



Rent Increase of 1% Authorized for 2016-2017

At its June 23, 2016, meeting, the Rent Stabilization Commission announced the Annual General Adjustment for West Hollywood tenants subject to the City's Rent Stabilization Ordinance (RSO) is 1% for the period beginning September 1, 2016 and ending August 31, 2017.

The AGA is set by using 75% of the rise in the Los Angeles-Riverside-Orange County Consumer Price Index from May to May each year, and rounding to the nearest one-quarter of one percent.

As of May 2016 the local CPI, which is determined by the Department of Labor's Bureau of Statistics, showed an increase of 1.45% over May 2015.

Seventy-five percent (75%) of that figure is 1.09%, and rounding to the nearest one-quarter of one percent results in an AGA of 1%.

Landlords may apply the AGA to any tenancy after the first year, or when at least 12 months have passed since the last rent increase.

Landlords must be in substantial compliance with the Rent Stabilization Ordinance and must give tenants 30 days written notice as required by State law to apply the rent increase.

A blank form to increase rent is enclosed.

Registration Fee Raised In 2017

The rent stabilization annual registration fee will be going up next year. Effective July 2017, the registration fee will increase by \$24 a year.

One half of the annual registration fee can be passed through to tenants. The current pass through amount is \$5 a month. After the increase, the monthly pass-through amount will be \$6.

Seniors and disabled tenants who are also low income are eligible for a 100% rebate of money they paid at the end of the year. For more information please contact a Rent Information Coordinator. Section 8 tenants do not pay this fee.

See Fee Raised, Page 2

1%

Section 8 Increases

Rent increases for Section 8 tenancies are limited to the AGA.

Landlords must submit a request for an increase of 1% to the Housing Authority of the County of Los Angeles and give Section 8 tenants 60-days written notice.

Forms are available at www.weho.org, the city's web site, and at City Hall.

Re-Register Your New Tenancies

The Rent Stabilization Ordinance requires landlords to reregister rental units within 30 days after a new tenancy begins.

West Hollywood Municipal Code §17.28.020(b) states: "When a rental unit is vacated and rerented on or after January 1, 1996, the landlord must, within thirty days of the rerental, reregister the unit by filing a completed reregistration on a form provided by the city."

Landlords who do not reregister cannot raise the rent for that unit until the unit is reregistered.

West Hollywood Municipal Code §17.28.040 states: "A landlord is ineligible to impose an annual general adjustment for a rental unit

See Re-Register, Page 2

Si no entiende alguna parte de esta notificación, por favor llámame al Departamento al (323) 848-6450 y pida hablar con un intérprete en español.

Если вы не понимаете чего-либо в этом тексте, позвоните в Департамент жилья и рент-контроля по тел. (323) 848-6450, и попросите русскоговорящего сотрудника или оставьте сообщение на русском языке.

Re-Register

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that is not registered or reregistered as required.”

Landlords who raise the rent without reregistering must refund any amount charged over the initial rental rate to the tenant, up to a maximum of 3 years of overcharges.

The difference between the rent that the landlord was entitled to collect and the amount actually collected as the result of an ineligible annual general adjustment is an illegal rent overcharge.

A landlord may apply all annual general adjustments denied after taking the following actions:

- Registering or reregistering the unit; and
- Paying any unpaid registration fees and penalties to the City; and
- Paying the affected tenant the difference between the lawful rent and the illegally overcharged rent that the current landlord and any previous landlord collected during the period of non-compliance, up to a maximum of 3 years.

Landlords whose tenants moved-in on or after January 1, 1996 should verify reregistration of these tenancies if they aren't sure reregistration occurred.

Please note that no reregistration is required for tenants who moved-in before January 1, 1996.

Fee Raised

Continued from Page 1

The fee was last increased in 1993 and has remained at \$120 for the past 23 years. If the fee had been increased annually by the allowable increase in rent (AGA), the fee would currently be \$180.

The revised fee of \$144 is lower than cities with comparable rent stabilization ordinances, such as Santa Monica at \$175 and Berkeley at \$234. The increase will allow the City to continue providing exceptional service and support to tenants and landlords. Going forward, the rent registration fee will be reviewed and adjusted every four years.

The City notified all rent stabilized landlords of a possible fee increase on May 3, 2016, and held an open community meeting on May 10. Landlords were asked if they supported a fee increase. Eighty-seven percent of landlords were not in favor; however, thirteen-percent either supported some level of fee increase, or indicated they neither favored or disfavored one.

RELOCATION FEES As of July 1, 2016

Unit Type	Amount
0 Bedrooms	\$6,455
1 Bedroom	\$9,114
2 Bedrooms	\$12,277
3 or More Bedrooms	\$16,202
Qualified Tenant (62 or older, disabled, dependent minor child, terminally ill Income \$48,651 - \$72,977)	\$17,087
Lower Income Tenant (Income up to \$48,650)	\$21,517

Every July 1, the amount of relocation fees a landlord must pay tenants for a “no fault” eviction is adjusted by the rise in the Consumer Price Index. The above table lists the fees currently required.

For more information, contact a Rent Information Coordinator at 323-848-6450.

The \$5 Reg. Fee Pass-Through

Currently, the annual rent registration fee is \$120 per year per unit.

Landlords may pass through to their rent stabilized tenants one-half of that fee (\$60), but the tenant portion must be prorated over 12 months.

The landlord may collect \$5 pass-through per month with their tenants' rent payment.

Because most tenants already pay the \$5 pass-through, landlords should be careful not to inadvertently charge it a second time when noticing their tenants for the annual general adjustment.

The rent increase notice form created by the City is designed to help landlords take the \$5 pass-through into account and calculate the annual adjustment correctly. Landlords are encouraged, but not required, to use the form.

No Section 8 Fee Pass-Through

The annual rent registration fee for Section 8 tenants is \$60 per year per unit. There is no tenant portion of the fee, therefore no monthly fee pass-through is allowed for Section 8 tenancies. Fees for Section 8 tenancies will remain at \$60 in 2017.



Short Term Rental Information for Landlords

The prohibition against short-term vacation rentals has been long-standing in West Hollywood. In order to further clarify the law, the City Council recently adopted Ordinance No. 15-958. The Ordinance prohibits the renting of an apartment, or any part of an apartment, for a period of 30 days or less.

Fines and Possible Prosecution

This prohibition applies to landlords, tenants, and their agents. Anyone engaged in such activity is subject to administrative fines and possible criminal prosecution. Landlords face civil and criminal liability whether the apartment unit is being rented out as a short-term vacation rental by the landlord or one of his or her tenants. Thus, landlords should refrain from permitting or actively renting out units on a short-term basis.

Some landlords and tenants might view short-term vacation rentals as an easy and harmless way to earn extra money, but not only is the activity illegal, it can be disruptive and possibly dangerous to surrounding neighbors. Residential properties are not hotels and are not equipped to deal with non-residents entering and exiting premises twenty-four hours a day, seven days a week.

Unlike short-term vacation rental operators in residential properties, those operating hotels, motels, urban inns and bed & breakfasts have gone through an extensive planning and review process to demonstrate their ability to safely and competently operate a business catering to transient guests at properties specifically established for that purpose.

Just Cause Eviction Protections Apply

Landlords also offer units for short-term rental believing that it provides an avenue for avoiding a landlord's obligations and the tenant protections arising from a bona fide, long-term tenancy. This is incorrect. Because short-term rentals are prohibited, nearly every tenancy, regardless of its lease term, is subject to the eviction protection provisions of the Rent Stabilization Ordinance.

In addition, rent stabilized units must be re-registered upon vacancy and re-rental regardless of the lease term at the outset of the tenancy. So, in addition to potential civil and criminal liability for offering a unit as a short-term vacation rental, a landlord potentially subjects himself or herself to additional penalties for violating the Rent Stabilization Ordinance.

Landlords generally have recourse against tenants who violate the ban on short-term vacation rentals based on standard lease provisions prohibiting unauthorized occupants or subtenants. In addition, a tenant may be evicted for engaging in short-term vacation rental activity because it is illegal under the West Hollywood Municipal Code, and a landlord is permitted to initiate eviction proceedings against a tenant for engaging in an illegal use of their rental unit. A model lease is available with the Rent Stabilization and Housing Division for use by landlords but should not be used as a substitute for advice from the landlord's own, private counsel.

Replacement Tenants

Sometimes a tenant is renting out short-term not for a profit but to make his or her rent payments. As a lawful alternative, tenants are advised to seek permission for a roommate/co-tenant, along with written approval for a specific co-tenant. Notably, if the original lease or rental agreement specifies that two or more persons may occupy a unit, the landlord may not unreasonably withhold consent for replacement tenants when an original tenant under the lease remains in the unit, and one or more authorized co-tenants or subtenants vacate the unit.

The landlord may limit the number of replacement tenants to the number of authorized occupants on the original lease or rental agreement, and the landlord may require basic background information for replacement tenants, but only such information which is required to verify creditworthiness with credit reporting agencies and is consistent with rental business practices.



Additional information regarding the prohibition against short-term vacation rentals may be found online at www.weho.org/residents/shortterm.

For further information regarding eviction protections under Rent Stabilization, please see Chapter 17.52 of the West Hollywood Municipal Code at <http://qcode.us/codes/westhollywood/> or contact the Rent Stabilization and Housing Division at (323) 848-6450 or rsd@weho.org.

**Rent Stabilization and Housing
West Hollywood City Hall
8300 Santa Monica Boulevard
West Hollywood, California 90069**

**Phone: 323-848-6450
Fax: 323-848-6567
E-mail: RSD@weho.org**

www.weho.org

Hours

**Mon. thru Thurs. 8 am to 5 pm
Friday 8 am to 4:30 pm**

Temporary Relocation Requirements

Temporary relocation assistance must be provided to tenants when a landlord is required to comply with housing, health, building, or safety laws of the State of California or the City of West Hollywood, and the work required cannot be done while the tenant is in the unit, or during fumigation that cannot be completed while the unit is occupied, or when a tenant is required to vacate the unit for safety reasons upon the order of any government officer or agency.

West Hollywood Municipal Code §17.52.110 obligates the landlord to provide temporary housing in a motel, hotel or comparable rental unit in West Hollywood, or within a reasonable distance of the City's border.



The landlord pays the provider directly for the tenant's lodging unless otherwise agreed upon by both the landlord and tenant.

The tenant continues to pay the rent and has the right to return to the unit at the same rental rate once the work is completed.



The landlord must also provide:

- reasonable compensation for meals, if the temporary accommodation lacks cooking facilities;
- reasonable accommodation of pets, if pets are allowed by lease or law, and the temporary accommodation does not accept pets;
- reasonable compensation for laundry, if the tenant had an in-unit washer and dryer provided by the landlord and the temporary accommodation does not include laundry facilities inside the unit.

The landlord and the tenant may agree upon some benefit other than what is listed above, provided the alternate benefit is acceptable to both parties.

Should it take longer than six months for the landlord to complete the required work, the landlord shall pay relocation fees to the tenant according to the City's schedule. For the current fees, see the chart on page 2.

The tenant has the right of first refusal to return to the unit once it is ready. The maximum allowable rent, no matter who takes occupancy, will be the rent the relocated tenant paid last, increased by any AGAs allowed while it was vacant. The unit is not eligible for a market rate vacancy increase.

The City's Mediator is available to help landlords and tenants comply with law, and reach a mutually acceptable agreement regarding temporary relocation.

For more information, contact a Rent Information Coordinator at 323-848-6450 or RSD@weho.org.

**Your Free Connection Between
West Hollywood and Hollywood & Highland
Weekdays 7-9 AM & 5:30-7 PM
www.weho.org /cityline**