

# RENTAL RIGHTS AND REFERRALS

## NON-RENT CONTROLLED BUILDINGS - "NO CAUSE" NOTICE REQUIREMENTS

THE CITY OF SAN JOSE is committed to protecting the rights of tenants and landlords, and providing education and information to improve their relationships. In the case of a rental dispute between a landlord and tenant, knowing the law, having access to resources, and exploring options can minimize conflict.

### 1 KNOW THE LAW REGARDING "NO CAUSE" EVICTIONS FOR RENT CONTROLLED UNITS

The law regarding evictions for **non-rent controlled** units is largely set forth in State statutes. \* However, as of July 1, 2003, the City of San José will implement an **additional** requirement for landlords of non-rent controlled buildings with three or more units in the City of San José. This new requirement is in the San José Municipal Code, Part 7 of Section 17.23, known as the **Rental Dispute Mediation and Arbitration Ordinance**.

Beginning January 1, 2006, landlords will be required to extend an offer to attend non-binding **mediation**, if they serve tenants a "No Cause" Notice to vacate.

If the tenant accepts the landlord's offer to mediate:

- It shall be mandatory for both the landlord and the tenant to participate.
- Both parties will be required to listen to the opening statement of the mediator and to the concerns expressed by the other party.
- Both parties will be given an opportunity to express their own concerns.
- Neither party will be required to negotiate or come to any agreement.
- If the parties choose to participate, the mediator will assist the parties in coming to an agreement.
- The parties will be free to walk away from the mediation at any point they choose after the other party's opening statement.
- If the parties do come to a resolution of their dispute, they may choose to create a valid agreement that will be legally binding for both parties.

### 2 COVERAGE OF RENTAL UNITS

- This new requirement applies to triplex, four-plex or larger complexes built **after** September 7, 1979.
- Triplex, four-plex or larger complexes built before September 7, 1979 are generally subject to the full terms of the Rental Dispute Mediation and Arbitration Ordinance.
- Condominiums, duplexes, townhomes, and single-family residential units are exempt from this mediation requirement.
- Certain units that are on the market (the owner is attempting to sell the property) are also exempt from the requirement to mediate.

For more information call 408.975.4480 or visit our website at [www.sjhousing.org](http://www.sjhousing.org)

\*Information regarding State rental laws can be obtained at <http://www.dca.ca.gov/legal/landlordbook/> or by calling 800.952.5210.

*Building Relationships in Rental Communities*

# REFERRALS AND RESOURCES

## Health and safety concerns, contact:

Code Enforcement, City of San José  
170 West San Carlos Street  
San José, CA 95113  
408.277.4528  
[www.sanjoseca.gov/codeenforcement](http://www.sanjoseca.gov/codeenforcement)

## Miscellaneous rental questions concerning leases, security deposits, evictions, 3-day or “No Cause” notices, unfair housing practices, contact:

Bay Area Legal Aid (San José)  
2 West Santa Clara Street  
San José, CA 95112  
408.283.3700  
[www.baylegal.org](http://www.baylegal.org)

Asian Law Alliance  
184 Jackson Street  
San José, CA 95113  
408.287.9710  
[www.asianlawalliance.org](http://www.asianlawalliance.org)

Legal Aid Society, Housing Project  
480 North First Street  
San José, CA 95113  
408.283.1540  
[www.legalaidsociety.org](http://www.legalaidsociety.org)

## Mediation services or negotiating assistance contact:

Rental Rights & Referrals Program  
200 East Santa Clara Street  
San José, CA 95113  
408.975.4480  
[www.sjhousing.org](http://www.sjhousing.org)

Project Sentinel  
1055 Sunnyvale-Saratoga Road #3  
Sunnyvale, CA 94087  
(888) 331-3332  
[www.housing.org](http://www.housing.org)

Fair Housing Law Project of the Law Foundation of Silicon Valley  
111 West St. John Street, Suite 315  
San José, CA 95113  
408.293.4790  
[www.lawfoundation.org](http://www.lawfoundation.org)

Tri-County Apartment Association  
20863 Stevens Creek Boulevard #250  
Cupertino, CA 95014  
408.873.1599  
[www.tcaa.org](http://www.tcaa.org)

Small Claims Court  
14205 Capri Drive  
Los Gatos, CA 95032  
408.370.4440  
[www.scservice.org](http://www.scservice.org)

Senior Adults Legal Assistance (SALA)  
Central County Office  
160 East Virginia Street, Suite 260  
San José, CA 95112  
408.295.8770  
[www.sala.org](http://www.sala.org)

Housing Authority  
505 West Julian Street  
San José, CA 95110  
408.275.8770  
[www.hacsc.org](http://www.hacsc.org)

Santa Clara County Bar Association  
Lawyer Referral Service  
4 North Second Street, Suite 400  
San José, CA 95113  
408.287.2557  
[www.sccba.org](http://www.sccba.org)

## Other assistance contact:

Housing Service Partnership  
2112 South Monterey Road  
San José, CA 95112  
408.271.0238