

## Guide to Filing PETITION B

### For Reductions in Maintenance and Services, Habitability Problems, and/or Failure to Provide Maintenance and Services Required by Law

#### What violations of rent limits can be addressed by filing Petition B?

Tenants can file **Petition B** for any of the following types of problems that their landlord did not correct within a reasonable time after they were informed or should have known about the problem:

1. Failure to comply with the “Warranty of Habitability,”
2. Failure to comply with building and housing codes or other legal requirements, and/or
3. Elimination or decreases in services or failure to provide adequate maintenance.

Below is more information about the reasons to file **Petition B**, along with examples and the kinds of documentation that can be submitted for each issue:

- 1) **Failure to comply with the “Warranty of Habitability”** set forth in California Civil Code Sec. 1941.1. This law requires that a rental unit must be fit to live in by human beings and must substantially comply with state and local building and health codes that materially affect tenants’ health and safety. The following problems are failures of the warranty of habitability:
  - ✓ Rental unit has water leaks, is damp, is not waterproof or has wet or moldy walls or ceilings, or has broken windows and doors and lacks effective weather protection, such as lack of paint.
  - ✓ Rental unit has plumbing or gas that is not in good working order.
  - ✓ Rental unit does not have sufficient or safe hot or cold running water furnished to appropriate fixtures, or is not properly connected to a sewage disposal system.
  - ✓ Rental unit does not have a working heater.
  - ✓ Rental unit has broken electrical lighting, or wiring and electrical equipment that is broken or dangerous.
  - ✓ The building and common areas are not clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin, such as cockroaches or rats.
  - ✓ There are not enough garbage and rubbish bins in clean condition and good repair.
  - ✓ The floors are not maintained in good repair; stairways, or railings in rental unit or the building are broken, rotting, or missing.
- 2) **Failure to comply with building and housing codes or other legal requirements** for the maintenance and operation of rental housing which affect the livability and/or rental value of the premises.
- 3) **Elimination or decreases in services or failure to provide adequate maintenance** without a corresponding reduction in rent.

It is important to note that minor maintenance deficiencies or deterioration which have no or insignificant impacts on the livability or rental value of a unit and which do not cause any health and safety risk do not provide a basis for a reduction in a tenant’s rent. Tenants are responsible for repair of all damage that results from their neglect or abuse, and for repair of damages caused by anyone for whom they are responsible, such as family, guests or pets.

## Guide to Filing PETITION B

### For Reductions in Maintenance and Services, Habitability Problems, and/or Failure to Provide Maintenance and Services Required by Law

If your landlord objects to the claims in your petition, and you elect to proceed to a hearing, a hearing will be scheduled and you will be notified. These hearings are less formal than in court, but they are conducted in a manner that is fair and impartial, and both parties must swear to tell the truth. After the hearing, the Hearing Examiner will determine, based on the testimony and evidence provided in the petition and at the hearing, whether and how much your rent should be reduced for these issues. The Hearing Examiner will also determine whether you are owed a rebate for the loss of use and enjoyment of the premises if it is found that specific problems were not corrected by your landlord within a reasonable time. The hearing decision will be issued to both parties and either party may appeal the decision within 15 days of receipt. It is important that you provide the Rent Program any update for your contact information, including your address, phone numbers and email address, so that you can be kept informed and sent notices of hearings, hearing decisions, etc.

It is up to you as the petitioner to provide evidence at the hearing of the existence of any problems you identify in your petition, including when each problem started, when your landlord knew or should have known about each problem cited, and when they were corrected or if they remain uncorrected at the time of hearing.

#### What are examples of habitability, maintenance, and service reductions that impact rental value?

The following are examples of habitability, maintenance, and service reduction issues for which tenants may file Petition B to secure a rent reduction and rebate after their landlord failed to make corrections within a reasonable timeframe. For each problem cited in Petition B, the tenant must provide a description of its impact on their use and enjoyment of their rental unit.

<b>Examples of Problems Reported to Landlord</b>	<b>Examples of Impact on Use and Enjoyment of Rental Unit</b>
Cockroach infestation	Unsafe and unhealthy for residents and guests; infects food; gets into beds and clothing; impacts asthma; impacts children
Mold and mildew on walls from water leakage	Unhealthy; family impacted by asthma (provided letter from doctor); requires constant cleaning; unsightly; moldy smell in unit and furniture and clothing
Peeling glazing in bath tub	Inability to use the bathtub to take a bath; uncomfortable to sit or stand on uneven and peeling surface; more difficult to clean; unsightly and unpleasant
Carpet is stained, worn and torn	Carpet has not been replaced for 10 years and can no longer be cleaned sufficiently; seams are broken and are a trip hazard; dirty carpet is unsanitary, unsightly and unpleasant, and smells bad
Broken patio door	Creates security problem; glass door has fallen three times, narrowly missing children; lets insects enter the unit; cold air and heat enter the unit

## Guide to Filing PETITION B

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Broken refrigerator	Cannot store food properly; increase cost to buy more groceries and to eat out; water leakage must constantly be cleaned inside and on the floor where it is slippery and wet
Broken dishwasher	Impacts ability to cook and clean in a timely manner
Broken window lock	Creates security problem; window does not close properly so hot and cold air leaks into the unit
Toilet leaking	Unsanitary; must continue to mop and clean to avoid slipping
Broken heater – lack of heat	Cold in winter months especially; unhealthy for children; higher electrical costs because of the need to use a portable heater
Broken security gate	Intruders can enter the garage and parking area; increased risk of burglary and attack.
Loud noise from adjacent neighbors that has not stopped	Difficulty hearing television, phone conversations, sleeping; lack of sleep from noise impacts stress levels and ability to work
<b>Examples of Service Reductions</b>	<b>Examples of Impact on Use and Enjoyment of Rental Unit</b>
Access to an assigned parking space has been revoked	Without this space, tenant spends more time searching for a place to park, and walks long distances, even in the dark and cold, to go to and from home
Hours reduced for use of the swimming pool; it is no longer cleaned regularly	Inability to swim regularly impacts ability to exercise and therefore health; the water is less sanitary and safe
Exterior lighting was eliminated when landlord did not pay the PG & E bill	It is unsafe to enter or depart from the premises in the darkness; this impacts makes residents more vulnerable to crime and the ability to receive guests
A coin laundry is no longer available for tenants use	It now takes more time and money to take laundry to and from the rental unit to a laundry mat
Weekly gardening service has been discontinued	Grass is high and leaves and weeds are abundant, making the place unsightly and unclean and may attract vermin

In your petition you must specify the percentage you seek to have your rent reduced or rebated to reimburse you for each problem you cite. In deciding how much reduction or rebate to request, consider the impact of each problem you cite on your health and safety or use and enjoyment of your unit. The total reduction in rent awarded by a Hearing Examiner cannot exceed 100% of the rent.

#### **What documentation should be submitted with Petition B for evidence of the problems cited?**

It is important to write down or keep a journal or record of when each problem started and when you told your landlord about each problem. If the problem was corrected, it is important to document when it was corrected. This information will be used to show whether and when you informed your landlord of each problem, the time frame before each problem was corrected, if any have been corrected, and the impact on your use of the premises.

## Guide to Filing PETITION B

### For Reductions in Maintenance and Services, Habitability Problems, and/or Failure to Provide Maintenance and Services Required by Law

To get a serious problem fixed and make a record of the problem and ensure it is properly corrected, tenants should request a building inspection or a code enforcement inspection by contacting:

City of East Palo Alto Building Division:

1960 Tate Street, East Palo Alto, CA 94303 650-853- 3193

San Mateo County Environmental Health Division:

2000 Alameda de las Pulgas, Suite #100, San Mateo, CA 94403 650- 599-1112

The County's Environmental Health Services Division is responsible for enforcing State health laws and orders related to housing including interior and exterior maintenance, sanitation and occupancy standards. All multi-unit (4 or more) rental properties are subject to routine housing inspections by the County and tenants can request copies of any inspection reports that pertain to their rental or issues in the common areas that impact their use of the premises. Single family dwellings, duplexes and triplexes are inspected on a complaint basis only. Once an inspection is completed, the property owner is notified in writing of the results of the inspection. If violations are confirmed and documented, a timeframe for compliance will be given.

The City of East Palo Alto's Building Services Division is responsible for housing related code compliance issues. Residents can file code enforcement complaint forms at the City's Permit Center. After an investigation by a Building Inspector or Code Enforcement Officer, you will receive a copy of the findings of fact, recommendations applicable, and action taken by the City to secure corrections.

Other evidence to document problems: Tenants can also submit other evidence of reductions of maintenance and services, the existence of code violations or violations of the implied Warranty of Habitability. Examples of such records that a tenant may submit include:

- Photographs of the problems cited in your petition with dates the photos were taken to document that maintenance has not been performed, such as the water damage and mold in the unit from plumbing problems or a broken window, etc.
- A photograph of the cockroaches or rats captured in your rental unit
- Verbal testimony about the problem and when you notified your landlord about each problem.
- Written notices that you gave your landlord seeking corrections or repairs to be made
- Notices, work orders and invoices for repairs from your landlord
- Documentation about when an item was last repaired or replaced, or when maintenance was last performed and whether the problem was fixed or not
- A witness observation report that is signed by others under penalty of perjury to be true describing the extent and nature of the problem(s) in your rental unit that they have observed and when they observed it.

## Guide to Filing PETITION B

### For Reductions in Maintenance and Services, Habitability Problems, and/or Failure to Provide Maintenance and Services Required by Law

#### **How to file Petition B:**

To get copies of this petition form and more information:

- Go to the City's website at: [www.ci.east-palo-alto.ca.us/rentprogram](http://www.ci.east-palo-alto.ca.us/rentprogram)
- Call the Rent Stabilization Program at (650) 853-3114
- Email us with questions or tell us about a problem: [rentprogram@cityofepa.org](mailto:rentprogram@cityofepa.org)
- Go to the office between 8:30 a.m. – 5:00 p.m. at 2415 University Avenue, 2nd floor

Complete Petition B by answering each of the questions and provide information and documentation that is relevant to your complaint. Also, complete, sign and date the Tenant Petition Application form and submit both the Application and Petition B, with any other related petitions to:

City of East Palo Alto Rent Stabilization Program  
2415 University Avenue, East Palo Alto, CA 94303  
Email: [rentprogram@cityofepa.org](mailto:rentprogram@cityofepa.org) Fax: 650-853-3115

**Free legal services are available to most tenants needing help filing petitions and presenting their case at hearings. For assistance contact:**

**Community Legal Services in East Palo Alto  
(650) 326-6440; or go to 1861 Bay Road, East Palo Alto**