



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Vice Mayor Chappie Jones
Councilmember Magdalena Carrasco
Councilmember Sylvia Arenas

SUBJECT: SEE BELOW

DATE: August 9, 2019

APPROVED:

SUBJECT: ACTIONS RELATED TO TITLE 5 OF THE SAN JOSÉ MUNICIPAL CODE FOR THE HOUSING PAYMENT EQUALITY ORDINANCE.

RECOMMENDATION

1. Accept staff recommendations.
2. Direct the Housing Department to report back to the Council within six months of the Ordinance's adoption, specifically to provide progress and information on:
 - a. The number of new unique landlords entering into Housing Assistance Payment contracts with the Santa Clara County Housing Authority ("Housing Authority") since adoption of the Ordinance and the percentage increase from existing program participants.
 - b. Incentives, both existing and new, for new landlords becoming program participants.
 - c. Status of the Housing Authority's process improvement workplan, with specific, measurable objectives and results for the following metrics:
 - i. the average number of days required for unit inspection for eligibility for Housing Choice Vouchers ("Section 8" or "vouchers"), and the percentage of compliance with a specific duration standard;
 - ii. the average number of weeks for initial rent payment(s) to new program participants, and the percentage of compliance with a specific duration standard.
 - d. City's enforcement process and results, including number of:
 - i. total unique landlord violators,
 - ii. initial warnings issued and percentage of compliance following,
 - iii. administrative citations issued following a warning, and
 - iv. civil actions brought by City Attorney's Office for repeated violations, if any.

BACKGROUND

Homelessness in San Jose has increased dramatically, and our crisis has deepened. We critically need to explore innovative new ideas, to bolster the effectiveness of existing programs, and to remove barriers to getting people housed.

The Council directed staff to explore the feasibility of an ordinance prohibiting the discrimination of income sources in 2015. This process has included input from many stakeholders through community meetings, interviews, feedback and multiple Council sessions. Today's proposed ordinance is the culmination of that work. Oklahoma, Utah, North Dakota, and eight other states, plus the District of Columbia, already have such laws in place; nearly 50 cities and counties prohibit discrimination against voucher households. Housing Payment Equality Ordinance with proper enforcement will make a difference. In jurisdictions with these protections in place, far fewer landlords reject tenants with vouchers out of hand (35 percent, as opposed to 77 percent in places without the non-discrimination laws).

This ordinance focuses on removing barriers. Of our thousands of homeless households, 976 had vouchers as of June 2019, but could not find an apartment. Most landlords will not accept Section 8 or City vouchers, regardless of the sufficiency of the tenants' payment. This painful irony undermines our efforts while thousands of our neighbors sleep on our streets, in their cars, or on a friend's couch.

We appreciate the seriousness of many landlords' concerns regarding delays and difficulties of the administration of Housing Choice Vouchers, as one might expect with any federal process. Fortunately, as described in Attachment C of the staff report, the Housing Authority has made considerable improvements in recent years. By providing an assessment in six months' time, as recommended in 2c, above, we seek to have the Housing Authority assist in defining their performance metrics for the program, providing clarity about that performance, identifying opportunities for improvement, and fairly assess the burdens that we are imposing on housing providers through this action.

To be sure, these changes will impose burdens. Nonetheless, homelessness remains the crisis of our age, and until we can substantially relieve the hardships of our houseless residents, we will all need to work together and collectively bear the price of confronting this challenge.