

SANTA MONICA RENT CONTROL BOARD MEMORANDUM

TO: Santa Monica Rent Control Board

FROM: J. Stephen Lewis, General Counsel

FOR MEETING OF: January 9, 2020

RE: The Board will consider amendments to Regulations 3301, 8010, 13001, and 13002, respecting the filing of registration forms. The amendments would eliminate the requirement that owners reregister their ownership on forms unrelated to ownership registration; require owners that are trusts to provide the names and street addresses of all trustees; and add a new requirement that owners provide the Board with a working email address if they wish to receive electronic communication from the Board.

Subject Matter

In this administrative hearing, the Board will consider the following amendments to various regulations respecting the filing of registration forms as follows:

- Regulation 3301: Delete existing subparagraphs (vi) and (vii) of subdivision (g), paragraph (2), to eliminate the requirement that owners re-register their ownership on every tenancy registration form, and replace them with a new subparagraph require that each vacancy registration form include the contact information for the person who filed the form;
- Regulation 8010: Repeal paragraphs (1) and (2) of subdivision (c) and paragraphs (1) and (2) of subdivision (e) to eliminate provisions allowing a tenant to withhold rent merely because an owner has failed to include in a vacancy unit registration or a Condominium Rent Level Unit Registration form ownership information that the Board already has as the result of the owner's ownership registration; add a new sentence to paragraph (2) of subdivision(b) to provide that a change-of-ownership form is incomplete if the property is owned by a trust and the owner

- trust fails to include on the form the names and street addresses of all trustees;
- Regulation 13001: Add a new paragraph (4) to subdivision (b) to require an owner who is a trust to include on a change of ownership registration form the name and street address of each trustee; add a new paragraph (5) to subdivision (b) to say that owners who elect to receive electronic communication from the Board provide the Board with valid email address;
 - Regulation 13002: Delete paragraphs (1) and (2) of subdivision (d) to eliminate the requirement that landlords registering new tenancies with market rents as permitted by Costa-Hawkins include on the vacancy unit registration form a registration of the owner's ownership, which is already required independently of individual unit registration and is therefore redundant, and add a new paragraph requiring that the person filing the form provide contact information at which he or she may reliably be reached; Delete paragraphs (6) and (7) of subdivision (e) to eliminate the requirement that landlords registering base rents for unsold controlled condominium units include on the Condominium Rent Level Unit Registration form a registration of the owner's ownership, which is already required independently of individual unit registration and is therefore redundant and add a new paragraph requiring that the person who filed the form provide contact information at which he or she may reliably be reached; Delete paragraphs (1) and (2) of subdivision (c) to eliminate the requirement that removal permit applications include ownership information that is already required on ownership registration forms, and add a new paragraph to require that the person who filed the form to provide contact information at which he or she may reliably be reached.

How this Item was Initiated

This item was by the Board's administrative staff, to facilitate the implementation of the Board's new database by eliminating fields from registration forms that do not strictly relate to the purpose of those forms.

Discussion

There is no off-the-shelf product that can do everything that we need a database to do. This is primarily because rent control is still a sufficiently uncommon municipal function that the market for such a database isn't obvious (though that is changing). But it is also because a database that can keep track of all the things a rent control program does is necessarily complex, and each city's rent-control program is to some degree unique.

Our database must keep track not only of each controlled unit's rent, but also owner information, the status and result of hearings petitions and various other administrative process, and frequent changes to each of those things. And the data must be stored in such a way that it can not only be accessed, but also configured and reconfigured as needed to run reports and draw collective information from the totality of individual data points. We must be able to know not only each unit's rent and rent history, for example; we must also be able to know median rents and the degree to which rent levels, collectively, have changed over discrete periods. Finally, because the times require that we migrate to system that allows our constituents to self-file certain forms electronically, from which data will have to be extracted, we need to ensure that those forms can be filed easily and processed efficiently.

To ensure that our new database will be able to collect all required data and that the data will be accessible for each required use, our staff has engaged the laborious process of carefully thinking through every administrative process that the Board makes available, every type of data that we collect, and every form that we use. During that process, we discovered that some of the registration forms that we use ask for information that isn't relevant to the purpose for which the form is required; principally, the requirement that owners register their ownership information with every registration even when we already have the information and the information has remained unchanged. Because a form can't be processed unless all data required by the form is provided, by requiring information that is irrelevant to a form's purpose, we build into the process a greater potential that that a form will not efficiently be processed, and that required data will not efficiently be collected or, worse, not collected at all. Most of the amendments recommended here—specifically, the primary amendments to Regulations 3301, 8010, 13001, and 13002—are intended only to eliminate this problem by eliminating the superfluous requirement that owners provide ownership-registration information with every form. Regulation 8010 would be

amended to repeal provisions allowing tenants to withhold rent for an owner's failure to duplicatively register its ownership when the requirement that it does so has been eliminated.

Secondarily, staff is recommending that those same regulations be amended to replace the ownership-registration requirement on forms for which it is unnecessary with a requirement that the person who submits the form provide information about how that person may be contacted. This will ensure that, if there is a problem with the form, staff may efficiently contact the form's filer so that the problem may be corrected.

Both of these amendments are shown by underscoring and strikethrough in the proposed amendments to Regulations 3301, 8010, 13001, and 13002 as set forth in the exhibit to this report.

In addition to requiring the registration of individual units, Regulation 13001 also requires owners to register their ownership. Regulation 8010 sets forth criteria under which an owner's failure to properly register ownership may result in a tenant being permitted to withhold rent. These regulations require an owner to file a new ownership registration when the title under which a property is held has changed, and impose consequences for failing to satisfy those requirements. When the owner is an entity, rather than an individual, these regulations relating to change-of-ownership registration require that the registering owner list the names and addresses of those who control the entity. The purpose of this requirement is to ensure that, when the Board needs to contact the entity as owner, it can contact a person with authority to act on the entity's behalf. The purpose is also to provide some assurance that when, in the future, some action with the Board is taken on an entity's behalf, it is by someone with ostensible authority to take that action.

But Regulations 13001 and 8010 do not currently require an owner who is a trust to list the names and addresses of its trustees. Because a trust can act only through its trustees, the absence of a requirement that trustee information be provided as part of a trust's owner registration form handicaps the Board in its ability to efficiently carry out its responsibilities. To resolve this problem, staff recommends amending Regulations 8010 and 13001 to state that, when a property owner registers its ownership as a trust, the registration form list the name and street address of each trustee.

Finally, staff recommends that the Board amend Regulation 13001 to require that owners who opt to receive email communication from the Board provide the

Board with a valid email address on their ownership registration form. In the interests of efficiency and the environment, the Board encourages owners to conduct business with the Board by electronic means to the extent that doing so is consistent with Board regulations. It is anticipated that interaction between the Board and owners, as well as tenants, will occur electronically with increasing frequency in the future, and the Board will continue to amend its regulations and processes to facilitate that. But the ability to migrate from a paper-based to an e-based system will work only to the extent that electronic communication is reliable. And such communication will be reliable only if the Board can rely on any email address provided by the owner being, and remaining, operational. The proposed amendment to Regulation 13001 relating to the requirement that owners provide a working email address is also included in the attached exhibit.

In addition to those addressed by this report, staff has identified other regulations that will require amendment to bring them in line with our changing needs. We will bring those proposed amendments to the Board as the process of building the new database continues.

Recommendation

Staff recommends that the Board hear from the public, deliberate, and decide whether to adopt proposed amendments to Regulations 3301, 8010, 13001, and 13002 as set forth in this report, and as illustrated in the attached exhibit.

Exhibit

(NB: *Subdivision headings are underlined in the existing regulations. With respect to subdivision headings only, underlining does not indicate the addition of new words*)

3301. Vacancy Rent Increase

(a) New Base Rent After Qualifying Vacancy

Notwithstanding any Section of Article XVIII, and pursuant to Section 1954.50, et seq. of the Civil Code, the landlord may establish the new base rent after vacancy of any controlled rental unit with a qualifying tenancy commencing on or after January 1, 1999. The new rent level shall thereafter become the new base rent after vacancy for the unit for all purposes of Article XVIII, including, but not limited to, the computation of all future rent adjustments. The new base rent after vacancy shall be the actual initial rent in effect on the initial date of tenancy, regardless of whether it is denominated a discounted rent in the rental agreement. If the rental agreement provides for a period of "free" rent within its initial term, the base rent shall be reduced to account for the "free" period. The unit shall otherwise remain controlled by and subject to all sections of Article XVIII and the regulations of the Rent Control Board.

(b) Exceptions

The vacancy rent increases otherwise authorized by this regulation are prohibited where any of the following exceptions apply:

- (1) The previous tenancy has been terminated by the landlord pursuant to Civil Code Section 1946.1 or has been terminated upon a change in terms of tenancy noticed pursuant to Civil Code Section 827, except a change permitted by law in the amount of rent or fees. For the purpose of this paragraph, the landlord's termination or nonrenewal of a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant, shall be construed as a change in the terms of the tenancy pursuant to Civil Code Section 827.
 - (i) A landlord who terminates or fails to renew a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant shall not be eligible to set an initial rent for three years following the date of the termination or nonrenewal of the contract or agreement. For any new tenancy established during the three-year period, the rental rate for a new tenancy established in that vacated dwelling or unit shall be the same rate as the rent under the terminated or nonrenewed contract or recorded agreement with a governmental agency that provided for a rent limitation to a qualified tenant, plus any increases authorized by the Board after the termination or cancellation of the contract or recorded agreement.
 - (ii) Subparagraph (b)(1)(i) shall not apply to any new tenancy of twelve (12) months' or longer duration established after January 1, 2000, pursuant to the landlord's contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant unless the prior vacancy in that dwelling or unit was pursuant to a nonrenewed or canceled contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant as set forth in subparagraph (b)(1)(i).

- (2) The previous tenancy was terminated as a result of the filing of a Notice of Intent to Withdraw under Government Code section 7060-7060.7 (the Ellis Act).
- (3) The landlord has otherwise agreed by contract with the City of Santa Monica, the Santa Monica Rent Control Board, or any other public entity to limit or otherwise restrict rent levels in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of title 7 of the Government Code.
- (4) The landlord is obligated by contract with any individual, person, firm, organization, or public entity, including, but not limited to, the City of Santa Monica and/or the Santa Monica Rent Control Board, to limit or otherwise restrict the amount of rent that may be charged on a residential unit.
- (5) The prior tenant vacated the unit as a result of the landlord's termination without good cause pursuant to section 1806(a)(1) through (a)(7) of the Santa Monica City Charter (Santa Monica Rent Control Law).
- (6) The dwelling or unit has been cited in an inspection report by the appropriate governmental agency as containing serious health, safety, fire or building code violations, as defined by Section 17920.3 of the Health and Safety Code, excluding those caused by disasters; the citation was issued at least sixty (60) days prior to the date of the vacancy; and the cited violation had not been abated when the prior tenant vacated and had remained unabated for at least sixty (60) days. However, the sixty-day time period for compliance may be extended by the appropriate governmental agency that issued the citation.
- (7) The residential rental unit is in a mobilehome park.

(c) Single Family Residences

- (1) For purposes of this regulation, a single family residence is defined as a unit that is alienable separate from the title to any other dwelling unit, including a condominium unit which has been sold separately by the subdivider to a bona fide purchaser for value, or a unit which is a subdivided interest in a subdivision as specified in subdivision (b), (d) or (f) of Section 11004.5 of the Business and Professions Code. If all the units in a condominium complex except one have been sold separately by the subdivider to bona fide purchasers for value and the subdivider has been living in the remaining unsold condominium unit for at least one year after the subdivision occurred, then the remaining unit is a single family residence for purposes of this regulation.
- (2) Commencing January 1, 1999, the landlord may establish the initial and all subsequent rental rates of a single family residence for all new tenancies except where:
 - (i) The preceding tenancy has been terminated by the landlord by notice pursuant to Section 1946.1 of the Civil Code or has been terminated upon a change in terms of tenancy noticed pursuant to Section 827 of the Civil Code.
 - (ii) The previous tenancy was terminated as a result of the filing of a Notice of Intent to Withdraw under Government Code section 7060-7060.7 (the Ellis Act).
 - (iii) The landlord has otherwise agreed by contract with the City of Santa Monica, the Santa Monica Rent Control Board, or any other public entity to limit or otherwise restrict rent levels in consideration for a direct financial contribution

or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of title 7 of the Government Code.

- (iv) The dwelling or unit contains serious health, safety, fire or building code violations, excluding those caused by disasters, for which a citation has been issued by the appropriate governmental agency, and which citation has remained unabated for six months or longer preceding the vacancy.
 - (v) The residential rental unit is in a mobilehome park.
- (3) Commencing January 1, 1999, the landlord may establish the initial and all subsequent rental rates pursuant to this subsection for all existing tenancies of single family residences in effect on or after January 1, 1999, if the tenancy was created between January 1, 1996 and December 31, 1998.
- (4) Single family residences shall otherwise remain subject to all sections of Article XVIII of the Santa Monica City Charter and Board regulations except as provided in this regulation and Civil Code section 1954.52.
- (d) Entitlement to General Adjustment
- No annual general adjustment otherwise authorized by the Board may be applied to a unit's rent if that unit's tenancy commenced on or after September 1 of the previous year.
- (e) Landlord Defined
- "Landlord" is defined as any person, acting as principal or through an agent, having the right to offer residential real property for rent, and includes a predecessor in interest to the landlord or owner. A person who is an owner, lessor, sublessor, or is otherwise entitled to receive rent for the use and occupancy of a residential rental unit, or the agent, representative or successor of any such person shall be considered a landlord.
- (f) No Rent Increase for Existing Tenants
- The maximum allowable rent for any controlled rental unit that is occupied by an existing tenant shall not be increased under the provisions of this Regulation, while said tenant occupies his or her unit.
- (1) Except as provided in paragraph (3) of this subsection, below, for purposes of this regulation, "existing tenant" refers to all persons who are defined as "tenants" pursuant to section 1801(i) of the Charter, including but not limited to, roommates and/or approved subtenants, or other occupants who took possession pursuant to a rental agreement with the owner.
 - (2) No tenant occupying a controlled rental unit, who has the right to occupancy of a controlled rental unit, shall have his or her rent increased pursuant to this regulation or Civil Code §1954.50, et seq. Pursuant to §1806(a)(2) of the Rent Control Law, no tenant shall be required to vacate a controlled rental unit as a result of a covenant or condition in a rental agreement requiring the tenant to surrender possession.
 - (3) The landlord may implement a vacancy related rent increase as authorized by this regulation and state law upon a lawful sublessee or assignee who did not reside in the unit prior to January 1, 1996 where the original tenant or tenants who took possession of the unit pursuant to a rental agreement with the landlord no longer permanently reside there.

- (4) Units are not eligible for the vacancy related rent increase authorized by this regulation or state law for which partial changes in occupancy have occurred where one or more of the tenants who took possession of the unit pursuant to a rental agreement with the landlord continues to occupy the unit, or where a lawful sublessee or assignee who resided in the unit prior to January 1, 1996 continues to occupy the unit.
- (5) If the landlord terminates or fails to renew a contract or recorded agreement with a government agency that provides for a rent limitation to a qualified tenant, and the qualified tenant remains in the unit after the termination or nonrenewal of the contract, that tenant's rent shall be the maximum allowable rent of the unit or, if the unit is a dedicated unit under the Board's Incentive Housing Program, the maximum dedicated rent of the unit.
- (6) In cases in which a tenant's tenancy commenced prior to October 1, 1995, and the tenancy was pursuant to a U.S. Department of Housing and Urban Development ("HUD") Section 8 contract, if the tenant terminates or becomes ineligible for the Section 8 contract but remains as a tenant in the unit, that tenant's rent shall be the maximum allowable rent of the unit, or, if the unit is a dedicated unit under the Board's Incentive Housing Program, the maximum dedicated rent of the unit.
- (7) In cases in which a tenant's tenancy commenced between October 1, 1995 and December 31, 1998, inclusive, and the tenancy was pursuant to a HUD Section 8 contract, if the tenant terminates or becomes ineligible for the Section 8 contract but remains as a tenant in the unit, that tenant's new maximum allowable rent shall be the maximum allowable rent of the unit immediately prior to the date the tenancy commenced, plus an additional 15% increase, plus intervening general adjustments which the landlord is entitled to implement. However, if the unit's maximum allowable rent included two vacancy increases prior to the commencement of the tenancy, or, if the unit is a dedicated unit under the Board's Incentive Housing Program or a deed restricted unit under a removal permit agreement or other agreement with the Board, the new maximum allowable rent shall not include an additional 15% increase but shall be governed by regulation 17210 or provisions of the deed restriction and agreement upon which it is based.
- (8) In cases in which a tenant's tenancy commenced January 1, 1999 or later, and the tenancy was pursuant to a HUD Section 8 contract, if the tenant terminates or becomes ineligible for the Section 8 contract but remains as a tenant in the unit, that tenant's new maximum allowable rent shall be the total of the amount of rent paid by the tenant and the amount of rent paid by the Housing Authority under the Section 8 contract at the inception of the contract, plus intervening general adjustments which the landlord is entitled to implement. However, if the unit is a dedicated unit under the Board's Incentive Housing Program or a deed-restricted unit under a removal permit agreement or other agreement with the Board, its rent shall not be increased but shall be governed by regulation 17210 or provisions of the deed restriction and agreement upon which it is based.

(g) Vacancy Registration

Pursuant to Section 1803(q) of the Rent Control Law, a landlord shall re-register the unit with the Board after the re-rental of the unit and the establishment of the unit's new base rent after vacancy pursuant to the Costa-Hawkins Rental Housing Act and/or this regulation. The landlord

shall file the Vacancy Unit Registration form no later than thirty (30) days after the re-rental of the unit.

- (1) The Vacancy Unit Registration shall be filed on a form provided by the Board.
- (2) The landlord shall provide the following information:
 - (i) The date the unit became vacant;
 - (ii) The reason the unit became vacant (i.e. notice of termination of tenancy by previous tenants, abandonment 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 1946.1 or Civil Code section 827).
 - (iii) The new rental rate in effect for the new tenancy;
 - (iv) Whether one or more parking spaces or garages are provided as a base amenity after vacancy of the unit;
 - (v) The date the unit was re-rented;
 - ~~(vi) The name and street address of the business or residence of the owner primarily responsible for administering the apartment building rental business and the name and street address of the property manager of the apartment building, if any;~~
 - ~~(vii) 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 its manager and the street address of its principal place of business;~~
 - (vi) A telephone number or email address at which the landlord, or the person who filed the Vacancy Unit Registration form on the landlord's behalf, may reliably be reached during normal business hours.
 - (viii) A declaration under penalty of perjury that the information is true and correct.
- (3) Failure of the landlord to properly re-register a unit pursuant to this regulation shall result in the property being deemed not to be in compliance with the Rent Control Law, as set forth in §1805(h)(1), Chapter 13 of the Board's Regulations, and Regulation 8010.
- (4) 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 Vacancy Unit Registration for tenancies commencing on or after January 1, 1999 or the Landlord Vacancy Increase Unit Registration for tenancies commencing October 1, 1995 through December 31, 1998, or in the event that the tenant does not agree with the information on the vacancy registration form filed by the landlord, the tenant may file a Tenant Vacancy Unit Registration form setting forth the information required under this regulation. The tenant may attach copies of all written rental agreements under which the tenant rents the unit.
- (5) The owner of a property which has obtained a temporary exemption from rent control based on owner occupancy of a building with three or fewer units may file a Vacancy Unit Registration form for new base rents after vacancy established after vacancies

which qualify for new rent levels under this regulation. The Vacancy Unit Registration form shall not be accepted for filing unless accompanied by a processing fee of fifty dollars (\$50).

(h) Amenities

- (1) Base amenities of the following units are those facilities, equipment, and housing services provided on April 10, 1978, or the first rental date thereafter, included in the unit's rent, or as otherwise determined by final Board decision: (1) units with tenancies which commenced prior to January 1, 1999; (2) all mobile home spaces; and (3) units with tenancies which commenced on or after January 1, 1999 if the tenancy does not qualify for a vacancy rent increase under the Costa-Hawkins Rental Housing Act (Civil Code §1954.53) and Board regulation 3301 and the unit has not had a prior vacancy rent increase.
- (2) Base amenities of units with tenancies commencing on or after January 1, 1999, except for units listed in subparagraph (h)(1) above, are those amenities, facilities, equipment, and housing services provided to the unit on the initial date of the unit's tenancy. In cases in which the post-January 1, 1999 tenancy was pursuant to a HUD Section 8 contract, if the tenant terminates or becomes ineligible for the Section 8 contract but remains as a tenant in the unit, that tenant's base amenities after vacancy are those amenities provided to tenant during the section 8 tenancy.
- (3) Landlords are required to maintain base amenities in good working order or be subject to a rent decrease under regulation 4200.
- (4) With regard to tenancies commencing on or after January 1, 1999, except tenancies of units listed in subparagraph (h)(1) above, if the landlord(s) and tenant(s) agree in an arm's length transaction to the addition of (1) a parking space, (2) a garage, (3) storage space or
(4) permission to have a pet as an additional housing service for a unit after the initial date of the tenancy, the parking space or garage, storage space, or permission to have a pet, shall become a base amenity of the unit. The monthly rental amount agreed upon by the landlord(s) and tenant(s) for the added amenity shall be added to the Maximum Allowable Rent of the unit.
 - (i) The agreement to add the base amenity must be the result of arm's length negotiation, with no pressure on the tenant to accept the additional amenity.
 - (ii) The monthly rental amount for the added amenity shall be comparable to rental amounts of lawful arrangements obtainable in the unregulated market.
 - (iii) The tenant may file a base amenity petition to determine the correct rental amount for the added amenity if the amount negotiated does not meet the requirements of this regulation.

(i) Increase and Decrease Petitions

Nothing in this regulation prohibits tenants or landlords from filing rent decrease or increase petitions pursuant to Chapter 4 of the Board's regulations.

(j) Incentive Housing Units

The Rent Control Board shall not increase the maximum allowable rent on any unit pursuant to this regulation if the unit is the subject of an Incentive Housing agreement pursuant to Chapter 17 of the Board's regulations, except as provided in regulation 17210.

(k) Fraud or Intentional Misrepresentation

Any increase in the rent authorized pursuant to this regulation that is obtained by fraud or misrepresentation by the landlord or his or her agent, servant, or employee shall be void.

8010. Incomplete Registration for Purposes of Withholding Remedy

(a) For purposes of this subchapter, an initial registration is incomplete if it omits any of the following:

- (1) The address of the property and designation of each rental unit thereon;
- (2) The name and address for service of notice on the landlord(s);
- (3) The base rent for each unit under section 1804 of the Rent Control Law, unless the MAR for each unit has been certified;
- (4) The signature of an owner, or authorized agent of the owner for whom an authorization form is on file with the Board.

(b) For purposes of this subchapter, change of ownership registration forms pertaining to a previously registered property and filed by a new owner subsequent to January 1, 2001 shall be deemed incomplete if they omit any of the following:

- (1) The address of the property;
- (2) the name(s) and street address(es) of the business or residence of the landlord(s), including the manager of the property, if any. 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. 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. 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 names and street addresses of the business or residence of each manager. If the owner of the property is a trust, the registration form shall provide the name and street address of each trustee;
- (3) the date of purchase or close of escrow;
- (4) a declaration under penalty of perjury that the information is true and correct, with the signature of an owner, or authorized agent of the owner for whom an authorization form is on file with the Board.

(c) For purposes of this subchapter, Vacancy Unit Registration forms filed after January 1, 2001, pertaining to a tenancy commenced on or after January 1, 1999, including a tenancy commenced pursuant to a HUD Section 8 contract which the tenant has later terminated or for which the tenant later became ineligible, shall be deemed incomplete if they omit any of the following:

- ~~(1) The name and street address of the business or residence of the owner primarily responsible for administering the apartment building rental business.~~
 - ~~(2) If the owner is a corporation, the name of the corporation, the street address of its principal place of business and the name of its chief executive officer. If the owner is a partnership, the name of the partnership, the street address of its principal place of business and the name of its managing partner. If the owner is a limited liability company, the name of the limited liability company, the street address of its principal place of business, and the name of its manager;~~
 - ~~(3) (1) The date and the reason the unit became vacant;~~
 - ~~(4) (2) The date the unit was re-rented and the new rental rate in effect for the new tenancy;~~
 - ~~(5) (3) a declaration under penalty of perjury that the information is true and correct, with the signature of an owner, or authorized agent of the owner for whom an authorization form is on file with the Board.~~
- (d) For purposes of this subchapter, Incentive Unit Registration forms filed after January 1, 2001, pertaining to a new Maximum Allowable Rent of an incentive unit upon expiration of an Incentive Housing Program Regulatory Agreement shall be deemed incomplete if they omit any of the following:
- (1) The name and street address of the business or residence of the owner primarily responsible for administering the apartment building rental business;
 - (2) If the owner is a corporation, the name of the corporation, the street address of its principal place of business and the name of its chief executive officer. If the owner is a partnership, the name of the partnership, the street address of its principal place of business and the name of its managing partner. If the owner is a limited liability company, the name of the limited liability company, the street address of its principal place of business, and the name of its manager;
 - (3) The rental amount collected for the incentive unit ninety (90) days prior to the expiration of the Regulatory Agreement, which is the new Maximum Allowable Rent of the unit.
 - (4) The signature under penalty of perjury of an owner or authorized agent of an owner for whom an authorization form is on file with the Board.
- (e) For purposes of this subchapter, Condominium Rent Level Unit Registration forms, pertaining to a new base rent for separately alienable, unsold condominium units as defined in regulation 3302(a), shall be deemed incomplete if they omit any of the following:
- ~~(1) The name and street address of the business or residence of the owner primarily responsible for administering the apartment building rental business;~~
 - ~~(2) If the owner is a corporation, the name of the corporation, the street address of its principal place of business and the name of its chief executive officer. If the owner is a partnership, the name of the partnership, the street address of its principal place of business and the name of its managing partner. If the owner is a limited liability company, the name of the limited liability company, the street address of its principal place of business, and the name of its manager;~~

- ~~(3)~~ (1) The base rent of the unit. For tenancies which commenced on or before May 7, 2001, the base rent is the lawful rent in effect on May 7, 2001. For tenancies which commenced after May 7, 2001, the base rent is the actual rent in effect on the initial date of tenancy.
- ~~(4)~~ (2) The signature under penalty of perjury of an owner or authorized agent of an owner for whom an authorization form is on file with the Board.
- (f) A registration form which is incomplete within the relevant subparagraph of this regulation shall be considered nonregistration for purposes of this subchapter. Every reference to "nonregistration" in this subchapter includes registration which is incomplete under this regulation.
- (g) The registration of incorrect information or the omission of information other than that called for by the relevant subparagraph of this regulation, above shall not be the basis for a complaint for nonregistration seeking authorization to withhold rent under this subchapter. However, other remedies for such noncompliance are not limited by this regulation or subchapter.

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.
 - (4) If the owner of the property is a trust, the registration form shall provide the name and street address of each trustee.
 - (5) Owners who elect to receive communication by email must provide a valid email address.
- (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) 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) 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) 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.
- (n) Lapse of Exemption. If a unit is occupied by a tenant when an exemption lapses, the landlord must register the unit's parking housing services, if any, and a unit's base rent, from which the maximum allowable rent shall be calculated as required by Regulation 2007(1). The landlord must do this within 30 days after the exemption's lapse. This subdivision does not apply to a unit occupied by the same tenant who occupied the unit before the lapsed exemption took effect; the unit remains subject to the registration filed when the tenancy began.

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)~~ (1) 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)~~ (2) Apartment and building amenities provided to each rent-controlled replacement unit and number of bedrooms in each replacement unit.
 - ~~(3)~~ (3) A telephone number or email address at which the landlord, or the person who filed the Removal Permit application form on the landlord's behalf, may reliably be reached during normal business hours.
 - ~~(5)~~ (4) 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)~~ (1) The date the unit became vacant;
 - ~~(4)~~ (2) 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 1946.1 or Civil Code section 827);
 - ~~(5)~~ (3) The date the unit was re-rented;

- ~~(6)~~ (4) The new rental rate in effect for the new tenancy;
 - ~~(7)~~ (5) 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;
 - ~~(6)~~ (6) A telephone number or email address at which the landlord, or the person who filed the registration form on the landlord's behalf, may reliably be reached during normal business hours.
 - ~~(8)~~ (7) 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 1946.1 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.~~
 - ~~(6)~~ (6) A telephone number or email address at which the landlord, or the person who filed the Vacancy Unit Registration form on the landlord's behalf, may reliably be reached during normal business hours.
 - ~~(8)~~ (7) 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.
- (g) Effective July 31, 2017, the landlord shall give the tenant a single-page summary of rights and responsibilities under the rent control law at the commencement of every tenancy. This singlepage summary shall be prepared by the Administrator, and shall be available for download on the Board's website as well as in hard copy at the rent-control office. The landlord shall state

on the tenancy's registration form, which the landlord must sign under penalty of perjury, that the landlord has complied with this requirement.

- (h) A landlord who fails to comply with this section may not impose any annual general adjustment until this section is fully complied with.