

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 2.08.2810, SECTION 2.08.2820, AND 2.08.2830 OF CHAPTER 2.08, REPEALING SECTION 2.08.2860 OF CHAPTER 2.08, AND ADDING SECTION 2.08.2870 TO CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE MUNICIPAL CODE TO ADD A HOUSING AND COMMUNITY DEVELOPMENT MEMBER SEAT FOR PERSONS WITH RECENT EXPERIENCE LIVING IN HOMELESSNESS, TO AMEND THE APPOINTMENT PROCESS AND PROVIDE A STIPEND FOR SUCH COMMISSIONER, AND TO REMOVE OUTDATED PROVISIONS**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**WHEREAS**, on September 22, 2020, the City Council approved staff's proposed Citywide Residential Anti-Displacement Strategy (Anti-Displacement Strategy). The Anti-Displacement Strategy's recommendation #4 was to increase equitable representation of historically underrepresented communities on City Commissions; and

**WHEREAS**, on January 12, 2021, the City Council directed the Administration to add a seat to the Housing and Community Development Commission (“Commission”) for a Commissioner with Lived Experience in line with recommendation #4. The direction included: 1) conducting broad and robust outreach to persons experiencing homelessness and formerly homeless residents to obtain a diverse pool of applicants; 2) researching and developing new guidelines and resources for onboarding Lived Experience Commissioners; and 3) establishing a recommended stipend model for all Commissioners; and

**WHEREAS**, through community stakeholder engagement, the Housing Department received significant interest about the role and the opportunity to have lived experience with homelessness representation on the Commission, as each person’s experience is unique, and those with homelessness experience can bring a different perspective to the table on the wide range of topics and issues reviewed by the Commission; and

**WHEREAS**, research supports stipends as a way to ensure that diverse voices are heard and to further the idea that everyone’s time and contributions are valued; therefore, providing a nominal stipend for all Commissioners will help reduce financial barriers to participation for any Commissioner and help ensure that diverse voices are heard;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** Section 2.08.2810 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

## **2.08.2810 Members**

The commission shall consist of ~~thirteen~~fourteen (~~13~~14) members.

SECTION 2. Section 2.08.2820 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

## **2.08.2820 Special Eligibility Requirements**

- A. One (1) member shall be a person recommended by an organization of owners of San José mobilehome parks.
- B. One (1) member shall be a person recommended by an organization of residents of San José mobilehome parks.
- C. One (1) member shall be an owner or manager of a residential rent stabilized property.
- D. One (1) member shall be a tenant of a residential rent stabilized rental unit.

E. One (1) member shall be a person who is currently or was formerly homeless.

E.F. At least five (5) members shall represent low income households, which for the purposes of this requirement means a person who meets one (1) or more of the following criteria:

- 1. The person is a member of a low- or moderate-income household as defined by HUD as at or below eighty percent (80%) of the area median income pursuant to 24 CFR 92.2.

2. The person is an elected member of a neighborhood organization in a low- or moderate-income neighborhood (fifty-one percent (51%) of the neighborhood is at or below eighty percent (80%) of the area median income as defined by HUD).
3. The person is a resident of a City Council designated neighborhood targeted under the Place-Based Neighborhoods Initiative to receive federal funding.
4. The person is employed by an organization which has as its primary purpose to serve the interests of low-income residents.

F.G. The commission should also include members with experience related to development, lending, community development, homeless services, or federal funding.

SECTION 3. Section 2.08.2830 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

- A. In the event that there is more than one recommended applicant for either of the seats to be filled by members meeting the special eligibility requirements set forth in Subsections 2.08.2820 A. and B., the Council Appointment Advisory Commission shall review the recommended applicants and make a recommendation to the City Council. If the Council Appointment Advisory Commission is unable to meet, in the event that there is more than one recommended applicant for either of the seats to be filled by members meeting the special eligibility requirements set forth in Subsections 2.08.2820 A. and B., the Mayor shall review the recommended applicants and make a recommendation to the City Council.

B. The Mayor shall nominate to the City Council the member who is currently or was formerly homeless.

B.C. The remaining members shall be appointed in accordance with the provisions of Section 2.08.180.

C.D. The City Clerk shall implement procedures to ensure that a sufficient number of applicants to fulfill the special eligibility criteria set forth in Section 2.08.2820 C. are recruited for nomination consistent with Section 2.08.180.

SECTION 4. Section 2.08.2860 of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

**2.08.2860 Transition Period**

~~A. As of July 1, 2013 and until December 31, 2013, the commission shall consist of the combined seated members of the Advisory Commission on Rents, the Mobilehome Advisory Commission and the Housing and Community Development Advisory Commission.~~

~~B. Notwithstanding Section 2.08.090, until the initial 13 members have been appointed, a quorum shall consist of the majority of the total number of seated members.~~

SECTION 5. Chapter 2.08 of Title 2 of the San José Municipal Code is amended by adding a Section to be numbered and entitled and to read as follows:

**2.08.2870 Special Provisions**

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Council Agenda: 04-19-2022  
Item Number: 8.1(a)

**REVISED-per Memo dated 4/5/2022**

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

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk