# CITY OF OAKLAND

#### CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612-0243 (510) 238-3721 CA Relay Service 711 www.oaklandca.gov/RAP For Rent Adjustment Program date stamp.

# PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE

Please fill out this form as completely as you can. Rent increases based on anything other than the annual allowable CPI rate or banking must first be approved by the Rent Adjustment Program ("RAP") after a hearing. Failure to provide the required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING. To make an appointment email RAP@oaklandca.gov.

Rental Unit Information	
	Oakland, CA
Street Number Street Name	Unit Number Zip Code
Is there more than one street address on the parcel?	Yes If yes, list all addresses:
Type of unit(s) (check one):  Single family home Condominium Apartment, room, or live	Number of units on property:  ve-work  Date acquired property:
Case number(s) of any relevant prior Rent Adjustment case	ase(s):
Property Owner Information	
First Name	Last Name
Company/LLC/LP (if applicable):	
Mailing address:	
Primary Telephone: Other Teleph	phone: Email:
Property Owner Representative (Check one):	☐ No Representative ☐ Attorney ☐ Non-attorney
First Name Last Name	Firm/Organization (if any)
Mailing Address:	
Phone Number: E	Email:

#### GENERAL FILING REQUIREMENTS To file a petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Owner petitions that are submitted without proof of compliance with the below requirements will be considered incomplete. Requirement **Documentation** Current Oakland business license Attach proof of payment of your most recent Oakland business license. ☐ Payment of Rent Adjustment Program Attach proof of payment of the current year's RAP Fee for the subject property. service fee ("RAP Fee") Attach a signed and dated copy of the first RAP Notice provided to the tenant(s) Service of the required City form entitled subject to this petition or check the appropriate box below\*. "NOTICE TO TENANTS OF THE ☐ I first provided tenant(s) with the RAP Notice on (date): \_ RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants ☐ I have never provided a RAP Notice. ☐ I do not know if a RAP Notice was ever provided. \*If RAP Notice was first provided on or after September 21, 2016, RAP Notice must be provided in English, Spanish, and Chinese. If petition applies to multiple tenants, please provide this information on a separate sheet for each tenant. Evidence of registration for all affected cover To support this declaration, I am providing: units (check one of the following boxes) ☐ If property not registered online: Copy of the Property Registration and \_, I/we used all reasonable Residential Unit Registration forms submitted to RAP for the affected covered diligence in preparing my annual unit in the building. registration statement, reviewed it and submitted it to the Rent Adjustment ☐ If property registered online: Copy of a document containing the registration Program, and, to the best of my data related to property registration and residential unit registration of the knowledge, the information contained in the statement was true and complete. To affected covered unit since the registration was done online. the extent I was unable, despite the use of OR reasonable diligence, to ascertain the exact information to be reported, I provided the most accurate approximation Declaration of Exemption:

#### **GROUNDS FOR PETITION**

Municipal Code, Section 8.22.090.B.1.c.ii.

☐ The residential property involved in this petition matter is not covered by either

subject unit(s) are not subject to the registration requirements under the Oakland

the city's Rent Adjustment Ordinance or the Just Cause Ordinance. Thus, the

Select the grounds for this petition from the list below. Check all that apply. See column on the right for filing requirements and documentation to be submitted together with the petition. Petitions that lack adequate supporting documentation may be dismissed without a hearing. For a full description of each justification, see Appendix A of the Rent Adjustment Program Regulations at: https://cao-94612.s3.amazonaws.com/documents/oak062857.pdf.

Grounds	Description	Requirements

possible based on information and belief

approximation was not feasible, I stated

where possible or, where such

registration requirement

that the information was unknown.

The subject property is exempt from the

☐ Capital Improvements	Allows pass-through to tenant(s) of a portion of costs spent on qualifying capital improvements. Improvements must primarily benefit the tenant(s), and do not include repairs made as a result of deferred maintenance or serious code violations. Pass-through costs are limited to 70% of actual costs (plus interest), divided equally among all affected units, and amortized over a defined period of time based on the expected useful life of the improvement (see amortization schedule found in Appendix A of the Regulations).	<ul> <li>✓ Improvements meet the description of capital improvements set forth in Appendix A of the Regulations.</li> <li>✓ Improvements completed and paid for within 24 months prior to petition filing date.</li> <li>✓ Complete Worksheet A on page 4 of this petition.</li> <li>✓ Attach documentation demonstrating the specific work done, date(s) of completion, full costs and proof of payment (such as invoices, receipts, estimates, cancelled checks, etc.), copies of any permits (indicating date(s) issued and finaled), and evidence of any reimbursement (such as insurance or subsidies). Documentation should be organized by type of improvement. Work limited to specific unit(s) should be distinguished from building-wide improvements.</li> </ul>
Uninsured Repair Costs	Allows pass-through of costs for work done to secure compliance with state or local law as to repair damage resulting from fire, earthquake, or other casualty or natural disaster, to the extent not reimbursed by insurance proceeds.  Calculated and applied like capital improvements.	<ul> <li>✓ Repairs completed and paid for within 24 months prior to petition.</li> <li>✓ Insurance proceeds insufficient to cover full amount of required repair costs.</li> <li>✓ Complete Worksheet A on page 4 of this petition.</li> <li>✓ Attach documentation required for petitions based on capital improvements (see above), plus evidence of all insurance claims, estimates, and proceeds.</li> </ul>
☐ Increased Housing Service Costs	Allows a rent increase above the CPI where there has been an increase in the total of net operating costs related to the use or occupancy of the property.  Calculated by comparing 2 most recent years of all net costs, averaged monthly and divided by the number of units and average gross monthly income.  Replaces CPI increase for current year; applies to all units.	✓ Complete Worksheet B on page 5 of this petition. ✓ Attach documentation of ALL income and expenses* related to the subject property for the two most recent consecutive years (including all information requested by Worksheet B). Documentation of all expenses is required, not solely for expenses that have increased. Documentation should be organized by category and year. *Note: Expenses do not include mortgage payments or property taxes.
☐ Fair Return	Allows a rent increase where owner is being denied a fair return on investment in the property, as measured by the net operating income (NOI). Cannot be combined with any other grounds for increase. Replaces CPI increase for all years; applies to all units.	✓ Complete Worksheet C on page 6 of this petition.  Attach organized documentation of gross income (including total of gross rents lawfully collectable from property at 100% occupancy, plus any other consideration received or receivable) and gross costs* (e.g., property taxes, housing service costs, and amortized cost of capital improvements) for the subject property for the current and base year (2014). If information about 2014 is not available the Hearing Officer may authorize use of a different year if good cause is shown. *Note: Costs do not include mortgage expenses.
☐ Banking	Refers to deferred allowable annual rent increases. Annual CPI increases that were not fully applied may be carried over ("banked") for up to 10 years. Increases based solely on banking do not require prior approval, but such increases may be sought in conjunction with petitions based on other grounds/justifications.	<ul> <li>✓ Increase would not exceed 3x the current CPI or the amount permitted by Oakland law (whichever is lower), or constitute an overall increase of &gt;30% over the past 5 years.</li> <li>✓ Complete Worksheet D on page 7 of this petition.</li> <li>✓ Attach documentation of tenant's rental history, including proof of current rent amount and all other information requested by Worksheet D.</li> </ul>

Additional Occupant(s)	Allows a rent increase in an amount up to 5% for additional occupants above the base occupancy level. Does not apply to certain additional occupants who are covered family members, legal guardians, and/or caretakers/attendants of existing tenants/occupants. See O.M.C. § 8.22.020 for more details.	<ul> <li>✓ Total number of occupants has increased above the base occupancy level as defined by O.M.C. § 8.22.020.</li> <li>✓ Additional occupant(s) not exempted from increase due to relationship with existing tenant/occupant.</li> <li>✓ <u>Attach</u> documentation demonstrating base occupancy level and the addition of non-exempt occupant(s).</li> </ul>
☐ Tenant Not Residing in Unit as Principal Residence	If the tenant(s) no longer reside in the unit as their principal residence, an owner may increase the rent by any amount. See O.M.C. § 8.22.070.C.1.f and the implementing regulations of the Rent Adjustment Ordinance, § 8.22.020 ("Principal Residence") and Appendix A, § 10.7.	Attach evidence showing that the Tenant does not reside in the unit as their principal residence as of the date the petition is filed.

CAPITAL IMPRO			SHEET A		AIR COSTS	
Owners who file petitions based on Ca in addition to attaching all required support detailed calculations clearly demonstrating a hearing. Attach separate sheets if need	rting docum g the claime	entation	n. Petitions tha	at do not include	organized docume	ntation and
Total number of residential units in buildin *Including any vacant and owner/manager-occ			For mixed-u buildings, pr	rovide: Residence	lential sq. ft: use sq. ft: idential use:	
BUILI	DING-WIL	DE CA	PITAL IMP	ROVEMENTS	6	
CATEGORY OF IMPROVEMENT		obt	e permit ained or rk began	Date completed	Date paid for	Full costs
SUBTOTAL:						
UNIT-S	SPECIFIC	CAPI	TAL IMPRO	OVEMENTS		
CATEGORY OF IMPROVEMENT	Unit #	obt	e permit ained or rk began	Date completed	Date paid for	Full costs

## WORKSHEET B: INCREASED HOUSING SERVICE COSTS

Owners who submit petitions based on Increased Housing Service Costs must complete the chart below, in addition to attaching all required supporting documentation. Petitions that do not include organized documentation and detailed calculations clearly demonstrating the claimed justification will be considered incomplete and may be dismissed without a hearing. Calculations should be based on the entire subject premises.

	YEAR 1 (two years	s ago)	YEAR 2 (last year)		
	From: to to (mm/dd/yy) (n	nm/dd/yy)	om:t (mm/dd/yy)	(mm/dd/yy)	
INCOME					
Rents	\$	\$			
Parking	\$	\$			
Laundry Income	\$	\$			
Other:	\$	\$			
Total:	\$	\$			
EXPENSES					
Garbage	\$	\$			
Water/Sewer	\$	\$			
Electricity/Gas	\$	\$			
Insurance	\$	\$			
Repairs and Maintenance	\$	\$			
Pest Control	\$	\$			
Laundry Expenses	\$	\$			
Parking	\$	\$			
Elevator Service	\$	\$			
Security	\$	\$			
Furnishings	\$	\$			
Business License	\$				
Management Expenses	\$	\$			
Other:	\$	\$			
Other:	\$	\$			
Other:	\$	\$			
Total:	\$	\$			
			SUBTOTAL		

## **WORKSHEET C**: FAIR RETURN

Owners who submit petitions based on Fair Return must complete the chart below, in addition to attaching all required supporting documentation. Petitions that do not include organized documentation and detailed calculations clearly demonstrating the claimed justification will be considered incomplete and may be dismissed without a hearing. Calculations should be based on the entire subject premises. Note that the first column (base year) should be completed based on the year 2014.

	BASE YEA	R (2014)	LAST '	
	From: (mm/dd/yy)	(mm/dd/yy)	From:(mm/dd/yy)	(mm/dd/yy)
INCOME				
Rents	\$		\$	
Parking	\$		\$	
Laundry	\$		\$	
Other:	\$		\$	
Imputed rent if any unit owner/manager-occupied	\$		\$	
Imputed rent if any unit not rented to capacity	\$		\$	
Total:	\$		\$	
EXPENSES				
Electricity/Gas	\$		\$	
Garbage	\$		\$	
Water/Sewer	\$		\$	
Insurance	\$		\$	
Maintenance/Repairs	\$		\$	
Pest Control	\$		\$	
Laundry Expenses	\$		\$	
Parking	\$		\$	
Elevator Service	\$		\$	
Security	\$		\$	
Property Taxes	\$		\$	
Business License	\$		\$	
Management Expenses	\$		\$	
Furnishings	\$		\$	
Capital Improvements (Amortized cost)	\$		\$	
Other:	\$		\$	
Other:	\$		\$	
Total:	\$		\$	

### **WORKSHEET D**: BANKING

<u>Petitions based on Banking must include the below information</u>. List each tenant for whom you are seeking an increase. Attach all documents which support the dates and amounts shown in the chart. "Current Pass-Through Amount" refers to any capital improvement pass-through currently being paid by the tenant.

TENANT NAME	UNIT#	MOVE-IN DATE (mm/dd/yy)	RENT AT MOVE-IN	RENT 11 YEARS AGO (If tenant has lived in unit >11 years)	CURRENT RENT	CURRENT PASS- THROUGH AMOUNT (If any)

#### **TENANT INFORMATION**

(Required for all petitions)

<u>List each tenant and the requested information for each unit affected by this petition.</u> Attach additional copies of this sheet if necessary. Under "Type of Increase Sought," specify the ground(s) on which the rent increase is sought (e.g., capital improvements, banking, etc.).

TENANT NAME	ADDRESS (include unit #)	EMAIL ADDRESS	PHONE NUMBER	CURRENT RENT	TYPE OF INCREASE(S) SOUGHT

OWNER	R VERIFICATION (Required)
	aws of the State of California that everything I/we said in documents attached to the Petition are true copies of the
Property Owner's Signature	Date
Property Owner's Signature	Date
DOCUMENTATION	I IN EXCESS OF 25 PAGES
opting, as allowed by O.M.C. § 8.22.090 (B)(1)(f) requested. The owner understands and agrees the	roperty Owner Petition exceeds 25 pages and the owner is , to not serve the attachments on the affected tenant(s) unless nat tenant(s) may request paper copies of all documents in the enant(s) with the attachments within 10 days of any such review at the Rent Adjustment Program.
	ELECTRONIC SERVICE / Recommended)
	nd the OTHER PARTY/IES send you documents related to your he RAP and other parties may send certain documents (except a st class mail.
☐ I/We consent to receiving notices and docume PARTY/IES electronically at the email address	ents in this matter from the RAP and from the OTHER s(es) provided in this petition.
MEDIA	TION PROGRAM
case as an alternative to the formal hearing process. A	
Mediation will only be scheduled if both parties agree t	o mediate. Sign below if you agree to mediation in your case.
I agree to have the case mediated by a Rent Adjust	ment Program staff mediator.
Property Owner's Signature	Date
INTERPRE	TATION SERVICES
If English is not your primary language, you have the ri Adjustment hearing and mediation session. You can re	ght to an interpreter in your primary language/dialect at the Rent equest an interpreter by completing this section.
☐ I request an interpreter fluent in the following language at my Rent Adjustment proceeding:	□ Spanish (Español) □ Cantonese (廣東話) □ Mandarin (普通话) □ Other:

#### -END OF PETITION-



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# NOTICE TO TENANTS OF PROPERTY OWNER PETITION

#### ATTENTION: IMMEDIATE ACTION REQUIRED

If you are receiving this NOTICE together with a completed PROPERTY OWNER PETITION form, it means that the owner of your unit has filed a case against you with the Oakland Rent Adjustment Program ("RAP") (commonly referred to as the "Rent Board").

- > YOU MUST FILE A RESPONSE WITHIN 35 CALENDAR DAYS AFTER THE PETITION WAS MAILED TO YOU (30 DAYS IF DELIVERED IN-PERSON).
- > TO RESPOND:
  - Complete and sign a TENANT RESPONSE form found on the RAP website. (<a href="https://www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program">https://www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program</a>)
  - 2) Complete a PROOF OF SERVICE (POS) form (which is attached to the Response form and also available as a stand-alone document) and provide an <u>unsigned</u> copy of the POS to the owner (or owner's representative) together with a copy of your <u>signed</u> TENANT RESPONSE form.sig
  - 3) <u>Submit your signed</u> **TENANT RESPONSE** form and a <u>completed</u> and <u>signed</u> **PROOF OF SERVICE**\* form to RAP through RAP's online portal, via email, or by mail.

\*Note: The Response will not be considered complete until a PROOF OF SERVICE is filed indicating that the owner has been served with a copy.

**DOCUMENT REVIEW:** There may be additional documents that were submitted in support of the owner petition that were not provided to you (see "DOCUMENTATION IN EXCESS OF 25 PAGES" on page 9 of the petition). All documents are available for review at RAP. You may also request paper copies from the owner in your TENANT RESPONSE. The owner must then provide them to you within 10 days.

**FOR ASSISTANCE**: Contact a RAP Housing Counselor at (510) 238-3721 or by email at RAP@oaklandca.gov. Additional information is also available on the RAP website and on the TENANT RESPONSE form.



#### CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

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#### PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS\*) ON THE AFFECTED TENANT(S) PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO TENANTS OF OWNER PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.

Exception for attachments exceeding 25 pages. See "Important Information Regarding Filing You Petition."

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) **NOTE**: Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed and unsigned copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed and signed copy of this PROOF OF SERVICE form with RAP together with your signed petition. Your petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date:	_// I served a	copy of <i>(check all tha</i>	at apply):
pages (number		tion not counting the	INCREASE plus attached Petition form, NOTICE TO F SERVICE)
■ NOTICE TO TE	ENANTS OF PROPERTY	OWNER PETITION	
Other:			
the person(s) list with the United Personal Servi	nil. I enclosed the docume sted below and at the add States Postal Service, wit ice. I personally delivered	dress(es) below and h the postage fully pr the document(s) to the	•
younger thán 18		· ,	
PERSON(S) SERVED:			
Name			
Address			
City, State, Zip			

Name	
Address	
City, State, Zip	
Name	
Address	
City, State, Zip	
Name	
Address	
City, State, Zip	
Name	
Address	
City, State, Zip	
N	
Name	
Address	
City, State, Zip	
Name	
Address	
City, State, Zip	
	more space to list tenants you may attach additional copies of this page. enalty of perjury under the laws of the State of California that the foregoing is true and
33.1000.	
PRINTED NAME	
SIGNATURE	DATE SIGNED

# IMPORTANT INFORMATION REGARDING FILING YOUR PETITION

#### TIME TO FILE YOUR PETITION

Your Property Owner Petition form must be <u>received</u> by the Rent Adjustment Program within the required time limit for filing in the Rent Adjustment Ordinance. RAP staff cannot grant an extension of time to file your petition.

#### CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING

To make an appointment, email <u>RAP@oaklandca.gov</u> or call (510) 238-3721. Although the Housing Resource Center is temporarily closed for drop-in services, assistance is available by email or telephone.

#### **DOCUMENTS SUBMITTED IN SUPPORT OF PETITION**

All attachments submitted together with your Petition (including proof of current business license, proof of payment of most recent RAP fee, and documentation in support of the requested rent increase) must be numbered sequentially. You may submit additional evidence in support of your Petition up to seven days before your hearing. You must serve a copy of any documents filed with RAP on the other party and file a PROOF OF SERVICE form.

REMINDER: Once a petition and its attachments are submitted to the RAP they become public records. Please redact any private information (such as social security numbers, bank account numbers, credit card numbers and similar financial data) from the documents you submit as part of this petition. If you have any questions, you may contact RAP staff by phone at (510) 238-3721 or by email at RAP@oaklandca.gov.

Additionally, all documents submitted to the RAP, including but not limited to emails, petitions, attachments, potential evidence, text messages, screenshots, etc., are a part of the file in your case and all parties to a case are entitled to have access to this information.

#### **SERVICE ON TENANT(S)**

You are required to serve ALL the following documents on the tenant(s) affected by your Petition:

- 1. Copy of RAP form entitled "NOTICE TO TENANTS OF PROPERTY OWNER PETITION" (*included in Petition packet and available on RAP website*).
- 2. Copy of completed Petition form and attachments (exception for attachments in excess of 25 pages if owner selects this option).
- 3. Completed PROOF OF SERVICE form (included in Petition packet and available on RAP website).

You may serve tenant(s) by mail or personal delivery. A copy of the completed PROOF OF SERVICE form must be submitted to RAP together with your Petition. Your Petition will not be considered complete until a PROOF OF SERVICE form is filed indicating that all tenants have been served.

#### **DOCUMENTATION IN EXCESS OF 25 PAGES**

If the documents submitted with your Petition exceed 25 pages, you may opt to not serve tenant(s) with all the attachments. To do so, check the box under "DOCUMENTATION IN EXCESS OF 25 PAGES" on page 9 of the Petition. If a tenant requests copies of the documentation in their Tenant Response, you must provide the copies to the tenant within 10 days of receiving such request.

#### **FILING YOUR PETITION**

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Petitions via email during the COVID-19 local state of emergency. You may also fill out and submit your Petition online through the

<sup>&</sup>lt;sup>1</sup> Note that certain documents are required to be submitted with the Petition. See Petition form for details.

RAP website or deliver the Petition to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your Petition by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Petition.

Via email: <a href="mailto:hearingsunit@oaklandca.gov">hearingsunit@oaklandca.gov</a>

Mail to: City of Oakland

Rent Adjustment Program

250 Frank H. Ogawa Plaza, Ste. 5313

Oakland, CA 94612-0243

File online: <a href="https://www.oaklandca.gov/services/file-a-property-owner-petition">https://www.oaklandca.gov/services/file-a-property-owner-petition</a>

In person: TEMPORARILY CLOSED

City of Oakland

Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313

#### AGREEMENT TO ELECTRONIC SERVICE

Except for service of a petition or a response to a petition, documents may be electronically served on you when you have agreed to receive electronic service from the Rent Adjustment Program and from the other party/parties to the case.

#### AFTER PETITION IS FILED

Tenant(s) have 30 days after service of the Petition to file a Response (35 days if served by mail). The tenant(s) must serve you with a copy of their Response form and any attachments filed with the Response. In most cases, RAP will schedule a hearing. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing may only be postponed for good cause.

#### FILE/DOCUMENT REVIEW

Either party may contact RAP to review the case file and/or to request copies of any documents pertaining to the case at any time prior to the scheduled hearing.

#### FOR MORE INFORMATION

Additional information on the petition and hearing process is located on the RAP website and in the Residential Rent Adjustment Program Ordinance and Regulations (see Oakland Municipal Code 8.22.010 *et seq.*). For moreinformation on rent increases, including the list of the annual allowable CPI rates and calculators for certain justifications, see: <a href="https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases">https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases</a> or you can refer to the Guide on Oakland Rental Housing Law at <a href="https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf">https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf</a>. You may also contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.

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