



*"Great Apartments Start Here!"*

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January 19, 2021  
**Via Electronic Mail**

Hon. Mayor Jose R. Gonzalez and  
Members of Cudahy City Council  
City Council Chambers  
5240 Santa Ana Street  
Cudahy, California 90201

Re: Consideration and Adoption of an Ordinance Adding Chapter 5.XX of the Cudahy Municipal Code Relating to the Collection of Eviction Data in the City of Cudahy (Agenda Item 15B)

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Dear Hon. Mayor Gonzalez and Members of the City Council;

At tonight's City Council Meeting, the Council will consider adopting an ordinance requiring rental housing providers to submit, via certified mail, a copy of all tenancy terminations and proof of service on the renter within five (5) calendar days after such service. The Apartment Association of Greater Los Angeles (AAGLA or Association) opposes the adoption of the proposed ordinance as the City is precluded from advancing such service requirements. Service of a copy of the 3-day notice on a non-renter, if a prerequisite to the filing of an unlawful detainer, would be barred by State law which prohibits any local interference in the unlawful detainer process.

While the Association appreciates the City Council's interest in obtaining a better understanding of evictions within the City through the collection of eviction data, local rent control laws may enact substantive defenses to eviction actions but may not enact procedural requirements. The proposed requirement goes beyond permissible substantive regulation into procedural matters exclusively occupied by state statutes. *Tri-County Apartment Association v. City of Mountain View*, 196 CA3d 1283, 1298, 242 CR 438, 447 (1987). Alternatively, the City Council may consider consulting with the Court, as the Court maintains records of all unlawful detainer actions.

Notwithstanding the Council's lack of legal authority to adopt these requirements, if the City Council decides to move forward with this matter, we request that the following recommendations be considered. The proposed ordinance requires that the documentation be submitted via certified mail return receipt requested. The Association encourages the City to allow for additional submission options inclusive of via email or through an online City platform or portal. Moreover, the City should conduct sufficient outreach and education to ensure that rental housing providers are informed of the new requirement. Rental housing providers should also be provided with notice and an opportunity



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to cure prior to being held in violation.

Regarding the specific ordinance provisions, section 5.XX.050 "Proof of Compliance" states that upon request, the City "will endeavor to provide confirmation to the requesting party that such Notice of Termination was received", this language should be revised to state that the City shall provide such confirmation within three (3) business days. Both parties should have the opportunity to obtain documentation from the City reflective of compliance with the regulation in a timely manner.

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](mailto:danielle@aagla.org).

Very truly yours,

*Danielle Leidner-Peretz*

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