

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 – Form C (SJMC 17.23.1150 A-C & 17.23.1160 B-C)

Overview: In accordance with the State’s Ellis Act, the City of San José requires owners to allow certain tenants to extend their tenancy beyond the minimum one hundred twenty (120) day notice period when a landlord intends to withdraw the dwelling unit from the residential market. Those 62 years or older, disabled, or terminally or catastrophically ill and households with a child enrolled in kindergarten through 12th grade may be eligible for extended tenancies if requested. Tenants may also submit information that qualifies the tenant household for additional relocation benefits.

Purpose: The property owner(s) must provide this form to each tenant. The tenant must notify the owner(s) and the City of tenant’s qualification to extend tenancy and/or eligibility for additional relocation assistance **within 60 days** of receipt of the owner(s) Notice of Intent to Withdraw. Tenant may also supply corrections to the owner(s) Notice of Intent to Withdrawal, Form B, **within 30 days** of receipt of the notice.

Note: This form may be provided in a non-English version by request. Based on the owner’s intent to withdraw rental units from the rental market, each tenant household living in a rental unit is entitled to receive notice of and access to an application for all vacant residential rental unit(s) owned by the Owner and located within the City of San José (SJMC 17.23.1151). Withdrawal of less than an entire building is not allowed (SJMC 17.23.1130 F).

SECTION I – TO BE FILLED OUT BY OWNER(S)

Assessor’s Parcel Number(s) (APN): _____ - _____ - _____
_____ - _____ - _____

Property Address:

Property Address: _____

City, State & Zip Code: _____

Owner/Agent Information:

Owner Name: _____ Phone: (_____) _____

Agent Name: _____ Date of Ownership: _____

Mailing Address: _____

City, State & Zip Code: _____ Email: _____

Tenants are entitled to:

- A. Notice of owner’s intent to withdraw rental units from the rental market no less than one hundred twenty (120) days before the date of withdrawal; and
- B. Base relocation assistance
- C. Tenant households *may* also be entitled to qualified assistance, explained further on Form E, and extended tenancy of up to one (1) year, upon request (Form C) and approval by the City.

The owner is required to:

- A. Provide information related to the tenant’s option to extend tenancy to households that qualify for Qualified Assistance;
- B. Correct or supplement information included in the notice of the owner’s intent to withdraw rental units from the rental market;



(continued)

- C. Deposit Base Assistance into an escrow account at a bank located in the City of San José or commercial escrow company when the Notice of Intent to Withdraw (Form B) rental units from the rental market is delivered to tenants (17.23.1150 B); and
- D. If a tenant household qualifies for Qualified Assistance, the owner is required to deposit any additional funds in the same escrow account after the Tenant Qualification Form has been verified by the Rent Stabilization Program.

Voluntary Alternative Relocation: In lieu of Base or Qualified Assistance a tenant may voluntarily accept an offer of alternate Rent Stabilized Unit (City of San José Municipal code 17.23.1151). This means the owner may offer another Rent Stabilized Unit to tenant that is substantially similar to tenant’s current lease, rent and continuance of tenancy in accordance with California Civil Code Section 1945. All tenants on the existing rental agreement must agree in writing. If, after inspection of the alternate Rent Stabilized Unit, it is not acceptable, the tenant may decline continuance of tenancy and entitlement to all additional Relocation Assistance, including Base and Qualified Assistance.

Security Deposit: The owner must also refund to tenant any security deposit paid by the tenant with any interest due. The owner may withhold properly itemized deductions from the security deposit under California Civil Code Section 1950.5 as amended.

SECTION II – TO BE FILLED OUT BY TENANT: Tenant Qualification Information

Tenant Information:

First Name: _____ Last Name: _____
Phone: (____) _____ Mailing Address: _____
City, State & Zip Code: _____
Email: _____

Tenant Right to Extend Tenancy and Tenant Qualification:

To extend tenancy based on the criteria noted below, the form must be completed and returned to the owner and the Rent Stabilization Program **within sixty (60) days** of the delivery to the City of the owner(s) Notice of Intent to Withdraw, Form B (SJMC 17.23.1160). The **owner is required to provide prepaid postage** with this form for tenant’s use to return Form B with corrections and Form C, which will allow tenant household to qualify for qualified assistance or an option to extend tenancy, to the owner and the City of San José Rent Stabilization Program (17.23.1140 C).

The tenant has lived in the dwelling unit at **least one (1) year prior** to the date of the owner(s) delivery to the City of the Notice of Intent to Withdraw (Form B) and is qualified to request an extension of tenancy based on, one of the following:

- 62 years old or older and requests extension of tenancy up to one (1) year;
- Disabled (as defined in California Government Code Section 12955.3) and requests extension of tenancy up to one (1) year;
- Terminally or catastrophically ill and requests extension of tenancy up to one (1) year; or
- Child under the age of eighteen (18) enrolled in school (kindergarten up to 12 grade) and requests an extension of tenancy through the scholastic year, plus 60 days.



Tenant Household Correction or Supplemental Information:

To correct tenant household information on the owner’s notice, Form B, the form must be completed and returned (in the prepaid postage provided by the owner(s) to the owner and City **within thirty (30) days** of the delivery to the City of the Notice of Intent to Withdraw (SJMC 17.23.1140 D).

Tenant Household Qualification for the Relocation Assistance:

Complete and return this form (using the prepaid postage provided by the owner(s)) to both the owner and the Rent Stabilization Program (SJMC 17.23.1150 C) if you satisfy one or more of the below conditions for Qualified Assistance pursuant to 17.23.1150 C.2.

- Low income (as defined in the California Health and Safety Code Section 50079.5, as amended, and annually listed, as adjusted for household size by the regulations of the State Housing and Community Development Department for the County of Santa Clara);
- 62 years old or older;
- Disabled (as defined in California Government Code Section 12955.3);
- Terminally or catastrophically ill; or
- School-aged child under the age of eighteen (18).

Declaration:

I (we), tenant(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.

Signature of Tenant: _____ Date: _____
Print Name of Tenant: _____

Signature of Tenant: _____ Date: _____
Print Name of Tenant: _____



Tenant Notice to the: *(Please provide one copy to the owner(s) and one to the Rent Stabilization Program)*

Owner

City

Owner Name: _____ Phone: () _____

Owner's Address: _____

City, State & Zip Code: _____

Email: _____

City of San José
Housing Department – Rent Stabilization Program
200 E. Santa Clara Street
San José, CA 95113

