

CITY OF BERKELEY
RENT STABILIZATION BOARD
2125 Milvia Street, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT) TDD: (510) 981-6903 FAX: (510) 981-4940
E-MAIL: rent@cityofberkeley.info INTERNET: rentboard.berkeleyca.gov

INSTRUCTIONS FOR FILING PETITION TO DETERMINE EXEMPT STATUS OF RENTAL UNIT

GENERAL INFORMATION

Berkeley's Rent Stabilization Ordinance requires landlords to register any unit that is being rented or is available for rent for residential use, unless specifically exempted. Exemptions are found in B.M.C. Section 13.76.050, and include, but are not limited to: units issued a certificate of occupancy after June 30, 1980; units in owner-occupied (i.e., occupied by a record owner of 50% or more) duplexes, provided they were owner-occupied on December 31, 1979; units where an owner (record owner of 50% or more) shares kitchen or bath with the tenant(s); units rented under a federal subsidy or a Shelter Plus Care program; qualifying fraternities and sororities; and condos or single-family houses on single parcels if the current tenancy started on or after January 1, 1996. Copies of the Ordinance are available at the Rent Board's office, the Berkeley Public Libraries and on the Internet (www.cityofberkeley.info/rent/)

A landlord who believes a rental unit is exempt from registration may request an administrative determination of exemption. A landlord whose exemption claim is administratively denied can challenge the administrative determination by filing this Petition to Determine Exempt Status within fifteen (15) calendar days of the date of mailing of the Board's determination. Rent Board counselors are available to answer questions about the petition process, in person or by telephone at the number listed above, Mondays, Tuesdays, Thursdays and Fridays, 9:00 a.m. to 4:45 p.m., and Wednesdays, 12:00 p.m. to 6:30 p.m.

FILING A PETITION

You must mail or bring the following items to the above address:

1. A completed petition signed by an owner of record;
2. A copy of the administrative determination;
3. A proof of service stating that the tenant was served a copy of the petition and documentation either by first-class mail or in person; and
4. The filing fee (\$25 for the first unit and \$15 for each additional unit).

A completed proof of service is required each time documents related to the petition are filed.

AFTER A PETITION IS FILED

A hearing on the petition will be held before a Hearing Examiner. Notice of the time, date and place of hearing, and information about the hearing process, will be mailed to all parties no later than ten days before the scheduled date of the hearing. All parties will have an opportunity to be heard.

After the hearing, the Hearing Examiner will issue a written decision, a copy of which will be mailed to the parties. The hearing examiner's decision can be appealed to the full Board.

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PETITION NO. E-_____

PETITION TO DETERMINE EXEMPT STATUS OF RENTAL UNIT

A. Property Address: _____

1. Total number of residential units on the property: _____
2. Designations of units claimed exempt: _____

B. Grounds for Petition: The rental unit(s) listed above is/are exempt from the Berkeley Rent Ordinance because (**check all grounds that apply and, where required, list applicable units**):

- The property is an owner-occupied duplex; i.e., one unit was, on 12/31/79, and is, currently, occupied by a 50% owner of record: _____
- The unit is occupied under the Section 8: _____ or Shelter Plus Care programs: _____
- A 50% owner of record resides in the unit and shares kitchen or bath with the tenant(s).
- The unit is new construction; i.e., units issued a certificate of occupancy after June 30, 1980: _____
- The property is a condo or single-family house on a single parcel, and the current tenancy started on or after January 1, 1996.
- The property is owned by a fraternity, sorority or affiliated nonprofit legal entity; tenants are active members of the fraternity/sorority and, as long as they remain in good standing, are not subject to eviction; and rental rates are approved by vote of the fraternity/sorority members, and rental income may be used only for maintenance and operating expenses and capital improvements, not to provide a profit.
- The tenancy started after November 7, 2018, on a property where one unit is an ADU and *either* unit is owner-occupied.

C. Landlord(s): If you claim the owner-occupied duplex exemption, you must provide the following information for all owners of record. If there are more than two owners, attach a separate sheet. For all other grounds, information regarding one owner is sufficient.

1. Name _____ Phone (_____) _____

Street Address _____

City _____ State _____ Zip _____

Email: _____ @ _____

If less than 100% owner, list percentage of ownership: _____

C. Landlord(s), cont.:

2. Name _____ Phone (_____) _____
Street Address _____
City _____ State _____ Zip _____
Email: _____ @ _____
Percentage of ownership: _____

D. Authorized representative (if any):

Name _____ Phone (_____) _____
Street Address _____
City _____ State _____ Zip _____
Email: _____ @ _____

E. Units and tenants/occupants covered by this request (attach a separate sheet if necessary):

Unit	Tenants	Telephone Numbers

F. Additional information in support of your exemption claim (attach additional pages, if nec.):

G. Certification: I declare, under penalty of perjury of the laws of the State of California, that the information in this petition, including any attachments, is true and correct to the best of my knowledge and belief.

Signature _____ Dated _____

Printed Name _____

FILING FEE: A filing fee of \$25 for the first unit and \$15 for each additional unit, to a maximum of \$125, must be paid when this petition is filed.

PROOF OF SERVICE

I AM A RESIDENT OF _____ COUNTY AND WAS, AT THE TIME OF SERVICE, OVER
EIGHTEEN YEARS OF AGE. ON _____ (DATE), I SERVED ONE COPY OF THE
FOLLOWING DOCUMENT(S): _____

BY: (CHECK APPROPRIATE BOX)

DELIVERING THE DOCUMENTS IN PERSON TO THE FOLLOWING INDIVIDUAL(S):
[PRINT NAME OF EACH PARTY SERVED:]

**PLACING THE DOCUMENTS, ENCLOSED IN A SEALED ENVELOPE WITH FIRST-CLASS POSTAGE
FULLY PAID, INTO A U.S. POSTAL SERVICE MAILBOX, ADDRESSED AS FOLLOWS:**
[PRINT NAME AND ADDRESS AS SHOWN ON ENVELOPE OF EACH PARTY SERVED:]

**I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE
FOREGOING IS TRUE AND CORRECT.**

(SIGNATURE)

(DATE)

(PRINTED NAME)