

**RENT LEVELS
AND
OVERCHARGES**



**Rights and Responsibilities of
Tenants and Landlords in East Palo Alto**

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Prepared by Community Legal Services in East Palo Alto
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About the East Palo Alto Rent Stabilization Program

East Palo Alto's Rent Stabilization Program administers the Rent Stabilization Ordinance. For units under rent control, the Program:

- Determines the maximum legal rent; and
- Provides fair and impartial hearings regarding rental rates, eviction and habitability to landlords and tenants.

Regular meetings of the Rent Stabilization Board are held on the second and fourth Wednesday of the month at 7:00 p.m. at 2415 University Avenue, East Palo Alto. The public is welcome to attend.

For more information, please call the Program at tel: (650) 853-3109 or see <http://www.ci.east-palo-alto.ca.us/housingdiv/rent.html>.

Rights and Responsibilities Concerning Rent Levels Under California Law and East Palo Alto's Rent Stabilization Ordinance

California law and East Palo Alto's Rent Stabilization Ordinance defines tenants' and landlords' basic rights and responsibilities concerning rent levels. The rent that landlords can charge for some housing units in East Palo Alto is governed by the East Palo Alto Rent Stabilization Ordinance.

The East Palo Alto Rent Stabilization Board oversees this program and can help tenants who think that they are being charged more than the legal limit for their housing unit. Not all housing units are subject to rent stabilization; some are exempt under California Law.

Both the city ordinance and state law provide protections from landlords who retaliate against tenants who seek to enforce their right to a legal rent level.

LANDLORD'S DUTIES CONCERNING RENT LEVELS

- Landlords must file a registration statement for every piece of property that they own with the Rent Stabilization Board by July 1 of each year. Within thirty days of filing this statement (along with an annual fee), the Board will provide a Certificate of Maximum Legal Rent for every rental unit that is covered by this Ordinance. The Board will mail a copy of the Certificate to the landlord and to each tenant. Please see page 3 of this brochure for a sample copy of a Certificate of Maximum Legal Rent.
- This Certificate will state the maximum rent that can be charged for your unit. Your landlord **cannot** charge you more for your apartment than the maximum legal rent.
- The rent on your unit can still increase every year, if under the maximum legal rent. If your landlord is increasing your rent by less than 10% pursuant to the Certificate, he/she must:
 1. wait until the Certificate of Maximum Legal Rent has been issued to give a notice to increase the rent; and
 2. provide a written notice that he/she is increasing the rent at least *thirty* days before the new increase in rent is due.
- If the landlord is increasing your rent by 10% or more pursuant to the Certificate, he/she must:
 1. wait until the Certificate of Maximum Legal Rent has been issued to give a notice to increase the rent; and
 2. provide a written notice that he/she is increasing the rent at least *sixty* days before the new increase in rent is due.

Rent Stabilization Ordinance, §8; §11

LIMITS ON A LANDLORD'S DUTIES

• The following types of housing are exempt from the Rent Stabilization Ordinance:

- 1. Single-Family Homes or Condominiums
- 2. All rental units during a change in tenancy

This means that the landlord is allowed to set a new rent level after the old tenant moves out and before the new tenant moves in.

- 3. Housing constructed after 1995
- 4. New housing that was exempt from local rent control law prior to February 1, 1995

Civil Code §§ 1954.50 et seq. (Costa-Hawkins Rental Housing Act)

FREQUENTLY ASKED QUESTIONS

(1) What does a Certificate of Maximum Legal Rent look like?

Here is a sample copy of a Certificate of Maximum Legal Rent:



CITY OF EAST PALO ALTO
RENT STABILIZATION PROGRAM

CERTIFICATE OF MAXIMUM LEGAL RENT
July 1, 2004 - June 30, 2005

PROPERTY OWNERS

PROPERTY ADDRESS

This unit was registered on _____ . **THIS IS NOT A NOTICE OF RENT INCREASE. THIS IS A NOTICE OF THE YEARLY ANNUAL GENERAL ADJUSTMENT.** The maximum legal rent stated below may be charged to the tenant if: a) all units on this property have been properly registered, b) all orders of the board have been carried through with respect to this unit, and c) pursuant to California State Law, the tenant(s) have been properly served with 30 days notice of an increase in their rent.

The rent was determined using the following calculations:

Last Certified Legal Rent (July 1, 2003) _____
 *Individual Expiring Rent Adjustment(s) (IRA) - See below for type _____
 July 1, 2003 Base rent (excluding any individual expiring rent adjustment(s) (IRA)) _____
 Costa-Hawkins Rental Increase - only if applicable _____ effective date: _____
 + _____
 + _____
 + _____ 2003 AGA _____ 2002 AGA _____ 2001 AGA _____ Other AGAs _____
 *NET OPERATING INCOME ADJUSTMENT (NOI) _____
 Sub-Total _____
 + _____ * 2004 Annual General Adjustment (AGA) (2.2%) _____
 + _____ * Individual Expiring Rent Adjustment(s) (IRA) - See below for type _____
 _____ .00 **NEW CERTIFIED MAXIMUM LEGAL RENT**

ADJUSTMENT TYPE	EFFECTIVE DATE	EXPIRATION DATE	AMOUNT

Annual General Adjustment(s) denied for the following reason(s):
 Unregistered Pending Hearing Decision Health/Safety/Fire & Building Code Violations
 Petition Action (Petition #- _____) Exemption Denied
 **AGAs not allowed on this unit's July 2003 Certificate but currently allowable: (Reason) _____

MAILING DATE: _____

(2) What do I do if I have never received a Certificate of Maximum Legal Rent for my housing unit?

Call the East Palo Alto Rent Stabilization Board at tel: (650) 853-3112 and tell them that you have never received a Certificate of Maximum Legal Rent for your unit.

(3) What do I do if I have received a Certificate of Maximum Legal Rent and the landlord is charging me more than the maximum legal rent?

If you think that you are being charged a rent level over the maximum level, you should do the following:

Contact your landlord. Explain the situation to your landlord and ask that the rent be reduced immediately to the maximum legal level and ask to be reimbursed for any rent overcharges to date. Follow up any conversations with your landlord with a letter. Please see page 7 of this brochure for a sample letter to your landlord, which you should generally personalize depending on how responsive your landlord is to your inquiries.

- Keep a copy of your letter. In addition, keep a complete file or records of conversations with your landlord (date, time, place, witnesses) and any letters or other materials that you receive from your landlord.

Contact the Rent Stabilization Board. If your landlord does not lower your rent to the legal level and pay you back for any illegal overcharges in the past, you should call the East Palo Alto Rent Stabilization Board at tel: (650) 853-3112. They will explain to you the appropriate next steps.

(4) What if the Board increases the maximum legal rent for my unit, but I think that the maximum legal rent on my apartment should not be increased?

You can challenge the Rent Stabilization Board's decision to increase the maximum legal rent by filing a petition with the Rent Board within ten days of receiving the Certificate. Please call the Board at tel: (650) 853-3112 for instructions on how to file a petition. Some of the reasons that a tenant can file a challenge to an increase are:

- The apartment is not habitable. This means that the conditions of the apartment pose a threat to the health and safety of its occupants, that the landlord knows about these conditions, and that he has not repaired them after a reasonable opportunity to do so. Please see the Habitability brochure produced by Community Legal Service of East Palo Alto for more information.
- The tenant has a fixed term lease (not a month-to-month tenancy) at an amount lower than the new maximum legal rent. In this case, the tenant may continue to pay the amount agreed upon until the lease expires.
- The landlord has not complied with all of the terms of the Rent Stabilization Ordinance.

Rent Stabilization Ordinance, §§11-12

(5) What if I am being charged extra for services that were not included in my lease.

If you think that you are being charged for additional services that were not part of your lease, you should contact your landlord and ask that you only be charged for those items reflected in your lease. You should follow up any conversations with a letter to your landlord. If your landlord refuses to cooperate, you should call Community Legal Services in East Palo Alto at tel: (650) 326-6440.

- Keep a copy of your letter. In addition, keep a complete file of records of conversations with your landlord (date, time, place, witnesses) and any letters or other materials that you receive from your landlord.

(6) What if my rent is increased, but is still at or below the maximum legal rent on the Certificate of Maximum Legal Rent for my apartment?

You landlord is allowed to charge up to the maximum legal rent on the Certificate, and may increase the rent to that level.

SAMPLE LETTER

Change this letter to suit your needs. It should be a nice and respectful letter if the landlord is cooperative; and it should be more demanding if the landlord refuses to acknowledge your rights. Feel free to personalize this letter without making it too hostile.

[today's date]

[your name and address]

[landlord's name and address]

Dear [landlord's name]:

I am writing to follow up on our conversation regarding the amount of rent being charged for my [house/apartment], which is at address:

_____. I talked with you about the fact that the rent is above the amount indicated on the Certificate of Maximum Legal Rent. [give the dates of and review any previous conversations].

As we discussed, I would like my rent to be decreased to the allowable amount and I want to be reimbursed for all overcharges to date.

I appreciate that delays sometimes occur, but I have not heard from you since our last conversation. I would appreciate hearing from you concerning this matter within the next [five to ten] days.

I wish to settle this matter in as reasonable a manner as possible. However, please be advised that I know I have a right to a rent level that is at or below the amount indicated on the Certificate of Maximum Legal Rent under the East Palo Alto Rent Stabilization Ordinance. If it proves necessary, I will not hesitate to obtain legal assistance to enforce my right to live under the maximum rent level.

Sincerely,

[your name]

WHERE TO GET HELP**East Palo Alto Rent Stabilization Program**

2200 University Ave., East Palo Alto

Tel: (650) 853-3112

San Mateo County Small Claims Court

500 County Center, Redwood City (602 Middlefield Rd.)

- This is where you pick up forms and file them.

San Mateo County Small Claims Court Advisory Program

- You can access information through the Telephone Advisory Program at (650) 363-4303; or through the Web at

<http://www.sanmateocourt.org/>.

- You can also bring your questions to walk-in advisory workshops on small claims. These are held on Tuesday evenings from 5-7 p.m. at 800 N. Humbolt St., Courtroom I, San Mateo.

The following groups offer free or low-cost legal advice on housing issues. Call the offices for more information on how they might be able to help you.

Bay Area Legal Aid

2287 El Camino Real, San Mateo

Tel: (650) 358-0745 or (800) 551-5554

Community Legal Services in East Palo Alto

2117-B University Ave., East Palo Alto

Tel: (650) 326-6440

La Raza Centro Legal

474 Valencia St., Suite 295, San Francisco

Tel: (415) 575-3500

Legal Aid Society of San Mateo County

521 East 5th Ave., San Mateo

Tel: (650) 558-0915 / TDD: (650) 558-0786

Stanford Community Law Clinic

2117 University Ave., Suite A, East Palo Alto

Tel: (650) 475-0560