

## CHAPTER 2

### DEFINITIONS

**2000.** The following words or phrases, as used in the Rent Control Charter Amendment or these Regulations shall have the following meanings:

**2001. Owner-Occupied Dwellings**

For the purposes of determining exemptions for owner-occupancy under §1801(c)(4) of the Rent Control Charter Amendment:

- (a) An owner-occupant must occupy the housing unit in good faith, as the principal place of residence.
- (b) No corporation, trust, partnership, limited partnership, or association can be considered an owner-occupant.
- (c) A person may be considered an owner-occupant only if said person owns at least a 50% interest in the property.
- (d) The dwelling must contain no more than three units on one legal parcel, including units contained in separate buildings on the same parcel.

[2001(d) Adopted 3/27/80; Effective 4/4/80]

**2002. Units Vacant on April 10, 1979**

A dwelling unit that was vacant on April 10, 1979 is nonetheless a "rental unit" within the meaning of §1801(c) and (h) if its last previous use within the 12 months prior to April 10, 1979 was a residential rental use not made exempt pursuant to §1801(c)(1-5), and if the unit had not been condemned as dangerous, unsafe, a health and safety hazard, and/or uninhabitable, as of April 10, 1979.

[2002 Adopted 4/12/80; Effective 4/20/80]

**2003. Definition of Principal Place of Residence**

A person's principal place of residence is that dwelling place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. A person who leaves his or her principal place of residence to dwell elsewhere temporarily, with the intention of returning, does not lose his or her principal place of residence. At a given time, a person may have only one principal place of residence.

In determining whether a person occupies a dwelling place as his/her "principal place of residence," the following factors shall be considered:

- (a) Whether the person carries on basic living activities at the dwelling place;
- (b) Whether the person maintains another dwelling place and, if so, the amount of time that the person spends at each dwelling place;

- (c) Whether the person has filed for and obtained a homeowner's exemption for the dwelling place;
- (d) Whether the person is a registered voter at the dwelling place;
- (e) Whether the person maintains utility services in his/her name at the dwelling place;
- (f) Whether the person's vehicle registration, driver's license or identification card contains the address of the dwelling;
- (g) Whether the person receives mail at the dwelling place; and
- (h) Any other relevant factors.

[2003 Adopted 11/4/82; Effective 12/4/82]

[2003 Amended 8/13/15; Effective 8/19/15]

**2004. Privileges as Housing Services and Material Terms**

As defined in subsection 1801(d) of the Rent Control Law, the term "housing service" includes "any . . . privilege . . . connected with the use or occupancy of any rental unit." Such privileges include, but are not limited to, the following:

- a. The right to have roommates;
- b. The right to have overnight guests;
- c. The right to have pets.

Reduction of such services may be grounds for a rent decrease pursuant to subsection 1805(e) of the Rent Control Law and Chapter 4 of these Regulations. In addition, such housing services shall be considered material terms of any rental housing agreement for the purposes of subsection 1806(a)(5) of the Rent Control Law.

[2004 Adopted 6/1/89; Effective 6/10/89]

[2004 Amended 5/6/04; Effective 6/3/04]

**2005. Healthcare Providers**

As defined in subsection 1801(i) of the Santa Monica City Charter, the term "tenant" does not include healthcare providers who reside in rental units for the purpose of providing any tenant with medically necessary care. Such healthcare providers are not entitled to the protections provided pursuant to section 1806 of the Rent Control Law. The presence of a medically necessary healthcare provider in a controlled rental unit shall not be a reason for eviction of a tenant pursuant to subsections 1806(a)(2) or (a)(7) of the Santa Monica City Charter.

Tenants who require healthcare providers shall, upon request by the landlord, provide the following information:

- a. Proof of the tenants need for the healthcare provider.
- b. The name, address and telephone number of the healthcare provider.
- c. A signed and dated written statement from the healthcare provider acknowledging that the healthcare provider is not residing on the premises as a

tenant. The signed and written statement may be on a form provided by the Board.

[2005 Adopted 2/7/91; Effective 5/8/91]

[2005 Amended 4/25/91; Effective 5/8/91]

[2005 Amended 5/6/04; Effective 6/3/04]

## **2006. Temporary Use of Vacant TORCA Units for Transient Occupancy by Displaced Tenants**

### **a. Purpose**

This regulation is adopted as an emergency measure to ameliorate the effect of the earthquake of January 17, 1994 upon tenants displaced from controlled rental units in buildings receiving red or yellow tags from the City of Santa Monica Department of Building and Safety. The intent of this regulation is to encourage temporary housing of displaced tenants in vacant TORCA units which would otherwise be held vacant until sale.

This regulation recognizes a temporary transient use of such units which will not be deemed a tenancy for purposes of the Rent Control Law and will allow the owner or transient occupant to terminate the occupancy agreement upon thirty days notice. However, the transient occupancy agreement must conform to the requirements of this regulation .

### **b. Eligible Units**

Units which may be subject to a transient occupancy agreement under this regulation are units in properties subject to rent control which have received final approval from the City of Santa Monica to convert to condominiums pursuant to Article XX of the Santa Monica City Charter, also known as the Tenant Ownership Rights Charter Amendment or TORCA. It is not necessary that such units have received final approval from the State of California Department of Real Estate.

A unit which is the subject of a TORCA application and receives final City approval at any time subsequent to adoption of this regulation shall be eligible. All eligible units must have been vacant on January 17, 1994, and must be habitable at the time an agreement is entered into under this section.

### **c. Registration of Participating Units**

An owner who wishes to enter into a transient occupancy agreement under this regulation must register the unit with the Rent Control Board no later than April 1, 1994, on a form to be provided by the Administrator, and prior to entering into such agreement. The Board will assemble a list of eligible units from these registrations to be made available to tenants displaced from red and yellow-tagged buildings, who can then contact the owner. No owner is obligated to enter into an agreement with any person.

### **d. Terms of agreement**

To qualify as a transient occupancy agreement, the agreement must be in writing and specify:

1. that it is a transient occupancy agreement subject to Board regulation 2006;
2. that the unit is an eligible unit as defined in regulation 2006;
3. that the tenant was displaced from a red or yellow-tagged building in Santa Monica;
4. that the agreement is terminable by either party upon 30 days written

notice and is not subject to eviction restrictions in Section 1806 of the City Charter;

5. that the consideration to be paid by the occupant, whether calculated daily, weekly, or monthly, shall not exceed the maximum allowable rent (MAR) for the subject unit. If the MAR is subsequently adjusted, the periodic fee charged the occupant may be adjusted upwards upon thirty days written notice.
6. that the occupant is entitled to the amenities which would be provided to a tenant of the subject unit.

The agreement may prohibit assignment and subletting. An agreement may not require:

1. a security deposit in excess of twice the monthly maximum allowable rent
2. a non-refundable deposit;
3. consideration for occupancy other than the fee as specified above, e.g., no finder's fee, key money, or other additional charge or agreement may be required as a condition of occupancy.
4. any limitations on use of the premises which would not and do not apply to prior or current tenants in the building.

**e. Duration of Regulation**

This regulation shall expire by its own terms and without necessity of repeal by the Board on January 17, 1995, unless extended by the Board prior to that date. Any agreement for use or occupancy of a controlled rental unit entered into after that date shall be deemed a rental housing agreement entitling the occupant to all rights conferred upon tenants by the Santa Monica Rent Control Law. A transient occupancy agreement entered into prior to that date may be extended indefinitely by the mutual consent of the parties.

**f. Not an Exempt Use**

Use of any unit for transient occupancy under the terms of this regulation shall not entitle the owner to an exemption from rent control or any provision thereof. This regulation shall have no effect on the entitlement of any other property to such an exemption. No owner shall acquire a vested right to continue the use permitted by this regulation after the regulation expires.

[2006 Adopted 1/27/94; Effective 2/16/94]

**2007. Maximum Allowable Rent**

A unit's maximum allowable rent is the base rent ceiling established under Charter Section 1804(b) plus any individual or general adjustment approved by the Board.

1. If a unit, which was exempt when a tenancy began on or after January 1, 1999, becomes controlled while that tenancy is ongoing, the unit's maximum allowable rent is the monthly rent in effect on the date when the unit becomes controlled.
2. If a unit becomes exempt during a tenancy and again becomes controlled while that tenancy is ongoing, the maximum allowable rent upon the renewed period of control is the same as it would have been if the exemption had never occurred.

[2007 Adopted 6/13/13; Effective 6/20/13]  
[2007 Amended 2/11/16; Effective 2/19/16]

**2008. Tenant**

**a. Person**

As used in Charter Section 1801(i), the term “person” means an individual human being.

**b. Rental Housing Agreement**

As used in Charter Section 1801(i), “rental housing agreement” means an agreement permitting one or more individuals to use and occupy a controlled rental unit as his, her or their permanent residence.

**c. Removal Permit Required for Rentals Other Than to Tenants**

A landlord wishing to enter into an agreement to rent a controlled rental unit other than to an individual, or individuals, for permanent, long-term habitation must first obtain a removal permit under Charter Section 1803(t). This definition is not intended to, and does not, supersede the provisions of Regulation 3304, relating to tenants not in occupancy.

**d. Existing Law**

This regulation is for public convenience only and is declarative of existing law.

[2008 Adopted 8/9/18; Effective 8/16/18]

---

[Chapter 2 Adopted 11/29/79; Effective 12/4/79]  
[2001(d) Adopted 3/27/80; Effective 4/4/80]  
[2002 Adopted 4/12/80; Effective 4/20/80]  
[2003 Adopted 11/4/82; Effective 12/4/82]  
[2004 Adopted 6/1/89; Effective 6/10/89]  
[2005 Adopted 2/7/91; Effective 5/8/91]  
[2005 Amended 4/25/91; Effective 5/8/91]  
[2006 Adopted 1/27/94; Effective 2/16/94]  
[2004 Amended 5/6/04; Effective 6/3/04]  
[2005 Amended 5/6/04; Effective 6/3/04]  
[2007 Adopted 6/13/13; Effective 6/20/13]  
[2003 Amended 8/13/15; Effective 8/19/15]  
[2007 Amended 2/11/16; Effective 2/19/16]  
[2008 Adopted 8/9/18; Effective 8/16/18]