



"Great Apartments Start Here!"

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Via Electronic Mail

City of Los Angeles Housing Committee
City Hall
200 North Spring Street
Room 1010
Los Angeles, California 90012

Re: 14-0268-S13: City Administrative Officer and Los Angeles Housing and Community Investment Department reports relative to costs and funding associated with implementation of a Citywide Tenant Anti-Harassment Program (Agenda Item 5)

Dear Housing Committee Members:

At tomorrow's Special Housing Committee meeting, you will receive reports from the Los Angeles Housing and Community Investment Department (HCID+LA) and the City Administrative Officer (CAO) regarding the costs and funding associated with the implementation of a Citywide Tenant Anti-Harassment Program. As the Committee evaluates these matters, the Apartment Association of Greater Los Angeles (AAGLA or Association) requests that the concerns and recommendations set forth in this letter be taken into consideration.

One of the primary missions of the Association is to increase professionalism among rental housing providers and to promote compliance with applicable laws and regulations. The Association does not condone or tolerate any form of renter harassment by our members under any circumstances. It is also important to note that State Law already provides extensive renter anti-harassment protections. It is equally important to recognize that the issue of harassment is not isolated to renters, as rental housing providers also experience harassment.

Many of our members are small "Mom and Pop" owners who are retirees and encounter situations where they are subjected to harassment or intimidation from a problematic renter. A situation that has been exacerbated during the COVID-19 pandemic and since the establishment of the City's eviction moratorium which prohibits evictions based on nuisance. As a result, a rental housing provider may have a problematic renter who is engaging in daily disruptions to other residents and harassing the housing provider who is attempting to resolve the issue, leaving the housing provider with no recourse or resolution. An equitable anti-harassment ordinance should be inclusive and provide a right of action to all affected parties, renters and rental housing providers,



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as both can be subjected to harassment. Accordingly, we urge the Committee to direct the City Attorney to draft the ordinance inclusive of housing provider anti-harassment provisions.

Regarding the proposed definition of harassment as set forth in the May 2020 HCID+LA report and the recent report from the CAO, the vague language contained in some of the proposed provisions may result in unnecessary or at worst costly frivolous criminal or civil actions. To that end, as the Committee contemplates the drafting of the proposed ordinance it is critical that the definition of harassment be specific so that the City's intended prohibitions are known and to minimize any ambiguity related to the types of conduct that may be deemed as harassment. We appreciate HCID+LA's revision clarifying that a reduction to or elimination of parking services to comply with the Housing Code such as seismic retrofitting will not constitute renter harassment. Nevertheless, there are several other provisions within the definition that require further review and clarification.

An example of the need for further amendment to the proposed language is evident in the broad repairs and maintenance provisions which currently defines harassment as "failing to perform and timely complete necessary repairs and maintenance required by State, County, or local housing, health, or safety laws or failure to follow appropriate industry standards to minimize exposure to noise, dust, lead paint, asbestos, or other building materials with potentially harmful health impacts." In these instances, housing providers should be provided with notice and an opportunity to cure prior to being deemed to have engaged in harassing behavior. Moreover, while there are clear industry standards for exposure to lead and asbestos, it is unclear what industry standards are being referenced for noise and dust. Other provisions indicate that "interfering with a tenant's right to privacy" or "interfering with the tenant's right to use and enjoy the rental unit", is harassment. Both phrases are open to broad interpretation and potential misunderstandings. As it relates to lawful rent payments, pursuant to state law, an owner is permitted, with thirty days' notice, to make changes to the manner in which payment is made. This action should not fall within the definition of harassment and should be revised to account for allowances under state law. Accordingly, we urge the Committee to consider the amendments as delineated herein to ensure that the definition provides clear guidance to foster understanding, minimize opportunity for misinterpretation and facilitate compliance with the ordinance.

In addition to the conduct set forth in the definition, in a transmittal letter to the Budget and Finance Committee dated May 17, 2019, the Committee directed the inclusion of language from the Code of Civil Procedure 527.6(b)(3) which states "The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner." This key language has yet to be added to the definition as set forth in the CAO report.

While the proposed definition necessitates further evaluation, the related fines and penalties are excessive in comparison to other jurisdictions and should be subject to further assessment. The proposal seeks to increase the maximum allowable fines from \$1,000 to up to \$10,000 with an additional penalty of \$5,000 for violations committed against elderly or disabled renters. The HCID+LA May 2020 report indicated that "HCID+LA currently investigates approximately 10,000 annual tenant complaints of possible RSO violations" but provides no data related to the percentage



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of those complaints that were confirmed to be renter harassment. The lack of data makes it difficult to ascertain the scope of the issue and the basis for such fines. We urge the Committee to consider significant reductions to these fines.

The Association also urges the Committee to continue to evaluate and refine the proposal, review the ordinance once drafted, and allow for further stakeholder engagement on these key issues prior to advancing the draft ordinance to the full City Council.

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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