Chapter 5 Tenant

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4-5-306: UTILITY EXPENSE SURCHARGE:

A. When the base rent of an apartment unit includes one or more of the basic and essential utility services (for example, electricity, gas, or water, but not including such services as telephone or television cable service), at the time of the recomputation of the base rent the landlord may further add to such apartment unit rent a surcharge for the increased cost of any such utility service provided in accordance with the following criteria:

1. For recomputations done after March 1, 1980, but before February 28, 1981, such surcharge shall be computed by comparing the cost of each such utility incurred in the year March 1, 1979, to February 29, 1980, with the cost of such utility in the year March 1, 1980, to February 28, 1981. Any amount of the latter which is more than eight percent (8%) above the former may be passed through to the tenant, prorated among all the units whose base rent includes such utility service on a square footage basis, and payable one-twelfth ($^{1}/_{12}$) per month.

2. For recomputations done after February 28, 1981, such surcharge shall be computed by comparing the utility costs for the year beginning March 1, and ending on the last day of February just ended, with those costs for the year preceding that year. If the utility costs have increased by a percentage which is greater than the annual rent increase percentage which was last allowed by section 4-5-303 of this article, any amount of such utility costs which is in excess of that amount which would have been arrived at had the utility costs increased only by the same percentage as the annual rental increase may be passed through to the tenants in accordance with the provisions of subsection A1 of this section.

B. Any notice of surcharge imposed pursuant to this section shall include an explanation of how such surcharge was calculated, including the base utility cost, the increased cost, and the proration calculation. Upon

a request of the tenant, the actual utility billing shall be shown to the tenant, and the increase shall be abated pending such showing. (1962 Code § 11-3.06; amd. 1988 Code)

4-5-308: WATER SERVICE PENALTY SURCHARGE:

A. In addition to the rent otherwise permitted by this chapter, the landlord may pass through to the tenant of an apartment unit ninety percent (90%) of the cost of any water service penalties and/or surcharges imposed by the city pursuant to the water rate schedule established by resolution of the city council provided that the landlord installs water conservation plumbing fixtures in such unit in accordance with the requirements of title 9, chapter 4, article 1 of this code or voluntarily installs, at the landlord's expense, low flow toilets or such other water saving toilets approved by the director of public works, showerhead restrictors and faucet aerators in such unit. If the landlord does not install such water conservation plumbing fixtures, the landlord shall be liable for and pay without any pass through to the tenant all penalties and/or surcharges imposed by the city on the landlord's apartment units.

B. In order to qualify for the pass through authorized by subsection A of this section, the landlord shall:

1. Notify all tenants, in a form required by the rent stabilization office, by registered or certified mail, of the provisions of this section and any other information required to be given by the rent stabilization office; and

2. Provide all affected tenants with copies of the water bill for the applicable billing period and the basis for the calculation of the pass through. (Ord. 91-O-2118, eff. 5-24-1991)