

MULTIPLE HOUSING PROGRAM

Frequently Asked Questions

Q: What is the purpose of the Residential Occupancy Permit?

A: Code Enforcement's Multiple Housing Program and Fire Department Inspections are funded by the Residential Occupancy Permit. Inspections are conducted to ensure buildings are maintained in safe, decent and sanitary conditions.

Q: What kinds of buildings are required to obtain a Residential Occupancy Permit?

A: Apartments, hotels, motels, fraternities, sororities, emergency shelters, residential care facilities and residential service facilities are required to have an active Residential Occupancy Permit.

Q: Can I receive an exemption from this permit?

A: No, San Jose Municipal Code (SJMC) 17.20.520 requires the annual renewal of the Residential Occupancy Permit in order to legally maintain or occupy a residential unit covered under the ordinance.

Q: What is the Fee Schedule?

A: The fee schedule is set by the City Council on an annual basis.

Fee Description	2016-17 Amount	Applicability
Housing Fee Per Unit by Tier	Tier 1 \$ 25.93 Tier 2 \$ 58.60 Tier 3 \$ 116.91	Required for all buildings on the Multiple Housing Roster.
Rent Controlled Units	\$ 19.29	Fee charged as authorized by Housing Department.
Non-Rent Controlled Units	\$ 1.98	Fee charged as authorized by Housing Department.
Transfer Fee Per Permit	\$ 31.66	Transfer fee is applied when the Santa Clara County Assessor's Office notifies Code Enforcement about an owner name change.
Reinspection Fee	\$ 255.36	Charged for each reinspection after the first one if violations are not corrected by the due date.
Reinstatement Fee	\$ 1,267.01	Charged to reinstate permit after revocation pursuant to SJMC 17.20.640.

Q: When can I expect to receive the annual invoice?

A: Invoices are mailed in mid-November and payment is due by December 31st.

Q: Is the Residential Occupancy Permit transferable to a new property owner?

A: Yes, the permit remains in effect for the calendar year. A transfer fee is automatically sent to the new property owner after the information is received from the Santa Clara County Assessor's Office.

Q: How do I request that Code Enforcement use an alternate mailing address?

A: Please email CEAddressUpdate@sanjoseca.gov Include the contact name, preferred mailing address, telephone number, and Residential Occupancy Permit numbers.

Q: If I have multiple buildings or locations, do I need separate permits?

A: Yes, a Residential Occupancy Permit is required for each building with three or more units. The reason each building is permitted separately is because large complexes may be built in stages. A separate invoice is mailed for each required permit.

Q: How does the tier assignment determine the service level?

A: Beginning in January 2015, a new service delivery model was implemented at the direction of the City Council. The City Auditor issued a report recommending implementation of a risk based, proactive inspection process after finding that routine inspections should be conducted more frequently for properties with complaints.

Tier	Service Level	Tier Assessment Criteria
Tier 1: 6-Year Cycle with Mandatory Annual Self- Certifications	Complaint response and audit 10% of self-certified units on a 6- year cycle	In order to maintain this status, repairs identified by the owner/manager must be completed in a timely manner prior to the audit. Uncorrected violations or substantiated complaints involving health and safety could result in reassignment to Tier 2.
Tier 2: 5-Year Cycle	Complaint response and proactive inspection of 25% of units.	Less than 1 minor violation per unit and repairs completed by due date to move into Tier 1. Less than 2 minor violations per unit and repairs completed by due date to maintain this status. Uncorrected violations or substantiated complaints may result in reassignment to Tier 3.
Tier 3: 3-Year Cycle	Complaint response and proactive inspection of 50% of units.	Less than 2 minor violations per unit, repairs completed by due date and no substantiated complaints to move to Tier 2. Movement from Tier 3 to Tier 1 would be by approval of the Program Manager in extraordinary circumstances on a case by case basis.

Q: How can I find out the Tier Assignment for my buildings?

A: The Multiple Housing Roster is posted on the City's website and it includes the tier assignment. <http://www.sjpermits.org/permits/mhfolder/readroster.asp>

Q: What was the decision-making process for the initial tier assignments?

A: The City Auditor issued recommendations for the development of a risk-based approach. The audit report recommended focusing limited Code Enforcement staff resources on the buildings that generate the most complaints or need for inspection services. Code Enforcement staff reviewed the frequency of services provided and violations observed during inspections conducted 2000 – 2013 for every building on the Multiple Housing Roster. Tier assignments were based upon the number and severity of documented violations per unit in each building and the frequency of inspection services provided during the thirteen years. The auditor found no correlation between the age of the building and the frequency of Code Enforcement services and therefore this factor was not considered.

Q: Can my building move to a higher or lower tier?

A: Yes, tier assignments will be reviewed after the inspection cycle is completed. The Tier Assessment Criteria listed in the table above will be utilized. If an owner or property manager would like a Code Enforcement Supervisor to consider extraordinary factors, for example a remodel with finalized permits, then please email the request and supporting documentation to MHPprogram@sanjoseca.gov

Q: What are the responsibilities of owners with buildings in Tier 1?

A: An affidavit must be completed online. The owner or owner's agent must agree to inspect every unit in the building on an annual basis and upon change in tenancy, provide a copy of the inspection form to tenants within five working days of the inspection, and maintain electronic or hard copies of the records for seven years. The self-certification inspection may be conducted using a model form provided by Code Enforcement or a customized form prepared by the owner or property manager. However, the Self-Certification Inspection Form must include all of the items from the City's model form which is available online. The owner or agent must also notify Code Enforcement if any unit cannot be self-certified and the notification must occur no later than July 31st of each year.

Q: Can an owner or the owner's agent opt out of Tier 1?

A: Yes, the online certification includes an option to opt out of Tier 1 and reassignment to Tier 2. If an owner/owner's agent does not complete the Self-Certification Affidavit by December 31st, then the building will automatically be reassigned to Tier 2 in January. A new invoice at the higher rate will be mailed to the owner or alternate mailing address.

Q: What is the model form and can anyone use it?

A: The Self-Certification Inspection Form provides a list of the most common substandard housing conditions identified by Code Enforcement. The model form is available on the Code Enforcement website. <http://www.sanjoseca.gov/index.aspx?NID=445>