

## Council File: 93-1850



### Title

REAP, RSO ORD AND RENT REDUCTION PROGRAM CHANGES

### Subject

Mo - On 5-3-93, 10 people died in a Westlake area apartment fire. The building at 330 S Burlington Ave, was in violation of numerous city fire codes &, although citations had been issued, the building was never brought up to code. A follow-up story in Los Angeles Times concluded that entire Pico-Union / Westlake area "suffers from life-threatening fire safety violations." Rent Escrow Acct Program (REAP) & Rent Reduction Program (RRP) have proven extremely effective in forcing owners of slum dwellings to bring their buildings up to at least minimum standards of habitability. REAP forces slumlords to correct flagrant violations by depriving them of their monthly rent checks. This program has had a better than 80% success rate with respect to 898 buildings that have been placed into REAP since March, 1989. RRP lowers the monthly rent of tenants whose units are not up to code & has also been quite effective since its inception in 1991. Despite these successes, Burlington Ave fire provided a tragic & graphic illustration of the need to strengthen both of these pioneering progs. An expedited REAP / RRP process should be developed that would allow buildings to be placed into REAP / RRP within a 15-day period if landlords fail to cure specified imminent, life - threatening hazards in a timely fashion. City should be allowed to perform needed repairs using escrowed rent. Other changes can be made to REAP & RRP that will dramatically assist in our efforts to abate slum housing citywide. These include: a. deleting formal conference provision from REAP ord, thereby speeding up process for placing buildings into REAP by bet fourteen & thirty days. b. revising Rent Stabilization Ord to deny certain rent increases, as specified in 1 through 3 below, for buildings that are in REAP, buildings that have been declared substandard & consequently denied depreciation by Franchise Tax Board, or buildings whose owners have been criminally prosecuted by City Atty for habitability issues & either settled or been convicted: 1. rents may not be raised in accordance with "vacancy decontrol" provision of RSO until building has been brought up to code; 2. rents may not be raised in accordance with annual rent increase provision of RSO until twelve months after building is brought up to code; 3. rents may not be raised in accordance with "capital improvement pass through" provision of RSO if costs being passed through were incurred to cure problems for which citations were issued. c. creating a new "probationary" status for buildings which have been removed from REAP after complying with code. Owners of these buildings will be required to prepay for three annual inspections. If any annual inspection reveals same habitability problem that placed building into REAP, then the building would be place back into REAP immediately, without further hearings. d. providing that after a building with

### Online Documents (Doc)

Title	Doc Date
Final Ordinance No. 171074	06/23/1996
Final Ordinance No. 170668	10/07/1995
Final Ordinance No. 170445	05/06/1995

### Council Vote Information

Meeting Date:	07/11/2003		
Meeting Type:	Special		
Vote Type:	Roll Call		
Vote Given:	(10 - 0 - 5)		
Member Name	CD	Vote	
TONY CARDENAS	6	YES	
ERIC GARCETTI	13	YES	
WENDY GREUEL	2	ABSENT	
JAMICE HAHN	15	ABSENT	
TOM LABONGE	4	YES	
MARTIN LUDLOW	10	YES	
CINDY MISCIKOWSKI	11	ABSENT	
ALEX PADILLA	7	YES	
BERNARD C PARKS	8	YES	
JAN PERRY	9	ABSENT	
ED REYES	1	YES	
GREIG SMITH	12	YES	
ANTONIO VILLARAIGOSA	14	YES	
JACK WEISS	5	YES	
DENNIS ZINE	3	ABSENT	

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Office of the City Clerk, City of Los Angeles

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REAP, RSO ORD AND RENT REDUCTION PROGRAM CHANGES

**Subject**

Mo - On 5-3-93, 10 people died in a Westlake area apartment fire. The building at 330 S Burlington Ave, was in violation of numerous city fire codes &, although citations had been issued, the building was never brought up to code. A follow-up story in Los Angeles Times concluded that entire Pico-Union / Westlake area "suffers from life-threatening fire safety violations." Rent Escrow Acct Program (REAP) & Rent Reduction Program (RRP) have proven extremely effective in forcing owners of slum dwellings to bring their buildings up to at least minimum standards of habitability. REAP forces slumlords to correct flagrant violations by depriving them of their monthly rent checks. This program has had a better than 80% success rate with respect to 898 buildings that have been placed into REAP since March, 1989. RRP lowers the monthly rent of tenants whose units are not up to code & has also been quite effective since its inception in 1991. Despite these successes, Burlington Ave fire provided a tragic & graphic illustration of the need to strengthen both of these pioneering progs. An expedited REAP / RRP process should be developed that would allow buildings to be placed into REAP / RRP within a 15-day period if landlords fail to cure specified imminent, life - threatening hazards in a timely fashion. City should be allowed to perform needed repairs using escrowed rent. Other changes can be made to REAP & RRP that will dramatically assist in our efforts to abate slum housing citywide. These include: a. deleting formal conference provision from REAP ord, thereby speeding up process for placing buildings into REAP by bet fourteen & thirty days. b. revising Rent Stabilization Ord to deny certain rent increases, as specified in 1 through 3 below, for buildings that are in REAP, buildings that have been declared substandard & consequently denied depreciation by Franchise Tax Board, or buildings whose owners have been criminally prosecuted by City Atty for habitability issues & either settled or been convicted: 1. rents may not be raised in accordance with "vacancy decontrol" provision of RSO until building has been brought up to code; 2. rents may not be raised in accordance with annual rent increase provision of RSO until twelve months after building is brought up to code; 3. rents may not be raised in accordance with "capital improvement pass through" provision of RSO if costs being passed through were incurred to cure problems for which citations were issued. c. creating a new "probationary" status for buildings which have been removed from REAP after complying with code. Owners of these buildings will be required to prepay for three annual inspections. If any annual inspection reveals same habitability problem that placed building into REAP, then the building would be place back into REAP immediately, without further hearings. d. providing that after a building with building-wide habitability problems has been in REAP for six months, City may return escrowed REAP funds to tenants; & after twelve months without compliance, City may order building vacated & tenants relocated (with costs to be recovered through liens on the property). e. broadening application of REAP & RRP to include buildings cited for violation of those code sections mandating retrofit of specified safety-related improvements, including: Dorothy Mae sprinklers; seismic retrofit; impact hazard glazing; smoke detectors; unvented wall heaters; & quick-release catches on security bars. f. claryfing intent of Ccl in adopting RSO to protect every individual in a landlord-tenant relationship by changing definition of "rental unit" to include two or more on a lot, & using term "housing accommodation" instead of "dwelling unit" as defined in State Government Code 12927. g. amending RRP prog to allow for "weighting" of various untenability conditions & housing services, to provide for a more accurate & fair system of rent reductions. h. amending codes to require that all Orders to Correct written by City agencies be posted at building by citing agencies in a language easily understood by occupants of building, & to require that owner maintain that posting until conditions have been corrected & inspected. Additionally, Depts of Housing, Fire, & B&S & City Atty should be directed to develop a plan for overall coordination of the City's slum abatement progs. THEREFORE MOVE that City Ccl instruct City Atty, with assistance of Housing, Building & Safety, &

Fire Depts to prepare & present to City Ccl at earliest possible time a plan & ord which would place buildings that have been cited for specified imminent hazards, but not cured within time given, into Rent Escrow Acct & Rent Reduction Progs within 15 days, & that City perform needed repairs using escrowed rent or a revolving fund to be reimbursed by the landlord; & FURTHER MOVE that City Atty, with assistance of Housing, Building & Safety, & Fire Depts be instructed to draft amendments to City codes & ords to accomplish improvements listed in a thru h, above; FURTHER MOVE that Depts of Housing, Building & Safety, & Fire be instructed to work with City Atty to develop a plan for overall coordination of City's slum abatement progs, such plan to be presented to City Ccl through its Housing & Community Redevelopment Comt (H&CR), within 60 days; FURTHER MOVE that Housing Dept & Rent Adjustment Comsn, in cooperation with Depts of B&S & Fire, City Atty's Office, & Los Angeles County Health Dept, be instructed to research & rept back to City Ccl within six months on feasibility, cost & methodology for implementing following progs: 1. Housing Court (in which judge would have specific expertise in housing issues). 2. Licensing of property managers. 3. Allowing City to place in receivership slum properties that have been in REAP, whiout any effort to comply, for 6 months to one year; & enabling receiver to repair property with escrowed rents. 4. Improving system for processing rent reductions generated by tenant complaints as opposed to cited habitability problems. 6. Increasing amt of rent reduction allowed in REAP to as much as 90 percent. SEE OLD CF 87-1084-S2 & 93-0537-S1

### **Last Change Date**

08/25/1997

### **Mover**

ZEV YAROSLAVSKY

### **Second**

MARK RIDLEY-THOMAS

### **Archive History**

9-10-93 - This days Ccl session

9-10-93 - Ref to CR&H Comt

9-14-93 - File to CR&H Comt Clk

10-8-93 - This days Ccl session - Mo - Ridley-Thomas Mover 1993 /

Walters - THEREFORE MOVE that Fire Dept make a thorough presentation to the PS Comt at its next meeting on measures to increase the number of inspections in inner-City areas, including the redeployment of crews from less busy areas & the formation of special task forces that would target problem bldgs.

FURTHER MOVE that CF 88-0828-S10 (Holden - Hernandez) relative to retrofitting of residential high-rises & CF 92-0537-S1

(Hernandez - Galanter) relative to fire safety measures & the "civilianization" of Fire Dept positions to enable bldg & safety inspectors to assume inspection duties of the Fire Dept, be considered by PS at its meeting.

FURTHER MOVE that CF 93-1850 (Yaroslavsky / Ridley-Thomas) relative to code enforcement through the Rent Escrow Account Prog (REAP) & Rent Reduction Program (RRP), be considered by CR&H Comt at its meeting.

10-8-93 - Ref to H&CR Comts

10-18-93 - File to H&CR Comt Clk

12-10-93 - Mayor / LAHD transmittal re: Changes to RSO, REAP & Rent Reduction progs to H&CR Comt Clk

12-21-93 - H&CR Comt rept ADOPTED to:

1. INSTRUCT the City Atty to prepare an ord amending the following:

(A) The definition of untenable residential unit in both the REAP Ord contained in LAMC Section 152.02 (15202) and RSO contained in LAMC Section 151.06.5B (151065B), as discussed in the LAHD report on file, to include unabated fire code violations and building and health code changes mandated since a building received its original Certificate of Occupancy as habitability conditions that would render a building untenable.

(B) REAP per LAMC Section 152.02 (15202), to provide that as a provision for leaving REAP after compliance with cited codes, the building will be placed in a probationary status and a subject landlord must prepay for three annual inspections; and further to provide, if any annual inspection discloses the same habitability

problem that placed the subj building / units(s) into REAP, then the building/units(s) would be brought directly back to the City Council for consideration and inclusion into REAP

(C) RSO per LAMC Section 151.06 (15106) and 151.07 (15107), respectively, to require that for rental units that have been placed in REAP, or for which the City or County have sent a Substandard Housing Notice to the Franchise Tax Board, or for which the City Atty has filed criminal action for uninhabitable conditions for which a conviction was obtained within the last six months:

(1) Eliminate capital improvement passthrough provisions for those items of work for which the unit(s) were included in the above work action(s)

(2) Suspend vacancy decontrol until all referred habitability citations are corrected

(3) Suspend the RSO annual rent increase until 12 months after the referred habitability citations(s) is brought into compliance

(D) Building, health, and fire codes to require that all Orders to Correct written by City agencies be posted in a visible location in the buildings cited

(E) RSO LAMC per Section 151.02 (15102), to change the definition of "rental unit" to include two or more separate housing units on a lot, and "dwelling unit" to "housing accommodation" as defined in the State Government Code Section 12927

(F) RSO per LAMC Section 151.06.5 (151065), to reflect the modifications to the Rent Reduction Schedule proposed by Rent Adjustment Commission

(G) RSO per LAMC Section 151.06.5B (151065B) to provide authorization for the Rent Adjustment Commission (RAC) to give due consideration to the duration of existing violations in the development and promulgation of regulations pertaining to the Rent Reduction Schedule

(H) RSO per LAMC Section 151.06.5D (151065D) to authorize the RAC to delegate to a hearing officer designated by LAHD, the hearing of landlord appeals under the RRP

(I) REAP per LAMC Section 152.03D (15203D) to delete the Formal Conference

(J) REAP per LAMC Section 152.02 (15102) and RSO per LAMC Section 151.06 (15106) to require the placement of buildings into REAP and RRP within 15 days of an Administrative Hearing when a landlord fails to cure specified imminent, life threatening hazards in a timely manner

3. SUPPORT in concept the development of new aggressive programs by instructing the City Atty to review and report back to the City Council within 60 days on the following:

(A) The ability to amend REAP to set intervals of six months for the City to hold escrowed rent, if:

(1) cited violations are not abated, all escrowed rents, minus administrative fees will be returned to tenants paying into REAP

(2) the citation(s) causing placement into REAP were for unit specific problems only, then a new six months escrow would commence

(3) the citation(s) contained a building - wide - habitability problem and continue for a 12 month period then the building must be vacated and tenants paid relocation assistance

(B) Mandating tenants to pay rent into REAP

(C) The legal and liability issues if the City performs the building repairs with escrowed rents

(D) The ability to amend REAP LAMC Section 152.03 (15203) in order to authorize LAHD to record the action of the City Ccl against properties included into REAP with the Los Angeles County Recorders Office

4. APPROVE the following modifications to the Rent Reduction Schedule:

(A) Increase the percentages for each of the eight California Civil Code Section 1941.1 (19411) categories of "tenantability" as follows: 10% for the lowest severity level, 15% for the second level and 20% for the third level

(B) Add other categories of "tenantability" as a result of broadening the application of the Rent Reduction Program (RRP) to include (a) building, health and fire safety violations of the LAMC and (b) court mandated repairs based upon habitability

(C) Assign the rent reduction percentages for building, health and fire safety violations of the municipal code as follows: 10% for lowest severity level, 15% for second level, and 20% for third level and assign 10% as the rent reduction percentage for each court mandated repair category with the total rent reduction for each cited rental unit not exceeding 90%, and apply the reduction percentage to all units

5. INSTRUCT LAHD in cooperation with Departments of B&S, Fire, Los Angeles County Health and LA Municipal Court to research and report back to the Mayor and City Council within 90 days on the feasibility and methods to implement the following programs: (A) Housing Court; (B) Licensing of Property Managers; (C) Receivership of slum properties

6. INSTRUCT LAHD in cooperation with other departments and agencies as needed, to report to the Mayor and City Council within 30 days on the following:

(A) Tenant initiated rent reduction. (Committee changed the report back date from 90 days to 30 days)

(B) Provision of information to new owners of property (as part of the process of clearing title) on safety and habitability requirements for rental properties. (Item added by this Committee)

7. INSTRUCT LAHD and Department of B&S to notify property owners of the availability of below market rate City assistance (Deferred repayment, etc) to rehabilitate rental properties at the time of the initial Order to Comply citation. (As recommended by CLA and concurred in by LAHD)

12-28-93 - File to City Atty

5-13-94 - This days Ccl session - Mo - Goldberg Mover 1994 / Ridley-Thomas - THEREFORE MOVE that Ccl hereby direct the GM, LAHD along with a representative of City Atty's Office to appear at the next regularly scheduled H&CR Comt meeting to rept on the status of the Ccl's previous requests, the reasons for delay & the time frame for accomplishing the work indicated in the Ccl's instruction of 12-21-93, CF 93-1850 relative to strengthening enforcement of the City's rent laws & programs.

5-13-94 - File to Cal Clk for placement on next reg Ccl agenda

5-18-94 - Mo ADOPTED

5-27-94 - File to H&CR Comt Clk

8-11-94 - City Atty R94-0262 report regarding proposed amendments to Rent Stabilization Ord to H&CR Comt Clk

2-6-95 - LAHD rept re: Proposed Enhancements to REAP, RSO & Rent Reduction Prog (RRP) - to H&CR Comt Clk

2-6-95 - CLA 95-02-0050 report regarding proposed changes to REAP, RSO and Rent Reduction Program - to H&CR Comt Clk

2-9-95 - Mayor / LAHD transmittal regarding proposed enhancements to REAP, RSO and RRP - to H&CR Comt Clk

2-23-95 - City Atty R95-0052 report regarding Ord amending RSO and related provisions - to H&CR Comt Clk

3-28-95 - H&CR Comt rept & Ord ADOPTED to:

1. PRESENT & ADOPT accompanying Ord amending various provisions of Chapter XV of LAMC, known as the RSO & other related provisions, pursuant to Ccl instruction of 12-21-93.

2. INSTRUCT City Atty to prepare an amend to the REAP Ord relative to the ability to return rents deposited into REAP in the case where a landlord refuses to make necessary repairs.

3. INSTRUCT the LAHD to rept back to Ccl within 45 days with a completed review of the following items:

- a. Receivership of slum properties.
- b. Housing Court.
- c. Licensing of property managers.
- d. Tenant initiated rent reduction.



4. INSTRUCT the Rental Adjustment Comsn (RAC) to:

- Prepare, promulgate & adopt regulations necessary to implement the proposed ord amending RSO & REAP.
- Present these regulations to the H&CR Comt before final adoption of RAC

3-29-95 - File to Mayor for signature  
 4-10-95 - File to H&CR Comt Clk OK  
 4-19-95 - File in files  
 4-24-95 - File to Claudia McGee Henry - City Attorney - x55419  
 4-25-95 - For ref - City Atty R95-0129 - Req Ccl adopt ord amending REAP to authorize the return of Escrowed Rents where landlords refuse to make necessary repairs  
 4-27-95 - Ref to H&CR Comt  
 5-1-95 - File to H&CR Comt Clk  
 8-7-95 - File to City Atty per H&CR Comt Clk ltr  
 8-11-95 - File to H&CR Comt Clk  
 8-25-95 - H&CR Comt rept ADOPTED TO:

- PRESENT & ADOPT accompanying Ord that amends Sections 152.05 & 152.11 of LAMC to auth the refund of escrowed rents to tenants in the REAP where landlords fail to make the necessary repairs.
- INSTRUCT the Rent Adjustment Comsn to prepare & promulgate the regulations necessary to implement the proposed ord amending REAP. Some of the elements that should be included in the regulations are:
  - Criteria for determining when a landlord has failed" to correct the conditions that lead to a bid being accepted into REAP.
  - A mechanism such as a hearing to determine who should receive the escrowed rents & how much should be returned.
  - Eviction protection for tenants receiving returned escrowed rent payments.
  - Specifications that tenants will be strongly encouraged by LAHD to use returned rent payment to make the necessary repairs.
- INSTRUCT LAHD to present the Rent Adjustment Comsn's regulations to H&CR Comt & Ccl for final adoption within 30 days.

8-25-95 - File to Mayor FORTHWITH for signature  
 9-1-95 - File to H&CR Comt Clk OK  
 9-6-95 - File in files  
 9-7-95 - File to Denise Beaudry - City Attorney - x55417  
 9-13-95 - For ref - LAHD - Req Ccl approve the recommended changes to the Rent Escrow Account Program (REAP) / Rent Reduction Program (RRP) regulations as promulgated by the Rent Adjustment Commission (RAC)  
 9-14-95 - CLA report regarding REAP and Rent Reduction Program Regulations - to H&CR Comt Clk  
 9-15-95 - Ref to H&CR Comt  
 9-18-95 - File to H&CR Comt Clk  
 9-29-95 - H&CR Comt rept ADOPTED to:

- REQUEST the Rent Adjustment Commission to approve the amended regulations to REAP and RRP with following changes:
  - AMEND Section 970.10 A8 to state, "The City Atty may seek, and the court may order that the landlord remand any rents received from tenants to LAHD for placement into escrow account in the following circumstances:
    - The units have been in REAP for at least six months
    - An average of less than 50 percent of tenants in the building have been paying into REAP on a monthly basis."
  - AMEND the first sentence of Section 970.13 C1 to state, "Once a unit / property has been placed into REAP, has been the subj to a notice of noncompliance sent to the Franchise Tax Board, or has been the subj of a criminal conviction related to the landlord's failure to comply with a citation or order issued by the Departments of B&S, Fire or Health, no rent increase otherwise permitted by LAMC 151.07 Aa and b for capital improvement or rehabilitation work expenses incurred in correcting the deficiencies, which brought the unit / property into REAP, can be passed on to tenants."
  - DELETE Section 970.13 C2 and change the numbering of the following sections: 970.13 C3a to 970.13 C2b, 970.13 C3b to 970.13 C2c, 970.13 C3c to 970.13 C2d and 970.13 C3d to 970.13 C2e.
  - ADD Section 970.13 C2a to state: "The Rent Stabilization Ord annual increase shall be suspended until 12 months after the cited items for which the property / unit was placed into REAP has been brought into compliance and verified, in

writing, by the citing agency."

2. INSTRUCT the Rent Adjustment Commission to prepare, promulgate and adopt amendments to REAP and RRP regulations necessary to implement the provisions of Ord 170445 adopted by Ccl on 3-28-95, which adds mobile homes to the definition of a rental unit and incorporates mobile homes into REAP and RRP.

3. INSTRUCT LAHD to develop a program and accompanying regulations to implement the provisions of Ord 170445, which makes units that are not in REAP but have been the subj to a notice of noncompliance to the Franchise Tax Board, ineligible for certain capital pass through provisions, vacancy decontrol and annual rent increases. The program should include mechanisms for providing appropriate notice to landlords and tenants.

4. INSTRUCT LAHD to develop a program and accompanying regulations to implement the provisions of Ord 170445, which makes units that are not in REAP but have been the subj of a criminal conviction resulting from the landlord's failure to comply with a citation or order issued by Department's of B&S, Fire & Health, ineligible for certain capital pass through provisions, vacancy decontrol provisions and annual rent increases. The program should include mechanisms for providing appropriate notice to landlords and tenants.

5. REQUEST LAHD TO REPORT BACK TO H&CR COMT WITHIN 45 DAYS ON RECOMMENDATIONS NOS 2, 3 AND 4 ABOVE.

6. INSTRUCT LAHD TO REPORT BACK WITHIN 45 DAYS ON A PROPOSED PROGRAM THAT WOULD ENSURE THAT REPAIRS ARE EXPEDITIOUSLY DONE ON PROPERTIES IN THE REAP PROGRAM AND, IF NECESSARY, BE FUNDED FROM REAP ESCROW ACCOUNT AND THE REPAIR WORK DONE BY THE CITY. (H&CR Comt added the two recommendations that are shown in all capital letters.)

10-6-95 - File to H&CR Comt Clk OK

10-10-95 - File in files

11-7-95 - This days Ccl session - Mo - Chick Mover 1995 / Feuer - THEREFORE MOVE that the Los Angeles Housing Department report to the Rent Adjustment Commission and the City Ccl on the Rent Stabilization Ordinance's treatment of earthquake rehabilitation and suggest any necessary changes to the ordinance to address the issues identified above.

FURTHER MOVE that the Housing Department report on the feasibility of the following possible options:

1. Capping the monthly amount of rent increases;
2. Limiting the rent increases to five or six years instead of allowing them to be permanent;
3. Changing somewhat the percent of rehabilitation costs that may be passed through; and
4. Closing the loophole that allows pass through of rehabilitation costs even before the repayment of rehabilitation loan is due.

10-10-95 - File in files

12-12-95 - For ref - LAHD - Req Ccl approve amendments to the Rent Stabilization Ordinance to create a habitability enforcement program

12-12-95 - CLA transmittal re: Proposed amendments to the Rent Stabilization Ordinance to create a Habitability Enforcement Program

12-13-95 - Ref to H&CR Comt

12-19-95 - File to H&CR Comt Clk

2-16-96 - LAHD transmittal regarding Modifications to Proposed Habitability Enforcement Program - to H&CR Comt Clk

3-6-96 - Mo ADOPTED TO APPROVE commun rec from H&CR Comt \*as amended:

1. INSTRUCT City Atty to prepare the necessary ords & amends to existing ords to establish a HEP, substantially in conformance with the definitions & procedures outlined in LAHD's rept dated 2-14-96.

2. REQ Rent Adjustment Comsn to adopt regulations to implement the HEP, as described in LAHD's 2-14-96 rept.

3. AUTH the GM, LAHD, to take the following actions pursuant to the implementation of HEP.

a. Prepare & submit to Ccl for consideration a RFP to provide REAP tenant information & outreach services for an amt not to exceed \$75,000, subj to the provisions of Executive Directive No. 16 prior to its release.

b. Prepare & submit to Ccl for consideration, prior to its release, a RFP to provide REAP escrow or accounting services, subj to the provisions of Executive Directive No. 16.

c. Enter into contracts with the respondents selected under the RFP issued

pursuant to Rec Nos. 3a & 3b following Ccl approval of the RFP to provide for the requested services.

4. DIRECT GM, LAHD, to submit a rept & make recs relative to the establishment of an Urgent Repair Prog to provide funds & a mechanism whereby a City enforcement agency or LAHD can order & pay for repairs for life threatening code violations.

5. DIRECT GM, LAHD, to take the following additional actions following the commencement of the HEP.

a. Track & collect data for a minimum of 18 months following the effective date of the ord, with the cooperation of the Depts of Bldg & Safety & Fire to assess & verify staffing & expenses for the HEP.

b. Rept to the Mayor & Ccl on a quarterly basis, & at the end of the 18-month period following the commencement of the prog, with recs for any proposed changes to staffing & costs, or amends to the RSO. The quarterly rept should include, at minimum, the following information: program costs & performance; staffing & workload levels; the number of citations; investigations & hearing; & community & tenant impact.

3-6-96 - \*Amending Mo - Chick Mover 1996 / Alatorre - ADOPTED - HEREBY MOVE that Commun from H&CR comt on today's Ccl agenda (Item No. 59, CF93-1850) relative to a LAHD proposal to amend the Rent Stabilization Ord (RSO) to create a Habitability Enforcement Prog (HEP) BE AMENDED as follows:

6. DIRECT the Dept of Bldg & Safety, Fire, & Housing to also rept quarterly to PS Comt as requested in Rec 5 to permit Comt oversight of nuisance abatement issues & coordination issues bet City depts relative to this matter; & REQ LAHD to transmit all RFPs requested in Rec No. 3 through the H&CR Comt for review & approval.

3-13-96 - File to City Atty

4-1-96 - LAHD transmittal re: Modifications to proposed Habitability Enforcement - to H&CR Comt Clk

4-24-96 - Received Atty R96-0154 rept re: Los Angeles Housing Dept proposal to amend the Rent Stabilization Ord to create a Habitability Enforcement Program - to H&CR Comt Clk

5-3-96 - Cont to 5-10-96

5-10-96 - Mo ADOPTED to approve communication recommendation \*AS AMENDED:

\*1. PRESENT AND ADOPT accompanying ORDINANCE, as instructed by Ccl on March 6, 1996, amending the Los Angeles Municipal Code (LAMC) pertaining to the Rent Stabilization Ordinance to create HEP and incorporate in HEP the additional modifications contained in the Los Angeles Housing Department's (LAHD) report dated March 14, 1996

\*2. PRESENT AND ADOPT accompanying ORDINANCE amending Section 151.10 of the LAMC to make the filing of a false statement or representation under HEP a misdemeanor - Substitute Ord not presented - to be presented 5-14-96 in lieu of Ords recommended by Chair, H&CR Comt

5-10-96 - Mo - Goldberg Mover 1996 / Svorinich, Jr. / Feuer - ADOPTED - MOVE that the Communication from the Chairperson of the Housing and Community Redevelopment Comt and the attached Ordinance B relative to the proposed Habitability Enforcement Program (C.F.93-1850), which is Item No. 4 on today's City Ccl Agenda, be adopted, along with the following changes to the language in the Ordinance

1. The first sentence of the third paragraph of Section 151.01 is hereby amended to read, as follows:

HEP is a pilot Program to be reviewed at the end of 18 months

2. The Subsection entitled "Habitability Violation of Section 153.02 is hereby mended to read, as follows:

Habitability Violation. Any violation of Section 1941.1 of the California Civil Code, or a reduction or elimination of the following services if contracted for by the tenant, or if provided to the tenant at the time they moved into their rental unit: elevators, security gates, and air conditioners

3. Subparagraph 3 of Subsection A of Section 153.03 is hereby added to read, as follows:

4. When submitting a complaint, the tenant may include evidence or documentation which supports that the habitability violation exists

5. Paragraph 3 of Subsection B of Section 153.03 is hereby amended to read, as follows:

3. In the event the Department determines that the complaint was submitted in



bad faith or was frivolous, within the meaning of Subdivision 2 of Subsection b of Section 128.5 of the California Code of Civil Procedure, the complaint will be denied. However, the tenant may appeal the Department's decision to a Hearing Officer and a hearing will be held on the issue whether or not the complaint is frivolous - not on the merits of the complaint itself. If a complaint is found to be frivolous by a Hearing Officer, the tenant will be barred from filing an additional application through the HEP for one year

6. Paragraph 2 of Subsection B of Section 153.03 is hereby amended to read as follows:

2. Upon formal acceptance of the complaint from a tenant or an enforcement agency, the Department will notify the landlord of a HEP filing and indicate the date of the scheduled hearing, which shall be no sooner than 30 days and no later than 45 days from the date of the Department's notification

7. The second sentence of Paragraph 2 of Subsection C of Section 153.05 is hereby amended to read, as follows:

No rent reduction or REAP action shall be ordered until such time as the service reduction which was the subject of the complaint was within the reasonable control of the landlord to make repairs, or, with respect to underground parking gates only, within 60 days of the owner's receipt from the tenant of written notice of the problem

8. Section 153.06 is hereby amended to read as follows:

SEC. 153.07 Review of HEP. HEP will be reviewed by the City Ccl 18 months after the effective date of the regulations

5-15-96 - File to Mayor for Signature FORTHWITH

5-29-96 - File to H&CR Comt Clk OK

5-31-96 - File in files

7-2-96 - File to Andrew Hoover - Housing - x77424

11-21-96 - File in files

1-28-97 - File to Yey Navarro - CLA - x56127

2-11-97 - File in files

4-4-97 - For ref - Mayor / LAHD - Req Ccl approve the recommended changes to the Rent Escrow Account Program (REAP) regulations, pursuant to Los Angeles City Council adopted Ord 170668 which added Section 152.11, return of funds to the Rent Stabilization Ord.

4-4-97 - Ref to H&CR Comt

4-7-97 - File to H&CR Comt Clk

4-22-97 - Left on desk

4-23-97 - H&CR Comt rept ADOPTED to APPROVE the proposed amended regulations, with an additional amendment to Regulation No. 970.10B.6 specifying a 60 day period instead of the proposed six months for tenant accessibility to the return of escrowed funds, to the RSO as it pertains to REAP (Section 152.11).

(Underlined language is recommended by the Housing and Community Redevelopment Comt)

AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), to publish the regulations

4-29-97 - File to H&CR Comt Clk OK

4-30-97 - File in files

8-21-97 - File to Robin Jackson - Housing - x77433

8-25-97 - Files in file