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CITY ATTORNEY

REPORT NO. R 20-0120
APR 28 2020

REPORT RE:

**INFORMATION RELATING TO THE EFFORTS OF OTHER MUNICIPALITIES
TO PROTECT TENANTS 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:

Our Office has received inquiries from City policymakers and members of the public about San Francisco's recent ordinance imposing a rent increase freeze on residential rental units in that City. There is inaccurate information that San Francisco's law applies to all residential rental units. It is important that information about efforts of other municipalities to protect tenants be accurate so as not to mislead the public.

San Francisco's ordinance only applies to rent-controlled units, and provides protection to tenants no more than provided in Mayor Garcetti's Public Order on March 30, 2020, and less than what is included in the draft ordinance that will be considered by the Los Angeles City Council next week.

San Francisco's law does not apply to all residential rental units, as that would require the Governor or the Legislature to suspend the state's Costa Hawkins Act. This can be confirmed by reading San Francisco's ordinance and reviewing the FAQ sheet published by San Francisco's Rent Board, which can be found by clicking on this link: <https://sfrb.org/temporary-moratorium-rent-increases-rent-controlled-tenancies-during-covid-19-pandemic>. The San Francisco Rent Board states: "*The temporary rent freeze*

does not restrict the following types of rent increases: Rent increases for properties that are exempt from San Francisco's local rent control regulations [and] Rent increases that are permitted by state law, such as an increase based on the Costa-Hawkins Rental Housing Act or the Tenant Protection Act of 2019."

Here in Los Angeles, the Mayor, by Public Order and as guided by our legal advice, already froze rent increases for all rent-stabilized (RSO) units. The City Council requested, and we have already transmitted, a draft ordinance that will codify the Mayor's Order. Indeed, the Los Angeles ordinance would be more protective of RSO tenants than San Francisco's law, because Los Angeles' law would not allow RSO rent increases for 12 months after the emergency ends. San Francisco's law allows RSO rent increases to begin 60 days after that City's emergency ends.

We also note that, in contrast to previously circulated inaccurate information, the Mayor's Order and the pending Los Angeles ordinance are more protective of tenants than the City of Oakland's law with respect to a freeze on RSO rent increases. Oakland allows increases up to an established consumer price index, whereas Los Angeles allows no rent increase for RSO units.

This Office will continue to work closely with the Mayor and the City Council in support of efforts to provide tenant protections during these difficult times.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

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DM:pj