

ADVISORY COMMISSION ON RENTS (ACR)

ACTION MINUTES OF THE MEETING AT 5:30 PM

NOVEMBER 19, 2009

MEMBERS PRESENT: James Bojorquez Commissioner (Chair)
Sandy Adams Commissioner (Vice Chair)
Dan Wagner Commissioner
Michael Fitzgerald Commissioner
Naidu Ashok Commissioner
Robert Bailey Commissioner

STAFF: Rose Herrera Councilmember
Aaron Quigley Councilmember Rose Herrera's
Office Staff
Leslye Krutko Director of Housing
Jacky Morales-Ferrand Assistant Director of Housing
Shasta Greene Deputy City Attorney
Vivian Frelix-Hart Policy & Planning Administrator
Ramo Pinjic Housing Staff

MEMBERS ABSENT:

GUESTS: Martha O'Connell Senior Commission Liaison
Elaine Coombs West Valley Retired ESL Teacher

LOCATION: CITY OF SAN JOSÉ 12TH FLOOR, ROOM T-1254

AGENDA ITEM

(a) Call to Order/Introduction

The meeting was called to order at 5:30 p.m. Commissioners, City staff and guests introduced themselves. It was noted that this is Commissioner Adams last meeting.

(b) Orders of the Day

Councilmember Rose Herrera acknowledged the Commissioner's hard work and dedication over the year. Herrera personally thanked Vice Chair Adams for her time, effort, and support of the people she represents. She thanked Leslye Krutko, Director of Housing and her staff Jacky Morales-Ferrand, Shasta Greene, Vivian Frelix-Hart and Ramo Pinjic for their hard work and support of the Advisory Commission on Rents (ACR). Herrera acknowledged Aaron Quigley, her Senior Policy Advisor, for his hard work.

Leslye Krutko, Housing Department Director, acknowledged, Commissioner Adams and said that the Department is grateful for her dedication and service.

A plaque and thank you letter were presented to Commissioner Adams from the Housing staff and Councilmember Herrera.

(c) Approval of Retreat Minutes for September 26, 2009, meeting

Commissioner Adams made a motion to approve the retreat minutes. Commissioner Bailey seconded the motion. The motion passed (6-0).

(d) Reports

(1) Litigation and Legal Report - City Attorney, Shasta Greene, stated that there was a ninth Circuit Court case, Barrientos v. 1801-1825 Morton LLC, filed on October 9, 2009. Greene said that this case concerns the Department of Housing and Urban Development (HUD) regulations for Section 8 tenants and Los Angeles's just cause eviction statute.

(2) Quarterly Report - Pinjic provided a summary of the staff reports (database, notice to vacate, case log, and public outreach reports) for the first quarter FY 09/10.

Based on information for the first quarter "Notice to Vacate" report show 29, 90-day notices served to the tenants. Commissioner Wagner notice that the property owner evicting eleven tenants from the properties located at 518 and 520 South Willard Street. Wagner wondering why are the tenants served with the 90-day no cause notices.

(e) Action / Discussion Items

(1) Looking Forward - Herrera said that the Rental Rights and Referrals Program (RRRP) educate tenants and property owners about their rental rights. In addition, she gave a brief overview of the City's budget. She said that the City's budget is facing a 75M take from the State to help meet the State budget shortfall. The Councilmember also said that she will be more involved and supportive to the Commission.

(2) Redevelopment Agency Budget / Housing Impact - Jacky Morales-Ferrand said that the impact of the State take is \$75 million. She said that the Housing Department is being asked to loan the Redevelopment Agency, for two years 2009-2010 \$40 million and for the year 2010-2011, \$35 million for a total of \$75 million. Morales-Ferrand said that the source of fund would be 20% housing fund, and used for the Educational Revenue Augmentation Fund (ERAF) payment.

- (3) **Housing Element Update** - Wayne Chen, Housing staff, informed the Commission on the following:
- a) What is a Housing Element
 - b) Housing Element and General Plan Update
 - c) Housing Element Components
 - d) Regional Housing Needs Allocation Process
 - e) Housing Strategies
 - f) Housing Capacity
 - g) Governmental Constraints to Housing
 - h) Non-governmental Constraints to Housing
 - i) Quantified Objectives/Production
 - j) Quantified Objectives/Rehabilitation
 - k) Housing Element Programs
 - l) Other Implementation Programs

In addition, Wayne said that information about the Housing Element Update is available in power point.

- (4) **Envision San José 2040 General Plan Update** - Deferred
- (5) **Advisory Commission on Rents (ACR) Membership Q/A** - City Attorney, Shasta Greene, stated that all appointees to boards and commissions must be San José residents. In specific cases where a qualified San José resident cannot be found to fill the position, the City Council may authorize a non-resident.
- (6) **Nominations of two Representatives for Budget Subcommittee** - Vivian Frelix-Hart described the role and purpose of the Budget Subcommittee to the Commission. Adams made the motion to appoint Commissioners Bojorquez and Fitzgerald to the Budget Subcommittee, Commissioner Bailey seconded the motion. The motion was carried (6:0).
- (7) **Nominations and Elections for Chair and Vice Chair for 2010** - Commissioner Wagner made a motion to nominate James Bojorquez to continue as Chair of the Commission. Commissioner Adams seconded the motion. Commissioner Adams nominated Dan Wagner for Vice Chair of the Commission, and Commissioner Bailey seconded the motion. The motions were carried (6:0).
- (8) **ACR Work Plan for 2010** - The Commission agreed that the work plan schedule should include the following:
- Bay Area Legal Aid - Presentation
 - Envision San José 2040 General Plan - Update
 - Budget Subcommittee - Presentation

(f) Open Forum

Martha O'Connell commented that if the Housing Department loans \$75 million to the Redevelopment Agency, will Housing Programs continue to exist? Morales-Ferrand answers that Housing Programs will continue to exist.

Elaine Coombs, West Valley Retired ESL Teacher from District 1 thanked the commission for their excellent work and support the commission provides to the community. In addition, she mentioned that she apply to the ACR.

(g) Adjournment

The meeting was adjourned at 7:35 p.m.