



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 20-0098  
MAR 26 2020

REPORT RE:

**DRAFT ORDINANCE ADDING ARTICLE 14.6 TO THE LOS ANGELES  
MUNICIPAL CODE AFFORDING TENANT PROTECTIONS DURING  
CORONAVIRUS COVID19 EMERGENCY DECLARATION**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 20-0147-S19

Honorable Members:

On March 25, 2020, this Office transmitted a report and draft ordinance, approved as to form and legality, adding Article 14.6 to the Los Angeles Municipal Code to afford protections to residential and commercial tenants due to the COVID-19 pandemic.

Since transmitting the draft ordinance, this Office has received inquiries regarding whether the draft ordinance permits an owner to impose late fees on unpaid rent when the tenant is able to demonstrate they have been affected by the COVID-19 pandemic. Such an interpretation would conflict with and undercut the central purpose of the ordinance: protecting tenants from displacement for non-payment of rent due to circumstances related to the pandemic. Owners may not skirt the draft ordinance's protections by charging late fees. Therefore, any late fees – whether imposed pursuant to a lease or otherwise – would not be payable so long as rent is paid within six months after the expiration of the local emergency period for residential tenancies, or three months for commercial tenancies.

This Office has also received inquiries as to the type of evidence a tenant may present in an unlawful detainer proceeding when they invoke the provisions of the draft ordinance as an affirmative defense. In an unlawful detainer proceeding, a court will consider relevant evidence offered by the tenant that shows an inability to pay rent due to circumstances related to the COVID-19 pandemic. For a no-fault eviction residential eviction, the court will consider relevant evidence offered by the tenant that they or any member of their household was ill, in isolation, or under quarantine due to COVID-19.

If you have questions regarding this matter, please contact Assistant City Attorney Craig Takenaka at (213) 922-7715. He or another member of this Office will be available when you consider this matter to answer any questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:CT:pj