



**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 CERTIFICATE OF EXEMPTION**

Please fill out this form as completely as you can. This form is for property owners to petition the Rent Adjustment Program ("RAP") for a Certificate of Exemption confirming permanent exempt status of their rental unit(s) from the jurisdiction of the Oakland Rent Adjustment Ordinance. Only dwelling units that are permanently exempt can be granted a Certificate of Exemption. A Certificate of Exemption is a final determination of exemption absent fraud or mistake. See Oakland Municipal Code ("O.M.C.") Section 8.22.030 for more information on exemptions. NOTE: A RAP hearing is required to grant a Certificate of Exemption, even if uncontested or irrefutable. Failure to provide 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? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, list all addresses: _____	
		Number of units on property: _____	
		Date acquired property: _____	
Case number(s) of any relevant prior Rent Adjustment case(s): _____			
Property Owner Information			
_____		_____	
First Name		Last Name	
Company/LLC/LP (if applicable): _____			
Mailing address: _____			
Primary Telephone: _____		Other Telephone: _____	
Email: _____			
Property Owner Representative (Check one): <input type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-attorney			
_____		_____	
First Name		Last Name	
Firm/Organization (if any) _____			
Mailing Address: _____			
Phone Number: _____		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
<input type="checkbox"/> Current Oakland business license	Attach proof of payment of your most recent Oakland business license.
<input type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	Attach proof of payment of the current year's RAP Fee for the subject property.
<input type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants	<p>Attach a signed and dated copy of the <u>first</u> RAP Notice provided to the tenant(s) subject to this petition or check the appropriate box below*.</p> <p><input type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): _____.</p> <p><input type="checkbox"/> I have never provided a RAP Notice.</p> <p><input type="checkbox"/> I do not know if a RAP Notice was ever provided.</p> <p><i>*If Petition applies to multiple tenants, please provide this information on a separate sheet.</i></p>
<p>Evidence of registration for all affected cover units (check one of the following boxes)</p> <p><input type="checkbox"/> On _____, I/we used all reasonable diligence in preparing my annual registration statement, reviewed it and submitted it to the Rent Adjustment Program, and, to the best of my knowledge, the information contained in the statement was true and complete. To the extent I was unable, despite the use of reasonable diligence, to ascertain the exact information to be reported, I provided the most accurate approximation possible based on information and belief where possible or, where such approximation was not feasible, I stated that the information was unknown.</p> <p><input type="checkbox"/> The subject property is exempt from the registration requirement</p>	<p>To support this declaration, I am providing:</p> <p><input type="checkbox"/> If property not registered online: Copy of the Property Registration and Residential Unit Registration forms submitted to RAP for the affected covered unit in the building.</p> <p><input type="checkbox"/> If property registered online: Copy of a document containing the registration data related to property registration and residential unit registration of the affected covered unit since the registration was done online.</p> <p>OR</p> <p>Declaration of Exemption:</p> <p><input type="checkbox"/> The residential property involved in this petition matter is not covered by either the city's Rent Adjustment Ordinance or the Just Cause Ordinance. Thus, the subject unit(s) are not subject to the registration requirements under the Oakland Municipal Code, Section 8.22.090.B.1.c.ii.</p>

GROUNDS FOR EXEMPTION

Select the basis for your claim of exemption from the list below. See column on the right for filing requirements and documentation to be submitted together with petition. Petitions that lack adequate supporting documentation may be dismissed without a hearing. To read Oakland's laws and regulations on exemptions, see Section 8.22.030 of the Rent Adjustment Ordinance and the corresponding Regulations, available here: www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance.

GROUNDS	DESCRIPTION	REQUIREMENTS
<input type="checkbox"/> New Construction	The unit was newly constructed and a certificate of occupancy was issued for the unit on or after January 1, 1983. Only applies to units that were entirely newly constructed or created from a space that was formerly entirely non-residential.	✓ Attach copy of certificate of occupancy and any other supporting documentation.

TENANT INFORMATION

(Required for all petitions)

List each tenant and the requested information for each unit affected by this petition. Attach additional copies of this sheet if necessary.

Tenant Name	Unit #	Address	Phone	Email

OWNER VERIFICATION

(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this Property Owner Petition is true and that all of the documents attached to the Petition are true copies of the originals.

Property Owner 1 Signature

Date

Property Owner 2 Signature

Date

DOCUMENTATION IN EXCESS OF 25 PAGES

- The documentation submitted in support of the Property Owner Petition exceeds 25 pages, and the owner is opting, as allowed by O.M.C. § 8.22.090 (B)(1)(f), to not serve the attachments on the affected tenant(s) unless requested. The owner understands and agrees that tenant(s) may request paper copies of all documents in the Tenant Response, and the owner must provide tenant(s) with the attachments within 10 days of any such request. The documents will also be available for review at the Rent Adjustment Program.

VACANT UNIT(S) AT PROPERTY

Check the box below if there are currently any vacant units at the property for which a certificate of exemption is sought. Although you are not required to serve a copy of your Petition on vacant units, if a vacant unit becomes occupied prior to the final resolution of the Petition, the new tenant(s) must be served with a copy of the Petition and given an opportunity to respond. You are also required to notify RAP immediately after the new tenant(s) move in.

- I/We certify that, as of the date of filing this Petition, the unit(s) at the property listed below are vacant. I/We understand that if said unit(s) becomes occupied prior to the final resolution of this Petition, I/we must notify RAP immediately and serve the new tenant(s) with a copy of the Petition, the enclosed "NOTICE TO TENANTS OF PROPERTY OWNER PETITION," and any other documents that I/we have filed.**

The vacant units are: _____

CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff and the OTHER PARTY/IES send you documents related to your case electronically. If you agree to electronic service, the RAP and other parties may send certain documents (except a response to a petition) only electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter from the RAP and from the OTHER PARTY/IES electronically at the email address(es) provided in this petition.**

INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing session. You can request 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:
 - 1) Complete and sign a **TENANT RESPONSE** form found on the RAP website. (<https://www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program>)
 - 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 unsigned copy of the POS to the owner (or owner’s representative) together with a copy of your signed **TENANT RESPONSE** form.
 - 3) Submit your signed **TENANT RESPONSE** form and a completed and signed **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 5 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.



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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 copy of this PROOF OF SERVICE form with RAP together with your Petition. Your signed 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 (check all that apply):

- PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION** plus ____ attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO TENANTS OF PROPERTY OWNER PETITION, or PROOF OF SERVICE)
- NOTICE TO TENANTS OF PROPERTY OWNER PETITION**
- Other: _____

by the following means (check one):

- First-Class Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

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	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

NOTE: If you need more space to list tenants you may attach additional copies of this page.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

PRINTED NAME

SIGNATURE

DATE SIGNED

IMPORTANT INFORMATION REGARDING FILING YOUR PETITION

TIME TO FILE YOUR PETITION

Your Property Owner Petition form must be received 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 RAP@oaklandca.gov 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.¹ You must serve a copy of any documents filed with RAP on the other party and file a signed 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 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 and signed 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 and signed PROOF OF SERVICE form must be submitted to RAP together with your Petition. Your Petition will not be considered complete until a signed PROOF OF SERVICE form is filed indicating that all tenants have been served. Note that you cannot serve a Petition by email, even if you have an agreement to electronic service between the parties, because the Ordinance requires service by mail or in person.

SERVICE ON VACANT UNIT(S)

You are not required to serve a copy of the Petition on vacant units. However, if any vacant unit becomes occupied prior to the final resolution of the Petition, you must serve the new tenant(s) in the same manner as described above and notify RAP immediately. If there are any vacancies at the time of filing, you must check the box under "VACANT UNIT(S) AT PROPERTY" on page 5 of the Petition.

¹ Note that certain documents are required to be submitted with the Petition. See Petition form for details.

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. Check the box under “DOCUMENTATION IN EXCESS OF 25 PAGES” on page 5 of the Petition. If a tenant requests copies of the documentation in their Tenant Response, you must provide them 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 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: hearingsunit@oaklandca.gov

Mail to: City of Oakland
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Ste. 5313
Oakland, CA 94612-0243

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

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 will 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.*). You can also refer to the Guide on Oakland Rental Housing Law at <https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf> or contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.



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SINGLE-FAMILY-HOME EXEMPTION CERTIFICATES

Information Sheet

April 2022

The Rent Adjustment Program (RAP) issues Certificates of Exemption for dwelling units that are permanently exempt from the Rent Adjustment Ordinance. RAP will NOT issue Certificates of Exemption for single-family homes any longer. However, in most cases, single-family homes (including houses and condominiums) will still be exempt from the Rent Adjustment Ordinance.

Under Oakland's Municipal Code, Chapter 8.22, Article I ([Rent Adjustment Ordinance](#)) Section 8.22.030, dwelling units exempt pursuant to the Costa-Hawkins Rental Housing Act ([California Civil Code, Section 1954.52](#)) are not covered units for purposes of the Rent Ordinance.

Although Costa-Hawkins Act does not expressly refer to single-family homes, it states that “*an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which the following is true...It is alienable separate from the title to any other dwelling unit...*” (Emphasis added.) Thus, depending on the circumstances, a single-family home may or may not fall under this Costa-Hawkins exemption. For instance, if the property owner has, in fact, converted the single-family home into a multi-unit residential property by separately renting rooms ([Owens v. City of Oakland Housing, Residential Rent & Relocation Board, 49 Cal.App.5th 739 \(2020\)](#)), has converted the garage into a dwelling unit, or has built an ADU on the property, the single-family home loses its Costa-Hawkins exemption because it is no longer alienable separately from the title to any other dwelling unit.

Also, under O.M.C. Section 8.22.030(B)(1)(a), the Rent Stabilization Program may issue Certificates of Exemption. Certificates of Exemption are defined as a “determination by the Rent Adjustment Program that a dwelling unit or units qualify for an exemption and, therefore, are not covered units.” However, a Certificate of Exemption may be granted only for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance as new construction, substantial rehabilitation, or by state law (Costa Hawkins).

Since single-family homes are subject to circumstantial changes that may alter their exempt status, the Rent Adjustment Program will no longer issue Certificates of Exemption for these buildings.

An owner of a property that qualifies under a single-family home or a condominium Costa-Hawkins exemption may still file a response to a tenant petition and receive a decision concluding that an exemption applies. However, a certificate of exemption will no longer be issued under those circumstances.