

Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

**REPORT NO. R24-0089**  
**Feb. 26, 2024**

**REPORT RE:**

**DRAFT ORDINANCE AMENDING SECTION 165.11 OF ARTICLE 5 OF CHAPTER XVI OF THE LOS ANGELES MUNICIPAL CODE TO CLARIFY THAT THE EVICTION PROTECTIONS FOR TENANTS AWAITING DISBURSEMENT OF RENTAL ASSISTANCE PAYMENTS FROM THE CITY OF LOS ANGELES UNITED TO HOUSE LOS ANGELES EMERGENCY RENTERS ASSISTANCE PROGRAM APPLY TO TENANTS OF RENTAL UNITS SUBJECT TO THE RENT STABILIZATION ORDINANCE (“RSO”) AND TENANTS OF RENTAL UNITS NOT SUBJECT TO THE RSO; AND THAT THE EVICTION PROTECTIONS ARE RETROACTIVE**

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

Honorable Members:

This Office now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, amending the recently added Section 165.11 (added by Ordinance No. 188109, effective date, February 7, 2024). This draft ordinance, if adopted, makes technical amendments to Section 165.11 to clarify that: (1) the eviction protections apply to tenants of rental units subject to the Rent Stabilization Ordinance (“RSO”), as well as to tenants of non-RSO rental units; and (2) the protections of Los Angeles Municipal Code (LAMC) Section 165.11 are retroactive.

**Textual Additions to the Current LAMC Section 165.11**

The draft ordinance adds two sentences to the current text of Section 165.11. The following sentence is added to the end of the first paragraph of the current text of Section 165.11:

“Notwithstanding Section 165.04(A), the protections of this section shall apply to tenants of rental units subject to the Rent Stabilization Ordinance (“RSO”) and to tenants of rental units not subject to the RSO.”

The following sentence is added to the second paragraph of the current text of Section 165.11:

“The protections of this section shall be retroactive and to the extent permitted by applicable law a tenant may assert a Landlord’s failure to comply with this section as a defense in any action to recover possession of real residential property filed before February 7, 2024, as well as in any such action filed on or after said date.”

### CEQA Findings

This Office recommends that the City Council find that the adoption of this draft ordinance is exempt from the California Environmental Quality Act (CEQA) through Section 15061(b)(3) of the State CEQA Guidelines and Article II, Section 1 of the City CEQA Guidelines. If you concur, you should adopt this finding prior to or concurrent with taking action on this draft ordinance.

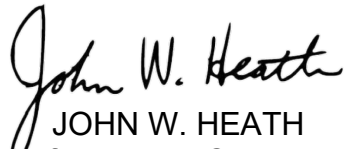
### Council Rule 38 Referral

Pursuant to Council Rule 38, concurrently with this transmittal, a copy of the draft ordinance will be sent to the Los Angeles Housing Department, with a request that any comments be transmitted directly to Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Peter Walford at (213) 922-8374. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By   
JOHN W. HEATH  
Chief Assistant City Attorney

JWH:PW  
Transmittal