

MOTION

The City of Los Angeles adopted the Tenant Anti-Harassment Ordinance ("TAHO") on June 23, 2021, in response to widespread tenant concerns of harassment by landlords. Since the adoption of TAHO, several challenges have arisen necessitating a strengthening of the ordinance to ensure that the City's public policy goals of preventing tenant harassment are achieved. First, tenants have continued to report rampant harassment, including types of harassment not currently covered by the ordinance such as unilateral and uncompensated reductions in key rental amenities and refusal to participate in rental assistance. Second, challenges have emerged in the enforcement of the ordinance.

One obstacle has been the high evidentiary bar of proving harassment, rendering enforcement actions challenging to bring. Another significant obstacle has been the lack of certain remedies, including mandatory attorneys' fees (as recommended by the Los Angeles Housing Department in its report responding to C.F. No. 21-0716) and minimum civil penalties. Strengthening the City's TAHO would align it with other jurisdictions that have similar pre-existing anti-harassment ordinances in California, such as Santa Monica, Oakland, and San Francisco.

I THEREFORE MOVE that the City Council request that the City Attorney, with the Los Angeles Housing Department and any other relevant departments, amend the Tenant Anti-Harassment Ordinance (Ordinance No. 187109) with the following changes consistent with state and federal statutes:

Amend LAMC § 45.33 as follows:

Tenant Harassment shall be defined as a landlord's ~~knowing and willful course of~~ **bad faith** conduct directed at a specific tenant or tenants that causes **the latter** detriment ~~and or~~ harm, ~~and that serves no lawful purpose, including, "Bad faith" refers to willful, reckless, or grossly negligent conduct in disregard for legal requirements or in a manner indifferent to the rights of or impact on tenants.~~

Examples of Tenant Harassment include but **are** not limited to; the following actions:

Amend LAMC § 45.33.1 as follows:

Reducing or eliminating, **or threatening to reduce or to eliminate**, housing services required by a lease, contract or law, including the elimination of parking if provided in the tenant's lease or contract except when necessary to comply with a court order or local or state law, or to create an accessory dwelling unit or additional housing.

Amend LAMC § 45.33.2 as follows:

Failing to perform and timely complete ~~necessary~~ repairs and maintenance required by Federal, State, County, or local housing, health, or safety laws; or failure to follow applicable industry standards to minimize exposure to noise, dust, lead paint, asbestos, or other building materials with potentially harmful health impacts.

Amend LAMC § 45.33.3 as follows:

Abuse of the right of access into a rental unit as established and limited by California Civil Code Section 1954, including **the following**: entering or photographing portions of a rental unit that are beyond the scope of a lawful entry or inspection; **failure to explicitly state the specific justification for entry in notice to the tenant, failure to reasonably coordinate entry with the tenant's schedule; misrepresenting the reasons for accessing residential real property as stated on the notice of entry; failure to provide the approximate time window for the entry or providing a time window that is unreasonably excessive in time for the stated purpose; failure to timely notify the tenant that entry for which the tenant was previously given notice has been**

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canceled, and/or excessively requesting entry in a manner not reasonably justified by the reason stated on the notice.

Amend LAMC § 45.33.4 as follows:

Threatening a tenant, or their guests, by word or gesture, with physical harm.

Amend LAMC § 45.33.5 as follows:

Attempting to coerce the tenant to vacate with offer(s) of payments or anything else of value.

Amend LAMC § 45.33.6 as follows:

~~Misrepresenting~~**Representing** to a tenant that the tenant is required to vacate a rental unit or enticing a tenant to vacate a rental unit through an ~~intentional~~ misrepresentation or the concealment or omission of a material fact.

Amend LAMC § 45.33.9 as follows:

Refusing to acknowledge, facilitate, or accept receipt of lawful rent payments or rental assistance payments as set forth in the lease agreement or as established by the usual practice of the parties or applicable law. This includes refusal to accept rent paid on behalf of the tenant from a third party, or refusing to timely provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party.

Amend LAMC § 45.33.15 as follows:

Interfering with a tenant's right to privacy; or requesting information that violates a tenant's right to privacy, including, but not limited to, residency or citizenship status or social security number, relationship status, or criminal history, except as authorized by law.

Insert into LAMC § 45.33 as follows:

16. Unilaterally imposing or requiring an existing tenant to agree to new material terms of tenancy or a new rental agreement, unless: (1) the change in the terms of the tenancy is authorized by California Civil Code Sections 1946.2(f), 1947.5, or 1947.12, or required by Federal, State, or local law or regulatory agreement with a government agency; or (2) the change in the terms of the tenancy was accepted in writing by the tenant after receipt of written notice from the owner that the tenant need not accept such new term as part of the rental agreement.

Amend LAMC § 45.33.16 as follows:

~~16~~**17.** Other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of a tenant(s) and that cause, are likely to cause, or are committed with the objective to cause a tenant(s) to surrender or waive any rights in relation to such tenancy.

Amend LAMC § 45.34 as follows:

A tenant may use the protections afforded in this article as an affirmative defense in unlawful detainer, ejectment, and other actions, regardless of the factual allegations in the eviction notice, when their landlord engages in actions constituting tenant harassment as defined in this article and other applicable laws.

Amend LAMC § 45.35.A as follows:

An aggrieved tenant under this article, the City of Los Angeles, or any person, organization, or entity who will fairly and adequately represent the interests of an aggrieved tenant(s) under this article, may institute civil

proceedings as provided by law, against any landlord violating any of the provisions of this article and any person who aids, facilitates, and/or incites another to violate the provisions of this article, regardless of whether the rental unit remains occupied or has been vacated due to harassment.

Amend LAMC § 45.35.B as follows:

A tenant prevailing in court under this article ~~may~~ **shall** be awarded **three times** compensatory damages **(including damages for mental or emotional distress)**, rent refunds for reduction in housing services, reasonable attorney's fees and costs, imposition of civil penalties up to \$10,000 **but no less than \$2,000** per violation depending upon the severity of the violation, tenant relocation, and other appropriate relief, as adjudged by the court.

Amend LAMC § 45.35.D as follows:

Any landlord violating any of the provisions of this article, and any person who aids, facilitates, and/or incites another to violate the provisions of this article may be enjoined therefrom by a court of competent jurisdiction. **A court may issue other equitable relief as appropriate.**

Amend LAMC § 45.35.E as follows:

The remedies in this paragraph are not exclusive nor do they preclude any tenant from seeking any other remedies, or penalties ~~and punitive damages~~, as provided by law. **The court may also award punitive damages to any plaintiff, including the City of Los Angeles, in a proper case as defined by Civil Code Section 3294 or successor statute. In addition to the remedies provided herein, a violator is liable for such costs, expenses, and disbursements paid or incurred by the City in abatement and prosecution of the violation.**


Amend LAMC § 45.35.F as follows:


Landlord Notice. A civil proceeding or small claims case initiated under this article alleging any violation of Section 45.33.2: may be commenced only after the tenant **or any other person** provides written notice to the landlord of the alleged violation, and the landlord fails to remedy the repair or maintenance issue within a reasonable period of time. **However, no waiting period shall apply if the landlord's conduct is intentional and demonstrates a willful disregard for the comfort, safety or well-being of the tenant(s).**

Insert into LAMC § 45.45 as follows:

G. Statute of Limitations. The statute of limitations for an action shall be three (3) years, and all remedies under the ordinance are available for the entire statutory period.

PRESENTED BY:


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Councilmember, 4th District


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SECONDED BY:



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