

ORDINANCE NO. 186660

An ordinance adding Article 14.05 to Chapter IV of the Los Angeles Municipal Code to provide temporary protection for occupants of self-service storage facilities during the COVID-19 pandemic.

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

Section 1. Article 14.05 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 14.05

**TEMPORARY PROTECTION OF OCCUPANTS OF SELF-SERVICE
STORAGE FACILITIES DURING COVID-19 PANDEMIC**

SEC. 49.85. FINDINGS.

The City of Los Angeles is experiencing an unprecedented public health crisis brought on by the novel coronavirus, which causes an acute respiratory illness called COVID-19.

On March 4, 2020, the Governor of the State of California declared a State of Emergency in California as a result of the COVID-19 pandemic. That same day, the Mayor also declared a local emergency.

The economic impacts of COVID-19 have been significant and will have lasting repercussions for the residents of the City of Los Angeles. National, county, and city public health authorities issued recommendations, including, but not limited to, social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Residents most vulnerable to COVID-19, including those 65 years of age or older, and those with underlying health issues, have been ordered to self-quarantine, self-isolate, or otherwise remain in their homes. Non-essential businesses have been ordered to close. More recent orders from the Governor and the Mayor have ordered people to stay at home and only leave their homes to visit or work in essential businesses. As a result, many residents are experiencing unexpected expenditures or substantial loss of income as a result of business closures, reduced work hours, or lay-offs related to these government-ordered interventions. Those already experiencing homelessness are especially vulnerable during this public health crisis.

Many people have little choice but to store personal property in self-service storage facilities. Often the personal property stored in these facilities are residential in nature, and stored temporarily outside of the home due to financial stress that causes

downsizing of their living space. There have been press reports of people moving in with relatives to save money during the economic crisis and renting space to store possessions they cannot bring with them. Many of the stored items are essential or irreplaceable family possessions.

Some people financially impacted by the COVID-19 pandemic are struggling to pay the storage rent. They are having to make difficult decisions about whether to use their limited funds to pay the storage rent or pay for food, medicine, and housing. Also, forcing people struggling to pay the storage rent during the crisis to travel to the storage facility to move their possessions out of storage, including hiring movers, is a public health risk as it runs counter to the goals of the City's stay at home orders.

Failing to pay storage rent or other related charges quickly puts at risk the loss of a person's personal property. During the COVID-19 pandemic, the public interest is served by not dispossessing people of limited financial means of their possessions. In order to protect the public during the local emergency period, this ordinance authorizes a person who rents space in a self-service storage facility to temporarily defer rent and other charges incurred during the local emergency period if a person is unable to pay due to circumstances related to COVID-19.

SEC. 49.85.1. DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in Section 21701 of the California Business and Professions Code: "occupant," "owner," "personal property," "rental agreement," and "self-service storage facility." "Local emergency period" is the period of time from March 4, 2020, to the end of the local emergency as declared by the Mayor.

SEC. 49.85.2. TEMPORARY DEFERRAL OF RENT AND OTHER CHARGES.

A. If an occupant of storage space at a self-service storage facility is unable to pay rent or other charges incurred during the local emergency period due to circumstances related to the COVID-19 pandemic, the occupant may defer payment of that rent and other charges until three months following the expiration of the local emergency period. These circumstances include loss of income due to a COVID-19 related workplace closure, child care expenditures due to school closures, health-care expenses related to being ill with COVID-19 or caring for a member of the tenant's household or family who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. Nothing in this article eliminates any obligation to pay lawfully imposed rent or other charges.

B. The occupant shall provide written notice to the owner no later than seven days after the rent or other charges are due. The notice shall state the basis of the circumstances related to the occupant's ability to pay rent or other charges due to the COVID-19 pandemic, and include documentation that supports the occupant's assertion.

C. No owner shall charge a late fee or interest on rent or other charges deferred under the provisions of this article.

D. An owner shall provide written notice to each occupant of the protections afforded by this article within 15 days of the effective date of this ordinance. The notice must state in English and Spanish, with no modification in content and at least in 12 point font, the following:

DEFERRAL OF RENT AND OTHER CHARGES DURING COVID-19: As an occupant of storage space at a self-service storage facility in the City of Los Angeles, you may be entitled to certain temporary protections if you are unable to pay rent or other charges for your storage space due to circumstances related to COVID-19. Specifically, an occupant may defer payment of rent or other charges incurred during the COVID-19 local emergency period until three months following the expiration of the emergency declaration, by providing written notice to the owner of the storage facility no later than seven days after the rent or other charges are due. Know your rights by reading Los Angeles Municipal Code Section 49.85.2.

E. No owner shall influence or attempt to influence, through fraud, intimidation or coercion, an occupant to transfer or pay to the owner any sum received by the occupant as part of any governmental relief program.

F. No owner shall terminate a rental agreement on the basis of the occupant's deferral of payment of rent or other charges as provided in this section.

G. Except as otherwise specified in this article, nothing in this section shall prohibit an owner from seeking to terminate a rental agreement for a lawful purpose and through lawful means.

H. Except as otherwise specified in this article, nothing in this section shall prohibit an owner from taking reasonable measures to assist an occupant who voluntarily seeks to satisfy a payment obligation at any time, including lowering rent or other charges, accepting partial payments, or developing payment plans.

SEC. 49.85.3. PENALTIES.

Upon the effective date of this article, an owner who violates this article shall be subject to the issuance of an administrative citation as set forth in Article 1.2 of Chapter I of this Code. Issuance of an administrative citation shall not be deemed a waiver of any other enforcement remedies provided in this Code.

SEC. 49.85.4. SEVERABILITY.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining

provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 2. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: the City of Los Angeles and its residents are suffering significant risk to life and property due to the devastating effects of COVID-19, and the protections afforded in this ordinance are vital to mitigate those risks. The Council, therefore, adopts this ordinance to become effective upon publication pursuant to Los Angeles City Charter Section 253.

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  _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 5-20-2020

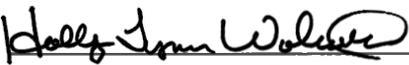
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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

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Ordinance Passed 05/27/2020

Approved 05/27/2020

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Ordinance Effective Date: 06/03/2020
Council File No.: 20-0472