

RENTAL RIGHTS AND REFERRALS

UNITS COVERED UNDER RENT CONTROL - "NO CAUSE" NOTICE REQUIREMENTS

THE CITY OF SAN JOSE is committed to protecting the rights of tenants and landlords, and providing education and information to improve their relationships. In the case of a rental dispute between a landlord and tenant, knowing the law, having access to resources, and exploring options can minimize conflict.

1 KNOW THE LAW REGARDING "NO CAUSE" NOTICES FOR RENT CONTROLLED UNITS

As of January 1, 2003, landlords of **rent-controlled** units in the City of San José may serve tenants one of the following notices to vacate.

- A. For tenants in residence for one year or more a landlord may:
- Issue a **90-day** "No Cause" notice in a slow rental market, or **120-day** "No Cause" notice in a tight rental market. The City of San José Housing Director will publish a market condition report on May 1st and November 1st of each year.
** A tight rental market exists when the citywide vacancy rate is less than 3%.*
 - Issue a 60-day "No Cause" notice along with an offer allowing the tenant to choose to have the final date of the lease eviction determined by an arbitrator.
 - Serve the tenant a "3-day" notice to correct a violation of the lease or vacate the premises in accordance with State law. The ordinance does not prevent a landlord from evicting a tenant if the tenant is in violation of the terms of the lease.
- B. Tenants who have lived in the units for less than one-year may be served a 30-day "No Cause" notice, consistent with State law.
- C. Certain homes that are on the market (the owner is attempting to sell the property) are exempt from the rent control ordinance requirements to serve 90 and 120 day notices. State law covers termination of tenancies in such units. **

2 THE PROCESS FOR ACCEPTING AN ARBITRATION OFFER

- A. When a tenant accepts the offer to arbitrate, the tenant must submit a **written acceptance** of the arbitration offer to the City within five business days after receiving the 60-day notice to vacate.
- Deliver or send the written acceptance to:
City of San José - Housing
Rental Rights and Referrals
200 East Santa Clara Street
San José, CA 95113
 - Both the landlord and tenant must participate in the arbitration.
 - Tenant acceptance of the arbitration process voids the 60-day notice.
 - The arbitration process will determine the actual termination of the tenancy which may be between 60 and 120 days from the original notification date.
- B. The tenant may decline to use the City of San José arbitration process. In this case, the 60-day notice stands and the tenant will be required to vacate within the 60-day period.

For more information call 408.975.4480 or visit our website at www.sjhousing.org

**Rental market conditions will be published as a legal notice in the San José Mercury News and is also available at www.sjhousing.org*
***Information regarding State rental laws can be obtained at <http://www.dca.ca.gov/legal/landlordbook/> or by calling 800.952.5210.*

REFERRALS AND RESOURCES

Health and safety concerns, contact:

Code Enforcement, City of San José
170 West San Carlos Street
San José, CA 95113
408.277.4528
www.sanjoseca.gov/codeenforcement

Miscellaneous rental questions concerning leases, security deposits, evictions, 3-day or “No Cause” notices, unfair housing practices, contact:

Bay Area Legal Aid (San José)
2 West Santa Clara Street
San José, CA 95112
408.283.3700
www.baylegal.org

Asian Law Alliance
184 Jackson Street
San José, CA 95113
408.287.9710
www.asianlawalliance.org

Legal Aid Society, Housing Project
480 North First Street
San José, CA 95113
408.283.1540
www.legalaidsociety.org

Mediation services or negotiating assistance contact:

Rental Rights & Referrals Program
200 East Santa Clara Street
San José, CA 95113
408.975.4480
www.sjhousing.org

Project Sentinel
1055 Sunnyvale-Saratoga Road #3
Sunnyvale, CA 94087
(888) 331-3332
www.housing.org

Fair Housing Law Project of the Law Foundation of Silicon Valley
111 West St. John Street, Suite 315
San José, CA 95113
408.293.4790
www.lawfoundation.org

Tri-County Apartment Association
20863 Stevens Creek Boulevard #250
Cupertino, CA 95014
408.873.1599
www.tcaa.org

Small Claims Court
14205 Capri Drive
Los Gatos, CA 95032
408.370.4440
www.scservice.org

Senior Adults Legal Assistance (SALA)
Central County Office
160 East Virginia Street, Suite 260
San José, CA 95112
408.295.8770
www.sala.org

Housing Authority
505 West Julian Street
San José, CA 95110
408.275.8770
www.hacsc.org

Santa Clara County Bar Association
Lawyer Referral Service
4 North Second Street, Suite 400
San José, CA 95113
408.287.2557
www.sccba.org

Other assistance contact:

Housing Service Partnership
2112 South Monterey Road
San José, CA 95112
408.271.0238