

## Communication from Public

**Name:** MICHAEL Hartounian

**Date Submitted:** 10/03/2022 04:18 PM

**Council File No:** 20-0291

**Comments for Public Posting:** COMMERCIAL TENANTS ARE MAKE MONEY AND DO NOT PAYING RENT. The reports thus far submitted to City Council do NOT deal with COMMERCIAL TENANTS. The courts are left interpreting the status as it applies to residential tenants and treating commercial tenants the same as if they were residential tenants. That is not fair and not right. Something must be done to clarify the law. The City Council itself had problems in interpreting the status of the law with respect to commercial evictions and asked the City's Chief Legislative Analyst ("CLA") to advise them as to the same. In two reports to City Council dated 3-17-22 and 4-13-22, the CLA reported on page 5 as follows: "As of February 1, 2022, commercial tenants are no longer protected from eviction due to nonpayment of rent. Tenants who comply with the County's tenant protection procedures will have an extended period of time to repay past due rent, which depends on the number of employees at the business, unless prior arrangement have been made with the landlord..." While on Page 6, the CLA states that commercial tenants have 12 months (in the case of 10-100 employees) to repay rent by January 31, 2023, or 6 months (in the case of 9 or less employees) to repay rent by July 1, 2023, in equal monthly installments. This is confusing in light of Nuri Martinez's motion stamped February 22, 2022, requiring the Housing Department and City Attorney to report back in 30 days with recommendations and amendments to the eviction moratorium. In the motion Ms. Martinez states the following: "To make sure residents are not confused about upcoming changes to Los Angeles's emergency protections, the City must work from the State's deadline of May 2023 for rental payment during COVID-19. In alignment with the year long repayment period, we must provide enough time for tenants to comfortably pay rent that accumulated over the pandemic." This statement gives rise to the following issues that are further confusing the Courts, attorneys, and the public alike in so far as: 1. When did the Pandemic begin and end for purposes of calculating past due rent to be repaid? 2. The State mandates that past due rent be repaid by May 2023, the City Council and/or Mayor should have ended the emergency declaration and the eviction moratorium as of April 30, 2022. The City Council's refusal to deal with these issues causes confusion for all concerned. This problem is exacerbated by the fact that

none of the County or City's Tenant Protection Notices have addressed these issues at all. The people deserve a clear and concise statement of the current law in a NEW Ordinance. My recommendation as to commercial evictions are as follows: 1. Effective February 1, 2022, SEC. 49.99.3. PROHIBITION ON COMMERCIAL EVICTIONS is repealed. 2. For purposes of calculating past due rent covered by the now repealed Ordinance 186606 more specifically SEC.. 49.99.3. PROHIBITION ON COMMERCIAL EVICTIONS, Past Due Rent shall be defined by all amounts not paid by a commercial tenant from May 1, 2020, to and including January 31, 2022 ("Protected Period"). 3. Commercial and/or guarantors' failure to pay current or past due rent under the Protected Period are subject to eviction. Furthermore, any and all past due rent shall become immediately due and payable plus interest at 10% on a go forward basis. 4. Landlords shall have the right to bring civil causes of action for fraud against any commercial tenant and/or guarantors who claims COVID-19 hardship falsely. In such actions, commercial tenants and/or guarantors shall be barred from bring a harassment action against the landlord. It is incumbent on the City Council to repeal and replace Ordinance 186606 eliminating any confusion as to the current status of the law as it is preempted by the state law. Nothing must be left as to interpretation. Please clarify the status of the law by repealing and replace the law to correctly reflect that there is no moratorium on commercial evictions.

## Communication from Public

**Name:** lifelong and unhopeful LA resident

**Date Submitted:** 10/03/2022 11:54 AM

**Council File No:** 20-0291

**Comments for Public Posting:** This is quite laughable that even the biggest tenant-advocates like Councilman Harris-Dawson has repeatedly advised to differentiate the small and corporate landlord. Yet all the policies that advance treat all landlords as a large corporation. The Council is simply discentivizing and driving out the small landlord that provides much of the Naturally Occurring Affordable Housing. The blunt force policies is more of an extension of the illegal eviction moratorium with more government overreach. The Council is simply making it nearly impossible for a small mom & pop operator to continue and the very people it aims to help and protect will only result in the opposite. More unaffordability with mom & pops leaving the business and more corporations coming in to take over whom will only provide luxury housing. Haven't the small mom & pop operator suffered enough? Firstly 3 years of their time is gone, no rent for 3 years, they will likely have to wait until 2024 for a modest 3% rent-increase despite rising City fees! (the irony) the City has stolen our time, of 3-years, which will cross almost all tenancies to over 3 years and thus mandate tenants be entitled to a higher Relocation Fee amount. This is absolutely private welfare being forced to be redistributed. Tenant Protections should not result in one segment of society being asked to absorb the entire burden. Why are small mom & pop landlords asked to solve a world-wide pandemic?