

MOTION

California Health and Safety Code Section 17975 requires property owners to pay relocation benefits to tenants displaced by a Notice To Vacate. Los Angeles Municipal Code Section 163.02 codifies state relocation law. The Housing + Community Investment Department ("HCIDLA") is the enforcement agency that makes relocation eligibility determinations and payments. Relocation may be advanced if a property owner fails, neglects or refuses to pay relocation.

On October 15, 2014 a fire inspection was conducted for 205 South Mission Road (APN 5172-014-806) due to fire conditions jeopardizing tenants illegally living in cargo storage containers. On October 24, 2014, Union Pacific Railroad and Lessees were served with a Failure To Comply. A Notice To Vacate by December 4, 2014 followed with notice of statutory relocation obligations. Fourteen Tenant Relocation Determinations were made and served on Union Pacific Railroad and Lessees. The vacate order was extended for thirty days. On January 9, 2015, because relocation had not been paid, City Council adopted a Motion (Council File 15-0017) to advance relocation benefits of \$162,600.

HCIDLA advanced these relocation benefits and gave notice to Union Pacific Railroad and Lessees who filed an appeal to a General Manager Hearing Officer. After an evidentiary hearing, the General Manager Hearing Officer judged that relocation benefits and applicable penalties, costs and fees of \$172,600.00 shall be reimbursed to HCIDLA by Union Pacific and Lessees, jointly and severally. Union Pacific's claim that it was not liable for paying relocation because it was not a "landlord" under LAMC Section 163.01(F) was rejected.

Union Pacific Railroad and Lessees appealed the General Manager's Decision to the Rent Adjustment Commission ("RAC"). At its meeting on June 25, 2015, the RAC heard the appeal and reversed in part the General Manager's Decision by concluding Union Pacific Railroad was not responsible for paying relocation based on the municipal code definition of "landlord" (i.e., entity/person entitled to collect rent from the tenants). On July 2, 2015, the RAC issued its written determination communicating its June 25th decision. The City Council should assert jurisdiction over RAC's June 25, 2015 action in order to determine whether to veto or approve the RAC decision.

I THEREFORE MOVE that pursuant to Section 245 of the Los Angeles City Charter, the City Council assert jurisdiction over the June 25, 2015 Rent Adjustment Commission action (July 2, 2015 letter of determination) regarding

APPEALS OF GENERAL MANAGER'S HEARING DECISION
Property Address: 205 S. Mission Rd. / 186 Mayers St. Los Angeles, CA 90033
Type of Case: TRIP
Case Number: APN: 5172-014-806
Appellant: Union Pacific Railroad Company; Apex Development Inc.; Anthony Nowaid

which reversed the General Manager Hearing Officer's decision in part by concluding Union Pacific Railroad was not responsible for paying relocation based on the municipal code definition of "landlord".

I FURTHER MOVE that upon assertion of jurisdiction, the matter be referred to committee for further review.

PRESENTED BY: Jose Cedillo for J. Huizar
JOSE HUIZAR
Councilmember, 14th District

SECONDED BY: [Signature]

JUL 3 1 2015

crm [Signature]

ORIGINAL