



clerk CIS <clerk.cis@lacity.org>

Your Community Impact Statement Submittal - Council File Number: 18-0610-S3 - Agenda Item Number: 9

1 message

LA City SNow <cityoflaprod@service-now.com>

Wed, Nov 20, 2024 at 1:01 AM

Reply-To: LA City SNow <cityoflaprod@service-now.com>

To: Clerk.CIS@lacity.org

Cc: cdower@midcitywest.org

A Neighborhood Council Community Impact Statement (CIS) has been successfully submitted to your Commission or City Council. We provided information below about CISs and attached a copy of the CIS.

We encourage you to reach out to the Community Impact Statement Filer to acknowledge receipt and if this Community Impact Statement will be scheduled at a future meeting. Neighborhood Council board members are volunteers and it would be helpful if they received confirmation that you received their CIS.

The CIS process was enable by the to Los Angeles Administrative Code §Section 22.819. It provides that, "a Neighborhood Council may take a formal position on a matter by way of a Community Impact Statement (CIS) or written resolution." NCs representatives also testify before City Boards and Commissions on the item related to their CIS. If the Neighborhood Council chooses to do so, the Neighborhood Council representative must provide the Commission with a copy of the CIS or rResolution sufficiently in advance for review, possible inclusion on the agenda, and posting on the Commission's website. Any information you can provide related to your agenda setting schedule is helpful to share with the NC.

If the CIS or resolution pertains to a matter *listed on the Commission's agenda*, during the time the matter is heard, the designated Neighborhood Council representative should be given an opportunity to present the Neighborhood Council's formal position. We encourage becoming familiar with the City Councils rules on the subject. At the Chair's discretion, the Neighborhood Council representative may be asked to have a seat at the table (or equivalent for a virtual meeting) typically reserved for City staff and may provide the Neighborhood Council representative more time than allotted to members of the general public. They are also permitted up to five (5) minutes of time to address the legislative body. If the CIS or resolution pertains to a matter *not listed on the agenda*, the designated Neighborhood Council representative may speak during General Public Comments.

We share this information to assist you with the docketing neighborhood council items before your board/commission. If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at empowerla@lacity.org.

***** This is an automated response, please DO NOT reply to this email. *****

Contact Information

Neighborhood Council: Mid City West

Name: Chris Dower

Email: cdower@midcitywest.org

The Board approved this CIS by a vote of: Yea(25) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 06/11/2024

Type of NC Board Action: For if Amended

Impact Information

Date: 11/20/2024

Update to a Previous Input: Yes

Directed To: City Council and Committees

Council File Number: 18-0610-S3

City Planning Number:

Agenda Date: 11/20/2024

Item Number: 9

Summary: For: Housing and Homelessness Committee Reaffirms our support and requests that the proposed ordinance be amended to make compliance with the proposed notice requirement an element of a landlord's case-in-chief in an eviction action, rather than making failure to comply an affirmative defense that's waived unless properly alleged in court.



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June 11, 2024

25 yea; 0 nay; 0 abstain
Position: For if amended

To LA City Council:

The MCW Board has already voted to support [Council File 18-0610-S3](#), and we reiterate that support. However, we believe that the ordinance proposed by the City Attorney can be approved, and we hereby request that the proposed ordinance be amended in conformance with these views.

Specifically, Section 166.03(B) of the proposed ordinance provides for an informational notice advising tenants of the existence of the City Funded Counsel for Tenants program, and further requires that the landlord must serve this notice along with any Eviction Notice served on the tenant. We agree with this requirement.

However, the enforcement mechanism for this notice requirement can be improved. Specifically, Section 166.04 of the proposed ordinance makes the landlord's failure to comply with this notice requirement an affirmative defense to an eviction action. We ask that Section 166.04 be amended to make the landlord's compliance with the notice requirement an element of an

unlawful detainer claim against a residential tenant.

Here's why it matters. A court can only enforce an affirmative defense if that defense is formally alleged in an Answer to the Complaint. But tenants who do not receive notice of their right to a city-funded attorney often will simply default, or will file an answer that does not include this affirmative defense. In these cases, the tenants will unknowingly forfeit a legal defense that this

Council has decided they should have.

If, instead, compliance with the notice requirement is an element of the claim, the landlord will be forced to allege



compliance. If the tenant files an answer, the landlord also will be forced to prove compliance with the notice requirement. Under these circumstances, it is much more likely that the notice requirement will have real "teeth."

Finally, placing the burden of proof for this issue on the landlord is entirely fair, and will not appreciably add to a landlord's expense. In order to proceed in court, landlords must already file a proof of service affirmatively listing the documents served on the tenant. Adding one more document to the list that must be recited on the proof of service is an infinitesimal additional Burden.

We therefore request that Section 166.04 of the proposed ordinance be amended to state:

"In any action by a landlord to recover possession of a Rental Unit, the landlord must plead and prove that it provided a copy of the CFCT Notice with the service of the Eviction Notice on the tenant."

We further ask that the Council promptly adopt the proposed ordinance with this amendment.

Thank you for your consideration of this input.

Sincerely,

Mid City West Neighborhood Council