

3105. School District Bond Surcharge; Santa Monica Community College District Bond Surcharge

(a) Purpose of Surcharge

The surcharges provided by this regulation are meant to permit owners of controlled residential rental properties to offset the cost of any School District or Santa Monica Community College District voted indebtedness for which an assessment appears on the owner's annual property tax bill.

(b) Duration of Surcharge

Except as limited by Regulation 3120, a landlord may collect a monthly surcharge in accordance with this section on any controlled rental unit for as long as School District or Community College District voted-indebtedness assessments appear on the owner's tax bill, or this regulation is repealed or amended. The actual surcharge for each fiscal year beginning July 1 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the yearly school bond property tax assessment as determined by the Santa Monica-Malibu Unified School District, plus the amount of the yearly Santa Monica Community College District Bond assessment, divided by the total number of units on the parcel divided into twelve monthly payments.
- (2) For purposes of this subsection, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, are owner-occupied or relative occupied, are occupied pursuant to a Section 8 housing agreement, and/or are participating in the Incentive Housing program.
- (3) The yearly tax surcharge per parcel will change each fiscal year based on the actual assessed values, the timing of the sale of the bonds and the interest rates on any bonds sold. The owner of each assessed parcel will receive notice from the County Assessor's Office and/or the School District and/or the Community College District of the amount of the yearly School Bond Tax assessment and the yearly Santa Monica Community College District Special Bond assessment.

(d) Notice Requirements

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

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