



Rent Control News

City's Eviction Moratorium in Effect Until May 31st – Unless Extended

As a part of its response to the COVID-19 crisis, the Santa Monica City Council ratified emergency orders that put a temporary moratorium on most types of evictions effective through May 31st. The suspension was expressly authorized by Governor Newsom along with a statewide shelter-in-place order that is intended to keep tenants at home during the pandemic rather than being subject to eviction. It is important for tenants and landlords to understand their rights and responsibilities under these orders.

Beginning April 24, 2020, owners must give their tenants the following notice:

“You might be protected from eviction under certain circumstances, including failure to pay rent due to financial impacts related to COVID-19. In addition, you may be protected from eviction for no-fault evictions, evictions for denying entry to your landlord under certain circumstances, and evictions for unauthorized occupants or their pets, and some types of nuisance. For additional information, contact the City of Santa Monica’s Coronavirus Hotline at (310) 458-8400 or visit santamonica.gov/coronavirus.”

The notice must be in large type and provided to tenants in writing by mail or email or by posting in a conspicuous location, such as near entryways or mailboxes. If an owner serves any eviction-related notice, the owner must provide this notice of rights again.

For as long as the emergency order remains in place, and for six months after it is lifted, an owner is absolutely prohibited from evicting a tenant for nonpayment of rent that occurred during the emergency period if it is due to financial impacts of COVID-19 and the tenant documents the reason as explained below. Examples of financial impacts include but are not limited to:

- being sick or caring for a household or family member who is sick with COVID-19;
- job loss, reduction in work hours or income resulting from business closure, employer issues, or missing work to care for a child due to school closure;
- compliance with recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others;
- extraordinary out-of-pocket medical expenses.

(cont. p.3)

We Are Still Here For You!

To protect the safety of the public and our staff, City Hall remains closed, but we continue to serve you. Most staff are working remotely, and the Rent Control Board is holding meetings via video conferencing. While we are unable to meet with you in person, we have temporarily paused the filing of new exemption applications and petitions. We are exploring alternative filing methods and expect to resume these soon. As always, you can reach us by phone or email. If we cannot answer when you call, please leave a message (press 3), and a staff member will return your call as soon as possible.

To facilitate everyone staying home and staying safe, we have several free tools available online. Our website (smgov.net/rentcontrol) is a great resource for news and information, and it is updated regularly. You will find forms to download and these features there:

Rent 20/20 Document Portal: Search by address and have access to all the documents we have scanned for that property since 2005. You can also filter results by year and document type. Go to: www.smrentcontroldocumentportal.smgov.net

Look Up a Rent: Visit our website to search by address and see basic information about a property: Maximum Allowable Rent, tenancy start date, and unit size.

Online Tenancy Registration: Owners and their authorized agents can register new tenancies on our website and get confirmation back by email.

RENT NONPAYMENT SURVEY

We have heard anecdotally that some tenants have been unable to pay rent, but it’s unclear how widespread this problem is. To help us better understand how you are doing during the emergency, we invite landlords and tenants to complete a short survey. Please visit smgov.net/rentcontrol. It takes just a few minutes to complete.

Santa Monica Rent Control Board 1685 Main Street, Room 202, Santa Monica, CA 90401

Commissioners: Steve Duron, Anastasia Foster, Nicole Phillis, Naomi Sultan, Caroline Torosis

Executive Director: Tracy Condon

Hemos preparado también una copia de este boletín en español. Para obtener esta versión traducida, llame a nuestra oficina al (310) 458-8751.

Frequently Asked Questions During the Public Health Emergency

- **Do tenants still have to pay rent?**

All tenants who can pay rent should do so. However, if a tenant cannot pay all or some of the rent due to financial hardship related to the COVID-19 outbreak, then the landlord may not seek an eviction at this time. Tenants must notify the owner within 30 days of when rent is due and document their inability to pay.

- **Do tenants have to pay back missed rent?**

Unless the landlord offers voluntarily to forgive some or all of the rent owed, a tenant must pay all outstanding rent within six months of when the eviction moratorium ends. The moratorium gives the tenant more time to pay but does not waive any rent due.

- **My landlord wants me to sign an agreement for repayment, what should I do?**

A tenant is not required to sign a written agreement to prevent eviction based on a COVID-19-related nonpayment (or underpayment). A landlord could go to small claims court to collect on a repayment agreement, so it is best to talk to an attorney if considering one.

- **What if a landlord has doubts about whether a tenant's documentation of inability to pay is sufficient?**

If the tenant presents the notice and documentation to the landlord within the required time period, the landlord is prohibited from serving the tenant with a Notice to Pay Rent or Quit. Questions about a tenant's documentation can be addressed to the City Attorney's office at (310) 458-8336.

- **What happens if the tenant still cannot pay rent after the moratorium is lifted?**

Eviction protection under the emergency order for nonpayment of rent only applies to missed rent during the moratorium period (as of the date of this article, that's March 14, 2020 to May 31, 2020). A landlord may still seek to evict a tenant for unpaid rent prior to or after this period. However, the California Court System put all evictions on hold until 90 days after the state's emergency order is lifted.

- **Can a landlord enter a unit to do maintenance?**

A landlord may enter a unit if it is for a critical repair, an emergency involving a condition that makes the apartment uninhabitable, a condition that substantially endangers or impairs the health or safety of a tenant, or a condition that is causing or threatening to cause substantial damage to the premises. The landlord must not allow entry by any person who is, or is believed to be, a carrier of the COVID-19 virus and must ensure that appropriate social distancing and precautions are taken, including wearing masks and gloves, and sanitizing what is handled in the unit to reduce the risk of transmitting the virus.

- **Does a tenant have to allow a landlord to show their unit to potential buyers, appraisers, etc.?**

Due to the pandemic and the Governor's statewide Safer at Home order, entries are limited to cases of emergencies and essential

repairs. Landlords and property owners are encouraged to use alternate ways to show units such as video, if possible.

- **Can a landlord lower a tenant's rent voluntarily without affecting the Maximum Allowable Rent?**

Yes, unless the discount is given during the initial term of the tenancy. For all other tenancies, temporarily reducing the rent will not change the MAR, nor will it change any other term of the original rental agreement. When entering into a voluntary agreement to reduce the rent, the owner and tenant should state the agreement in writing. Our website has more information on the Information by Subject page under Temporary Rent Reductions.

- **What if tenants have more people living in their unit than allowed under their lease?**

Under the moratorium, a landlord may not evict a residential tenant based on the presence of unauthorized occupants or their pets, or nuisance related to COVID-19, unless the presence substantially endangers or impairs the health or safety of a tenant or other persons in the vicinity of the premises, or causes or threatens to cause substantial damage to the premises.

- **Is it still possible for a landlord to evict a tenant, so that the owner can move in or withdraw the unit from the rental housing market?**

During the eviction moratorium, a landlord may not evict a tenant for a "no-fault" reason, including for owner-occupancy or Ellis Act withdrawals. For any rental unit already pending withdrawal, the period before which the tenancy is terminated is "tolled" until 60 days after the expiration of the Emergency Order. This means that the countdown to the end of the tenancy is temporarily put on hold. The countdown clock is stopped, in other words; 60 days from the emergency's end, it will resume where it left off. Owners and tenants on properties being withdrawn should have received a letter from Rent Control informing them of revised withdrawal dates.

Healthy Living in Multifamily Housing

In these uncertain times, it is important that everyone do their part to keep themselves and others healthy. This is especially important for the many Santa Monica residents who live in multifamily apartment buildings. The LA County Department of Public Health has issued guidelines for steps residents, owners and management companies can take to try to ensure a healthy community.

Practicing social distancing, not touching your face, and frequently washing your hands are some of the most effective ways to limit transmittal, but other actions can also be taken. Residents must stay home if they are sick, unless traveling to seek care. The County recommends "Stay home for at least three days (72 hours) after recovery, ... AND at least seven days have passed since your symptoms first appeared." Quarantining yourself if you feel sick is one of the most important steps an individual can take in order to limit the spread of this virus. Residents should contact the owner or management company by phone or email if they need assistance with quarantining. (cont. p.3)

(Moratorium, cont.)

To have protection under the order, within 30 days of the date that rent is due, tenants must notify the landlord in writing of their inability to pay rent due to a financial impact of COVID-19. The earlier the better. A form that may be used to provide the required notice is available on the City's COVID-19 Eviction Moratorium website. (See *Forms and Resources on the right*). Tenants must also provide within 30 days of the rent due date documentation to the landlord to support the claim. Examples include:

- letter from an employer citing COVID-19 as a reason for reduced work hours or termination;
- paycheck stubs from before and after the COVID-19 outbreak;
- bank statements showing the tenant's financial situation before and after the outbreak;
- school closure documentation;
- medical bills or other expenses related to the outbreak.

Tenants are still obligated to pay all rent that is owed but have six months after the expiration of the moratorium to do so. It is not necessary for a tenant to sign a repayment plan to be protected, provided they follow the steps above. A landlord may not pursue eviction once tenants have duly notified them of their inability to pay.

In addition to nonpayment of rent due to COVID-19, landlords may not seek to evict tenants for any of the following reasons:

- refusing entry unless the condition needing repair substantially endangers health and safety or threatens to cause substantial damage to the premises;
- unauthorized occupants or their pets, or nuisance related to COVID-19 unless the condition substantially endangers health and safety or threatens to cause substantial damage to the premises;
- a no-fault reason such as for owner occupancy, an Ellis Act withdrawal of the property from rental housing or the end of a lease.

This article is a summary of rights and responsibilities under the emergency order. For complete information go to:

santamonica.gov/coronavirus-eviction-moratorium.

(Healthy, cont.)

Managers and owners also need to stay home when they are sick. Residents and all building visitors must practice physical distancing and must wear face coverings in common spaces and if they are going to be in contact with others. It is encouraged that high touch and common areas be routinely cleaned and a supply of cleaning and maintenance equipment should be ensured. By order of the Health Officer, all fitness areas, community or recreations rooms, swimming pools and Jacuzzis must be closed.

Creative strategies should be employed to limit the number of people in communal spaces, such as laundry rooms, at one time. The County suggests creating sign-up sheets, marking machines and floor space clearly for physical distancing and posting signs reminding tenants to wash their hands frequently and to maintain distancing.

It is very important that owners and managers do not share health information, including COVID-19 status, about a resident with other residents or unnecessarily to staff. More information can be found on the LA County Dept. of Public Health website. (See *Forms and Resources on the right*.)

Forms & Resources

► City of Santa Monica's COVID-19 Webpage and Hotline

For the latest local coronavirus information and the City's response:

santamonica.gov/coronavirus

Have questions? Call **310-458-8400** or email info@santamonica.gov

► Santa Monica COVID-19 - Eviction Moratorium and Tenant Notice to Landlord Form

Includes explanation and the full text of the City's emergency orders. Follow the "emergency moratorium" link and see section 6A for details about the landlord's notice to tenant of rights. Tenants may use the Tenant Notice to Landlord Form on this page to notify landlords of inability to pay rent. It is also available in Spanish.

santamonica.gov/coronavirus-eviction-moratorium

► SM Alerts

Sign up to get critical information about emergencies and other community news.

santamonica.gov/alerts

► Legal Aid Foundation of Los Angeles (LAFLA) – Santa Monica COVID-19 Tenant Protection Informational Flyer:

Basic information about Santa Monica's eviction moratorium and how tenants can request legal assistance.

lafla.org/wp-content/uploads/2020/04/LAFLA-SM-COVID-19-Housing-Info-Sheet.pdf

► Santa Monicans for Renters' Rights (SMRR) webinar

On April 7, 2020, Deputy City Attorney Gary Rhoades joined SMRR leadership, State Senator Ben Allen, and representatives of legal services organizations LAFLA, Bet Tzedek and Mental Health Advocacy Services to discuss tenant protections under state and local emergency orders, and how to request legal assistance. [youtube.com/watch?v=Nlee9YfzVgE](https://www.youtube.com/watch?v=Nlee9YfzVgE)

► Santa Monica Daily Press Podcast

Listen to Deputy City Attorneys Eda Suh and Gary Rhoades explain the eviction moratorium.

<https://smdp.simplecast.com/episodes/pausing-evictions-during-the-coronavirus-pandemic-eda-suh-and-gary-rhoades-from-the-city-attorneys-office>

► LA County Dept. of Public Health — Coronavirus Information

Guidance on how landlords and managers can prepare for the potential impact to their communities and to address employee and resident concerns of potential exposure.

publichealth.lacounty.gov/media/Coronavirus/GuidanceMultifamilyResidences.pdf

► Dept. of Consumer Affairs Coronavirus Information for Consumers and Businesses

FAQs for renters and property owners coping with COVID-19.

dcba.lacounty.gov/coronavirus

► LA County Disaster Help Center

Provides property owners with assistance in avoiding foreclosures.

For more information, contact the LA County Disaster Help Center at (833) 238-4450 or email disasterhelpcenter@lacounty.gov

LACountyHelpCenter.org.

► State of California COVID-19 Website: <https://covid19.ca.gov/>

► Governor's Website: <https://www.gov.ca.gov/newsroom>

► State of Calif. Financial Resources: covid19.ca.gov/get-financial-help



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Rent Control Board

1685 Main Street, Room 202
Santa Monica, CA 90401



Rent Control is closed every other Friday.
Please call before coming to be sure it's a Friday we're open.

INFO



Public Counter: 1685 Main St., Room 202
M-Th / Alternate F: 8:00-4:30



Telephone: (310) 458-8751
M-Th: 7:30-5:30 / Alt F: 8:00-5:00



Website: www.smgov.net/rentcontrol



Email: rentcontrol@smgov.net



www.facebook.com/santamonicarentcontrol

TENANTS

The amount in the circle at left is the MAR for your unit, per Rent Control records. **If you moved in recently, our records may still list the MAR for the previous tenancy. In most cases, owners may reset the rent with each new tenancy.** In addition to the MAR, an owner may pass-through to tenants half (\$8.25 per month) of the registration fee Rent Control charges for each unit.

*For tenancies that began before March 1, 2018 and on properties not sold or reassessed since then, owners may also add surcharges based on the property tax bill. With the fee and surcharges, the legal rent for your unit may be \$8 to \$43 higher than the MAR shown. If the message is "Tenant Call," or if you have questions about your MAR, fees or surcharges, please call us.

OWNERS

Each July, owners receive a report listing the MAR that is listed in Rent Control's records for every rental unit on their property or properties. If you are an owner, the circle at left should not include a MAR. If a MAR is listed, please call us.

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Para obtener una traducción de este boletín en español, vea el aviso con las instrucciones correspondientes en el interior de este boletín.