

RENT CONTROL SUMMARY & MOST ASKED QUESTIONS

In order for a unit to be covered under rent control the following needs to apply:
(Section 2)

1. The owner needs to own 5 or more units,
2. The units need to be within the city limits
3. A certificate of occupancy needs to have been issued prior to July 1, 1979. (A certificate of occupancy is the final certificate issued by the building inspector that says it's okay for people to occupy or move in. Basically it is when the house was originally built and signed off.)

RENT INCREASE (Section 3)

The annual allowable increase is a maximum of 5%.

If the rent has not been increased in two or more years the owner can increase the rent 10%, but never more than 10 % at any one time.

i.e. An owner has not increased the rent in 4 years. They now have 20% banked (5% per year). He can increase the rent (typically on the anniversary date the tenant moved in) the normal 5% allowable + an additional 5% to recoup the previous year that he didn't give a rent increase. The bank is now down to 15%. The owner may do this for the next three years until the bank has been used and then is only allowed to increase the rent 5% every year thereafter.

If the owner increases the rent 3% in 1998, he can increase the rent 7% in 1999 to make up the 2% difference.

DECONTROL PROCESS (Section 8)

Upon satisfactory completion of the vacancy decontrol procedures as stated in Section 8(a) of the Hayward Residential Rent Stabilization Ordinance, the decontrol unit is no longer subject to the rent increase limitations and requirements of Section 4 (Information Supplied to Tenant) of the Ordinance; however, the notice of a rent increase on a deregulated unit should be noticed as required by State Law.

INTEREST ON SECURITY DEPOSIT (Section 13)

The owner is required to pay to the tenant interest on their security deposit annually. See the attached sheet to advise the owner what current and past interest is. If a tenant moves before the year is up, the owner must prorate the interest. This changes annually and is effective from November to November. This year the interest rate is 0.13%.

EVICTION FOR CAUSE (Section 19)

If a unit is covered under the provisions of the Ordinance, a landlord may not evict a tenant unless the tenant has violated one of the 15 grounds stated in section 19. If a call comes in and the tenant is, or was covered under rent control the owner must have given them a reason for eviction (Section 19). Even if they haven't given them a reason we do not get involved in evictions. Give them the number to ECHO Housing, Centro Legal, Bay Area Legal Aid or advise them to seek the guidance of a private attorney.

FREQUENTLY ASKED QUESTIONS

Is my apartment covered under rent control?

You need to ask a few questions

1. What is your address?
 - a. Search the address
 - b. If the address is not in the Decontrol list look it up in the GIS
2. Is tenant under Section 8 Voucher? (If so, unit is exempt from rent control).
 - c. How many units are in the complex if there are less than 5 ask
 - d. If the owner owns any other property in the City of Hayward
 - e. If the units are located in the City of Hayward (refer to GIS)
 - f. Certificate of Occupancy
3. If one of the above do not apply the unit is not covered under rent control and we cannot help them. Refer them to ECHO Housing, Centro Legal, Bay Area Legal Aid or advise they seek a private attorney.
4. Can the owner increase my rent more than 5%.
If the unit is covered under rent control, owners can generally increase the rent 5% per year or 10% if the rent was not increase in prior year (not exceeding 10%).

If they are covered under rent control and received an increase of more than 5%, find out when they received a rent increase last. If it was more

than a year the owner can increase the rent 10%. If more than 5% in one year they can file a petition for review of rent (within 30-days of the notice of rent increase) and we will initiate the review process by requesting additional information from tenant(s) and landlord before procuring a mediator.

If the unit is not covered under rent control, refer them to Centro Legal or ECHO Housing.

If the tenant calls complaining about the housing conditions and lives in the City limits of Hayward, refer them to the Residential Inspection Department x4142.

Example, unit is in need of structural repairs, i.e. leaky roof, holes in walls, electrical, etc...

If other repairs are needed refer them to ECHO Housing, Centro Legal, Bay Area Legal Aid or a private attorney. If tenant is covered under rent control, the tenant can file a petition for service reductions and we will initiate the process before procuring mediation.

The Ordinance was last revised in 2016, Ordinance No.: 16-19, this is the latest version.