

ORDINANCE NO. 185797

An ordinance adding a new Article 5.4 to Chapter IV of the Los Angeles Municipal Code to establish legal protections against the disclosure of a tenant's information or citizenship status to third parties.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 5.4 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 5.4

**PROHIBITION AGAINST HARASSMENT AND RETALIATION IN HOUSING BASED
ON IMMIGRATION OR CITIZENSHIP STATUS**

SEC. 45.40. FINDINGS AND PURPOSE.

The City Council finds and declares:

That harassment and retaliation against a tenant on the basis of immigration or citizenship status exists in the City of Los Angeles;

That the existence of such harassment and retaliation poses a substantial threat to the public health and welfare of large segments of the population;

That there is a shortage of decent, safe and sanitary housing in the City of Los Angeles, resulting in a critically low vacancy factor;

That such harassment and retaliation has an overall detrimental effect upon the composition of the City, that it encourages the flight of families from the City of Los Angeles, and results in the decline of stable, intergenerational neighborhoods, the preservation of family life within the City, and the reduction of social and recreational services for children and their families;

That such harassment and retaliation cuts across racial, ethnic and economic lines, and falls most heavily on minority and single parent families with children;

That it is consistent with the Housing Element of the General Plan to promote and ensure equal opportunities for all persons regardless of immigration or citizenship status in rental housing in the City;

That Section 1940.2 of the California Civil Code preserves the ability of the City of Los Angeles to regulate and enforce prohibitions on harassment and retaliation against a tenant on the basis of immigration or citizenship status; and

That because housing is a fundamental necessity of life, it is against the public policy of the City of Los Angeles to harass or retaliate against a tenant in rental housing upon the basis of immigration or citizenship status.

SEC. 45.41. DEFINITIONS.

A. Landlord: An owner, lessor or sublessor, (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive Rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

B. Rent: The consideration, including any bonus, benefits or gratuity, demanded or received by a Landlord for or in connection with the use or occupancy of a rental unit, including, but not limited to, monies demanded or paid for the following: meals where required by the Landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits.

C. Rental Units: All residential real property, including, but not limited to, dwelling units, efficiency dwelling units, guest rooms and suites in the City of Los Angeles as defined in Section 12.03 of this Code, rented or offered for Rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall also include mobile homes, whether Rent is paid for the mobile homes and the land upon which the mobile home is located, or Rent is paid for the land alone. The term shall not include housing accommodations that are specifically exempted from municipal regulation by state or federal law or administrative regulation.

SEC. 45.42. PROHIBITED ACTIVITIES.

It shall be unlawful for any Landlord, or any agent, employee or contractor of such Landlord, to do or attempt to do any of the following:

A. Inquire as to the immigration or citizenship status of a tenant, prospective tenant, occupant or prospective occupant of a Rental Unit.

B. Require any tenant, prospective tenant, occupant or prospective occupant of a Rental Unit to make any statement, representation or certification concerning his or her immigration or citizenship status.

C. Disclose or threaten to disclose to any person or entity information regarding or relating to the immigration or citizenship status of a tenant,

prospective tenant, occupant, prospective occupant of a Rental Unit or other person known to the Landlord to be associated with a tenant or occupant.

SEC. 45.43. EXEMPTIONS.

Nothing in this article shall prohibit:

A. An oral or written warning notice, given in good faith, regarding conduct by a tenant, occupant, or guest that violates, may violate or has violated the applicable rental agreement, lease, rules, regulations or laws.

B. An oral or written explanation of the rental agreement, lease, rules, regulations or laws given in good faith during the normal course of business.

C. Complying with any legal obligation under federal or state law, including, but not limited to, any legal obligation under any federal government program that provides for Rent limitations or rental assistance to a qualified tenant, or a subpoena, warrant or other judicial order issued by a court.

D. Requesting, in good faith, information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

SEC. 45.44. PENALTY.

A. Violation of any provision of Section 45.42 shall be punishable in accordance with Subdivision (m) of Section 11.00 of this Code.

B. Subsection A notwithstanding, any person who violates any provision of Section 45.42 for the purpose of, or with the intent of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant; retaliating against a tenant, prospective tenant, occupant, or prospective occupant for the exercise of his or her rights; influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling; shall be punishable by a fine of \$1,000 and by imprisonment in the County Jail for a period of not more than six months. Nothing in this subsection requires a landlord to actually or constructively evict a tenant in order to be in violation.

SEC. 45.45. SEVERABILITY.

If any subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____

MICHAEL J. DUNDAS
Deputy City Attorney

Date 1/26/18

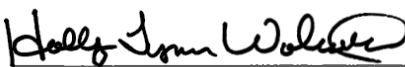
File No. 17-0461


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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

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Ordinance Passed 10/10/2018

Approved 10/15/2018

Ordinance Effective Date: 11/25/2018
Council File No.: 17-0461

DECLARATION OF POSTING ORDINANCE

I, **Ottavia Smith** state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. **185797** - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **10/10/2018**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, I conspicuously posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records beginning on **10/16/2018** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.



Deputy Clerk

Date: 10/16/2018

Ordinance Effective Date: 11/25/2018

Council File No.: 17-0461