

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.

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NOTICE TO LANDLORD TO REPAIR OR RESTORE SERVICES

Intent To File Petition For Rent Decrease

[Regulation 4003(c)]

MPP# _____

office use only

To: _____, Landlord of the property located at

_____ *street address*

I intend to seek a decrease in my rent for unit # _____ at

_____ *address*

by filing a **Petition for Rent Decrease** with the Rent Control Board unless the conditions checked below are corrected or restored within 30 days.

Maintenance-Related Conditions

[Regulation 4200(d)]

Place an X in the blank to the left of the condition and specify in the space below the item where the problem exists.

- _____ 1. Water leakage through roof, windows, doors, walls ceiling (this range is per area affected by leakage).
- _____ 2. Broken windows or door.
- _____ 3. Broken or inoperative window blinds, venetian blinds or screens.
- _____ 4. Loss of or insufficient heat, hot water or water supply.
- _____ 5. Serious infestation of insects or rodents.
- _____ 6. Dangerous porches, walks, stairs or railings.
- _____ 7. Substantial holes in floors walls or ceilings.
- _____ 8. Unsafe or inoperative electrical wiring or outlets or exposed wiring.

- _____ 9. Defective plumbing, drains, sewage system or toilet facilities.
- _____ 10. Accumulation of garbage, debris or other inappropriate materials in common areas.
- _____ 11. Drapes or window coverings with stains, holes, tears or disintegrating fabric, or drapes or window coverings which have been removed.
- _____ 12. Carpets or other floor coverings, including hardwood, tile or linoleum with tears, holes, stains, cracks, gaps, shredded or disintegrated material, carpet padding or carpet which is moldy, malodorous, worn thin, threadbare or disintegrated.
- _____ 13. Defective or inoperative appliance in unit.
- _____ 14. Broken fan or vent.
- _____ 15. Broken or defective intercom.
- _____ 16. Broken or missing smoke detector, alarm, fire extinguisher.
- _____ 17. Peeling, crumbling, water-stained, worn, scraped, scuffed or cracked paint or peeling, torn, water-stained wall covering.
- _____ 18. Deteriorated countertops.
- _____ 19. Missing or cracked, broken tile.
- _____ 20. Missing caulking, grout.
- _____ 21. Deteriorated or broken cabinets or drawers.
- _____ 22. Broken or missing mailbox.
- _____ 23. Inoperative or insufficient exterior lights.
- _____ 24. Defective or inoperative elevator.
- _____ 25. Other [Regulation 4200(e)].

Please specify: _____

Lost or Reduced Housing Services [Reg. 4200(f)]

- _____ 1. Parking
- _____ 2. Storage
- _____ 3. Furniture
- _____ 4. Laundry facilities
- _____ 5. Security gates, doors or fencing
- _____ 6. Recreational facilities
- _____ 7. Yards, patios, balconies, play areas
- _____ 8. Landscaping or yard-care services
- _____ 9. On-site management services
- _____ 10. Roommate (regulation 4200(i)) (*based on percent reduction in unit's occupants*)
- _____ 11. Other: _____

Please specify: _____

If correcting the above maintenance conditions or restoring the above housing services requires access to my unit, please notify me in a timely manner so arrangements can be made.

If these conditions are not corrected or services not restored within thirty (30) days from the date of this Notice, I intend to file a Petition for Rent Decrease with the Santa Monica Rent Control Board.

signature of tenant

date

PETITION FOR RENT DECREASE
[Regulation 4001A]

<i>(office use only)</i>	
Petition #: D- _____	MPP: _____
	Date Submitted: _____

I. TENANT INFORMATION: _____
Name

_____ Santa Monica, CA
Street Address Unit Zip Code

(_____) _____
Home Phone Business Phone

Mailing Address, if different from above

II. LANDLORD INFORMATION: _____
Name

_____ City State Zip Code
Street Address

(_____) _____
Home Phone Business Phone

III. REPRESENTATIVE AUTHORIZATION: If you have a representative to file this petition on your behalf or appear on your behalf at a hearing, the **attached Authorization for Representation** form must be completed and submitted with this Petition. **ALSO** indicate your representative below.

Representative Name

_____ City State Zip Code
Street Address

(_____) _____
Phone

IV. My current rent is \$ _____	<i>(Office use only)</i> MAR\$ _____
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V. MAINTENANCE RELATED CONDITIONS [Regulation 4200(d)]

Compare your **Notice To Landlord to Repair or Restore Services** with the list of conditions below. In **Column A**, place an **X** in any item that you have **also checked in your original Notice** that has **not** been repaired or restored.

The dollar values in **Column B** will be used by the Rent Control Board in determining the amount of rent decrease warranted by each situation. If you believe the conditions you have checked warrant greater decreases than listed in the range given in Column B, **and** you can offer convincing proof of such, enter the greater amount you feel is appropriate in **Column C**.

The Hearing Examiner or the Board may grant a Decrease that is greater or less than the amount shown based upon the evidence that is presented at the hearing. [Regulation 4003(d)]

Note: *The conditions or services you check below must correspond to those conditions or services noted in your initial NOTICE TO LANDLORD or letter.*

<u>A</u>	<u>CATEGORY</u>	<u>B</u>	<u>C</u>
_____	1. Water leakage through roof, windows, doors, walls ceiling (this range is per area affected by leakage).	\$10 - \$120	_____
_____	2. Broken windows or door.	\$5 - \$60	_____
_____	3. Broken or inoperative window blinds, venetian blinds or screens.	\$5 - \$30	_____
_____	4. Loss of or insufficient heat, hot water or water supply.	\$10 - \$150	_____
_____	5. Serious infestation of insects or rodents.	\$10 - \$120	_____
_____	6. Dangerous porches, walks, stairs or railings.	\$10 - \$120	_____
_____	7. Substantial holes in floors walls or ceilings.	\$10 - \$120	_____
_____	8. Unsafe or inoperative electrical wiring or outlets or exposed wiring.	\$10 - \$180	_____
_____	9. Defective plumbing, drains, sewage system or toilet facilities.	\$10 - \$240	_____
_____	10. Accumulation of garbage, debris or other inappropriate materials in common areas.	\$5 - \$30	_____
_____	11. Drapes or window coverings with stains, holes, tears or disintegrating fabric, or drapes or window coverings which have been removed.	\$10 - \$120	_____

<u>A</u>	<u>CATEGORY</u>	<u>B</u>	<u>C</u>
_____	12. Carpets or other floor coverings, including hardwood, tile or linoleum with tears, holes, stains, cracks, gaps, shredded or disintegrated material, carpet padding or carpet which is moldy, malodorous, worn thin, threadbare or disintegrated.	\$10 - \$225	_____
_____	13. Defective or inoperative appliance in unit.	\$10 - \$60	_____
_____	14. Broken fan or vent.	\$5 - \$20	_____
_____	15. Broken or defective intercom.	\$10 - \$25	_____
_____	16. Broken or missing smoke detector, alarm, fire extinguisher.	\$10 - \$50	_____
_____	17. Peeling, crumbling, water-stained, worn, scraped, scuffed or cracked paint or peeling, torn, water-stained wall covering.	\$10 - \$60	_____
_____	18. Deteriorated countertops.	\$10 - \$30	_____
_____	19. Missing or cracked, broken tile.	\$10 - \$30	_____
_____	20. Missing caulking, grout.	\$5 - \$20	_____
_____	21. Deteriorated or broken cabinets or drawers.	\$15 - \$40	_____
_____	22. Broken or missing mailbox.	\$10 - \$30	_____
_____	23. Inoperative or insufficient exterior lights	\$10 - \$45	_____
_____	24. Defective or inoperative elevator	\$10 - \$60	_____
_____	25. Other [Regulation 4200(e)]		_____

Please specify: _____

VI. REDUCED HOUSING SERVICES [Regulation 4200(f)]

Tenants who moved into unit prior to January 1, 1999 - the housing services checked below which were included in the April 10, 1978 rent for my unit have been reduced or removed:

Or

Tenants who moved into unit on or after January 1, 1999 - the housing services checked below were included in my initial rental of this unit.

<u>A</u>	<u>CATEGORY</u>	<u>B</u>	<u>C</u>
_____	1. Parking	\$20 - \$375	_____
_____	2. Storage	\$5 - \$150	_____
_____	3. Furniture	\$5 - \$190	_____
_____	4. Laundry facilities	\$20 - \$120	_____
_____	5. Security gates, doors or fencing.	\$20 - \$180	_____
_____	6. Recreational facilities.	\$10 - \$120	_____
_____	7. Yards, patios, balconies, play areas.	\$10 - \$120	_____
_____	8. Landscaping or yard-care services.	\$5 - \$60	_____
_____	9. On-site management services.	\$20 - \$80	_____
_____	10. Roommate (Regulation 4200(i)) <i>(based on percent reduction in unit's occupants)</i>	% of rent	_____
_____	11. Other:		_____

Please specify: _____

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this _____ day of _____, 20_____

at _____, California.

Signature of Petitioner

I have attached the following documents where applicable (check). **Items #1 & #2 are required in order to file this petition:**

- _____ 1. Copy of NOTICE TO LANDLORD or your letter to landlord requesting corrected conditions or restored services. [Regulation 4003(c)].
- _____ 2. A completed Proof of Service form [Regulation 4003(c)].
- _____ 3. Copies of any notices or reports you have received from any City or County agencies or departments.
- _____ 4. Authorization for Representation form if you have an authorized representative.

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1685 MAIN STREET, ROOM 202, SANTA MONICA, CA 90401
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PROOF OF SERVICE
[Reg. 4003(c)]

INSTRUCTIONS: (1) Fill out the **Notice to Repair** form (attached) or write a letter listing the repairs or conditions about which you are complaining; (2) **Make a copy** of the Notice for yourself; (3) **Deliver** the Notice form (or letter) to your landlord by **mail or personal service**; (4) Complete **either Section A or B** of this PROOF OF SERVICE form and **sign it**; (5) **Attach** to it **your copy** of the Notice form (or letter) you have served on your landlord; and (6) When you submit your Petition to the Rent Control Board, **both** this **original** Proof Of Service and a **copy** of the written Notice form (or letter) **must be attached**.

I declare that I am over the age of eighteen years; that my address is

_____ ; and that I **served** a true copy of the attached **Notice To Landlord To Repair Or Restore Services/Intent To File Petition For Rent Decrease (or letter)** by one of the following methods:

A. BY MAIL

I **served** a true copy of the attached **NOTICE** To Landlord To Repair Or Restore Services/Intent To File Petition For Rent Decrease (**or letter**) on the ____ day of _____, 200__ **by placing** said copy in an envelope addressed to the following persons at the address below:

_____(person served)

The envelope was then sealed and postage fully prepaid. I **deposited it in the United States mail** at _____, California. There is delivery service by United States mail at the place
City
so addressed and/or there is a regular communication by mail between the place of mailing and the place so addressed.

B. BY PERSONAL SERVICE

I **delivered** the **Notice** To Landlord To Repair Or Restore Services/Intent To File A Petition For Rent Decrease (**or letter**) by **personally handing** a copy of the "**Notice**" (**or letter**) to my landlord, **or** his/her authorized representative, **or** his/her manager as named below on the ____ day of _____, 200__ , at the address or location listed below:

_____(person served)

I declare under penalty of perjury that the foregoing is true and correct. Executed this ____ day of ____
_____ 200__, at _____, California.
(City)

Signature

Print or Type Name