

Communication from Public

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Date Submitted: 06/08/2021 10:26 PM

Council File No: 14-0268

Comments for Public Posting: To prevent the City from passing an anti-harassment ordinance that would unintentionally create a loophole that would enable harassment, City Council should delete or amend the "no lawful purpose" language in the definition of harassment. There are numerous examples of a landlord acting "lawfully" to harass a tenant. This is precisely the type of behavior the ordinance was created to outlaw. For example, some landlords revoke on-site parking in order to harass tenants into leaving the building. Typically, the landlord justifies the removal of parking based on a lawful purpose, such as installing a garden area, but the actual purpose for removing the parking is to harass tenants into leaving the building. In the densely-populated neighborhoods of Los Angeles, tenants without on-site parking who return home from work or school after 7 p.m. are not able to find street parking. The tenants are forced to circle the neighborhood, having to park far from their apartment, making themselves and their car less safe. While the landlord must compensate the tenant for the lost parking with a reduction in rent, it is not a sufficient reduction to account for the increased hassle and danger of the lost parking space. For many tenants, it makes them more likely to vacate the property. Disreputable landlords know this; it's part of their playbook - pile on these small but legal indignities to ultimately displace the tenant. After the low-income renters leave, the landlord returns the parking to attract a higher-income renter. Another example of a landlord using "lawful purpose" activity to harass a tenant is when the landlord seeks to empty the building of renters with small children in order to appeal to higher income renters. In these cases, the landlord revokes on-site laundry facilities, giving the lawful reason of reducing common-area utility bills. Parents with small children can no longer run downstairs to do a load of laundry, and instead must now pack up the kids to take a bus to the laundromat six blocks away. While the landlord must reduce the rent in exchange for the loss of the on-site laundry facilities, the reduction is not sufficient to compensate for the inconvenience. Tenants with children vacate, as do elderly tenants, leaving only the newer single, young adult tenants who are not as impacted or, after the low-income families and seniors have vacated, the landlord reopens access to the laundry facilities to the higher-income renters. These are

real-world examples of the effect that the “no lawful purpose” would have on tenants who would otherwise be protected by this ordinance. Often the individual harassments are piled one upon another, and over time to ultimately drive the renters out of their homes. While there are legitimate reasons for reducing parking, revoking laundry facilities or prohibiting the tenant from altering a unit, we frequently see these strategies employed as part of the landlord’s playbook to displace low-income renters, especially families. To prevent this unwanted displacement, the ordinance must be able to prohibit this behavior when it rises to harassment. Instead, the City Council should delete "no lawful purpose" from the ordinance and insert the following language as a new section after Sec.45.35 titled LANDLORD DEFENSE: “If a landlord can demonstrate that they engaged in the action at issue because it was necessary to achieve a legitimate and lawful purpose, then the landlord will not be liable for violating this ordinance.” This would make explicit what would already be true: That a landlord could raise a defense that their conduct was legal but without requiring the tenant to prove the negative - that there was no lawful purpose. In addition, by adding “necessary” it helps to distinguish landlord conduct that is appropriate from conduct that is really harassment. If the landlord's conduct was not really necessary to accomplish their legal purpose, that is, they could have achieved it in another way, it might suggest that they were acting in this specific way because they were actually harassing the tenant. For example, when a landlord removes parking for a vegetable garden, if there were an abundance of other space to locate the garden that would not have required the removal of a tenant’s parking space, this language would allow a judge to consider whether the conduct was actually done to harass the tenant for purposes of displacing the tenant.