TO: SAN JOSE City Council
FROM: Councilmember Devora “Dev” Davis
Councilmember Lan Diep

SUBJECT: TENANT PROTECTION ORDINANCE
DATE: April 14, 2017

RECOMMENDATION(S): ACCEPT THE STAFF RECCOMENDATIONS WITH THE FOLLOWING CHANGES:

1) Permanently exclude temporary rental units (less than 30-day occupancy) from being subject to the Tenant Protection Ordinance (TPO).
2) Exclude from the TPO units/rooms/sleeping spaces rented within the property owner’s own home, and single units such as in-law suites, also on the property owner’s property, where the property owner has their primary residence.
3) Clarify that a tenant must notify the Property Owner/Landlord at the same time as they are required to notify The City prior to triggering TPO protections.
4) Automatic withdrawal of enrollment if no Material Violation is found.
5) Reduce the required cost of substantial rehabilitation of the unit from 10 times the average rent per rehabilitated unit to 5 times the average cost per rehabilitated unit in cases where a Necessary Repair reveals the need for Substantial Rehabilitation of the unit; and where the Substantial Rehabilitation forces the unit to temporarily become Substandard Housing as defined by Section 17.20.900 of the San Jose Municipal Code for the duration of the resulting rehabilitations/repairs.
6) Eliminate provision A2 of Section 17.23.1220.
7) Replace provision A2 of Section 17.23.1220 with “Tenant requests the Landlord to provide Necessary Repairs such that are necessary to comply with Section 17.20.2050.”
8) Direct staff to remove the requirement of a one (1) year lease term.