

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 FOR RENT WITHHOLDING FOR FAILURE TO REGISTER

GENERAL INFORMATION

Berkeley's Rent Stabilization Ordinance requires landlords to file an Initial Registration Statement and, for each tenancy beginning on or after January 1, 1996, a Vacancy Registration form, and to pay an annual registration fee for any unit that is rented or is available for rent for residential use, unless exempted. Exemptions found in the Ordinance (B.M.C. Sec. 13.76.050) include, but are not limited to: units constructed after June 1, 1980; units in owner-occupied (as a principal residence by a record owner of 50% or more) duplexes, if 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; and qualifying fraternities and sororities. Most single-family homes with tenancies that began on or after January 1, 1996, are exempt under the Costa-Hawkins Rental Housing Act and Regulation 508.

A tenant who resides on a property that is subject to the Ordinance and is not properly registered may petition the Rent Board for authorization to withhold rent until the property is registered. You may find it helpful to review B.M.C. section 13.76.150 and Chapter 15 of the Regulations. Copies of the Ordinance and Regulations are available at the Rent Board's office, the Berkeley Public Libraries and on the Internet (<http://www.ci.berkeley.ca.us/rent/>). 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. If, after consulting with Rent Board staff, you believe that the property you occupy is subject to rent control and not properly registered, complete and file the attached rent withholding (RWN) petition.

FILING AN RWN PETITION

To request authorization to withhold rent, you must mail or bring the following items to the above address:

1. A completed petition signed by all petitioning tenants;
2. A proof of service stating that the landlord was served a copy of the petition and any documentation either by first-class mail or in person.

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

AFTER A PETITION IS FILED

Rent Board staff will investigate the allegations in the petition and prepare a report of the findings of the investigation, which will be mailed to all parties before the hearing. If registration status can be determined from Rent Board records, a tentative decision may be issued. If relevant facts are in dispute, a hearing will be scheduled 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 and a copy will be mailed to the parties. If it is determined that the rental property is not properly registered and the landlord does not register within the time allowed, the tenant will be authorized to withhold future rent until the property is registered. The tenant will be directed to deposit rent in an escrow account maintained by the Board. The escrow funds will be disbursed in accordance with Regulation 1532.

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PETITION NO. RWN - _____

TENANT PETITION FOR RENT WITHHOLDING FOR FAILURE TO REGISTER

1. **Property Address:** _____ Zip _____

Is this a single-family home? Yes _____ No _____ *If yes, and your tenancy began on or after January 1, 1996, contact a Rent Board counselor before filing this petition to determine if the Rent Board has jurisdiction over your claims.*

2. **Tenant Information (required):**

Name (Print)	Unit	Daytime Phone	Move-in Date	Amount	Date Rent Last Paid

Mailing Address: (If different from the unit address)

NOTE: Your mailing address and any subsequent changes of address will be part of the official record of the case and a matter of public record.

3. **Landlord:** List the property owner(s) and the person to whom you pay your rent, if different.

Name _____ Daytime Phone _____

Address _____ City _____ State _____ Zip _____

Name _____ Daytime Phone _____

Address _____ City _____ State _____ Zip _____

4. **Representative:** Person or organization authorized to represent you, if any:

Name _____ Daytime Phone _____

Address _____ City _____ State _____ Zip _____

5. **Grounds:** I/we request authorization to withhold rent because: (Check all applicable grounds)

() 1. Exempt Status: The landlord erroneously claims that one or more units is exempt from the Rent Stabilization Ordinance. Specify the unit(s) and the reason you believe it is not exempt.

() 2. Initial Registration Statement: There is no Initial Registration Statement on file, or the one that was filed is incorrect or incomplete, for the following unit(s): _____

The IRS is incorrect or incomplete because:

() The base or initial rent listed is incorrect. The correct amount is: _____

() The date first rented is incorrect. The correct date is: _____

() The following information is missing: _____

() Other (Explain): _____

() 3. Registration Fees: The landlord has not paid registration fees and/or penalties for the following year(s) for the following unit(s): _____

6. **Additional Facts:** Please state below any additional facts related to the non-registration of your unit. Attach a separate sheet, if needed: _____

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

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

NOTE: All signatures must be original and all petitioning tenants must sign the Certification.

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)