



CITY OF SANTA ANA
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Fair Return Petition for City of Santa Ana Residential Property and Mobilehome Parks

The Rent Stabilization and Just Cause Eviction Ordinance allows for a maximum rent increase during any 12-month period of three percent (3%), or eighty (80%) of the change in the Consumer Price Index, whichever is less, as further described in Section 8-3141 of the Ordinance. An owner of residential real property or a mobilehome park owner may petition for a rent increase in excess of the published allowable increase in order to obtain a fair and reasonable return on their property. The applicant shall bear the burden of establishing that, without such an increase, they will not realize a fair and reasonable return on the property. Section 8-3142 details the requirements for a Fair Return Petition (“Petition”).

If you have any questions regarding the Fair Return Petition, please contact a representative at (714) 667-2209 or rso@santa-ana.org. A copy of the ordinance can be found [HERE](#).

The Ordinance details the following process for the submission of a Fair Return Petition in Section 8-3145:

- A Fair Return Petition shall be submitted to the Program Administrator at rso@santa-ana.org.
- The Fair Return Petition will be reviewed by the Program Administrator to determine if the required information and documentation were submitted. The petitioner will be notified if the Petition is accepted or denied. The Program Administrator will not assess the merits of the Petition.
- Once the Petition is accepted, an impartial Hearing Officer will conduct a hearing to act upon the Petition. All parties may provide information to the Hearing Officer for consideration. The hearing will be held within 60 days of acceptance.
- All parties will be notified of the hearing date, time, and location no later than 10 days before the hearing.
- The Rental Housing Board, at its sole discretion, may hold a hearing on a Petition without the Petition first being heard by a Hearing Officer.
- The petitioner shall have the burden of proof of the need for a rental rate in excess of the published allowable increase provided in the Ordinance.
- Any party may appear at the hearing and provide documents, testimony, written declarations, or other evidence that may be pertinent to the proceeding, as determined by the Hearing Officer, as set forth in the Rules of Evidence in Section 8-3145(k).

- Once a decision is made, the Hearing Officer will send a notice to the parties affected by the Petition.
- Any person that does not agree with the decision of the Hearing Officer may file an appeal with the Rental Housing Board within thirty (30) days of the Hearing Officer's decision.

General Information

Property/Park Name: _____ Telephone: _____

Property/Park Address: _____

Property/Park Owner(s): _____ Telephone: _____

Address: _____

Property/Park Representative(s): _____ Telephone: _____

Address: _____

Property/Park Attorney(s): _____ Telephone: _____

Address: _____

of Units in Property/Spaces in Park: _____ # of Units/Spaces Affected by Proposed Increase: _____

Year Property Built/Park Opened: _____ Year Your Ownership Started: _____

Have you registered the property in the Rental Registry? No Yes

Briefly describe the location of the property/park.

Briefly explain the reasons for requesting a rent increase.

Rent Income

As provided below, list all residential property/park-related income. Use totals for your most recent 12-month calendar year period and base year for all units in the property/spaces.

Rent is defined in Section 8-3102 of the Ordinance. Do not include any income collected for the provision of sub-metered gas and electricity expenses or reimbursements for utility company charges.

Rent	Annual Total	
	Base Year ¹ : _____	Most Recent 12-Month Calendar Year Period Year: _____
1. Total of unit/space rent	\$ _____	\$ _____

Fees (indicate what each fee is for)		
2. Late fees	\$ _____	\$ _____
3. Laundry income	\$ _____	\$ _____
Other Fees (list separately by type)		
4.	\$ _____	\$ _____
5.	\$ _____	\$ _____
6.	\$ _____	\$ _____
7.	\$ _____	\$ _____
8.	\$ _____	\$ _____
Other (list separately by type)		
9.	\$ _____	\$ _____
10.	\$ _____	\$ _____
Total Gross Income	\$ _____	\$ _____

For the purposes of calculating a Fair Return Petition, pursuant to Section 8-3142 of the Ordinance, as may be amended from time to time, the following terms may be used. The "Initial Base Year" means the 2020 calendar year, which is the full and complete year preceding November 18, 2021. The "Base Year" means the most recent calendar year that was considered by the Hearing Officer in the last Fair Return Petition for the Rental Unit(s) at issue. The "Current Year" is the most recently completed calendar year ending on December 31st as of the date of submission of the Petition. The Current Year becomes the Base Year in the immediately following Petition for the Rental Unit(s) at issue. The "Initial Base Rent" is the Rent amount reflected on December 31st in the Initial Base Year. "Base Rent" is the Rent amount in the Base Year which reflects the amount last considered by the Hearing Officer for the Rental Unit(s) at issue.

Utilities

Electricity (please check one)

_____ Residents pay directly to utility company (proceed to the Natural Gas section below)

_____ Residents are billed by the owner based on their meter reading (proceed to A, below)

_____ Cost of the utility is included in the rent

A. Electricity pass-through	Fill in the amounts paid and collected for Electricity (Most Recent 12-Month Calendar Year Period)
1. Amount collected from residents	
2. Amount billed by utility company	
Difference (1. Minus 2.)	

Natural Gas (please check one)

_____ Residents pay directly to utility company (proceed to the Water section below)

_____ Residents are billed by the owner based on their meter reading (proceed to B, below)

_____ Cost of the utility is included in the rent

B. Natural Gas pass-through	Fill in the amounts paid and collected for Natural Gas (Most Recent 12-Month Calendar Year Period)
1. Amount collected from residents	
2. Amount billed by utility company	
Difference (1. Minus 2.)	

Water (please check one)

_____ Residents pay directly to utility company

_____ Residents are billed by the owner based on their meter reading (proceed to C, below)

_____ Cost of the utility is included in the rent

C. Water pass-through	Fill in the amounts paid and collected for Water (Most Recent 12-Month Calendar Year Period)
1. Amount collected from residents	
2. Amount billed by utility company	
Difference (1. Minus 2.)	

Rent Comparative Analysis

Per the Ordinance, the owner or owner's representative must detail how their rental charges compare to residential real property or mobilehome spaces in the City.

Describe below amenities and services in your property that are provided within the current rent at no additional charge to tenants, in addition to the current average rent of your property.

Additionally, identify and describe comparable residential real properties or mobilehome spaces in the City that offer similar amenities, services, unit/space count, and detail their current average rent. Provide documentation for each comparable property identified.

Operating Expenses

Item	Annual Total	
	Base Year	Most Recent 12-Month Calendar Year Period
1. Assessments	\$ _____	\$ _____
2. Electricity (common areas only)	\$ _____	\$ _____
3. Gas (common areas only)	\$ _____	\$ _____
4. Gardening	\$ _____	\$ _____
5. Insurance	\$ _____	\$ _____
6. Legal	\$ _____	\$ _____
7. Accounting	\$ _____	\$ _____
8. Licenses	\$ _____	\$ _____
9. Manager (if any)	\$ _____	\$ _____
10. Miscellaneous Supplies	\$ _____	\$ _____
11. Office Supplies	\$ _____	\$ _____
12. Real Property Taxes	\$ _____	\$ _____
13. Security	\$ _____	\$ _____
14. Street Sweeping	\$ _____	\$ _____
15. Trash (do not include charges reimbursed by tenants)	\$ _____	\$ _____
16. Water (do not include charges reimbursed by tenants)	\$ _____	\$ _____
17. Sewer (do not include charges reimbursed by tenants)	\$ _____	\$ _____
18. Cable (do not include charges reimbursed by tenants)	\$ _____	\$ _____
19. Owner-performed labor	\$ _____	\$ _____
20. Pool Maintenance	\$ _____	\$ _____
21. Plumbing Maintenance	\$ _____	\$ _____
22. Normal Repairs	\$ _____	\$ _____
23. Street Maintenance	\$ _____	\$ _____
Other (list separately by type)		
24.	\$ _____	\$ _____
25.	\$ _____	\$ _____
Total Operating Expenses	\$ _____	\$ _____

Additional Repairs

In the most recent 12-month calendar year period and base year, has there been a need for repairs caused by circumstances other than ordinary wear and tear? If so, please briefly explain below and list relevant repair expenses:

Additional Repairs (list separately by type)		
	Base Year	Most Recent 12-Month Calendar Year Period
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
Total Maintenance and Repair Expenses	\$ _____	\$ _____

Completed Capital Improvement/Rehabilitation Work Expenses

List and describe capital improvements or rehabilitation work related to the residential real property or mobilehome space or spaces specified in the Fair Return Petition.

Include improvements/rehabilitation work **only** completed during most recent 12-month calendar year period and base year.

(Please Complete this Sheet for Each Capital Improvement)

Capital Improvement/Rehabilitation Work: _____

Date of Completion: _____

Have you submitted a Capital Improvement Petition? No Yes

Brief Description

Cost	Amount
Materials	\$ _____
Labor	\$ _____
Construction Interest	\$ _____
Permit Fees	\$ _____
Other Items	
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
Total Amount:	\$ _____

Additional Expenses

A. Complimentary Tenant Services

List all services that were provided within the current rent at no additional charge to the tenants (e.g., car washing, dry cleaning, etc.)

Service Provided	Annual Amount	
	Base Year	Most Recent 12-Month Calendar Year Period
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
Total	\$ _____	\$ _____

B. Changes in the Rent Paid by the Applicant for Leasing of Property

If applicable, describe below if there have been any changes in the rent paid by the applicant for the lease of the residential property or land on which the subject residential real property or mobilehome park is located.

Previous and Proposed Rent Increases

List previous and proposed rent increases for each individual unit related to the residential real property or mobilehome space or spaces specified in the Fair Return Petition.

Unit Number	Current Rent Charged	Requested New Rent	Percent Increase	Date of Last Rent Increase

(Please Complete This Sheet as Needed)

Completing the Fair Return Petition for Rent Increase

The owner(s), or authorized representative of the owner(s), must complete the Petition and include all supporting documentation. If information requested is not available indicate this fact and give the reason for its unavailability.

Please submit receipts, ledgers, invoices and all supporting documentation by categories as listed below.

Required Documentation

- A. Copies of all invoices, cancelled checks, receipts and ledger sheets or other documents showing, for the most recent 12-month calendar year period, the following:
 1. Rents collected from all tenants;
 2. The amount of other income received in the period, including contracts for Section 8 units;
 3. Verified property taxes assessed and paid;
 4. Verified amounts billed and paid for electricity, gas, water, and trash service;
 5. Verified amounts expended for maintenance and repair;
 6. Insurance paid;
 7. If claiming, all actual paid administrative and management expenses;
 8. License or other fees paid;
 9. Owner-performed labor listed on the petition. Documentation must show the date, time, nature of work performed, unit in which the work was performed, and if the work related to a specific capital improvement expense;
 10. Verified miscellaneous expenses paid;
 11. Capital expenses for which the amortized useful life has not expired. Include only those not included in previous increase petitions; and
 12. Documentation for each comparable property identified for Rent Comparative Analysis.

After the Fair Return Petition is submitted, it will be reviewed by the Program Administrator to make sure it contains all necessary information. A Petition will only be considered by the Hearing Officer properly filed when it has been submitted in substantially completed form with all material information necessary to reach a decision on the Petition. You will be notified if it is incomplete or if any further information is necessary. You will then be allowed to either provide additional information or explain why you are not able to do so.

A Fair Return Petition shall be decided by the Hearing Officer within sixty (60) calendar days of the date that the application has been accepted.

If you are not satisfied with the decision, you have the right to appeal to the Rental Housing Board. If you choose to appeal the decision, you must do so within thirty (30) days of receipt of the notice of the decision by the Hearing Officer. Any appeal of the Hearing Officer decision on a Petition will be heard by the Rental Housing Board pursuant to appeal procedures found Section 8-3145(q) of the Ordinance.

Relevant Factors in Deciding a Fair Return Petition

Relevant factors in deciding a Fair Return Petition may include, but not be limited to:

- 1) Changes in the Consumer Price Index for All Urban Consumers in the Los Angeles-Long Beach-Anaheim Metropolitan Area published by the Bureau of Labor Statistics;
- 2) The rent lawfully charged for comparable rental units in the City;
- 3) The length of time since the last determination on a Fair Return Petition, or the last rent increase if no previous Fair Return Petition has been made;
- 4) The completion of any rehabilitation work related to the rental unit, and the cost thereof, including materials, labor, construction interest, permit fees, and other items deemed appropriate;
- 5) Changes in property taxes or other taxes related to the rental unit;
- 6) Changes in the rent paid by the landlord for the lease of the rental unit;
- 7) Changes in the utility charges for the rental unit paid by the landlord, and the extent, if any, of reimbursement from the tenants;
- 8) Changes in reasonable operating expenses;
- 9) Changes in net operating income;
- 10) The need for repairs caused by circumstances other than ordinary wear and tear;
- 11) The amount and quality of housing services provided by the landlord to the tenants;
- 12) Compliance with any existing rental agreement lawfully entered into between the landlord and tenants; and
- 13) Landlord's substantial compliance with the Ordinance and applicable housing, health and safety codes.

**Owner’s or Owner's Representative Declaration
Under Penalty of Perjury**

I declare as follows:

I am the owner, or authorized representative of the owner(s), of said residential property/mobilehome park involved in this request.

I am authorized to submit this petition form and supporting documentation on behalf of the Residential Property/Mobilehome Park 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.*