



Revenue Division
PO Box 2200
Santa Monica, CA 90407-2200

P: 310-458-8745 • F: 310-451-3283
E: business.license@santamonica.gov
W: santamonica.gov/businesslicense

BUSINESS LICENSE APPLICATION RESIDENTIAL PROPERTY LESSOR

Notice #:	
OFFICIAL USE ONLY	
BL #:	
Fees Paid: \$	_____
Paid By:	
<input type="checkbox"/> Ca. <input type="checkbox"/> Ck # _____ <input type="checkbox"/> AMEX <input type="checkbox"/> Visa <input type="checkbox"/> Disc. <input type="checkbox"/> MC <input type="checkbox"/> Web	
Date Paid:	_____
Processed by:	_____

Santa Monica Business License Period—July 1 through June 30

There is no proration for a business license issued after the start of a licensing period. A standard business license will expire on the next June 30th after it was issued. (SMMC 6.04.120 and 6.04.110)

Use this application if you are leasing or subleasing residential property to others in the City of Santa Monica.

BUSINESS ENTITY INFORMATION (ALL FIELDS REQUIRED)

1	DBA (if applicable): _____				
2	Legal Business Name: _____				
3	Business Physical Address: <i>(Rental Property Address)</i>				
	Number	Street	Unit/Suite #	City	State Zip
4	Business Mailing Address:				
	<input type="checkbox"/> Same as Physical Address				
	Number	Street	Unit/Suite #	City	State Zip
5	Email: _____		Business Phone: _____		Alternate Phone: _____ <input type="checkbox"/> Fax <input type="checkbox"/> Mobile
6	Date business began or will begin within the City of Santa Monica?			Is this business a non-profit or exempt entity? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Month	Day	Year	If yes, please provide documentation with your application	
7	Business Type: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> LLC <input type="checkbox"/> Corporation				Corporation/LLP/LLC Entity #: _____
8	# of units for rent/lease: _____		<input type="checkbox"/> Check here if one of the units is owner occupied		FEIN: _____

OWNER/OFFICER INFORMATION (ALL FIELDS REQUIRED)

9	First Name: _____		Last Name: _____		
	Title: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> President <input type="checkbox"/> Managing Member <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____				
	Residential Address: _____				
	Number	Street	Unit/Suite #	City	State Zip
	Email: _____		Date of Birth: _____	Driver's License or Gov't Issued ID: _____	Phone: _____

ADDITIONAL OWNER/OFFICER INFORMATION (IF APPLICABLE)

10	First Name: _____		Last Name: _____		
	Title: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> President <input type="checkbox"/> Managing Member <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____				
	Residential Address: _____				
	Number	Street	Unit/Suite #	City	State Zip
	Email: _____		Date of Birth: _____	Driver's License or Gov't Issued ID: _____	Phone: _____

PROPERTY MANAGEMENT CONTACT INFORMATION

11	<input type="checkbox"/> Same as owner	Company Name <i>(if applicable)</i> : _____				
		Contact Person: First: _____ Last: _____		Department <i>(if applicable)</i> : _____		
		Contact Phone: _____		Contact Email: _____		
	<input type="checkbox"/> Same as Property Address	Manager or Management Company Address: _____				
		Number	Street	Unit #	City State Zip	

CITY OF SANTA MONICA BUSINESS LICENSE APPLICATION—PROPERTY LESSOR

Complete next page

The applicant shall agree to the following criteria and conditions as part of the approval the Lessor Residential Business License. Failure to answer YES or N/A to any of the criteria and conditions listed herein shall constitute grounds for denial of the Lessor Application:

SELF-CERTIFICATION CHECKLIST—LESSOR ACTIVITY

12	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unit(s) will be rented only to natural persons
13	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unit(s) will be rented only to tenants intending the unit to be their primary residence
14	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unit(s) will be rented under a written lease with an initial term of not less than 1 year
15	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unit(s) will be rented unfurnished

Exemptions: Please check any basis for exemption such that Chapter 6.22 of the Santa Monica Municipal Code (“SMMC”) (Residential Leasing Requirements) would not apply to lease:

The Lease:

16	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A	Provides for temporary relocation housing for tenants under SMMC Sections 4.36.100 or 8.100.030
17	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A	Unit is occupied by owner as owner’s primary residence and:
			Within the last ten years, a tenant did not leave the unit as a result of an owner-move-in or Ellis eviction, or buy-out of a rental agreement after the tenant was provided with notice of an owner-move-in or Ellis Act eviction
			Unit will be leased by owner less than a year with the intent of the owner to return to reoccupy the unit as owner’s primary residence at the end of the lease
			Unit will <u>not</u> be rented out more than two times per calendar year for a total period of less than six months

18 Please Note:
 (a) This Chapter shall not apply to:
 (1) Rental housing units lawfully occupied and subject to a written lease as of the effective date of the ordinance codified in this Section until the tenant or tenants using and occupying the rental housing unit vacate the unit;
 (2) Rental housing units lawfully occupied and not subject to a written lease as of the effective date of the ordinance codified in this Section until the tenant or tenants using and occupying the rental housing unit vacate the unit;
 (3) Home-sharing lawfully conducted in accordance with Santa Monica Municipal Code Chapter 6.20.

Check here and skip the ADU/JADU section below if the unit or units in question are not designated as ADU or JADU

The Unit(s) is/are an ADU or JADU and

19	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ADU/JADU plan checks were submitted to City by December 31, 2020
20	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unit(s) is located on parcel with dwelling unit occupied by owner as the owner’s primary residence
21	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unit(s) will be rented out for a period of more than 30 days and less than 1 year
22	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Owner of the dwelling unit will live on site through the duration of the lease
23	<input type="checkbox"/> Check here if you do not wish your business’ information posted on the City of Santa Monica’s website.		

DECLARATION AND SIGNATURE (ALL FIELDS REQUIRED)

I declare, under penalty of making a false declaration, that I am authorized to complete this form, and to the best of my knowledge and belief it is a true, correct and complete statement, made in good faith. I understand and agree that the granting of this license requires my compliance with all applicable Santa Monica Municipal Code provisions, state and federal laws and all conditions set forth above. I also understand and I am familiar with such local, state and federal laws and the conditions set forth above may result in revocation of this license.

Print Name:	Title:
Signature:	Date:

RETURN ENTIRE APPLICATION FORM TO ABOVE ADDRESS • MAKE CHECK PAYABLE TO THE CITY OF SANTA MONICA

If annual world-wide gross receipts will not exceed \$100,000.00, enter \$0 in the License Tax box to claim the Small Business Exemption. You may not claim the Small Business Exemption if you are filing this form more than thirty (30) days after your business start date.

<p>\$4.00 Fee Required by the State of California:</p> <p>On October 11, 2017, Governor Brown signed into law Assembly Bill 1379, mandating cities to charge a State Fee of \$4.00 to any business license application or renewal, effective January 1, 2018. This fee will provide a funding source for increased education on disability access and compliance with construction-related accessibility requirements to facilitate compliance with the federal and state disability laws.</p> <p>For questions about this fee, visit the Division of the State Architect (link is external) website.</p>	LICENSE FEES DUE		OFFICIAL USE ONLY
	Please Note: Fee payments are non-refundable		
	Business License Tax	\$ 75.00	\$
	<input type="checkbox"/> Check here for SBE	\$ 0.00	\$
	State Mandated Fee	\$ 4.00	\$
	Processing Fee	\$ 40.00	\$
	Late Penalty	\$	\$
	Total Due	\$	\$
	Amount Paid	\$	\$
	Fees Due	\$	\$

Thank you for doing business in the City of Santa Monica!

NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS

DISABILITY ACCESS REQUIREMENTS AND RESOURCES

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF
GENERALSERVICES,
Division of the State Architect,
CASp Program

www.dgs.ca.gov/dsa

www.dgs.ca.gov/casp

DEPARTMENT OF
REHABILITATION
Disability Access Services

www.dor.ca.gov

www.rehab.cahwnet.gov/

disabilityaccessinfo

DEPARTMENT OF
GENERALSERVICES, California
Commission on Disability
Access

www.cdda.ca.gov

[www.cdda.ca.gov/resources-
menu/](http://www.cdda.ca.gov/resources-menu/)

CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx.

<CONTINUED ON REVERSE>

GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs below are available to assist businesses with access compliance and access expenditures:

Disabled Access Credit for Eligible Small Businesses

FEDERAL TAX CREDIT—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at www.irs.gov.

STATE TAX CREDIT—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at www.ftb.ca.gov.

Architectural and Transportation Barrier Removal Deduction

FEDERAL TAX DEDUCTION—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at www.irs.gov.

California Capital Access Financing Program

STATE FINANCE OPTION—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at www.treasurer.ca.gov/cpcfca/calcap/.

FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at www.ada.gov.

CALIFORNIA BUILDING CODE (CBC)—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at www.bsc.ca.gov.

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Santa Monica Municipal Code						
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Article 6 BUSINESS, PROFESSIONS AND TRADES						

Chapter 6.22 RESIDENTIAL LEASING REQUIREMENTS

6.22.010 Purpose.

Santa Monica has an extensive history of protecting existing housing stock and encouraging the creation of new housing opportunities to ensure an inclusive and affordable community despite mounting market pressures. Increased demand for rental housing in the City, combined with rising housing costs across the City and the State, have made it increasingly difficult for those who live and work in Santa Monica to find rental housing that is available, affordable, and meets their needs. The Council finds and declares that the City's rental housing stock should, to the extent possible, be preserved for use as long-term permanent housing, and further finds and declares that tenants are entitled to contractual relationships with landlords that offer some assurances of stability and minimize frequent displacements of tenants in a rental housing market affording tenants few and increasingly expensive options. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.020 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

- (a) "Landlord" means an owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of any rental housing unit, or an agent, representative or successor of any of the foregoing.
- (b) "Lease" means an agreement, oral or written or implied, between a landlord and a tenant for use or occupancy of a rental housing unit, or any portion of a rental housing unit, and for housing services.
- (c) "Primary residence" means the usual place of return for housing of an owner or tenant, as documented by at least two of the following: motor vehicle registration; driver's license or California State identification card; voter registration; income tax return; proof of payment of resident tuition to a California public institution of higher education, including proof of payment in accordance with an exemption to payment of nonresident tuition under California Assembly Bill 540, the California DREAM Act; or a utility bill. An owner or tenant can only have one primary residence.
- (d) "Rental housing unit" means any of the following that is used as rental housing within the City:
- (1) A dwelling unit, as defined by Santa Monica Municipal Code Section [9.52.020.0730](#), except that a dwelling unit for purposes of this Chapter may be less than three hundred seventy-five square feet in size;
 - (2) An accessory dwelling unit, as defined by Santa Monica Municipal Code Section [9.51.020\(A\)\(1\)\(b\)](#);
 - (3) A junior accessory dwelling unit, as defined by Santa Monica Municipal Code Section [9.51.020\(A\)\(1\)\(f\)](#); or
 - (4) A unit in single-room occupancy housing, as defined by Santa Monica Municipal Code Section [9.51.020\(A\)\(1\)\(d\)\(ii\)](#).
- (e) "Sublease" means a lease by a tenant to a subtenant transferring the right to possession to some or all of a rental unit for a term shorter than that of the tenant.
- (f) "Tenant" means a tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a lease to use or occupancy of any rental housing unit.
- (g) "Unfurnished rental housing unit" means a rental housing unit that is delivered by the landlord to the tenant without any furnishings, computer equipment, housewares, bed linens, towels, artwork, televisions, entertainment systems, or appliances except for a stove, a refrigerator, a microwave, a dishwasher, a clothes washing machine and/or a clothes dryer. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20; amended by Ord. No. 2655CCS § 1, adopted 10/27/20)

6.22.040 Requirement to lease rental housing units to natural persons.

A landlord and tenant may enter into a lease only if the tenant is a natural person. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.050 Requirement that a tenant use and occupy a rental housing unit as the tenant's primary residence.

A landlord and tenant may enter into a lease only if the tenant will use and occupy the rental housing unit as the tenant's primary residence. No later than sixty days following the commencement of the lease, the tenant must provide and the landlord must receive documentation as specified in Section [6.22.020\(c\)](#) that the rental housing unit is the tenant's primary residence. Landlord shall retain this documentation throughout the duration of tenant's lease and shall provide it to the Director of the Community Development Department or delegee on request. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.060 Requirement of minimum lease terms to tenants.

A landlord and tenant may enter into a lease only if it is in writing and for an initial lease term of no less than one year. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.070 Requirement that landlord deliver unfurnished housing units.

A landlord and tenant may enter into a lease only if the rental housing unit is an unfurnished rental housing unit. A sublessor who is a natural person and who will continue to reside in the rental unit as his or her primary residence is exempt from this requirement as is a sublessor who enters into a sublease that replaces a departed tenant or subtenant under the rental agreement on a one-for-one basis. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.080 Notice.

Landlords shall provide all prospective tenants with a written notice summarizing the requirements of Sections [6.22.060](#) and [6.22.070](#). The notification must be provided in English and Spanish and must be provided electronically if the application and/or lease are processed electronically. The form of the notice required shall be determined by administrative regulations issued pursuant to Section [6.22.130](#). (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.090 Prohibition.

No person shall undertake, maintain, authorize, aid, facilitate or advertise any lease of a rental housing unit that does not comply with this Chapter. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.100 Applicability.

(a) This Chapter shall not apply to:

- (1) Rental housing units lawfully occupied and subject to a written lease as of the effective date of the ordinance codified in this Section until the tenant or tenants using and occupying the rental housing unit vacate the unit;
- (2) Rental housing units lawfully occupied and not subject to a written lease as of the effective date of the ordinance codified in this Section until the tenant or tenants using and occupying the rental housing unit vacate the unit;
- (3) Home-sharing lawfully conducted in accordance with Santa Monica Municipal Code Chapter [6.20](#);
- (4) Leases that provide for temporary relocation housing for tenants who are subject to temporary relocation under Santa Monica Municipal Code Section [4.36.100](#) or [8.100.030](#);

(5) Leases of rental housing units that are single-unit dwellings or dwelling units in multiple-unit dwellings if all of the following apply:

(A) At the time of the lease, the rental housing unit is occupied by the owner as the owner's primary residence,

(B) Within the prior ten years, a tenant did not leave the rental unit as the result of an owner-move-in eviction, an Ellis Act eviction, or the buy-out of a rental agreement after the prior tenant was provided with notice of an intent to exercise an owner-move-in eviction or an Ellis Act eviction,

(C) The rental housing unit is leased by the owner for a period less than one year with the intent of the owner to return to reoccupy the rental housing unit as the owner's primary residence at the expiration of the rental period, and

(D) The rental housing unit is rented out no more than two times per calendar year for a total period of less than six months; and

(6) Leases of rental housing units that are ADUs or JADUs for which plans have been submitted for plan check by no later than December 31, 2020, if all the following apply:

(A) The rental housing unit is located on a parcel improved with a single-unit dwelling occupied by the owner as the owner's primary residence;

(B) The rental housing unit is rented for a period of more than thirty days and less than one year; and

(C) The owner of the single-unit dwelling lives on site through the duration of the lease.

(b) In the event of any conflict between the provisions of this Chapter and any laws, regulations, requirements governing rental housing units described in paragraphs (1) and (2) below, those laws, regulations or requirements shall prevail.

(1) Rental housing units owned or operated by any government agency or whose rent is subsidized by any government agency, including, but not limited to, subsidies under the Federal Government's Housing Choice Voucher Program (Section 8); and

(2) Rental housing units subject to a covenant or agreement, such as an inclusionary housing agreement or an affordable housing agreement, with a government agency, including the City, the State of California, or the Federal government, restricting the rental rate that may be charged for that unit. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20; amended by Ord. No. 2655CCS § 2, adopted 10/27/20)

6.22.110 Tenant remedies.

(a) **Defense to Action to Recover Possession.** It shall be a defense in any legal action brought by the landlord to recover possession of a rental housing unit within one year of the tenant's initial occupancy of the rental housing unit that the landlord failed to comply with the provisions of Section [6.22.060](#), Section [6.22.070](#), or Section [6.22.080](#).

(b) **Defense to Action to Collect Rent.** It shall be a defense in any legal action brought by the landlord to collect rent for a rental housing unit within one year of the tenant's initial occupancy of the rental housing unit that the landlord failed to comply with the provisions of Section [6.22.060](#), Section [6.22.070](#), or Section [6.22.080](#).

(c) **Injunctive Relief.** A tenant may seek injunctive relief on his or her own behalf and on behalf of other affected tenants to enjoin the landlord's violation of this Chapter.

(d) **Remedies Are Nonexclusive.** Remedies provided in this Section are in addition to any other existing legal remedies and are not intended to be exclusive. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.120 Nonwaiver.

Any waiver or purported waiver by a tenant of his or her rights under this chapter prior to the time when such rights may be exercised shall be void as contrary to public policy. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.130 Administrative regulations.

The City Manager or designee may promulgate administrative regulations to implement the provisions of this Chapter, including, but not limited to, noticing procedures and requirements. No person shall fail to comply with any such regulations. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

6.22.140 Enforcement.

(a) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapters [1.09](#) and [1.10](#) of this Code.

(b) Any person who violates any provision of this Chapter shall be guilty of an infraction which shall be punishable by a fine not exceeding seven hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

(c) The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law. (Added by Ord. No. 2650CCS § 1, adopted 9/8/20)

View the [mobile version](#).

City Council Meeting: October 27, 2020

Santa Monica, California

ORDINANCE NUMBER 2655 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTIONS
6.22.020 AND 6.22.100 TO REVISE THE REQUIREMENTS FOR PRIMARY
RESIDENCE AND PROVIDE FOR CERTAIN EXEMPTIONS FROM RESIDENTIAL
LEASING REQUIREMENTS

WHEREAS, the State is experiencing a severe housing crisis that is driving the cost of living beyond the reach of an increasing share of the population; and

WHEREAS, the City has long been committed to ensuring that Santa Monica is an inclusive and affordable community despite mounting market pressures; and

WHEREAS, through discussions that occurred as part of the adoption process for the City's major policy documents, including the Land Use and Circulation Element ("LUCE") of the City's General Plan in 2010, the current Housing Element in 2013, the City's new Zoning Ordinance, Chapters 9.01 through 9.52 of Article 9 of the Santa Monica Municipal Code ("Zoning Ordinance") in 2015, and the Downtown Community Plan in 2017, and recent amendments to the City's Affordable Housing Production Program, the City has identified the need for a variety of housing types to serve all household sizes at all income levels; and

WHEREAS, with approximately 75% of its residents in rental housing, the City has maintained a long-standing commitment to protecting tenants and existing rental housing stock, particularly in rent-controlled housing; and

WHEREAS, within the context of the Statewide housing shortage and associated impacts on housing affordability, the City has an interest in ensuring that its rental housing stock is retained for permanent housing to the greatest extent possible; and

WHEREAS, on August 14, 2018, in light of rapidly-intensifying market pressures on local rents, Council directed staff to study what constitutes “corporate housing” and “short-term rentals” for purposes of the Santa Monica Municipal Code; and

WHEREAS, on December 18, 2018, the City Council conducted a study session on corporate housing in response to growing concerns about the erosion of the City’s supply of affordable housing due to market pressures, expressing particular concern about adverse impacts of renovation of rent-controlled housing and construction of new housing that appeared intended to facilitate temporary occupancy; and

WHEREAS, as a result of the December 18, 2018 study session, Council directed staff to bring back options for protecting rent-controlled units, amending the corporate housing definition, revising the Zoning Ordinance to address new housing models, and enhancing enforcement measures to maximize the use of the City’s housing stock for permanent housing; and

WHEREAS, on September 10, 2019, the City Council conducted a study session on policy options for existing housing stock and new housing models, smaller units, co-living models and transitory-based housing models; and

WHEREAS, at the conclusion of the September 10, 2019 study session, Council directed staff to examine amendments to the Municipal Code to clarify and update regulations for multiple-unit dwellings and related uses, to possibly allow for new housing models and housing for persons who wish to reside in the City temporarily in certain areas

in the City, but to prioritize protections for use as permanent housing of rent-controlled units and the City's existing housing stock in residential districts; and

WHEREAS, temporary housing, with lease terms of more than thirty days but less than a year, typically has a higher monthly price point than rental housing subject to annual leases, thereby increasing market pressure on rents; and

WHEREAS, increased demand for rental housing in the City, combined with rising housing costs across the City and the State, have made it increasingly difficult for those who live and work in Santa Monica to find rental housing that is available, affordable, and meets their needs; and

WHEREAS, on September 8, 2020, the City Council adopted Ordinance Number 2650 (CCS), adding Santa Monica Municipal Code Chapter 6.22: Residential Leasing Requirements (the "residential leasing regulations"), which required, among other things, that: residential housing units may be leased only to natural persons (Section 6.22.040); residential housing units may be leased only to tenants who will use and occupy the units as their primary residence (Section 6.22.050); residential housing units may be leased only if the initial lease term is of no less than one year (Section 6.22.060); and residential housing units may be leased only unfurnished (Section 6.22.070); and

WHEREAS, based on public comments prior to the time of adoption, the City Council directed staff to consider public comments and return as quickly as possible with any recommended modifications to the residential leasing regulations as adopted; and

WHEREAS, the City is dedicated to ensuring undocumented students have access to rental housing, and desires to ensure proof of primary residence is not unduly burdensome for those students; and

WHEREAS, exempting from the residential leasing regulations certain leases of (a) owner-occupied single- and multiple-unit dwellings and (b) accessory dwelling units and junior accessory dwelling units located on parcels with owner-occupied single-unit dwellings will not adversely impact the availability of permanent rental housing stock and will provide a potential housing option for residents who may temporarily need to vacate their homes due to emergency repairs or remodels; and

WHEREAS, Santa Monica Municipal Code Chapters 4.36 and 8.100 provide protections for tenants when: a landlord is required to temporarily recover possession of a rental housing unit in order to comply with housing, health, building, fire, or safety laws of the State of California or the City of Santa Monica; a rental housing unit has been rendered uninhabitable, necessitating the tenant(s) of the housing unit to no longer dwell within that unit; a tenant is required to vacate a rental housing unit upon the order of any government officer or agency because work being performed in the rental housing unit requires a temporary relocation of tenants; or a construction means and method plan demonstrates, as determined by the Building Officer, that the work being performed on the property may require that tenants be temporarily relocated; and

WHEREAS, in accordance with Santa Monica Municipal Code Section 4.36.100, a landlord may elect to provide a tenant with temporary rental housing to satisfy the City's tenant protections during temporary relocation; and

WHEREAS, exempting from the residential leasing regulations leases that provide for temporary relocation housing for tenants who are subject to temporary relocation under Santa Monica Municipal Code Section 4.36.100 or 8.100.030 will further the ability of landlords to find temporary rental housing for such tenants within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 6.22.020 is hereby amended to read as follows:

6.22.020 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) “Landlord” means an owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of any rental housing unit, or an agent, representative or successor of any of the foregoing.

(b) “Lease” means an agreement, oral or written or implied, between a landlord and a tenant for use or occupancy of a rental housing unit, or any portion of a rental housing unit, and for housing services.

(c) “Primary Residence” means the usual place of return for housing of an owner or tenant, as documented by at least two of the following: motor vehicle registration; driver’s license or California state identification card; voter registration; income tax return; proof of payment of resident tuition to a California public institution of higher education, including proof of payment in accordance with an exemption to payment of nonresident tuition under California Assembly Bill 540, the California DREAM Act; or a utility bill. An owner or tenant can only have one primary residence.

(d) “Rental housing unit” means any of the following that is used as rental housing within the City:

(i) A dwelling unit, as defined by Santa Monica Municipal Code Section 9.52.020.0730, except that a dwelling unit for purposes of this Chapter may be less than 375 square feet in size;

(ii) An accessory dwelling unit, as defined by Santa Monica Municipal Code 9.51.020(A)(1)(b);

(iii) A junior accessory dwelling unit, as defined by Santa Monica Municipal Code Section 9.51.020(A)(1)(f); or

(iv) A unit in single-room occupancy housing, as defined by Santa Monica Municipal Code Section 9.51.020(A)(1)(d)(i).

(e) “Sublease” means a lease by a tenant to a subtenant transferring the right to possession to some or all of a rental unit for a term shorter than that of the tenant.

(f) “Tenant” means a tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a lease to use or occupancy of any rental housing unit.

(g) “Unfurnished rental housing unit” means a rental housing unit that is delivered by the landlord to the tenant without any furnishings, computer equipment, housewares, bed linens, towels, artwork, televisions, entertainment systems, or appliances except for a stove, a refrigerator, a microwave, a dishwasher, a clothes washing machine and/or a clothes dryer.

SECTION 2. Santa Monica Municipal Code Section 6.22.100 is hereby amended to read as follows:

6.22.100 Applicability

(a) This chapter shall not apply to:

(1) Rental housing units lawfully occupied and subject to a written lease as of the effective date of this Ordinance until the tenant or tenants using and occupying the rental housing unit vacate the unit;

(2) Rental housing units lawfully occupied and not subject to a written lease as of the effective date of this Ordinance until the tenant or tenants using and occupying the rental housing unit vacate the unit;

(3) Home-sharing lawfully conducted in accordance with Santa Monica Municipal Code Chapter 6.20;

(4) Leases that provide for temporary relocation housing for tenants who are subject to temporary relocation under Santa Monica Municipal Code Sections 4.36.100 or 8.100.030;

(5) Leases of rental housing units that are single-unit dwellings or dwelling units in multiple-unit dwellings if all of the following apply:

(i) At the time of the lease, the rental housing unit is occupied by the owner as the owner's primary residence;

(ii) Within the prior ten years, a tenant did not leave the rental unit as the result of an owner-move-in eviction, an Ellis Act eviction, or the buy-out of a rental agreement after the prior tenant was provided with notice of an intent to exercise an owner-move-in eviction or an Ellis Act eviction;

(iii) The rental housing unit is leased by the owner for a period less than one year with the intent of the owner to return to reoccupy the rental housing unit as the owner's primary residence at the expiration of the rental period; and

(iv) The rental housing unit is rented out no more than two times per calendar year for a total period of less than six months; and

(6) Leases of rental housing units that are ADUs or JADUs for which plans have been submitted for plan check by no later than December 31, 2020, if all the following apply:

(i) The rental housing unit is located on a parcel improved with a single-unit dwelling occupied by the owner as the owner's primary residence;

(ii) The rental housing unit is rented for a period of more than thirty days and less than one year; and

(iii) The owner of the single-unit dwelling lives on site through the duration of the lease.

(b) In the event of any conflict between the provisions of this Chapter and any laws, regulations, requirements governing rental housing units described in paragraphs (1) and (2) below, those laws, regulations or requirements shall prevail.

(1) Rental housing units owned or operated by any government agency or whose rent is subsidized by any government agency, including but not limited to subsidies under the federal government's Housing Choice Voucher program (Section 8); and

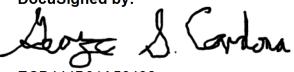
(2) Rental housing units subject to a covenant or agreement, such as an inclusionary housing agreement or an affordable housing agreement, with a government agency, including the City, the State of California, or the federal government, restricting the rental rate that may be charged for that unit.

SECTION 3. Any provision of the Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:

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GEORGE S. CARDONA
Interim City Attorney

Approved and adopted this 27th day of October, 2020.

DocuSigned by:

7659E459EDE6415

Kevin McKeown, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2655 (CCS) had its introduction on October 13, 2020 and was adopted at the Santa Monica City Council meeting held on October 27, 2020, by the following vote:

AYES: Councilmembers Davis, Himmelrich, McCowan, Winterer, Jara, Mayor Pro Tem O'Day, Mayor McKeown

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:

E2E85B056A714C3

Denise Anderson-Warren, City Clerk

11/2/2020

Date

A summary of Ordinance No. 2655 (CCS) was duly published pursuant to California Government Code Section 40806.

CHAPTER 6.22, RESIDENTIAL LEASING
REQUIREMENTS

ADMINISTRATIVE REGULATIONS

January 29, 2021



City of Santa Monica

Residential Leasing Administrative Regulations

Section 1 Introduction

On October 8, 2020, Santa Monica Municipal Code (“SMMC”) Chapter 6.22, Residential Leasing Requirements, became effective. SMMC Section 6.22.130 authorizes the City Manager or designee to promulgate administrative regulations to implement the provisions of Chapter 6.22, including, but not limited to, noticing procedures and requirements. The City Manager has designated the Director of the Community Development Department to promulgate the regulations authorized by this section.

Section 2 Required Notice

SMMC Section 6.22.080 requires landlords of all rental housing units subject to Chapter 6.22 to provide all prospective tenants with a written notice summarizing the requirements of SMMC Sections 6.22.060 and 6.22.070. This Section specifies the form and manner of providing notice.

2.1 Form of Notice.

The notice shall be in substantially the form attached as Exhibit A.

2.2 English and Spanish Notice Required

As required by SMMC Section 6.22.080, the notice shall be provided in both English and Spanish.

2.3 Form of Service

The notice required by SMMC Section 6.22.080 must be provided to a prospective tenant both: (a) at the time the tenant is provided by the landlord with any application to rent the rental housing unit; and (b) at the time the tenant is provided by the landlord with a lease for signature. As required by SMMC Section 6.22.080: (a) if the application is processed electronically, the notice shall be provided electronically along with the application; and (b) if the lease is processed electronically, the notice shall be provided electronically along with the lease at the time signature is requested.

Section 3 Applicability

SMMC Section 6.22.100 sets forth the applicability of the residential leasing regulations. This Section further clarifies applicability of Chapter 6.22 to certain residential uses in the City.

- 3.1 Chapter 6.22 shall not apply to the following residential uses:
- a. Single-room occupancy housing, as that term is defined by Santa Monica Municipal Code Section 9.51.020(A)(1)(d)(ii).
 - b. Lawful nonconforming single-room occupancy housing, market rate, as that term is defined by SMMC 9.51.020(A)(1)(d)(iii);
 - c. Single-room occupancy housing, market rate, as that term is defined by SMMC 9.51.020(A)(1)(d)(iii), that has received all necessary planning approvals prior to the effective date of Chapter 6.22 in accordance with a settlement agreement entered into between the landlord and the City; or
 - d. Lawful nonconforming corporate housing, as that term is defined by SMMC Section 9.51.020(A)(2).

3.2 For residential housing units that (a) are subject to a settlement agreement entered into between the landlord and the City prior to the effective date of Chapter 6.22 and (b) are not exempt under Section 3.1(c) of these Regulations, SMMC Section 6.22.070 shall not apply if the settlement agreement expressly authorizes its rental as a furnished unit.

**Exhibit A:
Form -- Notice of Residential
Leasing Requirements**

Notice
City of Santa Monica
Residential Leasing Requirements

Santa Monica Municipal Code Chapter 6.22, Residential Leasing Requirements, imposes requirements on the leasing of rental housing units. The rental housing unit that you, as a prospective tenant, are considering leasing is subject to these requirements, which are set out below.

Residential Leasing Requirements

- 1. The lease must be in writing and the initial lease term must be no less than one year.**
- 2. The unit must be leased unfurnished.**
- 3. You must use and occupy the rental housing unit as your primary residence.**

No later than 60 days after the commencement of the lease, you must provide to the landlord at least two of the following showing your name and showing the rental housing unit as your residential address:

- a. California motor vehicle registration;
- b. California driver's license;
- c. California state identification card;
- d. Voter registration;
- e. Income tax return;
- f. Proof of payment of resident tuition to a California public institution of higher education, including proof of payment in accordance with an exemption to payment of nonresident tuition under California Assembly Bill 540, the California DREAM Act
- g. Utility bill (e.g., gas, water/sewer, electric, cable)

This notice must be provided to you, as a prospective tenant, as follows: In both English and Spanish, both (a) when the landlord provides you with any rental application; and (b) when the landlord provides you with any written lease to be signed. If you are provided with an application or lease electronically, this notice must also be provided electronically.

Notificación

Ciudad de Santa Mónica

Requisitos de Arrendamiento Residencial

El Capítulo 6.22 del Código Municipal de Santa Mónica, Requisitos de Arrendamiento Residencial, impone requisitos sobre el arrendamiento de unidades de vivienda de alquiler. La unidad de vivienda de alquiler que usted, como posible inquilino, está considerando alquilar está sujeta a estos requisitos, que se establecen a continuación.

Requisitos de arrendamiento residencial

- 1. El contrato de arrendamiento debe ser por escrito y el plazo de arrendamiento inicial no debe ser menos de un año.**
- 2. Se debe alquilar la unidad sin muebles.**
- 3. Debe usar y ocupar la unidad de vivienda de alquiler como su residencia principal.**

A más tardar 60 días después del comienzo del contrato de arrendamiento, debe proporcionar al arrendador al menos dos de los siguientes que muestran su nombre y la unidad de vivienda de alquiler como su dirección residencial:

- a. Registro de vehículos de motor de California;
- b. Licencia de conducir de California;
- c. Tarjeta de identificación del estado de California;
- d. Registro de votantes;
- e. Declaración del impuesto sobre ingresos;
- f. Prueba del pago de la matrícula de residente a una institución pública de educación superior de California, incluyendo prueba de pago de acuerdo con una exención para el pago de la matrícula no residente bajo el Proyecto de Ley 540 de la Asamblea de California, la Ley DREAM Act de California
- g. Factura de servicios públicos (por ejemplo, gas, agua / alcantarillado, electricidad, cable)

Se le debe proporcionar esta notificación a usted, como posible inquilino, de la siguiente manera: En inglés y español, ambos (a) cuando el arrendador le proporcione cualquier solicitud de alquiler; y (b) cuando el

arrendador le proporcione un contrato de arrendamiento por escrito para que lo firme. Si se le proporciona una solicitud o un contrato de arrendamiento de forma electrónica, también se debe proporcionar la notificación de forma electrónica.