

SANTA MONICA RENT CONTROL BOARD

1685 Main Street, Room 202 Santa Monica, CA 90401

(310) 458-8751

www.smgov.net/rentcontrol

**DECREASE PETITION
INFORMATION SHEET**

If you believe there is a deteriorated condition or a loss of services in your apartment, you may file for a rent decrease under the Individual Rent Adjustment procedures established by Rent Control Regulations (Chapter 4).

The steps for filing a rent decrease petition are as follows:

- ❑ **Serve the landlord with a notice in writing that you intend to file a decrease petition.** You may use the Notice to Landlord provided in this packet, **or** you may write your own letter. In either case, it is essential that you specifically and clearly state the nature of all complaints or problems. If you use the attached form, you must check the appropriate category or categories, **and** explain each problem in detail.

For example, if you check broken window, state which window is broken and what the exact problem is: For example - "Kitchen window won't close completely and lock is broken".
- ❑ **Raise all issues in your notice for which you intend to seek a decrease.** If there are additional problems but you do not list them in your notice, Rent Control Board regulations may prevent you from filing another petition until six months after the decision on your first decrease becomes final.
- ❑ **Keep a copy of the notice you serve on the landlord.** You will need to submit a copy of the Notice/letter you initially served your landlord when you file your petition.
- ❑ **Complete a proof of service form.** A proof of service form is attached. After you serve your landlord with the Notice of Intent to File a Decrease or your own letter, complete the Proof of Service form. Be sure to keep the Proof of Service form with your important documents. It is your proof that you served the landlord with your Notice. You will need to submit the original Proof of Service Form at the time you file your petition.
It is not necessary to obtain Post Office Return Receipt notice.
- ❑ **At least thirty days but not more than 180 days after the date of service of the notice on the landlord, you may file the petition for a rent decrease with the Rent Control Board.** You may NOT check any category or raise any problem on the petition that was not raised in the original notice to landlord. Be sure to include all conditions which have not been corrected on the petition.
- ❑ **When you are ready to file the petition, please call a decrease screener at (310) 458-8751 to discuss the proper way to complete the decrease petition and to arrange an appointment to fill out the petition.** Please bring a copy of your notice/letter to the landlord and the **original** proof of service when you come in for your appointment at the Rent Control Board office.

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After You Submit the Decrease Petition. Once the petition is accepted for filing, it is promptly submitted to an Agency staff member trained to assist landlords and tenants in resolving disputes. The staff member notifies the parties by mail that the decrease petition has been filed and schedules a mediation conference in an attempt to resolve the problems informally. The matter is also set for a hearing before a hearing officer in case all items cannot be resolved through mediation.

Mediation can take several forms. Sometimes the issues can be resolved through telephone conversations. At other times the mediator holds an informal meeting with both parties, usually at the property. Mediation sessions are scheduled at the convenience of both parties, including evenings.

If all the issues raised in a decrease petition are not resolved through mediation, the unresolved issues are forwarded to the Hearings Department where the petition will be scheduled for a formal hearing. The parties will receive notice of the date, time, and location of the hearing at least ten (10) days prior to the hearing.

Hearing. In most cases, before a hearing a Rent Control Investigator will call to make an appointment for an inspection of your unit. Be prepared to point out to the inspector all conditions for which you filed the petition. The inspector will take photographs, prepare a written report, and testify at the hearing about the conditions in your apartment. For further information on preparing for a hearing, see the information brochure entitled "How to Prepare for a Rent Control Hearing."

Please note that if you are alleging services or amenities to your unit have been reduced, and your **tenancy began before January 1, 1999**, you must be prepared to prove these services were available to the unit in April, 1978. If the service is shown on the first registration form filed for the property, the burden of proof will be on the landlord to show it was not provided in April, 1978. If the service is not listed on the first registration form, the tenant must prove the service was provided in April, 1978.

If you moved in in **1999 or later**, you must prove that the service or amenity was provided when you initially moved in.

Effect of Decrease in Rent. The decreases that are granted are always **prospective**. The Rent Control Board does not have the authority to grant a retroactive decrease. Please be aware that all decreases **are deducted from the existing Maximum Allowable Rent** - not a lower rent level you may be paying. Therefore, if the rent you pay **is less** than the Maximum Allowable Rent, the effect of any decrease **may not lower** the rent you are actually paying.

Other Places to Seek Help. If you believe there are conditions in your unit that violate any Housing or Health and Safety codes, you may also contact the Building and Safety Department at 458-8355 or the Health Department at 315-4579 to file a complaint for these items with those agencies.

If you have any questions, please call the Rent Control Board at 458-8751 and speak with an Information Coordinator for further assistance. Also the Board's web site at www.smgov.net/rentcontrol may be helpful.