



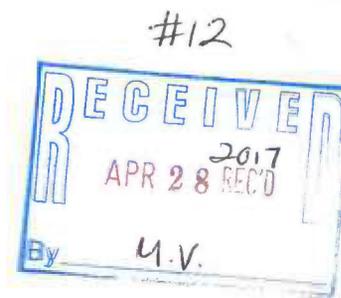
The frontline law firm for poor and low-income people in Los Angeles



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April 28, 2017



VIA E-MAIL AND PERSONAL DELIVERY

Members of the Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

**RE: April 28, 2017 City Council Meeting— Item No. 14-0268-S13
Motion regarding adoption of tenant harassment ordinance in the City of Los Angeles**

Dear Members of the City Council:

I am writing on behalf of the Legal Aid Foundation of Los Angeles (“LAFLA”), at the written request of Councilmember José Huizar, to provide public comment on Item No. 14-0268-S13 Motion regarding the adoption of tenant harassment ordinance in the City of Los Angeles. Specifically, the motion before Council is to direct the Housing and Community Investment Department (HCID) to review the tenant harassment ordinances of San Francisco, Santa Monica, West Hollywood, and any other California city and report on the feasibility of adopting a similar ordinance in Los Angeles. We appreciate the opportunity to share with you some of the patterns of tenant harassment that we have observed through our representation of low-income Los Angeles residents, and the ways that existing laws have failed to fully protect Los Angeles residents.

Incidents of Tenant Harassment

LAFLA provides direct legal services to thousands of low-income tenants in Los Angeles each year at our five community offices throughout Greater Los Angeles, self-help centers and legal clinics. As housing advocates on the frontlines with Los Angeles’s most vulnerable residents, we see an increasing number of tenants who complain that they have been victims of targeted tenant harassment by landlords aiming to force them out in order to raise rents. These tenants are invariably long-term tenants, often in rental units with rents well below market rate. This population of tenants is extremely vulnerable to harassment, and will be increasingly targeted as neighborhoods change and rents rise in the city.

Other Office Locations:

East Los Angeles Office, 5228 Whittier Blvd., Los Angeles, CA 90022; 213-640-3883
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501
Santa Monica Office, 1640 5th St., Suite 124, Santa Monica, CA 90401; 310-899-6200
West Office, 634 S. Spring St. Suite 400A, Los Angeles, CA 90014; 323-801-7989



We have witnessed incidents of tenant harassment on the rise throughout our service area. In Los Angeles, the rise in tenant harassment is especially noticeable in properties where rent stabilized units offer affordable housing options to the most vulnerable renters. We have seen rents rise throughout the city as the rental market heats up. The Rent Stabilization Ordinance (RSO) was created because there was a shortage of decent, safe, and sanitary housing in the city. Through its implementation, and the creation of the Housing and Investment Department, the City set out to ensure that thousands of rental units in Los Angeles remain affordable and to offer protections against arbitrary displacement. Tenant harassment directly undermines the RSO. The cases we see suggest that a combination of economic factors, including increasing real estate values in Los Angeles, has resulted in increased incentives by some landlords to evict below-market tenants without just cause. This is especially true in neighborhoods experiencing the pressures of gentrification like those near new transit infrastructure and other amenities.

Aside from those that contain overt threats of violence, incidents of harassment that we most commonly see in our practice include:

- Removing amenities that the tenants may have had for a long time;
- Refusing to make repairs or perform maintenance;
- Using pretext to enter a unit, setting times for entry when the tenant is known not to be home or entering a tenant's unit without their consent or permission;
- Imposing onerous steps to pay rent;
- Targeting surveillance cameras at a tenant's door to monitor a tenant's every move or make the tenant believe they are being monitored;
- Monitoring the services a tenant receives by tracking packages and invading the tenants privacy;
- Blocking parking for tenants or making it difficult to park near a tenant's home;
- Surveillance and harassment of a tenant's guests, care providers and relatives;
- Arbitrarily prohibiting a tenant from having a roommate or additional household member even when the lease does not provide for such a restriction;
- Sending notices forcing tenants to remove pets they may have had for a long time and that a landlord knew about;
- Making repeated threats to trigger an Ellis eviction or an owner or family move-in if a tenant does not voluntarily vacate;
- Making repeated threats to cancel Section 8 without justification or commenting about a tenant's status as a Section 8 recipient in front of others;
- Purposefully failing housing quality inspections in situations where a tenant may have a Section 8 voucher in order to trigger the housing authority's termination of the contract;
- Repeatedly making false reports to government agencies like the police department, adult and child protective services and the fire department in an effort to intimidate tenants and their family;
- Most recently, we have started hearing reports that landlords are unjustifiably threatening to contact immigration authorities in an effort to intimidate tenants into leaving their units prematurely and without cause.

While this is not an exhaustive list of the type of harassment tenants experience, harassment often includes a combination of activities that build over time. When landlords take actions to circumvent the law, tenants are often left with a Hobson's choice. If the tenant moves out, the tenant's rent may

no longer be affordable. If the tenant stays, the tenant may be forced to live in uninhabitable units and endure reductions in services, threats and intimidation.

Often, the harassment occurs after a new owner or manager steps in. In these situations, tenants receive illegal rent increases, are told they have to sign new leases, or are told they are not authorized occupants when in fact they have tenancy rights. More information about the RSO may help educate some of these new landlords. Education efforts alone, however, will not deter the unscrupulous landlord motivated by profits, from engaging in harassing activity aimed at removing below-market tenants. In our experience, tenants need additional tools to challenge these harassing activities.

California Laws Provide Limited Protection Against Tenant Harassment

Section 1940.2 of the California Civil Code currently prohibits landlords from harassing or retaliating against tenants, but the threshold to trigger its enforcement is high. The law requires a criminal act by a landlord or “threaten to use, force, willful threats, or menacing conduct” which is often interpreted as requiring a high evidentiary burden on tenants. Moreover, a tenant cannot enforce the laws prohibiting harassment or retaliation without filing an affirmative lawsuit and attorney’s fees are not provided for in the statute. This makes it difficult for many tenants to find attorneys who will take the tenant’s case. The Los Angeles Municipal Code does not currently offer any further protections to tenants.

The City of Santa Monica, on the other hand, passed a local ordinance prohibiting tenant harassment in 1995 because a local enforcement mechanism was necessary to abate increasing complaints of tenant harassment, especially of long-term tenants in rent controlled units. In Santa Monica, the City Attorney or private attorney can step in and file suit and obtain attorneys fees. Santa Monica is one of many municipalities in California and in other states that found it necessary to pass local ordinances explicitly prohibiting particular conduct defined as tenant harassment based on bad faith conduct and providing for heightened enforcement mechanisms. Advocates in our Santa Monica office are often able to curb unlawful activity by landlords by engaging the landlord early and taking steps to enforce the ordinance. This often avoids the problem from escalating into an eviction case and prevents premature termination of a tenants rent-stabilized tenancy.

Effects of Tenant Harassment

Tenant harassment is a tactic used throughout Los Angeles used to constructively evict law-abiding tenants. This puts pressure on the already strained housing shortage, and eliminates the few remaining affordable rental units in Los Angeles. The incidents of harassment are often subtle and cumulative. In our experience, if tenants are provided with additional tools to challenge harassing activities early on, they are more likely to defend their tenancy and secure greater housing security.

Moreover, persistent harassment on tenants can trigger emotional distress and cause long-term health problems for tenants and their family. Numerous studies have shown the impact of stress on health. When landlords continuously harass tenants in their home, a place that is a refuge to most, the stress it brings to the tenant is inescapable. The impact this has on individuals and families across the city can be tremendous. The council has an opportunity to curb this trend. A tenant harassment ordinance would provide Los Angeles residents with tools to deter landlords from engaging in nefarious conduct designed to circumvent the RSO and the unlawful detainer process.

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Thank you for the opportunity to address this important issue. If you have further questions or need further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Fernando Gaytan', written in a cursive style.

Fernando Gaytan
Managing Attorney

CC: Martin Schlageter, Policy Director, Council District 14 (martin.schlageter@lacity.org); Jesse Leon, Council District 14 Director of External Affairs (jesse.leon@lacity.org);