

# How to File a Rent Increase or Decrease Petition

November 17<sup>th</sup>, 2023

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City of Richmond  
Rent Program



# Workshop Overview

- What is Rent Control and Who can File Petition
- Overview of the Petition Process
- Tenant Petitions Description
- Landlord Petitions Description
- Steps to completing a Petition
- The Website
- The Day of the Hearing
- Outcome
- Filing an Appeal



# Before you File: Definitions

## ➤ Rent Control:

The Richmond Rent Ordinance is a Richmond City Law that enacts Rent Control. Rent Control means that the Rent Board controls the amount of rent collected through regulated in rent increases (or decreases). Rent control only applies to certain units defined as “fully-covered.” Fully covered units are generally, any multi-unit property built before February 1, 1995.

## ➤ Petition:

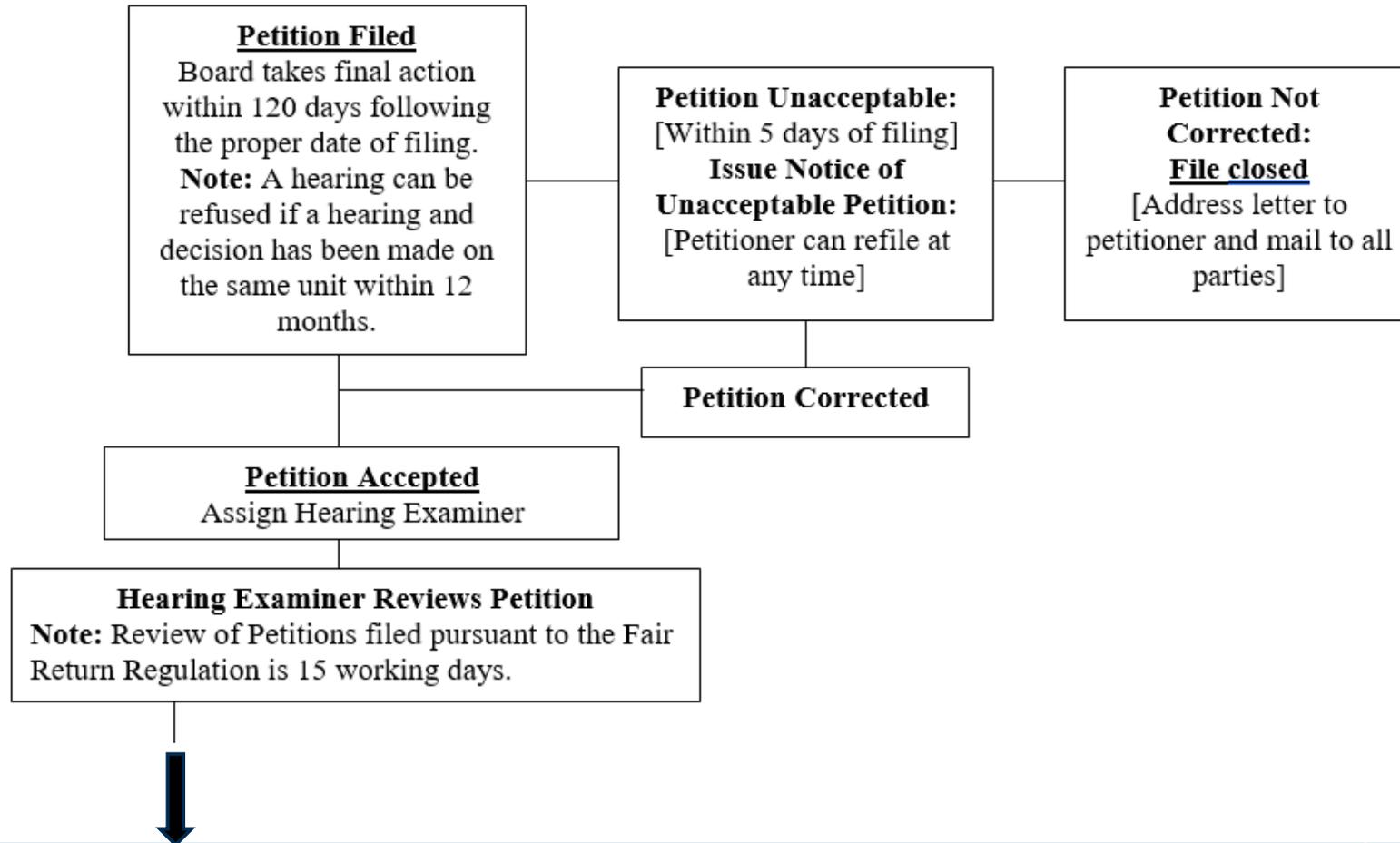
A Petition is an individual request to the Rent Program from either a Tenant or Landlord to adjust the Rent for certain allowable reasons. The process requires the applicant to request and demonstrate the legitimacy of their request to a Hearing Examiner. The Hearing Examiner is empowered by the Rent Ordinance to decide the issue and the rent.

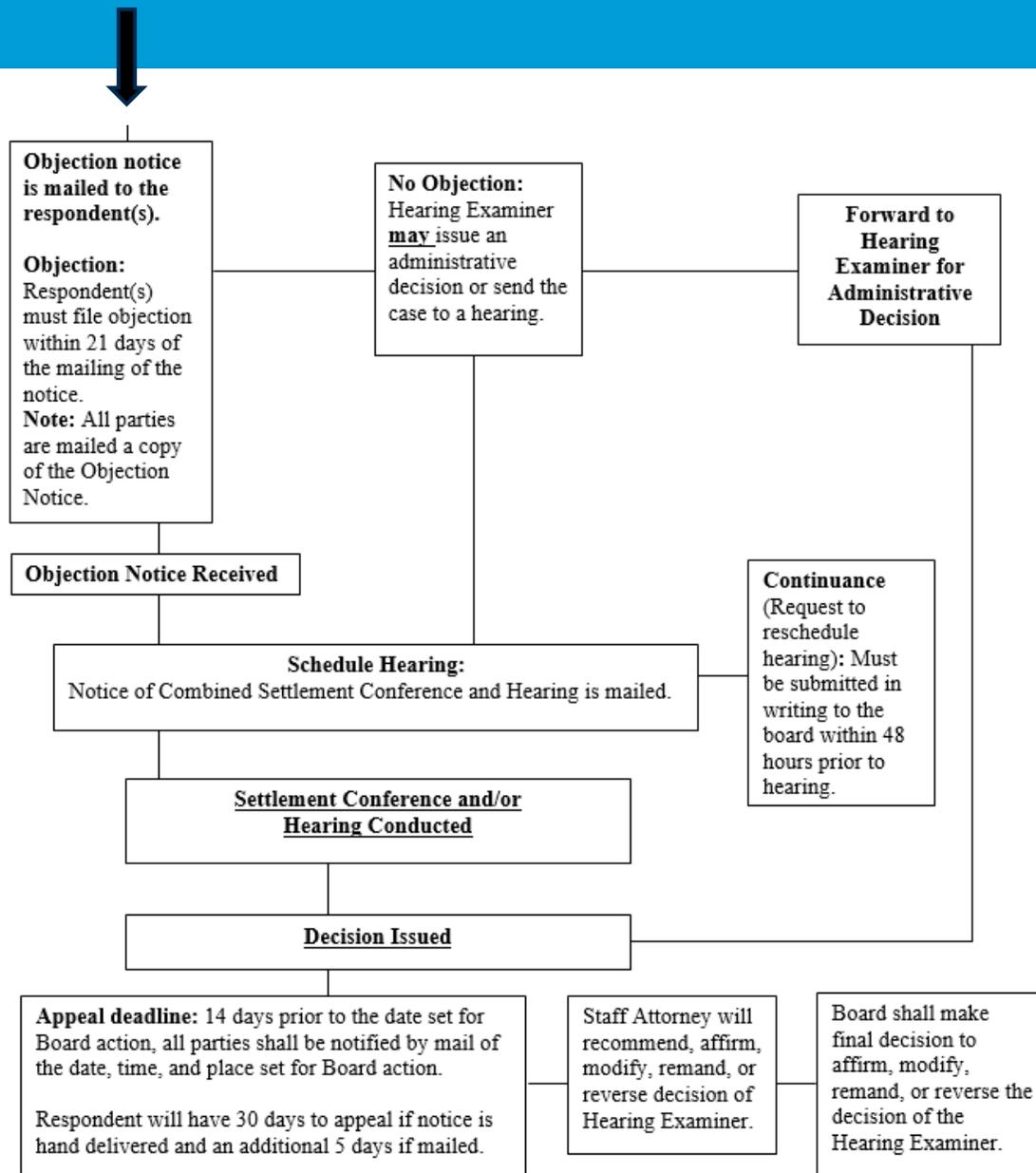
## ➤ Who Can File:

Any Tenant or Landlord subject to Rent Control (fully-covered) or any Tenant or Landlord who believes they should be subject to Rent Control but is uncertain due to the circumstances (e.g. ADUs).



# Richmond Rent Board Hearing Petition Process





## Richmond Rent Board Hearing Petition Process continued



# Tenant Petitions:

## Attachment A:

Excess Rent Due to Overcharges not allowed by Rent Control  
(includes Security Deposits and Utilities)

## Attachment B:

Petition to reduce the Rent due to due to habitability issues  
or due to a decrease in space/ services

## Attachment C:

Petition to reduce the Rent due to a reduction in the number  
of Tenants allowed

## Petition:

Petition for Failure to Pay Relocation Payments



# Landlord Petitions:

## Attachment A:

Petition to increase rent for Maintenance of Net Operating Income (“Fair Return”) Capital Improvement and Expense

## Attachment B:

Petition to increase rent due to an increase in the number of occupants allowed \*

## Attachment C:

Petition to increase rent due to change in Space or Services

## Attachment D:

Petition to increase rent for Restoration of Denied Annual General Adjustments

## Attachment E:

Petition to increase Security Deposit due to addition of pet(s)

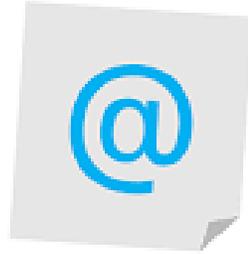
\*A petition for an increase in the number of occupants will not be approved if it concerns additional tenants pursuant to the Regulations of the Richmond Rent Board, Chapter 9, Section 903 (B)(2)

To access more information and petition forms; visit: <http://www.ci.richmond.ca.us/3631/Petition-Forms>



# Steps to filing a Petition: Step One— Contact the Rent Program

- ▶ Contact the Rent Program to:
  - ▶ Discuss your individual case
  - ▶ Learn about your rights and responsibilities
  - ▶ Understand the process for filing a petition
  - ▶ Contact information:
    - ▶ [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)
    - ▶ 510-234-RENT (7368)



# Steps to filing a Petition: Step Two— Complete the Petition Packet

Tenant

Packet

Landlord

1. Tenant Petition for Multiple Grounds (like a “cover letter”)

2. Petitions:

- *Attachment A* - Excess Rent for charges above the MAR;
- *Attachment B* - Decrease in Space, services, and/or habitability;
- *Attachment C* - Reduction in the number of tenants allowed

3. Supporting Documentation

4. Proof of Service

1. Landlord Petition for Individual Rent Adjustment (like a “cover letter”)

2. Petitions:

- Attachment A – Maintenance of Net Operating Income (MNOI);
- Attachment B – Increase in Number of Occupants;
- Attachment C: Increase in Space or Services
- Attachment D: Increase rent for Restoration of Denied Annual General Adjustments
- Attachment E: Increase in Security Deposit Due to Additional Pet(s)

3. Supporting Documentation

4. Proof of Service



# Steps to filing a Petition: Step Two (continued)—*Include Evidence*

Evidence can vary depending on which petition is being filed but may generally be considered anything that supports the claim the Petition is making.

Examples of Common Evidence for the most common Petitions:

Tenant	Landlord
<p><b>Habitability Petition:</b></p> <ul style="list-style-type: none"><li>• Proof the Landlord knew of the habitability issue, such as letter or email requesting repairs</li><li>• <u>Chronological accounting</u> of when the issues occurred</li><li>• Videos</li><li>• Emails</li><li>• Letters</li><li>• Proof of payment for abatement or a hotel</li></ul>	<p><b>Maintenance of Net Operating Income Petition:</b></p> <ul style="list-style-type: none"><li>• Operating expenses for the base year, 2015, and the current year (2022)</li><li>• Income receipts from the base year, 2015, and the current year (2022)</li><li>• Income Tax Returns</li><li>• Property Tax Receipts</li><li>• Labor Costs (gardener, contractors, management, accountants, etc.)</li><li>• Landlord paid services (garbage, pest control, etc.)</li><li>• Insurance costs</li><li>• Business License costs</li></ul>



# Steps to filing a Petition: Step Three— Serve Copies

1. Give a copy to the opposing party
  - The copy should include everything: the petitions, videos, emails, etc.
2. Sign the [Proof of Service](#)
  - Proof of service is a sworn statement that you delivered a copy to the other party
3. Give a copy to the Rent Program
  - Rent Program’s copy should be identical AND include the proof of service

Attn: Hearings Unit  
440 Civic Center Plaza, Suite 200  
Richmond CA 94804

or

[rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)

CITY OF RICHMOND RENT PROGRAM  
440 Civic Center Plaza, 2<sup>nd</sup> Floor, Richmond, CA 94804  
(510) 234-7368 | [www.RichmondRent.org](http://www.RichmondRent.org) | [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)



## PROOF OF SERVICE

I am a resident of \_\_\_\_\_ County. I am and was, at the time of service, over eighteen (18) years of age. On \_\_\_\_\_ (DATE), at \_\_\_\_\_ (TIME), I served one copy of the attached documents:

\_\_\_\_\_

(Identify documents being served)

BY: (Check appropriate box)

PERSONAL SERVICE: Delivering the documents in person to the following individual(s): [PRINT NAME OF EACH PARTY SERVED]

\_\_\_\_\_  
\_\_\_\_\_

MAIL: Placing the documents, enclosed in a sealed envelope with first-class postage fully paid, into a US Postal Service Mailbox, addressed as follows: [PRINT NAME AND ADDRESS AS SHOWN ON ENVELOPE OF EACH PARTY]

\_\_\_\_\_  
\_\_\_\_\_

**Declaration:** I declare under penalty of perjury under the laws of the state of California that this information and every attached document, statement and form is true and correct.

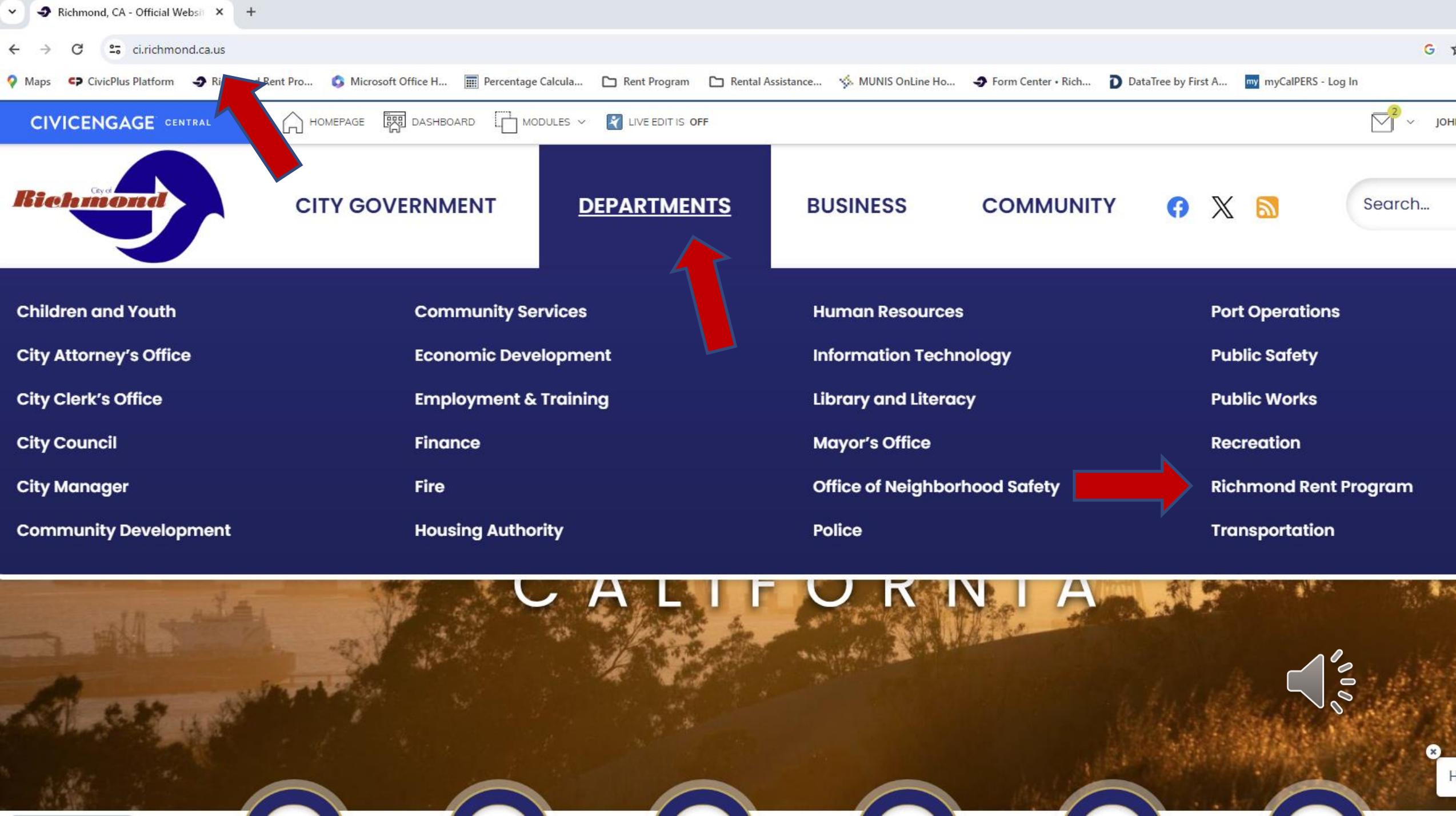
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
                    *First*                    *M.I.*                    *Last*

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_





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A A

# Richmond Rent Program



**Enrollment & Registration**

**Rent Adjustment Petition**

**Rent Assistance Resources**



## Contact Us

440 Civic Center Plaza  
2nd Floor

Richmond, CA 94804

Monday - Friday  
9:00 am - 12:00 pm

1:00 pm - 4:00 pm

510-234-RENT (7368)

[www.richmondrent.org](http://www.richmondrent.org)  
[rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)





Enrollment/Registration

Claim an Exempt or  
Inapplicable Status

Agent Authorization

Rent Increase

Termination of Tenancy +

Proof of Excess Rent  
Refund

Change in Terms of  
Tenancy

Proof of Permanent  
Relocation Payment

Proof of Temporary

[Home](#) > [Departments](#) > [Richmond Rent Program](#) > [Forms and Notices](#) > Petition Forms

▼ A ▲

## Petition Forms



### **General Instructions for Filing a Rent Adjustment Petition:**

**Step 1:** Prior to the submission of a Rent Adjustment Petition, it is recommended that all petitioners contact the Rent Program to speak with a Rent Program Services Analyst. **Rent Program staff members remain available to assist members of the public by phone (510) 234-RENT[7368] and email (rent@ci.richmond.ca.us) during regular office hours, Monday-Friday, 9:00AM-12:00PM and 1:00PM-4:00PM. The Rent Program only provides remote counseling either by phone or Zoom. You may request an appointment by submitting an [Appointment Request Form](#).**

**Step 2:** Complete the Tenant or Landlord packet and applicable attachment(s).

**Step 3:** Serve a copy on all parties and complete the Proof of Service contained in the Tenant or Landlord packet.

**Step 4:** File an original copy with the Rent Program using the following method:

- By mail: Mail to the City of Richmond Rent Program, Attn: Hearings Unit, 440 Civic Center Plaza, Suite 200, Richmond, CA 94804
- By Email: Attn: Hearings Unit at [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)

### **Petition Forms**

**For Tenant Use:**



Proof of Permanent  
Relocation Payment

Proof of Temporary  
Relocation Payment

Petition Forms

- By mail: Mail to the City of Richmond Rent Program, Attn: Hearings Unit, 440 Civic Center Plaza, Suite 200, Richmond, CA 94804
- By Email: Attn: Hearings Unit at [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)

### **Petition Forms**

#### **For Tenant Use:**

[Tenant Petition Filing Instructions](#)

[Tenant Petition Packet](#) (must be completed by all Tenants submitting a petition, in addition to the appropriate petition attachment)

Tenant Petition Attachments:

Attachment A: Excess Rent Due to Overcharges or Increase in Security Deposit

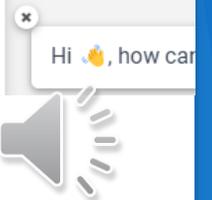
Attachment B: Excess Rent Based on Overpayment Due to the Condition of the Rental Unit and/or Reduction in Rent Due to Decrease in Space/Services; Substantial Deterioration; Failure to Provide Adequate Services; Failure to Comply with Codes or the Implied Warranty of Habitability

Attachment C: Reduction in Number of Tenants

[Tenant Petition for Failure to Pay Relocation Payments](#)

[Tenant Petition for Rent Withholding for Failure to Register](#)

#### **For Landlord Use:**



**For Landlord Use:**



[Landlord Petition Filing Instructions](#)

[Landlord Petition Packet for Individual Rent Adjustment](#) (must be completed by all Landlords submitting a petition, in addition to the appropriate petition attachment)

Landlord Petition Attachments:

[Attachment A: Petition for Rent Increase under Fair Return Standard: Maintenance of Net Operating Income \(MNOI\)](#)

[Access the Capital Improvements Amortization Cost Calculator](#)

[Attachment B: Increase in Number of Occupants Allowed](#)

[Attachment C: Change in Space or Services](#)

[Attachment D: Restoration of Denied Annual General Adjustments \(AGAs\)](#)

[Attachment E: Increase in Security Deposit Due to Addition of Pet\(s\)](#)

[Request for an Administrative Determination of Exempt Status](#)

[Petition to Determine Exempt Status](#)

[Waiver of Right to a Hearing](#)



# The Day of the Hearing: Process

- ▶ The Hearing operates like informal court. The Hearing Examiner will guide the parties through:

Introduction of the parties

Swearing-in

Potential Settlement Conference and Agreement

Presentation of the case

Cross examination by the Hearing Examiner

Rebuttal to challenge the other party's evidence

Closing Arguments



# The Day of the Hearing: Outcomes

- ▶ There are two possible outcomes on the day of the hearing:

- Settlement Agreement

A Settlement Agreement is a when both sides voluntarily agree to a set of conditions. Generally, the Hearing Examiner will write out the Agreement and both parties will sign the Agreement on the day of the Hearing. A Settlement Agreement may not be appealed and is considered the conclusion of the process.

- Decision by the Hearing Examiner

When the parties cannot reach an agreement, they defer to the Hearing Examiner to decide the outcome for them. The Hearing Examiner is empowered to interpret the law, evaluate the evidence, and decide the outcome. It will generally take the Hearing Examiner up to several weeks to write a Decision. The Hearing Examiner's Decision has the authority of the law and will be the conclusion of the issues, unless appealed to the Rent Board.



# Appeal

- ▶ Tenant or Landlord may Appeal
- ▶ The Appeal must be filed within 35 days of Hearing Examiner's Decision being mailed
- ▶ The 5-member Rent Board will act as the quasi judges
- ▶ The Board may take the following actions:
  - (1) Reverse
  - (2) Affirm
  - (3) Remand
  - (4) Modify
- ▶ The Rent Board's Decision may be further Appealed in Superior Court



# THANK YOU!

**Richmond Rent Program**

**510-234-RENT (7368)**

**[rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)**

**Or**

**Visit us at:**

**[www.richmondrent.org](http://www.richmondrent.org)**

