



**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 an exemption in all exemption cases, 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	
Street Number _____	Street Name _____
Unit Number _____	Oakland, CA _____ 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: _____
Type of unit(s) (check one): <input type="checkbox"/> Single family home <input type="checkbox"/> Condominium <input type="checkbox"/> Apartment, room, or live-work	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>

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.
<input type="checkbox"/> Costa Hawkins	The unit is a single-family residence or condominium exempted by the Costa Hawkins Rental Housing Act (Cal. Civil Code 1954.50 et seq.).	<p>✓ Complete Worksheet A on page 3 of this petition.</p> <p>✓ Attach any documentation supporting your claim.</p>

WORKSHEET A: COSTA HAWKINS

Complete the following questions if your claim of exemption is based on Costa Hawkins (Single-Family Home or Condominium). Use the "Notes" section below to add any explanation(s) or additional information that may be helpful in determining whether to grant your petition.

1. Did the prior tenant(s) leave after being given a notice to quit (Civil Code sec. 1946.1)? <i>(If yes, attach a copy of the notice.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Did the prior tenant(s) leave after being given a notice of rent increase? <i>(If yes, attach a copy of the notice.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Was/were the prior tenant(s) evicted for cause?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. At the time the prior tenant vacated were there any outstanding violations of building, housing, fire or safety codes in the unit or building?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is the unit a single-family dwelling or condominium that is separately alienable, meaning it can be sold separately from any other unit(s) on the parcel?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Did the current tenant(s) have roommates when they moved in?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. If the unit is a condominium, did you purchase it? <i>(If not a condominium, leave blank and skip to question 10.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. If the answer to question (7) is "Yes," did you purchase the entire building?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. If the answer to question (7) is "Yes," from whom did you purchase it: _____		
10. When did the current tenant(s) move into the unit? <i>(mm/dd/yy)</i> _____		

Notes: _____

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 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.

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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RENT ADJUSTMENT PROGRAM
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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 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) Serve a copy of your **TENANT RESPONSE** form on the owner (or the owner’s representative) by mail or personal delivery.
- 3) Complete a **PROOF OF SERVICE** form (which is attached to the Response form and also available as a stand-alone document) and provide a copy to the owner (or owner’s representative) together with your **TENANT RESPONSE** form.
- 4) Submit your **TENANT RESPONSE** form and completed **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

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

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For Rent Adjustment Program date stamp.

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 Your Petition."*

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 3) File a completed copy of this PROOF OF SERVICE form with RAP together with your 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 (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):

- 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.
- Commercial Carrier.** I deposited the document(s) with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to the person(s) listed below and at the address(es) below.
- 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. You must serve a copy of any documents filed with RAP on the other party and file a PROOF OF SERVICE form.

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 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.

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.

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 Reception area
Use Rent Adjustment date-stamp to stamp your documents to verify timely delivery and place them in RAP self-service drop box.

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.