

CHAPTER 13

REGISTRATION

13000. Purpose

The purpose of the registration requirement is to enable the Board to control and monitor rents as mandated by the Charter Amendment. The registration requirement and the hearing procedure for determination of the correct rents and amenities to be registered are adopted pursuant to the Board's power and duty to set the rent ceilings for and require registration of all controlled rental units pursuant to Charter Amendment Sections 1803(f)(1), (2) and (3), 1803(g) and 1803(q).

[13000 Amended 11/17/83; Effective 11/20/83]

[13000 Amended 12/17/98; Effective 1/1/99]

13001. Times When Registration Is Required

Pursuant to §1803(q) of the Charter Amendment, the Board requires registration and/or re-registration at the following times:

- (a) Initial Registration. The Board required initial registration on or before June 10, 1979, within sixty (60) days following the adoption of the Charter Amendment.
- (b) Change in Ownership. Whenever a change in ownership of a controlled rental property occurs, the new owner is required to file an amendment to the registration form setting forth the name(s) and address(es) of all new owners and the date of change in ownership within thirty (30) days of the change in ownership. The form shall set forth the business or residence street addresses of the owners. It is insufficient to provide an address which is in care of a management company or which is a post office box.
 - (1) If the owner of the property is a corporation, the registration form shall provide the street address of its principal place of business and the name and street address of the business or residence of its chief executive officer.
 - (2) If the owner of the property is a partnership, the registration form shall provide the street address of its principal place of business and the names and street addresses of the business or residence of each partner.
 - (3) If the owner of the property is a limited liability company, the registration form shall provide the street address of its principal place of business and the name and street address of the business or residence of its managers.
- (c) Application for Exemption. If an owner has not previously registered, upon filing an exemption application, a registration form and/or an amendment to the registration form, as required in subsections (a) and (b) of this section, must be filed at the same time. This subsection applies to all owners who file exemption applications after January 13, 1983.
- (d) Change of Address of Owner. Whenever the owner's address changes, the owner is required to file an amendment to the registration form setting forth the name and address and the date of the change in the address within thirty (30) days of the change in address. The owner must provide the address information set forth in subsection (b) above.
- (e) Rent Control Board Findings and Decision. If a hearing conducted by the Rent Control Board or one of its hearing examiners reveals that a property is either improperly registered or not registered, the hearing examiner or the Board may either decide the proper amenities or base rent or any other fact that would have been included in a true and proper registration or the hearing examiner or Board may require the owner to file a new registration form containing complete and correct information within thirty (30) days following the date of the final administrative decision.

- (f) New Maximum Allowable Rent Established between October 1, 1995 and December 31, 1998. Whenever a landlord established a new Maximum Allowable Rent pursuant to former Regulation 3301 and/or the Costa-Hawkins Rental Housing Act (Civil Code §1954.50, et seq.) for tenancies commencing during the period of October 1, 1995 through December 31, 1998, the landlord was required to file a vacancy registration form within thirty (30) days of the establishment of the new Maximum Allowable Rent.
- (g) New Base Rent after Vacancy for Tenancies Beginning on or after January 1, 1999. Whenever a landlord establishes a new base rent after vacancy pursuant to Regulation 3301 and/or the Costa-Hawkins Rental Housing Act (Civil Code §1954.50, et seq.), the landlord is required to file a vacancy registration form within thirty (30) days of the establishment of the new base rent after vacancy.
- (h) New Maximum Allowable Rent for Incentive Units Upon Expiration of Incentive Housing Contract. Upon expiration of an Incentive Housing Program Regulatory Agreement, the landlord shall register the adjusted Maximum Allowable Rents of all incentive units under regulation 17210 within thirty (30) days of the expiration of the regulatory agreement.
- (i) Addition of a Parking, Garage, or Pet Base Amenity. If a parking space or garage amenity, or permission to have a pet, is added as a base amenity of a unit pursuant to regulation 3301(h)(4), the landlord shall register the parking, garage, or pet base amenity within thirty (30) days of the addition of the garage, parking, or pet base amenity and shall register the agreed-upon monthly rental amount for the parking, garage, or pet amenity.
- (j) New Rent for Specified Former U.S. Department of Housing and Urban Development (“HUD”) Section 8 Units. If a tenant terminates or becomes ineligible for a Section 8 contract and the unit is entitled to a rent increase under regulation 3301(f)(7) or (8), the landlord shall register the adjusted rent pursuant to regulation 3301(f)(7) or (8) and regulation 13002 within thirty (30) days of the termination of the Section 8 contract.
- (k) Registration of Deed-Restricted Units under a Removal Permit Agreement with the Board. If a removal permit agreement or other agreement with the Board requires registration of units, the landlord shall register the property or units within the time period specified in the agreement.
- (l) Registration of Condominium Units Which Have Not Been Sold Separately to a Bona Fide Purchaser for Value. If a landlord owns unsold condominium units as defined in regulation 3302(a), the landlord shall register the units by February 1, 2002.
- (m) Registration of Newly Constructed Rental Units on Properties Withdrawn From the Residential Rental Market Where Withdrawn Units Are Demolished. Whenever new residential rental units constructed on a property withdrawn pursuant to Government Code section 7060, et seq. (the Ellis Act) and Board regulations 1600, et seq. are offered for rent or lease within five years of the date of withdrawal, the landlord shall register the new residential rental units within 30 days of the issuance of the certificate of occupancy for the new construction.

[13001 Amended 8/22/96; Effective 8/31/96]

[13001 Amended 12/17/98; Effective 1/1/99]

[13001(b)(1)(2)(d)(i)(j)(k) Amended 12/7/00; Effective 12/30/00]

[13001(b)(3)(l) Adopted 01/10/02; Effective 01/26/02]

[13001(m) Adopted 02/18/2010; Effective 02/24/2010]

13002. Proper Registration of Rent and Amenities

- (a) A property shall be deemed to be properly registered with regard to April 10, 1978 rent and amenities, so long as the following information is completely and accurately provided on the registration form:
 - (1) Name and address of current owners;

- (2) Address of rental property;
 - (3) April 10, 1978 rents or, in the event that no rent was charged on that date, the amount and date of the first rent charged thereafter for a particular unit and the rental status or use of that unit on April 10, 1978;
 - (i) Rent, as defined under §1801(f) of the Charter Amendment, includes non-monetary consideration rendered to or for the benefit of the landlord. Where the April 10, 1978 base rent included non-monetary consideration, the base rent shall be calculated according to Regulation 7001.
 - (ii) In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit where the base rent includes non-monetary consideration, the unit shall be deemed properly registered until the Board provides written notice that the registration for such unit must be corrected to include a monetary rental rate calculated in accordance with Regulation 7001.
 - (4) The date of purchase;
 - (5) The letter or number identifying each and every unit on the property and the number of bedrooms and baths in each rental unit;
 - (6) Apartment and building amenities provided to each unit on April 10, 1978 or, in the event that no rent was charged for a particular unit on that date, the amenities provided on the date that rent was first charged for the particular unit;
 - (7) Signature under penalty of perjury of an owner or authorized agent of the owner.
- (b) If an owner is unable to obtain April 10, 1978 rents and/or amenities, the Board will accept a registration form listing the first rents and amenities available to the owner, together with the date such rents were first charged, provided that the owner submits a declaration signed under penalty of perjury enumerating the steps taken to ascertain the April 10, 1978 rents and amenities with the registration form. If earlier rents and amenities are subsequently discovered for a unit registered under this subsection, a new registration form must be filed with the earlier information. Such a new registration shall have no retroactive effect on the maximum allowable rents or amenities, unless a finding is made in a final Board decision that the first registration was the result of fraud or misrepresentation.
- (c) If a landlord is required to register units at a property pursuant to a removal permit agreement with the Board, the landlord shall provide the following information:
- (1) Names and business or residence street addresses of all owners and name and address of property manager of property;
 - (2) If the owner of the property is a corporation, the registration form shall provide the street address of its principal place of business and the name and business or residence street address of its chief executive officer. If the owner of the property is a partnership, the registration form shall provide the street address of its principal place of business and the names and business or residence street addresses of each partner;
 - (3) The date of initial rental and amount of initial rent pursuant to the removal permit agreement of the rent-controlled replacement units, and a specification of which unit(s) are deed restricted;
 - (4) Apartment and building amenities provided to each rent-controlled replacement unit and number of bedrooms in each replacement unit.
 - (5) A declaration under penalty of perjury that the information on the form is true and correct, and the signature of an owner or authorized agent of the owner.

- (d) Base rents and parking amenities after vacancy for qualifying tenancies commenced on or after January 1, 1999 shall be registered on a form provided by the Board. The landlord shall provide the following information and documentation:
- (1) The name and business or residence street address of the owner primarily responsible for administering the apartment building rental business and the name and address of the property manager of the apartment building.
 - (2) If the owner of the property is a corporation, the registration form shall provide the street address of its principal place of business and the name of its chief executive officer. If the owner of the property is a partnership, the registration form shall provide the street address of its principal place of business and the name of its managing partner;
 - (3) The date the unit became vacant;
 - (4) The reason the unit became vacant (i.e. notice of termination of tenancy by previous tenants, abandonment by previous tenants, eviction pursuant to Code of Civil Procedure section 1161 for cause under Rent Control Law section 1806(a)(1) through (a)(7), notice by landlord pursuant to Civil Code section 1946 or Civil Code section 827);
 - (5) The date the unit was re-rented;
 - (6) The new rental rate in effect for the new tenancy;
 - (7) Whether one or more parking spaces or garages are provided as a base amenity after vacancy of the unit and a description of the parking provided;
 - (8) A declaration under penalty of perjury that the information on the form is true and correct, and the signature of an owner or authorized agent of the owner;
- (e) The landlord shall register the base rent of unsold condominium units as defined by regulation 3302(a) on the Condominium Rent Level Unit Registration form provided by the Board. The landlord shall provide the following information on the registration form:
- (1) The date the prior tenant vacated the unit;
 - (2) The reason the unit became vacant (i.e. notice of termination of tenancy by previous tenants, eviction for cause under the Rent Control Law section 1806(a)(1) through (a)(7), notice by landlord pursuant to Civil Code section 1946 or Civil Code section 827).
 - (3) The base rent of the current tenancy pursuant to regulation 3301(b).
 - (4) Whether one or more parking spaces or garages are provided as a base amenity of the unit.
 - (5) The date the current tenancy began.
 - (6) The name and street address of the business or residence of the owner primarily responsible for administering the rental business, if owned by individuals.
 - (7) If the owner of the property is a corporation, the name of the chief executive officer of the corporation and street address of its principal place of business; if the owner of the property is a partnership, the name of the managing partner and the street address of its principal place of business; if the owner of the property is a limited liability company, the name of the manager and the street address of its principal place of business.
 - (8) A declaration under penalty of perjury that the information is true and correct.

- (f) In the event that the landlord fails to timely file a registration form or fails to register any of the information required on the landlord's registration form filed for tenancies commencing on or after October 1, 1995 or for unsold condominium units as defined in regulation 3302(a), or in the event that the tenant disagrees with the information on the vacancy registration form filed by the landlord, the tenant may file a tenant's registration form setting forth the required information. The tenant may attach copies of all written rental agreements under which the tenant rents the unit and other documents showing the correct rent of the unit.

[13002 Amended 8/22/96; Effective 8/31/96]

[13002 Amended 12/17/98; Effective 1/1/99]

[13002(c)(1)(2)(3)(4)(5), (d) through (e) Amended 12/7/00; Effective 12/30/00]

[13002(e) Adopted 01/10/02; Effective 01/26/02]

[13002(f) (formally 13002(e)) redesignated and amended 01/10/02; Effective 01/26/02]

[13002(d)(4) Amended 05/6/04; Effective 06/03/04]

[13002(e)(2) Amended 05/6/04; Effective 06/03/04]

13003. Disputes Regarding Base Rents or Base Amenities

- (a) With regard to tenancies which commenced prior to January 1, 1999, the registration of a different April 10, 1978 (or first rental date thereafter) rent or of different April 10, 1978 (or first rental date thereafter) apartment and building amenities pursuant to §13002 than were first registered for a unit raises a question of fact as to the correct rent or amenities to be registered. Except where the correct registered rent or amenities has already been determined in a final Board or hearing examiner decision, a party seeking to establish which of the registered rents or amenities is correct must file a petition under §13004. These issues shall also be administratively determined as a threshold issue in an excess rent, rent increase, rent decrease, or other administrative case in which their determination is necessary for a determination of the relief requested.
- (b) With regard to tenancies which commenced between October 1, 1995 and December 31, 1998, disputes regarding the correct Maximum Allowable Rent after vacancy under Civil Code sections 1954.52 or 1954.53 shall be administratively determined as a threshold issue in an excess rent, rent increase, rent decrease, or other administrative case in which determination of the correct Maximum Allowable Rent after vacancy is necessary for a determination of the relief requested.
- (c) With regard to tenancies commenced on or after January 1, 1999, disputes regarding the correct new base rent or new amenities after vacancy or disputes as to whether a unit qualifies for a vacancy increase under Civil Code sections 1954.52 or 1954.53 shall be administratively determined as a threshold issue in an excess rent, rent increase, rent decrease, or other administrative case in which such determination is necessary for a determination of the relief requested. Disputes regarding base amenities may also be determined pursuant to regulation 13004.

[13003 Adopted 11/17/83; Effective 11/20/83]

[13003 Amended 8/22/96; Effective 8/31/96]

[13003 Amended 12/17/98; Effective 1/1/99]

[13003(b)(c) Amended 12/7/00; Effective 12/30/00]

[13003(a)(c) Amended 01/10/02; Effective 01/26/02]

13004. Hearing Procedure for Amending Registered Rents and Amenities, or Determining Rents and Amenities to be Registered

- (a) Who May File Petition. Any landlord, former landlord, tenant or former tenant of a property, or any Board Commissioner or the Board's Administrator may petition for a hearing to establish the correct rent or apartment and building amenities pursuant to regulations 13002, 13003, and/or 13009 on the form approved by the Board on the ground that:
- (1) conflicting or incorrect April 10, 1978 (or first rental date thereafter) rents or amenities are registered for a unit with a tenancy which commenced prior to January 1, 1999;

- (2) conflicting or incorrect parking amenities after vacancy are registered for a unit with a tenancy which commenced on or after January 1, 1999;
 - (3) the rent or amenities have not been registered when registration was required, except for the new maximum allowable rent of a tenancy commencing from January 1, 1996 through December 31, 1998 or new base rent after vacancy of a tenancy commenced on or after January 1, 1999.
- (b) Number of Copies of Petition. The petitioner must file the original petition, one extra copy for each rental unit addressed by the petition, and one extra copy for the Board.
 - (c) Decision Without Hearing Where Facts Are Not In Dispute. Where evidence filed with a petition under this section or otherwise available to the Board appears to accurately document the correct rent or the correct apartment and building amenities to be registered under regulation 13002 and any good cause required to raise the issue as set forth in subdivision (e) below, the hearing examiner to whom the case is assigned shall serve a notice on other interested parties that the petition shall be granted unless another party requests a hearing within ten (10) days of the date of the notice. Unless a hearing is timely requested, the petition shall be granted. If a hearing is timely requested, the petition shall be heard and decided as specified in §13004(d).
 - (d) Hearing Procedure. A petition not granted under regulation 13004(c) shall be heard and decided pursuant to the procedures and standards set forth in Sections 4001 through 4038 and 13004(e) of these Regulations. The hearing examiner to whom the case is assigned shall have the affirmative duty to seek and introduce into the record all available evidence regarding the contested rent or amenities.
 - (e) Burden of Proof Regarding Registered Rents and Amenities. The party to a hearing under this section who contends that the rent or the apartment and building amenities first registered for a unit are incorrect shall have the burden of proof as to the correct rent or amenities, with the exception of units as to which a petition has been filed pursuant to subsection (a)(3) hereof, the rents of which have not been certified or verified pursuant to Regulations 13005-13006. Regarding such units solely, the landlord who failed to register the unit's rent or amenities within the time limits required by regulation 13001 or his or her successor(s) shall have the burden of proof as to their correctness.
 - (f) Effective Date of Base Rent Determination. Where a different base rent than registered is determined after initial certification or later verification of the maximum allowable rent has taken place, the effective date of the newly determined base rent shall be dependent upon whether or not the previous base rent was erroneous due to misrepresentation or fraud, as defined herein, in the registration of the unit. If misrepresentation or fraud is found, then the newly determined base rent will be retroactively effective for all periods, subsequent to the erroneous registration, during which the unit has been subject to the Rent Control Law. If misrepresentation or fraud are not found, then the newly determined base rent will be prospective in effect, beginning thirty (30) days after the date of issuance of the hearing examiner's decision.
 - (g) Initial Determination of Sufficiency of Facts. Applicants claiming that the previous base rent was erroneous due to misrepresentation or fraud shall state in the appropriate portion of the application each and every fact upon which they rely in making such claim. Based solely upon an evaluation of the facts stated in the application, the hearing examiner will render an initial pre-hearing decision in each such case as to whether or not the facts relied upon in the application are sufficient to constitute misrepresentation or fraud as defined herein. In making this determination, the hearing examiner will assume, for purposes of evaluating the alleged facts only, that the facts stated are true. If the hearing examiner finds the alleged facts to be sufficient, the parties will be notified that the decision may have retroactive effect, pursuant to subsection (f) hereof. If the hearing examiner finds the alleged facts to be insufficient, the parties will be notified that the decision will be prospective only, pursuant to subsection (f) hereof. Such notice shall state the reasons for a finding of insufficiency, and notify the applicant of the right to file a new and amended application.

- (h) Final Determination Re Misrepresentation or Fraud. An initial determination of insufficient facts, as provided for in subsection (g) hereof, shall be final, but without prejudice to the filing of a new and amended application. If, however, any such amended application is determined to have alleged insufficient facts, then the determination will be conclusive, and will permanently preclude a decision with retroactive effect under subsection (f) hereof, as to the affected unit. An initial determination of sufficient facts, as provided for in subsection (g) hereof, shall constitute leave to present evidence on the issue for final determination by the hearing examiner.
- (i) Misrepresentation or Fraud Defined. For purposes of this regulation, misrepresentation or fraud means any of the following enumerated acts, which acts shall be interpreted with reference to particular circumstances in a manner consistent with that of the definition of actual fraud found in California Civil Code §1572:
1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true;
 2. The positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true;
 3. The suppression of that which is true, by one having knowledge or belief of the fact; or
 4. Any other act fitted to deceive.
- (j) Burden of Proof of Good Cause in Base Rent Petitions. Where a landlord or tenant seeks to raise a base rent issue that could have been raised by filing an objection to a certification or appeal of a verification letter under Regulation 13005, the landlord or tenant must show that good cause exists for failing to raise the issue at that time. Good cause exists only:
- (1) when the landlord or tenant who is claiming good cause was not the landlord or tenant of the property on the date the certification or verification letter was mailed, or
 - (2) when, despite reasonably diligent inquiry, the facts constituting the basis for the petition were not known or were incapable of being discovered by the petitioner on the date the certification or verification letter was mailed.
- (k) Administrative Dismissal of Petition. A petition filed under this section may be dismissed under the procedure set forth in Regulation 4005 on any of the following grounds:
- (1) where the petition is incomplete; or
 - (2) where a final Board or hearing examiner decision has already determined the rent or amenities addressed by the petition; or
 - (3) where the Maximum Allowable Rent has been certified or verified, sixty days have passed since the date of certification or verification, no objection petition or appeal of verification has been filed and no good cause ground under subsection (j) of this regulation is stated on the base rent petition.

[13004 Adopted 11/17/83; Effective 11/20/83]

[13004 Amended 12/17/98; Effective 1/1/99]

[13004(a)(2)(3)(c)(e) Amended 12/7/00; Effective 12/30/00]

13005. Initial Certification of Rents

- (a) Beginning January 1, 1987, the Rent Control Board will certify current maximum allowable rents in effect for controlled rental units, pursuant to Civil Code Section 1947.8(b).
- (b) After a maximum allowable rent has been certified by the Rent Control Board and has become final under these regulations, it cannot be changed except upon a showing of misrepresentation or fraud. After rents have initially been certified, increases or decreases in maximum allowable rents which are permitted by the Rent Control Law and regulations shall be prospective in effect in the absence of a finding of misrepresentation or fraud. Any change in the maximum allowable rents permitted by the Rent Control Law and regulations after rents have initially been certified shall constitute a newly certified rent, but the change shall not give rise to any hearing rights under this Chapter.
- (c) Any landlord, former landlord, tenant or former tenant of the property, the Board Administrator or any Board Commissioner may petition for a hearing to object to the certified rent on the form approved by the Board provided that the objection is filed with the Board not more than thirty (30) calendar days after the date of mailing of the certification notice. When the thirtieth day occurs on a date when the Rent Control Board is not open for business, the last day for filing such objections shall be extended to the next business day. No objection petition will be accepted if it is filed more than sixty days after the date of mailing of the certification notice. An objection petition filed less than sixty days but more than thirty days after the date of mailing of the certification notice may be accepted upon a showing of good cause for the lateness. A late objection petition must contain a statement of good cause for the lateness. The hearings department manager or his/her designee shall determine whether good cause exists to accept the late objection.
- (d) Where no objections to the certification of rents have been filed and accepted by the deadlines set forth in this section, the certified maximum allowable rent is final for that unit.
- (e) Grounds for objections to certified maximum allowable rents shall be limited to whether such rents are correct under the Rent Control Law and regulations.
- (f) The party who contends that the rent as certified is incorrect shall have the burden of proof and the burden of persuasion as to the correct rent.
- (g)
 - (1) Forms. Any person objecting to a certification must do so on a Board-approved form. An objection shall be accepted for filing only after the objecting party has provided all the information called for by the form. A party filing an objection form shall file five additional copies along with the original objection. The Board shall mail a copy of the objection to the rental unit affected and the landlord along with a notice of filing approved by the Board.
 - (2) The Board shall not accept an objection form where the objection form submitted has not been substantially completed. Notice of non-acceptance of such objection form must be sent to the party submitting it with the reasons for such non-acceptance. The party shall have thirty (30) days from the date of mailing of the notice to cure the defects in the objection. Rent Control staff shall be available to such party needing assistance in amending the objection form during that ten day period. There shall be no appeal from a decision not to accept an objection form.
- (h) Response to Objection
 The notice of filing of the objection shall be accompanied by a Board-approved response form. Parties wishing to respond to the objection must do so by using this form. The form shall be returned to the Board within 10 days of the date of mailing of the notice of filing.
- (i) Screening of Objections
 After receipt of the objections and any response to such objections, staff shall screen the objections to determine what type of further proceeding is needed to resolve the issues raised.

- (1) If the objection involves disputed factual issues which can only be resolved by weighing evidence, the matter shall be assigned for a hearing and shall proceed in accordance with subsection (l) below.
- (2) Matters not involving factual disputes shall be screened further to determine whether the dispute rests upon questions about whether an exemption or removal permit has been granted for the property, difference in calculations, or interpretation of past Board decisions and other law and policy matters.
- (3) Questions concerning whether the property has been removed or granted an exemption shall be resolved by the screener without a hearing. No appeal shall be permitted to the Rent Control Board from the screener's determination of exempt or removed status.

(j) Calculation Conference.

If the matter is determined by the screener to be a question of calculation only, all affected parties shall be notified of their right to attend an informal conference conducted by a staff member to resolve the matter.

- (1) No appeal to the Board will be permitted from a decision that results from a calculation conference.
- (2) Should the staff member determine during the conference, that an issue of fact is involved, a full hearing should be scheduled, with proper notice, in accordance with subsection (l) below.
- (3) Should the staff member determine that an issue of interpretation of prior decisions or of law and policy is involved in the course of the conference, the matter should be scheduled to be heard in accordance with subsection (k) below.
- (4) Regulation 13006 subsections (d), (e), (h), (i), (j), and (k) shall be used as the procedural rules for such conferences, with references to "hearing examiner" understood to refer to the staff member conducting the calculation conference.

(k) Interpretation of Past Board Decisions and Other Law or Policy Matters.

When the objection or response to objection concerns an interpretation of past Board decisions affecting the property in question or other legal or policy interpretation, a hearing for the purpose of hearing arguments from all sides will be held. No evidence may be submitted at such a hearing. The hearing examiner may reschedule the matter for a factual hearing in accordance with subsection (l) in the event that the hearing examiner determines that the matter cannot be resolved without a factual hearing. The hearing examiner may limit the time of argument by any party. This procedure may be used to correct errors of calculation or clerical errors in prior Board decisions, but in cases in which the rent levels set by the decision are changed, the changes in the maximum allowable rent will be prospective only. Procedures set forth in Regulation 13006 shall be followed for such hearings.

(l) Hearing Procedure

An objection involving factual issues shall be heard and decided pursuant to the procedures and standards set forth in Sections 4001 through 4034 and 13005(f) of these Regulations. The hearing examiner to whom the case is assigned shall have the affirmative duty to seek and introduce into the record all available evidence regarding the contested rent. However, no late appeals of hearing examiner decisions shall be accepted which are filed more than twenty days after the date of the decision of the hearing examiner. The Board may accept an appeal filed more than ten days but not more than twenty days after the date of the decision of the hearing examiner, upon a showing of good cause for the lateness. A late appeal must contain a statement of good cause for the lateness. Unless an appeal is timely filed with the Board or a finding of good cause is made by the Board for the lateness, the decision of the hearing examiner

shall be the final decision of the Board. The Board's decision to take action to affirm, reverse, or modify the hearing examiner's decision shall become final at the time of Board action.

- (m) Hearings under this section may not be consolidated with hearings under other petitions unless the Hearings Supervisor determines that such consolidation will not delay decisions under this section.

[13005 Adopted 12/18/86; Effective 12/25/86]

[13005 Amended 3/12/87; Effective 3/19/87]

[13005 Amended 7/2/87; Effective 7/17/87]

13007. Post-Certification Rent Level Verification Process

- (a) Civil Code §1947.8(c) requires a process after maximum allowable rents have been initially certified to verify rent levels set since the initial certification. This section implements Civil Code §1947.8(c).
- (b) Beginning January 1, 1988, a landlord or tenant may request that the Rent Control Board provide maximum allowable rents currently in effect according to the Board's records on the date of the request for a particular rental unit on the form provided by the Board. Within five (5) business days of the receipt of the request, such information will be provided.
- (c) The landlord or tenant may appeal the verification of the maximum allowable rent by filing an appeal form approved by the Board within fifteen (15) calendar days of the date of mailing of the verification. Grounds for such an appeal shall be limited to challenges to any changes in the maximum allowable rent since originally certified under Regulation 13005. The appellant must include with the appeal form all documentation and written argument in support of the appeal, together with proof of service of the appeal, all supporting papers and a copy of a response form on all tenants of the affected unit and the landlords of the affected unit, other than appellant.
- (d) Within ten (10) days of the filing of the appeal, any interested party may file a response on the response form approved by the Board.
- (e) The administrator shall designate a staff member to review appeals under this section. That staff member shall then review the appeal, response and documents submitted and render a written decision within sixty (60) days of the filing of the appeal. No hearing shall be required to take place. No appeal to the Board from the decision is permitted, due to the deadlines imposed by state law.
- (f) The verification of maximum allowable rents shall become final when the deadline for appeal has passed with no appeal filed, or when a decision has been rendered on an appeal.
- (g) The appellant shall have the burden of proof and the burden of persuasion that the verified rent is incorrect.
- (h) The administrator or his or her designee may elect to have any such appeals heard by the Board rather than a staff member.

[13007 Adopted 3/12/87; Effective 3/19/87]

[13007 Amended 12/17/98; Effective 1/1/99]

[13007(b)(c) Amended 12/7/00; Effective 12/30/00]

13008. Vacancy Registration

[13008 Adopted 8/22/96; Effective 8/31/96]

[13008 Amended 12/17/98; Effective 1/1/99]

[13008 Repealed 9/7/2000; Effective 09/23/00]

13008. Units Not Registered Prior to April 22, 2003

- (a) Prior to registering a residential rental unit which has not been registered prior to April 22, 2003, a landlord shall file a petition and obtain a Board decision permitting the unit to be registered and determining the correct Maximum Allowable Rent and base amenities for the unit. A tenant may also file a petition under this regulation for a determination of whether registration of a previously unregistered unit is required and determination of the correct Maximum Allowable Rent and base amenities of the unit.
- (b) To obtain permission or a requirement to first register a unit after April 22, 2003, the petitioner shall prove the following by a preponderance of the evidence at the hearing:
 - (1) the unit is habitable or capable of being made habitable in an economically feasible manner; and
 - (2) the unit was a residential rental unit on April 10, 1979, the unit is a rental unit as defined in regulation 2002, or the unit was created by conversion and conforms to the city's zoning and development standards.
- (c) The original petition and two copies shall be filed on a form provided by the Board. The petition shall set forth a statement describing the bases for the petition under paragraph (b) above, the dates that the unit has been used as a residential rental unit, and, if the petition is filed by a landlord, an explanation of why the unit was not previously registered as required by the Rent Control Law. It shall list the current rents charged for all units sought to be registered, the beginning date of tenancy, and the rent and base amenities provided the unit at the initial date of tenancy. If the tenancy of any current tenant commenced prior to January 1, 1999, the petition shall also list the unit's April 10, 1978 rent and amenities, or the rent and amenities of the first rental date thereafter. If this information is not provided, the petition shall explain why. The petition shall be accompanied by two copies of supporting documentation which the petitioner intends to submit as evidence in the hearing.
- (d) Hearings shall be conducted and a decision issued according to the procedures set forth in Board regulations 4007 through 4029, 4035, 4036, and 4039. The hearing examiner to whom the case is assigned shall seek and introduce into the record all available evidence regarding the unit's residential rental status under subparagraph (b) above and the unit's correct rent and base amenities.
- (e) If the decision determines that the unit should be registered as a controlled rental unit, the landlord shall pay up to three years of past-due registration fees for the unit when filing the registration form. The registration form shall be filed within thirty (30) days after final Board decision.

[13008 Adopted 03/11/04; Effective 03/20/04]

13009. Registration of Incentive Unit Maximum Allowable Rent Upon Expiration of Incentive Housing Program Regulatory Agreement

- (a) Pursuant to section 1803(q) of the Rent Control Law, any landlord who establishes a new Maximum Allowable Rent for an incentive unit under regulation 17210 upon expiration of an Incentive Housing Program Regulatory Agreement shall file an Incentive Unit Registration form regarding the unit(s) with the Board no later than thirty (30) days after the expiration of the incentive housing agreement.
- (b) The Incentive Unit Registration shall be filed on a form provided by the Board and shall state under penalty of perjury the name and the street address of the business or residence of the owner responsible for administering the apartment building rental business and the name and address of the manager of the apartment building, the expiration date of the incentive housing

program agreement and the rent in effect for the incentive unit(s) ninety (90) days prior to the agreement's expiration. If the owner is a corporation, the form shall provide the street address of its principal place of business and the name of its chief executive officer. If the owner is a partnership, the form shall provide the street address of its principal place of business and the name of the partner primarily responsible for administering the apartment rental business.

[13009 Adopted 12/17/98; Effective 1/1/99]
[13009(b) Amended 12/7/00; Effective 12/30/00]

[Chapter 13 Adopted 7/8/82; Effective 7/18/82]
[Chapter 13 Amended 1/13/83; Effective 1/25/83]
[Chapter 13 Amended 6/16/88; Effective 6/30/88]
[Chapter 13 Amended 8/22/96; Effective 8/31/96]
[Chapter 13 Amended 12/17/98; Effective 1/1/99]
[13008 Repealed 9/7/2000; Effective 09/23/00]
[13001(b)(1)(2)(d)(i)(j)(k) Amended 12/7/00; Effective 12/30/00]
[13002(c)(1)(2)(3)(4)(5), (d) through (e) Amended 12/7/00; Effective 12/30/00]
[13003(b)(c) Amended 12/7/00; Effective 12/30/00]
[13004(a)(2)(3)(c)(e) Amended 12/7/00; Effective 12/30/00]
[13007(b)(c) Amended 12/7/00; Effective 12/30/00]
[13009(b) Amended 12/7/00; Effective 12/30/00]
[13001(b)(3)(l) Adopted 01/10/02; Effective 01/26/02]
[13002(e) Adopted 01/10/02; Effective 01/26/02]
[13002(f)(formerly 13002(e)) redesignated and Amended 01/10/02; Effective 01/26/02]
[13003(a)(c) Amended 01/10/02; Effective 01/26/02]
[13008 Adopted 03/11/04; Effective 03/20/04]
[13002(d)(4) Amended 05/6/04; Effective 06/03/04]
[13002(e)(2) Amended 05/6/04; Effective 06/03/04]
[13001(m) Adopted 02/18/2010; Effective 02/24/2010]