

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
PART 8 TO CHAPTER 17.23 OF TITLE 17 OF THE SAN  
JOSE MUNICIPAL CODE EXTENDING THE  
TERMINATION DATE**

**WHEREAS**, on April 19, 2016, the Council of the City of San José (“City”) considered changes to the rent stabilization ordinance known as San José rental dispute mediation and arbitration ordinance which is currently located in Chapter 17.23 of the City of San José Municipal Code (the “Apartment Rent Ordinance”) and directed staff to return with changes to the Apartment Rent Ordinance (the “New Apartment Rent Ordinance”) by the end of the year; and

**WHEREAS**, on May 17, 2016, the City Council adopted the Interim the Apartment Rent Ordinance (“Interim Ordinance”) to facilitate the transition to the New Apartment Rent Ordinance provisions and to reduce uncertainty for both tenants and landlords in the interim; and

**WHEREAS**, the Interim Ordinance reduced the annual allowable rent increase from 8% to 5%, eliminated rent increases available through the pass-through provisions after September 1, 2016, and implemented a fair return petition process; and

**WHEREAS**, on October 18, 2016, the City Council adopted an amendment to the Interim Ordinance extending the termination date to the earlier of June 30, 2017; and

**WHEREAS**, on February 21, 2017, the city was impacted by the Coyote Creek floods and the Housing Department redirected staffing, resources and services to assist flood survivors, impacting staff’s ability to work on the New Apartment Rent Ordinance and has resulted in a delay in completing outreach and other efforts related to the New Apartment Rent Ordinance; and

**WHEREAS**, the Housing Department received extensive public comment regarding the New Apartment Rent Ordinance, which are being reviewed and incorporated, and additional input on the Tenant Protection Ordinance, which will be brought to City Council at the same time as the New Apartment Rent Ordinance, on November 14, 2017, and the potential that Council may have additional comments, all of which may make the New Apartment Rent Ordinance not be effective until after December 31, 2017 when the Interim Ordinance is currently set to expire; and

**WHEREAS**, the Housing Department is recommending that the termination date of the Interim Ordinance be extended until after the effective date of the New Apartment Rent Ordinance;

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

Section 17.23.850 of Chapter 17.23 of Title 17 of the San José Municipal Code is hereby deleted in its entirety and replaced with the following:

**17.23.850                    Termination of Interim Regulation**

The provisions of this Part will terminate on the effective date of an ordinance amending Chapter 17.23 to decrease the annual allowable rent increase to five percent (5%) or such other annual allowable rent increase as may be directed by Council, revise the cost pass through process, and require registration of rents or units.

PASSED FOR PUBLICATION OF TITLE this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI TABER, CMC  
City Clerk