



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R 24 - 0 5 5 0
OCT 3 1 2024

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 April 19, 2024 (See Report No. R24-0188). The revised draft ordinance, if adopted, would codify a Right to Counsel Program to be administered by the Los Angeles Housing Department. The revised draft ordinance would add Article 6 to Chapter XVI of the Los Angeles Municipal Code (Code).

The revised draft ordinance contains the changes approved by Council at its meeting on September 11, 2024, including a revised notice section pursuant to Amending Motion 1B. In preparing the revised draft ordinance, this Office has made minor changes to the text of the requested amendments for clarity. In addition, this Office edited the requested definition of "Covered Tenant" from "This term means an eligible tenant within a Covered Geography" to "This term means a tenant who is eligible for Legal Representation under Subsection A. of Section 166.03." This Office made this proposed change so that all four tenant eligibility conditions for legal



representation – including residing within a “Covered Geography” – are set forth together in Subsection A of Section 166.03 of the Code.

Further, this Office interprets the phrase “initiation of the covered proceeding” (see page 2 of Councilmember Nithya Raman’s written communication presented at the 8/7/2024 Housing and Homelessness Committee meeting and referenced in the latter’s report dated 8/7/2024 in Council File No. 18-0610-S3) to mean the date of service of the unlawful detainer or equivalent proceeding. If “initiation” meant the date of filing of the unlawful detainer complaint, a tenant otherwise eligible would not be able to receive legal representation in the event there was a delay of 30 days or more in serving the complaint. This Office has accordingly drafted Section 166.03.A to reflect this understanding. If this Office’s interpretation of the requested amendment does not reflect the City Council’s intent, the provision can be amended as necessary.

CEQA Findings

This Office recommends that the City Council find that the adoption of this revised 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 revised draft ordinance.

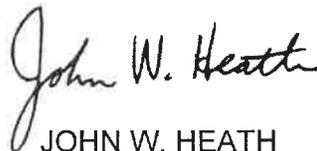
Council Rule 38 Referral

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