

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 (“IHO”), 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 February 23, 2021, IHO was amended to apply to new residential developments of ten or more units from twenty or more units (Ordinance No.30538); and

WHEREAS, on March 9,2021, the City Council amended the ~~Inclusionary Housing Ordinance– IHO~~ 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~~June 29, 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:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk