

District 1 — Vacant
District 3 — Barry Del Buono
District 5 — Ruben Navarro
District 7 — Victoria Partida
District 9 — Julie Quinn
Mayor — Nhi Duong

Alex Shoor — District 2
Vacant — District 4
Andrea Wheeler — District 6
Huy Tran — District 8
Roberta Moore — District 10
(C) Martha O’Connell — CAAC MR
(VC) Ryan Jasinsky — CAAC ML

*Commissioners are appointed by corresponding Council Members, but do not need to reside in the Council District.

REGULAR MEETING AGENDA

5:45 PM

January 14, 2021

Virtual [Zoom Link](#)
Web ID: **940 5398 8541**
888-475-4499 (Toll Free)

*** COVID-19 NOTICE ***

Consistent with the California Governor’s Executive Order No. N-29-20, the Housing & Community Development Commission (HCDC) meeting will not be physically open to the public, and Commission members will be teleconferencing from remote locations.

HCDC is meeting via teleconference from remote locations in accordance with State and local orders and measures taken as a result of the COVID-19 pandemic. Members of the public may view and listen to the meeting by following the instructions below. Additional instructions are provided below to those members of the Public who would like to comment on items on the agenda.

How to attend the Housing & Community Development Commission Meeting:

- 1) **Electronic Device Instructions:** For participants who would like to join electronically from a PC, Mac, iPad, iPhone, or Android device, please click this URL: [Zoom Link](#).
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.
- 2) **Telephone Device Instructions:** For participants who would like to join on their telephones, please dial **888-475-4499 (Toll Free)** and when prompted, enter meeting Webinar ID: **940 5398 8541**. You may also **press *9 to raise a hand to speak**.

- 3) **Public Comments prior to meeting:** If you would like to submit your comments prior to the meeting, please e-mail Luisa.Galdamez@sanjoseca.gov or contact (408) 535-8357. Comments submitted prior to the meeting will be considered as if you were present in the meeting.

Commissioners are strongly encouraged to log on by 5:30pm to ensure there are no technical difficulties – thank you!

**APPROX. AGENDA ITEM
TIME**

*Note that the times for items shown below are approximate and intended only to notify the Commission of the approximate amount of time staff expects each item might take.
Please note that items may be heard before or after the times shown.*

- 5:45 I. Call to Order & Orders of the Day**
 A. Chair reviews logistics for Zoom meetings
- 5:47 II. Introductions**
- 5:50 III. Consent Calendar**
 A. Approve the Minutes for the Meeting of December 10, 2020
 ACTION: Approve the December 10, 2020 action minutes.
- 5:55 IV. Reports and Information Only**
 A. Chair
 B. Director
 C. Council Liaison
- 6:00 V. Open Forum**
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak during Open Forum; however, the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate due to a large number of speaker requests.
- 6:05 VI. Old Business**
- 6:10 VII. New Business**

A. FY 2019-2020 Rent Stabilization Program Annual Report (F. Tran, Housing Department)
ACTION: Review the staff report and provide possible recommendations on the Rent Stabilization Program Annual Report for 2019-2020.

7:00 VIII. Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak during Open Forum; however, the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate due to a large number of speaker requests.

7:05 IX. Meeting Schedule

The next Commission meeting is scheduled to be held on **February 11, 2021, at 5:45 p.m. online**. Items expected to be heard are:

- Annual Homelessness Report

7:10 X. Adjournment

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting. Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/hcdc>. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

Correspondence to the Housing & Community Development Commission is public record and will become part of the City's electronic records, which are accessible through the City's website. Before posting online, the following may be redacted: addresses, email addresses, social security numbers, phone numbers, and signatures. However, please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the Housing & Community Development Commission, will become part of the public record. If you do not want your contact information included in the public record, please do not include that information in your communication.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Commission meeting may not be the final documents approved by the Commission. Contact the Office of the City Clerk for the final document.

On occasion, the Commission may consider agenda items out of order.

The Housing & Community Development Commission meets every second Thursday of each month (except for July and sometimes December) at 5:45pm, with special meetings as necessary.

If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request translation or interpretation services, accommodation, or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events, or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence, requests, and questions to:

City of San José Housing Department
Attn: Luisa Galdamez
200 East Santa Clara Street, 12th Floor
San José, California 95113
Tel: (408) 535-8357
Email: Luisa.Galdamez@sanjoseca.gov

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

Tiếng Việt: Xin vui lòng liên lạc Viviane Nguyen tại 408-975-4462.

對於說華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。

Para sa mga residente na ang wika ay tagalog: Kung kinakailangan pa ninyo ng inpormasyon, tawagan si Shirlee Victorio sa 408-975-2649. Salamat Po.

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

MEETING ACTION MINUTES

December 10, 2020

MEMBERS PRESENT: Martha O’Connell Chair (MR)
Ryan Jasinsky Vice Chair (ML)
Alex Shoor Commissioner (D2) *Arrived 6:09 PM*
Barry Del Buono Commissioner (D3)
Ruben Navarro Commissioner (D5)
Andrea Wheeler Commissioner (D6)
Victoria Partida Commissioner (D7)
Julie Quinn Commissioner (D9)
Roberta Moore Commissioner (D10)
Nhi Duong Commission (Mayor)

MEMBERS ABSENT: District 1 – VACANT Commissioner (D1)
District 4 – VACANT Commissioner (D4)
Huy Tran Commissioner (8)

STAFF PRESENT: Maribel Villarreal Councilmember Liaison
Kristen Clements Housing Department
Viviane Nguyen Housing Department
Fred Tran Housing Department
Luisa Galdamez Housing Department
Ragan Henninger Housing Department

(I) Call to Order & Orders of the Day

A. Review logistics for Zoom meetings

Chair O’Connell called the meeting to order at 5:46 p.m.

(II) Introductions – Commissioners and staff introduced themselves.

(III) Consent Calendar

A. Approve the Minutes for the meeting of November 12, 2020.

ACTION: Approve the November 12, 2020 action minutes.

Vice Chair Jasinsky made the motion to approve the minutes for November 12, 2020 with a second by Commissioner Quinn. The motion passed 9-0.

Yes: O’Connell, Jasinsky, Del Buono, Navarro, Wheeler, Partida, Quinn, Moore, Duong (9)

No: None (0)

Absent: Tran, Shoor (2)

**Housing & Community Development Commission
DRAFT Minutes Regular Meeting – December 10, 2020
Item III-A**

(IV) Reports and Information Only

- A. **Chair:** Chair O’Connell reminded Commissioners to stay safe during the COVID-19 pandemic.
- B. **Director:** Ms. Kristen Clements provided recent City Council updates.
- C. **Council Liaison:** Ms. Maribel Villarreal provided an update that District 2 office is distributing socks to homeless residents.

(V) Open Forum

(VI) Old Business

(VII) New Business

**A. FY 2019-2020 Consolidated Annual Performance Evaluation Report (CAPER)
(R. Henninger, Housing Department)**

ACTION: Review the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan (2015-2020) and the FY 2019-2020 Annual Action Plan (Housing) regarding the use of federal funds from the U.S. Department of Housing and Urban Development (HUD), hold the second of three public hearings on the FY 2019-2020 CAPER, and make possible recommendation.

Commissioner Quinn made the motion to approve the staff report without recommendations, with a second by Vice Chair Jasinsky. The motion passed 10-0.

Yes: O’Connell, Jasinsky, Shoor, Del Buono, Navarro, Wheeler, Partida, Quinn, Moore, Duong (10)

No: None (0)

Absent: Tran (1)

B. Rent Stabilization Program 3rd and 4th Quarter (Combined) Report for 2019-20 for the Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Housing Payment Equality Ordinance

(F. Tran, Housing Department)

ACTION: Review the staff report and provide possible recommendations on the Rent Stabilization Program Quarter 3 and 4 Report for FY 2019-20.

Chair O’Connell made the motion to approve staff report, with a second by Commissioner Del Buono. The motion passed 10-0.

Yes: O’Connell, Jasinsky, Shoor, Del Buono, Navarro, Wheeler, Partida, Quinn, Moore, Duong (10)

No: None (0)

Absent: Tran (1)

C. 2019-20 Third and Fourth Quarterly Mobilehome Report for the Rent Stabilization Program

(F. Tran, Housing Department)

ACTION: Review the staff report and provide possible recommendations on the Mobilehome Quarter 3 and 4 Report for FY 2019-20.

Chair Wheeler made the motion to accept the report with an amendment to alter the memorandum to correct the reference to Westwinds, with a friendly amendment by Vice Chair Jasinsky to also amend the memorandum to note the approved Annual Increase was 3.01%, with a second by Commissioner Navarro. The motion passed 10-0.

Yes: O’Connell, Jasinsky, Shoor, Del Buono, Navarro, Wheeler, Partida, Quinn, Moore, Duong (10)

No: None (0)

Absent: Tran (1)

(VIII) Open Forum

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

(IX) Meeting Schedule

The next regular Commission meeting is scheduled to be held on **Thursday, February 11, 2020, at 5:45 p.m.** online.

(X) Adjournment

Chair O’Connell adjourned the meeting at 7:50 p.m.



Memorandum

TO: HOUSING AND COMMUNITY DEVELOPMENT COMMISSION **FROM:** JACKY MORALES-FERRAND

SUBJECT: SEE BELOW

DATE: January 7, 2021

Approved

Date

SUBJECT: RENT STABILIZATION PROGRAM ANNUAL REPORT 2019-2020

RECOMMENDATION

It is recommended the Commission review the staff report and provide possible recommendations on the Rent Stabilization Program Annual Report for 2019-2020.

BACKGROUND

The Rent Stabilization Program Annual Report 2019-2020 (**Attachment A**) provides the public with information regarding the Rent Stabilization Program and presents a wide range of housing data collected, including rent levels from the Rent Registry with 97% registration, 113 petitions filed by landlords and tenants, and over 8,700 just cause notices submitted for terminations of tenancy. The Annual Report also summarizes the significant policy and ordinance changes in response to the COVID-19 pandemic, including the adoption of a Moratorium on Rent Increases for rent stabilized apartments and rent controlled mobilehomes, as well as an Eviction Moratorium protecting renters from eviction who have been financially impacted by the pandemic. The Housing Department publishes annual reports on the Rent Stabilization Program available on the [Housing Department's website](#). The Executive Summary is included as **Attachment B**.

With the onset of the COVID-19 pandemic and Shelter in Place Orders issued, the Rent Stabilization Program (RSP) or "Program" shifted its short-term priorities to focus on housing stability for thousands of San José residents facing financial hardships due to the pandemic. Staff was tasked in early March with implementing one of the first eviction moratoriums in the nation, and soon thereafter included a one-year rent repayment period and prohibition of additional charges related to penalties, fees, or interest on unpaid rents that accrued. In addition, RSP implemented a Moratorium on Rent Increases after Council adopted in April aimed at protecting tenants from unsustainable rent burdens for residents living in rent controlled mobilehomes and rent stabilized apartments. The Program committed to providing multilingual media, forms, and educational outreach resources available in English, Spanish, and Vietnamese related to the moratoriums. Furthermore, the Program collaborated with its partners at the County of Santa

Clara to launch a mediation program to provide tenants and landlords with a forum to resolve disputes free of charge related to the pandemic.

While the urgent work of the COVID-19 pandemic response persisted, the Program continued to carry out its regular responsibilities to oversee the City's ordinances that govern rental housing, implement the next phase of the San José Rent Registry; implement the Housing Payment Equality Ordinance, a new anti-discrimination law; research and analyze housing trends; and educate landlords and renters about their rights and obligations. The Rent Stabilization Program continues to be a resource for landlords and tenants seeking information on their rights and responsibilities related to the Apartment Rent Ordinance, Mobilehome Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, Housing Payment Equality Ordinance, Eviction Moratorium, and Moratorium on Rent Increases.

COORDINATION

The memorandum was coordinated with the City Attorney's Office.

/s/

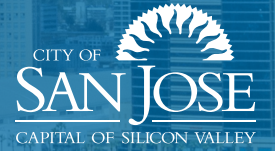
JACKY MORALES-FERRAND

Director, Housing Department

For more information, contact Fred Tran, Division Manager, at (408) 535-3860.

ATTACHMENTS:

- **Attachment A** – Rent Stabilization Program Annual Report 2019-2020
- **Attachment B** – Rent Stabilization Program: Annual Report Executive Summary



Housing



**2019
2020** **Rent Stabilization Program
Annual Report**



MESSAGE FROM THE HOUSING DIRECTOR

While the past year challenged our City in unprecedented ways, it also illuminated the sense of community, togetherness and compassion that make San José such a special place. Nowhere was this spirit more apparent than in the work of the Rent Stabilization Program (RSP).

With the onset of the COVID-19 pandemic, and the Centers for Disease Control and Prevention urging people to shelter in place, the RSP team shifted its short-term priorities to focus on housing stability for thousands of San José residents facing financial hardships due to the pandemic.

The RSP team was tasked with implementing one of the first eviction moratoriums in the nation, and soon thereafter was asked to implement a moratorium on rent increases to protect tenants from unsustainable rent burdens. The RSP team then collaborated with its partners at the County of Santa Clara to launch a mediation program to provide landlords and tenants with a forum for resolving disputes related to the pandemic.

While it is impossible to fully quantify the human impact of these efforts, it is likely the RSP team's work prevented thousands of households from becoming homeless during one of the most severe public health crises in the past 100 years.

This urgent work was done while the RSP team continued to carry out its responsibilities to oversee the City's ordinances that govern rental housing, implement the next phase of the San José Rent Registry, roll out a new anti-discrimination law known as the Housing Payment Equality Ordinance, research and analyze housing trends, and educate landlords and tenants about their rights and obligations.

I am incredibly proud of the RSP team for its extraordinary efforts and unwavering commitment to the people of our City. So many San José residents are coping with circumstances that could be devastating without the safety and security of stable housing.

A handwritten signature in black ink, appearing to read 'Jacky Morales-Ferrand', with a stylized flourish at the end.

JACKY MORALES-FERRAND, *DIRECTOR OF HOUSING*

OUR TEAM

ABOUT THE RENT STABILIZATION PROGRAM (RSP)

The Rent Stabilization Program provides services to landlords, managers and tenants of apartments and mobilehomes. The services include:

- Responding to general inquiries, and meeting with landlords and tenants to discuss issues, provide answers and offer solutions to problems;
- Developing and implementing policies;
- Managing submissions of notices of termination of tenancy, including reviewing submitted notices for accuracy and analyzing trends;
- Managing tenant and landlord petitions, and scheduling mediations and administrative hearings;
- Engaging with, and educating, community members and community-based organizations via mailings, presentations to community groups, site visits to apartment complexes and mobilehome communities, fact sheets and brochures, website updates, social media, and multilingual workshops.

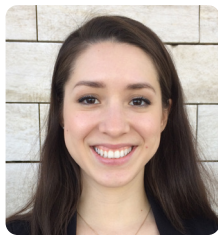
PROGRAM STAFF



CHRISTOPHER ALEXANDER
Deputy City Attorney



LUISA GALDAMEZ
Staff Specialist



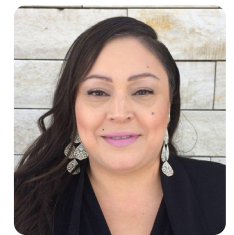
GUADALUPE GONZALEZ
Analyst



ELIZABETH GUZMAN
Analyst



VIVIANE NGUYEN
Analyst



MARI PADILLA
Staff Specialist



NOEL PADILLA
Analyst



RAMO PINJIC
Analyst



THERESA RAMOS
Senior Analyst



LOURDES SAUCEDO
Staff Specialist



FRED TRAN
Division Manager



RACHEL VANDERVEEN
Deputy Director



MARISA VELA
Staff Specialist



MONICA VELARDE
Analyst



LORIE FIBER
FUSE Fellow



ALVIN CHEW
Intern

ACCOMPLISHMENTS

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WORKLOAD OUTPUT SUMMARY



PETITIONS PROCESSED



PUBLIC MEETINGS



COMMUNITY EVENTS

14 for Landlords & Tenants
14 for Landlords
11 for Tenants



INQUIRIES ADDRESSED

6,610 English
809 Spanish
325 Vietnamese



WEBINAR VIEWS



INFORMATIONAL VIDEOS



EMAIL BLASTS



MAILERS SENT TO
LANDLORDS AND/OR
TENANTS



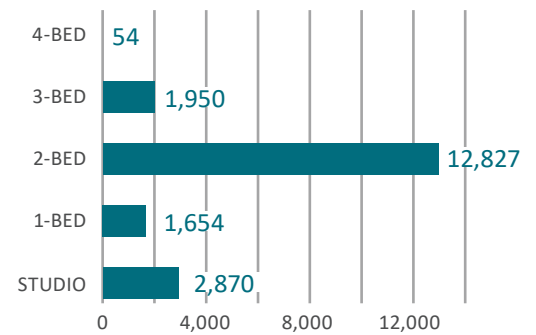
COMMUNITY EVENTS
CANCELLED DUE TO
COVID-19

HOUSING DATA—RENT REGISTRY

To better understand the needs of San José residents, the Rent Stabilization Program collects housing data for rent stabilized properties, which are apartment buildings with three or more apartments, built before September 7, 1979.

Implemented in 2018, the Rent Registry is where landlords register their rent stabilized apartments via the Rent Registry portal. San José’s Rent Registry collects information relating to rent increases, security deposits, vacancies, and vacancy reasons, and helps ensure San José tenants’ rights are protected.

Rent Stabilized Apartments in the Rent Registry



APARTMENTS TOTALS

Total Rent Stabilized: **38,441**

Total Registered: **37,246**

Apartments withdrawn through Ellis Act Ordinance: **10**



Rent Stabilized: 38,441 Total Registered: 37,246

97%

LANDLORDS

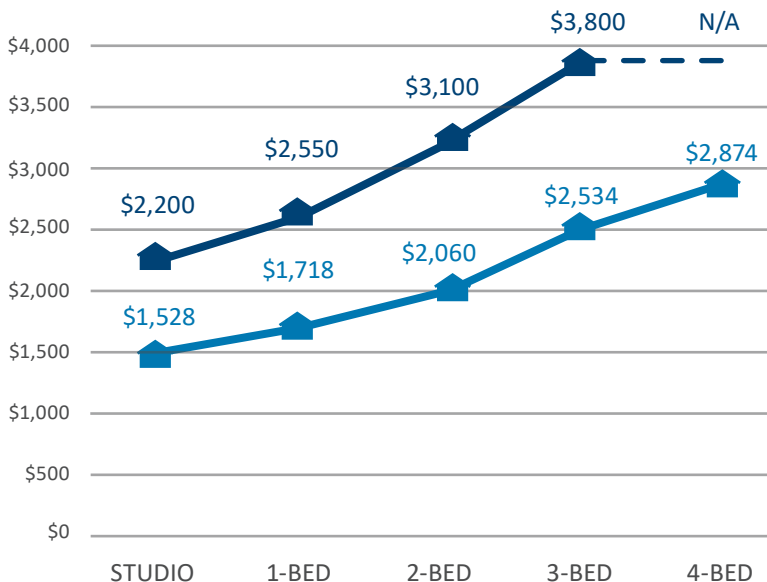
Unique Landlords: **2,938**

Total Registered Landlords: **2,669**



Unique Landlords: 2,938 Total Registered: 2,669

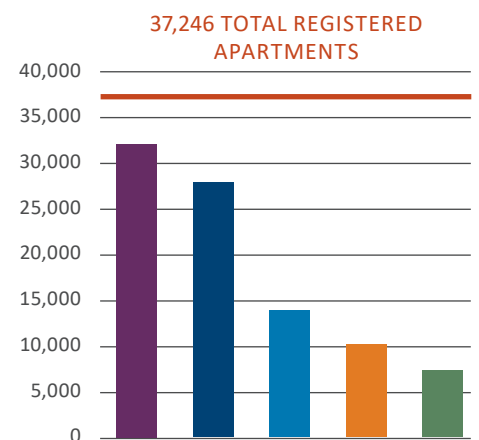
91%



Average Rent for Rent Stabilized Apartments

Average Rent for Market Rate Apartments

Apartments with Services



37,246 TOTAL REGISTERED APARTMENTS

Average Rent Stabilized Source: San José Housing Department Rent; Market Rate Source: Costar 2020

HOUSING DATA—PROGRAMS



ELLIS ACT ORDINANCE WITHDRAWALS

The Ellis Act Ordinance applies when an landlord or developer plans to demolish or remove apartments from the rental market.

During FY 2019-2020, the Program received two Ellis Act Ordinance withdrawals for a triplex and 7-plex rent controlled complexes. The withdrawals impacted eight tenant households, with two apartments vacant at the time of withdrawal. All the impacted tenant households received relocation assistance and benefits.

APARTMENTS – TENANT BUYOUTS

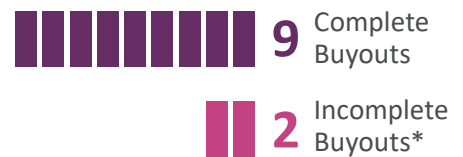
A tenant buy-out occurs when the landlord wants the lease of an existing tenant to be terminated early. The landlord pays the tenant to leave. These agreements are voluntary for both parties.

*Incomplete was determined by staff, as the landlord did not provide sufficient requirements and landlord did not complete the buyout process.

APARTMENTS – RELOCATION ASSISTANCE

Under the Tenant Protection Ordinance, relocation benefits must be paid when a tenant is removed from an apartment for certain reasons. A landlord must also provide tenants the opportunity to return to the apartment under specific circumstances when a landlord terminates a lease under the Ellis Act Ordinance.

TENANT BUYOUT DATA



\$8,715 Average tenant buyout per household

BUYOUT BY DISTRICT **10** in District 3
1 in District 6

	UNPERMITTED APARTMENTS	FIRE	ELLIS ACT
RECEIVED RELOCATION ASSISTANCE	0	0	8
RELOCATED TO ANOTHER APARTMENT BY SAME LANDLORD	0	0	0
RECEIVED LEGAL ASSISTANCE	2	1	0
MOVED ELSEWHERE IN SAN JOSÉ—NO ASSISTANCE	0	0	0
AT FAULT—NO ASSISTANCE	0	0	0
TOTAL CASES	2	1	8

POLICY CHANGES



In 1979, the City Council created the Apartment Rent Ordinance. The program's public policy purposes in the Ordinance are:

- the prevention of excessive and unreasonable rent increases;
- the alleviation of undue hardship upon individual tenants; and
- the assurance to landlords of a fair and reasonable return on the value of their property.

CHANGE TO THE APARTMENT RENT ORDINANCE

- **December 3, 2019:** Amendments to the administrative citation schedule of fines for violations of the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance.
- **May 19, 2020:** Amendment to the Apartment Rent Ordinance, due to the COVID-19 pandemic, allows a temporary reduction of rent without impacting an landlord's ability to raise rents at a later date. This is effective until December 31, 2020. In addition, program fees were also decreased for apartments and mobilehomes subject to the Apartment Rent Ordinance, Ellis Act Ordinance, Tenant Protection Ordinance, and Mobilehome Rent Ordinance.

ADOPTION OF HOUSING PAYMENT EQUALITY ORDINANCE

- **August 13, 2019:** Adoption of the Housing Payment Equality Ordinance.

COVID-19 Eviction Moratorium
 Required Notice

NOTICE TO TENANTS & LANDLORDS: San José's COVID-19 Eviction Moratorium applies to your rental unit. The moratorium stops many residential evictions for nonpayment of rent. The moratorium is in effect through **October 17, 2020**, and the City Council may extend it. Contact the San José Housing Department at CSJ@sanjoseca.gov or visit www.sanjoseca.gov/evecvictions.

If you are a tenant, the ordinance provides you with temporary protection from evictions for non-payment of rent if you can demonstrate your income has been substantially reduced due to the COVID-19 pandemic.

LANDLORD RESPONSIBILITY

Provide Written Notice to Tenant

When a landlord initiates an eviction for nonpayment of rent, the landlord must:

1. Provide tenant with this form along with the amount of rent due and a notice of termination
2. Provide this [list of resources for residential tenants](#)
3. Submit a copy of your notice of termination to the Housing Department via US mail or online

TENANT RESPONSIBILITY

Notify landlord of substantially reduced income due to COVID-19

If your landlord serves you with a notice of termination, you should immediately notify the landlord of your intention to stop the eviction.

The City recommends you keep a copy of your notification.

Example of a notification:

My name is John Doe. I live at 123 Main Street, apt 45, in San José. I intend to seek protection against eviction for nonpayment of rent under the San José eviction moratorium. My income has been impacted substantially due to COVID-19.

If your landlord serves you with an unlawful detainer, you must take the following two steps. (An unlawful detainer is a written demand for you to move out of your rental unit.)

1. **Notify the landlord of the specific way in which you have been impacted by COVID-19**

Examples of COVID-19 impacts:

 - Job loss
 - Reduction of hours
 - Missing work to care for a child due to school closure
 - State or local emergency action that prevents you from working
2. **Provide documentation of loss of income due to COVID-19**

Examples of documentation:

 - Letter from employer citing COVID-19 as a reason for reduced work hours or termination
 - Paycheck stubs from before and after the COVID-19 outbreak
 - Bank statements showing financial situation before and after the outbreak

If you have been affected by COVID-19, we encourage you to provide your landlord with the required documentation as quickly as possible. At the very latest, you will need to provide documentation to the Court to avoid being evicted.

San José Housing Department • 200 E. Santa Clara St., 12th Floor, San José, CA 95113 • 408-975-4480 • www.sjhousing.org

IMPACT ON PROGRAMS

On February 10, 2020, the Santa Clara County Public Health Officer announced a local health emergency due to the spread of COVID-19. On March 17, 2020, the Santa Clara County Public Health Officer issued a public health order, requiring residents to shelter in place in an effort to curb the growing threat of the virus.

With this backdrop, the City of San José took proactive steps to increase housing stability for its residents. On March 17, 2020, before the County or State took legislative action, the City of San José passed an Eviction Moratorium. On April 28, 2020, the City passed a Moratorium on Rent Increases. These steps were taken to increase housing stability, promote public safety, and prevent avoidable homelessness.

EVICTIION MORATORIUM

The Eviction Moratorium passed as an Urgency Ordinance temporarily protected all residential tenants from evictions for nonpayment of rent when their income was impacted by the COVID-19 pandemic. While the moratorium was in effect, all residential tenants were also provided with Just Cause eviction protections. These protections are similar to the protections provided to many tenants under the Tenant Protection Ordinance. The moratorium applied to all residential properties in San José, including single-family homes, rooms rented in single-family homes, duplexes, condominiums, rent stabilized apartments, market-rate apartments, and mobilehomes.

The Moratorium's protections were triggered whenever an affected tenant received a notice of termination. Upon receipt of the notice, an affected tenant had seven days to notify their landlord that they were an affected tenant.

A landlord who initiated the eviction process was required to comply with the Ordinance. Compliance included: 1) providing tenants with written notice of the eviction moratorium when serving a notice of termination, 2) providing resources for residential tenants, and 3) submitting a copy of the notice of termination to the Housing Department.

If a landlord continued with an eviction proceeding, the tenant had to provide documentation proving their income had been reduced. Documentation could have included a letter from an employer citing COVID-19 as a reason for reduced work hours or termination, paycheck stubs, or bank statements from before and during the pandemic.

2020 AFFIDAVIT OF SUBSTANTIAL LOSS OF INCOME PAGE 1

WHO SHOULD BE USING THIS FORM:

Tenants affected by the COVID-19 pandemic, who are unable to provide other objectively verifiable evidence of their COVID-19 related job or income losses, may use this form as documentation to demonstrate that you are a tenant who has been financially impacted by COVID-19 and do not have any documentation from your employer on your income, reduction in work hours, or job loss. Tenants who are participating in the non-traditional economy, and who may not have traditional methods of documentation of their status as affected by COVID-19 are encouraged to use this template.

Traditional methods of documentation include paycheck stubs, bank account comparisons illustrating a decrease in income and letters from an employer regarding decrease in hours or a layoff. If a tenant does not have traditional methods of documentation, the tenant may submit this form to landlords in the place of providing the above mentioned objectively verifiable documentation.

Affidavit of Affected Tenant

First Name _____ Last Name _____ Date _____

Address of Residence _____ City _____ State _____ Zipcode _____ Unit # _____

INCOME SOURCE: _____

Check if Applicable:

Job Loss Reduction of Hours

Declaration Explaining Substantial Income Loss Due to COVID-19

San José Housing Department • Rent Stabilization Program
 200 E. Santa Clara St., 12th Floor, San José, CA 95113 • 408-975-4480 • www.sjhousing.org/rent • RSP@sanjoseca.gov

DISCLOSURE OF RIGHTS FOR COVID-19 VOLUNTARY RENT REPAYMENT AGREEMENT

Prior to asking tenants to sign Voluntary Rent Repayment Agreements, landlords must provide tenants with this disclosure about tenant rights and responsibilities under the City of San José COVID-19 Eviction Moratorium Ordinance ("Ordinance").

The moratorium runs through October 17, 2020, and the City Council may extend it.

Under the Ordinance, the City Council has activated an eviction moratorium that temporarily stops residential evictions of Affected Tenants for failing to pay rent when their income has been reduced or lost due to COVID-19. An Affected Tenant is a Tenant or Tenant Household, or Mobilehome Owner, who has suffered a substantial loss of income as a result of the COVID-19 pandemic or a government action related to the pandemic.

While Affected Tenants cannot be evicted during the moratorium for failure to pay rent, this Ordinance does not reduce or eliminate a tenant's obligation to pay rent. If the Temporary Eviction Moratorium ends on October 17, 2020, as currently scheduled, Affected Tenants will be required to meet the following repayment deadlines for any unpaid rent that accrued during the Temporary Eviction Moratorium. A repayment period was established for tenants to pay the unpaid rent that accrued during the eviction moratorium. Tenants must pay at least 50% of the unpaid rent within six months of the end of the eviction moratorium. The remaining 50% must be paid within one year of the end of the eviction moratorium.

Tenants must pay at least 50% of the unpaid rent within six months of the end of the eviction moratorium.

Tenants must pay the remaining unpaid rent within one year of the end of the eviction moratorium.

Month 1 Month 2 Month 3 Month 4 Month 5 Month 6 Month 7 Month 8 Month 9 Month 10 Month 11 Month 12

within 6 months

within 1 year

During the repayment period, landlords may not charge late fees, interest or penalties for the unpaid rent that accrued during the eviction moratorium. Retaliation or harassment against affected tenants for invoking their rights under the moratorium is prohibited.

Tenant should keep a copy of this form.

Tenant Signature: _____ Date: _____

Landlord Signature: _____ Date: _____

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Changes to the Eviction Moratorium

The Eviction Moratorium was extended through August 31, 2020.

Extension of the tenant notification period

Following direction from the City Council, the Eviction Moratorium was amended to give tenants who received a notice of termination 7 days to respond. This is a change from the 3 days typically allowed.

Inclusion of harassment and retaliation protections

The Ordinance was amended to prevent landlords from serving a notice in bad faith and protect tenants from harassment and retaliation.

Late fees and interest prohibited


Landlords were prohibited from charging and collecting late fees, interest and penalties for rent not paid during the eviction moratorium.

Affected tenants also include people who have contracted COVID-19

The definition of an “Affected Tenant” was expanded to include a tenant who has been infected or is caring for someone infected by COVID-19.

Affidavit to document loss of income for undocumented residents

Built into the Ordinance is an opportunity for residents who do not have jobs that are easily documented to submit an affidavit that certifies their status as Affected Tenants.



“As the pandemic rapidly escalated in March, we anticipated the severe economic impacts to our residents, so we pushed together to become the first city in the United States to announce an eviction moratorium last March.

Through the eviction moratorium, we avoided a massive amount of human suffering, and we prevented an even greater public health emergency that would have occurred if families were pushed into the street.”

Quote from San José Mayor
Sam Liccardo

COVID-19

COVID-19 DATA



E-blasts related to the moratorium



Views of moratorium videos on social platforms



Informational postcards mailed to landlords and residents



Moratorium-related calls handled by the Rent Stabilization team

Rent repayment period

Tenants who accrued rental debt during the Eviction Moratorium, have one year to repay their debt. The tenant must repay 50% of the accrued rental debt within 6 months, and the remaining 50% during the following 6 months. This repayment period began September 2020.

Reduction in Rent Stabilization Program per unit fees for landlords

To help reduce the financial burden on landlords during the pandemic, Rent Stabilization Program fees were temporarily reduced between 17% and 30%.

Moratorium on Rent Increases

A moratorium on Rent Increases was enacted on April 28, 2020. Only units subject to the Apartment Rent Ordinance or Mobilehome Rent Ordinance are covered under this Moratorium on Rent Increases.

The Ordinance provides that rent increases cannot go into effect before December 31, 2020. Landlords who would have been eligible to increase rents between May 1 and December 31, 2020, may not collect increased rent until January 1, 2021. However, a rent increase notice is not prohibited from being served in order to preserve the anniversary date for rent increases, but the rent increase cannot take effect until 2021.

State of California Eviction Moratorium

Program transitioned to educating tenants and landlords about Tenant Relief Act of 2020 (AB 3088)

On August 31, 2020, the State of California enacted a new law—The Tenant Relief Act of 2020 or AB 3088—that replaced the City’s residential eviction moratorium with a statewide eviction moratorium. Program staff continued to provide information to tenants and landlords by conducting webinars, sending e-blasts, answering phone calls and emails, and providing referrals about protections for impacted tenants and landlords. Staff also updated the Housing Department website with information on AB 3088 and provided multilingual translation.

RENT REGISTRY

The Rent Registry website went live in August 2018. The launch of the Rent Registry marked the beginning of the first registration period, which ended on March 1, 2019.

As of June 30, 2020, there were 37,246 apartments registered out of the total 38,441 apartments subject to the Apartment Rent Ordinance. **That is a compliance rate of 97%.**



By comparison, Los Angeles established a Rent Registry in 2016, and after one year of implementation, it had a compliance rate of 65%. San José City Council directed Housing Department staff to implement the Rent Registry to facilitate enforcement of the Apartment Rent Ordinance (ARO). The registry requires landlords to submit specific housing and tenancy information regarding each apartment subject to the ARO. The information collected includes rent amounts and increases, security deposits, vacancy reasons, and tenant names.

The steps taken by the Rent Stabilization Program to ensure a successful launch of the Rent Registry are depicted below.

RENT REGISTRY KEY INITIATIVES



2 noncompliance mailers to landlords



7 Rent Registry workshops



3 email blasts sent to email subscribers



User guide produced in **three** languages



3 mailers to landlords



1 mailer to tenants



2,431 Phone, email, and in-person interactions to provide support



136 paper registration forms provided to landlords who prefer not to submit information electronically

RENT REGISTRY



Data from the Rent Registry has proven to be valuable in helping staff understand and analyze the ARO market. For example, staff now has data on apartment sizes and actual rents charged for ARO apartments.

The focus for staff during FY 2019–2020 was informing landlords about the Rent Registry, educating them about their obligations, and providing technical assistance throughout the registration process.

- While most properties were registered online, 136 properties were registered by paper forms for 2.0 registration period.
- For the 2.0 registration, additional Program staff members were trained to guide landlords through the online registration process by phone and email.
- The Program provided additional webinars and video tutorials available in English, Spanish, and Vietnamese on the Rent Registry website.
- 49 tenant petitions were filed regarding service reductions at unregistered ARO properties. Of the 49 petitions, all but two petitions have registered. Staff followed up with those landlords to get their properties registered.

The Rent Registry is an essential tool in the prevention of excessive rent increases, overcharging, and unlawful evictions and vacancies. The registry gives the Housing Department the ability to proactively monitor and enforce by:

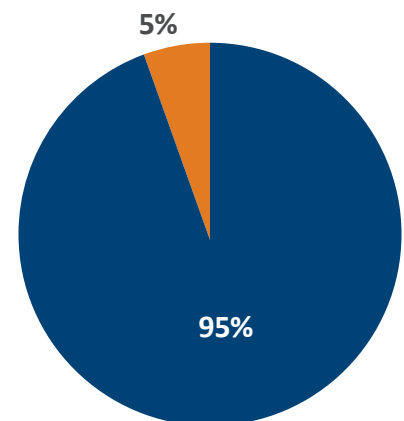
- 1) Analyzing data on current rents;
- 2) Automatically calculating maximum allowable rent increases; and
- 3) Documenting instances of improper rent increases.

HOUSING CHOICE VOUCHERS

Housing Choice (Section 8) vouchers provide financial assistance to very low-income families, the elderly, and the disabled to help them afford housing in the private market. In FY 2019-2020, only 1,944 ARO apartments had tenants in the Housing Choice Voucher Program.

Pie Chart: Registered Apartments participating in Housing Choice Voucher Program

35,302 (95%): Apartments not receiving voucher assistance
1,944 (5%): Apartments with voucher assistance



ORDINANCE ACTIVITIES

ELLIS ACT ORDINANCE

Since July 2019, two landlords have issued notices to withdraw their apartments from the rental market.

	2020	2019
# of apartments subject to ARO built before 1979	3	7
# of apartments with tenants receiving notice and relocation benefits	3	5
# of apartments vacant when Ellis Initiated	0	2

TOTAL RENT STABILIZED APARTMENTS WITHDRAWN	
FY 2019–2020	10
FY 2018–2019	4
TOTAL	14
TOTAL MARKET RATE APARTMENTS WITHDRAWN	
FY 2018–2019	5
TOTAL	5

HOUSING PAYMENT EQUALITY ORDINANCE

The Housing Payment Equality Ordinance took effect on September 26, 2019. The ordinance prohibits discrimination against housing voucher holders who apply for rental housing in San José.

The law requires landlords to not discriminate against voucher holders in the application process or in negotiating the terms of the contract. Voucher holders with an ability to pay shall be considered equally among all applicants regardless of their source of income. The ordinance is intended to expand housing opportunities for voucher holders, many of whom have previously faced discrimination. The ordinance specifically prohibits the following:

- Advertising that housing vouchers are not accepted for a rental property;
- Assessing a rental applicant’s ability to pay based on an amount greater than the portion of rent to be paid by the applicant; and
- Imposing rental terms on voucher holders that differ from terms for rental applicants who do not use housing vouchers.

The Ordinance applies to all rental properties in San José. The only exemption is a single-family home when the landlord lives in the home.

- Total tracking: 1,250 properties advertised from March 1 through June 30, 2020
- Total violations found from the sample from Craigslist: 2

PETITIONS



ZOOM MEDIATIONS

In an effort to minimize exposure to COVID-19, the RSP team has conducted mediations and hearings for filed petitions via Zoom since April 27, 2020.

There have been 14 filed petitions during the COVID-19 pandemic:

- 4 mediations were conducted and resulted in voluntary agreements through a Hearing Officer
- 4 mediations were rescheduled and did not happen
- 6 petitions were filed and scheduling is pending

The Rent Stabilization Program handles tenant and landlord-initiated petitions. Through its hearing officers, the Program conducts mediations and administrative hearings to assist in resolving rental issues.

Mediations are held to settle disputes without the need for a more formal hearing. Participation in a mediation is voluntary. Administrative hearings are held for cases not resolved through mediation. At these hearings, the hearing officer reviews evidence and hears testimony from the parties. After the administrative hearing process, the hearing officer issues a detailed written decision. Most petitions are resolved through mutual agreement. Due to the pandemic, mediations and hearings are conducted via a Zoom platform.

PETITIONS DATA



113

Total Petitions



4

Zoom Mediations between
March 16–June 31, 2020

SUMMARY OF PETITIONS

There have been 1,477 petitions filed with the Rent Stabilization Program since 2014, with 113 being submitted in the last year. The Service Reduction Petition claims included infestation of cockroaches, rats, bedbugs, and mold, as well as leakage of water and lack of heat.

Tenant Petitions

Utilities	0
Joint	3
Rent Registry	49
Total	112

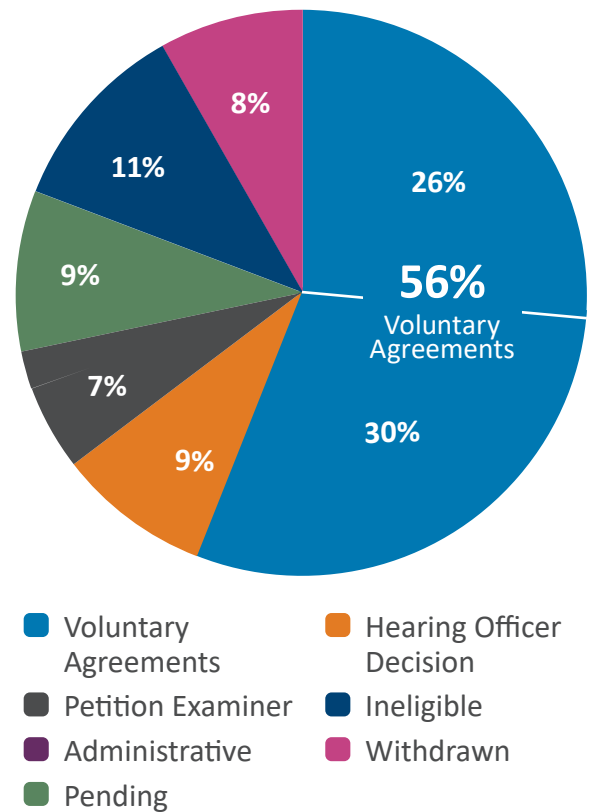
Landlord Petitions

Capitol Improvements	1
Fair Returns	0
	-
Total	1

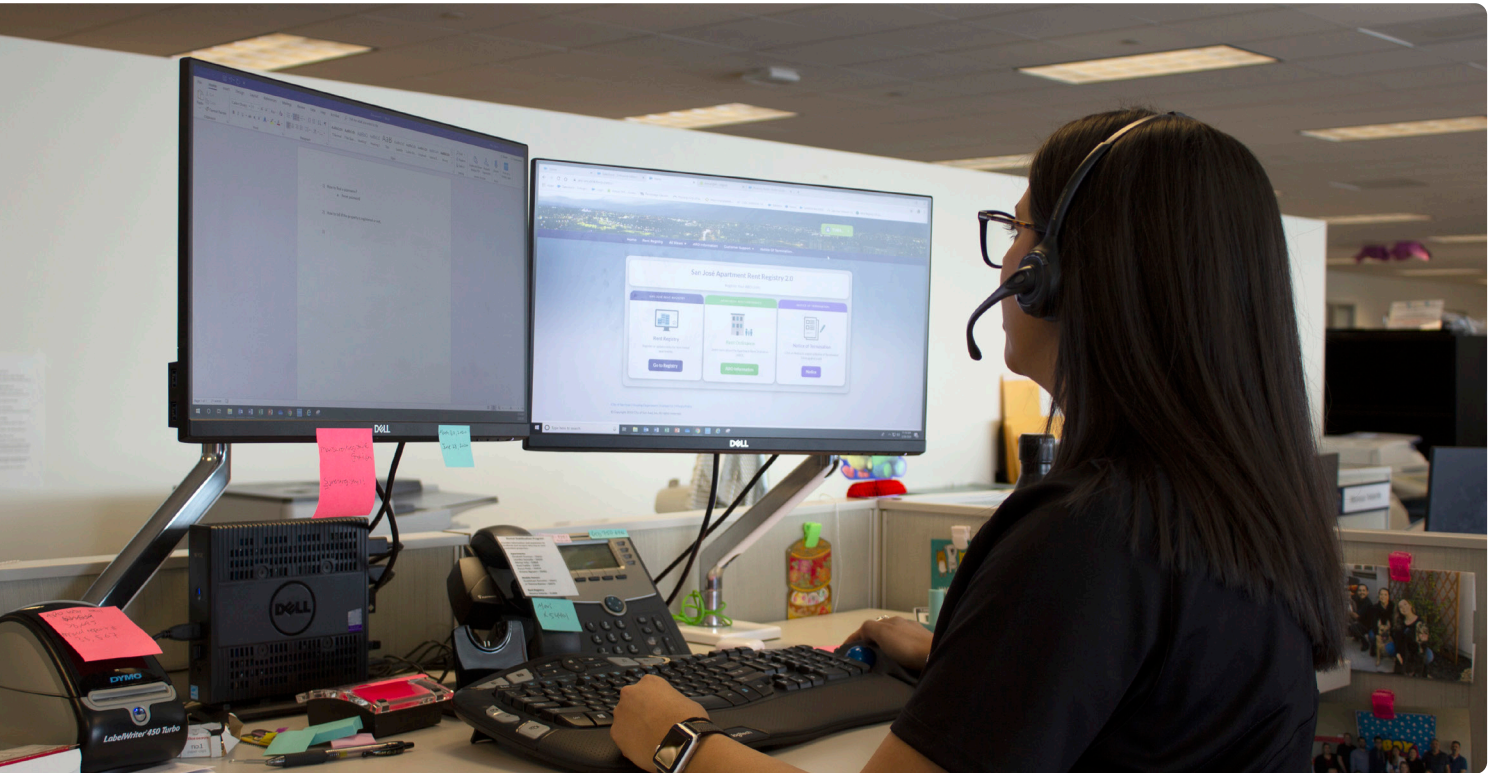
PETITIONS

RESOLUTIONS OF PETITIONS FILED FROM 2019-2020

Decision	Petition	% of Total
Voluntary Agreement Arranged by Hearing Officer	29	26%
Voluntary Agreement Arranged by Staff	34	30%
Hearing Officer Decision	10	9%
Staff Decision	8	7%
Pending	10	9%
Ineligible	12	11%
Withdrawn	9	8%
TOTAL	112	100%



MEDIATIONS



HOUSING MEDIATION PROGRAM

The Housing Mediation Program is a partnership between the Rent Stabilization Program and the Santa Clara County Office of Mediation and Ombuds Services (OMOS), designed to provide mediation services to landlord and tenant participants.

Mediation offers a neutral platform for tenants and landlords to resolve issues resulting from the COVID-19 pandemic. The mediation is offered via electronic communication technology in order to comply with the ongoing Santa Clara County Shelter-in-Place order and social distancing requirements. A tenant and landlord who have met the threshold requirements will have the opportunity to work with a mediator whose role is to help parties have difficult conversations, generate options, and reach voluntary resolution of their conflicts but does not provide legal advice.

RSP staff are responsible for fielding inquiries, verifying eligibility requirements, and submitting referral paperwork to OMOS to get the mediation process started.



JUST CAUSE NOTICES



The Tenant Protection Ordinance requires all notices of termination to state a “just cause.”

This applies to tenants living in apartment buildings with three or more apartments. Under the Tenant Protection Ordinance, landlords must submit copies of any notices of termination to the City.

TERMINATION OF TENANCY NOTICES WITH JUST CAUSE REASONS FROM 1–13

Quarter	2017-2018	2018-2019	2019-2020
1	2,521	2,537	2,339
2	2,076	2,393	2,183
3	2,050	2,475	2,375
4	2,160	2,311	1,724
Total	8,807	9,716	8,621

From July 1, 2019 through June 30, 2020, the City received 8,621 Just Cause Notices

JUST CAUSE NOTICES

Under the Tenant Protection Ordinance, there are 13 Just Causes. Certain causes require the landlord to provide relocation assistance to the tenant. The table below illustrates the number of each type of termination of tenancy notice filed with the Rent Stabilization Program during this time period.

#	Just Cause Submissions	Total	%
1	Nonpayment of Rent	7,846	74.46
2	Material or Habitual Violation of Tenancy	508	4.82
3	Substantial Damage to the Rental Agreement	18	0.17
4	Refusal to Agree to a Like or New Rental Agreement	179	1.70
5	Nuisance Behavior	108	1.02
6	Refusing Access to the Apartment	7	0.07
7	Unapproved Holdover Subtenant	17	0.16
8	Criminal Activity	4	0.04
9	Substantial Rehabilitation of the Apartment	8	0.08
10	Ellis Act Removal	6	0.06
11	Landlord Move In	1	0.01
12	Order to Vacate	1	0.01
13	Vacation of Unpermitted Apartment	0	0
Subtotal with Just Causes 1–13		8,621	-
TPO Exemptions		276	-
Subtotal with Just Causes 1–13 + Exemptions		8,897	
COVID-19 Related Notices*		1,560	-
Total Overall Submissions		10,457	

*May include units both covered and not covered by TPO e.g. single family homes, townhomes

JUST CAUSE NOTICES

METHOD OF SUBMISSIONS

Method of Submission	%
By Mail	15%
Online	55%
Rent Registry	30%

Approximately 75% of termination of tenancy notices served in fiscal year 2019-2020 were for nonpayment of rent. There were approximately 1,763 notices or 20% that were submitted by five large property landlords.

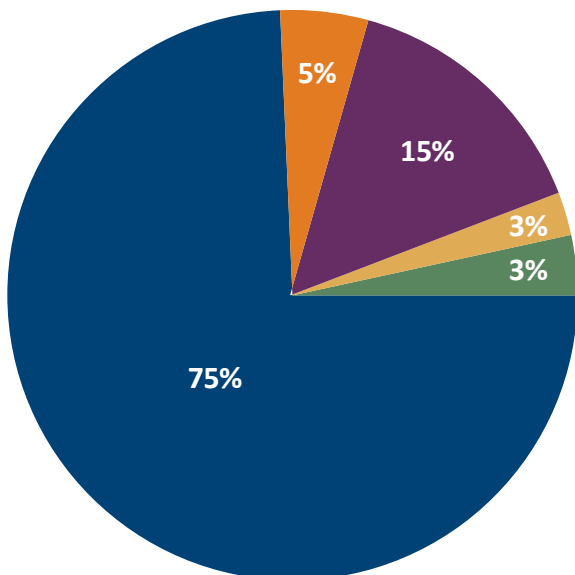
There were approximately 608 unlawful detainer notices submitted. An Unlawful Detainer is filed with the Santa Clara County Court to initiate an eviction process. Only 7% of termination of tenancy cases went to court through the Unlawful Detainer process.

1,763

Notices submitted by five large property landlords

608

Unlawful detainer notices submitted



- 75%** #1 Nonpayment of Rent
- 5%** #2 Material or Habitual Violation of Tenancy
- 3%** #3-13 Reasons
- 15%** COVID-19 Related Notices
- 3%** TPO Exemptions

LEGAL SERVICES: EDUCATION & REFERRALS



San José Housing Consortium (comprised of Law Foundation, Bay Area Legal Aid, Senior Adults Legal Assistance, Asian Law Alliance, and Project Sentinel), was awarded a \$500,000 contract to provide legal education and services to tenants and landlords beginning fall 2018.

The goal of the program is to increase housing stability by providing free landlord/tenant counseling, education, referrals, and legal assistance to low-income tenants and landlords. These services also include outreach and education to low-income tenants and landlords citywide. This year, the San José Housing Consortium held a total of 16 outreach and educational meetings: three for landlords, four for public, and 15 for both landlords and tenants.

PUBLIC ENGAGEMENT

122

Total Outreach Meetings

3

For Landlords

15

For Landlords and Tenants

4

For the Public

1,089

Phone Calls to
Legal Services Hotline

50

Legal Consultations

34

Legal Representation for
Eviction Proceedings and
Administrative Hearings

LEGAL SERVICES: EDUCATION & REFERRALS

LEGAL SERVICES CLIENT DATA BY INCOME

	Q1	Q2	Q3	Q4	Total	%
Extremely Low At or below 30% of Median Family Income	227	210	275	305	1,017	63%
Very Low Exceeds 30%, but does not exceed 50%	42	39	65	49	195	12%
Low/Moderate Exceeds 50%, but does not exceed 80%	83	65	98	98	344	21%
Non-Low/Moderate Exceeds 80%	18	14	18	20	70	4%
Totals	370	328	456	472	1,626	100%

RACE AND ETHNICITY

	Q1	Q2	Q3	Q4	Total	%
White	155	156	207	233	751	36%
Hispanic	88	94	118	155	455	22%
African American or Black	24	32	46	13	118	6%
Asian	46	38	62	78	224	11%
American Indian or Alaska Native, Other Pacific Islander	7	4	4	1	16	<1%
Other	138	98	137	144	517	25%
Totals	458	422	574	627	2,081	100%

MOBILEHOMES

The Rent Stabilization Program provides services to mobilehome landlords, park landlords, park managers, and park residents. There are 59 mobile home parks in San José that are home to approximately 35,000 residents. The City is home to the largest number of mobilehome households in California.

The Mobilehome Rent Ordinance covers 59 mobilehome parks and approximately 10,840 mobilehome spaces. 12 mobilehome parks are age-restricted communities, serving individuals fifty-five years and older, many of whom live on fixed incomes. The Mobilehome Rent Ordinance allows annual mobilehome space rent increases equal to 75% of the regional Consumer Price Index increase, with a minimum increase of 3% and a maximum of 7%.

SUMMARY OF MOBILEHOME ISSUES

The Rent Stabilization Program received 317 inquiries from the mobilehome community during 2019–2020. The types of inquiries are explained below. Due to restrictions in State law, the Rent Stabilization Program has limited authority to respond to many mobilehome issues.

Inquiries from mobilehome residents focused on the following topics:

- **52** Rent increases
- **47** Code issues, maintenance, service
- **64** COVID-19
- **28** Evictions
- **23** Fees, lease disputes, harassment, and deposits
- **64** Miscellaneous
- **42** Ordinances

MOBILEHOMES IN SAN JOSÉ



59 Mobilehome Parks



10,840 Mobilehome Spaces



12 Age-Restricted Parks
(Ages 55+)



47 Family Parks

LOOKING AHEAD

PROGRAM & POLICY PRIORITIES

Looking ahead to FY 2020-2021, the Rent Stabilization Program will continue to oversee the Apartment Rent Ordinance, Rent Registry, Tenant Protection Ordinance, Ellis Act Ordinance, and Mobilehome Rent Ordinance, and conduct community education, policy analysis, and implementation of various housing programs.

PROGRAMS

- Participate in Recovery Task Force
- Continue to educate tenants, landlords, and members of the public about the Rent Stabilization Program
- Develop a strategic plan to outline the program's goals and strategies
- Expand the use of innovative outreach tools, including informational videos and infographics, zoom technology, mediations and hearings, and a larger social media presence
- Maintain monthly reportable statistics of program activity

POLICY CHANGES

- Continue monitoring legislation and policy impacts related to the Eviction Moratorium on a county, state, and federal level
- Implement administrative citations for the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance

RENT REGISTRY

- Implement Phase Two to increase participation and enable tenant validation of apartment information
- Monitor and enforce compliance

POLICY RESEARCH

- Develop policy addressing need for families impacted by COVID-19
- Develop anti-displacement goals and strategies for residents in the City of San José
- Continue efforts related to community development and legal representation for apartment and mobilehome residents



Housing

2019–2020 Rent Stabilization Program Annual Report
San José Housing Department
200 E. Santa Clara St. 12th Floor, San José CA, 95113
sjhousing.org • 408-975-4480

ANNUAL REPORT 2019–2020 • EXECUTIVE SUMMARY

Rent Stabilization Program

WORKLOAD SUMMARY



38,441

RENT STABILIZED APARTMENTS



48,133

NON-RENT STABILIZED APARTMENTS



59

MOBILEHOME PARKS



10,840

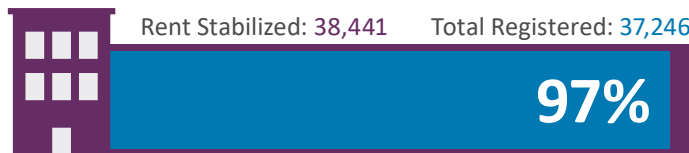
MOBILEHOME SPACES

APARTMENTS TOTALS

Total Rent Stabilized: **38,441**

Total Registered: **37,246**

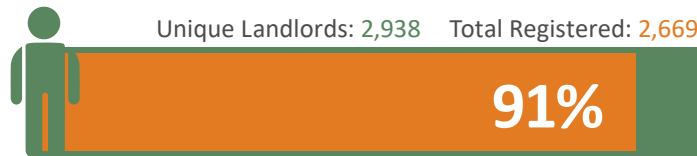
Apartments withdrawn through Ellis Act Ordinance: **10**



LANDLORDS

Unique Landlords: **2,938**

Total Registered Landlords: **2,669**



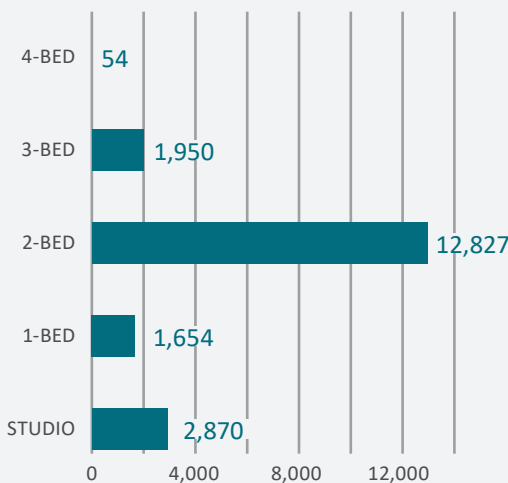
PETITIONS DATA



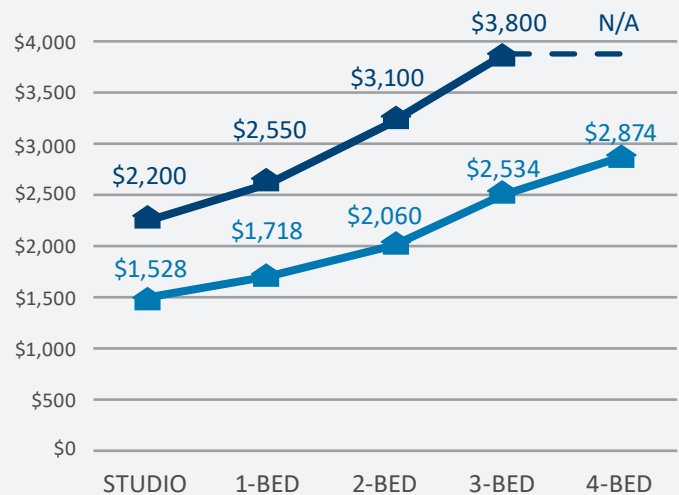
113

Total Petitions

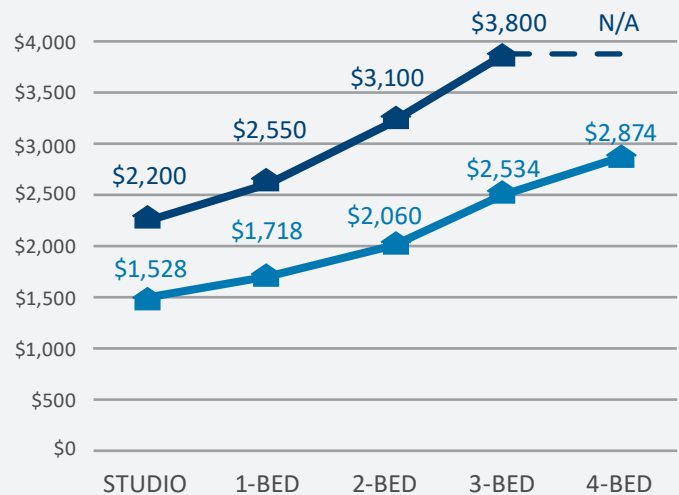
Rent Stabilized Apartments in the Rent Registry



Average Rent for Rent Stabilized Apartments



Average Rent for Market Rate Apartments



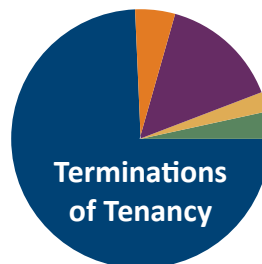
9

Tenant Buyouts



\$8,715

Average Tenant Buyout per Household



- 75%** #1 Nonpayment of Rent
- 5%** #2 Material or Habitual Violation of Tenancy
- 3%** #3–13 Reasons
- 14%** COVID-19 Related Notices
- 3%** TPO Exemptions