

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 LANDLORD IRA PETITION FOR INCREASED OCCUPANCY (ADDITIONAL TENANTS)
Regulation 1270

****USE FOR GOVERNMENT-SUBSIDIZED UNITS ONLY****

Landlords of units fully covered by Berkeley's Rent Ordinance may file a petition if they are seeking a rent ceiling increase because the number of tenants in the rental unit has increased above the unit's base occupancy level. **If the tenancy is governmentally subsidized (for example, the unit is under a Sec. 8 Housing Choice Voucher) and not exempt from rent control, you must use this petition to make the request.** The government agency will also be a party to the case. You should consult with the government agency to determine whether you need separate authorization from the agency to obtain the rent increase. If the tenancy is not governmentally subsidized, then you must use a different petition form.

A landlord is entitled to a 10% rent ceiling increase for each additional tenant above the **base occupancy level**, i.e., the number of tenants allowed by the rental agreement or actually occupying the unit as a principal residence with the landlord's knowledge, on the **base occupancy date**. For tenancies that began before January 1, 1999, the base occupancy date is June 1, 1979-May 31, 1980. For tenancies that began on or after January 1, 1999, the base occupancy date is the inception of the tenancy, and the base occupancy level includes any tenant considered an original occupant under Regulation 1013(O)(5). If the additional tenant is a spouse, registered domestic partner, child or parent of an original tenant, the increase will be granted only if the original tenant(s) agrees in writing.

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). Documents must show the base occupancy level, such as a lease or a ledger entry identifying the tenant by name.

Send a copy of the petition package to the other parties, who are the affected tenants (respondents) **and the subsidizing government agency.**

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. **(Petitions submitted with an Agreement of Parties must still include a proof of service indicating that all affected tenants were served with a copy of 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
 FOR INCREASED OCCUPANCY (ITN)**

Regulation 1270

****USE FOR GOVERNMENT-SUBSIDIZED UNITS ONLY****

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

A. Landlord's Name _____ Mailing Address _____

City _____ State _____ Zip _____ Phone _____

B. Name of Representative (if any) _____ Mailing Address _____

City _____ State _____ Zip _____ Phone _____

2. Property information:

Property Address _____ Zip _____

Are any petitions for this property currently pending? Yes _____ No _____ Unknown _____

Total number of residential units on property, including exempt and owner-occupied units: _____

For all units for which increases are requested, list the unit designations, the names of all tenants in the unit, the beginning date of the tenancy, and the **current** rent being charged. (Rent increases can be granted only for units that are currently registered, i.e., not exempt.) Attach additional sheets if necessary.

Unit No.	Current Tenants (even if not on lease)	Date Tenancy Began	Current Rent

3. Government Subsidy:

A. Type of Government Rental Assistance or Other Subsidy (not exempt from rent control):

Section 8 Housing Choice Voucher Unit No. _____

Shelter Plus Care Unit No. _____

Other: _____ Unit No. _____

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

Agency Name _____

Name of Agency Contact _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email: _____

4. Increase in Number of Tenants: Please provide the information requested in the chart below.

Explanatory remarks:

3 - June 1, 1979-May 31, 1980 for pre-January 1, 1999 tenancies; the beginning date of the current tenancy for post-January 1, 1999 tenancies.

4 - Maximum number of tenants allowed or occupying the unit as their principal residence on the base occupancy date.

5 - Number of tenants currently occupying the unit as a principal residence.

6 - Permanent rent ceiling on the date that petition is filed.

7 - Rent increase requested (e.g., 10% for one additional tenant, 20% for two, etc.).

1 Unit No.	2 Number of Bedrooms	3 Base Occupancy Date	4 Base Occupancy Level	5 Current Occupancy Level	6 Permanent Rent Ceiling	7 Rent Increase Requested

4. Supporting Documentation:

Indicate the document(s) submitted.

- Pre-1999 lease, rental agreement or ledger
- Declaration of personal knowledge regarding 1979-1980 occupancy level
- Post-1999 lease or rental agreement

If no documentation is available, explain why it is appropriate to use another occupancy period:

and submit evidence of that period's occupancy level.

Note: If the additional tenant is a spouse, registered domestic partner, child or parent of an original tenant, an increase will be granted **only** if the original tenant(s) agree in writing to the increase.

5. **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 have received a copy of the petition and supporting documentation, and have no objections to the requested rent ceiling increases. I am satisfied that my unit is in habitable condition.

Assuming the landlord is eligible for a rent ceiling increase in the amount requested:

- We agree to a maximum increase of \$ _____.
- We agree to an implementation of the increase different from that authorized by the Regulations; specifically: _____
- I (tenant) waive my right to the phase-in of increases as provided in Regulation 1274(B). *(Rent ceiling increases for increased occupancy are not subject to a phase-in.)*

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 and understand that if all the affected tenants residing at the property waive their right to a hearing or fail to file an objection, a decision may be issued without a hearing and be based on the petition, supporting documentation and the Board's records.

- Furthermore, I waive my right to the phase-in of increases under Regulation 1274(B). *(Rent ceiling increases for increased occupancy are not subject to a phase-in.)*

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

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)

****You must list all the other parties, including 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)

(PRINTED NAME)