CITY OF BERKELEY
RENT STABILIZATION BOARD
2125 Milvia Street, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT) TDD: (510) 981-6903 FAX: (510) 981-4940
E-MAIL: rent@ci.berkeley.ca.us INTERNET: www.ci.berkeley.ca.us/rent/

INSTRUCTIONS FOR FILING APPEAL OF CERTIFICATE OF PERMISSIBLE RENT

GENERAL INFORMATION

A landlord or tenant can challenge a Certificate of Permissible Rent Level by filing an appeal within fifteen (15) calendar days of the issuing date of a certificate that is personally served, or within twenty (20) calendar days of the issuing date of a certificate that is served by mail. (Reg. 1007.) The appeal must state the factual basis for contesting the certificate. (See Section 9 of attached appeal petition.) A tenant who files this appeal and seeks reimbursement for an alleged rent overcharge must file a separate Tenant Petition for Individual Rent Adjustment **with** this appeal petition.

Common grounds for appeal are:

1. The certificate does not accurately reflect a prior rent ceiling determination;
2. The certificate does not reflect an initial rental rate established for a new tenant on or after January 1, 1996; and
3. The unit was not eligible for Annual General Adjustments (AGAs) after the last rent ceiling determination or establishment of the initial rental rate.
4. The unit was not in compliance with the Implied Warranty of Habitability for any year since the date the unit was last certified.

You may find it helpful to review Regulations 1004 through 1007 of the Regulations before filing an appeal of the certificate. Copies of the Regulations are available at the Rent Board's office, the Berkeley Public Libraries and on the Internet (**http://www.ci.berkeley.ca.us/rent/**). Rent Board counselors are available to answer questions about the certification 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., and Wednesdays, 12:00 p.m. to 6:30 p.m.

FILING AN APPEAL OF A CERTIFICATE

To appeal a Certificate, you must mail or bring the following items to the above address:

1. A completed and signed appeal petition;
2. A copy of the Certificate; and
3. A proof of service stating that each opposing party was served a copy of the appeal petition and documentation either by first-class mail or in person.

A completed proof of service is required each time documents related to the appeal are filed.

Note: To challenge a previously certified rent, you must file a different form: a petition for Redetermination of the Certified Rent. The grounds for such a challenge are limited to fraud or intentional misrepresentation, failure to receive notice, or a vacancy occurring during the appeal period.

AFTER AN APPEAL OF CERTIFICATE IS FILED

The appeal will be scheduled for a hearing 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 before the scheduled hearing date. A decision will be issued within sixty (60) days of the date the appeal is filed, unless time is extended by request of the parties or for other good cause.

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PETITION NO: C – _____

APPEAL OF CERTIFICATE OF PERMISSIBLE RENT LEVEL

1. **Property Address**: _____

2. **Unit number(s) for which the appeal is filed**: _____

3. **Person Requesting Appeal**: ☐ Landlord ☐ Tenant

4. **Landlord**: _____

   Mailing Address _____

   City _____ State _____ Zip _____

   Daytime Phone (_____) _____ Fax (_____) _____

   Email address _____ @ _____

5. **Tenant(s):** (Attach a separate sheet, if needed.)

Unit	All Current Tenants	Daytime Phone

6. **Authorized representative**(if any):

   Name _____ Daytime Phone (_____) _____

   Street Address _____

   City _____ State _____ Zip _____

   Email address _____ @ _____ Fax (_____) _____

7. Were any petitions previously decided for this property?

☐ Yes ☐ No ☐ Don't know If yes, give petition number(s): _____

8. Are any petitions currently pending before the Board for this property?

☐ Yes ☐ No ☐ Don't know If yes, give petition number(s): _____

9. Reason for Appeal: The Certificate of Permissible Rent Level is not correct because:

☐ the unit ☐ is / ☐ is not eligible for the annual general adjustment (AGA) for one or more years.

Eligibility for AGA's may be denied for reasons such as a landlord's failure to pay registration fees and/or penalties or if the unit was or is in violation of the implied warranty of habitability.

☐ the base rent ceiling is ☐ too high ☐ too low.

☐ a clerical error was made.

☐ it does not accurately reflect a prior rent ceiling determination.

☐ it does not reflect an initial rental rate established for a new tenancy on or after January 1, 1996.

Explain: _____

_____

_____

Certification: I declare under penalty of perjury of the laws of the state of California that the information in this appeal, including any attachments, is true and correct to the best of my knowledge and belief.

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

NOTE: All signatures must be original. For a landlord appeal, an owner of record must sign. For a tenant appeal, all appealing tenants must sign.

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)