

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

VILLAGE TRAILER PARK, INC.,

Petitioner,

v.

SANTA MONICA RENT CONTROL
BOARD,

Respondent;

VERNON VAN WIE et al.,

Real Parties in Interest.

B153024

(Los Angeles County
Super. Ct. No. BS065068)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on September 6, 2002, be modified as follows:

Page 12, first full paragraph, second line, insert the words “the maximum lawful rent for purposes of its” after the word “from” so that the sentence reads as follows: The Board argues that it did not exceed its power by excluding allowable general adjustments from the maximum lawful rent for purposes of its overcharge calculations.

Page 12, last paragraph, first sentence (continuing to page 13), substitute the phrase “inclusion of all unauthorized rent increases in” for “exclusion of rent increases from” and substitute the word “impose” for “exercise” so that the sentence reads as

follows: If the inclusion of all unauthorized rent increases in the calculation of damages operates as a penalty upon landlords who fail or refuse to obey the Rent Control Law, it is the kind of permissible penalty agencies may impose to induce compliance with their regulatory authority.

Page 13, last paragraph, second line, after the word “furthermore,” substitute the phrase “including all unauthorized rent increases in the damages calculation” for “exclusion of rent increases” so that the sentence reads as follows: The trial court erred by finding that there is no authority for the Board’s calculation of damages; furthermore, including all unauthorized rent increases in the damages calculation helps to effectuate the Board’s primary, legitimate regulatory purpose of inducing landlords to comply with the Rent Control Law.

This modification does not effect a change in judgment.