

RENTAL RIGHTS AND REFERRALS

TENANTS AND LANDLORDS HAVE RIGHTS AND RESPONSIBILITIES

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 RENT INCREASES

The City of San José Housing Code includes a rental dispute mediation and arbitration ordinance that does not allow:

- a rent increase of more than 8% one time per year, **OR**
- more than 21% when the last rent increase was more than 24 months ago

Exceptions are possible if tenants do not object to such increases and in cases where landlords have made certain improvements or upgrades that can be documented via bills and receipts.

The Rental Dispute Mediation and Arbitration Ordinance applies to:

- a triplex, four-plex, or larger complex built before **September 7, 1979**

Rent control **does not** apply to:

- condominiums, duplexes, townhomes or single-family residential units
- units with rent that is fully or partially paid for by a federal subsidy
- units built after September 7, 1979.

2 TENANTS RIGHTS

If a tenant lives in a unit covered by the Rental Dispute Mediation and Arbitration Ordinance and feels that the rent has been unfairly increased or rights have otherwise been violated, tenants can file a petition to challenge the rent increase with the Rental Rights and Referrals Program. Tenants have **at least 10 days** (with some exceptions) after receiving written notice of a rent increase to file the petition. For more information call **408.975.4480**. See *Section 17.23.250 of the Apartment Rent Ordinance*.

Additional reasons to file a petition:

- a reduction in services in the last twelve months without a corresponding reduction in rent (this is considered a type of rent increase)
- health and safety violations, as documented by the City of San José Code Enforcement
- following a "No Cause" eviction, initial rent to the new tenant may not be raised more than the amount allowed under the Rental Dispute Mediation and Arbitration Ordinance

3 A FAIR AND EFFECTIVE REMEDY . . . MEDIATION

Mediation is one of the best alternatives for resolving differences in a fair and equitable way. The City of San José provides mediation services to assist tenants and landlords with the negotiation process.

For more information call **408.975.4480** or visit our website at www.sjhousing.org

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

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

Asian Law Alliance
184 Jackson Street
San José, CA 95113
408.287.9710
www.asianlawalliance.org

Legal Aid Society, Housing Project
480 North First Street
San José, CA 95113
408.283.1540
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

Project Sentinel
430 Sherman Avenue #308
Palo Alto, CA 94306
408.287.4663
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

Tri-County Apartment Association
20863 Stevens Creek Blvd, #250
Cupertino, CA 95014
408.873.1599
www.tcaa.org

Small Claims Court
1095 Homestead Road
Santa Clara, CA 95050
408.370.4440
www.scservice.org

Senior Adults Legal Assistance (SALA)
Central County Office
160 East Virginia Street, Suite 260
San José, CA 95112
408.295.5991
www.sala.org

Housing Authority
505 West Julian Street
San José, CA 95110
408.275.8770
www.hacsc.org

Santa Clara County Bar Association
Lawyer Referral Service
31 North Second Street, 4th Floor
San José, CA 95113
408.287.2557
www.sccba.org

Santa Clara County Office of Human
Relations
2310 North First Street, Suite 104
San José, CA 95131
408.792.2300
www.sccgov.org

Hassle Free Process Service
1160 Homestead Road
Santa Clara, CA 95050
408.379.4700
www.hasslefreeprocess.org

Self Service Center
99 Notre Dame
San José, CA 95113
408.882.2926
www.scservice.org

Other assistance contact:

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



Housing

2k/3.09

RENTAL RIGHTS AND REFERRALS

UNITS COVERED UNDER RENT CONTROL - "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" NOTICES FOR RENT CONTROLLED UNITS

As of January 1, 2003, landlords of **rent-controlled** units in the City of San José may serve tenants one of the following notices to vacate.

- A. For tenants in residence for one year or more a landlord may:
- Issue a **90-day** "No Cause" notice in a slow rental market, or **120-day** "No Cause" notice in a tight rental market. The City of San José Housing Director will publish a market condition report on May 1st and November 1st of each year.
** A tight rental market exists when the citywide vacancy rate is less than 3%.*
 - Issue a 60-day "No Cause" notice along with an offer allowing the tenant to choose to have the final date of the lease eviction determined by an arbitrator.
 - Serve the tenant a "3-day" notice to correct a violation of the lease or vacate the premises in accordance with State law. The ordinance does not prevent a landlord from evicting a tenant if the tenant is in violation of the terms of the lease.
- B. Tenants who have lived in the units for less than one-year may be served a 30-day "No Cause" notice, consistent with State law.
- C. Certain homes that are on the market (the owner is attempting to sell the property) are exempt from the rent control ordinance requirements to serve 90 and 120 day notices. State law covers termination of tenancies in such units. **

2 THE PROCESS FOR ACCEPTING AN ARBITRATION OFFER

- A. When a tenant accepts the offer to arbitrate, the tenant must submit a **written acceptance** of the arbitration offer to the City within five business days after receiving the 60-day notice to vacate.
- Deliver or send the written acceptance to:
City of San José - Housing
Rental Rights and Referrals
200 East Santa Clara Street
San José, CA 95113
 - Both the landlord and tenant must participate in the arbitration.
 - Tenant acceptance of the arbitration process voids the 60-day notice.
 - The arbitration process will determine the actual termination of the tenancy which may be between 60 and 120 days from the original notification date.
- B. The tenant may decline to use the City of San José arbitration process. In this case, the 60-day notice stands and the tenant will be required to vacate within the 60-day period.

For more information call 408.975.4480 or visit our website at www.sjhousing.org

**Rental market conditions will be published as a legal notice in the San José Mercury News and is also available at 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.*

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

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

Asian Law Alliance
184 Jackson Street
San José, CA 95113
408.287.9710
www.asianlawalliance.org

Legal Aid Society, Housing Project
480 North First Street
San José, CA 95113
408.283.1540
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

Project Sentinel
430 Sherman Avenue #308
Palo Alto, CA 94306
408.287.4663
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

Tri-County Apartment Association
20863 Stevens Creek Blvd, #250
Cupertino, CA 95014
408.873.1599
www.tcaa.org

Small Claims Court
1095 Homestead Road
Santa Clara, CA 95050
408.370.4440
www.scsselfservice.org

Senior Adults Legal Assistance (SALA)
Central County Office
160 East Virginia Street, Suite 260
San José, CA 95112
408.295.5991
www.sala.org

Housing Authority
505 West Julian Street
San José, CA 95110
408.275.8770
www.hacsc.org

Santa Clara County Bar Association
Lawyer Referral Service
31 North Second Street, 4th Floor
San José, CA 95113
408.287.2557
www.sccba.org

Santa Clara County Office of Human
Relations
2310 North First Street, Suite 104
San José, CA 95131
408.792.2300
www.sccgov.org

Hassle Free Process Service
1160 Homestead Road
Santa Clara, CA 95050
408.379.4700
www.hasslefreeprocess.org

Self Service Center
99 Notre Dame
San José, CA 95113
408.882.2926
www.scsselfservice.org

Other assistance contact:

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



Housing

2k/3.09

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 NON-RENT CONTROLLED UNITS

The law regarding evictions for **non-rent controlled** units is largely set forth in State statutes. Effective July 1, 2003, the City of San José implemented 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**.

As of July 1, 2003, landlords are required to extend an offer to attend non-binding **mediation**, if they serve tenants, residing in a unit for one year or longer, 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

**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

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

Asian Law Alliance
184 Jackson Street
San José, CA 95113
408.287.9710
www.asianlawalliance.org

Legal Aid Society, Housing Project
480 North First Street
San José, CA 95113
408.283.1540
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

Project Sentinel
430 Sherman Avenue #308
Palo Alto, CA 94306
408.287.4663
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

Tri-County Apartment Association
20863 Stevens Creek Blvd, #250
Cupertino, CA 95014
408.873.1599
www.tcaa.org

Small Claims Court
1095 Homestead Road
Santa Clara, CA 95050
408.370.4440
www.scsselfservice.org

Senior Adults Legal Assistance (SALA)
Central County Office
160 East Virginia Street, Suite 260
San José, CA 95112
408.295.5991
www.sala.org

Housing Authority
505 West Julian Street
San José, CA 95110
408.275.8770
www.hacsc.org

Santa Clara County Bar Association
Lawyer Referral Service
31 North Second Street, 4th Floor
San José, CA 95113
408.287.2557
www.sccba.org

Santa Clara County Office of Human
Relations
2310 North First Street, Suite 104
San José, CA 95131
408.792.2300
www.sccgov.org

Hassle Free Process Service
1160 Homestead Road
Santa Clara, CA 95050
408.379.4700
www.hasslefreeprocess.org

Self Service Center
99 Notre Dame
San José, CA 95113
408.882.2926
www.scsselfservice.org

Other assistance contact:

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



Housing

1k/3.09

RENTAL RIGHTS AND REFERRALS

MOBILEHOME OWNERS' AND PARK OWNERS' HAVE RIGHTS AND RESPONSIBILITIES

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

1 KNOW THE LAW REGARDING RENT INCREASES

The Mobilehome Rent Ordinance, set by the City of San José, allows annual rent increases between three and seven percent, based on seventy-five percent of the Consumer Price Index (CPI). A rent increase is allowed only once every 12-months. A notice to raise the rent must be issued 90 days in advance of the increase, as required in Section 798.30 of the California Civil Code (*see Mobile Residency Law below*).

The maximum annual percentage increase, effective October 1st of each year, can be found on the City of San José website: www.sjhousing.org/program/rentdisp.html

2 MOBILEHOMES COVERED UNDER THE ORDINANCE

The Mobilehome Rent Ordinance applies to a mobilehome lot that was issued plumbing, electrical or sewer permits prior to September 7, 1979.

The ordinance does not apply to:

- Lots that received plumbing, electrical and sewer permits after September 7, 1979.
- Spaces owned, operated, or subsidized by a government agency - units that are subsidized by the Housing Assistance Payment Program.

A mobilehome owner resident, who has voluntarily signed a long-term lease agreement, is exempted from the ordinance for as long as the long-term lease is in effect. This applies to rental agreements exceeding 12-months, used for the personal residence of the mobilehome owner, and entered into on or after January 1, 1986. The first paragraph of the rental agreement must contain a provision notifying the mobilehome owner that by entering into the rental agreement the lot will be exempt from the protection of the Mobilehome Rent Control Ordinance for the duration of the rental agreement.

3 MOBILEHOME OWNER RIGHTS

The Mobilehome Residency Law is a state law that governs mobilehome parks. This law focuses on park owner and park resident matters. The park owners must provide mobilehome residents with a copy of this document by February 1st of each year. The Mobilehome Residency Law is available on the State Legislature's website: www.hcd.ca.gov and can be found in Section 798 of the California Civil Code. If you have not received a copy of the Mobilehome Residency Law, please ask your park manager to provide you a copy.

For information on State law, please contact the Mobilehome Ombudsman Office at 800.952.5275. For additional advise on State law, which is outside the scope of the City ordinance, please consult the referral list on the reverse side.

Building Relationships in Rental Communities

REFERRALS AND RESOURCES

Statewide health and safety concerns

Housing and Community Development
P.O. Box 31
Sacramento, CA 95812-0031
800.952.5275 or 916.323.9801
www.hcd.ca.gov

Statewide mobilehome resources

Department of Fair Employment & Housing
111 North Market Street, Suite 810
San José, CA 95113-1102
800.884.1684 or 408.277.1277
www.dfeh.ca.gov

Mobilehome associations

California Mobilehome Resources &
Action Association (CMRAA)
P.O. Box 7468
San José, CA 95150-7468
408.244.8134 www.cmraa.org

Golden State Manufactured-Home Owners
League (GSMOL)
P.O. Box 876
Garden Grove, CA 92842
1.800.888.1727 www.gsmol.org

Manufactured Housing Educational Trust (MHET)
300 South First Street
San José, CA 95128
408.294.1474

Western Manufactured Housing Communities
Association (WMA)
455 Capitol Mall, #800
Sacramento, CA 95814
800.669.8847 www.wma.org

Mediation and/or negotiating services

Dispute Resolution Program
2310 North First Street, Suite 104
San José, CA 95131
408.792.2327
www.sccgov.org

Legal Aid Society, Housing Project
480 North First Street
San José, CA 95113
408.283.1540
www.legalaidsociety.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

Court information

Small Claims Court
1095 Homestead Road
Santa Clara, CA 95050
408.370.4440
www.scsselfservice.org

Superior Court of California
191 North First Street
San José, CA 95113
408.882.2100
www.sccsuperiorcourt.org

Unfair housing practices and leases

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

Project Sentinel
430 Sherman Avenue, Suite 308
Palo Alto, CA 94306
408.287.4663 www.housing.org

Senior Adults Legal Assistance (SALA)
Central County Office
160 East Virginia Street, Suite 260
San José, CA 95112
408.295.5991 www.sala.org

Mobilehome Ordinance Questions

Rental Rights & Referrals Program
200 East Santa Clara Street
San José, CA 95113
408.975.4480 www.sjhousing.org

Other assistance

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

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please contact the Housing Department at 408.535.3860 or 408.294.9337 (TTY) as soon as possible, but at least three business days before the meeting/event.