

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Article 5 to Chapter XVI of the Los Angeles Municipal Code prohibiting terminations of tenancies without just cause and requiring relocation assistance for no-fault evictions, as specified; amending the Rent Stabilization Ordinance's provisions on resident manager evictions, tenant notifications, and relocation assistance; and repealing duplicative or expired provisions of the Los Angeles Municipal Code relating to evictions.

**WHEREAS**, the City of Los Angeles is experiencing a rental housing shortage and a humanitarian crisis of homelessness at unprecedented levels;

**WHEREAS**, the City's Rent Stabilization Ordinance ("RSO"), Chapter XV of the Los Angeles Municipal Code, has helped stabilize rents and provide eviction protections to over 640,000 households citywide;

**WHEREAS**, the California legislature passed the Tenant Protection Act of 2019, Assembly Bill 1482 ("TPA"), which prohibits evictions without "just cause" and owners of residential rental property from increasing rents more than 5 percent plus the percentage change in the cost of living or 10 percent, whichever is lower, per year;

**WHEREAS**, the TPA provides renter protections to approximately 138,000 households in the City that are not protected by the RSO;

**WHEREAS**, the TPA implemented modest eviction protections for rental units built more than 15 years ago and does not protect all residential tenants;

**WHEREAS**, the TPA permits municipalities to adopt local ordinances with greater tenant protections;

**WHEREAS**, the City of Los Angeles wishes to provide stronger tenant protections citywide to protect renters from displacement and homelessness and to promote housing and neighborhood stability; and

**WHEREAS**, the City of Los Angeles wishes to extend just cause eviction protections to residential rental properties citywide.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Article 5 is added to Chapter XVI of the Los Angeles Municipal Code to read as follows:

## **ARTICLE 5**

### **JUST CAUSE FOR EVICTION ORDINANCE**

#### **SEC. 165.00. TITLE.**

This Article shall be known as the Just Cause for Eviction Ordinance of the City of Los Angeles.

#### **SEC. 165.01. FINDINGS AND DECLARATION OF PURPOSE.**

Displacement through arbitrary evictions affects the public health, safety and welfare of Los Angeles residents. They destabilize communities by disrupting longstanding community networks, uprooting children from their schools, forcing low-income residents to pay unaffordable relocation costs, and pushing City residents away from important public services. Additionally, arbitrary evictions are a key driver of homelessness.

Approximately 76 percent of the multi-family rental units in the City of Los Angeles are regulated by the Rent Stabilization Ordinance ("RSO"), which protects renters from excessive rent increases and arbitrary evictions. The Tenant Protection Act of 2019 ("TPA"), codified at California Civil Code Sections 1946.2, 1947.12, and 1947.13, provides some protections against price gouging and evictions that did not previously exist for the approximately 138,000 households not covered by the RSO. Hundreds of thousands of Los Angeles households are not protected under either law.

Accordingly, the City adopts this Ordinance to provide just cause eviction protections to renters city-wide.

The TPA provides that municipalities may adopt protections after September 1, 2019, that are consistent and more protective than those provided under California Civil Code Section 1946.2. The local municipality must also make a binding finding that its ordinance is more protective than the provisions of Civil Code Section 1946.2. The City finds that this Ordinance is consistent with Civil Code Section 1946.2 and is more protective than Civil Code Section 1946.2 by further limiting the reasons for termination of a residential tenancy, providing for higher relocation assistance amounts, and providing additional tenant protections that are not prohibited by any other provision of law.

#### **SEC. 165.02. DEFINITIONS.**

The following words and phrases, whenever used in this Article, shall be construed as defined in this section.

**Department.** The Los Angeles Housing Department and any successor department.

**Landlord.** An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who is entitled to offer residential real property for rent, receive rent for the use or occupancy of residential real property, or maintain an action for possession of residential real property, or the agent, representative or successor of any of the foregoing.

**Qualified Tenant.** Any tenant who satisfies any of the following criteria on the date of service of the written notice of termination: aged 62 or older; handicapped as defined in Section 50072 of the California Health and Safety Code; disabled as defined in Title 42 United States Code § 423; or a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children.

**Rent.** The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of residential real property, including, but not limited to, monies demanded or paid for the following: meals when required by the landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits.

**Residential real property.** Any dwelling or unit that is intended for human habitation.

**Tenant.** A tenant, subtenant, lessee, sublessee or any other person entitled to use or occupancy of residential real property.

### **SEC. 165.03. JUST CAUSE EVICTIONS.**

A landlord shall not terminate a tenancy unless it is based upon one or more of the following grounds:

- A. The tenant has defaulted in the payment of rent.
- B. The tenant has violated a lawful obligation or covenant of the tenancy and has failed to cure the violation after having received written notice from the landlord, except when:
  - (1) The obligation requires the surrendering of possession upon proper notice.
  - (2) The obligation limits the number of occupants if an additional occupant is a minor dependent child.
  - (3) The obligation is based on a change in the terms of the tenancy that is not the result of an express written agreement signed by both of the

parties. For purposes of this subsection, a landlord may not unilaterally change the terms of the tenancy under California Civil Code Section 827 and then evict the tenant for the violation of the added covenant unless the tenant has agreed in writing to the additional covenant. The tenant must knowingly consent, without threat or coercion, to each change in the terms of the tenancy. A landlord is not required to obtain a tenant's written consent to a change in the terms of the tenancy if the change in the terms of the tenancy is authorized by federal, state, or local law. Nothing in this paragraph shall exempt a landlord from providing legally required notice of a change in the terms of the tenancy.

(4) A landlord shall not change the terms of a tenancy to prohibit pets and then evict the tenant for keeping a pet kept and allowed prior to the change, unless the landlord can establish that the pet constitutes a nuisance and the nuisance has not been abated upon proper notice to the tenant.

C. The tenant is committing or permitting to exist a nuisance in or is causing damage to residential real property, appurtenances or common areas of residential real property, or is creating an unreasonable interference with the comfort, safety, or enjoyment of other residents of the rental complex or within a 1,000 foot radius extending from the boundary line of the rental complex.

D. The tenant is using or permitting use of residential real property, common areas, or an area within a 1,000 foot radius from the boundary line of the rental complex for an unlawful purpose. The term "unlawful purpose" does not include the use of housing accommodations that lack a legally-approved use or that has been cited for occupancy or other housing code violations.

E. The tenant had a written lease that terminated on or after the effective date of this Article, and after a written request or demand from the landlord, the tenant has refused to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this Article or any other provision of law.

F. The tenant has refused the landlord reasonable access to the residential real property for the purpose of making repairs or improvements, for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the residential real property to any prospective purchaser or mortgagee.

G. The person in possession of residential real property at the end of a lease term is a subtenant not approved by the landlord.

H. The landlord seeks in good faith to recover possession of residential real property for use and occupancy as a primary place of residence by:

(1) The landlord; or

(2) The landlord's spouse, domestic partner, grandchildren, children, parents, or grandparents; or

(3) A resident manager when a residential manager, janitor, housekeeper, caretaker, or other responsible person is required to reside upon the premises by law or under the terms of an affordable housing covenant or regulatory agreement.

Landlords seeking to recover possession under this subdivision must comply with the restrictions and requirements of Los Angeles Municipal Code Section 151.30(A) through (C) and (E) through (I).

I. The landlord seeks in good faith to recover possession of residential real property under the following circumstances:

(1) to demolish the residential real property.

(2) to substantially remodel the residential real property, provided the landlord has secured permits necessary to substantially remodel the residential real property from applicable government agencies, and served a copy of the permits with a written termination notice stating the reason for termination, the type and scope of the work to be performed, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work requires the tenant to vacate the residential real property for at least 30 days. "Substantially remodel" shall have the same meaning as the term defined in California Civil Code Section 1946.2.

(3) to withdraw the residential real property permanently from rental housing use when the landlord is withdrawing from rent or lease all residential real property on the same parcel of land.

J. The landlord seeks in good faith to recover possession of residential real property to comply with a court order or governmental agency's order to vacate, order to comply, order to abate, or any other order that necessitates vacating the residential real property.

K. The Secretary of Housing and Urban Development seeks to recover possession to vacate the property prior to sale and has complied with all tenant notification requirements under federal law and administrative regulations.

L. The residential real property is in a Residential Hotel, and the landlord seeks to recover possession to Convert or Demolish the unit, as those terms are defined in Article 7.1 of Chapter IV of this Code. A landlord may recover possession only after the Los Angeles Housing Department has approved an Application for Clearance under Article 7.1 of Chapter IV of this Code.

M. The landlord seeks to recover possession of residential real property for conversion to affordable housing accommodations.

N. The landlord seeks to recover possession of residential real property for conversion to condominium or a non-residential use.

#### **SEC. 165.04. APPLICABILITY.**

This Article shall not apply to the following types of residential real properties or residential circumstances:

(A) The tenant has not continuously and lawfully occupied the residential real property for 12 months. If any additional adult tenants are added to the tenancy before an existing tenant has continuously and lawfully occupied the residential real property for 24 months, then this Article applies when either of the following is satisfied:

(1) All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more.

(2) One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.

(B) Rental units subject to the Rent Stabilization Ordinance.

(C) Transient and tourist hotel occupancy as defined in Subdivision (b) of California Civil Code Section 1940, unless the landlord violates California Civil Code Section 1940.1 to maintain transient occupancy status.

(D) Housing accommodations in any hospital, asylum, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the California Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

(E) Housing accommodations in a fraternity or sorority house or any housing accommodation owned and operated by an institution of higher education, a high school, or elementary school for occupancy by students.

(F) Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

(G) A dwelling unit in a nonprofit stock cooperative while occupied by a shareholder tenant of the nonprofit stock cooperative.

(H) Housing accommodations in limited equity housing cooperatives, as defined in Civil Code Sections 817 and 817.1, when occupied by a member tenant of the limited equity housing cooperative. However, if the cooperative acquired the property pursuant to Government Code Section 54237(d), then all dwellings in the limited-equity housing cooperative shall be exempt from this Article.

(I) Housing accommodations in an Interim Motel Housing Project pursuant to Los Angeles Municipal Code Section 14.00(A)(12). This exception shall apply only to housing accommodations that have been issued a housing exemption by the Department indicating satisfaction of the following conditions:

(1) the housing accommodations are subject to and operating in accordance with a Supportive Housing or Transitional Housing contract; and

(2) any tenant remaining in the housing accommodations at the commencement of the Supportive Housing or Transitional Housing contract shall be afforded all rights and protections provided by this Article.

The Department shall have the authority to revoke an exemption issued pursuant to this subdivision for failure to adhere to any of the conditions for an exemption set forth in this subdivision.

This exemption shall be deemed automatically revoked upon termination of the Supportive Housing or Transitional Housing contract or failure to operate in accordance with the Supportive Housing or Transitional Housing contract.

(J) Housing accommodations in a nonprofit facility that has the primary purpose of providing short term treatment, assistance, or therapy for alcohol, drug, or other substance abuse and the housing is provided incident to the recovery program, and when the client has been informed in writing of the temporary or transitional nature of the housing at its inception.

(K) Housing accommodations in a nonprofit facility that provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in permanent housing and when occupancy is restricted to a limited and specific period of time of not more than twenty-four (24) months and when the client has been informed in writing of the temporary or transitional nature of the housing at its inception.

(L) Occupancy in a housing accommodation leased by or otherwise paid for by a government entity or agency with the primary purpose of helping homeless persons obtain temporary or transitional housing.

## **SEC. 165.05. NOTICES.**

A. A landlord of residential real property subject to this Article shall provide notice of the protections of this Article as follows:

(1) For any tenancy commenced or renewed on or after the effective date of this Article as a written notice to the tenant.

(2) The landlord shall post a notification in a form prescribed by the Department in an accessible common area of the property.

B. In any action to recover possession of residential real property, the landlord shall serve on the tenant a written notice setting forth the reasons for the termination. The written notice shall be as described in Civil Code Section 1946 or Code of Civil Procedure Sections 1161 and 1161a. The notice shall be given in the manner prescribed by Code of Civil Procedure Section 1162 and must also comply with the following:

(1) When the termination of tenancy is based on any of the grounds set forth in Section 165.03(B) through 165.03(G), the termination notice must set forth specific facts to permit a determination of the date, place, witnesses and circumstances concerning the eviction reason.

(2) When the termination of tenancy is based on the grounds set forth in Section 165.03(H), the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department identifying the person to be moved into the residential real property, the date on which the person will move in, the rent presently charged for the residential real property, and the date of the last rental increase. This declaration shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162. When filing the declaration, the landlord shall pay an administrative fee in the amount of \$75. The fee shall pay for the cost of administering and enforcing the provisions of Los Angeles Municipal Code Section 151.30.

(3) When the termination of tenancy is based on any of the grounds set forth in Section 165.03(I) or 165.03(K) through 165.03(N), the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department stating the reason for eviction. This declaration shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162.

(4) When the termination of tenancy is based on the ground set forth in Section 165.03(J), then the landlord shall file with the Department a declaration on the form and in the number prescribed by the Department stating that the landlord intends to evict in order to comply with a court order or governmental agency's order to vacate residential real property. The landlord shall attach a



copy of the order to this declaration. This notice shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162.

(5) A copy of any written notice terminating a tenancy shall be filed with the Department within three business days of service on the tenant.

#### **SEC. 165.06. RELOCATION ASSISTANCE.**

A. If the termination of tenancy is based on any of the grounds set forth in Sections 165.03(H) through 165.03(N), then the landlord shall pay relocation assistance to the tenant as follows:

(1) For tenants who resided at the residential real property for fewer than three years: \$19,400 to qualified tenants and \$9,200 to all other tenants;

(2) For tenants who resided at the residential real property for three years or longer: \$22,950 to qualified tenants and \$12,050 to all other tenants;

(3) For tenants whose household income is 80% or below Area Median Income (AMI), as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development, regardless of length of tenancy: \$22,950 to qualified tenants and \$12,050 to all other tenants.

(4) The amounts of relocation in Sections 165.06(A)(1) through 165.06(A)(3) do not apply if lower relocation assistance is applicable under Los Angeles Municipal Code Section 151.30(E).

(5) Relocation fees owed to terminate tenancies under Section 165.03(K) or 165.03(M) shall be based on the applicable provisions of the Uniform Relocation Act, California Relocation Assistance Act, or the amounts set forth in this section, whichever is greater.

(6) When the residential real property is a single-family dwelling and the owner is a natural person, including natural persons who hold properties in a trust, who owns no more than four dwelling units and a single-family home on a separate lot in the City of Los Angeles: one month's rent that was in effect when the landlord served the written notice to terminate the tenancy, as either a monetary payment or credit. Los Angeles Municipal Code Section 151.30(E) shall not apply.

(7) If more than one relocation assistance payment applies, the landlord shall pay the highest of the applicable payment. Nothing relieves the landlord from the obligation to provide relocation assistance pursuant to City administrative agency action or any other provision of local, state or federal law. If a tenant is entitled to monetary relocation benefits pursuant to City administrative agency action or any provision of local, state or federal law, then

those benefits shall operate as a credit against any fee required to be paid to the tenant under this section.

B. Tenants who claim eligibility based on their income shall file a statement with the Department verifying their income on a form prescribed by the Department.

C. Requests for a hearing to appeal a decision regarding a tenant's relocation assistance eligibility, including disputes about eligibility for higher relocation assistance based on a tenant's income, age, length of tenancy, family status or disability status, must be filed in writing on the form prescribed by the Department and received by the Department within 15 calendar days of the date of the Department's notification of its decision regarding tenant relocation assistance. The Department shall charge a fee of \$300 for any hearing request to pay for the cost of the appeal hearing.

D. The payment amounts shall be adjusted on an annual basis pursuant to the formula set forth in Los Angeles Municipal Code Section 151.06.D. The adjusted amount shall be rounded to the nearest \$50 increment.

E. Relocation assistance payments to the tenant shall be made as follows:

(1) The entire fee shall be paid to a tenant who is the only tenant in the residential real property.

(2) If the residential real property is occupied by two or more tenants, then each tenant shall be paid an equal, pro-rata share of the fee.

F. If the termination of tenancy is based on the grounds set forth in Section 165.03(H), 165.03(I), 165.03(J), 165.03(K), or 165.03(N), then the landlord shall also pay the City a fee for the purpose of providing relocation assistance by the City's Relocation Assistance Service Provider, as defined in Los Angeles Municipal Code Sections 47.06.B. and 47.07.B. The fee shall be \$840 for each unit occupied by a qualified tenant and \$522 for each unit occupied by other tenants, and an additional \$72 per unit to pay for the administrative costs associated with this service. The fees may be increased in an amount based on the Consumer Price Index - All Urban Consumers averaged for the first 12-month period ending September 30, of each year, as determined and published by the Los Angeles Housing Department on or before May 30, of each year, pursuant to Los Angeles Municipal Code Section 151.07.A.6. The Relocation Assistance Service Provider will provide the relocation assistance services listed in Los Angeles Municipal Code Sections 47.06.D and 47.07.D. These fees shall not be charged when Section 165.06(A)(6) applies.

G. The landlord shall perform the acts described in this section within 15 days of service of a written notice of termination described in California Civil Code Section 1946. The landlord may in its sole discretion elect to pay the monetary relocation benefits pursuant to this section to an escrow account to be disbursed to the tenant upon certification of vacation of the unit. The escrow account shall provide for the

payment prior to vacation of all or a portion of the monetary relocation benefits for actual relocation expenses incurred or to be incurred by the tenant prior to vacation, including but not limited to security deposits, moving expense deposits and utility connection charges. Rent Adjustment Commission Regulations governing Relocation Assistance Escrow Accounts, Section 960.00 et seq., shall govern the establishment of escrow accounts, disbursements, disputes, and closure.

H. Any tenant subject to displacement because of a notice to vacate or other order requiring the vacation of an unpermitted dwelling unit in violation of the municipal code or any other provision of law, when the landlord has had a reasonable opportunity to correct the violation, shall be entitled to relocation payable by the landlord to the tenant within 15 days of service of the written notice of termination of the tenancy in accordance with this section.

I. No relocation assistance payment shall be required in the following circumstances:

(1) The landlord seeks in good faith to recover possession of the residential real property for use and occupancy by a resident manager, provided that the resident manager is replacing the existing resident manager in the same unit.

(2) The Department determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition.

J. A landlord may offset the tenant's accumulated rent against any relocation assistance due under this section, unless the relocation assistance is owed because a termination of tenancy is required by a governmental agency order to vacate or comply issued for an unpermitted dwelling.

#### **SEC. 165.07. REMEDIES.**

In any action by a landlord to recover possession of residential real property, the tenant may raise as an affirmative defense the failure of the landlord to comply with this Article. In addition, any landlord who fails to provide monetary relocation assistance as required by Section 165.06 shall be liable in a civil action to the tenant to whom such assistance is due for damages in the amount the landlord has failed to pay, together with reasonable attorney fees and costs as determined by the court. Violations of this Article shall be a misdemeanor.

#### **SEC. 165.08. RENT ADJUSTMENT COMMISSION.**

The Rent Adjustment Commission shall have the authority to promulgate policies, rules and regulations to effectuate the purposes of this Article. All such rules

and regulations shall be published once in a daily newspaper of general circulation in the City of Los Angeles, and shall take effect upon such publication.

The Commission may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to effectuate the purposes of this Article.

Sec. 2. Paragraph (c) of Subdivision 8 of Subsection A of Section 151.09 of the Los Angeles Municipal Code is amended to read as follows:

(c) A resident manager when a residential manager, janitor, housekeeper, caretaker, or other responsible person is required to reside upon the premises by law or under the terms of an affordable housing covenant or regulatory agreement.

Sec. 3. Subdivision 9 is added to Subsection C of Section 151.09 of the Los Angeles Municipal Code as follows:

9. A copy of any written notice terminating a tenancy shall be filed with the Department within three business days of service on the tenant.

Sec. 4. Subdivision 5 is added to Subsection G of Section 151.09 of the Los Angeles Municipal Code as follows:

5. The landlord may offset the tenant's accumulated rent against any relocation assistance due under this Subsection, unless the relocation assistance is owed because a termination of tenancy is required by a governmental agency order to vacate or comply issued for an unpermitted dwelling unit.

Sec. 5. Article 14.1 of Chapter IV of the Los Angeles Municipal Code is repealed.

Sec. 6. Article 14.5 of Chapter IV of the Los Angeles Municipal Code is repealed.

Sec. 7. Article 18 of Chapter IV of the Los Angeles Municipal Code is repealed.


Sec. 8. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: the City of Los Angeles will suffer irreparable damage, including loss of life and property, from displacement of tenants from evictions. The Council, therefore, adopts this ordinance to become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By

  
ELAINE ZHONG  
Deputy City Attorney

Date 11/2/2022

File No. 17-0454 and 21-0042-S3

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

\_\_\_\_\_

\_\_\_\_\_

Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_