



HOUSING & COMMUNITY DEVELOPMENT COMMISSION

ANNUAL RETREAT – SPECIAL MEETING AGENDA

WEDNESDAY, AUGUST 26, 5:00-6:30 P.M.

[ZOOM Link to Login](#) | **877-853-5257 (Toll Free) | **Webinar ID: 985 7320 4899****

*** COVID-19 NOTICE ***

Consistent with the California Governor’s Executive Order [No. N-29-20](#), the Housing and Community Development Commission (HCDC) meeting will not be physically open to the public, and the Commission members will be teleconferencing from remote locations.

HCDC is meeting via teleconference from remote locations in accordance with state and local orders and measures taken as a result of the COVID-19 pandemic. Members of the public may view and listen to the meeting by following the instructions below. Additional instructions are provided below to those members of the public who would like to comment on items on the agenda.

How to attend the Housing and Community Development Commission Meeting:

- 1) **Electronic Device Instructions:** For participants who would like to join electronically from a PC, Mac, iPad, iPhone, or Android device, please click this URL:
<https://sanjoseca.zoom.us/j/98573204899>.
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.
- 2) **Telephone Device Instructions:** For participants who would like to join on their telephones, please dial **1-877-853-5257 (Toll Free)** and when prompted, enter meeting **Webinar ID: 985 7320 4899**. You may also **press *9** to raise a hand to speak.
- 3) **Public Comments prior to meeting:** If you would like to submit your comments prior to the meeting, please e-mail viviane.nguyen@sanjoseca.gov or contact 408-975-4462. Comments submitted prior to the meeting will be considered as if you were present in the meeting.

Commissioners are strongly encouraged to log on by 4:30pm to ensure there are no technical difficulties – thank you!



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Note: All listed agenda item times are approximate.

TIME AGENDA ITEM	
DAY ONE - Wednesday, August 26, 2020 5:00 PM to 6:30 P.M.	
4:45	Log-in
5:00	(a) Call to Order/Orders of the Day
5:05	(b) Introductions
5:10	(c) Announcements
5:15	(d) Update on Eviction Moratorium (V. Nguyen, Housing) ACTION: Accept the staff report. (Memos & summary.)
5:40	(e) Update on Recent Grants Activities and Consolidated Plan (K. Clements, Housing) ACTION: Accept the staff report. (Memos & summary.)
6:00	(f) Update on Homelessness Response during COVID-19 (R. Henninger, Housing) ACTION: Accept the staff report. (Memos & summary.)
6:20	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>
6:30	Adjournment



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All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City of San José Housing Department, 200 E. Santa Clara St., 12th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation for this meeting – an alternative format, translation for any related printed materials, or interpretation services for the meeting – please contact Viviane Nguyen at 408-975-4462 or 408-294-9337 (TTY) or Viviane.Nguyen@sanjoseca.gov as soon as possible, but at least three business days before the meeting.

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.

Para residentes que hablan español: Si desea mas información, favor de llamar a Theresa Ramos al 408-975-4475.

Riêng đối với quý vị nói tiếng Việt : Muốn biết thêm chi-tiết, xin vui lòng tiếp xúc với Viviane Nguyen, Đ.T. 408-975-4462.

對於說華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。說粵語的居民則請撥打 408-975-4425 與 Yen Tiet 聯絡。

Para sa mga residente na ang wika ay tagalog: Kung kinakailangan pa ninyo ng inpormasyon, tawagan si Shirlee Victorio sa 408-975-2649. Salamat Po.

HCDC Retreat | August 27, 2020
Summary of Key City Council Actions Provided to Commission

Item	Date	City Council Actions
d	8/25/2020	<p><u>Eviction Moratorium Indicators Memo</u></p> <ul style="list-style-type: none"> • Discusses indicators of need for moratorium on evictions • Extends expiration to Sep. 30, 2020 • Summarizes history of Moratorium • Note: Santa Clara County moratorium page link: https://www.sccgov.org/sites/osh/EvictionMoratorium/Pages/home.aspx
d	4/21/2020	<p><u>Moratorium on Rent Increases for ARO and Mobilehomes</u></p> <ul style="list-style-type: none"> • Prohibits rent increases in effect Apr. 1 through Dec. 31, 2020 • Suspends late fee charges • Permits voluntary short-term agreements with landlords and tenants • Denies tenant reduction service claims for common areas closed due to COVID • Waives building repair/maintenance permit fees for < 20 units
e	8/11/2020	<p><u>Final 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan</u></p> <ul style="list-style-type: none"> • Establishes 4 priority areas of spending <ul style="list-style-type: none"> ○ Prevent and Address Homelessness ○ Create and Preserve Affordable Housing ○ Promote Fair Housing ○ Strengthen and Stabilize Communities • Finalizes spending plan for \$14.8M for FY 2020-21 • Creates spending plan for \$32.8M in ESG CARES (R2) funds for Homelessness
e	4/21/2020	<p><u>Amendment to the 2015-20 ConPlan and FY 2019-20 Annual Action Plan</u></p> <ul style="list-style-type: none"> • Redirects \$6.2M in CDBG for COVID relief for food, low-income microenterprise assistance, and emergency shelter operations, and amends ConPlan to allow those uses • Redirects \$400K to single family rehab to meet spending deadlines • Accepts and appropriates \$2.7M in ESG CARES Act (R1) funds for emergency shelter costs, rapid rehousing services including hotel/motel vouchers, homelessness prevention services, and COVID-related staffing • Accepts and appropriates \$210K in HOPWA CARES Act funds for additional housing assistance to people living with HIV/AIDS • Accepts and appropriates \$5.3M in CDBG CARES Act (R1) funds for emergency shelter costs, hotel/motel vouchers, and COVID-related staffing
e	6/30/2020	<p><u>Second Amendment to Annual Action Plan FY 2019-20</u></p> <ul style="list-style-type: none"> • Redirects \$6.5M in HOME to tenant-based rental assistance for COVID relief to families and survivors of domestic violence • Redirects \$589K in CDBG to family calming kits, community Wifi predevelopment costs, and costs for motel vouchers for non-congregate emergency shelter

HCDC Retreat | August 27, 2020
Summary of Key City Council Actions Provided to Commission

Item	Date	City Council Actions
e	8/4/2020	<p><u>Amendment to the Citizen Participation Plan</u></p> <ul style="list-style-type: none"> • Amends CPP which governs outreach for plans and reports related to the use of federal funds to add emergency provisions enabling the City to: <ul style="list-style-type: none"> ○ hold virtual meetings ○ shorten public notice period to 7 days ○ shorten public opportunity to comment to 5 days • Allows virtual attendance in conjunction with in-person meetings to the extent allowed by the State’s Brown Act (note: may require State law change) • Incorporates the Assessment of Fair Housing • Makes other technical amendments
f	4/7/2020	<p><u>Declaration of a Shelter Crisis for COVID-19</u></p>
f	4/21/2020	<p><u>Accept \$23.8M in HHAP Grant from the State of CA and Authorize Contracts</u></p> <ul style="list-style-type: none"> • \$3M for employment initiative and homelessness prevention system for homeless families and individuals • \$2M for housing and supportive services to homeless youth 18-25 • \$1.6M to program and grant administration • \$6M to develop emergency bridge housing • Remaining allocated to emergency shelters
f	4/21/2020	<p><u>Actions Related to Temporary Sheltering Operations and Services for COVID</u></p> <ul style="list-style-type: none"> • \$2.8M for 5 overnight warming locations • \$3.2M to operate bridge housing for COVID • 23 units at The Plaza for COVID • \$7.8M for rapid rehousing for COVID
f	5/12/2020	<p><u>Temporary Sheltering Operations and Services for COVID</u></p> <ul style="list-style-type: none"> • \$729K for trailer operations at Story Road



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: August 18, 2020

Approved

Date

8/20/2020

SUBJECT: REPORT ON ECONOMIC INDICATORS TO EVALUATE NEED FOR CONTINUING THE EVICTION MORATORIUM AND EXTENSION OF COVID-19 EVICTION MORATORIUM TO SEPTEMBER 30, 2020

RECOMMENDATION

- (a) Accept the staff report on economic indicators to guide City Council's decision-making regarding the eviction moratorium.
- (b) Adopt a resolution extending the temporary moratorium through September 30, 2020 on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19.

EXECUTIVE SUMMARY

The City of San José is continuing to prioritize housing stability amidst the ongoing Shelter-in-Place Public Health Order from Santa Clara County. Staff continues to receive concerns from residents affected by the pandemic, from tenants who fear homelessness, to small business landlords faced with losing their livelihoods or fear bankruptcy.

Based on staff research, the key findings include:

- ***Unemployment remains at unprecedented levels in key sectors.*** The San José unemployment rate of 12.4% is higher than the County average and above the peak of the 2008 'Great Recession' in California.
- ***Unemployment insurance claims by residents of the City of San José are 12 times the volume of claims than was seen pre-COVID.*** The volume and scale of these unemployment insurance filings continues to break records, driven by a repetitive filing of claims as businesses open, close, and re-open.

- ***While some job sectors are experiencing a positive return in employment numbers, other sectors – such as retail, hospitality and entertainment – lag far behind.*** Recovery in unemployment is not keeping pace with the recovery in jobs, and there are wide discrepancies in unemployment insurance filings among industry sectors. The sectors of Food Services, Retail Services, and Arts, Entertainment, and Recreation have been hit hard. These industries generally employ low-wage workers.
- ***The pandemic has disproportionately affected low-income communities and communities of color.*** Since the pandemic began, low-income residents and residents from Latinx, Black and other communities of color have been overrepresented in jobs decimated by the volatility of the job market.

In this memorandum, staff responded to the City Council’s direction to research and provide economic indicators that can be used as a basis when considering an extension of the eviction moratorium. The memorandum also provides information on moratoria actions taken by government entities, impacts to landlords, and resources available to both landlords and tenants,

OUTCOME

This memorandum includes a recommendation to extend the eviction moratorium for an additional thirty days, and a staff report detailing the economic indicators that informed this recommendation. Extending the moratorium until September 30, 2020, provides eviction protections for renters still being financially impacted by COVID-19.

BACKGROUND

The COVID-19 pandemic crisis continues to spread across City of San José along with other jurisdictions throughout the United States. Following Governor Newsom’s March 4, 2020 State of Emergency declaration for California, a shelter-in-place Order for Santa Clara was enacted on March 16, 2020 and remains in place to help slow the spread of COVID-19. As of August 17, 2020, the City of San José reported 14,636 confirmed cases and 209 deaths related to COVID-19¹. As a result of ongoing spread of the disease and the shelter-in-place, the City is experiencing an unprecedented pandemic-related economic downturn.

From the onset of the shelter-in-place Order, City Council has taken swift and sweeping action to keep residents housed in the effort to slow the coronavirus spread. City Council actions factor the needs of and impact on the housing ecosystem for tenants and landlords and reflect a multifaceted approach to housing stability, including but not limited to establishing an eviction moratorium (**Table 1**).

¹ <https://www.sccgov.org/sites/covid19/Pages/dashboard.aspx>

Table 1: Summary of City Council Actions regarding Eviction Moratorium

Date	Summary of City Council Actions
<u>March 17, 2020</u>	<p>Creation of a Temporary Eviction Moratorium</p> <ul style="list-style-type: none"> ● City Council approved a moratorium on residential evictions for nonpayment of rent. ● The moratorium will be in place for 30 days, and it may be extended by the City Council. ● To stop an eviction under the moratorium, a tenant must document that their income has been reduced due to the COVID-19 pandemic.
<u>April 14, 2020</u>	<p>Extension of the Eviction Moratorium</p> <ul style="list-style-type: none"> ● City Council approved extending the residential eviction moratorium through May 31, 2020. <p>Repayment Period</p> <ul style="list-style-type: none"> ● City Council directed Housing Department staff to draft an amendment to the residential eviction moratorium that would include a repayment period to pay unpaid rent accrued during the Eviction Moratorium
<u>May 19, 2020</u>	<p>Extension and Amendments to the Eviction Moratorium</p> <ul style="list-style-type: none"> ● City Council extended the eviction moratorium through June 30, 2020. ● A repayment period was established for tenants to pay any unpaid rent that accrued during the eviction moratorium. Tenants must pay at least 50% of the unpaid rent in the six months following the end of the Eviction Moratorium. The remaining 50% must be paid one year after the Eviction Moratorium. ● Affected tenants and landlords may voluntarily negotiate their own repayment plans. Before a repayment plan is signed, the landlord must provide the tenant with a written notice of their rights under the eviction moratorium related to repayment of past due rent. ● During the repayment period, landlords may not charge late fees, interest or penalties for the unpaid rent that accrued during the eviction moratorium. ● Retaliation or harassment against tenants for invoking their rights under the moratorium is prohibited. ● If a landlord serves a tenant with a termination notice while the eviction moratorium is in effect, the tenant has seven days to notify the landlord that the tenant's income has been impacted by the COVID-19 pandemic.
<u>June 23, 2020</u>	<p>Extension of Eviction Moratorium</p> <ul style="list-style-type: none"> ● City Council Extended the eviction moratorium through August 31, 2020.

A. Federal, State, and County Actions

Federal, state, and county governments have also adopted temporary eviction moratoria as a component of their multifaceted housing stability strategies. Each moratoria vary in duration, eligibility criteria, repayment parameters and enforcement² (**Table 2**). Some moratoria end this month, including Santa Clara County and the City of San José. City of San José eviction moratorium is currently set to expire August 31, 2020.

Table 2: Temporary Eviction Moratorium Adoption and Expiration Dates

	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
San José	3/17			8/31			
Santa Clara County	3/24			8/31			
California	3/27			9/30			

- County of Santa Clara:** On August 11, 2020, the Santa Clara County Board of Supervisors directed County Counsel staff to return with proposals to extend the Eviction Moratorium for residential and commercial tenants beyond August 31, 2020. At the August 25, 2020 Board of Supervisors meeting, there will be discussion of a possible extension. For the moratorium on commercial evictions, there were concerns about including stronger protection compliance for tenants to protect against illegal evictions or threats for unpaid rent. For residential, the discussion included aligning the County’s deadline with the State Executive Order’s expiration date of September 30, 2020 and also other provisions including fees and penalties for violations.
- Judicial Council of California:** On [August 13, 2020 the Judicial Council voted to end two temporary emergency rules](#) governing evictions and judicial foreclosures, effective through midnight on September 1, 2020. This action enables the courts to accept new unlawful detainer cases.
- President’s Executive Order:** On [August 8, 2020, President Trump signed an Executive Order](#) recognizing the need for additional protections for renters. However, the Order did not explicitly continue the federal eviction moratorium protecting renters living in federally-funded housing as previously established under the CARES Act. Instead, the Order directed the Secretary of Health and Human Services and the Director of CDC to evaluate the need for an extension.

B. Potential Impact on Landlords

Nationwide, economists, housing and eviction researchers are studying moratoria and eviction risk. There is widespread consensus among these experts that a high number of evictions will occur without the moratoria. Further, experts anticipate evictions will be concentrated among

²UCLA Center for Neighborhood Knowledge/Ong & Associates. Paul Ong, Chhandara Pech, Elena Ong, Silvia R. Gonzalez, and Jonathan Ong (April 2020). Economic Impacts of the COVID-19 Crisis in Los Angeles: Identifying Renter Vulnerable Neighborhoods. Accessed June 2020.

those with lower incomes, communities of color, and undocumented workers.³ Researchers at the COVID-19 Eviction Defense Project (Aspen Institute/Bell Policy Center) further predict eviction waves extending to the end of 2020, impacting a wide range of those earning low to middle income.⁴

The [National Low Income Housing Coalition](#) and [The Eviction Lab](#)/Columbia University are among many experts who report a lack of rental income places rental property owners at risk of harm. Individual investors, who often lack access to additional capital, may be particularly vulnerable. Nationally, “mom and pop” landlords own 47% of rental units in the housing market (22.7 million out of 48.5 million units), and more than half (58%) of mom and pop landlords do not have access to any lines of credit that might help them in an emergency.⁵

Missed and late rent payments bring risk of economic instability to “mom and pop” landlords, according to data from the National Association of Hispanic Real Estate Professionals (NAHREP) - a group whose membership disproportionately owns or manages small, often more affordable, rental properties. A NAHREP/Terner Center [survey](#) NAHREP/Terner [Center survey](#) found the majority of respondents - more than 80% of who own or manage buildings with fewer than 20 units - reported a decline in their rental income compared to the first quarter of the year. One in four landlords reported having already borrowed funds to make ends meet and almost two in five lack confidence in their ability to make ends meet over the next 90 days.

Landlords who evict tenants face court costs, short or long term vacancy, related costs, and the loss of 90-95% of rental arrears via sale to a debt collector or other third party. Short term, the lack of rental income may result in unanticipated costs, and an inability to pay mortgages, pay property taxes, and maintain the property. Long term, it places small property owners at greater risk of foreclosure and bankruptcy⁶ threatening their financial security; two-thirds of the NAHREP/Terner survey respondents indicated that they expected their properties to contribute at least one-fourth of their retirement income.⁷

Staff will continue to monitor both national and local information for insights regarding the economic impact of the COVID-19 pandemic on property owners. Leading associations, such as the California Apartment Association, are expected to conduct a survey of its membership on rent collection impacts due to COVID-19.

³ Working Partnerships/Law Foundation of Silicon Valley. *The Eviction Time Bomb* (July 2020) Accessed July 2020.

⁴ COVID-19 Eviction Defense Project. [Colorado's Looming Eviction & Rental Crisis](#). (May 28, 2020). Accessed July 2020.

⁵ CNBC.com. [Small Landlords Struggle As Renters Can't Or Choose Not to Pay Amid Coronavirus Layoffs](#). (April 2, 2020) Accessed July 2020.

⁶Housing Matters on Urban Institute Initiative. Philip ME Garboden and Eva Rosen. [The High Cost of Eviction and the Low Cost of Filing](#) (March 25, 2020) Accessed July 2020.

⁷ National Association of Hispanic Real Estate Professionals & Terner Center for Housing Innovation (UC Berkeley). (July 2020) [How Are Smaller Landlords Weathering the COVID-19 Pandemic?](#) Accessed August 2020.

The California legislature is currently considering a number of bills intended to address the financial needs of renters and landlords, including Senate Bill 1410 and Assembly Bill 1436. More information about these and select housing related bills can be found in **Attachment A**.

C. Rental Assistance Provides Financial Support to Landlords and Relieves Rent Obligations for Tenants

A clear action item for the City to address landlords’ financial concerns and residents’ fear of eviction related to COVID-19 is to provide rental assistance to those in need, with a requirement that the funds go directly to the landlord. To date, the City has awarded \$17.5 million in rental assistance. The majority of the awards are being distributed based on evaluation of vulnerability and need during the intake process.

In addition, the Housing Department is finalizing funding for approximately \$7 million in tenant rental assistance from the City’s Coronavirus Relief Funds from CARES to be granted to Sacred Heart Community Services. These funds will also be used to provide relief for tenants impacted by COVID-19. In total, close to \$25 million will provide rental assistance directly to property owners to provide relief for tenants unable to pay their rent (**Table 3**).

Table 3: Summary of Funding Distributed by Agency

Agency	Amount
Sacred Heart	\$11,750,000
Catholic Charities	\$4,000,000
Bill Wilson Center	\$1,000,000
YWCA	\$121,161
Next Door	\$346,485
Destination: HOME	\$7,850,000
	\$25,067,646

This funding will provide financial support to property owners and will relieve tenants impacted by COVID-19 from mounting rent debts.

D. Notices of Terminations Submitted to the City during Eviction Moratorium

Staff continues to receive Notices of Termination served by landlords during the moratorium. From March 18, 2020 to June 30, 2020, approximately 1,689 notices were submitted. Of these, 1,600 notices were for Nonpayment of Rent. After analyzing the Nonpayment of Rent notices, staff made the following findings, comparing the data to the same time period in 2019, as seen in **Table 4**:

Table 4: Summary of Top 5 Property Complexes that Filed Notices of Terminations for Nonpayment of Rent and Unlawful Detainers

	2019		2020	
	March 18 – June 30		March 18 – June 30	
	Submitted	Total	Submitted	Total
Top 5 Property Complex Filers	604 (23%)	2,589	910 (54%)	1,689
Unlawful Detainers	266		8* due to court closure	

- **Nonpayment of Rent Notices:** 54% of all nonpayment of rent notices were submitted by five property complexes, each complex owning more than 150 units. During the same time period in 2019, the same five property complexes submitting the most Nonpayment of Rent notices comprised only 23% of notices. As such, a reasonable inference would be that smaller property owners have not been serving notices as frequently as complexes with more than 150 units.
- **Unlawful Detainers:** Submissions of Unlawful Detainers (UDs) has decreased during this time period, from 266 UD's in 2019, to 8 UD's in 2020. This low number is likely due to the Courts being closed since April.

Since the Eviction Moratorium took effect, the submission of Nonpayment of Rent notices has increased while submission of Unlawful Detainers has dramatically decreased. While local and State Eviction Moratoriums have suppressed the amount of unlawful detainer lawsuits, staff anticipate a sharp rise in submissions of unlawful detainer lawsuits after September 1, 2020, when the Courts are expected to begin accepting eviction filings.

ANALYSIS

As part of City Council direction, staff compiled data on the impacts of COVID-19. Staff undertook a data-driven analysis specific to the City of San José to help guide decisions made on the City’s Eviction Moratorium. The indicators and analysis are discussed below, with additional information regarding social factors in **Attachment A**.

I. SUMMARY OF INDICATORS

Staff undertook the following process to determine indicators for the analysis:

- Inventoried indicators used by economic, eviction and housing researchers;
- Catalogued a) the availability of relevant data for each proposed indicator and b) the frequency with which that data is refreshed, recognizing we intend to track and update the analysis monthly; and
- Engaged with stakeholders to gather their perspectives regarding which indicators to prioritize.

Several key indicator categories emerged, including but not limited to employment, job growth, consumer spending, missed/late rent payments, childcare access/availability, and the ability to afford other basic needs (food, healthcare). Staff narrowed the potential indicators to those that can reflect city-level data and can be updated monthly. Staff also met with stakeholder groups to gain their perspectives. More information on the key indicator categories can be found in **Attachment A** and **Attachment B**.

Subsequently, staff proceeded with an economic analysis to derive insights from employment, unemployment and unemployment insurance volumes and dollar value. Complementing this work, staff included in this report a Renter Neighborhood Vulnerability Index (RVI) conducted by researchers at the UCLA Center for Neighborhood Knowledge for the City of San José. Considered collectively, these economic analyses converge to create an equity-based framework to guide recommendations regarding the Eviction Moratorium.

A. Indicator #1: Employment

June figures show that since shelter-in-place took effect in mid-March 2020, the City of San José has lost over 52,000 jobs (**Table 5**). This represents a partial recovery of 16,200 jobs from the peak loss in April and May of over 78,000 jobs.

Table 5: Employment COVID-19 Pandemic in 2020

	Feb	Mar	Apr	May	Jun	Month on Month Improvement	Since Pre-COVID
	Pre-COVID	Shelter in Place	Peak Decline	Stable	Recovery Begins		
Santa Clara County	1,028,100	1,007,600	898,300	898,300	929,100	30,800	(99,000)
City of San José	541,300	530,000	472,900	472,900	489,100	16,200	(52,200)

The rate of recovery in jobs must be viewed alongside the overall rate of unemployment for the City and individual claims for unemployment insurance (**Table 6**). In part, this is because the San José labor force is larger than the number of jobs within the city and so relies upon a broader economic recovery in the Bay Area and beyond. The key issue in the monthly change from May to June is that the net reduction in unemployment lagged behind city wide job recovery.

Table 6: Unemployment COVID-19 Pandemic in 2020

	Feb	Mar	Apr	May	June	Month on Month Improvement	Since Pre-COVID
	Pre-COVID	Shelter in Place	Peak	Stable	Recovery Begins		
City of San José	15,100	19,600	75,400	71,600	69,100	-2,500	54,000
Santa Clara County	27,200	35,200	119,400	113,400	110,900	-2,500	83,700
Ratio	55.5	55.7	63.1	63.1	62.3		

In comparing the employment and unemployment figures for the City of San José, data reveal that the recovery in unemployment is not keeping pace with the recovery in jobs. The net changes from May to June reveal that while over 16,000 jobs recovered, resident unemployment fell by only 2,500. This indicates that residents living outside of San José have returned to work in the City, while San José residents remain unemployed.

The data also identifies specific industries that have been hit hard. The prevalence of additional claims varies dramatically between industries, with workers from Food Services, Retail Services, and Arts, Entertainment, and Recreation reporting the highest number of claims. With many of these businesses opening, closing, then re-opening, it is triggering multiple filings for employees impacted by this unpredictable working pattern. In many sectors, the share of additional claims has risen dramatically since the peak of the crisis, and is also higher than pre-crisis levels. The Retail Trade industry stands out especially: less than 30% of initial claims from the industry were additional before the crisis, yet nearly 70% of initial claims were additional in the week ending July 25, 2020.⁸

Jobs within the three industries hit the hardest generally employ low-wage workers (**Table 7**). Data published in August by EDD and UCLA identified that since shelter in place workers in low income sectors with variable working hours such as hotels, retail, personal care, and construction accounted for 55% of all initial claims for unemployment insurance in Santa Clara county. This creates a greater challenge for low-income households in our City as residents working in these sectors are more likely to be renters in San José than in other job classes.

⁸[TJ Hedin, Geoffrey Schnorr](#) and [Till von Wachter](#). *New Analysis: More Than Half of Recent Unemployment Claims are From Californians Who Are Re-Opening Their Claims* (August 6, 2020). Accessed August 2020.

Table 7: Job Trends by Sector by Order of Job Loss (By San José MSA)

	Feb	Apr	June	Feb- April Job Loss	April- June Job Gain	% Recovered	% Not Recovered	Feb- June Job Loss
Leisure & Hospitality	101,600	52,700	78,000	48,900	25,300	51.7	48.3	-23,600
Retail Trade	83,200	70,000	70,600	13,200	600	4.5	95.5	-12,600
Manufacturing	174,800	160,800	164,900	14,000	4,100	29.3	70.7	-9,900
Education & Health Services	179,700	164,900	169,800	14,800	4,900	33.1	66.9	-9,900
Business Services	243,100	233,000	233,800	10,100	800	7.9	92.1	-9,300
Information	103,700	94,200	94,800	9,500	600	6.3	93.7	-8,900
Government	98,600	97,100	91,700	1,500	-5,400			-6,900
Others	34,800	24,600	29,400	10,200	4,800	47.1	52.9	-5,400
Wholesale Trade	31,000	28,100	28,300	2,900	200	6.9	93.1	-2,700
Financial Act.	38,300	36,300	36,100	2,000	-200			-2,200
Transportation	16,500	14,400	15,600	2,100	1,200	57.1	42.9	-900
Construction	51,200	35,400	51,100	15,800	15,700	99.4	0.6	-100
Total	1,156,500	1,011,500	1,064,100	145,000	52,600	36.3	63.7	-92,400

The National League of Cities recently reported that occupational segregation has resulted in Black and Latinx people being overrepresented in low-wage jobs that cannot be transitioned to remote work and due to COVID-19 related layoffs, Black and Latinx people are more likely to experience housing instability.”⁹ In addition, the National League of Cities found that across the United States, “in May, Latinx unemployment reached 17.6% and Black unemployment reached 16.8% in comparison to white unemployment that reached 12.4%. As labor market volatility continues, the City of San José must continue to prioritize policies that promote public health and stabilize housing.

B. Indicator #2: Unemployment

The San José unemployment rate of 12.4% is higher than the County average and above the peak of the Great Recession in California. For context, in January 2010, the unemployment rate in San José reached 12.3%. The City’s percentage of total County unemployment has risen sharply since shelter-in-place Order from 55.5% to 62.3% of the County total. In terms of the impact this has for the City of San José, the most important issue to recognize is not just the percentage change but the volume change for the city when compared to the rest of the county as revealed in **Table 8** from EDD for June 2020:

⁹ National League of Cities. *Embedding Racial Inequity in Housing*. (July 9, 2020) Accessed August 2020.

Table 8: Unemployment rates between County of Santa Clara and City of San José

Jurisdiction	Labor Force	Employment	Unemployment	Rate
County of Santa Clara	1,040,000	929,100	110,900	10.7%
City of San José	558,300	489,100	69,100	12.4%

C. Indicator #3: Unemployment Insurance Claims

As the economy becomes more volatile, residents make claims for unemployment insurance. The volume and scale of claims being made by residents within the City of San José is unprecedented. **Table 9** provided by EDD on request from the City of San José sets out the changes since shelter in place took effect.

Table 9: Monthly Unemployment Insurance Claims in 2020

	Feb	Mar	Apr	May	June	Average	Scale Change
	Pre-COVID	Shelter in Place	Peak	Stable	Recovery		
City of San José	3,926	41,083	65,303	48,216	31,516	46,530	12
Cumulative # of Claims			106,386	154,602	186,118		

Between March and June, the City of San José experienced a record number of applications for unemployment insurance claims. This number may not reflect how many San José residents found gainful employment. However, the number illustrates that the City of San José is experiencing a repetitive filing of claims, resulting in 12 times the volume of claims than was seen pre-COVID. This underscores the continued volatility in the labor market.

D. Indicator #4: Monthly Benefits Paid Out

Income received from unemployment insurance is critical to residents’ ability to pay their bills including rent and other basic needs. EDD publishes monthly the total amount of benefits paid out by County. Staff estimates over the four months since shelter in place the claims made by residents to the City of San José are equivalent to 64% of the County total (**Table 10**). The average monthly amount paid out in benefits since the Order came into effect is \$128 million for the County and \$82 million for the City.

The uncertainty around unemployment benefits necessitates consideration of how much rental assistance an average renter in San José requires in order to pay rent and meet their daily needs. Resolutions to the COVID-19 housing crisis demand an additional infusion of financial assistance. The California Employment Development Department calculates weekly

Unemployment Insurance benefit amounts, which can range from \$40 to \$450 per week.¹⁰ According to the California Policy Lab, without the \$600 per week additional benefits from CARES Act stimulus fund, half of all individuals receiving unemployment insurance benefits would have received payments below the Federal Poverty Level. This demonstrates the disproportionate impact of the shelter-in-place for not just for low-income households and vulnerable populations, but for unemployed workers generally.

Table 10: Monthly Benefits Paid Out in Millions

	Feb	Mar	Apr	May	Jun	Average	Scale Change
	Pre COVID	Shelter in Place	Peak Decline	Stable	Recovery		
County of Santa Clara	\$14.548	\$21.641	\$139.494	\$188.266	\$165.470	\$128.717	9
City of San José	\$9.310	\$13.850	\$89.276	\$120.490	\$105.900	\$82.365	8.8

II. ADDITIONAL INDICATORS FOR COVID-19 RELATED EMPLOYMENT AND INCOME VOLATILITY

The City of San José Office of Economic Development also formulated an Income Volatility Ratio to help gain insights for this report. Separately, UCLA Center for Neighborhood Knowledge, researchers developed a Renter Vulnerability Index (RVI) for the County of Santa Clara and the City of San José

A. San José Office of Economic Development - Income Volatility Ratio

The City of San José Office of Economic Development analysis presented below provides the following: 1) documents the following measures for the City of San José from February-June 2020 for employment, unemployment, and unemployment insurance, and 3) Unemployment Insurance Volumes and Dollar Value presents an “Income Volatility Ratio” formulated to help identify the scale and impact of the COVID-19 pandemic on the City’s resident labor force at a city-wide and neighborhood level in the context of the changes that have taken place in Employment, Unemployment and Unemployment Insurance Volumes and Dollar Value. The Income Volatility Ratio is designed to provide insight on renters’ current ability to resume timely rent payments.

¹⁰ State of California Employment Development Department. Calculator - Unemployment Insurance. Accessed August 2020.

Data used in the analysis:

- EDD Monthly Unemployment Data
- EDD Unemployment Insurance Data
- EDD Employment Data

Methodology to derive Income Volatility Ratio

- City, county and MSA unemployment volume and rate.
- City and county volume of weekly initial claims for unemployment insurance.
- Total monthly unemployment insurance payments made by EDD at county level.
- Monthly employment data at MSA level

Low-income workers are most impacted by the volatility in the labor market and more likely to be renters. Latinx and other communities of color are disproportionately represented in those job sectors most affected by the pandemic. These residents are consequently at greatest risk of eviction without the Eviction Moratorium.

B. UCLA Center for Neighborhood - Renter Neighborhood Vulnerability Index

To assist public agencies and community organizations in implementing the temporary renter protection policies and identify neighborhoods most in need, the UCLA Center for Neighborhood Knowledge developed a Renter Vulnerability Index (RVI) for each neighborhood in Santa Clara County (**Table 11, Table 12**). This index identifies the neighborhoods with a disproportionate concentration of renters “one paycheck away from financial disaster.” The information can be used to better target scarce resources to inform the most vulnerable renters about the new protections and to assist them to avail themselves of the temporary relief.

The Renter Vulnerability Index utilizes three dimensions to identify eviction vulnerable neighborhoods:

- A disproportionate large number of renters on the edge of financial vulnerability due to high housing cost burden;
- A disproportionate large number of workers vulnerable to job displacement due to retail and service-sector closures; and
- A disproportionate number of people excluded from the federal Coronavirus Aid, Relief and Economic Security Act, known as the CARES Act.

Data used in this study include:

- American Community Survey, 2013-2017 and 2014-2018 5-year estimates
- Longitudinal Employer-Household Dynamics, 2013-2017
- Proprietary Data from the UCLA Center for Neighborhood Knowledge

Methodology of Renter Vulnerability Index 2.0 (by Census tract):

- Census tracts with at least 500 renter households
 - Santa Clara County has a total of 372 census tracts of which 215 (58%) have at least 500 renter households. About 85% of the total rental households in the county are located in these 215 tracts.

- Renters with high housing cost burdens
 - Proportion of renters who spend >50% of their household income on rent
 - Proportion of renters who have < \$12,000 annually after paying for housing costs
- Exposure to Job Displacement
 - Pre-COVID-19 unemployment rate
 - Workers in industrial-occupational sectors most at risk of job displacement due to sheltering-in-place order; includes sales workers in retail, service workers in hospitality, and workers in personal care and service occupations.
- Exclusion from economic relief programs
 - Exclusion from unemployment insurance benefits, thus enhanced UI benefits under CARES Act (\$600 weekly)
 - Undocumented population¹¹ [\[i\]](#)
- Many undocumented residents (or ‘families’) are excluded from receiving federal pandemic-relief packages such as the one-time cash payments of \$1,200 (to individuals earning less than \$75,000) and the Pandemic Unemployment Assistance program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Table 11: Neighborhood’s averages (mean) of the six variables used to generate the RVI

	Lowest Vulnerability	Low	Moderate	High	Highest Vulnerability
% Severe rent burdened HHs	17%	24%	25%	31%	36%
% Renter HHs with less than 12K	14%	20%	24%	31%	38%
% Unemployed	4%	5%	4%	6%	9%
% Workers at risk of job displacement	10%	12%	18%	18%	22%
% Workers without UI coverage	7%	14%	19%	21%	22%
% Undocumented population	4%	5%	5%	6%	6%
n (census tracts)	101	49	22	26	17

Note: The reported values in the table represents the average (mean) of all the census tracts in each neighborhood type.

¹¹ [\[i\]](#) Estimate is based on a regression model for Los Angeles County using Zip Code Tabulation Area (ZCTA) level data. The dependent variable is the number of undocumented persons divided by total persons. The former comes from an aggregated administrative file for a social-service program. The independent variables are non-citizens as percent of population, percent non-Hispanic Asian, percent Hispanic, and poverty rate. All are from the 2014-18 American Community Survey 5-year estimates. The model has an R-squared of .89, and is weighted by ZCTA population (due to large variance in the population across ZCTAs).

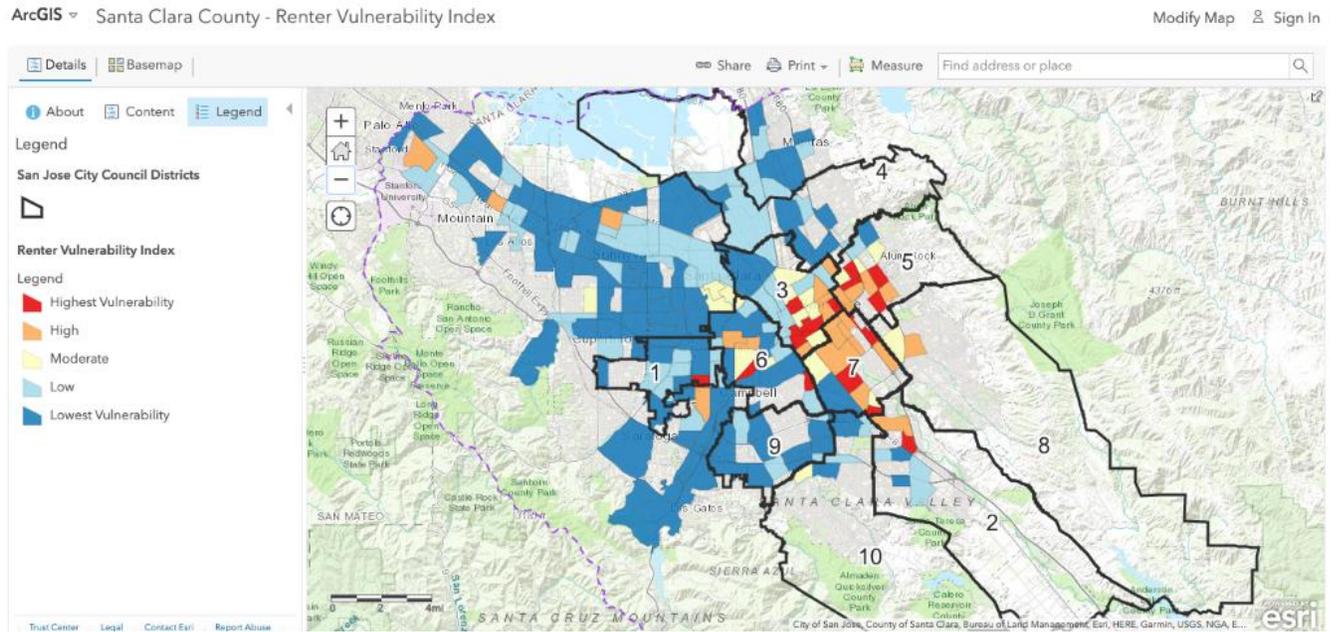
Table 12: Neighborhood's averages (mean) characteristics (demographic, socio-economic, and housing) by RVI neighborhood type

	Lowest Vulnerability	Low	Moderate	High	Highest Vulnerability
% non-Hispanic white	41%	32%	26%	13%	15%
% Black	3%	3%	4%	3%	3%
% Hispanic	15%	28%	45%	55%	54%
% Asian	37%	33%	22%	28%	25%
% Immigrants	38%	40%	35%	44%	41%
% LEP HHs	9%	11%	14%	22%	22%
% Enrolled in College	8%	10%	17%	13%	17%
% Poor	6%	9%	14%	15%	19%
Med. HH Income	128,658	111,237	79,816	66,492	53,770
n (census tracts)	101	49	22	26	17

Note: The reported values in the table represents the average (mean) of all the census tracts in each neighborhood type. Neighborhood characteristics derived from the 2014-18 5-year ACS.

Below is a map (**Figure 1**) depicting neighborhoods in Santa Clara County, zoomed into the City of San José, by their renter vulnerability index. The orange areas represent neighborhoods in District 3, 5, and 7 that are vulnerable with darker shades denoting the greatest vulnerability. The blue areas represent neighborhoods that are less vulnerable, with the darker shade denoting the lowest vulnerability.

Figure 1: Map of the City of San José by Renter Vulnerability Index



It should be noted that the map displays some college areas, particularly around Stanford University and San José State University, as scoring high on the Renter Vulnerability Index. This is not surprising given that many college students fit the conditions of vulnerability under the Renter Vulnerability Index (e.g. college students are more likely to be renters, unemployed, have lower household income). The Renter Vulnerability Index does not exclude college areas, instead we included a separate layer in the web map to display areas with high concentrations of college students (this information is also included in the data spreadsheet). The map can be displayed side-by-side with the renter vulnerability map to identify vulnerable neighborhoods with a high concentration of college students.

CONCLUSION

The City of San José’s labor market and job prospects remain volatile and fragile for many residents. Unemployment remains at unprecedented levels in key sectors, the pace of unemployment insurance filings continues to break records, and while some job sectors are experiencing a positive return in employment numbers, other sectors – such as retail, hospitality and entertainment – lag far behind. This lag is notable as communities that were fragile pre-COVID, including low income, Latinx and other communities of color, are disproportionately represented in those job sectors most decimated by the pandemic. These residents are consequently at greatest risk of eviction without the Eviction Moratorium.

Based on the economic analysis detailed above, staff recommend City Council extend the eviction moratorium for thirty-days through September 30, 2020 and continue to support rent

assistance programs. The Housing Department will continue to track the impact of COVID-19 related housing programs, including tenant and landlord mediation and rent assistance and how they benefit the rental community.

EVALUATION AND FOLLOW-UP

The Housing Department will track and report back to City Council on economic indicators on a thirty-day basis and moving towards a thirty-day extension period.

CLIMATE SMART SAN JOSE

The recommendation in this memo aligns with one or more of Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

Staff conducted public outreach with rent stabilization jurisdictions with Eviction Moratoriums enacted and stakeholder groups (**Table 13**). In the discussion with jurisdictions of the cities of Mountain View, Santa Monica, and West Hollywood, the rent stabilization programs did not have indicators established to determine the extension of the Eviction Moratoriums. The stakeholders provided feedback that the economic indicators could be consolidated and concise metrics.

Table 13: Public Outreach Feedback Summary on Proposed Economic Indicators

Date	Outreach Group
August 6, 2020	Catholic Charities of Santa Clara County <ul style="list-style-type: none">● Proposed economic indicators categories were thorough● Ensure the undocumented community is reflected● Reference food support for vulnerable populations to preserve cash for rent
August 6, 2020	Rent Stabilization Programs from cities of Mountain View, Santa Monica, and West Hollywood <ul style="list-style-type: none">● Proposed economic indicators categories were thorough● Ensure that the City level of data was captured
August 7, 2020	Stakeholders with California Apartment Association and Santa Clara County Association of Realtors <ul style="list-style-type: none">● Review additional data from tenant based rental assistance programs● Include balanced metrics impacting tenants and landlords

COORDINATION

Preparation of this report was coordinated with the City Attorney's Office and the Office of Economic Development.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

FISCAL/POLICY ALIGNMENT

This action is consistent with the City's *Consolidated Plan 2015-2020*, adopted by City Council on May 5, 2015, to provide homes for very low- and extremely low-income households, and with Goal H-2 of the City's *Housing Element 2014-2023*, adopted by City Council on January 27, 2015, to "increase, preserve, and improve San José's affordable housing stock."

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

/s/

JACKY MORALES-FERRAND

Director, Housing Department

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

ATTACHMENTS:

Attachment A: Summary of Principles, Social Factors Research, and State and Federal Housing Legislation

Attachment B: Research to Identify Potential Economic Indicators

SUMMARY OF PRINCIPLES, SOCIAL FACTORS RESEARCH, AND STATE AND FEDERAL HOUSING LEGISLATION

The COVID-19 pandemic continues to disrupt the lives of residents across the City and Country. July 30, 2020 marked six months since the World Health Organization declared the COVID-19 pandemic a health crisis. Since the shelter-in-place Order began in March, staff have analyzed the effects of the pandemic on the rental community. This summary intends to increase understanding on the social factors that influence the way residents are responding to the pandemic. The areas of this analysis include: 1) principles, 2) consideration of social factors, and 3) select State and Federal housing legislation.

I. Principles

Staff sought to understand various aspects of the impact of the Eviction Moratorium on San José's rental community:

- ***The multi-faceted makeup of the rental community:*** considering the City's diverse renter population and its ability to pay rent in a timely manner, as well as the diverse landlord community which ranges from 'mom and pop' property owners to large corporations.
- ***Factors that impact the ability of people to return to work so they can earn income to pay rent:*** Eviction studies reference access to childcare, equitable education access, and an ability to meet basic needs for food and healthcare as factors that can impact an individuals' ability to work (see **Attachment B**). Importantly, Staff's consideration of whether to include factors related to childcare is guided by language in the City of San José Eviction Moratorium, which includes a definition of an "Affected Tenant" as a renter who suffers from substantial financial loss as a result of job loss, reduction in hours, the need to miss work to care for a homebound, school-age child.
- ***Vulnerable populations:*** Analysis from a wide range of groups including the Turner Center for Housing Innovation, California Housing Partnership, and UCLA Center for Neighborhood Knowledge underscore findings that individuals with economic instability pre-COVID are at high eviction risk, as are communities of color.¹ [Working Partnerships/Law Foundation of Silicon Valley](#) published research concluding communities of color – notably, Latinx and Black – are at highest eviction risk, estimating more than 40,000 families may face evictions across Santa Clara County. A recent study from [Catholic Charities of Santa Clara County](#) examined communities at risk during COVID-19, concluding very low-income, rent-burdened families are teetering on the edge of homelessness. The report further highlights the large number of undocumented residents in San José (estimated at 140,000+²) who have limited to no access to COVID-19 emergency support.

¹ <https://turnercenter.berkeley.edu/blog>, <https://chpc.net/covid19/>, <https://knowledge.luskin.ucla.edu/2020/05/06/la-covid-19-economic-crisis-renter-vulnerability-index/>

² https://www.pewresearch.org/fact-tank/2019/03/11/us-metro-areas-unauthorized-immigrants/ft_19-03-11_unauthorizedmetroarea_fewmetroareas_4/

II. CONSIDERATION OF SOCIAL FACTORS

According to the World Health Organization, social determinants of health are the conditions in which people are born, grow, live, work and age, and these circumstances are influenced by the distribution of money, power and resources at a global, national and local level.³ The ongoing health crisis demands more long-term, localized and sustainable solutions that take special consideration of the social determinants that have resulted in increased vulnerability for some members of the San José community. Staff focused on the following social determinants of health to encourage a more robust discussion around the wide-reaching effects of the pandemic: 1) childcare access, 2) education, 3) food security, and 4) immigration status.

Research has increasingly shown that COVID-19 has influenced these social determinants, resulting in a disproportionate effect on low-income communities and communities of color.⁴ Many residents across San José were already at a disadvantage pre-COVID. The interplay between social determinants can have significant effects on COVID-19 outcomes, as illustrated by a Santa Clara County Public Health map highlighting the top five zip codes in San José with extraordinarily high rates of COVID-19 transmission: 95111, 95113, 95116, 95122, and 95127. The interactive map with this information can be found [here](#). Traditionally, residents in these zip codes live in overcrowded conditions, experience lower educational attainment, lower wage earnings and less access to medical care.

A. *Access to Child Care*

For many families and residents across San José, employment is necessary to pay for critical needs: rent, food, and other basic necessities. However, one barrier to returning to work is access to childcare. If a parent is unable to find access to childcare, they are challenged to return to work. As a result of the Santa Clara County Public Health Orders, available child care slots are limited and as such, not all residents may have access to child care. Consequently, this may restrict a resident's opportunity to go to work and pay rent.

There are 1,032 childcare licensed businesses/organizations in the City of San José. In a recent Bay Area wide study by UC Berkeley's Center for the Study of Child Care Employment, more than 50% childcare providers have had to temporarily close their programs during COVID-19 pandemic and a number have had to permanently closed.⁵ Further, due to social distancing requirements, the capacity for full service childcare diminished by at least 50% for most businesses. For the 241 Family Child Care Providers (FCCH) who exclusively conduct business out of their home in San José, they experience additional business pressures: paying rent, access to Personal Protective Equipment, payroll expenses, fear of eviction if their home is rented. These pressures may decrease the overall availability of childcare services. As a result, these challenges may limit the number of residents able to go to work, which directly influences their ability to pay rent.

In addition to the business pressures faced by childcare businesses, the child-care providers continue to put themselves at risk in order to provide service for workers who are still employed.

³ https://www.who.int/social_determinants/sdh_definition/en/

⁴ <https://www.cdc.gov/socialdeterminants/index.htm>

⁵ <https://csce.berkeley.edu/california-child-care-in-crisis-covid-19/>

Prior to the pandemic, access to adequate childcare, especially for infant and toddlers, was significantly low in the most vulnerable, densely populated areas of San José. For those in these areas, the pandemic has only amplified those needs. For example, prior to the COVID-19 pandemic, in zip code 95116, there were 60 infant/toddler slots, with an estimated 1,083 infant/toddler needs. This translates to a 94% of the infants/toddlers lacking available childcare in this zip code. Access to the interactive map with this information can be found [here](#).

Lack of quality childcare may influence a child's access to quality early childhood education, which has direct correlation to a child's success in elementary school, influencing educational attainment overall, which impacts future access to jobs.⁶

The County recently launched a Childcare Support for Families application portal wherein families requiring childcare may apply to enroll their child in an available slot for childcare.⁷ Families are to indicate how many children they have, the age group of the child, and the radius a family is willing to travel within the particular zip code.

Availability and affordability of childcare services is an essential factor in considering the additional barriers residents may be facing as they make decisions to survive the pandemic. The critical nature of this particular service is evident in the City's recent infusion of almost \$3.5 million dollars to support families in need of childcare services as well as funding for childcare providers.

B. K-12 Schools

Similar to the concerns about childcare, families and residents may be forced to stay at home with their school age child as nearly all schools in San José begin the academic year with Distance Learning. This new method of learning will affect over 129,000 students across San José and their families. This reality is reflected in the City's definition of an "Affected Tenant" in the Eviction Moratorium as one who misses work due to a minor child's school closure.

School closures increase food insecurity for children living in poverty who participate in school lunch programs, while malnutrition causes substantial risk to a student's physical health, lowering immune response, potentially increasing the risk of infectious disease transmission.⁸ Whether or not these families will be able to continue providing food for their children is an indicator of the likelihood a family has to pay rent.

C. Food Security

As unemployment skyrocketed during the early stages of the pandemic, pressure on food distribution organizations steadily increased. Food demand across the Santa Clara County increased by over 50% compared to pre-COVID demand. Access to food has become a critical consideration in how affected residents spend their money. As struggling residents continue to be

⁶

<https://static1.squarespace.com/static/5176dcd7e4b0e5c0dba41ee0/t/5cdaf913e5e5f0ad0d3405ed/1557854494596/Santa+Clara+SRA+2018-19+Report+FINAL.pdf>

⁷ <https://www.childcarescc.org/child-care-application>

⁸ [https://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(20\)30234-4/fulltext](https://www.thelancet.com/journals/lanres/article/PIIS2213-2600(20)30234-4/fulltext)

in demand for food, due to job loss or substantial loss of income, the demand for food becomes an indicator that residents may experience challenges to pay rent.

D. Immigration Status

The City of San José is home to a diverse population. The pandemic has highlighted the additional barriers to resources for some members of the San José community including immigrants and undocumented residents.

In April 2020, Catholic Charities conducted a survey of 555 people at three food distribution sites across Santa Clara County, including Our Lady of Refuge in East San José. The survey found that 29% of participants shared that they are seeking immigration assistance but have not been connected to resources. Fear of triggering “public charge” regulations has increased immigrant hesitation to apply for unemployment insurance and CalFresh. However, on July 29, 2020, a federal court ruling prohibited the application and enforcement of the public charge rule that went into effect on February 24, 2020.⁹ The ruling is in effect so long as there is a declared national emergency related to the COVID-19 pandemic. Outreach efforts to educate immigrant families about the new ruling must become a priority to connect immigrant families to critical resources.

Undocumented immigrants are typically unable to access public monies, and California’s Coronavirus (COVID-19) Disaster Relief Assistance for Immigrants has already completed the application intake phase. Undocumented residents may not have employment that permits working from home, and this community is particularly challenged by the downward trends in the labor market, increasing the potential for members of this community to miss rent payments.

III. SELECT STATE AND FEDERAL HOUSING LEGISLATION

The City of San José has demonstrated leadership in its response to the COVID-19 pandemic. The policies enacted and the relief dispersed to vulnerable communities has strengthened the City’s commitment to promote the public good and stabilize housing. However, additional assistance is required at the State and Federal levels in order to help increase the rental community’s resilience.

The following legislative summaries reflect general information that help inform staff on progress at the State and Federal level.

A. State Legislation

The California legislature has proposed several measures seeking to protect rental housing community members challenged by the consequences of COVID-19. Select bills have been highlighted in **Table 1**, below.

⁹ <https://covid19.ca.gov/guide-immigrant-californians/>

Table 1: Summary of Selected Relevant State Legislation

Bill	Summary	Effect	Latest Action
<u>SB 1410</u>	COVID-19 Eviction Relief	Prevents evictions for tenants who enter into an agreement with their landlord, defers a tenant’s unpaid rent to be paid in installments to the State of California between January 1, 2024, and before January 1, 2034. This bill allows tax credits for landlords in the amount of unpaid rent from a signed tenant-landlord agreement for taxable years between January 1, 2024 – January 1, 2034.	Next committee Hearing Date: 8/18/20, in Assembly Committee on Appropriations.
<u>AB 1436</u>	COVID-19 Eviction Protection and housing stability	Prevents residential evictions during the declared state of emergency and for 90 days after, for tenants who attest they experience financial distress due to COVID-19 and creates the Small Landlord and Homeowner Relief Act of 2020, authorizing forbearance for borrowers experiencing financial hardships, including mobilehome owners	Next hearing date: 8/18/20 in Senate Committee on Judiciary.
<u>SB 1431</u>	Property Taxation reassessment: disaster relief	The definition of a “disaster” that allows local property taxation reassessment includes COVID-19	On 6/18/20 placed on suspense file. Bill no longer moving.
<u>SB 915</u>	Prohibit evictions of mobilehome owners and mobilehome residents	Extends temporary protections against evictions for mobilehome owners and residents impacted by COVID-19	8/03/20: Read second time, ordered to third reading, in Assembly.
<u>AB 3300</u>	California Access to Housing and Services Act	Provides \$2 billion in grants to counties and Continuums of Care to address housing challenges	8/04/20: Hearing postponed by Senate Committee. Bill no longer moving.
<u>AB 2406</u>	Homeless Accountability and Prevention Act	Any landlord that accepts COVID-19 federal or state assistance must list their units in a statewide rental registry portal	6/3/2020: Held under submission. Bill no longer moving.
<u>AB 828</u>	Temporary moratorium on foreclosures and unlawful detainer actions	Statewide temporary moratorium on foreclosures and unlawful detainer actions	7/28/20: Referred to Senate Judiciary committee, bill not set for hearing.

If passed, these bills may alleviate some of the financial burdens on the rental communities as a result of the pandemic. These policies also present important opportunities in preventing homelessness. Additionally, these measures provide sweeping foreclosure protections to homeowners and housing service providers.

B. Federal Legislation

Both chambers of U.S. Congress have proposed several measures seeking enhancement of protections for residents struggling with the ramifications of the COVID-19 pandemic. While many bills have been proposed, including those aimed at generating sustainable funding streams for childcare, additional rent relief for tenants, and mortgage cancellation for affected landlords, most bills have not moved past their respective chamber. Further, there has not been any significant movement on the HEROES Act in the Senate, the bill meant to provide an additional \$1,200 per individual and rental assistance funding. However, on August 8, 2020, the President of the United States signed an Executive Order restoring an extra \$400 in unemployment benefits for Americans unemployed due to COVID-19.

Staff across the City are monitoring the progress of these Federal bills and action taken by the Federal Government. Nationwide assistance would bring relief to many of the City's residents who continue to bear the burdens of a volatile labor market.

RESEARCH TO IDENTIFY POTENTIAL ECONOMIC INDICATORS

A. Background

A recent Turner Center analysis noted evictions result in severe harm; when they become widespread, there are also significant consequences for entire communities and even the speed of economic recovery. Policymakers are actively seeking solutions, but it is difficult to prepare without knowing the size of the problem⁴. This challenge is well characterized in the recent *New York Times* article [Millions of Evictions Are a Sharper Threat as Government Support Ends](#).

Timely U.S. Bureau of Labor Statistics data on employment and earnings do not include household information. Subsequently there is no direct insight into whether workers rent or own, or how much of their household's income goes toward housing costs—key indicators needed to understand the scope of renter vulnerability stemming from the current downturn.

B. Methodology

Staff undertook online research to understand a) *categories* of data that experts use when conducting data-driven eviction-related analyses and b) the *data sets* that correlate with each category.

Staff reviewed reports from across the United States as well as work focused on Santa Clara County and/or City of San José. Partial list of report authors: Apartment List Monthly Housing Payment Survey, California Policy Institute, Catholic Charities of Santa Clara County, COVID-19 Eviction Defense Project (Aspen Institute/Bell Policy), The Eviction Lab, MIT/City Life-Vida Urbana, NYU Furman Center, Glassdoor Economic Research, International Journal of Housing Policy, Jane Place Neighborhood Sustainability Initiative, Joint Center for Housing Studies of Harvard University, National Low Income Housing Coalition, Liberty Street Economics, National Association of Hispanic Real Estate Professionals/Terner Center Survey, Opportunity Insights [OI Economic Tracker](#), Propublica, Renters and Rental Market Crisis Working Group (Urban Institute), The Terner Center for Housing Innovation (UC Berkeley), UCLA Center for Neighborhood Knowledge, UCLA Ziman Center for Real Estate [economic letter](#), Yelp Local Economic Impact Report and Working Partnerships/Law Foundation of Silicon Valley.

C. Findings

Staff could find no national, state or regional guidelines nor expert consensus for economic indicators to guide a policy-makers decision to extend or lift eviction moratoria. Given a lack of expert consensus or guidelines, we inventoried categories of data that experts are using in the rapidly growing body of evidence. A summary is below in **Table 1**:

Table 1: Categories of Data

Category
Financial
<ul style="list-style-type: none">• Unemployment Rate
<ul style="list-style-type: none">• Unemployment Insurance Filings
<ul style="list-style-type: none">• Business Sector
<ul style="list-style-type: none">• CARES Act funding
<ul style="list-style-type: none">• PPE Loans
<ul style="list-style-type: none">• Consumer Confidence Index
<ul style="list-style-type: none">• Jobs Reports (lost, recovered, new)
Housing
<ul style="list-style-type: none">• Existing Renter Burden (Pre-COVID-19)
<ul style="list-style-type: none">• Renter Debt (Eviction Moratorium-related)
<ul style="list-style-type: none">• Rent Payments (Missed/Late)
<ul style="list-style-type: none">• Eviction Filings (Court)
Childcare (licensed centers)
<ul style="list-style-type: none">• Access
<ul style="list-style-type: none">• Capacity
Food
<ul style="list-style-type: none">• Distribution volume (pounds of food distributed)
<ul style="list-style-type: none">• Meals served
<ul style="list-style-type: none">• School meals missed/served

Education
<ul style="list-style-type: none">• K-12 schools open/closed
<ul style="list-style-type: none">• Instruction (in-person, hybrid, remote)
<ul style="list-style-type: none">• Technology access (computer, wifi)



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 20, 2020

Approved

Date

4/20/2020

SUBJECT: ACTIONS RELATED TO A TEMPORARY MORATORIUM ON RENT INCREASES FOR RENT STABILIZED APARTMENTS AND MOBILEHOMES, SUSPENSION OF LATE FEE CHARGES FOR APARTMENT RENT ORDINANCE PROGRAM FEES, ALLOW LANDLORDS AND TENANTS TO ENTER INTO AGREEMENTS TO REDUCE RENT, AND WAIVER OF BUILDING APPLICATION FEES FOR APARTMENT BUILDINGS WITH 20 OR FEWER UNITS

RECOMMENDATION

- A. Adopt an urgency ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobilehome owners and mobilehome residents residing in mobilehomes subject to rent control. Specifically, the ordinance would:
1. Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit the eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19;
 2. Prohibit rent increases through December 31, 2020;
 3. Apply the moratorium to rent increases that went into effect on or after April 1, 2020;
 4. Provide that a landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties. Upon termination of such agreement, the rent will increase back to the amount in effect as of March 31, 2020.
 5. Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;
 6. Suspension of late fees for unpaid Apartment Rent Ordinance Program fees;
 7. Waive building/repair maintenance permit fees for rental properties with 20 or fewer units.

Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)

- B. Approve an ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobilehome owners and mobilehome residents residing in mobilehomes subject to rent control. Specifically, the ordinance would:
1. Prohibit rent increases through December 31, 2020;
 2. Apply the moratorium to rent increases that went into effect on or after April 1, 2020;
 3. Provide that a landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties. Upon termination of such agreement, the rent will increase back to the amount in effect as of March 31, 2020.
 4. Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;
 5. Suspension of late fees for unpaid Apartment Rent Ordinance Program fees;
 6. Waive building/repair maintenance permit fees for rental properties with 20 or fewer units.

EXECUTIVE SUMMARY

The Moratorium on Rent Increases accomplishes several established City goals: (a) stabilizing housing, and (b) decreasing homelessness by helping mitigate a tenant's potentially insurmountable debt obligation after the eviction moratorium is lifted, maintaining the tenant's current rent obligation without a rent increase.

The economic devastation resulting from COVID-19 will continue long after the pandemic itself has ebbed. While federal and state authorities exercise their authority to provide financial aid packages and other short-term protections for those impacted by COVID-19, the City of San José has an ongoing commitment to those in our community who may be falling into the gaps of available aid. The Moratorium on Rent Increases is a measure intended to provide some stability for those individuals and families living in rent stabilized units and mobilehomes across the City, prohibiting rent increases on these units until December 31, 2020.

While several measures have been enacted already, including the City and County Eviction Moratoria, as well as State Executive Order N-37-20, this Moratorium on Rent Increases presents another critical opportunity to protect the most vulnerable in the San José community, easing the financial burden residents will experience at the conclusion of this pandemic. As the economy attempts to mitigate the effects of a high job loss rate, the City of San José must be prepared to enact provisions that protect its residents.

OUTCOME

Approval of the recommended actions will provide housing stability to San José tenants living in rent stabilized apartments and rent controlled mobilehomes experiencing financial hardship due to the COVID-19 virus. According to guidance released from the U.S. Department Housing and Urban Development, on March 9, 2020, housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. The approval of the Urgency and Companion Ordinance establishing a moratorium on rent increases will mitigate against mounting financial impacts that many residents in the rent stabilized community are facing due to work closures and job loss. This measure provides housing stability during this volatile period of time, reducing the risk of homelessness for residents in rent stabilized apartments and mobilehomes.

BACKGROUND

The World Health Organization, State of California, and Santa Clara County have recognized that COVID-19 virus is a life-threatening pandemic, and have issued public health declarations from January to March 2020. As a result of the public health declarations, including shelter in place and allowing only essential services, residents impacted by COVID-19 have faced financial challenges to afford rent, due to layoffs and unemployment. As a result, the City, County, and State have each enacted Eviction Moratoriums. In addition, the Santa Clara County Courts may not issue a summons on a complaint for unlawful detainer unless it is necessary for public health.

A. Public Health Declarations

In California, the Department of Public Health reports more than 28,963 positive cases and more than 1,072 deaths as of April 18, 2020.¹ Health officials expect these figures to rise dramatically unless the population adheres to shelter-in-place guidelines and appropriate social distancing. The following public health declarations have been issued:

- On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International concern.
- On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
- On February 10, 2020, the Santa Clara County announced a local health emergency due to the spread of the novel coronavirus.
- On March 11, 2020, the World Health Organization declared the coronavirus outbreak a pandemic.

¹ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

- On March 16, 2020, the County of Santa Clara issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform vital services. All businesses, except essential businesses, are required to cease all activities at facilities located within the County. The order is effective on March 17, 2020 and will remain in place until April 7, 2020.
- On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions.
- On March 31, 2020, the County of Santa Clara extended the shelter in place order through May 3, 2020 with stricter stay-at-home rules. The changes include prohibiting residential and commercial construction, closing dog parks and playgrounds, and requires essential businesses enact tighter social-distancing rules for workers and customers.

B. Eviction Moratoriums Enacted

On March 17, 2020, the City Council adopted an Urgency Ordinance and Resolution, setting in place a moratorium on evictions in the City of San José for renters on the basis of nonpayment of rent, when their income has been reduced due to novel coronavirus (COVID-19) pandemic. The Moratorium went into effect March 18, 2020 for a period of 30 days until April 17, 2020. The City Council may extend the Moratorium by Resolution. [A copy of the City of San José Urgency Ordinance and Resolution can be viewed here.](#)

On March 24, 2020, Santa Clara County Board of Supervisors passed an Urgency Ordinance establishing a temporary moratorium on “COVID-19 Evictions” countywide, including both incorporated and unincorporated areas. The countywide moratorium for residential and small business commercial rentals began on March 24th and is effective through May 31, 2020, unless extended. The Ordinance applies in cities who have passed their own moratoriums, with the condition that the more protective moratorium term will apply. [A copy of the Santa Clara County Eviction Moratorium can be viewed here.](#)

On March 27, 2020, Governor Gavin Newsom issued Executive Order N-37-20, banning the enforcement of evictions by law enforcement or courts for tenants affected by COVID-19 through May 31, 2020. The Executive Order also extends the deadline for such tenants to file a response to an Unlawful Detainer summons in the event an eviction is filed against the tenant. The Executive Order went into effect on March 27th and is in place through May 31, 2020. Under the order, tenants must notify their landlords letting them know they are unable to pay their full rent payment due to COVID-19 before their rent is due or within seven days of the rent due date. The tenant is required to retain documentation, but is not required to submit to landlord in advance. The tenant is still obligated to repay the full amount of rent due once the Executive Order expires. [A copy of the State Executive Order can be viewed here.](#)

On March 30, 2020, Chief Justice Tani G. Cantil-Sakauye issued an order implementing temporary emergency measures that include suspension of the entry of defaults in unlawful detainer actions and suspension of judicial foreclosure actions. For unlawful detainers, the sunset period is for 90 days after the Governor's State of Emergency is lifted or if Judicial Council repeals its order. During this period, courts cannot issue an eviction summons unless it is necessary to protect public health and safety. Default judgments for failure of defendant to appear may not be entered unless necessary for public health and defendant has not filed a court response in the 5 day or 60-day deadline, per the Governor's Order. Trial dates cannot be scheduled after 60 days after request for trial, and dates set as of April 1st must be continued for at least 60 days. [The Chief Justice's Order can be viewed here.](#)

C. Upcoming State Legislation

The California Legislature has also introduced legislation aimed at eviction moratoriums for renters and mobilehome residents: Senate Bill (SB) 915 introduced by Senator Leyva on February 3, 2020 and Assembly Bill (AB) 828 introduced by Assembly Phil Ting on March 20, 2020.

- Assemblymember Phil Ting introduced [AB 828 Moratorium on Evictions and Foreclosures on Residents](#) to help those struggling to make ends meet, imposing a moratorium during local state of emergency and 15 days thereafter on evictions for nonpayment of rent and expiration of a lease and foreclosures on residents. AB 828 defines the moratorium period and provides a framework for repayment of past-due rent through a Court ordered Stipulation. Upon the tenant's request, Courts will convene a hearing to determine whether a tenant's inability to pay the rent resulted from reduced income or increased expenses due to COVID-19 can be demonstrated by the tenant, and the landlord cannot otherwise show good cause, the Court may enter an Order that reduces the rent by 25% for twelve months and provides a repayment plan to pay back the past due rent at a rate of 10% per month. The payment recovery period may go through March 2021. As of April 8, 2020, the Bill was read for a second time with author's amendments and re-referred to the Committee on Public Safety.
- Senator Leyva introduced [SB 915](#) on February 03, 2020 to protect mobilehome residents and mobilehome owners impacted by COVID-19, from evictions. Specifically, the bill would prohibit the management of a mobilehome park from terminating or attempting to terminate the tenancy of a resident impacted by COVID-19 during a declared state or local emergency and for a 120-days after the declared emergency order is lifted. Another protection includes a prohibition on management from issuing a 60-day notice of termination of tenancy during the 120-day timeframe. In addition, the impacted resident shall have 15 days before the resident's rent, utilities, and other park charges are due or seven days following receipt of a 7-day notice to notify the park management in writing of their need to have additional time to pay the rent, utilities and other park charges, or to comply with the 7-day notice due to hardship from the pandemic. The bill also prohibits

management from imposing rent increases or other charges in addition to what is included in the resident's base rent during the time the resident is making payments of the overdue rent or from seeking to enforce the requirements of a 7-day notice served upon the resident. As of April 15, 2020, the bill was read for a second time with the author's amendments and re-referred to the Committee on Housing.

D. Council Actions on Moratorium for Rent Increases

On [April 14, 2020](#), City Council approved the extension of the Eviction Moratorium until May 31, 2020 and directed the City Attorney to return to Council with a draft Urgency and Companion Ordinance implementing a temporary Moratorium on Rent Increases for rent stabilized apartments and rent controlled mobilehomes. The components of the Moratorium on Rent Increases approved included:

- Prohibiting rent increases through December 31, 2020,
- Applying the moratorium to rent increases that went into effect on April 1, 2020,
- Prohibiting tenant petitions based upon service reduction claims related to closure or elimination of common area amenities resulting from compliance with County or State public health orders related to COVID-19,
- Suspending registration late fees for owners of rent stabilized apartments and rent controlled mobilehome parks through December 31, 2020, and
- Suspending of building permit fees for rental properties with 20 or fewer units.

ANALYSIS

The COVID-19 virus pandemic has grown exponentially since the first case reported in Santa Clara County on January 31, 2020. The rapid transmission rate of COVID-19 has changed the very nature of how we work, live, and protect ourselves against the spread of this virus. With the increased number of layoffs from service industries across San José and County-wide school closures, the implications of the pandemic are debilitating, restricting many residents' ability to afford the basic and fundamental necessities of life including food, housing, and healthcare. Residents across San José require financial and food assistance at levels straining local, state and federal governments resources, with the rising demands unmet. The widespread nature of the crisis is straining health and food providers, and delays in securing funding for relief programs means residents are putting themselves at risk to gain access to these critical services. At the same time, landlords and mobilehome owners are facing financial insecurity as tenants have not been able to pay rent in April. Looking forward to the coming months, it is unclear how deep and widespread the economic impacts will be on the rental housing market.

The key areas of analysis are:

- Financial impacts on residents and loss of income,
- Mechanisms of a Moratorium on Rent Increases for rent stabilized apartments and mobilehomes, and
- Outstanding City Council action items.

Through phone calls and emails, staff heard the impact of COVID-19 on tenants and landlords from over 570 residents. Tenants have shared stories of their personal hardships as a result of COVID-19, including:

- A mobilhome elderly resident who, on April 1, 2020, received a 90-day notice of rent increase. The rent increase will go into effect July 1, 2020.
- Tenant is currently working through a petition under the Apartment Rent Ordinance, contacted the Program to let the staff know they had received a rent increase.
- Tenant is both a residential and commercial tenant. Her business is not considered an essential service and was required to close during the shelter-in-place order. As a result, she was unable to generate income and may be unable to afford rent and lose her rental. She is also at risk of being unable to pay her commercial space and may potentially lose her inventory.

Landlords and mobilehome owners also shared concerns of their hardship, including:

- Mobilehome park owner who inquired after the requirements of the Eviction Moratorium commented that they were still interested in implementing a rent increase. The park owner stated that not increasing rents on the anniversary of rent increase would push the anniversary date back for everyone in the park, and this would affect their small family business. The mobilehome park owner shared that it was a scary time for small businesses and increasing rents for households who are still employed may offset some of the lost revenue from those households that can no longer pay their rent.
- Landlord and spouse are a retired couple living on a fixed income in San José. The landlord received social security and purchased a duplex property as an investment for their retirement to offset living expenses and relies on the rental income to pay the mortgage of their duplex and home. Both tenants residing in the duplex property notified the landlord that they could not pay April's rent. One tenant was laid off and the other tenant was impacted by reduced hours from their employer. The landlord is in jeopardy of defaulting on their mortgage payment and does not have any means to repay a loan.
- The landlord and spouse are a retired couple who own a four-plex in San José. The landlord relies on the rental income of the property to pay living expenses, as well as property tax, insurance, utilities, and maintenance. The landlords household has an adult disabled daughter and grandchildren who are financially dependent on the landlord.

I. FINANCIAL IMPACTS ON RESIDENTS AND LOSS OF INCOME

The financial impact due to COVID-19 has impacted low-wage households, resulted in an increase of unemployment insurance claims statewide, and notices of termination continue to be submitted by landlords and property managers for non-payment of rent in San José due to COVID-19. Depending on the source of income and immigration status, there will still be a significant gap between when the relief funds will be dispersed to alleviate challenges.

- A. Impact on Low-Wage Households** – Depending on residents’ work status, they face different challenges in accessing financial assistance. The City of San José is home to essentially three different types of workers most significantly impacted by the COVID-19: 1) workers with W-2s; 2) Independent Contractors; and 3) undocumented workers. Financial assistance from the Federal Government often precludes those without a W-2 and the undocumented community from qualifying for assistance. For these workers and their families, the consequences of not working can be devastating. With resources unavailable to these workers, the challenge for local and state governments continues to be finding resolutions and funding streams available to provide for these vulnerable populations. The adoption of a rent increase moratorium will allow time for funding to be received by qualified residents and will provided time for other forms of assistance to be available to the most vulnerable populations.
- B. Impact on Undocumented Immigrants in San José** – The effects of the COVID-19 pandemic are not equitably distributed among the City’s work force. Among the three categories of workers in the City – those with W-2s, independent contractors and undocumented workers – it is undocumented workers who may face additional challenges in recovering from this pandemic. Undocumented workers are ineligible for the Federal CARES Act benefits. While Governor Newsom announced \$125 million relief fund for undocumented immigrants, with up to \$1,000 per family and \$500 per individual, the need for basic provisions may exceed the amount allocated to each household. Coupled with the reality that this community may not have traditional jobs to rejoin the job market after the pandemic ends, the Moratorium on Rent Increases will assist undocumented immigrants by keeping the rent in their units low, easing the pressure of needing to earn additional funds to pay for an increase in rent.
- C. Increase in Unemployment** – The California Employment Development Department (EDD) reports the unemployment rate jumped from 3.9% in February to 5.3% for the end of March, translating to the highest rate increase in almost four decades and nearly 100,000 jobs lost.² Preliminary figures project that Santa Clara County, which has a labor force of 1,042,500, experienced unemployment figures at 34,300 by the end of March.³ According to an April 8 forecast released by the Center for Business and Policy

² <https://www.edd.ca.gov/newsroom/unemployment-april-2020.htm>

³ <https://www.edd.ca.gov/newsroom/unemployment-april-2020.htm>

Research, the Bay Area could suffer a loss of 835,000 jobs over the next few months.⁴ Even after the state begins implementing Governor Newsom's framework for reopening the economy, the process of economic recovery will be gradual and the City of San José must be prepared to protect its residents.

D. Notices of Terminations Submitted to Housing Department – Under the City Eviction Moratorium, the landlords and property managers must submit copies of the notices of terminations to the Housing Department. From March 18th to April 16th, there were 586 notices of terminations received. Of the 586 notices, there were 531 or 91% are based on nonpayment of rent. On average, the Housing Department receives over 700 notices a month.

E. Rent Burden of ARO Renters – According to the findings of the 2019 Economic Roundtable Study,⁵ nearly 53% of ARO renters are rent burdened and paying 30% or more of their income for housing. The findings also show that ARO renters have moderately lower incomes than a non-ARO renters, earning \$5,700 less in median household incomes based on the latest 2017 data available. The rent burdens are a precondition to the COVID-19 crisis.

II. MECHANISMS OF MORATORIUM ON RENT INCREASES FOR RENT STABILIZED APARTMENTS AND MOBILEHOMES

On [April 14, 2020](#), City Council directed the City Attorney to draft an Urgency Ordinance and Companion Ordinance (“Ordinance”) implementing a moratorium on rent increases for rent stabilized apartments and rent controlled mobilehomes.

The purpose of the moratorium on rent increases is to further stabilize housing for ARO tenants and mobilehomes residents in the San José community during the COVID-19 pandemic who are struggling to pay their rent, to prevent avoidable homelessness, and maintain the public health during a public health as well as a homelessness crisis. The temporary moratorium on rent increases will help protect the health, safety, and welfare of San José residents. A summary of the Ordinance provisions is included as **Attachment A**, and summarized below.

A. Purpose – The purpose of this Ordinance is to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Ordinance is immediately necessary for the preservation of the public peace, health or safety. Increasing the rent during a time where many tenants are struggling to pay their rent due to loss of work, business closure, or reduced hours, has the potential for destabilizing the residential rental market by placing tenants who are out of work in greater financial uncertainty to pay their rent and thus risk eviction by their landlords from their residences

⁴ <https://www.mercurynews.com/2020/04/17/coronavirus-economy-unemployment-california-bay-area-jobs-layoff-tech-retail-restaurant-hotel-construction-real-estate-google-apple-facebook/>

⁵ <https://economicrt.org/wp-content/uploads/2019/11/ERT-San-Jose-ARO-Update-2019-FINAL.pdf>

once an eviction moratorium ends. It is intended to enable rent-stabilized tenants, mobilehome residents and mobilehome owners in the City to be temporarily exempt from rent increases to reduce the risk that these events will lead to potential homelessness for the rent stabilized housing community, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on rent increases imposed by this Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

B. Scope – This Moratorium on Rent Increases applies to any tenant, mobilehome resident, or mobilehome owner subject to the provisions of Chapter 17.22 or Parts 1-9 of Chapter 17.23 of the San José Municipal Code. This would apply to all tenants living in the 38,000 rent stabilized apartments and residents living in over 10,000 rent controlled Mobilehomes throughout the City of San José.

- ***For Apartments*** – As per the authority granted under the ARO Chapter 17.23.167, the Moratorium on Rent Increases will apply to rent stabilized units. These units include a “rental unit in a Guesthouse or in any multiple dwelling building for which a certificate of occupancy was issued on or prior to September 7, 1979 or that was offered or available for rent on or before this date.” Thus, rental buildings consisting of three or more units and constructed prior to September 7, 1979 are covered by the Moratorium on Rent Increases.
- ***For Mobilehomes*** – The City’s Mobilehome Rent Ordinance Chapter 17.22.155 covers spaces for which plumbing, electrical and sewer permits were issued prior to September 7, 1979. Some mobilehome spaces may be exempt from the Ordinance. The Mobilehome Rent Ordinance specifies that a rental unit means a “mobilehome or mobilehome lot, located in a mobilehome park in the City of San José, which is offered or available for Rent.” A mobilehome is defined as “a structure transportable in one or more sections, designed and equipped to contain no more than one dwelling unit, to be used with or without a foundation system.” These mobilehomes and trailer owners and renters would be subject to the Moratorium on Rent Increases.

C. Length of Protection – The Moratorium on Rent Increases will be effective upon the Ordinance’s adoption through December 31, 2020. This deadline aligns with the National Emergency Concerning the Novel Coronavirus Disease Outbreak and the Federal government’s protection for individuals under the CARES Act. These protections include an extension of Unemployment Insurance benefits for workers for an additional 13 weeks through December 31, 2020 after state Unemployment Insurance benefits end;⁶ a waiver of early withdrawal penalties for qualified individuals affected by the

⁶ <https://taxfoundation.org/cares-act-senate-coronavirus-bill-economic-relief-plan/>

coronavirus who have retirement savings that would typically be inaccessible or subject to penalties, for coronavirus-related distributions made between January 1, 2020 and December 31, 2020;⁷ and relief for student borrowers wherein employers may reimburse employees up to \$5,250 in student loan repayment assistance or other education-assistance payments from March 27, 2020 through December 31, 2020.⁸ Additionally, the CARES act protections extend to employer-side Social Security payroll tax, delaying payments until January 1, 2021, with 50 percent owed on December 31, 2021 and the other half owed on December 31, 2022.⁹

D. Moratorium on Rent Increases – For the duration of this Urgency Ordinance, a Landlord may not increase the rent upon any Rental Unit that is subject to the provisions of Chapter 17.22 or Parts 1-9 of Chapter 17.23 of the San Jose Municipal Code. For tenancies existing on or before March 31, 2020, the monthly rent during the term of this Ordinance shall be the tenancy’s contract rent in effect as of March 31, 2020. Landlords may file a fair return petition with the Housing Department, as permitted under Chapter 17.22 or Part 8 of Chapter 17.23 of the San José Municipal Code. A rent increase resulting from a fair return determination will be allowable under the Moratorium on Rent Increases.

- ***For Apartments*** – Chapter 17.23.310 of the ARO includes a limitation on how much a landlord may be able to raise the rent in any given 12-month period, known as “Annual General Increase.” The Annual General Increase in 17.23.310(B) is limited to “the monthly Rent charged for the previous twelve months for the Rent Stabilized Unit multiplied by 5%.” The Moratorium on Rent Increases will prohibit any landlord of increasing the rent in a rent stabilized unit until after December 31, 2020.
- ***For Mobilehomes*** – The Moratorium on Rent Increases would prohibit mobilehome park owners from increasing rent in their mobilehome parks until after December 31, 2020. The Mobilehome Rent Ordinance Chapter 17.22.450 regulates the Rent Increases allowable without review, known as the “Maximum Annual Standard Percentage Increase” (MASPI) Mobilehome Owners are permitted to bank their rent increases from the previous year, allowing them to combine two years of MASPI allowed rent increases. The banking opportunity would grant the mobilehome residents a 24-month reprieve to recover and prepare for the banked increase of rent. As a result, mobilehome park owners can provide relief for mobilehome residents and owners struggling to pay their current rent. Mobilehome park owners, whose effective date of the last rent increase was more than 24 months prior to the effective date of the current rent increase, maintain the opportunity to increase rent in the amount equal to the cumulative total of the maximum annual percentage increase for the current year and the previous year, as applied to the then current base rent. This

⁷ <https://www.finra.org/investors/insights/cares-act-2020-retirement-fund-access-and-student-loan-relief>

⁸ <https://www.finra.org/investors/insights/cares-act-2020-retirement-fund-access-and-student-loan-relief>

⁹ <https://www.finra.org/investors/insights/cares-act-2020-retirement-fund-access-and-student-loan-relief>

Moratorium on Rent Increases also attempts to avoid the costs and disruptions from legal actions arising from non-payment of rent disputes, making residents more likely to pay the increased banked rent increase and decreasing potential unlawful detainers and vacancies.

- F. Voluntary Agreements to Temporary Reduce Rent** – A landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties. Upon termination of such agreement, the rent will increase back to the amount in effect as of March 31, 2020. Agreements are only enforceable and have effect through the term of the Ordinance.

Some landlords are actively working with their tenants to reduce rents to provide relief during the COVID-19 crisis. In rent stabilized properties, rent increases are limited to the annual general increase and may not be increased beyond this amount. The temporary rent reduction provision will allow landlords to temporarily reduce rent through the term of the Ordinance, and afterwards they can return rents to the amounts charged under their underlying rental contract. There may be cases when returning the rent to the prior rate will exceed a 5% increase; this will be allowable during the term of the Moratorium on Rent Increases in order to encourage landlords to reduce the rent during the period of the moratorium. The restoration to pre-COVID-19 rents may result in destabilization to tenants; however, this provision will encourage landlords to reduce rents to keep residents housed during the most difficult months of the COVID-19 crisis.

- G. Prohibit Filings of ARO Tenant Petitions based on Service Reduction** – This Ordinance also includes a provision that precludes service reduction claims for based upon closure or elimination of recreational common area amenities resulting from County or State public health orders related to COVID-19 pandemic. Petitions for service reductions related to health and safety concerns, and those impacting the rental unit specifically, will continue to be accepted during the Moratorium on Rent Increases.
- H. Suspension of Late Fees for Rent Stabilization Program Fees** – Any outstanding late fees for owners of rent stabilized apartments under the Apartment Rent Ordinance are suspended through December 31, 2020. As of April 16, there is currently a minor portion of rent stabilized owners with outstanding late fees. Late fees will not accrue during the term of this Ordinance for failure to pay program fees due in fiscal year 2019-2020, as required under Chapter 17.22 of the San José Municipal Code. Any late fees accruing up to this point are still owed by the Landlord, but they will not accrue any additional late fees during the term of the Ordinance. The Housing Department will work with the Finance Department to notify the landlords and park owners that charging any additional late fees is suspended until December 31, 2020.

- I. Waiver of Building Permit Application Fees for Rental Properties with 20 or Fewer units** – The waiver for building permit application fees will apply to repairs or maintenance of apartments that would require a permit. The waiver will be applied to the application fees for building permits including plumbing, electrical and mechanical permits. For example, if a water heater needed to be replaced, a building permit would be required – and the application fee for that building permit = would be waived. However, it would not include waivers on construction taxes, nor waivers of any State or school fees (which are outside of the City’s authority to waive). There are approximately 27,000 rent stabilized apartments with 20 units or less throughout the City. Without knowing what types or the scale of repairs or maintenance is needed for these units, it is difficult to project the number of waivers that will be issued under this provision.
- J. Affirmative Defense for Eviction if Rents Are Increased** – Non-compliance with any applicable component of this Ordinance may be an affirmative defense for a tenant against any unlawful detainer action for nonpayment of rent filed under California Code of Civil Procedure section 1161(2) or California Civil Code Section 798.56(e), as amended.

Therefore, a tenant may use this Ordinance as a defense if a landlord increases rent during this Moratorium a tenant does not pay it, and a landlord tries to evict them for not paying the increased amount.an unlawful detainer action to challenge.

III. OUTSTANDING COUNCIL ACTION ITEMS

On April 14, 2020, the Council approved extending the Moratorium to May 31, 2020 on evictions for those financially-impacted by COVID-19 and directed the City Attorney to make additional amendments to the Eviction Moratorium Ordinance. The following amendments will be included in the Ordinance brought on May 5, 2020, subject to the City Attorney’s review:

- Extending the time for the tenant to notify their landlord of their status as an affected tenant to seven days after the notice of termination is served;
- Prohibiting landlord retaliation and harassment of tenants;
- Prohibiting eviction of tenants who have been infected or are suffering from COVID-19 under the pretext of a good cause reason to terminate the tenancy;
- Prohibiting serving notices upon tenants that a landlord knows or has reason to know is currently impacted by COVID-19.
- Allowing Affected Tenants to repay the past due rent accruing during the moratorium by December 31, 2020.

Additionally, the City Council directed Staff to craft a template affidavit that tenants can submit in cases where tenants are unable to provide any other verifiable evidence of their COVID-19-related impacts, as is often the case with undocumented individuals working in the informal economy.

Finally, the City Council directed staff to “consider a Council led task force to initiate a convening of stakeholders representing landlords and tenants to explore alternative solutions to address the needs of our rental community impacted by COVID-19.” Following the City Council discussion, staff is moving forward with the actions below:

- **Stakeholder Workshop** – Housing Department staff is partnering with the City Manager’s Office of Innovation to host an online facilitated brainstorming session the week of May 20 with tenant and landlord representatives. The goal of the workshop will be to develop a list of actions that may be taken to address both the needs of landlords and tenants in the wake of COVID-19 crisis.
- **Silicon Valley at Home Facilitated Discussion** – Silicon Valley at Home will host two workshops facilitating a discussion with thought leaders in the housing industry to brainstorm about the challenges facing landlords, homeowners, and tenants. The goal of these sessions will be to identify additional local, State, and federal responses to the COVID-19 crisis.

After further evaluation, staff determined that meaningful brainstorming input can be secured from the two methods above; results will be shared with the City Council and public. Providing support to a City Council led task force would require significant additional staff resources that are not available at this time because staff is assigned to Emergency Operation Center duties. If City Councilmembers wish to hold a task force in addition to current brainstorming efforts, supplemental staffing resources will need to be identified and Brown Act procedures and administrative support for a Council-lead task force would need to be considered.

CONCLUSION

Approving an Ordinance implementing a moratorium on rent increases will continue to provide stabilized housing and create security for those who may face financial hardship as the spread of the pandemic slows and stay at home orders and work closure measures are relaxed so that the economy can begin to recover and individuals can get back to work and in many cases that means finding new employment. Taking proactive measures now will ensure that those most vulnerable in our community, who will be facing the challenges inherent with a recovering job market, can focus on providing for themselves and their families, and not be shouldered with a rent increase when they are already challenged to pay their rent in a rent-burdened rental market. Prohibiting a rent increase prevents exacerbating an already tenuous financial situation for those living in rent stabilized units and mobilehomes, sustaining the rent at a level that the tenants had been able to pay prior to the spread of the virus. This measure also strengthens the City’s commitment to prioritize the health and welfare of its residents.

The uncertainty of where and how long it will take to secure assistance has left many residents at much greater risk of not being able to catch up to pay their bills, thereby increasing their risk of eventual eviction, destabilizing their families, and potentially leading to homelessness. Approving the moratorium on rent increases is a temporary measure to help stabilize housing for tenants living in rent stabilized apartments and mobilehome residents in rent controlled mobilehomes impacted by COVID-19 in the San José community. By enacting measures to help stabilize housing for residents, the City upholds the purpose of the Apartment Rent Ordinance and Mobilehome Rent Ordinance, and also strengthens its commitment to decrease homelessness. Further, this measure will be in step with other protections at both the state and local level in response to this health and housing crisis to protect the health, safety, and welfare of its citizens.

EVALUATION AND FOLLOW-UP

The City Manager will track the effectiveness of the Moratorium on the Rent Increase, and the continued impact of COVID-19 on the San José community over the coming weeks.

CLIMATE SMART SAN JOSE

The recommendation in this memo aligns with one or more of Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

Stakeholder meetings were held on April 17, 2020 with landlord and tenant representatives. The following is a summary of perspectives shared at the stakeholder meetings in **Table 1** below:

Table 1 – Summary of Perspectives from Stakeholder Meetings with Landlord and Tenant Representatives

April 20, 2020

Subject: Actions Related to a Temporary Moratorium on Rent Increases for Rent Stabilized Apartments and Mobilehomes

Page 16

	Landlord Representatives	Tenant Representatives
Scope	Limit rent increase freeze to tenants impacted by COVID-19, similar to the Eviction Moratorium	Clarify differences between “Eviction Moratorium” and “Moratorium on Rent Increases” for tenants during public information and education outreach
Moratorium on Rent Increases	Replace “suspended” instead of “void”, as the “the rent increase may not be collected during the term of the rent freeze”	Clarify “void” is of rent increases and mechanism of how rent increases paid in April would be affected
Prohibit Filings of ARO Tenant Petitions based on Service Reduction	Prohibit a tenant from filing a service reduction if tenant refuses entry for maintenance or landlord to enter to make repairs	Request for the City of San José to develop a list of essential amenities (e.g. laundry room) versus non-essential (e.g. pool) to comply with public health orders. In addition, the one service reduction that cannot be allowed is the laundry room.
Suspension of Late Fees for Rent Stabilization Program Fees	Include late fees for 2020-2021, which will be billed later this year. The fees for 2019-2020 have already been paid for most landlords.	Comments were not provided on this provision
Suspension of Building Permit Fees for Rental Properties with 20 or Fewer units	Apply to all units. Just as how the Moratorium on Rent Increases applies to all ARO units, the suspension of permit fees should apply to all units. All tenants will have the same need for repairs regardless of what building they live in. Also, gives incentive to landlords in larger buildings to give rent concessions.	Maintain suspension for 20 or less to protect mom and pops owners

Affirmative Defense for Eviction if Rents are Increased	Clarify that tenants can use this as a defense only if they refuse to pay the rent increase that a landlord illegally gave. There will likely be some landlord who mistakenly gives a rent increase because they are confused about the timeline of eviction moratorium versus. rent freeze, or they are just uninformed.	Include a requirement for landlords and mobilehome owners to inform tenants and residents of their rights using a Housing Department approved notice regarding protections under Moratorium on Rent Freeze
Other Alternative Solutions	Allow landlords and tenant to come to a mutual agreement on rent concessions or other means of rent reductions, including banking	Make an amendment where rents may return to original rate after one year of Eviction Moratorium expires on May 31, 2020 or on the latest Shelter In Place Order issued by the County of Santa Clara, whichever is longer

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office, City Manager's Budget Office, and Planning, Building, and Code Enforcement.

COMMISSION RECOMMENDATION

This Housing and Community Development Commission meetings have been cancelled due to the COVID-19 pandemic.

FISCAL/POLICY ALIGNMENT

This action is consistent with the City's Consolidated Plan 2015-2020, adopted by City Council on May 5, 2015, to provide homes for very low- and extremely low-income households, and with Goal H-2 of the City's Housing Element 2014-2023, adopted by City Council on January 27, 2015, to "increase, preserve, and improve San José's affordable housing stock."

HONORABLE MAYOR AND CITY COUNCIL

April 20, 2020

Subject: Actions Related to a Temporary Moratorium on Rent Increases for Rent Stabilized Apartments and Mobilehomes

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COST IMPLICATION

The Building Development Fee Program is a full cost-recovery program. As a result, the review and inspection work associated with the waived building permit and inspection fees for apartment buildings with 20 or fewer units will be charged to the COVID-19 Emergency Response appropriation within the Emergency Reserve Fund. As the level of activity related to this waiver is currently unknown, the Administration will continue to monitor the number and cost of waived permits and recommend future adjustments as necessary.

The suspension of late fees through December 31, 2020 is expected to have a modest impact and will be absorbed within the Rental Stabilization Program Fund.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

/s/

JACKY MORALES-FERRAND
Director, Housing Department

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

ATTACHMENT:

Attachment A – Summary of the Provisions in the Moratorium on Rent Increases



Moratorium on Rent Increases for Rent Stabilized Apartments & Rent Controlled Mobilehomes

Summary of Provisions

On [April 14, 2020](#), directed staff to return to Council to discuss enacting an Urgency and Companion Ordinance for a Moratorium on Rent Increases for rent stabilized apartments and rent controlled mobilehomes, including:

Components	Summary of Provisions
A) Purpose	<ul style="list-style-type: none"> Promote housing stability during COVID-19 pandemic & prevent homelessness
B) Scope	<ul style="list-style-type: none"> Applies to any ARO tenant, mobilehome resident, or mobilehome owner
C) Length of Protection	<ul style="list-style-type: none"> Effective date is 4/21/20 through 12/31/2020
D) Moratorium on Rent Increases	<ul style="list-style-type: none"> Prohibits ARO landlord or mobilehome park owner from increasing rent for rent stabilized apartments or rent controlled mobilehomes Allows ARO landlord or mobilehome park owner to file a fair return petition. A rent increase resulting from a fair return determination will be allowable under the Moratorium on Rent Increases.
E) Allowable Rents	<ul style="list-style-type: none"> For tenancies existing on or before 3/31/2020, the monthly rent during the term of this Ordinance will be the tenancy's contract rent in effect as of 5/31/2020 For any rents that were increased on 4/1/2020, future rents will return to the rent charged on March 31, 2020
F) Allowance of Temporary Rent Reductions	<ul style="list-style-type: none"> Landlords and tenants may enter into an agreement to temporarily reduce rent When ordinance expires, rent may be returned to the prior rental rate without limitation to the annual general increase
G) Prohibit Filings of ARO Tenant Petitions based on Service Reduction	<ul style="list-style-type: none"> Precludes service reduction claims for based upon closure or elimination of recreational common area amenities resulting from County or State public health orders related to COVID-19 pandemic Allows petitions for service reductions related to health and safety concerns and reductions in a tenant's apartment.
H) Suspension of Late Fees for Rent Stabilization Program Fees	<ul style="list-style-type: none"> Late fees on outstanding Rent Stabilization Program fees will not accrue during the term of this Moratorium for failure to pay registration fees due in fiscal year 2019-2020
I) Waiver of Building Permit Application Fees for Rental Properties with 20 or Fewer units	<ul style="list-style-type: none"> Waiver of building permit application fees for repairs on buildings covered by the Apartment Rent Ordinance with 20 units or less Applies to building permit application fees for repairs such as plumbing, mechanical or electrical
J) Affirmative Defense for Eviction if Rents are Increased	<ul style="list-style-type: none"> If a landlord increases rent during the Moratorium, a tenant may use the moratorium as a defense to an eviction for nonpayment of rent



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand
Jim Shannon

SUBJECT: SEE BELOW

DATE: August 7, 2020

Approved

Date

8/7/2020

SUBJECT: ACTIONS RELATED TO THE 2020-25 CONSOLIDATED PLAN AND FISCAL YEAR 2020-21 ANNUAL ACTION PLAN

RECOMMENDATION

- (a) Conduct a final Public Hearing regarding the approval of the City's 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development (HUD), to receive federal housing and community development funding.
- (b) Adopt the City's 2020-25 Consolidated Plan.
- (c) Adopt the City's FY 2020-21 Annual Action Plan, including the FY 2020-21 funding recommendations for \$14,485,604 in funding in the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Solutions Grant (ESG) Program, as well as \$32,836,839 in second round ESG-CV supplemental funding made available to the City by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.
- (d) Adopt a resolution authorizing the City Manager or his designee to accept the Emergency Solutions Grant award as authorized by the CARES Act in the amount of \$32,836,839 and to negotiate and execute related documents to accept these grant funds without further Council action.
- (e) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any extensions, amendments, or modifications, and to execute all documents for the expenditure of CDBG, HOME, HOPWA, ESG, and ESG CARES Act funds on behalf of the City.

- (f) Adopt a resolution authorizing the Housing Department to submit the City's 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan to HUD.
- (g) Adopt the following Appropriation Ordinance Amendments in the Community Development Block Grant Fund:
- (1) Decrease the Unrestricted Ending Fund Balance appropriation by \$1,397,213;
 - (2) Decrease the Housing Rehabilitation Loans & Grants appropriation to the Housing Department by \$902,787;
 - (3) Establish a Childcare Services appropriation to the Housing Department in the amount of \$1,000,000;
 - (4) Increase the Job Readiness Training Project appropriation to the Housing Department by \$700,000; and
 - (5) Increase the Neighborhood Infrastructure Improvements appropriation to the Public Work Department by \$600,000.
- (h) Adopt the following Appropriation Ordinance Amendments in the Home Investment Partnership Program Fund:
- (1) Decrease the Unrestricted Ending Fund Balance appropriation by \$1,199,500; and
 - (2) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$1,199,500.
- (i) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
- (1) Increase the estimate for Revenue from the Federal Government by \$32,836,839;
 - (2) Establish a Street Outreach and Support Services appropriation to the Housing Department in the amount of \$3,403,982;
 - (3) Establish a Hygiene/Infection Control appropriation to the Housing Department in the amount of \$3,882,000;
 - (4) Establish a Housing Shelter appropriation to the Housing Department in the amount of \$22,264,018; and
 - (5) Establish an ESG CARES II Grant Administration appropriation to the Housing Department in the amount of \$3,286,839.

OUTCOME

This public hearing provides a final opportunity for both the City Council and the public to give input on two draft plans, the Five-year Consolidated Plan and the Annual Action Plan, for the use of federal funds for housing and community development uses. HUD requires the City Council's approval of the Five-Year Consolidated Plan and the Annual Action Plan as a condition of the City's receipt of approximately \$14.9 million in formula federal funding annually. The FY 2020-21 Annual Action Plan also includes spending plans for the \$32.8 million in supplemental Coronavirus Aid, Relief, and Economic Security (CARES) Act Emergency Solutions Grant

funding the City received in the second round of allocation by HUD. The deadline to submit the final Plans to HUD is August 15, 2020, for the City to receive its funds timely.

EXECUTIVE SUMMARY

This memo reviews the research conducted, results of outreach, and policy alignment rationales for a five-year spending plan for federal funds from HUD. The purpose of this action is for the City Council to conduct a public hearing on the Draft 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan and then approve the Plans, as required by HUD. Staff's summary of public comment will be submitted to HUD along with the Plans.

This memorandum is nearly the same as the one the City Council heard on August 4, 2020, with two exceptions: first, the amount of CDBG allocated to Childcare Services in FY 2020-21 has been increased from \$850,000 to \$1,000,000 to serve additional families; and, second, corrections have been made to fix typographical errors.

Once approved, these Plans will enable the City to spend approximately \$14.9 million in formula funding from HUD. These Plans also incorporate a spending plan for \$32.8 million in supplemental Coronavirus Aid, Relief, and Economic Security (CARES) Act Emergency Solutions Grant funding the City received in the second round of allocation by HUD. This memo outlines the new Services Outreach Assistance and Resources (SOAR Program), which will use the ESG CARES Act funds to provide comprehensive street-based services, hygiene and trash services, and housing and shelter opportunities for homeless encampment residents.

The 2020-25 Consolidated Plan's four spending priorities over the next five years are to:

1. **Prevent and Address Homelessness** – Increase housing opportunities and self-sufficiency for homeless populations, and assist in the prevention of homelessness for at-risk individuals and families.
2. **Create and Preserve Affordable Housing** – Create new affordable housing opportunities and preserve existing affordable housing.
3. **Promote Fair Housing** – Promote fair housing and lowered barriers to housing.
4. **Strengthen and Stabilize Communities** – Strengthen and stabilize communities' condition, and help to improve residents' ability to increase their employment prospects and grow their assets.

The first three priorities are the same as for the previous Consolidated Plan cycle, 2015-20, as they continue to be of paramount importance for the City. While the fourth priority still allows for investment in community infrastructure as it did last cycle, this new priority focuses far more than before on improving residents' economic opportunities and resilience. It is a people-focused Plan. As the COVID-19 crisis has revealed weaknesses in our society, it has become all-too-apparent that the City must do all it can to strengthen the opportunities for residents in San José. This Plan enables the City to pay for a range of services to help those who are unhoused, paying

too much for housing, in need of legal assistance to keep their housing, and needing to improve their employment prospects.

Of the City's federal HUD funds from FY 2019-20, the City Council approved \$15.3 million to be reallocated in April and July 2020 to address the effects of COVID-19. Many of the contracts spending FY 2020-21 funding also will be spent for COVID-19 relief. In addition, these funding Plans help the City's families and children who are suffering from the effects of the current health crisis. The FY 2020-21 Annual Action Plan provides almost \$15.3 million in funding for 13 programs serving families. This is in addition to the City Council's approval of amendments to the FY 2019-20 Annual Action Plan to fund \$12.8 million for 10 family-serving programs. Staff believes that these spending priorities allow for a balance among the many needs of our community through 2025.

BACKGROUND

As a condition of receiving federal funding, HUD requires the City of San José to complete two planning documents. The first, called a Consolidated Plan, is a five-year strategic planning document identifying priority needs, goals, actions, and funding strategies. The second, called an Annual Action Plan, is a spending plan developed each year and supports the goals identified in the Consolidated Plan. Priorities for the new Consolidated Plan are developed based on the housing and community development needs of the community. Needs are determined through community engagement, analysis of data on local needs, and the policy priorities of the local jurisdiction.

City Council Committee and City Commission Feedback on Proposed Priorities

On March 12, 2020, staff provided the Neighborhood Services & Education (NSE) Committee a report¹ on the purpose, development, and staff's proposed priorities of the 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan, as well as the community input activities that have informed the development of both Plans. The Committee recommended the Housing Department provide information on priorities identified by the public and describe how public input contributed to the development of the Plan. Additionally, the Committee recommended the Department receive input on the Consolidated Plan from Santa Clara County Office of Education (SCCOE). There also was an interest by some Committee members that the City's programs should serve families. These recommendations are discussed further in this memo.

Also on March 12th, staff brought the proposed priorities to the Housing and Community Development Commission. Several commissioners supported the proposed four areas of funding priorities and examples of activities in each area. Commissioners specifically spoke in favor of the creation of new affordable housing and its preservation, homelessness prevention and homeless services, and the importance of strengthening neighborhoods that have low-income residents of color. While two commissioners expressed some concern at spending public funds to

¹ Staff memo, presentation: <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4331276&GUID=22209ED0-76F2-44AE-A870-3AE8FFA6FBCA&Options=&Search=>

increase neighborhood leadership development, five commissioners expressed support for this use. More information on Commissioners' feedback is at the end of this memo.

Public Outreach Process to Gather Data on Community Needs

HUD encourages jurisdictions to complete a regional or joint plan, as needs for housing, homelessness, and other community development uses typically cross jurisdictional boundaries. To accomplish a regional effort, the Santa Clara County Office of Supportive Housing led local collaboration with several other jurisdictions: San José, Campbell, Cupertino, Gilroy, Los Altos, Mountain View, Morgan Hill, Santa Clara, Saratoga, and Sunnyvale. The County convened a working group with representatives from each agency, including the City's Housing Department. On behalf of these jurisdictions, the County issued a request for proposals and led the procurement of a consultant, Michael Baker International, to develop 2020-25 Consolidated Plans per the working group's selection. In total, approximately 308 people participated in public and focus group meetings, and 648 San José residents responded to the Countywide survey, for a total of 956 residents. See **Attachment A** to this memo for outreach events and attendees.

In March, the NSE Committee recommended the Housing Department staff provide information on priorities identified by the public and describe how public input contributed to the development of the Plan. Below is additional information on the outreach process and high-level takeaways. Detailed notes from all outreach are contained in the Consolidated Plan as appendices.

The Housing Department conducted community outreach and engagement for the Consolidated Plan together with its consultant. The City held four "large tent" community meetings for the public at which participants were asked a variety of questions such as, "What should the City's top priorities be over the next five years?" and "What do you feel are the most common or pressing housing problems in the City?" The meetings were held at the Hillview Branch Library, and the Seven Trees, Bascom, and Roosevelt Community Centers. In addition to the four "large tent" meetings, staff worked with local community-based organizations to hold 21 focus group and small stakeholder meetings. These smaller format meetings helped to ensure that feedback was obtained from community members who did not feel comfortable taking on-line surveys, or who typically do not come to City-sponsored outreach meetings. Extensive notes were taken at each meeting and for all other community engagement activities. In total, approximately 308 people participated in public and focus group meetings, and 648 San José residents responded to the Countywide survey, for a total of 956 residents.

The primary themes that emerged from residents' feedback included:

- Providing housing and support services for persons experiencing homelessness, those who are being displaced, and those at-risk of displacement;
- Increasing the amount of affordable housing to meet demand, including for special needs populations such as families and seniors;
- Improving neighborhood physical conditions and infrastructure (such as street lighting, graffiti removal, community centers, youth centers, and playgrounds);

- Expanding opportunities for residents (such as job training and leadership development, affordable childcare, and spaces for small businesses and community nonprofits); and
- Improving fair housing through provision of services (such as assistance with tenant/landlord issues and understanding laws and ordinances for renters).

All these themes are reflected in the proposed priorities for the next Consolidated Plan period. Additionally, in March, the NSE Committee asked the Department to consult with Santa Clara County Office of Education (SCCOE) and other community-based organizations serving families to better understand their needs. Accordingly, staff has met with SCCOE six times since late March to continue to discuss the evolving needs of homeless and at-risk children and their families during the COVID-19 health crisis. As an example, SCCOE's feedback on the need for assistance with broadband access to support youths' educational needs was one reason that the Housing Department redirected funds to pay for community wireless network infrastructure from FY 2019-20 funds, and why it is reflected in the proposed spending plan.

Quantitative Data Indicates Significant Challenges for Lower-income Residents

The following provides a brief snapshot of highlights of Census data required by HUD for the Consolidated Plan (**Attachment B**):

- Of the total number of households in San José, 45 percent earn lower incomes (below 80 percent of area median income (AMI)):
 - 18 percent are extremely low-income (at or below 30 percent AMI);
 - 13 percent are very low-income (31-50 percent AMI); and
 - 14 percent are low-income (51-80 percent AMI).
- Small families – defined by HUD as households with four or fewer persons – represent the largest share of extremely low-income households (36 percent).
- Lower-income renters experience housing problems more than owners: renters with housing problems account for 63 percent of all households below the 100% AMI level with some housing problem (substandard housing, overcrowding, or rent burden).
- Overcrowding is the third-highest housing problem experienced among households below median income.

HUD defines that a segment of the population has a disproportionate outcome when the rate for what is being measured is 10 percent or more than for the group as a whole. Following are some key conclusions on subpopulations in San José that experience more housing challenges than others:

- In San José, 85% of extremely low-income residents have at least one HUD-defined housing problem, but this was disproportionately true for two groups - 95% of Pacific Islander residents reported problems, as did 100% American Indian/Alaska Natives.

Housing Problems by Race/ Ethnicity and Income	0%-30% AMI	30%-50% AMI	50%-80% AMI	80%-100% AMI
<i>San José as a whole</i>	85%	76%	58%	45%
White	82%	69%	49%	43%
Black / African American	94%	82%	54%	45%
Asian	80%	74%	64%	47%
American Indian, Alaska Native	100%	40%	25%	0%
Pacific Islander	95%	82%	44%	64%
Hispanic	90%	83%	61%	46%

Disproportionately Greater Need – Housing Problems

Data Source: 2011-2015 CHAS

A household is considered housing cost burdened if it pays more than 30% of its gross income on housing costs, and is considered severely cost burdened if it pays more than 50%.

- In San José, 28 percent of Black/African American households spend more than half of their income on housing costs.
- Hispanic households also should be monitored, as 25% spend more than half of their income on housing costs.

Housing Cost Burden by Race/Ethnicity	<=30% of income spent	30-50% of income	>50% of income
<i>San José as a whole</i>	60%	22%	18%
White	66%	19%	15%
Black / African American	48%	24%	28%
Asian	64%	20%	16%
American Indian, Alaska Native	65%	12%	23%
Pacific Islander	64%	23%	13%
Hispanic	48%	27%	25%

Data Source: 2011-2015 CHAS Disproportionately Greater Need: Cost Burden

Staff believes the data above – in the format dictated by HUD – are understated in two ways. First, the data is older, originating from 2011 to 2015. Second, it uses a five-year average to smooth the results. As San José’s quickly-moving real estate market is usually cited as one of the top five most expensive metro areas in the U.S., the number of people currently experiencing housing cost burden, overcrowding, and other housing problems pre-COVID in 2019 and early 2020 was no doubt significantly higher than is represented here.

In addition to the qualitative information from community outreach and this quantitative data, the consultant and staff reviewed local recent studies. The studies reviewed include local data from both the *Anti-Displacement Community Strategy Report* released in January 2020, as well as the recently completed Santa Clara County’s *Community Plan to End Homelessness for 2020-25*.

The data are consistent in indicating that San José should spend its federal funds to help alleviate the housing cost, crowding, and condition problems that most of its lower-income residents face,

particularly those in certain racial and ethnic groups. Lower-income community members have overwhelmingly reported feeling income insecure and concerned about displacement from San José over the past couple of years during the Department’s outreach. And, of course, the City’s homelessness challenges continue to be a priority for the City’s spending.

COVID-19 has exposed and exacerbated these instabilities and pronounced problems for our community’s lower-income residents, and hurt certain racial groups worse than others.

San José’s Previous Use of HUD Funds and Proposed New Priorities

The City’s 2015-20 Consolidated Plan’s approved uses for the City’s four formula funding sources from HUD are listed in **Table 1**, as a point of reference.

Table 1: San José’s Federal Sources from HUD and Uses in Previous Consolidated Plan

Federal Funding Source	City’s 2019-20 Approved Uses
Community Development Block Grant (CDBG)	Childcare services Community Wireless Network Infrastructure Emergency meal provision Emergency shelter rehabilitation and operations Enhanced code enforcement Homeless outreach Hotel/motel vouchers for emergency shelter Legal services for low-income tenants and landlords Small business support /job retention and creation Minor and emergency home repair Neighborhood engagement and leadership training Neighborhood street and infrastructure enhancements Senior services Fair housing education and counseling Job training
HOME Investment Partnership (HOME)	Development of affordable housing and tenant-based rental assistance subsidies
Emergency Solutions Grant (ESG)	Homeless services focused on outreach and homelessness prevention
Housing Opportunities for Persons with Aids (HOPWA)	Rental assistance

San José’s 2015-20 Consolidated Plan emphasized infrastructure needs in our community. This focus was partly the product of the Plan’s formulation during a time in which the City lacked sufficient resources for infrastructure investments such as street paving. The City needed to access all possible resources for projects like intersection improvements and crosswalk enhancements, and CDBG was a likely source.

Over the last few years, however, the Housing Department’s attention has shifted to focus more on people and the importance of their experiences as residents of the City. The presence of the City’s unhoused population is a clear reminder that meeting the needs of our residents must be the focus, not just doing business as usual; thus, the City’s strategies must be flexible to serve residents in whatever ways that are necessary. While housing continues to be too expensive for

many to comfortably afford in San José, it is increasingly important to help residents to access opportunities to improve their economic well-being.

COVID-19 Response is Interwoven into FY 2019-20 and FY 2020-21 Annual Plans

On March 13, 2020, the President declared a national emergency concerning the Novel Coronavirus Disease (COVID-19). On March 16, 2020, the Health Officer of the County of Santa Clara ordered a shelter-in-place for all residents due to COVID-19. The effects of COVID-19 and the shelter-in-place have led to residents and businesses facing numerous challenges and emergencies. On March 27, 2020, the President signed into law the Coronavirus, Aid, Relief, and Economic Security Act (CARES Act) in response to the economic fallout of the COVID-19 public health pandemic.

On April 21, 2020, the City Council approved the First Substantial Amendment to the FY 2019-20 Annual Action Plan, which utilized existing CDBG funds and additional allocations made to the CDBG, ESG, and HOPWA programs by the CARES Act to be spent in FY 2019-20 to respond to local needs created by COVID-19.

On July 1, 2020, Council approved a Second Substantial Amendment to the FY 2019-20 Annual Action Plan, which redirected \$6,517,646 of federal HOME funding for FY 2019-20 to be used for Tenant Based Rental Assistance (TBRA) to respond to local needs created by COVID-19. The Second Substantial Amendment also reallocated up to \$588,839 in appropriated CDBG funds to provide family calming kits through First 5 of Santa Clara County, established the Community Wireless Network Infrastructure project as an eligible project in FY 2019-20 and provided it with predevelopment funding, and provided motel vouchers as emergency shelter for domestic violence survivors and their families.

As noted throughout this memo, the Annual Action Plan FY 2020-21 contains significant uses that respond directly to COVID-19 needs. The largest is the spending plan for \$32,836,839 in ESG-CV funds, made available through the federal CARES Act for homeless shelter and related needs. More information begins on page 21 of this memorandum.

ANALYSIS

Proposed 2020-25 Consolidated Plan Priorities to Include Improving Residents' Opportunities

The data collected – needs data, public input, local studies – as well as the City's priorities and the eligible uses of these funds drive the Consolidated Plan's priorities. All these inputs confirm that this draft 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan should keep the first three of the previous Consolidated Plan's priorities the same – homelessness, affordable housing, and fair housing. San José clearly needs resources for all three of these program areas.

This Plan's fourth priority – to Strengthen and Stabilize Communities – is a proposed change from the previous Plan. It reflects the City's shifted priorities to a people-first frame through the

inclusion of services such as childcare, community WiFi, and small business supports. These activities address the other side of providing affordable housing – enabling people to help to afford housing and improve their opportunities because they can make enough to live here. The importance of economic stability, and residents’ economic resilience, has never been more clear than since the COVID-19 crisis has hit.

With limited resources, the City is tasked with the difficult endeavor of determining both the areas of greatest need and the areas in which community investment can have the most impact. Given already limited dollars coupled with uncertain future funding levels, the Housing Department developed the proposed priorities with three primary objectives: impact, leverage, and outcomes. First, it is important that annual funding strategies invest in projects that have the greatest impact, rather than spread limited resources too thinly. Second, to the extent possible, the funding strategy should seek to leverage resources, support partnerships, and advance multiple City goals. Finally, projects should be outcome-focused instead of output-driven, and the City should invest in programs that are replicable and sustainable without the need for ongoing federal and other public resources.

The proposed 2020-25 Consolidated Plan priority needs, goals, and potential programs are identified in **Table 2**:

Table 2: 2020-25 Consolidated Plan Priorities, Funding Strategies & Potential Programs

Priority Need	Goal/Funding Strategy	Potential Programs
Prevent and Address Homelessness	Increase housing opportunities and self-sufficiency for homeless populations, specifically: 1) families with children 2) youth and young adults 3) older adults (55+) & seniors 4) adults age 25-54 without children. Prevent homelessness for at-risk individuals and families.	<ul style="list-style-type: none"> ● Homeless street outreach ● Homelessness prevention programs ● HMIS data systems support ● Tenant-based rental assistance (rental coupons) ● Emergency shelter and interim housing ● Hotel/motel acquisition and rehabilitation for non-congregate emergency shelter provision
Create and Preserve Affordable Housing	Construct new and preserve existing affordable housing for homeless, families, seniors, other populations	<ul style="list-style-type: none"> ● Affordable housing creation, including acquisition and infrastructure subsidies ● Acquisition and rehabilitation of existing apartments ● Minor and emergency single family and mobilehome repair ● Preservation of ‘soft story’ apartment buildings ● Support for community-based development organizations
Promote Fair Housing	Promote fair housing, and lower barriers to housing for high-barrier populations	<ul style="list-style-type: none"> ● Education, compliance, and legal assistance with City’s tenant ordinances: Apartment Rent Ordinance, Tenant Protection Ordinance, and Housing Equality Payment Ordinance

		<ul style="list-style-type: none"> ● Fair housing education and legal assistance
Strengthen and Stabilize Communities	Strengthen and stabilize communities' conditions and improve residents' opportunities	<ul style="list-style-type: none"> ● Childcare services ● Childcare facilities development ● Community wireless network infrastructure ● Enhanced and targeted code enforcement ● Grassroots outreach skills development ● Job training/employment development programs ● Neighborhood engagement and leadership development ● Neighborhood street and infrastructure enhancements ● Small business support; job retention and creation

The City's 2020-25 Consolidated Plan and Annual Action Plan FY 2020-21 also contains a spending plan for \$32,836,839 in ESG-CV funds, through the CARES Act. Its proposed uses are seen in **Table 2a**:

Table 2a: Federal CARES Act Funding and Proposed Uses

Federal Funding Source	2020-21 Funding	Proposed Uses
Emergency Solutions Grant (ESG) CARES Act	\$32,836,839	<p>Enhanced services to unsheltered individuals in encampments, providing basic needs, dedicated street outreach, behavioral health support, hygiene and waste disposal services, and infection control supplies and resources.</p> <p>Operating support for emergency shelters' costs and for new Emergency Interim Housing sites as well as Bridge Housing sites, including food, rent, security, maintenance, repair, fuel, equipment, insurance, utilities, furnishings, and supplies necessary for their operation.</p> <p>Provision of Hotel/Motel Vouchers for non-congregate, safe shelter for homeless families, victims of domestic violence, and vulnerable individuals.</p> <p>Rapidly rehouse homeless individuals.</p>

To provide stability to local nonprofits over the next few years, the City will execute three- to five-year contracts with grantees. This will not only limit the amount of administrative burdens placed on both the City and its grantees, but it will also give nonprofits financial stability so that they can focus on their performance and outcomes.

HUD provides jurisdictions the flexibility to adjust the projects that they fund to reflect local realities, priorities, and available resources. As a result, the potential programs identified above may shift over the course of the five-year plan period through the Annual Action Plan

amendment process. Any potential adjustments would include a public process to seek community input on funding priorities. The public processes to be used are defined in the Citizen Participation Plan.

Identified Needs Are Consistent with City's Existing Strategies & Community Input

Consistent with the objective to leverage resources and partnerships, staff recommends that funding priorities align with City strategies and advance existing priorities and plans to the extent possible. Further, indications from the community on areas of need are consistent with the City's existing priorities. The following are selected examples of City Council direction and existing City strategies that support the selection of the above funding priority areas:

- City Council-approved [Housing Crisis Workplan](#)
 - Direction to produce 10,000 new affordable homes in five years
 - Direction to create a Citywide residential anti-displacement plan

- City Council-approved [Affordable Housing Investment Plan through FY 2022/23](#)
 - Direction to spend at least 45% of the City's housing production subsidies on funding homes for extremely low-income residents
 - Direction to leverage County Measure A funds to provide permanent housing for residents experiencing homelessness
 - Incentives to build two- and three-bedroom apartments to accommodate family households through Notices of Funding Availability for new affordable housing developments.

- City Council-approved [Community Plan to End Homelessness in Santa Clara County 2015-2020](#) and the new *Community Plan to End Homelessness 2020-25*. The City's [homelessness response framework](#) consists of:
 - Develop programs tailored to the needs of specific populations of people experiencing homelessness, particularly:
 - Families with children
 - Youth and young adults
 - Older adults (55+) and seniors
 - Adults without children age 25 to 54
 - Prevent homelessness for families and individuals through interventions to keep people housed
 - Provide emergency shelter and street outreach to get homeless residents into regional care systems, and provide basic needs services
 - Provide a continuum of housing types through subsidies and production, including interim housing, rapid rehousing, and permanent housing in conjunction with supportive services provided by the County and nonprofits.

- Many City programs and initiatives supporting improved job pathways and long-term economic opportunities for residents, including:
 - [City Council Priority #14](#), Childcare and Early Education/Preschool Facilities
 - [Work2future](#) services to adults, dislocated workers, and youth.

- City Council-approved and State-certified [General Plan 2040](#)
 - Policies to support affordable housing development strengthened and those to prevent displacement integrated after first four-year review in [December 2016](#).
 - [Housing Element to the General Plan](#)
 - Strategy to promote equitable development and facilitate equal access to housing through fair housing services provision
 - Strategy to protect low- and moderate-income residents in market-rate and deed-restricted affordable housing from displacement.

Proposed FY 2020-21 Annual Action Plan Funding Program

The funding program for the FY 2020-21 Annual Action Plan (Annual Plan) aligns with the goals identified in the Five-Year Consolidated Plan. As shown in **Table 3**, the City estimates it will invest, with carryovers and program income, a total of \$53.8 million across the four federal housing and community development funding programs during the next fiscal year including the \$32.8 million in federal stimulus ESG CARES Act funds.

The total funding in each of the four HUD funding programs listed includes: 1) the amount allocated by formula to San José for each program for the coming year; 2) the amount of estimated program income that will be received by the City to be used in the coming year; and, 3) the balance of prior year’s funds for each program. For CDBG, the prior year’s balance consists of unused balances from previous year’s projects and/or unanticipated program income in previous years. For HOME, the prior year’s balance consists of funds set aside in anticipation of commitments for rental development projects in the development pipeline.

Table 3: FY 2020-21 HUD Funding Levels

Fund	FY 2020-21 Allocation	Prior Year Carryover*	Estimated Program Income	Total Estimated Resources
CDBG	\$8,947,319	\$979,795	\$400,000	\$10,327,114
HOME	\$3,319,683	\$4,356,359	\$750,000	\$8,426,042
HOPWA	\$1,440,393	\$0	\$0	\$1,440,393
ESG	\$778,209	\$0	\$0	\$778,209
ESG CARES Act	\$32,836,839			\$32,836,839
Total	\$47,322,443	\$5,336,154	\$1,150,000	\$53,808,597

**Note: Prior Year Carryover amounts may differ from the City’s annual budget due to timing differences regarding the treatment of program commitments and encumbrances.*

The Annual Plan contains a description of all activities recommended for funding. Each of the activities detailed in this Annual Plan are aligned with the four goals of the Consolidated Plan

and contributes to the City’s five-year objectives. The Annual Plan aligns the City’s available resources with the planned activities that will enable the City to meet its annual goals.

Completing the Annual Plan helps the City stay on target to meet its five-year Plan goals. The expenditure plans for CDBG, HOME, HOPWA, and ESG are provided in the following tables. All activities are described in greater detail in the draft Annual Plan’s Project Summary Table (see AP-38 Projects Summary).

Community Development Block Grant (CDBG) Program

CDBG is a flexible funding source that supports the development of viable urban communities by providing decent housing, encouraging a suitable living environment, and expanding economic opportunities, principally for lower-income households.

As the largest and most flexible of the four federal grants, CDBG funds are divided into three categories. These include Public Services (PS), Community Development Improvements (CDI), and Administration activities. The CDI category is further delineated into construction projects and non-construction projects. Construction projects consist of capital projects that directly fund physical improvements such as facility or infrastructure improvements. Non-construction projects include programs and other services, such as job training, provided to low- and moderate-income households.

Table 4 outlines the City’s planned CDBG expenditures for the coming year by category and activity. Additional detail on these activities are provided in subsequent tables in this memo as well as in the draft Annual Plan’s Project Summary Table (see AP-38 Projects Summary).

Table 4: Proposed CDBG Activities for FY 2020-21

Category	CDBG Activities	Funding
PS	Senior Services	\$200,000
PS	Neighborhood Engagement and Leadership Training	\$235,000
PS	Services for Homeless Populations	\$402,098
PS	Citywide Legal Services for Low-Income Tenants and Landlords	\$565,000
PS/Admin	Fair Housing	\$200,000
PS (CDI)	Childcare Services	\$1,000,000
CDI	Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities	\$97,213
CDI	Community Infrastructure Projects	\$2,100,000
CDI	Targeted Code Enforcement	\$1,258,339
CDI	Minor Home Repair	\$1,650,000
CDI	Job Training for Homeless and Low-income Individuals	\$950,000
Admin	Grants Management	\$1,669,463
Total		\$10,327,113

CDBG – Public Services

CDBG funds can pay for a variety of Public Services for low-income individuals. Program regulations require that Public Services funding be capped at 15% of the annual allocation

combined with the prior year’s Program Income. However, given the COVID-19 crisis, HUD has temporarily waived the Public Services cap for services addressing needs resulting from COVID-19. Program Income is primarily comprised of repayments of loans made from federal funds. Contracts are generally funded on a three- to five-year funding cycle to provide predictability in service delivery and to support organizational capacity of service providers.

Table 5 lists existing services and service providers currently in a multi-year funding cycle. Staff is recommending to extend all existing public service contracts for an additional year. After the City Council approves the final Consolidated Plan, staff will have the certainty it needs to issue Requests for Proposals (RFPs) for the services that must be re-competed in winter 2021.

Table 5: CDBG Public Service Programs

	Agency	Program	Funding
Senior Services	The Health Trust	Meals On Wheels – Senior Services	\$125,000
Senior Services	Portuguese Organization for Social Services Opportunities	Senior Access and Health Support	\$75,000
Neighborhood Engagement	SOMOS Mayfair	Home Grown Talent Project	\$150,000
Neighborhood Engagement	CommUniverCity	Community Leadership Development	\$85,000
Homeless Services	HomeFirst	Citywide Outreach	\$402,098
Legal Services	San José Housing Rights Consortium	Legal Services for Low-income Tenants & Landlords	\$500,000
Fair Housing	Law Foundation of Silicon Valley – Four-agency Consortium includes Project Sentinel, Asian Law Alliance, Senior Adults Legal Assistance, and Law Foundation as lead agency	Fair Housing Services	\$65,000
Childcare Services	City of San José Library with First 5 of Santa Clara County and Santa Clara County Office of Education	Childcare for Low-income Families for COVID relief	\$1,000,000
Total			\$2,402,098

Additional information on proposed services is as follows:

Senior Services – The City is currently funding two agencies that provide home-delivered meals and accessible transportation to handicapped and frail seniors. The Health Trust Meals on Wheels Program and the Portuguese Organization for Senior Services and Opportunities (POSSO) administer programs to engage low-income, homebound seniors in San José with direct food assistance, accessible transportation, and reduction of social isolation. Some funds go to assist seniors with children in their families: in 2019-20, four households with eight children under the age of 18 were assisted by these programs. Staff is recommending to continue funding the current agencies at the same level through FY 2020-21.

Agency: The Health Trust Meals on Wheels / Funding: \$125,000

Agency: POSSO / Funding: \$75,000

Since senior nutrition is not an easy fit within one of the four priority goal areas identified earlier in this report, this will be the final funding grant for these services. However, emergency food assistance is an identified need, given COVID-19. Staff will evaluate the community's needs for these agencies to deliver services during FY 2020-21, and may attempt to make additional funds available if need is significant and other agencies underspend their allocations.

Neighborhood Engagement and Leadership Training – The City is currently funding two agencies that provide a variety of neighborhood-focused programs to increase community members' stability and capacity through strengthening their connections and building skills of residents in lower-income neighborhoods. SOMOS Mayfair and CommUniverCity administer programs to engage the community and develop leadership skills of residents. Their goal is to promote, support, and sustain civic engagement by residents that are typically underrepresented in city governance and civic processes. This type of involvement with capable community-based partners is crucial for the City to effectively engage with communities of color. The Housing Department has worked closely for the past two years with SOMOS Mayfair as a community engagement partner on anti-displacement policy work, which enabled staff to access input from many residents most affected by displacement and fears of displacement from their community. The City's racial equity work will continue to increase in importance, given its commitment to GARE, the disproportionate impact that COVID-19 has had on Latinx and Black residents in San José, and the formation of the City's new Office of Racial Equity. Despite the urgency to spend funds on COVID-relief services, staff is recommending to continue funding the current agencies at the same level through FY 2020-21.

Agency: SOMOS Mayfair / Funding: \$150,000

Agency: CommUniverCity / Funding: \$85,000

As the neighborhood engagement services would fall into the new priority "Strengthen and Stabilize Communities," the Department is proposing to develop a comprehensive RFP for services for the new Consolidated Plan's priorities in FY 2020-21.

Services for Homeless and Unhoused Populations –The Citywide Outreach, Engagement, and Mobile Case Management Program provides street-based outreach and case management, emergency shelter, transportation, a homeless helpline, referrals and service connections, and assessment and services to attain permanent housing. To fully fund the robust outreach and engagement program in this next fiscal year, the Housing Department supplemented federal awards with Housing Authority Litigation Award (HALA) funds and Housing Trust Fund (HTF). HomeFirst is currently receiving CDBG and HALA funds to perform these services throughout the City and staff is recommending continuing funding HomeFirst through FY 2020-21 with an increase by \$50,000 from HTF. Last year, 26 households with 42 children under the age of 18 were assisted with these funds. This will be the third and final year of funding for this program.

Agency: HomeFirst / Funding: \$402,098 CDBG; \$297,902 HALA; \$50,000 HTF

Legal Services for Low-income Tenants and Landlords – The four-agency consortium called San Jose Housing Rights Consortium, led by Law Foundation of Silicon Valley provides outreach and education services, operates a legal counseling hotline, provides face-to-face legal clinics,

represents tenants in eviction proceedings and administrative hearings, and provides limited legal representation for enforcement. The goal of the Consortium's activities is to prevent the displacement of low-income tenants by preserving affordable housing opportunities and preventing unjust evictions. The Consortium also provides landlords and tenants an understanding of the Apartment Rent Ordinance and Tenant Protection Ordinance. This knowledge helps to strengthen neighborhoods by keeping families in their homes, and to promote fair housing choice. The Consortium has received a strong response for inquiries and services. Last year, 75 families with 146 children under the age of 18 were assisted with these funds. A significant increase in renters inquiring about evictions during this difficult time of COVID-19 has also increased the number of residents that could be helped under this contract. Staff is recommending continuing funding the current agencies at the same level through FY 2020-21.

Agency: San José Housing Rights Consortium / Funding: \$500,000

- *Fair Housing Services* – Fair Housing services may include: outreach and education on fair housing issues; conducting fair housing testing; enforcing fair housing laws through litigation; and providing technical assistance to the Housing Department on how to monitor City-financed developments for fair housing compliance. The City will continue to contract with a consortium of four agencies to provide these services, with the Law Foundation of Silicon Valley serving as the consortium lead. In addition to CDBG, a portion of the Fair Housing services are funded with HOME funds. Last year, 284 families with a total of 592 children under the age of 18 were assisted by this program. Staff is recommending to continue funding the current agencies at the same through FY 2020-21.

Agency: Law Foundation of Silicon Valley Collaborative / Funding: \$400,000 (\$200,000 CDBG Admin, \$135,000 HOME, \$65,000 CDBG Public Services)

Childcare Services: Access to affordable, high-quality childcare is a key component of families' economic stability. Throughout the pandemic response, the integral role that childcare plays in keeping Silicon Valley's economic engine running has become clear. Without safe and reliable childcare, especially for children 0-5 years, families have an extremely hard time working from home and are unable to report to job locations. Despite the City's allocation of some CRF stimulus funds to support childcare businesses, low-income families' ability to afford these critical services requires additional subsidies during COVID-19. Staff recommends the San José Public Library receive \$1,000,000 as a subrecipient to, in turn, grant funds to the Santa Clara County Office of Education and First 5 of Santa Clara County to jointly administer a childcare subsidy program for low-income families impacted by COVID-19. The unduplicated scholarship funds will be available for qualified, vulnerable families as their income exceeds existing subsidized childcare funding eligibility criteria, but still falls below the low-income CDBG threshold. For these families that fall into this income eligibility gap, there are no other sources of subsidy available to help them pay for their children's care. Families of an estimated 35-40 children who live in San José and meet income-eligibility requirements will benefit from a childcare subsidy averaging \$2,000 per month for 12 months that is paid directly to the family's child care provider.

Agencies: SCCOE and First 5 of Santa Clara County / Funding: \$1,000,000

CDBG – Community Development Investment (CDI) Projects

Table 6 outlines the proposed expenditures for Community Development Investment Projects. Included in the CDI category are funds for the Housing Department’s acquisition of sites and for infrastructure work supporting affordable housing developments. Given the current HUD waiver to spend unlimited funds on Public Services for the COVID-19 emergency, staff has proposed to use all but a small cushion of CDBG for services instead of retaining funds for future capital infrastructure projects to be identified.

Table 6: CDBG Community Development Investment Projects

Project	Description	Funding
Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities	Funding available for prospective projects that include the acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities.	\$97,213
Yerba Buena Community Wireless Network	Install WiFi networks in the Oak Grove and Independence High Schools’ neighborhoods	\$2,100,000
Enhanced Code Enforcement	Enhanced Code Enforcement in Project Hope neighborhoods through PBCE inspectors	\$1,258,339
Minor & Emergency Repair	Single family home repair programs	\$1,650,000
Job Training	Job training for homeless and at-risk individuals	\$950,000
Total		\$6,055,552

Additional information on proposed projects is as follows:

- *Community Wireless Network* –The City committed \$100,000 in predevelopment funds to this project through an amendment to the 2019-20 Annual Action Plan in June 2020. Full project funding approval will enable design and the start of installation of Community WiFi in low-income census tracts in the Independence and Oak Grove High School Districts during FY 2020-21. This funding will be incorporated into a Memorandum of Performance between the Housing Department and Department of Transportation with project scope, timeline, performance benchmarks, and a detailed budget. Enabling Wi-Fi access will stabilize students’ learning platforms during COVID-19 school closures, and will better prepare themselves for future careers and personal development. Wi-Fi access for the Independence and Oak Grove communities will also promote equity by helping to close the digital divide and improve educational and career outcomes for low-income residents.
- *Enhanced Code Enforcement* – Code Enforcement’s focus will be primarily on the inspections of multifamily units, with inspections of general blight and single family housing being ancillary to multifamily properties. In FY 2020-21, the primary geographic focus of the more than \$1.2 million in CDBG-funded Enhanced Code Enforcement will be in active Project Hope neighborhoods overseen by the Department of Parks, Recreation, and Neighborhood Services. Project Hope is a program in which residents work in partnership with the City to coordinate and mobilize resources that address ongoing neighborhood/ community issues. There are currently six Project Hope areas and three more prospective areas. To be eligible for CDBG funding, code enforcement must be part of a larger

neighborhood initiative to improve physical conditions in an area deemed to be deteriorated. The activities must also meet a national objective, including being in low-/moderate-income census tracts, or in areas with facts established on how they meet a ‘slum and blight’ definition.

- *Minor Repair Program* – This program provides minor repairs to single family homes and mobilehomes, and addresses immediate health and safety needs to create decent and safe living environments for low-income homeowners in San José. The focus of the repairs will be maintenance (e.g., faucet repairs, roof patching), emergency and critical repair (e.g., accessibility modifications such as grab bars, ramps), and larger limited rehabilitation (e.g., roof replacements). Historically, over 80% of the residents benefitting from these services are senior homeowners; but, this activity also serves families with children. In FY 2019-20, 20 households with 36 children under the age of 18 received funding for such repairs. Staff is recommending to continue funding the current agencies at the same level for six months into FY 2020-21 while the Department solicits an RFP for new services.

Agency: Rebuilding Together Silicon Valley / Funding: \$1,100,000

Agency: Habitat for Humanity East Bay Silicon Valley / Funding: \$550,000

- *Job training* - The program will support job training for homeless and at-risk individuals. This program must meet the national objective of job creation and retention for low/moderate-income residents. This requirement is met when job training participants are placed in permanent jobs. To be eligible for CDBG, the job training must be tied to assistance to for-profit businesses. Staff is recommending to continue funding the current agency at the same level for six months into FY 2020-21 while the Department completes an RFP for new services.

Agency: San José Streets Team / Funding: \$250,000

Agency: TBD - Development and Housing Stability RFP/ Funding: \$700,000

CDBG – Administration

Recognizing the significant requirements associated with managing CDBG funds, HUD allows funding of administrative planning and oversight utilizing up to 15% of the sum of the annual allocation plus the current year’s Program Income. In addition to grant planning and oversight, Fair Housing is the sole service that can be paid from the Administrative category as well as the Public Service category. In FY 2020-21, the Housing Department will continue to provide most of the cost of Fair Housing services, \$200,000, from CDBG Administration, with the remaining \$65,000 funded from CDBG Public Services and another \$135,000 from HOME. In addition, some Administrative funds will pay other City departments’ work on CDBG-related activities. This includes the City Attorney’s Office and Department of Planning, Building and Code Enforcement. Finally, some funds are targeted for consulting services for development of an Assessment of Fair Housing study. **Table 7** details the CDBG Administration budget.

Table 7: CDBG Administration

Agency	Program	Funding
Housing Department	Grant Planning and Oversight	\$1,641,420
City Attorney’s Office	Legal Staffing	\$21,298
Planning Department	Environmental Reviews	\$6,745
Law Foundation of Silicon Valley – Four-agency Consortium	Fair Housing*Services	\$200,000
Total		\$1,869,463

**Note: Fair Housing services will be funded from \$200,000 in CDBG Administrative funds, \$65,000 in CDBG Public Services funds, and \$135,000 in HOME*

- *Grant Planning and Oversight* – Approximately \$1.6 million is allocated to grant planning and administration in FY 2020-21. This number reflects current fringe and salary information from the Budget Office. This allocation funds administration of the federally-funded formula grants which includes community outreach, annual planning, procurement of services and capital projects, contract development and management, subgrantee monitoring, reporting, legal services, and environmental reviews. If there are savings on the City staff line item, which typically occur, they may be used to pay for consulting contracts.

HOME Program

The HOME program provides financial assistance to increase the supply of affordable rental and homeownership housing for low-income households through the acquisition, rehabilitation, and construction of affordable housing and through the provision of tenant-based rental assistance.

Tenant-based rental assistance will be provided within the City’s Rapid Rehousing program for formerly-homeless residents. The Health Trust was selected through a previous federally-funded services RFP to provide rental assistance and supportive housing services. Staff is recommending to continue funding to The Health Trust into FY 2020-21 while the Department completes an RFP for new services. The Health Trust will continue to use its remaining contract balance from FY 2019-20 funds; therefore, its contract extension balance is not reflected in the FY 2020-21 amounts in **Table 8**.

In addition to The Health Trust, the City recently awarded five other nonprofits to administer rental assistance programs, which are under very high demand due to COVID-19’s negative effects on the economy. All five TBRA contracts were funded from FY 2019-20 funds. However, the rental assistance contracts with Sacred Heart and Catholic Charities also were partly funded from \$3,199,500 in FY 2020-21 HOME funds for both TBRA and Administration, as reflected in Table 8. Including these FY 2020-21 commitments, the City’s total amount invested in TBRA contracts would total approximately \$15.9 million.

HOME funds, including unspent funds from last year and projected program income, are proposed to be allocated in FY 2020-21 as listed in Table 8. It should be noted that HOME rules require that new affordable housing developments must have all other financing obtained and be able to start construction within one year of committing the HOME funds. For this reason, the

Housing Department must usually hold a significant amount of HOME funds until a project is almost ready to start construction.

Table 8: Proposed FY 2020-21 HOME Activities

Project	Allocated Amount
New Affordable Housing Development (including project delivery & CHDO set-aside)	\$4,356,359
Tenant-Based Rental Assistance (TBRA)	\$2,678,500
Program Administration – TBRA contracts	\$521,000
Program Administration – City	\$173,920
Fair Housing Services	\$135,000
Total HOME	\$7,864,779

Agency: Catholic Charities / Funding: \$1,600,000

Agency: Sacred Heart / Funding: \$1,599,500

Agency: Law Foundation Consortium / Funding: \$135,000

Housing Opportunities for Persons with HIV/AIDS (HOPWA) Program

The HOPWA program provides local jurisdictions and nonprofits with resources and incentives to support long-term strategies for meeting the housing needs of low-income individuals living with HIV/AIDS and their families.

In FY 2020-21, the City is projected to receive \$1,440,393 in HOPWA funds. The Health Trust was selected through a previous federally-funded services RFP to provide rental assistance and supportive housing services. As shown in **Table 9**, staff is recommending to continue funding the current agencies at the same level through FY 2020-21 while the RFP is prepared, issued, and awarded for a contract to begin at the start of FY 2021-22.

Table 9: Proposed FY 2020-21 HOPWA Activities

Project	Allocated Amount
Rental Assistance and Supportive Housing	\$1,347,182
Grantee Administration	\$50,000
City Administration	\$43,211
Total HOPWA	\$1,440,393

Agency: The Health Trust / Funding: \$1,347,182

Agency: San Benito County / Funding: \$50,000

Emergency Solutions Grant (ESG) Program

The City awarded CDBG and ESG funding for Outreach & Engagement and Homeless Prevention Programs on September 18, 2018 to HomeFirst and People Assisting the Homeless (PATH). The Citywide Outreach, Engagement, and Mobile Case Management Program provides street-based outreach and case management, emergency shelter, transportation, a homeless helpline, referrals and service connections, and assessment and services to attain permanent housing. To fully fund the robust outreach and engagement program, the Housing Department supplemented federal awards with its local Housing Authority Litigation Award (HALA) funds.

The Homeless Prevention Program provides the support needed for low-income households and individuals to remain permanently housed. The Program provides deposit and rental support, as well as relocation assistance and stabilization services. The Program will work in conjunction with and/or enhance existing County homeless prevention programs, including the Emergency Assistance Network (EAN). In the last year, 11 households with a total of 23 children under the age of 18 were assisted with these funds.

Additionally, the City can directly fund Santa Clara County Homeless Management Information System (HMIS) with ESG funds. HMIS is a secure online database that stores data on all homelessness services that are provided in Santa Clara County. Santa Clara County uses this data to improve the ability of local organizations to provide access to housing and services, and strengthen our efforts to end homelessness.

PATH, Bill Wilson Center, and the County of Santa Clara are currently receiving ESG and HALA funds to perform these services. Staff is recommending to continue funding these agencies through FY 2020-21. This will be the third and final year of funding for these ESG-funded programs in **Table 10**:

Table 10: Proposed FY 2020-21 ESG Activities

Service Type	Agency	Program	Funding
Homeless Services	People Assisting the Homeless (PATH)	San José Outreach and Engagement	\$439,844
Homeless Services	Bill Wilson Center	Homeless Prevention Program for Youth and Families	\$130,000
Homeless Services	County of Santa Clara	Homeless Management Information System (HMIS)	\$150,000
Administration	City	ESG Administration	\$58,365
Total ESG:			\$778,209

Agency: PATH / Funding: \$439,844 ESG; \$460,156 HALA

Agency: Bill Wilson Center / Funding: \$130,000

Agency: County of Santa Clara / Funding: \$150,000

Emergency Solutions Grant (ESG) Program –Supplemental CARES Act Funding Round 2

On March 16, 2020, the Health Officer of the County of Santa Clara ordered a shelter-in-place for all residents due to COVID-19. On April 21, 2020, the City Council approved the first substantial amendment to the FY 2019-20 Annual Action Plan, which utilized existing CDBG funds and additional allocations made in the CDBG, ESG, and HOPWA programs by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be spent in FY 2019-20 to respond to local needs created by COVID-19.

The City Council approved a Second Substantial Amendment to the FY 2019-20 Annual Action Plan on June 30, 2020. The Second Amendment prioritized the use on which the City’s Emergency Operations Center has been charged to collaborate with the County: providing emergency rental assistance to respond to COVID-19. **Table 11** presents the total reallocation of

funds from existing federal funding to address emerging COVID-19 needs that have already been approved.

Table 11: FY 2019-20 Funding Redirected to COVID-19 Relief

FY 2019-20 Funding Sources	Amount
CDBG	\$6,744,000
HOME TBRA & Admin	\$8,572,365
Total	\$15,316,365

On June 9, 2020, HUD announced the second allocation of additional funding to support homeless Americans and individuals at risk of becoming homeless because of hardships such as job loss, wage reductions, or illness due to the COVID-19 virus. The Emergency Solutions Grant (ESG) Program Supplemental CARES Act Funding is a formula grant to States and local governments to use ESG to fund activities to protect homeless people from COVID-19. The program provides funding to:

- Make more emergency shelters available for homeless individuals and families.
- Provide Hotel/Motel Vouchers for homeless families and individuals.
- Provide enhanced services to unsheltered individuals in encampments, providing basic needs, clinical outreach, hygiene and waste disposal services, and infection control supplies and resources.
- Operate emergency shelters by providing food, rent, security, maintenance, repair, fuel, equipment, insurance, utilities, furnishings, and supplies necessary for their operation.
- Prevent individuals from becoming homeless and rapidly rehouse homeless individuals.

The Housing Department and the County Office of Supportive Housing are participating in weekly technical assistance calls with HUD-funded advisors to develop a coordinated federal funding investment plan to address COVID-19 impacts on homeless people. A City and County coordinated investment plan leverages resources and ensures a balanced approach to funding and a diversity of programs and needs. A priority of the plan is to identify and support people living in both the temporary shelters and the vulnerable people in the motels during the emergency COVID-19 response and supports their transition into other shelter or housing alternative instead of returning to homelessness. This collaborative and coordinated plan includes keeping shelters and motels accessible during the public health crisis or until participants have alternate shelter or permanent housing options. Finally, the coordinated approach focuses ESG funds on programs and services for the unsheltered, addressing their health and safety needs during the public health crisis, while increasing street-based services and outreach.

The City of San José will receive approximately \$32.8 million in this supplemental ESG-CV funding. Staff proposes this additional funding for operation and services at the Mabury and Felipe Bridge Housing Communities and the three Emergency Interim Housing sites. In addition, staff proposes funds for a new program called Services Outreach Assistance and Resources or SOAR. SOAR will provide comprehensive street-based services, hygiene and trash services, and housing and shelter opportunities for homeless encampment residents.

The SOAR Program was designed based on guidance from the Centers for Disease Control and Prevention (CDC). During the COVID-19 public health crisis, the CDC recommends that if individual housing options are not available, people who are living unsheltered or in encampments should remain where they are. The CDC further recommends that community coalitions work to improve sanitation in encampments. In response, the City's Emergency Operations Center (EOC) has suspended abatements to advance the public health guidance. Locally, Valley Homeless Healthcare Program and Santa Clara County Department of Public Health have begun testing at encampments of 10 people or more. They have requested the City continue to follow CDC guidance on not clearing encampments. Allowing people living in encampments to remain where they are allows for people to maintain service and medical connections and allows for COVID-19 contact tracing.

The SOAR Program in partnership with BeautifySJ will provide comprehensive street based support and services to those living unsheltered, along with access to proper hygiene and trash service. The recently updated Community Plan to End Homelessness (Community Plan) prioritizes addressing the immediate crisis of people living outside in our community. The Community Plan recommends strategies that invest in the health and safety needs of people living outside and build connections to safety net services and programs. Staff will be bringing the Community Plan for the City Council endorsement on August 25th.

In alignment with both the current CDC guidance and the Community Plan, the SOAR Program provides a compassionate approach to address the health and safety needs of persons living in encampments. The SOAR Program includes the following three components, each with its own specific strategies:

- 1. Street Outreach and Support Services:** Increasing street outreach teams and services to support people living in encampments.
 - Street outreach: Teams engage by providing basic needs, such as water, clothing, food, and garbage bags. In addition, teams can assess for shelter and housing needs, and provide access to behavioral health services and medical care.
 - Storage: Provide storage for individuals to store personal belongings.
 - Supplies: Providing supplies to encampments such as solar phone chargers, personal protective equipment (PPE), tents, tarps, and other supplies.
 - Community Engagement: Coordination of volunteer outreach teams, potentially including those with lived experience, and supply distribution.
- 2. Hygiene/Infection Control:** Providing hygiene and waste management related services to help control the spread of infectious disease.
 - Hygiene: Placing hygiene equipment such as handwashing stations and portable toilets at large homeless encampments to help slow the spread of COVID-19.
 - Waste Management: Arranging for garbage collection at large homeless encampments to help maintain sanitary conditions.
 - Public Health Info: Providing information in multiple languages to homeless individuals in encampments to help them understand how they can protect themselves from COVID-19.

- **Testing:** Working with Valley Homeless Healthcare Program (VHHP) to provide regular COVID-19 testing at encampments of 10 people or more.
- **Showers/Service Connections:** In partnership with Project WeHope’s Dignity on Wheels, provide increased mobile laundry and shower services by adding a 2nd shower truck in San José service portfolio. Also, City and Project WeHope launched "Hope Health Mobile," a new mobile rest stop offering WiFi, charging stations, case management, and virtual access to Stanford doctors who can answer questions about COVID-19.

3. Housing: Increasing access to housing opportunities and shelter.

- **Shelter:** Reserved shelter beds for the encampment management program that will be available to street outreach teams working in the identified encampments.
- **Motel Vouchers:** emergency stays at hotels, prioritized for street outreach teams working with those in encampments, as well as vulnerable populations.
- **Shelter Hotline:** Pilot a centralized shelter referral hotline to access all shelter beds countywide.
- **Housing Problem Solving:** Pilot program with City/County to help homeless individuals identify other immediate housing strategies, rather than shelter, and if necessary connect them with services and financial assistance.

Table 12: Proposed FY 2020-21 ESG CARES Act Round 2 Activities

Program	Cost	Description	Period	Provider
Shelter/Outreach				
Street Outreach at encampments	\$2,503,982	Street-based services, engagement, connections to shelter, housing, critical services	2 years	PATH/ HomeFirst
Storage Program for Unsheltered	\$500,000	Storage locations near supported encampments.	2 years	PATH
Community Engagement	\$400,000	Lived experience street outreach, supplies	2 years	PATH
Total Shelter/Outreach	\$3,403,982			
Hygiene/Infection Control				
Trash Support at Encampments	\$2,779,200	Trash support and large debris clean up at supported encampments.	2 years	TBD - RFP
Hygiene Support at Encampments	\$1,102,800	Increase portable toilets/ handwashing stations and servicing at encampments	2 years	TBD - RFP
Total Hygiene	\$3,882,000			
Housing				
Shelter Beds	\$2,460,400	Reserved referrals for street outreach team. South Hall operations through winter 20-21	4 months	HomeFirst
Motel Vouchers	\$4,000,000	Individuals in encampments and Families and DV	1 year	LifeMoves
Emergency Interim Housing (EIH) Operations	\$9,519,438	Operations at Monterey/ Bernal, Rue Ferrari, Evans Lane	1 year	HomeFirst/ PATH

Bridge Housing Community (BHC) Operations	\$3,784,180	Operations at Mabury and Felipe sites	1 year	HomeFirst
Rapid Rehousing (RRH)	\$2,000,000	Case management	1 year	TBD - RFP for Service
Shelter diversion/housing problem-solving	\$500,000	Case management, services, financial assistance to help homeless identify other immediate housing solutions	1 year	HomeFirst/ PATH
Total Housing	\$22,264,018			
Subtotal	\$29,550,000			
Administration (up to 10%)	\$3,286,839			
GRAND TOTAL	\$32,836,839			

Agency: TBD (Shelter/Outreach) / Funding: \$3,403,982

Agency: TBD (Hygiene/Infection Control) / Funding: \$3,882,000

Agency: TBD (Housing) / Funding: \$22,264,01

Meeting the Needs of Families

In March, the NSE Committee expressed interest in learning more about how the Consolidated Plan will meet the needs of families. The FY 2020-21 Consolidated Plan provides \$15.2 million in funding for 13 programs serving families (see **Table 13** below). After the March NSE recommendation, staff met with the McKinney-Vento Santa Clara County Office of Education (SCCOE) staff to identify services gaps, both in general and due to COVID-19. The current health crisis has exacerbated existing conditions for homeless children and their families. The leadership at SCCOE report that homeless youth are struggling with online school classes, as library closures mean they lack computer access, secure storage for laptops, hotspots for portable broadband access, power sources, and safe, quiet spaces to attend online classes and do homework. Families continue to be challenged with adequate transportation support given bus route cutbacks, affordable childcare, and flexible-hour access to shelters. SCCOE leadership anticipates an increasing need for food and clothing as the shelter in place order continues.

Housing staff has also held regular conversations with domestic violence services providers to identify the needs of this vulnerable population during COVID-19. The domestic violence service providers report that levels of violence in families are escalating during the health crisis and they need additional motel vouchers to safely shelter survivors.

Accordingly, the FY 2020-21 Annual Action plan directs funding to program that serve families in San José through a variety of services and community investment, as seen in **Table 13**:

Table 13: FY 2020-21 Annual Action Plan Family Serving Programs

Grantee	Purpose	Amount
SOMOS Mayfair	Home Grown Talent, neighborhood engagement	\$150,000
CommUniversity	Neighborhood engagement	\$85,000
San José Housing Rights Consortium	Legal services for low-income tenants	\$500,000
Law Foundation Silicon Valley	Fair housing services	\$400,000
Library, SCCOE and First 5	Childcare services	\$1,000,000
Yerba Buena Community Wireless Network	Wireless network	\$2,100,000
Code Enforcement	Enhanced code enforcement in Project Hope neighborhoods	\$1,258,340
Rebuilding Together & Habitat for Humanity	Single family home repairs	\$1,650,000
Bill Wilson Center	Family homeless prevention	\$130,000
Sacred Heart Community Services	Rental assistance	\$1,599,500
Catholic Charities	Rental assistance	\$1,600,000
LifeMoves	Motel voucher program	\$2,000,000
PATH	Evans Lane family emergency interim housing operations and services	\$2,800,000
Total		\$15,272,840

The COVID-19 crisis and the infusion of federal stimulus funds provided much-needed resources for the Housing Department to quickly fund key priorities and programs serving families. Even the microenterprise business assistance focuses on serving the smallest businesses with one to five full-time-equivalent employees, many of which are family-owned. During April and July, the City Council approved amendments to the FY 2019-20 Annual Action Plan for 10 family-serving programs as detailed in **Table 14**:

Table 14: FY 2019-20 Annual Action Plan Amendments Serving Families

Grantee	Purpose	Amount
Loaves and Fishes	Meal service, low-income families	\$1,200,000
LifeMoves	Motel voucher program	\$2,000,000
Catholic Charities	Rental assistance	\$2,400,000
Next Door Solutions	Rental assistance	\$346,485
Bill Wilson Center	Rental assistance	\$1,000,000
YWCA	Rental assistance, motel vouchers	\$210,000
Community Wireless Network Infrastructure	Wireless network	\$100,000
First 5	Family calming kits	\$400,000

Sacred Heart Community Services	Rental assistance	\$2,650,000
Opportunity Fund	Microenterprise funding	\$2,500,000
Total		\$12,806,485

The Housing Department will continue to identify the needs and additional funding sources for homeless families, including survivors of domestic violence.

Annual Plan Implementation

Once the final Consolidated Plan and the FY 2020-21 Annual Plan are approved by the City Council, staff will work with service providers to develop agreements and contract extensions that include finalized scopes of service, contract budgets, performance measures, goals, and outcomes. Upon approval of the Plans by HUD, staff will work with agencies to finalize these service agreements in preparation for execution.

Additionally, capital projects identified in the Annual Plan are preliminary in nature and will require further development. Upon approval of the Annual Plan by City Council, staff will work with grantees to develop the final project scopes and will take all necessary steps to ensure compliance with funding and project requirements. Staff will coordinate environmental reviews in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) before final commitment of funds via contract.

FY 2020-21 is a Transition Year Between Plans

Since the onset of COVID-19, the Housing Department has been responding to the urgent needs of the community as outlined above. Much of the Department’s regular work has been put on hold due to COVID-19. Procurements for several of the proposed priorities and services must be competitively rebid, which will take time. As such, staff is recommending continuing with FY 2019-20 program priorities for Year 1 of the new Consolidated Plan period, FY 2020-21. This will allow time to compete and award contracts for services that respond to the new Consolidated Plan priorities. Staff would create and issue Requests for Proposals for the remainder of 2020, then award and finalize contracts from early 2021 through June 2021, so that contracts could start with FY 2021-22 beginning July 2021.

The need to rebid certain contracts means that Year 1 of the new Consolidated Plan period would continue to reflect the previous cycle’s priorities. However, substantively, this should not cause a significant difference on the City’s types of spending, as the first three of the four proposed City’s priority areas are the same as those from the previous five-year period. The fourth category from last period focused on neighborhood investments, some of which are finishing multi-year construction of infrastructure regardless of new priorities being established. Therefore, this one-year holdover period therefore should not be disruptive to implementing most of the City’s priorities. Further, giving agencies sufficient notice at the end of their contract terms is essential to keeping them financially stable. This is an especially important objective during this time of reduced private donations for many nonprofit partners in our community.

CONCLUSION

Many residents in San José's communities currently face unprecedented challenges. Residents are struggling to find decent, affordable housing, are facing displacement, are threatened with homelessness, have fair housing concerns, and earn wages that leave them vulnerable in our strong market. These issues are further complicated by the public health emergency caused by the COVID-19 pandemic. The Department's strategy for the use of entitlement funds from HUD will help to stabilize communities and to assist the City's lower-income residents by providing resources to increase their resiliency against market forces that are profoundly impacting lower-income neighborhoods. It is with this lens that the City should direct its federal funding in the next five years.

EVALUATION AND FOLLOW-UP

The City Council will receive annual updates through the Consolidated Annual Performance and Evaluation Report (CAPER), which reports progress toward achieving goals identified in each year's Annual Plan after the end of each Annual Plan year.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José's energy, water, or mobility goals.

PUBLIC OUTREACH

Federal regulations require that jurisdictions hold at least two public hearings to receive public comment for the Plan and funding priorities. The City's Citizen Participation Plan last amended in April 2015 and again amended in August 2020 requires three public hearings. This year, the City will have held a total of four public hearings on the 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan. Staff used the meeting with the Housing & Community Development Commission on March 12, 2020, as a public hearing to present its funding strategies and priorities and to solicit feedback from the Commissioners and the public. In the spring, City staff sent an email announcement of the upcoming public hearings on the draft Plan priorities to over 2,600 organizations and individuals concerned about affordable housing and community development issues. Staff also published a notice in the *San José Mercury News* of the public meetings. These notices were translated into Spanish, Vietnamese, Chinese, and Tagalog and were published in the *El Observador*, *Vietnam Daily News*, *World Journal*, and *Philippine News* newspapers. The City's public meetings and public hearings are provided below.

- March 12, 2020 – Neighborhood Services and Education Committee
- March 12, 2020 – Housing & Community Development Commission

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- August 4, 2020 – Public Hearing: City Council
- August 6, 2020 – Public Hearing: Virtual meeting (in lieu of Commission)
- August 11, 2020 – Public Hearing and Approval: City Council

This memorandum has been posted on the City's website for approval by the City Council on August 11, 2020. The draft 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan are also on the Housing Department's website at www.sjhousing.org on the 2020-25 Consolidated Plans webpage.² The Housing Department sent e-blasts to inform the public of this public hearing on July 29, August 2, and August 5 which were directed to approximately 900 email recipients, and posted notifications of the public hearings on social media. As this item pertains to the expenditure of federal CARES Act funds in the 2020-21 Annual Action Plan for the COVID-19 emergency, an expedited term for public notice and public comment was used. Additionally, the public notice contained translations in four additional languages of how recipients could get additional information, per the City's Language Access Plan and its Citizen Participation Plan.

Staff will submit a Supplemental Memorandum with additional public comments received at the August 6 virtual public meeting. All public comments provided to the City both verbally or in writing will be included in the appendices of the Plans together with staff's response when the Plans are submitted to HUD by the August 15, 2020, deadline. Once approved, the 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan will be available on the Housing Department's website or by U.S. mail at the public's request.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

On March 12, 2020, Housing Department staff presented the draft funding strategies to the Housing and Community Development Commission (Commission). The purpose of the meeting was to obtain the Commission's input on proposed priorities and activities and to hold a public hearing. Several commissioners supported the proposed funding priorities, citing support especially for the creation of new affordable housing and its preservation, homelessness prevention and homeless services, and the importance of strengthening neighborhoods that have low-income residents of color. Two commissioners spoke against having public funds pay for neighborhood leadership development, while five spoke in favor. Staff's summary of all public comments received thus far, including Commissioners' comments, is attached to this memorandum as **Attachment C**.

² <https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/hud-reports/consolidated-annual-action-plans/2020-25-consolidated-annual-action-plans>

Commission meetings were cancelled from late March through July 2020 due to the community-wide COVID health emergency. The Commission will not resume meetings until August 13, 2020. Unfortunately, that date is too close to HUD's revised submission deadline of August 15, 2020. Therefore, staff will convene a virtual public hearing on Zoom on August 6, 2020, in lieu of a Commission meeting, per its Citizen Participation Plan. Each public meeting notice is sent to the Commissioners, and a separate email was sent to elicit their comments to be sent by email to staff. Staff will submit all public comments to HUD with the final City Council-approved Plans on or before August 15, 2020.

FISCAL/POLICY ALIGNMENT

The funding priorities listed in this memorandum are aligned with many City priorities as listed on page 12-13. These include the Housing Crisis Workplan, the City's General Plan 2040 and its Housing Element, the Community Plan to End Homelessness, and the City's work to improve economic opportunities and to create anti-displacement strategies.

COST SUMMARY/IMPLICATIONS

This report summarizes the expenditure plan for the City's federal funds received from HUD. The timely submittal of the Plans to HUD will enable the City to receive and to distribute approximately \$14.9 million in entitlement funds for the CDBG, HOME, HOPWA, and ESG programs for FY 2020-21, as well as \$32.8 million in ESG-CV funds through the federal CARES Act. Additionally, the recommended appropriation actions in this memorandum will align the 2020-2021 Adopted Operating Budget with the expenditures proposed in this plan.

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BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn	Rec. Budget Action	2020-2021 Proposed Operating Budget Page	Last Budget Action (Date, Ord. No.)
441	8999	Unrestricted Ending Fund Balance	\$1,914,695	(\$1,397,213)	IX-17	06/23/2020, Ord No. 30437
441	0063	Housing Rehabilitation Loans & Grants	\$1,000,000	(\$902,787)	IX-17	06/23/2020, Ord No. 30437
441	NEW	Childcare Services	\$0	\$1,000,000	N/A	N/A
441	2070	Job Readiness Training Project	\$250,000	\$700,000	IX-17	06/23/2020, Ord No. 30437
441	7483	Public Works Neighborhood Infrastructure Improvements	\$1,500,000	\$600,000	IX-17	06/23/2020, Ord No. 30437
445	8999	Unrestricted Ending Fund Balance	\$2,501,780	(\$1,199,500)	IX-49	06/23/2020, Ord No. 30437
445	3744	Tenant Based Rental Assistance	\$2,000,000	\$1,199,500	IX-49	06/23/2020, Ord No. 30437
448	R110	Revenue from the Federal Government	\$6,125,187	\$32,836,839	IX – 71	06/23/2020, Ord No. 79605
448	New	Street Outreach and Support Services	\$0	\$3,403,982	N/A	N/A
448	New	Hygiene/Infection Control	\$0	\$3,882,000	N/A	N/A
448	New	Housing Shelter	\$0	\$22,264,018	N/A	N/A
448	New	ESG CARES II Grant Administration	\$0	\$3,286,839	N/A	N/A

August 7, 2020

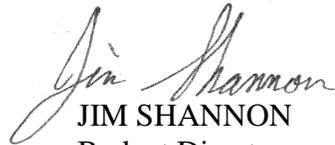
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CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project-specific CEQA clearance.

/s/
JACKY MORALES-FERRAND
Director, Housing Department


JIM SHANNON
Budget Director

I hereby certify that there will available for appropriation in the Multi-Source Housing Fund in the Fiscal Year 2020-2021 moneys in excess of those heretofore appropriated therefrom, said excess being at least \$32,836,839.


JIM SHANNON
Budget Director

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.

Attachments:

Attachment A: 2020-25 Consolidated Plan Community Engagement Efforts

Attachment B: 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan

Attachment C: Summary of Public Comments

Attachment A
2020-25 Consolidated Plan Community Engagement Efforts

Date	Outreach Meeting	Attendance	Time
Nov 7, 2019	Focus Group #1 with Boys and Girls Club of Silicon Valley and Healthier Kids Foundation	4	Afternoon
Nov 11, 2019	Affordable housing residents - Kings Crossing	20	Evening
Nov 12, 2019	Public Meeting - Seven Trees Community Center	3	Evening
Nov 13, 2019	Public Meeting - Hillview Library	8	Evening
Nov 16, 2019	Southside Community Center	3	Evening
Nov 18, 2019	Focus Group #2 with Live Oak Adult Day Services & San José Conservation Corps	3	Afternoon
Nov 19, 2019	Public Meeting - Bascom Community Center	14	Evening
Nov 20, 2019	Public Meeting - Roosevelt Community Center	20	Evening
Nov 11, 2019	Affordable housing residents - Kings Crossing	20	Evening
Dec 6, 2019	School of Arts and Culture (D5) Event: Fiesta Navidena	18	Evening
Dec 12, 2019	Second Street Studios	10	Daytime
Dec 12, 2019	Destination: Home	9	Lunchtime
Dec 13, 2019	Office of Women's Policy	6	Evening
Dec 18, 2019	LGBT Youth Center	9	Afternoon
Jan 13, 2020	City Hall	1	Daytime
Jan 14, 2020	The Health Trust	17	Afternoon
Jan 15, 2020	Vietnamese American Community Center (D7)	85	Morning
Jan 26, 2020	Filipino Advocates for Justice	10	Morning
Jan 27, 2020	Eastside Union HS District (D5)	12	Evening
Jan 29, 2020	Roosevelt Community Center	20	Afternoon
Jan 29, 2020	K Smith Elementary School (PTA Meeting)	20	Evening
	Total Attendees:	308	
On-line & Written Surveys (October 25-December 26, 2019)		Number of Surveys	
	English	630	
	Spanish	15	
	Vietnamese	2	
	Chinese	1	
	Total Surveys Completed:	648	

Stakeholder Interview Meetings with Selected Agencies
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- | |
|--|
| • Asian Americans for Community Involvement |
| • BRIDGE Housing |
| • Santa Clara County Office of Supportive Housing |
| • Charities Housing |
| • Community Services Agency |
| • CommUniverCity San José |
| • Destination: Home Silicon Valley |
| • Downtown Streets Team Silicon Valley |
| • Eden Housing |
| • Grid Alternatives |
| • The Health Trust |
| • Heart of the Valley |
| • Project WeHOPE |
| • Housing Trust |
| • LifeMoves |
| • Loaves and Fishes |
| • Rebuilding Together Silicon Valley |
| • Santa Clara Family Health Plan |
| • Silicon Valley FACES |
| • Silicon Valley Leadership Group |
| • Vista Center for the Blind and Visually Impaired |



2020-2025 Consolidated Plan

Draft



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Executive Summary

1. Introduction

The Consolidated Plan (ConPlan) is designed to assist communities in the development of goals of providing decent housing, viable urban communities, a suitable living environment, and expanding economic opportunities primarily for low- and moderate-income persons. The ConPlan will assist the City of San José (City) in building relationships between all levels of government and the private and non-profit sectors to carry out goals and objectives identified in the planning process to meet community needs.

The City works to strengthen and revitalize lower-income communities through four federal grant programs it receives from the Department of Housing and Urban Development (HUD) to invest. The four federal programs are the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Housing Opportunities for People with AIDS (HOPWA), and Emergency Solutions Grants (ESG) Programs.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

Qualitative and quantitative data to inform the five-year priorities for funding includes the Assessment of Fair Housing, data obtained through stakeholder consultation and citizen participation, and the Comprehensive Housing Affordability Strategy (CHAS) data provided by HUD. Other sources to determine needs has included the City's Anti-Displacement Community Strategy Report released in January 2020, and the current effort to create Santa Clara County's Community Plan to End Homelessness for 2020-25.

Needs identified in the analysis of data include needs for vulnerable populations including the significant number of low-income households and the need for affordable housing units. Our strategy for community improvement using CDBG, HOME, ESG, and HOPWA funds will focus on four broad goals. These goals are:

1. Prevent and Address Homelessness – Increase housing opportunities and self-sufficiency for homeless populations and assist in the prevention of homelessness for at-risk individuals and families.
2. Create and Preserve Affordable Housing – Create new affordable housing opportunities and preserve existing affordable housing.
3. Promote Fair Housing – Promote fair housing and lowered barriers to housing.
4. Strengthen and Stabilize Communities – Strengthen and stabilize communities' condition and help to improve residents' ability to increase their employment prospects and grow their assets.

3. Evaluation of past performance

The City and its recipients have met most of the goals set forth in its 2015-2020 Consolidated Plan. With its federal dollars, the City increased and preserved affordable housing through construction and development of new affordable apartments and rehabilitation of existing apartments, and funded Tenant-

Based Rental Assistance (TBRA) and Rapid Re-housing opportunities.¹ The City responded to the problem of homelessness and its impacts on the community through Citywide and Downtown Outreach, moving individuals experiencing homelessness into permanent housing, interim shelter, or institutional care depending on level of need. The City implemented projects to strengthen neighborhoods by funding home repair programs that included safety and accessibility repairs. Additionally, the City funded employment training programs. To assist residents in staying in their homes and prevent fair housing discrimination, the City provided fair housing education, outreach, and legal services.

4. Summary of citizen participation process and consultation process

To encourage broad and meaningful community participation, the City used various community outreach methods, including public meetings, a community survey, and stakeholder consultations. Community outreach and engagement was conducted from October 2019 through January 2020. Community meetings were held in San José and regional meetings were held throughout Santa Clara County. These local and regional meetings were designed to solicit public input from a broad range of constituents on the highest community development and housing needs. Public meetings were formal public hearings and were noticed in English, Spanish, Vietnamese, Chinese, and Tagalog.

In addition to public meetings, 21 focus group and small stakeholder meetings were held, as well as pop-up tabling at community events. These small format meetings were held to ensure that feedback was obtained from community members who did not feel comfortable taking on-line surveys, or who typically do not come to City-sponsored outreach meetings. Extensive notes were taken at each meeting and for all other community engagement activities.

A community outreach survey asked questions designed to elicit feedback about needs for housing, community facility needs, special needs services, homeless, economic development, and other supportive community programs, and the community's experience with housing discrimination, awareness of tenant housing rights, home lending, housing affordability, and information related to home maintenance and condition. The surveys were open to the public in on-line format from October 25, 2019 to December 26, 2019.

The ConPlan was also informed on priority needs through input the City has received from community stakeholders and homeless service providers who contributed to the forthcoming Community Plan to End Homelessness 2020-25.

To maximize community input and minimize participants' efforts to attend, City staff attended the School of Arts and Culture Fiesta Navideña event at the Mexican Heritage Plaza on December 6, 2019, where they educated community members on the Consolidated Plan and encouraged in-person and online completion of the survey. Staff ensured that large and small outreach meetings were held both on weekdays and weekends, during daytime and evening hours. Virtually all meetings were held outside City Hall – for instance, at an affordable housing complex in the Berryessa neighborhood of San José and at East Side Union High School.

¹Rapid re-housing provides short-term rental assistance and services to persons experiencing homelessness. The goals are to help people obtain housing quickly, increase self-sufficiency, and stay housed. It is offered without preconditions (such as employment, income, absence of criminal record, or sobriety) and the resources and services provided are typically tailored to the needs of the person.

Efforts to reach populations underrepresented in the planning process included discussions regarding the survey with various housing, social service, faith-based, and other organizations that provide services to persons with disabilities and other special needs, lower-income households, and persons experiencing homelessness. The surveys were provided in English, Spanish, Vietnamese, and Chinese.

From November to December of 2019, several stakeholders were consulted during public workshops, over the phone, and in-person at their offices. Such stakeholders included, but were not limited to, housing providers, health and social services groups, organizations representing protected classes, broadband internet providers, and emergency management organizations. The purpose of the consultations was to understand professionals' perspective on affordable housing, homelessness services, potential disproportionate needs of lower-income groups, and barriers to affordable housing.

5. Summary of public comments

A summary of all comments received can be found in Appendix A: Public Comments.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments and views were accepted.

7. Summary

The City of San José conducted several public meetings and hearings to review and gather input for the 2020-25 ConPlan. In addition, the City held stakeholder meetings with multiple community and regional organizations and agencies providing services to low income and populations experiencing homelessness. The City reviewed several reports to inform the development of this Plan, including the City's Housing Element and "Ending Homelessness: The State of the Supportive Housing System in Santa Clara County 2018." Please see PR-10 for other documentation reviewed.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the ConPlan and those responsible for the administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	SAN JOSE	Department of Housing
HOPWA Administrator	SAN JOSE	Department of Housing
HOME Administrator	SAN JOSE	Department of Housing
ESG Administrator	SAN JOSE	Department of Housing

Table 1 – Responsible Agencies

Narrative

Consolidated Plan Public Contact Information

Robert Lopez
Development Officer – Grants Management
City of San José – Housing Department
200 E. Santa Clara Street, 12th Floor
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PR-10 Consultation - 91.100, 91.200(b), 91.215(I)

1. Introduction

From November to December of 2019, several stakeholders were consulted during public workshops, over the phone, and in-person at their offices. Such stakeholders included, but were not limited to, housing providers, health and social services groups, organizations representing protected classes, broadband internet providers, and emergency management organizations. The purpose of the consultations was to understand professionals' perspective on affordable housing, homelessness services, potential disproportionate needs of lower-income groups, and barriers to affordable housing.

The Consolidated Planning process and development additionally included collaboration with other jurisdictions in the region:

- Santa Clara County
- San José
- Cupertino
- Gilroy
- Mountain View
- Palo Alto
- Sunnyvale
- Mountain View.

The County of Santa Clara is a key partner in coordinating the work of many agencies and to carry out the strategies and goals of this ConPlan.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

The City of San José contracts with the Santa Clara County Housing Authority to administer the Housing Choice Voucher program – there are no public housing units in San José. However, community and stakeholder meetings discussed how to enhance coordination and develop new approaches between housing providers and legal advocates, private and governmental health agencies, mental health service providers, and other stakeholders that use funding for eligible activities, projects, and programs.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Santa Clara County Office of Supportive Housing administers the regional Continuum of Care (CoC), with whom the City continuously coordinates. The CoC is comprised of stakeholders throughout the County, including governmental agencies, homeless service and shelter providers, homeless persons, housing advocates, affordable housing developers, and various private parties, including businesses and foundations.

Members of the CoC meet monthly to plan programs, identify gaps in homeless services, establish funding priorities, and pursue a systematic approach to addressing homelessness. City staff, including the Housing Policy and Planning Administrator, Senior Development Officer, Development Officer, and/or Analyst, as well as staff of other cities, consult with the County's CoC staff during the quarterly Countywide "CDBG Coordinators Group" meetings, and communicate more frequently via email and/or phone on joint efforts.

The CoC is governed by the CoC Board, which takes a systems-change approach to prevent and end homelessness. This CoC Board is comprised of the same individuals who serve on the Destination: Home Leadership Board, is a public-private partnership that is committed to develop collective impact strategies to end chronic homelessness. Destination: Home is the governing body for the CoC and is responsible for implementing bylaws and operational protocols of the CoC. Over a five-year period, the Destination: Home Plan aims to house 2,518 homeless individuals, 718 homeless veterans, and more than 2,333 children, unaccompanied youth, and homeless individuals living in families.

Regional efforts of the CoC include the development of "The Community Plan to End Homelessness in Santa Clara County 2015-2020," which identified strategies to address the needs of homeless persons in the County, including chronically homeless individuals and families, families with children, veterans, and unaccompanied youth. It also addresses the needs of persons at imminent risk of homelessness. The CoC created a new plan for the next five years, which is now circulating for approvals to cities in the County, and the City of San José was part of leadership team for these efforts.

Service providers and organizations that provide services to people experiencing homelessness and persons at imminent risk of homelessness were also contacted to attend the ConPlan engagement meetings, such as Abode Services, a nonprofit that administers Rapid Re-housing; Destination: Home; and LifeMoves, a shelter and homeless provider in San José and Palo Alto.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies, and procedures for the administration of HMIS

Allocating Funds, Setting Performance Standards, and Evaluating Outcomes

The City uses Emergency Solutions Grant Program (ESG) funds to support programs aimed at ending homelessness. The City will release a Request for Proposals prioritizing outreach and engagement, diversion case management and homeless prevention services in Winter 2021. Subrecipients will be selected to administer the ESG program and implement the programs on a yearly basis. The City, as the County recipient of ESG funds, will continue to coordinate with its public and private partners to ensure that the local Continuum of Care (CoC) meets all requirements under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH) with respect to ESG funds, including:

- Coordinating with the County to assess the service needs under ESG and avoid duplication.
- Evaluating the outcomes of projects funded under ESG and reporting them to HUD.
- Operating and participating in a coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services, including a policy on how its system will address the needs of survivors of domestic violence seeking shelter or services from other service providers.

- Establishing and following standards for providing CoC assistance, including policies and procedures for valuating individuals' and families' eligibility for assistance

With respect to determining and prioritizing which eligible individuals and families will receive transitional housing assistance, the City will continue to:

- Determine and prioritize which eligible individuals and families will receive rapid re-housing assistance.
- Determine what percentage or amount of rent each program participant must pay while receiving rapid re-housing assistance.
- Determine and prioritize which eligible individuals and families will receive permanent supportive housing assistance.
- Plan for the allocation of ESG funds and reporting on and evaluating the performance of ESG subrecipient.

Operating and Administering Homeless Management Information System (HMIS)

The Homeless Management Information System (HMIS) collects data on individuals and families staying in shelters. The HMIS of Santa Clara County was administered by Community Technology Alliance (CTA) from 2004 to 2015, after which HMIS transitioned to the County's Office of Supportive Services using Clarity Human Services software. The project meets or exceeds HUD's requirements for the implementation and compliance of HMIS standards.

2. Describe Agencies, groups, organizations, and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

For agencies, groups, organizations, and others who participated in the ConPlan process, please see Table 2, below.

Agency/group/organization	Agency/group/ Organization type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
Destination: Home	Services – Homeless Services – Housing Services – Children	Needs Assessment, Strategic Plan, Homelessness Needs (Chronically homeless, Families with children, Veterans, Unaccompanied youth), Homelessness strategy	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
San José Downtown Association	Business Leaders	Needs Assessment, Economic Development, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Cisco Foundation	Business Leaders	Needs Assessment, Economic Development, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
LinkedIn	Business Leaders	Needs Assessment,	Business Leaders
Monterey Corridor Business Association	Business Leaders	Needs Assessment, Economic Development, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Bridge Housing	Housing Services – Housing Regional organization	Needs Assessment, Strategic Plan, Economic Development, Regional Organization, Broadband internet access needs	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Gilroy	Other government – Local	Needs Assessment, Strategic Plan, Market Analysis, and Economic Development	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Mountain View	Other government – Local	Needs Assessment, Strategic Plan, Market Analysis, and Economic Development	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
CommUniverCity San José	Services – Education Services – Employment Services – Housing Services – Elderly Persons	Needs Assessment, Economic Development, Non-homeless Special needs, Strategic Plan, Broadband internet access needs	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.

Rebuilding Silicon Valley	Housing Services – Victims of Domestic Violence Services – Health Services – Children Services – Homeless	Needs Assessment, Strategic Plan, and Homeless needs (Families with children, chronically homeless, veterans), Homelessness Strategy	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
HealthTrust	Services – Health Services – Children Services – Persons with Disabilities Services – Persons with HIV/AIDS Services – Elderly Persons Health Agency Child Welfare Agency Regional organization	Needs Assessment, Strategic Plan, Lead-based Paint Strategy Non-homeless special needs	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Kaiser Permanente Hospital	Services – Health Services – Children Services – Persons with Disabilities Services – Persons with HIV/AIDS Services – Elderly Persons Health Agency Child Welfare Agency Regional organization	Needs Assessment, Strategic Plan, Lead-based Paint Strategy Non-homeless special needs	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.

East Side Union High School District	Services – Education Publicly Funded Institution/System of Care	Needs Assessment, Economic Development, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Spectrum Equity	Business Leaders	Needs Assessment, Broadband internet needs, Economic Development, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
County of Santa Clara- Office of Supportive Housing	Other government – Regional Continuum of Care	Needs Assessment, Housing, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Youth and Families Work Group	Services – Children Services – Education Services – Homeless	Needs Assessment, Economic Development, Non-homeless Special needs, Homelessness Needs (Chronically homeless, Families with children, Veterans, Unaccompanied youth), Homelessness Strategy, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
David and Lucile Packard Foundation	Services – Resilience/Hazard mitigation	Needs Assessment, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Domestic Violence Advocacy Consortium	Services – Children Services- Homeless Services- Non-homeless Special Needs	Needs Assessment, Economic Development, Non-homeless Special needs, Homelessness Needs (Chronically homeless, Families with children, Veterans, Unaccompanied youth), Homelessness Strategy, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
South Bay Human Trafficking Coalition	Services – Children Services- Homeless Services- Non-homeless Special Needs	Needs Assessment, Non-homeless Special needs, Homelessness Needs (Chronically homeless, Families with children, Veterans, Unaccompanied youth), Homelessness Strategy, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.

Loaves and Fishes	Services – Housing Services – Children Services – Elderly persons	Needs Assessment, Economic Development, Non-homeless Special needs, Strategic Plan	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
Charities Housing	Housing	Needs Assessment, Strategic Plan, Non-homeless Special needs	Representative(s) attended at least one community forum and provided input to help prioritize the City’s community needs.
San José City Council	Government-Local	Housing Needs targeting neighborhoods, Code Enforcement;	A City Council work session was held to invite Council members to participate in the survey; Council comments were related to housing needs, targeting neighborhoods and Code Enforcement.
Heart of the Valley	Services – Elderly persons Services- Seniors	Needs Assessment, Strategic Plan, Non-homeless Special needs	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.
LifeMoves	Services- Non-homeless special needs Services- Disabled	Needs Assessment, Strategic Plan, Non-homeless Special needs	Representative(s) contributed narrative and data to answer questions relevant to the ConPlan.

Table 2 – Agencies/Organizations/Types

Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable.

Other local/regional/state/federal planning efforts considered when preparing the Plan:

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Envision San José 2040	City of San José	The General Plan provides a policy and implementation framework to help the City meet its regional housing allocation needs. This effort aligns with the Strategic Plan's goal to assist in determining areas for investment.
Continuum of Care	Regional Continuum of Care Council	The Continuum of Care addresses homelessness in the community through planning and facilitates collaboration between social service providers. Consultation of this plan aligns with the Strategic Plan's goal to support activities to respond to homelessness in the community.
Comprehensive HIV Prevention & Care Plan for San José	Santa Clara County HIV Planning Council for Prevention and Care	This plan provides a guide for the Santa Clara County HIV Planning Council for Prevention and Care to provide a comprehensive system of HIV prevention and care services. Consultation of this plan aligns with the Strategic Plan's goal to invest in programs that serve special needs populations.
City of San José Housing Element (2014-2023)	City of San José	The Housing Element is one of seven State-mandated elements of the City's General Plan. The Housing Element provides a policy and implementation framework to help the City meet its regional housing allocation needs. Consultation of this plan aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing opportunities.
2018 ENDING HOMELESSNESS: The State of the Supportive Housing System in Santa Clara County	County of Santa Clara	Consultation of this plan aligns with the Strategic Plan's goal to support activities to respond to homelessness in the community.
Community Plan to End Homelessness in Santa Clara County 2015-2020	Destination: Home	The Community Plan to End Homelessness in the County is a five-year plan to guide government, nonprofits, and other community members on best practices regarding funding, programs, priorities and needs. Consultation of this plan aligns with the Strategic Plan's goal to support activities to respond to homelessness and its impacts on the community.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The Santa Clara County Entitlement Jurisdictions are collaborating on preparation of their 2020-25 Consolidated Plans. The outreach and the regional needs assessment for these jurisdictions was a coordinated effort.

Narrative (optional)

Please see above.

PR-15 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Outreach for the City of San José's 2020-25 ConPlan was conducted in several ways: a community outreach survey in both online and paper formats, public meetings, stakeholder interviews, and public hearings. Significant outreach efforts were made to residents, faith-based organizations, educational institutions, housing services, and health and social service organizations, including organizations providing services to people experiencing homelessness, persons with HIV/AIDS, victims of domestic violence, senior citizens, and lower-income populations).

Four community meetings were held in San José on November 12th, November 13th, November 19th, and November 20th, and regional meetings were held on November 4th, November 7th, November 12th, November 13th, and November 20th of 2019. The community and regional meetings were designed to solicit public input. The meetings in San José were legally noticed in the San José Mercury News newspaper in English, Spanish, Vietnamese, and Chinese. To reach more non-English speaking audiences the meetings were also noticed in *El Observador*, *Vietnam Daily News*, *World Journal*, and *Philippine News* newspapers. Translator services were provided at all noticed meetings for persons requiring Spanish, Vietnamese, and Chinese language translation. Engagement activities at the meetings were used to gather input on the highest community and housing needs. For regional meetings, see Appendix C, County of Santa Clara, 2020-25 Consolidated Plan, Community Engagement Summary.

Public meetings in San José were held at the following locations:

Seven Trees Community Center
3590 Cas Drive,
San José, CA 95111

Hillview Branch Library
1600 Hopkins Drive,
San José, CA 95122

Bascom Community Center
1000 S Bascom Ave.,
San José, CA 95128

Roosevelt Community Center
901 E Santa Clara Street,
San José, CA 95116

A community outreach survey was publicized through public notice in the San José Mercury News and nextdoor.com. The survey asked questions designed to elicit feedback about needs for housing, community facility needs, special needs services, homeless, economic development, and other supportive community programs, and the community's experience with housing discrimination, awareness of tenant

housing rights, home lending, housing affordability, and information related to home maintenance and condition. The surveys were open to the public from October 25, 2019 to December 26, 2019. See Appendix B for Community Engagement and Survey Results.

Efforts to reach populations underrepresented in the planning process included discussions regarding the survey with various housing, social service, faith based, and other organizations that provide services to the disabled and others with special needs, lower-income households, and persons experiencing homelessness. The surveys were provided in English, Spanish, Vietnamese, and Chinese.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meetings	Broad community outreach to all members of the public and targeted outreach to service providers, beneficiaries and grant recipients.	A total of 37 people attended four forums held on the following dates. A total of 35 individuals attended the community meetings held in San José in November 2019.	See PR-10 & 15	All comments were accepted.	See Appendix x
2	Survey	Broad community outreach to members of the public and interested stakeholders.	A total of 1,718 Regional Needs Surveys were collected during the open period. The paper and online survey was available in Spanish and English.	See PR-15	All comments were accepted.	See Appendix x

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The primary source of data used in this needs assessment are the HUD Comprehensive Housing Affordability Strategy (CHAS) special tabulations created through the U.S. Census' American Community Survey (ACS), which incorporate HUD-specified criteria relating to housing needs, HUD-defined income limits and household types. This needs analysis predominantly uses data drawn from ACS' most recent data sets (for example, 2011-2015 or 2012-2016).

The data in this section include basic information about households by income as well as the number of renters and homeowners who experience various types of housing distress at various income levels. The following outlines income categories used in this report:

- Area median income (AMI):
 - Extremely Low-income: 0-30% AMI
 - Very Low-income: 30-50% AMI
 - Low-income: 50-80% AMI
 - Moderate-income: 80-120% AMI
 - Median Income: 100% AMI

- HUD-adjusted median family incomes (HAMFI):
 - Extremely low-income: 0-30% HAMFI
 - Very low-income: 30-50% HAMFI
 - Low-income: 50-80% HAMFI
 - Middle-income: 80-100% HAMFI
 - Upper income 100% HAMFI and above

Note: Area Median Income (AMI) and HUD-Adjusted Median Family Income (HAMFI) are functionally the same when referring to lower-income populations. However, HUD uses HAMFI to determine Fair Market Rents, which guides eligibility for many of its programs including Housing Choice Vouchers (i.e. Section 8). AMI is an industry term used more generally, but often refers to income limits for income-restricted affordable housing. The use of each term is noted throughout the ConPlan.

Household Type

Small families – defined by HUD as households with four or fewer persons -- represent just under 50 percent of all households, while large families (five or more persons) represent about 14 percent of the total households. In addition, senior households (with at least one person 62 years old or older) make up 29 percent of the City's total number of households. Lastly, there are 52,305 households with one or more child aged six or younger, representing 17 percent of households. All told, there are about 314,300 households in San José.

Income Level

Of the total number of households, 45 percent earn lower incomes (below 80 percent of median):

- 18 percent extremely low income
- 13 percent very low income
- 14 percent low income
- 9 percent middle income
- 46 percent median income and above

Household Type

According to CHAS 2011-2015, there is a total of 314,289 households in San José of which 18 percent are extremely low income; 13 percent are very low income; and 14 percent are low income. Forty-five percent of households in San José earn between 0 to 80 percent of the area median income. Small family households represent the largest share of extremely low-income households, accounting for 36 percent in the income category and 6 percent of total households.

Housing Problems

Cost burden (households spending more than 30 percent of gross income on housing costs) is experienced by 42,244 households earning less than the median, representing 13 percent of total households in the City. Severe cost burden (cost burden greater than 50 percent of income) is experienced by 45,335 lower-income households representing 15 percent of total households.

In terms of overcrowding, there are about 15,830 below-median income households that experience 1.01-1.5 people per room, representing five percent of total households in the City, while 8,340 households earning below median experience severe overcrowding, defined as more than 1.51 people per room. All rooms are counted in these metrics.² For example, a dwelling unit with two bedrooms, a living room and a kitchen has four rooms; therefore, if five persons live in this unit, it is considered overcrowded (1.25 persons per room). This represents about three percent of all households in the City; however, other standards – such as the persons-per-bedroom metric – may not consider this overcrowding.

Housing Problems by Tenure

Of households earning less than median income, renters experience housing problems more than owners: in terms of sheer numbers, renters with housing problems account for 63 percent of all households below median with some housing problem (substandard housing, overcrowding, or rent burden). Renters experience severe overcrowding four times more than owners, and of those renter households experiencing severe overcrowding, 43 percent extremely low income.

Overcrowding is the third-highest housing problem experienced among households below the median. Overcrowding among renters is 1.8 times that of owners. Overall, renters at 80 percent AMI and below account for 66 percent of all overcrowded households.

²According to the US Census Bureau, 'Rooms' refers to enclosed areas within a private dwelling which are finished and suitable for year-round living. The number of rooms in a private dwelling includes kitchens, bedrooms and finished rooms in the attic or basement. The number of rooms in a private dwelling excludes bathrooms, halls, vestibules, and rooms used solely for business purposes.

As compared to other housing problems, severe cost burden—housing costs greater than 50 percent of income—is experienced more equally between renters and owners at or below 100 percent AMI. Renters’ rates of severe cost burden exceed owners’ by about 38 percent.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Demographics	Base Year: 2009	Most Recent Year: 2015	% Change
Population	945,942	1,000,865	6%
Households	299,464	314,295	5%
Median Income	\$78,660.00	\$84,647.00	8%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

According to Census data, the population of San José grew 6 percent between 2009 and 2015, during which time the median income increased by 8 percent. The increase in households compared to population suggests that household sizes increased during this period, from about 3.16 persons per household in 2009 to 3.18 in 2015.

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	56,485	41,395	42,755	29,724	143,930
Small Family Households	20,245	17,655	18,795	13,854	85,275
Large Family Households	6,710	7,005	8,080	5,095	15,735
Household contains at least one person 62-74 years of age	11,430	8,415	9,785	6,569	24,400
Household contains at least one person age 75 or older	10,775	6,240	4,815	2,640	7,564
Households with one or more children 6 years old or younger	10,920	9,400	8,920	6,260	16,805

Table 6 - Total Households Table

Data Source: 2011-2015 CHAS

There are nearly 140,635 households in San José earning lower incomes, that is, earning less than 80 percent of median income, representing 45 percent of total households. Overall, small households represent the largest group of households at 50 percent of the total. More than 20,000 households with one or more children aged six or younger earn less than 50 percent of median income (very low-income). In addition, large family households (five or more people) represent more than 40 percent of all households earning lower incomes.

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50-80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	1,115	480	200	155	1,950	105	100	105	30	340
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	2,985	1,755	1,655	565	6,960	225	265	485	405	1,380
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	4,710	3,575	2,165	1,175	11,625	505	1,005	1,560	1,135	4,205
Housing cost burden greater than 50% of income (and none of the above problems)	20,315	5,525	1,235	100	27,175	8,795	6,065	3,400	1,345	19,605
Housing cost burden greater than 30% of income (and none of the above problems)	4,950	9,145	7,320	3,289	24,704	2,125	3,630	6,475	5,310	17,540
Zero/negative Income (and none of the above problems)	1,800	0	0	0	1,800	1,075	0	0	0	1,075

Table 7 – Housing Problems Table

Data 2011-2015 CHAS
Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	29,125	11,340	5,255	1,995	47,715	9,630	7,435	5,545	2,915	25,525
Having none of four housing problems	9,400	12,180	15,190	10,349	47,119	5,455	10,440	16,765	14,460	47,120
Household has negative income, but none of the other housing problems	1,800	0	0	0	1,800	1,075	0	0	0	1,075

Table 8 – Housing Problems 2

Data 2011-2015 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	13,590	9,150	4,595	27,335	3,655	4,065	5,080	12,800
Large Related	5,085	3,045	1,190	9,320	995	1,850	2,200	5,045
Elderly	7,685	2,165	710	10,560	5,225	3,675	2,265	11,165
Other	6,845	4,230	2,895	13,970	1,665	925	1,355	3,945
Total need by income	33,205	18,590	9,390	61,185	11,540	10,515	10,900	32,955

Table 9 – Cost Burden > 30%

Data 2011-2015 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	11,305	2,900	620	14,825	3,060	2,630	1,625	7,315
Large Related	4,150	715	105	4,970	880	1,005	435	2,320
Elderly	5,120	835	160	6,115	3,925	2,160	1,010	7,095
Other	5,805	1,745	435	7,985	1,445	630	510	2,585
Total need by income	26,380	6,195	1,320	33,895	9,310	6,425	3,580	19,315

Table 10 – Cost Burden > 50%

Data 2011-2015 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	6,620	4,270	2,570	1,225	14,685	570	745	935	730	2,980
Multiple, unrelated family households	955	1,015	1,125	375	3,470	155	530	1,115	805	2,605
Other, non-family households	240	160	165	155	720	15	4	4	10	33
Total need by income	7,815	5,445	3,860	1,755	18,875	740	1,279	2,054	1,545	5,618

Table 11 – Crowding Information – 1/2

Data 2011-2015 CHAS
Source:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	9,085	6,695	5,340	21,120	1,415	2,430	3,325	7,170

Table 22 – Crowding Information – 2/2

Data 2012-2016 CHAS
Source:

Describe the number and type of single person households in need of housing assistance.

There are 62,645 householders living alone, accounting for 20 percent of total households (319,558), according to the 2013-2017 American Community Survey (ACS) 5-year estimates; of these, 29,250 are male, and 33,395 are female. San José also has a large share of seniors living alone: of the total number of households, 7 percent (22,637) are seniors (persons 65 years and older). In the 15 to 34 age group, three percent (10,240 persons) live alone. The age cohort with the highest number living alone is 35 to 64 years, totaling nine percent of households, or 29,768 persons.

Of those householders living alone, three percent (10,562) are living below the federal poverty line, as reported by the 2013-2017 ACS five-year estimates. Of non-family households over 65 years, 1,346 males and 3,892 females lived below the poverty level. Of seniors, 15,860, or 13.3 percent have a disability (ACS, 2013-2017).

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault, and stalking.

The City of San José Point-In-Time (PIT) Count 2019 counted 98 homeless families on the night of the count, a decrease from the 2017 count of 104 families. In addition to the count, the Homeless Survey was conducted from January 29 to February 28, 2019 and resulted in 925 complete and valid surveys collected in the City of San José. Homeless survey findings for 2019 reported that five percent of all survey respondents reported currently experiencing domestic/partner violence or abuse (the report does not indicate whether these respondents were sheltered or unsheltered). When asked about experiences of ever being physically, emotionally, or sexually abused by a relative, or another person they have stayed with (spouse, partner, sibling, parent) in their lifetime, 28 percent indicated that they have been.

In 2017, Local Domestic Violence-shelter based programs served over 6,500 domestic violence survivors and families but had to turn away over 2,000 people seeking shelter due to lack of capacity. The Intimate Partner Violence in Santa Clara County in June of 2017 identified housing as an important unmet need in services, safety, and survival. As a result, the Board of Supervisors approved \$1.6 million in funding for housing and shelter services as part of its implementation of the Blue-Ribbon report. The Office of Supportive Housing leveraged this County funding to receive \$1 million in new federal funds for fiscal year 2019.³

In 2018, there were seven domestic violence-related deaths, including four murder victims, a suicide victim and two perpetrators who committed suicide. But 2018's number of domestic violence-related deaths is less than the average occurring in Santa Clara County over the last 22 years- an average of 11 domestic violence-related deaths every year.⁴

³ County of Santa Clara News, "County of Santa Clara Receives over \$21 Million in Federal Funding for Homeless Housing Programs," under Newsroom, <https://www.sccgov.org/> [accessed February 27, 2020].

⁴ Campbell Patch, "Domestic Violence Deaths Dropping in Santa Clara County," <https://patch.com/california/campbell/domestic-violence-deaths-dropping-santa-clara-county-d>, [accessed February 7, 2020].

What are the most common housing problems?

The most common housing problem is severe cost burden (cost burden greater than 50 percent of income) and is experienced by 46,780 in the 0-100 percent AMI households, representing 15 percent of total households in the City. Cost burden (households spending more than 30 percent of gross income on housing costs, including utilities) is experienced by 42,244 in the 0-100 percent AMI households, representing 13 percent of total households.

About 15,830 households earning less than median income experience overcrowding, defined as 1.01- 1.5 people per room, representing 5 percent of all households in the City, while 8,340 below median-income households experience severe overcrowding (more than 1.51 people per room) representing 3 percent of all households in the City. In terms of households with children present, more than 21,000 lower-income renter households and nearly 7,200 lower-income owner households are overcrowded.

As noted above, all rooms are counted in these metrics.⁵ For example, a dwelling unit with two bedrooms, a living room and a kitchen has four rooms; therefore, if five persons live in this unit, it is considered overcrowded (1.25 persons per room). However, other standards – such as the persons-per-bedroom metric – may not consider this overcrowding.

Substandard housing is experienced by 2,290 households earning less than median, representing 0.7 percent of total households in the City.

Are any populations/household types more affected than others by these problems?

See the discussion previous to this section.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Total households with one or more children 6 years old or younger and earning lower incomes account for 9 percent of households in the City. These households – especially those that are extremely low-income -- are vulnerable to becoming homeless because of insufficient incomes and potential unforeseen financial challenges—a significant cause of homelessness. Many households are one paycheck away from being homeless because they lack sufficient discretionary income to remain stably housed.

In Santa Clara County, 1,420 households were served by Rapid Re-housing in 2018; 883 of 1,297 clients who exited rapid rehousing programs that year went on to obtain permanent housing.⁶ There are 159 rapid re-housing units in San José and 67 more in the County of Santa Clara.

⁵According to the US Census Bureau, 'Rooms' refers to enclosed areas within a private dwelling which are finished and suitable for year-round living. The number of rooms in a private dwelling includes kitchens, bedrooms and finished rooms in the attic or basement. The number of rooms in a private dwelling excludes bathrooms, halls, vestibules, and rooms used solely for business purposes.

⁶ Ending Homelessness, The State of the Supportive Housing System in Santa Clara County 2018.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The City does not have a working definition of at-risk of homelessness.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

As mentioned above, households that are most vulnerable to becoming homeless because of insufficient incomes and potential unforeseen financial challenges—a significant cause of homelessness. Many of these households include children. According to the Homeless Survey from the City of San José’s Homeless Census, survey respondents stated the primary events or conditions that led to homelessness are as follows:

- 30 percent-Lost Job
- 25 percent-Alcohol or Drug Use
- 16 percent-Divorce/Separation/Breakup
- 14 percent-Eviction
- 12 percent-Argument with Family/Friend
- 12 percent-Incarceration

Discussion

See discussion above.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A key task of the Consolidated Plan is identification of racial or ethnic groups that may experience a disproportionately greater extent of housing problems in the community. A disproportionately greater housing problem or need exists when the numbers of a racial or ethnic group at a given income level experience housing problems at a rate greater than 10 percent or more than the income level as a whole.

HUD identifies four housing problems:

1. Housing unit lacking complete kitchen facilities
2. Housing unit lacking complete plumbing facilities
3. Overcrowded with more than 1 person per room not including bathrooms, porches, foyers, halls, or half-rooms.
4. Cost burdened, with household paying more than 30 percent of income toward housing costs (including utilities)

To enable an analysis of “Disproportionately Greater Need”, a baseline has been established to show the percent of households in the community experiencing housing problems. The number of households that have one or more of the four housing problems in the jurisdiction as a whole, divided by the total number of people in that jurisdiction as a whole (Tables 13–16) was used to establish baseline percentages for those experiencing housing problems by income category. These baseline percentages are:

- 85 percent for 0–30 percent of AMI
- 76 percent for 30–50 percent of AMI
- 58 percent for 50–80 percent of AMI
- 45 percent for 80–100 percent of AMI

These baseline percentages have been used to assess whether any racial-ethnic group shown in the following Disproportionately Greater Need Tables (Tables 13–16) are experiencing disproportionately greater housing problems/needs. As previously indicated, the greatest contributor to the City’s documented housing problems relates to lack of affordable housing and high cost burden.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	45,830	7,785	2,875
White	10,905	2,315	1,025
Black / African American	2,390	140	185
Asian	13,255	3,230	950
American Indian, Alaska Native	140	0	0
Pacific Islander	205	10	0
Hispanic	17,735	2,005	670

Table 13 - Disproportionally Greater Need 0–30% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30 percent

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	31,555	9,840	0
White	9,245	4,115	0
Black / African American	1,295	275	0
Asian	6,885	2,405	0
American Indian, Alaska Native	34	50	0
Pacific Islander	115	25	0
Hispanic	13,370	2,825	0

Table 34 - Disproportionally Greater Need 30–50% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30 percent

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	24,595	18,160	0
White	6,405	6,750	0
Black / African American	845	720	0
Asian	7,540	4,315	0
American Indian, Alaska Native	50	150	0
Pacific Islander	80	100	0
Hispanic	9,100	5,755	0

Table 15 - Disproportionally Greater Need 50–80% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30 percent

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	13,514	16,215	0
White	4,430	5,830	0
Black / African American	535	655	0
Asian	4,319	4,790	0
American Indian, Alaska Native	0	45	0
Pacific Islander	89	50	0
Hispanic	3,805	4,385	0

Table 16 - Disproportionally Greater Need 80–100% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30 percent

Discussion

Disproportionate need regarding housing problems was found in the extremely low-income category, as well as in the middle-income category. American Indian/Alaska Native and Pacific Islander extremely low-income households have disproportionate housing problems at rates of 100 percent and 95 percent, respectively. It should be noted, however, the number of households is quite small: 140 and 215, respectively.

With respect to the middle-income category, 64 percent of Pacific Islander have disproportionate housing problems, compared with 45 percent for the jurisdiction as a whole; however, as in the extremely low-income category, the absolute number of households disproportionately impacted is quite small: just 89 households.

Housing Problems	0%-30% of AMI	30%-50% of AMI	50%-80% of AMI	80%-100% of AMI
Jurisdiction as a whole	85%	76%	58%	45%
White	82%	69%	49%	43%
Black / African American	94%	82%	54%	45%
Asian	80%	74%	64%	47%
American Indian, Alaska Native	100%	40%	25%	0%
Pacific Islander	95%	82%	44%	64%
Hispanic	90%	83%	61%	46%

Table 17 - Disproportionally Greater Need – Housing Problems

Data 2011-2015 CHAS
Source:

Although only three race/ethnic categories fall within the strict definition of disproportionate need – 10 percentage points above the average for the jurisdiction as a whole – there are several categories that warrant ongoing review to ensure these groups do not have rising rates of disproportionate need.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

HUD identifies the four severe housing problems:

1. Housing unit lacking complete kitchen facilities
2. Housing unit lacking complete plumbing facilities
3. Overcrowded with more than 1.5 person per room not including bathrooms, porches, foyers, halls, or half-rooms.
4. Cost burdened, with household paying more than 50 percent of income toward housing costs (including utilities)

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	38,755	14,855	2,875
White	9,120	4,090	1,025
Black / African American	2,025	505	185
Asian	10,295	6,190	950
American Indian, Alaska Native	109	30	0
Pacific Islander	115	100	0
Hispanic	16,030	3,705	670

Table 48 – Severe Housing Problems 0–30% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50 percent

This table shows that both extremely low-income American Indian/Alaska Native households (115) and Hispanic households (16,030) have a disproportionate need in terms of severe housing problems. Although the Black/African American households' (2,025) severe housing problems did not rise to the strict standard of disproportionate need, they should be monitored, as this category had a need that was 6 percent higher than the jurisdiction as a whole.

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	18,775	22,620	0
White	4,930	8,430	0
Black / African American	770	800	0
Asian	4,505	4,785	0
American Indian, Alaska Native	30	55	0
Pacific Islander	50	90	0
Hispanic	8,150	8,045	0

Table 59 – Severe Housing Problems 30–50% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50 percent

According to the table above, no race/ethnic group earning very low incomes had a disproportionate need, and no groups had needs more than 5 percent higher than the jurisdiction as a whole.

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	10,800	31,955	0
White	2,265	10,895	0
Black / African American	160	1,410	0
Asian	3,495	8,365	0
American Indian, Alaska Native	34	175	0
Pacific Islander	54	130	0
Hispanic	4,650	10,205	0

Table 20 – Severe Housing Problems 50–80% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50 percent

According to the table above, no race/ethnic group earning very low incomes had a disproportionate need, but Hispanic households (4,650) had needs 6 percent higher than the jurisdiction as a whole.

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	4,910	24,809	0
White	870	9,395	0
Black / African American	135	1,060	0
Asian	1,585	7,529	0
American Indian, Alaska Native	0	45	0
Pacific Islander	85	60	0
Hispanic	2,145	6,040	0

Table 21 – Severe Housing Problems 80-100% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50 percent

The table above shows that both Pacific Islander (85) and Hispanic households (2,145) have a disproportionate need in terms of severe housing problems. Further, no groups had needs more than 5 percent higher than the jurisdiction as a whole.

Discussion

The following table highlights in red those categories with disproportionate needs as defined by HUD, while the categories of households in yellow should be monitored.

Severe Housing Problems	0%-30% of AMI	30%-50% of AMI	50%-80% of AMI	80%-100% of AMI
Jurisdiction as a whole	69%	45%	25%	17%
White	64%	37%	17%	8%
Black / African American	75%	49%	10%	11%
Asian	59%	48%	29%	17%
American Indian, Alaska Native	79%	35%	16%	0%
Pacific Islander	53%	36%	29%	59%
Hispanic	79%	50%	31%	27%

Table 22 – Disproportionately Greater Need: Severe Housing Problems

Data 2011-2015 CHAS
Source:

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Housing costs have the potential to cause housing problems in a community. If housing costs are high relative to household income, there will be a higher incidence of cost burden and, potentially overcrowding. This section determines whether a racial/ethnic group experiences cost burden disproportionately.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	186,910	67,828	56,390	3,160
White	76,330	22,354	16,790	1,090
Black / African American	4,755	2,440	2,810	200
Asian	63,069	20,064	15,420	1,050
American Indian, Alaska Native	455	85	160	0
Pacific Islander	655	235	135	0
Hispanic	37,280	20,985	19,495	790

Table 23 – Greater Need: Housing Cost Burdens AMI

Data Source: 2011-2015 CHAS

Discussion:

Disproportionate need was found only in the category of severe cost burden. Twenty-eight percent of Black/African American households experience severe cost burden, which is more than 10 percent above the rate for the jurisdiction as a whole (see red highlight, below). In addition, while not strictly disproportionately cost burdened according to HUD requirements, Hispanic households (yellow) should be monitored.

Housing Cost Burden	<=30%	30-50%	>50%
Jurisdiction as a whole	60%	22%	18%
White	66%	19%	15%
Black / African American	48%	24%	28%
Asian	64%	20%	16%
American Indian, Alaska Native	65%	12%	23%
Pacific Islander	64%	23%	13%
Hispanic	48%	27%	25%

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Disproportionate need regarding housing problems was found in the extremely low-income and middle-income brackets. With respect to extremely low-income households, percentages of two racial groups exceed the baseline percentage of 85 percent for the jurisdiction as American Indian/Alaska Native and Pacific Islander households are disproportionately impacted. With respect to the middle-income category, Pacific Islander have disproportionate housing problems. However, for both income brackets, the absolute number of households disproportionately impacted is quite small.

Disproportionate need was found in the middle-income bracket only: 59 percent of Pacific Islander households have a severe housing problem, compared with 17 percent of the jurisdiction as a whole. However, and as was illustrated previously, the absolute number of households impacted is quite small – just 85 households.

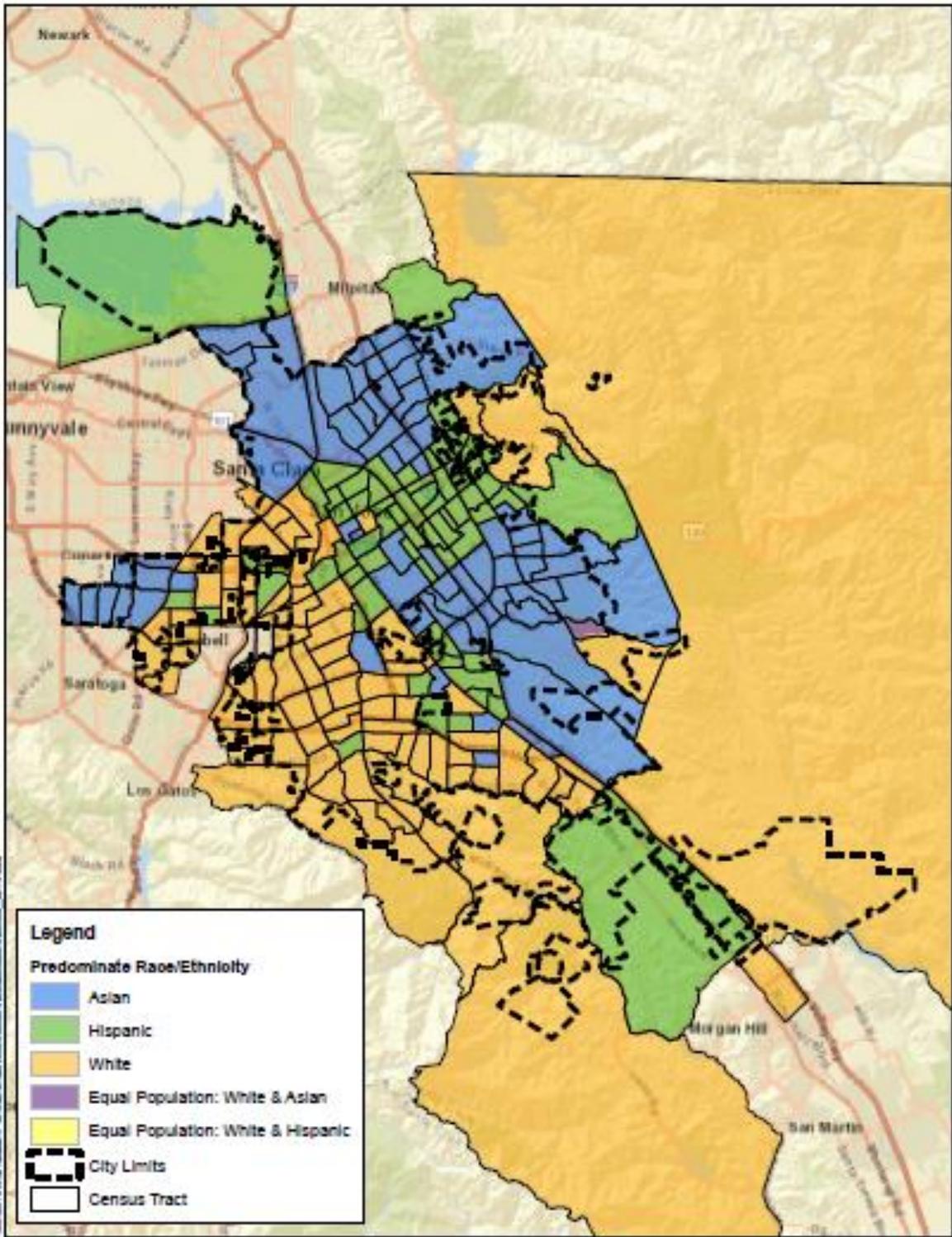
In the extremely low-income category, 81 percent of the Hispanic households experience severe housing problems as compared to 72 percent of the jurisdiction as a whole; however, this is less than the 10 percent difference required to constitute a disproportionate impact.

If they have needs not identified above, what are those needs?

Not applicable.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

As shown in Map 1, below, minority concentrated tracts are located in central, north, and in the most western part of the City. Map 2 shows the locations of racially and ethnically concentrated areas of poverty in San José.



Michael Baker
INTERNATIONAL

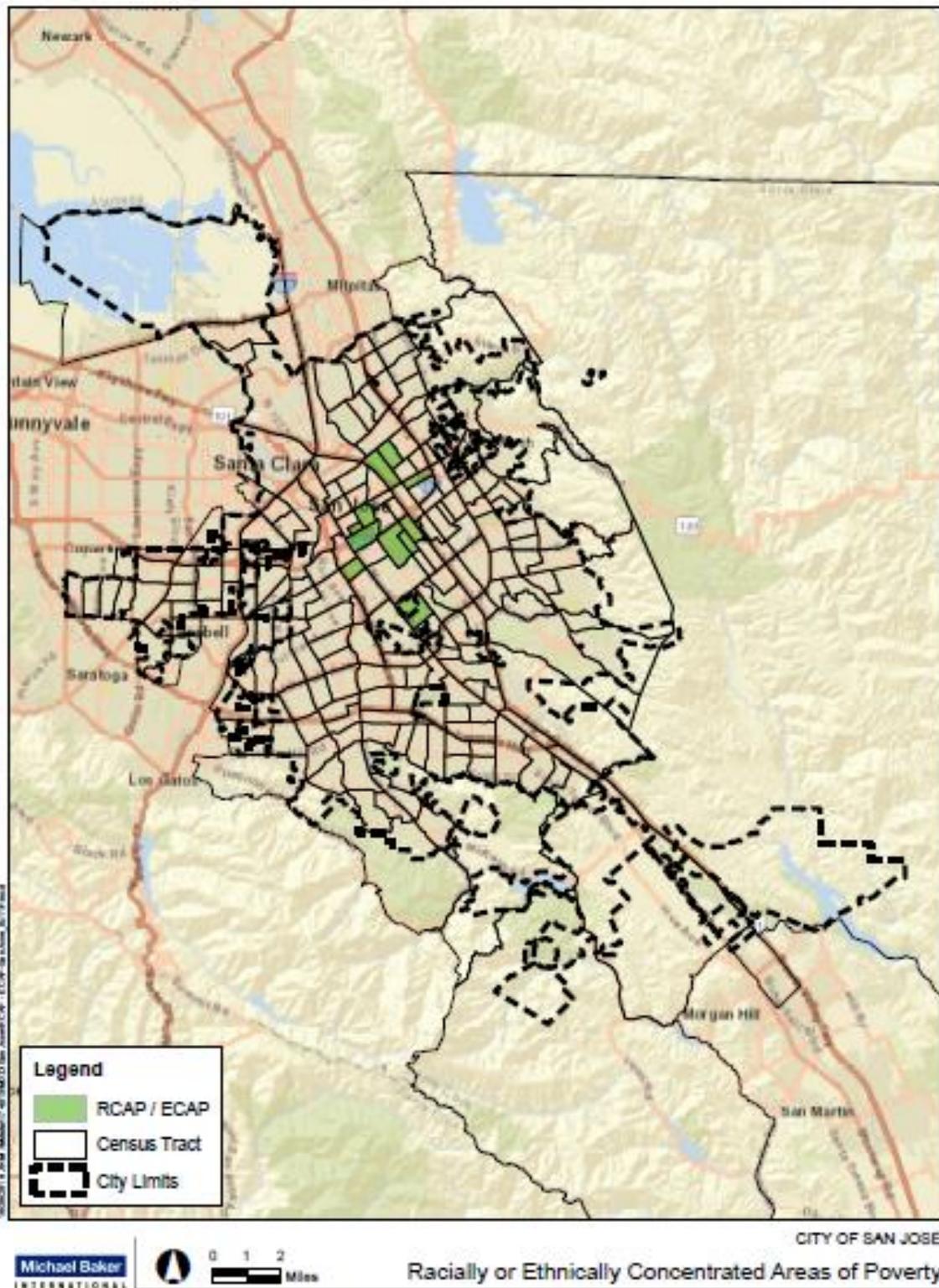


Source: U. S. Census, American Fact Finder 2017, Perl Street Map

CITY OF SAN JOSE
Minority Population Census Tract

Figure

Map 1: Minority Concentrations. Source: Source: U. S. Census, American Fact Finder 2017, Esri Street Map.



Map 2: Racially and Ethnically Concentrated Areas of Poverty. Source: Source: HUD Open Data Exchange 2018, U.S Census Tract 2010, Esri Street Map.

NA-35 Public Housing – 91.205(b)

Introduction

The Santa Clara County Housing Authority (SCCHA) assists households through public housing as well as Section 8 Housing Choice Voucher program. The Section 8 waiting list contains 5,909 households, which is estimated to be a 6-year wait. SCCHA also develops, owns, and manages more than 2,700 affordable rental housing properties throughout the County. SCCHA's programs are targeted toward LMI households, and more than 80 percent of client households are extremely low-income families, seniors, veterans, persons with disabilities, and formerly homeless individuals.

In 2008, SCCHA was selected by HUD to become a Moving to Work (MTW) agency. This federal demonstration program allows greater flexibility to design and implement innovative approaches for providing housing assistance. The goals of the MTW program are to 1) Decrease administrative costs and increase cost-effectiveness in housing program operations, 2) Promote participants' economic self-sufficiency, and 3) Expand participants' housing choices.

Additionally, SCCHA has used Low Income Housing Tax Credit financing for the development of most of its housing portfolio. The agency is an active developer of affordable housing and has either constructed, rehabilitated, or assisted with the development of more than 30 housing developments that service a variety of households, including special needs households.

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	N/A	31	N/A	5,969	781	5,188	N/A	N/A	N/A

Table 24 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: Santa Clara County Housing Authority, December 20, 2019.

Characteristics of Residents

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	
Average Annual Income	N/A	\$10,047	N/A		\$9,792	\$11,471	\$13,802	\$15,755	
Average length of stay	N/A	14.0 yrs	N/A		4.5 years	14.9 years	3.1 years	6.0 years	
Average Household size	N/A	2.4	N/A		1.6	2.3	1.5	3.6	
# Homeless at admission	N/A	0	N/A	1,747	66	1,681	731	11	
# of Elderly Program Participants (>62)	N/A	10	N/A	5,718	624	5,094	279	0	
# of Disabled Families	N/A	11	N/A	6,111	530	5,581	221	8	
# of Families requesting accessibility features	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
# of HIV/AIDS program participants	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
# of DV victims	N/A	N/A	N/A	N/A	N/A	27	2	N/A	

Table 25 – Characteristics of Public Housing Residents by Program Type

Data Source:

Santa Clara County Housing Authority, December 20, 2019.

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled
White	0	6	0	12,457	559	11,898	588	204	76
Black/ African American	0	0	0	3,980	116	3,864	328	28	22
Asian	0	49	0	10,850	874	9,976	92	28	70
American Indian/Alaska Native	0	0	0	428	46	382	25	15	6
Pacific Islander	0	0	0	165	8	157	53	0	4
Other	0	0	0	0	0	0	0	0	0

Table 26 – Race of Public Housing Residents by Program Type

Data Source: Santa Clara County Housing Authority, December 20, 2019.

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	N/A	6	N/A	9,971	404	9,567	241	176	61
Not Hispanic	N/A	49	N/A	17,894	1,198	16,696	845	97	117

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 27 – Ethnicity of Public Housing Residents by Program Type

Data Source: Santa Clara County Housing Authority, December 20, 2019.

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

Not applicable. SCCHA does not have any public housing units located in San José.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Depending on program type, as shown in Table 25, households have an average income between \$9,792 and \$15,755; this presents the economic hardship that most program participants endure. Housing Choice Voucher programs are administered in Santa Clara County through the Moving to Work HUD program and are designed to increase housing choices and facilitate self-sufficiency through education and employment opportunities.

How do these needs compare to the housing needs of the population at large

A great need exists for San José lower-income residents that do not live in public housing or use the Housing Choice Voucher program, especially because of possible rent fluctuations and housing cost burdens. According to CHAS 2011-2015, there is a total of 314,289 households in San José, of which 18 percent are extremely low income; 13 percent are very low income; and 14 percent are low income. Households using housing choice vouchers only account for four percent of total households in San José.

Discussion

See above.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The Santa Clara County Continuum of Care receives approximately \$26 million annually in federal funding from the US Department of Housing and Urban Development (HUD). It is required that CoCs who are recipients of HUD funding to report on the number of individuals and families experiencing homelessness within their communities. On January 29th and 30th of 2019, a PIT count was conducted in Santa Clara County. The PIT count is conducted every two years. The number of homeless in Santa Clara County increased to 9,706 in 2019 from 7,394 in 2017, a 31 percent increase. In addition to the PIT count of the homeless population, surveys of persons experiencing homelessness were taken to contribute to a more comprehensive data collection to determine needs. To collect data regarding individuals staying in shelters throughout the County, data was obtained from the HMIS system administrators for Santa Clara County.⁷

The total of 9,706 persons experienced homelessness in Santa Clara County as described in the 2019 PIT count, of which 63 percent were counted in San José. Most homeless services and shelters are located in San José, which in part accounts for the majority of persons experiencing homelessness located in San José.

Families experiencing homelessness in San José alone account for over one-third of those in the County as a whole; however, as reported at the County level, 76 percent of homeless families are sheltered, which is contrary to other homeless populations. As for race and ethnicity, San José's numbers are proportionate to the County's count of homeless by race, for example, with the Latinx/Hispanic ethnicity accounting for approximately 41 percent of the homeless population in the City, and 43 percent in the County. Veterans who are homeless account for 8 percent of the homeless population in the City, again, a number similar to the Countywide count of homeless veterans at 7 percent, with more unsheltered in the County, 68 percent, than the City, 61 percent.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The subpopulation of "Families" is defined by HUD as, "a household with at least one adult member (persons 18 or older) and at least one child member (persons under 18). The PIT counted 269 families with 921 members as homeless in the County—76 percent were sheltered, and 24 percent were unsheltered. In the City of San José, 98 families and 313 individual family members were counted, a slight decrease from 2017's count of 104 and 340, respectively. It should be noted that the Santa Clara County Office of Education street count of Kindergarten through 12th grade students and their families was also conducted for a count of unsheltered homeless students and their families, numbers that are included in the count.

⁷ Santa Clara County, *Homeless Census & Survey Comprehensive Report, 2019*, Applied Survey Research.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Respondents to the surveys also reported racial and ethnic demographic data. When asked what race a respondent was, the top four responses were 44 percent White, 24 percent multi-racial, 19 percent Black, and 8 percent said they were American Indian or Alaskan Native. Forty-three percent of respondents reported they were of Latinx/Hispanic ethnicity.

For San José alone, the numbers were like the County’s. See the following tables for Racial and Ethnic makeup among the chronically homeless, homeless veterans, and homeless youth populations for San José.

Chronic Homelessness by Race		
	Chronic	Non-Chronic
American Indian/Alaska Native	10%	8%
Asian	3%	4%
Black/African American	17%	20%
Native Hawaiian/Other Pacific Islander	1%	2%
White	39%	37%
Hispanic/Latino	40%	41%
Multi-Racial/Other	31%	28%
* Chronic N = 225; Non-Chronic N = 622		

Table 28 – Chronic Homelessness by Race

Data Source: City of San José Point-In-Time Count 2019, City of San José 2019 Homeless Census and Survey, <http://www.sanjoseca.gov/DocumentCenter/View/85898>.

Veterans Experiencing Homelessness By Race		
	Veterans	Non-Veterans
American Indian/Alaska Native	8%	9%
Asian	0%	4%
Black/African American	20%	19%
Native Hawaiian/Other Pacific Islander	2%	2%
White	58%	36%
Hispanic/Latino	29%	
Multi-Racial/Other	12%	31%
* Veterans N = 59; Non-Veteran N = 782		

Table 29 – Chronic Homelessness by Race

Data Source: City of San José Point-In-Time Count 2019, City of San José 2019 Homeless Census and Survey, <http://www.sanjoseca.gov/DocumentCenter/View/85898>.

Young and Youth Experiencing Homelessness By Race	
American Indian/Alaska Native	10%
Asian	5%
Black/African American	29%
Native Hawaiian/Other Pacific Islander	3%
White	35%
Hispanic/Latino	45%
Multi-Racial/Other	18%
* 2019 N = 1,386	

Table 30 – Chronic Homelessness by Race

Data Source: City of San José Point-In-Time Count 2019, City of San José 2019 Homeless Census and Survey, <http://www.sanjoseca.gov/DocumentCenter/View/85898>.

The table above provides data on the number of young people experiencing homelessness. Nearly 1,400 youth were counted, of which the majority were persons of color. The 2015-2020 Community Plan to End Homelessness notes that youth, children and families need systems of care that target their specific needs, as the typical homeless system is designed to meet adult needs. An improved system of care would provide robust prevention programs to keep families from becoming homeless in the first place.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

The total of persons experiencing homelessness in Santa Clara County in the 2019 PIT count was 9,706— 18 percent sheltered and 82 percent unsheltered. The total for San José accounts for 63 percent of the total homeless in the County, or 6,097 persons. San José, as the largest City in Santa Clara County, has the majority of homeless services and shelters in the County. The table below illustrates the trend of sheltered versus unsheltered homeless in the City of San José, which has fluctuated over the years; however, the increase of 58 percent between 2017 and 2019 highlights the severity of the homelessness problem. Persons experiencing chronic homelessness account for 85 percent of all persons.

Point-In-Time Homeless Population by Shelter Status							
	2009	2011	2013	2015	2017	2019	2017-2019 Net Change
Sheltered	1,081	977	1,110	1,253	1,119	980	-12
Unsheltered	3,112	3,057	3,660	2,810	3,231	5,117	58
Total	4,193	4,034	4,770	4,063	4,350	6,097	40

Table 31 – Chronic Homelessness by Race

Data Source: City of San José Point-In-Time Count 2019, City of San José 2019 Homeless Census and Survey, <http://www.sanjoseca.gov/DocumentCenter/View/85898>.

Population Experiencing Chronic Homelessness			
	2015	2017	2019
Unsheltered	87%	89%	85%
Sheltered	13%	11%	15%

Table 32 – Chronic Homelessness by Race

Data Source: City of San José Point-In-Time Count 2019, City of San José 2019 Homeless Census and Survey, <http://www.sanjoseca.gov/DocumentCenter/View/85898>.

Discussion

To assist populations experiencing homelessness in San José and counteract the impacts on the community, the City of San José's Housing Department developed the Homelessness Response Framework, which uses a Coordinated Assessment System, beginning with an Outreach Team that serves as the first point of entry for those who are unsheltered into the system. At the outset of outreach, obtaining basic needs are facilitated. Individuals experiencing homelessness are then added to the Coordinated Assessment System and matched with the appropriate housing program.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction

The City of San José accepts funding on behalf of the metropolitan statistical area under the HOPWA program. This section describes the housing and supportive service needs of low-income persons with HIV/AIDS and their families. In addition, this section describes the needs of Special Needs populations including seniors (62 years and older), the frail elderly, persons with disabilities (including developmental disabilities), as well as victims of domestic violence.

HOPWA

Current HOPWA formula use:	County of Santa Clara	City of San José
Cumulative cases of AIDS reported	4,886	3,075
Rate of new AIDS cases* per 100,000 population in 2018	3.3	3.6
Number of new cases prior year (3 years of data)	178	108
Rate per population (3 years of data)	3.1	3.5
Current HIV Surveillance Data:	County of Santa Clara	City of San José
Number of Persons living with HIV (PLWH)	3,419	2,370
Area Prevalence (PLWH 100,000 population)	175.5	227.3
Number of new HIV cases reported in 2018	167	110

Table 33 – HOPWA Data

Note:

* Include AIDS patients who were previously reported as HIV only (not AIDS) to County of Santa Clara Public Health Department

† Include people diagnosed with HIV infection with or without AIDS

Data County of Santa Clara, Public Health Department, eHARS, data as of May 1, 2019. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties, and the State, 2011-2019, with 2010 Census Benchmark.
Source: Sacramento, California, May 2019.

HIV Housing Need (HOPWA Grantees Only)

Type of HOPWA Assistance	Estimates of Unmet Need
Tenant-based rental assistance	655
Short-term Rent, Mortgage, and Utility	0
Facility Based Housing (Permanent, short-term or transitional)	0

Table 34 – HIV Housing Need

Data HealthTrust, January 2020.

Source:

Describe the characteristics of special needs populations in your community:

HIV/AIDS

Acquired immunodeficiency syndrome (AIDS) is a chronic, potentially life-threatening condition caused by the human immunodeficiency virus (HIV). By damaging the immune system, HIV interferes with the body's

ability to fight the organisms that cause disease.⁸ As of December 31, 2017, a total of 6,357 individuals diagnosed with HIV had been reported to the County of Santa Clara. Of these, 4,837 (76 percent) were diagnosed with AIDS. A cumulative number of 2,557 (40 percent) persons were known to have died, including 2,498 with a diagnosis of AIDS.⁹ While the County has seen improvements in survival rates and care for people living with HIV, as well as stabilization of the overall epidemic, disparities that negatively affect Lesbian, Gay, Bisexual, Transgender and Queer or Questioning (LGBTQ) populations and people of color not only persist but have worsened.

Persons with HIV/AIDS sometimes face biases and misunderstanding about their illness that affect their access to housing. In addition, persons with HIV/AIDS may also be targets for hate crimes, which include crimes committed because of hatred directed toward an assumed sexual orientation. The National Commission on AIDS states that up to half of all Americans with AIDS are either homeless or at imminent risk of becoming homeless because of illness, lack of income or other resources, or a weak support network. According to the 2018 HIV Epidemiology Annual Report, the highest rates of HIV/AIDS cases reside in areas with high concentrations of poverty, low educational attainment, and high rates of unemployment.

Senior Population

Because of the high birth-rate during the mid-20th century and improved healthcare, seniors are living longer and are becoming a larger portion of the population everywhere. An expansion in the senior population creates the special need of scaled-down housing size, ADA accessibility, and other amenities that give seniors access in the community.

Senior persons (those aged 62 years or older) often have special housing needs for three main reasons: fixed, relatively low incomes, high health care costs, and physical disabilities. According to the 2013-2017 ACS, 95,242 seniors lived in San José comprising 10 percent of the total population. Seniors living with a disability totaled 16,900, or 18 percent. Additionally, and as mentioned earlier, of non-family households over 65, 1,346 males and 3,892 females lived below the poverty level; of seniors with a disability, 15,860, or 13.3 percent have a disability (ACS, 2013-2017).

According to the City's Housing Element for 2014-2023, San José contains some 200 Residential Care Facilities for the Elderly (RCFEs) with a total licensed capacity of nearly 2,500 persons. RCFEs are distributed throughout the City and account for two-thirds of all RCFEs in Santa Clara County.

Disabled Population

According to the 2013-2017 ACS 5 Year Estimates, 80,299 persons over the age of 18 years had a disability, comprising 8 percent of San José's population. As age increases, the incidence of disability increases. Persons with disabilities often face limited earning potential as the result of their disabilities. In addition to housing affordability problems, people with disabilities experience other difficulties obtaining adequate housing because of discrimination and a lack of housing with accessibility features and adequate support services. In addition, persons with self-care and mobility limitations may require special housing design features such as wheelchair ramps, holding bars, special bathroom designs, and wider doors.

⁸ <https://www.mayoclinic.org/diseases-conditions/hiv-aids/symptoms-causes/syc-20373524>

⁹ <https://www.sccgov.org/sites/phd/hi/hd/Documents/hiv-report-2017.pdf>

Most (79 percent) of the more than 7,700 developmentally disabled individuals living in San José are residing in the home of a guardian or are living independently with support. According to the 2014-2023 San José Housing Element, of developmentally disabled individuals in the City, 16 percent, or 1,270 live in Community Care or Intermediate Care Facilities. Many of these facilities are operated with State funding at the County level.

The City of San José tracks affordability restrictions for supportive housing units in Santa Clara County. Deed restricted supportive housing units include approximately 22 percent of units that are set aside for seniors and 2 percent is set aside for developmentally disabled individuals.¹⁰

Survivors of Domestic Violence

As noted in NA-10, in 2017, local domestic violence-shelter based programs served over 6,500 domestic violence survivors and families but had to turn away over 2,000 people seeking shelter due to lack of capacity. Although many people who suffer domestic violence either are, or become, homeless because of their abuse, there are others who continue to live with their perpetrator. In 2018, there were seven domestic violence-related deaths, including four murder victims, a suicide victim and two perpetrators who committed suicide. The City and County continue to identify housing as an important unmet need in services, safety, and survival.

Single Female Heads of Household

Female heads of households typically have lower incomes and live more in poverty than do male heads of household. According to ACS 2018 data, 6 percent of all households in San José fall below the federal poverty level. In contrast, for female-headed households, this figure is 17 percent, while only 8 percent of male-headed households experience poverty. This figure climbs to 30 percent for women when related children are present. In total, there are about 6,300 female-headed households that are under the poverty level.

What are the housing and supportive service needs of these populations and how are these needs determined?

Rent for a home in Santa Clara County is costly for special needs populations, who often are lower income. Persons living with HIV/AIDS experience difficulties keeping their jobs and paying for their high cost medications and housing costs with an average paying job. Many clients of agencies are on fixed incomes or working part time jobs.

In January of 2020, a regional stakeholder meeting was held in the City of Cupertino where members from the community could attend and voice opinions on the housing and supportive service needs of persons living with AIDS/HIV and their families. Participants noted the following:

- Fix housing ordinances – Currently, housing ordinances favor landlords, and there is no enforcement when landlords disregard the rules. Policies that allow exemptions for affordable housing, and loopholes for landlords, should be removed.
- Increase access to adequate legal assistance – Individuals who suffer from HIV/AIDS are often discriminated against by landlords. Providing them with legal assistance in these situations can help these individuals

¹⁰ 2014-2023 Housing Element, January 27, 2015.

avoid becoming homeless. Case workers should also receive training on housing laws, and what they can do to enforce these policies/ordinances/laws.

- Increase contact between case workers and their clients – Clients often have difficulty getting in contact with their case workers. In some cases, clients only hear from their case workers twice per year, which is not enough to make a difference. Case worker’s availability, and their ability to follow-up with clients need improvement.
- Increase coordination between service providers – There is reportedly a lack of coordination between various HIV/AIDS service providers, and they often have trouble getting into contact with each other. Improving the communication between these agencies to form a cohesive effort to address the needs of individuals with HIV/AIDS is essential to improving supportive services overall.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

The County of Santa Clara’s Public Health Department reported in December of 2018 that 6,524 individuals had been diagnosed with HIV since the first diagnosis in 1983. Since then, 2,605 persons with HIV and AIDs have died. In 2018, the total living with HIV in the County was 3,419, the result of new case reported within the County, and by persons with HIV moving into the area.

For new cases, 167 were reported in 2018, most of which are male (89 percent). Increasingly, there is a racial disparity between this population and the population at large because most new cases are from non-white populations. The highest number of cases is also among people between 45 and 64 (348.7 per 100,000 people) and twice the overall rate of that age range in the county (174.7).

Characteristics	People living with AIDS		People living with HIV (not AIDS)	
	Number	%	Number	%
Age				
<50	825	35%	1016	65%
>=50	1524	65%	554	35%
Race/ethnicity				
African American	269	11%	141	9%
Asian/Pacific Islander	233	10%	209	13%
Hispanic/Latino	961	41%	601	38%
White	825	35%	574	37%
Other/Unknown	61	3%	45	3%
Total	2349	100%	1570	100%

Table 35 - Characteristics of people living with AIDS, and people living with HIV (not AIDS) in Santa Clara County, 2018

Source: County of Santa Clara, Public Health Department, eHARS, data as of May 1, 2019.

State of California, Department of Finance, E-4 Population Estimates for Cities, Counties, and the State, 2011-2019, with 2010 Census Benchmark. Sacramento, California, May 2019.

Discussion:

Traditionally, the City has funded two Tenant-Based Rental Assistance (TBRA) programs: one funded by HOME dollars, and another by HOPWA funds. The HOME TBRA Program is matched with local funds to increase capacity in the Rapid Rehousing System. The program will continue to provide housing subsidies

and case management services to employed or employable homeless populations, including families with children, domestic violence survivors, and persons with HIV/AIDS.

The goal of the City's Rapid Rehousing Program is to help up to 200 households at any given time to locate and secure appropriate rental housing, assist with time-limited subsidies based on the rent of the identified unit and help the participants increase their income so they graduate and pay the rent in full.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction’s need for Public Facilities:

Community members were given a chance to speak about what they think should be the top priorities over the next five years. With respect to public facilities, residents made note of the need for additional homeless facilities, with suggestions how to improve them, such as creating communal, shared spaces in order to be able to house more people. Another comment suggested that facilities be located near transit stops so that it would be more convenient for persons experiencing homelessness.

Residents who completed the survey were able to assign a priority value of low, medium, or high to 14 different public facility types. The three highest-ranked facility types were:

1. Mental health care facilities
2. Facilities for children who are abused, abandoned and/or neglected
3. Homeless facilities (temporary housing and emergency shelters)

How were these needs determined?

Residents of San José were able to complete a needs survey and/or attend community meetings to give input on community needs. These responses were collected and analyzed to determine the needs described above. Please see Appendix B for more detail.

Describe the jurisdiction’s need for Public Improvements:

Residents expressed the desire to have more parks and open spaces for the community. They want clean parks where they can walk their dogs, play with their kids, get fresh air, and exercise. They also expressed the need for additional parking around San José. Often all the inexpensive parking spots are full, leaving expensive spots that they cannot afford.

Residents who completed the survey were able to assign a priority value of low, medium, or high to 15 different public improvement types. The three improvement types that were ranked as the highest priority were:

1. Cleanup of contaminated sites
2. Street improvements
3. Lighting improvements

How were these needs determined?

Residents of San José were able to complete a needs survey and/or attend community meetings to give input on community needs. These responses were collected and analyzed to determine the needs described above. Please see Appendix B for more detail.

Describe the jurisdiction's need for Public Services:

One of the public service needs that was expressed at the community meetings was for more youth after school programs. Currently, such programs are first come first serve, which means that some students are not able to participate. It is important for youth to have somewhere safe to go to do homework and socialize. These programs also give some parents peace of mind because they often must work late into the evenings.

Residents who completed the survey were able to assign a priority value of low, medium, or high to 24 different public service types. The three service types that were ranked as the highest priority were:

1. Mental health services
2. Services for children who are abused, abandoned and/or neglected
3. Neighborhood cleanups (trash, graffiti, etc.)

How were these needs determined?

Residents of San José were able to complete a needs survey and/or attend community meetings to give input on community needs. These responses were collected and analyzed to determine the needs described above. Please see Appendix B for more detail.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview

Silicon Valley, of which San José is a part, is home to one of the country's five most expensive residential markets.¹¹ The most recent market data shows that renters must earn about \$53/hour (\$110,360/year) to afford the average monthly rent for a 2-bedroom apartment of \$2,759.¹² The median single-family home price is currently \$1,075,000.¹³ Buyers must earn \$102/hour (\$212,710/year) to afford a median priced single family home.¹⁴

The City has issued approximately 1,869 residential building permits for 2019; of total residential building permits issued, 134 have been for affordable housing.¹⁵ According to the City's Housing Element, the Association of Bay Area Governments (ABAG) estimates that the City is projected to accommodate approximately 20 percent of the Bay Area's regional housing growth, or almost 130,000 housing units by 2040.¹⁶

In 2015, Santa Clara County implemented the Community Plan to End Homelessness and has since made significant progress toward the central goal of creating 6,000 new affordable housing opportunities for individuals and families experiencing homelessness: as of December of 2018, 2,056 new units were constructed, and 842 more units were in the pipeline.¹⁷

¹¹ How California Became America's Housing Market Nightmare by Noah Buhayar and Christopher Cannon, November 6, 2019, Bloomberg, <https://www.bloomberg.com/graphics/2019-california-housing-crisis/> [accessed 12/05/2019].

¹² Based on October 2019 Costar average rents; income calculation assumes rents are 30% of income, 40 hour work week and a single income household, City of San José, [accessed 12/05/2019].

¹³ Santa Clara County Association of Realtors (SCCAOR) September 2019.

¹⁴ Based on SCCAOR, September 2019 median prices; income calculation assumes monthly payments are 30% of income, 20% down, 61% interest rate, 1.1% property tax, 40-hour work week and a single income household.

¹⁵ Housing Market Quarterly Reports, <https://www.sanjoseca.gov/your-government/departments/housing/data/housing-market>, [accessed 12/12/2019].

¹⁶ City of San José, 2014-2023 Housing Element, January 27, 2015, III-2.

¹⁷ County of Santa Clara, Ending Homelessness, 2018, The State of the Supportive Housing System in Santa Clara County, 3.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

The City of San José is a mostly built-out city.¹⁸ More than half of housing stock, 54 percent, is made up of detached, single-family units. The second-largest housing type in the City is multifamily of 20 or more units, representing 14 percent of total housing stock. The other 32 percent is made up of attached units, smaller multi-family housing, and a significant number of mobile homes, but which represent only 3 percent of the total number of units.

Areas where new development is likely to occur include the Downtown, North San José, Planned Communities (planned areas within the City designed to facilitate infill residential development/redevelopment)¹⁹, and other locations such as the Diridon Station Plan area and approved Urban Village Plan areas; These areas have environmental clearance at the level of zoning and development standards with near-term infrastructure impacts and mitigation measures already identified within environmental clearance documents.²⁰ San José’s Specific Plan areas include “Planned Communities” that are designed to accommodate residential infill development.

Residential development types currently underway are primarily multi-family (approximately 89 percent of recent development) and Accessory Dwelling Units (ADUs), which have seen a 63 percent increase in permits issued since 2018.²¹ Only 11 percent of development in 2018 consisted of detached single-family units.²² There are currently several multifamily and mixed-use residential projects both proposed and approved by the City. According to the 2013-2017 ACS 5-Year estimates, there are an additional 11,952 vacant units for rent in the City.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	175,540	54%
1-unit, attached structure	35,195	11%
2-4 units	22,875	7%
5-19 units	34,675	11%
20 or more units	45,860	14%
Mobile Home, boat, RV, van, etc.	11,110	3%
Total	325,255	100%

Table 36 – Residential Properties by Unit Number

Data Source: 2011-2015 ACS

¹⁸ 2014-2023, City of San José Housing Element.

¹⁹ Ibid, V-5.

²⁰ Ibid, IV-37.

²¹ City of San José, Housing Market Update, Third Quarter 2019.

²² City of San José, “Residential Construction-New Units by Type,” under Permit Statistics, <https://www.sanjoseca.gov/> [accessed January 10, 2020].

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	950	1%	8,570	6%
1 bedroom	3,485	2%	37,380	28%
2 bedrooms	28,579	16%	48,905	36%
3 or more bedrooms	146,794	82%	39,634	29%
Total	179,808	101%	134,489	99%

Table 37 – Unit Size by Tenure

Data Source: 2011-2015 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

The City contracts with the Santa Clara County Housing Authority (SCCHA) to administer San José's Section 8 Housing Choice Voucher Program. This is SCCHA's largest rental assistance program with about 17,000 participants Countywide. By law, the Housing Authority must provide 75 percent of the vouchers to applicants whose incomes do not exceed 30 percent of the area median income (extremely low income).

In addition to the Section 8 Housing Choice Voucher Program, in San José there are 230 affordable housing developments that contain a total of 19,567 units. These units are income-restricted, and the breakdown is listed in the following table.

Category	ELI Units (0-30% AMI)	VLI Units (30-50% AMI)	LI Units (50-80% AMI)	Mod Units (80- 120% AMI)	Res. Mgr Units	Other HUD Units	Total Affordable Units
Under Construction	178	378	117	-	-	-	673
Family Housing	651	5,265	4,858	947	12	1,284	13,017
Senior Housing	926	2,293	852	1	4	349	4,425
Special Needs Housing	747	597	104	1	3	-	1,452
Total	2,502	8,533	5,931	949	19	1,633	19,567

Table 38 – Affordable Units

Source: Affordable Apartments in San José as of 9/12/2019, City of San José.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

The table below from the 2014-2023 Housing Element for the City of San José lists the dates that affordable units are expected to convert to market rate. According to the table below, units at risk of conversion to market rate within the next five years include 162 low-income and 287 very low-income units. Units at risk of conversion are highlighted in green.

Project Name	Assisted Units	30% AMI	50% AMI	80% AMI	120% AMI	Senior Units	Owner/ Sponsor	Owner Type	Funding Source	Additional Funding Source(s)	Earliest Expiration Date	City AR Expire Date
Guadalupe Apts.	23		12	11			First Community Housing	Nonprofit	TCAC	TCAC	4/26/2004	9/18/2019
Dent Avenue Commons	23			23			Housing for Independent People Inc.	Nonprofit	TCAC	TCAC	8/29/2004	3/6/2021
Timberwood Apartments	108			108			MidPen Housing	Nonprofit	TCAC	Bond	1/20/2005	1/20/2005
Capitol Manor	33			33			Capital Manor Inc.	Nonprofit	HUD-8	No	6/1/2011	6/1/2011
Homebase	12			12			Homebase Homes, Inc.	Nonprofit	Disabled	RDA	6/7/2011	9/28/2020
Town Park Towers	216				216		No. Calif. Presbyterian Homes and Services, Inc.	Nonprofit	HUD-8	No	1/1/2014	1/1/2014
The Grove	40		27	13			Community Housing Developers	Nonprofit	RDA	No	9/23/2014	9/23/2014
Mayfair Golden Manor	210			210			Mayfair Golden Manor, Inc.	Nonprofit	HUD-8	No	9/30/2014	10/1/2065
Emmanuel Terrace	18			18			Emmanuel Terrace LLC	Nonprofit	HUD-8	No	2/28/2015	3/1/2015
Casa De Los Amigos	24	24					Casa de Los Amigos, Inc.	Nonprofit	HUD-202-811	RDA	7/31/2015	8/1/2015
Chai House II	70	13		57		70	Chai House Inc.	Nonprofit	HUD-202-811	RDA	11/27/2015	3/4/2063
Chai House I	70	13		57		70	Chair House Inc.	Nonprofit	HUD-202-811	No	11/30/2015	
Fuji Towers	28			28			Fuji Towers	Nonprofit	HUD-236 RAP	No	2/1/2016	2/18/2016
Commercial Street Inn	55	55					InnVision of Santa Clara	Nonprofit	RDA	No	1/30/2019	1/30/2019
1713 Ross	4			4			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
1726 Ross	4			4			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
1731 Ross	4			4			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Calvin	1			1			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Curtner	1			1			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Donna	4			4			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Minnesota	1			1			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Barker	4			4			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Branham	2			2			Abode Services	Nonprofit	RDA	No	8/29/2020	8/29/2020
Homeport	15			15			Homeport, Inc.	Nonprofit	Disabled	RDA	9/28/2020	9/28/2020
Bridgeport(Bridgeport Court)	14			14			Community Housing Developers	Nonprofit	RDA	No	8/15/2021	8/15/2021
Cape Cod Court	28		8	20			Community Housing	Nonprofit	RDA	No	8/15/2021	8/15/2021

Project Name	Assisted Units	30% AMI	50% AMI	80% AMI	120% AMI	Senior Units	Owner/ Sponsor	Owner Type	Funding Source	Additional Funding Source(s)	Earliest Expiration Date	City AR Expire Date
							Developers					
Cambrian Center	150				150	150	Cambrian Inc.	Nonprofit	HUD-202-8	No	9/14/2021	9/15/2021
Paula Street	21		10	11			First Community Housing	Nonprofit	RDA	No	11/27/2021	11/27/2021
Hoffman - 5629	4		4				HIP	Nonprofit	RDA	No	10/28/2022	10/28/2022
Hoffman - 5668	4		4				HIP	Nonprofit	RDA	No	10/28/2022	10/28/2022
Hoffman - 5684	4		4				HIP	Nonprofit	RDA	No	10/28/2022	10/28/2022
Rincon De Los Esteros	246		135		111		First Community Housing	Nonprofit	TCAC	TCAC	7/26/2023	7/26/2023
YWCA Villa Nueva	62		62				Bridge Housing Corp.	Nonprofit	RDA	No	8/31/2023	8/31/2023
Lexington Apartments	32			32			KDF Communities - Lexington, LLC	Profit Motivated	TCAC	Bond	7/25/2006	7/25/2006
Almaden Garden Apartments	36			36			Chuck Davidson	Profit Motivated	HUD-8	No	9/1/2011	9/1/2011
San José Apartments	216			216			Chuck Davidson	Profit Motivated	HUD-8	No	9/12/2011	9/12/2011
Moreland Apartments	160				160		Chuck Davidson	Profit Motivated	HUD-8	No	1/31/2014	2/1/2014
Thornbridge Apartments (The Gardens)	115			115			FF Development L.P.	Profit Motivated	TCAC	Bond	5/12/2014	5/12/2014
Almaden Lake Village	50		50				Almaden Lake Village Associates, Ltd.	Profit Motivated	TCAC	Bond	3/29/2015	3/29/2015
Arbor Apts	122				122		Chuck Davidson	Profit Motivated	HUD-8	No	8/31/2015	9/1/2015
Vendome Apartments/San Pedro Square Apts.	32			7	25		The Farmers Union	Profit Motivated	INCL	No	8/5/2018	8/5/2018
Las Casitas	168				168		Chuck Davidson	Profit Motivated	HUD-8	No	2/28/2021	3/1/2021
Foxchase Drive Apartments	29		29				Unknown	Profit Motivated	Bond	No	2/26/2024	2/26/2024
Fairway Glen	29		29				Unknown	Profit Motivated	Bond	No	12/14/2024	12/14/2024
Kimberly Woods Apartments	42			42			Unknown	Profit Motivated	Bond	No	12/29/2024	12/29/2024
St. Claire	26		2		24		Lyles Diversified, Inc.	Profit Motivated	INCL	No	5/23/2025	5/23/2025
Villa Torino	85				85		Sobrato Development Company	Profit Motivated	INCL	No	9/1/2025	9/1/2025
Totals:	2,645	105	376	1,103	1,061	290						

Table 39 – Affordable Units

Source: Affordable Apartments in San José as of 9/12/2019, City of San José.

Does the availability of housing units meet the needs of the population?

No. According to CHAS 2011-2015, there is a total of 314,289 households in San José. Of total households, 18 percent are extremely low income; 13 percent are very low income; 14 percent are low income. In San José, 45 percent of households earn between 0 to 80 percent of the area median income. The family type that experiences extremely low income the most are small family households, accounting for six percent of total households. Elderly households make up nine percent of total households in the City.

Based on the data in Table 38, there is a total of 19,567 assisted units for low-income households, 673 of which are under construction. Additionally, housing data available from the Santa Clara County Housing Authority indicates that the agency administers 6,025 Section 8 Housing Choice Vouchers in the City of San José. Together, these units would make up 8 percent of total housing stock, not nearly enough to accommodate the 45 percent of households in San José that earn between 0 to 80 percent of the area median income.

In addition, the table below shows the 2015 to 2023 Regional Housing Need Allocation of units permitted to date. Only 11 percent of the allocation in the very low-income category has been permitted, 4 percent for low income, 25 percent for moderate incomes, and 83 percent for incomes above moderate, indicating that market forces favor the development of above-market housing.

Income Level	2015 to 2023 RHNA Allocation	Permitted to Date (as of 2018)	Total Remaining RHNA by Income Level
Very Low	9,233	995	8,238
Low	5,428	231	5,197
Moderate	6,188	1,585	4,603
Above Moderate	14,231	11,827	2,404
Total	35,080	14,638	20,442

Table 40 - Regional Housing Needs Allocation Progress Permitted Units Issued by Affordability

Source: ANNUAL ELEMENT PROGRESS REPORT, Housing Element Implementation, 2018.

Income Level	2015 to 2023 RHNA Allocation	Permitted to Date (as of 2019)	Total Remaining RHNA by Income Level
Very Low	9,233	1,126	8,107
Low	5,428	0	5,428
Moderate	6,188	2,304	3,884
Above Moderate	14,231	9,450	4,781
Total	35,080	12,880	22,200

Table 40 - Regional Housing Needs Allocation Progress Permitted Units Issued by Affordability

Source: ANNUAL ELEMENT PROGRESS REPORT, Housing Element Implementation, 2019.

Describe the need for specific types of housing:

More than half (54 percent) of the property types in the City are single-family detached structures; the second highest (14 percent) are multi-unit structures with 20 or more units. Other property types are spread somewhat evenly across single-family attached, 2-4 units, and 5-19 units (Table 36). Owners represent more than 57 of all occupied units. In addition, 83 percent of 3-bedroom units are owner occupied, while only 29 percent of 3-bedroom units are renter occupied.

There is a need for assisted affordable housing for lower-income households in San José, including larger units for families and small units to accommodate the aging population. Households experiencing the most need are in the extremely low-income bracket. Of the 314,289 households in San José, 18 percent (56,572) are extremely low income. Table 38 shows there 2,502 assisted units in the city that are affordable to households in this income bracket; however, there are 40,857 very low-income households and only 8,533 assisted units in the city are affordable to them. There are 44,046 low-income households and 5,931 assisted units are affordable to these households. Further, the most common household type in the extremely low-income bracket (accounting for six percent of total households) are small family households, indicating a need for larger, 2- to 3- bedroom units. Elderly households in the extremely low make up seven percent of total households in the City, indicating a need for smaller 1-bedroom and studio units.

Discussion

See above.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

If housing costs are high, relative to household income, there will be higher instances of cost burden and, potentially, overcrowding. According to HUD, households that pay more than 30 percent of income on housing are considered cost burdened and may have difficulty affording other necessities such as food, clothing, transportation and medical care. This section analyzes the cost of housing in the City.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2015	% Change
Median Home Value	\$645,700	\$609,500	(6%)
Median Contract Rent	\$1,212	\$1,491	23%

Table 41 – Cost of Housing

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	11,575	8.6%
\$500-999	16,290	12.1%
\$1,000-1,499	41,660	31.0%
\$1,500-1,999	33,960	25.3%
\$2,000 or more	31,004	23.1%
Total	134,489	100.0%

Table 42 - Rent Paid

Data Source: 2011-2015 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	11,125	No Data
50% HAMFI	28,955	6,470
80% HAMFI	70,630	14,060
100% HAMFI	No Data	24,920
Total	110,710	45,450

Table 43 – Housing Affordability

Data Source: 2011-2015 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	1,952	2,316	2,839	3,829	4,394
High HOME Rent	1,611	1,728	2,074	2,389	2,645
Low HOME Rent	1,281	1,372	1,646	1,902	2,122

Table 44 – Monthly Rent

Data Source: HUD FMR and HOME Rents, 2019.

Is there sufficient housing for households at all income levels?

No. Data indicate that there is not adequate housing affordable to LMI households, especially for extremely low- and very low-income households. For example, according to the CHAS 2011-2015 data, there are approximately 56,485 extremely low-income households; however, there are only 11,125 rental units available that are affordable to these households (no data is available on homeowner units). Further there are an additional 4 1,395 very low-income households, but only 35,425 units total available at that income level.

How is affordability of housing likely to change considering changes to home values and/or rents?

The median single-family home price saw a steady increase from \$400,000 in 2008 to a peak of just under \$1.5 million in 2018. However, prices have decreased by quarterly since 2018, resulting in a seven percent decrease in median home value between 2018 and 2019. During this same period, rents decreased about eight percent. The home value trend is currently declining due to households leaving the Bay Area for more affordable markets.²³

Median Home Value and Average Rent			
	2018	2019	% Change
Median Home Value	\$1,150,000	\$1,075,000	-7%
Average Rent	\$2,705	\$2,501	-8%

Table 45 – Median Home Value and Average Rent

Data Source: Median Home Value, Santa Clara County Association of Realtors September 2019. Average Rent, Costar October 8, 2019.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The median gross rent for San José, according to the 2013-2017 American Community Survey 5-Year Estimates, was \$1,822. The HUD Fair Market Rent for a two-bedroom, \$2,839, is higher than the average rent in the City, as shown by the Santa Clara County Association of Realtors in the table above, which was \$2,501 in 2019. Building permit activity peaked in 2014 at approximately 1,422 permits per quarter but

²³ Home Prices Expected to Decline in Bay Area This Year: Experts, NBC Bay Area staff and Bay City News, January 3, 2020.

has since declined to approximately 600 permits per quarter in 2019, 134 of which were for affordable multifamily housing units.

According to the number of units available to low- to moderate-income households, there is a substantial need to develop additional affordable units. HUD defines cost burdened families as those who spend 30 percent or more of their income on housing costs, including utilities. Affordable rent for a family of four, earning 80 percent of the median family income would be \$2,597. The average rent for a three-bedroom in San José in the third quarter of 2019 was \$3,378, which further supports the need for affordable units.²⁴

Discussion

See above.

²⁴ Average Rent, Costar October 8, 2019.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

The following section describes the conditions of the housing stock in the City. HUD defines housing “conditions” identifies four areas that address housing conditions:

1. More than one person per room
2. Cost Burden greater than 30 percent
3. Lack of complete plumbing
4. Lack of complete kitchen facilities

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	60,759	34%	64,144	48%
With two selected Conditions	3,205	2%	12,985	10%
With three selected Conditions	55	0%	340	0%
With four selected Conditions	4	0%	8	0%
No selected Conditions	115,784	64%	57,010	42%
Total	179,807	100%	134,487	100%

Table 46 - Condition of Units

Data Source: 2011-2015 ACS

The City’s Municipal Code identifies a more detailed list of conditions that constitute substandard housing. As defined in the Code, housing includes buildings, structures, or portions thereof used or designed or intended to be used for human habitation or the property on which such building is located. Any housing in which there exists any of the following listed conditions is deemed to be substandard housing:

- A. Inadequate Sanitation/Ventilation/Space Requirements
- B. Structural Hazards
- C. Hazardous Wiring
- D. Hazardous Plumbing
- E. Hazardous Mechanical Equipment
- F. Faulty Weather Protection
- G. Fire Hazard/Inadequate Fire Protection
- H. Faulty Materials of Construction
- I. Hazardous or Unsanitary Premises
- J. Inadequate Maintenance
- K. Unhealthy Conditions
- L. Inadequate Exits
- M. Improper Occupancy

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	15,405	9%	18,740	14%
1980-1999	38,875	22%	36,479	27%
1950-1979	110,700	62%	68,065	51%
Before 1950	14,830	8%	11,210	8%
Total	179,810	101%	134,494	100%

Table 47 – Year Unit Built

Data Source: 2011-2015 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	125,530	70%	79,275	59%
Housing Units build before 1980 with children present	23,835	13%	11,205	8%

Table 48 – Risk of Lead-Based Paint

Data Source: 2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 49 - Vacant Units

Need for Owner and Rental Rehabilitation

San José’s housing stock is relatively new, with approximately 80 percent of the stock built in 1960 and after²⁵. As a result, the number of homes in San José considered “substandard” is quite small, with 0.6 percent of all units having incomplete plumbing and one percent having incomplete kitchen facilities, some of which may be located in the same unit.²⁶ In 2010, the City identified 2,700 severely deteriorated housing units and another 9,500 moderately deteriorated units within City boundaries²⁷. However, over the course of the 2015-2019 Consolidated Plan Cycle, 1,217 units of homeowner housing was rehabilitated with CDBG funding.

The data show that there is a need for rehabilitation of renter and owner households in the City of San José. Based on the HUD’s definition of the four housing conditions, more than one-half of renters (58

²⁵ City of San José 2014-2023 Housing Element.

²⁶ Ibid.

²⁷ City of San José, Housing Department, 2019.

percent), and more than one-third of owners (36 percent) experience one or more of these conditions. In addition, as units continue to age, they will continue to deteriorate and therefore add to the number of units that will be considered substandard housing.

Estimated Number of Housing Units Occupied by Low- or Moderate-Income Families with LBP Hazards

In order to estimate the number of housing units in San José that are occupied by low-moderate income families with lead-based paint (LBP) hazards, the age units should be taken into consideration. Although the use of LBP in residential units was prohibited after 1978, for the purposes of this ConPlan, the number of units built before 1980 will be used to determine how many low-moderate income households may be at risk of LBP hazards.

The 2011-2015 American Community Survey (ACS) shows that approximately 204,805 units in San José were built before 1980, and data from the 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) show that 44.7 percent of total households are occupied by low- to moderate-income persons. This means 91,548 households may have an LBP risk.

Discussion

Lead-based paint (LBP) hazards are particularly dangerous for children ages 6 or younger, as they are the most susceptible to exposure, whose effects include damage to the nervous system, decreased brain development, and learning disabilities. The 2011-2015 CHAS data show that there are approximately 35,040 housing units built before 1980 that have children present, putting them at risk of LBP hazards. Lower-income families with children are particularly vulnerable to LBP hazards, partly because of a lack of disposable income to make repairs.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

As previously noted, the Santa Clara County Housing Authority (SCCHA) assists approximately 17,000 households through Section 8. Approximately 10,635 housing vouchers are in use Countywide. The Section 8 waiting list contains 5,909 households, which is estimated to be a 6-year wait.

The following tables display the housing assistance maintained by SCCHA in the City of San José. SCCHA has four two-bedroom family public housing units in its portfolio; they are located in the City of Santa Clara. Specific SCCHA data on the number of units or vouchers available is only available for the City of San José (through the Housing Authority of the City of San José, administered by SCCHA) and the County as a whole.

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project based	Tenant based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	N/A	31	N/A	5,969	781	5,188	N/A	N/A	N/A
# of accessible units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 50 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

Not applicable. There are no public housing developments in the City of San José.

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Not applicable. There are no public housing developments in the City of San José.

Public Housing Condition

Public Housing Development	Average Inspection Score
N/A	N/A

Table 51 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

Not applicable. There are no public housing developments in the City of San José.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

Not applicable. There are no public housing developments in the City of San José.

Discussion:

Not applicable. There are no public housing developments in the City of San José.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

Numerous Santa Clara County agencies and other organizations provide services to persons and families experiencing homelessness, and those at risk of homelessness. Services provided by the County include but are not limited to rental housing, healthcare, food, benefits to recipients of Supplemental Security Income (SSI), school assistance services to school aged children (such as transportation and school supplies), counseling, drug and alcohol rehabilitation, youth programs, financial assistance to veterans and their families for medical and housing, and legal assistance for eviction and other housing-related issues. Various nonprofit organizations provide services including but not limited to shelter services, supportive housing, and transitional housing.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds Current & New	Permanent Supportive Housing Beds	
	Year-Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds		Current & New	Under Development
Households with Adult(s) and Child(ren)	59	571	144	466	n/a
Households with Only Adults	437	n/a	441	3,041	n/a
Chronically Homeless Households	n/a	n/a	n/a	n/a	n/a
Veterans	n/a	n/a			n/a
Unaccompanied Youth	12	n/a	0	0	n/a

Table 52 - Facilities and Housing Targeted to Homeless Households

Data Source: 2017 Santa Clara County Housing Inventory Count.

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

The County of Santa Clara is updating its 2015-2020 Community Plan to End Homelessness. The County, local cities, nonprofit advocacy groups, service providers, philanthropic organizations, elected officials, universities, and people with lived experience of homelessness have partnered together to leverage a coordinated system to effectively assist homeless populations.

Because permanent supportive housing—housing that provides rent subsidy, medical and behavioral healthcare, and other supportive services—is the most effective strategy for ending homelessness for persons with disabilities and a long history of being homeless, much of the work of the partnership has been housing-focused. Since the plan’s implementation, 6,937 households have been placed in permanent housing. To ensure residents do not return to homelessness, the goal has been to provide funding to tenants so they may receive proper case management, health care, employment programs, and other services necessary to remain housed.

The supportive housing system is monitored for progress and includes:

- Affordable housing-rent subsidy in housing owned by a housing program, market-rate housing, or apartments for persons and families exiting homelessness
- Case management-staff working closely with formerly homeless supportive housing tenants to help them retain housing
- Medical services to address mental health and substance use
- Supportive services-assistance with obtaining public benefits such as legal services, childcare, and employment programs

Primary partners in the 2015-2020 Community Plan to End Homelessness include:

- Abode Services
- City of San José
- Destination: Home
- Goodwill Silicon Valley
- HomeFirst Services of Santa Clara County
- Santa Clara County Housing Authority
- County of Santa Clara Office of Supportive Housing
- Sunnyvale Community Services
- The Health Trust
- US Department of Veterans Affairs
- Veterans Resource Centers of America
- Veterans Voices of Santa Clara County

Regional programs that demonstrate mainstream service connections for the homeless population include:

- The Valley Homeless Healthcare Program (VHHP) is part of the Santa Clara Valley Medical Center and provides medical services to homeless individuals, including primary care and urgent care. VHHP also manages a Medical Respite program for homeless individuals discharged from hospitals as well as a Backpack Homeless Health Care Program for those in encampments.
- The County's Social Services Agency expedites the review process of homeless households' CalFresh applications so that they may receive benefits within three days.
- The County's Behavioral Health Services Department (BHS) coordinates multiple programs to connect homeless individuals with housing or shelter assistance. BHS also treats those going through behavioral health crises.
- The County's Reentry Resource Center (RRC) provides services to those who have been previously incarcerated and to individuals who are homeless upon release. Services include referrals to drug treatment, housing assistance, food assistance, counseling, and other benefits.
- The County's Office of Supportive Housing's (OSH) mission is to increase the supply of housing and supportive housing that is affordable and available to extremely low income and/or special needs households. OSH supports the County mission of promoting a healthy, safe, and prosperous community by ending and preventing homelessness.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

There are 298 Adult Residential facilities in San José with the capacity to accommodate 4,689 individuals. There are 237 Residential Elder Care Facilities with the capacity to accommodate 3,477 individuals. The National Alliance on Mental Illness (NAMI) Santa Clara County provides local listings (all located in San José) of available licensed and unlicensed group homes, listings of emergency and mental health supportive housing agencies, resources for finding affordable single and family housing, homeless resources, and information on other housing related programs, services, and issues (such as resident and/or tenant rights).²⁸

The City of San José and the County provide an array of facilities, programs, and services to assist individuals and families experiencing homelessness. Services include, but are not limited to:

- Housing for Families with Children
- Domestic Violence, Family & Children Issues
- Drop-In Day Time Service Centers
- Housing for Single Men & Women
- Rental & Other Assistance
- Medical, Mental Health & Recovery Programs
- Veterans Services
- Legal Referrals
- Food & Meals
- Youth Services
- Employment/Vocational Services
- VTA Services
- Homeless Outreach

²⁸ National Alliance on Mental Illness, Santa Clara County, <https://namisantaclara.org/>.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

In total, there are 610 Special Need Facilities in the County, with a total of 11,218 beds available. These include 298 Adult Residential Facilities that provide non-medical care for adults, 42 group homes that service children or adults with chronic disabilities, and 311 Residential Care facilities for the Elderly.

HOPWA Assistance Baseline Table

Type of HOWA Assistance	Number of Units Designated or Available for People with HIV/AIDS and their families
TBRA	655
PH in facilities	0
STRMU	0
ST or TH facilities	0
PH placement	0

Table 53– HOPWA Assistance Baseline

Data Source: HOPWA CAPER and HOPWA Beneficiary Verification Worksheet

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Elderly/Frail Elderly

The population of persons 65 years and over accounts for 119,446 persons, or 12 percent of the City’s population, according to the 2013-2017 American Community Survey. Of the City’s population over 65 years, 35 percent are disabled. Further, 27 percent of seniors age 65 years and over live below the poverty level. As discussed in NA-10, elderly households in the lower-income categories make up 23 percent of total households experiencing cost burden and 25 percent of total households experiencing severe cost burden.

Senior populations have a wide range of housing needs that include daily care-provider assistance to assisted living various types of care facilities. However, surveys show that the many seniors prefer to “age in place” and services are provided with the City and County that assist seniors to remain in their home for as long as possible.

Residential Care Facilities for the Elderly (RCFE) are regulated by the California Community Care Licensing Division (CCLD) of the Department of Social Services. It provides services to persons 60 years and over. RCFEs are assisted living facilities, retirement homes, and board and care homes. According to the City’s geocoding and analysis of CCLD data, San José contains some 200 RCFEs with a total licensed capacity of nearly 2,500 persons.²⁹

²⁹ San José Housing Element (2014-2023), City of San José.

Persons with Disabilities

Federal nondiscrimination laws define a person with a disability to include any (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.³⁰ A physical or mental impairment includes, but is not limited to, conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.

As discussed in NA-45, approximately eight percent of the City’s population has a disability. Persons with disabilities often face limited earning potential as the result of their disabilities and often experience discrimination. Additionally, some persons with disabilities may have self-care and mobility limitations that require special housing design features such as wheelchair ramps, holding bars, special bathroom designs, wider doors, and other design features.

Most (79 percent) of the more than 7,700 developmentally disabled individuals living in San José are residing in the home of a guardian or are living independently with support; of developmentally disabled individuals in the City, 16 percent, or 1,270, live in Community Care or Intermediate Care Facilities; several of these facilities are operated by the County with State funding.³¹ The California Department of Developmental Services currently provides services to persons with developmental disabilities through a statewide system of 21 regional centers, 4 developmental centers, and 2 community-based facilities. The San Andreas Regional Center serves four counties, including Santa Clara County.

According to information from the Regional Center, there are 8,713 persons with developmental disabilities in Santa Clara County, or approximately 0.5 percent of the County’s population. According to the City’s Housing Element, the City of San José ensures housing units remain affordable for a portion of the supportive housing units for persons with disabilities in Santa Clara County. Deed restricted supportive housing units include approximately 22 percent of units that are set aside for seniors and two percent are set aside for developmentally disabled individuals.

Affordable Deed Restricted Housing Units in San José for Special Need Households	
Seniors	4,114
Developmentally Disabled	433
Physically Disabled	138
People with HIV/AIDS	24
TOTAL IN-SERVICE PROJECTS	4,709

Table 54– Affordable Deed Restricted Housing Units in San José for Special Need Households

Data Source: San José Housing Element (2014-2023), City of San José, 2014

HIV/AIDS

³⁰ HUD.GOV, *Disability Overview*, https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview#_Who_Is_a.

³¹ City of San José, 2014-2023 Housing Element, III-27.

The overall fatality rate for persons with HIV/AIDS has declined since 1995: many people with the disease are living longer lives because of advances in treatment, and therefore require assistance for a longer period than in the early years of the epidemic. Consequently, subsidies are turning over less frequently, and demand for services outstrips the supply. Longer waits for assistance are especially dire for individuals who are lower-income or homeless, have more mental health and substance abuse issues, or require basic services.

HIV/AIDS Services, a program of The Health Trust’s Chronic Disease Services, assists persons living with HIV/AIDS in the County. It receives and administers contract funding for its housing subsidy program (Housing for Health) from HOPWA and HOPWA-Permanent Supportive Housing (HOPWA-PSH) from the City of San José (grantee) and Santa Clara County General Funds through the Public Health Department. In addition to tenant-based rental assistance (TBRA), these contracts include placement and support services provided by Case Managers, Registered Nurses and Master’s prepared Social Workers for the more medically acute clients. Housing clients are also eligible for additional services provided by Ryan White Care Act funding.

While most effort is placed on helping subsidized clients remain permanently housed (including required annual re-certifications and inspections, and advocating with landlords), support is also provided to clients not receiving a subsidy in order to keep them stably housed. The main goals of HIV/AIDS Services case management are to assist clients in: (1) accessing medical care, (2) accessing benefits and income, and (3) attaining and maintaining stable housing. This HOPWA contract specifically funds the provision of TBRA, Permanent Housing Placement, and Support Services to achieve those goals.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Facility Type	Number of Facilities	Facility Capacity
Adult Residential	298	4,689
Residential Elder Care	237	3,477

Table 55– Licensed Care Facilities

Data Source: California Department of Social Services, Care Licensing Programs.

As previously noted, there are 298 Adult Residential facilities in San José with capacity to accommodate 4,689 individuals, and an additional 237 Residential Elder Care Facilities with the capacity to accommodate 3,477 individuals. The National Alliance on Mental Illness (NAMI) Santa Clara County provides local listings (all located in San José) of available licensed and unlicensed group homes, listings of emergency and mental health supportive housing agencies, resources for finding affordable single and family housing, homeless resources, and information on other housing related programs, services and issues (such as resident and/or tenant rights).³² In addition, the City has 29 unlicensed adult residential homes, and 11 unlicensed sober living homes.

³² National Alliance on Mental Illness, Santa Clara County, <https://namisantaclara.org/>.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

As described above, 79 percent of the more than 7,700 developmentally disabled individuals living in San José reside in the home of a guardian or live independently with support; 16 percent of developmentally disabled individuals in the City, live in Community Care or Intermediate Care Facilities. Several of these facilities are operated by the County with State funding.

In addition to tracking the supply of supportive housing in San José, the City continues to work with the Health Trust and other agencies supportive of the housing needs of persons with HIV/AIDS and support these agencies with the grant the City receives from HOPWA.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Please see discussion above.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Introduction

While San José has experienced encouraging economic improvements, many San José residents continue to face a lack of affordable housing, and some lower-income households experience displacement from their communities due to market forces. There is a substantially greater demand for housing than the supply, which drives up costs in all of Silicon Valley, including San José. Average income increases have not kept pace with rising rents. The median family income for a family of four in Santa Clara County, one of the top five in the nation, is at \$131,400. Between 2010 and 2015, Santa Clara County added roughly 171,000 jobs and just 29,000 housing units.³³

Many studies and articles have sought to explain the contributors to California's housing crisis. A notable analysis was conducted by California's Department of Housing and Community Development (HCD) in a report titled "[California's Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025](#)". In it, HCD laid out five core challenges facing the State's housing market:

1. Housing supply continues to not keep pace with demand.
2. High housing growth is expected in communities with environmental and socio-economic disparities.
3. Unstable funding for affordable home development is impeding the ability to meet California's housing needs, particularly for lower-income households.
4. People experiencing homelessness and other vulnerable populations, including lower income families with children, face additional barriers to obtaining housing.
5. Affordable housing has far-reaching policy impacts that benefit the quality of life in California, including health, transportation, education, the environment, and the economy.

Each of these challenges incorporates several related policy issues. Listed below are the factors that most clearly affect San José's housing market. Public policies that affect the local housing market's affordability and accessibility are also discussed in the City's Analysis of Impediments to Fair Housing Choice report.

Market Forces

Funding. The lack of funding is by far the biggest barrier to developing more affordable housing. The dissolution of Redevelopment Agencies (RDAs) in 2011 to fill State budget deficits continues to have an impact on the local housing market. By using tax increment financing, RDAs were often the single largest and most reliable local revenue sources for affordable housing. In Bakersfield, the annual revenue it generated has not been replaced.

The level of investment from the federal government also does not meet the demand for affordable housing. For instance, the overall funding for the CDBG and HOME programs has decreased over time, from over a combined \$1 billion in 2003 to just over \$486 million in 2016, marking a 55 percent decrease.³⁴

³³ *Room for More*, SPUR, 2017.

³⁴ "California's Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025," page 44, California Department of Housing and Community Development, February 2018.

With the passage of Senate Bill 2 in 2017 and an increased investment in the Low-Income Housing Tax Credit program in 2019, the State has made efforts in recent years to increase the amount of money dedicated to affordable housing. Voters have also recently approved numerous Statewide bond measures that raise money for affordable housing. Besides the permanent revenue sources established through SB 2, however, many of the State's actions are one-time investments and generally cannot be relied on in the long-term.

Development costs. The cost of developing housing -- inclusive of land, material, and labor costs -- has outpaced inflation in recent years. There are many negative consequences to this, especially since fewer units can be constructed with funds from the public sector. In addition, privately funded housing projects may be rendered financially infeasible or must increase rents to cover costs. Each of these affect the local housing market's affordability.

Development fees, often referred to as impact fees, also contribute to the increased cost of development and are gaining more attention as a barrier to construction. On behalf of the State legislature and HDC, the Turner Center for Housing Innovation conducted an analysis of development fees and their impact. While Bakersfield's fees aren't onerous relative to other cities, and such fees are normal practice across the country, the Turner Center found that California's fees are especially high. This is due in part to Proposition 13, which caps property tax increases, and the decreased federal investment in housing. These factors compel cities to seek alternative revenue sources, like development fees, for infrastructure and parks.³⁵

NIMBYism - Opposition to Siting of Affordable Housing

Despite efforts made by the City, developers, and other stakeholders to demonstrate the need for and value of new affordable housing, there is still opposition to affordable housing in neighborhoods throughout the City. Community opposition limits the ability for the City to develop additional affordable housing to address the severe affordable housing shortage. Existing residents may see high-density affordable housing as a threat to home values, believing it to increase unwanted traffic congestion and crime, as well as a reduction in quality of life.

City Policies

General Plan

Using General Plan policies that include Focused Growth, Urban Villages, Destination Downtown, and Plan Horizons/Periodic Major Review strategies, much of the City's zoning allows for residential in-fill development in areas that are "walkable" and located near transit. The City's first Horizon Plan included the residential capacity to meet the City's Regional Housing Need Allocation. The policies directing development are reviewed annually by the City Council, or more frequently if amendments are needed to meet changing federal and State laws. San José has traditionally been known as a bedroom community. In response, the City's General Plan has a jobs focus, a City effort to induce local job growth to provide a job to unemployed or underemployed residents in City households.³⁶

³⁵ Hayley Raetz, David Garcia, and Nathaniel Decker, "Residential Impact Fees in California," Turner Center for Housing Innovation, August 5, 2019.

³⁶ General Plan, Envision 2040, City of San José.

Zoning

High-density residential development is allowed in Mixed-Use Neighborhoods, Mixed-Use Commercial, Urban Residential, Transit Residential, Transit Employment Residential Overlay, Urban Village, and Downtown zones. Rezoning can be time-consuming requiring amendments to the Zoning Ordinance and a lengthy approval process. About, 94 percent of San José residential land is zoned for single-family homes.³⁷

Infrastructure and Impact Fees

Impact fees are charged to housing developers to pay for city infrastructure that will support the project, pay for parks, or other city services that protect the welfare of City residents. However, research reports that increases of impact fees over time is one factor feeding the expensive residential development in the Bay Area, which ranks the most expensive nationally.³⁸ Construction costs, permitting fees, and impact fees are passed on to the consumer, driving up the cost of housing at all income levels.

Environmental Review

Environmental review can be a long, expensive process. If a developer is applying to rezone an area or parcel, an amendment to the General Plan or Zoning Ordinance is required, which is considered a project under the California Environmental Quality Act (CEQA). The City completed program-level EIRs for many of its priority planned development areas in order to expedite the process, which helps reduce the overall cost.³⁹

Displacement

In addition to the stakeholder, and other gathered for the Consolidated Plan, community and housing needs were also identified through the City's research and development of its report on displacement-Ending Displacement in San José, January 2020 Community Strategy Report. The report was written by a local team of government and nonprofit staff who participated in the PolicyLink Anti-Displacement Network (ADPN), a 14-month learning cohort of 10 U.S. cities working to address urban displacement. The report centers on the values, lived experiences, and solutions requested by residents most impacted by displacement in San José. The ADPN team assessed the gaps in San José's current housing policies, studied new anti-displacement tools, and facilitated meaningful listening sessions in the community with impacted households.

According to the report, research shows that from 2010-2016, 1.5 million residents moved out of the Bay Area. Further, for every one high-income resident that moved out of the Bay Area, six low-income residents moved out. Studies in the report also found that where high-income out-movers tended to have access to a wide range of large cities, low-income out-movers, however, tended to move to other areas of California such as the Central Valley, that had fewer options for employment, education, and access to health care as where they had previously lived. Studies also found that displacement can also lead to living in areas with higher poverty and crime.

The report finds that causes of displacement (when a household must move out of their home for reasons outside of their control) include the following:

³⁷ Urban Footprint, <https://urbanfootprint.com/resources/urban-planning-blog/>.

³⁸ "San José ahead of new push to disclose housing development fees," Katie Lauer, October 28, 2019, <https://sanjosespotlight.com/san-jose-ahead-of-new-push-to-disclose-housing-development-fees/> [accessed 12/20/2019].

³⁹ Room for More, SPUR, 2017.

- Gentrification, defined as the process through which low-income populations are replaced by higher-income populations in a historically disinvested neighborhood
- A legacy of segregation and displacement that continues to today caused by redlining (a practice based on racial discrimination and exclusion in more affluent residential areas) and a lack of fair housing law enforcement

The report notes that this legacy, combined with a long-term regional housing shortage and a booming economy, has resulted in displacement and harm for many vulnerable groups, including lower income families with children. There is evidence that some racial minority groups are disproportionately hurt by the changing market, examples of which include out-of-reach home prices; evictions for non-payment as rent increases far outpace incomes; severe overcrowding; displacement; and homelessness. These factors reinforce the City's priority to fund anti-displacement strategies, homelessness prevention, affordable housing production, and to ensure housing access is available to all groups.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

The City of San José is committed to boosting its community and economic development through services, policies, and incentives that help new, as well as already established, companies grow and thrive. It is dedicated to supporting a competitive economy that assists in increasing prosperity for residents and businesses through catalyzing job creation, private investment, revenue generation, and talent attraction. The City's Economic Development department provides four core services:

1. Business Development
2. Regional Workforce Development
3. Real Estate Services
4. Cultural Affairs

The business development services help companies locate, expand, and thrive in San José. Regional workforce development provides services to business and job seekers in San José and Santa Clara County. Real estate services help to manage the City's real estate assets to support City projects and generate revenue. The office of cultural affairs promotes and develops the arts in San José and manages outdoor and special events.

Although the 2011-2015 ACS data shows the unemployment rate of San José at 8.54 percent, this data is at least five years old. While San José experienced unemployment rates as low as 2 percent in recent years, current statistics show a substantial increase in unemployment since the beginning of the COVID-19 pandemic. The State Department of Employment Development estimates that unemployment in San José hit 12.4 percent in June. The unemployment rate for the County as a whole is estimated at 10.7 percent.

The following tables, which were previously provided by HUD, contain statistics that are now significantly out of date. Any discussion of the meaning of these data should be considered in light of the pandemic's effect on the economy; for example, although the Business Activity table on the following page indicates a robust economy with many jobs in a variety of sectors, some of these sectors have been impacted substantially, including retail.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	4,191	635	1	0	-1
Arts, Entertainment, Accommodations	49,472	41,120	11	11	0
Construction	22,010	21,389	5	6	1
Education and Health Care Services	67,156	53,541	16	15	-1
Finance, Insurance, and Real Estate	18,251	15,214	4	4	0
Information	20,770	13,049	5	4	-1
Manufacturing	69,869	55,464	16	15	-1
Other Services	14,272	11,357	3	3	0
Professional, Scientific, Management Services	62,123	43,663	14	12	-2
Public Administration	1	0	0	0	0
Retail Trade	43,015	43,912	10	12	2
Transportation and Warehousing	8,160	7,537	2	2	0
Wholesale Trade	19,329	17,951	4	5	1
Total	398,619	324,832	--	--	--

Table 56 - Business Activity

Data Source: 2011-2015 ACS (Workers), 2015 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	531,931
Civilian Employed Population 16 years and over	486,515
Unemployment Rate	8.54
Unemployment Rate for Ages 16-24	21.10
Unemployment Rate for Ages 25-65	6.09

Table 57 - Labor Force

Data Source: 2011-2015 ACS

Occupations by Sector	Number of People
Management, business and financial	152,114
Farming, fisheries and forestry occupations	18,694
Service	50,350
Sales and office	103,723
Construction, extraction, maintenance and repair	35,935
Production, transportation and material moving	26,080

Table 58 – Occupations by Sector

Data Source: 2011-2015 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	263,350	58%
30-59 Minutes	155,314	34%
60 or More Minutes	37,095	8%
Total	455,759	100%

Table 59 - Travel Time

Data Source: 2011-2015 ACS

Education:**Educational Attainment by Employment Status (Population 16 Years and Older)**

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	54,475	6,675	26,135
High school graduate (includes equivalency)	66,305	7,625	22,865
Some college or Associate's degree	109,703	9,800	28,335
Bachelor's degree or higher	185,370	9,915	31,385

Table 60 - Educational Attainment by Employment Status

Data Source: 2011-2015 ACS

Educational Attainment by Age

	Age				
	18–24 yrs.	25–34 yrs.	35–44 yrs.	45–65 yrs.	65+ yrs.
Less than 9th grade	1,845	7,880	12,420	25,375	19,273
9th to 12th grade, no diploma	9,164	11,435	10,775	19,390	9,475
High school graduate, GED, or alternative	24,300	25,910	26,220	44,685	23,270
Some college, no degree	40,610	29,930	24,870	49,134	19,359
Associate's degree	4,470	11,480	9,890	22,604	7,470
Bachelor's degree	10,730	42,034	40,115	55,633	21,023
Graduate or professional degree	1,305	24,395	27,828	36,725	12,634

Table 61 - Educational Attainment by Age

Data Source: 2011-2015 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	21,943
High school graduate (includes equivalency)	30,131
Some college or Associate's degree	40,917
Bachelor's degree	138,657
Graduate or professional degree	142,667

Table 62 – Median Earnings in the Past 12 Months

Data Source: 2011-2015 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The Business Activity table shows that the top employment sectors in San José are Education and Health Care Services, and Manufacturing, which each account for 16 percent of the share of workers, and 15 percent of the share of jobs in the area. These two sectors are followed closely by Professional, Scientific, and Management Services, which accounts for 14 percent of the share of workers, and 12 percent of the share of jobs.

As of 2017, one of the largest employers in San José was Cisco Systems, with approximately 15,700 local employees.⁴⁰ Cisco is a technology conglomerate that develops, manufactures, and sells networking hardware, telecommunications equipment, and other high-tech services and products. Other major employers in San José include Adobe Inc., eBay Inc., Lumileds Lighting Co., Maxim Integrated Products Inc., Prime Materials, SAP Center, and Super Micro Computer Inc.⁴¹

Describe the workforce and infrastructure needs of the business community:

⁴⁰ <https://www.bizjournals.com/sanjose/subscriber-only/2017/07/21/silicon-valley-employers.html>

⁴¹ <https://www.labormarketinfo.edd.ca.gov/majorer/countymajorer.asp?CountyCode=000085>

With two of the largest employment sectors in San José in Education and Health Care Services, and Professional, Scientific, and Management Services, there will be an increasing need for a highly educated workforce. In order to meet the demand for qualified employees to fill these positions, it is important that the City continues to ensure that its schools provide consistent, high-quality education for the residents. The City currently has several business assistance programs that give firms an incentive to keep production facilities in San José. It offers the Industrial Development Bond program that allows eligible manufacturers use low-interest bond proceeds to finance virtually all costs incurred by the company for investment in either tangible or intangible products.⁴² The Business Cooperation Program grants a rebate of up to 30 percent on the local portion of the State collected use tax. The Foreign Trade Zone allows companies to delay, reduce, or eliminate customs duties on imported goods.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

The City of San José has several pending development projects that will have an economic impact on the area once completed, including housing units, commercial use property, schools, senior facilities, office space, and public park areas. The addition of this infrastructure to San José will help increase property values, create jobs, generate housing for more employees, and offer opportunities for private investment.

Some examples of projects that have already been approved or are under construction are the Bascom Station (Dick’s Center) Project, Communications Hill, and Starcity–199 Basset St.⁴³ The Starcity project is unique in that it is San José’s first co-living development, in which tenants have shared spaces such as kitchens and social areas, , while at the same time having private bedrooms and bathrooms. Starcity plans on building about 800 co-living units.

Bascom Station will include the construction of a 200,000 square foot office building, 590 residential units, and an alternative parking arrangement (tandem parking). Communications Hill will be a dense, highly urbanized, pedestrian-oriented residential neighborhood with industrial park uses. The proposed project includes the development of approximately 2,200 residential units, up to 67,500 square feet of commercial/retail uses, 1.44 million square feet of industrial park uses, and other open space.

One of the most notable pending projects is the Downtown West Mixed-use Project (the so-called “Google Project”). If approved and completed, it would have significant implications for the surrounding area. It calls for 6,500,000 to 7,300,000 gross square feet (GSF) of office space, 3,000 to 5,900 new housing units, 300,000 to 500,000 GSF of active uses (retail, cultural, arts, etc.), 100,000 GSF of event space, up to 300 hotel rooms, and up to 800 rooms of limited-term corporate accommodations. The plan also includes infrastructure, utilities, and public space.

⁴² <https://www.sjeconomy.com/how-we-help/programs-and-services>

⁴³ <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/projects-of-high-interest>

These projects above fall under the fifth of the twelve major strategies embodied within the Envision San José 2040 General Plan -- the development of urban villages. The villages are walkable, bicycle-friendly, transit-oriented mixed-use settings that provide both housing and jobs.⁴⁴

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

The data displayed in the “Educational Attainment by Age” table shows the education level of the workforce of San José by age. The percentages by education level for San José residents that are 18 years of age or older are as follows:

- Less than 9th grade: 8.8 percent
- 9th-12th grade, no diploma: 7.9 percent
- High school graduate, GED, or alternative: 18.9 percent
- Some college, no degree: 21.5 percent
- Associate’s degree: 7.3 percent
- Bachelor’s degree: 22.2 percent
- Graduate or professional degree: 13.5 percent

San José is in the heart of Silicon Valley and is a large producer of technology. Due to the technical nature of the work, these companies often require higher education for their employees.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

One of San José’s workforce training initiative is called Work2Future, which is the local administrative arm of the Workforce Innovation and Opportunity Act (WIOA) that operates America's Job Center of California One-Stops. Located in San José and Gilroy, these centers serve the areas of San José, Campbell, Morgan Hill, Los Altos Hills, Gilroy, Los Gatos, Saratoga, Monte Sereno, and the unincorporated areas of Santa Clara County.⁴⁵ The US Department of Labor is the main funding stream for the centers, but other sources include State, local, other federal grants, and corporate support. Work2Future’s mission is to assist businesses and individuals in meeting the workforce demands and opportunities of a global economy with the goal of strengthening the economic base in San José and Santa Clara County by increasing employment opportunities and job retention for all residents.

Each Work2Future one-stop center offers services and resources that:

- Help job seekers obtain the skills and training they need to find a job
- Assist businesses in meeting their workforce and economic development needs
- Enable youth to jump-start their career with skills training and job search assistance

⁴⁴ City of San José, “Urban Villages,” under Citywide Planning, <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/urban-villages>.

⁴⁵ Work to Future, <http://www.work2future.biz/>.

One of the ways that Work2Future helps job seekers is by providing talent coaches, who help individuals navigate through the available services to develop an individualized. Businesses receive tools and resources to help them succeed by focusing on four main areas: employment services, business development, access to capital, and industry trends and information. The Youth Employment and Training program helps 18-24year-olds secure employment through intensive case management, training services, educational programs, and supportive services. Work2Future also provides labor market information that gives the community insight into specific industries, occupations, and area employers.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

No.

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Not applicable.

Discussion

Please see above.

MA-50 Needs and Market Analysis Discussion

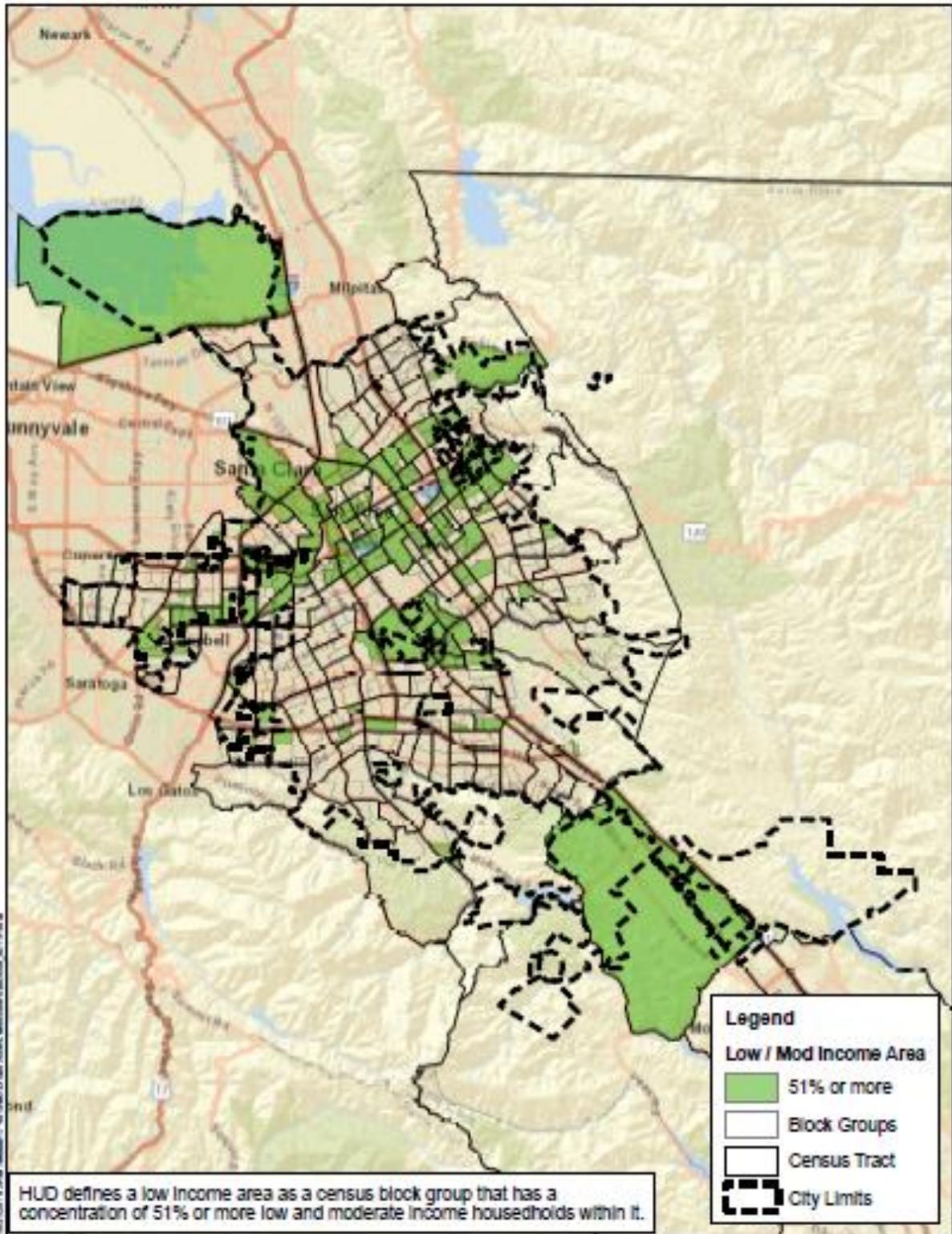
Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

As illustrated in the Needs Assessment, households with higher incomes tend to have fewer housing problems, such as overpayment on housing costs. Households with housing problems are likely occurring in census tracts that are mostly occupied by low- to moderate-income households. Concentration of low- to moderate-income (LMI) households is defined by HUD as census tracts where 51 percent or more of households in the tract earn low to moderate income. See Map 3 below for concentrations of LMI households.

% of Area Median Income	Number of Households Experiencing Housing Problems	Number of Households Experiencing Severe Housing Problems
0-30	45,830	38,755
30-50	31,555	18,775
50-80	24,595	10,800
80-100	13,514	4,910

Table 63 - Housing Problems by Income Category

Source: 2011-2015 CHAS



Michael Baker INTERNATIONAL



CITY OF SAN JOSE
 Areas of Low and Moderate Income Concentration

Map 3. Source: Source: Source: U. S. Census, American Fact Finder 2017, Esri Street Map.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Please see Map 1 of minority concentrations in NA-30, Disproportionally Greater Need discussion. A minority concentration is defined as a non-White population of 51 percent or more. Please see Map 2 for Racially and Ethnically Concentrated Areas of Poverty.

What are the characteristics of the market in these areas/neighborhoods?

As previously stated in MA-05, San José is one of the country's most expensive residential markets. According to the 2011-2015 CHAS data, there are 110,710 units that are affordable to households earning between lower incomes, but there 140,635 households earning lower incomes, creating a need of at least 9,395 affordable units.

Are there any community assets in these areas/neighborhoods?

Assets in these areas include the following:

1. Community and recreation centers
2. Senior centers
3. Hospitals
4. Fire stations
5. Public libraries
6. Medical facilities
7. Transit centers
8. Parks

Are there other strategic opportunities in any of these areas?

There are many commercial high opportunity areas in these neighborhoods including Urban Villages. The Envision San José 2040 General Plan lists Urban Villages as one of 12 major strategies, designed for optimal pedestrian and transit oriented mixed use that also will provide both housing and jobs. The urban village strategy carries out the following⁴⁶:

- Engagement of village area residents in the urban village planning process
- Mixed residential and employment activities that are attractive to an innovative workforce
- Revitalization of underutilized properties that have access to existing infrastructure
- Densities that support transit use, bicycling, and walking
- High-quality urban design

⁴⁶ Envision San José 2040 General Plan, City of San José.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households- 91.210(a))(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

Wireless broadband is widely available in all of San José according to the Federal Communications Commission's Broadband Availability data.⁴⁷ (See Map 4.) All residential areas in the City are served by providers offering download speeds ranging from as low as two Mbps (megabits per second) by VSAT Systems and as high at 1000 Mbps by AT&T. Broadband is the common term used to refer to a very fast connection to the Internet; such connections are also referred to as high-speed.⁴⁸

Accessing Internet service requires a monthly cost that may not be affordable to some households,⁴⁹ which was confirmed by survey results. More than 30 percent of respondents to the Community Survey that said they did not feel that low- and moderate-income areas have adequate broadband access. Many survey respondents, 32 percent, said that there are common/pressing broadband internet problems related to unreliable access and slow service. However, according to survey respondents, the primary problem with broadband internet access is that it is too costly.

Some municipal, public facilities, and social service facilities provide free WIFI internet service for the public and/or customers within San José. The City provides free WIFI internet accessible through the City's downtown core area, at the San José Convention Center, and at San José International Airport. The City also collaborated with AT&T to deploy Internet of Things (IoT) technology across 14 San José Parks to provide public Wi-Fi connectivity the City.⁵⁰ In 2019, the City approved an expansion of a community wireless network to Overfelt High School in East Side Union High School District (ESUHSD), which will serve students as well as surrounding residents.⁵¹ Additionally, the City is integrating plans to broaden access to basic digital infrastructure to all residents through San José Smart City Vision, a plan that allows City Hall to serve the community by promoting safety, sustainability, economic opportunity, and quality of life through drastic improvements to data management technologies.

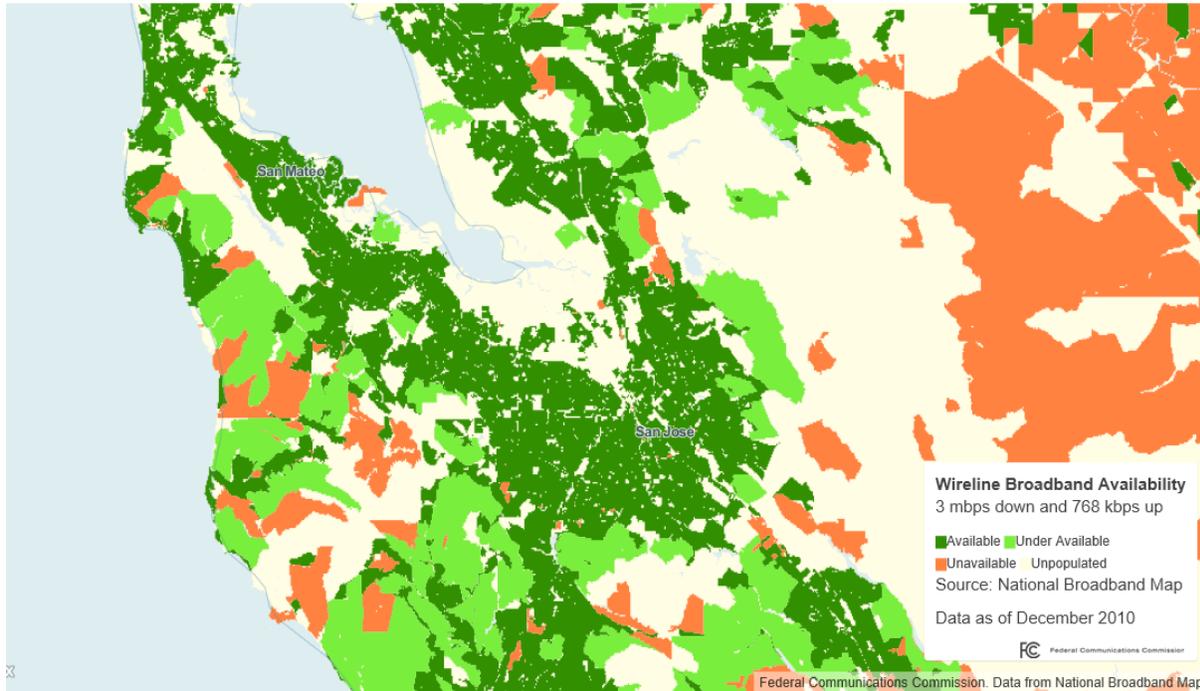
⁴⁷ Federal Communications Commission, "Broadband Availability," under "Maps," <https://www.fcc.gov/reports-research/maps/broadband-availability/> [accessed February 10, 2020].

⁴⁸ U.S. Department of Housing and Urban Development, "CDBG Broadband Infrastructure FAQs, January 2016," under "Resources," <https://www.hudexchange.info/resource/4891/cdbg-broadband-infrastructure-faqs/> [accessed February 18, 2020].

⁴⁹ U.S. Department of Housing and Urban Development, "What types of activities are eligible but may not be feasible?, January 2016," under "CDBG Entitlement FAQs," <https://www.hudexchange.info/faqs/2732/what-types-of-activities-are-eligible-but-may-not-be-feasible/> [accessed February 18, 2020].

⁵⁰ City of San José, "AT&T and City of San José Launch Collaboration Valued at More Than a Million Dollars to Help Improve Public Safety and Bridge San José's Digital Divide," under "Office of the Mayor-Latest News," <https://www.sanjoseca.gov/Home/Components/News/News/428/4960?fsiteid=1&npage=2> [accessed February 18, 2020].

⁵¹ City of San José, "Free Community Wi-Fi Expanded for East San José High School," under "Office of the Mayor-Latest News," <https://www.sanjoseca.gov/Home/Components/News/News/567/4960> [accessed February 18, 2020].



Map 4 Broadband Availability in San José, California. Source: Federal Communications Commission, fcc.gov.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

San José has several internet providers.⁵² Providers include AT&T, Comcast, Etheric Networks, Inc., ViaSat, Inc., Razzo Link, Cruzio Holdings, LLC, AT&T, Inc., and VSAT Systems, LLC. Currently, 100% of San José’s municipal jurisdiction has access to the internet through at least one local provider⁵³; many providers offer a range of consumer WiFi internet plans that encompass different speed levels and price points. Regarding competition, according to the Community Survey, many respondents said that broadband access could be improved by lowering rates, improving fiber optics, and breaking up large companies.

⁵² Federal Communications Commission, “Fixed Broadband Deployment,” under “Location Summary,” broadbandmap.fcc.gov [accessed February 10, 2020].

⁵³ Ibid.

MA-65 Hazard Mitigation- 91.210(a))(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

Wildfires present an immediate risk for the City and its surrounding areas due to increasing temperatures and drought. The North Bay Fires of 2017, one of the largest wildfires on record for the region, is a primary example of increased natural hazards. Additionally, the San José area is also subject to heavy storms as a result of climate change and resulting flooding as occurred in the 2017 Coyote Creek flood. While not directly tied to climate change, earthquakes remain as an increased hazard risk for the area. In response to these traumatic events, the City has developed Emergency Operations Plan (EOP) Support Annexes for the facilitating evacuation, especially for supporting populations lacking access and other functional needs.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Land development on floodplains is cheaper than in areas devoid of increased risk. Therefore, many LMI families can only afford households with an increased risk of flooding, which also subjects them to high flood insurance costs. The County has this issue in its jurisdictions as well.

The Federal Emergency Management Agency (FEMA) has identified floods as the most common and costly natural disaster. It is estimated that 38,000 parcels in the within San José's jurisdiction that are subject to flooding. The plan in preparation for flooding from Coyote Creek and other water ways. Severe flooding occurred during the 2017 Coyote Creek flood. Coyote Creek runs along Highway 101 and through census tracts with housing occupied by low- and moderate-income on the east side of the City. The Guadalupe River is another waterway with potential for flooding and passes through the area in north and central San José where State Route and Interstate 880 meet and through census tracts with housing occupied by low- and moderate-income. In response, the City of San José and the Santa Clara Valley Water District developed the Joint Emergency Action Plan for Severely Storm and Flood Response in the City of San José. In response to the City's potential for flood hazards, the City of San José and the Santa Clara Valley Water District developed the Joint Emergency Action Plan for Severe Storm and Flood Response in the City of San José.

Strategic Plan Overview

The Consolidated Plan allocates federal entitlement dollars according to low- and moderate-income (LMI) census tracts. The City's strategy is focused on leveraged investments to ensure neighborhoods in need receive the most robust assistance available. In the 2015-2020 Consolidated Plan, the City emphasized the importance of neighborhoods and refined its approach by seeking to make high-impact, targeted investments in strategic locations and activities that advance the four goals identified.

Priority needs for this ConPlan were identified based on the data collected, input received at stakeholder and community meetings, and surveys. Priority needs include additional affordable housing, services to address homelessness, and neighborhood strengthening through public facility and infrastructure improvements and public services for underserved areas.

Current market conditions demonstrate that although increases in rental rates have stabilized somewhat in recent years, they are still not affordable to nearly one-third of City residents. Additionally, the market is challenging for special needs populations, including seniors, families with children, persons with disabilities, persons with HIV/AIDS, and others.

Based on all of the input received through the City's community engagement efforts and consistent with the multiple studies and laws noted above, the following are priorities for the Five-Year Consolidated Plan:

1. Prevent and Address Homelessness – Increase housing opportunities and self-sufficiency for homeless populations and assist in the prevention of homelessness for at-risk individuals and families.
2. Create and Preserve Affordable Housing – Create new affordable housing opportunities and preserve existing affordable housing.
3. Promote Fair Housing – Promote fair housing and lowered barriers to housing.
4. Strengthen and Stabilize Communities – Strengthen and stabilize communities' condition and help to improve residents' ability to increase their employment prospects and grow their assets.

Given these four priorities, program activities that could be funded are further detailed in Table 65.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Not applicable. The City has not established specific target areas to focus the investment of funds.

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Not applicable. The City has not established specific target areas to focus the investment of funds.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Priority Need	Priority Level	Description	Population	Goal	Basis for Relative Priority
Homelessness	High	Provide mental health services, at-risk youth, substance abuse treatment, Domestic violence support, support services for seniors (meals, transportation), Homeless prevention, one-time rent/utility payments, legal assistance, Homeless services, fair housing education	Homeless: Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/Aids Victims of Domestic Violence Unaccompanied Youth	Increase housing opportunities and self-sufficiency for homeless populations and assist in the prevention of homelessness of at-risk individuals and families.	Input from community and stakeholder outreach and surveys
Affordable Housing	High	Improve housing opportunities for 0-80% AMI households through preservation and rehabilitation of existing affordable housing stock and new construction, improving accessibility (ADA), permanent supportive rental housing Provide first-time homebuyer assistance, tenant-based rental assistance, and Security deposit assistance	Extremely low, very low, and low-income individuals and families Large households, small families, seniors, and disabled household types Emergency shelter, transitional and supportive housing for homeless individuals and families	Construct new and preserve of existing affordable housing	Input from community and stakeholder outreach Input gathered through surveys and community forums supported by data from the Needs Assessment and Market Analysis was evaluated to determine the priority needs

Priority Need	Priority Level	Description	Population	Goal	Basis for Relative Priority
Fair Housing	High	Fair housing represents an ongoing concern in Santa Clara County. Of the 1,472 total survey respondents, 192 (16 percent) said they have experienced some form of housing discrimination. Most respondents (29 percent) who experienced discrimination indicated that race was the primary factor for that discrimination. Additionally, 66 percent indicated they were discriminated against by a landlord or property manager. Interviews with local service providers indicate that many home seekers and landlords are unaware of federal and state fair housing laws.	Extremely low, very low, and low-income individuals and families Large Families Families with Children Elderly Public Housing Residents	Promote fair housing	Input from community and stakeholder outreach and surveys
Strengthen and Stabilize Communities	High	Job training/ employment development programs, Grassroots outreach skills development, Neighborhood leadership development, Broadband infrastructure	City wide	Strengthening Neighborhoods	Input from community and stakeholder outreach Input gathered through surveys and community forums supported by data from the Needs Assessment and Market Analysis was evaluated to determine the priority needs

Table 65 – Priority Needs Summary

SP-30 Influence of Market Conditions – 91.215 (b)

Affordable Housing Type	Market Characteristics that will Influence the Use of Funds Available
Tenant Based Rental Assistance (TBRA)	According to the CHAS 2011-2015 data, approximately 56,485 households are extremely low-income yet there are only 11,125 rental units available to such households. Though increases in rental rates have stabilized somewhat in recent years, they are still not affordable to nearly one third of City residents.
Tenant Based Rental Assistance (TBRA)	<p>There are about 3,075 cases of AIDS and 2,370 persons with HIV who live in the City, representing 62 percent and 69 percent of cases in the County, respectively. Persons with HIV/AIDS sometimes face biases and misunderstanding about their illness that affect their access to housing. A survey was administered to 908 unsheltered and sheltered individuals experiencing homelessness in the weeks following the PIT county in January 2019, and 2 percent of respondents reported having HIV.</p> <p>According to the 2013-2017 ACS 5 Year Estimates, 80,299 persons over the age of 18 had a disability, comprising 8 percent of San José’s population. Persons with disabilities often face housing challenges as the result of their disabilities related to earning potential and a lack of accessibility features and support services. Persons with self-care and mobility limitations require housing design features such as wheelchair ramps, holding bars, special bathroom designs, wider doors, and other design features.</p>
New Unit Production	<p>There are 56,485 households who are extremely low-income, but only 11,125 rental units affordable extremely low-income households. The problem is less severe for households earning very low-incomes- there are 41,395 very low-income households, and just 35,425 units affordable to them.</p> <p>According to the City of San José’s Affordable Housing Investment Plan (FY 2016/17 to 2017/18), the City has funded the development of approximately 18,000 affordable rental apartments, mostly subsidized by the now-dissolved redevelopment agency. However, only 2,224 apartments are restricted to extremely low-income households; 42 percent are restricted to very low-income and 29 percent to low income.</p> <p>In addition, the 2015 to 2023 Regional Housing Need Allocation of units permitted to date reflect market forces that favor the development of above-market housing. Only 11 percent of the allocation in the very low-income category has been permitted, 4 percent for low income, 25 percent for moderate incomes, and 83 percent for incomes above moderate.</p>
Rehabilitation	There is a need for rehabilitation of renter and owner households in the City of San José. Based on the provided definition of “conditions”, more than one-half of renters (58 percent), and more than one-third of owners (36 percent) are experiencing one or more of these conditions. The 2011-2015 American Community Survey (ACS) shows that approximately 204,805 units in San José were built before 1980, and data from the 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) shows that 44.7 percent of total households are occupied by low-moderate income persons. This means 91,548 households may have an increased risk of lead-based paint.

Acquisition, including preservation	<p>Severe cost burden is the top housing problem, that is, paying more than 50% of income on housing costs About 45,335 lower-income households experience severe cost burdens, accounting for 14 percent of total households in the City</p> <p>In addition, more than one-half of renters (58 percent), and more than one-third of owners (36 percent) experience one or more housing conditions. Approximately 65 percent of the City’s housing stock was built before 1980, indicating the potential for lead based paint exposure and need of repairs. Of households with substandard housing—lacking complete plumbing or kitchen facilities, 57 percent (1,115 households) are extremely low-income renters and 30 percent (105 households) are extremely low-income owners.</p>
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SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

The following chart estimates the amount of federal funding to be received over the next five years. Although the exact amounts to be received during the second through fifth year of the Consolidated Plan cannot be known at this time – since entitlements typically fluctuate annually – it is estimated that a total of approximately \$72 million will be allocated to the City in the five years of this Plan.

	FY 20	FY 21	FY 22	FY 23	FY 24	Total
CDBG	\$8,947,319	\$8,947,319	\$8,947,319	\$8,947,319	\$8,947,319	\$44,736,595
HOME	\$3,319,683	\$3,319,683	\$3,319,683	\$3,319,683	\$3,319,683	\$16,598,415
ESG	\$1,440,393	\$1,440,393	\$1,440,393	\$1,440,393	\$1,440,393	\$7,201,965
HOPWA	\$778,209	\$778,209	\$778,209	\$778,209	\$778,209	\$3,891,045
TOTAL	\$14,485,604	\$14,485,604	\$14,485,604	\$14,485,604	\$14,485,604	\$72,428,020

Table 67 – Allocations for 2015 to 2019

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public Federal	Administration and Planning Acquisition Economic Development Housing Community Development Improvement Program Public Service	\$8,900,000					This program funds various nonprofit agencies and other city departments to implement services that benefit low- and moderate-income persons, including families with children and youth, resolve slum and blight concerns, or address community development needs.
HOME	Public Federal	General Administration (includes Fair Housing activities, and city staff HOME administration activities) Tenant-Based Rental Assistance (project delivery costs and administrative costs) New Construction of affordable Multi-Family Housing	\$3,200,000					This program is designed exclusively to create affordable housing for low-income households.

ESG	Public Federal	Administration Emergency Shelter, Outreach, Homeless Prevention, and HMIS	\$1,270,000	\$0	\$0			This program is designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help them quickly regain stability in permanent housing.
HOPWA	Public Federal	City Administration and Planning Sponsor Administration Tenant-based Rental Assistance & Supportive Services	\$750,000	\$0	\$0			The program is exclusively dedicated to the housing needs of people living with HIV/AIDS.

Table 68 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Entitlement Funds

Leveraging HUD resources allows the City to bring in local, State, and other resources to combine with federal financial resources to maximize the reach and impact of the City's HUD-funded programs. The following are either HUD or City-required matching requirements for the four federal housing and community development programs:

- In both the CDBG and HOPWA programs, the City requires subrecipients to contribute at least 20 percent of the program/activity/service cost from non-federal sources (that is, \$1 of non-federal funds for every \$5 of federal funds).
- In the HOME program, HUD requires entitlement cities to contribute at least 25 percent of the program/activity/service cost from non-federal sources (that is, \$1 of non-federal funds for every \$4 of federal funds).
- In the ESG program, there is a one-to-one match (that is, \$1 of non-federal funds for every \$1 of ESG funds).

Outside of these match requirements, the City pairs other federal programs such as the Neighborhood Stabilization programs (NSP 1 and 2) and the HOPWA Permanent Supportive Housing (PSH) programs to meet San José's housing needs and priorities. Other programs -- such as Section 202 -- also exist.

State Housing and Community Development Sources

In addition to federal resources, the State of California has provided funding for affordable housing development, homebuyer programs, transit-oriented development, special needs housing, and infrastructure. However, over the last few years, resources have either been depleted (such as Proposition 1C) or eliminated (such as the former Low- and Moderate-Income Housing Fund as part of former redevelopment agencies). In 2015, a variety of legislative proposals to create affordable housing resources—such as a permanent State funding source and expanding the low-income housing tax credit program—were proposed as the need for affordable housing in California continues to grow.

The following is a list of State funding sources that the City has either accessed in the past or seeks to access in the future:

- Low-Income Housing Tax Credit Program: administers both federal and State programs that encourage private investment in affordable rental housing.
- CalHome: first-time homebuyer down payment assistance, home rehabilitation, homebuyer counseling or mortgage assistance programs.
- Building Equity and Growth in Neighborhoods Program (BEGIN): down payment assistance program
- Infill Infrastructure Grant (IIG): financial assistance for infrastructure improvements to support new infill housing development.
- Transit-Oriented Development Fund: supports dense development and affordable housing near public transportation.
- Affordable Housing and Sustainable Communities (AHSC) Program: funding for transit-oriented affordable housing development and transportation-related infrastructure.

- Veterans Housing and Homelessness Prevention (VHHP) Program: new construction of rental homes as well as supportive services for low-income and homeless veterans.
- Mental Health Services Act (MHSA) funds: State funds administered at the county level to serve low-income mentally ill clients.
- Housing Related Parks Program: Competitive funding for Parks that support affordable housing projects

On September 29, 2017, the Governor of California signed Senate Bill 2 (SB 2), the Building Homes and Jobs Act, provides a “permanent source” of funding for affordable housing by imposing a \$75 fee on each recorded document up to a maximum of \$225 per transaction per parcel, estimated to generate \$200 to \$300 million annually, statewide. The legislation requires that for moneys collected on and after January 1, 2018 until December 31, 2018, that 50 percent of the funds go to local governments, and for money’s collected after January 1, 2019, that 70 percent be provided to local governments.

County and Local Housing and Community Development Sources

There are a variety of Countywide and local resources that support housing and community development programs. Some of these programs offer assistance to local affordable housing developers and community organizations while others provide assistance directly to individuals. These resources are discussed below:

- Low- and Moderate-Income Housing Asset Fund: Repayments from the Housing Department's \$675 million loan portfolio, originally funded by former redevelopment affordable housing funds, are reused to finance a variety of affordable housing programs for lower-income households. \$40 million in these Low- and Moderate-Income Housing Asset Fund (LMIHAF) funds were made available in a Notice of Funding Availability/Request for Proposals (NOFA/RFP) which was issued jointly on July 21, 2016, with the Housing Authority of the County of Santa Clara and the County of Santa Clara. To date, the City Council awarded \$34.6 million from the joint NOFA, which was designed to identify new developments of special needs housing eligible for both capital commitments and federally funded project-based rental vouchers (PBVs). The City issued another NOFA in 2018.
- The Inclusionary Housing Ordinance, Chapter 5.08 of the San José Municipal Code, was adopted on January 12, 2010. The Inclusionary Housing Ordinance requires that, in market-rate developments of 20 or more units, 15 percent of the units be made affordable to income eligible buyers or renters. Although the Ordinance was operative on January 1, 2013, its implementation was delayed by court challenges.
- The provisions of the Inclusionary Housing Ordinance that apply to rental developments were suspended until the court decision in *Palmer v. City of Los Angeles* was superseded with the passage of Assembly Bill (AB) 1505 effective January 1, 2018. San José’s Inclusionary Housing Ordinance now provides alternative ways that a developer may meet the affordable unit requirement, including but not limited to payment of an In-Lieu Fee and construction of affordable units off-site.
- Prior to AB 1505, rental developments were subject to the Affordable Housing Impact Fee (AHIF) resolution which was adopted on November 18, 2014 by the San José City Council. Since its adoption, approximately \$2.6 million in Affordable Housing Impact Fees have been paid. As a result of Assembly Bill (AB) 1505, rental developments will transition from the current AHIF Program to the Inclusionary Housing Ordinance. Rental development projects submitted after June 30, 2018 are considered under the Inclusionary Housing Ordinance.

- City of San José Housing Trust Fund (HTF): provides ongoing funding for housing and support programs that seek to address homelessness, in part by creating a vehicle eligible to compete for outside funding sources. In FY 2019-2020, it is anticipated that at least \$1 million in HTF will be used to respond to the impacts of homelessness in the community: City staffing and non-personnel costs; Destination: Home administrative and programmatic costs; direct supportive services such as essential services, case management, employment placement, and housing support; and matching funds for federal, State and regional grants.
- Affordable Housing Impact Fee Program: in November 2014, the City established the Affordable Housing Impact Fee Program, to be levied on market-rate rental housing developments, excluding developments that qualify for pipeline status and other exemptions. Implementation of the Affordable Housing Impact Fee (AHIF) Program is successfully underway. As a result of Assembly Bill (AB) 1505, rental developments will transition from the current Affordable Housing Impact Fee (AHIF) Program to the Inclusionary Housing Ordinance. Rental development projects submitted after June 30, 2018 will be considered under the Inclusionary Housing Ordinance.
- City of San José General Fund: The City's General Fund will be providing a fifth year of funding \$1.5 million for ongoing homeless encampment abatement and deterrent services. In 2018-2019, The City's General Fund will fund Destination: Home to continue implementing the Homelessness Prevention System to provide financial assistance and support to families at risk of homelessness.
- City of San José Housing Authority Litigation Award (HALA): The City established a new local funding stream in HALA, which will be used to provide safe and sanitary housing for low income households within the jurisdiction of the Housing Authority. HALA will provide a third year of funding of \$2 million for the Rapid Re-Housing Program.
- Veterans Affairs. OSH is making available services commitments for vulnerable populations, as well as \$8 million in capital funds for developments focusing on the homeless.
- Measure A – Affordable Housing Bond Fund: In November 2016, the voters of Santa Clara County passed Measure A, a \$950 million affordable housing bond measure. Measure A will fund the development of permanent affordable housing for the County's most vulnerable populations, including homeless, veterans, disabled, seniors, foster youth and others. The affordable housing units will be built throughout the County, and the funds will be leveraged to attract matching funds from private, state and federal sources. The spending plan of the bond will allocate \$700 million for Extremely Low-Income housing (below 30 percent of area median income), including Permanent Supportive Housing and Rapid Rehousing; \$100 million for Very Low Income housing (31 to 50 percent of the area median income); up to \$100 million for housing assistance for Moderate Income households; and up to \$50 million for Moderate Income residents who are first-time homebuyers. When funds become available, they will likely be layered with commitments from the City's LMIHAF funds, in order to fund affordable housing developments.
- Mortgage Credit Certificates (MCC) Program: Provides assistance to first-time homebuyers by allowing an eligible purchaser to take 20 percent of their annual mortgage interest payment as a tax credit against federal income taxes. The County administers the MCC Program on behalf of the jurisdictions in the County, including San José.
- The Housing Trust Silicon Valley (HTSV): This nonprofit organization combines private and public funds to support affordable housing activities in the County, including assistance to developers and homebuyers.
- Housing Authority: Acting on behalf of the City of San José Housing Authority, the City contracts with the Santa Clara County Housing Authority (SCCHA) to administer and manage the Section 8

Voucher program and public housing programs within San José. The SCCHA receives federal funding to run the programs below:

- Section 8 Housing Choice Voucher Program: rental assistance to low-income households.
- Family Self-Sufficiency Program: employment assistance program for Section 8 participants.
- Veterans Affairs Supportive Housing (VASH): housing assistance for homeless veterans.
- The Family Unification Program: voucher assistance for families who have been separated due to a lack of adequate housing.
- Non-Elderly Disabled (NED) Vouchers: voucher program to allow non-elderly disabled people to transition out of care-giving institutions.
- Moderate Rehabilitation Program: project-based rental assistances for low-income families.

In January 2008, HUD designated the SCCHA as a “Moving to Work” (MTW) agency through June 30, 2018. The MTW agreement was extended through 2028 in April of 2016. The goal of the MTW program is to increase cost effectiveness, promote self-sufficiency, and expand housing options for low-income families. The MTW designation provides more flexibility in use of funding sources and will support the creation of more efficient programs. The City will continue to partner with the SCCHA to identify MTW activities that may benefit low-income families of the community, especially homeless households.

The SCCHA further plays a direct role in developing affordable housing units. Acting as a nonprofit housing developer, the Housing Authority applies for funds from the City and a variety of state, federal, and private sources for its various development projects. The City also partners with the Housing Authority through Project-based vouchers. Through the July 2016 joint NOFA/RFP, the City teamed with the Santa Clara County Housing Authority and the County of Santa Clara to identify developments that would be eligible for both PBVs and capital awards. PBVs are critical to development feasibility for deeply affordable rental housing, as they augment tenant-paid rents. The higher rents predictably increase rental properties’ cash flow, therefore increasing the size of permanent commercial loans that can be underwritten and, in turn, decreasing the need for public gap subsidy funding. This joint issuance of the NOFA/RFP was the first of its kind in the South Bay.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City is exploring opportunities to develop affordable housing on public and surplus lands, such as with the Santa Clara Valley Transportation Authority (VTA), which owns land in transit-rich locations. In 2017 the VTA advanced plans to develop three VTA owned sites in San José. The City will make it a priority in the coming years to facilitate development and plan for affordable units at VTA station areas. The City also continues to review opportunities to purchase surplus land from other public agencies to meet its housing and community development goals.

In 2015, the City Council approved the purchase of three properties located at 226 Balbach Avenue, 5647 Mesa/Gallup, and 96 South Almaden Boulevard from the former Successor Agency to the Redevelopment Agency of the City of San José. One of these properties at 96 South Almaden Boulevard was rehabilitated and is currently serving formerly homeless individuals. Regarding 226 Balbach and the Gallup/Mesa properties, the City has identified a development partner for both sites and has initiated the entitlement process.

Discussion

See discussion above.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of San José Housing Department	Government	Affordable housing— rental and ownership Homelessness response-Transitional and Supportive housing Community development: public facilities Community development: public facility improvements Community development: public services Community development: economic development Planning	City wide
County of Santa Clara – Office of Supportive Housing	Continuum of Care	Homelessness	City of San José and County of Santa Clara
Santa Clara County Housing Authority	Public Housing Authority	Section 8 administration	City of San José and County of Santa Clara

Table 69– Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Strengths

The City of San José partners with the business community, other government agencies such as the County of Santa Clara, the Santa Clara County Housing Authority, non-profit organizations that provide housing assistance and public services, faith-based organizations, the Continuum of Care, and collaborates interdepartmentally to carry out goals and strategies of the Consolidated Plan. When possible, the City also uses various means to grant City owned land for the purposes of providing affordable housing units.

In addition, the City has a variety of leveraging sources which include but are not limited to the following:

- Inclusionary Housing Ordinance (IHO)
- Affordable Housing Impact Fee
- The Housing Trust Fund --responds to impacts of homelessness and supports the Continuum of Care
- General Fund
- Santa Clara County Housing Authority

Further, the City has made efforts in the efficiency and improvement of the institutional delivery structure in several ways:

- Regular quarterly meetings between entitlement jurisdictions at the CDBG Coordinators Meeting and Regional Housing Working Group.
- Developing joint jurisdiction RFPs and project review committees, to take advantages of cost and operational efficiency as a result of economy of scales. In 2016, the City released a joint NOFA with the County of Santa Clara for the development of low-income housing.
- Coordination on project management for projects funded by multiple jurisdictions.
- The Housing Department of San José meets with its counterparts in the City of Oakland and the City/County of San Francisco on a regular basis to coordinate policy initiatives and program implementation.

Gaps

Access to multiple services is challenging to many in need. Transportation is a need for individuals and families that must use a variety of services to sustain important necessities for not only their lives, but to obtain and retain housing. Persons in need often get referred to services that are in locations that require access to transportation.

As noted, there is a substantial lack of funding for affordable housing, and there is a significant need for facilities to house people experiencing homelessness. Funding for affordable housing and other needs is primarily sourced from government at the local, State, or federal levels or from philanthropy channeled through non-profit organizations specializing in the construction of affordable housing. However, the City's federal funding allocations fell in fiscal year 2011 by 15 percent and another 22 percent in 2012 (although it has increased since 2013).

Before 2012, Redevelopment Agencies financed capital projects and address blight; 20 percent of redevelopment money was required to be allocated toward affordable housing. At the peak, San José received approximately \$40 million per year to subsidize affordable housing. Due to state budgetary problems, the Governor directed that Redevelopment Agencies throughout the State be dissolved, and most of the remaining funds were taken from local Agencies to fund other State needs. Now the City relies on federal grants and philanthropy to fund affordable housing projects, which falls short of providing enough to cover the need.

There is a continued need for fair housing rights and education and enforcement for renters. Despite ongoing efforts, there is still potential for housing discrimination. A Working with fair housing providers

to provide workshops to educate the public, including landlords, realtors, non-profit agencies, and others about fair housing laws and regulations, continues to be needed.

Availability of services targeted to homeless persons and persons with and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	X
Legal Assistance	X	X	X
Mortgage Assistance	X		
Rental Assistance	X	X	X
Utilities Assistance	X	X	X
Street Outreach Services			
Law Enforcement	X	X	
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	X
Supportive Services			
Alcohol & Drug Abuse	X	X	X
Child Care	X	X	
Education	X	X	X
Employment and Employment Training	X	X	X
Healthcare	X	X	X
HIV/AIDS	X	X	X
Life Skills	X	X	X
Mental Health Counseling	X	X	X
Transportation	X	X	X
Other			
Other			

Table 70 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

As discussed above, numerous Santa Clara County agencies and various organizations in the County provide services to individuals and families experiencing homelessness, and those at risk of homelessness. Services provided by the County include but are not limited to housing, healthcare, food, benefits to recipients of Supplemental Security Income (SSI), school assistance services to school aged children (such as transportation and school supplies), counseling, drug and alcohol rehabilitation, youth programs, financial assistance to veterans and their families for medical and housing, legal assistance for eviction and other housing related issues. Various non-profit organizations provide services including but not limited to shelter services, supportive housing, and transitional housing.

In addition to agencies and organizations in place to serve homeless populations, the Continuum of Care (CoC) of the County of Santa Clara is composed of a broad group of stakeholders committed to ending and preventing homelessness. The key CoC responsibilities are ensuring community-wide implementation of planning efforts to end homelessness, as well as ensuring programmatic and smooth effectiveness of the entire system of services available in the region.

The Continuum of Care held the 2019 Point-in-Time homeless census in which data were collected on household status, age, gender, race and ethnicity, veteran status, chronic status, and whether individuals had certain health conditions. Data were collected through the Homeless Management Information System (HMIS), a secure online database that stores data on all homelessness services that are provided in Santa Clara County, which in turn uses this data to improve the ability of local organizations to provide access to housing and services and strengthen our efforts to end homelessness.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

A lack of funding to construct much-needed affordable housing is a significant system gap. In addition, there is a lack of enough service providers to address the level of need, which also requires funding. However, significant planning and new funding sources (Measure A, HEAP, and federal funds) will help to counteract such deficiencies. San José partnered with Santa Clara County for the Community Plan to End Homelessness-2015-2020, build strong partnerships across County departments, local governments, the business sector, and non-profit and philanthropy to leverage resources. A new plan is in development for the next five years. The partners will meet to discuss progress over the previous five-year plan to develop new strategies for better outcomes. Additionally, San José adheres to Coordinated Assessment System to connect each individual experiencing homelessness with the appropriate housing as described in the plan.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

Encourage better coordination among service providers to better serve those in need.

The City benefits from a strong jurisdictional network of housing and community development partners, such as the Regional Housing Working Group, the CoC, and the San José Silicon Valley Workforce Investment Network. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local jurisdictions and developers in sharing information and resources.

The City of San José's Housing Department has developed the Homelessness Response Framework, which uses a Coordinated Assessment System, which begins with an Outreach Team that is the first point of entry for the unsheltered homeless population to the system. At the outset of outreach, obtaining basic needs are facilitated. Individuals experiencing homelessness are then added to the Coordinated Assessment System and matched with the appropriate housing program. Housing programs are coordinated with each other and include client referral to the following:

- Interim Housing, which provides temporary housing and site-based services, and is effective for certain homeless sub-populations.
- Permanent Supportive Housing, which provides long-term rental subsidies and intensive case management for households with disabilities and special needs.

- Rapid Rehousing System, which provides time-limited subsidies and supportive services to households that can achieve economic self-sufficiency within the program term.

Other Actions to Overcome Gaps in the Institutional Structure and Delivery System

- Continue to support the maintenance of federal entitlement programs such as the CDBG Program, ESG, HOPWA, HOME, Section 8, Section 202, and Section 811 programs.
- Grow new partnerships with re-entry programs, food programs, legal services, tenant protections, etc.
- Foster existing partnerships with the County of Santa Clara, local governments, the business sector, and non-profit and philanthropic partners to leverage available resources and bring in new funding streams
- Increase funding and resources for supportive and affordable housing, specifically for extremely low-income households and streamline access-funding includes Measure A, HEAP, CDBG, HOME, HOPWA, ESG
- Pilot/invest in alternatives to traditional rental assistance, e.g., shared housing, board and care
- Provide housing subsidies with more flexible eligibility criteria and term of assistance
- Develop programs to address higher needs populations
- Provide more population-specific programs and services that meet their unique needs and programs for people that have difficulty accessing housing and services (e.g. undocumented; criminal history)
- Develop programs that meet the needs of those not prioritized for or not likely to receive a referral to Permanent Supportive Housing (PSH) or Rapid Re-housing (RRH)
- Increase the capacity and diversity of temporary housing options
- More oversight and monitoring of the Coordinated Assessment System
- Provide community education on available resources and services
- Adjust tax and land use policies to increase housing stock and better address affordability of housing
- Modify development rules to permit affordable housing that is less costly and built more efficiently
- Ensure access to adequate income (e.g. living wages) and education through public policy and collaboration with private sectors and partner with schools to provide educational and vocational opportunities and incentivize, support, remove barriers to hiring of people who are unhoused or in housing programs, including in the supportive housing system
- Better coordination, data collection, and data sharing between safety net system and the criminal justice system and the homelessness system of care
- Educate the broader community, including funders and community leaders, about realities of homelessness
- Bring more services to unsheltered people through increased street outreach and mobile services and improve and expand communication about available services and programs to people who are unsheltered

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Prevent and Address Homelessness	2020	2024	Homelessness Non-Homeless Special Needs	N/A	Homelessness	CDBG: \$4,172,852 HOME: \$3,363,849 ESG: \$3,091,652	Homeless citywide and Downtown outreach, Homelessness prevention programs= 3,500 HMIS data systems support= 3,500 Tenant-based rental assistance (rental coupons) =450 Emergency shelter or interim housing=300
2	Create and Preserve Affordable Housing	2020	2024	Affordable Housing	N/A	Affordable Housing	HOME: \$20,620,335 CDBG: \$2,888,897 HOPWA: \$3,827,019	Affordable housing and infrastructure subsidies =250 Single family and mobile home repair programs=1,445 Enhanced and targeted code enforcement=2,235 Soft story apartment retrofit rebates=130 Support for community-based housing development entities=15
3	Promote Fair Housing	2020	2024	Non-Housing Community Development	N/A	Non-Housing Community Development Non-Homeless Special Needs	CDBG: \$1,600,000 HOME: \$65,000	Education, compliance, and legal assistance with City's Apartment Rent Ordinance, Tenant Protection Ordinance, and Housing Equality Payment Ordinance= 1,295 Fair housing education and legal assistance =1,040

4	Strengthen and Stabilize Communities	2020	2024	Non-Housing Community Development Non-Homeless Special Needs	N/A	Strengthening Neighborhoods	CDBG: \$23,111,178	Job training/employment development programs=200 Grassroots outreach skills development=1,765 Neighborhood leadership development=1,635 Broadband infrastructure=1,445 Development of childcare facilities=3 ADA/other rehabilitation and tenant improvements of nonprofit commercial spaces=940
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Table 71 – Goals Summary

Goal Descriptions

1	Goal Name	Prevent and Address Homelessness
	Goal Description	<ul style="list-style-type: none"> • Homeless outreach • Homelessness prevention programs • HMIS data systems support • Tenant-based rental assistance (rental coupons) • Emergency shelter or interim housing
2	Goal Name	Create and Preserve Affordable Housing
	Goal Description	<ul style="list-style-type: none"> • Affordable housing including land acquisition and infrastructure subsidies • Single family and mobile home repair programs • Enhanced and targeted code enforcement • Soft story apartment retrofit rebates • Support for community-based housing development entities
3	Goal Name	Promote Fair Housing
	Goal Description	<ul style="list-style-type: none"> • Education, compliance, and legal assistance with City’s Apartment Rent Ordinance, Tenant Protection Ordinance, and Housing Equality Payment Ordinance • Fair housing education and legal assistance
4	Goal Name	Strengthen and Stabilize Communities
	Goal Description	<ul style="list-style-type: none"> • Job training/employment development programs • Grassroots outreach skills development • Neighborhood leadership development • Broadband infrastructure • Development of childcare facilities • ADA/other rehabilitation and tenant improvements of nonprofit commercial spaces

Table 726 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City of San José’s allocation for HOME grants will assist members from all lower-income categories in several ways: through rental assistance, production of new units, and/or acquisition of existing units over the 2020-2024 Consolidated Planning period. Tenant-Based Rental Assistance will be provided to lower-income residents in need.

Consistent with the City’s goal to assist in the creation and preservation of affordable housing for lower-income and special needs households, the City has the option to use HOME funds for land acquisition and new construction of rental units, and acquisition or rehabilitation of existing rental units for lower-income households and special needs populations, such as families with children and female-headed households, seniors, persons with disabilities, people living with HIV/AIDS, emancipated youth, and other people and families at risk of homelessness.

For any HOME funds used to develop new housing units, the City will comply with the Federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Participation in the HOME Program will enhance the City's funding sources for new construction, while at the same time providing flexibility in the use of funds for an overall gap-financing program.

Projected total assisted: 76

Extremely low income: 53

Low income: 15

Moderate income: 8

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

There are no public housing units in the City of San José. However, two projects were developed by the SCCHA in the City of San José in 2019:

- Villas on the Park will be a Permanent Supportive Housing project in downtown San José, opened in October 2019 with 83 PBVs for the chronically homeless. Villas on the Park was developed with funding made possible through Santa Clara County's Measure 'A' housing referendum, which targeted almost \$1 billion in bonds for the development of affordable housing in the County.
- Renascent Park is another Permanent Supportive Housing project in San José that has been awarded 160 PBVs for the chronically homeless. Construction completed in October 2019.

In addition, SCCHA has conditionally awarded Project Based Vouchers (PBVs) to several other projects under development by its affordable housing partners, which includes 182 PBVs distributed to four projects in San José. These projects are not expected to be completed until FY 2021.⁵⁴

Activities to Increase Resident Involvement

Though there are no public housing units in the City, the SCCHA uses innovative ways to improve the self-sufficiency of its Section 8 Housing Choice Voucher (HCV) holders to move them out of assisted housing programs, as well as ways to move households off the current HCV waiting list and into affordable housing. HUD designated the SCCHA as a "Moving to Work" (MTW) agency in January 2008. The MTW agreement was extended from 2018 through 2028. The MTW program increases cost-effectiveness, promotes self-sufficiency of tenants, and expands housing options for low-income families and benefit homeless populations.

As shown in MA-25, SCCHA received HUD approval for the pilot Focus Forward Program (FFP) to be a voluntary 10-year time-limited self-sufficiency program open to all heads of households on the SCCHA waiting list. FFP is an expanded version of the traditional Family Self Sufficiency program and will support HCV participants in increasing and sustaining a higher level of self-sufficiency. SCCHA is re-proposing the FFP with a more effective case management and ongoing program-incentives component. The enhanced FFP will promote accountability and motivate participants to pursue higher education, develop 21st century job skills and set/achieve realistic self-sufficiency goals. If an applicant on the SCCHA waiting list volunteers to participate in the FFP, they will move to the top of the waiting list. The 10-year window provides participants with the opportunity to achieve their individualized goals with the highest degree of available services—and allows the Housing Authority to assist more families in need in the County's tight housing market.

However, SCCHA will continue its Family Self-Sufficiency program until families currently enrolled are graduated. The Family Self Sufficiency (FSS) program provides case management and advocacy to current program participants in order to help them attain self-sufficiency goals. Families enroll and sign a five-

⁵⁴ Moving to Work (MTW), Annual Plan FY2020, Santa Clara County Housing Authority, July 1, 2019.

year contract to participate in the program. After enrolling in the program, participants set goals such as finishing their education, obtaining job training, and/or employment.

During the contract term, participants who increase their earned income can receive cash bonuses. When the family reports an increase in earned income, SCCHA calculates a monthly bonus amount that is deposited into an 'escrow' account which the family can receive upon program graduation.

Is the public housing agency designated as troubled under 24 CFR part 902?

The public housing agency is not designated as troubled.

Plan to remove the 'troubled' designation

Not applicable.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

As presented in MA-40, there are several different barriers to affordable housing that are continuing to contribute to the issue. In the private sector, the demand for affordable housing is larger than the supply. There are many more jobs being added to the area than there are housing units being added, further increasing the imbalance between supply and demand. In addition, many of these jobs are in the high-technology sector. These jobs bring in highly skilled, highly paid workers to San José, but even so, income increases have not kept up with rising housing costs. Tech companies have attempted to subsidize housing in the area, but zoning and political resistance hold up the affordable residential development the companies are trying to support.

Although the City has several General Plan policies that allow for residential in-fill development, there has still been a lack of residential development that is affordable to lower-income households. As a “jobs first” general plan, continuing to add jobs without adding an adequate amount of housing could exacerbate existing affordability issues. Many optimal locations in the City are zoned commercial, and the rezoning process can be long and arduous. Much of the area is also zoned for low-density single-family homes, while affordable housing is commonly high density, multi-family units.

When looking at the costs of building affordable housing, there are several factors that deter such projects. Construction costs, permitting fees, and impact fees have been continuing to increase over time, further driving up the overall costs of residential development. The environmental review process -- which can be a long and expensive process -- often greatly slows development. In addition, the dissolution of Redevelopment Agencies, which provided substantial subsidies for affordable housing, has made it even more difficult to develop affordable housing.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Legislation

The City of San José has a few financing tools in place to encourage the development of affordable housing.⁵⁵ They offer multifamily revenue bonds, tax-credit financing, and “gap financing” loans to help finance projects that will increase the availability of affordable housing to those in need.

The State of California has already taken some steps towards enacting policies to help ameliorate the barriers to affordable housing. In 2019, the State signed the following bills into effect:

- California Senate Bill (SB) 330: The Housing Crisis Act of 2019. This bill suspends restrictions on housing developments and provides for expedited permitting for housing construction until January 1, 2025.⁵⁶

⁵⁵ City of San José, “Bond and tax credit funding,” under Developers, <https://www.sanjoseca.gov/your-government/departments/housing/developers/bond-and-tax-credit-funding>.

⁵⁶ U.S. Department of Housing and Urban Development, “California SB 330: the Housing Crisis Act of 2019”, under Regulatory Barriers Clearinghouse, <https://www.huduser.gov/portal/rbc/rbcrecord/3102#results-final>.

- California Assembly Bill (AB) 1763: amending the Density Bonus Law. This bill further refines density bonuses and other concessions and incentives for affordable housing developments.⁵⁷
- California Assembly Bill (AB) 13: amending Section 65852.2 of the Government Code, among others, relating to land use. Revising existing legislation that allows Accessory Dwelling Units (ADU) in residential and mixed-use districts, this bill allows more than one ADU per lot.⁵⁸

In addition, fair housing concerns are at the forefront of many local, regional, and Statewide activities. As housing prices rise, more vulnerable communities face the risk of displacement, sometimes as a result of discrimination. Both landlords and tenants need assistance to understand complex fair housing laws to ensure people remain stably housed. The beginning of 2019 brought the passage of both the City’s new Housing Payment Equality Ordinance as well as new State law that makes it illegal to discriminate against people who hold a Section 8 Housing Choice Voucher or other form of rental subsidy. These laws should help to lower barriers to private housing for lower-income renters holding vouchers. However, the San José team’s anti-displacement work indicates that there are many renters who experience barriers to housing, including large families and those that do not speak English as a first language. These laws and local studies support the need to focus on fair housing as a priority area.

Stakeholder Recommendation

Based upon input from stakeholder interviews, other ways to remove barriers to affordable housing include:

- Increase affordable housing options and alternatives (varieties are needed in size and income levels, particularly for extremely low and low income, homeless, disabled and elderly) in the County. There is legislation requiring more affordable housing but there is no timetable.
- Fund the building of or rehabilitate of group homes: old nursing/care units, and mobile home parks, particularly near places of employment and transit routes
- Create grant or loan programs for property maintenance
- Develop land acquisition funding programs that purchase land dedicated to new housing. Work with cities to target specific lands.
- Create housing plans that fund and implement housing for working families or “Middle Housing”
- Seek out more County distributed Housing Choice Vouchers

Solutions to Displacement

The City’s research and development of its report on displacement- Ending Displacement in San José, January 2020 Community Strategy Report,⁵⁹ also provides recommendations to address displacement. As discussed in MA-40, the report was written by a local team of government and nonprofit staff who participated in the PolicyLink Anti-Displacement Network (ADPN), a 14-month learning cohort of 10 U.S. cities working to address urban displacement. The report centers on the values, lived experiences, and solutions requested by residents most impacted by displacement in San José. The priority to fund anti-displacement strategies, homelessness prevention, and affordable housing production, and to ensure housing access is available to all groups, is clearly supported by this work.

⁵⁷ U.S. Department of Housing and Urban Development, “California AB 1763: amending the Density Bonus Law”, under Regulatory Barriers Clearinghouse, <https://www.huduser.gov/portal/rbc/rbcrecord/3100#results-final>.

⁵⁸ U.S. Department of Housing and Urban Development, “California AB 13: amending Section 65852.2 of the Government Code, among others, relating to land use”, under Regulatory Barriers Clearinghouse, <https://www.huduser.gov/portal/rbc/rbcrecord/3099#results-final>.

⁵⁹ San José Anti-Displacement Policy Network Team, *Ending Displacement in San José*, Community Strategy Report, January 2020.

The report finds an urgent need to address displacement of residents. Low-income residents experience the negatively as compared to higher income households that choose to move out of the area. For everyone high-income resident that moved out of the Bay Area, six low-income residents moved out. Additionally, Latinx and Black residents make up a disproportionately large share of low-income households that move away. Studies in the report found that residential displacement impacts education, job and commute patterns, mental health, and can lead to living in areas with higher poverty and crime. The report’s recommended solutions addressing displacement are broken down by actions for near-term impacts, as well as long-term impacts:

Solutions for Near-Term Impacts (1-2 years)		
Protection		
Action	Lead	Short Description
1. Strengthen, maintain, and expand existing tenant protections	Working Partnerships Other tenant organizations	Limit rent increases to CPI a year and require a cause for eviction for a single family home, duplex, and deed restricted affordable housing renters. Maintain protections in Ellis Act. Provide enforcement for expanded protections.
2. Right to legal counsel for tenants facing evictions	City of San José Legal services & providers Philanthropy	Commission a study of the costs and benefits of implementing a tenant right to legal counsel; Expand existing funding for legal representation of tenants; Establish a tenant right to legal counsel in all eviction cases; Target new State homeless prevention funds (SB 18) toward tenant legal protection and programs.
3. Expand tenant education and neighborhood development programs	City of San José Housing Department Neighborhood-based organizations	Provide capacity-building support for tenant organizations; Invest in neighborhood development; Host more “Know Your Rights” trainings throughout the City
4. Establish a housing resource center	City of San José Housing Department	Provide a central location and hotline for residents to turn for timely assistance when they are facing a housing emergency, when they have questions about their housing rights, or receive referrals to services to help stabilize their housing.
5. Develop targeted strategies for large families, disabled residents, mixed-status and undocumented families, residents with criminal records, and limited English speaking households.	City of San José Housing Department Affordable housing developers and managers Service providers Philanthropy	Reduce and remove unnecessary barriers for specific populations who have difficulty accessing housing because of the housing application process or availability of housing types.

6. Establish tenant preferences for affordable housing	City of San José Housing Department	Work with California HCD to develop a neighborhood-based tenant preference that is broadly applicable to City-funded affordable housing developments and that does not conflict with federal Fair Housing laws.
Preservation		
Action	Lead	Short Description
7. Adopt a preservation ordinance	City of San José Housing Department	Require advance notice of affordable property sales to tenants and provide tenants the first right to purchase the property.
Solutions for Long-Term Impact (2 Years)		
Production		
Idea	Lead	Short Description
8. Establish a new source of funding for affordable housing and anti-displacement	City of San José Santa Clara County Housing advocates	Pursue ways to collect more funding for affordable housing, such as through a revenue measure, commercial linkage fee, or other means.
9. Conduct a public land survey and partner with the State to leverage public land for affordable housing and community preservation	City of San José Housing Department State of California & County of Santa Clara School districts VTA BART CalTrans	Work with the State of California, the County of Santa Clara, VTA, BART, and local school boards to site and prioritize affordable housing on publicly owned land consistent with the City's General Plan.
Preservation		
Idea	Lead	Short Description
10. Preservation strategy	City of San José Housing Department	Develop a strategy to monitor net gain or loss, assess organizational capacity, and find funding to create a building acquisition program.
11. Establish a preservation investment fund	City of Sn José Housing Department Philanthropy	Create a fund that can be used to acquire and rehabilitate deed-restricted or naturally affordable housing to keep as affordable housing in the long-term.
12. Support development and capacity-building for innovative housing solutions including co-ops and community land trusts	City of San José Housing Department Santa Clara County Community-based organizations Philanthropy	Fund a study to assess the feasibility of different strategies such as Community Land Trusts and tenant co-ops in San José.
Protection		
Idea	Lead	Short Description

<p>13. Develop landlord incentives and practice equitable code enforcement</p>	<p>City Housing Department Planning, Building, and Code Enforcement Department</p>	<p>Assist landlords with low-cost loans and grants for property improvements to address blight or health and safety issues. Explore receivership of properties that have become health and safety dangers to residents and assist community or non-profit partners to acquire and maintain at-risk properties.</p>
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Table 73 – ADPN Team Solutions List

Data Source: San José Anti-Displacement Policy Network Team, Ending Displacement in San José, Community Strategy Report, January 2020.

City Developed Strategies

The City will use strategies and available resources to address the barriers to affordable housing based upon the data gathered, including stakeholder and community input, as well as studies from Ending Displacement in San José, January 2020 Community Strategy Report and the Community Plan to End Homelessness for 2020-25.

Over the five-year 2020-25 ConPlan cycle, the City will work overcome barriers to affordable housing, by using grant funding for the following activities:

- Construct new and preserve existing affordable housing through land acquisition and infrastructure subsidies
- Supporting single family and mobile home repair programs
- Delivering enhanced and targeted code enforcement
- Soft story apartment retrofit rebates
- Providing support for community-based housing development entities

Additionally, the City will continue to promote fair housing, and lower barriers to housing for high-barrier populations by providing:

- Education, compliance, and legal assistance with City’s Apartment Rent Ordinance, Tenant Protection Ordinance, and Housing Equality Payment Ordinance
- Fair housing education and legal assistance

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

As described in MA-30, the City of San José's Housing Department uses the Homelessness Response Framework, a Coordinated Assessment System. The Coordinated Assessment System begins with an Outreach Team that is the first point of entry for the unsheltered homeless population to the system. At the outset of outreach, obtaining basic needs are facilitated. Individuals experiencing homelessness are then added to the Coordinated Assessment System and matched with the appropriate housing program. Housing programs are coordinated with each other and include client referral to the following:

- Interim Housing, which provides temporary housing and site-based services, and is effective for certain homeless sub-populations.
- Permanent Supportive Housing- Provides long-term rental subsidies and intensive case management for households with disabilities.
- Rapid Rehousing System- Provides time-limited subsidies and supportive services to households that can achieve economic self-sufficiency within the program term.

The Santa Clara County Office of Supportive Housing, the Continuum of Care, developed a coordinated assessment that is a consistent, community-wide intake process to match people experiencing homelessness to existing community resources that are best fit for their situation. The County of Santa Clara has been using coordinated assessment for permanent supportive housing and rapid rehousing programs with hopes of expanding to shelter and transitional housing programs as well.

In Santa Clara County's coordinated assessment system, persons experiencing homelessness complete a standard assessment tool (the Vulnerability Index-Service Prioritization Decision Assessment Tool or VI-SPDAT) that considers the household's situation and identifies the best type of housing intervention to address their situation. A community queue of eligible households is generated from the standard assessment. The community queue is used to fill spaces in the permanent housing programs, including permanent supportive housing and rapid rehousing, in the County. This coordinated process reduces the need for people to traverse the county seeking assistance at every service provider separately.

Addressing the emergency and transitional housing needs of homeless persons

The City currently has 1,070 emergency shelter beds and transitional housing beds that serve homeless individuals, families with children, women with children, youth, and victims of domestic violence. The overall number of emergency and transitional beds has recently decreased due to a combination of conversions to permanent housing and the lack of resources to fund emergency and transitional beds. In line with its goal of ending homelessness, the City will continue to focus its funding on programs aimed at permanently housing homeless persons. The Haven is a City-owned emergency shelter for disaster victims that the City will continue to support.

The City will also continue to support emergency and transitional housing options through new one-time funding from the State called the Homeless Emergency Aid Program (HEAP) and the Homeless Housing Assistance and Prevention Program (HHAP). This HEAP Program will support several crisis intervention

efforts, including the addition of emergency shelter beds and safe parking slots. The HHAP program will support the construction and development of over 300 beds of transitional housing at three sites in San Jose. HHAP will also fund homelessness prevention and homeless youth programs. However, the City's focus continues to be on moving people quickly into permanent housing with supportive services as seen in the successful Housing First approach.

The City has historically funded two tenant-based rental assistance (TBRA) programs: one funded by HOME dollars, and another by HOPWA funds. The HOME TBRA Program is matched with local funds to increase capacity in the Rapid Rehousing System. During this five-year ConPlan cycle, the programs will continue to provide housing subsidies and case management services to employed or employable homeless populations, including families with children and domestic violence survivors.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

As mentioned, the City uses the Coordinated Assessment System to match homeless households to appropriate housing. Other primary goals include working with property owners and managers to educate them on the social benefits of renting to extremely low income and formerly homeless individuals and families. Another main strategy, due to its effectiveness, is increasing the number of units of permanent supportive housing, a housing type available to homeless people that includes a wraparound services component offering services such as case management to assist in keeping them housed. San José currently has 1,013 supportive housing units in the City. One example is Second Street Studios, completed in May of 2019 for formerly homeless households, offering 134 units with on-site mental health and medical services, and opportunities for social connection and involvement in community life through on-site gardens, inviting community spaces, and other programming.

The City has historically funded two tenant-based rental assistance (TBRA) programs: one funded by HOME dollars, and another by HOPWA funds. The HOME TBRA Program is matched with local funds to increase capacity in the Rapid Rehousing System. In 2019-2020, the program will continue to provide housing subsidies and case management services to employed or employable homeless populations, including families with children and domestic violence survivors.

The goal of the City's Rapid Rehousing Program is to help up to 200 households at any given time to locate and secure appropriate rental housing, assist with time-limited subsidies based on the rent of the identified unit and help the participants increase their income so they graduate and pay the rent in full. The Rental Subsidy Administrators verify income eligibility, assist in housing search and placement, perform housing inspections, and coordinate monthly subsidy payments. The Supportive Services Administrators receive referrals from the CoC's coordinated assessment. Once enrolled, the role of the Supportive Services Administrator is to ensure that by the time the participant's subsidy terminates, they are stable, self-sufficient and do not return to homelessness. The HOPWA TBRA Program targets low-income residents living with HIV/AIDS who are homeless or at-risk of homelessness.

On a regional level, leaders from the City, the County, other government agencies such as the Santa Clara County Housing Authority (SCCHA) and the Santa Clara Valley Water District, service providers, philanthropy, community institutions, and business organizations and those involved with homeless services delivery have contributed to the forthcoming Community Plan to End Homelessness 2020-25. Input from this planning process helped to inform the City's strategy to address homelessness. The Community Plan is developed to enhance the community's work towards ending and preventing homelessness among all homeless persons and families. Input at stakeholder meetings focused on topics including,

- Lived Experience and service provider focus groups,
- Current successes- Measure A, veteran's programs, homeless prevention pilot
- Permanent supportive housing being built
- Prevention through early childhood education and diversion programs
- Temporary solutions- safe parking, street outreach teams that are keeping people engaged and making connections to services
- Coordinated Assessment System
- Growing partnerships, particularly with County safety-net systems such as- jail re-entry programs, behavioral health, social services and other community partnerships such as legal resources and tenant rights

The plan also lays out gaps, needs and tactics by three primary strategies: The first strategy addresses the root causes of homelessness through system and policy changes. This approach would involve having corporations, particularly tech companies, contribute through incentives and development conditions; holding jurisdictions accountable for providing resources for and addressing the issues of housing instability and homelessness; engaging elected officials and policymakers, changes to tax and land use policies, better data collection, changes to zoning and creating supportive policies.

Strategy II expands homelessness prevention and housing programs to meet the need. For example, increase funding and resources for supportive and affordable housing, specifically for extremely low-income households and streamline access; a Pilot/investment in alternatives to traditional rental assistance, for example, shared housing, board and care; housing subsidies with more flexible eligibility criteria and term of assistance; programs to address higher needs populations (special needs) falling through the cracks; increasing housing options; landlord outreach; discrimination, and higher capacity public services.

Finally, Strategy III, improves quality of life for unsheltered and creates healthy neighborhoods for all. This strategy focuses on increasing street-based services, temporary or emergency housing beds and access to behavioral health and substance use programs. Pillar III proposes educating the broad community about homelessness and responds to neighborhood concerns regarding negative impacts of homelessness.

In addition, the Community Plan to End Homelessness in Santa Clara County 2015-2020 notes that many vulnerable populations are just a paycheck or medical emergency away from homelessness. A coordinated effort between local jurisdictions, service providers and other engaged groups over the last decade demonstrates that a Housing First model works in Santa Clara County –it is less expensive to permanently house someone than to continually care for them while they live on the street. The forthcoming Community Plan for 2020-25 has five aggressive goals by 2025:

1. Achieve a 30% reduction in annual inflow of people becoming homeless;
2. House 20,000 people through the supportive housing system;
3. Expand the homeless prevention system and other early interventions to serve 2,500 people a year;
4. Double temporary housing and shelter capacity to reduce the number of people sleeping outside; and
5. Address the racial inequities present among unhoused people and families and track progress towards reducing disparities.

The strategies included in this plan are grounded in evidence-based practices, lessons learned over the past five years, and robust conversation and input from more than 8,000 members of the community; including people with lived experience of homelessness, subject matter experts, key stakeholders, and community members. The Plan for 2020-25 strongly supports the need to prioritize funding for affordable housing development, homelessness strategies, homelessness prevention, and anti-displacement strategies. The Community Plan to End Homelessness 2020-2025 was adopted by the Continuum of Care, in the coming months, the CoC will seek endorsement of the Plan by each jurisdiction in the County.

Measure A, a \$950 million affordable housing bond measure, was passed by Santa Clara voters in November 2016 and is a General Obligation Bond. According to the County, the bond's housing goals aim to create 4,800 units of affordable housing. As of December 31, 2019, Program funds helped finance 30.18 percent of the total housing goal. The status of housing development goals by type of housing are as follows:

- Program funds helped finance over 50.4 percent of the [Permanent Supportive Housing \(PSH\)](#) goal.
- Program funds helped finance over 24.9 percent of the [Extremely Low-Income \(ELI\)](#) housing goal.
- Program funds helped finance 55.0 percent of the [Very Low-Income \(VLI\)](#) housing goal.
- Program funds helped finance over 7.8 percent of the [Rapid Rehousing \(RRH\)](#) goal.
- There are 230 units of [Low-Income \(LI\)](#) housing incorporated into the current housing developments; however, the Program has no stated goal for this category of housing.

The development of permanent affordable housing for the most vulnerable populations, including homeless, veterans, disabled, seniors, foster youth and others will continue to be funded by Measure A. The funding used to develop affordable housing will be leveraged to attract matching funds from private, state and federal sources. Due to a lack of housing affordable for and the higher percentage of Extremely Low-Income households, of the \$950 million, \$700 million will be used for Extremely Low-Income housing (households earning below 30 percent of area median income), including Permanent Supportive Housing and Rapid Rehousing. It is projected that the Bond will fund 120 new affordable housing developments over 10 years.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

The City will continue to support the new Homeless Prevention System, led by Destination: Home, with \$3M in new funding through the State HHAP program. In alignment with the Community Plan to End Homelessness, the Homeless Prevention System's goal is to implement a countywide homelessness

prevention system and prevent all instances of family homelessness. The system will continue to expand families' ability to become quickly connected to prevention services throughout the community, streamline and standardize service delivery, and measure the collective impact of homelessness prevention. Through new State money from both the City and the County, the system will serve hundreds more households over the next five years.

Using ESG funding, the City will fund Bill Wilson Center to provide security deposits, rental assistance, and other services to prevent households from becoming homeless.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

Lead-based paint (LBP) testing is conducted on all units built prior to 1978 that receive rehabilitation assistance from the Department of Housing. If a lead hazard is found, steps are taken to properly mitigate that hazard. Housing Department staff are also lead-certified, meaning that they have had official training to learn how to prevent lead paint dust and debris, and minimize exposure to lead paint hazards.

The City has a contract with a private environmental consultant to provide testing and assessment services.

How are the actions listed above related to the extent of lead poisoning and hazards?

There is a total of 204,805 units that were built before 1980 in San José. Since LBP was banned from consumer use in 1978, we can assume these households have the risk of a potential LBP hazard. There are 44.7 percent of households in the City that are LMI, meaning that there are an estimated 91,548 units occupied by an LMI household that may have an LBP risk. Lower-income families with children are particularly vulnerable to LBP hazards, partly because of a lack of disposable income to make repairs.

How are the actions listed above integrated into housing policies and procedures?

All contractors are required to be trained and lead-certified, all units built prior to 1978 are tested for lead and mitigated if necessary, and all services provided for LBP hazard reduction are in compliance with Federal regulations 1012 and 1013 of Title X.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City, in its continuing effort to reduce poverty, will prioritize funding to agencies that provide direct assistance to the homeless and those in danger of becoming homeless. Additionally, the City has made a commitment to improve the communication and service delivery capabilities of agencies and organizations that provided programs to assist the homeless, including a job training program. The City-supported homeless programs also work with individuals and families to increase their self-sufficiency by providing employment readiness assistance or help with applying for State or federal benefits.

A key component of the City's other efforts to reduce the number of poverty-level families is Work2Future, the local administrative arm of the Workforce Innovation and Opportunity Act of 2013. Work2Future operates one-stop centers that serve the areas of San José, Campbell, Morgan Hill, Los Altos Hills, Gilroy, Los Gatos, Saratoga, Monte Sereno, and the unincorporated areas of the County. The Department of Labor is the main funding stream for the centers. Other sources include state, local, and federal grants and corporate support. Strategically positioned within the Office of Economic Development, Work2Future addresses the workforce and economic development needs of the local area in collaboration with small and large businesses, educational institutions and community-based organizations.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City uses CDBG funding to support the Home-Grown Talent project in East San José, which provides safety net services and economic development opportunities for low-income residents. The services include referrals and support to meet food, housing, financial, immigration and health needs of participants, as well as viable economic opportunities that tap into the local assets of the community. Economic opportunities include childcare owner/provider training, artist training, and urban agriculture training. Last year, 272 families with a total of 956 children under the age of 18 benefited from this program.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Monitoring CDBG, HOME, HOPWA and ESG

The City continues to follow the grantee monitoring requirements outlined by HUD for the use of federal funds. The City has also standardized policies and procedures for use City-wide, which incorporate many of the HUD requirements. City staff continues to participate in the Grants Management Working Group that brings together all City departments that provide grants to the community. The Working Group shares best practices and discusses program performance of the grantees that each City department funds.

A major element of the monitoring process is the tracking of grantee performance. The Department of Housing uses the Citywide Webgrants database system. This database tracks programmatic and financial performance and allows potential applicants to apply for funds electronically.

The intent of the monitoring process is to identify any potential red flags and, if necessary, provide the necessary technical assistance so that subrecipients can successfully implement their projects. If a significant problem is discovered, City staff meets with project staff to discuss and resolve any issues.

Examples of such problems include:

- Services are not documented
- Goals are not being met
- Project files are not in order
- Lack of fiscal controls and/or documentation
- Required reports are not being submitted in a timely manner
- Expense reporting does not adhere to regulations or policies

For CDBG, HOME, ESG and HOPWA programs, service providers are required to submit monthly Reimbursement Requests and Reconciliation Reports to document expenses and ensure that both line item budgets and total project budgets are not over-expended. Monthly review of reimbursement requests enables the City to ensure that all costs incurred by subrecipients are eligible and documented as required by the applicable federal regulations. Additionally, service providers are required to submit quarterly performance reports and a cumulative annual report. Review of these reports allows staff to determine whether corrective measures are necessary and provide a basis for monitoring procedures.

In addition, the Housing Department staff reviews financial documentation of its subrecipients, who are required to establish and maintain a system of accounts that is in conformance with generally accepted principles of accounting for budgeted funds. This system of accounts is subject to review and approval by the City. In addition, subrecipients are required to submit an annual agency audit. Financial monitoring is based on the program budget that is incorporated in the grant agreement between the City and the subrecipient. Subrecipients are required to submit to the City the name of a fiscal agent, if any, who is responsible for the financial and accounting activities of the project, including the receipt and disbursement of project funds. In addition to the review of quarterly progress reports and financial

documents, the City conducts onsite visits with subrecipients at least every two years. Programmatic monitoring visits include a review of documentation of national objective and eligibility, client intake documentation, income eligibility, staffing levels, recordkeeping, and outcome measures tracking. Financial monitoring visits involve a review of invoices and all backup documentation including staff timesheets, receipts, and proof of payment documentation on file. If deficiencies are identified, the City determines whether corrective action, technical assistance, or both are needed.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

On an annual basis, the City receives an allocation from the U.S. Department of Housing and Urban Development’s Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Services Grant (ESG). The Annual Action Plan provides a summary of the actions and activities that will be funded by the four federal grants as well as the non-federal resources that will be used in the fiscal year (FY) 2020-2021 to address priority needs and goals identified by the Consolidated Plan.

The FY 2020-2021 allocation amount for each of the federal housing and community development programs is broken down as follows:

- Community Development Block Grant (CDBG) - \$8,947,319
- HOME Investment Partnerships Program (HOME) - \$3,319,683
- Housing Opportunities for Persons with AIDS (HOPWA) - \$1,440,393
- Emergency Services Grant (ESG) - \$778,209
- Emergency Services Grant (ESG) CARES - \$32,936,036

In addition to the FY 2020-2021 allocation for CDBG and HOME, total program resources for the two programs will be higher than the allocation amount due to estimated program income (e.g., repayments of federally funded loans) and prior year balance. The prior year’s CDBG balance consists of unused balances from previous year’s projects. The “Prior Year Balance” of HOME funds consists of previous year’s funds that were left uncommitted, funds committed to the Tenant Based Rental Assistance (TBRA) program that were unspent (which will be rolled over into the new program year), program income, and CHDO funds set-aside but not committed to a specific project. The prior year balance in the HOPWA program consists of unused funds from previous year projects.

	2020-2021 Funding Allocation	Prior Year Balance	Estimated FY 2019-2020 Program Income	Total Estimated Resources
CDBG	\$8,947,319	\$979,795	\$400,000	\$10,327,114
HOME	\$3,319,683	\$4,356,359	\$750,000	\$8,426,042
HOPWA	\$1,440,393	\$0	\$0	\$1,440,393
ESG	\$778,209	\$0	\$0	\$778,209
ESG CARES Act	\$32,936,036			\$32,936,036
Total	\$47,421,640	\$5,336,154	\$1,150,000	\$53,907,794

Table 74 – FY 2020-2021 Summary of Funding

Category	CDBG Activities	Funding
PS	Senior Services	\$200,000
PS	Neighborhood Engagement and Leadership Training	\$235,000
PS	Services for Homeless Populations	\$402,098
PS	Citywide Legal Services for Low-Income Tenants and Landlords	\$565,000
PS	Childcare Services	\$850,000
PS/Admin	Fair Housing	\$200,000
CDI	Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities	\$247,213
CDI	Community Infrastructure Projects	\$2,100,000
CDI	Targeted Code Enforcement	\$1,258,339
CDI	Minor Home Repair	\$1,650,000
CDI	Job Training for Homeless and Low-income Individuals	\$950,000
Admin	Grants Management	\$1,669,463
Total		\$10,327,113

Public Service Programs

Service Type	Agency	Program	Funding
Senior Services	The Health Trust	Meals On Wheels – Senior Services	\$125,000
Senior Services	Portuguese Organization for Social Services Opportunities	Senior Access and Health Support	\$75,000
Neighborhood Engagement	SOMOS Mayfair	Home Grown Talent Project	\$150,000
Neighborhood Engagement	CommUniverCity	Community Leadership Development	\$85,000
Homeless Services	HomeFirst	Citywide Outreach	\$402,098
Legal Services	San José Housing Rights Consortium	Legal Services for Low-income Tenants & Landlords	\$500,000
Fair Housing	Law Foundation of Silicon Valley – Four-agency Consortium includes Project Sentinel, Asian Law Alliance, Senior Adults Legal Assistance, and Law Foundation as lead agency	Fair Housing Services	\$65,000
Childcare Services	City of San José Library with First 5 of Santa Clara County and Santa Clara County Office of Education	Childcare for Low-income Families for COVID relief	\$850,000
Total			\$2,252,098

Community Development Investment Projects

Project	Description	Funding
Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities	Funding available for prospective projects that include the acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities.	\$247,213
Yerba Buena Community Wireless Network	Install WiFi networks in the Oak Grove and Independence High Schools' neighborhoods	\$2,100,000
Enhanced Code Enforcement	Enhanced Code Enforcement in Project Hope neighborhoods through PBCE inspectors	\$1,258,339
Minor & Emergency Repair	Single family home repair programs	\$1,650,000
Total		\$5,255,552

CDBG Administration

Agency	Program	Funding
Housing Department	Grant Planning and Oversight	\$1,641,420
City Attorney's Office	Legal Staffing	\$21,298
Planning Department	Environmental Reviews	\$6,745
Law Foundation of Silicon Valley – Four-agency Consortium	Fair Housing*Services	\$200,000
Total		\$1,869,463

**Note: Fair Housing services will be funded from \$200,000 in CDBG Administrative funds and \$65,000 in CDBG Public Services funds, for a total amount recommended of \$265,000 in CDBG.*

Community Development Investment Projects

Project	Description	Funding
Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities	Funding available for prospective projects that include the acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities.	\$247,213
Yerba Buena Community Wireless Network	Install WiFi networks in the Oak Grove and Independence High Schools' neighborhoods	\$2,100,000
Enhanced Code Enforcement	Enhanced Code Enforcement in Project Hope neighborhoods through PBCE inspectors	\$1,258,339
Minor & Emergency Repair	Single family home repair programs	\$1,650,000
Total		\$5,255,552

HOME Activities

Project	Allocated Amount
New Affordable Housing Development (including project delivery & CHDO set-aside)	\$4,356,359
Tenant-Based Rental Assistance (TBRA)	\$2,678,500
Program Administration – TBRA contracts	\$521,000
Program Administration - City	\$173,920
Fair Housing Services	\$135,000
Total HOME	\$7,864,779

HOPWA Activities

Project	Allocated Amount
Rental Assistance and Supportive Housing	\$1,347,182
Grantee Administration	\$50,000
City Administration	\$43,211
Total HOPWA	\$1,440,393

ESG Activities

Service Type	Agency	Program	Funding
Homeless Services	People Assisting the Homeless (PATH)	San José Outreach and Engagement	\$439,844
Homeless Services	Bill Wilson Center	Homeless Prevention Program for Youth and Families	\$130,000
Homeless Services	County of Santa Clara	Homeless Management Information System (HMIS)	\$150,000
Administration	City	ESG Administration	\$58,365
		Total ESG:	\$778,209

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public Federal	<ul style="list-style-type: none"> • Admin and Planning • Acquisition • Economic Development • Housing • Public Improvements • Public Service 	\$8,947,319	\$400,000	\$979,795	\$10,327,114	\$14,120,666	This program funds various nonprofit agencies and other city departments to implement services that benefit low- and moderate-income persons and neighborhoods or address community and economic development needs. Groups benefiting from funding include, but are not limited to, seniors, persons with disabilities, youth, and families.
HOME	Public Federal	<ul style="list-style-type: none"> • Acquisition • Multifamily Rental New Construction • Multifamily Rental Rehab • TBRA • Fair Housing Activities • Program Administration 	\$3,319,683	\$750,000	\$4,356,359	\$8,426,042	\$9,807,398	This program is designed exclusively to create affordable housing for low-income households.
HOPWA	Public Federal	<ul style="list-style-type: none"> • Permanent Housing in Facilities • Permanent Housing Placement • STRMU • Short Term or Transitional Housing Facilities • Supportive Services • TBRA 	\$1,440,393	\$0	\$0	\$1,440,393	\$1,397,182	The program is exclusively dedicated to the housing needs of people living with HIV/AIDS.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
ESG	Public Federal	<ul style="list-style-type: none"> • Conversion and Rehab for Transitional Housing • Financial Assistance • Overnight Shelter • Outreach • Rental Assistance Services • Transitional Housing • Homeless Prevention • HMIS 	\$778,209	\$0	\$0	\$778,209	\$719,844	This program is designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness and provide the services necessary to help them quickly regain stability in permanent housing.
ESG CARES	Public Federal	<ul style="list-style-type: none"> • Motel/Hotel vouchers • Emergency shelters • Enhanced services to encampments • Shelter operations • Homeless prevention and Rapid Re-housing 	\$32,836,036					This funding is intended to address the COVID-19 crisis and its impact on persons experiencing homelessness

Table 79 - Expected Resources – Priority Table

***Note: The Expected Amount Available Remainder of Con Plan includes the estimated allocation for years 2020-2021 plus the estimated program income, minus the amount the City expects to expend on Admin.**

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Entitlement Funds

Leveraging HUD resources allows the City to bring in local, state, and other resources to combine with federal financial resources to maximize the reach and impact of the City's HUD-funded programs. The following are either HUD or City-required matching requirements for the four federal housing and community development programs:

- In both the CDBG and HOPWA programs, the City requires sub-recipients to contribute at least 20 percent of the program/activity/service cost from non-federal sources (that is, \$1 of non-federal funds for every \$5 of federal funds).
- In the HOME program, HUD requires entitlement cities to contribute at least 25 percent of the program/activity/service cost from non-federal sources (that is, \$1 of non-federal funds for every \$4 of federal funds).

In the ESG program, there is a one-to-one match (that is, \$1 of non-federal funds for every \$1 of ESG funds).

The City pairs other federal programs such as the and the HOPWA Permanent Supportive Housing (PSH) programs to meet San José's housing needs and priorities. The Section 202 program is also used in the City.

State Housing and Community Development Sources

In addition to federal resources, the State of California has provided funding for affordable housing development, homebuyer programs, transit-oriented development, special needs housing, and infrastructure. However, over the last few years, resources have either been depleted (such as Proposition 1C) or eliminated (such as the former Low- and Moderate-Income Housing Fund as part of former redevelopment agencies). Also, legal challenges to inclusionary zoning have blocked the ordinance from providing affordable housing. In 2015, a variety of legislative proposals to create affordable housing resources—such as a permanent State funding source and expansion of the low-income housing tax credit program— have been proposed as the need for affordable housing in California continues to grow. The following is a list of State funding sources that the City has either accessed in the past or seeks to access in the future:

- Low-Income Housing Tax Credit Program: administers both federal and State programs that encourage private investment in affordable rental housing.
CalHome: first-time homebuyer down payment assistance, home rehabilitation, homebuyer counseling or mortgage assistance programs.
- Building Equity and Growth in Neighborhoods Program (BEGIN): down payment assistance program
- Infill Infrastructure Grant (IIG): financial assistance for infrastructure improvements to support new infill housing development.
- Transit-Oriented Development Fund: supports dense development and affordable housing in close proximity to public transportation.

- Affordable Housing and Sustainable Communities (AHSC) Program: funding for transit-oriented affordable housing development and transportation-related infrastructure.
- Veterans Housing and Homelessness Prevention (VHHP) Program: new construction of rental homes as well as supportive services for low-income and homeless veterans.
- Mental Health Services Act (MHSA) funds: State funds administered at the county level to serve low-income mentally ill clients.
- Housing Related Parks Program: Competitive funding for Parks that support affordable housing projects
- On September 29, 2017, the Governor signed SB 2, the Building Homes and Jobs Act, provides a “permanent source” of funding for affordable housing by imposing a \$75 fee on each recorded document up to a maximum of \$225 per transaction per parcel, estimated to generate \$200 to \$300 million annually, statewide. The legislation requires that for moneys collected on and after January 1, 2018 until December 31, 2018, that 50 percent of the funds go to local governments, and for money’s collected after January 1, 2019, that 70 percent be provided to local governments.
- Homeless Emergency Aid Program (HEAP): Authorized by SB850 in 2018, provided one-time block grant funds to address the homeless crisis through services, shelters, capital projects and homeless prevention.
- Homeless Housing Assistance and Prevention (HHAP) signed into law in 2019 is a one-time block grant program to expand local capacity to address homelessness. Funds can be used for rental assistance, prevention, landlord incentives, creation of permanent affordable housing, and homeless services.
-

County and Local Housing and Community Development Sources

There are a variety of countywide and local resources that support housing and community development programs. Some of these programs offer assistance to local affordable housing developers and community organizations while others provide assistance directly to individuals. These resources are discussed below:

- Low- and Moderate-Income Housing Asset Fund: Repayments from the Housing Department's \$675 million loan portfolio, originally funded by former redevelopment affordable housing funds, are reused to finance a variety of affordable housing programs for lower-income households. \$40 million in these Low- and Moderate-Income Housing Asset Fund (LMIHAF) funds were made available in a Notice of Funding Availability/ Request for Proposals (NOFA/RFP) which was issued jointly on July 21, 2016, with the Housing Authority of the County of Santa Clara and the County of Santa Clara. To date, the City Council awarded \$34.6 million from the joint NOFA, which was designed to identify new developments of special needs housing eligible for both capital commitments and federally funded project-based rental vouchers (PBVs). The City issued another NOFA in 2018.
- The Inclusionary Housing Ordinance, Chapter 5.08 of the San José Municipal Code, was adopted on January 12, 2010. The Inclusionary Housing Ordinance requires that, in market-rate developments of 20 or more units, 15 percent of the units be made affordable to income eligible buyers or renters. Although the Ordinance was operative on January 1, 2013, its implementation was delayed by court challenges.
- The provisions of the Inclusionary Housing Ordinance that apply to rental developments were suspended until the court decision in *Palmer v. City of Los Angeles* was superseded with the

passage of Assembly Bill (AB) 1505 effective January 1, 2018. San José's Inclusionary Housing Ordinance now provides alternative ways that a developer may meet the affordable unit requirement, including but not limited to payment of an In-Lieu Fee and construction of affordable units off-site.

- Prior to AB 1505, rental developments were subject to the Affordable Housing Impact Fee (AHIF) resolution which was adopted on November 18, 2014 by the San José City Council. Since its adoption, approximately \$2.6 million in Affordable Housing Impact Fees have been paid. As a result of Assembly Bill (AB) 1505, rental developments will transition from the current AHIF Program to the Inclusionary Housing Ordinance. Rental development projects submitted after June 30, 2018 are considered under the Inclusionary Housing Ordinance.
- City of San José Housing Trust Fund (HTF): provides ongoing funding for housing and support programs that seek to address homelessness, in part by creating a vehicle eligible to compete for outside funding sources. In FY 2019-2020, it is anticipated that at least \$1 million in HTF will be used to respond to the impacts of homelessness in the community: City staffing and non-personnel costs; Destination: Home administrative and programmatic costs; direct supportive services such as essential services, case management, employment placement, and housing support; and matching funds for federal, State and regional grants.
- Affordable Housing Impact Fee Program: in November 2014, the City established the Affordable Housing Impact Fee Program, to be levied on market-rate rental housing developments, excluding developments that qualify for pipeline status and other exemptions. Implementation of the Affordable Housing Impact Fee (AHIF) Program is successfully underway. As a result of Assembly Bill (AB) 1505, rental developments will transition from the current Affordable Housing Impact Fee (AHIF) Program to the Inclusionary Housing Ordinance. Rental development projects submitted after June 30, 2018 will be considered under the Inclusionary Housing Ordinance.
- City of San José General Fund: the City's General Fund will be providing a fifth year of funding \$1.5 million for ongoing homeless encampment abatement and deterrent services. In 2018-2019, The City's General Fund will fund Destination: Home to continue implementing the Homelessness Prevention System to provide financial assistance and support to families at risk of homelessness.
- City of San José Housing Authority Litigation Award (HALA): the City established a new local funding stream in HALA, which will be used to provide safe and sanitary housing for low income households within the jurisdiction of the Housing Authority. HALA will provide a third year of funding of \$2 million for the Rapid Re-Housing Program.
- Veterans Affairs. OSH is making available services commitments for vulnerable populations, as well as \$8 million in capital funds for developments focusing on the homeless.
- Measure A – Affordable Housing Bond Fund: In November 2016, the voters of Santa Clara County passed Measure A, a \$950 million affordable housing bond measure. Measure A will fund the development of permanent affordable housing for the County's most vulnerable populations, including homeless, veterans, disabled, seniors, foster youth and others. The affordable housing units will be built throughout the County, and the funds will be leveraged to attract matching funds from private, state and federal sources. The spending plan of the bond will allocate \$700 million for Extremely Low-Income housing (below 30 percent of area median income), including Permanent Supportive Housing and Rapid Rehousing; \$100 million for Very Low Income housing (31 to 50 percent of the area median income); up to \$100 million for housing assistance for Moderate Income households; and up to \$50 million for Moderate Income residents who are first-time homebuyers. When funds become available, they will likely be layered with commitments from the City's LMIHAF funds, in order to fund affordable housing developments.

- Mortgage Credit Certificates (MCC) Program: Provides assistance to first-time homebuyers by allowing an eligible purchaser to take 20 percent of their annual mortgage interest payment as a tax credit against federal income taxes. The County administers the MCC Program on behalf of the jurisdictions in the County, including San José.
- The Housing Trust Silicon Valley (HTSV): This nonprofit organization combines private and public funds to support affordable housing activities in the County, including assistance to developers and homebuyers.
- Housing Authority: Acting on behalf of the City of San José Housing Authority, the City contracts with the Santa Clara County Housing Authority (SCCHA) to administer and manage the Section 8 Voucher program and public housing programs within San José. The SCCHA receives federal funding to run the programs below:
 - Section 8 Housing Choice Voucher Program: rental assistance to low-income households.
 - Family Self-Sufficiency Program: employment assistance program for Section 8 participants.
 - Veterans Affairs Supportive Housing (VASH): housing assistance for homeless veterans.
 - The Family Unification Program: voucher assistance for families who have been separated due to a lack of adequate housing.
 - Non-Elderly Disabled (NED) Vouchers: voucher program to allow non-elderly disabled people to transition out of care-giving institutions.
 - Moderate Rehabilitation Program: project-based rental assistances for low-income families.

In January 2008, HUD designated the SCCHA as a “Moving to Work” (MTW) agency through June 30, 2018. The MTW agreement was extended through 2028 in April of 2016. The goal of the MTW program is to increase cost effectiveness, promote self-sufficiency, and expand housing options for low-income families. The MTW designation provides more flexibility in use of funding sources and will support the creation of more efficient programs. The City will continue to partner with the SCCHA to identify MTW activities that may benefit low-income families of the community, especially homeless households.

The SCCHA further plays a direct role in developing affordable housing units. Acting as a nonprofit housing developer, the Housing Authority applies for funds from the City and a variety of state, federal, and private sources for its various development projects.

The City also partners with the Housing Authority through Project-based vouchers. Through the July 2016 joint NOFA/RFP, the City teamed with the Santa Clara County Housing Authority and the County of Santa Clara to identify developments that would be eligible for both PBVs and capital awards. PBVs are critical to development feasibility for deeply-affordable rental housing, as they augment tenant-paid rents. The higher rents predictably increase rental properties’ cash flow, therefore increasing the size of permanent commercial loans that can be underwritten and, in turn, decreasing the need for public gap subsidy funding. This joint issuance of the NOFA/RFP was the first of its kind in the South Bay.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City is exploring opportunities to develop affordable housing on public and surplus lands, such as with the Santa Clara Valley Transportation Authority (VTA), which owns land in transit-rich locations. In 2017 the VTA advanced plans to develop three VTA owned sites in San José. The City will make it a priority in the coming years to facilitate development and plan for affordable units at VTA station areas. The City

also continues to review opportunities to purchase surplus land from other public agencies to meet its housing and community development goals.

In 2015, the City Council approved the purchase of three properties located at 226 Balbach Avenue, 5647 Mesa/Gallup, and 96 South Almaden Boulevard from the former Successor Agency to the Redevelopment Agency of the City of San José. One of these properties at 96 South Almaden Boulevard was rehabilitated and is currently serving formerly homeless individuals. Regarding 226 Balbach and the Gallup/Mesa properties, the City has identified a development partner for both sites and has initiated the entitlement process.

Discussion

See discussion above.

Annual Goals and Objectives

AP-20 Goals and Objectives

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Create & Preserve Affordable Housing	2020	2021	<ul style="list-style-type: none"> Affordable Housing 	N/A	Affordable Housing	HOME: \$9,964,136 HOPWA: \$1,397,182	<ul style="list-style-type: none"> HOME Rental Units Constructed = 50 housing units Tenant-Based Rental Assistance/Rapid Re-housing = 90 households assisted
2	Prevent and Address Homelessness	2020	2021	<ul style="list-style-type: none"> Homeless 	N/A	Homelessness	CDBG: \$402,098 HOME: \$2,500,000 ESG: \$719,844	<ul style="list-style-type: none"> HOME Tenant-Based Rental Assistance/Rapid Re-housing = 100 households assisted Other – Outreach Contacts = 300 persons assisted Other – Prevent Homelessness – 30 persons
3	Promote Fair Housing Choice	2020	2021	<ul style="list-style-type: none"> Non-Housing Community Development 	N/A	Fair Housing	CDBG: \$250,000 HOME: \$150,000	<ul style="list-style-type: none"> Public service activities other than LMI Housing Benefit = 220 persons assisted
4	Strengthen and Stabilize Communities	2020	2021	<ul style="list-style-type: none"> Non-Housing Community Development Non-Homeless Special Needs 	N/A	Strengthening Neighborhoods	CDBG: \$11,918,568	<ul style="list-style-type: none"> Public service activities other than LMI Housing Benefit = 450 persons assisted Jobs created = 10 jobs Housing code enforcement/Foreclosed property care = 775 housing units Homeowner housing rehabilitated = 250 housing units Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit = 21,000

Table 80– Goals Summary (One Year)

Projects

AP-35 Projects – 91.220(d)

Introduction

The process of developing the Consolidated Plan assisted in identifying priority needs in the City of San José. Based upon the identified priority needs, strategic projects were developed to achieve goals in addressing priority needs. The goals are as follows:

1. Prevent and Address Homelessness – Increase housing opportunities and self-sufficiency for homeless populations and assist in the prevention of homelessness for at-risk individuals and families.
2. Create and Preserve Affordable Housing – Create new affordable housing opportunities and preserve existing affordable housing.
3. Promote Fair Housing – Promote fair housing and lowered barriers to housing.
4. Strengthen and Stabilize Communities – Strengthen and stabilize communities’ condition and help to improve residents’ ability to increase their employment prospects and grow their assets.

Projects

#	Project Name
1	Senior Services
2	Neighborhood Engagement
3	Legal Services for Low Income Tenants
4	Job Training for Unhoused Individuals and/or Youth
5	Place Based Capital Street and Infrastructure Enhancements
6	Targeted Code Enforcement
7	Minor Home Repair Program
8	HOPWA – The Health Trust
9	HOPWA – San Benito County
10	Rental Housing Development
11	HOME Tenant-Based Rental Assistance
12	Homeless Services (CDBG)
13	Homeless Services (ESG20 City of San José)
14	Fair Housing
15	Nonprofit Facility Rehabilitation
16	Acquisition, rehabilitation & infrastructure for affordable housing sites & public facilities
17	CDBG Administration and Monitoring
18	HOME Administration and Monitoring
19	HOPWA Administration and Monitoring

Table 81 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Grant funding will be allocated to the various projects based upon the priority needs identified in the Consolidated Planning process. The Consolidated Planning process is a requirement of HUD to assist the City in developing the most effective strategies for the investment of CDBG, HOME, ESG, and HOPWA. Strategies for addressing the needs were further clarified through community outreach and continued data gathering.

AP-38 Project Summary

Project Summary Information

1	Project Name	Senior Services
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$200,000
	Description	This project will provide community-based services – including Meals on Wheels and the Senior Nutrition and Wellness - to San José’s low-income seniors in order to improve health and quality of life, prevent or reduce their isolation and depression, and/or increase their housing stability improving their opportunities to age in place. Last year, four households with eight children under the age of 18 were assisted by this program.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	200 low-income seniors
	Location Description	Citywide (service locations vary)
	Planned Activities	Meals on Wheels – The Health Trust Senior Nutrition and Wellness - POSSO

2	Project Name	Neighborhood Engagement
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$200,000
	Description	The goal of the Neighborhood Engagement program is to increase social capital (i.e., a form of economic and/or cultural capital in which social networks are essential components to community growth) in San José neighborhoods, increase community engagement and cohesion, build the capacity of local organizations, pilot solutions to solve neighborhood level problems, and develop leadership skills of residents to promote, support, and sustain civic engagement by residents that are typically underrepresented in city governance and civic processes. This work will build upon the previous successes of the Strong Neighborhoods Initiative and the work of the Housing Department’s Place Based Initiative.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	250 low-income residents, including female head of households

Location Description	Mayfair
Planned Activities	SOMOS Mayfair – Home Grown Talent CommUniverCity – Community Leadership Program

3	Project Name	Legal Services for LI Tenants and Landlords
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$500,000
	Description	The goal of the Legal Services for LI Tenants is to increase housing stability by providing landlord/tenant counseling, education, referrals, and legal assistance to tenants facing unlawful evictions or other landlord/tenant issues. These services will include additional outreach and education to low income tenants Citywide. Last year, 75 families with 146 children under the age of 18 were assisted with these funds.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	300 low-income tenants and landlords
	Location Description	Citywide
	Planned Activities	Law Foundation of Silicon Valley - Consortium

4	Project Name	Job Training
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods and/or Respond to Homelessness and Its Impacts on the Community
	Needs Addressed	Strengthening Neighborhoods and/or Respond to Homelessness and Its Impacts on the Community
	Funding	CDBG: \$250,000; CDBG CDI: \$950,000
	Description	The program will support job training for low income individuals, focused on homeless individuals and/or youth/young adults (ages 16-24). Community outreach related to the Annual Action Plan highlighted a community need for job training, especially for unhoused individuals and youth/young adults. This program must meet the national objective of low/moderate job creation and retention (LMJ) as well as the required Public Benefit Standards Activities must create or retain permanent jobs to be made available or held by low/moderate income persons. This requirement is met when job training participants are placed in permanent jobs. In addition, in order to be eligible for CDBG funding the job training must be tied to assistance to for-profit businesses. Nonprofit entities, including Community Based Development Organizations, are eligible to apply.

Target Date	06/30/2021
Estimate the number and type of families that will benefit from the proposed activities	10 jobs created
Location Description	1671 The Alameda #306, San José, CA 95126
Planned Activities	Downtown Streets Team

5	Project Name	Projects to Strengthen and Stabilize the Community
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$2,500,000
	Description	<p>CDBG funds will be used to support street and pedestrian safety improvements in low-moderate income areas. This may include enhanced pedestrian crosswalks to increase pedestrian visibility to motorists, reduce conflicts between modes of transportation, and shorten crossing distances. Improvements may include adding and improving sidewalk ramps, installing high-visibility crosswalks with flashing beacons, adding signage and high visibility roadway markings, repair damaged sidewalks, and improving functionality of intersections. All approved projects will be located in low-income areas and are not included in the City's budget for capital improvements.</p> <p>CDBG funds will also be used to support the rehabilitation of The Haven, a City-owned emergency shelter for disaster victims.</p> <p>Additionally, this project will include additional support for alleyway improvements in low-income neighborhoods. The poor condition of deteriorated alleyways has been an ongoing concern of the neighborhood residents. Several alleyways are unpaved or have deteriorating pavement, creating a rough roadbed and flooding in storms. The improvements will provide a reliable roadway surface, ensuring safe access for residents, improving accessibility, improved storm water management and raising awareness of storm water issues.</p> <p>Finally, this project will support traffic improvements, lighting, and pedestrian safety improvements on Evans Lane.</p>
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	20,000 low- and moderate-income households
	Location Description	TBD
	Planned Activities	TBD

6	Project Name	Enhanced Code Enforcement
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$1,258,339
	Description	Code Enforcement activities will be conducted in low-income, residential neighborhoods that meet the City's definition of "Deteriorated/Deteriorating Areas" with a focus in the City's Project Hope Neighborhoods. Code Enforcement's focus will be primarily on the inspections of multifamily units, with ancillary focus on single family.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	775 households in selected neighborhoods
	Location Description	Santee, Mayfair, Five Wounds/Brookwood Terrace, and additional Project Hope Neighborhoods identified through the Mayor's Gang Prevention Task Force
	Planned Activities	Neighborhood Code Enforcement

7	Project Name	Minor Home Repair Program
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$1,650,000
	Description	<p>This program will repair housing units to address immediate health and safety needs for extremely low-income homeowners in San José. The focus of repairs will address emergency and critical repair needs, as well as accessibility and mobility needs within the home.</p> <p>The program also includes funding for limited rehabilitation to address more substantial safety issues in the home to ensure safe, affordable, decent living environment for the occupants. In the last year, 20 households with 36 children under the age of 18 received funding for such repairs.</p>
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	300 extremely low-income homeowners
	Location Description	Citywide
	Planned Activities	Rebuilding Together Habitat for Humanity

8	Project Name	HOPWA – Santa Clara County
	Target Area	N/A
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOPWA: \$1,347,182
	Description	The program will provide rent subsidies, permanent housing placement assistance, and supportive services to help low-income residents living with HIV/AIDS secure and maintain housing. Housing placement assistance includes working with a placement specialist and receiving security deposit assistance. Supportive services include medical and housing case management and self-sufficiency services.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	90 low-income individuals living with HIV/AIDS
	Location Description	Santa Clara County
	Planned Activities	<ul style="list-style-type: none"> • Supportive Services • TBRA • Permanent Supportive Housing • Administration

9	Project Name	HOPWA – San Benito County
	Target Area	N/A
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOPWA: \$50,000
	Description	The City's HOPWA entitlement grant to San Benito County will provide housing placement assistance, rental subsidies, and nutritional and dental assistance to low-income clients living with HIV/AIDS.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	5 low-income individuals living with HIV/AIDS
	Location Description	San Benito County
	Planned Activities	Housing Placement Supportive Services TBRA Administration

10	Project Name	Rental Housing Development
	Target Area	N/A
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$4,356,359
	Description	<p>Consistent with the City’s goal to assist in the creation and preservation of affordable housing for low income households, the City has the option to use HOME funds for new construction of Rental Housing Development and/or Rehabilitation of existing Multi-family units.</p> <p>HUD requires that at least 15 percent of each year’s HOME allocations be set aside for Community Housing Developers (CHDOs). This requirement will be met through the rental housing development activity. At least \$760,452 of the rental development activity funds will be committed to a CHDO developer within 24-months, as required by HOME regulations.</p> <p>For any HOME funds used to develop new housing units, the City will comply with the Federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Participation in the HOME Program will enhance the City’s funding sources for new construction, while at the same time providing flexibility in the use of funds for an overall gap-financing program.</p>
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	50 low-and moderate-income households
	Location Description	TBD
	Planned Activities	TBD

11	Project Name	HOME Tenant Based Rental Assistance
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	HOME: \$2,678,500
	Description	<p>Consistent with the City’s goal to assist in the creation and preservation of affordable housing for low-income households, the City will use HOME funds to provide tenant-based rental subsidies targeting employable homeless individuals and families. The City will contract with three (3) agencies to provide intensive case management services for TBRA clients. The program’s goal is to</p>

		transition participants out of homelessness and improve their long-term self-sufficiency.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	100 homeless individuals/families
	Location Description	Citywide
	Planned Activities	Sacred Heart Catholic Charities

12	Project Name	Services for Homeless and Unhoused Populations (CDBG)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$402,098
	Description	The City is utilizing CDBG to fund HomeFirst to provide outreach and supportive services to homeless individuals. In the last year, 26 households with 42 children under the age of 18 were assisted with these funds.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	150 unduplicated homeless individuals will be provided outreach and supportive services
	Location Description	Citywide
	Planned Activities	HomeFirst - Homeless Outreach and Engagement

13	Project Name	ESG20 City of San José
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	ESG: \$778,209
	Description	The City will use ESG funds to support a Homeless Outreach and Engagement program as well as a Homeless Prevention program for homeless and at-risk individuals and families. The ESG funds will also support HMIS.
		The Homeless Outreach and Engagement Program will focus on utilizing an integrated approach to provide a comprehensive response to addressing chronic homelessness in the City. The Homeless Prevention program will use an integrated approach to provide case management services, deposit/rental assistance, and other eligible services as needed to keep individuals and families from experiencing homelessness.

		ESG funds will be used to support the administration of the ESG program by the City's Housing Department. Funds may also be used for shelter and rapid rehousing activities. ESG Allocations by Component Outreach: \$439,844 Homeless Prevention: \$130,000 HMIS: \$150,000 Administration: \$58,365
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	150 homeless individuals will be provided with outreach and supportive services. 30 families will be assisted with homeless prevention services. In the last year, 11 households with a total of 23 children under the age of 18 were assisted with these funds.
	Location Description	Citywide
	Planned Activities	Homeless Outreach –PATH Homeless Prevention – Bill Wilson Center HMIS – County of Santa Clara Administration funds may also be used for shelter and rapid rehousing activities.

14	Project Name	Fair Housing
	Target Area	N/A
	Goals Supported	Fair Housing
	Needs Addressed	Fair Housing
	Funding	CDBG: \$265,000 (\$65,000 CDBG Public Services, \$200,000 CDBG Admin) HOME (admin): \$135,000
	Description	The City will continue to program some of its CDBG Administrative funds, as well as some public service funds, and HOME Administrative Funds to support an agency(s) that will provide Fair Housing services. Services may include outreach and education on fair housing issues; conducting fair housing testing; enforcing fair housing laws through litigation; and providing technical assistance to the Housing Department on how to monitor City-financed developments for fair housing compliance. The City will contract with a consortium of four agencies to provide these services, with the Law Foundation of Silicon Valley serving as the consortium lead. Last year, 284 families with a total of 592 children under the age of 18 were assisted by this program.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	220 individuals/families
	Location Description	Various locations
	Planned Activities	The Law Foundation Fair Housing Project

15	Project Name	Nonprofit Facility Rehabilitation
	Target Area	N/A
	Goals Supported	Homelessness Strengthening Neighborhoods
	Needs Addressed	Homelessness Strengthening Neighborhoods
	Funding	CDBG: \$1,000,000
	Description	A new NOFA will be released.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	Additional locations TBD
	Planned Activities	Additional Activities TBD

16	Project Name	Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$247,213
	Description	CDBG funds will be used to support the acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	TBD

17	Project Name	CDBG Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$1,669,463
	Description	A portion of the CDBG grant allocation will be used for reasonable planning and administrative costs associated with the administration of the CDBG funds and other related federal requirements. Administration funds will support oversight activities of the housing department, legal services from the City Attorney's Office, and environmental reviews.

	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street, San José, CA 95113
	Planned Activities	CDBG Planning and Administration

18	Project Name	HOME Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	HOME: \$173,920
	Description	Up to 10 percent of the total HOME grant allocation will be used for reasonable planning and administrative costs associated with the administration of the HOME funds and other related federal requirements.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street, San José, CA 95113
	Planned Activities	HOME Planning and Administration Fair Housing

19	Project Name	HOPWA Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	HOPWA: \$43,211
	Description	The City will allocate \$43,211 (approximately 3 percent of the entitlement grant) to administrative costs associated with managing with the HOPWA grant.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street, San José, CA 95113
	Planned Activities	HOPWA Administration
19	Project Name	HOME TBRA Administration
	Target Area	N/A

	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	HOME: \$521,000
	Description	The City will allocate \$521,000 (approximately 16 percent of the entitlement grant) to administrative costs associated with managing with two HOME-funded TBRA contracts for COVID relief, which is allowed under the higher Administrative cap for COVID-related contracts in 20-21.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street, San José, CA 95113
	Planned Activities	HOME TBRA Administration

19	Project Name	Childcare Services
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$850,000
	Description	The City will allocate \$850,000 in CDBG through an MOU with the Library to work with First 5 and Santa Clara County Office of Education to administer a childcare subsidy program for low-income families with children ages 0-5 that have been impacted by COVID-19.
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	25-35 children ages 0-5
	Location Description	Various locations
	Planned Activities	Childcare services

20	Project Name	Legal Staffing – City Attorney
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$21,298
	Description	To support staffing efforts in the City Attorney's Office
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street, San José, CA 95113

	Planned Activities	CDBG Administration
21	Project Name	Planning Department – Environmental Reviews
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$6,745
	Description	To cover staffing costs related to environmental reviews on housing projects
	Target Date	06/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street, San José, CA 95113
	Planned Activities	CDBG Administration

Table 82 - Project Summary Information

Emergency Solutions Grant (ESG) Program –Supplemental CARES Act Funding Round 2

On March 16, 2020, the Health Officer of the County of Santa Clara ordered a shelter-in-place for all residents due to COVID-19. On April 21, 2020, the City Council approved the first substantial amendment to the FY 2019-20 Annual Action Plan, which utilized existing CDBG funds and additional allocations made in the CDBG, ESG, and HOPWA programs by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be spent in FY 2019-20 to respond to local needs created by COVID-19.

A second substantial amendment to the Annual Action Plan was heard before the City Council on June 30, which proposed further modifications to one-year funding to address concerns by prioritizing those in which the Emergency Operations Center has been charged with collaborating (emergency rental assistance) with the County in responding to COVID-19. The following table presents the total reallocation of funds from existing federal funding sources to address emerging COVID-19 needs that have already been approved.

Funding Source	Amount
CDBG (19-20)	\$6,744,000
HOME TBRA (19-20)	\$7,762,579
HOME Admin (19-20)	\$809,786
TOTAL	\$15,316,365

On June 9, 2020, HUD announced the second allocation of additional funding to support homeless Americans and individuals at risk of becoming homeless because of hardships such as job loss, wage reductions, or illness due to the COVID-19 virus. The Emergency Solutions Grant (ESG) Program Supplemental CARES Act Funding is a formula grant to States and local governments to use ESG to fund activities to protect homeless people from COVID-19. The program provides funding to address:

- Enhance services to unsheltered individuals in encampments, providing basic needs, clinical outreach, hygiene and waste disposal services, and infection control supplies and resources.
- Make more emergency shelters available for homeless individuals and families.
- Operate emergency shelters by providing food, rent, security, maintenance, repair, fuel, equipment, insurance, utilities, furnishings, and supplies necessary for their operation.
- Provide Hotel/Motel Vouchers for homeless families and individuals.
- Prevent individuals from becoming homeless and rapidly rehouse homeless individuals.

The Housing Department and the County Office of Supportive Housing are coordinating closely, participating in weekly technical assistance calls with HUD funded advisors to develop a coordinated federal funding investment plan to address COVID-19 impacts on homeless people. A City and County coordinated investment plan leverages resources and ensures a balanced approach to funding and a diversity of programs and needs. A priority of the plan is to identify and support people living in both the temporary shelters and the vulnerable people in the motels during emergency COVID-19 response and supports their transition into another shelter or housing alternative instead of returning to homelessness. This collaborative and coordinated plan includes keeping shelters and motels accessible during the public health crisis or until participants have alternate shelter or permanent housing options. Finally, the coordinated approach focuses ESG funds on programs and services for the unsheltered, addressing their health and safety needs during the public health crisis, while increasing street-based services and outreach.

The City of San Jose will receive \$32.8 million in this supplemental funding. Staff proposes this additional funding for operation and services at the Mabury and Felipe Bridge Housing Communities and the three Emergency Interim Housing sites. In addition, staff proposes funds for a new program called Services Outreach Assistance and Resources or SOAR, providing comprehensive street-based services, hygiene and trash and housing and shelter opportunities for homeless.

During the COVID-19 public health crisis, the Centers for Disease Control and Prevention (CDC) recommends that if individual housing options are not available, people who are living unsheltered or in encampments should remain where they are. The CDC further recommends that community coalitions work to improve sanitation in encampments. In response, the City's Emergency Operations Center (EOC) has suspended abatements to advance the public health guidance. Locally, Valley Homeless Healthcare Program and Public Health have begun testing at encampments of ten people or more. They have requested the City continue to follow CDC guidance on encampments. Allowing people living in encampments to remain where they are allows for people to maintain service and medical connections and allows for contact tracing.

The SOAR Program in partnership with BeautifySJ will provide comprehensive street-based support and services to those living unsheltered, along with access to proper hygiene and trash service. The recently updated Community Plan to End Homelessness (Community Plan) prioritizes addressing the immediate crisis of people living outside in our community. The plan recommends strategies that invest in the health and safety needs of people living outside and build connections to safety net services and programs.

In alignment with both the current CDC guidance and the Community Plan, the SOAR Program provides a compassionate approach to address the health and safety needs of persons living in encampments. The SOAR Program includes the following three components, each with its own specific strategies:

- 1. Street Outreach and Support Services:** Increasing street outreach teams and services to support people living in encampments.
 - Street outreach: Teams engage by providing basic needs, such as water, clothing, food and garbage bags. In addition, teams can assess for shelter and housing needs, and provide access to behavioral health services and medical care;
 - Storage: Provide storage for individuals to store personal belongings.
 - Supplies: Providing supplies to encampments such as solar phone chargers, personal protective equipment (PPE), tents, tarps and other supplies.
 - Community Engagement: Coordination of volunteer outreach teams, potentially including those with lived experience, and supply distribution.

- 2. Hygiene/Infection Control:** Providing hygiene and waste management related services to help control the spread of infectious disease.
 - Hygiene: Placing hygiene equipment such as handwashing stations and portable toilets at large homeless encampments to help slow the spread of COVID-19;
 - Waste Management: Arranging for garbage collection at large homeless encampments to help maintain sanitary conditions;
 - Public Health Info: Providing information in multiple languages to homeless individuals in encampments to help them understand how they can protect themselves from COVID-19;

- Testing: Working with Valley Homeless Healthcare Program (VHHP) to provide regular COVID-19 testing at encampments of 10 people or more;
 - Showers/Service Connections: In partnership with Project WeHope's Dignity on Wheels, provide increased mobile laundry and shower services by adding a 2nd shower truck in San Jose service portfolio. Also, City and Project WeHope launched "Hope Health Mobile," a new mobile rest stop offering WiFi, charging stations, case management, and virtual access to Stanford doctors who can answer questions about COVID-19.
- 3. Housing:** Increasing access to housing opportunities and shelter.
- Shelter: Reserved shelter beds for the encampment management program that will be available to street outreach teams working in the identified encampments
 - Motel Vouchers: emergency stays at hotels, prioritized for street outreach teams working with those in encampments, as well as vulnerable populations.
 - Shelter Hotline: Pilot a centralized shelter referral hotline to access all shelter beds countywide.
 - Housing Problem Solving: Pilot program with City/County to help homeless individuals identify other immediate housing strategies, rather than shelter, and if necessary connecting them with services and financial assistance.

Table 12: Proposed FY 2020-21 ESG CARES Act Round 2 Activities

Program	Cost	Description	Period	Provider
<u>Shelter/Outreach</u>	-	-		
<u>Street Outreach at encampments</u>	\$2,504,546	<u>Street based services, engagement, connections to shelter, housing, critical services</u>	2 years	PATH/HomeFirst
<u>Storage program for unsheltered</u>	\$500,000	<u>Storage locations near supported encampments.</u>	2 years	PATH
<u>Community Engagement</u>	\$400,000	<u>Lived experience street outreach, supplies</u>	2 years	PATH
<u>Total (shelter/outreach)</u>	<u>\$3,404,546</u>	-		
-	-	-		
<u>Hygiene/Infection Control</u>	-	-		
<u>Trash Support at Encampments</u>	\$2,779,420	<u>Trash support and large debris clean up at supported encampments.</u>	2 years	RFP
<u>Hygiene support at Encampments</u>	\$1,102,800	<u>Increase portable toilets-potties/handwashing stations and servicing at encampments</u>	2 years	RFP
<u>Total Hygiene</u>	<u>\$3,882,220</u>	-		
-	-	-		
<u>Housing</u>	-	-		
<u>Shelter beds</u>	\$2,460,400	<u>Reserved referrals for street outreach team. South Hall operations through winter 20-21</u>	4 months	HomeFirst
<u>Motel vouchers</u>	\$4,000,000	<u>Individuals in encampments and Families and DV</u>	1 year	LifeMoves/YWCA
<u>Emergency Interim Housing (EIH) Operations</u>	\$9,521,006	<u>Monterey/Bernal, Rue Ferrari, Evans Lane (1-yr operations)</u>	1 year	HomeFirst/PATH
<u>Bridge Housing Community (BHC) Operations</u>	\$3,784,180	<u>Mabury and Felipe sites (1-year operations)</u>	1 year	HomeFirst
<u>Rapid Rehousing (RRH)</u>	\$2,000,000	<u>Case management</u>	1 year	RFP for Service
<u>Shelter diversion/housing problem solving</u>	\$500,000	<u>Case management, services, financial assistance to help homeless identify other immediate housing solutions</u>	1 year	HomeFirst/PATH
<u>Total Housing</u>	<u>\$22,265,586</u>	-		
<u>Administration</u>	<u>\$3,283,604</u>			
<u>GRAND TOTAL</u>	<u>\$32,836,036</u>	-		

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City has not established specific target areas to focus the investment of CDBG funds.

Geographic Distribution

Target Area	Percentage of Funds
N/A	N/A

Table 83 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City has not established specific target areas to focus the investment of CDBG funds. The Consolidated Plan allocates federal entitlement dollars according to low- and moderate-income (LMI) census tracts without target areas. San José is coordinating efforts to invest in its neighborhoods. Through its neighborhood plan, a place-based strategy focused on leveraged investments in the Santee/McKinley, Mayfair, and Five Wounds/Brookwood Terrace neighborhoods, the City aims to create clean, safe, and engaged places. In the 2020-2024 Consolidated Plan, the City emphasized the importance of economic revitalization in neighborhoods and to make targeted investments in strategic locations and activities that advance the four goals identified. The City will continue to prioritize investments in the Place-based neighborhoods which include the three original Place-based Neighborhoods as well as four new targeted neighborhoods.

Priority needs were identified based on the data collected, current market conditions, input received at stakeholder and community meetings, and surveys. Priority needs identified include needs for affordable housing, services to address homelessness, Economic development through public facility and infrastructure improvements and creating a suitable living environment through public services provided to communities in need.

Discussion

See discussion above.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

San José is one of the country’s most expensive residential markets. According to data, there are 110,710 units that are affordable to households earning between 0-80 percent AMI, but there 140,635 households earning between 0-80 percent AMI, creating a need of 9,395 affordable units. The City of San José will continue to work with its partners in the development community to use CDBG and the HOME grant for the preservation of existing affordable housing stock, as well as for the construction of new units.

One Year Goals for the Number of Households to be Supported	
Homeless	150
Non-Homeless	50
Special-Needs	90
Total	290

Table 84 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	240
The Production of New Units	50
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	290

Table 85 - One Year Goals for Affordable Housing by Support Type

Discussion

See above.

AP-60 Public Housing – 91.220(h)

Introduction

The Santa Clara County Housing Authority (SCCHA) assists households through public housing as well as Section 8. The SCCHA has no public housing in the City of San José but contracts with SCCHA to administer the Section 8 program.

The Section 8 waiting list contains 5,909 households, which is estimated to be a 6-year wait. SCCHA also develops, controls, owns and manages more than 2,700 affordable rental housing properties throughout the County. SCCHA's programs are targeted toward LMI households, and more than 80 percent of their client households are extremely low-income families, seniors, veterans, persons with disabilities, and formerly homeless individuals.

SCCHA was selected by HUD to become a Moving to Work (MTW) agency in 2008. The MTW program is a federal demonstration program that allows greater flexibility to design and implement more innovative approaches for providing housing assistance. The goals of the MTW program are to

- 1) Decrease administrative costs and increase cost cost-effectiveness in housing program operations,
- 2) Promote participants' economic self-sufficiency, and
- 3) Expand participants' housing choices.

Additionally, SCCHA has used Low Income Housing Tax Credit financing to the development of the majority of its housing portfolio. The agency is an active developer of affordable housing and has either constructed, rehabilitated, or assisted with the development of more than 30 housing developments that service a variety of households, including special needs households.

Actions planned during the next year to address the needs to public housing

There are no public housing units in the City of San José. However, two projects were developed by the SCCHA in the City of San José in 2019:

- Villas on the Park will be a Permanent Supportive Housing project in downtown San José, opening in October 2019 with 83 Project-Based Vouchers (PBVs) for the chronically homeless. Villas on the Park was developed with funding made possible through Santa Clara County's Measure 'A' housing referendum, which targeted almost \$1 billion in bonds for the development of affordable housing in the County.
- Renascent Park is another Permanent Supportive Housing project in San José that has been awarded 160 PBVs for the chronically homeless. Construction is expected to be completed and leasing to begin in October 2019.

In addition, SCCHA has conditionally awarded PBVs to several other projects under development by its affordable housing partners, which includes 182 PBVs distributed to four projects in San José. This project is not expected to be completed until FY 2021.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Though there are no public housing units in the City, the SCCHA uses innovative ways to improve the self-sufficiency of its Section 8 Housing Choice Voucher (HCV) holders to move them out of assisted housing programs, as well as ways to move households off the current HCV waiting list and into affordable housing. HUD designated the SCCHA as a “Moving to Work” (MTW) agency In January 2008. The MTW agreement was extended from 2018 through 2028. The MTW program increases cost cost-effectiveness, promotes self-sufficiency of tenants, and expands housing options for low-income families and benefit homeless households.

SCCHA received HUD approval for the pilot Focus Forward Program (FFP) to be a voluntary 10-year time time-limited self-sufficiency program open to all heads of households on the SCCHA waiting list. FFP is an expanded version of the traditional Family Self Sufficiency program and will support HCV participants in increasing and sustaining a higher level of self-sufficiency. SCCHA is re-proposing the FFP with a more effective case management and ongoing program-incentives component. The enhanced FFP will promote accountability and motivate participants to pursue higher education, develop 21st 21st-century job skills and set/achieve realistic self-sufficiency goals. If an applicant on the SCCHA waiting list volunteers to participate in the FFP, they will move to the top of the waiting list. The 10-year window provides participants with the opportunity to achieve their individualized goals with the highest degree of available services—and allows the Housing Authority to assist more families in need in the County’s tight housing market.

However, SCCHA will continue its Family Self-Sufficiency program until families currently enrolled are graduated. The Family Self Sufficiency (FSS) program provides case management and advocacy to current program participants in order to help them attain self-sufficiency goals. Families enroll and sign a five-year contract to participate in the program. After enrolling in the program, participants set goals such as finishing their education, obtaining job training, and/or employment.

During the contract term, participants who increase their earned income can receive cash bonuses. When the family reports an increase in earned income, SCCHA calculates a monthly bonus amount that is deposited into an ‘escrow’ account which the family can receive upon program graduation.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. The SCCHA is not troubled.

Discussion

See discussion above.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of San José partners with the business community, other government agencies such as the County of Santa Clara, the Santa Clara County Housing Authority, non-profit organizations that provide housing assistance and public services, faith-based organizations, the Continuum of Care, and collaborates interdepartmentally to carry out goals and strategies of the Consolidated Plan to deliver services to homeless populations. The City will continue to provide funding to services that assist homeless populations through health, housing, shelter, and other services to prevent homelessness and assist homeless population in transitioning to permanent housing.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of San José's Housing Department has developed the Homelessness Response Framework, which uses a Coordinated Assessment System. The Coordinated Assessment System begins with an Outreach Team that is the first point of entry for the unsheltered homeless population to the system. At the outset of outreach, obtaining basic needs are facilitated. Individuals experiencing homelessness are then added to the Coordinated Assessment System and matched with the appropriate housing program. Housing programs are coordinated with each other and include client referral to the following:

- Interim Housing, which provides temporary housing and site-based services, and is effective for certain homeless sub-populations.
- Permanent Supportive Housing- Provides long-term rental subsidies and intensive case management for households with disabilities.
- Rapid Rehousing System- Provides time-limited subsidies and supportive services to households that can achieve economic self-sufficiency within the program term.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City currently has 1,070 emergency shelter beds and transitional housing beds that serve homeless individuals, families with children, women with children, youth, and victims of domestic violence. The overall number of emergency and transitional beds has recently decreased due to a combination of conversions to permanent housing and the lack of resources to fund emergency and transitional beds. In line with its goal of ending homelessness, the City will continue to focus its funding on programs aimed at permanently housing homeless persons. The Haven is a City-owned emergency shelter for disaster victims that the City will continue to support.

The City will also continue to support emergency and transitional housing options through new one-time funding from the State called the Homeless Emergency Aid Program (HEAP). This Program will support several crisis intervention efforts, including the addition of emergency shelter beds and safe parking slots. However, the City's focus continues to be on moving people quickly into permanent housing with supportive services as seen in the successful Housing First approach.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families

experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City uses the Coordinated Assessment System to match homeless households to appropriate housing. Other primary goals include working with property owners and managers to educate them on the social benefits of renting to extremely low income and formerly homeless individuals and families. Another main strategy, due to its effectiveness, is increasing the number of units of permanent supportive housing, a housing type available to homeless people that includes a wraparound services component offering services such as case management to assist in keeping them housed. San José currently has 1,013 supportive housing units in the City. One example is Second Street Studios, completed in May of 2019 for formerly homeless households, offering 134 units with on-site mental health and medical services, and opportunities for social connection and involvement in community life through on-site gardens, inviting community spaces, and other programming.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

There are 298 Adult Residential facilities in San José with capacity to accommodate 4,689 individuals. There are 237 Residential Elder Care Facilities with the capacity to accommodate 3,477 individuals. The National Alliance on Mental Illness (NAMI) Santa Clara County provides local listings (all located in San José) of available licensed and unlicensed group homes, listings of emergency and mental health supportive housing agencies, resources for finding affordable single and family housing, homeless resources, and information on other housing related programs, services and issues (such as resident and/or tenant rights).⁶⁰

Discussion

In addition to the strategies described above, the City has drafted several policies for ending homelessness in the County:

- Work with its government, nonprofit, and business partners to allocate additional resources for efforts to end and prevent homelessness. Participate in a leadership role with Destination: Home, a public-private partnership implementing an integrated, coordinated approach to ending homelessness in the County by infusing permanent housing with important services like mental health, physical rehabilitation, and employment training programs. The City will continue to partner with Destination: Home in its regional strategic plan implementation.
- Work with HACSC to allocate project-based and tenant-based vouchers to homeless housing projects and individuals.

⁶⁰ National Alliance on Mental Illness, Santa Clara County, <https://namisantaclara.org/>.

- Implement a variety of housing options for homeless households. Crisis response programs and interim housing opportunities are a priority for the City in 2019-2020. These include but are not limited to:
 - Located at City-owned facilities including libraries and community centers, the Overnight Warming Locations will provide a safe place for homeless households to sleep, access basic needs services overnight during periods of inclement weather, while working to secure permanent housing. The Homeless Emergency Aid Program will fund expanding this effort on a nightly basis.
 - The Bridge Housing Communities will provide interim housing in the form of free-standing, small, sleeping cabins for homeless individuals and couples with supportive services and linkages to permanent housing.
 - The Motel/Hotel Leasing Program will master-lease rooms from hotel/motel owners and manage the lease with each subtenant to as to provide a quick interim housing alternative for homeless people who have housing subsidies but cannot find a market-rate apartment to rent.
 - The continuation of the Temporary and Incidental Shelter Program allows places of assembly to open their doors to vulnerable populations for overnight shelter.
 - The Safe Parking Pilot Program will allow person residing in their vehicles to safely sleep overnight in three City-owned community centers, providing case management and access basic needs services. A Safe Parking Ordinance will be proposed to City Council for approval in 2019-2020, allowing places of assembly to operate safe parking programs on private property.
 - Develop and implement a variety of homeless housing options to address the long-term homeless housing needs for the City. Prioritized permanent housing and permanent supportive housing opportunities include but are not limited to:
 - Continue partnering with the County of Santa Clara and the Housing Authority of the County of Santa Clara; the City typically provides development financing while the County of Santa Clara coordinates supportive services and the Housing Authority funds project-based vouchers.
 - The Transition In Place Program (TIP) provides access to affordable housing should the households in the Rapid Rehousing Program need additional assistance once the time-limited subsidy ceases. The City uses a variety of strategies to gain access to affordable apartments, including paying for rehabilitation costs on existing units and subsidizing the development costs of new construction.
 - Support a multi-family housing rehabilitation program for homeless veterans.

AP-70 HOPWA Goals - 91.220 (I)(3)

The City also continues to work with the HealthTrust and other agencies supportive of the housing needs of persons with HIV/AIDS and support these agencies with the grant the City receives from HOPWA. Currently, there are 655 persons with HIV/AIDS on the waitlist for Tenant Based Rental Assistance (TBRA). The city has the goal of using HOPWA grant to fund housing and other service opportunities to the Health Trust.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

There are various barriers to affordable housing that are continuing to contribute to the issue. In the private sector, the demand for affordable housing is larger than the supply, and as per basic economic principles, this is driving housing prices up. There are many more jobs being added to the area than there are housing units being added, further increasing the imbalance between supply and demand. In addition, many of these jobs are in the high-technology sector. These jobs bring in highly-skilled, highly paid workers to San José, but even so, income increases have not kept up with rising housing costs. Tech companies have attempted to subsidize housing in the area, but zoning and political resistance hold up the affordable residential development the companies are trying to support.

Although the General Plan has policies that allow for residential in-fill development, there has still been a lack of residential development that is affordable to lower-income households. As a “jobs first” general plan, continuing to add jobs without adding an adequate amount of housing could possibly exacerbate the existing affordability issues. Zoning regulations are one of the barriers that are discouraging the construction of affordable housing. Many optimal locations in the City are zoned commercial, and the rezoning process can be long and arduous. Much of the area is also zoned for low-density single-family homes, while affordable housing is commonly high density, multi-family units.

Residents of the San José and neighboring cities pose another barrier to affordable housing. Existing homeowners often believe that high-density affordable housing decreases their home values, among other negative consequences, which causes them to be resistant and block development.

Construction costs, permitting fees, and impact fees have been continuing to increase over time, further driving up the overall costs of residential development. The environmental review process greatly slows development. Funding that had previously been offered through state-funded redevelopment agencies is no longer available since those agencies have been dissolved. All of these factors are the reasons why there is a lack of funding for affordable housing in the City.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

One of the objectives of Envision San José 2040 General Plan is to create new Urban Villages, which are designated planning areas where the City hopes to direct future high-density housing and business growth. The general plan includes information about what types of land use the city wants to see on each parcel, and developers of new housing need to apply to change the zoning on their parcels in order to conform to the land use designations. Since each one would require legislative action to move forward, this can create some issues such as a highly politicized process, uncertainty in the development process, and losing out on potential public benefits. The strategy to remove this barrier would be to adopt zoning at the same time as each Urban Village is adopted. This would allow projects that conform with zoning to move forward regardless of whether the project is a commercial development or housing. Enacting this strategy would help remove the zoning barrier that is discouraging the construction of affordable housing.

In the current process, similar to how legislative action is needed for each parcel in the rezoning process, the City often negotiates one-off agreements with each individual developer as to the fees, infrastructure requirements, and other community benefits that will be received. This variation in developer requirements can cause a few problems. If fees are set too low, cities get less money for important public improvements. But if fees are set too high and the development is rendered financially infeasible, then no public benefits are generated, and no housing is created. The strategy to improve this process would be to base fees and requirements on financial feasibility analyses that have data-based reasoning. Doing so would ensure that the City is receiving its fair share, while keeping costs low enough to keep the developer from backing out.

Another way that the City can help to lower the cost of constructing affordable housing, and therefore encourage such projects, would be to reform the current parking requirements that are imposed on new developments. San José typically requires 1.25 to 2 parking spaces per one- to three-bedroom unit. This can become extremely costly to developers, as a parking spot can cost anywhere from \$25,000 to \$50,000 to create. A study showed that about 20 percent of parking in new San José market-rate developments is going unused, which means that the developer wasted money to create those spots. Reforming parking requirements to allow, encourage and eventually require less parking will result in better land utilization and help remove one of the barriers to affordable housing.

As previously discussed, a barrier to affordable housing is the CEQA required environmental review process. This process is important and necessary to assess the possible environmental impacts of a project but can be both expensive and time-consuming. A strategy to ameliorate this barrier would be for the City to complete program-level EIR studies when major area plans are completed so that individual projects can be approved faster and will not need to complete their own environmental review process. By streamlining the process, the City can incentivize development in these plan areas, while also reducing their cost.

The City of San José has a few financing tools in place to encourage the development of affordable housing. They offer multifamily revenue bonds, tax-credit financing, and “gap financing” loans to help finance projects that will increase the availability of affordable housing to those that need it.

The State of California has already taken some steps towards enacting policies to help ameliorate the barriers to affordable housing. In 2019, the State signed the following bills into effect:

- California SB 330: the Housing Crisis Act of 2019. This bill suspends restrictions on housing developments and provides for expedited permitting for housing construction until January 1, 2025.
- California AB 1763: amending the Density Bonus Law. This bill creates a density bonus and other concessions and incentives for affordable housing developments.
- California AB 13: amending Section 65852.2 of the Government Code, among others, relating to land use. Revising existing legislation that allows ADUs in residential and mixed-use districts, this bill allows more than one ADU per lot.

Based upon input from stakeholder interviews, other ways to remove barriers to affordable housing include:

- Increase affordable housing options and alternatives (varieties are needed in size and income levels, particularly for extremely low and low income, homeless, disabled and elderly) in the County. There is legislation requiring more affordable housing but there is no timetable.
- Fund the building or rehabilitate group homes: old nursing/care units, and mobile home parks, particularly near places of employment and transit routes
- Create grant or loan programs for property maintenance
- Develop land acquisition funding programs that purchase land dedicated to new housing. Work with Cities to target specific lands.
- Create housing plans that fund and implement housing for working families or “Middle Housing”
- Seek out more County distributed Housing Choice Vouchers

Discussion:

The needs assessment portion of the Consolidated Plan identified the lack of affordable housing as a key unmet need. The Consolidated Plan acknowledges that expensive housing market poses challenges to provide enough new housing to address the lack of affordable housing. However, the Consolidated Plan identifies strategies that will emphasize development of new housing with City assistance and focus this housing to supply needed affordable units.

AP-85 Other Actions – 91.220(k)

Introduction:

The City will use CDBG, HOME, HOPWA, and ESG to meet the needs of the community over the 2020-2021 Plan year. Please refer to the Project Summary in AP-38.

Actions planned to address obstacles to meeting underserved needs

Please refer to the Project Summary in AP-38 for public services to be funded over the plan year.

Actions planned to foster and maintain affordable housing

The City will continue to rehabilitate owned unit as well as rental properties. The City of San José will continue to work with its partners in the development community to use CDBG and the HOME grant for the preservation of existing affordable housing stock, as well as for the construction of new units when feasible. San José will also continue to provide funding for tenant-based rental assistance.

Actions planned to reduce lead-based paint hazards

The City's Department of Housing continues to provide Lead Based Paint (LBP) testing and assessment services on all dwelling units built prior to 1978, and that receive rehabilitation assistance. Along with the trained and lead-certified Housing Department staff, the City maintains a contract with a private environmental consultant to provide LBP testing and assessment services. The City also requires that:

- Properties that use CDBG or HOME rehabilitation funds conduct testing for LBP and LBP hazard reduction. As discussed in the Market Analysis, there are approximately 199,733 housing units that have a potential LBP hazard. With 38 percent of City households being LMI, there are approximately 75,899 units occupied by a LMI household that have a LBP risk.
- Contractors are trained and certified in an effort to decrease the risk of potential use of LBP in new units. All services provided for LBP hazard reduction are in compliance with Federal regulations 1012 and 1013 of Title X.20

Actions planned to reduce the number of poverty-level families

The City uses CDBG funding to support the Home-Grown Talent project in East San José, which provides safety net services and economic development opportunities for low-income residents. The services include referrals and support to meet food, housing, financial, immigration and health needs of participants, as well as viable economic opportunities that tap into the local assets of the community. Economic opportunities include childcare owner/provider training, artist training, and urban agriculture training. Last year, 272 families with a total of 956 children under the age of 18 benefited from this program.

Actions planned to develop institutional structure

The City of San José partners with the business community, other government agencies such as the County of Santa Clara, the Santa Clara County Housing Authority, non-profit organizations that provide housing assistance and public services, faith-based organizations, the Continuum of Care, and collaborates

interdepartmentally to carry out goals and strategies of the Consolidated Plan. When possible, the City also uses various means to grant City owned land for the purposes of providing affordable housing units.

In addition, the City has a variety of leveraging sources which include but are not limited to the following:

- Inclusionary Housing Ordinance (IHO)
- Affordable Housing Impact Fee
- The Housing Trust Fund-respond to impacts of homelessness and supports the Continuum of Care
- General Fund
- Santa Clara County Housing Authority

Further, the City has made efforts in the efficiency and improvement of the institutional delivery structure in several ways:

- Regular quarterly meetings between entitlement jurisdictions at the CDBG Coordinators Meeting and Regional Housing Working Group
- Developing joint jurisdiction RFPs and project review committees, to take advantages of cost and operational efficiency as a result of economy of scales. In 2016, the City released a joint NOFA with the County of Santa Clara for the development of low-income housing.
- Coordination on project management for projects funded by multiple jurisdictions.
- The Housing Department of San José meets with its counterparts in the City of Oakland and the City/County of San Francisco on a regular basis to coordinate policy initiatives and program implementation.

Actions planned to enhance coordination between public and private housing and social service agencies

Please see discussion above for institutional structure.

Discussion:

See discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l) (1,2,4)

Introduction:

**Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	
3. The amount of surplus funds from urban renewal settlements	
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	
5. The amount of income from float-funded activities	
Total Program Income	

Other CDBG Requirements

1. The amount of urgent need activities

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows: N/A
2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Resale Provisions

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The Resale Provision method is used in cases where HOME funds are provided directly to the developer in order to reduce development/rehabilitation costs, thereby, making the price of the home affordable to the buyer. Referred to as a “Development Subsidy”, these funds are not repaid by the developer to the PJ but remain with the property for the term of the affordability period.

The Resale Restriction restricts the full benefits of owning the home. Owner(s) may not enjoy the same economic or other benefits from owning the home that Owner(s) would enjoy if this Restriction did not exist. The HOME Affordability Period requirement shall apply without regard to the term or repayment of the Loan or the transfer of ownership and shall be imposed by deed restrictions or covenants running with the land, except that the affordability requirements may terminate upon foreclosure or transfer in lieu of foreclosure. The affordability requirements shall be revived according to the original terms if, during the HOME Affordability Period, Owner(s), before the foreclosure, or deed in lieu of foreclosure, or those with whom Owner has or had family or business ties, obtains an ownership interest in the Property.

Notification to Prospective Buyers. The resale policy is explained to the prospective home buyer(s) prior to signing a contract to purchase the HOME-assisted unit. The prospective homebuyer(s) sign an acknowledgment that they understand the terms and conditions applicable to the resale policy as they have been explained. This document is included with the executed sales contract.

Enforcement of Resale Provisions. The resale policy is enforced through the use of a Restrictive Covenant signed by the homebuyer(s) at closing. The Developer will administer the Restrictive Covenant to ensure that, (i) the Owner receives a fair return on his/her investment at sale and (ii) the home will continue to be affordable to a specific range of incomes. The City of San José will monitor the Developer to ensure the Resale Provisions are adhered to by the Owner. The Restrictive Covenant, approved by the City of San José, will specify:

1. the length of the affordability (based on the dollar amount of HOME funds invested in the unit; either five, 10, or 15 years);
2. that the home remains the Buyer’s principal residence throughout the affordability period; and
3. the conditions and obligations of the Owner should the Owner wish to sell before the end of affordability, including;
 - a. the Owner must contact the Developer in writing if Owner intends to sell the home prior to the end of the affordability period;
 - b. the subsequent purchaser must be low-income as defined by HOME and occupy the home as their primary residence for the remainder of the affordability period.

Fair Return on Investment.

Upon transfer to Developer, Developer's assignee, or subsequent eligible purchaser, Owner(s) shall receive the Maximum Restricted Resale Price, which is the lesser of (i) the Indexed Price (as defined below) of the home; or (ii) the Fair Market Value (as defined below) of the home.

Indexed Price. The indexed price (the "Indexed Price") of the home means the affordable sales price of the home at the time of purchase by the Owner increased by the percentage of increase in the Area Median Income (AMI) from the date of the original purchase of the home by the Owner to the date Owner notifies Developer of Owner's intent to transfer, plus the outstanding balance of any subordinate mortgages, adjusted, where applicable, to reflect the value of Eligible Capital Improvements or to reflect the cost of deferred maintenance. Provided, however, the Indexed Price may not exceed "affordable housing costs" (as defined in Health and Safety Code Section 50052.5) for Low Income Households at the time of the sale.

Where applicable, the Indexed Price shall include an upward adjustment reflecting the value of any substantial structural or permanent fixed improvements which the Owner has made to the home after purchase of the home. No such adjustment shall be made except for improvements: (a) made or installed by the Owner which conform with applicable building codes; (b) documented with evidence of applicable City permits (c) approved in advance of installation by Developer; (d) whose initial costs were Two Thousand Dollars (\$2,000) or more; (e) that conform to Federal Housing Quality Standards; and (f) for which the Owner has submitted two bids from contractors acceptable to Developer stating the estimated cost to perform the Improvements. Capital improvements meeting the above requirements are referred to herein as "Eligible Capital Improvements." Eligible Capital Improvements shall be any addition or improvement made to the home which consists of more than mere repairs or replacement of existing facilities or improvements and which has a useful life of five (5) years or more. The form for requesting Developer approval of an Eligible Capital Improvement will be provided to the Owner(s). The adjustment to the Indexed Price for Eligible Capital Improvements shall be limited to appraised increases in value to the Home as a result of the improvements, including any depreciation in value of the capital improvements since the time of installation, and not the cost of construction of the improvements to the home.

The Indexed Price shall include a downward adjustment, where applicable, in an amount necessary to repair any violations of applicable building, plumbing, electric, fire or housing codes or any other provisions of applicable building codes, as well as any other repairs needed to put the home into a "sellable condition." Items necessary to put the home into sellable condition shall be determined by Developer, and may include cleaning, painting and making needed structural, mechanical, electrical, plumbing and fixed appliance repairs and other deferred maintenance repairs.

In the event the difference between the Indexed Price and the Owner's Base Price is less than the amount of closing costs that the Owner paid at the initial closing of the sale of the home to Owner(s) (the "Owner's Original Closing Costs"), the Indexed Price shall be adjusted upward in an amount equal to the difference between (A) the Indexed Price and (B) the sum of the Owner's Base Price and Owner's Original Closing Costs. Notwithstanding the preceding sentence, the Indexed Price shall not be adjusted upward if any downward adjustment is required if the Owner has otherwise failed to maintain the Home in good repair, or if the Owner is otherwise in default under or in violation of the terms of this Restriction.

Fair Market Value. In certain circumstances it may be necessary to determine the fair market value of the home without taking account of the resale restrictions imposed by the Restrictive Covenant (the "Fair Market Value"). These circumstances include: (1) where the parties wish to determine if the Indexed Price exceeds the Fair Market Value in order to determine the Maximum Restricted Resale Price; and (2) where the parties wish to determine the value of Eligible Capital Improvements in order to calculate the Indexed Price. If it is necessary to determine the Fair Market Value of the home, it shall be determined by a certified Member of the Appraisal Institute ("MAI") or other qualified real estate appraiser approved in advance by Developer, or by a market analysis in a form approved by the Developer.

Affordability to a Range of Buyers. The Restrictive Covenant will ensure continued affordability to a range of buyers for the term of the affordability period, specifically those whose total household income ranges from 60% to no greater than 80% AMI at the time of purchase. If the subsequent homeowner does not require any HOME subsidy to purchase the home, the affordability period is not extended and ends when the original 15-year affordability period is completed at which time the subsequent homeowner is free from the Restrictive Covenant.

Calculating Fair Return on Investment (Example)

Original Purchase Price. \$300,000

Original Mortgage(s). \$240,000 (first, Affordable Sales Price)

\$60,000 (second)

Eligible Capital Improvements. The original homeowner installs a privacy fence for \$2,000 and met the conditions for Eligible Capital Improvement.

Deferred Maintenance. The original homeowner neglected to maintain the interior of their home to a reasonable standard; Developer estimates \$500 in repairs to put home into a sellable condition.

Affordability Period. The original purchase price for the home was \$300,000 and the amount of HOME funds invested (i.e., Developer Subsidy to acquire the property) was \$100,000, thus requiring the 15-year affordability period.

Calculation of Fair Return on Investment (example) Original Purchase Price (Total)	\$ 300,000
Original First Mortgage (Affordable Sales Price)	\$ 240,000
Original Deferred Mortgage(s)	\$ 60,000
	Indexed Price (Paid to Owner)
Original AMI	\$ 93,500
Current AMI	\$ 100,000
Index (Current AMI/Original AMI)	107%
Pre-Adjusted Indexed Price	\$ 316,684
Indexed Affordable Sales Price	\$ 256,684
Original Second Mortgage	\$ 60,000
Eligible Capital Improvements	\$ 2,000
Deferred Maintenance	\$ (500)
Indexed Price	\$ 318,184
	Return on Investment to Owner
Fair Market Value	\$ 330,000

Maximum Restricted Resale Price (minimum of Index Price or FMV)	\$ 318,184
Return on Investment to Owner	\$ 18,184
Amount of HOME Assistance to Unit	Minimum Affordability Period
Under \$15,000	5 years
\$15,001 - \$40,000	10 years
Over \$40,000	15 years
N/A	

The Affordability Period described above is the *minimum*. The City of San José has the option of making the Affordability Period longer. During the Affordability Period, the homebuyer remains compliant by continually occupying the property as their principal residence, and not selling their property prior to the completion of the Affordability Period.

Enforcement of this affordability period is ensured through the recapture provisions described below and in 24 CFR 92.254 (a) (5) (ii) (A) (1). The principal legal documents that are used to enforce the recapture restrictions are a recorded restriction, promissory note, a deed of trust and a HOME Agreement.

Principal Residence. The definition of “principal residence” shall mean that the borrower must reside in the home for at least 10 months out of the calendar year. Borrower shall occupy the Property as a principal residence during the period of affordability. Should the borrower cease to occupy the Property as their principal residence and/or rent the property, the City shall give the borrower the opportunity to comply with this requirement and reoccupy the Property. If the borrower does not reoccupy the Property as their principal residence, this shall trigger a Recapture of the loan.

If the borrower pays off their loan to the City prior to the expiration of the Period of Affordability and continues to own the property, the requirement of occupying the Property as the principal residence continues to be enforced until the end of the Affordability Period. For example, if the owner decides to refinance and pay off the City loan in year 3 of a 10 year Affordability Period, the owner will still be required to use the property as their principal residence for rest of the Affordability Period (7 years).

Long-term Affordability. Pursuant to 24 CFR 92.254 (a) (4), the HOME-assisted unit must meet the affordability requirements for not less than the term of the period of affordability or any longer period stipulated in the City Documents.

Recapture Provisions. Recapture Provisions requires that the entire direct subsidy provided to the borrower is recaptured from the **available net proceeds** at the time the borrower sells the property before the borrower receives any return. The borrower may sell the property to any willing buyer during the Period of Affordability. The transfer/sale of property (either voluntary or involuntary) during the Period of Affordability triggers the Recapture Provisions. Further, if the borrower ceases to occupy the property as their principal residence at any time during the Period of Affordability, the City shall make efforts to recapture the entire direct subsidy.

Direct subsidy is the amount of HOME assistance that enables the borrower to buy the home. *Net proceeds* are defined as the sales price minus superior loan repayment (other than HOME funds) and any closing

costs. Under no circumstances can the PJ recapture more than is available from the net proceeds of the sale.

Examples

A. Borrower receives \$25,000 of HOME down payment assistance (direct subsidy). The City imposes a 15-year affordability period. If the borrower sells the home after three years, the City would recapture, assuming that there are sufficient net proceeds, the entire \$25,000 direct subsidy. The borrower would receive any net proceeds in excess of \$25,000.

B. Same scenario but the net proceeds of the sale, due to a short-sale or foreclosure, are \$10,000. The City cannot collect more than net proceeds available; thus the City collects the full \$10,000.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

**Emergency Solutions Grant (ESG)
Reference 91.220(I)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

All agencies receiving ESG funds comply with the written standards and policies developed by the CoC. These written standards are contained in the attached documents:

- CoC Quality Assurance Standards
- CoC Governance Charter
- Selected CoC Policies

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Santa Clara County Office of Supportive Housing, the Continuum of Care, has developed a coordinated assessment that is a consistent, community-wide intake process to match people experiencing homelessness to existing community resources that are best fit for their situation. The County of Santa Clara has been using coordinated assessment for permanent supportive housing and rapid rehousing programs with hopes of expanding to shelter and transitional housing programs as well.

In Santa Clara County's coordinated assessment system, all homeless people complete a standard assessment tool (the Vulnerability Index-Service Prioritization Decision Assessment Tool or VI-SPDAT) that considers the household's situation and identifies the best type of housing intervention to address their situation. A community queue of eligible households is generated from the standard assessment. The community queue is used to fill spaces in the permanent housing programs, including permanent supportive housing and rapid rehousing, in the County. This coordinated process reduces the need for people to traverse the county seeking assistance at every service provider separately.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City selects ESG subrecipients through a formal competitive Request for Proposals (RFP) process. Approximately every 3 years, the City develops a RFP based on the needs identified in the Consolidated Plan and the Annual Action Plan and the needs identified by the Continuum of Care. The City selects and awards funds to subrecipients based on the following factors:

- Project eligibility under the ESG program
- Goals and Outcomes
- Project relevance in meeting the need identified
- Organizational Capacity and Experience
- Budget and Fee Structure

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly

homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The Action Plan is distributed to the CoC applicant for review. The Board of the CoC applicant is the Destination: Home Board, which includes representation from the homeless community nominated and elected by the Collaborative nonprofit agencies. Services funded with ESG are aligned with CoC and Destination: Home strategic plans.

5. Describe performance standards for evaluating ESG.

All agencies receiving ESG funds comply with the CoC established system wide performance measures. These performance measures are updated on an annual basis through the Performance Management Work Group. The work group consists of community stakeholders who review system performance and set benchmarks for the upcoming year.

Appendix - Alternate/Local Data Sources

- A. Public comments, proof of noticing**
- B. Community Engagement and Survey Results- San José**
- C. County of Santa Clara Community Engagement Summary**

ATTACHMENT C
SUMMARY OF PUBLIC COMMENTS

Neighborhood Services and Education Committee Meeting, March 12, 2020

Commissioner Comments	Response
The Housing Department should provide information on priorities identified by the public, and describe how public input contributed to Plan development	Comment noted; this information has been provided in the Council memo.
The Department should receive input on the Consolidated Plan from Santa Clara County Office of Education (SCCOE) and other family serving organizations.	Comment noted; this information has been provided in the Council memo.
The Plans should serve families with children, and the extent to which families are being served should be highlighted.	Comment noted; this information has been provided in the Council memo.

General Public Comments	Response
N/A	

Housing & Community Development Commission Meeting, March 12, 2020

Commissioner Comments	Response
The outreach done for this Plan was great.	Comment noted.
The Plan was a little too incremental.	Comment noted.
Preservation of affordable housing needs to be a higher priority; wanted to see more specific strategies for Preservation.	Comment noted.
We need to ensure that communities are maintained while they gentrify. The City should fund Preservation and tenant Protection strategies.	Comment noted.
Homelessness prevention is a cost-effective solution; residents should be provided educational resources on what is available for housing.	Comment noted.
Affordable housing should be located in all parts of the City, especially if it's smaller-scale to fit into less dense areas.	Comment noted.
The City should support advocacy for affordable housing.	Comment noted.
Staff's analysis of policies that are consistent with these priorities was helpful and appreciated.	Comment noted.
Leadership development should not be a function of government funding.	Comment noted.
The City should fund grassroots outreach throughout the City to represent their voices in decision making, and support community-based development entities that could help with strategies around ADUs and duplexes.	Comment noted.
Goals for contracts should be outcome based and it's difficult to do that for leadership development and outreach contracts.	Comment noted.
All goals related to grassroots outreach skills development and neighborhood leadership development be quantitatively related to housing development, preservation, and protection issues.	Comment noted.
Government should reach out to hear residents' concerns directly.	Comment noted.
I support community land trusts working with community development corporations.	Comment noted.
The City should fund capacity building for community-based development organizations.	Comment noted.

Service-enriched affordable housing, asset building, and childcare are all very important. People in shelters say they need these things - they cannot afford rent and childcare at the same time.	Comment noted.
It is extremely important to do grassroots outreach to hear residents' concerns directly.	Comment noted.
Contracts should measure results with outcome measures.	Comment noted. Staff agrees and uses outcome measures, and invites commissioners to advise on measures.
Organizations need to hire people who look like the community, so that the community's voices are heard in community development issues and the City's opinion does not prevail.	Comment noted.
I support the City's support of grassroots organizations especially related to community development issues.	Comment noted. The City agrees and capable nonprofits to help with effective outreach.

General Public Comments	Response
N/A	

City Council Hearing, August 4, 2020

Councilmember Comments	Response
it's been a long road in gathering data – congratulations, almost there. But people can still be heard by submitting comments.	Comment noted.
I really appreciate that you recognized who in terms of groups are being most impacted (race/ethnicity). How did you connect those dots to strategies?	Requests for Proposals ask responders the best way to target most impacted communities; in addition, the City conducted targeted outreach to impacted segments of the community.
In terms of “strengthen and stabilize” will the City need additional staff? Development and services very different, can’t pull staff in two directions.	The Housing Department partners with OED and PATH currently; and will add one additional staff to support with the extra funds. Also, the Department will have one Fiscal and one homeless staff to help.
What about RVs parked in the street?	Part of the ESG CARES act funding will assist with issues pertaining to RV parking.
The fourth priority to strengthen and stabilize communities seems farther away than housing. Can you use funds to hire staff for this work?	No. There is a limit on administration funds and they cannot be used to supplant City funds for staffing.
Since 45% of residents are rent-burdened, wages that people earn are therefore very important. Could we use ESG CARES \$ to plug holes?	City staff will review the requirements of this funding and provide an update.
Are we spending only \$2M on homelessness prevention for Rapid Re-Housing out of funds including rental assistance?	This figure does not include an additional \$2.7 million in HOME funds for tenant-based rental assistance.
Can we spend more for homelessness prevention?	Homelessness prevention is not an eligible activity for ESG CARES funds. HUD wants funding to go directly to people experiencing

	homelessness, rather than those currently housed.
Very happy to see new outreach positions in the proposal – mental health, outreach, drug & alcohol counselors – how are we working with County Behavioral Health?	Staff will return to the City Council on 8/25 with more information on the County Plan to End Homelessness and the system of care.

General Public Comments	Response
I like mixed-income housing; community sustainability / energy and policing.	Comments noted.
Mixed-income housing – you are stratifying society. That's what SV means. Stockholm – everyone takes transit. 43,000 families on par to be evicted. What are we doing about that?	Comments noted.
If you haven't been homeless, you don't understand the issue. People who need addiction treatment – San Diego houses people in tents. We are spending too much money, not housing enough people.	Comments noted.
I needed drug rehab to get off streets. Skid row over on Spring St. Need to clean the area. Have infrastructure to hook ups - could do solar panels.	Comments noted.
I know you've reached out to some advocates but the City could do better. Concerned about the Bridge Housing Community in District 2. I have asked if I could speak with residents to see if it's working.	Comments noted.
live in my van in the county parking lot, away from meth addicts, clean living. A lot of people out here who want to raise their families, steer clear of trouble. You have to help, have to do more to help people like us.	Comments noted.
We need a committee of unhoused people or a representative from the community to be involved. Without this, we won't get as far as we could otherwise, and we will keep having the same conversation.	Comments noted.
People on the street are very different than in the shelters – they either can't or won't follow rules. The only thing that will help is more transitional housing. The City should listen to homeless people.	Comments noted.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: August 10, 2020

Approved

Date

8/10/2020

SUPPLEMENTAL

SUBJECT: ACTIONS RELATED TO THE 2020-25 CONSOLIDATED PLAN AND FISCAL YEAR 2020-21 ANNUAL ACTION PLAN

REASON FOR SUPPLEMENTAL

This supplemental memorandum includes an updated list of comments received from the public following a community-wide virtual meeting conducted on the evening of August 6, 2020. Comments are included in an Amended Attachment C to the main memorandum.

ANALYSIS

When new five-year funding priorities are created for Consolidated Plans, they are based on needs data, public input, local studies, the City's priorities, and the eligible uses of these funds.

All these inputs confirm that this draft 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan should keep the first three of the previous Consolidated Plan's priorities the same – homelessness, affordable housing, and fair housing. San José clearly needs significant additional resources for all three of these program areas.

This Plan's fourth priority – to Strengthen and Stabilize Communities – is a proposed change from the previous Plan. It reflects the City's shifted priorities to a people-first frame through the inclusion of services such as childcare, community WiFi, and small business supports. These activities address the other side of providing affordable housing – enabling people to afford housing and improve their opportunities because they can make enough to live here.

HONORABLE MAYOR AND CITY COUNCIL

August 10, 2020

Subject: Supplemental Memo - Actions Related to the 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan

Page 2

The proposed 2020-25 Consolidated Plan priority needs, goals, and potential programs were presented at the virtual community meeting held at 6:00 p.m. on August 6, 2020. The Attachment to this memorandum captures public comment at this meeting, as well as comments made at the City Council public hearing on August 4, 2020. Comments from the City Council and the public were supportive of all four of these priority areas and the spending plans presented.

CONCLUSION

In total, the public comments supported and reinforced the City's four selected priority areas. Therefore, there are no proposed changes to the final Consolidated Plan's priorities.

All comments received through community engagement efforts, public workshops, Committee and Commission meetings, and public hearings before the City Council will be included in the final version of the Consolidated Plan to be submitted to the U.S. Department of Housing and Urban Development.

/s/

JACKY MORALES-FERRAND
Director, Housing Department

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.

Attachment:

Amended Attachment C: Updated Summary of Public Comments

AMENDED ATTACHMENT C
UPDATED SUMMARY OF PUBLIC COMMENTS

Neighborhood Services and Education Committee Meeting, March 12, 2020

Commissioner Comments	Response
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The extent to which families are being served should be highlighted.	Comment noted; this information has been provided in the Council memo.

General Public Comments	Response
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Housing & Community Development Commission Meeting, March 12, 2020

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City Council Hearing, August 4, 2020

Councilmember Comments	Response
it's been a long road in gathering data – congratulations, almost there. But people can still be heard by submitting comments.	Comment noted.
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Can we spend more for homelessness prevention?	Homelessness prevention is not an eligible activity for ESG CARES funds. HUD wants funding to go directly to people experiencing homelessness, rather than those currently housed.
Very happy to see new outreach positions in the proposal – mental health, outreach, drug & alcohol counselors – how are we working with County Behavioral Health?	Staff will return to the City Council on 8/25 with more information on the County Plan to End Homelessness and the system of care.

General Public Comments	Response
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Mixed-income housing – you are stratifying society. That's what SV means. Stockholm – everyone takes transit. 43,000 families on par to be evicted. What are we doing about that?	Comments noted.
If you haven't been homeless, you don't understand the issue. People who need addiction treatment – San Diego houses people in tents. We are spending too much money, not housing enough people.	Comments noted.
I needed drug rehab to get off streets. Skid row over on Spring St. Need to clean the area. Have infrastructure to hook ups - could do solar panels.	Comments noted.
I know you've reached out to some advocates but the City could do better. Concerned about the Bridge Housing Community in District 2. I have asked if I could speak with residents to see if it's working.	Comments noted.
I live in my van in the county parking lot, away from meth addicts, clean living. A lot of people out here who want to raise their families, steer clear of trouble. You have to help, have to do more to help people like us.	Comments noted.
We need a committee of unhoused people or a representative from the community to be involved. Without this, we won't get as far as we could otherwise, and we will keep having the same conversation.	Comments noted.
People on the street are very different than in the shelters – they either can't or won't follow rules. The only thing that will help them is more transitional housing. The City should listen to homeless people.	Comments noted.

Virtual Public Meeting, August 6, 2020

General Public Comments	Response
Will the fiscal budget run according to the federal fiscal year of Oct through Sept?	No, it runs according to the City’s fiscal year, which runs July 1 to June 30.
Will rental assistance funding be ready in July?	The City amended last year’s Annual Action Plan to use millions in HOME funds for tenant-based rental assistance for COVID relief. Contracts are signed; those programs are going into place right now. TBRA is generally for formerly homeless residents, but the COVID contracts are for the general population that can income qualify.
Can you give an example of programs that will allow people to grow their assets?	This would include programs that train people for jobs/professional development, which can lead to higher incomes. Wealth building is the flip-side of making housing more affordable.
How is Rapid Rehousing working? It doesn’t seem visible in the neighborhoods.	The rapid rehousing program is working well, but cannot keep up with the rate at which people are becoming unhoused. Even before the pandemic, for every one person that was housed, an estimated three more become unhoused.
Surprised that only 25% of Latinx spend more than 50% of housing – thought it would be higher.	This figure represents only severe cost burden, which means people who spend over 50% of their income on housing costs. An additional statistic is the number of people who are cost burdened, spending between 30% and 50% of their income on housing. Also, these figures are outdated, as this was the most recent info provided by HUD (ACS 2011-2015 five-year data) and does not reflect San Jose’s current market conditions.
There does not seem to be enough housing for ELI households.	Comment noted. Last year, the City Council directed the Housing Department to spend 45% of funding for affordable housing on ELI apartments.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand
Jim Shannon

SUBJECT: SEE BELOW

DATE: April 20, 2020

Approved

Date

4/20/2020

**SUBJECT: SUBSTANTIAL AMENDMENTS TO THE FY 2015-2020
CONSOLIDATED PLAN AND 2019-2020 ANNUAL ACTION PLAN**

RECOMMENDATION

- A. Hold a public hearing to allow for public comment.
- B. Adopt a resolution relating to the following actions regarding the spending plans for funds awarded by the U.S. Department of Housing and Urban Development (HUD) to the City, including additional funds allocated to the City by HUD for COVID-related uses:
 - 1. Approve a Substantial Amendment to the City’s FY 2015-20 Consolidated Plan to add Job Retention as an eligible activity under the Community Development Block Grant (CDBG) Community Development Investment (CDI) category.
 - 2. Approve the following relating to Substantial Amendments to the FY 2019-20 Annual Action Plan to:
 - i. Add Job Retention as an eligible activity under the CDBG CDI category;
 - ii. Allocate CDBG CDI funding for emergency job creation and retention loans to microenterprises in the amount of \$2,500,000 to the Opportunity Fund, and authorize the Director of Housing to negotiate terms and conditions and execute a Subrecipient Agreement with the Opportunity Fund;
 - iii. Award \$1,200,000 of CDBG Public Services funding for City food services to Loaves and Fishes, and authorize the Director of Housing to negotiate and execute a sole source agreement with Loaves and Fishes;
 - iv. Allocate \$2,000,000 of CDBG Public Services category funding for emergency hotel/motel vouchers for families to LifeMoves, and authorize the Director of Housing to negotiate and execute an amendment to the current LifeMoves contract relating to these additional funds;
 - v. Allocate \$519,000 of CDBG CDI funding to fund operations costs for emergency shelters established by the City;
 - vi. Reduce CDBG Public Services category funding to the San José Housing Rights Consortium (Consortium) to provide Legal Services for Low-income Tenants by \$125,000, from \$500,000 to \$375,000 and authorize the Director of Housing to negotiate and execute an amendment to the current contract with the Consortium relating to this reduction in funding;

- vii. Increase CDBG CDI funding to Rebuilding Together Silicon Valley to provide the Emergency and Minor Repair Program for single family homes by \$400,000, from \$1,650,000 to \$2,050,000, and authorize the Director of Housing to negotiate and execute an amendment to the current Rebuilding Together contract relating to these additional funds;
 - viii. Reduce CDBG CDI funding for Code Enforcement to provide enhanced code enforcement services by \$404,074, from \$1,102,037 to \$697,963;
 - ix. Program and authorize \$5,263,414 in CDBG funding made available by the Coronavirus Aid, Relief, and Economic Security Act (CARES) to provide emergency shelter costs, hotel/motel vouchers, and COVID-related staffing costs;
 - x. Program and authorize \$2,683,479 in Emergency Solutions Grant (ESG) funding made available by the CARES Act to provide emergency shelter costs, rapid rehousing services including hotel/motel vouchers, homelessness prevention services, and COVID-related staffing costs; and
 - xi. Program and authorize \$209,618 in Housing Opportunities for Persons with AIDS (HOPWA) funding made available by the CARES Act to the Health Trust to provide additional housing assistance to people living with HIV/AIDS, and authorize the Director of Housing to negotiate and execute an amendment to the Health Trust's current contract relating to these additional funds.
3. Authorize the City's Housing Department to submit the Substantial Amendments to the U.S. Department of Housing and Urban Development.
- C. Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Community Development Block Grant Fund:
1. Increase the estimate for Revenue from the Federal Government by \$5,263,414;
 2. Decrease the Neighborhood Infrastructure Improvements appropriation to the Housing Department by \$5,695,926;
 3. Decrease the Code Enforcement Operations appropriation to the Planning, Building and Code Enforcement Department by \$404,074;
 4. Increase the Housing Emergency and Minor Repair Program appropriation to the Housing Department by \$400,000;
 5. Establish a CARES Act appropriation to the Housing Department in the amount of \$5,263,414;
 6. Establish a City Food Services appropriation to the Housing Department in the amount of \$1,200,000;
 7. Establish an Emergency Housing Vouchers appropriation to the Housing Department in the amount of \$2,000,000; and
 8. Establish a Microenterprise Loans appropriation to the Housing Department in the amount of \$2,500,000.
- D. Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
1. Increase the estimate for Revenue from Federal Government by \$2,893,097;
 2. Establish a CARES Emergency Shelter Grants appropriation to the Housing Department in the amount of \$2,683,479; and
 3. Establish a CARES HOPWA Grants appropriation to the Housing Department in the amount of \$209,618.

OUTCOME

Approval of these Substantial Amendments will ensure that all available federal Community Development Block Grant (CDBG) funding can be used in accordance with federal requirements for timely expenditure. Approval will also enable the City to promptly use federal funding made available in the CDBG, ESG, and HOPWA programs by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be spent in FY 2019-20 to respond to local needs created by the Coronavirus Disease 2019 (COVID-19). The funds will be used for City food services for homeless, senior, and disabled residents; homeless services; emergency hotel/motel vouchers for families; supporting San José microenterprises that employ low-income workers; emergency and minor repair services for low-income homeowners; emergency shelter set-up and operations; and supporting persons living with HIV/AIDS.

EXECUTIVE SUMMARY

This action amends the City's FY 2015-20 Consolidated Plan and the FY 2019-20 Annual Action Plan, which govern the expenditure of entitlement funds and competitive grants that the City received from the U.S. Department of Housing and Urban Development (HUD). The purpose of the amendments is to spend available funds and to recognize newly-available federal funds through the recent federal Coronavirus Aid, Relief, and Economic Security Act for the purpose of COVID-19 response.

The City proposes to use these funds to prioritize those areas where the Emergency Operations Center has been charged with either leading (food) or collaborating (shelter) with the County in responding to COVID-19. More specifically funding will help respond to the community's needs in the following areas: rapid rehousing services for homeless residents, including hotel/motel vouchers for homeless families and for those who need individual units due to medical conditions or domestic violence; homelessness prevention services; food deliveries for homeless, senior, and disabled populations; low-interest loans to San José microenterprises that employ five or fewer low-income workers; emergency and minor repair services for low-income homeowners to help them keep in place; housing assistance and services for low-income persons living with HIV/AIDS; and, emergency shelter costs.

In order to quickly deliver these services, staff intends to use a combination of contractual arrangements. These include a new agreement with the Opportunity Fund, a new sole source contract to Loaves and Fishes Consortium, and amendments to existing contracts with LifeMoves, The Health Trust, and Rebuilding Together Silicon Valley.

BACKGROUND

On June 11, 2019, the City Council approved the Fiscal Year (FY) 2019-20 Annual Action Plan for expenditure of the entitlement funds and competitive grants that the City received from HUD. Staff submitted the City Council-approved Plan to HUD in June 2019, and HUD approved it in July 2019.

The City's Annual Action Plan details its funding strategy for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnership (HOME), and Housing Opportunities for People with AIDS (HOPWA) programs each year. Annual Action Plans implement a jurisdiction's Five-Year Consolidated Plan and are developed through significant public input, analysis, and planning. The Action Plan provides spending caps for the different programs or services funded by federal funds.

All entitlement jurisdictions such as San José that receive HUD's federal funds by formula allocation are required to have an adopted Citizen Participation Plan. San José's Citizen Participation Plan describes the efforts that the City will take to encourage its residents to participate in developing federal spending plans. It also provides requirements for the public process to be used when a "Substantial Amendment" to programs funded in the Annual Action Plan is proposed. Per the City's Citizen Participation Plan, a substantial amendment constitutes a change to a previously adopted Five-Year Plan or Annual Plan that:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding, or
- Makes a significant change to an activity's proposed beneficiaries or persons served, or
- Funds a new activity not previously described in the Action Plan.

When a proposed change in program funding reaches one of these thresholds, the City must comply with the public process required in the Citizen Participation Plan for Substantial Amendments, which includes a 30-day public comment period and two public hearings. However, due to the need to deploy funds quickly to respond to the COVID-19 crisis, HUD has issued guidance that waives the Citizen Participation Plan requirements for entitlement recipients, provided that (1) no fewer than five days are provided for public comment and that (2) reasonable notice and the opportunity to comment is provided. Accordingly, the City has advertised the availability of the proposed amendments and the opportunity to comment on these amendments on its website five days prior to the hearing, has sent a notice by email to its general distribution list and to its Housing and Community Development Commissioners, and has posted the opportunity to comment on its social media accounts. An email address was provided on the notice where comments can be submitted. In addition, comments will be accepted prior to the hearing via a link on the City Council's agenda webpage as well as by e-mail to the City Clerk (city.clerk@sanjoseca.gov) by 12:00 p.m. the day of the hearing. During the hearing, comments can be submitted via eComment on the City's agenda webpage as well as by emailing councilmeeting@sanjoseca.gov and identifying the agenda item number in the subject line.

COVID-19 Response

On March 16, 2020, the Health Officer of the County of Santa Clara ordered a shelter-in-place for all residents due to COVID-19. The effects of COVID-19 and the shelter-in-place have led to residents and businesses facing numerous challenges and emergencies. Of the challenges and emergencies the City is working quickly to solve, the need for additional meal delivery services for the most underserved residents populations throughout the City and County has become the responsibility of the City as administered through the City's Emergency Operations Center. The City is continually looking for additional partners, funding, and volunteers to ensure that the food, housing and shelter needs of low-income seniors, families, and homeless residents are addressed. Additionally, small businesses are looking for ways to keep their doors open and to provide essential services to their community instead of closing and laying off employees, many of whom are low-income.

On March 27, 2020 HUD notified federal grant jurisdictions of supplemental CDBG, ESG, and HOPWA allocations authorized by the CARES Act, Public Law 116-136, to respond to the impacts of COVID-19. The CARES Act made available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to Coronavirus (CDBG-CARES grants). Additionally, the CARES Act provides CDBG grantees with flexibilities that make it easier to use CDBG-CARES grant funds for fiscal years 2019 and 2020 CDBG Grants for COVID-19 response, and authorizes HUD to grant waivers and alternative requirements. San José is receiving the following supplemental allocations that must be programmed into its FY 2019-20 Annual Action Plan to allow the funds to be spent:

- CDBG-CARES: \$5,263,414
- ESG-CARES: \$2,683,479
- HOPWA-CARES: \$209,618

ANALYSIS

Causes of the Need to Amend

The City's current Annual Action Plan and Consolidated Plan are being amended for three reasons:

- to fund urgent needs of the community related to the COVID-19 crisis;
- to accommodate changes in spending rates that normally occur during the year; and,
- to meet the annual federal deadline to disburse certain CDBG funds.

To enable jurisdictions to respond quickly to the COVID-19 crisis, on April 1, 2020, HUD issued a memorandum providing regulatory waivers of certain Continuum of Care (CoC), ESG, HOPWA, and Consolidated Plan requirements. The goals of the waivers are to help prevent the spread of COVID-19, and to provide additional support to individuals and families eligible for CoC, ESG, and HOPWA assistance who are economically impacted by COVID-19. One of HUD's regulatory waivers allows the flexibility to exceed CDBG's 15% cap on the amount of the grant funds allowed to be spent on public services.

With flexibility to spend more money on services, staff proposes funding the following uses:

- Award \$1,200,000 in CDBG funds to the Loaves and Fishes-led Consortium to expand urgently-needed City meal delivery services to vulnerable San José residents, including seniors, homeless individuals and families, and disabled residents. Agencies within the Consortium include The Health Trust and Martha's Kitchen. The City's Emergency Operations Center has been charged with the responsibility of leading County-wide food distribution in response to COVID-19. City staff has determined that providing funding to the organizations identified in this memo will help support those efforts.
- Allocate \$2,000,000 in CDBG funds to LifeMoves for emergency hotel/motel vouchers for families. LifeMoves currently operates the City's emergency hotel voucher program for homeless families. On April 7th, the City Council directed the Housing Department to identify sources to support homeless families. These funds will be used for homeless families with minor children who need immediate shelter
- Allocate \$519,000 in CDBG funds to the Housing Department for costs related to establishing and operating City emergency shelters in response to COVID-19.

In addition, the COVID crisis has hit the small business community hard. Therefore, staff proposes an additional new commitment from FY 2019-20 CDBG CDI funds:

- Award \$2,500,000 in CDBG funds to the Opportunity Fund, a San José nonprofit lender specializing in small business lending, to provide low-interest loans to San José microenterprises. The purpose of the program will be to provide small loans (typically \$5,000 to \$30,000) to help local businesses cope with the COVID economic downturn by providing funds needed for working capital and business restarting costs that will result in low-income jobs being retained and/or created. Qualifying businesses must be in San José, typically be owned by low-income owners, and have five or fewer full-time employees.

The current year's CDBG funds came from three sources:

- The 2019-20 Annual Action Plan awarded \$500,000 of CDBG funds to the San José Housing Rights Consortium for legal services for low-income tenants and landlords. However, recent staffing changes within the Consortium did not give it enough time to expend \$125,000 of the funds within FY 2019-20. As a result, by reallocating the funds, the City will be able to redirect more funding to meet the COVID-19 pandemic. Staff recommends that the funds be used to partially fund meal delivery services, as described above.
- The 2019-20 Annual Action Plan awarded \$1,100,000 of CDBG funds to the Planning, Building, and Code Enforcement Department for enhanced code inspection services. However, because of Code Inspector staff vacancies, Code Enforcement is unable to expend \$400,000 of funds within FY 2019-20. As a result, the funds need to be

reallocated. Staff is recommending that the funds be applied to a related use – to improve properties’ physical conditions – by awarding these funds to Rebuilding Together Silicon Valley to provide emergency and minor repair services for low-income homeowners.

- The 2019-20 Annual Action Plan had allocated more than \$6 million for infrastructure and building rehabilitation projects that had not yet moved forward. Most of these funds are being redirected towards the COVID-related uses identified in this memorandum.

CARES ACT Funding

The City’s supplemental allocations for CDBG, ESG, and HOPWA via the CARES Act are allowed to be programmed into the FY 2019-20 Annual Action Plan so that funds can be deployed quickly. The following tables define the supplemental amounts the City has been awarded through the CARES Act, and the amounts available for programming after the City’s administrative costs are taken into account.

To respond to the COVID-19 emergency, the Housing Department has focused much of its efforts thus far in setting up emergency shelters throughout San José. These shelters allow homeless individuals and families to shelter-in-place and to prevent the spread of COVID-19. Currently, staff has set up large-scale shelters at Parkside Hall and the Convention Center’s South Hall, which are both open. The Camden Community Center is being set up as a shelter to support families and is scheduled to open up the week of April 20th. The Bascom Community Center moved to a 24/7 operations on April 16th to allow shelter guests to comply with the shelter in place order. All of the shelters are accepting clients by referral only.

Shelter improvements, shelter operations, and provision of hotel/motel vouchers are all eligible costs under CDBG. These uses are being allocated \$4,210,732 in supplemental CDBG funding. HUD allows 20% of the supplemental funding to be allocated to cover administrative costs (\$1,052,682). Both allocations are outlined in Table 1.

Table 1 – Fiscal Year 2019-20 CDBG-CARES Supplemental Funding

FY 2019-20 CDBG-CARES Supplemental Funding	
Administration (includes City grant administrative costs)	\$1,052,682
Public Services and Community Development Improvements – Emergency Shelter Improvements, Operations & Hotel/Motel Vouchers	\$4,210,732
Total FY 2019-20 CDBG Supplemental Funds	\$5,263,414

HUD has issued supplemental HOPWA funding to support current clients being served as outlined in the City’s current FY 2019-20 Annual Action Plan. The supplemental funding will allocate \$188,657 to support clients facing increasing rents due to loss of income along with other supportive services. HUD allows 10% of the supplemental HOPWA funding to be allocated to Housing Department administration (\$20,961), which is necessary for staff to oversee the grant. Both allocations are outlined in Table 2.

Table 2 – Fiscal Year 2019-20 HOPWA-CARES Supplemental Funding

FY 2019-20 HOPWA-CARES Supplemental Funding	
City Administration and Planning	\$20,961
Tenant-based Rental Assistance & Supportive Services – The Health Trust	\$188,657
Total FY 2019-20 HOPWA Supplemental Funding	\$209,618

ESG funding can be used to fund eligible categories that include Emergency Shelter, Homeless Outreach, Homelessness Prevention, Rapid Rehousing, and Homeless Management Information System. Shelter operations and homelessness prevention are both uses that need additional funding. ESG supplemental funding of \$2,415,132 will be allocated toward those efforts. HUD allows 10% of the supplemental ESG funding to be allocated to cover administrative costs (\$268,347). Both allocations are outlined in Table 3.

Table 3 – Fiscal Year 2019-20 ESG-CARES Supplemental Funding

FY 2019-20 ESG-CARES Supplemental Funding	
Administration	\$268,347
Emergency Shelter & Homelessness Prevention	\$2,415,132
Total FY 2019-20 ESG Supplemental Funding	\$2,683,479

Process of Determining Reallocation and Awarding of Funds

To determine the shifting of CDBG funds to use for City meal services, low-income job retention and/or creation, emergency hotel/motel vouchers, shelters, and emergency and minor repair services, staff examined the following: 1) other eligible uses within the same CDBG category; 2) the merits of alternative activities; 3) whether an existing contract exists to expend funds quickly; 4) whether an awardee had capacity to spend additional funds quickly; and 5) whether the City and its partners could identify emergency solutions to help cope with COVID-19 conditions.

As the lead of the County's COVID-19 meal distribution services, the City has been looking to leverage the strengths of additional community partners, funding, and volunteers to ensure that the needs of low-income seniors, families, disabled, and homeless residents are addressed. The Housing Department partnered with the Parks, Recreation, and Neighborhood Services Department (PRNS) and the Silicon Valley Council of Nonprofits (SVCN) to determine how CDBG funds could best be used throughout the City for meal delivery services. PRNS determined the populations in need of meal delivery services that could be assisted with CDBG funding, and SVCN assembled a consortium of agencies lead by Loaves and Fishes to provide the services. Because Loaves and Fishes is not an existing CDBG subgrantee, but has the capacity and expertise to operate the consortium, the Housing Department selected them without a competitive process.

The rationale for awarding to the Consortium members without a competitive process is as follows. Food distribution is needed urgently due to the COVID-19 crisis for the vulnerable populations being targeted. SVCN, the main nonprofit membership organization serving San José, assessed capacity and track record of the nonprofits already serving food needs in San José. PRNS has determined that an agreement with this Consortium serving these subpopulations is of benefit to the City's food services. Speed in determining a food delivery mechanism was critical, so that funds could be disbursed in April in order to meet both the needs of the community as well as the HUD deadline for CDBG expenditures. 24 CFR Section 85.36(d)(4) allows for non-competitive proposals, including sole source award, for the use of CDBG funds if there is a public exigency or emergency. Due to the COVID-19 emergency and the critical needs of the community, there exists a public exigency or emergency warranting sole-sourcing this vital service. Therefore, the funding source did not require a competitive process, and the federal government issued waivers of other rules so that jurisdictions could use funds as quickly as possible. For these reasons, a sole source contract is appropriate for the Loaves and Fishes Consortium.

The City's Office of Economic Development approached the Housing Department concerning the use of CDBG funds for loans to small businesses that were suffering due to the COVID crisis. The Housing Department identified \$2.5 million of CDBG funds it could redirect to assist microenterprises to cope with the COVID economic downturn. These businesses are the most underserved by traditional capital, and need funds for working capital to pay bills such as rent, utilities, supplies, and payroll. As the City starts to transition to COVID recovery, business owners will also need to fund business restarting costs, such as purchase of new perishable supplies and additional working capital to pay ongoing expenses. Per CDBG rules, the contract will focus on low-income jobs being retained and/or created. Because the Department utilizes CDBG CDI funds for this activity, a subrecipient agreement can be executed with the Opportunity Fund to administer the loan program despite not being an original CDBG subgrantee. A subrecipient agreement, in which the grantee takes on many responsibilities that the City typically would in ensuring funds are used properly, will allow the Opportunity Fund to carry out the loan program on behalf of the Department. City staff will monitor the subrecipient's adherence to procedures and performance under the program.

Establishing a subrecipient agreement under CDBG regulations does not require a competitive process be conducted. The Opportunity Fund is an ideal partner for this work, as it is based in San José but has a national presence, specializes in serving underserved micro business borrowers, and is part of the Accion Network, a network of community lenders focused on serving a diverse set of small entrepreneurs through provision of technical assistance and best practices financial assistance.

With homeless families struggling to find safe options to shelter-in-place and prevent the spread of COVID-19, the Housing Department identified \$2,000,000 of CDBG funds to redirect toward emergency hotel vouchers consistent with the City Council direction. Families will be able to use these vouchers for up to three months as the need for shelter-in-place and preventing the spread of COVID-19 continues. LifeMoves has as an existing contract to operate the City's Motel Voucher Program and has capacity to take on the additional funding and to increase its services.

Finally, the emergency and minor repair program is an essential services program utilized by low-income homeowners, of which a large percentage are seniors and low-income families with children. Enabling low-income households to stay in their homes during this pandemic allows them to continue safely shelter away from other households, reducing the likelihood of virus transmission. Currently, there are two agencies that receive CDBG funding for emergency and minor repair services, and both were asked if they had capacity to take on the additional funding and provide additional services. Rebuilding Together Silicon Valley responded affirmatively. Rebuilding Together has an existing award of \$1,100,000 in CDBG CDI funding under the FY 2019-10 Annual Action Plan.

All authorized contracts responding to impacts of COVID-19 will be retroactive to the first day of shelter-in-place, March 16, 2020, as ordered by Santa Clara County's Health Officer.

Substantial Amendments are Required

The proposed changes to the City's FY 2015-20 Consolidated Plan and FY 2019-20 Annual Action Plan qualifies as Substantial Amendments because it meets all three criteria:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding or
- Makes a significant change to an activity's proposed beneficiaries or persons served, or
- Funds a new activity not previously described in the Consolidated and/or Action Plan.

The changes to the FY 2015-20 Consolidated Plan and FY 2019-20 Action Plan are provided in **Attachment A** and are summarized below.

Proposed Changes

The following change is included in the Substantial Amendment draft on Attachment A page 1 :

Job Retention (CDBG)

Addition of Job Retention as an eligible CDI activity in the 2015-20 Consolidated Plan and 2019-20 Annual Action Plan.

The allocation of \$2,500,000 in CDBG CDI funding to the Opportunity Fund is expected to provide an estimated 150 low-income business owners with low-interest loans and technical assistance, which will provide goods and services to the community and will retain and/or create approximately 250 full-time equivalent jobs. (These outcomes reflect only the funds' first usage, and would be multiplied assuming the funds are put into a revolving loan fund with loan repayments recycled and lent again to new borrowers several times over.)

Meal Delivery Services

The meal delivery services will be conducted in coordination with the City's emergency food distribution team to ensure the successful delivery of meals to our most vulnerable residents. Seniors, disabled residents, homeless residents, low-income individuals, and low-income families will be served by food services through CDBG funds.

The award of \$1,200,000 in CDBG funding to the Loaves and Fishes Consortium will provide 180,500 meal delivery services to an additional 77,750 people that cannot access food during the COVID-19 shelter-in-place.

Emergency and Minor Repair Program

The additional \$400,000 in CDBG funding is expected to provide home minor repair services to an additional estimated 30 low-income households through Rebuilding Together Silicon Valley.

Homeless Services/Shelter Operations

The \$519,000 in additional CDBG funding will allow the City to be reimbursed for costs incurred for operations of emergency shelters established in response to COVID-19.

The additional \$4,210,732 in CDBG-CARES funding will allow the City to pay for emergency shelter improvements and operations costs as well as hotel/motel vouchers for vulnerable populations, as the need for shelter-in-place and preventing the spread of COVID-19 continues.

The additional \$2,246,073 in ESG-CARES funding will provide emergency shelter operations, hotel/motel vouchers for vulnerable populations, and homelessness prevention for vulnerable populations in light of the COVID-19 emergency.

Emergency Hotel/Motel Vouchers

The additional \$2,000,000 in CDBG will provide homeless families, with a minor child, with safe and healthy shelter to meet the County stay at home order. (The number of families to be assisted is to be determined, as it is significantly dependent on the length of the stay at home order.)

Tenant-Based Rental Assistance and Supportive Services for Persons Living with HIV/AIDS

The additional \$188,657 in HOPWA-CARES funding will support housing and services needs for persons living with HIV/AIDS that are affected by COVID-19 under The Health Trust's contract.

CONCLUSION

Changes to the FY 2015-2020 Consolidated Plan and FY 2019-20 Annual Action Plan are reallocating \$6,219,000 in CDBG funding in response to COVID-19 emergencies, programming \$8,156,511 in supplemental CARES Act federal funding, and reprogramming awarded but unused \$125,000 in CDBG public services and \$400,000 in CDBG CDI services. To ensure that the City can meet the needs of its residents, staff is recommending to award a sole source contract of \$1,200,000 to the Loaves and Fishes Consortium to expand meal delivery services throughout the City, to award \$2,500,000 to the Opportunity Fund to provide low-interest loans to microenterprises to survive and rebuild after COVID, \$2,000,000 to LifeMoves to provide emergency hotel/motel rooms for homeless families, and to increase funding to Rebuilding Together Silicon Valley to provide additional emergency and minor repair services to low-income homeowners to allow them to remain in their homes. The new supplemental federal funds will be used for emergency shelter improvements and operations, provision of hotel/motel vouchers for homeless families and vulnerable individuals, homelessness prevention, and supporting housing and services needs for persons living with HIV/AIDS.

Additional Funding for Families

The Housing Department will continue to identify the needs and additional funding sources for homeless families including survivors of Domestic Violence. Staff met with the McKinney-Vento County staff to identify services gaps as a result of COVID-19. The health crisis has exacerbated existing conditions for homeless children and their families. The leadership at the County reports that homeless youth are struggling with online school classes, as library closures mean they lack computer access, secure storage for laptops, hotspots for portable broadband access, power sources, and safe spaces to attend online classes and do homework. Families continue to be challenged with adequate transportation support given bus route cutbacks, affordable childcare, and flexible hour access to shelters. They anticipate more need for food and clothing as the shelter in place order continues. Housing staff has also held conversations with Domestic Violence services providers to identify their needs. The City and County of Santa Clara are working together to come up with a plan that will meet the needs of these youth and

their families' specific housing challenges. If additional funding is needed, staff will return to the City Council with a funding proposal.

EVALUATION AND FOLLOW-UP

After the City Council public hearing, staff will submit the Substantial Amendments and the record of public comments to HUD for approval. In fall 2020, staff will return to the City Council with the Consolidated Annual Performance Evaluation Report (CAPER) that reports on performance of federally funded programs and projects included in the 2019-2020 Annual Action Plan.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum has been posted on the City's website for approval by the City Council on April 21, 2020.

COORDINATION

The preparation of this memorandum was coordinated with the Office of Economic Development, the Emergency Operations Center's Food & Necessities Distribution Branch, and the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

HUD's recent waiver of regulatory processes in light of the COVID-19 emergency, and the City's cancellation of Commission meetings, has prevented the City from holding a public hearing on this item at the Housing and Community Development Commission. However, per HUD's guidance, the Housing Department used reasonable notice and the opportunity to comment on the Substantial Amendments by advertising the availability of the proposed amendments on its website five days prior to the hearing, sending a notice by email to its general distribution list and to its Housing and Community Development Commissioners, and posting the opportunity to comment on its social media accounts. An email address is provided on the notice where comments can be submitted. In addition, comments will be accepted prior to the hearing via a link on the City Council's agenda webpage as well as by e-mail to the City Clerk (city.clerk@sanjoseca.gov) by 12:00 p.m. the day of the hearing. The community will also have

the opportunity to comment virtually at the public hearing held by the City Council on April 21, 2020.

FISCAL/POLICY ALIGNMENT

The new activity identified in these Substantial Amendments to the fiscal year 2015-20 HUD Consolidated Plan and fiscal year 2019-20 Annual Action Plan is consistent with the priorities established in the City Council-approved fiscal year 2015-20 HUD Consolidated Plan.

COST SUMMARY/IMPLICATIONS

The actions recommended in this memorandum will recognize and appropriate: a \$5,263,414 CARES Act grant in the Community Development Block Grant Fund from the federal government; and, \$2,683,479 CARES Act grant in the Emergency Shelter Grant program and \$209,618 CARES Act grant in the Housing People with AIDS (HOPWA) program in the Multi-Source Housing Fund from the federal government.

The recommended actions in this memorandum will reallocate CDI funds in the Community Development Block Grant Program Fund (Fund 441) from Neighborhood Infrastructure Improvements and Code Enforcement Operations to the Rebuilding Together Silicon Valley emergency and minor repair projects for single family homes (\$400,000), to emergency job creation and retention funding to microenterprises administered by the Opportunity Fund (\$2,500,000), to emergency hotel/motel vouchers for families to LifeMoves (\$2,000,000), and to City meal services by Loaves and Fishes (\$1,200,000).

Making these changes and disbursing funds under the Loaves and Fishes contract will enable the City to meet a federal deadline at the end of April 2020 concerning the timely expenditure of CDBG funds. The changes will enable the Housing Department to make available CDBG funds for COVID-19 response to be used to deliver food to vulnerable residents and to help microenterprises survive and restart operations. These changes will also enable the March 2020 CARES Act funds to be incorporated into the Annual Action Plan to permit their immediate use.

April 20, 2020

Subject: Substantial Amendments to the FY 2015-20 Consolidated Plan and 2019-20 Annual Action Plan

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BUDGET REFERENCE

The table below identifies the funds and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Rec. Budget Action	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
441	R110	Revenue from Federal Government	\$8,856,601	\$5,263,414	X-16	06/18/19 Ord. 79162
441	7482	Neighborhood Infrastructure Improvements	\$6,665,000	(\$5,695,926)	X-16	10/22/19 Ord. 30325
441	3281	Code Enforcement Operations	\$1,102,037	(\$404,074)	X-16	06/18/19 Ord. 30286
441	3610	Housing Emergency and Minor Repair Program	\$1,650,000	\$400,000	X-16	06/18/19 Ord. 30286
441	New	CARES Act	\$0	5,263,414	N/A	N/A
441	New	City Food Services	\$0	\$1,200,000	N/A	N/A
441	New	Emergency Housing Vouchers	\$0	\$2,000,000	N/A	N/A
441	New	Microenterprise Loans	\$0	\$2,500,000	N/A	N/A
448	R110	Revenue from Federal Government	\$4,572,988	\$2,893,097	X-70	03/03/20 Ord. 79423
448	New	CARES Emergency Shelter Grants	\$0	\$2,683,479	N/A	N/A
448	New	CARES HOPWA Grants	\$0	\$209,618	N/A	N/A

CEQA

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

/s/

JACKY MORALES-FERRAND
Director of Housing



JIM SHANNON
Budget Director

HONORABLE MAYOR AND CITY COUNCIL

April 20, 2020

Subject: Substantial Amendments to the FY 2015-20 Consolidated Plan and 2019-20 Annual Action Plan

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I hereby certify that there will be available for appropriation in the designated funds and in the amounts as listed below in fiscal year 2019-2020 monies in excess of those heretofore appropriated therefrom:

Community Development Block Grant Fund	\$5,263,414
Multi-Source Housing Fund	\$2,893,097



JIM SHANNON
Budget Director

For questions, please contact Kristen Clements, Division Manager at (408) 535-8236.

Attachment A: Substantial Amendment to the FY 2015-20 Consolidated Plan and FY 2019-20 Annual Action Plan

ATTACHMENT A
City of San José Substantial Amendments to the
2015-20 Consolidated Plan and 2019-20 Annual Action Plan

The following is a summary and draft language that amends the 2015-20 Consolidated Plan and 2019-20 Annual Action Plan.

Background

The City of San José’s federal Consolidated Plan details the funding strategy for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnership, and Housing Opportunities for Persons with AIDS (HOPWA) for the period between 2015 and 2020. The Annual Action Plan details each year within the 5-year Consolidated Plan and outlines the implementation of annual funding, which is developed through significant public input, analyses, and planning.

The City’s Citizen Participation Plan (CPP) describes the efforts that the City will take to encourage its residents to participate in developing these plans. It also provides requirements for public process when a “substantial amendment” to the Annual Action Plan is proposed. The following changes constitute a substantial amendment and require public notice as described in the CPP:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding
- A significant change to an activity’s proposed beneficiaries or persons served
- Funding of a new activity not previously described in the Action Plan.

However, due to COVID-19, the United States Department of Housing and Urban Development (HUD) has issued guidance that waives the Citizen Participation Plan requirements for entitlement recipients, provided that (1) no fewer than five days are provided for public comment and that (2) reasonable notice and the opportunity to comment is provided.

Additionally, HUD has awarded supplemental funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that requires programming in the 2019-20 Annual Action Plan.

Proposed Substantial Amendments

The City is proposing the following amendment to the 2015-20 Consolidated Plan in order to add an eligible activity that was not previously identified:

1. Add Job Retention as an eligible activity under the Community Development Block Grant (CDBG) Community Development Investment (CDI) category;

The City is proposing the following amendment to the 2019-2020 Annual Action Plan in order to reallocate current program funds from projects/activities that did not expend the

projected funds within the fiscal year, as well as supplemental funding established by the CARES Act.

2. Add Job Retention as an eligible activity under the Community Development Block Grant (CDBG) Community Development Investment (CDI) category;
3. Allocate CDBG CDI funding for emergency job creation and retention loans to microenterprises in the amount of \$2,500,000 to the Opportunity Fund;
4. Award \$1,200,000 of CDBG Public Services funding for City food services to Loaves and Fishes;
5. Allocate \$2,000,000 of CDBG Public Services category funding for emergency hotel/motel vouchers for families to LifeMoves;
6. Allocate \$519,000 of CDBG CDI funding to fund operations costs for emergency shelters established by the City;
7. Reduce CDBG Public Services category funding to the San José Housing Rights Consortium (Consortium) to provide Legal Services for Low-income Tenants by \$125,000, from \$500,000 to \$375,000;
8. Increase CDBG CDI funding to Rebuilding Together Silicon Valley to provide the Emergency and Minor Repair Program for single family homes by \$400,000, from \$1,650,000 to \$2,050,000;
9. Reduce CDBG CDI funding for Code Enforcement to provide enhanced code enforcement services by \$404,074, from \$1,102,037 to \$697,693;
10. Program and authorize \$5,263,414 in CDBG funding made available by the Coronavirus Aid, Relief, and Economic Security Act (CARES) to provide emergency shelter costs, hotel/motel vouchers, and COVID-related staffing costs;
11. Program and authorize \$2,683,479 in Emergency Solutions Grant (ESG) funding made available by the CARES Act to provide emergency shelter costs, rapid rehousing services including hotel/motel vouchers, homelessness prevention services, and COVID-related staffing costs; and
12. Program and authorize \$209,618 in Housing Opportunities for Persons with AIDS (HOPWA) funding made available by the CARES Act to the Health Trust to provide additional housing assistance to people living with HIV/AIDS.

Analysis

This proposal qualifies as a substantial amendment because it meets all three criteria:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding
- A significant change to an activity's proposed beneficiaries or persons served
- Funding of a new activity not previously described in the Action Plan.

Changes to the 2019-20 Annual Action Plan are primarily a result of:

1. The reprogramming of \$525,000 of CDBG funds that were not expended.

2. The reallocation of \$6,219,000 of FY 19-20 CDBG Funds from the acquisition and rehabilitation category.
3. Programming \$5,263,414 in CDBG funding made available by the CARES Act.
4. Programming \$2,683,479 in Emergency Solutions Grant (ESG) funding made available by the CARES Act.
5. Programming \$209,618 in Housing Opportunities for Persons with AIDS (HOPWA) funding made available by the CARES Act.

Public Process

The City of San José is providing notice of a five-day public comment period as part of the HUD public participation exemption process. Additionally, one public hearing will be held to provide opportunities for public comment:

- April 21, 2020 - City Council consideration of Substantial Amendments adoption, 1:30pm, Virtual Meeting, which can be found here: <https://www.sanjoseca.gov/news-stories/watch-a-meeting>
- (Please review Council Meeting [agenda](#) when available to confirm item number)

You can also view the documents on our [website](#).

Comments may also be provided to Robert Lopez by email (Robert.Lopez@sanjoseca.gov), phone (408-975-4402), or in writing addressed to:

City of San José Housing Department
200 E. Santa Clara Street, 12th Floor
ATTN: Grants Management
San José, CA 95113

1. On page 48 of the approved 2019-2020 Annual Action Plan, amend the estimated CDBG, ESG, and HOPWA Activities in section AP-38 Project Summary, as follows (**additions** or **deletions**):

AP-38 Projects Summary
Project Summary Information
Table 1 – Project Summary

	Project Name	Target Area	Needs Addressed	Funding	GOI
1	Senior Services	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods 	CDBG: \$200,000	200 persons assisted
2	Neighborhood Engagement	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods 	CDBG: \$200,000	250 persons assisted
3	Legal Services for LI Tenants	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods 	CDBG: \$500,000 \$375,000	300 persons assisted
4	Job Training for Unhoused Individuals	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods • Homelessness 	CDBG: \$500,000	10 Jobs created
5	Place Based Street and Infrastructure Enhancements	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods 	CDBG: \$2,410,000	1,000 persons assisted
6	Targeted Code Enforcement	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods 	CDBG: \$1,102,037 \$697,693	775 700 housing units
7	Minor Home Repair Program	N/A	<ul style="list-style-type: none"> • Strengthening Neighborhoods 	CDBG: \$1,650,000 \$2,050,000	300 325 housing units
8	HOPWA – The Health Trust	N/A	<ul style="list-style-type: none"> • Affordable Housing 	HOPWA: \$1,190,410	105 persons assisted
9	HOPWA – San Benito County	N/A	<ul style="list-style-type: none"> • Affordable Housing 	HOPWA: \$50,000	5 persons assisted
10	Rental Housing Development	N/A	<ul style="list-style-type: none"> • Affordable Housing 	HOME: \$10,139,416 CHDO: \$485,872	50 housing units
11	HOME TBRA	N/A	<ul style="list-style-type: none"> • Homelessness 	HOME: \$2,252,235	100 persons assisted
12	Services for Homeless and Unhoused Populations (CDBG)	N/A	<ul style="list-style-type: none"> • Homelessness 	CDBG: \$388,490	160 persons assisted 800 outreach contacts
13	Homeless Services (ESG18 City of San José)	N/A	<ul style="list-style-type: none"> • Homelessness 	ESG: \$757,502	150 persons assisted 700 outreach

					contacts
14	Fair Housing	N/A	• Fair Housing	CDBG: \$318,896 HOME: \$81,104	220 persons assisted
15	Acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities	N/A	• N/A	CDBG: \$6,720,000 \$505,501,000	N/A
16	CDBG Administration and Monitoring	N/A	• N/A	CDBG: \$1,632,424	N/A
17	HOME Administration and Monitoring	N/A	• N/A	HOME: \$242,810	N/A
18	HOPWA Administration and Monitoring	N/A	• N/A	HOPWA: \$38,363	N/A
19	City Food Services – COVID-19	N/A	• Strengthening Neighborhoods	CDBG: \$1,200,000	77,580
20	Job Creation and Retention Small Business Loans – COVID-19	N/A	• Strengthening Neighborhoods	CDBG: \$2,500,000	250
21	Emergency Hotel/Motel Vouchers – COVID-19	N/A	• Homelessness	CDBG: \$2,000,000	TBD
22	Emergency Homeless Shelter Operations – COVID-19	N/A	• Homelessness	CDBG: \$515 519,000	TBD
23	CDBG-CARES (2019)	N/A	• Homelessness	CDBG: \$4,210,732	TBD
24	ESG- CARES (2019)	N/A	• Homelessness	ESG: \$2,683,479	TBD
25	HOPWA- CARES (2019)	N/A	• Affordable Housing	HOPWA: \$188,657	TBD
26	CDBG- CARES Administration and Monitoring	N/A	• N/A	CDBG: \$1,052,682	N/A
27	HOPWA- CARES Administration and Monitoring	N/A	• N/A	HOPWA: \$20,961	N/A

3	Project Name	Legal Services for LI Tenants and Landlords
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$500,000 \$375,000
	Description	The goal of the Legal Services for LI Tenants is to increase housing stability by providing landlord/tenant counseling, education, referrals, and legal assistance to tenants facing unlawful evictions or other landlord/tenant issues. These services will include additional outreach and education to low income tenants Citywide.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	300 low-income tenants and landlords
	Location Description	Citywide
	Planned Activities	Law Foundation of Silicon Valley - Consortium

6	Project Name	Targeted Code Enforcement
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$1,102,037 \$702,697,037
	Description	Code Enforcement activities will be conducted in low-income, residential neighborhoods that meet the City's definition of "Deteriorated/Deteriorating Areas". Code Enforcement's focus will be primarily on the inspections of multi-family units.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	775 700 households in place-based neighborhoods
	Location Description	Santee, Mayfair, Five Wounds/Brookwood Terrace, and additional hotspots identified through the Mayor's Gang Prevention Task Force
	Planned Activities	Place-based Code Enforcement

7	Project Name	Minor Home Repair Program
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$1,650,000 \$2,050,000
	Description	<p>This program will repair housing units to address immediate health and safety needs for extremely low-income homeowners in San José. The focus of repairs will address emergency and critical repair needs, as well as accessibility and mobility needs within the home.</p> <p>The program also includes funding for limited rehabilitation to address more substantial safety issues in the home to ensure safe, affordable, decent living environment for the occupants.</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	250 325 extremely low-income homeowners
	Location Description	Citywide
Planned Activities	Rebuilding Together Habitat for Humanity	

15	Project Name	Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities
	Target Area	N/A
	Goals Supported	Affordable Housing and Strengthen Neighborhoods
	Needs Addressed	Affordable Housing and Strengthen Neighborhoods
	Funding	CDBG: \$6,720,000 \$505,501,000
	Description	CDBG funds will be used to support the acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	TBD

19	Project Name	City Food Services – COVID-19
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$1,200,000
	Description	This project will fund Loaves and Fishes Consortium to prepare and deliver food/meals throughout the City to its most vulnerable populations: homeless, disabled, seniors, and low-income individuals and families.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	77,750 people who are homeless, disabled, seniors, and low-income individuals and families will receive 180,500 meals
	Location Description	Citywide (service locations vary)
Planned Activities	Loaves and Fishes Consortium (includes The Health Trust Meals on Wheels and Martha’s Kitchen)	

20	Project Name	Job Creation and Retention Small Business Loans – COVID-19
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods and/or Respond to Homelessness and Its Impacts on the Community
	Needs Addressed	Strengthening Neighborhoods and/or Respond to Homelessness and Its Impacts on the Community
	Funding	CDBG: \$2,500,000
	Description	The program will support San José microenterprises (small businesses of 5 or fewer FTEs owned by low-income owner) in the form of low-interest loans for working capital and business restarting to retain and/or create jobs during and after the COVID-19 crisis. The Opportunity Fund will be the subrecipient of CDBG funds and will operate the loan program.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	250 low-income jobs retained and/or created in first round of loans made
	Location Description	Citywide
	Planned Activities	Opportunity Fund – Microenterprise Loans for Job Retention and/or Creation

21	Project Name	Emergency Hotel/Motel Vouchers – COVID-19 (CDBG)
	Target Area	N/A

	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$2,000,000
	Description	The City is utilizing CDBG to fund LifeMoves to provide emergency hotel/motel vouchers to homeless individuals and families to prevent the spread of COVID-19.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Homeless individuals and families will be provided with emergency hotel/motel vouchers stays to prevent the spread of COVID-19.
	Location Description	Citywide
	Planned Activities	LifeMoves – Emergency hotel/motel vouchers

22	Project Name	Emergency Homeless Shelter Operations – COVID-19 (CDBG)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$519,000
	Description	The City will utilize CDBG funds to support Emergency Homeless Shelter Operation and creation to prevent the spread of COVID-19.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	Citywide
Planned Activities	Emergency Homeless Shelter Operations and Creation	

23	Project Name	CDBG-CARES (2019)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$4,210,732
	Description	The City will utilize CDBG-CARES funds to support Emergency Homeless Shelter costs to prevent the spread of COVID-19.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	TBD

	Location Description	Citywide
	Planned Activities	Emergency Homeless Shelter Operations and Creation

24	Project Name	ESG-CARES (2019)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	ESG: \$2,683,479
	Description	<p>The City will utilize ESG funds to support Emergency Shelter Operation and creation to prevent the spread of COVID-19.</p> <p>The Homeless Prevention program will utilize an integrated approach to provide case management services, deposit/rental assistance, and other eligible services as needed to keep individuals and families from experiencing homelessness due to the COVID-19 emergency.</p> <p>ESG funds will be used to support the administration of the ESG program by the City’s Housing Department. Funds may also be used for shelter and rapid rehousing activities.</p> <p><u>ESG Allocations by Component</u> Homeless Prevention and Shelter: \$2,415,132 Administration: \$268,347 (10%)</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	Citywide
	Planned Activities	<ul style="list-style-type: none"> • Homeless Prevention • Emergency Shelter Operations and Creation • Administration • Funds may also be used for rapid rehousing activities.

25	Project Name	HOPWA –CARES – The Health Trust
	Target Area	N/A
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOPWA: \$188,657
	Description	<p>The program will provide additional support to clients affected by COVID-19 and can include rent subsidies, permanent housing placement assistance, and supportive services to help low-income residents living with HIV/AIDS secure and maintain housing. Housing placement assistance includes working with an placement specialist and receiving security deposit assistance.</p>

		Supportive services include medical and housing case management and self-sufficiency services.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	90 low-income individuals living with HIV/AIDS
	Location Description	Santa Clara County
	Planned Activities	<ul style="list-style-type: none"> • Supportive Services • TBRA • Permanent Supportive Housing • Administration

26	Project Name	CDBG-CARES Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$1,052,682
	Description	A portion of the CDBG-CARES grant allocation will be used for reasonable planning and administrative costs associated with the administration of the CDBG funds and other related federal requirements. Administration funds will support oversight activities of the Housing Department, legal services from the City Attorney's Office, and environmental reviews. Funds may also be used to support the development of COVID-19 response plans.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street San José, CA 95113
Planned Activities	CDBG Planning and Administration	

27	Project Name	HOPWA-CARES Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	HOPWA: \$20,961
	Description	The City will allocate \$20,961 (approximately 10 percent of the entitlement grant) to administrative costs associated with managing with the HOPWA-CARES grant.
	Target Date	06/30/2020
	Estimate the number	N/A

	and type of families that will benefit from the proposed activities	
	Location Description	200 E. Santa Clara Street San José, CA 95113
	Planned Activities	HOPWA Administration

- - - - END OF ANNUAL ACTION PLAN AMENDMENT - - - -



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand
Jim Shannon

SUBJECT: SEE BELOW

DATE: June 29, 2020

Approved

Date

6/29/2020

SUBJECT: SECOND SUBSTANTIAL AMENDMENT TO THE FY 2019-2020 ANNUAL ACTION PLAN FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RECOMMENDATION

Hold a public hearing to allow for public comment, and:

- A. Adopt a resolution relating to the following actions regarding amendments to the existing spending plans for Community Development Block Grant (CDBG), and HOME Investment Partnership funds (HOME) awarded by the U.S. Department of Housing and Urban Development (HUD) to the City:
1. Approve the following relating to Substantial Amendments to the FY 2019-2020 Annual Action Plan to:
 - a. Decrease The Health Trust's current HOME allocation of \$2,252,235 by \$419,235 to \$1,833,000 and amend The Health Trust's Rapid Re-housing contract dated December 16, 2019;
 - b. Allocate \$6,517,646 of HOME funding for Tenant Based Rental Assistance (TBRA);
 - c. Award \$2,650,500 of HOME funding to Sacred Heart Community Service for TBRA, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Sacred Heart Community Service;
 - d. Award \$2,400,000 of HOME funding to Catholic Charities of Santa Clara County for TBRA, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Catholic Charities of Santa Clara County;
 - e. Award \$346,485 of HOME funding to Next Door Solutions to Domestic Violence for TBRA for victims of domestic violence and their families, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Next Door Solutions to Domestic Violence;

- f. Award \$1,000,000 of HOME funding to Bill Wilson Center for TBRA for families, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with the Bill Wilson Center;
 - g. Award \$121,161 of HOME funding, \$88,839 of CDBG funding, and \$15,000 of Housing Trust Fund (HTF) funding to YWCA for rental assistance and motel vouchers for victims of domestic violence and authorize the Director of Housing to negotiate and execute an amendment to the YWCA contract relating to these additional funds dated July 1, 2020;
 - h. Decrease the City's HOME administration allocation of \$242,810 by \$102,695 to \$140,115;
 - i. Add Community Wireless Network Infrastructure as an eligible project under the Acquisition, Rehabilitation and Infrastructure for Affordable Housing Sites and Public Facilities activity;
 - j. Allocate \$100,000 in CDBG funding to the City for the Community Wireless Network Infrastructure project for predevelopment purposes; and,
 - k. Award \$400,000 in CDBG funding to First Five of Santa Clara County to provide family calming kits and authorize the Director of Housing to negotiate and execute a sole source agreement with First Five of Santa Clara County.
2. Authorize the City's Housing Department to submit the Substantial Amendment to the U.S. Department of Housing and Urban Development.
- B. Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:
1. Decrease the Neighborhood Infrastructure Improvements appropriation to the Housing Department by \$588,839;
 2. Establish a Community Wireless Network Infrastructure appropriation to the Housing Department in the amount of \$100,000;
 3. Establish a Childcare Services appropriation to the Housing Department in the amount of \$400,000; and
 4. Establish a Homeless Services appropriation to the Housing Department in the amount of \$88,839.
- C. Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the HOME Investment Partnership Program Fund:
1. Decrease the Housing Project Reserve appropriation by \$5,000,000; and
 2. Decrease the Ending Fund Balance by \$1,517,646; and
 3. Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$6,517,646.

D. Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Housing Trust Fund:

1. Decrease the Ending Fund Balance by \$15,000; and
2. Increase the Housing and Homeless Projects appropriation to the Housing Department by \$15,000.

OUTCOME

Approval of this Substantial Amendment will redirect \$6,517,646 of available and appropriated federal HOME funding for FY 2019-20 to be used for Tenant Based Rental Assistance (TBRA) to respond to local needs created by the Coronavirus Disease 2019 (COVID-19). This action also reallocates \$588,839 in appropriated CDBG funds to provide family calming kits through First Five of Santa Clara County, establishes the Community Wireless Network Infrastructure project as an eligible project in FY 2019-20 and provide funding for its predevelopment, and provides motel vouchers as emergency shelter for victims of domestic violence and their families.

EXECUTIVE SUMMARY

This action amends the City's FY 2019-20 Annual Action Plan, which governs the expenditure of entitlement funds and competitive grants that the City received from the U.S. Department of Housing and Urban Development (HUD). The purpose of the amendment is to spend available funds for COVID-19 response. This is the second amendment to the City's FY 2019-20 Annual Action Plan; the City Council approved the first amendment on April 21, 2020.

The City proposes to use these identified funds to prioritize those in which the Emergency Operations Center has been charged with collaborating (emergency rental assistance) with the County in responding to COVID-19. More specifically, funding will help respond to the community's needs by: (1) providing emergency rental assistance to low-income households and families, and (2) addressing communities' lack of reliable internet access, which access is necessary to facilitate learning and bridge the digital divide in low-income areas.

To quickly deliver these services, staff intends to use a combination of contractual arrangements. These include new sole source contracts with Sacred Heart Community Service, Catholic Charities of Santa Clara County, Next Door Solutions to Domestic Violence, Bill Wilson Center, and First Five of Santa Clara County, as well as an amendment to an existing contract with the YWCA. These sole source contracts are warranted due to the COVID-19 emergency and the critical needs of the community, and are permitted by federal government regulations.

BACKGROUND

On June 11, 2019, the City Council approved the Fiscal Year (FY) 2019-20 Annual Action Plan for expenditure of the entitlement funds and competitive grants that the City received from HUD. Staff submitted the City Council-approved Plan to HUD in June 2019, and HUD approved it in July 2019.

The City's Annual Action Plan details its funding strategy for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnership (HOME), and Housing Opportunities for People with AIDS (HOPWA) programs each year. Annual Action Plans implement a jurisdiction's Five-Year Consolidated Plan and are developed through significant public input, analysis, and planning. The Action Plan provides spending caps for the different programs or services funded by federal funds.

All entitlement jurisdictions such as San José that receive HUD's federal funds by formula allocation are required to have an adopted Citizen Participation Plan. San José's Citizen Participation Plan describes the efforts that the City will take to encourage its residents to participate in developing federal spending plans. It also provides requirements for the public process to be used when a "Substantial Amendment" to programs funded in the Annual Action Plan is proposed. Per the City's Citizen Participation Plan, a substantial amendment constitutes a change to a previously adopted Five-Year Plan or Annual Plan that:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding, or
- Makes a significant change to an activity's proposed beneficiaries or persons served, or
- Funds a new activity not previously described in the Action Plan.

When a proposed change in program funding reaches one of these thresholds, the City must comply with the public process required in the Citizen Participation Plan for Substantial Amendments, which includes a 30-day public comment period and two public hearings. However, due to the need to deploy funds quickly to respond to the COVID-19 crisis, HUD has issued guidance that waives the Citizen Participation Plan requirements for entitlement recipients, provided that (1) no fewer than five days are provided for public comment and that (2) reasonable notice and the opportunity to comment is provided.

Accordingly, the City has advertised the availability of the proposed amendments and the opportunity to comment on these amendments on its website five days prior to the hearing, has sent a notice by email to its general distribution list and to its Housing and Community Development Commissioners, and has posted the opportunity to comment on its social media accounts. An email address was provided on the notice where comments can be submitted. In addition, comments will be accepted prior to the hearing via a link on the City Council's agenda webpage as well as by e-mail to the City Clerk (city.clerk@sanjoseca.gov) by 12:00 noon on the day of the hearing. During the hearing, comments can be submitted via eComment on the City's

agenda webpage as well as by emailing councilmeeting@sanjoseca.gov and identifying the agenda item number in the subject line.

COVID-19 Response

On March 16, 2020, the Health Officer of the County of Santa Clara ordered a shelter-in-place for all residents due to COVID-19. The effects of COVID-19 and the shelter-in-place have led to residents and businesses facing numerous challenges and emergencies.

On April 21, 2020, the City Council approved the first substantial amendment to the FY 2019-20 Annual Action Plan, which utilized existing CDBG funds and additional allocations made in the CDBG, ESG, and HOPWA programs by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be spent in FY 2019-20 to respond to local needs created by COVID-19. These funds are being used for City food services for homeless, senior, and disabled residents; homeless services; emergency hotel/motel vouchers for families; supporting San José microenterprises that employ low-income workers; emergency and minor repair services for low-income homeowners; emergency shelter set-up and operations; and supporting persons living with HIV/AIDS.

As the shelter-in-place order continues with planned phases to reopen instituted by the State of California and County of Santa Clara, residents are still feeling the effects of job loss and many are currently unable to pay rent.

Additionally, students have been affected as schools have turned to distance learning to complete the school year. Due to COVID-19, school campuses have switched from physical attendance to distance learning. Even when schools can reopen for physical attendance, distance learning will be a necessary component of instruction in order to prevent disruptions due to temporary closures or other measures necessary to promote the safety and well-being of all students. Distance learning implementation necessarily will evolve, and to sustain quality online learning, consistent and universal access to the internet is essential.

The City of San José created a broadband strategy in 2016 that identified the importance of digital connectivity in the 21st century. Without reliable access to the internet, individuals, families and students are disconnected from a vital utility and unable to effectively participate in the digital economy. The City's broadband strategy seeks to extend technology's reach and to empower each San José resident, especially those who are historically under-represented or under-served. Before the COVID-19 crisis began, an estimated 95,000 people in San José lacked reliable broadband Internet connectivity. The Digital Inclusion Partnership, which combines private sector investment with a nonprofit focused Digital Inclusion Fund, is designed to bridge that digital divide. Through the Education and Digital Literacy Strategy and Schools/City Collaborative, the City has engaged with school districts to identify and implement programs that enhance digital literacy skill development, as well as access to equipment and curricula. The City continues to look for ways to assist residents as partnerships, resources, and new direction from HUD becomes available.

ANALYSIS

The Need to Amend the Annual Action Plan

The City’s current Annual Action Plan is being amended to fund urgent needs of the community related to the COVID-19 crisis. To enable jurisdictions to respond quickly to the COVID-19 crisis, on April 10, 2020, HUD issued a memorandum providing regulatory waivers of certain HOME requirements. The goal of the waiver is to provide guidance and the necessary statutory suspensions and regulatory waivers to enable HOME participating jurisdictions affected by the Coronavirus Disease 2019 (COVID-19) pandemic to use HOME funds to address immediate housing needs and to help prevent spread of the virus.

One of HUD’s regulatory waivers allows the flexibility to exceed HOME’s 10% cap on the amount of the grant funds allowed to be spent on administration to 25%. Most importantly, the TBRA waivers allow jurisdictions to facilitate urgent housing assistance to the communities and families experiencing financial hardship. Staff proposes funding the following uses in Table 1:

Table 1 – Fiscal Year 2019-20 HOME TBRA and Administration Allocation

HOME-Funded Agency	HOME TBRA (19-20)	HOME Administration (19-20)	Contract Total (19-20)
Sacred Heart	\$2,511,000	\$139,500	\$2,650,500
Catholic Charities	\$2,260,500	\$139,500	\$2,400,000
Bill Wilson Center	\$904,231	\$95,769	\$1,000,000
The Health Trust	\$1,650,700	\$182,300	\$1,833,000
YWCA	\$121,161	\$0	\$121,161
Next Door	\$314,987	\$31,498	\$346,485
Law Foundation	\$0	\$81,104	N/A
City of San José	\$0	\$140,115	N/A
Total:	\$7,762,579	\$809,786	\$8,351,146

*Law Foundation of Silicon Valley’s allocation for Fair Housing services will remain unchanged.

The following summarizes the awards of TBRA contracts, which staff requests be made retroactive to April 10, 2020, as allowed by HUD waivers. The cost of internet access to help vulnerable adults and children will also be an allowed reimbursable cost wherever funding rules will allow:

- Award \$2,650,000 in HOME funds to Sacred Heart Community Service to expand urgently needed rental assistance to residents and families, \$139,500 of which will be for rental assistance administration. Sacred Heart will receive additional FY 2020-21 HOME funds in the amounts of \$1,339,000 for TBRA and \$260,500 for administration, which will be allocated through the FY 2020-21 Annual Action Plan process. The total of the contract will be for \$4,250,000.

- Award \$2,400,000 in HOME funds to Catholic Charities of Santa Clara County to expand urgently needed rental assistance to residents and families, \$139,500 of which will be for rental assistance administration. Catholic Charities will receive additional FY 2020-21 HOME funds in the amounts of \$1,339,500 for TBRA and \$260,500 for administration. The total of the contract will be for \$4,000,000.
- Award \$121,161 in HOME funds, \$88,839 of CDBG funds, and \$15,000 of Housing Trust Fund (HTF) funds to YWCA for rental assistance and emergency motel vouchers for victims of domestic violence and their families.
- Award \$346,485 in HOME funds to Next Door Solutions to Domestic Violence for rental assistance and emergency motel vouchers for victims of domestic violence and their families, \$31,498 of which will be for rental assistance administration.
- Award \$1,000,000 in HOME funds to Bill Wilson Center for rental assistance to families, \$95,769 of which will be for rental assistance administration.
- Decrease The Health Trust's current HOME allocation by \$419,235 to \$1,833,000 and amend The Health Trust's current contract to reallocate unspent funds on emergency rental assistance administration. \$182,300 of which will be for rental assistance administration.
- Decrease the City's HOME administration allocation of \$242,810 by \$102,695 to \$140,115.

As we know, the COVID crisis has hit all families with school-aged children hard, as children have had to participate in distance learning from home under less-than-ideal circumstances. These stressful conditions will continue, as next school year will also certainly involve some portion of distance learning. Some of the City's low-income families are particularly challenged at this time, due to their lower rates of internet access and the continuing need to shelter and keep their children engaged in school. To help these families and their students' future prospects, staff proposes an additional new commitment from FY 2019-20 CDBG CDI funds to fund the Community Wireless Network Infrastructure project. In addition, to help children and families cope with the stresses involved during this time and to promote mental health, staff proposes to commit CDBG funds to fund family calming kits:

- Allocate \$100,000 in CDBG funds to Community Wireless Network Infrastructure project for predevelopment purposes.
- Award \$400,000 in CDBG funds to First Five of Santa Clara County to provide family calming kits and establish Childcare Services as an eligible activity.

The current year's HOME funds came from four sources:

- The 2019-20 Annual Action Plan awarded \$2,252,235 of HOME funds to The Health Trust to assist Rapid Re-housing clients with tenant based rental assistance. However, recent staffing changes within the agency did not give it enough time to expend \$419,235 of the funds within FY 2019-20. As a result, by reallocating the funds, the City will be able to redirect more funding to meet the COVID-19 pandemic. Staff recommends that the funds be used to partially fund emergency rental assistance.
- The 2019-20 Annual Action Plan allocated \$228,668 of HOME administration funds to the Housing Department for grant administration purposes. There is currently 1 dedicated full time employee budgeted to the source, which would not expend all the City's administration funding. As a result, by reallocating the funds, the City will be able to redirect more funding to meet the COVID-19 pandemic. Staff recommends that the funds be used to partially fund emergency rental assistance administration.
- The expansion of the HOME administration to 25% of the FY 2019-20 entitlement award allowed for additional funding for emergency rental assistance administration.
- The FY 2019-20 Annual Action Plan had allocated more than \$6.5 million for HOME development projects that had not yet moved forward. Approximately \$6,517,646 of these funds are being redirected to be used for COVID-related emergency rental assistance services identified in this memorandum.

Process of Determining Reallocation and Awarding of Funds

To determine the shifting of HOME funds to use for emergency rental assistance, staff examined the following: 1) other eligible uses within the same HOME category; 2) the merits of alternative activities; 3) whether an existing contract exists to expend funds quickly; 4) whether an awardee had capacity to spend additional funds quickly; and 5) whether the City and its partners could identify emergency solutions to help cope with COVID-19 conditions. Additionally, on April 7th, the City Council directed the Housing Department to identify sources to support families. Accordingly, staff sought different ways in which funds could be used for families with minor children who are unable to pay rent because of a loss of income.

Existing Contracts

From community feedback, staff has also identified that survivors of domestic violence and their families are especially financially vulnerable at this time and in need of assistance. Survivors are usually single parent households and therefore have only one income, so loss of any income is perilous. In addition, COVID-related stress and unemployment has reportedly led to an increase in domestic violence events. Departing survivors often have few or no assets, as they may need to leave with little advance planning. YWCA is currently operating a rental assistance program for victims of domestic violence. YWCA has seen an increased need for rental assistance,

emergency motel vouchers, and supportive services during the COVID-19 emergency. YWCA's contract can be amended to include CDBG, HOME, and HTF funding to provide additional services.

New Contracts

The rationale for awarding sole source contracts without a competitive process is because emergency rental assistance is needed urgently due to the COVID-19 crisis for the vulnerable populations being targeted. Due to the COVID-19 emergency and the critical needs of the community, there exists a public exigency or emergency warranting sole-sourcing this vital service. 24 CFR Section 85.36(d)(4) allows for non-competitive proposals, including sole source award, for the use of HOME funds if there is a public exigency or emergency. Therefore, the funding source does not require a competitive process. In addition, the federal government issued waivers of other rules so that jurisdictions could use funds as quickly as possible. For these reasons, a sole source contract is appropriate for the following agencies.

Next Door Solutions to Domestic Violence does not have a current contract with the City, but was identified as one of the few agencies that provides rental assistance to victims of domestic violence. The Department's goal is to maximize the number of outlets that can distribute emergency rental assistance to vulnerable populations, and Next Door Solutions to Domestic Violence assists in that goal.

Sacred Heart Community Service is one of the lead agencies for Santa Clara County's Emergency Assistance Network (EAN) and is implementing a large scale homeless prevention/rental assistance program. Their experience and large-scale operation make it an ideal agency to provide a large portion of the City's emergency rental assistance funding. Additionally, Sacred Heart assists a large number of families and will also assist YWCA in distributing an additional \$250,000 for victims of domestic violence and their families.

Catholic Charities of Santa Clara County also operates a large-scale emergency rental assistance program and can utilize \$2.4 million in HOME funds to assist low-income families. By partnering with Catholic Charities, the Department is able to realize its goal of utilizing its HOME funding for emergency rental assistance, maximizing the number of outlets that can distribute emergency rental assistance, all while assisting a large number of families in the City.

Bill Wilson Center is currently operating a portion of the City's Rapid Re-housing program that supports homeless families being provided with rental assistance, however Bill Wilson Center does not have a contract to provide the actual rental assistance. The Department explored amending Bill Wilson Center's current contract, but recommends creating a new contract that will combine the Homeless Emergency Aid Program (HEAP) for Youth Transition in Place program with the HOME funding to administer additional emergency rental assistance to families with minor children.

All new contracts responding to the impacts of COVID-19 and providing emergency rental assistance will be retroactive to April 10, 2020.

Finally, First Five of Santa Clara County was identified as a resource to assist low-income families during the pandemic in a discussion on the previous substantial amendment to the FY 2019-20 Annual Action Plan. To ensure that funding could be awarded, staff included the recommendation in this substantial amendment so that it would follow HUD's required noticing guidelines for public participation.

Community Wireless Network Infrastructure Project

Finally, the City's Office of Innovation approached the Housing Department concerning the use of CDBG funds for the Community Wireless Network (WiFi) Infrastructure Project in the East Side Union High School District (ESUHSD) within the Independence High School and Oak Grove High School areas. Similar projects have already been completed or are in process within the James Lick, Overfelt, and Yerba Buena High School areas. Both the Independence and Oak Grove High School areas are fitted with the City's fiber optic infrastructure, which allows for the WiFi infrastructure to be constructed. Additionally, the project areas identified for both high school areas meet the CDBG low-/moderate-income area benefit that requires the project area to serve more than 51% of low-/moderate-income census tracts.

The Housing Department identified \$100,000 of FY 2019-20 CDBG funds it could redirect to assist with predevelopment costs. The Department is also identifying \$2,100,000 in the FY 2020-21 Annual Action Plan to complete the construction of the infrastructure. The total project cost will be approximately \$2,200,000 and will be incorporated into a Memorandum of Performance between the Housing Department and Department of Transportation, which will also include project scope, timeline, performance benchmarks, and a detailed budget.

This project will provide greater internet access to facilitate advancing students' academic achievement through internet-based learning technologies and instruction. Enabling Wi-Fi access will give students the ability to learn and better prepare themselves for future careers and personal development. Wi-Fi access for the Independence and Oak Grove communities will also promote equity by closing the digital divide and improving educational outcomes.

Substantial Amendments are Required

The proposed changes to the City's FY 2019-20 Annual Action Plan qualifies as Substantial Amendments because it meets criteria one and three identified below:

1. Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding, or
2. Makes a significant change to an activity's proposed beneficiaries or persons served, or
3. Funds a new activity not previously described in the Consolidated and/or Action Plan.

The changes to the FY 2019-20 Action Plan are provided in **Attachment A** and are summarized below.

Proposed Changes

The following changes are included in the Substantial Amendment draft in Attachment A:

Community Wireless Network Infrastructure (CDBG)

The addition of the Community Wireless Network Infrastructure project as an eligible CDI activity/project in the FY 2019-20 Annual Action Plan.

The allocation of \$100,000 in CDBG CDI funding is expected to support pre-development costs performed by the Departments of Planning, Transportation, and the Office of Innovation.

Emergency Motel Vouchers (CDBG)

Emergency motel vouchers funded by CDBG will be provided to victims of domestic violence and their families that have been affected by COVID-19.

The award of \$88,839 in CDBG funding to YWCA will provide emergency motel vouchers services to vulnerable victims of domestic violence in need or emergency shelter.

Childcare Services (CDBG)

Add Childcare Services as an eligible CDBG public services activity.

Family calming kits funded by CDBG will be provided to low-income families that have been affected by COVID-19.

The award of \$400,000 to First Five of Santa Clara County will provide calming kits to an additional 5,292 families.

HOME TBRA for Emergency Rental Assistance

Emergency rental assistance funded by HOME will be provided to low-income households and families affected by COVID-19.

The award of \$2,650,500 in HOME funding to Sacred Heart Community Service will provide emergency rental assistance services to an additional 246 households.

The award of \$2,400,000 in HOME funding to Catholic Charities of Santa Clara County will provide emergency rental assistance services to an additional 230 households.

The allocation of \$1,000,000 in HOME funding to Bill Wilson Center will provide emergency rental assistance services to an additional 40 families.

The award of \$121,161 in HOME funding to YWCA will provide emergency rental assistance to an additional 12 households.

The award of \$346,485 in HOME funding to Next Door Solutions to Domestic Violence will provide emergency rental assistance to an additional 25 households.

CONCLUSION

Changes to the FY 2019-20 Annual Action Plan include reallocating \$6,517,646 HOME funding in response to COVID-19 emergencies. To ensure that the City can meet the needs of its residents, staff is recommending to award contracts of \$2,650,500 to Sacred Heart Community Service, \$2,400,000 to Catholic Charities of Santa Clara County, and \$1,000,000 to Bill Wilson Center to expand emergency rental assistance to low-income families, as well as \$121,161 to YWCA and \$346,485 to Next Door Solutions to Domestic Violence to provide emergency rental assistance to victims of domestic violence and their families, subject to appropriation.

Finally, the reallocation of \$588,839 in FY 2019-20 CDBG CDI funding will allocate \$100,000 to support predevelopment services for the Community Wireless Network Infrastructure Project, \$400,000 for family calming kits through First Five of Santa Clara County, and \$88,839 for motel vouchers as emergency shelter for victims of domestic violence through Next Door Solutions to Domestic Violence.

EVALUATION AND FOLLOW-UP

After the City Council public hearing, staff will submit the Substantial Amendment and the record of public comments to HUD for approval. In fall 2020, staff will return to the City Council with the Consolidated Annual Performance Evaluation Report (CAPER) that reports on performance of federally funded programs and projects included in the 2019-2020 Annual Action Plan.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum has been posted on the City's website for approval by the City Council on June 30, 2020. The Substantial Amendment is also posted on the Housing Department's website at www.sjhousing.org. The Housing Department also sent an e-blast to inform the public of this item five days prior to its hearing, which was directed to approximately 880 email recipients. Additionally, the notice contained translations in four additional languages of how recipients could get additional information. Longer and more formal public outreach typically required by HUD per the City's Citizen Participation Plan are waived currently per HUD waivers.

COORDINATION

The preparation of this memorandum was coordinated with the Office of Innovation and the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

HUD's recent waiver of regulatory processes in light of the COVID-19 emergency, and the City's cancellation of Commission meetings, has prevented the City from holding a public hearing on this item at the Housing and Community Development Commission. However, per HUD's guidance, the Housing Department used reasonable notice and the opportunity to comment on the Substantial Amendments by advertising the availability of the proposed amendments on its website five days prior to the hearing, sending a notice by email to its general distribution list and to its Housing and Community Development Commissioners, and posting the opportunity to comment on its social media accounts. An email address is provided on the notice where comments can be submitted. In addition, comments will be accepted prior to the hearing via a link on the City Council's agenda webpage as well as by e-mail to the City Clerk (city.clerk@sanjoseca.gov) by 12:00 p.m. the day of the hearing. The community will also have the opportunity to comment virtually at the public hearing held by the City Council on June 30, 2020.

FISCAL/POLICY ALIGNMENT

The new activity identified in this Substantial Amendment to the FY 2019-20 Annual Action Plan is consistent with the priorities established in the City Council-approved FY 2015-20 HUD Consolidated Plan.

COST SUMMARY/IMPLICATIONS

The recommended actions in this memorandum impact a number of City funds. Actions include reallocating \$588,839 of CDI funds in the Community Development Block Grant Program Fund (441) from Neighborhood Infrastructure Improvements to the Community Wireless Network Infrastructure project (\$100,000), Childcare Services (\$400,000), and Homeless Services (\$88,839).

Within the HOME Investment Partnership Program Fund (445), a total of \$6.5 million is recommended for reallocation to provide emergency rental assistance to low-income households and families affected by COVID-19. TBRA funds will be administered by Sacred Heart Community Service (\$2,650,000), Catholic Charities of Santa Clara County (\$2,400,000), the Bill Wilson Center (\$1,000,000), Next Door Solutions to Domestic Violence (\$346,485), and the YWCA (\$121,161). The increase for rental assistance is offset by a \$5.0 million reduction the Housing Project Reserve, a \$1.5 million reduction to the Unrestricted Ending Fund Balance, and a reduction to the current TBRA agreement with The Health Trust by \$419,235.

Finally, \$15,000 within the Housing Trust Fund (440) is reallocated from the Unrestricted Ending Fund Balance to YWCA for rental assistance and motel vouchers for victims of domestic violence.

BUDGET REFERENCE

The table below identifies the funds and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn	Rec. Budget Action	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
440	8999	Unrestricted Ending Fund Balance	\$965,487	(\$15,000)	X-49	02/11/2020, 30361
440	2453	Housing and Homeless Projects	\$1,596,180	\$15,000	X-49	10/29/2019, 30332
441	7482	Neighborhood Infrastructure Improvements	\$969,074	(\$588,839)	X-16	04/21/2020, 30400
441	New	Community Wireless Infrastructure	\$0	\$100,000	N/A	N/A
441	New	Homeless Services	\$0	\$88,839	N/A	N/A
441	New	Childcare Services	\$0	\$400,000	N/A	N/A
445	8437	Housing Project Reserve	\$6,000,000	(\$5,000,000)	X-48	06/18/2019, 30286
445	8999	Unrestricted Ending Fund Balance	\$2,101,595	(\$1,517,646)	X-48	06/23/2020, 30436
445	3744	Tenant Based Rental Assistance	\$2,252,235	\$6,517,646	X-48	06/18/2019, 30286

HONORABLE MAYOR AND CITY COUNCIL

June 29, 2020

Subject: Second Substantial Amendments to the FY 2019-20 Annual Action Plan

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CEQA

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

/s/

JACKY MORALES-FERRAND
Director of Housing


JIM SHANNON
Budget Director

For questions, please contact Kristen Clements, Division Manager at (408) 535-8236.

Attachment A: Substantial Amendment to the FY 2019-20 Annual Action Plan

ATTACHMENT A

City of San José Second Substantial Amendment to the FY 2019-20 Annual Action Plan

The following is a summary and draft language that amends the FY 2019-20 Annual Action Plan.

Background

The City of San José’s federal Consolidated Plan details the funding strategy for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnership, and Housing Opportunities for People with AIDS (HOPWA) for the period between 2015 and 2020. The Annual Action Plan details each year within the 5-year Consolidated Plan and outlines the implementation of annual funding, which is developed through significant public input, analyses, and planning.

The City’s Citizen Participation Plan (CPP) describes the efforts that the City will take to encourage its residents to participate in developing these plans. It also provides requirements for public process when a “substantial amendment” to the Annual Action Plan is proposed. The following changes constitute a substantial amendment and require public notice as described in the CPP:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding
- A significant change to an activity’s proposed beneficiaries or persons served
- Funding of a new activity not previously described in the Action Plan.

However, due to COVID-19, the United States Department of Housing and Urban Development (HUD) has issued guidance that exempts entitlement recipients from CPP requirements, but instead provide a 5-day public comment period and one public hearing to implement funding for COVID-19 emergency services.

Proposed Substantial Amendments

The City is proposing the following amendment to the 2019-2020 Annual Action Plan in order to reallocate current program funds from projects/activities that did not expend the projected funds within the fiscal year, as well as supplemental funding established by the CARES Act.

1. Add Community Wireless Network Infrastructure project as an eligible activity/project under the Community Development Block Grant (CDBG) Community Development Investment (CDI) Place Based Street and Infrastructure Enhancements category;
2. Allocate \$100,000 in CDBG CDI funding for pre-development costs performed by the City Departments of Planning, Transportation, and the Office of Innovation;
3. Allocate \$88,389 of CDBG Public Services category funding to the YWCA for emergency hotel/motel vouchers for victims of domestic violence and their families;
4. Add Childcare Services as an eligible CDBG public services activity;

5. Award \$400,000 to First Five of Santa Clara County to provide shelter-in-place calming kits to low-income families;
6. Award \$2,650,500 in HOME funding to Sacred Heart Community Service will provide emergency rental assistance services to low-income households and families;
7. Award \$2,400,000 in HOME funding to Catholic Charities of Santa Clara County will provide emergency rental assistance services to low-income households and families;
8. Award \$1,000,000 in HOME funding to Bill Wilson Center to provide emergency rental assistance services low-income households and families;
9. Award \$121,161 in HOME funding to YWCA will provide emergency rental assistance to victims of domestic violence and their families;
10. Award \$346,485 in HOME funding to Next Door Solutions to Domestic Violence to provide emergency rental assistance to victims of domestic violence and their families.

Analysis

This proposal qualifies as a substantial amendment because it meets two of the three criteria:

- **Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding**
- A significant change to an activity's proposed beneficiaries or persons served
- **Funding of a new activity not previously described in the Action Plan.**

Changes to the 2019-20 Annual Action Plan are primarily a result of:

1. The reallocation of \$6,517,646 of FY 19-20 HOME Funds.
2. The reallocation of \$588,839 of FY 19-20 CDBG Funds.

Public Process

The City of San José is providing notice of a five-day public comment period as part of the HUD public participation exemption process. Additionally, one public hearing will be held to provide opportunities for public comment:

- June 30, 2020 - City Council consideration of Substantial Amendments adoption, 1:30pm, Virtual Meeting, which can be found here: <https://www.sanjoseca.gov/news-stories/watch-a-meeting>
- (Please review Council Meeting [agenda](#) when available to confirm item number)

Comments may also be provided to Kristen Clements by email (Kristen.Clements@sanjoseca.gov) or phone (408-535-8236), or in writing addressed to:

City of San José Housing Department
200 E. Santa Clara Street, 12th Floor
San José, CA 95113

1. On page 48 of the approved 2019-2020 Annual Action Plan, amend the estimated CDBG, ESG, and HOPWA Activities in section AP-38 Project Summary, as follows (**additions** or **deletions**):

AP-38 Projects Summary
Project Summary Information
Table 1 – Project Summary

	Project Name	Target Area	Needs Addressed	Funding	GOI
1	Senior Services	N/A	• Strengthening Neighborhoods	CDBG: \$200,000	200 persons assisted
2	Neighborhood Engagement	N/A	• Strengthening Neighborhoods	CDBG: \$200,000	250 persons assisted
3	Legal Services for LI Tenants	N/A	• Strengthening Neighborhoods	CDBG: \$375,000	300 persons assisted
4	Job Training for Unhoused Individuals	N/A	• Strengthening Neighborhoods • Homelessness	CDBG: \$500,000	10 Jobs created
5	Place Based Street and Infrastructure Enhancements	N/A	• Strengthening Neighborhoods	CDBG: \$2,410,000	1,000 persons assisted
6	Targeted Code Enforcement	N/A	• Strengthening Neighborhoods	CDBG: \$702,037	775 housing units
7	Minor Home Repair Program	N/A	• Strengthening Neighborhoods	CDBG: \$2,050,000	325 housing units
8	HOPWA – The Health Trust	N/A	• Affordable Housing	HOPWA: \$1,190,410	105 persons assisted
9	HOPWA – San Benito County	N/A	• Affordable Housing	HOPWA: \$50,000	5 persons assisted
10	Rental Housing Development	N/A	• Affordable Housing	HOME: \$10,139,416 CHDO: \$485,872	50 housing units
11	HOME TBRA	N/A	• Homelessness	HOME: \$2,252,235 \$7,762,579	400 653 persons assisted
12	Services for Homeless and Unhoused Populations (CDBG)	N/A	• Homelessness	CDBG: \$388,490	160 persons assisted 800 outreach contacts
13	Homeless Services (ESG18 City of San José)	N/A	• Homelessness	ESG: \$757,502	150 persons assisted 700 outreach contacts

14	Fair Housing	N/A	• Fair Housing	CDBG: \$318,896 HOME: \$81,104	220 persons assisted
15	Acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities	N/A	• N/A	CDBG: \$505,000 \$105,000	N/A
16	CDBG Administration and Monitoring	N/A	• N/A	CDBG: \$1,632,424	N/A
17	HOME Administration and Monitoring	N/A	• N/A	HOME: \$242,810	N/A
18	HOPWA Administration and Monitoring	N/A	• N/A	HOPWA: \$38,363	N/A
19	City Food Services – COVID-19	N/A	• Strengthening Neighborhoods	CDBG: \$1,200,000	TBD
20	Job Creation and Retention Small Business Loans – COVID-19	N/A	• Strengthening Neighborhoods	CDBG: \$2,500,000	TBD
21	Emergency Hotel/Motel Vouchers – COVID-19	N/A	• Homelessness	CDBG: \$2,000,000 \$2,088,839	TBD
22	Emergency Homeless Shelter Operations – COVID-19	N/A	• Homelessness	CDBG: \$515,000	TBD
23	CDBG-CV (2019)	N/A	• Homelessness	CDBG: \$4,210,732	TBD
24	ESG-CV (2019)	N/A	• Homelessness	ESG: \$2,683,479	TBD
25	HOPWA-CV (2019)	N/A	• Affordable Housing	HOPWA: \$188,657	TBD
26	CDBG-CV Administration and Monitoring	N/A	• N/A	CDBG: \$1,052,682	N/A
27	HOPWA-CV Administration and Monitoring	N/A	• N/A	HOPWA: \$20,961	N/A
28	Childcare Services – Shelter-in-place Calming Kits	N/A	• Strengthening Neighborhoods	CDBG: \$400,00	5,292

3	Project Name	Legal Services for LI Tenants and Landlords
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$375,000
	Description	The goal of the Legal Services for LI Tenants is to increase housing stability by providing landlord/tenant counseling, education, referrals, and legal assistance to tenants facing unlawful evictions or other landlord/tenant issues. These services will include additional outreach and education to low income tenants Citywide.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	300 low-income tenants and landlords
	Location Description	Citywide
	Planned Activities	Law Foundation of Silicon Valley - Consortium

6	Project Name	Targeted Code Enforcement
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$702,037
	Description	Code Enforcement activities will be conducted in low-income, residential neighborhoods that meet the City's definition of "Deteriorated/Deteriorating Areas". Code Enforcement's focus will be primarily on the inspections of multi-family units.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	775 households in place-based neighborhoods
	Location Description	Santee, Mayfair, Five Wounds/Brookwood Terrace, and additional hotspots identified through the Mayor's Gang Prevention Task Force
	Planned Activities	Place-based Code Enforcement

7	Project Name	Minor Home Repair Program
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$2,050,000
	Description	<p>This program will repair housing units to address immediate health and safety needs for extremely low-income homeowners in San José. The focus of repairs will address emergency and critical repair needs, as well as accessibility and mobility needs within the home.</p> <p>The program also includes funding for limited rehabilitation to address more substantial safety issues in the home to ensure safe, affordable, decent living environment for the occupants.</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	250 extremely low-income homeowners
	Location Description	Citywide
	Planned Activities	Rebuilding Together Habitat for Humanity

15	Project Name	Acquisition, Rehabilitation, and Infrastructure for Affordable Housing Sites and Public Facilities
	Target Area	N/A
	Goals Supported	Affordable Housing and Strengthen Neighborhoods
	Needs Addressed	Affordable Housing and Strengthen Neighborhoods
	Funding	CDBG: \$505,000 \$105,000
	Description	<p>CDBG funds will be used to support the acquisition, rehabilitation, and infrastructure for affordable housing sites and public facilities. \$100,000 will go to support predevelopment activities for the Community Wireless Network Infrastructure project.</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	TBD

19	Project Name	City Food Services – COVID-19
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Strengthening Neighborhoods
	Funding	CDBG: \$1,200,000
	Description	This project will fund Loaves and Fishes consortium to prepare and deliver food/meals throughout the City to its most vulnerable populations: homeless, disabled, seniors, and low-income individuals and families.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	City-wide (service locations vary)
Planned Activities	Loaves and Fishes Consortium (includes The Health Trust Meals on Wheels and Martha’s Kitchen)	

20	Project Name	Job Creation and Retention Small Business Loans – COVID-19
	Target Area	N/A
	Goals Supported	Strengthening Neighborhoods and/or Respond to Homelessness and Its Impacts on the Community
	Needs Addressed	Strengthening Neighborhoods and/or Respond to Homelessness and Its Impacts on the Community
	Funding	CDBG: \$2,500,000
	Description	The program will support small businesses in the form of working capital loans to create or retain jobs during the COVID-19 crisis. The Opportunity Fund will be the subrecipient of CDBG funds and will operate the loan program.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 jobs created or retained
	Location Description	Citywide
	Planned Activities	Opportunity Fund – Small Business Loans for Job Creation and Retention

21	Project Name	Emergency Hotel/Motel Vouchers – COVID-19 (CDBG)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$2,000,000
	Description	The City is utilizing CDBG to fund LifeMoves to provide emergency hotel/motel vouchers to homeless individuals and families to prevent the spread of COVID-19.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	150 unduplicated homeless individuals will be provided outreach and supportive services
	Location Description	Citywide
	Planned Activities	LifeMoves – Emergency hotel/motel vouchers

22	Project Name	Emergency Homeless Shelter Operations – COVID-19 (CDBG)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$515,000
	Description	The City will utilize CDBG funds to support Emergency Homeless Shelter Operation and creation to prevent the spread of COVID-19.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	Citywide
	Planned Activities	Emergency Homeless Shelter Operations and Creation

23	Project Name	CDBG-CV (2019)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$4,210,732
	Description	The City will utilize ESG funds to support Emergency Homeless Shelter Operation and creation to prevent the spread of COVID-19.
	Target Date	06/30/2020
	Estimate the number	TBD

	and type of families that will benefit from the proposed activities	
	Location Description	Citywide
	Planned Activities	Emergency Homeless Shelter Operations and Creation

24	Project Name	ESG-CV (2019)
	Target Area	N/A
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	ESG: \$2,683,479
	Description	<p>The City will utilize ESG funds to support Emergency Shelter Operation and creation to prevent the spread of COVID-19.</p> <p>The Homeless Prevention program will utilize an integrated approach to provide case management services, deposit/rental assistance, and other eligible services as needed to keep individuals and families from experiencing homelessness due to the COVID-19 emergency.</p> <p>ESG funds will be used to support the administration of the ESG program by the City's Housing Department. Funds may also be used for shelter and rapid rehousing activities.</p> <p><u>ESG Allocations by Component</u> Homeless Prevention and Shelter: \$2,415,132 Administration: \$268,347 (10%)</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	Citywide
	Planned Activities	Homeless Prevention Emergency Shelter Operations and Creation Administration Funds may also be used for rapid rehousing activities.

25	Project Name	HOPWA –CV – The Health trust
	Target Area	N/A
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOPWA: \$188,657
	Description	The program will provide additional support to clients affected by COVID-19 and can include rent subsidies, permanent housing

		placement assistance, and supportive services to help low-income residents living with HIV/AIDS secure and maintain housing. Housing placement assistance includes working with an placement specialist and receiving security deposit assistance. Supportive services include medical and housing case management and self-sufficiency services.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	90 low-income individuals living with HIV/AIDS
	Location Description	Santa Clara County
	Planned Activities	<ul style="list-style-type: none"> • Supportive Services • TBRA • Permanent Supportive Housing • Administration

26	Project Name	CDBG-CV Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$1,052,682
	Description	A portion of the CDBG-CV grant allocation will be used for reasonable planning and administrative costs associated with the administration of the CDBG funds and other related federal requirements. Administration funds will support oversight activities of the housing department, legal services from the City Attorney's Office, and environmental reviews.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street San José, CA 95113
Planned Activities	CDBG Planning and Administration	

27	Project Name	HOPWA-CV Administration and Monitoring
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	HOPWA: \$20,961
	Description	The City will allocate \$20,961 (approximately 10 percent of the entitlement grant) to administrative costs associated with managing with the HOPWA-CV grant.
	Target Date	06/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	200 E. Santa Clara Street San José, CA 95113
	Planned Activities	HOPWA Administration

28	Project Name	Shelter-in-Place Calming Kits- COVID-19
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Childcare Services
	Funding	CDBG: \$400,000
	Description	The City will allocate \$400,000 to First Five of Santa Clara County will provide calming kits to an additional 5,292 families.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide
	Planned Activities	CDBG Public Services – Childcare Services

---- END OF ANNUAL ACTION PLAN AMENDMENT ----



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: AMENDMENT TO THE CITY'S
CITIZEN PARTICIPATION PLAN

DATE: July 29, 2020

Approved

Date

7/31/20

RECOMMENDATION

1. Approve amendments to the federally-required Citizen Participation Plan (CPP) for the expenditure of funds from the U.S. Housing and Urban Development (HUD) to provide alternate rules for public notices and comment periods when a national, state, or local emergency is declared;
2. Approve amendments to the CPP to allow for virtual attendees to various HUD-required hearings as a regular addition to in-person hearings; and,
3. Approve other updates to align with the current federal regulations as amended.

OUTCOME

By approving these changes, which are consistent with the authority granted to jurisdictions pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the City will be able to commit to uses of emergency funding on an expedited basis. In addition, allowing virtual attendance to HUD-required hearings in conjunction with in-person meetings will provide expanded opportunities for persons with disabilities and others with difficulty in attending in-person meetings to participate. In addition, approval of this recommendation will bring the City's Citizen Participation Plan into compliance with current federal regulations.

BACKGROUND

As a jurisdiction that receives federal funds from the U.S. Department of Housing and Urban Development (HUD), the City is required to have a Citizen Participation Plan (CPP). The CPP sets forth the City's policies and procedures for the public's participation throughout the Consolidated Planning process. The Consolidated Plan is the five-year spending plan for all funds that HUD awards to the City by formula. The CPP must facilitate the public's

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Subject: Amendments to the City's Citizen Participation Plan

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participation throughout the Consolidated Plan's initial development, substantial amendment process, and annual performance report. CPP regulations require grantees to actively encourage widespread citizen participation, with a special emphasis on efforts to encourage participation from the following populations:

- Low- and moderate-income persons
- Residents of slums, blighted areas, and predominately low- and moderate-income areas
- Non-English speaking persons
- Persons with disabilities, and
- Public housing residents and other low-income residents of targeted revitalization areas.

The City's current CPP consists of the following broad elements:

1. A description of the public participation process, including public hearings and public comment periods.
2. Explanation of the opportunities for involvement of affected persons and other concerned citizens in the planning process.
3. Clarity on how the planning process works and how residents can access the draft Plan.
4. Instructions to guide the public's submission of comments and the standards for the grantee's response.
5. Procedures for continuity of participation throughout all stages of the Plan's development.
6. Timing for noticing, hearings, and public comment periods.

The City of San José declared an emergency due to COVID-19 on March 6, 2020. Federal legislation was passed to direct funds to state and local governments to prevent the spread and mitigate the economic impacts of COVID-19. The legislation included the Coronavirus Preparedness and Response Act, the Families First Coronavirus Response Act, and the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Along with other waivers that help communities to use HUD funds quickly to serve COVID-19 needs, HUD waived regulatory provisions regarding the Public Comment Period and providing Reasonable Notice and Opportunity to Comment for Consolidated Plan Amendments. The full federal memorandum can be found in **Attachment A**. The CARES Act also waived these provisions for Plans and Amendments to Plans to approve the use of CARES Act funds. In its guidance, HUD directed jurisdictions to make changes to their CPPs consistent with the waivers to acknowledge the ability to streamline lengthy processes in time of emergency.

The City last amended its CPP in May 2015, before the City's 2015-2020 Consolidated Plan was approved. Several changes were incorporated to the federal regulations governing the CPP

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since that time. Therefore, the CPP must be updated to align to current requirements. These changes pertain to broadband access, climate change, and the Assessment of Fair Housing.

ANALYSIS

Staff proposes to amend the CPP to allow for reduced noticing and comment periods during times of declared emergencies to expedite the receipt of emergency-related funding, as well as to provide virtual meeting access. The authority to amend the CPP to allow expedited procedures, as well virtual meetings, is granted by the CARES Act and by HUD waivers issued for COVID- 19 for amendments to annual action plans.

The current CPP requires that draft Five-Year Plan, draft Annual Plans, and draft substantial amendments be made available for public review and comment for a minimum of 30 days prior to final adoption by the City Council. The draft CAPER and amendments to the CPP must be available for public review and comment for a minimum of 15 days prior to final adoption by the City Council.

Publishing plans with 30 and 15 days of advance notice before the item is considered promotes transparency, but hinders the City's ability to respond quickly to meet the community's needs in times of emergency. Therefore, the proposed amendments to the CPP will streamline the process but still provide multilingual access to information:

- The proposed term for Public Notice in the event of a local, state, and/or national emergency or disaster will be a minimum of seven (7) days prior to the first public hearing. All notices shall have, at minimum, language that identifies how to obtain additional information in each of San José's frequently used ethnic languages, including, but not limited to, Spanish, Vietnamese, Chinese, and Tagalog.
- The proposed term for Public Comment in the event of a local, state, and/or national emergency or disaster will be a minimum of five (5) days.

In addition, edits to the CPP integrate the changes made to the Code of Federal Register in July 2015 and December 2016. These require:

- For CPPs adopted before August 17, 2015, integrate requirements for Assessments of Fair Housing and plans to Affirmatively Further Fair Housing similar to those of consolidated plans ([80 Fed. Reg. 42360](#) (Jul. 16, 2015)); and
- For consolidated plans submitted on or after January 1, 2018, integrate the requirement that jurisdictions encourage outreach from both public and private organizations involved in bridging the digital divide and providing broadband service; in managing flood prone areas, public land, or resources; and emergency management agencies ([81 Fed. Reg.91011](#), Dec. 16, 2016).

The amended CPP can be found in **Attachment B** to this memorandum.

HONORABLE MAYOR AND CITY COUNCIL

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CONCLUSION

The proposed amendments to the City's Citizen Participation Plan will help to expedite the receipt of funding in an emergency, and will provide greater access to historically underrepresented groups when issues pertaining to federal funding are discussed and acted upon.

In addition, the amended CPP will reflect current requirements that were put into place since the City last amended its CPP in May 2015.

EVALUATION AND FOLLOW-UP

The Consolidated Annual Performance Evaluation Report that evaluates outcomes of the 2019-20 Annual Action Plan will be submitted using a COVID-19 waiver specific to the deadlines for these reports in 2020. Therefore, the first report or plan that could make use of the amended CPP clauses could be an amendment of the 2020-21 Annual Action Plan, if needed. Any use of these new CPP waivers will be noted in the Council memo in the Public Outreach section.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum has been posted on the City's website for approval by the City Council on August 4, 2020. The Amendments to the CPP are also posted on the Housing Department's website at www.sjhousing.org near the Consolidated Plans (<https://www.sanjoseca.gov/your-government/departments/housing/memos-reports-plans/hud-reports/consolidated-annual-action-plans>). The Housing Department sent an e-blast to inform the public of this item seven days prior to its hearing, which was directed to approximately 880 email recipients. As this item pertains to a COVID-related policy change that relates to the expenditure of funds in the 2020-21 Annual Action Plan for the COVID-19 emergency, the City's expedited term for public notice and public comment was used. Additionally, the public notice contained translations in four additional languages of how recipients could get additional information, per the City's Language Access Plan and its CPP.

COORDINATION

This memorandum was coordinated with the City Attorneys' Office.

HONORABLE MAYOR AND CITY COUNCIL

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Subject: Amendments to the City's Citizen Participation Plan

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COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action, as the Housing and Community Development Commission will not come back into session until August 13, 2020, following its COVID-19 hiatus. This Amendment of the CPP should be heard in conjunction with the first reading of the Draft 2020-25 Consolidated Plan and 2020-21 Annual Action Plan, as the CPP's emergency provisions are being used in conjunction with the CARES Act waiver to hear the Draft Plans in an expedited manner.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

/s/

JACKY MORALES-FERRAND

Director, Department of Housing

For questions please contact Kristen Clements, Division Manager at (408) 535-8236.

Attachments:

Attachment A: HUD Waivers for Citizen Participation

Attachment B: Citizen Participation Plan Amended 8.4.2020

ATTACHMENT A

HUD Waivers for Citizen Participation



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

MEMORADUM FOR: All Community Planning and Development Field Office Directors,
Deputy Directors and Program Managers

FROM:  Digitally signed
by JOHN GIBBS
Date: 2020.03.31
17:43:00 -0400 John Gibbs, Assistant Secretary, Acting, D

SUBJECT: Availability of Waivers of Community Planning and Development
(CPD) Grant Program and Consolidated Plan Requirements to
Prevent the Spread of COVID-19 and Mitigate Economic Impacts
Caused by COVID-19

PURPOSE

This memorandum explains the availability of waivers of certain regulatory requirements associated with several CPD grant programs to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19. This memorandum covers waivers of consolidated plan requirements for all CPD formula programs and program-specific waivers for the following CPD programs:

- Housing Opportunities for Persons with AIDS (HOPWA);
- Emergency Solutions Grant (ESG); and
- Continuum of Care (CoC).

This memorandum also announces a simplified notification process for recipients of these programs to use this waiver flexibility to expedite the delivery of assistance. CPD Field Office Directors, Deputy Directors, and Program Managers are instructed to inform CPD recipients operating within their jurisdictions of the content of this memorandum.

NOTIFICATION PROCESS

Recipients may use the waivers described in this memorandum to assist affected CPD program beneficiaries and CPD program eligible households to prevent the spread of COVID-19 and to mitigate against the economic impact caused by COVID-19 for eligible households. To use the waiver flexibility provided in this memorandum, the recipient must provide notification in writing, either through mail or e-mail, to the CPD Director of the HUD Field Office serving its jurisdiction no less than two days before the recipient anticipates using the waiver flexibility. Further directions on notifying HUD can be found in Attachment #1.

WAIVER AUTHORITY

In December 2019, a new coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-

19 that has now spread globally. The first case was reported in the United States in January 2020. In March 2020, the World Health Organization declared the coronavirus outbreak a pandemic and President Trump declared the outbreak a national emergency. During this time, the majority of states have declared states of emergency with most shutting down large gathering places and limiting the movement of their residents. As a consequence, many CPD recipients are facing challenges in ensuring appropriate shelter options are available for program participants who need to be separated from others because they are exhibiting symptoms, training staff on how to safely work with program participants and prevent spreading the virus, obtaining supplies to prevent the spread of the virus, and maintaining necessary staffing levels during the outbreak. Further, many program participants are suffering economic consequences from the mass shutdown of businesses and lack of availability of traditional mainstream benefits. A number of recipients have inquired about the availability of waivers of various CPD program requirements to facilitate assistance to program participants and prevent the spread of the virus.

In accordance with 24 CFR 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These regulatory provisions provide HUD the authority to make waiver determinations for the ESG, CoC, and HOPWA Programs and consolidated planning requirements for all CPD formula programs.

WAIVER AVAILABILITY

To provide additional flexibility to communities to prevent the spread of COVID-19 and better assist individuals and families, including those experiencing homelessness infected with the virus or economically impacted by the virus, I hereby find good cause to provide the regulatory waivers below. To use each waiver, each recipient must follow the notification process described above and update its program records to include written documentation of the specific conditions that justify the recipient's use of the waiver, consistent with the justifications and applicability provisions below. Provisions that are not specifically waived remain in full effect.

CONTINUUM OF CARE PROGRAM

1. Fair Market Rent for Individual Units and Leasing Costs

Requirement:	Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).
Citation:	24 CFR 578.49(b)(2)
Explanation:	The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.
Justification:	Waiving the limit on using grant leasing funds to pay above FMR for individual units above FMR, but not greater than the reasonable rent will

assist recipients in locating additional units to house individuals and families experiencing homelessness and reduce the spread and harm of COVID-19.

Applicability: The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 6-month period beginning on the date of this memorandum. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2).

2. Disability Documentation for Permanent Supportive Housing (PSH)

Requirement: A recipient providing PSH must serve individual and families where one member of the household has a qualifying disability (for dedicated projects and DedicatedPlus projects that individual must be the head of household). Further, the recipient must document a qualifying disability of one of the household members. When documentation of disability is the intake worker's observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days.

Citation: 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)

Explanation: 24 CFR 578.103(a) requires recipients to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the "chronically homeless" definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence.

Justification: Waiving 24 CFR 578.103(a)(4)(i)(B)(4) as specified below will allow recipients to house people by relying on intake staff-recorded observation of disability while providing recipients' intake staff with additional time to confirm the disability. This will help households with observed disabilities to be housed quickly and obtain the necessary documentation once healthcare workers are no longer inundated by COVID-19 responses.

Applicability: The requirement that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived for any program participants admitted into PSH funded by the CoC Program for the 6-month period beginning on the date of this memorandum.

Note: For the purposes of individuals and families housed in PSH from the date of

this memorandum until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5).

3. Limit on Eligible Housing Search and Counseling Services

Requirement: With respect to program participant’s debts, 24 CFR 578.53(ed)(8)(ii)(B) only allows the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. 24 CFR 578.53(d) limits the use of CoC Program funds for providing services to only those costs listed in the interim rule.

Citation: 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)

Explanation: 24 CFR 578.53(e)(8) allows recipients and subrecipients to use CoC funds to pay for housing search and counseling services to help eligible program participants locate, obtain, and retain suitable housing. For program participants whose debt problems make it difficult to obtain housing, 24 CFR 578.53(e)(8)(ii)(B) makes eligible the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. However, payment of rental or utility arrears is not included as an eligible cost. 24 CFR 578.53(d) limits eligible supportive service costs to those explicitly listed in 24 CFR 578.53(e), which is a more limited list than is eligible under the McKinney-Vento Act.

Justification: Waiving the limitation of housing search and counseling eligible activities to allow recipients and subrecipients to pay for up to 6 months of rental arrears and 6 months of utility arrears will help recipients and subrecipients remove barriers to obtaining housing quickly and help reduce the spread and harm of COVID-19.

Applicability: The limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant’s utility arrears and up to 6 months of program participant’s rent arrears, when those arrears make it difficult to obtain housing. This waiver is in effect one-year beginning on the date of this memorandum.

4. Permanent Housing-Rapid Re-housing Monthly Case Management

Requirement: Recipients must require program participants of permanent housing – rapid re-housing projects to meet with a case manager at least monthly.

Citation: 24 CFR 578.37(a)(1)(ii)(F)

- Explanation:** The CoC Program interim rule at 24 CFR 578.37(a)(1)(ii)(F) requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 *et seq.*) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 *et seq.*) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.
- Justification:** Recipients are reporting limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as-needed basis and reduce the possible spread and harm of COVID-19.
- Applicability:** This requirement in 24 CFR 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects for two months beginning on the date of this memorandum.

5. Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

- Requirement:** Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.
- Citation:** 24 CFR 578.75(b)(1)
- Explanation:** 24 CFR 578.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.
- Justification:** Waiving the physical initial inspection requirement 24 CFR 578.75(b)(1) as specified below will allow recipients to help prevent the spread of COVID-19.
- Applicability:** This waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in effect for 6-months beginning on the date of this memorandum for recipients and subrecipients that are able to meet the following criteria:

- a. The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- b. The recipient or subrecipient has written policies to physically re-inspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

6. HQS – Re-Inspection of Units

Requirement:	Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.
Citation:	24 CFR 578.75(b)(2)
Explanation:	24 CFR 578.75(b)(2) requires that recipients or subrecipients are required to inspect all units supported by leasing or rental assistance funding under the CoC Program at least annually during the grant period to ensure the units continue to meet HQS.
Justification:	Waiving the annual re-inspection 24 CFR 578.75(b)(2) requirement during this public health crisis as specified below will help allow recipients to prevent the spread of COVID-19.
Applicability:	This requirement in 24 CFR 578(b)(2) is waived for 1-year beginning on the date of this memorandum.

7. One-Year Lease Requirement

Requirement:	Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.
Citation:	24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)
Explanation:	The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable for cause.
Justification:	Waiving the one-year lease requirement as specified below will allow recipients to more quickly identify permanent housing for individuals and families experiencing homelessness, which is helpful in preventing the spread of COVID-19.
Applicability:	The one-year lease requirement is waived for six-months beginning on the

date of this memorandum, so long as the initial lease term of all leases is for more than one month.

CONSOLIDATED PLAN REQUIREMENTS

8. Citizen Participation Public Comment Period for Consolidated Plan Amendment

- Requirement:** 30-day Public Comment Period.
- Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
- Explanation:** A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.
- Justification:** Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds.
- Applicability:** This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient's 2020 program year. Any recipient wishing to undertake further amendments to prior year plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

9. Citizen Participation Reasonable Notice and Opportunity to Comment

- Requirement:** Reasonable Notice and Opportunity to Comment.
- Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
- Explanation:** As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to

provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Justification: HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

Applicability: This authority is in effect through the end of the 2020 program year.

EMERGENCY SOLUTIONS GRANTS PROGRAM

10. HMIS Lead Activities

Requirement: ESG funds may be used to pay the costs of managing and operating the HMIS, provided that the ESG recipient is the HMIS Lead.

Citation: 24 CFR 576.107(a)(2)

Explanation: To enable ESG-funded projects to participate in HMIS as required by section 416(f) of the McKinney-Vento Homeless Assistance Act, 24 CFR 576.107(a)(2) authorizes the use of ESG funds for managing and operating the HMIS (e.g., hosting and maintaining HMIS software or data, upgrading, customizing, and enhancing the HMIS), only where the ESG recipient is the HMIS Lead, as designated by the CoC.

Justification: Waiving the rule as specified below would allow more recipients to use ESG funding to upgrade or enhance the HMIS as needed to incorporate ESG program data related to COVID-19.

Applicability: The condition that the recipient must be the HMIS Lead to pay costs under 24 CFR 576.102(a)(2) is waived to the extent necessary to allow any recipient to use ESG funds to pay costs of upgrading or enhancing its local HMIS to incorporate data on ESG Program participants and ESG activities related to COVID-19. This waiver is in effect for 6-months beginning on the date of this memorandum.

11. Re-evaluations for Homelessness Prevention Assistance

Requirement: Homelessness prevention assistance is subject to re-evaluation of each program participant's eligibility need for assistance not less than once every 3 months.

- Citation:** 24 CFR 576.401(b)
- Explanation:** The ESG regulations at 24 CFR 576.401(b) requires recipients or subrecipients providing homelessness prevention assistance to re-evaluate the program participant's eligibility, and the types and amounts of assistance the program participant needs not less than once every 3 months.
- Justification:** Waiving re-evaluation requirement for homelessness prevention assistance as specified below is necessary to help program participants remain stable in housing during the economic uncertainty caused by COVID-19.
- Applicability:** The required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived for up to 2-years beginning on the date of this memorandum, so long as the recipient or subrecipient conducts the required re-evaluations not less than once every 6 months.

12. Housing Stability Case Management

- Requirement:** Program participants receiving homelessness prevention or rapid re-housing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply.
- Citation:** 24 CFR 576.401(e)
- Explanation:** Under 24 CFR 576.401(e), the recipients or subrecipients must require program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994 or Family Violence Prevention and Services Act prohibits the recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.
- Justification:** Recipients are reporting limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19.
- Applicability:** This waiver is in effect for two months beginning on the date of this memorandum.

13. Restriction of Rental Assistance to Units with Rent at or Below FMR

- Requirement:** Restriction of rental assistance to units with rent at or below FMR.

Citation:	24 CFR 576.106(d)(1)
Explanation:	Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.
Justification:	Quickly moving people into permanent housing is especially critical in preventing the spread of COVID-19. Waiving the limit on rental assistance to rents that are equal to or less than the FMR, established by HUD, will assist recipients and subrecipients in more quickly locating additional units to house individuals and families experiencing homelessness.
Applicability:	The FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit during the 6-month period beginning on the date of this memorandum. The ESG recipient or subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

14. HOPWA – Self-Certification of Income and Credible Information on HIV Status

Requirement:	Source Documentation for Income and HIV Status Determinations.
Citation:	24 CFR 574.530, Recordkeeping
Explanation:	Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.
Justification:	This waiver will permit HOPWA grantees and project sponsors to rely upon a family member's self-certification of income and credible information on their HIV status (such as knowledge of their HIV-related medical care) in lieu of source documentation to determine eligibility for HOPWA assistance of families and grantees affected by COVID-19.
Applicability:	Eligibility is restricted to a low-income person who is living with HIV/AIDS and the family of such person. This waiver is in effect for recipients who require written certification of the household seeking assistance of their HIV status and income, and agree to obtain source documentation of HIV status and income eligibility within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.

15. HOPWA – FMR Rent Standard

- Requirement:** Rent Standard for Tenant-Based Rental Assistance (TBRA).
- Citation:** 24 CFR 574.320(a)(2), Rent Standard
- Explanation:** Grantees must establish rent standards for their tenant-based rental assistance programs based on FMR (Fair Market Rent) or the HUD-approved community-wide exception rent for unit size. Generally, the TBRA payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.
- Justification:** This waiver of the FMR rent standard limit permits HOPWA grantees to establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).
- This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families that have been affected by COVID-19, and to provide assistance to families that must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2).
- Applicability:** Such rent standards may be used for up to one year beginning on the date of this memorandum.

16. HOPWA – Property Standards for TBRA

- Requirement:** Property Standards for Tenant-Based Rental Assistance (TBRA)
- Citation:** 24 CFR 574.310(b), Housing Quality Standards
- Explanation:** This section of the HOPWA regulations provides that units occupied by recipients of HOPWA TBRA meet the Housing Quality Standards (HQS) established in this section.
- Justification:** This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of the coronavirus.
- Applicability:** This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the

following criteria:

- a. The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- b. The recipient or subrecipient has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

17. HOPWA Space and Security

Requirement: Adequate Space and Security.

Citation: 24 CFR 574.310(b)(2)(iii), Space and security

Explanation: This section of the HOPWA regulations provide that each resident must be afforded adequate space and security for themselves and their belongings.

Justification: This waiver is required to enable grantees and project sponsors operating housing facilities and shared housing arrangements the flexibility to use optional appropriate spaces for quarantine services of eligible households affected by COVID-19. Optional spaces may include the placement of families in a hotel/motel room where family members may be required to utilize the same space not allowing for adequate space and security for themselves and their belongings.

Applicability: This space and security requirement is waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local health care professionals.

Attachment #1 to Memorandum:

Procedure for Using Available Waivers of Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19

This attachment provides further information on the process that grantees must follow to use the waiver flexibility provided in the memorandum.

Grantees must mail or email notification to the Community Planning and Development Director of the HUD Field Office serving the grantee.

The mail or email notification must be sent two days before the grantee anticipates using waiver flexibility, and include the following details:

- Requestor's name, title, and contact information;
- Declared-disaster area(s) where the waivers will be used;
- Date on which the grantee anticipates first use of the waiver flexibility; and
- A list of the waiver flexibilities the grantee will use:
 1. CoC Program - Fair Market Rent for Individual Units and Leasing Costs
 2. CoC Program - Disability Documentation for Permanent Supportive Housing (PSH)
 3. CoC Program – Limit on Eligible Housing Search and Counseling Services
 4. CoC Program - Permanent Housing-Rapid Re-housing Monthly Case Management
 5. CoC Program - Housing Quality Standards (HQS) – Initial Physical Inspection of Unit
 6. CoC Program - HQS – Re-Inspection of Units
 7. CoC Program – One-Year Lease Requirement
 8. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Public Comment Period for Consolidated Plan Amendment
 9. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Reasonable Notice and Opportunity to Comment
 10. ESG Program - HMIS Lead Activities
 11. ESG Program - Re-evaluations for Homelessness Prevention Assistance
 12. ESG Program - Housing Stability Case Management
 13. ESG Program - Restriction of Rental Assistance to Units with Rent at or Below FMR
 14. HOPWA Program – Self-Certification of Income and Credible Information on HIV Status
 15. HOPWA Program – FMR Rent Standard
 16. HOPWA Program – Property Standards for TBRA
 17. HOPWA Program - Space and Security



Citizen Participation Plan

for

U.S. Department of Housing and Urban Development Programs

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CITY OF SAN JOSÉ HOUSING DEPARTMENT CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of San José receives the following entitlement grants from the federal government: *Community Development Block Grant (CDBG)*, *HOME Investment Partnership Program*, *Housing Opportunities for People with AIDS (HOPWA)*, and *Emergency Solutions Grants (ESG)*.

As a requirement for receiving these entitlement grants, Title I of the National Affordable Housing Act mandates that jurisdictions prepare:

- A five-year Consolidated Plan (Five-Year Plan or Con Plan) and Consolidated Annual Action Plans (Annual Plans) that identify local community development needs and set forth a funding strategy to address those needs.
- A Consolidated Annual Performance Evaluation Report (CAPER) that assesses the jurisdiction's annual achievements relative to the goals described in the Consolidated Plan.

The Consolidated Plans and Performance Report must address both affordable housing and non-housing related community development needs.

This Citizen Participation Plan (CPP) describes the City of San José's process to facilitate and engage citizens to participate in an advisory role in the planning, implementation, and assessment of the Consolidated Plan and its associated Performance Report for the federally-funded entitlement programs.

OBJECTIVES OF THE CPP

The CPP establishes standards to promote citizen participation in the development of the Five-Year Plan, the Annual Plans, amendments to the Plans, and the CAPER. The CPP is designed to especially encourage participation by low- and moderate-income persons, including those living in blighted areas.

The objectives of the CPP are:

1. -To form a citizen participation structure that adheres to the provisions of The Housing and Urban Development (HUD) Code of Final Regulations for the Consolidated Plan (24 CFR Part 91, et seq., dated January 5, 1995) and subsequent revisions.
2. To provide all residents of the City, especially those specified in 24 CFR Part 91 Sec. 91.105 (a), and who live in areas where federal funds are being used or proposed to be used, with the opportunity to:
 - a) Attend public hearings
 - b) Define local needs
 - c) Review and evaluate the Consolidated Plan and related reports

- d) Recommend the use of the federal entitlement funds.
3. To provide adequate citizen involvement in all phases of planning for the use of federal funds including the:
 - a) Identification of housing and community development needs
 - b) Review and approval of the Consolidated Five-Year Strategic Plan and Annual Action Plans, including the proposed use of federal entitlement funds
 - c) Review and approval of substantial amendments to the Consolidated Five-Year Strategic Plan or Annual Action Plan
 - d) Review of the City's progress in achieving the goals set out in the Consolidated Plan and Annual Action Plans, through the CAPER.
 4. [To provide adequate citizen involvement in creating the Assessment of Fair Housing, as per federal requirements, State requirements, or both.](#)

DEFINITIONS

AMENDMENT, SUBSTANTIAL

A change to a previously adopted Five-Year Plan, ~~or~~ Annual Plan, [or Assessment of Fair Housing](#) that:

- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding (please see definition of “Categories of Funding” below), or
- Makes a significant change to an activity's proposed beneficiaries or persons served, or
- Funds a new activity not previously described in the Action Plan.

AMENDMENT, MINOR

A change to a previously adopted Five-Year Plan, ~~or~~ Annual Plan, [or Assessment of Fair Housing](#) that does not meet the thresholds to qualify as a Substantial Amendment. Minor Amendment includes monetary changes or shifts, regardless of size, that are: (1) necessary for substantially preserving all the programs and activities identified in a Plan; and (2) necessitated by significant changes in the funding levels between HUD's initial estimates of funding amounts and HUD's final allocation notification.

ASSESSMENT OF FAIR HOUSING

[The Assessment of Fair Housing \(AFH\) is an analysis of fair housing issues and contributing factors in a program participant's jurisdiction and region that results in goals that the program participant sets forth to achieve over the program participant's subsequent planning cycle. It includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals.](#)

CATEGORIES OF FUNDING

For the purposes of the Citizen Participation Plan, the following are categories of funding within each federal funding source. These categories are used when determining if an amendment to the Consolidated Plan qualifies as a “substantial amendment”:

- CDBG
 - Public Service
 - Administration, Planning and Fair Housing
 - Community Development (Non-Construction): To include, but not be limited to, Code Enforcement, Housing Rehabilitation and Economic Development
 - Community Development (Construction): To include, but not be limited to, public facility improvements, street improvements, and ADA curb ramps;
- ESG
 - Emergency shelter operations and street outreach
 - Homeless prevention and rapid re-housing
 - Homeless management information.
- HOME
 - Rental housing development (new construction or rehabilitation)
 - Owner-occupied housing rehabilitation
 - Homebuyer assistance
 - Tenant-based rental assistance
 - Program administration.
- HOPWA
 - Rent payments
 - Mortgage payments
 - First month’s rent and security deposits
 - Utility payments
 - Information/support to locate and apply for housing assistance
 - Move-in support
 - Emergency shelter vouchers at motels/hotel/other temporary sites.
- Emergency funding, such as the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding.

CONSOLIDATED ANNUAL ACTION PLAN (Annual Plan)

The Consolidated Annual Action Plan sets forth the annual funding provided to the City by HUD and describes the activities that the City plans to undertake using those funds over the course of a fiscal year to achieve the goals identified in the Five-Year Plan.

CITIZEN PARTICIPATION PLAN (CPP)

The CPP outlines how a jurisdiction will actively facilitate citizen participation, particularly for those who are low- and moderate-income, in the planning process for the Five-Year Plan, the Annual Plans, amendments to these Plans, ~~and~~ the CAPER, and the AFH.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The CDBG program allocates annual grants on a formula basis to entitlement jurisdictions for community development activities that provide decent housing, suitable living environment, and expand economic opportunities, principally for low- and moderate-income persons.

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

HUD requires all entitlement jurisdictions to prepare a CAPER at the end of each fiscal year. The CAPER details the Jurisdiction's accomplishments in meeting the goals outlined in its Con Plan.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The U.S. Department of Housing and Urban Development (HUD) is the government agency that oversees most federal homeownership, affordable housing, fair housing, homeless, and community and housing development programs.

DISPLACEMENT

Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.

ELIGIBLE ACTIVITY

Eligible activities are activities that are allowable in the four federal funds (CDBG, ESG, HOME, and HOPWA) covered by the Citizen Participation Plan and as defined in the Code of Federal Regulations Title 24 for the Department of Housing and Urban Development. All eligible activities fall within a specific Category of Funding as defined above.

EMERGENCY SOLUTIONS GRANT (ESG)

The ESG program (formerly Emergency Shelter Grant) provides homeless persons with basic shelter and essential supportive services. It can be used to assist with the operational costs of the shelter, supportive services and related administrative costs.

FIVE-YEAR CONSOLIDATED PLAN (Five-Year Plan)

HUD requires jurisdictions receiving entitlement funds to prepare a Consolidated Plan every five years. The Plan provides a comprehensive overview of a jurisdiction's housing and community development needs, its priorities and strategies, and how the jurisdiction's actions will address the identified needs over the subsequent five years.

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

HOME is the largest Federal block grant designed exclusively to create affordable housing for low-income households. The HOME program provides formula grants to states and localities to fund a wide range of activities that build, buy, and/or rehabilitate affordable rental or homeownership housing or provide direct rental assistance to low-income people.

HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS (HOPWA)

Under the HOPWA program, HUD makes grants to States and local communities for housing and services that benefit low-income persons medically diagnosed with HIV/AIDS. HOPWA funds may be used for a wide range of housing and social services, including health care and mental health services, chemical dependency treatment, nutritional services, case management, and assistance with daily living.

PUBLIC HEARING

The main purpose of a public hearing is to obtain public testimony or comment. Public hearings need to be advertised in local newspapers and made accessible to persons who do not speak English or who have a disability.

ROLES AND RESPONSIBILITIES FOR CITIZEN PARTICIPATION

SAN JOSE CITY COUNCIL

The San José City Council is the elected legislative body governing the City of San José. It is responsible for approving the City's Five-Year Plan, the Annual Plans, amendments to Plans, and the CAPER, prior to the submission of those approved documents to HUD.

Whenever practicable, City Council public hearings on all these matters except minor amendments will be scheduled for the evening session to facilitate participation by low- and moderate-income persons. To expand the ability for persons with disabilities and others with difficulties in attending in-person meetings, virtual public hearings may be used in conjunction with public meetings.

City Council meetings are generally held every Tuesday beginning at 1:30 p.m. and, on an irregular schedule, one evening session each month at 7 p.m. – The meetings are held at the San José City Hall, Council Chambers at 200 East Santa Clara Street, San José, CA 95113 unless otherwise noted. All City Council meetings are held in facilities that are accessible to persons with disabilities. In times of emergency, meetings may be held virtually on-line.

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION (HCDC)

The Housing and Community Development Commission (HCDC, or Commission), appointed by the City Council, is composed of eleven (11) residents of the City of San José. The Commission is advisory to the City Council and the Housing Department on matters relating to:

- Housing and community development policy and programs;
- The administration of and policy/regulatory changes to the City's Mobilehome Rent Ordinance;
- The administration of and policy/regulatory changes to the City's Rental Dispute and Arbitration Ordinance,
- Preparation of reports and recommendations, as requested by the City Council or City Manager, respecting mobilehome parks and mobilehome living in San Jose.

The Commission has, on occasion, had enough vacancies that assembling a quorum has been difficult and has necessitated the cancellation of meetings on whose agendas were noticed public hearings. Thus, those hearings – some of which required long lead-times for noticing required this Plan – had to be rescheduled. Accordingly, the City Council has approved the following exception:

- The Housing Director or Housing Director designee may hold a public hearing related the approval of the Consolidated Plan, Annual Action Plan, or Substantial Amendments, if the HCDC is unable to hold such a hearing due to time constraints or a lack of quorum.

HCDC Meeting time and location

The HCDC usually meets at the San José City Hall, 200 East Santa Clara Street, San José, CA 95113. Regular meetings are held on the third Thursday of each month (with the exception of July and December, [in certain years](#)) at 5:45 p.m. Special and subcommittee meetings may also be held as needed and at a time and date different from the regular meeting schedule in order to respond to time-sensitive matters or when the full Commission is unable to convene for its regular meeting. All HCDC meetings are held in facilities that are accessible to persons with disabilities. [However, to expand the ability for persons with disabilities and others with difficulties in attending in-person meetings, virtual public hearings may be used in conjunction with in-person public meetings to the extent allowed by the State’s Brown Act.](#)

THE CITY OF SAN JOSE HOUSING DEPARTMENT

The City of San José’s Housing Department (Department or Housing Department) is the primary administrative entity tasked with developing the Five-Year Plan, the Annual Plans, amendments to these Plans, ~~and~~ the CAPER, [and the AFH](#) for the City. The Department makes recommendations on the use of federal entitlement funds and is tasked with measuring the effectiveness of the use of federal funds in meeting the objectives defined in the Consolidated Plan.

The Housing Department also provides technical assistance to the HCDC. This assistance includes staffing the Commission, providing minutes, and arranging meetings, and documenting and disseminating Commission recommendations.

[The Housing Department is also responsible for encouraging the participation of local and regional institutions, Continuums of Care, and other organizations \(including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations\) in the process of developing and implementing the Consolidated Plan and the AFH. The City is responsible for encouraging the participation of public and private organizations through targeted consultations, including but not limited to broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies in the process of developing the Consolidated Plan.](#)

CITIZEN PARTICIPATION POLICIES

AVAILABILITY OF DRAFT AND APPROVED DOCUMENTS

The draft and final versions of the Five-Year Plan, Annual Plans, CAPER, ~~and~~ all related amendments, [and the AFH](#) will be made available online [at-on](#) the Housing Department website, www.sjhousing.org. Hard copies of the documents will be available by contacting the City of San José Housing Department, 200 East Santa Clara St., 12th Floor, San José, CA 95113 or by calling 408-535-3860.

The draft Five-Year Plan, draft Annual Plans, ~~and~~ draft substantial amendments, [and the draft AFH](#) will be made available for public review and comment for a minimum of 30 days [prior](#) their final

adoption by the City Council. The draft CAPER and draft amendments to the CPP will be available for public review and comment for a minimum of 15 days prior to ~~its~~their final adoption by the City Council.

Residents, public agencies, and other interested parties will be provided access to adopted Plans, amendments, ~~and~~ CAPERs, ~~and~~ AFH which describe the City's use of assistance under the CDBG, ESG, HOME and HOPWA programs for the prior five years.

PUBLIC HEARINGS

The following guidelines apply to public hearings for ~~all of the~~these defined City of San José's Housing Department ~~administered, federally funded entitlement programs~~plans and reports:

- a) The City of San José will hold a minimum of *three (3)* hearings for the Five-Year Plan, ~~and~~ the Annual Plan, ~~and the~~ AFH and a minimum of two (2) hearings for the CAPER, AFH, substantial amendments, and amendments to the CPP. The hearings will include at a minimum:
 - o At least *one (1)* hearing before the HCDC, prior to the publication of draft Five-Year Plan, ~~and~~ Annual Plan, ~~and~~ AFH documents, to obtain the views and input of citizens, public agencies, and other interested parties on the housing and community development needs, including priority non-housing community development needs;
 - o At least *one (1)* hearing on the draft of the Five-Year Plan, Annual Plan, CAPER, the AFH, any Plan amendments and amendments to the CPP before the HCDC, for which purpose the Grants Standing Subcommittee of the Commission may hold the hearing on behalf of the full Commission if a quorum of the full Commission is not available; and,
 - o At least *one (1)* hearing before the City Council prior to its adoption of the final Five-Year Plan, Annual Plan, CAPER, AFH, any plan amendments, and any amendments to the CPP.
 - o Notwithstanding the above, the Housing Director or Housing Director Designee may, in lieu of the HCDC, hold the required public hearing related to the approval of the Consolidated Plan, Annual Plan, CAPER, AFH, Plan Amendments, and Amendments to the CPP, if the HCDC is unable to hold such a hearing due to time constraints or a lack of quorum.
- b) All public hearings will be held at accessible locations in San José, usually at the San José City Hall. ~~The~~ City will provide listening devices and other assistance to disabled persons upon request, with at least three (3) business days' prior notification. However, to expand the ability for persons with disabilities and others with difficulties in attending in-person meetings, virtual public hearings may be used in conjunction with in-person public meetings. The State of California's Brown Act requirements also must be met regarding virtual access.

- c) Hearings will be held during the evening hours when feasible.
- d) Interpretation services for persons with limited English proficiency or for hearing impaired individuals will be provided if notification is provided at least three (3) business days prior to the meeting for the need of such services.

NOTICES OF HEARINGS AND REVIEW PERIODS – FIVE-YEAR PLAN, ANNUAL PLAN, CAPER, SUBSTANTIAL AMENDMENTS, ~~—&—~~AMENDMENTS TO THE CITIZEN PARTICIPATION PLAN & AFH

The City will provide residents, public agencies and other interested parties with notice of their opportunity to comment on the CPP, Five-Year Plan, Annual Plan, CAPER, ~~and~~ Substantial Amendments, and AFH to these documents using U.S. mail, e-mail, or in person at public hearings.

To ensure that all citizens, including minorities, persons with limited English proficiency, persons with disabilities, residents of public housing, and lower-income residents including those living in revitalization areas, are able to participate in the process:

- a) The City will provide notices of meetings and/or hearings on the Five-Year Plan, Annual Plan, CAPER, ~~and~~ substantial amendments, and AFH via alternative distribution services such as the U.S. postal service, e-mail, website, and newspaper postings. Notices will be in English, but will also include a paragraph in each of San José’s frequently used ethnic languages (including Spanish, Vietnamese, Chinese, and Tagalog) that identifies how to obtain additional information in each of the respective languages.
- b) The public notices will advise interested residents of the availability of relevant draft documents for public review and will include a summary of the document, its contents, and purpose. The notices will describe how to obtain a copy of the document for review. The notices will also include information on how to access staff reports at the HCDC and City Council agenda websites.
- c) Notices will be distributed and published in newspapers at least *fourteen (14)* days before public hearings and will include information regarding how to request accommodation and services available for persons with disabilities who wish to attend the public hearings.
- d) Newspaper postings of the notices for the Five-Year Plan, Annual Action Plan, CAPER, substantial amendments, ~~and~~ amendments to the CPP, and the AFH will be provided in the *San José Mercury News* or another local English language newspaper of wide circulation and in local ~~ethnic-non-English language~~ newspapers for one day, including, Spanish, Vietnamese, Chinese, and Tagalog language newspapers. Publication in more than one newspaper meets HUD’s requirement for at least two notices on different days.
- e) Notices will be sent to an e-mail or U.S. Postal Service distribution list maintained by the Housing Department. Although the City will prioritize the use of e-mail to distribute the Public Notices to residents, it will continue to send by U.S. Postal Service hard copies of the notice to residents who do not have access to e-mail.
- f) Notices will be posted on the Housing Department’s website at www.sjhousing.org.

- g) Notices of the availability of draft documents and the ~~30-day~~ review periods for the Five-Year Plan, Annual Plan, ~~and~~ substantial amendments, ~~and AFH~~, and the ~~15-day~~ review period for the CAPER and CPP amendments will be distributed, published, and posted on the Housing Department's website as above.

It has been the practice of the City to combine notices complying with several individual requirements into one document for dissemination and publication. See Appendix A for an example.

The City is receptive to suggestions for ways to improve its processes for notifying the public of hearings and the availability of draft documents.

NOTICES OF HEARINGS – MINOR AMENDMENTS

By definition, minor amendments to the Five-Year Plan, ~~or~~ Annual Plan, or AFH are those falling below a threshold that requires certain public notifications, public hearings, and public body approvals as specified in this CPP. However, the City’s municipal code and transparency guidelines may dictate that certain minor amendments need to adhere to noticing and/or public approvals outside the scope of this CPP. ~~—~~ In those cases, posting of recommended minor amendments on the agenda websites for the HCDC and City Council – 7 days prior to the HCDC meeting and 10 days prior to the City Council meeting – constitutes adequate notice to the public for the purposes of this CPP.

OTHER GUIDELINES FOR FIVE-YEAR PLAN, ANNUAL PLAN, ~~AND~~ SUBSTANTIAL AMENDMENTS, AND AFH

The draft Five-Year Plan, ~~and~~ Annual Plan, and AFH will be developed based on the following guidelines:

- a) The Housing Department will solicit input from San José residents, nonprofits, service providers, housing advocates, public agencies, and others interested in housing, homeless and community development issues during the Five-Year Plan, ~~and~~ Annual Plan and AFH development process.
- b) A public review period of not less than *thirty (30)* days will be provided for each Five-Year Plan, Annual Plan, ~~and~~ substantial amendment, and AFH to enable the public to provide comments prior to final adoption by the City Council.
- c) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the Five-Year Plan, Annual Plan, ~~or~~ substantial amendment, or AFH before final adoption by the City Council. The City will provide, as an attachment to the final Five-Year Plan, Annual Plan, or substantial amendment submitted to the U.S. Department of Housing and Urban Development (HUD), all written communications received and a summary of each oral comment, the City's subsequent action, and the reasons for non-action if none was taken. ~~—~~ This information will also be made available to the public as part of the final document.

OTHER GUIDELINES FOR CAPER

The development of the CAPER will include the following public participation guidelines:

- a) The City will establish a public review period of not less than *fifteen (15)* days to allow for public comments prior to final adoption by the City Council.
- b) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the performance reports prior to City Council action. The City will provide as an attachment to the final performance report submitted to HUD, all written communications received and a summary of each oral comment, the City's subsequent action, and the reason for non-

action if none was taken. This information will be made available to the public as part of the final document.

AMENDMENTS TO THE CITIZEN PARTICIPATION PLAN

The CPP will be posted at the Housing Department's website at <http://www.sjhousing.org>. Copies will also be available for pick-up, upon written or oral request, at the Department of Housing, 200 East Santa Clara Street, San José, CA 95113, on the 12th Floor.

Any change to the Citizen Participation Plan will be subject to the following guidelines:

- a) The City will establish a public review period of not less than *fifteen (15) days* to receive public comments prior to final adoption of the CPP by the City Council.
- b) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the CPP prior to City Council action.

DISPLACEMENT POLICY

As part of the CPP, the City must maintain a displacement policy. Displacement [for these purposes](#) refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and State relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower-income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- a rent subsidy for another unit
- a cash payment to be used for rent or a down-payment on the purchase of a dwelling unit
- moving and related expenses.

The City's rehabilitation programs may also deal with relocation issues when they provide minor additions to existing dwellings in to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

AVAILABILITY OF AND ACCESS TO RECORDS

Information on the City's Consolidated Plans, including records or documents over the previous five related to the CPP, the current Consolidated Plan, the Annual Action Plans, CAPER, ~~and~~ program regulations, [and AFH](#) will be available for citizen review during normal working hours at the Department of Housing, 200 East Santa Clara Street, San José, CA 95113, on the 12th floor, upon written or oral request. If the City is unable to provide immediate access to the documents requested, the City will make every effort to provide the documents and reports within ten (10) days from the receipt of the request. These documents are also posted on the Housing Department's website at www.sjhousing.org.

TECHNICAL ASSISTANCE

The City will, to the extent practicable, respond to requests for technical assistance by groups representing persons of low- and moderate-income developing funding proposals for any program covered by the Consolidated Plan in accordance with grant procedures. This may include, but is not limited to, providing information regarding how to fill out applications, other potential funding sources, and referrals to appropriate agencies within and outside the City of San José. "Technical assistance," as used here, does not include the provision of funds to groups requesting such assistance.

Assistance will also be provided by the Housing Department to interested individuals and citizens' groups who need further explanation on the background and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

COMPLAINTS

Complaints from members of the public regarding the Consolidated Plan, its ~~or~~-related amendments and performance reports, or AFH may be submitted to the City of San José Housing Department at 200 East Santa Clara Street, San José, CA 95113. The complaints will be referred to the appropriate City staff for disposition. The City will provide substantive, written responses to all complaints within fifteen (15) days of receipt. Each federal program also has a separate appeals process for grant applicants.

PROCEDURES IN THE EVENT OF A NATIONAL, STATE, OR LOCALLY-DECLARED EMERGENCY

In the case of a local, State, and/or national declaration of an emergency or disaster, virtual public hearings may be used in lieu of or in conjunction with in-person hearings if the City offices are closed, a shelter-in-place order has been declared, and/or national or local health authorities recommend social distancing and limiting public gatherings for public health reasons. Translation and interpretations services and accommodations for persons with disabilities will be made available to the greatest extent possible with advance notice.

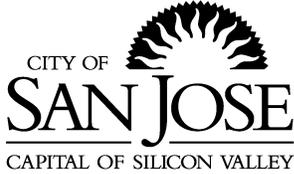
The period for public notice in the event of a local, State, and/or declared national emergency or disaster will be a minimum of seven (7) days prior to the first public hearing. All notices shall have, at minimum, language that identifies how to obtain additional information in each of San José's frequently used ethnic languages, including, but not limited to, Spanish, Vietnamese, Chinese, and Tagalog.

The period for public comment in the event of a local, state, and/or national emergency or disaster will be a minimum of five (5) days in advance of an action.

Notices will be posted on the Housing Department's webpage at www.sjhousing.org as well as sent via email distribution lists to appropriate recipients. Publication in newspapers is not required.

These procedures and periods supersede those required in non-emergency situations cited elsewhere in this CPP.

APPENDIX A – SAMPLE PUBLIC HEARING NOTICE



NOTICE OF HEARINGS ON THE 2012-2013 CONSOLIDATED ANNUAL ACTION PLAN AND A SUBSTANTIAL AMENDMENT TO THE 2011-2012 CONSOLIDATED ANNUAL ACTION PLAN FOR THE SECOND ALLOCATION AND REALLOCATION OF EMERGENCY SOLUTIONS GRANT FUNDS

THIS NOTICE IS TO ANNOUNCE THAT HEARINGS ON THE CITY OF SAN JOSÉ’S 2012-2013 CONSOLIDATED ANNUAL ACTION PLAN AND A SUBSTANTIAL AMENDMENT TO THE CITY’S 2011-2012 CONSOLIDATED ANNUAL ACTION PLAN FOR THE SECOND ALLOCATION AND REALLOCATION OF EMERGENCY SOLUTIONS GRANT (ESG) FUNDS WILL BE HELD BEFORE THE HOUSING AND COMMUNITY DEVELOPMENT ADVISORY COMMISSION AND THE SAN JOSÉ CITY COUNCIL. Come give your views on affordable housing and community development needs in San José. Comments will be used to develop the City’s Consolidated Annual Action Plan and the use of new and reallocated ESG funds.

The Consolidated Annual Action Plan outlines the City’s housing and community development needs and provides a one-year action plan on how the City plans to address those needs. This document is developed in consultation with the public and is the City’s planning document for its federal entitlement funds (the Community Development Block Grant program, the Emergency Solutions Grant program, the HOME Investment Partnership program, and the Housing Opportunities for Persons with AIDS program), which are anticipated to total about \$12 million for Fiscal Year 2012-2013.

The Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan addressing ESG funds outlines the proposed uses of the City’s second allocation of ESG funds and changes in the use of its first allocation of ESG funds.

The following table highlights the schedule for the completion of the 2012-2013 Consolidated Annual Action Plan and the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan:

What?	Who?	Where?	When?
Release of staff funding recommendations for federal grant programs in 2012-2013	City of San José Housing Department	City of San José - Housing 200 E. Santa Clara St.-12 th Floor, San José, CA 95113	March 27, 2012
The draft 2012-2013 Consolidated Annual Action Plan and the draft Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan available to the public for review and comment for 30 days	Visit the Housing Department’s website at http://www.sjhousing.org/report/consolidatedplan.html to find electronic copies or call (408) 793-5542 or (408) 294-9337 (TTY) for paper copies	City of San José - Housing 200 E. Santa Clara St.-12 th Floor, San José, CA 95113	March 29, 2012
First Council Hearing on the 2012-2013 Consolidated Annual Action Plan	San José City Council	San José City Hall 200 E. Santa Clara Street City Council Chambers	April 3, 2012, 1:30 p.m.
Review and Approval of the 2012-2013 Consolidated Annual Action Plan 2012-13 and the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan	Housing and Community Development Advisory Commission	San José City Hall 200 E. Santa Clara Street Room W-118,119 (Wing)	April 12, 2012, 5:45 p.m.
End of 30-Day Public Comment Period			April 30, 2012
Final approval of the 2012-13 Consolidated Annual Action Plan and the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan	San José City Council	San José City Hall 200 E. Santa Clara Street City Council Chambers	May 1, 2012 1:30 p.m.
Submit the approved Annual Action Plan and the Substantial Amendment to the US Department of Housing and Urban Development.	City of San José Housing Department		May 11, 2012

COMMUNITY INPUT IS GREATLY APPRECIATED. Specifically, we are looking for your input on the housing and community needs of low and moderate-income residents, seniors, people who are disabled, and others with special needs. Note above how electronic or paper copies of the two documents may be obtained. Please direct questions on either the Annual Action Plan or the Substantial Amendment to Daniel Murillo of the City of San José Department of Housing at 408-793-4195, by e-mail to daniel.murillo@sanjoseca.gov, or for those with speech/hearing impairments please call (408) 294-9337 (TTY).



Public comments can be submitted in the form of statements made at the above listed meetings, in writing to City of San José, Housing, 200 E. Santa Clara Street, 12th Floor, San José, California 95113, or submitted via e-mail to the address listed above. All public meetings are held in locations accessible to those with mobility impairments.

PARA RESIDENTES QUE HABLAN ESPAÑOL: Este anuncio es tocante a una enmienda significativa que se va llevar a cabo en El Plan Consolidado para el Año Fiscal 2011-12 en el programa de Subsidio de Soluciones de Emergencia (ESG) y describe como El Departamento de Viviendas de la Ciudad de San José propone usar estos fondos y cambios que se haran en la primer distribución de estos fondos. El Plan Consolidado identifica las necesidades de viviendas y del desarrollo comunitario para la ciudad, también fija prioridades y adopta estrategias para dirigir fondos federales. Para mas información, favor de llamar a Alejandra Herrera (408) 975-4424.

對只懂華語的聖荷西市居民: 此公告是關於2012-2013 財政年度聯邦政府房屋及都市發展部的綜合計劃年度行動計劃。

綜合計劃 – 年度行動計劃列出本社區發展的需求，並為本市如何滿足這些需求規劃為期一年的計劃。此公告也是關於2011-2012 財政年度的綜合計劃之緊急補助方案的大幅修改。修改的內容包括對方案的第一分配用途的更改及第二分配的建議用途。若有任何查詢，請聯絡 劉小姐 535-8242。

Dành cho những người cư trú nói tiếng Việt :

Đây là thông cáo về các cuộc điều-trần liên-quan tới Chương-trình Cùng cố và Phát động Công tác Niên-khoá 2012-13. Chương trình kể trên nêu rõ các nhu cầu thuộc phạm-vi Phát-triển Gia cư và Cộng đồng của Thành-phố, đồng thời cung ứng chương-trình Phát động Công tác trong vòng một năm, nhằm giúp Thành phố trừ liệu xử dụng các nhu cầu đó như thế nào. Thông cáo này cũng còn được coi như phần bổ túc đầy đủ cho chương trình tổng hợp thuộc tài-khoá 2011-12 dành cho Quỹ tài trợ giải quyết tình trạng khẩn cấp tài khóa 2011-12, đồng thời vạch rõ cách xử dụng tài khoản trợ cấp của Thành phố đã được dự trù cho quỹ tài-trợ ESG cũng như bất cứ sự thay đổi nào trong việc xử dụng tài-khoản trợ cấp lần đầu tiên cho Quỹ ESG. Quý vị nào muốn biết thêm chi tiết xin vui lòng liên lạc với Therese Trần, điện-thoại số (408) 793-5549.

APPENDIX B – SAMPLE AFFIDAVIT OF PUBLICATION

San Jose Mercury News

750 RIDDER PARK DRIVE
SAN JOSE, CALIFORNIA 95190
408-920-5332

PROOF OF PUBLICATION

IN THE
CITY OF SAN JOSE
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

SAN JOSE, CITY OF
OFFICE THE CITY GROUP/REBECCA, 200 E SANTA
CLARA STREET, 2ND FLOOR
San Jose CA 95113

FILE NO. Not. of Hearing

In the matter of

The San Jose Mercury News

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to or interested in the above entitled proceedings; and was at and during all said times and still is the principal clerk of the printer and publisher of the San Jose Mercury News, a newspaper of general circulation printed and published daily in the city of San Jose in said County of Santa Clara, State of California as determined by the court's decree dated June 27, 1952, case numbers 84096 and 84097, and that said San Jose Mercury News is and was at all times herein mentioned a newspaper of general circulation as that term is defined by Sections 6000 and following, of the Government Code of the State of California and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests or published for the entertainment or instruction of a particular class, professional, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professionals, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said city of San Jose in said County and State at regular intervals for more than one year preceding the first publication of the notice herein mentioned. Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a true printed copy, has been published in each regular or entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

3/23/2012

10" x 6 5/8"

Dated at San Jose, California
03/23/12

I declare under penalty of perjury that the foregoing is true and correct.

Signed: *[Signature]*
Principal clerk of the printer and publisher of the San Jose Mercury News.



NOTICE OF HEARINGS ON THE 2012-2013 CONSOLIDATED ANNUAL ACTION PLAN AND A SUBSTANTIAL AMENDMENT TO THE 2011-2012 CONSOLIDATED ANNUAL ACTION PLAN FOR THE SECOND ALLOCATION AND REALLOCATION OF EMERGENCY SOLUTIONS GRANT FUNDS

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關於廉租屋的緊急資助方案: 此公告是關於2012-2013 財政年度聯邦政府房屋及都市發展部的綜合計劃年度行動計劃。綜合計劃 - 年度行動計劃列出本社區發展的需求，並為本市如何滿足這些需求規劃為期一年的計劃。此公告也是關於2011-2012 財政年度的綜合計劃之緊急補助方案的大體修改。修改的內容包括對方案的第一分配用途的更改及第二分配的建議用途。若有任何查詢，請聯絡 劉小姐 635-8242。

Đành cho những người cư trú nói tiếng Việt:
Đây là thông cáo về các cuộc điều tra liên quan tới Chương trình Công tác và Phát động Công tác Niên-khoá 2012-13. Chương trình kế trên nêu rõ các nhu cầu thực phạm-vi Phát-triển Gia cư và Công đồng của Thành-phố, đồng thời cung ứng chương-trình Phát động Công tác trong vòng một năm, nhằm giúp Thành phố trở lại xử dụng các nhu cầu cấp thiết như thế nào. Thông cáo này cũng còn được coi như phần bổ túc đầy đủ cho chương trình tổng hợp thuộc tài-khoá 2011-12 dành cho Quỹ tài trợ giải quyết tình trạng khẩn cấp tài khoá 2011-12, đồng thời vạch rõ cách xử dụng tài khoản trợ cấp của Thành phố đã được dự trù cho quỹ tài-trợ ESG cũng như bất cứ sự thay đổi nào trong việc xử dụng tài-khoản trợ cấp lần đầu tiên cho Quỹ ESG. Quý vị nào muốn biết thêm chi tiết xin vui lòng liên lạc với Theresa Trần, điện-thoại số (408) 793 5549.

SJMN #4374986 March 23, 2012



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 3, 2020

Approved

Date

4/3/2020

SUBJECT: EMERGENCY ORDER AND SHELTER CRISIS DECLARATION FOR COVID-19 EMERGENCY

RECOMMENDATION

- A. Adopt a resolution:
 - 1. Ordering a suspension of City Zoning Code, the General Plan and other requirements applicable to shelters established or expanded during the COVID-19 emergency pursuant to the City's emergency powers under California Government Code Section 8634;
 - 2. Declaring the existence of a continued shelter crisis in the City of San José, pursuant to and in accordance with the provisions of California Government Code Section 8698 et seq., Citywide for facilities and properties as authorized by the City Manager during the COVID-19 emergency; and
 - 3. Ratifying the City Manager's March 20, 2020 declaration of Shelter Crisis;
- B. Direction to the Administration to take actions to address the emergency and Shelter Crisis as set forth in the Resolution.

OUTCOME

Approval of the recommended actions will save lives by reducing constraints on the production and operation of additional emergency shelter to reduce the spread of COVID-19 consistent with the City's COVID-19 response plan. This will include increasing the number of emergency shelter beds to allow the current shelter system to meet COVID-19 social distancing space requirements, to provide shelter in separate rooms or units for the protection of unhoused high risk individuals, isolation of COVID-19 positive individuals, for quarantine of people who have been exposed, and to expand shelter beds for the unhoused population in San José to allow them to comply with the County shelter-in place order.

BACKGROUND

At a White House briefing on March 31, 2020 Dr. Anthony S. Fauci, the leading infectious disease expert in the United States and director of the National Institute of Allergy and Infectious Diseases, reported that most recent transmission modelling estimated COVID-19 will kill between 100,000 and 240,000 Americans.¹ These grim projections—combined with the most recent warning from the director of the Centers for Disease Control and Prevention (CDC) that as many as 25 percent of people infected with the virus may not show any symptoms and are therefore contributing to the virus’ rapid spread—add to the urgency of ensuring people are indoors and taking the necessary precautions to prevent getting sick.²

As of March 29, 2020 there were 848 confirmed COVID-19 cases in Santa Clara County, and at least 2,092 confirmed cases and 51 deaths in the seven Bay Area jurisdictions.³ These deaths accounted for nearly one third of fatalities in California.⁴ By April 1, 2020, the County’s Public Health Department reported 956 positive cases, an increase of 108 confirmed cases since March 29, 2020.⁵ In the United States, a minimum of 188,247 cases and 3,921 deaths have already been reported as of March 31 2020.⁶ The number of cases is expected to continue growing rapidly as the virus is easily transmitted and may result in serious health complications including death.

Although there is limited information regarding risk factors for COVID-19, certain populations are at higher risk for developing severe illness from the disease. According to the CDC, these include people aged 65 years and older, people with underlying medical conditions, among others. Additionally, people experiencing unsheltered homelessness are considered at risk and recommended to take additional precautions.⁷

Rapidly Changing Public Health Crisis

COVID-19 presents a dynamic public health emergency, requiring extraordinary actions by governments and health agencies in a rapidly changing environment where inaction can result in increased lives lost. As the virus’ transmission has changed over the last couple of months, so too has the response at the local, state, and federal level.

On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International concern, and the following day the United States Secretary of Health and Human Services declared a Public Health Emergency. On February 10, 2020, the Santa

¹ <https://www.nytimes.com/2020/03/31/us/politics/coronavirus-death-toll-united-states.html>

² <https://www.nytimes.com/2020/03/31/health/coronavirus-asymptomatic-transmission.html?action=click&module=Top%20Stories&pgtype=Homepage>

³ Data provided by the 3-31-20 Santa Clara County Health Offer Order to Shelter in Place

⁴ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>. CDPH data reported 171 fatalities in California as of March 31, 2020.

⁵ <https://www.mercurynews.com/2020/04/01/coronavirus-santa-clara-county-tops-950-covid-19-cases-reports-two-new-deaths/>

⁶ https://www.nytimes.com/news-event/coronavirus?action=click&pgtype=Article&state=default&module=style-coronavirus-world&variant=show®ion=TOP_BANNER&context=storyline_menu

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>

Clara County announced a local health emergency due to the spread of the novel coronavirus. With continued spread across the state, Governor Gavin Newsom issued a Proclamation of a State of Emergency in California on March 4, 2020. Days later, on March 11, the World Health Organization declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning on March 1, 2020.

Responding to the local context, on March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency, pursuant to his powers under Chapter 8.08 of the San Jose Municipal Code, finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City. This proclamation was quickly followed by the County of Santa Clara, which on March 16, 2020 issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services. All businesses, except essential businesses, were required to cease all activities at facilities located within the County. At that time, there were 258 confirmed cases and three deaths in the seven Bay Area jurisdictions. On March 19, Governor Newsom also issued Executive Order N-33-20 directing California residents to follow a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector.

On March 20 2020, the Director of the Office of Emergency Services of the City of San José issued a Declaration of Shelter Crisis, consistent with the provisions of the Shelter Crisis Act, under his powers in Chapter 8.08 of the San José Municipal Code.

Most recently, the County issued a second, more restrictive, shelter in place order on March 31, 2020, superseding its initial order as total confirmed cases increased by over 1,800 in just a two-week period. The County's most current order became effective on March 31, 2020 and will remain in place until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended.

Importantly, guidance released from the U.S. Department of Housing and Urban Development on March 9, 2020 states that housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. As a result, the experience of homelessness may place these individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19.⁸

⁸ https://files.hudexchange.info/public/resources/documents/Specific-Considerations-for-Public-Health-Authorities-to-Limit-Infection-Risk-Among-People-Experiencing-Homelessness.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=8b1f3959f9-Infectious_Disease_Guidance_Homeless_3.9.20&utm_medium=email&utm_term=0_f32b935a5f-8b1f3959f9-19553749

The City's Housing Department has been following, analyzing, and quickly responding to public health guidance from the CDC, and the State and County Public Health Officers. Accordingly, on March 10, the City of San José suspended encampment abatements unless they are required for safety or health reasons. This suspension was effective March 10, 2020 and will continue to remain in effect consistent with the County Public Health Order (Shelter in Place) and CDC recommendations.⁹ The Homeless Concerns Hotline remains open and the Housing Department continues to send outreach teams to encampments to help homeless individuals understand how best to protect themselves from COVID-19.

Protecting Those Most at Risk

The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place orders at the State and County levels, requires significantly restricting mobility to limit interactions among people, thus slowing the rate of community transmission. Slowing the virus' transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness. Unsheltered populations are especially vulnerable without a place to shelter, quarantine, or self-isolate. In the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and "governmental and other entities are urged to, as soon as possible make such shelter available." A suspension of zoning codes, the City General Plan, and other regulations, combined with a declaration of shelter crisis is necessary for the City of San José to expeditiously advance the recommendations in the Public Health Order to protect vulnerable homeless residents from COVID-19. Such action would allow the City to rapidly open critically needed shelters and develop housing solutions to both assist current shelters in adhering to social distancing requirements, as well as bring unsheltered residents indoors.

ANALYSIS

Emergency Order

To ensure that the City can proceed with all haste to provide the additional shelter needed to safeguard the lives of the City's housed and unhoused residents from the risk of COVID-19, the City needs to remove any barriers to this emergency response that exist in its municipal code, land use plans, and policies. Immediate shelter capacity is needed both to protect the vulnerable and combat the spread of COVID-19.

To expand emergency shelter capacity under normal circumstances, City staff would adhere to specific City Zoning Codes, official policy direction represented in the City's General Plan, and other requirements, such as Chapter 6.46 of Title 6 of the Municipal Code (regulating Mobilehomes and Mobilehome Parks) and Council Policy 6-16 (regulating use of City Property) that otherwise might impose limitations or additional standards and processes to the establishment or expansion of shelters or the use of land for shelters. These processes take time, and the City does not have time; the City must act to combat COVID-19 as soon as possible. The order will not suspend any requirements of the City Charter, and the City intends that all such

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>

shelter capacity to be added will be consistent with applicable State standards or local building standards in Chapter 5.09 of the Municipal Code.

To save lives and flatten the curve of coronavirus cases, current public health direction mandates that people shelter in place to keep themselves safe and prevent community transmission of COVID-19. Without such suppressing and mitigating policy action, the result will be an inundated and overwhelmed healthcare system. This places residents experiencing homelessness in an exceptionally precarious situation; they're inability to shelter indoors—compounded by the fact that many homeless also experience poor health outcomes as a direct result of living outdoors—puts them at much higher risk for developing severe illness from COVID-19 that can ultimately end in death. California Government Code Section 8634 allows for the City to promulgate orders and regulations to provide for the protection of life and property.¹⁰ Thus, by allowing for the suspension of municipal codes, including the zoning codes, the City's General Plan, and other regulations, the order will allow the Administration to move more expeditiously in providing emergency shelter for its residents, thereby protecting their health and safety, and by extension the health and safety of the community at large.

Shelter Crisis Declaration and Ratification

The Shelter Crisis Act, California Government Code Section 8698 *et seq*, allows a city to declare a state of emergency due to a shelter crisis, and such a declaration allows the City to suspend certain regulations and standards of housing, health or safety to the extent strict compliance would prevent, hinder, or delay mitigation of the shelter crisis. It also provides that any city may allow homeless persons to occupy designated sites or facilities held by a public entity for the duration of the state of the emergency. To declare a shelter emergency, a city must find that there is an existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

San José's 2019 homeless census and survey found 6,097 persons experiencing homelessness in the City of San José, increasing 40% from the 2017 homeless census. Out of the 6,097 people counted, 5,117 (84%) were unsheltered. On any given night, there are 849 shelter beds available Citywide, however, approximately 5,117 homeless people are unsheltered. Given the lack of available shelter and housing to meet the needs of the existing homeless population, Housing Department staff is recommending that the City Council declare a shelter crisis effective immediately until December 2020.

It is intended that the Council's declaration include and apply to public facilities, emergency bridge housing communities, emergency housing and homeless shelters (the "facilities"), all as described in the Shelter Crisis Act, and that to the fullest extent possible the protections and exemptions of the Act, including those provided in Government Code Sections 8698.3 and 8698.4, shall apply. The City has adopted by ordinance reasonable local standards and procedures for the design, site development, and operation of such facilities and determined that strict compliance with state and local standards or laws in existence at the time would prevent,

¹⁰ http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8634

hinder, or delay the mitigation of the effects of the shelter crisis. The City reaffirms that determination with respect to the shelter crisis and the COVID-19 emergency.

Should the Council make this declaration, staff will issue an information memorandum to report on specific sites designated by the City Manager at the end of each month.

Pursuant to Section 8.08.250 of Chapter 8.08 of the San Jose Municipal Code, the Director of the Office of Emergency Services is to seek Council ratification of his actions under that Chapter, thus as part of this action, the Administration requests that the Council confirm the March 20, 2020 declaration issued by the Director of the Office of Emergency Services.

CONCLUSION

The COVID-19 pandemic has grown exponentially since the first case reported in Santa Clara County on January 31, 2020. The virus is extremely transmittable and can cause severe illness that may result in death. The rapid transmission rate of COVID-19 has changed the very nature of how residents work, live, and protect others against the spread of this virus. With the closures of libraries, community centers, limited non-profit resources, and lack of shelter space across San José, these impacts are having an even greater direct impact on homeless individuals' ability to protect themselves from COVID-19. Indeed, the CDC considers homeless populations an at-risk population for COVID-19, because they may face issues getting assistance if they become ill, and are therefore recommended to take extra precautions. Upon ordering the suspension of City Zoning Code, General Plan, and other requirements, together with a shelter crisis declaration, the Housing Department will work to quickly identify additional housing opportunities and will deploy resources to protect our most vulnerable unhoused residents as quickly and widely as possible.

EVALUATION AND FOLLOW-UP

The Department will provide a monthly information memorandum on progress updates to the City Council. The Administration will work with the Intergovernmental Relations group to obtain an emergency authorization to use up to 50% of its unencumbered Low and Moderate Income Housing Asset funds to provide initial funding for the purchase, leasing or operation of emergency shelter sites, which funds are to be repaid from grants provided in connections with the COVID -19 emergency. Additionally, the Administration will work with the Intergovernmental Relations group to confirm the State Department of Housing and Community Development acceptance of the standards adopted by the City in Municipal Code Chapter 5.09 for application to homeless shelters.

CLIMATE SMART SAN JOSÉ

The recommendation in this memo does not relate to Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the April 14, 2020 City Council Meeting.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office, the City Manager's Office of Emergency Management, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

This item was not referred to the Housing and Community Development Commission due to the urgent nature of the report.

COST SUMMARY/IMPLICATIONS

The recommended action allows the City to deploy financial resources meet the objectives of the emergency shelter plan described above. Costs related to this plan's implementation, and available funding sources, are under development and will be reported in coordination with all costs related to the City's pandemic response.

CEQA

Statutorily Exempt, CEQA Guideline Section 15209, Emergency Projects.

/s/

JACKY MORALES-FERRAND
Director, Housing Department

For questions, please contact Housing Director, Jacky Morales-Ferrand, at (408) 535-3855.



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: SEE BELOW

DATE: March 30, 2020

APPROVED:

DATE: *March 30, 2020*

SUBJECT: SHELTER CRISIS DECLARATION FOR COVID-19 EMERGENCY

RECOMMENDATION

For the immediate and urgent build-out of emergency housing for COVID-19 positive and exposed residents currently living in overcrowded housing, encampments, shelters, or other circumstances making it difficult for the individual to self-quarantine, direct the City Manager and City Attorney to issue a determination—either orally or in writing—confirming that, for the purpose of constructing emergency housing expeditiously:

1. Pursuant to the City’s Emergency Declaration,
 - a. the City Manager may bypass current City procurement processes to purchase materials necessary (including pre-fabricated or modular units);
 - b. the City Manager may waive City permit and land use restrictions and requirements;
2. Pursuant to AB2176, the conditions under which the contemplated emergency or transitional housing will qualify for waiver of the Title 24 building requirements identified in that legislation;
3. Pursuant to the Governor’s March Executive Orders, the emergency housing funded by HEAP or HHAP state allocations may proceed without regard to CEQA-required processes or approvals; and whether additional lobbying would be appropriate to broaden that waiver to other housing funding sources;
4. Pursuant to federal and state emergency assistance laws and regulations, and particularly with regard to the March 30, 2020 announcement of the Federal Emergency Management Agency (FEMA) regarding non-congregate care and housing:

- a. The extent to which FEMA reimbursement is likely to apply to the specific non-congregate housing we seek to build, given that (a) only congregate shelters have been traditionally included on the FEMA pre-approved list, and (b) the unique context of this disaster in which congregate housing is not appropriate disaster relief for a pandemic, and (c) whether some lobbying with our federal delegation will be appropriate.
- b. The extent to which the State of California is likely to reimburse for some portion of the remaining 25% of cost for which FEMA reimbursement does not apply.

Discussion

Amid this crisis, we must expand our capacity to house people who are COVID-19 positive or exposed, but unable to access adequate housing to self-quarantine. We have unique opportunities to move aggressively to build emergency housing if we are able to move nimbly and decisively. I urge that we do so – and, as the saying goes, “never waste a crisis.”



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Ragan Henninger
Jim Shannon

SUBJECT: SEE BELOW

DATE: April 20, 2020

Approved	Date
	4/20/2020

SUBJECT: ACCEPT THE HOMELESS HOUSING ASSISTANCE AND PREVENTION GRANT FROM THE STATE OF CALIFORNIA AND AUTHORIZE RELATED CONTRACT AMENDMENTS

RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager or his designee:
 - (1) To accept the Homeless Housing, Assistance and Prevention (HHAP) grant award of \$23,832,510.94 from the State of California to fund emergency and crisis intervention services for the homeless and negotiate and execute related documents to accept these grant funds without further City Council action.
 - (2) To negotiate and execute a Second Amendment to the grant agreement with Habitat for Humanity dated June 3, 2019 to increase the grant amount by up to an additional \$6,000,000 for a total amount of \$11,100,600 to develop and construct at additional site located on Monterey and Bernal for emergency bridge housing or emergency shelters.
 - (3) To negotiate and execute a Third Amendment to the grant agreement that was transferred to Destination: Home SV by Asset Transfer Agreement dated November 28, 2017, to increase the grant amount by \$3,000,000 for a total of \$5,179,129, to continue implementing the Employment Initiative and Homelessness Prevention System for homeless individuals and families through June 30, 2021.
 - (4) To negotiate and execute a Third Amendment to the grant agreement with Bill Wilson Center dated August 15, 2017, increasing the maximum amount of compensation by \$2,000,000 from \$2,179,129 to \$4,179,129 to provide housing and supportive services to homeless youth ages 18 to 25 through their Transition in Place program through June 30, 2020.

- (b) Adopt a resolution finding that the expenditures in connection with the COVID-19 emergency for the purposes of procuring, developing and constructing emergency bridge housing communities, emergency interim shelters or emergency shelters are deemed by the Council to be of urgent necessity for the preservation of life, health, or property and that such expenditures and contracts are exempted from Charter bidding and procurement requirements pursuant to Section 1217(e)(5) of the City Charter. (Requires 8 votes.)

- (c) Adopt the following Appropriation Ordinance Amendments in the Emergency Reserve Fund:
 - (1) Establish a Transfer to the Multi-Source Housing Fund in the amount of \$3,919,821; and
 - (2) Decrease the COVID-19 Emergency Response appropriation by \$3,919,821.

- (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
 - (1) Increase the estimate for Revenue from the State of California by \$23,832,511;
 - (2) Increase the estimate for Transfers and Reimbursements by \$3,919,821;
 - (3) Establish a SB89 COVID-19 Emergency appropriation to the Housing Department in the amount of \$3,919,821;
 - (4) Establish an Emergency Shelters appropriation to the Housing Department in the amount of \$17,232,511;
 - (5) Increase the Homelessness Prevention System appropriation to the Housing Department by \$3,000,000;
 - (6) Establish a Homeless Youth appropriation to the Housing Department in the amount of \$2,000,000; and,
 - (7) Establish a Grant Administration appropriation to the Housing Department in the amount of \$1,600,000.

OUTCOME

Acceptance of the Homeless Housing Assistance and Prevention (HHAP) grant award allows the City to immediately begin work on critically needed homeless programs, specifically emergency bridge housing during the COVID-19 health crisis, homeless prevention and homeless youth services.

BACKGROUND

Homeless Housing, Assistance and Prevention (HHAP) Grant

On July 31, 2019, Governor Gavin Newsom signed Assembly Bill 101 (AB101) into law, establishing a one-time source of funds called the Homeless Housing, Assistance and Prevention Program (HHAP), a \$650 million block grant program. HHAP funding provides jurisdictions with flexibility to use funds to meet their emergency needs with a focus on evidence-based practices and regional coordination, as well as services specific to the needs of homeless youth. The City of San José's allocation is \$23,832,510.94.

On February 11, 2020, City Council approved a proposed expenditure plan for the City's HHAP award. The plan allocated \$13 million for the development and three years of operation of a navigation center, \$3 million for homeless prevention, \$2 million for homeless youth services and housing and \$4.2 million for innovative solutions that included a motel voucher program for families, overnight warming locations and safe parking programs.

On March 30, 2020, The City was notified that it was awarded a Homeless Housing, Assistance and Prevention (HHAP) Grant in the amount of \$23,832,510.94 from the State's Business, Consumer Services and Housing Agency.

The Current Health Crisis and Emergency Housing Needs

COVID-19 presents a dynamic public health emergency, requiring extraordinary actions by governments and health agencies in a rapidly changing environment where inaction can result in increased lives lost. As the virus' transmission has changed over the last couple of months, so too has the response at the local, state, and federal level. On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International concern, and the following day the United States Secretary of Health and Human Services declared a Public Health Emergency. On February 10, 2020, the Santa Clara County (County) announced a local health emergency due to the spread of the novel coronavirus. With continued spread across the state, Governor Gavin Newsom issued a Proclamation of a State of Emergency in California on March 4, 2020. Days later, on March 11, the World Health Organization declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning on March 1, 2020.

On March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency, pursuant to his powers under Chapter 8.08 of the San José Municipal Code, finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City. This proclamation was quickly followed by the County, which on March 16, 2020, issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services. All businesses, except essential businesses, were required to cease

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all activities at facilities located within the County. At that time, there were 258 confirmed cases and three deaths in the seven Bay Area jurisdictions. On March 19, Governor Newsom also issued Executive Order N-33-20 directing California residents to follow a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector.

On March 20 2020, the Director of the Office of Emergency Services of the City of San José issued a Declaration of Shelter Crisis, consistent with the provisions of the Shelter Crisis Act, under his powers in Chapter 8.08 of the San José Municipal Code.

Most recently, the County issued a second, more restrictive, shelter in place order on March 31, 2020, superseding its initial order as total confirmed cases increased by over 1,800 in just a two-week period. The County's most current order became effective on March 31, 2020 and will remain in place until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended.

Guidance released from the U.S. Department of Housing and Urban Development (HUD) on March 9, 2020 states that housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. As a result, the experience of homelessness may place these individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19.¹ The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place orders at the State and County levels, requires significantly restricting mobility to limit interactions among people, thus slowing the rate of community transmission. Slowing the virus' transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness. Unsheltered populations are especially vulnerable without a place to shelter, quarantine, or self-isolate. In the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and "governmental and other entities are urged to, as soon as possible make such shelter available." The City, in partnership with the County, has created over 1,000 new emergency beds/units through a combination of hotel/motel leasing and new congregate temporary shelter sites.

¹ https://files.hudexchange.info/public/resources/documents/Specific-Considerations-for-Public-Health-Authorities-to-Limit-Infection-Risk-Among-People-Experiencing-Homelessness.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=8b1f3959f9-Infectious+Disease+Guidance+Homeless+3.9.20&utm_medium=email&utm_term=0_f32b935a5f-8b1f3959f9-19553749

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SB 89 Funds

On March 17, the Governor signed SB89 which provides funding to protect the health and safety of the homeless population in response to the COVID-19 pandemic. On March 23, the City of San José was notified that it was awarded \$3,919,820.88 from State SB89 funds. The funding can be used for medically indicated services and supplies, such as testing and hand-washing stations. It can also be used to acquire new shelters, supplies and equipment for emergency shelter operations, increasing shelter capacity, street outreach, and acquiring locations to place individuals who need to be isolated because of COVID-19 illness or exposure.

Emergency Shelter Declaration

On April 7, 2020, the City Council ratified the Office of Emergency Services Declaration of Shelter Crisis and adopted a Shelter Crisis Declaration and an Emergency Order pursuant to Government Code Section 8634 which applies to emergency shelters developed during the COVID-19 emergency. The Shelter Crisis declaration found that the current health crisis described above presents an urgent necessity to take action for the preservation of life, health and property through the most rapid procurement, construction and development of emergency shelters, emergency bridge housing or emergency interim housing to increase the City's shelter capacity and allow the City's unsheltered residents an opportunity to shelter in place, protecting both those residents and the larger community.

Public Health Pandemic Spurs HHAP Investment in Emergency Housing

Concurrent to ratifying and adopting the Shelter Crisis Declaration on April 7th, the City Council redirected \$17,232,510 of HHAP funds toward purchase and/or construction of emergency housing, including prefabricated modular units, during the declared shelter crisis for individuals impacted by the COVID-19 pandemic. The City Council directed the Administration to "move aggressively" to build emergency housing. The City Council also directed that staff identify other sources to be used to make up for what would have been spent for families under the proposed Innovative Housing Solutions Category.

ANALYSIS

HHAP Allocation & Eligible Uses

HHAP funding provides jurisdictions with flexibility to use funds to meet their emergency homeless and housing needs. The City of San José's allocation is \$23,832,510.

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HHAP Eligible Categories

<ul style="list-style-type: none"> • Rental Assistance/Rapid Rehousing • Operating Subsidies and Reserves • Landlord Incentives • Outreach and Coordination • Support to Create Regional Partnerships • Delivery of Permanent Housing • Prevention and Shelter Diversion 	<ul style="list-style-type: none"> • New Navigation Centers/Emergency Shelters • Innovative Solutions • Homelessness Planning (up to 5%) • Infrastructure Development (up to 5%) • Youth Set-Aside (no less than 8%) • Administrative (up to 7%)
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Funds not expended must be returned to the State. The State requires the City to contractually obligate no less than 50% of program allocations by May 31, 2023 and 100% of funds must be fully expended by June 30, 2025. In addition, the City is required to use at least 8% of the program allocation for services that meet the specific needs for homeless youth populations. No more than 7% of the allocation may be used on administrative costs. The City is also required to demonstrate how it has coordinated with other jurisdictions to identify the City’s share of the regional need to address homelessness, and how the requested funds will help meet the City’s share of that need.

HHAP Expenditure Plan

The table below summarizes the expenditure plan for the City’s HHAP allocation based on the City Council direction provided on February 11, 2020 and April 7, 2020.

State Eligible Use/Category	Program	Cost
Prevention and Shelter Diversion to Permanent Housing	Homelessness Prevention System Program	\$3,000,000
Youth Set-Aside (required)	Rental assistance/supportive services	\$2,000,000
New Navigation Centers/ Emergency Shelters	Emergency Bridge Housing	\$17,232,510
Administrative	Program and grant management by City staff	\$1,600,000
Total		\$23,832,510

A description of each funded program is provided below.

1. Homeless Prevention System Program

The Homelessness Prevention System Program (Program) provides support for low-income households at risk of homelessness to remain stably housed. The Program provides financial assistance and support to households at risk of homelessness, which may include rental assistance, move-in costs or rental arrears, housing search, employment and benefits assistance, landlord mediation/dispute resolution, and information regarding tenant rights. The Program is

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being independently evaluated by the University of Notre Dame's Lab for Economic Opportunity.

The Program works in conjunction with and/or enhances existing County homeless prevention programs, including the Emergency Assistance Network (EAN). The goal of the Program is to expand households' ability to become quickly connected to prevention services with multiple points of entry, streamline and standardize service delivery, and measure the collective impact of homelessness prevention.

In February, Council approved the \$3 million allocation to Destination: Home to continue the program through 2019-2020 and 2020-2021. The approval of the action in this memorandum provides the Administration the authority to negotiate and execute the contract amendment with Destination: Home to continue the program. One hundred percent of the City funds will be used to assist families with minor children who are at risk of becoming homeless.

During the COVID-19 health crisis, Destination: Home raised \$11 million for an emergency fund to provide financial assistance to low income households impacted by COVID-19. As an indicator for need here in the local community, the fund received 4,400 applications within the first 72 hours of opening. Now there are over 7,000 households on the interest list for future funding. The economic impacts of COVID-19 are likely to be long lasting and devastating for low income households. It is likely the HHAP funding will also assist low-income families who are both at risk of becoming homeless and who are also impacted by COVID-19.

2. Youth Set-Aside Services

In February, the City Council approved the Housing Department's proposal to set aside \$2 million for youth services, specifically rental subsidies and supportive services. The City Council further provided direction to the Administration to specifically allocate the \$2 million funding to the Bill Wilson Center, serving homeless youth and families. The action in this memorandum provides the Administration the authority to negotiate and execute the contract with Bill Wilson Center for this additional funding.

3. Emergency Bridge Housing

On April 7, the City Council reallocated \$17,232,510 of HHAP funds towards the lease, purchase, and/or construction of emergency housing during the declared Shelter Crisis for individuals impacted by COVID-19 pandemic. The Administration has since diligently pursued options to expeditiously site and build non-congregate shelter/interim housing opportunities. Staff has assessed multiple temporary housing types including a variety of individual sleeping cabins, workforce housing, and prefabricated modular units. Ultimately, staff determined that the most expedient option is to expand the City's Bridge Housing Communities (BHC) inventory. Using prefabricated modular construction under the City's BHC Ordinance, the City will benefit from the temporary relief under the Governor's Executive Order (N-32-20) and the flexibility

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authorized under Assembly Bill 2176; ensuring speedy project delivery as well as the ability to successfully operate beyond the current COVID-19 Crisis.

After identifying the City owned site at Monterey and Bernal to develop the first of several new BHC's, staff immediately began work on the site engineering and design. To expedite the design process, the Administration is utilizing several existing contractual design services. Staff also began developing an expedited competitive procurement for a contractor to purchase the modular sleeping units and develop the new BHC and site. While the expedited contractor procurement will significantly reduce the traditional contractor selection timeline, a contractor will not be selected for several weeks, delaying development of this first site. After weighing all immediately viable options, the Administration has decided that the swiftest course of action is to use the construction services of the non-profit contractor, Habitat for Humanity ("Habitat") of Silicon Valley East Bay, to develop the Bernal/Monterey BHC. The Habitat contract will increase the grant by \$6,000,000 for a total amount of \$11,100,600 to develop and construct the Bernal/Monterey BHC. Habitat was selected through a competitive Request for Qualifications process in 2018 to construct the first two BHC's. Mission driven for decades to build housing for low income homeowners, Habitat has expanded in recent years from its historic model of volunteer centric home building to full construction/development services. Staff has negotiated the amended terms to the existing agreement with Habitat and anticipates an amended agreement will be executed immediately, should City Council approve the Charter exception recommendations to waive the City's procurement and bidding requirements under Section 1217(e) (5) of the City Charter. The agreement with Habitat is structured as a reimbursable "cost plus fee" agreement, ensuring the City will only pay for actual project expenses plus a reasonable fee for project management and delivery. This type of agreement not only ensures cost accountability but provides the City greater control over expenses. The Administration will continue to develop and release the expedited procurement to construct subsequent BHC's.

The Charter of the City of San José (City Charter) contains procurement and bidding requirements that apply to expenditures for public works projects including the emergency bridge housing communities and emergency shelters to be built under a City contract or grant agreement. The City, is however, authorized by Section 1217(e) (5) of the City Charter to waive the procurement bidding requirements applicable to public works projects under conditions of urgent necessity for the preservation of life, health and property upon adoption of a resolution making findings of such urgent necessity with at least eight votes.

The expenditures and contracts for emergency shelters funded with the HHAP funds are to be constructed to meet an urgent necessity for the preservation of life and health as discussed in the memorandum for Shelter Crisis and Emergency Powers resolution adopted by the City Council on April 7, 2020. After adoption of the proposed resolution upon the findings included in **Attachment A**, the emergency shelter expenditures and contracts will be exempted from Charter bidding and procurements pursuant to Section 1217(e)(5) of the City Charter. The findings are included in **Attachment A**.

Emergency Bridge Housing Communities Development Plan

The Bernal/Monterey site has been engineered and designed to 30% completion. With these designs, Habitat can immediately begin procuring the prefabricated sleeping and community modular buildings while staking and grading the site for construction. City staff and its design consultants will continue to work with Habitat to finalize the design build plans while work is in progress. In accordance with AB2176 and the City’s BHC Ordinance, each site developed under these current efforts will provide a community kitchen, laundry, recreations/meeting space, office space for operations and services staff, along with other site amenities. The Bernal/Monterey site will consist of 16-20 modular buildings for sleeping, each accommodating between 3-5 individuals for a total capacity of approximately 80 sleeping units. To ensure adequate physical distancing, units will have either a bathroom with shower within the unit or two units sharing one restroom to limit potential exposure to COVID-19. In accordance with federal and State law, the site will conform to ADA requirements. Most sleeping units will also meet minimum Health Quality Standards (HQS) which may allow the City to use Housing Authority vouchers to offset a significant amount of the annual operating costs.

Proposed Plan for Families

On April 7, the City Council directed the Housing Department to return with alternative funding sources to support families who are experiencing homelessness with a goal of replacing funding that would have been received under the original HHAP Expenditure Plan for the Innovate Housing Solutions.

Original Expenditure Plan, Innovate Housing Solutions by Household Type

Program	Amount	Description	Household
Motel Voucher Program	\$2,000,000	Temporary motel stays for families with children and survivors of domestic violence	Families
Overnight Warming Centers	\$1,232,510	Temporary shelter at City-owned facilities	Singles
Incidental Safe Parking Program	\$500,000	Support non-City programs	Singles/Families (50%)
Housing Problem Solving	\$500,000	New system to support creative problem solving to keep people housed	Singles (25%) Families (75%)
Total	\$4,232,510		

The original expenditure plan allocated \$4,232,510 to Innovative Solutions with approximately \$2,625,000 (62%) allocated to families.

Need for Additional Support for Families and Survivors of Domestic Violence

The Housing Department reached out to the Santa Clara County Office of Education McKinney-Vento staff, family shelter providers, and the operators of Domestic Violence shelters to identify their needs. The County McKinney-Vento staff reported that homeless youth are unable to keep up with their schoolwork due to their families struggling with a lack of additional shelter, affordable childcare, and inadequate transportation. Staff also convened a call with the family shelter providers that all stated they were providing access to children and working closely with teachers (children had access to technology and Wi-Fi) so that they could keep up with their school work. A State Task Force has recently been convened to address the digital divide for low-income families. Most of the family shelter providers also stated that they were still taking referrals, however they indicated funding for motel/hotel vouchers would add additional capacity. Finally, staff convened Domestic Violence service providers who reported that while calls are down, their shelters are full, and that they are in need of personal protective clothing and flexibility to use their current funding for motel/hotel vouchers. Domestic Violence providers expressed a concern that the low call volume may be due to the shelter in place order and requested that the City include information on domestic violence in a flash report. Information on domestic violence was released last week in the City's flash report. The City and Office of Supportive Housing (OSH) are identifying the capacity in the Domestic Violence providers existing contracts that can be redeployed and will determine what additional funding is needed. It is anticipated that this analysis will be completed the week of April 20th. Finally, the Housing Department is working with the OSH to develop a streamlined referral process so that families can more easily access shelter.

CARES Act

On March 27, 2020 the CARES Act was signed into law. The legislation is aimed at providing relief for individuals and businesses that have been negatively impacted by COVID-19. The CARES Act allocated over \$12 billion in supplemental Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), and Housing Opportunities for People Living with AIDS (HOPWA). The CARES Act also provides waivers which gives local communities greater flexibility that make it easier to use CARES grant funding for fiscal years 2019 and 2020 and authorizes the Department of Housing and Urban Development (HUD) to grant additional waivers. HUD released the first \$3.064 billion in funding and is planning on releasing the remaining \$9.136 after new grant formulas are written. (The CARES Act requires that HUD release a second round of funding within 45 days of passage of the legislation and a third round will be released on a rolling basis.) The City of San Jose is receiving \$8,156,511 in CARES Act funding from the first release. Item 8.3 on the April 21st City Council Agenda, Substantial Amendments to the FY 2015-2020 Consolidated Plan and FY 2019-2020 Annual Action Plan, programs the new funding to support emergency shelter set-up and operations and housing for people living with HIV/AIDS. In addition, one of the HUD waivers allows the City to lift its public service cap allowing the City to invest its unprogrammed current CDBG allocation to fund additional motel/hotel vouchers, food services, and shelter operations.

Reallocation of CDBG to Support Families

The Housing Department identified approximately \$6 million in unallocated CDBG funding that can be redeployed to respond to COVID-19. The Department is proposing that \$2 million be allocated to LifeMoves for emergency hotel/motel vouchers for families with minor children. (The remaining funds are proposed to be allocated to 1. provide food to vulnerable residents (\$1.2 million), 2. fund microenterprise loans (\$2.5 million), and 3. establish and operate City emergency shelters (\$519,000)). The Department will also explore whether new waivers on the HOME program will allow for the additional investment of rent subsidies for families. Finally, there may be more opportunity to invest additional funds for families when HUD releases the next round of funding after shelter operations are fully funded.

Emergency Bridge Housing Community for Families

The Emergency Housing and Quarantine Branch at the EOC is exploring building a family bridge housing community on one of the future sites. As the team plans for the build out of two additional sites, staff is considering if one can be used to accommodate the needs of families with children. If feasible, the site will provide a minimum of 50 units of shelter for families.

CONCLUSION

The CDC considers homeless populations an at-risk population for COVID-19, because they may face issues getting assistance if they become ill, and are therefore recommended to take extra precautions. For this reason, the City will allocate \$17.2 million of the State HHAP funds to the expansion of emergency bridge housing communities. Additionally, this City Council action provides the authority for the Administration to implement prior Council direction to allocate funding to homelessness prevention for families and homeless youth programs.

EVALUATION AND FOLLOW-UP

During the COVID-19 crisis, the Administration will provide periodic verbal updates to the City Council on the progress for building emergency bridge housing communities.

The HHAP programs will be reported twice a year to the City's Neighborhood Services and Education Committee. The Housing Department will also provide its annual report on the Homeless Programs when the COVID-19 emergency is over.

As a condition of receiving the State grant funds, the City is required to provide annual reports to the State regarding types of services, expenditures, and demographics of those served, until all funds have been expended (by June 25, 2025 for HHAP).

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CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This item has been posted on the City's website for approval by the City Council on April 21, 2020.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the Emergency Housing and Quarantine Branch at the EOC, and City Manager's Office.

COMMISSION RECOMMENDATION/INPUT

In response to the Stage 5 Pandemic Management Plan related to COVID-19, the Housing and Community Development Commission (Commission) meetings have been cancelled. The Housing Department will update the Commission on these actions when the Commission reconvenes.

COST IMPLICATION SUMMARY

The actions recommended in this memorandum will recognize a \$23,832,511 Homeless Housing, Assistance and Prevention grant from the State of California and appropriate funds for Emergency Shelters (\$17,232,511), Homelessness Prevention (\$3,000,000), Homeless Youth (\$2,000,000) and Grant Administration (\$1,600,000). Funding for a grant agreement with Habitat for Humanity will be increased by \$6,000,000 to construct an emergency bridge housing project located at Monterey/Bernal from the new Emergency Shelters appropriation. Funding for the grant agreement with Destination: Home SV will be increased by \$3,000,000 to continue implementation of the Employment Initiative and Homelessness Prevention System projects from the Homelessness Prevention System appropriation.

This memorandum will transfer \$3,919,821 in SB89 COVID-19 grant funding, received from the State of California, from the Emergency Reserve Fund to the Multi-Source Housing Fund and establish a SB89 COVID-19 Emergency appropriation. This appropriation will fund expenses associated with establishing and operating non-congregate emergency trailers and shelter for those homeless individuals and families with health and medical-related needs, such as isolation

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and quarantine resulting from the public health emergency. As this grant funding is attributable to the HAP program, the funds are best expended from the Multi-Source Housing Fund.

BUDGET REFERENCE

The table below identifies the funds and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Rec. Budget Action	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
406	209U	COVID-19 Emergency Response	\$14,419,821	(\$3,919,821)	X-35	04/7/20 Ord. 30389
406	NEW	Transfer to the Multi-Source Housing Fund	\$0	\$3,919,821	X-35	N/A
448	R003	Transfers and Reimbursements	\$46,218,222	\$3,919,821	X-71	10/22/19 Ord. 79270
448	New	SB89 COVID-19 Emergency	\$0	\$3,919,821	N/A	N/A
448	R100	Revenue from State of California	\$0	\$23,832,511	N/A	N/A
448	New	Emergency Shelters	\$0	\$17,232,511	N/A	N/A
448	205W	Homelessness Prevention System	\$1,000,000	\$3,000,000	X-71	06/18/19 Ord. 30286
448	New	Homeless Youth	\$0	\$2,000,000	N/A	N/A
448	New	Grant Administration	\$0	\$1,600,000	N/A	N/A

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CEQA

Pursuant to Governor's order N-352-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed projects will use Homeless Housing, Assistance, and Prevention Program funds.

/s/
RAGAN HENNINGER
Deputy Director, Housing Department


JIM SHANNON
Budget Director

I hereby certify that there will be available for appropriation in the Multi-Source Housing Fund in the Fiscal Year 2019-2020 monies in excess of those heretofore appropriated therefrom, said excess being at least \$27,752,332.


JIM SHANNON
Budget Director

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.

Attachment A – Charter Findings

ATTACHMENT A

CHARTER FINDINGS

The expenditures and contracts for emergency shelters funded with the Homeless Housing Assistance and Prevention (HHAP) funds are to be constructed to meet an urgent necessity for the preservation of life and health as discussed in the memorandum for Shelter Crisis and Emergency Powers resolution adopted by the City Council on April 7, 2020¹.

The Charter of the City of San José (City Charter) contains procurement and bidding requirements that apply to expenditures for public works projects including the emergency bridge housing communities and emergency shelters to be built under a City contract or grant agreement. The City, is however, authorized by Section 1217(e) (5) of the City Charter to waive the procurement bidding requirements applicable to public works projects under conditions of urgent necessity for the preservation of life, health, and property upon adoption of a resolution making findings of such urgent necessity with at least eight votes. The findings below support the recommendation:

- January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 (“novel coronavirus”) a Public Health Emergency of International concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and
- March 11, the WHO declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and
- Guidance released from the U.S. Department of Housing and Urban Development on March 9, 2020, states that housing instability and frequent mobility increase the risk of exposure to infectious disease, and limited access to health care services and poor living conditions further compound this risk and thus, the experience of homelessness itself may place homeless individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19; and
- March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City of San José; and
- March 16, 2020, the County of Santa Clara (“County”) issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services and all businesses, except essential businesses, were required to cease all activities at facilities located within the County; and

¹ [Link to 8.1 staff memo from April 17, 2020.](#)

- March 19, 2020, the Governor also issued Executive Order N-33-20 directing California residents to comply with a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector; and
- White House briefing on March 31, 2020 doctor Anthony S. Fauci, the leading infectious disease expert in the United States and director of the National Institute of Allergy and Infectious Diseases, reported that most recent transmission modelling estimated COVID-19 will kill between 100,000 and 240,000 persons; and
- In the United States, 683,786 cases and 34,180 deaths have already been reported as of April 17, 2020, and the number of cases is expected to continue growing as the virus is easily transmitted and may result in serious health complications including death; and
- Although there is limited information regarding risk factors for COVID-19, certain populations are at higher risk for developing severe illness from the disease, and according to current Center for Disease Control and Prevention (“CDC”) guidance these include people aged 65 years and older, and people with underlying medical conditions; and
- Additionally, people experiencing homelessness are considered at risk by the CDC and recommended to take additional precautions; and
- The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place order at the State and County levels, requires significantly restricting mobility to limit interaction among people, thus slowing the rate of community transmission, and slowing the virus’s transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness; and
- Unsheltered populations are especially vulnerable as they are without a place to shelter, quarantine, or self-isolate; and
- In the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and “governmental and other entities are urged to, as soon as possible make such shelter available; and
- According to the 2019 San José Homeless Census and Survey, a total of 6,097 people experiencing homelessness were counted in San José, 5,117 of which were unsheltered; and
- The Santa Clara County Office of Supportive Housing identified 849 year-round emergency shelter beds in San José.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 20, 2020

Approved

Date

4/20/2020

**SUBJECT: ACTIONS RELATED TO TEMPORARY SHELTERING OPERATIONS
AND SERVICES FOR COVID-19 EMERGENCY RESPONSE**

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the following agreements and amendments for increased or additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to March 16, 2020:

- (a) Second Amendment to the Overnight Warming Location grant agreement with HomeFirst Services of Santa Clara County, adding locations, increasing hours and increasing the maximum amount of compensation by \$2,850,860 from \$1,484,180 to \$4,335,040 at the following City facilities:
 - (1) Bascom Community Center and Library, 1000 S. Bascom Avenue;
 - (2) South Hall, 435 S. Market Street;
 - (3) Parkside Hall, 180 Park Avenue; and
 - (4) Camden Community Center, 3369 Union Avenue.
- (b) First Amendment to the Bridge Housing Community grant agreement with HomeFirst Services of Santa Clara County in the amount of \$3,178,000, with no increase in funding, at the Maybury Road bridge housing site to allow emergency placement of vulnerable persons at the site during the COVID-19 emergency;
- (c) Third amendment to the lease between the City and Allied Housing, Inc. to allow up to 23 units, at the Plaza Hotel located at 96 S. Almaden Avenue, to be used for emergency placement of vulnerable persons during the COVID-19 emergency and making amendments to the method of compensation for the emergency placement, without adding funding; and
- (d) Third Amendment to the Rapid Rehousing grant agreement with The Health Trust in the amount of \$7,752,235, with no increase in funding, and make amendments as needed for subsidizing emergency placements and FEMA reimbursement.

OUTCOME

Approval of the amendments to the grant agreements with HomeFirst of Santa Clara County will provide funding for the agency to operate temporary shelters needed to serve vulnerable persons at multiple temporary shelter sites during the COVID-19 emergency. The lease agreement amendment with Allied Housing, Inc. will allow for emergency placement of vulnerable persons at the Plaza Hotel during the COVID-19 emergency. Similarly, the grant amendment with the Health Trust, as the rental subsidy administrator, will allow vulnerable persons under emergency placement to utilize subsidies administered under this agreement.

BACKGROUND

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

Need for Additional Temporary Shelter for Vulnerable Populations

The homeless population tends to have more underlying health conditions than the general public. Individuals without stable housing not only face greater difficulty taking preventative actions, but they are often in poorer health than other residents. As such, the population is highly vulnerable to the COVID-19 pandemic. Individuals that normally reside in encampments, will need to seek temporary shelter to avoid COVID-19 spread, and to isolate as a result of testing positive for the virus.

The City's nonprofit service partners have informed the City that the homeless shelters are at capacity (including overnight shelters, Overnight Warming Locations and safe parking) and they are seeing an increase in requests for shelter. In addition, U.S. Department of Housing and Urban Development and Centers for Disease Control and Prevention have provided guidance on shelter during pandemics such as COVID-19. This guidance calls for additional space separation for shelter beds. This reduces the number of individuals that can reside in existing shelter facilities. Unsheltered residents who want to protect themselves and others by sheltering in place are left with little to no options.

The City is working closely with the County Office of Supportive Housing, Destination: Home, Valley Homeless Healthcare Program, County Public Health Department, and Centers for Disease Control and Prevention, to develop a comprehensive shelter plan to address the needs of people experiencing homelessness. The initial plan is designed to address the needs of different populations requiring shelter. The County is leading the efforts to master lease hotels and motels to temporarily house at-risk individuals (older adults + who have three or more underlying health conditions) and those who need isolation or quarantine. This includes homeless individuals that have tested positive for the COVID-19 virus and need to be isolated from other individuals.

Plans are underway to provide additional hotel capacity for families with minor children and survivors of domestic violence. Finally, the plan includes an expansion of the homeless shelter system for both families and individuals.

City's Response to Meet the Need for Temporary Shelter

The City is taking the lead on increasing temporary shelter in the City of San José. The City Manager's report to City Council on March 24, 2020, discussed a number of actions intended to expand temporary shelter capacity. These include actions to use City facilities as temporary shelter sites, expand services at these locations, and maximize the use of existing homeless shelter sites. A summary of the facilities which will serve as temporary shelter sites, is provided in the following section.

ANALYSIS

A number of existing City facilities will begin providing new or enhanced shelter capacity as soon as possible. These sites, which are designated under the City Manager's shelter crisis declaration are listed below.

Facility	Capacity	Population
Bascom Community Center	No Increase, Change to 24/7 Operations	General Shelter
Southside Hall	283 new beds	General Shelter
Parkside Hall	75 new beds	General shelter
Camden Community Center	40 new beds	Families
Maybury Road BHC	13, change in population	Vulnerable from shelters
Plaza Hotel	23, change in population	Vulnerable from shelters

In coordination with Team San José and the City's Public Works Department, Parkside Hall and South Hall facilities have been upfitted to provide temporary bed capacity for vulnerable and general homeless populations. Parkside Hall (75 bed capacity) opened on April 1, 2020 and South Hall (283 bed capacity) opened April 15. Both facilities are following shelter guidelines and protocols provided by the Centers for Disease Control and Prevention and Public Health during this health crisis. In addition, the Housing Department is working with the Emergency Operation Center Safety Branch to implement regular safety audits to ensure these protocols are followed.

Additionally, the overnight warming location at the Bascom Community Center has switched to 24-hour operations. Although this will not increase the overall capacity at these locations, the extended operations will allow shelter guests to comply with the shelter in place order.

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Additional shelter efforts include opening the Camden Community Center (40 bed capacity) as a temporary family shelter, using the Maybury Road Bridge Housing Community (13 bed capacity) and available capacity at the Plaza Hotel (23 bed capacity) for the emergency placement of vulnerable persons. The Roosevelt Overnight Warming Location closed and the 21 shelter guests were transferred to the Parkside temporary shelter, allowing for the HomeFirst staff to be redeployed to other temporary shelter sites.

Utilization of Existing Service Providers to Assist with Shelter Operations

The City will use experienced homeless service providers to help operate the temporary sites. HomeFirst is the largest provider of homeless services in San José. The agency was selected via competitive process in 2018 as the City's primary emergency shelter operator. The Administration is requesting that the City Council approve a Second Amendment to the Overnight Warming Location grant agreement with HomeFirst for shelter operations at the Bascom Community Center, Southside Hall, Parkside Hall, and the Camden Community Center.

Per the amended agreement, HomeFirst will provide a Site Manager and a Shelter Supervisor per shift at each site. HomeFirst personnel will serve as the main point of contact for the shelter, supervise and train redeployed City staff to ensure that clients' needs are being met, and ensure that all Centers for Disease Control and Prevention and public health protocols are being followed to ensure safety for shelter guests and employees. HomeFirst's Director of Emergency Services will allocate a portion of time to each emergency shelter to ensure safety protocols are being followed. While the City will be providing essential services, such as janitorial, maintenance, cots, and security, HomeFirst will provide all other miscellaneous program supplies needed to operate the shelter. HomeFirst will oversee client intake and survey participants to ensure high quality services and customer satisfaction at each site. The estimated cost for HomeFirst to provide these services at the four locations from March through June 30 is \$2,850,860. In addition, the Administration is requesting City Council to authorize the negotiation and execution of a First Amendment to the Bridge Housing Community grant agreement with HomeFirst Services, at the Maybury bridge housing site to allow emergency placement of vulnerable persons at the site during the COVID-19 emergency. This amendment will not increase the number of people at this location but will allow for a broadening of the population to include more vulnerable individuals. There is no increase in cost associated with this amendment.

Approval to negotiate and execute an amendment to the lease between the City and Allied Housing, Inc. is also being requested to allow up to 23 units at the Plaza Hotel to be used for emergency placement of vulnerable persons during the COVID-19 emergency and adjust the method of compensation to match the method of compensation for vacant units. Relatedly, the Administration is requesting authority to negotiate and execute an amendment to the Rapid Rehousing grant agreement with The Health Trust to make amendments for subsidizing emergency placements of vulnerable persons during the emergency and to meet federal

requirements for cost reimbursement. There is no increase in cost associated with these amendments.

Encampment Residents

Despite all efforts to increase the shelter capacity County-wide there will still be a lack of shelter to meet the needs of the unhoused people in the City. The City has developed a strategy to serve the needs of homeless people who are still living outside. Strategy highlights include:

- Suspended all encampment abatements;
- The County and City are keeping restrooms open 24/7 at several parks;
- Hygiene facilities with hand stations have been placed at 14 large encampment sites in San Jose, four in Mountain View and three in Gilroy at locations with relatively large groups of unsheltered persons;
- Providing trash pickup at each of the 14 locations in San Jose to improve sanitation and deploying shower+laundry trucks to the sites to improve hygiene;
- The County has sent physicians to these locations to identify vulnerable individuals who are likely to have serious outcomes if they contract COVID-19. The physicians are screening people who are older and have three or more underlying health conditions that would make them particularly vulnerable. City and County are working jointly to place these vulnerable individuals in hotel or motels or temporary shelters;
- The County, City and partners have provided flyers and guidance in multiple languages as well as hand sanitizers and personal protective equipment to those in encampments;
- Outreach teams and advocates are also sharing information with individuals who remain outdoors to set up their tents/sleeping quarters 12 ft. by 12 ft. of space per individual;
- County Emergency Operations Center provided 200 solar phone chargers that were distributed with the help of street outreach teams, volunteers and nonprofits;
- Destination Home provided funding for tents, tarps and other supplies to assist those living in encampments to implement social distancing;
- Project WeHope, in partnership with the City of San Jose, launched “Hope Health Mobile.” The new mobile rest stop travels in conjunction with Dignity on Wheels shower and laundry trailers offering WiFi, charging stations, case management, and access to Stanford doctors virtually answering questions about COVID-19; and
- Weekly calls with homeless advocates are held to identify ongoing needs and solutions.

CONCLUSION

The City’s homeless residents tend to have more underlying health conditions than the general public. As such, the population is highly vulnerable to the COVID-19 pandemic. The City’s homeless shelters are full. Unsheltered individuals and families who desire shelter need additional options to avoid contracting COVID-19 and risk further spread of the virus. The

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actions recommended in memorandum will expand temporary shelter options for the City's most vulnerable residents.

EVALUATION AND FOLLOW-UP

The City is closely monitoring demand for additional temporary shelter capacity and has identified potential sites that could be activated should the need arise. The Administration will provide City Council with periodic updates regarding temporary shelter capacity and use.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This item has been posted on the City's website for approval by the City Council on April 21, 2020.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

Issues pertaining to homelessness are typically brought to the Housing and Community Development Commission for review and input prior to being brought to City Council for approval. Housing and Community Development Commission meetings have been cancelled due to COVID-19. The Housing Department will update the Commission on these actions when the Commission reconvenes.

COST IMPLICATION SUMMARY

The \$2,850,860 amendment to the agreement with HomeFirst Services of Silicon Valley for shelter operation services will be funded from a \$5,263,414 CARES Act grant to be recognized and appropriated in the Community Development Block Grant Fund (Fund 441) as part of the

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Substantial Amendments to the FY 2015-2020 Consolidated Plan and 2019-2020 Annual Action Plan action to be heard earlier on the April 21, 2020 City Council agenda.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Amt. For Contract	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
441	New	CARES Act*	\$5,263,414	\$2,850,860	N/A	N/A

* Recommendations to recognize and appropriate \$5,263,414 in CARES Act funding is included in the memorandum, Substantial Amendments to the FY 2015-2020 Consolidated Plan and 2019-2020 Annual Action Plan, to be heard earlier on the April 21, 2020 City Council agenda.

CEQA

Statutorily Exempt, File No. ER20-081 CEQA Guidelines Section 15269, Emergency Projects, Section (c) Specific actions necessary to prevent or mitigate an emergency.

/s/

JACKY MORALES-FERRAND

Director, Housing Department

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: May 8, 2020

Approved

Date

5/11/20

**SUBJECT: ACTIONS RELATED TO TEMPORARY SHELTERING OPERATIONS
AND SERVICES FOR COVID-19 EMERGENCY RESPONSE**

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with Abode Services in the amount of \$728,855 to operate ninety (90) emergency non-congregate shelter trailers provided by the California Governor's Office of Emergency Services, located at a City owned parking lot at the intersection of Story Road and Remillard Court, to provide additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to May 1, 2020 until October 31, 2020.

OUTCOME

Approval of the grant agreement with Abode Services will provide funding for the agency to operate non-congregate trailers serving as temporary shelter serving vulnerable persons at a City owned site during the COVID-19 emergency.

BACKGROUND

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available to state and local entities, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the broader spread of COVID-19. Subsequent actions taken by the State included sending FEMA trailers to local jurisdictions.

State Gives FEMA Trailers to the City

On March 19 and 20, the City of San José received 104 trailers from the California Governor's Office of Emergency Services (CalOES) with little notice to prepare for their arrival. Consequently, the City had to search for sites large enough to accommodate 104 travel trailers, and land that the City controlled as there was not sufficient time to execute lease agreements on non-City owned property. City control of the property allowed the City to move quickly to prepare the site, receive the trailers, and begin refurbishing the trailers for habitation. Initial direction from the CalOES on appropriate trailer uses appeared to allow some flexibility on how the City could operate them to fit local needs. However, on April 23rd, the City was informed by CalOES that the use would be restricted and language would be included in the documents transferring ownership from the State to the City. According to the CalOES restriction, the trailers can only be used to provide non-congregate shelter options for people experiencing homelessness and who are, 1.) COVID-19 positive, 2.) presumably exposed to the virus, or 3.) at high risk per the CDC guidelines.

City staff have been working to repair the trailers to make them habitable for use, but 14 have been determined to be uninhabitable, leaving 90 trailers for COVID-19 response. Currently, Santa Clara County is the lead agency housing County residents that fall into categories 1 and 2 defined above, otherwise referred to as isolation and quarantine housing. As such, the 90 trailers will be used for the third category: to provide emergency temporary shelter to high risk populations per CDC guidelines. The City and County have defined high risk as either older adults (50+) with three or more underlying health conditions or adults with three more severe underlying health conditions.

Existing Temporary Shelter Capacity

A coordinated and comprehensive shelter plan to protect people experiencing homelessness was immediately developed by the City and its partners, including the County Office of Supportive Housing (OSH), Destination: Home, Valley Homeless Healthcare Program (VHHP), County Public Health Department, and the CDC, and included the expansion of temporary housing and shelter capacity. In accordance with the dynamic nature of the pandemic, the plan is flexibly designed and evolves in response to local circumstances and the needs of different populations. To date, over 450 temporary shelter beds have been added at various locations, hours of operation were expanded at 10 shelters, safe parking sites, and overnight warming locations, and bed capacity is being used at an existing Bridge Housing Community, Plaza Hotel, and Casa de Novo.

Under the City Manager’s shelter crisis declaration, the City is operating several emergency shelters. These include:

Facility	Capacity	Population
Bascom Community Center	No Increase, Change to 24/7 Operations	General Shelter
Southside Hall	283 new beds	General Shelter
Parkside Hall	75 new beds	General shelter
Camden Community Center	40 new beds	Families
Maybury Road BHC	13, change in population	Vulnerable from shelters
Plaza Hotel	23, change in population	Vulnerable from shelters

Sites for COVID-19, Presumed Exposed and Vulnerable Populations

The County is leading the effort to master lease hotels and motels to temporarily house at-risk individuals (vulnerable adults who have three or more underlying health conditions) and those who need isolation or quarantine. This includes homeless individuals that have tested positive for the COVID-19 virus and require isolation. COVID-19 positive people are sheltered at an identified motel with appropriate medical and support services. To-date, over 600 motel/hotel rooms have been reserved across seven cities in the County.

Continued Expansion of Shelter Capacity

This global pandemic of COVID-19 is still in its early stages. The virus spreads easily, testing capacity is limited and expanding slowly, and vaccine development is just beginning. We must continue to comply with the shelter in place order, particularly sheltering those most vulnerable, in order to slow the spread of COVID-19. The City and the County continue to identify and expand new shelter opportunities to house vulnerable individuals during the public health crisis. Plans are underway to provide additional hotel capacity for families with minor children and survivors of domestic violence. The County continues to secure hotel and motel rooms. On April 21, 2020 the City Council approved building emergency interim housing at three locations in San José, adding an estimated 308 new emergency beds that will serve various sub-populations, including one site dedicated to families.

ANALYSIS

Urgency to Expand Shelter Capacity

California is under a State of Emergency due to the COVID-19 pandemic, a highly infectious virus that may result in serious illness or death. In March, the Governor issued Executive Order N-32-20 urging a focused approach to bring unsheltered Californians indoors by increasing shelter and housing inventory. Additionally, the Santa Clara County Shelter-in-Place Order not only directed residents to shelter in their place of residence, it urged governments to make shelter available for people experiencing homelessness. As San José residents shelter in place during the

pandemic, the City's homeless community (over 5,000 are unsheltered) are among the most vulnerable.

Individuals without stable housing not only face greater difficulty taking preventative actions, but they are also often in poorer health than the general public, resulting from more underlying health conditions. This makes the population more vulnerable to the COVID-19 virus, which is why the CDC recommends they take additional preventative measures. To comply with the Santa Clara County Public Health Shelter-in-Place Orders, individuals that normally reside in encampments should seek temporary shelter to avoid COVID-19 spread, and in some instances, may need isolation or quarantine shelter.

The emergency temporary trailer site supports homeless residents by providing safe shelter for extremely vulnerable individuals who have a high likelihood of developing serious health complications that could result in death if they were to contract COVID-19. According to Valley Homeless Healthcare Program, 2,500 homeless people have been identified as vulnerable and in need of shelter. This estimate continues to grow as more outreach is conducted and people call in the shelter hotline requesting shelter.

Emergency Temporary Trailer Shelter

The City of San José and the State refurbished 90 trailers provided by CalOES. As stated earlier, the State requires the trailers only be used to provide non-congregate shelter options for people experiencing homelessness and who were either COVID-19 positive, presumably exposed to the virus, or at high risk per the CDC guidelines. The trailers will be used to provide emergency temporary shelter to vulnerable individuals during the public health crisis, specifically adults with three or more pre-existing health conditions that make them highly vulnerable if they were to contract COVID-19. However, as the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

The site will have basic amenities including 24/7 security, laundry, showers, and meal delivery, and will allow pets. Referrals to the site will be made through a central referral system that is coordinated with the Housing Department, and jointly operated by the County's Office of Supportive Housing and Valley Homeless Healthcare Program. To ensure individuals meet the necessary criteria, a Valley Homeless Healthcare doctor or nurse evaluates each individual. An informational document, "Frequently Asked Questions (FAQ) about the emergency temporary trailer site, is included with this report as **Attachment A**.

Utilization of Existing Service Provider to Operate Site

The City is proposing to use an experienced homeless service provider to operate the site. Abode Services is an agency with over 30 years of diverse experience providing services to homeless populations and developing affordable housing. Abode's housing programs serve 3,965 people on any given night, providing safe, stable homes to families and individuals who would otherwise be homeless or at severe risk of losing their housing. Due to the declared state of

emergency and shelter crisis declaration, and the urgent responses demanded by each to immediately shelter vulnerable individuals, Abode Services was selected to operate the FEMA trailer site without a competitive process.

A site with 90 individual trailers to house the most vulnerable unsheltered residents of this City is the first of its kind; there are no other homeless shelter trailer programs operating in the area. The most comparable program is the operation of a hotel or motel program which operates as temporary housing for homeless by offering individualized units for each guest with onsite coordination of services. Abode Services is an experienced operator of this hotel/motel service model, as they currently operate Casa de Novo, a former hotel which now serves as 56 units of temporary and permanent housing for homeless. Additionally, during the public health crisis, Abode is working with the County of Santa Clara to operate hotels for homeless residents who test positive for COVID-19, are awaiting test results, or are vulnerable to the impacts of the virus. While this type of programming is unique, Abode Services diverse portfolio and experience working for the City and the County makes it the most prepared to operate such a site.

Abode will operate the site in three shifts (day, swing, and night) and will have three staff on site for the day shift and two staff on site for the night shift. Abode personnel will serve as the main point of contact for the site to ensure that clients' needs are being met and that all Centers for Disease Control and Prevention (CDC) and public health protocols are being followed to ensure the safety of program staff and residents. Abode's Director of Housing will allocate a portion of time to the site to ensure safety protocols are being followed. While the City will be providing essential services, such as laundry, maintenance, and security, Abode will provide all other miscellaneous program supplies needed to operate the site. Abode will oversee client intake and will administer participant surveys to evaluate service delivery and customer satisfaction. The estimated cost for Abode to provide these services for approximately six months is \$728,855.

Some additional and important operational highlights for the site include:

- Three phase approach to occupancy, filling the site 30 trailers per phase, allowing the City and Abode to address any necessary programmatic or logistical needs;
- 24/7 private security, with up to eight private security officers on duty per shift depending on need and number of incidents, and coordination with the Police Department on private security levels after operations have stabilized;
- Controlled site access, all individuals enter the site via one entrance and are screened by security;
- No guests or visitors allowed;
- Residents must comply with Shelter-in-Place Order; and
- Regular onsite medical care.

While there are existing neighborhood conditions in the surrounding neighborhood, staff is proposing mitigation so that the site will not result in greater impacts to the neighborhood. A fence has been erected around the perimeter of the site and there is significant amount of private

security who will be monitoring the outside of the facility. Guests of the trailer site will also be following the Stay-at-Home order, and like all of our residents, will be spending the majority of their time inside the facility.

Demobilization of the Site

This emergency housing site is expected to be operational by mid-May 2020. As this site will serve individuals or couples without children who are at risk of severe illness from COVID-19, the City anticipates the site being operational through the more significant stages of the pandemic and until Happy Hollow Park and Zoo (HHPZ) is ready to re-open. Both of these factors (the more significant stages of the pandemic and the re-opening of HHPZ) are inter-related as the pandemic must be contained sufficiently beyond the more significant stages, and the County must make certain reduced shelter isolation need determinations (with the City); and issue re-opening orders lifting shelter in place, and allowing congregate activities like attendance at HHPZ to occur. Given the facility is designated as temporary, the City has initiated preliminary planning for future demobilization activities, which are expected to take between 30 to 60 days once a decision to demobilize is made.

CONCLUSION

The City's homeless residents tend to have more underlying health conditions than the general public, making them more vulnerable to becoming ill from the COVID-19 virus. Importantly, the City's homeless shelters are either full or nearing capacity in the very near term, which could undermine the City's objectives to house this vulnerable population. The Administration is requesting that the City Council adopt a resolution to authorize the City Manager to negotiate and execute an agreement with Abode Services for site operations at the temporary trailer housing site located in the City owned parking lot at Story Road and Remillard Court. This action expands temporary shelter opportunities for the City's most vulnerable residents.

EVALUATION AND FOLLOW-UP

The Administration will provide City Council with periodic updates regarding temporary shelter capacity and use.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This item has been posted on the City’s website for approval by the City Council on May 12, 2020.

COORDINATION

This memorandum was coordinated with the City Attorney’s Office, the Emergency Operations Center, and the City Manager’s Budget Office.

COMMISSION RECOMMENDATION/INPUT

Issues pertaining to homelessness are typically brought to the Housing and Community Development Commission (Commission) for review and input prior to being brought to City Council for approval. Commission meetings have been cancelled due to COVID-19. The Housing Department will update the Commission on these actions when the Commission reconvenes.

COST IMPLICATION SUMMARY

The \$728,855 agreement with Abode Services to operate a trailer housing site and provide needed services will be funded from a SB89 COVID-19 Emergency grant, which the City received \$3,919,821 from the State of California to fund expenses associated with establishing and operating non-congregate emergency trailers and shelter for those homeless individuals and families with health and medical-related needs, such as isolation and quarantine resulting from the public health emergency. Actions to recognize and appropriate the grant in the Multi-Source Housing Fund was approved by the City Council on April 21, 2020.

BUDGET REFERENCE

The table below identifies the fund and appropriation proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Amt. For Contract	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
448	209W	SB89 COVID-19 Emergency	\$3,919,821	\$728,855	N/A	04/21/20 Ord. 30399

HONORABLE MAYOR AND CITY COUNCIL

May 8, 2020

Subject: Actions Related to Temporary Shelter Operations for COVID-19 Emergency Response

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CEQA

Pursuant to Governor's order N-32-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed project will use SB89 funds.

/s/

JACKY MORALES-FERRAND

Director, Housing Department

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.

Attachment

Emergency Shelter Facilities

Response to COVID-19 and City Shelter Crises Declaration

In response to the COVID-19 emergency and the City's shelter crisis declaration, the City of San José is developing emergency temporary and interim shelter facilities for at-risk and unsheltered people, reducing the risk of the spread of COVID-19 to them and to the general public.

Specifically, an emergency temporary trailer shelter is located on a City owned parking lot near Story Road and Remillard Court. Given the emerging and dynamic nature of the COVID-19 response, a number of questions have emerged about emergency shelter facilities. City staff has developed responses to Frequently Asked Questions below:

1) Why is this happening now, and why so quickly without the typical levels of community input, regulation, and review?

- California is under a State of Emergency due to the COVID-19 pandemic, a highly infectious virus that may result in serious illness or death. Unsheltered people are more vulnerable to COVID-19 because they have limited access to sanitation like clean water and soap, are more prone to illnesses, and there is a significant lack of shelter spaces to meet the need of the over 5,000 people who are already living on our streets. Lacking a safe place to go indoors makes it impossible to meet the Shelter-in-Place Order. Unsheltered people, particularly older adults, and people with underlying health conditions, are at higher risk for severe illness.
- In March, the Governor issued Executive Order N-32-20 urging a focused approach to bring unsheltered Californians indoors by increasing shelter and housing inventory. The Order also suspended certain regulations if specific State funding was used to increase housing capacity during the State of Emergency. Soon thereafter, the City of San José received 104 trailers from the California Governor's Office of Emergency Services (CalOES) to be used to provide non-congregate shelter options for at-risk and vulnerable populations.
- Additionally, the Santa Clara County Shelter-in-Place Order not only directed residents to shelter in their place of residence, it urged governments to make shelter available for people experiencing homelessness. As San José residents shelter-in-place during the pandemic, the City's homeless community (over 5,000 are unsheltered) are among the most vulnerable. Emergency shelter and housing support our unsheltered residents and the general public by providing safe shelter for those with high risk of becoming ill, and spreading the virus to others.
- To address the public health crisis and the homelessness crisis, the City Council ordered a suspension of many local regulations applicable to shelters established during the COVID-19 emergency to speed shelter delivery, as well as declaring the continued existence of a shelter crisis by ratifying the City Manager's previous declaration. The proposed emergency trailer housing solution not only advances State and County objectives, it also responds to Council direction seeking to address these intersecting crises.
- While the County is currently leading isolation and quarantine efforts related to individuals who have tested positive or have been exposed to COVID-19 (primarily through the use of hotels/motels), the City will prioritize individuals at this site who are most vulnerable

(meaning they are older adults with underlying health conditions or have three or more severe underlying health conditions). Question three (3) below summarizes the City-County multi-pronged shelter plan that is addressing homelessness during the COVID-19 pandemic. As the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

2) Why was this site selected without informing neighbors sooner?

- On March 19 and 20, the City of San José received 104 trailers from CalOES with little notice to prepare for their arrival. Consequently, the City had to immediately identify a site large enough to accommodate 104 travel trailers on land the City controlled, enabling an emergency based response to prepare the site, receive the trailers, and begin refurbishing the trailers for habitation. Upon completion of reasonable trailer refurbishing efforts, 14 trailers were deemed uninhabitable, leaving 90 for available for shelter purposes.
- The City Council ratified an emergency order and shelter crisis declaration on April 7, 2020, allowing the City to respond quickly to State and County orders noted in question #1. The urgency of the public health crisis means City staff is doing many things concurrently, including standing up emergency mass shelters across the City, while conducting site evaluation and site planning for other temporary and interim emergency sites.

3) Is this site the City's only approach to addressing at-risk, vulnerable, and homeless populations during the public health emergency as well as the exiting shelter crises?

- The City's Housing Department has been working urgently with its partners to address the immediate needs of our unsheltered residents to keep the public safe. For those living in large homeless encampments, the City placed hygiene equipment such as handwashing stations, portable toilets, and arranged for garbage collection to slow spread of COVID-19.
- Together with Santa Clara County, the Housing Department expanded temporary housing and shelter capacity in response to public health orders. To date, over 680 motel/hotel rooms are reserved across eight cities in the County, and over 450 temporary shelter beds are being stood up across several sites.
- The City also operates overnight warming locations, safe parking programs, and has stood up mass shelter sites during the COVID-19 crisis. Overnight warming locations have been hosted in Council Districts 3 and 6, safe parking programs in Districts 2, 3, and 7, and the mass shelters stood up in response to COVID-19 (Parkside and South Hall) are both located downtown in District 3. For many of the existing sites, hours of operation were expanded, including at 10 shelters, and the safe parking sites and overnight warming locations. A family shelter also recently opened in District 9 at the Camden Community Center. Bed capacity is also being used at an existing Bridge Housing Community and the Plaza Hotel.
- Additionally, the City opened its first Bridge Housing Community in Council District 3 off Mabury Road this spring and is currently developing its second site in Council District 7 off Felipe Road near Story Road. The City is currently developing three new emergency interim shelter/housing sites—one at Monterey and Bernal (Council District 2), a second at

Evans Lane (Council District 6), and a third at Rue Ferrari and 101 (Council District 2). All three sites are being flexibly developed to serve dual purposes as emergency interim housing sites and future bridge housing sites to address both immediate and future needs.

- Both emergency “temporary” and “interim” shelter in the City of San José is intended to be short-term or transitional housing. On-site services are provided to stabilize residents so that their basic needs are met including shelter, sanitation, and food. The distinction being that “temporary” facilities are on sites that have another current purpose (e.g. South Hall for convention purposes, Trailer site for parking purposes) and must be de-commissioned after COVID-19 and returned to its original purpose, whereas the “interim” facilities are on sites that did not have a previous use and may continue as Bridge Housing after COVID-19.
- The current City-County shelter plan is flexibly built to enable effective response to the public health crisis as it unfolds. As such, if the public health emergency demands it, changes will be made to housing sites to meet the public’s needs. As the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

4) Is this housing solution being built for homeless people from outside the County?

- Every two years, communities across the United States conduct comprehensive counts of the local population experiencing homelessness. Known as the Point-in-Time Counts (PIT), this census and survey of people experiencing homelessness provides an overview of the number and characteristics of the homeless population in the community. As of the last PIT conducted in 2019, the City of San José had 6,097 people experiencing homelessness, with approximately 5,117 (84%) being unsheltered. Of those surveyed, 83% resided in Santa Clara County prior to becoming homeless. As such, the vast majority of San José’s homeless population are our residents, neighbors, families, and colleagues. If you would like to learn more about the 2019 City of San José Point-in-Time Count, you can access the full report on the Housing Department’s website (<https://www.sanjoseca.gov/home/showdocument?id=47511>).

5) How will these emergency housing solutions be funded?

- Governor Newsom signed SB 89 in March 2020. This emergency legislation authorized immediate funding, including support for local governments to protect the health and safety of homeless populations. The City also received Coronavirus Relief Funds allocated under the Federal CARES Act. The Administration anticipates applying funding to this project from either of these sources.

6) When will this site be operational and how long do you anticipate it will remain open?

- This emergency housing site is expected to be operational by mid May 2020. As this site will serve individuals or couples without children who are at risk of severe illness from COVID-19, the City anticipates the site being operational through the more significant stages of the pandemic and until Happy Hollow Park and Zoo (HHPZ) is ready to re-open. Both of these factors (the more significant stages of the pandemic and the re-opening of HHPZ) are inter-related as the pandemic must be contained sufficiently beyond the more

significant stages, and the County must make certain reduced shelter isolation need determinations (with the City); and issue re-opening orders lifting shelter in place, and allowing congregate activities like attendance at HHPZ to occur. Given the facility is designated as temporary, the City has initiated preliminary planning for future demobilization activities, which are expected to take between 30 to 60 days once a decision to demobilize is made.

7) Who will be eligible to live in these communities?

- The City received the trailers from CalOES, which restricted trailer uses to provide non-congregate shelter options for people experiencing homelessness and who meet one of the following criteria: Individuals are 1) COVID-19 positive, 2) presumably exposed to the virus, or 3) at high risk of illness from COVID-19 per CDC guidelines.
- During the existing public health crisis posed by COVID-19, referrals into the program for single individuals or couples without children will be made through a central referral system that is coordinated with the City’s Housing Department, and jointly operated by the County’s Office of Supportive Housing and Valley Homeless Healthcare Program.
- For this site, the City expects to prioritize individuals or couples without children who are most vulnerable to severe illness from COVID-19, meaning someone has three or more pre-existing health conditions and/or there may be older adults with out mobility restrictions as this site is unable to make accessibility accommodations. However, as the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

8) Who will operate and oversee the emergency trailer housing site?

- The City is using an experienced homeless service provider to operate this site. Abode Services has over 30 years of diverse experience providing services to homeless populations and developing affordable housing. Abode’s housing programs serve nearly 4,000 people on any given night, providing safe, stable homes to families and individuals who would otherwise be homeless or at severe risk of losing their housing. Due to the declared state of emergency and shelter crisis declaration, and the urgent responses demanded by each to immediately shelter vulnerable individuals, Abode Services was selected to operate the FEMA trailer site without a competitive process.
- The City is committed to ensuring, to the best of our ability and capacity, that homeless residents have a safe place to shelter during this public health emergency. The City developed, in collaboration with Abode Services, a comprehensive management plan for this community that provides 24/7 on-site security, resident screening, hours of operation, property management, cleaning protocols, and community rules that include a no visitor/guest policy in compliance with the County Shelter in Place Order.

9) How many trailers will be located on the site and what services will residents be offered?

- CalOES delivered 104 trailers to the City of San José. However, 14 were deemed uninhabitable after the trailers were refurbished. Therefore, 90 trailers will be used to house residents.
- The City will take a three-phased approach to occupy the trailers, filling 30 trailers per phase. This will allow the City and Abode to address any necessary programmatic or logistical needs as they arise, and ensure a well-run facility that can address on-site needs.
- Services at this site will focus on stabilizing the residents, with the primary goal of providing safe shelter to help residents comply with the public health order. In addition, City staff will collaborate with Abode Services and the County to determine what additional supportive services and/or County public health or behavioral health related services are appropriate to include.
- The City is also providing essential services such as laundry, maintenance, and 24/7 security. Periodic onsite medical care will also be offered.

10) What measures will the City and site operator put in place to monitor for COVID-19 and support participants who test positive?

- Santa Clara County is currently the lead agency housing individuals who are positive for or have been exposed to COVID-19. Those placements are occurring at other County operated locations under the existing City-County shelter plan.
- While COVID-19 positive patients are not currently planned for this site, the infectiousness and severity of the virus demands that protocols be in place to prevent the spread of illness. For this site, this includes controlling site access to ensure that all individuals enter the site via one entrance and are screened by the security.
- During the COVID-19 crisis, the following protocols will be in place to protect residents, staff, and neighbors:
 - ✓ Temperature is taken upon entry and re-entry to the site;
 - ✓ Staff monitors residents for symptoms;
 - ✓ Commonly used areas, such as restrooms and kitchens, are sanitized frequently;
 - ✓ Site-specific cleaning instructions have been developed;
 - ✓ Hand sanitizer is available on-site;
 - ✓ PPE may be provided to residents who are coughing or upon request;
 - ✓ Social distancing is enforced in common areas; and
 - ✓ Staff is required to wear PPE.
- If someone in an emergency housing community displays symptoms of COVID-19, then the following steps will be taken:
 - ✓ If a staff member is symptomatic, they may be asked to leave immediately and not return until they have tested negative or been symptom-free for 14 days;
 - ✓ If a resident tests positive, the individual will be transferred to another location where they can be isolated; and
 - ✓ Public health guidance for shelters will be followed when a resident tests positive to minimize the risk to other residents and staff.

11) What are the City's plans for keeping the community safe when the site opens?

- This location has 24/7 on-site private security to control the site and, upon the site opening, there will be a sufficient level of on-site security that is coordinated between the Housing, Police and Parks Department (as the same security provider for HHPZ is providing security for this site). All residents must check in with on-site security to access the facility and there is a strict no guest or visitor policy.

12) Will the surrounding neighborhood receive enhanced services from the City?

- The City Council directed the Administration to develop plans for coordinated service delivery and to explore the feasibility of enhanced services at these sites. The pandemic is impacting local economies in unprecedented ways, which negatively affects the City's budget situation. The City is currently reviewing and developing its 2020/2021 budget, which will play an important role in determining if enhanced services can and will be provided. Regardless of that outcome, the Administration is committed to ensuring coordinated service delivery at all sites to support community and program success, and limit any potential or perceived impacts. Further, the City will work with the program operator to monitor any increased encampment activity occurring around the site.

13) What will happen to the site after the public health crisis?

- The City is committed to ensuring that after the COVID-19 crisis is over, this site will be demobilized within 30 to 60 days. As part of the demobilization process, the trailers will be relocated to another site and the residents will be prioritized for other shelter placements.