

ORDINANCE NO. NS-507.1

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADDING DIVISION B37 RELATING TO AFFORDABLE HOUSING TO THE
COUNTY OF SANTA CLARA ORDINANCE CODE**

Summary

This Ordinance adds Division B37 relating to Affordable Housing to the County of Santa Clara Ordinance Code to address the severe housing crisis in Santa Clara County.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

Division 37 of Title B of the Ordinance Code of the County of Santa Clara relating to Affordable Housing is hereby added to the Ordinance Code to be titled and to read as follows:

**Division B37
AFFORDABLE HOUSING**

Sec. B37-1. Purpose and intent.

In enacting this Division, the Board of Supervisors intends to redress the severe housing crisis in Santa Clara County, which leaves thousands of County residents without homes or without secure housing. This Division is intended to help alleviate the housing crisis by ensuring that all persons with the ability to pay for housing are considered for housing, regardless of whether they receive a housing subsidy or housing assistance of any kind.

Sec. B37-2. Prohibited activity.

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

- (a) To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including, but not limited to, the rental thereof; to require different terms for such transaction; or falsely to represent that an interest in real property is not available for transaction;

- (b) To include in the terms or conditions of a transaction in real property any clause, condition, or restriction;
- (c) To refuse or restrict facilities, services, repairs or improvements for any current or prospective tenant or lessee;
- (d) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement, or advertisement with respect to a transaction in real property, or with respect to financing related to any such transaction, that unlawfully indicates preference, limitation, or discrimination based on receipt of housing assistance;
- (e) 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.

Sec. B37-3. Definitions.

For purposes of this Division, “housing assistance” includes all housing and rental assistance programs, homeless assistance programs, security deposit assistance programs, and housing subsidy programs.

For purposes of this Division, “person” means any individual, firm, corporation, or other organization or group of persons however organized.

Sec. B37-4. Exception.

Nothing in this Division shall be construed to apply to the rental or leasing of a dwelling unit that is occupied by its owner or members of his or her family and that has no more than a single roomer or boarder.

Sec. B37-5. Civil enforcement action.

A civil action to enforce the provisions of this Division may be filed by any aggrieved person, by the County Counsel, or by any person or entity that will fairly and adequately represent the interests of that person or a protected class.

Sec. B37-6. Civil injunctive relief.

Any person who commits, or proposes to commit, an act in violation of this Division may be enjoined therefrom by any court of competent jurisdiction.

Sec. B37-7. Civil liability.

Any person who violates any provision of this Division or who aids in the violation of any provision of this Division shall be liable for mandatory damages of three times the amount of one month's rent that the landlord charges for the unit in question. All damages shall be awarded to the person whose rights were violated. The court may also award punitive damages in an amount of not less than \$200.00 and not more than \$400.00 per violation, as well as attorneys' fees and costs. In any action brought by the County Counsel, all damages and attorneys' fees and costs, shall be awarded to the County and deposited in the County Treasury.

Sec. B37-8. Separate civil liability for each violation.

Any person who violates any provision of this Division or who aids in the violation of any provision of this Division shall be liable for a separate civil violation for each provision of this Division that he or she violates, and for each instance in which he or she violates a provision of this Division.

Sec. B37-9. Criminal enforcement and liability.

Any person who violates any provision of this Division or who aids in the violation of any provision of this Division shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00, or by imprisonment in the county jail for a period not exceeding six months, or both.

Sec. B37-10. Statute of limitations.

Any actions filed pursuant to this Division must be filed within two years of the alleged violation.

Sec. B37-11. Severability.

The provisions of this Division are severable. If any provision of this Division or any application of any provision of this Division is found invalid, the remainder of the Division, including the application of such provision to other persons or circumstances,

shall not be affected thereby and the remainder of the Division shall continue in full force and effect.

Sec. B37-12. No conflict with state or federal law.

Nothing in this Division shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law. Nothing in this Division shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE CORTESE, President
Board of Supervisors

ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY



JAMES R. WILLIAMS
County Counsel

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