

SANTA MONICA RENT CONTROL BOARD
1685 MAIN STREET, SANTA MONICA, CA 90401
(310) 458-8751
www.smgov.net/rentcontrol

For Office Use Only	
Complaint No.: _____	Date Filed: _____
Complaint for Excess Rent <input type="checkbox"/>	Non-Registration <input type="checkbox"/> Both <input type="checkbox"/>
Site Address: _____	
MPP #: _____	
Current MAR _____	Intake Staff Initials _____

COMPLAINT FOR NON-REGISTRATION AND/OR EXCESS RENT RECEIPT AND RETENTION

[PLEASE PRINT OR TYPE]

I. General Information

A. Complainant Name _____

Address of unit for which this complaint is being filed:

_____ (Street) _____ (Unit #)

Current or Mailing Address (if different): _____

Daytime telephone: (____) _____ Cell: _____

Residence telephone: (____) _____ Email: _____

B. Current and former owners and managers alleged to have received excess rent.
(Add additional pages, if necessary.)

Current Owner: _____

Address: _____

_____ (City, State, Zip)

Telephone #: (____) _____

Former Owner: _____

Address: _____

_____ (City, State, Zip)

Telephone #: (____) _____

Current Manager: _____

Address: _____

Telephone #: (____) _____

II. Type of Complaint

Please check appropriate box(es) regarding this complaint.

1. Complaint for non-registration or incomplete registration as defined by Board Regulation 8010.

Specify reason(s): _____

2. Complaint for acceptance and retention by a landlord of any payment of rent in excess of the lawful rent as defined by Board Regulation 8020.

Please explain why you think you paid excess rent: _____

3. Check all forms of excess rent that apply [Regulation 8020 (a) - (m)]:

a.	a monthly charge greater than the maximum lawful rent;
b.	the charging by a landlord of a "finder's fee," "key money," "reward" or any other fee, however denominated, as a condition of initial occupancy of the unit other than a lawful security deposit or monthly rent;
c.	the charging by any person, other than a landlord, of a "finder's fee," "key money," "reward" or any other fee, however denominated, as a condition to the initial occupancy of a specific unit, if any portion of that fee is transferred to landlord or its payment inures to the benefit of the landlord, directly or indirectly;
d.	the charging by any person, other than a landlord, of a "finder's fee," "key money," "reward" or any other fee, however denominated, as a condition to the initial occupancy of a specific unit, by any person, other than a licensed real estate broker or agent, or other person authorized by law to collect such a fee;
e.	the charging of any fee for services or amenities which landlord is legally obligated to provide without additional charge, e.g., base amenities or services required to be provided by law;
f.	the charging of any fee for services or amenities which were not legally required to be provided with the unit but which a tenant was required to agree to accept as a condition of occupying or continuing to occupy the unit, rather than pursuant to a bona fide separate agreement, as described in Regulation 3201.
g.	The charging of any fee arising from the landlord-tenant relationship or pertaining to the continuing occupancy of a unit which is in addition to the lawful rent and initial security deposit and which is not authorized by law or separate agreement as defined in Regulation 3201.
h.	The amount by which an otherwise lawful fee arising from the landlord-tenant relationship or pertaining to the continuing occupancy of a unit exceeds the amount allowed by law.
i.	The amount of any rent increase which landlord was not entitled to implement, subject to the limitations in this subchapter.
j.	The charging of unadjusted rent in violation of a decrease decision.
k.	The reasonable market value of goods or services furnished by a tenant to a landlord or person in lieu of any of the fees described herein.
l.	The charging of rent in excess of the lawful rent to a subtenant or co-tenant by a tenant.
m.	The charging of any pass-through or surcharge which an owner is not lawfully authorized to charge.

III. Rent History

a. I moved in on _____.

This was a new tenancy part of an existing tenancy

b. If you moved into a new tenancy and the unit was vacant immediately prior to your moving in, what was the initial rent when you moved in? \$ _____

c. If you moved into an existing tenancy, when did the first tenant(s) move in? _____

What was the initial rent for the first tenant(s)? \$ _____

IV. Excess Rent History (If this complaint is for excess rent complete items a – e.)

a. When did collection of excess rent begin? (Month/year) _____

(Attach checks or other documentation of rent paid.)

Are you still paying excess rent? Yes No

If not, when did the collection of excess rent end? _____

b. Was any portion of the excess rent claimed in this complaint returned to you?

Yes No

If yes, how much and when? _____

c. Have you ever withheld rent in order to satisfy this claim of excess rent?

Yes No

If yes, state months and years rent was withheld and amount of rent withheld each month.

d. Have you ever filed a case in court with regard to excess rent for any period covered by this complaint? Yes No

If yes, please attach all documents.

e. Names and addresses of roommates or any other person(s) who have lived in the unit and paid rent during the time covered by this complaint (do not list complainants):

Name

Address

Daytime telephone number

Dates of tenancy/occupancy

V. Necessary Documentation

For your complaint to be accepted for processing, you MUST attach copies of any of the following documents (and any other documents you believe are evidence) that show the amount of rent paid and retained. Submit copies only; keep the original documents and bring to any meeting or hearing at the Rent Control Board. Check the box to the left of each type of documentation submitted.

	1) Cancelled checks or money orders (rent, security deposit, finder's fees, alleged separate agreement).
	2) Receipts for payment of #1 above.
	3) Bank statements.
	4) Rental Agreements/Leases.
	5) Notice of annual rent increase for all time periods. Include property tax statement(s), if one was attached to the increase notice.
	6) Relevant correspondence with owner/agent.
	7) Citations/Notices of health, safety and/or building violations, if relevant.
	8) Separate Agreements (including parking, storage or other amenities).
	9) Other documents that support your claim such as agreements with real estate brokers, newspaper advertisement for initial rental or unlawful detainer documents and pleadings.

VI. Amount of Rent Paid

- a. List only those months for which you claim excess rent was paid. Begin completing the chart with the most recent date for which you have evidence that you paid excess rent. Complete this chart carefully, using a new line for each month for which you have evidence of paying rent. (If you have roommates who also pay rent to the owner, include the total amount paid by everyone.)

Month/Year	Amount of Rent Paid	Type of Evidence Submitted (include Check or Money Order #)	<u>OFFICE USE ONLY</u>		
			<i>Prima facie legal rent</i>	<i>Prima facie excess</i>	<i>Totals</i>
1					
2					
3					
4					
5					
6					
7					
8					

Month/Year	Amount of	Type of Evidence	<u>OFFICE USE ONLY</u>
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	Rent Paid	Submitted (include Check or Money Order #)	<i>Prima facie legal rent</i>	<i>Prima facie excess</i>	<i>Totals</i>
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					
37					
Please attach additional sheets, if necessary.			Prima Facie Excess Total		

Amount of Rent Paid (continued)

b. Missing Documentation:

If there is a month or months for which you have not attached any documentation in the section above:

1. Identify the line number and the month
2. Explain why you have not attached documentation
3. Describe any testimony or evidence you or a witness would provide at a hearing to prove the amount paid.

Note: If you fail to attach required documentation and/or fill out the section below for any month in which you claim excess rent, you may not be able to present evidence for that month at hearing.

VII. Statute of Limitations

As a general rule the Rent Control Board will only consider claims of excess rent paid within the last three years. *Only complete this section if you are alleging that the Statute of Limitations does not apply to your case **and you meet the specific criteria** outlined in Board Regulation 8023(e).*

If you contend that there was fraud, estoppel, or breach of duty to disclose on the part of the landlord with respect to this claim, then you must specify the actions taken by your landlord and the specific evidence which you intend to present in support of this claim [See Regulation 8023(e)].

VIII. Certification

Under penalty of perjury, I hereby certify that I have read, or have had read to me, the Board's regulations in Chapter 8, and I understand the limitations of the administrative remedies imposed by Regulation 8023.

I acknowledge that once a hearing on this complaint begins, there can be no other remedy available to me with respect to the period of time and amount of excess rent alleged in this complaint. Accordingly, I understand that I cannot file a claim in court for the period of time and amount of excess rent set forth in this complaint once the hearing begins.

I also understand that I might be foregoing substantial penalties that could be awarded by the courts, but are not available through the Rent Control Board's administrative process.

I hereby certify that the information I have provided in this complaint form and in any attached sheets is true and correct to the best of my knowledge and belief.

Signature Date

Print Name: _____

IX. Representative Authorization

If you have a representative to file this complaint on your behalf or appear on your behalf at a hearing, the **attached Authorization for Representation** form must be completed and submitted with this Complaint. **ALSO** indicate your representative below.

Representative Name

Street Address City State Zip Code

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Daytime Phone # Cell

Email