

San José Citywide Residential Anti-Displacement Strategy

AUGUST 2020

BACKGROUND

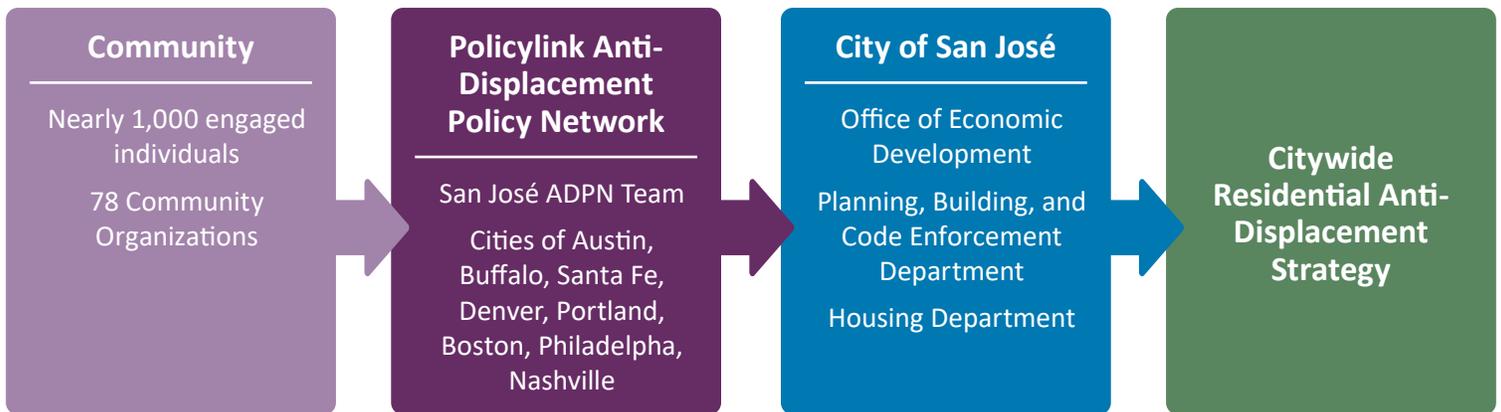
On June 12, 2018, the City Council prioritized the issue of displacement within the Housing Crisis Response Workplan in Item #9: Develop Anti-Displacement Strategies.

This Citywide Residential Anti-Displacement Strategy provides 10 recommendations to **prevent, mitigate, and decrease** displacement in San José.

OUR VISION

As San José grows and secures planned investments, we should maximize the positive opportunities and minimize the negative impacts for our vulnerable residents, so they can succeed in our changing City.

THANK YOU TO OUR PLANNING PARTNERS



HOW TO PREVENT, MITIGATE, AND DECREASE DISPLACEMENT

1

Produce enough housing for residents at all income levels.

2

Preserve the affordable housing that already exists.

3

Protect current residents from displacement where neighborhoods are changing rapidly.

STRATEGY SELECTION — Selection of the recommended solutions was based on the following criteria:

Responsiveness to needs surfaced through community engagement process

Effort required based on current staffing levels and capacity of potential service providers

Examples of **other jurisdictions** employing the strategies

Creating a foundation to build community capacity or to involve other sectors

Potential impact to help identified needs and change current conditions

Reasonableness of resources needed for staffing, outreach, capacity building, capital projects

Appropriateness of City's role in each type of strategy

IN PROGRESS STRATEGIES

- | | |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Conduct a public land survey and partner with the State. | Increase and expand homelessness prevention. |
| Establish anti-displacement and displaced tenant preferences for affordable housing. | Implement “no net loss” of naturally affordable housing per SB 330 (2019). |
| Conduct a feasibility study of innovative housing solutions, including community land trusts and co-ops. | Create an on-line housing opportunity sites tool for developers (Tolemi). |
| Hire a staff position to work with landlords and tenants to resolve problems in troubled buildings. | Study a commercial linkage fee for affordable housing. |

NEW RECOMMENDATIONS

1

Support Equitable COVID-19 Recovery and Impact Mitigation Measures for Renters and Homeowners

- A) **Support new federal and State stimulus funding and other legislation** focused on eviction and foreclosure prevention and housing recovery from COVID-19.
- B) Explore ways to **remove barriers for immigrant families and excluded workers** to access COVID-19 relief funding and housing programs.
- C) Increase funding of legal services for tenants being evicted to **negotiate rent repayment plans** and avoid evictions.
- D) Coordinate with Santa Clara County Courts, the State, and local nonprofits to **support the establishment of a Housing Collaborative Court** to respond to evictions related to COVID-19.
- E) **Track success of actions** in preventing eviction of renters from their current housing and displacement from San José.
- F) Identify new funding for **community emergency preparedness plans** to increase residents’ ability to access resources during an emergency and to develop long-term disaster resiliency for vulnerable neighborhoods.

2

Establish a Neighborhood Tenant Preference for Affordable Housing

- A) Develop a **Neighborhood Tenant Preference** that is broadly applicable to new restricted affordable apartments and is consistent with Fair Housing laws.
- B) Work with the **State and/or federal elected representatives to support** Neighborhood Tenant Preferences to maximize their ability to be used.

NEW RECOMMENDATIONS CONT.

3

Explore a Community Opportunity to Purchase Program (Right of First Offer to Purchase)

- A) Explore a Community Opportunity to Purchase Program (COPA) that would require **advance notice and a right of first offer on the sale of multifamily residential properties** to nonprofits, tenant organizations & public agencies to help keep properties affordable in perpetuity.
- B) Gauge interest of local philanthropy and other funders to **develop a Preservation Investment Fund** for San José.
- C) **Target the use of subsidy on existing apartment buildings** of a defined minimum size in neighborhoods at high risk of displacement.
- D) **Determine new affordable housing development partners** to work on small building acquisition and rehabilitation projects in San José, and assess the capacity and needs for existing San José community organizations to learn to undertake preservation work and/or **form local Community Development Corporations**.

4

Increase Equitable Representation of Historically Underrepresented Communities on City Commissions

- A) **Conduct an analysis of appointments** to the Housing and Community Development Commission and the Neighborhoods Commission to track the representation of protected classes, historically underrepresented neighborhoods, and those with other relevant characteristics.
- B) **Implement a pilot and require an equitable distribution of seats for historically underrepresented populations**, including low-income renters and homeless/formerly-homeless residents on these two Commissions.

5

Create Role for Local Government in State Tenant Protections

- A) Explore clean-up legislation for AB 1482 (Chiu 2019) that **would allow local education & enforcement of this new Statewide anti-rent spike and just cause eviction law**.
- B) Explore legislation to enable the City to receive copies of eviction notices provided to **mobilehome owners and mobilehome renters**.

6

Code Enforcement-related Displacement

- A) Seek funding sources to **assist landlords with low-cost loans and grants for property improvements** to address blight or health and safety issues.
- B) Explore **expanding proactive rental inspections/requirements for rental units** not covered by the City's existing inspections – rented single family homes, duplexes, condominiums, and other rentals in San José.
- C) **Explore if receivership may be appropriate** for properties that have become serious health and safety dangers to residents.
- D) **Target Preservation funding** to help community and nonprofit partners to acquire and maintain properties that have ongoing rehabilitation needs, particularly in areas experiencing displacement.
- E) **Conduct a review of the City's relocation policies**, including relocation due to red tagging, to ensure they result in sufficient compensation, they are consistent under similar circumstances, and that relocation is required to be paid in all situations that result in displacement.

NEW RECOMMENDATIONS CONT.

7

Preservation Report and Policy

- A) Create an **annual Housing Balance Report** that tracks the net gain and loss of all types of affordable housing to determine the City's progress toward increasing the availability of housing opportunities for its residents.
- B) Bring to the City Council for its consideration a Preservation Policy that **establishes a goal of preserving existing affordable housing** and helping to prevent displacement, to inform programs, resources, and development policy decisions.

8

Develop YIGBY Land Use – Yes in God's Backyard

- A) Amend the City's General Plan and zoning code to **allow 100% deed-restricted affordable housing under the Public Quasi Public (PQP)** General Plan land use designation and zoning district, when such residential uses are developed as a secondary use in conjunction with the primary use of the property for assembly uses.

9

Optimize Urban Villages for Affordable Housing Development and Anti-Displacement

- A) To encourage 100% restricted affordable housing development in Urban Villages before market-rate housing proceeds (per General Plan Policy IP-5.12) and help keep residents in place, **analyze unplanned Urban Villages for areas that score well for competitive affordable housing funding sources**, and make results available to developers.
- B) **Identify the displacement risk for all Urban Villages** using a methodology such as the Urban Displacement Project's framework to better inform Citywide efforts to address displacement.
- C) Strategically **target the City's affordable housing development subsidies** to certain Urban Villages to help maximize their ability to mitigate residents' displacement.
- D) Include analysis from (a) and (b) above into Existing Conditions analysis in Urban Village Plans, along with a **statement of the City's anti-displacement principles and any neighborhood concerns** regarding displacement. As part of the Urban Village planning process, **consider strategies that support affordable housing** on sites identified as optimal for funding sources in (a) above.
- E) Track and **report on affordable housing production progress and displacement status** of all Urban Villages as a whole within staff's Urban Village implementation annual report to the City Council.

10

Establish a New Source of Funding for Affordable Housing and Anti-Displacement

- A) Continue to **explore and pursue ways to collect more funding for affordable housing and anti-displacement strategies**.

FUTURE ITEMS

Create a Plan to Establish a Housing Resource Center, Develop Strategies to Increase Fair Access to Housing for High-barrier Subpopulations, Expand ARO Disclosure in Marketing Materials

If you have any questions, please contact Jacklyn Joanino in the City's Housing Department at jacklyn.joanino@sanjoseca.gov or (408) 780-5690.