



BOARD OF SUPERVISORS

Hilda L. Solis
Mark Ridley-Thomas
Sheila Kuehl
Janice Hahn
Kathryn Barger

COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

"To Enrich Lives Through Effective and Caring Service"



Joseph M. Nicchitta
Director

Joel Ayala
Chief Deputy

Rafael Carbajal
Chief Deputy

Hearing Officer/Department of Consumer & Business Affairs

Hearing Date
09/26/2019
Agenda Item No.
3

Transmittal Checklist

Petitioner Name: Veronica Ocotecatl
Case Number: RSQ19-10237
Case(s): IRSO Petition for Noncompliance
DCBA Staff: Shannon Louis

- ☒ Petition Summary
- ☒ Parcel Profile Report (separate attachment)
- ☒ Staff Report
- ☒ Burden of Proof Statement(s)
- ☒ Rent Receipts (separate attachment)

Reviewed By: _____



BOARD OF SUPERVISORS

Hilda L. Solis
Mark Ridley-Thomas
Sheila Kuehl
Janice Hahn
Kathryn Barger

COUNTY OF LOS ANGELES
**DEPARTMENT OF CONSUMER
AND BUSINESS AFFAIRS**

"To Enrich Lives Through Effective and Caring Service"



Joseph M. Nicchitta
Director

Joel Ayala
Chief Deputy

Rafael Carbajal
Chief Deputy

Case Number
RSQ19-10237

Hearing Date
9/26/2019

PETITION SUMMARY

PETITIONER NAME

Veronica Ocotecatl

PETITION DATE

August 26, 2019

PETITION OVERVIEW

Petitioner has filed a Petition for Noncompliance, requesting a reduction in rent in accordance with the Interim Rent Stabilization Ordinance, Ordinance Number 2018-0045. The Petitioners' rent increase became effective on August 1, 2019.

PROPERTY ADDRESS

1318 W. 98th Street Los Angeles, California 90044

KEY ISSUES

- Rent was increased from \$1,000.00 to \$1,100.00, effective August 1, 2019
- Total increase is in the amount of 10%
- Per the effective date of the rent increase, the August and September 2019 rent payments (2 months) will be due by the hearing date.

STAFF RECOMMENDATION

Approval

DCBA STAFF:

Shannon Louis 213-974-4118 SLouis@dcba.lacounty.gov



BOARD OF SUPERVISORS

Hilda L. Solis
Mark Ridley-Thomas
Sheila Kuehl
Janice Hahn
Kathryn Barger

COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

"To Enrich Lives Through Effective and Caring Service"



Joseph M. Nicchitta
Director

Joel Ayala
Chief Deputy

Rafael Carbajal
Chief Deputy

September 18, 2019

TO: Gina Natoli, AICP
Hearing Officer

FROM: Shannon Louis

Case No. RSQ19-10237
Veronica Ocotecatl vs. Dianne Kerr
Hearing Officer Meeting: September 26, 2019 – Agenda Item: 3

Petition Description

Interim Rent Stabilization Ordinance(IRS) Petition for Noncompliance

Tenant is disputing a rent increase issued for the covered rental unit located at 1318 W. 98th Street Los Angeles, California 90044 in the unincorporated area of West Athens in Los Angeles County.

The Petitioner reported receiving a text message increasing the rent to \$1,100.00 – effective August 1, 2019. The Petitioner's base rent on September 11, 2018 was \$1,000.00 – which constitutes a \$100.00 rent increase. The Petitioner also reports receiving a 60-Day Notice of Termination on July 18, 2019. The petition was filed with the Department of Consumer & Business Affairs (DCBA) on August 26, 2019.

Use Type

Multi-Family Residential; 0200

Year Built/Certificate of Occupancy(COO)

1961

Previous Petitions/History

The Petitioner filed a Petition for Noncompliance (RSQ19-08872) with DCBA on July 26, 2019. Case RSQ19-08872 was rejected as a result of not receiving a Proof of Service within 10 days of filing the petition, as required by the IRSO.

The Petitioner filed a Petition for Noncompliance (RSQ19-09532) with DCBA on August 9, 2019. Case RSQ19-09532 was rejected as a result of not receiving a Proof of Service within 10 days of filing the petition, as required by the IRSO.

Staff Evaluation & Burden of Proof

According to Ordinance No. 2018-0045, DCBA has determined that the rental unit located at 1318 W. 98th Street Los Angeles, California 90044 is covered under the Los Angeles County Interim Rent Stabilization Ordinance and is subject to its conditions.

The IRSO covers residential dwellings on properties with two or more units in the unincorporated areas of Los Angeles County with initial certificates of occupancy or equivalent issued on or before February 1, 1995. **Ordinance No. 2018-0045 Section 1(A) and Section 1(B).**

The IRSO limits rent increases to 3% once per 12-month period and applies to any rent increase taking effect on or after September 11, 2018. **Ordinance No. 2018-0045 Section 3(A).**

The IRSO regulates Housing Service Adjustments and indicates that a decrease in Housing Services can be considered an increase in Rent. Rent and Housing Services are defined in Section 2 of the IRSO. **Ordinance No. 2018-0045 Section 3(C).**

The rent increase in the amount of \$100.00 increased the Petitioner's rent from \$1,000.00 to \$1,100.00 (10%). According to the ordinance, the tenant's maximum allowable rent should be \$1,030.00. If approved and the tenant has paid the requested increase, the landlord will need to credit the tenant for any overpayments above 3% that have occurred since the rent increase took effect – which would total \$140.00 for the months of August and September 2019. **Ordinance No. 2018-0045 Section 3(A)(1).**

Lump Sum Credit Option

| | |
|------------------------|-----------------|
| <i>October 1, 2019</i> | <i>\$140.00</i> |
|------------------------|-----------------|

Six Month Credit Option

| | |
|-------------------------|----------------|
| <i>October 1, 2019</i> | <i>\$23.35</i> |
| <i>November 1, 2019</i> | <i>\$23.33</i> |
| <i>December 1, 2019</i> | <i>\$23.33</i> |
| <i>January 1, 2020</i> | <i>\$23.33</i> |
| <i>February 1, 2020</i> | <i>\$23.33</i> |
| <i>March 1, 2020</i> | <i>\$23.33</i> |

Proof of Service/Notice of Hearing

The Petitioner, Veronica Ocotecatl, returned the Proof of Service form to DCBA on August 26, 2019. DCBA sent the Notice of Hearing on August 26, 2019.

Public Comments

N/A

Fees/Deposits

N/A

Landlord Contact

On September 16, 2019, DCBA made two attempts to counsel the landlord respondent on their rights under Ordinance No. 2018-0045. The phone number was disconnected and DCBA was unable to leave a voicemail. DCBA attempted to retrieve additional contact information for the landlord respondent from the tenant, but the tenant did not have any additional contact information.

On September 18, 2019, DCBA made two attempts to counsel the landlord respondent on their rights under Ordinance No. 2018-0045. The phone number was disconnected and DCBA was unable to leave a voicemail.

Staff Recommendation

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of the Interim Rent Stabilization Ordinance Petition for Noncompliance – Case Number RSQ19-10237.

SUGGESTED STATEMENT

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE INTERIM RENT STABILIZATION ORDINANCE PETITION FOR NONCOMPLIANCE – CASE NUMBER RSQ19-10237 IS **APPROVED**, SUBJECT TO THE ATTACHED CONDITIONS.

Suggested Approval Statement

Prepared by Shannon Louis

Reviewed by Jessica Gallegos

Attachments

Initials JMN:JG: sl
(9/18/19)

BURDEN OF PROOF STATEMENT

DCBA Case #:

Section III: Reason for Petition *(explain in detail why you are requesting a hearing)*

He pido un aumento de mas del 10%.

Current Rent:

1000

Proposed Rent (if known):

1100

HAVE YOU RECEIVED OR ISSUED A NOTICE OF RENT INCREASE IN EXCESS OF THE ALLOWABLE LIMIT?

☒ Yes ☐ No

IS THIS MATTER URGENT?

☒ Yes ☐ No

REASON FOR URGENCY *(must attach relevant documents in order to be considered):*

He recibido una carta de desalojo

Section IV: Respondent Information

Respondent Type: ☐ Tenant(s) ☒ Landlord ☐ Mobilehome Homeowner(s) ☐ Mobilehome Park Owner

Dianne S Kerr

Respondent Name/Organization *(Please list the names of each Tenant or Mobilehome Homeowner who received a copy of this petition below)*

Landlord

Respondent Title (Tenant, Landlord, Mobilehome Homeowner or Mobilehome Park Owner)