



"Great Apartments Start Here!"

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Via Electronic Mail

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Updating the County's COVID-19 Tenant Protections Resolution to Clarify the Definition of "Financial Impacts" and the Affirmative Defense and Penalties Provisions (Agenda Item 27)

Dear Hon. Board of Supervisors;

At the November 15th Los Angeles County Board of Supervisors meeting, the Board will vote to adopt numerous amendments to the County's eviction moratorium including extending no-fault eviction prohibitions as the baseline Countywide, for a segment of renters, for an additional year beyond the expiration of the moratorium, through December 31, 2023. The Apartment Association of Greater Los Angeles (Association) is strongly opposed to the proposed amendment and strongly urge the Board of Supervisors to reject its inclusion in the resolution.

At the September 13th Board of Supervisors meeting, the Board approved a motion committing to the end of the County's eviction moratorium and establishing a Countywide strategy plan to ensure that all residents were properly informed. During that meeting, Board Supervisors spoke to the vital importance of proactively instituting robust education and outreach to the community and available County resources, so that renters and rental housing providers were informed and prepared.

Now, in mid-November, with a month and a half remaining prior to the end of the moratorium, the Board is contemplating further extension of the no-fault eviction provisions countywide. Throughout the pandemic, the Association has raised serious concerns about the challenges that have resulted from the layers of everchanging regulations which have made it difficult for rental housing providers and renters alike to know their rights and responsibilities. The proposed action will only lead to further confusion.

The proposed amendment would be applied countywide to both the unincorporated areas and incorporated cities as the baseline. We do not believe that the County has the authority to impose the proposed extension on the incorporated cities. With the moratorium ending this year, there is simply no justification to warrant the proposed countywide mandate which would remain in effect until 2024.

The County's eviction moratorium will expire on December 31, 2022 after nearly three years and following irreparable harm done to many small business rental housing providers who have endured severe financial distress resulting from lagging rent collections and; astronomical increases in building and operational costs which have only skyrocketed during the current hyperinflationary period, while subject to a ban on issuing any rent increases to offset rapidly increasing costs. These conditions created by the County

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have placed some small business rental housing providers in a situation where they must now seek housing in their investment property. For the last several years, the eviction moratorium has precluded many struggling owners from moving into their property. The proposed amendment would simply worsen and prolong these circumstances.

The motion also references ongoing litigation to which our Association is a party. On October 19, 2022, the U.S. District Court granted our Association a preliminary injunction enjoining the County from further enforcement of its moratorium effective December 1, 2022 due to multiple violations of the Constitution’s “Vagueness Doctrine” and the lack of specific standards for how to apply various provisions contained within the County’s moratorium. Along with the granting of the injunction, the District Court judge’s order concluded that our Association and co-plaintiff are likely to succeed on the merits of our claim that the County’s ordinance is unconstitutionally vague. We do not believe the County has corrected the fundamental vagueness problems called out in Judge Pregerson’s order and it would appear that the proposed amendment would allow virtually any renter to take advantage of the eviction ban. The ban does not establish any baselines for when the “loss of income” or “increase in expenses” are to be evaluated. Given the inflationary times in which we find ourselves, a mere increase of greater than 7.5% in expenses would qualify the renter for protection. In addition, the County fails to provide any factual or legal support for its determination that a decrease in income (however that is to be calculated) can justify a deference of 100% of rent. There is simply no rational basis to support such a flawed policy. It is our Association’s intention to continue to pursue any and all legal options against the County. By continuing to extend a resolution already deemed unconstitutional and where we and our co-plaintiff are likely to prevail on the merits of our case, it would be in the County’s best interests to terminate the moratorium as soon as possible.

It is time for the County to close the chapter on COVID-19 interim emergency measures and begin a new chapter in which the County strives to support all County residents through the advancement of balanced and equitable solutions. Accordingly, we strongly urge the Board of Supervisors to reject this amendment.

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@aacla.org.

Very truly yours,

Danielle Leidner-Peretz

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