



City of Pomona Capital Improvement Petition

Under the City of Pomona’s Rent Stabilization and Eviction Control Ordinance (“Ordinance”), landlords may submit a Capital Improvement Petition (“Petition”) to request approval to pass through the cost of eligible improvements to tenants, based on a reasonable amortization schedule. As defined in the Ordinance, Capital Improvements are improvements with a useful life of five (5) years or more and do not include normal or routine maintenance, repairs, or replacements. Any approved pass-through may not exceed the lesser of ten percent (10%) of the monthly rent or one hundred dollars (\$100) per month. A copy of the Ordinance can be found at www.pomonaca.gov/RS.

If you have any questions regarding the Capital Improvement Petition, please contact a representative at (909) 620-3777 or RentStabilization@pomonaca.gov.

The Ordinance details the following process for the submission of a Capital Improvement Petition:

- The landlord must submit a complete copy of this petition to the City to request a hearing. The petition should include a description of the Capital Improvement, documentation of the costs, a description of the reasons for the Capital Improvement, all requested documentation, together with any evidence that the landlord wants the hearing officer to consider.
- The petition will be reviewed for completeness and compliance with applicable requirements and heard by a hearing officer appointed by the City Manager upon acceptance of the complete petition.
- The landlord must mail a copy of the petition by first class mail, postage prepaid, to all tenants whose units are subject to the petition within ten (10) calendar days after the date the petition is accepted as complete by the City.
- Within fifteen (15) calendar days after the date the petition is accepted as complete, the landlord must file a proof of service signed under penalty of perjury stating that a copy of the petition was mailed to all such tenants.
- The applicant shall be responsible for all costs associated with the City's review of the petition.
- A hearing before the hearing officer shall be set for a date no sooner than fifteen (15) days and no later than sixty (60) calendar days after the petition has been accepted as complete and proof of service has been provided in accordance with the requirements of the Ordinance, unless the hearing officer determines that just cause exists for an extension of time.
- Department staff shall send written notice to all parties of the date, time and place set for the hearing. Upon receipt, the landlord shall post such notice in a conspicuous location at the subject property to ensure reasonable visibility to all affected tenants, such as in a common area or near entryways. Within ten (10) calendar days of receipt of the notice of hearing, the landlord shall serve a copy of the notice to each affected tenant.

Capital Improvement Petition – Eligibility & Requirements

What Is a Capital Improvement?

A Capital Improvement is an improvement, addition, or major repair to a Rental Unit or to the common areas of the housing complex that has a useful life of five (5) years or more, and is required to be amortized over the useful life of the improvement.

Examples of Capital Improvements may include, but are not limited to: roofing, carpeting, draperies, stuccoing or re-surfacing for the outside of a building, air conditioning, security gates, swimming pool, sauna or hot tub, fencing, garbage disposal, washing machine or clothes dryer, dishwasher, children's play equipment permanently installed on the premises, the complete exterior painting of a building, and other similar improvements, and similar improvements.

Capital Improvements do not include normal or routine maintenance, ordinary repairs, replacements, or deterioration resulting from delayed repairs or work required after a government Notice of Violation.

Eligibility Requirements¹

To qualify, the Capital Improvement must:

- Be fully completed and paid for at the time of petition submission;
- Have been completed within two (2) years prior to the date of submission;
- Have been completed after August 1, 2022;
- Reasonably available to and for the primary benefit and enjoyment of the tenant(s);
- Be permanently fixed in place or relatively immobile and appropriated to the use of the rental unit;
- Not have a “use fee” or other charge imposed on tenants for its use;
- Constitute an improvement to the property, rather than routine maintenance or repair; and
- Be proportionally allocated over time and amortized over the useful life of the improvement

Improvements that do not meet all eligibility requirements may not be approved.

Documentation Required

Applicants must submit documentation sufficient to verify the nature, cost, and completion of the Capital Improvement, including invoices, contracts, and proof of payment. Additional documentation may be requested as part of the City's review.

¹ Applicants should refer to the Rent Stabilization Ordinance and Administrative Regulations for complete requirements governing Capital Improvement Petitions.

Petitioner Information

Landlord Name: _____

Landlord Telephone: _____ Email: _____

Landlord Address: _____

Rental Property Information

Rental Property Address: _____

Total Number of Rental Units at Property: _____

Total Number of Rental Units Affected by Capital Improvements: _____

Year Property Built: _____ Year Your Ownership Started: _____

Do you currently have a pending Capital Improvement Petition with the City of Pomona for this same Property? No Yes

Briefly explain the reasons for requesting a Capital Improvement pass-through, including a description of the Capital Improvement(s).

Utilities

Complete this section **only** if the Capital Improvement is utility related. In some cases, the California Public Utilities Commission rate differential is used to make capital utility-related repairs or improvements. If the Capital Improvement is not utility related, skip this section.

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.)	

Capital Improvement Category

Please indicate below the Capital Improvement(s) and associated total costs.

Category	Capital Improvement Total Cost	Expected Useful Life of Improvement (Years)
1. Air Conditioning	\$ _____	
2. Carpeting	\$ _____	
3. Children’s Play Equipment	\$ _____	
4. Complete Exterior Painting	\$ _____	
5. Draperies	\$ _____	
6. Fencing	\$ _____	
7. Kitchen Appliance (dishwasher, garbage disposal)	\$ _____	
8. Laundry Appliance (washing machine, clothes dryer)	\$ _____	
9. Roofing	\$ _____	
10. Sauna or Hot Tub	\$ _____	
11. Security Gates	\$ _____	
12. Stuccoing or Resurfacing	\$ _____	
13. Swimming Pool	\$ _____	
Other (list separately by type)		
14.	\$ _____	
15.	\$ _____	
16.	\$ _____	
17.	\$ _____	
18.	\$ _____	
19.	\$ _____	
20.	\$ _____	
Total Capital Improvement Expenses	\$ _____	

Was a permit obtained for any of the work outlined above? No Yes

Permit Number(s): _____

Capital Improvement Information

List and describe each Capital Improvement included in this petition.

(Please Complete this Sheet for Each Capital Improvement)

1. Description of Capital Improvement: _____

2. Date Completed: _____

3. Was the Capital Improvement financed? No Yes, Interest Rate: _____

4. Total number of rental units benefitted (if not all, list units):

5. Were any tenants displaced or unable to occupy their unit during construction? No Yes

If yes, list units and dates, and explain reason:

6. Were you reimbursed for Capital Improvements (i.e. insurance, court-awarded damages, subsidies, etc.) No Yes, Amount: _____

7. Are tenants charged fees for use of this improvement (e.g., coin operated laundry)? No Yes

If yes, describe: _____

Petitioner Calculation

Provide an estimated calculation of the total amortized cost of the Capital Improvements.

Units Benefitted	Improvement Cost	Cost of Financing	Total Cost	Amortization Period (# of Years)	Total Annual Amortized Cost
	\$ _____	\$ _____	\$ _____		\$ _____

Instructions for Completing the Petitioner Calculation Table

1. **Units Benefitted:**
List the number units that benefit from the improvement. Write "All" if applicable.
2. **Improvement Cost:**
Enter the total cost of the improvement.
3. **Cost of Financing:**
Include total financing charges (e.g., loan interest). Enter \$0 if not applicable.
4. **Total Cost:**
Add the Improvement Cost and Cost of Financing.
5. **Amortization Period (# of Years):**
Enter the number of years the cost will be spread over, based on the expected useful life of the improvement. The Ordinance requires a minimum of five (5) years. Use industry standards to support the estimated lifespan.
6. **Total Annual Amortized Cost:**
Divide the Total Cost by the Amortization Period to get the annual pass-through amount.

Completing the Capital Improvement Petition

The owner(s), or authorized representative of the owner(s), must complete the petition and include all required supporting documentation. If any information is unavailable, indicate this and provide a brief explanation. The petition will only be reviewed by the hearing officer once it is determined to be substantially complete.

Required Documentation

- A. Copies of all invoices, canceled checks, receipts, and ledger sheets or other documents that substantiate the nature, cost, and payment for each Capital Improvement. Supporting documentation must show the type of improvement, the cost, and the payment in full.
- B. Additional documentation:
 1. Rents collected from all affected tenants;
 2. If the Capital Improvement is utility-related, provide verified amounts billed and paid for electricity, gas, water, and trash service;
 3. If the owner is claiming to have performed labor related to the claimed Capital Improvements, an owner-performed labor addendum must be submitted; and,
 4. Documentation showing the date the building permit was issued, or the date the work began if no permit was required. Also include the date of final inspection, or the date the work was completed if no permit was required.

Next Steps

- Your petition will be reviewed by the Department to confirm all required materials have been submitted.
- If the petition is incomplete, you will be notified and given an opportunity to submit missing information or explain why it is unavailable.
- A hearing will be scheduled within 60 calendar days after the petition is accepted as complete.

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

I declare as follows:

I am the owner, or authorized representative of the owner(s), of said residential property involved in this request. I am authorized to submit this petition form and supporting documentation on behalf of the residential property 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

