



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jacky Morales-Ferrand

**SUBJECT:** SEE BELOW

**DATE:** January 29, 2021

Approved

Date

1/29/21

**SUBJECT: ADOPTION OF 2021 MORATORIUM ON RENT INCREASES FOR  
TENANTS AND MOBILEHOME RESIDENTS AND OWNERS  
FINANCIALLY IMPACTED BY COVID-19**

## **RECOMMENDATION**

- (a) Adopt an Urgency Ordinance that establishes a moratorium on rent increases to be effective through June 30, 2021 for tenants residing in rent stabilized apartments, mobilehome owners, and mobilehome residents of mobilehomes subject to rent control who submit to their Landlord prior to the effective date of the rent increase a signed Declaration of COVID-19-Related Financial Distress.
- (1) Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health and safety, to include additional provisions protecting against rent increases through June 30, 2021.  
**Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)**
- (b) Approve a Companion Ordinance that establishes a moratorium on rent increases to be effective through June 30, 2021 for tenants residing in rent stabilized apartments, mobilehome owners, and mobilehome residents of mobilehomes subject to rent control who submit to their Landlord prior to the effective date of the rent increase a signed Declaration of COVID-19-Related Financial Distress.

## **OUTCOME**

Approval of the recommended actions will provide urgently needed housing stability to San José tenants living in rent stabilized apartments and rent controlled mobilehomes continuing to experience financial hardship due to COVID-19. As experts have established, housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. With the recent surge in cases and deaths, approval of the Urgency and Companion Ordinance re-establishing a moratorium on rent increases will further mitigate against mounting financial obligations that many residents in the rent stabilized community are facing due to work closures and job loss.

This measure provides housing stability during the ongoing public health crisis, reducing the risk of homelessness for residents in rent stabilized apartments and mobilehomes.

## **BACKGROUND**

### **A. Council Actions on Moratorium for Rent Increases**

The COVID-19 pandemic brought the City of San José to a standstill beginning with the first regional Stay at Home order on March 16, 2020. The economic consequences were swift, with the job sectors of leisure and hospitality experiencing double digit job loss, and overall unemployment across the City, County, State, and Nation climbing. Tenants began to fall behind in their rent, with mounting rent debt threatening an increase in displacement and homelessness. As a result, the City took proactive steps to promote the health and safety of its residents, first, by passing an Eviction Moratorium. Another measure of protection included the Moratorium on Rent Increases.

On April 28, 2020, City Council passed an [Urgency and Companion Ordinance](#) implementing a temporary Moratorium on Rent Increases for rent stabilized apartments and rent controlled mobilehomes. The Moratorium on Rent Increases prevented rent increases for rent stabilized communities across the City from April 28 through December 31, 2020. Other components of the Moratorium on Rent Increases approved included:

- Prohibiting rent increases through December 31, 2020,
- Provided a landlord and tenant, mobilehome resident, or mobilehome owner could enter into a voluntary short-term agreement, without changing other terms or the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties,
- Denied tenant service reduction claims related to the temporary closure or elimination of recreational common area amenities to comply with the County or State public health orders related to COVID-19,
- Suspension of late fees for unpaid Apartment Rent Ordinance Program fees, and
- Waiver of building/repair maintenance permit fees for rental properties subject to Chapter 17.23 of the San José municipal code.

### ***Mobilehome Communities***

An additional provision was included for mobilehome communities, given their unique circumstance. Under the 2020 Moratorium on Rent Increases, mobilehome park owners were able to preserve their anniversary date of rent increase, an important feature as they typically rely

on their anniversary date to mail notices of rent increases, in compliance with State law, and use anniversary dates in their billing. While the Mobilehome Rent Ordinance allows for banking, mobilehome owners, park owners, and residents shared with both staff and the City Council the consequences of allowing what would essentially be two rent increases at one time. On January 1, 2021, when the moratorium expired, landlords and park owners who have properly noticed their tenants according to state law were permitted to begin collecting the increased rent.

## **B. Returning to City Council with a Moratorium on Rent Increases**

When staff agendized the 2021 COVID-19 Residential Eviction Moratorium for Tenants Financially Impacted by COVID-19, staff simultaneously engaged stakeholders for feedback on the potential for implementing a new rent increase moratorium since the prior Moratorium expired at the end of 2020. Stakeholders' responses varied, as expected, but there was overwhelming consensus that any rent increase moratorium should apply only to those renters claiming financial hardship by COVID-19, instead of applying the moratorium across all rent controlled properties regardless of its impact on individual households. Staff considered this approach and based its recommendations on this feedback.

## **ANALYSIS**

The COVID-19 pandemic continues to burden the housing community, increasing housing instability, and the risk of displacement and homelessness. As unemployment continues to rise, residents experience mounting debt obligations, ranging from rent to childcare and food. Mounting debt obligations, economic volatility in certain employment sectors, and for many renters, a financial obligation to begin repaying rent debt under the City's 2020 eviction moratorium rent-repayment timeline, mean that many renters are left with little to no safety net in case the pandemic hits home. As a result, staff recommends adoption of an urgency ordinance enacting a 2021 Moratorium on Rent Increases as a measure to promote the public health and safety of the City's residents who continue to be financially impacted by the pandemic.

In April 2020, with the initial recommendation of the Moratorium on Rent Increases, staff anticipated that landlords and mobilehome park owners faced growing financial obligations and pandemic-induced insecurity alongside their tenants. At the time, there was deep uncertainty regarding the widespread economic impact of COVID-19 on the rental housing market.

Nearly nine months later, staff has a better understanding of the economic ramifications of the pandemic. Economic indicators for the City, including employment and unemployment, remain volatile. More information may be found in the recent [Memorandum](#) submitted by Housing staff for the 2021 Eviction Moratorium.

The various requirements of Stay at Home Orders have resulted in an unpredictable working pattern for many residents of San José. The opening, closing, and re-openings of various

businesses have resulted in multiple unemployment filings for employees in the most affected sectors. This creates a greater challenge for low-income households in our City as residents working in these sectors are more likely to be renters in San José than in other job classes. These patterns have made it extraordinarily difficult for residents to meet their financial obligations in an already rent-burdened rental market. Compounding their existing rent debt with an increase in rent will further derail economic recovery for these families and individuals.

The items in the analysis of the 2021 Moratorium of Rent Increases include: considerations of rent increase regulations for rent stabilized apartments and mobilehomes subject to rent control, rent burden data for vulnerable residents and tenants, current rental housing data, accessibility of rental assistance funds, and stakeholder input.

### **A. The 2021 Moratorium on Rent Increases**

The provisions of the 2021 Moratorium on Rent Increases (“Moratorium”) is substantively similar to 2020 Moratorium, except that the 2021 Moratorium includes one key distinction. The key difference with the 2021 Moratorium is a requirement that residents submit a Declaration of COVID-19 Related Financial Distress (**Attachment A**) to their landlord in order to be covered under the Moratorium. The landlord is required to provide this Declaration before increasing the rent, allowing the resident an opportunity to submit the Declaration and avoid the rent increase during the Moratorium.

The prohibition on rent increases will only apply to those households who submit a Declaration of COVID-19 Related Financial Distress to their landlord after receiving a notice of rent increase. This has the effect of ensuring rent increases are not given to those tenants already struggling with ballooning rent burdens due to the pandemic. It also allows landlords to provide a rent increase to residents who have not been impacted by COVID-19 and who are in an apartment priced below the market rent.

The 2021 Moratorium distinguishes between pending rent increases and future rent increases. For pending rent increases that were noticed prior to the Ordinance, the landlord must provide the Declaration to the resident before the rent increase takes effect. The resident will have either at least 15 days to submit the signed Declaration, or until the day before the rent increase takes effect, whichever date is later. For future rent increase notices served during the Moratorium, the landlord must attach the Declaration form with the rent increase notice. The resident must then submit a signed copy of the Declaration to their landlord prior the rent increase taking effect.

Similar to the requirement of California’s COVID-19 Tenant Relief Act (AB 3088), the Ordinance requires submission of the Declaration of COVID-19-Related Financial Distress to be covered by the Moratorium. Under the Declaration, a tenant facing financial hardship due to COVID-19 is experiencing one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

With either a pending or a future rent increase, the landlord may not increase the rent during the 2021 Moratorium without providing the resident with the Declaration form and giving them the opportunity to submit a completed Declaration. This requirement ensures that the most vulnerable residents who continue to bear the brunt of the pandemic are not accruing insurmountable rent debt.

## **B. Rent Increase Regulations for Rent Stabilized Apartments and Mobilehomes Subject to Rent Control**

***Rent Stabilized Apartments:*** The City of San José contains over 38,000 rent stabilized apartments, and rent increases are regulated by the Apartment Rent Ordinance. The Apartment Rent Ordinance permits a five percent rent increase every twelve months. The Apartment Rent Ordinance also includes the establishment of a Rent Registry, a system in which property owners update the amount of rent for every rent stabilized apartment on a yearly basis. Data from the Rent Registry listed 4,552 apartments (as shown in **Table 1**) with annual rental increases from: January 2020 – December 2020. A majority of these rent increases took place prior to the Moratorium on Rent Increase effective date of April 28, 2020. Some rent increases did take place during the Moratorium and staff will be following up and verifying such violations and will take appropriate action to bring those apartments into compliance.

**Table 1: Summary of Rent Stabilized Rent Increases in 2020 by Month**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
<b># of Apt</b>	1,001	675	962	842	321	129	77	124	123	105	112	81
	<b>Period without Moratorium</b>				<b>Moratorium on Rent Increases April 28, 2020- December 31, 2020</b>							

Staff also found that out of the reported 4,552 rent increases in 2020, 374 rent increases were given to tenants with a Rental Assistance Voucher. Due to the nature of the tenant’s contract with the Housing Authority or other housing agency, tenants living in rent stabilized apartments who have a Rental Assistance Vouchers are the only exceptions to the five percent rent increase ceiling because the housing agency approves the rent increase based upon their contract with the landlord and tenant. In effect, 4,178 rent increases were issued to tenants throughout 2020 and 1,072 rent increases were issued during the effective period of the Moratorium on Rent Increases.

**Rent stabilized apartments’ rents showed minimal increases due to implementation of Moratorium on Rent Increases:** Table 2 summarizes findings of rent increases and decreases on registered rent stabilized apartments. There were approximately 1,702 apartments that received an average of 4.30% rent increase, while 180 apartments received an average of an 8.31% decrease.

**Table 2: Analysis of Rent Stabilized Rents from March 1, 2020 to January 25, 2021**

<b>ARO Rent Registry Data*</b>	<b>Apartments</b>	<b>Percentage</b>
<b>No Rent Increase (No Change)</b>	34,610	93.1%
<b>Rent Increase (Average 4.30%)</b>	1,702	4.6%
<b>RUBS or No Current Rent Increase Submitted</b>	701	1.9%
<b>Rent Decrease (Average 8.31%)</b>	180	0.5%

*\*The numbers included in this table do not include voucher holders*

Housing staff have received 2,108 inquiries from March 1, 2020 to January 25, 2021 by phone and email regarding rent increases, concerns about future rent increases, and COVID-19 related concerns including Moratorium information and rental assistance. Based on data from program contact logs, staff received more than 950 inquiries related to allowable rent increases and COVID-19 related moratorium questions. Of those, there were 134 combined inquiries from

mobilehome residents, mobilehome park owners and managers, and 818 inquiries from renters from rent controlled apartments.

***Rent Controlled Mobilehomes:*** The City of San José contains 59 mobilehome parks that contain over 10,000 individual spaces. The City of San José's mobilehome community includes low-income families and seniors on a fixed income. Annual allowable rent increases for mobilehomes in the City are regulated by the Mobilehome Rent Ordinance Section 17.22.450. Rent increases are permitted if they do not exceed the Maximum Annual Percentage Increase which is determined yearly based upon a percentage of the Consumer Price Index. For fiscal year 2020-2021, the Maximum Annual Percentage Index is 3%.

During the effective period of the 2020 Moratorium on Rent Increases, park owners who intended to increase their rent provided notices that included a credit for rent increases that otherwise would have been effective during the prohibition of increases period of April 28, 2020 to December 31, 2020. Park owners have since given 90-day rent increase notices effective starting January 1, 2021. In **Attachment B**, the list of anniversary dates by parks are summarized. Six parks may have served a rent increase notice effective on January 1, 2021, four additional parks may have served notices effective on February 1, 2021, and five parks may have served serve notices for an increase effective March 1, 2021. Among the 59 parks in the City, two park anniversary dates are unavailable under the Mobilehome Rent Ordinance, mobilehome park owners are not required to provide City staff with rent increase notices.

Mobilehomes continue to be a vital source of affordable housing options for San José residents, and the 2021 Moratorium on Rent Increases protects those families and individuals continuing to experience hardship due to the pandemic-induced economic crisis.

### **C. Rent Burden for Tenants behind on their Rent Due to COVID-19**

The economic ramifications of the pandemic have been staggering. Many renters who worked in impacted sectors experienced an immediate loss of employment due to the first shelter-in-place regional order. At the start of the pandemic, staff reported that there was a growing percentage of people with little to no savings.<sup>1</sup> In a 2019 study, 45% of the respondents said they had \$0 in a savings account and overall, 69% had less than \$1,000 in a savings account.<sup>2</sup> A Pew Research Center study published in September 2020 further details that “overall, one-in-four adults have had trouble paying their bills since the coronavirus outbreak started, a third have dipped into savings or retirement accounts to make ends meet, and about one-in-six have borrowed money from friends or family or gotten food from a food bank.”<sup>3</sup>

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<sup>1</sup> <https://www.gobankingrates.com/saving-money/savings-advice/americans-have-less-than-1000-in-savings/> last visited January 27, 2021

<sup>2</sup> Ibid. Last visited January 27, 2021

<sup>3</sup> <https://www.pewsocialtrends.org/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/> last visited January 27, 2021

Additionally, [Policy Link](#) reported that across the State, 1.1 million households were late on rent in December 2020, accounting for 19% of all renter households. There is an estimated \$3.7 billion in rent debt for households, with an average of \$3,400 per household. Workers who experienced job loss are six times as likely to be behind on rent as those who have not experienced job loss. Increasing the amount of rent due, which may be compounded if a tenant or resident is experiencing financial hardship due to the pandemic, increases the risk of trapping even more families and individuals in economic uncertainty. Furthermore, people of color and low-income households have been disproportionately affected by the pandemic and ensuing recession, and as a consequence, are more likely to be behind on rent.

[Healing Grove Health Center](#) completed a survey, with data related to Santa Clara County residents. The Study indicated that families earning minimum-wage earned only \$27,500 before the COVID-19 pandemic began and paid up to \$18,600, or 67% of their income, on rent. Stay at Home Orders resulted in unemployment for many of these families, and as a result, no income to pay their rent when they were already struggling to live in the Bay Area. Data from April to May 2020 show that the average income minimum-wage families earned \$2,640, and from August to September 2020, earned only \$11,402. However, the average rent cost from April through September 2020 remained at \$18,662.<sup>4</sup>

By having a targeted, narrow focus to prevent rent increases on those already struggling with the economic fallout of the pandemic, the 2021 Moratorium on Rent Increases serves as an opportunity to prevent already severely debt burdened families and individuals from accruing insurmountable rent debt.

#### **D. Current Housing Market Rental Data**

***Market rental rates decreasing, vacancy rates increasing:*** Staff reviewed the Housing Market Report quarterly updates with data from CoStar. CoStar reports on trends on median sale prices of homes, average rental rates, interest rates and foreclosures. According to CoStar third Quarter data, the most recent data available, the average monthly rent for a two-bedroom apartment in 2020 was \$2,652. The average monthly rent for a two-bedroom apartment in the third quarter of 2019 was \$2,759.<sup>5</sup> This represents a 3.88% decrease in the year over year change in average cost of rent. As housing instability mounts due to economic pressures and continued rent burdens for so many residents, many tenants have left the City, resulting in high vacancy rates. Rental market vacancy rates determine the period of time over one year in which a unit will be vacant. Low vacancy rates typically signal a healthy rental market in which there is high renter appeal and for the City of San Jose, a healthy vacancy rate is 5%. As a response to the pandemic, vacancy rates

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<sup>4</sup> <https://povertyandemic.org/wp-content/plugins/pdf-poster/pdfjs/web/viewer.php?file=https://povertyandemic.org/wp-content/uploads/2020/10/United-against-the-Poverty-Pandemic-Web.pdf&download=true&print=true&openfile=false> last visited January 27, 2021

<sup>5</sup> <https://www.sanjoseca.gov/your-government/departments/housing/data/housing-market> last visited January 28, 2021



have increased: Class A apartments reported a staggering 16.3% vacancy rate, Class B was at 5.5%, and Class C was 5.2%. Per Costar quarter three data, the average vacancy rate for San José was reported at 7.4%.

A rent stabilized two-bedroom apartment in the City of San José has an average rent of \$2,109. The nearly \$500 difference between the market rate and rent stabilized apartments illustrates the need for the City to maintain rent stabilized housing stock available for renters. Rent Registry information gathered in January 2021 revealed that vacancy rates for rent stabilized apartments is considerably lower at 8.7% than those at market rate (Class A and Class B, above). To date, over 32,000 apartments have been registered and of those units, 2,849 are vacant. Preserving affordable housing stock and assisting landlords in maintaining low vacancy rates so that they may recover lost rental income must remain a priority for the City.

### **E. Rental Assistance Measures**

As of January 26, 2021, the City has dedicated more than \$25 million to support rental assistance for property owners and tenants impacted by COVID-19 and the pandemic-induced recession, prioritizing extremely low-income households. In addition, the City has received \$30 million in federal Emergency Rental Assistance funds allocated in the Consolidated Appropriations Act of 2021. The Community and Economic Recovery Branch of the Emergency Operations Center is responsible for administration of these funds and plans to update the City Council in early February.

In addition, while local and State Eviction Moratoria have suppressed the number of Unlawful Detainer submissions, staff reviewed those that have been submitted (as required by the Apartment Rent Ordinance) and found that, on average, tenants owed approximately \$13,500 in accrued past due rent from April 2020 to October 2020. While community rental relief programs provided \$31 million in rental relief and direct cash assistance to 14,000 households countywide, the need is far more significant than available funds. Based on recent projections from Policy Link, there are 37,305 households in Santa Clara County that owe a combined \$173.5 million in back rent. Of these households, 22,269 low-income households owe a projected \$84.3 million. Due to significant need and limited resources, community programs for rental relief prioritized extremely low-income households.

Tenants continue to balance competing financial commitments, including rent debt accrued between March 2020 and January 2021, the obligations to pay portions of that rent debt according to both State and City laws, combined with any other expenses incurred during this pandemic.

Permitting rent increases on already financially burdened residents increases the risk of displacement for already impacted residents. Narrowing the scope of this moratorium to those already vulnerable shows the City's commitment to increase public health and safety and increase housing stability.

## **F. Findings from Stakeholder Meetings with Apartment and Mobilehome Communities**

Staff conducted outreach with stakeholders in the apartment rental community as well as the mobilehome community for feedback on proposed legislative action. Prior to the stakeholder meetings, a public letter was submitted by representatives of the organizations Brandenburg, Staedler & Moore and Golden State Manufactured-Home Owners League (GSMOL) calling for the City of San José to adopt a Moratorium on Rent Increases that only applied to residents that were financially impacted by COVID-19. This letter was included in the Councilmember [Foley Memorandum](#) dated January 25, 2021.

***Apartment Rental Community:*** Among attendees of this group, a common concern regarded distribution of rental assistance through third party grantees of funding. The majority of landlords shared concern that many of their financially impacted tenants did not meet the qualifications in place to receive financial assistance. Further, many landlords are not receiving signed Declarations of COVID-19 Related Financial Distress forms from their tenants, a requirement of AB 3088 to receive eviction protection. Landlords also stated that they have not issued rent increases to their tenants at this time. Stakeholders agreed that limiting prohibitions on rent increases to those tenants financially impacted by COVID-19 was a reasonable compromise. There was consensus that by using the same Declaration form required by AB 3088, would avoid confusion given the multiple requirements of local moratoria.

***Mobilehome Community:*** Attendees expressed concern over a Moratorium on Rent Increases that applied to all tenants and residents regardless of whether the resident or tenant was impacted by COVID-19. Residents expressed their fear that a blanket moratorium would expose residents to the risk that mobilehome park owners would file for a Fair Return petition; this type of petition is allowed but would potentially result in a higher rent increase. Residents explained that the Fair Return process would be costly and leave residents in deeper uncertainty about a finalized rent increase. Attendees agreed that the aforementioned public letter, calling for a Moratorium on Rent Increases to apply to only those residents impacted by COVID-19, represented a compromise that protected both residents and landlords. Attendees agreed that rent increase notices should be accompanied by the Declaration of COVID- 19 Related Financial Distress currently required by the State law AB 3088.

## **CONCLUSION**

Approving the 2021 Moratorium on Rent Increases will continue to provide stabilized housing and create security for those who continue facing financial hardship during the ongoing pandemic. While recent government actions permit the opening of outdoor dining and personal services like hair salons, several job sectors still have high unemployment numbers. By enacting the 2021 Moratorium on Rent Increases, the City of San José is ensuring that the most vulnerable in our community can focus on providing for themselves and their families, and not add more to mounting debt obligations in an already rent-burdened rental market. Prohibiting a rent increase

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prevents exacerbating an already tenuous financial situation for those living in rent stabilized apartments and mobilehomes.

Economic recovery will be a long road. The Ordinance serves as a temporary measure to help stabilize housing for San José tenants and residents living in rent stabilized apartments and mobilehomes who continue being impacted by COVID-19. This measure will be in step with other protections at both the state and local level in response to this health and housing crisis.

### **EVALUATION AND FOLLOW-UP**

The City Manager will track the effectiveness of the Moratorium on the Rent Increase, and the continued impact of COVID-19 on the San José community over the coming months.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo aligns with one or more of Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

Stakeholder meetings were held on January 26, 2021 with mobilehome and apartment representatives. More tenant feedback may be submitted, and staff will forward additional feedback to the Community Outreach and Recovery Branch of the Emergency Operations Center. The following is a summary of perspectives shared at the stakeholder meetings:

Apartment Owners:

- Limited access to rental assistance
- Few tenants responding with signed Declarations
- Limit application of the Moratorium to those directly impacted by COVID-19
- Rent increase allowed if tenant does not submit Declaration
- Landlords feeling pressure from banks to pay their mortgage

Apartment Tenants:

- Rent Increase Moratorium crucial in supporting struggling tenants
- Concerned how they will be able to repay accrued rent debt
- Tenants feel pressured to pay rent and cannot sustain a rent increase
- Lack of trust in government and unclear on applicability of local, state and national laws

Mobilehome Park Owner and Resident Stakeholders

- Concern regarding preserving anniversary dates
- Concern of an increase in Fair Return petitions
- Limit application of Moratorium to those directly impacted by COVID-19

### **COORDINATION**

Preparation of this report has been coordinated with the City Attorney's Office, the City Manager's Budget Office, Planning Building and Code Enforcement, and the Community and Economic Recovery Branch of the Emergency Operations Center.

### **COMMISSION RECOMMENDATION**

This item was not heard by the Housing and Community Development Commission due to the urgency and expedited timeline for bringing this item forward for consideration by the City Council.

### **FISCAL/POLICY ALIGNMENT**

This action is consistent with the City's *Consolidated Plan 2015-2020*, adopted by City Council on May 5, 2015, to provide homes for very low- and extremely low-income households, and with Goal H-2 of the City's *Housing Element 2014-2023*, adopted by City Council on January 27, 2015, to "increase, preserve, and improve San José's affordable housing stock."

### **COST IMPLICATION**

The Building Development Fee Program is a full cost-recovery program. As a result, the review and inspection work associated with the waived building permit and inspection fees for apartment buildings will be charged to the COVID-19 Emergency Response appropriation within the Emergency Reserve Fund. The Administration will continue to monitor the number and cost of waived permits and recommend future budget adjustments as necessary.

The suspension of late fees through June 30, 2021 is expected to have a modest impact and will be absorbed within the Rental Stabilization Program Fund.

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**CEQA**

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

/s/

JACKY MORALES-FERRAND

Director, Housing Department

For questions, please contact Deputy Director, Rachel VanderVeen at (408) 535-8231.

**ATTACHMENTS:**

- **Attachment A** - Declaration of COVID-19 Related Financial Distress
- **Attachment B** - Mobilehome Park Anniversary Date

## **DECLARATION OF COVID-19-RELATED FINANCIAL DISTRESS**

*Code of Civil Procedure Section 1179.02(d)*

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

Signed under penalty of perjury under the laws of the State of California.

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Signature

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Dated

For information about legal resources that may be available to you, visit <https://lawhelpca.org/>.

For information, resources, and support visit [www.LandlordTenant.dre.ca.gov](http://www.LandlordTenant.dre.ca.gov).

# **DELIVERY OF DECLARATION OF COVID-19-RELATED FINANCIAL DISTRESS**

*Code of Civil Procedure Section 1179.03(f)*

Pursuant to Code of Civil Procedure section 1179.03(f), a tenant may deliver the declaration of COVID-19-related financial distress to the landlord by any of the following methods:

- (1) In person, if the landlord indicates in the notice an address at which the declaration may be delivered in person.
- (2) By electronic transmission, if the landlord indicates an email address in the notice to which the declaration may be delivered.
- (3) Through United States mail to the address indicated by the landlord in the notice. If the landlord does not provide an address pursuant to subparagraph (1), then it shall be conclusively presumed that upon the mailing of the declaration by the tenant to the address provided by the landlord, the declaration is deemed received by the landlord on the date posted, if the tenant can show proof of mailing to the address provided by the landlord.
- (4) Through any of the same methods that the tenant can use to deliver the payment pursuant to the notice if delivery of the declaration by that method is possible.

**Summary of Mobilehome Parks and Anniversary Dates of Rent Increases**

	<b>MOBILEHOME PARK</b>	<b>ANNIVERSARY DATE</b>
1	Arbor Point Mobilehome Park	January 1
2	Hilton Mobile Park	January 1
3	Mountain Springs Mobilehome Park	January 1
4	Quail Hollow Mobilehome Park	January 1
5	Village of the Four Seasons	January 1
6	Winchester Ranch	January 1
7	Ace Trailer Inn Village	February 1
8	Casa Del Lago Mobilehome Park	February 1
9	San Jose Verde Mobilehome Park	February 1
10	Sunset Mobile Manor	February 1
11	County Fair Mobilehome Park	March 1
12	Imperial San Jose Mobile Estates	March 1
13	Oak Crest Estates	March 1
14	River Glen Mobilehome Park	March 1
15	Whispering Hills Mobilehome Park	March 1
16	Silver Creek Mobile Estates	April 1
17	Caribees Mobilehome Park	April 1
18	Summerset Mobile Estates	April 1
19	Trailer-Tel Mobile Manor	April 1
20	Western Trailer Park	April 1
21	Cal-Hawaiian Mobile Estates	May 1
22	Magic Sands Mobilehome Park	May 1
23	Mayfair Trailer Park	May 1
24	Town & Country Mobile Village	May 1
25	Trailer Terrace Park	May 1
26	Colonial Mobile Manor	June 1
27	Mobilehome Manor	June 1
28	Moss Creek Mobilehome Community	June 1
29	Riverbend Mobilehome Park	June 1
30	South Bay Mobile Home Park	June 1
31	Willow Glen Mobile Home Estates	July 1



	MOBILEHOME PARK	ANNIVERSARY DATE
32	Foothills Mobile Lodge	July 1
33	Lamplighter San Jose	July 1
34	San Jose Trailer Park	July 1
35	Cottage Trailer Park	August 1
36	Hometown Eastridge Mobile Estates	August 1
37	La Buona Vita Mobile Park	August 1
38	Villa Teresa	August 1
39	Chateau la Salle	September 1
40	Mountain Shadows Mobilehome Park	September 1
41	Walnut Mobilehome Park	September 1
42	Westwinds Manufactured Homes	September 1
43	Sunshadow Mobilehome Park	September 1
44	Woodbridge Mobilehome Park	September 30
45	Casa Alondra Mobilehome Park	October 1
46	Old Orchard Mobilehome Park	October 1
47	Pepper Tree Mobilehome Estates	October 1
48	Sleepy Hollow Trailer	October 1
49	Coyote Creek Mobilehome Park	October 1
50	Bella Rosa Mobile Lodge	November 1
51	Garden City Trailer Park	November 1
52	Rancho Santa Teresa	November 1
53	Golden Wheel Park	December 1
54	Hometown Monterey Oaks	December 1
55	Spanish Cove MH Park	December 1
56	Mill Pond I	December 15
57	Mill Pond II	December 15
58	Triangle Trailer Park	Information Currently Unavailable
59	Hillview Mobile Home Park	Information Currently Unavailable