

## CHAPTER 11

### REGISTRATION FEE

#### **11000. Registration Fee**

- (a) By Monday, January 14, 1980, the landlord shall pay to the Board a registration fee in the amount of \$12.50 for each controlled rental unit in the City of Santa Monica.
- (b) If the landlord does not pay the amount provided in subdivision (a), a late charge shall be assessed in an amount equal to \$1.00 per controlled rental unit for each month after the due date.

As of April 14, 1980, this late charge shall be \$2.00 per controlled rental unit for each month thereafter.

- (c) A landlord may claim an exemption from the registration fee for one unit if the unit is occupied by the landlord as his or her principal place of residence.
- (d) The registration fee provided by this section is to finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1979, to June 30, 1980.
- (e) No petition, application, claim or request will be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request, and no rent increases granted by hearing examiners or the Board shall take effect for any property for which there is an unpaid registration fee bill.

[11000(a) Amended 11/29/79; Effective 12/4/79]

[11000(e) Adopted 12/6/79; Effective 12/9/79]

[11000(b) Amended 3/6/80; Effective 3/14/80]

#### **11001. Registration Fee Number 2**

- (a) By July 31, 1980, the landlord shall pay to the Santa Monica Rent Control Board a registration fee in the amount of \$48.00 for each controlled rental unit in the City of Santa Monica.
- (b) The landlord may increase the rent on any unit for which the registration fee is paid by July 31, 1980, in the amount of \$4.00 per month by serving the notice required by Civil Code §827 if the notice states that the landlord has paid the registration fee provided by this section on or before July 31, 1980. The rent increase permitted by this subsection shall, to the extent feasible, be contained in the same notice increasing rents pursuant to General Adjustment Number 3. The landlord should first add \$4.00 per month for the registration pass-through. The registration fee pass-through shall not be considered part of the rent for calculating the amount of the General Adjustment.

The rent increase permitted by this subsection shall be effective until September 1, 1981, on which date the rent shall be automatically decreased by \$4.00 per month. This subsection is designed to permit the landlord to directly, rather than indirectly, pass the registration fee to tenants of the property on a monthly basis between September 1, 1980, and September 1, 1981. Any landlord who does not pay the registration fee by July 31, 1980, may not increase rents pursuant to this subsection at any time.

- (c) If the landlord does not pay the registration fee by July 31, 1980:
  - (1) A late charge shall be assessed in an amount equal to \$5.00 per controlled rental unit for

each month after the due date until the fee is paid.

- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
  - (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request, until the landlord has paid the registration fee for all of his controlled rental units in the City of Santa Monica.
- (d) A landlord may claim an exemption from the registration fee for one unit if the unit is occupied by the landlord as his or her principal place or residence.
- (e) The registration fee provided by this Section is to finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1980, to June 30, 1981.
- (f) Registration Fee Waiver for Unit Participating in a Government Funded Rent Subsidy Program

A landlord may claim a waiver of registration fees for the current fiscal year for any controlled unit participating in a Federal and/or State Funded Rent Subsidy Program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or California Housing Finance Agency.

If a unit is rented as a controlled rental unit participating in a Federal or State Rent Subsidy Program for less than an entire year, from September 1, 1980 to August 31, 1981, the landlord shall pay a prorated registration fee for the period of time such unit is not rented pursuant to the Rent Subsidy Program.

A landlord who claims a waiver from payment of part or all of the registration fee for a controlled rental unit pursuant to this Regulation shall submit to the Board such documents necessary to establish participation in a Rent Subsidy Program, or shall sign a statement under penalty of perjury that he/she is participating in the Rent Subsidy Program for the period of time for which the waiver is claimed.

[11001 Adopted 6/26/80; Effective 7/13/80]

[11001(f) Adopted 12/4/80; Effective 12/18/80]

[11001(c)(2) Amended 12/18/86; Effective 12/25/86]

### **11002. Registration Fee Number 3**

- (a) Purpose The registration fee provided by this regulation is to finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1981, to June 30, 1982.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board a registration fee in the amount of \$72.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Deadline A landlord shall pay all registration fees pursuant to this regulation on or before August 14, 1981. A landlord who does not pay the registration fee by August 14, 1981 shall not increase rents as provided by subsection (d) of this regulation at any time.
- (d) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of \$6.00 per month. The rent increase provided by this subsection shall commence on September 1, 1981 and end on August 31, 1982. The registration fee pass-through shall not be

considered part of the rent for calculating the amount of the General Adjustment.

- (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. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 14, 1981. A notice which does not contain a statement of compliance with subsection (c) of this regulation shall be deemed improper and will require the landlord to re-notice each tenant with an appropriate statement of compliance.
- (f) Delinquent Registration Fees If the landlord does not pay the registration fee by August 14, 1981:
- (1) A late charge shall be assessed in the amount equal to 5% of the unpaid balance for each property, including the unpaid balance remaining from unpaid registration fees and late fees from prior years, for each month after the due date until the fee is paid.
  - (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
  - (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration for all of his/her controlled rental units in the City of Santa Monica.

(g) Registration Fee Waiver for Owner-Occupied Unit

A landlord may claim a registration fee waiver for one unit, if that unit is occupied by the landlord as his/her principal place of residence. A claim of a registration fee waiver must be filed on the form provided by the Rent Control Board.

(h) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

A landlord may claim a waiver of registration fees for the current fiscal year for any controlled rental unit participating in a Federal and/or State Funded Subsidy program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or California Housing Finance Agency.

If a unit is rented as a controlled rental unit participating in a Federal or State Rent Subsidy Program for less than an entire year, from September 1, 1981 to August 31, 1982, the landlord shall pay a prorated registration fee for the period of time such unit is not rented pursuant to the rent subsidy program.

A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation, shall submit to the Board such documents necessary to establish participation in a rent subsidy program, or shall sign a statement under the penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.

[11002 Adopted 7/2/81; Effective 7/10/81]

[11002(f)(2) Amended 12/18/86; Effective 12/25/86]

**11003. Registration Fee Number 4**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year f July 1, 1982 to

June 30, 1983.

- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board a registration fee in the amount of \$60.00 for each rent controlled unit he/she owns in the City of Santa Monica.
- (c) Deadline for Payment of Registration Fees
- (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before July 30, 1982, except insofar as he/she falls within the exceptions delineated in subsections (2) and (3) below. A landlord who does not pay the registration fee by July 30, 1982, shall not increase rents as provided by subsection (d) of this regulation at any time.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after July 31, 1982, and June 31, 1983, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
  - (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program on the date of adoption of this regulation, but such fee waiver terminated on or after July 1, 1982, the landlord shall pay prorated registration fees for the period of time between July 1, 1982, and June 30, 1983, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (d) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of five dollars (\$5.00) per month. The rent increase provided by this subsection may be implemented on September 1, 1982, and must be terminated on August 31, 1983. Insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, the rent increases may be noticed immediately following payment of fees. Such rent increases shall terminate on August 31, 1983. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.
- (e) Notice Requirements A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before July 30, 1982, except insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (c) of this regulation shall be deemed improper and the landlord shall be required to re-notice each tenant with an appropriate statement of compliance. Any landlord, therefore, who improperly notices or neglects to notice a tenant in a controlled rental unit for which the landlord pays registration fees will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.
- (f) Delinquent Registration Fees If a landlord does not pay the registration fees by July 30, 1982, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner:
- (1) A late charge shall be assessed in an amount equal to five percent (5%) of the unpaid balance for each property including the unpaid balance remaining from unpaid registration fees and late fees from prior years, for each month after the

due date, until the fee is paid.

- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica.

(g) Registration Fee Waiver for Owner-Occupied Unit

- (1) A landlord may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord as his/her principal place of residence. One registration fee waiver may be authorized per controlled rental property. A landlord must file a claim of entitlement to a registration fee waiver on the form provided by the Rent Control Board.
- (2) An owner-occupied fee waiver expires automatically when the owner no longer occupies the unit.

(h) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for the current fiscal year for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participating in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

[11003 Adopted 6/19/82; Effective 6/27/82]

[11003(f)(2) Amended 12/18/86; Effective 12/25/86]

**11004. Registration Fee Number 5**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1983 to June 30, 1984.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board a registration fee in the amount of \$72.00 for each rent controlled unit he/she owns in the City of Santa Monica.
- (c) Deadline for Payment of Registration Fees
  - (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1983, except insofar as he/she falls within the exceptions delineated in subsections (2) and (3) below. A landlord who does not pay the registration fees by

August 1, 1983, shall not increase rents as provided by subsection (d) of this regulation at any time.

- (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 1, 1983, the landlord shall pay prorated registration fees for the period of time between July 1, 1983, and June 30, 1984, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
  - (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program on the date of adoption of this regulation, but such fee waiver terminates on or after July 1, 1983, the landlord shall pay prorated registration fees for the period of time between July 1, 1983, and June 30, 1984, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (d) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of six dollars (\$6.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1983, and must be terminated on August 31, 1984. Insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1984, and shall not exceed the amount of the registration fees paid by the landlord. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.
- (e) Notice Requirements A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1983, except insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (c) of this regulation shall be required to re-notice each tenant with an appropriate statement. Any landlord, therefore, who improperly notices or neglects to notice a tenant in a controlled rental unit for which the landlord pays registration fees will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.
- (f) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1983, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner, then:
- (1) A late charge shall be assessed in an amount equal to five percent (5%) of the unpaid balance for each property including the unpaid balance remaining from unpaid registration fees and late fees from prior years, for each month after the due date, until the fee is paid.
  - (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (g) Registration Fee Waiver for Owner-Occupied Unit
- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is

occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least fifty percent (50%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.

No more than two registration fee waivers may be authorized per controlled rental property. A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.

- (2) An owner-occupied fee waiver expires automatically when the owner no longer occupies the unit.

(h) Registration Fee Waiver for Unit Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for the current fiscal year for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participating in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participation in such program.

[11004 Adopted 6/18/83; Effective 6/26/83]

[11004(f)(2) Amended 12/18/86; Effective 12/25/86]

**11005. Registration Fee Number 6**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1984 to June 30, 1985.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$72.00 for each rent controlled unit he/she owns in the City of Santa Monica.
- (c) Deadline for Payment of Registration Fees
  - (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1984, except insofar as he/she falls within the exceptions delineated in subsection (2) and (3) below. A landlord who does not pay the registration fees by August 1, 1984 shall not increase rents as provided by subsection (d) of this regulation at any time.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 1, 1984, the landlord shall pay prorated registration fees for the period of time between July 1, 1984 and June 30, 1985, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.

- (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program on the date of adoption of this regulation, but such fee waiver terminates on or after July, 1984, the landlord shall pay prorated registration fees for the period of time between July 1, 1984 and June 30, 1985, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (d) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of six dollars (\$6.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1984, and must be terminated on August 31, 1985. Insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1985, and shall not exceed the amount of the registration fees paid by the landlord. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.
- (e) Notice Requirements A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1984, except insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (c) of this regulation shall be deemed improper and the landlord shall be required to re-notice each tenant with an appropriate statement. Any landlord, therefore, who improperly notices or neglects to notice a tenant in a controlled rental unit for which the landlord pays registration fees will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.
- (f) Delinquent Registration Fees
- (1) If a landlord does not pay the registration fees by August 1, 1984, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner, then no petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (g) Registration Fee Waiver for Owner-Occupied Unit
- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least a twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.

A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.



- (2) An owner-occupied fee waiver expires automatically when the owner no longer occupies the unit.

(h) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for the current fiscal year for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participating in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

(i) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens

- (1) The Board shall grant a waiver of the 1984 registration fee to the owner of any controlled rental unit which is rented to a low-income senior citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older. In addition, the tenant's gross household income shall not exceed \$12,032 for all members of a household, or \$10,400 for a single tenant. For the purposes of this section "gross household income" shall be and include the income of every member of the household received during the year, including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.
- (3) Application for determination of eligibility for fee waiver under this section shall be made upon a form approved by the Board.
- (4) Upon determination of eligibility for fee waiver as provided by Section 11005(i)(2), the Board shall notify the owner of the unit for which the fee waiver is granted and refund the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (5) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (6) Fee Waivers provided for under this section shall expire on August 31, 1985.

[11005 Adopted 6/21/84; Effective 7/9/84]

[11005(i) Adopted 7/5/84; Effective 7/14/84]

[11005(f)(2) Adopted 12/18/86; Effective 12/25/86]

**11006. Registration Fee Number 7**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1985 to

June 30, 1986.

- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$84.00 for each rent controlled unit he/she owns in the City of Santa Monica.
- (c) Deadline for Payment of Registration Fees
- (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1985, except insofar as he/she falls within the exceptions delineated in subsection (2) and (3) below. A landlord who does not pay the registration fees by August 1, 1985 shall not increase rents as provided by subsection (d) of this regulation at any time.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 1, 1985, the landlord shall pay prorated registration fees for the period of time between July 1, 1985 and June 30, 1986, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
  - (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program on the date of adoption of this regulation, but such fee waiver terminates on or after July, 1985, the landlord shall pay prorated registration fees for the period of time between July 1, 1985 and June 30, 1986, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (d) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of seven dollars (\$7.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1985, and must be terminated on August 31, 1986. Insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1986, and shall not exceed the amount of the registration fees paid by the landlord. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.
- (e) Notice Requirements A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1985, except insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (c) of this regulation shall be deemed improper and the landlord shall be required to re-notice each tenant with an appropriate statement. Any landlord, therefore, who improperly notices or neglects to notice a tenant in a controlled rental unit for which the landlord pays registration fees will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.
- (f) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1985, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner:
- (1) A late charge shall be assessed in an amount equal to five percent (5%) of the unpaid balance for each property including the unpaid balance remaining from unpaid

registration fees from prior years, for each month after the due date, until the fee is paid.

- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments for a period of ninety (90) days after the payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica.

(g) Registration Fee Waiver for Owner-Occupied Unit

- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least a twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer occupies the unit.

(h) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for the current fiscal year for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participating in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

(i) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens

- (1) The Board shall grant a waiver of the 1985 registration fee to the owner of any controlled rental unit which is rented to a low-income senior citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older. In addition, the tenant's gross household income shall not exceed \$12,032 for all members of a household, or \$10,500 for a single tenant. For the purposes of this section "gross household income" shall be and include the income of every member of the household received during the year,

including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) Application for determination of eligibility for fee waiver under this section shall be made upon a form approved by the Board.
- (4) Upon determination of eligibility for fee waiver as provided by Section 11006(i)(2), the Board shall notify the owner of the unit for which the fee waiver is granted and refund the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (5) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (6) Fee Waivers provided for under this section shall expire on August 31, 1986.

[11006 Adopted 6/20/85; Effective 7/26/85]

[11006(g) Amended 10/24/85; Effective 12/5/85]

#### **11007. Registration Fee Number 8**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1986 to June 30, 1987.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$84.00 for each rent controlled unit he/she owns in the City of Santa Monica.
- (c) Deadline for Payment of Registration Fees
  - (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1986, except insofar as he/she falls within the exceptions delineated in subsection (2) and (3) below. A landlord who does not pay the registration fees by August 1, 1986 shall not increase rents as provided by subsection (d) of this regulation at any time.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 1, 1986, the landlord shall pay prorated registration fees for the period of time between July 1, 1986 and June 30, 1987, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
  - (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program on the date of adoption of this regulation, but such fee waiver terminates on or after July, 1986, the landlord shall pay prorated registration fees for the period of time between July 1, 1986 and June 30, 1987, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (d) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of seven dollars (\$7.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented

on September 1, 1986, and must be terminated on August 31, 1987. Insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1987, and shall not exceed the amount of the registration fees paid by the landlord. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.

- (e) Notice Requirements A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1986, except insofar as the landlord falls within the exceptions delineated in subsections (c)(2) and (3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (c) of this regulation shall be deemed improper and the landlord shall be required to re-notice each tenant with an appropriate statement. Any landlord, therefore, who improperly notices or neglects to notice a tenant in a controlled rental unit for which the landlord pays registration fees will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.
- (f) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1986, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner:
- (1) A late charge shall be assessed in an amount equal to five percent (5%) of the unpaid balance for each property including the unpaid balance remaining from unpaid registration fees from prior years, for each month after the due date, until the fee is paid.
  - (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
  - (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (g) Registration Fee Waiver for Owner-Occupied Unit
- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least a twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
  - (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
  - (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.
  - (4) An owner-occupied fee waiver expires automatically when the owner no longer occupies the unit.

(h) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for the current fiscal year for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participating in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

(i) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens

- (1) The Board shall grant a waiver of the 1986-87 registration fee to the owner of any controlled rental unit which is rented to a low-income senior citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older. In addition, the tenant's gross household income shall not exceed \$12,032 for all members of a household, or \$10,500 for a single tenant. For the purposes of this section "gross household income" shall be and include the income of every member of the household received during the year, including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.
- (3) Application for determination of eligibility for fee waiver under this section shall be made upon a form approved by the Board.
- (4) Upon determination of eligibility for fee waiver as provided by Section 11007(i)(2), the Board shall notify the owner of the unit for which the fee waiver is granted and refund the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (5) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (6) Fee Waivers provided for under this section shall expire on August 31, 1987.

[11007 Adopted 7/3/86; Effective 7/12/86]

[11007(f)(2) Renumbered 11007(f)(3) 12/18/86; Effective 12/25/86]

[11007(f)(2) Adopted 12/18/86; Effective 12/25/86]

**11008. Registration Fee Number 9**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1987 to June 30, 1988.

- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$120.00 for each rent controlled unit he/she owns in the City of Santa Monica.
- (c) Liability The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of exiting law and does not impose any new requirements or limit any existing ones.
- (d) Deadline for Payment of Registration Fees
- (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1987, except insofar as he/she falls within the exceptions delineated in subsection (e) of this regulation at any time.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 1, 1987, the landlord shall pay prorated registration fees for the period of time between July 1, 1987 and June 30, 1987, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
  - (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program on the date of adoption of this regulation, but such fee waiver terminates on or after July, 1987, the landlord shall pay prorated registration fees for the period of time between July 1, 1987 and June 30, 1988, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (e) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid in accordance with the provisions of this regulation in the amount of ten dollars (\$10.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1987, and must be terminated on August 31, 1988. Insofar as the landlord fails within the exceptions delineated in subsections (c)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1988, and shall not exceed the amount of the registration fees paid by the landlord. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.
- (f) Notice Requirements A landlord shall notify each tenant of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state the landlord has paid the registration fee provided by this regulation on or before August 1, 1987, except insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord, therefore, who improperly notices or neglects to notice a tenant in a controlled rental unit for which the landlord pays registration fees will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.
- (g) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1987, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner:
- (1) A late charge shall be assessed in an amount equal to five percent (5%) of the unpaid

balance for each property including the unpaid balance remaining from unpaid registration fees from prior years, for each month after the due date, until the fee is paid.

- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit acceptance of a petition for exemption or an objection petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver for Owner-Occupied Unit

- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least a twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for the current fiscal year for any controlled rental unit participating in a Federal and /or State Funded Subsidy Program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of part or all of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participating in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

(j) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens

- (1) The Board shall grant a waiver of the 1987-88 registration fee to the owner of any controlled rental unit which is rented to a low-income senior citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the



subject unit must be sixty-two (62) years of age or older. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$12,550
2	14,350
3	16,150
4	17,950
5	19,400
6	20,800
7	22,250
8 or more	23,700

For the purposes of this section "gross household income" shall be and include the income of every member of the household received during the year, including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) Application for determination of eligibility for fee waiver under this section shall be made on a form approved by the Board.
- (4) Upon determination of eligibility for fee waiver as provided by §11008(1)(2), the Board shall notify the owner of the unit for which the fee waiver is granted and refund the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (5) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (6) Fee Waivers provided for under this section shall expire on August 31, 1988.

(k) Registration Fee Waiver for Units Occupied by Low Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1987-88 registration fee to the owner of any controlled rental unit which is rented to a low-income disabled citizen upon receipt of a completed application which demonstrates eligibility under this section.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$12,550
2	14,350
3	16,150
4	17,950
5	19,400
6	20,800
7	22,250
8 or more	23,700

For the purposes of this section, "gross household income" shall be and include the incomes of every member of the household received during the year, including, but not

limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped impairment" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory, including speech organs; cardio-vascular; reproductive; digestive, genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, muscular sclerosis, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver. No fee waiver shall be granted for fees which are delinquent.
- (10) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee waivers provided for under this section shall expire on August 31, 1988.

[11008 Adopted 6/25/87; Effective 7/7/87]

[11008(k) Adopted 7/9/87; Effective 7/17/87]

[11008(j)(2) Amended 7/9/87; Effective 7/26/87]

**11009. Registration Fee Number 10**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1988 to June 30, 1989.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$144.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit any existing ones.
- (d) Deadline for Payment of Registration Fees
- (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1988, except insofar as he/she falls within the exceptions delineated in subsection (2) and (3) below.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 1, 1988, the landlord shall pay prorated registration fees for the period of time between July 1, 1988 and June 30, 1989, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
  - (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program or for a Low Income Disabled Citizen or for a Low Income Senior Citizen on the date of adoption of this regulation, but such fee waiver terminates on or after July, 1988, the landlord shall pay prorated registration fees for the period of time between July 1, 1988 and June 30, 1989, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.
- (e) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid for the entire property in accordance with the provisions of this regulation in the amount of twelve dollars (\$12.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1988, and must be terminated on August 31, 1989. Insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1989, and shall not exceed twelve dollars per month for each month for which fees are charged. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment. A landlord may not obtain a fee waiver under subsections (i), or (j) below after August 1, 1988 for any fees not paid in full by that date. A landlord who does not pay the registration fees by the deadline set forth in subsection (d) above shall not increase rents as provided by this subsection (e) at any time.
- (f) Notice Requirements A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state the landlord has paid the registration fee provided by this regulation on or before August 1, 1988, except insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (d)(3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date

on which such payment was made. A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1988, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is sooner:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from unpaid registration fees and penalties from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit acceptance of an application for exemption or an objection petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver for Owner-Occupied Unit

- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least a twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of

perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.

- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

(j) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens or Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1988-89 registration fee which would be eligible for pass-through to the tenant to the owner of any controlled rental unit which is rented to a low-income senior citizen or to a low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$12,550
2	14,350
3	16,150
4	17,950
5	19,400
6	20,800
7	22,250
8 or more	23,700

For the purposes of this section "gross household income" shall be and include the income of every member of the household received during the year, including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory, including speech organs; cardio-vascular; reproductive; digestive, genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, muscular sclerosis, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.

- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund the portion of the registration fee for the eligible unit which would have been passed through to the tenant under subparagraph (e) above. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (10) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee Waivers provided for under this section shall expire on August 31, 1989 or whenever the tenant for whom the application was granted vacates the unit, whichever comes first.
- (k) No fee waiver for owner-occupancy under subsection (h) or for government rent subsidy under subsection (i) will be granted for any rental unit which is not properly registered, as defined by Regulation 13002.
- (l) A landlord who has been granted a fee waiver must notify the Board within thirty (30) days of the expiration of such fee waiver, if the fee waiver expires before August 31, 1989.

[11009 Adopted 6/9/88; Effective 6/18/88]

**11010. Registration Fee Number 11**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1989 to June 30, 1990.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$144.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit any existing ones.

(d) Deadline for Payment of Registration Fees

- (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1989, except insofar as he/she falls within the exceptions delineated in subsection (2) and (3) below.
- (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of adoption of this regulation, but which exemption lapses on or after August 31, 1989, the landlord shall pay prorated registration fees for the period of time between September 1, 1989 and August 31, 1990, that such unit is not exempt from the Rent Control law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.
- (3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program or for a Low Income Disabled Citizen or for a Low Income Senior Citizen on the date of adoption of this regulation, but such fee waiver terminates on or after September 1, 1989, the landlord shall pay prorated registration fees for the period of time between September 1, 1989 and August 31, 1990, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.

(e) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid for the entire property in accordance with the provisions of this regulation in the amount of twelve dollars (\$12.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1989, and must be terminated on August 31, 1990. Insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (3) above, the rent increases may be noticed immediately following the payment of fees. Such rent increases shall not extend beyond August 31, 1989, and shall not exceed twelve dollars per month for each month for which fees are charged. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment. A landlord who does not pay the registration fees by the deadline set forth in subsection (d) above shall not increase rents as provided by this subsection (e) at any time.

(f) Notice Requirements A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code §827. Additionally, the notice must state the landlord has paid the registration fee provided by this regulation on or before August 1, 1989, except insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (d)(3) above, in which case the notice must state that the landlord has paid the registration fee in accordance with this regulation and must state the date on which such payment was made. A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1989, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general

or individual rent adjustments until payment of registration fees for all of his/her controlled rental units in the City of Santa Monica.

- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver for Owner-Occupied Unit

- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if said landlord(s) occupying the unit own(s) at least a twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees for a controlled rental unit pursuant to this regulation shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participating in such program.

(j) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens or Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1989-90 registration fee which would be eligible for pass-through to the tenant to the owner of any controlled rental unit which is rented to a low-income senior citizen or to a low-income disabled citizen.



- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$13,950
2	15,950
3	17,950
4	19,950
5	21,550
6 or more	23,150

For the purposes of this section "gross household income" shall be and include the income of every member of the household received during the year, including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory, including speech organs; cardio-vascular; reproductive; digestive, genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, muscular sclerosis, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
- (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.

- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund the portion of the registration fee for the eligible unit which would have been passed through to the tenant under subparagraph (e) above. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (10) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee Waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
- (12) Tenants who have received fee waivers under Regulation 11009(j) may renew the fee waiver for 1989-1990 without filing a complete new application, provided that they cooperate with the Board in verifying continued eligibility.
- (k) No fee waiver for owner-occupancy under subsection (h) or for government rent subsidy under subsection (i) will be granted for any rental unit which is not properly registered, as defined by Regulation 13002.
- (l) A landlord who has been granted a fee waiver for owner occupancy, for government funded rent subsidy program participation or for low income senior citizen or disabled tenants must notify the Board within thirty (30) days of the expiration of such fee waiver.

[11010 Adopted 6/8/89; Effective 6/22/89]

**11011. Registration Fee Number 12**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1990 to June 30, 1991.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$144.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
  - (1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1990, except insofar as he/she falls within the exceptions of subsection (2) and (3) below.
  - (2) If a landlord has been granted an exemption of a controlled rental unit by the Board which exemption is valid on the date of the adoption of this regulation, but which exemption lapses on or after August 31, 1990, the landlord shall pay prorated registration fees for the period of time between September 1, 1990 and August 31, 1991, that such unit is not exempt from the Rent Control Law. Such prorated fees shall become due and owing thirty (30) days following the date on which an exemption lapses.

(3) If a landlord has been granted a fee waiver for an owner-occupied unit or for a unit participating in a government funded rent subsidy program or for a Low Income Disabled Citizen or for a Low Income Senior Citizen on the date of adoption of this regulation, but such fee waiver terminates on or after September 1, 1990, the landlord shall pay prorated registration fees for the period of time between September 1, 1990 and August 31, 1991, that the unit is not eligible for a fee waiver. Such prorated fees shall become due and owing thirty (30) days following the date on which the fee waiver terminates.

(e) Registration Fee Pass-Through A landlord may increase the rent on any controlled rental unit for which the registration fee has been paid for the entire property in accordance with the provisions of this regulation in the amount of twelve dollars (\$12.00) per month, provided that all past registration fees and/or penalty fees have been paid as well. The rent increase provided by this subsection may be implemented on September 1, 1990, and must be terminated on August 31, 1991. Insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (3) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1991, and shall not exceed twelve dollars per month for each month for which fees are charged. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment. A landlord who does not pay the registration fees by the deadline set forth in subsection (d) shall not increase rents as provided by this subsection (e) at any time.

(f) Notice Requirements A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state the landlord has paid the registration fee provided by this regulation on or before August 1, 1990, except insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (d)(3) above, in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees If a landlord does not pay the registration fees by August 1, 1990, or within thirty (30) days of lapse of an exemption or fee waiver, whichever is applicable:

(1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.

(2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.

(3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit

- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the landlord(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Occupied by Low-Income Senior Citizens or Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1990-91 registration fee for a controlled rental unit which is rented to a low-income senior or disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$14,600
2	16,700
3	18,750
4	20,850
5	22,500
6 or more	24,200

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive, genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.

- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund the portion of the registration fee for the eligible unit which would have been passed through to the tenant under subparagraph (e) above. The amount of the refund shall be calculated on a prorated 12-month basis, commencing with the month following determination of eligibility for the fee waiver.
- (10) Upon receipt of a registration fee refund as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
- (12) Tenants who have received fee waivers under Regulation 11010(j) may renew the fee waiver for 1990-1991 without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (j) Notice of Expiration of Fee Waiver A landlord who has been granted a fee waiver for owner-occupancy or for low-income senior or disabled tenants must notify the board within thirty (30) days of the expiration of such fee waiver.

(11011 Adopted 6/7/90; Effective 6/18/90)

**11012. Registration Fee Number 13**

- (a) Purpose. The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1991 to June 30, 1992.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$132.00 for each controlled rental unit he/she owns in the City of Santa Monica.

(c) Liability The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.

(d) Deadline for Payment of Registration Fees

(1) A landlord shall pay all registration fees due and owing pursuant to this regulation on or before August 1, 1991 except insofar as he/she falls within the exceptions of subsection (2) and (3) below.

(2) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses on or after July 1, 1991, the landlord shall pay prorated registration fees for the period of time between July 1, 1991 and June 30, 1992, that such unit is not exempt from the Rent Control Law. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.

(3) If any registration fee waiver expires on or after July 1, 1991, the landlord shall pay prorated registration fees for the balance of the 1991-92 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.

(e) Registration Fee Pass-Through

A landlord may increase the rent on any controlled rental unit by eleven dollars (\$11.00) per month, in accordance with the provisions of this regulation, provided all current and past registration fees and penalties for the property have been paid. The rent increase provided by this subsection may be implemented on September 1, 1991, and must be terminated on August 31, 1992. Insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (3) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1992, and shall not exceed eleven dollars (\$11.00) per month. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment. A landlord who does not pay the registration fees by the deadline set forth in subsection (d) shall not increase rents as provided by this subsection at any time.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state the landlord has paid the registration fee provided by this regulation on or before August 1, 1991, unless the landlord falls within the exceptions in subsections (d)(2) and (d)(3), in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

If a landlord does not pay the registration fees by August 1, 1991, or within thirty (30) days

following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit

- (1) One or more landlords may claim a registration fee waiver for one (1) unit, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the landlord(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.

- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participation in such program.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1991-92 registration fee for a controlled rental unit which is rented to a very low-income senior or a very low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$15,250
2	17,400
3	19,550
4	21,750
5	23,500
6 or more	25,250

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include



one of the following:

- (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund a portion of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (10) Upon the granting of a registration fee waiver as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee Waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
- (12) Tenants who have received fee waivers under Regulation 11010(j) may renew the fee waiver for 1991-1992 without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (k) Notice of Expiration of Fee Waiver A landlord who has been granted a fee waiver for owner-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the board within thirty (30) days of the expiration of such fee waiver.

[11012 Adopted 6/13/91; Effective 6/27/91]

### **11013. Registration Fee Number 14**

- (a) Purpose The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1992 to June 30, 1993.
- (b) Amount of Registration Fee A landlord shall pay to the Santa Monica Rent Control Board the amount of \$132.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
  - (1) All registration fees are due and owing pursuant to this regulation as of July 1, 1992, and must be received in the office of the Rent Control Board no later than August 3, 1992, except as provided in subsections (2) and (3) below.
  - (2) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses on or after July 1, 1992, the landlord shall pay prorated

registration fees for the period of time between July 1, 1992 and June 30, 1993 that such unit is not exempt from the Rent Control Law. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.

- (3) If any registration fee waiver expires on or after July 1, 1992, the landlord shall pay prorated registration fees for the balance of the 1992-93 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.

(e) Registration Fee Pass-Through

A landlord may increase the rent on any controlled rental unit by eleven dollars (\$11.00) per month, in accordance with the provisions of this regulation, provided all current and past registration fees and penalties for the property have been timely paid in accordance with subsection (d) above; however, if a landlord does not pay the registration fees by the deadline set forth in subsection (d) above, that landlord shall not increase rents as provided by this subsection at any time. The rent increase provided by this subsection may be implemented on September 1, 1992, and must be terminated on August 31, 1993. Insofar as the landlord falls within the exceptions delineated in subsections (d)(2) and (3) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1993, and shall not exceed eleven dollars (\$11.00) per month. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation.

The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 3, 1992, unless the landlord falls within the exceptions in subsections (d)(2) and (d)(3), in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper, and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

Registration fees will be considered delinquent if not received prior to the August 1992 rebilling date, or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no

hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit

- (1) One or more owners may claim a registration fee waiver for one (1) unit, if that unit is occupied by the owner(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the owner(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State Funded Subsidy Program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participation in such program.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1992-93 registration fee for a controlled rental unit which is rented to a very low-income senior or a very low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the

subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$15,250
2	17,400
3	19,550
4	21,750
5	23,500
6 or more	25,250

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund a portion

of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.

- (10) Upon the granting of a registration fee waiver as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
  - (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
  - (12) Tenants who have received fee waivers under Regulation 11012(j) may renew the fee waiver for 1992-1993 without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (k) Notice of Expiration of Fee Waiver A landlord who has been granted a fee waiver for owner-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the board within thirty (30) days of any change in the conditions upon which such fee waiver was based.

[11013 Adopted 6/4/92; Effective 6/20/92]

#### **11014. Registration Fee Number 15.**

- (a) Purpose. The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1993 to June 30, 1994.
- (b) Amount of Registration Fee. A landlord shall pay to the Santa Monica Rent Control Board the amount of \$156.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability. The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
  - (1) All registration fees are due and owing pursuant to this regulation as of July 1, 1993, and must be received in the office of the Rent Control Board, or mailed and postmarked, no later than August 2, 1993, except as provided in subsections (3) and (4) below.
  - (2) No exceptions to, nor extensions of, the deadline set forth in subsection 11014(d)(1) above shall be granted.
  - (3) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses on or after July 1, 1993, the landlord shall pay prorated registration fees for the period of time between July 1, 1993 and June 30, 1994 that such unit is not exempt from the Rent Control Law. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
  - (4) If any registration fee waiver expires on or after July 1, 1993, the landlord shall pay prorated registration fees for the balance of the 1993-94 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.

(e) Registration Fee Pass-Through.

A landlord may increase the rent on any controlled rental unit by thirteen dollars (\$13.00) per month, in accordance with the provisions of this regulation, provided all current and past registration fees and penalties for the property have been timely paid in accordance with subsection (d) above; however, if a landlord does not pay the registration fees by the deadline set forth in subsection (d) above, that landlord shall not increase rents as provided by this subsection at any time. The rent increase provided by this subsection may be implemented on September 1, 1993, and must be terminated on August 31, 1994. Insofar as the landlord falls within the exceptions delineated in subsections (d)(3) and (4) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1994, and shall not exceed thirteen dollars (\$13.00) per month. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation. The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 2, 1993, unless the landlord falls within the exceptions in subsections (d)(3) and (d)(4), in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper, and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

Registration fees will be considered delinquent if not received prior to the August 1993 rebilling date, or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit.

- (1) One or more owners may claim a registration fee waiver for one (1) unit, if that unit is occupied by the owner(s) as his/her principal place of residence. A unit may be

considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the owner(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.

- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State funded subsidy program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participation in such program.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1993-94 registration fee for a controlled rental unit which is rented to a very low-income senior or a very low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$ 16,900
2	19,300
3	21,750
4	24,150
5	26,100
6 or more	28,000

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund a portion of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (10) Upon the granting of a registration fee waiver as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
- (12) Tenants who have received fee waivers under Regulation 11013(j) may renew the fee waiver for 1993-1994 without filing a complete new application provided that they



cooperate with the Board in verifying continued eligibility.

- (k) Notice of Expiration of Fee Waiver. A landlord who has been granted a fee waiver for owner-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the board within thirty (30) days of any change in the conditions upon which such fee waiver was based.

[11014 Adopted 6/3/93; Effective 6/17/93]

**11015. Registration Fee Number 16.**

- (a) Purpose. The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1994 to June 30, 1995.
- (b) Amount of Registration Fee. A landlord shall pay to the Santa Monica Rent Control Board the amount of \$156.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability. The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
- (1) All registration fees are due and owing pursuant to this regulation as of July 1, 1994, and must be received in the office of the Rent Control Board, or mailed and postmarked, no later than August 1, 1994, except as provided in subsections (d)(3) and (4), and subsection (l) below.
- (2) No exceptions to, nor extensions of, the deadline set forth in subsection 11015(d)(1) above shall be granted.
- (3) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses on or after July 1, 1994, the landlord shall pay prorated registration fees for the period of time between July 1, 1994 and June 30, 1995 that such unit is not exempt from the Rent Control Law. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
- (4) If any registration fee waiver expires on or after July 1, 1994, the landlord shall pay prorated registration fees for the balance of the 1994-95 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.
- (e) Registration Fee Pass-Through.

A landlord may increase the rent on any controlled rental unit by thirteen dollars (\$13.00) per month, in accordance with the provisions of this regulation, provided all current and past registration fees and penalties for the property have been timely paid in accordance with subsection (d) above; however, if a landlord does not pay the registration fees by the deadline set forth in subsection (d) above, that landlord shall not increase rents as provided by this subsection at any time. The rent increase provided by this subsection may be implemented on September 1, 1994, and must be terminated on August 31, 1995. Insofar as the landlord falls within the exceptions delineated in subsections (d)(3) and (4) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1995, and shall not exceed thirteen dollars (\$13.00) per month. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a

landlord is entitled pursuant to the General Adjustment.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation.

The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1994, unless the landlord falls within the exceptions in subsections (d)(3) and (d)(4), in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper, and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

Registration fees will be considered delinquent if not received prior to the August 1, 1994 rebilling date, as set forth in subsection (d)(1) above, or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit.

- (1) One or more owners may claim a registration fee waiver for one (1) unit, if that unit is occupied by the owner(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the owner(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the

determination of eligibility for the fee waiver.

- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State funded subsidy program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participation in such program.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1994-95 registration fee for a controlled rental unit which is rented to a very low-income senior or a very low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$ 17,766
2	20,304
3	22,842
4	25,380
5	27,157
6 or more	28,933

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

The tenant shall provide appropriate evidence of gross household income, including, if necessary, third-party income verification, consistent with the relevant portions of Board regulation 17304.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.

- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund a portion of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (10) Upon the granting of a registration fee waiver as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
- (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
- (12) Tenants who have received fee waivers under Regulation 11014(j) may renew the fee waiver for 1994-1995 without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (k) Notice of Expiration of Fee Waiver. A landlord who has been granted a fee waiver for owner-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the board within thirty (30) days of any change in the conditions upon which such fee waiver was based.
- (l) Earthquake Damaged Units. The landlord of any residential rental unit that is currently deemed uninhabitable as a result of the January 17, 1994 "Northridge" earthquake, or its immediate aftershocks, shall not be obligated to pay registration fees for any unit deemed uninhabitable.
  - (1) "Deemed uninhabitable" means that the subject unit(s) is currently red- or yellow-tagged by the City of Santa Monica Department of Building and Safety.

- (2) Upon a determination by the City Building and Safety Department that the subject unit(s) is habitable (i.e. green-tagged), on or after July 1, 1994, the landlord shall pay prorated registration fees for the period of time between July 1, 1994 and June 30, 1995 that such unit(s) is habitable. Such prorated fees are due at the start of the next calendar month following the habitability determination. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
- (3) The landlord may pass through any prorated fees consistent with subsection (e) above, provided proper notice is given to the tenants pursuant to Civil Code section 827 and subsection (f) of this Regulation.

[11015 Adopted 6/9/94; Effective 6/23/94]

**11016. Registration Fee Number 17.**

- (a) Purpose. The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1995 to June 30, 1996.
- (b) Amount of Registration Fee. A landlord shall pay to the Santa Monica Rent Control Board the amount of \$156.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability. The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
  - (1) All registration fees are due and owing pursuant to this regulation as of July 3, 1995, and must be received in the office of the Rent Control Board, or mailed and postmarked, no later than August 1, 1995, except as provided in subsections (3) and (4) below, and subsection (l) below.
  - (2) No exceptions to, nor extensions of, the deadline set forth in subsection (1) above shall be granted.
  - (3) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses on or after July 1, 1995, the landlord shall pay prorated registration fees for the period of time between July 1, 1995 and June 30, 1996 that such unit is not exempt from the Rent Control Law. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
  - (4) If any registration fee waiver expires on or after July 3, 1995, the landlord shall pay prorated registration fees for the balance of the 1995-96 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.
- (e) Registration Fee Pass-Through.

A landlord may increase the rent on any controlled rental unit by thirteen dollars (\$13.00) per month, in accordance with the provisions of this regulation, provided all current and past registration fees and penalties for the property have been timely paid in accordance with subsection (d) above; however, if a landlord does not pay the registration fees by the deadline set forth in subsection (d) above, that landlord shall not increase rents as provided by this subsection at any time. The rent increase provided by this subsection may be implemented on September 1,

1995, and must be terminated on August 31, 1996. Insofar as the landlord falls within the exceptions delineated in subsections (d)(3) and (4) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1996, and shall not exceed thirteen dollars (\$13.00) per month. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation.

The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1995, unless the landlord falls within the exceptions in subsections (d)(3) and (d)(4), in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper, and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

Registration fees will be considered delinquent if not received prior to the August 1, 1995 rebilling date, as set forth in subsection (d)(1) above, or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit.

- (1) One or more owners may claim a registration fee waiver for one (1) unit, if that unit is occupied by the owner(s) as his/her principal place of residence. A unit may be considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the owner(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.

- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the determination of eligibility for the fee waiver.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in a Federal and/or State funded subsidy program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish participation in a rent subsidy program or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (3) A fee waiver for a unit participating in a government funded rent subsidy program expires automatically upon termination of participation in such program.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1995-96 registration fee for a controlled rental unit which is rented to a very low-income senior or a very low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$ 21,546
2	24,624
3	27,702
4	30,780
5	32,935
6 or more	35,089

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, interest, capital gains and inheritances.

The tenant shall provide appropriate evidence of gross household income, including, if

necessary, third-party income verification, consistent with the relevant portions of Board regulation 17304.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
  - (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
  - (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
  - (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
  - (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
  - (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
    - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
    - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
  - (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund a portion of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
  - (10) Upon the granting of a registration fee waiver as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.
  - (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit.
  - (12) Tenants who have received fee waivers under Regulation 11015(j) may renew the fee waiver for 1995-1996 without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (k) Notice of Expiration of Fee Waiver. A landlord who has been granted a fee waiver for owner-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the board within thirty (30) days of any change in the conditions upon which such fee waiver was based.



- (l) Earthquake Damaged Units. The landlord of any residential rental unit that is currently deemed uninhabitable as a result of the January 17, 1994 "Northridge" earthquake, or its immediate aftershocks, shall not be obligated to pay registration fees for any unit deemed uninhabitable.
- (1) "Deemed uninhabitable" means that the subject unit(s) is currently red- or yellow-tagged by the City of Santa Monica Department of Building and Safety.
  - (2) Upon a determination by the City Building and Safety Department that the subject unit(s) is habitable (i.e. green-tagged), on or after July 3, 1995, the landlord shall pay prorated registration fees for the period of time between July 3, 1995 and June 30, 1996 that such unit(s) is habitable. Such prorated fees are due at the start of the next calendar month following the habitability determination. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
  - (3) The landlord may pass through any prorated fees consistent with subsection (e) above, provided proper notice is given to the tenants pursuant to Civil Code section 827 and subsection (f) of this Regulation.

[11016 Adopted 6/8/95; Effective 6/21/95]

**11017. Registration Fee Number 18.**

- (a) Purpose. The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the fiscal year of July 1, 1996 to June 30, 1997.
- (b) Amount of Registration Fee. A landlord shall pay to the Santa Monica Rent Control Board the amount of \$144.00 for each controlled rental unit he/she owns in the City of Santa Monica.
- (c) Liability. The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing on the property for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
  - (1) All registration fees are due and owing pursuant to this regulation as of July 1, 1996, and must be received in the office of the Rent Control Board, or mailed and postmarked, no later than August 1, 1996, except as provided in subsections (3) and (4) below, and subsection (l) below.
  - (2) No exceptions to, nor extensions of, the deadline set forth in subsection (1) above shall be granted.
  - (3) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses on or after July 1, 1996, the landlord shall pay prorated registration fees for the period of time between July 1, 1996 and June 30, 1997 that such unit is not exempt from the Rent Control Law. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
  - (4) If any registration fee waiver expires on or after July 1, 1996, the landlord shall pay prorated registration fees for the balance of the 1996-97 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.

(e) Registration Fee Pass-Through.

A landlord may increase the rent on any controlled rental unit by twelve dollars (\$12.00) per month, in accordance with the provisions of this regulation, provided all current and past registration fees and penalties for the property have been timely paid in accordance with subsection (d) above; however, if a landlord does not pay the registration fees by the deadline set forth in subsection (d) above, that landlord shall not increase rents as provided by this subsection at any time. The rent increase provided by this subsection may be implemented on September 1, 1996, and must be terminated on August 31, 1997. Insofar as the landlord falls within the exceptions delineated in subsections (d)(3) and (4) above, the rent increases may be noticed immediately following the payment of the fees. Such rent increases shall not extend beyond August 31, 1997, and shall not exceed twelve dollars (\$12.00) per month. The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation.

The notice must comply with all requirements set forth in Civil Code Section 827. Additionally, the notice must state that the landlord has paid the registration fee provided by this regulation on or before August 1, 1996, unless the landlord falls within the exceptions in subsections (d)(3) and (d)(4), in which case the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper, and the landlord shall be required to renotice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

Registration fees will be considered delinquent if not received prior to the August 1, 1996 rebilling date, as set forth in subsection (d)(1) above, or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the fee is paid.
- (2) That landlord may not increase rent for any controlled rental unit pursuant to any Board approved general or individual rent adjustments until payment of registration fees for all controlled rental units on the subject property.
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Owner-Occupied Unit.

- (1) One or more owners may claim a registration fee waiver for one (1) unit, if that unit is occupied by the owner(s) as his/her principal place of residence. A unit may be

considered owner-occupied for the purpose of qualifying for a registration fee waiver only if the owner(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.

- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) A claim of registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the determination of eligibility for the fee waiver.
- (4) An owner-occupied fee waiver expires automatically when the owner no longer owns or occupies the unit.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating in, or occupied by a tenant receiving a rent subsidy under, a Federal and/or State funded subsidy program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.
- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish a unit's or tenant's participation in a rent subsidy program, or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the owner of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (3) A fee waiver for a tenant receiving a rent subsidy under, or for a unit participating in, a government funded rent subsidy program expires automatically upon termination of participation in such program. If the fee waiver is based upon the occupancy of the unit by a tenant receiving a rent subsidy, a fee waiver will also expire automatically if such tenant no longer occupies the unit.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- (1) The Board shall grant a waiver of the 1996-97 registration fee for a controlled rental unit which is rented to a very low-income senior or a very low-income disabled citizen.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "handicapped individual" as defined below. In addition, the tenant's gross household income shall not exceed the following:

<u>Family Size</u>	<u>Maximum Income</u>
1	\$ 21,546
2	24,624

3	27,702
4	30,780
5	32,935
6 or more	35,089

For the purposes of this section "gross household income" shall include the income every member of the household received during the year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities, retirement benefits, social security payments, disability payments, life insurance benefits, gifts, interest, capital gains and inheritances.

The tenant shall provide appropriate evidence of gross household income, including, if necessary, third-party income verification, consistent with the relevant portions of Board regulation 17304.

- (3) A "handicapped individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; and endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the owner of the unit for which the fee waiver is granted and refund a portion of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (10) Upon the granting of a registration fee waiver as provided under this section, the owner will cease charging the tenant the monthly prorated registration fee.

- (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit or no longer meets the applicable qualifications.
- (12) Tenants who have received fee waivers under Regulation 11016(j) may renew the fee waiver for 1996-1997 without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (k) Notice of Expiration of Fee Waiver. A landlord who has been granted a fee waiver for owner-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the Board within thirty (30) days of any change in the conditions upon which such fee waiver was based.
- (l) Earthquake Damaged Units. The landlord of any residential rental unit that is currently deemed uninhabitable as a result of the January 17, 1994 "Northridge" earthquake, or its immediate aftershocks, shall not be obligated to pay registration fees for any unit deemed uninhabitable.
  - (1) "Deemed uninhabitable" means that the subject unit(s) is currently red- or yellow-tagged by the City of Santa Monica Department of Building and Safety.
  - (2) Upon a determination by the City Building and Safety Department that the subject unit(s) is habitable (i.e. green-tagged), on or after July 1, 1996, the landlord shall pay prorated registration fees for the period of time between July 1, 1996 and June 30, 1997 that such unit(s) is habitable. Such prorated fees are due at the start of the next calendar month following the habitability determination. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
  - (3) The landlord may pass through any prorated fees consistent with subsection (e) above, provided proper notice is given to the tenants pursuant to Civil Code section 827 and subsection (f) of this Regulation.

[11017 Adopted 6/6/96; Effective 6/15/96]

**11100. Filing Fees**

- (a) Purpose. This regulation is adopted to provide for the charging and collection of fees pursuant to §1803(n) of the Rent Control Charter Amendment authorizing the Board to establish a fee to offset reasonable and necessary expenses in the administration of the Rent Control Law.
- (b) Threshold Rent Increase Petitions.
  - (1) Upon filing of a petition pursuant to Regulation 3300 to increase the maximum allowable rent to the threshold level, the owner or authorized representative shall pay a non-refundable filing fee of one hundred dollars (\$100) per petition.
  - (2) The filing fee shall be paid concurrently with the submission of the petition for filing. The petition shall not be processed without full payment of the fee and the petition shall not be deemed filed until such payment is received.
- (c) Potentially Hazardous Structure Mitigation Program
  - (1) Upon filing of a petition pursuant to Regulation 4113B to increase the maximum allowable rent to compensate for the costs mandated by City ordinance for the mitigation of potentially hazardous structures, the landlord or authorized representative shall pay a non-refundable filing fee as set forth below:

- (i) The filing fee shall be one hundred dollars (\$100)
  - (ii) For properties between eleven (11) and fifteen (15) units, the filing fee shall be one hundred and fifty dollars (\$150);
  - (iii) For properties with sixteen (16) or more units, the filing fee shall be two hundred dollars (\$200).
- (2) The filing fee shall be paid concurrently with the submission of the petition for filing. The petition shall not be processed without full payment of the fee and the petition shall not be deemed filed until such payment is received.

[11100 Adopted 6/8/95; Effective 6/21/95]

**11200. Registration Fee**

- (a) Purpose. The registration fee provided by this regulation shall finance the reasonable and necessary expenses of the Santa Monica Rent Control Board for the regulation of controlled rental units in Santa Monica.
- (b) Amount of Registration Fee. The annual registration fee for each controlled rental unit in the City of Santa Monica, with the exception of those units which meet the criteria in Regulation 11201, shall be \$174.96 per fiscal year, payable by the landlord of each unit. The Board's fiscal year begins on July 1 of each calendar year and ends on June 30 of the next calendar year. Should the annual registration fee increase occasioned by this subsection be held invalid by a court of competent jurisdiction, it shall revert to \$156, which was the amount of the fee that last applied before the fee was increased.
- (c) Liability. The current landlord is jointly and severally liable, along with the former landlord or landlords, for payment of any unpaid registration fees and penalties owing for the controlled unit(s) for prior years. This requirement of joint and several liability is declarative of existing law and does not impose any new requirements or limit existing ones.
- (d) Deadline for Payment of Registration Fees
  - (1) All registration fees are due and owing pursuant to this regulation as of July 1 of each year, and must be received in the office of the Rent Control Board, or mailed and postmarked, no later than August 1, of each year.
    - (i) For years in which August 1 falls on a day of the week when the Board's offices are closed to the public, fee payments must be received in the Board's office, or mailed and postmarked, no later than the first day after August 1 that the Board's offices are open to the public.
    - (ii) The deadline set forth herein is subject to the exceptions as provided in subsections (d)(2), (3) and (4), and subsection (l) below.
  - (2) Except in extraordinary circumstances, and at the discretion of the Administrator, no exceptions to, nor extensions of, the deadline set forth in subsection (1) above shall be granted.
  - (3) If a landlord has been granted an exemption for a controlled rental unit by the Board which exemption lapses, the landlord shall pay prorated registration fees for the balance of the fiscal year in which the exemption lapsed. Such prorated fees are due at the start of the next calendar month following the lapse. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.

- (4) If any registration fee waiver expires, the landlord shall pay prorated registration fees for the balance of the fiscal year in which the waiver expires. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.
- (5) If a unit is returned to the rental market pursuant to Chapter 16, the landlord shall pay registration fees for the balance of the fiscal year remaining thirty (30) days after the filing of the Notice of Intention to Re-Rent Withdrawn Accommodations for the subject property. Such prorated fees are due at the start of the next calendar month and are past due and delinquent if not paid in full within thirty (30) days.
- (6) If a newly constructed unit is offered for rent or lease and is subject to the Rent Control Law in accordance with Regulation 1631, the landlord shall pay registration fees for the balance of the fiscal year remaining after the unit is first offered for rent or lease. Such prorated fees are due at the start of the next calendar month and are past due and delinquent if not paid in full within thirty (30) days.

(e) Registration Fee Pass-Through.

- (1) After timely paying all current and past registration fees and penalties for a property in accordance with subdivisions (b) and (d) above, the landlord may pass through to that property's tenants a registration-fee surcharge as permitted by Charter Section 1803(n). If implemented by the landlord, this surcharge may not exceed fifty percent of the fee actually paid by the landlord with respect to the affected tenant's unit, and must be charged in twelve equal monthly installments. This surcharge shall not apply to any controlled rental unit for which a fee waiver is in effect. As to any unit for which a fee waiver was in effect for only part of the applicable registration-fee year, the landlord may impose the registration fee surcharge only for those months when the waiver was not in effect, as permitted by paragraph (4) of this subdivision. A landlord may not pass through to tenants any previous year's registration fee, nor any penalty imposed by the Board due to the landlord's late payment of registration fees.
- (2) If a landlord does not pay the registration fees for any fiscal year by the deadline set forth in subdivision (d) above, that landlord is forbidden to pass through to tenants any portion of the registration-fee as provided by this subdivision for that fiscal year, unless authorized by the Administrator pursuant to subdivision (d)(2), above.
- (3) The rent increase provided by this subdivision may be implemented on September 1 of the year for which the landlord has timely paid registration fees pursuant to subdivision (d) above.
- (4) For any unit as to which the landlord pays a prorated registration fee under subdivisions (d)(3) or (4) above, the landlord may, immediately following the payment of those fees, give the affected tenant notice of the intent to impose the registration-fee surcharge permitted by this subdivision. The surcharge shall not exceed the monthly amount that would have applied under paragraph (1) of this subdivision if the landlord had paid the registration fee for the entire year.
- (5) The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the General Adjustment.

(f) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation.

The notice must comply with all requirements set forth in Civil Code Section 827. The notice must state that the landlord has paid the registration fee provided by this regulation on or before the deadline set forth in subsection (d)(1) above. If the landlord falls within the exceptions in

subsections (d)(2), (3) and (d)(4), the notice must state that the landlord has paid the fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subsection (d) of this regulation shall be deemed improper, and the landlord shall be required to re-notice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

(g) Delinquent Registration Fees

Registration fees will be considered delinquent if not received on or before the deadlines as provided in subsection (d)(1) above, or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable:

- (1) A late charge shall be assessed in an amount equal to four percent (4%) of the unpaid balance of registration fees and penalties, including the unpaid balance of registration fees and penalties remaining from prior years, for each month after the due date, until the entire balance owed is paid.
- (2) A landlord may not increase rent for any controlled rental unit pursuant to any Board approved general or individual rent adjustments until payment has been made of all registration fees and penalties owed for the controlled rental unit(s).
- (3) No petition, application, claim or request shall be accepted from any landlord, and no hearing or other proceeding shall be scheduled or take place on any such petition, application, claim or request until the landlord has paid the registration fees for all of his/her controlled rental units in the City of Santa Monica. The administrator may, for good cause, permit the acceptance of an application or petition notwithstanding nonpayment of fees. Such acceptance may be subject to reasonable conditions, including, but not necessarily limited to partial payment of fees owing.

(h) Registration Fee Waiver For Landlord-Occupied Unit.

- (1) Landlords may apply for a registration fee waiver for one (1) unit each, if that unit is occupied by the landlord(s) as his/her principal place of residence. A unit may be considered landlord-occupied for the purpose of qualifying for a registration fee waiver only if the landlord(s) occupying the unit own(s) at least twenty-five percent (25%) interest in the property. If two or more landlords occupy a single unit on the property, those landlords may aggregate their interest for purposes of this section.
- (2) An owner of a condominium converted after April 10, 1979 without a removal permit or vested rights determination may claim a registration fee waiver for his/her unit if that unit is occupied by the owner as his/her principal place of residence.
- (3) An application for a registration fee waiver must be filed on the form provided by the Rent Control Board with the required documentation. Upon determination of eligibility for this fee waiver, the Board shall notify the landlord of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of the refund or credit may be calculated on a prorated fiscal year basis, commencing with the month of determination of eligibility for the fee waiver.
- (4) A landlord-occupied fee waiver expires automatically when the landlord no longer owns or occupies the unit as his/her principal place of residence.

(i) Registration Fee Waiver for Units Participating in a Government Funded Rent Subsidy Program

- (1) A landlord may claim a registration fee waiver for any controlled rental unit participating



in, or occupied by a tenant receiving a rent subsidy under, a Federal and/or State funded subsidy program which is restricted to very low or low-income tenants, as defined by the Department of Housing and Urban Development and/or the California Housing Finance Agency.

- (2) A landlord who claims a waiver from payment of the registration fees pursuant to this subsection shall either submit to the Board documents which establish a unit's or tenant's participation in a rent subsidy program, or a statement signed under penalty of perjury that he/she is participating in the rent subsidy program for the period of time for which the waiver is claimed. Upon determination of eligibility for this fee waiver, the Board shall notify the landlord of the unit for which the fee waiver is granted and refund or credit the registration fee for the eligible unit. The amount of refund or credit shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.
- (3) A fee waiver for a tenant receiving a rent subsidy under, or for a unit participating in, a government funded rent subsidy program expires automatically upon termination of participation in such program. If the fee waiver is based upon the occupancy of the unit by a tenant receiving a rent subsidy, a fee waiver will also expire automatically if such tenant no longer occupies the unit.

(j) Registration Fee Waiver for Units Occupied by Very Low-Income Senior Citizens or Very Low-Income Disabled Citizens

- 1) The Board shall grant a waiver of the registration fee for a controlled rental unit, which is rented to a very low-income senior or a very low-income disabled citizen upon application by such tenant. For purposes of this regulation, very low income is defined as 60% of median income for Los Angeles County, determined by the U.S. Department of Housing and Urban Development, adjusted for household size. However, no registration fee waiver shall be granted to a very low-income senior or very low-income disabled person if he or she occupies a unit on a property which is wholly or partially owned by any of the following:
  - (A) his or her child, parent, grandparent, brother, sister, father-in-law, mother-in-law, son-in-law, and/or daughter-in-law;
  - (B) a partnership, limited or otherwise, of which his or her child, parent, grandparent, brother, sister, father-in-law, mother-in-law, and/or daughter-in-law is a partner;
  - (C) a limited liability company, of which his or her child, parent, grandparent, brother, sister, father-in-law, mother-in-law, and/or daughter-in-law is a member;
  - (D) a closely held corporation, of which his or her child, parent, grandparent, brother, sister, father-in-law, mother-in-law, and/or daughter-in-law is a shareholder.
- (2) In order to be eligible for a fee waiver as provided under this section, the tenant of the subject unit must be sixty-two (62) years of age or older or must be a "disabled individual" as defined below. In addition, the tenant's gross household income shall not exceed the following 60% of median income for Los Angeles County determined periodically by the U.S. Department of Housing and Urban Development. The income limits shall be calculated using 60% of median income for a family of four, adjusted for household size as follows:

Number of persons	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6 or more</u>
Factor	.7	.8	.9	base	1.08	1.16

For the purposes of this section "gross household income" shall include the income every member of the household received during the preceding calendar year including, but not limited to, wages, salaries, bonuses, tips, gross amounts of pensions and annuities,

retirement benefits, social security payments, disability payments, life insurance benefits, gifts, interest, capital gains and inheritances. "Gross household income" shall include the amount of any withdrawal of cash or assets from an investment. In addition, "gross household income" shall include an amount equal to 5% of the value of the household's total assets valued from \$100,000 to \$200,000, in addition to the actual income earned by the asset. "Gross household income" shall also include an amount equal to 10% of the value of the household's total assets valued from \$200,000 to \$300,000, in addition to the actual income earned by the asset.

If the senior or disabled person's household owns total assets valued at \$300,000 or more, he or she is not eligible for the registration fee waiver authorized by this subparagraph.

If requested by the Board, the tenant shall annually provide appropriate documentation of gross household income and all assets owned by members of the household, including, if necessary, third-party income verification, consistent with the relevant portions of Board regulation 17304.

- (3) A "disabled individual" shall mean any person who has a long-term physical impairment or who presently has a mental impairment, either of which substantially limits one or more major life activities.
- (4) A "physical impairment" means any long-term physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic or lymphatic; skin; or endocrine. A "physical impairment" may include but is not limited to such diseases as permanent orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, cancer, heart disease, diabetes, drug addiction and alcoholism.
- (5) A "mental impairment" means any present mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional illness, and specific learning disabilities.
- (6) "Substantially limits" means that the impairment has been shown to affect the individual's ability to secure employment.
- (7) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving educational or vocational training.
- (8) Application for determination of eligibility for fee waiver under this section must be made on a form provided by the Board. The application on the basis of disability must include one of the following:
  - (i) A declaration from a licensed physician stating that the tenant suffers from a long-term physical impairment or a present mental or physiological disorder and that such impairment or disorder substantially limits the individual's ability to secure employment.
  - (ii) Proof that the individual tenant is a recipient of social security disability income or social security supplemental security income (SSI) for the blind or disabled.
- (9) Upon determination of eligibility for fee waiver as provided by this subsection, the Board shall notify the landlord of the unit for which the fee waiver is granted and refund a portion of the registration fee for the eligible unit. The amount of the refund shall be calculated on a prorated fiscal year basis, commencing with the month of the determination of eligibility for the fee waiver.

- (10) Upon the granting of a registration fee waiver as provided under this section, the landlord will cease charging the tenant the monthly prorated registration fee.
- (11) Fee waivers provided for under this section shall expire whenever the tenant for whom the application was granted vacates the unit or no longer meets the applicable qualifications.
- (12) Tenants who have received fee waivers under this regulation, or Regulation 11016(j) may renew the fee waiver yearly without filing a complete new application provided that they cooperate with the Board in verifying continued eligibility.
- (k) Notice of Expiration of Fee Waiver. A landlord who has been granted a fee waiver for landlord-occupancy, very low-income senior tenants, very low-income disabled tenants or government funded rent subsidy program must notify the Board within thirty (30) days of any change in the conditions upon which such fee waiver was based.
- (l) Earthquake Damaged Units. The landlord of any residential rental unit that is currently deemed uninhabitable as a result of the January 17, 1994 "Northridge" earthquake, or its immediate aftershocks, shall not be obligated to pay registration fees for any unit deemed uninhabitable.
  - (1) "Deemed uninhabitable" means that the subject unit(s) is currently red- or yellow-tagged by the City of Santa Monica Department of Building and Safety.
  - (2) Upon a determination by the City Building and Safety Department that the subject unit(s) is habitable (i.e. green-tagged), the landlord shall pay prorated registration fees for the balance of the fiscal year that such unit(s) is determined to be habitable. Such prorated fees are due at the start of the next calendar month following the habitability determination. The prorated fees are past due and delinquent if not paid in full within thirty (30) days.
  - (3) The landlord may pass through any prorated fees consistent with subsection (e) above, provided proper notice is given to the tenants pursuant to Civil Code section 827 and subsection (f) of this Regulation.

[11200 Adopted 6/5/97; Effective 6/15/97]  
 [11200(b) Amended 6/11/98; Effective 6/19/98]  
 [11200(j)(1)-(2) Amended 6/29/00; Effective 7/21/00]  
 [11200(j)(1)-(2) Amended 6/24/04; Effective 7/9/04]  
 [11200(b), (e)(1), (e)(3)-(4) Amended 6/8/06; Effective 6/17/06]  
 [11200(d) Amended 4/14/11; Effective 4/20/11]  
 [11200(b) Amended 6/13/13; Effective 6/20/13]  
 [11200(e) Amended 7/9/15; Effective 7/16/15]

**11200A. January through June, 2002 Registration Fee for Separately Alienable Condominium Units Which Have Not Been Sold Separately**

- (a) Units Covered by This Regulation. This regulation applies to condominium units as defined in regulation 3302(a) which received a permanent fee waiver from the Board prior to January 1, 2002 but which have not been sold separately by the subdivider to a bona fide purchaser for value.
- (b) Amount of Registration Fee for January through June, 2002. The registration fee for the last six months of Board fiscal year 2001-2002 (January through June, 2002) for each condominium unit covered by this regulation shall be \$66, payable by the landlord of each unit. Thereafter, registration fees for units covered by this regulation shall be paid in accordance with regulation 11200.

(c) Deadline for Payment of Registration Fees

- (1) All registration fees due and owing pursuant to this regulation must be received in the office of the Rent Control Board, or mailed and postmarked, no later than February 1, 2002.
- (2) Except for good cause, and at the discretion of the Administrator, no exceptions to, nor extensions of, the deadline set forth in subparagraph (1) above shall be granted.
- (3) If any registration fee waiver for a unit covered by this regulation expires, the landlord shall pay prorated registration fees for the balance of the 2001-2002 fiscal year. The prorated fees are due at the start of the next calendar month following the expiration of the fee waiver. The fees are past due, or delinquent, if not paid in full within thirty (30) days.

(d) Registration Fee Pass-Through.

- (1) A landlord may increase the rent on a controlled rental unit covered by this regulation by eleven dollars (\$11.00) per month, provided all current and past registration fees and penalties for the property have been timely paid. This rent increase shall not apply to any controlled rental unit for which a fee waiver is in effect.
- (2) If a landlord does not pay the registration fees required by subparagraph (b) of this regulation by February 1, 2002, that landlord shall not increase rents as provided by this subparagraph for fiscal year 2001-2002, unless authorized by the Administrator pursuant to subparagraph (c)(2), above.
- (3) The rent increase authorized by this subparagraph may be implemented on March 1, 2002, and may continue monthly for six months.
- (4) Insofar as the landlord falls within subparagraph (c)(3) above, the rent increases may be noticed immediately following the payment of the prorated registration fees due. Such rent increases shall not exceed eleven dollars (\$11.00) per month.
- (5) The registration fee pass-through shall not be considered part of the rent in calculating the rent increase to which a landlord is entitled pursuant to the annual General Adjustment.

(e) Notice Requirements

A landlord shall notify each tenant in writing of a rent increase pursuant to this regulation. The notice shall comply with all the requirements set forth in Civil Code section 827 and regulation 11200(f). The notice shall state that the landlord has paid the registration fee provided by this regulation on or before February 1, 2002. If subparagraphs (c)(2) or (c)(3) of this regulation apply, the notice must state that the landlord has paid the registration fee and must state the date on which such payment was made.

A notice which does not contain a statement of compliance with subparagraph (c) of this regulation shall be deemed improper, and the landlord shall be required to re-notice each tenant with an appropriate statement. Any landlord who fails to properly notice a tenant in a controlled rental unit will forfeit the pass-through to which he/she would otherwise have been entitled for the number of months for which there was improper notice or lack of notice.

- (f) Delinquent Registration Fees. Registration fees mandated by this regulation are delinquent if not received or mailed and postmarked on or before February 1, 2002 or within thirty (30) days following the lapse of an exemption or the expiration of a fee waiver, whichever is applicable. Regulation 11200(g)(1), (2), and (3)'s provisions regarding late charges, prohibition against increasing rents, and prohibition against filing a petition or application by a delinquent landlord are

applicable to registration fees mandated under this regulation.

- (g) Registration Fee Waivers. Landlords may apply for registration fee waivers of the registration fees mandated by this regulation for units which qualify for the fee waivers under the requirements of regulation 11200(h), (i), and (j). A landlord which has been granted a fee waiver of the registration fees mandated by this regulation must notify the Board within thirty (30) days of any change in the conditions upon which the fees waiver was based.

[11200A Adopted 1/10/02; Effective 1/26/02]

**11201. Registration Fee for Single Family Dwellings, TORCA Units and Condominium Units With Rents No Longer Controlled (Civil Code Section 1954.50 et seq.)**

- (a) Exception to Regulation 11200. Effective January 1, 1999, Civil Code Section 1954.52(a) (Costa-Hawkins Act) provides that rents for separately alienable rental units where tenancies commenced on or after January 1, 1996 shall no longer be controlled, with exceptions set forth in that code section, which are incorporated by reference into this regulation. Effective January 1, 2002, Civil Code section 1954.52(a) excludes separately alienable condominium units which have not been sold separately by the subdivider to bona fide purchasers for value from its provisions decontrolling the rents of separately alienable units. If a unit qualifies under Civil Code section 1954.52 for decontrol of its rents, it is not liable for payment of registration fees to the Board.
- (b) Qualification for Separately Sold Unit Fee Waiver. In order to qualify for the exception to the requirement to pay registration fees, the tenancy of a separately sold, separately alienable rental unit must have commenced on or after January 1, 1996, the prior tenancy of the unit must not have been terminated by the owner by notice pursuant to Civil Code section 1946.1 or upon a change in terms of the tenancy noticed pursuant to Civil Code section 827, and the unit must not contain serious health, safety, fire, or building code violations for which a citation was issued which was unabated for six months or longer preceding the tenancy.
- (c) Request for Separately Sold Unit Fee Waiver. If a landlord claims that a unit meets the requirements of this regulation for a fee waiver, the landlord may submit a request for a separately sold unit fee waiver. Sufficient documentary evidence to prove that the unit meets the criteria of subsection (b) of this regulation must be submitted.
- (d) Discretion of Administrator. It is within the discretion of the Administrator to grant a reasonable request for a separately sold unit fee waiver which substantially complies with this regulation.

[11201 Adopted 6/11/98; Effective 6/19/98]

[11201(a)-(d) Amended 1/10/02; Effective 1/26/02]

[11201(e)-(g) Repealed 1/10/02; Effective 1/26/02]

[11201(b) Amended 12/6/12; Effective 12/12/12]

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[Chapter 11 Adopted 10/4/79; Effective 12/4/79]

[11000(a) Amended 11/29/79; Effective 12/4/79]

[11000(e) Adopted 12/6/79; Effective 12/9/79]

[11000(b) Amended 3/6/80; Effective 3/14/80]

[11001 Adopted 6/26/80; Effective 7/13/80]

[11001(f) Adopted 12/4/80; Effective 12/18/80]

[11002 Adopted 7/2/81; Effective 7/10/81]

[11003 Adopted 6/19/82; Effective 6/27/82]

[11004 Adopted 6/18/83; Effective 6/26/83]

[11005 Adopted 6/21/84; Effective 7/9/84]

[11005(i) Adopted 7/5/84; Effective 7/14/84]

[11006 Adopted 6/20/85; Effective 7/26/85]

[11006(g) Amended 10/24/85; Effective 12/5/85]

[11007 Adopted 7/3/86; Effective 7/12/86]  
[11001(c)(2) Amended 12/18/86; Effective 12/25/86]  
[11002(f)(2) Amended 12/18/86; Effective 12/25/86]  
[11003(f)(2) Amended 12/18/86; Effective 12/25/86]  
[11004(f)(2) Amended 12/18/86; Effective 12/25/86]  
[11005(f)(2) Amended 12/18/86; Effective 12/25/86]  
[11007(f)(2) Renumbered 12/18/86; Effective 12/25/86]  
[11007(f)(2) Adopted 12/18/86; Effective 12/25/86]  
[11008 Adopted 6/25/87; Effective 7/7/87]  
[11008(k) Adopted 7/9/87; Effective 7/17/87]  
[11008(j)(2) Amended 7/9/87; Effective 7/26/87]  
[11009 Adopted 6/9/88; Effective 6/18/88]  
[11010 Adopted 6/8/89; Effective 6/22/89]  
[11011 Adopted 6/7/90; Effective 6/18/90]  
[11012 Adopted 6/13/91; Effective 6/27/91]  
[11013 Adopted 6/4/92; Effective 6/20/92]  
[11014 Adopted 6/3/93; Effective 6/17/93]  
[11015 Adopted 6/9/94; Effective 6/23/94]  
[11016 Adopted 6/8/95; Effective 6/21/95]  
[11100 Amended 6/8/95; Effective 6/21/95]  
[11017 Adopted 6/6/96; Effective 6/15/96]  
[11200 Adopted 6/5/97; Effective 6/15/97]  
[11200(b) Amended 6/11/98; Effective 6/19/98]  
[11201 Adopted 6/11/98; Effective 6/19/98]  
[11200(j)(1)-(2) Amended 6/29/00; Effective 7/21/00]  
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[11200(j)(1)-(2) Amended 6/24/04; Effective 7/9/04]  
[11200(b), (e)(1), (e)(3)-(4) Amended 6/8/06; Effective 6/17/06]  
[11200(d) Amended 4/14/11; Effective 4/20/11]  
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[11200(e) Amended 7/9/15; Effective 7/16/15]