



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Vice Mayor Chappie Jones

SUBJECT: SEE BELOW

DATE: August 13, 2019

Approved by:

Date:

8/13/19

**SUBJECT: ACTIONS RELATED TO TITLE 5 OF THE SAN JOSÉ MUNICIPAL
CODE FOR THE HOUSING PAYMENT EQUITY ORDINANCE.**

RECOMMENDATION

Accept memorandum from Mayor Liccardo, Vice Mayor Jones, Councilmembers Carrasco and Arenas dated August 9, 2019 with the following additions:

- 1) Modify the effective date of enforcement for the proposed ordinance to be six months from the date the ordinance is enacted, to allow for an adequate educational period.
- 2) For six months following the effective date of the ordinance, enact a one-time warning before civil legal action may be taken by applications with a housing voucher against a rental property provider.

BACKGROUND

I appreciate the diligent work that staff, stakeholders, and my colleagues have done to create the best possible ordinance for our City. For housing vouchers to be an effective means of getting low income individuals housed, it is vital that we do not allow the discrimination of individuals applying for housing with a voucher.

A six-month education period acknowledges that there will be a necessary implementation time for property owners beyond 30-days, without delaying the ordinance for a full year. Additionally, my colleagues have brought forward the concern

that this ordinance will result in an onslaught of litigation for those tenants seeking civil penalties. It is important to acknowledge that this ordinance differs from others in that the only "cure" a property owner could provide would be to offer the applicant housing that may, by the time a complaint is brought forward, be occupied. This leaves the "notice to cure" to only benefit the property owner by serving as a warning against continued violation of the ordinance. Therefore, I propose allowing for a warning period of 6-months following the effective date of this ordinance where a property owner can be on notice of their violation without immediately being subject to civil penalties. This warning period would cease after 6-months to ensure the effectiveness of the ordinance going forward.

This memorandum serves as a compromise that will advance the intent of this proposed ordinance, while addressing the concerns of the property owners throughout our city.