

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

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**INSTRUCTIONS FOR FILING LANDLORD IRA PETITION FOR RENT CEILING INCREASE
TO THE MAXIMUM LEVEL ALLOWED BY THE GOVERNMENT SUBSIDIZING AGENCY
Regulation 1283**

ABOUT THIS PETITION

The rent for units with certain government subsidies is affected by both the Rent Ordinance, which sets a maximum allowable rent (called a “rent ceiling”), and the government subsidizing agency’s “rent reasonableness” analysis for contract rent increase requests. A landlord cannot collect a contract rent higher than the rent ceiling even if the rent ceiling is less than what the government subsidizing agency could otherwise allow through a rent reasonableness analysis. To close this gap, landlords can file this petition to raise the rent ceiling to the maximum contract rent allowed by the government subsidizing agency, so long as the tenant’s portion of the rent is not increased because of the new maximum contract rent.

CONDITIONAL APPROVAL ALLOWED

If the government subsidizing agency has not yet issued a determination that the contract rent increase you are applying for is reasonable, you may still file this petition and request a conditional approval of the rent ceiling increase. The rent ceiling increase would go into effect once the government subsidizing agency authorizes the new rent in its rent reasonableness determination. Or, if the government subsidizing agency has already issued its rent reasonableness determination, you may include a copy with this petition (the government subsidizing agency cannot begin issuing the higher payment approved in the rent reasonableness determination until this petition to increase the rent ceiling is approved by the Rent Board).

QUALIFYING RENTAL UNITS

Qualifying rental units are those under the Section 8 Voucher Program (including the Housing Choice Vouchers, Project-based vouchers, and the Veterans Affairs Supportive Housing Program) and the Shelter Plus Care Program. In addition, the rental unit must be in habitable condition, and the form requires landlords to attest to this.

SECTION 8 PROJECT-BASED VOUCHER UNITS

Landlords of Section 8 Project-Based Voucher (PBV) units typically apply for a contract rent increase at the same time for multiple PBV units at the property. When this is done, the landlord can also file this petition for those PBV units (and seek conditional approval as explained above). Only one petition needs to be completed, but you will need to use the Unit Information Attachment to provide information for each unit. See the section below on Filing the Petition and the instructions in the Unit Information Attachment for more details.

LANDLORD ELIGIBILITY

To be eligible, a landlord must be in full compliance with the Berkeley Rent Ordinance, which means that all required forms, including vacancy registration forms, must be filed with the Rent Board, and there cannot be any outstanding registration fees or penalties (unless you have requested a penalty waiver). A landlord must also confirm that they are not being sued by the tenant for claims of harassment under the Berkeley Tenant Protection Ordinance, and that there has not been a court judgment finding the landlord in violation of the Tenant Protection Ordinance.

FAST TRACKING THE PETITION

A petition will be fast tracked if it is unopposed by the tenant. An unopposed petition should be confirmed by including a completed Agreement of Parties or Waiver of Right to Hearing (copy attached) signed by you and the tenants. This will allow the petition to be processed without the need for a hearing.

You may find it helpful to review Section 12 of the Rent Ordinance and Chapter 12 of the Regulations on our website. Rent Board counselors are available to answer questions. Call, email, or go to our website.

FILING THE PETITION

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

1. A completed petition signed by the owner; and
2. A copy of supporting documentation (your evidence). Unless you are seeking conditional approval of the rent ceiling increase, supporting documents must include the government subsidizing agency's rent reasonableness determination authorizing the new maximum contract rent and confirming that the new rent does not increase the tenant household's portion of the rent.

Send a copy of the petition package to the other parties, who are the affected tenants (respondents) and the subsidizing government agency (e.g., the Berkeley Housing Authority). Petitions submitted with an Agreement of Parties or Waiver of Right to Hearing must still be sent to the other parties.

If you are seeking a rent ceiling increase for multiple units at the property, you will need to complete the Unit Information Attachment for each unit. The attachment, included with the petition form, contains special instructions for filing the petition and sending a copy to the tenant households. The purpose of those instructions is to ensure that unit information is not shared between tenant households to protect their privacy.

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

Unless a signed Agreement of Parties or Waiver of Right to Hearing (copy attached) is submitted, the Board will mail a Notice of Right to Object to each affected tenant, who has 20 days from the date the notice is mailed to file an objection to the petition. If a timely objection is filed, the petition will be scheduled for a settlement conference and hearing. Notice of the time and place of hearing will be mailed to all parties no later than ten days before the scheduled hearing date. If no objection is filed or if each affected tenant signs a waiver of the right to a hearing, an administrative decision will be issued based on the petition, supporting documentation and the Board's records.

Filing an incomplete petition will delay processing.

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PETITION NO. L-_____

**LANDLORD PETITION FOR INDIVIDUAL RENT ADJUSTMENT
TO THE MAXIMUM LEVEL ALLOWED BY THE GOVERNMENT SUBSIDIZING AGENCY**
Regulation 1283

1. Landlord Information: (An owner of record **must** sign the certification on the last page.)

A. Landlord Name _____
Address _____ City _____ State _____ Zip _____
Email _____ Phone _____

B. Name of Representative (if any) _____
Address _____ City _____ State _____ Zip _____
Email _____ Phone _____

2. Property Address: _____ Zip _____

3. Unit Information:

A. Complete this sub-section A if you are seeking a rent ceiling increase for only one rental unit.

Unit No. _____ Date Tenancy Began: _____ Current Rent: _____

Current Tenants	Email Address	Phone Number

B. For multiple rental units, provide the total number of units for which you are seeking a rent ceiling increase: __
Use the Unit Information Attachment at the end of this petition to provide information for each unit.

4. Government Subsidy:

A. Type of Government Rental Assistance:

- Section 8 Housing Choice Voucher Section 8 Project-Based Voucher
 Section 8 Veteran Affairs Supportive Housing Shelter Plus Care

B. List the government agency providing the rental assistance or other subsidy.

Agency Name _____
Name of Agency Contact _____
Address _____ City _____ State _____ Zip _____
Email _____ Phone _____

4. **Rent Reasonableness Determination.** This petition is my request to increase the rent ceiling to the maximum rent allowed by the government subsidizing agency in its rent reasonableness determination. Check one of the boxes that applies to you.

- The government subsidizing agency has **not** yet issued a rent reasonableness determination authorizing the amount of the new maximum rent I am applying for. If this petition is granted, The Board will issue a **conditional approval** for a rent ceiling increase that will go into effect as of the date the government subsidizing agency authorizes my application. The rent reasonableness determination must confirm that the new contract rent does not increase the tenant household's portion of the rent.

- The government subsidizing agency has already authorized the amount of the new maximum contract rent in its rent reasonableness determination, and the new contract rent does not increase the tenant household's portion of the rent. I am attaching a copy of the government subsidizing agency's rent reasonableness determination that provides the new rent information.

5. **Rent Board Registration Compliance.** Check the boxes below to confirm compliance:

- I have no outstanding registration fees or penalties for **any** Berkeley rental units (or I have a penalty waiver request that is pending).
- I have filed all required forms with the Rent Board, including Vacancy Registration forms for all fully covered rental units and Tenancy Registration forms for partially covered units, if any.

6. **Compliance with the Implied Warranty of Habitability.** Check the boxes below regarding the rental unit:

- There are no outstanding warnings or other notices of abatement of housing assistance payments issued by the government subsidizing agency.
- There are no outstanding violations of Housing Quality Standards issued by the government subsidizing agency.
- There are no outstanding housing or health code violations issued by the City of Berkeley or other applicable jurisdiction.
- I do not have knowledge or notice of any condition at the rental which violates any applicable housing quality ordinance, law, or regulation.

7. **Compliance with the Berkeley Tenant Protection Ordinance.** Check the boxes below regarding the rental unit:

- There is no pending court action filed by the tenant against me that alleges violations of the Berkeley Tenant Protection Ordinance.
- A court has not issued a judgment finding me in violation of the Berkeley Tenant Protection Ordinance.

8. **Certification:** (Must be signed by an owner of record.) Each unit included in this petition has been properly registered for at least 30 days and is in compliance with the Ordinance, Regulations and applicable state and local housing, building, health and safety codes. I declare under penalty of perjury of the laws of the State of California that the information in this petition and in all schedules, attachments and forms is true and correct to the best of my knowledge and belief.

Signature _____ Date _____

Printed Name _____

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Petition No. L- _____

AGREEMENT OF PARTIES/WAIVER OF RIGHT TO A HEARING

Property Address: _____ Unit No. _____
(Use a separate form for each unit)

AGREEMENT OF PARTIES

(This box must be checked by the tenant for this agreement to be valid.)

- I understand that the requested rent ceiling increase cannot affect the portion of the rent that I owe.
- I understand that the requested rent ceiling increase can only increase the housing assistance payment provided by the government subsidizing agency.
- I have received a copy of the petition and supporting documents and have no objections to the requested rent ceiling increase.
- I am satisfied that my unit is in habitable condition.
- I have not started a court action against the landlord alleging violations of the Berkeley Tenant Protection Ordinance.

Note: An agreement that does not conform to the Ordinance and the Regulations will not be approved.

WAIVER OF RIGHT TO HEARING

(This box must be checked by the tenant for this waiver to be valid.)

- **I give up my right to a hearing.**
- I understand that a decision may be issued without a hearing and be based on the petition, supporting documents, and the Board's records.

CERTIFICATION: I declare under penalty of perjury under the laws of the State of California that the above assertions are made voluntarily and without financial or other inducement.

LANDLORD SIGNATURE

PRINTED NAME

DATE

TENANT SIGNATURE

PRINTED NAME

DATE

Internal

PROOF OF SERVICE

(Use a separate proof of service for each unit.)

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)

****You must list the tenant household and the subsidizing government agency.****

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)

Internal

(PRINTED NAME)