

**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 PETITION FOR THE DETERMINATION OF
ELIGIBILITY TO SET INITIAL RENT
(Regulation 1018)**

GENERAL INFORMATION

A landlord or tenant of a rental unit may seek a determination of the landlord's eligibility to establish the initial rental rate for the rental unit as allowed by the Costa-Hawkins Rental Housing Act (Civil Code §1954.50 et seq.). The petition must include an explanation of the basis for the petition, a statement of the issues for which a determination is sought and supporting documentation. If filed by the landlord, the petition must include the names and last known address of the last tenants to vacate the unit. Proof that the petition has been served on all other parties to the rental agreement must be submitted with the petition.

Before filing this petition, you may find it helpful to review the Rent Ordinance and Rent Board Regulations 1013 and 1018. Copies of the Ordinance and Regulations are available at the Rent Board's Office and on the Internet (<http://www.ci.berkeley.ca.us/rent>). Rent Board counselors are available to answer questions about the petition 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 noon to 6:30 p.m.

In order to file this petition, a landlord must allege that sub-tenants reside in this unit and that no original occupant currently permanently resides in the unit. Please be advised that when filing a petition to determine eligibility to set a new initial rent, the Board shall only consider whether an original occupant permanently resides in the rental unit as of the date the petition was filed and the Board shall not consider evidence of an original occupant's absence from the rental unit during a period of time prior to the filing of the petition that is unrelated to whether the original occupant permanently resides in the unit at the time of filing.

FILING THE PETITION

To obtain a determination of eligibility to set an initial rent, you must mail or bring the following items to the above address:

1. A completed petition signed by the landlord or a current tenant;
2. A copy of any supporting documentation;
3. A proof of service stating that the opposing party (the landlord, for tenant filers; current tenants, if any, for landlord filers) was served a copy of the petition and any supporting documentation either by first-class mail or in person. **Failure to serve a copy of the petition on the opposing party may delay resolution of the petition.**

AFTER THE PETITION IS FILED

Upon receipt of the petition, the Board will mail a Notice of Hearing with instructions to the opposing party. A hearing will be held on the petition no later than 30 days from the date the completed petition is filed; the parties will be given at least 15 days notice of the hearing. A written decision will be mailed to each party within 30 days after the close of the record.

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PETITION NO. IRD- _____

**PETITION FOR DETERMINATION OF ELIGIBILITY TO SET INITIAL RENT
 (Board Regulation 1018)**

A. Property Address: _____ Unit _____

B. Petitioner's information:

Name _____

Mailing Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Fax (_____) _____

Email address _____ @ _____

I am the landlord _____ of the rental unit listed above. **Complete sections C, D, F (if applicable), G and H.**

I am a tenant _____ in the rental unit listed above. **Complete sections C, E, F (if applicable), G and H.**

C.

Names of current sub-tenants, if any	Phone	Date sub-tenancy began

D. (To be completed by landlord petitioners only)

Names of last original tenant to vacate	Current Address	Phone

Date last original tenant permanently vacated: _____

Reason the tenancy ended: _____

Did the last original tenant provide written notice that s/he was permanently vacating the unit?

E. (To be completed by tenant petitioners only)

Landlord's Name _____

Street Address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

F. Representative, if any:

Name _____

Street Address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

G. State why you believe the landlord is or is not eligible to set an initial rent:

H. Certification: I declare under penalty of perjury under the laws of the State of California that the information stated above, and in any attachments, is true and correct to the best of my knowledge and belief.

Signature _____ Date _____

Printed Name _____

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)