

11201. Registration Fee for Single Family Dwellings, TORCA Units and Condominium Units With Rents No Longer Controlled (Civil Code Section 1954.50 et seq.)

- (a) Exception to Regulation 11200. Effective January 1, 1999, Civil Code Section 1954.52(a) (Costa-Hawkins Act) provides that rents for separately alienable rental units where tenancies commenced on or after January 1, 1996 shall no longer be controlled, with exceptions set forth in that code section, which are incorporated by reference into this regulation. Effective January 1, 2002, Civil Code section 1954.52(a) excludes separately alienable condominium units which have not been sold separately by the subdivider to bona fide purchasers for value from its provisions decontrolling the rents of separately alienable units. If a unit qualifies under Civil Code section 1954.52 for decontrol of its rents, it is not liable for payment of registration fees to the Board.
- (b) Qualification for Separately Sold Unit Fee Waiver. In order to qualify for the exception to the requirement to pay registration fees, the tenancy of a separately sold, separately alienable rental unit must have commenced on or after January 1, 1996, the prior tenancy of the unit must not have been terminated by the owner by notice pursuant to Civil Code section 1946 or upon a change in terms of the tenancy noticed pursuant to Civil Code section 827, and the unit must not contain serious health, safety, fire, or building code violations for which a citation was issued which was unabated for six months or longer preceding the tenancy.
- (c) Request for Separately Sold Unit Fee Waiver. If a landlord claims that a unit meets the requirements of this regulation for a fee waiver, the landlord may submit a request for a separately sold unit fee waiver. Sufficient documentary evidence to prove that the unit meets the criteria of subsection=(b) of this regulation must be submitted.
- (d) Discretion of Administrator. It is within the discretion of the Administrator to grant a reasonable request for a separately sold unit fee waiver which substantially complies with this regulation.

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