



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Councilmember Ortiz  
Councilmember Torres

**DATE:** June 20, 2023

Approved:

Date: 6/16/2023

**SUBJECT: GPT22-001 & ER21-032 - 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) Cycle Projection Period Pursuant to State Law and Related Amendment to Chapter 7 of the General Plan**

## RECOMMENDATION

- 1) Accept staff recommendation with the following modifications:
  - a) Make following amendments to the draft housing element
    - i) **Amend S-1 (Housing Stability. Tenant Protections and Wealth Building) to include (Chapter 3, page 3-31) :**
      - (1) Implement a program where community based organizations working with tenants at the grassroots level partner with code enforcement to support tenants through individual cases. Refer to existing programs such as San Francisco's Code Enforcement Outreach Program, which offers opportunities for collaborations between tenants, property owners and non-profit organizations. A program such as this would lessen the burden on Code Enforcement, but would also allow active cases to move through the process at an expedited rate.*
    - ii) **Amend S-28 (Housing Stability. Tenant Protections and Wealth Building) (Chapter 3, page 3-42) to the following wording:**
      - (1) Develop a San José Right to Counsel *and/or an* alternative housing collaborative court program proposal for the City Council's consideration.
      - (2) Issue a Request for Proposals and work with selected consultant to study costs and benefits of a right to counsel program *versus and* other court intervention alternatives. Identify necessary legal and other resources. *Identify potential funding sources.* Seek City Council approval of the program.
    - iii) **Amend P-36 (Production of Market Rate and Affordable Housing) Alum Rock East Urban Village Plan (Chapter 3, page 3-17)**
      - (1) Complete Alum Rock East Urban Village Plan to facilitate the construction of *housing, and* healthy neighborhoods.
      - (2) Develop and implement a robust outreach strategy that includes pro-active steps, beyond efforts employed in other Urban Village planning processes, to ensure*

*that established local organizations and members of the public are engaged throughout the planning process.*

*(i) This outreach should extend to local small business advocates and Community Groups/Neighborhood Associations.*

## **BACKGROUND**

We would like to thank everyone involved for getting us to this point. Through the work of various stakeholders, community, and city staff, we have the opportunity to finalize this robust plan that will map out how our city will meet its various housing goals, including recommending policies and programs that affirmatively further fair housing.

Through extensive dialogue with stakeholders at the local and regional levels, we have discovered that there is real value in explicit language around recommended policies and programs that affirmatively further fair housing, including specific actions and timelines. For that reason, we are recommending the following changes to the draft housing element language to best reflect the importance of certain priorities as well as the importance of naming certain policies and programs.

A key addition we are recommending is the exploration of a Community Based code Enforcement model, similar to what is being done in San Francisco. We appreciate the numerous recommendations addressing habitability related impacts on tenants, but there is no direct mention of looking into an existing model that builds partnerships between tenants, code enforcement, and grassroots community partners. We all recognize the severe capacity restraints on our code enforcement department. For that reason, innovative solutions rooted in community warrant a deeper dive and ultimately implementation in San Jose.

Along with added language around a Community Based Code Enforcement model, we are suggesting minor changes around language regarding Right to Counsel and other strategies to provide legal assistance to tenants. The changes we are suggesting simply ensure that Right to Counsel be seen as a north star and alternative strategies could align with a Right to Counsel Program rather than serve as a potential replacement.

Lastly, any actions regarding the Alum Rock Corridor must include robust community engagement with residents, partners, and small businesses. Should there be language surrounding Urban Village activity along the Alum Rock corridor, existing businesses and community need to be at the forefront of this plan coming to fruition.