

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING THE EFFECTIVE DATE OF ORDINANCE NO. 31123, THE SOFT STORY SEISMIC RETROFIT ORDINANCE, FROM APRIL 1, 2026 TO APRIL 1, 2027, AND AMENDING THE COMPLIANCE DEADLINES IN SECTION 17.41.550 OF CHAPTER 17.41 OF TITLE 17 OF THE SAN JOSE MUNICIPAL CODE, WHICH REQUIRES SEISMIC RETROFIT OF CERTAIN WOOD-FRAME TARGET STORY RESIDENTIAL BUILDINGS**

**WHEREAS**, on September 24, 2024, the City Council of the City of San José (“City”) approved Ordinance No. 31123 (“Soft Story Seismic Retrofit Ordinance”), requiring seismic retrofit of certain wood-frame target story residential buildings in order to reduce earthquake-related deaths and injuries, improve the durability of the existing housing stock – particularly affordable units, facilitate post-earthquake emergency response, improve community stability, minimize displacement during retrofits and after an earthquake, and reduce the economic impacts of a damaging earthquake; and

**WHEREAS**, implementation of the Ordinance includes a Retrofit Financing Program, a public-private partnership, to defray the retrofit costs for property owners, including incorporating rebates offered through FEMA grants and leveraging City funds to offer participating property owners a low-cost retrofit financing while mitigating tenant rent increases; and

**WHEREAS**, the effective date of the Soft Story Seismic Retrofit Ordinance was set at April 1, 2025; however, due to recent federal government actions, uncertainty of FEMA programs and the slow movement of the City’s \$25 million FEMA grant application along with the City’s limited Measure E funding, on March 25, 2025, the City amended the effective date to April 1, 2026 (Ordinance No. 31180), and extend the related compliance deadlines by one year; and

**WHEREAS**, the effective date of the amended Soft Story Seismic Retrofit Ordinance was set at April 1, 2026; however, due to recent federal government actions creating uncertainty of FEMA programs, which have subsequently resulted in the City not receiving sufficient federal funding to initiate a full program at the scale initially contemplated, the City desires to amend the effective date to April 1, 2027, and extend the related compliance deadlines by one year; and

**WHEREAS**, on March 1, 2024, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15301, Existing Facilities, of the California Environmental Quality Act of 1970, as amended, under File No. ER23-173;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 17.41.550 of Chapter 17.41 of Title 17 of the San José Municipal Code is amended to read as follows:

**17.41.550 Subject Building Compliance Group and Schedule**

A. Each Subject Building shall be assigned to one of the following compliance groups.

Group 1. A Subject Building built before January 1, 1978 and containing five (5) or more Dwelling Units and not assigned to Groups 2 or 3 shall be assigned to Group 1.

Group 2. A Subject Building built after January 1, 1978 and before January 1, 1990 and containing five (5) or more Dwelling Units and not assigned to Group 1 shall be assigned to Group 2.

Group 3. A Subject Building built before January 1, 1990 and containing three (3) or more Dwelling Units and not assigned to Group 1 or Group 2 shall be assigned to Group 3.

B. A Subject Building in each compliance group must complete the required screening and construction by the dates listed in Table 1.

TABLE 1. Compliance deadlines in total years commencing from the effective date of this Chapter

Compliance Group	Screening Phase	Construction Completion
Group 1	18 months (October 1, 2027 <del>8</del> )	5 years (April 1, 2034 <del>2</del> )
Group 2	18 months (October 1, 2027 <del>8</del> )	6 years (April 1, 2033 <del>3</del> )
Group 3	18 months (October 1, 2027 <del>8</del> )	7 years (April 1, 2034 <del>4</del> )

C. The City may waive or require an amended schedule of Table 1 and grouping assignments under this Section to comply with funding requirements by an agreement between the City and the Owner to facilitate compliance with this Chapter.

D. Hardship Extension.

1. If an applicant for a Subject Building believes that the physical site conditions, necessary operational requirements, or the public health, safety, or economic welfare make it a hardship or infeasible to meet the requirements of this Section, then the Owner may request a modification

to the compliance schedule from the Building Official. The burden shall be on the Owner to demonstrate the grounds for any extension.

2. In making a determination in response to an application under Subsection 1 above, if the Building Official determines that the facts offered in support of an application demonstrate that the purposes of this Chapter will have been achieved to the maximum extent reasonably allowed by the circumstances, then the Building Official may extend the schedule for compliance deadline in Table 1 above.
3. The Building Official's decision shall contain a statement of the facts upon which the decision was based.
4. The Building Official's decision shall be mailed or electronically mailed to the Owner at the address shown on the application.

SECTION 2. Effective Date

The provisions of Ordinance No. 31123, as amended by Ordinance No. 31180 and further amended by this Ordinance, shall be effective on April 1, 2027.

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SAW:AFS:JMD  
3/6/2026

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk