

Your Community Impact Statement has been successfully submitted to City Council and Committees.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCsupport@lacity.org.

This is an automated response, please do not reply to this email.

Contact Information

Neighborhood Council: Mid City WEST Neighborhood Council

Name: Lauren Nichols

Phone Number:

Email: lnichols@midcitywest.org

The Board approved this CIS by a vote of: Yea(28) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 12/13/2022

Type of NC Board Action: For

Impact Information

Date: 12/27/2022

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 22-0178

Agenda Date:

Item Number:

Summary: The Mid-City West Neighborhood Council therefore supports Council File 22-0178 and urges its passage. Further, we urge City Council to make compliance with this requirement an element of a landlord's case in chief in any effort to use a collection action to collect from a tenant utility payments alleged to be overdue. If compliance with the ordinance is an element of the case in chief, judges can enforce compliance even in the context of a default action by requiring the landlord to prove compliance before awarding judgment. If failure to comply with the ordinance is merely an affirmative defense that a tenant must raise in court, then tenants who cannot afford to hire an attorney to defend a collection action will probably be unable to enforce their rights.



**BOARD OF
DIRECTORS 2021
-2023**

Lauren Nichols
Chair

Michael Schneider
First Vice Chair

Will Hackner
Second Vice Chair

Melissa Algaze
Secretary

Ben Kram
Treasurer

Thomas Bailey
Cindy Bitterman
Shem Bitterman
Lauren Borchard
Hunter Burgarella
Lindsey Chase
Tedd Cittadine
Chris Dower
Isack Fadlon
Amy Goldenberg
Sara Griebel
Andrea Guttag
Taylor Holland
Linda Ignarro Smith
Nasim Kablan
Dale Kendall
Tyler
Lambert-Perkins
Christian La Mont
Lynda La Rose
Rodney Leggett
Madeline Liebreich
David Mann
Ava Marinelli
James Panozzo
Clark Raustiala
Robert M. Shore
Julian Stern
Thao Tran
J. Keith van Straaten
Valerie Washburn
Don Whitehead

December 13, 2022

Council File 22-0178 (Support):

Numerous residential and commercial tenants in the City of Los Angeles, particularly in multi-unit properties, pay utility bills through their landlords without knowing the factual basis for the amount paid because landlords purport to pass through these bills without providing the information necessary for tenants to confirm that the pass-through calculation is correct.

The solution to this issue is the principle of transparency — a requirement that all landlords who wish to pass a utility bill through to their tenants must provide the tenants with enough information, such as the underlying meter readings, the underlying billing rates, and the calculation used to divide bills among tenants and between the tenants and the landlord, to allow the tenants to confirm that the calculation of their utility bill is accurate.

Council File 22-0178 implements this solution by requesting legislative language to require transparency from landlords who pass through utility bills.

The solution of transparency has been adopted by ordinance in the City of Seattle and by law in the State of Oregon. It has also been supported by numerous neighborhood councils across the City and by other groups.

This solution helps small businesses as well as residential tenants. Many small businesses, often located in mini-malls, lack the economic power to negotiate a right to audit the common area charges that are included in their rent. These charges include



utilities. The ordinance would therefore allow small businesses to confirm that their rent is being calculated accurately.

The Mid-City West Neighborhood Council therefore supports Council File 22-0178 and urges its passage. Further, we urge City Council to make compliance with this requirement an element of a landlord's case in chief in any effort to use a collection action to collect from a tenant utility payments alleged to be overdue. If compliance with the ordinance is an element of the case in chief, judges can enforce compliance even in the context of a default action by requiring the landlord to prove compliance before awarding judgment. If failure to comply with the ordinance is merely an affirmative defense that a tenant must raise in court, then tenants who cannot afford to hire an attorney to defend a collection action will probably be unable to enforce their rights.

Sincerely,

Amy Goldenberg,
Zone 3 Representative,
on behalf of the Homelessness, Refugees, & Renters'
Rights Committee
Mid City West Neighborhood Council