



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 5, 2022

Approved

Date

04/08/22

SUBJECT: INCREASING EQUITABLE REPRESENTATION ON THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

RECOMMENDATION

- (a) Approve an ordinance amending Part 28 of Chapter 2.08 of Title 2 of the San José Municipal Code, titled “Housing and Community Development Commission” to:
- (1) Increase the total number of members from 13 to 14;
 - (2) Add one new designated member seat for a person with lived experience with homelessness;
 - (3) Provide that the Mayor nominate (in the short-term) the Lived Experience with Homelessness Commissioner for submission to City Council for formal appointment; and
 - (4) Commencing in Fiscal Year 2022-2023, provide a monthly stipend in the amount of \$200 for the Lived Experience with Homelessness Commissioner on the Housing and Community Development Commission, dependent on attending a monthly meeting.
- (b) Direct the Housing Department to help recruit interested applicants for the new Lived Experience with Homelessness Commissioner seat and, upon appointment, provide the necessary resources and support for the new Commissioner to reduce barriers to participation.

OUTCOME

Approval of the recommended actions will establish a mechanism for people with lived experience with homelessness (Lived Experience) to have meaningful and purposeful opportunities to inform and shape the City of San José’s (City) budget, policies, and programs. Following approval, the Housing Department (Department) will recruit interested applicants to

apply for the new Lived Experience Commissioner seat and, once appointed, will assist the Lived Experience Commissioner (Commissioner appointed to the Lived Experience seat) as they transition to their new role on the Housing and Community Development Commission (Commission). The Commission's Lived Experience Commissioner will receive a monthly stipend for their attendance at Commission meetings commencing in Fiscal Year 2022-2023. Stipends are dependent on attending a monthly meeting.

BACKGROUND

On September 22, 2020, [the City Council approved¹](#) the Citywide Residential Anti-Displacement Strategy (Anti-Displacement Strategy). The Anti-Displacement Strategy's Recommendation #4 was to increase equitable representation of historically underrepresented communities on City Commissions.

Additionally, on January 12, 2021, the [City Council directed staff²](#) to add one seat to the Commission for a Commissioner with Lived Experience, in line with Recommendation #4. The direction included: 1) conduct broad and robust outreach to persons experiencing homelessness and formerly homeless residents to obtain a diverse pool of applicants; 2) research and develop new guidelines and resources for onboarding the new Lived Experience Commissioner; and 3) establish a recommended stipend model for the Lived Experience Commissioner to reduce barriers to participation on the Commission. In August and November of 2021, and March of 2022, the Housing Department presented progress updates on these directives and recommendations to the Neighborhood Services and Education Committee and the Community and Economic Development Committee.

To address the Anti-Displacement Strategy Recommendation #4 and the City Council's direction, the Housing Department launched a comprehensive review of the San José Municipal Code requirements under Chapter 2.08 – current special eligibility requirements and designated seats, and the appointment process for the Commission. In addition, the Department conducted community outreach related to the Lived Experience seat. Staff determined that it would be best to first request approval of the Lived Experience Commissioner seat and stipends while the Department continues the remainder of its broader work on Recommendation #4, to ensure a greater diversity of community voices are represented on the Commission and identify ways to reduce barriers to participation. These future efforts will need to be closely coordinated with other City changes to boards and commissions to be most impactful.

¹ File no. 20-1094, item 8.1, <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4635014&GUID=843B7A57-FFCE-411F-81C5-49D3378215A5&Options=&Search=>

² <https://sanjose.legistar.com/View.ashx?M=F&ID=9050257&GUID=A3DBD8DD-EB5A-4B83-A108-994B0C55D362>

ANALYSIS

The Housing Department analysis focused on the City Council direction to add a Lived Experience Commissioner seat, provide resources, and provide a nominal stipend to the Lived Experience seat member. To develop recommendations, staff sought input from community stakeholders, including homeless services and advocacy organizations, groups comprised of individuals who are or have been unhoused, as well as tenants of permanent supportive housing developments. Staff also engaged current commissioners via surveys and interviews. Detailed information on community engagement can be found in the Public Outreach section of the memorandum. In addition, staff conducted background research on other jurisdictions on best practices for supporting and compensating lived experience advisory boards or similar bodies. Finally, the recommendations for the Lived Experience seat and monthly stipends were heard by the Commission at its monthly meeting on February 10, 2022.

The following sections lay out the recommendations for recruiting and appointing the Commissioner for the Lived Experience seat, resources to support commissioners, and a stipend for the Commissioner appointed to the Lived Experience seat, as well as additional considerations for increasing equitable representation on the Commission.

Recruitment and Nomination of Commissioner for the Lived Experience Seat

Recruitment and Criteria

Throughout community stakeholder engagement, staff received significant interest in the opportunity for Lived Experience representation on the Commission. Should the new Lived Experience seat be approved by the City Council, staff will conduct outreach, with the intent of obtaining a diverse pool of applications, to lived experience advisory boards, homeless service providers, homeless advocates; outreach via social media; and send notices to those on the Department's email lists. The Department also plans to present opportunity to apply to the Lived Experience Commissioner seat to tenants living in permanent supportive housing developments and at the Housing Department Open House, a new quarterly roundtable meeting of community leaders and community-based organizations. Staff will make sure to clearly communicate what the role of a commissioner is, why it is important, and the expectations of the role.

At its February 10, 2022 meeting, the Commission passed the following motions regarding criteria for the Lived Experience seat. More information about feedback from the Commission is included in the Commission Recommendation/Input section of this memorandum.

- Lived Experience should be recent, within the last three years (motion passed 10-0).
- The first appointment to the Lived Experience seat [should] be a woman (motion passed 10-0).

Feedback from individuals with Lived Experience and homeless advocates have strongly recommended that the length and period of one's Lived Experience and the location of that experience should not determine eligibility. Staff conducted additional outreach to a lived experience advisory board and a tenant association for a permanent supportive housing development following the Commission meeting to obtain additional input. Staff heard from multiple stakeholders that having a strict timeframe for when a person was last homeless to determine eligibility would only create barriers to participation and may not reflect one's current involvement in the unhoused community. Each person's experience is unique, and they can bring a different perspective to the table on the wide range of topics and issues reviewed by the Commission. Housing staff working on homelessness have expressed similar opinions. As a result, staff does not recommend including the condition that their Lived Experience should be within three years prior to application.

The second motion followed public comment and Commission discussion that one's gender can significantly impact one's experience of homelessness. Staff, however, does not recommend limiting the Commissioner seat based on sex, gender, or gender identity due to concerns that this may be legally problematic. Staff recognizes the unique experiences and challenges faced among specific populations of the unhoused. Based upon those experiences and insights, staff will include the Lived Experience candidates' eligibility and qualifications in its staff mem to the City Council that analyzes all Commission candidates in support of the City Council's appointment process.

If the request to add a Lived Experience Commissioner seat to the Housing and Community Development Commission is approved, the Housing Department and the City Clerk's Office will modify the City's application for this Commission to add the following new questions:

- Have you experienced homelessness, either in the past or currently? (Y / N)
- If yes, what experience do you have with homelessness and accessing homeless service programs?
- Have you used any shelter or housing services?

The selection for the new Lived Experience seat will be based on a comprehensive review of applications including, but not limited to, the description of their Lived Experience and interest in the Commission.

Nomination Process

Staff recommends the Commissioner for the Lived Experience seat, in the short term, be nominated by the Mayor who currently nominates citywide commissioner seats, while other options to nominate this seat are explored. Staff initially considered the Council Appointment Advisory Commission as the nominating body; however, the Council Appointment Advisory Commission has been unable to meet due to a lack of quorum. Based on feedback from the Commission and community members, staff explored additional options such as the Destination Home Lived Experience Advisory Board as an independent body for nominating candidates for

the Lived Experience seat. However, staff does not recommend this approach as it would prevent Destination Home Lived Experience Advisory Board members from applying for the seat. Staff plan to return to the Commission and the City Council at a future date with additional recommendations to right-size the Commission to ensure effective meetings, and to re-evaluate the special eligibility requirements and designated seats. Future recommendations may include proposed revisions to the nomination process.

Onboarding and Resources for Lived Experience Commissioner

The Housing Department has identified additional resources that can help lower barriers to participation for the new Lived Experience Commissioner. These resources include meeting technology needs, enhanced training and onboarding, creating a peer-to-peer buddy system, and other Housing staff support, as needed. Some resources will be available to all commissioners.

Meeting Lived Experience Commissioner's Technology Needs – Ensuring access to appropriate technology is a priority, especially since meetings are currently virtual. Commission meeting packets are also shared electronically, which is easier to access and view for some commissioners for accessibility reasons. If needed, the Housing Department would provide tablets and Wi-Fi hotspot devices to ensure reliable access to virtual meetings and documents prior to Commission meetings. Documents can also be printed and shared with all commissioners, if requested.

Training and Onboarding – The following trainings and resources would be offered to all commissioners. While some resources are already available, the Department would be able to provide comprehensive training and resources, with additional staff support.

- Provide housing orientation for all new commissioners, including information on Commission laws and policies (e.g., the Brown Act and other open government laws, Commission bylaws, Code of Conduct, Code of Ethics); Housing Department overview and Commission staff introductions; scope of review for the Commission; commissioners' roles and expectations.
- Provide an onboarding guide with information such as an overview of the Housing Department teams and an organizational chart, links to important past decisions, workplans, biographies of current commissioners, key acronyms, and information on the funding sources the Commission oversees.
- Provide video recordings of prior Commission meetings for new commissioners to help them understand parliamentary procedures, the range of topics on which Commissioners advise, and to understand meeting dynamics.
- If requested, periodically provide trainings on key policies, ordinances, homelessness support system, or other related topics.

Peer-to-Peer Support through a Buddy System – The Department will start a buddy system where all new commissioners are paired with a “buddy” who is a current commissioner, to create opportunities for informal interactions. Housing staff would request current commissioners

volunteer to be a buddy and staff would match up members, taking into consideration the current commissioner's experience, understanding of procedures, and potential for training opportunities. Commissioners have expressed an interest in being a volunteer buddy.

A new commissioner and a current commissioner buddy team would be expected to have an introductory meeting (in-person or virtually) prior to the new commissioner's first Commission meeting and for the first few months of their term. The buddy system would provide a space for informal conversation where the buddy can be the new commissioner's go-to person for fielding questions and explaining what to expect – questions that a new commissioner may not be comfortable asking in front of the whole group or may not know who to ask.

The buddy system is intended to be informal and would not replace formal training or supports that the City Clerk's Office or Housing Department staff would provide. Housing staff will prepare guidelines for the buddy to follow to also ensure voting independence.

Additional Resources

If requested, the Housing Department staff would be able to provide space at City Hall for the Lived Experience Commissioner to attend virtual meetings. Additionally, Housing staff would be available to respond to questions prior to, during, and post-meetings, The Housing Department will continue its effort to make sure materials and presentations are in plain language.

Stipend for the Commissioner Appointed to the Lived Experience Seat

Per City Council direction, Housing Department staff has developed a nominal stipend for the Commissioner appointed to the Lived Experience seat to help reduce financial barriers to participation in the Commission. Staff recommends a stipend of \$200 per month for the Commissioner, dependent on attendance at a monthly meeting. If City Council approves this recommendation, the maximum annual stipend expenditure would be \$2,400. Attendance is defined as attending more than 50% of the meeting. If the Commissioner with Lived Experience does not attend a monthly meeting, they will not be eligible for that month's stipend.

This nominal stipend amount was determined based on interviews and research of lived experience advisory boards and other similar bodies. In addition, staff conducted a survey of and interviews with current commissioners to understand their monthly time commitment. From the research conducted, stipends typically range from \$20-\$25 an hour, with more organizations moving toward a \$25 an hour stipend. Organizations such as the Destination: Home Lived Experience Advisory Board, the New York City Continuum of Care Persons with Lived Experience Committee,³ and the Homeless Youth Forum of Los Angeles County⁴ provide \$25 an

³ Interview with representatives from Destination: Home Lived Experience Advisory Board (4/6/2021), NYC Continuum of Care Persons with Lived Experience Committee (NYC Department of Homeless Services, 5/28/2021)

⁴ https://www.sbceh.org/uploads/4/5/0/7/45075441/8-26-19_lahsa_hyfla_2019_application_8.13.19.pdf

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hour for meeting attendance. In some cases, these bodies also fund an amount to reflect effort spent on necessary meeting preparations and transportation costs to meetings.⁵

Commission members and Housing staff determined that commissioners average eight hours per month on Commission business.⁶ Based on this research, staff recommends providing a nominal stipend of \$200 per month, dependent on meeting attendance. This stipend is not a direct compensation for time spent working, but rather is intended to reduce financial barriers to Commission participation by broadly supporting travel and printing costs and other Commission-related expenses.

During staff outreach, there were questions and concerns raised about how a monthly stipend may impact an individual's benefits for needed supports, such as General Assistance, housing vouchers, healthcare subsidies, etc. Whether those stipends will affect one's benefits and how it will impact the benefits varies by the type of benefit and an individual's circumstances. If needed, Housing staff could connect the Commissioner with organizations that can help determine the potential impact of stipends.

Additional Considerations for Increasing Equitable Representation on the Commission

Approval of the recommendation will result in the total number of Commission members being increased from 13 to 14 by adding one designated Lived Experience seat. While an even number of total seats is not the norm for a City commission, the regular rules on quorum and voting apply under San José Municipal Code Sections 2.08.090 and 2.08.095 and City Council Policy 0-4. A quorum of the 14-body member will be eight members (50% of seats plus 1). Voting will still be based on a simple majority of those voting, as long as there is a quorum present. Thus, if only eight or nine members are present, five votes would be needed to pass a motion, and if all 14 members are present, eight votes would be needed to pass a motion.

As included in the Background section of this memorandum, staff is working on broader analysis to increase equitable representation on the Commission, including reevaluating special eligibility requirements and designated seats, and commissioner nomination process. Additionally, staff will review right-sizing the Commission to ensure meetings are effective and a balance of viewpoints can be heard. Staff will return at a later date with additional recommendations for City Council consideration.

CONCLUSION

The Department's proposed changes to the Commission will establish a mechanism for people with Lived Experience to have meaningful and purposeful opportunities to inform and shape the City's budget, policies, and programs.

⁵ Baltimore City Continuum of Care Lived Experience Advisory Committee.

<https://www.hudexchange.info/news/snaps-in-focus-integrating-persons-with-lived-experiences-in-our-efforts-to-prevent-and-end-homelessness/>

⁶ Survey and interviews with commissioners took place October – November 2021

EVALUATION AND FOLLOW-UP

The ordinance amending Part 28 of Chapter 2.08 will be scheduled for its second reading at the April 26, 2022 City Council meeting. The amendments will be effective 30 days following its adoption at the second reading. The nominated candidate for the Lived Experience Commissioner seat will be brought forward to City Council for approval of the appointment.

CLIMATE SMART SAN JOSE

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

PUBLIC OUTREACH

Staff conducted several feedback sessions to engage and seek input from relevant community stakeholders. This includes lived experience advisory boards, homeless services, and advocacy organizations with a focus on groups comprised of individuals who are or have been unhoused, as well as current and former commissioners.

The organizations and stakeholders engaged include the following:

- Destination: Home Lived Experience Advisory Board
- Villas on the Park – Lived Expertise Group
- Second Street Studios – Second Street Tenant Association
- Abode Services (Renascent Place) – *engaged with staff for initial feedback and plan to meet with tenants*
- Razing the Bar
- Sacred Heart Survivors of the Street
- Law Foundation of Silicon Valley
- County of Santa Clara Office of Supportive Housing
- New York City Continuum of Care Lived Experience Advisory Board
- New York City Department of Homeless Services
- Homeless advocates

COORDINATION

Preparation of this memorandum was coordinated with the City Attorney's Office, the City Manager's Budget Office, and the City Clerk's Office.

COMMISSION RECOMMENDATION/INPUT

The Commission reviewed and discussed the proposed changes to the Commission on February 10, 2022. The following is a summary of the Commission's comments:

- Consider having two Lived Experience Commissioner seats with at least one person that identifies as female since one's gender can significantly impact the experience of homelessness.
- Staff should consider an alternative nomination process for the Lived Experience Commissioner seat including nominations from relevant organizations or a City Manager-appointing seat.
- Resources and training should be available to all new commissioners.
- Recommend considering a higher stipend for the Commission chair, recognizing the additional work that goes into coordination and preparation for meetings.
- Provide an option for a stipend based on a commissioner's need to ensure stipends are equitable.
- Provide an option to decline a stipend or to donate the stipend to another commissioner, based on need, or to another entity.

The feedback received at the time were based on staff recommendations that stipends be provided to all members of the Commission. However, staff will return to the Commission on April 14, 2022 to clarify Council direction on a stipend for the Lived Experience Commissioner seat only, i.e., not stipends for the entire Commission.

At the February 10, 2022 meeting, the following motions passed:

1. Commissioner Navarro made the motion that Lived Experience should be recent, within the last three years, with a second by Commissioner Vong. The motion passed 10-0.
Yes: O'Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Moore (10)
No: None (0)
Absent: Wheeler (1)
2. Commissioner Tran made the motion, Commission recommends the first appointment to the Lived Experience seat be a woman, with a second by Commissioner Del Buono. The motion passed 10-0.
Yes: O'Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Navarro, Partida, Tran, Moore (10)
No: None (0)
Absent: Wheeler (1)

This last motion followed public comment and discussion among commissioners that one's gender can significantly impact one's experience of homelessness.

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FISCAL/POLICY ALIGNMENT

As one of the top four priorities of the Anti-Displacement Strategy, the Department's proposed changes to increase equitable representation on the Commission are aligned with the City's General Plan 2040 and Housing Element anti-displacement goals. In addition, the recommendation to further engage residents with Lived Experience in policy and program development align with the strategies laid out in the *2020-25 Community Plan to End Homelessness*.

COST SUMMARY/IMPLICATIONS

If adopted by the City Council, staff will bring forward a request for funding as part of a future budget process to fund the \$200/month (\$2,400 annually) stipend for the Lived Experience seat member on the Commission.

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

The principal author of this memorandum is Jin Kim, Assistant to the Director. For questions, please contact jin.kim@sanjoseca.gov or (408) 535-7904.