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May 26, 2020

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

Re: Opposition to Self-Storage Auction Motion, unless amended;  
[File No.: 20-0472](#) - Authored by Councilmember David Ryu

Dear Honorable Members,

I'm a bibliophile, phillumenist and ephemera collector under *Richard Hopp v. City of Los Angeles* (2010) 183 Cal. App. 4th 713; *Richard Hopp v. City of Los Angeles* (Super. Ct. LA County Nov. 13, 2008, BC401887) Stipulation for Entry of Judgment and Judgment, Jan. 18, 2012). *Hopp* is a case of first impression to define "business" and "dealer" at the appellate level vis-à-vis a stakeholder collecting, buying and acquiring secondhand goods and tangible personal property, including participating as a self-storage auction bidder. *Cf.*, Cal. Bus. & Prof. Code, §§ 21500, 21627.

As a stalwart self-storage auction-goer, the personal opposition is related towards the silent and scant *good faith purchaser* definition in LAMC § 49.85.1 that conflicts with a competing state statute. Cal. Bus. & Prof. Code, § 21711. The motion unwittingly imperils a good faith purchaser to unforeseen liability and unlawful mandates. *John Nist v. Steven Hall*, 2d Civil No. B284606 (Cal. Ct. App. May. 31, 2018). (emphasis added). Although, Cal. Bus. & Prof. Code, § 21712 precisely governs the relationship of the storage facility owner and occupant. *Halliburton v. Stadium Props., LLC*, B284848 (Cal. Ct. App. Mar. 22, 2019).

Adequate clarity is a prerequisite so that a good faith purchaser is neither implicated, incriminated, filed against nor subject to an administrative citation

(LAMC § 49.85.3), criminal prosecution, unfair business practices (Cal. Bus. & Prof. Code, § 17200 et seq.), and exposed to third party claims. Inconstant and conflicting laws cannot subsist and persist. *Broughton v. Cigna Healthplans of California*, 21 Cal.4th 1066, 90 Cal. Rptr. 2d 334, 988 P.2d 67 (Cal. 1999)

The nominal settlement of LAMC § 49.85.1 is bifurcate the section into subsections. The proposed amended language and the additional language underlined to read:

SEC. 49.85.1. DEFINITIONS.

- A. The following words and phrases, whenever used in this article, shall be construed as defined in Section 21701 of the California Business and Professions Code: “occupant,” “owner,” “personal property,” “rental agreement,” and “self-service storage facility.” “Local emergency period” is the period of time from March 4, 2020, to the end of the local emergency as declared by the Mayor.
- B. This article shall not apply to section 21711 of the California Business and Professions Code.

Thank you for your consideration of this letter. You can reach Richard Hopp at (818) 902-0532 or email: [Mail@MrHopp.com](mailto:Mail@MrHopp.com) to discuss further.

Very truly yours,



Richard Hopp

Attachment

cc: City Council Members  
Office of Mayor Eric Garcetti: Carlos Singer, Legal Counsel; Skyler Gray, Deputy Legal Counsel; Greg Good, Chief of Legislative & External Affairs; Reuben Wilson, General Counsel; Rachel Teitelbaum, Attorney  
City Attorney’s Office: David Michaelson, Chief Assistant City Attorney; Soraya Kelly, Deputy City Attorney

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Office of the City Clerk, City of Los Angeles

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**Council File Number**

[20-0472](#)

**Title**

Coronavirus Pandemic Emergency / Rented Storage Units / Storage Lease Default / Confiscation of Stored Property / Individual Belongings / Ordinance

**Last Change Date**

05/22/2020

**Expiration Date**

05/22/2022

**Reference Numbers**

City Attorney Report: R20-0148

**Mover**

DAVID E. RYU

**Second**

MONICA RODRIGUEZ

**Action History for Council File [20-0472](#)**

**Date**

**Activity**

05/22/2020 City Clerk scheduled item for Council on May 27, 2020.

05/21/2020 City Attorney document(s) referred to Council.

05/21/2020 Document(s) submitted by City Attorney, as follows:

City Attorney report R20-0148, dated May 21, 2020, relative to a draft Ordinance amending the Los Angeles Municipal Code to provide temporary protection for occupants of self-service storage facilities during the COVID-19 pandemic.

05/13/2020 Council action final.

05/13/2020 Council adopted item, as amended, forthwith.

05/08/2020 City Clerk scheduled item for Council on May 13, 2020.

04/23/2020 Public Safety Committee waived consideration of item .

04/22/2020 Motion document(s) referred to Public Safety Committee.