



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 20 - 0 1 3 2  
MAY 0 4 2020

**REPORT RE:**

**DRAFT ORDINANCE AMENDING ARTICLE 14.6 OF CHAPTER IV  
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 Nos. 20-0147-S19, 20-0479, and 20-0522

**Honorable Members:**

As recommended by the Office of the City Attorney in a letter dated April 28, 2020, and as requested by the City Council in motions introduced by Council President Nury Martinez and Councilmember Bob Blumenfield, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would amend Article 14.6 of Chapter IV of the Los Angeles Municipal Code (LAMC) to strengthen the City's law that provides tenant protections during the COVID-19 pandemic. In particular, the draft ordinance would ensure that residential tenants receive timely and accurate information about their legal rights, and holds accountable property owners who try to circumvent the law.

On March 27, 2020, the City Council adopted Article 14.6 of Chapter IV of the LAMC, which provides a series of legal protections for tenants during the COVID-19 pandemic. Some of the protections include prohibiting evictions for: no-fault reasons; the presence of unauthorized occupants or pets; nuisance related to COVID-19; and non-payment of rent due to circumstances related to COVID-19. The City's law allows

residential tenants to defer the unpaid rent for 12 months after the termination of the declared emergency.

The current law gives tenants an affirmative defense to unlawful detainer actions that violate the law's protections. The affirmative defense remedy is standard in tenant protections laws enacted by California municipalities. The draft ordinance would add to that remedy by including a right of private action for residential tenants to pursue property owners who engage in conduct designed to deny tenants the benefits of the 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. The private right of action will help deter such bad conduct and allow an aggrieved residential tenant to recoup damages and obtain penalties determined by a court.

The draft ordinance also addresses reports of some property owners pressuring tenants to turn over to the owner some or all COVID-19 government relief funds provided to tenants. This conduct would be expressly prohibited by the ordinance.

The law currently allows property owners to craft their own notices to tenants that explain the protections of the law. This has led to uneven and at times inaccurate information being provided to tenants. To enhance the process by which tenants receive information about the City law, the draft ordinance would require property owners to 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 helping to make sure owners themselves are knowledgeable on the law. The draft ordinance would require the HCID notice be sent by owners to tenants within 15 days of the ordinance's effective date and each time an owner serves any related eviction document on a tenant.

The draft ordinance also includes a number of technical changes to provide consistency within the document.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to HCID with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-7100. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:pj  
Transmittal