



"Great Apartments Start Here!"

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Via Electronic Mail

Hon. Mayor Samuel Kang and
Members of the Duarte City Council
City Council Chambers
1600 Huntington Drive
Duarte, California 91010

Re: Public Hearing – Council Bill 20-O-05 An Ordinance of the City Council of the City of Duarte California
Regulating the Termination of Residential Tenancies Due to Demolition or Substantial Remodel
(Agenda Item 11)

Dear Hon. Mayor Samuel Kang and Members of the Duarte City Council;

At the May 26th City Council meeting, the Council will consider adoption of an ordinance requiring rental housing providers to first obtain permits and provide descriptions of work to be completed before issuing a notice to vacate for "Substantial Remodel" (per Assembly Bill 1482) of a rental unit to renters covered under Assembly Bill 1482's "just cause" eviction requirements. The Apartment Association of Greater Los Angeles (AAGLA) has concerns and urges the City Council to consider the issues raised below as the Council deliberates this matter.

The proposed ordinance would impose burdensome requirements on rental housing providers with properties subject to Assembly Bill 1482 – the statewide rent control and renter protection law, when seeking to terminate a tenancy to substantially remodel a rental property in accordance with the new State law. The proposed City ordinance would, prior to issuance of an eviction notice due to substantial remodel, require owners to first obtain necessary permits and provide copies of the permits to renters along with the eviction notice, and within the eviction notice describe "(i) the scope of the substantial remodeling work, (ii) why it cannot be reasonably accomplished in a safe manner with the tenant in place, and (iii) why it requires the tenant to vacate for at least 30 days".

While the stated objective of the proposed ordinance is to provide renters with additional protections from "improper evictions by requiring landlords to give notice to tenants of planned demolition or substantial remodel", we do not believe that the City has the authority to modify the specific provisions of the State law and that the City is preempted from adopting the proposed ordinance.

Putting aside whether the City has authority to regulate this matter by modifying State law, the proposed ordinance fails to account for the administrative issues associated with requiring procurement of permits prior to the issuance of the tenancy termination notice. Requiring issuance of permits before moving forward with a tenancy termination can result in significant delays in what may be much needed or required unit rehabilitation. Extended delays can also lead to permit expiration and the need for the owner to obtain



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an extension on a costly permit or permits in order to initiate the planned renovation.

Permits are costly and are provided for a limited time period only, typically for an initial 6-month period. An owner, who is also required to provide the renter with 60 days' notice of lease termination, would only be left with a valid permit period of 4 months. If any issues arise and the renter refuses to vacate the unit, it may take the remainder of the permit period to resolve the matter. The owner would then be required to seek an extension of the permits in order to proceed with the planned renovations. At minimum, we urge the Council to limit the scope of the requirement to "material permits" and with a clear definition of the permits that would need to be included with the tenancy termination notice, and to require that copies of such permits be provided on or before expiration of a 60-day notice period rather than at the time of providing the notice of termination to the renters.

It is also important to emphasize that under the current State law, if an owner fails to comply with State law's provisions, the no-fault termination is rendered void and the owner may also be subject to punitive damages. In addition, the owner may be subject to litigation initiated by his or her renters. These existing renter protections serve to discourage the likelihood that an owner would issue a baseless notice with no intention to renovate the property. Further, no data has been provided by the City that reflects the existence of a widespread issue warranting placement of additional obligations on rental property owners.

State law has effectively balanced the objectives of providing renter protections while recognizing the vital importance of upgrading the State's rapidly aging housing stock. We ask that the City Council consider the existing renter protections under Assembly Bill 1482, and the likelihood of unintended consequences that will result should this proposed ordinance be advanced, including potentially hindering essential rehabilitation of the City's aging housing or unnecessarily increasing the costs of needed renovations.

We urge the Council to seek workable solutions that will encourage revitalization of the City's aging housing stock and not ones that may lead to its further deterioration. Thank you for your time and consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at danielle@aagla.org.

Very truly yours,

Danielle Leidner-Peretz

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