needed and desired by the program participants. Permanent Supportive Housing and Rapid Rehousing programs are based on the Housing First Model.
- **Housing for Persons with AIDS (HOPWA):** The federal HOPWA program provides funds to jurisdictions for rent subsidies with supportive services to house persons living with AIDS. San José receives HOPWA by formula each year as a HUD 'participating jurisdiction.'
- **Housing Impact Fee:** A per square foot impact fee levied on market-rate housing to help offset the demand for affordable housing generated by residents of a new market-rate home. The concept is that market-rate housing residents consume services which many times are provided by employees with relatively low wages (at restaurants, retail, nail salons) who in turn require affordable homes.
- **Housing Payment Equality Ordinance (HPE):** The City's HPE ordinance makes it illegal for property managers or apartment owners to discriminate against applicants on the basis of their source of income. Also called the "source of income" ordinance, this law helps to combat housing discrimination against lower-income residents with rental vouchers.
- **Housing Trust Fund (HTF):** A housing trust fund is a source of funds for affordable housing funded by an ongoing source of funds. San José's HTF makes funds available to nonprofit agencies that provide services to people who are homeless or at risk of becoming homeless. Its priorities include funding programs geared toward preventing or ending homelessness including those that provide financial assistance, employment services, and case management and

programs that will permanently house chronic homeless households with case management and other supportive services. San José's HTF is funded by revenues received from repayments of specially funded loan programs, administrative fees from City private activity bond issuances for affordable multifamily developments, and occasionally other outside sources.

- **HUD:** The U.S. Department of Housing and Urban Development. San José receives approximately \$14 million from HUD each year in its four HUD entitlement funding programs: CBDG, HOME, HOPWA and ESG.
- **Impact Fees:** Fees imposed on new development that are used to pay for the infrastructure (or affordable housing needs) generated by that development.
- **Interim Housing:** see Bridge Housing.
- **Inclusionary Zoning:** A requirement that a certain percentage of units in new housing developments be made affordable to lower- and/or moderate-income households.
- **In-Lieu Fee:** A monetary payment made instead of meeting a regulatory requirement. Commonly used to refer to a fee paid by a developer who does not provide an otherwise required affordable housing unit under an inclusionary housing program.
- **Junior ADU:** An Accessory Dwelling Unit that is attached to the primary residence and does not include complete facilities (e.g., less than a complete kitchen).
- **Tenant Protection Ordinance (TPO):** San José's TPO is a just cause eviction law that establishes the only allowable causes that are valid reasons for owners of homes covered by the TPO to evict renters.
- **Land Use Entitlement:** Discretionary permits governed by a locality's zoning, subdivision, or other local code necessary for development of real property.
- **Loan-to-Value Ratio (LTV):** The relationship between the amount of the mortgage loan and the appraised value of the security, expressed as a percentage of the appraised value.
- **Low- and Moderate-Income Housing Asset Fund (LMIHAF):** Repayments from development loans that were originally made from former Low- and Moderate Income Housing Funds from local redevelopment sources. LMIHAF funds are governed by state law and are allowed to be used for increasing, improving, and preserving the supply of affordable housing for lower-income households. Every year, San José reports on the use of LMIHAF to the state in its Redevelopment Housing Successor Report.
- **Low- and Moderate-Income Housing Fund (LMIHF):** 20% of redevelopment tax increment funds that by state law were to be allocated to increasing, improving, and preserving the supply of affordable housing for lower- and moderate-income households. No longer valid since the

demise of redevelopment agencies in 2012.

- **Low-Income (LI):** Households earning 51% to 80% of AMI, by household size.
- **Lower-income:** Households earning 0% to 80% of AMI, by household size.
- **Low-Income Housing Tax Credits (LIHTC or Tax Credits):** A reduction in an entity's federal and/or state tax obligation granted in exchange for investing equity in lower-income housing developments (the federal government and some states also provide tax credits for investments in projects involving the preservation of historic properties).
- **Market-rate Housing:** Per the state's definition, housing built by for-profit developers with private capital for residents above 120% Area Median Income, adjusted for household size.
- **Measure E Funds:** San José's Measure E is a tax on the transfer of real property. Measure E revenues are allowed to be used for affordable housing creation and rehabilitation, homelessness response, homelessness prevention, homeownership, administration, and other uses defined by the City Council.
- **Metropolitan Transportation Commission (MTC):** The regional transportation planning, financing, and coordinating agency for the nine-county San Francisco Bay Area.
- **Ministerial Approval:** The mandatory approval of a land use proposal if it meets objective, written criteria without any ability of the decision-maker to apply independent judgement. Historically, this applied only to Building Permits, though with the passage of SB 35, it can now apply to zoning permits that were previously considered to be discretionary. Decision-makers are, for example, a planning commission in the case of a conditional use permit, or a planning director in the case of a site development permit.
- **Missing Middle:** This term has two meanings: (1) a type of housing that is naturally more affordable because of its density, yet blends in well with traditional single-family neighborhoods, including duplexes, fourplexes, courtyard apartments, live-work spaces, townhomes, ADUS, and "mansion homes" where single-family homes are re-envisioned to include multiple units; and (2) people whose incomes are too high to qualify for subsidized rental housing that is restricted to households earning very low- and low-income wages, but whose incomes are too low to afford market-rate housing without exceeding 30% of their incomes.
- **Mixed-Use Development:** A building or group of buildings that combines multiple revenue producing uses in an integrated and coherent plan. As an example, a mixed-use development might include retail space on the ground floor, offices on the middle floor, condominiums on the top floors and a garage on the lower level.
- **Moderate-Income (Mod):** Households earning 81% to 120% of AMI, by household size.

- **National Environmental Policy Act (NEPA):** The NEPA Act of 1970 requires federal agencies to assess the impact of their proposed actions prior to making decisions. Using the NEPA process, agencies receiving federal funding evaluate the environmental and related social and economic effects of their proposed actions.
- **Naturally Occurring Affordable Housing (NOAH):** Rental housing not subject to an affordability restriction but is nonetheless relatively affordable because of age, location, size, or type of construction. A recent example of a NOAH alternative is ADUs, which, due to their smaller size are more naturally affordable. Other examples include older, garden-style apartments and smaller properties – such as four- or six-plexes or even older single-family homes for rent.
- **Negative Declaration (ND):** A statement that a project involving physical development of land will not result in any significant effects on the environment.
- **Nexus Study:** A formal study that analyzes the relationship between new development (housing, office, retail, etc.) and increased demand for facilities and services. Nexus studies are used to document that there is a relationship between development and these additional needs, to calculate how much of a need is created by the development, and to decide the impact fees necessary to address these newly-created needs.
- **Notice of Completion:** Notice recorded after completion of construction and final inspections for Building Code compliance.
- **Notice of Funding Available (NOFA):** An announcement by a public agency that a specified amount of funding is available for certain kinds of projects to be loaned or granted to affordable housing developers. The process for awarding funding can be first-come, first-served or a competitive one based on points achieved in various rating categories.
- **Overcrowded:** A housing unit containing more people than is permitted by various laws. For example, the census defines an overcrowded household as one in which there is more than one person per room.
- **Permanent Supportive Housing (PSH):** Permanent Supportive Housing provides permanent housing with supportive services. In San José, we use PSH to refer to homes for chronically homeless individuals and families. (Other populations may also need PSH.) PSH focuses on the population that has high acuity and high costs. PSH homes come with rental subsidy, intensive case management, and health care (including behavioral health) for renters. There is usually no time limit to stay. PSH has been shown to have a high impact on residents' housing stability. Nationally, 84% of program participants have been observed to retain housing for at least a year.
- **Point-in-Time (PIT) Count:** Point-in-Time Count refers to the Homeless Census and Survey that is undertaken every two years in the last ten days of January. It is mandatory for all jurisdictions receiving funding from HUD to undertake the Point-in-Time Count. The data gathered from the

count helps the County and local homeless service providers to better understand the needs of the community, evaluate the current system of services, and apply for federal and local funding.

- **Private Sector:** Non-governmental, private, for-profit businesses and nonprofit organizations.
- **Private-Activity Bonds:** Tax-exempt debt issued by a public agency to finance a non-governmental facility, such as affordable housing or hospitals. Such bonds are essentially amortizing loans, typically paid off in 30 years, and in the case of affordable housing, repayment is made out of a project's rent and other revenue. Federal law limits, on a state-by-state basis, how much private-activity bonding authority can be awarded every year. The California Debt Limit Allocation Committee (CDLAC) determines which projects will be awarded bonding authority in the state.
- **Rapid-Rehousing:** Rapid-Rehousing and homelessness prevention services are effective intervention methods for individuals and families who have recently become homeless or who are at risk of homelessness.
- **Regional Housing Need Allocation (RHNA):** RHNA goals identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element. RHNA housing goals are allocated by councils of government to each jurisdiction in their area through a state-mandated process. ABAG is the Bay Area's council of government.
- **Rehabilitation:** The process of returning a property to a state of utility, through repair or alteration.
- **Replacement Housing:** Housing that a public agency must cause to be produced to replace housing destroyed by public action.
- **Residual Receipts Loan:** A loan that is not amortizing, for which repayment is made in increments from an affordable housing project's rent and other revenue that exceeds the amount necessary to make amortizing debt payments and meet operating costs. Because such a loan is not amortizing, it will likely not be fully repaid during the term of the loan. Affordable housing financing issued by public agencies is typically in this form.
- **Rapid Rehousing program (RRH):** Rapid rehousing is an intervention that has been seen to be a successful model in addressing the issue of homelessness in different parts of the country. There are three core components of rapid rehousing – 1. Housing identification, 2. Move-in and rent assistance, and 3. Rapid rehousing case management and services. The clients are provided shallow or declining rent subsidy, other temporary financial assistance, and time-limited case management. It has been observed that RRH helps individuals and families to quickly exit homelessness, return to housing in the community and not become homeless again in the near future.

- **Rent stabilization:** A local program that limits rent increases on certain privately-owned rented residences. San José’s apartment rent stabilization program is the Apartment Rent Ordinance (see San José Municipal Code Section 17.23). San José’s mobilehome rent stabilization program is the Mobilehome Rent Ordinance (see San José Municipal Code Section 17.22).
- **Section 8:** Federal rent subsidies for lower-income households administered by a local housing authority, which take one of two forms. A portable voucher is one awarded to a household that it can take with it if it moves from one property to another. In Santa Clara County, as elsewhere, there is a long waiting list of applicants for such vouchers. Project-based Section 8 is assigned to a particular housing unit that benefits whoever occupies that unit for the length of their tenure. The amount of subsidy is the difference between 30% of the tenant’s income and an annually adjusted “fair market rent” adjusted for unit size.
- **Senior Household:** One- or two-person households containing a person of at least a certain age (typically 62 years old).
- **Severe Housing Cost Burden:** When 50% or more of a household’s income is spent on housing costs.
- **Single-Room Occupancy (SRO):** A form of housing typically for residents with low or minimal incomes. In some cases, SRO units are only bedrooms that share kitchen and bath facilities with others in the building. In other cases, an SRO unit is complete with its own bath and cooking facilities, so that its occupant can living independently.
- **Soft Money:** Any form of affordable housing development financing that is not an amortizing loan or private-activity bond that would have soft repayment terms. This includes grants, conditional loans, and residual receipts loans.
- **Substandard Unit:** In general, any unit that suffers from some type of physical defect, such as electrical wiring that is not up to code or lack of plumbing. There is no common definition of “substandard” housing among the federal, state, or local levels.
- **Redevelopment Housing Successor Agency:** An entity which assumes the affordable housing assets and functions once performed by a former redevelopment agency. Typically, the Successor Agency is the city that had originally formed the redevelopment agency. In San José, the City is the Redevelopment Successor Agency as well as the Redevelopment Housing Successor Agency.
- **Tax Credits:** A feature of federal tax law (and some State tax laws, including California’s) that gives tax breaks for investment in developments that meet some public policy objective. Examples include: Energy, for solar and wind power projects; Historic, for the preservation of historic buildings; New Market, for investment in low-income communities; and Low-Income Housing, for the development of units affordable to lower-income households. The proceeds from tax credits are in the form of equity, not loans. The tax credit investor becomes a limited

partner in the deal owning 99+% of the project during the “compliance period” (which varies between the various programs), at the end of which, 100% ownership reverts to the managing general partner. Federal law limits, on a state-by-state basis, how many tax credits can be awarded every year. The Tax Credit Allocation Commission determines which projects will be award credits in California.

- **Tax Increment:** That portion of property taxes collected on assessed valuation over and above the valuation in a baseline year. The former redevelopment programs captured local tax increment dollars, and state law required that at least 20% of the funds had to be allocated to affordable housing. In 2012, Governor Jerry Brown’s administration eliminated redevelopment as a tool for local jurisdictions to capture and use local funds.
- **Tenant-Based Rental Assistance (TRA or TBRA):** TBRA is a rental assistance subsidy that can be used to obtain housing in any unit that meets the program guidelines. The main form of TBRA is the Section 8 Housing Choice Voucher program, but federal HOME funds can also be used for TBRA.
- **Transition Age Youth (TAY):** Transition Age youth are young people between the age of 16(or 18) and 24 who are in transition from state custody or foster care and are at-risk. When they turn 18, they can no longer receive the services.
- **Transitional Housing (TH):** Transitional housing is temporary, supportive housing for people and families. Transitional housing is generally provided for a limited time period – from 2 weeks to 24 months.
- **Transit-Oriented Communities (TOC):** Similar to TOD, but specifically applied by VTA to the environs of future BART stations.
- **Transit-Oriented Development (TOD):** High-density residential and non-residential development located near rail transit stations and stops along bus lines with short headways that encourages the use of transit for commuting rather than private automobiles.
- **U.S. Department of Housing and Urban Development (HUD):** A federal cabinet agency established by the Housing and Urban Development Act of 1965 to supersede the Housing and Home Finance Agency. HUD is responsible for the implementation and administration of government housing and urban development programs including community planning and development, housing production and mortgage credit (FHA), equal opportunity in housing, research, and technology.
- **Valley Transportation Authority (VTA):** The Santa Clara VTA is a governmental agency that: operates public transit systems in Santa Clara County, including bus and light rail lines; is responsible for the construction of BART stations in Santa Clara County that will be operated by BART; and makes various improvements to county expressways and state highways in the



county.

- **Very Low-Income (VLI):** Households earning between 30% and 50% of AMI, by household size. In some contexts, also includes ELI.
- **Zoning:** A body of regulations adopted by a city or a county that governs land use, dividing up the jurisdiction's territory into residential, commercial, industrial, and other districts, in which various uses are allowed by right or with the issuance of a use permit, and in which standards for such physical aspects as setbacks from property lines, building heights, densities, and parking ratios are set forth.