

San Jose- Tenant Protection Ordinance

What is Tenant Protection Ordinance?

The Tenant Protection Ordinance specifies requirements for providing notices to vacate for tenants living in apartments with three units or more in San José. The ordinance eliminates no-cause notices and requires a just cause for all notices to vacate.

Who are covered?

The Tenant Protection Ordinance applies to these types of building in San Jose:

- Rent Stabilized apartments (3 or more units, built 1979 or earlier)
- Other rental apartments (3+ units), except permitted hotels or motels.
- Guest rooms in any guesthouse
- Unpermitted dwelling

What are allowable causes to give tenant in termination notice?

Just Cause Terminations	No-Fault Just Causes
<ul style="list-style-type: none"> ▪ Nonpayment of rent ▪ Material or habitual lease violation ▪ Causing substantial damage to unit ▪ Refusal to agree to new or like rental agreement ▪ Nuisance ▪ Refusing access to the apartment ▪ Unapproved Holdover tenant ▪ Criminal activity 	<ul style="list-style-type: none"> ▪ Substantial rehabilitation of apartment** ▪ Ellis Act Removal (Landlord is taking units out of rental market) ** ▪ Owner Move-In** ▪ Order to Vacate** ▪ Vacating unpermitted Unit** <p>** <u>Landlord must pay relocation benefits to tenant in these circumstances.</u></p>

Just because a Notice to Vacate gives one of the allowable reasons does not guarantee it is legally valid. Tenants who do not wish to leave should always consult a housing attorney to understand their options.



Looking up whether San Jose Apartment Rent Ordinance and Ellis Act Applies to Property

- Go to this website: <http://www.sanjoseca.gov/index.aspx?NID=1355> , and scroll down to section that says Apartment Ordinance Coverage and click on the map of properties



For more information about TPO, go here: <http://www.sanjoseca.gov/index.aspx?NID=5518>

[Tenant's Name]
[Tenant's Address]
[Tenant's City, State, Zip Code]

[Date]

[Landlord's Name]
[Landlord's Address]
[Landlord's City, State, Zip Code]

Dear Mr./Mrs. [Landlord's Last Name],

I am a tenant in your building located at _____
in the city of San Jose. My unit and tenancy is covered by the Tenant Protection
Ordinance (TPO). For covered units, the TPO requires landlords to have a "just cause"
for an eviction. (See Mun. Code, §§ 17.23.1240-50.) There are twelve reasons that allow
landlords to lawfully terminate their tenants.

Recently, you gave me a notice of termination of my tenancy. However, the notice, dated
_____, does not meet the requirements set forth by the TPO. The
[insert "no cause," if applicable] notice is defective, and any eviction case based upon it
would not have a "just cause" as required by the TPO.

Since the notice is defective, I request that you rescind it in writing by _____
_____ (insert date).

I want to preserve my tenancy, and I would like to talk with you if you believe there is a
reason to terminate my tenancy. Please call me at _____ should you
have any questions or concerns about this.

Sincerely,

[Client's Name]