

Resolution No. 20 – 001

A resolution of the Rent Control Board of the City of Santa Monica approving revisions to administrative hearing processes and procedures as provided for by Regulation 15020.

The Rent Control Board of the City of Santa Monica (“The Board”) resolves as follows:

WHEREAS, Board Regulation 15020 provides that in the event of a declared emergency the Administrator may temporarily suspend or alter any aspect of the administrative decision process to the extent necessitated by the emergency; and

WHEREAS, the federal, state, and local governments have all declared a state of emergency affecting Santa Monica arising out of the COVID-19 pandemic; and

WHEREAS, under the federal, state, and declared emergency, the Board must act in a manner consistent with the need to prevent transmission of the highly-contagious coronavirus that causes COVID-19, which entails compliance with the social distancing guidelines propounded by the United States Centers for Disease Control; and

WHEREAS, pursuant to these guidelines, City Hall, where the Board has its offices, and where the Board conducts its business, is closed to the public, and all City bodies and departments, including the Board, are required to limit or entirely avoid all in-person meetings or events; and

WHEREAS, in order to comply with these social distancing guidelines and resulting requirements, the Board largely suspended administrative petition filings, but, because hearings on such petitions are among the Board’s essential functions, the Board has accepted new petitions, complaints and applications as of May 4; and

WHEREAS, in order to conduct administrative hearings while still adhering to social distancing requirements, the Administrator has had to depart from existing Board practices and regulations respecting the conduct of administrative hearings, and has done so pursuant to Regulation 15020; and

WHEREAS, Regulation 15020 requires the Administrator to place on the agenda of the first meeting of the Board occurring after she has suspended or altered any administrative decision process or procedure an Administrative Item setting forth, in writing, which processes, procedures, or regulations have been altered or suspended, for the Board to accept, reject, or modify; and

WHEREAS, the suspension or modification of any administrative decision process or procedure implemented by the Administrator will automatically expire if not approved or

modified by the Board in the form of a resolution at the first Board meeting occurring after the Administrator took such action,

NOW THEREFORE BE IT RESOLVED that the Rent Control Board of the City of Santa Monica hereby approves the following amendments to administrative decision processes implemented by the Administrator:

- Notwithstanding Regulations 4001 and 4001A, individual rent adjustment petitions may be filed electronically. The petitioner must retain for inspection the original signed petition, which must be retained for inspection through the duration of the administrative process, including the termination of any appeal to the Board;
- Notwithstanding Regulations 4002 and 4003, a person filing an individual rent-adjustment petition electronically need not file two copies of the petition with two copies of supporting evidence, but need only electronically file one copy of the petition along with all supporting evidence. The party must retain any original documents for inspection if inspection is required.
- Notwithstanding any unintended suggestion in Regulation 4006 that a person participating in a settlement conference must do so in person, he or she must do so telephonically or by videoconference.
- Notwithstanding Regulation 4023, an appeal to the Board of a decision by a hearing examiner on an individual rent adjustment petition may be filed by mail or electronically, in the same manner that the petition may be filed as specified herein;
- Notwithstanding Regulation 8002, an excess rent complaint may be filed electronically in the same manner as petitions for individual rent adjustments, with the signed original retained for inspection in the same manner and for the same duration;
- Notwithstanding Regulation 8022, a person who files an excess rent complaint electronically may also submit in electronic form all copies of relevant supporting documents;
- Notwithstanding Regulation 8054, an appeal of an excess rent decision by a hearing examiner may be appealed to the Board in the same manner as an appeal of a petition for individual rent adjustment under the modification of Regulation 4023 approved herein;
- All administrative hearings of any type shall be conducted via teleconference or videoconference until it is determined by the relevant public health official, or by the Administrator acting in accordance with guidance provided by the public health official, that in-person hearings may safely resume.
- All parties to an administrative proceeding shall be encouraged to provide the Board with a working email address to which notices may be sent, and from which they will send any required filings to the Board or copies of such filings to the opposing party;
- Whenever any regulation specifies that the Board will provide notice "by mail," that notice may be provided by email, to the email addresses provided by the parties;

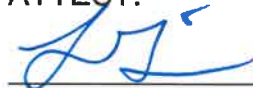
- Any party intending to offer the testimony of any witness must provide hearings staff with a witness list two days before the date on which the hearing is to occur. The list must include the means by which the witnesses on the list may be contacted.

PASSED, APPROVED, AND ADOPTED this 14th day of May 2020.

s/Nicole Phillis

Nicole Phillis, Chair

ATTEST:



Lonnie Guinn,
Board Secretary