

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 5 OF THE SAN JOSE MUNICIPAL CODE TO ADD A
NEW CHAPTER 5.10 RELATED TO CITYWIDE SOURCE
OF INCOME**

WHEREAS,.....

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**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SAN JOSE:**

A new Chapter is added to Title 5 of the San José Municipal Code, to be numbered,
entitled and to read as follows:

**CHAPTER 5.10
SOURCE OF INCOME**

**Part 1
Findings**

Part 2

Definitions

5.10.200 Definitions

The definitions set forth in this part shall govern the application and interpretation of this chapter. Words and phrases not defined in this Part 2 shall be interpreted so as to give this chapter its most reasonable application.

5.10.205 Housing Assistance

“Housing Assistance” includes all housing and rental assistance programs, homeless assistance programs, security deposit assistance programs, and housing subsidy programs.

5.10.225 Person

“Person” means any individual, firm, corporation, or other organization or group of persons however organized.

5.10.230 Source of Income

“Source of Income” shall mean all lawful source of income or rental assistance from any Federal, State, local or non-profit administered benefit or subsidy program including, but not limited to, the Housing Choice Voucher Program.

Part 3

Applicability

5.08.300 Applicability

The provisions of this Chapter shall apply to:

- A. One-family dwellings, as defined under SJMC 20.200.320, except those that are owner-occupied as the owner(s) primary residence;
- B. Two-family dwellings, as defined under SJMC 20.200.330
- C. Secondary dwellings, as defined under SJMC 20.200.325
- D. Co-Living Communities, as defined under SJMC 20.200.197
- E. Multiple Dwellings as defined under SJMC 20.200.340; and
- F. Guest Rooms as defined under SJMC 20.200.460 in any Guest House as defined under SJMC 20.200.470 and SJMC 20.200.480.

Part 4

Prohibited Acts

5.08.400 Prohibited Acts

It shall be unlawful for any person to do any of the following that is wholly or partially based on receipt of housing assistance:

- A. To interrupt, terminate, or fail or refuse to initiate the rental of real property; or
- B. To falsely represent that an interest in real property is not available for transaction; or

- C. To require different terms for such transaction; or
- D. To include in the terms or conditions of a transaction in real property any clause, condition, or restriction; or
- E. To refuse or restrict facilities, services, repairs or improvements for any current or prospective tenant or lessee; or
- F. To in any way make, print, or publish, advertise or disseminate any notice, statement, or advertisement involving the rental of real property that unlawfully indicates preference, limitation, or discrimination based on receipt of housing assistance; or
- G. To use a financial or income standard for rental housing that privileges income earned directly by the tenant or prospective tenant, or rental payments made directly by the tenant or prospective tenant over housing assistance, or that discounts or discriminates against housing assistance payments.

Part 5
Enforcement

5.08.500 Enforcement

- A. The Director may enforce any violation of this Chapter, including the issuance of an administrative citation in accordance with Chapter 1.15 of the San José Municipal Code.
 - 1. First time violations of this Chapter shall result in a written warning prior to issuing a citation.
 - 2. For subsequent violations following the first violation, the Director may issue an administrative citation in accordance with Chapter 1.15 of the

San José Municipal Code, with escalating fines for each subsequent violation, in an amount adopted by Resolution.

- B. Notwithstanding subsection A. above, a civil action may be brought by the City and a court may assess a civil penalty in an amount up to \$10,000 per violation, payable to the City, against any person who violates this Chapter. The City Attorney may seek injunctive relief to restrain or enjoin any violation of this Chapter.
- C. Nothing under this Part shall preclude a person from bringing a civil action in a court of competent jurisdiction for any violations of this Chapter.
- D. Reserved

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI TABER, CMC
City Clerk