



PETITION FOR INITIAL RENT DETERMINATION

TO RESET OR MAINTAIN THE INITIAL RENTAL RATE

NOTA: SI USTED NO ENTIENDE ESTA PETICIÓN, NO TARDE EN COMUNICARSE CON EL PROGRAMA DE RENTA AL NÚMERO (510) 234-RENT [7368] PARA PEDIR UNA CITA Y RECIBIR UNA EXPLICACIÓN O TRADUCCIÓN.

GENERAL INFORMATION

Richmond Rent Board Regulations explain the circumstances whereby a Landlord may reset the Initial Rental Rate to a market rate when the Original Occupants of the Rental Unit have voluntarily vacated. There must be a complete turnover of the Original Occupants as defined in the Rent Ordinance Section 11.100.050 and Rent Board Regulations Chapter 7, Sections 702 – 706.5.

A Landlord or Tenant may Petition the Richmond Rent Program to determine if the rent should be allowed to reset to a market rate according to the Costa-Hawkins Rental Housing Act (Civil Code §1954.50 et seq.), whether the Maximum Allowable Rent should be maintained based on the continuing tenancy of one or more of the Original Occupants under the Rental Agreement or for some other result if it is appropriate.

Rent Program staff members are available to answer questions about the petition process, in person or by telephone at (510) 234-RENT [7368], Mondays - Fridays, 9:00 a.m. to 4:00 p.m., but not during the lunch hour from 12:00 p.m. to 1:00 p.m.

Challenging/Establishing Whether the Original Occupants Voluntarily Vacated

Richmond Rent Board Regulations Chapter 7, and specifically Regulation 706.5, seeks to determine whether Original Occupants voluntarily vacated a Rental Unit or were forced to vacate resulting in vacancy decontrol.

In order to file this petition, a Landlord must allege that only sub-tenants reside in the Rental Unit and that no Original Occupant(s) currently reside(s) in the Rental Unit. In addition, the Landlord must prove that the reason for leaving the Rental Unit by the Original Occupant was strictly voluntary where the Landlord did not contribute to the Original Occupant leaving.

The Tenant must allege that they remain a resident in the Rental Unit or that they are vacating or vacated in a non-voluntary manner.

The date upon which proof shall focus is the date the Petition is filed.

FILING THE PETITION

To obtain a determination that the Initial (Maximum Allowable Rent) Rental Rate can be reset or not, the Landlord or Tenant must mail or bring the following items to the Richmond Rent Program:

1. A completed petition signed by the Landlord or a current Tenant or subtenant;
2. A copy of any supporting documentation; and
3. A proof of service stating that the opposing party (the Landlord, Tenant and/or subtenant) 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(ies) may delay resolution of the petition.

AFTER THE PETITION IS FILED

Upon receipt of the petition, the Richmond Rent Program will mail a Notice of the Right to Object with instructions to the opposing party(ies). A hearing will be scheduled no later than 10 days from the date the petitions and objections are deemed complete. The parties will be given at least 10 days' notice of the hearing. A written decision will be mailed to each party within a reasonable time after the close of the record. Any party to the petition may file a timely appeal to the Richmond Rent Board. See Richmond Rent Board Regulations concerning procedures on Appeal and Judicial Review after a Rent Board decision.

If at any time it is determined that the rental property is not properly registered, the tenancy is not enrolled, and/or the Rental Housing Fee (and any applicable late fees) has/have not been paid, the Hearing Examiner may either dismiss the Landlord's petition or issue a determination based on the documents presented prior to the hearing.

PETITION FOR INITIAL RENT DETERMINATION

1. **Property Address:** _____ **Unit #:** _____

Richmond, CA Zip Code: _____

Interpretation will be needed in the following language (Spanish or Other _____).

Before submitting this petition, please contact the Richmond Rent Program to determine if your Rental Unit is covered by the Rent Ordinance. The Rent Program can be contacted at (510) 234 RENT [7368] during business hours between 9:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:00 p.m.

The Petitioner is **Landlord** **Tenant** **Subtenant**

2. **Landlord's Information** (of the Rental Unit listed above):

Name(s): _____

Mailing Address: _____

Business Phone Number(s): _____

Business E-Mail(s): _____

3. **Tenant's Information:**

Name(s): _____

Mailing Address (if different): _____

Phone Number(s) [optional]: _____

E-Mail(s) [optional]: _____

Date Tenancy Began: _____

Staff Use Only: Petition No. RC _____
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4. Sub-Tenant's Information:

Name(s): _____

Mailing Address (if different): _____

Phone Number(s) [optional]: _____

E-Mail(s) [optional]: _____

Date Sub-Tenancy Began: _____

5. Representative(s) (for which party): Landlord Tenant Subtenant

Name(s): _____

Mailing Address: _____

Business Phone Number(s): _____

Business E-Mail(s): _____

6. Date Last Original Occupant Vacated the Rental Unit: _____

Who is the Last Original Occupant(s)?: _____

7. Reason the Last Original Occupant's Tenancy Ended: _____

8. **Did the Last Original Occupant Provide Notice that They Were Vacating the Rental Unit? If so, on what date and in what manner?:**

9. **Grounds:** State why you believe the Landlord is or is not eligible to set a new Initial Rental Rate and/or why the last Original Occupant either voluntarily or involuntarily vacated the Rental Unit:

10. **Additional Facts:** Please state below any additional facts related to the proposed determination of the Initial Rental Rate of the Rental. Attach additional sheets, if needed:

11. **Certification:** I declare under penalty of perjury of the laws of the State of California that the information in this petition, and any attachments hereto, is true and correct to the best of my knowledge and belief.

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

NOTE: All signatures must be original and all petitioning tenants must sign the Certification.

NOTE: All mailing addresses and any subsequent changes of address will be a part of the official record of the case and a matter of public record.

PROOF OF SERVICE

I AM A RESIDENT OF _____ COUNTY AND WAS, AT THE TIME OF SERVICE, OVER AGE EIGHTEEN. ON _____ (DATE), I SERVED ONE COPY OF THE **PETITION FOR INITIAL RENT DETERMINATION** BY: (CHECK APPROPRIATE BOX):

DELIVERING _____ **IN PERSON TO THE FOLLOWING INDIVIDUAL:**
[PRINT NAME OF TENANT(S) OR LANDLORD AND/OR TENANT'S OR LANDLORD'S REPRESENTATIVE:]*

PLACING _____ **ENCLOSED IN A SEALED ENVELOPE WITH FIRST-CLASS POSTAGE FULLY PAID, INTO A U.S. POSTAL SERVICE MAILBOX, ADDRESSED AS FOLLOWS:**
[PRINT NAME OF TENANT(S) OR LANDLORD AND/OR TENANT'S OR LANDLORD'S REPRESENTATIVE:]*

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: _____

*** Please note: All documents delivered or sent to parties, must be filed with or sent to the Rent Program within 2 days.**