



Adam Lid <adam.lid@lacity.org>

Fwd: Housing Committee - Item 6 Anti-Harassment

1 message

Janet Gagnon <janet@aagla.org>
To: "adam.lid@lacity.org" <adam.lid@lacity.org>

Wed, Jan 23, 2019 at 4:40 PM

Hi Adam,

I would like to request that this letter be included as part of the official record for this item.

Thank you.

Sincerely,

Janet M. Gagnon

Sent from my iPhone

Begin forwarded message:

From: Janet Gagnon <janet@aagla.org>
Date: January 23, 2019 at 1:06:08 PM PST
To: "councilmember.cedillo@lacity.org" <councilmember.cedillo@lacity.org>, "councilmember.Krekorian@lacity.org" <councilmember.Krekorian@lacity.org>, "councilmember.harris-dawson@lacity.org" <councilmember.harris-dawson@lacity.org>
Cc: Debby Kim <debby.kim@lacity.org>, "matt.hale@lacity.org" <matt.hale@lacity.org>, Julia Gould <julia.gould@lacity.org>, "solomon.rivera@lacity.org" <solomon.rivera@lacity.org>
Subject: Housing Committee - Item 6 Anti-Harassment

Dear Housing Committee Members:

The Apartment Association of Greater Los Angeles represents more than 10,000 mom and pop rental housing providers throughout Los Angeles. The majority of our members have 10 or fewer units (not buildings, but individual units). They do not have professional property managers or attorneys on staff/retainer. They are the ones that are plunging toilets, fixing leaky faucets and painting walls. They care about their tenants and try to do the right thing by them. As acknowledged in the Los Angeles Housing + Community Investment Department (HCIDLA) report reputable rental housing providers do not condone harassment. However, as it also states in the HCIDLA report, what is construed as harassment by a tenants may actually be due to mere "misunderstandings or cultural differences". This is more likely to occur with small mom and pop rental housing providers who are not professionally trained property manager nor do they have attorneys providing regular guidance and advice. Many owners of duplexes, triplexes, and quadplexes live onsite with their tenants and have regular conversations with them. An innocent and friendly inquiry of "where are you from" may later be construed as an "inquiry as to immigration or citizenship status" (item #9 on page 6 of the report), which this proposed ordinance would deem both harassment punishable by severe fines of "up to \$10,000" as well as a **criminal offense**. We would urge that the City remove any reference to "inquiries" from the definition of harassment as being too easily misconstrued either intentionally or unintentionally. We also urge the City to remove "disclosing" immigration or citizenship status (item #10) as an owner would need to tell certain federal officials if asked. Owners should not be punished for complying with federal law.

While we understand that the intent of this ordinance is to protect tenants from abusive conduct from bad owners, it must also recognize that most owners are good and should not be unduly punished for unintentional conduct. The jump from "up to \$1,000" in fines to "up to \$10,000" in fines seems extremely excessive as it is a ten fold increase on its face. Further, it does not reflect the most recent Anti-Tenant

Harassment ordinance that was adopted in West Hollywood that maintains a \$1,000 fine. Santa Monica has higher fines because their properties are worth a lot more money and rent at much higher rates, so that a higher penalty is needed to achieve the same level of impact on owners' conduct. Even West Hollywood's rental rates are higher in general than the City of Los Angeles. Thus, it would be more appropriate to model fines similar to those in West Hollywood and, thereby, maintain the existing "up to \$1,000" in fines.

This overreach is further exacerbated by piling on the fact that HCIDLA is recommending that "any aggrieved party" should be able to file a civil proceeding on this issue. This clearly would include people that have no legal relationship with the rental housing provider. This would explode the number of potential plaintiffs and further clog our court systems. It is unfair to expect a mom and pop owner to defend themselves against plaintiffs with whom they have no relationship. Mom and pops are not corporations with attorneys on staff/retainer to defend against frivolous lawsuits. Merely engaging an attorney for initial phases could easily bankrupt a mom and pop owner if they are faced multiple unmeritorious claims. It also further encourages tenants, potential tenants and guests to purposefully misinterpret interactions for financial gain. This could easily create a cottage industry where attorneys and people simply hanging out at friend's apartments purposefully make false charges in the hopes of receiving an unwarranted payoff from the mom and pop owner. This language should be **stricken** from any ordinance that may move forward on this issue.

As to turning these misdeeds into criminal conduct, that also seems to be extremely excessive as it would change from a civil issue to a criminal one and that it a huge jump that should not be taken lightly. To threaten to remove someone's liberties is the highest threat that government has available and should be reserved for the most severe offenses. As we've seen recently, lower level offenses of all types are being dismissed and our jail system is overcrowded. Further, the HCIDLA report recommends expanding potential criminal liability to such things as "evictions for changes in terms of tenancy related to pets". While everyone with pets loves them dearly, they are still not human. It is inappropriate to put a pet's existence higher than that of a human rental housing provider by making this violation a threat to the human's liberty. It seems the City is more concerned with keeping pets out of pounds, then it is with keeping humans out of jail. This needs to be corrected by leaving such violations as civil penalties rather than criminal activities, so that they should not be reclassified as "misdemeanors".

I would also add that it is very disappointing that HCIDLA never took the time to talk with AAGLA about this ordinance, so that we could bring a strong version to the Housing Committee for consideration. The HCIDLA report clearly states that they did have the time to meet with "legal advocates" in developing this proposal. As stated, rental housing providers want to do the right thing and, as such, should be seen as partners by HCIDLA and not combatants. We would hope that the City Council would instruct HCIDLA to have such conversations with all key stakeholders, including owners, moving forward especially regarding establishing the definition of harassment. By so doing, all sides can be heard, considered and reflected in any ordinance ultimately brought forward to the City.

Sincerely,

Janet M. Gagnon

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