

# **CITY OF SAN JOSÉ**

## **WORKSHOP WITH ADVISORY COMMISSION ON RENTS AND MOBILEHOME ADVISORY COMMISSION**

**HELD MAY 28, 2008**

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**June 2008**



**MANAGEMENT PARTNERS**  
INCORPORATED

## Workshop Summary

On May 28, 2008, the Housing Department sponsored a workshop of the Mobilehome Advisory Commission and the Advisory Commission on Rents. The purpose of the workshop was to reassess the scope of work for both commissions and discuss ways in which they can be more effective and efficient in carrying out their assigned missions. Jan Perkins and Nancy Hetrick of Management Partners facilitated the workshop.

There were two desired outcomes of the workshop:

- Input to the Housing Director and Council on options for change and improvement, along with pros and cons of the options identified
- Increased understanding of the roles of each commission

### **Background**

The workshop was scheduled in response to two issues:

- In September 2007, the City Council directed staff to conduct an “analysis of all existing board and commissions, and other public bodies, and the costs to staff each, looking at redundancies and opportunities for consolidation, efficiency and elimination.” This direction was part of a motion to approve a two-year pilot of a Neighborhoods Commission. The Housing Director is participating in the staff team carrying out the City Council’s directive to analyze commissions. The City Manager will be providing a recommendation to the City Council once the staff team’s work is completed.
- The City has experienced a challenge of obtaining and maintaining a quorum for the Mobilehome Advisory Commission and a full membership on the Advisory Commission on Rents. Additionally, differences of opinion within the commissions have created a need to re-examine ways for them to effectively carry out their missions assigned by the City Council through the ordinances which create them.

## Participants

Current and past members of the Mobilehome Advisory Commission (MAC) and the Advisory Commission on Rents (ACR) attended the workshop. Additionally, a representative of the Housing and Community Development Advisory Commission was invited in order to provide information on the work of that commission. The Council liaisons for MAC and ACR were attended, along with their staffs. Housing Department staffs also participated. Several members of the public also attended. The participants included:

### **Mobilehome Advisory Commission:**

- Vernon Swart (Chair)
- Paula Merola
- Jacquie Heffner (past commissioner)
- Fran Hirsch (past commissioner)

**Advisory Commission on Rents:**

- Steve Wincor (Chair)
- Larry Hull
- James Borjorquez
- Sandy Adams
- Victoria Peters
- Dan Wagner (past commissioner)

**Housing and Community Development Advisory Commission**

- Tamon Norimoto (Vice Chair)

**Council Liaisons, City Staff:**

- Councilmember Madison Nguyen
- Councilmember Nora Campos
- Leslye Krutko, Director of Housing
- Karen Wing, Deputy Director
- Vivian Frelix-Hart, Division Manager
- Theresa Ramos, Analyst II
- Ramo Pinjic, Analyst II

**Members of the Public:**

- Martha O'Connell
- Elizabeth Warren, M.D.
- Jorj Tilson

**Agenda Summary**

- Welcome and introductions
- Create workshop groundrules
- Review current roles of each commission
- Identify what is working well/could be improved with the Mobilehome Advisory Commission (MAC) and the Advisory Commission on Rents (ACR)
- Identify options for improving the effectiveness of MAC and ACR
- Public comment
- Summary and next steps

**Ground rules**

Participants suggested the following groundrules for the workshop:

- Speak what you feel
- No interrupting
- Be recognized to speak
- Be clear and concise
- Be respectful – listen

**Commission Roles**

City staff presented a brief overview of the current roles of each of the three commissions that are staffed by the Housing Department: Mobilehome Advisory Commission (MAC); the Advisory Commission on Rents (ACR); and the Housing and Community Development Commission (HCD). Handouts were provided to all participants and members of the public

which describe the roles and typical agenda items addressed by the commissions (see Attachment A).

### **What is Working Well and What Could be Improved**

Participants brainstormed the things that are working well with MAC and ACR and what could be improved.

#### **Mobilehome Advisory Commission (MAC)**

##### ***What's Working Well***

- Provides a forum to raise concerns and issues; place for people to vent
- Staff reports – information on types of calls; issues raised; helps identify where there are needs to be addressed
- Annual retreat of commissioners, Housing Department staff, community members are useful
- Commissioners care
- Council liaison helps to focus the commission
- Forum to analyze and discuss issues
- Diverse representation
- Staff follow-through is good; staff are diligent
- Staff handles many phone calls pertaining to mobilehome issues
- Council member shows support

##### ***What Could be Improved***

- Acrimony on the commission
- Friction among commission members
- Aging infrastructure of mobilehome parks – suggestions are not resolved/alternatives not discussed – problems not solved – no significant issues addressed; supposed to get report from staff on infrastructure study – never got it
- Misunderstanding on role of commission on infrastructure issue; only approaching the issue (infrastructure) through ordinance change
- Lack of clarity of roles/responsibility
- Current structure of MAC is not resulting in action
- Not the right member composition of the commission
- Redefine “neutrals” on the commission
- Filling vacancies is a problem
- Our limits/purview are a problem:
  - Not too much to do within the ordinance – limited scope
  - Not sure what can be accomplished
  - Should expand or disband
  - Term limits

#### **Advisory Commission on Rents (ACR)**

##### ***What's Working Well***

- Commissioners care
- Well-versed team which is knowledgeable on the subject
- Informed about the ordinance and related issues about apartments (i.e. construction, status of apartments)
- Lot of consensus and compromise; commissioners work well together
- Good opportunity to give input on issues related to rental housing

- Great Housing staff
- Good example of good teamwork: Rental Rights and Referral Program prepared by staff and commissioners
- Updates from staff are helpful
- Tri County Apartment Association – Commission works well with them
- Work well with Council liaison
- Set goals at retreat and stay focused on that direction
- Recognize overlap with HCD and go to HCD to continue to discuss ideas

### ***What Could be Improved***

- Recruiting qualified commission members
- Being able to address issues given to them from their Council liaison – the scope of their work is too narrow to deal with some of the issues
- Recruitment period/timeframes for City Commissions is limited and should be more proactive regarding sending applications to interested callers
- Term limits

### **Options for Improvement**

The participants identified in possible options for improving the effectiveness of the MAC and ACR. The options are listed below, in the order they were stated. The members of the public were invited to add any items to the list. After creating the list, the participants were each given 6 dots and asked to place a dot on one of the items. The number of dots given on any particular item is shown in parentheses after the item.

### **Commission/Staff Suggestions**

- Change the charge of the Commissions (3)
- Review all city commission charters city wide – make current (2)
- Add to each of the commissions' ordinances the language: "...and other duties as assigned by the Council" – in order to allow the Council liaison to bring issues to their commission and have that assignment be within the scope of their duties (1)
- Improve recruiting (suggestion: in Council monthly emails include all commission openings; have openings on the website) (7)
- City Clerk should reconsider timeframes for opening commission recruitments (9)
- Council needs to change recruitment process (City Clerk's office) (11)
- Address the scope (1)
- Review the composition of the Commissions (3)
- Define the goal of the Commissions – how are we effective; define achievable results (4)
- Better vetting of "neutrals" – define what it means to be neutral (1)
- Training for Chair/Vice-Chair on running effective meetings without violating a city policy (involve attorney) (4)
- Relevance of the Commissions (2)
- Structure of MAC should be changed; all should be "neutrals" (2)
- Clarify that commissioners have role a community representative (1)
- Consider merger of MAC and ACR (both address rent control) (5)
- If not merger, how do we better define the scopes to keep them discrete (2)
- Semi-annual retreats to explore all ideas (8)
- Additional feedback from Council on how the commission is functioning
- Hold Commission meetings out in the community (5)
- Work closely with staff to give commission more "teeth"
- Disband the Commissions

- Review what other cities are doing (1)

**Public Suggestions**

- Treat MAC and ACR the same as Planning Commission and other Commissions regarding appointment of members (of knowledgeable people) (4)
- MAC and ACR should merge (6)
- All commission appointments should go through Project Diversity (1)

**Four Themes Rose to the Top**

After the workshop participants voted, the facilitators identified four key themes, as follows. There was disagreement on the second item. Opinions regarding pros and cons of the second item are shown below.

1. Improve the recruitment process (Note: this is a matter of Citywide concern and will be addressed through the larger commission review process.)
2. Merge ACR and MAC
3. Review composition and representation on the commissions
4. Review the scope of duties for the commissions

**Issue: Merging ACR and MAC**

The following table shows the “pro” and “con” opinions of the workshop participants about merging ACR and MAC.

Pro	Con
<ul style="list-style-type: none"> <li>• Might help with recruitment on the commissions</li> <li>• Similar interests regarding property maintenance, rent control, other issues</li> <li>• MAC would benefit from being combined with ACR, given the effectiveness of how ACR works together</li> <li>• Commissioners can be trained on different issues, even if they don't know about each others' issues now</li> <li>• With an increased size of a combined commission – easier to resolve issues where it is difficult now with only 5 on MAC</li> <li>• History and legacy of MAC/ACR was that they were combined in the past</li> <li>• Many similar issues</li> <li>• May help with the need to have “neutrals” if mobilehome issues were addressed by people completely unaffiliated with mobilehomes which would be the case if the two commissions were combined</li> </ul>	<ul style="list-style-type: none"> <li>• Two different ordinances</li> <li>• Totally different scopes of work</li> <li>• Apartment renters and mobilehome resident issues are different</li> <li>• MAC has “other issues” (commissioner conflict) that need to be resolved which a merger does not address</li> <li>• MAC more emotionally tied to issues because mobilehome owners have their homes on rented land</li> <li>• Representation by tenants may not be fair under merged commission</li> <li>• Issues (i.e. deterioration of property vs. evictions) are different</li> <li>• Apartment owners can pass through costs through rents; mobilehome park owners cannot</li> <li>• All ACR members are against a merger</li> <li>• Multiple commissions can give a perception of community involvement</li> </ul>

**Issue: Review composition and representation on the commissions**

Due the lack of time, this issue was only initially discussed. The following is a record of the comments made. Housing staff indicated they would be asking commissioners for additional input via email.

ACR

- Good balance
- It works (representation) – no need for change

MAC

- Needs to increase number of seats
- Add one tenant
- Add one landlord
- Redefine what a “neutral is” and increase the number of neutrals
- Be clear of motivations of new members when recruiting

**Issue: Review the scope of duties for the commissions**

Due to the lack of time, this issue was only initially discussed. The following is a record of the comments made. Housing staff indicated they would be asking commissioners for additional input via email. Comments made at the workshop were:

- Scope is set by City Council
- Requires Council approval to open/change ordinances; very political
- Review the process of requests coming to commissions that are outside scope
- Direction from Attorney seems to be very different between commissions

**Next Steps**

- Management Partners will send a report from this workshop to Housing Department (by June 6)
- Housing Department will send an email request to commissioners for additional feedback on scope of work (in June)
- Department will discuss how to use this material to make recommendations; will discuss with commissions, Council liaisons (in June)
- Larger study of boards and commissions will be completed (in Fall 2008)

## Workshop Evaluation

<b>+ Went Well</b>	<b>△ Could be Improved</b>
<ul style="list-style-type: none"><li>• Learned a lot</li><li>• Didn't come with preconceived position</li><li>• Nice facility</li><li>• Good food</li><li>• Staff did great job of logistics</li><li>• Valuable to convene commissions together</li><li>• Facilitation helped</li></ul>	<ul style="list-style-type: none"><li>• Should have been longer</li><li>• Obvious that ACR didn't want to merge</li><li>• Public comments earlier</li><li>• Conflict between individual commissioners could be resolved through mediation</li></ul>

## **ATTACHMENT A – COMMISSION DESCRIPTIONS**

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### **Advisory Commission on Rents**

**Membership: 7 members, 3-year terms**

**Meeting frequency: Every 3<sup>rd</sup> Thursday of every odd month**

**Duties:** The Advisory Commission on Rents oversees the operation of the Rental Dispute Mediation and Arbitration hearing process as set forth in Section 2.08.200 of the San José Municipal Code. The Commission recommends to the City Council any changes and/or amendments which may be deemed necessary to insure the successful operation and administration of Rental Dispute Mediation and Arbitration, Section 17.23 of the San José Municipal Code. The Commission may also make recommendations to the City Council and Administration regarding the staffing and funding necessary to operate and maintain the rental dispute mediation and arbitration hearing process.

**Typical agenda items include:**

- Multi-Family Housing Condition Units—Large (Apartment) Rental Projects that are City subsidized (Affordable Housing)
- City's Inclusionary Housing Units—Residential units as a City requirement to build a minimum of affordable housing
- Conversion of Rental Units into Condos
- Renter's Insurance Campaign—outreach on Renter's Insurance benefits
- Habitat for Humanity's Role and Experience
- New Affordable Housing Units for Teachers
- Getting Families Back to Work
- Commission Scope and Name Change
- Citywide Economic Outlook
- Rental Guarantee Program

**Typical Staff Reports:**

1. **Database Report**—Program data (percentage of service type, language, ordinance coverage, eviction type, advice topic, and agency referrals)
2. **Quarterly Report**—updates related to apartment rent issues
3. **Real Facts Report**— Current rental market conditions data (vacancy occupancy rate, quarterly and annual rental trends for 1 bedroom, 2 bedroom, etc.)
4. **Litigation Report**—updates related to apartment legal opinions
5. **Legislation Report**—updates related to apartment issues
6. **Agenda Plan**—a Commission workplan identifying agenda items
7. **Public Outreach**—Community Resource participation in three languages (English, Spanish, and Vietnamese)

## **Mobilehome Advisory Commission**

**Membership: 5 members, 3-year terms**

**Meeting frequency: Every 3<sup>rd</sup> Thursday of every even month**

**Duties:** The function of this five-member Commission is to make recommendations to the City Council regarding rules, regulations, amendments and/or changes which may be deemed necessary to insure the successful operation and administration of the Mobile Home Rent Ordinance. Commission Members will also make recommendations to the City Council and Administration regarding staffing necessary to operate and maintain the mediation and administrative hearing process set forth in the Ordinance, as well as prepare semi-annual reports and proposed budgets relating to the present and future operations of the Commission.

**Typical agenda items include:**

- Mobilehome Rent Ordinance—Capital Improvements & Pass-Through—Section of the Ordinance
- Aging park infrastructure—Discuss infrastructure (common roads, sewage, etc.) of parks built between 1950's to early 1980's
- Public Utilities Commission—Sub-metered billing
- Mobilehome Mediation—Create a mediation program for mobilehome disputes (NOTE: the Ordinance does not allow residents to file a petition)
- Mobilehome park purchase by residents
- Mobilehome Park Conversion—Convert land for other use

**Typical Staff Reports:**

1. **Database Report**—Program data related to service type percentage, language percentage, ordinance coverage percentage, eviction type percentage, advice topic, and agency referrals.
2. **Call log Report**—Program phone calls related to mobilehome issues
3. **Litigation Report**—Updates related mobilehome legal opinions
4. **Legislation Report**—Updates related to mobilehome issues
5. **Agenda Plan**—A Commission workplan identifying future agenda items
6. **3 Annual Notices distributions subject to the Ordinance**—1) Maximum Annual Price Index (MAPI) Report based on the Consumer price Index (CPI) in June, 2) Rental Fee Exemption Notice in October, and 3) Mobilehome Rent Ordinance Summary in December

## **Housing and Community Development Advisory Commission**

**Membership: 9 members, 3-year terms**

**Meeting frequency: 2<sup>nd</sup> Thursday of Every Month**

**Duties:** The Housing & Community Development Advisory Commission (HCDC) studies, reviews, evaluates and makes recommendations to the City Council and the Department of Housing regarding the City's existing housing programs and policies, and new programs and policies that would further the City's housing goals. The Commission also advises the City Council and City Administration regarding the Community Development Block Grant (CDBG) program.

**Typical agenda items include:**

- Examination of Citywide Inclusionary Housing Policy & Changes to Existing Inclusionary Policy in Redevelopment Areas
- CDBG Funding Recommendations & Policy Development
- State/Federal Reports (ConPlan/CAPER/Annual Housing Element/HCD-RDA Report)
- General Plan Policy Amendments
- Legislative (State/Federal) Report & Recommendations
- Permanent Second Unit Program
- Housing Element
- Foreclosure Crisis
- Dispersion Policy and Community Integration in Affordable Developments
- Coyote Valley
- Downtown High Rise Exemption
- Hitachi Development
- Affordable Housing Program at San José Flea Market Site
- Framework for Employment Lands
- Homelessness