



# San Francisco Residential Rent Stabilization and Arbitration Board

Rent Board Date Stamp

NOTE: If your building was constructed after June 13, 1979, the rental unit is not subject to the rent increase limitations of the Rent Ordinance and we cannot process your petition.

## RENT INCREASE BASED ON RENTS FOR COMPARABLE UNITS [Rules and Regulations Section 6.11]

### ↓ Rental Unit Information ↓

Street Number of Unit	Street Name	Unit Number	San Francisco, CA	Zip Code
Name of Building Complex (If Applicable)	Entire Building Address (lowest & highest numbers)		Number of Units	
Date Building Constructed	List the case numbers of prior relevant Rent Board petitions			

### ↓ Owner Information ↓

**1.**

Name of Company (if applicable)	First Name of Principal	Middle Initial	Last Name		
<b>Mailing Address:</b> Street Number	Street Name	Unit Number	City	State	Zip Code
Primary Phone Number	Other Phone Number				

### ↓ Owner Information ↓

**2.**

Name of Company (if applicable)	First Name of Principal	Middle Initial	Last Name		
<b>Mailing Address:</b> Street Number	Street Name	Unit Number	City	State	Zip Code
Primary Phone Number	Other Phone Number				

***If someone other than the owner is authorized to represent the owner's interests in this petition, please fill out the applicable information below and attach written authorization to represent from the owner.***

### ↓ Property Manager Information (if applicable) ↓

Name of Company	First Name of Manager	Middle Initial	Last Name		
<b>Mailing Address:</b> Street Number	Street Name	Unit Number	City	State	Zip Code
Primary Phone Number	Other Phone Number				

# San Francisco Residential Rent Stabilization and Arbitration Board

## LANDLORD PETITION FOR SPECIAL CIRCUMSTANCES RENT INCREASE BASED ON RENTS FOR COMPARABLE UNITS

**↓Other Landlord Representative Information (if applicable)↓  Attorney  Non-attorney Representative**

1.

First Name	Middle Initial	Last Name
<b>Mailing Address:</b> Street Number Street Name Unit Number City State Zip Code		
Primary Phone Number	Other Phone Number	

**↓Other Landlord Representative Information (if applicable)↓  Attorney  Non-attorney Representative**

2.

First Name	Middle Initial	Last Name
<b>Mailing Address:</b> Street Number Street Name Unit Number City State Zip Code		
Primary Phone Number	Other Phone Number	

**↓Tenant Information↓** *Please list each tenant who resides in the unit. If more than 2 tenants reside in the unit, check here  and attach additional page with contact information for all other tenants.*

1.

First Name	Middle Initial	Last Name
<b>Mailing Address:</b> Street Number Street Name Unit Number City State Zip Code		
Primary Phone Number	Other Phone Number	

**↓Tenant Information↓**

2.

First Name	Middle Initial	Last Name
<b>Mailing Address:</b> Street Number Street Name Unit Number City State Zip Code		
Primary Phone Number	Other Phone Number	

**↓Tenant Representative Information↓  Attorney  Non-attorney Representative  Interpreter**

First Name	Middle Initial	Last Name
<b>Mailing Address:</b> Street Number Street Name Unit Number City State Zip Code		
Primary Phone Number	Other Phone Number	



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## LANDLORD PETITION FOR SPECIAL CIRCUMSTANCES RENT INCREASE BASED ON RENTS FOR COMPARABLE UNITS

	SUBJECT UNIT	COMPARABLE UNIT #1	COMPARABLE UNIT #2	COMPARABLE UNIT #3
Address of unit	_____	_____	_____	_____
Date tenancy began	_____	_____	_____	_____
Rent when tenancy began	_____	_____	_____	_____
Current monthly rent	_____	_____	_____	_____
Building size (no. of units)	_____	_____	_____	_____
Distance from subject unit	N/A	_____	_____	_____
Square footage of unit	_____	_____	_____	_____
Number of bedrooms	_____	_____	_____	_____
Number of bathrooms	_____	_____	_____	_____
Total number of rooms	_____	_____	_____	_____
Date unit last painted	_____	_____	_____	_____
General condition of bldg.	_____	_____	_____	_____

**SPECIFIC AMENITIES** (Check the appropriate box for each unit in which the landlord provides the listed service or amenity.)

Separate dining room	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stove/oven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refrigerator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working fireplace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dishwasher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garbage Disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
View	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking/garage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Furnished	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carpeting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hardwood floors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**INSTRUCTIONS FOR FILING LANDLORD PETITION FOR SPECIAL CIRCUMSTANCES RENT INCREASE BASED ON RENTS FOR COMPARABLE UNITS**

1. A rent increase that exceeds allowable annual and banked amounts may be justified, even in the absence of an increase in operating and maintenance expenses, if it is established that the rent for a unit is significantly below those of comparable units in the same general area *due to extraordinary circumstances*. A rent increase based on rents for comparable units will be approved where the landlord proves that:
  - (a) there were extraordinary circumstances such as a special relationship between the landlord and tenant, fraud, mental incompetency or other extraordinary circumstances unrelated to market conditions; AND
  - (b) 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 *as a result of the extraordinary circumstances*; AND
  - (c) the current rent for the unit is *significantly below* those of comparable units in the same general area with similar lengths of tenancy. The mere fact that a long-standing tenant is paying significantly less than market rent is not considered an extraordinary circumstance.
2. If a Petition for Special Circumstances Rent Increase Based on Rents for Comparable Units is granted, the base rent will be reset to an amount determined by an Administrative Law Judge. Such a rent increase may be granted only one time during the tenancy and precludes the imposition of all annual rent increases, banked rent increases and operating and maintenance increases that the landlord could have imposed prior to filing the Special Circumstances Petition.
3. The landlord must file a separate Petition for Special Circumstances Rent Increase for each unit for which a special circumstances rent increase is requested. The petition must be filed before a notice of rent increase may be issued to the affected tenant(s). The petition form must be completely filled out and signed by the landlord or the landlord's authorized agent. **The Rent Board staff is not permitted to complete or fill in the petition for you.**
4. The landlord must submit a copy of the completed petition for each tenant and tenant representative listed in the petition, plus the original and one copy for the Rent Board. The landlord must also submit sufficient copies of all relevant documentary evidence for mailing to each tenant and tenant representative.
5. The landlord must submit 3 business size envelopes (#10 size), pre-addressed to each tenant and tenant representative listed in the petition, with no return address and no postage. The landlord must also submit 2 business size envelopes (#10 size), pre-addressed to each landlord party, with no return address and no postage.
6. The petition must be accompanied by any evidence or documentation supporting the requested determination, including but not limited to a written explanation of the situation justifying the rent increase (e.g. extraordinary circumstances) and evidence of rents for reasonably comparable units. **Failure to completely fill out all pages of the petition and/or to submit adequate supporting documentation may result in either administrative dismissal of the petition under Rules and Regulations Section 5.14(b) (with the right to re-file), or denial of the requested increase.**

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## Helpful Hints for Landlords Planning to File a Special Circumstances (Comparable Rents) Petition

1. 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.
2. To show that the tenant's rent was *set low*, it may be necessary to present evidence of what the market rents were 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 with a similar length of occupancy can be used to show that the initial rent had to have been set low. This evidence must be attached to the petition.
3. Where the tenancy commenced before April 1, 1982, it may be helpful to show that the tenant's rent was not increased or was increased only negligible amounts before April 1, 1982. If this claim is made, 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.
4. A reasonably "comparable" unit includes one where the length of occupancy of the current tenant is similar to the length of occupancy of the tenancy 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. The "comparable" unit should be in the same building and/or general neighborhood as the tenant's unit. Although perfect comparability is not required, if the length of occupancy is not substantially similar, then the units do NOT provide a fair comparison.
5. There are various ways to gather evidence of rents for reasonably "comparable" units which have a similar length of occupancy including, but not limited to: examining other similar units in the same building as the subject unit; 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.
6. The landlord must file a Special Circumstances Petition at the Rent Board before issuing a notice of rent increase to the affected tenants. The notice of rent increase can be served at any time after the petition is filed, even after the Rent Board issues a decision. Pursuant to Civil Code Section 827, 30 days notice is required if the proposed rent increase is 10% or less of the total rent paid by the tenant, either by itself or when combined with any other rent increases imposed during the preceding 12-month period. A 90-day notice is required if the proposed increase is more than 10% of the total rent paid by the tenant, either by itself or when combined with any other rent increases imposed during the preceding 12-month period. If served by mail, the required notice period must be extended by an additional five days. However, if served before the petition is filed, the notice is void and cannot be the basis for a lawful rent increase. **NOTE: Past improper rent increases by the current or former owner that are discovered during the hearing are subject to refund.**
7. Tenants may object to imposition of a Special Circumstances rent increase based on the landlord's failure to perform requested repair and maintenance that is required by applicable state and local law. Tenants can also defend the petition by proving that the initial base rent was not set low and/or was not set low due to special circumstances, as claimed by the landlord. If a tenant disagrees with the amount of the landlord's proposed rent increase, the tenant can provide his or her own evidence of rents for reasonably comparable units.