

CITY OF BERKELEY
RENT STABILIZATION BOARD
2000 Center Street, Suite 400, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT) TDD: (510) 981-6903 FAX: (510) 809-3921
E-MAIL: rent@berkeleyca.gov INTERNET: rentboard.berkeleyca.gov

Translation is available. Call us! Traducción disponible. Llámamos! 提供翻譯。 致電我們 ! ارجمة متاحة. اتصل بنا !

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 to rent for residential use, unless specifically exempted. In addition, registration requirements vary based on whether a unit is partially exempt or fully covered by the Rent Ordinance. Copies of the Ordinance are available at the Rent Board's office and on the Internet (rentboard.berkeleyca.gov)

A landlord who believes a rental unit is fully or partially exempt from registration may request an administrative determination of the unit's exemption status. If the landlord disagrees with the administrative determination, the landlord can challenge it by filing a Petition to Determine Exempt Status. (Rent Board Regulation 521.) The petition must be filed fifteen calendar days of the date of mailing of the administrative 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.

FILING A PETITION

Provide the Rent Board a completed petition package, which contains the following:

1. A completed petition signed by an owner of record;
2. A copy of the administrative determination;
3. A copy of supporting documentation (your evidence); and
4. The filing fee (\$25 for the first unit and \$15 for each additional unit).

Send a copy of the petition package to the respondent parties, who are the affected tenants.

You must follow the **Filing Rules** (posted on our Rent Adjustment Petitions webpage) on how to a) properly complete the petition; b) organize your evidence using an exhibit list form; and c) send them to the Rent Board and other parties in your case. Rent Board staff will contact you if anything is incorrect or incomplete.

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: Check all grounds that apply:

1. The following are grounds for fully exempt units:

- Owner-occupied duplex (occupied by a record owner of 50% or more, and owner-occupied on 12/31/79)
- Tenant sharing a kitchen or bath facilities with a record owner of 50% or more if the owner lived at the property before the start of the tenancy
- Tenancy started on or after November 7, 2018, on a two-unit property where one unit is a fully permitted ADU (accessory dwelling unit) and either unit is owner-occupied
- Single-family houses or condominiums rented for up to two years IF the landlord: (1) owns no more than one residential unit in Berkeley; (2) lived in the unit as their principal residence for at least 365 consecutive days immediately prior to rental; (3) will reoccupy the unit as their principal residence when the rental ends; and (4) specifies the rental term, not to exceed 24 months, in the lease
- Property owned by a fraternity or sorority, or affiliated nonprofit legal entity; tenants are active members and, as long as they remain in good standing, cannot be evicted; rental rates are approved by member vote; and rental income is used for maintenance, operating expenses, and/or capital improvements, not for profit
- Units in nonprofit cooperatives owned and controlled by a majority of the residents
- Other:

2. The following are grounds for partially exempt units:

- New construction (units with a certificate of occupancy issued after 1980)
- The property is a single-family house or condominium on a single parcel, and the current tenancy started on or after January 1, 1996
- Government-owned or government-subsidized unit AND federal/state or other applicable law exempts unit from rent control (for example, Project-based Section 8, Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for Persons with Disabilities)

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)