

MAY 12, 2020 – AMENDED AGENDA

PROPOSED ADDITIONS – PRINTED AGENDA

**APPROVAL OF ANY NON-COVID RELATED ITEMS BELOW INCLUDES A SUNSHINE
WAIVER**

MAYOR AND COUNCIL REQUESTS

CITY MANAGER’S REQUESTS

COVID-19 RELATED ADDITIONS – PRINTED AGENDA

5.1 Amendments to Concession Agreements for Temporary Financial Relief to Non-Aeronautical Concessionaires at the Norman Y. Mineta San Jose International Airport.

RECOMMENDATION

Adopt a resolution authorizing the City Manager to negotiate and execute amendments to concession agreements to provide temporary financial relief to non-aeronautical concessionaires operating on Airport premises effective June 1, 2020 through June 30, 2021, to support Airport concession operations that have been directly impacted by Airport passenger declines as a result of the COVID-19 pandemic. Financial relief for Airport concessionaires could include: (a) suspension of concessionaire contributions to the Airport Marketing and Customer Service Fund through June 30, 2021; (b) suspension of MAG Rent and charge only percentage rent for June 2020; (c) suspend, defer or modify the Annual Concession Fee Reconciliation (True Up) as a result of any negotiated adjustments to the MAG; and (e) adjust tenant improvement construction schedules.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

8.2 Amendment to the Apartment Rent Ordinance Due to COVID-19 Pandemic to Allow a Temporary Reduction of Rent.

RECOMMENDATION

Approve an ordinance amending the Apartment Rent Ordinance, Chapter 17.23 of Title 17 of the San José Municipal Code to provide the following:

- (a) Landlords who enter into reduced rent agreements with their tenants pursuant to the COVID-19 Rent Increase Moratorium Ordinance, Ordinance No. 30405, may base their Annual General Increase upon the previously-charged rent amount and not on the monthly rent charged under those reduced rent agreements executed pursuant to the COVID-19 Rent Increase Moratorium;
- (b) Rent increases pursuant to California Civil Code 827 that are delayed due to the COVID-19 Rent Increase Moratorium, Ordinance No. 30405, will maintain the date the rent increase would have taken effect if not for the moratorium; and
- (c) These amendments will be effective for twelve months after expiration of the COVID-19 Rent Increase Moratorium.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

8.3 Amendments to the Eviction Moratorium Ordinance.

RECOMMENDATION

- (a) Adopt an Urgency Ordinance and approve a Companion Ordinance to modifying the provisions of the COVID-19 Eviction Moratorium Ordinance, Ordinance No. 30382, to include the following:
- (1) Extending the time for the tenant to notify their landlord of their status as an Affected Tenant to seven days after the notice of termination is served;
 - (2) Prohibiting retaliation against Affected Tenants;
 - (3) Prohibit a Landlord from serving a notice in bad faith, or influencing or attempting to influence an Affected Tenant to vacate a Rental Unit through fraud, intimidation or coercion;
 - (4) Prohibiting late fees, interest, or penalties charged against an Affected Tenant during the moratorium; and
 - (5) Establishing a repayment period until December 31, 2020 for Affected Tenants to repay their past due rent accruing during the moratorium.
- (b) Direct the City Attorney to return with a resolution extending the moratorium on evictions.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

8.4 Actions Related to CARES Act Supplemental Grant U.S. Department of Housing and Urban Development.

RECOMMENDATION

Adopt a resolution to:

- (a) Accept \$140,108 in Housing Opportunities for Persons with AIDS Permanent Supportive Housing (HOPWA-PSH) supplemental funding made available by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) as administered by the U.S. Department of Housing and Urban Development (HUD) for COVID-related uses;
- (b) Award the HOPWA-PSH CARES Act supplemental funding to The Health Trust, adding \$140,108 to its current contract of \$1,222,902 to provide permanent supportive housing assistance and supportive services to San José residents living with HIV/AIDS, for a total contract award not to exceed \$1,363,010;
- (c) Authorize the Director of Housing to negotiate and execute a first amendment to the Health Trust contract dated March 3, 2020, relating to this additional funding; and
- (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
 - (1) Increase the estimate for Revenue from the Federal Government by \$140,108; and
 - (2) Increase the CARES HOPWA Grants appropriation to the Housing Department by \$140,108.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment; and PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)

CITY ATTORNEY'S REQUESTS

CITY CLERK'S REQUESTS
