



City of Pomona
Administrative Regulations
Ordinance No. 4359

Table of Contents

ARTICLE 1 – PURPOSE OF ADMINISTRATIVE REGULATIONS	1
Section 1. Purpose.	1
ARTICLE 2 – OVERSIGHT AND AUTHORITY OF PROGRAM ADMINISTRATION	1
Section 1. Purpose.	1
Section 2. City Manager and Third-Party Administration.....	1
Section 3. Department.	1
Section 4. Official Forms. The	2
Section 5. Contact Information and Communication Standards.	2
Section 6. Transparency and Public Access.	2
ARTICLE 3 – EXEMPTIONS	2
Section 1. Purpose.	2
Section 2. Exemption Procedures.....	2
ARTICLE 4 – ALLOWABLE RENT INCREASES	4
Section 1. Purpose.	4
Section 2. Rent Increase Notification Procedures.....	4
Section 3. Required Tenant Disclosure.	4
Section 4. Recordkeeping.	4
ARTICLE 5 – PETITION PROCESS AND PETITION HEARINGS	4
Section 1. Purpose.	4
Section 2. Petition Filing Requirements.	4
Section 3. Department Review of Petitions.	4
Section 4. Hearing Process.	5
ARTICLE 6 – ADDITIONAL PROCEDURES FOR FAIR RETURN PETITIONS	6
Section 1. Purpose.	6
Section 2. Establishment of Base Year and Current Year.....	6
Section 3. Required Documentation.	7
Section 4. Fair Return Petition Evaluation. Fair Return Petitions shall be reviewed in accordance with the standards and procedures outlined below:.....	7
ARTICLE 7 – CAPITAL IMPROVEMENT PETITIONS	10
Section 1. Purpose.	10
Section 2. Eligibility of Capital Improvements.	10
Section 3. Required Documentation.	10

Section 4. Amortization and Cost Allocation	11
Section 5. Treatment of Interest.....	11
ARTICLE 8 – TENANT PETITIONS	12
Section 1. Purpose.....	12
Section 2. Petition Grounds and Required Documentation.....	12
Section 3. Evaluation Standards and Remedies.....	13
Section 4. Methodologies for Determining Rent Adjustments.....	13
Section 5. Continuation of Hearing After Tenant Move-Out.....	13
ARTICLE 9 – JUST CAUSE EVICTIONS	14
Section 1. Purpose.....	14
Section 2. Record Retention and Reporting.....	14
Section 3. Administrative Considerations.....	14
ARTICLE 10– RELOCATION ASSISTANCE ADMINISTRATION	14
Section 1. Purpose.....	14
Section 2. Eligibility and Amounts.....	14
Section 3. Qualified Tenant Verification.....	15
Section 4. Lawful Deductions.....	15
ARTICLE 12 – ENFORCEMENT.....	15
Section 1. Purpose.....	15
Section 2. Tenant Remedies and Coordination.....	15

ARTICLE 1 – PURPOSE OF ADMINISTRATIVE REGULATIONS

Section 1. Purpose. The City of Pomona (“City”) Rent Stabilization and Eviction Control Ordinance (“Ordinance”) establishes local law that limits rent increases for certain rental units in the City and provides just cause eviction protections. Section 30-581 of the Ordinance authorizes the City Manager to promulgate Administrative Regulations (“Regulations”) necessary to implement and enforce the requirements and fulfill the purposes of the Ordinance.

These Administrative Regulations are adopted under that authority to implement and clarify the Ordinance, provide guidance to landlords, tenants, and the public, and ensure consistent and transparent program administration. The Regulations supplement the Ordinance by establishing the administrative rules, procedures, and forms required under the Ordinance. No person shall fail to comply with these Regulations. All defined terms used in the Ordinance have the same meaning and definition in these Regulations.

ARTICLE 2 – OVERSIGHT AND AUTHORITY OF PROGRAM ADMINISTRATION

Section 1. Purpose. The purpose of this Article is to establish the roles, responsibilities, and authority of the City and its designated officials in the administration and enforcement of the Ordinance.

Section 2. City Manager Authority. Pursuant to Section 30-581, the City Manager is authorized to administer and enforce the Ordinance, including promulgating guidelines and rules consistent with its provisions. Any Regulations adopted by the City Manager shall carry the force and effect of law and may be relied upon by parties to determine their rights and responsibilities under the Ordinance. The Regulations may be amended from time to time by the City Manager as deemed necessary to ensure effective program administration and compliance with the Ordinance.

Section 3. Department. The City of Pomona Neighborhood Services Department (“Department”) is designated by the City Manager to administer and oversee the City’s Rent Stabilization Program (“Program”), which implements and enforces the provisions of the Ordinance. Any successor department designated by the City Manager shall assume these responsibilities, consistent with Section 30-603. The Department shall:

- Provide oversight of program administration;
- Ensure compliance with the Ordinance and these Regulations;
- Serve as the primary point of contact for tenants, landlords, and the public regarding the Ordinance; and
- Maintain accurate records, forms, and documentation necessary for enforcement and implementation.

Section 4. Official Forms. The Department shall publish standard forms required for Ordinance compliance. These forms carry the same authority as the Regulations and must be used by all parties.

Forms shall be made publicly available through the City's website and upon request from the Department. Forms may include, but are not limited to:

- Notice of Exemption Form (Ordinance No. 4359 Section 30-574);
- Petition Forms for Fair Return, Capital Improvement, and Tenant Noncompliance Petitions (Ordinance No. 4359 Section 30-578);

The Department may update forms periodically to reflect changes in program administration or best practices.

Section 5. Contact Information and Communication Standards. All inquiries and submissions regarding the Rent Stabilization Program may be directed to:

City of Pomona
Attn: Rent Stabilization Program
505 S. Garey Avenue
Pomona, CA 91766

Alternatively, inquiries and submissions may be sent by email to RentStabilization@pomona.gov or made by phone at (909) 620-3777.

Section 6. Transparency and Public Access. All Administrative Regulations, official forms, and related program guidance shall be made publicly available through the City's website and at City offices. Copies shall also be provided upon request to ensure accessibility for all members of the public. Requests for public records may also be submitted through the [City's website](#), in accordance with applicable procedures.

ARTICLE 3 – EXEMPTIONS

Section 1. Purpose. This Article supplements Section 30-574 of the Ordinance by establishing the administrative procedures for claiming, receiving, and maintaining exemptions.

Section 2. Exemption Procedures. Exemptions are subject to Department approval and ongoing compliance with these Regulations. Landlords must follow the procedures outlined in this Section to claim an exemption.

- A. **Filing Requirements.** Landlords must use the City's Notice of Exemption form, which requires identification of the property, unit(s), applicable exemption category, and a signed declaration under penalty of perjury, unless the property meets the qualifications for an administrative exemption as set forth in sub-paragraph G, below. Incomplete forms or unsigned declarations will not be processed. Where

different exemptions apply to different units at the same property, a separate notice must be submitted for each exemption category.

- B. **Documentation Standards.** Each claim of exemption must be supported by clear, current, and verifiable documentation that corresponds to the exemption category claimed. The Department's Notice of Exemption form shall identify the specific documentation to establish each exemption. The Department may request additional or supplemental documentation at any time to confirm eligibility. Failure to provide adequate documentation may result in the exemption not being recognized.
- C. **Filing Acknowledgement.** Within thirty (30) days of receiving a complete Notice of Exemption filing, the Department shall provide the landlord with an acknowledgment of receipt. This acknowledgment confirms that the Notice of Exemption has been received and filed in the City's records. The acknowledgment does not constitute approval, certification, or a determination by the City that the unit is exempt; it serves only as an official record of the landlord's claim. The responsibility for identifying the applicability and maintaining the criteria for any exemption remains with the landlord at all times.
- D. **Departmental Review and Approval of Notice of Exemption.** The Department shall have ninety (90) days to review a Notice of Exemption and provide notice of approval or disapproval to the Landlord.
- E. **Notice of Exemption.** For any new lease agreement effective on or after January 1, 2026, landlords shall disclose in the lease agreement whether the property or unit is claimed as exempt under the Ordinance. This disclosure must identify the specific exemption category claimed.
- F. **Recertification and Updates.** Exemptions must be re-submitted on a schedule established by the Department by re-submitting the Notice of Exemption form with updated documentation demonstrating that the unit continues to meet the exemption criteria. If at any time the basis for an exemption no longer applies or a material change affects the exemption's validity, the landlord shall notify the Department within thirty (30) days of that change.
- G. **Administrative Exemptions.** Properties that qualify for an exemption under Section 30-574, sub-sections (b)(1), (b)(2), and (b)(4) shall not be deemed subject to the Ordinance solely based on the failure to file a Notice of Exemption, provided, however, the Department shall have the right to review and approve a Notice of Exemption that is filed for these properties.

Section 3. Maintenance of Records; Public Access. The Department shall maintain a record of all Notices of Exemption received and filed. All requests for a copy of a Notice of Exemption must be submitted as a written request, and shall be processed as a request for

records under the California Public Records Act and any other applicable law governing access to records.

ARTICLE 4 – ALLOWABLE RENT INCREASES

Section 1. Purpose. This Article supplements Section 30-575 of the Ordinance by establishing the administrative rules and procedures for imposing rent increases, including notice requirements, and documentation.

Section 2. Rent Increase Notification Procedures. Landlords shall comply with the notice and service requirements of California Civil Code Section 827 and Section 30-575 of the Ordinance when imposing rent increases.

Section 3. Recordkeeping. Landlords shall retain copies of all rent increase notices served on tenants to demonstrate compliance with state and local notice requirements. Copies must be provided to the Department upon request in connection with a petition or compliance review.

ARTICLE 5 – PETITION PROCESS AND PETITION HEARINGS

Section 1. Purpose. This Article supplements Ordinance Section 30-578 by establishing the administrative procedures that govern the submission, review, and processing of petitions.

Section 2. Petition Filing Requirements. Any landlord or tenant seeking to file a petition must do so in accordance with Section 30-578 of the Ordinance and these Regulations.

- A. **Forms.** Petitions must be submitted on forms prescribed by the Department, with all required information completed.
- B. **Supporting Documentation.** Each petition must be accompanied by supporting documentation as specified on the Department’s form (e.g. ledgers, invoices, receipts, notices, rent rolls). Petitions without all required documentation may be deemed incomplete. The Department may also request additional documentation beyond what is listed on the form if circumstances warrant further verification.
- C. **Petition Costs.** Costs associated with petition processing must be paid pursuant to Section 30-578(a)(4) of the Ordinance.

Section 3. Department Review of Petitions. The Department shall review each petition for completeness before it may proceed to a hearing.

- A. **Completeness Review.** The Department shall review the petition within thirty (30) days of receipt to determine whether it is complete. A petition is considered complete when it includes all required information, documentation, and signatures on the City’s designated form. The completeness review shall not be considered an

assessment of the merits of the petition. If the review requires substantial administrative effort due to the volume or complexity of the submission, the Department may extend the completeness review period by an additional thirty (30) days by written notice to the petitioner.

- B. **Acceptance of Complete Petitions.** If the petition is complete, the Department shall accept the filing and notify both the petitioner and the responding party in writing. The notice of acceptance will describe the next steps in the process, including timelines for responses, the opportunity to submit additional documentation, and the scheduling of a hearing before a Hearing Officer.
- C. **Incomplete Petitions.** If the petition is incomplete, the Department shall issue a written notice to the petitioner identifying the specific deficiencies. The petitioner shall have forty-five (45) days from the date of the notice to provide the missing information. If the deficiencies are not corrected within this time, the petition shall be deemed denied. A petition denied for incompleteness may be refiled as a new petition once the missing information has been obtained.
- D. **Requests for Clarification or Substitution.** The Department may request clarification or additional information from either party if necessary to determine completeness. In limited circumstances where documentation is unavailable, and upon Department authorization, the Department may accept a sworn declaration under penalty of perjury in lieu of documents to consider the petition complete. The declaration must explain why the information is unavailable, the efforts made to obtain the documentation, and provide as much detail as possible to substantiate the claims of the petition.

Section 4. Hearing Process. Once a petition has been accepted as complete, the Department shall assign the matter to a Hearing Officer, who is responsible for conducting the hearing and issuing a written decision in accordance with Section 30-578 of the Ordinance.

- A. **Notice of Hearing.** The Department shall provide written notice of the hearing date, time, and location to both the petitioner and responding party no later than fifteen (15) calendar days prior to the hearing. Notice shall be served by mail and, when available, by electronic mail.
- B. **Evidence.** Both parties may submit documentary evidence prior to the hearing. Unless otherwise directed by the Hearing Officer, evidence should be submitted to the Department and shared with all parties at least ten (10) calendar days before the hearing. Once submitted, all evidence becomes part of the official record and is subject to review by all parties. The petition and evidence submitted with the petition will be shared with all parties upon petition acceptance. Supplemental evidence will be made available either at the hearing or upon request through the Department. The Hearing Officer may, in their discretion, accept additional evidence

at the hearing if it is deemed relevant and good cause is shown for the timing of the submission.

- C. **Failure to Appear.** If a party fails to appear at the hearing after receiving proper notice, the Hearing Officer may proceed with the hearing in their absence, continue the matter for good cause, or dismiss the petition with or without prejudice. A dismissal for failure to appear shall not bar the petitioner from refileing the petition unless otherwise specified by the Hearing Officer.
- D. **Record of Proceedings.** All hearings shall be recorded or otherwise documented by the Department to create an official record.
- E. **Hearing Decorum.** The hearing shall be conducted in an orderly and impartial manner. The Hearing Officer may establish reasonable rules for the presentation of evidence and testimony to ensure a fair process.
- F. **Translation Services.** If either party is unable to provide their own translator for the hearing, the City shall arrange for translation services upon request. Requests for translation assistance must be submitted to the Department no later than ten (10) calendar days prior to the scheduled hearing. The City will provide translation services at no cost to the parties.

Section 5. Hearing Office Authority. Notwithstanding anything to the contrary in these Regulations, the Hearing Officer shall comply with all requirements of local, state or federal law. In the event of a conflict between these Regulations, and the Ordinance or any other state or federal law, then the Ordinance or other state or federal law shall apply.

Section 6. Petition Summary Report. The Department may provide to the Hearing Officer a written summary of the Petition, evidence submitted by the parties, and the claims presented in a petition. The written summary shall be provided to the Hearing Officer and the parties at least ten days prior to the hearing. The written summary shall be limited to a summary of facts and issues presented by the petition, and shall not be binding on the Hearing Officer's review or decision on the petition.

ARTICLE 6 – ADDITIONAL PROCEDURES FOR FAIR RETURN PETITIONS

Section 1. Purpose. This Article supplements Section 30-578 of the Ordinance by establishing administrative requirements and clarifications for Fair Return Petitions.

Section 2. Establishment of Base Year and Current Year. For the purposes of calculating a Fair Return Petition pursuant to Section 30-578 of the Ordinance, as may be amended from time to time, the following definitions apply:

- A. **Base Year.** The Base Year shall be the 2021 calendar year. The Base Year provides the reference point for evaluating changes in operating costs and net operating income over time.¹

The Hearing Officer may authorize the use of an alternate Base Year where the 2021 calendar year does not provide a reliable measure, such as when the property was acquired after 2021 and records are incomplete. If a landlord files a subsequent Fair Return Petition after an initial petition has been decided, the prior Current Year becomes the new Base Year for that subsequent petition.

- B. **Current Year.** The Current Year is the most recent completed calendar year ending on December 31st as the date of submission of the petition.

Section 3. Required Documentation. A Fair Return Petition must include complete documentation sufficient to verify all claimed income and expenses. For each claimed expense, the landlord shall provide documentation that substantiates the expense (e.g. invoice or contract) and proof of payment (e.g. cancelled checks, bank statements, or receipts). Required documentation includes, but is not limited to, the following:

- Operating income and expense statements for the Base Year and Current Year.
- Rent rolls for both the Base Year and Current Year.
- Property tax statements for the Base Year and Current Year.
- Utility bills and other expense invoices (water, sewer, trash, electric, gas, etc.).
- Insurance premium statements for the Base Year and Current Year.
- Maintenance and repair logs, invoices, and proof of payment.
- Sworn declaration affirming all submitted documents are true and correct, and that all known income and expenses have been disclosed.

The Department may require landlords to submit records for additional years if necessary to establish trends, confirm accuracy, or evaluate the reasonableness of expenses and income. Where certain documents are not available, the landlord may submit a sworn statement explaining the unavailability and providing alternative documentation, subject to review and acceptance by the Hearing Officer.

Section 4. Fair Return Petition Evaluation. Fair Return Petitions shall be reviewed in accordance with the standards and procedures outlined below:

- A. **Methodology.** The Hearing Officer shall evaluate a Fair Return Petition under the Maintenance of Net Operating Income (MNOI) standard, unless the Hearing Officer determines that another standard should be applied based on principals of law and equity. The MNOI standard provides that a park owner is entitled to maintain the same level of net operating income in the Current Year as was earned in the Base

¹ Note: The 2021 calendar year is used because it represents the last full year prior to the adoption of the original Rent Stabilization Ordinance, ensuring a consistent benchmark unaffected by the implementation of rent regulations.

Year, adjusted by all or a portion of the percentage increase in the Consumer Price Index (CPI) since the Base Year. In circumstances where the MNOI standard cannot be reasonably applied, alternative methodologies may be considered by the Hearing Officer in the exercise of reasonable discretion and subject to the requirements of local, state or federal law.

- B. **Eligible Operating Costs.** Claimed operating costs must be reasonable, necessary, and supported by documentation. In the Department's written summary to the Hearing Officer, the Department may identify costs that appear unsupported, excessive in comparison to prevailing market rates for similar properties, or not reasonably necessary to the operation of the property, based on a review of the documentation submitted and commonly accepted industry standards. The Hearing Officer shall have final determination of allowable operating costs based on the evidence presented.
- C. **Ineligible Operating Costs.** The following categories of operating costs are not allowable for the purpose of calculating a fair return:
1. Mortgage principal, interest payments, or other debt service costs, including costs of obtaining financing.
 2. Penalties, late fees, fines, or interest resulting from violations of law, noncompliance with the Ordinance, or untimely payments.
 3. Land lease expenses.
 4. Political contributions or payments substantially devoted to lobbying.
 5. Depreciation or amortization.
 6. Expenses reimbursed to the landlord through insurance proceeds, utility rebates, discounts, settlements, or other recovery.
 7. Utility costs that are separately metered and billed directly to tenants, or otherwise recovered through pass-throughs, submetering, or other cost-recovery mechanisms authorized under state law or regulatory agencies (such as the California Public Utilities Commission).
 8. Unreasonable or unsubstantiated increases in expenses since the Base Year.
 9. Expenses attributable to unreasonable delays in performing necessary maintenance or repairs that increase overall costs.
 10. Costs of Capital Improvements, which may only be recovered, if eligible, through a separate Capital Improvement Petition under Article 6 of these Regulations.

- D. **Eligible Income.** Income shall include all rental income and related charges received in connection with the operation of the property, such as rent, fees, and ancillary charges. For the purposes of calculating a Fair Return Petition, income shall be measured on the basis of full collection. Uncollected rent, vacancies, or bad debt losses shall not be deducted from reported income. In the Department's written summary to the Hearing Officer, the Department may identify instances where reported income appears understated, inconsistent, or where exclusions or adjustments to income are not adequately supported by documentation. The Hearing Officer shall have final discretion in evaluating allowable income. Income collected for sub-metered gas and electricity or as reimbursement for utility company charges shall not be included in reported income.

Section 5. Standard Assessment Process of MNOI Adjustment. An analysis of potential rent adjustments under the Maintenance of Net Operating Income (MNOI) standard shall include the following components.

1. **Base year rental income** calculated consistent with the Ordinance and these Regulations.
2. **Current year rental income** calculated consistent with the Ordinance and these Regulations.
3. **Base year operating expenses** categorized to reflect reasonable and representative expense levels.²
4. **Current year operating expenses** categorized to reflect reasonable and representative expense levels.
5. **Base year net operating income** calculated as base year rental income minus base year operating expenses.
6. **Current year net operating income** calculated as current year rental income minus current year operating expenses.
7. **The percentage change in net operating income** between the base year and current year.
8. **The percentage change in the consumer price index (CPI)** using 80-100 percent of the change in the annual CPI figures for the base year and current year, as published by the U.S. Bureau of Labor Statistics for the Los Angeles-Long Beach-Anaheim, California area.

² "Representative expense levels" means expenses that reflect normal, ongoing operating conditions for the property. One-time, unusual, or non-recurring expenses may be identified for Hearing Officer review.

9. **The ratio of the percentage change in NOI** to the percentage change in CPI used to determine whether the park owner’s NOI has kept pace with inflation.
10. **Potential rent adjustment options**, if any, to maintain the park owner’s net operating income at an inflation-adjusted level consistent with the MNOI standard.

ARTICLE 7 – CAPITAL IMPROVEMENT PETITIONS

Section 1. Purpose. This Article supplements Section 30-578 of the Ordinance by establishing administrative requirements and clarifications for Capital Improvement Petitions.

Section 2. Eligibility of Capital Improvements. A landlord may petition the City for a rent increase to recover the costs of eligible capital improvements made to a covered rental unit or the common areas of a property. To qualify, the improvement must:

- Be fully completed and paid for at the time of petition submission;
- Have been completed within two (2) years prior to the date of submission;
- Have been completed after August 1, 2022;
- Reasonably available to and for the primary benefit and enjoyment of the tenant(s);
- Be permanently fixed in place or relatively immobile and appropriated to the use of the rental unit;
- Not have a “use fee” or other charge imposed on tenants for its use;
- Constitute an improvement to the property, rather than routine maintenance or repair; and
- Be proportionally allocated over time and amortized over the useful life of the improvement.

Section 3. Required Documentation. A Capital Improvement Petition shall include, at a minimum, the following documentation:

- A detailed description of each improvement completed, including location and affected units.
- Invoices, receipts, or executed contracts showing the actual cost of materials and labor.
- Proof of payment, such as cancelled checks, bank statements, or receipts.
- Date of completion and evidence of completed work.
- Building permits, inspection approvals, and any other documents showing compliance with local, state, or federal requirements.
- A proposed amortization schedule, supported by a summary of the useful life of each improvement.
- A sworn declaration that the improvements were completed, paid for in full, and not reimbursed through any insurance or public subsidy.

The Department may require landlords to submit additional records if necessary to confirm accuracy or evaluate the reasonableness of the Capital Improvements. Where certain documents are not available, the landlord may submit a sworn statement explaining the unavailability and providing alternative documentation, subject to review and acceptance by the Department.

Section 4. Amortization and Cost Allocation. The Hearing Officer shall determine the allowable Capital Improvement pass-through based on the amortized cost of the improvement and its compliance with eligibility standards.

- A. **Amortization.** Eligible costs shall be amortized over the useful life of the improvement, using standard schedules published by the Internal Revenue Service, U.S. Department of Housing and Urban Development, or other recognized sources, unless otherwise established by City resolution. The Hearing Officer may take into account the specific circumstances of the petition when establishing the amortization period, ensuring that it is fair, consistent with recognized industry standards, and structured to minimize undue financial burden on tenants.
- B. **Cost Allocation.** Costs shall be allocated among the units directly affected by the improvement in a manner intended to promote equitable distribution of the total cost. Units that were vacant at the time of completion may be considered as part of the overall allocation analysis. The Hearing Officer shall have final discretion to determine the appropriate allocation of costs and the applicability of any pass-through charges based on the evidence presented.
- C. **Limitations and Duration of Pass-Throughs.** Any approved pass-through, including any allowed interest, shall be subject to the limitations established in the Ordinance (not to exceed the lesser of ten percent (10%) of monthly rent or one hundred dollars (\$100) per unit). Once approved, the pass-through cost shall remain in effect only for the duration of the amortization period, until the tenant moves out, or until the improvement ceases to function, whichever occurs first.

Section 5. Treatment of Interest. The Hearing Officer may consider allowing reasonable interest to be included in the amortized cost of Capital Improvements to account for the landlord's upfront expenditure for improvements that primarily benefit the tenants.

- A. **Applicable Rate.** Where interest is allowed, the applicable rate shall be based on the average 30-year fixed mortgage rate published in the Freddie Mac Primary Mortgage Market Survey (PMMS) as of the date the petition is submitted, unless otherwise established by City resolution.
- B. **Calculation.** Interest shall be calculated on the total amount of the approved capital improvement cost over the amortization period, using the Freddie Mac benchmark rate. The amortized cost, including any allowable interest, shall then be allocated

proportionally among the affected units based on the scope and benefit of the improvement.

- C. **Documentation.** The landlord shall submit documentation describing the method of payment or financing used for the improvements. Where applicable, information related to financing terms may be considered as part of the analysis. Financing costs that appear excessive or are not adequately supported by documentation may be identified for Hearing Officer review. The Hearing Officer shall have final discretion in determining the treatment of financing costs, if any.
- D. **Tenant Payment Options.** The standard method for recovering approved capital improvement costs is through a separate monthly pass-through charge, not included as rent, allocated to each affected rental unit over the established amortization period.

The Hearing Officer may also allow a one-time, principal-only payment option for any tenant who elects to pay their share of the approved Capital Improvement pass-through upfront, in lieu of ongoing monthly pass-through charges over the amortization period.

ARTICLE 8 – TENANT PETITIONS

Section 1. Purpose. This Article supplements Sections 30-575(c)–(d) and Section 30-578(b) of the Ordinance by establishing procedures and documentation standards for Tenant Petitions for Noncompliance.

Section 2. Petition Grounds and Required Documentation. A tenant may petition when any of the following occur, and must provide supporting documentation relevant to the basis of the petition:

- A. **Unlawful Rent.** A proposed or actual rent increase violates the Ordinance. Documentation may include rent history, copies of notices, payment ledgers, or proof of payment (such as cancelled checks or receipts).
- B. **Decrease in Housing Services** A decrease in housing services has occurred, effectively constituting a rent increase. Documentation may include a description of the service reduction, approximate dates, communications with the landlord, photos, or service logs.
- C. **Habitability.** The rental unit is untenantable or otherwise fails to meet the implied warranty of habitability under California Civil Code Section 1941.1. Documentation may include notices of violation, inspection reports or orders, photos, timelines of events, repair requests, or receipts for out-of-pocket costs.

- D. **Other Violations.** Any other violation of the Ordinance. Documentation may include a description of the violation, relevant communications with the landlord, and any supporting records.

The Department may require tenants to submit additional records if necessary to confirm accuracy or evaluate the reasonableness of the petition. Where certain documents are not available, the tenant may submit a sworn statement explaining the unavailability and providing alternative documentation, subject to review and acceptance by the Department.

Section 3. Evaluation Standards and Remedies. The Hearing Officer shall evaluate the petition based on the evidence presented by the parties, the standards set forth in the Ordinance, and any methodologies or guidelines adopted by the Department. If a violation is found, remedies may include, but are not limited to:

- A. **Rent Adjustments.** Rent adjustments for the affected unit(s), either temporary (for the duration of the violation) or permanent (where a service or amenity has been permanently removed). In determining the amount and duration of a downward adjustment, the Hearing Officer may consider factors such as:
1. The nature and severity of the violation;
 2. The impact on habitability, health, or safety;
 3. The extent to which essential services or amenities were reduced or eliminated;
 4. The duration of the violation.

The Hearing Officer may also order retroactive relief, including rent credits or refunds, for periods during which unlawful rent was collected.

When the violation is corrected, the Hearing Officer may determine that rent may be restored to the lawful level, upon submission of proof of restoration to the City and any credits owed to the tenant, as determined by the Hearing Officer. Such proof may include, but is not limited to, inspection reports, photographs, receipts, or other documentation demonstrating compliance.

- B. **Administrative Fines.** Imposition of administrative fines up to \$1,000 per day for violations as authorized under Section 30-608(b)(2) of the Ordinance. In assessing fines, the Hearing Officer may consider the severity of the violation, its duration, and any history of prior violations.

All remedies shall be set forth in a written decision with findings of fact and conclusions of law, and shall be enforceable in the same manner as other administrative orders issued by the City.

Section 4. Continuation of Hearing After Tenant Move-Out. A tenant petition does not terminate solely because the tenant vacates the unit after filing. The Hearing Officer shall determine whether any change in occupancy affects pending proceedings.

ARTICLE 9 – JUST CAUSE EVICTIONS

Section 1. Purpose. This Article supplements Section 30-576 of the Ordinance by establishing administrative procedures for landlord submissions, Department processing, and access to Notices of Termination or related unlawful detainer documents.

Section 2. Record Retention and Reporting. The City shall retain all unlawful detainer filings for a minimum of five (5) years. While individual filings shall not be posted publicly, the City may compile and publish periodic reports containing aggregate data regarding unlawful detainer activity.

Section 3. Administrative Considerations. For purposes of administering Section 30-576, the Department’s role is strictly administrative. The Department shall receive, log, and acknowledge unlawful detainers but shall not determine their legal sufficiency or compliance with State or local law. However, the legal sufficiency of a notice may be evaluated by a Hearing Officer in the context of a tenant petition hearing, based on the evidence presented. Unlawful detainers may be submitted to the Department by email, or through any other method accepted by the Department.

Section 4. Access to Notices of Termination or Unlawful Detainer Records. In responding to a request for records of unlawful detainer filings or any other related documents, the City shall consider whether disclosure is allowed or required under applicable laws that may require confidentiality or redaction of those records, including but not limited to restrictions on access to records required under California Code of Civil Procedure § 1161.2.

ARTICLE 10– RELOCATION ASSISTANCE ADMINISTRATION

Section 1. Purpose. This Article supplements Section 30-577 of the Ordinance by establishing administrative procedures for determining tenant eligibility, processing landlord submissions, and ensuring timely payment of relocation assistance.

Section 2. Eligibility and Amounts. Relocation assistance is required when a tenancy is terminated for any no-fault just cause listed in Section 30-576(d). The amount of relocation assistance and the categories of eligibility are determined by resolution of the City Council. Until such time as a resolution is adopted, the default relocation amounts in Section 30-577(b) shall apply.

It is the landlord’s responsibility to ensure that tenants receive the full amount of relocation assistance required under the Ordinance. These obligations apply in addition to, and do not replace, any duties imposed under State or federal law, such as the California Relocation Assistance Act or the Uniform Relocation Act. Nothing in the Ordinance or these regulations relieves a landlord from complying with any other relocation requirements not imposed by the Ordinance.

Section 3. Qualified Tenant Verification. Tenants claiming eligibility as Qualified Tenants (elderly, disabled, or terminally ill) must file a Qualified Tenant Verification Form with the Department and provide supporting documentation. Examples of supporting documentation may include:

- Proof of Age (government-issued identification);
- Documentation of disability status (Social Security award letter, medical documentation, or other government verification); or
- Certification of terminal illness by a licensed physician.

Upon receipt, the Department shall process the submission and may review the materials for purposes of confirming eligibility criteria or completeness. The Department may request additional information or clarification if necessary and shall provide written notice to the Tenant regarding the status of the submission and any required next steps.

Section 4. Lawful Deductions. Landlords may deduct from relocation payments only those amounts expressly permitted under Section 30-577(f), or as otherwise allowed by law. Deductions may include past-due rent from the prior twelve (12) months and verified costs for extraordinary damages, cleaning, or other purposes served by a security deposit as defined by the rental agreement, to the extent the security deposit is insufficient to cover such costs.

To administer this provision, landlords must provide tenants and the Department with an itemized statement of deductions and supporting documentation. The Department will retain the documentation for monitoring purposes but will not adjudicate the validity of deductions beyond confirming receipt.

ARTICLE 12 – ENFORCEMENT

Section 1. Purpose. This Article supplements Sections 30-579 and 30-581 of the Ordinance and any remedies otherwise provided by state or federal law.

Section 2. Tenant Remedies and Coordination. Tenants may pursue civil remedies under Section 30-580 without exhausting administrative remedies. The Department’s role is limited to administering the Ordinance and related regulations; staff do not provide legal advice or representation in connection with tenant lawsuits. City enforcement actions do not preclude tenants from pursuing their own civil remedies, nor does a tenant’s civil action preclude the City from exercising its independent enforcement authority.