

PROPOSED REGULATION 13008

13008. ~~Vacancy Registration~~ Units Not Registered Prior to April 22, 2003

- (a) Prior to registering a residential rental unit which has not been registered prior to April 22, 2003, a landlord shall file a petition and obtain a Board decision permitting the unit to be registered and determining the correct Maximum Allowable Rent and base amenities for the unit. A tenant may also file a petition under this regulation for a determination of whether registration of a previously unregistered unit is required and determination of the correct Maximum Allowable Rent and base amenities of the unit.**
- (b) To obtain permission or a requirement to first register a unit after April 22, 2003, the petitioner shall prove the following by a preponderance of the evidence at the hearing:**

 - (1) the unit is habitable or capable of being made habitable in an economically feasible manner; and**
 - (2) the unit was a residential rental unit on April 10, 1979, the unit is a rental unit as defined in regulation 2002, or the unit was created by conversion and conforms to the city's zoning and development standards.**
- (c) The original petition and two copies shall be filed on a form provided by the Board. The petition shall set forth a statement describing the bases for the petition under paragraph (b) above, the dates that the unit has been used as a residential rental unit, and, if the petition is filed by a landlord, an explanation of why the unit was not previously registered as required by the Rent Control Law. It shall list the current rents charged for all units sought to be registered, the beginning date of tenancy, and the rent and base amenities provided the unit at the initial date of tenancy. If the tenancy of any current tenant commenced prior to January 1, 1999, the petition shall also list the unit's April 10, 1978 rent and amenities, or the rent and amenities of the first rental date thereafter. If this information is not provided, the petition shall explain why. The petition shall be accompanied by two copies of supporting documentation which the petitioner intends to submit as evidence in the hearing.**
- (d) Hearings shall be conducted and a decision issued according to the procedures set forth in Board regulations 4007 through 4029, 4035, 4036, and 4039. The hearing examiner to whom the case is assigned shall seek and introduce into the record all available evidence regarding the unit's residential rental status under subparagraph (b) above and the unit's correct rent and base amenities.**
- (e) If the decision determines that the unit should be registered as a controlled rental unit, the landlord shall pay up to three years of past-due registration fees for the unit when filing the registration form. The registration form shall be filed within thirty (30) days after final Board decision.**