



# Memorandum

**TO: RULES AND OPEN  
GOVERNMENT COMMITTEE**

**FROM: Mayor Chuck Reed**

**SUBJECT: SEE BELOW**

**DATE: May 13, 2011**

---

Approved

Date

---

**SUBJECT: 2011 - 2012 CLEAN TECH LEGISLATIVE AGENDA**

## **RECOMMENDATION**

Add an agenda item to the May 24, 2011 City Council meeting to discuss and adopt the 2011 Clean Tech Legislative Agenda.

## **BACKGROUND**

Together with the Silicon Valley Leadership Group and Joint Venture Silicon Valley, we held the Fourth Annual Clean Tech Summit on January 28, 2011 to discuss advancing and improving existing and emerging clean technologies. Stakeholders included legislators and regulators, start-ups and major corporations, and other industry leaders. The five panels discussed policies related to Electric Vehicles, Energy Storage, Renewable Energy, Energy Efficiency, and Smart Grid. As a result, we produced the 2011 Clean Tech Legislative Agenda in order to assist stakeholders in setting their Clean Tech legislative priorities such that they may circumvent impediments and bring these technologies to market.



**Subject:** AB 579 (Monning)  
Land use: Mobilehome Park Attorney Fees

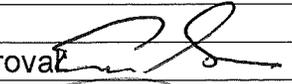
**Recommend Position:** Support

<b>CITY COUNCIL ACTION REQUEST</b>			
Department: Housing	CEQA: N/A	Coordination: City Mgr/ City Atty/ Legis. Rep in Sacramento	CMO Approval:  Dept. Approval: 
<b>RECOMMENDED ACTION:</b>			
<ol style="list-style-type: none"> <li>1. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 579 (Monning) – Land use: Mobilehome Park Attorney Fees.</li> <li>2. Recommend a one-week turnaround so that the City's Legislative Advocate in Sacramento can indicate support for AB 579 (Monning).</li> </ol>			
<b>BILL SYNOPSIS:</b>			
<p>The bill would allow the City to recover attorney fees and other litigation expenses from lawsuits brought on by mobilehome park owners if the City is determined to be the prevailing party. AB 579 also provides the court with a special motion to dismiss court proceedings in cases where there is not a reasonable basis for the lawsuit, unless the court determines the plaintiff has established there is a probability they will prevail on the claim.</p>			
<b>IMPACTS TO CITY OF SAN JOSE:</b>			
<p>Various municipalities have adopted mobilehome rent control ordinances in an effort to preserve and support affordable housing options. These ordinances help to protect mobilehome owners from excessive rent increases. Under existing law, municipalities that defend their local mobilehome rent stabilization ordinances are not able to recover attorney fees if they prevail in a lawsuit. However, mobilehome park owners who challenge a rent control ordinance are often able to recoup their attorney's fees.</p> <p>The City was sued in 2003 by mobilehome park owners, a process which lasted approximately five years to resolve. The City prevailed; however, the City was not able to recoup any of the attorney fees. Given that San José has the largest number of mobilehomes in the state with 10,649 units and that the number of these types of lawsuits is increasing, it would behoove the City to support legislation that protects mobilehome owners and protects the City's fiscal concerns. This could result in saving the City millions of dollars in litigation expenses that could be used to fund other vital city services.</p>			
<b>POLICY ALIGNMENT:</b>			
<p>The bill aligns with the Council-approved 2011 Legislative Guiding Principle: Protect and increase Local Funding</p>			
<b>SUPPORTERS/OPPONENTS:</b>			
<p><b>Supporters:</b> League of California Cities, Congress of California Seniors, and Golden State Manufactured-Home Owners League</p> <p><b>Opponents:</b> Western Manufactured Housing Communities Association</p>			
<b>STATUS OF BILL:</b>			
<p>The bill is currently with the Assembly Judiciary Committee. It has yet to be heard in Committee.</p>			
<b>FOR QUESTIONS CONTACT: LESLYE CORSIGLIA, 535-3851</b>			



**Subject:** AB 1167 (Fong)  
Interagency Council on Homelessness

**Recommend Position:** Support

<b>CITY COUNCIL ACTION REQUEST</b>			
Department: Housing	CEQA: N/A	Coordination: City Mgr/ City Atty/ Legis. Rep in Sacramento	CMO Approval:  Dept. Approval: 
<b>RECOMMENDED ACTION:</b>			
<ol style="list-style-type: none"> <li>1. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 1167 (Fong) – Interagency Council on Homelessness.</li> <li>2. Recommend a one-week turnaround so that the City's Legislative Advocate in Sacramento can indicate support for AB 1167 (Fong).</li> </ol>			
<b>BILL SYNOPSIS:</b>			
<p>This bill would create the California Interagency Council on Homelessness (Council) and would require various State agencies to meet quarterly to coordinate efforts to end homelessness. The bill includes language on the composition of the Council. AB 1167 authorizes the Council to act as the lead agency in coordinating and planning the State's response to homelessness, including identifying federal funding sources and determining the best approach to apply for these resources.</p>			
<b>IMPACTS TO CITY OF SAN JOSE:</b>			
<p>California has the largest homeless population in the nation; with 360,000 people sleeping on the streets or in shelters on any given night, it is the only large state without an interagency council on homelessness. More than 10 California agencies administer programs affecting homelessness, but there is no official coordination to ensure efficiency and reduce duplication of services.</p> <p>According to the 2009 Homeless Census and Survey, San José had 4,193 homeless residents, the majority of whom were living unsheltered. The creation of a California Interagency Council on Homelessness would greatly assist in San Jose's efforts to end homelessness by providing support at the State level for funding, program development, policy implementation, and multi-jurisdictional coordination. Creation of the Council could potentially lead to additional funding for the City since the lack of a coordinated effort among agencies at the State-level has resulted in California not accessing all of the federal funding available to states to address homelessness.</p>			
<b>POLICY ALIGNMENT:</b>			
<p>This bill is consistent with the Council-adopted 2011 Legislative Guiding Principles. The City Council took a support position on a similar bill in 2009.</p>			
<b>SUPPORTERS/OPPONENTS:</b>			
<p><b>Supporters:</b> Corporation for Supportive Housing (co-sponsor), Housing California (co-sponsor), Santa Clara County Board of Supervisors, and United Homeless Healthcare Partners</p> <p><b>Opponents:</b> None on file</p>			
<b>STATUS OF BILL:</b>			
<p>The bill was heard by the Assembly Appropriations Committee on May 11.</p>			
<b>FOR QUESTIONS CONTACT: LESLYE CORSIGLIA, 535-3851</b>			