

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 PETITION FOR INDIVIDUAL RENT ADJUSTMENT (IRA)
****USE FOR GOVERNMENT-SUBSIDIZED UNITS ONLY****

GENERAL INFORMATION

Landlords of units fully covered by Berkeley's Rent Ordinance may file a petition to request a rent ceiling adjustment. **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 request a rent ceiling adjustment.** 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 IRA petition form.

This IRA petition may be filed to request rent ceiling adjustments for a number of reasons, including but not limited to the following:

- Increased Occupancy** (Regulation 1270)*
- Capital Improvements** (Regulation 1267)*
- Change in Space or Services** (Regulation 1269)
- Historically Low Rent** (Regulation 1280)*
- Low Rent in Years 1976-79** (Regulation 1268)

*Shorter (single-ground) petitions are available for these grounds.

You may find it helpful to review Section 12 of the Rent Ordinance and Chapter 12 of the Regulations before filing a petition. Copies of the Ordinance and Regulations are available at the Rent Board's office and on the Internet (rentboard.berkeleyca.gov). Rent Board counselors are available to answer questions about the petition process. See the contact information at the top of this page to make an appointment.

FILING THE PETITION

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

1. A completed petition, including the appropriate schedule for each type of increase requested, signed by an owner of record; and
2. A copy of all the supporting documentation required by, and organized according to, the relevant schedule(s) (your evidence);

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 and schedule(s); b) organize your evidence using an exhibit list form; and c) send them to the Rent Board and other parties in your case. You will be contacted if anything is incorrect or incomplete.

AFTER A PETITION IS FILED

Unless a signed Agreement of Parties or Waiver of Right to Hearing is attached, 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, date and place of hearing will be mailed to all parties no later than ten days before the scheduled date of the hearing. If no objection is filed or if each affected tenant has signed a waiver of the right to a hearing, an administrative decision may 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 (MULTIPLE GROUNDS)
 USE FOR GOVERNMENT-SUBSIDIZED UNITS ONLY**

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

Landlord's Name _____

Mailing Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Fax (_____) _____

Email: _____ @ _____

Name of Representative (if any) _____ Mailing Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Fax (_____) _____

Email: _____ @ _____

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:

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. _____

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

Agency Name _____

Name of Agency Contact _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email: _____

4. Grounds for Petition: Check all applicable grounds and complete **only** the corresponding Schedule(s).

- () 1. **Capital Improvements** (Regulation 1267)Schedule A
- () 2. **Increased Occupancy** (Regulation 1270)Schedule C
- () 3. **Change in Space or Services** (Regulation 1269)Schedule D
- () 4. **Maintenance and/or Adjustment of Net Operating Income** (Regs. 1262 & 1264) Schedule E
- () 5. **Historically Low Rent** (Regulation 1280)Schedule G
- () 6. **Restoration of AGAs** (Regulation 1278)Schedule H
- () 7. **Low Rent Increases in 1976-79 or Increased Debt Service** (Regs. 1268 & 1276) Schedules I, J
- () 8. **Other** Attach an explanation

5. Amount of Rent Increase Requested: State the amount of increase requested or "to be determined" if you want Board staff to calculate the amount based on the information provided. **Regulation 1274 limits rent increases granted by this petition to annual increments of 15% of the rent ceiling, unless the tenants agree to waive this limit.**

Unit	Current Rent	Rent Adjustment Requested
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Regulation 1281 authorizes temporary rent increases to compensate for any loss caused by the Board's failure to issue a final decision by 120 days after a petition is properly filed. Such increases must be requested before the final decision is issued.

6. **Security Deposits:** Section 7 of the Ordinance requires that security deposits be held in a fiduciary capacity for the benefit of the tenant and that interest on deposits be refunded annually.

Have you refunded security deposit interest to your tenants each year? Yes No

7. **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 _____

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)

This box must be checked for the waiver and agreement to be valid.

- I have received a copy of the petition and supporting documentation, and have no objections to the requested rent ceiling increase.
- I am satisfied that my unit is in habitable condition.
- **I give up my right to a hearing.**
- I understand that if ALL the affected tenants 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.

One or more of the following boxes must be checked for the waiver and agreement to be valid.

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

- We agree to a maximum increase of \$ _____ per month.
- I (tenant) 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.)
- We agree to an implementation of the increase different from that authorized by the Regulations, specifically:

*** The agreed-upon increase must conform to the Ordinance and the Regulations to be approved.**

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