CED COMMITTEE: 09-28-20

FILE: CC 20-131 ITEM: (c) 1.



Memorandum

TO: COMMUNITY AND ECONOMIC

DEVELOPMENT COMMITTEE

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW DATE: September 11, 2020

Approved Lin Wales Date 9/17/2020

SUBJECT: HOUSING AND COMMUNITY DEVELOPMENT COMMISSION FY 2019-

20 ANNUAL REPORT AND FY 2020-21 WORKPLAN

RECOMMENDATION

It is recommended that the Community and Economic Development Committee approve the Housing and Community Development Commission's Fiscal Year (FY) 2019-20 Annual Accomplishments Report and consider and approve its FY 2020-21 Workplan.

BACKGROUND

The Municipal Code (Section 2.080.030) requires annual approval of commission workplans for each fiscal year and reports on their annual accomplishments. Workplans and annual reports provide the City Council with clear detail about commission activity. Annual workplans identify specific priorities, allowing direct and concise direction to the members of the bodies while managing the time of the City support staff. Annual reports document the implementation of the previous year's workplan. Items on a workplan must clearly align to that commission's purpose and must be consistent with City policies. Such City policies include Council Policy 0-4 governing boards and commissions. Once approved, boards and commissions may not engage in activities that are not on their workplans without approval of a modified workplan.

Under the City's Municipal Code (Title 2 Part 28), the Housing and Community Development Commission (Commission) has advisory functions, powers, and duties on the following matters: existing policies and programs concerning housing and community development; potential new policies and programs; reports on the City's progress in meeting its housing goals; annual hearings on the City's federal funding plans and outcomes; proposals regarding the use of funds for housing and community development; and issues related to the City's Mobilehome Rent Ordinance and mobilehome parks, and the City's Apartment Rent Ordinance and related programs.

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In March 2017, the Rules and Open Government Committee established the Community and Economic Development Committee as the approval body for the Housing and Community Development Commission.

ANALYSIS

Accomplishments

The Commission's accomplishments from FY 2019-20 (**Attachment A**) illustrate its members' dedication to addressing a wide range of housing and community development-related policies, programs, and funding decisions. Last year, the Commission heard 27 items over seven busy months of meetings. These items included several important issues including:

- Inclusionary Housing Ordinance Proposed Revisions;
- Demographic Study of Renters Living in Apartments Covered by the Apartment Rent Ordinance;
- City-initiated General Plan Amendments for Mobilehome Parks; and,
- The Draft Community Plan to End Homelessness 2020-2025.

The Commission also held public hearings on required plans and reports regarding the use of public funds from the U.S. Department of Housing and Urban Development. These reports are required to be submitted annually to fulfill federal funding requirements. Last year, the Commission heard the City's Consolidated Annual Performance and Evaluation Report for FY 2018-19. Although it was unintentionally omitted from the approved Accomplishments list in Attachment A, the Commission also gave feedback on proposed funding priorities for the Draft Five-Year Consolidated Plan for 2020-25 on March 12, 2020.

Due to the City commissions' COVID-19 hiatus from late March through July 2020, the Commission was unable to hear the final FY 2020-25 Consolidated Plan / FY 2020-21 Annual Action Plan or the amendment to the City's Citizen Participation Plan. The Commission also was unable to approve the City's annual Housing Trust Fund budget as usual.

Proposed Workplan

The Commission's proposed FY 2020-21 Workplan (Workplan) (**Attachment B**) is comprised mostly of Department-scheduled items. Of note is the Commission's new role in reviewing the Housing Department's annual spending plan for Measure E funds. This Measure, approved by San José voters in the election held March 3, 2020, established a real property transfer tax. In its function as Measure E Oversight Committee, the Commission will need to ensure the Department's spending plan is consistent with the City Council's approved priorities for affordable housing and homelessness.

The Commission's FY 2020-21 Workplan also includes four commissioner-initiated topics that were rolled over from the previous year's workplan. These new policy or program ideas are ones

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that commissioners selected in 2019 as potentially helpful to address San José's housing crisis but were unable to hear due to workload. Those four items are marked with asterisks at the end of the Workplan and are to be heard only to the extent time allows after required items.

The Commission held its Annual Retreat on the evenings of August 26 and 27, 2020, to review last year's accomplishments and to develop its new Workplan together with Housing Department staff. Then, at its regular meeting on September 10, 2020, the Commission voted unanimously (8-0) to approve last year's accomplishments and to approve the FY 2020-21 Workplan as amended with Commissioner's final input. All workplan items are within the scope per the City's Municipal Code for this Commission.

The Housing Department greatly appreciates the dedication and service of the Housing and Community Development Commissioners in their efforts to help improve the quality of life for the citizens of San José.

CONCLUSION

Staff recommends that the Committee approve both the Commission's FY 2019-20 Annual Accomplishments Report and its proposed Workplan for FY 2020-21.

EVALUATION AND FOLLOW-UP

If necessary, staff will present any amendments to the Commission's FY 2020-21 Workplan to the Community and Economic Development Committee for approval during the fiscal year.

PUBLIC OUTREACH

The Commission held two publicly-noticed special virtual meetings for its Annual Retreat on August 26 and 27, 2020. The meetings were announced by posted public agendas on the City's website and on the Housing Department's website. At those meetings, the Commission heard and conditionally approved its FY 2019-20 Accomplishments and approved as amended a draft FY 2020-21 Workplan. The Commission then held a publicly-noticed virtual regular meeting on September 10, 2020, at which it approved both its FY 2019-20 Accomplishments and its FY 2020-21 Workplan as amended for submission to the Community and Economic Development Committee. This memorandum will be posted along with the Community and Economic Development Committee agenda for its publicly-noticed virtual meeting on September 28, 2020.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

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CEQA

Not a Project, File No. PP17-010, City Organizational & Administrative Activities that involve no physical changes to the environment.

JACKY MORALES-FFERRAND Director, Housing Department

For more information, call Kristen Clements, Division Manager, at (408) 535-8236.

ATTACHMENTS:

Attachment A: Housing & Community Development Commission Annual Accomplishments for

FY 2019-20

Attachment B: Housing & Community Development Commission Draft FY 2020-21 Workplan



CAPITAL OF SILICON VALLEY ATTACHMENT A: Housing & Community Development Commission Accomplishments for FY 2019-20

#	Objective for 19-20	Actions	Commission Action
1.	Adopt Commission's Accomplishments for 2018-19 September 12, 2019	Review, discuss, and adopt the Housing and Community Development Commission's FY 2018-19 Accomplishments.	Commissioner Del Buono made the motion to pass the amended Commission accomplishments which clarified the Commissioner-initiated items, with the second by Commissioner Navarro. The motion passed unanimously (10-0). Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore (10) No: None (0) Absent: Crawford, Duong (2)
2.	Adopt Commission's Workplan for 2019-20 September 12, 2019	Review, discuss, and adopt the Housing and Community Development Commission's FY 2019-20 Workplan, for consideration by the City Council's Community and Economic Development Committee at its September 23, 2019 meeting.	Commissioner O'Connell made the motion to have a brief overview of each commissioner-initiated idea before voting, an appeal from the current proposal to vote without having a brief overview, with a second by Commissioner Jasinsky. The motion failed 5-6-1. Yes: Crawford, Duong, Partida, O'Connell, Jasinsky (5) No: Navarro, Moore, Del Buono, Shoor, Quinn, Lardinois (6) Abstain: Wheeler (1) Commissioner Jasinsky made the motion to consolidate commissioner-initiated idea items 4 and 5, with a second by Vice Chair Shoor. The motion passed unanimously (12-0). Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12) No: None (0) Commissioner Crawford made the motion to add the top four scoring commissioner-initiated ideas to the draft Workplan and approve the Workplan, with a second by Commissioner Del Buono. The four items are: 1. Board and Care Regulations and Properties 2. Mental Health Proposition 2 Funding 3. Additional Density Bonus for Affordable Housing 4. Nonprofit Housing Co-ops First Opportunity to Buy Affordable Housing Properties The motion passed 11-1.

 Yes: Moore, Crawford, Del Buono, Duong, Shoor, Wheeler, O'Connell,
Jasinsky, Quinn, Lardinois, Partida (11)
No: Navarro (1)
Commissioner-initiated proposals include (the first 4 in bold being prioritized
for consideration in order, to the extent time allows):
Board and Care Regulations and Properties - 85% of shelters in San José are
composed of senior citizens and with a review of regulations and
development, we can properly care for our elderly community members.
Mental Health Proposition 2 Funding - Leverage Prop 2 mental health Leverage Prop 2 mental health Leverage Prop 2 mental health
housing bond through collective collaboration with County of Santa Clara.
 Additional Density Bonus for Affordable Housing on affordable housing projects
Nonprofit Housing Co-ops First Opportunity to Buy Affordable Housing
Properties - the first opportunity to buy affordable housing by condition
before the owner sells it
• <u>Provide RV Parking with Services</u> - Create a safe parking program for RVs.
Allocate 1 or more acres of the Fairground, a similar location, such as an
abandoned motor lodge for RV Parking or purchase an existing RV rental company. Provide case workers as is done with Safe Parking. Other than this,
company. Provide case workers as is done with safe Parking. Other than this, can start with no services. As budget permits, provide water, sewer, and
electrical hookup. Monitor for illegal activity to protect and keep the area
safe. Eventually, add bathrooms with showers, sinks, and toilets. Can charge a
fee on a sliding scale based on income and service offering
• Educate Rental Providers - Bring back Project Blossom with Jodi Marshall.
Project Blossom teaches Rental Providers what's required and how to provide
the best service possible.
• Right to counsel for low-income tenants
• Benefits for mobile home park residents displaced by park conversions - The
residents of Winchester Ranch were able to negotiate buyouts and
replacement housing after their park is closed. The action would be to
institutionalize a similar requirement for future mobile home park conversions.
• Explore different in-lieu fee structures for the Inclusionary Housing
Ordinance - Explore how the current requirement could be tweaked to
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			incentivize developers to build affordable units rather than pay the fee. Two ideas are different fee amounts, or making the fee option require an exemption by city council, as Milpitas does. • Inclusionary Housing Ordinance update - Not using "clustering" as an incentive for development of affordable units • Next steps re: vacant properties - Both our continued work and the City's study of the issue as a possible tax • Mobile home park replacement housing ordinance to turn the Winchester Ranch Mobile Home Park negotiated agreement into a model for policy • Funding worker-owned businesses through CDBG funding https://nonprofitquarterly.org/program-to-promote-employee-ownership-incommunities-of-color-scores-early-wins/ • Tiny homes - request a report back and explore possible replication to other sites in the City • Land owned by City of San José within 0.5 miles of transit must be built or sold if it has sat empty for 10 years • Tie ARO (rent stabilization) to the income of tenant instead of year unit was built • Protect families from eviction if the child is on juvenile probation
3.	Approve the Minutes for the Meeting of September 12, 2019 (regarding Commissioner-initiated Workplan Items) October 10, 2019	Approve the September 12, 2019 action minutes	Commissioner O'Connell made a motion to approve the minutes as amended by staff to include approved five total Commissioner-initiated Workplan items, with a second by Commissioner Quinn. Vice Chair Shoor moved to amend Commissioner O'Connell's motion to approve the minutes as amended by staff, and add all commissioner-initiated ideas & the votes they received, with a second by Commissioner O'Connell. Commissioner O'Connell rescinded her second to Vice Chair Shoor's motion to amend. Commissioner Moore moved to amend Vice Chair Shoor's motion to amend in order to list only ideas, not votes, with a second by Commissioner O'Connell. Motion by Commissioner Moore to amend Vice Chair Shoor's motion passed 7-0-3.

4.	Timing for Hearing	Discuss the process and order of	Yes: Partida, Quinn, O'Connell, Duong, Del Buono, Moore, Shoor (7) No: None Abstain: Wheeler, Navarro, Lardinois (3) Motion by Vice Chair Shoor, to amend Commissioner O'Connell's motion to approve the minutes as amended and add all commissioner-initiated ideas, passed 8-0-2. Yes: Partida, Quinn, O'Connell, Wheeler, Duong, Del Buono, Moore, Shoor (8) No: None (0) Abstain: Navarro & Lardinois (2) Motion by Commissioner O'Connell, to approve the minutes as amended by staff and as amended to add all commissioner-initiated ideas, passed unanimously (10-0). Yes: Partida, Quinn, O'Connell, Duong, Del Buono, Moore, Shoor, Wheeler, Navarro, Lardinois (10) No: None (0)
	Commissioner-initiated Items October 10, 2019	upcoming Commissioner-initiated items on future agendas. (No vote was taken.)	initiated items on the Commission's FY 2019-20 Workplan, should communicate with Chair Wheeler and Ms. Clements well in advance regarding when to agendize the items. Commissioners interested in working on those items should communicate their interest in serving in ad hoc committees to the lead Commissioners.
Polic	y Discussions		
5.	Homelessness Annual Report September 12, 2019	Review the homelessness annual report for Fiscal Year 2018-19 and recommend that the City Council approve the report.	Commissioner Lardinois made a motion to recommend City Council to accept staff recommendation with the Commissioner's comments, with a second by Commissioner Crawford. The motion passed (12-0). Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12) No: None (0)
6.	Public Hearing for the FY 2018-2019 Consolidated Annual	Hold the second of three public hearings on the use of federal funds from the U.S. Department of Housing	Commissioner Crawford made the motion to recommend the CAPER with the Commissioners' comments, with a second by Commissioner Quinn. The motion passed (12-0).

	Performance Evaluation Report (CAPER) September 12, 2019	and Urban Development (HUD) in the FY 2018-2019 Consolidated Annual Performance Evaluation Report (CAPER), and recommend that the City Council approve the FY 2018-2019 CAPER.	Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12) No: None (0)
7.	Updates on Development of the Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan for 2020-25 September 12, 2019	Review the Department's reports and workplans for developing the Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan governing the use of federal funding from the U.S. Department of Housing and Urban Development over the 2020-25 period, and give feedback to staff.	Mr. Marcus and Mr. Lopez presented the presentation on Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan for 2020-25. Commissioners gave comments and asked questions. No formal action was taken.
8.	Annual Report for Rent Stabilization Programs, including the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Housing Payment Equality Ordinance October 10, 2019	Review and discuss the Rent Stabilization Programs Annual Report for 2018- 2019.	Ms. Rachel VanderVeen presented the report and accepted the feedback from the Commission. No further action was taken.
9.	Administrative Citations Manual and Proposed Schedule of Fines for Violations of the Apartment Rent, Tenant Protection, and Ellis Act Ordinances October 10, 2019	Review the Draft Administrative Citation Manual and proposed schedule of fines for violations for three ordinances – the Apartment Rent Ordinance (ARO), the Tenant Protection Ordinance (TPO) and the Ellis Act Ordinance - and make possible recommendations to the City Council.	Commissioner Moore moved that if owner receives a citation with a fine and contests it, the fine would not be due until a decision was reached, with second by Commissioner O'Connell. Commissioner O'Connell proposed a friendly amendment that the motion would not apply to Ellis Act. Commissioner Moore declined the amendment. Commissioner O'Connell withdrew her second to Commissioner Moore's motion. No other second was made. Commissioner Moore's motion was withdrawn. Commissioner Crawford moved that the City provide all letters to owners in English, Vietnamese and Spanish, with a second by Commissioner Moore.

	1		
			Commissioner Moore proposed a friendly amendment to add Chinese (Mandarin) to the languages. Commissioner Crawford declined the amendment.
			Commissioner Crawford's motion was approved, 10-1. Yes: Navarro, Moore, Crawford, Duong, Partida, Lardinois, Quinn, O'Connell, Wheeler and Shoor (10) No: Del Buono (1)
			Commissioner Moore moved that if an owner does not respond to a citation or pay the fine, there are volunteers that speak different languages set up to reach out to those owners to ensure the owners are aware to contact the City, with a second by Commissioner Duong. The motion passed 6-3-2. Yes: Navarro, Moore, Crawford, Duong, Partida, Lardinois (6) No: Del Buono, Quinn and O'Connell (3) Abstain: Wheeler, Shoor (2)
10.	Demographic Study of Renters Living in Apartments Covered by the Apartment Rent Ordinance	Review and discuss Economic Roundtable's 2019 update study on the demographics of renters in apartments subject to the Apartment Rent Ordinance, and possible	Commissioner Moore made a motion that the Commission highlight for the City Council that one of the most significant findings in the report is that the population of ARO tenants is largely Hispanic/Latinx (47%), with a second Commissioner Navarro.
	October 29, 2019	recommendation to the City Council.	With a proposed amendment by Commissioner Navarro that any changes to the Ellis Act Ordinance and Apartment Rent Ordinance should be thoughtful of disproportionate impact on the Hispanic/Latinx communities in addition to the impact on all communities, with a second by Commissioner Partida. Motion passed 7-1. Yes: Navarro, Quinn, Shoor, Wheeler, O'Connell, Del Buono, Partida (7) No: Moore (1)
			Commissioner Moore made a motion that the Commission highlight for the City Council that one of the most significant findings in the report is that the population of ARO tenants is largely Hispanic/Latinx (47%) and that any changes to the Ellis Act Ordinance and Apartment Rent Ordinance should be

			thoughtful of disproportionate impact on the Hispanic/Latinx communities in addition to the impact on all communities, with a second Commissioner Navarro. Motion passed 8-0. Yes: Navarro, Quinn, Moore, Shoor, Wheeler, O'Connell, Del Buono, Partida (8) No: None (0) Commissioner Moore made the motion that Table 9 in the Ellis Act Ordinance memo submitted to City Council for the November 5, 2019 meeting to also include the numerical population for ARO renters and all renters in San José, with a second by Commissioner O'Connell. Motion passed 8-0. Yes: Navarro, Quinn, Moore, Shoor, Wheeler, O'Connell, Del Buono, Partida (8) No: None (0)
11.	Rent Stabilization Program Quarter 1 Report for Apartments, including the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Housing Payment Equality Ordinance November 14, 2019	Review the staff report and provide possible recommendations on the Rent Stabilization Program Quarter 1 Report for FY 2019-20.	Commissioner Del Buono made the motion to accept the staff report, with a second by Commissioner Lardinois. The motion passed 7-0. Yes: Del Buono, Duong, Shoor, O'Connell, Jasinsky, Lardinois, Partida (7) No: None (0)
12.	Rent Stabilization Program Quarter 1 Report for Mobilehomes, Including the Mobilehome Rent Ordinance November 14, 2019	Review the staff report and provide possible recommendations on the Rent Stabilization Program Quarter 1 Report for FY 2019-20.	Commissioner Jasinsky made the motion to accept the staff report, with a second by Commissioner O'Connell. The motion passed 7-0. Yes: Del Buono, Duong, Shoor, O'Connell, Jasinsky, Lardinois, Partida (7) No: None (0)

13.	Rent Stabilization Program Rent Registry Implementation Update November 14, 2019	Review the staff report and provide possible recommendations on the Rent Stabilization Program Rent Registry Implementation update for FY 2018-19.	Commissioner Del Buono made the motion to accept staff report, with a second by Commissioner Jasinsky. The motion passed 7-0. Yes: Del Buono, Duong, Shoor, O'Connell, Jasinsky, Lardinois, Partida (7) No: None (0)
14.	Completion of the Ratio Utility Billings System Petitions Under the Apartment Rent Ordinance November 14, 2019	Review the staff report on completion of the Ratio Utility Billing Systems (RUBS) Petitions Under the Apartment Rent Ordinance in FY 2018-19.	Commissioner Jasinsky made the motion to accept staff, with a second by Commissioner Partida. The motion passed 7-0. Yes: Del Buono, Duong, Shoor, O'Connell, Jasinsky, Lardinois, Partida (7) No: None (0)
15.	Rent Stabilization Program Quarter 2 Report for Mobilehomes, including the Mobilehome Rent Ordinance January 23, 2020	Review the staff report and provide possible recommendations to staff on the Rent Stabilization Program Quarter 2 Report for FY 2019-20.	Commissioner Shoor made the motion to accept the staff report, with a second by Commissioner Quinn. The motion passed unanimously (11-0). Yes: Navarro, Quinn, Jasinsky, O'Connell, Wheeler, Shoor, Lardinois, Del Buono, Moore, Duong, Partida (11) No: None (0) Absent: Crawford
16.	Rent Stabilization Program Quarter 2 Report for Apartments, including the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Housing Payment Equality Ordinance January 23, 2020	Review the staff report and provide possible recommendations to staff on the Rent Stabilization Program Quarter 2 Report for FY 2019-20.	Commissioner Quinn made the motion to accept the staff report, with a second by Commissioner Jasinsky. The motion passed unanimously (11-0). Yes: Navarro, Quinn, Jasinsky, O'Connell, Wheeler, Shoor, Lardinois, Del Buono, Moore, Duong, Partida (11) No: None (0) Absent: Crawford
17.	Inclusionary Housing Ordinance Proposed Revision October 29, 2019	(a) Review the staff report and provide possible recommendations to the City Council on proposed amendments to Chapter 5.08 of the Municipal	Vice Chair Shoor made a motion to approve staff recommendation to apply the Inclusionary Housing Ordinance on developments with five units or more, with a second by Commissioner Del Buono. The motion failed 4-4. Yes: Quinn, Shoor, Wheeler, Del Buono (4) No: Navarro, Moore, O'Connell, Partida (4)

Code, including the following changes as described in this staff memorandum:

- (1) Apply the Inclusionary Housing Ordinance on developments with five units or more;
- (2) Serve a wider range of incomes for rental housing to 5% at 100% of the Area Median Income (AMI), 5% at 60% of the AMI, and 5% at the 50% of the AMI;
- (3) Restructure the in-lieu fee option to apply the fee on a square foot basis and change the amount to \$43 per square foot for rental development and \$25 per square foot for for-sale development;
- (4) Encourage rental developments to choose on-site compliance option by setting the in-lieu fee to \$18 per square foot where at least 5% of the units are provided onsite and allowing affordable units to be located in a separate building on-site;
- (5) Update the requirement to locate offsite units within the same redevelopment area to areas of opportunity;
- (6) Ensure units remain affordable as long as practical by extending the period of affordability to 99 years;
- (7) Adjust affordability requirements for co-living units to 90% of studio rents; and (8)

Commissioner O'Connell made a motion to reject the staff recommendation (B-1) to expand the income tiers for rental on-site and off-site projects, with a second by Commissioner Navarro. The motion failed 4-2-2.

Yes: Partida, Del Buono, O'Connell, Navarro (4)

No: Shoor, Quinn (2)

Abstain: Wheeler, Moore (2)

Vice Chair Shoor made the motion to approve the staff recommendation (B-2) of in lieu of providing on-site rental units in the three specified income tiers, a project can provide 10% of units affordable at 30% of AMI, with second by Commissioner Moore. The motion passed 8-0.

Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Quinn, Wheeler,

Moore (8) No: None (0)

Vice Chair Shoor made the motion to approve the staff recommendation (B-3) to explore extending the Park Fee discount to 100% of AMI rental units, with a second by Commissioner Navarro.

The motion failed 4-3-1.

Yes: Del Buono, Shoor, Quinn, Moore (4)

No: Navarro, Partida, O'Connell (3)

Abstain: Wheeler (1)

Vice Chair Shoor made the motion to approve the staff recommendation (C-1) to apply the In-Lieu Fee on a per square foot basis, with a second by Commissioner Moore. The motion passed 7-0-1.

Yes: Partida, Del Buono, O'Connell, Shoor, Wheeler, Moore, Navarro

(7)

No: None (0)

Abstain: Quinn (1)

Commissioner O'Connell made the motion to approve the staff recommendation (C-2) to tie the In-Lieu Fee calculation to the per unit affordability gap, with a second by Commissioner Partida. The motion passed 7-0-1.

Update program administration to allow recertification every two years.

(b) Provide recommendations to staff regarding potential amendments to the Park Fees Ordinance to define 100% AMI units as "affordable;" and, (c) Provide recommendations to staff regarding the potential development of geographic market areas to allow the phase in of the in-lieu fee adjustments over a three-year period.

Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Quinn, Wheeler

(7)

No: None (0) Abstain: Moore (1)

Vice Chair Shoor made the motion to reject the staff recommendation (C-3) to set a lower fee outside of strong market areas, with a second by Commissioner Navarro. The motion passed, 7-1.

Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Quinn, Wheeler

(7)

No: Moore (1)

Vice Chair Shoor made the motion to reject the staff recommendation (C-4) cap the annual fee adjustment, with a second by Commissioner Navarro. The motion passed 6-1-1.

Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Quinn (6) No:

Moore (1)

Abstain: Wheeler (1)

Vice Chair Shoor made the motion to approve the staff recommendation (C-5) to provide advance notice of fee increases, with a second by Commissioner Quinn. The motion passed 8-0.

Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Quinn, Wheeler,

Moore (8) No: None (0)

Commissioner O'Connell made the motion to reject the staff recommendation (D-1) to offer an adjusted schedule of In-Lieu Fees for mixed compliance projects and (D-2) to adjust the mixed compliance fees as the market changes, with a second by Navarro.

The motion passed 6-2.

Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Wheeler (6)

No: Moore, Quinn (2)

Commissioner O'Connell made the motion to reject the staff recommendation (D-3) to allow affordable project immediately adjacent to

			market-rate project, with a second by Commissioner Moore. The motion passed 5-1-2. Yes: Partida, Del Buono, O'Connell, Navarro, Moore (5) No: Quinn (1) Abstain: Wheeler, Shoor (2) Chair Wheeler made a motion to request City Council to direct staff to evaluate the community impact due to clustering of low-income housing units, with a second by Commissioner Navarro. The motion passed 6-0-2. Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Wheeler (6) No: None (0) Abstain: Quinn, Moore (2) Vice Chair Shoor made the motion to approve the staff recommendation (F-1) to extend the period of affordability to 99 years, with a second by Commissioner Quinn. The motion passed 7-1. Yes: Partida, Del Buono, O'Connell, Navarro, Shoor, Quinn, Wheeler (7) No: Moore (1)
18.	Tenant Preferences November 14, 2019	Open Forum	Commissioner Partida made a motion to agendize at a future meeting and update on the Tenant Preference policy discussed previously, with a friendly amendment by Commissioner Lardinois to consider the public comments received during open forum on November 14, 2019, with a second by Commissioner O'Connell. The motion passed 6-1. Yes: Partida, Lardinois, O'Connell, Duong, Del Buono, Shoor (6) No: Jasinsky (1)
19.	Create a New Downpayment Assistance Program for Moderate-income Homebuyers November 14, 2019	Review the staff report and provide possible recommendations to the City Council in response to the proposal to create a new down payment assistance program.	Commissioner Lardinois made the motion for staff to explore increasing the maximum purchase price, with a friendly amendment by Commissioner O'Connell to potentially include mobilehomes in the program, with a second by Commissioner Jasinsky. The motion passed 6-1. Yes: Lardinois, Del Buono, Shoor, O'Connell, Partida, Jasinsky (6) No: Duong (1)
20.	Accessory Dwelling Unit Forgivable Loan Program to House	Review and make possible recommendations to the City Council on the creation of a forgivable loan program for San José homeowners	Commissioner Lardinois made the motion for staff to explore strategies to discourage the delaying repayment of loans if not forgiven such as penalties and fees, with a second by Commissioner O'Connell. The motion passed 4-3. Yes: Shoor, O'Connell, Jasinsky, Lardinois (4)

	Moderate-Income	who build a legal accessory dwelling	No: Del Buono, Duong, Partida (3)
	Renters	unit and agree to house an income-	
	November 14, 2019	eligible household for a period of five years, including the possible suspension of business tax collection for qualifying accessory dwelling units during the five-year compliance period.	Vice Chair Shoor made the motion to minimize the financial risk to the City, with a second by Commissioner Jasinsky. The motion passed 7-0. Yes: Partida, Lardinois, Jasinsky, O'Connell, Shoor, Duong, Del Buono (7) No: None (0)
21.	Draft Five-Year	Hold a public hearing on funding	Commissioner Shoor made the motion that all goals related to grassroots
	Consolidated Plan	priorities for the next Five-year	outreach skills development and neighborhood leadership development be
	2020-25 Funding	Consolidated Plan, which will govern	quantitatively related to housing development, preservation and protection
	Priorities	the use of federal funding from the	issues, with a second by Commissioner Wheeler. The motion passed 4-3.
	March 12, 2020	U.S. Department of Housing and	Yes: Wheeler, Shoor, Del Buono, Crawford (4)
		Urban Development from 2020	No: Navarro, Partida, O'Connell (3)
		through 2025, and provide Housing	Absent: Duong, Lardinois, Quinn, Moore, Jasinsky (5)
		Department staff with input on the	
		funding priorities.	
22.	City-Initiated General	Review information on proposed	Commissioner O'Connell made the motion to recommend to the City Council
	Plan Amendments for	addition of a new General Plan	to apply the Mobilehome park designation to all Mobilehome parks, with a
	Mobilehome Parks	Mobilehome Park designation, the	second by Commissioner Navarro. The motion was approved 8-0-2.
	January 23, 2020	application of the designation to the	Yes: Navarro, Quinn, O'Connell, Wheeler, Lardinois, Del Buono,
		Westwinds and Mountain Springs	Duong, Partida (8)
		mobilehome parks, and make possible	No: None (0)
		recommendation to provide	Abstain: Shoor, Moore (2) Recused: Jasinsky (1)
		comments to staff, and/or the City	Absent: Crawford
		Council.	
23.	Open Forum: General	Commissioner Del Buono made the	On Commissioner Del Buono's motion:
	Plan Mobilehome Park	motion for the Commission to draft a	Yes: Quinn, O'Connell, Wheeler, Lardinois, Del Buono, Duong, Partida,
	January 23, 2020	letter to City Council with a	Moore (8)
		recommendation to create a new	No: None (0)
		General Plan Mobilehome Park	Abstain: Shoor (1)
		designation and to apply the new	Recused: Jasinsky (1)
		designation to all Mobilehome Parks	Absent: Navarro, Crawford (2)
		in San José, with a second by	
		Commissioner O'Connell. The motion	Vice Chair Shoor made the motion to add to the February meeting agenda to
		passed 7-0-1.	form an ad hoc committee to further discuss Mobilehome Park evictions and

			potentially form recommendations for the Commission to discuss, with a second by Commissioner O'Connell. The motion was approved 8-1-0. Yes: Quinn, O'Connell, Wheeler, Lardinois, Del Buono, Duong, Partida, Moore (8) No: Jasinsky (1) Abstain: None (0) Absent: Navarro, Crawford (2)
24.	Ad hoc Committee to Make Recommendations about Mobilehome Park Conversions February 13, 2020	Consider forming a temporary Ad hoc Committee of not more than six months to research potential changes to the City mobilehome conversion procedures based on issues that have arisen at Winchester Mobilehome Park and Westwinds Mobilehome Park and authorize the Ad Hoc Committee to return with a draft letter on this topic consistent with item D of Section V of Council Policy 0-4 (Letters Regarding Council or Council Committee Items) for Commission consideration and submission to the City Council.	Chair Wheeler made the motion to approve forming a temporary Ad hoc Committee of not more than six months to research potential changes to the City mobilehome conversion procedures based on issues that have arisen at Winchester Mobilehome Park and Westwinds Mobilehome Park and authorize the Ad Hoc Committee to return with a draft letter on this topic consistent with item D of Section V of Council Policy 0-4 (Letters Regarding Council or Council Committee Items) for Commission consideration and submission to the City Council, with a second by Commissioner Partida. The motion passed (8-1). Yes: Lardinois, Partida, Jasinsky, O'Connell, Wheeler, Shoor, Duong, Del Buono (8) No: Quinn (1) Absent: Crawford, Navarro, Moore (3) Commissioner Jasinsky made the motion to form the Ad Hoc Committee comprised of the members Shoor, Wheeler, O'Connell, Jasinsky, and Navarro, with a second by Commissioner O'Connell. The motion passed (9-0). Yes: Del Buono, Duong, Shoor, Wheeler, O'Connell, Jasinsky, Partida, Lardinois, Quinn (9) No: None (0) Absent: Crawford, Navarro, Moore (3)
25.	Diridon Affordable Housing Implementation Plan February 13, 2020	Receive the staff update on the Diridon Affordable Housing Implementation Plan.	The Commission received the update on the Diridon Affordable Housing Implementation Plan
26.	Draft Community Plan to End Homelessness 2020-2025	Receive the staff report and provide the Housing Department staff with	Vice Chair Shoor made a motion to recommend staff explore an 18-month pilot sanctioned encampment within the City of San José, with a second by Commissioner Jasinsky. The motion failed (2-7).

	February 13, 2020	feedback on the draft Community Plan to End Homelessness 2020-2025.	Yes: Shoor, Jasinsky (2) No: Del Buono, Duong, Wheeler, O'Connell, Partida, Lardinois, Quinn (7) Absent: Crawford, Navarro, Moore (3) Chair Wheeler made a motion to amend the draft Community Plan to End Homelessness to address engagement and collaboration at a State and Federal level on homelessness, with a second by Commissioner O'Connell. The motion passed (7-2). Yes: Shoor, Wheeler, O'Connell, Jasinsky, Partida, Lardinois, Quinn (7) No: Del Buono, Duong, (2) Absent: Crawford, Navarro, Moore (3)
Defe	rred Items		
27.	Timing for Hearing Commissioner-initiated Items November 14, 2019	Discuss the process and order of upcoming Commissioner-initiated items on future agendas.	This item was deferred to a later date.
28.	Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Successor to the Redevelopment Agency Annual Report March 12, 2020	Receive the staff reports for the draft 2019 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element, and the draft 2018-19 Housing Successor to the Redevelopment Agency Annual Report, and make possible recommendations to staff and/or the City Council.	This item was deferred to a later date.
29.	Inclusionary Housing Ordinance Follow-Ups March 12, 2020	Receive an update on proposed amendments to Inclusionary Housing Ordinance with three of the remaining outstanding items following November 5, 2019, City Council: (a) Evaluate financing impacts of extending the period of affordability to 99 years; (b) Incentivize density for small projects between 5 to 19 units; and, (c) Encourage innovative	This item was deferred to a later date.

partner	ships by exploring the
minimu	ım contribution to off-site
develop	oments in order to maximize
afforda	ble housing.



#	Topics for FY 2020-21	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
1.	Anti-Displacement Draft Strategy	Review draft Anti-Displacement Strategy and make possible recommendation		Report	Aug 2020
2.	Commercial Impact Fee	Review report on Commercial Impact Fee Nexus Study and Feasibility Study and make possible recommendation	Local funds	Report	Aug 2020
3.	Commission Elections	Elect Chair and Vice Chair for FY 2020-21	Governance	Administra- tion	Sep 2020
4.	Adopt Commission FY 2019-20 Accomplishments	Review, discuss, and adopt HCDC's FY 2019-20 Accomplishments based on work completed at Annual Retreat	Administrative	Governance	Sep 2020
5.	Adopt Commission FY 2020-21 Workplan	Review, discuss, and adopt HCDC's FY 2020-21 Workplan based on work completed at Annual Retreat	Administrative	Governance	Sep 2020
6.	Draft Diridon Affordable Housing Implementation Plan	Review draft Affordable Housing Implementation Plan and make possible recommendation	New plan	Plan	Oct 2020
7.	Inclusionary Housing Ordinance	Review proposed revisions to the Inclusionary Housing Ordinance and related programs and make possible recommendations	Existing program	Policy	Oct 2020
8.	Approval of Measure E Spending Plan	Review proposed spending plan for Measure E funds to ensure it is consistent with City Council direction and make recommendations	Local funds (New)	Plan	Oct 2020
9.	Affordable Housing Siting Policy Framework	Provide input on the process for development of the City's policy on siting permanent affordable housing and make possible recommendation	New Policy	Policy	Oct 2020
10.	Housing Crisis Workplan Updates	Review progress report on implementation of prioritized items in the Housing Crisis workplan and make possible recommendation	Housing goals	Report	Oct 2020
11.	Amended Commission Bylaws	Form an ad hoc committee on Bylaws to review and recommend to the Commission possible changes to	Administrative	Governance	Nov 2020

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		Commission Bylaws, then consider possible			
		amendments to Commission Bylaws			
12.	Annual Homeless Report	Review report and provide input on overall budget,	Existing	Report	Dec 2020
		policies, and programs to address homelessness	program		
13.	Consolidated Annual Performance	Hold a public Hearing for the FY 2019-20 Consolidated	Federal funds	Hearing	Dec 2020
	and Evaluation Report (CAPER)	Annual Performance and Evaluation (CAPER) and make			
		possible recommendation to City Council to approve			
		report			
14.	Assessment of Fair Housing Draft	Review reports on draft findings of AFH Plan and make	Federal funds	New Plans	Dec 2020
		possible recommendations			
15.	FY 2021-22 Annual Action Plan	Hold a Public Hearing and review funding priorities for	Federal funds	Hearing	Dec 2020
	Funding Priorities	FY 2021-22 Annual Action Plan and make possible			
		recommendation			
16.	HCDC Workplan Amendments	Review amended 2020-21 HCDC Workplan and make	Governance	Plan	Jan 2021
		possible recommendation for submission to the			(if needed)
47		Community and Economic Development Committee	••	61	5 L 2024
17.	Moderate-income Housing Strategy	Review report of consultant report on Moderate-	New program	Plan	Feb 2021
		income housing strategies on proposed strategies to meet the housing needs of moderate-income residents			
		in San José and make possible recommendation			
18.	Affordable Housing Siting Draft Policy	Provide input on proposing Siting Policy for siting	Revised policy	Policy	Mar 2021
10.	Anordable modeling Sitting Branch oney	permanent affordable housing and make possible	Revised policy	roncy	10101 2021
		recommendation			
19.	Rent Stabilization Program Budget	Review and discuss the RSP annual fee structure and	Fees for ARO &	Fee Report	Mar 2021
	(Fee) Recommendations	staffing levels concerning Mobilehomes and	Mobilehome		
	,	Apartments and make possible recommendation	Rent Ordinance		
20.	Housing Crisis Workplan	Review progress report on implementation of	Housing goals	Report	Apr 2021
		prioritized items in the Housing Crisis workplan and			
		make possible recommendation			
21.	Draft FY 2021-22 Annual Action Plan	Hold a Public Hearing and review FY 2021-22 draft	Federal funds	Hearing	Apr 2021
		Annual Action Plan for the use of federal funds from			
		HUD and make possible recommendation			
22.	Housing Trust Fund Budget	Review and provide input on proposed expenditures for	Local funds	Plan	Apr 2021
		FY 2020-21 from the Housing Trust Fund for homeless			
		programs and make possible recommendation			

23.	Annual Progress Report on the	Review progress report on the Annual Progress Report	Housing goals	Report	May 2021
	Housing Element	to the State on the City's Housing Element and make			
		possible recommendation			
24.	Soft Story Program Framework and	Review draft soft story program framework and	New program	Program	May 2021
	Ordinance	ordinance and make possible recommendation			
25.	Commission Nominations/Elections	Nominate and select Chair and Vice Chair for FY 2021-	Governance	Administra-	May/Jun
		22		tion	2021
26.	Assessment of Fair Housing Draft Plan	Review draft Plan on housing challenges and	New plan	Plan	Jun 2021
		community needs and make possible recommendation			
27.	Quarterly and Annual Reports	Review quarterly and annual reports on the Rent	Report on ARO	Report	Quarterly,
		Stabilization Program including the Apartment Rent	& Mobilehome		Annual
		Ordinance, Ellis Act Ordinance, Tenant Protection	Rent Ordinance		
		Ordinance, and Mobilehome Rent Ordinance programs			
		and make possible recommendations			
28.	Outreach Authorization for	Review revised Council Policy 0-4 regarding	Administrative	Governance	As needed
	Commissioners	commissioner outreach and make possible			
		recommendations			
29.	Reports on Housing Data	Review reports on housing data	Report	Report	As needed
30.	Amendment(s) to FY 2019-20 Annual	Hold a Public Hearing and review Amendments to FY	Federal funds	Hearing	As needed
	Action Plan	2019-20 Annual Action Plan for the use of federal			
		CARES Act funds from HUD and make possible			
		recommendation			
31.	Amendment(s) to FY 2020-21 Annual	Hold a Public Hearing and review Amendments to FY	Federal funds	Hearing	As needed
	Action Plan	2020-21 Annual Action Plan for the use of federal funds			
		from HUD and make possible recommendation			
32.	Proposed State/Federal Legislation	Discuss and make possible recommendations on	New, revised	Policy	As needed
		proposed legislation and ballot measures pertaining to	policies		
		subjects under the purview of the Commission, per			
		Policy 0-4			
33.	Topics related to Chapters 17.22 and	Discuss items related to SJMC Chapters 17.22 and 17.23	New, revised	Program	As needed
	17.23 of the San José Municipal Code	regarding the Mobilehome Rent Ordinance and related	programs and	Policy	
		regulations and take possible action	policies		
34.	Topics related to Chapter 20.180 of	Discuss items related to SJMC Chapter 20.180 regarding	New, revised	Policy	As needed
J . T.	the San José Municipal Code	mobilehome parks and related policies and take	programs and	loney	/ IS HECUEU
	the sail sose maineipar code	possible action	policies		
			Policies		

35.	Board and Care Regulations and Properties*	Hold a Commissioner-initiated discussion of board and care regulations and properties located in San José and take possible action	New programs or policies	Program Policy	TBD
36.	Mental Health Proposition 2 Funding*	Hold a Commissioner-initiated discussion of Mental Health Proposition 2 bond funding from 2018 and potential leverage through collaboration with the County of Santa Clara and take possible action	New programs or policies	Program Policy	TBD
37.	Additional Density Bonus for Affordable Housing*	Hold a Commissioner-initiated discussion of a potential additional City-authorized density bonus for affordable housing developments and take possible action	New, revised programs or policies	Program	TBD
38.	Nonprofit Housing Co-ops First Opportunity to Buy Affordable Housing Properties*	Hold a Commissioner-initiated discussion of a potential program to give nonprofit housing co-ops the first opportunity to buy affordable housing properties and take possible action	New programs or policies	Program Policy	TBD
39.	Commission-initiated discussions under the purview of Commission*	Hold Commissioner-initiated discussions on existing or potential programs, policies or regulations related to housing and community development policies and programs, and to Parts 17.22 and 17.23 of the SJMC including the Apartment Rent Ordinance, the Mobilehome Rent Ordinance, the Ellis Act Ordinance, and the Tenant Protection Ordinance, Part 5.10 Housing Payment Equality Ordinance, and take possible action	New, revised programs and policies	Program Policy	As needed

Note*: Commissioner-initiated items are researched and prepared by the Commissioners. All of these actions are to be taken consistent with Policy 0-4. Staff is only responsible for distribution unless capacity exists to provide additional information. These items will be agendized and prioritized around the Commission's regular workload. The proposed agendized items may be subject to change.

Non-governance items that may relate to Mobilehomes (directly and/or indirectly):

- 1 Anti-Displacement Draft Strategy
- 8 Approval of Measure E Spending Plan
- 10, 20 Housing Crisis Workplan Updates
- 14, 26 Assessment of Fair Housing
- 15, 21, 30, 31 Annual Action Plans
- 19 RSP Budget
- 23 Annual Progress Report on the Housing Element
- 27 Quarterly and Annual Reports
- 29 Reports on Housing Data
- 32 Proposed State/Federal Legislation
- 33 Topics related to Chapters 17.22 and 17.23 of the San José Municipal Code
- 34 Topics related to Chapter 20.180 of the San José Municipal Code
- 39 Commission-initiated discussions under the purview of Commission*

Note*: Starred items are researched and prepared by the Commissioners. Staff is only responsible for distribution unless capacity exists to provide additional information. These items will be agendized and prioritized around the Commission's regular workload. The proposed agendized items may be subject to change.