

District 1 — Roma Dawson (VC)

District 3 — Barry Del Buono

District 5 — Ruben Navarro

District 7 — Victoria Partida

District 9 — Don Jackson

Mayor — Zenia Cardoza

Lived Experience (Mayor) — Sketch Oppie

Lived Experience Alternate (Mayor) — Jerome Shaw

(C) Alex Shoor — District 2

Linh Vong — District 4

Andrea Wheeler — District 6

Huy Tran — District 8

Roberta Moore — District 10

Daniel Finn — CAAC MR

Ryan Jasinsky — CAAC ML

Commissioners are appointed by corresponding Council Members, but do not need to reside in that Council District.

REGULAR MEETING AGENDA

JUNE 8, 2023

Virtual [Zoom Link](#)

Start time: 5:45 PM

Web ID: **940 5398 8541**

Location: City Hall Tower 5th Floor, Room 550

888-475-4499 (Toll Free)

Members of the public have a choice to attend the meeting either in person at the location listed above, or to attend virtually, viewing and listening to the meeting by following the instructions below. Additional instructions are provided below to those members of the Public who would like to comment on items on the agenda.

How to attend the Housing & Community Development Commission Meeting:

- 1) **In person:** For participants that would like to attend in person, the physical location is listed on the upper left of this page.
- 2) **Electronic Device Instructions:** For participants who would like to join electronically from a PC, Mac, iPad, iPhone, or Android device, please click this URL: [Zoom Link](#).
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.
- 3) **Telephone Device Instructions:** For participants who would like to join on their telephones, please dial **888-475-4499 (Toll Free)** and when prompted, enter meeting Webinar ID: **940 5398 8541**. You may also **press *9 to raise a hand to speak**.
- 4) **Public Comments prior to meeting:** If you would like to submit your comments prior to the meeting, please e-mail Luisa.Cantu@sanjoseca.gov or call **(408) 535-8357 no less than 90 minutes before the start of the meeting**. Comments submitted prior to the meeting will be considered as if you were present in the meeting.

Note that the times for items shown below are approximate and intended only to notify the Commission of the approximate amount of time staff expects each item might take. Please note that items may be heard before or after the times shown, and plan accordingly.

APPROX. TIME	AGENDA ITEM
5:45	<p>I. Call to Order & Orders of the Day</p> <p style="padding-left: 40px;">A. Chair reviews logistics for Zoom meetings</p>
5:46	<p>II. Introductions and Roll Call</p>
5:50	<p>III. Consent Calendar</p> <p style="padding-left: 40px;">A. Approve the Minutes for the Regular Meeting of May 11, 2023 ACTION: Approve the May 11, 2023 action minutes.</p> <p style="padding-left: 40px;">B. Rent Stabilization Program Fiscal Year 2022-23 Quarter 3 Report for Apartments, Including the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance (N. Padilla, Housing Department) ACTION: Review the report on the Rent Stabilization Program for apartments in Quarter 3 of Fiscal Year 2022-2023 and provide possible recommendations to staff.</p> <p style="padding-left: 40px;">C. Rent Stabilization Program Fiscal Year 2022-23 Quarter 3 Report for Mobilehomes (E. Guzman, Housing Department) ACTION: Review the report on the Rent Stabilization Program for mobilehomes in Quarter 3 of Fiscal Year 2022-2023 and provide possible recommendations to staff.</p>
6:05	<p>IV. Reports and Information Only</p> <p style="padding-left: 40px;">A. Director</p> <p style="padding-left: 80px;">i. Update on recruitment for open Commission seats</p> <p style="padding-left: 40px;">B. Council Liaison</p> <p style="padding-left: 40px;">C. Chair</p>
6:15	<p>V. Open Forum</p> <p><i>Members of the Public are invited to speak on any item that does <u>not</u> appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak during Open Forum; however, the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate due to a large number of speaker requests.</i></p>

- 6:20 VI. Old Business
VII. New Business

- 6:25 A. **Outgoing Commissioner Recognition**
(K. Clements, Housing Department)
ACTION: None. (No memo)

- 6:45 B. **Elections for Chair and Vice Chair for Fiscal Year 2023-2024**
(K. Clements, Housing Department)
ACTION: Make nominations for and hold elections for positions of Chair and Vice Chair of the Commission to serve in Fiscal Year 2023-2024 commencing with the first Commission meeting after the June regular meeting.

- 7:15 C. **Draft 2023-2031 Housing Element**
(J. Ishimatsu, Housing Department)
ACTION: 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.

- 9:50 D. **Open Forum**
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission (per [Section 2.08.2840](#) of the San José Municipal Code). Meeting attendees are usually given two (2) minutes to speak during Open Forum; however, the time limit is in the discretion of the Chair of the meeting, and may be limited when appropriate due to a large number of speaker requests.

- 9:55 E. **Meeting Schedule**

The next Commission meeting will be a Special Meeting for the Commission's Annual Retreat at a date and time To Be Determined in July or August.

The next **Regular Meeting** for the Commission is scheduled to be held on **Thursday, August 8, 2023, at 5:45 p.m. in room T-550 at San José City Hall, 200 E. Santa Clara St., San José, CA 95113.** Items tentatively expected to be heard are:

- Housing Catalyst Work Plan
- Draft Assessment of Fair Housing Plan
- Rent Stabilization Program Annual Report FY 2021-2022
- Rent Stabilization Program Draft Three-Year Strategic Plan

10:00 F. Adjournment

The City's [Code of Conduct](#) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting. Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/hcdc>. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

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

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

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

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

To request translation or interpretation services, accommodation, or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events, or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting. Please direct correspondence, requests, and questions to:

Attn: Luisa Cantu
200 East Santa Clara Street, 12th Floor
San José, California 95113
Tel: (408) 535-8357
Email: Luisa.Cantu@sanjoseca.gov

Para residentes que hablan español: Si desea mas información, favor de llamar a Luisa Cantu al 408-535-8357.

Tiếng Việt: Xin vui lòng liên lạc Janie Le tại 408-975-4462.

對於說華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

MEETING ACTION MINUTES

May 11, 2023

MEMBERS PRESENT:	Roma Dawson	Vice Chair (D1)
	Alex Shoor	Chair (D2)
	Barry Del Buono	Commissioner (D3) <i>Arrived 6:33 pm</i>
	Linh Vong	Commissioner (D4)
	Ruben Navarro	Commissioner (D5) <i>Left 7:05 pm, returned 9:14 pm</i>
	Victoria Partida	Commissioner (D7)
	Huy Tran	Commissioner (D8)
	Don Jackson	Commissioner (D9)
	Zenia Cardoza	Mayor (CW) <i>Arrived 6:10 pm</i>
	Daniel Finn	Commissioner (MR)
	Ryan Jasinsky	Commissioner (ML) <i>left 8:20 pm</i>
	Sketch Oppie	Lived Experience (CW)
MEMBERS ABSENT:	Andrea Wheeler	Commissioner (D6)
	Roberta Moore	Commissioner (D10)
STAFF PRESENT:	Kristen Clements	Commission Acting Secretary, Housing Department
	Luisa Cantu	Commission Assistant Secretary, Housing
	Jacky Morales-Ferrand	Director Housing
	Rachel VanderVeen	Assistant Director Housing
	Emily Hislop	Division Manager, Housing Department
	Shelby Bass	Senior Development Officer, Housing Department
	Josh Ishimatsu	Senior Development Officer, Housing
	Lisa Joiner	Deputy Director, Department of Planning, Building and Code Enforcement (PBCE)
	Abraham Chacko	Rehired Retiree, PBCE

(I) Call to Order & Orders of the Day

- A. Chair Shoor called the meeting to order at 5:45 p.m. and reviewed logistics for Zoom meetings**

(II) Introductions – Commissioners and staff introduced themselves.

(III) Consent Calendar

- A. Approve the Minutes for the Regular Meeting of April 13, 2023.**

ACTION: Approve the April 13, 2023 action minutes.

Commissioner Oppie made the motion to approve the minutes for the meeting of April 13, 2023, with a second by Commissioner Dawson. The motion passed 10-0.

**Housing & Community Development Commission
Draft Minutes – Regular Meeting of May 11, 2023**

Yes	Finn, Jasinsky, Dawson, Shoor, Vong, Navarro, Partida, Tran, Jackson, Oppie (10)
No	None (0)
Absent	Del Buono, Wheeler, Moore, Cardoza (4)

(IV) Reports and Information Only

- A. Chair:** Chair Alex Shoor reviewed logistics and guidelines for participation. He also reminded commissioners to consider nominations for officers.
- B. Director:** Ms. Kristen Clements updated the Commission regarding the recruitment of commissioners. Staff has analyzed applications for two open seats (D2 and D6) and three reappointment seats (D4, D8, and D10) and submitted the memo to the Clerk’s office. Appointments are scheduled to be heard by the City Council at its meeting on June 13, 2023. Ms. Clements announced she would be stepping down from staffing the Commission, leaving Josh Ishimatsu and Rachel VanderVeen to lead the Commission after her last meeting on June 8, 2023. Ms. Jacky Morales-Ferrand announced her retirement from the City as of July 14, 2023. Ms. Morales-Ferrand informed the Commission about Measure E and public budget hearings in May and June, and encouraged Commissioners to attend public meetings and fill out the survey on the recruitment for a new Housing Director. Ms. Rachel VanderVeen congratulated Ms. Morales-Ferrand on her amazing 15-year career with the City of San José.
- C. Council Liaison:** No Report (absent).

(V) Open Forum

(VI) Old Business

(VII) New Business

**A. Nomination for Officers
(K. Clements, Housing Department)**

ACTION: Make nominations for positions of Chair and Vice Chair of the Commission to serve in Fiscal Year 2023-24 commencing with the first Commission meeting after the June regular meeting. (No memo.)

Commissioner Navarro nominated Commissioner Jasinsky for the position of Chair. Commissioner Jasinsky accepted, then later respectfully declined.

Commissioner Navarro nominated Commissioner Jasinsky for the position of Vice Chair. Commissioner Jasinsky respectfully declined.

Commissioner Navarro nominated Commissioner Partida for the position of Vice Chair, Commissioner Partida will consider the position.

Vice Chair Dawson nominated Commissioner Tran for the position of Chair. Commissioner Tran accepted the nomination.

Commissioner Jackson nominated Vice Chair Dawson for the position of Chair. Vice Chair Dawson respectfully declined.

Commissioner Jackson nominated Vice Chair Dawson for the position of Vice Chair. Vice Chair Dawson accepted the nomination.

Commissioner Oppie nominated Commissioner Del Buono for the position of Vice Chair. Commissioner Del Buono accepted the nomination.

Commissioner Navarro nominated Commissioner Jasinsky for the position of Vice Chair. Commissioner Jasinsky respectfully declined.

Commissioner Jackson nominated Commissioner Oppie for the position of Chair. Commissioner Oppie respectfully declined.

Commissioner Jackson nominated Commissioner Oppie for the position of Vice Chair. Commissioner Oppie accepted the nomination.

Commissioner Jackson nominated Commissioner Cardoza for the position of Vice Chair. Commissioner Cardoza respectfully declined.

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 (R. VanderVeen, Housing Department)

ACTION: Review the staff report and provide possible recommendations to the City Council regarding the following:

- 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

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- 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 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.

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.

Yes	Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)
No	None (0)
Absent	Jasinsky, Wheeler, Moore (3)
Abstain	None (0)

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.

Yes	Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)
No	None (0)
Absent	Jasinsky, Wheeler, Moore (3)
Abstain	None (0)

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.

**Housing & Community Development Commission
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Yes	Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)
No	None (0)
Absent	Jasinsky, Wheeler, Moore (3)
Abstain	None (0)

C. 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 (K. Clements, Housing Department)

ACTION: 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;

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

c) Recommend to the City Council it approve the Seventh Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan.

Commissioner Finn made the motion to accept the staff recommendation, with a second by Commissioner Del Buono. The motion passed 10-0.

Yes	Finn, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Jackson, Cardoza, Oppie (11)
No	None (0)
Absent	Jasinsky, Wheeler, Moore (3)
Abstain	None (0)

D. Information Briefing on the Soft Story Seismic Retrofit Program (A. Chacko, Department of Planning, Building and Code Enforcement)

ACTION: 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.

**Housing & Community Development Commission
Draft Minutes – Regular Meeting of May 11, 2023**

Commissioners asked clarifying questions and gave feedback to staff. No motions were made.

(VIII) Open Forum

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

(IX) Meeting Schedule

The next Regular Meeting for the Commission is scheduled to be held on **Thursday, June 8, 2023, at 5:45 p.m., Tower room T-550, at San José City Hall, 200 E. Santa Clara St., San José, CA 95113.** Items expected to be heard are (updated):

- Outgoing Commissioner Recognition
- Rent Stabilization Program Annual Report FY 21-22
- Rent Stabilization Program FY 2022-23 Quarter 3 Report for Apartments, Including the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance
- Rent Stabilization Program FY 2022-23 Quarter 3 Report for Mobilehomes
- Election of Officers
- Final Draft 2023-2031 Housing Element

(X) Adjournment

Chair Shoor adjourned the meeting at 10:56 p.m.



Memorandum

TO: HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION

FROM: Kristen Clements

SUBJECT: SEE BELOW

DATE: June 1, 2023

Approved

Date

SUBJECT: RENT STABILIZATION PROGRAM FISCAL YEAR 2022-2023 QUARTER 3 REPORT FOR APARTMENTS, INCLUDING THE APARTMENT RENT ORDINANCE, TENANT PROTECTION ORDINANCE, AND ELLIS ACT ORDINANCE

RECOMMENDATION

Review the report on the Rent Stabilization Program for apartments in Quarter 3 of Fiscal Year 2022-2023 and provide possible recommendations to staff.

SUMMARY AND OUTCOME

This memorandum gives the Housing and Community Development Commission an update on activities of the Rent Stabilization Program (Program) in Quarter 3 of Fiscal Year (FY) 2022-2023 focused on apartments. These programs include the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance. The update also includes eviction diversion efforts by the Eviction Prevention Help Center.

The Rent Stabilization Program received 1,333 inquiries from the public either by phone, email, or in-person, and a total of 33 petitions were filed by residents and no petitions were submitted by property owners. As property owners and managers continue to register rent-stabilized units with the Rent Registry, the program receives more reliable data regarding trends in the City’s rental market and about the condition of our community’s renters. In Quarter 3, there was an increase in submissions of nonpayment of rent notices and unlawful detainers issued by property owners. This data suggests that the economic impacts of the pandemic continue, and vulnerable renters continue to struggle.

In response to the public’s needs, the Housing Department’s Eviction Prevention Help Center continued its three areas of focus to divert forced evictions of vulnerable residents who continue to experience financial impacts related to COVID-19. These proactive prevention efforts have been to (1) serve residents by phone, email and in person at Eviction Prevention Help Center

locations, (2) continue the Eviction Diversion and Settlement Program, and (3) increase the presence in the Santa Clara County Superior Court during the eviction calendars. Program staff have supported these efforts by providing information collected by the Program to help identify residents most at risk of displacement or housing instability. With the significant increase in unlawful detainer (eviction) filings, staff's efforts primarily concentrated on residents and property owners involved in court actions based on nonpayment of rent.

BACKGROUND

The Program's mission is to administer the City of San José's housing ordinances through education, engagement, and collaboration to cultivate safe, healthy, and sustainable communities. To further this mission, the Program conducts a variety of activities. This report will provide an overview of the activities that Program staff conducted during Quarter 3.

A dashboard summary of Program updates from Quarter 3 is included as **Attachment A**.

ANALYSIS

Major actions taken by Program staff during Quarter 3 are summarized below for the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance. Quarter 3 ran from January 1, 2023, through March 31, 2023. A summary of the components of the analysis includes:

- Apartment Rent Ordinance
- Ellis Act Ordinance
- Tenant Protection Ordinance
- Eviction Prevention Help Center
- Program Fees
- Legal services assistance
- Program inquiries received

A. Apartment Rent Ordinance – Summary of Petitions Filed

The breakdown of the total of petitions filed in Quarter 3 is provided in Chart 1. Chart 2 provides a summary of the types of petitions the Program received from residents, and Chart 3 breaks down the outcomes of each submitted petition during Quarter 3.

Chart 1: Total Petitions Submitted in Q3 FY 2022-2023

Type of Petition	Total
Resident Petitions	33
Property Owner Capital Pass-through Petitions	0

Chart 2: Type* of Resident Petitions Submitted in Q3 FY 2022-2023

Type of Resident Petition	Total
Rent Increase	4
Service Reduction	29
Total	33

** Note: residents petitions may include more than one petition type*

During Quarter 3, the Program received a total of 33 petitions submitted by residents. The Program received no petitions from property owners. A breakdown of the types of petitions submitted by residents is summarized above in Chart 2. The Apartment Rent Ordinance gives residents the right to file a petition to allege one or more violations of the Apartment Rent Ordinance. A petition may allege a combination of an illegal rent increase, a reduction of Housing Services, and/or any other violation of the Apartment Rent Ordinance. Of the resident petitions, 29 (88%) petitions consisted of service reduction claims and four petitions (12%) were challenging annual rent increases above the allowable 5% limit. Service claims consisted of mold, pest and rodent infestation, lack of heat and insulation, broken appliances, and unit repairs not done in a timely manner.

Mediations and hearings continue to be conducted via Zoom and participants are provided with a hybrid option. Residents and property owners are allowed to meet in-person at City Hall upon request while the other parties can participate remotely via Zoom with the assistance of Program Staff. In Quarter 3, the Program held a combined total of 16 mediations and hearings. Of this total, 13 were held virtually via Zoom and three were hybrid. During Quarter 3, a total of 15 petitions did not reach mediation because the petition was either ineligible or residents and property owners were able to reach a voluntary agreement outside of the mediation with the support of the Program. A total of 18 petitions were closed during Quarter 3. **Chart 3** provides a breakdown of the outcomes of petitions during Quarter 3.

Chart 3: Summary of Petition Outcomes for Q3 FY 2022-2023

Petition Outcomes	Total
Pending Action	4
Appeals	0
Voluntary Agreements	22
Hearing Officer Decision	2
Administrative Decision	0
Withdrawn	0
Ineligible	5
Total	33

B. Apartment Rent Ordinance – Summary of Rent Registry Registrations

The rent registry is a database of information on rent-stabilized units that must be updated annually and includes details about rent and services provided at the unit. It is used as a measure to ensure compliance with the Apartment Rent Ordinance by monitoring rents. As of March 31,

2023, a total of 32,919 (86%) of all rent-stabilized apartments were registered in the City’s Rent Registry during the fourth registration period. During the registration period, property owners are required to provide updates to the rental information of their apartment units or indicate if there are no changes since their last registration. In April 2023, program staff will mail warning letters to property owners for Registry non-compliance during the fourth registration period. Quarter 3 registration outcomes are detailed in **Chart 4**. The frequency and distribution of the current rental rate and type of units for rent-stabilized units are represented in **Chart 5**.

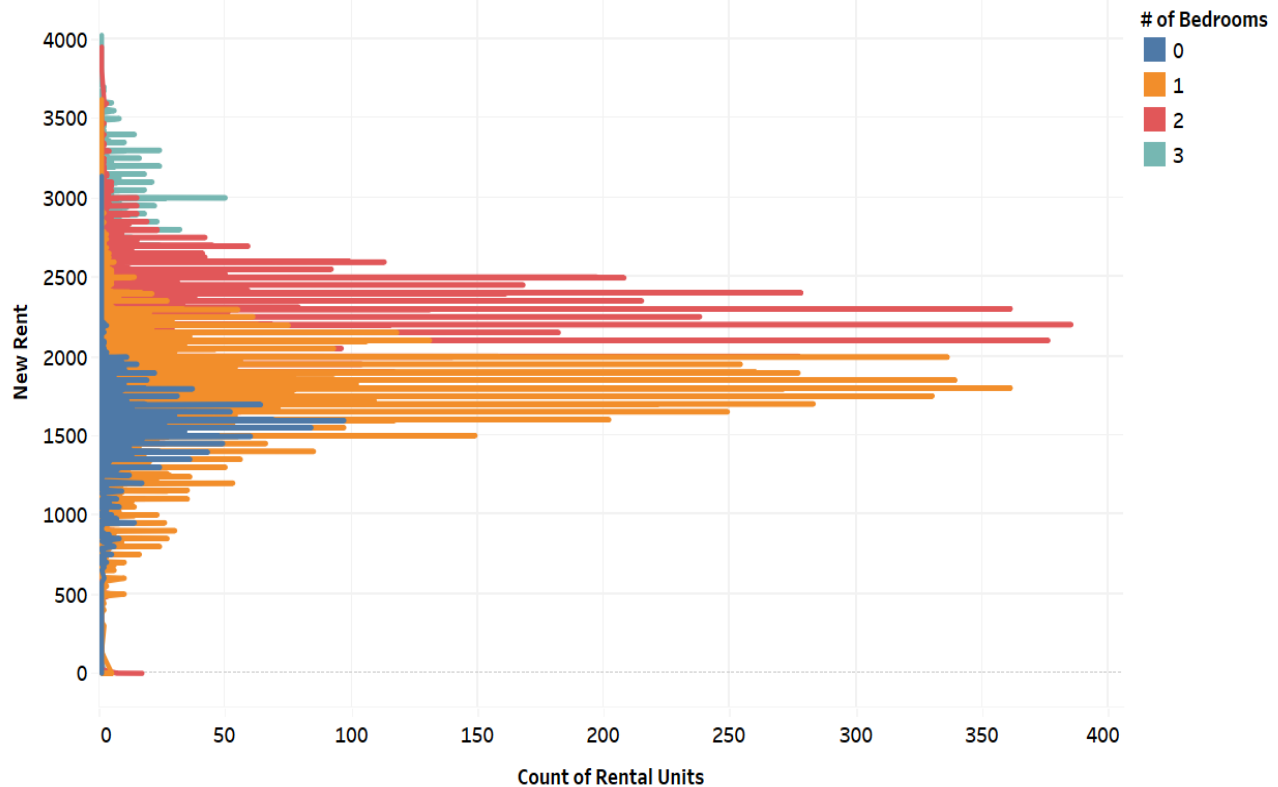
Registration may be completed online, via paper form, in person at City Hall with technical assistance from program staff, or when necessary, over the phone with a confirmation sent to the property owner.

Chart 4: Summary of Registration Outcomes for Q3 FY 2022-2023

Registration Outcomes	Total
New Tenant	1,145
Owner-occupied	18
No Change	913
Rent Increase/Decrease	1,340
Vacant	231
First-time Registration	0
*Correct an Error	182
Total	3,829

**Note: Pending further staff evaluation to determine variation in outcomes*

Chart 5: Rent-stabilized Apartment Average Rents by Number of Bedrooms for Q3 FY 2022-2023



C. Apartment Rent Ordinance – Tenant Buyout Findings

Residents in apartments covered under the Apartment Rent Ordinance can enter into a voluntary buyout agreement with their property owners. Buyout agreements are subject to certain conditions set out in the Apartment Rent Ordinance and its accompanying Regulations. Buyout agreements are intended to allow the resident and property owner to negotiate a payment amount to the resident in exchange for returning possession of the apartment on an agreed-upon date. There were no new resident buyout agreements submitted and accepted by Program staff in Quarter 3.

D. Apartment Rent Ordinance – Administrative Citation Program

The purpose of the Program’s Administrative Citation program is to serve as an additional means to enforce compliance of the Apartment Rent Ordinance, Tenant Protection Ordinance, and the Ellis Act Ordinance. Currently, Program staff are preparing to issue non-compliance notices for owners that failed to register during the fourth registration period of the Rent Registry. Property owners who fail to cure the violation will be issued an administrative citation. Currently, there are 469 property owners that have not registered their units for Period 4, and 43 repeat violators who have not registered for any of the four periods of the rent registry.

E. Ellis Act Ordinance

The Ellis Act Ordinance (“Ellis Act”) applies when a property owner or developer plans to withdraw rent-stabilized apartments from the rental market, often with plans to demolish and redevelop the site. No new Ellis Act withdrawals were started or submitted in Quarter 3. Program staff continues to review and analyze project submissions to the Planning Department for potential Ellis Act withdrawals. Given that development projects have multi-year timelines, Program staff began scheduling quarterly check-ins with developers to ensure staff is up-to-date on any changes to the proposed project or the property. Staff also took proactive measures when they learned of potential Ellis projects to ensure residents understand the process and their rights. These efforts included site visits to deliver informational flyers in different languages. The summary of withdrawals under the Ellis Act Ordinance over time is shown in **Chart 6**.

Chart 6: Withdrawals of Rent-stabilized Apartments

	2018 - 2019	2019 - 2020	2020 - 2021	2021- 2022	2022- 2023
Apartments with residents receiving notice and relocation benefits	4	8	1	1	0
Apartments vacated due to Resident Buyout agreements prior to initiation of Ellis Act withdrawal	0	0	9	0	0
Apartments vacant when Ellis Act withdrawal initiated	0	2	2	0	0
Total	4	10	12	1	0

F. Tenant Protection Ordinance – Notices of Termination

Under the Tenant Protection Ordinance, property owners must submit all notices of termination to the Program within three days of providing the notice to the resident. From January 1, 2023, to March 31, 2023, the Program received 3,111 notices. The following top three reasons for just cause terminations of tenancy were:

- **3,012 (96%) Nonpayment of rent**
- **75 (2%) Material or habitual violation of tenancy** – The reasons listed on the notices citing this just cause for evictions included violating lease guidelines, such as causing disruption at the property and/or alleged harassment of other residents or property management staff.
- **33 (1%) Nuisance behavior** – The reasons listed on notices citing this just cause for eviction included peace disturbance and apartment sanitation.

Chart 7 shows the frequency of different reasons given for just cause evictions as stated in the notices submitted to the Program. It is important to point out that a single notice can cite one or more just causes, as illustrated by a comparison of the total number of just causes used and total notices received.

Chart 7: Notices of Terminations Submitted to the Program Pursuant to the Tenant Protection Ordinance for Quarter 3 FY 2022-2023

Just Cause	January	February	March	Total
1. Nonpayment of rent	881	1,064	1,067	3,012
2. Material or habitual violation of tenancy	16	26	33	75
3. Substantial damage to the apartment	2	0	1	3
4. Refusal to agree to a similar or new rental agreement	0	0	0	0
5. Nuisance behavior	16	3	14	33
6. Refusing access to the apartment	1	0	0	1
7. Unapproved holdover subtenant	1	2	0	3
8. Criminal activity	2	0	3	5
9. Substantial rehabilitation of the apartment	0	0	0	0
10. Ellis Act removal	0	0	0	0
11. Owner move-in	0	0	0	0
12. Order to vacate	1	0	1	2
13. Vacation of unpermitted apartment	1	0	2	3
Total	921	1,095	1,121	3,137

Chart 8 shows the number of unlawful detainers the Program received in Quarter 3 as compared to the previous three quarters. The comparison of the previous quarters clearly illustrates the recent increase in unlawful detainers that the Program has received. The protections relating to nonpayment of rent accrued during the pandemic ended in Q2 FY 2021-2022 which finalized the lifting of all COVID-related eviction protections. During Q3 FY 2021-2022, the Program received 134 unlawful detainers, staying relatively low. Only 59% of the 134 unlawful detainer submissions were due to nonpayment of rent. However, an increase in submissions occurred the next quarter when unlawful detainers almost doubled to 259, with 93% of them being due to nonpayment of rent. The intake of 405 unlawful detainers for Q3 FY 2022-2023 increased six times over in comparison to the 134 received in Q3 FY 2021-2022. Evidently, the lifting of all protections has had a continuous effect on the submissions of unlawful detainers. Specifically, unlawful detainers relating to nonpayment of rent have increased the total intake since the end of protections for non-paying tenants.

Chart 8: Comparison of Unlawful Detainer Submissions to the Program Pursuant to the Tenant Protection Ordinance during Quarter 3 FY 2022-2023 and the Prior Three Quarters

	Q4 FY 2021-2022	Q1 FY 2022-2023	Q2 FY 2022-2023	Q3 FY 2022-2023
Unlawful Detainer Submissions to Program	259	325	550	405

Chart 9 shows that the number unlawful detainers on which the Program received notices stayed relatively steady in January and February, but escalated in March. Overall, the proportion of unlawful detainer submissions due in whole or in part to nonpayment of rent was consistent, with an overall 93% average.

Chart 9: Non-payment of Rent Unlawful Detainers Make up Most of the Unlawful Detainers Submitted to the Program pursuant to the Tenant Protection Ordinance

	Non-payment of Rent UDs	Total UDs	% of UDs due to Non-payment
January 2023	106	111	95%
February 2023	111	119	93%
March 2023	161	175	92%
Total	378	405	93%

The trend in **Chart 9** relates closely to the trend in **Chart 7**, as the highest number of notices and unlawful detainers were received in March 2023. Together, **Chart 7** and **Chart 9** indicate that nonpayment of rent is the highest contributing cause cited both on Notices of Termination and unlawful detainers submitted to the Program, both in each month and throughout Quarter 3. This has been a recurring trend in the past quarters. Although fewer nonpayment of rent unlawful detainers were submitted than last quarter, the Program can expect to continue to receive a high number of unlawful detainers based on nonpayment of rent.

G. Eviction Help Center

In August 2021, the City launched the Eviction Help Center program (Help Center) primarily to assist tenants and landlords with emergency rental assistance applications. The Help Center provides information and resources for residents and property owners involved in evictions. Law Foundation of Silicon Valley and Bay Area Legal Aid provide walk-in and virtual legal consultation 22 hours a week for tenants threatened with eviction. The Help Center has operated at various locations which currently include an office at 1818 Tully Road and staff being present during unlawful detainer calendars at Santa Clara County Superior Court. Since the stronger eviction protections ended October 1, 2021, the Help Centers expanded its partnership effort with Santa Clara County Superior Court and community partners. This included launching an eviction diversion program and weekly courthouse clinic to help prevent forced evictions and displacement. However, the Help Center program and staffing is currently only funded through June 30, 2023. The Department requested continued funding in the proposed FY 2023-2024 budget to continue the Help Center efforts. For FY 2023-2024, the Help Center program, as proposed, would use a revised staffing plan and would transition to a mobile model where staff

and legal aid walk-in services will be offered at rotating locations in east San José. Staff would continue to manage the Help Center phone line and email address and would continue to be present at the weekly courthouse clinic. Help Center staff would also conduct outreach to educate community organizations, promotora/es groups, and residents on the eviction process, rights, and protections as well as available resources.

Eviction Diversion Efforts

In response to the close of the state CA COVID-19 Rent Relief Program on March 31, 2022, the Help Center developed and implemented the Eviction Diversion Settlement Program which launched in May 2022. Initially, this program was developed to mitigate the delays in rent relief application processing that put some tenants at imminent risk of eviction and utilized available emergency rental assistance money that had to be spent by September 30, 2022. During this first phase, the diversion program successfully covered \$890,000 of unpaid rent for 63 households, preventing forced evictions and displacement of hundreds of San José residents.

In fall 2022, the City Council approved \$2.2 million in additional funding to enable the diversion program to continue through June 2023. This second phase of the diversion program aims to help at least 150 additional households. During Quarter 3, the diversion program was able to help 34 households avoid forced eviction and remain stably housed with 23 cases that were awaiting payment or in process. The diversion program and the support of community partners (Sacred Heart Community Services and Destination: Home) has been critical to mitigating the effects of the surge in unlawful detainers filed over the past few months. Candidates for the Eviction Diversion Program are sought out primarily during the Unlawful Detainer Calendars at the Santa Clara Superior Court. For residents to be considered during this phase, they must meet all program requirements outlined: having an immediate risk of eviction; having experienced a unforeseen circumstance which led to arrearage; earning less than 80% of the area median income; and, being in a financial position to pay rent in the future. The diversion program expects to hit the target of supporting 150 households in Quarter 4.

City Council also approved redirecting \$250,000 of unused American Rescue Plan Act funds to the Eviction Diversion program, which will support 25 more diversion cases. However, no other funding sources have been secured to continue the diversion program once the \$250,000 is depleted. The program is staffed until June 30, 2023. However, the available funding will likely be disbursed by the end of Quarter 4.

H. Legal Services Assistance

In fall 2018, the City awarded the San José Housing Consortium (comprised of Law Foundation of Silicon Valley, Bay Area Legal Aid, Senior Adults Legal Assistance, Asian Law Alliance, and Project Sentinel) a contract to provide legal education and services to residents and property owners. This contract is funded with Community Development Block Grant (CDBG) funds from the federal government and has been renewed for an additional year for FY 2023-2024. The goal of the contract is to increase housing stability by providing free property owner/tenant

counseling, education, referrals, and legal assistance to low-income tenants. These services also include outreach and education to low-income tenants and property owners citywide.

The Housing Consortium reported these outcomes for Quarter 3:

- **70 eligible participants** received brief legal consultation services.
- Extremely low-income residents received the most legal services, comprising **55%** of clients served in **Chart 11**.
- The race and ethnicity categories for clients receiving the most legal services were White (31.6%), Hispanic (31.6%), and Asian (20.8 %) as summarized in **Chart 12**.

Chart 11: Legal Services Client Data by Income

	Number	Percentage
Extremely Low-Income ($\leq 30\%$ of Area Median Income (AMI))	205	55%
Very Low-Income (31% to 50% AMI)	51	14%
Low-/Moderate-Income (51% to 80% AMI per CDBG rules)	113	31%
Total	369	100%

Chart 12: Legal Services Client Data by Race and Ethnicity

Race/Ethnicity	Number	Percentage
White	73	31.6%
Hispanic	73	31.6%
African American or Black	25	10.8%
Asian	48	20.8%
American Indian or Alaska Native or Other Pacific Islander	5	2.2%
Other	7	3.0%
Total	231	100%

I. Program Inquiries Received

Chart 13 provides a breakdown of inquiries received in English, Spanish, and Vietnamese during Quarter 3.

Chart 13: Inquiry Count and Percent by Language in Quarter 3 of FY 2022-2023

Language	Total	Percentage
English	1,106	83 %
Spanish	220	17 %
Vietnamese	2	< .01%
Other	5	< .04%
TOTAL	1,333	100%

Between January 1, 2023 and March 31, 2023, the Program received a total of 1,333 inquiries.

Chart 14 provides a summary of the top four types of inquiry calls received by Program staff in Quarter 3.

Chart 14: Inquiry Count and Percent by Type in Quarter 3 of FY 2022-2023

Type of Inquiry	Total	Percentage
Office/Ordinance Information	116	9%
Allowable Rent Increase	131	10%
Fees	141	11%
Rent Registry	121	9%
All Other Inquiries	824	62%
TOTAL	1,333	100%

CONCLUSION

Quarter 3 data indicates the changes in trends of petitions, notices of termination and unlawful detainers, and rent registry. Program continues to see a gradual increase of petition claims since the ease of pandemic restrictions. Rent registry has seen a significant increase in the number rent-stabilized units registered since the fourth registration period. In comparison to previous quarters, there was a slight decrease in number of termination notices and a significant increase in the number of unlawful detainers under the Tenant Protection Ordinance. The Program continues to monitor ongoing trends related to the ending of pandemic related restrictions, eviction protections, and rental assistance programs.

EVALUATION AND FOLLOW-UP

The Rent Stabilization Program staff report on FY 2022-2023 Quarter 3 data is prepared for the Housing and Community Development Commission and will not be a report reviewed by the City Council. Staff provides periodic reports to the Commission and is currently working on last year's Annual Report for the Commission's consideration.

PUBLIC OUTREACH

In collaboration with the Eviction Prevention Help Center, Program staff participated in 12 outreach events throughout Quarter 3. These events included resource fairs at various community centers, senior resources events, student wellness events and parent night events, and community resource fairs. Program staff handed out approximately 1,570 informational flyers and about 800 community members were provided with one-on-one communication.

During Quarter 3, as part of the work to develop a strategic plan for the Program, staff worked with a third-party consultant to hold four stakeholder engagement meetings, distribute an online

survey and solicit other forms of feedback regarding the Program. The purpose of these engagement efforts was to obtain feedback from tenants, property owners and community members to help evaluate the effectiveness of the Apartment Rent Ordinance, Tenant Protection Ordinance and Ellis Act Ordinance programs. The feedback would inform the development of a strategic plan for the Program. During these virtual and in-person meetings, residents and property owners participated in guided discussions and provided written feedback collected through polls and surveys. A report-out of findings from the stakeholder engagement series is scheduled to be held in early Quarter 4. At the report-out meeting, participants will learn about initial findings and major themes that resulted from the stakeholder meetings and other engagement efforts. A combined total of 125 participants attended the stakeholder meetings and a total of 14 online survey responses and emailed comments were received.

COMMISSION RECOMMENDATION/INPUT

The commission's recommendations on the report will be received and reviewed by Program staff. These recommendations may be implemented in future Program activities and/or reports.

FISCAL/POLICY ALIGNMENT

This report aligns with the San José Municipal Code Chapter 2.08, Part 28, which gives the Commission the ability to make recommendations regarding operations and administration of Chapter 17.22 and 17.23 of the Municipal Code.

/s/

KRISTEN CLEMENTS

Acting Deputy Director, Housing
Department

The primary authors of this memorandum are Acting Senior Analyst Vanessa Pacheco and Analyst Esther Aguirre. If you have any questions, please contact Senior Analyst Noel Padilla at noel.padilla@sanjoseca.gov or Acting Senior Analyst Vanessa Pacheco vanessa.pacheco@sanjoseca.gov.

Attachment A – Rent Stabilization Program – Petitions Team Dashboard of Accomplishments



Trends

88% of Petitions submitted were related to service reductions

10% of resident inquiries were for Allowable Rent Increase concerns
A total of 131 out of 1,333 inquiries.



Multi-lingual Outreach

Interpretation Services requested for Petitions

- English: 23
- Spanish: 10
- Vietnamese: 0
- Other: 0



Outreach Presentations & Resource Fairs

12 Outreach Events

Includes Family and Community Resource Fairs, Student Wellness and Parent resource fairs, and Senior Center resource fairs.



Petitions Submitted & Outcomes

33 Petitions Submitted for Q3

Summary of Outcomes:

- Voluntary Agreement – 22
- Hearing Officer/Mediator Decision – 2
- Administrative Decision – 0
- Ineligible – 5
- Withdrawn – 0



Mobilehomes

Total Mobilehome Inquiries: 34

Summary of Issues:

- Rent Increase – 12
- Miscellaneous – 8
- Request for Information – 6
- Fees – 4
- Referrals – 2
- Eviction Information – 1
- Code Enforcement & Maintenance – 1



Santa Clara County Mediation Program

Total Mediation Referrals: 9

ATTACHMENT A



Petitions Closed between October January 1st, 2023, thru March 31, 2023

Total of 19 Petitions Closed and 4 Petitions Open

- Voluntary Agreement – 22
- Hearing Officer Decision – 2
- Appeals – 0
- Withdrawn – 0
- Ineligible – 5
- Pending Actions – 4



Mediators and Hearing Officers Contracts

Staff continues to provide ongoing support to Hearing Officers and process payments in a timely manner.



Ellis Act Ordinance development coordination

No new projects submitted to PBCE
with active pending withdrawal



Resident Voluntary Buyouts

No new buyouts were
submitted



Rent Registry 4.0

32,919 (86%) of rent stabilized
apartments registered

Types of Registrations

- New resident – 1142
- Owner occupied – 18
- Same resident
 - Rent increase/decrease – 1340
 - Correct an error – 182
 - No Change – 913
 - Vacant – 231



Policy Focus this Quarter

Ongoing work with consultant
on Strategic Plan



Administrative Citation

469 properties have been identified
as failing to register during the 4th
registration period. 43 properties
have been identified as remaining
unregistered for all four registration
periods. Non-compliance letters
will be sent out to unregistered
property owners.



Notice of Terminations

3,111 notices submitted,
96% notices for nonpayment
(3,012 out of 3,111),
\$3,353.25 average rent owed



Memorandum

TO: HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION

FROM: Kristen Clements

SUBJECT: SEE BELOW

DATE: June 1, 2023

Approved

Date

**SUBJECT: RENT STABILIZATION PROGRAM FISCAL YEAR 2022-2023
QUARTER 3 REPORT FOR MOBILEHOMES**

RECOMMENDATION

Review the report on the Rent Stabilization Program for mobilehomes in Quarter 3 of Fiscal Year 2022-2023 and provide possible recommendations to staff.

SUMMARY AND OUTCOME

This memorandum gives the Housing and Community Development Commission an update on activities of the Rent Stabilization Program (Program)'s efforts to serve mobilehome communities in San José during Quarter 3 of Fiscal Year (FY) 2022-2023.

BACKGROUND

The Program's mission is to enforce the City of San José housing ordinances through education, engagement, and collaboration to build and maintain safe, healthy, and sustainable communities. In administering the Mobilehome Rent Ordinance, Program staff provide education and information to protect the rights and improve relations between mobilehome residents and park owners/managers. This report provides an overview of staff's activities and of mobilehome issues and trends that impacted San José mobilehome park communities in Quarter 3.

ANALYSIS

In Quarter 3, Program staff continued community engagement via phone and email assistance and making referrals to legal and social services as needed. Highlights of Quarter 3 include:

- Annual invoices

- Summary of call inquiries
- Summary of mobilehome park inquiries

A. Annual Invoices

Program staff generated Annual Mobilehome Space Fee Invoices and sent them to park owners via U.S. Postal Mail in December 2022. Park owners can also request a copy of their invoice be sent via email. The Program’s administrative mobilehome fee for FY 2022-2023 was \$30. Park owners may pass through half of this fee onto residents. Mobilehome fees were due to the Program by January 31, 2023. As of May 2023, 93% of the invoices had been paid in full.

B. Summary of call inquiries

During Quarter 3, the Program received 34 mobilehome park inquiries summarized in **Table 1**. The highest number of inquiries concerned rent increases, requests for information, and eviction information.

Table 1: Summary of Call Inquiries Received in FY 2022-2023 Quarter 3

Topic	Inquiries Received
Rent Increases	12
Request for Information	6
Eviction Information	1
Miscellaneous (Service issues, title inquiries, etc.)	8
Code Enforcement and Maintenance	1
Referrals	2
Fees	4
Total	34

Additional information about these inquiries is found in the Call Log Report (Attachment A).

Further details about these topics are summarized below:

- **Rent Increase:** Throughout Quarter 3, Program staff received a high number of calls questioning the calculation of the allowable mobilehome rent increase percentage for FY 2022-2023. Residents wanted to know if there would be a higher increase for FY 2023-2024. Program staff explained to residents that the maximum annual percentage increase is calculated as three-quarters (75%) of the Consumer Price Index (CPI) change from

April to April each year, with a minimum of 3% and a cap of 7%, as per Mobilehome Rent Ordinance Chapter 17.22.155. Program staff also informed residents that it is not known whether there would be an increase or decrease for the following year, but that staff would do a public notification through the Allowable Rent Increase Percentage letter to be sent in June. Numerous residents expressed financial hardships and the negative impact of the allowable rent increase percentage on the mobilehome community, particularly on senior communities. Program staff acknowledged their concerns and frustration and noted comments and concerns to share with the Program staff to collectively brainstorm ideas for outreach to prepare for next year's allowable increase.¹

- **Request for information:** In Quarter 3, residents called requesting information on the limits on park managers not posting City notices for residents knowledge. Other inquiries included requests for information on upcoming stakeholder meetings and information on rent increases for mobilehome parks. Program staff provided residents with referral information as well as any notices and/or information they requested.
- **Eviction Information:** During Quarter 3, a resident requested information about how evictions are started, and expressed being concerned about possibly losing their mobilehome to the sublesser they want to evict. Program staff provided the resident with legal services referrals and information for the Mobilehome Assistance Center through the California Department of Housing and Community Development.
- **Code Enforcement and Maintenance:** A resident requested information regarding tree trimming responsibility in a mobilehome park. Program staff provided resident with the Mobilehome Residency Law information regarding tree maintenance responsibility.
- **Referrals:** Residents requested information on referrals for real estate companies that help residents sell their mobilehome parks. Program staff provided residents with contact information for the California Department of Housing and Community Development for further assistance on real estate referrals for mobilehomes.
- **Miscellaneous:** For Quarter 3, miscellaneous calls to Program staff consisted of requests for titling and registration, questions regarding the City's Mobilehome Rent Ordinance, and discrimination issues. Staff was able to assist with these inquiries and refer residents to the appropriate resources. Program staff provided most residents with information to the Assistance Help Center with the State of California Department of Housing and Community Development and legal services.

¹ The CPI for April 2023 was published just prior to the drafting of this report. The change in CPI from April 2022 to April 2023 was 4.19%. Staff has calculated the Maximum Allowable Percent Increase for 2023-2024 to be 3.14%. This will be reflected in the letter that is sent to mobilehome park owners and managers in June.

B. Inquiries by Mobilehome Parks in Quarter 3

During Quarter 3, Program staff received a total of 34 mobilehome inquiries. **Table 2** shows a breakdown of these 34 inquiries by park.

Table 3: Inquiries by Mobilehome Park in FY 2022-2023 Quarter 3

Mobilehome Park	Number of Inquiries
Bella Rosa Mobilodge	2
Magic Sands	2
Chateau La Salle Mobilehome Park	1
Colonial Mobile Manor Mobilehome Park	2
Golden Wheel Mobilehome Park	3
Casa de Lago Mobilehome Park	5
Cal-Hawaiian Mobilehome Park	2
Mayfair Trailer Park	2
Silicon Valley Village Mobilehome Park	4
Ace Trailer Inn Village	3
Hometown Monterey Oaks Mobilehome Park	1
Coyote Creek Mobilehome Community	2
South Bay Mobilehome Park	1
Lamplighter Mobilehome Park	1
Moss Creek Mobilehome Community	1
San Jose Mobilehome and RV Park	1
Unknown	1
Total	34

C. Language Inquiries

During Quarter 3, Program staff assisted residents in English, Spanish and Vietnamese. **Table 3** shows a breakdown of the 34 mobilehome inquiries in Quarter 3 according to language spoken. Program staff was successful in providing referrals and answers to inquiries in residents' preferred languages.

Table 4: Inquiries by Language Spoken in FY 2022-2023 Quarter 3

Language	Total	Percentage
English	28	82%
Spanish	5	15%
Vietnamese	1	3%
Total	34	100%

D. State Housing and Community Development Announcement

As reported in the Quarter 2 report to the Commission, the state’s FY 2022-2023 Budget passed last summer funded the Manufactured Housing Opportunity & Revitalization Program (MORE).² The MORE program, an update and expansion of the state’s former Mobilehome Park Resident Ownership program, provides funding to finance the acquisition, conversion, rehabilitation, and replacement of mobilehome parks and individual mobilehomes to preserve a source of affordable homeownership. MORE funds can be used for the acquisition, conversion to resident organization ownership, rehabilitation, reconstruction, and replacement of mobilehome parks, as well as the remediation of health and safety items of both parks and individual mobilehomes. The Department of Housing and Community Development issued a Notice of Funding Availability in May 2023³ and will begin accepting applications on a rolling basis on June 30, 2023. Program staff is researching and learning more about this opportunity and will provide further details in the FY 2022-2023 Quarter 4 report if warranted.

CONCLUSION

Program staff continues to communicate with the public and respond to their needs. In Quarter 3, the top three topics of inquiries were rent increases, miscellaneous topics, and requests for information. Program staff also addressed mobilehome residents’ concerns and questions about the change in the maximum allowable rent increase percentage for FY 2022-2023.

EVALUATION AND FOLLOW-UP

The Rent Stabilization Program staff report on mobilehomes for FY 2022-2023 Quarter 3 is prepared for the Housing and Community Development Commission and will not be a report reviewed by the City Council. Staff provides periodic reports to the Commission and is currently working on last year’s Annual Report for the Commission’s consideration.

² <https://www.hcd.ca.gov/grants-and-funding/programs-active/manufactured-housing-opportunity-and-revitalization-program>

³ <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/more/more-nofa-2023.pdf>

PUBLIC OUTREACH

In Quarter 3, in collaboration with the Eviction Prevention Help Center, Program staff attended a total of 12 outreach events. These events included resource fairs at various community centers, senior resources events, student wellness and parent night events, and community resource fairs. Staff distributed information on mobilehome rental rights and received 34 phone call inquiries from members of the mobilehome community. Program staff will continue to engage the mobilehome community through e-mail, in-person City Hall staffing and special events, and telephone assistance, as well as provide referrals to legal and social services, and the California Department of Housing and Community Development.

During Quarter 3, as part of the work to develop a strategic plan for the Program, staff worked with a third-party consultant to hold a stakeholder engagement meeting, distribute an online survey and solicit other forms of feedback regarding the Program. The purpose of these engagement efforts was to obtain feedback from both residents and park owners to help evaluate the effectiveness of the Mobilehome Rent Ordinance Program's to inform and support development of the Program's strategic plan. During the virtual stakeholder engagement meeting, residents and park owners participated in guided discussions and provided feedback collected through polls and surveys. A report out of findings from the stakeholder engagement series would be held in early Quarter 4. At the report out meeting, participants would learn about initial findings and major themes that resulted from the stakeholder meetings and other engagement efforts. A total of 46 mobilehome residents and park owners participated in the virtual stakeholder meeting and two comments were received by email from a park owner and a resident.

COMMISSION RECOMMENDATION/INPUT

The Commission's recommendations on the report will be received and reviewed by Program staff. These recommendations may be implemented into future Program activities and reports.

FISCAL/POLICY ALIGNMENT

The report aligns with the San José Municipal Code Chapter 2.08, Part 28, which gives the Commission the ability to make recommendations regarding operations and administration of Chapter 17.22 and 17.23 of the Municipal Code.

/s/

KRISTEN CLEMENTS

Acting Deputy Director, Housing Department

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

June 1, 2023

Subject: Rent Stabilization Program – FY 2022-2023 Q3 Report for Mobilehomes

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The primary author of this memorandum and report is Elizabeth Guzman, Analyst. For questions, please contact Emily Hislop, Division Manager at emily.hislop@sanjoseca.gov

ATTACHMENT A - Call Log Report



Memorandum

TO: HOUSING & COMMUNITY DEVELOPMENT COMMISSION (HCDC)

FROM: Elizabeth Guzman

SUBJECT: CALL LOG REPORT

DATE: 5/30/2023

Total Calls=34

	Date	Requestor	Mobilehome Park	Topic	Language
Jan	1/5/2023	Property Manager	CAL-HAWAIIAN MOBILEHOME PARK	Fees	English
Jan	1/5/2023	RESIDENT	CASA DEL LAGO	Allowable Rent Increase	Spanish
Jan	1/6/2023	City Staff	GOLDEN WHEEL PARK	Office Information	English
Jan	1/6/2023	RESIDENT	CASA DEL LAGO	Allowable Rent Increase	Spanish
Jan	1/6/2023	Mobilehome Park Manager	GOLDEN WHEEL PARK	Fees	English
Jan	1/9/2023	RESIDENT	MAYFAIR TRAILER PARK	Discrimination	Spanish
Jan	1/9/2023	RESIDENT	MAYFAIR TRAILER PARK	Discrimination;Maintenance	Spanish
Jan	1/13/2023	RESIDENT	SILICON VALLEY VILLAGE MOBILEHOME PARK	Allowable Rent Increase	English
Jan	1/17/2023	Mobilehome Park Manager	ACE TRAILER INN VILLAGE	Ordinance	English
Jan	1/17/2023	Mobilehome Park Manager	ACE TRAILER INN VILLAGE	Allowable Rent Increase	English
Jan	1/18/2023	RESIDENT	SILICON VALLEY VILLAGE MOBILEHOME PARK	Allowable Rent Increase	English
Jan	1/18/2023	Mobilehome Park Manager	MAGIC SANDS	Allowable Rent Increase	English
Jan	1/18/2023	Mobilehome Park Manager	ACE TRAILER INN VILLAGE	Allowable Rent Increase	English
Jan	1/20/2023	RESIDENT	CAL-HAWAIIAN MOBILEHOME	Allowable Rent Increase	English

			PARK		
Jan	1/23/2023	Mobilehome Park Manager	HOMETOWN MONTEREY OAKS	Fees	English
Jan	1/26/2023	RESIDENT	CASA DEL LAGO	Mobilehome HCD Title	English
Jan	1/27/2023	Mobilehome Park Manager	SOUTH BAY MOBILEHOME PARK	Office Information	English
Feb	2/2/2023	City Staff	COYOTE CREEK MOBILEHOME COMMUNITY	Service	English
Feb	2/3/2023	City Staff	COYOTE CREEK MOBILEHOME COMMUNITY	Fire	English
Feb	2/14/2023	RESIDENT	COLONIAL MOBILE MANOR MOBILEHOME PARK	Ordinance;Office Information	English
Feb	2/14/2023	RESIDENT	COLONIAL MOBILE MANOR MOBILEHOME PARK	Office Information	English
Feb	2/15/2023	Mobilehome Park Manager	CHATEAU LA SALLE MOBILEHOME PARK	Fees	English
Feb	2/17/2023	RESIDENT	CASA DEL LAGO	Allowable Rent Increase	English
Feb	2/22/2023	RESIDENT	MAGIC SANDS	Service	English
Feb	2/24/2023	RESIDENT	SAN JOSE MOBILE HOME AND RV PARK	Maintenance	English
Feb	2/27/2023	Real Estate Professional	Unavailable	Allowable Rent Increase	English
Feb	2/27/2023	RESIDENT	BELLA ROSA MOBILODGE	Referral Advice	English
March	3/6/2023	Mobilehome Park Owner	BELLA ROSA MOBILODGE	Office Information	English
March	3/8/2023	RESIDENT	MOSS CREEK MOBILEHOME COMMUNITY	Allowable Rent Increase	VIETNAMESE
March	3/13/2023	RESIDENT	SILICON VALLEY VILLAGE MOBILEHOME PARK	Allowable Rent Increase	English
March	3/16/2023	RESIDENT	SILICON VALLEY VILLAGE MOBILEHOME PARK	Office Information	English
			GOLDEN WHEEL		

March	3/21/2023	RESIDENT	PARK	Referral Advice	English
March	3/24/2023	RESIDENT	CASA DEL LAGO	Eviction	Spanish
March	3/27/2023	RESIDENT	LAMPLIGHTER MOBILEHOME PARK	Office Information	English

Brief Synopsis on Disposition of Calls

1/5/2023 - CAL-HAWAIIAN MOBILEHOME PARK

Property manager called to request that two mobilehome park fee invoices be emailed to her. Staff emailed property manager the invoices.

1/5/2023 - CASA DEL LAGO

Resident inquired information on the annual rent increase percentage for 2023 and the space fee pass though he is being requested to pay. Staff explained to him how the pass through of the fees work and the calculations for the 3.75% allowable rent increase percentage.

1/6/2023 - GOLDEN WHEEL PARK

Contacted management to check in about possible flooding at the Park after recent storms. I also took this time to introduce myself as the new Division Manager and invited the manager to contact me directly or the program for any questions.

1/6/2023 - CASA DEL LAGO

Resident called to place a complaint regarding the allowable rent increase percentage of 3.75%. He wanted staff to know how unfair the increase is and wanted to know what he can do to fight the increase. Staff explained the breakdown of the calculations and explained the mobilehome rent ordinance and how it is allowable per the ordinance. Staff took note of the complaint and explained to resident that staff is working on a better outlet to help explain the calculation to residents for the next notice in October.

1/6/2023 - GOLDEN WHEEL PARK

Mobilehome park manager wanted to know if they could still register the LTLs from being exempt from the MHRO. Program staff explained that deadline for exemptions was 11/07/2022 and all invoices had been sent out for payment. Program staff reviewed exemption requirements with MH Park Manager.

1/9/2023 - MAYFAIR TRAILER PARK

Resident walked into the office wanting to file discrimination complaint, Staff referred her to mobilehome analyst for further assistance.

1/9/2023 - MAYFAIR TRAILER PARK

Resident called to place a complaint regarding her property manager closing the laundry room earlier than the operating hours. She also wanted to let staff know of the discrimination she feels he has towards her. Staff took note of the complaint and also gave her California Department of Housing and Community Development "How to Submit a Complaint" phone number for further assistance. Staff also gave her phone numbers to legal services for her use regarding the discrimination complaint.

1/13/2023 - SILICON VALLEY VILLAGE MOBILEHOME PARK

Resident called to inquire about the allowable rent increase for 2023. Staff let her know it was 3.75%. Resident also mentioned a letter they received and wanted some clarification. Staff asked resident to email the letter to take a look at which City of San Jose letter she was referring to.

1/17/2023 - ACE TRAILER INN VILLAGE

Park manager followed up on email sent by Program Staff and confirmed receipt of email. Park manager also confirmed that Division Manager did not need to follow up on rent increase information. Program staff confirmed.

1/17/2023 - ACE TRAILER INN VILLAGE

Mobilehome park owner requested an explanation as to why the rent increase for 2022-2023 was 3.75%. Park manager felt that the percentage should be more than the 3.75%. Program staff explained that the rent increase is calculated using 75% of CPI. Park manager requested to speak to a manager for further information. Program staff informed park manager that Division Manager would be provided with their information and would follow up with park manager. Park manager requested Rent Increase Notice and letter. Program staff sent requested information via email.

1/18/2023 - SILICON VALLEY VILLAGE MOBILEHOME PARK

Resident emailed staff a letter she received and needed clarifications about what it meant. Staff read the letter and confirmed that it was the Mobilehome Rent Ordinance Summary letter that was sent out on December 2022. Staff called resident and left a message for a call back to further discuss the letter she sent.

1/18/2023 - MAGIC SANDS

Park manager emailed staff requesting the allowable rent increase percentage letter and notice for their records. Staff emailed them the letter and notice to the email provided.

1/18/2023 - ACE TRAILER INN VILLAGE

Park manager emailed staff asking for the allowable rent increase notice and letter. Program staff emailed her the notice and letter for their records to the email provided.

1/20/2023 - CAL-HAWAIIAN MOBILEHOME PARK

Resident inquired about the allowable rent increase for this year because she recently received a rent increase and thought it was more than other years. Staff let her know that this year the allowable rent increase percentage is 3.75%. Resident asked staff to do the math for the increase and it turned out to be an increase less than the 3.75% allowable percentage.

1/23/2023 - HOMETOWN MONTEREY OAKS

Property manager called inquiring information on an amnesty program letter she received from the City of San Jose finance department about a mobilehome space fee invoice that had not been paid. Staff looked over the letter and reviewed the finance department RevQ database to identify the issue. Staff let the property manager that there had been two invoices generated and sent out in 2020 with different information and she was being charged again in error. Program staff was able to talk to the finance department and get the active invoice they were being charged for cancelled.

1/26/2023 - CASA DEL LAGO

Resident inquired information on where she can go to get a copy of her mobilehome tile or registration. Staff referred her to the California Department of Housing and Community Development-Titling and Registration Department for further assistance.

1/27/2023 - SOUTH BAY MOBILEHOME PARK

Mobilehome park manager requested a copy of the 2022-2023 Rent Increase notice to be emailed to her. Program staff sent requested information via email.

2/2/2023 - COYOTE CREEK MOBILEHOME COMMUNITY

Staff reached out to park manager at mobilehome park to follow up on the status of the current fire that happened in one of their spaces. The park manager notified staff that the family had been relocated and moved to a relative's home and that they were waiting for inspections to do their investigation to get a report of what caused the fire. Park manager shared the residents phone number with staff to follow up and be able to provide referrals/resources.

2/3/2023 - COYOTE CREEK MOBILEHOME COMMUNITY

City staff reached out to the resident whose mobilehome caught on fire and had to be relocated. Staff shared resource phone numbers to Sacred Heart, Red Cross, and Here4You. The resident shared that he is currently living with a relative but will reach out to the resources for assistance. He is also waiting for the inspection reports for his mobilehome.

2/14/2023 - COLONIAL MOBILE MANOR MOBILEHOME PARK

Resident sent the following email regarding lack of Mobilehome Rent Ordinance information to new/prospective buyers: Issue: prospective homeowners being advised of rent ordinance, anniversary date and allowable increase. I was advised by a GSMOL member in my Park that a realtor is not giving out adequate information to potential buyers on rent control, anniversary date, and allowable increase. I therefore sent the Park manager a 2-13-23 email as follows: "The rent raise anniversary date for the Park (June) is a disclosure item for potential new residents. The annual increase rate, which the city has determined is 3.75% for this covered period, is also disclosable. I have been advised by a GSMOL member that a realtor is not giving clear information to potential buyers which is also disclosable for the realtor. Please advise if when someone comes to the office to discuss and/or sign a lease with Colonial Mobile Manor, if the facts about the rent ordinance, the anniversary month, and the allowable rate for the current covered period is disclosed. Thanks Martha O'Connell GSMOL Regional Manager" No reply from the manager although she has responded to an email sent later. I called Vanessa because potential residents need to know this information. Vanessa kindly joined me on line to look at Housing's on-line New Park Owner/Park Manager Starter Kit. Clicking on the Annual Rent Increase Notice and the Summary of Ordinance to Prospective Homebuyers ("this notice explains the responsibility to inform prospective buyers of rent control provisions") leads to Jacky's 6-8-22 letter. That letter references the requirement to post a notice "in the mobilehome park offices." If the Park is not required to give the potential resident the notices but only post them in the office – Huston we have a problem. I could not possibly see across a room and read a notice posted on a board thus I would be denied material facts based on my visual disability. How are potential residents to know that they should get up from a chair, walk to a board in the Park Office, and read a document they do not know is there. If Parks are not required to give these two documents to potential residents, how are they to exercise informed consent when entering into a lease without knowledge of material facts? I urge the City to do something about this. Can Jacky's letter tell Park managers to provide the two notices in hard copy to prospective buyers? This is an urgent matter.

2/14/2023 - COLONIAL MOBILE MANOR MOBILEHOME PARK

Mobilehome resident advocate called program staff about new/prospective buyers not being informed about the mobilehome rent ordinance. Program staff explained to resident advocate that there are required postings and walked resident advocate through Housing website to notice and letter postings about the Annual Rent Increase and Mobilehome Rent Ordinance.

2/15/2023 - CHATEAU LA SALLE MOBILEHOME PARK

Mobilehome property manager requested copy of 2021 and 2022 fees invoice. They also requested to update mailing information for future– Program staff updated mailing information. Program staff provided with both copies.

2/17/2023 - CASA DEL LAGO

Resident inquired about the calculations for the 3.75% allowable rent increase percentage. Program staff explained that it is based on 75% of the CPI change. Resident took note of the calculations and told staff that the percentage has made it hard for her to support her family. Program staff took note of her concern.

2/22/2023 - MAGIC SANDS

Mobilehome resident inquired information on the city providing assistance to mobilehome park residents for repairs. Staff explained to residents that the City does not provide that kind of assistance and referred them to Habitat for Humanity for further assistance.

2/24/2023 - SAN JOSE MOBILE HOME AND RV PARK

Mobilehome resident reached out to program staff via email regarding an issue she was having about a tree needing trimming and who is responsible for that in a mobilehome park. Program staff emailed resident back asking for a good number to contact her and added the Mobilehome Residency Law information regarding tree maintenance responsibility.

2/27/2023 - Unavailable

Real estate agent called regarding her client wanting to sell their mobilehome park but are under a 10 year long term lease. Her concern is that the rent for this mobilehome park is too high and any prospective buyer have been lost due to this issue. Program staff informed her that once a mobilehome resident is under a long-term lease they give up their rights to rent control and shared the Mobilehome Rent Ordinance with her for further assistance and connected her to the California Department of Housing and Community Development and free legal services phone number for further assistance.

2/27/2023 - BELLA ROSA MOBILODGE

Resident called to ask who they can refer to about reporting a parking issue in their mobilehome park. Resident stated that they already contacted their mobilehome park manager but wants to submit an "official" complaint about possibly needing their tow truck company driving around the mobilehome park more often to make sure they catch the residents that tend to block his driveway. Program staff explained that complaints can not be submitted to the City but instead can call the state of California for that. Program staff provided them with the mobilehome assistance center with California Department of Housing and Community Development.

3/6/2023 - BELLA ROSA MOBILODGE

Mobilehome park owner called to inquire about the upcoming Mobilehome Community meeting. Program staff gave him the information he needed and informed him that the program will send out a flyer with further information soon.

3/8/2023 - MOSS CREEK MOBILEHOME COMMUNITY

Resident called and asked about information on the allowable rent increase. Resident wanted to know why the allowable rent increase was set to 3.75%. Resident also wanted to know why another mobilehome park was giving 1.5% rent increases instead of the 3.75%. Program staff reviewed the Mobilehome Rent Ordinance and explained how the increase is calculated based on CPI.

3/13/2023 - SILICON VALLEY VILLAGE MOBILEHOME PARK

Resident called to inquire what the allowable rent increase percentage was for this year. Staff let her know it was 3.75%.

3/16/2023 - SILICON VALLEY VILLAGE MOBILEHOME PARK

Resident emailed staff a copy of a letter she recently received. Staff explained to resident that the letter is the Annual Ordinance summary letter we send out every year and it is just to inform them of the Mobilehome Rent Ordinance regulations.

3/21/2023 - GOLDEN WHEEL PARK

Resident inquired about referral that can help her regarding selling her mobilehome. She is having issues with selling since her mobilehome park manager told her she is not able to sell nor is she able to get her own real estate agent and has to use the one provided by the mobilehome park. Program staff referred her to SALA and the California Department of Housing and Community Development Mobilehome Assistance Center for further assistance.

3/24/2023 - CASA DEL LAGO

Resident requested information about starting eviction process of their roommate. Resident also expressed concerned of roommate threatening them to take ownership of the mobilehome. Program staff provided legal services referrals and HCD information.

3/27/2023 - LAMPLIGHTER MOBILEHOME PARK

Resident wanted to inform Program Staff that the mobilehome park was left without electricity and water for 2 days. They were without electricity because PG&E was fixing some lines and because they were without electricity they had to turn off the water pump so the water wouldn't overflow into the street. Both electricity and water has been restored for resident. Program Staff provided contact information to HCD for further assistance. Resident also requested Program Staff to attend future community meetings at mobilehome park. Program staff will follow up once meeting dates and times have been set by resident.

Elizabeth Guzman
Rental Rights & Referrals Program
Analyst II, Policy and Special Projects



Memorandum

TO: HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION

FROM: Kristen Clements

SUBJECT: SEE BELOW

DATE: June 1, 2023

Approved

Date

SUBJECT: DRAFT 2023-2031 HOUSING ELEMENT

RECOMMENDATION

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.

SUMMARY AND OUTCOME

The Housing Element is part of San José's Envision 2040 General Plan and is the blueprint for the City's ongoing residential growth. The State of California requires that all jurisdictions update their Housing Element on a regular basis (i.e., every 8 years) and submit the updated document to the California Department of Housing and Community Development (HCD) for final review and approval.

City staff will present a revised final draft of the 2023-2031 Housing Element for City Council's review at the June 20, 2023 City Council meeting. Pending City Council adoption of the Housing Element, staff plans to submit the Housing Element for final HCD review and approval in late June.

Prior to City Council's review of the draft Housing Element, staff presented a revised draft Housing Element to the Planning Commission on May 24, 2023. The Planning Commission memorandum is **Attachment A** to this memorandum. The Planning Commission voted 8-2 to recommend that Council adopt the Housing Element. This item is now being presented to the Housing and Community Development Commission (Commission) for similar review.

BACKGROUND

City staff from the Housing Department, the Department of Planning, Building, and Code Enforcement (PBCE), and the Office of Economic Development and Cultural Affairs (OEDCA)

have been working actively on the 2023-2031 draft Housing Element since fall 2019. Outreach and engagement efforts have been extensive, including over 100 public and community stakeholder meetings and over 4,000 participants (including duplicate attendees).

Staff posted the first draft of the Housing Element for public review and comment on July 15, 2022. After a 30-day review and incorporation of changes based upon public feedback, staff submitted a revised draft to HCD on September 16, 2022, initiating HCD's 90-day review period. Although not required by state law, staff created a second comment period for the revised draft, from September 16 to December 17, 2022. Roughly contemporaneous to the second review period, staff presented to the Commission about staff's progress on the Housing Element, including special sessions on the following dates:

- October 13, 2022
- December 8, 2022
- January 12, 2023

In these sessions with Commission, staff solicited Commissioner feedback on the Housing Element, especially about proposed programs, policies, and strategies (i.e., Chapter 3). A summary of Commissioner comments is contained in **Attachment B**.

On December 15, 2022, staff received HCD's first review letter. Since the beginning of 2023, staff has been in regular contact with HCD staff, meeting biweekly and revising the draft Housing Element to incorporate HCD's changes as well as additional public feedback, Commission recommendations, and updated information. See the City's Housing Element webpages for the revised draft and HCD's letter.¹

ANALYSIS

Per the attached Planning Commission memo and associated documents, the current draft Housing Element contains staff's best efforts to include essential elements required for a compliant Housing Element. Final edits per HCD's direction will be posted for the City Council's meeting on June 20, 2023. In that version, staff will have addressed all issues identified by HCD's review and, in staff's best judgment, produced a Housing Element that can pass HCD's final review.

As discussed above, the Commission's feedback has been heard often and in-depth as staff developed the Housing Element. In earlier Commission sessions, staff solicited feedback on the goals, strategies, policies, and programs to be included in the Housing Element. In the Commission's formal consideration of the Draft Housing Element, staff recommends the Commission's review focus on:

- Appropriateness of timeframes and outcomes in Chapter 3 strategies

¹ <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element/2023-2031-draft-housing-element>

June 1, 2023

Subject: Draft 2023-2031 Housing Element

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- If staff's revisions address interests and concerns of the Commission, public and HCD
- If the Commission wishes to recommend the City Council approve the Housing Element.

EVALUATION AND FOLLOW-UP

The draft 2023-2031 Housing Element will be presented to the City Council on June 20, 2023 and submitted to HCD for final review following Council approval.

PUBLIC OUTREACH

- This memorandum will be posted on the Housing Department website for the June 8, 2023 Commission meeting.
- The Council version of this memorandum will be posted on the City's Council Agenda website for June 20, 2023 City Council meeting.
- Outreach was undertaken for this item in addition to the agenda posting described above. These outreach efforts are described below.

COMMISSION RECOMMENDATION/INPUT

Staff will include the Commission's recommendation and a summary of Commissioner comments in a Supplemental Memo to be included with materials submitted to Council.

/s/

KRISTEN CLEMENTS

Acting Deputy Director, Housing Department

The principal author of this memorandum is Josh Ishimatsu, Acting Division Manager. For questions, contact Kristen Clements at Kristen.clements@sanjoseca.gov or Josh Ishimatsu at Joshua.ishimatsu@sanjoseca.gov.

ATTACHMENTS

Attachment A – Planning Commission Memorandum from May 24, 2023

Attachment B – Summary of Commissioner and Public Comments on draft Housing Element



Memorandum

TO: PLANNING COMMISSION
SUBJECT: GPT21-001 & ER21-032

FROM: Christopher Burton
DATE: May 24, 2023

COUNCIL DISTRICT: CITYWIDE

Proposed General Plan text amendment	City-initiated General Plan text amendment to revise the Envision San José 2040 General Plan Housing Element for the 2023-2031 Regional Housing Need Allocation (RHNA) sixth cycle projection period pursuant to State law and related amendment to Chapter 7 of the General Plan.
Project Planner	Ruth Cueto
CEQA Clearance	Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto.
CEQA Planner	Reema Mahamood

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council to:

1. Certify the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto, in accordance with CEQA; and
2. Adopt a resolution approving the General Plan Text Amendment to amend the Envision San José 2040 General Plan to include the 2023-2031 Housing Element, revise Chapter 7 ("Housing Element") of the General Plan, and repeal the 2014-2022 Housing Element.

PROJECT BACKGROUND

Since 1969, the State of California has required local governments to adequately plan to meet the housing needs of everyone in their respective communities by adopting a Housing Element as part of their General Plan.¹ The General Plan serves as a local agency's "blueprint" for how the city will grow and develop and includes eight required elements: land use, transportation, conservation, noise, open space, safety, environmental justice, and housing.

¹ CA Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580 – 65589.11] regulates the use and requirements of housing elements in California

Every eight years, every city, town, and county must update their Housing Element and have it certified by the state Department of Housing and Community Development (HCD). The Housing Element must be internally consistent with other parts of the General Plan and is critical to having a legally adequate General Plan. At its core, a Housing Element is an opportunity for a community conversation about how to address local housing challenges and find solutions. While the Housing Element addresses a range of housing issues such as affordability, design, housing types, density, and location, it also establishes goals, policies, and programs to address existing and projected housing needs. State law does not require that jurisdictions build or finance new housing, but they must adequately plan for it.

State law requires the current update for jurisdictions in the Association of Bay Area Governments (ABAG) region to comply by January 31, 2023. Recent changes in state law have affected the timeline for preparing this cycle's update. Specifically, Assembly Bill 215 (AB 215, 2021) requires local governments to make the first draft revision of their housing element update available for public comment for at least 30 days. Further, if any comments are received, a local government must take at least ten additional business days to consider and incorporate public comments into the draft revision before submitting to HCD. HCD must review the draft and report its written findings to the planning agency within 90 days of receiving the first draft submittal for each housing element revision or within 60 days of its receipt for a subsequent draft amendment or adoption.

Process

Staff's preparation of San José's 2023-2031 Draft Housing Element occurred over the course of three years, including the first phase which focused on the Assessment of Fair Housing (AFH). It is based on extensive community input, gathered through discussions at public meetings, surveys, and other engagement methods. The project team reached out to and involved community groups, housing developers, advocates, and other stakeholders. Staff also held study sessions and workshops on the Draft Housing Element for the Planning Commission and the Housing and Community Development Commission. The City also considered and incorporated input received through several years of outreach and engagement on a range of housing and community development topics. This approach was intended to recognize, value, and act on the contributions of the many community members who have shared their needs and ideas with the City, particularly protected classes who experience disproportionate barriers to civic engagement. Staff also consulted HCD, and the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) for guidance on how to comply with state requirements while addressing local concerns and needs.

During the outreach process, stakeholders urged City staff to integrate public feedback from all recent housing-related outreach to help identify housing needs and potential strategies for the AFH and Housing Element. Accordingly, staff considered and incorporated⁷ input received through several years of outreach and engagement on a range of housing and community development topics. This approach was intended to recognize, value, and act on the contributions of the many community members who have shared their needs and ideas with the City, particularly protected classes who experience disproportionate barriers to civic engagement.

After months of staff analysis and multiple community engagement and outreach events with more than 4,100 participants², the Draft 2023-2031 Housing Element was posted for public comment on July 15, 2022,

² Participant number is duplicated, meaning stakeholders may have attended more than one meeting and been counted for each meeting.

for 30 days.³ After incorporating changes to the document based on public feedback⁴ and further staff analysis, staff submitted the revised draft to HCD on September 16, 2022, initiating HCD's 90-day review period. Although not required by state law, staff offered a second public comment period, which surpassed the state's public comment period requirements, from September 16 to December 17, 2022.

Staff received HCD's first review letter (**Exhibit A**) on December 15, 2022, and posted it to the City's website. HCD's review letter provided positive feedback on many of the approaches in the Draft Housing Element, but also specified additional needed changes and analyses. The review letter identified four sections (Review and Revision, Housing Needs, Resources and Constraints, Housing Programs, and Quantified Objectives) of the Draft 2023-2031 Housing Element that required changes and additional analysis to bring the City's draft Housing Element into compliance. Some of the issues raised include providing specific metrics and timelines for certain programs and policies, clarifying the methodology used to determine residential capacity on the sites inventory, and clarifying required rezoning actions.

Since that time, staff worked diligently to respond to the comments in the letter and coordinated closely with HCD staff. Staff had several meetings with HCD staff to discuss the revisions that needed to be made to address the comments in the first review letter. The Housing Element Update presented to Planning Commission represents staff's due diligence in preparing a substantially compliant document. Upon City Council's approval of staff recommendation, the City will submit the revised Housing Element to HCD for a determination of substantial compliance and certification.

The following section summarizes the required components of Housing Element Updates per State law and new requirements included since the 5th Cycle Housing Element Update (2015-2023).

Required Components of a Housing Element

Pursuant to Government Code Section 65583, local governments are required to include the below items as components within their Housing Elements, and subsequent updates thereto. The existing required components are discussed below, followed by a discussion on the newly required components introduced as part of the Sixth Cycle.

1. **Housing Needs Assessment.** Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities). This section includes a community's Regional Housing Needs Allocation (RHNA) as determined by a community's regional planning body in partnership with HCD.
2. **Evaluation of Past Performance.** Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory.** Identify locations of available sites for housing development or redevelopment to demonstrate there is enough land zoned for housing to meet future need at all income levels. New state law substantially changed the standards for designating adequate sites for this sixth cycle Housing Element, particularly for non-vacant sites.

³ Cal. Gov. Code 65585, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB215

⁴ Public Letters and Web Comments Received During Public Review Period of Draft 2023-2031 Housing Element <https://www.sanjoseca.gov/home/showpublisheddocument/95097/638133744426730000>

4. **Community Engagement.** Implement a robust community engagement program that includes reaching out to individuals and families at all economic levels of the community plus historically underrepresented groups.
5. **Constraints Analysis.** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs.** Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

New Requirements for the Sixth Cycle Housing Element Update

Pursuant to recent State legislation, the following items are now required as part of the Housing Element Update process:

- **Affirmatively Furthering Fair Housing (AFFH).** Assembly Bill 686 (AB 686, 2018) created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, which overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” and is Federally mandated by the 1968 Fair Housing Act. The four main goals are to:
 - Address significant disparities in housing needs and in access to opportunity, and
 - Replace segregated living patterns with truly integrated and balanced living patterns, and
 - Transform racially and ethnically concentrated areas of poverty into areas of opportunity, and
 - Foster and maintain compliance with civil rights and fair housing laws.
- **Public Comment on Draft Revisions.** Assembly Bill 215 (AB 215, 2021) requires local governments to make the first draft revision of their housing element update available for public comment for at least 30 days. Further, if any comments are received, a local government must take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting to HCD. HCD must review the draft and report its written findings to the planning agency within 90 days of receiving the first draft submittal for each housing element revision or within 60 days of its receipt for a subsequent draft amendment or adoption.

ANALYSIS

The following section summarizes the amendments to Chapter 7 of the General Plan and the contents of San José’s Sixth Cycle Housing Element for the 2023-2031 Planning Period.

General Plan, Chapter 7

Chapter 7 “Implementation” of the Envision San José 2040 General Plan includes policies to guide the use of the General Plan for the ongoing land use decision making process and development of related City policies. It includes an explanation of the Annual and Major General Plan review process, the Urban Village Planning process, and updates to the Housing Element. This section offers a brief description of the Sixth Cycle RHNA targets and goals. The proposed changes are found in **Exhibit C** and focus on updating references to the 2023-2031 Housing Element and the updated RHNA numbers for the Sixth Cycle Housing Element.

Housing Needs Assessment

As part of the Housing Element Update process, the City is required to analyze the existing and projected housing needs of City including its fair share of RHNA requirements. The City's analysis of housing needs is required to include an assessment of detailed demographic data including population, age, size, and ethnicity; household characteristics; overpayment trends; housing stock conditions; units in need of replacement or rehabilitation; and needs of special needs populations including the elderly, persons with disabilities, unhoused persons, extremely low-income households, and farmworkers. The Sixth Cycle Housing Element outlines the following housing needs of the City: an abundant and affordable supply of housing, sufficient housing for people experiencing homelessness, housing stability and opportunities to build wealth for all residents, racially and socially inclusive neighborhoods that overcome past and present discrimination. A full analysis of housing needs can be found in Chapter 2 of the Housing Element.

Regional Housing Needs Allocation (RHNA)

In January of 2022, HCD approved ABAG's adopted [Final RHNA Plan for the San Francisco Bay Area: 2023-2031](#) (Plan) which establishes a total RHNA for the San Francisco Bay Area of 441,176 residential units for the Sixth Cycle housing element 2023-2031 planning period. ABAG's Plan further distributes this RHNA across the Bay Area's nine counties, and 101 jurisdictions based on demographic and population data received from the California Department of Finance (DOF). Local jurisdictions must then utilize their ascribed RHNA to update the housing elements of their general plans for the Sixth Cycle planning period, inclusive of identifying eligible sites to accommodate this RHNA. See the *Sites Inventory* Section below.

RHNA requirements are organized into four affordability categories, established according to the Area Median Income (AMI) of a geographic area. These categories include very low-income residential units, which are affordable to households earning less than 50% AMI; low-income residential units, which are affordable to households earning 51% to 80% AMI; moderate-income residential units, which are affordable to households earning 81% to 120% of AMI; and above moderate-income residential units which are affordable to households earning more than 120% AMI. San José's RHNA is 62,200 units. The RHNA breakdown by household income category is shown in Table 1.⁵

Table 1: San José's Regional Housing Needs Allocation (RHNA)

Income Category	Previous Housing Element Cycle (2015-2023)	Sixth Cycle RHNA (2023-2031)
<i>Very Low (less than 50% of AMI)</i>	9,233	15,088
<i>Low (50-80% of AMI)</i>	5,428	8,687
<i>Moderate (80-120% of AMI)</i>	6,188	10,711
<i>Above Moderate (More than 120% of AMI)</i>	14,231	27,714
Total RHNA	35,080	62,200

Source: Final RHNA Plan for the San Francisco Bay Area: 2023-2031

⁵ City of San José, Housing Income & Rent Limits Effective May 20, 2022, <https://www.sanjoseca.gov/home/showpublisheddocument/86799/637901210146400000>

While RHNA is a planning goal, it also represents the need for housing in a jurisdiction based on a robust data-driven model at the regional level. To accomplish the affordable goals in Table 1 in this planning cycle, staff conservatively estimates⁶ that it would require \$4.8 billion in City subsidies. The City's subsidies would leverage another \$19.0 billion⁷ in private and public sources loaned to and invested in housing developments.

RHNA Buffer

New "no net loss" provisions of Government Code Section 65863 require the City to ensure an adequate supply of land resources to be made available for housing development throughout the duration of the 2023-2031 planning period. This means if housing sites identified within the City's Sixth Cycle housing element update are developed with non-residential uses, lower residential densities, or residential uses at affordability levels higher than anticipated by the Housing Element, the City's Housing Element could be determined to be out of compliance. Accordingly, the City's RHNA requirement is further buffered with 13,227 units or a 35% buffer to ensure compliance with "no net loss" provisions.

Constraints Analysis

In addition to analyzing the existing and projected housing needs of the City, the Housing Element Update must also identify and analyze potential and actual governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for all income levels in the City. Chapter 4 of the Housing Element discusses constraints on housing. While there are many variables in the production of new housing units, construction costs in recent years have been the most significant constraint on the supply of housing in San José. A summary of constraints to the development and improvement of housing identified in Chapter 4 is included below, along with descriptions of local efforts to lessen these constraints as applicable.

Non-Governmental Constraints

Construction Costs: According to a local index,⁸ construction costs⁹ have increased by 17% in the region between the beginning of the pandemic in spring 2020 and early 2022. Since 2014, the total increase in construction costs has been 76%. High cost of construction remains the largest constraint on the production of new housing units at all income levels in San José.

For affordable housing, construction costs impact the size of subsidy that must be provided by the city, county, or state. Projects then must also more frequently utilize additional funding sources than in previous years. This stacking of additional funding sources adds time and costs to affordable housing development and further constrains supply.

Availability of Financing: For affordable housing construction, the availability of financing has been constrained by level of subsidy available. In recent years, the competitiveness in obtaining funds has greatly increased especially for Low-Income Housing Tax-Credit (LIHTC) financing making it more challenging for projects to obtain sufficient funds to start construction. For market rate housing projects, financing had generally been available; however, rising interest rates, which began in 2022, in combination

⁶ This estimate assumes the following: the City would need to subsidize all the development of extremely low-, very low-, and low-income units; no affordable homes are created by the private market through Inclusionary Housing requirements; City subsidy is capped at \$200,000 per unit for extremely low-, very low-, and low-income units; and, subsidies for moderate-income units are excluded.

⁷ Assumes City subsidy comprises 20% of total development costs.

⁸ Index from TBD Consultants.

⁹ Construction costs do not include the cost of land or other indirect costs such as permitting fees or professional services.

with rising construction costs, have recently impacted the availability to finance these projects. These rising costs may continue to impact project financing and therefore dampen market rate housing production in the near term.

Resident Opposition: As with many jurisdictions throughout California, proposals for new housing development, both market rate and lower income developments, may often be opposed by residents who raise a variety of objections. These objections include the process for approval or concerns about the impacts of a project. This opposition can lead to longer review periods or result in material changes to a development proposal that impact costs or the number of units to be built. The resulting delays and added costs can be considered a constraint on housing in the City. To address this constraint, staff is proposing a City Ministerial Infill Housing Approval Ordinance (Chapter 3, Housing Goals and Policies, Program P-7). So long as they meet minimum requirements, projects processed under a ministerial review involve little or no discretion, are evaluated without any subjective judgment from planners, and do not require a public hearing.

Governmental Constraints

Fees and Exactions: The City collects impact fees, taxes, and exactions from new residential development to finance new public infrastructure, such as parks; to cover the cost of adding new capacity to existing public infrastructure such as wastewater; and to cover the cost of processing permits. Based on analysis done for the Housing Element and for the City's Cost of Residential Development Reports, San José's fees and taxes are in line with other jurisdictions in the area. Overall, the City's fees and exactions do not represent an undue constraint on housing. However, since this is an area the City directly controls, there are some programs and policies identified related to fees and taxes (Chapter 3, Housing Goal and Policies, Program P-10). This includes an existing program to reduce impact fees and construction taxes on residential high rise in downtown, an existing 50% reduction of park impact fees for affordable housing, and a suspension of construction taxes for affordable housing that staff will bring forward in fall 2023. Additionally, the City intends to continue work on the Development Fee Framework which will provide transparency for developers and clarity to City decision makers on cost implications of housing development fees.

Urban Village Strategy: Urban Village planning requires significant staff resources and advanced planning. Since the adoption of the General Plan in 2011, staff has planned 14 urban villages areas—an average of 1.2 every year. While housing development may proceed in unplanned urban villages through General Policies IP-5.10 and IP-5.12, these policies do not provide opportunities for residential and mixed-use residential development outside of 100% affordable developments and "Signature" projects. Essentially, unplanned urban villages are not yet primed to facilitate residential development. To address this constraint, staff is proposing the following programs: 1. evaluate the Urban Village strategy to help unlock opportunities for more housing; and 2. Identify funding for, and conduct program-level CEQA analysis as part of the process of developing or updating Urban Village plans to help speed developments' timelines. (Chapter 3, Housing Goals and Policies, Program P-40, P-37).

Housing Resources & Sites Inventory

For the Sixth Cycle housing element, the City is also required to identify resources available to the City for the preservation, rehabilitation, and production of housing throughout the community. This includes programmatic and financial resources, such as those offered locally or through State or Federal partners. These resources also include sites, or "Opportunity Sites" as used throughout the document, within the City that were identified as eligible for accommodation of the City's RHNA Requirements. Pursuant to Government Code Section 65583.2(a) the following sites are eligible for accommodation of the City RHNA: vacant sites zoned for residential use; vacant sites zoned for nonresidential use that allow residential development; residentially zoned sites that are capable of being developed at a higher density; or sites

zoned for nonresidential use that can be redeveloped for residential use, and for which the Housing Element includes a program to rezone the site.

The City's Housing Sites Inventory is summarized below in Table 2. Opportunity sites identified within the below Inventory Summary are included in **Exhibit E**, and can be viewed online at www.sanjoseca.gov/housingelementupdate.

Table 2: San José's Housing Sites Inventory

Site Category	LI (includes ELI/VLI)	Moderate	Above Moderate	Total
Pipeline/Pending Projects	5,387	178	14,877	20,442
Projected ADUs	1,733	866	866	2,888
Opportunity Sites	20,663	10,545	20,874	52,082
Total	27,783	11,604	36,040	75,427

A total of 474 opportunity sites from across the City are included in the Sites Inventory. State law requires each jurisdiction to demonstrate that sufficient land is zoned to provide housing capacity that is adequate to meet the RHNA for each income level. To determine housing capacity, City staff and the consultant, Tolemi, who helped staff launch the [SJ Housing Site Explorer](#)—an interactive, web-based map and data site to help identify potential sites for new housing development—conducted a comprehensive inventory of all vacant and nonvacant developable land within the City limits that already allows for housing and is available to develop within the Housing Element planning period. In particular the City focused site identification in four main areas:

1. Urban Villages with adopted plans
2. Urban Villages without adopted plans
3. Downtown/Diridon Station Area
4. North San José

When identifying sites for the inventory, City staff filtered for parcels that had characteristics more conducive to development during the planning period. While the exact methods varied depending on location, they generally included filtering out properties that already had multifamily uses, were on the City's [Major Development Projects list](#), had Planning permits issued within the last four years, had new construction Building permits in the last eight years, and were smaller than 0.5 acre. Exceptions to this are sites in Downtown and the Diridon Station Area Plan (which only remove sites if they were smaller than the smallest site developed during the last planning period and added a new filter for historic buildings), North San José (where site identification is proceeding in conjunction with a separate zoning update – see paragraph below), and planned Urban Villages (where sites were limited only to those planned or intended for residential development).

There are 18 properties on the sites inventory in North San José that will be rezoned after the June 20, 2023, City Council hearing for the new Housing Element. These sites will require both a general plan and zoning overlay to allow for housing. This work must be completed by January 31, 2024 pursuant to Housing Element law (Gov Code 65583(c)(1)A). Information on this workplan is found in the November 15, 2022 City

Council staff report.¹⁰ This work to create overlay zones is also included in the new Housing Element as a program (Chapter 3, Housing Goals and Policies, Program P-3).

Policies and Programs

The new Housing Element includes a set of goals and strategies intended to promote the preservation, rehabilitation, and production of housing throughout the City. Goals are broad and comprehensive targets that describe the future outcomes the City desires. Strategies are a general way to describe actions the City will undertake during the planning period. They consist of policies, programs, and activities that the City would do either alone or in partnership with other organizations and the community. A summary of draft goals and strategies included within the City's draft Housing Element Update is included below:

The Housing Element includes the following five goals and related strategies that create the framework for how the City of San José will address housing needs during the planning period.

Goal 1: An abundant and affordable housing stock. Strategies focus on both market-rate and affordable housing production.

Goal 2: Sufficient housing for people experiencing homelessness. Strategies include providing permanent and temporary housing for people experiencing homelessness, funding the delivery of services to people without homes and in service-enhanced housing, and helping to prevent people from becoming homeless. With its partners across the County, the City seeks to do this work with an equity lens, focusing its work and identifying priorities based on needs of and feedback from people with lived experience of homelessness.

Goal 3: Housing stability and opportunities to build wealth for all residents. Strategies focus on ensuring that all forms of tenure, including ones not common today, can provide households with stability and the foundation for a better life. These strategies address renter stability and access, fair housing, tenant protections, and wealth building.

Goal 4: Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources. Strategies focus on targeted neighborhood investments and access to higher-resource areas.

Goal 5: Racially and socially inclusive neighborhoods that overcome past and present discrimination. Strategies focus on housing for special populations. They also include systems-oriented strategies such as equity-focused outreach, decision making bodies, and planning and advocacy structures. The systems-oriented strategies put more protected class residents, and their lived experiences, into the City's decision-making process and program offerings. In the long-term, these changes should support improvements in neighborhoods' inclusiveness and equity.

Evaluation of Past Progress

The City of San José's [Fifth Cycle Housing Element](#) was adopted by City Council on January 27, 2015, and included a Regional Housing Needs Allocation (RHNA) of 35,080 total units of housing and an Implementation Work Plan that included over 80 planned programs, policies, and activities. The City exceeded Fifth Cycle goals for market-rate housing and met or exceeded almost all Work Plan items. While the City did not meet RNHA goals for affordable housing, the City has developed new local funding sources for affordable housing development which should aid in meeting future goals. In addition, the City met substantially all of its applicable work plan goals. A full analysis of the Fifth Cycle programs and policies work can be found in Appendix C of the 2023-2031 Housing Element.

¹⁰ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=5920049&GUID=C963AC4B-C3F0-45A3-AF88-6501D081451C&Options=&Search=>

Community Engagement

Consistent with State Law, the City developed and implemented a robust public participation strategy for the Sixth Cycle Housing Element Update process. The objective was to involve all segments of the population and gather a wide range of feedback on key components of the documents with a focus on reaching underrepresented populations. The strategy involved using a variety of methods to involve the public and stakeholders, including community meetings, online surveys, focus groups, working groups, stakeholder meetings, tabling at community events, a podcast, and a documentary movie screening with speaker panel event.

These efforts also included public meetings of the City Council, Community and Economic Development Committee (CEDC), Planning Commission, Housing and Community Development Commission, Neighborhoods Commission, and Neighborhood Services and Education Committee (NSE) and are summarized within the Appendix H of the Housing Element Update and below.

The extensive outreach and engagement process began in 2019 with the AFH. The engagement activities conducted for the AFH and Housing Element Update are listed below, summarized in Chapter 2 of the Housing Element, and described in detail in the Appendix H of the Housing Element Update.

Community Meetings	Date	
1. San José Community Meeting at Hillview Library	November 13	2019
2. San José Community Meeting at Southside Community Center	November 16	2019
3. San José virtual Community Meeting	September 2	2021
4. San José virtual Community Meeting	December 13	2021
5. San José virtual Community Meeting	May 25	2022
6. San José virtual Community Meeting	June 1	2022
7. San José Community Meeting at Gardner Center	June 4	2022
8. San José virtual Community Meeting	July 27	2022
9. San José Community Meeting at Mexican Heritage Plaza	August 8	2022
<i>City Commission and Council Committee meetings on Housing Element/Assessment of Fair Housing</i>		
1. Housing and Community Development Commission	January 27	2022
2. Neighborhoods Commission	February 9	2022
3. Neighborhood Services and Education Committee	February 10	2022
4. Community and Economic Development Committee	February 28	2022
5. Housing and Community Development Commission Study Session	October 13	2022
6. Planning Commission Study Session	November 16	2022
7. Housing and Community Development Commission Study Session	December 8	2022
8. Housing and Community Development Commission Study Session	January 12	2023

Affirmatively Furthering Fair Housing (AFFH)

Assembly Bill 686 (AB 686, 2018) created new requirements for jurisdictions to affirmatively further fair housing as part of the Housing Element Update process. These requirements found in Government Code Section 8899.50 are intended to address racial inequalities seen today throughout the Bay Area that developed as a result of historical policies and practices enacted at federal, state, regional and local levels and across the public and private sectors. Although many of these explicit forms of historical discrimination have been outlawed, the results of these systems have left a lasting imprint on both the Bay Area region and the City. Racially explicit practices (e.g., racial covenants) which excluded persons of color from

predominately white neighborhoods have been replaced with race-neutral land use policies that continue to exclude these same groups. Furthermore, rapidly increasing housing costs have deepened racial and economic disparity and segregation, displacing many low-income individuals and people of color to the peripheries of the region or out of the Bay Area altogether.

Accordingly, the City must incorporate fair housing considerations into its Sixth Cycle Housing Element to increase housing opportunities in high resource neighborhoods and bring additional resources to traditionally under-resourced neighborhoods. The following section summarizes how the City's Housing Element Update addresses the various components of the AFFH requirement.

Targeted Community Outreach

The City must demonstrate "meaningful, frequent, and ongoing community participation, consultation and coordination" as part of the Sixth Cycle Housing Element process. This is intended to ensure that input has been received from groups historically and presently most impacted by fair housing issues and that local knowledge is incorporated into Housing Elements. Accordingly, staff implemented the following targeted community outreach efforts:

- Staff offered Spanish and Vietnamese interpretation at the community meetings, translated the online surveys and the outreach materials advertising the meetings and surveys and ran Facebook ads. These efforts were particularly successful for the Fall 2021 online survey, which received 155 responses in Spanish and 150 in Vietnamese (305 of 640 total responses).
- Staff scheduled the community meetings aimed at the general public in the evenings and offered alternative meeting times and methods to increase opportunities to provide input (such as a weekend event and virtual options to participate). Staff also offered refreshments and activities for children at the in-person meetings.
- Focus groups were a key method for reaching underrepresented populations. Staff hosted 21 focus groups of people from protected classes, such as unhoused people, LGBTQ+, veterans, survivors of gender violence, persons with disabilities, and people of Black/African ancestry.
- Staff also partnered with several local organizations to encourage direct participation in the process among underrepresented populations and communities with protected characteristics, as well as to indirectly represent these populations through their relationship to these communities. By partnering with local organizations, connections and trust with underrepresented populations can be built. Staff met regularly with SV@Home and Law Foundation of Silicon Valley as the countywide equity collaborative partners and co-created a number of issue-based working groups, comprised of organizations representing a wide variety of stakeholders and protected classes, including persons with disabilities, unhoused residents, tenant advocates, and communities of color. Staff also met early in the outreach process with the Race Equity Action Leadership (REAL) Coalition, comprised of leaders in many local nonprofit organizations, service providers, and advocacy organizations. Additionally, staff sent email updates to a list of approximately 100 community leaders and prepared outreach materials that could be easily distributed.

Assessment of Fair Housing

The City must also describe and analyze the unique housing circumstances of the City. This analysis is referred to as an Assessment of Fair Housing (AFH) and analyzes circumstances within the City pertaining to Fair Housing issues including: San José's history of segregation and its effect on opportunities and access for people of color, homelessness, fair housing violations, lack of accessibility for disabled persons and lack

of information and community engagement.

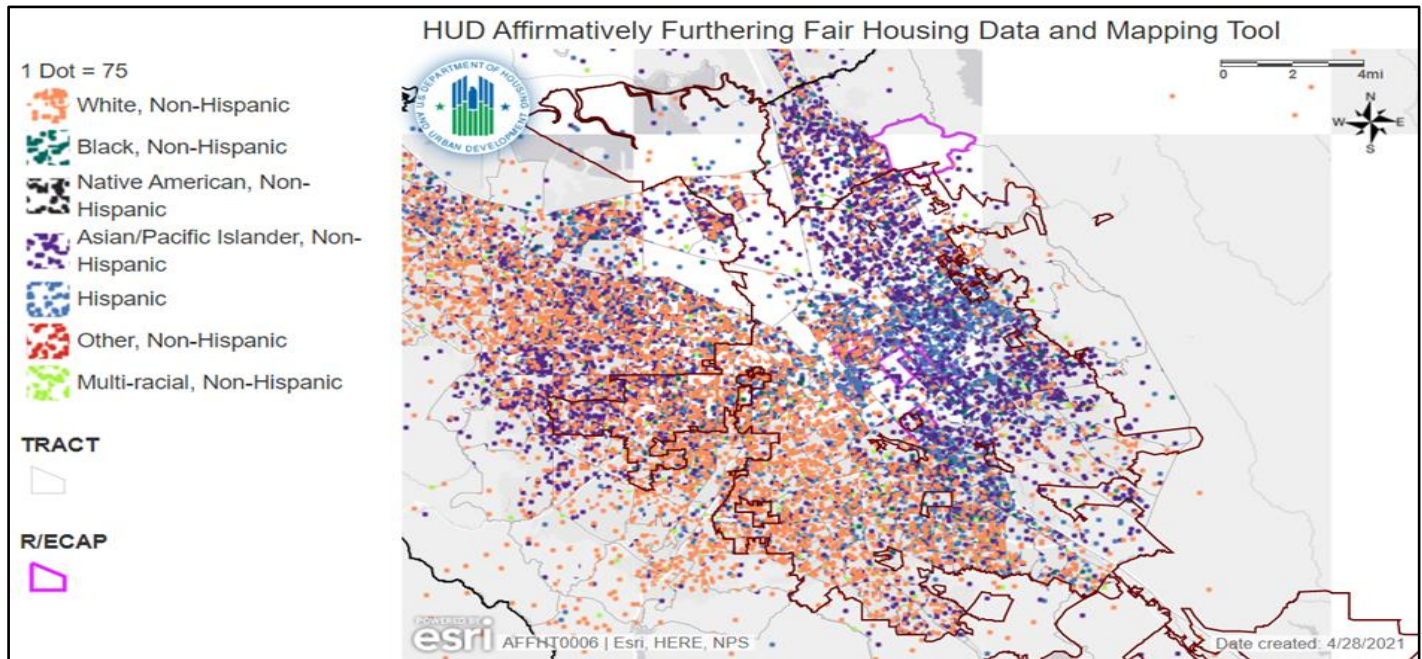
Fair Housing Outreach Capacity and Enforcement

The City's AFH includes information regarding the City's Fair Housing Outreach Capacity and Enforcement methods which includes its ability to provide fair housing outreach and enforcement. There is a continued need for fair housing rights and education and enforcement, especially in the City's rental market. Despite the City's and its partners' ongoing efforts, there is still evidence of housing discrimination beyond what is reflected in official complaints, especially in terms of discrimination of people with disabilities (large numbers of inquiries reported despite a smaller percentage of complaints filed; multiple reports from community members during our community outreach process) and source of income discrimination (multiple reports during community engagement of applicants with Section 8 and other rental vouchers being turned away from rental opportunities). HUD maintains a record of all housing discrimination complaints filed in local jurisdictions. These grievances can be filed on the basis of race, color, national origin, sex, disability, religion, familial status, and retaliation. HCD also provides data for each County and census tracts, when available, through the Affirmatively Furthering Fair Housing Data and Mapping Resources. Data compiled by HUD's Office of Fair Housing and Equal Opportunity (FHEO) and provided to the state database shows 13 cases for the County of Santa Clara from January 2006 to July 2020. Of these cases, seven were related to a disability bias, three were related to a racial bias, and three were related to familial status. HUD also tracks inquiries submitted in each jurisdiction. While these are not official cases, there is still value to identify concerns that residents have about possible discrimination. These inquiries may not have been pursued by the resident for any number of reasons. The dataset shows 225 inquiries in San José related to a disability bias.

The City contracts with local service provider Project Sentinel to conduct fair housing testing and investigation in addition to outreach and education. An example of fair housing testing would be to send multiple applicants of different races or ages but similar other characteristics to apply for the same apartment to test whether they would be treated differently on the basis of their race or age. Project Sentinel conducts fair housing educational workshops and trainings, including to housing providers, in addition to participating in community events, trade shows, and distributing fair housing brochures to San José residents and housing providers. The City also contracts with the Law Foundation of Silicon Valley to coordinate a consortium of fair housing service providers (Consortium). Through this contract, five programs provide services to support fair housing in San José. In addition to legal services and representation, the Consortium provides ongoing Fair Housing outreach and education services related to Fair Housing on behalf of the City. This work includes group trainings on housing discrimination and fair housing rights.

Segregation and Integration Patterns

The City's AFH also analyzes segregation and integration patterns within the jurisdiction as well as regionally. Segregation and integration patterns are analyzed by evaluating the concentration (or lack thereof) of protected groups within the community, relative to their distribution across a larger geography. As visually represented in the racial dot map below (**Figure 1**), the City has readily observable patterns of where people live by race.

Figure 1: Racial Dot Map of San José

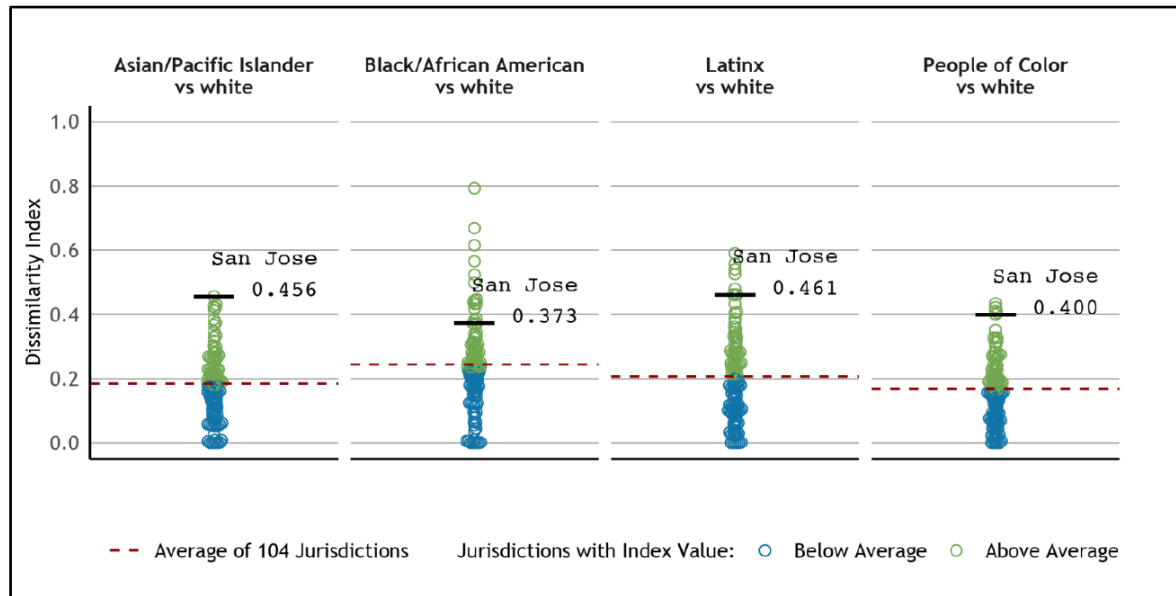
Source: U.S. HUD AFH Map

By standard measures of segregation¹¹ and as shown in **Figure 2**, the City is one of the most segregated cities of the 100+ cities in the nine-county Bay Area.

¹¹ AFH standard measures of segregation include the Dissimilarity Index (which compares the relative geographic distribution between two populations), the Isolation Index (which measures how likely a single population is likely to live near other populations), and the Theil's H Index (which indicates how likely an individual is to live in a neighborhood that has the same demographic breakdown as the whole jurisdiction). Relative to the rest of the region, the City scores poorly on all of these measures.

Figure 2: Segregation/Dissimilarity Indexes for 9-county Bay Area

Note: a dissimilarity score of 0.4 or higher indicates that a population is segregated.



As discussed further in the City's Assessment of Fair Housing (see Attachment B of the Housing Element), these patterns of segregation are rooted in racist policies and practices – implemented by both public (such as the City) and private entities (such as banks) – including redlining, discriminatory lending policies, urban renewal, and inequitable land use policies.

Racially and/or Ethnically Concentrated Areas of Poverty (R/ECAPS)

The City's AFH includes an analysis of Racially and or Ethnically Concentrated Areas of Poverty (R/ECAPS) based on the following criteria:

- HUD-identified R/ECAPs
- San José's updated list of R/ECAP tracts, using HUD's criteria but with 2019 5-year ACS, per the following:
 - Population less than 50% non-Hispanic White,
 - Poverty rate greater than 22.5%¹²;
- San José's additional extremely low-income tracts, using 2019 5-year ACS per the following:
 - Population less than 50% non-Hispanic White
 - 40% of the tract households had an annual income less than \$35,000 (the 2019 California Poverty line for a family of four, as determined by the Public Policy Institute of California¹³).

San José has six of eight of the County's HUD-identified R/ECAPs. When expanded to include all three combined criteria above, there are 16 total R/ECAP tracts in San José with a total population of 78,493 (or

¹² HUD defined poverty rate for R/ECAPs is the *lower* of 3x the MSA poverty rate OR a 40% poverty rate. Per the 2019 5-year ACS, the Santa Clara County poverty rate is 7.5%. Three times this rate is 22.5%.

¹³ <https://www.ppic.org/publication/poverty-in-california/> -- Because of the higher cost of living in California than for the nation as a whole, the Public Policy Institute of California calculates an alternative poverty threshold to the federal Poverty Line that is more aligned to California's generally higher costs.

approximately eight percent of the City's total population). These tracts are generally in the center of the City, around Downtown, and slightly to the east and the south of Downtown.

Racially Concentrated Areas of Affluence (RCAA)

San José staff used the following criteria to identify Racially Concentrated Areas of Poverty and Affluence:

- Census tracts in which the population is greater than 67.3% non-Hispanic White plus Asian Indian and Chinese populations -OR- where the non-Hispanic White population is greater than 49.1% of the total tract population;¹⁴
- Census tracts in which the median income is above \$112,852.50¹⁵

With these criteria and using the 2019 5-year ACS, there are 46 total RCAA tracts in San José with a total population of 260,394 (or approximately 25% of the City's total population). These tracts are generally in identifiable clusters: in the Evergreen Hills, in west San José between Cupertino and Saratoga, in the Willow Glen neighborhood, in North San José, and in Almaden Hills.

Disparities in Access to Opportunity

The City's AFH also evaluates disparities in access to opportunity within the City. These areas have substantial differences in access to education, transportation, economic and environmental outcomes. One measure of access to resources by neighborhood is the State of California's Tax Credit Allocation Committee (TCAC)/HCD Opportunity Map, where census tracts are scored by a number of factors. These factors include test scores of schools in the neighborhood, exposure to pollution and other environmental risks, proximity to jobs, and median home values. Overlaying the R/ECAP and RCAA maps with the TCAC/HCD Opportunity Map shows that:

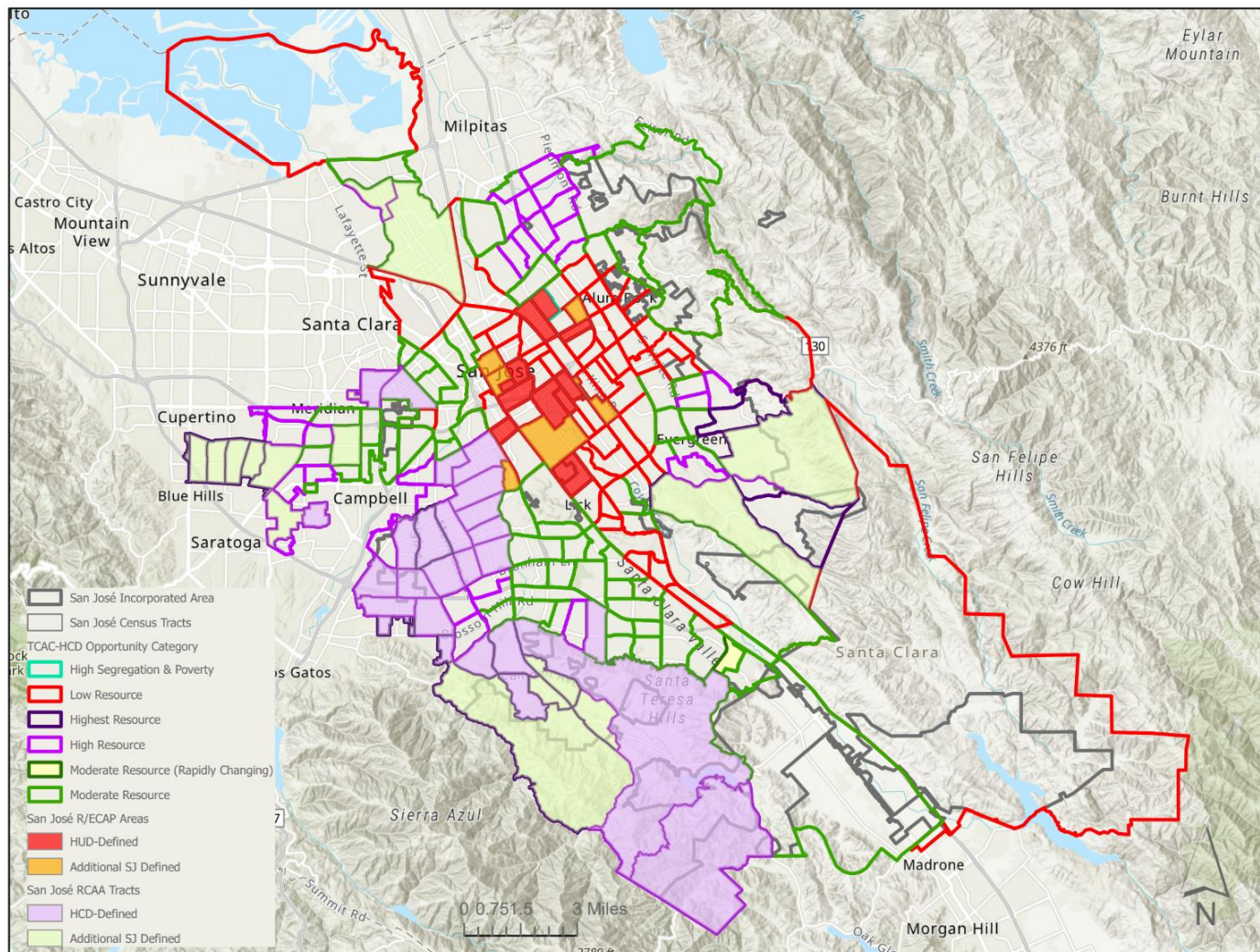
- All R/ECAPs (i.e., 100%) are in census tracts classified as "Low Resource" or "High Segregation and Poverty", and
- Almost all RCAAs (i.e., 91%) are in census tracts classified as "High Resource" or "Highest Resource." The remaining 9% of RCAAs are in "Medium Resource" areas.

In comparison, the City's total population is split approximately one-third in High Resource tracts, one-third in Medium Resource tracts, and one-third in Low Resource tracts (see **Figure 3**).

¹⁴ This prong of the test incorporates both a locally-specific criterion (i.e., adding Asian Indian and Chinese Americans as racially advantaged groups) and HCD's recommended criteria for RCAAs.

¹⁵ Per HCD recommended criteria, the RCAA tract income threshold is 150% of the California median household income.

Figure 3: TCAC/HCD Opportunity Map Overlay



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Across a wide variety of demographic, housing, and economic metrics, R/ECAP and RCAA areas are very different. As per the definitions of each area, the metrics for RCAAs are consistent with concentrated affluence and the metrics for R/ECAPs are consistent with concentrated poverty.

Disproportionate Housing Needs (for Low-Income Households and Protected Classes)

The City’s AFH also evaluates disproportionate housing needs among low-income households and protected classes within the City. Disproportionate housing needs are evident when members of a protected group disproportionately experience a housing need in comparison to other groups or the total population. Through its Comprehensive Housing Affordability Strategy (CHAS) dataset, HUD tracks the severity of four “housing problems”: (1) cost burden, (2) overcrowding, (3) household lacks complete plumbing facilities, (4) household lacks complete kitchen facilities. Compared to Santa Clara County and the greater Bay Area region, problems relating to cost and overcrowding are manifest at greater frequency and severity in San José.

Housing Need (All Households)	San José	Santa Clara County	9-County Bay Area
Housing cost burden	38.6%	35.9%	36.9%
Severe housing cost burden	17.6%	16.1%	16.8%
Overcrowding	9.6%	8.2%	6.9%

Severe overcrowding	3.5%	2.9%	2.7%
Lacks complete plumbing	0.2%	0.4%	0.6%
Lacks complete kitchen	0.8%	0.9%	1.3%

These housing problems disparately impact people of color and renters and are disproportionately concentrated in the areas of the City which have lower resources, greater risk of displacement, and more likely to be segregated by race and poverty.

Sites Inventory

State Law requires the City to evaluate whether Housing Sites are identified relative to the full scope of the assessment of fair housing (e.g., segregation and integration, racially and ethnically concentrated areas of poverty and affluence, access to opportunity, etc.). A summary of how Housing Sites were identified consistent with AFFH requirements is included below:

- **Exacerbated Conditions:** Approximately five percent of lower-income sites (includes extremely low-, very low- and low-income groups) are in R/ECAP areas. The vast majority are outside of either a R/ECAP or RCAA area. This low percentage is consistent with fair housing strategies to not concentrate affordable housing in areas that are experiencing racial, concentrated poverty.

Table 3: Site Inventory Sites by RECAP/RCAA Status (total and percentage)

	In a R/ECAP	In a San José Defined RCAA	In neither a R/ECAP nor RCAA	TOTAL
Lower Income	11 (5.5%)	6 (3%)	183 (91.5%)	200
Moderate Income	42 (28%)	0 (0%)	168 (72%)	210
Above Moderate Income	153 (0.7%)	0 (0.0%)	48 (99%)	49
Mixed Income (Lower Income & Above Mod)	0 (0%)	0 (0%)	15 (100%)	15
Total	206 (7.9%)	6 (0.7%)	47,562 (91%)	474

- **Isolation of the RHNA:** Approximately 84% of San José's lower-income sites are in Moderate/High/Highest Resources areas per [State HCD maps](#). This indicates that the sites to accommodate low-income RHNA goals are not concentrated in any particular area of the City. Furthermore, more than one-third of sites are in High/Highest Resources areas which have strong economic and educational outcomes. Locating affordable housing in these areas would result in more racial integration of neighborhoods and offer new economic opportunities to low-income people and families.

Table 4: Site Inventory Sites by TCAC Resource Level (total and percentage)

	Low Resource	Moderate Resource	High Resource	Highest Resource	Total
Lower income	33	75	74	18	200
Moderate Income	144	52	14	0	210
Above Moderate Income	5	38	6	0	49
Mixed Income	0	13	2	0	15

(Lower Income & Above Mod)					
Total	182	178	96	18	474

Goals, Policies, and Actions

Table 5 below summarizes a small sample of the policies and programs required by State Law to demonstrate the City's commitment to affirmatively further fair housing as part of the Housing Element Update process. A full analysis can be found in Chapter 3 of the Housing Element.

Table 5: City's Assessment of Fair Housing

Goal/Action Area	Action	Fair Housing Issue	Contributing Factor	Implementation with Housing Element Policy Number
Housing Stability	Increase the number of lower-income people in high opportunity areas	Segregation and exclusion from "High Resource" areas	Patterns of segregation established through redlining and suburbanization	N-5, increase affordable housing production in higher-resource areas S-25, tenant-based vouchers in higher-resource areas
Abundant and affordable housing stock	Create goals and incentives for increased affordable housing production in specified growth and investment areas	Exclusion from growth areas	Past patterns of investment/underinvestment	P-9, Diridon affordable housing production goal P-3, North San José Affordable Housing Overlay Zone
Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources	Better coordinate citywide investments and service programming to target neighborhoods and communities that historically have not been the beneficiary of public and private investments	Inequitable patterns of investment and disinvestment	Patterns of infrastructure investment have historically been to the benefit of suburban expansion and not towards improving quality of life in neighborhoods that were redlined	N-1, outreach and equity-based framework for investment N-7, funding for infrastructure to create complete, high-quality living environments
Housing stability & abundant and affordable housing stock	Anti-displacement programs and policies	Racially disparate impacts of displacement	Displacement disproportionately impacts communities of color	R-7, extend affordable housing restrictions R-2, establish a Preservation NOFA

Goal/Action Area	Action	Fair Housing Issue	Contributing Factor	Implementation with Housing Element Policy Number
				S-10, study on rent increases and rent burden in affordable housing S-20, anti-displacement tenant preferences

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the Housing Element Update, prepared a Draft Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report (Draft SEIR) which was circulated for public review from March 13, 2023, through April 27, 2023. A First Amendment to the Draft SEIR was prepared that provided responses to public comments submitted during the public review period and included revisions to the text of the Draft SEIR. The First Amendment together with the Draft SEIR constitute the Final Environmental Impact Report (FEIR) for the proposed project.

Because the proposed project would facilitate construction of new housing planned as part of the Envision San José 2040 General Plan, the proposed project would contribute to the significant unavoidable impacts identified in the Envision San José 2040 General Plan EIR, including those related to aesthetics, agricultural farmland and forestland, air quality, biological resources, greenhouse gas emissions, noise, population and housing/growth inducement, and transportation. The proposed project would not introduce any new significant impacts, nor would it substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Alternatives

The Draft SEIR analyzed two project alternatives, the No Project Alternative and the Reduced Density in High VMT Areas Alternative. These alternatives could lessen the significant effects of the project and achieve some of the project objectives, in accordance with CEQA Guidelines Section 15126.6.

The No Project Alternative would be identical to the proposed project in terms of the total amount of planned housing within the City, but no shift in 2040 General Plan residential capacity from North San José and the Rincon South Urban Village to other growth areas would occur. However, since neither a housing sites inventory nor the programs necessary to implement the housing sites inventory would be adopted under this alternative, the Sixth Cycle RHNA requirements would not be met and the City's Housing Element would not comply with the requirements of State law.

The Reduced Density in High VMT Areas Alternative would eliminate the addition of housing development capacity to immitigable VMT areas planned as part of the proposed project. That housing development capacity would be removed from the total citywide development capacity, resulting in a net decrease of 680 units. By only reallocating development capacity to Growth Areas in mitigatable VMT areas or better, this alternative would result in a Citywide per capita VMT of 27,007,460 compared to 27,021,232 under the proposed project. Although this alternative would decrease VMT slightly more than the proposed project, both scenarios would represent a similar reduction of -0.02 compared to levels anticipated under buildout of the 2040 General plan. Both the proposed project and this alternative would reduce the severity of 2040 General Plan transportation impacts, but a significant unavoidable impact would remain in both cases.

The Reduced Density in High VMT Areas Alternative would be the environmentally superior alternative because it would achieve many objectives of the proposed project while slightly reducing VMT and associated air quality and greenhouse gas impacts. However, it would do so at the cost of reducing Citywide housing development capacity by 680 units. A reduction of 680 housing units would not meet the City's RHNA goals and achieve compliance with State-mandated housing requirements.

Draft SEIR Public Review Comments

A total of six comment letters on the Draft SEIR were received including two from regional and local agencies and two from members of the public, and one from a Native American Tribe. There was no request for tribal consultation pursuant to SB 18 (2004)¹⁶. City staff prepared responses in a First Amendment to the Draft SEIR addressing the following topics:

Air quality and potential traffic congestion with addition of housing

- Potential adverse impacts to County facilities in Urban Villages receiving additional housing capacity
- Water conservation measures and natural ground water recharge

Draft SEIR Recirculation Unnecessary

Staff responded to the comments and questions in the First Amendment to the SEIR. None of the comments raised represent new significant information that would warrant recirculation of the Draft SEIR pursuant to CEQA Guidelines Section 15088.5(a). The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

The First Amendment was posted on the City's website on May 12, 2023 and all commenters were notified via email of the document's availability. The Draft Supplemental Environmental Impact Report (DSEIR) and First Amendment to the DSEIR are available for public review on the City's website:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/2023-2031-housing-element-update-er21-032> Together, the DSEIR and the First Amendment to the DSEIR constitute the Final SEIR that will be presented to Council for certification.

PUBLIC OUTREACH

As noted above, the City engaged in extensive outreach as identified in Appendix H of the Housing Element.

Staff followed Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings were posted on the City's website, published in the San José Post-Record, and emailed to a list of interested groups and individuals. This staff report and attachments were posted on the City's website. Staff has been available to respond to questions from the public.

¹⁶ Cal. Gov. Code Section 65352.3.

Project Manager: Ruth Cueto

Approved by: /s/ Michael Brilliot, Deputy Director for Christopher Burton, Planning Director

ATTACHMENTS:	
Exhibit A:	HCD Review Letter
Exhibit B:	2023-2031 Housing Element
Exhibit C:	Housing Element Adoption Resolution
Exhibit D:	CEQA Resolution
Exhibit E:	Sites Inventory (web-based map)

GPT22-001 & ER21-032

Links to Attachment A - E

Click on the title to view document

Exhibit A: HCD Review Letter
Exhibit B: 2023-2031 Housing Element
Exhibit C: Housing Element Adoption Resolution
Exhibit D: CEQA Resolution
Exhibit E: Sites Inventory (web-based map)

Correspondence After 5/17/2023

Attachment B

Summary of Commissioner and Public Comments on draft Housing Element

Study Session #1 – October 13, 2022

Public Comments

Jessica Martin (SV @ Home)	Encouraged programs, policies and housing element to be reflective of the housing needs assessment since those housing needs are based on community outreach. Expressed creation of policies and programs should be feasible and rooted in the reality of housing development in the City, rather than created solely to meet the expectation of the state. Asked for more specificity, in terms of timelines and metrics, in the strategies so they can be better tracked for progress, especially for programs in the next planning period.
Deanne Everton	Voiced support for R-6, mobile home preservation, and R-11, single family home repair. Noted benefits of preservation to keep affordable housing affordable for many years, neighborhoods diverse and neighborhood improvements.
John	Voiced support for P-40, revaluation of urban village projects, to improve the process from piecemeal to holistic, in part so the community can have a better understanding of projects. Suggested more publicization of the Housing Element process so that community can provide feedback.
Kathryn Hedges	Voiced support for CEQA analysis of entire urban village as an ecosystem instead of separate parcels.
Jean Adams	Voiced concerned for lack of water for new housing.
Sandra	Expressed support for waiting on P-11 to see how the rest of SB9 projects go before extension.

Commissioner Comments

Commissioner	Comment
Martha O’Connell	Expressed concern for strategy R-10 and the transfer of mobile home park inspection from a state function to a city function. Questioned why the City is proposing taking over this function. City staff Kristen Clements responded the proposal came from the need for more inspections and better physical conditions at parks. Commissioner O’Connell responds that she is not hearing the same concerns or seeing the need in call logs. Voiced concerns about the cost of City operation of mobile park inspection, including hiring staff, if there is lack of evidence of a problem with the state providing local inspection. Stated that park residents and landlords agree on the issues of R-10. Voiced concern for unintended, and potentially catastrophic, consequences of turning park inspections over to new people.
Ryan Jasinsky	Questioned why the City would want to take over code enforcement in mobile home parks. Stated that the state has provided this service, has increased inspections, and generally improved the process. Expressed concern that the City would increase costs by providing inspections without improvement, and likely confuse residents and owners alike. Noted the state has had challenges in hiring inspectors, and the City would surely find it a challenge as well. Stated if City wanted to improve the process, they could focus on encouraging tenants and owners to call the state when they have concerns.
Huy Tran	Voiced general support for any policy that gets more units built, specific support for P-7, fast tracking of policies/programs, and any policies or programs that provide more incentives for affordable housing production. Noted that the City hit their RHNA goals for market rate housing, but not for affordable housing. Voiced concerned for units sitting empty and encourage the City to find ways, whether by tax or program, to get units occupied. Questioned how plans for development in North San Jose have changed, since plans were historically focused on economic development and not necessarily incorporating some forms of housing, encouraged the City to reexamine and take a more up to date approach. Voiced support for improving the siting policy, strategy P-17 because it is an opportunity to address historical barriers and harder conditions for communities of color to thrive. Asked what feedback on the siting policy had already been received from community and if any conclusions had been made. Voiced support for pursuing a siting policy that would encourage integration of communities and reflect the population of the City.

Barry Del Buono	Voiced support for using school sites for affordable housing, and locating affordable housing without commercial on first floor, because commercial development is expensive.
Andrea Wheeler	Asked for a timeline of the housing development projects to be included in the Housing Element because some projects are being wrapped up, and others are in early phases. Voiced concern for the “artificial boundaries” in urban villages, that limit examination of projects or public ability to comment. Expressed concern for water availability for housing development projects, and concern for fire safety when considering housing development in the foothills. Also expressed concern that nearby cities don’t meet their RHNA goals, which undermines the City’s efforts and encouraged the City to consider lobbying at the state level for better enforcement. Asked to see which projects are high priority for the City.
Linh Vong	Voiced support to consider parking, especially in lower income areas, where there is so little parking and multiple families living in units. Also voiced support for moderate income policies to support people who are not able to afford to live in the City. Encouraged the City to consider a rent to own program.
Roma Dawson	Voiced support for regional solutions to the housing crisis. Voiced support for including timing information, as well as benchmarks, into the strategies of the Housing Element. Expressed concern for weak renter protections, and voiced support for more attention on preservation projects. Voiced support for broader models of housing like what is described in H-5. Voiced support for infill development, P-7, adding that it is easier to accomplish as compared to other types of development. Encouraged City to research overlap of climate goals and infill development, citing the organization Greenbelt Alliance, which has developed metrics. Also voiced support for these policies to support affordable housing, rather than other types of housing. Voiced concern for building market rate housing first, in programs under P-9 for example, instead of prioritization of affordable housing. Stated that deadline of 2027 for density bonus, P-19, is too late, and should be worked on right away. Expressed frustration with P-17 and difficulty understanding what community wants. Expressed concern that ADU amnesty, P-26, hasn’t already been completed, and encouraged staff to prioritize because it is an easy way to increase affordable housing. Voiced support for P-34 on a regional level. Stated R-1 and R-2, preservation NOFA is critical, and should be prioritized. Referenced a statistic from Bay Area Council website which states that for every 1.5 job added, at least one housing unit should be added, and the City added 4.3 jobs per housing unit for 2011-2017 time period, which has created a massive housing deficit. Voiced support for P-9, and for expanding to R-2 and historic.

Ruben Navarro	Voiced support for policies that allow people to stay in their homes, and policies to promote ADU construction. Stated that preservation of housing is cheaper and supports fiscal responsibility. Encouraged the study of ADU affordability, P-27, and feasibility through an equity lens.
Alex Shoor	Encouraged increases in building densities to accomplish RHNA goals. Voiced support for P-19, increasing density bonus to 10%, if not more. Acknowledged that RHNA goals are high, housing shortage is severe, and it is difficult to build housing. Emphasized the need to make the process of building housing easier throughout the City to achieve goals, with less concern for location. Voiced concern for P-3, not just for North San Jose, but for other parts of town as well. Voiced support for approval ordinance for lots of different projects that prioritize more housing and different types of housing that cater to our communities. Voiced support for developing a webpage, P-10, for development fees and staff contacts to make the development process easier to navigate and transparent. Expressed that City should focus on a lot more business corridors, not just 3, P-14. Voiced concern for requirement of ground lease structure, P-16, because requirements can slow down development process. Pointed out that development on school sites should also be done at higher densities in order to reach housing goals. Voiced support for ADU subsidy program. Voiced support for incentivization for owners to rent to lower income renters. Voiced support for P-32, higher subsidies per unit. Voiced support for P-31, targeting areas close to transit.

Study Session #2 – December 8, 2022

Public Comment

Paul Soto	Commented that there have been generations of inequity in the Chicano community, caused by redlining, and that unless the City provides Section 8 housing and allows pitbulls, the overall discussion is rhetorical.
Jerome Shaw	Expressed concern that mental health services are not provided or considered more when discussing homelessness. Voiced support for providing mental health services even after someone has found housing.

Commissioner Comments

Commissioner	Comment
Martha O’Connell	Voiced opposition to any preference based on race. (Staff confirmed that any and all housing programs adhere to applicable law).
Roberta Moore	Voiced concerns about increasing regulation and commented on increased administrative costs related to increased regulation. Voiced support for increasing homeownership programs and opportunities to build wealth. Also supported the idea that the City should make it easier to safely and cost effectively find housing, stay housed and buy housing.

Commissioner	Comment
Andrea Wheeler	Commented on the large number of strategies and the inability for anyone to comprehend all of them. Encouraged staff to add information about the impact of each program.
Roma Dawson	Encouraged the City to do a better job of educating the general public, noting opposition forms when there is misinformation. Encouraged the City to engage regionally and at the state level. Cited the 5 wounds project as an example of a regional solution and encourages more regional efforts. Voiced support for urban villages, upzoning and big picture planning efforts to be frontloaded in Housing Element. Asked for staff to highlight where on the City road map the Housing Element strategies are located, and to cross reference with any prior council decision. Regarding H6, cited the robust roundtable discussion on homelessness convened by Council Member Chappy Jones, and asked about plans to integrate a care court. Asked if strategy H10 could be completed sooner. Commented that strategies H11 and H12 should focus on public outreach instead of to people who are already familiar with housing issues. Voiced support for preservation as a way to keep people housed in light of the heavy burden and costs associated with building and financing affordable housing.
Victoria Partida	Suggested acquiring funding intensive case management, in addition to state and federal funding, needed for street-based services referenced in strategy H10. Encouraged adding a metric to track how many people engaged in street-based services obtain housing as a better metric to measure success. Commented on the cyclical nature of unmaintained properties (where complaints are filed, waste is remedied and then property returns to unmaintained or hazardous state) and wasted time in tracking down unresponsive owners to maintain their properties. Voiced support for strategies that promote homeownership noting the importance of homeownership to build generational wealth.
Linh Vong	Agreed with idea to provide mental health services and other services after people have been housed. Voiced support for accountability for all agencies who receive funding. Encouraged staff to solicit feedback from the people they are serving as a way to gauge if they are getting what they need. Expressed concern that owners are often unwilling to rent to formerly homeless or those with mental health issues. Encouraged City to solicit feedback from owners on what their needs are in order to incentivize them to provide housing to formerly homeless or those with mental health issues.
Barry Del Buono	Asked that the strategies be organized by project or program, with blue lined text added to indicate which programs are set for expansion.
Ruben Navarro	Thanked staff for the work they are doing and for designing the strategies. Expressed support for home ownership in order to create more additional dwelling units (ADUs), build wealth and to help in racially and socially inclusive neighborhoods.
Roberta Moore	Suggested staff adopt a business plan approach to describe strategies which would include goal, strategy and money needed for each. Encouraged City

Commissioner	Comment
	to build more housing for residents to buy. Voiced support for homeownership as means to build generational wealth.
Alex Shoor	Voiced concern that strategy H5 is too restrictive. Voiced support for H12, updating relocation assistance, community conversation about homeless housing, Commissioner Partida's comments on code enforcement, S11, S17 ban the box ordinance, S26 tenant outreach and education, Tenant Protection Ordinance (TPO) expansion, Duplexes in TPO, advocacy for tenant-based vouchers and collaborative court. Suggested City look at including single family homes in TPO. Suggested City consider use a more local measure for Area Median Income (AMI) because it varies so widely and can unfairly price people out of affordable housing.
Ryan Jasinsky	In response to Commissioner Shoor's comments about including single family homes in TPO, commented that Costa Hawkins prohibits rent control on single family homes.

Study Session #3 – January 12, 2023

Public Comment

Paul Soto	Expressed concerns for racism that has created redlined maps of the City. Voiced support for a tax on high income areas such as Willow Glen to build low-income housing in other areas.
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Commissioner Comments

Commissioner	Comments
Andrea Wheeler	Expressed concern for lack of mass transit in the City and the inability of reduced cost transit fares (strategy N-6) to alleviate lack of transportation access for residents.
Huy Tran	Suggested focusing on policies that would have the most immediate impacts first. Voiced support for strategies P-11, P-13, P-28, P-29 and P-3, P-4, P-5 as priorities for housing. Also voiced support for P-7 as a policy approach within geography already existing. Suggested adding more resources to strategies P-10 and P-8, as was done for P-18. Voiced appreciation for the geographic focus for villages in strategies P-36, P-37 and P-40, including ministerial approval for urban villages, geographic specific.
Roma Dawson	Voiced support for upzoning. Advocated prioritization of changing approval processes from discretionary to ministerial, and lobby at the state and federal level for these changes. Expressed concern for lack of education citywide about redlining, and City's Public Outreach Policy 6-30 should be global. Voiced concern for lack of diversity amongst and commissions representation and suggested increasing efforts to increase diversity amongst commissions. Expressed support for strategies I-13 to I-16, mixed use development. Expressed concern for lack of prioritization and difficulty in transitioning strategies to a workplan. Questioned if emergency shelters can be built by right. Expressed concern for the risk of losing affordable

Commissioner	Comments
	housing listed in the Housing Element. Encouraged protection and preservation of affordable housing to reduce homes lost to market rate conversion.
Roberta Moore	Expressed support to prioritize N-9. Also expressed support for housing near transit, mixed income and similar housing amongst income types. Expressed support for programs and policies to promote homeownership, to right the wrongs redlining. Suggested home ownership should be a metric included in strategy I-13. Voiced concern for the cost of motels as a method for sheltering people who are experiencing homelessness. Voiced support for providing downpayment assistance as means to help people stabilize their housing situation and build generational wealth.
Victoria Partida	Voiced support for strategy N-1, equitable neighborhoods, promotoras program and I-17. Voiced concern for people having to leave their communities because they can't afford the housing costs. Voiced support for outreach but cautioned that often people don't know to advocate for certain resources because they don't know what is possible. Voiced support for motel temporary housing for those whom it would not have a triggering impact.
Barry Del Buono	Voiced support for mixed use, with affordable housing nearby, near transit.
Sketch Oppie	Questioned if strategy N-5 would increase housing in higher resource areas. Expressed concern for unintended consequence of housing in high resource areas which often lack access to transit. Voiced support for input from disability community when designing relevant programs or policies. Voiced support for more outreach, generally, to reach parts of the community where there has been historic lack of engagement. Voiced support for strategies H-2 and H-3, cautioned that hotels can be triggered for people who have been formerly incarcerated, addiction or mental health issues. Voiced concern for a safe parking program that has requirements that deter participation, such as having up to date tags and insurance, which is difficult for someone experiencing homelessness. Suggested providing modifications to eliminate barriers to participation in the safe parking program. Questioned what the City is doing to help smaller organizations, or volunteers, who are already provide services to the houseless communities, increase funding and become nonprofits.
Zenia Cardoza	Questioned if small business were consulted in the conversations around N-2, anti-displacement features. Noted that often when community resources are brought into lower-income communities, local residents are not able to afford to access the resources and end up traveling to other neighborhoods to access similar resources, at lower costs. Voiced concern for the lack of resources, including shelter beds and case workers. Pointed out that the county has 24 detox beds available for the entire population of the county. Suggested the City provide more oversight to organizations

Commissioner	Comments
	providing services to the homeless population because many people are not getting what they need and they are falling through the cracks.
Linh Vong	Suggested adding incentives to building homes with universal design standards, strategy 1-15. Cited delays and challenges in finding suitable housing for people with disabilities due to lack of stock. Voiced support for increasing homeownership to create better neighborhoods. Agreed with other comments made about communities not knowing what to ask for because they don't know resources are available.
Alex Shoor	Asked staff to explore empty house vacant tax. Voiced support for N-6. Suggested the language of N-7 and N-8 be revised because too vague. Regarding community engagement, suggested City hire staff, such as community engagement specialists with disability advocacy experience, instead of hiring and managing external consultants to perform outreach. Voiced support for I-4 and I-5. Voiced support I-7 which would update the City's Outreach Policy. Expressed I-12 is a bit vague on outcomes. Suggested housing reports be made available every 6 months, instead of annually (I-15), since housing crisis is such a big issue. Expressed concern for misinformation, fear and anger that circulates in the community around housing. Suggested doing more to educate the community, including information about why the housing crisis is so bad and how it can be solved.

Chapter 3

Housing Goals and Strategies



Villas on the Park, permanent supportive housing, downtown San José

CONTENTS - CHAPTER 3

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The Housing Element includes five goals that create the framework for how the City of San José will address housing needs during the planning period. Linked to each goal, strategies provide direction for how the City will achieve that goal. They reflect the City's ambition to provide opportunities for a variety of housing at all levels of affordability and types to meet the current and future needs of all residents, and to create equitable and inclusive neighborhoods that support housing choice. Strategies are used here as a general way to describe actions the City will undertake during the planning period. They consist of policies, programs, and activities that the City would do either alone or in partnership with other organizations and the community.

The sixth cycle goals and strategies were developed with and informed by extensive community input, as noted in Chapter 1 and Appendix H. The strategies address issues raised as barriers and problems in the San José market through data from comments by participants in dozens of focus groups, working group sessions, community meetings, and stakeholder meetings. The City's long outreach and engagement started in 2019 and will continue through early 2023. Per the state's requirements, the City's outreach emphasized engagement of members of protected classes and nonprofits regarding those residents' housing and fair housing needs, selected neighborhood representatives regarding neighborhood strategies, and both market-rate and affordable housing developers regarding barriers to housing production. In addition, the general public was engaged throughout so staff could educate on this work, and seek their opinions on the City's draft goals and draft strategies.

The City's five goals are as follows:

Goal 1: An abundant and affordable housing stock

Goal 2: Sufficient housing for people experiencing homelessness

Goal 3: Housing stability and opportunities to build wealth for all residents

Goal 4: Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources

Goal 5: Racially and socially inclusive neighborhoods that overcome past and present discrimination.

Each goal is described in the sections that follow, followed by tables of strategies that would help to achieve that goal. While many strategies achieve more than one goal, they are grouped by the primary goal they would achieve. The tables note additional goals that each strategy supports. Strategies are also tied to the barriers and needs they would address, the input and other plans that supported inclusion of each strategy, City departments involved, type of action, timelines, and metrics by which to measure progress. In the next version of this draft plan, quantitative goals will be identified for those actions that support the City's obligation to affirmatively further fair housing.

Note that some strategies reflect statutory requirements and must be completed. Of the other strategies, most require City Council approval. However, some strategies are presented as more definite than others. This may be because Council has already given direction to staff to do this work, or because certain work is so important to achieve the fair housing and RHNA goals of this plan that these strategies should move forward. Other actions are more preliminary or exploratory in nature, and have less certain wording. The City Council's adoption of this work plan will signify its willingness to commit to the actions contained herein, to the degree that each is stated.

~~Note that strategies "Timing" information that follows indicates either the calendar or fiscal year in which staff anticipates the work would be completed. The exception to this rule is for initiatives which are ongoing, such as advocacy for additional resources, which span the entire sixth cycle period.~~

PLACE HOLDER FOR BENEFICIAL LANGUAGE Strategies demonstrate they will have a beneficial impact within the planning period by naming specific commitment to measurable metrics. Where possible, deliverables occur early in the planning period to ensure actual housing outcomes. Strategies are in short-term, medium term or annual/ongoing in Implementation Tables 3-7, 3-8 and 3-9. Strategies include “Timing” information to indicate either the calendar or fiscal year in which staff anticipates the work would be completed. The exception to this rule is for initiatives which are ongoing, such as advocacy for additional resources, which span the entire sixth cycle period.

City departments that would undertake the strategies work are identified, and outside partner agencies are also mentioned as in the text as appropriate. City departments are abbreviated as follows:

- Budget = City Manager’s Budget Office
- CAO = City Attorney’s Office
- CMO = City Manager’s Office
- DOT = Department of Transportation
- ESD = Environmental Services Department
- Fire = Fire Department
- Housing = Housing Department
- IGR = City Manager’s Office of Intergovernmental Relations
- OEDCA = City Manager’s Office of Economic Development and Cultural Affairs
- ORE = City Manager’s Office of Racial Equity
- PBCE = Department of Planning, Building, and Code Enforcement
- PRNS = Department of Parks, Recreation, and Neighborhood Services
- PW = Public Works Department
- HCD = California Department of Housing and Community Development

3.1 Goal 1: An abundant and affordable housing stock

Housing is essential to a healthy life and must be available to everyone at a reasonable cost. San José needs to support the creation of enough homes over the next eight years to ensure there is an affordable home for every household. While the City does not itself build homes, the City can create policies and programs that increase the rate at which homes are built and ensure a diversity of housing types to meet different needs.

Goal 1 strategies focus on both market-rate and affordable housing production (*Table 3-1*) and preservation (*Table 3-2*).

Table 3-1: Production of Market-Rate and Affordable Housing

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	START/TIMING	METRICS
P-1	Align zoning with the General Plan - Align zoning with General Plan designations for all sites planned for housing by December 2023, including all sites in the Housing Element Sites Inventory by January 31, 2024.	1	Need for housing production	Housing Crisis Workplan	PBCE	Activity	<u>Short</u> <u>2023-24</u> <u>2024</u>	Council approval of zoning changes
P-2	Subsidize extremely low-income housing including permanent supportive housing for homeless - Continue to prioritize funding to create affordable homes for extremely low-income individuals and families, including permanent supportive housing for people experiencing homelessness, to meet the needs of the community and create more balance in the affordable housing portfolio.	1, 2	Need for affordable housing for extremely low-income households Need for housing and services for people experiencing homelessness	Focus groups: • Veterans • Formerly homeless • LGBTQ+ • Indigenous Peoples • Persons with Disabilities Working groups: • Rental access • High-opportunity areas Housing Element community meetings on goals / strategies	Housing	Activity	Ongoing 2023-31	% of City subsidies spent on ELI and PSH # of affordable homes created

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-3	<p>North San José Affordable Housing Overlay Zones -</p> <ul style="list-style-type: none"> Identify areas for housing to be integrated into in North San José and propose changes to the General Plan, zoning code, and Rincon South Urban Village Plan to facilitate the production of all 24,000 planned housing units in North San José. To integrate affordability, create North San José-specific Affordable Housing Overlay Zones that support only Industrial uses, 100% affordable housing, or market-rate housing that integrates affordable units into their developments. Identify locations and rezone sites in the North San José <u>Rezone identified sites</u> in the North San José Affordable Housing Overlay Zones through the Sites Inventory rezoning process. Communicate to the development community about the new program. 	1, 4	<p>Lack of affordable housing units</p> <p>Need for economic diversity in North San José</p>	Support from AFH Advisory Committee to change zoning, land use laws, and land use overlays for multifamily housing development	PBCE	Program	2023 2024	<p><u>December 2023:</u> Council approval of <u>Amendment to General Plan and zZoning eCode Amendments</u> <u>Council approval of Amendment to Rincon South Urban Village Plan</u> <u>Rollout of Zones</u></p> <p><u>January 2024:</u> <u>Overlay sites rezoned</u></p>
P-4	<p>Affordable housing tools for North San José -</p> <ul style="list-style-type: none"> Produce an analysis of new programs and tools to help ensure 20% of all North San José homes are restricted affordable for lower- income residents. Conduct a feasibility study to examine the affordability levels that would be feasible for developers to construct affordable homes on-site, both standalone and combined with a proposed North San José Density Bonus program. Create a North San José Affordable Housing Implementation Plan that identifies strategies and projects affordable units created through these tools and City subsidy. 	5	<p>Lack of affordable housing for lower-income households</p> <p>Need for economic diversity in North San José</p>	<p>Rental production focus group</p> <p>Housing Crisis Workplan</p>	Housing, PBCE	Program	2024-26	<p>Study created</p> <p>Creation of draft tools</p> <p>Council approval of tools</p> <p>Creation of Plan</p> <p>Council approval of Plan</p>
P-5	<p>Affordable Housing Investments in North San José -</p> <ul style="list-style-type: none"> Direct City resources to help ensure 20% of all North San José homes are restricted affordable for lower-income residents. Prioritize City land acquisition in North San José for future 100% affordable housing new construction opportunities, then conduct Requests for Proposals to award land control through groundleases to developers. Ensure that affordable development proposals in North San José are prioritized with the City's funds. 	1, 5	<p>Lack of affordable housing for lower-income households</p> <p>Need for economic diversity in North San José</p>	<p>AFH Advisory Committee</p> <p>From Housing Crisis Workplan</p>	Housing	Program	2023-31	<p># of affordable homes restricted</p> <p># of sites acquired</p> <p># RFP awards & groundleases to affordable developers</p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-6	Regular coordination meetings for affordable housing - To facilitate and speed the construction process for affordable housing, continue Housing Navigator services to coordinate construction-related permits, inspections, and other post-entitlement processes across departments for affordable housing developments, and with external parties such as utilities and other public agencies required to sign off on construction completion.	1	Delays due to need to coordinate, not understanding deadlines, and unclear processes of departments and external agencies	Supported at Housing Element goals/ strategies community meetings Consistent with Housing Crisis Workplan	OEDCA, PBCE, Housing, PW, DOT, Fire, PRNS	Program	2023-31	Housing Navigator budgeted annually # affordable housing developments assisted
P-7	City ministerial infill approval ordinance - • Adopt and implement a City Ministerial Infill Housing Approval Ordinance to streamline approval of infill housing developments that meet City development standards, <u>exceed the required affordable homes than on-site inclusionary housing requirements</u> , and qualify for a CEQA infill exemption. • Make minor revisions to the municipal code to facilitate use of the CEQA exemption for infill development.	1, 4	Ease infill housing development processes to increase development	Working groups: • Housing production • Rental access	PBCE	Activity	2024-25	<u>Outreach to developers</u> Council approval of Ordinance
P-8	General Plan Amendment to remove commercial requirements for affordable housing - Amend the General Plan to remove ground floor commercial requirements for all 100% affordable housing developments throughout the City to improve project feasibility and enable more developments to proceed.	1	Cost of affordable housing development	From Housing Crisis Workplan	PBCE	Policy	2023	Council approval of General Plan amendment
P-9	Diridon affordable housing production goal - Actively subsidize and effectuate production of affordable housing in the Diridon Station Area to achieve the City's goal of at least 25% of housing in this area being restricted affordable by the time of full Station Area build-out.	1, 5	Lack of affordable housing. Need for affordable housing near transit center	From Diridon Affordable Housing Implementation Plan Supported by disability community comments	Housing	Program	2023-31	# of restricted affordable homes in Station Area <u>By the later of Diridon Station Area Plan buildout or 2040: 25% of homes in Station Area as restricted affordable</u> <u>Annual goal: Fund an average of 61 new affordable homes</u> <u>By 2031: 488 affordable homes funded by City</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-10	<p>Standardize and streamline permitting, fees, applications</p> <ul style="list-style-type: none"> Standardize fees through the Development Fee Framework to provide transparency and speed for developers and provide clarity to City decision makers on cost implications of housing development fees. Create webpage with development-related fees and taxes with a staff contact. Continue to improve the City's land use and permitting approval processes to reduce developers' time and cost spent in predevelopment. 	1	Cost and delay of City permit processes and entitlements	Housing production working group Developer focus groups	PBCE, OEDCA	Activity	2024	Policy resolution to Council on Fee Framework Fees webpage created Development applications tools improved
P-11	<p>Explore Allowing "SB 9" Type Housing on Additional Properties</p> <p>Examine allowing SB 9-type projects on properties zoned R-2 Two Family and properties listed on the Historic Resources Inventory. Create design standards to maximize acceptance of SB 9 developments in single family neighborhoods.</p>	1	Increase availability of areas for housing development, especially multifamily housing	General support for creating "missing middle" alternatives from African Ancestry working group Consistent with Housing Crisis Workplan	PBCE	Activity	2024	Council approval of zoning code amendment Council approval of design standards
P-12	<p>Cost of Residential Development Study update - Conduct analysis every 2 to 3 years, or as market conditions warrant, and present to the City Council on the Cost of Residential Development that uses prototypical models of common types of multifamily residential construction in different submarkets within San José. The report will help inform on an ongoing basis governmental and nongovernmental constraints on the production of market-rate and affordable housing in San José.</p>	1	High cost of housing development	From Housing Crisis Workplan	OEDCA, Housing	Activity	2023-31 Periodically	Council presentations Program or fee changes identified and made per updated analysis
P-13	<p>Replacement policy for redevelopment of existing affordable housing units -</p> <ul style="list-style-type: none"> Create a City policy that makes permanent replacement housing obligations in Government Code section 65583.2 subdivision (g)(3) per SB 330. Strengthen the City's implementation of SB 330's replacement housing requirements to preserve affordable housing opportunities. Clarify requirements for developers to speed the predevelopment 	1, 5	Loss of affordable housing stock	Neighborhood equity working group	PBCE, Housing	Policy	2023-24	Council approval of Policy Developer guidance created/improved Website amended

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
	process.							
P-14	Housing in Business Corridors - Update Zoning Code to allow housing in three Neighborhood Business Districts appropriate for housing (13th Street, Japantown, Willow Glen).	1	Need for housing production	From Housing Crisis Workplan	PBCE	Activity	2023-24	Council approval of zoning code amendment
P-15	Moderate-income Housing Strategy - Complete study and implement Council-approved strategy to further rental and homeownership opportunities for moderate-income residents. Obtain Council direction to work on priority programmatic recommendations.	1, 3	Lack of moderate-income housing	African ancestry focus group From Housing Crisis Workplan	Housing, PBCE	Program	2023-24	Council approval of strategy
P-16	Groundleases for affordable housing - <ul style="list-style-type: none"> Require every newly-funded affordable housing development to include a City groundlease structure, or a groundlease from the County or other public entity, to ensure permanent affordability and public site control at key locations throughout the City and to minimize future affordable housing preservation challenges. To the extend funding is available, negotiate the purchase of land beneath existing affordable apartments at key locations at the time of refinancing and/or resyndication of tax credits to increase the number of groundleases in the City's existing affordable housing portfolio. 	1	Expiration of affordability restrictions	Preservation best practices	Housing	Program	Ongoing	# and % affordable developments that closed construction with public groundleases each year % of all funded restricted affordable properties with city or other public groundleases # existing deal land purchases # affordable units permanently preserved

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-17	Affordable Housing Siting Policy – Fully implement and evaluate effectiveness of the City's new Affordable Housing Siting Policy in generating new and newly-affordable housing in neighborhoods that foster greater housing choices, amenities, and opportunities for lower-income residents. Report on the outcomes, focusing on the fair-housing implications of development patterns.	1, 4	Need to foster housing choices for residents of affordable housing	Housing Element goals/strategies community meetings From Housing Crisis Workplan	Housing	Policy	2023-26	Report on Siting Policy outcomes \$ and % allocated to affordable-housing-development-awards in higher-opportunity areas # affordable homes by income level-created in higher-opportunity areas

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	WHO	TYPE	TIMING	METRICS
P-18	<p>Loans for affordable housing</p> <ul style="list-style-type: none"> Continue to provide land acquisition, construction, and permanent financing for the development of new affordable homes. Provide financing for the acquisition/rehabilitation of existing market-rate rental housing to create newly-affordable homes. Issue Notices of Funding Availability at least annually for both New Construction and Preservation. 	1	Need for affordable housing	Focus groups: <ul style="list-style-type: none"> Veterans LGBTQ+ Disability Indigenous Peoples Rental access working group Housing Element goals / strategies community meetings	Housing	Activity	Annually 2023-31	NOFAs issued Funds committed Affordable homes created Affordable homes preserved
P-19	<p>Expanded City Density Bonus program - Increase the City's Density Bonus by at least 10% above State statutory requirements, and identify other ways the City's Density Bonus Ordinance could be expanded to result in more affordable homes, include more pre-approved concessions and incentives, and/or add CEQA clearance.</p>	1	Need for affordable housing	Rental access working group Housing production focus groups	PBCE, Housing	Program	2027	Study completed Council approval of Ordinance changes # Affordable units created through Density Bonus. <u>Number of units by AMI category</u>
P-20	<p>Mixed-income housing -</p> <ul style="list-style-type: none"> Facilitate housing with a range of income levels (from extremely low-to moderate-income and market-rate) at the building level. Foster mixed-income housing that is 100% restricted affordable at a range of income levels, and facilitate market-rate housing that incorporates affordable homes at the building level. 	1, 5	Financial infeasibility of affordable developments Economic segregation of neighborhoods Stigma concerns of standalone affordable housing	Retained from 5th Cycle and updated	Housing	Policy	2023-31	# of housing developments with a mix <u>market-rate or moderate-income units and ELI and/or VLI units of income levels</u>

P-21	<p>Special needs housing NOFA - Issue Notices of Funding Availability (NOFAs) for City funds that incent deeply-affordable housing developments that serve Special Needs populations, to the extent the City is allowed under law. Focus on populations and protected classes identified as having highest housing needs versus supply in the Housing Balance Report.</p>	1, 5	<p>Lack of housing for special needs populations</p> <p>Legal barriers to providing housing based on race</p>	Disability focus group	Housing		2023-31	<p>NOFAs issued</p> <p>Council commitments</p> <p># resulting affordable units</p>
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#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-22	<p>Transit-oriented affordable housing near Diridon Station -</p> <ul style="list-style-type: none"> To integrate restricted affordable housing around the City's main transit station and maximize competitiveness for State affordable housing funding sources, prioritize sites within a one-half mile walkshed of Diridon Station for affordable housing <u>through NOFA issuances and/or land purchases</u> Implement prioritization by land use tool in the area surrounding Diridon and/or set Notice of Funding Availability priorities for City affordable housing subsidies. 	1, 5	Lack of affordable housing	From Diridon Station Area Plan	Housing, PBCE	Policy	2024-31	<p>Land use tool established</p> <p>NOFAs prioritizing area</p>
P-23	<p>Pursue AHSC funding near Diridon Station - Partner with transit agencies and affordable housing developers to apply for State Affordable Housing and Sustainable Communities grants for both affordable housing developments and greenhouse gas-reducing improvements near Diridon Station Area.</p>	1, 4	Reduce harmful environmental effects of greenhouse gases and need for affordable homes near transit to maximize access by disabled residents	From: Diridon Station Area Plan Diridon Affordable Housing Implementation Plan	Housing, DOT	Activity	2023-31	<p>AHSC applications submitted</p> <p>AHSC applications awarded</p> <p>\$ awarded</p>
P-24	<p>School district housing (YOSL) - Complete and implement YOSL (Yes on School Lands) ordinance, allowing both affordable and market rate housing to proceed on sites with Public/Quasi Public designation on lands that are owned by public school districts, to create more opportunities for school district employees to live close to where they work and give greater financial stability to public school districts.</p>	1, 4	Need for affordable housing.	<p>Rental access working group</p> <p>Housing production focus groups</p>	PBCE	Program	2023-24	Council approval of ordinance
P-25	<p>Updated Inclusionary Housing program fees - Conduct a fees study to ensure the Inclusionary Housing program remains feasible and does not present a barrier to housing construction</p>		High cost of housing development	<p>Housing Element goals/strategies community meeting</p> <p>From Housing Crisis Workplan</p>	Housing	Activity	2027-28	Fees study produced

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-26	Accessory Dwelling Unit (ADU) Amnesty program - Restart <u>Resume</u> the ADU Amnesty program to waive permit fees and penalties to <u>incentivize</u> homeowners to legalize their unpermitted ADUs that meet or will meet code requirements.	1, 3	Needs include: • Housing production • Safe housing • Low-income homeowners to gain wealth by renting	Retained from 5th Cycle and updated Council direction	PBCE	Program	2024-31	<u>July 2024:</u> Program release <u>December 2031:</u> <u>Approximately 150 # ADUs brought into in compliance by 2031.</u>
P-27	Accessory Dwelling Unit (ADU) affordability - Study the feasibility of an ADU financing program to house low- and very low-income renters. Within this potential program, <u>seek to</u> incentivize ADU development by low- and moderate-income homeowners as a wealth building strategy that also helps meet housing needs in our market. If feasible, and <u>City funding available</u> , seek external partners to jointly create a <u>financing subsidy</u> program for City Council consideration.	1, 3, 5	Build wealth for low-income homeowners House low- and very low-income residents	Consistent with feedback from anti-displacement outreach on need for income for existing low-income homeowners	Housing	Activity	2026- 5	Feasibility analysis completed
P-28	Predevelopment loans - Provide predevelopment loans to assist nonprofit developers of City-owned properties with funds necessary to explore feasibility of proposed affordable multifamily housing.	1	High cost of housing development	Retained from 5th Cycle and updated	Housing	Activity	Ongoing 2023-31	# predevelopment loans made # affordable units assisted
P-29	Fair Housing Equity Analysis for Specific Plans - Integrate fair housing analysis and anti-displacement analysis into specific plans and area plans, including Urban Village plans.	1, 3, 5	Unintended consequences of displacement and discrimination from development	Consistent with state guidance on sites inventory	PBCE, Housing	Policy	2026-27	Plans with fair housing analysis integrated
P-30	Updated feasibility study for Commercial Linkage Fee - Ensure funding for affordable housing is being paid per the City's new Commercial Linkage Fee. Periodically update the feasibility study, including geographic analysis, to update fee levels for then-current market conditions. First trigger is fall 2023 or after 1M square feet in executed leases of new construction over 100,000 sq. ft. in the Downtown over more than one building, whichever happens first. Integrate the fee into Development Agreements, as appropriate.	1	Need for resources for affordable housing production and preservation	From Housing Crisis Workplan	OEDCA, Housing	Program	Start summer 2023 or when trigger is reached	Feasibility study update Council approval of updated fees \$ CLF revenues collected # affordable units

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								subsidized

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-31	Land acquisition for affordable housing in target locations - Target the City's land acquisition for affordable housing development in areas close to transit and higher-opportunity neighborhoods.	1, 4	Increase resident mobility and access to higher-opportunity neighborhoods Lessen environmental impacts of housing	Retained from 5th Cycle and updated	Housing	Activity	Ongoing 2023-31	# parcels purchased # projected affordable units assisted
P-32	Higher subsidies per unit - In areas in which affordable housing development will cost more due to higher land costs, smaller buildings, or mid- or high-rise construction, ensure that City subsidies per unit are sufficiently higher so as to not disincent building in those areas.	1, 4	Build affordable housing in areas of higher opportunity and close to transit	Rental access working groups, housing production focus groups, and Housing Element goals/strategies community meetings Consistent with Diridon Affordable Housing Implementation Plan	Housing	Program	Annual NOFAs 2023-31	Adjustments to NOFA/program guidelines
P-33	Allow Affordable Housing on Assembly Use Sites (YIGBY) Complete and implement new "Yes in God's Backyard" (YIGBY) ordinance allowing 100% affordable housing in conjunction with Assembly Use on sites with Public/Quasi-Public General Plan designations. <ul style="list-style-type: none"> Hold 2 workshops annually with partners to educate churches and help make partnerships between interested churches, nonprofit developers, and development consultants. Prioritize outreach in the City's Siting Policy priority neighborhoods to be consistent and maximize funding opportunities. 	1, 4	Sites for affordable housing	From Housing Crisis Workplan	PBCE, Housing	Program	2023	Council approval of code changes Workshops held # affordable homes created
P-34	Affordable housing funding advocacy - <ul style="list-style-type: none"> Support bond funding initiatives at the County and regional levels to increase the supply of affordable housing production and preservation. Sustain advocacy for State and federal funding programs and advocate for more resources so that they meet the affordable housing production and preservation needs of San José. For homelessness response, advocate for both operating and capital subsidies. 	1, 2	Lack of funding for affordable housing Lack of funding for preservation Lack of ongoing funding for homelessness response	Focus groups: <ul style="list-style-type: none"> Veterans LGBTQ+ Disability Indigenous Peoples Formerly homeless Homeownership working group	Housing, IGR	Activity	2023-28	Support letters issued Participation on working groups

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-35	Small multifamily housing - Allow missing middle housing uses citywide (for buildings with 2-4 units) and in higher-opportunity areas (for buildings with 6-10 units) and establish pre-approved plans for these housing types. As directed by the City Council, define design standards and educate the public about financing programs that could result in restricted affordability.	1, 5	Lack of housing for middle-income residents	African ancestry focus group State Prohousing Designation Program	PBCE, Housing	Activity	2026	Feasibility analysis done Plans created Design standards created Council approval of land use changes, design standards Publish financing information
P-36	Alum Rock East Urban Village Plan - Complete Alum Rock East Urban Village Plan to facilitate construction of market-rate housing and healthy neighborhoods.	1, 4	Need for more housing at all income levels	City's Housing Crisis Workplan	PBCE	Program	2025	Outreach conducted Plan drafted Council approval of Plan
P-37	CEQA analysis for Urban Villages - Identify funding for and conduct program-level CEQA analysis <u>as part of the process of developing or updating</u> for Urban Village <u>Plans</u> to help speed developments' timelines and remove barriers to housing production.	1	Environmental review lengthens development timeframes and increases cost	Developer focus group, City Auditor report March 2022, State Prohousing Designation Program	PBCE	Program	2027	Council approval of CEQA study
P-38	Adequate sites for lower-income households on nonvacant and vacant sites identified in previous housing element cycles - Rezone sites to allow development by-right pursuant to Government Code section 65583.2(i) when 20 percent or more of the units are affordable to lower-income households on sites identified in Appendix F, Table B to accommodate lower-income RHNA sites previously identified in the 4th and 5th cycle housing elements' inventories.	1	Statutory Requirement, Government Code section 65583.2(i)	N/A	PBCE	Activity	2023-2024	Council approval of zoning changes
P-39	Replacement unit program for selected sites - To mitigate the loss of affordable housing units, require new housing developments on selected sites to replace all affordable housing units lost due to new development. The City will, upon adoption of the Housing Element, adopt a policy and will require replacement housing units subject to requirements of Government Code section 65583.2 subdivision (g)(3) on all sites identified in the Sites Inventory when any new development (residential, mixed-use, or nonresidential) occurs on a site identified in the Sites Inventory meeting the following conditions: 1) site currently has residential uses or within the past	1	Statutory Requirement, Government Code Section 65583.2, subdivision (g)(3)	N/A	PBCE, Housing	Activity, Policy	2023	Council adoption of the policy. 6th Cycle Housing Element

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
	five years has had residential uses that have been vacated or demolished, and 2) was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low-income, or 3) site's residences were subject to any other form of rent or price control through a public entity's valid exercise of its police power, or 4) site's residences occupied by low- or very low-income households.							
P-40	<p>Evaluate Urban Village planning process - To streamline the development of urban village plans and unlock more sites for housing, evaluate General Plan 2040's urban village strategy and consider possible amendments, including but not limited to:</p> <ul style="list-style-type: none"> • reducing and consolidating urban village areas • reevaluating required components of urban village plans, and • accelerating timelines while still supporting community engagement throughout the process. <p>In addition, recommend the City Council amend General Plan Policy IP-5.15 to encourage the City to identify a stable, internal funding source to cover the majority of costs for urban villages' planning processes.</p>	1	Need to ease infill housing development processes to increase development	Developer focus groups	PBCE	Activity, Policy	2024-2026	<p><u>Convene 4-year review stakeholder group</u></p> <p><u>Council approval of 4-year review</u> <u>Council approval of General Plan policy changes</u></p>
P-41	<p>Review Planning Permit Conditions - <u>Review and revise subjective language used in standard permit conditions for site development permits or conditional/special use permits which are required or housing development.</u></p>	1	<u>Objective language such as "mutually compatible and aesthetically harmonious," "character of the neighborhood," is potentially not consistent with state law and/or constraining development, particularly higher density or multifamily projects.</u>	HCD	PBCE	Activity	2025	<u>Council approval of ordinance</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
P-42	<u>Group homes for seven or more persons - update zoning code to ensure consistency with State and Federal laws and AFFH</u>	1	<u>Addressing barriers to the development of special needs housing</u>		PBCE	Activity	2024	<u>Update ordinance</u>
P-43	<u>Update City Density Bonus Ordinance – Update City Density Bonus Ordinance to ensure compliance with State Density Bonus Law.</u>	1		HCD	PBCE	Activity	2024	<u>Council approval of ordinance amendments</u>
P-44	<u>Urban Villages - Conduct an in-depth mid-term evaluation of actions that incentivize or remove constraints on Urban Villages, including effectiveness, and commit to making adjustments within a specified time period.</u>	1		HCD	PBCE	Activity	2027	<u>Completion of evaluation</u>
P-45	<u>Pipeline Projects Evaluation - conduct a bi-yearly evaluation of Pipeline projects to determine if inventory buffer can accommodate projects that do not commence to building permit stage.</u>	1		HCD	PBCE	Program	Ongoing	<u>Present findings during housing element annual reporting period</u>
P-46	<u>Rezoning Program for Shortfall, low income sites - The city will rezone sites identified in the Sites Inventory, Table B, pursuant to Housing Element Law (Gov. Code 65583.2 (h) and (i)). The rezoning program will be consistent with the following: 1. By right approval: The zoning must allow for by-right approvals if at least 20% of the units in a project are affordable to lower income households and the project does not need a subdivision. See below for definition of “by right.” 2. limits on small sites: The site must be large enough for at least 16 units under the rezoning. 3. Minimum 20/30 units per acre: The zoning must allow at 30 units per acre. 4. Limits on mixed-use development: Specifically, the jurisdiction must meet one of the two following conditions: 1. At least half of the lower income units must be placed in zoning districts that are exclusively residential, or 2. The rules must allow for 100% residential development and must require that the</u>	1		HCD	PBCE	Program	2024	<u>Council approval of rezoning ordinance changes</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
	<u>proposed development be at least 50% residential by floor area.</u>							

Table 3-2: Preservation of Market-Rate and Affordable Housing

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
R-1	<p>Monitor at-risk affordable units -</p> <ul style="list-style-type: none"> Proactively assess and monitor at-risk affordable units and reach out to property owners, tenants, and qualified entities to negotiate and assist in preserving existing affordable homes. Enlist consulting assistance to create and update risk assessment reports regularly. 	1	<p>Loss of existing affordable housing units</p> <p>Displacement prevention</p>	Equity working group	Housing	Program	Updated reports by 2024 and 2028	<p>Creation of risk-based reports</p> <p># meetings held</p> <p># units preserved</p>
R-2	<p>Establish a Preservation NOFA -</p> <ul style="list-style-type: none"> Establish a regular housing Preservation program, including an annual funding allocation averaging at least \$5 million (dependent on funding availability), funding priorities, underwriting guidelines, Notice of Funding Availability (NOFA) scoring framework, NOFA issuances, and ongoing workplan. Eligible Preservation activities should include acquisition and rehabilitation of existing market-rate housing, community land trusts' rental housing acquisition, and other nonprofit-led alternative homeownership models. Create a staffing plan for a Preservation team to underwrite, fund and facilitate Preservation deals, <u>and request staffing through the city budget process when ongoing sources of funding are available for this work.</u> 	1	<p>Lack of affordable housing</p> <p>Lack of funding for preservation</p> <p>Displacement prevention</p>	<p>Neighborhood equity working group</p> <p>Housing Element strategies/goals community meeting</p> <p>From Citywide Anti-Displacement Strategy</p>	Housing	Program	First NOFA 2024	<p><u>June 2024:</u> Program guidelines completed</p> <p><u>by December 2024:</u> First NOFA issuances issued at least every other year (i.e., at least 4 NOFAs during the Sixth Cycle compliance period)</p> <p>Annual \$ budgeted for Preservation awards</p> <p><u>\$5M average available per year per NOFA</u></p> <p>\$ commitments made by Council for Preservation deals</p> <p><u>By 2031: At least 110 units of newly-restricted affordable housing acquired by nonprofits and rehabilitated through City and external funding.</u></p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
R-3	<p>Diridon Preservation Pilot -</p> <ul style="list-style-type: none"> • Create and fund the Diridon Preservation Pilot Program for the area around the Diridon Station Area. • Issue Notices of Funding Availability to enable developers to acquire, rehabilitate and make affordable market-rate properties appropriate to preserve as the Station Area develops. • Identify buildings' desired physical profiles depending on location and development potential to help maintain buffer areas between dense Station Area developments and surrounding low-rise neighborhoods. 	1, 4	<p>Lack of funding for preservation</p> <p>Lack of affordable housing</p> <p>Displacement prevention</p>	From Diridon Station Area Plan	Housing, PBCE, OEDCA	Program	2024-25	<p>Pilot creation</p> <p>City Council approval of pilot</p> <p>NOFAs issued</p> <p>Council approval of funding commitments</p> <p># homes preserved in defined area around Diridon Station Area</p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
R-4	Implement the Community Opportunity to Purchase program — Seek City Council approval of a Community Opportunity to Purchase program (COPA) and, if approved, fully implement the program to help mitigate residential displacement. Draft implementing regulations and finalize them based on comprehensive community input. Educate property owners, realtors, CBOs and residents on COPA parameters, compliance, and opportunities. Issue a Request for Qualifications and identify a pool of Qualified Nonprofits (QNP) to participate in the COPA program. Assist QNPs to team with Community Partners to participate in the program. Put in place technology enhancements to the City's website to help users participate in the program.	1, 3	Need for protected tenants from displacement when their building goes up for sale. Lack of opportunities for lower income and renters of color to buy homes or build wealth.	Supported by working groups: neighborhood equity, homeownership, high opportunity areas Supported by community meeting on Housing Element goals/ strategies. Consistent with Citywide Anti-Displacement Strategy.	Housing, GAO	Program	2023-25	# stakeholders educated issuance of draft regulations adoption of regulations issuance of QNP-RFQ qualification of QNPs # units purchased through COPA and made affordable # residents stabilized
R-5	Acquisition Loan Fund - Work with external funders to identify and/or establish sources of reliable acquisition financing that work together with City preservation Notices of Funding Availability, with the goal of preserving low-cost housing, creating more restricted affordable multifamily properties, and stabilizing low-income renters who are disproportionately people of color.	1	Lack of affordable housing. Loss of existing affordable housing. Displacement prevention.	Supported by Rental access working group, Neighborhood equity working group, Housing Element goals/ strategies community meetings. In Housing Crisis Workplan	Housing	Activity	2026 5	Request for Proposals Issued if needed; loan product defined and rolled out; # units acquired with Loan Fund(s)
R-6	Mobilehome Park General Plan designation for remaining 56 mobilehome parks - Apply the Mobilehome Park Land Use Designation through City-initiated General Plan Amendments to the remaining 56 mobilehome parks, and rezone the sites, to promote preservation, public input, and transparency on any future mobilehome park conversion proposals. <u>Residents of mobilehome parks are disproportionately lower-income and seniors.</u>	1	State law regarding zoning consistency and transparent public process for any conversion proposal of this finite housing stock. Displacement prevention.	From Housing Crisis Workplan	PBCE	Activity	2026	<u>2024</u> : Council approval of General Plan Amendments and rezonings # mobilehome parks with new land use designation

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
R-7	Extend affordable housing restrictions - Preserve existing deed-restricted affordable housing by routinely negotiating to extend the City's affordability restrictions in return for the City's amended loan terms or other actions on properties in its existing portfolio.	1	Expiration of affordability restrictions in affordable housing stock. Displacement prevention.	LGBTQ+ focus group, Disability focus group, Veterans focus group and Indigenous Peoples focus group	Housing	Activity	Ongoing	By 2031: preserve at least 900 units of at-risk affordable housing, or an average of 112 units per year. # affordable units-preserved # years of additional-affordability
R-8	Work with the Bay Area Housing Finance Authority (BAHFA) on Moderate-income Financing Strategy - Advocate for legislation and work regionally with partners to create and/or use a JPA-issued bonds product that supports moderate-income housing and deeper affordability, controls escalation of rents, and delivers sufficient public benefit. Goal of completing three transactions by 2027.	1	Need for moderate-income housing and rent stability.	From Housing Crisis Workplan	Housing, OEDCA, Finance	Program, Activity	2027	# transactions # newly-affordable homes at each income level
R-9	Create a Preservation Policy - Create a community-informed Preservation Policy statement for Council consideration that establishes a goal of preserving existing affordable and low-cost housing and helping to prevent displacement, to inform programs, resources, and development of policy decisions.	1, 3	Lack of those most affected voice in decision making processes. Lack of meaningful community input on City programs and policies.	From Citywide Anti-Displacement Strategy. Supported by neighborhood equity working group	Housing	Policy	By 2024 5	Council approval of Policy
R-10	Mobilehome park local inspections - To ensure physical preservation of mobilehome parks, sponsor State legislation or propose a pilot with the State Department of Housing and Community Development for the City to provide local inspections of mobilehome parks, information sharing, and the State to potentially provide revenues for staffing.	4	Condition concerns for some mobilehome parks. Insufficient state inspection-staffing.	Other state pilot programs	Housing, PBCE, IGR	Activity	2028	State approval of pilot Legislation introduced and passed Funding received Inspections done
R-11	Owner-occupied home preservation - To physically preserve existing homes, continue to fund urgent home repairs for low-income homeowners, many of whom are seniors, through nonprofit partners as funds are available.	1	Need to assist lower-income homeowners with urgent repairs.	Retained from 5th Cycle and updated	Housing	Program	Ongoing	# low-income households assisted

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
R-12	Revised New Anti-Displacement Strategy - Update After-completing implementation of priorities under the current Anti-Displacement Strategy approved by the City Council in 2020 to integrate preservation activities and remove completed priorities Evaluate effectiveness of existing tools, obtain ongoing best practices information from like-minded cities, <u>obtain feedback on priorities from San Jose stakeholders</u> , and seek City Council approval for <u>revised additional anti-displacement and preservation policies or programs to pursue.</u>	3, 1, 4	Prevent displacement of residents and coordinate efforts to do so.	Supported by neighborhood equity working group.	Housing	Program	2027-29	Best practices researched Outreach conducted Strategy drafted Council approval
R-13	Soft Story program - Develop a 'soft story' seismic mitigation ordinance for older multifamily buildings with weak and/or open frontlines, which have a higher likelihood of collapse during an earthquake and a high likelihood of being rent stabilized. Create an implementation process and incentive retrofit program that increases renters' safety and considers equity issues for lower-income renters, minimizing their risk of displacement as a result of construction and rent increases.	1,3	Need for safe lower-cost housing stock Displacement prevention	State guidelines on remedying condition problems in existing housing	PBCE, Housing, Office of Emergency Mgt.	Program	2024	Outreach conducted Ordinance and program drafted Council approval of Ordinance and program Rebate program launched # buildings receiving retrofits \$ funded for rebates

3.2 Goal 2: Sufficient housing for people experiencing homelessness

The homelessness crisis in San José and across the Bay Area is growing. In Santa Clara County, people experiencing homelessness were shown in 2020 to be disproportionately Black/African American, American Indian/Alaskan Native, and Hispanic/Latino/a/x. The City is focused on implementing strategies from the Countywide [Community Plan to End Homelessness](#).

The strategies under Goal 2 (Table 3-3) include providing permanent and temporary housing for people experiencing homelessness, funding the delivery of services to people without homes and in service-enhanced housing, and helping to prevent people from becoming homeless. With its partners across the County, the City seeks to do this work with an equity lens, centering the experiences of those with lived experience in homelessness.

Table 3-3: Housing and Systems for People Experiencing Homelessness

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
H-1	Interim homeless housing construction - Complete construction of emergency interim housing development in the Civic Center and Rue Ferrari areas. Seek ongoing funding from the State and federal governments to pay for operations and services for the City's emergency interim housing units and shelter beds.	2	Lack of emergency housing Lack of shelter beds	LGBTQ+ focus group for increase in shelters Formerly incarcerated focus group for increase in transitional housing Revised from 5th cycle	Housing	activity	2024 ⁵	2023: Identify sites 2025: Units completed Funds obtained for operations & services
H-2	Interim housing for people experiencing homelessness in hotels/ motels - Continue to use hotels and motels to provide supportive housing for people experiencing homelessness, and seek additional Homekey funding from the State for both capital improvements and ongoing operations costs.	2	Lack of supportive and transitional housing.	LGBTQ+ focus group for increase in shelters Support from formerly incarcerated focus group for increase in transitional housing Revised from 5th cycle	Housing	Program	2023-31	# hotels acquired \$ of Homekey awards # residents housed
H-3	Conversion of hotels/motels for homeless housing - Identify barriers and make changes to the City's codes, as needed, to facilitate easier conversion of hotel/motels and other non-conforming buildings to housing for people experiencing homelessness.	2	Lack of housing and services for people experiencing homelessness.	General support for shelters and transitional housing from LGBTQ+ focus group and formerly homeless focus group	PBCE	Activity	2024-25	Amendments to code approved by Council

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
H-4	Shelters streamlining throughout the City - Identify needed improvements in land use, zoning, and building regulations to streamline City processes and speed the pace of building emergency interim housing units and emergency homeless shelters in all areas of the City. <u>Planning would oversee these zoning code changes.</u>	2	Development and permit barriers to increasing shelters.	LGBTQ+ focus group for more shelters, specifically shelters for LGBTQ+ persons General support at Housing Element goals/strategies community meetings Consistent with Citywide Roadmap priorities per Council direction	Housing, PBCE, Public Works	Activity	2025	Amendments to code approved by Council Time spent on approvals of shelters
H-5	Low-cost permanent housing solutions - Revise the City's zoning code to remove any impediments to the creation of permanent housing solutions such as shared housing or other creative arrangements that provide low-cost permanent housing alternatives that help prevent and address homelessness.	2	Need to avoid homelessness Lack of housing for people experiencing homelessness	General support at Housing Element goals/strategies community meetings	PBCE, Housing	Activity	2025	Review of code for impediments Amendments to code approved by Council
H-6	Housing with integrated health care - In coordination with County Behavioral Health, Santa Clara Valley Health and Hospital System, and health plans in the region, seek to generate new housing opportunities that integrate health care for the complex needs of people currently or formerly experiencing homelessness.	2, 1	Need for services-enhanced housing for people experiencing/ed homelessness	Consistent with Community Plan to End Homelessness			2023-31	# of new developments with on-site health services
H-7	Safe parking programs - Operate overnight and 24-hour safe parking programs for both RVs and car vehicles and other emergency shelter options, and seek permanent funding sources for these uses.	2	Lack of shelters and emergency housing for people experiencing homelessness	LGBTQ+ focus group Public meetings on strategy ideas Retained and revised from 5th cycle	Housing	Program	2023-31	# safe parking spaces <u>for RVs and car vehicles</u> Amount of budget

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
H-8	Nonprofit-provided homeless support services - Continue to fund nonprofit agencies that provide services to people who are homeless or at risk of becoming homeless, with highest priority to those most in need at or below 30% of the Area Median Income. Funding would support programs including, but not limited to, those that prevent and end homelessness, and those that provide case management and services for formerly unhoused residents in permanent supportive housing, interim housing, and shelters.	2	Need for housing and services for people experiencing homelessness	Veterans focus group and formerly homeless focus group Housing Element goals/strategies community meeting Retained from 5th cycle	Housing	Activity	2023-31	Funding to nonprofit service providers # people assisted
H-9	Street-based services for unhoused residents - <ul style="list-style-type: none"> • Fund street-based services such as outreach, hygiene services, behavioral health, and transportation options to meet the needs of unsheltered residents. • Use input from persons with lived experience to help define what services should be available. • Advocate for ongoing funding from the state and federal governments for this purpose. 	2	Lack of services for unsheltered residents	Focus groups: Veterans, Disability, LGBTQ+, Indigenous Peoples, African ancestry Housing Element goals/strategies community meetings Consistent with Community Plan to End Homelessness	Housing, IGR	Activity	Annually 2023-31	Funds budgeted Services provided # clients served
H-10	Racial and other bias in homeless shelter and supportive housing systems - Increase access to homeless shelters and permanent supportive housing for people experiencing homelessness who are in protected classes by examining data <u>on city-funded shelters and permanent supportive housing developments, and collaborating with the County</u> , to identify systemic racism and patterns of other biases, and working with shelter staff to remedy issues.	2	Racism and bias within administration and operation creates harm and not serving population disproportionately people of color.	Support by formerly homeless focus group and LGBTQ+ focus group Consistent with Community Plan to End Homelessness	Housing	Activity	2027	<u>Dec 2023: Meet with County, service providers and property management staff on accessing data</u> <u>2024, 2027, 2030: Collect data, analyze data</u> <u>Within 12 months following each analysis completion:</u> <u>Work with partners to provide technical assistance sessions as needed</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
H-11	<p>Feedback from those with lived experience in homelessness in decision making -</p> <ul style="list-style-type: none"> • Create additional feedback mechanisms for clients with lived experience of homelessness on how programs are serving the needs of this population. • Integrate requirements into City-funded contracts for grantees to create feedback mechanisms. • Work with the Lived Experience Advisory Board, composed of residents who have experienced homelessness, to evaluate key City-funded services and initiatives, including encampment support, street outreach, referrals to new housing opportunities, shelters, emergency interim housing provision, and/or existing permanent supportive affordable housing. 	2	Lack of participation from those with lived experience in City-led decision-making processes	<p>Supported by LGBTQ+ focus group with a focus on LGBTQ+ persons, compensating people for their time and refrain from tokenization</p> <p>Consistent with Community Plan to End Homelessness</p>	Housing	Activity	2024-31	<p>#contracts</p> <p>amended</p> <p>Feedback obtained</p> <p>Changes made due to feedback</p> <p><u>2023-2031: Staff to attend meetings of LEAB or other lived experience groups at least once a year to ask for feedback on program priorities</u></p> <p><u>July 2024: Identify universe of applicable contracts and timeline for renewals</u></p> <p><u>June 2025: Contracts renewed amended to include consultative language, and include in newly awarded contracts</u></p> <p><u>85By December 2025: Goal of 90% of homelessness contracts with amended language requiring lived experience consultations</u></p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
H-12	<p>Neighborhood outreach and education on homeless housing and other housing topics -</p> <ul style="list-style-type: none"> • Work with partners countywide on a community-based outreach campaign to promote dialogue and greater understanding of these issues. Outreach would focus on: 1) the root causes of homelessness and different housing approaches for people experiencing homelessness; 2) controversial housing topics related to equity and protected classes. • Focus community outreach in areas experiencing growth. • Pursue ongoing funding to compensate community-based organizations and advocates to conduct outreach. • Create content and outreach materials, and establish regular cycles of issuing low-barrier Requests for Qualifications, identifying outreach partners, conducting regular trainings, and holding feedback and support sessions with outreach partners. 	2, 5	<p>Public opposition to housing strategies</p> <p>Public interest in effective homelessness response strategies</p>	Strong support at Housing Element goals & strategies community meetings	Housing, CMO, PBCE	Program	2024-31	<p>Materials prepared</p> <p>CBOs under contract</p> <p>Funding allocated</p> <p>Households outreached to</p> <p>Feedback sessions held</p>
H-13	<p>Regional homeless response coordination and planning</p> <p>- In cooperation with the County of Santa Clara, Destination: Home, and other community partners, seek City Council approval of the City's implementation plan for the 2020-25 Community Plan to End Homelessness in Santa Clara County.</p>	2	<p>Address impacts of homelessness</p> <p>Need for organizations addressing homelessness to work towards common goals</p>	<p>Veterans focus group, LGTBQ+ focus group, High opportunity working group and Schools focus group</p> <p>Revised from 5th cycle</p>	CMO Housing	Activity	2023	Council adoption of implementation plan
H-14	<p>Emergency Shelters: Update the Zoning Code to identify at least one zoning district which permits emergency shelters permitted by right, pursuant to Government Code Section 65583 (AB 2339).</p> <p>- Amend the Specific Use Regulations for Emergency Shelters in Chapter 20.80, (Part 6, Section 20.80.500) to ensure compliance with Government Code Section 65583 (AB 2339) and facilitate the development of emergency shelters.</p>	2	<p>City does not have adequate capacity to address the need for emergency residential shelters in our city.</p>	HCD	PBCE	Activity	2024	Council approval of ordinance amendments.

3.3 Goal 3: Housing stability and opportunities to build wealth for all residents

With the Bay Area’s housing crisis and the COVID-19 pandemic, renters have experienced far more recent instability and displacement than homeowners. Tenant protections can help ensure that renters are not displaced by unfair practices, speculation, demolition, or other factors. Residents able to purchase a home can achieve housing stability, build equity, and pass down intergenerational wealth to future generations. Unfortunately, homeownership is out of reach for a large proportion of San José households with [June 2022 median sales prices](#) of \$1.56 million for detached single family homes, and \$826,000 for condominiums and townhomes.

Goal 3’s strategies (*Table 3-4*) focus on ensuring that all forms of tenure, including ones not common today, can provide households with stability and the foundation for a better life. These strategies address renter stability and access, fair housing, tenant protections, and wealth building. [Also note that while Preservation activities that keep existing residents in place are also housing stability measures, Preservation activities are shown under Goal 1 above.]

Table 3-4: Housing Stability, Tenant Protections, and Wealth Building

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-1	Tenant Resource Centers and violations reporting - Incorporate Code Enforcement and Apartment Rent Ordinance violation reporting procedures as part of expanded tenant resource centers, including allowing for tenant associations to report such violations on behalf of tenants. Assist residents to learn how to file Code complaints and look up their status online in <u>fixed or mobile</u> Centers to help make the process more transparent. Improve coordination between Rent Stabilization Program and Code Enforcement staff and meet regularly. Identify additional funding <u>and potentially additional staff</u> to support Tenant Resource Centers.	3	Fear of retaliation by tenants to report code violations Need to make code enforcement processes widely available to ensure safe living conditions.	Suggested by neighborhood equity working group	Housing, PBCE	Activity	2023-25	Tenant resource centers with Code assistance # residents assisted # Housing/Code meetings held
S-2	Rental property registry improvement - Ensure that all permitted, rented residences in San José are registered with the City to aid in communications about renter resources and to ensure safety in emergency situations.	3	Need to contact renters in emergency conditions Difficulty communicating with renters	Supported by neighborhood equity working group and rental access equity group	Housing, Finance, PBCE	Program	2025-28	% of City’s rental units registered

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-3	Proactive Code enforcement in Identified Project Hope Place-based neighborhoods - <u>Proactive code enforcement helps to arrest the decline and deterioration of aging rental stock, reduce blighted conditions, and reduce likelihood of complaint-based evictions. Continue to implement the Multiple Housing Inspection Program citywide, with inspection frequency determined by severity of violations (Tier 1, 2, and 3). In addition, fund enhanced proactive inspections in Project Hope Enhanced Multiple Housing Inspection Program in Project Hope and other low-income communities of color with federal CDBG funds or other funds as available, neighborhoods to provide enhanced proactive inspection services to rental properties to arrest the decline and deterioration of aging housing stock and reduce blighted conditions.</u>	3	Decline and deterioration of aging housing stock Fear of retaliation by tenants for reporting housing code violations Targeted investments in under-invested neighborhoods	General support for ensuring safe housing conditions from equity working group and in Citywide Anti-Displacement Strategy outreach	PBCE	Program	Ongoing 2023-31	<u>Annually through 2031: At least # 3 neighborhoods covered with enhanced multifamily inspections</u> <u>Annually through 2031: Average 200 # 250 units per neighborhood inspected per year (total 600 750 units per year)</u> <u># violations resolved within 150 days each year. Target of 2000 (includes mostly housing violations and some blight)</u>
S-4	Updated relocation assistance - Update the City's municipal code to ensure that compensation given to residents for potential displacing events -- noticing, relocation payments, housing search assistance, the replacement of affordable units, and a right of return -- matches or exceeds any state requirements, is sufficient given current housing costs, and is consistent across City programs. Create a program of regular updates, and consider amendments that cite housing cost data sources to enable the code to move with the market.	3	Cost burden to tenants when forced to relocate exacerbated by high local housing costs	From Citywide Anti-Displacement Strategies Supported by neighborhood equity working group	Housing, PBCE, CAO	Policy	Phase 1 by 2024 Phase 2 by 2027	Analysis complete Stakeholder outreach on cost escalators and proposed changes Council approval of code updates
S-5	Code enforcement improved case management - Implement a new Code Enforcement case management system for improved violation tracking to identify properties more easily with the most serious safety violations. Use the information to better educate the City's building preservation efforts.	3	Need to strategically allocate limited code enforcement capacity Unsafe housing conditions in housing stock	From Citywide Anti-Displacement Strategies Supported by neighborhood equity working group	PBCE, Housing	Program	2025 Phase 1 by 2026 Phase 2 by 2028	January 2026: Phase 1 – New Case Management Violation tracking system implemented in place

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								<p><u>January 2029:</u> Phase 3 – <u>Stakeholder outreach on cost escalators and proposed changes.</u></p> <p><u>Council approval of code updates (if any).</u></p> <p><u>January 2030:</u> Phase 4 – <u>Implementation complete.</u></p> <p><u>Housing NOFA prioritizing high-violation properties</u></p>
S-6	Proactive Code enforcement for more rented residences - Create a study on the cost, needed staffing, potential timeline for expansion, and other resources needed to expand the types of housing units covered by proactive code inspections. Units include rented single family homes, duplexes, condominiums, and/or townhomes. Bring a recommendation to City Council if needed resources can be identified.	3	<p>Retaliatory evictions from Code complaints of renters</p> <p>Physical condition problems in existing rented units of all kinds</p>	<p>Anti-displacement best practices from PolicyLink focus on proactive code enforcement. Included in Citywide Anti-Displacement Strategies (#6C)</p> <p>Supported by neighborhood equity working group</p>	PBCE	Activity	<u>2024-25</u> <u>2025-27</u>	<p><u>June 2025:</u> <u>Complete Study created</u></p> <p><u>December 2025:</u> <u>Council hearing of Recommendation</u></p>
S-7	Financial literacy programs for potential homebuyers as funds remain available – <u>Identify Funding for</u> nonprofit organizations to educate homebuyers on the homebuying process, homeownership responsibilities, and financial literacy. <u>Identify Funding for</u> nonprofit organizations to deliver pre- and post-purchase homeownership counseling, and target services to lower-income protected class buyers to help them attain and stay in homeownership.	3, 5	<p>Needed preparation and support for first-time homebuyers</p>	<p>Supported by attendees of HE goals/strategies community meeting, African ancestry focus group</p>	Housing	Program	2026-31	<p>Services provided</p> <p>Budget allocated</p> <p># buyers assisted</p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-8	Homebuyer program redesign - Create feasibility analysis and plan to redesign the City's homeownership programs to have better reach to underserved populations. Programs would include City downpayment assistance to homebuyers, pre- and post-purchase housing counseling, affirmative marketing to underserved populations, alternatives to fee simple homeownership (such as community land trusts, limited equity cooperatives and long-term tenant leases with wealth accumulation program), funding sources for program offerings, and evaluation metrics for assessing the impact on closing racial homeownership gaps. Include protected class demographic information as part of all City-funded homeownership programs. Analyze and report on data regularly to determine who programs are assisting.	3, 5	Lack of protected class data of who has benefitted from City's homeownership programs Need to increase homeownership rates for protected classes	Supported by African ancestry focus group, homeownership working group, schools focus group, equity organizations, and Indigenous focus group	Housing	Program	2025-26	Feasibility analysis and plan created Council approval of program
S-9	Anti-Displacement into Urban Village Plans - Integrate appropriate residential and small business anti-displacement features identified for Five Wounds Urban Village updates into forthcoming Urban Village Plans and consider appropriateness for inclusion in the General Plan.	3, 4	Need to stabilize lower-income residents and businesses in growing areas to avoid displacement	From Citywide Anti-Displacement Strategies	PBCE, Housing	Activity	2023-24 for Five Wounds	Consultant identifies anti-displacement features for Five Wounds UV Plan # of other UV Plans incorporating features
S-10	Study on rent increases and burden in affordable housing - Research how rent increases in the City's restricted affordable apartments have been implemented over the last five years, given that area median income continues to increase rapidly in Santa Clara County. Study rent burden and demographics for residents of affordable homes, and use research results to inform proposed state legislation and/or City policy. Present findings and policy recommendations to the City Council. <u>Work actively on potential legislative solutions to high rent increases.</u>	3	Prohibitive rent increases in restricted affordable apartments	Support from rental access working group	Housing, IGR	Activity	2025-23-24	January 2024: Research conducted January 2025: Findings presented to the City Council

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-11	Alternative documentation for non-citizens - Seek City Council approval of a policy requiring all property management companies managing restricted affordable apartments to advertise acceptance of alternative documentation for non-citizens. Prepare a workplan for implementation procedures for different types of affordable homes, with input from the City Attorney's Office.	3	Avoid discrimination in rental housing applications process for non-citizens Lack of knowledge of non-citizens that they could apply and be eligible for affordable housing	Supported by neighborhood equity working group and Housing Element goals/strategies community meeting	Housing CAO	Policy	2026	July 2024: Council approval July 2025: Workplan complete # Properties implemented
S-12	Eviction prevention - Housing Collaborative Weekly Eviction Prevention Court Clinic, Eviction Diversion and other support for legal services - Work in ongoing partnership with the County's Superior Court <u>and other community partners</u> to staff an Eviction Diversion Program, holding weekly workshops at the Court to offer a spectrum of resources to all parties, including rental assistance, social services referral, mediation, and legal assistance; <u>and continue to conduct the eviction diversion program during the unlawful detainer court calendars.</u> Identify funding to continue Eviction Diversion programming. Explore conversion of Superior Court Eviction Diversion into a possible Collaborative Housing Court model within the County's Superior Court Process <u>that builds on the foundation of the weekly clinic and Eviction Diversion Program</u> , as appropriate. Increase funding to nonprofit legal organizations to provide eviction counseling and defense.	3	Lack of funding and resources to provide eviction help and pre-eviction services Gap in services for pre-eviction services to address conflicts that easily escalate to eviction	Supported by rental access working group and veterans focus group Consistent with Citywide Anti-Displacement Strategy	Housing, CAO	Program	2023-31 assumes funding available	Workshops held Parties assisted People connected to new services Funding secured
S-13	Affordable housing renter portal language access - Ensure that online tenant rental portal, Doorway, is implemented with access in San José's top languages and accessibility to audio and visually impaired users.	3, 5	Lack of accessibility in notification of affordable housing opportunities	Suggested by LGBTQ+ focus group	Housing	Activity	2023 and ongoing	# languages # applicants using non-English versions

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-14	Advocacy for tenant-based vouchers - Prioritize use of rental vouchers to expand housing choices for protected class, lower-income residents. Advocate with the state and/or sponsor legislation to allow the City to enforce its local Housing Payment Equality Ordinance that prevents property owners from rejecting applicants on the basis of their use of vouchers. Continue to use local funds for tenant voucher programs. Advocate at the state and federal levels for additional vouchers to meet local needs and expand housing choices.	3	Need for housing for those at lowest income levels Increase housing choice	Suggested by equity working group Supported by veterans focus group, disability focus group and high opportunity areas working group	Housing, IGR	Program	2024-26	State <u>approval determination of local enforcement or legislation if needed path</u> State approval of local enforcement or legislation if needed Legislation passage Support letters and meetings on vouchers
S-15	Tenant preferences in VTA station areas - Work with the Valley Transportation Authority to implement the City's forthcoming affordable housing tenant preferences and other policies on affordable apartments in station area developments. Include in Anti-Displacement Tenant Preference all publicly-owned sites, development agreement, and negotiated developments to support this initiative.	3	Need to prevent displacement and prioritize most vulnerable in non-homeless units.	Tenant preferences supported at Housing Element goals / strategies community meetings	Housing	Activity	2023 -31	Affordability restrictions recorded requiring tenant preferences # affordable units in station areas
S-16	Affirmative marketing languages and best practices for affordable housing - For all City-funded affordable housing, require affirmative fair housing marketing to be done in English plus top 3 languages. Expand data collection and monitoring of affirmative marketing of affordable apartments for initial lease-up and waitlist openings. Create library of best practices including sample notices translated into multiple languages.	3	Lack of awareness of affordable housing opportunities Increase accessibility of affordable housing	Supported by Indigenous Peoples focus group	Housing, CAO	Program	2026-27	Requirement rolled out Data collected for compliance Library created & made available
S-17	Local Fair Chance / "Ban the Box" ordinance - Complete a report to review best practices in housing formerly incarcerated people and assess the feasibility, impact, and enforcement options of a Fair Chance / Ban the Box ordinance for rental housing applicants that would limit the use of criminal records by property managers when they are screening prospective tenants. Draft an Ordinance and create a program proposal for the City Council's consideration.	3	Discrimination in housing application to people with criminal background	Idea from equity working group Supported by former homeless focus group, veterans focus group and rental access working group	Housing, CAO	Program	2026-28	Report completed Council presentation made Outreach done Ordinance drafted Program proposal created

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								Council consideration
S-18	Review data on City-monitored properties to identify Fair Housing issues - Analyze protected class information in the City's affordable housing portfolio, identify outlier properties with unusual concentrations of certain types of residents, and proactively meet with property managers and/or owners to review affirmative marketing and lease-up practices to solve potential fair housing problems.	3, 5	Lack of knowledge of affordable housing opportunities Tracking and preventing large scale fair housing issues	General support from disability focus group and African Ancestry focus group as to improving affirmative marketing and lease-up practices	Housing	Program	Starting in 2023-24 and ongoing	Outliers analysis # Meetings held with outlier properties Technical assistance given
S-19	Certificate of Preference program - Explore applicability of a Certificate of Preference program for the Diridon area to enable residents in danger of indirect displacement or who have been displaced to apply through separate queues for affordable apartments and/or homebuyer programs.	3	Need to prioritize access to affordable housing for most vulnerable	From Diridon Affordable Housing Implementation Plan	Housing	Program	2027	Research and legal analysis conducted Findings presented to Council If Council directed, program developed
S-20	Anti-displacement tenant preferences - To help mitigate displacement and serve the most vulnerable local residents, develop fair-housing compliant tenant preferences for this population. Seek Council approval for two tenant preferences: an Anti-Displacement Tenant preference, and a Neighborhood Tenant preference. If approved, implement the preferences on affordable housing units subject to the preferences. Seek the State's approval to use both tenant preferences in HCD-funded affordable housing developments. Sponsor State-legislation, SB 649, to reliably use anti-displacement preferences on bond- and tax credit-financed developments.	3	Displacement of residents	Supported at Housing Element goals/ strategies community meetings Consistent with Citywide Anti-Displacement Strategy	Housing, CAO	Policy	2023-25	June 2023: <u>Complete disparate impact analysis for 2 proposed preferences and submit to HCD for review</u> Legislation-passed Dec 2023: <u>Complete draft Ordinance and present to applicable City commissions and committees for review</u> drafted May 2023: <u>Council approves ordinance</u> State approval-sought

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								Preference(s)- implemented # affordable- apartments covered
S-21	Facilitation of equal access to housing - Continue to fund nonprofit organizations to affirmatively further Fair Housing throughout the City, and develop metrics to better understand the City's impact from funding fair housing grantees. <u>Consult grantees on appropriate metrics.</u>	3	Discrimination in housing	Supported at Housing Element goals/ strategies community meetings	Housing	Activity	Metrics by 2024 Funding ongoing 2023-31	<u>July 2024 Metrics developed by collaboration with and feedback from at least 3 funding to nonprofit fair housing grantees funding to nonprofit fair housing providers</u> # people assisted <u>metrics developed</u>
S-22	Fair housing services and support - Confer annually with legal services, tenant advocates, and tenants to determine priorities for programs and funding on fair housing testing, outreach/education, and legal representation.	3	Lack of legal representation and legal services for tenants Discrimination in housing	Supported by rental access working group	Housing	Activity	Ongoing 2023-31	Annual meetings held Priorities established jointly

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-23	Know Your Rights materials - Create basic 'Know Your Rights and Responsibilities' materials for landlords and tenants, including fair housing information. Produce materials in multiple languages with accessible vocabulary, pictures, and infographics. Create an outreach strategy to share this information widely including partners such as schools, community-based nonprofits, and housing providers. Provide links to additional resources including more information on fair housing. Identify eligible ongoing funding for this purpose.	3	Lack of awareness of rental rights, and lack of information in language of users	Idea from rental access working group Supported by Indigenous Peoples focus group	Housing, CAO	Program	2023-25	July 2024: Outreach Strategy developed # of communications pieces released # of recipients of communications at least # 2 partner organizations identified to assist in outreach
S-24	Targeted fair housing outreach and enforcement - Increase fair housing education, monitoring, and enforcement in target neighborhoods, especially on source of income discrimination. Consult legal assistance partners to identify locations of complaints and analyze City data on higher opportunity areas with racial/ethnic concentrations different than the lower-income renter population to determine target neighborhoods. Create a plan for outreach together with nonprofit and community-based partners. Identify more ongoing funding for this activity. Enter into contracts with qualified legal services organizations, to the extent capacity exists to do additional outreach work.	3	Source of income and other discrimination in housing.	Supported by rental access working group, Housing Element goals/strategies community meetings	Housing	Activity	Ongoing 2024-31	Data obtained from nonprofit legal organizations on locations of complaints Target neighborhoods identified Capacity assessed of legal assistance partners to do new outreach with community partners Funding identified Contracts executed # people assisted # services delivered

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-25	<p>Tenant-based vouchers in higher-resource areas - Partner with the Santa Clara County Housing Authority to implement a strategy for their administration of San José Section 8 rental vouchers that reduces barriers to vouchers' use in higher-opportunity areas and maximizes voucher holders' housing choices. Work with Direct the Housing Authority to capture performance measures to determine residents' state of health and educational attainment. Use the measures to identify possible program improvements.</p>	3	<p>Lack of affordable housing</p> <p>Not enough owners willing to accept vouchers</p> <p>Need for housing for lower-income populations</p>	<p>General support for increase in vouchers from veterans focus group, disability focus group, and high opportunity areas working group</p>	Housing	Activity	2023-26	<p><u>By December 2023: Meet with SCCHA to develop alignment of policies and measures</u></p> <p><u>By December 2024: Seek Council approval to direct SCCHA to capture relevant performance measures, if necessary</u></p> <p>Usage of San José vouchers in higher-resource areas</p> <p><u>By July 2026: Identify possible program improvements</u></p> <p>% increase of vouchers used in higher-resource areas</p> <p>Collection of performance measures on residents' health and education</p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-26	Increased support for nonprofits to do tenant outreach and education - Identify ongoing funding, such as Measure E Real Property Transfer Tax , to increase nonprofit organizations' support of San José tenants' rights. Increase funding of nonprofits to do broad tenant outreach, education, and legal representation on housing issues, including fair housing issues, to all tenants in the City. Support a nonprofit-run hotline for information and referrals on general tenant/landlord issues (not legal advice) for all tenants, regardless of income or type of home.	3	Lack of knowledge of renter rights and fair housing services Lack of capacity in legal organizations and nonprofits to provide legal services, including fair housing services	Support by rental access working group, Housing Element goals/strategies community meeting	Housing	Program	2024-31	<u>July 2025: funds identified for hotline</u> <u>Dec 2025: Launch hotline</u> <u>Funds budgeted annually for tenant and landlord outreach and education</u> <u>Difference in average funding per year for tenant and landlord outreach and education from 2023 to 2031</u> Services provided # Clients served Hotline established # Calls supported
S-27	Tenant/landlord education centers - Increase education and resources provided to tenants and landlords on City programs and their rights at tenant / landlord education centers located throughout the City. Locations should include Diridon Station Area, the City's forthcoming transit center, to maximize transit access as well as neighborhoods with high displacement risk according to UC Berkeley Urban Displacement Project analysis. Use digital tools, pop-ups, and/or mobile sites, and partner with community-based organizations to deliver services in ways that are convenient and accessible for all users, especially those with disabilities.	3	Lack of access and awareness of renter rights	Supported by rental access working group and Indigenous Peoples focus group Consistent with Diridon Affordable Housing Implementation Plan	Housing	Program	2025-31	# Locations served Materials available # Tenants and landlords assisted

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
S-28	Right to Counsel or Alternative - Develop a San José Right to Counsel or alternative collaborative housing court program proposal for the City Council's consideration. Issue a Request for Proposals and work with selected consultant to study costs and benefits of a right to counsel program versus other court intervention alternatives, create a program proposal , identify necessary and other legal resources, cost estimate, and potential funding sources . Seek City Council approval of the program. Additionally, explore potential regional partnerships for a regional Right to Counsel study and implementation as an alternative.	3	Lack of legal services/representation for tenants	Support from AFH Advisory Committee Consistent with Citywide Anti-Displacement Strategy	Housing	Program	2025-26	<u>2023: Collaborate with bay area housing finance authority on protections policy event including right to counsel and alternatives</u> <u>2023: RFP Issued</u> <u>2024: Consultant hired</u> <u>2024: Program proposed proposal to Council for approval</u> If approved, start program creation
S-29	Rent Stabilization Program Strategic Plan and program assessment - Complete a Strategic Plan for the Rent Stabilization Program and assess the efficacy of the program in meeting its goals to protect and stabilize tenants' housing. Include examination of the Program's effectiveness at helping to prevent Unlawful Detainers and preventing evictions. Evaluate the current Apartment Rent Ordinance and a set of possible amendments including types of properties covered and alternate methods of calculating maximum allowable rent increases.	3	Allowable rent increases are a barrier to maintaining housing because increases are still too high Need for more renters to be protected by tenant protections.	Support from equity working group, rental access working group, veterans focus group, Indigenous Peoples focus group, LGBTQ+, African ancestry focus group, Housing Element goals / strategies community meetings to prevent displacement and protect tenants	Housing	Activity	2024-25	<u>Consultant hired</u> Strategic Plan and program assessment completed with <u>consultant</u> Outreach conducted with <u>stakeholders</u> on any amendment proposals Report recommendations Amendments presented to

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								Council, if warranted.
S-30	Just cause eviction protection amendment - Request that the City Council expand the Tenant Protection Ordinance to not count immediate household members against occupancy limits, to the extent allowed by State Health and Safety Code.	3	Need to protect renters with families from harassment and lease violations when living in smaller housing units	Idea from rental access working group	Housing, CAO	Program	2025	Analysis of issue Presentation to Council Council consideration
S-31	Tenant Protection Ordinance amendment for affordable apartments Expand/amend the Tenant Protection Ordinance - Review the Tenant Protection Ordinance for ways it could apply to restricted affordable apartments and still be consistent with rules for common funding sources such as low-income housing tax credits and State funding programs, and propose amendments to the City Council.	3	Prohibitive rent increases in restricted affordable housing	Support for increasing tenant protections from Equity Working Group and Rental Access Working Group	Housing, CAO	Program	2026-27	Analysis of issue Ordinance amendment Presentation to Council Council consideration
S-32	Local enforcement of state tenant protections - Work with the state to establish that San José can enforce AB 1482, the state's anti-rent spiking and just cause eviction protection law, source of income discrimination laws, and other state tenant protections that interact with City programs. Assess whether desired enforcement authority can be granted administratively or if legislation is needed. If needed, advocate for legislation <u>such as SB 567 (2022)</u> or <u>with the State agency HCD</u> to establish authority of enforcement.	3	Discrimination in obtaining housing based on source of income Lack of ability to enforce City's Housing Payment Equality Ordinance	Supported by neighborhood equity working group, veterans focus group, disability focus group, and high opportunity areas working group From the Citywide Anti-Displacement Strategy	Housing, CAO, IGR	Policy	2023-26	State determined pathway <u>Advocate for existing bills that could incorporate local right to enforce</u> Sponsored State bill if needed

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								Work with coalition of rent stabilization cities Legislation passage
S-33	Job training with housing subsidies - Provide participants of local job training programs with shelter and rapid rehousing subsidies to increase their stability and access to living wage jobs. Advocate for ongoing funding from the State and federal government for this purpose.	3	Need for housing stability during education to help gain wealth	Support at Housing Element goals/ strategies community meetings, and by the Community Plan to End Homelessness	Housing	Program	2023-31 ongoing, pending funding availability	# housing-subsidized participants in job training programs Support letters and meetings for legislation / budget requests
S-34	Economic opportunity strategies - Explore and establish strategies to increase economic opportunities, self-sufficiency, and asset-building for households and communities. Fund programs with federal funds from the U.S. Department of Housing and Urban Development <u>to the extent uses are eligible, funds are available, and work is in alignment with, as allowed by</u> the City's Consolidated Plan 2020-25, and other funds.	3, 4	High housing costs, need for stability, building wealth	Supported by homeownership working group Retained from 5th cycle	Housing	Policy	Ongoing 2023-31	Strategies created Strategies implemented Programs funded

3.4 Goal 4: Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources

The San José General Plan and state laws express goals to create thriving neighborhoods that are open to all groups of people and that are close to jobs, schools, and everyday services. San José can direct contextual housing development into mixed-use growth areas that includes more affordable homes. This helps everyone have equal access to these higher-resource areas. The City needs to prioritize investment of resources into lower-resource areas, especially those that have high racial/ethnic concentrations and very low incomes, to uplift the areas and ensure they do not fall further behind.

Goal 4's strategies (*Table 3-5*) therefore focus on targeted neighborhood investments and access to higher-resource areas. Many Goal 4 strategies also cross-reference affordable housing production strategies under Goal 1 that strive to place more affordable housing in neighborhoods where it is now scarce, so as to maximize residents' housing choices.

Table 3-5: Neighborhood Investments and Higher-Resource Neighborhoods

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
N-1	<p>Equitable neighborhoods-based investment strategies - Focus the City's investments on increasing equity in racially/ethnically concentrated neighborhoods with extremely low incomes <u>by engaging community members and seeking a common data-informed approach across initiatives.</u> changing the City's organization and the way that departments collaborate.</p> <p>Organize departments' staffing and community services delivery by neighborhood.</p> <p>Create a coordinated Engage neighborhood engagement strategy to work with residents in formerly redlined neighborhoods with high racial/ethnic concentrations and lower-incomes <u>to identify their investment priorities.</u> Also include, as appropriate, programming that incorporate historically impacted individuals who are at risk of displacement who do not currently live in highly concentrated neighborhoods. <u>Use this information to inform the City's consolidated plan for the use of federal funds from HUD for the 2025-2030 cycle.</u></p> <p>Create an interdepartmental team facilitated by the CMO to create a common equity-based framework that Prioritizes investing federal community development block grant funds and other funds, <u>to the extent legally permissible,</u> in capital projects and delivering services to racially and ethnically concentrated areas with a high proportion of lower-income residents.</p> <p>Align data indicators across departments on income, race/ethnicity, and protected classes where possible by <u>coordination with other departments through the data equity team.</u></p> <p>Identify resources and amenities that residents want in their communities, including but not limited to affordable housing, and co-create neighborhood investment priorities and that help <u>mitigate anti-displacement plans</u> consistent with the Citywide Residential Anti-Displacement Strategy "3Ps" approach (production, preservation and protection) <u>and the City's roadmap priorities.</u></p>	4, 5	Historic disinvestment in racially/ethnically concentrated, lower-income neighborhoods. Fragmentation of community outreach.	Support for reparations from neighborhood equity working group. Support from both African ancestry focus group and Indigenous Peoples focus group for housing solutions based on race.	CMO, Budget, ORE, Housing, PRNS, PW, DOT, ESD, Library	Policy Program Activity	2023-31	<p><u>December 2025: Neighborhood engagement strategy created</u></p> <p><u>By March 2024: Neighborhood engagement launched</u></p> <p><u>August 2025: Neighborhood investment priorities created in draft consolidated plan and Council approves</u></p> <p><u>Interdepartmental team formed</u></p> <p><u>Framework created</u></p> <p><u>Common set of data indicators agreed upon</u></p> <p><u>Organizational changes made</u></p> <p><u>Neighborhood engagement strategy created for target neighborhoods</u></p> <p><u>Neighborhood plans co-created</u></p> <p><u>New sources of funding to implement</u></p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
	<p>Apply the updated equity based framework to budget requests, investment plans, and program delivery, and align the resulting priorities with Citywide Roadmap priorities.</p> <p><u>Research data that may assess San Jose's community assets and identify areas that have experienced under investment.</u></p> <p>Identify new, additional funding sources to implement the co-created neighborhood investment and anti-displacement plans priorities.</p>							<p>neighborhood plans identified</p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
N-2	Urban Village Plans with anti-displacement features - Complete update of Five Wounds Urban Village Plan (Five Wounds, Little Portugal, Roosevelt Park, 24th & Williams St.) to prepare for BART station area creation. Work with the Valley Transportation Authority and co-selected consultant to identify & integrate residential and small business anti-displacement features. Use these features in other Urban Village plans as best practices.	4, 3, 1	Need to prevent displacement of lower-income residents and small businesses.	Neighborhood organizations on East side.	PBCE, Housing, OEDCA	Program	2023-24 for Five Wounds	Consultant-identified anti-displacement features for Five Wounds UV Plan Other UV Plans ongoing
N-3	Vacant and Neglected Buildings Program - Continue the Vacant and Neglected Building and Storefronts Program to monitor all identified vacant or neglected buildings so that they remain safe and secure until they are rehabilitated and reoccupied. This proactive program reduces the risk of loitering, illegal occupancy, and fire hazards.	4	Unsafe conditions at vacant or neglected buildings.	Retained from 5th Cycle and updated	PBCE	Program	Ongoing 2023-31	# Buildings monitored # Buildings cited # Problems resolved
N-4	Preservation and Community Development Capacity Building - Establish programs to provide capacity building and technical assistance to community-based nonprofit organizations to engage in grassroots community preservation and development activities partnered with nonprofit developers in order to stabilize neighborhoods. Preservation activities include acquisition and rehabilitation of existing low-cost housing, alternative community ownership models, community stakeholder engagement, and prevention of displacement of community small businesses.	4, 5, 1	Lack of capacity of community-based nonprofits to acquire or preserve existing affordable housing Lack of tenant engagement in home sales or transfer	Supported by homeownership working group, Housing Element strategies/goals community meeting	Housing, OEDCA	Program	2023-27	# and \$ of capacity-building grants awarded Nonprofits receiving education
N-5	Increase affordable housing production in higher-resource areas - <ul style="list-style-type: none"> Fully implement and evaluate effectiveness of the City's new <u>Affordable Housing Siting Policy</u> Allocate a greater share of affordable housing subsidy awards to higher-resource neighborhoods to <u>increase affordable housing production there, providing more lower-income and protected class residents greater choices of where they can live.</u> 	4, 5	Lack of affordable housing in high opportunity neighborhoods	Support from housing production focus group	Housing	Program	2023-3427	NOFAs' share for <u>higher-opportunity areas</u> <u>July 2026: 35% of funds awarded in high-opportunity areas between July 2021 and June 2025</u> <u>December 2027: Complete evaluation of</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								<p><u>Siting Policy and present to City Council</u></p> <p># residents in # affordable units in higher-opportunity areas</p>
N-6	<p>Reduced transit fares for lower-income residents - To reduce the cost of transportation + housing for lower-income residents, continue to coordinate with the Valley Transportation Authority to apply for and access federal funds to subsidize low-income resident transit fares. and promote Bay Area-wide means-based fare reduction programs.</p>	4, 5	High transportation costs. Lack of transit options in lower-income neighborhoods	Supported by Indigenous Peoples focus group and high opportunity areas focus group	DOT, IGR	Activity	2023-31	<p>Advocacy meetings and letters</p> <p>Federal funds obtained for fare reductions</p>
N-7	<p>External infrastructure funding to create complete, high-quality living environments - Continue to seek external funding for parks, transportation, and other types of neighborhood infrastructure that favor cities with a demonstrated commitment to building affordable housing. <u>Coordinate across departments to apply for funds for the purpose of prioritizing investments in lower-income neighborhoods with fewer amenities and need according to City investment plans or other amenity analysis</u> to the extent that program rules allow. Improve accessibility for residents with physical disabilities through infrastructure work.</p>	4, 5	Lack of resources and infrastructure in lower-income neighborhoods	Retained from 5th Cycle and updated	Housing, DOT, PW, OEDCA, PRNS	Program	2023-31	<p>State, federal, or private sources researched</p> <p>Sources awarded Investments made in targeted neighborhoods</p> <p>Accessibility improvements funded</p> <p><u>June 2023: Implement pilot project for funded by CDBG for prioritizing R/ECAPs and other historically disinvested neighborhoods</u></p> <p><u>December 2024: Plan with goals/metrics and timeline</u></p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								<u>developed in 2024</u>
N-8	Outside bond issuers - Examine <u>Analyze</u> the merits of requiring that the City issue private activity bonds for affordable housing. <u>Positives include including</u> increased City control, positive neighborhood outcomes, and generation of revenue for city staffing. <u>Challenges include</u> City workload and costs to developers for City fees and workload implications for the City's affordable housing staffing. If a change is warranted, seek City Council approval for an amendment to the City's bond issuance policy.	4, 1	Prevent / solve neighborhood issues from any problem properties Need for revenues to staff housing programs	In Housing Crisis Workplan	Housing, Finance, OEDCA	Policy	2023 <u>5</u>	Analysis done Council request for change to policy (if warranted)
N-9	Affordable transit-oriented development - Facilitate development of transit-oriented affordable homes within ½-mile of future BART, Lightrail, and Bus Rapid Transit (BRT) stations, including identification of opportunities to develop publicly-owned parcels with affordable housing.	. 4, 1	Increase mobility options and decrease transportation costs for lower-income residents Lessen environmental impacts of new housing development	Retained from 5th Cycle and updated	Housing, OEDCA, PBCE	Activity	2023-31 ongoing	# parcels purchased # projected affordable units assisted

3.5 Goal 5: Racially and socially inclusive neighborhoods that overcome past and present discrimination

Housing has been, and continues to be, a major area of discrimination in American society, and San José is no exception. There are disparities in homeownership, overcrowding, and access to opportunity. Because of past and present discrimination, there are large differences by race and income as to

who owns a home. This widens the differences in wealth between races. Residents in other protected classes also may not be evenly dispersed throughout the City's neighborhoods. Reducing disparities among neighborhoods requires the City to work intentionally to dismantle existing patterns of segregation and promote fair housing. This goal aims to repair past practices that discriminated by race and other factor, create a housing landscape with choices that allow for equal opportunity for all.

San José has a diverse population to house. More than 40% of the City's working households are lower-income, and San José's lower-income residents are disproportionately non-White. More than 20% of residents in the San José metropolitan area are undocumented, and San José residents speak more than 100 languages. For these reasons, it is important for the City to ensure that housing opportunities address the diversity of San José's population and foster housing choices that lessen existing racial and ethnic segregation in the City.

Goal 5's strategies (*Table 3-6*) focus on housing for special populations. They also include systems-oriented strategies such as equity-focused outreach, decision making bodies, and planning and advocacy structures. The systems-oriented strategies put more protected class residents, and their lived experiences, into the City's decision making process and program offerings. In the long-term, these changes should support improvements in neighborhoods' inclusiveness and equity.

Table 3-6: Inclusive Neighborhoods

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
I-1	Disabled community partnership and priorities - Create partnerships with organizations that provide outreach to <u>people with disabilities disabled persons</u> , and meet at least twice per year to collaborate on ways the City could improve how well its affordable housing portfolio serves <u>residents with disabilities disabled residents</u> . Conduct two tours of affordable sites to get partners' feedback and identify challenges for <u>residents with disabilities disabled residents</u> , prioritize changes to developments the City could effectuate, identify potential changes to the City's affordable housing funding priorities and other requirements, and promote lessons learned to the development community.	5	Need to incorporate affected persons into decision-making processes Lack of accessible housing units Lack of input from <u>people with disabilities disabled people</u> in policy or decision-making processes	Supported by AFH Advisory group to center experiences of <u>people with disabilities disabled persons</u> and immigrants. Supported by disability focus group, veterans focus group, LGBTQ+ focus group, Indigenous Peoples focus group and homeownership working group. Support by LGBTQ+ focus group to include affected persons in policy and decision-making processes.	Housing, PBCE	Activity	2023-26	# Meetings held # Tours conducted Changes to NOFAs Changes to affordable housing development requirements Lessons learned publication
I-2	Affirmative marketing to disabled community - Implement practices to increase access to existing affordable housing, especially those located near transit, for residents with disabilities. Verify that affirmative marketing plans for affordable apartments include outreach to persons with disabilities and organizations that represent them (i.e., San Andreas Regional Center, Housing Choices Coalition for Person with Developmental Disabilities, Silicon Valley Independent Living Center, and others). Ensure that reasonable accommodation request forms are in formats that are fully accessible. Research and promote property management companies' best practices that maximize the likelihood of applicants with disabilities being able to access affordable, accessible apartments.	5, 3, 4	Lack of accessible and affordable housing units. Lack of access to adapted accessible homes for people with disabilities. Need for physically disabled residents to access transit-oriented housing.	Suggested by disability focus group, comments from the Housing Choices Coalition, and public comments from Diridon Affordable Housing Implementation Plan.	Housing, CAO	Program	2024-27	<u>Annually 2023-2031: measure review of # Affirmative marketing plans reviews done</u> <u>Best practices issued</u> September 2024: Gather best practices July 2025: Implement changes on affirmative marketing plan requirements & reasonable accommodation request forms Goal: 95% compliance by 3 years after rollout

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								September 2025: Hold stakeholder meetings September 2026: Issue best practices / create a library of materials
I-3	Farmworker housing locations - Update the City's agricultural zoning code to clarify that farmworker housing for 6 or less people shall be treated the same as a single-family home, amend the agricultural zoning district to ensure consistency with California Health & Safety Code 17201.6, revise Chapter 20.195 of the zoning code to ensure compliance with California Health & Safety Code to ensure compliance with California Health & Safety Code Section 17201.8. be more accommodating on location of farmworker housing and align with Housing Element Law.	5	Need for low-cost farmworker housing.	From Housing Crisis Workplan and state law.	PBCE	Activity	2024-2023	Council approval of zoning code update
I-4	Create a Housing Balance Report - Create a biannual Housing Balance Report that tracks the net gain and loss of all types of affordable and low-cost housing, analyzes it spatially, and compares to demographics to determine the City's progress in maintaining and increasing the availability of appropriate housing opportunities for all residents (including those in protected classes) across the City. Geographic analysis should also identify displacement risk and analyze Urban Villages and neighborhoods or Council districts.	5, 1	Lack of demographic data on resident displacement and housing attainment	From Citywide Anti-Displacement Strategy Supported by neighborhood equity working group	Housing	Activity	2025-26	Report published <u>Report presented to City Council</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
I-5	Adopt an ordinance consistent with Universal design ordinance, plans, and guidance - Fully implement building code to encourage use of universal design principles that ensures new developments are fully accessible for residents with physical mobility issues. Identify a partner to create a preapproved plan set for ADUs consistent with universal design principles and fully accessible for residents with physical mobility issues. Issue guidance on how to create <u>Fully implement building code to encourage use of universal design principles that ensures new developments are fully accessible for residents with physical mobility issues. Identify a partner to create a preapproved plan set for ADUs consistent with universal design principles and fully accessible for residents with physical mobility issues. Issue guidance on how to create</u> Include guidelines about creating accessible pathways between an the ADU, the main residence, and the street to promote independence and mobility of physically disabled residents.	5, 1	Lack of accessible units Disruption and cost when people must move to accommodate their aging needs	Support for universal design from disability focus group Support from disability focus groups for homes that promote aging in place	PBCE	Activity	2027	Ordinance approved by City Council Plan set created and released Pathways guidelines created and released
I-6	Universal design and ADA upgrades - Through the City's Notices of Funding Availability, incent construction of universal design apartments and ADA upgrades for existing buildings <u>consistent with TCAC guidelines to enhance accessibility and inclusion for seniors and people with physical disabilities including those with developmental disabilities served by the San Andreas Regional Center.</u>	5, 1	Lack of accessible units in San José	Supported by veterans focus group, disability focus group, LGBTQ+ focus group, Indigenous Peoples focus group, Housing Choices Coalition	Housing, CAO	Program	Periodically 2023-31	<u>By 2031: At least 50% of annual NOFAs issued incent units for residents with disabilities</u> <u>By 2031: City funds committed to 150 units with enhanced accessibility per TCAC guidelines</u> # apartments with universal design # apartments with ADA upgrades

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
I-7	<p>Inclusive and equitable community engagement – Develop and implement inclusive and equitable community engagement strategies that center racial and social equity to inform and hear from San José residents in protected classes. Strategies are for use by City staff as well as developers and community groups.</p> <p>Amend the City's outreach and engagement policies, including Public Outreach Policy 6-30, to ensure that outreach is robust and opportunities for meaningful public participation are fully supported with multi-lingual materials, translation, and interpretation. Provide clear processes and methods to collect multi-lingual input and for input by persons with disabilities.</p> <p>Adopt language access standards for Housing Department outreach/public events and for Housing Department-funded affordable housing and grantees.</p> <p>Increase the availability of financial resources for all City staff to regularly partner with community-based organizations who have community engagement, relationship building, and education as core competencies to gather meaningful community input.</p> <p>Continue to develop consistent equitable outreach practices and coordination across departments. Provide staffing from the City Manager's Office to help manage, train staff to present effectively, and increase departments' staffing to do outreach and engagement.</p> <p>Develop appropriate, culturally competent, place-based outreach strategies and processes to engage community members and members of protected classes both to those who live in concentrated neighborhoods (related to N-1, above) and those who may be geographically dispersed.</p>	5, 4	<p>Lack of meaningful public participation in government</p> <p>Lack of participation in outreach from non-English speakers and from range of demographics of residents</p> <p>Lack of knowledge of available programs/resources</p>	<p>Suggested by neighborhood equity working group.</p> <p>Supported by rental access working group, schools focus group, LGBTQ+ focus group, HE goals/strategies community meetings</p>	CMO, ORE, PBCE, Housing	Program Policy Activity	2026	<p>Community engagement strategies drafted</p> <p>City Auditor's recommendations on outreach closed</p> <p>Amended outreach policy drafted and adopted by Council</p> <p>Revised Language Access plan for Housing</p> <p>Revised outreach procedures for PBCE</p> <p>Budget for CBO-based outreach increased</p>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
I-8	Promotores-based outreach - Fund a community-based Promotoras/ Promotores program to compensate residents who listen actively to community members' needs, share their lived experiences, build trust, and help the City to do meaningful community outreach and engagement. Focus resources on hiring Promotoras/es from protected classes to serve the City's subpopulations experiencing the greatest housing needs. Make them available to all departments conducting outreach and engagement.	5	Need for more meaningful engagement between City and vulnerable residents	Support from LGBTQ+ focus group and Citywide Anti-Displacement Strategy outreach to include vulnerable residents into decision making processes and to compensate them for their time	CMO	Program	2023-31	# promotores contracts per year # community engagements Budget spent per year
I-9	Equitable Representation of Historically Underrepresented Communities on City Bodies Commissions - Conduct an analysis of appointments to <u>commissions and advisory bodies</u> the Housing and Community Development Commission and the Neighborhoods Commission to track the representation of protected classes, historically underrepresented neighborhoods, and those with other relevant characteristics. <u>Develop and implement guidelines, update the municipal codes where needed, a pilot program</u> to require an equitable distribution of seats for historically underrepresented populations, including low-income renters and homeless/formerly homeless residents. on these two Commissions.	5	Lack of representation of people most affected in decision-making processes	From Citywide Anti-Displacement Strategy (priority #4)	CMO, Housing, ORE, PRNS	Program	2024-28	Analysis completed Community outreach conducted Draft Pilot created <u>Guidelines developed</u> Council approval of <u>municipal code updates</u> Pilot implemented # of protected class members and those with lived experience of housing insecurity added to commissions and/or advisory boards

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
I-10	Lived Experience with Homelessness seat on Commission - Fully implement the primary and alternate seats for a commissioner with Lived Experience Seat with homelessness on the Housing and Community Development Commission. Work with the Mayor's Office and the Clerk's Office to ensure the primary and alternate seats are filled promptly and the primary seat remains filled ongoing. Provide orientation, training, compensation, and other supports as needed <u>together with Destination: Home</u> . Perform a confidential evaluation with those two commissioners, and other interested commissioners, starting 12 months after the Lived Experience commissioner seat is filled, and implement additional recommended improvements to support the commissioners.	5	Lack of participation in policy development and solutions from people most affected.	Supported by LGBTQ+ focus group for including LGBTQ+ persons in policy and decision making. LGBTQ+ focus group support for compensating people for their time in City outreach. Support for centering tenants from AFH Advisory Committee.	Housing	Activity	2023- 25 6	<u>February 2023:</u> Seats filled <u>February 2023:</u> Orientation and training provided within 6 months of seat being filled, and ongoing Gcompensation provided <u>February 2024:</u> Evaluation conducted <u>July 2025 to July 2026:</u> Additional improvements made, as appropriate
I-11	Representation of and priority for protected class members on City bodies - Develop and implement guidelines, and update the municipal codes where needed, to ensure elevated representation of communities of color and other protected class members in decision-making or advisory bodies such as City Commissions or refreshed Neighborhood Advisory Councils.	5	Lack of representation of people most affected in decision-making processes	Supported by neighborhood equity working group LGBTQ+ focus group suggestion that LGBTQ+ persons be included in policy and decision-making Support from AFH Advisory Committee Consistent with Citywide Anti-Displacement Strategy	CMO, Clerk	Activity	2023- 30 31	Guidelines developed Council approval of municipal code updates # protected class members and those with lived experience of housing insecurity added to commissions and/or advisory boards
I-12	Resident-identified priorities - Interview, survey and analyze the living experience of the City's lower-income residents, especially those in protected classes, in all housing across the City. Use the results to determine needs the City should track and endeavor to meet.	5	Need for meaningful engagement between Housing Department and vulnerable residents	Supported by neighborhood equity working group, AFH Advisory Committee and LGBTQ+ focus group	Housing	Activity	2025-27	<u>July 2025:</u> Survey designed & Survey released <u>July 2025:</u> Work with Open House and other

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
								<u>stakeholders to increase response rate</u> <u>July 2025 to July 2026: # survey responses (goal of xx surveys) Survey responses analyzed</u> <u>July 2026: Resulting changes proposed to City programs and efforts; release Information Memo. Resulting changes proposed</u>
I-13	Equity-focused metrics – Develop and align department-wide metrics that measure progress towards beneficial outcomes for protected class residents resulting from housing policies and programs.	5	Discrimination in housing	Supported by rental-access working group	Housing, PBCE, CMO	Activity	2025-26	Metrics established Reporting
I-14	Assessment of Fair Housing Plan - Complete the Assessment of Fair Housing Plan, and include implementation actions that are different than the Housing Element in the Housing Catalyst Team Work Plan.	5	Identify impediments to fair housing and housing and neighborhood investment strategies	Federal funding requirements, and the Housing Crisis Workplan.	Housing	Activity	2024	<u>September 2023: Completion of draft Plan</u> <u>October 2023: Adoption by Council</u> <u>October 2023: Submission to Approval by HUD</u>
I-15	Housing Catalyst Team Work Plan - Implement Housing Catalyst Team Work Plan to drive and compliment the Housing Element/Assessment of Fair Housing Work Plan, and report progress to the City Council annually. Create a webpage on the City's website for transparency to the public.	5	Focus on housing work as a priority Public transparency	From Housing Crisis Workplan	OEDCA, Housing, PBCE, DOT	Program	Annually 2023-31	<u>Fall 2023: First workplan brought Annual report to Council</u> <u>Annual report to Council</u>

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	TYPE	TIMING	METRICS
I-16	Advocacy to close the racial homeownership gap - As part of the Housing Department's ongoing leadership around Fair Housing issues, engage in and support efforts at the state and federal levels to amend fair housing laws to allow for race-targeted housing assistance in jurisdictions where the jurisdiction has made documented findings of fact that race-based housing discrimination has occurred.	5	Lack of housing for members of protected classes Legal barriers to provide housing based on race	Support for set aside housing based on race supported by African ancestry focus group and Indigenous Peoples focus group	Housing, IGR	Activity	2023-31	Support letters issued Advocacy meetings held
I-17	Collaborative solutions to address housing needs - Work collaboratively on housing-related solutions with other City departments, California jurisdictions, and working groups such as the Santa Clara Grants Management Group, Big 3 Cities Housing groups, ABAG/MTC working groups, Santa Clara County Planning Collaborative, Santa Clara County Association of Planning Officials, the Santa Clara County Cities Association, the Bay Area Housing Finance Authority, Destination: Home, the County of Santa Clara, and others.	5	Work together to solve interconnected housing needs of region and state	Retained and updated from 5th Cycle	Housing, PBCE	Policy	Ongoing 2023-31	Collaborative initiatives
I-18	Advocacy on public policies and programs to facilitate production, preservation, protection, and neighborhood investments - Inform, support and advocate for public policies and programs at all levels that create funding and other assistance for affordable housing production and preservation, tenant protections, and investments in prioritized extremely low-income, racially segregated neighborhoods.	5, 1	Lack of federal protections for tenants, funding for affordable housing and historic disinvestment in racially segregated neighborhoods	Support for reparations from African ancestry focus group and neighborhood equity working group.	Housing, IGR	Activity	Ongoing 2023-31	Support letters Working group participation
I-19	Reasonable Accommodation - <u>update ordinance to ensure consistency with State and Federal laws and AFFH</u>	<u>1</u>	<u>Addressing barriers to the development of special needs housing</u>	<u>HCD</u>	<u>PBCE</u>	<u>Activity</u>	<u>2025</u>	<u>Council approval of ordinance.</u>

Implementation

The City and its partner agencies are committed to implementing the programs outlined in this chapter over the eight-year planning period. These implementation programs have been developed with extensive community input and with thoughtful consideration for what the City could feasibly accomplish during the planning period with current staff resources.

Short – Term (2023-2025)

<u>#</u>	<u>Strategy</u>	<u>Milestones</u>	<u>Objective</u>
<u>H-1</u>	<u>Interim homeless housing construction</u>	<u>2023: Identify sites</u> <u>2025: Units completed</u> <u>Funds obtained for operations & services</u>	
<u>H-11</u>	<u>Feedback from those with lived experience in homelessness in decision making</u>	<u>2023-2031: Staff to attend meetings of LEAB or other lived experience groups at least once a year to ask for feedback on program priorities</u> <u>July 2024: Identify universe of applicable contracts and timeline for renewals</u> <u>June 2025: Contracts renewed amended to include consultative language, and include in newly awarded contracts</u> <u>By December 2025: Goal of 90% of homelessness contracts with amended language requiring lived experience consultations</u>	

<u>H-12</u>	<u>Neighborhood outreach and education on homeless housing and other housing topics</u>	<u>Materials prepared CBOs under contract Funding allocated</u> <u>Households outreached to</u> <u>Feedback sessions held</u>	
<u>H-13</u>	<u>Regional homeless response coordination and planning</u>	<u>Council adoption of implementation plan</u>	
<u>H-14</u>	<u>Emergency Shelters</u>	<u>Council approval of ordinance amendments</u>	
<u>I-1</u>	<u>Disabled community partnership and priorities</u>	<u># Meetings held</u> <u># Tours conducted</u> <u>Changes to NOFAs</u> <u>Changes to affordable housing development requirements</u> <u>Lessons learned</u> <u>publication</u>	
<u>I-2</u>	<u>Affirmative marketing to disabled community</u>	<u>Annually 2023-2031: measure review of affirmative marketing plans</u> <u>September 2024: Gather best practices</u> <u>July 2025: Implement changes on affirmative marketing plan requirements & reasonable accommodation request forms</u> <u>Goal: 95% compliance by 3 years after rollout</u> <u>September 2025: Hold stakeholder meetings</u> <u>September 2026: Issue</u>	

		<u>best practices / create a library of materials</u>	
<u>I-3</u>	<u>Farmworker Housing</u>	<u>Council approval of zoning code update</u>	
<u>I-4</u>	<u>Create a Housing Balance Report</u>	<u>Report published _____</u> <u>Report presented to City Council</u>	
<u>I-8</u>	<u>Promotores-based outreach</u>	<u># promotores contracts per year</u> <u># community engagements</u> <u>Budget spent per year</u>	
<u>I-9</u>	<u>Equitable Representation of Historically Underrepresented Communities on City bodies</u>	<u>Analysis completed</u> <u>Community outreach conducted</u> <u>Guidelines developed</u> <u>Council approval of municipal code updates</u> <u># of protected class members and those with lived experience of housing insecurity added to commissions and/or advisory boards</u>	
<u>I-10</u>	<u>Lived Experience with Homelessness seat on Commission</u>	<u>February 2023: Seats filled</u> <u>February 2023: Orientation and training provided, compensation provided</u> <u>February 2024: Evaluation conducted</u> <u>BY July 2025: Additional improvements made, as appropriate</u>	

<u>I-14</u>	<u>Assessment of Fair Housing Plan</u>	<u>September 2023: Completion of draft Plan</u> <u>October 2023: Adoption by Council</u> <u>October 2023: Submission to HUD</u>	
<u>I-15</u>	<u>Housing Catalyst Team Work Plan</u>	<u>Fall 2023: First workplan brought to council for approval. Annual report to Council</u>	
<u>N-1</u>	<u>Equitable neighborhoods-based investment strategies</u>	<u>December 2025: Neighborhood engagement strategy created</u> <u>By March 2024: Neighborhood engagement launched</u> <u>August 2025: Neighborhood investment priorities created in draft consolidated plan and Council approves</u>	
<u>N-2</u>	<u>Urban Village Plans with anti-displacement features</u>	<u>Consultant-identified anti-displacement features for Five Wounds UV Plan</u> <u>Other UV Plans ongoing</u>	
<u>N-4</u>	<u>Preservation and Community Development Capacity Building</u>	<u># and \$ of capacity-building grants awarded</u> <u>Nonprofits receiving education</u>	
<u>N-7</u>	<u>External infrastructure funding to create complete, high-quality living</u>	<u>June 2023: Implement pilot project funded by CDBG for prioritizing</u>	

	<u>environments</u>	<u>R/ECAPs and other historically disinvested neighborhoods</u> <u>December 2024: Plan with goals/metrics and timeline developed in 2024</u>	
<u>N-8</u>	<u>Outside bond issuers</u>	<u>Analysis done</u> <u>Council request for change to policy (if warranted)</u>	
<u>P-1</u>	<u>Align zoning with the General Plan</u>	<u>Council approval of zoning changes</u>	
<u>P-3</u>	<u>North San José Affordable Housing Overlay Zones</u>	<u>December 2023: Council approval of General Plan and Zoning Code Amendments</u> <u>January 2024: Overlay sites rezoned</u>	
<u>P-4</u>	<u>Affordable housing tools for North San José</u>	<u>Study created</u> <u>Creation of draft tools</u> <u>Council approval of tools</u> <u>Creation of Plan</u> <u>Council approval of Plan</u>	
<u>P-6</u>	<u>Regular coordination meetings for affordable housing</u>	<u>Housing Navigator budgeted annually</u> <u># affordable housing developments assisted</u>	
<u>P-7</u>	<u>City ministerial infill approval ordinance</u>	<u>Outreach to developers</u> <u>Council approval of Ordinance</u>	
<u>P-8</u>	<u>General Plan Amendment to remove commercial requirements for affordable housing</u>	<u>Council approval of General Plan amendment</u>	

P-10	Standardize and streamline permitting, fees, applications	Policy resolution to Council on Fee Framework Fees webpage created Development applications tools improved	
P-11	Explore Allowing “SB 9” Type Housing on Additional Properties	Council approval of zoning code amendment Council approval of design standards	
P-12	Cost of Residential Development Study update	Council presentations Program or fee changes identified and made per updated analysis	
P-13	Replacement policy for redevelopment of existing affordable housing units	Council approval of Policy Developer guidance created/ improved Website amended	
P-14	Housing in Business Corridors	Council approval of zoning code amendment	
P-15	Moderate-income Housing Strategy -	Council approval of strategy	
P-20	Mixed-income housing	# of housing developments with market-rate or moderate-income units and ELI and/or VLI unit	
P-21	Special needs housing NOFA	NOFAs issued Council commitments # resulting affordable units	
P-26	Accessory Dwelling Unit (ADU) Amnesty program	July 2024: Program release	

		<u>Dec 2031: Approximately 150 ADUs into in compliance by 2031</u>	
<u>P-30</u>	<u>Updated feasibility study for Commercial Linkage Fee</u>	<u>Feasibility study update</u> <u>Council approval of updated fees</u> <u>\$ CLF revenues collected</u> <u># affordable units subsidized</u>	
<u>P-38</u>	<u>Adequate sites for lower-income households on nonvacant and vacant sites identified in previous housing element cycles</u>	<u>Council approval of zoning changes</u>	
<u>P-39</u>	<u>Replacement unit program for selected sites</u>	<u>Council adoption of the policy</u>	
<u>P-40</u>	<u>Evaluate Urban Village planning process</u>	<u>Conduct and Publication of 4-year review.</u>	
<u>P-41</u>	<u>Review Planning Permit Conditions</u>	<u>Council approval of ordinance amendments</u>	
<u>P-42</u>	<u>Group homes for seven or more persons</u>	<u>Update ordinance</u>	
<u>P-43</u>	<u>Update City Density Bonus Ordinance</u>	<u>Council approval of ordinance amendments</u>	
<u>P-46</u>	<u>Rezoning Program for Shortfall, low income sites</u>	<u>Council approval of rezoning ordinance changes</u>	
<u>R-1</u>	<u>Monitor at-risk affordable units</u>	<u>Creation of risk-based reports</u> <u># meetings held</u> <u># units preserved</u>	
<u>R-2</u>	<u>Establish a Preservation NOFA</u>	<u>June 2024: Program guidelines completed</u> <u>by December 2024: First</u>	

		<u>NOFA issued at least every other year (i.e., at least 4 NOFAs during the Sixth Cycle compliance period)</u> <u>\$5M average available per year per NOFA</u> <u>by 2031: At least 110 units of newly-restricted affordable housing acquired by nonprofits and rehabilitated through city and external funding</u>	
<u>R-9</u>	<u>Create a Preservation Policy</u>	<u>Council approval of Policy</u>	
<u>R-12</u>	<u>Revised Anti-Displacement Strategy</u>	<u>Best practices researched</u> <u>Outreach conducted</u> <u>Strategy drafted</u> <u>Council approval</u>	
<u>R-13</u>	<u>Soft Story Program</u>	<u>Outreach conducted</u> <u>Ordinance and program drafted</u> <u>Council approval of Ordinance and program</u> <u>Rebate program launched</u> <u># buildings receiving retrofits</u> <u>\$ funded for rebates</u>	
<u>S-4</u>	<u>Updated relocation assistance</u>	<u>Analysis complete</u> <u>Stakeholder outreach on cost escalators and proposed changes</u> <u>Council approval of code updates</u>	
<u>S-9</u>	<u>Anti-Displacement into Urban Village Plans</u>	<u>Consultant identifies anti-displacement features for</u>	

		<u>Five Wounds UV Plan</u> <u># of other UV Plans</u> <u>incorporating features</u>	
<u>S-10</u>	<u>Study on rent increases and burden in affordable housing</u>	<u>January 2024: Research conducted</u> <u>January 2025: Findings presented to the City Council</u>	
<u>S-12</u>	<u>Eviction prevention</u>	<u>Workshops held</u> <u>Parties assisted</u> <u>People connected to new services</u> <u>Funding secured</u>	
<u>S-13</u>	<u>Affordable housing renter portal language access</u>	<u># languages</u> <u># applicants using non-English versions</u>	
<u>S-14</u>	<u>Advocacy for tenant-based vouchers</u>	<u>State determination of enforcement path</u> <u>State approval of local enforcement or legislation if needed</u> <u>Legislation passage</u> <u>Support letters and meetings on vouchers</u>	
<u>S-15</u>	<u>Tenant preferences in VTA station areas</u>	<u>Affordability restrictions recorded requiring tenant preferences</u> <u># affordable units in station areas</u>	
<u>S-20</u>	<u>Anti-displacement tenant preferences</u>	<u>June 2023: Complete disparate impact analysis for 2 proposed preferences and submit to HCD for review</u>	

		<p><u>Dec 2023: Complete draft ordinance and present to applicable City commissions and committees for review</u></p> <p><u>May 2023: Council approves ordinance</u></p>	
<u>S-23</u>	<u>Know Your Rights materials</u>	<p><u>July 2024: Outreach Strategy developed</u></p> <p><u>January 2025: funding source identified</u></p> <p><u># of communications pieces released</u></p> <p><u># of recipients of communications</u></p> <p><u>at least 2 partner organizations identified to assist in outreach</u></p>	
<u>S-25</u>	<u>Tenant-based vouchers in higher-resource areas</u>	<p><u>Data obtained from nonprofit legal organizations on locations of complaints</u></p> <p><u>Target neighborhoods identified</u></p> <p><u>Capacity assessed of legal assistance partners to do new outreach with community partners</u></p> <p><u>Funding identified</u></p> <p><u>Contracts executed</u></p> <p><u># people assisted</u></p> <p><u># services delivered</u></p>	

<p><u>S-26</u></p>	<p><u>Increased support for nonprofits to do tenant and landlord outreach and education</u></p>	<p><u>July 2025: funds identified for hotline</u> <u>Dec 2025: Launch hotline</u> <u>Funds budgeted annually for tenant and landlord outreach and education</u> <u>Difference in average funding per year for tenant and landlord outreach and education from 2023 to 2031</u> <u>Services provided</u> <u># Calls supported</u> <u># Clients served</u></p>	
<p><u>S-29</u></p>	<p><u>Rent Stabilization Program Strategic Plan and program assessment</u></p>	<p><u>Strategic Plan and program assessment completed with consultant</u> <u>Outreach conducted with stakeholders on any report recommendations</u> <u>Amendments presented to Council, if warranted</u></p>	
<p><u>S-32</u></p>	<p><u>Local enforcement of state tenant protections</u></p>	<p><u>State determined pathway</u> <u>Sponsored State bill if needed</u> <u>Work with coalition of rent stabilization cities</u> <u>Legislation passage</u></p>	

Medium – Term (2025-2027)

<u>#</u>	<u>Strategy</u>	<u>Milestones</u>	<u>Objective</u>
<u>H-4</u>	<u>Shelters streamlining throughout the City</u>	<u>Amendments to code approved by Council</u> <u>Time spent on approvals of shelters</u>	
<u>H-5</u>	<u>Low-cost permanent housing solutions</u>	<u>Review of code for impediments</u> <u>Amendments to code approved by Council</u>	
<u>H-10</u>	<u>Racial and other bias of protected classes in homeless shelter and supportive housing systems</u>	<u>Dec 2023: Meet with County, service providers and property management staff on accessing data</u> <u>2024, 2027, 2030: Collect data, analyze data</u> <u>Within 12 months following each analysis completion: Work with partners to provide technical assistance sessions as needed</u>	
<u>I-5</u>	<u>Universal design ordinance, plans, and guidance</u>	<u>Ordinance approved by City Council</u> <u>Plan set created and released</u> <u>Pathways guidelines created and released</u>	
<u>I-7</u>	<u>Inclusive and equitable community engagement</u>	<u>Community engagement strategies drafted</u> <u>City Auditor's</u>	

		<p><u>recommendations on outreach closed</u> <u>Amended outreach policy drafted and adopted by Council</u> <u>Revised Language Access plan for Housing</u> <u>Revised outreach procedures for PBCE</u> <u>Budget for CBO-based outreach increased</u></p>	
<u>I-12</u>	<u>Resident-identified priorities</u>	<p><u>July 2025: Survey designed & released</u> <u>July 2025: Work with Open House and other stakeholders to increase response rate</u> <u>July 2025 to July 2026: Survey responses analyzed</u> <u>July 2026: Resulting changes proposed to City programs and efforts; release Information Memo</u></p>	
<u>N-5</u>	<u>Increase affordable housing production in higher-resource areas</u>	<p><u>July 2026: 35% of funds awarded in high-opportunity areas between July 2021 and June 2025</u> <u>December 2027: Complete evaluation of Siting Policy and present to City Council</u></p>	

		<u># residents in # affordable units in higher-opportunity areas</u>	
<u>P-19</u>	<u>Expanded City Density Bonus program</u>	<u>Study completed</u> <u>Council approval of Ordinance changes</u> <u># Affordable units created through Density Bonus.</u> <u>Number of units by AML category</u>	
<u>P-22</u>	<u>Transit-oriented affordable housing near Diridon Station</u>	<u>NOFAs prioritizing area</u>	
<u>P-25</u>	<u>Updated Inclusionary Housing program fees</u>	<u>Fees study produced</u>	
<u>P-27</u>	<u>Accessory Dwelling Unit (ADU) affordability</u>	<u>Feasibility analysis completed</u>	
<u>P-29</u>	<u>Fair Housing Equity Analysis for Specific Plans</u>	<u>Plans with fair housing analysis integrated</u>	
<u>P-35</u>	<u>Small multifamily housing</u>	<u>Feasibility analysis done</u> <u>Plans created</u> <u>Design standards created</u> <u>Council approval of land use changes, design standards</u> <u>Publish financing information</u>	
<u>P-36</u>	<u>Alum Rock East Urban Village Plan</u>	<u>Outreach conducted</u> <u>Plan drafted</u> <u>Council approval of Plan</u>	
<u>P-37</u>	<u>CEQA analysis for Urban Villages</u>	<u>Council approval of CEQA study</u>	
<u>P-44</u>	<u>Urban Villages</u>	<u>Completion of evaluation</u>	
<u>R-3</u>	<u>Diridon Preservation Pilot</u>	<u>Pilot creation</u> <u>City Council approval of</u>	

		<p><u>pilot</u> <u>NOFAs issued</u> <u>Council approval of</u> <u>funding commitments</u> <u># homes preserved in</u> <u>defined area around</u> <u>Diridon Station Area</u></p>	
<u>R-5</u>	<u>Acquisition Loan Fund</u>	<p><u>Request for Proposals</u> <u>Issued if needed;</u> <u>loan product defined and</u> <u>rolled out; # units</u> <u>acquired with Loan</u> <u>Fund(s)</u></p>	
<u>R-6</u>	<u>Mobilehome Park General</u> <u>Plan designation for</u> <u>remaining 56 mobilehome</u> <u>parks</u>	<p><u>2024: Council approval of</u> <u>General Plan</u> <u>Amendments and</u> <u>rezonings</u> <u># mobilehome parks with</u> <u>new land use designation</u></p>	
<u>R-8</u>	<u>Work with the Bay Area</u> <u>Housing Finance Authority</u> <u>(BAHFA) on Moderate-</u> <u>income Financing Strategy</u>	<p><u># transactions</u> <u># newly-affordable homes</u> <u>at each income level</u></p>	
<u>S-1</u>	<u>Tenant Resource Centers and</u> <u>violations reporting</u>	<p><u>Tenant resource centers</u> <u>with Code assistance</u> <u># residents assisted</u> <u># Housing/Code meetings</u> <u>held</u></p>	
<u>S-2</u>	<u>Rental property registry</u> <u>improvement</u>	<p><u>% of City's rental units</u> <u>registered</u></p>	
<u>S-5</u>	<u>Code enforcement improved</u> <u>case management</u>	<p><u>January 2026: Phase 1 -</u> <u>New Case Management</u> <u>System Implemented.</u></p>	

		<p><u>Violation tracking system in place</u> <u>January 2028: Phase 2 - Analysis of building performance complete.</u> <u>January 2029: Phase 3 - Stakeholder outreach on cost escalators and proposed changes.</u> <u>Council approval of code updates (if any).</u> <u>January 2030: Phase 4 - Implementation complete.</u></p>	
<u>S-6</u>	<u>Proactive Code enforcement for more rented residences</u>	<p><u>June 2025: Complete Study</u> <u>December 2025: Recommendation</u></p>	
<u>S-7</u>	<u>Financial literacy programs for potential homebuyers as funds remain available</u>	<p><u>Services provided</u> <u>Budget allocated</u> <u># buyers assisted</u></p>	
<u>S-8</u>	<u>Homebuyer program redesign</u>	<p><u>Feasibility analysis and plan created</u> <u>Council approval of program</u></p>	
<u>S-11</u>	<u>Alternative documentation for non-citizens</u>	<p><u>July 2024: Council approval</u> <u>July 2025: Workplan complete</u> <u># properties implemented</u></p>	
<u>S-16</u>	<u>Affirmative marketing languages and best practices for affordable housing</u>	<p><u>Requirement rolled out</u> <u>Data collected for compliance</u> <u>Library created & made</u></p>	

		<u>available</u>	
<u>S-17</u>	<u>Local Fair Chance / "Ban the Box" ordinance</u>	<u>Report completed</u> <u>Council presentation made</u> <u>Outreach done</u> <u>Ordinance drafted</u> <u>Program proposal created</u> <u>Council consideration</u>	
<u>S-18</u>	<u>Review data on City-monitored properties to identify Fair Housing issues</u>	<u>Data collection on residents and applicants</u> <u>Outliers analysis</u> <u># Meetings held with outlier properties</u> <u>Technical assistance given</u>	
<u>S-19</u>	<u>Certificate of Preference program</u>	<u>Research and legal analysis conducted</u> <u>Findings presented to Council</u> <u>If Council directed, program developed</u>	
<u>S-24</u>	<u>Targeted fair housing outreach and enforcement</u>	<u>Data obtained from nonprofit legal organizations on locations of complaints</u> <u>Target neighborhoods identified</u> <u>Capacity assessed of legal assistance partners to do new outreach with community partners</u> <u>Funding identified</u> <u>Contracts executed</u>	

		<u># people assisted</u> <u># services delivered</u>	
<u>S-27</u>	<u>Tenant/landlord education centers</u>	<u># Locations served</u> <u>Materials available</u> <u># Tenants and landlords assisted</u>	
<u>S-28</u>	<u>Right to Counsel or Alternative</u>	<u>2023: Collaborate with bay area housing finance authority on protections policy event including right to counsel and alternatives</u> <u>2023: RFP Issued</u> <u>2024: Consultant hired</u> <u>2024: Program proposed to Council for approval</u> <u>If approved, start program creation</u>	
<u>S-30</u>	<u>Just cause eviction protection amendment</u>	<u>Analysis of issue</u> <u>Presentation to Council</u> <u>Council consideration</u>	
<u>S-31</u>	<u>Tenant Protection Ordinance amendment for affordable apartments</u>	<u>Analysis of issue</u> <u>Ordinance amendment</u> <u>Presentation to Council</u> <u>Council consideration</u>	

Long-Term (2027-2031)

No strategies are designated long-term.

Annual & Ongoing (2023-231)

<u>#</u>	<u>Strategy</u>	<u>Milestones</u>	<u>Objective</u>
<u>H-2</u>	<u>Interim housing for people experiencing homelessness in hotels/ motels</u>	<u># hotels acquired</u> <u>\$ of Homekey awards # residents housed</u>	
<u>H-6</u>	<u>Housing with integrated health care</u>	<u># of new developments with on-site health services</u>	
<u>H-7</u>	<u>Safe parking programs</u>	<u># safe parking spaces for RV's and car vehicles</u> <u>Amount of budget</u>	
<u>H-8</u>	<u>Nonprofit-provided homeless support services</u>	<u>Funding to nonprofit service providers</u> <u># people assisted</u>	
<u>H-9</u>	<u>Street-based services for unhoused residents</u>	<u>Funds budgeted</u> <u>Services provided # clients served</u>	
<u>I-6</u>	<u>Universal design and ADA upgrades</u>	<u>By 2031: At least 50% of annual NOFAs issued incent units for residents with disabilities</u> <u>By 2031: City funds committed to 150 units with enhanced accessibility per TCAC guidelines</u>	
<u>I-16</u>	<u>Advocacy to close the racial homeownership gap</u>	<u>Support letters issued</u> <u>Advocacy meetings held</u>	
<u>I-17</u>	<u>Collaborative solutions to address housing needs</u>	<u>Collaborative initiatives</u>	
<u>I-18</u>	<u>Advocacy on public policies and programs to facilitate</u>	<u>Support letters</u> <u>Working group</u>	

	<u>production, preservation, protection, and neighborhood investments</u>	<u>participation</u>	
<u>I-19</u>	<u>Reasonable Accommodation</u>	<u>Council approval of ordinance amendments</u>	
<u>N-3</u>	<u>Vacant and Neglected Buildings Program</u>	<u># Buildings monitored</u> <u># Buildings cited</u> <u># Problems resolved</u>	
<u>N-6</u>	<u>Reduced transit fares for lower-income residents</u>	<u>Advocacy meetings and letters</u> <u>Federal funds obtained for fare reductions</u>	
<u>N-9</u>	<u>Affordable transit-oriented development</u>	<u># parcels purchased</u> <u># projected affordable units assisted</u>	
<u>P-2</u>	<u>Subsidize extremely low-income housing including permanent supportive housing for homeless</u>	<u>% of City subsidies spent on ELI and PSH</u> <u># of affordable homes created</u>	
<u>P-5</u>	<u>Affordable Housing Investments in North San José</u>	<u># of affordable homes restricted</u> <u># of sites acquired</u> <u># RFP awards & groundleases to affordable developers</u>	
<u>P-9</u>	<u>Diridon affordable housing production goal</u>	<u>By the later of Diridon Station Area Plan buildout or 2040: 25% of homes in Station Area as restricted affordable</u> <u>Annual goal: Fund an average of 61 new affordable homes</u> <u>By 2031: 488 affordable</u>	

		<u>homes funded by City</u>	
<u>P-16</u>	<u>Groundleases for affordable housing</u>	<u># and % affordable developments that closed construction with public groundleases each year</u> <u>% of all funded restricted affordable properties with city or other public groundleases</u> <u># existing deal land purchases</u> <u># affordable units permanently preserved</u>	
<u>P-18</u>	<u>Loans for affordable housing</u>	<u>NOFAs issued</u> <u>Funds committed</u> <u>Affordable homes created</u> <u>Affordable homes preserved</u>	
<u>P-23</u>	<u>Pursue AHSC funding near Diridon Station</u>	<u>AHSC applications submitted</u> <u>AHSC applications awarded</u> <u>\$ awarded</u>	
<u>P-28</u>	<u>Predevelopment loans</u>	<u># predevelopment loans made</u> <u># affordable units assisted</u>	
<u>P-31</u>	<u>Land acquisition for affordable housing in target locations</u>	<u># parcels purchased</u> <u># projected affordable units assisted</u>	
<u>P-32</u>	<u>Higher subsidies per unit</u>	<u>Adjustments to NOFA/program guidelines</u>	
<u>P-34</u>	<u>Affordable housing funding advocacy</u>	<u>Support letters issued</u> <u>Participation on working groups</u>	

<u>R-7</u>	<u>Extend affordable housing restrictions</u>	<u>By 2031: preserve at least 900 units of at-risk affordable housing, or an average of 112 units per year.</u>	
<u>R-11</u>	<u>Owner-occupied home preservation</u>	<u># low-income households assisted</u>	
<u>S-3</u>	<u>Proactive Code enforcement in identified Project Hope Place-based neighborhoods</u>	<u>Annually through 2031: At least 3 neighborhoods covered with enhanced multifamily inspections</u> <u>Annually through 2031: Average 200-250 units per neighborhood inspected per year (total 600 750 units per year)</u> <u># of violations resolved within 150 days each year: Target of 2000 (includes mostly housing violations and some blight)</u>	
<u>S-21</u>	<u>Facilitation of equal access to housing</u>	<u>July 2024 Metrics developed by collaboration with and feedback from at least 3 fair housing grantees</u> <u>\$ funding to nonprofit fair housing providers</u> <u># people assisted</u>	
<u>S-22</u>	<u>Fair housing services and support</u>	<u>Annual meetings held</u> <u>Priorities established jointly</u>	
<u>S-33</u>	<u>Job training with housing subsidies</u>	<u># housing-subsidized participants in job training</u>	

		<u>programs</u> <u>Support letters and</u> <u>meetings for legislation /</u> <u>budget requests</u>	
<u>S-34</u>	<u>Economic opportunity</u> <u>strategies</u>	<u>Strategies created</u> <u>Strategies implemented</u> <u>Programs funded</u>	
<u>P-45</u>	<u>Pipeline Projects Evaluation</u>	<u>Present findings during</u> <u>housing element annual</u> <u>reporting period</u>	

Quantified Objectives

The Tables 3-10, 3-11 and 3-12 lay out the number of housing units that the City expects to be constructed, maintained and preserved within the planning period.

Table 3-10: Quantified Objectives

	<u>Extremely Low and Very Low Income</u>	<u>Low Income</u>	<u>Moderate Income</u>	<u>Above Moderate Income</u>	<u>Total</u>
<u>RHNA Target</u>	<u>15,088</u>	<u>8,687</u>	<u>10,711</u>	<u>27,714</u>	<u>62,200</u>
<u>Residential Development Pipeline</u>	<u>974</u>	<u>4,370</u>	<u>178</u>	<u>14,877</u>	<u>20,399</u>
<u>ADUs</u>		<u>1,733</u>	<u>866</u>	<u>289</u>	<u>2,888</u>
<u>100% Affordable Pipeline</u>	<u>1,200</u>	<u>1,300</u>	<u>600</u>	<u>0</u>	<u>3,100</u>
<u>Supportive Housing Acquisitions – Pipeline and Planned</u>	<u>0</u>	<u>204</u>	<u>0</u>	<u>0</u>	<u>204</u>
<u>Total Housing Units</u>	<u>2,174</u>	<u>7,607</u>	<u>1,644</u>	<u>15,166</u>	<u>26,591</u>

**Table 3-11: Households Served by HOPWA, HOME TBRA and
Eviction Help Center (8 year estimated total)**

	<u>Extremely Low and Very Low Income</u>	<u>Low Income</u>	<u>Moderate Income</u>	<u>Above Moderate Income</u>	<u>Total</u>
<u>HOPWA</u>	<u>463</u>	<u>48</u>	<u>0</u>	<u>0</u>	<u>511</u>
<u>HOME TBRA</u>	<u>677</u>	<u>70</u>	<u>0</u>	<u>0</u>	<u>747</u>
<u>Eviction Help Center</u>	<u>1,192</u>	<u>160</u>	<u>0</u>	<u>0</u>	<u>1,352</u>

Table 3-12: Shelter, Transitional Housing, and Supportive Housing (Ongoing- numbers as of 2022)

	<u>Extremely Low and Very Low Income</u>	<u>Low Income</u>	<u>Moderate Income</u>	<u>Above Moderate Income</u>	<u>Total</u>
<u>Emergency Shelter or Transitional Housing Beds</u>	<u>1,070</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,070</u>
<u>Permanent Supportive Housing Beds</u>	<u>3,433</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,433</u>

June 5, 2023

City of San José
Housing & Community Development Commission
200 East Santa Clara Street
San José, CA 95113
Sent via email to: Luisa.Cantu@sanjoseca.gov

Dear Commissioners:

Re: Draft 2023-2031 Housing Element, REAL Coalition Comment Letter

This letter was prepared by the Housing Justice Workgroup of the nonprofit Race Equity Action Leadership (REAL) Coalition on behalf of the Coalition. We write to provide comments on the City of San José's Draft Housing Element, 2032-2031.

The REAL community of nonprofit leaders and allies was created in June 2020 to use our positional power to advocate for a more racially-just and equitable society; to establish a peer network of leaders committed to fighting white supremacy and systemic racism in ourselves and our institutions; and to hold each other accountable to the promises we made in the Nonprofit Racial Equity Pledge. The REAL coalition is broadly representative of the nonprofit community including human and community services, behavioral health and health, arts and culture, domestic violence, older adults, food distribution, education, environmental, farming, legal, disability rights, LGBTQ rights, ethnic, immigrant rights, housing and homelessness, criminal justice reform, urban planning, and intermediary organizations, and others. Over 125 organizations have participated in the REAL Coalition.

Our comments, described in the attached spreadsheet, are centered around priorities related to:

- Wealth-Building for Historically Disadvantaged Communities
- Racial Justice, Equity, and Fair Housing
- Tenant Rights

We would like to draw the Commission's attention to the fact that the City greatly diminished its comprehensive anti-displacement strategy adopted in August 2020 when it failed to pursue a Community Opportunity to Purchase Act policy (COPA) as one of its preservation strategies—despite hundreds of community members speaking at various City Council meetings in favor of establishing such a policy. We are asking the City to reinstate COPA as a housing element program so that the City can continue evaluating COPA as part of its long-term anti-displacement and preservation strategy. Just because the current Council chose not to move forward does not mean that future Councils should not consider the policy over the next 8 years of planning and response to our ongoing housing crisis. We also want to highlight that we are asking that the City strengthen the proposed preservation strategies to protect funding for permanent affordable housing solutions, including a robust preservation fund.

In framing our comments, we consulted with Sacred Heart Housing Action Committee (SHHAC) and the COPA Coalition.

Thank you for considering these comments. Please direct any questions you might have to Yvonne Jimenez yvonnej@svcn.org or Matt King mattk@sacredheartcs.org.

Submitted by the Racial Equity Action Leadership (REAL) coalition.

cc:

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Members of the City Council and Mayor

Item #	Goal #	REAL Priority	City of San Jose Housing Element Strategy	REAL Comments
(R) Preservation of Market-Rate and Affordable Housing				
R-4	1, 3	Wealth-Building for Historically Disadvantaged Communities	Deleted	<p>Restore COPA to the list of programs. It is an essential anti-displacement policy that will improve the effectiveness of an acquisition/rehabilitation program to preserve naturally affordable housing throughout the city. We find it unacceptable that the City recently removed COPA from the Housing Element without at least a replacement strategy.</p> <p>The City made a commitment to consider, study, and implement this program. It does the community a disservice to put significant resources towards a community-driven solution for nearly a decade — to then suddenly abandon it. The City needs to be held accountable for its commitments and their impact to our communities. Thus, the Housing Element needs to incorporate clear metrics that demonstrate how they are meeting the housing needs of our communities.</p> <p>COPA and preservation policies are necessary to meet the housing needs of addressing displacement impacts in the San Jose community, especially residents living in historically redlined communities. For this reason, the removal of COPA may deem the Housing Element noncompliant by the California Department of Housing and Community Development.</p> <p>We strongly believe COPA should either be reinstated or be replaced with a substantially equivalent program that is well-defined and meets the anti-displacement needs of San Jose residents, specifically residing in historically redlined communities, to Affirmatively Further Fair Housing (AFFH).</p> <p>If reinstated, the COPA process should also include a designated funding stream that provides a minimum of \$20 million for community investment. Both San Francisco and Washington, D.C. provide this minimum amount of funding support for their COPA policies.</p>

(H) Housing and Systems for People Experiencing Homelessness

<p align="center">H-1 through H-6, H-8, H-9</p>	<p align="center">Racial Justice, Equity and Fair Housing</p>	<p>H-1: Interim homeless housing construction H-2: Interim housing for people experiencing homelessness in hotels/ motels H-3: Conversion of hotels/motels for homeless housing - DELETED H-4: Shelters streamlining throughout the City H-5: Low-cost permanent housing solutions H-6: Housing with integrated health care H-8: Nonprofit-provided homeless support services H-9: Street-based services for unhoused residents</p>	<ol style="list-style-type: none"> 1. Thank you for adopting our recommendation about the importance of incorporating the input from lived experience leadership into H-9. 2. There is still a strong focus on interim housing with little mention of permanent housing for our unhoused residents. In our previous letter, we discussed how we must not acquiesce to the complaints of housed residents who focus on interim housing solutions. Permanent supportive housing plays a crucial role in solving our homelessness crisis that simply cannot be ignored or neglected. Temporary housing accomplishes nothing if we do not have a final destination for its residents. 3. Our previous letter discussed how interim housing needs to be tailored around the physical, mental, and emotional needs of unhoused residents. This includes keeping family units (including pets) together. While we hope the City intends to do this, it is important for the Housing Element to clearly lay out how San José plans to accomplish this. 4. With the Council’s recent consideration of redirecting Measure E funds (the City’s only funding source for permanent supportive housing) to interim shelter, this issue is even more relevant. We recommend that the City include in the Housing Element assurance that we will have the funds necessary to build the crucial housing for people to move into after interim shelter. Without this final destination, any efforts to temporarily house individuals will be just that — temporary. 5. San José will now have no encampment zones, a form of criminalization homelessness that has been proven to be harmful and counterproductive. We recommend the City include a plan in the Housing Element that ensures individuals whose encampments are swept have access to their belongings (including medication) and have a safe place to go when they lose their home.
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(S) Housing Stability, Tenant Protections, and Wealth Building

S-20	3	Tenant Rights	<p>Anti-displacement tenant preferences - To help mitigate displacement and serve the most vulnerable local residents, develop fair-housing compliant tenant preferences for this population. Seek Council approval for two tenant preferences: an Anti-Displacement Tenant preference, and a Neighborhood Tenant preference. If approved, implement the preferences on affordable housing units subject to the preferences. Seek the State's approval to use both tenant preferences in HCD-funded affordable housing developments.</p>	<p>We believe that the Local Tenant Preference Policy should specifically include the following in the Housing Element: An Anti-Displacement Preference, based on families leaving within a census tract. A Neighborhood Tenant Preference, within a two-mile radius and City District. Residents can qualify for either one or both preferences. 40 percent of housing units for preference; retroactive to agreements made between City of San Jose and housing developers with local preference language. Include extremely-low and very low-income levels. Allow for alternative documents for application purposes.</p> <p>We would like to note that East-Side San Jose is primarily filled with single-family homes, but are severely overcrowded. Although East-Side residents are in desperate need of relief, they cannot gain access to newly constructed affordable homes in their neighborhood. Therefore, we recommend providing a program with a metric that significantly reduces overcrowding in the East-Side. Funding should also go to such a program that actively identifies these overcrowded conditions and prioritizes these residences to move into new affordable units.</p> <p>Please note that the metrics/timeline in the Housing Element may have an error. S-20 states that Council will approve the ordinance in May of this year. This timeline should instead likely be December 2023.</p>
S-28	3	Tenant Rights	<p>Right to Counsel or Alternative - Develop a San José Right to Counsel or alternative housing court program proposal for the City Council's consideration. Issue a Request for Proposals and work with selected consultant to study costs and benefits of a right to counsel program versus other court intervention alternatives, identify necessary legal and other resources. Seek City Council approval of the program. Additionally, explore potential regional partnerships for a regional Right to Counsel study and implementation as an alternative.</p>	<p>We would like the City to coordinate with community organizations, especially those who serve historically redlined communities as a way to AFFH, when implementing, conducting outreach, and educating the public on the Tenant Right to Counsel program.</p> <p>We recommend that community liaisons/advocates with lived experience be integrated into the Tenant Right to Counsel program so that they help support tenants facing eviction.</p>

We write as a coalition of housing advocates who have engaged in Housing Element update processes across Santa Clara County. The Housing Element update represents a key opportunity for San José to improve its housing policies in a way that promotes abundant, affordable, and secure housing opportunities for all its residents. We commend the work city staff have put into this process. Unfortunately, San José’s Draft Housing Element has several important deficiencies that make it unlikely to receive certification from HCD. We recommend that San José fix the following issues:

1. Inadequate Sites on the Site Inventory

Housing Element Law has been meaningfully reformed in recent years to ensure that the commitments a city makes in its Housing Element are not merely words on paper but rather binding commitments to meet the city’s fair share of the regional need for housing. As HCD has put it, “[a] housing element is no longer a paper exercise – it’s a contract with the state of housing commitments for eight years” This requires a city to commit not just to plan for housing, but also to actually approve the housing for which it has planned. See Martinez v. City of Clovis (2023) 90 Cal.App.5th 193, 244 (“The goal is not just to identify land, but to pinpoint sites that are adequate and realistically available for residential development targets for each income level”)

One of the most concrete aspects of any housing element is the inventory of land “suitable and available” for residential development to meet the city’s regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p.1 (https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels.

Where non vacant sites are listed on the sites inventory, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). To address past abuses – including where cities list unrealistic sites in order to avoid required rezoning – the California Legislature created a high standard for listing sites that are currently being used for something other than housing. Where non vacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

Although we have not had enough time to identify all of the sites on the site inventory, we are noting a handful of sites that stood out that seem unlikely to be redeveloped during this RHNA cycle.

APN	Use
69226048	VTA -Park and Ride
69227071	VTA -Park and Ride
46214021	VTA -Park and Ride
46214017	VTA -Park and Ride
46214019	VTA -Park and Ride
46202026	VTA -Park and Ride
48444061	Alum Rock Transit Center
	Billy De Frank Center
	SouthSide Community Center

The current analysis of likelihood of development is fundamentally flawed. By comparing opportunity sites solely to sites that were redeveloped in the last planning period, the city cannot assess the likelihood that a site may **not** be redeveloped. Failure to account for this possibility means San Jose cannot be sure it has adequate capacity to meet its housing needs. **We recommend that staff clarify the likelihood of redevelopment for sites listed in the site inventory. We have concerns that the city does not have a big enough buffer for lower income categories—currently the buffer is 20-25%. If there is not a high likelihood that sites will be developed. We recommend that staff increase the lower income buffer to at least 30% to ensure the city meets RHNA targets.**

A) Affirmatively Furthering Fair Housing

The goal of Affirmatively Furthering Fair Housing (AFFH) is to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians.

In 2018, the California State Legislature passed AB 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA). The law:

- requires all state and local public agencies to facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities.
- creates new requirements that apply to all housing elements due for revision on or after January 1, 2021.

The passage of AB 686 protects the requirement to affirmatively further fair housing within California state law, regardless of future federal actions. It also preserves the strong policy in the U.S. Department of Housing and Community Development's (HUD) Affirmatively Furthering Fair Housing Rule as published in the Federal Register in 2015.

As of January 1, 2019, AB 686 proactively applies the obligation to affirmatively further fair housing to all public agencies in California. Public agencies must now examine existing and future policies, plans, programs, rules, practices, and related activities and make proactive changes to promote more inclusive communities. More information on AB 686's new obligations can be found in [Part 1 of the AFFH Guidance Memo \(PDF\)](#).

In regards to affirmatively furthering fair housing (AFFH) we have concerns about the percentage of low income housing in high resource areas.

The housing element currently identifies:

- Low/Very Low: 13.4% in Highest Resource, 23.6% in High Resource, 56% in Moderate Resource, 6.2% in Low Resource
- Moderate: <1% in Highest Resource, 4.5% in High Resource, 53% in Moderate Resource, 41.5% in Low Resource
- Above Mod: 0 in Highest Resource, ~0 in High Resource, 97% in Moderate Resource, 3% in Low Resource

We recommend that staff increase the amount of affordable housing development occurring in high resource areas, and provide clarification on what percent of the population is in those income categories to ensure the element complies with AFFH.

2. The Draft Housing Element's analysis of constraints is incomplete on zoning & construction costs

San Jose's General Plan and zoning confine housing growth to only a narrow subset of the city's land, yet the Draft Housing Element does not analyze whether this constraints housing growth within the city. The various zoning districts of the city are listed, but their standards such as setbacks are not assessed for whether they act as constraints. Nor is the relative proportion of

different zoning districts considered. San Jose has a particularly high share of its land zoned exclusively for single family homes, covering 84-94% of the city's residentially zoned land and a majority of all non-agricultural land within the urban growth boundary. Does this abundance of land with the most restrictive zoning designation constrain housing growth in San José? The document does not say. **We recommend the city provide this clarification in the housing element.**

The Draft Housing Element also notes construction costs as a constraint, but does not consider policy solutions within the city's power to bring down those costs. For example, San José's design guidelines emphasize "articulating the facade," requiring multiple plane changes and additional corners that add complexity and cost to the construction process. Moreover, the relative lack of multifamily zoned land leads San José to plan for all housing growth through fairly high density development (above 50 du/acre). We celebrate and welcome high density development, but in planning for it exclusively, San Jose leaves out the possibility of lower-cost moderate density construction (~30 du/acre). **This moderate density development can be built more cheaply, without structured parking, and we believe opening up more of the city to it is an essential part of San José meeting its housing needs.** We are encouraged by the inclusion of programs to enable additional neighborhood scale "missing middle" housing opportunities in more of San Jose.

Lastly, the Draft Housing Element's analysis of existing uses as a constraint on development is inconsistent. In Chapter 4: Constraints on Housing, the city notes that "Long-term landholders may be unlikely to sell because they maintain a low tax base on the property", and also that "In urban village areas, of which many are transitioning from primarily commercial to mixed-use or residential, there may be properties already occupied by businesses that are paying good rent, and the owner is thus reluctant to sell." However, in the Sites Inventory, the city claims that "existing prior uses such as retail... do not significantly impede additional residential development on a site" because the value of the land for residential use is greater. These claims conflict with one another. Since some landholders will be unlikely to sell or redevelop such properties, and since the Sites Inventory includes many locations which currently have stable or successful businesses, **We recommend the city identifies additional sites and rezonings in order to meet its housing needs.**

3. Policies & Programs

Programs to support affordable housing development on faith institution lands and school district lands were removed; does that mean that San Jose is abandoning plans to pursue housing opportunities on such sites? We are also concerned that the eligibility standards for the ministerial infill approval ordinance, one of the most important programs in the Housing Element, appear to have been made more restrictive. **The city's goal should be for ministerial**

approval to cover as high a share of housing development as possible, not to make it an exclusive process accessible only to a handful of qualifying developments.

We are encouraged that the city is planning to evaluate its Urban Villages framework to assess how well it is working. HCD asked several pointed questions about Urban Villages in their review. Recent scholarship from Michael Kevane, CJ Gabbe, and William Sundstrom has also raised serious concerns, finding that San Jose's Urban Villages had no discernible effect on either residential or commercial development. It is unclear, however, what metrics the city will use to assess the Urban Village policy framework, or what actions will be taken following the review. Some metrics we suggest: number of plans approved per year, average time in planning process, net increase in zoned capacity upon plan adoption, and the degree to which development occurs in Urban Villages. Following the review, the city should commit to adopting policies that will lead to improvements (faster plan timelines, greater plan capacities, and most importantly more development within plan areas) on these metrics.

It will be important for the City to generally monitor housing production over the course of the Housing Element and adopt additional pro-housing programs and rezonings as needed if production is not on pace to meet the city's needs. This is particularly important given how far short of needed levels the current rates of housing production are within San Jose, and how much housing growth the city is counting on from highly uncertain neighborhood-scale redevelopment in North San Jose and Downtown West. If those projects are not moving forward by the midpoint of the planning cycle, the city will need to identify alternate sites and strategies. **If staff need additional capacity in order to fully implement and track the success of the Housing Element, we urge them to make this clear to Council, and would support additional resources needed to ensure the city can properly plan for its housing needs.**

Council's rejection of a Community Opportunity to Purchase (COPA) policy leaves a hole in the Housing Element's anti-displacement framework that must be filled by a robust commitment to alternate strategies for preservation of both restricted-affordable and naturally-occurring affordable housing.

4. Lack of Public Transparency

In order to have a housing element that will be accepted by HCD it is critical that the public, community advocates, HCDC, the Planning Commission, and council have enough time to adequately weigh in on the housing element and offer feedback that staff can incorporate into a final draft for HCD. Unfortunately, the most recent draft of the housing element was not made available for public consumption until last week. This timeline gives pretty significant constraints for all parties to read and evaluate staff's recommendations. Additionally, until last night 5/23 the city did not publish a version of the housing element with track changes, which has made it arduous to discern what changes staff has made since the original draft. **We**

recommend the planning commission waits to make their recommendation until more time is provided for the public to review the track changes.

It is also unclear how staff has responded to HCD concerns raised in their previous letter, and how staff has responded to letters from the community who have raised concerns. In other cities there has been a standard of the city publishing a matrix of how staff is responding to all HCD's concerns as well as community concerns. We have attached a copy of a matrix from the City of San Mateo for reference. **We recommend the city creates a matrix with responses to all the concerns raised by HCD and the community.** This will help ensure the city is responding to every issue that will enable the city to produce a compliant housing element.

Finally, there has been a lack of public meetings on the housing element, there has not been any public hearings or community meetings (to our knowledge) on the element in this calendar year since January. **We recommend the city does everything in its power to be as transparent to the public on the draft housing element and allow time for feedback.**

5. HCD has provided guidance regarding “Self Certification”

HCD has provided guidance regarding the adoption of housing elements. Specifically that “*a jurisdiction does not have the authority to determine that its adopted element is in substantial compliance but may provide reasoning why HCD should make a finding of substantial compliance. In addition, a jurisdiction is “in compliance” as of the date of HCD’s letter finding the adopted element in substantial compliance. Any other letters are not a finding of substantial compliance. HCD recommends that a jurisdiction adopt only after receiving a letter from HCD finding the draft meets statutory requirements.*”

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/memos/HousingElementComplianceMemo03162023.pdf>

We recommend that if the commission recommends that the city council submits this housing element to HCD, that the commission requests that the city does not self certify and allows HCD to make the final determination.

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Housing Action Coalition

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Resilience Manager
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