

**Residential Rent Stabilization and Arbitration Board
City and County of San Francisco**

**INSTRUCTIONS FOR FILING A LANDLORD PETITION FOR DETERMINATION
PURSUANT TO RULES AND REGULATIONS SECTIONS 1.21 AND/OR 6.14 AND/OR
ORDINANCE SECTION 37.3(d) [Costa-Hawkins Rental Housing Act] ***

***Filing for a 6.14 or 37.3(d) Determination is Optional**

1. The petition must include the following, as applicable:

(a) The Landlord Petition for Determination must be completely filled out, **including mailing and/or forwarding addresses (if known) for the original tenant and any other occupants, including tenants, subtenants, and/or assignees residing in the subject rental unit.**

(b) For each person named in the petition, you must provide one copy of the petition and 3 business size envelopes, pre-addressed to each person, with NO return address but with the following postage affixed: one of the envelopes will be used to mail the Notice of Hearing and must have first class postage; one must have sufficient first class postage for mailing the petition; and one must have first class postage for two (2) ounces for mailing the Decision.

(c) For each landlord, agent, representative and/or attorney who should receive a copy of the Notice of Hearing and the Decision, you must provide 2 business size envelopes, pre-addressed to each recipient, with NO return address but with the following postage affixed: one of the envelopes will be used to mail the Notice of Hearing and must have first class postage; and one must have first class postage for two (2) ounces for mailing the Decision.

(d) The petition must be accompanied by a written statement as to the basis for the petition, and any evidence or documentation supporting the requested determination, specifically:

- why the landlord believes (i) that the unit is not the tenant's principal place of residence and (ii) that there is no other tenant in occupancy of the unit, pursuant to Rules and Regulations Section 1.21; and/or
- why the landlord believes (i) that all original occupants have vacated the unit and (ii) that a §6.14 Notice was timely served on the remaining occupant(s) of the unit, pursuant to Rules and Regulations Section 6.14. **NOTE: You are not required to petition for this increase. This is optional.** and/or
- why the landlord believes (i) that no original occupants permanently reside in the unit and (ii) that any remaining subtenant or assignee took possession on or after January 1, 1996, pursuant to Ordinance Section 37.3(d) [the Costa-Hawkins Rental Housing Act]. **NOTE: You are not required to petition for this increase. This is optional.**

Reasonable, temporary absences from the unit, such as for work, travel or education, will not warrant a determination that the unit is not the tenant's principal place of residence (Rules §1.21), nor that the original occupant has vacated (Rules §6.14) or no longer permanently resides in the unit (Costa-Hawkins).

For any questions regarding the filing of this petition, please contact Rent Board Counselor Greg Miller (252-4647) or Senior Administrative Law Judges Sandy Gartzman (252-4649) or Tim Lee (252-4603).

OVER PLEASE

536 1.21/6.14/C-H Petition 3/27/07

**25 Van Ness Avenue #320
San Francisco, CA 94102-6033**

**Phone 415.252.4602
FAX 415.252.4699**

(e) **For Rules and Regulations Section 1.21 Determinations:**

- The landlord will have to make a threshold showing that the determination is warranted (i.e., that the tenant does not reside in the unit as his/her principal place of residence), and then the burden will shift to the tenant to show that the unit is his/her principal place of residence and “usual place of return.” Evidence could include such things as: motor vehicle registration; voter registration; homeowner’s tax exemption; grant deeds for a residence other than the subject unit; utility bills; etc.
- Rules and Regulations Section 1.21 does not affect any co-tenant or approved subtenant who meets the definition of “tenant” in the Rent Ordinance and who resides in the unit as his/her principal place of residence. In such situations an unlimited rent increase will not be approved even if the unit is not the original tenant’s principal place of residence.

For Rules and Regulations Section 6.14 Determinations:

- Rules and Regulations Section 6.14 authorizes an unlimited rent increase in some circumstances where the original tenant vacates the unit and the remaining occupants were timely served with a proper notice under Section 6.14. **(Note: This filing is optional and is not required.)**

For Ordinance Section 37.3(d) Costa-Hawkins Determinations:

- The Costa-Hawkins Rental Housing Act [Civil Code Section 1954.53(d); Ordinance Section 37.3(d)] authorizes an unlimited rent increase in some circumstances where the original tenant no longer permanently resides in the unit and the remaining subtenant(s) or assignee(s) did not reside in the unit prior to January 1, 1996. **(Note: This filing is optional and is not required.)**
- A landlord may, at his or her option, ask for a determination under any or all of the above grounds that may apply.

(f) **Notices Of Rent Increase:**

- Rules and Regulations Section 5.10 requires that a landlord seeking a determination under Rules and Regulations Section 1.21 must file a Petition for Determination Pursuant to Rules and Regulations Section 1.21 prior to issuing a notice of rent increase based on Section 1.21. There is no such requirement for determinations pursuant to the Costa-Hawkins Rental Housing Act or Rules and Regulations Section 6.14, which may be imposed by the landlord without filing a petition.
- Rent increases imposed pursuant to Section 1.21 are inoperative until such time as a Decision is issued by the Rent Board approving the increase. However, any sums owing should a 1.21 increase be approved would be retroactive to the effective date of the landlord’s notice.
- Rent increases imposed pursuant to the Costa-Hawkins Rental Housing Act or Rules and Regulations Section 6.14, are effective upon the expiration of the 30 or 60-day notice period required by California Civil Code Section 827.
- Civil Code Section 827 as amended on January 1, 2001 requires service of a thirty (30) day notice of rent increase if the increase, either by itself or combined with any other rent increase in the one year period before the effective date, is no more than 10%. Section 827 requires service of a sixty (60) day notice of rent increase if the increase, either by itself or combined with any other rent increase in the one year period before the effective date, is more than 10%. If the rent increase notice is served by mail, the required notice period must be extended by an additional five (5) days. **Prior to or at the hearing, any rent increase notice which has been served on the tenant(s) after this petition was filed should be submitted.**

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**LANDLORD PETITION FOR DETERMINATION
PURSUANT TO RULES AND REGULATIONS SECTIONS 1.21 AND/OR 6.14 AND/OR
ORDINANCE SECTION 37.3(d) [Costa-Hawkins Rental Housing Act]**

(Please Print)

Full Property Address: _____ San Francisco, CA 941 _____

The address of the unit for which I am seeking a determination is: _____

Owner's Name: _____ Owned since: _____
(First) (Middle Initial) (Last)

Owner's Mailing Address: _____
(Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Work Phone: _____ Home Phone: _____ Other Phone: _____

Fax #: _____ E-mail: _____

Is an agent or property manager authorized to represent the landlord's interest in this petition? Yes No

If yes, check the appropriate box and **attach written authorization:** Agent Property Manager

Agent/Manager's Name: _____ Work Phone: _____

Agent/Manager's Mailing Address: _____
(Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Fax #: _____ E-mail: _____

Does the landlord have an attorney representative for this petition? Yes No

Attorney's Name: _____ Work Phone: _____

Attorney's Mailing Address: _____
(Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Fax #: _____ E-mail: _____

Notice of hearing and decision to be mailed to: Owner Agent Property Manager Landlord's Attorney

Has a previous petition or report been filed with the Rent Board concerning this property? Yes No

If yes, list the CASE NO(S): _____ and/or DATE(s): _____

Year built: _____ # of units in the building: Residential _____ Commercial _____ Total _____

I AM FILING FOR A DETERMINATION THAT THE UNIT IS NOT SUBJECT TO THE RENT INCREASE LIMITATIONS OF ORDINANCE SECTION 37.3 PURSUANT TO [check all appropriate box(es)]:

Rules and Regulations Section 1.21 (Tenant in Occupancy) **Note: You are required to petition for this increase prior to serving a notice of rent increase on the tenant.** Please attach a written statement as to why you believe that the subject unit is not the tenant's principal place of residence and that there is no other tenant in occupancy of the unit.

Rules and Regulations Section 6.14 (Subsequent Occupants) **Note: You are not required to petition for this increase—this is optional.** Please attach a written statement as to why you believe that all original occupants have vacated the subject unit and that a 6.14 notice was timely served on the remaining occupant(s) of the unit.

Ordinance Section 37.3(d) (Costa-Hawkins Rental Housing Act) **Note: You are not required to petition for this increase—this is optional.** Please attach a written statement as to why you believe that no original occupants permanently reside in the subject unit, and a subtenant or assignee who took possession on or after January 1, 1996 resides in the unit.

I declare under penalty of perjury that this information and every attached statement and document is true and correct to the best of my knowledge and belief.

Signature of owner or authorized agent or attorney (circle one)

Date

The following persons may be affected by this petition (include all tenants, subtenants and/or assignees who pay rent or occupy the unit, and attach a separate sheet if more than 5 persons). Also list any attorney or representative of such person(s) at the bottom of this page.

Name: _____ Unit #: _____
(First) (Middle Initial) (Last)

Mailing Address: _____
(if different from unit address) (Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Work Phone*: _____ Home Phone*: _____ Other Phone*: _____

Name: _____ Unit #: _____
(First) (Middle Initial) (Last)

Mailing Address: _____
(if different from unit address) (Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Work Phone*: _____ Home Phone*: _____ Other Phone*: _____

Name: _____ Unit #: _____
(First) (Middle Initial) (Last)

Mailing Address: _____
(if different from unit address) (Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Work Phone*: _____ Home Phone*: _____ Other Phone*: _____

Name: _____ Unit #: _____
(First) (Middle Initial) (Last)

Mailing Address: _____
(if different from unit address) (Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Work Phone*: _____ Home Phone*: _____ Other Phone*: _____

Name: _____ Unit #: _____
(First) (Middle Initial) (Last)

Mailing Address: _____
(if different from unit address) (Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Work Phone*: _____ Home Phone*: _____ Other Phone*: _____

Attorney/Representative's Name: _____ Work Phone: _____

Attorney/Representative's Mailing Address: _____
(Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Fax #: _____ E-mail: _____