

District 1 — Justin Lardinois
 District 3 — Barry Del Buono
 District 5 — Ruben Navarro
 District 7 — Victoria Partida
 District 9 — Julie Quinn
 Mayor — Nhi Duong

(VC) Alex Shoor — District 2
 Shavell Crawford — District 4
 (C) Andrea Wheeler — District 6
 Vacant — District 8
 Roberta Moore — District 10
 Martha O’Connell — CAAC MR
 Ryan Jasinsky — CAAC ML

*Commissioners are appointed by corresponding Council Members, but do not represent the Council District.

MEETING AGENDA
OCTOBER 10, 2019
CITY HALL WING ROOMS 118-119

5:45 PM

**APPROX.
TIME**

AGENDA ITEM

The time schedule shown below is approximate and intended only to notify the Commission of the approximate amount of time staff expects each item might take. Please note that items may be heard before or after the times shown.

- | | |
|-------------|---|
| 5:45 | I. Call to Order & Orders of the Day |
| 5:47 | II. Introductions |
| 5:50 | III. Consent Calendar
A. Approve the Minutes for the Meeting of September 12, 2019
ACTION: Approve the September 12, 2019 action minutes. |
| 5:55 | IV. Reports and Information Only
A. Chair
B. Director
C. Council Liaison |
| 6:10 | V. Open Forum
<i>Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.</i> |
| 6:15 | VI. Old Business |
| 6:15 | VII. New Business |

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- 6:15** **A. Commendation for Commissioner Huy Tran (K. Clements, Housing Department) (No memo)**
ACTION: None.
- 6:30** **B. Annual Report for Rent Stabilization Programs, including the the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Housing Payment Equality Ordinance**
ACTION: Review and discuss the Rent Stabilization Programs Annual Report for 2018-2019.
- 7:15** **C. Administrative Citations Manual and Proposed Schedule of Fines for Violations of the Apartment Rent, Tenant Protection, and Ellis Act Ordinances**
ACTION: 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.
- 8:00** **D. Timing for Hearing Commissioner-initiated Items**
ACTION: Discuss the process and order of upcoming Commissioner-initiated items on future agendas.
- 8:10** **VIII. Open Forum**
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- 8:20** **IX. Meeting Schedule**
The next regular Commission meeting is scheduled to be held on Thursday, November 14, 2019, at 5:45 p.m. in Wing Rooms 118-120 at San José City Hall, 200 E. Santa Clara St., San José, CA 95113.
- Potential items for November (subject to change):
- Rent Stabilization Program Quarterly Report for the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Mobilehome Rent Ordinance
 - Mobilehome Park Land Use General Plan Designations
- Note that staff expects to need a Special Meeting for the Commission in late October, date TBD based on Commissioner availability.

The Commission is expected to set its December meeting date at its September meeting.

8:30

X. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

MEETING ACTION MINUTES

SEPTEMBER 12, 2019

MEMBERS PRESENT:	Andrea Wheeler	Chair	
	Alex Shoor	Vice Chair	
	Barry Del Buono	Commissioner	
	Martha O’Connell	Commissioner	
	Shavell Crawford	Commissioner	<i>Arrived 6:17 PM</i>
	Nhi Duong	Commissioner	<i>Arrived 6:45 PM</i>
	Ryan Jasinsky	Commissioner	
	Justin Lardinois	Commissioner	
	Roberta Moore	Commissioner	<i>Arrived 6:01 PM</i>
	Ruben Navarro	Commissioner	
	Victoria Partida	Commissioner	
	Julie Quinn	Commissioner	

MEMBERS ABSENT: District 8 – VACANT Commissioner

STAFF PRESENT:	Helen Chapman	Council Liaison
	Kristen Clements	Housing Department
	Selena Copeland	Housing Department
	Robert Lopez	Housing Department
	Adam Marcus	Housing Department
	Viviane Nguyen	Housing Department

(I) Call to Order & Orders of the Day

Chair Wheeler called the meeting to order at 5:46 PM.

(II) Introductions – Commissioners and staff introduced themselves.

(III) Consent Calendar

- A. Approve the Minutes for the Meeting of August 8, 2019
ACTION: Approve the August 8, 2019 action minutes

**Commissioner Lardinois made the motion to approve the August 8, 2019 minutes, with a second by Commissioner O’Connell. The motion passed unanimously (9-0). Yes: Navarro, Del Buono, Shoor, Wheeler, O’Connell, Jasinsky, Quinn, Lardinois, Partida (9)
Absent: Crawford, Moore, Duong (3)**

- B. Approve the Minutes for the Annual Retreat of August 24, 2019
ACTION: Approve the August 24, 2019 action minutes

**Vice Chair Shoor made the motion to approve the August 8, 2019 minutes, with a second by Commissioner Navarro. The motion passed unanimously (9-0).
Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida (9)
Absent: Crawford, Moore, Duong (3)**

(IV) Reports and Information Only

- A. **Chair:** Chair Wheeler provided an update on the new administrative changes to conducting the Commission meeting.
- B. **Director:** Ms. Kristen Clements provided an update on the six Housing Department City Council items agendized for September 24th.
- C. **Council Liaison:** Ms. Helen Chapman reiterated the Housing Department City Council items agendized on September 24th.

(V) Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

(VI) Old Business

- A. **Adopt Commission's Accomplishments for 2018-19 (K. Clements, Housing Department)**

ACTION: 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)

Absent: Crawford, Duong (2)

- B. **Adopt Commission's Workplan for 2019-20 (K. Clements, Housing Department)
(TO BE HEARD AFTER NEW BUSINESS)**

ACTION: 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 the idea before voting and 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 Item 4 and 5, with a second by Vice Chair Shoor. The motion passes unanimously (12-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12)

Note that this item was heard last

(VII) New Business

**A. Commendations for Commissioners Fitzgerald and Tran
(K. Clements, Housing Department) (No memo)**

ACTION: None.

Ms. Clements and Ms. Chapman provided a commendation to Michael Fitzgerald to recognize his service and efforts on the Commission. Commissioner Tran was not present.

**B. Presentation: Code of Conduct Review (Council Policies 0-15 and 0-4)
(R. Henninger, Housing Department) (No memo)**

ACTION: None.

Ms. Henninger presented the policies 0-15 and 0-4.

C. Homelessness Annual Report (K. Hemphill, Housing Department)

ACTION: 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 (12-0).

D. Public Hearing for the FY 2018-2019 Consolidated Annual Performance Evaluation Report (CAPER) (R. Lopez, Housing Department)

ACTION: Hold the second of three public hearings on the use of federal funds from the U.S. Department of Housing 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.

Commissioner Crawford made the motion to recommend the CAPER with the Commissioners' comments, with a second by Commissioner Quinn. The motion passes (12-0).

Yes: Navarro, Del Buono, Shoor, Wheeler, O'Connell, Jasinsky, Quinn, Lardinois, Partida, Moore, Duong, Crawford (12)

E. Updates on Development of the Affirmatively Furthering Fair Housing Plan and the Five-Year Consolidated Plan for 2020-25 (J. Joanino & R. Lopez, Housing Department)

ACTION: 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. No further action was taken.

(VIII) Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

(IX) Meeting Schedule

The next regular Commission meeting is scheduled to be held on Thursday, October 10, 2019, at 5:45 p.m. in Wing Rooms 118-120 at San José City Hall, 200 E. Santa Clara St., San José, CA 95113.

Potential items for October:

- Inclusionary Housing Ordinance changes
- Ellis Act Potential Changes & ARO Tenant Demographics
- Rent Stabilization Programs Annual Report
- Administrative Citations for Tenant Protection and Housing Payment Equality Ordinances
- Mobilehome Park Land Use Changes (or in Nov.)

Note that staff expects that a December Commission meeting *will* be needed this year, so the date will be December 12, 2019.

(X) Adjournment

Chair Wheeler adjourned the meeting at 10:05 PM.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are

within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.



Memorandum

**TO: HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION**

FROM: RACHEL VANDERVEEN

SUBJECT: SEE BELOW

DATE: October 10, 2019

Approved

Date

SUBJECT: RENT STABILIZATION PROGRAM ANNUAL REPORT FOR 2018-2019

RECOMMENDATION

It is recommended that the Housing and Development Commission review and discuss the Rent Stabilization Program Annual Report for 2018-2019.

BACKGROUND

The Rent Stabilization Program's mission is to oversee the City of San José's tenant-oriented ordinances through education, engagement, and collaboration to build and maintain safe, healthy, and sustainable communities. This memorandum summarizes the program accomplishments and Rent Stabilization Program Annual Report for 2018-2019 (**Attachment A**). The Rent Stabilization Program oversees the enforcement and implementation of four Ordinances:

- ***Apartment Rent Ordinance (Municipal Code Chapter 17.23, Parts 1-9)***: The ARO covers most rental apartments with three or more units built before September 7, 1979, limits rent increases to 5% once every 12 months, and allows owners to receive a fair return. All ARO properties must post a City-approved notice in a conspicuous location within each building indicating that the ARO applies to the units contained within the property.
- ***Tenant Protection Ordinance (Municipal Code Chapter 17.23, Part 12)***: Tenants living in building with three or more units are entitled to just cause protection from termination of their tenancy. The TPO provides 13 just cause bases, anti-retaliation, and anti-harassment provisions.
- ***Ellis Act Ordinance (Municipal Code Chapter 17.23, Part 11)***: The City's Ellis Act Ordinance outlines the procedures that owners of both Rent Stabilized Units and non-Rent Stabilized Units can permanently remove their properties from the rental market. The Ordinance creates a standardized process for issuing Ellis Act withdrawal notices to tenants, provides for required relocation benefits, establishes a tenant's right to return, and defines required re-control of apartments returned to the market.

- ***Mobilehome Rent Ordinance (Municipal Code Chapter 17.22)***: The City’s Mobilehome Rent Ordinance covers mobilehome parks where rental lots were permitted with plumbing, electrical, and sewage before September 7, 1979, with certain exceptions. The Ordinance regulates the formula for a maximum annual percentage increase on individual pad rents. It also permits owners a fair rate of return on their investment and allows them to request a higher increase by filing a petition with the City.

The Annual Report summarizes the Rent Stabilization Program (Program) team’s work and presents a wide range of housing data collected. Over the past year, the Program team implemented the Rent Registry, implemented significant changes to both the Apartment Rent Ordinance and Tenant Protection Ordinance, processed Ratio Utility Billing Systems petitions for over 6,000 apartments, and responded to nearly 5,000 inquiries from owners and tenants. The Program also provided services to owners, managers, and tenants of apartments and mobilehomes. The services included:

- Staffing information lines, responding to general inquiries, and meeting with owners and tenants to discuss issues, provide answers and offer solutions to problems;
- Developing and implementing policies;
- Managing submissions of notices of termination of tenancy, including reviewing submitted notices for accuracy and analyzing trends;
- Managing tenant and owner petitions, scheduling mediations and administrative hearings; and,
- Engaging with, and educating, community members, via mailings, presentations to community groups, site visits to apartment complexes, fact sheets and brochures, website updates, and multilingual workshops.

ANALYSIS

The following summarizes the Rent Stabilization Program’s accomplishments in 2018-2019.

APARTMENT RENT ORDINANCE (ARO)

Ratio Utility Billing System (RUBS) – The Apartment Rent Ordinance was amended on May 22, 2018 to allow owners to petition for a one-time rent increase to offset the cost of utilities. An “Offset” petition must have been filed by October 31, 2018. Owners with written utility pass-through contracts for water, sewer and/or garbage that were in place prior to January 1, 2018, could file a petition. The Rent Stabilization Program received 130 RUBS petitions between July 1, 2018, and October 31, 2018.

Of the 130 petitions impacting 6,480 apartments, 47 unique owners/property managers were involved and the outcomes were as follows:

- 101 petitions approved through administrative decisions, impacting 5,613 apartments
- 22 petitions ineligible, impacting 784 apartments
- 3 petitions approved through hearing decisions, impacting 48 apartments
- 4 petitions pending hearings, impacting 35 apartments
- \$70.09 average increase in rents.

During the administration of the RUBS petitions process, 130 petitions were filed during the filing period of July 5 through October 31, 2019. Each petition required submission of rental agreements and utility billing expenses for staff review and verification. Petitions ranged from a three-unit apartment complex to an 800+ unit apartment complex. The volume of rental agreements and billing expenses submitted ranged from a few pages to many boxes. To address the additional workload volume, additional staff was allocated to assist in the RUBS petition review.

Rent Registry Implementation – The Rent Registry website went live in August 2018. The launch of the Rent Registry marked the beginning of the first registration period that ended March 1, 2019. As of June 1, 2019, approximately 28,800 apartments registered out of the 38,867 total apartments subject to the Apartment Rent Ordinance, reflecting a compliance rate of 74% over approximately 10 months. By comparison, Los Angeles established a Rent Registry in 2016, and after one year of implementation, it had a compliance rate of 65%. The City Council directed Housing Department staff to implement the Rent Registry to facilitate enforcement of the ARO. The registry requires owners to submit specific housing and tenancy information regarding each apartment subject to the ARO. The information collected includes rent amounts and increases, security deposits, vacancy reasons, and tenant names.

The steps taken by Housing Department staff to ensure a successful launch of the Rent Registry included:

- Sending three mailers and three email blasts to owners
- Performing seven Rent Registry workshops
- Providing a Rent Registry User Guide produced in three languages
- Creating optional paper registration forms in lieu of electronic registration for owners who preferred this method
- Providing phone, email, and in-person technical support.

From the Rent Registry, staff learned more about the breakdown of the number of bedrooms for ARO apartments and the average rents charged. The focus for the 2018-2019 registration was to educate owners about the requirement and how to register and to provide technical assistance for online login and paper registration.

Registration highlights are as follows:

- 360 properties submitted paper registrations, requiring staff to help owners manually input apartments' data into the Online Rent Registry; and

- 10 properties with pending tenant petitions on service reductions did not have properties registered, so staff followed up with owners to register apartments the Rent Registry.

During FY 2019-20, staff will continue to focus on increasing registration compliance and on providing a system for tenant validation to verify the data submitted through a tenant portal.

The Rent Registry is an essential tool in the prevention of unpermitted rent increases and overcharging through the verification of rent increases. The Registry gives the Housing Department the ability to proactively monitor and enforce by: 1) analyzing data on current rents; 2) automatically calculating maximum allowable rent increases; and 3) documenting instances of improper rent increases. Information collected in the Rent Registry has been useful to compare rents for rent-stabilized apartments to market-rate rents. Average and median rents for one- and two-bedroom apartments subject to the ARO were compared to Class A, B and C market-rate apartment rents. Through this comparison, it was confirmed that one- and two-bedroom ARO apartment rents were lower than Class A, B, and C.

Petitions Summary – The Program staff accept tenant- and owner-initiated petitions under ARO, as summarized in **Table 1**. Through hearing officers, the Program conducts mediations and administrative hearings to review ARO petitions and evidence, and to resolve violations of the ARO. Mediations are also offered to the parties as an option to settle disputes without the need for a more formal hearing. Participation in a mediation is voluntary. Administrative hearings are held for cases not resolved through mediation. At these hearings, a hearing officer hears testimony from the parties and reviews evidence submitted. After the administrative hearing process, the hearing officer issues a detailed written decision consistent with the Apartment Rent Ordinance and Regulations. Most petitions filed are resolved through mutual agreement without a written decision. There have been 1,515 petitions filed under the Apartment Rent Ordinance since 2014, with 263 being submitted in the last year.

Table 1: Resolution of ARO Petitions 2018-2019

Decision	Non-RUBS	RUBS	Total
Voluntary	28	0	28
Hearing Officer	19	3	22
Administrative	54	101	155
Pending	20	4	24
Ineligible	7	22	29
Withdrawn	5	0	5
TOTAL	133	130	263

TENANT PROTECTION ORDINANCE (TPO)

The Tenant Protection Ordinance requires all notices of termination of a lease to state a “just cause.” The Ordinance defines 13 Just Causes, and applies to tenants living in apartment buildings with three or more apartments. Tenants holding rental vouchers are covered under the Ordinance. The Ordinance requires that property owners submit copies of all notices of termination to the City. From July 1, 2018 through June 30, 2019, the City received 9,716 notices for Just Cause terminations of leases. Certain causes require the owner to provide relocation assistance to the tenant. The following reasons no longer constitute cause for termination of a tenancy: change in ownership, foreclosure of property, and expiration of a fixed-term lease. **Table 2** below illustrates the number of each type of termination of tenancy notice filed with the Rent Stabilization Program during this time period. The findings included:

- Approximately 93% of termination of tenancy notices served in fiscal year 2018-2019 were for nonpayment of rent.
- There were approximately 1,763 notices (18%) that were submitted by five owners or properties.
- There were approximately 705 Unlawful Detainer notices submitted. An Unlawful Detainer is filed with the Santa Clara County Court to initiate an eviction process.
- Only 7% of households receiving a notice went to court through the Unlawful Detainer process.

Table 2: Just Cause Submissions for 2018-2019

Just Cause Submissions		Total 2018-2019
1	Nonpayment of rent	9,081
2	Material or habitual violation of tenancy	415
3	Substantial damage to the rent unit	12
4	Refusal to agree to a like or new rental agreement	6
5	Nuisance behavior	100
6	Refusing access to the unit	1
7	Unapproved holdover subtenant	17
8	Criminal activity	15
9	Substantial rehabilitation of the unit	13
10	Ellis Act Removal	0
11	Owner move-in	4
12	Order to vacate	4
13	Vacation of unpermitted unit	1
	No reason listed	21
	TPO exemptions	26
	Total	9,716

Legal Services for Low-Income Tenants and Owners – On February 21, 2018, the Housing Department released a RFP for Legal Services for Low-income Tenants and Owners. San Jose Housing Consortium, comprised of Law Foundation, Bay Area Legal Aid, Senior Adults Legal Assistance, Asian Law Alliance, and Project Sentinel, was awarded the contract. The award was for up to \$500,000 over multiple years beginning fall 2018. The goal of the program is to increase housing stability by providing free owner/tenant counseling, education, referrals, and legal assistance to low-income tenants and owners. These services also include outreach and education to low-income tenants and owners Citywide. This year, legal services held a total of 16 outreach and educational meetings:

- 3 for owners
- 9 for tenants, and
- 4 for both owners and tenants.

Of the 1,482 clients, their income levels were as follows:

- 1,061 were extremely low-income, at or below 30% of the Area Median Income (AMI),
- 194 were very low-income, 31%-50% AMI,
- 169 were low-income, with 51%-80% AMI, and
- 58 were moderate-income, 81%-120% AMI.

ELLIS ACT ORDINANCE

To date, owners of two rent-stabilized properties with nine total apartments have issued notices to withdraw their apartments from the rental market.

- One property is a four-unit apartment complex. There is a pending proposal to build 285 apartments on the site. All impacted tenants have successfully relocated.
- The second property has five-unit apartment complex, and was built in 2008 so is not subject to the Apartment Rent Ordinance. There is a pending proposal to build 249 rental apartments on the site. This property would be subject to the Ellis Act Ordinance with only limited provisions.

For these two properties, the City's fees have been paid, tenants have been properly noticed and the City's contracted relocation specialist has been working with the impacted tenants to find suitable replacement apartments. Program staff continues to receive inquiries from property owners and developers regarding the Ellis Act Ordinance's implications for properties' redevelopment.

On February 5, 2019, staff received direction from the City Council to conduct additional analysis of the re-control provisions in the Ellis Act Ordinance and to return with a verbal update. Staff conducted interviews with developers, lenders, and tenants. As of the publishing of this report, staff is scheduled to appear at the November 5, 2019, City Council meeting to present its report and recommendations.

MOBILEHOME RENT ORDINANCE

The Rent Stabilization Program provides services to mobilehome owners, park owners, park managers, and park residents. There are 59 mobilehome parks in San José that are home to approximately 35,000 residents. The City is home to the largest number of mobilehome households in California.

The Mobilehome Rent Ordinance covers 59 mobilehome parks and approximately 10,840 mobilehome spaces. 12 mobilehome parks are age-restricted communities, serving individuals aged 55 years and older, many of whom live on fixed incomes. The Mobilehome Rent Ordinance allows annual mobilehome space rent increases equal to 75% of the regional Consumer Price Index increase, with a minimum increase of 3% and a maximum of 7%. During each of the past 10 years, the allowable rent increase has remained at the minimum of 3%.

Summary of Mobilehome Issues

The Rent Stabilization Program received 306 inquiries from the mobilehome community during 2018–2019. The outcomes of the inquiries are identified below. One of the main issues raised was the recommendation for the Rent Stabilization Program to track the self-reported evictions similar to the Tenant Protection Ordinance for apartments. However, due to limitations of State law, the Rent Stabilization Program has limited authority to respond to the large number of mobilehome concerns.

Inquiries from mobilehome residents include:

- 90 resident referrals and inquiries about renters' rights
- 76 requests for information and clarification about ordinances
- 44 code, maintenance, and service calls
- 38 questions about rent increases
- 17 questions about evictions
- 14 inquiries about fees, lease disputes, and deposits
- 27 questions about miscellaneous topics.

STAFFING AND FEE IMPLEMENTATION

On [June 11, 2019](#), the City Council approved the [fees for the Rent Stabilization Program](#). Fees for rent-stabilized apartments will increase from \$77.30 to \$85.04. Non-rent stabilized apartments are subject to the TPO, which fees will increase from \$6.20 to \$8.76. The Ellis Act Ordinance fee per unit, up to 10 units, will increase from \$2,258 to \$2,469 per unit. Additional units, above 10 units, will increase from \$870 per unit to \$902 per unit. To keep the Mobilehome fee at cost recovery, staff the fee will decrease from \$25.70 to \$24.24 per unit.

The Rent Stabilization Program has successfully filled most of the positions and created the following three distinct teams:

- ***Petitions Team:*** The Petitions Team is responsible for accepting and reviewing petitions filed by owners and tenants. The team is also responsible for scheduling hearings on the petitions and issuing administrative decisions consistent with the Ordinance and Regulations.
- ***Compliance Team:*** The Compliance Team is responsible for implementing the Ordinances and Regulations.
- ***Administrative Team:*** The Administrative Team provides administrative support.

As implementation of the expanded program continues, the staffing level is adequate and supports the ongoing program resource needs. Staffing levels will be reviewed each year as part of the annual fee analysis process.

OUTREACH

Staff members participate in a variety of events to interact with the community and convey information about program ordinances. Some of these events are forums to share information and answer questions from the public. Every year, the Rent Stabilization Program presents information specifically to owners and tenants. Upon request, smaller presentations are prepared for specific groups, such as Realtor associations or building-specific organizations. Of the 4,905 inquiries handled, the team addressed 404 inquiries in Spanish, 133 in Vietnamese, and 21 in other languages.

During 2018-2019, the City and its partners held 75 events to support the Rent Stabilization Program: 28 public meetings, and 47 community outreach meetings. The 75 public events included community meetings for public outreach, mobilehome meetings, and outreach meetings hosted by our partners through our Legal Services grant funded by Community Development Block Grant funds. The outreach meetings included four for tenants, four for owners, five hosted by Council, and 34 for the public. The Rent Stabilization Program also produced 18 informational videos—six each in English, Spanish and Vietnamese. The videos are accessible on the City's website and the Housing Department's YouTube channel.

EVALUATION AND FOLLOW-UP

This third Annual Report of the Rent Stabilization Programs is posted on the Housing Department's website at: www.sanjoseca.gov/rent.

/s/

RACHEL VANDERVEEN

Deputy Director, Department of Housing

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

October 3, 2019

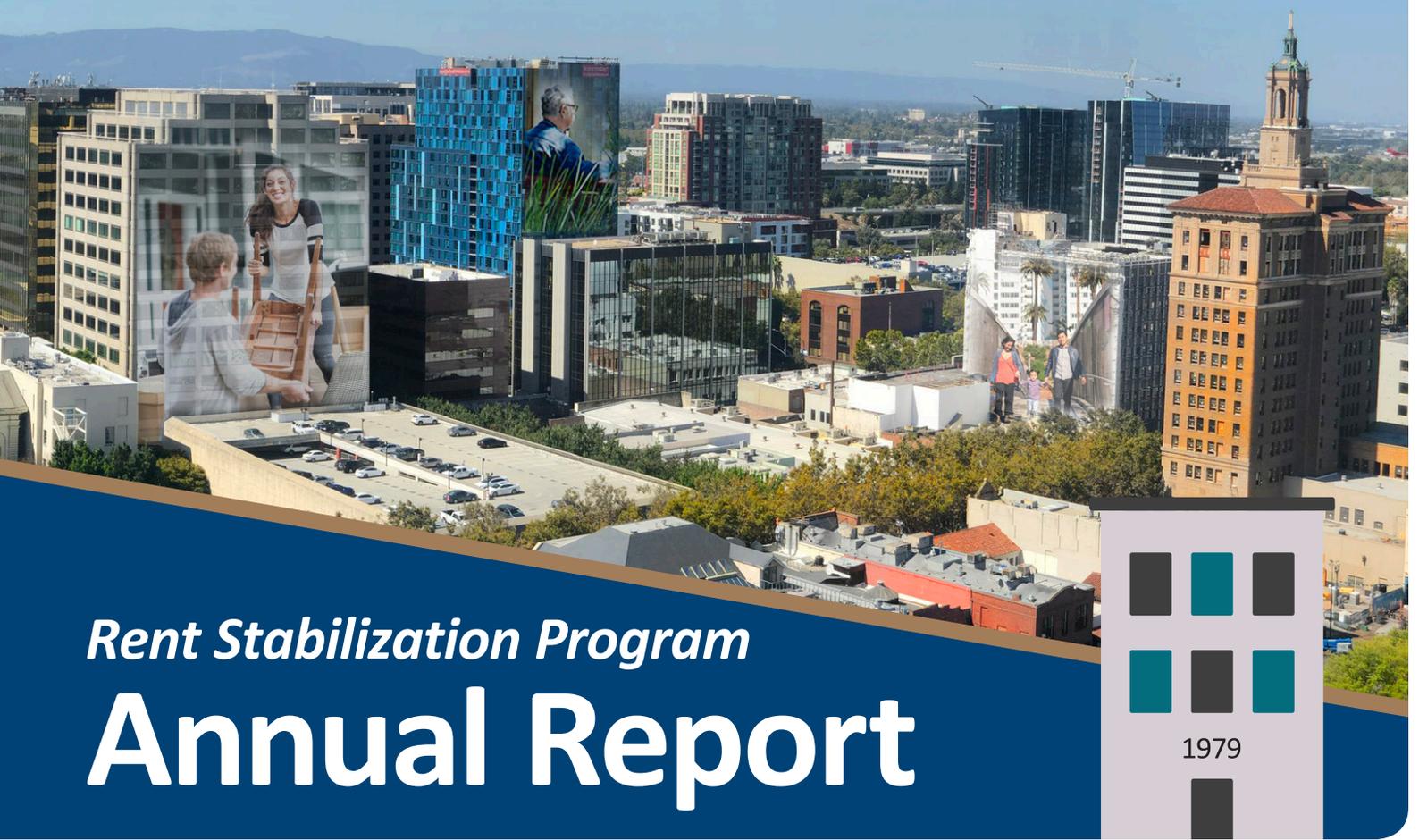
Subject: Rent Stabilization Program Annual Report

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For questions, please contact Fred Tran, Acting Program Manager, at (408) 975-4443.

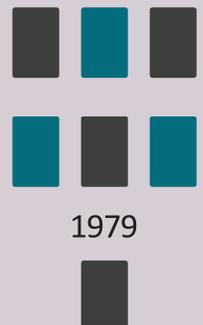
ATTACHMENT:

Attachment A – Rent Stabilization Program Annual Report 2018-2019



Rent Stabilization Program

Annual Report



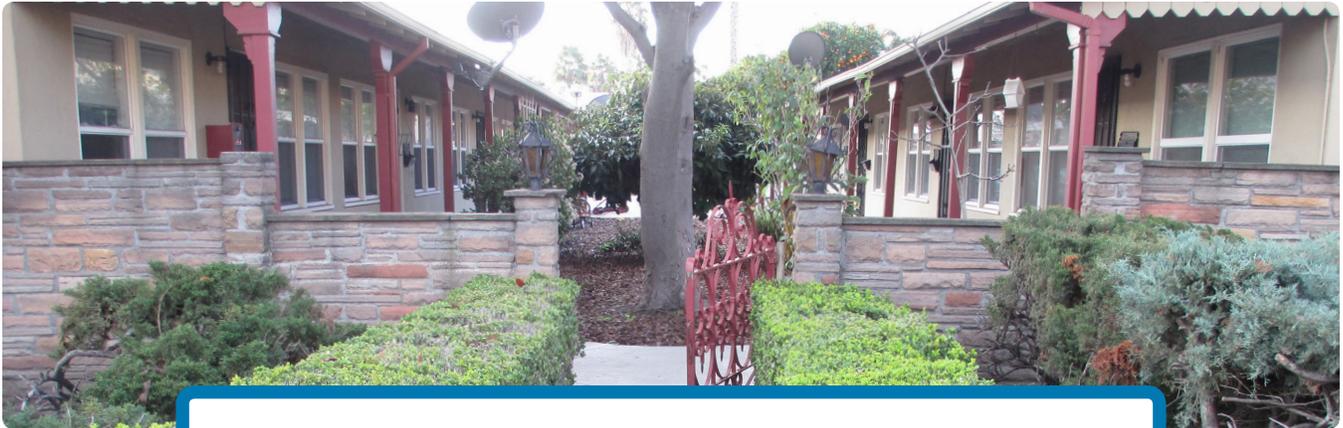


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About the Rent Stabilization Program (RSP)

The Rent Stabilization Program provides services to owners, managers and tenants of apartments and mobilehomes. The services include:

- **Staffing information lines**, responding to general inquiries, and meeting with owners and tenants to discuss issues, provide answers and offer solutions to problems;
- **Developing and implementing policies**;
- **Managing submissions of notices of termination of tenancy**, including reviewing submitted notices for accuracy and analyzing trends;
- **Managing tenant and owner petitions**, and scheduling mediations and administrative hearings;
- **Engaging with, and educating, community members**, via mailings, presentations to community groups, site visits to apartment complexes and mobilehome communities, fact sheets and brochures, website updates, and multilingual workshops.

Message from Housing Director

The Rent Stabilization Program Annual Report for 2018–2019 summarizes the program team’s work and presents a wide range of housing data collected during one of the most consequential year’s in the program’s history. Over the past year, the program team rolled out the Rent Registry, implemented significant changes to both the Apartment Rent Ordinance and Tenant Protection Ordinance, processed Ratio Utility Billing Systems petitions for over 6,000 apartments, and responded to nearly 5,000 inquiries from owners and tenants.

The program team’s work during the past year has laid the foundation for important advances in 2019–2020, including proactive enforcement of key provisions in the Apartment Rent Ordinance, and increased automation in the collection of rental housing data. The Rent Stabilization Program continues to play a critical role in stabilizing San José’s rental housing market, and has become an invaluable resource for tenants and owners seeking assistance in understanding their rights.



Jacky Morales-Ferrand, *Director of Housing*

Program Staff



Christopher Alexander
Deputy City Attorney



Guadalupe Gonzalez
Analyst



Elizabeth Guzman
Analyst



Viviane Nguyen
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Mari Padilla
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Senior Analyst



Lourdes Saucedo
Staff Specialist



Fred Tran
Interim Program Manager



Rachel VanderVeen
Deputy Director



Marisa Vela
Staff Specialist



Monica Velarde
Analyst

EXECUTIVE SUMMARY

Annual Report 2018–2019

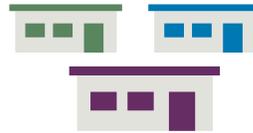
Span of Responsibility



38,867
RENT STABILIZED
APARTMENTS



49,133
NON-RENT STABILIZED
APARTMENTS

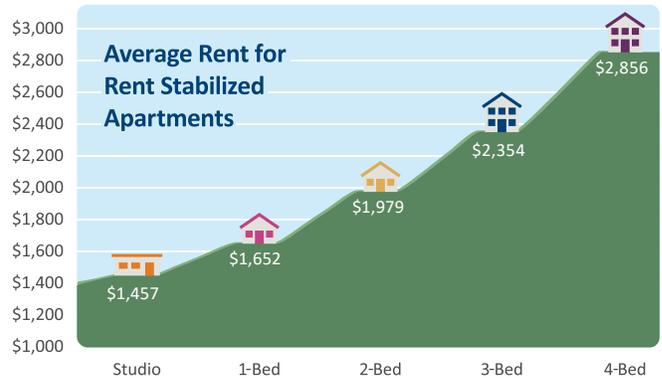
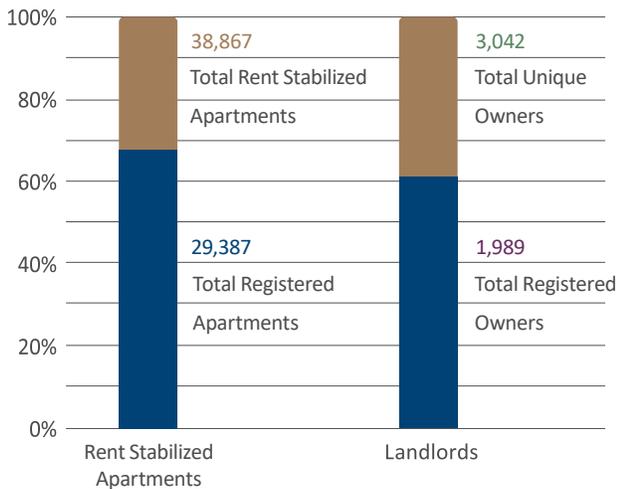


59
MOBILEHOME
PARKS



10,840
MOBILEHOME
SPACES

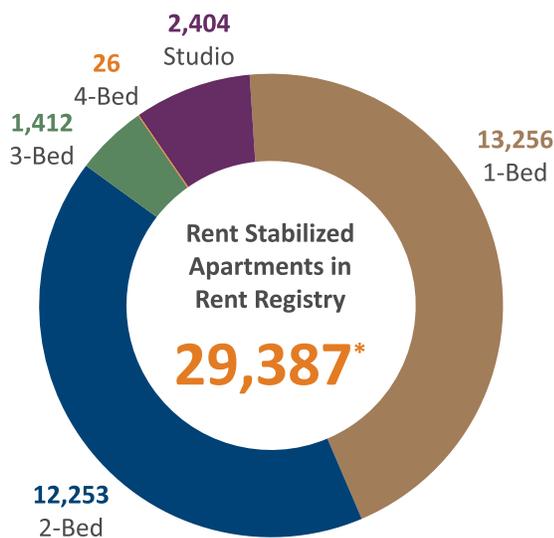
Rent Registry Data



12
Tenant Buyouts

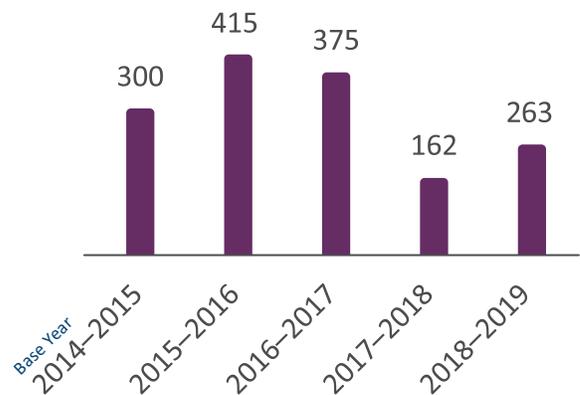


\$29,050
Average Tenant
Buyout per Household



*Information for 36 apartments not included due to pending review.

Owner and Tenant Petitions Filed from 2014-2019

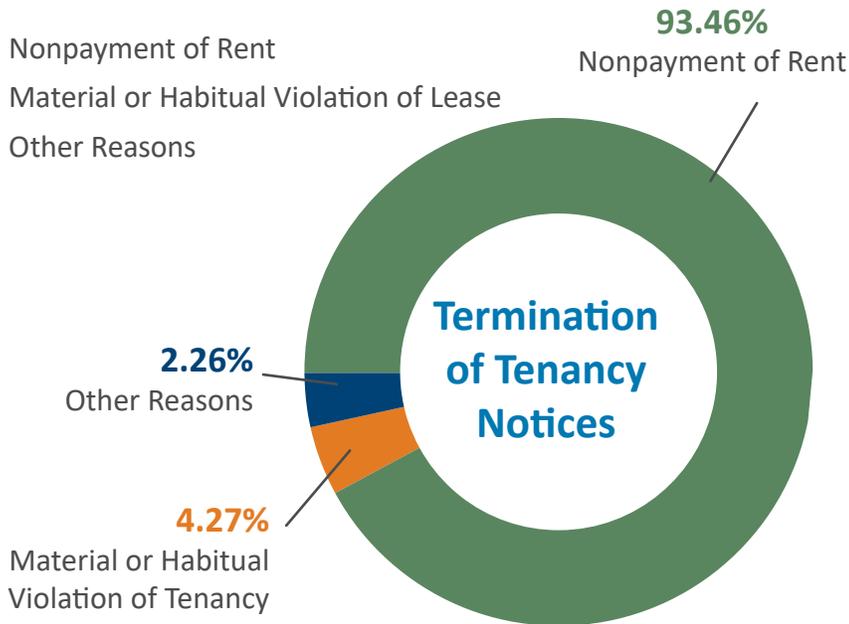


EXECUTIVE SUMMARY

Annual Report 2018–2019

Termination of Tenancy Notices

- 9,081 Nonpayment of Rent
- 415 Material or Habitual Violation of Lease
- 220 Other Reasons



130 Ratio Utility Billing System (RUBS) petitions submitted, impacting 6,480 apartments



101 petitions approved through administrative decisions, impacting 5,613 apartments



22 petitions ineligible, impacting 784 apartments



\$70.09 average increase in rent



3 petitions approved through hearing decisions, impacting 48 apartments



4 petitions pending hearings, impacting 35 apartments



47 unique owners/property managers

Workload Summary



PETITIONS PROCESSED



INQUIRIES ADDRESSED

including 558 in non-English languages



PUBLIC MEETINGS

on ordinance changes and program updates



COMMUNITY EVENTS

5 hosted by council offices, 4 hosted for owners, 4 hosted for tenants

ACCOMPLISHMENTS



ACCOMPLISHMENTS

Workload Summary



**PETITIONS
PROCESSED**



**INQUIRIES
ADDRESSED**



**PUBLIC
MEETINGS**



**COMMUNITY
EVENTS**

In 2018–2019, the Rent Stabilization Program processed 263 petitions. Details regarding outcomes can be found on page 15.

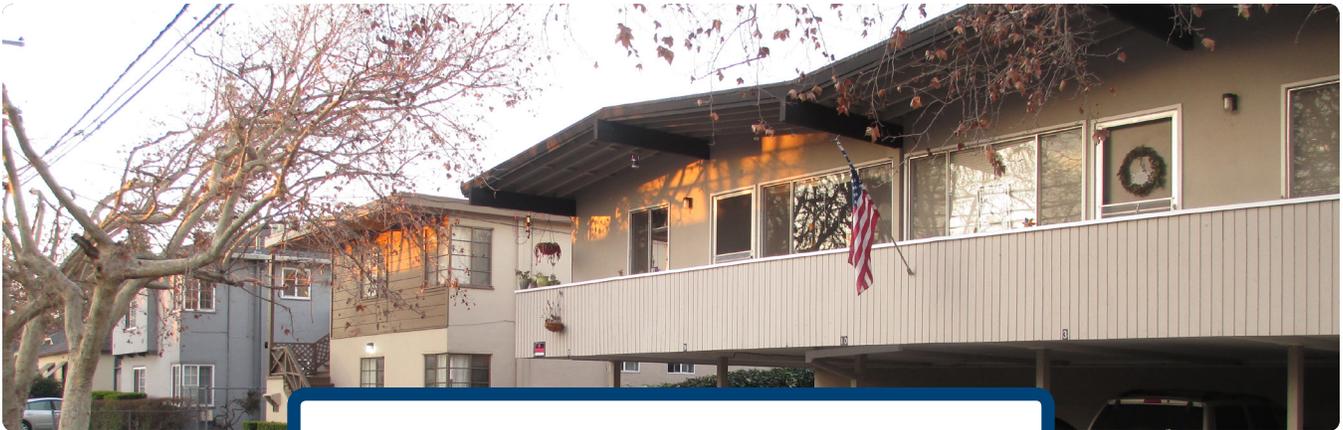
Of the 4,905 inquiries handled, the team addressed 404 inquiries in Spanish, 133 in Vietnamese, and 21 in other languages.

The Rent Stabilization Program’s 75 public events included community meetings for public outreach, mobilehome meetings, and outreach meetings hosted by our partners through our Legal Services Grant. The outreach meetings included four for tenants, four for owners, five hosted by City Council members, and 34 for the general public.

The Rent Stabilization Program produced 18 informational videos—six each in English, Spanish and Vietnamese. The videos are accessible on the City’s website and the Housing Department’s YouTube channel.

Informational Videos for Renters & Landlords

What's covered by the Apartment Rent Ordinance	La Cobertura de la Ordenanza	Đạo Luật Thuê Chung Cư
Rent Ordinance Basics	Fundamentos de la Ordenanza de Alquiler	Khái niệm căn bản về Đạo Luật
Tenant & Landlord Petitions	Peticiónes de Inquilinos y Propietarios	Đơn Kiến Nghị Dành Cho Người Thuê và Nhà Chủ Nhà
Joint Petitions	Peticiónes Conjuntas	Đơn Kiến Nghị Chung
Tenant Buy Out Agreement	Acuerdo de Compra del Inquilino	Thỏa Thuận Trả Tiền Đổi Chìa Khóa
About the Tenant Protection Ordinance	Ordenanza de Protección del Inquilino	Đạo Luật Bảo Vệ Người Thuê Nhà



HOUSING DATA

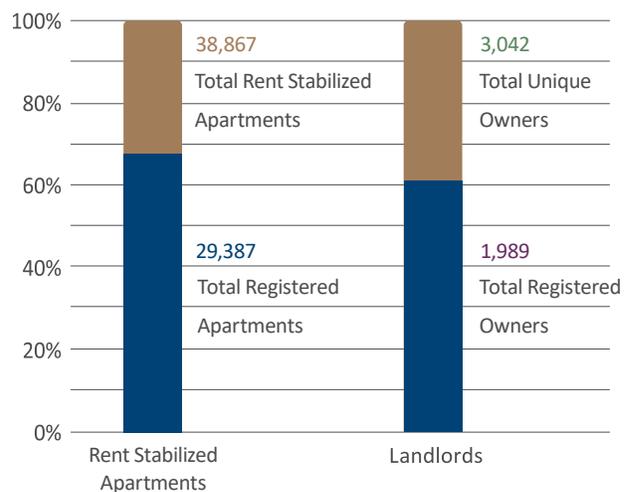
To better understand the needs of San José residents, the Rent Stabilization Program researches housing data for rent stabilized properties, which are apartment buildings with three or more apartments, built before September 7, 1979.

Implemented this year, the Rent Registry allows owners to register their rent stabilized apartments online via the Rent Registry portal. San José’s Rent Registry collects information relating to rent increases, security deposits, vacancy reasons, and tenant names, and helps ensure San José tenants’ rights are protected.

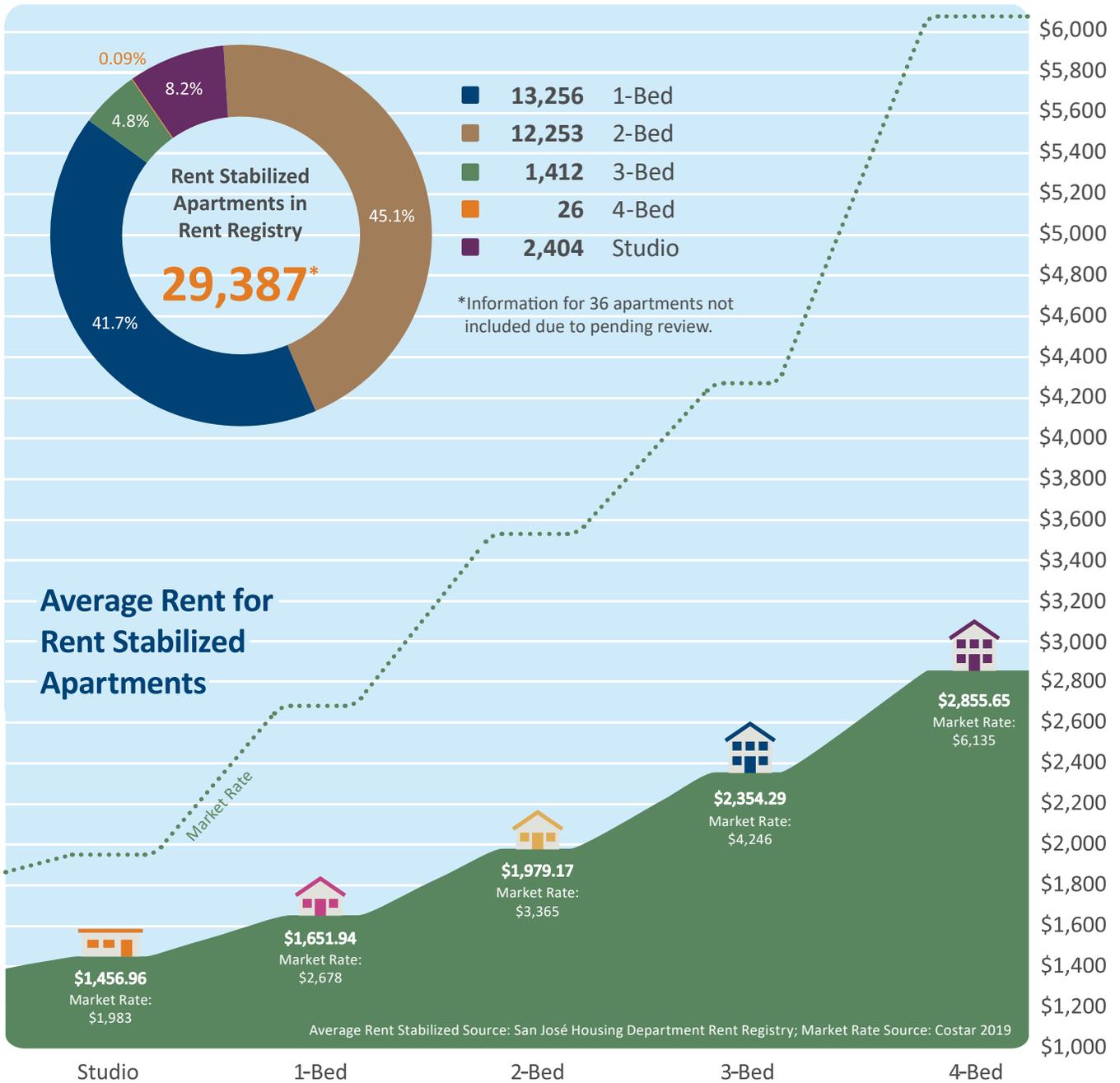


38,867

Rent Stabilized Apartments
Built before 1979

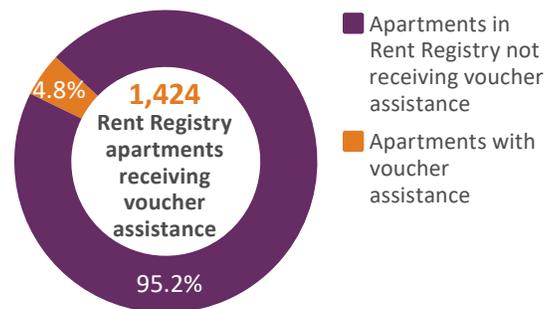


HOUSING DATA



Section 8 Voucher Assistance

Section 8 vouchers provide financial assistance to very low-income families, the elderly, and the disabled to help them afford housing in the private market, not limited to apartments in subsidized housing developments. In 2018–2019, there were 1,424 apartments in the Rent Registry for which tenants received voucher assistance.



Apartments — Tenant Buy Outs

A tenant buy-out occurs when the owner wants the lease of an existing tenant to be terminated early. The owner essentially pays the tenant to leave. Buy-outs are one way owners and tenants can make a mutual agreement to end a lease.



Apartment Relocation Assistance

Under the Tenant Protection Ordinance, relocation benefits must be paid when a tenant is removed from an apartment for certain reasons. An owner must also provide tenants the opportunity to return to the apartment under specific circumstances when an owner terminates a lease under the Ellis Act Ordinance.

	Unpermitted Apartments	Fire	Ellis Act
Received relocation assistance	4	2	4
Relocated to another apartment by same owner	-	2	-
Received legal assistance	4	-	-
Moved elsewhere in San José no assistance	-	2	-
At fault; No assistance	-	1	-
Total Cases	8	7	4

POLICY CHANGES



POLICY CHANGES

In 1979, the City Council created the Rental Dispute Mediation and Arbitration Ordinance, codified under San José Municipal Code Chapter 17.23, in order to address the “substantial upward pressure on residential rents.” Commonly known as the Apartment Rent Ordinance (ARO), the program’s public policy purposes are further clarified in the Ordinance’s statement:

- the prevention of excessive and unreasonable rent increases;
- the alleviation of undue hardship upon individual tenants; and
- the assurance to owners of a fair and reasonable return on the value of their property.

Change to the Apartment Rent Ordinance

- **April 24, 2018:** Revised Apartment Rent Ordinance to no longer allow utilities to be passed through to tenants. *Effective July 5, 2018.*

Changes to the Tenant Protection Ordinance

- **April 24, 2018:** Revised Tenant Protection Ordinance to prohibit disclosure of immigration status; included criminal activity as an additional Just Cause for eviction; added “opportunity to cure” causes for eviction. *Effective July 5, 2018.*
- **December 11, 2018:** Revised Tenant Protection Ordinance to amend Just Cause for criminal activity, add protections for victims of domestic violence, and add additional noticing requirements.

The “criminal activity” Just Cause was amended stating:

- If the tenant is acquitted of the criminal charges, the tenant is permitted to return to the apartment if the tenant household still resides in the apartment and consents to the return.

RENT REGISTRY

The Rent Registry website went live in August 2018. The launch of the Rent Registry marked the beginning of the first registration period, which ended on March 1, 2019. As of June 1, 2019, there were approximately 28,800 apartments registered out of the total 38,867 apartments subject to the Apartment Rent Ordinance. That is a compliance rate of 74%. By comparison, Los Angeles established a Rent Registry in 2016, and after one year of implementation, it had a compliance rate of 65%. City Council directed Housing staff to implement the Rent Registry to facilitate enforcement of the Apartment Rent Ordinance (ARO). The registry requires owners to submit specific housing and tenancy information regarding each apartment subject to the ARO. The information collected includes rent amounts and increases, security deposits, vacancy reasons, and tenant names.



The steps taken by the Rent Stabilization Program to ensure a successful launch of the Rent Registry included:

- **Three** mailers to owners
- **Seven** Rent Registry workshops
- **Three** email blasts
- User guide produced in **three** languages
- **Paper registration forms** for owners who prefer not to submit information electronically
- Phone, email, and in-person **technical support**

Data from the Rent Registry has proven to be valuable in helping the staff understand and analyze the ARO market. For example, staff now has visibility into apartment sizes and average rents charged for ARO apartments (see page 8). The focus for staff during 2018–2019 was informing owners about the Rent Registry, educating them about their obligations, and providing technical assistance throughout the registration process. While most properties were registered online, **360 properties** were registered by paper forms. **Ten tenant petitions** were filed regarding service reductions at unregistered ARO properties. Staff followed up with those owners to get their properties registered. During 2019–2020, staff’s focus will shift to tenant validation of rental data through a tenant portal that will be added to the Rent Registry.

POLICY CHANGES

The Rent Registry is an essential tool in the prevention of unpermitted rent increases, overcharging, and unlawful evictions and vacancies. The registry gives the Housing Department the ability to proactively monitor and enforce by: 1) analyzing data on current rents; 2) automatically calculating maximum allowable rent increases; 3) documenting instances of improper rent increases.

Information collected in the Rent Registry has already been proven useful. For example, average and median rents for one- and two-bedroom apartments subject to the ARO were compared to Class A, B and C market-rate apartment rents. Through this comparison it was determined that one- and two-bedroom ARO apartment rents were lower than Class A, B and C rents.

RATIO UTILITY BILLING SYSTEM (RUBS) PETITIONS

The Apartment Rent Ordinance was amended on May 22, 2018 to allow owners to petition for a one-time rent increase to offset the cost of utilities. An “Offset” petition must have been filed between July 5, 2018, and October 31, 2018. Owners with written utility pass-through contracts for water, sewer and/or garbage in place prior to January 1, 2018, could file a petition. The Rent Stabilization Program received 130 RUBS petitions.

Challenges the staff faced when administering the RUBS petitions included having to process a much larger volume of paperwork than anticipated to verify utility billings for each apartment, and being overwhelmed by the number of submissions. Staff received 130 petitions, covering more than 6,000 apartments. Petitions ranged from a few pages for small apartment buildings, to boxes of paperwork for large apartment complexes. To address this heavy workload, temporary staff was added to the Rent Stabilization Program for the sole purpose of reviewing RUBS petitions.

Of the 130 petitions impacting 6,480 apartments:



petitions approved through administrative decisions, impacting 5,613 apartments



petitions ineligible, impacting 784 apartments



petitions approved through hearing decisions, impacting 48 apartments



pending hearings, impacting 35 apartments



average increase in rent



unique owners/property managers



ELLIS ACT ORDINANCE

Summary of Activity Related to Ellis Act Ordinance

To date, two property owners have issued notices to withdraw their apartments from the rental market. This amounts to nine apartments. One property is a four-apartment rent-stabilized apartment complex proposing to build 285 apartments. All impacted tenants have successfully relocated.

The second property is a five-unit apartment complex built in 2008 and not subject to the Apartment Rent Ordinance. This property is proposing to build 249 apartments. It is projected to remain as rental housing and subject to the Tenant Protection Ordinance and limited provisions of the Ellis Act Ordinance.

Both properties mentioned above have paid the City fees, tenants were properly noticed, and the City's contracted relocation specialist assisted impacted tenants. Program staff continue to receive inquiries from property owners and developers regarding the Ellis Act Ordinance.

On February 5, 2019, staff received direction from City Council to conduct additional analysis of the re-control provisions in the Ellis Act Ordinance and return with a verbal update. Staff conducted interviews with developers, lenders and tenants. As of the printing of this report, the staff analysis is tentatively scheduled for City Council in November 2019.



Eviction Notice



Financial Assistance



Relocation Planning

PETITIONS SUMMARY



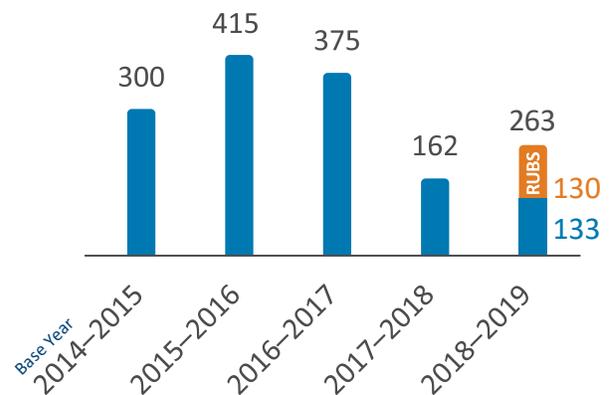
PETITIONS

The Rent Stabilization Program handles tenant and owner-initiated petitions. Through its hearing officers, the Program conducts mediations and administrative hearings to assist in resolving rental issues.

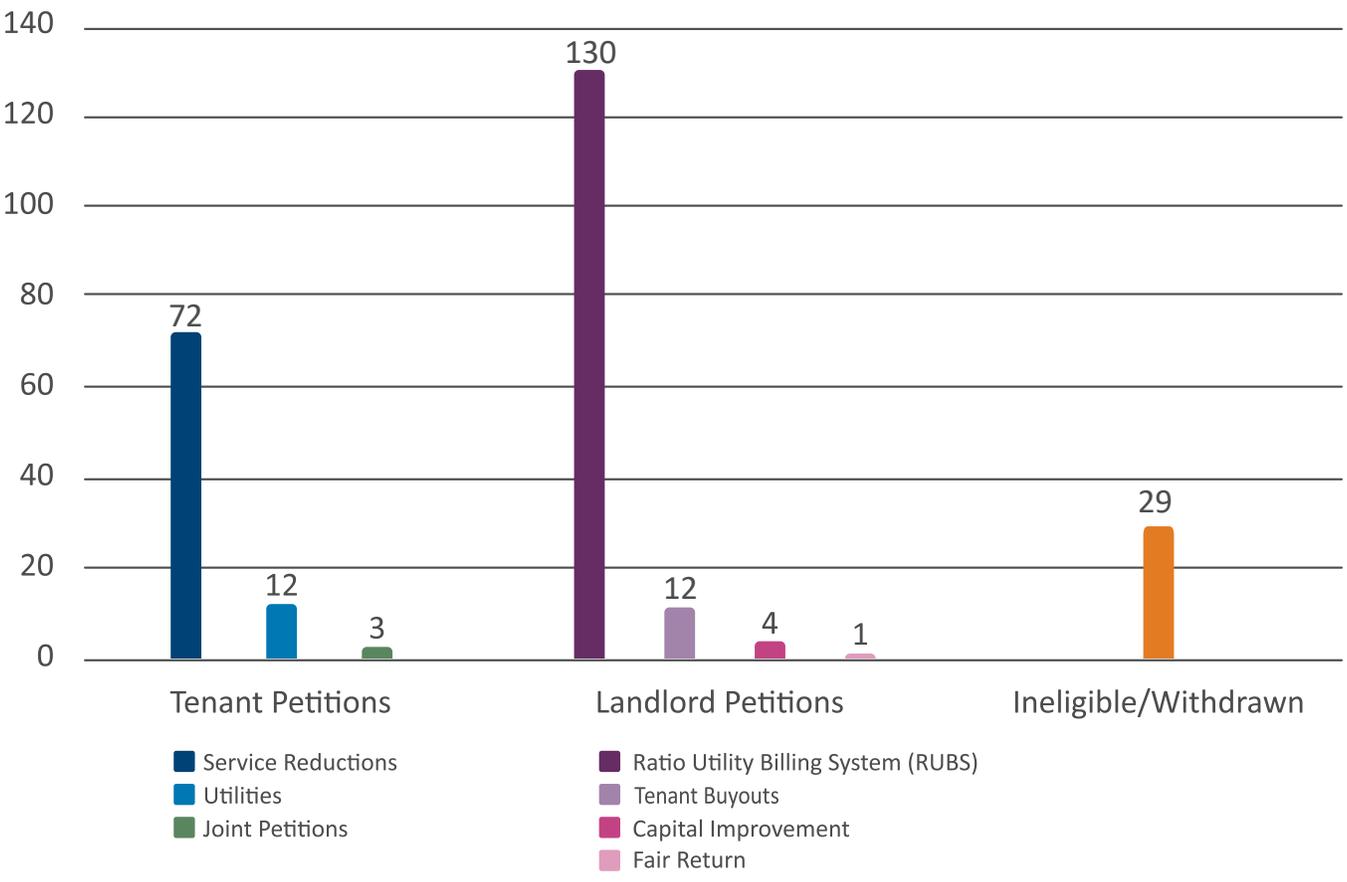
Mediations are held to settle disputes without the need for a more formal hearing. Participation in a mediation is voluntary. Administrative hearings are held for cases not resolved through mediation. At these hearings, the hearing officer reviews evidence and hears testimony from the parties. After the administrative hearing process, the hearing officer issues a detailed written decision. Most petitions filed are resolved through mutual agreement.

Summary of Petitions filed from 2014-2019

The data to the right represents figures over a five-year period from 2014–2019. There have been 1,515 petitions filed with the Rent Stabilization Program, with 263 being submitted in the last year. The 2018–2019 fiscal year was the first time staff administered petition decisions.

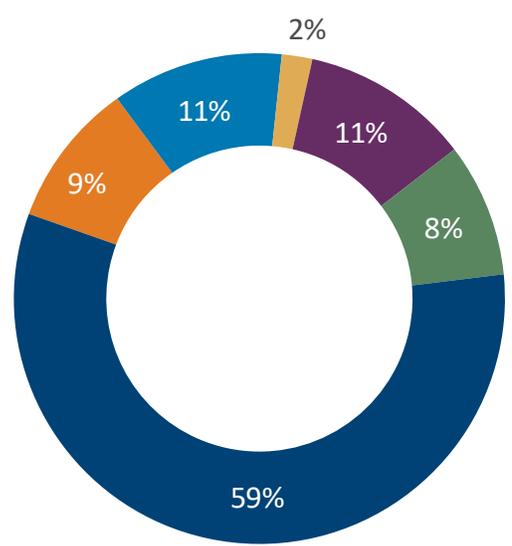


Summary of Petitions in 2018–2019

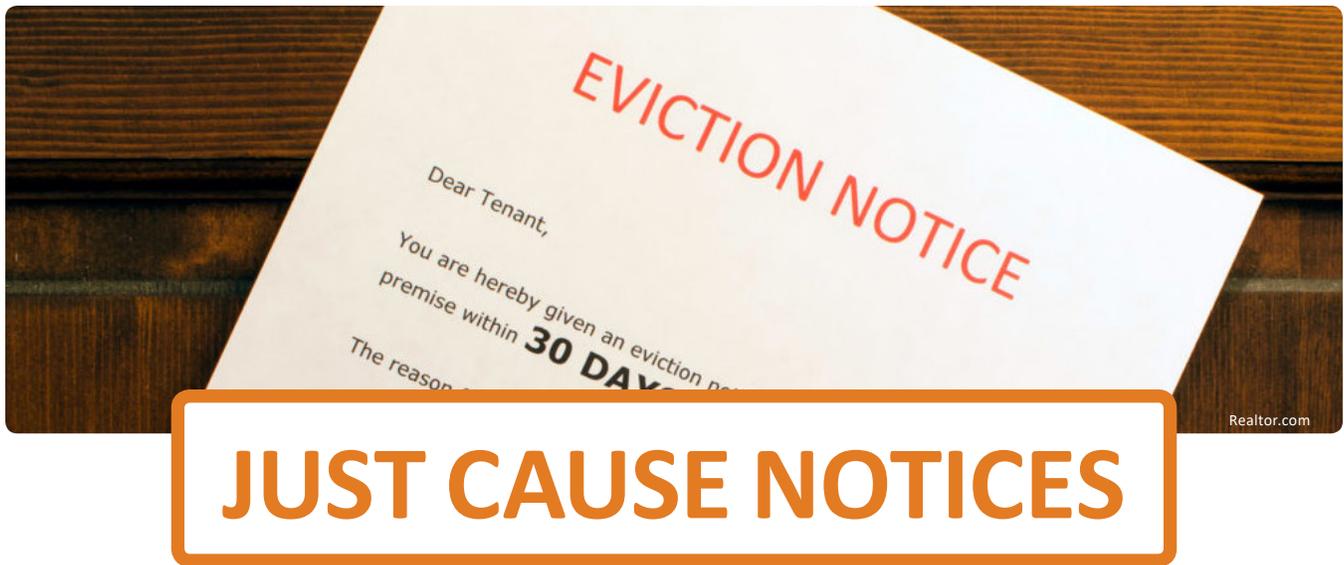


Resolution of Petitions

Decision	Petitions		Total
	Non-RUBS	RUBS	
Voluntary	28	0	28
Hearing Officer	19	3	22
Administrative	54	101	155
Pending	20	4	24
Ineligible	7	22	29
Withdrawn	5	0	5



JUST CAUSE NOTICES

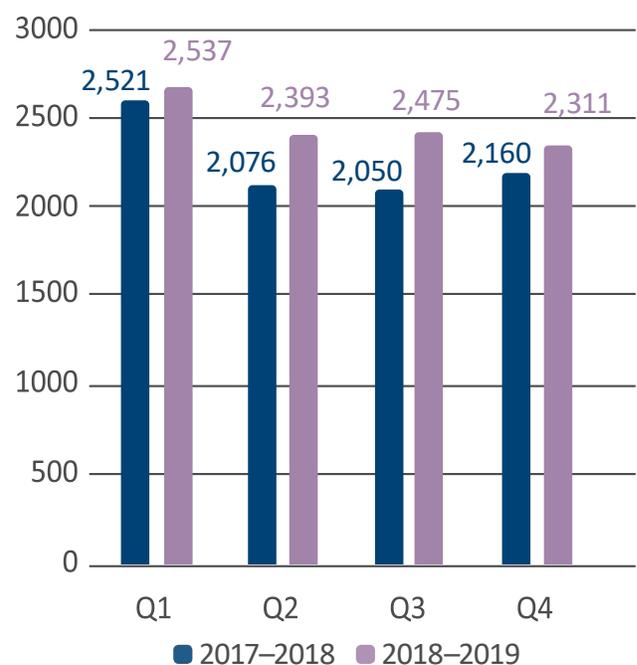


Just Cause Notices Received

The Tenant Protection Ordinance requires all notices of termination to state a “just cause.” This applies to tenants living in apartment buildings with three or more apartments, including voucher holders. Under the Tenant Protection Ordinance, owners must submit copies of any notices of termination to the City.

From July 1, 2018 through June 30, 2019, the City received **9,716** notices for Just Cause terminations.

Termination of Tenancy Notices



JUST CAUSE NOTICES

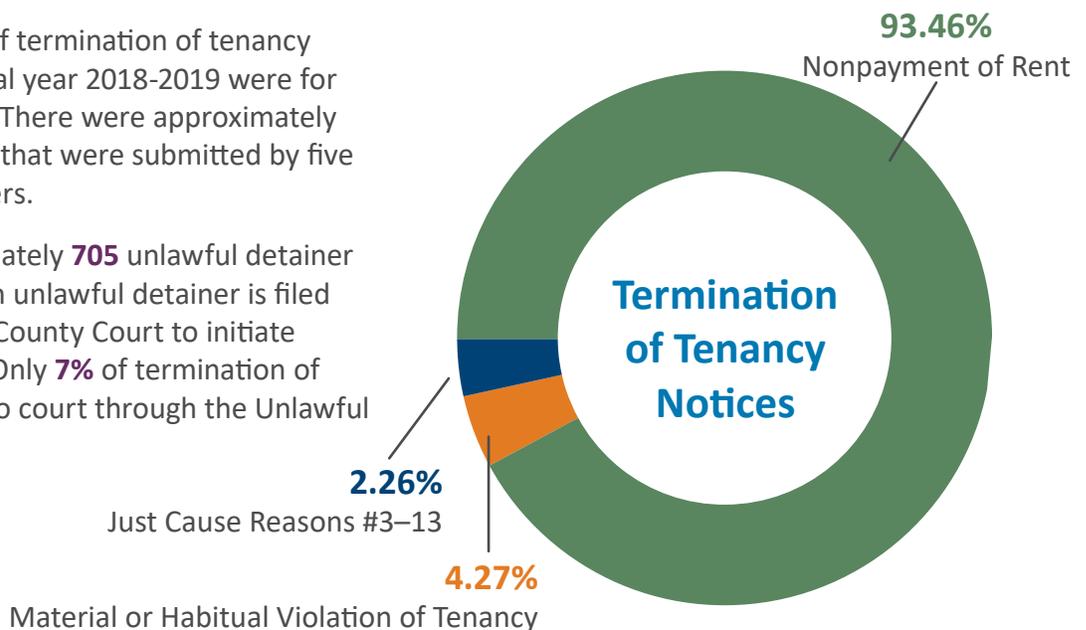
Under the Tenant Protection Ordinance, there are 13 Just Causes. Certain causes require the owner to provide relocation assistance to the tenant. The following reasons no longer constitute cause for termination of a tenancy: change in ownership, foreclosure of property, and expiration of a fixed-term lease.

The table below illustrates the number of each type of termination of tenancy notice filed with the Rent Stabilization Program during this time period.

Just Cause Submissions 2018–2019		Total	Percent
1	Nonpayment of rent	9,081	93.46%
2	Material or habitual violation of tenancy	415	4.27%
3	Substantial damage to the rental apartment	12	0.12%
4	Refusal to agree to a like or new rental agreement	6	0.06%
5	Nuisance behavior	100	1.03%
6	Refusing access to the apartment	1	0.01%
7	Unapproved holdover subtenant	17	0.17%
8	Criminal activity	15	0.15%
9	Substantial rehabilitation of the apartment	13	0.13%
10	Ellis Act Removal	0	0.00%
11	Owner move-in	4	0.04%
12	Order to vacate	4	0.04%
13	Vacation of unpermitted apartment	1	0.01%
No reason listed		21	0.22%
TPO exemptions		26	0.27%
Total		9,716	

Approximately **93%** of termination of tenancy notices served in fiscal year 2018-2019 were for nonpayment of rent. There were approximately 1,763 notices or **18%** that were submitted by five large corporate owners.

There were approximately **705** unlawful detainer notices submitted. An unlawful detainer is filed with the Santa Clara County Court to initiate an eviction process. Only **7%** of termination of tenancy cases went to court through the Unlawful Detainer process.



LEGAL SERVICES



LEGAL SERVICES

Legal Services for Low Income Tenants and Owners

San José Housing Consortium (comprised of Law Foundation, Bay Area Legal Aid, Senior Adults Legal Assistance, Asian Law Alliance, and Project Sentinel), was awarded a \$500,000 contract to provide legal education and services to tenants and owners beginning fall 2018.

The goal of the program is to increase housing stability by providing free owner/tenant counseling, education, referrals, and legal assistance to low-income tenants and owners. These services also include outreach and education to low-income tenants and owners citywide. This year, legal services held a total of 16 outreach and educational meetings: three for owners, nine for tenants, and four for both owners and tenants.

16

Total Outreach Meetings

3 for owners, 9 for tenants, and 4 for both owners and tenants

927

Total Legal Consultations

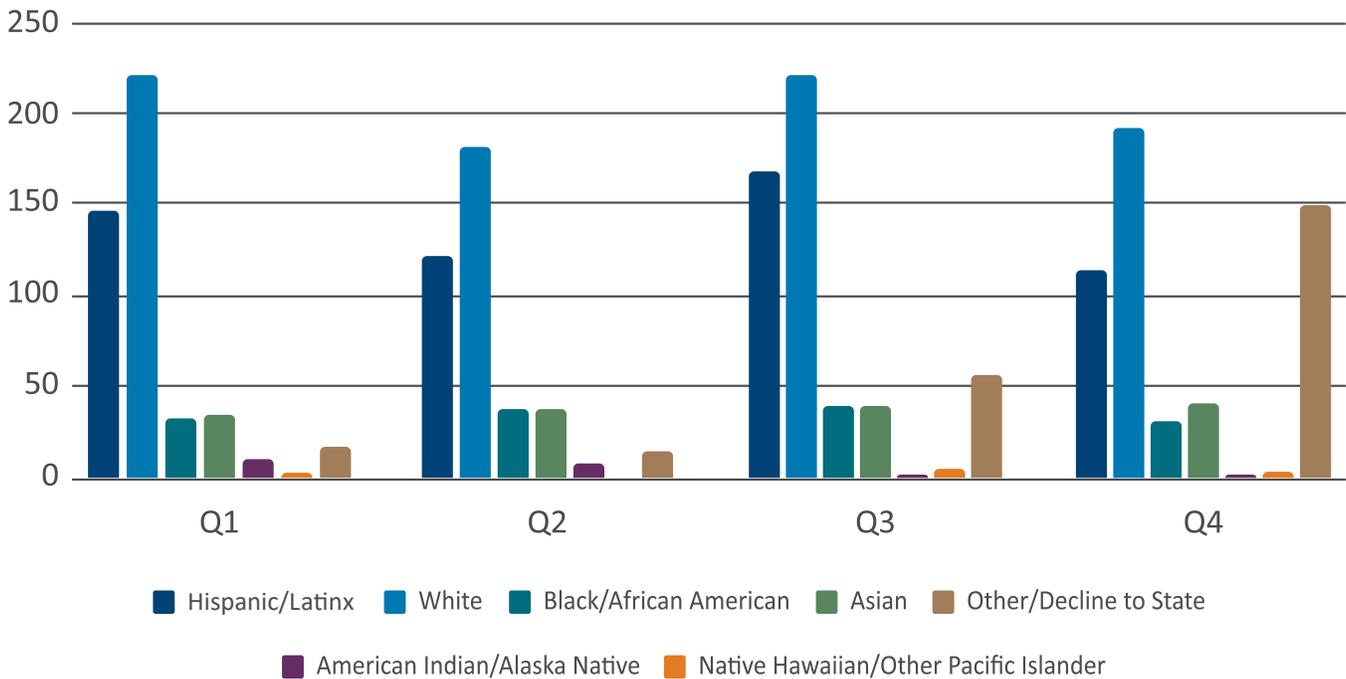
770 consultations for tenants, 157 consultations for owners

Legal Services Client Data by Income

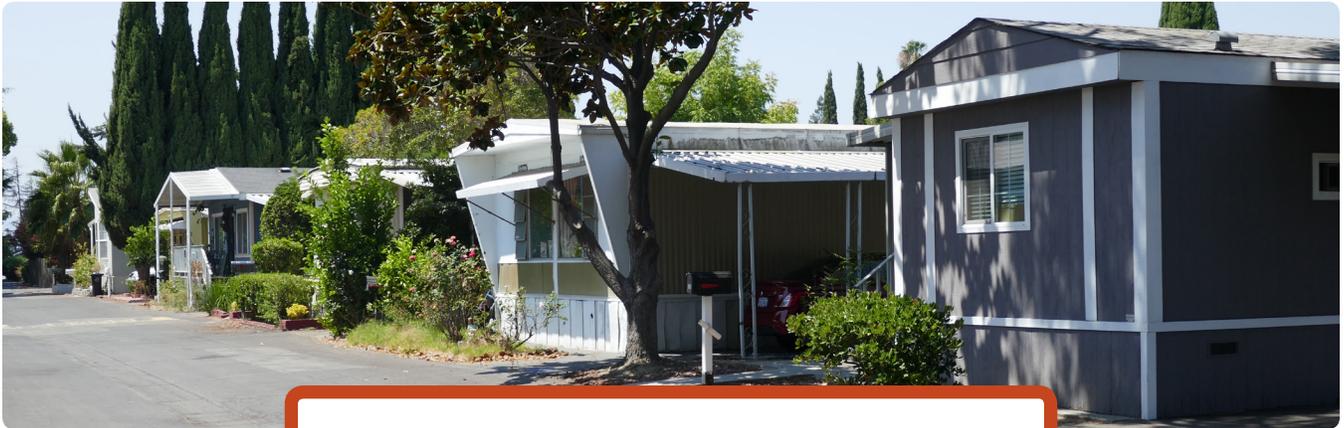
Client Data Range of Median Family Income	Q1 390 Clients	Q2 375 Clients	Q3 364 Clients	Q4 421 Clients	Total 1550 Clients
Extremely Low Below 30% of Median Family Income	235	277	252	297	1061
Very Low 30%–50% of Median Family Income	47	45	55	47	194
Low/Moderate 50%–80% of Median Family Income	30	38	48	53	169
Moderate	10	15	9	24	58
Total	322	375	364	421	1482*

*Not all 1,550 clients served provided information

Race & Ethnicity



MOBILEHOMES



MOBILEHOMES

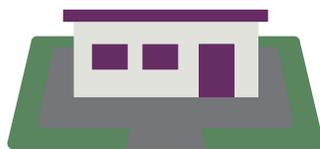
Mobilehome Rent Ordinance

The Rent Stabilization Program provides services to mobilehome owners, park owners, park managers, and park residents. There are 59 mobile home parks in San José that are home to approximately 35,000 residents. The City is home to the largest number of mobilehome households in California.

The Mobilehome Rent Ordinance covers 59 mobilehome parks and approximately 10,840 mobilehome spaces. 12 mobilehome parks are age-restricted communities, serving individuals fifty-five years and older, many of whom live on fixed incomes. The Mobilehome Rent Ordinance allows annual mobilehome space rent increases equal to 75% of the regional Consumer Price Index increase, with a minimum increase of 3% and a maximum of 7%. During each of the past 10 years, the rent increase has remained at the minimum 3%.



59
Mobilehome
Parks



10,840
Mobilehome
Spaces



12
Age Restricted Parks
(Ages 55+)



47
Family
Parks

Summary of Mobilehome Issues

The Rent Stabilization Program received 306 inquiries from the mobilehome community during 2018–2019. The types of inquiries are explained below. Due to restrictions in State law, the Rent Stabilization Program has limited authority to respond to many mobilehome issues.

Inquiries from mobilehome residents included:



90

resident referrals and inquiries
about renters' rights

76



requests for information and
clarification about ordinances

44



code, maintenance, and service
calls



38

questions about
rent increases



17

questions about
evictions

14



inquiries about fees, lease
disputes, and deposits

27



questions about miscellaneous
topics

POLICY CHANGES



LOOKING AHEAD

Program and Policy Priorities 2019–2020

Looking ahead to 2019-2020, the Rent Stabilization Program will continue to oversee the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Mobilehome Rent Ordinance, and conduct community education, policy analysis, and implementation of various housing programs.

PROGRAMS

- Establish an annual public education program
- Maintain monthly reportable statistics of program activity
- Develop a Citywide Disaster Recovery Planning Tool to focus on fires
- Continue to educate tenants, owners, and members of the public about the Rent Stabilization Program
- Expand the use of innovative outreach tools, including informational videos and infographics, and establish a larger social media presence
- Work collaboratively with other City departments to improve housing inspection options and strengthen housing policy



- Review and modify relocation benefits and ordinances in the City of San José
- Implement administrative citations for the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance

RENT REGISTRY

- Monitor and enforce compliance
- Implement Phase Two to increase participation and enable tenant validation of apartment information
- Create a system to update the Rent Registry when ownership changes occur and notify new owners of their responsibilities

POLICY RESEARCH

- Implement the Housing Payment Equality Ordinance (HPEO), develop compliance procedures, and collaborate with the Santa Clara County Housing Authority on outreach efforts
- Collaborate with the Planning, Building and Code Enforcement Department to develop a program to retrofit rent-stabilized buildings for earthquake/seismic safety
- Conduct outreach and implement possible changes to the Ellis Act Ordinance
- Continue efforts related to community development and legal representation for mobilehome residents



Rent Stabilization Program | Annual Report 2018–2019

200 E. Santa Clara St. 12th Floor, San José, CA 95113

408 975 4480 • RSP@sanjoseca.gov



Memorandum

**TO: HOUSING AND COMMUNITY
AND DEVELOPMENT COMMISSION**

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: October 3, 2019

Approved

Date

**SUBJECT: ADMINISTRATIVE CITATIONS MANUAL AND PROPOSED
SCHEDULE OF FINES FOR VIOLATIONS OF THE APARTMENT
RENT, TENANT PROTECTION, AND ELLIS ACT ORDINANCES**

RECOMMENDATION

It is recommended that the Housing and Community Development Commission 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.

BACKGROUND

Over the last few years, the City of San José has adopted significant ordinances designed to improve housing stability for apartment residents. These actions were predicated on the shortage of housing and the precipitous increase in apartment housing rents. A summary of past City Actions is summarized in **Table 1**.

Table 1: Previous City Council Actions Pertaining to the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance

Date	Summary of City Council Actions
Apartment Rent Ordinance (Parts 1-9 of Chapter 17.23 of the San José Municipal Code)	
April 19, 2016	Lower the 8% allowable annual rent increase to 5% with banking capped at 10%, implement a fair return process, implement a rent registry, and develop a voluntary mediation program.
May 10, 2016	Modify the annual rent increases to 5%.
November 14, 2017	Amend to retain annual rent increases as 5% with no banking. Implement a capital improvement pass through petition for specified improvements.

October 3, 2019

Subject: Administrative Citations and Schedule of Fines for Violations of the Apartment Rent, Tenant Protection, and Ellis Act Ordinances

Page 2

April 24, 2018	Amend to eliminate the Ratio Utility Billing System (RUBS) and allow a petition process for eligible pass-through.
June 11, 2019	Approve fees for rent-stabilized apartments to decrease from \$77.30 to \$85.04. Non-rent stabilized apartments subject to the TPO fees increased from \$6.20 to \$8.76. The Ellis Act Ordinance fee per unit, up to 10 units, increased from \$2,258 to \$2,469 per unit. Additional units, above 10 units, increased from \$870 per unit to \$902 per unit. To keep the Mobilehome fee at cost recovery, fee decreased from \$25.70 to \$24.24 per unit.
Tenant Protection Ordinance (Part 12 of Chapter 17.23 of the San José Municipal Code)	
April 18, 2017	Approve a Tenant Protection Ordinance.
November 14, 2017	Amend the Just Cause Material and Habitual Violation of the Lease.
April 24, 2018	Develop a new Just Cause Criminal Activity and protection for victims of domestic violence.
December 11, 2018	Amendment to the Just Cause Criminal Activity, add protections for victims of violence, and add noticing requirements of rights.
Ellis Act Ordinance (Part 11 of Chapter 17.23 of the San José Municipal Code)	
April 18, 2017	Approve an Ellis Act Ordinance to apply to rent stabilized apartments four units or more at 100% recontrol and anti-retaliation based on immigration status.
April 24, 2018	Modify the re-control provisions and waiver provisions and extend noticing and limited Ellis Act Ordinance provisions to apartments built after 1979.
February 5, 2019	Direction to research modifications to the Ellis Act re-control provisions.

On November 14, 2017, the City Council adopted amendments to Chapter 17.23 of the San José Municipal Code (SJMC) that included provisions of the Apartment Rent Ordinance (Parts 1-9), the Ellis Act Ordinance (Part 11), and the Tenant Protection Ordinance (Part 12). The City Council also approved the staffing plan, budget, and program fees to implement these changes and to provide for City enforcement of the Ordinances.

One of the amendments adopted by the City Council provided for the ability of the Director of Housing to issue administrative citations. Under SJMC Section 17.23.570.A, the Director is authorized to enforce the rights and responsibilities created by Chapter 17.23 and the Regulations, including issuance of an administrative citation in accordance with Chapter 1.15 of the SJMC. The administrative citations process provides an expedited means to resolve violations.

ANALYSIS

The City Council approved the Rent Stabilization Program fees and staffing plan on November

14, 2017. This approval also provided the Director of Housing the authorization to issue administrative citations as a way to help enforce compliance with the City's ordinances. The administrative citation process is an initial, cost-effective way to notify a property owner of non-compliance with the Ordinance. Administrative citations are alternatives to filings of civil or criminal complaints. Additionally, the administrative citations process provides an expedited means to resolve violations. This process is further defined and described in Chapter 1.15 of the SJMC.

As a result, staff developed a draft Administrative Citation Manual (Citation Manual) that outlines the guidelines and requirements for the Housing Department's issuance of administrative citations. The Citation Manual (**Attachment A**) was developed consistent with other existing City guidance to provide staff with direction on how and when to utilize citations. The Citation Manual includes the specific text from SJMC Chapter 1.15 that governs the use of administrative citations. Those provisions are included as **Attachment A** Exhibit 1 of the Administrative Citation Manual. It states that the fine amounts to be used in administrative citations must be established as part of the Schedule of Fines approved by the City Council.

Staff analyzed the two primary components discussed below when developing the administrative citations. The first was the fine amount determination, which included analyzing financial penalties and developing corresponding fines outlined in the Citation Manual. The second component was developing a process for the citation program.

I. FINE AMOUNT DETERMINATION

Staff determined the fine amounts based on the following four factors: 1) type and severity of the violation; 2) deterrence against future action; 3) application to the property or the individual household; and, 4) escalation of fines for repeat violations.

- ***Type and Severity of Violation*** – Fine amounts were determined based upon a consideration of the type and severity of the violation. The fine amount should be proportional to the severity of the violation and the impact the violation. Violations that have a relatively minor impact on the rent stabilized community should be relatively smaller, whereas violations that have a major impact will carry a larger fine.
- ***Deterrence Against Future Violations*** – A citation can also act as a deterrence to future violations. In such cases, citation amounts are intended to be substantial to act as a deterrent to dissuade the property owner from violating the Ordinance and/or repeating the illegal activity in the future. Therefore, it is important that the fine be set at an amount which would exceed a financial benefit that the owner would gain by violating the Ordinance.
- ***Applicability to the Property or Individual Household*** – When reviewing each section of Chapter 17.23, staff determined that most violations will impact individual households or "units." For violations that pertain to multiple household units in the same property,

fine amounts will apply to each unit. In some cases, fines will be applicable to the property.

- ***Escalation of Fines*** – SJMC Section 1.15.40 provides authority and parameters for establishing administration citation fine amounts. The Ordinance calls for an escalation of fines for repeat violations of the same Code section. While some Departments have established specific fine amounts for repeat violations of a particular section of the Municipal Code, the Housing Department will adopt the escalation schedule in the previously-established Schedule of Fines. Under the Schedule, a second violation of the same Municipal Code section by the same person within 36 months shall equal 125% of the initial violation fine amount listed in the Schedule of Fines. The fine for a third and any subsequent violations afterward shall be 150% of the initial fine.

After completing a review of each section that would be subject to a fine, staff established the Proposed Schedule of Fines for Chapter 17.23. The fine amounts are included as **Attachment A Appendix 2**.

II. IMPLEMENTATION OF ADMINISTRATIVE CITATIONS

Staff considered four main procedural components for implementing the administrative citation program: 1) the use of compliance notices to address violations; 2) use of administrative citations; 3) issuance of citations; 4) the process for appealing a citation; and, 5) measuring the effectiveness of compliance efforts.

- ***Use of Compliance Notices to Address Violations*** – A primary objective of the Administrative Citation Program is to promote compliance and deter future violations. One of the ways to achieve this objective is by issuing notices to correct the violation prior to issuing a citation when corrective action can be taken to resolve the violation in an expedited manner. Through this method, staff hopes that violations will be resolved without a need to issue an administrative citation. Accordingly, compliance notices will be issued to first-time offenders when there is an opportunity to remedy the violation expeditiously. The compliance notice will provide a reasonable compliance deadline and the ability to dispute the allegations prior to the compliance deadline. It is anticipated that these measures will resolve a large percentage of alleged violations without the need for staff to issue a citation.

There are situations in which the Department may decide not to issue a compliance notice prior to issuing an administrative citation. This would typically occur when a violation occurs and there is no opportunity for the owner to remedy the violation. For example, if a tenant's residency was terminated without cause in violation of the TPO, a compliance notice would most likely not resolve a violation if the tenant already has been unlawfully evicted. Here, and in other similar cases, a citation will convey the gravity of the violation and hopefully will prevent future violations of the same nature. Another

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situation in which staff may choose not to issue a compliance notice would be when an owner has already received a notice or citation for the same violation for a different tenant. In this situation, there would be no educational benefit to issuing an additional compliance notice.

- ***Use of Administrative Citations*** – Administrative citations can be issued for violations of the ARO, TPO, and Ellis Act Ordinance. Citations are intended to address discrete and time-sensitive violations where there are clear set of facts that can be adjudicated by an Administrative Citation Hearing Officer when the citation is appealed. These Hearing Officers conduct hearings when requested by recipients of the citation issued by the various City Departments. Therefore, not all violations of Chapter 17.23 will be addressed by a citation. For violations entailing complex facts or circumstances, the City may pursue other methods to facilitate compliance as provided for in Part 5 of the ARO.

Furthermore, the ARO's existing petition process, which may be initiated by landlords and by tenants, continues to be a useful and effective resource available for tenants to directly address violations of that Ordinance. These petitions are considered by the Rent Stabilization Program's administrative hearing officers and petition examiners, who review the petition and evidence submitted by the parties and issue a decision. Tenants may continue to use the existing petition process to address service reduction claims as defined by the ARO, uninhabitability claims, or violations of the ARO.

- ***Issuance of Citations*** – The Director of Housing, delegated Deputy Director(s), or the Director's designee will issue all citations. Staff will only present citations for signature if there is sufficient evidence establishing a violation. If a pre-citation compliance notice was issued, the citation will be issued upon expiration of the time for compliance must have passed in order for the citation to be issued. The information which is required to be included in the citation is codified in SJMC Chapter 1.15.
- ***Process for Appealing a Citation*** – The citation will provide a date by which the cited party can file a hearing request to contest a violation. As stated in SJMC Chapter 1.15, the fine must be paid regardless of the cited party's intent to contest the fine. The cited party may file a hardship request to defer the fine payment requirement (**Attachment A, Appendix 3**). The assigned hearing officer will schedule and conduct the hearing. The cited party is entitled to present evidence in support of their claim. All fine revenue received through the citation process will be applied to the General Fund to offset the costs of the Administrative Citation Hearing Officers and the Finance Department's revenue collection activities.
- ***Measuring the Effectiveness of Compliance Efforts*** – The Housing Department will establish workload and performance measures to assess the effectiveness of its efforts to obtain compliance through administrative citations. Examples of such measures include the following: numbers of compliance notices issued and the percentage of issues addressed via the notice; number and types of violations for which citations were issued;

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average length of time to obtain compliance; and number and percentage of citations issued to property owners who do not live in San José. The information will also be used to identify where additional educational outreach may be needed and inform staff of potential changes to the Schedule of Fines. The Housing Department will compile this information and will provide an annual informational report to the Housing and Community Development Commission for review and input.

PUBLIC OUTREACH

On September 25, 2019, the Housing Department conducted a public outreach meeting with property owners and managers to discuss the draft Citation Manual and schedule of fines for the administrative citation process. A summary of the input received is provided as **Attachment B**.

EVALUATION AND NEXT STEPS

The Housing Department intends to bring the draft schedule of fines to the City Council for approval in November 2019. If approved, Housing Department staff would conduct additional education and outreach to property owners following approval. Staff then would begin the implementation and use of administrative citations in spring 2020.

/s/

JACKY MORALES-FERRAND
Director, Housing Department

For questions, please contact Rachel VanderVeen, Deputy Director, at (408) 535-8231.

ATTACHMENTS:

Attachment A – Draft Administrative Citation Manual

Attachment B – Summary of Public Input

City of San José Housing Department



Rent Stabilization Program Draft Administrative Citation Manual

Revised September 13, 2019

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I. Introduction

Chapter 1.15 of the San José Municipal Code (“SJMC”) (See Appendix 1) governs the use of Administrative Citations by the City. This manual provides guidance to staff regarding the administration of Administrative Citations by the Housing Department, in conformance with Chapter 1.15.

The primary use of citations by the Department is for violations of the Apartment Rent Ordinance (Municipal Code Chapter 17.23). The Housing Department’s Rent Stabilization Program is responsible for administering the Apartment Rent Ordinance, Ellis Act, and Tenant Protections. This includes administering the fair return, capital improvement, and service reduction petition processes, as well as issuing administrative citations for violations of these Ordinances.

The Rent Stabilization Program is also responsible for enforcing Section 5.10 of the Municipal Code, otherwise known as the Housing Payment Equity Ordinance. The City Council authorized the Director of Housing to use administrative citations to enforce all of the aforementioned ordinances managed by the Housing Department.

II. Purpose

The purpose of the Housing Department's Administrative Citation process is to elicit compliance with the Apartment Rent Ordinance (ARO) and the Housing Payment Equity Ordinance in an expeditious and cost-effective manner. The citation process can also be helpful in resolving issues between landlords and tenants.

Section 17.23 encompasses the Apartment Rent Ordinance (ARO), the Tenant Protection Ordinance (TPO), and the Ellis Act Ordinance. Therefore, the use of Administrative Citations applies to violations of the ARO, TPO and Ellis Act Ordinance. SJMC section 17.23.570, cited below, authorizes the use of administrative citations for the Apartment Rent Ordinance.

17.23.570 - Administrative Citations; Injunctive Relief.

A. The Director may enforce the rights and responsibilities created by this Chapter 17.23 and the Regulations, including issuance of an administrative citation in accordance with Chapter 1.15 of the San José Municipal Code.

B. The City Attorney may seek injunctive relief to restrain or enjoin any violation of this Chapter or the Regulations.

In terms of the ARO, Administrative Citations are not intended to be used in lieu of, or to supplement, the existing petition process established under SJMC 17.23 and their Regulations for resolving petitions initiated by tenants and landlords for fair return, service reduction, or other violations of Parts 1-9 of SJMC 17.23. These issues will continue to be addressed by the Rent Stabilization Program Hearing Officer and Petition Examiners. As stated, citations will be used to address violations of Chapter 17.23 that would otherwise require resolution through the courts. Unlike the petition-driven hearings, administrative citations are initiated by the City. Staff may initiate this process by use of Compliance Notices, with a subsequent issuance of a citation if the violation is verified and unresolved after warning.

The TPO and Ellis Act Ordinance do not contain a petition process for violations like the ARO. Accordingly, administrative citations are to be used as a primary method for enforcement of their provisions.

It is important to emphasize that the use of an Administrative Citation for violations does not preclude the City from pursuing other available remedies, such as civil or criminal actions, for the same types of violations.

III. Schedule of Fines

According to SJMC 1.15.040, all fine amounts shall be established as part of the Schedule of Fines approved by City Council.

1.15.040 - Amount of fines.

A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the city council.

A copy of the schedule of fines for the Rent Stabilization Program and the Housing Pay Equality Ordinance is provided as Appendix 2. As was the case with this schedule, all substantive changes to the Schedule of Fines pertaining to the Apartment Rent Ordinance shall be taken before the Housing and Community Development for input and public comment prior to seeking approval from City Council.

Rationale for Setting Fine Amounts

Unlike fees which are intended to cover the City staff time for providing a specific service, a fine does not tie specifically to the amount of work entailed by staff. At a minimum, the fine should cover the staff time plus a financial penalty. The financial penalty is based on the following factors: Severity of the Violation; Deterrence Against Future Action; Application to the Property or the Individual Household; and Escalation of Fines per SJMC Section 1.15.040.

- **Severity of the Violation** – Fine amounts should be proportional to the severity of the violation and the impact on the public. Violations that have a relatively minor impact on the public should be reflected in the fine amount; whereas, violations that have a major impact on the public will carry a larger fine. An example of this is provided below.

17.23.050 - Notice of Apartment Rent Ordinance to Tenant Households.

Each Landlord shall post a written notice and maintain such posting, on a form approved by the Director, of the applicability of the Apartment Rent Ordinance in a conspicuous location within each building containing one (1) or more Rent Stabilized Units. The Landlord shall have complied with this requirement by posting a Notice of the Apartment Rent Ordinance in the same location as a notice to tenants posted in accordance with subsections (1) or (2) of California Civil Code Section 1962.5(a) or immediately adjacent to the posting of the Residential Occupancy Permit in compliance with Section 17.20.630.

In this case, a tenant has not been immediately impacted by the failure to post the sign. If the situation can be demonstrated to be remedied after the issuance of a warning notice, then the citation does not have to be issued.

- **Deterrence Against Future Violations** – A citation can act as a financial penalty for violations of the Ordinance and also as a deterrence against future violations. There are situations when citations may be issued to property owners for a violation which caused a

tenant to vacate an apartment. An example of this would be where a tenant has been evicted pursuant to the Ellis Act, but has not received the required relocation payment(s). In this instance, the citation will not prevent what already occurred, but could be deterrent against similar violations in the future. In such cases, citation amounts are intended to be substantial to act as a deterrent to dissuade the property owner from violating the Ordinance and/or repeating the illegal activity in the future.

Therefore, it is important that the fine amount for such violations be set at an amount which would exceed the financial benefit that the owner would receive by violating the Ordinance. Again, the Ellis Act Ordinance provides a pertinent example. It is important that the penalty for not providing relocation benefits to a household be greater than the financial benefit the owner would receive if they chose to violate the Ordinance and not provide relocation benefits to the household.

- **Applicability to the Property or Individual Household** – It should be noted that fine amounts are based on whether the violation affects one tenant household or the entire apartment complex or property. In general, most fines will likely apply to violations against individual household or “unit”. Thus, citations can be issued for each unit or household that is impacted, or a citation may include multiple units. In some cases, fines will be applicable to each property – regardless of how many units it contains. An example is provided below:

17.23.560 A Disclosure to Purchasers of Real Property

In this case, the fine for failure to “disclose to a potential buyer in writing, prior to the close of escrow that the Rent Stabilized unit is subject to this Chapter 17.23 and implementing regulations” would be assessed per property – not for each unit, since the violation impacts the entire property.

- **Escalation of Fines per SJMC Section 1.15.040** – The San Jose Municipal Code Section 1.1.5.4 provides the guidelines for establishing administration citation fine amounts. The Ordinance calls for an escalation of fines for repeat violations of the same code provision. The specific language is provided below.

1.15.040 - Amount of fines.

A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the city council.

B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within thirty-six months from the date of an administrative citation.

C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

The Housing Department will adhere to the following text contained in the adopted Schedule of Fines.

SECTION 3. Except as otherwise specifically set forth in Section 2 (of the Schedule of Fines), the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred twenty-five percent (125%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the second violation.

SECTION 4. Except as otherwise specifically set forth in Section 2 above, the fine amount for a third and subsequent violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred fifty percent (150%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the third or, as applicable, subsequent violation.

SECTION 5. Any fine amount imposed pursuant to Chapter 1.15 of the San Jose Municipal Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and provisions of Chapter 1.15. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1.15 of the San Jose Municipal Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

IV. Utilization of Administrative Citations

Administrative Citations are intended to address discrete, transitory, and time-sensitive issues which have clear facts that can be more easily adjudicated by an Administrative Citation Hearing Officer. An example of this would include:

17.23.1260 - Notice of Termination to the Tenant and City.

A Landlord must mail or deliver to the City a true and accurate copy of any summons and complaint delivered to a Tenant or Tenant Household for unlawful detainer to pursuant to California Code of Civil Procedure Section 1161, as amended, within 3 days of delivering such summons and complaint to a Tenant or Tenant Household.

In this example, determining if there is a violation is very straightforward. Either the City has received the notice, or it has not. If there is a dispute as to whether or not the City received or misplaced the notice, the owner can provide a copy of the notice and proof that it was delivered to the City.

- **Compliance Notices** – The primary objective of using Administrative Citations is to obtain compliance. Therefore, Compliance Notices should be issued to first-time offenders of the ARO in cases where the alleged illegal activity can be addressed expeditiously through the use of a Compliance Notice. There are situations in which the Department may decide not to issue a Compliance Notice to an owner prior to issuing an Administrative Citation for a violation of the ARO, TPO or Ellis act in which there is “no opportunity to remedy” the situation. An example of this is where an owner has not properly followed the Ellis Act process and a has already been illegally displaced. In such instances, a Compliance Notice would not enable a tenant to return to their former residence. A citation will convey the gravity of the violation and compel future compliance with the Ordinance.

Another situation where staff may choose not to issue a Compliance Notice, would be when an owner has already received a written warning or citation for the same violation for a different tenant. In this case, staff may proceed directly with the issuance of a citation. Staff should provide a note in the Salesforce database noting the reason why a citation was issued without a.

- **Review of Compliance Notices and Administrative Citations** – It should be noted that all Notices and Citations should be reviewed and approved by the Rent Stabilization Program Manager prior to the signing and issuance of the citation by the Director of Housing. The Director or delegated Deputy Director(s) will sign all citations. The City Attorney will review all templates for general language, but will not typically review individual Compliance Notices for specific violation(s) of the Ordinance. The City Attorney should review all Administrative Citation cases pertaining to the Tenant Protection Ordinance and Ellis Act before a citation is issued. City Attorney review of citations for improper noticing or filing under the ARO will typically not require City Attorney review prior to issuance. Additional information regarding the review process

is covered in section 7 of this manual - Procedure for Issuing Administrative Citations.

- **Administrative Citation - Required Content** – Per SJMC Section 1.15.030.B, each Citation shall contain the following information:
 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
 2. The address or a definite description of the location where the violation occurred;
 3. The section of this code violated and a description of the violation;
 4. The amount of the fine for the code violation;
 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 6. An order prohibiting the continuation or repeated occurrence of the code violation described in the Administrative Citation;
 7. A description of the Administrative Citation review process, including the time within which the Administrative Citation may be contested and the place from which a request for hearing form to contest the Administrative Citation may be obtained; and
 8. The name and signature of the citing enforcement officer.

- **Completing for an Administrative Hearing** – Any Administrative Citation can be contested. Therefore, it is best to prepare the citation presuming that it will be challenged. If contested, the Citation will be reviewed by a Hearing Officer. It is important to remember that the Hearing Officer is not expected to be an expert on the ARO, TPO or Ellis Act. Therefore, citations should contain all of the information required under SJMC 1.15.030 in a clear, discernable manner that is incontrovertible and not easily disproved. For example, in the case of a withdrawal of a rent-stabilized apartment from the market, owners are required to provide relocation assistance to each tenant as stated below.

17.23.1150 - Relocation assistance.

A. Relocation Assistance Benefits. When an owner withdraws a building containing a covered unit from the residential rental market and in connection with the withdrawal causes one or more tenancies to be terminated, the owner must provide, and each tenant household residing in a covered unit is entitled to receive from the owner, notice of and access to an application for all vacant residential rental unit(s) owned by the owner and located within the City of San José, as well as the following:

1. The owner must pay and the tenant household must receive relocation assistance. The base assistance required pursuant to Subsection C of Section 17.23.1150 must be deposited into escrow at the time of delivery of the notice of intent to withdraw to the tenants. Any qualified assistance due pursuant to clauses (a) - (d) of Subsection C.2 of Section 17.23.1150, must be deposited into escrow as soon as the completed tenant qualification form has been verified by the relocation specialist and approved by the director. The owner is neither responsible for nor liable to divide the relocation assistance among the tenant(s) that comprise a tenant household entitled to relocation assistance.

While the actual relocation benefit may be complicated by tenants' unique circumstances, failure to pay for relocation benefits, provide relocation services, or deposit funds into an escrow account are requirements that can be easily verified or disputed. On the other hand, determination of qualified assistance can be more involved, as demonstrated in the example below.

17.23.1150 - Relocation assistance.

2. *Qualified assistance for tenant households that qualify under one or more of the following categories:*

a. *Tenant households that are lower income households, as defined in California Health and Safety Code Section 50079.5, as amended, and annually listed, as adjusted for household size, by the regulations of the state housing and community development department for the County of Santa Clara.*

In this case, staff can still proceed with a Citation if the relocation benefit calculation can be shown to be significantly flawed. City Attorney's Office approval should be obtained prior to proceeding with more complex violations. In some complex instances, the preferred approach may be to attempt to address issues through communications with owner and staff to avoid the Administrative Citation process altogether. Compliance Notices can be used as part of this approach. Documentation regarding the written warning could also be a likely consideration by the Hearing Officer.

- ***Request for Hearing*** – If the property owner wishes to contest the citation, they will need to complete the Hearing Request Application (Appendix 3) to contest the violation in a hearing with the City's Administrative Citation Hearing Officer. This document can be found at the Finance Department website. <http://sanjoseca.gov/index.aspx?NID=788>. The specific text from the website is provided below.

Contest a citation and request a hearing

If you received a citation and believe there is an error, you may contest the citation by completing the [form to request a hearing](#). Forms must be returned to the City within 30 days of receiving the citation along with an advance deposit of the fine or an advance deposit hardship waiver. Please see [hardship qualifications](#) for required documentation.

Even if a hearing is requested, payment of the citation is still required within the timeframe stated in the citation unless the requestor can demonstrate hardship. The Hearing Request Application contains information regarding the hardship requirements. The Hearing Officer shall conduct the hearing in accordance with Chapter 1.15 of the San José Municipal Code.

IV. Completing the Administrative Citation Process

Up until the time a Citation is issued, the RSP staff can close the violation and note in the database. The Administrative Citation should be closed upon payment of the fine and once staff has confirmed that the date for filing a request for hearing has passed. Information on where to pay the fine is found on the [Finance Department website](#). It is also listed below.

Where to Pay

Request forms, payments and/or advanced deposit hardship waiver can be paid by mail or in person.

By Mail:

*City of San José – Finance Department
Attention: Payment Processing
200 E. Santa Clara St.
13th Floor
San José, CA 95113*

In Person:

*City of San José - Cashiering
200 E. Santa Clara St.
1st Floor
San José, CA 95113*

It is important to note that the underlying issue which prompted the citation may still be unresolved even if the citation is paid. If the Citation is paid, and the issue is still unresolved, note in the database and discuss with the Program Manager. The City can not issue a new citation for the exact issue i.e. – the same address, tenant, violation, and violation date. In these cases, the City will need to determine if it wishes to take other enforcement actions.

If payment is not received by due date, the RSP staff will notify the RSP Program Manager. The Program Manager will then contact the City Attorney to determine the appropriate course of action.

VII. Procedure for Processing Administrative Citation

This section sets forth a process that Rent Stabilization Program (RSP) staff should use as a general guide for processing Administrative Citations.

1. Staff becomes aware of a potential violation of Municipal Code Section 17.23. Potential violations can be brought forward by a tenant, concerned citizen or Housing Department staff. When a potential violation is discovered, the RSP staff person with knowledge of the potential violation should make an entry into the RSP database noting the date the potential violation was identified, the potential code violation from the Schedule of fines, and a detailed written description of the offense.
2. RSP staff should attempt to verify the complaint through some type of corroborating information. This could be in the form of documentation substantiating the complaint, comparing information against prior entries in the RSP database, statements from a third party, or by obtaining confirmation from the property owner via a phone call.
3. Staff should then draft a Compliance Notice via the RSP database, and provide to the RSP manager for review. The Compliance Notice should contain the property owner name and property violation address, specific code violation, the corrective action, the date of the letter, the deadline for corrective action to avoid a citation, and a requirement that proof be provided that the corrective action occurred.
4. The RSP manager signs the Compliance Notice and returns to the RFP staff for mailing.
5. Issue the Compliance Notice by certified mail. Generate the letter from the database and/or document the action. The letter must be served in accordance with section 1.04,140 of the Municipal Code.
6. If the corrective action date has not been met by the date provided in the Compliance Notice, prepare the Administrative Citation through the RSP database. The Citation must contain the information required in Chapter 1.15. of the Municipal Code as described above. Provide the RSP manager with Citation for review (or provide the relevant information regarding the citation).
7. The RSP Manager should then review the Citation to determine if it should be reviewed by the City Attorney's Office. See Section 3 of this manual for guidance on when to seek review by the City Attorney.
8. The RSP Manager will then direct staff to print the Administrative Citation for the Director's signature via the database.
9. Director Issues the Citation. The System will note the date that the owner must file a request for hearing and/or pay the fee. The Citation and all notices shall be served on the

responsible party in accordance with the provisions of Section 1.04.140 of the Municipal Code. See Appendix 6.

10. If the owner files a Request for Hearing, staff will be notified by the Finance Department. Record hearing information in the database and prepare for the hearing.
11. Attend hearing and record hearing result in the database.
12. Once payment of the Citation is verified, note in the database and change the status of the citation to closed. (Note: Note: Citation Payments are made with Finance Department. Therefore, RSP staff may need to check with the Finance Department regularly regarding the status of fine payments). If payment is not received by the due date, notify the RSP Program Manager.

VIII. Appendices

1. Chapter 1.15 of the San José Municipal Code - Administrative Citations
2. Chapter 17.23 Schedule of Fines
3. Administrative Citation Hearing Request Application Advance Deposit Hardship Waiver Qualifications
4. Municipal Code Section 1.04.140 – Notices – Services procedure

APPENDIX 1

Chapter 1.15 of the San José Municipal Code - Administrative Citations

Chapter 1.15 - ADMINISTRATIVE CITATIONS

1.15.010 - Applicability.

- A. This chapter provides for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code.
- B. The administrative citations process set forth in this chapter does not apply to continuing violations of this code that pertain to building, plumbing, electrical, or other similar structural or zoning issues.
- C. Use of this chapter shall be at the sole discretion of the city, subject to Section 1.15.010.B.

(Ords. 24725, 25055.)

1.15.020 - Enforcement officer - Defined.

For purposes of this chapter, "enforcement officer" shall mean any city employee or agent of the city with the authority to enforce any provision of this code.

(Ord. 24725.)

1.15.030 - Administrative citation.

- A. Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.
- B. Each administrative citation shall contain the following information:
 - 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
 - 2. The address or a definite description of the location where the violation occurred;
 - 3. The section of this code violated and a description of the violation;
 - 4. The amount of the fine for the code violation;
 - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - 6. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;

7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
8. The name and signature of the citing enforcement officer.

(Ords. 24725, 25870.)

1.15.040 - Amount of fines.

- A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the city council.
- B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within thirty-six months from the date of an administrative citation.
- C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

(Ord. 24725.)

1.15.050 - Payment of the fine.

- A. The fine shall be paid to the city within thirty days from the date of the administrative citation.
- B. Any administrative citation fine paid pursuant to subsection A. shall be refunded in accordance with Section 1.15.100 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.
- C. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

(Ord. 24725.)

1.15.060 - Hearing request.

- A. Any recipient of an administrative citation may contest that there was a violation of the code or that he or she is the responsible party by completing a request for hearing form and returning it to the city within thirty days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 1.15.070.
- B. A request for hearing form may be obtained from the department specified on the administrative citation.
- C. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
- D. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

(Ord. 24725.)

1.15.070 - Advance deposit hardship waiver.

- A. Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in Section 1.15.060.A. may file a request for an advance deposit hardship waiver.
- B. The request shall be filed with the department of finance on an advance deposit hardship waiver application form, available from the department of finance, within fifteen days of the date of the administrative citation.
- C. The requirement of depositing the full amount of the fine as described in Section 1.15.06.A. shall be stayed unless or until the director of finance makes a determination not to issue the advance deposit hardship waiver.
- D. The director may waive the requirement of an advance deposit set forth in Section 1.15.060.A. and issue the advance deposit hardship waiver only if the cited party submits to the director a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the director the person's actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.
- E. If the director determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the city within ten days of the date of that decision or thirty days from the date of the administrative citation, whichever is later.
- F. The director shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the director shall be final.
- G. The written determination of the director shall be served upon the person who applied for the advance deposit hardship waiver.

(Ords. 24725, 25837.)

1.15.080 - Hearing officer.

The city manager shall designate the hearing officer for the administrative citation hearing.

(Ord. 24725.)

1.15.090 - Hearing procedure.

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless the fine has been deposited in advance in accordance with Section 1.15.060 or an advance deposit hardship waiver has been issued in accordance with Section 1.15.070.
- B. A hearing before the hearing officer shall be set for a date that is not less than fifteen days and not more than sixty days from the date that the request for hearing is filed in accordance with the provisions of this chapter.
- C. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

- D. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
- E. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- F. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

(Ord. 24725.)

1.15.100 - Hearing officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.
- C. If the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine.
- D. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest at the average rate earned on the city's portfolio for the period of time that the fine amount was held by the city.
- E. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.
- F. The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

(Ord. 24725.)

1.15.110 - Late payment charges.

Any person who fails to pay to the city any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines.

(Ord. 24725.)

1.15.120 - Recovery of administrative citation fines and costs.

The city may collect any past due administrative citation fine or late payment charge by use of all available legal means. The city also may recover its collection costs pursuant to Section 1.17.120.

(Ord. 24725.)

1.15.125 - Right to judicial review.

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the municipal court in Santa Clara county in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(Ord. 25055.)

1.15.130 - Notices.

- A. The administrative citation and all notices required to be given by this chapter shall be served on the responsible party in accordance with the provisions of Section 1.04.140 of this title.
- B. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

(Ord. 24725)

APPENDIX 2

Chapter 17.23 Schedule of Fines

Note: All fines are levied per household unit unless otherwise specified

<u>Section</u>	<u>Offense</u>	<u>Administrative Citation Fine</u>
17.23.050 A	Notice of Apartment Rent Ordinance to Tenant Households – Posting Notice on Building Note - Fine is levied per Property	\$ 500.00
17.23.050 B	Notice of Apartment Rent Ordinance to Tenant Households – Written Notice Prior to Lease	\$ 500.00
17.23.060	Limit on Electronic Payment.	\$ 500.00
17.23.300 A	Initial Rent and Vacancy Decontrol – Valid Decontrol	\$ 5,000.00
17.23.310 A, B	Limits on Rent Increases - Annual Rent Increase Limit	\$ 5,000.00
17.23.310 C	Limits on Rent Increases - Rent Increase Frequency Limit	\$ 5,000.00
17.23.520 B	Waivers -Attempt to Waiver Tenant Rights	\$ 5,000.00
17.23.560 A	Disclosure to Purchasers of Real Property Note - Fine is levied per Property	\$ 5,000.00
17.23.600 B	Notices of Termination of Tenancy - Mandatory Notice to City	\$ 500.00
17.23.600 C	Notices of Termination of Tenancy – Notice of Re-Rental to the City	\$ 500.00
17.23.705	Tenant Buyout.	\$ 5,000.00
17.23.900 A	Rent Registry - Failure to Register - Registration	\$ 500.00
17.23.900 B	Rent Registry - Failure to Register - Copy of Registration to Tenant	\$ 500.00
17.23.900 E	Rent Registry - Failure to Register – Collusion	\$ 5,000.00

APPENDIX 2

Chapter 17.23 Schedule of Fines

Note: All fines are levied per household unit unless otherwise specified

17.23.900 F	Rent Registry - Failure to Register – Late Registration Fee	\$ 500.00
17.23.1110	Policy and Purpose (Ellis Act)	
Section	Offense	Fine Amount
17.23.1130 B	Copies of Forms – Failure to provide forms to tenants	\$ 500.00
17.23.1130 C	New Tenants During the Withdrawal Process – Failure to provide withdrawal notice to the new tenants	\$ 10,000.00
17.23.1130 E	Notices of Tenants Right to Extend Tenancy – Failure to provide notice of right to extend	\$ 10,000.00
17.23.1130 F	Withdrawal of less than an entire building – Prohibited	\$ 10,000.00
17.23.1130 H	Non-Rent Stabilized Properties – Failure to meet requirements to withdraw	\$ 10,000.00
17.23.1140 A	Notices of intent to withdraw - Service on Tenants	\$ 10,000.00
17.23.1140 B	Notices of intent to withdraw - Service on City	\$ 10,000.00
17.23.1140 C	Notices of intent to withdraw – Contents	\$ 10,000.00
17.23.1145	Recording of memorandum - failing to record with the County Clerk’s Office Note - Fine is levied per Property	\$ 10,000.00
17.23.1150 A	Relocation assistance - Failing to pay to a tenant household	\$ 10,000.00
17.23.1150 B	Relocation assistance – Depositing Relocation Benefits in Escrow Account	\$ 10,000.00
17.23.1150 C	Relocation assistance – Failing to pay entire relocation assistance entitled to tenant household.	\$ 10,000.00

APPENDIX 2

Chapter 17.23 Schedule of Fines

Note: All fines are levied per household unit unless otherwise specified

17.23.1150 E	Relocation assistance - Relocation Specialist Services	\$ 10,000.00
17.23.1151 A	Voluntary alternative relocation	\$ 10,000.00
17.23.1151 C	Voluntary alternative relocation-failing to pay relocation benefits if alternative housing not accepted	\$ 10,000.00
17.23.1160 A	One Hundred Twenty (120) Notice Required to Tenant Household	\$ 10,000.00
Section	Offense	Fine Amount
17.23.1160 B	Provide Notice of Right to Extend Tenancy Up to One Year	\$ 10,000.00
17.23.1160 C	Effective date of withdrawal; extension of tenancy	\$ 10,000.00
17.23.1180 A	Right to Return Offered to Former Tenant Households	\$ 5,000.00
17.23.1180 B	Re-Control	\$ 5,000.00
17.23.1180 C	Re-Control	\$ 5,000.00
17.23.1240 A	Just Cause Protections	\$ 5,000.00
17.23.1210	(TPO) Policy and Purposes Declaration	
17.23.1240 C	Just Cause Protections-failing to post notice of rights.	\$ 5,000.00
17.23.1240 D	Just Cause Protections	\$ 5,000.00
17.23.1250 B	Just Cause Termination (B) Relocation Assistance	\$ 5,000.00
17.23.1260 D	Notice of Termination to the Tenant and City	\$ 500.00
17.23.1260 E	Summons and Complaint Sent to the Tenant and City	\$ 1,000.00

The Housing Department will adhere to the following text in the adopted Schedule of Fines.

APPENDIX 2

Chapter 17.23 Schedule of Fines

Note: All fines are levied per household unit unless otherwise specified

SECTION 3. Except as otherwise specifically set forth in Section 2 of the Schedule of Fines (as amended with the text above) the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred twenty-five percent (125%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the second violation.

SECTION 4. Except as otherwise specifically set forth in Section 2 above, the fine amount for a third and subsequent violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred fifty percent (150%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the third or, as applicable, subsequent violation.

SECTION 5. Any fine amount imposed pursuant to Chapter 1.15 of the San Jose Municipal Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and provisions of Chapter 1.15. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1.15 of the San Jose Municipal Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

APPENDIX 3: ADMINISTRATIVE CITATION

HEARING REQUEST APPLICATION

ADVANCE DEPOSIT HARDSHIP WAIVER QUALIFICATIONS:

IF YOU CHOOSE TO APPLY, YOU MUST PROVIDE THE INFORMATION REQUESTED.
Failure to provide sufficient information will result in a determination of ineligibility for this waiver.

The information you provide will assist the City in deciding whether you qualify for a waiver of advance deposit for your hearing request.

PROOF OF INCOME DOCUMENTATION:

You *MUST* include the current Federal Income Tax Return (form 1040, 1040A), a copy of your Schedule C (if applicable) and copies of all the following that apply for the individual(s) cited.

Additional current proof of income required

1. Letter 1722 from IRS for non-income adults 1-800-829-1040
2. Verification of Social Security Benefits (SSA) 1-800-772-1213
3. Verification of Supplemental Security Income (SSI) 1-800-772-1213
4. Welfare of General Assistance eligibility (**Notice of Action / Income Verification**)
5. Documentation of Unemployment from Employment Development Department (**EDD**) 408-436-5600

GENERAL QUALIFICATIONS:

Deposit Waiver Guidelines for 2019 (Multiplied by 3)

2019	\$37,470
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Residential Advance Deposit Waiver Guidelines for 2019:

Total No. of Dependents	Annual Gross Income
1	\$37,470
2	\$50,730
3	\$63,990
4	\$77,250
5	\$90,510
6	\$103,770
7	\$117,030
8	\$130,290
For each additional person, add	\$13,260



**CITY OF SAN JOSÉ
ADMINISTRATIVE CITATION
HEARING REQUEST APPLICATION**

Please note only the person(s) listed on the administrative citation may request a hearing.
 *If the cited party wishes a tenant, relative or other designated proxy to attend the hearing they must list that person(s) under “person attending hearing”.

REQUEST FOR HEARING	
(This request is due within 30 calendar days of citation date with the advance deposit of the full citation amount)	
Citation Issued To:	Phone No. ()
Citation No(s):	Citation Date(s):
Violation Address:	
*Person Attending Hearing:	Phone No: ()
Mailing Address:	
<i>Please explain your reason for believing this citation(s) was issued in error:</i>	
I declare under penalty of perjury that I am the cited individual and the foregoing statement and information provided by me is true and correct.	
Signature: _____	Date: _____
Cited individual(s)	
HARDSHIP PAYMENT INFORMATION FOR HEARING ONLY	
If you are contesting the citation and are unable to pay the advance deposit, you may request an advance deposit hardship waiver within 15 calendar days of the citation date . Please complete the sections below once you have reviewed the qualification on the back of this form. Any form submitted without all proper documentation will be denied.	
CONTACT INFORMATION	
Mail form and payment to: City of San Jose – Finance Revenue Management - Support Staff 200 E. Santa Clara St., 13th Floor San Jose, CA 95113 Phone 408-535-7055 Option #5 / Fax 408-292-6480	
FOR OFFICE USE ONLY (Below)	
Signature _____	Date: _____
Deposit Waiver: Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
Reason for denial _____	

APPENDIX 4

Chapter 1.15 of the San José Municipal Code - Administrative Citations

1.04.140 - Notices - Service procedure.

Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail, in a sealed envelope postage prepaid, addressed to such person to be notified at his last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(Prior code § 1307.)

SUMMARY PROPERTY OWNERS/MANAGERS FEEDBACK

This section summarizes the staff insights gathered from talking with property owners/managers.

- **Workflow to the Administrative Citation process** – Property owners showed concerns regarding the sequence of events that lead towards receiving a citation due to violations. There wanted to be a guarantee of a compliance notice proceeding any fine that would be issued. A concern for verifying whether a violation truly did occur before a compliance notice or fine is issued. More information regarding the sequence of events that would lead to an investigation and possible compliance notice or fine would assist in clarifying any uncertainties.
- **Development of fine amounts and clarification regarding requirements** – Property owners/manager had concerns in how the fine amounts were determined. The rationale between certain fine amounts being set higher as opposed to others despite possibly not seeming as grave of a violation. The fine amounts being set based on the impact to the community and the possibility of the violation being cured. One property manager did inquire on whether a graduated scale of fines was considered. It is indicated on the schedule of fines in Section 3 and Section 4 the increase in fines for continues violation. Property owners/managers requested more clarification on the schedule of fines elaboration on criteria that would cause for a citation connected to its appropriate violation. As well as more clarification in how a situation where multiple violations occur within one incident. If it is possible to negotiate the fine amount once it is issued or are the amounts set.
- **Procedures leading towards and during hearing process** – Property owners/managers are concerned in having to pay a fine before a hearing can be obtained. This led to the timeframe in which a hearing may possibly occur and possibility of having the hearing prior to paying a fine. The flexibility in altering the order of events so that paying a fine would be the last option. One property owner/manager wanted to know whether tenants who falsely report their property owner/manager. Tenants would go through the petitions process where the claim would be investigated and determined if there has been any violation done by the property owner/manager.
- **Impact from State of California Legislation on City of San José’s Ordinances** – Property owners/managers were interested the impact that AB1485 would have on the Tenant Protection Ordinance. As well as AB329 impact on the Housing Payment Equality Ordinance. There was concern in which they would have to follow to remain compliant and avoid any possible violations.
- **Clarification regarding the implementation of Administrative Citation process** – One property owner advocate inquired regarding whether the citation process or ordinance protects the tenant from a property owner/manager who may alter information in attempt to evict a tenant under Just Cause despite there being no validity. A property owner/manager wanted to obtain clarification related to the connection between code violations and ordinance violations. There was also clarification needed regarding language used in the schedule of fines. One property owner/manager requested documentation they may need from the City of San José to insure they remain complaint.

ATTACHMENT B

Overall, property owners/managers wanted to have more clarification regarding how compliance notices and fines would be handled, in respect to how an occurrence will be verified before any action is taken. As well as, the determining factors in what determines a fine amount. One of the reoccurring concerns was insuring that the process that leads to a fine is standardized and there being a compliance notice before requiring a property owner/manager to pay a fine.

From: [Padilla, Noel](mailto:Noel.Padilla@sanjoseca.gov)
To: [Padilla, Noel](mailto:Noel.Padilla@sanjoseca.gov)
Subject: FW: Administrative Fee Meeting 9/25/19
Date: Thursday, October 3, 2019 3:02:29 PM

From:
Sent: Monday, September 30, 2019 7:29:24 AM
To: Tran, Fred <Fred.Tran@sanjoseca.gov>
Cc: VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Subject: Administrative Fee Meeting 9/25/19

Dear Mr. Tran,

Thank you for presenting the staff information on Administrative Fees
I cannot fathom how the staff could propose such outlandish fees; even half of the proposed amount is too much.

Most of the apartments with few units are owned by senior Housing Providers, who have purchased them as investments with hopes that income would fund their retirement such as is the case for myself. Some of us have no pensions to fall back on and the investment income is our means of financial support.

Take a case of an owner with three units and a monthly rental income of \$2000 per unit. Some proposed administrative citation fees are as high as \$10,000. This means that an owner is losing about 3 months of net rental income assuming a nominal monthly expense of 30 % such as for maintenance, utilities, taxes, permits, license insurance, etc..

A larger unit owner will not be financially hurt as those owning smaller number of units. As a minimum there should be a tiered fee structure tied to groups of units to not impose unfair hardship to those owning smaller number of units.

Why is Housing so intent of hurting Mom and Pop Housing Providers when in reality they are the ones providing the affordable rentals to the lower labor group.

How about about incentives to encourage owners to keep rents even lower such as perhaps eliminating the property tax for them?
What contribution has Housing and the City of San Jose done to help the low income Housing Providers other than pile ordinance after ordinance to punish the low income Housing Providers with higher and higher financial burden?

The management of the San Jose Housing should apply resources to relieve the housing shortage problem rather than creating relentless barrage of ordinances on the existing owners under rent control, which does not solve the housing shortage nor the affordability problem.

Hopefully your procedures of warning and other measures to inform owners to cure administrative violations are fair before actual fees are issued to make fees a moot point.

Respectfully,

Seigi Tadokoro

From: [Padilla, Noel](#)
To: [Padilla, Noel](#)
Subject: FW: Draft Schedule of Fines
Date: Thursday, October 3, 2019 3:12:40 PM
Attachments: [DRAFT Schedule of Fines -- jzell.doc](#)

From:
Sent: Wednesday, October 2, 2019 5:56 PM
To: Tran, Fred <Fred.Tran@sanjoseca.gov>
Subject: RE: Draft Schedule of Fines

Hi Fred,

Found the sections in the ordinances after a bit of searching. Only 7 recommendations:

Anything that involves collusion and/or fraud should be the maximum penalty, so I actually raised those to \$10K. I don't have any patience for illegal behavior and neither should anyone else.

Reduced the two rent increase categories to \$2,500. This amount is better reflective of the dollars, yet will have an impact. The difference between a 5% increase and a 7% increase is maybe \$40 per month and the errors get caught quickly, so there isn't big money involved. If the act is intentional, then that's a different story.

Reduced the two Just Cause Protections noticing categories to \$500 to match the other noticing categories. Additionally, if notices aren't posted correctly, the landlord's punishment is having the start the process over again, which is equivalent to double indemnity because it costs us additional attorney's fees and lost rent in addition to the fine.

I didn't have any issues with the Ellis Act fines because most folks will probably use attorneys.

Please let me know if you have any questions.

Jeff

Housing Department - Proposed Administrative Citation Schedule of Fines
 (Note: All fines are levied per household unit unless otherwise specified)

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17.23.900 E	Rent Registry - Failure to Register – Collusion	\$ 10,000.00
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Housing Department - Proposed Administrative Citation Schedule of Fines
 (Note: All fines are levied per household unit unless otherwise specified)

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Housing Department - Proposed Administrative Citation Schedule of Fines
 (Note: All fines are levied per household unit unless otherwise specified)

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17.23.1210	(TPO) Policy and Purposes Declaration	
17.23.1240 C	Just Cause Protections-failing to post notice of rights.	\$ 500.00
17.23.1240 D	Just Cause Protections	\$ 500.00
17.23.1250 B	Just Cause Termination (B) Relocation Assistance	\$ 5,000.00
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The Housing Department will adhere to the following text in the adopted Schedule of Fines.

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Housing Department - Proposed Administrative Citation Schedule of Fines
(Note: All fines are levied per household unit unless otherwise specified)

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DRAFT

Final Housing & Community Development Commission Workplan for FY 2019-20

#	Topics for FY 2019-20	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
1.	Adopt Commission FY 2018-19 Accomplishments	Review, discuss, and adopt HCDC's FY 2018-19 Accomplishments based on work completed at Annual Retreat	Administrative	Governance	Sep 2019
2.	Adopt Commission FY 2019-20 Workplan	Review, discuss, and adopt HCDC's FY 2019-20 Workplan based on work completed at Annual Retreat	Administrative	Governance	Sep 2019
3.	Annual Homeless Report	Review report and provide input on overall budget, policies, and programs to address homelessness	Existing program	Report	Sep 2019
4.	Consolidated Annual Performance and Evaluation Report (CAPER)	Hold a public Hearing for the FY 2018-19 Consolidated Annual Performance and Evaluation (CAPER) and make possible recommendation to City Council to approve report	Federal funds	Hearing	Sep 2019
5.	Assessment of Fair Housing and Five-year Consolidated Plan	Review reports on process to create AFH Plan and new Five-year Consolidated Plan and make possible recommendations	Federal funds	Plans	Sep 2019
6.	Ellis Act Ordinance Recontrol Provisions and Apartment Rent Ordinance Demographic Study	Review report updating information on tenant demographics in apartments subject to the Apartment Rent Ordinance and review potential changes to Ellis Act Ordinance recontrol provisions and make possible recommendations	Ellis Act Ordinance	Policy	Nov 2019
7.	Mobilehome Park General Plan Land Use Actions	Review Planning Commission-approved GP land use actions regarding mobilehome park designations and make possible recommendation to provide comments	Revised policies	Plan	Oct/Nov 2019
8.	Administrative Citations for Tenant Protection Ordinance and Housing Payment Equality Ordinance overseen by the Rent Stabilization Program	Review proposed administrative citations for Tenant Protection Ordinance and Housing Payment Equality Ordinance overseen by the Rent Stabilization Program and make possible recommendations	Revised program	Policy Program	Oct/Nov 2019

Final Housing & Community Development Commission Workplan for FY 2019-20

#	Topics for FY 2019-20	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
9.	Inclusionary Housing Framework Revisions	Review proposed revisions to the Inclusionary Housing Ordinance and related programs and make possible recommendations	Existing program	Policy	Oct 2019
10.	Anti-Displacement Draft Strategy	Review draft Anti-Displacement Strategy and make possible recommendation	Policies	Report	Nov 2019
11.	Moderate-income Housing Strategy	Review report of consultant report on Moderate-income housing strategies on proposed strategies to meet the housing needs of moderate-income residents in San José and make possible recommendation	New program	Plan	Dec 2019
12.	Affordable Housing Siting (Dispersion) Policy	Provide input on proposed updates to the City's Dispersion Policy for siting affordable housing and make possible recommendation	Revised policy	Policy	Jan 2020
13.	HCDC Workplan Amendments	Review amended 2019-20 HCDC Workplan and make possible recommendation for submission to the Community and Economic Development Committee (if necessary)	Governance	Plan	Jan 2020
14.	Diridon Affordable Housing Implementation Plan	Review draft Plan and make possible recommendation	New plan	Plan	Jan 2020
15.	Annual Housing Element Report	Review annual progress report on the Housing Element and make possible recommendation	Housing goals	Report	Feb 2020
16.	Housing Crisis Workplan	Review progress report on implementation of prioritized items in the Housing Crisis workplan and make possible recommendation	Housing goals	Report	Feb 2020
17.	New Five-year Consolidated Plan and FY 2020-21 Annual Action Plan Funding Priorities	Hold a Public Hearing and review funding priorities for 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan and make possible recommendation	Federal funds	Hearing	Feb/Mar 2020

Final Housing & Community Development Commission Workplan for FY 2019-20

#	Topics for FY 2019-20	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
18.	Assessment of Fair Housing Draft Plan	Review draft plan on housing challenges and community needs and make possible recommendation	New plan	Plan	Mar 2020
19.	Rent Stabilization Program Budget (Fee) Recommendations	Review and discuss the RSP annual fee structure and staffing levels concerning Mobilehomes and Apartments and make possible recommendation	Fees for ARO & Mobilehome Rent Ordinance	Fee Report	Mar 2020
20.	Draft Five-year Consolidated Plan and FY 2020-21 Annual Action Plan	Hold a Public Hearing and review draft 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan and make possible recommendation	Federal funds	Hearing	Apr 2020
21.	Housing Trust Fund Budget	Review and provide input on proposed expenditures for FY 2020-21 from the Housing Trust Fund for homeless programs and make possible recommendation	Local funds	Plan	Apr 2020
22.	Commission Nominations	Nominate and select Chair and Vice Chair for FY 2020-21	Governance	Administration	May/June 2020
23.	Quarterly and Annual Reports	Review quarterly and annual reports on the Rent Stabilization Program including the Apartment Rent Ordinance, Ellis Act Ordinance, Tenant Protection Ordinance, and Mobilehome Rent Ordinance programs and make possible recommendations	Report on ARO & Mobilehome Rent Ordinance	Report	Quarterly, Annual
24.	Soft Story Program Framework and Ordinance	Review draft soft story program framework and ordinance and make possible recommendation	New program	Program	TBD
25.	Commercial Impact Fee	Review report on Commercial Impact Fee Nexus Study and Feasibility Study and make possible recommendation	Local funds	Report	TBD
26.	Regional Housing Needs Allocation Subregion	Review the status of potential formation of a Regional Housing Needs Allocation Subregion	New policies	Strategy	TBD

Final Housing & Community Development Commission Workplan for FY 2019-20

#	Topics for FY 2019-20	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
		(informational) and make possible recommendation			
27.	Policy 0-4 and 2.08 Amendments	Review changes to the versions circulated by the Clerk's office and make possible recommendation	Administrative	Governance	TBD
28.	Amended Commission Bylaws	Review, make possible changes, and approve amended Commission Bylaws	Administrative	Governance	TBD
29.	Outreach Authorization for Commissioners	Consider, and by motion, authorize identified Commissioners to use their titles in seeking public input on items within the purview of the Commission subject to Council Policy 0-4 for FY 2020-21 and to report back to the Commission after the conclusion of such meetings	Administrative	Governance	TBD after changes to Policy 0-4 finalized
30.	Reports on Housing Data	Review reports on housing data	Report	Report	As required
31.	Proposed State/Federal Legislation	Discuss and make possible recommendations on proposed legislation and ballot measures pertaining to subjects under the purview of the Commission, per Policy 0-4	New, revised policies	Policy	As required
32.	Topics related to Chapters 17.22 and 17.23 of the San José Municipal Code	Discuss items related to SJMC Chapters 17.22 and 17.23 regarding the Mobilehome Rent Ordinance and related regulations and take possible action	New, revised programs and policies	Program Policy	As needed
33.	Topics related to Chapter 20.180 of the San José Municipal Code	Discuss items related to SJMC Chapter 20.180 regarding mobilehome parks and related policies and take possible action	New, revised programs and policies	Policy	As needed

Final Housing & Community Development Commission Workplan for FY 2019-20

#	Topics for FY 2019-20	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
Commissioner-initiated Items*					
34.	Potential Policy or Program on Affordable Housing that Encourages Transportation Mobility*	Continue the Commissioner-initiated discussion on potential policy or program to foster affordable housing creation that encourages transportation mobility and take possible action	New, revised programs or policies	Program Policy	TBD
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

Final Housing & Community Development Commission Workplan for FY 2019-20

#	Topics for FY 2019-20	Actions	HCDC Function, Power, Duty	Type of Item	Tentative Date
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 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.

Final Housing & Community Development Commission Workplan for FY 2019-20

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

- 7 – General Plan land use changes
- 8—Administrative Citations for RSP Programs
- 10 – Anti-displacement Draft Strategy
- 12 – Affordable Housing Siting (Dispersion) policy
- 15 – Annual Housing Element report
- 16—Housing Crisis Workplan Updates
- 18—Assessment of Fair Housing Draft Plan
- 19 – RSP Budget
- 23 – Quarterly and Annual reports
- 30—Reports on Housing Data
- 31 – Proposed State/Federal Legislation
- 32 – Topics related to Chapters 17.22 and 17.23 of the San José Municipal Code
- 33 - Topics related to Chapter 20.180 of the San José Municipal Code
- 34 – 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 agendaized and prioritized around the Commission's regular workload. The proposed agendaized items may be subject to change.

HCDC Workplan Finalization

Voting on Commissioner-initiated Ideas

Rank #	Commissioner Initiating Idea	Votes	Idea
1	Shavell Crawford	12	Board and care regulations - 85% of shelters in San Jose are composed of senior citizens and with a review of regulations and development, we can properly care for our elderly community members.
2	Shavell Crawford	10	Mental Health - Leverage prop 2 mental health housing bond through collective collaboration with County of Santa Clara.
3	Alex Shoor	4	Additional city-authorized density bonus on affordable housing projects
3	Alex Shoor	4	Give nonprofit housing coops the first opportunity to buy affordable housing by condition before the owner sells it
4	Roberta Moore	3	Provide RV Parking with Services - 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, 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.
4	Roberta Moore	3	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.
4	Alex Shoor	3	Right to counsel for low-income tenants - https://www.stout.com/en/experience/cost-benefit-analysis-for-nyc-right-to-counsel-legislation/

**Housing & Community Development Commission
Draft Accomplishments for FY 2018-19**

**HCDC AGENDA: 9-12-19
ITEM: VI-A**

#	Objective for FY 2018-19	Actions	Commission Action
1.	Voting for Chair and Vice Chair for FY 2019-20 June 13, 2019	Vote for positions of Chair and Vice Chair, nominees being Andrea Wheeler for Chair and Alex Shoor for Vice Chair, and any other Commissioners nominated at the June Commission meeting, to serve in Fiscal Year 2019-20 commencing with the August 2019 Commission meeting. (No memo.) June 13, 2019	The Commission voted for Andrea Wheeler for the Chair position. The motion passed unanimously (9-0). Yes: Tran, Quinn, Jasinsky, O’Connell, Wheeler, Shoor, Fitzgerald, Navarro, Del Buono The Commission voted for Alex Shoor for the Vice Chair Position. The motion passed unanimously (9-0). Yes: Tran, Quinn, Jasinsky, O’Connell, Wheeler, Shoor, Fitzgerald, Navarro, Del Buono June 13, 2019
2.	Housing Payment Equality Ordinance (formerly known as the Source of Income Discrimination Ordinance) and Update on Santa Clara County Housing Authority Rental Subsidy Program Improvements June 13, 2019	1) Review the staff report and provide feedback on the draft housing payment equality ordinance including, but not limited to, staff's recommended provisions on the definition of source of income, prohibited activities, applicability, and enforcement; and 2) Accept staff recommendation of a limited position to research subsidy program incentives for participation and program improvements. June 13, 2019	Vice Chair Shoor made the motion to approve staff report and recommendation of a limited position to research subsidy program incentives for participation and program improvements, with second by Commissioner Navarro. The motion passed (8-1). Yes: Tran, Quinn, O’Connell, Wheeler, Shoor, Fitzgerald, Navarro, Del Buono No: Jasinsky June 13, 2019
3.	Tenant Preference to Prevent Displacement June 13, 2019	Review the staff report, provide input to staff, and make possible recommendation to the City Council to approve an ordinance based on this framework for a preference for	Commissioner Tran made the motion to accept the staff report, with a second by Commissioner Quinn. The motion passed unanimously (9-0). Yes: Tran, Quinn, Jasinsky, O’Connell, Wheeler, Shoor, Fitzgerald, Navarro, Del Buono

	<p>Tenant Preferences for Anti-Displacement – Draft Definition of Population January 17, 2019</p>	<p>applicants to affordable apartments in order to help prevent displacement. June 13, 2019</p> <p>Accept the report and offer feedback to staff on the definition of the population to be covered by City’s forthcoming Anti-displacement Tenant Preference policy. January 17, 2019</p>	<p>June 13, 2019</p> <p>Vice Chair Shoor made the motion to accept the report and stated recommendations, with a second by Commissioner Navarro. The motion passed unanimously (7-0). January 17, 2019</p>
4.	<p>Update on Status of Work on a Citywide Anti-Displacement Strategy June 13, 2019</p>	<p>Consider staff update on Anti-displacement work and make possible recommendation to staff on outreach and/or priorities to examine. June 13, 2019</p>	<p>No action taken. June 13, 2019</p>
5.	<p>Ellis Act Ordinance Re-control Provisions August 8, 2019</p>	<p>It is recommended that the Commission</p> <ol style="list-style-type: none"> 1. Review the staff report on: <ol style="list-style-type: none"> a. Research on Ellis Act Ordinance’s existing re-control provisions including conversations with developers and lenders, b. Updated research from other communities regarding the re-control provisions in other Ellis Act ordinances in order to assess the extent they may make new 	<p>Commissioner Tran made a motion to not make any amendments to the current Ellis Act re-control provisions, with a second by Commissioner O’Connell. The motion passed 7-1. Yes: Tran, Quinn, Lardinois, Jasinsky, O’Connell, Wheeler, Shoor No: Duong August 8, 2019</p>

		<p>residential projects more difficult to build, as requested from the February 5, 2019 City Council meeting, and</p> <p>2. Make recommendations to the City Council on potential changes to the Ellis Act Ordinance including:</p> <ul style="list-style-type: none">a. Modifications to the base requirement for 50% re-control of new units capped to seven times apartments demolished, andb. Consideration of new options to meet requirements for re-control:<ul style="list-style-type: none">i. Re-control waiver if 15% of new units are affordable onsite and displaced low-income tenants are offered a right to return at prior rents escalated by the Consumer Price Index, andii. Onsite Affordable Housing Incentive where developers receive credit towards their 50% re-control requirement by providing onsite affordable housing on a three to one basis. <p>August 8, 2019</p>	
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		<p>and the City and providing relocation consultant services to their tenants;</p> <p>b) Amend Ellis Act Ordinance’s reporting obligations to require the relocation specialist to submit a monthly report to the director after the City receives a notice of intent to withdraw; and</p> <p>c) Amend the Ellis Act Ordinance’s reporting obligations to allow the Owner to provide a copy of the notice of intent to return removing the requirement to submit a report to the Director. November 8, 2018</p>	
6.	<p>2018-2019 Rent Stabilization Program Fourth Quarterly Report for the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance August 8, 2019</p> <p>2018-2019 Rent Stabilization Program</p>	<p>Review the report and provide possible recommendations. August 8, 2019</p> <p>Review the report and provide possible recommendations.</p>	<p>No action taken. August 8, 2019</p> <p>No action taken. August 8, 2019</p>

	<p>Fourth Quarterly Report for the Mobilehome Rent Ordinance August 8, 2019</p> <p>Rent Stabilization Program Reports for FY 2018-19 Third Quarter for Apartments and Mobilehomes April 11, 2019</p> <p>Rent Stabilization Program Reports for 2018-19 First and Second Quarters for Apartments and Mobilehomes January 17, 2019</p>	<p>August 8, 2019</p> <p>Review information from the Rent Stabilization Program’s FY 2018-19 Third Quarter reports for apartments and mobilehomes. April 11, 2019</p> <p>1) Review information from two Rent Stabilization Program quarterly reports for apartments and mobilehomes, and 2) Hold a commissioner-initiated discussion on evictions tracking and possibly authorize creation of an Ad Hoc Subcommittee with the purpose being: to compile and discuss additional information on this subject, to potentially draft a letter to the City Council on State legislation changes that could help city staff better track evictions in all mobilehome parks, and to return</p>	<p>Information only. April 11, 2019</p> <p>Chair Wheeler moved to form an ad hoc committee to last no longer than six months to meet with the representatives from the City of San Jose, Housing Department, and GSMOL to discuss the parameters of tracking mobilehome resident evictions, and to return to the Commission with their results within six months, with a second by Commissioner O’Connell. The motion passed 6-1. Yes: Navarro, Quinn, Shoor, Wheeler, O’Connell, Lardinois No: Jasinsky</p> <p>Commissioners Jasinsky, Wheeler, and O’Connell will be on the ad hoc committee on mobilehome resident evictions. January 17, 2019</p>
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	<p>Rent Stabilization Program Quarterly Reports for Apartments and Mobilehomes December 13, 2018</p>	<p>with information and any letter for consideration by the Commission at a future meeting. January 17, 2019</p> <p>Review information from the Rent Stabilization Program quarterly reports for apartments and mobilehomes (Informational only). December 13, 2018</p>	<p>Commissioner O’Connell made the motion to defer VI-A to the January 2019 meeting, with a second by Commissioner Tran. Motion passed unanimously by roll call vote (8-0). December 13, 2018</p>
<p>7.</p>	<p>Rent Stabilization Program Fees April 11, 2019</p>	<p>It is recommended that the Commission:</p> <p>a) Review the proposed fee structure for Fiscal Year 2019-2020 for the Rent Stabilization Program, as stated below; and,</p> <p>b) Recommend its approval to the City Council:</p> <p>1) Annual Apartment Rent Control Fee: increase from \$77.30 to \$83.50 per unit;</p> <p>2) Annual Apartment Non-Rent Control Fee: increase from \$6.20 to \$8.00 per unit; Housing & Community Development Commission,</p>	<p>Commissioner Tran made the motion to approve the Annual Apartment Rent Control Fee increase from \$77.30 to \$83.50 per unit, with a second by Commissioner Quinn. The motion passed unanimously (9-0).</p> <p>Commissioner Jasinsky made the motion to approve the Annual Apartment Non-Rent Control Fee: increase from \$6.20 to \$8.00 per unit, with a second by Commissioner Del Buono. The motion passed unanimously (9-0).</p> <p>Commissioner O’Connell made the motion to approve the Annual Mobilehome Rent Control Fee: decrease from \$25.70 to \$23.00 per unit, with the amendment in the memo from “increase” to “decrease,” with a second by Commissioner Jasinsky. The motion passed unanimously (9-0).</p> <p>Commissioner Jasinsky made the motion to approve fees in connection with withdrawal of a building under the Ellis Act Ordinance</p>

		<p>3) Annual Mobilehome Rent Control Fee: increase from \$25.70 to \$23.00 per unit;</p> <p>4) Fees in connection with withdrawal of a building under the Ellis Act Ordinance: increase from \$2,258 to \$2,354 per unit for up to ten units and decrease from \$872 to \$826 per unit for over ten units.</p> <p>April 11, 2019</p>	<p>increase from \$2,258 to \$2,354 per unit for up to ten units and decrease from \$872 to \$826 per unit for over ten units, with a second by Commissioner Quinn. The motion passed unanimously (9-0)</p> <p>April 11, 2019</p>
8.	<p>Housing Trust Fund Budget FY 2019-20</p> <p>April 11, 2019</p>	<p>That the Housing and Community Development Commission, acting as the Housing Trust Oversight Committee, recommend that the Director of Housing approve the following expenditure plan for the Housing Trust Fund for \$1,972,088 for Fiscal Year 2019 – 2020.</p> <p>April 11, 2019</p>	<p>Commissioner Del Buono made the option to approve the Housing Trust Fund Budget, with a second by Commissioner Quinn (8-0). Yes: Del Buono, Fitzgerald, Wheeler, O’Connell, Quinn, Tran, Lardinois, Jasinsky Note: Commissioner Duong exited during this vote count.</p> <p>April 11, 2019</p>
9.	<p>Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Success or to the Redevelopment Agency Annual Report</p>	<p>It is recommended that Commission:</p> <p>1) Review the Calendar Year 2018 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element; 2) Review the Fiscal Year 2017-18 Housing Successor to the Redevelopment Agency Annual Report; and, 3) Make possible recommendations to the</p>	<p>Vice Chair Shoor made a recommendation to explore opening up the San José General Plan from two to four times or more as permitted, for affordable housing projects developments, with a second by Commissioner Tran. The motion passed (5-4). Yes: Navarro, Del Buono, Shoor, Tran, Lardinois No: Wheeler, Duong, O’Connell, Fitzgerald</p> <p>Vice Chair Shoor made a recommendation that for 100% affordable housing projects built within 0.5 mile of transit options, parking minimum requirements are eliminated by the City, with a second by</p>

	<p>March 7, 2019</p> <p>City Council on policy implications relevant to the reports. March 7, 2019</p>	<p>Commissioner Tran. The motion passed (7-2). Yes: Del Buono, Shoor, Tran, Lardinois, Wheeler, Fitzgerald, Duong No: O’Connell, Navarro</p> <p>Chair Wheeler recommended to look into options to provide transits to its residents directly, to serve residential or work areas, with a second by Commissioner Lardinois. The motion failed (2-6-1). Yes: Wheeler, Lardinois No: Tran, O’Connell, Duong, Fitzgerald, Navarro, Del Buono Abstain: Shoor March 7, 2019</p>
<p>General Plan 2040 Text Amendments and Other Changes regarding Affordable Housing December 13, 2018</p>	<p>Provide input on draft letter and approve submission of final letter of Commission support for the four proposed General Plan Text Amendments and other changes as written considered by the Commission at its November 2018 meeting concerning mobilehome parks, housing preservation, and affordable housing to the Planning Commission and City Council, as timing allows. December 13, 2018</p>	<p>Commissioner Navarro made the motion to approve the letter, with a second by Commissioner Lardinois. The motion passed 10-0-1. Yes: Wheeler, Shoor, Tran, Quinn, Lardinois, Navarro, Del Buono, Duong, O’Connell, Fitzgerald No: None Abstain: Thompson December 13, 2018</p>
<p>General Plan 2040 Text Amendments and Other Changes regarding Affordable Housing November 8, 2018</p>	<p>Review information on proposed General Plan amendments regarding affordable housing and mobilehome park preservation issues and make possible recommendation to provide</p>	<p>Commissioner O’Connell made the motion to support these four proposed General Plan Text Amendments and other changes as written to the Planning Commission and City Council (if timing allows) and for Housing Staff to develop a letter of support, with a second by Commissioner Del Buono. The motion passed 8-2.</p>

		<p>comments to staff, the Planning Commission, and/or the City Council. November 8, 2018</p>	<p>Yes: Fitzgerald, Duong, Del Buono, O’Connell, Jasinsky, Lardinois, Wheeler, Navarro No: Shoor, Tran November 8, 2018</p>
10.	<p>Affordable Housing Investment Plan Update March 14, 2019</p>	<p>Review the staff report on the Update of the FY 2017/18 - FY 2021/22 Housing Investment Plan for expenditure of affordable housing funds, and make possible recommendation to the City Council. March 14, 2019</p>	<p>Chair Wheeler made the motion to accept the report with the recommendation, except the funding for the acquisition and rehabilitation and missing middle, with a second by Commissioner Tran. The motion passed unanimously (9-0). Yes: Navarro, Fitzgerald, Duong, Wheeler, O’Connell, Quinn, Lardinois, Tran, Shoor Commissioner Tran made the motion to approve staff’s recommendation for funding acquisition and rehabilitation, with a second by Commissioner O’Connell. The motion passed (8-1). Yes: Navarro, Fitzgerald, Duong, O’Connell, Quinn, Lardinois, Tran, Shoor No: Wheeler</p> <p>Commissioner Tran made the motion to adopt staff recommendation for the missing middle, with a second by Commissioner Navarro. The motion approved unanimously (9-0). March 14, 2019</p>
11.	<p>Housing Crisis Workplan Update March 14, 2019</p>	<p>Review staff’s report on progress in implementing the City Council-approved 2018 Housing Crisis Workplan, and make possible recommendation to the City Council. March 14, 2019</p>	<p>Information only. March 14, 2019</p>

<p>12.</p>	<p>Annual Action Plan Funding Strategies 2019-2020 February 14, 2019</p> <p>FY 2017-2018 Annual Action Plan Substantial Amendment January 17, 2019</p>	<p>1) Hold a public hearing on funding priorities for the Fiscal Year 2019-2020 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development, and</p> <p>2) Provide Housing Department staff with input on the Annual Action Plan funding. February 14, 2019</p> <p>1) Hold a public hearing on the proposed Substantial Amendments to the Fiscal Year 2017-2018 Annual Action Plan to fund a new activity not previously described in that Action Plan in order to expend \$124,764 in remaining grant funding on homelessness prevention programs, and</p> <p>2) Recommend to the City Council that it approve the proposed Substantial Amendment to the Fiscal Year 2017-2018 Annual Action Plan. January 17, 2019</p>	<p>Information only. February 14, 2019</p> <p>Commissioner Quinn moved to approve the staff recommendation, with a second by Commissioner Navarro. The motion passed unanimously (7-0). January 17, 2019</p>
<p>13.</p>	<p>Status Update on Google-related Actions</p>	<p>Receive update on the City Council’s consideration of Google-related actions for the Diridon Station Area</p>	<p>No action taken. December 13, 2018</p>

	December 13, 2018	regarding housing and community development-related issues December 13, 2018	
14.	<p>Annual Homeless Report and Homeless Emergency Assistance Program (HEAP) November 8, 2018</p> <p>Annual Homeless Programs Update and HEAP Expenditure Plan October 11, 2018</p>	<p>Review additional budget information for homeless programs (Information Only). November 8, 2018</p> <p>It is recommended that the Housing and Community Development Commission review the annual homeless report and make possible recommendations to the Housing Department staff and City Council regarding the proposed community-wide funding priorities for the Homeless Emergency Aid Program (SB 850). October 11, 2018</p>	<p>Ms. Clements provided additional budget information contained in the Annual Homeless Report and HEAP memo to the Neighborhood Services and Education Committee on November 8, 2018. November 8, 2018</p> <p>Commissioner Del Buono made the motion to accept the report, with a friendly amendment by Chair Wheeler for Housing Department Staff to return with the final version of the Annual Homeless Programs Update draft with amendments per Commission’s recommendations. This motion was seconded by Commissioner Thompson. The motion passed unanimously. October 11, 2018</p>
15.	<p>Winchester Mobilehome Park Closure and Evictions November 8, 2018</p>	<p>Review interpretation of Policy 6-33 regarding evictions per Commission question (Information Only). November 8, 2018</p>	<p>Ms. Clements provided an update on the interpretation of Policy 6-33. November 8, 2018</p>

<p>16.</p>	<p>Actions Related to the Tenant Protection Ordinance: Inclusion of Duplexes, Criminal Activity, and Domestic Violence November 8, 2018</p>	<p>Recommend to the City Council: A. Approve an ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to: a) Include duplexes under the Tenant Protection Ordinance; b) Add a provision to require the posting of a notice summarizing the requirements of the Tenant Protection Ordinance including prohibiting retaliation, harassment, and intimidation against tenants based upon their immigration status; c) Add a provision to the criminal activity cause for eviction stating if the tenant is acquitted or the criminal charges which caused termination of tenancy are dismissed, the tenant is permitted to return to the rental unit if the tenant household still resides in the rental unit and consents to the return; d) Add a provision to the unapproved holdover subtenant cause of action to exempt victims of domestic violence; e) Add a provision to require a statement in the notice that the notice is served in good faith and include a reference to the Rent Stabilization Program for referral</p>	<p>Commissioner O’Connell made the motion to recommend that the Tenant Protection Ordinance apply to non-owner occupied duplexes, with a second by Commissioner Tran.</p> <p>Commissioner Fitzgerald made the motion to amend Commissioner O’Connell’s motion if the Tenant Protection Ordinance applies to non-owner duplexes, a probationary period of six months apply to all new tenants, with a second by Commissioner Duong. Motion failed 4-5. Yes: Fitzgerald, Duong, O’Connell, Jasinsky No: Del Buono, Lardinois, Shoor, Wheeler, Tran</p> <p>The original motion moved by Commissioner O’Connell passed 7-1-1. Yes: Duong, Del Buono, O’Connell, Lardinois, Shoor, Wheeler, Tran No: Fitzgerald Abstain: Jasinsky</p> <p>Chair Wheeler made the motion to recommend City Council to direct Housing Staff to investigate extending a probationary period to all units covered by the Tenant Protection Ordinance at a future date and return to the Commission for further discussion, with a second by Commissioner Lardinois. The motion passed 6-3. Yes: Fitzgerald, Duong, Del Buono, Jasinsky, Lardinois, Wheeler No: O’Connell, Shoor, Tran</p> <p>Vice Chair Shoor made the motion to include all duplexes in the Tenant Protection Ordinance as recommended by Housing Staff, with a second by Commissioner Del Buono. The motion failed 2-7. Yes: Del Buono, Shoor No: Fitzgerald, Duong, O’Connell, Jasinsky, Lardinois, Wheeler, Tran</p> <p>Commissioner Lardinois made the motion to recommend to City Council that the Noticing of Rights is presented with the lease at the</p>
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		<p>information (including homeless prevention); and B. Provide recommendations to the City Council extending the Non-Rent Control fee to duplexes on a pro-rata basis for 2018-2019. November 8, 2018</p>	<p>beginning of tenancy with a friendly amendment by Chair Wheeler to replace Staff recommendation of “summarizing” to “listing” of rights under the Tenant Protection Ordinance on the Noticing of Rights, with a second by Commissioner Jasinsky. The motion passed unanimously (9-0).</p> <p>Commissioner Tran made the motion to recommend approve staff recommendation to add a provision to the criminal activity cause for eviction stating if the tenant is acquitted or the criminal charges which caused termination of tenancy are dismissed, the tenant is permitted to return to the rental unit if the tenant household still resides in the rental unit and consents to the return, with a second by Commissioner Duong. The motion passed unanimously 9-0.</p> <p>Commissioner Jasinsky made the motion to reject Staff recommendation to add a provision under the unapproved holdover subtenant cause of action to exempt victims of domestic violence, with a second by Commissioner O’Connell. The motion passed 7-1. Yes: Fitzgerald, Duong, Del Buono, O’Connell, Jasinsky, Wheeler, Tran No: Lardinois</p> <p>Commissioner Lardinois made the motion for Housing Staff to return with additional options to City Council to protect survivors of domestic violence, with a friendly amendment by Chair Wheeler to explain that the Commission objected to the unlawful tenancy rights without contract, with a second by Commissioner Jasinsky. The motion passed 8-0-1. Yes: Fitzgerald, Duong, Del Buono, O’Connell, Jasinsky, Lardinois, Wheeler, Tran No: None Abstain: Shoor</p> <p>Commissioner Tran made the motion to support Staff recommendation to include a statement in the notice that the notice</p>
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			<p>is served in good faith and include a reference to the Rent Stabilization Program for referral information (including homeless prevention), with a second by Commissioner Lardinois. The motion passed unanimously (9-0).</p> <p>Commissioner Tran made the motion to recommend to City Council to extend the Non Rent Control fee to non-owner occupied duplexes on a pro-rata basis for 2018-2019, with a second by Commissioner Del Buono. The motion passed unanimously (8-0). November 8, 2018</p>
17.	<p>Statewide Ballot Initiatives September 13, 2018</p>	<p>Review and discuss statewide ballot propositions 1, 2 5, and 10 related to the Commission’s jurisdiction per SJMC Part 28 – and possibly authorize creation of an Ad Hoc Subcommittee, consistent with Council Policy 0-4, with the purpose being: to meet, compile and discuss additional information on one or more of the listed ballot measures; to potentially draft a letter to the City Council; and to return with information and any letter for consideration by the Commission at a future meeting. September 13, 2018</p>	<p>Commissioner Tran made the motion to recommend that the City Council endorse Proposition 2, with a second by Vice Chair Shoor. The motion passed unanimously (11- 0).</p> <p>Motion: Commissioner Lardinois made the motion to recommend that the City Council oppose Proposition 5, with a second by Commissioner Thompson. The motion fails by roll call vote 4-7. Yes: Lardinois, Quinn, Thompson, Shoor No: Tran, Jasinsky, O’Connell, Wheeler, Duong, Del Buono, Navarro</p> <p>Commissioner Tran made the motion to defer to ad hoc committee for further research to return next month to the Commission for potential action, with a second by Commissioner Lardinois. The motion passes 7-4. Yes: Lardinois, Tran, Wheeler, Shoor, Duong, Del Buono, Navarro No: Quinn, Thompson, Jasinsky, O’Connell</p> <p>Chair Wheeler made the motion to form an ad hoc committee comprised of Chair Wheeler and Commissioner Tran to research Proposition 5 to return at next Housing and Community Development</p>

			<p>Commission meeting in October for possible position, with a second by Commissioner Navarro. The motion passes unanimously (11-0).</p> <p>Vice Chair Shoor made the motion to support Proposition 10, with a friendly amendment by Commissioner Thompson that recommend that the City Council endorse it, with a second by Commissioner O’Connell. The motion passes 9-2. Yes: Lardinois, Tran, Quinn, Thompson, O’Connell, Wheeler, Shoor, Del Buono, Navarro No: Jasinsky, Duong</p> <p>Commissioner Tran made the motion to write a letter with the following language “Housing and Community Development Commission recommend that the City Council endorse Proposition 2 and Proposition 10,” with a second by Wheeler. The motion passes 10-1. Yes: Lardinois, Tran, Quinn, Thompson, Jasinsky, O’Connell, Wheeler, Shoor, Del Buono, Navarro No: Duong September 13, 2018</p>
18.	<p>Potential Commercial Impact Fee for Affordable Housing October 11, 2018</p>	<p>Consider information and discuss potential policy recommendations regarding the creation of a commercial impact fee for affordable housing, and possibly create an Ad Hoc Committee for the next six months consistent with Council Policy 0-4 with the purpose being to: meet, compile, and discuss additional information on this topic;</p>	<p>Commissioner Tran made the motion to recommend to City Council to direct Housing Department Staff to conduct and engage in a nexus and feasibility study, with a second by Commissioner Del Buono. The motion passed 8-4. Yes: Tran, Lardinois, Quinn, Wheeler, Shoor, Duong, Del Buono, Navarro</p> <p>No: Jasinsky, O’Connell, Fitzgerald, Thompson October 11, 2018</p>

		possibly draft a letter to the City Council; and to return with information and any letter for consideration at a future Commission meeting. October 11, 2018	
19.	Consolidated Annual Performance and Evaluation Report (CAPER) September 13, 2018	Hold a Public Hearing for the FY 2017-18 Consolidated Annual Performance and Evaluation (CAPER) and possible recommendation to City Council to approve CAPER. September 13, 2018	Commissioner Del Buono made the motion to approve the CAPER, with friendly amendment by Chair Wheeler, to accept with recommended improvements for readability and indicate effectiveness of program, with a second by Commissioner Thompson. The motion passed unanimously (11-0) September 13, 2018
20.	Regional Housing Needs Allocation Subregion September 13, 2018	Report on City Council's discussion of potentially joining a Regional Housing Needs Allocation Subregion (Information only). September 13, 2018	The Commission heard the Regional Housing Needs Allocation Subregion presented by Mr. Adam Marcus. September 13, 2018
21.	City Response to the Santa Clara County Civil Grand Jury Report on the Affordable Housing Crisis September 13, 2018	None (Information only). September 13, 2018	The Commission heard the City Response to the Santa Clara County Civil Grand Jury Report on the Affordable Housing Crisis presented by Mr. Adam Marcus. September 13, 2018

22.	City's Affordable Housing Investment Plan September 13, 2018	Report on the City Council's discussion of the City's plan for available resources and priorities for funding and supporting affordable housing. (Information only). September 13, 2018	The Commission heard the City's Affordable Housing Investment Plan presented by Ms. Kristen Clements. September 13, 2018
23.	General Obligation Bond Expenditure Plan for Affordable Housing - Measure V September 13, 2018	ACTION: None (Information only) September 13, 2018	The Commission heard the General Obligation Bond Expenditure Plan for Affordable Housing presented by Ms. Kristen Clements. September 13, 2018

Commissioner Initiated Items*

24.	Policy 0-4 regarding Commissioners' Use of their Titles and Process for Possible Future Edits June 13, 2019*	1) Review and edit a draft letter prepared by Chair Wheeler to the City Council regarding the City Council's prioritization of staff work on potential edits to Policy 0-4; and, 2) Make possible motion for staff to submit the letter on behalf of the Commission. Commissioner O'Connell made the motion to consider and edit the letter drafted by Chair Wheeler and approve with amendments, with a second by Commissioner Tran. The motion passed 8-0-1. June 13, 2019*	Commissioner O'Connell made the motion to consider and edit the letter drafted by Chair Wheeler and approve with amendments, with a second by Commissioner Tran. The motion passed 8-0-1. Yes: Tran, Quinn, O'Connell, Wheeler, Jasinsky, Shoor, Fitzgerald, Navarro No: None Abstain: Del Buono June 13, 2019*
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25.	<p>Potential Policy/Program for Affordable Housing that Encourages Transportation Mobility – Commissioner-initiated Item June 13, 2019*</p>	<p>1) Consider information presented by Commissioner Shoor and discuss potential policy recommendations regarding affordable housing policies or programs that encourage transportation mobility;</p> <p>2) Possibly authorize the creation of an ad hoc subcommittee to do further research and/or to draft a letter for staff to submit to the City Council, and return with information and any letter for consideration by the Commission at a future meeting. June 13, 2019*</p>	<p>Chair Wheeler made the motion to form an ad hoc committee and return to the Commission within six months with further recommendation either at the retreat or next Commission meeting, with a second by Vice Chair Shoor. The motion passed (5-3). Yes: Tran, Wheeler, Shoor, Del Buono, Fitzgerald No: Quinn, Navarro, O’Connell Note: Commissioner O’Connell volunteered to be on the ad hoc committee. June 13, 2019*</p>
26.	<p>Ad hoc committee Report-back on Ellis Act Recontrol Provisions March 14, 2019*</p>	<p>Discuss the report back of the ad hoc committee on Ellis Act recontrol provisions, review the committee’s draft letter to Council and authorize submittal of the letter as amended consistent with Policy 0-4, or request the ad hoc committee to return to the Commission with a letter to the City Council on this subject for approval at a future meeting. March 14, 2019*</p>	<p>Commissioner Shoor made the motion to replace the word “meaningless” with “the council devalues our input as well as the inputs of the residents in San Jose” with a second by Commissioner Duong. The motion failed (3-6). Yes: Fitzgerald, Duong, Shoor No: Navarro, O’Connell, Quinn, Lardinois, Tran, Wheeler</p> <p>Commissioner Lardinois moved to accept the letter, with a second by Commissioner Tran. The motion passed (8-1). Yes: Navarro, Duong, O’Connell, Quinn, Lardinois, Tran, Shoor, Wheeler</p>

			No: Fitzgerald March 14, 2019*
27.	Ad hoc committee Report-back on Mobilehome Resident Evictions Tracking April 11, 2019*	Discuss the report back of the ad hoc committee on tracking mobilehome resident evictions, and authorize the ad hoc committee to return to Commission with a letter to the City Council on tracking mobilehome resident evictions for approval within six months of the ad hoc committee's January 17, 2019 formation date. April 11, 2019*	Chair Wheeler provided an update that the ad hoc committee had a conference call to discuss the issue regarding tracking of the mobilehome evictions, including perspective from the attorney from Golden State Manufactured Homeowners League (GSMOL) regarding tracking evictions. Commissioner Jasinsky provided information that the State provisions 798.56 already provides seven just causes for residents. In addition, the proposed legislation AB 3366 (Stone) will provide additional protections. Commissioner O'Connell expressed the importance of evictions tracking and that anecdotal information is not sufficient. Commissioner O'Connell made a motion to authorized Chair Wheeler to draft a letter tracking mobilehome evictions and return to the next HCDC, with a second by Commissioner Lardinois. The motion passed (8-1). Yes: Del Buono, Fitzgerald, Duong, Wheeler, O'Connell, Quinn, Tran, Lardinois No: Jasinsky April 11, 2019*
28.	Mobilehome Park Conversion Policy 6-33 Regarding Evictions Monitoring December 13, 2018	Consider writing a letter to City Council to request additional scrutiny of evictions at mobilehome parks subject to potential conversions in land use. December 13, 2018	Commissioner O'Connell made the motion to approve the letter as amended, with a second by Commissioner Lardinois. The motion passed unanimously (10-0). December 13, 2018

<p>29.</p>	<p>Station Area Advisory Group (SAAG) Status Update November 8, 2018</p>	<p>Hold Commission-initiated discussion on the Diridon Station Area SAAG civic engagement process status and on its housing and community development-related issues, and make possible recommendation to provide input on these issues to staff or the City Council identified through the SAAG process. November 8, 2018</p>	<p>Commissioner Fitzgerald made the motion to defer this item for the next agenda, with a second by Commissioner Del Buono. The motion failed 2-6. Yes: Fitzgerald, Del Buono No: Duong, O’Connell, Lardinois, Wheeler, Tran, Shoor</p> <p>Commissioner Tran made the motion for stakeholders to evaluate the benefits of a Commercial Impact Fee for businesses in any part of the Diridon Station Area, with a second by Commissioner Lardinois. The motion passed 6-0-2. Yes: Duong, Del Buono, Lardinois, Wheeler, Tran, Shoor No: None Abstain: O’Connell, Fitzgerald Commissioner Shoor made the motion to recommend to City Council that it require that all housing in the Diridon Station Area developed by Google or its affiliates would be completed within 10 years of conveyance of the City sites to Google, with a second by Commissioner Tran. The motion passed 6-1-1. Yes: Shoor, Lardinois, Jasinsky, Del Buono, Duong, Tran No: Fitzgerald Abstain: O’Connell</p> <p>Chair Wheeler made the motion that Housing Staff draft a letter on behalf of the Commission recommending these three issues from the August 29, 2018 Station Area Advisory Group Outcomes: 1) “ensure that at least 25% of housing units are offered at below-market rates for lower-income households (ranging from extremely low to moderate),” 2) “build Inclusionary Housing units on-site, rather than pay in lieu fees or build off-site,” and 3) “the ultimate goal is no direct/indirect displacement from San Jose, and no increase in homelessness,” as the highest priority issues from the Station Area Advisory Group suggestion and delegate the letters’ signature to the</p>
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			Chair, with a second by Commissioner O’Connell. The motion passed unanimously 8-0. November 8, 2018
30.	Potential Policy Concerning Family Affordable Housing October 11, 2018	Consider report and draft letter from Ad Hoc Committee on a Potential Policy Concerning Family Affordable Housing and take possible action, including amending or approving the draft letter, to recommend a policy supporting affordable housing for families for possible City Council consideration. October 11, 2018	Commissioner Thompson made a motion to approve the letter as revised and send to City Council, with a second by Commissioner O’Connell. The motion passed unanimously. October 11, 2018
31.	Statewide Ballot Propositions October 11, 2018	Consider report from Ad Hoc Committee on Statewide Proposition 5, the Property Tax Transfer Initiative, and take possible action including recommending that the City Council take a position on Proposition 5 and drafting a letter to the City Council communicating that recommendation October 11, 2018	Commissioner Thompson made a motion to recommend that the City Council take a “no” position on Proposition 5, with a second from Commissioner Quinn. The motion passed (10-2). Yes: Tran, Lardinois, Quinn, Wheeler, Shoor, Fitzgerald, Del Buono, Thompson, Navarro, Duong No: Jasinsky, O’Connell October 11, 2018
32.	Winchester Mobilehome Park Closure and Evictions October 11, 2018*	Consider information, discuss potential policy or program recommendations, and make possible recommendations related to the potential closure of Winchester Mobilehome Park to:	Commissioner Tran made the motion to request the Office of the City Attorney to clarify City Council 6-33 Section D, “no unjust or unreasonable evictions should have occurred and no residents should have coerced to sell without relocation benefits” applies to evictions prior to the conversion, with second by Commissioner Del Buono. The motion passed unanimously.

		<p>1) request staff provide additional information on evictions and land use entitlement actions; and, 2) create an Ad Hoc Committee for the next six months consistent with Council Policy 0-4 with the purpose being to: research, meet and discuss additional information about the evictions and conversion status at Winchester Ranch, and possibly draft a comment letter, and to return with information and any letter for consideration at a future Commission meeting. October 11, 2018*</p>	<p>Commissioner Jasinsky made the motion to request Housing Department Staff to have additional monitoring of evictions in Mobilehome parks expecting to conversion, subject to Standards for Program of Relocation and Purchase Assistance, with a second by Commissioner O’Connell. The motion passed unanimously. October 11, 2018*</p>
<p>33.</p>	<p>Strategies to Reduce Meeting Length January 17, 2019*</p>	<p>Hold a commissioner-initiated discussion on strategies to reduce meeting length, including establishing a meeting adjournment time (curfew) for Commission meetings, and possible recommendation to staff to return with a resolution establishing a curfew for the Commission’s regular meetings, subject to an override to be defined. (No memo) January 17, 2019*</p>	<p>The Commission’s suggestions to reduce meeting length were as follows: 1. When there are new topics (especially with new commissioners), Housing Staff will facilitate a phone conference call in advance of the meeting. 2. Study the materials beforehand. 3. Regularly hold December meetings. 4. Create guidelines to limit public comment from 2 minutes to 1 minute, and include in the amendment in the agenda to inform the public about the change. 5. Defer commissioner-initiated discussion items in the Orders of the Day if there are a lot of items on the agenda. 6. Review meeting packets ahead of time and send questions to Housing Staff, who will send out questions and answers to all commissioners.</p>

			<p>7. Once every six months, hold two meetings a month and save the date in advance.</p> <p>8. Inform staff and commissioners of planned commissioner departure times from meetings in advance.</p> <p>9. Commissioners may make the motion at any point in the meeting.</p> <p>10. Staff should consider sending meeting materials earlier.</p> <p>11. Have staff send presentations in advance (perhaps 2-3 days electronically before).</p> <p>January 17, 2019*</p>
34.	<p>Potential Policy Concerning Family Affordable Housing</p> <p>September 13, 2018*</p>	<p>Consider information and discuss potential policy recommendations regarding the creation of affordable housing opportunities for families and possibly authorize creation of an Ad Hoc Subcommittee, consistent with Council Policy 0-4, the purpose of the subcommittee is: to meet, compile and discuss additional information on the creation of affordable housing opportunities for families, and to potentially draft a letter to the City Council; and to return with information and any letter for consideration by the Commission at a future meeting.</p> <p>September 13, 2018*</p>	<p>Vice Chair made the motion to form an ad hoc committee consisting of Commissioner Del Buono and Vice Chair Shoor to discuss the topic of family affordable housing and to do further research, return for future discussion and possible action at a future meeting no later than March 13, 2019, with a second by, Commission Thompson. The motion passes unanimously (11-0).</p> <p>September 13, 2018*</p>
35.	<p>Ad hoc Committee Report-back on Potential Vacant Residential and</p>	<p>1) Review, edit and approve the draft letter to the City Council prepared by the ad hoc committee regarding vacant residential properties;</p>	<p>Commissioner Tran made the motion to accept the draft letter as amended, with a second by Commissioner Navarro. The motion passed (6-1-1).</p>

	<p>Commercial Properties June 13, 2019*</p>	<p>2) Make a possible motion for staff to submit the letter on behalf of the Commission; 3) Discuss the report back of the ad hoc committee regarding vacant commercial land and buildings; and, 4) Authorize the ad hoc committee to return to the Commission at a future meeting with a draft letter to the City Council regarding potential strategies for vacant commercial properties, or otherwise amend the draft letter on residential properties to include the Commission's comments on commercial properties. June 13, 2019*</p>	<p>Yes: Tran, Quinn, Wheeler, Shoor, Navarro, Del Buono No: Fitzgerald Abstain: O'Connell June 13, 2019*</p>
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