

# SMRR's Tenant Survival Guide



SMRR's cautionary tips are not legal advice. At the first hint of trouble, see at Santa Monica-experienced tenant attorney.

**CHANGES TO RENTAL AGREEMENT:** See an attorney before signing any documents presented to you by your landlord (LL), including Estoppel Certificates. If the LL proposes new terms that are “materially different” from your old rental agreement, you don’t have to agree. You don’t have to sign a written agreement if you have an oral agreement. Obey your rental agreement.

**PAYING RENT:** Pay rent on time in one of the ways specified in your rental agreement or in a written notice to pay rent or quit. Some LLs try to make it hard to pay, so be able to PROVE payment by witnesses, photos, video, photocopies, etc. If you pay by mail, send the rent from a Post Office with “Proof of Mailing.” LLs must give you at least one additional way to pay rent other than electronically or with cash. If you pay with cash, get a receipt. For most units constructed before 4/10/79, there are rent-control restrictions on how much your rent can be increased each year. The SM Rent Board allows a low percentage increase each year. Except for single family homes/condos owned by individuals, units constructed after 1979 and more than 15 years ago are covered by State rent control, which means rent can’t be increased by the lower of either 1) 5% plus the Consumer Price Index, or 2) 10%. Increases of more than 10% require a 90-day notice. See EVICTION below.

**EVICTION:** Get legal help right away if you receive a notice that you did not pay rent (even if you paid it), or if you get any eviction notice. If you get a notice to pay rent or quit, use "Proof of Mailing" from the Post Office to send payment within the 3 days (weekends & holidays don’t count), to the address in the notice. Be able to prove that you put your check or money order in the envelope. Keep written proof of payment. Most tenants in SM can only be evicted for “Just Cause.” Some “Just Cause” examples include damage, unapproved subletting, & nuisance. LLs must give tenants a written warning, with a reasonable time to cure violations, before serving an eviction notice. If you’re being evicted for owner occupancy or the Ellis Act (see below) you’re entitled to relocation money set by the City.

**ELLIS ACT:** If you receive a 120-day notice that your LL is going out of the rental housing business under the Ellis Act, seek legal help. If you are 62+ years old, disabled, an educator, or have minor children you can stay for a whole year if you notify your LL in writing of your status within 60 days. If you are low-income, you are eligible to go to the top of the wait list for Section 8 or Below Market Housing. Contact the SM Housing Division. If the LL re-enters the rental housing business, you have the right to move back in. Depending on how long it has been, the rent may be the same (plus the annual increases).

**HARASSMENT:** Contact the SM City Attorney, and/or a tenant attorney if you are a victim of tenant harassment. The City has a tenant harassment law. See SM Rent Board page at: <https://www.santamonica.gov/rent-control-information-by-subject>. City Attorney's page is: [www.smgov.net/Departments/CPU/content.aspx?id=8471](http://www.smgov.net/Departments/CPU/content.aspx?id=8471).

**REPAIRS:** Ask your LL in writing (such as by email) to make repairs. Save copies of all communications. If your LL fails to respond or make habitability repairs, contact SM Code Enforcement or LA County Dept. of Health. If you live in a SM rent-controlled unit, you can file a Rent Decrease Petition with the Rent Board after giving a 30-day SM notice form to LL. It is the LL’s obligation to pay for required repairs under the state’s “warranty of habitability” (unless you caused the condition) even if your rental agreement says otherwise or your LL bills you. Your LL must give 24-hours written notice to enter, unless it’s an emergency, no matter what your rental agreement says. If you are a Section 8 tenant, you can also inform the SM Housing Authority regarding needed repairs.

**BUYOUT OFFERS:** If you are a rent-controlled tenant, your LL may try to pay you to leave. Before you agree to a buyout, see a tenant attorney. SM laws protect you from unfair/illegal buyout offers & require a special notice & disclosures. Buyout amounts offered by LLs could be less than the “relocation money” owed to evicted rent-controlled tenants. Rent-controlled tenants evicted by an Owner-Occupancy eviction, the Ellis Act, or when an LL otherwise lawfully applies to remove a unit, get relocation assistance amounting to between \$19,950 & \$38,250 or more if Senior/Disabled/Minor. If you accept a buyout, you have 30 days to change your mind. The Rent Board has a database of buyouts in your neighborhood so you can find out what might be fair. Warnings: Consider what it will cost to replace your housing and the time you need to move out. If you are being evicted under the Ellis Act, or for Owner-Occupancy, and are low income, and you accept a buyout, you’ll lose your right to go to the top of the SM lists for low-income housing (Section 8 or “Below Market Housing”). If you still want to take a buyout offer, get assistance so you can negotiate the best deal. Visit the City of Santa Monica’s Buyout Agreements Yearly Data webpage here: [https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/Information\\_and\\_FAQ/Buyout%20Agreements%20Yearly%20Data.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/Information_and_FAQ/Buyout%20Agreements%20Yearly%20Data.pdf)

**Santa Monicans for Renters' Rights (SMRR)** is a political group founded in 1979 when SMRR won passage of one of the nation's strongest rent control laws. Over the years SMRR has diligently protected Rent Control against numerous attacks. In 1986 a landlord lawsuit to overturn Santa Monica Rent Control reached the U.S. Supreme Court, which upheld our Rent Control Law by an 8-1 vote.



**SMRR** works to protect Rent Control by electing pro rent control candidates to Santa Monica Government. SMRR members choose which candidates to back. Then, SMRR volunteers & staff knock on doors, use mail & online media, and network with other community groups to get our message out to Santa Monica's 68,000 voters. For most of the past 40 years SMRR held a majority on City Council and has always had a super majority on the Rent Control Board. SMRR candidates have also held majorities on the SMMUSD School Board and Community College Board.

**BEYOND RENT CONTROL:** SMRR's election victories have led to a broad range of progressive public policy, including creating affordable housing; providing income support to low-income tenants; controlling development; pioneering sustainable environmental policies; creating the Third Street Promenade & revitalizing downtown; making our schools a priority; responding humanely to homelessness; working with local labor unions; promoting art & culture; improving transit.

**SMRR TENANT HOTLINE: 310-394-0848.** The SMRR Hotline has (for 30 years) helped SM renters with tenancy problems. We present callers with some questions they might ask of lawyers (if they need one) and refer them to the correct government agencies to help. Although we can't give legal advice, we inform tenants of their rights & guide them toward additional resources.

**RENT CONTROL BOARD: 310-458-8751.** City Agency that oversees Rent Control. It has five elected commissioners and a professional staff, including attorneys who defend Rent Control against landlord lawsuits. Rent Control Board staff is available to meet with landlords and tenants to inform them of their rights, to refer them to other city agencies and legal services, to mediate disputes and to hear cases filed by landlords and tenants.

**CITY ATTORNEY: 310-458-8336.** Contact if you experience harassment by your landlord.

**SMRR DOOR-TO-DOOR CANVASS:** Our canvass is crucial in contacting voters, raising the funds to win elections, and in helping to inform tenants of their rights and the importance of staying vigilant in our fight to protect rent control. When visited by your friendly neighborhood SMRR canvasser please be as supportive as you can!