

**3106. Stormwater Management User Fee Surcharge**

(a) Purpose of Surcharge

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

(b) Duration of Surcharge

Except as limited by Regulation 3120, the actual surcharge for each fiscal year beginning July 1, 1996 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter, as long as the Stormwater Management User Fee appears on the owner's property tax bill, or until this regulation is amended or repealed.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the Stormwater Management User Fee, as determined by Ordinance 1811, divided by the total number of units on the parcel, divided into twelve monthly payments.
- (2) For purposes of this subsection, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, including owner-occupied or relative occupied units, units occupied pursuant to a Section 8 housing agreement, and/or units participating in the Incentive Housing program.
- (3) Upon notice by the County Assessor's Office of the Stormwater Management User Fee, the landlord shall calculate the surcharge provided in this regulation and give notice to the tenants of the amount of the per unit surcharge as set forth in subsection (d) of this regulation.

(d) Notice Requirements

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

[3106 Adopted 12/14/95; Effective 12/24/95]

[3106 Amended 1/25/18; Effective 3/1/18]

[3106(a)-(b), (d) Amended 7/12/18; Effective 7/19/18]