

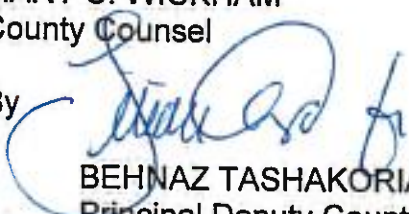
ANALYSIS

This ordinance amends the Rent Stabilization Interim Ordinance No. 2019-0018 ("Interim Ordinance"), to extend the sunset date from December 31, 2019, up to and including March 31, 2020. It also amends the Interim Ordinance to increase tenant protections by:

- (1) prohibiting a landlord from evicting a tenant for violation of a new or changed lease provision unilaterally imposed by the landlord;
- (2) imposing notice requirements on a landlord: who intends to permanently withdraw a unit from the rental market; or who intends, or whose immediate family member intends, to move into a unit;
- (3) limiting the number of units a landlord or immediate family member may move into;
- (4) allowing eligible tenants 62 years of age or older and tenants with disabilities the ability to request a one-year extension prior to termination of tenancy arising from a landlord's withdrawal from the rental market; and
- (5) if the landlord is evicting a tenant who is 62 years of age or older, disabled, terminally ill, or low-income, then requiring the landlord or immediate family member moving into the unit to be similarly situated.

MARY C. WICKHAM
County Counsel

By


BEHNAZ TASHAKORIAN
Principal Deputy County Counsel
Contracts Division

BT:gjh

ORDINANCE NO. _____

An ordinance amending Ordinance No. 2019-0018, relating to Rent Stabilization, to extend the sunset date from December 31, 2019, up to and including March 31, 2020, and making other changes relating to tenant protections.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2 of Ordinance No. 2019-0018 is hereby amended to read as follows:

SECTION 2. Definitions.

...

J. "Material Rental Agreement Term" means any provision in a rental agreement that is reasonable, legal, and accepted in writing by both the Tenant and the Landlord as material. Adding additional occupants in an existing tenancy is not a breach of a Material Rental Agreement Term so long as the number of occupants does not exceed the maximum number of occupants as determined by State law, ~~and~~ new ~~New~~ terms added to an existing rental agreement cannot be considered a Material Rental Agreement Term, ~~unless expressly consented to~~ accepted in writing by both the Tenant and Landlord. Consistent with California Civil Code section 827, a Landlord may not unilaterally change the terms of the tenancy and then evict the Tenant for violation of the changed provision.

SECTION 2. Section 4 of Ordinance No. 2019-0018 is hereby amended to read as follows:

SECTION 4. Evictions.

...

C. No Fault Termination.

If the Landlord can show any of the following circumstances with respect to a termination of tenancy, the termination will qualify as a No Fault termination:

1. The Landlord will imminently demolish the Rental Unit or otherwise permanently remove the property containing the Rental Unit from any residential rental use or purpose, in accordance with California Government Code sections 7060 through 7060.7, subject to the following conditions and requirements.

a. Not less than one hundred twenty (120) days from the date the Landlord intends to withdraw the Rental Units in a building or structure from the rental market, and after completion of all required proceedings, if any, the Landlord shall provide written notice of termination of tenancy to the County and to all affected Tenants, on a form approved by the Director.

b. If a Tenant is at least sixty-two (62) years of age or has a disability as defined in California Government Code section 12955.3, and has resided in the Rental Unit for at least one year prior to the Landlord's notice of intent to withdraw the Rental Unit from the rental market, then the Tenant shall receive an extension of tenancy for one year from the date of service of the written notice of termination of tenancy where the Tenant submitted a written request to the Landlord within sixty (60) days of the Landlord's intent to withdraw the Rental Unit from the rental market.

2. The Landlord, seeks in good faith, seeks to recover possession of the Rental Unit for use and occupancy as a primary place of residence by the Landlord or the Landlord's spouse, registered domestic partner, children, grandchildren, parents, or grandparents. The Rental Unit must be occupied as the primary residence of an individual described above within three (3) months sixty (60) days of the Tenant's household vacating the Rental Unit, and the Rental Unit must continue to be occupied as the same individual's primary residence for at least one three years.

a. Owner-Occupancy Disclosure. In addition to any notice required by California Civil Code section 827, the Landlord must disclose to the County the name of the eligible individual(s) who will occupy the Rental Unit, and the relationship of said individual(s) to the Landlord, no less than sixty (60) days prior to the final date of the tenancy.

b. Minimum Ownership Interest. In order to evict for owner or relative occupancy, the Landlord must possess legal title to at least fifty percent (50%) of the building or be a beneficiary with an interest of at least fifty percent (50%) in a trust that owns the building. If the Landlord is a corporation, partnership, or limited liability company, then the individual who intends to evict a Tenant under this Section and occupy the Rental Unit, must have at least a fifty percent (50%) beneficial interest in that business entity. Additionally, if two individuals purchase a duplex and each own fifty percent (50%) of the building, then each may evict a Tenant under this Section.

c. Rental Unit Limitation. A Landlord with less than one hundred percent (100%) ownership interest in a property may occupy only one Rental

Unit. A Landlord with one hundred percent (100%) ownership interest in a property may occupy up to two Rental Units within the building.

d. Similarly Situated Requirement. The Landlord may only terminate a tenancy under this Section if the Landlord or eligible family member who will reside in the Rental Unit (Landlord's Family Member) is similarly situated as the Tenant, who is being displaced:

(i) If the Tenant is at least sixty-two (62) years of age or older, then the Landlord or the Landlord's Family Member who will reside in the Rental Unit must also be sixty-two (62) years of age or older;

(ii) If the Tenant is a person with a disability who has a physical or mental impairment that limits one or more of a person's major life activities within the meaning of the California Fair Housing and Employment Act pursuant to California Government Code section 12926, then the Landlord or the Landlord's Family Member who will reside in the Rental Unit must also be a person with a disability;

(iii) If the Tenant has a terminal illness as verified by their medical primary care provider, then the Landlord or the Landlord's Family Member who will reside in the Rental Unit must also have a terminal illness; or

(iv) If the Tenant is a low-income tenant (low-income tenant means a person and family whose income does not exceed the qualifying limits for lower income families, as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, or as otherwise defined in California

Health and Safety Code section 50079.5), then the Landlord or the Landlord's Family Member who will reside in the Rental Unit must also be a low-income individual.

SECTION 3. Section 9 of Ordinance No. 2019-0018 is hereby amended to read as follows:

SECTION 9. Findings in Support of Interim Ordinance.

...

M. The Board of Supervisors hereby finds that the protections provided in this interim ordinance are greater than those set forth in California Civil Code section 1946.2 in that they: impose a lower limit on annual rent increases; impose further limitations on evictions; expand protections against harassment and discrimination of tenants and residential applicants; and provide additional tenant protections that are not preempted or otherwise precluded by any other provision of law.

SECTION 4. Section 12 of Ordinance No. 2019-0018 is hereby amended to read as follows:

SECTION 12. Sunset Date.

This interim ordinance shall take effect 30 days from its adoption, and it shall be of no further force and effect after ~~December 31, 2019~~ March 31, 2020, unless extended or replaced by an affirmative vote of the Board of Supervisors.

[INTERIMRENTSUNSETBTCC].