

ORDINANCE NO. 184336

An ordinance amending various provisions of Section 163.00, et seq., of Article 3 of Chapter XVI of the Los Angeles Municipal Code, Tenant Relocation Assistance Program, to provide greater protection to affected tenants, update references to obsolete code sections, and for the provision of minor technical amendments in order to make various provisions and terms consistent with state law.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsections F and G of Section 163.01 are amended to read as follows:

F. **Landlord.** An owner, lessor, or sublessor, (including any person firm, corporation, partnership, or other entity) of residential rental property, or their designated agent, representative or successor.

G. **Order To Vacate.** Any order or notice to vacate issued by an Enforcement Agency or by a court of law, requiring the vacation of a residential unit as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered.

Sec. 2. Subsections A and D of Section 163.02 are amended to read as follows:

A. Any tenant who is displaced or subject to displacement from a residential rental unit as result of an order to vacate or any order requiring the vacation of the residential unit by the Enforcement Agency due to a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to relocation benefits payable by the landlord in the amounts prescribed in Section 163.05. The Enforcement Agency shall determine the eligibility of tenants for benefits paid pursuant to this article.

D. In the situations described in Subsections B and C of this section, the tenants of units within a multi-unit structure who did not cause or substantially contribute to the uninhabitable condition shall be eligible for relocation benefits from the City if the City elects at its discretion to pay relocation benefits, based on the recommendation from the Enforcement Agency.

Sec. 3. Subsections B and E of Section 163.03 are amended to read as follows:

B. Any order to vacate issued by an Enforcement Agency shall be accompanied by a summary of the provisions of California Health and Safety Code Section 17975 et seq. Failure to provide a summary shall not relieve any person of the obligations imposed by this article.

E. The General Manager of the Enforcement Agency is empowered and designated to hear and adjudicate any appeal brought by a landlord from an order requiring payment of relocation benefits. The Enforcement Agency's Appeals Board is empowered and designated to hear and adjudicate any appeal from the General Manager's decision. The General Manager and the Enforcement Agency's Appeals Board shall adhere to the requirements of California Health and Safety Code Section 17975 et seq.

Sec. 4. Subsections A and B of Section 163.04 are amended to read as follows:

A. The relocation benefits required by this article shall be paid by the landlord to the tenant within ten days after the date that the order to vacate is first mailed to the landlord and posted on the premises, or at least 20 days prior to the vacation date set forth in the order to vacate, whichever occurs later.

B. If there are fewer than ten days between the first posting and mailing of the order to vacate and the vacation date, the relocation benefits shall be paid by the landlord to the tenant within 24 hours after the notice is posted and mailed. The Enforcement Agency shall attempt to provide either telephonic or written notice to the landlord to notify the landlord that the benefits are payable immediately. Failure to provide notice as specified in this section shall not relieve the landlord of any obligations imposed by this article.

Sec. 5. Section 163.05 is amended to read as follows:

The relocation payment shall be made available by the landlord to the tenant in each residential unit and shall be in the amounts set forth in Section 151.09 G of this Code, or in an amount equal to the sum of two months of the established fair market rent for the Los Angeles/Long Beach area as determined by the Department of Housing and Urban Development pursuant to Section 1437(f) of Title 42 of the United States Code, whichever amount is greater.

Beginning on July 1, 2005, the relocation amount for qualified and all other tenants shall be adjusted on an annual basis pursuant to the formula set forth in Section 151.06 D. The adjusted amount shall be rounded to the nearest fifty-dollar increment. If the relocation payment is based on the established fair market rent for the Los Angeles/Long Beach area as determined by the Department of Housing and Urban Development pursuant to Section 1437(f) of Title 42 of the United States Code, then the relocation payment shall also include an amount, as determined by the Enforcement Agency, sufficient for utility service deposits. The relocation benefits shall be paid by the landlord in addition to the return, as required by law, of any security deposits held by the landlord. The relocation benefits shall be made on a per residential unit basis.

Sec. 6. Subsections B, C, and D of Section 163.07 are amended and a new Subsection E is added to read as follows:

B. If the landlord fails to comply with an order to pay relocation assistance, the landlord shall be liable to the City for any relocation payments advanced, other than any payments made pursuant to Section 163.02 D., in the amount of the payments plus a penalty in the amount set forth in California Health and Safety Code Section 17975.5(a). The Enforcement Agency may place a lien against the property as set forth in California Health and Safety Code Section 17975.5(b).

C. Prior to instituting any action to collect from the landlord or to impose a lien on the property, the Enforcement Agency shall send an accounting to the landlord as set forth in California Health and Safety Code Section 17975. The landlord may contest the accounting within 20 days after receipt by filing a written request for a General Manager's hearing. However, if there are fewer than ten days between the first posting and mailing of the order to vacate and the vacation date, and if the City advances relocation benefits to any tenants prior to the expiration of the ten-day period, the landlord shall have 30 days to file a written request contesting the charge after the itemized accounting is mailed.

D. If the request is filed within the time set forth in Subsection 163.07 C above, the General Manager shall hold a hearing following the procedures for the Enforcement Agency. Any person aggrieved by the decision of the General Manager may appeal to the Appeals Board following the procedures for that Enforcement Agency. If the landlord fails to obtain a more favorable decision than that set forth in the itemized accounting, he or she shall be liable to the City for the costs of the administrative hearing and appeal, not to exceed \$5,000. If the accounting is not appealed as set forth in this paragraph, it is final and is subject to California Code of Civil Procedure Section 1094.5. The failure to receive the itemized accounting shall not relieve the landlord of any obligation to the City.

E. Nothing in this article shall be construed to require the Enforcement Agency to pay any relocation benefits to any tenant, or assume any obligation, requirements or duty of the landlord pursuant to this article.


Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUN 03 2016.

HOLLY L. WOLCOTT, City Clerk

By  Deputy

Approved 6/8/16

 Mayor

Approved as to Form and Legality

MICHAEL FEUER, City Attorney

By 
MEI MEI CHENG
Deputy City Attorney

Date 4.7.16

File No.: 12-1686-51

DECLARATION OF POSTING ORDINANCE

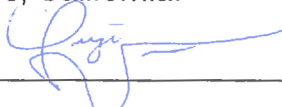
I, JUAN VERANO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 184336 – Amending various provisions of Section 163.00, et seq., of Article 3 of Chapter XVI of the Los Angeles Municipal Code, Tenant Relocation Assistance Program – a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **June 3, 2016**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **June 9, 2016** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **June 9, 2016** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **9th** day of **June 2016** at Los Angeles, California.



Juan Verano, Deputy City Clerk