

Rent and the Treatment of Utilities in Rent Stabilized Jurisdictions in California

Jurisdictions	Mountain View	Alameda	Berkeley	Culver City	East Palo Alto	Hayward
What is the definition of Rent?	RENT: All periodic payments and all nonmonetary consideration including, but not limited to, the fair market value of goods, labor performed or services rendered to or for the benefit of the Landlord under a Rental Housing Agreement concerning the use or occupancy of a Rental Unit and premises and attendant Housing Services, including all payment and consideration demanded or paid for parking, Utility Charges, pets, furniture, and/or subletting. HOUSING SERVICES: include, but are not limited to, repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, bath and laundry facilities and privileges, janitor services, Utility Charges that are paid to the Landlord, refuse removal, furnishings,	RENT: periodic compensation, including all non-monetary compensation, that a Tenant provides to a Landlord concerning the use or occupancy of a Rental Unit, including any amount included in the Rent for utilities, parking, storage, pets or for any other fee or charge associated with the tenancy for the use or occupancy of a Rental Unit and related Housing Services. HOUSING SERVICES. means those services provided and associated with the use or occupancy of a Rental Unit not exempt from rent control under State Law including, but not limited to, repairs, replacement, maintenance, effective waterproofing and weather protection, painting, providing light, heat, hot and cold water, elevator service, window shades and screens, laundry facilities and privileges, janitorial services, utilities that are paid by the Landlord, refuse removal, allowing pets, telephone, parking, storage, the right to have a specified number of Tenants or occupants, computer technologies, entertainment technologies, including cable or satellite television services, and any other benefits, privileges or facilities connected with the use or occupancy of such Rental Unit including a proportionate share of the services provided to common facilities of the building in which such Rental Unit is located and/or of the property on which such Rental Unit is located.	RENT: The consideration, including any deposit, bonus, benefit or gratuity demanded or received for or in connection with the use or occupancy of rental units and housing services. Such consideration shall include, but not be limited to, monies and fair market value of goods or services rendered to or for the benefit of the landlord under the rental agreement. HOUSING SERVICES: include but are not limited to repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishing, telephone, parking and any other benefit, privilege or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.	RENT: The sum of all periodic payments and all nonmonetary consideration demanded or received by a Landlord from a Tenant for use or occupancy of a Rental Unit, including Tenant's access to and use of Housing Services. Rent includes, without limitation, the fair market value of goods accepted, labor performed, or services rendered. HOUSING SERVICES: all services provided by the Landlord related to the use or occupancy of a Rental Unit, including, but not limited to, insurance, repairs, replacement, maintenance, painting, utilities, heat, water, elevator service, laundry facilities, recreational areas and/or pools, janitorial service, refuse removal, furnishings, parking, storage, and security services.	Except as provided in A.1 below, all utility and housing service fees, as defined in Section 4.G of the Ordinance, codified in Section 14.04.040 of the East Palo Alto Municipal Code, are included in the rent and regulated by the Ordinance. As such, these regulated utility and housing service fees are subject to the limit in overall rent increase in any twelve-month period as set forth in the Ordinance including, but not limited to, Sections 10.F and 10.I, codified in Section 14.04.100 of the East Palo Alto Municipal Code 1. If actual sewer, trash, water, gas, electricity, or other utility service charges paid by the landlord to a service provider are individually metered for the unit and actually passed on to the tenant as specified in the initial lease or rental agreement (i.e. reimbursed by the tenant), these charges are not regulated by the Ordinance and can be increased by the landlord based on actual service charges invoiced to the landlord and passed on to the tenant. 2. If a fixed amount is assessed for sewer, trash, water, gas, electricity, or other utilities by the landlord and specified in the initial lease or rental agreement ("utility fees"), these utility fees are considered part of the rent and are regulated by the Ordinance, i.e. can only be increased by the landlord if the amount for rent, including utility fees, is within the amount allowed by the Maximum Allowable Rent as specified in Section	RENT: The total consideration, including any bonus, benefit, gratuity, demanded or received by a Landlord for or in connection with the use or occupancy of a Rental Unit, or the assignment of a lease for such a unit, including Housing Services or subletting, but excluding any amount demanded or received by a Landlord as a Security Deposit. HOUSING SERVICE: A service provided by the Landlord related to the use or occupancy of a Rental Unit, including but not limited to, insurance, repairs, replacement, maintenance, painting, lighting, heat, water, elevator service, laundry facilities, janitorial service, refuse removal, furnishings, parking, security service, and employee services.
Definition of Rent includes Utilities?	Yes	Yes	Yes	Yes	Yes	Yes
Which utilities are addressed in Rent or Housing Services?	Gas, electricity, water, garbage, sewer, telephone, cable, internet, other	Water, gas and electric, sewer, other	Water, sewer, other	Water, garbage, sewer, heat, other	Sewer, trash, water, gas, electricity, other	Electric, water, gas, garbage, sewer
Under what circumstances are utility charges exempt from Rent?	None.	In case RUBS is used.	In case RUBS is used or actual tenant usage is tracked and billed.	None.	In case individual meters track unit usage and is included in lease.	In case RUBS is used and is included in lease.
Utilities paid directly by tenant to utility provider are NOT included in definition of rent.	✓	✓	✓	✓	✓	✓
Summary of RUBS allowance	RUBS is not allowed.	RUBS is allowed.	RUBS is allowed.	RUBS is not allowed.	RUBS is not allowed.	RUBS is allowed when included in lease.

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How are utility price increases addressed?	AGA	RUBS bill increase	RUBS bill increase	AGA	AGA	If utility costs increase is more than 1% of the rent or there is a rate increase, tenant can request documentation. Tenant may file a petition.
Language of utility bill policy		Landlord should not...increase any such charges or fees except for increased charges paid directly to the Landlord for utilities that are pro-rated among Tenants pursuant to a Ratio Utility Billing System or a similar cost allocation system...such fees for Housing Services or charges for utilities shall not be included in calculating the Maximum Allowable Rent			All utility and housing service fees are included in the rent and regulated by the Ordinance and are subject to the limit in overall rent increase in any twelve-month period. 1. If actual sewer, trash, water, gas, electricity, or other utility service charges paid by the landlord to a service provider are individually metered for the unit and actually passed on to the tenant as specified in the initial lease or rental agreement (i.e. reimbursed by the tenant), these charges are not regulated by the Ordinance and can be increased by the landlord based on actual service charges invoiced to the landlord and passed on to the tenant. 2. If a fixed amount is assessed for sewer, trash, water, gas, electricity, or other utilities by the landlord and specified in the initial lease or rental agreement ("utility fees"), these utility fees are considered part of the rent and are regulated by the Ordinance, i.e. can only be increased by the landlord if the amount for rent, including utility fees, is within the amount allowed by the Maximum Allowable Rent	Governmental-Utility Service Pass Through. A Landlord may only pass through costs of Governmental-Utility Services through a ratio utility billing system (RUBS) or similar unmetered allocation arrangement, pursuant to the terms of a written lease. However, costs for Governmental-Utility Service pursuant to this Section shall not be considered Rent, and shall not be increased when Rent Increases, nor shall they be considered Rent for purposes of calculating an increase under the Rent Increase Threshold in accordance with Section 12-1.05(a). Within two (2) months receipt of a utility rate cost increase and /or any increase in utility services costs above one percent (1%) of the Tenant 's existing Rent, upon request by a Tenant, the Landlord shall provide the Tenant (s) documentation supporting the level of increase
Relevant Code / Link	Mountain View Community Stabilization and Fair Rent Act	City of Alameda Ordinance No. 3250 6-58.45, Limitations on Revising What is Included in the Rent	Berkeley Rent Board (berkeleyca.gov)	Culver City Rent Control Ordinance	East Palo Alto Rent Stabilization Ordinance and Regulations, Section 800 A, Ordinance	City of Hayward Ordinance No. 19-12 Section 12-1.05

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Jurisdictions	Los Angeles	Oakland	Richmond	San Francisco	San Jose	Santa Monica	W Hollywood
What is the definition of Rent?	<p>RENT: The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, including but not limited to monies demanded or paid for the following: meals where required by the landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits.</p> <p>HOUSING SERVICES: Services 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, and maintenance, including painting. This term shall also include 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.</p>	<p>RENT: The total consideration charged or received by an owner in exchange for the use or occupancy of a covered unit including all housing services provided to the tenant.</p> <p>HOUSING SERVICES: means all services provided by the owner related to the use or occupancy of a covered unit, including, but not limited to, insurance, repairs, maintenance, painting, utilities, heat, water, elevator service, laundry facilities, janitorial service, refuse removal, furnishings, parking, security service, employee services, and any other benefits or privileges permitted the tenant by agreement, whether express or implied, including the right to have a specific number of occupants and the right to one-for-one replacement of roommates, regardless of any prohibition against subletting and/or assignment.</p>	<p>RENT: All periodic payments and all nonmonetary consideration including, but not limited to, the fair market value of goods, labor performed or services rendered to or for the benefit of the Landlord under a Rental Housing Agreement, as defined in this Section, concerning the use or occupancy of a Rental Unit and premises, including all payment and consideration demanded or paid for parking, utilities, pets, furniture, subletting and security deposits for damages and cleaning.</p> <p>HOUSING SERVICES: Housing Services: Housing Services include, but are not limited to, repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, utilities that are paid by landlord, refuse removal, furnishings, telephone, parking, the right to have a specified number of occupants, and any other benefit, privilege or facility connected with the use or occupancy of any Rental Unit. Housing Services to a Rental Unit shall include a proportionate part of services provided to common facilities of the building in which the Rental Unit is contained.</p>	<p>RENT: The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including but not limited to monies demanded or paid for parking, furnishings, food service, housing services of any kind, or subletting.</p> <p>HOUSING SERVICES: Services provided by the landlord connected with the use or occupancy of a rental unit including, but not limited to: quiet enjoyment of the premises, without harassment by the landlord as provided in Section 37.10B; repairs; replacement; maintenance; painting; light; heat; water; elevator service; laundry facilities and privileges; janitor service; refuse removal; furnishings; telephone; parking; rights permitted the tenant by agreement, including the right to have a specific number of occupants, whether express or implied, and whether or not the agreement prohibits subletting and/or assignment; and any other benefits, privileges or facilities.</p>	<p>RENT: The consideration, including any funds, labor, bonus, benefit, or gratuity, demanded or received by a Landlord for or in connection with the use or occupancy of a Rental Unit, including Housing Services, or for the assignment of a lease or rental agreement for a Rental Unit, including subletting.</p> <p>HOUSING SERVICES: "Housing Services" means those services provided and associated with the use or occupancy of a Rental Unit, including but not limited to repairs, replacement, maintenance, painting, light, heat, water, elevator service, pest control, laundry facilities and privileges, janitorial service, refuse removal, furnishings, telephone, parking, storage, and any other benefits, privileges, or facilities.</p>	<p>RENT: All periodic payments and all nonmonetary consideration including but not limited to, the fair market value of goods or services rendered to or for the benefit of the landlord under an agreement concerning the use or occupancy of a rental unit and premises including all payment and consideration demanded or paid for parking, pets, furniture, subletting and security deposits for damages and cleaning.</p> <p>HOUSING SERVICE: Housing services include, but are not limited to repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, telephone, parking, the right to have a specified number of occupants, and any other benefit, privilege or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.</p>	<p>RENT: The consideration paid for the use or occupancy of a rental unit and for the provision of related housing services.</p> <p>HOUSING SERVICES: for tenancies commencing on or after January 1, 1999, shall mean services listed on the unit re-registration form filed with and accepted by the city and any other services actually provided by the landlord or agreed to by the landlord and tenant. If said re-registration form has not been filed with and accepted by the city, housing services shall mean services provided on or after April 30, 1984 unless otherwise agreed to by the landlord and tenant.</p>
Definition of Rent includes Utilities?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Which utilities are addressed in Rent or Housing Services?	Gas and electric, water	Gas and electric, water, sewer, garbage	Gas and electric, water	Gas, electricity and/or steam, water	Water, sewer, trash, gas and electricity	Water, sewer, trash, other housing services	Sewer, trash, water, gas, electricity, other
Under what circumstances are utility charges exempt from Rent?	An additional 1% of the rent is charged for gas and 1% for electricity, if those utilities are otherwise paid in full by landlord.	None.	In case sub-meters track actual tenant usage.	In case RUBS is used and is included in lease.	None.	None.	None.
Utilities paid directly by tenant to utility provider are NOT included in definition of rent.	✓	✓	✓	✓	✓	✓	✓
Summary of RUBS allowance	RUBS is not allowed.	RUBS is not allowed.	RUBS is not allowed.	RUBS is allowed if included in lease.	RUBS is not allowed.	RUBS is not allowed.	RUBS is not allowed.

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Jurisdictions	Los Angeles	Oakland	Richmond	San Francisco	San Jose	Santa Monica	W Hollywood
How are utility price increases addressed?	Percentage of rent. If rent increases, so can proportional gas and electric charge.	Rent Increases Based on Increased Housing Services Costs. Staff will compare most recent two years of operating expenses to determine if a rent increase is justified. The calculation in both years must provide a reasonable comparison of all expenses.	AGA	Pass-through of cost increase.	AGA	AGA	AGA
Language of utility bill policy		When more than one rental unit shares any type of utility bill with another rental unit, it is illegal to divide up the bill between units. Splitting the costs of utilities among tenants who live in separate units is prohibited by the Public Utilities Commission Code and Rule 18 of PG&E. The best way to remedy the bill is to install individual meters. If this is too expensive, then the property owner should pay the utility bill himself/herself and build the cost into the rent.	Gross rental income shall not include: Utility Charges for sub-metered gas, electricity or water; Charges for refuse disposal, sewer service, and, or other services which are either provided solely on a cost pass-through basis and/or are regulated by state or local law;	where the landlord has been paying the tenant's utilities and the cost of those utilities increases, the landlord's passing through to the tenant of such increased costs pursuant to this Chapter does not constitute a rent increase	No charges may be passed through that are assigned to Tenants by virtue of ratio utility billing or similar unmetered allocation arrangement.	If the rental agreement provides for separate charges for shared or mastermetered utilities, including, but not limited to, water, sewer or trash, those charges are part of the rent, as defined under Charter section 1801(f). Charges for such housing services must be specified as a dollar amount at the commencement of the tenancy. The base rent will only include those charges that are specified as a dollar amount at the commencement of the tenancy and actually paid by the tenant during the initial term.	No landlord may impose a separate fee or charge for any utility service which is billed directly to the landlord by the utility provider. This prohibition includes, but is not limited to, the use of ratio utility billing systems (RUBS) or landlord installed meters that do not establish a separate, tenant account with the utility provider.
Relevant Code / Link	City of Los Angeles Ordinance Ch. 8.52 Rent Stabilization and Tenant Protections	Oakland Ordinance Regulations Appendix A, Section 10.1.10	Chapter 9. 6.a.ii Standards For Individual Maximum Allowable Rent Adjustments	San Francisco Rent Ordinance Chapter 37	City of San Jose Chapter 17.23.315	Santa Monica Regulations Chapter 3, Section 3301, ii.	West Hollywood Chapter 17.32.100. Master Metered Utility Services