

RENT STABILIZATION PROGRAM

Tenant Protection Ordinance

The Tenant Protection Ordinance can be found in San Jose Municipal Code (SJMC) Chapter 17.23, Part 12, beginning with Section 17.23.1200. The Ordinance specifies requirements for providing notices of termination of tenancy to tenants living in certain “covered” apartments, as listed below. The Ordinance eliminates no-cause notices and requires a “just cause” for all notices to vacate. Just cause is a requirement that all notices of termination of tenancy (any action to recover possession) be served on the tenant-household and a copy be provided to the City. Additionally, all notices of termination of tenancy must be based on at least one of the causes included in the list of 12 just cause terminations listed in SJMC Section 17.23.1250(A) and described below. The Tenant Protection Ordinance went into effect June 16, 2017, and its protections are applied to all new and existing tenants living in “covered” apartments.

TYPES OF BUILDINGS THAT JUST CAUSE APPLIES TO

Covered

- Rent Stabilized Units*
- Rental Units in any Multiple Dwelling, except permitted hotels and motels
- Guest rooms in any Guesthouse
- Unpermitted Units**

* “Rent Stabilized Units” means Rental Units that are subject to rent stabilization under the City’s Apartment Rent Ordinance, which includes units in any Multiple Dwelling building and guesthouses built on or prior to September 7, 1979. This includes three or more rental apartments owned by the same owner even if the units are located in a for-sale condominium development.

** “Unpermitted dwellings” means a structure or parts of a structure that are being rented as a home, residence, or sleeping place, where the use is not authorized, permitted, or otherwise approved by the City.

JUST CAUSE TERMINATIONS

With just cause protections, all notices of termination must be based on one of the reasons outlined in the Tenant Protection Ordinance (San Jose Municipal Code Section 17.23.1250):

Just Cause Terminations

Causes based on actions/inactions of the tenant

1. **Nonpayment of Rent**

Failure to pay Rent in accordance with the rental agreement.

2. **Material or Habitual Violation of the Tenancy**

After a written notice, tenant continues to commit habitual violations of the rental agreement. After receiving a written notice to cease violating a material term(s) of the rental agreement and being given a reasonable time to fix the issue identified in the notice to cease, tenant continues to engage in conduct identified in the notice to cease or has engaged in habitual violations of the rental agreement.

3. **Substantial Damage to the Apartment**

After receiving a written notice to cease and being given a reasonable time to fix the issue identified in the notice to cease, the tenant continues to engage in conduct identified in the notice to cease and refuses to pay reasonable costs of repairs.

4. **Refusal to Agree to a Like or New Rental Agreement**

The tenant refuses to agree to a new substantially identical rental agreement after the expiration of the prior rental agreement.

5. **Nuisance Behavior**

After receiving a written notice to cease, the tenant continues to cause nuisance (including a violation of state or federal law) that destroys the peace or safety of the landlord or other tenants.

6. **Refusing Access to the Apartment**

After receiving a written notice to cease and being given a reasonable time to fix the issue identified in the notice to cease, tenant continues to refuse the landlord reasonable access to the apartment.

7. **Unapproved Holdover Subtenant**

The subtenant was not approved by the landlord and is holding over at the end of the term of rental agreement.

No-Fault Just Cause Terminations

Relocation benefits must be paid when a tenant is being removed from an apartment for reasons 8-12

8. Substantial Rehabilitation of the Apartment

The landlord wishes to make substantial repairs to the building with the following circumstances:

- Landlord has permits.
- The repairs are necessary to bring the property into compliance with applicable laws affecting the health and safety of the tenants of the building.
- Cost of repairs is more than the amount that is equal to ten times the amount of monthly rent times the number of rental units work is performed on. For example, if monthly rent is \$1,000 and there are five rental units work has been performed on, the total cost of repairs must exceed \$50,000.
- Repairs will render the unit uninhabitable for a period exceeding 30 days.
- Landlord gives tenant advanced notice that tenant may return to the apartment after repairs are completed and pay the same rent charged prior to the tenant vacating the unit or, if requested by the tenant, landlord may offer a comparable apartment at comparable rent.

	Studio	1BR	2BR	3R
Base Relocation Assistance	\$6,925	\$8,400	\$10,353	\$12,414

9. Ellis Act Removal

Landlord removes the building permanently from the residential rental market under the Ellis Act. The required relocation assistance to the tenant household under the Ellis Act includes one or more of the following based on bedroom size:

	Studio	1BR	2BR	3R
Base Relocation Assistance	\$6,925	\$8,400	\$10,353	\$12,414
Qualified Assistance Levels	\$2,770	\$3,360	\$4,141	\$4,966
Special Assistance	\$1,200	\$1,400	\$1,700	\$2,000

10. Owner Move-in

The owner wants to recover possession so that the owner or an authorized family member of the owner, including the spouse, domestic partner, parent(s), child or children, brother(s), sister(s), can move into the recovered apartment. However, the owner or authorized family member must live in the unit for at least 36 consecutive months starting within three months of vacancy. Please see required relocation assistance chart in #8.

11. Order to Vacate

Landlord wants to recover possession to comply with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action. The required relocation assistance to the tenant household will include the cost of temporary housing, transportation costs, provision of furnishings if needed in the temporary housing, and storage of the tenant's belongings, until the tenant returns to apartment. Please see required relocation assistance chart in #8.

12. Vacation of Unpermitted Apartment

Landlord wants to end the unpermitted use. Please see required relocation assistance chart in #8.

Please note that this document is intended for informational purposes only, not legal advice. The fact sheet may be incomplete as it is a brief summary of the Tenant Protection Ordinance. Please visit our website at www.sanjoseca.gov/rent for the most up to date fact sheet and complete details of the Tenant Protection Ordinance.



Rent Stabilization Program

City of San José Housing Department

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