



# B - Notice to Tenant of Intention to Withdraw Rental Units from the Rental Market (SJMC 17.23.1140)

This form provides the landlord's eviction notice to the tenant.

### Tenants' Rights to Return and the Re-control of Rents (SJMC 17.23.1170-90)

I/(We) am/(are) hereby notifying you that pursuant to the City of San José Municipal Code Part 11 to Chapter 17.23, the rental unit where you reside is intended to be withdrawn from the rental market on \_\_\_\_/\_\_\_\_/\_\_\_\_ (FILL IN DATE).

I (we) hereby notify the tenant/s and City of San José of my (our) intention to evict all tenants and withdraw from the rental market and rental housing use \_\_\_\_\_ (number of units) rental units which are located on the property described below.

Assessor's Parcel Number(s) (APN): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

### Property Address:

Property Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

### Tenant Information:

Tenant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Tenant Email Address: \_\_\_\_\_

### Owner/Agent Information:

Owner Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Agent Name: \_\_\_\_\_ Date of Ownership: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

**Not less than 10 days from the date when this notice is delivered to the tenant, the owner must file this form with the City of San José, Rental Rights and Referrals Program at the address listed below.**

1. I/(We) will file with the Rental Rights and Referrals Program of the City of San José, the required Notice of Intent to Withdraw Rental Units and have recorded with the Recorder's office the Notice of Intent to Withdraw Rental Units from the Market.
2. The following information regarding the rental units where you reside has been filed with the City of San José:
  - a. The address and legal description of the property where the unit is located.
  - b. Your name and the name of any other tenant(s) residing in the unit.
  - c. The rent for the unit.

3. The City's Ordinance provides you with the right to return. **If you are interested in re-renting the unit** if it is re-offered for rent at some future time, **you must notify me/(us) in writing within thirty (30) days** of the date when you receive this notice and you must notify me/(us) in writing of all your future address changes. You are also encouraged to send copies of any future address changes to the Rental Rights and Referrals Program at City of San José, 200 East Santa Clara St., San José, CA 95113.
4. You are entitled to base assistance. You may qualify for additional assistance. If you are **62 years of age or older, terminally or catastrophically ill, or disabled and have lived in the dwelling unit for one year or more prior to this notice**, you are entitled to advanced notice of one (1) year. If the tenant household includes **a minor enrolled in school** who is 18 years or younger, you are entitled to an extension of the noticing period through the school year plus 60 days. To receive this extension, you must notify me (us) **in writing** of your entitlement **within sixty (60) days of receipt of this notice. The form should be enclosed in a pre-paid envelope to both me and to the Housing Department.**
5. If the household information provided is incorrect, you may provide any corrections in writing **within thirty (30) days.**
6. Relocation fees vary by household status: See attached guideline to ascertain the amount of relocation fees you are entitled to receive. Please contact the City of San José at (408) 975-4480 for assistance in verifying the relocation fee amount.
7. If your household meets the criteria of a Qualified Assistance Tenant Household, please *contact me/(us) immediately* and provide evidence of qualification so that I/(we) may provide you with the correct relocation fee payment.
8. If the unit is re-offered for rent **within** two (2) years from the effective date of the withdrawal:
  - a. Owner must provide a report to the City 120 days prior to re-renting regarding the status of tenant notification of the right to return and the lists of tenants not found/contacted;
  - b. Owner must provide 30-days written notice to the City prior to re-renting;
  - c. Unit must be offered at the same rent plus annual increases of the date of withdrawal plus any annual general adjustments that would have applied if the unit had not been withdrawn.
  - d. If the tenant provided written notice pursuant to Number 4, tenant will receive at the last address which was provided, by certified or registered mail, postage prepaid, a notice of the right to return to re-rent the unit. Tenant will have at least thirty (30) days within which to accept the offer by personal service or registered mail.
  - e. If the right to return is not provided to tenant, he/she may file a civil action in court to recover punitive damages.
  - f. Within three (3) years of displacement, Tenant may file a civil action in court to recover the actual damages which were proximately caused by the displacement and punitive damages, per Sections 7262 and 7264 of the California Government Code.
  - g. Within three (3) years of displacement, the City may file a civil action for exemplary damages for each of the withdrawn units.
9. If the unit is re-offered for rent less than five (5) years from the effective date of withdrawal
  - a. Unit must be offered at the same rent as of the date of withdrawal plus any annual general adjustments that would have applied if the unit had not been withdrawn and re-rented units will be subject to City rent stabilization ordinance.
  - b. If tenant provided written notice pursuant to Number 4, tenant will receive at the last address which you have provided, by certified or registered mail, postage prepaid, a notice of the right to return to re-rent the unit. Tenant will have at least thirty (30) days within which to accept the offer by personal service, registered mail, email or by phone.
10. If the unit is re-offered for rent less than ten (10) years from the effective date of withdrawal:
  - a. Owner must provide one hundred twenty (120) days written notice to the City and tenant(s) of the intent to re-offer withdrawn rental units.

- b. If the right to return is not provided to the Tenant at the last address which the Tenant has provided, by certified or registered mail, postage prepaid, the Tenant may file a civil action in court to recover punitive damages in an amount not to exceed six months' rent.

11. New units constructed on the property and rented within five years will be subject to the City rent stabilization ordinance after initial rent is set, but there is no right to return to the new units for existing Tenants.

Attached to this notice, please find:

- A. Form C – “Notice to Tenant of Right to Extend Tenancy and Tenant Qualification for Relocation Assistance Related to Owner Intent to Withdraw Rental Units from the Rental Market” to be completed and mailed in two separate envelopes, one for the City of San José and one for the owner.
- B. Form E – “Relocation Assistance Payment Information Sheet” for reference.

***Declaration:***

I (we), owner(s) of the above described property, declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including attached documentation, are true, correct and complete.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name of Owner: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name of Owner: \_\_\_\_\_