

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE DEMONSTRATING THE CITY'S INTENT TO
COMPLY WITH THE FOLLOWING METROPOLITAN
TRANSPORTATION COMMISSION STATE HOUSING
LAWS: SURPLUS LANDS ACT, ACCESSORY DWELLING
UNITS, AND DENSITY BONUS LAWS**

WHEREAS, the San Francisco Bay region, of which San José is a part, has the highest housing costs in the United States; and

WHEREAS, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014, and is on track to similarly underproduce low-income units during the 2015-2023 time period; and

WHEREAS, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

WHEREAS, public lands can play a critical role in increasing the supply of land for affordable housing; and

WHEREAS, accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) provide an important option to increase the availability and affordability of housing, especially in existing, lower density neighborhoods; and

WHEREAS, density bonuses are an effective tool to increase the financial feasibility of housing and incentivize the creation of affordable housing; and

WHEREAS, the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4505, outlining the programming policy and project selection criteria for the One

Bay Area Grant Program (OBAG 3), including certain requirements to access these funds; and

WHEREAS, it is the City of San José's (CITY) intent to comply with the MTC's State Housing Laws for surplus lands, accessory dwelling units and density bonus;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

THAT THE CITY COUNCIL does hereby agree to comply with the terms of Surplus Land Act (California Government Code § 54220 et seq.), as exists now or may be amended in the future, including, but not limited to, AB 1255 (Rivas, 2019), which requires jurisdictions to compile and report annually an inventory of surplus lands to the California Department of Housing and Community Development; and

THAT THE CITY COUNCIL does hereby agree to comply with state laws related to ADUs and JADUs, as it exists now or may be amended in the future, including, but not limited to California Government Code §§ 65852.150, 65852.2, 65852.22, et seq. and California Health & Safety Code §§ 17980.12; and

THAT THE CITY COUNCIL does hereby agree to comply with state Density Bonus Law (California Government Code § 65915 et seq.), as exists now or may be amended in the future; and

THAT THE CITY COUNCIL does hereby warrant and represent that it is in compliance with the aforementioned state housing laws and that there are no claims, actions, suits, or proceedings pending to the best of the CITY's knowledge, alleging violations of the state housing laws by the CITY.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk