

# 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 (SJMC 17.23.1140, SJMC 17.23.1160)

The landlord must provide this form to each tenant. The tenant must notify the landlord and the City of tenant's qualification to extend tenancy and/or eligibility for additional relocation assistance within 60 days of receipt. Tenant may also supply corrections to the notice of intent within 30 days of receipt.

In accordance with the State's Ellis Act, the City of San José requires owners to allow certain tenants to extend their tenancy beyond the minimum one hundred twenty (120) day notice period when a landlord intends to withdraw the dwelling unit from the residential market. Those 62 years or older, disabled, or terminally or catastrophically ill and households with a child enrolled in kindergarten through 12th grade may be eligible for extended tenancies if requested. Also, tenants may submit information that qualifies the tenant household for additional relocation benefits as well as correct any incorrect tenant household information on the Notice of Intent to Withdraw by using this form.

Tenants must fill out Section II.

## SECTION I - FOR LANDLORDS

Assessor's Parcel Number(s) (APN):	 			 <b>-</b>	
	 			 <del>-</del>	
Property Address:					
Property Address:					
City, State & Zip Code:					
Owner/Agent Information:					
Owner Name:		Phone: (	)		
Agent Name:		Date of Ov	vnership:		
Mailing Address:					
City, State & Zip Code:					
Email:					

Based on the owner's intent to withdraw rental units from the rental market, each tenant household living in a rental unit is entitled to receive notice of and access to an application for all vacant residential rental unit(s) owned by the Owner and located within the City of San José. Withdrawal of less than an entire building is not allowed.

#### Tenants are entitled to:

- A. Notice of owner's intent to withdraw rental units from the rental market no less than one hundred twenty (120) days before the date of withdrawal; and
- B. Relocation assistance benefits.

#### The owner is required to:

- A. Owner is required to provide information related to the tenant's option to extend tenancy to households that qualify for Qualified Assistance;
- B. Owner must correct or supplement information included in the notice of the owner's intent to withdraw rental units from the rental market;
- C. Deposit Base Assistance into an escrow account at a bank located in the City of San José or commercial escrow company when the notice of intent to withdraw rental units from the rental market is delivered to tenants; and
- D. If a tenant household qualifies for Qualified Assistance, the owner is required to deposit any additional funds in the same escrow account after the Tenant Qualification Form has been verified by the Rental Rights and Referrals Program.

In lieu of Base or Qualified Assistance a tenant may voluntarily accept an offer of alternate Rent Stabilized Unit (City of San José Municipal code 17.23.1151). This means the owner may offer another Rent Stabilized Unit to tenant that is substantially similar to tenant's current lease, rent and continuance of tenancy in accordance with California Civil Code Section 1945. All tenants on the existing rental agreement must agree in writing. If, after inspection of the alternate Rent Stabilized Unit, it is not acceptable, the tenant may decline continuance of tenancy and entitlement to all additional Relocation Assistance, including Base and Qualified Assistance.

The owner must also refund to tenant any security deposit paid by the tenant with any interest due. The owner may withhold properly itemized deductions from the security deposit under California Civil Code Section 1950.5 as amended.

# **SECTION II – FOR TENANTS: Tenant Qualification Information**

Tenant Name:	Phone: ()
Mailing Address:	
City, State & Zip Code:	
Email:	
Tenant Right to Extend Tenancy ar To extend tenancy based on the crite	nd Tenant Qualification: ria noted below, the form must be completed and returned (in the prepaid
postage provided) to the owner and C Withdraw (SJMC 17.23.1160). (The o	City within sixty (60) days of the delivery to the City of the Notice of Intent to owner is required to provide prepaid postage with this form for tenant's use to City of San José Rental Rights Referral Program.)
	unit at least one year prior to the date of the delivery to the City of the Notice of ed to request an extension of tenancy based on, one of the following:
☐ 62 years old or older and re-	quests extension of tenancy up to one (1) year;
Disabled (as defined in Califup to one (1) year;	fornia Government Code Section 12955.3) and requests extension of tenancy
☐ Terminally or catastrophical	ly ill and requests extension of tenancy up to one (1) year; or
	een (18) enrolled in school (kindergarten up to 12 grade) and requests an h the scholastic year, plus 60 days.

## Tenant Household Correction or Supplemental Information:

To correct tenant household information on the owner's notice, the form must be completed and returned (in the prepaid postage provided) to the owner and City within thirty (30) days of the delivery to the City of the Notice of Intent to Withdraw (SJMC 17.23.1140 (D)). (The owner is required to provide prepaid postage with this form for tenant's use to return the forms to the owner and the City of San José Rental Rights Referral Program.)

# Tenant Household Qualification for Relocation Assistance:

Complete and return this form (using the prepaid postage provided) to both the owner and the City (SJMC 17.23.1150 (C)). The owner is required to provide prepaid postage with this form for tenant's use to return the forms to the owner and the City of San José, Rental Rights and Referrals Program.

listed, as adjus	as defined in the California Health and Safety Code Section 50079.5, as amended, and annually sted for household size by the regulations of the State Housing and Community Development r the County of Santa Clara);
☐ 62 years old o	r older;
Disabled (as d	efined in California Government Code Section 12955.3);
☐ Terminally or o	catastrophically ill; or
☐ School-aged o	hild under the age of eighteen (18).
Tenant Notice to the	
☐ Owner:	
☐ City:	
Owner Name:	Phone: ( )
Owner's Address:	
City, State & Zip Code:	
Email:	

City of San José Housing Department – Rental Rights and Referrals Program 200 E. Santa Clara Street San José, CA 95113