

Communication from Public

Name: Kim Cooper & Richard Schave

Date Submitted: 10/24/2023 11:07 AM

Council File No: 14-1635-S10

Comments for Public Posting: Dear councilmembers, Please enter into the public record the attached Esotouric newsletter "Los Angeles landlord sues Knock LA reporter for exposing illegal Airbnb listings in rent controlled buildings." This is about the defamation case brought by landlord Simone Shah (of Dwell Management, LLC) against independent journalist Lisa Kwon for an investigation published by Knock LA. Kwon's attorney Matthew Strugar has responded with an anti-SLAPP motion, seeking to have the case thrown out as an attempt to intimidate and censor a journalist working in the public interest. Yours for Los Angeles, Kim Cooper & Richard Schave
Esotouric <http://www.esotouric.com/historicpreservation>

Los Angeles landlord sues Knock LA reporter for exposing illegal Airbnb listings in rent controlled buildings



ESOTOURIC'S SECRET LOS ANGELES
OCT 19, 2023

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Share



Gentle reader,

In March, we stumbled onto an illegal Airbnb listing of one of the [RSO \(rent stabilized\)](#) units in writer [Charles Bukowski's East Hollywood bungalow court](#) that we helped landmark in 2008, and [published an exposé](#) on the [rental housing arbitrage](#) hustlers Pillow and Coffee, calling them operators of "a short term rental empire destroying Los Angeles."

That investigation was widely read, and we heard from a number of Angelenos who have suffered and even had to leave town due to illegal nightly rentals in their neighborhoods and buildings.

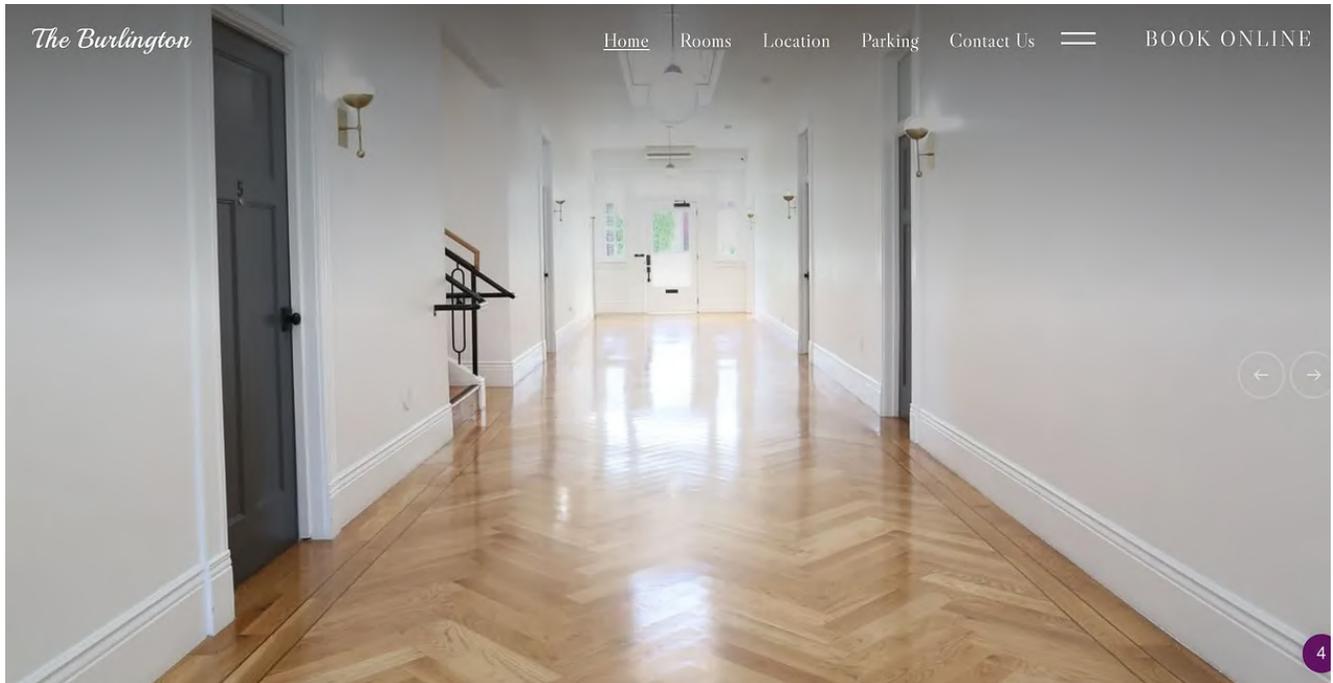
We even heard from Pillow and Coffee, sort of. In May, we received an odd email from Ben Lambert, who does internet law (though not in California), dangling the promise of additional interesting info if we would just delete what we'd written. We added his communication to the bottom of [our post](#), and heard no more.



Ben: I finished my legal studies in 2011, which was not a good year for the legal profession. It took me nine months to find work. For those nine months, I slept on a friends' sofa and considered myself lucky not to be homeless. Think about that for a moment, because that's not what most people imagine for a law school graduate. I had a law degree, a master's in law, I had passed the New York bar, and I was sleeping on a friend's sofa in a 450-square-foot studio because I couldn't find a job and certainly couldn't afford rent. However, I kept moving forward and never gave up because I didn't want to go back to the conservative area of the U.S. I was from. So, I broadened my horizons and looked for opportunities outside the legal profession.

Coffee's scheme, then where are the rest of the bad rental housing stories? They're morbidly fascinating.

Well, here's one. Earlier this month, a Reddit user [posted](#) on r/LosAngeles asking locals if it was safe for a single woman to walk from their Airbnb near MacArthur Park to the Convention Center. We [chimed in](#) to recommend she stay in a real hotel, since Westlake is a community with a lot of illegal Airbnbs that have displaced locals from affordable units.



The Redditor responded that they were staying in a real hotel—the [Burlington](#), which they had booked on Airbnb. We've been in the hospitality business for a long time, but had never heard of this centrally located boutique hotel.

A few clicks of the mouse [revealed](#) that it is actually a [rent controlled apartment building](#) operating (more [or less](#)) as a hotel, like [so many others](#) that we and our preservation pals have exposed simply by looking up its housing status on the city's [ZIMAS portal](#).

And as so often is the case with L.A.'s housing *use* crisis, one city department [lists](#) 420 South Burlington Avenue as protected RSO apartments even as another [grants](#) permits and a certificate of occupancy to turn 24 apartments into 15 nightly rentals with a shared kitchen.

It's maddening! Ever since Eric Garcetti became Mayor, and because Karen Bass has made no staff or policy changes, there is no enforcement of existing housing laws, no follow through, no accountability, no effort by local representatives to crack down on this crime

against our communities. All there is is the constant drum beat that we need to give more money to more developers to build more units.

Instead of going nuts, we try to shine a light. So we took a screenshot of the exchange with the tourist who had blithely booked a stay in some displaced Angeleno's home and [shared it on Instagram](#)—and that's where things got interesting. A user called [bad__tenant](#) volunteered the name of the building's owner (Simone Shah) and said she owned numerous illegal Airbnbs, but that the city had ignored complaints. Then [anniebpowers](#) identified herself as a former Shah tenant, and shared a link to a 2021 KnockLA investigation into Shah's properties.

Even though it's a few years old now, anyone who cares about L.A.'s housing use crisis ought to read Lisa Kwon's story [Airbnbs in Los Angeles Are Not Going Away Here's how to — and why you should — fight against illegal Airbnbs in your neighborhood](#).

Because it's not just an example of how individuals suffer because the city enables disruptive technologies to displace citizens, but also how one of the landlords who profits from the city's failings took a story about a failed city policy so personally that she now seeks to stifle the free press.

SIMONE SHAH VS LISA KWON

Case Summary

On 04/26/2022 SIMONE SHAH filed a Personal Injury - Assault/Battery/Defamation lawsuit against LISA KWON. This case was filed in Los Angeles County Superior Courts, Santa Monica Courthouse located in Los Angeles, California. The Judge overseeing this case is H. JAY FORD III. The case status is Pending - Other Pending.

That's right: journalist Lisa Kwon has been personally [sued for defamation](#) by landlord [Simone Shah](#), and was in court yesterday for a case management conference. You can read the [complaint](#) and [Kwon's response here](#).

Shah doesn't have a case for various reasons—including having filed after the statute of limitations expired and going after the reporter instead of the publisher—and Kwon's attorney Matthew Strugar ([friend](#) of the orcas) has responded with an [anti-SLAPP](#) motion, seeking to have the case thrown out as an attempt to [intimidate and censor](#) a journalist working in the public interest.

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But with the courts backed up, this case and Shah's demand for \$250,000+ in damages has been hanging over Kwon's head for months, while RSO apartments all over Los Angeles are held vacant or rented nightly by tourists, a prolific eviction law firm [gets caught](#) using AI to generate fake complaints, City Planning still [refuses](#) to crack down on illegal listings, and a city commissioner who [asks for more information](#) before voting on a rushed move to build 30 tiny houses in a city parking lot is told his services are no longer needed.

Sniff, sniff. Is that [gaslighting](#) we smell?

We're not complaining. It's an honor to be a trusted news source for the community. Still, isn't it weird that it falls to the newsletter of an historic tour company to inform Angelenos that an independent L.A. journalist reporting on Airbnb abuses was sued by a landlord six months ago? And isn't it a shame that because legacy media won't do its job, the Kwons and Esotourics have to do it for them, and [take the heat](#) for standing up for what's just?

The fact is, if a curious reporter simply scrolled through some of the City Council motions over the past decade that posture as responding to the troubles Airbnb and other disruptive home share apps cause, they'd find compelling stories worth telling, submitted as public comment by citizens eager to be heard and by the Neighborhood Councils and homeowners' associations that represent them.

In the links below you can track how City Council has kicked the home share enforcement can down the policy road for nearly a decade, even as the politicians who introduced and voted on these motions have been indicted, jailed, defeated and disgraced. And nothing has changed. Obviously, nothing changing has been the plan all along.

- CF# 14-1635-S2: [Short-Term Rentals / Preparation of Ordinance / Home Sharing Ordinance](#) (Introduced 06/02/2015, died in committee 02/20/2022)
- CF #14-1635-S3: [Short-Term Rentals / Ordinance Draft / Request for Information \(RFI\) / Permitting and Enforcement Technology Services](#) (Introduced 06/15/2016, died in committee 10/21/2019)

- CF# 20-0995: [Short Term Rental Ordinances / Short Term Rental Companies / Implementation and Enforcement](#) (Introduced 08/11/2020, stalled in committee)
- CF# 20-1012: [Home-Sharing Administrative Guidelines / Home Sharing Guest Code of Conduct / Interim Control Ordinance \(ICO\) / Guest Limitation / COVID-19 Pandemic](#) (Introduced 08/13/2020, adopted 10/14/2020)
- CF# 14-1635-S10: [Short-Term Rentals / Unpermitted / Non-Compliant Properties / Enforcement](#) (Introduced 08/25/2021, stalled in committee)

And as these motions sit unheard, the public comments pile up, apparently unread by any but public policy nerds. Comments like those of [Darryl Kitagawa](#), who wrote in 2021 to complain that his quiet Silver Lake neighborhood was under siege from an Airbnb profiteer who had purchased five RSO houses, evicted the tenants, and was renting them out for Covid lockdown parties and porn shoots.

Or [Luminita Roman](#), who describes two new big apartment buildings just off Hollywood Boulevard, the Rubix and the Jefferson, operating as illegal party hotels, with subtenants listing as many as 40% of the units as nightly rentals. She hated living there.

Or the Venice, Silver Lake and Angeleno Heights residents whose cries for help expired unread in CF# 14-1635-S2, including the [infuriating story](#) of [Mary Bagasao](#), blind and 89 years old, tormented by shrieking pool partiers and threatened by the next door Airbnb "host" as she sought to die peacefully in her [pretty home](#).

When we read her daughter Elizabeth Anne's [public comment](#) (see pages 17-19, and Tony Butka's column on page 33), we were overwhelmed with the impulse to call on concerned citizens to march over to Angeleno Heights and form a human wall to keep the illegal partiers out and give Mary Bagasao the peace she deserved.

But this is all ancient history. We can't help Mary now. But you can bear witness in her memory, add your own public comment to the active council file [here](#), respond to calls to build more new housing by talking about all the [vacant](#) and misused units, by supporting [Lisa Kwon](#) as she fights this frivolous, intimidating lawsuit, and by reminding your friends to stay in real hotels when they visit.

The only tactic that's proved effective to stop the city from refusing to enforce its own laws is going to court for a writ of mandate. To date, [Better Neighbors LA](#), the most active organization [documenting](#) the lack of home share compliance and talking to the media about

this chronic situation has not done that—though they tried to get Judge David O. Carter involved through a [2021 amicus letter](#) that apparently went nowhere—and we're perplexed why they have not sought a court ruling. If you have any insights, please let us know.



Saturday's tour is [The Birth of Noir](#), a heady blend of lurid pulp fiction and classic cinema, told as we travel from Skid Row to Hollywood to Glendale tracing the real and filmed landmark locations that figure in the life and work of James M. Cain and the writers, actors and directors who brought his dark vision to life, including Raymond Chandler, Billy Wilder and Joan Crawford. Scenes from a past tour are above. New on this date: Hollywood's lost miniature golf empire and the shocking true crime history of the [Double Indemnity death house](#)—join us, do!

yours for Los Angeles,

Kim & Richard

Esotouric

Psst... If you'd like to support our efforts to be the voice of places worth preserving, we have a [tip jar](#) and a [subscriber edition](#) of this newsletter, vintage Los Angeles [webinars](#) available to [stream](#), in-person [tours](#) and a [souvenir shop](#) you can browse in. We've also got recommended reading bookshelves [on Amazon](#) and the [Bookshop](#) indie bookstore site. And did you know we offer private versions of our walking and bus tours for groups big or small? Or just share this link with other people who care.

UPCOMING BUS & WALKING TOURS

• [The Birth of Noir: James M. Cain's Southern California Nightmare Bus Tour](#) (Sat. 10/21) • [The Real Black Dahlia Crime Bus Tour](#) (Sat. 10/28) • [Evergreen Cemetery, 1877 Walking Tour](#) (Sun. 10/29) • [The Run: Gay Downtown History Walking Tour](#) (Sat. 11/4) • [Downtown L.A. is for Book Lovers Walking Tour](#) (Sat. 11/11) • [Special Event: Leo Politi Loves Los Angeles Bus Tour](#) (11/18) • [Alvarado Terrace & South Bonnie Brae Walking Tour](#) (Sat. 11/25) • [Know Your Downtown L.A.: Tunnels To Towers To The Dutch Chocolate Shop Walking Tour](#) (Sat. 12/2) • [Highland Park Arroyo Walking Tour](#) (Sat. 12/9) • [Miracle Mile Marvels & Madness Walking Tour](#) (Sun. 12/17) • [Human Sacrifice: The Black Dahlia, Elisa Lam, Heidi Planck & Skid Row Slasher Walking Tour](#) (Tues. 12/26)

CLOSELY WATCHED TRAINS





We stopped at Evergreen Cemetery to scout a monument we want to add to the [Hallowe'en tour](#), and were told that one of the big trees had failed in the oldest section. It is the lovely one that has long shaded [Elizabeth Hollenbeck's](#) grave! We think it will survive, tho' diminished.



When he died earlier this year, L.A. Times reporter [Gregory Yee](#) was writing about community efforts to save [Walker's Cafe in San Pedro](#) from house flippers. In Wednesday's paper, Karen Garcia [finishes](#) that story, ending with a powerful quote from screenwriter Robert Towne on how preservation and *Chinatown* are one: Towne compared the preservation battle to what he called "the truly murderous act" at the center of his screenplay: "laying waste to

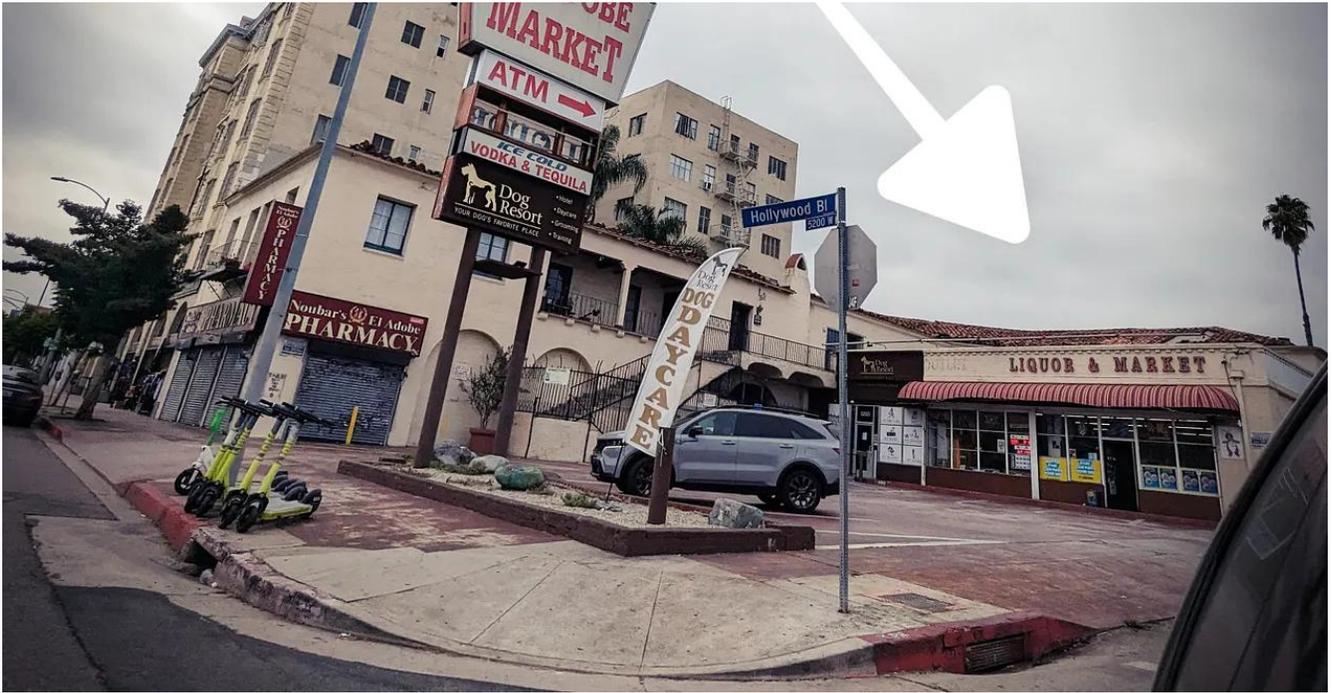
California's land and fragile communities as an incidental part of a respectable man's grand vision... The movie for me was always about returning to the places that stuck in my mind from my own childhood, and in doing so preserve them for the future. And so Walker's Cafe has been lighting up screens around the world for almost fifty years, and it would be a tragedy if San Pedro were to lose it."



Netflix announces 11/9 as re-opening day for the [Egyptian Theatre](#), which missed its own centennial. It's curious that in its own [promo film](#), there's no sign of the illegal LED billboard that Netflix seeks an exemption to install on the roof (next hearing is 10/24). How about just don't?

Because folks keep asking for it, copies of Kim's little [33 1/3 series book](#) about Neutral Milk Hotel's *In the Aeroplane Over The Sea* album are now available on the tour souvenir table, or by mail. It's an oral history of the alchemy of friendship.





A beautiful sight in Hollywood: the red roof tiles on [El Adobe Market](#) (Arthur R. Kelly, 1930) that were being offered free on Craigslist are getting replaced, after concerned citizens alerted Office of Historic Resources. We hope this is the new owner's last hare-brained idea!



www.esotouric.com/lincolnheightsjail

Councilwoman Eunisses Hernandez' misguided motion seeking to demolish the landmark Lincoln Heights Jail was much improved in committee, which [listened to our plea](#) and turned it into a [restoration and adaptive reuse motion](#) instead.



photo: Mike Callahan

Taix got tagged, [update](#): turns out painting amateur supergraphics on the facade of a Los Angeles landmark is a [code violation](#)! We're asking the city press for the half timbering to be re-painted a contrasting color and the bougainvillea replanted.



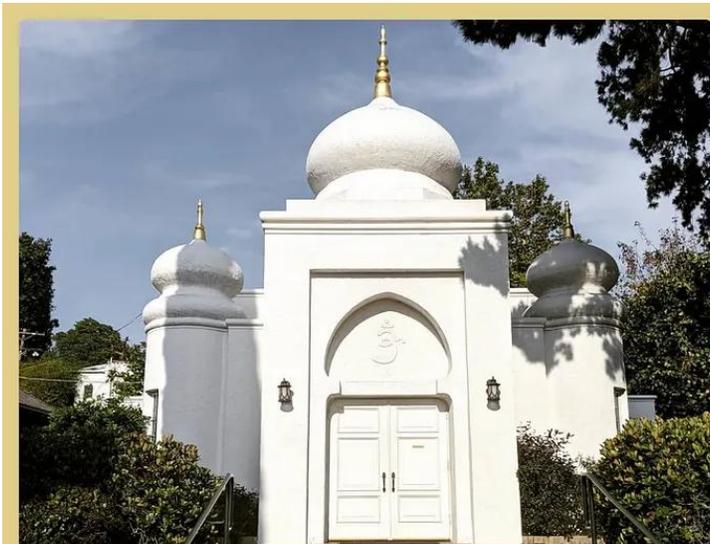


Due to civic incompetence, the effort to protect [Cornelius Johnson's Olympic Oak](#) as a monument to a black athlete who thumbed Hitler's nose comes to this: new owner gets an instant building permit, piles crap all over the tree. Is it alive under there? Tonight in an opening at the Mackey Apartments, artist Christian Kosmas Mayer [unveils](#) a young oak grown from its acorn collected in better days.

Richard Neutra's Jardinette Apartments: [modernist masterpiece](#) getting a sensitive restoration... or 43 [blighted](#) long empty RSO units abusing Mills Act tax credits?

Los Angeles is full of empty, boarded up historic buildings. This month, 906 S. Ardmore (1913) in Koreatown [burned](#) with two people inside. We [documented the aftermath](#) and call out the city "leaders" who don't have the guts to do something. We have enough housing right now. Use it!

After last year's sketchy closure of the Griffith Park Pony Rides concession, the city has hired Placeworks to [produce a report](#) on what belongs in the historic stables. Let them know it is what's always been there, beloved by generations of L.A. kids!



MOTION

PUBLIC WORKS

The Vedanta Temple of the Vedanta Society of Southern California has graced the Hollywood Dell neighborhood of Los Angeles since 1938, offering spiritual sanctuary and inspiration to Angelenos for nearly 100 years. Created in 1929 by Swami Prabhavananda, the Society's spiritual foundations were established earlier by Swami Vivekananda during his visit to Los Angeles in 1899-1900. These ideals originate from the universal message of Vedanta, as lived fully by Vivekananda's teacher, Sri Ramakrishna Paramahansa, the great Hindu sage of India.

At the southeast corner of the intersection of Vedanta Place and Vedanta Terrace in the Hollywood Dell neighborhood of Council District 4 is the beautiful Vedanta Temple compound, which includes a bookshop, library, and monastery. The site has grown as an inclusive and welcoming opportunity for locals and visitors to Los Angeles to enjoy the rich cultural history, quiet spiritual environment, and unique architecture of the property.

Over the years, the Vedanta Society has influenced American culture, drawing notable intellectuals and artists as well as spiritual seekers of all faiths. The organization also publishes world-renowned books, such as the acclaimed translation of the Bhagavad Gita by Swami Prabhavananda and Christopher Isherwood. Author-philosophers Aldous Huxley and Gerald Heard were frequent guests and noted speakers at the temple. Well-known personalities like Greta Garbo, Somerset Maugham, Beulah Bondi, and King Vidor were also often in attendance.

We recognize the value of diversity and celebrate the communities who make our district so unique. The Vedanta Society of Southern California's Hollywood Temple and site is a hidden gem within Council District Four.

I THEREFORE MOVE, that the intersection at Vedanta Place and Vedanta Terrace in the Hollywood Dell be named as "Vedanta Square" and that the Department of Transportation be directed to erect permanent ceremonial signage to this effect at this location.



PRESENTED BY: *Nithya Ramam*
NITHYA RAMAM
Councilmember, 4th District

SECONDED BY: *Shelley Galt*

PK OCT 11 2023 ORIGINAL

Something new to look out for on our next [Franklin Village walk](#): the city of Los Angeles is poised to recognize Hollywood's rich history of nurturing esoteric spiritual and literary communities as it moves to erect a [Vedanta Square sign](#).

Santa Ana City Hall is [in crisis](#) and we've got public records about its plans to kill the national champion *Ficus drupacea* [Parrot Tree](#) next to the main library. Scroll down for Dr. Don Hodel's thoughts on a flimsy plan and how the city can do better. Meanwhile, what have they [done](#) to the Old Courthouse magnolia?



[16930 West Tupper](#) is an adorable 1955 Swiss chalet ranch [listed on Survey LA](#). Uninhabited, full of chemicals, it [burned in a marijuana grow fire](#). The home appears to be owned by a lawyer(!) in Foster City. Confidential to neighbors: if water is pouring uncontrollably down the street from an empty house and flooding yours, and when you pound on the door someone pops up on a Ring camera and says they'll take care of it, and you smell weed, file with code enforcement and a fire might be averted.

A literal and figurative scoop: Eater LA [gets inside](#) the Thrifty ice cream factory in El Monte's industrial district. With Rite-Aid's corporate bankruptcy putting this sweet treat's distribution in question, we'd hate to see it melt away like [Balian](#) did.

Empty Los Angeles [recently fretted](#) the city owned bungalow at 5510 S. Manhattan not be sold to "some developer with friends in City Hall." A [special meeting](#) on 10/20 aims to sell this cutie and another to Wicks Investments, cheap!



Ozzy deserves all the love he can get, but the [Peabody-Werden House](#) deserves more than being a static canvas for graffiti bombers in the heart of Boyle Heights. "Saved" by getting moved across the street, nonprofit owner ELACC needs to come up with a preservation plan!

It's astonishing that no L.A. media will cover [Brittany Stillwell's lawsuit](#) which explicitly blames vice activities in the Hope+Flower tower for the death of Heidi Planck, even while [devoting evening news time](#) to the digital billboards Planck's friends have installed around town. Only [The Sun](#) will touch it (our [Human Sacrifice tour](#) on 12/26 does, too). News deserts are semi-immune to Missing White Woman Syndrome.

Cheers to preservation pal James Dastoli, whose landmark nomination for 119 N. Larchmont has been [welcomed](#) by the building's new owner, jeweler David Lee. Good stewardship is rare, and we hope it's contagious.

Via Seamus Hughes' Court Watch, it's the [wild west in the 818](#), with stolen Green Ghost photo ops, unregulated novelty contact lenses, creeping storefronts. Accept no imitations: the [OG Halloweentown Store](#) is on Burbank's Retro Row.

R.I.P. EDWARD H. HOLLENBECK RESIDENCE
436 S. BOYLE AVE. (1906-2023)

LEFT VACANT & OPEN

BURNED 3-21-23

436 S BOYLE AVE

Parcel Profile Report: 1

Permit Information found: 0

Code Enforcement Information: 5

Date Received	Problem Description	Status
12/16/2009	PRO-ACTIVE CODE ENFORCEMENT	CLOSED
3/6/2023	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
3/7/2023	MISCELLANEOUS COMPLAINTS	CLOSED
3/8/2023	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	UNDER INVESTIGATION
3/17/2023	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED

Certificate of Occupancy Information: 0

ROADWAY FLOODING
101 SOUTH AT THE 5 FREEWAY

BREAKING NEWS

DRIVE TIMES | [ktna.com](#) | 101 NB -- 110 TO THE 170: 59 mph - 10 minutes | [ktna.com](#) | 15 N | 51° | 5:27A

On Empty Los Angeles: an important story from Boyle Heights, about a [vacant Craftsman house](#) subject to terrifying repeat arson fires and looting. A dog was poisoned, copper wire stolen, and the city did *nothing* as neighbors feared for their lives. We were asked by the neighbors to help secure the vacant, potential National Register Edward Hollenbeck home before the first fire broke out. We used all our policy tools and relationships we've build in the city. Nothing worked. No one could/would stop this slow motion disaster until demolition was the only choice. We can all learn from the neighbor's story: if this happens near you, mow the missing neighbor's lawn and put a battery powered light on a timer on their property!

Case Number: LACBA515782-01
 Defendant Name: PRICE, CURREN DE MILLE JR
 Violation Date: January 1, 2017
 Filing Date: June 13, 2023
 Courthouse: Clara Shortridge Foltz Criminal Justice Center

**CURREN PRICE'S DOCKET
 HAS BEEN WIPED CLEAN!**

Case Information Events Bail

Criminal Case Summary

Case Number: LACBA515782-01
 Defendant Name: PRICE, CURREN DE MILLE JR
 Violation Date: January 1, 2017
 Filing Date: June 13, 2023

Upcoming Scheduled Events

None

Past Events

Courthouse: Clara Shortridge Foltz Criminal Justice Center

Case Information

Events

Bail

No Information Found

WHAAAAA...?!

Date	Time	Location	Dept/Room Number	Events
June 13, 2023	08:30 AM		CLK	DOCKET LINE ENTRY
July 13, 2023	08:30 AM	Clara Shortridge Foltz Criminal Justice Center	030	ARRAIGNMENT
August 24, 2023	08:00 AM		CLK	DOCKET LINE ENTRY
August 28, 2023	08:30 AM	Clara Shortridge Foltz Criminal Justice Center	030	ARRAIGNMENT AND PLEA
October 12, 2023	09:00 AM	Clara Shortridge Foltz Criminal Justice Center	030	DOCKET LINE ENTRY
October 13, 2023	08:30 AM	Clara Shortridge Foltz Criminal Justice Center	030	ARRAIGNMENT AND PLEA

Something weird is happening with the criminal case against [Councilman Curren Price](#): it has *vanished* from the Superior Court docket! Even as he [solicits contributions](#) for his legal defense, and with the ink still wet on his [demurrer](#).



18 Likes · 4 Restacks

1 Comment



Write a comment...



Barbara Klein Writes Barbara's Substack Oct 20

Enlightening corruption and greed never die

♡ LIKE (2) 💬 REPLY ↗ SHARE



Communication from Public

Name: Preserve LA Neighborhoods
Date Submitted: 10/24/2023 12:15 PM
Council File No: 14-1635-S10
Comments for Public Posting: Please see attached.



October 24, 2023

Los Angeles City Council
Via email/Council File Management System

Re: October 4, 2023 Planning Department Enforcement Analysis of The Home-Sharing Ordinance (CF 14-1635-S10)

Dear Councilmembers,

Preserve LA Neighborhoods (PLAN) is a coalition of neighborhood groups representing hundreds of thousands of Angelenos formed to address the City on the topic of short-term rentals.

We welcome the report provided by City Planning. It recognizes many of the challenges of the current system and makes good recommendations for some critical improvements. We believe that it does not go far enough.

We are now a number of years into the “sharing economy” and have learned many lessons about how that operates. Cities all over the world are grappling with the effect that short-term rentals have on their housing markets. With this report done and submitted, Los Angeles has a unique opportunity to take a step back and remake the short-term rental program to further the goals of the original program, which was meant to benefit all Angelenos. We urge Council to fund a full revision of this program.

Our observations indicate that the current regime benefits speculators and corporate entities - many out-of-state and foreign - above all, and the program is a burden on the budget. Everyday Angelenos are being asked to put money in the pockets of those who are claiming to live at residences where they don't actually reside.

The ability to use a residence as a short-term rental is a privilege, not a right, therefore the allowance of short-term rental should meet strict criteria showing benefit to the City.

These are the minimum basic requirements any short-term rental program should meet:

- The program must be designed to have a negligible effect on long-term housing stock in all areas of the market.
- The program must be revenue-positive or revenue-neutral, with fees and fines that are in line with actual costs of administering the program.
- Calculations of revenue loss by hotels must factor into any determination of the benefits of a short-term rental program. Further, any potential downward pressure on hotel worker wages that is associated with this revenue loss must be considered as well.
- Enforcement must be provided at a level that provides a deterrent effect.

Below are our specific comments on the report.

Report Analysis

We believe that the number of non-compliant listings is far larger than reported. Insideairbnb.com reports over 22,000 listings on Airbnb alone. While many seem to restrict bookings to longer stays, the report acknowledges that in practice many of these properties are being rented off-platform for short stays. VRBO has additional listings. Local websites have hundreds more.

Procedures laid out for enforcement are ineffective for removing non-compliant properties from the market. No recourse exists to dispute the primary residency claims of permit-holders, and in many of our neighborhoods patently false representations are rampant.

Further, the citation-based system is not working as an enforcement tool. Current staffing levels at LAPD, LADBS, and other departments are not at a high enough level to allow for the writing of citations. When LAPD responds to parties, their goal is compliance and not punishment so a party house citation will almost never be written, even at a property with a history of nuisance activity. Finally, there have been cases when two citations have been issued to a property with a home sharing permit, and no action has been taken on the permit.

If the citation system were working to root out bad actors, at least one permit would have been suspended or revoked. This has not happened.

Additionally, much is made of the manner in which the Communications Decency Act restricts action on short-term rental websites. The

Communications Decency Act restricts a website's responsibility for speech posted by others. It therefore applies to sites like Airbnb and VRBO but should not apply where postings for rentals are put up by companies posting their own listings to their own websites. These entities are not platforms but brokers. Many operate in Los Angeles, and they can be subject to stricter regulation of content.

Enforcement Recommendations

We support all suggestions presented in the report. Consolidating the administration and enforcement efforts related to short-term rentals into a single department is entirely necessary. We believe that this new entity would benefit from a citizen oversight group, much like the Community Police Advisory Boards that works with LAPD.

With regard to fines, fines pegged to per-night rate for the duration of a non-compliant listing should be levied as the ordinance indicates. We do not understand why levying such a fine would necessitate daily work. The life of a listing can surely be tracked using data tools, including those already provided under the Granicus contract.

We offer the following additional feedback:

The home sharing complaint line is not operating as intended. The purpose of the home sharing complaint line was to ensure host accountability. Currently, the complaint line is set up to forward complaints to various City departments. It does not log complaints. The City, therefore, does not have an accurate picture of the number of complaints about any property. Complaints must be taken, logged, and there must be a consequence for hosts for receiving complaints.

There is no mechanism for getting those who fraudulently claim primary residency out of the system. Stricter documentation will help but neighbors know who lives next to them, and they certainly know when a total stranger has claimed primary residency. Neighbor evidence must be taken seriously.

The mechanism and criteria for initiating revocation proceedings must be made clear. There is no indication in the report about what might trigger a proceeding or how the process by which the decision to initiate a proceeding works.

A solution must be developed for listings that advertise as longer term rentals but in fact are booking short-term stays on or off-platform as well. Investigation, even spot investigation, of these types of listings, must be part of enforcement practice.

Note that the specific regulation related to listings in Very High Fire Hazard Severity Zones (VHFHSZs) - that no smoking may take place outdoors - is not addressed in the report and is entirely unenforced. Some listings in VHFHSZs even specify that smoking is allowed outdoors but not indoors. This presents a danger. Guests are unlikely to understand that they are in such a zone and may not know what is required. Not taking seriously the potential adverse impact of short-term rentals in Very High Fire Hazard Severity Zones risks public safety. No short-term rental program should do this.

Every element of the ordinance must have a realistic and reliable means of enforcement.

Enforcement practice must be set to a level that provides a deterrent effect. A complaint-based system of enforcement is unlikely to provide such an effect. The City must clamp down on non-compliant short-term rentals, which are still in abundant supply in order to eliminate bad actors.

The short-term rental market is a lucrative one. Bad actors will always try to circumvent regulations. Allowing cheating makes a joke of the law and erodes public confidence in the system. That is what has happened in this case.

Future Legislation:

Preserve LA Neighborhoods supports all suggestions for future legislation: prohibiting short-term rentals in ADUs and all properties with any RSO units, ending extended home sharing, and increasing fines for non-compliance. We believe, however, that the ordinance needs a much more comprehensive revision.

Unhosted, whole-house rentals present the vast majority of problems we experience. We believe that in our neighborhoods, the majority of permits for these rentals are held by people who are not truly living in the location. They have merely provided the documentation required. These are the sites of nuisance activity and crime, and these are the residences that are entirely off the long-term housing market. Home sharing is not what is occurring at these rentals. As a side note, any program that includes these rentals should not be called a home-sharing program.

Even when a short-term rental runs relatively smoothly, vacation activities are generally incompatible with neighborhood norms. For example, talking loudly and/or playing music late at night on an outdoor patio is routine behavior for vacationers at a whole house rental. This can be disturbing for neighbors, particularly night after night, and vacationers are not especially interested in complying with neighborhood norms.

Hosted rentals of a room or rooms in a residence - actual home sharing - do not represent much of a problem.

Following are our suggestions for inclusion in any new legislation.

- Only hosted rentals should be allowed in residential zones and especially in Very High Fire Hazard Severity Zones.
- If unhosted rentals are permitted in residential zones, neighbors within a reasonable radius must be notified of such rental and be given the opportunity to provide feedback.
- Disallow or restrict allowable nights for whole-house rentals when the permit-holder is a renter.
- Evidence of adequate liability coverage for home sharing activity must be submitted with any permit application. What is provided by Airbnb is insufficient.
- The City must reserve the right to enter short-term rentals.
- Safety and compliance inspections must be part of the program. No short-term rental should be less safe than a hotel is required to be. Horror stories about deaths due to unsafe short-term rentals abound.
- Density protections should be provided. Having too many short-term rentals in close proximity fractures neighborhoods.
- Short-term rental permits should expire when ownership or occupant changes.
- The maximum number of guests should be reduced to two per legal bedroom.
- Allowable nights should be reduced to 90 at most.
- Outdoor speakers should be prohibited.
- Criminal penalties for hosts for egregious criminal activity in short-term rentals should be added to City code.
- No short-term rental permit should be issued in the first 3 years after a certificate of occupancy is issued for a new residence or major remodel.

- All parties in the marketplace must be held responsible and regulated. This would include management companies and other service providers for short-term rental booking and operations, though obviously not service workers such as cleaners. Penalties for facilitating non-compliant activity at a short-term rental should be included.
- Film permits should not be issued at homes with short-term rental permits.

We understand that this is a long list, but each point is meant to address a specific problem, situation or potential situation. We are happy to elaborate on our experiences and ideas.

Thank you very much for your consideration.

Respectfully submitted,

Preserve LA Neighborhoods Steering Committee

Christina Binkley
The Oaks Neighborhood Association

Ellen Evans
Doheny Sunset Plaza
Neighborhood Association

Alexa Iles
Hollywood Dell Civic Association

Barbara Nichols
Benedict Canyon Association

PLAN participant organizations:

Bel Air Association
Bel Air Hills Association
Benedict Canyon Association
Beverly Wilshire Homes Association
Century Glen Neighborhood Association
Doheny Sunset Plaza Neighborhood Association
The Federation of Hillside and Canyon Associations, Inc.
Hollywood Dell Civic Association
Hollywood Heights Association
Hollywoodland Homeowners Association
Laurel Canyon Association
Los Feliz Improvement Association
Miracle Mile Residential Association
Nichols Canyon Neighborhood Association
The Oaks Neighborhood Association
Outpost Neighborhood Association
Park La Brea Residents Association
Sherman Oaks Homeowners Association
South Brentwood Residents Association
Westwood Hills Property Owners Association
Westwood South of Santa Monica Blvd. Homeowner's Association
Westwood Homeowners Association
Whitley Heights Civic Association

Communication from Public

Name: Jay Mack

Date Submitted: 10/24/2023 03:16 PM

Council File No: 14-1635-S10

Comments for Public Posting: The apartment next to me in Hollywood was leased 30 days ago and immediately flipped to an Airbnb. The city has denied the tenant a permit. Our property management company said the owners of our building are aware and choose to allow this as its their building and can rent however they like. Does the city not have any serious enforcement? This should be a home for someone in L.A. not the endless stream of tourists that now occupy it each week. SHAME.

Communication from Public

Name:

Date Submitted: 10/24/2023 03:54 PM

Council File No: 14-1635-S10

Comments for Public Posting: Our lives have been disrupted by an AirBnB property next door. It is like living next door to a hotel without any benefits. The city needs more housing for all income levels, not hotels for business purposes. I wonder how many residents are forced out of their long-term affordable housing so that their rentals can be converted into short-term housing. Where are the original residents supposed to live? Despite not being allowed to have parties, they have occurred and we have to suffer the consequences of loud events, crowds and cars. There was even a shooting on our street at a short-term property that was sub-rented to another individual. This is not acceptable. It burdens our police, too. Thank you.