



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 20 - 0 1 2 1
APR 28 2020

REPORT RE:

**RECOMMENDATIONS TO STRENGTHEN ARTICLE 14.6 OF THE
LOS ANGELES MUNICIPAL CODE REGARDING
TENANT PROTECTIONS DURING THE COVID-19 PANDEMIC**

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:

City Attorney Mike Feuer and City Council President Nury Martinez have discussed strengthening the City law that provides tenant protections during the COVID-19 pandemic by ensuring that tenants receive timely and accurate information, and that property owners are held accountable for efforts to circumvent the law to the detriment of tenants—ideally deterring such conduct in the first place. As addressed in this report, we have identified several enhancements that achieve these goals. Our Office can very quickly draft an ordinance to allow for the City Council to enact these enhancements.

The vast majority of the City's property owners treat their tenants fairly and with respect. These owners are doing their best in these very difficult times to ensure that their tenants receive the full benefits of the City's recently enacted tenant protections.

However, reports have surfaced of some owners employing unscrupulous tactics to intimidate and coerce their tenants in ways designed to negate the protections of the City's new law. Although this behavior may be perpetrated by a small number of property owners, it must be stopped.

One concern is owners who seek to harass and intimidate tenants by initiating the eviction process against a tenant who is otherwise protected by the City's new law. For example, an owner might serve a three-day notice to pay or quit on a tenant who already gave the owner written notice that the tenant cannot pay rent due to a COVID-19 reason. Even though the owner cannot follow through on the eviction, the tenant, not fully understanding his legal rights under the City's new law, may feel compelled to vacate the rental unit instead of asserting his rights against the owner.

Tenants' ability to fend off such coercive conduct would be enhanced by providing tenants a private right of action against an owner who engages in such tactics. This would be in addition to the affirmative defense in an unlawful detainer action, which the law currently provides a tenant.

Another concern that can be addressed is the reported practice of some property owners demanding a tenant turn over to the owner as rent some or all COVID-19 government relief funds due or paid to the tenant. Our draft ordinance would expressly prohibit that behavior.

A third concern pertains to some owners failing to give timely and accurate information to their tenants. This concern is at the heart of Councilmember Bob Blumenfield's motion introduced at the last City Council meeting. Currently, the law only obligates an owner to send a written notice of the law's protections to a tenant within 30 days of the law going into effect. Allowing owners to craft their own notices has led to some tenants receiving inaccurate or misleading information. We recommend the law be changed to require owners only use a notice prepared by the City's Housing and Community Investment Department (HCID). This will ensure consistency and accuracy in the information provided to all tenants while simultaneously requiring owners to educate themselves on the law. The draft ordinance would require the HCID notice be sent by owners to tenants within ten days of the ordinance's effective date and each time an owner serves any related eviction document on a tenant.

We are pleased to work with the Council President to assist the City Council in quickly considering and adopting changes to the City law to strengthen its protections for tenants in ways that are legally sustainable.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-7100.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

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