

HOUSING

MOTION

The City's Tenant Relocation Assistance Program (Program) (Los Angeles Municipal Code Section 163.00, et seq.) (LAMC) provides a procedure by which eligible tenants displaced or subject to displacement from residential rental property as a result of an order or notice to vacate due to the existence of violations so extensive as to threaten their immediate health and safety, can receive or establish entitlement to relocation benefits from the landlord. After eligibility for relocation benefits is established, an order to pay relocation is issued to the landlord. These orders are appealable both at the General Manager and Appeal Board level. Under certain circumstances, the City may also opt to advance relocation benefits to the tenants and collect from landlords through mechanisms such as the imposition of a lien, or the initiation of legal action.

The following areas have been identified as warranting amendment to the ordinance for the purposes of providing greater protection to affected tenants, creating consistency between local and state law, and for the purpose of streamlining the administration of the Program for greater efficiency and better use of City resources:

Prosecutors assigned to Federal and Local Special Abatement Operations file and prosecute nuisance abatement lawsuits involving gang-controlled properties. The lawsuit names as defendants the property owners and the gang members connected to the nuisance activity. Injunctions are obtained requiring the property owners to implement comprehensive physical and managerial improvements to the property. An injunction is also sought against the gang members prohibiting them from coming within a specified distance, usually 500 feet, from the property.

In rare circumstances, when the injunction doesn't successfully abate the criminal activity at the property, a closure order is sought by the prosecutor. When the court issues the closure order there is no mechanism in place to ensure that the tenants who are not involved in the criminal activity receive money for relocation assistance. Thus, it is recommend that "court orders" be added to LAMC 163.00, *et seq.*, so that when a court orders a dangerous nuisance property closed, qualified tenants are eligible for relocation under the City's Program.

Under current City law, only those owners, lessors or sublessors "who receive or are entitled to receive rent" are responsible for paying relocation, while under California Health and Safety Code Section 17975.5, "owners or designated agents" are responsible for the payment of relocation benefits regardless of their right to receive rent. Therefore, an amendment to our local ordinance should be made in order to be consistent with state law.

The current Program provides that the Los Angeles Department of Building and Safety (LADBS), Los Angeles Fire Department (LAFD), and the Los Angeles Housing and Community Investment Department (HCID) are authorized to issue notices or orders to vacate for violations within their respective jurisdictions, as well as issue orders to pay relocation assistance. However, because relocation assistance is an area that falls within HCID's area of expertise, an amendment to permit HCID to be responsible for administering all aspects of the Program following the issuance of the notice or orders to vacate would serve to streamline the process.

Other minor technical amendments are also needed to update citations to the California Health and Safety Code.

I therefore move that the Council request that the City Attorney, in consultation with LADBS, LAFD and HCIDLA, draft an ordinance to amend LAMC, Section 163.000 et seq., in order to make the changes described above.

PRESENTED BY: _____

SECONDED BY: _____

JAN 12 2013



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