



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R25-0126
MAR. 13, 2025

REPORT RE:

**REVISED DRAFT ORDINANCE ADDING ARTICLE 6 TO CHAPTER XVI
OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH A
RIGHT TO COUNSEL PROGRAM**

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

Council File No. 18-0610-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 revised draft ordinance, which supersedes the draft ordinance transmitted by this Office on October 31, 2024 (City Attorney Report No. R24-0550). The revised draft ordinance, if adopted, would add Article 6 to Chapter XVI of the Los Angeles Municipal Code in order to codify a Right to Counsel Program that will be administered by the Los Angeles Housing Department.

The revised draft ordinance reflects the changes that the City Council requested at its December 6, 2024 meeting. In addition, this Office has made minor technical revisions to Section 166.01 and Subsections 166.03.B(2) and (3) for consistency with the City Council's requested changes. This Office has also made proposed minor technical revisions to several definitions in Section 166.02 for readability and clarity. A definition of "Eviction Defense Program" has been added for this purpose. This Office has added an attorney's fees provision as the last sentence in Section 166.04. If adopted, the proposed attorney's fees provision would strengthen the remedies for non-

compliance and any amounts recovered would be available to partially reimburse program costs. If the City Council did not intend for an attorney's fee provision to be included, the provision can be easily removed.

This Office also notes that as currently drafted the affirmative defense set forth in Section 166.04 would be available to any tenant, irrespective of whether they are eligible for legal services as a "Covered Tenant" under the revised draft ordinance. For example, both covered and non-covered tenants could allege that a landlord failed to comply with the notice provisions of the ordinance. This Office assumes that the City Council intends for the remedies to be available to all tenants, whether covered or not. However, if the City Council intends to limit this affirmative defense under the ordinance to covered tenants only, then it would be a simple matter to make the necessary changes.

CEQA Findings

This Office recommends that the City Council determine, based on the whole of the administrative record, that the adoption of this revised draft ordinance is exempt from the California Environmental Quality Act (CEQA) through Section 15061(b)(3) (common sense exemption) of the State CEQA Guidelines and Article II, Section 1 of the City's CEQA Guidelines, and that none of the exceptions under CEQA Guidelines Section 15300.2 apply. If the City Council concurs with the CEQA analysis, it should adopt these CEQA determinations prior to or concurrent with its action on the ordinance. This Office also recommends that the City Council direct the Los Angeles Housing Department to file Notices of Exemption with the County Recorder's Office following the adoption of the revised draft ordinance.

Council Rule 38 Referral

Pursuant to Council Rule 38, concurrently with this transmittal, a copy of the revised 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