

## Communication from Public

**Name:** Aimee Williams  
**Date Submitted:** 05/06/2020 12:20 PM  
**Council File No:** 20-0522

**Comments for Public Posting:** I'm a housing lawyer who lives in CD-8, a solidarity lawyer to the LA Tenants Union and a member of the Healthy-LA coalition. I'm sorry that I could not be on the phone giving comment today. The truth is I spent a large part of my last week, yesterday and again this morning trying to connect several tenants who have been illegally evicted with services and support, so I had to go to my regular hours today. My point is that we've seen an increase in harassment as well as illegal and self-help evictions by landlords during the COVID-19 crisis. Harassment by landlords is not new, but it has increased during the COVID-19 crisis. According to LAPD data, they are now responding to 3 times as many landlord disputes as before.

<https://xtown.la/2020/04/20/coronavirus-rent-dispute-landlord/>  
Fortunately, through the intervention of the tenants union and community organizers the tenants were not completely alone through these ordeals (as is usually the case) and one situation may have been resolved temporarily. Thank you for your work in putting in place the protections for tenants to bring a private right of action, which, with the mutual availability of attorneys' fees and costs, means it will be taken seriously and provide results. Thank you also to the deputies of CD-8 that responded to my calls today regarding one of the illegal evictions - your presence matters. We urge the city council to show that same diligence and resolution towards passing a robust Anti-Harassment ordinance for tenants generally, which has not been seen on the council agenda for the past 12 months since it was first proposed. Tenants in Los Angeles really need legal protections and remedies. Landlord and tenant is an asymmetrical relationship - this pandemic has exposed that inequality for better and worse. I've heard some stories of landlords waiving rent for tenants, making a material impact on their tenants family budgets with their generosity. Unfortunately, more commonly I've seen it expose the worst in some landlords, using their advantage to misrepresent and pressure tenants into pay. Unfortunately landlord intimidation is an all too common occurrence in the every day, non-COVID world and presently tenants have few remedies. We presented these arguments and stories to you at previous hearings, and we have more if you want them. I think you get it though. I'll leave you with this: As we are all reaching a different understanding of how valuable home is to

us through this pandemic, you can imagine the intimidation and terror experienced by a tenant when their harasser (either verbal, physical, digital or sexual - I've seen all examples) may turn up at any point but also, has the key to their home. Imagine further, that the typical police response to this situation is to tell the person being harassed that they can't help them because 'this is not a criminal matter, its a civil matter.' Imagine your horror when you speak to a housing attorney (if you get that far, Right to Counsel anyone?) and they tell you there are very few civil remedies for harassment by a landlord unless they've threatened your life. That's the heartbreaking reality. We look forward to working with you further on this.

## Communication from Public

**Name:** Rich Kissel

**Date Submitted:** 05/06/2020 11:31 AM

**Council File No:** 20-0522

**Comments for Public Posting:** I urge you to vote NO on the agenda items 1 and 2. It just goes too far! Each week this council seems to attack the only affordable housing providers the city has. This must stop before small landlords like myself are forced out of business. I own an 8 and 10 unit building in Mid-city, Mr. Wesson's district with low rents due to older, smaller units. I maintain them very well but this ongoing battle makes it very difficult for me to continue in business. I did not inherit my buildings and I am not wealthy. It took a lifetime to build some security for retirement in the future, but my future is now looking bleak and my apartments are looking more like a liability.

## Communication from Public

**Name:** Ted

**Date Submitted:** 05/06/2020 10:03 AM

**Council File No:** 20-0522

**Comments for Public Posting:** Who are you trying to protect with this ordinance amendment? All tenants employed prior to Covid problems work or received unemployment plus 600.00 per week or 2558.00 per month or 20,464.00 for 2 working adults for 4 mo. Plus family of 4 received 1200.00+1200.00+500.00+500.00 or 3400.00. Total 24864.00 for 4 month. Anybody making 70K or less per year gets more than they would receive from their employment. All government employs continue getting pay checks, medical and eCommerce employees work and get paid, Supermarkets and Amazon hire, welfare recipients continue getting checks and food stamps. The original ordinance and especially this amendment creates unjust enrichment and unfair redistribution of wells. You just take the money from the pockets of landlords and put to pockets of tenants. You deprive landlords from conducting normal business. You let people to have "rent holidays" just because they can. it is unfair and unconstitutional. It is "taking" without "just compensation". It will go to Federal Court and get a fair ruling even if it has to go all the way to Supreme Court. Meanwhile, it creates an unnecessary turmoil on rental market. You are hurting a lot of landlords of single unit or a few units who, after this experience will take the units off the market and will put additional pressure on Los Angeles Housing Market that is short of rental units as it is.

## Communication from Public

**Name:**

**Date Submitted:** 05/06/2020 10:16 AM

**Council File No:** 20-0522

**Comments for Public Posting:** I wish to express my strong opposition to both agenda items #2 and #3 (Private Right of Action / Tenant Protection / Stimulus Money / COVID-19 Pandemic / Ordinance) being considered by the city council today. These measures seem excessive and punitive to me. With the very large penalty and with the unbalanced requirements for legal fees, I believe that this the ordinance being considered is at great risk of abuse. Please do not pass this measures.

## Communication from Public

**Name:** Hanna

**Date Submitted:** 05/06/2020 01:20 PM

**Council File No:** 20-0522

**Comments for Public Posting:** Item 2 will not further the Council's goal of providing relief to tenants. It will create an industry of private lawsuits, which only line the pockets of plaintiff's attorneys. We understand the need for enforcement mechanisms, but there are better alternatives. I urge you to work with housing providers to find reasonable solutions. I have instituted payment plans, deferred rent, highlighted resources and halted rent increases. Many housing providers are facing tenuous financial circumstances that is putting their finances in serious jeopardy and will affect all contractors, suppliers and employees of these communities. We need protections and assistance as well.

## Communication from Public

**Name:** Gene Brooks

**Date Submitted:** 05/06/2020 09:46 AM

**Council File No:** 20-0522

**Comments for Public Posting:** Please do NOT approve items 2 and 3 For modification of the current Emergency Ordinance on non evictions As these items are extreme unfair to All property owners and impose Extreme harsh penalties on owners . Owners are not in the eviction business And we are all working out rent payments With our tenants and NOT EVICTING ANYONE . All landlords want to Avoid evictions as no one wins in an eviction .

## Communication from Public

**Name:** Valerie  
**Date Submitted:** 05/06/2020 09:51 AM  
**Council File No:** 20-0522

**Comments for Public Posting:** I strongly oppose this action taken by the Los Angeles City Council. The city along with the state already have measures in place to protect tenants rights, it is called our judicial system and it has worked efficiently for decades. In imposing your new agenda it will only promote frivolous law suits from those who wish to gain a profit in these difficult and uncertain times with both the attorneys who only seek profits at the expense of mom and pop landlords with tenants who need little prompting from the exploits of these unscrupulous attorneys. At these uncertain times us, mom and pop landlords are working diligently with our tenants to insure stability in their lives as well as ours. If the tenants need time (12 months as deemed by both city and state) we, landlords will work with that time frame even though our property tax are due and payable without any of the consideration we are showing our tenants. All maintenance and repairs must be a constant effort on our properties least they fall into disrepair. We take pride in our properties and in our tenants and have agreed to supply a comfortable home environment for all our tenants and I know there are far more landlords out there like us that take pride in apartment ownership. This is a business that we have freely accepted to enter but, it is a business like any other. We survive on our profits, this is our livelihood. We are in our 60's and do our utmost best to accommodate our tenants needs without the help of the city. Everyone is talking about tenant rights but no one is sounding the alarm about landlord rights and our rights are being taking away from us. No other business in this state is being regulated in the manner of which landlords are being targeted. We were under rent control long before the state imposed the mandatory controls. Grocery stores, resturants, construction contractors, automotive sales, repairs and services are not regulated they way the landlord is. When have any of you gone into a dry cleaners or an alteration shop and saw signs regarding state imposed charges on what these businesses were allowed to charge or that any customer could sue for such exhortations that the city is imposing on landlords if the owners of any of these didn't follow newly imposed unfair restrictions and mandates on these other businesses. I say to all of the Los Angeles City council members that you must not follow through with 20-0522. Our legal system has laws in place to protect tenant rights and that by



passing this agenda you are not only giving all tenants the go ahead to file any suit against the landlord but you are opening a can of worms for all attorneys to jump on the band wagon and solicit customers that would not ordinarily think of such actions. We are all facing an unparalleled future, no one truly understands the impact this pandemic has and will have on businesses, yes including the rental business but, by imposing this agenda you will surely put landlords in peril of losing their properties. If we are not receiving rent from tenants who are unable to pay with or without valid reason, but we still have our building costs i.e., mortgage, insurance, property tax, utility expense and maintenance, where do you think funds will come from to defend a frivolous lawsuit? If we cannot pay our expenses the same as tenants not being able to afford their living expenses where is the relief for the landlord? The city simply cannot place the burden of tenant support on the individual landlord. As stated before this is a business and for many our sole business and support. If the city continues to place this housing burden upon the landlords as it is now imposing than you will see this crisis explode in ways unimaginable before our very eyes. You, council members are going backwards in trying to solve this crisis. No developers will ever build reasonable housing in your city and with just cause. They will continue to develop in areas such as Orange County and areas that are not regulated against the landlord and those who have buildings in the City of Los Angeles will lose their properties to foreclosure and what do you think a bank will do with a rental property? They surely are not in the rental business. I'm requesting the council reconsider their actions. By your vote you run the risk of further collapsing an industry that is barely surviving at this time. None of us entered the rental industry to supply free housing, to lose a livelihood or to go bankrupt. The city has abandoned the practice of building tenement structures, why? Because of the burden in the expense vs the practicality of operations, simply put do the math. Don't let those who are crying "election year" be the ones to pander to. Instead look towards working with All business owners for ways to help Everyone get through this depression that we are now entering. And yes its time we admit it and face the hard cold reality. Depression. Don't bankrupt landlords.

## Communication from Public

**Name:** Joel Levin

**Date Submitted:** 05/06/2020 12:20 AM

**Council File No:** 20-0522

**Comments for Public Posting:** As a small landlord in the city of Los Angeles, I want to voice my opposition to this measure and ask you to vote against it. I am very sympathetic to the challenges that renters face during this period. However, this proposed measure goes too far. Small landlords are just people trying to do business in the city of Los Angeles by providing a service to their tenants. I take very seriously my obligation to provide decent housing to my tenants. This measure treats me like a criminal. It makes it more difficult to provide housing and invites tenants to sue me. On the rare occasions that I have had to evict tenants for nuisance, it was to protect the other tenants in the building. Allowing nuisance tenants to remain in a building is not a favor to the other tenants on the property. I would suggest that with this measure, you are seeking to prevent some very rare instances of abuse (which are already illegal) and creating a lot of difficulties for good landlords and tenants who are just trying to get through this period. Thank you for considering my views.

## Communication from Public

**Name:**

**Date Submitted:** 05/06/2020 08:30 AM

**Council File No:** 20-0522

**Comments for Public Posting:** It seems fair to me that if a landlord orders an illegal eviction, the tenant should have the right to pursue their landlord in court. Please make sure this is possible, and make sure tenants are not asked to put any of their coronavirus money towards rent. People need it for food. Thanks.

## Communication from Public

**Name:** Chris Scroggin

**Date Submitted:** 05/06/2020 09:15 AM

**Council File No:** 20-0522

**Comments for Public Posting:** We do not believe a private right of action will best serve the Council's goal of providing immediate relief for tenants who are in danger of losing their homes. Rather, it will primarily serve to create an industry for class action lawsuits, with relief, if any, provided to tenants far in the future, for de minimis amounts. Plaintiffs' attorneys, on the other hand, seek significant sums of attorneys' fees and disproportionately benefit under such a regime. Particularly of concern here is the low threshold required to file a class action lawsuit—namely a single lead plaintiff making allegations about the experience of fellow residents—which launches a litigation process that lasts for years, and costs significant sums of money. This money could otherwise be utilized to help those in need. Indeed, Prime is currently offering the Prime COVID-19 Rent Relief Program, which goes beyond deferring rent payments by offering rent discount. Exposing Prime and other landlords to such significant litigation costs, on top of other increases in costs (such as utilities) and coupled with decreased revenues, will hinder our ability to help those in need. Ultimately, a private right of action is unnecessary when there is already an enforcement mechanism in place: tenants can file complaints with the Los Angeles Housing + Community Development Department (HCIDLA) regarding violations of the tenant protection ordinance, and “HCIDLA will conduct an investigation similar to the existing process for enforcement of tenant protections under the City’s Rent Stabilization Ordinance (RSO).” <https://hcidla2.lacity.org/covid-19-renter-protections>. We believe this is already an effective process. This regime can be bolstered by an imposition of fines on landlords who violate the ordinance, which the City Attorney’s office has already recognized in its proposed draft, by including Section 49.99.8, titled “Penalties.” We believe this section could benefit from including a specific focus on knowing violations of the most egregious offenses (i.e., knowingly evicting a tenant who is unable to pay rent due to COVID-19).

## Communication from Public

**Name:** Chris Scroggin  
**Date Submitted:** 05/06/2020 09:19 AM  
**Council File No:** 20-0522

**Comments for Public Posting:** We do not believe a private right of action will best serve the Council's goal of providing immediate relief for tenants who are in danger of losing their homes. Rather, it will primarily serve to create an industry for class action lawsuits, with relief, if any, provided to tenants far in the future, for de minimis amounts. Plaintiffs' attorneys, on the other hand, seek significant sums of attorneys' fees and disproportionately benefit under such a regime. Particularly of concern here is the low threshold required to file a class action lawsuit—namely a single lead plaintiff making allegations about the experience of fellow residents—which launches a litigation process that lasts for years, and costs significant sums of money. This money could otherwise be utilized to help those in need. Indeed, Prime is currently offering the Prime COVID-19 Rent Relief Program, which goes beyond deferring rent payments by offering rent discount. Exposing Prime and other landlords to such significant litigation costs, on top of other increases in costs (such as utilities) and coupled with decreased revenues, will hinder our ability to help those in need. Ultimately, a private right of action is unnecessary when there is already an enforcement mechanism in place: tenants can file complaints with the Los Angeles Housing + Community Development Department (HCIDLA) regarding violations of the tenant protection ordinance, and "HCIDLA will conduct an investigation similar to the existing process for enforcement of tenant protections under the City's Rent Stabilization Ordinance (RSO)." <https://hcidla2.lacity.org/covid-19-renter-protections>. We believe this is already an effective process. This regime can be bolstered by an imposition of fines on landlords who violate the ordinance, which the City Attorney's office has already recognized in its proposed draft, by including Section 49.99.8, titled "Penalties." We believe this section could benefit from including a specific focus on knowing violations of the most egregious offenses (i.e., knowingly evicting a tenant who is unable to pay rent due to COVID-19).

May 5, 2020

Dear Council President,

We are writing to you regarding items 1, 2 and 3 of the Los Angeles City Council agenda for Wednesday, May 6, 2020. We urge you to vote **no** on these proposals as drafted, and ask you to consider alternatives, which we detail below. If put into effect, these proposals will significantly hinder efforts to provide immediate relief to those most in need. We also believe that item 1 violates state and federal law.

**Agenda Item Nos. 2 and 3:**

To start, we have grave concerns regarding items 2 and 3, which call for an ordinance that provides a private right of action against any landlord who violates the City’s residential tenant protection ordinance, a right not provided under current law. A private right of action must be specifically articulated as a means of enforcement in any given law, as it is typically not necessary. Indeed, many ordinances and statutes are enforced by other means, such as administrative fines.

We do not believe a private right of action will best serve the Council’s goal of providing immediate relief for tenants who are in danger of losing their homes. Rather, it will primarily serve to create an industry for class action lawsuits, with relief, if any, provided to tenants far in the future, for de minimis amounts. Plaintiffs’ attorneys, on the other hand, seek significant sums of attorneys’ fees and disproportionately benefit under such a regime. Particularly of concern here is the low threshold required to file a class action lawsuit—namely a single lead plaintiff making allegations about the experience of fellow residents—which launches a litigation process that lasts for years, and costs significant sums of money.

This money could otherwise be utilized to help those in need. Indeed, Prime is currently offering the Prime COVID-19 Rent Relief Program, which goes beyond deferring rent payments by offering rent discount. Exposing Prime and other landlords to such significant litigation costs, on top of other increases in costs (such as utilities) and coupled with decreased revenues, will hinder our ability to help those in need.

Ultimately, a private right of action is unnecessary when there is already an enforcement mechanism in place: tenants can file complaints with the Los Angeles Housing + Community Development Department (HCIDLA) regarding violations of the tenant protection ordinance, and “HCIDLA will conduct an investigation similar to the existing process for enforcement of tenant protections under the City’s Rent Stabilization Ordinance (RSO).” <https://hcidla2.lacity.org/covid-19-renter-protections>. We believe this is already an effective process. This regime can be bolstered by an imposition of fines on landlords who violate the ordinance, which the City Attorney’s office has already recognized in its proposed draft, by including Section 49.99.8, titled “Penalties.” We believe this section could benefit from including a specific focus on knowing violations of the most egregious offenses (i.e., knowingly evicting a tenant who is unable to pay rent due to COVID-19). To that end, we propose striking Section 49.99.7, and modifying Section 49.99.8 as follows:

Upon the effective date of this section, an Owner who **knowingly** violates **Section 49.99.2** ~~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, **nor purport to alter or amend any dispute resolution mechanisms in tenant leases, including arbitration and mediation clauses.**

When considering the appropriate penalties under our proposed modification, we suggest there should be varying penalties, so the statute explicitly recognizes the difference between a notice deemed to fall short of the ordinance's requirements and an illegal eviction.

### **Agenda Item No. 1**

We also take issue with Item No. 1 on the agenda, which asks to adopt the following ordinance:

The maximum adjusted rent of any occupied rental unit may not be increased unless necessary to obtain a just and reasonable return, until one year following the termination of the local emergency.

We find that this ordinance exceeds the City's police powers and violates the state and federal constitutions as an unlawful taking because it provides relief to those not financially affected by COVID-19. Indeed, the arguments the City Attorney has already made against a broad eviction moratorium apply with equal force to this rental increase freeze, as it is not tailored to those affected by COVID-19. To apply the City Attorney's previous language with "rental increase freeze" replacing "eviction moratorium":

This broad reprieve would likely exceed the City's police powers and subject the City to legal liability. Although the City generally has the authority to regulate [rental increases on RSO units], the City's exercise of its police powers must be reasonably related to a legitimate government purpose, in this instance the current COVID-19 pandemic. Stated another way, any [rental increase freeze] that the City enacts must be reasonably tied to the pandemic; a broad [rental increase freeze] that bears no relationship with the emergency would likely not withstand legal challenge. Further, the Constitution prohibits regulations that would substantially impair a contract by undermining the bargain between the parties and interfering with a party's reasonable expectations under their contract. Here, a broad [rental increase freeze] substantially interferes with private contractual rights by thwarting a landlord's right to pursue an otherwise lawful [rental increase] for reasons unrelated to COVID- 19.

April 17, 2020 City Attorney Memo at 3.

In addition, the uncertain, yet unquestionably long, duration of the ordinance makes it particularly susceptible to a takings challenge under the state and federal constitutions. The California Supreme Court has stated that the law needs to provide for individualized adjustments, and it cannot "indefinitely freeze the dollar amount of profits without eventually causing confiscatory results." *Kavanau v. Santa Monica Rent Control Bd.*, 16 Cal.4th 761, 772. (1997). The ordinance violates that mandate by not having a clear end date. Further, the city has not shown any basis for why the freeze should continue for such a long period of time—one year after the state of emergency ends. The longer the duration, the less tied to the emergency the ordinance is, and the more it frustrates investment-backed expectations. Where less onerous measures are available, even when exercising its police powers, "the government must make every effort to avoid trammeling its citizens' constitutional rights." *In re Juan C.*, 28 Cal. App. 4th 1093, 1101 (Cal. Ct. App. 1994). **In other words, especially when contemplating an uncompensated taking so far in the future, the city must show it has considered and attempted to implement alternatives that do not violate the constitutions. For example, the city has the ability to issue debt that would provide relief directly to renters, a legal and equitable solution.**

Thus, we propose the following changes to ensure the ordinance is consistent with the City's police powers, as well as the state and federal constitution:

The maximum adjusted rent of any occupied rental unit **for a residential tenant subject to Section 49.99.2 of Article 14.6 of Chapter IV of the Los Angeles Municipal Code** may not be increased unless necessary to obtain a just and reasonable return, until **six months after this ordinance goes into effect** ~~one year following the termination of the local emergency.~~

We thank you for your time and attention to this matter. We recognize the hardships that our residents and other tenants in Los Angeles are facing as a result of the COVID-19 pandemic and are committed to working together to find a solution that helps those in need.

If you have any questions or concerns, we are happy to discuss them with you.

Sincerely,

Chris Scroggin  
Senior Vice President  
Prime Residential



## Communication from Public

**Name:** JANET POLLARD

**Date Submitted:** 05/06/2020 04:57 AM

**Council File No:** 20-0522

**Comments for Public Posting:** Regarding vote today of City Council Meeting to Amend Temporary Eviction Moratorium –Items 2 and 3 -to VOICE my STRONG OPPOSITION! Please know that housing providers are not in the eviction business and are not seeking ways to evade the provisions of temporary eviction moratorium. The civil remedies proposed are excessive and simply unfair. Further, establishing two separate standards for the awarding of attorney’s fees is inequitable and inappropriate. Housing providers should not be required to obtain a court determination that the renter’s action was frivolous in order to be eligible for reasonable attorney’s fees. With regard to the added notice requirements, please let the City Council know that providing a second notice relative to the protections of the ordinance would be administratively burdensome as I have already provided similar notice to my renters based on the original ordinance requirements. Further, the notice should be provided in the same language as was provided in the lease agreement as that should be reflective of the predominant language of the renter. Please know that my personal experiences on the financial and health related impacts of the COVID-19 pandemic on me and my family and my ability to maintain my rental building affects my ability to remain in the multifamily rental housing industry. Please vote in opposition!! The council file Agenda Items 2 and 3 file #20-0522.

## Communication from Public

**Name:** Betsy Hall

**Date Submitted:** 05/06/2020 07:26 AM

**Council File No:** 20-0522

**Comments for Public Posting:** Our beloved Los Angeles with it's housing shortage cannot afford to discourage people from investing in housing. We mustn't encourage them to invest in other locations, preferring their problems over ours. Renters and owners and lenders, children and elders and Councilmembers aren't part of separate neighborhoods and classes, we're all part of the same eco-system. May you legislate fairly for ALL concerned, not punishing owners (many of whom depend on rental income for survival) for developing and maintaining rental properties. I am against undue short notification of pending legislation. I am against undue requirements of duplicative notifications and translations. I resent onerous expectations being imposed on those doing business in Los Angeles.

## Communication from Public

**Name:** daniel

**Date Submitted:** 05/06/2020 07:54 AM

**Council File No:** 20-0522

**Comments for Public Posting:** As a "mom-and-pop" property owner, this ordinance will put unduly burden both administratively and operationally. we are not in the business of evicting tenants! this ordinance is completely one sided and does not support the responsible behavior for either tenants or landlords. we are working with our tenants on a daily basis to ensure their safety and housing needs are met but we need basic property rights to enforce if tenants are trying to take advantage of the laws unfairly. that is not good policy.