

Communication from Public

Name: Danny Garfield

Date Submitted: 08/05/2024 12:22 PM

Council File No: 14-0268-S18

Comments for Public Posting: This motion Cannot move forward as-is. This motion broadens the meaning of harassment so as to include nearly all action by landlords. Any "willful" action done "in a manner indifferent to the rights off or impact on tenants" would now be harassment. When combined with the change that any claim can be used as an affirmative defense for eviction "regardless of factual allegations in the eviction notice", it's not clear how a landlord could even remove an actual shooter in the courtyard through the eviction process. Nearly any unrelated and perfectly Legal claim could reasonably be made as a defense. This paralyzes landlords' affirmative obligation to protect their communities, and, given the new Mandatory payment of lawyers' fees, creates a cottage industry of lawsuits for profit. This helps no one but the lawyers and actively undermines the responsibility that the city places upon landlords (quite reasonably!) to protect their communities. Tenants will suffer.

Communication from Public

Name: Golden Bee management

Date Submitted: 08/05/2024 12:23 PM

Council File No: 14-0268-S18

Comments for Public Posting: The new revised Harassment ordinance is vague and is worded so broadly that the landlord can be sued by tenants for light bulbs not being replaced immediately. The ability for a tenant to obtain free legal advice is unconstitutional as the same is not afforded the landlord. The changes give the tenant a club to assail the landlord with spurious suits to obtain money as the ordinary landlord cannot afford to hire attorneys when being harassed by free legal assistance. The old harassment law was excessive and now this iteration will definitely cause the loss of future development in the city. As it is the ULA and other limitations the city has devised is stifling the construction of additional housing units. The cost of maintaining apartments has increased by over 25%/year since covid and since the end of Covid over three years,, rents have only been allowed one increase of 3%. There will be further foreclosures and loss of tax revenue from downgrading value of apartments. If the homeless problem were not a deterrent for building in Los Angeles then these proposed new laws and costs will be the death of construction therein. I have seen the 4th largest contractor of new buildings has left L.A. and the west coast for good because of the legal restrictions and loss of profits. Now ,we have personally lost one of our investors because of ULA and the terrible rent control ordinances. Adding on these new changes will lessen any hope of construction increasing at all in the city. For the future of Los Angeles if these changes are made the rental market will be fatally harmed. For these reasons this amendment should be rejected.

Communication from Public

Name: Mitchel Karp

Date Submitted: 08/05/2024 01:04 PM

Council File No: 14-0268-S18

Comments for Public Posting: Dear Council Members, I urge you to ensure balance is maintained in items 2 & 4 on the Housing Committee agenda. Harassment is illegal. The TAHO, established in 2021 after extensive discussion and debate, is now facing proposed amendments that are overly broad, eliminate judicial discretion, and undermine critical protections for housing providers. These changes risk categorizing lawful actions as harassment. The ordinance should not aim to increase litigation or place responsible housing providers at risk of frivolous lawsuits. Instead, it should foster communication and ensure protection for both housing providers and residents. Additionally, the Right to Counsel Ordinance must include annual reporting and tracking to assess outcomes and funding allocation. The "CFCT Notice" should be a single, multilingual notice that directs tenants to a city website for more information, simplifying compliance for housing providers and ensuring accurate information is delivered to residents. Housing providers should not be burdened with seeking translation services for city verbiage. For the past several years, housing providers have felt targeted by the city's ever-growing layers of requirements. These should not impose unreasonable burdens on responsible housing providers. The proposed changes could lead to significant and undue financial strain, increasing costs related to compliance, legal defenses, and potential penalties. This, in turn, may impact the availability and affordability of rental housing. Please maintain the commonsense provisions in item 2 and ensure item 4 is straightforward and easy to comply with. Please support housing providers and address these critical matters. I am a small landlord that owns one 5-unit building in the Melrose area. Since 2020 I have invested tens of thousands of dollars to maintain and improve an older 1940s era building to the high standards that I maintain. At the same time, rents have been frozen and property values have been declining. Frankly, being a small-time landlord of a rent-controlled property in the City of LA is a terrible investment, made worse in recent years by all of the additional costs and regulations imposed on landlords by the city. I am a GREAT housing provider. But it's simply not worth it anymore to be a GREAT housing provider in the City of LA. There is practically zero return on my time and investment, while my tenants - all of whom make between

\$85,000 and \$150,000 per year - enjoy all the benefits of rent control and tenant first policies. I will be selling my building soon, after 20+ years of ownership. No future landlord will invest in my property the way I have. In hindsight I was dumb to do so. I should have done the bare minimum and tried to squeeze every last dollar of rent out of my tenants. I should have treated them as numbers, not people. I never wanted to operate that way, but that is what is required in the current regulatory environment for apartment owners. We are all villains, and at the same time we are expected to house everyone with extremely limited rights and remedies. Thank you for your consideration.

Communication from Public

Name: L Young

Date Submitted: 08/05/2024 01:20 PM

Council File No: 14-0268-S18

Comments for Public Posting: Dear Council Members, I urge you to ensure balance is maintained in items 2 & 4 on the Housing Committee agenda. Harassment is already illegal. The TAHO, established in 2021 after extensive discussion and debate, is now facing proposed amendments that are overly broad, eliminate judicial discretion, and undermine critical protections for housing providers. These changes risk categorizing lawful actions as harassment. The ordinance should not aim to increase litigation or place responsible housing providers at risk of frivolous lawsuits. Instead, it should foster communication and ensure protection for both housing providers and residents. Additionally, the Right to Counsel Ordinance must include annual reporting and tracking to assess outcomes and funding allocation. The "CFCT Notice" should be a single, multilingual notice that directs tenants to a city website for more information, simplifying compliance for housing providers and ensuring accurate information is delivered to residents. Housing providers should not be burdened with seeking translation services for city verbiage. For the past several years, housing providers have felt targeted by the city's ever-growing layers of requirements. These should not impose unreasonable burdens on responsible housing providers. The proposed changes could lead to significant and undue financial strain, increasing costs related to compliance, legal defenses, and potential penalties. This, in turn, will impact the availability and affordability of rental housing. Please maintain the commonsense provisions in item 2 and ensure item 4 is straightforward and easy to comply with. Support housing providers and address these critical matters.

Communication from Public

Name: Fred Sutton
Date Submitted: 08/05/2024 01:24 PM
Council File No: 14-0268-S18
Comments for Public Posting: Attached, please find a letter from the California Apartment Association regarding this item.



California Apartment Association
Los Angeles County

August 3, 2024

Councilmember Nithya Raman
Chair, Housing & Homelessness Committee
City of Los Angeles
VIA Email

Re: Tenant Harassment Ordinance (C.F. [14-0268- S18](#))

The California Apartment Association (CAA), representing a spectrum of housing providers and industry-supporting businesses, is committed to promoting fair and equitable housing policies in LA City.

When the Tenant Harassment Ordinance was first incepted, CAA understood the aims of the city and worked hard to ensure communications would be fostered, and protections for both housing providers and residents were present in the ordinance. Harassment is illegal. The goal of the ordinance should not be to increase litigation but ensure everyone is abiding by the law. Additionally, responsible housing providers should not be faced with frivolous lawsuits. We do not believe the ordinance should be changed as it was created just three years ago in 2021 after a year of discussion. We respectfully request the committee review several critical issues regarding the proposed policy changes if modifications are deemed necessary.

1. Definition Changes: The current definition of tenant harassment is derived from state law, specifically Code of Civil Procedure 527.6(b)(3). It is clear and focused on the landlord's intentional misconduct that serves no lawful purpose. The proposed "Bad Faith" amendment is a misnomer, as it broadens this definition to include conduct that is well beyond what is commonly understood to be bad faith, such as conduct that is "indifferent to... the impact on tenants." This change inadvertently categorizes lawful actions as harassment in the event the conduct inconveniences a tenant or is simply not something they would prefer.

There is a plethora of conduct regularly taken by housing providers that could be considered "indifferent" to the "impact" "on tenants" which would not be considered tenant harassment by any reasonable person and should not be categorized as such by the ordinance. For example, temporarily closing a property's pool or gym for maintenance or repairs could be considered willful conduct (because the housing provider is doing so intentionally) with indifference to the impact on tenants (the temporary closing of the pool or gym could cause inconvenience, annoyance or displeasure to the tenant). Certainly, this should not be considered tenant harassment, but it would be under the proposed definition. There is a very important distinction between doing something with the intention of harming a tenant and doing something with indifference to its impact, yet the proposed definition treats the two as one and the same. Given this, if a definition change is going to be pursued, we strongly recommend removing the "impact on tenants" phrase which would create a definition that is more consistent with the traditional understanding of "bad faith."

2. Eviction Defense Nexus (Section 45.34): The proposed amendment could allow any instance of alleged harassment to be raised as a defense in eviction cases, even if completely unrelated to the reason for eviction. Unlawful detainer actions are not intended to be used to litigate issues beyond the eviction because they are intended to be relatively simple, summary procedures. See e.g., *Green*



v. Superior Court (1974) 10 Cal.3d 616, 632 (citation omitted) (“The remedy of unlawful detainer is designed to provide means by which the timely possession of premises which are wrongfully withheld may be secured to the person entitled thereto. The summary character of the action would be defeated if, by cross-complaint or counterclaim, issues irrelevant to the right of immediate possession could be introduced.”). The proposed amendment would conflict with state law by expanding the scope of unlawful detainer actions to allow for wholly unrelated claims to be shoehorned into a summary eviction proceeding. This expansion will clog court dockets, delay lawful proceedings, and increase costs due to extensive discovery. The proposed amendment should be removed.

3. Penalties (Section 45.35.B): The proposed automatic treble damages (including damages for mental or emotional distress), minimum \$2,000 civil penalty, and mandatory attorney’s fees for emotional distress are excessive, particularly in light of the broad range of conduct encompassed by the other revisions proposed. We urge the committee to maintain judicial discretion and allow judges to decide based on the case's specifics and totality of information.

4. Exception to Notice to Cure (Section 45.35.F): The cure provision was meant to foster communication, provide an opportunity to resolve issues and to ensure a cottage industry of litigation was not created. The language allowing tenants to bypass notice requirements due to the landlord’s “willful disregard for the comfort, safety or well-being of the tenants” is overly broad and very subjective. Virtually any conduct by a housing provider could be deemed by a tenant to be in willful disregard of their comfort or well-being which would then allow the tenant to bypass this important protection. Understanding the purpose of the exception, we propose a more precise standard, such as “no waiting period shall apply if the landlord’s conduct is malicious and puts the tenant’s physical safety at immediate risk.”

Additional Concerns:

- **Unilateral Changes in Terms of Tenancy (Section 45.33.16):** Amend to allow changes authorized by Federal, state, or local law, ensuring consistency with existing just cause ordinances.
- **Right of Entry (Section 45.33.3):** Align notice requirements with state law (Section 1954) for practicality and consistency.
- **Third Party Payment (Section 45.33.9):** Require a signed statement by third parties per Civil Code 1947.3 to avoid creating unintended tenancies.



California Apartment Association
Los Angeles County

The ordinance should not be changed at this time. The existing ordinance resulted from an extensive stakeholder consultation and thorough deliberation process. Notably, there was no prior discussion of the proposed amendments with those who house LA. However, if policy changes are to proceed, it is essential that the concerns outlined above are addressed to ensure fair and reasonable interactions between tenants and housing providers. Thank you for your attention to these important matters.

Sincerely,

A handwritten signature in black ink that reads "Fred Sutton".

Fred Sutton
California Apartment Association

Communication from Public

Name: Haya Handel

Date Submitted: 08/05/2024 01:39 PM

Council File No: 14-0268-S18

Comments for Public Posting: Dear Council Members, I know that you are just trying to protect tenants from "Bad" landlords who behave in an inappropriate manner with their tenants. However, the proposed change to LAMC 45.33 definitions of bad faith will cause good landlords to be subject to scurrilous lawsuits brought by bad attorneys who bring frivolous lawsuits to make money. This definition is so broad that it can encompass just about any action by a landlord, whether justified or not, that negatively impacts the tenant. Because of its breadth and the amendment to 45.34, this amendment effectively prevents a landlord from evicting a tenant for any reason as the eviction will on its face have negative impacts on the tenant!!! I could go on and on about each provision, but trust me, if this language passes, you will be inundated with lawsuits against good landlords and they will all go out of business or leave the city. Respectfully, Haya Handel

Communication from Public

Name: HENDERSON

Date Submitted: 08/05/2024 03:42 PM

Council File No: 14-0268-S18

Comments for Public Posting: The work of the LA Housing Department, and the work of the city council is decidedly and literally in favor of renters. And at that, almost completely against the property owners. As a property owner, with a single renter, I am forced to follow regulations and guidelines that keep me from earning a fair rent on what is supposed to be my property. From which I must pay city, state and federal tax and fees. My tenant pays nearly 2k below market value and average. And that tenant can make demands of me, as if they own the apartment. And LA Housing Authority will listen to the renter, believe their statements, and in the face of factual evidence, ignore the complaints of the owner. This has happened to me, and my statement is based on experience, and statements by housing inspectors.

Communication from Public

Name:

Date Submitted: 08/05/2024 03:21 PM

Council File No: 14-0268-S18

Comments for Public Posting: Dear Council Members, I urge you to ensure balance is maintained in items 2 & 4 on the Housing Committee agenda. I am a small housing provider and the changes we are facing through these proposals will make it impossible to manage our small buildings if we are facing the constant threat of lawsuits from our tenants. We work hard to maintain our buildings and apartments, and good relationships with our tenants. However, if we do one small thing that a tenant considers inappropriate (even if it is not), we can be sued and will more than likely have to sell our property. Targeting slum-lords and larger complexes where owners do not know all their tenants or have very cordial tenant-landlord relationships is what you need to be going after, not law-abiding small mom-and-pop owners. This will in effect make the housing market much smaller as more and more small bldg owners sell to large corporate buyers. Harassment is illegal. Most small mom-and-pop owners do not engage in that tactic. However, the TAHO, established in 2021 after extensive discussion and debate, is now facing proposed amendments that are overly broad, eliminate judicial discretion, and undermine critical protections for housing providers. These changes risk categorizing lawful actions as harassment. The ordinance should not aim to increase litigation or place responsible housing providers at risk of frivolous lawsuits. Instead, it should foster communication and ensure protection for both housing providers and residents. Additionally, the Right to Counsel Ordinance must include annual reporting and tracking to assess outcomes and funding allocation. The "CFCT Notice" should be a single, multilingual notice that directs tenants to a city website for more information, simplifying compliance for housing providers and ensuring accurate information is delivered to residents. Housing providers should not be burdened with seeking translation services for city verbiage. For the past several years, housing providers have felt targeted by the city's ever-growing layers of requirements. These should not impose unreasonable burdens on responsible housing providers. The proposed changes could lead to significant and undue financial strain, increasing costs related to compliance, legal defenses, and potential penalties. This, in turn, may impact the availability and affordability of rental housing. Please maintain the commonsense provisions in item 2

and ensure item 4 is straightforward and easy to comply with.
Support housing providers and address these critical matters.

Communication from Public

Name: Sergio Martin

Date Submitted: 08/05/2024 05:11 PM

Council File No: 14-0268-S18

Comments for Public Posting: Dear Council Members, Please ensure balance in items 2 and 4 on the Housing Committee agenda. The Tenant Anti-Harassment Ordinance (TAHO), established in 2021, is facing amendments that could broaden its scope too far, removing judicial discretion and weakening protections for housing providers. These changes could wrongly classify lawful actions as harassment. The ordinance should focus on clear communication and fair protection for both residents and housing providers, not on increasing litigation or exposing providers to unnecessary lawsuits. Furthermore, the Right to Counsel Ordinance should include annual tracking to assess its effectiveness and funding. The "CFCT Notice" should be a single, multilingual notice directing tenants to a city website, simplifying compliance for housing providers. For the past several years, housing providers have faced an increasing burden from expanding city regulations, which could lead to significant financial strain and affect the availability and affordability of rental housing. Please preserve the sensible provisions in item 2 and make item 4 straightforward and easy to follow. Support housing providers by addressing these important concerns. Thank you for your consideration. Sincerely, Sergio Martin.