



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612-0243
(510) 238-3721

For date stamp.

**PROPERTY OWNER
PETITION FOR
APPROVAL OF RENT
INCREASE**

Please Fill Out This Form Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed. Attach copies of the documents that support your petition. Before completing this petition, please read the Rent Adjustment Ordinance (Oakland Municipal Code 8.22), sections 8.22.010 through 8.22.190, and the Rent Adjustment Program Regulations.

Your Name	Complete Address (with zip code)	Daytime Telephone:
		E-mail:
Your Representative's Name (if any)	Complete Address (with zip code)	Daytime Telephone:
		E-mail:
Property Address (If the property has more than one address, list all addresses)		

Total number of units on property: _____

Date on which you acquired the building: _____

Type of units (Circle one) House Condominium Apartment

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 the tenants in each unit affected by the petition?	Yes	No
On what date was the RAP Notice first given? (if notice was first given to different tenants on different dates, please provide a chart listing all tenants and first date of service.)		
Have you paid your Oakland Business License? 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. (Provide proof of payment.)	Yes	No
What is your Oakland Business License number? (Please also attach a copy of your Business License.)		

<p>Have you paid the Rent Adjustment Program Service Fee (\$101 per unit)? 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. (Provide proof of payment.) Note: If RAP fee is paid on time, the property owner may charge the tenant one-half of the \$101 per-unit RAP Service fee (\$50.50).</p>	<p>Yes</p>	<p>No</p>
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Use the table on the next page to list each tenant who is affected by this petition.

REASON(S) FOR PETITION.

Note: Justifications for Rent Increases other than the annual allowable rate are discussed in the Rent Adjustment Program Regulations – Appendix A, Sec. 10.

You must attach organized documentation clearly showing the rent increase justification(s) and detailing the calculations to which the documentation pertains. All documents submitted to the Rent Adjustment Program become permanent additions to the file. (Regs. 8.22.090.C)

I (We) petition for approval of one or more rent increases on the grounds that the increase(es) is/are justified by (check all that apply):

- Banking (Reg. App. 10.5)
- Capital Improvements (Reg. App. 10.2)
- Fair return (Reg. App. 10.6)
- Increased Housing Service Costs (Reg. App. 10.1)
- Uninsured Repair Costs (Reg. App. 10.3)

List each tenant and requested information for each unit affected by this petition. Increases based on increased housing service costs and fair return affect all of the units on the property. Attach additional sheets if necessary.

Address	Unit #	Tenant Name(s)	Phone	E-mail	Current Rent

Uninsured Repair Costs: Uninsured repair costs are casualty losses that are not reimbursed to the property owner. See Regulations for details. An increase for uninsured repairs is calculated the same way as an increase for capital improvements.

Increased Housing Service Costs: Housing Service Costs are expenses for services provided by the property owner. The costs are related to the use of a rental unit and also known as "operating expenses". The most recent two years of operating expenses are compared to determine if a rent increase greater than the CPI is justified. The calculation in both years must provide a reasonable comparison of all expenses. Evidence is required to prove each of the claimed expenses.

Fair Return: A property owner may submit evidence to show that without the requested rent increase he or she is being denied a fair return on the investment. A fair return will be measured by maintaining the net operating income (NOI) produced by the property in a base year (2014), subject to CPI related adjustments. Permissible rent increases will be adjusted upon a showing that the NOI in the comparison year is not equal to the base year NOI.

Banking: "Banking" refers to deferred allowed annual rent increases. These annual rent increases are known as CPI increases. CPI rent increases that were not given, or were not given in full, can be carried forward to future years. Subject to certain limitations, property owners may defer giving CPI increases up to ten years. CPI increases that were not imposed within ten years expire. No banked increase can exceed three times the then current CPI allowable increase. If your petition includes a request for a banked increase, **attach a rent history for the current tenant(s) in each affected unit.**

You do not need to petition the Rent Adjustment Program for approval to increase rent based on banking. Rents can be increased for banked CPI rent increases by giving the Tenant a rent increase notice. (Note that the Tenant can file a petition contesting the increase if the Tenant believes the banking is incorrect or unjustified.) If you do choose to petition for approval of a banked rent increase, provide the documentation and calculations as required by this petition.

Capital Improvements: Capital improvements increases may be taken to reimburse the property owner for property improvements. Reimbursement is limited to 70% of the cost of the improvement spread out over an amortization period as set forth in the Amortization Schedule below. The property owner must show the costs incurred were to improve the property and benefit the tenants. Property owners must also show that these costs were paid. Examples include: copies of receipts, invoices, bid contracts or other documentation.

- If your petition contains capital improvements for which permits are first issued on or after February 1, 2017, capital improvements will be amortized according to an amortization schedule (attached at the end of this form).
- If the petition includes only work where permits were issued before February 1, 2017, improvements will be amortized over five years unless the increase causes a rent increase over 10 percent in one year or 30 percent in five years, in which case the amortization period will be extended until the rent increase is smaller than 10 percent in one year or 30 percent in five years.

Building-Wide Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR
SUBTOTAL:			

Unit-Specific Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR	AFFECTED UNITS
SUBTOTAL:				

To the Tenants: 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. www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program. From that webpage, click "Respond to Owner Petition." From there, you can also respond directly through the RAP portal by clicking on "Respond online" or you can download and print the form. You must serve your Tenant Response on the 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 Tenant Response on the Response form.

If you have filed additional documents with your Response, you must also serve those on the tenant 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 RESPONSE GREATER THAN 25 PAGES

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: _____

-END OF RESPONSE-

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 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	

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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 this page 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.