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City of San Jose Planning Department and Housing Department.

As a part of the Housing Element Update, cities in California must assess housing needs, and adopt programs and policies that respond to these needs. The state requirement to affirmatively further fair housing through the Housing Element Update process provides an additional framework to develop programs and policies to expand access to affordable housing, stabilize communities and prevent displacement. This framework requires both broad and targeted public engagement in soliciting perspectives on housing needs and solutions, and explicitly supports a process to generate programs and policies to address the constraints faced disproportionately by lower-income BIPOC communities and individuals.

The standard for public engagement under the AFFH guidelines is high - early, often and ongoing. Early engagement and ongoing discussion is central to this process, which acknowledges that the process of community needs identification and policy or program development can take years.

The comments and recommendations presented in this letter are the result of such a process to understand and develop responses to chronic housing instability and displacement in our city. This process has been ongoing in the City of San Jose for years. For many of our organizations, this work has been central to our missions, and organizing and advocating has been central to our work. Most of the organizations involved in this process have also been active participants in formal anti-displacement community engagement efforts, and policy research, led by an evolving collaboration between the City of San Jose and multiple community serving organizations. These efforts have included hundreds of hours of community discussions and stakeholder meetings, detailed analysis, presentations to appropriate commissions, and the City Council endorsement of an Anti-Displacement Strategy.¹

This group met for the first time in December of 2021 to discuss the most effective and efficient way of engaging in the Housing Element Update process given the time and resource constraints of both city staff and our respective organizations. There was consensus that the hardships facing our communities were ongoing, the needs and constraints were well established, and the tools needed to respond were well known at this point. In the midst of the community crisis stemming from the pandemic, it seemed most important to reaffirm consensus

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<https://sanjose.legistar.com/View.ashx?M=F&ID=8772026&GUID=C6ADD217-83DD-4F7E-B480-056B228DCAF1>

policy and program responses, and to prioritize policy solutions where there has been less progress. There was a collective prioritization process, and the group's priorities were shared amongst our organizations and constituencies.

After establishing the programs that were already being developed by the city based on community input and City Council direction, the remaining consensus priorities were divided into Tier I and Tier II sets of substantive proposals.

There was a public community meeting held on February 24th of this year, sponsored by our organizations in partnership with the city, to discuss the need for additional anti-displacement measures as part of the requirements under AFFH guidelines. On March 7, our group met directly with City of San José staff, as an organized working group of stakeholders representing lower-income renters and communities of color, to discuss our priorities and how they might best be integrated into the Housing Element Update. In a follow-up meeting there were additional efforts to clarify the priorities and to identify areas of agreement.

The Tier I priorities included:

- Develop a process for recognizing organized tenant associations to target ARO enforcement and code enforcement as part of the expanded tenant resource center, including the potential of a receivership program for chronic offenders.

- Amend the Apartment Rent Ordinance to include duplexes (single family homes).

- Amend the Apartment Rent Ordinance to lower allowable rent increases below 5%.

- Establish programs to fund technical assistance for COPA , alternative community ownership models, and other preservation efforts.

- Expand local tenant-based housing voucher programs or to allow people more options to live in higher opportunity areas instead of continuing to segregate people of color in low income, under-resourced areas.

The following organizations were involved with this process at various stages:

- Catalyze SV

- The Health Trust

- Sacred Heart Community Services

- LUNA

- Asian Law Alliance

- Amigos Center

- Law Foundation

- Vietnamese Roundtable

- Somos Mayfair

- Law Foundation of Silicon Valley

- SV@Home

- Vietunity

- African American Community Services Agency (AACSA)

- Catholic Charities

Affordable Housing Network (AHN)
Working Partnerships USA

When the Draft Housing Element was released, this group came together again to see how our input was incorporated into the draft. A full list of our priorities, corresponding strategies incorporated by staff into the draft currently open to public comment, and the feedback which was generated by this discussion are detailed in the table appended to this letter.

Inclusion of our priorities in the Draft Housing Element

Overall, the City has made a good effort in documenting the ongoing work in the city, and further addressing many of our priorities through the proposed goals and strategies in the document. We appreciate the time the city has taken to meet with us in good faith. Critical pieces of our collective ongoing work, some of which has struggled with delays, are well represented in the draft including: the development of a Community Opportunity to Purchase Act with other preservation and community ownership models, and creating a neighborhood preference for affordable housing. The draft includes a robust set of policies and programs, and efforts have clearly been made to articulate processes, timelines and metrics to establish expectations. A comprehensive list of our priorities, those underway and those we have identified as additional priorities, is appended below this letter.

There are, however, a number places where we believe the proposed processes, and timelines, fall short of what is needed to ensure impact during the 6th Cycle

Amend the Apartment Rent Ordinance to include duplexes (and possibly single family homes) and Amend the Apartment Rent Ordinance to lower allowable rent increases below 5%.

We support the city's inclusion of S-29 as a strategy in the Housing Element draft. However, we encourage the city to put a more defined timeline and more clarity on what kind of amendments would be presented to council. It is essential to get tangible improvements to the ARO after committing to going through a process that is estimated to be implemented in 2-3 years. It is worth exploring basing the allowable increases on factors such as cost of living, inflation, and cost of operation while ensuring the cap does not exceed the current 5% cap. We appreciate the policy process, but believe there is little question that many in our community lack the protections we have deemed important, just because they rent in smaller buildings.

Develop a local Right to Counsel program to provide legal services in eviction proceedings.

We believe this program, which has already been identified as a critical element in the City's Anti-displacement Strategy, lacks a full articulation of the goals and challenges targeted through these efforts by understating the importance of accountability. Just as a housing collaborative court should focus on keeping people housed and preventing homelessness, and think broadly about the range of landlord responsibilities in this process, the right to counsel must be paired with supporting city policies to engage with the courts and programs to support enforcement of tenants' rights. Rather, the Housing Element draft takes an educational approach, such as in

S-23 of Chapter 3. While this may be helpful to small landlords who may be unaware of the law, this will have no impact on those knowingly and willingly violating the law. Indeed, management companies and big landlords should in particular be aware of local laws, as it is their business to know. Yet, tenants continue to live in substandard conditions, pay illegally high rents, and fall victim to landlord harassment, discrimination, and retaliation. This item is described in more detail at the end of this document.

Develop a process for recognizing organized tenant associations in targeting ARO enforcement and code enforcement as part of the expanded tenant resource center, including the potential of a receivership program for chronic offenders.

The current Draft of the Housing element lacks detailed, substantive policies to empower renters to organize their community and ensure their rights. There are valuable strategies to educate tenants on their rights and develop more city capacity for code enforcement, but the needs are broader. We would ask that the City adopt a local “right to organize” policy, to augment the State protections with local enforcement. We also believe that a more formal integration of established tenant unions or organizations in building code, and renters rights, enforcement is a critical step to realize the value of these organizations to the tenants themselves and the city as a whole. This item is described in more detail at the end of this document.

Recognize the need for reparations in land use and anti-displacement policies in formerly redlined neighborhoods.

We appreciate the inclusion of the Equitable Neighborhoods-Based Investment Strategy (N-1) in the current draft of policies and programs. If successful the strategy would employ an equity framework to align city departments to prioritize investment in our communities that have suffered from decades of neglect. It is especially important that this program acknowledges that the planning and prioritization process must be driven by people who live in these communities as co-creators of this development and anti-displacement effort - building on the extensive existing community work on anti-displacement solutions and continuously supporting broader community engagement.

We do have a number of concerns, however. First, the discussion of equity-framework has been ongoing in San Jose, and we are rightfully concerned that data alignment, coordination of service delivery, and prioritization of funding continues to lack specific time lines and continues to note that this work is as yet unfunded. This is a missed opportunity to set deadlines and identify sources of resources to move from promise to progress.

We are also concerned that while there is recognition that this program will require a multidimensional response, there is no direct mention of land use and the need to incorporate the production and preservation of affordable housing. Creating more affordable housing in these areas is an investment, especially if the city can ensure that these housing opportunities serve residents in these areas. The anti-displacement tenant preference and the neighborhood tenant preference policies in S-20 will be essential to keeping neighborhoods whole and invested in. Mentioned in previous priorities, empowering tenants also provides the community

support to look after each other in these neighborhoods as they face the changes that come with investment.

Finally, we believe this Strategy N1 needs to acknowledge the need for programs and policies that focus on equity-based outcomes for racial groups and protected classes across all efforts to reinvest in people who have historically been excluded. This strategy must address the distinction between place-based vs people-based discrimination and the hardships of not only the most visible and populous minority groups, but those groups that exist in much smaller communities, including Black and Indigenous residents. We believe this will require an explicit reparations framework that acknowledges lasting harm across income categories.

Discrimination Against Tenants with Eviction Records and Low Credit Scores - New priority

The Housing Element draft should include measures to protect tenants with eviction records and low credit scores. Resources should be provided to help tenants reverse default judgments against them which would enable them to mask their eviction case. This is particularly important as default judgments can make up as much as 50% of evictions. The City should also prevent private entities, companies, and individuals from collecting and selling court records to landlords and management companies. Additionally, landlords should be prevented from asking applicants whether they were evicted in the past on rental applications. This would impede the ability of landlords to discriminate against tenants for prior evictions. The City should also further assess how to help tenants with low credit scores. Solutions can include workshops to help people understand their credit score and how to improve it, as well as how to remove negative information.

Housing should be made more accessible to San Jose residents, not more difficult. The Law Foundation of Silicon Valley sees first hand the huge economic impact the pandemic has had through the number of eviction related calls they receive. In most cases, San Jose residents are facing non-payment of rent evictions and/or have accumulated substantial debt during the pandemic through no fault of their own. This widely affects the working class and service workers in San Jose who often make minimum wage in an inflated housing market, which in many cases pushes residents out of San Jose.

Addressing past evictions and low credit scores is also a means of affirmatively furthering fair housing, as this makes way for discriminatory practices and unfair housing opportunities. People of color are much more likely to have low-credit scores and have limited options when renting a unit in an already inflated market. These rental units are usually in areas with limited access to resources, poor living conditions or they are unpermitted units. It is important for the Housing Element to address these issues and practices that make it difficult for people to rent and pushes residents out of San Jose or into homelessness.

Specific housing needs of survivors of Domestic Violence - New priority

The draft appendix B references outreach to domestic violence survivors and notes that common problems include: “lack of shelter beds, lack of affordable housing, documentation

issues to apply for housing if prior documentation was in the name of husband and general lack of support in transitioning to living without partner.” Appendix B goes on to further acknowledge that the demand for housing for those fleeing domestic violence is greater than the supply. However, Chapter 3: Housing Goals and Strategies does not propose anything to address these concerns from survivors.

Domestic Violence is a unique housing issue that must be addressed in the Housing Element, as survivors are often victimized in the home. In addition to the need for more shelters and affordable housing for survivors of domestic violence, there must also be more measures to prevent survivors from losing their homes. Although state laws exist that provide some protection from evictions to survivors of domestic violence, these protections are limited where the abuser is a tenant of record to the property. Survivors should have the right and landlords should have the obligation to relocate survivors to a different unit when available. Finally, there should be more funding to provide survivors resources to pay off back rent, and to give them support to pay rent and the security deposit in a new home.

Other policies and programs we strongly support

Although, not from the original priorities, we are also in support of the following strategies found in the draft:

- S-10: Study on rent increases and burden in affordable housing - Research how rent increases in the City's restricted affordable apartments have been implemented over the last five years, given that area median income continues to increase rapidly in Santa Clara County. Study rent burden and demographics for residents of affordable homes, and use research results to inform proposed state legislation and/or City policy. Present findings and policy recommendations to the City Council.
- S-12: Eviction prevention - Housing Collaborative Court and other support for legal services - Work in ongoing partnership with the County's Superior Court to staff an Eviction Diversion Program, holding weekly workshops at the Court to offer a spectrum of resources to all parties, including rental assistance, social services referral, mediation, and legal assistance. Identify funding to continue Eviction Diversion programming. Explore conversion of Superior Court Eviction Diversion into a Collaborative Court model, as appropriate. Increase funding to nonprofit legal organizations to provide eviction counseling and defense.
- S-31: Expand/amend the Tenant Protection Ordinance - Review the Tenant Protection Ordinance for ways it could apply to restricted affordable apartments and still be consistent with rules for common funding sources such as low-income housing tax credits and State funding programs, and propose amendments to the City Council.

Anti-displacement policies build upon each to create a safety net to protect the community. As each policy is developed and implemented, we are creating stable and inclusive neighborhoods. We look forward to staying continuously connected to the city to ensure that these priorities and strategies are adopted and enacted.

Kind regards,

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Appendix I

Policies and Programs already being developed by the City of San Jose

Priority	Corresponding Strategies in Housing Element	Feedback
Providing targeted outreach/assistance to BIPOC communities to ensure they have full access to the “Doorways” software for affordable housing applications when this becomes operational.	S-13, S-16	Support as written
Community Opportunity to Purchase Act (COPA), including technical assistance support for Community Land Trusts, tenant/community ownership	R-4, R-9	This is a top priority and we encourage the city to quickly pass the COPA policy with the input from the community. The policy should also create a pathway for CLTs to become a QNP.
Develop program to fund technical assistance for community-based acquisition/rehabilitation and affordable housing production.	P-31, R-5, R-9, N-4	Support as written
Expand direct community representation on Boards/Commissions.	I-9, I-11	Support as written
Develop a local Right to Counsel program to provide legal services in eviction proceedings.	S-28	More feedback provided in the main letter. To truly make this effective, we recommend advocating for a housing collaborative court.
Develop a multi-platform Tenant Resource Center that supports access to both local and state tenant protections,	S-1, S-23, S-27	We are happy about the plan creation of a permanent tenant resource center, but we also see no program or policy addressing the tenant’s

including the right to organize - Eviction Help Center		right to organize. See feedback on the main letter.
Develop a Neighborhood Preference program, which ensures that new affordable housing, in lower-income neighborhoods, has a portion of the new units set aside for residents of the surrounding neighborhood.	S-15, S-20	Support as written
Amend Measure E expenditure plan language to clarify the eligibility of acquisition and rehab projects that create deed-restricted affordable units.	Completed 2022	No action needed.

Tier I Priority Policies and Programs (Not in order)

Priority	Corresponding Programs in Housing Element	Feedback
Develop a process for recognizing organized tenant associations in targeting ARO enforcement and code enforcement as part of the expanded tenant resource center, including the potential of a receivership program for chronic offenders.	S-1, S-3, S-5, S-6, S-23, S-27	Significant feedback provided in the main letter.
Amend the Apartment Rent Ordinance to include duplexes (and possibly single family homes).	S-29	Could use more details and have a clear actionable timeline.
Amend the Apartment Rent Ordinance to lower allowable rent increases below 5%.	S-29	More feedback provided in the main cover letter.

Establish programs to fund technical assistance for COPA , alternative community ownership models, and other preservation efforts.	R-12, N-4	Support as written. We strongly encourage the city to move this forward. This is a critical piece for more community led nonprofits to build capacity to create a robust and local preservation ecosystem.
Expand local tenant-based housing voucher programs or to allow people more options to live in higher opportunity areas instead of continuing to segregate people of color in low income, under-resourced areas.	P-2, P-17, P-29, S-14, S-25	Support as written

Tier II Priority Items (not in order)

Priorities	Corresponding Programs in Housing Element	Comments
Recognize the need for reparations in land use and anti-displacement policies in formerly redlined neighborhoods.	N-1, S-20	Deeper feedback is included in the main letter.
Continue to support Permanent Supportive Housing.	P-2, H1, H-2, H-3, H-5, H-8, H-11	Support as written
Adopt policies to ensure that opportunities for public participation are fully supported with multi-lingual material and translation, and are structured in ways to expand opportunities for concrete input.	I-7, I-8	Support as written
Increase accessibility requirements for city-funded affordable housing developments to expand	P-21, I-1	Support as written

opportunities for older adults and people with disabilities.		
Develop a local Fair Chance /“Ban the box” ordinance which would make it illegal to include questions about prior convictions or history of incarceration from initial rental applications.	S-17	Support as written
Update local Ellis Act Ordinance to reflect state (SB 330) guidelines on relocation, replacement of affordable units, and right of return.	P-13	Support as written

Appendix II

Detailed discussion of select priorities not sufficiently addressed in the current Draft Housing Element

Develop a local Right to Counsel program to provide legal services in eviction proceedings.

We believe this program, which has already been identified as a critical element in the City's Anti-displacement Strategy, lacks a full articulation of the goals and challenges targeted through these efforts by understating the importance of accountability. The related item, a housing collaborative court should focus on keeping people housed and preventing homelessness. Too often in unlawful detainer proceedings, there is an outsized focus on the landlord's property rights and right to collect money over the needs of tenants. A collaborative court should include rental assistance, assistance with searching for housing, and case management. A collaborative court should also address violations of the landlord. Too often landlords get the back rent owed through unlawful detainers, while the tenant's home remains in disrepair, with conditions like mold, mice infestations, and broken appliances. Tenants should be able to get a reduction in rent for poor habitability conditions, as well as request a hearing on these issues without the risk of being evicted.

A collaborative court should also include mandatory settlement conferences. Other jurisdictions in California require mandatory settlement conferences prior to a trial in unlawful detainer cases, this requires both parties to come to the settlement table with a neutral facilitator. This is often best for both parties. However, there is no mandatory settlement requirement in Santa Clara County, thus a landlord can refuse to engage in settlement talks or settlement talks happen without a neutral third party, which opens the possibility for intimidation, manipulation, and one-sided settlements from the landlord.

We are also supportive of the draft's recommendation to pursue Right to Counsel in housing court. However, there are several other common problems in the court process that must be addressed in order to sufficiently address the high rates of eviction. A Right to Counsel program would otherwise be limited in its success. The City should consider undertaking a study to address inefficiencies in the court system and consider solutions to remedy the problems. Currently some of the issues that exist include a lack of clerks and staff available to assist tenants (and lawyers); no online access to cases and information; limited to no phone access to court staff; and biases among court staff, including judges and commissioners. .

An assessment should include the rate of defaults, outcome of cases, and other factors to assess bias and deficiencies within the court system that can be fixed to ensure that tenants are able to fully and fairly access the court system. Furthermore, for goals concerning collaborative court, right to counsel, and other similar measures involving the eviction process, a metric of success should also include the number of evictions/households displacement that are prevented, with a goal to decrease evictions/displacement by 10% within two years (as a basis

of comparison New York City's Right to Counsel program, which started in 2017, reduced evictions citywide by 15%).

The Housing Element draft does not include sufficient accountability measures for landlords and management companies that violate the law. Rather, the Housing Element draft takes an educational approach, such as in S-23 of Chapter 3. While this may be helpful to small landlords who may be unaware of the law, this will have no impact on those knowingly and willingly violating the law. Indeed, management companies and big landlords should in particular be aware of local laws, as it is their business to know. Yet, tenants continue to live in substandard conditions, pay illegally high rents, and fall victim to landlord harassment, discrimination, and retaliation.

To address this, greater fines should be imposed and collected on landlords, as well as the possibility of criminal charges for serious and repeat offenders. Furthermore, there should be a streamlined mechanism that enables the city of San Jose to take on management of buildings that have fallen into disrepair to make the necessary repairs and renovations to keep the building up to code. Finally, resources and funding should be provided to enable tenants to bring affirmative suits against their landlord for violating the law. This should also be a priority of the San Jose city attorney to hold landlords accountable for violations of the law.

Tier 1 priority: Develop a process for recognizing organized tenant associations in targeting ARO enforcement and code enforcement as part of the expanded tenant resource center, including the potential of a receivership program for chronic offenders.

A significant aspect missing from the housing element is how the city plans to empower renters to organize their community and ensure their rights. The housing element provided a number of strategies to educate tenants on their rights and develop more capacity for code enforcement. However, we asked the city to push further. You can read the priorities in the appendix at the end of the letter. However, here is where we can improve the strategies to address the community concerns:

There are thousands of properties throughout San Jose that are listed as Tier 3 properties, meaning they have multiple code enforcement violations. Tenants in this building are likely living in sub par conditions and have landlords that are either negligent, unwilling to invest in their property, or are likely to impact renters negatively either through passing through repair costs to tenants, or more extreme retaliation such as unjust increases or threat of eviction. There are multiple ways of approaching this specific issue, the City currently enforces habitability standards through their Code Enforcement Department, this has been an underwhelming process as currently this department does not have enough funding to hire enough inspectors to adequately ensure properties are being maintained at an acceptable level. Cities such as San Francisco have implemented a [Code Enforcement Outreach Program](#), **which offers opportunities for collaborations between tenants, property owners. And non profit organizations. A program such as this would lessen the burden on Code Enforcement, but would also allow active cases to move through the process at an expedited rate.**

There are also ongoing collaborative programs currently in places in San Jose such as Project Hope, which is primarily in areas that are statistically high crime, and the Responsible Landlord Engagement Initiative (RLEI) which was under Catholic charities, but has now folded into the city process. With some precedent, there should be tangible opportunities to make recommendations to better improve the current process which moves slow and impacts renters the most.

Following intermediary, collaborative measures such as innovative approach to Code Enforcement, there may also be a next step where a property owner who continues to demonstrate that they either cannot or will not adequately maintain their property can have their property taken away through Receivership. As the City's Anti Displacement Plan states, **Staff could work with the City Attorney's Office to consider use of the receivership process for buildings in chronic, serious disrepair that threatens tenants' safety. Staff could also assess the clarity and level of compensation under the City's ordinances concerning situations that result in tenant displacement, including 'red-tagging' of buildings and conversions of rented condominiums to for-sale homes.** In the past the City of Oakland had a receivership program in place, this created a process for properties that were in chronically poor habitable conditions eligible for receivership, where control of a residential or commercial property is removed from its original owner and a receiver (non profit entity) could take control of the property. Currently, Oakland is looking to reinstate this program through collaboration with the County Assessor's office. Another example of Receivership programs is the state on New Jersey:

New Jersey has used receivership to improve the condition of rental housing since 2004. New Jersey law allows the receiver to sell a property where the sale "would promote the sustained maintenance of the building as sound, affordable housing, consistent with codes and safety requirements." The New Jersey Department of Community Affairs established a registry of qualified entities and set aside up to \$4 million per year for a fund from which grants and loans can be made to receivers acting under the provisions of this bill. From the first \$4 million set aside for this purpose, \$1 million was used to make grants to nonprofit entities to build their capacity to act as receivers.

Having both Community based Code Enforcement programs as well as a more serious form of enforcement which would create opportunities for land trusts or qualified non profits to acquire housing and implement permanent affordability would both serve as pathways for further tenant empowerment and engagement.

We currently have tenant organizing currently taking place throughout San Jose, but we lack a formal process where tenant associations/unions are recognized and are offered institutional support to fully form organized bodies. Creating processes to recognize tenant associations would provide renters the opportunity to organize their neighbors and advocate for themselves to ensure that their needs and rights as tenants are being addressed. Similar to labor unions, tenants deserve a set of rights to ensure that they can organize within their building without fear

of retaliation. In early 2022, the San Francisco Board of Supervisors passed [an ordinance to officially create a process for the establishment and recognition of tenant associations](#). A policy proposal similar to San Francisco's ordinance would go a long way in creating a formal process towards giving tenant associations the right to organize.

Even with most of these policies implemented, there is still a significant power imbalance between a landlord and a tenant. Another way to empower tenants to exercise their rights is to adopt an anti-harassment / anti-retaliation ordinance. It requires landlords to notify tenants about unit renovations, prohibits renovating for the purpose of getting the tenant to vacate, and prohibits landlords from forcing an existing tenant to agree to a new term of tenancy unless the changes are allowed by state law (or at the end of a tenant's existing lease). It provides clear definitions on what is considered tenant harassment, such as removing services, unannounced unit entries and misrepresenting conditions to force a tenant to move, giving tenants the right to receive rental receipts and pay through various means. Landlords who violate this law could be fined or prevented from taking their annual general adjustment/increase. Many California cities including Long Beach, Oakland, Los Angeles, Berkeley, Concord and Richmond have adopted this kind of ordinance.

Priority to be added: Discrimination Against Tenants with Eviction Records and Law Credit Scores

The Housing Element draft should include measures to protect tenants with eviction records and low credit scores. Resources, such as outreach and education, expansions of Eviction Help Center, and access to legal services, should be provided to help tenants reverse default judgments against them which would enable them to mask their eviction case. This is particularly important as default judgments can make up as much as 50% of evictions. The City should consider regulations that would prevent or limit private entities, companies, and individuals from collecting and selling court records to landlords and management companies. Additionally, landlords should be prevented from asking applicants whether they were evicted in the past on rental applications. This would impede the ability of landlords to discriminate against tenants for prior evictions. The City should also further assess how to help tenants with low credit scores. Solutions can include workshops to help people understand their credit score and how to improve it, as well as how to remove negative information.

We believe housing should be made more accessible to San Jose residents, not more difficult. At the Law Foundation of Silicon Valley, we see the huge economic impact the pandemic has had through the number of eviction related calls we receive. In most cases, San Jose residents are facing non-payment of rent evictions and/or have accumulated substantial debt during the pandemic through no fault of their own. This widely affects the working class and service workers in San Jose who often make minimum wage in an inflated housing market, which in many cases pushes residents out of San Jose.

Addressing past evictions and low credit scores is also a means of affirmatively furthering fair housing, as this makes way for discriminatory practices and unfair housing opportunities. People of color are much more likely to have low-credit scores and have limited options when renting a unit in an already inflated market. These rental units are usually in areas with limited access to resources, poor living conditions or they are unpermitted units. It is important for the Housing Element to address these issues and practices that make it difficult for people to rent and pushes residents out of San Jose or into homelessness.

Priority to be added: Domestic Violence

The draft appendix B references outreach to domestic violence survivors and notes that common problems include, “lack of shelter beds, lack of affordable housing, documentation issues to apply for housing if prior documentation was in the name of husband and general lack of support in transitioning to living without partner.” Appendix B goes on to further acknowledge that the demand for housing for those fleeing domestic violence is greater than the supply. However, Chapter 3: Housing Goals and Strategies does not propose anything to address these concerns from survivors.

Domestic Violence is a unique housing issue that must be addressed in the Housing Element, as survivors are often victimized in the home. In addition to the need for more shelters and affordable housing for survivors of domestic violence, there must also be more measures to prevent survivors from losing their homes. Although state laws exist that provide some protection from evictions to survivors of domestic violence, these protections are limited where the abuser is a tenant of record to the property. Survivors should have the right and landlords should have the obligation to relocate survivors to a different unit when available. Finally, there should be more funding to provide survivors resources to pay off back rent, and to give them support to pay rent and the security deposit in a new home.