

PART 12 -- HOUSING DEPARTMENT

12.010 Rent Stabilization Program
(formerly Rental Rights and Referrals Program;
formerly Rental Dispute Mediation)

Apartment \$72.00per unit annually
(SJMC §17.23.400)

Mobile Homes \$33.00per unit annually
(SJMC §17.22.910)

Non-Rent Controlled Units \$34.00per unit annually

Ellis Act Filing Fees

a. Per unit up to 10 units \$2,833.00 per unit

b. Additional per unit over 10 units \$951.00 per unit

Apartment Late Fee

30 days past due 10% of the amount of
the fee

60 days past due 50% of the amount of
the fee

Mobile Home Late Fee

30 days past due 10% of the amount of
the fee

12.020 Inclusionary Policy Fees

a. For projects for which a Site Development Permit or a Planned Development Permit was issued on or before June 1, 2007 and which have not received a foundation permit or building permit prior to July 1, 2007, fees effective through September 28, 2007, at which time the fees in Subsection b below shall apply:

1. Rental Alternative Restricted Unit to be \$71,400 per unit
developed within a redevelopment project
area

All changes through 4/18/23

2. Rental Alternative Restricted Unit to be developed outside a redevelopment project area	\$142,800 per unit
3. Ownership Alternative Restricted Unit to be developed within a redevelopment project area	\$65,000 per unit
4. Ownership Alternative Restricted Unit to be developed outside a redevelopment project area	\$130,000 per unit
b. Fees effective July 1, 2007 for all projects except as provided in Subsection a above:	
1. Rental Units	\$17.00 per net square foot of market-rate housing; maximum \$85,500
2. For-sale Low-Rise Condominium/Stacked Flat Projects	\$17.00 per net square foot of market-rate housing; maximum \$90,000
3. For-sale Townhouse/Row-house projects	\$17.00 per net square foot of market-rate housing; maximum \$120,000
4. For Sale Single-family detached units	\$17.00 per net square foot of market-rate housing; maximum \$200,000
5. For Sale High-rise units not located in the Downtown Core	\$17.00 per net square foot of market-rate housing; maximum \$200,200
6. For Sale High-rise units located in a Downtown High-Rise Incentive Area	\$8.50 per net square foot of market-rate high-rise units; maximum \$65,000

12.025 For Sale Inclusionary In-Lieu Fees under Municipal Code Section 5.08.520

Prior to May 1, 2021: \$184,135.00 per unit

Pursuant to San José Municipal Code Section 5.08.520, the inclusionary housing requirement may be satisfied by the payment of a fee in lieu of constructing affordable housing units provided that such fee is paid for 20% of total Market Rate Units and received after issuance of a development permit for the project, but prior to the issuance of any certificate of occupancy for a building in the Residential Development.

On or after May 1, 2021: Listed Below

Pursuant to San José Municipal Code Section 5.08.520, the inclusionary housing requirement may be satisfied by the payment of a fee in lieu of constructing affordable housing units provided that such fee is paid and received after issuance of a development permit for the project, but prior to the issuance of any certificate of occupancy for a building in the Residential Development, as follows:

In-Lieu Fee for For-Sale Residential Developments
Per Net New Square Foot of Residential Floor Area ⁽¹⁾

Residential Developments Adding 20 or More Units or Adding 10 to 19 Units at less than 90% of maximum density allowed by the General Plan (“Allowable Density”)	\$29.07
Residential Developments Adding 10 to 19 Units at 90% or More of Allowable Density	\$14.54

⁽¹⁾ As determined pursuant to the Inclusionary Housing Ordinance Guidelines.

The in-lieu fee shall be increased on July 1 of each year by the Engineering News Record (“ENR”) Construction Cost Index for the San Francisco Urban area as determined for the preceding twelve (12) months – until the fee is recalculated pursuant to the Inclusionary Housing Ordinance.

The in lieu fee for qualifying For-Sale High Rise Residential Developments located in the Downtown Planned Growth Area, pursuant to Resolution No. 80766, the Inclusionary Housing Guidelines, and San José Municipal Code Section 5.08.520, that obtain a building permit by June 30, 2025 and all Certificates of Occupancy before June 30, 2029 shall be \$0 per square foot.

12.026 Rental Inclusionary In-Lieu Fees under Municipal Code Section 5.08.520

Prior to May 1, 2021:

\$145,807.00 per unit

Pursuant to San José Municipal Code Section 5.08.520, the inclusionary housing requirement for rental developments may be satisfied by the payment of a fee in lieu of constructing affordable rental residential units provided that such fee is paid for 20% of all units in the rental development and received after issuance of a development permit for the project, but prior to the issuance of any certificate of occupancy for a building in the rental development.

On or after May 1, 2021:

Pursuant to San José Municipal Code Section 5.08.520 the inclusionary housing requirement may be satisfied by the payment of a fee in lieu of constructing affordable housing units provided that such fee is paid and received after issuance of a development permit for the project, but prior to the issuance of any certificate of occupancy for a building in the Residential Development, as follows:

Listed Below

In-Lieu Fee for Rental Residential Developments
Per Net New Square Foot of Residential Floor Area ⁽¹⁾

	Strong Market	Moderate Market
Rental Residential Developments Adding 20 or More Units or Adding 10 to 19 Units at Less Than 90% of Allowable Density	\$49.99	\$21.74
Rental Residential Developments Adding 10 to 19 Units at 90% or More of Allowable Density	\$25.00	\$10.87

⁽¹⁾ As determined pursuant to the Inclusionary Housing Ordinance Guidelines.

The in-lieu fee shall be increased on July 1 of each year by the Engineering News Record (“ENR”) Construction Cost Index for the San Francisco Urban area as determined for the preceding twelve (12) months – until the fee is recalculated pursuant to the Inclusionary Housing Ordinance.

Fee for qualifying Rental High Rise Residential Developments located in the Downtown Planned Growth Area, pursuant to Resolution No. 80766, the Inclusionary Housing Guidelines, and San José Municipal Code Section 5.08.520.D, that obtain a building permit by June 30, 2025 and all Certificates of Occupancy before June 30, 2029 shall be as follows:

	FY23-24
Building permit by June 30, 2025	\$0
Building permit by June 30, 2026	\$0
Building permit by June 30, 2027	\$0
Building permit by June 30, 2028	\$14.36
Building permit by June 30, 2029	\$25.41

Rental Inclusionary Adjusted In-Lieu

12.027 Fees under Municipal Code Section 5.08.525

On or after May 1, 2021:

Listed Below

Pursuant to San José Municipal Code Section 5.08.525 the inclusionary housing requirement may be satisfied by the payment of a fee in lieu of constructing affordable housing units provided that such fee is paid and received after issuance of a development permit for the project, but prior to the issuance of any certificate of occupancy for a building in the Residential Development, as follows:

**In-Lieu Fee for Rental Residential Developments
Providing a Minimum of 5% Inclusionary Units On-Site
Per Net New Square Foot of Residential Floor Area ⁽¹⁾**

		Rental Residential Developments Adding 20 or More Units or Adding 10 to 19 Units at Less Than 90% of Allowable Density		Rental Residential Developments Adding 10 to 19 Units at 90% or More of Allowable Density	
		Strong Market Areas	Moderate Market Areas	Strong Market Areas	Moderate Market Areas
With 5% Inclusionary Units On-Site	Inclusionary Units On-Site				
	5% at 100% AMI rents	\$21.74	\$13.80	\$10.87	\$6.90
	5% at 60% AMI rents	\$14.50	\$9.21	\$7.26	\$4.61
	5% at 50% AMI rents	\$11.71	\$7.43	\$5.87	\$3.72
With 10% Inclusionary Units On-Site	5% at 100% AMI and 5% at 60% AMI rents	\$12.27	\$7.79	\$6.14	\$3.90
	5% at 100% AMI and 5% at 50% AMI rents	\$9.48	\$6.01	\$5.43	\$3.02
	5% at 60% AMI and 5% at 50% AMI rents	\$2.23	\$1.41	\$1.12	\$0.71
	10% at 30% AMI rents	\$0.00	\$0.00	\$0.00	\$0.00

AMI = Area Median Income

⁽¹⁾ As determined pursuant to the Inclusionary Housing Ordinance Guidelines.

The in-lieu fee shall be increased on July 1 of each year by the Engineering News Record (“ENR”) Construction Cost Index for the San Francisco Urban area as determined for the preceding twelve (12) months – until the fee is recalculated pursuant to the Inclusionary Housing Ordinance.

12.028 Inclusionary Housing Application Fee

Standard Application

\$4,199.00 per
transaction

Abbreviated Application

\$860.00 per transaction

12.030

Homebuyer Subordination Fee

\$430.00 per transaction

12.040 Multi-Family Project Owner Transfer Fee – New Parties

Standard Application

\$20,294.00 per
transaction

City Attorney Staff Time

\$210.00 per hour in
excess of twenty-nine
(29) hours

Housing Staff Time

\$134.00 per hour in
excess of one hundred
six (106) hours

12.045 Multi-Family Project Owner Transfer Fee – Related Parties

Standard Application

\$15,608.00 per
transaction

All changes through 4/18/23

	City Attorney Staff Time	\$210.00 per hour in excess of twenty-two (22) hours
	City Housing Staff Time	\$134.00 per hour in excess of eighty-two (82) hours
12.047	<u>Multi-Family Loan Refinance Fee</u>	
	Standard <u>Application</u>	\$20,294.00 per transaction
	City Attorney Staff Time	\$210.00 per hour in excess of twenty-nine (29) hours
	City Housing Staff Time	\$134.00 per hour in excess of one hundred six (106) hours
12.050	<u>Single-Family Loan Payoff Fee</u>	
	Short Sale Loan Payoff Fee	\$402.00 per transaction
	Single-Family Loan Payoff Fee	\$268.00 per transaction
12.060	<u>Multi-Family Project Restructuring Fee</u>	
	Standard <u>Application</u>	\$7,014.00 per transaction
	City Attorney Staff Time	\$210.00 per hour in excess of twenty (20) hours
	City Housing Staff Time	\$134.00 per hour in excess of twenty-one (21) hours

12.070 Multi-Family Loan Recapitalization Fee

Standard Application	\$43,212.00 per transaction
City Attorney Staff Time	\$210.00 per hour in excess of eighty-nine (89) hours
City Housing Staff Time	\$134.00 per hour in excess of one hundred eighty-three (183) hours

12.080 Multi-Family Loan Servicing Fee

Multi-Family Loan Servicing Fee	\$124.95per unit per year
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12.090 Multi-Family Affordability Restricting Monitoring Fee

Multi-Family Affordability Restriction Monitoring Fee	\$124.95per unit per year
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12.100 Multi-Family Loan Origination Fee

Standard Application	\$46,026.00 per transaction
City Attorney Staff Time	\$210.00 per hour in excess of eighty-nine (89) hours
City Housing Staff Time	\$134.00 per hour in excess of two hundred four (204) hours

12.110 Multi-Family Loan Conversion Fee

Standard Application	\$43,212.00 per transaction
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All changes through 4/18/23

	City Attorney Staff Time	\$210.00 per hour in excess of eighty-nine (89) hours
	City Housing Staff Time	\$134.00 per hour in excess of one hundred eighty-three (183) hours
12.120	<u>Supplemental Document Processing Fee</u>	
	City Attorney Staff Time	\$210.00 per hour
	City Housing Staff Time	\$134.00 per hour
	Santa Clara County Clerk-Recorder Office Fees	Actual Costs Charged by the Santa Clara County Clerk-Recorder to the City
12.130	<u>Multi-Family Loan Payoff Fee</u>	
	Standard Application	\$3,846.00 per transaction
	City Attorney Staff Time	\$210.00 per hour in excess of three (3) hours
	City Housing Staff Time	\$134.00 per hour in excess of twenty-four (24) hours
12.145	<u>Affordable Housing Impact Fee</u>	
	The Housing Impact Fee shall be paid for each Market Rate Rental Unit, not exempted as an "Eligible Pipeline Project", with three (3) or more units as defined in Resolution No. 77218.	\$20.08per finished livable square foot.

12.150 Affordable Housing Compliance Fee Program

In accordance with Resolution No. 77218 (AHIF)
and SJMC Chapter 5.08 (Inclusionary):

Standard Application	\$4,150.00 per application
City Attorney Staff Time	\$210.00 per hour in excess of seven (7) hours
City Housing Staff Time	\$134.00 per hour in excess of twenty (20) hours

12.155 Multi-Family Application Review Fee \$1,186 per application

12.200 Commercial Linkage Fee Application Fee

Deferred Payment or Credit Agreement	\$3,826.00 per application
Standard Application	\$1,785.00 per application
Abbreviated Application	\$753.00 per application
City Attorney Staff Time	\$210.00 per hour in excess of eight (8) hours
City Housing Staff Time	\$134.00 per hour in excess of fifteen (15) hours

12.201 Commercial Linkage Fee Schedules – Non-Residential Use, Fee per Sq.Ft.

Downtown and Nearby

Office (\geq 100,000 sq.ft.)	<i>\$13.95 when paid in full prior to the <u>Building Permit issuance</u>. \$17.44 when paid at Scheduling of Final Building Inspection. <u>Eligible for deferred payment pursuant to subsection E.</u></i>
Office (<100,000 sq.ft.)	<i>0\$ for all square footage \leq50,000 sq.ft. and \$3.49 for all remaining square footage. <u>When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u></i>
Retail	<i>\$0</i>
Hotel	<i>\$5.81 excluding Common Area. <u>When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u></i>

Industrial/Research and Development (≥100,000 sq.ft.)	\$3.49 <u>When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply. Eligible for deferred payment pursuant to subsection E.</u>
Industrial/Research and Development (<100,000 sq.ft.)	\$0
Warehouse	\$5.81 <u>when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u>
Residential Care	\$6.98 <u>Excluding Common Area when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. when paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u>

North San Jose and Nearby; West San Jose Urban Villages:

Office (\geq 100,000 sq.ft.)

\$5.81 when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply. Eligible for deferred payment pursuant to subsection E.

Office (<100,000 sq.ft.)

0\$ for all square footage \leq 50,000 sq.ft. and \$3.49 for all remaining square footage. When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply.

Retail

\$0

Hotel

\$5.81 excluding Common Area. When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply.

Industrial/Research and Development (≥100,000 sq.ft.)

\$3.49 When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply. Eligible for deferred payment pursuant to subsection E.

Industrial/Research and Development (<100,000 sq.ft.)

\$0

Warehouse

\$5.81 when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. When paid at Scheduling of Final Building Inspection 100% of the fee will apply.

Residential Care

\$6.98 Excluding
Common Area when
paid in full prior to the
Building Permit
issuance a 20%
reduction in the
payment will apply.
when paid at
Scheduling of Final
Building Inspection
100% of the fee will
apply.

All changes through 4/18/23

Edenvale and Monterey Corridor:
Office (\geq 100,000 sq.ft.)

\$5.81 when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.
When paid at Scheduling of Final Building Inspection 100% of the fee will apply. Eligible for deferred payment pursuant to subsection E

Office (<100,000 sq.ft.)

0\$ for all square footage \leq 50,000 sq.ft. and \$3.49 for all remaining square footage. When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.
When paid at Scheduling of Final Building Inspection 100% of the fee will apply.

Retail

\$0

Hotel	\$5.81 excluding Common Area. <u>When paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u>
Industrial/Research and Development	\$0
Warehouse	\$5.81 <u>when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u>
Residential Care	\$6.98 Excluding Common Area <u>when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>when paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u>

South and East San Jose Growth Areas:

Office	\$0
Retail	\$0
Hotel	<p>\$5.81excluding Common Area. <u>When paid in full prior to <u>the Building Permit issuance a 20% reduction in the payment will apply.</u></u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u></p>
Industrial/Research and Development (≥100,000 sq.ft.)	<p>\$3.49when paid in full prior to <u>the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u></p>
Industrial/Research and Development (<100,000 sq.ft.)	\$0
Warehouse	<p>\$5.81when paid in full prior to <u>the Building Permit issuance a 20% reduction in the payment will apply.</u> <u>When paid at Scheduling of Final Building Inspection 100% of the fee will apply.</u></p>

Residential Care

\$6.98 Excluding Common Area when paid in full prior to the Building Permit issuance a 20% reduction in the payment will apply. when paid at Scheduling of Final Building Inspection 100% of the fee will apply.

12.300 Government Code Section 66300 et seq., as amended
Replacement Unit Determination

The Housing Crisis Act of 2019 prohibits the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units. The Housing department reviews preliminary applications to determine the replacement obligations.

Standard Application	\$3,724.00 per standard application
City Attorney Staff Time	\$210.00 per hour in excess of eight (8) hours
City Housing Staff Time	\$134.00 per hour in excess of fifteen (15) hours
Relocation Pass Through Fee (for charges associated with contracting for consultant services for required relocation services on behalf of developer)	Actual cost