

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. Llámanos! 提供翻譯。 致電我們! اتصل بنا! ارجمة متاحة.

INSTRUCTIONS FOR FILING PETITION FOR RENT WITHHOLDING FOR FAILURE TO REGISTER

GENERAL INFORMATION

A tenant living on a property that is not properly registered with the Rent Board can file this petition to ask the Board for a determination of whether the landlord is in compliance with registration requirements. The Board will determine if the property is fully covered or partially covered by the Rent Ordinance and therefore subject to registration requirements. If the Board determines that the property is fully exempt, then the petition will be denied.

If the Board determines that the property should be registered and the landlord is not in compliance, the Board will set a deadline for the landlord to properly register the property. If the landlord fails to reach compliance by the deadline set by the Board, the tenant will be authorized to withhold rent until the property is properly registered.

The landlord must do the following to properly register a property: (1) file all required registration forms and (2) pay annual registration fees and any penalties. Registration requirements vary based on whether a unit is partially covered or fully covered by the Rent Ordinance.

Grounds for fully exempt units include:

- 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 property owner: (1) owns no more than one residential unit in Berkeley; (2) lived in the unit as their primary residence for at least 365 consecutive days immediately prior to rental; (3) will reoccupy the unit as their primary residence when the rental ends; and (4) specifies the rental term, not to exceed 24 months, in the lease

Grounds for partially exempt units include:

- New construction (units with a certificate of occupancy issued after 1980)
- 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)

You may find it helpful to review B.M.C. section 13.76.150 and Chapter 15 of the Regulations, which are available at rentboard.berkeleyca.gov. 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 AN RWN PETITION

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

1. A completed petition signed by all petitioning tenants;
2. A copy of supporting documentation (your evidence).

Send a copy of the petition package to the respondent party, who is the landlord.

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

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.

**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**

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 are fully or partially exempt from the Rent Ordinance. Specify the unit(s) and provide an explanation:

() 2. Registration filings: There is no registration statement or vacancy registration form, or the filing is incorrect or incomplete, for the following unit(s): _____

Explain what filings are missing, incomplete, or inaccurate: _____

() 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 _____

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)