



RESIDENTIAL RENT INCREASE DISPUTE RESOLUTION ORDINANCE

SUMMARY

The City of Fremont has an Ordinance which provides rental residents and owners with a three step process to resolve rent increase disputes. The purpose of the Ordinance is to:

- Discourage unreasonable rent increases on occupied units by providing remedies to resolve rent increase disputes.
- Limit rent increases to once per year, unless otherwise agreed to by the parties in writing with the effective date(s) and the exact amount(s) of a rent increase(s).
- Limit rent increases to fair and reasonable amounts.
- Encourage a 90-day minimum advance notice of rent increases.
- Provide well-maintained living units.
- Discourage retaliatory evictions and other retaliatory behavior.

The Ordinance, which became effective in **1997**, applies to all housing units offered for rent in the City (apartments, condominiums and single family homes). It requires rental owners, when notifying tenants of a rent increase, to encourage tenants to contact them to discuss the rent increase, and also to inform tenants of their right to use the City's dispute resolution process. A rent increase imposed without first giving the required notice is void. The three steps of the dispute resolution process and other important information about the ordinance are explained on the reverse of this letter. For more information about the Ordinance, please visit the City's website at www.fremont.gov/rridro

IMPORTANT FACTS ABOUT THE CITY OF FREMONT'S RESIDENTIAL RENT INCREASE DISPUTE RESOLUTION PROCESS

- In addition to all other required information provided in a rent increase notice, **each notice** of rent increase **must** state in bold type:

You are encouraged to contact the landlord (or landlord may insert the name of the Responsible Party) _____ at (area code) _____ to discuss this rent increase. However, Chapter 19 of Title III of the Fremont Municipal Code provides a procedure for conciliation, mediation, and fact finding for disputes over rent increases. To use the procedure, you must contact Mediation Services at (510) 733-4945 within 15 days following receipt of this notice.

- **Landlords must provide all tenants moving in after July 1, 2001, with a notice informing the tenants about the existence of the City's Rent Increase Dispute Resolution Ordinance and that they can obtain a copy of the Ordinance at www.fremont.gov/rRIDRO.**
- The three steps of the dispute resolution process include:

Step 1: Conciliation: Within 15 days after receipt of a written notice of rent increase, tenants or property owners can request conciliation assistance in resolving concerns about the rent increase. Tenants are encouraged to first contact the owner or responsible party to discuss any concerns about a rent increase. If the parties are unable to resolve concerns, either party can contact Mediation Services, at (510) 733-4945. A conciliator will speak to each party separately to try to arrive at a mutually acceptable solution within ten calendar days. Following telephone contact by a conciliator, the affected property owner or tenant is required to respond within two business days. Failure of a responsible party to respond within two business days would void the rent increase notice. **Any written agreement reached by parties in conciliation will be binding.**

Step 2: Mediation: If the conciliation attempt does not result in an agreement, either party may request initiation of the mediation process. Trained neutral mediators will be appointed to convene a meeting of both parties, and encourage them to find a mutually acceptable solution to the dispute. **Any written agreement reached by parties in mediation will be binding.**

Step 3: Fact Finding Panel: If mediation does not result in an agreement, either party may request a Fact Finding Panel be appointed by the City to render a non-binding determination. The Fact Finding Panel would be composed of three persons with one tenant representative, one owner representative, both of whom are not involved in the dispute, and one neutral third party. The purpose of the Fact Finding Panel is to determine the reasonableness of the rent increase and the impact of the rent increase on the affected households. The property owner would carry the burden of persuasion to justify the rent increase.

- Good faith participation in the dispute resolution process is mandatory for both tenants and property owners. Once either party requests assistance, there is a mutual obligation of the property owner and tenant or their representatives to participate in the conciliation, mediation and fact finding proceedings, provide relevant information and proposals, reasonably consider proposals by opposite parties, and engage in meaningful discussion on the rent increase and issues related to the rent increase.

