



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612-0243
(510) 238-3721
CA Relay Service 711
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

CASE NUMBER L - _____

TENANT RESPONSE TO OWNER PETITION FOR CERTIFICATE OF EXEMPTION

Please fill out this form as completely as you can. Use this form to respond to the Property Owner Petition for Certificate of Exemption filed by the property owner of your rental unit. The Rent Adjustment Ordinance allows property owners to petition the Rent Adjustment Program ("RAP") for a determination that a dwelling unit meets the criteria for permanent exemption from the Ordinance. If the Owner Petition is granted, RAP will issue a Certificate of Exemption, which is an official determination that the rental unit is not subject to regulation by the Ordinance/RAP. A hearing will be scheduled to determine whether the certificate should be granted. By completing this response and submitting it in the required time for filing, you will be able to participate in the hearing. Failure to provide the required information may result in your Tenant Response being rejected or delayed. See "Important Information Regarding Filing Your Response" on the last page of this packet for more information, including filing instructions and how to contact RAP with questions. Additional information is also available on the RAP website. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING.** To make an appointment email RAP@oaklandca.gov.

Tenant Rental Information			
Street Number _____	Street Name _____	Unit Number _____	Oakland, CA _____ Zip Code _____
Your First Name _____		Last Name _____	
Mailing Address (if different from above): _____			
Primary Telephone: _____ Other Telephone: _____ Email: _____			
Type of unit (check one):	<input type="checkbox"/> Single family home <input type="checkbox"/> Condominium <input type="checkbox"/> Apartment, room, or live-work	[RESERVED]	
Number of units on the property: _____			
Case number(s) of any relevant prior Rent Adjustment case(s): _____			
Tenant Representative: (Check one) <input type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-Attorney			
First Name _____		Last Name _____	
Mailing Address: _____			
Firm/Organization (if any) _____			
Phone Number: _____		Email: _____	

RESPONSE TO PROPERTY OWNER PETITION

You may use the chart below to respond to the grounds for exemption alleged in the Owner Petition. For your convenience, a list of common defenses to each ground for exemption is provided below. You may check any that you believe apply or provide your own response under "Other" or in the "Additional Response" section below. Note that the property owner has the burden of proving the exemption, so failing to check a box does not mean that the issue cannot later be raised at the hearing. You may attach and submit any documentation supporting your position together with this form.

For more information on exemptions, see the Rent Adjustment Ordinance, Oakland Municipal Code (O.M.C.) section 8.22.030, the corresponding Regulations. A copy of the Ordinance and Regulations is available here: www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance.

GROUNDS	DESCRIPTION	TENANT RESPONSE
New Construction	<i>The unit was newly constructed and a certificate of occupancy was issued for the unit on or after January 1, 1983. Only applies to units that were entirely newly constructed or created from a space that was formerly entirely non-residential.</i>	<input type="checkbox"/> The unit was created from space that was previously used for residential purposes (regardless of whether space technically considered commercial, warehouse, unpermitted/"illegal," etc.). <input type="checkbox"/> The unit is in a live-work space where the work portion was converted into a separate living space. <input type="checkbox"/> The unit was created from space that was previously a common area. <input type="checkbox"/> The unit replaced a covered unit that was withdrawn from the rental market pursuant to the Ellis Act. <input type="checkbox"/> The unit falls under the Just Cause Ordinance, and the property owner failed to substantially comply with the annual registration and reporting obligations as required under Oakland Municipal Code, Section 8.22.510 prior to the filing of this petition. <input type="checkbox"/> Other (provide explanation): _____ _____

Additional Response: _____

TENANT VERIFICATION

(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this Tenant Response is true and that all of the documents attached to the Response are true copies of the originals.

Tenant 1 Signature

Date

Tenant 2 Signature

Date

REQUEST FOR OWNER DOCUMENTATION IN EXCESS OF 25 PAGES

If the property owner submitted more than 25 pages of attachments in support of their petition, the owner may have opted to not serve you with a copy of all the attachments (see if box is checked on the Property Owner Petition form under "Documentation in Excess of 25 pages"). You may contact RAP to request copies of the documents (email RAP@oaklandca.gov), or you may check the box below to request that the owner provide you with copies.

- I/We request that the owner provide me/us with copies of all documents submitted in support of the Property Owner Petition.

CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff and the OTHER PARTY/IES send you documents related to your case electronically. If you agree to electronic service, the RAP may send certain documents only electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter from the RAP and from the OTHER PARTY/IES electronically at the email address(es) provided in this response.

INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing. You can request an interpreter by completing this section.

- I request an interpreter fluent in the following language at my Rent Adjustment proceeding:
- Spanish (Español)
 - Cantonese (廣東話)
 - Mandarin (普通话)
 - Other: _____

-END OF RESPONSE-



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PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR RESPONSE (PLUS ANY ATTACHMENTS) ON THE PROPERTY OWNER PRIOR TO FILING YOUR RESPONSE WITH RAP.

- 1) Use this *PROOF OF SERVICE* form to indicate the date and manner of service and the person(s) served.
- 2) **NOTE:** Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed and unsigned copy of this *PROOF OF SERVICE* form to the person(s) being served together with the documents being served.
- 4) File a completed and signed copy of this *PROOF OF SERVICE* form with RAP together with your signed Response. Your Response will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: ____/____/____ I served a copy of (check all that apply):

TENANT RESPONSE TO PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION plus ____ attached pages (number of pages attached to Response not counting the Response form or *PROOF OF SERVICE*)

Other: _____

by the following means (check one):

First-Class Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

Personal Service. I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

PERSON(S) SERVED:

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

PRINTED NAME

SIGNATURE

DATE SIGNED

IMPORTANT INFORMATION REGARDING FILING YOUR RESPONSE

TIME TO FILE YOUR RESPONSE

Your Tenant Response form must be received by the Rent Adjustment Program within 35 days after the Owner Petition was mailed to you (30 days if the Petition was delivered in-person). RAP staff cannot grant an extension of time to file.

CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING

To make an appointment, email RAP@oaklandca.gov or call (510) 238-3721. Although the Housing Resource Center is temporarily closed for drop-in services, assistance is available by email or telephone.

DOCUMENTS SUBMITTED IN SUPPORT OF RESPONSE

All attachments submitted together with your Response must be numbered sequentially. You may submit additional evidence in support of your Response up to seven days before your hearing.¹ You must serve a copy of any documents filed with RAP on the other party and submit a PROOF OF SERVICE form.

REMINDER: Once a petition and its attachments are submitted to the RAP they become public records. Please redact any private information (such as social security numbers, bank account numbers, credit card numbers and similar financial data) from the documents you submit as part of this petition. If you have any questions, you may contact RAP staff by phone at (510) 238-3721 or by email at RAP@oaklandca.gov.

Additionally, all documents submitted to the RAP, including but not limited to emails, petitions, attachments, potential evidence, text messages, screenshots, etc., are a part of the file in your case and all parties to a case are entitled to have access to this information.

SERVICE ON PROPERTY OWNER

You are required to serve a copy of your Tenant Response form (plus any attachments) on the property owner or the property owner's representative and submit a PROOF OF SERVICE form together with your Response.

- (1) Serve a copy of your Response on the owner by mail or personal delivery.
- (2) Complete a PROOF OF SERVICE form (*included in this response packet and available on RAP website*) indicating the date and manner of service and the person(s) served.
- (3) Provide the owner with a completed copy of the PROOF OF SERVICE form together with the document(s) being served.
- (4) File a completed copy of the PROOF OF SERVICE form together with your Response when submitting to RAP.

Note: Your Response will not be considered complete until a PROOF OF SERVICE form has been filed indicating that the owner has been served.

FILING YOUR RESPONSE

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Responses via email during the COVID-19 local state of emergency. You may also fill out and submit your Response online through the RAP website or deliver the Response to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your Response by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Response.

¹ Note that certain documents are required to be submitted with the Response. See Response form for details.

Via email: hearingsunit@oaklandca.gov

Mail to: City of Oakland
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Ste. 5313
Oakland, CA 94612-0243

File online: www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program

In person: TEMPORARILY CLOSED
City of Oakland
Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313

AGREEMENT TO ELECTRONIC SERVICE

AFTER RESPONSE IS FILED

In most cases, RAP will schedule a hearing to determine whether the Property Owner's Petition should be granted or denied. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing may only be postponed for good cause.

FILE/DOCUMENT REVIEW

If the property owner submitted more than 25 pages of attachments in support of their Petition, the owner may have opted to not serve you with a copy of all the attachments (see if box is checked on the Property Owner Petition form under "Documentation in Excess of 25 pages"). You may contact RAP to request copies of the documents (email RAP@oaklandca.gov), or you may check the box on your response to request that the owner provide you with copies.

Either party may contact RAP to review the case file and/or to request copies of any documents pertaining to the case at any time prior to the scheduled hearing.

FOR MORE INFORMATION

Additional information on the petition and hearing process is located on the RAP website and in the Residential Rent Adjustment Program Ordinance and Regulations (see Oakland Municipal Code 8.22.010 *et seq.*). You can also refer to the Guide on Oakland Rental Housing Law at <https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf> or contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.



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SINGLE-FAMILY-HOME EXEMPTION CERTIFICATES

Information Sheet

April 2022

The Rent Adjustment Program (RAP) issues Certificates of Exemption for dwelling units that are permanently exempt from the Rent Adjustment Ordinance. RAP will NOT issue Certificates of Exemption for single-family homes any longer. However, in most cases, single-family homes (including houses and condominiums) will still be exempt from the Rent Adjustment Ordinance.

Under Oakland's Municipal Code, Chapter 8.22, Article I ([Rent Adjustment Ordinance](#)) Section 8.22.030, dwelling units exempt pursuant to the Costa-Hawkins Rental Housing Act ([California Civil Code, Section 1954.52](#)) are not covered units for purposes of the Rent Ordinance.

Although the Costa-Hawkins Act does not expressly refer to single-family homes, it states that *"an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which the following is true...It is alienable separate from the title to any other dwelling unit..."* (Emphasis added.) Thus, depending on the circumstances, a single-family home may or may not fall under this Costa-Hawkins exemption. For instance, if the property owner has, in fact, converted the single-family home into a multi-unit residential property by separately renting rooms ([Owens v. City of Oakland Housing, Residential Rent & Relocation Board, 49 Cal.App.5th 739 \(2020\)](#)), has converted the garage into a dwelling unit, or has built an ADU on the property, the single-family home loses its Costa-Hawkins exemption because it is no longer alienable separately from the title to any other dwelling unit.

Also, under O.M.C. Section 8.22.030(B)(1)(a), the Rent Stabilization Program may issue Certificates of Exemption. Certificates of Exemption are defined as a "determination by the Rent Adjustment Program that a dwelling unit or units qualify for an exemption and, therefore, are not covered units." However, a Certificate of Exemption may be granted only for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance as new construction, substantial rehabilitation, or by state law (Costa Hawkins).

Since single-family homes are subject to circumstantial changes that may alter their exempt status, the Rent Adjustment Program will no longer issue Certificates of Exemption for these buildings.

An owner of a property that qualifies under a single-family home or a condominium Costa-Hawkins exemption may still file a response to a tenant petition and receive a decision concluding that an exemption applies. However, a certificate of exemption will no longer be issued under those circumstances.