

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
CHAPTER 4.80 OF TITLE 4 OF THE SAN JOSE
MUNICIPAL CODE TO ADD A NEW PART TO ESTABLISH
THE BUILDING HOMES AND JOBS ACT FUND**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-010 (City Organizational & Administrative Activities resulting in no changes to the physical environment) and File No. PP17-004 (Government funding mechanism or fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

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

SECTION 1. A new Part is added to Chapter 4.80 of Title 4 of the San José Municipal Code, to be numbered, entitled and to read as follows:

Part 82
Building Homes and Jobs Act Fund

4.80.4810 Building Homes and Jobs Act Fund Established

There is hereby created and established the “Building Homes and Jobs Act Fund.”

4.80.4820 Source of Monies

The source of monies budgeted and accounted for in the Building Homes and Jobs Act Fund shall be those Permanent Local Housing Allocation (“PLHA”) program funds received by the City of San José from the State of California pursuant to Senate Bill 2 (Committee on Budget, Chapter 364, Section 27388.1 of the Government Code, and Chapter 2.5, commencing with Section 50470, to Part 2 of Division 31 of the Health and Safety Code, Statutes of 2017) and as subsequently amended.

4.80.4830 Expenditures

The intent of the State law is to provide a permanent, on-going source of funding to local governments for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. Therefore, monies in the Building Homes and Jobs Act Fund shall be expended for the purposes of carrying out housing-related projects and programs that assist in addressing the unmet housing needs of San José’s community. These include: 1) assisting persons experiencing or at risk of homelessness; 2) creating, acquiring, rehabilitating, and/or preserving housing for lower- to moderate-income households; and 3) other uses for housing production and preservation defined as eligible by the State law. Funds shall be expended according to the City Council-approved PLHA five-year application as approved by the State of California Department of Housing and Community Development (“HCD”).

4.80.4840 Interest

Interest which accrues from monies in Building Homes and Jobs Act Fund shall be credited to this Fund.

SECTION 2. The provisions of this Ordinance shall take effect retroactive to July 1, 2021.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk