

 <p>CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612-0243 (510) 238-3721</p>	<p>For date stamp.</p> <p style="text-align: center;"><u>TENANT RESPONSE</u> <u>TO OWNER PETITION</u> <u>FOR CERTIFICATE OF</u> <u>EXEMPTION</u></p>
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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 L - _____

Your Name	Complete Address (with Zip Code)	Telephone: Email:
Your Representative's Name	Complete Address (with Zip Code)	Telephone: Email:

Number of Units on the parcel: _____

Are you current on your rent? Yes _____ No _____

Rental History:

Date you entered into the Rental Agreement for this unit: _____

Date you moved into this unit: _____

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No _____

Initial Rent: \$ _____

Initial rent included (please check all that apply)

() Gas () Electricity () Water () Garbage () Parking () Storage () Cable TV ()

Other (if other please specify): _____

Did you receive the City of Oakland’s NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes _____ No _____

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS 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

Contested Basis for Claim of Exemption

Please attach a brief statement explaining why the owner’s claim of permanent exempt status of the unit you rent is not valid. The owner is claiming either (1) New Construction, or (2) Single-Family Home or Condominium (Costa Hawkins).

For the detailed text of these exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving that exempt status is justified.

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 petition.

REQUEST FOR OWNER DOCUMENTS (Attachments)

(Optional)

If the owner did not provide you with all documents filed with the RAP, you can request those documents here (The Owner Petition should state whether or not you were served with the documents.)

- The Owner Petition specified that the owner had submitted more than 25 pages of documents to the Rent Adjustment Program. By checking this box, I request that the owner provide me with all documents submitted to the RAP that have not yet been sent to me. Additionally, I request that the owner provide me with all additional documents that may be filed with the RAP during the pendency of this case.

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 petition is true and that all the documents attached to the petition are true copies of the originals.

Tenant Signature

Date

Tenant 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/We agree to have my/our case mediated by a Rent Adjustment Program staff mediator.

Tenant Signature

Date

Tenant 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 TENANT RESPONSE (PLUS ANY ATTACHED DOCUMENTS) ON THE PROPERTY OWNER OR THE PROPERTY OWNER'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 owner (or the owner'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.

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

The undersigned has served the:

TENANT RESPONSE

(And Additional 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

TIME TO FILE YOUR RESPONSE

Your Tenant 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.

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 the Response 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 property owner or the property owner's representative prior to filing your Response with RAP. You may serve the Response on the property owner by mail or in-person. Use the PROOF OF SERVICE form included in this form 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. Response 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 property owner (or the property owner's representative) by mail or in-person.
- 2) Complete the PROOF OF SERVICE form included in this Response form.
- 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. 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 property owner (or the property owner's representative). You may review your RAP case file (including any evidence submitted by the property owner) at any time prior to the hearing by scheduling an appointment with RAP.
- 6) Attend the hearing.