

## CHAPTER 3

### GENERAL RENT ADJUSTMENTS

#### **3000. General Adjustment Number 1**

- (a) Commencing on August 8, 1979, landlords may increase rents above the April 10, 1978, base rent ceiling by an amount not to exceed 7 percent. In order to increase rents pursuant to this section, a landlord must give the notice required by California Civil Code §827. A landlord may serve a notice of rent increase prior to August 8, 1979, so long as the increase is not effective until August 8, 1979, or thereafter.
- (b) No landlord may increase rents pursuant to this section who has not registered the controlled rental unit for which the rent increase is sought.
- (c) Any landlord who has not registered a controlled rental unit by August 8, 1979, may not increase rent for that controlled rental unit until the date of registration.

[3000(c) Amended 12/18/86; Effective 12/25/86]

#### **3001. General Adjustment Number 2**

- (a) Commencing on the date of adoption of this regulation, any landlord may charge for a controlled rental unit participating in the Section 8 Housing Certificate Program rent in the amount permitted by the landlord's agreement with the governmental agency administering the Section 8 Rent Subsidy Program. When the landlord's participation in the Section 8 Housing Certificate Program ceases, the maximum allowable rent will revert to the sum of the base rent and any general or individual adjustments other than the special adjustment authorized by this section. The Section 8 Housing Certificate Program refers to that program set forth in 24 Code of Federal Regulations Part 882.
- (b) Section 8 Housing Voucher Program.

Commencing on the date of adoption of this regulation, any landlord may charge for a controlled rental unit participating in the "Voucher" component of the Section 8 Housing Program, rent in the amount permitted by the landlord's agreement with the governmental agency administering the Section 8 Housing Voucher Program.

Notwithstanding any other terms of the landlord's agreement with said governmental agency, the maximum allowable rent shall be the higher of either the existing maximum allowable rent under the Rent Control Law or the "Payment Standard" for the Los Angeles Long Beach Standard Metropolitan Statistical Area as established for the Section 8 Housing Voucher Program, and adjusted periodically by the U.S. Department of Housing and Urban Development. When the landlord's participation in the Section 8 Housing Voucher Program ceases, the maximum allowable rent will revert to the sum of the base rent and any general or individual adjustments under the Rent Control Law other than the special adjustment authorized by this section. The Section 8 Housing Voucher Program refers to the program set forth in 24 Code of Federal Regulations Part 887.

[3001 Adopted 8/16/79; Effective 8/25/79]

[3001 Amended 7/2/87; Effective 7/17/87]

#### **3002. General Adjustment Number 3**

- (a) Commencing on August 8, 1980, landlords may increase maximum allowable rents by an amount not to exceed 6.5 percent. In order to increase rents pursuant to this section, a landlord must give the notice required by California Civil Code §827. A landlord may serve a notice of rent

increase prior to August 8, 1980.

- (b) For purposes of this section, the maximum allowable rent is either
- (1) the rent in effect on April 10, 1978, plus the 7% general adjustment adopted on July 26, 1979, or
  - (2) the rent level established in a final decision on a petition for individual rent adjustment.

The registration fee pass-through set forth in §11001 shall not be considered part of the rent for calculating the amount of the general adjustment.

- (c) A landlord shall not increase rents, or serve a notice attempting to increase rents, pursuant to this section if any of the following situations exist:
- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. In those instances where the Santa Monica Rent Control Board has accepted and filed a Registration Form for the rental unit that is not executed under penalty of perjury, this provision shall apply only to increases of rents made after written notice from the Board that the landlord's registration is defective and that the landlord must properly register under penalty of perjury.
  - (2) The landlord has not paid the registration fee provided for in both Sections 11000 and 11001 of these regulations, including any accumulated late charges.
  - (3) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board or one of its hearing examiners.
  - (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or the regulations promulgated thereunder.
  - (5) The landlord is not in substantial compliance with any applicable state or local housing, health or safety law.

Any rent increase notice served in violation of this subsection shall be ineffective to increase the maximum allowable rents pursuant to this Section.

- (d) Any landlord who has not registered a controlled rental unit by September 1, 1980, may not increase rent for that controlled rental unit until the date of registration.

[3002 Adopted 7/24/80; Effective 8/2/80]  
[3002(c)(1) Amended 12/10/81; Effective 12/30/81]  
[3002(d) Amended 12/18/86; Effective 12/25/86]

**3003. General Adjustment Number 4**

- (a) Commencing on August 8, 1981, landlords may increase maximum allowable rents by an amount not to exceed 5.5 percent. In order to increase rents pursuant to this section, a landlord must give the notice required by California Civil Code §827. A landlord may serve a notice of rent increase prior to August 8, 1981.
- (b) For purposes of this section, the maximum allowable rent is either:
- (1) The rent in effect on April 10, 1978, plus 7% general adjustment adopted on July 26, 1979, plus the 6.5% general adjustment adopted on July 24, 1980, or

- (2) The rent level established in a final decision on a petition for individual rent adjustment.

The registration fee pass-through set forth in §11002 shall not be considered part of the rent for calculating the amount of the general adjustment.

- (c) A landlord shall not increase rents, or serve a notice attempting to increase rents, pursuant to this section if any of the following situations exist:
  - (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury, this provision shall apply only to increases of rents made after written notice from the Board that the landlord's registration is defective and that the landlord must properly register under penalty of perjury.
  - (2) The landlord has not paid the registration fee provided for in Sections 11000, 11001, and 11002 of these regulations, including any accumulated late charges.
  - (3) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or one of its hearing examiners.
  - (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or the regulations promulgated thereunder.
  - (5) The landlord is not in substantial compliance with any applicable state or local housing, health or safety law.

Any rent increase notice served in violation of this subsection shall be ineffective to increase the maximum allowable rents pursuant to this section.

- (d) Any landlord who has not registered a controlled rental unit by August 14, 1981, may not increase rent for that controlled rental unit until the date of registration.

[3003 Adopted 7/23/81; Effective 8/1/81]  
[3003(c)(1) Amended 12/10/81; Effective 12/30/81]  
[3003(d) Amended 12/18/86; Effective 12/25/86]

### **3004. General Adjustment Number 5**

- (a) Amount of General Adjustment

Commencing on September 1, 1982, landlords may increase maximum allowable rents by an amount not to exceed 5.5 percent (5.5%).

- (b) Definition of Maximum Allowable Rent

- (1) For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1982, which represents:
  - (a) The rent in effect on April 10, 1978, plus the seven percent (7%) general adjustment adopted on July 26, 1979, plus the 6.5 percent (6.5%) general adjustment adopted on July 24, 1980, plus the 5.5 percent (5.5%) general adjustment adopted on July 26, 1981; or
  - (b) The rent level established by an individual rent adjustment decisions as well as any general adjustments not otherwise precluded by final Board

decision on individual rent adjustment petitions.

- (2) If an individual rent adjustment decision reducing the rent in a particular unit is in effect on August 1, 1982, the reduced rent level constitutes the maximum allowable rent for purposes of implementing the general adjustment.
- (3) The registration fee pass-through set forth in §11003 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002. In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury or does not otherwise meet the requirements of proper registration, this provision shall apply only after written notice from the Board that the landlord's registration is defective and that the landlord must properly register.
- (2) The landlord has not paid each of the registration fees provided for in sections 11000, 11001, 11002 and 11003 of these regulations, including any accumulated late charges.
- (3) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or the regulations promulgated thereunder.
- (5) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(d) Effect of Improper Registration on General Adjustment

Any landlord who has not registered a controlled rental unit by August 1, 1982, may not increase rent for that controlled rental unit until the date of registration.

(e) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of rent increase on or after the date of adoption of this regulation.
- (2) Any rent increase notice served in violation of subsections (a) through (e)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3004 Adopted 7/8/82; Effective 7/18/82]  
[3004(d) Amended 12/18/86; Effective 12/25/86]

### **3005. General Adjustment Number 6**

#### **(a) Amount of General Adjustment**

Commencing on September 1, 1983, landlords may increase maximum allowable rents by an amount not to exceed four and one-half percent (4.5%).

#### **(b) Definition of Maximum Allowable Rent**

(1) For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1983, which represents:

- (a) The rent in effect on April 10, 1978, plus the seven percent (7%) general adjustment adopted on July 26, 1979, plus the six and one-half percent (6.5%) general adjustment adopted on July 24, 1980, plus the five and one-half percent (5.5%) general adjustment adopted on July 26, 1981, plus the five and one-half percent (5.5%) general adjustment adopted on July 8, 1982; or
- (b) The rent level established by any individual rent adjustment decisions as well as by any general adjustments not otherwise precluded by final Board decision on individual rent adjustment petitions.

(2) If an individual rent adjustment decision reducing the rent in a particular unit is in effect on August 1, 1983, the reduced rent level constitutes the maximum allowable rent for purposes of implementing the general adjustment.

(3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

#### **(c) Restrictions on Landlords' Entitlement to General Adjustment**

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002. In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury or does not otherwise meet the requirements of proper registration, this provision shall apply only after written notice from the Board that the landlord's registration is defective and that the landlord must properly register.
- (2) The landlord has not paid each of the registration fees provided for in sections 11000, 11001, 11002, 11003, and 11004 of these regulations, including any accumulated late charges.
- (3) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or the regulations promulgated thereunder.
- (5) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(d) Effect of Improper Registration on General Adjustment

Any landlord who has not registered a controlled rental unit by August 1, 1983, may not increase rent for that controlled rental unit until the date of registration.

(e) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of rent increase on or after the date of adoption of this regulation.
- (2) Any rent increase notice served in violation of subsections (a) through (e) (1) shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3005 Adopted 7/14/83; Effective 7/21/83]  
[3005(d) Amended 12/18/86; Effective 12/25/86]

**3006. General Adjustment Number 7**

(a) Amount of General Adjustment

Commencing on September 1, 1984, landlords may increase maximum allowable rents by an amount not to exceed four percent (4%).

(b) Definition of Maximum Allowable Rent

- (1) For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1984, which represents:
  - (a) The rent in effect on April 10, 1978, plus the seven percent (7%) general adjustment adopted on July 26, 1979, plus the six and one-half percent (6.5%) general adjustment adopted on July 24, 1980, plus the five and one-half percent (5.5%) general adjustment adopted on July 26, 1981, plus the five and one-half percent (5.5%) general adjustment adopted on July 8, 1982; plus the four and one-half percent (4.5%) general adjustment adopted July 14, 1983; or
  - (b) The rent level established by an individual rent adjustment decisions as well as by any general adjustments not otherwise precluded by final Board decision on individual rent adjustment petitions.
- (2) If an individual rent adjustment decision reducing the rent in a particular unit is in effect on August 1, 1984, the reduced rent level constitutes the maximum allowable rent for purposes of implementing the general adjustment.
- (3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002. In

those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury or does not otherwise meet the requirements of proper registration, this provision shall apply only after written notice from the Board that the landlord's registration is defective and that the landlord must properly register.

- (2) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (3) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or the regulations promulgated thereunder.
- (4) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(d) Effect of Improper Registration on General Adjustment

Any landlord who has not registered a controlled rental unit by August 1, 1984, may not increase rent for that controlled rental unit until the date of registration.

(e) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of rent increase on or after the date of adoption of this regulation.
- (2) Any rent increase notice served in violation of subsections (a) through (e)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3006 Adopted 6/28/84; Effective 7/9/84]  
[3006(d) Amended 12/18/86; Effective 12/25/86]

**3007. General Adjustment Number 8**

(a) Amount of General Adjustment

- (1) Commencing on September 1, 1985, landlords may increase maximum allowable rents by three percent (3%).
- (2) Where the landlord pays for all the cost of all gas service for common areas and in all individual units, including cooking and space heating, for all units on the property, the landlord may increase the maximum allowable rent by an additional one percent (1%).
- (3) Where the landlord pays for all the cost of all electrical service for common areas and in all individual units on the property, the landlord may increase the maximum allowable rent by an additional one-half percent (.5%).

(b) Definition of Maximum Allowable Rent

- (1) For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1985, which represents:
  - (a) The rent in effect on April 10, 1978, plus the seven percent (7%) general adjustment adopted on July 26, 1979, plus the six and one-half percent (6.5%) general adjustment adopted on July 24, 1980, plus the five and one-half percent (5.5%) general adjustment adopted on July 26, 1981,

plus the five and one-half percent (5.5%) general adjustment adopted on July 8, 1982, plus the four and one-half percent (4.5%) general adjustment adopted July 14, 1983, plus the four percent (4%) general adjustment adopted June 28, 1984; or

- (b) The rent level established by an individual rent adjustment decision as well as by any general adjustments not otherwise precluded by final Board decision on individual rent adjustment petitions.
- (2) If an individual rent adjustment decision reducing the rent in a particular unit is in effect on August 1, 1985, the reduced rent level constitutes the maximum allowable rent for purposes of implementing the general adjustment.
- (3) The registration fee pass-through set forth in Chapter II shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Eligibility For Master-Metered Utility Adjustment

To be eligible for a master-metered utility adjustment, the landlord must comply with the following:

- (1) The landlord must pay for all electrical and/or gas service for all common areas and within the individual units on the property including but not limited to the cost of cooking, heating, hot water, and lighting.
- (2) The landlord must complete and file an application for master-metered utility adjustment on the form approved by the Board. The landlord must submit photocopies of all utility bills for the property for the twelve-month period preceding the application at the time of filing the application. The Board will notify the landlord within ten days of receipt of the master-metered utility adjustment application whether the landlord has qualified or if additional information is required.
- (3) The landlord may not notice a rent increase for a master-metered utility adjustment unless the landlord has received written notification of qualification from the Board.
- (4) A landlord may increase rents only for those units for which he or she pays all electrical and/or all gas service.

(d) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002. In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury or does not otherwise meet the requirements of proper registration, this provision shall apply only after written notice from the Board that the landlord's registration is defective and that the landlord must properly register.
- (2) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (3) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.



(4) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(e) Effect of Improper Registration on General Adjustment

Any landlord who has not registered a controlled rental unit by August 1, 1985, may not increase rent on that controlled rental unit until the date of registration.

(f) Notice Requirements

(1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of rent increase on or after the date of adoption of this regulation.

(2) Any rent increase notice served in violation of subsections (a) through (e)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.

(3) No landlord shall increase rent unless the notice contains a statement in substantially the following form: "The undersigned (landlord) certifies that this unit and common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under this article, and may raise the landlord's non-compliance as an affirmative defense in any resulting unlawful detainer action.

[3007 Adopted 6/13/85; Effective 6/27/85]

[3007(c) Amended 10/24/85; Effective 12/5/85]

[3007(e) Amended 12/18/86; Effective 12/25/86]

**3008. General Adjustment Number 9**

(a) Amount of General Adjustment

(1) Commencing on September 1, 1986, landlords may increase maximum allowable rents by two and one-half percent (2.5%).

(2) Where the landlord pays for all the costs of electrical service for common areas and in all individual units on the property, the landlord may increase the maximum allowable rent by an additional two percent (2%).

(b) Definition of Maximum Allowable Rent

(1) For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1986, which represents:

(a) The rent in effect on April 10, 1978, plus the seven percent (7%) general adjustment adopted on July 26, 1979, plus the six and one-half percent (6.5%) general adjustment adopted on July 24, 1980, plus the five and one-half percent (5.5%) general adjustment adopted on July 26, 1981, plus the five and one-half percent (5.5%) general adjustment adopted on July 8, 1982, plus the four and one-half percent (4.5%) general adjustment adopted July 14, 1983, plus the four percent (4%) general adjustment adopted June 28, 1984; plus the three percent (3%) general adjustment adopted June 13, 1985 or

- (b) The rent level established by an individual rent adjustment or utility rent adjustment as well as by any general adjustments not otherwise precluded by final Board decision on individual rent adjustment petitions.
- (2) If an individual rent adjustment decision reducing the rent in a particular unit is in effect on August 1, 1986, the reduced rent level constitutes the maximum allowable rent for purposes of implementing the general adjustment.
- (3) The registration fee pass-through set forth in Chapter II shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Eligibility For Master-Metered Utility Adjustment

To be eligible for a master-metered utility adjustment, the landlord must comply with the following:

- (1) The landlord must pay for all electrical service for all common areas and within the individual units on the property including but not limited to the cost of cooking, heating, hot water, and lighting.
- (2) The landlord must complete and file an application for master-metered utility adjustment on the form approved by the Board. The landlord must submit photocopies of all utility bills for the property for the twelve-month period preceding the application at the time of filing the application. The Board will notify the landlord within ten days of receipt of the master-metered utility adjustment application whether the landlord has qualified or if additional information is required.
- (3) The landlord may not notice a rent increase for a master-metered utility adjustment unless the landlord has received written notification of qualification from the Board.
- (4) A landlord may increase rents only for those units for which he or she pays all electrical and/or all gas service.

(d) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002. In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury or does not otherwise meet the requirements of proper registration, this provision shall apply only after written notice from the Board that the landlord's registration is defective and that the landlord must properly register.
- (2) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (3) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (4) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(e) Effect of Improper Registration on General Adjustment

Any landlord who has not registered a controlled rental unit by August 1, 1986, may not increase rent for that controlled rental unit until the date of registration.

(f) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of the two and one-half percent (2.5%) general adjustment rent increase on or after the date of adoption of this regulation. A landlord who is eligible for the two percent (2%) electrical utility adjustment may serve notice of the electrical utility rent increase on or after the date that he/she receives written approval from the Rent Control Board.
- (2) Any rent increase notice served in violation of subsections (a) through (f)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.
- (3) No landlord shall increase rent unless the notice contains a statement in substantially the following form: "The undersigned (landlord) certifies that this unit and common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under this article, and may raise the landlord's non-compliance as an affirmative defense in any resulting unlawful detainer action.

[3008 Adopted 6/5/86; Effective 6/13/86]

[3008(e) Amended 12/18/86; Effective 12/25/86]

**3009. General Adjustment Number 10**

(a) Amount of General Adjustment

- (1) Commencing on September 1, 1987, landlords may increase maximum allowable rents by four percent (4%).

(b) Definition of Maximum Allowable Rent

- (1) For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1987, which represents:
  - (a) The rent in effect on April 10, 1978, plus the seven percent (7%) general adjustment adopted on July 26, 1979, plus the six and one-half (6.5%) general adjustment adopted on July 24, 1980, plus the five and one-half percent (5.5%) general adjustment adopted on July 6, 1981, plus the five and one-half percent (5.5%) general adjustment adopted on July 8, 1982, plus the four and one half percent (4.5%) general adjustment adopted July 14, 1983, plus the four percent (4%) general adjustment adopted June 28, 1984, plus the three percent (3%) general adjustment adopted June 13, 1985, plus the two and one-half percent (2.5%) general adjustment adopted June 5, 1986, or
  - (b) The rent level established by an individual rent adjustment decision as well as by any general adjustments not otherwise precluded by final Board decision on individual rent adjustment petitions.

- (2) If an individual rent adjustment decision reducing the rent in a particular unit is in effect on August 1, 1987, the reduced rent level constitutes the maximum allowable rent for purposes of implementing the general adjustment.
- (3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002. In those instances where the Santa Monica Rent Control Board has accepted and filed a registration form for the rental unit that is not executed under penalty of perjury or does not otherwise meet the requirements of proper registration, this provision shall apply only after written notice from the Board that the landlord's registration is defective and that the landlord must properly register.
- (2) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (3) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (4) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of the four percent (4%) general adjustment rent increase on or after the date of adoption of this regulation.
- (2) Any rent increase notice served in violation of subsections (a) through (d)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.
- (3) No landlord shall increase rent unless the notice contains a statement in substantially the following form: "The undersigned (landlord) certified that this unit and common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under this article, and may raise the landlord's non-compliance as an affirmative defense in any resulting unlawful detainer action.

[3009 Adopted 6/25/87; Effective 7/7/87]

**3010. General Adjustment Number 11**

(a) Amount of General Adjustment

Commencing on September 1, 1988, landlords may increase maximum allowable rents by three (3%).

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1988, which represents:

(1) Rents Initially Certified Before September 1, 1987

- (a) Where the rent has been certified under Regulation 13005 as of a date prior to September 1, 1987, and that certification is final, the maximum allowable rent is the certified maximum allowable rent plus the 4% general adjustment generally applicable on September 1, 1987; except,
- (b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(2) Rents Initially Certified on or After September 1, 1987

- (a) Where the rent has been certified under Regulation 13005 as of a date after September 1, 1987, and that certification is final, the maximum allowable rent is the same as the certified maximum allowable rent; except,
- (b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum.

(3) Rents Which Have Not Been Certified

- (a) Where there has been no final certification of the maximum allowable rent or where the final certification is lawfully vacated, the maximum allowable rent is the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, plus any subsequent applicable general adjustments; except,
- (b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum or other final Board decision establishing a rent ceiling, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(4) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002.
- (2) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.
- (3) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder, including payment in full of all applicable registration fees and penalties thereon imposed pursuant to Chapter 11 of said regulations.
- (4) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of the three percent (3%) general adjustment rent increase on or after the date of adoption of this regulation.
- (2) Any rent increase notice served in violation of subsections (a) through (d)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.
- (3) No landlord shall increase rent unless the notice contains a statement in substantially the following form: "The undersigned (landlord) certifies that this unit and common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's non-compliance as an affirmative defense in any resulting unlawful detainer action.

[3010 Adopted 6/9/88; Effective 6/18/88]

**3011. General Adjustment Number 12**

(a) Amount of General Adjustment

Commencing on September 1, 1989, landlords may increase maximum allowable rents on each registered rental unit by three percent (3%).

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1989, which represents:

- (1) Rents Initially Certified
  - (a) Where the rent has been certified under Regulation 13005, and that certification is final, the maximum allowable rent is the certified maximum allowable rent plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum; except,
  - (b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent

is the rent established by such decision or addendum, plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum.

(2) Rents Which Have Not Been Certified

(a) Where there has been no final certification of the maximum allowable rent or where the final certification is lawfully vacated, the maximum allowable rent is the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, plus any subsequent applicable general adjustments; except,

(b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum or other final Board decision establishing a rent ceiling, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlords' Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

(1) The landlord has not properly registered the rental unit for which the rent increase is sought, including executing the registration form under penalty of perjury. "Proper Registration" is defined in Chapter 13, Regulation §13002.

(2) The landlord has not fully complied with all final decisions of the Santa Monica Rent Control Board, or any of its hearing examiners.

(3) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder, including payment in full of all applicable registration fees and penalties thereon imposed pursuant to Chapter 11 of said regulations.

(4) The landlord is not in substantial compliance with applicable state or local housing, health or safety law.

(d) Notice Requirements

(1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code §827. A landlord may serve a notice of the general adjustment rent increase on or after the date of adoption of this regulation.

(2) Any rent increase notice served in violation of subsections (a) through (d)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.

(3) No landlord shall increase rent unless the notice contains a statement in substantially the following form: "The undersigned (landlord) certifies that this unit and common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the

landlord's non-compliance as an affirmative defense in any resulting unlawful detainer action.

[3011 Adopted 6/1/89; Effective 6/10/89]

**3012. General Adjustment Number 13**

(a) Amount of General Adjustment

Commencing on September 1, 1990, landlords may increase maximum allowable rents on each registered rental unit by \$25.00 or 6%, whichever is greater.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1990, which represents:

(1) Rents Initially Certified

- (a) Where the rent has been certified under Regulation 13005, and that certification is final, the maximum allowable rent is the certified maximum allowable rent plus any subsequent applicable general adjustment not precluded by a final Board decision or addendum; except,
- (b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(2) Rents Which Have Not Been Certified

- (a) Where there has been no final certification of the maximum allowable rent or where the final certification is lawfully vacated, the maximum allowable rent is the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, plus any subsequent applicable general adjustments; except,
- (b) Where the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum or other final Board decision establishing a rent ceiling, the maximum allowable rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

- (3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlords' Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.



- (3) Failure of the landlord to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after the date of this regulation.
- (2) Any rent increase notice served in violation of subsections (a) through (d)(1) shall be ineffective to increase the maximum allowable rents pursuant to this section.
- (3) No landlord shall increase rent unless the notice contains the following form: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

[3012 Adopted 6/21/90; Effective 7/12/90]

**3013. General Adjustment Number 14**

(a) Amount of General Adjustment

- (1) Commencing on September 1, 1991, landlords may increase maximum allowable rents on each registered rental unit by 3.5%; or
- (2) If a landlord pays for all the cost of all electrical service for common areas and in individual units on the property, commencing on September 1, 1991, the landlord may increase the maximum allowable rent on each registered rental unit by 3.5%, plus \$7.00; or,
- (3) If a landlord pays for all the cost of all gas service for common areas and in individual units, including cooking and space heating, and for all of the electrical cost as described in subsection 3013 (a)(2) above, commencing on September 1, 1991, the landlord may increase the maximum allowable rent on each registered rental unit by 3.5%, plus \$11.00.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1991, which represents:

- (1) Rents Initially Certified
  - (a) If a rent has been certified under Regulation 13005, and that certification is final, the maximum allowable rent is the certified maximum allowable rent plus any subsequent applicable general adjustment not precluded by a final Board decision or addendum; except,

- (b) If the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(2) Rents Which Have Not Been Certified

- (a) If there has been no final certification of the maximum allowable rent or where the final certification is lawfully vacated, the maximum allowable rent is the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, plus any subsequent applicable general adjustments; except,
- (b) If the Board has rendered a decision in a base rent petition, an individual adjustment petition or addendum or other final Board decision establishing a rent ceiling, the maximum allowable rent is the MAR established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

- (3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Eligibility For Master-Metered Utility Adjustment

To be eligible for a master-metered utility adjustment as set forth in subsections (a)(2) or (a)(3) above, the landlord must comply with the following:

- (1) The landlord must pay for all electrical or all gas and electrical service for all common areas and within the individual units on the property including but not limited to the cost of cooking, heating, hot water, and lighting.
- (2) The landlord must complete and file an application for a master-metered utility adjustment on the form approved by the Board. The landlord must submit photocopies of all utility bills for the property for the twelve month period preceding the application at the time of filing the application. The Board will notify the landlord within ten days of receipt of the master-metered utility adjustment application whether the landlord has qualified or if additional information is required.
- (3) If the landlord has previously received authorization from the Board to collect the master-metered utility adjustment, it is not necessary for the landlord to refile an application pursuant to subsection (c)(2) above.
- (4) The landlord may not notice a rent increase for a master-metered utility adjustment unless the landlord has received written notification of qualification from the Board.
- (5) A landlord may increase rents only for those units for which he or she pays all electrical or all gas and all electrical service.

(d) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.

- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
- (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord may not increase rents on any unit for which s/he has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to that unit or common areas of the building.

(e) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1991.
- (2) Any rent increase notice served in violation of subsections (a) through (d) above shall be ineffective to increase the maximum allowable rents pursuant to this section.
- (3) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

[3013 Adopted 6/13/91; Effective 6/27/91]

**3014. General Adjustment Number 15**

(a) Amount of General Adjustment

(1) Mobile Homes And Mobile Home Spaces

Commencing on September 1, 1992, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 3.0%.

(2) Controlled Units Other Than Mobile Homes

Commencing on September 1, 1992, landlords of controlled rental units other than mobile homes and mobile home spaces may increase maximum allowable rents by 3.0% or \$16.00, whichever is greater.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1992, which represents:

(1) Rents Initially Certified

- (a) If a rent has been certified under Regulation 13005, and that certification

is final, the maximum allowable rent is the certified maximum allowable rent plus any subsequent applicable general adjustment not precluded by a final Board decision or addendum; except,

- (b) If the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(2) **Rents Which Have Not Been Certified**

- (a) If there has been no final certification of the maximum allowable rent or where the final certification is lawfully vacated, the maximum allowable rent is the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, plus any subsequent applicable general adjustments; except,
- (b) If the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum or other final Board decision establishing a rent ceiling, the maximum allowable rent is the MAR established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

- (3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) **Restrictions on Landlord's Entitlement To General Adjustment**

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
- (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord may not increase rents on any unit for which s/he has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to that unit or common areas of the building.

(d) **Notice Requirements**

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1992.
- (2) Any rent increase notice served in violation of subsections (a) through (d) above shall be ineffective to increase the maximum allowable rents pursuant to this section.

- (3) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

[3014 Adopted 6/11/92; Effective 6/24/92]

**3015. General Adjustment Number 16**

(a) Amount of General Adjustment

(1) Mobile Homes And Mobile Home Spaces

Commencing on September 1, 1993, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 3.0%.

(2) Controlled Units Other Than Mobile Homes

Commencing on September 1, 1993, landlords of controlled rental units other than mobile homes and mobile home spaces may increase maximum allowable rents by 3.0% or \$16, whichever is greater.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1993, which represents:

(1) Rents Initially Certified

(a) If a rent has been certified under Regulation 13005, and that certification is final, the maximum allowable rent is the certified maximum allowable rent plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum; except,

(b) If the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(2) Rents Which Have Not Been Certified

(a) If there has been no final certification of the maximum allowable rent or where the final certification is lawfully vacated, the maximum allowable rent is the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, plus any subsequent applicable general adjustments; except,

(b) If the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum or other final Board decision establishing a rent ceiling, the maximum allowable rent is the MAR established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

- (3) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount to which a landlord is entitled pursuant to the general adjustment.

(c) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents pursuant to this section if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
- (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1993.
- (2) Any rent increase notice served in violation of subsections (a) through (d) above shall be ineffective to increase the maximum allowable rents pursuant to this section.
- (3) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

[3015 Adopted 6/3/93; Effective 6/17/93]

**3016. General Adjustment Number 17**

(a) Amount of General Adjustment.

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1994, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 2%.

(2) Controlled Units Other Than Mobile Homes

Commencing on September 1, 1994, landlords of controlled rental units other than mobile homes and mobile home spaces may increase maximum allowable rents by 2% or \$11,

whichever is greater.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1994, which represents the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, as certified pursuant to Regulation 13005, plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum.

- (1) Where the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.
- (2) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount of the general adjustment.

(c) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
- (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1994.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3016 Adopted 6/9/94; Effective 6/23/94]

**3017. General Adjustment Number 18**

(a) Amount of General Adjustment.

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1995, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 1.5%.

(2) Controlled Units Other Than Mobile Homes

Commencing on September 1, 1995, landlords of controlled rental units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1.5% or \$8, whichever is greater.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1995, which represents the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, as certified pursuant to Regulation 13005, plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum.

(1) Where the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent general adjustments not precluded by a final Board decision or addendum.

(2) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount of the general adjustment.

(c) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

(1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.

(2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.

(3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.

(4) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

(1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1995.

(2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or



safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3017 Adopted 6/8/95; Effective 6/21/95]

### **3018. General Adjustment Number 19**

- (a) Amount of General Adjustment.

- (1) Mobile Homes and Mobile Home Spaces

- Commencing on September 1, 1996, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 1.6%.

- (2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

- Commencing on September 1, 1996, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1.6% or \$9, whichever is greater.

- (b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1996, which represents the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, as certified pursuant to Regulation 13005, plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum.

- (1) Where the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, or any increases otherwise authorized by law, plus any subsequent general adjustments not precluded by a final Board decision or addendum.
  - (2) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount of the general adjustment.

- (c) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
  - (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
  - (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
  - (4) The landlord has failed to correct conditions specified in a citation or notice of violation of

health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1996.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3018 Adopted 6/6/96; Effective 6/15/96]

**3019. General Adjustment Number 20**

(a) Amount of General Adjustment.

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1997, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 2%.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1997, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 2% or \$15, whichever is greater.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1997, which represents the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law, as certified pursuant to Regulation 13005, plus any subsequent applicable general adjustments not precluded by a final Board decision or addendum.

- (1) Where the Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification, the maximum allowable rent is the rent established by such decision or addendum, or any increases otherwise authorized by law, plus any subsequent general adjustments not precluded by a final Board decision or addendum.
- (2) The registration fee pass-through set forth in Chapter 11 shall not be considered part of the maximum allowable rent for purposes of calculating the amount of the general adjustment.

(c) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the

following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
- (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1997.
  - (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.
- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3019 Adopted 6/5/97; Effective 6/15/97]

**3020. General Adjustment Number 21**

(a) Amount of General Adjustment.

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1998, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 1%.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1998, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1% or \$4, whichever is greater, but no more than \$9.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1998. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804(b) of the Rent Control Law plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent applicable general adjustments not precluded by a final Board decision unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) A vacancy rent increase has been established pursuant to Regulation 3301 *et seq.* and Section 1954.5 *et seq.* of the Civil Code, in which case the maximum allowable rent is defined in Regulation 3301(a), plus any subsequent final Board decisions or addenda and/or general adjustments not precluded by a final Board decision or addendum.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement To General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (2) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper Registration" is defined in Chapter 8, Regulation 8010.
- (3) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (4) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code Section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1998.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase the maximum allowable rents pursuant to this section.

[3020 Adopted 6/11/98; Effective 6/19/98]

**3021. General Adjustment Number 22**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1999, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 1%.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 1999, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1% or \$4, whichever is greater, but no more than \$9, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 1999. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to former Regulation 3301(a) and (b) and Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after January 1, 1999, and a new base rent after vacancy was lawfully established for the unit.
- (2) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (3) The landlord has not properly registered the rental unit for which the rent increase is sought. "Proper registration" is defined in Regulation 8010, former Regulation 3301(m) (regarding tenancies commencing between January 1, 1995 and December 31, 1998 which qualified for a vacancy increase) and/or Regulation 3301(g) (regarding tenancies commencing after January 1, 1999 which qualify for a new base rent upon vacancy).
- (4) The landlord has failed to pay in full all outstanding registration fees and penalties which

have not otherwise been barred by the statute of limitations.

- (5) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 1999.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3021 adopted 6/10/99; Effective 6/25/99]

**3022. General Adjustment Number 23**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2000, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 3%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2000, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 3%, but no more than \$28, except as provided in subsection (c) below. For properties other than mobilehome parks with no vacancies between October 1, 1995 and July 31, 2000 and with no vacancy increases under Civil Code section 1954.50 *et seq.* during that time period, landlords may increase maximum allowable rents by 3% or \$12, whichever is greater, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the rent in effect on August 1, 2000. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any

subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or

- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this regulation.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 1999, and a new base rent after vacancy was lawfully established for the unit.
- (2) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (3) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (4) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (5) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2000.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

**3023. General Adjustment Number 24**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2001, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 4.2%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2001, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 4.2%, but no more than \$40, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2001. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2000, and a new base rent after vacancy was lawfully established for the unit.



- (2) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (3) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (4) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (5) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2001.
  - (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.
- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3023 Adopted 6/18/01; Effective 6/24/01]

**3023A. Rescission of September 2001 Utility Adjustment for Master-Metered Properties**

The \$10 utility adjustment for master-metered properties authorized by the Board commencing September 1, 2001 is hereby rescinded, effective January 1, 2003. The Maximum Allowable Rents of all units which include the \$10 September, 2001 utility adjustment shall be reduced by \$10 commencing January 1, 2003. This regulation does not apply to units for which a lawful new base rent after vacancy was established after September 1, 2000.

[3023A Adopted 6/18/01; Effective 6/24/01]  
 [3023A Amended 12/12/02; Effective 12/21/02]

**3024. General Adjustment Number 25**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2002, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by \$11, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2002, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by \$11, except

as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2002. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c).

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2001, and a new base rent after vacancy was lawfully established for the unit.
- (2) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (3) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (4) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (5) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2002.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3024 Adopted 6/13/02; Effective 06/22/02]

**3025. General Adjustment Number 26**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2003, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 3%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2003, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 3% or \$15, whichever is greater, but no more than \$30, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2003. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 et seq. of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.

- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 et seq., the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments, and individual adjustments awarded in Board decisions and addenda.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 et seq. shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2002, and a new base rent after vacancy was lawfully established for the unit.
- (2) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (3) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (4) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (5) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2002.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3025 Adopted 6/12/03; Effective 6/21/03]

**3026. General Adjustment Number 27**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2004, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 1.3%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2004, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1.3%, but no more than \$20, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2004. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c).

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2003, and a new base rent after

vacancy was lawfully established for the unit.

- (2) The unit received a rent increase pursuant to regulation 3304 on or after September 1, 2003.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2003, and the unit's base rent was therefore established on or after September 1, 2003.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2004.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3026 Adopted 06/10/04; Effective 06/18/04]

**3027. General Adjustment Number 28**

(a) Amount of General Adjustment

- (1) Mobile Homes and Mobile Home Spaces  
Commencing on September 1, 2005, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 3%, except as provided in subsection (c) below.
- (2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces  
Commencing on September 1, 2005, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 3%, but no more than \$48, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2005. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2004, and a new base rent after vacancy was lawfully established for the unit.
- (2) The unit received a rent increase pursuant to regulation 3304 on or after September 1, 2004.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2004, and the unit's base rent was therefore established on or after September 1, 2004.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.

- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2005.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3027 Adopted 6/9/05; Effective 6/18/05]

**3028. General Adjustment Number 29**

(a) Amount of General Adjustment

- (1) Mobile Homes and Mobile Home Spaces  
Commencing on September 1, 2006, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 4%, except as provided in subsection (c) below.
- (2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces  
Commencing on September 1, 2006, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 4%, but no more than \$54, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2006. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a



vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.

- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2005, and a new base rent after vacancy was lawfully established for the unit.
- (2) The unit received a rent increase pursuant to regulation 3304 on or after September 1, 2005.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2005, and the unit's base rent was therefore established on or after September 1, 2005.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2006.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or

safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3028 Adopted 6/8/06; Effective 6/17/06]

[3028(c)(2) Amended 8/3/06; Effective 8/12/06]

### **3028A. September 2006 Utility Adjustment for Master-Metered Properties**

- (a) If a landlord pays for all gas and electrical service for common areas and, additionally, for all gas service or all gas and electrical service in individual units on the property, commencing on September 1, 2006, the landlord may increase the maximum allowable rent on qualifying rental units by an additional \$7, in addition to the general adjustment authorized in regulation 3028.
- (b) To be eligible for the master-metered utility adjustment set forth in subparagraph (a) above, the landlord must comply with the following:
  - (1) The landlord must pay for all gas and electrical service for all common areas and, additionally, must pay for all gas or all gas and electrical service within individual units on the property, including but not limited to, the cost of cooking, heating, hot water, and lighting.
  - (2) The landlord must complete and file an application for a master-metered utility adjustment on the form approved by the Board. The landlord must submit photocopies of all utility bills for the property for the twelve-month period preceding the application at the time of filing the application. The Board will notify the landlord within 30 days of receipt of the master-metered utility adjustment application that the landlord has qualified for the adjustment, that additional information is required, or that the application is denied.
  - (3) If the landlord previously received authorization from the Board to collect the master-metered utility adjustment for qualifying units at a particular property, it is not necessary to refile an application pursuant to subparagraph (b)(2) above.
  - (4) The landlord may not notice a rent increase for a master-metered utility adjustment unless the landlord has received written authorization from the Board.
  - (5) A landlord may increase rents pursuant to this regulation only for those units for which he or she pays all gas service or pays all gas and electrical service.
  - (6) In order to increase rents pursuant to this section, a landlord must comply with the notice requirements set forth in regulation 3028(d). A landlord may give notice of the master-metered utility adjustment at the same time as giving notice of the general adjustment.
- (c) A landlord shall not increase rents or serve a notice attempting to increase rents by this utility adjustment where the unit's tenancy commenced on or after January 1, 1999, and a new base rent after vacancy was lawfully established for the unit.
- (d) A landlord shall not increase rents or serve a notice attempting to increase rents by this utility adjustment where the unit received a rent increase pursuant to regulation 3304 based upon a petition filed on or after January 1, 2004.
- (e) A landlord shall not increase rents or serve a notice attempting to increase rents by this utility adjustment where the unit's first rental since the adoption of the Rent Control Law commenced on

or after January 1, 1999, and the unit's base rent was therefore established on or after January 1, 1999.

[3028A Adopted 6/8/06; Effective 6/17/06]

**3029. General Adjustment Number 30**

(a) Amount of General Adjustment

(1) Controlled Units and Mobile Home Spaces

Commencing on September 1, 2007, landlords of controlled units and mobile home spaces may increase maximum allowable rents by 2.3%, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2007. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2006, and a new base rent after vacancy was lawfully established for the unit.
  - (2) The unit received a rent increase pursuant to regulation 3304 based upon a petition filed on or after September 1, 2006.
  - (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2006, and the unit's base rent was therefore established on or after September 1, 2006.
  - (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
  - (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
  - (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
  - (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.
- (d) Notice Requirements
- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2007.
  - (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.
- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3029 Adopted 6/7/07; Effective 6/15/07]

**3030. General Adjustment Number 31**

(a) Amount of General Adjustment

(1) Controlled Units and Mobile Home Spaces

Commencing on September 1, 2008, landlords of controlled units and mobile home spaces may increase maximum allowable rents by 2.7%, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2008. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent

increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2007, and a new base rent after vacancy was lawfully established for the unit.
- (2) The unit received a rent increase pursuant to regulation 3304 based upon a decision issued on or after September 1, 2007.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2007, and the unit's base rent was therefore established on or after September 1, 2007.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2008.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3030 Adopted 6/5/08; Effective 6/14/08]

**3031. General Adjustment Number 32**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2009, landlords of controlled mobile homes and mobile home spaces may increase maximum allowable rents by 1%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Except as provided in subsection (c) below, commencing on September 1, 2009, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1% or \$8, whichever is greater, but no more than \$16.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2009. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a

Board decision or addendum.

- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2008, and a new base rent after vacancy was lawfully established for the unit.
- (2) The unit received a rent increase pursuant to regulation 3304 based upon a decision issued on or after September 1, 2008.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2008, and the unit's base rent was therefore established on or after September 1, 2008.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2009.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer

action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3031 Adopted 6/11/09; Effective 6/18/09]

**3032. General Adjustment Number 33**

(a) Amount of General Adjustment

(1) Controlled Units and Mobile Home Spaces

Commencing on September 1, 2010, landlords of controlled units and mobile home spaces may increase maximum allowable rents by 2%, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2010. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 *et seq.* of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 *et seq.*, the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 *et seq.* shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the



following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2009, and a new base rent after vacancy was lawfully established for the unit.
  - (2) The unit received a rent increase pursuant to regulation 3304 based upon a decision issued on or after September 1, 2009.
  - (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2009, and the unit's base rent was therefore established on or after September 1, 2009.
  - (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
  - (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
  - (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
  - (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.
- (d) Notice Requirements
- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2010.
  - (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.
- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3032 Adopted 6/1/10; Effective 6/8/10]

**3033. General Adjustment Number 34**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2011, landlords of controlled units and mobile home spaces may increase maximum allowable rents by 3.2%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2011, landlords of controlled units other than mobile

homes and mobile home spaces may increase maximum allowable rents by 3.2%, but no more than \$52, except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2011. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or
- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 et seq. of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 et seq., the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations.

The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 et seq. shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2010, and a new base rent after vacancy was lawfully established for the unit.
- (2) The unit received a rent increase pursuant to regulation 3304 based upon a decision issued on or after September 1, 2010.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2010, and the unit's base rent was therefore established on or after September 1, 2010.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.

- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2011.
- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3033 Adopted 6/9/11; Effective 6/12/11]

**3034. General Adjustment Number 35**

(a) Amount of General Adjustment

(1) Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2012, landlords of controlled units and mobile home spaces may increase maximum allowable rents by 1.54%, except as provided in subsection (c) below.

(2) Controlled Units Other Than Mobile Homes and Mobile Home Spaces

Commencing on September 1, 2012, landlords of controlled units other than mobile homes and mobile home spaces may increase maximum allowable rents by 1.54%, but no more than \$ 26 except as provided in subsection (c) below.

(b) Definition of Maximum Allowable Rent

For purposes of this section, the maximum allowable rent is the lawful rent in effect on August 1, 2012. This is composed of the rent level certified pursuant to Regulation 13005 (which represents the base rent ceiling, as defined by Section 1804 of the Rent Control Law, plus any individual or general adjustments authorized prior to the date of certification) plus any subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum unless:

- (1) The Board has rendered a decision in a base rent petition, a threshold rent petition, an individual adjustment petition, or addendum after certification. In such a case the maximum allowable rent is the rent established by such decision or addendum, plus any

subsequent increases otherwise authorized by law and/or any subsequent general adjustments not precluded by a final Board decision or addendum; or

- (2) For tenancies commencing October 1, 1995 through December 31, 1998 for which a vacancy rent increase has been lawfully established pursuant to Section 1954.50 et seq. of the Civil Code, the maximum allowable rent is the new maximum allowable rent established after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or general adjustments not precluded by a Board decision or addendum.
- (3) For tenancies commencing on or after January 1, 1999, for which a vacancy increase has been lawfully established under Civil Code Section 1954.50 et seq., the maximum allowable rent is the new base rent after vacancy plus any individual rent adjustments established in any subsequent Board decisions or addenda and/or subsequent general adjustments to which the unit is entitled under this chapter.
- (4) For condominium units which have not been separately sold and which are rented by tenants whose tenancies commenced between January 1, 1996 and May 7, 2001, the maximum allowable rent is the lawful rent in effect on May 7, 2001, plus applicable general adjustments as set forth in regulation 3302(c) and subsequent general adjustment regulations. The registration fee pass-through set forth in Chapter 11 or any other surcharges permitted by law as set forth in Regulation 3100 et seq. shall not be considered part of the maximum allowable rent.

(c) Restrictions on Landlord's Entitlement to General Adjustment

A landlord shall not increase rents or serve a notice attempting to increase rents if any of the following circumstances exist:

- (1) The unit's tenancy commenced on or after September 1, 2011, and a new base rent after vacancy was lawfully established for the unit.
- (2) The unit received a rent increase pursuant to regulation 3304 based upon a decision issued on or after September 1, 2011.
- (3) The unit's first rental since the adoption of the Rent Control Law commenced on or after September 1, 2011, and the unit's base rent was therefore established on or after September 1, 2011.
- (4) The landlord is not in compliance with any provision of the Santa Monica Rent Control Charter Amendment or regulations promulgated thereunder.
- (5) The landlord has not properly registered the rental unit for which the rent increase is sought.
- (6) The landlord has failed to pay in full all outstanding registration fees and penalties which have not otherwise been barred by the statute of limitations.
- (7) The landlord has failed to correct conditions specified in a citation or notice of violation of health, safety or housing laws existing at the subject property with respect to any unit or the common areas of the building.

(d) Notice Requirements

- (1) In order to increase rents pursuant to this section, a landlord must give notice as required by California Civil Code section 827. A landlord may serve a notice of the general adjustment rent increase on or after July 1, 2012.

- (2) No landlord shall increase rent unless the notice contains the following form language: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under the Rent Control Law, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.
- (e) Any rent increase notice served in violation of any provisions of this regulation shall be ineffective to increase maximum allowable rents pursuant to this section.

[3034 Adopted 6/14/12; Effective 6/28/12]

### **3035. Annual General Adjustment**

- (a) By June 30 each year, the Board shall:
  - (1) Announce, by resolution, the percentage by which the maximum allowable rents for controlled units may be adjusted in accordance with Charter Section 1805(a).
  - (2) Decide, by resolution, whether to impose a dollar-amount ceiling on the increase of maximum allowable rents in accordance with Charter Section 1805(b) and state in the resolution the amount of any such ceiling. Should the Board elect to impose a dollar-amount ceiling, it shall do so by the same resolution by which it announces the general adjustment percentage.
- (b) A landlord may impose a rent adjustment permitted under paragraph (a) of this Regulation effective September 1 of the year for which the adjustment is authorized, unless:
  - (1) The landlord lawfully established a new base rent after vacancy after August 31 of the preceding year;
  - (2) The unit's maximum allowable rent was increased by the Board's approval of a Tenant Not In Occupancy petition that became final after August 31 of the preceding year;
  - (3) The unit first base rent ceiling since the adoption of Article XVIII of the City Charter was established after August 31 of the preceding year;
  - (4) The landlord is not in compliance with any provision of Article XVIII of the City Charter or regulations promulgated thereunder;
  - (5) The landlord has not properly registered the unit for which the rent increase is sought;
  - (6) The landlord has failed to pay in full all outstanding registration fees and penalties which are not otherwise barred by the statute of limitations;
  - (7) The landlord has failed to correct cited violations of health, safety, or housing laws in any unit or common area. Violations that affect only an individual unit or units will bar imposition of general adjustments as to the affected unit or units only; or
  - (8) The landlord has failed to provide the tenant with the informational form specified by Regulation 13002, subdivision (g). A landlord who comes into compliance with this requirement may, upon proper notice as specified by state law, prospectively impose any general adjustments that could not lawfully have been imposed during any period of noncompliance.
- (c) A landlord may not collect the general adjustment unless the landlord has provided the affected tenant with written notice as required by California Civil Code Section 827. The notice must

include the following certification: "The undersigned (landlord) certifies that this unit and the common areas are not subject to any uncorrected citation or notices of violation of any state or local housing, health, or safety laws issued by any government official or agency." If the landlord fails to comply with this subsection, the tenant may refuse to pay the improperly-noticed rent increase, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

- (d) A rent-increase notice that does not conform with this Regulation or any other provision of this Chapter is ineffective to increase rent.

[3035 Adopted 6/13/13; Effective 6/20/13]

[3035(b)(8) Adopted 2/9/17; Effective 7/31/17]

### **3100. Smoke Detector Surcharge**

- (a) Purpose

The surcharge provided by regulation is to reimburse owners of controlled residential rental properties for the cost of the installation of smoke detectors required pursuant to Santa Monica City Ordinance No. 1217.

- (b) Amount of Surcharge

A landlord may increase the rent on any controlled rental unit in which a smoke detector has been installed by the amount of two dollars per month, subject to the limitations set forth in (c), (d) and (e) below, provided that such installations occurred subsequent to August 11, 1981 and prior to February 1, 1982 or the date required by the Fire Department pursuant to a formal extension, whichever is later, and provided that no individual adjustment has been granted to cover such cost.

- (c) Duration of Surcharge

A landlord may increase the rent on any controlled rental unit by two dollars per month beginning on September 1, 1982. The two dollar pass-through expires on August 31, 1983.

- (d) Smoke Detector Specifications

A landlord may not increase rents pursuant to this regulation unless the smoke detector installed in the controlled rental unit is in full compliance with the requirements and specifications of City Ordinance 1217.

- (e) Notice Requirements

A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code §827. The notice must state that the landlord has completed the installation of the smoke detector prior to February 1, 1982 or the date required by the Fire Department pursuant to a formal extension, whichever is later.

[3100 Adopted 7/8/82; Effective 7/18/82]

### **3101. Residential Street Lighting Surcharge**

- (a) Purpose

The surcharge provided by this regulation is to reimburse owners of controlled residential rental properties for the cost of tenant-initiated street lighting improvements pursuant to §7170 of the Santa Monica Municipal Code.

(b) Board Verification of Compliance

Within ten days of receipt of a tenant petition for street lighting installation, the Board shall verify that the signatures to the petition represent no less than sixty percent (60%) of the residential units on the parcels indicated on the petition.

(c) Determination of Surcharge

(1) Amount of Annual Assessment

The City of Santa Monica Department of General Services shall notify the Board of the amount of the assessment for each controlled residential rental property in the assessment district. The Board shall calculate the annual property assessment for each property by dividing the total assessment by a ten (10) year amortization period. The annual property assessment shall then be divided by the number of residential rental units on the property to determine the annual surcharge for each residential unit. The annual surcharge will then in turn be divided by twelve (12) to determine the monthly surcharge per residential unit.

(d) Decision

The Board shall increase the maximum allowable rent for the controlled rental units in the assessment district by the monthly surcharge for each unit in those cases where the Board finds that sixty percent (60%) of the residential units in the assessment district indicate their desire for the installation of street lighting improvements. The Board shall base its decision upon the petition, any information submitted with the petition and any testimony presented at the hearing.

(e) Findings

The Board's decision shall be supported by written findings.

(f) Duration of Surcharge

A landlord who has been granted an increase pursuant to this section may collect the monthly surcharge for a period not to exceed one hundred twenty (120) months. This surcharge will automatically expire at the conclusion of the period.

(g) Notice Requirements

A landlord shall notify each tenant of the surcharge pursuant to the regulation and the Board's decision. The notice must comply with all requirements set forth in Civil Code §827. The Board will publicly notify the occupants of rental units of the city of the expiration of the surcharge.

[3101 Adopted 7/5/84; Effective 7/13/84]

**3102. School District Special Emergency Tax Surcharge**

(a) Purpose

The surcharge provided by this regulation is to reimburse owners of controlled residential rental properties for the cost of the School District Special Emergency Tax Surcharge of \$58 per parcel as approved by the voters on June 5, 1984.

(b) Duration of Surcharge

A landlord may increase the rent on any controlled rental unit in an amount determined by one of the two options provided under subsection (c), provided that the increase shall commence no

earlier than January 1, 1985 and shall expire on August 31, 1985.

(c) Amount of Surcharge

A landlord shall offer, and each tenant shall select one of the following two options for payment to the landlord for the cost of the emergency school tax surcharge:

Option No. 1

The tenant may elect to pay the landlord in a single payment an amount equal to \$58 divided by the number of residential units on the parcel.

Option No. 2

The tenant may elect to pay the landlord in the form of monthly payments for each month from January 1985 to August 1985. The monthly payment shall be equal to \$58 divided by the number of residential units on the parcel which is further divided by the eight month recovery period. A schedule of monthly payments would be as follows:

| <u>Number of Units Per<br/>Residential Parcel</u> | <u>Monthly Surcharge<br/>Per Unit</u> |
|---------------------------------------------------|---------------------------------------|
| 1                                                 | \$7.25                                |
| 2                                                 | 3.63                                  |
| 3                                                 | 2.42                                  |
| 4                                                 | 1.82                                  |
| 5                                                 | 1.45                                  |
| 6                                                 | 1.21                                  |
| 7                                                 | 1.04                                  |
| 8                                                 | .91                                   |
| 9                                                 | .81                                   |

| <u>Number of Units Per<br/>Residential Parcel</u> | <u>Monthly Surcharge<br/>Per Unit</u> |
|---------------------------------------------------|---------------------------------------|
| 10                                                | .73                                   |
| 11                                                | .67                                   |
| 12                                                | .60                                   |
| 13                                                | .58                                   |
| 14                                                | .52                                   |
| 15                                                | .48                                   |
| 16                                                | .45                                   |
| 17                                                | .43                                   |
| 18                                                | .40                                   |
| 19                                                | .38                                   |
| 20                                                | .36                                   |
|                                                   | etc.                                  |

(d) Notice Requirements

A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code §827.

[3102 Adopted 10/4/84; Effective 10/12/84]



**3103. School District Special Tax Surcharge**

(a) The surcharge provided by this regulation is to reimburse owners of controlled residential rental properties for the cost of the School District Special Tax of \$68 per year, per parcel, adjusted annually for inflation, as approved by the voters on November 8, 1994, and for the cost of the School District Special Tax of \$98 per year, per parcel, adjusted annually for inflation, as approved by the voters on November 7, 2000.

(b) Duration of Surcharge

In addition to the monthly rent, a landlord may collect a monthly surcharge in accordance with this section on any controlled rental unit for each month from July 1, 2001 until December 31, 2011. The tax approved November 7, 2000 is for each fiscal year from July 1, 2001 through June 30, 2011 and may be adjusted annually for inflation. The surcharge for this tax for each fiscal year beginning July 1 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter.

(c) Amount of Surcharge

For the months of July through December, 2001, the monthly surcharge shall not exceed an amount equal to \$74.99, divided by the number of units on the property and further divided by twelve months. A schedule of monthly payments for these months is as follows:

| <u>No. of Units on Parcel</u> | <u>Per Unit</u> |
|-------------------------------|-----------------|
| 1                             | \$6.25          |
| 2                             | 3.13            |
| 3                             | 2.08            |
| 4                             | 1.56            |
| 5                             | 1.25            |
| 6                             | 1.04            |
| 7                             | .89             |
| 8                             | .78             |
| 9                             | .69             |
| 10                            | .63             |
| 11                            | .57             |
| 12                            | .52             |
| 13                            | .48             |
| 14                            | .45             |
| 15                            | .42             |
| 16                            | .39             |
| 17                            | .37             |
| 18                            | .35             |
| 19                            | .33             |
| 20                            | .31             |

Beginning January 1, 2002, the monthly surcharge shall not exceed an amount equal to \$98, adjusted annually for inflation in accordance with the Special Tax approved by the voters, divided by the number of units on the parcel and further divided into twelve monthly payments. A schedule of monthly payments for the first year (at the \$98 per-parcel rate) is as follows:

| <u>No. of Units on Parcel</u> | <u>Per Unit</u> |
|-------------------------------|-----------------|
| 1                             | \$8.17          |
| 2                             | 4.08            |
| 3                             | 2.72            |
| 4                             | 2.04            |

|    |      |
|----|------|
| 5  | 1.63 |
| 6  | 1.36 |
| 7  | 1.17 |
| 8  | 1.02 |
| 9  | .91  |
| 10 | .82  |
| 11 | .74  |
| 12 | .68  |
| 13 | .63  |
| 14 | .58  |
| 15 | .54  |
| 16 | .51  |
| 17 | .48  |
| 18 | .45  |
| 19 | .43  |
| 20 | .41  |

(d) Annual Inflation Adjustments

Pursuant to the Special Tax Surcharge approved by the voters on November 7, 2000, the tax shall be set by the Santa Monica-Malibu Unified School District for each fiscal year in an amount not to exceed \$98 per parcel, adjusted annually for inflation in accordance with the Consumer Price Index (CPI-U) for All Urban Consumers (Los Angeles-Anaheim-Riverside Area), after notice and public hearing. If the School District adjusts the Special Tax Surcharge for any fiscal year to an amount other than \$98, subsection (c) of this regulation shall automatically be amended by the Board to reflect said adjustment.

(e) Notice Requirements

A landlord shall notify each tenant of an increase in the surcharge pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code Section 827.

[3103 Adopted 7/18/85; Effective 7/30/85  
 [3103 Amended 6/22/89; Effective 7/8/89]  
 [3103 Amended 8/2/90; Effective 8/10/90]  
 [3103 Amended 6/8/95; Effective 6/21/95]  
 [3103 Amended 8/9/01; Effective 8/18/01]

**3104. Water Conservation Surcharge**

(a) Purpose

The surcharge authorized by this regulation is to reimburse owners of controlled residential rental units for the penalties imposed pursuant to Santa Monica City Ordinance Nos. 1571 (CCS) and 1580 (CCS).

(b) Duration of Surcharge

A landlord may pass through the Water Conservation Surcharge to the units in the building in an amount determined pursuant to subsection (c), provided that any pass-through commence no earlier than May 1, 1991 and shall expire upon the repeal of Santa Monica City Ordinance Nos. 1571 (CCS) and 1580 (CCS).

(c) Amount of Surcharge

Each tenant shall pay to the landlord for a proportionate share of the Mandatory Water

Conservation Penalty Surcharge calculated as follows:

- (1) For any residential unit with a separate water meter, 100% of the surcharge may be passed through to the tenant provided that the separate meter reflect water usage for that unit only.
- (2) The per unit surcharge of any property with a master water meter shall be calculated as follows: Each single or bachelor unit counts as one share, each one bedroom unit counts as two shares, each two bedroom unit counts as three shares and each three or more bedroom unit counts as four shares; the per share cost shall be determined by dividing 75% of the surcharge by the total number of shares in the building; the per share cost is multiplied by the number of shares for that unit. (Bedrooms include "bedrooms" "family rooms" and "dens".)
- (3) No landlord shall be authorized to collect from any tenant any portion of the conservation surcharge unless the landlord has participated in the City of Santa Monica's Baysaver Fixture Retrofit Program replacing shower heads and toilets with low-flow fixtures.
- (4) The surcharge may change with each two-month water bill.

(d) Notice Requirements

A landlord shall notify each tenant, in writing on a form approved by the Board, of the surcharge pursuant to this regulation. Such written notice must include a copy of the Water Department bill showing the penalty surcharge and proof that the landlord has installed low-flow fixtures consistent with the City's Baysaver Fixture Retrofit Program. The surcharge pass-through is payable thirty (30) days after receipt of the Notice by the tenant.

[3104 Adopted 4/11/91; Effective 4/19/91]

**3105. School District Special Bond Tax Surcharge; Santa Monica Community College District Special Bond Surcharge**

- (a) The surcharges provided by this regulation are meant to reimburse owners of controlled residential rental properties for the cost of the School District Special Bond Tax Surcharge (Proposition ES) as approved by the voters on November 6, 1990, and for the cost of the Santa Monica Community College District Special Bond (Proposition T) approved by the voters in November, 1992.

(b) Duration of Surcharge

Except as limited by Regulation 3120, subdivisions (c) and (d), a landlord may collect a monthly surcharge in accordance with this section on any controlled rental unit for each month from January 1, 1992 until December 31, 2020. The actual surcharge for each fiscal year beginning July 1 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the yearly school bond property tax assessment as determined by the Santa Monica-Malibu Unified School District, plus the amount of the yearly Santa Monica Community College District Special Bond assessment, divided by the total number of units on the parcel divided into twelve monthly payments.
- (2) For purposes of this subsection, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, are owner-occupied or relative occupied, are occupied pursuant to a Section 8

housing agreement, and/or are participating in the Incentive Housing program.

- (3) The yearly tax surcharge per parcel will change each fiscal year based on the actual assessed values, the timing of the sale of the bonds and the interest rates on any bonds sold. The owner of each assessed parcel will receive notice from the County Assessor's Office and/or the School District and/or the Community College District of the amount of the yearly School Bond Tax Surcharge and the yearly Santa Monica Community College District Special Bond Surcharge.

(d) Notice Requirements

- (1) Before imposing any surcharge under this section, landlord must notify the affected tenant of a rent increase pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code Section 827.
- (2) The Board shall promulgate a form for the notice required by this regulation.
- (3) The notice shall contain the following information: the amount of the School Bond Tax Surcharge and/or Santa Monica Community College District Special Bond Surcharge for the property; the number of units on the property; the amount of the monthly per-unit surcharge; and, the amount of the maximum lawful rent, including all fees and surcharges. A copy of the portions of the Joint Consolidated Tax Bill or other official notification that reflects the School Bond Tax Assessment, and/or Santa Monica Community College District Special Bond Assessment, and the parcel number shall be attached to the notice.
- (4) Failure to comply with the notice requirements set forth above shall render any increase excess rent within the meaning of Chapter 8.

[3105 Adopted 10/24/91; Effective 11/1/91]

[3105 Amended 7/28/94; Effective 8/6/94]

[3105 Amended 1/25/18; Effective 3/1/18]

**3106. Stormwater Management User Fee Surcharge**

- (a) The surcharge provided by this regulation is meant to reimburse owners of controlled residential rental properties for the cost of the Stormwater Management User Fee established pursuant to City Ordinance 1811 (CCS), enacted by the Santa Monica City Council on July 25, 1995.

(b) Duration of Surcharge

Except as limited by Regulation 3120, subdivisions (c) and (d), the actual surcharge for each fiscal year beginning July 1, 1996 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the Stormwater Management User Fee, as determined by Ordinance 1811, divided by the total number of units on the parcel, divided into twelve monthly payments.
- (2) For purposes of this subsection, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, including owner-occupied or relative occupied units, units occupied pursuant to a Section 8 housing agreement, and/or units participating in the Incentive Housing program.

- (3) Upon notice by the County Assessor's Office of the Stormwater Management Fee, the landlord shall calculate the surcharge provided in this regulation and give notice to the tenants of the amount of the per unit surcharge as set forth in subsection (d) of this regulation.

(d) Notice Requirements

- (1) Before imposing any surcharge under this section, a landlord must notify each affected tenant of the amount of the Stormwater Management User Fee surcharge pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code Section 827.
- (2) The notice shall contain the following information: the amount of the Stormwater Management User Fee for the property; the number of units on the property; the amount of the monthly per-unit surcharge; and, the amount of the maximum lawful rent, including all fees and surcharges. A copy of the portions of the Joint Consolidated Tax Bill or other official notification that reflects the School Bond Tax Assessment, and/or Santa Monica Community College District Special Bond Assessment, and the parcel number shall be attached to the notice.
- (3) Failure to comply with the notice requirements set forth above shall render any surcharge excess rent within the meaning of §1809 of the Charter and Chapter 8 of the Board's regulations.

[3106 Adopted 12/14/95; Effective 12/24/95]  
 [3106 Amended 1/25/18; Effective 3/1/18]

**3107. School District Qualified Special Tax Surcharge**

- (a) The surcharge provided by this regulation is to reimburse owners of controlled residential rental properties for the cost of the School District Qualified Special Tax of \$225 per year, per parcel, as approved by the voters on June 3, 2003.

(b) Duration of Surcharge

In addition to the monthly rent, a landlord may collect a monthly surcharge in accordance with this section on any controlled rental unit for each month from January 1, 2004 through December 31, 2009. The tax approved June 3, 2003 is for each fiscal year from July 1, 2003 through June 30, 2009. The surcharge for this tax for each fiscal year beginning July 1 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter. The landlord shall not collect this surcharge for any year for which the landlord has obtained a senior exemption to the qualified special tax for the parcel from the Board of Education of the District. The landlord shall not collect this surcharge during any month in which the landlord has not paid this tax and the payment is overdue.

(c) Amount of Surcharge

The monthly surcharge shall not exceed \$225, divided by the number of units on the property and further divided by twelve months. A schedule of monthly payments is as follows:

| <u>No. of Units on Parcel</u> | <u>Per Unit</u> |
|-------------------------------|-----------------|
| 1                             | \$18.75         |
| 2                             | 9.38            |
| 3                             | 6.25            |
| 4                             | 4.69            |

|    |      |
|----|------|
| 5  | 3.75 |
| 6  | 3.13 |
| 7  | 2.68 |
| 8  | 2.34 |
| 9  | 2.08 |
| 10 | 1.88 |
| 11 | 1.71 |
| 12 | 1.56 |
| 13 | 1.44 |
| 14 | 1.34 |
| 15 | 1.25 |
| 16 | 1.17 |
| 17 | 1.10 |
| 18 | 1.04 |
| 19 | .99  |
| 20 | .94  |

(d) Notice Requirements

A landlord shall notify each tenant of the surcharge pursuant to this regulation before collecting the surcharge. The notice must comply with all noticing requirements set forth in Civil Code Section 827.

[3107 Adopted 10/23/03; Effective 10/31/03]

**3108. Clean Beaches and Ocean Parcel Tax Surcharge**

(a) The surcharge provided by this regulation is meant to reimburse owners of controlled residential rental properties for the cost of the Clean Beaches and Ocean Parcel Tax established pursuant to City Ordinance 2214 (CCS), enacted by the Santa Monica City Council on July 25, 2006.

(b) Duration of Surcharge

Except as limited by Regulation 3120, subdivisions (c) and (d), the actual surcharge for each fiscal year beginning July 1, 2008 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the Clean Beaches and Ocean Parcel Tax, as determined by Ordinance 2214, divided by the total number of units on the parcel, divided into twelve monthly payments.
- (2) For purposes of this section, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, including owner-occupied or relative-occupied units, units occupied pursuant to a Section 8 housing agreement, and/or units participating in the Incentive Housing Program.
- (3) Upon notice by the County Assessor's Office of the Clean Beaches and Ocean Parcel Tax, the landlord shall calculate the surcharge provided in this regulation and give notice to the tenants of the amount of the per unit surcharge as set forth in subsection (d) of this regulation.

(d) Notice Requirements

- (1) Before imposing any surcharge under this section, a landlord must notify each affected

tenant of the amount of the Clean Beaches and Ocean Parcel Tax surcharge pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code section 827.

- (2) The notice shall contain the following information: the amount of the Clean Beaches and Ocean Parcel Tax for the property; the number of units on the property; the amount of the monthly per-unit surcharge; and, the amount of the maximum lawful rent, including all fees and surcharges. A copy of the portions of the Joint Consolidated Tax Bill or other official notification that reflects the Clean Beaches and Ocean Parcel Tax, and the parcel number shall be attached to the notice.
- (3) Failure to comply with the notice requirements set forth above shall render any surcharge excess rent within the meaning of section 1809 of the Charter and Chapter 8 of the Board's regulations.

(e) Exemptions

- (1) Section 7.64.060 of the Santa Monica Municipal Code authorizes the City Council to establish by resolution special exemption procedures and eligibility criteria based on income, age or disability for the Clean Beaches and Ocean Tax. The City Council established special exemption procedures for low-income residents in Resolution 10248 (CCS). All property owners and renters who meet the Clean Beaches and Ocean Tax Exemption eligibility criteria are exempt from the Clean Beaches and Ocean Tax.
- (2) The maximum dollar amount of gross household income for single-person households for purposes of Clean Beaches and Ocean Parcel Tax Exemption eligibility shall be twenty five thousand and two dollars (\$25,002).
- (3) The maximum dollar amount of gross household income for households of two or more persons for purposes of Clean Beaches and Ocean Parcel Tax Exemption eligibility shall be twenty eight thousand six hundred and fifty dollars (\$28,650).
- (4) On July 1, 2008 and in subsequent years on the same date thereafter, the maximum dollar amounts of gross household income for single and two-or-more person households for purposes of Clean Beaches and Ocean Parcel Tax Exemption eligibility as set forth above shall be adjusted by the Los Angeles-Riverside-Orange County Consumer Price Index for Wage Earners and Clerical Workers (CPI-W) for the previous calendar year.
- (5) Application for determination of eligibility for fee waiver under this section must be on a form provided by the City.

[3108 Adopted 1/10/08; Effective 1/18/08]

[3108 Amended 1/25/18; Effective 3/1/18]

**3109. School District Qualified Special Tax Surcharge (Measure R)**

- (a) The surcharge provided by this regulation is to reimburse owners of controlled residential rental properties for the cost of the School District Qualified Special Tax of \$346 per year, per parcel, adjusted annually for inflation, as approved by the voters on February 5, 2008.

(b) Duration of Surcharge

Except as limited by Regulation 3120, subdivisions (c) and (d), a landlord may collect a monthly surcharge in accordance with this section on any controlled rental unit starting no earlier than January 1, 2009. The actual surcharge for each fiscal year beginning July 1, 2008 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter. The landlord shall not collect this surcharge for any year for which the landlord has obtained a senior exemption to the

qualified special tax for the parcel from the Board of Education of the District. The landlord shall not collect this surcharge during any month in which the landlord has not paid this tax and the payment is overdue.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the School District Qualified Special Tax, divided by the total number of units on the parcel, divided into twelve monthly payments.
- (2) For purposes of this subsection, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, including owner-occupied or relative-occupied units, units occupied pursuant to a Section 8 housing agreement, and/or units participating in the Incentive Housing program.
- (3) Upon notice by the County Assessor's Office of the School District Qualified Special Tax, the landlord shall calculate the surcharge provided in this regulation and give notice to the tenants of the amount of the per-unit surcharge as set forth in subsection (d) of this regulation.

(d) Notice Requirements

- (1) Before imposing any surcharge under this section, a landlord must notify each affected tenant of the amount of the School District Qualified Special Tax surcharge pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code Section 827.
- (2) The notice shall contain the following information: the amount of the School District Qualified Special Tax for the parcel; the number of units on the parcel; the amount of the monthly per-unit surcharge; and, the amount of the maximum lawful rent, including all fees and surcharges.
- (3) Failure to comply with the notice requirements set forth above shall render any surcharge excess rent within the meaning of section 1809 of the Charter and Chapter 8 of the Board's regulations.

[3109 Adopted 11/20/08; Effective 11/29/08]

[3109 Amended 1/25/18; Effective 3/1/18]

**3120. Limitation on Surcharges**

- (a) The Board finds and declares that permitting landlords to add surcharges to rents in order to recoup their payment of local taxes and voted indebtedness is inconsistent with the Board's twin mandates, stated in Charter Section 1800, to regulate rents so that they will not be increased unreasonably, and to ensure that landlords will receive no more than a fair return.
- (b) The Board further finds and declares that:
  - (1) Because the majority of past and existing regulations allowing landlords to add surcharges to rents in order to recoup their payment of local taxes and voted indebtedness were enacted before landlords had the right to establish initial rents for new tenancies, the Board reasonably concluded, at those times, that permitting the surcharges was consistent with Charter Section 1800;
  - (2) Regardless of whether permitting surcharges for landlords' local tax liabilities was consistent with Charter Section 1800, until 2012, Charter Section 1805 required the Board to account for those liabilities when establishing annual across-the-board rent



increases;

- (3) Since 1999, initial rents for units in roughly 90% of controlled buildings were established at market level, with the result that nearly every owner of controlled units is currently earning more than the constitutionally-required fair return;
  - (4) The Rent Control Law continues to provide that any landlord who can demonstrate that he or she is not earning a fair return may petition for rent increases sufficient to provide one.
- (c) Beginning March 1, 2018, no surcharge may be added to a unit's rent – other than a charge to recover fifty percent of registration fees, as permitted under Charter Section 1803(n) – for any unit with an initial rent that was established on or after March 1, 2018.
- (d) No surcharge may be added to a unit's rent—other than a charge to recover fifty percent of registration fees, as permitted under Charter Section 1803(n)—for any unit on a parcel about which either of the following is true:
- (1) The parcel was reassessed, as authorized by California Constitution Article XIII A, § 1 et seq. (Proposition 13), as the result of a change of ownership occurring on or after March 1, 2018;
  - (2) An improvement on the parcel was reassessed, as authorized by California Constitution Article XIII A, § 2 and California Revenue and Taxation Code § 70, on the basis of new construction that was completed on or after March 1, 2018.
- (e) Effective September 1, 2018, for any unit as to which a surcharge is not barred by subdivisions (c) or (d) of this section, notwithstanding any other regulation, the monthly surcharge shall not exceed the lesser of:
- (1) 4% of the unit's maximum allowable rent; or
  - (2) \$35.

[3120 Adopted 1/25/18; Effective 3/1/18]

[3120(e) Adopted 5/10/18; Effective 5/18/18]

### **3200. General Adjustment Methodology**

[3200 Adopted 2/13/86; Effective 3/20/86]

[3200 Repealed 6/9/88; Effective 6/18/88]

### **3201. Separate Agreements**

Except as otherwise provided in subsection (i) of this section, this regulation applies only to: (1) tenancies which commenced prior to January 1, 1999; (2) tenancies of mobile home spaces regardless of the date the tenancy commenced; (3) tenancies commenced on or after January 1, 1999 if the tenancy is ineligible 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, post-January 1, 1999 vacancy rent increase.

- (a) Any payments by the tenant to the landlord, including payments for parking, pets, furniture or facilities, equipment or services which are connected to the use and occupancy of the unit are included as rent as defined by Section 1801(f) of the Charter unless the agreements for such payments meet all of the standards of this section. Except as expressly provided in subsection (f) below, no separate agreements shall be permitted which require extra payments for additional occupants.

- (b) "Base Rent Date" is defined as April 10, 1978, or the date the base rent was established if it was established subsequent to April 10, 1978. If the facilities, equipment or services were provided on the base rent date, and were not provided under a separate agreement on the base rent date, a new charge cannot be added to the tenant's payments in addition to the maximum allowable rent. Such facilities, equipment, and housing services are base amenities of all controlled rental units rented to tenant(s) whose tenancies commenced prior to January 1, 1999, to all mobile home space tenancies, and to tenancies commenced on or after January 1, 1999 if the tenancy is ineligible 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, post-January 1, 1999 vacancy rent increase. To be a separate agreement on the base rent date, the agreement must meet all of the conditions in subsection (d) of this section.
- (c) If the particular facilities, equipment or services have not been previously included within the maximum allowable rent as set forth in (b) above, the landlord may offer such facilities, equipment or services to the tenant under the terms of a separate agreement, provided it conforms with this section.
- (d) An agreement may be considered separate from the rental agreement if it meets all the following criteria:
- (1) The agreement to pay a separate fee for the use of the facilities, equipment or services must have been negotiated separately from the negotiation for the rental of the rental unit, with no pressure on the tenant to accept the separate agreement or separate fee as a condition of the rental of the apartment.
  - (2) The terms of the agreement are comparable to those of similar lawful arrangements obtainable in the unregulated market.
  - (3) The continued existence of the arrangement is not a condition of the tenancy and the tenant's termination or breach of the separate agreement is not a ground for eviction.
- (e) This section is declarative of existing policy and does not represent a change in policy.
- (f) Former Regulation 3201(f) expired automatically on September 1, 1996. No family occupant separate agreement executed on or after September 1, 1996 shall be enforceable. Any fully executed family occupant separate agreement in existence as of August 31, 1996 shall remain in effect until such time as the agreement is terminated by one of the following actions: upon mutual written agreement between the parties; upon vacancy by the family occupant and written notice to the landlord by the tenant that the family occupant has vacated; upon the voluntary vacancy of the tenant; after breach of the agreement by the tenant, landlord or family occupant, at the option of the non-breaching party only and upon written notice to the party who breached the agreement; or, the tenant and/or family occupant is lawfully evicted pursuant to Section 1806 of the Charter.
- (g) Any separate agreement under former regulation 3201(g) effective February 16, 1994 for long-term occupants displaced by the earthquake entered into prior to January 17, 1995 may be extended indefinitely by mutual consent of the parties.
- (h) With regard to tenancies subject to this regulation, the demand, receipt, acceptance or retention of any payments made as the result of a separate agreement, which does not conform to the requirements of this regulation shall be considered excess rent pursuant to Section 1809 of the Rent Control Charter Amendment and Chapter 8 of the Board's regulations.
- (i) Notwithstanding any other provision of this section, a landlord and a tenant may enter into a separate agreement for charging an electric vehicle if the agreement meets all of the conditions of subsection (d) of this section.

[3201 Adopted 9/17/87; Effective 10/10/87]

[3201(a), (f), (g) Adopted 8/12/93; Effective 8/20/93]  
[3201(g), (h) Amended 1/27/94; Effective 2/16/94]  
[3201(f) Amended 8/24/95; Effective 12/10/95]  
[3201 Amended 12/17/98; Effective 1/1/99]  
[3201(b), (h) Amended 1/9/03; Effective 1/18/03]  
[3201 Amended 3/7/13; Effective 3/14/13]  
[3201(i) Adopted 3/7/13; Effective 3/14/13]

### **3202. Rounding**

In calculating Maximum Allowable Rent, the base rent shall be rounded to the nearest dollar. The first general adjustment shall be added to the base rent and rounded to the nearest dollar. When each succeeding general adjustment is added, the maximum allowable rent shall be rounded to the nearest dollar. Rounding shall occur by calculating the amount to two decimal places. Any fraction of a dollar equal to or less than 49 cents shall be dropped off and any fraction of a dollar equal to or more than 50 cents shall be rounded up to the next dollar.

[3202 Adopted 3/12/87; Effective 3/19/87]  
[3202 Amended 12/17/98; Effective 1/1/99]

### **3300. Threshold Rent Increase**

[3300 Adopted 12/5/91; Effective 1/1/92]  
[3300 Repealed 12/7/95; Effective 12/17/95]

### **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;
  - (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.

(l) (Repealed)

[3301 Adopted 9/28/95; Effective 10/7/95]

[3301 Amended 3/27/97; Effective 4/4/97]

[3301(f)(2) Amended 10/1/97; Effective 11/22/97]

[3301 Amended 12/17/98; Effective 1/1/99]

[3301(g)(4) Amended 6/10/99; Effective 6/25/99]

[3301(b)(1)-(6), (l) Amended 1/27/00; Effective 2/11/00]

[3301(b)(1)(i), (b)(7)-(8), (c)(2)(iv)-(vi), (f)(5)-(8), (g), (g)(2)(iv), (h)(2), (h)(4), (l) Amended 9/7/00; Effective 9/23/00]



[3301(f)(5)-(8), (g)(2)(vi)-(vii), (g)(4) Amended 12/7/00; Effective 12/30/00]  
[3301(a), (c)(1), (g)(2)(vii) Amended 1/10/02; Effective 1/26/02]  
[3301(h)(1)-(2), (h)(4) Amended 1/9/03; Effective 1/18/03]  
[3301(h)(4)(i)-(iii) Adopted 1/9/03; Effective 1/18/03]  
[3301(b)(5), (f)(2), (g)(2)(ii) Amended 5/6/04; Effective 6/3/04]  
[3301(b)(1), (c)(2)(i), (g)(2)(ii) Amended 12/6/12; Effective 12/12/12]

### **3302. Base Rent and Registration for Condominium Units Which Have Not Been Sold Separately**

- (a) Units Covered by This Regulation. This regulation applies to condominium units if the following factors are met:
- (1) the building has a valid Final Subdivision Public Report issued by the Department of Real Estate, or, if no Final Subdivision Public Report is required, it has a Tract Map;
  - (2) the unit has not been sold separately by the subdivider to a bona fide purchaser for value;
  - (3) the tenant or lawful sublessee or assignee did not occupy the unit prior to January 1, 1996;
  - (4) the unit's rent was not subject to rent control under former Civil Code section 1954.52(a)(3) adopted 1995, effective January 1, 1996; and
  - (5) the unit is not subject to one of the exceptions under Civil Code section 1954.52(b), (c), and (d) or regulation 3301(b), which do not allow the landlord to set the initial rent.
- (b) Base Rent for Units Covered by This Regulation.
- (1) For purposes of Article XVIII of the Santa Monica City Charter, the base rent of units covered by this regulation is the lawful rent in effect on May 7, 2001, if the current tenancy was in effect on that date. This base rent shall thereafter be the baseline for the computation of all future rent adjustments.
  - (2) For purposes of Article XVIII of the Charter, if the tenancy of a unit covered by this regulation commenced after May 7, 2001, the base rent of the unit is the actual 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. This base rent shall thereafter be the baseline for computation of all future rent adjustments.
- (c) Maximum Allowable Rents beginning January 1, 2002 for Units Covered by This Regulation. Permissible Maximum Allowable Rents beginning January 1, 2002, for units covered by this regulation, are set forth below. Beginning January 1, 2002, a landlord shall charge no more than the rent provided in the applicable subparagraph.
- (1) If the current tenancy of a unit covered by this regulation commenced prior to September 1, 2000, beginning January 1, 2002, the unit's Maximum Allowable Rent is its base rent (the lawful rent in effect on May 7, 2001), plus the September 1, 2001 general adjustment authorized in regulation 3023 and, if applicable, regulation 3023A. Restrictions on entitlement to the general adjustment set forth in regulations 3023 and 3023A are applicable to units covered by this regulation.
  - (2) If the current tenancy of a unit covered by this regulation commenced between September 1, 2000 and May 7, 2001, beginning January 1, 2002, the unit's Maximum Allowable Rent is its base rent (the lawful rent in effect on May 7, 2001).
  - (3) If the current tenancy of a unit covered by this regulation commenced after May 7, 2001, beginning January 1, 2002, its Maximum Allowable Rent is its base rent as defined in

subparagraph (b)(2) above.

- (d) **Registration.** Pursuant to Rent Control Law section 1803(q), the landlord shall register the base rent of units covered by this regulation by February 1, 2002 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 subparagraph (b) above.
  - (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.
  - (9) Failure of the landlord to properly 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.
  - (10) In the event that the landlord fails to timely file a registration form or fails to register any of the information required on the Condominium Rent Level Unit Registration, 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 Condominium Rent Level 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.

[3302 Adopted 12/14/95; Effective 1/1/96]  
[3302 Amended 2/6/97; Effective 2/23/97]  
[3302 Repealed 12/17/98; Effective 1/1/99]  
[3302 Adopted 1/10/02; Effective 1/26/02]  
[3302(d)(2) Amended 5/6/04; Effective 6/3/04]  
[3302(d)(2) Amended 12/6/12; Effective 12/12/12]

### **3303. Notice of Maximum Allowable Rent**

This regulation applies only to tenancies commenced prior to January 1, 1999.

- (a) Any landlord who rents a unit at less than the current maximum allowable rent shall, at the time of the hiring of the unit, notify the incoming tenant(s) in writing of the current maximum allowable rent level.
- (b) Notice of the maximum allowable rent shall be acknowledged by the incoming tenant(s) in writing.

- (c) Failure to notify the incoming tenant(s) in writing of the potential increase in the rental rate to the maximum allowable rent shall preclude the landlord from increasing the rent on the incoming tenant. This regulation shall not apply to any general rent adjustments or individual rent increases authorized by the Board subsequent to the commencement of the tenancy.
- (d) Lack of proper notice as required by this regulation shall serve as a defense to any civil proceeding for possession of the unit for non-payment of rent, and/or collection of any rent, in excess of the rental rate established at the commencement of the tenancy. This regulation shall not apply to any general rent adjustments or individual rent increases authorized by the Board subsequent to the commencement of the tenancy.

[3303 Adopted 3/27/97; Effective 4/4/97]

[3303 Amended 12/17/98; Effective 1/1/99]

### **3304. New Maximum Allowable Rent for Tenant Not In Occupancy**

- (a) In accordance with the purposes of the Rent Control Law to regulate rents for tenants in order to help alleviate the impact of the serious housing shortage on tenants, a landlord may petition for a determination that the unit is not the tenant's residence. If a rental unit is kept for secondary occupancy, such as a vacation home, or purpose other than the tenant's residence, the landlord may petition the Board for a determination that the tenant is a "tenant not in occupancy." If a tenant is determined to be a "tenant not in occupancy," a one-time increase in the unit's maximum allowable rent shall be awarded in an amount determined pursuant to paragraph (i) below. If a unit has received a rent increase for this tenancy under Civil Code section 1954.53(d)(2), authorizing rent increases for sublessees, it is not eligible for an increase under this regulation.
- (b) Landlords who seek a determination that a tenant is a "tenant not in occupancy" under this regulation must file an original petition and two copies on a form provided by the Board.
  - (1) The petition shall set forth a statement describing the basis or bases under paragraph (g) of this regulation for the petition, the names, all addresses, and all telephone numbers of all tenants and all known occupants of the unit(s), and the names, addresses, and telephone numbers of all agents who may represent the tenant(s) in connection with the unit. The failure to disclose a known address shall result in the denial of a petition.
  - (2) The petition shall also set forth the proposed new maximum allowable rent for the unit and specify how it was calculated pursuant to paragraph (i) below. If the landlord contends that the unit's rent should be adjusted upwards or downwards under subparagraph (i)(4) below, a specific description of the reasons for the contention shall be included.
  - (3) The petition shall be accompanied by two copies of supporting documentation which the petitioner intends to submit as evidence that the unit is not the tenant's residence and a copy of the written notice required by paragraph (c), along with an original proof of service of the notice, declaring under penalty of perjury that the written notice was served in the manner and upon the person or persons at the addresses specified therein. The petition shall also be accompanied by two copies of all documentation necessary to determine the new maximum allowable rent of the unit under paragraph (i) below.
- (c) Any landlord who intends to file a petition for a determination that a tenant is a "tenant not in occupancy" shall, at least ten (10) days but not more than thirty (30) days prior to filing the petition, provide written notice to all tenants and occupants of the unit(s) of the intention to file the petition and the basis or bases of the intended petition. The written notice shall be served on the tenants and occupants at all known addresses and upon all known agents who may represent the tenant(s) in connection with the unit.
- (d) Upon submission of a petition under this regulation, an administrative staff member designated by the Board Administrator shall review the petition and supporting documents for the purpose of

determining whether the petition and documents state a prima facie case under the criteria in paragraph (g) below. If the petition and supporting documents state a prima facie case, the Board shall mail a copy of the petition and a blank response form to the tenant(s) and occupant(s) of the unit.

- (1) If the tenant returns the response form stating that she or he does not contest the assertions in the petition, the determination that the tenant is not a tenant in occupancy shall be granted by the Board Administrator or Hearings Supervisor in an expedited manner. The Board Administrator or Hearings Supervisor shall set the new maximum allowable rent pursuant to paragraph (i) below. Any party who wishes to contest the new maximum allowable rent set by the Board Administrator or Hearings Supervisor may do so by filing a request for hearing on a form provided by the Board. The request for hearing shall be filed within fifteen (15) days of the issuance of the determination of tenant not in occupancy and new maximum allowable rent. The hearing shall be held and a decision issued according to the procedures set forth in Board regulations 4007 through 4029 and 4039. If no request for hearing is filed within fifteen (15) days, the determination of the Board Administrator or Hearings Supervisor shall become final.
  - (2) If the tenant denies the assertions in the petition or does not return the response form a hearing shall be conducted and a decision issued on the issues of whether the tenant is a "tenant not in occupancy" and the new maximum allowable rent of the unit. The procedures set forth in Board regulations 4007 through 4029 and 4039 shall be used in hearings under this regulation.
- (e) The landlord has the burden of establishing a prima facie case in the petition and supporting documents that the unit is not the tenant's residence. If the landlord establishes this prima facie case, the burden of proof shifts to the tenant to prove that the unit is her or his usual residence of return.
- (f) If the Board staff member determines that the petition and supporting documents do not establish a prima facie case and that the petitioner cannot reasonably be expected to produce additional evidence sufficient to establish the allegations in the petition, then the petition shall be referred to the Board Administrator or Hearings Supervisor for dismissal and notification of the landlord and tenant. The dismissal may be appealed to the Board within ten days of the date of dismissal. The petition may be refiled at a later date should the petitioner obtain additional evidence.
- (g) Occupancy as a tenant's residence does not require that the tenant be physically present in the unit at all times or continuously but that it is the tenant's usual residence of return. Evidence that the unit is not the tenant's residence includes, but is not limited to, the following factors. These factors shall be weighed in light of the totality of the circumstances.
- (1) the tenant does not carry on basic living activities at the unit for extended periods of time;
  - (2) another property or unit is listed as the tenant's place of residence on any motor vehicle registration, driver's license, voter registration, or with any other public agency, including federal, state, and local taxing authorities;
  - (3) utilities for the unit are billed and mailed to a different residential property;
  - (4) the tenant's personal possessions are not located in the unit;
  - (5) a homeowner's tax exemption or renter's credit for the tenant has been filed for a different property or the tenant is owner of record of a different residential property;
  - (6) the tenant is a corporation or is otherwise not a natural person. This factor shall not apply if the tenant is a trust and the trust's beneficiary is the unit's occupant or if a natural person is the subtenant residing at the unit.
  - (7) the tenant is absent from the unit for extended periods of time, other than for military

service, hospitalization, vacation, family or friend emergency or care, Peace Corps service, academic sabbatical, or other reasonable temporary or seasonal periods of absence, such as travel necessitated by employment or education.

- (8) the unit is used primarily for storage, entertaining, or as an office;
  - (9) the tenant rents more than one unit at the property and the number of occupants is less than the number of bedrooms in the combined units.
- (h) A tenant who is enrolled as a student with a minimum class load of 60% or who is a member of the faculty or staff at an educational institution in the Los Angeles area qualifies as a tenant in occupancy notwithstanding his/her having another residence to which he/she will ultimately return.
- (i) Rent increases pursuant to this regulation shall be determined as follows:
- (1) If a comparable unit or units on the property received a vacancy increase pursuant to Civil Code section 1954.53 within three (3) years of the date the petition was filed, the new maximum allowable rent for the unit rented by the tenant not in occupancy shall be the average maximum allowable rent of those comparable units in effect at the date of the decision.
  - (2) If subparagraph (i)(1) above does not apply, the new maximum allowable rent for the unit rented by the tenant not in occupancy shall be the median rent for comparable units in the area defined in regulation 4104(D)(1) in which the property is located. Only rents for units which have had at least one vacancy increase within three (3) years of the date the petition was filed shall be included in the median rent calculation. This median rent amount shall be taken from the most recent Board Report entitled Impact of Market Rent Vacancy Increases.
  - (3) For purposes of this regulation, a comparable unit is defined as a unit with the same number of bedrooms as the subject unit.
  - (4) The hearing examiner, Hearings Supervisor, Board Administrator, or the Board may adjust the rent determined pursuant to subparagraphs (i)(1) and (2) upwards or downwards upon a showing that the subject unit's amenities or physical condition are substantially different from those of the comparable units. Factors for consideration include but are not limited to those set forth in regulation 4104(D)(4).
- (j) If a timely appeal is filed, the decision of the hearing examiner shall be stayed pending determination by the Board on appeal. The Board's decision to affirm, reverse, or modify the hearing examiner's decision shall become final at the time of the Board action.
- (k) If no appeal is filed pursuant to regulation 4021, the decision of the hearing examiner shall be the final decision of the Board.
- (l) If the final Board decision grants the landlord's petition, the landlord shall give written notice of the increase in the maximum allowable rent authorized therein as provided in California Civil Code section 827. Notice of a rent increase under this regulation shall not be given until the decision is final.

[3304 Adopted 2/13/03; Effective 3/15/03]  
[3304(a), (b), (d), (i), (j) Amended 1/8/04; Effective 2/7/04]  
[3304(k), (l) Adopted 1/8/04; Effective 2/7/04]

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[3003(d) Amended 12/18/86; Effective 12/25/86]  
[3004(d) Amended 12/18/86; Effective 12/25/86]  
[3005(d) Amended 12/18/86; Effective 12/25/86]  
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[3104 Adopted 4/11/91; Effective 4/19/91]  
[3013 Adopted 6/13/91; Effective 6/27/91]  
[3105 Adopted 10/24/91; Effective 11/1/91]  
[3300 Adopted 12/5/91; Effective 1/1/92]  
[3300(h)(8) Adopted 1/30/92; Effective 2/9/92]  
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[3300(e) Amended 9/24/92; Effective 10/9/92]  
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[3031 Adopted 6/11/09; Effective 6/18/09]  
[3032 Adopted 6/1/10; Effective 6/8/10]  
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