

Tenant Petition Instructions

Section I. Rent Increase / Unauthorized Charge, Fee, or Pass Through

Rent Increase

When completing Section I, “Rent Increase”, of the Tenant Petition, consider the following:

1. Whether your yearly rent increase exceeded the 5% limitation set by the Apartment Rent Ordinance. For example, if your rent is \$1500 dollars a month, your yearly increase should not exceed $\$1500 \times 5\% = \75 or \$1575 monthly rent; or
2. Whether you have received more than one rent increase in the last 12 months. For example, if you receive a rent increase in March 2018, your landlord cannot increase your rent again until March 2019, unless authorized by the Rent Stabilization Program.
3. Whether you are being charged additional rent for a Housing Service. For example, if you receive a separate charge for your pet (also known as “pet rent”), it is not allowed under the Apartment Rent Ordinance since your rent covers all Housing Services.

If it is determined that a landlord has collected rent in violation of the Apartment Rent Ordinance the landlord will be required to refund the overcharges. Refunds are limited to overcharges collected during the 12 months prior to the date the petition is filed. For more detailed information, please refer to San Jose Municipal Code (SJMC) Section 17.23.310.

Unauthorized Charge, Fee, or Pass Through

There are some situations where the landlord can charge you a fee for four different types of costs a landlord has incurred. The Apartment Rent Ordinance limits the amount that you can be charged for each different cost. The different cost or fees and limits on charges are below:

Types of Costs or Fees that can be Charged	Limits on Charges
Replacement fees for key or security card	Charge cannot be more than the actual cost of replacement plus \$10.
Bounced check service fees	Charge cannot be more than \$25 for the first bounced check and \$35 for every other bounced check.
Late payment of rent fees	Charge cannot be more than 5% of tenant’s monthly rent.
Application screening fees	Charge must comply with California Civil Code Section 1950.6(b).

Only the fees listed above can be charged, unless authorized by the Rent Stabilization Program. A landlord cannot charge you any fee listed above unless the charge is clearly listed in both your lease agreement and your monthly rent bill (if you receive one). The landlord must also give you a copy of his or her bill or receipt that details how much the landlord spent for one of the four items listed above.

When completing Section I, Unauthorized Charge, Fee, or Pass-through, of the Tenant Petition, consider the following questions:

1. Have you received a charge or fee?
2. Was the charge or fee one of the four allowed charges listed above?
3. Was the charge or fee clearly listed in your rental agreement? (If no, please indicate in your petition)
4. Did the landlord provide you with his or her bill describing the charges your landlord paid?
5. Do you dispute the genuineness of your landlord’s bill?
6. Do you dispute the amount being charged?
7. Did the fee or charge exceed the limit as listed above?
8. Were there any mathematical errors in determining how much you are to pay?

If any of these questions apply to your situation, please describe it in your petition. For more detailed information, please refer to SJMC Section 17.23.315

Section II. Problems with the Apartment or Common Facilities

Landlords are required to provide tenants with a basic level of Housing Services. "Housing Services" means those services provided and associated with the use or occupancy of a Rental Unit, including but not limited to repairs, replacement, maintenance, painting, light, heat, water, elevator service, pest control, laundry facilities and privileges, janitorial service, refuse removal, furnishings, telephone, utilities, parking, storage, and any other benefits, privileges, or facilities. Basic Service Level for housing services includes those defined in California Civil Code Section 1941.1 (Rent Regulations Section 7.03).

Problems with the Apartment or Service Reductions: You can file a petition due to a decrease in housing services, issues with compliance with San Jose Building Codes, and violations of Landlords' Implied Warranty of Habitability. *When alleging Building Code violations or the Warranty of Habitability, a Housing Inspector's report can be included with the petition. Call 408-535-7770 for information on how to schedule an appointment.* When completing Section II of the Tenant Petition, consider the following examples of service reductions:

Unsafe or Unsanitary Conditions in Unit or in Common Areas

- Pest/Vermin infestation (roaches, rats, mice, termites, bedbugs)
- Stairs, balconies, or railings broken/unsafe

Defective Heating or Cooking Facilities:

- Not enough or inconsistent heat
- Heating system unsafe
- Stove/oven does not work
- No heat – Heater broken
- Stove/oven unsafe

Defective Plumbing (Gas, Water Supply, or Sewage System):

Leaky piping for:

- Gas
- Water
- sewage disposal

Drains clogged in:

- kitchen sink
- bath sink
- shower/tub

Toilet defective:

- won't flush
- broken/leaks
- clogged

Lack of hot/cold running water in:

- bathroom
- kitchen
- No hot water
- Unsafe hot water

Sewage backs up in:

- kitchen sink
- bath sink
- shower/tub

Defective Electrical Lights, Wiring, and Related Equipment:

- Lights do not work
- Plugs do not work
- Switches do not work
- Exposed wiring

Defective Walls, Floors, or Weather Protection:

- Holes in ceiling/walls
- Doors/windows lack locks
- Floor covering in dangerous condition
- Ceiling leaks
- Broken or defective floors
- Broken windows
- Mold or Mildew

If any of these examples apply to your situation, please describe in your petition.

