

Communication from Public

Name: Janet Gagnon

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Council File No: 18-0610-S3

Comments for Public Posting: See attached comment letter from Apartment Association of Greater Los Angeles.



"Great Apartments Start Here!"

Janet M. Gagnon
Senior Vice President, Government
Affairs & External Relations
janet@aagla.org
213.384.4131; Ext. 309

March 31, 2025
Via Electronic Mail

Council President Marqueece Harris-Dawson
and the Members of the Los Angeles City Council
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

Re: Right to Counsel Section 166.04 – Agenda Item 45

Hon. Council President Harris-Dawson and Members of the Los Angeles City Council:

The Right to Counsel program is an issue that has been thoroughly discussed by the City Council on multiple occasions. However, the City Attorney's Office took it upon themselves to make changes that were not requested nor discussed by City Council. These additions bring the entire program into disrepute by going far beyond what is fair and reasonable. We urge the City Council to reject these last-minute additions to Section 166.04 that did not follow the proper process with full debate.

Specifically, under Section 166.04, the definition an affirmative defense due to this new program goes far beyond the **"Covered Tenant"** defined as those renters with incomes at or below 80% of Area Median Income among other requirements. The City Attorney's changes now wrongfully encompass ALL renters by including the defined term "Tenant." This was an intentional overreach by the City Attorney's office per their accompanying report dated March 13, 2025. It makes no logical sense whatsoever to extend these protections, including notice of this program, to NON-Covered Tenants that cannot access the program based on its stated parameters. This is akin to requiring rental housing providers to provide notice of NON-existent hazards such as flooding in a non-flood plane location. In fact, such non-applicable notice could easily lead to confusion among renters regarding the true requirements of this new right to counsel program and lead to feelings of being purposefully mislead by the City. **We urge the City Council to revise this provision so that it only applies to Covered Tenants in accordance with the original intent of the City Council.**

In addition, under Section 166.04, the City Attorney's Office has also added a new, final sentence on its own volition. Based on this new language, the renter that is being legally represented based on payment from the City is now entitled to attorneys' fees. These fees are only appropriate when the party to the lawsuit is paying for their own attorney as financial damages. This language is now in direct conflict with



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Section 166.03 C that states that there is no attorney-client relationship between the Tenant and the City and that the attorney-client relationship is solely between the Covered Tenant and their attorney. This provision will now add layers of confusion as to what attorney-client privilege means and whether the attorney now in fact owes fiduciary duties to the City as well as the renter and could seriously undermine legal representation that is being provided. Further, it will add unnecessary confusion to the tracking of the costs related to this specific program as well as tracking of these attorneys' fees to ensure that it is indeed returned to the City as the entity actually paying for those services.

It is astounding that such unwarranted complications are being proposed by the City Attorney without any instructions from the City Council itself to do so. It is particularly troubling to see such unnecessary confusion being injected when this is a brand-new program, and the City Council is already making major efforts to streamline the City's budget process. We urge the City Council to remove this new language prior to passing the revised ordinance.

Thank you for your time and consideration. Please feel free to reach out to me directly by telephone at (213) 384-4131; Ext. 309 or via electronic mail at janet@aagla.org.

Sincerely,

A handwritten signature in black ink that reads "Janet M. Gagnon". The signature is written in a cursive, flowing style.

Janet M. Gagnon, Esq.

CC: Daniel Yukelson, Executive Director, Apartment Association of Greater Los Angeles