

||

ORDINANCE NO. _____

An ordinance adding Article 6 to Chapter XVI of the Los Angeles Municipal Code to establish a City Funded Counsel for Tenants Program.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 6 is added to Chapter XVI of the Los Angeles Municipal Code as follows:

ARTICLE 6

CITY FUNDED COUNSEL FOR TENANTS ORDINANCE

SEC. 166.00. TITLE.

This article shall be known as the City Funded Counsel for Tenants Ordinance of the City of Los Angeles.

SEC. 166.01. DECLARATION OF PURPOSE.

The City of Los Angeles hereby declares that it intends to establish a City Funded Counsel for Tenants Program. Thousands of City residents each year face eviction proceedings without legal representation and are at serious risk of losing their housing and becoming homeless. The purpose of the City Funded Counsel for Tenants Program is to provide qualifying City residents with access to legal representation in eviction proceedings and in administrative proceedings that may result in the termination of a tenant's rental housing subsidy to the extent that annual budgets permit and appropriate funds for the Program.

This Ordinance does not establish a right to city funded counsel in eviction proceedings or in administrative proceedings that may result in the termination of a tenant's rental housing subsidy but rather codifies the City Funded Counsel for Tenants Program subject to the availability of funding and annual appropriations.

SEC. 166.02. DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

Department. The Los Angeles Housing Department and any successor department.

Eviction Notice. A notice that has the purpose of terminating a tenancy, however denominated. The term includes, but is not limited to, a notice described in California Code of Civil Procedure Section 1161(1)-(4) and California Civil Code Section 1946.

Landlord. An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who is entitled to offer a Rental Unit for rent, receive rent for the use or occupancy of a Rental Unit, or maintain an action for possession of a Rental Unit, or the agent, representative or successor of any of the foregoing.

Legal Proceeding. This term means either of the following: (1) an unlawful detainer proceeding or equivalent proceeding to terminate a tenant's right to possession of a rental unit; or (2) an administrative proceeding concerning a tenant's rental housing subsidy that may result in the termination of the subsidy. This term does not include an appellate proceeding or a proceeding for judicial review of an administrative agency's determination with respect to termination of a rental housing subsidy.

Legal Representation. This term means legal services to a qualifying tenant (as specified in paragraph B of section 166.03), including both brief (limited scope) or full representation in a Legal Proceeding by a designated organization or attorney that is subsidized in whole or in part by any funds appropriated for the City Funded Counsel for Tenants Program. The term Legal Representation will include services agreed to between the qualifying tenant and counsel in connection with a proposed eviction or unlawful detainer proceeding such as reviewing Eviction Notices (including review of such notices served prior to the filing of a Legal Proceeding), preparing and filing responsive pleadings and motions, appearing on behalf of the defendant or respondent tenant in court or administrative forum, and providing legal advice.

Rental Unit. This term refers to all dwelling units, efficiency dwelling units, guest rooms, and suites, as defined in Section 12.03 of this Code, all housing accommodations as defined in Government Code Section 12927, all duplexes, condominiums and single-family homes in the City of Los Angeles, rented or offered for rent for living, dwelling and/or human habitation purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings, and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term includes all rental units owned, operated, or managed by the Housing Authority of the City of Los Angeles ("HACLA"). This term shall also include mobile homes, whether rent is paid for the mobile home and the land upon which the mobile home is located, or rent is paid for the land alone. Further, it shall include recreational vehicles, as defined in California Civil Code Section 799.29, if located in a mobile home park or recreational vehicle park, whether rent is paid for the recreational vehicle and the land upon which it is located, or rent is paid for the land alone.

Tenant. A tenant, subtenant, lessee, sublessee or any other person entitled to use or occupancy of a Rental Unit.

SEC. 166.03. CITY FUNDED COUNSEL FOR TENANTS PROGRAM.

A. Subject to availability of unencumbered funds and subject to the annual appropriation of the necessary funds by the Mayor and City Council (which appropriation remains in the sole and absolute discretion of the Mayor and City Council), the Department shall establish and operate a City Funded Counsel for Tenants Program to connect tenants who qualify under paragraph B. of this Section 166.03 to counsel for Legal Representation. The availability of counsel for tenants is also subject to all the terms and conditions of the City Funded Counsel for Tenants Program established by the Department and to the availability of participating counsel.

The City Funded Counsel for Tenants Program shall provide Legal Representation to a tenant facing Legal Proceedings who (1) resides in the City of Los Angeles, (2) earns at or below 80 percent area median income for the Los Angeles Metropolitan Area as determined by HUD's income limits for Los Angeles current at the time of the tenant's request for counsel, and (3) does not reside in the same dwelling unit as their landlord. Legal Representation to a tenant who qualifies shall be available as soon as reasonably practicable after the tenant is served with an Eviction Notice, an unlawful detainer complaint, or a notice of hearing regarding a tenant's rental housing subsidy. Legal Representation in an unlawful detainer matter shall last until at least such time as the eviction notice or unlawful detainer complaint is withdrawn, the case is dismissed, a judgment in the case is entered, or a post-judgment motion for stay of eviction or relief from forfeiture has been ruled upon by the trial court.

B. **Notice of City Funded Counsel for Tenants Program.** The Department shall develop and publish an informational notice advising tenants of the City Funded Counsel for Tenants Program (the "CFCT Notice"). A landlord shall provide to the tenant a copy of the CFCT Notice in the tenant's primary language at the commencement of the tenancy. A landlord shall serve a copy of the CFCT Notice in the tenant's primary language with any Eviction Notice served on the tenant and with any notice or correspondence served by the landlord on the tenant pertaining to an administrative proceeding that may result in the termination of the tenant's rental housing subsidy.

C. **No Private Cause of Action.** This article does not create any private cause of action against the City of Los Angeles arising from or relating to legal services or Legal Representation provided under the City Funded Counsel for Tenants Program or arising from or relating to any delay or denial of legal services or Legal Representation under the City Funded Counsel for Tenants Program. Notwithstanding any other provision of law, no attorney-client relationship is established between any tenant, including any qualifying tenant, and the City of Los Angeles by way of the provision of Legal Representation under this article or otherwise. The attorney-client

relationship, privilege and any liability rests exclusively between the qualifying tenant and the designated city funded attorney.

SEC. 166.04. REMEDIES.

In any action by a landlord to recover possession of a Rental Unit, the tenant may raise as an affirmative defense the failure of the landlord to provide a copy of the CFCT Notice with the service of the Eviction Notice on the tenant.

SEC. 166.05. SEVERABILITY.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By Peter Walford
PETER WALFORD
Deputy City Attorney

Date April 9, 2024

File No. _____

""M:\Housing\LAHD\Walford\Ordinances\City Funded Counsel for Tenants Ordinance\City Funded Counsel for Tenants Program Ordinance (rev 2024.4.7).docx"

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____