

ARTICLE 5

JUST CAUSE FOR EVICTION ORDINANCE

(Added by Ord. No. 187,737, Eff. 1/27/23.)

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SEC. 165.00. TITLE.

This Article shall be known as the Just Cause for Eviction Ordinance of the City of Los Angeles.

SEC.165.01. FINDINGS AND DECLARATION OF PURPOSE.

Displacement through arbitrary evictions affects the public health, safety and welfare of Los Angeles residents. Evictions destabilize communities by disrupting longstanding community networks, uprooting children from their schools, forcing low-income residents to pay unaffordable relocation costs, and pushing City residents away from important public services. Additionally, arbitrary evictions are a key driver of homelessness.

Approximately 76 percent of the multi-family rental units in the City of Los Angeles are regulated by the Rent Stabilization Ordinance (“RSO”), which protects renters from excessive rent increases and arbitrary evictions. The Tenant Protection Act of 2019 (“TPA”), codified at California Civil Code Sections 1946.2, 1947.12, and 1947.13, provides some protections against price gouging and evictions that did not previously exist for the approximately 138,000 households not covered by the RSO. Hundreds of thousands of Los Angeles households are not protected under either law.

Accordingly, the City adopts this Ordinance to provide just cause eviction protections to renters city-wide.

The TPA provides that municipalities may adopt protections after September 1, 2019, that are consistent and more protective than those provided under California Civil Code Section 1946.2. The local municipality must also make a binding finding that its ordinance is more protective than the provisions of Civil Code Section 1946.2. The City finds that this Ordinance is consistent with Civil Code Section 1946.2 and is more protective than Civil Code Section 1946.2 by further limiting the reasons for termination of a residential tenancy, providing for higher relocation assistance amounts, and providing additional tenant protections that are not prohibited by any other provision of law.

SEC. 165.02. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this section.

Department. The Los Angeles Housing Department and any successor department.

Landlord. An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who is entitled to offer residential real property for rent, receive rent for the use or occupancy of residential real property, or maintain an action for possession of residential real property, or the agent, representative or successor of any of the foregoing.

Qualified Tenant. Any tenant who satisfies any of the following criteria on the date of service of the written notice of termination: aged 62 or older; handicapped as defined in Section 50072 of the California Health and Safety Code; disabled as defined in Title 42 United States Code § 423; or a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children.

Rent. The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection

with the use or occupancy of residential real property, including, but not limited to, monies demanded or paid for the following: meals when required by the landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits.

Residential real property. Any dwelling or unit that is intended for human habitation.

Tenant. A tenant, subtenant, lessee, sublessee or any other person entitled to use or occupancy of residential real property.

SEC. 165.03. JUST CAUSE EVICTIONS.

A landlord shall not terminate a tenancy unless it is based upon one or more of the following grounds:

A. The tenant has defaulted in the payment of rent to which the landlord is entitled; provided, however, that the landlord's right to evict a tenant lawfully in possession of residential housing under this subsection is limited to defaults in payment where the amount due exceeds one month of fair market rent for the Los Angeles metro area set annually by the U.S. Department of Housing and Urban Development for an equivalent sized rental unit as that occupied by the tenant. The written notice to the tenant required under Section 165.05 of this article shall state the number of bedrooms in the tenant's rental unit. **(Amended by Ord. No. 187,763, Eff. 3/27/23.)**

B. The tenant has violated a lawful obligation or covenant of the tenancy and has failed to cure the violation after having received written notice from the landlord, except when:

(1) The obligation requires the surrendering of possession upon proper notice.

(2) The obligation limits the number of occupants if the additional occupant is one or more minor dependent children or one adult. The landlord has the right to approve the additional adult occupant provided that approval is not unreasonably withheld.

(3) The obligation is based on a change in the terms of the tenancy that is not the result of an express written agreement signed by both of the parties. For purposes of this subsection, a landlord may not unilaterally change the terms of the tenancy under California Civil Code Section 827 and then evict the tenant for the violation of the added covenant unless the tenant has agreed in writing to the additional covenant. The tenant must knowingly consent, without threat or coercion, to each change in the terms of the tenancy. A landlord is not required to obtain a tenant's written consent to a change in the terms of the tenancy if the change in the terms of the tenancy is authorized by federal, state, or local law. Nothing in this paragraph shall exempt a landlord from providing legally required notice of a change in the terms of the tenancy.

(4) A landlord shall not change the terms of a tenancy to prohibit pets and then evict the tenant for keeping a pet kept and allowed prior to the change, unless the landlord can establish that the pet constitutes a nuisance and the nuisance has not been abated upon proper notice to the tenant.

C. The tenant is committing or permitting to exist a nuisance in or is causing damage to residential real property, appurtenances or common areas of residential real property, or is creating an unreasonable interference with the comfort, safety, or enjoyment of other residents of the rental complex or within a 1,000 foot radius extending from the boundary line of the rental complex.

D. The tenant is using or permitting use of residential real property, common areas, or an area within a 1,000 foot radius from the boundary line of the rental complex for an unlawful purpose. The term "unlawful purpose" does not include the use of housing accommodations that lack a legally-approved use or that has been cited for occupancy or other housing code violations.

E. The tenant had a written lease that terminated on or after the effective date of this Article, and after a written request or demand from the landlord, the tenant has refused to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this Article or any other provision of law.

F. The tenant has refused the landlord reasonable access to the residential real property for the purpose of making repairs or improvements, for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the residential real property to any prospective purchaser or mortgagee.

G. The person in possession of residential real property at the end of a lease term is a subtenant not approved by the landlord.

H. The landlord seeks in good faith to recover possession of residential real property for use and occupancy as a primary place of residence by:

(1) The landlord; or

(2) The landlord's spouse, domestic partner, grandchildren, children, parents, or grandparents; or

(3) A resident manager when a residential manager, janitor, housekeeper, caretaker, or other responsible person is required to reside upon the premises by law or under the terms of an affordable housing covenant or regulatory agreement.

Landlords seeking to recover possession under this subdivision must comply with the restrictions and requirements of Los Angeles Municipal Code Section 151.30.

I. The landlord seeks in good faith to recover possession of residential real property under the following circumstances:

(1) to demolish the residential real property.

(2) to substantially remodel the residential real property, provided the landlord has secured permits necessary to substantially remodel the residential real property from applicable government agencies, and served a copy of the permits with a written termination notice stating the reason for termination, the type and scope of the work to be performed, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work requires the tenant to vacate the residential real property for at least 30 days. "Substantially remodel" shall have the same meaning as the term defined in California Civil Code Section 1946.2.

(3) to withdraw the residential real property permanently from rental housing use when the landlord is withdrawing from rent or lease all residential real property on the same parcel of land.

J. The landlord seeks in good faith to recover possession of residential real property to comply with a court order or governmental agency's order to vacate, order to comply, order to abate, or any other order that necessitates vacating the residential real property.

K. The Secretary of Housing and Urban Development seeks to recover possession to vacate the property prior to sale and has complied with all tenant notification requirements under federal law and administrative regulations.

L. The residential real property is in a Residential Hotel, and the landlord seeks to recover possession to Convert or Demolish the unit, as those terms are defined in Article 7.1 of Chapter IV of this Code. A landlord may recover possession only after the Los Angeles Housing Department has approved an Application for Clearance under Article 7.1 of Chapter IV of this Code.

M. The landlord seeks to recover possession of residential real property for conversion to affordable housing accommodations.

"Affordable housing accommodations" means housing accommodations with a government imposed regulatory agreement that has been recorded with the Los Angeles County Recorder, or which shall be recorded within six months of the filing of an exemption pursuant to this subdivision with the Department, guaranteeing that the housing accommodations will be affordable to either lower income or very low income households for a period of at least 55 years, with units affordable only to households with an income at 60 percent of the Area Median Income or less. None of the subject housing accommodations shall be affordable only to households with incomes greater than 60 percent of the Area Median Income, as these terms are defined by the U.S. Department of Housing and Urban Development. "Lower Income or very low income households" is defined according with California Health and Safety Code Sections 50079.5 and 50105.

To recover possession of residential real property under this subdivision, the landlord must first obtain an exemption from the Department indicating satisfaction of the following conditions:

(1) the housing accommodations are only available to lower income or very low income households with none of the subject accommodations affordable only to households with income greater than 60% of Area Median Income; and,

(2) the rent levels conform to the amounts set by the U.S. Department of Housing and Urban Development, or the California Department of Housing and Community Development, as applicable, based on the public funding source for the subject accommodations.

The Department shall have the authority to revoke an exemption issued pursuant to this subdivision for failure to adhere to any of the conditions for an exemption set forth in this subdivision.

If the landlord fails to record a government imposed regulatory agreement within six months of the filing of the affordable housing exemption with the Department, and the landlord seeks to offer the residential real property for rent or lease, the landlord shall first offer to rent or lease the unit to the tenant displaced from that unit pursuant to this subdivision, provided that the tenant advised the landlord in writing within 30 days of displacement of the tenant's desire to consider an offer to renew the tenancy and provided the landlord with an address to which that offer is to be directed. The tenant may subsequently advise the landlord of a change of address to which an offer is to be directed. A landlord who re-offers the unit pursuant to the provisions of this subdivision shall deposit the offer in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant at the address furnished to the landlord as provided in this subdivision, and shall describe the terms of the offer. The displaced tenant shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance to the Department or deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

N. The landlord seeks to recover possession of residential real property for conversion to non-residential use.

SEC. 165.04. APPLICABILITY.

This Article shall not apply until the expiration of an initial original lease or after six months of continuous and lawful occupancy, whichever comes first, or to the following types of residential real properties or residential circumstances:

(A) Rental units subject to the Rent Stabilization Ordinance.

(B) Transient and tourist hotel occupancy as defined in Subdivision (b) of California Civil Code Section 1940, unless the landlord violates California Civil Code Section 1940.1 to maintain transient occupancy status.

(C) Housing accommodations in any hospital, asylum, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the California Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

(D) Housing accommodations in a fraternity or sorority house or any housing accommodation owned and operated by an institution of higher education, a high school, or elementary school for occupancy by students.

(E) Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

(F) A dwelling unit in a nonprofit stock cooperative while occupied by a shareholder tenant of the nonprofit stock cooperative.

(G) Housing accommodations in limited equity housing cooperatives, as defined in California Civil Code Sections 817 and 817.1, when occupied by a member tenant of the limited equity housing cooperative. However, if the cooperative acquired the property pursuant to California Government Code Section 54237(d), then all dwellings in the limited- equity housing cooperative shall be exempt from this Article.

(H) Housing accommodations in an Interim Motel Housing Project pursuant to Los Angeles Municipal Code Section 14.00 A.12. This exception shall apply only to housing accommodations that have been issued an exemption by the Department indicating satisfaction of the following conditions:

(1) the housing accommodations are subject to and operating in accordance with a Supportive Housing or Transitional Housing contract; and

(2) any tenant remaining in the housing accommodations at the commencement of the Supportive Housing or Transitional Housing contract shall be afforded all rights and protections provided by this Article.

The Department shall have the authority to revoke an exemption issued pursuant to this subdivision for failure to adhere to any of the conditions for an exemption set forth in this subdivision.

This exemption shall be deemed automatically revoked upon termination of the Supportive Housing or Transitional Housing contract or failure to operate in accordance with the Supportive Housing or Transitional Housing contract.

(I) Housing accommodations in a nonprofit facility that has the primary purpose of providing short term treatment, assistance, or therapy for alcohol, drug, or other substance abuse and the housing is provided incident to the recovery program, and when the client has been informed in writing of the temporary or transitional nature of the housing at its inception.

(J) Housing accommodations in a nonprofit facility that provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in permanent housing and when occupancy is restricted to a limited and specific period of time of not more than twenty-four (24) months and when the client has been informed in writing of the temporary or transitional nature of the housing at its inception.

(K) Occupancy in a housing accommodation leased by or otherwise paid for by a government entity or agency with the primary purpose of helping homeless persons obtain temporary or transitional housing.

(L) Housing accommodations owned and operated by the Los Angeles City Housing Authority, or housing accommodations owned, operated, or managed by any other government unit, agency, or authority and which are specifically exempted from municipal regulations on evictions by state or federal law or administrative regulation, or housing accommodations specifically exempted from municipal regulations on evictions by state or federal law or administrative regulation.

SEC. 165.05. NOTICES.

A. A landlord of residential real property subject to this Article shall provide notice of the protections of this Article as follows:

(1) For any tenancy commenced or renewed on or after the effective date of this Article as a written notice to the tenant.

(2) The landlord shall post a notification in a form prescribed by the Department in an accessible common area of the property.

B. In any action to recover possession of residential real property, the landlord shall serve on the tenant a written notice setting forth the reasons for the termination. The written notice shall be as described in Civil Code Section 1946 or Code of Civil Procedure Sections 1161 and 1161a. The notice shall be given in the manner prescribed by Code of Civil Procedure Section 1162 and must also comply with the following:

(1) When the termination of tenancy is based on any of the grounds set forth in Section 165.03 B. through 165.03 G., the termination notice must set forth specific facts to permit a determination of the date, place, witnesses and circumstances concerning the eviction reason.

(2) When the termination of tenancy is based on the grounds set forth in Section 165.03 H., the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department identifying the person to be moved into the residential real property, the date on which the person will move in, the rent presently charged for the residential real property, and the date of the last rental increase. This declaration shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162. When filing the declaration, the landlord shall pay an administrative fee in the amount of \$75. The fee shall pay for the cost of administering and enforcing the provisions of Los Angeles Municipal Code Section 151.30.

(3) When the termination of tenancy is based on any of the grounds set forth in Section 165.03 I. or 165.03 K. through 165.03 N., the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department stating the reason for eviction. This declaration shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162.

(4) When the termination of tenancy is based on the ground set forth in Section 165.03 J., then the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department stating that the landlord intends to evict in order to comply with a court order or governmental agency's order to vacate residential real property. The landlord shall attach a copy of the order to this declaration. This notice shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162.

(5) A copy of any written notice terminating a tenancy shall be filed with the Department within three business days of service on the tenant.

SEC. 165.06. RELOCATION ASSISTANCE.

A. If the termination of tenancy is based on any of the grounds set forth in Sections 165.03 H. through 165.03 N., then the landlord shall pay relocation assistance to the tenant as follows:

(1) For tenants who resided at the residential real property for fewer than three years: \$19,400 to qualified tenants and \$9,200 to all other tenants;

(2) For tenants who resided at the residential real property for three years or longer: \$22,950 to qualified tenants and \$12,050 to all other tenants;

(3) For tenants whose household income is 80% or below Area Median Income (AMI), as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development, regardless of length of tenancy: \$22,950 to qualified tenants and \$12,050 to all other tenants.

(4) The amounts of relocation in Sections 165.06 A.(1) through 165.06 A.(3) do not apply if lower relocation assistance is applicable under Los Angeles Municipal Code Section 151.30 E.

(5) Relocation fees owed to terminate tenancies under Section 165.03 K. or 165.03 M. shall be based on the applicable provisions of the Uniform Relocation Act, California Relocation Assistance Act, or the amounts set forth in this section, whichever is greater.

(6) When the residential real property is a single-family dwelling and the owner is a natural person, including natural persons who hold properties in a trust or registered legal entity controlled by that natural person, who owns no more than four dwelling units and a single-family home on a separate lot in the City of Los Angeles: one month's rent that was in effect when the landlord served the written notice to terminate the tenancy, as either a monetary payment or credit. Los Angeles Municipal Code Section 151.30 E. shall not apply.

(7) If more than one relocation assistance payment applies, the landlord shall pay the highest of the applicable payment. Nothing relieves the landlord from the obligation to provide relocation assistance pursuant to City administrative agency action or

any other provision of local, state or federal law. If a tenant is entitled to monetary relocation benefits pursuant to City administrative agency action or any provision of local, state or federal law, then those benefits shall operate as a credit against any fee required to be paid to the tenant under this section.

B. Tenants who claim eligibility based on their income shall file a statement with the Department verifying their income on a form prescribed by the Department.

C. Requests for a hearing to appeal a decision regarding a tenant's relocation assistance eligibility, including disputes about eligibility for higher relocation assistance based on a tenant's income, age, length of tenancy, family status or disability status, must be filed in writing on the form prescribed by the Department and received by the Department within 15 calendar days of the date of the Department's notification of its decision regarding tenant relocation assistance. The Department shall charge a fee of \$300 for any hearing request to pay for the cost of the appeal hearing.

D. The payment amounts shall be adjusted on an annual basis pursuant to the formula set forth in Los Angeles Municipal Code Section 151.06 D. The adjusted amount shall be rounded to the nearest \$50 increment.

E. Relocation assistance payments to the tenant shall be made as follows:

(1) The entire fee shall be paid to a tenant who is the only tenant in the residential real property.

(2) If the residential real property is occupied by two or more tenants, then each tenant shall be paid an equal, pro-rata share of the fee.

F. If the termination of tenancy is based on the grounds set forth in Section 165.03 H., 165.03 I., 165.03 J., 165.03 K., or 165.03 N., then the landlord shall also pay the City a fee for the purpose of providing relocation assistance by the City's Relocation Assistance Service Provider, as defined in Los Angeles Municipal Code Sections 47.06 B. and 47.07 B. The fee shall be \$840 for each unit occupied by a qualified tenant and \$522 for each unit occupied by other tenants, and an additional \$72 per unit to pay for the administrative costs associated with this service. The fees may be increased in an amount based on the Consumer Price Index – All Urban Consumers averaged for the first 12-month period ending September 30 of each year, as determined and published by the Los Angeles Housing Department on or before May 30, of each year, pursuant to Los Angeles Municipal Code Section 151.07 A.6. The Relocation Assistance Service Provider will provide the relocation assistance services listed in Los Angeles Municipal Code Sections 47.06 D and 47.07 D. These fees shall not be charged when Section 165.06 A.(6) applies.

G. The landlord shall perform the acts described in this section within 15 days of service of a written notice of termination described in California Civil Code Section 1946. The landlord may in its sole discretion elect to pay the monetary relocation benefits pursuant to this section to an escrow account to be disbursed to the tenant upon certification of vacation of the unit. The escrow account shall provide for the payment prior to vacation of all or a portion of the monetary relocation benefits for actual relocation expenses incurred or to be incurred by the tenant prior to vacation, including but not limited to security deposits, moving expense deposits and utility connection charges. Rent Adjustment Commission Regulations governing Relocation Assistance Escrow Accounts, Section 960.00, et seq., shall govern the establishment of escrow accounts, disbursements, disputes, and closure.

H. Any tenant subject to displacement because of a notice to vacate or other order requiring the vacation of an unpermitted dwelling unit in violation of the municipal code or any other provision of law, when the landlord has had a reasonable opportunity to correct the violation, shall be entitled to relocation payable by the landlord to the tenant within 15 days of service of the written notice of termination of the tenancy in accordance with this section.

I. No relocation assistance payment shall be required in the following circumstances:

(1) The landlord seeks in good faith to recover possession of the residential real property for use and occupancy by a resident manager, provided that the resident manager is replacing the existing resident manager in the same unit.

(2) The Department determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition.

J. A landlord may offset the tenant's accumulated rent against any relocation assistance due under this section, unless the relocation assistance is owed because a termination of tenancy is required by a governmental agency order to vacate or comply issued for an unpermitted dwelling.

SEC. 165.07. REMEDIES.

In any action by a landlord to recover possession of residential real property, the tenant may raise as an affirmative defense the failure of the landlord to comply with this Article. In addition, any landlord who fails to provide monetary relocation assistance as required by Section 165.06 shall be liable in a civil action to the tenant to whom such assistance is due for damages in the amount the landlord has failed to pay, together with reasonable attorney fees and costs as determined by the court. Violations of this Article shall be a misdemeanor.

SEC. 165.08. RENT ADJUSTMENT COMMISSION.

The Rent Adjustment Commission shall have the authority to promulgate policies, rules and regulations to effectuate the purposes of this Article. All such rules and regulations shall be published once in a daily newspaper of general circulation in the City of Los Angeles, and shall take effect upon such publication.

The Commission may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to effectuate the purposes of this Article.

SEC. 165.09. RELOCATION ASSISTANCE FOR ECONOMIC DISPLACEMENT.

(Added by Ord. No. 187,764, Eff. 3/27/23.)

A. A landlord of residential real property subject to this article shall provide the relocation assistance specified in this section to a tenant who elects to relinquish their tenancy following a proposed rental increase that exceeds the lesser of (1) the Consumer Price Index – All Urban Consumers, plus five percent, or (2) ten percent. For purposes of this subsection, the proposed rental increase, whether imposed as a single increase or payable periodically over a 12-month period, shall be calculated based on the highest legal monthly rate of rent established as of the date of the notice of rent increase, not any temporary, promotional, or discounted rent.

B. A landlord may offset a tenant's accumulated rent or other amounts due to the landlord against any relocation assistance payable under this section.

C. Except as otherwise provided in Paragraph D., the relocation assistance amount due under this section shall be three times the fair market rent in the Los Angeles Metro area for a rental unit of a similar size as established by the United States Department of Housing and Urban Development plus \$1,411 in moving costs. The Los Angeles Housing Department shall publish the required relocation amounts annually.

D. The relocation assistance amount due under this section from a landlord of a single-family residence shall be reduced to an amount equal to one month's rent (calculated at the rental amount payable by the tenant at the time of a written notice of a rent increase satisfying Section 165.09 A.) if the owner meets both of the following criteria: (1) the owner is a natural person or a natural person who holds the rental property in a trust or registered legal entity controlled by that natural person; and (2) the owner, and all trusts and legal entities controlled by the owner, owns a single-family dwelling unit and no more than four additional dwelling units in the City all of which are on a lot or lots separate from the single-family dwelling unit.

SEC. 165.10. SEVERABILITY.

(Added by Ord. No. 187,763, Eff. 3/27/23 and Ord. No. 187,764, Eff. 3/27/23.)

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SEC. 165.11. EVICTION PROTECTIONS FOR TENANTS AWAITING DISBURSEMENT OF ULA ERAP RENTAL ASSISTANCE PAYMENTS.

(Amended by Ord. No. 188,131, Eff. 3/8/24.)

No Landlord shall evict or endeavor to evict, in each case upon the grounds of non-payment of rent, any tenant who meets each of the following four criteria: (1) between September 19, 2023 and October 31, 2023 (2023 ULA ERAP), an application for residential rental assistance from the City of Los Angeles United to House Los Angeles Emergency Renters Assistance Program ("ULA ERAP") was filed with the Department; (2) the tenant has rental arrears accumulated between October 1, 2021 and January 31, 2023; (3) on or prior to May 31, 2024, the tenant is approved by the Los Angeles Housing Department for residential rental assistance from ULA ERAP and the rental assistance payment has not been disbursed to the Landlord yet; and (4) the eviction or default is based on solely nonpayment of rent. Nothing in this section prohibits any eviction, effort to evict, or notice of eviction on any grounds other than nonpayment of rent, all of which grounds are permitted, including those grounds specified in Section 151.09 A.2. through 14., or Section 165.03 B. through N. of this Code. Notwithstanding Section 165.04(A), the protections of this section shall apply to tenants of rental units subject to the Rent Stabilization Ordinance ("RSO") and to tenants of rental units not subject to the RSO.

In any action by a Landlord to recover possession of residential real property, the Tenant may raise as an affirmative defense the provisions of, or the failure of the Landlord to comply with, this section. The protections of this section shall be retroactive and to the extent permitted by applicable law a tenant may assert a Landlord's failure to comply with this section as a defense in any action to recover possession of real residential property filed before February 7, 2024, as well as in any such action filed on or after said date. The Los Angeles Housing Department shall encumber and approve release of all rental assistance payments due under the 2023 ULA ERAP on or before June 1, 2024, whereupon the provisions of this Section 165.11 shall terminate and be of no further force or effect.

