



City of
**Santa
Monica**

***Landlord/Tenant
Forum
2023***

December 12, 2023

Presented by

- Santa Monica City Attorney's Office – Consumer Protection Unit
- Santa Monica Rent Control Agency
- Santa Monica Code Enforcement Division



Agenda

1. Introductions
2. Information for new owners in Santa Monica (CAO and Rent Control)
3. Rules for repayment of outstanding COVID rental debt (CAO)
4. Screening rules for Section 8 Housing Choice Voucher Holders and source of income discrimination laws (CAO)
5. Updates on Rent Control's CIVICS portal (Rent Control)
6. ADU Regulations and Tenants' Rights (Rent Control)
7. Code Enforcement updates
8. Q&A



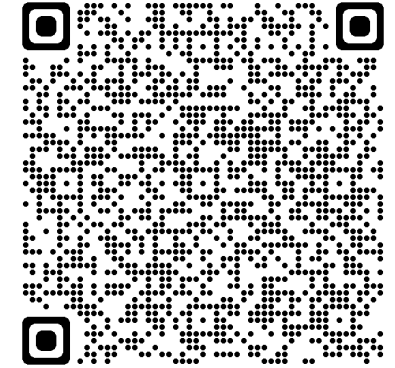


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Basic Requirements for New Owners

Owner's Registration Requirements

- Ownership Registration
 - When there is any change in title.
- Agent Authorization
 - When an owner wants to authorize someone else to handle business regarding their property with the Board.
- Registration of New Tenancies and Amenities
 - All new tenants must get a copy of the Rent Control Information Sheet.
- Added Amenities
 - When parking, pets, or storage are added as amenities to post-1/1/99 tenancies.
- Registration must be done within 30 days.
- Get CIVICS!



Rent Control
Information Sheet



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What Happens if Owners Fail to Register?

- The right to implement rent increases may be restricted.
- A rent increase to a tenant while registration is not proper may result in the collection of excess rent until registration is proper.
- Rent withholding can be ordered until the landlord comes into compliance with the law.



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What is the Maximum Allowable Rent (MAR)?

- The MAR is the base rent plus any allowable increases.
 - Annual increases are per General Adjustments
 - The addition of certain amenities may also result in allowable increases.
 - MAR generally not adjusted otherwise unless by petition.

Maximum Allowable Rent

+ Registration Fee Pass-Through

+ Allowable Surcharges

Maximum Lawful Rent



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How Can I Learn the MAR for a Unit?

- Each June, we send property owners a MAR Report to assist in preparing annual rent increase notices.
 - Check tenancy dates for accuracy.
- Use the “Look Up A Rent” link on our website, or call/email us.
- Better option in CIVICS.

Rent Control in Santa Monica

Information on this page is intended to assist property owners and tenants to understand their rights and responsibilities under the Santa Monica rent control law. Included here are links to important information about registration of property ownership and new tenancies, rent adjustment petitions, exemptions, and searchable property records - including the Look Up a Rent tool for finding the Maximum Allowable Rent (MAR) of any controlled unit.

Jump to Section:

[Top Resources](#) | [FAQ](#)

Top Resources

Look Up a Rent

Search the database by property address to find the current MAR for a unit.

Document Portal

Searchable database of scanned documents by property

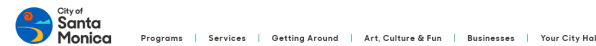
Apartment Listing Service

Post vacant units or see available rentals

Forms to Register Tenancies, Amenities, and

Petition Forms and Instructions

Exemption Applications and Instructions



MAR (Maximum Allowable Rent) Database

Select Language

The MARs available here are updated nightly and were last revised on January 31 and updates are expected to resume soon. We strive to provide information that is accurate, reliable, and complete. However, information in this program regarding the MAR for an individual unit may not be up-to-date due to a change in tenancy or the issuance of a Board decision, and there is necessarily a delay between when those changes occur and when the new MAR is entered in this program.

In most cases, MARs are based on rents reported by current or past property owners that have not been independently verified. Thus, we provide this information as a convenience only; it is not legally binding on landlords, tenants, or the Rent Control Agency.

The MARs listed presume the owner is in compliance with the Rent Control Charter Amendment (Article XVIII of the City Charter) and the Rent Control Regulations promulgated thereunder. In addition to these MARs, a tenant's rent can include applicable Rent Control registration fees or surcharges (Community College Bond, Unified Schools Bond, Stormwater Management User Fee, Clean Beaches & Ocean Parcel Tax, and School District Parcel Tax).

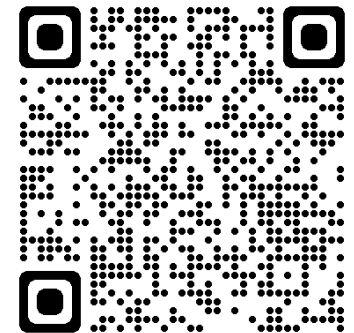
Finally, some rental units are temporarily exempt from the Rent Control Law. Because this page is for the lookup of MARs for controlled units, a \$0 MAR in most cases is used to indicate an exempt unit. For information on units with a \$0 MAR, please call Rent Control at 310-458-8751 and ask to speak with an Information Analyst.

To get the most current information about a controlled unit's MAR, to determine a unit's exempt status, or to get a written list of the MARs for a given property, please call us at (310) 458-8751 or visit Room 202 of City Hall at 1685 Main Street, Santa Monica, California.

List of Santa Monica Street Names

Street Number: Street Name: Search

EXAMPLES:
Street Number: 624 Street Name: Lincoln Blvd
Street Number: 2012 Street Name: 10th St
Street Number: Street Name: Colorado Ave



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Added Amenities for Post-1/1/99 Tenancies

Property owners and tenants may agree to an additional monthly charge for the addition of:

- Parking
 - Storage
 - Right to have a pet
- Such amenities become “base amenities,” and the original amount charged becomes part of the MAR.
- Requirements:
- Must result from an arm’s-length negotiation with no pressure on the tenant to accept the amenity.
 - The amount paid must be comparable to lawful arrangements in the unregulated market.
 - The owner must register the initial amount charged for the amenity with the Board.



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Registration Fee

- An annual Registration Fee for controlled units is charged to property owners by the Rent Control Board (unless a fee waiver has been granted).
- The fee currently is \$228 per year per unit.
- As long as an owner paid the annual fee on time (usually by August 1), 50% of the registration fee may be passed through to each tenant by including an additional \$9.50 per month in the tenants' rents.

MAR
+ Registration Fee Pass-
Through
+ Allowable Surcharges
Maximum Lawful Rent



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Allowable Surcharges

- Allowable surcharges are based on an owners' property tax bill. These costs can be divided among units on a property and passed through to the tenants.
- Surcharges for existing tenancies are capped at 4% of the MAR or \$35, whichever is less.
- Surcharges cannot be passed through for new tenancies beginning March 1, 2018, or if a building was sold or has its value reassessed after that date.


MAR
+ Registration Fee Pass-
Through
+Allowable Surcharges
Maximum Lawful Rent



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An Indication Something is Not Right..

New Tenant Information


Date of new tenancy: * 8/15/2023 12:00 

Initial monthly rent: * \$3,395.00

+ Registration fee, if any: \$9.50

+ Surcharge (If tenancy date is on or after 3/1/2018, surcharges may not be added) \$190.00

= Total collected: * \$3,594.50

What type of tenancy registration are you submitting?: * StandTen 



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Can Tenants Be Charged Separately for Utility Costs?

- Where a unit is separately metered, and the tenant pays the utility company directly, a tenant could be required to pay utility costs.
- If a property is master-metered and the lease requires the tenant to pay a share of the monthly utility bill the owner must specify the exact dollar amount at the start of the tenancy.
- Ratio Utility Billing Systems (RUBS) are not permissible



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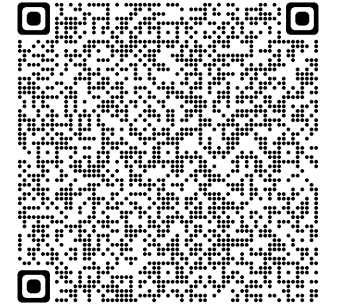
Filing Requirement – Eviction Notices

- The reasons for terminating a tenancy are limited.
- Termination notices served on tenants for most types of evictions must be filed with the Agency and all with the City Attorney's Office.
- Evictions for owner occupancy are subject to a several limitations and requirements.
- Warning notices are required for some types of eviction.
- Other protections exist in the municipal code.

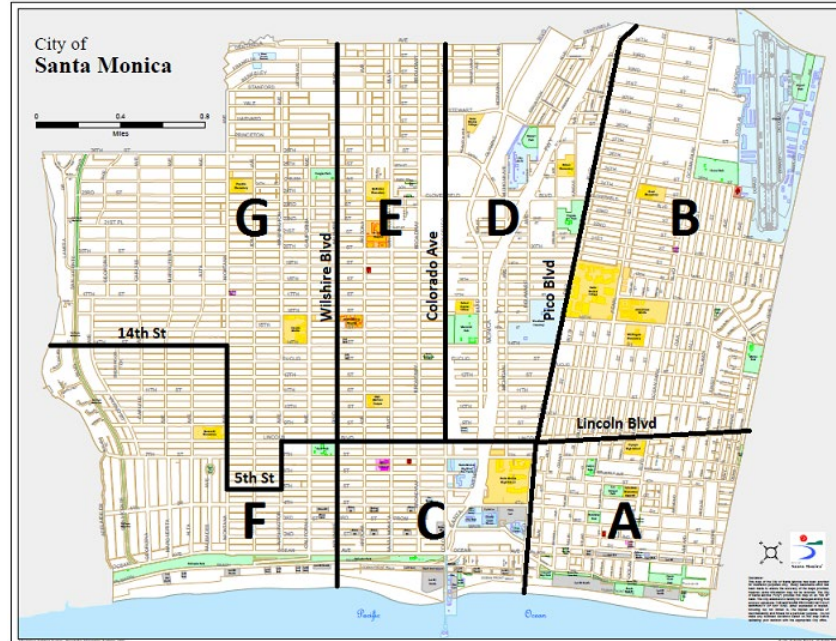


Buy-out agreements

- Buyouts are voluntary and different from permanent relocation fees.
- Landlords must give a tenant a written notice of their rights.
 - The right not to enter into a buyout agreement
 - The right to consult with an attorney and/or the RCB before signing
 - The right to cancel the agreement at any time up to 30 days after signing



City Area	# Units	Average
A	3	\$58,333
B	6	\$32,667
C	0	
D	4	\$34,488
E	4	\$54,075
F	2	\$62,500
G	5	\$38,730
Total	24	\$43,496

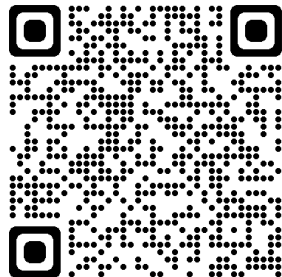


Unit Size	# Filed	Average
0 Bedroom	3	\$42,217
1 Bedroom	9	\$27,510
2 Bedrooms	9	\$56,683
3(+) Bedrooms	3	\$53,333
Total	24	\$43,496



Owning Rent-Controlled Property in Santa Monica

- Prior seminars can be found on the Seminars and Newsletters page of our website.
- An annual seminar for property owners is planned for this Spring.
- For more information:
 - Call: (310) 458-8751
 - Email: rentcontrol@santamonica.gov
 - Website: santamonica.gov/rentcontrol



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Rent Control, Just Cause, and Tenant Protection Act of 2019

Santa Monica Rent Control (City Charter Article XVIII)

- Generally applies to multi-family housing units built before April 1, 1979 (subject to exceptions)
- Limits annual rent increases and prohibits on evictions without one of 10 “just cause” reasons

Santa Monica Just Cause (City Charter Article XXIII)

- Generally applies to multi-family housing not subject to Santa Monica Rent Control (subject to some exceptions)
- Prohibits evictions without one of 10 “just cause” reasons (same reasons as SM Rent Control)

Tenant Protection Act of 2019/AB 1482 (Civil Code 1946.2, 1947.12)

- Applies to housing built at least 15 years ago, including single-family homes owned by certain business entities (subject to exceptions)
- Limits annual rent increases to lower of CPI + 5% or 10% and prohibits evictions without one of 15 just cause reasons
- Does not apply to units that are governed by local law that is more protective, including SM Rent Control and SM Just Cause are both more protective.
- However, a unit may be subject to TPA rent caps and SM Just Cause law, or both TPA rent caps and TPA just cause

Civil Code 1962

Owners must disclose

- The name, phone number, and usual street address for personal service for each person who is an
 - Authorized agent to manage the property
 - Owner of the property or person authorized to act on behalf of the owner
- The name, phone number, and address for the person to whom rent payments shall be made
 - If rent paid personally, the usual days and hours that the person will be available to receive rent
 - Owner can alternatively disclose a bank account number and contact information to make electronic payments, provided the bank is within 5 miles of the property OR information necessary to establish an EFT.
- Form or forms of rent payment
- Copy of the rental agreement within 15 days of execution by tenant and once each calendar year thereafter within 15 days of request from a tenant

Information must be kept current

- New owner must comply within 15 days of change in ownership.
- No new owner may serve a notice to pay rent or quit or evict for rent accrued during any period of non-compliance.

Civil Code 1954

A landlord may enter the dwelling unit only in the following cases:

- Emergency
- To make **necessary or agreed repairs, decorations, alterations or improvements**, supply necessary or agreed services, or exhibit the dwelling to prospective or actual purchasers, mortgagees, tenants, workers, or contractors or to do a pre-move out inspection for security deposit reasons
- Pursuant to a court order
- To inspect for water submeter issues and elevator and for licensed professional to inspect certain exterior structures

A tenant is not required to provide access to a unit (including temporarily vacating a unit) for the purpose of a landlord renovating a unit

Santa Monica Municipal Code 6.22 et seq.

SMMC 6.22.020 - Key Definitions

- **Landlord** means owner, lessor, sublessor or any other person entitled to receive rent for use and occupancy of a rental unit, or any agent, representative or successor.
- **Tenant** means tenant, subtenant, lessee, sublessee or any other person entitled by the terms of a lease to use or occupancy of any rental unit.
- **Lease** means any agreement, written/oral, express/implied, between landlord and tenant for use and occupancy of rental unit or portion thereof and for housing services.

Santa Monica Municipal Code 6.22 et seq.

SMMC 6.22.040

- Landlord and tenant may only enter into lease if tenant is a natural person

SMMC 6.22.050

- Landlord and tenant may only enter into lease if tenant will use and occupy as primary residence.
- 60 days after commencement of lease, tenant must provide documentation that unit is the primary residence. Landlord must retain throughout the tenancy.

SMMC 6.22.060

- Landlord and tenant may enter into lease only in writing for at least 1 year.

SMMC 6.22.070

- Landlord and tenant may enter into a lease only if unit is unfurnished.
- Sublessors are exempt.

SMMC 6.22.080

- Landlord must provide all prospective tenants with written notice summarizing requirements of 6.22.060 and 6.22.070 in English and Spanish.

SMMC 6.22 Exemptions

- Units lawfully occupied as of the effective date of the ordinance, until the tenants vacate
- Homesharing lawfully conducted in accordance with SMMC 6.20.
- Leases that provide for temporary relocation housing for tenants subject to temporary relocation under SMMC 4.36.100 or 8.100.030
- Leases for units that are usually owner-occupied but will be leased out no more than two times per calendar year for no less than six months (subject to additional limitations)
- Leases for certain ADUs and JADUs where owner of the single-dwelling unit lives on site during the lease (subject to additional limitations)

Remedies for non- compliance

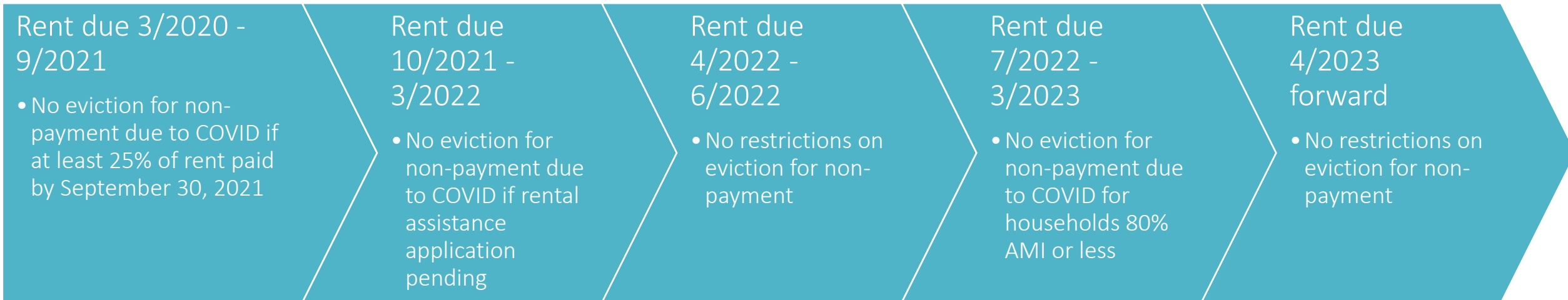
- Tenant has defense to eviction brought within 1 year of initial occupancy that landlord failed to comply with minimum term, unfurnished unit, or notice requirement.
- Tenant has defense to any action to collect rent within 1 year of initial occupancy that landlord failed to comply with minimum term, unfurnished unit, or notice requirement.
- Tenant may seek injunctive relief to enjoin violations.
- Any other remedies allowed by law.

MOST Covid-19 eviction protections
are over, now what...



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COVID Non-Payment Eviction Protections



Many rules are still in place for rent that came due during the applicable time period, even if an eviction or action to recover rent is brought months later.

California Emergency Rental Assistance Program ("ERAP" or Housing is Key) provided up to 18 months of rent and utility assistance for rent or utilities due April 2020 through March 2022. ERAP could not pay more than 18 months worth of rent/utilities, or for any rent/utilities due after March 2022.

Nearly all State, County and local protections expired on or before March 31, 2023

Thus, beginning April 1, 2023:

- No COVID-19 related defenses to non-payment of rent due on or after April 1, 2023
- Most evictions for residential tenants may resume as pre-COVID, except
 - Evictions based on non-payment of rent due during the July 1, 2022 through March 31, 2023 (the "Extension Protections Period")
 - Evictions based on the presence of unauthorized occupant or guest who moved in during the pandemic

The "Extension Protections Period"

July 1, 2022 -
March 31,
2023

To be eligible for protection against eviction for non-payment of rent due during the "Extension Protections Period" **all** the following must be true:

1. Residential tenant's household income during the Extension Protections Period must have been 80% Area Median Income or less
2. Tenant must have notified their landlord of their inability to pay rent due to COVID-19 Related Financial Impacts
3. Notice must have given been within seven (7) days of rent being due, unless extenuating circumstances applied

LA County Tenant Protections Resolution Secs. IV.C; VI.A.1.b;
VI.B.1.b

If tenant met these requirements, what protections apply?

- Tenant has 1-year (i.e., March 31, 2024) to pay rent accrued during the Extension Protections Period
- Landlord must provide tenant with a 30-day notice to cure or quit before filing any eviction based on non-payment of Extension Protections Period rent
- Tenant may have an affirmative defense to any eviction case if they can prove *all* the following:
 - ✓ Tenant household income was 80% AMI or less
 - ✓ Tenant was unable to pay rent due to COVID-19 Related Financial Impacts
 - ✓ Tenant provided required written certification to landlord

LA County Tenant Protections Resolution Secs. VI.C.1.c; VI.C.4; VI.A.1.c; XI.C

What is...

- **80% AMI:** Means a Qualified Occupant earning not more than 80% of the Area Median Income
- **COVID-19 Related Financial Impacts:**
 1. Substantial loss of household income caused by the COVID-19 pandemic. “Substantial loss” as used in the Resolution is defined as a loss of at least 10% of a Tenant’s average monthly household income for the 12-month period immediately preceding March 1, 2020, as may be established by pay stubs, payment receipts, letters from employers, or other evidence; or
 2. Increased or extraordinary costs in food, fuel, childcare, and/or unreimbursed medical expenses in an amount greater than 7.5% of a Tenant’s average monthly household income for the 12-month period immediately preceding March 1, 2020.
- **Self-Certification:** A notice you sent to your landlord within 7 days of when rent was due that you were unable to pay rent due to one of the Covid-19 related financial impacts.

What if landlord and tenant agreed to a repayment plan:



Tenant may still be covered by the Resolution, as a repayment plan may not waive any rights under the Resolution as part of your repayment plan agreement.

Has any
other tenant
protection
survived the
expiration?

The Landlord seeking to evict Residential Tenant due to the presence of unauthorized occupants or pets must serve a 30 day notice to cure or quit if:

- ✓ The presence of the occupant or pet was necessitated by or related to the COVID-19 emergency;
- ✓ The occupant or pet began dwelling in the unit between March 1, 2020, and January 20, 2023; and
- ✓ The occupant or pet continues to reside in the unit after March 31, 2023

LA County Tenant Protection Resolution Sec. VI.C.4.

New Rental Assistance Program Now Available for LANDLORDS!

- LA County will be providing \$68,660,000 in grants to qualified landlords
- Awards may be used to cover expenses incurred April 1, 2022 to date on a rolling basis
- Eligible expenses include unpaid rental debt and other substantiated related expenses, such as utilities
- Santa Monica landlords can apply as of 9 am today!

www.lacountyrentrelief.com

LA County Rental Assistance Program Criteria

Requirements:

- ✓ Unit must still be occupied by tenant who failed to pay rent or other qualified expense
- ✓ Unit must be located in unincorporated area or a city that is not City of LA

Priorities:

- ✓ Units in areas identified as "high" and "highest" need. No census tracts in SM meet this definition, but two qualify as "moderate" need.
- ✓ Landlord or tenant whose income is 80% AMI or less
- ✓ Landlords who can fully satisfy a tenant's debt for the eligible period if they receive the grant
- ✓ Landlords who own no more than four rental units

What if I get a notice or served with a lawful detainer action?:

DO NOT IGNORE!!

Resources:

- Legal Aid Foundation of Los Angeles, www.lafla.org, (800)399-4529
- Bet Tzedek, (323)939-0506
- Stay Housed LA, www.stayhousedla.org

For general questions may also contact:



The City by calling 311 if in Santa Monica or 1-866-311-SAMO



Los Angeles Department of Consumer and Business Affairs, (800)593-8222

Source of Income Discrimination Laws Focusing on Section 8 Discrimination

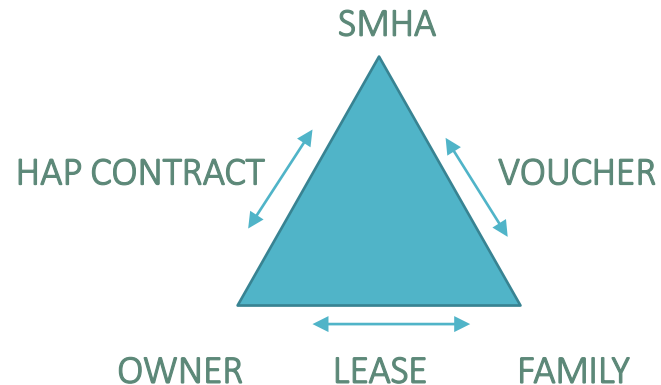




What Is The Section 8 Housing Choice Voucher Program?
How Does it work?

How Does the Section 8 Housing Choice Voucher Program Work?

- HUD pays rental subsidies to Santa Monica Housing Authority (SMHA).
- The SMHA grants a voucher to a qualifying family who selects an apartment in the private marketplace.
- The SMHA inspects the apartment and confirms that the rent the landlord wants to charge is "reasonable." The total rent remains subject to Santa Monica Rent Control, state law rent caps (Tenant Protection Act) and other rent control limits.
- The PHA approves the tenancy.
- PHA contracts with the owner to make rent subsidy payments.



Voucher Programs and Anti-Discrimination Laws

Source of income discrimination laws apply to voucher programs, including:

- Section 8 Housing Choice Voucher (HCV)
- US Department of Housing and Urban Development Veterans Affairs Supportive Housing Voucher (HUD-VASH)
- HOME Investment Partnerships Program Vouchers (HOME)
- Emergency Housing Vouchers (EHV)
- Los Angeles County Flexible Housing Subsidy Pool (FHSP) / Brilliant Corners Vouchers
- Other local, state, or federal voucher or subsidy programs



How Does Section 8 HCV Work?

- ❑ Tenants contribute 30 to 40 percent of income to the total rent the first year.
- ❑ The SMHA pays the remainder of the rent up to payment standard.
- ❑ Typically, the property owner receives the majority of rent from the SMHA on time every month via electronic deposit.
- ❑ The housing selected must meet Housing Quality Standards, which are no more onerous than Code or Health Department requirements
- ❑ SMHA conducts initial inspection and inspections every 24 months
- ❑ After the first year, tenant's share of rent can go above 40%
- ❑ But tenant always pays everything above the payment standard

SMHA Payment Standards

Effective through December 31, 2023, the SMHA Payment Standards are as follows:

HCV [Section 8], CoC, HOME, VASH, and EHV's leasing within City limits				
Zip Code	Efficiency	1-bdrm	2-bdrm	3-bdrm
SAFMR 90401 <i>(100%)</i>	\$2,210	\$2,520	\$3,200	\$4,160
SAFMR 90402 <i>(100%)</i>	\$2,020	\$2,300	\$2,930	\$3,810
SAFMR 90403 <i>(100%)</i>	\$2,260	\$2,580	\$3,280	\$4,260
SAFMR 90404 <i>(120%)</i>	\$1,944	\$2,220	\$2,820	\$3,660
SAFMR 90405 <i>(110%)</i>	\$2,002	\$2,277	\$2,893	\$3,762

Effective as of January 1, 2024, the SMHA Payment Standards increase to:

HCV [Section 8], CoC, HOME, VASH, and EHV's leasing within City limits				
Zip Code	Efficiency	1-bdrm	2-bdrm	3-bdrm
SAFMR 90401 <i>(100%)</i>	\$2,630	\$2,970	\$3,770	\$4,840
SAFMR 90402 <i>(100%)</i>	\$2,290	\$2,590	\$3,280	\$4,210
SAFMR 90403 <i>(100%)</i>	\$2,470	\$2,790	\$3,540	\$4,540
SAFMR 90404 <i>(110%)</i>	\$2,057	\$2,321	\$2,948	\$3,784
SAFMR 90405 <i>(100%)</i>	\$2,070	\$2,330	\$2,960	\$3,800

“Maximum Initial Rent Burden” Cannot Exceed 40% of the Tenant’s Income

- Tenant pays 30% of their income toward rent and utilities
- SMHA pays the difference between tenant's 30% and the payment standard.
- If total contract rent exceeds the payment standard, tenant must also pay difference between contract rent and payment standard.
- The total amount tenant pays – 30% + difference between payment standard and rent – cannot exceed 40% of the tenant's income. The SMHA will not approve the tenancy.
- Whether a tenant's portion would exceed 40% of their income can only be determined by the SMHA once an RTA is submitted.
- This question depends on what the SMHA counts as "income" under the program (not all sources of income count) and the estimated utilities.

Landlords should not deny a tenant an opportunity to apply or to complete an RTA simply because the rent is over the payment standard.

The tenant may still be able to afford the unit.

Only the SMHA can make the final determination once they receive the RTA.



Why is Section 8 Discrimination Such a Problem?

Why is the Section 8 Program so important?

- ✓ Main source of affordable housing in the country
 - *2.1 Million households / 5 million people*
- ✓ Majority in protected classes:
 - *disabled, elderly, minorities, families with children*
- ✓ Often only housing available to
 - *disabled, elderly, recipients of government assistance.*
- ✓ Prevent and remedy homelessness
- ✓ Voucher-holders can move anywhere, **IN THEORY**
 - *to higher opportunity neighborhoods.*
 - *But....*

Why is Housing Voucher Discrimination Such a Problem?

✓ Discrimination Limits housing choice:

Pretext for other types of discrimination

Unfounded stereotypes, misconceptions, and ideology regarding the Poor

✓ Use or Lose

Waitlists are long; vouchers are time-limited

✓ SOI discrimination laws:

- *Increase voucher utilization and success rates*

- *HUD study-- 2018: 77% with v. 35% without*

- *Decrease homelessness.*

- *Affirmatively further fair housing*

- *Assist voucher holders to move to higher opportunity neighborhoods*



State and Local Laws Prohibit Section 8 Discrimination

Santa Monica Law Prohibits Discrimination Against Voucher Holders

On May 12, 2015, the Santa Monica City Council unanimously passed an ordinance prohibiting landlords from rejecting an application for tenancy solely based on the source of a tenant's income.

“Source of Income” covers:

“any lawful source of income or rental assistance from any Federal, State, local or non-profit-administered benefit or subsidy program, including, but not limited to, the Section 8 voucher program, for an existing tenant or prospective tenant.”

SMMC Section 4.28.030 (k)

SMMC

4.28.030

Prohibited Activities

It shall be unlawful for any person offering a housing accommodation in Santa Monica to do any of the following:

- (a) **Refuse to rent or lease**, terminate a tenancy or otherwise deny to or withhold from any person a housing accommodation **on the basis of source of income**.
- (c) **Make, print, publish any statement** indicating a preference, limitation, or discrimination **with respect to source of income**.
- (i) **Refuse to accept from a prospective or current tenant rent in the form of rental assistance from any Federal, State, local or non-profit-administered benefit or subsidy program, including, but not limited to, the Section 8 voucher program. Refusal to accept includes failure or an unreasonable delay in filling out and returning any necessary paperwork.**

FEHA Definition
of Source of
Income
Discrimination
has Been
Expanded
to Cover
Housing
Subsidies

California Fair Employment & Housing Act

California has a law called the Fair Employment and Housing Act (FEHA) that protects people from housing discrimination based on various categories.

Effective January 1, 2020, housing providers, such as landlords, cannot refuse to rent to someone, or otherwise discriminate against them, because they have a housing subsidy, such as a Section 8 Housing Choice Voucher, that helps them to afford their rent.

Cal. Gov't Code 12955

What is Covered by the Expanded Definition?

- The new law prohibits discrimination against any applicant because the applicant is using a federal, state, or local housing subsidy to assist with paying rent. This includes:
 - Section 8 Housing Choice Vouchers, the HUDVASH program, Homelessness Prevention and Rapid Re-Housing Programs, Housing Opportunities for Persons with AIDS Etc.
- Security deposit assistance programs
- Emergency Rental Assistance Program (ERAP)
- Locally funded subsidy programs created by cities, counties and public agencies to address growing homelessness.

Gov't Code 12955(p)(1)

FEHA Regulations Address The Many Ways Landlords Discriminate

The FEHA regulations broadly prohibit landlords, covering loopholes, prohibiting them from:

“[r]efusing to complete forms, sign documents, allow inspections, comply with public assistance, rental assistance, or housing subsidy regulation, including refusing to make repairs to a housing accommodation to meet a governmental program’s habitability standards, or take other necessary steps to facilitate access to the housing accommodation.”

2 CCR §12005 (b)(1)(B); see 2 CCR §12041(a).

Rental, Criminal Record & Credit History

Rental, Criminal Record & Credit History

- Gov't Code 12955 (o)
 - A housing provider is required to use a financial or income standard that is *only based on* the Section 8 applicant's portion of rent, not the whole rent.
- **Negative or no credit history** –SB 267 (eff. 1/1/24)
 - New law will prohibit the use of Section 8 applicant's credit history as part of application process without offering option of providing a lawful, verifiable alternative evidence of the applicant's reasonable ability to pay tenant portion (i.e. HAP, pay or bank records) and additional time to provide it
- **Use of criminal history information to deny housing (CCR, Title 2, §§ 12264-12271).**
 - Use of unreasonable lookback periods (ex: 25 years)
 - Use of arrests alone as proof of criminal activity
 - Use of overbroad categories of criminal activity (ex: no felonies) without consideration of nature/severity of crime
 - Under use of mitigating evidence
- **Rental History**
 - Refusal to rent to someone without a rental history may constitute arbitrary discrimination under Unruh Civil Rights Act.
 - Allow alternate evidence of likelihood of compliance with tenant obligations

Other Source of Income Discrimination Laws

California Civil Code §1947.3:

- Requires residential landlords to accept rent payments/rental assistance from a third party, but the landlord can request acknowledgment stating that
 - *Landlord's acceptance of the rent payment does not create a new tenancy with the third party.*

Are Landlords *Required* to Accept Section 8 Tenants?

- Landlords cannot refuse to accept a Section 8 tenant if the reason is that they are on the Section 8 program.
- However, landlords are not required to lower the rent to make a tenant eligible.

Examples Of Practices That Are Prohibited by Source of Income Discrimination Laws

Advertising or stating a preference for tenants with certain sources of income (i.e. “No Section 8”);

Refusing application from a prospective tenant;

Charging a higher deposit or rent, or treating the prospective tenant or tenant differently in any other way because the prospective tenant or tenant uses a Section 8 voucher or other housing subsidy;

Refusing to enter into or renew a lease because the tenant will use, or is using, a Section 8 housing voucher or other housing subsidy;

Examples Of Practices That Are Prohibited by Source of Income Discrimination Laws

Terminating any tenancy because tenant is using or plans to use a housing voucher;

Falsely representing that a **unit is not available** because the family will be using a housing voucher;

Requiring any clause, condition or restriction in the **terms** of an agreement solely because the tenant will use a housing voucher, required by the particular subsidy program;

Restricting tenant's access to facilities or services at rental property (i.e. pool or fitness center);

Refusing repairs or improvements to the property because family is using a housing voucher (i.e. refuse to make repairs to comply with HQS)

Financial Eligibility Standards (3x the Rent)

If a Housing Provider requires that a tenant's income equal 3x (or more) of the total rent, the Housing Provider can only require that the tenant's income be equal to 3x the tenant's portion of rent, not the total rent.

For Example, a two-bedroom unit is advertised at a rent of \$2,500 per month.

The building has a policy that all households must have an income of at least *three times the rent* in order to qualify for a unit.

A household with a Section 8 voucher applies for the apartment.

The tenant's portion of the rent would be \$500 and the housing authority will pay the additional \$2,000.

The housing provider is permitted to require that the tenant have an income of at least \$1,500 a month (the tenant portion x 3).

Note that if the tenant is paying 40%, she does not make 3x the rent.

Financial Eligibility Standards (Credit)

A housing provider considering credit should undertake a holistic evaluation, considering

- (1) The portion of the rent to be paid by the tenant;
- (2) The portion of the rent to be paid by the Housing Authority, and the extremely low risk of the Housing Authority failing to pay
- (3) The ratio of the tenant's portion of the rent to the tenant's income
- (4) The source, amount, and reliability of the tenant's income, including government benefits;
- (5) Any other evidence of ability to pay

A housing provider should fairly compare total financial risk, taking into account the Housing Authority's portion of the rent. Credit is only potentially relevant to the tenant's likelihood of payment.

Financial Eligibility Standards (Credit)

Examples of prohibited policies:

- Application of a blanket, inflexible requirement or cut-off based on credit score or other metrics shown in a credit report, such as charge-offs
 - Be careful if using a third-party screening company
- Rejection of applicants solely because of a lack of credit history
- Failure to offer the option of providing alternative evidence of ability to pay
- Failure to reasonably consider alternative evidence of ability to pay

Landlords: What to do with a voucher applicant

EXISTING TENANTS

- ✓ Complete RTA packet promptly and return to the SMHA.
- ✓ Allow inspections and make any repairs required to maintain minimal HQS
- ✓ Sign 1-year lease or lease addendum with tenant and HAP contract with SMHA

Reminder: a new voucher is not a basis to increase the contract rent for an existing rent-controlled tenant; using a voucher is also not a basis to require a rent controlled tenant to sign a lease with other materially different terms.

NEW APPLICANTS

- ✓ Tell tenants that vouchers are accepted; refrain from marketing or application materials which state or imply that vouchers are not accepted, tenants must have employment income, or unreasonably high minimum credit scores, etc.
- ✓ Review prospective tenant's application.
- ✓ If credit is deficient, allow tenant to supply alternative evidence of tenant's ability to pay their portion, and undertake holistic evaluation of the risk of default considering the portion of rent that is effectively guaranteed by the SMHA. Do not apply blanket minimum credit score policies to voucher and non-voucher tenants.
- ✓ If tenant qualifies, complete RTA packet promptly and return to SMHA.
- ✓ Allow inspections and make any repairs required to maintain minimal HQS
- ✓ Sign 1-year lease with tenant and HAP contract with SMHA

Tenants: What to do when renting with a voucher

EXISTING TENANTS

- ✓ Provide landlord with copy of RTA packet and cooperate in completing and returning to SMHA.
- ✓ Provide any updated income and household information to SMHA promptly.
- ✓ Provide access to the unit for inspections and address any repairs identified as tenant responsibility.
- ✓ Sign one year lease or lease addendum with landlord.

NEW APPLICANTS

- ✓ Submit complete rental application stating all sources of income including voucher.
- ✓ Provide alternative evidence of ability to pay tenant portion of rent if credit is inadequate.
- ✓ Provide landlord with copy of RTA packet and cooperate in completing and returning to SMHA.
- ✓ Provide any updated income and household information to SMHA promptly.
- ✓ Sign one year lease with landlord.

Santa Monica Housing Office

Website: <https://www.santamonica.gov/housing>

Email: To contact the Santa Monica Housing Office, smhousing@santamonica.gov.

Phone: Leave a message: 310-458-8740.

Mailing address:

City of Santa Monica
Housing Authority
1685 Main Street, MS 19
Santa Monica, California 90401

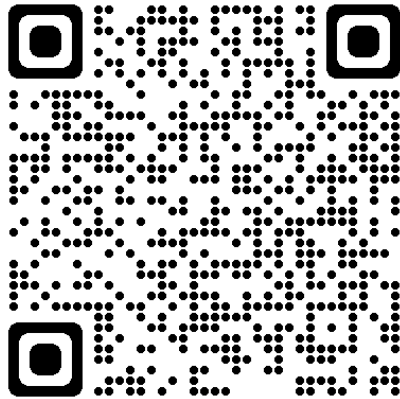


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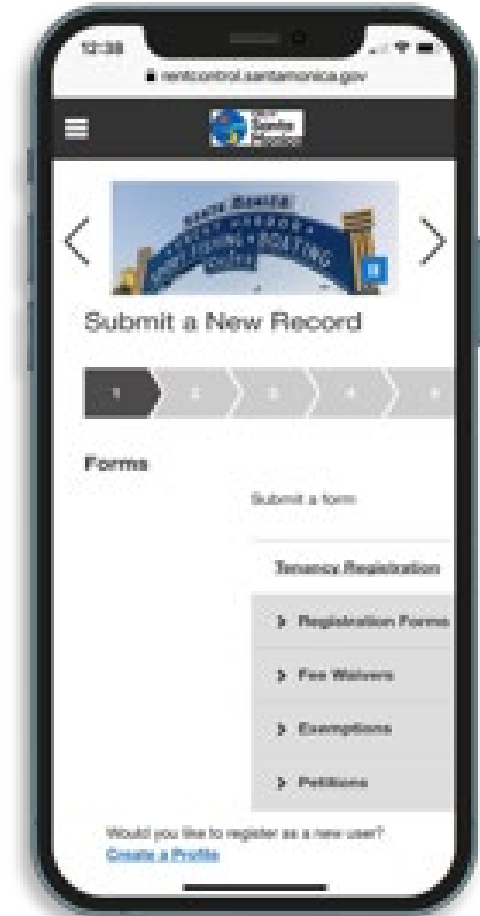
**CIVICS
Demonstration**

Get CIVICS!

- Rentcontrol.santamonica.gov



- Click Create a Profile





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ADUs & Rent Control

New Construction Exemption vs. ADU

- The Rent Control Charter exempts rental units and dwellings construction after April 10, 1978.
- One exception is units created as a result of conversion.
- Rental Units: Any building, structure, or part thereof, or land appurtenant thereto...



Remedies for Removed Amenities and Construction Impacts

- If a base amenities such as a laundry room, recreational room, storage, or parking amenity is removed or reduced, a decrease petition may be filed and result in a reduction of the MAR.
- A construction-related decrease petition may be granted when a unit is uninhabitable due to construction, when construction substantially reduces a housing service or when construction interferes with a tenant's ability to occupy the unit as a residence.
- No decrease is authorized for unavoidable construction impacts caused by necessary repair or maintenance unless:
 - The construction is carried out in an unreasonable manner, or
 - The construction takes an unreasonably long time to complete
 - Regulation 4400 sets a decrease range for many possible issues.
 - Decreases are calculated from when the problems arose.
- State law limits reasons for entry to occupied units even though permits may have been issued.



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Petition to Register Unit(s) New Construction Exemption Application

- Permission to register a unit not registered prior to April 22, 2003 must be granted by Rent Control Board.
 - The unit is habitable or capable of being made habitable in an economically feasible manner
 - The unit was a residential rental unit on April 10, 1979, the unit is a rental unit as defined in regulation 2002, or the unit was created by conversion and conforms to the city's zoning and development standards.
- Registration of unit(s) is required within 30 days of final decision.
- A petition for exemption for new construction must also be filed for a new unit to be recorded as exempt in Board records.



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Maintenance of Residential Rental Properties

December 12, 2023

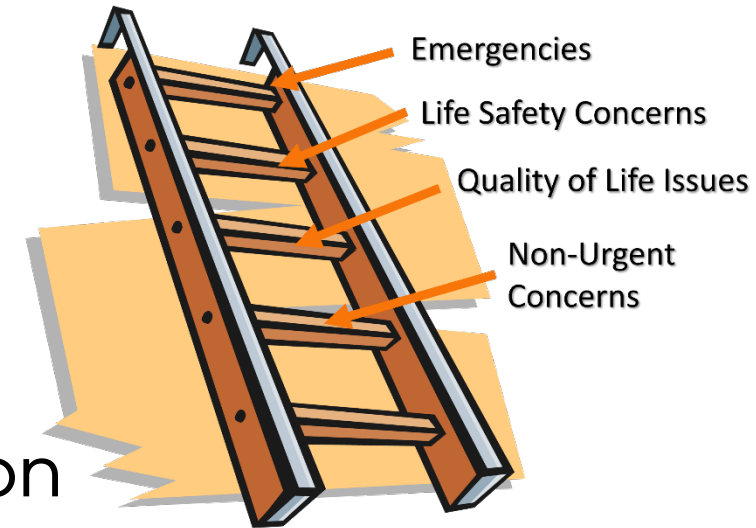
Code Enforcement

Property owners must maintain housing according to minimum standards set by:

- California Building Codes
- California Health & Safety Codes
- Santa Monica Municipal Codes

Code Enforcement Process

- Inspection
- Notice of Violation
- Administrative Citation
- Refer to City Attorney for further prosecution
 - Additional fines and penalties
 - Administrative Hearing before a Hearing Officer
 - Criminal or Civil Prosecution
 - Recordation
 - Court ordered receivership or relief



Code Enforcement Process

Habitability Determinations by the Building Official

- Habitability determinations are made by the Building & Safety or Code Enforcement staff on a case-by-case basis.
- Possible Reasons: Any building or portion of a building which creates conditions that endanger the life, limb, health, property, safety or welfare of the public or the occupants.

Code Enforcement Process

Situations where temporary relocation benefits must be provided to tenants:

Mold

Termite fumigation (tenting)

Construction work that requires tenants to temporarily vacate

Building Code violations where the City orders tenants to vacate

Unit is declared uninhabitable due to fire,

Benefits not required if condition is caused by the tenant or the tenant's guest.

Code Enforcement Process

Temporary Relocation

- Less than 5 days:
 - Hotel/motel or per diem rate
- More than 5 days, but less than 30 days:
 - Daily per diem rates, Or
 - Comparable housing
- 30 days or more:
 - Comparable housing, Or
 - Weekly per diem rates
- Pet accommodations: \$32 per day per cat; \$59 per day per dog
- The tenant continues to pay rent during the period of relocation.
- The tenant is entitled to return to the unit at the same rent.

New Property Maintenance Standards

New property maintenance standards were adopted on 9/26/23

Applies to ALL properties in the City

Codified in Chapter 13.02 (Property Maintenance)

Provides comprehensive maintenance standards that were previously not found in the municipal code.



Contact Information

Rent Control

(310) 458-8751 rentcontrol@santamonica.gov santamonica.gov/rentcontrol

Code Enforcement

311 Code.Enforcement@santamonica.gov [santamonica.gov/departments/
community-development](http://santamonica.gov/departments/community-development)
(310) 458-4984

Health Department

(888) 700-9995 publichealth.lacounty.gov/eh



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