



**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
TO EXTEND TIME OF TENANT VACANCY
TO COMPLETE REPAIRS**

Please fill out this form as completely as you can. Where a tenant is required to temporarily vacate a rental unit so that substantial (necessary) repairs may be completed, the tenant is not required to vacate for a period of longer than three months without prior approval. You may use this form to petition the Rent Adjustment Program ("RAP") for an extension of that time. 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 Being Repaired

Street Number _____ Street Name _____ Unit Number _____ Oakland, CA _____ Zip Code _____

Is there more than one street address on the parcel? Yes No If yes, list all addresses: _____

Tenant Information

First Name _____ Last Name _____

Current Mailing Address (if different from above): _____

Primary Telephone: _____ Other Telephone: _____ Email: _____

Property Owner Information

First Name _____ Last Name _____

Company/LLC/LP (if applicable): _____

Mailing address: _____

Primary Telephone: _____ Other Telephone: _____ Email: _____

Property Owner Representative (Check one): No Representative Attorney 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 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.</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>

PETITION FOR EXTENSION

Complete the following section by providing all information requested. Attach organized documentation demonstrating that reasonable efforts have been made to complete repairs in a timely fashion, and that despite reasonable efforts, an extension of time is required. If you need more space, you may attach additional copies of this page or submit a separate sheet together with your petition. The property owner has the burden of proving that an extension is warranted.

Date notice to vacate served on tenant(s): _____ Date tenant(s) vacated: _____

Tenant(s) provided with relocation assistance? Yes No Amount of relocation provided: \$ _____

Description of Necessary Repairs	Date Repairs Began	Date of Expected Completion	Reason for Delay

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 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.

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 may send certain documents 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 response.**

MEDIATION PROGRAM

Mediation is an optional process offered by RAP to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. A trained third party will work with the parties prior to the hearing to see if a mutual agreement can be reached. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing. 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 agree to mediation in your case.

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

Property Owner's Signature

Date

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 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 (廣東話)

Mandarin (普通话)

Other: _____

-END OF PETITION-



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NOTICE TO TENANTS OF PROPERTY OWNER PETITION TO EXTEND TIME TO VACATE

ATTENTION: IMPORTANT INFORMATION BELOW

If you are receiving this NOTICE together with a completed PROPERTY OWNER PETITION TO EXTEND TIME OF TENANT VACANCY TO COMPLETE REPAIRS form, it means that the owner of your unit has filed a case with the Oakland Rent Adjustment Program (“RAP”) (commonly referred to as the “Rent Board”) requesting that you be required to vacate your unit for more than 3 months in order to complete substantial repairs to your unit.

- **A HEARING WILL BE SCHEDULED TO DETERMINE WHETHER THE OWNER PETITION SHOULD BE GRANTED. RAP WILL MAIL YOU A NOTICE WITH THE HEARING DATE.***
**You may contact RAP to ensure that your current mailing address is on file.*
- **YOU MAY, BUT ARE NOT REQUIRED TO, SUBMIT A FORMAL RESPONSE IN ADVANCE OF THE HEARING.** If you wish to submit any documentary evidence (such as photographs), you must do so at least 5 days prior to the hearing.
- **TO FILE A FORMAL RESPONSE:**
 - 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 3 of the petition form). All documents are available for review at RAP. You may also request paper copies from the owner in your response. The owner must then provide them to you within 10 days of any such request.

FOR ASSISTANCE: Contact a RAP Housing Counselor at (510) 238-3721 or via 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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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) **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 (check all that apply):

- PROPERTY OWNER PETITION TO EXTEND TIME OF TENANT VACANCY TO COMPLETE REPAIRS** plus ____ attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO TENANTS OF PROPERTY OWNER PETITION TO EXTEND TIME TO VACATE, or PROOF OF SERVICE)
- NOTICE TO TENANTS OF PROPERTY OWNER PETITION TO EXTEND TIME TO VACATE**
- 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. RAP staff cannot grant an extension of time to file your Petition.

- If you know in advance that the repairs cannot be completed within three months, you must file and serve your Petition prior to serving the tenant(s) with a notice to vacate.
- If you discover, after serving the tenant(s) with a notice to vacate, that the work will require longer than three months, you must file and serve your Petition within 15 days of first learning that the work will not be completed within three months.

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.

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 TO VACATE" (*included in Petition packet*).
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. 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.

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 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.

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 3 of the

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

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

RAP will schedule a hearing to determine whether your Petition should be granted. You will be mailed a Notice of Hearing indicating the hearing date. Tenant(s) may, but are not required to, submit a formal Response in advance of the hearing. The tenant(s) must serve you with a copy of their Response form and any attachments filed with the Response.

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 more information on temporary vacancies to complete repairs, see the Just Cause for Eviction Ordinance at O.M.C. § 8.22.360 (A)(10) and the corresponding Regulations. You may also contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.