



LAW FOUNDATION of Silicon Valley

Fair Housing Law Project
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By Electronic Mail

October 16, 2017

Mayor, Vice Mayor and Members of Council
San José City Council
San José City Hall
200 East Santa Clara Street
San José, CA 95113

**Re: Council Priority Setting Session
October 17, 2017, Council Meeting, Agenda Item 3.6**

Dear Chair, Vice Chair, and Members of Council:

The Law Foundation appreciates this opportunity to provide input on the Council's Priority Setting Session. As Council and Staff's memos demonstrate, policies that promote access to safe and affordable housing continue to warrant priority. The Law Foundation requests that the Council support and prioritize items that promote affordable housing and housing choice while avoiding others that have the unintended consequence of impeding housing choice as noted below.

1. Continue to Prioritize Updates to the City's Rental Rights and Referrals Program – Item 1.

Staff is currently analyzing changes to San José's rental rights protections and is on the verge of returning to Council with recommendations. More specifically, staff is engaged in outreach with tenants and landlords regarding the updated Apartment Rent Ordinance (ARO) and Regulations. These are scheduled to be before Council next month. Staff also plans to present updates to the Tenant Protection Ordinance (TPO), Ellis Act Ordinance, and policy recommendations regarding Source of Income discrimination before the end of 2017. Over forty thousand families in San José live in units that are subject to the ARO, and even more families will benefit from the TPO. This item is vitally important for San José residents, including those who are senior, low-income, and disabled, and we must act timely to protect tenants from unnecessary displacement. As such, we urge the Council to continue to prioritize this at item 1.

2. Continue to Prioritize Mobilehome Preservation (Mobilehome Conversion) – Item 3.

Mobilehome parks in Silicon Valley remain under threat of conversion. Because mobilehome preservation was previously prioritized, the Council took important steps to protect San José's mobilehome park residents and this land use. Previously, the Council amended its

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zoning ordinance to make clear that the Council, and not the Director of Planning, is the decision-maker for applications to convert mobilehome parks. The Council also adopted a Council Policy to the Mobilehome Conversion Ordinance, which clarified many aspects of what the conversion application process will entail, critically the levels of relocation assistance that residents should receive to relocate to comparable housing.

Moving forward, San José has the opportunity to explore adopting land use regulations, like a General Plan land use designation that is exclusively reserved for mobilehome use that will help San José preserve its mobilehome parks. Staff is currently scheduled to return to Council with its recommendations in December of 2017. Thirty-five thousand residents live in mobilehome parks throughout our City. Mobilehome parks are an important source of San José's affordable homeownership housing stock, and we urge the Council to continue to prioritize mobilehome preservation as a high priority at item 3.¹

3. Continue to Prioritize Commercial Impact Fee – Council Priorities Item 16.

In 2015, the Council voted to postpone pursuing a nexus study on a commercial impact fee. San José needs to substantially increase its supply of affordable housing, and we must explore additional funding options to bring these units to our community. As such, we urge the Council to prioritize Commercial Impact Fee for Affordable Housing at a high level. We also urge the Council to adopt the recommendations that Councilmember Rocha proposed in his October 12, 2017, memo, including having the Council evaluate and vote on whether to pursue nexus and feasibility studies for a Commercial Impact Fee before the end of the year. Now, more than ever, as companies like Google and Microsoft seek to develop in San José, we must create new sources of local funding for affordable housing, and a commercial impact fee is a solution that must be thoroughly evaluated by the Council.

Thank you for considering the Law Foundation's comments. I may be reached at dianac@lawfoundation.org and 408-280-2448.

Sincerely,



Diana Castillo
Senior Attorney

¹ Mobilehome Conversion, Item 3, does not include the proposal called Opt-In/Stay-In-Business. HCDC recently recommended that, for the third time, the Council drop/take no further action on this proposal. As such, we urge the Council not to incorporate the Opt-In/Stay-In Business proposal into Item 3, since Item 3's focus is on preserving mobilehome park communities rather than promoting conversion, which Opt-In/Stay-In-Business does.