

Resolution 15-001

A Resolution of the Rent Control Board of the City of Santa Monica Supporting SB 775 (Allen).

The Rent Control Board of the City of Santa Monica does hereby resolve as follows:

Section 1. Under California Civil Code § 1947.8, subdivision (a), every local rent-control jurisdiction that "...controls or establishes a system of controls on the price at which residential rental units may be offered for rent or lease and requires the registration of rents... [must] provide for the establishment and certification of permissible rent levels..."

Section 2. Under California Civil Code § 1947.8, subdivision (b), jurisdictions described by subdivision (a) of that statute had one year—from January 1, 1987 through January 1, 1988, to certify the permissible rent level for every controlled rental unit within the jurisdiction.

Section 3. Under California Civil Code § 1947.8, subdivision (c), after a jurisdiction described by subdivision (a) of that statute had completed the rent certifications called for under subdivision (b) of the statute, the jurisdiction was required "upon the request of the landlord or tenant, [to] provide the landlord and the tenant with a certificate of the permissible rent levels of the rental unit."

Section 4. Under the Costa-Hawkins Rental Housing Act (California Civil Code § 1954.50 et seq.), no California rent-control jurisdiction "controls or establishes a system of controls on the price at which residential rental units may be offered for rent or lease" for new tenancies commencing on or after January 1, 1999, as that phrase is used in Civil Code § 1947.8. Therefore, for tenancies commencing on or after January 1, 1999 for which the landlord may establish the initial rent, local rent-control jurisdictions cannot "certify" the rent under Civil Code § 1947.8, subdivision (c)

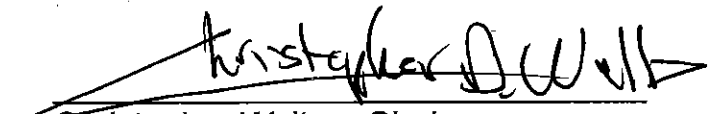
Section 5. Some landlords and some tenants have nonetheless asked the Board to "certify" rents for post-Costa-Hawkins tenancies, thereby asking the Board to "certify" the truth or accuracy of something that the Board cannot know.

Section 6. SB 775 (Allen) would clarify that, commencing January 1, 2016, local government agencies are not required to "certify" rents for tenancies that began on or after January 1, 1999 for which the landlord established the initial rent—a rent that, because it was established by the landlord without the permission, knowledge, or input of local government, the local government cannot know, and cannot in any meaningful sense "certify" in any event.

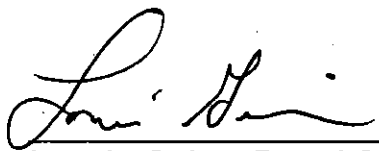
Now, therefore, be it hereby resolved that:

- The Santa Monica Rent Control Board hereby supports the enactment of Senate Bill 775 (Allen), an act to amend Section 1947.8 of the Civil Code, relating to tenancy.

Passed, approved, and adopted by the Rent Control Board of the City of Santa Monica at a regular meeting held this 14th day of May, 2015.


Christopher Walton, Chair

Attest:


Lonnie Guinn, Board Secretary