

August 19, 2022

City of San José
Planning Division, 3rd Floor
c/o David Ying
200 East Santa Clara Street
San José, CA 95113
HousingElement@sanjoseca.gov
David.Ying@sanjoseca.gov

Dear Mr. Ying:

Re: Draft 2023-2031 Housing Element, REAL Coalition Comment Letter

This letter was prepared by the Housing Justice Workgroup of the nonprofit Race Equity Action Leadership (REAL) Coalition. We write to provide comments on the City of San José's 6th Cycle Draft Housing Element, 2032-2031.

The REAL community of nonprofit leaders and allies has been meeting since June 2020 to use our positional power to advocate for a more racially-just and equitable society; to establish a peer network of leaders committed to fighting white supremacy and systemic racism in ourselves and our institutions; and to hold each other accountable to the promises we made in the Nonprofit Racial Equity Pledge. The REAL coalition is broadly representative of the nonprofit community including human and community services, behavioral health and health, arts and culture, domestic violence, older adults, food distribution, education, environmental, farming, legal, disability rights, LGBTQ rights, ethnic, immigrant rights, housing and homelessness, criminal justice reform, urban planning, and intermediary organizations, and others. Over 125 organizations have participated in the REAL Coalition.

Overall, we are pleased to see a number of goals and strategies in the draft Housing Element that coincide with a number of the REAL Coalition's priorities. We also feel that in a number of areas, the City should be more bold in advancing housing programs and policies that will recognize historic inequities and advance racial justice and equity in measurable ways.

Our comments, described in the attached spreadsheet, are centered around priorities related to:

- Housing Funding
- Racial Justice, Equity and Fair Housing
- Investments in San José's African-American Community
- Community Engagement and Power Building
- Wealth-Building for Historically Disadvantaged Communities
- Avoiding Unnecessary Policing and Incarceration
- Tenant Rights

In framing our comments related to tenants' rights, we consulted with Sacred Heart Housing Action Committee (SHHAC) as well as the Anti-Displacement Coalition.

Thank you for considering the comments submitted by the following 57 nonprofit and ally members of the REAL coalition. We know that this draft represents much hard work by City staff, and we are looking forward to working with the City over the coming years to implement these important strategies.

Sincerely,

Almaz Negash

African Diaspora Network

Lavere Foster

African American Community Service Agency

Sheri Burns

Aging Services Collaborative of Santa Clara County

Jaime Alvarado

Alum Rock Urban Village Advocates

Maritza Maldonado

Amigos de Guadalupe

Mylinh Pham

Asian American Center of Santa Clara County

Richard Konda

Asian Law Alliance

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Bill Wilson Center

Elisa Koff-Ginsborg

Behavioral Health Contractors' Association (BHCA)

Jahmal Williams & Carmen Brammer
Black Leadership Kitchen Cabinet

Gregory Kepferle
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EduCare Silicon Valley

Reymundo Espinoza
Gardner Health Services

Carmina Valdivia
Grail Family Services

Jason Su
Guadalupe River Park Conservancy

Andrea Urton
HomeFirst Services

Dana Bunnnett
Kids in Common

Darcie Green
Latinas Contra Cancer

Alison Brunner
Law Foundation of Silicon Valley

Quency Phillips
Lighthouse Silicon Valley

Gisela Bushey
Loaves & Fishes Family Kitchen

Anjee Helstrup-Alvarez
MACLA/Movimiento de Arte y Cultura Latino Americana

Héctor Sánchez-Flores
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Maria Daane
Parents Helping Parents

Heather Cleary
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People Acting in Community Together (PACT)

Sharon Winston
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Members of the City Council and Mayor

| Item # | Goal # | REAL Priority | City of San Jose Housing Element Strategy | REAL Comments |
|---|--------|--|---|---|
| (P) Production of Market-Rate and Affordable Housing | | | | |
| P-15 | 1,3 | Investments in San Jose's African-American Community; Wealth-Building for Historically Disadvantaged Communities | Moderate-income Housing Strategy: Complete study and implement Council-approved strategy to further rental and homeownership opportunities for moderate-income residents. Get Council direction on priority programmatic recommendations | This strategy should include a plan for researching and collecting data about the needs of historically disadvantaged communities. It should also be clear that it is, at least in part, specifically directed toward the African American community and, as such, should be explicitly tied to the legacy of redlining and discrimination. |
| P-17 | 1, 4 | Racial Justice, Equity and Fair Housing | Affordable Housing Siting Policy: Fully implement and evaluate effectiveness of the City's new Affordable Housing Siting Policy in generating new affordable housing developments in higher opportunity areas. Report on the outcomes, focusing on fair housing implications of development patterns. | The Housing Element and AFFH plan should make explicit that any categorization in the Siting Policy should not be based on discriminatory stereotypes about people who live in affordable housing. It should also make clear that lower income communities are also deserving of investment that ensures that every neighborhood is a "high opportunity area." Given the continued premise of the "Categories" used to define "higher opportunity area," the city must reject the current Category designations of the Siting Policy (that continues to redline neighborhoods based on neighborhoods of color, high crime areas, and density of low-income families). San Jose must find other anti-racist, socially respectful, and economically equitable designations of defining its neighborhoods and must still invest in affordable housing for the historically ignored neighborhoods and people of color. (Refer to I-18 of this Housing Element.) |
| P-21 | 1, 5 | Housing Funding | Special needs housing NOFA: Issue Notices of Funding Availability (NOFAs) for City funds that award points for serving Special Needs populations, to the extent the City is allowed under law. | The strategy broadly proposes to issue NOFAs to serve Special Needs populations. However, this strategy is too generalized and should provide clearer targets on whose needs will be met. Many people who are rent-burdened have disabilities, while most Fair Housing complaints are related to disabilities. Recent trends in Santa Clara County data show that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of severe rent burden than either those same people without disabilities or whites with disabilities. REAL recommends either having a separate NOFA for each special needs population or clearly providing a percentage for each, including people with disabilities and an emphasis on Black, Indigenous and other People of Color with disabilities who need access to affordable housing, particularly Extremely Low Income units to Affirmatively Further Fair Housing (AFFH). |
| P-25 | 1 | Housing Funding | Updated Inclusionary Housing program fees: Conduct a fees study to ensure the Inclusionary Housing program remains feasible and does not present a barrier to housing construction | The goal of the inclusionary fee program should be to collect fees to build more homes. As such, the language should be more balanced, acknowledge the duty developers have to pay for housing needs they create, and stress the importance of inclusionary fees to the city's ability to fund affordable housing. The inclusionary policy should require more onsite construction or incentivize it with higher fees. The section should read "assess any and all exemptions to housing impact fees in geographic areas (like downtown San José) and how they negatively impact the intended public benefit of the program and limit funds for affordable housing projects." |
| P-30 | 1 | Housing Funding | Updated feasibility study for Commercial Linkage Fee: Ensure funding for affordable housing is being paid per the City's new Commercial Linkage Fee, and periodically update fee levels to market conditions. First trigger is fall 2023 or after 1M square feet in executed leases of new construction over 100,000 sq. ft. in the Downtown over more than one building, whichever happens first. | The Commercial Linkage Fee (CLF) is the primary means of ensuring that funds are generated for the ever-increasing need for affordable housing. These funds are created by the outgrowth of jobs from commercial development. When the CLF was approved, the levels were set well below those determined to be feasible by the independent study. The potential of the CLF as a powerful tool to build more affordable housing must be maximized. The CLF can ensure San Jose is better able to follow-through on the affordable housing goals of the Housing Element and effectively expand opportunities for the most vulnerable and racialized members of the San José community. REAL recommends elements in the strategy be revised in the following ways: 1. "Updated feasibility study for the Commercial Linkage Fee, including the geographic analysis from the original study"; and 2. "Ensure funding for affordable housing is being paid per the city's new Commercial Linkage Fee, including integrating the fee into any project development agreements and periodically update fee levels to market conditions as determined by the feasibility study." |
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| (R) Preservation of Market-Rate and Affordable Housing | | | | |
| R-2 | 1 | Wealth-Building for Historically Disadvantaged Communities; Housing Funding | <p>Establish a Preservation NOFA: Establish a regular housing Preservation program, including annual funding allocation, priorities, underwriting guidelines, Notice of Funding Availability (NOFA) scoring framework, and ongoing workplan for NOFA issuances. Eligible Preservation activities should include acquisition and rehabilitation of existing market-rate housing, community land trusts’ rental housing acquisition, and other nonprofit-led alternative homeownership models.</p> <p>Create a staffing plan for a Preservation team to underwrite, fund and facilitate Preservation deals.</p> | <p>REAL champions preservation funding, particularly if it supports community land ownership models. The city needs creative thinking and revenue generation so it can build the appropriate internal infrastructure to support an ongoing Preservation NOFA, and significantly increase the available funding without moving money away from building deeply affordable homes. We want to see a minimum annual funding allocation of an additional \$25 million to support alternative community development and ownership models of affordable housing. REAL agrees that Eligible Preservation activities should include acquisition and rehabilitation of existing market-rate housing. Funding streams should include, but not be limited to, a more progressive tax structure, Measure E Funding, linkage fee funds, and more</p> |
| R-4 | 1, 3 | Wealth-Building for Historically Disadvantaged Communities | <p>Implement the Community Opportunity to Purchase program: Fully implement the Community Opportunity to Purchase program, if approved by the City Council. Draft implementing regulations and finalize them based on comprehensive community input. Educate property owners, realtors, CBOs and residents on COPA parameters, compliance, and opportunities. Issue a Request for Qualifications and identify a pool of Qualified Nonprofits (QNP) to participate in the COPA program. Assist QNPs to team with Community Partners to participate in the program. Put in place technology enhancements to the City’s website to help users participate in the program.</p> | <p>We are pleased to see that the implementation of a COPA program is included as a strategy. We would like to see that the COPA policy be established by 2023 through a meaningful community participation process that ensures projects are adequately funded and meets the community’s needs.</p> |
| (H) Housing and Systems for People Experiencing Homelessness | | | | |
| H-1 through H-6, H-8, H-9 | | Racial Justice, Equity and Fair Housing | <p>H-1: Interim homeless housing construction H-2: Interim housing for people experiencing homelessness in hotels/ motels H-3: Conversion of hotels/motels for homeless housing H-4: Shelters streamlining throughout the City H-5: Low-cost permanent housing solutions - H-6: Housing with integrated health care H-7: Safe parking program H-8: Nonprofit-provided homeless support services H-9: Street-based services for unhoused residents H-10: Encampment management to improve the health and safety of homeless individuals and the community</p> | <p>1. Leadership from those who are or have experienced homelessness is critical in service provision and constructing an effective path from the street to a home. 2. However, this will only work if the city is clear that it has just one north star and explicitly communicates this to all residents: Our goals with every service and project should be to keep people as safe and healthy as possible, and to move people from the street to temporary shelter to permanent housing. 3. It is important for the city to acknowledge that placating the complaints of housed residents by focusing on temporary and inadequate fixes like interim shelter and encampment sweeps only serve to take the city off course. It is also important to dispel misinformation so that the community knows that “solutions” like building massive, segregated shanty towns are not only impractical but also inhumane, and will detract from the city’s long-term housing plans that lift up the dignity, health, and long-term well-being of every unhoused resident. 4. Every temporary unit and service program needs to be tailored around the physical, mental and emotional needs of unhoused residents, prioritize service over punishment, and aim to keep family units (including pets) together.</p> |
| H-7 | 2 | Racial Justice, Equity and Fair Housing | <p>Safe parking program: Continue to operate an overnight safe parking program and other emergency shelter options, establish 24-hour safe parking, and seek permanent funding sources for these uses.</p> | <p>We are very glad to see the Safe Parking Program included in this document. Having a car makes a huge difference for someone experiencing homelessness, and having a safe place to park is crucial. For this reason, a problem the city should work to solve is the impounding and ticketing of the cars of people experiencing homelessness. Once this happens, it becomes nearly impossible to get the car back given the exorbitant fee, and someone experiencing homelessness is not able to pay a ticket. This ultimately works against the city because when someone loses their car, this person becomes much more expensive to care for, and they will sadly deteriorate more quickly, as homelessness puts a massive toll on one’s body and mind. Additionally, giving a ticket to someone who is unhoused doesn’t make any sense. This pushes them further down and does not incentivize a change in behavior, as this is already their last resort. Instead, put a pamphlet with resources on their car, or find something other than a ticket to reprimand them. They need help, not punishment.</p> |

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| H-10 | 2 | Racial Justice, Equity and Fair Housing | <p>Encampment management to improve the health and safety of homeless individuals and the community: Implement the encampment management program (Beautify SJ) to ensure that encampment residents and nearby residents are safe, provide encampment hygiene services and trash clearance, perform outreach to enroll encampment residents in services, and provide adequate notice and responsibly address the housing needs and belongings of homeless residents when encampments are cleared.</p> | <p>The city should not be encouraging policing and sweeps of encampments in the Housing Element. The explicit goal should be to eliminate or dramatically reduce encampment sweeps. A huge problem with encampment sweeps is loss of prescription medicine, which can lead to a major downward spiral for residents of the encampment. Losing one's belonging is also dehumanizing. Work not to sweep encampments, and ensure there are strong measures in place to protect residents if the encampments do get swept.</p> <p>Overall, this section lacks strategies to address the over-policing of unhoused individuals. The city should make transparent the results of encampment sweeps, including the number of arrests made during sweeps. The San Jose Police Department should track and report on its interactions with individuals who are unhoused and the city should analyze how many interactions could be instead handled by civilian and community-based interventions. This should happen within the next year.</p> |
| H-11 | 2 | Racial Justice, Equity and Fair Housing | <p>Racial and other bias in homeless shelter and supportive housing systems: Increase access to homeless shelters and permanent supportive housing for people experiencing homelessness who are in protected classes by examining data to identify systemic racism and patterns of other biases, and working with shelter staff to remedy issues.</p> | <p>All services and housing provided to people who are unhoused – whether provided by city staff or nonprofit providers – should be free from discrimination. The City should ensure that the Housing Element includes strategies that root out and address discrimination and access barriers through the City's homelessness and housing systems.</p> <p>One of the largest protected classes of "people experiencing homelessness" are single undocumented Raza (Latina) women with children. This category of people is one of the most underrepresented groups to receive access to homeless shelters and/or supportive permanent housing from public administrations and operations. Limited data collected and/or analyzed from undocumented im(migrant) populations does not provide these public institutions with the information necessary to identify the systemic racism and patterns of other biases to remedy the needs of these families. San José should double its efforts to work with those with lived experience, regardless of their status, to help develop such remedies. Under AFFH guidelines, the city is required to identify and affirmatively address these systemic barriers to full access to publicly funded housing resources.</p> |
| H-13 | 2, 5 | Racial Justice, Equity and Fair Housing | <p>Neighborhood outreach and education on homeless housing: Work with partners countywide on a community-based outreach campaign to promote dialogue and greater understanding of these issues. Outreach would focus on: 1) the root causes of homelessness and different housing approaches for people experiencing homelessness; 2) controversial housing topics related to equity and protected classes.</p> <p>Focus community outreach in areas experiencing growth.</p> <p>Pursue ongoing funding to compensate community-based organizations and advocates to conduct outreach.</p> <p>Create content and outreach materials, and establish regular cycles of issuing low-barrier Requests for Qualifications, identifying outreach partners, conducting regular trainings, and holding feedback and support sessions with outreach partners.</p> | <p>We recommend inviting people with lived experience of homelessness into the conversation to provide input to staff to develop outreach content that demonstrate the reality of homelessness and debunk myths and stereotypes about people experiencing homelessness that lead to NIMBYism and misinformation. People should be compensated for their time and expertise. and efforts should be made to ensure the context of participation is inclusive and safe for all participants.</p> |
| (S) Housing Stability, Tenant Protections, and Wealth Building | | | | |
| S-1 | 3 | Tenant Rights | <p>Tenant Resource Centers and violations reporting: Incorporate Code Enforcement and Apartment Rent Ordinance violation reporting procedures as part of expanded tenant resource centers, including allowing for tenant associations to report such violations on behalf of tenants. Assist residents to learn how to file Code complaints and look up their status online in tenant resource centers to help make the process more transparent. Improve coordination between Rent Stabilization Program and Code Enforcement staff and meet regularly.</p> | <ol style="list-style-type: none"> 1. These proposals are strong, and need to be strengthened and expanded. Tenant Resource Centers will be more useful by expanding their power and reach, such as allowing them to report violations. The city needs to ensure adequate funding and language access so these resources are readily available in practice and not just in theory. There will need to be a robust mail, social media and advertising campaign to raise awareness of these services. 2. San José should pass an ordinance declaring a right to organize for tenants in any building with five or more units, whether or not the units are legal under code enforcement. State law offers some protection against landlords who target tenants who try to organize their building but a city ordinance should go further and establish a right to collective bargaining. 3. The city should provide seed funding for tenant associations and collect data regarding their effectiveness in improving conditions for tenants and helping prevent evictions. 4. We recommend these additional metrics: Translation and Interpretation available; number of recognized tenant associations. |

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| S-3 | 3 | Tenant Rights | Proactive Code enforcement in Place-based neighborhoods: Continue to implement the Enhanced Multiple Housing Inspection Program in Project Hope and other low-income neighborhoods to provide enhanced proactive inspection services to rental properties to arrest the decline and deterioration of aging housing stock and reduce blighted conditions. | It is certainly good to continue this program. It should be accompanied by a program that does something when a property is found not to meet safety standards, because we do not want to lose housing, but obviously we shouldn't have tenants living in places that fail inspection or aren't inspected. |
| S-5 | 3 | Tenant Rights | Code enforcement improved case management: Implement a new Code Enforcement case management system for improved violation tracking to identify properties more easily with the most serious safety violations. Use the information to better educate the City's building preservation efforts. | To encourage people to report habitability issues, the city needs to provide incentives to low-income landlords to care for their properties and increase enforcement against landlords who fail to do so, including a receivership process. There should be relocation funding available for residents who are displaced due to habitability concerns. The city should explore the Code Enforcement Outreach Program in San Francisco, a collaboration between tenants, landlords and nonprofits, as a potential path to expedite the work of Code Enforcement. The city should adopt metrics measuring the number of people who stay in their homes and experience improved living conditions, and the number of people relocated within San José due to habitability displacement support; |
| S-16 | 3 | Racial Justice, Equity and Fair Housing | Affirmative marketing languages and best practices for affordable housing: For all City-funded affordable housing, require affirmative fair housing marketing to be done in English plus top 3 languages. Expand data collection and monitoring of affirmative marketing of affordable apartments for initial lease-up and waitlist openings. Create library of best practices including sample notices translated into multiple languages. | San José is a diverse place with more than half of households speaking a language other than English. More than a quarter of households speak a language from the Asian and Pacific Islander population, which itself is broad and diverse. With so many different language speakers and the goal of increased accessibility, translating to an additional three languages is not sufficient to meet the goal of increased awareness and accessibility. Putting a limit to the number of languages in which information will be available perpetuates systemic and institutional inequities, and guarantees people will be locked out of housing they qualify for and deserve. More impactful than creating a library of best practices, the city needs to continue to invest in its database of affordable housing, improving its ability to interact with the public and notify users of the availability of affordable housing units in their preferred language. Also, each of the three facets of this strategy should have their own timing, as a requirement for translation can and should be implemented immediately, not 2026-27. When we know that barriers exist, we must look to remove them immediately, as our neighbors' access to housing depends on it. |
| S-17 | 3 | Avoid Unnecessary Policing & Incarceration | Local Fair Chance / "Ban the Box" ordinance: Complete a report to review best practices in housing formerly incarcerated people and assess the feasibility, impact, and enforcement options of a Fair Chance / Ban the Box ordinance for rental housing applicants that would limit the use of criminal records by property managers when they are screening prospective tenants. If directed by the City Council, draft an Ordinance for their consideration. | There is no need for a costly and time-intensive assessment. The Housing Department should seek immediate direction from the City Council to draft an ordinance. More than 150 cities in 37 states have adopted a "ban the box" policy, which is a proven way to improve access to housing for formerly incarcerated people. Given the pervasive racism of over-policing and the disparate experience of BIPOC communities in the criminal justice system, a ban the box policy is a needed, concrete step the city can take immediately to promote racial justice in housing. |
| S-29 | 3 | Tenant Rights | Rent Stabilization Program Strategic Plan and program assessment: Complete a Strategic Plan for the Rent Stabilization Program and assess the efficacy of the program in meeting its goals to provide tenant stability. Evaluate the current Apartment Rent Ordinance and a set of possible amendments including expansion of coverage to duplexes and alternate methods of calculating maximum allowable rent increases. | The Tenant Protection Ordinance should be expanded to cover all rental property. The maximum allowable rent increase on covered properties should be lowered. The city should collaborate with regional partners and statewide elected officials to push for a repeal of Costa Hawkins and clarify that the city has legal authority to expand the TPO to cover all rental properties built before 1995. Regarding the statewide rent cap passed in 2019, the city should advocate for it to be lowered, extended, and expanded to cover single family homes. |
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| (N) Neighborhood Investments and Higher-Resource Neighborhoods | | | | |
| N-1 | 4, 5 | Investments in San Jose's African-American Community; Wealth-Building for Historically Disadvantaged Communities | <p>Equitable neighborhoods-based investment strategies:</p> <ul style="list-style-type: none"> -Focus the City's investments on increasing equity in racially/ethnically concentrated neighborhoods with extremely low incomes by changing the City's organization and the way that departments collaborate. -Create an interdepartmental team facilitated by the CMO to create a common equity-based framework that prioritizes investing in capital projects and delivering services to racially and ethnically concentrated areas with a high proportion of lower-income residents. -Align data indicators across departments on income, race/ethnicity, and protected classes where possible. -Organize departments' staffing and community services delivery by neighborhood. -Create a coordinated neighborhood engagement strategy to take feedback from constituents in formerly redlined neighborhoods with high racial/ethnic concentrations and lower-incomes. Use feedback to co-create neighborhood investment and anti-displacement plans. -Apply the updated equity-based framework to budget requests, investment plans, and program delivery, and align the resulting priorities with Citywide Roadmap priorities. -Identify new, additional funding sources to implement the co-created neighborhood investment and anti-displacement plans | <p>We appreciate this strategy that invests in lower income neighborhoods and equity. We recommend a reparations strategy based on evaluation of the history and consequences of historic redlining and discrimination be made explicit in the strategy language. Additionally, while it is often important to focus on neighborhood-level strategies for community stability and public safety, it's also important to ensure that policies and programs do not leave out communities whose needs aren't met by place-based strategies. For example, San José residents who are members of the African-American and Indigenous communities may not benefit from place-based strategies. The need to address this deficit in a neighborhood-based approach should be explicit, as should be a strategy to address this deficit.</p> |
| N-7 | 4, 5 | Racial Justice, Equity and Fair Housing | <p>External infrastructure funding to create complete, high-quality living environments:</p> <p>Continue to seek external funding for parks, transportation, and other types of neighborhood infrastructure that favor cities with a demonstrated commitment to building affordable housing. Prioritize investments in lower-income neighborhoods with fewer amenities to the extent that program rules allow. Improve accessibility for residents with physical disabilities through infrastructure work.</p> | <p>There is some language we would like to see added to this strong and important strategy. We recommend adding: "Work with residents in these neighborhoods to identify the resources and amenities they want in their communities." and "Use strategies in the city's anti-displacement plan to ensure investment in high-need areas does not result in displacement of low-income residents, including local preference policies." Additionally, we recommend explicitly stating that deed-restricted affordable housing can be a community amenity within this strategy. We recommend an additional metric of the number of neighborhoods scheduled for and receiving improvements.</p> |
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| (I) Inclusive Neighborhoods | | | | |
| I-1 | 5 | Racial Justice, Equity and Fair Housing | <p>Disabled community partnership and priorities: Create partnerships with organizations that provide outreach to disabled persons, and meet at least twice per year to collaborate on ways the City could improve how well its affordable housing portfolio serves disabled residents. Conduct two tours of affordable sites to get partners' feedback and identify challenges for disabled residents, prioritize changes to developments the City could effectuate, identify potential changes to the City's affordable housing funding priorities and other requirements, and promote lessons learned to the development community.</p> | <p>1. The strategy emphasizes an educational opportunity for the city to learn by means of collaborating and partnering with organizations to identify, prioritize, and eventually implement needed changes in the development industry for the construction of affordable housing for the disabled community. However, this Housing Element Update process was the city's opportunity to be educated on the needs and solutions of the disability rights community. For example, the city held a focus group meeting with disability organizations on January 19, 2022, where a wide array of solutions were discussed.</p> <p>2. REAL recommends that strategy I-1 be reflective of target/priority solutions from these existing coordination efforts to date and provide new strategies that implement the solutions already recommended to the City by these disability organizations. The January 19, 2022 focus group meeting discussed how affordable housing for the physically and cognitively impaired should have "support services," "universal design features," and be able to "age in place."</p> <p>3. Targeted outreach could go to these communities as part of the strategy and/or equitable development or funding solutions can go towards providing more explicit language beyond what is provided in strategies I-5 and I-6, such as designing units to have adequate space for in-home care while maintaining affordable rents for the disabled, and/or including a specific strategy that meets the needs of the cognitively impaired. Moreover, Appendix H includes a wide array of comments that discuss meeting the needs for people with mental health disorders, but we could not find any strategies around this topic that we would like to see.</p> <p>4. This community, along with people with developmental disabilities also need supportive services to integrate into the community. This is particularly needed considering the history of both of these populations being forced to live in segregated settings such as the Agnews Developmental Center or Insane Asylum (which closed less than 15 years ago) with few alternative housing options being created for where these adults would live when parents or family members could not provide housing.</p> |
| I-7 | 5, 4 | Community Engagement & Power Building; Racial Justice, Equity and Fair Housing | <p>Inclusive and equitable community engagement: Develop and implement inclusive and equitable community engagement strategies that center racial and social equity to inform and hear from San José residents in protected classes. Strategies are for use by City staff as well as developers and community groups.</p> <p>Amend the City's outreach and engagement policies, including Public Outreach Policy 6-30, to ensure that outreach is robust and opportunities for meaningful public participation are fully supported with multi-lingual materials, translation, and interpretation. Provide clear processes and methods to collect multi-lingual input and for input by persons with disabilities.</p> <p>Adopt language access standards for Housing Department outreach/public events and for Housing Department-funded affordable housing and grantees.</p> <p>Increase the availability of financial resources for all City staff to regularly partner with community-based organizations to gather meaningful community input.</p> <p>Continue to develop consistent equitable outreach practices and coordination across departments. Provide staffing from the City Manager's Office to help manage, and increase departments' staffing to do outreach and engagement.</p> | <p>1. Deep, meaningful community engagement is something the REAL Coalition has been asking for and we are happy to see a community outreach plan in this document. This strategy has several laudatory components and requires additional investment and urgency. REAL has previously advocated for the city to adopt a robustly funded and staffed Civic Engagement Initiative that is co-designed with the community. This kind of program should go hand in hand with a funded, community-based promotora model.</p> <p>2. This strategy must be in place no later than the end of 2023, considering one of its crucial components, Policy 6-30, was updated 18 years ago. The most important thing the City can do to improve inclusive and equitable community engagement is to create an in-house team of interpreters and translators (minimum Spanish and Vietnamese), with additional budget for translation and interpretation in other languages as needed.</p> <p>3. Inclusive and equitable engagement also means creating spaces for renters without landlords; spaces for LGTBQ+ identifying folks facilitated by people who understand the needs of those communities; and spaces for unhoused residents without housed residents complaining about them. The city should work with disability rights groups to provide different engagement platforms that work for different people who may not be able to attend in person or on Zoom. Doing this well requires realism about the scale of investment needed to engage residents most targeted and most at risk of displacement and homelessness. Partnerships between city staff/developers/community groups are critical. Nonprofits can be helpful intermediaries and can help engage community members.</p> <p>4. This strategy (and Council Policy 6-30 in particular) should be amended to include specific targets to engage BIPOC and low-income residents and give greater weight to this input when crafting policies and programs. We also recommend that the City work with the Office of Racial Equity to ensure that Policy 6-30 is crafted to meet city-wide racial equity goals.</p> <p>5. Increasing staffing and other funding to get this right is incredibly important.</p> <p>6. Lastly, city outreach continues to be not based in current adult and popular education strategies and communications social science, which means the content is often confusing and therefore not accessible to all audiences. Invest in training and train the trainer approaches for staff about effective education strategies.</p> |

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| I-8 | 5 | Community Engagement & Power Building | <p>Promotores-based outreach: Fund a community-based Promotoras/ Promotores program to compensate residents who listen actively to community members' needs, share their lived experiences, build trust, and help the City to do meaningful community outreach and information sharing. Focus resources on hiring Promotoras/es from protected classes to serve the City's subpopulations experiencing the greatest housing needs. Make them available to all departments conducting outreach and engagement.</p> | <p>REAL has long advocated for city funding for community-based promotora models. The promotora model is a social change model and can create career pathways for promotora leaders. We are pleased to see this strategy acknowledged in the draft Housing Element. The city should add more detail to this plan including a more specific and near-term timeline for funding and implementation. Additionally, this strategy should acknowledge that in addition to information sharing, there are other, arguably more important, goals to a promotora model. Creating pathways for actual civic engagement, including feedback mechanisms and advocacy, by community members, is also critical. One way the city can accomplish this is by funding community-based organizations to hire promotoras as well, so that organizations that are close to the community can ensure those community members can engage in a meaningful way with the city, rather than just delivering informational messages about city services and processes.</p> |
| I-9 | 5 | Community Engagement & Power Building | <p>Equitable Representation of Historically Underrepresented Communities on City Commissions: 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. Implement a pilot program to require an equitable distribution of seats for historically underrepresented populations, including low-income renters and homeless/formerly homeless residents on these two Commissions.</p> | <p>We are glad to see this strategy. We strongly recommend expanding this plan to other commissions, such as the Planning Commission. Additionally, outreach for this program will be important to ensure targeted communities are aware of this opportunity.</p> |
| I-10 | 5 | Community Engagement & Power Building | <p>Lived Experience with Homelessness seat on Commission: Fully implement the primary and alternate seats for a commissioner with Lived Experience Seat with homelessness on the Housing and Community Development Commission. Work with the Mayor's Office and the Clerk's Office to ensure the primary and alternate seats are filled promptly and the primary seat remains filled ongoing. Provide orientation, training, compensation, and other supports as needed within the first 6 months. Perform a confidential evaluation with those two commissioners, and other interested commissioners, starting 12 months after the Lived Experience commissioner seat is filled, and implement additional recommended improvements to support the commissioners.</p> | <p>We are pleased to see this strategy. Compensation should be provided beyond six months.</p> |
| I-11 | 5 | Community Engagement & Power Building | <p>Representation of and priority for protected class members on City bodies: Develop and implement guidelines, and update the municipal codes where needed, to ensure elevated representation of communities of color and other protected class members in decision-making or advisory bodies such as City Commissions or refreshed Neighborhood Advisory Councils</p> | <p>This is a necessary strategy to add representation to city bodies. Proposed metrics should be expanded to include goals related to representation by specific protected classes. We recommend that a timeline and benchmarks of progress be added including specific and meaningful benchmarks beginning in the next fiscal year.</p> |
| I-12 | 5 | Community Engagement & Power Building | <p>Resident-identified priorities: Interview, survey and analyze the living experience of the City's lower-income residents, especially those in protected classes, in all housing across the City. Use the results to determine needs the City should track and endeavor to meet.</p> | <p>One of the most important ways to include people with lived experience is to have them lead the conversation, and this is a good step toward this vision. It is good the city is interviewing, surveying, and analyzing, not just choosing one of these strategies. However, this strategy needs to be more specific. For example, include a metric with a goal of a meaningful number of people surveyed. It should also include a metric that the city will release the survey results and analysis, as well as a metric that the city will report on how those results are implemented over the duration of the Housing Element.</p> |

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| I-13 | 5 | Racial Justice, Equity and Fair Housing | Equity-focused metrics: Develop and align department wide metrics that measure progress towards beneficial outcomes for protected class residents resulting from housing policies and programs. | This is a critical component toward the goal of eliminating housing discrimination. We appreciate the thoughtfulness and intentionality behind this strategy of developing department-wide metrics. These will support the continuous assessment of whether the city is progressing toward ending discrimination against protected classes through its many other strategies, in order to create racially and socially inclusive neighborhoods. This allows for accountability, and therefore it is critical that the reporting of these metrics and the methods for sharing this information with the public are more defined within the strategy. Additionally, we expect staff to move quickly in implementation of this goal, as it is a necessary step in understanding whether this work is moving in the right direction. |
| I-16 | 5 | Investments in San Jose's African-American Community; Wealth-Building for Historically Disadvantaged Communities | Advocacy to close the racial homeownership gap: As part of the Housing Department's ongoing leadership around Fair Housing issues, engage in and support efforts at the state and federal levels to amend fair housing laws to allow for race-targeted housing assistance in jurisdictions where the jurisdiction has made documented findings of fact that race-based housing discrimination has occurred. | We appreciate this effort to advocate for changes that would specifically benefit the communities harmed by historic redlining and discrimination, particularly the African American community. It is important to specify which communities the city intends to benefit in this strategy, including but not limited to the African American community. |
| I-18 | 5 | Housing Funding | Advocacy on public policies and programs to facilitate production, preservation, protection, and neighborhood investments: Inform, support and advocate for public policies and programs at all levels that create funding and other assistance for affordable housing production and preservation, tenant protections, and investments in prioritized extremely low-income, racially segregated neighborhoods | We appreciate the plan to create a City legislative priority to advocate for these important approaches. Following adoption and implementation of strategy I-16, the City should, in addition to taking local action, support and advocate for all efforts at the state and federal level to create reparations mechanisms in historically disinvested communities of San José. The City must account for and make specific reparations from historic disinvestment in racially segregated neighborhoods (historically redlined areas), including families from African Ancestry and Raza (Indigenous) communities (refer to P-17). |
| Constraints on Housing | NA | Racial Justice, Equity and Fair Housing; Community Engagement & Power Building | There's no language in the "Constraints" section outlining the challenge of neighborhood opposition | The California Department of Housing and Community Development directs cities to address local opposition to housing, and the draft report fails to reckon with the constraint of housed residents who fight against any and all new housing, whether it's market-rate, deed-restricted affordable or temporary villages for unhoused residents. The city needs an intentional plan to communicate with housed residents, give them a chance to offer input, and consider any reasonable feedback that goes beyond "don't build this project in my neighborhood." The need for many more homes is a citywide issue and shouldn't be subject to neighborhood vetoes. The city needs to be more proactive in reaching residents who support building new housing and to create channels for this silent majority to be heard without subjecting themselves to the usual opponents who tend to show up. We need more honest communication from staff and council members that the days of a sleepy, suburban San José are long over and the future is a denser city that is affordable to all and not an enclave for the lucky few. |