

# INTENTION TO WITHDRAW RENTAL UNITS [VACANT] FROM THE RENTAL MARKET (SJMC 17.23.1140)

Form B.2 Ellis Act Ordinance—Part 11 of Chapter 17.23 of the San José Municipal Code

This form must be completed for each property and its vacant rental units being withdrawn through the Ellis Act Ordinance and submitted to the City. If there are tenant(s) currently living in the unit at the time of this withdrawal, the owner must also use Form B.1 “Notice to Tenant of Intention to Withdraw Rental Units from Rental Market (SJMC 17.23.1140).” Copies of Form B.1 must be submitted to the City within 10 days of notifying tenant. The owner must file concurrently this Form B.2 for any vacant units with Form B.1 for any tenant-occupied units.

## INTENDED DATE OF WITHDRAWAL

Pursuant to the Ellis Act Ordinance, the date that this rental property is intended to be withdrawn from the rental market is (DD/MM/YYYY); Note: Date must be a minimum of 120 days from the execution date of this form and Form B.1., if applicable: \_\_\_\_\_

## OWNER/AGENT INFORMATION

<b>Owner Name</b>	<hr/>		<b>Phone</b>	<hr/>
<b>Agent Name</b>	<hr/>		<b>Phone</b>	<hr/>
<b>Mailing Address</b>	<hr/>			
<b>City</b>	<b>State</b>	<b>Zip Code</b>		
<hr/>	<hr/>	<hr/>		
<b>Email</b>	<hr/>			
<b>Email</b>	<hr/>			

## PROPERTY INFORMATION

**Address** \_\_\_\_\_

<b>City</b> San José	<b>State</b> CA	<b>Zip Code</b>
<hr/>	<hr/>	<hr/>

**Assessor’s Parcel Number(s)** \_\_\_\_\_

**Total # of units on the property** \_\_\_\_\_

### Total # of units that are vacant:

- # of units vacated through just cause termination under Tenant Protection Ordinance \_\_\_\_\_
- # of units vacated through Tenant Buyout agreement \_\_\_\_\_
- # of units vacated through voluntary vacancy \_\_\_\_\_

**Total # of units that are currently tenant occupied:** \_\_\_\_\_

### Optional Attachments:

- # of copies of notices of terminations under Tenant Protection Ordinance per unit \_\_\_\_\_
- # of copies of signed Tenant Buyout agreement per unit \_\_\_\_\_
- # of additional documentations or explanations of vacancy \_\_\_\_\_



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## RETURNING RENTAL UNITS FOLLOWING WITHDRAWAL

For vacant units that are returned to the rental market within 5 years of withdrawal, the rents can be reset to market rate. By contrast, tenant-occupied units at the time the notice of intent to withdraw is filed must be first offered to the former tenant at a rental rate based on the amount at the time of withdrawal plus allowable annual increases.

## DECLARATION

As the owner of the above-described property, I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including attached documentation, are true, correct and complete.

**Print Name of Owner**

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**Signature of Owner**

**Date**

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**Print Name of the Agent**

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**Signature of Agent**

**Date**

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Please continue on following page



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If the owner decides to no longer withdraw the units from the rental market through the Ellis Act Ordinance, the following applies:

**1. Unit re-offered for rent within two (2) years from the effective date of the withdrawal:**

- a. Owner must provide a report to the City 120 days prior to re-renting regarding the status of tenant notification of the right to return and the lists of tenants not found/contacted
- b. Owner must provide 30-days written notice to the City prior to re-renting
- c. Unit must be offered at the same rent plus annual increases of the date of withdrawal plus any annual general adjustments that would have applied if the unit had not been withdrawn
- d. If the tenant provided written notice pursuant to Number 4, the tenant will receive at the last address which was provided, by certified or registered mail, postage prepaid, a notice of the right to return to re-rent the unit. Tenant will have at least thirty (30) days within which to accept the offer by personal service or registered mail
- e. If the right to return is not provided to tenant, he/she may file a civil action in court to recover punitive damages
- f. Within three (3) years of displacement, Tenant may file a civil action in court to recover the actual damages which were proximately caused by the displacement and punitive damages, per Sections 7262 and 7264 of the California Government Code
- g. Within three (3) years of displacement, the City may file a civil action for exemplary damages for each of the withdrawn units

**2. Unit re-offered for rent less than five (5) years from the effective date of withdrawal:**

- a. Unit must be offered at the same rent as of the date of withdrawal plus any annual general adjustments that would have applied if the unit had not been withdrawn and re-rented units will be subject to City rent stabilization ordinance
- b. If tenant provided written notice pursuant to Number 4, the tenant will receive at the last address which you have provided, by certified or registered mail, postage prepaid, a notice of the right to return to re-rent the unit. Tenant will have at least thirty (30) days to accept the offer by personal service, registered mail, email or by phone.

**3. Unit re-offered for rent less than ten (10) years from the effective date of withdrawal:**

- a. Owner must provide one hundred twenty (120) days written notice to the City and tenant(s) of the intent to reoffer withdrawn rental units
- b. If the right to return is not provided to the Tenant at the last address which the Tenant has provided, by certified or registered mail, postage prepaid, the Tenant may file a civil action in court to recover punitive damages in an amount not to exceed six months' rent

**4. New units constructed on the property and rented within five (5) years:**

- a. These units will be subject to the City's Apartment Rent Ordinance after initial rent is set, but there is no right to return to the new units for existing Tenants.

