



Fwd: Opposition to CF 23-0479- Ellis Act evictions of 715 RSO households at Barrington Plaza Traci Park motion on May 9, 2023

1 message

Holly Wolcott <holly.wolcott@lacity.org>

Thu, Jun 8, 2023 at 5:34 PM

To: City Clerk Council and Public Services <Clerk.CPS@lacity.org>

Please and thank you.

H

----- Forwarded message -----

From: **Margaret Molloy** <mmmolloy@earthlink.net>

Date: Thu, Jun 8, 2023, 4:27 PM

Subject: Opposition to CF 23-0479- Ellis Act evictions of 715 RSO households at Barrington Plaza Traci Park motion on May 9, 2023

To: Holly Wolcott <holly.wolcott@lacity.org>, Adrienne Khorasanee <adrienne.khorasanee@lacity.org>, <linda.covarrubiaz@lacity.org>

Cc: Laddie Williams <cwilli7269@aol.com>, Eileen Archibald <eileenbarchibald@aol.com>, Ingrid Mueller <ingridinvenice@gmail.com>, Jon Wolff <jonwolffusa@aol.com>, Margaret Molloy <mmmolloy@earthlink.net>

Hello Ms. Wolcott,

Can you please post our attached public comment in the case file for CF 23-0479.

Appreciatively,

Laddie Williams

Eileen Archibald

Ingrid Mueller

Jon Wolff

Margaret Molloy



Opposition to CF 23-0479- Ellis Act evictions of 715 RSO households at Barrington Plaza Traci Park motion on May 9, 2023.pdf

114K

Opposition to CF 23-0479: Ellis Act evictions of 712 RSO households at Barrington Plaza – and Traci Park motion on May 9, 2023

Barrington Plaza is an apartment complex with three towers housing 712 unit Rent Stabilized (RSO) units at 11740 Wilshire Boulevard. It was built in 1961. Developer Douglas Emmet bought the property in 1998.

In January 2020, a fire in Tower A caused the death of a 19-year-old man, 13 people were injured, including a 3-month-old baby and two firefighters, and many households were immediately displaced.

[NBC Los Angeles](https://www.nbclosangeles.com/news/local/man-s...)

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Jan 31, 2020 — **A 19-year-old man** who suffered grave injuries during the fire earlier this week at Brentwood's high-rise Barrington Plaza Apartments died at ...

This devastating fire followed a fire in Tower A in 2013 that injured two residents and displaced 125 tenants. As such, the Douglas Emmett company has apparent liability for death, injury, displacement and related trauma of residents.

As an older building Barrington Plaza Apartments is a non-conforming structure that does not have the current code-required fire sprinkler system. But Mr. Emmet's business website (below) states: "Through our interest in our Operating Partnership and its subsidiaries, consolidated JVs and unconsolidated Funds we own and operate approximately 18 million square feet of Class A office space and over 5,000 apartment units within the premier coastal submarkets of Los Angeles and Honolulu." Clearly, by their own account the Douglas Emmett company has access to capital for necessary code-compliant upgrades while providing temporary relocation of Barrington Plaza tenants. The Douglas Emmett company could and should have undertaken those repairs at any time since their purchase of the property in 1998 and specifically since the 2013 fire, but didn't.

Instead of culpability, Mr. Emmet is adding insult to the death and damage of those fires by now seeking to abuse the Ellis Act to evict all 712 RSO households (not individuals) to do a "major renovation". Installing a fire sprinkler system, by itself, could be done incrementally or all at once and does not require a "major remodel". If the city approved this proposed abuse of the use of the Ellis Act under these circumstances the City would create unjustified enrichment as a gift to a developer instead of pursuing legal action against a significant housing provider with "over 5,000 apartment units within the premier coastal submarkets of Los Angeles and Honolulu" who failed to take timely remedial action.

This is a bad faith proposal that violates the Ellis Act and the intention of Legislature.

On May 9, 2023, Councilmember Traci Park wrote the motion for CF 23-0479. It **presupposes** that an Ellis Act filing is an appropriate legal use of the Ellis Act at Barrington Plaza and that it is a done deal. **I and many others disagree for the reasons stated here, and others.**

It is striking that Douglas Emmett, owner of Barrington Plaza, contributed over \$300,000 to an independent expenditure fund operated by the [Los Angeles Police Protective League](#) (LAPPL) to

support candidate Traci Park for City Council District 11. As such, this is an outrageous instance of a conflict of interest or the very least, appearance of a conflict of interest. As proposed, the eviction of 712 RSO households (712 RSO units whether currently occupied or not) would be the second largest mass eviction in the City after the Chavez Ravine eviction, an ugly chapter in the history of our City. CF 23-0479 cannot be approved.

Additionally, a May 22, 2018, email below from Susan Gosden (retired) who was #2 in the Rent Stabilization Division at the Los Angeles Housing Department (LAHD) when she wrote this email, disturbingly shows that Ms. Gosden's answer regarding requirements under the Ellis Act, written in red, was incorrect:

Can you please tell us, when an Ellis Act is filed, and tenants have vacated, how long does a multi-unit property have to be held vacant?

The RSO allows units to be placed back on the rental market at any time See RSO 151.24.

Ms. Gosden was wrong about the Ellis Act. The Ellis Act is a state law that requires units removed through Ellis to be removed from the rental market for five years. The Rent Stabilization Ordinance is a local ordinance only.

Also, LAHD has a pattern and practice of allowing developers to file an "Intention to Remove Units" and issue eviction notices to all tenants but then withdraw that notice. While tenants might theoretically have a 'right to return' based on the later withdrawal, the disruption of having to move makes a legal option of a 'right to return' difficult to utilize under those circumstances, if they are not on a temporary relocation agreement under a Tenant Habitability Plan. Additionally, developers often coerce or incentivize tenants to take relocation fees with a requirement to sign a Non-Disclosure Agreement (NDA) that prevents a tenant's right-to-return if the developer withdraws their Intention to Remove Units filing. It's ugly.

Compounding all of this is the debacle of failed inter-departmental code enforcement in a situation like this. LAHD does not inspect vacant buildings. The Los Angeles Department of Building & Safety (LADBS) only accepts complaints through their online portal and that does not allow a complaint to be filed for a multi-unit residential building with 2 or more units. It automatically redirects the complaint to LAHD!

Developers who lack good faith know these gaps in the system and take full advantage. It has to stop.

Conclusion

Mr. Emmet appears to be legally liable for fire-related injuries and death, and displacement due to those fires at Barrington Plaza. Do not allow this developer to use a bad faith Ellis Act filing now to create a mass eviction of 712 households that would crown these injustices.

As a City we are in a crisis of too few existing affordable housing units, general unaffordability of housing, and spiraling numbers of unhoused people. The City must use all of its resources to prevent this abuse, not hand a major unjustified financial gain to a private developer and incentivize others to follow the example.

Please hold your own departments accountable for knowledge and enforcement of state and local laws. Vote no for all of these reasons. And please use this experience to demand LAHD accountability as well as

interdepartmental accountability to close the systemic gaps in rental housing protections that allow unscrupulous actors to thrive and undermine vulnerable tenants.

Appreciatively,

Laddie Williams

Eileen Archibald

Ingrid Mueller

Jon Wolff

Margaret Molloy

May 9, 2023: CF 23-0479 Motion by Ms. Park:

On January 29, 2020, a fire broke out at the Barrington Plaza Apartments, resulting in one death and multiple life threatening injuries. This followed a similar fire in 2013, which led to the displacement of up to 150 residents.

Comprising three towers and **712 housing units, of which 577 are currently occupied and subject to the City's Rent Stabilization Ordinance, Barrington Plaza is one of 55 residential buildings across Los Angeles that lack fire sprinkler systems.** **The City has made multiple attempts to close this lethal gap in our building code.**

Following the January 2020 fire, the Department of Building and Safety issued an order to comply requiring the property owner to install a fire sprinkler system, in addition to deeming multiple floors uninhabitable. On May 8, 2023, an Ellis Act notice of intent to withdraw Barrington Plaza

Apartments from the housing market was filed with the Housing Department in order for the property owner to complete a substantial remodel required to carry out this installation and address the aforementioned life safety issues.

Although the Ellis Act is a State law, the City has adopted regulations implementing Ellis Act provisions into its Rent Stabilization Ordinance (RSO). This includes **regulations related to unit withdrawal, the re-renting of withdrawn accommodations** and a requirement that the owners of RSO units who invoke the Ellis Act must also work with the Housing Department to ensure that all of the City's procedures and tenant protections are adhered to properly.

In addition to these regulations, the City is actively working with the property owner to secure additional protections and relocation services for seniors, long-term residents, individuals with disabilities and families.

As Los Angeles grapples with a housing crisis of unprecedented magnitude, it is important that the City take an active role to monitor the relocation process and track the long-term outcomes of relocation. Communication and coordination are key to developing a strategic approach that **provides equitable relocation services to its residents and tracks these RSO units.**

I THEREFORE MOVE that the Housing Department, with the assistance of other departments as necessary, be instructed to **report every 30 days on the status of the Ellis Act process and relocation of tenants at the Barrington Plaza Apartments** located at 11740 Wilshire Boulevard, the progress to safeguard an **equitable distribution of relocation benefits and services, and the right to return process, if applicable**, to ensure that all tenants are afforded the benefits and rights entitled under the Municipal Code.

Douglas Emmett website states: <https://www.douglasemmett.com/our-story>

Douglas Emmett Inc. is a New York Stock Exchange listed company (ticker symbol "DEI"). Through our interest in our Operating Partnership and its subsidiaries, consolidated JVs and unconsolidated Funds we own and operate approximately 18 million square feet of Class A office space and over 5,000 apartment units within the premier coastal submarkets of Los Angeles and Honolulu. We rely on a focused business strategy that we developed over almost five decades:

["Emmett Buys 712-Unit Barrington Plaza"](#). Los Angeles Times. 27 c Retrieved 2020-01-12.

["Emmett Buys 712-Unit Barrington Plaza"](#). Los Angeles Business Journal. 12 March 1998. Retrieved 2020-01-12.

[^"Welcome To Barrington Plaza"](#). Douglas Emmett. Archived from [the original](#) on 2015-01-09. Retrieved 2015-01-22.

Los Angeles Housing Department

From: margaret molloy <mmmolloy@earthlink.net>
Subject: Re: RSO References for Questions re Ellis Act
Date: May 22, 2018 at 5:47:21 PM PDT
To: Susan Gosden <susan.gosden@lacity.org>
Cc: Anna Ortega <anna.ortega@lacity.org>, Laddie Williams <CWilli7269@aol.com>

Thank you!

On May 22, 2018, at 5:38 PM, Susan Gosden <susan.gosden@lacity.org> wrote:

Attached is the RSO Ellis Act Sections 151.22 through 151.28. Please refer to the referenced Sections and apply based upon the fact pattern and nuances for your below questions.

On Thu, May 10, 2018 at 3:32 PM, margaret molloy <mmmolloy@earthlink.net> wrote:

Hello Ms. Gosden,

Can you please tell us, when an Ellis Act is filed, and tenants have vacated, how long does a multi-unit property have to be held vacant? The RSO allows units to be placed back on the rental market at any time See RSO 151.24.

Does the clock start when the Ellis Act is filed? See 151.23 B. The date that rental units are withdrawn from the rental housing use shall be at least 120 days from the date of the Ellis Dec delivery to the Dept in person or by first class mail of the notice of Intent to withdraw. Also see info in 151.23 B re extended tenancies.

Or does the clock start when the tenants have vacated? See 151.23B above.

How long does a multi-unit property have to be held continuously vacant? The RSO allows units to be placed back on the rental market at any time See RSO 151.24.

If people live at the property during the required vacancy period, does that void the Ellis process? If the units are rented or offered for rent the Ellis withdrawal can be revoked.

Please review the all the Ellis related Sections of the RSO in the attached.

We would appreciate your answers as soon as possible.

Appreciatively,

margaret molloy

laddie williams

Susan Gosden, Senior Management Analyst II

LOS ANGELES HOUSING & COMMUNITY INVESTMENT DEPARTMENT (HCIDLA)

Rent Stabilization Division

Tel: 213.808.8503 | Email: susan.gosden@lacity.org