

This form is provided to Landlords free of charge by

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Please email us and we will send you instructions on filling out and serving this notice, and will answer any other questions you may have.



Ordinance instituting a Defense to evictions for qualified Affected Tenants. The Urgency Ordinance requires that you provide the following to the Landlord or Landlord's representative/management before the Notice to Pay Rent or Quit expires:

- (1) Notification to Landlord that you are an Affected Tenant due to COVID-19; and
- (2) Written documentation or objectively verifiable proof that demonstrate impacts to your income due to COVID-19.

In order to qualify to have your eviction suspended, you may notify your Landlord of your intention to assert this defense by filling out and returning the attached form.

Dated:

By: \_\_\_\_\_

Name:

Owner/ Agent for Landlord

Attachment 1: Notice of Tenants Rights

Attachment 2: COVID-19 Eviction Moratorium Required Notice

Attachment 3: Notification to Landlord of Eviction Protection Due to COVID-19

CC: San Jose Rent Stabilization Program

**THIS NOTICE SUPERSEDES ALL PREVIOUSLY SERVED NOTICES TO PAY OR QUIT**

## Resources for San José Residential Tenants

Effective January 18, 2019 • A copy of this referral must be attached to every notice to terminate tenancy.

The notice served herewith is being served in good faith

**NOTICE TO TENANT: Your landlord has served you with a notice to terminate your tenancy. This notice must be served in good faith. Your failure to act on this notice in a timely manner may result in an eviction action filed against you by your landlord. Information regarding this notice as required by the Tenant Protection Ordinance is available at the City of San José's Rent Stabilization Program.**

### SUPPORT SERVICES

SERVICIOS DE APOYO DE RECURSOS  
DỊCH VỤ HỖ TRỢ  
支援服務



#### Homelessness Prevention System

408-926-8885

Provides temporary financial assistance (e.g., rent, deposit, utilities payment) and supportive services (e.g., employment, legal) to low-income families or individuals who are at risk of losing their housing

#### Emergency Assistance Network

866-896-3587

The center provides referrals to rent programs, shelters and other information to qualified residents. While resources vary and funding is limited when it comes to the amount of money available, there may be one-time emergency security deposit and rental assistance to families and individuals in housing crises in Santa Clara and San Mateo Counties.

### RENTAL RESOURCES

RECURSOS DE ALQUILER  
TÀI NGUYÊN CHO NGƯỜI THUÊ NHÀ  
租賃資源



#### Rent Stabilization Program

Department of Housing

408-975-4480

Mon - Fri 8:00 am to 5:00 pm

200 E. Santa Clara St, 12th Floor, San José

General information, referrals, and a mediation program for tenants in rent-stabilized apartments

#### Legal Advice Line

For Tenants: 800-551-5554

Mon - Thurs 9:30 am to 1:00 pm

Legal advice, representation in court proceedings and City hearings, and workshop sessions

For Landlords: 408-414-5359

Mon, Wed, Fri 9:30 am to 12:00 pm

Legal information and workshop sessions

**AVISO AL INQUILINO (SPANISH):** El propietario le ha servido con un aviso de terminación de arrendamiento. Este aviso debe ser servido de buena fe. Falta de responder en tiempo a la notificación se puede resultar en una evicción de desalojo archivado por el propietario encontra usted.

**THÔNG BÁO CHO NGƯỜI THUÊ (VIETNAMESE):** Chủ nhà của quý vị đã gửi cho quý vị một thông báo để chấm dứt hợp đồng thuê nhà. Nếu quý vị không hành động kịp thời để trả lời thông báo chấm dứt hợp đồng thuê nhà có thể dẫn đến việc chủ nhà nộp đơn thưa kiện quý vị. Thông tin liên quan đến việc thông báo chấm dứt hợp đồng thuê nhà có sẵn tại Chương Trình Ổn Định Giá Thuê.

**給租客的通告 (CHINESE-TRADITIONAL):** 您的房東已通知您將會終止租約, 此通告是出於誠意的。如果您不及時回應這終止租約通告, 房東可能會採取迫遷行動。您可向市政府房屋租金穩定部查詢有關終止租約通告的資料。

**Please contact these resources for assistance.**



Rent Stabilization Program  
City of San José Housing Department  
200 East Santa Clara St, 12th Floor, San José, CA 95113 • 408-975-4480  
www.sanjoseca.gov/rent • RSP@sanjoseca.gov



# COVID-19 Eviction Moratorium Required Notice

**NOTICE TO TENANTS & LANDLORDS:** San José's COVID-19 Eviction Moratorium applies to your rental unit. The moratorium stops many residential evictions for nonpayment of rent. The moratorium is in effect through April 17, 2020, and the City Council may extend it. Contact the San José Housing Department at [RSP@sanjoseca.gov](mailto:RSP@sanjoseca.gov) or visit [www.sanjoseca.gov/evictionmoratorium](http://www.sanjoseca.gov/evictionmoratorium).

If you are a tenant, the ordinance provides you with temporary protection from evictions for non-payment of rent if you can demonstrate your income has been substantially reduced due to the COVID-19 pandemic.

## LANDLORD RESPONSIBILITY



### Provide Written Notice to Tenant

When a landlord initiates an eviction for nonpayment of rent, the landlord must:

1. Provide tenant with this form along with the amount of rent due and a notice of termination
2. Provide this [list of resources for residential tenants](#)
3. Submit a copy of your notice of termination to the Housing Department via US mail or online

## TENANT RESPONSIBILITY



### Notify landlord of substantially reduced income due to COVID-19

If your landlord serves you with a notice of termination, you should immediately notify the landlord of your intention to stop the eviction.

The City recommends you keep a copy of your notification.

Example of a notification:

*My name is John Doe. I live at 123 Main Street, apt 45, in San José. I intend to seek protection against eviction for nonpayment of rent under the San José eviction moratorium. My income has been impacted substantially due to COVID-19.*

If your landlord serves you with an unlawful detainer, you must take the following two steps. (An unlawful detainer is a written demand for you to move out of your rental unit.)

### 1 Notify the landlord of the specific way in which you have been impacted by COVID-19

#### Examples of COVID-19 impacts:

- Job loss
- Reduction of hours
- Missing work to care for a child due to school closure
- State or local emergency action that prevents you from working

### 2 Provide documentation of loss of income due to COVID-19

#### Examples of documentation:

- Letter from employer citing COVID-19 as a reason for reduced work hours or termination
- Paycheck stubs from before and after the COVID-19 outbreak
- Bank statements showing financial situation before and after the outbreak

If you have been affected by COVID-19, we encourage you to provide your landlord with the required documentation as quickly as possible. At the very latest, you will need to provide documentation to the Court to avoid being evicted.

## NOTIFICATION TO LANDLORD OF EVICTION PROTECTION DUE TO COVID-19

The City of San José enacted an eviction moratorium that took effect March 18, 2020. The moratorium stops residential evictions for nonpayment of rent for "AFFECTED TENANTS", which means that the tenant's income has been substantially impacted by COVID-19. The moratorium runs through April 17, 2020, and the City of San José may extend it beyond that date.

If a landlord initiates an eviction for nonpayment of rent during the moratorium, an Affected Tenant should notify the landlord of her/his intention to stop the eviction. The City recommends Affected Tenant notify their landlords immediately upon receiving a landlord's Notice of Termination. The City also recommends notifications be made by email or in writing, and tenants keep copies of the notifications.

The Urgency Ordinance requires you to notify your landlord that you are an Affected Tenant and have provided written documentation or other objectively verifiable proof of the same, before the expiration of the Notice to Pay or Quit served herewith.

You may use this form to notify your landlord that you intend to stop an eviction because you are an **Affected Tenant**:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I intend to seek protection against eviction for nonpayment of rent under the San José eviction moratorium, because I am an Affected Tenant (as defined by the March 18, 2020 Urgency Ordinance). My income has been impacted substantially by COVID-19 due to the following: (you must check at least one)

- Job Loss                                       Missing work to care for a child due to school closure
- Reduction of hours                               State of local emergency action that prevents me from working
- Other: \_\_\_\_\_

**Documentation.** In addition to notifying your Landlord of your status as an Affected Tenant (above), you may only claim COVID-19 as a defense to eviction if you have, prior to the Notice of Termination expiring, provided written documentation or other objectively verifiable proof of your status as an Affected Tenant. The following documents create a rebuttable presumption that you have met the documentation requirement of the Urgency Ordinance, however they are not the exclusive form of documentation demonstrating impacts to income due to COVID-19.

I have attached the following required documentation of my status as an Affected Tenant:

- Letter from employer citing COVID-19 as a reason for reduced work hours or termination.
- Paycheck stubs from before and after the COVID-19 outbreak
- Bank Statements showing financial situation before and after the outbreak
- Other proof of substantial loss of income related to COVID-19

Tenant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DECLARATION OF SERVICE OF NOTICE TO RESIDENT

I, the undersigned declare that at the time of service of the papers herein referred to, I was at least eighteen (18) years of age, and that I served the following notice:

Three Day Notice to Pay Rent or Quit

On the following resident(s): \_\_\_\_\_, and all tenants in possession

on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

BY DELIVERING a copy for each of the above-named resident(s) PERSONALLY

**OR**

BY LEAVING a copy for each of the above-named resident(s) with a person of suitable age and discretion at the residence or usual place of business of the resident(s), said resident(s) being absent thereof;

AND MAILING by first class mail on said date a copy to each resident(s) by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence.

**OR**

BY POSTING a copy for each of the above-named resident(s) in a conspicuous place on the property therein described there being no person of suitable age or discretion to be found at the residence or any known usual place of business of said resident(s);

AND MAILING by first class mail on said date a copy to each resident(s) by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence.

I also served the same notice on the City of San Jose Rent Stabilization Program, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, as follows:

BY UPLOADING a copy to the Rent Stabilization Program's online notice submission form.

**OR**

BY MAILING by first class mail on said date a copy to the City by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to  
**San Jose Rent Stabilization Program, 200 E. Santa Clara St., San Jose, CA 95113**

I declare, under penalty of perjury, that the foregoing is true and correct and if called as a witness to testify thereto, I could do so competently.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ California.

\_\_\_\_\_  
Declarant