



Memorandum

TO: CITY COUNCIL

FROM: Councilwoman Sylvia Arenas

SUBJECT: AMENDMENTS TO THE TENANT PROTECTION ORDINANCE & ACTIONS RELATED TO THE APARTMENT RENT ORDINANCE AND REGULATIONS

DATE: November 13, 2017

Approved

Date

11/13/17

RECOMMENDATION

1. Accept staff recommendation on Amendments to the Tenant Protection Ordinance with the following amendment to add "minor in their care" to the list of allowed children, by editing TPO section 17.23.1250.A.2.b.ii to end with the sentence:

"The Landlord has the right to approve or disapprove a prospective additional tenant who is not a dependent child, foster child, minor in the tenant's care, spouse or domestic partner, or parent of a Tenant, provided that the approval is not unreasonably withheld."

2. Modify staff recommendation of the Apartment Rental Ordinance, section 17.23.350.C's final sentence to read:

"Provided that no increase in the Rent is allowed for a Tenant's dependent child, foster child, minor in the tenant's care, spouse or domestic partner, or parent which terms may be further defined in the Regulations."

3. Add "minor in the tenant's care" to any other place in the Apartment Rental Ordinance and Tenant Protection Ordinance which includes the other relevant family members who can safely join a tenant household, including ARO regulations 5.02.3b and 10.02

HONORABLE MAYOR AND CITY COUNCIL

November 14, 2017

Subject: AMENDMENTS TO THE TENANT PROTECTION ORDINANCE & ACTIONS RELATED TO THE APARTMENT RENT ORDINANCE AND REGULATIONS

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BACKGROUND

Small landlords in San Jose have quite fairly objected to the provision in the newly passed Tenant Protection Ordinance that allows tenants to add as many co-habitants to their apartments as the housing code allows – regardless of the wishes of the property owners. I commend staff for working with our local property owners to resolve this issue.

Staff's recommended fixes have been a work-in-progress this fall. At first they proposed limiting family additions to a tenant's spouse or children. This version was missing three key groups – only two of which were fixed in the final recommendation: parents and foster children. Ensuring safe homes for foster children is clearly in the public interest and the need to care for elderly parents is a non-negotiable responsibility in many families. Staff's recommendations fix both issues.

What may be less well known – but no less important – is the responsibility of adult children and other family members to care for minor family members in scenarios where parents face either migrant work condition or deportation. Especially in this climate of uncertainty, it is absolutely vital that parents who may face separation from their children know that our city's laws will enable them to be cared for.

Some might suggest that "dependent/foster child" would be sufficient to cover this provision, but unfortunately this could limit child placement. We should not take action to add to the challenges of families already facing separation.

I ask my colleagues to support this memo, and incorporate this change into our final motions regarding both the ARO and TPO.