



City of San José Department of Housing

Apartment Rent Ordinance: Petition Process

Know Your Rental Rights Workshop

March 2, 2018



Types of Petitions



Tenant Petition



Landlord Petition



Joint Petition

Tenant Petitions

- Only a member of a Tenant Household may submit a petition
- Tenant Household means all Tenant(s) who occupy any individual Rental Unit, and each minor child of any Tenant whose primary residence is the Rental Unit

Types of Tenant Petitions



**Improper Rent
Increase**



**Housing Service
Reductions or
Housing Code
Violations**



**Violation of
the ARO**

Improper Rent Increase or Improper Pass Through of Charge



Tenant Petition

- To allege a rent increase in violation of the ARO
- To contest fee/charge as unauthorized or excessive pass through

Allowable Fees



Replacement Fees

Can't exceed
actual cost + \$10



Bounced Check Fees

\$25 first check;
\$35 subsequent check



Late Payment Fees

5% of monthly rent
that is at least 3 days
late



Application Screening Fees

\$47.72 (2017) &
increases by CPI per
year

Housing Service Reductions or Housing Code Violations



Tenant Petition

To request a reduction in Rent based on a reduction of Housing Services or a violation of the City's Housing Code.

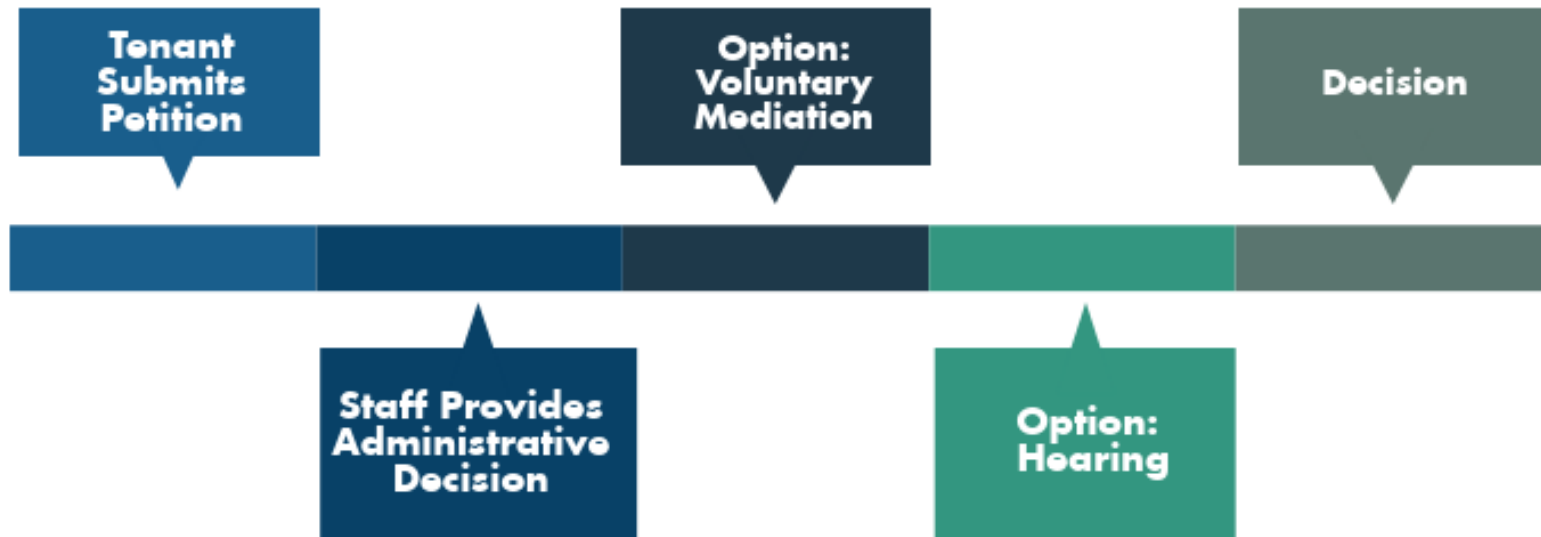
Violation of the ARO

To allege any other violation of the ARO.

Tenant Petition Process



Tenant Petition



Landlord Petitions

- Landlords whose units are subject to ARO may submit a petition

Types of Landlord Petitions:



Fair Return



**Specified Capital
Improvement**

Fair Return



Landlord Petition

To request a rent increase in excess of the annual general increase to obtain a fair return.



Specified Capital Improvement



Landlord Petition

To request the ability to pass through a portion of the cost of a Specified Capital Improvement that is listed in Appendix B in Regs

- Only permitted to pass through amortized cost to tenant
- Capped at 3% of the monthly rent of the affected unit(s)
- It is not considered rent. Decontrol = expiration of charge.



Joint Petitions

Types of Joint Petitions:



**Payment of
One-time Fee**



**Additional Rent
Increase Up to
5% for Additional
Tenant**



**Second
Parking Space
Fee**

Joint Petition Process

- Tenant and landlord file together
- Landlord's Agent can provide consent via signature in lieu of the owner



New or Additional Housing Service



Joint Petition

- New/additional housing service must have been expressly prohibited in lease
- Results in a one time fee or increase in security deposit, neither of which is considered rent
- Cannot exceed 5% of the rent

Adding Additional Tenants to the Household



Joint Petition

- Additional occupants must be prohibited in a written lease agreement.
- Results in a Rent Increase up to 5%. Increase expires if the additional tenant vacates the unit.
- Increase does not apply where additional tenant is the Tenant's spouse, domestic partner, parent, dependent or foster child or minor child in Tenant's care.

Second Parking Space



Joint Petition

- Only applicable where one parking space is reserved for the tenant in a written rental agreement.
- Fee cannot exceed \$50 a month.



Contact Information

Rachel VanderVeen

Program Manager

Rachel.Vanderveen@sanjoseca.gov

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

RSP@sanjoseca.gov