


**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: May 14, 2014

TO: Honorable Members of the City Council

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File No. 14-0002-S37
Assignment No: 14-04-0240

SUBJECT: Resolution (Wesson-Cedillo) to SUPPORT AB 2310 (Ridley-Thomas).

CLA RECOMMENDATION: Adopt Resolution (Wesson-Cedillo) to include in the City's 2013-2014 State Legislative Program SUPPORT for AB 2310 (Ridley-Thomas) which would authorize the cities of Los Angeles, Long Beach, and Sacramento to participate in a re-established pilot program to allow city attorneys to bring eviction proceedings against tenants for committing nuisance violations involving unlawful weapons and ammunition.

SUMMARY

Resolution (Wesson-Cedillo), introduced on April 1, 2014, states that the Civil Code Section 3485 pilot program, which expired in December 2013, was a valuable tool to reduce gun violence and protect public safety. Noting that it enabled jurisdictions to evict tenants for nuisance violations involving the illegal possession or sale of firearms or ammunition, the Resolution states that the law was successful in the City of Los Angeles. The Resolution introduces AB 2310, sponsored by the Los Angeles City Attorney, which would renew the successful pilot program until January 2019. The Resolution resolves that the City support AB 2310.

BACKGROUND

Under state law, a tenant who is found to permit, maintain, or commit a nuisance or who uses their rental unit for an unlawful purpose entitles the landlord to remove the tenant under an unlawful detainer action. In 2007, AB 1013 became law and established a pilot program which sought to combat criminal street gangs and gun violence by authorizing city attorneys and prosecutors in Los Angeles, Long Beach, San Diego, Oakland, and Sacramento to bring eviction proceedings against a tenant for illegal weapons possession on the premises when a landlord was unwilling or unable to act, typically out of fear of retaliation. The pilot program was due to expire in January 2010, however it was extended until January 2014 by AB 530.

AB 2310 would re-establish the nuisance eviction pilot program, which expired on December 31, 2013 after no bill moved forward to extend it. The provisions of the pilot program enumerated in the bill are largely unchanged from the prior program. Notably, AB 2310 only includes the cities of Los Angeles, Long Beach, and Sacramento in the proposed program. The bill authorizes the city attorneys of these cities to file an unlawful detainer action for illegal sale or possession of firearms or ammunition on residential premises. The bill provides that the prosecutor must first give 30 days written notice documenting the alleged nuisance or illegal activity to the landlord and the tenant before continuing the eviction process.


According to data from 2011, the Los Angeles City Attorney's office used the authority under this program on 19 occasions to send notices of intent to evict to landlords and tenants. AB 2310 revises information and data required to be reported annually to the California Research Bureau, and requires the Bureau to submit a brief report evaluating the merits of the pilot program to the Legislature in 2016 and 2018. Because of the continued sponsorship from the City Attorney and the support of HCID for this effective tool in combating gun violence and street gangs, our office recommends adoption of the Resolution to support AB 2310.

DEPARTMENTS NOTIFIED

Los Angeles Housing Department

BILL STATUS

May 8 Referred to Committee on Judiciary.
Apr. 24 In Senate. To Committee on Rules.
Apr. 24 Passed Assembly. Ordered to the Senate.
Apr. 9 Passed Committee on Appropriations.
Apr. 1 Re-referred to Committee on Appropriations.
Mar. 28 Amended.
Mar. 27 Pass Committee on Judiciary as amended and re-referred to Committee on Appropriations.
Mar. 10 Referred to Committee on Judiciary.
Feb. 21 Introduced.


Clay McCarter
Analyst

Attachment: 1. Resolution (Wesson-Cedillo).

14-0002-537

APR 1 2014

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Civil Code Section 3485 pilot program, which expired on December 31, 2013, was a valuable tool for city attorneys in participating jurisdictions to reduce gun violence and protect public safety; and

WHEREAS, the pilot program gave participating jurisdictions the ability to file unlawful detainer actions in the name of the people against tenants for nuisance violations involving the illegal possession or sale of firearms or ammunition; and


WHEREAS, this pilot program enabled jurisdictions to evict these persons from their apartments, shielding property owners from possible reprisals from the evicted tenant; and

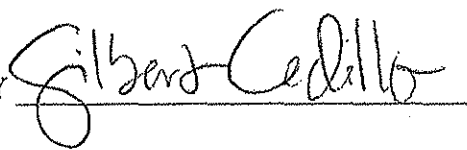
WHEREAS, the pilot program inadvertently sunset on December 31, 2013, reducing the ability of participating jurisdictions to address gun crime; and

WHEREAS, the pilot program was successful in Los Angeles, and legislation reauthorizing its renewal is sponsored by the City Attorney; and


WHEREAS, AB 2310 (Ridley-Thomas) would renew the Civil Code Section 3485 pilot program for the cities of Los Angeles, Long Beach and Sacramento, the jurisdictions that participated in the previous program, until January 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for AB 2310 (Ridley-Thomas), which would reestablish the Civil Code Section 3485 pilot program that authorized city attorneys in participating jurisdictions to bring eviction proceedings against tenants for committing nuisance violations involving unlawful weapons or ammunition.

PRESENTED BY 
HERB J. WESSON, JR.
Councilmember, 10th District.

SECONDED BY 

ORIGINAL


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