

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

**INSTRUCTIONS FOR FILING SPECIAL CIRCUMSTANCES PETITIONS  
TO INCREASE RENTS BASED ON RENTS FOR COMPARABLE UNITS**

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

- (1) Landlord Petition for Arbitration, FORM I\*;
- (2) Rent History Summary, Form II\*;
- (3) Proposed Monthly Rent Increases, FORM III\*;
- (4) Schedule C - Special Circumstances Rent Increase;
- (5) Documentation supporting the requested increase.

- 2.** You must submit 3 business-size envelopes with NO return address and postage for each tenant as follows: One of the envelopes will be used to mail the Notice of Hearing to the tenants and must have first class postage affixed; one must have sufficient postage for mailing the petition; and one must have first class postage for two (2) ounces for mailing the decision to the tenants. You must also submit 2 business-size envelopes with NO return address and postage for each landlord and landlord representative as follows: one of the envelopes must have first class postage affixed for mailing the Notice of Hearing; and one must have first class postage for two (2) ounces for mailing the decision.

**3. Elements necessary to establish a Special Circumstances Petition:**

**In addition to the forms indicated above, the following elements must be addressed and explained as fully as possible, addressing the following points:**

- A. A written explanation of the situation justifying the rent increase(s). A rent increase based on rents for comparable units can only be granted in extraordinary circumstances, including but not limited to situations where, because of a special relationship between the landlord and the tenant, or through fraud, mental incompetency, or some other reason, the initial rent on a unit was set very low OR the rent was not increased or was increased only negligible amounts during the tenancy. You must be able to demonstrate (a) that there were extraordinary circumstances (i.e. special relationship, fraud, mental incompetency or some other reason) AND (b) that the initial rent was set low or kept low as a result of the extraordinary circumstances AND (c) that the current rent for the unit is significantly below those of comparable units in the same general area.
- B. Extraordinary circumstances can be established through reliable written evidence and/or oral testimony of witnesses with personal knowledge surrounding the creation and/or circumstances of the tenancy. All written evidence must be attached to the petition.
- C. To show that the tenant's rent was kept low, it will be necessary to provide documentary evidence of the tenant's full rent history such as leases, notices of rent increase, rent ledgers, rent receipts, etc. This evidence must be attached to the petition.

- D. To show that the tenant's rent was set low, it may be necessary to present evidence of market rents for reasonably "comparable" units in the same building and/or general neighborhood at the time the subject unit was initially rented. Sometimes, evidence of current rents for reasonably "comparable" units can be used to show that the initial rent had to have been set low. This evidence must be attached to the petition.

A reasonably "comparable" unit includes one where the length of occupancy of the current tenant is similar to the length of occupancy of the tenant subject to the petition and where the size and physical condition of the "comparable" unit and building and the services/amenities enjoyed by the tenant of the "comparable" unit are substantially similar to those of the tenant subject to the petition. If the length of occupancy is not substantially similar, then the units do NOT provide a fair comparison. This evidence must be provided on Schedule C, attached to this petition.

There are various ways to gather evidence of rents for reasonably "comparable" units including, but not limited to: examining other similar units in the same building as the subject unit which have a similar length of occupancy; canvassing the neighborhood and inquiring at buildings which are similar in size and condition to the subject building; contacting other landlords or tenants you know who rent units you believe to be reasonably "comparable" to the subject unit; contacting trade organizations and/or rental agencies and/or management companies which may have old leases or other historical records of rents charged for reasonably "comparable" units in the same neighborhood as the subject unit; reviewing classified ads in San Francisco newspapers from the same time period that the subject tenancy began and calling the phone number listed to see if the relevant information is currently available. The Rent Board staff is not permitted to complete or fill in your petition for you, nor do we maintain records of rents for reasonably comparable units.

#### 4. Dismissal of incomplete petitions

Rules and Regulations Section 5.14(b) permits dismissal of incomplete Special Circumstances Petitions based on rents for comparable units. Please review this section if you have any questions. A petition will not be accepted for filing unless you have fully complied with the above. Failure to submit adequate documentation may result in either administrative dismissal (with the right to re-file) or denial of your requested increases.

**NOTE:** You are still required to send written notice 30 or 60 days in advance of the rent increase to a tenant **after** filing your petition with the Rent Board. Civil Code Section 827 now 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 less than 10%, a thirty (30) day notice is required. If the rent increase notice is served by mail, the required notice period must be extended by an additional five days. Rent increases based on rents for comparable units may be imposed only on or after the tenant's rent increase anniversary date, which is 12 months since the tenant's last rent increase. **PRIOR TO OR AT THE HEARING, YOU MUST SUBMIT A COPY OF EACH RENT INCREASE NOTICE WHICH YOU SERVED ON THE TENANT(S) AFTER THIS PETITION WAS FILED.**

**WARNING:** PAST IMPROPER RENT INCREASES BY YOU OR A PREVIOUS OWNER OR RENT OVERCHARGES DISCOVERED DURING THE HEARING ARE SUBJECT TO REFUND. YOU SHOULD REVIEW PAST RENT INCREASES BEFORE YOU FILE YOUR PETITION.

**Residential Rent Stabilization & Arbitration Board  
City & County of San Francisco  
FORM I**

**LANDLORD PETITION FOR ARBITRATION**

**(Please Print)**

Full Property Address: \_\_\_\_\_ San Francisco, CA 941 \_\_\_\_\_

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 Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Is an agent and/or property manager authorized to represent the landlord's interests in this petition?  Yes  No  
If yes, check appropriate box and **attach written authorization**:  Agent  Property Manager

Agent's Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

Fax Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Property Manager's Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

Fax Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Notice of hearing and decision to be mailed to [check appropriate box(es)]  Owner  Agent  Property Manager

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: \_\_\_\_\_ Number of units in the building: Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Total \_\_\_\_\_

The total number of units for which I am seeking a rent increase is: \_\_\_\_\_. (List units & tenants on next page.)

I AM FILING FOR A RENT INCREASE ABOVE THE CURRENT ANNUAL RENT INCREASE PERMITTED UNDER THE RENT ORDINANCE BASED ON [CHECK APPROPRIATE BOX(ES)]:

- Rents for Comparable Units Based on Special Circumstances. (Attach Schedule C, plus Forms I, II, & III)
- Other. (Please explain) \_\_\_\_\_ (Attach Forms I, II, & III)

Intake Counselor \_\_\_\_\_



**FORM II  
BASE RENT HISTORY SUMMARY\***

\* Base rent does not include any capital improvement, bond measure or utility passthrough. It does include all other rent adjustments, such as O&M increases and charges for additional housing services like parking and storage. List only the tenant's base rent on this Form II.

Unit Move-In Information <sup>A</sup>		2003-2004 Increase Info (Mar03-Feb04: 0.8%)			2004-2005 Increase Info (Mar04-Feb05: 0.6%)			2005-2006 Increase Info <sup>B</sup> (Mar05-Feb06: 1.2%)			
Unit No.	Move-In Date (mo/day/yr)	Move-In Rent	2003/2004 Increase Date	% Increase Given	2003/2004 Base Rent	2004/2005 Increase Date	% Increase Given	2004/2005 Base Rent	2005/2006 Increase Date	% Increase Given	2005/2006 Base Rent

**WARNING TO LANDLORDS:**

- A. This information is critical and must be provided. See your tenant if you do not know. It is possible that past unlawful rent increases or rent overcharges may be discovered during the hearing on this petition. You should be prepared to provide supporting documentation for these rent histories, especially if they contain unusual increase amounts greater than the annual allowable amount for a given year, or if the tenant may challenge your figures. Examples of useful documentation include rent increase notices, business records, rental agreements, correspondence, verified statements by a prior owner or tenant statements. If there were improper rent increases given by yourself or a previous landlord on or after 4/1/82, these increases are null and void and the tenant's base rent must be reset to the correct amount. You will be liable to the tenant for all rent overpayments made during the three years preceding the month you file the petition plus the period between the month of filing and the date of the Administrative Law Judge's decision. Please review the prior rent increases given **before** you file this petition to be sure that they were in compliance with the law.
- B. Do not include any annual or banked rent increases that were not in effect at the time the petition was filed.

**FORM III  
PROPOSED MONTHLY RENT INCREASES**

1 Unit No.	2 Current Base Rent	3 Current <input type="checkbox"/> Utility <input type="checkbox"/> Bond Passthrough	4 Previous Cap. Imp. Currently in Effect		5 Current Total Rent (Columns 2+3+4)	6 Total Monthly Proposed Cap. Imp. Passthrough	7 Proposed 1st Year Maximum Cap. Imp.	8 Proposed <input type="checkbox"/> O&M <input type="checkbox"/> Comparables <input type="checkbox"/> Other	9 Total Proposed Increases (Columns 7+8)	10 Proposed Monthly Rent <sup>A</sup> (Columns 5+9)
			AMOUNT	DATE						

A This amount should not include any annual and/or banked rent increases that were not in effect at the time the petition was filed.

## SCHEDULE "C" of LANDLORD PETITION

### SPECIAL CIRCUMSTANCES RENT INCREASE

There are very special rules that must be met in order to qualify for a rent increase under this provision. Refer to Rules & Regulations Section 6.11 (a) for more information (**see note below**).

	subject unit	comparable unit	comparable unit	comparable unit	comparable unit
<b>Address of unit</b>	_____	_____	_____	_____	_____
size of building (# of units)	_____	_____	_____	_____	_____
distance from subject unit	_____	_____	_____	_____	_____
length of occupancy of tenant	_____	_____	_____	_____	_____
total square footage	_____	_____	_____	_____	_____
number of bedrooms	_____	_____	_____	_____	_____
number of baths	_____	_____	_____	_____	_____
total number of rooms	_____	_____	_____	_____	_____
date unit last painted	_____	_____	_____	_____	_____
general condition of building	_____	_____	_____	_____	_____
CURRENT RENT PER MONTH	\$_____	\$_____	\$_____	\$_____	\$_____
dining room	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
stove/oven	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
refrigerator	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
working fireplace	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
dishwasher	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
garbage disposal	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
elevator	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
view	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
yard	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
parking/garage	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
furnished or unfurnished	<input type="checkbox"/> furn. <input type="checkbox"/> unfurn.	<input type="checkbox"/> furn. <input type="checkbox"/> unfurn.	<input type="checkbox"/> furn. <input type="checkbox"/> unfurn.	<input type="checkbox"/> furn. <input type="checkbox"/> unfurn.	<input type="checkbox"/> furn. <input type="checkbox"/> unfurn.
carpets or hardwood floors	<input type="checkbox"/> carp. <input type="checkbox"/> hdw fl.	<input type="checkbox"/> carp. <input type="checkbox"/> hdw fl.	<input type="checkbox"/> carp. <input type="checkbox"/> hdw fl.	<input type="checkbox"/> carp. <input type="checkbox"/> hdw fl.	<input type="checkbox"/> carp. <input type="checkbox"/> hdw fl.
central or space heating	<input type="checkbox"/> cen. <input type="checkbox"/> sp.heat.	<input type="checkbox"/> cen. <input type="checkbox"/> sp.heat.	<input type="checkbox"/> cen. <input type="checkbox"/> sp.heat.	<input type="checkbox"/> cen. <input type="checkbox"/> sp.heat.	<input type="checkbox"/> cen. <input type="checkbox"/> sp.heat.

**NOTE:** This provision applies *only in extraordinary circumstances*, including but not limited to: situations where because of a special relationship between the landlord and tenant, or through fraud, mental incompetency, or some other reason, the initial rent on a unit was set very low or the rent was not increased or was increased only negligible amounts during the tenancy.

A rent increase may be granted under this provision *only one time* in the life of the unit. Further, the increase shall preclude the imposition of all annual and banked rent increases, and operating and maintenance increases that the landlord could have imposed prior to the filing of the petition.