

 CITY OF OAKLAND	<b>CITY OF OAKLAND</b> <b>RENT ADJUSTMENT PROGRAM</b> 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612-0243 (510) 238-3721	For date stamp.   <u><b>PROPERTY OWNER</b></u> <u><b>RESPONSE</b></u>
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**Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your response being rejected or delayed.**

**CASE NUMBER T -**

Your Name	Complete Address (with zip code)	Telephone:
		Email:
Your Representative's Name (if any)	Complete Address (with zip code)	Telephone:
		Email:
Tenant(s) Name(s)	Complete Address (with zip code)	
Property Address (If the property has more than one address, list all addresses)		Total number of units on property

Have you paid for your Oakland Business License? Yes  No  Lic. Number: \_\_\_\_\_  
The property owner must have a current Oakland Business License. If it is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. **Please provide proof of payment.**

Have you paid the current year's Rent Program Service Fee? Yes  No  APN: \_\_\_\_\_  
The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. **Please provide proof of payment.**

Date on which you acquired the building: / \_\_\_\_

Is there more than one street address on the parcel? Yes  No  .

Type of unit (Circle One): House / Condominium/ Apartment, room, or live-work

**I. JUSTIFICATION FOR RENT INCREASE** You must check the appropriate justification(s) box for each increase greater than the Annual CPI adjustment contested in the tenant(s) petition. For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

You must prove the contested rent increase is justified. (Note that you can no longer justify a rent increase by capital improvements, increased housing service costs or fair return without filing a petition first unless you were previously granted a rent increase by Hearing Decision.)

Date of Contested Increase	Banking (Deferred Annual Increases)	CPI Only Rent Increase	Previously approved increase through petition process	Other
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

**If you are justifying additional contested increases, please attach a separate sheet.**

**II. RENT HISTORY** If you contest the Rent History stated on the Tenant Petition, state the correct information in this section. If you leave this section blank, the rent history on the tenant’s petition will be considered correct

The tenant moved into the rental unit on \_\_\_\_\_.

The tenant’s initial rent including all services provided was: \$ \_\_\_\_\_ / month.

Have you (or a previous Owner) given the City of Oakland’s form entitled “NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM” (“RAP Notice”) to all of the petitioning tenants? Yes \_\_\_\_\_ No \_\_\_\_\_ I don’t know \_\_\_\_\_

If yes, on what date was the Notice first given? \_\_\_\_\_

Is the tenant current on the rent? Yes \_\_\_\_\_ No \_\_\_\_\_

Begin with the most recent rent and work backwards. If you need more space please attach another sheet.

Date Notice Given (mo/day/year)	Date Increase Effective	Rent Increased		Did you provide the “RAP NOTICE” with the notice of rent increase?	
		From	To	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No

### **III. EXEMPTION**

If you claim that your property is exempt from Rent Adjustment (Oakland Municipal Code Chapter 8.22), please check one or more of the grounds:

The unit is a single-family residence or condominium exempted by the **Costa Hawkins Rental Housing Act** (California Civil Code 1954.50, et seq.). **If claiming exemption under Costa-Hawkins, 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 given a notice of rent increase (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 petitioning 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?

The rent for the unit is **controlled, regulated or subsidized** by a governmental unit, agency or authority other than the City of Oakland Rent Adjustment Ordinance.

The unit was **newly constructed** and a certificate of occupancy was issued for it on or after January 1, 1983.

On the day the petition was filed, the tenant petitioner was a resident of a **motel, hotel, or boarding house** less than 30 days.

The subject unit is in a building that was **rehabilitated** at a cost of 50% or more of the average basic cost of new construction. (The exemption can only apply where both (a) a property owner has applied for the exemption prior to 10/20/17 and (b) RAP has issued the certificate of exemption for that building.)

The unit is an accommodation in a **hospital, convent, monastery, extended care facility, convalescent home, non-profit home for aged, or dormitory** owned and operated by an educational institution.

### **IV. DECREASED HOUSING SERVICES**

If the petition filed by your tenant claims **Decreased Housing Services**, state your position regarding the tenant's claim(s) of decreased housing services. If you need more space attach a separate sheet. Submit any documents, photographs or other tangible evidence that supports your position.

## 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.

## 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: \_\_\_\_\_

-END OF RESPONSE-

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR RESPONSE (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 Response.
- Please number sequentially any additional documents you produce with your Petition.

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

The undersigned has served the:

**PROPERTY OWNER RESPONSE**

(And Attached Documents)

and (*write number of attached pages*) \_\_\_\_\_ attached pages (*not counting the Response form 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	

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).

\_\_\_\_\_

PRINT YOUR NAME

\_\_\_\_\_

SIGNATURE

\_\_\_\_\_

DATE

## **IMPORTANT INFORMATION REGARDING FILING YOUR RESPONSE**

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### **TIME TO FILE YOUR RESPONSE**

Your Property Owner Response 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 Response.

This form **must be received** by the Rent Adjustment Program (RAP), 250 Frank H. Ogawa Plaza, Suite 5313, Oakland, CA 94612-0243, within 30 days after a copy of the Tenant Petition was served on you if it was served personally. However, if it was served by mail, you have 35 days to file. Timely mailing as shown by a postmark does not suffice. The date of mailing is shown on the Proof of Service attached to the response documents mailed to you. 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.

### **HOW TO FILE YOUR RESPONSE**

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

- **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/respond-to-a-petition>

### **SERVING YOUR RESPONSE**

You are required to serve a copy of your Response (plus any additional documents) on the tenant or the tenant's representative prior to filing your Response with RAP. You may serve the Response on the tenant by mail or in-person. Use the PROOF OF SERVICE form included on page 5 of this packet 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 Response served.

You must then file the completed PROOF OF SERVICE form with RAP together with your Response. Responses 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 Response 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**

You may 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 RESPONSE:**

- 1) Serve a copy of your completed Response and any additional documents on the tenant (or the tenant's representative) by mail or in-person.
- 2) Complete the PROOF OF SERVICE form on page 5 of this Response packet.
- 3) File your Response, any additional documents, and the completed PROOF OF SERVICE form with the Rent Adjustment Program (RAP).
- 4) In most cases, RAP will then schedule a hearing (or it might have been scheduled before you filed your Response). 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<sup>1</sup> filed with RAP must also be served on the tenant (or the tenant's representative). You may review your RAP case file (including any evidence submitted by the tenant) at any time prior to the hearing by scheduling an appointment with RAP.
- 6) Attend the hearing.

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<sup>1</sup> Please continue to number documents you submit sequentially, continuing from the last set of documents you submitted.