



2020  
2021

# 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).

As the COVID-19 pandemic continued, the Rent Stabilization Program (RSP) shifted its long-term priorities to focus on the recovery and continuation of housing stability for thousands of San José residents facing financial hardships due to the pandemic.

The RSP team continued implementing the eviction moratorium and moratorium on rent increases to protect tenants.

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, research and analyze housing trends, and educate property owner and tenants about their rights and obligations.



JACKY MORALES-FERRAND, *DIRECTOR OF HOUSING*

## ABOUT THE RENT STABILIZATION PROGRAM (RSP)

The Rent Stabilization Program provides services to tenants in the City of San José who live in apartments and mobilehomes, property owners, and managers. The services include:

- Responding to general inquiries and meeting with property owners and tenants to address issues, develop solutions, and answer questions;
- Policy development and implementation,
- Managing notices of tenancy termination, including reviewing notices to examine accuracy and analyze trends,
- Managing tenant and property owner petitions, as well as scheduling mediations and administrative hearings,
- Engaging and educating community members and community-based organizations through printed and digital medias, community presentations, site visits to both apartment complexes and mobilehome communities, and multilingual workshops.

# OUR TEAM

## PROGRAM STAFF



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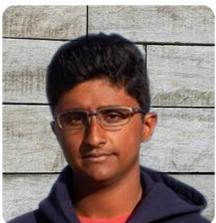
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# ACCOMPLISHMENTS

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## WORKLOAD OUTPUT SUMMARY



PETITIONS PROCESSED



WEBINAR MEETINGS



COMMUNITY EVENTS

20 for Landlords & Tenants  
4 for Landlords  
14 for Tenants



INQUIRIES ADDRESSED

6,135 English  
709 Spanish  
162 Vietnamese  
2 Others



WEBINAR VIEWS



INFORMATIONAL VIDEOS



EMAIL BLASTS



MAILERS SENT TO  
LANDLORDS AND/OR  
TENANTS

# HOUSING DATA—RENT REGISTRY

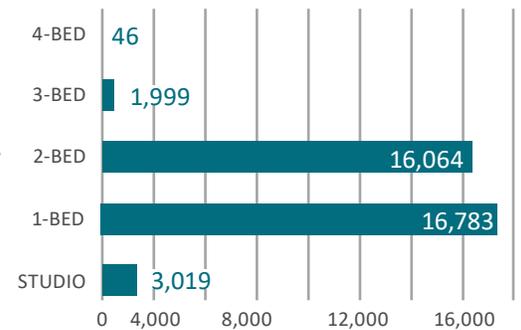
The Rent Stabilization Program collects data for rent stabilized properties, which are apartment buildings with three or more apartments, built before September 7, 1979. The Rent Registry allows Program staff to monitor compliance and analyze trends for rent stabilized properties subject to the Apartment Rent Ordinance.

The Rent Registry is an online portal where property owners or managers register their rent stabilized apartments. 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 REGISTRY GOALS

- Utilize Rent Registry to track rent stabilized rents and annual rent increases. In addition, analyze the length of tenancy and turnover rates in rent stabilized apartments to measure effects of rent stabilization and compare to market rate turnover rates.
- Leverage database as an enforcement mechanism of rent increases to ensure rent stabilization by informing landlords of improper rent increases beyond allowable 5% in the Rent Registry and allowing tenants to verify rent levels through the future Tenant Portal.

Rent Stabilized Apartments in the Rent Registry



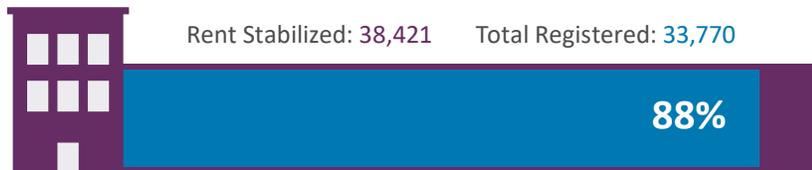
## APARTMENTS TOTALS

Total Rent Stabilized: **38,421**

Total Registered: **33,770**

Apartments withdrawn through Ellis Act Ordinance: **12**

**88%** Registered



## PROPERTY OWNERS

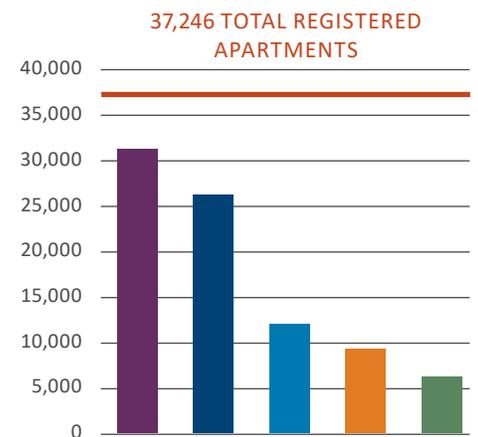
Unique Property Owners: **3,091**

Total Registered Property Owners: **2,760**

**89%** Registered



Apartments with Services



- 31,774 (86%)** Parking
- 26,080 (75%)** Laundry
- 12,409 (37%)** Pool
- 9,358 (27%)** Storage
- 6,626 (20%)** None of the four

# HOUSING DATA—PROGRAMS



## ELLIS ACT ORDINANCE WITHDRAWALS

The City of San José’s Ellis Act Ordinance provides the legal process for owners who want to withdraw a Rent Stabilized apartment building from the rental market.

During Fiscal Year 2020-2021, the Program received one notice of an intention to withdraw a 12-unit rent stabilized building under the Ellis Act Ordinance. This withdrawal impacts one tenant housed who is currently still housed in the building. The tenant is receiving relocation assistance and benefits consistent with the Ellis Act. The former tenants located negotiated tenant buyout agreements with the owner consistent with the Apartment Rent Ordinance requirements. The reason for the withdrawal was for demolishing for redevelopment to build new units.

## TOTAL RENT STABILIZED APARTMENT UNITS WITHDRAWN FROM MARKET

# OF UNITS		DETAILS
2020–2021	12	<ul style="list-style-type: none"> <li>• 1 apartment with tenants receiving Ellis Act Ordinance notice and relocation benefits</li> <li>• 9 tenants accepted tenant buyout</li> <li>• 2 apartments were vacant at time of withdrawal</li> </ul>
2019–2020	10	<ul style="list-style-type: none"> <li>• 8 apartments with tenants receiving Ellis Act Ordinance notice and relocation benefits</li> <li>• 2 apartments were vacant at time of withdrawal</li> </ul>
2018–2019	4	
<b>TOTAL UNITS</b>	<b>26</b>	

## TOTAL MARKET RATE APARTMENT UNITS WITHDRAWN FROM MARKET

	# OF UNITS
2020–2021	0
2019–2020	0
2018–2019	5
<b>TOTAL UNITS</b>	<b>5</b>

## ELLIS ACT PROGRAM GOALS

- Evaluate the impacts of the Ellis Act Ordinance by monitoring withdrawn properties that have been developed or have not been redeveloped, as well as evaluate impacts on tenants displaced by the economics of redevelopment
- Monitor coordination of project management with the Planning, Building, and Code Enforcement for compliance with SB 330

# HOUSING DATA—TENANT BUYOUTS

A tenant buy-out occurs when a property owner of a rent stabilized property enters into a mutual agreement with the tenant to terminate the tenancy through a voluntary agreement. Typically, the property owner offers the tenant money to voluntarily agree to vacate the apartment on an agreed-upon date. The City regulates voluntary agreements under the Apartment Rent Ordinance Regulations (“Regulations”). They contain disclosure requirements to the tenants and noticing to the City whenever they are executed so that the City can review them for consistency with the Regulations. The tenant has 45 days after signing the agreement to change their mind.



# POLICY CHANGES & COVID-19



## IMPACT ON PROGRAMS

Throughout the COVID-19 pandemic, the City of San José enacted an Eviction Moratorium and Moratorium on Rent Increases to ensure that residents that were still facing impacts of the pandemic were protected. These Moratoriums were extended several times as the pandemic progressed into 2021.

### POLICY PROGRAM GOALS:

- Understand the effectiveness of policies intended to promote city-wide housing stability during COVID-19 relief and recovery efforts.
- Educate and inform the rental community of rights and responsibilities with targeted outreach to renters with limited English proficiency, and renters with special needs such as seniors and people with disabilities.

## REDUCTION IN RENT STABILIZATION PROGRAM PER UNIT FEES FOR PROPERTY OWNERS

To help reduce the financial burden on property owners during the pandemic, Rent Stabilization Program fees were temporarily reduced 35% in FY 20-21 for the Apartment Rent Ordinance Fee, 37% for the Tenant Protection Ordinance Fee, 20% for the Tenant Protection Ordinance, and 17% for the Mobilehome Rent Ordinance.

	<b>ARO FEE</b>	<b>TPO FEE</b>	<b>EAO FEE</b>	<b>MHRO FEE</b>
2019–2020 Fee Levels	\$85.04	\$8.76	\$2,469	\$24.24
2020–2021 Fee Levels	<b>\$55.00 (-35%)</b>	<b>\$5.45 (-37%)</b>	<b>\$2,464 (-20%)</b>	<b>\$20.00 (-17%)</b>

## EVICTIION MORATORIUM

Since March 2020, local and statewide eviction moratoria have served as critical tools to keep San José residents safe and housed during the pandemic. The public health measures put in place to control the spread of disease resulted in significant economic hardship for many business owners and their employees, leading to business closures and loss of jobs and work hours. Additionally, the transition to remote learning led to many workers being unable to return to the workplace due to childcare needs. To address the mounting financial impacts and the risk that residents would not be able to cover their rent, federal, state, and local governments enacted targeted eviction moratoria and dedicated billions of dollars in funding to rental assistance, aimed at mitigating the harmful effects of COVID-19 on housing stability. Now, federal rental assistance is available for tenants, property owners, and managers through the State of California and the local program, providing a resource to pay rental arrears before property owners pursue an eviction.

The Moratoriums were intended to protect all residential tenants impacted by COVID-19 from evictions for nonpayment of rent. As the pandemic persisted for months, concerns were raised over the ability of tenants to pay their rental arrears.

Compared to last year in 2019-2020, the Program received 608 unlawful detainers. This year, the program received 121 unlawful detainers.

### 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

# POLICY CHANGES & COVID-19

## AMENDMENTS TO THE SAN JOSÉ EVICTION MORATORIUM FROM AUGUST 2020 TO JUNE 2021

To prevent a pending “eviction cliff”, the San José City Council extended protections for renters. The following events describe the actions taken by the City Council and Program staff:

- **August 25, 2020**

The City reviewed the RSP staff recommendation to extend the Eviction Moratorium until September 30, 2020, and a staff report detailing the economic indicators that informed this recommendation. The memorandum also provides information on moratoria actions taken by government entities, impacts to property owners, and resources available to both property owners and tenants.

- **September 29, 2020**

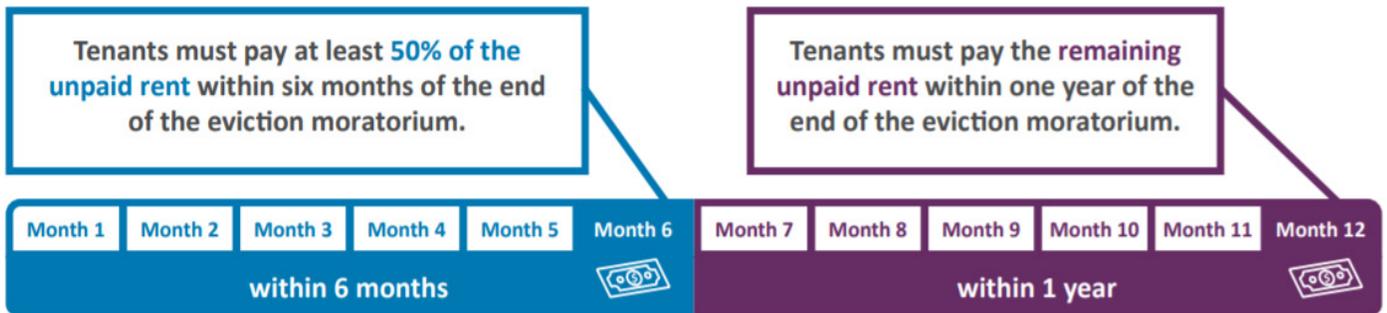
Staff provided to City Council a summary of the key differences between the components of the City of San José Eviction Moratorium, Santa Clara County Eviction Moratorium, and State Executive Order N-37-20. The following were analyzed in the summary: 1) Coverage, term and expiration, and nonpayment of rent protection 2) How to qualify as an affected tenant, notification by tenant to property owner, rent repayment period, and late fees 3) Eviction procedures.

- **January 26, 2021**

The City passed the 2021 Eviction Moratorium as a stopgap measure in the event that the State did not extend its eviction protection measures following a sharp increase in COVID-19 cases and deaths during the winter.

- **June 22, 2021**

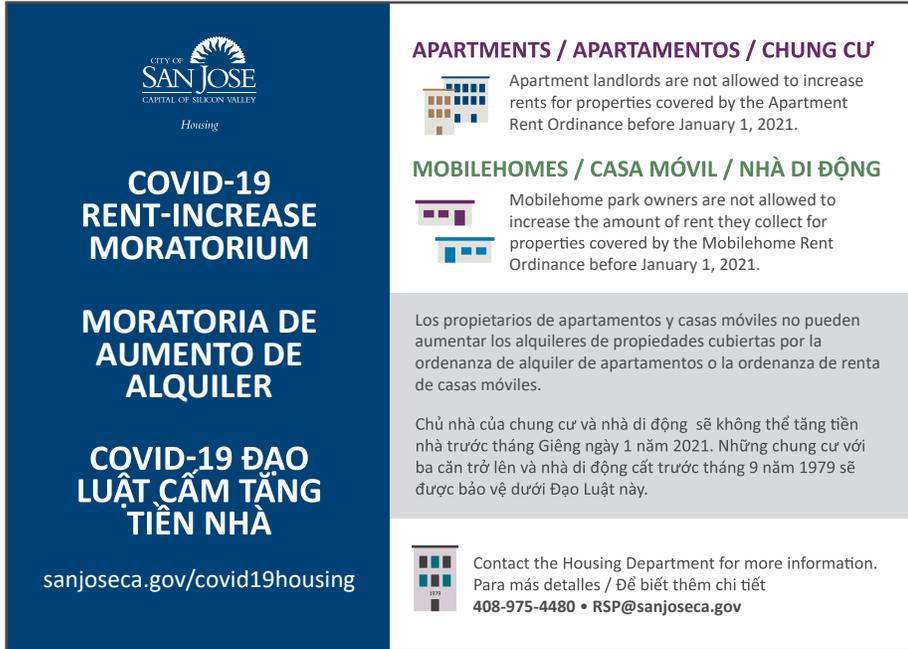
The City passed the 2021 Eviction Moratorium extension on residential evictions until August 31, 2021 as a measure to protect tenants who continue to struggle to pay rent due to COVID-19 related financial hardship and ensure rental assistance can be disbursed to pay the outstanding rent debt. California Assembly Bill 832 was also passed in late June, replacing San José’s residential eviction moratorium. AB 832 applies to San José residential properties and similarly required tenants to pay at least 25% of rent due in July and August and provide their property owners with a signed declaration of continuing COVID-19 related financial distress to receive the eviction protections.



## CITY OF SAN JOSÉ MORATORIUM ON RENT INCREASES

- On April 28, 2020, the San José City Council enacted a temporary moratorium on rent increases for rent-stabilized apartments and rent-controlled mobilehomes. The moratorium expired on December 31, 2020.
- On February 2, 2021, City Council enacted an additional temporary 2021 Moratorium on Rent Increases that prohibited rent increases from being charged between February 2, 2021 and June 30, 2021. Only apartments subject to the Apartment Rent Ordinance or Mobilehome Rent Ordinance are covered under this Moratorium on Rent Increases. This moratorium expired on June 30, 2021. As staff reviewed measures put in place over the last 14 months to protect the most vulnerable residents from housing instability and mounting debt, significant outreach in the community resulted in the recommendation that the 2021 Moratorium on Rent Increases end on its expiration date June 30, 2021.
- On June 22, 2021, City Council approved sunsetting the 2021 Moratorium on Rent Increases. The 2021 Moratorium on Rent Increases fulfilled its purpose to promote housing stability during the COVID-19 pandemic by mitigating against increases to rent debt that could lead to increased homelessness. While the temporary 2021 Moratorium was necessary for the immediate preservation of public peace, health, and safety, staff’s recommendation to the Commission is to sunset the 2021 Moratorium on Rent Increases on its current expiration date of June 30, 2021, based upon research and public outreach with property owners, property managers, tenants from the rent stabilized apartments, and mobilehome community.

# POLICY CHANGES & COVID-19



The postcard features the City of San Jose logo and the Housing Department name. It is divided into three main sections: English, Spanish, and Vietnamese. The English section states that apartment landlords are not allowed to increase rents before January 1, 2021, and mobilehome park owners are not allowed to increase the amount of rent they collect for properties covered by the Mobilehome Rent Ordinance before January 1, 2021. The Spanish section provides the same information in Spanish. The Vietnamese section provides the same information in Vietnamese. At the bottom, it provides contact information for the Housing Department: 408-975-4480 and RSP@sanjoseca.gov.

**APARTMENTS / APARTAMENTOS / CHUNG CƯ**  
Apartment landlords are not allowed to increase rents for properties covered by the Apartment Rent Ordinance before January 1, 2021.

**MOBILEHOMES / CASA MÓVIL / NHÀ DI ĐỘNG**  
Mobilehome park owners are not allowed to increase the amount of rent they collect for properties covered by the Mobilehome Rent Ordinance before January 1, 2021.

Los propietarios de apartamentos y casas móviles no pueden aumentar los alquileres de propiedades cubiertas por la ordenanza de alquiler de apartamentos o la ordenanza de renta de casas móviles.

Chủ nhà của chung cư và nhà di động sẽ không thể tăng tiền nhà trước tháng Giêng ngày 1 năm 2021. Những chung cư với ba căn trở lên và nhà di động cất trước tháng 9 năm 1979 sẽ được bảo vệ dưới Đạo Luật này.

Contact the Housing Department for more information.  
Para más detalles / Để biết thêm chi tiết  
408-975-4480 • RSP@sanjoseca.gov

The City's Rent Increase Moratorium Postcard mailer

## STATE OF CALIFORNIA EXTENSIONS OF EVICTION MORATORIUM

- Effective August 31, 2020, the COVID-19 Tenant Relief Act (“CTRA”) enacted temporary protections from eviction for residents unable to pay rent and other charges due on or after March 2020. CTRA was extended in January 2021 by SB 91, and again by AB 832, effective June 28, 2021. CTRA’s protections now apply to rent due between March 1, 2020 through September 30, 2021 and extend additional requirements through March 2022. AB 832 effectively replaced the City’s residential eviction moratorium with a statewide eviction moratorium.

## THE COVID-19 TENANT RELIEF ACT UNDER CALIFORNIA ASSEMBLY BILL 3088 AND SENATE BILL 91

- The COVID-19 Tenant Relief Act of 2020 (“CTRA”), commonly referred to as AB 3088, took effect on August 31, 2020. CTRA provides protections from eviction for residents unable to pay their full rent and other charges due between March 1, 2020 and January 31, 2021 due to circumstances directly related to the COVID-19 pandemic. It also extends “just cause” protections (as defined by the Tenant Protection Act, AB 1482), to all

residential properties and tenancies through January 31, 2021. CTRA has been extended twice (under SB 91 and AB 832). The moratorium expired September 30, 2021.

## THE COVID-19 RENTAL HOUSING RECOVERY ACT UNDER AB 832

- Assembly Bill 832 (AB 832) and its predecessor bills created a robust rental assistance program for tenants who make less than 80% of the “area median income.” This program will pay 100% of a tenant’s back rent owed since April 1, 2020. Either a property owner or a tenant can begin the application process. If the property is the first to apply, the tenant must be sure to complete their application within 15 days. If a property owner refuses to participate, the tenant can receive the rent assistance money directly. AB 832 also extended protections through September 30, 2021 that were originally established under AB 3088, and further extended under SB 91. Under AB 832 tenants cannot be evicted for COVID-19 rent debt (rent due between March 1, 2020 to September 30, 2021) so long as they:
  - Pay at least 25% of rent due by September 30, 2021 for the period of September 1, 2020 through September 30, 2021. Tenants may do this by paying at least 25% each month, or by paying a lump sum equaling 25% of their cumulative rent owed during the time period, or by some other means; and
  - Submit to their property owner a signed Declaration of COVID-19 Related Financial Distress within 15 days of receiving a notice for nonpayment of rent.
- These protections end September 30, 2021. AB 832 contains further provisions preventing local jurisdictions from adopting eviction protection measures in response to the COVID-19 pandemic until April 1, 2022.

**AB 3088 Tenants' Rights**

The Tenant, Homeowner and Small Landlord Relief and Stabilization Act of 2020 (AB 3088) is a state law that outlines new rights and responsibilities for tenants and landlords due to the COVID-19 pandemic. The law applies to all tenants, regardless of their immigration status or whether they have a formal lease.

**Staying SAFE after an eviction notice**

**Stay in your home.** If you receive an eviction notice, that does not mean you need to leave immediately. There may be legal protections to help you stay in your home. **Advice from a lawyer is key.** You should consult with a lawyer as quickly as possible. Visit [lawhelpca.org](http://lawhelpca.org) to find local legal aid options.

**Forms must be returned to landlord within 15 days of receiving a Notice to Pay Rent or Quit for missed rent.** Tenants should sign and return a Declaration of COVID-19 Financial Distress form to their landlord if they have been financially impacted by the pandemic. Quickly returning this form within 15 business days is the critical step for tenants to be protected from eviction.

**Everything should be documented.** You should keep records as proof of all action and correspondence (e.g., sending the declaration, paying any portion of rent, etc.).

Customized protections report, declaration forms, and more at [housingiskey.com](http://housingiskey.com)

**How am I protected from eviction for unpaid rent under AB 3088?**

If you received a pay-or-quit eviction notice for missed rent since March 1, 2020, due to COVID-19 financial challenges, landlords are required to provide a Declaration of COVID-19 Financial Distress form with the 15-day pay-or-quit eviction notice. Signing and returning the form to your landlord within 15 business days of receiving the eviction notice is the critical step to being protected from eviction. If your household income is below \$100,000/year, you are not required to provide any additional documentation besides the signed form.

**If I received any other type of eviction notice?**

Until February 1, 2021, a landlord can only evict you if they provide a legally valid reason. It is illegal for a landlord to give an eviction notice without a stated reason, and this stated reason must match one of the valid reasons allowed by the law. You may also be protected through other federal, state, and local laws. Seek legal assistance to determine what protections apply.

**If I returned the form within 15 business days, how am I protected?**

Missed Rent from	Mar. 1 - Aug. 31, 2020	Sept. 1, 2020 - Jan. 31, 2021
How are you protected from eviction?	You cannot be evicted for failing to pay this rent.	You cannot be evicted until February 1, 2021 for failing to pay this rent. If you pay 25% of your rent now during the period February 1, 2020 thru June 30, 2021, you can be evicted for failing to pay this rent.
What about the rent owed?	You still owe the missed rent, even if you cannot be evicted for it. Your landlord is required to pay for the missed rent. It is illegal for you to be asked to pay for the missed rent.	You still owe the missed rent, even if you cannot be evicted for it. Your landlord is required to pay for the missed rent. It is illegal for you to be asked to pay for the missed rent.

LawHelpCA.org HOUSING IS KEY

# RENT REGISTRY

The Rent Registry website went live for the second registration period on October 1, 2020. Property owners and managers were provided 60 days to register their apartments in the portal.

As of June 30, 2021, there were 33,770 apartments registered out of the total 38,421 apartments subject to the Apartment Rent Ordinance. That is a compliance rate of 88%.



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

## RENT REGISTRY KEY INITIATIVES



6 Rent Registry workshops



1 mailer to property owners and managers



5 email blasts sent to email subscribers



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



26 video tutorials



1,257 phone, email, and in-person interactions to provide support

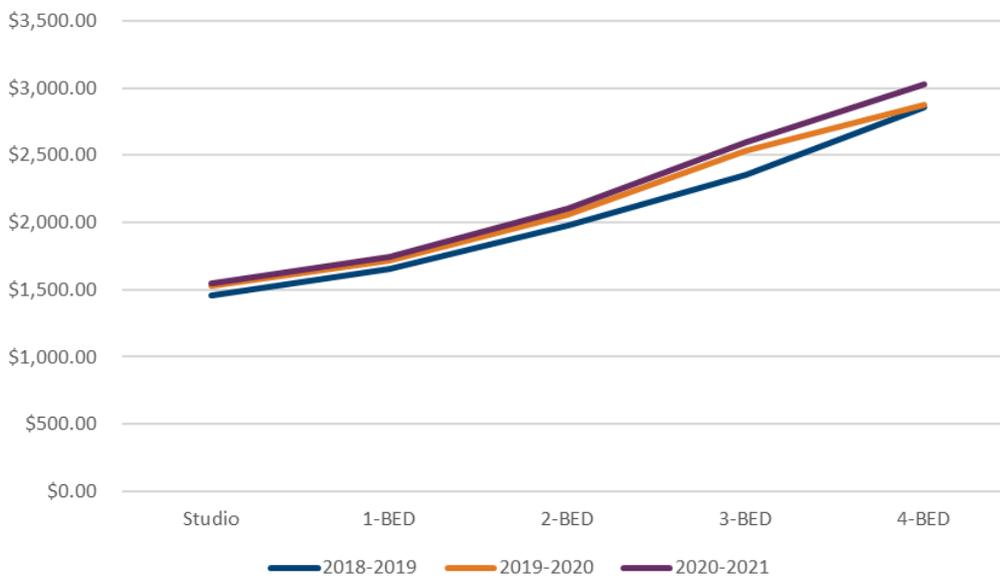


User guide produced in three languages

The Rent Registry has enabled staff to better understand what is occurring in the rent-stabilized community, help promote and sustain compliance with the Apartment Rent Ordinance (“ARO”), as well as provide an invaluable tool for policymaking to support the rent stabilization community and carry out the purpose of the ARO.

Data entered in the Rent Registry since the first registration period began in 2018 shows that rents for rent stabilized apartments have been increasing year over year. This data shows the importance of having a 5% allowable rent increase every 12 months is crucial to having affordable housing for San José residents. Without the Apartment Rent Ordinance, rent increases would not be regulated and tenants could potentially receive extremely high rent increases.

## RENT INCREASES IN RENT REGISTRY SINCE 2018



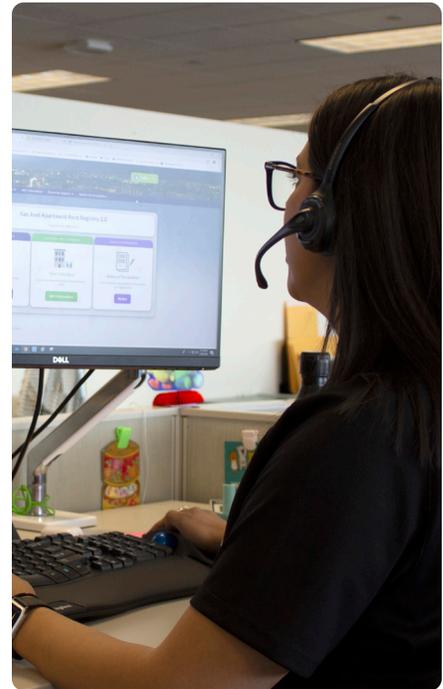
The focus for staff during Fiscal Year 2020–2021 was informing property owners about the Rent Registry, educating them about their obligations, and providing technical assistance throughout the registration process. The majority of properties were registered through the online portal. 243 properties were registered via the paper form for the second registration period.

Due to the closure of City Hall, staff provided webinars and video tutorials to help property owners and managers register for the second registration period. These webinars and videos were done in English, Spanish, and Vietnamese.

# RENT REGISTRY

The Rent Registry has also proven to be an essential tool in monitoring compliance with the City’s Ordinance. The 2020 Moratorium on Rent Increases prohibited rent increases to be issued to rent stabilized properties from April 28, 2020 to December 31, 2020. Staff contacted property owners and managers who identified in the Rent Registry that they increased their tenants’ rent during the time the 2020 Moratorium on Rent Increases was in effect. In response, staff has contacted property owners who indicated that they increased to determine whether the increase occurred and to educate the property owners on the moratorium and correct any improper rent increases. The education outreach campaign is ongoing. Thus far, the common outcomes of the campaign reported to staff were:

- Owners made an error on the date of the rent increase such that the increase occurred outside of the moratorium
- Owners actually negotiated rent decreases with their tenants
- Owners, who improperly increased the rent, issued rent credits to their tenants

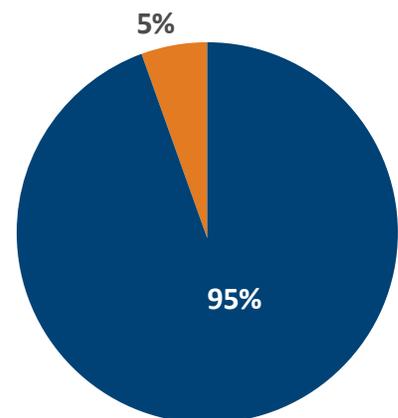


## HOUSING CHOICE VOUCHERS

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. Voucher holders can live in rent stabilized apartments and are protected under the Apartment Rent Ordinance, however, voucher holders are exempt from the rent increase limits under the ARO. In Fiscal Year 2020-2021, 2,025 ARO apartments had tenants in the Housing Choice Voucher Program.

### Pie Chart: Registered Apartments participating in Housing Choice Voucher Program

**36,396 (95%):** Apartments not receiving voucher assistance  
**2,025 (5%):** Apartments with voucher assistance



# PETITIONS

The Rent Stabilization Program oversees tenant and property owner-initiated petitions. Through the Programs hearing officers, mediations and administrative hearings are conducted to assist in resolving rental issues under the Apartment Rent Ordinance.

Mediations are held to settle disputes without the need for a more formal hearing. Participation in a mediation is voluntary. 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 hearing process, the hearing officer issues a detailed written decision. Most petitions are resolved through mutual agreement.

## PETITION PROGRAM GOALS

- Ensure tenants and landlords who participate in the Petitions or Housing Mediation Programs follow through with the process, are accountable with the outcomes, and are satisfied or above satisfied with the process when completing Program survey.
- Continue outreach and multilingual engagement to vulnerable communities to provide petition and mediation services to resolve tenant and landlord conflicts.



## ZOOM MEDIATIONS

As part of the COVID-19 pandemic response, the RSP team transitioned its mediation and hearings processes to the online Zoom platform for the entire 2020-2021 Fiscal Year. Prior to the end of the Fiscal Year, the team successfully closed all outstanding petition cases that were placed on hold at the beginning of the pandemic. While certain petitioners and respondents preferred to wait until in-person meetings were permitted as per Santa Clara County Health Orders, with the continued extension of stay-at-home orders due to the pandemic, the parties elected to hold the mediations over zoom.

## SUMMARY OF PETITIONS

There were 63 petitions 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.

### PETITIONS DATA



63

Total Petitions



23

Zoom Mediations/Hearings  
resulting in Voluntary  
Agreement

# PETITIONS

## SUMMARY OF PETITIONS

There were 63 petitions 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.

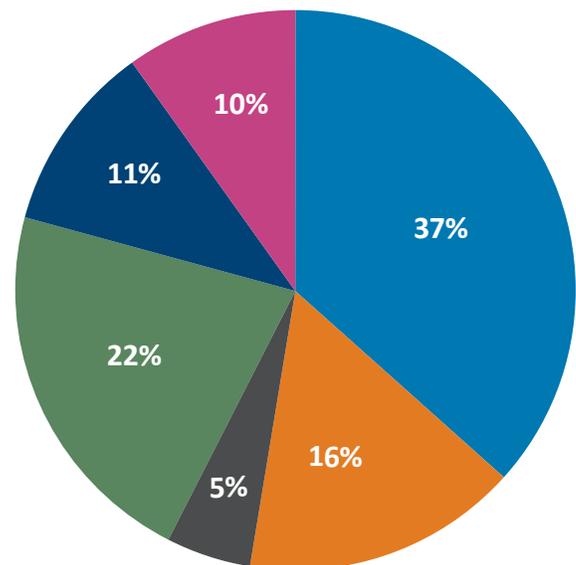
YEAR	TOTAL PETITIONS
2014–2015 (Base Year)	300
2015–2016	415
2016–2017	375
2017–2018	162
2018–2019	263
2019–2020	113
2020–2021	63

Tenant Petitions	
Service Reduction	56
Joint	4
Rent Increases	3
<b>Total</b>	<b>63</b>

Landlord Petitions	
Capitol Improvements	0
Fair Returns	0
	-
<b>Total</b>	<b>0</b>

## RESOLUTIONS OF PETITIONS SUBMITTED FROM 2020-2021

Resolutions	Petition	% of Total
Voluntary Agreement Arranged by Hearing Officer/ Mediator	23	37%
Voluntary Agreement Arranged by Staff	0	0%
Hearing Officer Decision	10	16%
Staff Decision	3	5%
Pending	14	22%
Ineligible	7	11%
Withdrawn	6	10%
<b>TOTAL</b>	<b>63</b>	<b>100%</b>



- Voluntary Agreements
- Hearing Officer Decision
- Petition Examiner
- Ineligible
- Administrative
- Withdrawn
- Pending

# MEDIATIONS

## MEDIATION PROGRAM GOAL

- Continue incorporating options to provide referrals and conduct online mediations and hearings to increase participation and flexibility for participants to complete process.

## 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) and is designed to provide mediation services to property owner and tenant participants.

Mediation offers a neutral platform for tenants and property owners to resolve housing related issues. The mediation is offered via electronic communication technology. Mediation offers tenants and property owners 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. It does not provide legal advice. Participants may also elect to receive coaching from the mediator, wherein the participant receives helpful communication tools.

RSP staff are responsible for fielding inquiries and submitting referral paperwork to OMOS to get the mediation process started. The Program submitted 33 referrals to OMOS in the 2020-2021 year. Of these cases, the outcomes were: 20 cases mediated or conciliated with 3 reaching no agreement; 12 cases were coached, with 3 deciding mediation was not needed and 3 in which no response from one party resulted in no mediation; and 1 case seeking information only.

# JUST CAUSE NOTICES

All apartment buildings with three or more units in the City of San José are subject to the Tenant Protection Ordinance. The Tenant Protection Ordinance requires all notices of termination provided to a tenant living in an apartment must receive one of the 13 “just cause” reasons.

Property owners must submit copies of any notices provided to their tenants to the City of San José Rent Stabilization Program.

## TPO PROGRAM GOAL

- Monitor notice compliance to reduce avoidable displacement by providing access to resources, and analyze data compiled to understand trends among just cause terminations.

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

Quarter	2017-2018	2018-2019	2019-2020	2020–2021
1	2,521	2,537	2,339	<b>1,479</b>
2	2,076	2,393	2,183	<b>2,688</b>
3	2,050	2,475	2,375	<b>2,754</b>
4	2,160	2,311	1,724	<b>2,796</b>
<b>Total</b>	<b>8,807</b>	<b>9,716</b>	<b>8,621</b>	<b>9,717</b>

From July 1, 2020 through June 30, 2021, the City received 9,717 Just Cause Notices

Under the Tenant Protection Ordinance, there are 13 Just Causes. Certain causes require the property owner 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 2020-2021

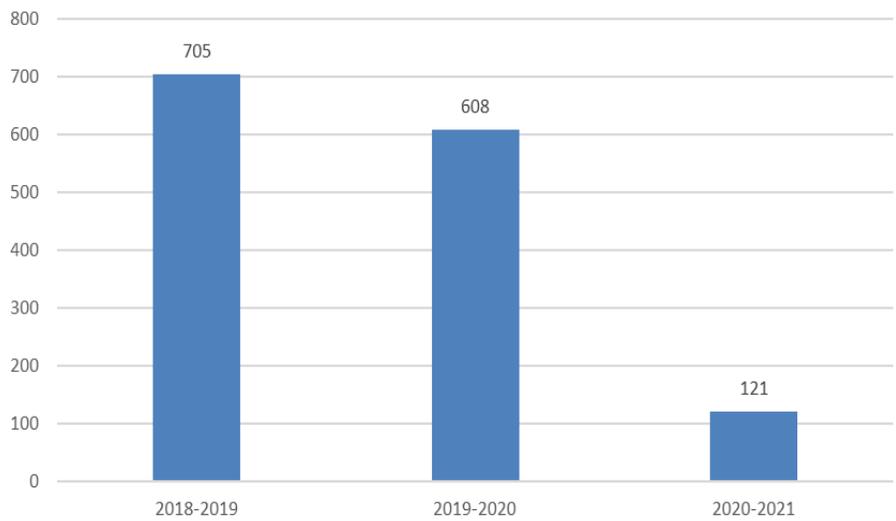
#	Just Cause Submissions	Total	%
1	Nonpayment of Rent	9,055	93.19
2	Material or Habitual Violation of Tenancy	378	3.89
3	Substantial Damage to the Rental Agreement	18	0.19
4	Refusal to Agree to a Like or New Rental Agreement	2	0.02
5	Nuisance Behavior	204	2.10
6	Refusing Access to the Apartment	3	0.03
7	Unapproved Holdover Subtenant	28	0.29
8	Criminal Activity	22	0.23
9	Substantial Rehabilitation of the Apartment	0	0.00
10	Ellis Act Removal	1	0.01
11	Landlord Move In	4	0.04
12	Order to Vacate	1	0.01
13	Vacation of Unpermitted Apartment	1	0.01
<b>Subtotal with Just Causes 1–13</b>		<b>9,717</b>	<b>-</b>
TPO Exemptions		670	-
<b>Total with Just Causes 1–13 + Exemptions</b>		<b>10,387</b>	

May include apartments both covered and not covered by TPO e.g. single family homes, condos, townhouses

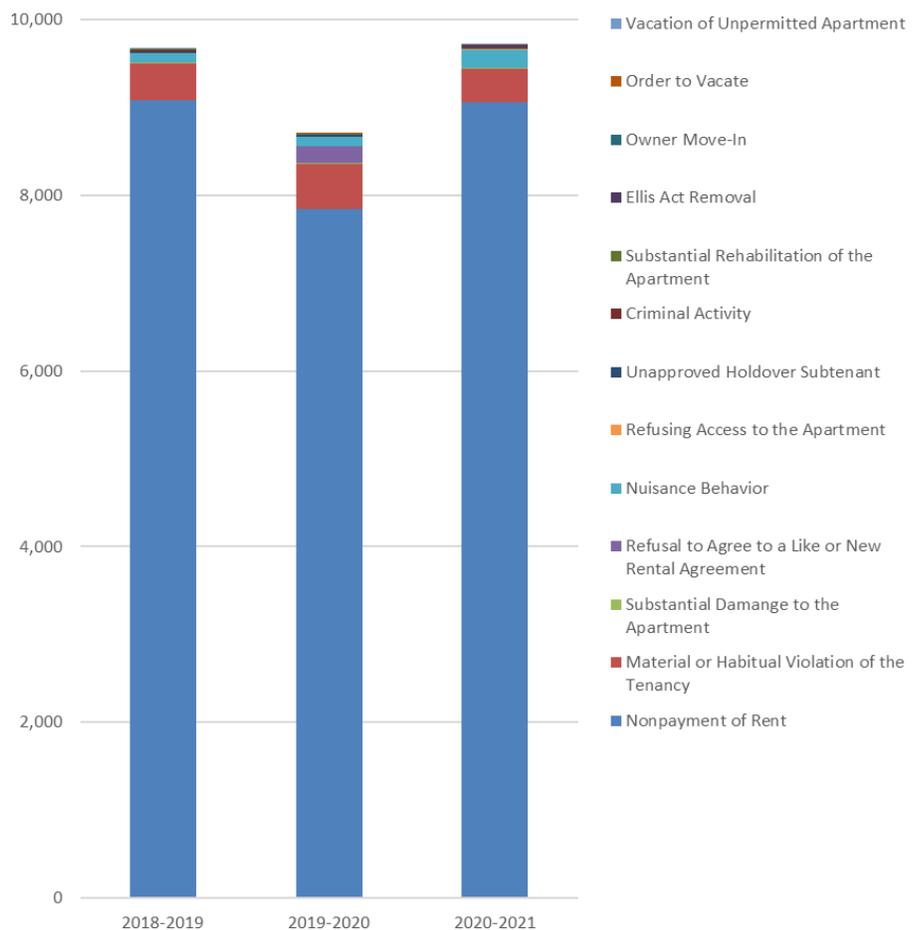
# JUST CAUSE NOTICES

There were approximately 121 unlawful detainer notices submitted. An Unlawful Detainer is filed with the Santa Clara County Court to initiate the eviction process. In 2020-2021, the number of Unlawful Detainers submitted to the program decreased by 80%. The decrease in Unlawful Detainers was due to the Eviction Moratorium which placed eviction protections for all residents who were unable to pay their rent due to the COVID-19 pandemic.

## UNLAWFUL DETAINERS SUBMITTED



## JUST CAUSE SUBMISSIONS WITH JUST CAUSES 1-13



# ADMINISTRATIVE WARNING & CITATIONS

On December 3, 2019, the City established an administrative citation process and schedule of fines for violations of the Apartment Rent Ordinance, Tenant Protection Ordinance, and Ellis Act Ordinance.

## ADMINISTRATIVE CITATION PROGRAM GOALS

- Foster compliance with the Ordinances through educating the rental community on their rights and responsibilities, correcting curable violation, and citing instances of violations when necessary.
- Identify instances of potential non-compliance and investigate and enforce such instances, and have a targeted approach to inform residents and landlords of their rights and responsibilities.
- Strengthen enforcement with follow up on key requirements of the Ordinances, including landlords' filing of tenancy termination notice to identify potential non-compliance

After completing the first and second Rent Registry registration periods, Program staff conducted a review of non-registered ARO property owners and identified 157 property owners in violation. Program staff also found that of those property owners in violation, 37 have had a recent address change. Following the analysis of the Rent Registry data, 2,564 Notice of Violation and Corrective Action letters were mailed in December 2020 and 108 in January 2021. Since the initial 2,564 letters were issued in December 2020, an additional 1,713 properties have registered completely. As a result, the number of registered apartments increased from 49% to 87%. The Program will continue to provide these Notices and opportunities for property owners to comply with the requirements of the Rent Registry before issuing Administrative Citations. Program staff is currently working with the Finance Department to issue citations for property owners who remain out of compliance with Rent Registry requirements following the issuance of notices of violation and corrective action.

# 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 property owners beginning Fall 2018.

The goal of the program is to increase housing stability by providing free property owner /tenant counseling, education, referrals, and legal assistance to low-income tenants and property owners. These services also include outreach and education to low-income tenants and property owners citywide. This year, the San José Housing Consortium held a total of 22 outreach and educational meetings.

## PUBLIC ENGAGEMENT

**22**

Outreach events to property owners & tenants

**1,092**

Phone Calls to Legal Services Hotline

**86**

Legal Consultations

**19**

Legal Representation for Eviction Proceedings and Administrative Hearings

## LEGAL SERVICES CLIENT DATA BY INCOME

	Q1	Q2	Q3	Q4	Total	%
<b>Extremely Low</b> At or below 30% of Median Family Income	171	126	161	163	621	55.30%
<b>Very Low</b> Exceeds 30%, but does not exceed 50%	25	23	20	29	97	8.64%
<b>Low/Moderate</b> Exceeds 50%, but does not exceed 80%	91	85	132	97	405	36.06%
<b>Totals</b>	<b>287</b>	<b>234</b>	<b>313</b>	<b>289</b>	<b>1,123</b>	<b>100%</b>

## LEGAL SERVICES CLIENT DATA BY INCOME BY YEAR

	2019–2020	2020–2021
<b>Extremely Low</b> At or below 30% of Median Family Income	1,017	621
<b>Very Low</b> Exceeds 30%, but does not exceed 50%	195	97
<b>Low/Moderate</b> Exceeds 50%, but does not exceed 80%	414	405
<b>Totals</b>	<b>1,626</b>	<b>1,123</b>

## RACE AND ETHNICITY

	Q1	Q2	Q3	Q4	Total	%
White	105	71	121	90	387	28.29%
Hispanic	57	34	56	64	211	15.42%
African American or Black	15	14	12	10	51	3.73%
Asian	64	58	52	46	220	16.08%
American Indian or Alaska Native, Other Pacific Islander	15	11	2	10	38	2.78%
Other	117	80	131	133	461	33.70%
<b>Totals</b>	<b>373</b>	<b>268</b>	<b>374</b>	<b>353</b>	<b>1,368</b>	<b>100%</b>

## RACE AND ETHNICITY BY YEAR

	2019–2020	2020–2021
White	751	387
Hispanic	455	211
African American or Black	118	51
Asian	224	220
American Indian or Alaska Native, Other Pacific Islander	16	38
Other	517	461
<b>Totals</b>	<b>2,081</b>	<b>1,368</b>

# MOBILEHOMES

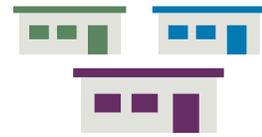


The Rent Stabilization Program provides services to mobilehome owners, park owners, park managers, and park residents. There are 59 mobile home parks in San José that are home to approximately 35,000 residents. The City is home to the largest number of mobilehome households in California.

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%.

The Mobilehome Rent Ordinance permits annual rent increases calculated based upon the Consumer Price Index (CPI). Under the Ordinance, a property owner has the right to file a fair return petition for a rent increase beyond the maximum allowable rent increase, filing the petition with the Rent Stabilization Program (RSP). Service reduction claims may be heard by the Mobilehome Law Residency Program by submitting a complaint with the California Department of Housing and Community Development (HCD). A mobilehome owner or tenant may pursue their own civil action for a service reduction through a court of competent jurisdiction as well. Beginning July 1, 2020, the Mobilehome Residency Law Protection Program, as established by HCD, began taking Mobilehome Residency Law-related complaints and coordinating assistance to help resolve the most severe alleged violations that the Department receives.

## MOBILEHOMES IN SAN JOSÉ



**59** Mobilehome Parks



**10,840** Mobilehome Spaces



**12** Age-Restricted Parks  
(Ages 55+)



**47** Family Parks

## MOBILEHOME PROGRAM GOALS

- Preservation of mobilehomes and mobilehome parks as a source of affordable housing for senior citizens, residents on limited or fixed incomes, and other vulnerable residents.
- Facilitate coordination and communications between mobilehome residents, park managers, and park owners as needed to streamline information.
- Provide efficient and effective customer service to process petitions submitted by park owners covered by the Mobilehome Rent Ordinance and provide referrals to resolve conflicts to ensure continuation of tenancy for mobilehome residents.

## SUMMARY OF MOBILEHOME ISSUES

The Rent Stabilization Program received 169 inquiries from the mobilehome community during 2020–2021. 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. However, the Program provides the mobilehome community with education and information through outreach to protect the rights of residents and park owners as well as assisting in maintaining positive relationships. Program staff has continued to also provide remote services to the mobilehome community via phone, email and the online platform, Zoom. Program staff has also conducted site visits to help resolve issues or provide referrals to legal or social services information as needed.

Type of Inquiry	2019–2020	2020–2021
Rent Increases	52	33
Code Issues, maintenance, service	47	25
COVID-19	64	0
Evictions, Eviction Information	28	5
Fees, lease disputes, harassment, & deposits	23	13
Ordinances	42	0
Referrals	0	15
Miscellaneous, Requests for information	64	71
Site Visits	0	7
<b>Total</b>	<b>317</b>	<b>169</b>



*Housing*

**2020–2021 Rent Stabilization Program Annual Report**  
**San José Housing Department**  
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