



San Leandro Rent Review Program Summary

The proposed Rent Review Program establishes a forum for non-binding arbitration of rent disputes between landlords and tenants.

- **Rent Review Board.** The City Council will appoint a Rent Review Board (“Board”) to hear rent disputes between landlords and tenants. The membership of the Board will consist of two tenants, two landlords, and a fifth neutral member.
- **Initiation of Rent Review.** Either party to a rent dispute can request a Board hearing for a proposed rent increase if 1) the increase is greater than \$75, 2) the increase exceeds ten percent of the pre-increase rent, or 3) the Landlord increases the rent more than once in a 12-month period.
- **Notice of Rent Increase.** In addition to fulfilling state law requirements for notice of rent increases, landlords will be required to provide notice of the Rent Review Program when they provide notice of a rent increase to tenants. The ordinance will note that landlords are required by state law to provide thirty days notice of a rent increase of ten percent or less and sixty days notice for a rent increase greater than ten percent. If a landlord fails to provide notice of the Rent Review Program at the time he or she provides notice of the rent increase, such rent increase will be void and unenforceable.
- **Contents of Notice.** The notice of the Rent Review Program will 1) describe the tenant’s right to request a hearing as set forth above, 2) encourage the tenant to contact the landlord to attempt to resolve the dispute privately prior to requesting a hearing but explain that such contact is not a requirement of the program, 3) provide the tenant with information about contacting the Board to schedule a hearing, and 4) note that state law protects tenants from retaliation for the exercise of their legal rights.
- **Request for a Board Hearing.** A tenant or landlord may request a hearing before the Board by submitting a hearing request form within fifteen days of the tenant’s receipt of the notice of rent increase (or post marked within 15 days of receipt if mailed).
- **Notice of Hearing.** After receiving the request and determining that the proposed rent increase meets the criteria for initiation of rent review set forth above, the Board will provide a notice of the hearing’s date and location at least ten days prior to the hearing. The landlord’s notification letter will encourage him or her to contact the tenant directly, or to contact the Rental Housing Owners Association of Southern Alameda County (“RHO”), to try to resolve the dispute prior to the hearing.

- **Conduct of Board Hearings.** After hearing from the landlord and the tenant or their designated representatives, the Board will make a recommendation to the parties for a resolution of their dispute, taking into consideration such factors as the hardship to the tenant, the frequency and amounts of prior rent increases, the landlord's mortgage payments and qualifying extraordinary costs of maintaining the property, and the landlord's interest in earning a reasonable rate of return, as well as other factors that may be relevant to determining a fair resolution to the dispute. If the parties are able to reach a resolution before the Board, they will formalize the agreement in a standard form signed by both parties. A landlord or tenant who does not appear in person but instead sends a representative will be deemed to have appeared for the hearing only if the representative was authorized by his or her principal to answer for the principal and enter into agreements on the principal's behalf.
- **Postponement.** If the parties do not reach a resolution during the Board hearing, the Board may at its discretion postpone the issue for one month and require the parties to return for a second and final Board hearing of their dispute.
- **Failure to Appear.** If a landlord fails to appear before the Board without good cause, the rent increase at issue in the hearing will be void and unenforceable. If a tenant fails to appear before the Board without good cause, the Board will dismiss the case and the tenant will be barred from subsequently challenging the same increase before the Board.
- **Referral to the City Council.** If the parties are unable to come to a resolution before the Board, either party can request that the Board refer the matter to the City Council. At its discretion, after either a first or second hearing, the Board may refer the case to the Council. Whenever it forwards an unresolved rent dispute to the City Council, the Board will also provide notice of its action to the Rental Housing Owners Association (RHO).
- **Annual Review.** The Board will prepare an annual report to the City Council assessing the effectiveness of the Rent Review Program and recommending changes.

**For more information or Rent Review Request Forms, please call
(510) 577-6004**