



**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.

CASE NUMBER L - _____

TENANT RESPONSE TO OWNER PETITION TO EXTEND TIME OF TENANT VACANCY TO COMPLETE REPAIRS

Please fill out this form as completely as you can. Use this form to respond to the Property Owner Petition to Extend Time for Tenant Vacancy to Complete Repairs filed by the property owner of your rental unit. Normally, if you are required to vacate your rental unit because the unit needs substantial repairs, you should not be required to vacate for a period of longer than three months. If the repairs require more than three months to complete, the owner must petition the Rent Adjustment Program ("RAP") for an extension of time. A hearing will be scheduled to determine whether the Owner Petition should be granted. You may, but are not required to, submit a formal Tenant Response in advance of the hearing. Otherwise, you may oppose the Owner Petition at the hearing itself. See "Important Information Regarding Filing Your Response" on the last pages of this packet for more information, including filing instructions and how to contact RAP with questions. Additional information is also available on the RAP website. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING.** To make an appointment email RAP@oaklandca.gov.

Tenant Rental Information

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

Your First Name _____ Last Name _____

Current Mailing Address (if different from above): _____

Primary Telephone: _____ Other Telephone: _____ Email: _____

Type of unit (check one):
 Single family home
 Condominium
 Apartment, room, or live-work

Number of units on the property: _____

Are you current on your rent? Yes No*

If not current, explain why: _____

(*Note: You must be current on your rent or lawfully withholding rent in order to file a response. Checking "No" without providing an adequate explanation may result in your response being excluded and limit your participation in the hearing.)

Case number(s) of any relevant prior Rent Adjustment case(s): _____

Tenant Representative: (Check one) No Representative Attorney Non-Attorney

First Name _____ Last Name _____ Firm/Organization (if any) _____

Mailing Address: _____

Phone Number: _____ Email: _____

RESPONSE TO PROPERTY OWNER PETITION

You may use the space below to explain why you should not be required to vacate your unit for a period of longer than three months. Check all that apply. Use the "Additional Response" section to provide further explanation. You may attach any documentary evidence supporting your position (including photographs) and submit it together with your Response form.

- I do not believe that some or all of the repairs are necessary.
- I believe that the repairs can be completed while the unit is occupied (I should not be required to vacate).
- The repairs were unnecessarily delayed and/or should not take longer than three months to complete.
- The owner is not acting in good faith.
- Extending the time period will cause me financial hardship.
- Other (*explain below*).

Additional Response: _____

TENANT 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.

Tenant 1 Signature

Date

Tenant 2 Signature

Date

REQUEST FOR OWNER DOCUMENTATION IN EXCESS OF 25 PAGES

If the property owner submitted more than 25 pages of attachments in support of their petition, the owner may have opted to not serve you with a copy of all the attachments (see if box is checked on the Property Owner Petition under "Documentation in Excess of 25 pages"). You may contact RAP to request copies of the documents (email RAP@oaklandca.gov), or you may check the box below to request that the owner provide you with copies.

- I/We request that the owner provide me/us with copies of all documents submitted in support of the Property Owner Petition.

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.

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.

Tenant Signature

Date

INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language/dialect 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 RESPONSE-



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PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR RESPONSE (AND/OR ANY DOCUMENTARY EVIDENCE FILED) ON THE PROPERTY OWNER PRIOR TO FILING WITH RAP.

- 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 Response form (and/or other documents submitted). Your Response 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):

TENANT RESPONSE TO OWNER PETITION TO EXTEND TIME OF TENANT VACANCY TO COMPLETE REPAIRS plus ____ attached pages (number of pages attached to Response not counting the Response form or PROOF OF SERVICE)

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	

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 RESPONSE

TIME TO FILE YOUR RESPONSE

You may submit your Response at any time up to and including the date of the hearing, or you may opt to not file a formal Response and simply present your position at the scheduled hearing. However, if you wish to submit any documentary evidence (such as pictures), you must do so at least five days prior to the hearing and serve the owner with a copy.

CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE 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 PROPERTY OWNER

If you choose to file a formal Response and/or submit documentary evidence, you are required to serve the property owner or the property owner's representative with a copy. You must submit a PROOF OF SERVICE form with RAP together with any documents you file.

- (1) Serve a copy of your Response (and/or any documentary evidence) on the owner by mail or personal delivery.
- (2) Complete a PROOF OF SERVICE form (*included in this Response packet and available on the RAP website*) indicating the date and manner of service and the person(s) served.
- (3) Provide the owner with a completed copy of the PROOF OF SERVICE form together with the document(s) being served.
- (4) File a completed copy of the PROOF OF SERVICE form together with your Response (and/or other documents) when submitting to RAP.

Note: Your Response will not be considered complete until a PROOF OF SERVICE form has been filed indicating that the owner has been served.

DOCUMENTS SUBMITTED IN SUPPORT OF RESPONSE

All attachments submitted together with your Response must be numbered sequentially. You may submit evidence in support of your Response up to five days before your hearing. You must serve a copy of any documents filed with RAP on the other party and submit a PROOF OF SERVICE form.

FILING 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 deliver the Response 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 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.

Via email: hearingsunit@oaklandca.gov

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.

AFTER RESPONSE IS FILED

RAP will schedule a hearing to determine whether the Property Owner Petition should be granted. 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 may only be postponed for good cause. Be sure to notify RAP if your mailing address changes at any time.

FILE/DOCUMENT REVIEW

If the property owner submitted more than 25 pages of attachments in support of their Petition, the owner may have opted to not serve you with a copy of all the attachments (*see if box is checked on the Property Owner Petition under "Documentation in Excess of 25 pages"*). You may contact RAP to request copies of the documents (email RAP@oaklandca.gov), or you may check the box in your Response form to request that the owner provide you with copies.

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.