

PROPOSED REGULATION

3108 Clean Beaches and Ocean Parcel Tax Surcharge

(a) The surcharge provided by this regulation is meant to reimburse owners of controlled residential rental properties for the cost of the Clean Beaches and Ocean Parcel Tax established pursuant to City Ordinance 2214 (CCS), enacted by the Santa Monica City Council on July 25, 2006.

(b) Duration of Surcharge

In addition to the monthly rent, a landlord may collect a monthly surcharge in accordance with this section on any controlled rental unit for each month no earlier than February 1, 2008, and which shall expire upon the repeal or expiration of Santa Monica City Ordinance 2214 (CCS). The actual surcharge for each fiscal year beginning July 1, 2008 may be collected in monthly installments commencing the following January 1, or any month within the same calendar year, and continuing for the next twelve months thereafter.

(c) Determination of Surcharge

- (1) The monthly surcharge shall not exceed an amount equal to the amount of the Clean Beaches and Ocean Parcel Tax, as determined by Ordinance 2214, divided by the total number of units on the parcel, divided into twelve monthly payments.
- (2) For purposes of this section, the term "units" includes, but is not limited to, all units in a controlled rental property that are used for residential rental purposes or for commercial purposes, including owner-occupied or relative-occupied units, units occupied pursuant to a Section 8 housing agreement, and/or units participating in the Incentive Housing Program.
- (3) Upon notice by the County Assessor's Office of the Clean Beaches and Ocean Parcel Tax, the landlord shall calculate the surcharge provided in this regulation and give notice to the tenants of the amount of the per unit surcharge as set forth in subsection (d) of this regulation.

(d) Notice Requirements

- (1) A landlord shall notify each tenant of the amount of the Clean Beaches and Ocean Parcel Tax surcharge pursuant to this regulation. The notice must comply with all noticing requirements set forth in Civil Code section 827.
- (2) The notice shall contain the following information: the amount of the Clean Beaches and Ocean Parcel Tax for the property; the number of units on the property; the amount of the monthly per-unit surcharge; and, the amount of the maximum lawful rent, including all fees and surcharges. A copy of the portions of the Joint Consolidated Tax Bill or other official notification that reflects the Clean Beaches and Ocean Parcel Tax, and the parcel number shall be attached to the notice.
- (3) Failure to comply with the notice requirements set forth above shall render any surcharge excess rent within the meaning of section 1809 of the Charter and Chapter 8 of the Board's regulations.

(e) Exemptions

- (1) Section 7.64.060 of the Santa Monica Municipal Code authorizes the City Council to establish by resolution special exemption procedures and eligibility criteria based on income, age or disability for the Clean Beaches and Ocean Tax. The City Council

established special exemption procedures for low-income residents in Resolution 10248 (CCS). All property owners and renters who meet the Clean Beaches and Ocean Tax Exemption eligibility criteria are exempt from the Clean Beaches and Ocean Tax.

- (2) The maximum dollar amount of gross household income for single-person households for purposes of Clean Beaches and Ocean Parcel Tax Exemption eligibility shall be twenty five thousand and two dollars (\$25,002).
- (3) The maximum dollar amount of gross household income for households of two or more persons for purposes of Clean Beaches and Ocean Parcel Tax Exemption eligibility shall be twenty eight thousand six hundred and fifty dollars (\$28,650).
- (4) On July 1, 2008 and in subsequent years on the same date thereafter, the maximum dollar amounts of gross household income for single and two-or-more person households for purposes of Clean Beaches and Ocean Parcel Tax Exemption eligibility as set forth above shall be adjusted by the Los Angeles-Riverside-Orange County Consumer Price Index for Wage Earners and Clerical Workers (CPI-W) for the previous calendar year.
- (5) Application for determination of eligibility for fee waiver under this section must be on a form provided by the City.

[3108]