



"Great Apartments Start Here!"

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Via Electronic Mail

Honorable Council President Nury Martinez and
Members of the Los Angeles City Council
City Hall
200 North Spring Street
Room 340
Los Angeles, California 90012

Re: Residential Eviction Moratorium and Rent Increase Freeze Related to Agenda Item 6

Dear Hon. Council President Martinez and Members of the City Council;

In 2020, the City of Los Angeles adopted two ordinances with expirations that are tied directly to the lifting of the City's local emergency: (i) one ordinance establishing a temporary residential eviction moratorium, and (ii) another ordinance instituting a rent increase freeze applicable to the City's Rent Stabilized units to remain in place for one year following the termination of the local emergency.

At Wednesday's City Council meeting, the Council will once again consider the extension of the City's local emergency, agenda item 6- Council File 20-0291, and through that action the continuation of the residential eviction moratorium and rent increase freeze. The Apartment Association of Greater Los Angeles (AAGLA or Association) is opposed to any such extensions of the temporary residential eviction moratorium and rent increase freeze and we urge the City Council to take immediate action to separate the expiration of these interim emergency measures from the local emergency. Now with more than a year and a half with these protections in place, it is time for the City's residential eviction moratorium and rent increase freeze to be lifted.

The Association also believes that the City's actions are preempted by State law, Assembly Bill 832, Section 1179.05(a)(1) which states: "(a) Any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction is subject to all of the following: (1) Any extension, expansion, renewal, reenactment, or new adoption of a measure, however delineated, that occurs between August 19, 2020, and March 31, 2022, shall have no effect before April 1, 2022."

The City's actions of continually extending the declaration of local emergency has the direct effect of extending the City's eviction moratorium, we believe, in violation of 1179.05(a)(1). While



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such action may not be a direct extension, the law prohibits any measure "however delineated."

The City's residential eviction moratorium and rent increase freeze were established in 2020, as interim emergency measures necessitated by a global pandemic and government mandated stay at home orders that resulted in business shutdowns and escalating unemployment. Today, both the Centers for Disease Control's eviction moratorium (CDC) and the State of California's eviction moratorium have expired. How is the City of Los Angeles uniquely situated to justify the continuation of the City's moratorium and rent increase freeze?

California is open and back to business. Residents are going out and enjoying all the activities that were long-awaited over the past year and a half. Businesses are engaging in regular operations, with individuals being hired and working, and employees are returning to work or finding new employment opportunities. The rental housing industry must now also be allowed to recover from the nearly twenty months under the City's moratorium and rent increase freeze and resume normal operations.

Moreover, the State Legislature has enacted laws providing renters with significant eviction protections and a COVID-19 Rent Relief Program that continues to assist qualified renters and rental housing providers. Renters who have been impacted by the pandemic and have been unable to pay rent will have over a year to pay back deferred rent, they cannot be evicted during such time for deferred rent owed, and if they comply with State requirements, cannot be evicted for back due rent ever.

Since 2020, the City has maintained the eviction moratorium and rent increase freeze but has taken no action to set clear timelines and criteria for the phasing out of these temporary emergency measures. While the Association is opposed to any continuation of the eviction moratorium and rent increase freeze, it is disconcerting that the City's ordinances have not evolved, and the City has not sought to institute reasonable modifications tailored to the specific circumstances that exist today.

At this juncture, the moratorium and rent increase freeze's applicability must be limited to only renters who show continued financial impacts caused by the COVID-19 pandemic and only if they provide supporting documentation to their housing providers. Such documentation, which is a requirement for renters to provide in order to receive State and City rental assistance should be equally required in this context. What is the rationale for such a broad-based policy, which in many instances also benefits wealthy renters and renters unaffected by COVID-19?

Small business rental housing providers have been and continue to experience severe financial impacts due to the pandemic and broad-based mandates that has resulted in many housing providers depleting their retirement savings, struggling to keep their building, with many now forced to sell their properties. While housing providers continue to struggle due to an inability to collect rent, at the same time, the City's trash hauling fees have increased by 6.15% and the annual Systematic Code Enforcement Fees have increased exponentially. Annual general rent adjustments are necessary with the ability to recapture any increases that were forgone over the past 20 months is imperative for owners to maintain a fair return, guaranteed to them by the

Federal and State constitutions.

Additionally, what is the basis for maintaining eviction prohibitions for renters creating a nuisance? Why should a problematic renter who is engaging in disruptive behavior negatively impacting the peace and quiet enjoyment of other renters in the building continue to be afforded coverage under the moratorium and leaving rental housing providers with no means of resolution to address the concerns of the other renters in the building?

We strongly urge the City Council to allow these interim emergency measures to expire in alignment with actions taken at the federal and state level. At minimum, the City must institute modifications that are reflective of the current dynamics, limit eviction prohibitions and both ordinances overall applicability to those that continue to be impacted by the pandemic and establish a clear end date for the expiration of the moratorium and rent increase freeze.

March 2020 will forever be remembered as a pivotal historical moment. From the onset of the pandemic and governments response, we have urged localities across Southern California to take a balanced and equitable approach that assists all those in need. In the time since, we have made best efforts to work with our renters during these ever evolving and challenging times. The interim emergency measures of 2020 and 2021 must be replaced with long-term, targeted solutions based on current factors and identified need. The City Council must seek a path forward and not simply continuously advance 2020-21 temporary emergency measures. The time is now to make the shift and look towards the new year with a new perspective, renewed optimism and workable, equitable solutions that will result in a bright future and economic stability for all the residents of the City of Los Angeles.

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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