



City of San José Department of Housing

Tenant Protection Ordinance

Know Your Rental Rights Workshop

March 2, 2018



Who is Covered?



Apartment Rent
Ordinance
apartments



All other
properties
Multiple
Housing
Dwelling



Unpermitted
Units



Guesthouses

Who is Not Covered?



Single family homes &
second units



Duplexes



Condos for sale



Townhouses

What Protections does TPO Offer

1 Requires noticing to Tenant and Rent Stabilization Program

2 One of the 12 just cause reasons must serve as the basis of the notice of termination

The screenshot shows a web form titled "Form Center" for an "Online Notice of Termination of Tenancy". At the top, there is a search bar for forms and a "Sign In to Save Progress" button. Below this is a yellow informational banner about account creation. The form is divided into several sections: "RENTAL PROPERTY INFORMATION" with fields for House Number, Street Name, Street Type (a dropdown menu), Apt/Unit #, and Zip Code; "JUST CAUSE FOR EVICTION OR TERMINATION OF TENANCY" with a note about listing just causes and a dropdown menu to select one; "Date of Notice of Termination of Tenancy" with a date input field; "COPY OF NOTICE OF TERMINATION OF TENANCY" with a file upload button and a "No ...sen" option; "SIGNATURE" with a declaration text and input fields for First Name, Last Name, Address1, and Address2.

List of Just Cause Terminations

1. Nonpayment of rent
2. Material or habitual lease violation
3. Damage to the apartment
4. Refusal to sign a new agreement
5. Nuisance behavior
6. Refusal of access to the apartment
7. Unapproved holdover subtenant
8. Substantial rehabilitation
9. Ellis Act removal
10. Owner move-in
11. Order to vacate
12. Convert an unpermitted apartment for permitted use



**Requires
Relocation
Assistance**

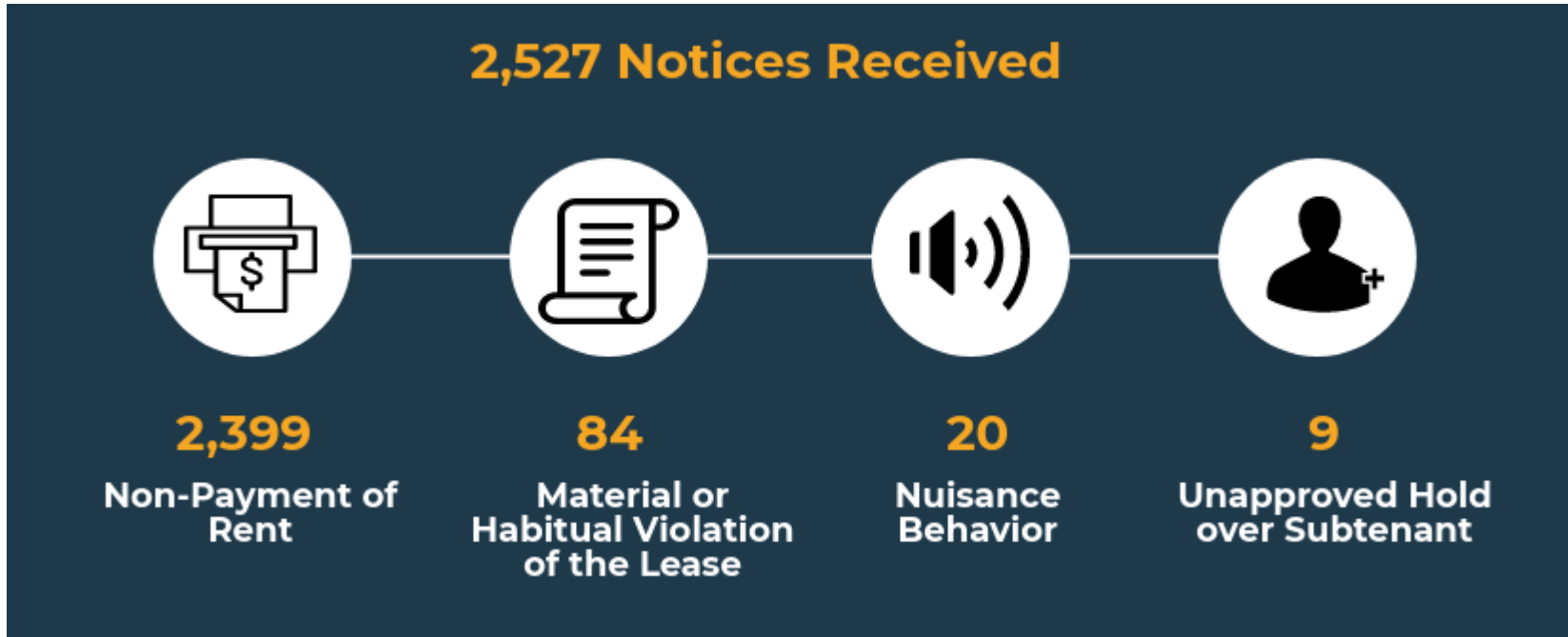
Relocation Assistance

- Relocation assistance must be paid when a tenant is being removed from an apartment for reasons 8-12.
- For #9 Ellis Act Removal, additional benefits include Qualified Assistance and Special Assistance.

Base Relocation Assistance

Studio	1 BR	2BR	3BR
\$6,925	\$8,400	\$10,353	\$12,414

Just Cause Termination Notices Received



From the Rent Stabilization Quarterly Report (July 1, 2017-December 31, 2017)

#2: Material or Habitual Lease Violation

- After a **written notice**, tenant continues to commit habitual violations of the rental agreement.
- Include dependent child, foster child, minor in the tenant's care, spouse or domestic partner, or parent of a tenant under **exempted categories** of additional family members
- **Maximum occupancy limit** for adults to the number allowed by the rental agreement or two adults per bedroom, whichever is greater



#4: Refusal to Sign New Lease Agreement

The tenant **refuses to agree** to a new substantially identical rental agreement after the expiration of the prior rental agreement.



#5: Nuisance Behavior

After receiving a **written notice to cease**, the tenant continues to cause nuisance (including a violation of state or federal law) that destroys the peace or safety of the landlord or other tenants.



#7: Unapproved Holder Subtenant

The subtenant was **not approved** by the landlord and is **holding over** at the end of the term of rental agreement.



#8: Substantial Rehabilitation

- Costly repairs that dislocate tenants for **30 days or more**
- Repairs cost 10 times the amount of the monthly rent times the number of rental units
- Right to return with **same rent**



#10: Owner Move-in

- The owner wants to recover possession so that the **owner or an authorized family member of the owner**, including the spouse, domestic partner, parent(s), child or children, brother(s), sister(s), can move into the recovered apartment.
- Owner or authorized family member must **live in the unit for at least 36 consecutive months** starting within three months of vacancy.



#11: Order to Vacate

Landlord wants to **recover possession to comply** with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action.



Contact Information

Charles Oshinuga

Deputy City Attorney

Charles.Oshinuga@sanjoseca.gov

Sign up for email updates or submit questions or comments to staff by sending email to

RSP@sanjoseca.gov