

City of San José
Rental Rights and Referrals Program
 200 E. Santa Clara Street, 12th Floor

(408) 975-4480
 www.sjhousing.org



Tenant Opposition Statement to Fair Return Petition (Interim)

Adopted September 16, 2016

Note: Before completing this application, contact the Rental Rights & Referrals Program to ensure you are using a current version of the form. Review the instructions attached to this Tenant Opposition Statement carefully before attempting to complete this Tenant Opposition Statement. You may also amend your application.

Box 1 Tenant Information

Name: _____ Home Phone: (_____) _____

Cell Phone: __ (_____) _____ Work Phone: (_____) _____

Address (include Unit Number): _____

Email: _____

The best way to contact me is: _____

Box 2 Designated Representative (Tenant's Authorized Representative)

I authorize _____ as my representative. He/She may provide, request, receive information/evidence/testimony, negotiate, sign on my behalf on matters in this dispute, and should be placed on the mailing list. (Correspondence will be sent to your representative)

Representative Name: _____ Phone: (_____) _____

Address: _____

Email: _____

Please complete and return within 21 days of the date of the City's Notice of Completeness to the Rental Rights and Referrals Program at 200 E. Santa Clara St. San José, CA 95113.

Box 3 Petition & Notice Information

I received a notice from my Landlord of a petition (Fair Return Petition Notice) for rent increase on this date:

Yes No I received a notice that the Landlord's petition was complete and available for review at City Hall. (City Complete Notice)

Yes No I have filed a service reduction petition with the City's Rental Rights & Referrals Program.

Box 4 Tenancy Information

Date I moved into this apartment: _____

List any other units on the property your household has occupied and the dates:

Yes No Did you sign a written rental agreement or lease? If yes, please provide a copy of your lease if you have one.

Box 5 Rent Information

Current monthly rent: _____ Date of Last Rent Increase _____

List any other fees that your Landlord charges in addition to rent and when those fees last increased:

Garbage Parking Utilities (Gas/Water) Pet Rent/Pet Deposit Storage

Other: _____ Date of last fee increase: _____

My Landlord reduced my rent by \$ _____ because I provide the following services:

I am the on-site manager I provide maintenance Other: _____

Box 6 Opposition Grounds (complete A or B)

A. I am filing before I have reviewed the landlord's petition. I understand that I must amend this petition to complete Section B and attach documents within 21 calendar days of the City Complete Notice.

B. I plan to oppose the landlord's petition for the following reasons:

- The income is incorrect because some or all of the rents shown are incorrect.
- The income is incorrect for other reasons.
- Some or all of the expenses shown are incorrect or were not incurred at the time stated.
- Some or all of the improvements or repairs listed were not completed.
- Some or all of the improvements or repairs listed were needed only because prior work was delayed or was substandard.

If the landlord checked the "Base Year Challenge" box on the Fair Return Petition Notice and your Notice, saying the 2014 Base Year Net Operating Income will be challenged AND you were a tenant on the property in 2014:

- The 2014 rents were not unusually low.
- The 2014 expenses were not unusually high.
- Some or all of the 2014 expenses were due to intentionally deferred maintenance and repairs.
- The building had housing code or other violations of the Ordinance in 2014.
- Some or all of the 2014 substantial capital improvements claimed did not improve housing services.
- The property did not have the claimed quality, amenities and condition in 2014.

You must provide proof (documentation) supporting your claims to the Rental Rights & Referrals Program within 21 calendar days of the date of the City Complete Notice.

Box 7 Declaration

Declaration:

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

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Questions? Contact Us:

The City of San José Rental Rights & Referrals Program is available to answer your questions at **408-975-4480** during normal business hours: Monday - Friday, 8:00 a.m. to 5:00 p.m., although no member of the staff can or will give legal advice to the public. You can also visit the City's website at www.sanjoseca.gov.

Para residentes que hablan español: Si desea mas información, favor de llamar a Theresa Ramos al 408-975-4475.

Riêng đối với quý vị nói tiếng Việt : Muốn biết thêm chi-tiết, xin vui lòng tiếp xúc với Therese Tran, Đ.T. 408-793-5349.

對於 華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。 粵語的居民則請撥打 408-975-4425 與 Yen Tiet 聯絡。

Para sa mga residente na ang wika ay tagalog: Kung kinakailangan pa ninyo ng inpormasyon, tawagan si Arlene Silverio sa 408-793-5542. Salamat Po.

Instructions: Tenant Opposition Statement

Submission & Petition Process

After the landlord files the petition with all supporting documentation to the City's Rental Rights & Referrals Program (RRRP), the RRRP will issue a City Complete Notice and schedule a Hearing on the petition. The RRRP will notify you directly by mail at your unit of the date, time and location of the Hearing. All evidence filed by the landlord will be available for inspection at City Hall during business hours. Based on the evidence, the Hearing Officer may approve or deny rent increases.

Tenants are encouraged to review the Landlord's petition and evidence as soon as possible. Tenants may file and/or amend their opposition statement and supply additional documents to RRRP until 21 calendar days after the date of the City Complete Notice.

Tenants who submit an opposition form should provide and present evidence to support their claims in the opposition statement. Please submit copies to the RRRP within 21 days after the City Complete Notice, and bring originals to the Hearing. Tenants may have an attorney or other representative at the Hearing.

Tenant Statement

Box 1 Tenant

Complete Box 1 with the name, mailing address, email and telephone number(s) of the tenant. Specify the most reliable means of contacting the tenant regarding his/her opposition statement.

Box 2 Designated Representative

Complete Box 2 *only* if someone other than the tenant is attending the hearing on the tenant's behalf and will be authorized to act on the tenant's behalf. The tenant's representative could be an attorney, accountant, a person affiliated with a tenant, a translator, or any other person of the tenant's choosing. The City will send you a Designated Representative form that must be completed if the Tenant is using a Designated Representative. If the tenant wishes to represent him or herself, please write "None" in this box.

Box 3 Petition & Notice Information

List the date that the Landlord provided you with the notice that a fair return petition was filed. Indicate whether or not you were made aware that the documents were available for you to review, and whether or not you have filed a service reduction petition for this apartment with the Rental Rights & Referrals Program.

Box 4 Tenancy information

Complete Box 4 with the date the tenant's household moved into the unit, list any other units the tenant's household occupied on the landlord's property, and whether the tenant signed a rental agreement or lease. Please attach a copy of the tenant's rental agreement or lease, if available, along with tenant's opposition statement.

Box 5 Rent information

Complete Box 5 with the tenant's current rent, list all fees the landlord charges the tenant on top of the rent for the unit and whether tenant performs a service to the landlord for a rent reduction or abatement.

Box 6 Opposition grounds

Complete Box 6 by selecting either A or B.

Section A: Check this box if you have not yet reviewed the Landlord's petition, but plan to. If you select this box, you understand that you must amend your petition after reviewing the Landlord's petition to complete Section B. To amend this form, fill out this form again. Include your name, address, and complete Section B. Check "Amending Prior Form" on the top of Page 1.

Section B: This section applies to the reasons for why you are opposing the landlord's petition. Please also check the appropriate boxes if the landlord's petition challenges the 2014 Base Year Net Operating Income (see "Notice to Tenant of Rent Increase Petition," "BASE YEAR CHALLENGE"). If you need to amend this form to include new information fill out this form again. Include your name, address, and complete Section B. Check "Amending Prior Form" on the top of Page 1.

Box 7 Declaration

In order for an opposition statement to be accepted for filing, this declaration must be signed without alteration. Any forms that are unsigned, signed with alteration in the declaration, or signed with the wrong name, will not be accepted.