

 <p>CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612-0243 (510) 238-3721</p> <p>CITY OF OAKLAND</p>	For date stamp. <p align="center"><u>PROPERTY OWNER</u> <u>PETITION</u> <u>FOR CERTIFICATE OF</u> <u>EXEMPTION</u> (OMC §8.22.030.B)</p>
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Please Fill Out This Form Completely As You Can. Failure to provide needed information may result in your Petition being rejected or delayed. Attach to this Petition copies of the documents that prove your claim. Before completing this Petition, please read the Rent Adjustment Ordinance, section 8.22.030. A hearing is required in all cases even if uncontested or irrefutable.

Your Name		Complete Address (with zip code)		Telephone: Email: _____	
Your Representative's Name		Complete Address (with zip code)		Telephone: Email: _____	
Property Address				Total number of units in bldg. or parcel.	
Type of units (circle one)	Single Family Residence (SFR)	Condominium	Apartment or Room		
If a condominium or SFR, can the unit be sold and deeded separately from all other units on the property?		Yes		No	
Assessor's Parcel No.					

The property owner must have a current Oakland Business License. If it is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. Have you paid for your Oakland Business License Yes___ No___ Business License #:_____ Provide a copy of your current business license or most recent proof of payment.

The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding.

Have you paid the Rent Adjustment Program (RAP) Service Fee? Yes___No___ Provide proof of payment of your most recent Rent Program Service Fee.

LIST OF TENANTS

List each tenant and requested information for each unit/building you are claiming is exempt. If you need space to list additional tenants attach copies of this form.

Street Address	Unit No.	Tenant Name(s)	Telephone No.	Email Address

CLAIM(S) OF EXEMPTION

A Certificate of Exemption may be granted **only** for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance.

New Construction: This may apply to individual units. The unit was newly constructed and a certification of occupancy was issued for it on or after January 1, 1983.

Single-Family or Condominium (Costa-Hawkins): Applies to Single Family Residences and condominiums only. If claiming exemption under the Costa-Hawkins Rental Housing Act (Civ. C.§1954.50, et seq.), please answer the following questions on a separate sheet:

1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being a notice of rent increase under Civil Code Section 827?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building, housing, fire, or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the current tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?
8. When did the tenant move into the unit?

I (We) petition for exemption on the following grounds (Check all that apply):

New Construction

Single-Family Home or Condominium (Costa Hawkins)

You must attach organized documentation clearly showing the basis for your claim of permanent exemption. All documents submitted to the Rent Adjustment Program become permanent additions to the file.

To the Tenant(s): Take note that you have 30 calendar days from the date you were served (35 days if served by mail) to respond to this Petition. You must respond using the RAP Tenant Response form, which can be found on the website. <https://www.oaklandca.gov/services/respond-to-a-tenant-petition-for-the-rent-adjustment-program>. From there you can either download and print the form, or you can also respond directly through the RAP portal by clicking on "Respond online." You must serve your Tenant Response on the property owner and/or the owner representative along with a proof of service and file both documents with the RAP office. There is more information on how and when to serve the Response on the Tenant Response form.

If you have filed additional documents with your Response, you must also serve those on the owner and list them on the proof of service.

CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If all parties agree to electronic service, the RAP will send certain documents **only** electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter electronically at the email address(es) provided in this response.

DECLARATION RE: OWNER DOCUMENTS GREATER THAN 25 PAGES

(Optional)

- The documents to be submitted to the Rent Adjustment Program with the Property Owner Petition exceed 25 pages and the owner is opting, as allowed by law, to not serve the attachments on the affected tenants unless requested. The documents will be available for review at the Rent Adjustment Program. Additionally, if any tenant requests the documents in writing with the Tenant Response form, the owner will provide the documents to the requesting tenants within ten days of the request. (Note: Please number sequentially any documents you submit to the RAP, whether through the portal or by mail.)

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 response is true and that all of the documents attached to the response are true copies of the originals.

Property Owner's Signature

Date

Property Owner's Signature

Date

MEDIATION PROGRAM

(Optional)

Mediation is an optional process offered by the Rent Adjustment Program to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. The purpose of mediation is to find a mutual agreement that satisfies both parties. A trained third party will discuss the issues with both sides, look at relative strengths and weaknesses of each position, and consider both parties' needs in the situation. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing process. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision.

Mediation will only be scheduled if both parties agree to mediate. Sign below if you want to request mediation for your case.

I agree to have the case mediated by a Rent Adjustment Program staff mediator.

Property Owner's Signature

Date

INTERPRETATION SERVICES

(Optional)

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing and mediation 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
 - Mandarin
 - Other: _____

NOTICE: Changes to Petition Filing Requirements

It is your responsibility to send a complete copy of your Property Owner Petition and all attached documentation (if 25 pages or less) to the affected tenants. If the attached documentation to your Petition exceeds 25 pages, and you do not wish to serve all the tenants with the documentation, you may inform them (see box above) that the documentation exceeds 25 pages and is available for review at the RAP office. Additionally, you must serve the documentation to the Petition on any tenant that requests them in writing, within ten days of the request being made.

You are required to complete the following **Proof of Service** form and attach it to your Petition and documentation when you serve them on the tenant(s). If you are filing online at the RAP portal, you must upload the completed Proof of Service form to your RAP online petition file. You also must send a completed Proof of Service to the affected tenant(s) with your Petition and any documentation (with the exception noted above if the attachments exceed 25 pages).

Note: Your Property Owner Petition will not be considered complete until you have submitted your completed Proof of Service to the RAP. If you have a problem uploading the Proof of Service, you may mail it the RAP office. If you have filed online, be sure to include your online petition number on the Proof of Service.

PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ADDITIONAL DOCUMENTS*) ON THE TENANT OR THE TENANT'S REPRESENTATIVE.

- Use this PROOF OF SERVICE form to indicate the date and manner in which service took place, as well as the person(s) served.
- Provide a copy of this PROOF OF SERVICE form to the tenant (or the tenant's representative) together with the document(s) served.
- File the completed PROOF OF SERVICE form with the Rent Adjustment Program together with your Petition.
- Please number sequentially any additional documents you produce with your Petition.

****NOTE: If the number of attached documents exceeds 25 pages, you are not required to attach them to the Petition form you are serving on the other party. However, you must inform them that the documentation is available for review at the RAP office.***

PETITIONS FILED WITHOUT A PROOF OF SERVICE WILL BE CONSIDERED INCOMPLETE AND MAY BE DISMISSED.

The undersigned has served the:

PROPERTY OWNER PETITION

(And Attached Documents)

and (write number of attached pages) _____ attached pages (not counting the Petition or the Proof of Service) to each opposing party, whose name(s) and address(es) are listed below, by one of the following means (check one):

- a. United States 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.
- b. Deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as listed below.
- c. Personal Service. (1) By Hand Delivery: I personally delivered the document(s) to the person(s) at the address(es) listed below; or (2) 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	

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City, State, Zip	

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City, State, Zip	

Name	
Address	
City, State, Zip	

NOTE: If you need more space to list tenants you may make copies of page 7 and insert in your Proof of Service document.

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and the documents were served on ____/____/____ (insert date served).
(Date)

PRINT YOUR NAME

SIGNATURE

DATE

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. RAP staff cannot grant an extension of time to file your Petition.

HOW TO FILE 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 or in-person. 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.

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

- **In person:** TEMPORARILY CLOSED
City of Oakland
Dalziel Building, 250 Frank H. Ogawa Plaza
Suite 5313 Reception area
Use Rent Adjustment date-stamp to stamp your documents to verify timely delivery and place them in RAP self-service drop box.

- **Via email:** RAP@oaklandca.gov

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

SERVING YOUR PETITION

You are required to serve a copy of your Petition (plus any additional documents attached unless they exceed 25 pages) on the tenant(s) affected by your petition or the tenant representative prior to filing your Petition with RAP. You may serve the Petition on the tenant(s) by mail or in-person. Use the PROOF OF SERVICE form included with this petition to indicate the date and manner of service, as well as the person(s) served. Include a copy of the PROOF OF SERVICE form together with the petition served.

You must then file the completed PROOF OF SERVICE form with RAP together with your Petition. Petitions filed without a PROOF OF SERVICE are considered incomplete and may be dismissed.

A blank PROOF OF SERVICE form is also available on the RAP website.

HOUSING COUNSELOR SERVICES

If you want your Petition reviewed before you submit it, a RAP Housing Counselor may be able to assist you. Although the Housing Resource Center is temporarily closed for drop-in services, you may seek assistance by calling (510) 238-3721.

FILE/DOCUMENT REVIEW

The tenant has 30 days from the date they were served with the Petition to file a Response (35 days if the Petition was served by mail). The tenant is required to serve you with a copy of their Response form and any attachments. You may also make an appointment to review your case file or request copies of any documents pertaining to your case by contacting the RAP office at (510) 238-3721.

NEXT STEPS AFTER COMPLETING PETITION:

Serve a copy of your completed Petition and any additional documents on the tenant(s) (or the tenant representative) by mail or in-person. **NOTE: If the number of attachments exceeds 25 pages, you are not required to attach them to the document you are serving on the other party.** If the attached documentation to your petition exceeds 25 pages, and you do not wish to serve all the tenants with the documentation, you may inform them that the documentation exceeds 25 pages and is available for review at the RAP office. Additionally, you must serve the documentation to the petition on any tenant that requests them in writing, within ten days of the request being made.

- 1) Complete the PROOF OF SERVICE form included in this Petition packet.
- 2) File your Petition, any additional documents, and the completed PROOF OF SERVICE form with the Rent Adjustment Program (RAP).
- 3) The tenant(s) has/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.
- 4) In most cases, RAP will then schedule a hearing. You will be mailed a Notice of Hearing indicating the hearing date.
- 5) You may submit additional evidence up to 7 calendar days prior to your hearing date. Any additional documents filed with RAP must also be served on the tenant(s) (or the tenant representative). You may review your RAP case file (including any evidence submitted by the tenant(s)) at any time prior to the hearing by scheduling an appointment with RAP.
- 6) Attend the hearing.