

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ESTABLISHING RELOCATION ASSISTANCE AMOUNTS AND FEES FOR THE ELLIS ACT ORDINANCE, PART 11 OF CHAPTER 17.23

WHEREAS, the City of San José (“City”) has an Apartment Rent Ordinance set forth in Parts 1-9 of Chapter 17.23 of Title 17 stabilizing residential rents for certain apartments; and

WHEREAS, the Ellis Act (California Government Code sections 7060-7060.7) provides owners of rent stabilized properties the right to permanently remove those buildings from the residential rental market; and

WHEREAS, the Ellis Act also authorizes cities with rent stabilization ordinances to adopt an ordinance to regulate the process for the removal of such buildings from the rental market and provide relocation assistance to mitigate the impacts of the removal on tenants; and

WHEREAS, the City intends to adopt an Ellis Act Ordinance in Part 11 of Chapter 17.23 of Title 17 of the San José Municipal Code to address the removal of rent stabilized properties from the rental market; and

WHEREAS, the Ellis Act Ordinance provides that the City will establish fees for the administration of the ordinance and amount of Relocation Assistance per Covered Unit (as defined in the Ellis Act Ordinance) by resolution; and

WHEREAS, the report of the Director of Housing on the Ellis Act Ordinance dated April 6, 2017 provides analysis to support the establishment of fees to cover City incurred

costs including the costs of the administration of the ordinance and the relocation specialist services; and

WHEREAS, the report of the Director of Housing on the Ellis Act Ordinance dated April 6, 2017 provides findings to support the establishment of the relocation assistance to mitigate any adverse impact on persons displaced by that withdrawal through imposition of provisions requiring the withdrawing property owner to provide relocation assistance;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. Pursuant to Part 11 of Chapter 17.23 and based on the findings in the report of the Housing Director dated April 6, 2017, and the above recitals the schedule of Relocation Assistance Benefits attached hereto as **EXHIBIT A** is established.

SECTION 2. Pursuant to Part 11 of Chapter 17.23 the following fees and charges are established for withdrawal of Covered Units as defined under Part 11 from the residential rental market.

Ellis Act Fee

Per Unit Fee	Number of units
\$2,235 per Covered Unit	First ten (10) units
\$860 per Covered Unit	Each unit above ten (10) units

SECTION 3. The operative date of this resolution shall be the effective date of the ordinance amending Chapter 17.23 of Title 17 of the San José Municipal Code to add Part 11.

RD:SSG:SSG

ADOPTED this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A***Amount of Relocation Assistance Benefits (per Household)
Calculated based on the number of bedrooms in the Covered Unit***

Benefit Type	Studio	1 Bedroom	2 Bedrooms	3 + Bedrooms
Base Relocation Assistance (all tenant households except those relocated under Section 17.23.1151)	\$ 6,925	\$ 8,400	\$ 10,353	\$ 12,414
Qualified Assistance (Additional Assistance at 40% of Base Relocation Assistance for Qualified Households)	\$ 2,770	\$ 3,360	\$ 4,141	\$ 4,966
Base plus Qualified Relocation Assistance	\$ 9,695	\$ 11,760	\$ 14,494	\$ 17,380
Special Assistance	\$ 1,200	\$ 1,400	\$ 1,700	\$ 2,000