Dear Landlord,

Both California and the City of San José require landlords to consider and treat all rental housing applicants equally throughout the applicant screening process, regardless of whether the applicant possesses a housing voucher. (See Cal. Gov’t Code Sections 12927 and 12955 and Chapter 5.10 of the San José Municipal Code.) The City of San José’s recently-passed Housing Payment Equality Ordinance applies to *all* rental properties and units in San José, the only exception being single-family homes that are occupied by the landlord. Violations of the Ordinance could result in citations, fines, and lawsuits being imposed upon violating landlords. Therefore, please be advised of your duties and requirements under this Ordinance, as stated below.

A landlord *must*:

* Equally consider all applicants who have the ability to pay for a rental unit, even if part of that payment will be made through the use of a housing voucher like a “Section 8”/Housing Choice Voucher or another rental assistance subsidy.
* Use only the rental portion to be paid by the applicant when making determinations regarding an applicant’s ability to pay the rent, and not the entire rent amount. In other words, “income standards” must be assessed based upon the prospective tenant’s personal contribution toward the rent, not the total amount of rent the landlord will collect.

A landlord *cannot*:

* Deny a rental unit to an applicant, otherwise falsely represent that it is not available, or terminate a tenant’s tenancy because the applicant/tenant has a housing voucher.
* Advertise that housing vouchers will not be accepted for a rental unit. (For instance, a landlord may not advertise a unit for rent but state “No Section 8.”)
* Treat a tenant with a voucher differently or have different rules for tenants with a housing voucher.
* Refuse services, repairs, or improvements to tenants because they have a housing voucher.

California law also makes it illegal for a landlord to harass or evict someone in retaliation for opposing the prohibited practices described above.

I urge you to take the aforementioned laws into account as you advertise your rental unit(s), proceed through the rental application process, and lease your unit(s) out to tenants, voucher- and non-voucher-holders alike. Failure to comply with these laws may subject you to legal action.

For further information, please visit https://www.sanjoseca.gov/your-government/departments-offices/housing/renters/know-your-rights/housing-payment-equality-ordinance .

Sincerely,