



Evictions

Section 1806 of the Santa Monica Rent Control law limits the reasons why tenants may be evicted.

Fault-Based Evictions

Under Santa Monica law, a tenant may be evicted for:

- Nonpayment of rent;
- Materially and substantially breaching the lease;*
- Causing or permitting a substantial nuisance or damage to the unit;*
- Refusing to grant the landlord reasonable access to the unit to make repairs or improvements, or show the property for sale;*
- Being convicted of using the unit for an illegal purpose;
- Refusing to renew or extend the lease, on the same terms as the original lease, when lawfully asked to do so by the landlord;
- Occupying the unit as a subtenant not approved by the landlord when the tenant no longer occupies the unit.

**Owners must give tenants a warning letter allowing them reasonable time to remedy these situations prior to serving a notice to terminate tenancy. The letter must inform the tenant that a failure to fix the problem may result in the initiation of eviction proceedings.*

No-Fault Evictions

A tenant may also be evicted for reasons unrelated to anything that the tenant has done or failed to do, entitling the tenant to relocation benefits.

Specifically, a landlord may terminate a tenancy to withdraw the property from the rental market under California's Ellis Act, or for owner occupancy (in other words, in order to move into the unit himself or herself, or allow an immediate family member to do so).

Owner occupancy evictions are subject to the following restrictions, set out in Chapter 9 of the Board Regulations:

- The landlord must own at least 50% of the property as a natural person (not, for example, as a corporation);
- Neither the owner nor any immediate family member may already live on the property;
- Only one owner-occupancy eviction is allowed per property;
- In most cases, only the tenant who most recently moved into a like-sized unit may be evicted; and
- No owner-occupancy eviction is allowed if there is a vacant unit comparable to the one the owner or family member intends to occupy. If the owner owns a non-comparable vacant unit in the building or nearby, the owner must offer that unit to the displaced tenant.
- Tenants who have lived in the same unit for at least five years and are over 62 or disabled may not be evicted for owner occupancy unless the owner also meets one of these criteria.

The landlord must file with the Rent Control Board a copy of any notice terminating tenancy, except a three day notice to pay rent or vacate, within three days after serving the notice on the tenant.

Santa Monica Municipal Code Section 4.27.050, enacted by the City Council on May 22, 2018, gives additional eviction protections to educators and students during the school year. These additional protections apply only in the case of no-fault evictions, as specified in the ordinance. Property owners who intend to begin the no-fault eviction of an educator or student during the school year, and any educator or student facing a no-fault eviction during the school year, should contact an attorney or the City Attorney's office about their rights and responsibilities.

What is Rent Control's Role?

Our role is limited to providing accurate information about your rights and responsibilities as a tenant or owner. For example, we can:

- Give you a copy of the Rent Control Law, Regulations, or the City's relocation ordinance;
- Prepare a letter stating a unit's Maximum Allowable Rent;
- Provide a declaration stating whether the owner filed a copy of the eviction notice with the Board within three days of its being served on the tenant, as local law requires;
- Make referrals to legal service providers.

We cannot represent a tenant or landlord, or offer legal advice.

How Can I Learn More About the Eviction Process?

Although local law regulates the reasons why a tenant may be evicted, the eviction process itself is governed by state law.

The state Department of Consumer Affairs published a guide for California tenants that includes an overview of the eviction process as well as a detailed description of the process' various stages. This document is online at <https://www.achhd.org/documents/California-Tenants-Guide.pdf>

Eviction cases decide important legal rights and are heard by state courts, not by the city. Because evictions are very serious court proceedings, you should talk with a lawyer if you are currently involved in an eviction or you anticipate being involved in one.

This is a brief summary of Santa Monica Eviction Controls. It is not legal advice. The Rent Control Board and its staff cannot represent owners or tenants or offer legal advice. Anyone contemplating or involved with an eviction should consult with an attorney.

Legal Service Providers

Legal Aid Foundation of Los Angeles

1640 5th Street, Suite 124
Santa Monica, CA 90401
(310) 899-6200
www.lafla.org

Eviction Defense Network

1930 Wilshire Blvd., Suite 208
Los Angeles, CA 90057
(213) 385-8112
www.evictiondefensenetwork.org

Self-Help Legal Access Center

Santa Monica Courthouse
1725 Main Street, Room 210
Santa Monica, CA 90401

Lawyer-Referral Services

L.A. County Bar Association

(213) 243-1500
www.smartlaw.org

Mediation Services

Southern California Mediation Association

www.scmmediation.org
info@scmediation.org
(866) 440-7880