

## Communication from Public

**Name:** Dan Miller-Schroeder

**Date Submitted:** 05/06/2021 11:09 PM

**Council File No:** 14-0268-S13

**Comments for Public Posting:** Honorable Members of the Housing Committee: As a renter who has faced landlord harassment with insufficient legal recourse and as a soon-to-be homeowner who wants to protect both my and my tenants' rights, I'd like to comment on the proposed amendments to the Anti-Harassment of Tenant Ordinance. Definition of "Tenant Harassment" Councilmember Lee's proposed changes will introduce a significant burden of proof that will remove the power of tenants to protect themselves. Firstly, proving that an action serves "no legitimate purpose" is absurdly vague - is getting a tenant to leave an RSO unit not "legitimate" in an unscrupulous landlord's eyes? Most egregiously, proving substantial emotional distress is an unacceptably high bar. This could require documentation from a mental health professional that many don't have access to, and even so, proving that the landlord's actions were the primary factor that led to the distress would be incredibly difficult, especially if a tenant is already diagnosed with depression, anxiety, or any number of other common mental health issues. The outcome of this amendment would be that anyone who has been previously diagnosed with a mental health issue or isn't actively seeing a therapist would find it almost impossible to prove "substantial emotional distress" beyond their own personal testimony, a piece of evidence no more valuable than a landlord's statement to the contrary. Councilmember Raman's "knowing and willful commission" is entirely sufficient. Opportunity to Remedy Councilmember Raman's amendment to include verbal notification is crucial, as many savvy landlords will purposefully tailor their written and verbal communications differently. Some will not respond to emails or texts and will only conduct business verbally for this very reason. In addition, Councilmember Lee's proposal to offer opportunity to remedy ALL infractions is absurd, as this simply allows landlords to harass, benefit if it works, then apologize and say "I didn't mean it" if it doesn't. Councilmember Raman's other proposed changes I heartily support all of the suggested changes here, with the suggestion that "coercive efforts to vacate with offers of payment" be slightly more defined to allow for mutually-beneficial cash-for-keys arrangements. To this end, I suggest a standardized form stating the proposed payment, how many months of market rent that payment will cover, and the

appraisal increase in housing value if the tenant chooses to leave, with and without renovation. This will make the value of the tenant's departure to the landlord clear and ensure that the tenant's negotiating power isn't obfuscated by the landlord. I was recently pressured to accept \$1500 to move out of an RSO unit that would have made the owner/investor \$300-\$400k in a flip. Although I did not accept I can only imagine how many other people accepted similar offers out of fear or ignorance to their extreme financial detriment. New proposals In addition, I'd like to propose three more areas of protection to cover. 1) Remedies or fines for landlord trespassing. Last year, our house was purchased and flipped. In the course of the renovations, the new owners trespassed onto our leased space at least 20 times, including bolt-cutting the padlock to our garage. Lawyers we consulted told us it wasn't worth pursuing civilly since there weren't actual damages (e.g., nothing was stolen). There was, however; emotional distress at the utter disregard and disempowerment (on top of many other transgressions beyond the scope of this public comment). This would seem to make their trespass violation unenforceable. 2) Require proof of city code inspections to renters and disclose where to independently verify those inspections. Many house flippers will perform amateur, unsafe work or hide dangerous issues to make a quick profit, putting both buyer-occupants and renters at risk. 3) Give fine amounts more consequence. In many cases, a house flip or RSO move-out is worth tens or hundreds of thousands of dollars, and a landlord will be happy to pay a fraction of that in fines if they can sufficiently monetize the outcome, rendering the protections impotent. The consequences of these abuses need to be sufficient to prevent them from occurring; one possible solution might be indexing the fine to the value of the property or the potential upside of the landlord's desired outcome from the harassment, and/or increasing the fine with every repeat offense. Thank you, Dan Miller-Schroeder Los Angeles resident, District 13

Honorable Members of the Housing Committee:

As a renter who has faced landlord harassment with insufficient legal recourse and as a soon-to-be homeowner who wants to protect both my and my tenants' rights, I'd like to comment on the proposed amendments to the Anti-Harassment of Tenant Ordinance.

#### *Definition of "Tenant Harassment"*

Councilmember Lee's proposed changes will introduce a significant burden of proof that will remove the power of tenants to protect themselves. Firstly, proving that an action serves "no legitimate purpose" is absurdly vague - is getting a tenant to leave an RSO unit not "legitimate" in an unscrupulous landlord's eyes? Most egregiously, proving substantial emotional distress is an unacceptably high bar. This could require documentation from a mental health professional that many don't have access to, and even so, proving that the landlord's actions were the primary factor that led to the distress would be incredibly difficult, especially if a tenant is already diagnosed with depression, anxiety, or any number of other common mental health issues.

The outcome of this amendment would be that anyone who has been previously diagnosed with a mental health issue or isn't actively seeing a therapist would find it almost impossible to prove "substantial emotional distress" beyond their own personal testimony, a piece of evidence no more valuable than a landlord's statement to the contrary. Councilmember Raman's "knowing and willful commission" is entirely sufficient.

#### *Opportunity to Remedy*

Councilmember Raman's amendment to include verbal notification is crucial, as many savvy landlords will purposefully tailor their written and verbal communications differently. Some will not respond to emails or texts and will only conduct business verbally for this very reason. In addition, Councilmember Lee's proposal to offer opportunity to remedy ALL infractions is absurd, as this simply allows landlords to harass, benefit if it works, then apologize and say "I didn't mean it" if it doesn't.

#### *Councilmember Raman's other proposed changes*

I heartily support all of the suggested changes here, with the suggestion that "coercive efforts to vacate with offers of payment" be slightly more defined to allow for mutually-beneficial cash-for-keys arrangements. To this end, I suggest a standardized form stating the proposed payment, how many months of market rent that payment will cover, and the appraisal increase in housing value if the tenant chooses to leave, with and without renovation. This will make the value of the tenant's departure to the landlord clear and ensure that the tenant's negotiating

power isn't obfuscated by the landlord. I was recently pressured to accept \$1500 to move out of an RSO unit that would have made the owner/investor \$300-\$400k in a flip. Although I did not accept I can only imagine how many other people accepted similar offers out of fear or ignorance to their extreme financial detriment.

### *New proposals*

In addition, I'd like to propose three more areas of protection to cover.

1) Remedies or fines for landlord trespassing. Last year, our house was purchased and flipped. In the course of the renovations, the new owners trespassed onto our leased space at least 20 times, including bolt-cutting the padlock to our garage. Lawyers we consulted told us it wasn't worth pursuing civilly since there weren't actual damages (e.g., nothing was stolen). There was, however; emotional distress at the utter disregard and disempowerment (on top of many other transgressions beyond the scope of this public comment). This would seem to make their trespass violation unenforceable.

2) Require proof of city code inspections to renters and disclose where to independently verify those inspections. Many house flippers will perform amateur, unsafe work or hide dangerous issues to make a quick profit, putting both buyer-occupants and renters at risk.

3) Give fine amounts more consequence. In many cases, a house flip or RSO move-out is worth tens or hundreds of thousands of dollars, and a landlord will be happy to pay a fraction of that in fines if they can sufficiently monetize the outcome, rendering the protections impotent. The consequences of these abuses need to be sufficient to prevent them from occurring; one possible solution might be indexing the fine to the value of the property or the potential upside of the landlord's desired outcome from the harassment, and/or increasing the fine with every repeat offense.

Thank you,  
Dan Miller-Schroeder  
Los Angeles resident, District 13