

## Legislation Text

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**File #: 18-550, Version: 1**

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**Amendments to the Apartment Rent Ordinance - Title 17 for Utility Pass Throughs to Tenants.**

- (a) Accept the staff report on submetering, submetering incentives, and pass throughs of utility costs, including Ratio Utility Billing System (RUBS).
- (b) Approve an ordinance amending Part 3 of Chapter 17.23 of Title 17 of the San José Municipal Code to:
- (1) Clarify that the pass through of utility charges to tenants via RUBS or other unmetered allocations is not allowed;
  - (2) Allow landlords with written utility pass through contracts for water, sewer and/or garbage in place prior to January 1, 2018, to petition for a one-time rent increase equal to the lesser of:
    - (i) The average monthly charges for water, sewer and/or garbage passed through to the tenant over the 2017 calendar year; or
    - (ii) An amount equal to the sum of the 2018 Santa Clara County Housing Authority Utility Allowance rates for multifamily water, sewer and garbage costs; and
  - (3) Allow landlords with written gas and/or electric pass through contracts in place prior to January 1, 2018 to petition for a one-time increase if a landlord's units are not separately metered for gas and electricity and the landlord has complied with the requirements of Civil Code Section 1940.9. The increase shall be the lesser of:
    - (i) The average monthly charges passed through to the tenant over the 2017 calendar year; or
    - (ii) An amount equal to the sum of the 2018 Santa Clara County Housing Authority Utility Allowance rates for multifamily gas and electric costs.
- (c) Direct staff to submit the revisions to the Regulations implementing the limited term one-time rent increase petition process to the City Manager for approval.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)
- TO BE HEARD LAST**