



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R 23 - 0170
MAY 15 2023

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 151.03 OF ARTICLE 1
OF CHAPTER XV OF THE LOS ANGELES MUNICIPAL CODE
RELATING TO THE HOUSING APPEAL BOARD AND ADDING
A SEVERABILITY CLAUSE TO CHAPTER XV**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office and the Los Angeles Housing Department (LAHD) recommended approval of a settlement in two writ cases, *1516 Hobart LLC v. City of Los Angeles*, Case No. 19 STCP02816, and *Paloma Partnership v. City of Los Angeles*, LASC Case No. 19STCP03953 (collectively, Petitioners), challenging the qualifications of members of the Rent Adjustment Commission (RAC) to adjudicate code enforcement cases pending before the Housing Appeals Board (HAB). Petitioners alleged due process violations and preemption claims because RAC Commissioners do not meet the qualifications under California Building Code Section 1.8.8.1. The City Council approved the settlement and requested the City Attorney to transmit an ordinance amendment to Los Angeles Municipal Code (LAMC) Section 151.03.A to conform to state law.

Litigation Summary

The City Attorney's Office defended two private attorney general writs filed in the Los Angeles Superior Court by landlords who own multi-family housing subject to LAHD jurisdiction. Petitioners were cited for code violations that they appealed to the HAB comprised of members from the Rent Adjustment Commission. Under California Building Code Section 1.8.8.1, Petitioners alleged that the Commissioners who serve on HAB were unqualified because they lack knowledge of the building codes, regulations, and ordinances enforced by LAHD.

Background

The City's Systematic Code Enforcement Ordinance enforces state housing law for residential rental properties. Properties not meeting the minimum standards for maintenance, use, or habitability are issued code enforcement orders, which may be appealed to the HAB. HAB appeals are conducted by RAC Commissioners appointed under Chapter XV of the municipal code. Under LAMC Section 151.03.A, the only qualification for a RAC Commissioner is that the member not be a landlord or tenant. However, California Building Code Section 1.8.8.1 delineates the minimum qualifications for HAB members stating in part:

Every city, . . . shall establish a process to hear and decide appeals of orders, decisions and determinations by the enforcing agency . . . Members of the appeals board shall not be employees of the enforcing agency and shall be knowledgeable in the applicable building codes, regulations and ordinances as determined by the governing body of the city . . .

On October 11, 2022, City Council considered the proposed settlement of the Hobart and Paloma writs and Council members O'Farrell and Blumenfield's Motion, stating:

"... the City Attorney to prepare and present an Ordinance to amend Municipal Code Section 151.03 to alter the qualifications for Rent Adjustment Commissioners serving on the Housing Appeals Board of the Los Angeles Housing Department, to meet the criteria set forth in the California Building Code."

The Motion was approved. The file was sent to the Mayor and approved on October 27, 2022. Subsequently, the City and Petitioners executed a settlement agreement of the writs. On March 6, 2023, Petitioners filed voluntary dismissals of their writs making the approved ordinance amendment ripe for adoption.

Recommendation

City Council approved the settlement in the Hobart and Paloma writs and requested the City Attorney to prepare and present an ordinance to amend LAMC Section 151.03 to alter the qualifications for Rent Adjustment Commissioners serving on the HAB to conform to state law. This Office now transmits the enclosed draft ordinance, which is approved as to form and legality.

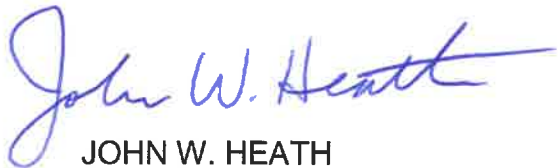
Council Rule 38 Referral

Pursuant to Council Rule 38, a copy of the draft ordinance was sent to LAHD with a request that any comments be transmitted directly to the City Council when this matter is heard.

If you have any questions regarding this matter, please contact Deputy City Attorney Deborah Breithaupt at (213) 922-8382. She or another 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
Senior Assistant City Attorney

JWH:DB:sw
Transmittal