

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 17, 2017

Approved

D. D. Syl

Date

4/17/17

SUPPLEMENTAL

SUBJECT: ACTIONS RELATED TO TENANT PROTECTION

REASON FOR SUPPLEMENTAL REPORT

The reason for this supplemental memo is to: 1) Provide the recommendations made by the Housing and Community Development Commission (HCDC); 2) correct the number of apartments required to maintain a Residential Occupancy Permit; and 3) clarify the scope of the Tenant Protection Ordinance.

HCDC Recommendations

The HCDC held its regularly scheduled meeting on April 13, 2017. After hearing a staff presentation and taking comments from the public, the HCDC provided recommendations to the City Council regarding the Actions Related to the Tenant Protection Ordinance.

The HCDC recommends that the City Council:

- 1) Accept the policy alternative #2 to implement an Ordinance with Just Cause Eviction Requirements with an automatic enrollment for all tenants. This motion passed (8-1-1).
- 2) Expand the Tenant Protection Ordinance to cover duplexes, single family homes, condominiums, townhouses, and second units with full automatic enrollment for all tenants. This motion passed (7-3).
- 3) Add "unlawful use of unit" to the list of just causes for eviction. This motion passed unanimously (10-0).
- 4) Require a 12-month written lease for all tenants if a just cause ordinance which provides automatic enrollment for all tenants is not passed. This motion passed (8-2).

- 5) Direct the City Manager to instruct staff to return with an amendment to Ordinance No. 28730 (the Interim Apartment Rent Ordinance) to remove the exemption for units with rental subsidies and to make that change to the forthcoming revised Apartment Rent Ordinance. The motion passed unanimously (10-0).
- 6) Direct the City Manager to instruct staff to explore tenant benefits and administration provided by existing relocation policies in the San José Municipal Code. The motion passed unanimously (10-0).

Corrected Number of Apartments

Staff used erroneous numbers in the last paragraph on the bottom of page 4 of the memo when describing the number of buildings and apartments that are required to maintain a Residential Occupancy Permit. Instead of 97,901 apartments, there are 87,521 apartments on the Multiple Housing Roster that would be subject to the Tenant Protection Ordinance (TPO). The prior number was over-stated because it included hotels/motels, sororities and fraternities.

Clarification of Scope of the Tenant Protection Ordinance

At the top of page 5 of the memo, staff incorrectly stated that apartment buildings with condominium maps would not be covered. This is incorrect. Under the proposed TPO, tenant protections would be provided to buildings that have a recorded condominium map but function as rental apartment buildings. These apartments are not covered under the Multiple Housing Roster Program. However, these units are proposed to be subject to the TPO.

/s/
JACKY MORALES-FERRAND
Director of Housing

For questions please contact Rachel VanderVeen, Program Administrator, at (408) 535-8231.