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## • FORM RP-200 (A) • Landlord Petition for a Fair Return

*Contact us if you require translation services or reasonable accommodations due to a disability.*

A landlord is entitled to a fair return on property. A landlord should submit this attachment with the RP-200 Cover Form, to request a hearing for an upward rent adjustment above the Annual General Adjustment (AGA).

### 1. Fair Return

A landlord has the right to obtain a constitutionally required fair return on property. A Hearing Officer shall not determine a fair return solely by the application of a fixed or mechanical accounting formula, but there is a rebuttable presumption that maintenance of net operating income (MNOI) for the Base Year, as adjusted by inflation over time, provides a landlord with a fair return on property.

### 2. Base Year

Calendar year 2015 is the Base Year, unless there has been a rent increase based on a fair return on property in which case the Base Year is the calendar year in which the rent increase occurred.

### 3. Presumption of Base Year Net Operating Income

It shall be presumed that the net operating income received by the landlord in the Base Year provided the landlord with a fair return on property. This presumption may be rebutted.

### 4. Current Year

The "current year" shall be the calendar year preceding the year in which the petition is filed unless the petition is filed in July or thereafter in which case the "current year" shall be the 12 months ending two months prior to the month in which the petition is filed.

### 5. CPI (Consumer Price Index)

The CPI shall be the annual CPI for "San Francisco All Items" (<https://data.bls.gov/cgi-bin/surveymost?cu>).

**I. General Information About the Property**

1. Street Address: \_\_\_\_\_
2. Parcel Number(s): \_\_\_\_\_
3. Year Property Purchased by Current Owner: \_\_\_\_\_
4. Total Number of Rental Units on the Property: \_\_\_\_\_
5. Total Number of Rental Units Affected by Proposed Rent Increase: \_\_\_\_\_
6. Number of Exempt Rental Units and Basis for Exemption (if applicable): \_\_\_\_\_

**II. Landlord Information**

7. Name: \_\_\_\_\_
8. Phone(s): \_\_\_\_\_
9. Street Address: \_\_\_\_\_
10. City, State, Zip: \_\_\_\_\_
11. E-mail: \_\_\_\_\_

**III. Agent Information (if applicable)**

12. Name: \_\_\_\_\_
13. Phone(s): \_\_\_\_\_
14. Street Address: \_\_\_\_\_
15. City, State, Zip: \_\_\_\_\_
16. E-mail: \_\_\_\_\_

**IV. Services**

**17. Please Check The Applicable Boxes**  
(Identify the manner in which each service is paid)

Type of Service	Paid by Landlord, but not passed through to Tenants	Tenants pay service directly	Landlord pays service and passes cost through to Tenants
Gas			
Electricity			
Water			
Sewer			
Refuse			
Other			

**V. Changes to Services**

**18. Briefly describe the services provided to the rental units. Include all services provided and state which services are provided without additional charge:**

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**19. If there have been any changes to the services listed above or in the responsibility for their payment since the Base Year, please explain:**

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**VI. Income and Expense Explanation and Calculations**

**Calculation of Net Operating Income**

Net operating income shall be calculated by subtracting operating expenses from gross rental income.

**A. Gross Rental Income shall include**

1. Scheduled rental income at one hundred percent (100%) occupancy plus all other income or consideration received or in connection with the use or occupancy of the Rental Unit.
2. If there is a difference in the number of rental units between the Base Year and Current Year, the rental income and expenses for the same number of units shall be used in calculating the net operating income for both periods. The purpose of this provision is to provide a fair comparison between the Base Year and the Current Year.
3. Vacant or owner-occupied rental units at the time a petition is filed, that provided rental income in the Base Year, shall count toward the calculation of gross rental income in the Current Year. The Rent Program shall attribute rental income calculated on the basis of average rents for comparable units at the property that were most recently rented. If there are no such rental units, rents as a result of vacancy decontrol within the past two years may be used. If no comparable units on the property were rented within the last two years, initial rents for comparable units in the City may be used if there is no other basis for its calculation.

**B. Gross Rental Income Shall Not Include:**

1. Utility charges that are sub-metered, for gas, electricity or water;
2. Charges for refuse disposal, sewer service or other services (which are either provided solely on a cost pass-through basis if they are regulated by state or local law);
3. Charges for laundry services; and
4. Storage charges.

**C. Claim for Base Rent Adjustment**

A landlord may make a claim for a Base Year Rent Adjustment if the Base Year rent was disproportionately low. The Hearing Officer will consider a Base Year Rent Adjustment if the evidence supporting a requested adjustment is provided and sufficiently compelling to warrant an adjustment.

In support of a request for a Base Year Rent Adjustment, the landlord must complete pages 11-14 at the end of this form.

- Check here if a claim for a Base Year Rent Adjustment is included in this Attachment and complete pages 11-14 of this Attachment.**

**VII. Operating Expenses**

**Operating expenses include:**

Reasonable costs of operation and maintenance of the Rental Unit, including:

1. Management Expenses;
2. Utility Costs, except a utility that was unbundled in violation of City Ordinances;
3. Real Property Taxes;
4. Insurance;
5. License, Registration, and other Public Fees;
6. Landlord-performed Labor;
7. Legal Expenses;
8. Other Reasonable Operating Expenses.

**Operating expenses shall not include the following:**

1. Mortgage principal or interest payments or other debt service costs and costs associated with obtaining financing;
2. Any penalties, fees, or interest assessed or awarded for violation of any provision of the City's rent ordinances and regulations, or of any other provision of law;
3. Land lease expenses;
4. Political contributions and payments to organizations or individuals which are substantially devoted to legislative lobbying purposes;
5. Depreciation;
6. Any expenses for which the Landlord has been reimbursed by any utility rebate or discount, security deposits, insurance settlement, judgment for damages, settlement, or any other method or device;
7. Unreasonable increases in expenses since the Base Year;
8. Expenses associated with the provision of master-metered gas and electricity services;
9. Expenses which are attributable to unreasonable delays in performing necessary maintenance or repair work or the failure to complete necessary replacements;
10. Unreasonable Expenses.

### VIII. Income Worksheet

Annual Total		
(Insert Base and Current Years)	Base Year	Current Year
<b>Rental Income:</b>		
1. Gross scheduled rental income, including uncollected rent.	\$	\$
2. Portion Attributable to Vacancy	\$	\$
<b>Fees</b> (indicate what fee is for):		
3. Late fees	\$	\$
4. List fees, other than utilities, collected for services & amenities not included in rent	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
<b>Other Income*</b> (list separately by type):		
8.	\$	\$
9.	\$	\$
10.	\$	\$
<b>Funds Collected from tenants for Utilities:</b>		
11. Gas	\$	\$
12. Electricity	\$	\$
13. Water	\$	\$
14. Sewer	\$	\$
15. Refuse & Recycling	\$	\$
Other (list separately by type)		
16.	\$	\$
17.	\$	\$
18.	\$	\$
19.	\$	\$
20.	\$	\$
<b>21. Total Income</b> (add only lines 1 and 3-20)	<b>\$</b>	<b>\$</b>
*Interest earned by Landlord on Tenant security deposits, other interest or investment income.		

## IX. Operating Expenses Worksheet

Annual Total		
	Base Year	Current Year
1. Assessments	\$	\$
2. Real Property Taxes	\$	\$
3. License Tax/Fee	\$	\$
4. Rent Program Registration Fees	\$	\$
5. Insurance	\$	\$
6. Accounting	\$	\$
7. Legal (explain types of legal expenses)	\$	\$
8. Manager /Management Services	\$	\$
9. Security	\$	\$
10. Office Supplies	\$	\$
12. Normal Repairs	\$	\$
13. Owner-Performed Labor	\$	\$
14. Plumbing Maintenance	\$	\$
15. Pool Maintenance	\$	\$
16. Landscape Maintenance	\$	\$
17. Other Maintenance	\$	\$
18. Parking Lot/Street Maintenance	\$	\$
19. Gas (separately metered only)	\$	\$
20. Electricity (separately metered only)	\$	\$
21. Water	\$	\$
22. Sewer	\$	\$
Other (list separately by type):		
23. Vandalism Repairs	\$	\$
24. Uninsured Damages	\$	\$
25. Other	\$	\$
Attach additional pages to add or explain operating expense items, as needed.		
<b>27. TOTAL OPERATING EXPENSES</b>	<b>\$</b>	<b>\$</b>

### X. Net Operating Income

	Base Year	Current Year
<b>1. Base Year Total Income</b>		<b>X</b>
<b>2. Base Year Operating Expenses</b>		<b>X</b>
<b>3. Base Year Net Operating Income (NOI)</b> (Line 1 minus Line 2)		<b>X</b>
<b>4. Annual Average CPI of Base Year based on a 1982 base of 100*</b>		<b>X</b>
<b>5. Annual Average CPI of Current Year based on a 1982 base of 100**</b>	<b>X</b>	
<b>6. CPI Adjustment Factor for Purposes of Calculating the Base Year Adjusted NOI</b> (Line 5 divided by Line 4)		
<b>7. Base Year Adjusted NOI</b> (Line 3 times Line 6)		<b>X</b>
<b>8. Current Year Total Income</b>	<b>X</b>	
<b>9. Current Year Operating Expenses</b>	<b>X</b>	
<b>10. Current Year NOI</b> (Line 8 minus Line 9)	<b>X</b>	
<b>11. Difference in Base Year Adjusted NOI and Current Year NOI</b> (Line 7 minus Line 10)		
<b>12. Allowable Rent Increase per Unit per Month</b> (If Line 11 is positive, divide by the number of units, divide by 12. If Line 11 is negative, no rent increase.)		

\*For example, the Average CPI for calendar year 2015 was 258.572.

\*\*For example, the Average CPI for calendar year 2018 was 285.550.

***XI. Monthly Rents  
for each Rental Unit  
(Initial Rent,  
Previous, Current,  
and Proposed Rent)***

**Data for Each Rental Unit**

List the monthly rent, including all fees, charged to each tenant for the 12 months preceding the month in which the petition is filed. If the rent was raised during the 12-month period preceding the petition, including the amount of any fees, list each rent charged and indicate the date each increase was effective. Provide the year and amount of any unused Annual General Adjustments authorized by the Rent Program that have been banked with proper notice to each tenant for future rent increases. Attach all documentation supporting this income.

A Monthly Rent Worksheet and a Proposed Rent Worksheet are provided on pages 9-10 for your convenience



**XII. Monthly Rent Worksheet**

<b>Unit #</b>	<b>Rent</b>	<b>AGA Increase</b>	<b>Date of Increase (mm/dd/yyyy)</b>	<b>AGA Taken (%)</b>	<b>AGA Deferred (%)</b>	<b>Other Charges (Please specify)</b>	<b>Comment</b>
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	

**XIII. Proposed Adjustment Worksheet**

<b>Unit #</b>	<b>Base Rent Year</b>	<b>Date Tenancy Commenced (mm/dd/yyyy)</b>	<b>Initial Rent of Current Tenant/s</b>	<b>Date of Last Rent Increase (mm/dd/yyyy)</b>	<b>Rent in Current Year Income Calculation</b>	<b>Rent as of Date Petition Submitted</b>	<b>Proposed Rent</b>
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
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		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$
		/ /	\$	/ /	\$	\$	\$

**XIV. CLAIM FOR ADJUSTMENT OF BASE YEAR NET OPERATING INCOME AND ASSOCIATED CLAIM FOR A RENT ADJUSTMENT**

Landlords or Tenants may present evidence to rebut the presumption that the base year net operating income provided a fair return. Grounds for rebuttal of the presumption shall be based on at least one of the following findings:

1. Check this box  if you are requesting a base rent year adjustment in your fair return petition.

2. Check the factors below that are applicable to your claim.

A. Exceptional Expenses in the Base Year. The landlord's operating expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustments may be made in calculating operating expenses in order that the base year operating expenses reflect average expenses for the property over a reasonable period of time. Check which factor(s) contribute to your claim:

- Extraordinary amounts were expended for necessary maintenance and repairs.
- Maintenance and repair expenditures were exceptionally low as to cause inadequate maintenance or significant deterioration in the quality of services provided.
- Other expenses were unreasonably high or low notwithstanding the application of prudent business practices.

B. Exceptional Circumstances in the Base Year. The gross income during the base year was disproportionately low due to exceptional circumstances. In such instances, adjustments may be made in calculating base year gross rental income consistent with the purpose of analyzing base year net operating income. Check which factor(s) contributed to your claim:

- The gross income during the base year was lower than it might have been because at least 20% of the tenants were charged reduced rent.
- The gross income during the base year was significantly lower than normal because of the destruction of the premises and/or temporary relocation of tenants for construction or repairs.
- The history of rent increases in the years prior to the base year was less than the percentage changes in the Consumer Price Index.
- Base year rents were disproportionately low in comparison to the base year rents of comparable rental units in the City of Alameda.
- Other exceptional circumstances

C. Explanation for Basis in Support of Claim for Adjustment of Base Year Rent:

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**XV. Income Worksheet With Adjustment of Base Year Rents**

<b>Annual Total</b>		
(Insert Base and Current Years)	<b>Base Year</b>	<b>Current Year</b>
<b>Rental Income:</b>		
1. Gross scheduled rental income, including uncollected rent	\$	\$
2. Portion attributable to vacancy	\$	\$
<b>Fees (indicate what fee is for):</b>		
3. Late fees	\$	\$
4. List fees, other than utilities, collected for services & amenities not included in rent	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
<b>Other Income*</b> (list separately by type):		
8.	\$	\$
9.	\$	\$
10.	\$	\$
<b>Fees for Utilities:</b>		
11. Gas		
12. Electricity	\$	\$
13. Water	\$	\$
14. Sewer	\$	\$
15. Refuse & Recycling	\$	\$
<b>Other</b> (list separately by type):		
16.	\$	\$
17.	\$	\$
18.	\$	\$
19.	\$	\$
<b>20. Total Income</b> (add only lines 1 and 3-19)	<b>\$</b>	<b>\$</b>
*Interest earned by Landlord on Tenant security deposits, other interest or investment income.		

**XVI. Calculation of Fair Return Rent Adjustment with Adjustments of Base Year Net Operating Income:**

	Base Year	Current Year
<b>1. Proposed Adjusted Base Year Total Income*</b>		<b>X</b>
<b>2. Proposed Adjusted Base Year Operating Expenses</b>		<b>X</b>
<b>3. Proposed Adjusted Base Year Net Operating Income (NOI) (Line 1 minus Line 2)</b>		<b>X</b>
<b>4. Annual Average CPI of Proposed Adjusted Base Year based on a 1982 base of 100**</b>		<b>X</b>
<b>5. Annual Average CPI of Current Year based on a 1982 base of 100***</b>	<b>X</b>	
<b>6. CPI Adjustment Factor for Purposes of Calculating the Base Year Adjusted NOI (Line 5 divided by Line 4)</b>		
<b>7. Adjusted NOI for Proposed Adjusted Base Year (Line 3 times Line 6)</b>		<b>X</b>
<b>8. Current Year Total Income</b>	<b>X</b>	
<b>9. Current Year Operating Expenses</b>	<b>X</b>	
<b>10. Current Year NOI (Line 8 minus Line 9)</b>	<b>X</b>	
<b>11. Difference in Base Year Adjusted NOI and Current Year NOI (Line 7 minus Line 10)</b>		
<b>12. Allowable Rent Increase per Unit per Month</b> (If Line 11 is positive, divide by the number of units, divide by 12. If Line 11 is negative, no rent increase.)		

\*This MNOI calculation requires a determination of an adjustment to the Base Year Net Operating Income prior to completing this form. The proof provided in support of the Exceptional Expenses or Exceptional Circumstances required on Page 11 sections 2 (A) and 2 (B) of this form will determine if an adjustment is appropriate. A proposed Base Year Net Operating Income adjustment may be provided as a starting point.

\*\*For example, the Average CPI for calendar year 2015 was 258.572.

\*\*\*For example, the Average CPI for calendar year 2018 was 285.550.

