



Instructions for Filing Request for Administrative Determination of Exempt Status or Non-Binding Response BERKELEY RENT BOARD

BACKGROUND

Rent Board Regulations 521 and 522 govern the process where a landlord may seek a formal determination from the Rent Board as to the exempt status of a unit on their property. Only the current owner or their agent may request this determination.

HOW DOES A DETERMINATION OF EXEMPT STATUS DIFFER FROM A NON-BINDING RESPONSE?

In order to request a determination of exempt status of a unit, the unit must be occupied by a tenant. If the unit is **NOT** occupied by a tenant, the Rent Board cannot render a formal determination on its exempt status.

If the unit is not occupied by a tenant, you may choose to speak with a housing counselor about the status of the unit or request a **non-binding** letter from our agency that will consist of a review of the property status based on records readily available to our office.

PROCESS

To request a non-binding letter, check the “Non-Binding Response” box on the request form. To request a binding determination, check the “Administrative Determination of Exempt Status” box on the form.

Whether you are requesting a binding determination or a non-binding response, please provide our office with as much information and documentation as possible. This may include, but not be limited to: a complete list of current owners, contact information for current tenant(s) (if applicable), and any relevant documents such as deeds, permits, etc.

CHALLENGING A DETERMINATION OF EXEMPT STATUS

A landlord whose exemption claim is administratively denied can challenge the determination by filing a Petition to Determine Exempt Status within fifteen (15) days of the date of mailing of the determination.

Tenants of a unit that has been determined to be exempt by the Executive Director, or his or her designee, may, at any time, obtain review of the unit's exemption status by filing a Petition for Rent Withholding for Failure to Register.



**Request for Administrative Determination of Exempt
Status or Non-Binding Response
BERKELEY RENT BOARD**

REQUEST FOR (CHECK ONE):

- Administrative Determination of Exempt Status (Unit is tenant-occupied)
- Non-Binding Response (Unit is not tenant-occupied)

PROPERTY INFORMATION:

Property Address _____

Total number of residential units on the property _____

Designations of unit(s) for which exemption claimed (Unit number or letter) _____

GROUND FOR CLAIM OF EXEMPTION (Check all that may apply):

- The unit is new construction.
- The property is an owner-occupied duplex; i.e., one unit was owner-occupied as of December 31, 1979 and one unit is currently owner-occupied*.
- An owner* resides in the unit and shares a kitchen or bath with the tenant(s), if the owner lived on the property at the start of the tenancy
- The unit is a condominium, and the current tenancy started on or after January 1, 1996 and after the unit was converted to a condominium.
- The unit is an Accessory Dwelling Unit ("ADU") on a property where the property owner occupies a unit and where the tenancy began after November 1, 2018.
- Other (Specify): _____

*An owner is an owner of record with at least 50% interest in the property.

LANDLORD INFORMATION:

Name _____ Phone Number _____

Email Address _____ @ _____

Mailing Address _____