

RENT STABILIZATION PROGRAM

Apartment Rent Ordinance – Explanation of Hearing Process

The Apartment Rent Ordinance (ARO) may be found in San José Municipal Code (SJMC) Chapter 17.23, Parts 1-9. The ARO covers most rental apartments built before September 7, 1979 and among other things, limits rent increases to 5% once every 12 months. A key component to implementing provisions of the Apartment Rent Ordinance is the petition process. This section defines the grounds by which tenants and landlords can submit a Petition.

A tenant can submit a petition on the following grounds:

1. Improper rent increase, unauthorized pass through and fees;
2. Housing service reductions or housing code violations;
3. And other violations of the ARO.

A landlord can submit a petition on the following grounds:

1. Rent increase more than the Annual General Increase to obtain a fair return
2. Pass through charge for Specified Capital Improvements.

The following chart provides a summary of the Petition and Hearing Processes. Additional detail regarding the process can be found in the regulations.

Issue	Step 1: You are Here	Step 2: Decision	Step 3: Appeal
Tenant Petition (Chapter 6, 7)			
Ch. 6 <ul style="list-style-type: none"> • <i>Improper Rent,</i> • <i>Improper Pass through</i> • <i>Violation of ARO</i> 	Petition & Response	→ Petition Examiner Provides Administrative Decision (or refer to hearing)	→ Appeal Administrative Decision to Director
Ch. 7 <ul style="list-style-type: none"> • <i>Housing Service Reductions</i> • <i>Housing Code Violations</i> 	Petition & Response Voluntary Mediation (Optional)	→ Hearing: Hearing Officer provides Hearing Decision	→ Appeal Hearing Decision to Director
Landlord Petitions (Chapter 8, 9)			
Ch. 8: Fair Return	Petition & Response	→ Hearing: Hearing Officer Provides Hearing Decision	→ Appeal Hearing Decision to Director
Ch. 9: Specified Capital Improvements	Petition	→ Petition Examiner Provides Administrative Decision	→ Appeal Administrative Decision in Hearing Hearing Officer Provides Final Decision

