

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Article 5.6.1 to Chapter IV of the Los Angeles Municipal Code to protect affordable housing opportunities for persons using rental assistance and other sources of income, such as Section 8 vouchers, as payment for rent.

**WHEREAS**, the City of Los Angeles is committed to protecting desperately needed affordable housing for all segments of the community, in particular for its most vulnerable residents including those using rental assistance or other sources of income as payment for rent;

**WHEREAS**, recent reports reveal a shortage of landlords participating in the Housing Authority of the City of Los Angeles's Section 8 rental subsidy program, which may reflect discrimination against Section 8 voucher holders and those persons receiving other forms of rental assistance;

**WHEREAS**, such discrimination may significantly limit the pool of housing available to persons receiving such assistance;

**WHEREAS**, both state and federal law require the City to identify impediments to providing affordable and accessible housing and to develop strategies for removing such impediments; and

**WHEREAS**, to fulfill its commitment to providing affordable housing opportunities and obligations as required by law, it is necessary to protect affordable housing opportunities for persons using rental assistance or other sources of payment for rent.

**NOW, THEREFORE,**

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

Section 1. Article 5.6.1 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

**ARTICLE 5.6.1**

**PROTECTING AFFORDABLE HOUSING OPPORTUNITIES FOR PERSONS USING  
RENTAL ASSISTANCE OR OTHER SOURCES OF INCOME AS PAYMENT**

**SEC. 45.65. FINDINGS AND PURPOSE.**

The City Council finds and declares:

Housing is a fundamental necessity of life. Housing plays a major role in defining quality of life, security, connection to community, and access to opportunity. In

recognition of this, Objective 3.1 of the City's Housing Element of its General Plan requires the City to ensure that housing opportunities are accessible to all residents without discrimination on the basis of race, ancestry, sex, national origin, color, religion, sexual orientation, marital status, familial status, age, disability (including HIV/AIDS), and student status.

The Housing Authority of the City of Los Angeles reports a shortage of landlords participating in its Section 8 rental subsidy program. At present, only 53% of Section 8 voucher holders are successful in finding a unit due to what is believed to be a combination of factors including discrimination against Section 8 voucher holders, low vacancy rates, and the high cost of housing. These findings are consistent with a study conducted on behalf of the U.S. Department of Housing and Urban Development, which found that 76.4% of landlords in the City contacted by phone in response to advertisements for rental units responded that they did not accept Section 8 vouchers. The average denial rate was 81.5% in low-poverty areas, 80.7% in medium poverty areas, and 66% in high poverty areas. Such rates were lower in jurisdictions with local laws against voucher discrimination as compared to those without such protections. These findings suggest that local laws that prohibit discrimination based upon source of income increase landlords' participation in Section 8 rental subsidy programs.

To further Objective 3.1 of the City's General Plan and to address the local housing crisis created by some landlords' lack of participation in the Section 8 rental subsidy program, this article prohibits discrimination based upon a person's use of rental assistance or other sources of income as payment for rent.

#### **SEC. 45.66. DEFINITIONS.**

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Section 12.03 of this Code, if defined therein.

**A. Housing Accommodation.** All dwelling units, efficiency dwelling units, guest rooms, and suites, as defined in Section 12.03 of this Code; all housing accommodations as defined in Government Code Section 12927; and duplexes, condominiums, and single family residences in the City of Los Angeles, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, utilities, 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 home and the land upon which the mobile home is located or for the land alone.

**B. Person.** Any natural person, firm, association, partnership, limited partnership, organization, entity, business, trust, limited liability company, joint venture, corporation, estate, or trust, and any agent or employee thereof.

**C. City.** The City of Los Angeles.

**D. Source of Income.** Any lawful source of income, rental assistance, subsidy, or financial aid from any person, including but not limited to a federal, state or local government, or non-profit or charitable agency, whether paid directly to the program participant, landlord or his or her representative, including but not limited to the Section 8 voucher program, the Los Angeles Homeless Services Authority's Rapid Re-Housing program or any other housing subsidy program, homeless assistance or prevention program or security deposit assistance program.

#### **SEC. 45.67. PROHIBITED ACTIVITIES.**

It shall be unlawful for any person offering for rent, renting, or listing any housing accommodation to do or attempt to do any of the following:

**A.** Based upon a person's source of income, refuse to rent or lease, or to continue to rent or lease, a housing accommodation; refuse to enter into or renew a rental agreement, lease or housing assistance payment contract; refuse to execute any documents required to enter into or renew a rental agreement, lease or housing assistance payment contract; serve a notice of termination of tenancy; seek to terminate or terminate a tenancy; or otherwise deny or withhold a housing accommodation or housing services or amenities.

**B.** Apply different terms, conditions, restrictions, or privileges, based upon a person's source of income, in connection with the rental of a housing accommodation, including but not limited to the setting of rates for rental or lease, the establishment of damage deposits or other similar financial conditions, or refuse access to or use of the common area or facilities associated with a housing accommodation or refuse to make repairs or improvements to a housing accommodation or real property associated with a housing accommodation.

**C.** Represent to any person based upon their source of income that a housing accommodation is unavailable for viewing for rental when such housing accommodation is available for rent.

**D.** Make, print, or publish, or cause to be made, printed, or published through any medium, any notice, statement, sign, advertisement, application, or contract, with regard to any housing accommodation offered for rent, including but not limited to the accepted form(s) of payment for the housing accommodation, that indicates any preference, limitation, or discrimination based upon a person's source of income.

#### **SEC. 45.68. REMEDIES.**

**A. Civil Liability.** An aggrieved person may bring a civil action for injunctive relief and damages. The court may award to the person whose rights are violated punitive damages in an amount no less than three times the amount of actual damages

or three times the amount of one month's rent that the landlord charges for the housing accommodation at issue, whichever is higher. The court may also award reasonable attorney fees and costs of the action.

**B. Affirmative Defense.** Any person may assert a violation of this article as an affirmative defense to an unlawful detainer action brought pursuant to California Code of Civil Procedure Section 1161, as amended.

**C. Nonexclusive Remedies and Penalties.** The remedies provided in this article are not exclusive, and nothing in this article shall preclude an aggrieved person from seeking any other remedies provided by law.

#### **SEC. 45.69. EFFECTIVE DATE.**

The provisions of this ordinance shall take effect on January 1, 2020.

Sec. 2. **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 3. 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  for  
MEI MEI CHENG  
Deputy City Attorney

Date 6/6/2019

File No. 18-0462

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

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Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_