

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING RESOLUTION NO. 77218 AS PREVIOUSLY AMENDED BY RESOLUTIONS NO. 78010, 78392, 78473, 78576, 79294 AND 79538 (COLLECTIVELY, THE “HOUSING IMPACT FEE RESOLUTION”) TO SUSPEND THE AFFORDABLE HOUSING IMPACT FEE FOR NEW PROJECTS APPROVED ON OR AFTER MAY 1, 2021**

**WHEREAS**, on November 18, 2014, the City Council of the City of San José (“Council”) adopted Resolution No. 77218 (“Housing Impact Fee Resolution”) establishing the Housing Impact Fee program based on the findings therein; and

**WHEREAS**, the Council subsequently amended Resolution No. 77218 by adopting Resolution No. 78010, Resolution No. 78392, Resolution No. 78473, Resolution No. 78576, Resolution No. 79284 and Resolution No. 79538; and

**WHEREAS**, the City also has an Inclusionary Housing Ordinance, Chapter 5.08 of Title 5 of the San Jose Municipal Code, which includes provisions applicable to residential rental projects which provisions became operative on January 1, 2018; and

**WHEREAS**, on March 9, 2021, the City Council amended the Inclusionary Housing Ordinance to provide that it would apply to developments with ten (10) or more residential units effective as of May 1, 2021 and at which time, staff made a commitment to return to City Council with a resolution suspending the application of the Affordable Housing Impact Fee to new developments; and

**WHEREAS**, the City now wishes to further amend the Housing Impact Fee Resolution to suspend the application of the Affordable Housing Impact Fee to new developments;

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

Resolution No. 77218, as previously amended, is hereby further amended to add a new Section 14, Suspension For New Projects, read as follows:

**“SECTION 14.       SUSPENSION FOR NEW PROJECTS**

The Housing Impact Fee shall not apply to Rental Developments with applications for first approval completed on or after May 1, 2021. This section shall have no effect on the Inclusionary Housing Ordinance”.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk