

# HEARINGS AND REMEDIES A GUIDEBOOK



**RENT STABILIZATION**

City of West Hollywood

Revised June 2019

**City of West Hollywood**  
RENT STABILIZATION AND HOUSING DEPT.

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West Hollywood, California 90069  
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# This guide

was prepared as a reference for tenants and landlords in the City of West Hollywood to help them decide whether to file a case, how to prepare for a hearing, and understand a decision once it has been issued. This information is based on the requirements and procedures set out in West Hollywood's Rent Stabilization Ordinance (RSO). The RSO is Title 17 of the City's Municipal Code and is available online at [www.weho.org](http://www.weho.org) under the City Hall tab. A hard copy of the RSO and accompanying regulations can also be purchased at the City Clerk's office.

Staff of the City's Rent Stabilization Division is available during regular business hours to answer questions and guide individuals through the hearing process.

For more information, please contact us at  
(323) 848-6450

Это пособие по Вашему требованию также имеется на русском языке

Esta guía también está disponible en español al solicitarla

RENT STABILIZATION HEARINGS IN WEST HOLLYWOOD

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# 1. ISSUES FOR HEARINGS

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This brochure is designed to explain the rent stabilization hearing process and help you prepare for a rent stabilization hearing. You may be participating in a hearing on one of the following issues.

- **MAXIMUM ALLOWABLE RENT**

The hearing examiner will determine a unit's maximum allowable rent for fact-finding purposes only. No rent reductions or overcharge reimbursement will be ordered in the hearing decision.

- **REIMBURSEMENT OF RENT OVERCHARGES**

Tenants may request reimbursement of rent overcharges if it has been determined that the maximum allowable rent was exceeded. If the hearing examiner decides that a tenant paid more rent than was legal, the hearing examiner may order the property owner to reimburse the tenant for rent overcharges.

- **RENT ADJUSTMENT**

Tenants may request a rent adjustment hearing if housing services have been eliminated or substantially reduced, or if the property owner has failed to maintain the property according to the maintenance standards of the RSO.

## 2. FILING A CASE

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The law requires tenants to notify landlords about problems that might lead to a hearing before filing for a hearing. Complete explanations of all requirements are detailed on the application form, and form letters are available for tenant use. Pick up copies of application forms and form letters from the Rent Stabilization Division in City Hall

- **RENT ADJUSTMENT APPLICATIONS**

**If you are a tenant** and are claiming that there has been a substantial **reduction in your housing services**, or that your landlord has failed to follow the RSO's maintenance standards, you must send a written request to your landlord asking that the services be restored or the maintenance item addressed. Keep a copy of this letter to submit to the Rent Stabilization office.

**Only issues raised in the request letter will be addressed in the hearing.** The City has created a form letter that may be used to ask the landlord to perform maintenance or restore housing services. The City strongly encourages tenants to use these forms. They are available from the Rent Stabilization Division and online.

**The following are examples of housing services that have been substantially reduced:**

- A coin laundry that was available for tenant use is no longer provided.
- Weekly gardening service has been discontinued.

- Access to storage space or assigned parking has been revoked.
- Broken light fixtures have not been repaired.
- The swimming pool is no longer maintained.

If the landlord does not adequately address the tenant's concerns within 30 days after receiving the written request, or if less than 30 days have passed, but the landlord has indicated an intention not to address these concerns, the tenant may file for a hearing. A copy of the tenant's request letter must accompany the hearing application.

- **RENT OVERCHARGE HEARINGS**

**If you are a tenant claiming that rent was overcharged**, no written notice to the landlord or waiting period is required. However, working with the landlord to resolve the matter without a hearing is something to consider.

If you are unsure of the overcharge amount, contact an Information Coordinator in Rent Stabilization and Housing. The Coordinator will be able to help you with the calculation. Technically, however, this amount is an estimate. Only the Hearing Examiner has the authority to make an official determination after receiving evidence and applying the law.

- **MAXIMUM ALLOWABLE RENT HEARINGS**

**If you are a tenant or a landlord and are** requesting a hearing to determine **the Maximum Allowable Rent (MAR)**, no written notice or waiting period is required. However, the City will notify all affected parties that the hearing is taking place, and all are allowed to attend and provide relevant evidence or testimony.

Complete instructions for filing rent hearing applications, including filing fee requirements, are provided on the hearing application itself.

#### RENT STABILIZATION HEARINGS IN WEST HOLLYWOOD

### 3. AFTER YOU FILE

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When an application is filed, it is reviewed by City staff members.

Hearing applications are filed with the City's Legal Services Division. The Legal Services Division has 10 business days to review the application and ensure that it meets all requirements for completeness. If the application is complete, both tenant and landlord are notified by mail that a hearing will be scheduled to address the claims made in the application or to determine a unit's maximum allowable rent. It is through this mailing that the landlord is first made aware that the tenant filed the hearing application. Both parties will receive a copy of the other's correspondence.

If the application raises an allegation that the landlord is not in compliance with the Health Code and/or Building and Safety Code, then the application will be forwarded to the City's Code Compliance Division for additional review. If it appears that there may be a violation, a Code Compliance officer contacts the applicant, informs him or her about the possible code violations and schedules an appointment with the applicant for an onsite inspection of the property. The onsite inspection may result in the landlord being cited for any existing code violations, including code violations not raised by the tenant or not previously brought to the landlord's attention. If you have questions regarding Code Compliance, you may contact that division at 323-848-6375.



Shortly after the Legal Services Division informs all parties that a completed hearing application was filed, the Division sends a Notice of Rent Adjustment Hearing, listing the date, time and location of the hearing. The notice goes out at least 10 days before the hearing, and the hearing must be held within 30 days after the application for the hearing is deemed to be complete. The mailing announcing the hearing includes a copy of the hearing application itself, copies of any supporting documentation including with the filing, and brief information about how the hearing process works. If the hearing application raises common area issues, the Notice of Hearing and attachments are sent to all the tenants on the property. They will be included in the case, and allowed to participate in the hearing, unless they submit a written statement asking not to be included. A request to be excluded from the process should be sent to the Legal Services Division

#### RENT STABILIZATION HEARINGS IN WEST HOLLYWOOD

## 4. AT THE HEARING

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Like most hearings, yours will involve specific procedural requirements, and will be limited to certain issues. Testimony will be accepted from both the applicant and the respondent.

The hearing itself takes place before an independent hearing examiner at West Hollywood City Hall during regular working hours. It deals only with the issues raised in the hearing application and nothing else. Testimony and evidence are given under oath, but the hearing is not as formal as a trial or court hearing. An audio recording of the entire proceeding is made and serves as the official record of the hearing. The length of the

hearing depends on the number of issues raised in the application, but most take between one and three hours.

The examiner conducts the hearing so that it is fair, impartial and takes place in an orderly manner. The hearing shall ordinarily proceed in the following manner, unless the examiner determines that some other order of proceedings would better facilitate the hearing:

- Presentation by or on behalf of applicant, if applicant desires to expand upon the information contained in or appended to the application, including presentations of any other affected parties and witnesses in support of the application;
- Presentation by or on behalf of opponents to the application, including presentations of any other affected parties and witnesses in opposition to the application;
- Presentation of the results of any investigations or staff reports in relation to the application; and Rebuttal by applicant.

The examiner may ask questions of the parties involved or allow the parties to ask questions of each other in order to get relevant evidence into the hearing record. The hearing record serves as the basis for the examiner's decision, and it is typically closed at the end of the proceedings, after all parties have made their presentations. Once the record is closed, no additional evidence or testimony is allowed.

If the applicant, or his or her representative, does not attend the hearing, the application is usually dismissed. If the respondent, or his or her representative, does not attend, the hearing still takes place. It is not stopped or delayed because of the absence. However, the examiner's decision will be made without knowing the respondent's side of the story because no testimony or evidence was presented.

## 5. HOW TO PREPARE

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As a party to the hearing, you will want to come to the hearing with all the testimony and evidence that you want the hearing examiner to consider.

The applicant and respondent each make a presentation at the Rent Adjustment Hearing. Each side has the opportunity to convince the hearing examiner that his or her position is correct, by making a presentation and by offering documents that help prove that position. The presentation should clearly state what the party wants to accomplish through the hearing. The presentation should be well-organized, understandable and as concise as possible, while still making all the necessary arguments needed to have the hearing examiner decide in his or her favor.

Tenants and landlords who have succeeded in this process recommend following these steps to prepare your presentation:

1. Make a list of the issues that are before the hearing examiner. For example: was there a coin laundry in the building when you moved in? When was it removed? Has the landlord offered an alternative way to do laundry? Has the landlord compensated tenants for the loss of this amenity? Leave plenty of room between issues so you can add your notes to each point.
2. Add comments and notes under each point. For example: There were four washers and four dryers when the tenant moved in. Now there are only 2 washers and 2 dryers; names of other tenants who can remember these details; sign posted that laundry room was closed in 2011.

3. Create a timeline as appropriate, and add more detailed notes as you remember them.
4. Make a list of documents and other evidence that you can bring to the hearing to support your position, including statements from other tenants, photographs, and letters. You should bring two copies of any documents you wish to include in the hearing record. One copy will be for the hearing examiner and the other for the opposing party. You should not submit any originals to the examiner, unless requested to do so.

#### RENT STABILIZATION HEARINGS IN WEST HOLLYWOOD

## 6. ASSEMBLE YOUR EVIDENCE

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Here are recommendations regarding evidence submissions based on a hearing's issues. If the hearing will address:

- **MAXIMUM ALLOWABLE RENT**

Copies of the original lease or rental agreement; copies of documents showing the first or earliest rent payments, such as checks, money orders, receipts and rent increase notices.

- **RENT OVERCHARGES**

Copies of the original lease or rental agreement; copies of documents showing rent payments, such as checks, money orders, bank statements and payment receipts. Copies of rent increase notices. Be sure to have evidence supporting what rent was paid for every month there is an alleged overcharge. The hearing examiner may not be able to order reimbursement for

overcharges covering months when no evidence of the tenant's rent payment for that month is included in the hearing record.

- **REQUIRED MAINTENANCE**

When the number of years for replacement is specified in the Rent Stabilization Ordinance (for example, interior painting every 4 years, carpeting replacement every 7 years): Bring any evidence establishing when an item was last replaced or when the maintenance was last performed. If no direct evidence is available, the hearing examiner will assume that the most recent replacement or maintenance occurred longer ago than the number of years specified in the ordinance. If the landlord is claiming that maintenance is not necessary, he or she should bring photographs or other proof of the item's current condition. The West Hollywood Rent Stabilization Ordinance requires that certain amenities, such as carpet and interior paint be replaced, not repaired or cleaned, according to the schedule established by law.

- **OTHER REQUIRED MAINTENANCE**

Photocopies of documents, such as inspection reports, photographs of the item in question or anything else which shows the original condition and/or the current condition of item. If the property has been cited by a City of West Hollywood Code Compliance Officer, the Los Angeles County Health Department or other governmental agency, please bring a copy of the citation. Tenants should begin to collect copies of these citations as soon as possible, as it may take several weeks to obtain copies of citations.

- **REDUCTION IN HOUSING SERVICES**

Copies of the original lease, rental agreement, re-registration form, flyer advertising the rental, other documents or photographs which establish that the housing service in question was provided. Copies of notices, letters, other documents or photographs which establish that the housing service in question was removed. Copies of documents or photographs which help explain the nature and parameters of the housing service if it is not one that is listed or defined in a lease, rental agreement or re-registration form.

- **COMMON AREA ISSUES**

Photographs and other documentation supporting the contention that maintenance has not been performed, or an amenity has been removed. Landlords are asked to bring a written list of the move-in date and last rent paid for every current tenant on the property. The hearing may determine that a common area amenity was reduced or removed during the tenancy of some residents, but prior to the tenancy of others. Tenants who moved in after a service was reduced are not entitled to a rent reduction for its removal.

## 7. AMOUNT OF RENT DECREASES

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The amount of a rent decrease ordered by the hearing examiner for housing service reductions or required maintenance is determined by several factors, the most important of which is the evidence specific to the facts of a case presented at the hearing.

Rent Stabilization Regulation 60041(B) states:

In evaluating the amount of rent decrease that may reasonably compensate the tenant, the hearing examiner or the Rent Stabilization Commission on appeal may consider the extent to which the reduction in services affects the tenant(s) of a given rental unit, the relative significance of the reduced service in relation to the safety, health, convenience and comfort of the tenant(s), the prevailing market value of the housing service in question as a rental amenity, the extent to which the tenant(s) were led to rely upon the fact that the service would be provided, and such other factors as are deemed to be relevant by the hearing examiner or Commission.[...]

To assist in this matter, the City created valuation guidelines which include a range of standard rent reductions usually associated with many issues addressed through the rent hearing process. These guidelines are a reference only. They do not supplant the evidence presented at the hearing and are not meant to be used without consideration of the circumstances and evidence of the case at hand. See the Valuation Guidelines form for more information.

## 8. SOME IMPORTANT NOTES

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- **Submit photocopies of documents only or originals that you no longer need.** All items submitted as evidence become a permanent part of the hearing record and cannot be returned to the submitting parties afterwards.
- **Create hard copies of any digital images for submission.** Regular printed photos may be submitted as evidence, but will not be returned. Digital photographs from a camera or phone and images saved on a computer disc will not be accepted as evidence. Hard copies are necessary for the permanent file.
- **Arrange for the presence of any witnesses you want to testify in support of your case.** If your witnesses cannot personally attend the hearing, you may bring their statements in writing, if their statements are dated and signed **under penalty of perjury**. The City can provide you with a sample form to illustrate the “under penalty of perjury” statement.
- **If you have good reason to believe that a witness required for your case will not appear voluntarily, or if you require the delivery of documents which otherwise would not be produced, you may request the Legal Services Division to issue a subpoena, or subpoena duces tecum (for documents), to compel attendance or the provision of documents.** You will be responsible for serving the subpoena and for paying any witness and mileage fees demanded. Contact the Legal Services Division at 323-848-6481 for a subpoena application or to get more information about subpoena procedures and requirements.
- Once the hearing record is closed (typically at the end of the



proceedings), no additional testimony or evidence may be submitted.

- **Be sure your hearing presentation includes everything needed to make your argument successful.** Organize your material and rehearse what you will say. Anticipate statements other parties will make and prepare appropriate questions or challenges for them. Bring detailed notes for your presentation to the hearing itself, making sure you cover all the points necessary while keeping your presentation clear and organized. If necessary, write down the entire presentation word for word before the hearing and simply read what you wrote at the proceeding. Do whatever it takes to make sure your arguments are part of the hearing record and can be considered by the hearing examiner.
- **Stay on topic.** Avoid getting into arguments or making personal attacks on the other person. The only relevant information is those facts that support your claim for a rent adjustment. While we recognize that there may be a history between the parties and some personal animosity, do your best to leave it outside the hearing.

## 9. THE HEARING DECISION

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No decision is made by the examiner at the hearing itself. Instead, the decision is issued in writing after careful consideration of the arguments and the evidence presented. The decision is mailed to all concerned parties not later than 30 days after the hearing record is closed, which is usually at the end of the proceeding. If a determination of maximum allowable rent was at issue, the decision will state the current legal rent and explain how it was determined. If a determination was made that the landlord collected rent in excess of the legal maximum, the amount of the overcharge that must be repaid to the tenant is stated. If a rent reduction based on a reduction in housing services or failure to perform maintenance is ordered, the amount of the reduction, its effective date and the unit or units involved is listed.

Parties who disagree with some or all of the hearing decision, may appeal the disputed issues to the Rent Stabilization Commission. The deadline for filing the appeal is 10 business days after the date of the hearing decision. The decision and any issues not appealed become final when the deadline for filing an appeal has passed. The hearing examiner's decision is stayed (placed on hold) until the Rent Stabilization Commission considers the appeal. The Commission may uphold, reverse or modify the original determination.

Once the Commission acts, determinations regarding appealed issues become final after 10 business days, except for determinations of rent overcharges that order tenant reimbursement of rent overpayments.

Those determinations become final after the time period for seeking a stay of the Commission's action, which is the deadline for filing a writ petition challenging the overcharge determination in Superior Court. Any Commission action may be challenged by filing a writ petition in Superior Court within 90 days of the Commission's decision becoming final.

#### RENT STABILIZATION HEARINGS IN WEST HOLLYWOOD

## 10. RESTORING RENT REDUCTIONS

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If the hearing decision ordered a rent reduction based on a reduction in housing services or failure to perform maintenance, the rent reduction remains in effect until landlord has complied with the hearing decision. Only after compliance is verified can an ordered rent reduction be restored. At that point, the Legal Services Division sends all affected parties a notice of rent restoration that states the reason for the restoration, the rent amount being restored and the specific date the restoration goes into effect.

To restore the rent to its original level as soon as possible after the hearing decision is issued, the landlord should have the work performed or the services restored. When the work is completed, the landlord should file a Request for Compliance Determination with the Legal Services Division. Requests for Compliance do not have to cover all issues that resulted in rent reductions. The requests may be filed in smaller increments, as work is done or services restored.

Upon receipt of the Request for Compliance Determination, the Legal Services Division sends a Notice of Work Performed by the Landlord to the tenants and other parties involved in the hearing. The notice lists what work the landlord claims was done or what services the landlord claims have been restored. The

tenants and other affected parties have 5 days to file a written objection disputing the landlord's claim. If no objection is filed, and the compliance determination filing includes appropriate documentation in support of the landlord's claim, the rent reduction will be restored. The City mails a notice to the tenants and the landlord stating the amount of the restored rent and the effective date of the restoration.

If a written objection to the landlord's compliance claim is filed with the Legal Services Division, the hearing examiner may hold a hearing for the purpose of accepting evidence and testimony to make a determination regarding the landlord's compliance, unless a determination can be made based on the statements and documents submitted by the parties. If a hearing is held, the examiner's determination is not made at the reopened hearing, but issued in writing and mailed to all affected parties within 10 days after the record for the hearing is closed.

The hearing examiner's decision in a compliance determination may be appealed to the Rent Stabilization Commission, but the tenants must pay the newly restored rent amount during the appeal. If the Rent Stabilization Commission reverses or modifies the compliance determination on appeal, affected parties are required to adjust past rent payments in accordance with the Commission's determination.

## 11. FREQUENTLY ASKED QUESTIONS

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### **Do I need to hire an attorney for my hearing?**

Most hearing participants do not do so. They represent themselves. However, you may hire an attorney, or have someone else represent you, if it makes you feel more comfortable while participating in the process. Rent Adjustment Hearing Regulations give you the right to be represented by someone else, including individuals who are not attorneys, if you prefer.

### **What should I do if my scheduled hearing date and time conflicts with another appointment? Can my hearing be rescheduled?**

Rescheduling a hearing is possible; however the individual requesting the change must show good cause for needing to reschedule. The requesting party must notify all other affected parties of his or her desire to reschedule, and work with them to determine mutually acceptable alternate hearing dates which then are proposed to the Legal Services Division when the rescheduling request paperwork is filed. The rescheduling procedure, including the filing and service of paperwork on all affected parties, must be completed no later than 3 business days prior to the scheduled hearing date. Contact the Legal Services Division at (323) 848-6481 for more information.

### **What must I do if I need a translator?**

If you or one of your witnesses require a translator, you are responsible for bringing one to the hearing with you, unless you qualify for an American Sign Language interpreter under the Americans with Disabilities Act. If you do, please contact the Legal Services Division as soon as possible at 323-848-6481 so that arrangements to have one available may be made.

### **What if my landlord performs the requested maintenance before the hearing takes place?**

If all the requested maintenance is done to your satisfaction prior to the hearing date, the hearing application should be withdrawn. If no issues remain when the hearing takes place, the hearing examiner will dismiss the case anyway. However, if some, but not all, of the issues are completed, or if the work done was done improperly, the applicant should let the hearing proceed as planned.

**What should I do if I forgot to include some maintenance issues in my original hearing application, or if a maintenance issue did not occur until after my application was filed?**

Maintenance issues not raised in your original application cannot be addressed at your upcoming hearing. You will need to file another hearing application to address them. Because you could have included these issues in your original filing, Rent Adjustment Hearing Regulations require you to wait at least 6 months after the decision date in your upcoming proceeding before you are eligible to file a new hearing on these issues. For maintenance issues that occurred after you filed for your hearing, but before the hearing itself takes place, you likewise are not permitted to address these issues in your upcoming proceeding. However, you do not have to wait 6 months before you are eligible to file a new hearing on these issues. The issues did not exist when your last application was filed, so Rent Adjustment Hearing Regulations allow you to proceed now.

**What about mediation? Is it a good alternative?**

Mediation is a voluntary process whereby the mediator helps all affected parties in a dispute come to a mutually satisfactory agreement. Participation and resultant agreements are voluntary. The mediator does not have the authority to require participation or enforce resultant agreements. Depending on the issues involved and the cooperation of all affected parties, mediation can bring about beneficial results. The Legal Services Division has a mediator on staff who reviews all hearing applications filed with the Division, proposing mediation to affected parties when appropriate. You may also take the initiative to resolve your concerns through mediation instead of the hearing process. Contact the Legal Services Division at **323-848-6481** for more information.

**What happens if I appeal a hearing decision to the Rent Stabilization Commission and the Commission denies my appeal? Is the matter over?**

All affected parties in a hearing have a right to dispute the Rent Stabilization Commission's determination by filing a writ petition in Superior Court not later than 90 days after the Commission's action becomes final. The City will defend the Commission's decision in the court proceedings.

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Department of Human Services and Rent Stabilization  
Department of Administrative Services – Legal Services Division

If you have any further questions, please contact the Rent Stabilization and Housing Division at (323)848-6450 during normal business hours: Monday – Thursday, 8:00 a.m. to 5:00 p.m. and Fridays 8:00 a.m. to 4:30 p.m., or visit the City's website at [www.weho.org](http://www.weho.org).

***The Rent Stabilization Ordinance is amended periodically. Tenants and landlords are encouraged to contact the West Hollywood Rent Stabilization & Housing Division for the most current version of the Ordinance.***