

Communication from Public

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Council File No: 14-1635-S10

Comments for Public Posting: Please see attached letter on the draft Private Right of Action Ordinance.



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July 20, 2026

The Honorable City Council
City of Los Angeles
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

Re: Council File No. 14-1635-S10 — Response to City Attorney Report No. R26-0267, "Home-Sharing Enforcement and Private Right of Action" (May 7, 2026)

cc: Kaiulani Lie, Deputy City Attorney; John W. Heath, Chief Assistant City Attorney

Summary: *The City Attorney's draft ordinance was intended to provide residents with a meaningful enforcement recourse where City enforcement has failed. As drafted, however, it narrows standing far below the scope contemplated by Council, omits the intervention and penalty-sharing features Council requested, and permits private enforcement to be delayed for as long as approximately 200 days without requiring meaningful investigative activity, findings, or public accountability. We respectfully request that Council return the draft for substantial revision before adoption.*

Honorable Members:

Preserve LA Neighborhoods is a coalition of neighborhood organizations working to secure effective enforcement of Los Angeles's short-term rental laws.

While we appreciate the delivery of a draft ordinance creating a private right of action related to the home sharing ordinance, the draft, as presented, does not accomplish what Council asked for, and is unlikely to improve enforcement of an ordinance that has been chronically under-enforced.

Let's not forget one thing. The home sharing ordinance passed with the expectation that enforcement would ensure near-total compliance with the ordinance. The public was not told that the City would declare itself ill-equipped to implement a system that it itself invented.

I. The State of Home-Sharing Enforcement

The City's own contractor, Granicus, admits that compliance has not exceeded 50 percent in nearly four years. In December 2025, Granicus identified 5,160 noncompliant listings with known addresses. The City issues a paltry number of citations for noncompliance, and to date, a search of the City's own Home-Sharing Records Portal shows that no registrations have ever been suspended or revoked, not one, across more than six years of program operation, despite years of documented, often flagrant noncompliance.

The City has an obligation to enforce the law effectively but until it decides to do so, the public needs to be able to step in. The flagrant and voluminous nature of violations creates a sense of lawlessness that harms every resident of the City, and the thousands of units of housing unlawfully removed from the long-term marketplace likewise damage the City.

But a private right of action is only effective if it is designed to actually function and the current draft is not.

II. Why an Explicit Private Right of Action Is Necessary — Not Merely Helpful

Under current California law, a private citizen generally has no right to sue to enforce a municipal ordinance absent an explicit statutory grant. In June 2024, the Second District Court of Appeal expressly overruled *Riley in Cohen v. Superior Court* (2024) 102 Cal.App.5th 706, holding that Section 36900(a) does not confer a general private right of action to enforce municipal ordinances. That decision is presently before the California Supreme Court (*Cohen v. Superior Court*, S285484), fully briefed and, as of this writing, undecided.

The practical consequence is this: absent an ordinance-specific Private Right of Action, residents and neighborhoods harmed by non-compliant short-term rentals have no direct civil remedy at all under the Home-Sharing Ordinance. Common-law nuisance claims and unfair-competition claims under Business and Professions Code section 17200 are narrower, more fact-intensive, and often harder to establish. This is precisely why the private right of action Council requested in December 2024 matters: for residents and neighborhoods who expect that short-term rentals in their neighborhood comply with the applicable law, it is likely to be the only door available. This ordinance should empower individuals and groups, not create endless and obfuscating process.

III. Comparative Models Show the Draft Is an Outlier

Los Angeles is not writing on a blank slate. Other jurisdictions, including this City's own ordinances, demonstrate that private rights of action are typically built to function without a City-controlled gate.

Santa Monica Municipal Code Section 6.20.100 provides simply: "Any interested person may seek an injunction or other relief to prevent or remedy violations of this Chapter." There is no standing limitation to neighbors within a defined radius. There is no mandatory notice period to the City Attorney and no waiting period before suit may be filed. Santa Monica pairs this with an

aggressive administrative and criminal enforcement regime of its own but the private right of action itself imposes no procedural gate.

Likewise this City's own Rent Stabilization Ordinance provides for a powerful private right of action. Under LAMC Chapter XV, a tenant whose landlord has violated the RSO's rent-control provisions may bring a lawsuit directly against the landlord. This right runs independently of, and in parallel to, LAHD's own administrative investigation. A tenant is not required to wait for LAHD to decline or fail to act before suing.

By contrast, the draft Home-Sharing Ordinance amendment requires an "Aggrieved Neighbor," a term that itself narrows standing to owners or tenants within 1,000 feet of the property at issue, a meaningfully smaller population than "any interested person," to first notify the City Attorney by certified mail; wait up to 65 days for the City Attorney to say whether it intends to investigate; and, if the City Attorney says yes, wait a further 120 days before any right to sue exists at all. Only after this sequence may the Aggrieved Neighbor even begin the separate, additional 15-day cure process required before a host or platform may be sued directly.

This is not a modest departure from precedent. It is a weak and restrictive private right of action.

IV. The Draft Substantially Narrows What Council Requested and Removes Incentives

The December 4, 2024 motion asked the City Attorney to draft a Private Right of Action clause "modeled after the False Claims Act," specifically including two features: (1) giving the City "an opportunity to intervene to ensure its interests are adequately represented," and (2) "allow[ing] the person bringing the action to share a portion of the damages, fines, or penalties imposed." The draft ordinance includes neither. There is no formal intervention mechanism beyond the pre-suit notice window, and no fee- or penalty-sharing provision for the Aggrieved Neighbor who successfully brings a case — they may recover attorney's fees and costs if they prevail, but nothing tied to the civil penalty itself. These changes, especially when combined with the extended delay built into the process mean that there is little or no incentive for anybody to use this tool to effect enforcement.

V. The Draft Gives the City Broad, Unaccountable Authority to Delay Private Enforcement

Even accepting that some sequencing between private and City enforcement is reasonable, the specific mechanism proposed here is not a backstop. It is a mechanism for indefinite, unaccountable delay, for the following reasons:

Nothing requires the City's investigation to be substantive. The draft imposes a 120-day window once the City Attorney elects to investigate, but there is no definition here of what constitutes an investigation. A file could be opened and no action taken, and 120 days are lost.

The City has no obligation to explain its decisions. The draft imposes no requirement that the City Attorney's Office disclose its reasoning in deciding to investigate or not to investigate, in determining to take action or not take action and no obligation to share what evidence it reviewed. An Aggrieved Neighbor whose right to sue has finally activated is left to build a case

with only what they could observe or obtain independently, while the City itself may hold materially stronger evidence, including data obtained under Senate Bill 346 (which, once invoked by ordinance, compels short-term rental platforms to disclose the true physical address of every listing — information platforms already maintain internally regardless of what is displayed publicly to prospective guests) or through any future data-sharing arrangement the City may develop with municipal utilities.

There is no public reporting mechanism. The draft has no reporting requirements and therefore performance cannot be measured. Therefore, this Council and the public will have no way to know whether the process is functioning as intended.

This risk is not hypothetical. The City Attorney's own report accompanying this draft acknowledges that its ACE Program is staffed entirely by unpaid volunteer hearing officers. An officer in that position has every practical incentive to allow the 120-day window to lapse rather than commit scarce staff time to an investigation, particularly where nothing in the ordinance requires it to show its work.

VI. Standing Should Not Be Limited to "Aggrieved Neighbors"

The 1,000-foot "Aggrieved Neighbor" standing requirement should be reconsidered on two levels.

First, individuals with a genuine interest in enforcement should not be arbitrarily excluded because they happen to live 1,050 feet away, or because the harm they experience from a pattern of illegal short-term rentals converting housing stock across a neighborhood, not merely next door, is diffuse rather than hyper-local.

The City's failure to enforce this ordinance harms residents well beyond a 1,000-foot radius, through the public cost of ineffective enforcement, the widespread impression that violations carry no consequence, and the unlawful removal of housing from the long-term market.

Second, and at minimum, neighborhood associations organized around the protection of residential character should have express standing to bring these actions on behalf of their membership. California and federal courts recognize associational standing where (1) an organization's members would individually have standing, (2) the interests asserted are germane to the organization's purpose, and (3) the claim does not require the participation of each individual member, a standard a neighborhood association plainly satisfies for claims of this kind. This is a well-established doctrine, not a novel request, and its absence from the current draft is a real gap.

VII. Recommendations

The ordinance should not merely create the appearance of a private remedy. It should create a remedy that an interested person can actually use to stop and deter unlawful short-term rental activity.

1. **Broaden standing.** Replace the proposed "Aggrieved Neighbor" limitation with standing for any interested person, consistent with the approach used by the City of Santa Monica, and expressly confirm that neighborhood associations and other community organizations may bring actions under the ordinance.
2. **Eliminate the six-month enforcement delay.** Remove, or substantially shorten, the proposed 65-day and 120-day waiting periods. A private right of action intended as a backstop to failed City enforcement should not require residents to wait approximately 200 days before filing suit.
3. **Permit immediate relief for ongoing or imminent violations.** Allow an interested person to seek temporary, preliminary, or permanent injunctive relief without completing the full waiting period where a violation is ongoing, recurring, imminent, or likely to cause irreparable neighborhood, housing, tenancy, or public-safety harm.
4. **Require meaningful City action if private enforcement is delayed.** If the City Attorney elects to investigate and thereby delays a private action, require documented investigative activity, a written disposition, and disclosure to the notifying party of the basis for the City's decision, subject only to legally required confidentiality.
5. **Prevent sham cures.** Clarify that temporary removal of a listing, cancellation of a single booking, modification of a listing address, or other short-term conduct does not constitute a cure where the operator has engaged in repeated violations or is likely to resume unlawful activity.
6. **Incorporate the False Claims Act features Council requested.** Include a formal mechanism allowing the City to intervene in an action and permit a successful private plaintiff to receive an appropriate share of civil penalties, fines, or damages recovered as a result of the action.
7. **Preserve meaningful remedies.** Authorize injunctive relief, civil penalties, recovery of attorneys' fees and costs, and any other relief necessary to prevent, stop, and deter violations.
8. **Make platform liability effective.** Confirm that hosting platforms may be held liable where they publish, maintain, facilitate, or complete bookings for unlawful listings after actual or constructive notice, and prohibit platforms from avoiding liability through reliance on inaccurate registration numbers, false addresses, or other information supplied by an operator.
9. **Provide access to evidence.** Establish a process by which a qualifying plaintiff may obtain relevant nonprivileged information held by the City, including information received through platform data sharing, necessary to prove the identity, location, booking history, or repeated conduct of an unlawful operator.
10. **Require public accountability.** Direct the City Attorney and relevant departments to report regularly to Council on the number of notices received, investigations opened, actions taken, matters declined, private actions filed, violations established, penalties imposed, and amounts recovered under the ordinance.
11. **Clarify that City inaction is not a defense.** State expressly that the City's failure to investigate, cite, suspend, revoke, or otherwise act against an unlawful listing does not bar a private action and does not create any presumption that the listing or operation is lawful.

12. **Define violations clearly.** Clarify whether civil penalties apply per unlawful listing, booking, night, transaction, false statement, or other discrete violation, so that the remedy is predictable and sufficiently strong to deter commercial noncompliance.

VIII. Conclusion

The Home-Sharing Ordinance has gone materially unenforced for over six years, by the City's own repeated admission, and the City has not moved with urgency to fix the structural and staffing problems it has identified in its own reports. A private right of action, properly built, is one of the few tools available to residents in the interim. As drafted, this ordinance does not serve that function. We urge the Council to send this draft back for substantial revision before adoption, and we would welcome the opportunity to discuss these concerns further with your offices or with the City Attorney's Office directly.

Respectfully submitted,

On behalf of the Preserve LA Neighborhoods Steering Committee

Christina Binkley
The Oaks Neighborhood Association

Ellen Evans
Doheny Sunset Plaza Neighborhood Association

Barbara Nichols
Benedict Canyon Association