

## Select Documentary Evidence Requirements

Not many jurisdictions have received landlord petitions over the past years because the Base Year for the MNOI calculations is set close to the effective date of their rent stabilization regulations (1970's). With vacancy decontrol in place most owners are making a much higher return than a petition request and MNOI standard would provide.

**Berkeley** The supporting documentation must substantiate the nature and cost of the claimed improvement and may include copies of invoices, signed contracts, material and labor receipts, self-labor logs, proof of entitlement to skilled labor rate (if claimed), canceled checks or any other items of documentation accepted and used in the normal course of business. Reports which merely summarize or refer to undocumented expenditures are not, by themselves, adequate substantiation. Hearing Examiners shall weigh and evaluate the nature of the documentation submitted as substantiation, and may require additional proof. Evidence of compliance with applicable permit requirements and correction of any cited code violations may also be required.

**Los Angeles** An applicant shall produce at the request of the Department or hearing officer to whom the matter is assigned such records, receipts or reports as the Department or hearing officer may deem necessary to make a determination on the adjustment request. Failure to produce such requested items shall be sufficient basis for the Department or hearing officer to terminate the rent adjustment proceeding.

**Oakland** The petition shall be accompanied by: ... documentation supporting the owner's claimed justification(s) for the rent increase or supporting any claim of exemption.

**Richmond** When filing a petition, Landlords should submit letters, e-mails, texts, photos, receipts, expenses, and other documentation to support the grounds for the rent increase. Remember that the Hearing Examiner's rent adjustment decision is based on a preponderance (51% or more) of the evidence.

The petition shall be accompanied by: ... copies of all claimed invoices, signed contracts, and cancelled checks substantiating the costs for which the landlord has not been compensated by insurance proceeds. For each petition totaling more than \$25,000, in addition to the supporting material prescribed by the Board for all petitions, the applicant must either: (1) Provide copies of competitive bids received for work and materials; or, (2) Provide copies of time and materials billing for work performed by all contractors and subcontractors...

**San Francisco**

A petition for certification of capital improvement costs may be administratively dismissed in the following circumstances: (a) Where the petition submitted fails to clearly itemize costs according to specific improvements categorized by type of improvement; e.g., foundation work, new roof, electrical service, electrical wiring, fire sprinkler system, etc.; (b) Where the petition submitted for improvements to more than one building does not clearly allocate costs to each building; (c) Where the petition submitted for improvements to a building with more than one unit fails to clearly distinguish costs of common area improvements from costs of improvements to specific units; (d) Where the documentation submitted in support of the petition (i.e., bills, canceled checks, etc.) is not clearly marked so as to identify the specific improvement to which it relates..

**San Jose**

A Petition for fair return must include copies of all evidence the landlord is relying on to support their claim. Receipts, cancelled checks and detailed invoices are the best documentation. Tax returns and ledgers may be submitted as part of the supporting evidence; however, tax returns alone are not accepted as sufficient evidence for claims. Prepared ledgers are not accepted as sufficient evidence.

**Santa Monica**

Santa Monica does not have many increase petitions these days because their NOI analysis compares the 1978 income/expenses against the current year income/expenses and with vacancy decontrol most owners are making a much higher return than provided for in their regulations and formula.

The petition shall be accompanied by: ...two copies of any and all invoices, cancelled checks, receipts and ledger sheets or other documents

**West Hollywood**

The best documents are copies of receipts, checks and invoices. Tax forms are not accepted for Current Year claims or a base year period that incurs within 3 years of Current Year period.