



Tenant Petition for Noncompliance

Urgency Ordinance No. 4320, as amended by Urgency Ordinance No. 4329 (together, the “Ordinance”), allows for a maximum rent increase during any 12-month period of four percent (4%), or the change in the Consumer Price Index, whichever is less, as further described in Section 5 of the Ordinance. A tenant of a covered rental unit may file a Petition of Noncompliance with the City to request a hearing if the tenant contends that a proposed or actual rent increase is not in compliance with the Ordinance, housing services have been reduced without a reduction in rent, or the landlord’s failure to maintain or repair has resulted in uninhabitable conditions or noncompliance with the implied warranty of habitability.

The applicant shall bear the burden of proving by a preponderance of the evidence at the hearing that the proposed rent increase is not in compliance with the Ordinance. A copy of the Ordinance can be found at <https://www.pomonaca.gov/RS>.

If you have any questions regarding Petitions for Noncompliance, please contact a representative at (909) 620-3777 or RentStabilization@pomonaca.gov.

The Ordinance details the following process for the submission of a Petition for Noncompliance:

- The tenant must submit a copy of this petition to the City to request a hearing.
- The tenant must mail a copy of the petition by first class mail, postage prepaid, to the landlord whose rents are the subject of the petition within five (5) calendar days after the date the petition is filed with the City.
- Within ten (10) calendar days after the date the petition is filed, the tenant must file a proof of service signed under penalty of perjury stating that a copy of the petition was mailed to all such landlords.
- The petition must include a statement indicating the basis on which the tenant contends that a proposed or actual rent increase is in violation of the Ordinance, together with any evidence that the tenant wants the Hearing Officer to consider.
- The tenant shall bear the burden of proving by a preponderance of the evidence at the hearing that the proposed rent increase is not in compliance with the Ordinance.
- A hearing shall be set for a date between fifteen (15) and sixty (60) days after all documents are received.
- Upon setting the hearing date, the Hearing Officer shall send written notice to the tenant and landlord of the date, time, and place set for the hearing

General Information

Rental Unit Information

Property Address: _____

Property Telephone: _____

Number of Units in Building: _____ Move-in Date: _____

The rent is paid to: ☐ Owner ☐ Resident Manager ☐ Management Co. ☐ Other: _____

Tenant Information

Tenant #1

First and Last Name: _____

Mailing Address: _____

Primary Phone Number: _____ Email Address: _____

Tenant #2 (if applicable)

First and Last Name: _____

Mailing Address: _____

Primary Phone Number: _____ Email Address: _____

Tenant Representative Information: (circle one) Attorney * Non-attorney representative * Interpreter

First and Last Name: _____

Mailing Address: _____

Primary Phone Number: _____ Email Address: _____

Landlord Information

First and Last Name: _____

Mailing Address: _____

Primary Phone Number: _____ Email Address: _____

Petition for Noncompliance

I am filing this petition for the following reason(s): (Check ONLY the reasons that apply.)

☐ A. To request a hearing based on a rent increase that is out of compliance with the Ordinance.

(Form A must be attached to petition)

☐ B. To request a hearing based on a decrease in housing services.

(Form B must be attached to petition)

☐ C. To request a hearing based on the unit's uninhabitable condition or landlord's failure to comply with the implied warranty of habitability.

(Form C must be attached to petition)

Tenant's or Tenant Representative's Declaration Under Penalty of Perjury

I declare as follows:

I am the tenant, or authorized representative of the tenant(s), of said residential property involved in this request.

I am authorized to submit this petition form and supporting documentation on behalf of the residential property being applied for.

I declare under penalty of perjury of law that the information and documentation and statements herein are true and correct to the best of my knowledge and belief.

Executed this _____ (Day) of _____ (Month), 20____ (Year)
at _____ (City), California.

Signed

Print Name

Capacity (e.g., Owner, Manager, Attorney, etc.)

Mailing Address

City, State, Zip

Telephone

**This section does not need to be notarized.*

Petition for Noncompliance – Form A
Noncompliant Rent Increase

☐ My base rent was increased by an amount that is out of compliance with the Ordinance as set forth in Section 5 (a) of Ordinance No. 4320.

1. What was the total initial base rent when you moved in? \$ _____

2. Do you receive governmental rental assistance? ☐ No ☐ Yes

3. Is the property a single-family home or a condominium? ☐ No ☐ Yes

If Yes, please answer the following questions:

3a. Is your property owner one of the following:

i. A real estate investment trust, as defined in section 856 of the Internal Revenue Code

ii. A corporation

iii. A limited liability corporation? ☐ No ☐ Yes ☐ I don't know

3b. Is there an accessory dwelling unit on the property? ☐ No ☐ Yes

3c. Does the property owner live at the property? ☐ No ☐ Yes

4. Is the property a duplex? ☐ No ☐ Yes

If Yes, please answer the following question:

4a. Does the property owner live at the property? ☐ No ☐ Yes

5. Is the property a multi-unit building that was built after February 1, 1995? ☐ No ☐ -Yes - I ☐ don't know

Petition for Noncompliance – Form A (Continued)

Rent History

Please follow these instructions carefully:

- In the chart below, first write the date the original tenancy began (“Move-in Date”). Then write the amount of the base rent at the commencement of the tenancy (the “Total Initial Base Rent”). This amount should be the total rent paid for the *entire rental unit*.
- Utilize the table below and provide requested information. (If you need additional space, please attach another page.)
- Opposite each rent increase date, write the total amount of the new rent after that increase.
- Attach documents that demonstrate the date and amount of each rent increase such as the original lease and rent increase notices.

Date of Current Lease:	Current Lease Base Rent: \$ _____
Date of Increase or New Lease:	Total New Rent \$ _____
Date of Other Increase Notices (if applicable):	Total Other Increase (if applicable \$ _____ -

Petition for Noncompliance – Form B
Decrease in Housing Services

A tenant may file a petition for an adjustment in rent when the landlord has decreased a housing service without reducing the tenant's rent pursuant to Ordinance Section 5 (c).

“Housing Services” are defined in Ordinance Section 5 (c) as services that are connected with the use or occupancy of a rental unit including, but not limited to, utilities (including light, heat, water, and telephone), ordinary repairs or replacement, maintenance including painting, the provision of elevator service, laundry facilities and privileges, common recreational facilities, janitor service, resident manager, refuse removal, furnishings, food service, parking, and any other benefits, privileges, or facilities.

Please provide your full decreased housing service history on this form and provide any additional information that helps explain your claim.

Petition for Noncompliance – Form B (Continued)
Decrease in Housing Services

All the information below must be provided. If you need additional space, please attach another Form B to the Petition.

Separately List Each Decreased Housing Service Below	When Was The Housing Service Decreased?	When Was the Landlord Notified of the Decreased Housing Service? (List All Dates of Notice and Attach All Written Notices)	Was the Decreased Housing Service Restored?	Dollar Amount of Monthly Rent Reduction Requested
1.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
2.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
3.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
4.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
5.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
6.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
7.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
8.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$
9.			<input type="checkbox"/> No <input type="checkbox"/> Yes Date restored: _____	\$

Petition for Noncompliance – Form C Failure to Maintain Habitable Premises

A Tenant may petition for a reduction in rent based on the unit's uninhabitable condition or landlord's failure to comply with the implied warranty of habitability pursuant to Urgency Ordinance Section 5 (d).

All the information below must be provided. If you need additional space, please attach another Form C to the Petition.

Date I Received Rent Increase Notice: _____ Effective Date of Increase: _____

Monthly Base Rent Before Rent Increase: _____

Description of Repair Or Maintenance That Was Not Performed	When Was the Repair or Maintenance Requested? (List All Dates of Notice and Attach All Written Notices)	Has the Repair or Maintenance Been Performed?	Is the Condition a Code Violation? (Attach all Evidence)
1.		<input type="checkbox"/> No <input type="checkbox"/> Yes Date Performed: _____	
2.		<input type="checkbox"/> No <input type="checkbox"/> Yes Date Performed: _____	
3.		<input type="checkbox"/> No <input type="checkbox"/> Yes Date Performed: _____	
4.		<input type="checkbox"/> No <input type="checkbox"/> Yes Date Performed: _____	
5.		<input type="checkbox"/> No <input type="checkbox"/> Yes Date Performed: _____	
6.		<input type="checkbox"/> No <input type="checkbox"/> Yes Date Performed: _____	

Relevant Factors in Evaluating a Petition for Noncompliance

Relevant factors when evaluating a Petition for Noncompliance include:

- 1) The landlord has increased the rent in effect as of August 1, 2022, or the initial rent charged for tenancies that began after August 1, 2022, above the lesser of four percent (4%) or the change in CPI;
- 2) The landlord has increased the rent more than one time in a 12-month period in which the total increase was above the lesser of four percent (4%) or the change in CPI;
- 3) The landlord has reduced housing services without reducing the rent;
- 4) The unit's uninhabitable condition or landlord's failure to comply with the implied warranty of habitability; and
- 5) Factors that potentially impact a landlord's ability to obtain a fair and reasonable return, including, but not limited to, changes in costs to the landlord attributable to:
 - a. Increased utility rates
 - b. Property taxes
 - c. Insurance
 - d. Advertising
 - e. Variable mortgage interest rates
 - f. Government assessments and fees
 - g. Incidental services
 - h. Employee costs
 - i. Normal repair and maintenance
 - j. Upgrading and addition of amenities or services
 - k. Rent rolls
 - l. Financial statements
 - m. Expert analysis
 - n. Relevant studies