

# Residential Rent Stabilization & Arbitration Board City & County of San Francisco

## INSTRUCTIONS FOR FILING LANDLORD PETITION FOR APPROVAL OF UTILITY PASSTHROUGH IN 2021

Notice to Landlords: On December 16, 2008, the Rent Board Commissioners amended Rules and Regulations §6.16 concerning utility passthroughs. Under the new rules, as of January 1, 2009, the landlord no longer needs to file a Petition for Approval of Utility Passthrough for every base year. **In 2021, petitions are only required for utility passthroughs comparing utility costs for 2019 (base year) and 2020 (comparison year).** For all other base years in 2021 (i.e. 2015, 2016, 2017 and 2018), the landlord is required to complete a Utility Passthrough Calculation Worksheet form and file it with the Rent Board before serving the tenant with a notice of increase. The Worksheet is available at the Rent Board's office and on its website at [www.sfrb.org](http://www.sfrb.org).

1. A landlord's Petition for Approval of Utility Passthrough comparing utility costs for calendar years 2019 and 2020 must include the following:
  - (1) Form 1 – Landlord Petition for Approval of Utility Passthrough;
  - (2) Schedule D – Room Count;
  - (3) Schedule E – Utility Passthrough Computation Worksheet;
  - (4) One copy of all utility bills incurred during the 2019 Base Year, in chronological order (January, February, March, April, etc.), plus proof of payment of each bill. (If you use the following month's bill as proof of payment of the previous month's bill, please submit 13 months of bills, i.e. January 2019 through January 2020.) Note: Where 2019 utility costs were approved by the Rent Board in a prior Decision, you need not fill in the *monthly* Base Year utility costs on Schedule E; you may simply list the total approved amounts on lines (A), (B) and (C) of Schedule E and attach a copy of Table 1 from the prior Decision instead of the utility bills and proof of payment;
  - (5) One copy of all utility bills for costs incurred during the 2020 Comparison Year, in chronological order, plus proof of payment of each bill. (If you use the following month's bill as proof of payment of the previous month's bill, please submit 13 months of bills, i.e. January 2020 through January 2021.)

Some petitions may also require one or both of the following Appendices, if applicable:

- (6) Appendix 1 – Utility Costs for the Laundry Facilities;
  - (7) Appendix 2 – Worksheet for Buildings with Multiple Monthly Utility Bills.
2. The petition 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.** Wherever possible, the petition will be decided by an Administrative Law Judge without a hearing. Therefore, it is essential that you complete the petition and submit the requested documentation in a clear and organized manner. If the petition is not completely filled out and supported by the required documentation, and/or a hearing is deemed necessary, it will take several months before a decision is issued.
  3. In addition to the original petition, you must submit a copy of the completed petition, including Form I, Schedule D, Instructions for Completing Schedule E (pages 5 & 6), Schedule E and the applicable Appendices (1 and/or 2) for mailing to each tenant whose rent you propose to increase, plus two additional copies of the petition (without bills or payments) for the Rent Board staff. You do not need to provide extra copies of utility bills for mailing to each tenant.
  4. For each tenant subject to the petition, you must submit one pre-addressed business-size envelope with NO return address and with sufficient first class postage for mailing the petition plus a three-page memo from the Rent Board. You must also submit one business-size envelope addressed to each tenant, landlord and landlord representative with NO return address and with first class postage for 2 ounces for mailing the decision. If a postage meter is used instead of a postage stamp, please do NOT include a date on the meter marking.
  5. **Where a Petition for Approval of Utility Passthrough is required, the landlord must file the petition with the Rent Board before giving legal notice of the rent increase for a utility passthrough.** Civil Code Section 827 requires service of a 90-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 10% or less, a 30-day notice is required. If the rent increase notice is served by mail, the required notice period must be extended by an additional 5 days. A utility passthrough may be imposed only at the time of an annual rent increase and shall not become part of the tenant's base rent. The tenant must live in the unit for one continuous year before a utility passthrough can be imposed. A utility passthrough applies only for the twelve-month period after it is imposed. After twelve months, the passthrough must be discontinued.

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

**LANDLORD PETITION FOR APPROVAL OF UTILITY PASSTHROUGH  
COMPARING UTILITY COSTS FOR 2019 AND 2020 (RULES AND REGULATIONS §6.16)**

**(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)

If Owner is a business entity, provide contact person: \_\_\_\_\_  
(First) (Middle Initial) (Last)

Primary Phone: \_\_\_\_\_ 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's Name: \_\_\_\_\_ Primary Phone: \_\_\_\_\_

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

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

Manager's Name: \_\_\_\_\_ Primary Phone: \_\_\_\_\_

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

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

Notice of hearing and decision to be mailed to:  Owner  Agent  Property Manager

Has a previous utility passthrough petition been filed with the Rent Board for this property?  Yes  No

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

# of units in the building: Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Total \_\_\_\_\_ Year Built: \_\_\_\_\_

The total number of units for which I am seeking approval of a utility passthrough in this petition is: \_\_\_\_\_

**All of the following statements must be verified as true and ALL boxes must be checked:**

- All of the tenancies subject to this petition have the same Base Year (2019) for purposes of calculating the utility passthrough. (For tenancies with a different Base Year, a Utility Passthrough Calculation Worksheet must be filed with the Rent Board instead of a petition, before the landlord can impose the utility passthrough.)
- The landlord pays for  gas,  electricity, and/or  steam provided directly to the tenant's unit and/or to the common areas of the property in which the tenant's unit is located. (Indicate which utilities are paid by the landlord.)
- The utilities provided to all units included in this petition are on the same meter(s).

**FORM I (continued)**

- (1) Is there a (check all that apply)  management office?  Yes  
 No
- resident manager's unit (or other employee's unit)?  Yes  No  
 other non-residential or commercial space in the building?  Yes  No

If **NO** to all of the above, skip to question 4 below.

- (2) If **YES**, is it separately metered for: **gas?**  Yes  No  
**electricity?**  Yes  No
- (3) If you answered **NO** to (2) above, be sure to account for such areas on Schedule D, page 7 (Room Count).  
If you answered **YES** to (2) above, there is no need to account for these areas on Schedule D.

- (4) Is there a coin-operated laundry facility in the building?  Yes  No (If **NO**, skip questions 5 and 6.)
- (5) If **YES**, is it separately metered for: **gas?**  Yes  No  
**electricity?**  Yes  No
- (6) If you answered **NO** to (5) above, you must fill out Appendix 1, page 10, of this petition and then deduct the utility costs attributable to the laundry facility from the total utility costs on Schedule E, page 8, lines (B) and (E).

**Determining the Proper Base Year**

The utility passthrough is calculated by comparing the landlord's utility costs in the tenant's "base year" to last year's (2020) utility costs (the "comparison year"). Different tenants in the same property may have different base years depending on when they moved into the property. Base years are re-set every 5 years and are determined as follows:

- For tenancies that commenced before January 1, 2004, the Base Year is now calendar year 2017 (not 2012) with the following exception:
  - Where a tenancy commenced before January 1, 2004, and the Rent Board previously approved use of a pre-2002 base year (e.g. 1980-2001), the Base Year in 2021 is calendar year 2018.
- For tenancies that commenced during calendar year 2005, 2010 or 2015, the Base Year is calendar year 2019 (not 2014).
- For tenancies that commenced during calendar year 2006, 2011 or 2016, the Base Year is calendar year 2015.
- For tenancies that commenced during calendar year 2007, 2012 or 2017, the Base Year is calendar year 2016.
- For tenancies that commenced during calendar year 2008, 2013 or 2018 the Base Year is calendar year 2017.
- For tenancies that commenced during calendar year 2004, 2009, 2014 or 2019 the Base Year is calendar year 2018.
- For tenancies that commenced during calendar year 2020, the Base Year is calendar year 2019.

**The Base Year used for all units subject to this petition is 2019.** This includes tenancies that commenced in 2005, 2010, 2015 or 2020.

**Determining the Proper Comparison Year**

- For all petitions filed in 2021, the Comparison Year for all units is calendar year 2020.

**IMPORTANT NOTICE:** In 2021, no petition is required for tenancies with Base Years 2015, 2016, 2017 and 2018. Instead of a petition, the landlord is required to file with the Rent Board a two-page Utility Passthrough Calculation Worksheet form for each Base Year from 2015 through 2018. The Worksheet must be filed with the Rent Board before giving the tenant notice to pay the utility passthrough. The landlord must also give a copy of the date-stamped Worksheet to the tenant with the notice of rent increase. The Rent Board will conduct a review of 10% of all Worksheets filed with the Board for compliance with Section 6.16. In addition, if there is no prior utility passthrough petition on file for a property, the Rent Board will review at least one Worksheet for that property.

**I declare under penalty of perjury under the laws of the State of California 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 (circle one)

\_\_\_\_\_  
Date



# FREQUENTLY ASKED QUESTIONS ABOUT UTILITY PASSTHROUGHS

## **What is a utility passthrough?**

Where the landlord pays for gas, electricity and/or steam provided directly to the tenant's unit and/or to the common areas of the property in which the tenant's unit is located, and the cost of such utilities increases from one calendar year ("base year") to another calendar year ("comparison year"), the landlord may recover the increase in the cost of these utilities from the tenant(s). A utility passthrough is a dollar for dollar passthrough (100%) to the tenant(s) of the increase in the landlord's costs for gas, electricity and/or steam.

## **When is a tenant eligible for a utility passthrough?**

The tenant must live in the unit for one continuous year before a utility passthrough can be imposed.

## **When can a landlord impose a utility passthrough?**

A utility passthrough may be imposed only at the time of an annual rent increase and applies only for the 12-month period after it is imposed. After 12 months, the utility passthrough must be discontinued.

## **Is the landlord required to petition for approval of every utility passthrough?**

No. The landlord must file a Rent Board Petition for Approval of Utility Passthrough only where the landlord is comparing utility costs for the two most recent calendar years, e.g. 2019/2020 in 2021, 2020/2021 in 2022 etc. For any other comparison periods, e.g. 2015/2020, 2016/2020, 2017/2020 and 2018/2020 in 2021, the landlord must complete and file a simple two-page Utility Passthrough Calculation Worksheet instead of a petition. Petitions and Worksheets must be filed with the Rent Board no more than 12 months after the "comparison year" used in the calculation. (The "comparison year" is the calendar year immediately preceding the filing of the landlord's petition.) Where the "comparison year" is 2020, Petitions and Worksheets must be filed during calendar year 2021. Likewise, in 2021 all Petitions and Worksheets must use a "comparison year" of 2020.

## **How is a tenants base year determined?**

Please review page 2 of the utility passthrough petition to see how a tenant's base year is determined. Different tenants in the same property may have different base years, depending on when they moved into the property. The law requires the landlord to re-set a tenant's base year once every five years. For instance, in 2021 tenants who previously had 2014 as their base year will now have a 2019 base year. In 2022, 2015 base years will be re-set to 2020, and so on.

## **Is a hearing required for every utility passthrough?**

No. All petitions filed will be reviewed by an Administrative Law Judge and decided without a hearing unless the Administrative Law Judge determines that a hearing is required. In addition, the Board will review 10% of all Utility Passthrough Calculation Worksheets to determine if the passthrough is correctly calculated. If a hearing is required in either case, the Rent Board will give written notice of the hearing date to all parties at least ten days prior to the hearing.

## **When can the landlord give the tenant a notice of rent increase for the utility passthrough?**

Petitions for Approval of Utility Passthrough and Utility Passthrough Calculation Worksheets must be filed with the Rent Board before giving the tenant legal notice of a rent increase for a utility passthrough.

- Where a petition is not required, the utility passthrough is due on the date specified in the notice of rent increase.
- Where a petition is required, the utility passthrough will not go into effect unless and until the petition is approved, and any amount approved will relate back to the effective date of the notice of rent increase (if given).

## **Can the landlord "bank" the utility passthrough?**

In order to bank a utility passthrough, the landlord must have filed a timely Petition for Approval of Utility Passthrough or Utility Passthrough Calculation Worksheet with the Rent Board. In such case, the landlord may "bank" all or a portion of the utility passthrough and impose it at a later date, so long as it is imposed at the time of an annual rent increase (i.e. on the tenant's anniversary date) and after service of proper written notice. Thus, more than one utility passthrough may be imposed at the same time. The notice of rent increase must specify the dollar amount of each utility passthrough. Each utility passthrough must be discontinued 12 months after it is imposed.

## **Does a utility passthrough become part of a tenant's base rent?**

No. A utility passthrough shall not be included in the tenant's base rent for purposes of calculating any rent increase allowable under the Ordinance or Rules and Regulations (such as an annual/banked rent increase).

## **Does a rental agreement or lease affect a utility passthrough?**

The landlord is entitled to a utility passthrough regardless of the existence of a rental agreement or lease, unless the landlord and the tenant specifically agree at the inception of the tenancy that the landlord will not pass through any utility *increases*, in which case such agreement will be binding on the landlord and on any successor owner of the property.

# INSTRUCTIONS FOR COMPLETING SCHEDULE E

(Schedule E is required for all petitions)

\* Landlords are only required to file petitions for Base Year 2019/Comparison Year 2020 in 2021. \*

For all other base years in 2021 (i.e. 2015-2018), the landlord must file a two-page Utility Passthrough Calculation Worksheet form with the Rent Board.

## Step 1: The Base Year for Petitions filed in 2021 is 2019.

- For tenancies that commenced during calendar years 2005, 2010 or 2015 the Base Year is re-set to 2019 in calendar year 2021.
- For tenancies that commenced during calendar year 2020, the Base Year is calendar year 2019.

## Step 2: The Comparison Year for Petitions filed in 2021 is 2020.

- For all tenancies, the Comparison Year is the calendar year immediately preceding the filing of the landlord's petition for approval of the utility passthrough. In 2021, the comparison year for all units is 2020.

## Step 3: Determine the Number of Rooms in the Property (per Schedule D)

- Every landlord who files a petition must complete **Schedule D** (Room Count). After completing Schedule D, enter the total number of rooms on Schedule E (Line I).

## Step 4: Determine Utility Costs for Laundry Facilities (per Appendix 1) and Enter the Results on Schedule E

- Skip Step 4 if any one of the following statements apply:
  - There are no laundry facilities on the property; OR
  - The landlord does not charge a user fee for the laundry facilities; OR
  - The laundry facilities are separately metered in both the Base Year and Comparison Year (in which case the landlord should exclude the laundry facility costs from the utility passthrough calculation).
- If the landlord's utility bills include the cost of gas and/or electricity for laundry facilities AND the laundry facilities are not separately metered in both the Base Year and Comparison Year AND the landlord charges a user fee for the laundry facilities, the landlord must deduct utility costs attributable to the laundry facilities from the total utility costs for the building. The landlord must complete **Appendix 1** (Utility Costs for the Laundry Facilities) to determine the utility costs for the laundry facilities and enter the result on Line (B) of Schedule E for the Base Year and on Line (E) for the Comparison Year. The cost of utilities for the laundry facilities can be determined in one of three ways:
  1. Where there is a third party vendor that collects the user fees from the laundry facilities, the landlord can deduct 100% of the income actually received by the landlord from the third party vendor for laundry use during the Base Year and the Comparison Year.
  2. Where there is not a third party vendor that collects the user fees from the laundry facilities, the landlord can deduct 50% of the user fees actually collected by the landlord for laundry use during the Base Year and the Comparison Year.
  3. Regardless of whether or not there is a third party vendor that collects the user fees for the laundry facilities, the landlord can deduct the *actual* proven utility costs for the laundry facilities in the Base Year and the Comparison Year.
- Service Period: If the landlord does not have evidence of laundry utility costs for 12 consecutive months that cover an exact calendar year from January 1 through December 31, the landlord may use the 12 months that most closely approximate the calendar years selected for the Base Year and Comparison Year.
- Where 2019 utility costs attributable to the laundry facilities were determined in a prior decision of the Rent Board, the landlord may attach a copy of Table 1 from the prior decision instead of providing evidence of the 2019 Base Year laundry facility costs again. In addition, it is not necessary to complete the Base Year portion of Appendix 1 again.
- NOTE: If the landlord's utility bills include the cost of gas and/or electricity for laundry facilities AND the laundry facilities are not separately metered in both the Base Year and Comparison Year AND the laundry facilities are not available to or operated for the benefit of the tenant, the landlord may not impose a utility passthrough and no petition should be filed.

## Step 5: Compile Utility Bills and Proof of Payment for the Base Year and Comparison Year

- Gather all utility bills for gas, electricity and steam (and proof of payment, if not shown on the bills) for utility costs *incurred* during the tenant's Base Year (2019) and the Comparison Year (2020). The utility passthrough shall be based on actual costs incurred by the landlord during the Base and Comparison calendar years, regardless of when the utility bill was received or paid.
- Service Period: If the landlord does not have 12 consecutive monthly utility bills that cover an exact calendar year from January 1 through December 31, the landlord may use the 12 bills that most closely approximate the calendar years selected for the Base Year and Comparison Year.

- If the landlord uses the following month's utility bill as proof of payment of the previous month's bill, the landlord must submit 13 months of bills, i.e. January through January.
- Copies of all relevant utility bills must be attached to the petition and must be organized by account number, in *chronological order*. Where there is more than one monthly utility bill for the building, the landlord must complete
- **Appendix 2** (Worksheet for Buildings with Multiple Monthly Utility Bills) for both the Base Year and Comparison Year.
- Where utility bills are unavailable, the landlord may offer other reliable proof of utility costs, subject to the approval of an Administrative Law Judge. PG&E can sometimes provide a written history of charges and payments.
- Where 2019 utility costs were approved by the Rent Board in a prior decision, the landlord may attach a copy of Table 1 from the prior decision instead of the utility bills and proof of payment. In addition, it is not necessary to complete the Base Year portion of Appendix 2 again.

**Step 6: Calculate Utility Costs for the Base Year and Comparison Year**

- On Schedule E, enter the amount of each monthly utility bill for costs incurred during the tenant's Base Year. Where more than one utility bill is included in the utility passthrough computation, enter the total cost of all utility bills for each month (as calculated on Appendix 2) on Schedule E.
- Calculate the sum of all utility bills for the tenant's Base Year to get the total Base Year utility cost. Enter the sum on Line (A) of Schedule E.
- Subtract the Base Year's utility costs for the laundry facilities (Line B) from the total Base Year utility cost (Line A), to get the allowable Base Year utility cost (Line C). Where there is no deduction for the laundry facilities, the total Base Year utility cost (Line A) is the same as the allowable Base Year utility cost (Line C).
- If the Rent Board has already issued a decision in a prior year determining the allowable utility cost in the Base Year, enter the approved figures from the prior decision on Lines (A), (B) and (C). In such cases, it is not necessary to enter the monthly Base Year utility costs. The landlord also need not complete Appendix 2 for the Base Year.
- On Schedule E, enter the amount of each monthly utility bill for costs incurred during the tenant's Comparison Year. Where more than one utility bill is included in the utility passthrough computation, enter the total of all utility bills for each month (as calculated on Appendix 2) on Schedule E.
- Calculate the sum of all utility bills for the Comparison Year to get the total Comparison Year utility cost. Enter the sum on Line (D) of Schedule E.
- Subtract the Comparison Year's utility costs for the laundry facilities (Line E) from the total Comparison Year utility cost (Line D), to get the allowable Comparison Year utility cost (Line F). Where there is no deduction for the laundry facilities, the total Comparison Year utility cost (Line D) is the same as the allowable Comparison Year utility cost (Line F).

**Step 7: Calculate the Monthly Utility Cost Increase**

- Subtract the allowable Base Year utility cost (Line C) from the allowable Comparison Year utility cost (Line F) to get the utility cost increase (Line G). (If there is no increase in utility costs or if there is a decrease, no utility passthrough is allowed. Skip the remaining steps.)
- If there is an increase in utility costs, divide the utility cost increase by twelve (12) to determine the average monthly utility cost increase for the entire property (Line H).

**Step 8: Determine the Monthly Utility Cost Increase Per Room**

- Divide the average monthly utility increase (Line H) by the number of rooms (Line I) to get the amount of the monthly utility cost increase per room and enter that amount on Line (J).

**Step 9: Calculate the Monthly Utility Passthrough for the Tenant's Unit (Page 2 of Schedule E)**

- Determine the size of the tenant's unit by adding the number of rooms in the tenant's unit (according to the guidelines set forth in **Schedule D** of this petition) to the number of parking or garage spaces included in the tenant's rental or for which the tenant pays a user fee.
- List all units of the same size (i.e. one-room, two-room, three-room, etc.) in the appropriate space on page 2 of **Schedule E**. To avoid confusion, list only the units that are included in this petition.
- Multiply the number of rooms, including parking/garage spaces, by the monthly utility increase per room (Line J) to get the monthly utility passthrough for the tenant's unit (Line K).

# SCHEDULE D

## ROOM COUNT

### RULES & REGULATIONS SECTION 6.16(i)(vii)

**EVERY LANDLORD PETITION FOR APPROVAL OF A UTILITY PASSTHROUGH MUST INCLUDE A COMPLETED SCHEDULE D.**

It is necessary to determine the total number of rooms in the property in order to calculate the utility passthrough. For purposes of the room count, use the following guidelines:

- Single rooms without kitchens are one room units; studios are two room units; one bedroom units without a separate dining room are three room units; and so on.
- Bathrooms are not counted as rooms for purposes of the room count.
- Kitchens are counted as one room.
- Each parking space and garage space in the building which is included in a tenant's rental or for which a user fee is charged (to a tenant or non-tenant) shall be counted as one room.
- Areas used for commercial purposes, but for which no user fee is charged to the tenants, including but not limited to management offices and retail space, shall be included in the room count in a manner that most reasonably takes into account the size of the space and its utility usage. Include such spaces in the room count below if such spaces are not separately metered for utilities, so that a fair share of the utility costs determined by this petition can be allocated to these spaces and not paid by the residential tenants.

PROPERTY ADDRESS: \_\_\_\_\_

# of one room units (i.e. single rooms w/out kitchen)	=	_____ X 1 room	=	_____ Rooms
# of two room units (i.e. studio units)	=	_____ X 2 rooms	=	_____ Rooms
# of three room units (i.e. one bedroom w/out dining rm)	=	_____ X 3 rooms	=	_____ Rooms
# of four room units	=	_____ X 4 rooms	=	_____ Rooms
# of five room units	=	_____ X 5 rooms	=	_____ Rooms
# of six room units	=	_____ X 6 rooms	=	_____ Rooms
# of seven room units	=	_____ X 7 rooms	=	_____ Rooms
# of eight room units	=	_____ X 8 rooms	=	_____ Rooms
# of parking spaces and garage spaces	=	_____ X 1 room	=	_____ Rooms
# of commercial areas equivalent to one room areas	=	_____ X 1 room	=	_____ Rooms
Other _____	=	_____ X __ rooms	=	_____ Rooms
<b>TOTAL ROOM COUNT:</b>				_____ Rooms

**After completing Schedule D, enter the total number of rooms on Schedule E, Line I (page 8).**



## SCHEDULE "E" OF LANDLORD PETITION

### UTILITY PASSTHROUGH COMPUTATION WORKSHEET – PAGE 1

#### RULES & REGULATIONS SECTION 6.16

(Instructions for completing Schedule E can be found on pages 6-7 of this petition.)

**PROPERTY ADDRESS:** \_\_\_\_\_

<u>Service Period:</u>	<u>Base Year: 2019</u>	<u>Comparison Year: 2020</u>
<b>January</b>	\$ _____	\$ _____
<b>February</b>	\$ _____	\$ _____
<b>March</b>	\$ _____	\$ _____
<b>April</b>	\$ _____	\$ _____
<b>May</b>	\$ _____	\$ _____
<b>June</b>	\$ _____	\$ _____
<b>July</b>	\$ _____	\$ _____
<b>August</b>	\$ _____	\$ _____
<b>September</b>	\$ _____	\$ _____
<b>October</b>	\$ _____	\$ _____
<b>November</b>	\$ _____	\$ _____
<b>December</b>	\$ _____	\$ _____
Total Utility Costs:	<b>(A) \$</b> _____	<b>(D) \$</b> _____
Where applicable, enter Utility Cost For Laundry Facilities (per Appendix 1):	<b>(B) \$</b> _____	<b>(E) \$</b> _____
Subtract (B) from (A) and Subtract (E) from (D) to get Allowable Utility Costs:	<b>(C) \$</b> _____	<b>(F) \$</b> _____
Subtract Allowable Base Year Utility Costs (C) from Allowable Comparison Year Utility Costs (F) to get Increase in Utility Costs:		<b>(G) \$</b> _____
Divide (G) by 12 Months to get Average Monthly Utility Increase for the Property:		<b>(H) \$</b> _____
Divide (H) by Total # of Rooms <b>(I)</b> _____ (per Schedule D) to get Monthly Utility Increase Per Room:		<b>(J) \$</b> _____

For each unit subject to the petition, determine the allowable utility passthrough by completing the calculations on page 9. Additional forms for this calculation are available from the Rent Board, or you may make copies of the blank form before using it.

## SCHEDULE "E" OF LANDLORD PETITION

### UTILITY PASSTHROUGH COMPUTATION WORKSHEET – PAGE 2

To determine the size of a unit for purposes of the utility passthrough computation, first determine the number of rooms in the unit according to the guidelines set forth in Schedule D of this petition (page 7). Then add the number of rooms in the unit to the number of parking or garage spaces included in the tenant's rental or for which the tenant pays a user fee. This total constitutes the room count for the unit.

LIST ALL ONE ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 1 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL TWO ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 2 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL THREE ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 3 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL FOUR ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 4 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL FIVE ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 5 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL SIX ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 6 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL SEVEN ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 7 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *
LIST ALL EIGHT ROOM UNITS: # _____ <small style="text-align: center;">(List only units with a Base Year of 2019.)</small>	
1. Enter the Monthly Utility Increase Per Room from Line (J):	(J) \$ _____
2. Multiply 8 times (J) to get the Monthly Utility Passthrough for the unit(s):	(K) _____ *

\* Can only be imposed pursuant to notice served *after* the petition is filed, to be effective at the time of an annual rent increase.

## APPENDIX 1

### UTILITY COSTS FOR THE LAUNDRY FACILITIES

#### RULES & REGULATIONS SECTION 6.16(g)

**THE LANDLORD MUST COMPLETE APPENDIX 1 ONLY IF ALL OF THE FOLLOWING STATEMENTS ARE VERIFIED AS TRUE AND ALL OF THE BOXES ARE CHECKED:**

- There are laundry facilities on this property AND
- The tenants are charged a user fee for use of the laundry facilities AND
- The laundry facilities were not separately metered in both the base year and the comparison year.

If all of the statements above are true, the landlord must deduct utility costs for the laundry facilities from the total utility costs for the building because the tenants are already paying these costs through user fees and cannot be charged again for such costs. The cost of utilities for the laundry facilities can be determined in one of three ways:

- Where there is a third party vendor that collects the user fees from the laundry facilities, the income actually received by the landlord from the third party vendor for laundry use during the base year and comparison year is considered the cost of utilities for the laundry facilities. Complete the table below and attach documentation to support the amounts listed.
- Where there is not a third party vendor that collects the user fees from the laundry facilities, fifty percent (50%) of the user fees actually collected by the landlord for laundry use during the base year and comparison year is considered the cost of utilities for the laundry facilities. Complete the table below by listing 50% of the money collected and attach documentation to support the amounts listed.
- Regardless of whether or not there is a third party vendor that collects the user fees for the laundry facilities, the landlord can use the *actual* proven utility costs for the laundry facilities in the base year and comparison year. Attach evidence demonstrating the actual utility costs for the laundry facilities and submit a detailed written explanation of the evidence and calculations submitted.

Check **only one** of the boxes below to indicate the method used to determine utility costs for the laundry facilities:

- 100% of Income Received by Landlord from Third Party Vendor for Laundry Use
- 50% of User Fees Collected by Landlord for Laundry Use (list 50% of collections, not 100%)
- Actual Utility Costs for Laundry Facilities (attach explanation of methodology)

Where 2019 laundry costs were approved by the Rent Board in a prior Decision, it is not necessary to complete the Base Year portion of Appendix 1.

Base Year 2019			Comparison Year 2020		
Service Period	# of Days in Service Period		Service Period	# of Days in Service Period	
January		\$	January		\$
February		\$	February		\$
March		\$	March		\$
April		\$	April		\$
May		\$	May		\$
June		\$	June		\$
July		\$	July		\$
August		\$	August		\$
September		\$	September		\$
October		\$	October		\$
November		\$	November		\$
December		\$	December		\$
<b>TOTAL:</b>	_____ days	\$	<b>TOTAL:</b>	_____ days	\$

After completing Appendix 1, enter total Utility Costs for Laundry Facilities on Schedule E, Line B & E (page 8).

**APPENDIX 2**

**WORKSHEET FOR BUILDINGS WITH MULTIPLE MONTHLY UTILITY BILLS**

**THE LANDLORD MUST COMPLETE APPENDIX 2 ONLY IF THERE IS MORE THAN ONE MONTHLY UTILITY BILL FOR THE BUILDING. LIST MONTHLY AMOUNTS FOR EACH ACCOUNT SEPARATELY.**

Where 2019 utility costs were approved by the Rent Board in a prior Decision, it is not necessary to complete the Base Year portion of Appendix 2.

<b>BASE YEAR 2019</b>	<b>ACCOUNT #:</b>	<b>ACCOUNT #:</b>	<b>ACCOUNT #:</b>	<b>ACCOUNT #:</b>	<b>MONTHLY SUBTOTAL FOR ALL ACCOUNTS</b>
January	\$	\$	\$	\$	\$
February	\$	\$	\$	\$	\$
March	\$	\$	\$	\$	\$
April	\$	\$	\$	\$	\$
May	\$	\$	\$	\$	\$
June	\$	\$	\$	\$	\$
July	\$	\$	\$	\$	\$
August	\$	\$	\$	\$	\$
September	\$	\$	\$	\$	\$
October	\$	\$	\$	\$	\$
November	\$	\$	\$	\$	\$
December	\$	\$	\$	\$	\$

<b>COMPARISON YEAR 2020</b>	<b>ACCOUNT #:</b>	<b>ACCOUNT #:</b>	<b>ACCOUNT #:</b>	<b>ACCOUNT #:</b>	<b>MONTHLY SUBTOTAL FOR ALL ACCOUNTS</b>
January	\$	\$	\$	\$	\$
February	\$	\$	\$	\$	\$
March	\$	\$	\$	\$	\$
April	\$	\$	\$	\$	\$
May	\$	\$	\$	\$	\$
June	\$	\$	\$	\$	\$
July	\$	\$	\$	\$	\$
August	\$	\$	\$	\$	\$
September	\$	\$	\$	\$	\$
October	\$	\$	\$	\$	\$
November	\$	\$	\$	\$	\$
December	\$	\$	\$	\$	\$

After completing Appendix 2, enter the Monthly Subtotal For All Accounts on Schedule E (page 8).