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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
09/12/2019
Agenda Item No.
5

Transmittal Checklist

Petitioner Name: Anabel Puga
Case Number: RSQ19-08405
Case(s): IRSO Petition for Noncompliance
DCBA Staff: Shannon Louis

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

Reviewed By: Jessica Gallegos



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Case Number
RSQ19-08405

Hearing Date
9/12/2019

PETITION SUMMARY

PETITIONER NAME

Anabel Puga

PETITION DATE

July 19, 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 July 1, 2019.

PROPERTY ADDRESS

515 Eastmont Avenue Los Angeles, California 90022

KEY ISSUES

- Rent was increased from \$1,100.00 to \$1,300.00, effective July 1, 2019
- Total increase is in the amount of 18.18%
- Per the effective date of the rent increase, the July through September 2019 rent payments (3 months) will be due by the hearing date.

STAFF RECOMMENDATION

Approval

DCBA STAFF:

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



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Joseph M. Nicchitta
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September 3, 2019

TO: Gina Natoli, AICP
Hearing Officer

FROM: Shannon Louis

Case No. RSQ19-08405
Anabel Puga vs. Torres Property Management
Hearing Officer Meeting: September 12, 2019 – Agenda Item: 5

Petition Description

Interim Rent Stabilization Ordinance(IRS) Petition for Noncompliance

Tenant is disputing a rent increase issued for the covered rental unit located at 515 Eastmont Avenue Los Angeles, California 90022 in the unincorporated area of East Los Angeles in Los Angeles County.

The Petitioner reported receiving a Notice of Increase dated May 1, 2019 increasing the rent to \$1,300.00 – effective July 1, 2019. The Petitioner's base rent on September 11, 2018 was \$1,100.00 – which constitutes a \$200.00 rent increase. The petition was filed with the Department of Consumer & Business Affairs (DCBA) on July 19, 2019.

Use Type

Multi-Family Residential; 0500

Year Built/Certificate of Occupancy(COO)

1941

Previous Petitions/History

N/A

Staff Evaluation & Burden of Proof

According to Ordinance No. 2018-0045, DCBA has determined that the rental unit located at 515 Eastmont Avenue Los Angeles, California 90022 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 \$200.00 increased the Petitioner's rent from \$1,100.00 to \$1,300.00 (18.18%). According to the ordinance, the tenant's maximum allowable rent should be \$1,133.00. 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 \$501.00 for the months of July through September 2019. **Ordinance No. 2018-0045 Section 3(A)(1).**

Lump Sum Credit Option

<i>October 1, 2019</i>	<i>\$501.00</i>
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Six Month Credit Option

<i>November 1, 2019</i>	<i>\$83.50</i>
<i>December 1, 2019</i>	<i>\$83.50</i>
<i>January 1, 2020</i>	<i>\$83.50</i>
<i>February 1, 2020</i>	<i>\$83.50</i>
<i>March 1, 2020</i>	<i>\$83.50</i>
<i>April 1, 2020</i>	<i>\$83.50</i>

Proof of Service/Notice of Hearing

The Petitioner, Anabel Puga, returned the Proof of Service form to DCBA on July 23, 2019. DCBA sent the Notice of Hearing on August 27, 2019.

Public Comments

N/A

Fees/Deposits

N/A

Landlord Contact

On July 22, 2019, DCBA contacted the landlord respondent to counsel them on their rights under Ordinance No. 2018-0045. The DCBA left a voicemail for a return call.

On July 25, 2019, DCBA counseled the landlord respondent on their rights under Ordinance No. 2018-0045. The landlord respondent was unaware of the IRSO, but understood the need to set rent in accordance with the allowable limit, along with return

any overpayment to the tenant. The landlord respondent requested this information in writing, which DCBA followed up with via email.

On July 25, 2019, the landlord respondent contacted DCBA after receiving the information regarding the IRSO and stated that they would like to provide a letter to DCBA to rescind the rent increase and return the overpayment. DCBA provided contact information where this could be sent.

On August 5, 2019, DCBA attempted to contact the landlord respondent to retrieve the letter to rescind the rent increase, but the calls were not answered. DCBA left voicemails on three different phone numbers and followed up via email.

On August 20, 2019, DCBA attempted to contact the landlord respondent to counsel them on their rights under Ordinance No. 2018-0045 and retrieve the letter to rescind the rent increase. DCBA left voicemails on three different phone numbers and followed up via email.

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 RSQ19-08405.

SUGGESTED STATEMENT

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE INTERIM RENT STABILIZATION ORDINANCE PETITION FOR NONCOMPLIANCE – CASE NUMBER RSQ19-08405 IS **APPROVED**, SUBJECT TO THE ATTACHED CONDITIONS.

Suggested Approval Statement

Prepared by Shannon Louis

Reviewed by Jessica Gallegos

Attachments

Initials JMN:JG: sl
(9/3/19)

BURDEN OF PROOF STATEMENT

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

In May of this year 2019 my landlord mailed everyone on the property a 60 day notice of rent increase. My rent is \$1,100, he wants to increase it by \$200 which would end up being \$1,300. On July 5th I went to pay the rent and told him I would only give him a 3% increase because of the rent control he refused to accept

RECEIVED
IS THIS MATTER URGENT?
☒ Yes ☐ No

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

I'm worried what my landlord is planning on doing because he didn't accept any rent for this month of July 2019

Section V: Signature of Petitioner

Anabel Puga

Petitioner Name (Print)

Tenant

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