

LAWSUIT: San Jose tenants forced to live in squalid and illegal conditions, harassed by landlord after reporting to city

SAN JOSE, CALIFORNIA, UNITED STATES, May 3, 2024 /

EINPresswire.com/ -- A copy of the complaint and visuals, including a video testimonial for media use, can be found in this Google Drive folder:

https://drive.google.com/drive/folders/1PVzQ0pdPf_dYbFqIKCBVsR0qUCyeEL0x?usp=drive_link

Illegal and defective electrical wiring and plumbing. Mold. No heat or insulation. Insects everywhere. No legally-mandated carbon monoxide or smoke detectors. And the constant and horrendous stench of dog feces permeating the home.

These are just some of the intolerable conditions that Demetrio Lopez Martinez and his wife Teresa Elena Alcazar Alejandre are still suffering through living in their rented San Jose housing unit at 1771 Florida Avenue, according to a lawsuit filed in the Superior Court of California, County of Santa Clara on April 30, 2024. Case No: 24CV437666.

The complaint was filed in Santa Clara County Superior Court against their landlord, Ignacia Marmalejo, alleging unfair business practices, negligence, retaliation and numerous code violations.

Around December 27, 2022, Marmalejo entered into a month-to-month rental agreement with Lopez and Alcazar to rent an illegal unit inside Marmalejo's home, according to the complaint.

Their initial rent was \$1,650 per month, plus the utilities, which started at \$65 monthly before being raised to \$80, then again to \$120.

According to the lawsuit, even the agreement they entered into with Marmalejo was illegal given



she is renting out an unlawful unit not sanctioned by the city.

Upon moving in, Lopez and Alcazar were shocked to find their living conditions to be in such uninhabitable shape, including illegal and defective electrical wiring and plumbing, mold, a lack of insulation and heat, a lack of legally-mandated carbon monoxide and smoke detectors, insect infestations, inadequate hot water, illegal and unpermitted construction, and inadequate ventilation, among numerous other violations.

Lopez is disabled and is on dialysis for diabetes and has had his right foot amputated and part of his left foot removed, as well. When his diabetes acts up, it causes him to go into shivers, forcing him to shower up to three times a night, but Marmalejo would scream and harass Lopez for running the water for too long, the complaint states.

Marmalejo also has 3 dogs whose feces piles up in a narrow walkway just outside the couple's kitchen, causing a horrendous stench inside their home.

They repeatedly notified Marmalejo of their horrible and illegal living conditions, but she has failed and refused to adequately address anything, forcing the tenants to take their complaints to San Jose's code enforcement department.

According to the lawsuit, a city inspector assessed the premises and issued a notice of violation, ordering Marmalejo to promptly remedy the situation, including installing working smoke and carbon monoxide detectors, as well as fixing numerous other issues.

But Marmalejo refused to correct the substandard housing conditions, the complaint states, and began retaliating against Lopez and Alcazar, making unlawful eviction threats, cutting off their cable and internet, stealing their mail, and removing their stove.

Lopez and Alcazar remain in the home to this day, continuously being harassed by Marmalejo, causing severe emotional distress and physical and monetary damages.

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