

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 NEW PARTS RELATED TO THE ESTABLISHMENT OF THE AMERICAN RESCUE PLAN FUND, THE AFFORDABLE HOUSING IMPACT FEE FUND, THE HOMELESS HOUSING, ASSISTANCE, AND PREVENTION FUND, AND THE ICE CENTRE EXPANSION BOND 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 78
American Rescue Plan Fund

4.80.4650 American Rescue Plan Fund Established

There is hereby created and established the “American Rescue Plan Fund.”

4.80.4660 Source of Monies

The source of monies budgeted and accounted for in the American Rescue Plan Fund shall be monies received pursuant to Title VI of the Social Security Act, as added by section 9901 of the American Rescue Plan Act, as may be amended, which is referred to in this Ordinance as the ARP Act.

4.80.4670 Expenditures

Monies in the American Rescue Plan Fund shall be expended as authorized by the City Council for use in accordance with the ARP Act and guidelines promulgated by the federal government.

4.80.4680 Interest

Interest which accrues from monies in the American Rescue Plan Fund shall be credited to this Fund.

SECTION 2. 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 79
Affordable Housing Impact Fee Fund

4.80.4690 Affordable Housing Impact Fee Fund Established

There is hereby created and established the “Affordable Housing Impact Fee Fund.”

4.80.4700 Source of Monies

On November 18, 2014, the San José City Council approved the adoption of Resolution No. 77218 establishing the Housing Impact Fee now referred to as the Affordable Housing Impact Fee (“AHIF”) to help address the need for affordable housing connected with the development of new market rate residential rental units. The AHIF requires market rate residential projects to pay an impact fee per square foot. The AHIF increases by 2.4% annually. The source of monies budgeted and accounted for in the Affordable Housing Impact Fee Fund shall be monies received pursuant to Resolution No. 77218 and as subsequently amended.

4.80.4710 Expenditures

Monies in the Affordable Housing Impact Fee Fund, including repayments of loans made, shall be expended as authorized by the City Council for use in accordance with Resolution No. 77218 and as subsequently amended.

4.80.4720 Interest

Interest which accrues from monies in the Affordable Housing Impact Fee Fund shall be credited to this Fund.

SECTION 3. 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 80

Homeless Housing, Assistance, and Prevention Fund

4.80.4730 Homeless Housing, Assistance and Prevention Fund Established

There is hereby created and established the “Homeless Housing, Assistance and Prevention Fund.”

4.80.4740 Source of Monies

The source of monies budgeted and accounted for in the Homeless Housing, Assistance and Prevention (“HHAP”) Fund shall be those HHAP grant program funds received by the City of San José from the State of California pursuant to AB 101 (Committee on Budget, Chapter 159, Statutes of 2019) and AB 83 (Committee on Budget, Chapter 15, Statutes of 2020).

4.80.4750 Expenditures

Monies in the Homeless Housing, Assistance and Prevention Fund shall be used for the purposes set forth in the executed funding agreements between the City of San José and the State of California. The HHAP grant program provides local jurisdictions with funds to develop local capacity to address their immediate response to homelessness challenges and support regional coordination.

4.80.4760 Interest

Interest which accrues from monies in the Homeless Housing, Assistance and Prevention Fund shall be credited to this Fund.

SECTION 4. 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 81
Ice Centre Expansion Bond Fund**

4.80.4770 Ice Centre Expansion Bond Fund Established

There is hereby created and established the “Ice Centre Expansion Bond Fund.”

4.80.4780 Source of Monies

The source of monies budgeted and accounted for in the Ice Centre Expansion Bond Fund shall be proceeds of lease revenue bonds set forth in the Indenture of Trust, dated October 1, 2020, between the City of San José Financing Authority and Wilmington Trust, National Association, related to the City of San José Financing Authority, Taxable Lease Revenue Bonds, Series 2020B (Ice Centre Project), as such indenture may be amended (the “Indenture of Trust”).

4.80.4790 Expenditures

Monies in the Ice Centre Expansion Bond Fund shall be used for the purposes set forth in the Indenture of Trust.

4.80.4800 Interest

Interest which accrues from monies in the Ice Centre Expansion Bond Fund shall be credited to this Fund.

SECTION 5. The provisions of this Ordinance related to Part 78 shall take effect retroactive to March 11, 2021. The provisions of this Ordinance related to Part 79 shall take effect retroactive to July 1, 2021. The provisions of this Ordinance related to Part 80 shall take effect retroactive to July 1, 2021. The provisions of this Ordinance related to Part 81 shall take effect retroactive to October 1, 2020.

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