

March 27, 2020

Honorable Members of the City Council  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

**Re: Proposed Tenant Protections During the COVID-19 Crisis (Council File 20-0147-s19)**

Dear Honorable Council Members:

The Healthy LA collective writes in response to the draft “eviction moratorium” ordinance that will be considered at the March 27th City Council hearing (“the Proposed Ordinance”).<sup>1</sup> Healthy LA is a network of over 200 advocacy organizations, worker centers, labor unions, service providers, religious congregations, community groups, affordable housing developers, public interest lawyers, public health and safety organizations, and many more uniting across lines of race, class, and geography to propose concrete solutions to the many hardships caused by the COVID-19 pandemic.

We are facing an unprecedented crisis in our country’s history. In a few short weeks, the national economy has ground to a halt. Economic projections suggest that we may see more than thirty percent of the workforce facing unemployment, and in California, over a million people have filed unemployment claims in just the past two weeks.

This unimaginable emergency requires an immediate and uncompromising commitment to protect all Angelenos. One of the most fundamental protections in this moment is the ability to shelter in a home. Of course, this is impossible if evictions are allowed to continue. We need a full and unconditional eviction moratorium and rent forgiveness.

Unfortunately, the City has not done enough. The proposed ordinance is not a true eviction moratorium - rather, it provides only a defense to an eviction for failure to pay rent that may be applicable when the tenant’s failure to pay was caused by the COVID-19 virus, as well as some protections against no-fault evictions. In fact, landlords can still file eviction actions against tenants for all the reasons they normally could, including failure to pay rent; this only provides a defense if the tenant meets a narrow exception. Calling it an eviction moratorium is misleading tenants and the public to think that appropriate action has been taken to ensure tenants cannot be evicted during the crisis.

In partnership with the Healthy LA collective, we submit the following comments and recommendations regarding the Proposed Ordinance. In solidarity with the millions of renters across LA, we call on the City Council to make several amendments to strengthen the Proposed Ordinance. As a resource to help advance a stronger ordinance, we have included as an exhibit a model eviction moratorium.

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<sup>1</sup> [http://clkrep.lacity.org/onlinedocs/2020/20-0147-S19\\_ord\\_draft\\_03-25-2020.pdf](http://clkrep.lacity.org/onlinedocs/2020/20-0147-S19_ord_draft_03-25-2020.pdf).

## **I. The Proposed Ordinance must be strengthened to better protect at-risk households.**

**Remove causal requirements.** The Proposed Ordinance requires a tenant to “show an inability to pay rent due to circumstances related to the COVID-19 pandemic.” It will be difficult and in many cases impossible for a tenant to document that the loss of income is due to COVID-19. This is an unfair burden to place on low-income tenants, undocumented immigrants, informal sector, self-employed, or independent contractor workers, and many others who are struggling to survive this health emergency. It is also an administrative nightmare for the City and the Courts.

Further, the Proposed Ordinance may require a tenant to divulge private medical information to their landlord in order to adequately establish an affirmative defense against an unlawful detainer lawsuit. By requiring a tenant to establish that their inability to pay rent is related to “health-care expenses related to being ill with COVID-19 or caring for a member of the tenant’s household who is ill with COVID-19”, the City may run afoul of anti-discrimination and fair housing laws. The City will also put already vulnerable and sick tenants at risk of retaliation, harassment, and illegal lockouts as fear regarding this public health crisis continues.

Finally, the relationship should be presumed because anything else is likely to incentivize people to continue working outside of the home, risking spread of the infection. Specifically, consider that the U.S. Centers for Disease Control (CDC) is recommending that people who exhibit any symptoms should stay at home. At the same time, the CDC discourages medical professionals from testing everyone with symptoms. If someone with mild symptoms loses income because they act responsibly by following the CDC's advice and stay at home, but they never exhibit symptoms that are serious enough to get tested, they would be unable to document the impact of COVID-19. They would be penalized for acting responsibly. The way the current affirmative defense is structured will cause people with symptoms to continue to go to work until their symptoms are serious enough to warrant testing. This is the opposite of physical distancing. The City should not adopt policies that discourage people from practicing proper public health measures or penalize anyone who did.

If a causal connection requirement is to be included, there should be a presumption that all nonpayment of rent is due to COVID-19 and the burden should be placed on the landlord seeking to evict a tenant to produce evidence to the contrary.

**Expand the scope to prohibit evictions on other grounds.** The Proposed Ordinance does not protect tenants evicted because of unauthorized occupants and/or pets, breach of lease covenants, or due to nuisance complaints, such as noise caused by children who are now home after the closure of schools, or no-fault evictions when an occupant is not ill or under quarantine. Yet, individuals and households evicted under these grounds would still be put at grave risk in this current pandemic if they were to lose their home. The Mayor and the Governor’s orders are straightforward - stay at home. Being evicted and all that it entails (court appearances, packing and moving belongings, searching for new housing, needing to access additional supportive services, potentially becoming homeless) increases the likelihood of social contact and increases the likelihood of getting or spreading the virus. The City must do its part in protecting the health and safety of all of its residents.

We need to prevent all evictions during this emergency, including evictions based on failure to pay rent; breach of lease covenants; unauthorized occupants and/or pets; nuisance and all no-fault evictions without conditions. The police power grants this authority, and other cities, such as Oakland which is voting on a broader eviction moratorium this week, are going beyond the Governor's Executive Order. Los Angeles must be a statewide leader and exercise its police powers to the fullest extent to enact the strongest eviction protections to tenants.

**Prevent the serving of notices and filing of an eviction.** Tenants should not be risking their health to fight for their housing in court. The Proposed Ordinance should be amended to clarify that the ordinance does not just provide an affirmative defense - it applies to all actions by a landlord to initiate an eviction. Specifically, the ordinance should be amended to state that landlords are prohibited from serving notices pursuant to CCP 1161(2), filing, or prosecuting unlawful detainer actions, or otherwise seeking to evict or constructively evict a tenant, during the pandemic. The City of Santa Monica's Executive Order included such specificity.

**Waive all late fees.** The motion approved at the last City Council meeting explicitly requested that the ordinance waive all late fees associated with nonpayment of rent, but the Proposed Ordinance does not address late fees. We must waive all late fees in order to protect tenants who will be unable to pay rent on time through no fault of their own. And to the extent that tenants are required to pay back rent, late fees should not be added to an already significant financial burden.

**Avoid evictions at the end of repayment period:** As landlords receive mortgage relief, rent should be forgiven, reducing the need for complicated back rent payment arrangements. But to the extent back rent must be repaid, back rent should be treated as traditional consumer debt, not as rent due. This small, but important clarification will allow rent to be collected through standard consumer debt collection practices, but not be the grounds for eviction, preventing the potential for mass evictions at the end of the payment period. The following language should be added to the Proposed Ordinance:

“No owner shall evict a residential tenant for failing to repay past due rent subject to a repayment period under this section.”

**Establish a longer payback period:** To the extent rent is not forgiven, tenants must have more than six months to repay back rent. As described above, it will take many tenants months to get back on their feet after this crisis and they should not be burdened by unrealistic repayment obligations. Tenants should have, at bare minimum, 24 months to repay back rent.

**Add affirmative notice requirement:** The City Attorney report notes that it cannot create a penalty for failure to provide notice of the tenant's right to defer payment if there is no obligation to provide notice. Therefore, in order to comply with the spirit of the Motion adopted, the ordinance should be amended to affirmatively require landlords to give tenants notice of new protections, and then provide penalties for failure to provide notice, consistent with existing practice.

**Include additional protections to keep tenants in their homes:** The City should also ensure that tenants are protected from more than just an unlawful detainer lawsuit. The City should also include provisions that:

- prohibit reductions in services and amenities during the emergency period;

- prohibit rent increases during the emergency period and for at least 180 days after the termination of the emergency period, and;
- limit entry to the residential unit by the owner in order to protect the health and safety of all persons.

The attached model ordinance includes language detailing these provisions.

Finally, as the due date for rent payment approaches, we are seeing increases in threats to illegally lock tenants out. Penal Code Section 418 already makes it a crime to illegally lock out a tenant or to turn off the utilities. Sadly, the LAPD's enforcement of violations is inconsistent - officers often tell tenants that have been illegally locked out that their remedy is to sue landlords in civil court. This coalition will be reaching out to the Police Chief Moore and to the Police Commission but request that the City Council send a clear statement that Penal Code Section 418 must be strictly enforced.

## **II. An eviction moratorium is a start; the magnitude of the crisis requires more.**

Before the pandemic, many tenants in Los Angeles faced a housing crisis. Many tenant households could barely afford rent, even in a healthy economy - 54.5% of tenant households were only making 80% of Area Median Income (and thus qualified for non-existent affordable housing), and 51% of tenants paid more than 30% of their income in rent.<sup>2</sup>

A tenant living below the poverty line paying more than 30% of their income in rent does not have sufficient disposable income to repay deferred rent in 6 months, 12 months or ever. And tenants are far from guaranteed that they will have employment after the crisis is over. For this reason, it is essential that a comprehensive solution include rent forgiveness without tax and credit consequences, homeowner protections, and strategies to ensure stronger housing stability in the long term.

**Rent forgiveness.** With mortgage relief already underway, rent forgiveness needs to be a priority. Some financial institutions began suspending mortgages voluntarily. On Wednesday, the Governor announced major financial relief for homeowners and property owners in the form of 90 day mortgage suspensions from most of the major financial institutions. These protections help homeowners, multifamily landlords, and nonprofit affordable housing providers in a time of great need. But in LA, a city of majority renters, that is less than half the equation. Mortgage relief and rent forgiveness must be a package deal; otherwise, we are just deciding that property owners are more important than renters, and that is not a position our city can take.

To the maximum extent possible, the City should work with the State and financial institutions to continue suspending mortgage payments for homeowners and landlords, and pursue options to forgive rent obligations for the duration of the crisis, including a recovery period after the state of emergency is lifted. Economic relief and displacement protections should not be limited to property owners – the City must also prioritize the tenants who are at grave risk of losing their homes with rent forgiveness.

A carefully crafted rent forgiveness program is not an unfair burden on landlords, given our emergency. By forgiving rents during this emergency we will be keeping people in their homes and saving lives. In doing so, we are not leaving landlords out to dry. As described, landlords are receiving mortgage relief at the same

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<sup>2</sup> 2017 American Community Survey, U.S. Census Bureau.

time that rental income would be suspended. As well, the city can and should be creating a rental relief with emergency financial assistance that landlords could access as long as they are compliant with health, safety and habitability laws. At this time several other cities and states, like New York, Boston, and San Francisco are already considering rent forgiveness. LA can be a leader in protecting our tenants in this time of unimaginable crisis.

**Homeownership protections.** The City should take steps to protect low- and moderate income homeowners at risk of default and financial distress due to the spread of COVID-19 through assistance programs that achieve the following:

- Work with the State and financial institutions, and their servicing entities, to continue suspending mortgage payments for homeowners and landlords, and pursue options to forgive rent obligations for any tenant in the home for the duration of the crisis, including a recovery period after the state of emergency is lifted.
- Provide resources to homeowners to determine whether they are eligible for a suspension on mortgage payments.
- Establish a mortgage assistance fund for all low-income homeowners who are not eligible for mortgage suspension.
- Establish a moratorium on trustee's sales, recordation of notices of default, and evictions of people who are post-trustee's sale of their homes, but have yet to move out.
- Work with State and County agencies to suspend collection from low-income homeowners of property tax assessments made through the Property Assessed Clean Energy" (PACE) loans and other home improvement and clean energy loan programs.
- Monitor businesses activities targeting vulnerable homeowners, providing consumer education and enforcement.

**Long-term housing stability.** Many lessons were learned from the foreclosure crises that do not need to be repeated. The California Homeowner Bill of Rights (BNOR) provides protections for both homeowners and neighborhood properties that should be enforced locally to every extent possible. Given the COVID-19 pandemic, we should ensure that emergency measures are coupled with an unprecedented investment by the City in measures to:

- Prevent predatory and speculative real estate acquisitions and accumulation by corporate entities made increasingly possible by the economic fallout of the current crisis;
- Advance social housing and other strategies to produce permanently affordable and community-controlled housing;
- Develop plans and resources to preserve small and medium multifamily housing exiting the market for low-income households by purchasing the properties for conversion to permanently affordable housing owned and operated by existing tenants, community land trusts, and/or mission-driven affordable housing developers;
- Provide technical assistance and capacity building initiatives that will help ensure that the local nonprofit, tenant associations and other potential homeowner groups have the supports needed to execute transactions, maintain ownership and explore the best financial feasibility to promote long term success for preserving community assets; and
- Use and enforcement of tools to curb blight so that neighborhood properties that have been foreclosed do not become blighted properties while they await disposition.

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The City has the ability to protect all of its residents in this time of great uncertainty and ensure that all residents who currently have homes can stay in them. We hope that that City will take the first step towards doing so by passing a full and robust eviction moratorium and advancing a rent forgiveness program. Half-measures and business-as-usual won't do. To survive one of the greatest challenges the City has ever faced, we need this Council to commit to these life-saving protections.

Sincerely,

Healthy LA

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

An ordinance adding Article 14.6 to the Los Angeles Municipal Code to temporarily prohibit certain residential and commercial evictions due to the COVID-19 pandemic.

**WHEREAS**, international, national, state, and local governments and health authorities are responding to an outbreak of a disease caused by the novel coronavirus referred to as COVID-19;

**WHEREAS**, the State of California, the County of Los Angeles, and the City of Los Angeles are experiencing a public health crisis from the COVID-19 pandemic that will have lasting impacts on residents and the economy;

**WHEREAS**, on March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as result of the threat of COVID-19;

**WHEREAS**, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19;

**WHEREAS**, on March 4, 2020, the Mayor of Los Angeles declared a local emergency based on the COVID-19 pandemic;

**WHEREAS**, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus;

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residents and businesses in the City of Los Angeles have experienced or expect soon to experience sudden and unexpected income loss;

**WHEREAS**, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks;

**WHEREAS**, further economic impacts are anticipated, leaving tenants, both residential and commercial, vulnerable to eviction;

**WHEREAS**, during this local emergency and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement to protect the City's affordable housing stock and to prevent housed individuals from falling into homelessness;

**WHEREAS**, on March 16, 2020, the Governor issued Executive Order N-28-20, which authorizes local jurisdictions to suspend certain evictions of renters and homeowners, requests a moratorium on foreclosures, and protects Californians affected by COVID-19 against utility shutoffs;

**WHEREAS**, the Governor's Executive Order N-28-20, further authorizes local jurisdictions such as the City of Los Angeles, to establish additional measures to promote housing security and stability to protect public health and mitigate the economic impacts of COVID-19;

**WHEREAS**, on March 16, 17, and 23, 2020, the Mayor issued Public Orders to mitigate the impacts of the COVID-19 pandemic on the residents of the City of Los Angeles;

**WHEREAS**, the City of Los Angeles deems it necessary to protect public health, life, and property during this declared state of emergency by protecting commercial and residential tenants from certain evictions during the state of emergency; and

**WHEREAS**, the City of Los Angeles wishes to suspend commercial and residential evictions based on non-payment of rent and no-fault evictions of residential tenants when the tenants have been affected by the COVID-19 pandemic, and to suspend the removal of occupied residential units from the rental market under the Ellis Act.

**NOW, THEREFORE,**

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

Section 1. A new Article 14.6 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

**ARTICLE**  
**14.6**

**TEMPORARY PROTECTION OF TENANTS DURING COVID-19 PANDEMIC**

**SEC. 49.99. FINDINGS.**

The City of Los Angeles is experiencing an unprecedented public health crisis brought by the Coronavirus, which causes an acute respiratory illness called COVID-19.

On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as result of the COVID-19 pandemic. That same day, the Mayor also declared a local emergency.

On March 16, 2020, the Governor issued Executive Order N-28-20, which authorizes local jurisdictions to suspend certain evictions of renters and homeowners, among other protections. The Executive Order further authorizes the City of Los Angeles to implement additional measures to promote housing security and stability to protect public health and mitigate the economic impacts of the COVID-19 pandemic.

The economic impacts of COVID-19 have been significant and will have lasting repercussions for the residents of the City of Los Angeles. National, county, and city public health authorities have issued recommendations, including, but not limited to, social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Residents most vulnerable to COVID-19, including those 65 years of age or older, and those with underlying health issues, have been ordered to self-quarantine, self-isolate, or otherwise remain in their homes. Non-essential businesses have been ordered to close. More recent orders from the Governor and the Mayor have ordered people to stay at home and only leave their homes to visit or work in essential businesses. As a result, many residents are experiencing unexpected expenditures or substantial loss of income as a result of business closures, reduced work hours, or lay-offs related to these government-ordered interventions. Those already experiencing homelessness are especially vulnerable during this public health crisis.

The COVID-19 pandemic threatens to undermine housing security and generate unnecessary displacement of the City's residents and instability of the City's businesses. Therefore, the City of Los Angeles must take measures to protect public health, life and property.

This ordinance temporarily prohibits evictions of residential and commercial tenants during the COVID-19 health crisis. This ordinance further suspends withdrawals of occupied residential units from the rental market under the Ellis Act, Government Code Section 7060, *et seq.*

## SEC. 49.99.1. DEFINITIONS.

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

- A. **Amenities.** The term “amenities” refers to Housing Services, as defined in Los Angeles Municipal Code Section 151.02 and RAC Regulation 410.
- B. **Commercial Real Property.** The term "commercial real property" refers to any parcel of real property that is developed and used either in part or in whole for commercial purposes.
- C. **Emergency Period.** The term "Emergency Period" is March 4, 2020 to the end of the local emergency as declared by the Mayor, or the Statewide Emergency as declared by the Governor, whichever ends later.
- D. **Eviction.** The term “eviction,” “evict,” or “to evict” means using any judicial or non- judicial means to involuntarily remove a tenant from Commercial Real Property or Residential Real Property, including but not limited to:
1. issuing a notice to vacate or other lease termination or eviction notice;
  2. filing, serving, or otherwise initiating a judicial eviction lawsuit;
  3. prosecuting a pending eviction lawsuit, other than as necessary to request a continuance or other suspension of the matter or to comply with an order of the tribunal;
  4. seeking or causing any order for the physical eviction of a tenant to be executed;
  5. suspending or terminating any landlord-supplied utility service to premises;
  6. allowing premises to become unfit for human occupancy by failing to provide necessary maintenance or repairs, or by making repairs in an unsafe manner that risks jeopardizing tenants’ health;
  7. demolishing all or part of the Commercial Rental Property or Residential Rental Property; or
  8. taking any action to make or move forward any application to the City for approval of an eviction under Los Angeles Municipal Code Sections 151.09(A)8, 9, 10, 11, 12, 13, or 14.
- E. **Eviction Notice.** The term “eviction notice” means any notice directing a Tenant to vacate residential premises or purporting to terminate a tenancy.
- F. **Owner.** The term "owner" is any person, acting as principal or through an agent, offering Residential or Commercial Real Property for rent, and includes any predecessors or successors in interest to the owner.

G. **Residential Real Property.** The term "residential real property" is any dwelling or unit that is intended or used for human habitation.

H. **Tenant.** The term "tenant" is any tenant, subtenant, lessee, sublessee or any other person entitled to use or occupancy of Residential Real Property or Commercial Real Property.

I. **Utility Services.** The term "utility service" is any essential service provided by the landlord including water, cooking & heating gas, electricity, telephone, internet, WiFi, trash collection, and sewer.

#### **SEC. 49.99.2. GENERAL PROHIBITION ON EVICTIONS.**

A. Throughout the Emergency Period:

1. No Owner shall evict or seek to evict a tenant from Residential Real Property or Commercial Real Property located within the City of Los Angeles.
2. Any eviction notice issued to a tenant during the Emergency Period is void and shall not be enforced against the tenant.
3. No Owner shall take any action to enforce a writ of possession issued by a court concerning Residential Real Property or Commercial Real Property, including (without limitation) scheduling a lockout.

#### **SEC. 49.99.3. PROHIBITION ON RESIDENTIAL EVICTIONS.**

A. No Owner shall serve an eviction notice or otherwise attempt to evict or evict a tenant from Residential Real Property for a period of 30 days after the Emergency Period ends. The Owner shall have the burden of proving compliance with this provision.

B. The Los Angeles Housing and Community Investment Department shall stay any pending applications for approval of an eviction under Los Angeles Municipal Code Sections 151.09(A)8, 9, 10, 11, 12, and 13 for the duration of the Emergency Period.

#### **SEC. 49.99.4. PROHIBITION ON COMMERCIAL EVICTIONS.**

No Owner shall serve an eviction notice or otherwise attempt to evict or evict a tenant of Commercial Real Property for a period of 30 days after the Emergency Period ends. The Owner shall have the burden of proving compliance with this provision.

#### **SEC. 49.99.5. PROHIBITION ON REMOVAL OF OCCUPIED RESIDENTIAL UNITS.**

No Owner may serve a notice to remove occupied Residential Real Property from the rental market under the Ellis Act, Government Code Section 7060, *et seq.*,

for a period of 60 days after the Emergency Period ends. If a tenant has already been served a notice, any applicable periods are tolled during the Emergency Period. Tenancies may not be terminated under the Ellis Act until 60 days after the expiration of the Emergency Period.

#### **SEC. 49.99.6 PROHIBITION ON REDUCTION IN SERVICES AND AMENITIES**

An Owner shall not reduce Housing Services, as defined in Section 151.02 and RAC Regulation 410, including, without limitation: utilities, laundry facilities, parking, access to common areas and common recreational facilities, resident managers, refuse removal, furnishings, food service, gate access, elevator service, and janitorial service, during the Emergency Period.

#### **SEC. 49.99.7 PROHIBITION ON EVICTIONS FOR RENT ACCRUED DURING EMERGENCY.**

No Owner shall serve a notice pursuant to paragraph (2) of Section 1161 of the California Code of Civil Procedure or otherwise evict a tenant for nonpayment of rent that accrued during the Emergency Period. Nothing in this section shall relieve the tenant of any liability for unpaid rent. The rent shall become a consumer debt and may be collected as any other debt owed but not through the unlawful detainer process. Before any action is taken by an Owner, tenants shall have up to twenty-four months following the expiration of the Emergency Period to repay any past due rent. Owners are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

#### **SEC. 49.99.8. RENT INCREASE MORATORIUM.**

Any notice of rent increase for Residential Real Property or Commercial Real Property issued during the Emergency Period shall not be effective and enforceable until 180 days after the termination of the Emergency Period.

#### **SEC. 49.99.9. LATE FEE MORATORIUM.**

Notwithstanding any lease provision to the contrary, no late fees may be imposed for rent that became due during the Emergency Period. No Owner shall impose or collect any fee upon a tenant based on the late payment of rent coming due within the Emergency Period. Any such fee previously collected shall be refunded to the tenant. A person injured by a violation of this subsection shall have the right to bring a civil action in a court of competent jurisdiction to recover any such fees unlawfully withheld, along with his or her costs and reasonable attorney fees. In the case of a willful violation, such person shall also be awarded a statutory damage equal to the greater of triple his or her actual damages or \$1,000.

#### **SEC. 49.99.10. LIMITATIONS ON ENTRIES BY OWNER.**

It shall not be a violation of a residential rental agreement for a tenant who

occupies Residential Real Property to deny entry by the Owner during the Emergency Period. For purposes of this section, "Owner" includes any person accompanying the Owner or authorized by the Owner to enter the Residential Real Property (such as a prospective buyer, maintenance personnel or future tenant).

#### **SEC. 49.99.11. REQUIRED NOTICE TO TENANTS.**

Owners must post a notice providing information about the TEMPORARY PROTECTION OF TENANTS DURING COVID-19 PANDEMIC Ordinance, as well as contact information for the Los Angeles Housing and Community Investment Department (HCIDLA). The notice must be provided to tenants in writing and be posted in a conspicuous location in the lobby of the property, near a mailbox used by residents of the property, or in or near a public entrance to the property. Obligatory notice statements required by this ordinance shall be written in the language that the Owner and/or the Owner's agents normally use for verbal communications with tenants.

#### **SEC. 49.99.12. PROHIBITION ON RETALIATION.**

No Owner shall terminate or attempt to terminate a residential tenancy that existed during the Emergency Period wholly or in part because of the tenant's assertion or exercise of a right or protection arising under this Ordinance. It shall be a defense to a lease termination or eviction proceeding that the Owner's action was motivated wholly or in part by the tenant's assertion of such right or protection. A person injured by a violation of this subsection shall have the right to bring a civil action in a court of competent jurisdiction to recover his or her actual damages, along with his or her costs and reasonable attorney fees. In the case of a willful violation, such person shall also be awarded a statutory damage equal to the greater of triple his or her actual damages or \$1,000.

#### **SEC. 49.99.13. CITY COUNCIL REQUESTS ACTION BY FINANCIAL INSTITUTIONS.**

The Los Angeles Council hereby requests and urges banks and financial institutions to suspend mortgage payments, foreclosures, and late fees for low-income homeowners and landlords, with immediate forgiveness, and encourages financial institutions to provide zero-interest emergency unsecured loans and grants to small businesses and non-profits within Los Angeles that are unable to meet rent, mortgage, or other fixed operating costs.

#### **SEC. 49.99.14. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION.**

This ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (no environmental impact), 15269(c) (specific actions necessary to mitigate an emergency), and 15378

(regulatory actions). In response to the COVID-19 crisis, which has been declared a national, state, and local emergency, this ordinance implements rent stabilization measures and an eviction moratorium for existing residential units in the City with tenants who have been negatively impacted by the emergency.

The ordinance is necessary to mitigate an emergency and contains no provisions modifying the physical design, development, or construction of residential or nonresidential structures. Accordingly, it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment and result in no physical changes to the environment.

#### **SEC. 49.99.15. RETROACTIVITY.**

This article applies to all eviction notices and all unlawful detainer actions based on such notices, served or filed on or after March 4, 2020.

#### **SEC. 49.99.16. SEVERABILITY.**

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

#### **SEC. 49.99.17. ENFORCEMENT**

(A) The violation of any provision of this article may be raised as an affirmative defense at any time during a proceeding brought by an Owner for recovery of possession of Residential Real Property or Commercial Real Property.

(B) An Owner who violates any provision of this article is guilty of a misdemeanor and subject to a fine in an amount no greater than \$1,000 per violation.

(C) A Tenant injured by an Owner's violation of any provision of this article has a private right of action against the Owner for violation of Cal. Bus. & Prof. Code Section 17200, et seq., and shall be entitled to attorney's fees and exemplary damages according to proof.

Sec. 2. **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, should the devastating effects of COVID-19 not be quickly mitigated. The Council, therefore, adopts this ordinance to become

effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 3. 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

File No. \_\_\_\_\_

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