



City of Santa Ana

Rent Stabilization and Just Cause
Eviction Ordinance
Regulations, Policies and Procedures

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ARTICLE 1 – PURPOSE OF REGULATIONS, POLICIES AND PROCEDURES

Section 1. Purpose. The City of Santa Ana (“City”) Rent Stabilization and Just Cause Eviction Ordinance (“Ordinance”), establishes a local law that limits Rent Increases for certain Residential Real Property and mobilehome spaces in the City. The Ordinance also provides “just cause” eviction protections for most Tenants that occupy a Residential Real Property or Mobilehome for at least thirty (30) days.

Section 8-3103 of the Ordinance, as may be amended from time to time, allows the City Manager or Program Administrator to promulgate Regulations, Policies and Procedures to implement the requirements and fulfill the purposes of the Ordinance. The Regulations, Policies and Procedures do not need to be approved by the Rent Stabilization Board. Specifically, the Ordinance states as follows:

Section 8-3103 – Implementing Regulations, Policies and Procedures

The City Manager or Program Administrator shall have the authority to promulgate regulations, policies and procedures to implement the requirements and fulfill the purposes of this Article. No person shall fail to comply with such regulations, policies and procedures.”

Moreover, the City Manager or Program Administrator may promulgate regulations, policies and procedures regarding the implementation of the Ordinance, that Landlords, Tenants and other members of the public must follow as applicable.

The Regulations, Policies and Procedures are intended to further the purposes of the Ordinance by establishing the rules and procedures that Landlords, Tenants and other members of the public must follow under the Ordinance. No person shall fail to comply with such Regulations, Policies and Procedures. The Regulations, Policies and Procedures are intended to support the implementation of Ordinance and explain how it will be implemented.

All defined terms used in the Ordinance, as stated in Section 8-3102 of the Ordinance, as amended from time to time, have the same meaning and definition in these Regulations, Policies and Procedures.

Section 2. Other Forms. The City may publish various form petitions, form affidavits, form notices and form documents to help administer the Ordinance and/or fulfill the purpose of the Regulations, Policies and Procedures. For example, this may include,

but not be limited to, Frequently Asked Questions, Owner Required Written Notice to Tenant, Notice of Allowable Rent Increase, Fair Return Petition, Capital Improvement Petition, Tenant Petition, Infographics, Affidavits, Request for Appeal, Request for Voluntary Mediation, Owner Required Change in Ownership or Management Written Notice to Tenant, and any other forms, templates and standard documents that may exist now and in the future to administer the Ordinance and/or fulfill the purpose of these Regulations, Policies and Procedures. These various other form documents, as published by the City, are hereby incorporated herein and authorized by these Regulations, Policies and Procedures. Also, any form documents published by the City, not specifically identified in this Section, or published after publication of these Regulations, Policies and Procedures, for purposes of administering the Ordinance, are incorporated herein and authorized by these Regulations, Policies and Procedures.

Section 3. Recognition of Board Powers. These Regulations, Policies and Procedures recognize the powers and duties of the Board under the Ordinance regarding promulgation of policies and procedures.

The Ordinance empowers the Board, and states in relevant part with regard to promulgation of policies and procedures:

Section 8-3182 – Rental Housing Board Powers and Duties

- (a) The Rental Housing Board shall have the following powers and duties:...
- (2) Conduct hearings on petitions, applications, and appeals of hearings determined by a Hearing Officer submitted by Landlords or Tenants under this Article...
- (3) Promulgate and implement policies and procedures for the administration and enforcement of this Article.

As such, the Board will promulgate and implement the Board's own policies and procedures with respect to the hearings conducted by the Board on petitions, applications, and appeals of hearings determined by a Hearing Officer submitted by Landlords or Tenants under the Ordinance.

The Ordinance also empowers the Board as follows:

Section 8-3183 – Rental Housing Board Policies and Procedures

The Board shall issue and follow such policies and procedures, including those which are contained in this Article, as will further the purposes of this Article.

Moreover, the Board will enact, vote on and approve the Board's own Bylaws, which are the Board's policies and procedures, which further the purposes of this Ordinance.

ARTICLE 2 – RENTAL HOUSING BOARD

Section 1. Purpose. The Rental Housing Board ("Board") oversees the administration and enforcement of the Ordinance. Division 5 of the Ordinance, as may be amended from time to time, establishes the Board and details the powers and duties of the Board. This Article supplements Division 5 of the Ordinance. The Board shall adopt Bylaws that ensure consistency and predictability during Board meetings by creating a framework in which Board members conduct the business of the public in adherence with all applicable laws. The Board will promulgate and implement the Board's own policies and procedures with respect to the hearings conducted by the Board. Further, the Board will enact, vote on and approve its own Bylaws, which are the Board's policies and procedures, which further the purposes of the Ordinance.

Section 2. Board Membership. Section 8-3180 of the Ordinance, as may be amended from time to time, details the membership composition of the Board to include:

- 1) Three (3) Tenants, including at least one (1) Mobilehome Tenant;
- 2) Two (2) Landlords; and
- 3) Two (2) at-large Members with no financial interest in and no ownership of income-generating rental housing.

Because the at-large Members must have no financial interest in and no ownership of income-generating rental housing, they cannot be Tenants or Landlords. For example, an at-large Member could be an owner of a single-family dwelling who lives in that single-family dwelling without renting out any portion of their single-family dwelling, so long as they otherwise satisfy the requirements stated in the Ordinance.

Section 3. Board Member Application. Residents of the City of Santa Ana who wish to apply to be a member of the Board must do so on the official form made available on the City Clerk's Office website. The City Clerk will review all applications for completeness and ensure that all disclosures and conflict of interest forms are received as required pursuant to Section 8-3180 of the Ordinance, as may be amended from time to time. This information will then be provided to the selecting City Councilmember to appoint a representative.

Section 4. Board Member Selection. Each City Councilmember shall appoint one (1) Board member, to be approved by the City Council, in an equitable order based upon a random lottery process. The random lottery process shall be performed on the Rental Housing Board Lottery Form by the City Clerk or Program Administrator at the end of each four (4) year Board member term. The results of the lottery will be published on the City's webpage. After the lottery process is completed and Councilmembers are notified

of the seat they are responsible for selecting, they will have ninety (90) days to fill the vacant seat. If the seat remains vacant after ninety (90) days, the existing Board Member (if one exists) will continue to serve until filled.

Section 5. Board Member Vacancy Selection. If a Board Member is unable to complete the term of their seat, the City Councilmember that appointed them shall select another appointment for the position for the rest of the term period.

ARTICLE 3 – PETITION PROCESS AND PETITION HEARINGS

Section 1. Purpose. Any Landlord or Tenant seeking to file a petition must do so in accordance with Sections 8-3142 through 8-3145 of the Ordinance, as may be amended from time to time, and the Regulations, Policies and Procedures set forth herein. This Article supplements those requirements.

Section 2. Petition Filing. The person filing the petition shall be the “Petitioner”. The opposing party to Petitioner shall be “Responding Party.” Petitioner and Responding Party shall collectively be “Parties” and individually “Party.” A petition shall be submitted on a form provided by the City. All decisions will be made by a Hearing Officer appointed by the Program Administrator, unless the Board decides to hold a hearing on a petition without the petition first being heard by a Hearing Officer. Upon acceptance of a complete petition, the Program Administrator will notify the Hearing Officer and the Board of the submission.

Section 3. Board Action. The Board, on its own motion, may hold a hearing on any petition without the petition first being heard by a Hearing Officer. The Board will have thirty (30) days after the petition is accepted by the Program Administrator for completeness to decide if they will hear the petition, instead of the Hearing Officer. For purposes of these Regulations, Policies and Procedures, the Board shall act as Hearing Officer when holding a hearing in this regard. In the event that the Board elects to hold a hearing, without the petition first being heard by a Hearing Officer, the decision of the Board at that hearing shall be the final decision of the Board. A decision of the Board may be reviewed pursuant to Section 8-3185 of the Ordinance, as may be amended from time to time. Any Board policies and procedures promulgated in accordance with Section 8-3182(a)(3) of the Ordinance, as may be amended from time to time, will also be followed when the Board hears a petition in this regard.

Section 4. Petition Eligibility. The Program Administrator will ensure that Petitioner is in compliance with applicable provisions of the Ordinance, so that a Petitioner is eligible to submit a petition. If the Petitioner is eligible to submit a petition, the Program Administrator will move forward with the next steps in the process as detailed in this Article. If the Petitioner is not eligible, the Program Administrator will notify the Petitioner of their ineligibility and the reason(s) for the determination.

Section 5. Establishment of Base Year and Base Rent. For the purposes of calculating a Fair Return Petition, pursuant to Section 8-3142 of the Ordinance, as may be amended from time to time, the following terms may be used. The "Initial Base Year" means the 2020 calendar year, which is the full and complete year preceding November

18, 2021. The “Base Year” means the most recent calendar year that was considered by the Hearing Officer in the last Fair Return Petition for the Rental Unit(s) at issue. The “Current Year” is the most recently completed calendar year ending on December 31st as of the date of submission of the Petition. The Current Year becomes the Base Year in the immediately following Petition for the Rental Unit(s) at issue. The “Initial Base Rent” is the Rent amount reflected on December 31st in the Initial Base Year. “Base Rent” is the Rent amount in the Base Year which reflects the amount last considered by the Hearing Officer for the Rental Unit(s) at issue.

Section 6. Petition Acceptance. The Program Administrator will review the petition to assess the completeness of the petition, as required by the Ordinance, by ensuring that the Petitioner submitted required information and documentation for the Hearing Officer to evaluate the merits of the petition and make a decision within the time limits stated in the Ordinance. The Petitioner must attach documentation that is adequate to establish eligibility for the Fair Return Petition for Rent Increase, Capital Improvement Petition, or Tenant Petition that is requested. The necessary documentation will vary according to the type of petition and is described on the petition form. If the necessary documentation is unavailable, the Petitioner’s verification of the petition or declaration under penalty of perjury may, in some cases, substitute for the unavailable documentation. The petition will not be eligible to be accepted until it is determined to be complete. If the petition is not accepted, the Program Administrator will notify the Petitioner of the denial and the reason for the determination.

The Program Administrator will have thirty (30) days from the filing of a complete petition to determine if the petition is accepted or denied. If the petition is accepted, the Program Administrator will provide a written notice to the Petitioner and to the Responding Party notifying them of the acceptance of the complete petition and informing the parties of the next steps in the petition process, including the right to respond, the petition form, and supporting documentation. The Program Administrator will also provide the Hearing Officer and Board notice of acceptance, the petition and supporting documentation. The Board will have thirty (30) days from acceptance to determine if they will hear the petition directly. In the event that the Board is silent, the Hearing Officer will hear the petition.

“Notice” or “Written Notice,” as provided by the City, shall mean a notice given in writing by either United States mail, certified mail, express mail, or electronic mail (email). Notice by electronic mail shall be acceptable as long as the parties involved have previously provided an email address to the City or previously communicated with the City via email. Notices of hearing dates and hearing decisions by a Hearing Officer or the Board will be sent by United States mail or certified mail or express mail; and, the City may, within the City’s discretion, also send such notices via email as a courtesy.

Section 7. Incomplete Petition. If a petition is deemed incomplete and is not made complete within forty-five (45) days of the date the Petitioner was notified the petition was

incomplete, the petition will move to denied status. The petitioner will be required to re-submit a new petition after petition denial.

Section 8. Petition Report. The Program Administrator, or person delegated by the Program Administrator, may prepare a report for the Hearing Officer to aid in their assessment of the merits of the petition that will accompany the petition, supporting documentation and evidence submitted. The report may include, but is not limited to the following: information on documents or evidence that may be in conflict with the Ordinance, calculations required by the Ordinance (i.e. maintenance of net operating income calculations, amortization schedules, etc.), information from a property inspection, and any other information that may be relevant to assist in the evaluation. The report will be provided at least ten (10) days prior to the hearing to all parties.

Section 9. Evidence. The Petitioner and Responding Party may present documents, testimony, written declarations, or any other evidence that is relevant to petition. Each party must submit all documentary evidence (e.g. written evidence, documents, written declarations, video files, audio files, photographs) to the City at least twenty-one (21) days prior to the hearing. The Hearing Officer may consider accepting additional documentary evidence at the time of the hearing, if in their opinion the evidence is credible and relevant to the petition. The Hearing Officer may also refuse to accept documentary evidence at the hearing unless there is good cause for Petitioner's failure to submit the evidence prior to the hearing, as determined by the Hearing Officer. Oral testimony may be presented at the hearing, within the discretion of the Hearing Officer.

Pursuant to Section 8-3145 of the Ordinance, as may be amended from time to time, the Hearing Officer may request the Program Administrator conduct an additional investigation on matters that the Hearing Officer believes is pertinent to the petition proceedings (i.e. physical property inspection). Furthermore, the Hearing Officer may request the Petitioner to provide any books, records, or papers deemed pertinent to the petition proceedings.

All written evidence received by the City will be made available to both parties involved in the hearing at least ten (10) days prior to the hearing.

Section 10. Hearing. The Hearing Officer will conduct petition hearings on a date and time and location that is determined by the Hearing Officer. The Hearing Officer has the discretion to continue the hearing, for just cause, within the Hearing Officer's discretion. If a Party fails to appear at a noticed hearing, the Hearing Officer may, within their discretion do any of the following: continue the hearing; proceed with the hearing and decide the case on its merits; or dismiss the petition with or without prejudice. Parties' witnesses and representatives may also attend the hearing. The hearing may also be attended by City staff (including consultants) and Rental Housing Board members, within their discretion. The Program Administrator has the discretion to determine if a virtual

hearing is appropriate, where some or all of the participants may appear by video conference.

Section 11. Petition Decision and Notice. The Hearing Officer shall make a determination on a petition no later than thirty (30) days after the hearing. The Program Administrator shall send a notice of the decision to all parties to the hearing.

Section 12. Appeal. Any person aggrieved by the decisions of the Hearing Officer may appeal to the Board. An appeal form must be filed with the Program Administrator no later than thirty (30) days after receipt of the notice of decision made by the Hearing Officer.

Section 13. Standard of Review on Appeal. Unless otherwise required by law, the standard of review on appeal shall be substantial evidence.

Unless otherwise required by law, if the Board elects to hear an appeal de novo, the standard of review shall be preponderance of the evidence.

Section 14. Appeal Process. Any appeal shall be filed and submitted to the Program Administrator on a form provided by the City no later than thirty (30) days after receipt of the notice of the Hearing Officer's decision. A party is presumed to receive the decision five (5) business days after the notice is sent. The appeal must contain a statement of the specific grounds on which the appeal is based. The Program Administrator will notify the Board and all Parties within three (3) days after the appeal is filed. Additionally the Program Administrator shall send a copy of the appeal to the Hearing Officer whose decision is being appealed. The Board, within its discretion, or the Program Administrator may require that appeals relating to the same building or property, or different properties of the same Landlord, be consolidated. The opposing party of the appeal may file any response to the appeal within fourteen (14) days from the date the appeal is filed.

Section 15. Appeal Report. A Board Staff Report may be prepared by the Program Administrator that contains any of the following: the Hearing Officer decision, evidence and papers submitted by the Parties, recording of the hearing, and papers submitted by the Parties on appeal.

Section 16. Appeal Notice. The approved agenda, with all supporting materials, shall be transmitted to the Board members and be available to the public at least seventy-two (72) hours prior to the regularly scheduled Board Meeting, unless specified otherwise by City or State law. All Parties shall be notified of the date, time and place set for Board action on the appeal. Copies of any Board Staff Report shall be included in the notice to all Parties prior to the Board action. Copies of the official record shall be available to the

public at least seventy-two (72) hours prior to the date set for Board action. Parties may submit written comments to the Board prior to the Board action.

ARTICLE 4 – VOLUNTARY MEDIATION

Section 1. Purpose. Pursuant to Section 8-3146 of the Ordinance, as may be amended from time to time, voluntary mediation shall be provided by the City as a process in which a Mediator may assist disputants in reaching a voluntary agreement. This Article supplements that Section. Mediation is a voluntary collaborative process wherein the Landlord and Tenant(s) who have a disagreement can develop options, consider alternatives, and develop a consensual agreement.

Section 2. Mediator Selection. A Mediator is a neutral third party appointed by the Program Administrator.

Section 3. Request for Mediation. A Petitioner or Responding Party may submit a request for a mediation to the Program Administrator utilizing the Voluntary Mediation Request Form.

Section 4. Scheduling. Upon submission of a request for mediation, the Program Administrator shall appoint a Mediator and set a date for mediation no later than thirty (30) days after the receipt of the mediation request. If the Program Administrator determines that additional time is necessary to provide required supportive documentation the Program Administrator may set a date for mediation no later than sixty (60) days after the receipt of the mediation request.

Section 5. Notification. The Program Administrator shall notify the Landlord and Tenant(s) in writing of the date, time, and place of the mediation hearing at least ten (10) days prior to the mediation hearing.

“Notice” or “Written Notice,” as provided by the City, shall mean a notice given in writing by either United States mail, certified mail, express mail, or electronic mail (email). Notice by electronic mail shall be acceptable as long as the parties involved have previously provided an email address to the City or previously communicated with the City via email.

Section 6. Mediation Process. Mediation will be facilitated by a Mediator. The parties will be asked to read and sign an agreement to mediate, a form to be provided by the City or Mediator. Within the Mediator’s discretion, the mediator may give each party a chance to describe the dispute from their perspective and present recommendations for how they would like to see the dispute resolved. The Mediator will seek to understand what is important to each party and encourage a settlement that is mutually acceptable.

Mediation will take place at a location in the City of Santa Ana. Parties may also participate via phone or an internet-enabled device, at the discretion of the Program Administrator or Mediator. The Program Administrator or Mediator has the discretion to determine if a virtual hearing is appropriate, where some or all of the participants may appear by video conference

ARTICLE 5 – RENTAL REGISTRY REGISTRATION AND FEES

Section 1. Purpose. Pursuant to Division 4 of the Ordinance, as may be amended from time to time, the City is required to establish a Rental Registry and collect Rental Registry Fees. This Article supplements that Division. The purpose of this Article is to enable the Program Administrator to monitor and enforce compliance under the Ordinance. All registration requirements herein are subject to applicable California law, and the provisions of the Ordinance, as may be amended from time to time. The City's Rental Registry is designed for property owners to register their Residential Real Property, update Rental Unit information, update tenancy information, submit notices, and pay the City's Rental Registry Fee.

Section 2. Required Units in Registry. All Residential Real Property, including all Rental Units, must be registered in the City's Rental Registry annually.

Section 3. Exempt Units. Landlords that have Residential Real Property that may be exempt from the Ordinance must still complete the annual registration process to ensure ongoing compliance. Landlords must provide information and supporting documentation as required in Section 8-3160(d) of the Ordinance, as may be amended from time to time. If this information is not submitted by July 1 of each year, or as requested by the Program Administrator, the Residential Real Property will be subject to the Ordinance and no longer exempt. Single-family dwellings or condominiums, that are occupied by the Owner only without any Tenants, are not required to complete the annual registration process.

Section 4. Initial Registration. The Program Administrator will send a notice to all known Landlords which will include information about how to register their Residential Real Property, including all Rental Unit(s). Initial Registration is not complete until all provisions of Section 8-3160(a) of the Ordinance, as may be amended from time to time, have been satisfied.

Section 5. Annual Registration. The Program Administrator may send a notice to all known Landlords which will include information about how to register their Residential Real Property annually. All units must be registered by July 1 of each year or in accordance with the requirements set forth by the Program Administrator. It is the Landlord's responsibility to make sure all Residential Real Property, including all Rental Units, are registered.

A designation from the City that registration of a Rental Unit is complete shall not be construed as certification from the City that the Landlord is charging a lawful rent amount or is otherwise in compliance with the Ordinance, other than completion of registration. Nothing in this Article shall preclude the Program Administrator, Board, or any person from challenging the accuracy of any information provided by the Landlord to the City's Rental Registry.

Section 6. Contents of Registration Form. In accordance with Section 8-3160(g), as may be amended from time to time, the Board and/or Program Administrator may adopt policies and procedures that require additional information to be collected and recorded in Registration Forms in furtherance of the objectives of the Ordinance. The following information may be requested in the Initial Registration Form or annual Registration Forms, that are required to be provided by Landlords to the City through the Rental Registry:

- Address of each Residential Real Property, including all Rental Unit(s), including the identifying unit number or letter
- Number of bedrooms and bathrooms in the Rental Unit
- Name, current address, and contact information of current Owners, authorized representatives and property managers
- Date of assumption of ownership by current Owners
- Initial Rent
- Current Rent
- Date and amount of last Rent Increase
- Move-in date of current Tenant(s) (Occupancy Start Date)
- Property Type
- Property Year Built
- Occupant Type
- Services Included with Rent

The information listed above, that may be included in Registration Forms, is not meant to be exhaustive. Any other information requested in the Rental Registry is for the purpose of monitoring and enforcing the Ordinance, and shall be provided by the Landlord to the City.

Section 7. Notices. Pursuant to Section 8-3149(d) of the Ordinance, as may be amended from time to time, any notices or documents required to be provided from a Landlord to a Tenant pursuant to the Ordinance, or any other federal, state, or local law, shall be provided by the Landlord to the City through the Rental Registry. These notices and documents include, but are not limited to:

- Notice of Rent Increase
- Notice of Change in Ownership or Management

- Notice of the Existence of the Ordinance
- Notice to Cease or Correct
- Notice to Perform or Quit, or Notice to Cure or Quit
- Notice to Pay Rent or Quit
- Notice to Quit or Notice to Terminate Tenancy
- Unlawful Detainer Complaint

The list above is not meant to be exhaustive. However, in general, notices to enter or notices to change terms of tenancy not involving a change in Rent, do not need to be provided to the City through the Rental Registry. Notices that terminate tenancy, that could support the basis of an unlawful detainer (eviction) action, must be provided to the City.

Section 8. Other Policies and Procedures. The City may publish additional information that supplement these Regulations, Policies and Procedures that pertain to the Rental Registry. For example, this may include, but not be limited to, Frequently Asked Questions, a User Guide, Infographics, Videos, and any other guidance that may exist now and in the future to help administer the Rental Registry and/or fulfill the purpose of the Ordinance. These additional publications are hereby incorporated and authorized by these Regulations, Policies and Procedures and the Ordinance.

ARTICLE 6 – ALLOWABLE RENT INCREASES

Section 1. CPI Posting. The City will publish on its website a notice of allowable Rent Increase no later than June 30th of each year, which shall be effective as of September 1st of that year.

“Change in the Consumer Price Index” will be calculated as using the change from May 1st of the prior year to May 1st of the current year in the United States Consumer Price Index for all Urban Consumers in the Los Angeles-Long Beach-Anaheim Metropolitan Area published by the Bureau of Labor Statistics.

[RESERVED] ARTICLE 7 – ENFORCEMENT

**[RESERVED] ARTICLE 8 - JUST CAUSE AND NO-FAULT REQUIREMENT FOR
EVICTION**

ARTICLE 9 – TERMS AND DEFINITIONS

Section 1. Purpose. The Ordinance defines certain words and phrases, pursuant to Section 8-3102, as may be amended from time to time. This Article supplements those definitions.

“Actively attending any level of school during a specified school term” means a student enrolled in any level of education on a full time basis, not including summer school, day care, or preschool education.

Housing or Residential Real Property that has been issued a Certificate of Occupancy could include any of the following:

- a) Issuance of a Certificate of Occupancy by the City; or
- b) Building permit “finalized” date, if no Certificate of Occupancy has been issued; or
- c) Building permit “issued” date, if no Certificate of Occupancy has been issued and if no permit “finalized” date is on record with the City. This will usually be for Residential Real Property that was built prior to on or about September 23, 2000 (when the City implemented electronic building records).

“Financial interest” means anything of monetary value, whether the value is readily ascertainable, which is held by an individual, a member of their immediate family or a business entity they own, control or direct. Financial interest could also include a leasehold interest.

“Housing” means “Residential Real Property” or “Residential Property.” These terms may be used interchangeably throughout the Ordinance and in these Regulations, Policies and Procedures.