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CITY ATTORNEY

REPORT NO. R 22 - 0 3 8 3
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REPORT RE:

DRAFT ORDINANCE ADDING ARTICLE 5 TO CHAPTER XVI OF THE LOS ANGELES MUNICIPAL CODE PROHIBITING TERMINATIONS OF TENANCIES WITHOUT JUST CAUSE AND REQUIRING RELOCATION ASSISTANCE FOR NO-FAULT EVICTIONS, AS SPECIFIED; AMENDING THE RENT STABILIZATION ORDINANCE'S PROVISIONS ON RESIDENT MANAGER EVICTIONS, TENANT NOTIFICATIONS, AND RELOCATION ASSISTANCE; AND REPEALING DUPLICATIVE OR EXPIRED PROVISIONS OF THE LOS ANGELES MUNICIPAL CODE RELATING TO EVICTIONS

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

Council File Nos. 17-0454 and 21-0042-S3

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance. The draft ordinance requires evictions to be based on just cause for residential rental property in the City of Los Angeles, as specified.

Summary of Draft Ordinance

According to the City Council's instructions and amending motions dated October 4, 2022, the draft ordinance prohibits evictions without a just cause, as defined in the draft ordinance, which would apply to properties that are not already regulated by the City's Rent Stabilization Ordinance. The draft ordinance would also require payment of

relocation assistance to tenants evicted for a “no fault” reason, such as for demolition or conversion of property to other uses.

As instructed, this Office has worked with the Los Angeles Housing Department to prepare the draft ordinance so that it would require substantially the same “just cause” eviction protections as those under the Rent Stabilization Ordinance, Los Angeles Municipal Code Section 151.09. The draft ordinance also reconciles existing eviction protections in the Los Angeles Municipal Code and the Tenant Protection Act of 2019 (Assembly Bill 1482), codified in California Civil Code Sections 1946.2, 1947.12, and 1947.13, which generally applies to rental properties 15 years or older. The draft ordinance also repeals duplicative or expired provisions of the Los Angeles Municipal Code relating to evictions, including Article 14.1 of Chapter IV pertaining to foreclosed properties, Article 14.5 of Chapter IV pertaining to temporary prohibitions on no-fault evictions, and Chapter 18 of Chapter IV pertaining to evictions for substantial remodeling work.

Pursuant to City Council’s instructions, the draft ordinance also amends the Rent Stabilization Ordinance to require eviction notices be filed with the Los Angeles Housing Department, allow unpaid rent to be deducted from relocation assistance, and restrict residential manager evictions, as specified.

To provide the Los Angeles Housing Department and the public with time to implement and comply with the framework in the draft ordinance, this draft ordinance also includes an urgency clause.

Report on Motion 13E (Blumenfield-Lee), Council File 21-0042-S3

Motion 13E (Blumenfield-Lee) dated October 4, 2022, requested a report from the Los Angeles Housing Department and City Attorney concerning a draft just cause ordinance: (a) the length of tenancy required to trigger just cause protections; and (b) whether to create an exemption for owner-occupied two or three unit properties.

With respect to length of tenancy, the Los Angeles Housing Department recommended that the draft ordinance mirror State law, California Civil Code Section 1946.2, to clarify that the just cause provisions apply when tenants have resided in rental property for at least 12 months. The draft ordinance also provides exceptions for transient occupancies, consistent with the Rent Stabilization Ordinance.

As to whether to provide additional exemptions, that is a policy decision for the City Council. Under the Tenant Protection Act of 2019, Assembly Bill 1482, State law does not apply just cause protections to the following properties:

- Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms,

including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

- A duplex in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy.

Cal. Civil Code Section 1946.2(e)(5), (6). Should the City Council also wish to adopt these exemptions, this Office would transmit a revised draft ordinance.

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 the City Council's instructions, this Office consulted with the Los Angeles Housing Department to prepare the draft ordinance.

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 Elaine Zhong at (213) 922-7715. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:EZ:pj
Transmittal