

City of East Palo Alto
Rent Stabilization Program
2415 University Avenue, East Palo Alto, CA 94303
Phone: 650.853.3114 Fax: 650.853.3115 Email: rentprogram@cityofepa.org
<http://www.ci.east-palo-alto.ca.us/manager/rent.html>

INSTRUCTIONS FOR TENANT PETITION APPLICATION FORM

GENERAL INFORMATION:

Any tenant who believes the rent ceiling for his/her unit should be changed, seeks a rent rebate for excess rent payment, or seeks to withhold rent for failure to register, may file this petition if his/her unit is covered under the East Palo Alto's Rent Stabilization Ordinance.

- Tenants in the same unit should file the petition together.
- Tenants in different units on the same property may file petitions at the same time so that the petitions can be consolidated.
- Former tenants cannot file this petition if they moved out of their unit more than 6 months from the filing date of the petition.

The grounds upon which a Tenant Individual Rent Adjustment, Rent Rebate and/or Rent Withholding petition may be granted are:

1. Rent Ceiling Violation (i.e. rent over Maximum Allowable Rent (MAR));
2. Maintenance and Service Reductions (i.e. deterioration of rental unit; failure to provide adequate services; failure to comply with rental agreement);
3. Breach of Implied Warranty of Habitability (unit is unfit to live in; failure to comply with health, housing and safety codes);
4. Failure to Register

To apply for a rent adjustment, rent rebate and/or rent withholding, gather your supporting documentation and fill out the attached petition carefully. It is helpful to review the Rent Stabilization Ordinance, which is available at the Rent Stabilization Program office and online at http://www.ci.east-palo-alto.ca.us/manager/pdf/Rent_Stabilization_Ordinance.pdf. Community Legal Services in East Palo Alto can answer questions about the Petition. You may have an attorney, legal assistant, representative of a tenant organization or any other person represent or advise you if you need assistance.

HOW TO PREPARE AND FILE THE PETITION:

Provide the information and documentation required by the petition. If the information requested is not available, indicate this fact and explain what efforts were made to obtain the information. Attach additional sheets if there is not enough space on the petition application or forms.

General information: These sections in the petition must be completed.

Sections 1, 2, 4, & 7: Should be completed to the best of your knowledge and signed by you the Petitioner and submitted to the Rent Stabilization Program.

Section 3: Should be filled in only if you have authorized someone to represent you.

Sections 4: List the basis for the petition(s) you are submitting. Check each box that applies.

Section 5: This is optional. Check the box if you want to pursue mediation. If you are not satisfied with the mediation, you can request a hearing.

Section 6: Should be filled in if you want this petition consolidated with petitions for other units in the same property.

Section 7: CERTIFICATION: Verifies under penalty of perjury that the information tenant provided in this petition, including all the attachments and forms, is true and correct. The signature must be your original signature and not a copy.

Attach Petitions A - D: There is a separate petition form for each basis you select for filing your petition under Section 5 in the Petition Application. Complete only the petition(s) required by the basis you select and submit the petition with the petition application form.

Evidence: You should gather and organize the information on which you are filing the petition before you fill out the schedules. All information provided in the petition must be supported by the evidence.

Attach a copy of the business records, receipts, cancelled checks, notices, letters, or other documentary evidence you use to provide the information required by the petition. The originals should be brought to the settlement conference and hearing. Attach each copy to the schedule to which it applies.

COMPLETING THE PETITION: A complete petition consists of the following: Completed Petition Application with General Information, and completed Petition forms with copies of supporting evidence.

FILING THE PETITION: File the original plus one copy of the petition including all attachments. The petition may be submitted by mail to the Rent Stabilization Program at 2415 University Avenue, East Palo Alto, CA 94303.

THE HEARING: A Rent Stabilization Program Hearing is an official administrative proceeding conducted by an impartial hearing examiner. NOTE: THIS IS NOT A FORMAL COURT TRIAL. Once the Petition has been filed with the Rent Stabilization Program, each party will be notified by mail of the date and time the hearing will take place. The hearing examiner will discuss your position and clarify the issues on the rent adjusted and requested. The decision on your petition will be based upon the testimony of witnesses, documents, photographs, exhibits or any other evidence presented at the hearing. Therefore, you must be prepared to prove those facts which support the grounds raised in Section F of your petition.

THE DECISION: The petition, including all attachments, testimony and evidence provided at the hearing will be evaluated by the hearing examiner to determine whether the

Ordinance and Regulations entitle you to the rent adjustment, rebate or withholding you are requesting. A written decision will be mailed.

CONFIDENTIALITY: All documents filed in connection with this proceeding are public records, unless a party receives a determination by the hearing examiner that a particular document shall be confidential. Unless specifically directed by the Administrator, confidential documents are available for inspection by the opposing party but not by the general public.

Do not forget to complete and sign the declaration under penalty of perjury before you submit the petition form.

When you have completed the petition form, submit the original to the Rent Stabilization Program at 2415 University Avenue, 2ND Floor, East Palo Alto, CA 94303. The Board will notify the landlord of the filed petition.