

CHAPTER 7

RENT ROLLBACK

7000. Rent Rollback

- (a) Beginning on August 8, 1979, no landlord may charge or collect rent for any controlled rental unit in an amount greater than the rent in effect on April 10, 1978, plus the amount of any general and/or individual adjustment granted by the Board.
- (b) Tenants whose rent falls due prior to August 8, 1979, must pay the entire amount of the rent due on that date. Rent may not be prorated.

Example 1. Current rent level of \$300.00 is payable on the first of each month. The April 10, 1978, rent level is \$250.00. On August 5, 1979, tenant would be required to pay rent of \$300.00. On September 5, 1979, tenant would be required to pay rent of \$250.00.

Example 2. Current rent level of \$300.00 is payable on the tenth of each month. The April 10, 1978, rent level is \$250.00. On August 10, 1979, tenant would be required to pay rent of \$250.00.

- (c) In order to increase the rent level above the April 10, 1978, base rent ceiling, including any general adjustment, the landlord must have:
 - (1) Registered the rental unit.
 - (2) Been granted either a general or individual rent adjustment pursuant to §1805.
 - (3) Given written notice to the tenant of the increase in rent as provided by §827 of the California Civil Code.

7001. Manager-Occupied Units on Base Rent Date

With respect to units occupied by resident managers or other persons whose rent consisted of non-monetary consideration for services rendered to the landlord on April 10, 1978 or the first subsequent date on which the landlord received consideration for such unit, the base rent ceiling under §1804(b) of the Charter Amendment is calculated as follows:

- (a) Where the occupant's rent was reduced by a specified amount to compensate for management or other services rendered to the landlord, the base rent is equal to the monetary amount of rent actually paid by such occupant on the base rent date plus the amount by which the landlord reduced the rent in exchange for services at that time.
- (b) Where the occupant's rent cannot be determined under subsection 7001(a), the base rent shall be determined as follows:
 - (1) If other units with the same square footage exist on the property, the base rent is equal to the average of the base rents of those units.
 - (2) If no unit with the same square footage exists on the property, the base rent is equal to the square footage of the unit in question multiplied by the average base rent per square foot of all other units on the property.
 - (3) Upon application by the landlord on a form approved by the Board, the Board or a hearing examiner of the Board may adjust the base rent as determined in (1) or (2) above upwards or downwards upon a showing that the unit's amenities or physical

condition on the base rent date were substantially different from those of the comparison units.

- (c) Rent collected prior to the effective date of this regulation shall not be deemed excess rent where each of the following criteria is met:
 - (1) The base rent for the unit could not be ascertained in the manner set forth in §7001(a); and
 - (2) The owner has not implemented any rent increases for the unit except as permitted by the Charter Amendment and the Board's regulations regarding general adjustments and individual adjustments.
- (d) Rent collected after the effective date of this regulation shall be deemed excess rent where it exceeds the base rent as determined under §7001(a) or 7001(b) plus subsequent general and individual adjustments which have been implemented pursuant to the Charter Amendment and the Board's regulations.

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