



City of San José Department of Housing

# Policy Development Community Meeting

San José City Hall

February 7, 2018



# Agenda

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## Overview of Issues

- Tenant Protection Ordinance
- Apartment Rent Ordinance
- Ellis Act Ordinance
- Source of Income

## Questions & Answers

# Tenant Protection Ordinance

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## List of Just Cause Terminations

1. Nonpayment of rent
- 2. Material or habitual lease violation**
3. Damage to the apartment
4. Refusal to sign a new agreement
- 5. Nuisance behavior**
6. Refusing access to the apartment
7. Unapproved holdover subtenant
8. Substantial rehabilitation
9. Ellis Act removal
10. Owner move-in
11. Order to vacate
12. Vacation of unpermitted apartment

# Tenant Protection Ordinance - Criminal Activity

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**No Change. Use current nuisance and material lease violation cause in the Tenant Protection Ordinance**

**or**

**Include a narrow criminal activity just cause**

- What type of crime?
- Where is the crime committed?

# Apartment Rent Ordinance

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- **Major Changes:**
- Base rent increases limited to 5% once every 12 months
- Exclude duplexes from the ARO
- Tenant buyout agreement requirements
- Rent registry
  
- *Ratio Utility Billing Systems (RUBS) will be determined in Spring 2018*

# Apartment Rent Ordinance - Ratio Utility Billing System (RUBS)

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**No RUBS;  
Transition  
for RUBS  
Elimination**

**RUBS is not allowed – transition for current RUBS contracts:**

- *Amnesty with Sunset Date*
- *Provide Process for One-Time Rent Increase*

**No RUBS**

**RUBS is not allowed**

**Allow RUBS**

**Develop criteria for allowing RUBs under the Apartment Rent Ordinance.**

# Ellis Act Ordinance

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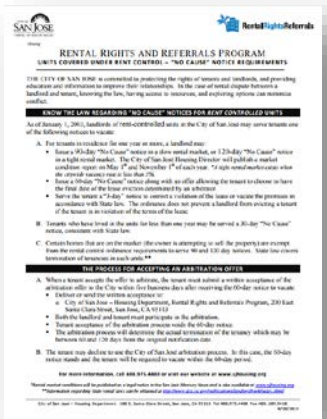
Landlords have a right to remove rental housing from the market





# Ellis Act Ordinance

1



Create a standardized & formal process for issuing notices

2



Provide relocation benefits to tenants

3



Establish rent stabilization for future tenants



# Ellis Act Ordinance - Re-control

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## All Units

All new apartments are re-controlled

## Anti-Gouging

All new apartments are re-controlled; the number of destroyed apartments are subject to the ARO general increase (5%), all additional apartments are limited to a 10% rent increase.

## Two-for-One

Twice the number of apartments destroyed are re-controlled. All additional apartments are not controlled.

## % Additional Deed Restricted Affordable

If inclusionary obligations are exceeded by voluntarily building a certain percentage on-site, re-control requirements may be exempted.

## One-for-One

The number of apartments destroyed is re-controlled on a one-for-one basis.

# Ellis Act Ordinance - Covered Apartments

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**Current**

**4 apartments or more**

**or**

**Proposed Amendment**

**3 apartments or more**

# Ellis Act Ordinance - Apartments Built After 1979

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## Current

Cover apartments built  
before 1979

- Relocation Benefits
- Noticing

or

## Proposed Amendment

Also cover apartments built  
after 1979

- Relocation services
- Noticing

# Source of Income - Background

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- The housing crisis continues
- The waitlist for Housing Choice Vouchers is closed
- It's not easy to find an apartment. Many online housing listings say "no section 8 vouchers."
- Elderly, disabled, veterans, chronically homeless and families are at risk of losing vouchers.
- Santa Clara County, San Francisco, Marin County, Santa Monica, E. Palo Alto and others have adopted SOI ordinances to encourage fair consideration of all tenants regardless of income source.

# Source of Income: Discrimination

reply  prohibited  Posted 4 days ago  
☆ \$1995 / 1br - 700ft<sup>2</sup> - \*\*4 plex, 1 BR/1BA, near Mtn View, Hwy 237, 8 (sunnyvale)



Central location in Sunnyvale by Mtn View, easy commute to work  
- One bedroom ground floor apartment in a 4-plex with private deck  
-2 parking spaces  
-onsite coin operated laundry

Kitchen-  
\*granite countertop, dishwasher, oven/range, refrigerator, oak cabinets, tile floors

Bath  
\*shower over tub, large vanity, tile floors

Bedroom  
\*laminated floors, walk-in closet

Rent: \$1995 per month  
deposit \$1600  
Rent includes water and garbage. Tenants pay for PG & E.  
12 months lease or longer

No section 8  
No eviction  
No smoking only  
No pets. \*One cat may be considered for an additional pet fee and deposit\*

reply  prohibited  Posted about 5 hours ago [print](#)

☆ \$2250 / 2br - 800ft<sup>2</sup> - LARGE TWO BEDROOM IN A QUIET 10 PLEX (6-6) (santa clara)

2BR / 1Ba 800ft<sup>2</sup> available now  
apartment  
laundry on site  
carport

Great Santa Clara location, quiet area and apartment building. Lots of remodeling, air conditioner. No Pets, No Section 8. To see this apartment, please call Jessie or Maria at [show contact info](#)

do NOT contact me with unsolicited services or offers

postid: 6485611907 posted: about 5 hours ago [email to friend](#) [post it](#)

## Source of Income - Policy Feedback

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- Have you, or someone you know, had trouble finding a landlord who will accept housing vouchers or other forms of housing subsidies?
- If the City were to create a “source of income” ordinance, what housing units should it apply to?



# Upcoming Meetings

Date	Time	Location
Thursday, February 8, 2018	5:45 p.m.	Housing and Community Development Commission City Hall, Wing Rms. 118-120 200 E Santa Clara Street
Monday, February 12, 2018	6:30—8:30 p.m.	Policy Development Meeting Seven Trees Community Center 3590 Cas Avenue
Thursday, March 8, 2018	5:45 p.m.	Housing and Community Development Commission City Hall, Wing Rms. 118-120 200 E Santa Clara Street

# Future Updates

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- Sign up for email updates or submit questions or comments to staff by sending email to [RSP@sanjoseca.gov](mailto:RSP@sanjoseca.gov)
- For more information and updates, visit [www.sanjoseca.gov/rent](http://www.sanjoseca.gov/rent)
- Call us at **408-975-4480**