

Legislation Text

File #: 18-1596, Version: 1

Actions Related to the Tenant Protection Ordinance: Inclusion of Duplexes, Amendments to Criminal Activity, Domestic Violence, and Noticing Requirements.

(a) Council to accept one of the two following options:

(1) Approve an ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to include duplexes with an exemption for owner-occupied apartments.

OR

(2) Accept staff recommendation to not include duplexes under the Tenant Protection Ordinance.

(b) Approve an Ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to:

(1) Add a provision to require the posting of a notice summarizing the requirements of the Tenant Protection Ordinance including prohibiting retaliation, harassment, and intimidation against tenants based upon their immigration status;

(2) Add a provision to the criminal activity cause for eviction stating if the tenant is acquitted of the criminal charges which caused termination of tenancy are dismissed or reduced, the tenant is permitted to return to the apartment if the tenant household still resides in the apartment and consents to the return;

(3) Add a provision that states that nothing in the Ordinance will abrogate the protections afforded to survivors of violence consistent the Civil Code Section 1161.3, as amended, and the violence against Violence Against Women Act, Public Law 103-322 as amended, and require a posting to include these rights; and

(4) Add a provision to require a statement in the Notice of Termination that it is served in good faith and include a reference to the Rent Stabilization Program for referral information (including homeless prevention).

(c) If an amendment is approved to include duplexes, then adopt a resolution amending the 2018-2019 Schedule of Fees and Charges (Resolution No. 72737, as amended) to extend the Non-Rent Controlled Apartment Unit Fee to Duplexes effective January 18, 2019, in the amount of \$2.65, prorated from the annual Non-Rent Controlled Apartment Unit Fee in the amount of \$6.20.

(d) If an amendment is approved to include duplexes, then adopt the following Fiscal Year 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Increase the Fees, Rates and Charges estimate by \$25,313; and

(2) Increase the Non-Personal/Equipment appropriation to the Housing Department by \$25,313. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

TO BE HEARD AFTER ITEM 4.6 (18-1659) BUT NOT TO BE HEARD BEFORE 3:30 P.M.