



Community Impact Statement - Submission Details

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To: Clerk.CIS@lacity.org

Sat, Sep 23, 2023 at 8:41 PM

A Neighborhood Council Community Impact Statement (CIS) has been successfully submitted to your Commission or City Council. We provided information below about CISs and attached a copy of the CIS.

We encourage you to reach out to the Community Impact Statement Filer to acknowledge receipt and if this Community Impact Statement will be scheduled at a future meeting. Neighborhood Council board members are volunteers and it would be helpful if they received confirmation that you received their CIS.

The CIS process was enabled by the Los Angeles Administrative Code §Section 22.819. It provides that, "a Neighborhood Council may take a formal position on a matter by way of a Community Impact Statement (CIS) or written resolution." NCs representatives also testify before City Boards and Commissions on the item related to their CIS. If the Neighborhood Council chooses to do so, the Neighborhood Council representative must provide the Commission with a copy of the CIS or resolution sufficiently in advance for review, possible inclusion on the agenda, and posting on the Commission's website. Any information you can provide related to your agenda setting schedule is helpful to share with the NC.

If the CIS or resolution pertains to a matter *listed on the Commission's agenda*, during the time the matter is heard, the designated Neighborhood Council representative should be given an opportunity to present the Neighborhood Council's formal position. We encourage becoming familiar with the City Council's rules on the subject. At the Chair's discretion, the Neighborhood Council representative may be asked to have a seat at the table (or equivalent for a virtual meeting) typically reserved for City staff and may provide the Neighborhood Council representative more time than allotted to members of the general public. They are also permitted up to five (5) minutes of time to address the legislative body. If the CIS or resolution pertains to a matter *not listed on the agenda*, the designated Neighborhood Council representative may speak during General Public Comments.

We share this information to assist you with the docketing neighborhood council items before your board/commission. If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at empowerla@lacity.org.

***** This is an automated response, please DO NOT reply to this email. *****

Contact Information

Neighborhood Council: Palms

Name: Kay Hartman

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The Board approved this CIS by a vote of: Yea(10) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 09/06/2023

Type of NC Board Action: For

Impact Information

Date: 09/24/2023

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 23-0479

Agenda Date:

Item Number:

Summary: The Palms NC encourages the City Attorney's Office to initiate an investigation into whether Douglas-Emmett had a good faith intent to exit the residential rental business at the time the notices were filed as required by the Ellis Act and cases interpreting it. Given that the Ellis Act's "prime objective is to prevent evictions based on false pretenses," the City should act now to enjoin further efforts by the owners to evict tenants from Barrington Plaza. Irreparable harm will result if these evictions are not stopped.

Ref:MSG9053150



CIS statement re Barrington Plaza evictions.pdf

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CIS statement re Barrington Plaza evictions
Palms Neighborhood Council
Council File 23-0479

Case law makes clear that owners who seek to evict all tenants from a rent-stabilized property using the state law commonly known as the “Ellis Act” must do so “in good faith” in order to permanently leave the residential rental business. In *Apt. Assoc. of Los Angeles v. City of Los Angeles*, 173 Cal.App.4th 13, 27 (2009), the 2nd district Court held that “the statute was enacted to authorize local public entities to promulgate ordinances that discourage landlords from evicting their tenants under the false pretense of going out of business pursuant to the Ellis Act.” Furthermore, the Ellis Act’s re-control provisions were put in place to prohibit property owners from “tak[ing] a unit off the market and *evict[ing] the tenant under the pretext of going out of business..*” *Id.* at 23 (emphasis in original). The statute provides some safeguards from abuse in response to legislators’ concerns that property owners would use the law to “evade rent control and other laws by ceasing to rent under the guise of going out of business”, or only go out of business “temporarily”. *Id.*

Thus, case law and the legislative history show that the Ellis Act cannot be used as a means of evicting tenants to simply leave rental units vacant for a period of time in order to make repairs or renovate units. And yet the owners of Barrington Plaza have stated explicitly in the press and elsewhere that they seek to evict the tenants of 577 rent-stabilized rental units to do just that. These are unlawful evictions and the City must act to enforce its law, which states that the Ellis Act can only be used “in good faith” to “remove the rental unit permanently from rental housing use.” LAMC 151.09(10)(b).

If the owners use Ellis in this way, then the just-cause eviction protections in the LARSO will be rendered meaningless. The Ellis Act was enacted in 1985 and with the passage of Costa-Hawkins in 1995, legislators recognized that allowing owners to charge market rates to new tenants (vacancy decontrol) “gave landlords an incentive to evict tenants that were paying rents below market rates. Accordingly, the statute expressly preserves the authority of local governments ‘to regulate or monitor the grounds for eviction.’” *Id.* at 24-25.

Section 272 of the L.A. City Charter expressly gives the City Attorney the power to initiate litigation to enforce the City’s ordinances. State law and case law recognize a local government’s authority to regulate the grounds for eviction and

enforce violations thereof. The Palms Neighborhood Council encourages the City Attorney's Office to initiate an investigation into whether Douglas-Emmett had a good faith intent to exit the residential rental business at the time the notices were filed as required by the Ellis Act and cases interpreting it. Given that the Ellis Act's "prime objective is to *prevent* evictions based on false pretenses," the City should act now to enjoin further efforts by the owners to evict tenants from Barrington Plaza. Irreparable harm will result if these evictions are not stopped. Many of the tenants have lived in these homes for decades at affordable rents protected by rent stabilization. Once these tenants are gone, the units can be re-rented at market rates and hundreds of affordable units will be lost, which will only exacerbate the already-dire affordable housing crisis in the City.