

# NOTICE TO TENANT OF INTENTION TO WITHDRAW RENTAL UNITS FROM THE RENTAL MARKET (SJMC 17.23.1140)

Form B.1 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This form must be completed for each property and its occupied rental units being withdrawn through the Ellis Act Ordinance and submitted to the City of San José. If there are vacant units at the time of this withdrawal, the owner must also use Form B.2 “Intention to Withdraw Rental Units (Vacant) from the Rental Market (SJMC 17.23.1140).” Copies of both forms must be filed with the City within 10 days of notifying tenant(s).

## OVERVIEW

The City’s Ellis Act Ordinance applies to Rent Stabilized Units, including those temporarily exempt because they are owned or operated by a government agency or rents are subsidized by a government agency. The Ordinance also extends, in part, to apartments build after 1979, allowing property owners not subject to the Apartment Rent Ordinance to use the Ellis Act Ordinance if they provide a 120-day notification or withdrawal and relocation consultant services to impacted tenants. These properties are not subject to the requirement to pay base or qualified relocation assistance or provide a right of return.

This form provides owners with a notice of intent to withdraw that notifies the City and tenants of owners’ intent to withdraw the rental units and the termination of tenancies in the withdrawing units. . As per the Ordinance, this form may be provided in another language by a tenant’s request. Attached to this Form B.1 shall be accompanied the “Tenant Qualification Form” (Form C), which will allow tenant households to qualify for assistance or an option to extend tenancy and to correct erroneous information provided by the owners on Form B.1, and for reference, Form E, the Relocation Assistance Payment Information Sheet (SJMC 17.23.1140 C).

## NOTICE OF INTENT TO WITHDRAW (SJMC 17.23.1140)

*I (WE) AM (ARE) HEREBY NOTIFYING YOU THAT PURSUANT TO THE CITY OF SAN JOSÉ MUNICIPAL CODE PART 11 TO CHAPTER 17.23, THE COVERED RENTAL UNIT WHERE YOU RESIDE IS INTENDED TO BE WITHDRAWN FROM THE RENTAL MARKET ON DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (fill in date of last day of tenancy)*

*I (WE) HEREBY NOTIFY THE TENANT/S AND CITY OF SAN JOSÉ OF THE INTENTION TO EVICT ALL TENANTS AND WITHDRAW FROM THE RENTAL MARKET AND RENTAL HOUSING USE \_\_\_\_\_ (fill in number of units) RENTAL UNITS WHICH ARE LOCATED ON THE PROPERTY DESCRIBED BELOW.*

## PROPERTY INFORMATION

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

<b>City</b> San José	<b>State</b> CA	<b>Zip Code</b>
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**Assessor’s Parcel Number(s)** \_\_\_\_\_

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



# NOTICE TO TENANT OF INTENTION TO WITHDRAW RENTAL UNITS FROM THE RENTAL MARKET (SJMC 17.23.1140)

## OWNER/AGENT INFORMATION

Owner Name	Phone	
Agent Name	Phone	
Mailing Address		
City	State	Zip Code
Email		
Email		

## TENANT INFORMATION

First Name	Last Name	
Mailing Address	Unit	
City San José	State CA	Zip Code
Email	Phone	
Current Monthly Rent (SJMC 17.23.1140 C)(5)	# of Bedrooms	

1. I/(We), the property owner(s), will file with the Rent Stabilization Program of the City of San José, the required Notice of Intent to Withdraw Rental Units and have recorded with the Santa Clara County Recorder's Office the Memorandum Summarizing Non-Confidential Provisions of Notice of Intent to Withdraw (Form A) within ten days of delivery to the City the Notice of Intent to Withdraw Rental Units from the Market. I/(We), the property owner(s), will also file with the Rent Stabilization Program of the City of San José the recoded Memorandum Summarizing Non-Confidential Provision of Notice of Intent to Withdraw (SJMC 17.23.1145).
2. The following information regarding the rental units where the current tenant(s) reside have been filed with the Rent Stabilization Program of the City of San José:
  - a. The address and legal description of the property where the unit is located.
  - b. The name(s) of any other tenant(s) residing in the unit.
  - c. The contact information of the tenant(s) residing in the unit.
  - d. The current monthly rent for the unit.

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**Not less than 10 days from the date when this notice is delivered to the tenant, the owner must file this form with the City of San José, Rent Stabilization Program in person or by first-class mail at the address listed below (17.23.1160 A).**



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3. Tenants living in a covered unit are entitled to base assistance. Tenants may qualify for additional assistance, explained on Form E. If a tenant is 62 years of age or older, terminally or catastrophically ill, or disabled and have lived in the dwelling unit for one year or more prior to this notice, the tenant is entitled to advanced notice of one (1) year if the tenant gives written notice to the owner of the extension. Tenant household includes minor children enrolled in school 18 years or younger, tenants are entitled to an extension of the noticing period through the school year plus 60 days if the tenant household gives written notice. To receive this extension, tenants must notify the owner(s) and the Rent Stabilization Program of the tenant's entitlement with the required documentation on Form C within sixty (60) days of receipt of this notice, Form B (SJMC 17.23.1160 B-C).
4. The City's Ordinance provides tenants living in covered units with the right to return (SJMC 17.23.1170). Tenants interested in re-renting the unit, if they are re-offered for rent at some future time, should provide owners with a forwarding mailing address and email address to receive a notice (Form G) of an owner's intent to return the covered units to the rental market. Within thirty (30) days of receipt by the City of an owners' written notice of intent to return the covered units to the residential market (Form G), the City may request from the owners to extend an offer to renew the tenancy to the former tenant. Owners are obligated to notify tenants directly upon returning the covered units to the rental market. Tenants are encouraged to send copies of any future address changes to the Rent Stabilization Program at the address provided below.
5. If the information provided on the notice of owner's intent to withdraw, Form B, is incorrect, the tenant may provide any corrections in writing within thirty (30) days to the Rent Stabilization Program at the address provided below (SJMC 17.23.1140 D).
6. Relocation fees vary by household status: See attached Form E titled "Relocation Assistance Payment Information Sheet" to ascertain the amount of relocation fees that the tenant is entitled to receive. Please contact the Rent Stabilization Program at (408) 975-4480 for assistance in verifying the relocation fee amount.
7. Tenant households who meet the criteria for Qualified Assistance, should complete and submit Form C. Tenant shall provide a copy of Form C along with evidence supporting the to both the owner(s) and to the Rent Stabilization Program (SJMC 17.23.1160 B-C). Once the claim is approved by the City's relocation specialist and Director, owners shall be required to provide the appropriate qualified assistance (SJMC 17.23.1150 C). Tenant household may obtain the qualified assistance payment from escrow on or before the earlier of: the first business day after the tenant gives a thirty-day notice to the owner under California Civil Code 1946.1, or the last day of tenancy for which the owner has received rent.
8. If the unit is re-offered for rent from the effective date of the withdrawal
  - a. Prior tenant(s) whose tenancies were terminated due to Ellis Act withdrawal are entitled to receive a notice of the tenant(s) right to return to and rent the same unit at the rent determined pursuant to Section 17.23.80 A if:
    - i. Tenants provided the owner(s) a current mailing address and email address at which to receive a notice of the right to return, and
    - ii. Owners who return the covered unit to the residential market within **five years** of the effective date of withdrawal (SJMC 17.23.1170 A)
  - b. **Within five (5) years**, covered units returned to the rental market and offered to the previous tenant(s) must be offered at the same rent plus any annual general adjustments that would have applied if the unit had not been withdrawn (SJMC 17.23.1180 A).

***Not less than 10 days from the date when this notice is delivered to the tenant, the owner must file this form with the City of San José, Rent Stabilization Program in person or by first-class mail at the address listed below (17.23.1160 A).***



# NOTICE TO TENANT OF INTENTION TO WITHDRAW RENTAL UNITS FROM THE RENTAL MARKET (SJMC 17.23.1140)

- c. **Between five (5) to ten (10) years** of withdrawing the covered unit from the rental market, the owner must provide 120 days' written notice to the City and tenants of owners' intent to return the covered unit to the residential market.
  - d. **At least 120 days prior** to renting or leasing any unit being returned to the market, the owner must submit a report to Director regarding compliance with SJMC 17.23.1170 and 17.23.1180. The report shall be on a City form (Form G) and shall include the status of tenant notification of the right to return and the lists of tenants not found/contacted.
  - e. Tenant or City may file a civil action in court to recover punitive damages if **within two years** of withdrawal the property is offered for rent and the right to return is not provided to tenant consistent with the requirements under the Ordinance (SJMC 17.23.1190).
  - f. **Within three (3) years of displacement**, tenants may file a civil action in court to recover the actual and exemplary damages if owners failed to comply with the Ellis Act, per Sections 7262 and 7264 of the California Government Code.
9. New units constructed on the property and rented within **five (5) years of withdrawal** will be subject to the Apartment Rent Control Ordinance after initial rent is set, but there is no right to return to the new units for existing Tenants.

## Attached to this notice, please find:

**Form C** – “Notice to Tenant of Right to Extend Tenancy and Tenant Qualification for Relocation Assistance Related to Owner Intent to Withdraw Rental Units from the Rental Market” to be completed and mailed in two separate envelopes, one for the City of San José and one for the owner.

**Form E** – “Relocation Assistance Payment Information Sheet” for reference.

## DECLARATION

*I (WE), OWNER(S) OF THE ABOVE-DESCRIBED PROPERTY, 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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