

Resolution No. 17 – 003

A resolution of the Rent Control Board of the City of Santa Monica in support of improving and strengthening processes related to the City's means and methods plan requirement for rental properties undergoing significant construction.

The Rent Control Board of the City of Santa Monica resolves as follows:

WHEREAS, Chapter 8.100 of the Santa Monica Municipal Code requires anyone seeking a permit for work that might temporarily result in uninhabitable conditions at a tenant-occupied residential property to first submit to the City a Means and Methods Plan ("MMP"); and

WHEREAS, the purpose of an MMP is to identify potential habitability interruptions, and explain what steps will be taken to mitigate those habitability interruptions, up to and including temporary relocation of affected tenants; and

WHEREAS, there are currently over 1,000 active addition and alteration permits outstanding with respect to more than 700 properties, of which more than 300 include rent-controlled units; and

WHEREAS, due to the City's aging housing stock it is anticipated that the pace and frequency of construction is likely to increase; and

WHEREAS, the Board has become aware that some persons who should be required to submit MMPS have failed to do so before obtaining permits, others have initiated construction without obtaining permits at all, and still others who have obtained permits have engaged in construction whose effects on habitability are greater than that identified in an approved MMP; and

WHEREAS, each of these things has resulted in tenants of rent-controlled units feeling, and in some cases actually being, forced from their homes; and

WHEREAS, while the Santa Monica Rent Control Board's construction-related-rent-decrease process can provide only an economic remedy after problems that might have been prevented by a more robust MMP process have already occurred; and

WHEREAS, the Board has concluded that the economic remedy that it can provide, while valuable, is insufficient to protect rent-controlled tenancies; and

WHEREAS, the City of Santa Monica has created the new position of Neighborhood Preservation Coordinator who has been tasked with, among other things, recommending improvements to the City's MMP process, and

WHEREAS, the City's Neighborhood Preservation Coordinator has informed the Board that she, along with other relevant City staff, will present to the City Council recommendations to improve the MMP process by, among other things:

- Creating degrees of MMPs that will vary based upon the scope of work to be performed, in an effort to streamline the process and foster greater compliance with the MMP requirement;
- Changing the MMP form from a purely narrative format to one that includes a list of common habitability-affecting work that permit applicants can check, to foster greater accuracy of MMPs;
- Requiring that tenants be notified of planned construction earlier in the process;
- Instituting a tenant-comment period before the City will approve an MMP or an associated permit, to engage tenants in the process before problems can occur;
- Instituting multiple reviews of MMPs during the plan-check process;
- Instituting proactive monitoring of MMPs once they are issued to ensure that they are being complied with, rather than merely reacting to complaints of non-compliance;
- Increasing owner and tenant education about their rights and responsibilities related to the MMP process; and
- Requiring updated MMPs whenever a landlord agrees to a mitigation plan as the result of the Board's construction-related-rent-decrease process, to incorporate the mitigation plan into the MMP so that it can be enforced,

NOW THEREFORE BE IT RESOLVED that the Rent Control Board of the City of Santa Monica supports the above recommendations, and recommend that the City Council review and adopt them.

PASSED, APPROVED, AND ADOPTED this 11th day of May, 2017.



Steve Duron, Chair

ATTEST:



Lonnie Guinn,
Board Secretary