

Renters' Subcommittee with the Board of Directors

Saturday, September 19, 2020 at 2:00 p.m.

Meeting Minutes

1. **Call to order at 2:06pm**

2. **Announcements**

Tyler Laferriere and Annie Bickerton, co-chairs, introduced themselves. Annie says that she is grateful for today's meeting and presentation due to the affect of COVID and its materials impact on residents of Mar Vista.

Tyler invites board members to introduce themselves. Gabriel Hill, At-Large Board Member, introduced himself. Stacy Shure, Chair of PLUM Committee, introduced herself and wished everyone at happy Rosh Hashanah. Tyler stated that his thoughts are with everyone who is affected by COVID.

3. **Public Comment**

Gabriel Hill shared that the Arts & Culture community convened the Venice Learning Garden and LA Unified School District to discuss the future of the garden and to clarify a misunderstanding about their ability to remain on LAUSD property.

Tyler noted that the PLUM meeting meets the first Tuesday of every month at 6:30pm. Stacey commented that they may not have a meeting in October but will be deciding soon.

4. **Reading and Approval of Minutes from August 15 meeting.**

Tyler waived the reading and noted that the minutes are posted to the marvista.org website. He put his email in the chat and said that anyone in attendance can email with corrections.

5. **Unfinished Business and General Orders**

5.1 UPDATE: Renters' Subcommittee Mission Statement Passed at 9/8/2019 MVCC Board of Directors Meeting

Tyler noted that there is no unfinished business but he wanted to update everyone that the the Mar Vista Community Council Board of Directors passed without objection to the following Renters' Subcommittee missions statement: "The mission of the Renters' Subcommittee of the Mar Vista Community Council's PLUM Committee is to promote engagement with stakeholders of Mar Vista who are renters, and to maximize their representation on the community council. This subcommittee works to accomplish this mission through renters' input, participation and education."

5.2 DISCLOSURE: Statement on shared resources

Tyler noted that the committee cannot engage in advocacy and that they are not making endorsements of materials shared, but want to make sure that the committee is advocating for renters and making them aware of

resources. These activities take place under our mission but this is just a reminder for the sake of the Department of Neighborhood Empowerment. The meeting agenda notes the following language:

“Any resources shared or organizations presenting these do not represent endorsements by the Mar Vista Community Council or the MVCC Renter’s Subcommittee. Resources are shared in the context of this committee to maximally empower Mar Vista renters to understand their rights and responsibilities as renters and to be aware of resources and organizations that may be able to assist them in times of crisis. This exchange of information takes place under this committee’s mission to educate and encourage participation, including in ways and with organizations outside of the Mar Vista Community Council and its mandate.”

6. New Business –

6.1 ANNOUNCEMENT: The Westside Community Plan Public Input Period Extended to OCTOBER 15

Tyler noted that the City of Los Angeles Department of City Planning has postponed the deadline for public feedback on the draft concepts of the Westside Community Plan (which includes West Los Angeles, Palms, Mar Vista, Del Rey, Venice, Westchester and Playa del Rey) until October 15th, 2020. The online feedback form and ArcGIS draft concepts can be found at: <https://storymaps.arcgis.com/stories/dd98923bbac845dd895eaa39148c61a1>.

Feedback can also be given by email to: planning.thewestside@lacity.org.

Finally, feedback can be mailed to LA City Hall at 200 N. Spring Street, Room 667 Los Angeles, CA 90012.

Tyler also noted that Diego and Kinikia are the city planners working on the Mar Vista part of the plan and anyone can email him after the meeting to request their contact information which he has on file.

6.2 Tenant Protection Workshop and Resource-sharing

Tyler noted that the MVCC wanted to inform people about Assembly Bill (AB) 3088, the COVID-19 Tenant Relief Act of 2020 which outlines how COVID related evictions will be handled by the State of California. To support this workshop, the committee invited the City of Los Angeles, the Housing and Community Development office, the LA Tenant’s Union and a representative from the Eviction Defense network will join later.

In attendance are Vishesh from CD11 (Councilmember Mike Bonin), Elizabeth from CD 5 (Councilmember Paul Koretz) and Emma from City of LA HCID. The order of the event will start with Emma of HCID with a short Q&A and then would move on to LA City Council offices to share what resources are available through their respective offices, a short Q&A and then a presentation from Abby of LA Tenant’s Union and then the Eviction Defense Network with a presentation and Q&A.

HCID Presentation. Emma Garcia described that her department works on Rent Stabilized Ordinance issues and eviction protection rules, as well as tenant protections related to COVID-19. She pointed out that if you live in the City of LA the easiest way to confirm that you live in the city is if you pay utilities to the Department of Water and Power and if you live in an unincorporated county, you will pay to Con Edison. If you live in incorporated LA, you will fall under your city’s rules so please remain aware of that.

If you live in LA, many units are regulated by the Rent Stabilization Ordinance. If your building has a certificate of occupancy on or before October 1, 1978 then it is regulated by the RSO which means that they regulate rent increases so they cannot go above a certain percent and that any eviction must be a just cause (which has 14 legal reasons under the RSO and some of which require payment for relocation to the tenants).

If you're unsure whether your unit is subject to the RSO you can text "RSO" to 855-880-7368. The system will prompt you to enter your building number and street address. (Tip: do not use fraction numbers if your unit has them).

LA City has issued a series of orders by the Mayor and which were written into municipal code ordinances. The major one states the following:

"During the emergency period, tenants may not be evicted for failure to pay rent due to the financial impacts related to COVID-19. Tenants will have up to 12 months following the expiration of the local emergency to repay any back rent due (due to new state law - AB 3088 - the end date for repayment period cannot be later than March 1, 2022). Tenants are NOT required to provide documentation to support unable to pay rent due to COVID-19. Tenants are NOT required to sign repayment agreements. No late fees or interest fees on unpaid rent are allowed.

A second component of these protections is that there are no evictions allowed for no-fault reasons. For example, the owner move-in or the property to be withdrawn from the rental market due to the local emergency period. No evictions are allowed for nuisance reasons such as pets during this period either.

One thing Emma points out is that one of the laws passed in the city is that for all RSO units, there will not be any rent increases allowed during the Local Emergency Period and for one year after it ends. That started on March 30, 2020 and is ongoing now.

HCID has released a fact sheet on their website about tenant protections in various languages. The landlord is required to give this notice to the tenant if they serve an eviction to the tenant and for 12 months after the emergency period.

To facilitate communication with the landlord, there is also a form that tenants can use to inform their landlord that they are impacted financially and to notify that they are unable to pay rent.

Assembly Bill 2088 added COVID specific protections at the state level as well. Even with the state law, the city rules continue and are not revoked by state law. The State law adds benefits to tenants to make use of for their own protection. In order to evict any residential tenant statewide, the landlord must have a "just cause" reason. This law is in place until February 2021, which differs from city protections that cover the entire emergency period and RSO protections which continue past the emergency period.

The interest in state law is what protection the law provides for nonpayment of rent. The state law only looks at the period of March 1, 2020 through January 31st of 2021. If tenants cannot pay rent during that period, if the landlord serves a notice to pay rent, they must attach a copy of the tenants rights and a notification of financial distress for the tenant to complete. The tenant will have 15 business days to fill out the form and tell them they are unable to pay rent. After this form is completed, the tenant is protected under state law. Is the rent is owed between March 1 to August 31 2020, the tenant only has to give the notice of financial distress and the landlord can never evict the tenant for nonpayment for rent owed during those months. This is a little different for rent owed from September 1, 2020 to January 31st, 2021. During this period, the tenant

complete the Notification of Financial Distress form and must pay at least 25% of the rent during those months by the end of January 31st in order to avoid eviction. As long as the tenant has paid at least 25% of rent during those months, the landlord cannot evict but they could take the tenant to small claims court after March 1, 2021, but even if they take them to court they cannot evict them.

The CDC also has issued a nationwide eviction moratorium. The difference from this federal law is that after December 31st, the tenant has to immediately pay all rent. This protection doesn't do a lot for tenants because California and LA laws offer more protection. Tenants should rely on city and state protections.

For people interested in reading more, they can visit hcidla.lacity.org/covid-19-renter-protections

To report violations of renter protections, call the HCID LA hotline at 1-866-557-RENT (7368).

The California Department of Real Estate has various forms and the notification of financial distress form at landlordtenant.dre.ca.gov/tenant/resources.html

HCID Q&A.

Gabriel asks if a low-income and high-income tenants have different protections. Emma responded that the city does not distinguish between them, but the State does. One of the differences is that landlords have to provide additional information to tenants if they identify themselves as low income. The income threshold is a household of 130% of median income and the landlord has to already have documentation of their income. It's not that the tenant cannot be protected under state law, but they would have to provide documentation with the landlord.

Gabriel also asks for the Emergency Rent Assistance Subsidy program to supplement rent. Their application is still waiting for the landlord's approval in order to use that program for rent. There is an online portal that can be checked to see if the payment has been sent. Eventually tenants will be getting email notifications to hear that their rent has been paid. Gabriel clarified that the tenant has been checking but their landlord hasn't accepted to receive the payment. He wants to know if that money will go to someone else. Currently the ordinance requires that the landlord participate and respond to the request. If it is still pending, that is OK for now. If the landlord is unsure or does not want to participate, the department is working on the program to encourage them to follow the law.. The money does not go to the tenant, the payment goes to the landlord directly upon acceptance of the program.

Stacey asked about the moratorium on evictions with vacancy rates below 5% and she asks why applications for Ellis Act conversions are still being processed. HCID is not currently accepting any new applications for Ellis Act conversions due to COVID-19. Stacey noted that there are two properties in Mar Vista, one on Brooks Avenue, which have submitted and served notice of eviction to tenants for convo conversions. Emma responded that the tenants should call HCID.

Stacey also asked about SB 330 for RSO units being demolished for new apartments. The law requires that those apartments be replaced and that tenants be allowed to provide right of first refusal. She asks why that is not being complied with; she knows of a development on Mitchell which is not complying and HCID told the tenants that they don't have right of first refusal. Emma noted that not all demolitions are subject to SB330 and the department would have to look at the individual units to identify if they qualify. If the project is by-right, they do not have to comply with SB330. The housing department does not determine if a building is subject to SB330, the City

Planning department does that. Emma asked Stacey to have the conversation with the planning department since they determine what is by-right.

Abigal Coleman asked about a tenant's landlord not looking closely enough at the COVID rules and what the first step should be. Emma suggested filing a complaint with HCID and identifying an attorney if possible. HCID can notify the landlord of rules.

Abigal also asks about homesharing ordinance and landlords are renting on AirBNB and asked if it's filed with HCID. Emma responded that the LA City Planning Department is the starting place, which has a hotline and website to file complaints.

Nancee of LA Tenants Union says that it's hard to get through to HCID on their hotline. Emma responded that their hotline has been pretty busy. One way is to file a complaint online but they also have a link on their website where people can submit inquiries online for response. Nancee said that even pre-COVID, it was hard to get through. The challenge with the online form is that sometimes there are follow up questions. Emma said that they're pretty busy throughout the day. Hours are 9am to 4pm and outside of that it would require a voicemail.

Nancee also asked that owners of RSO union who do cash for keys are required to file that information with the City. Can she make a public records request for that with HCID? Emma responds that some information may be redacted. Nancee says that process has not always gone smoothly and asked which department is responsible for that. Emma said that they should communicate with the Custodian of Records what specific information they are looking for.

Nancee asks if HCID is open to getting fact sheets from legal aid or other organizations. Emma clarified that the CA Real Estate website is for the state government agency not the private sector.

Stacey asked Emma about a landlord trying to shut off utilities for a tenant who is paying rent and in an RSO. Emma replied that HCID has a code enforcement division. This would be considered an urgent situation and they would send inspectors and work with the landlord.

In another building, Stacey noted that a landlord has removed doorknobs from empty units and opened the parking garage, which has led to homeless people squatting in the building and lighting fires. Emma responded that landlords are required to protect vacant buildings and the same division would enforce the code.

Tyler asked about what happens if someone gets an eviction notice but does not get the required paperwork required under law. The tenant can file a complaint and a housing investigator will reach out to request documentation and will contact the landlord to make sure they are not being evicted illegally.

CD11 Councilmember Mike Bonin's Office

Vishesh thanks everyone for having him and sends well wishes to all. He introduced himself as the Mar Vista and Del Rey deputy. He is a resident of Mar Vista for the past three years. He hopes to improve the community and has a vested interest in improving the community. The Mar Vista-Palms-Del Rey area has two-thirds renters and their office aims to protect tenants. Bonin has called for rent freezes, mortgage freezes, and stands with renters in the district.

If anyone has specific cases or questions, they are welcome to email Vishesh.Anand@lacity.org to request help in the Mar Vista area. To call for help, their central line is 213-444-3508. Their office

is happy to help folks with any department or organization that meets their needs. The resource he wants to make sure folks are aware of is <https://www.stayhousedla.org/> which offers workshops and educational information. They also have a question or legal support request which will connect residents who qualify to subsidized or free legal help.

Lastly, Vishesh asked everyone to remember that the Census is also important for renters to be counted. The deadline is currently September 30th.

CD5 Councilmember Paul Koretz's Office

Elizabeth introduced herself. Koretz's office represents a small part of Mar Vista (Westside Village) and she is happy to represent the area. If tenants need help, they will help connect them to HCID but will also connect people to local organizations like Coalition for Economic Survival or to legal resources. For many people, their office is the first step to find assistance with the issue they are having. Often they help clear up misinformation and confusion surrounding the eviction moratorium just to let them know what protections are. If anyone in the Westside Village area is having problems, they can call 323-866-1828 or email Elizabeth.Garcia@lacity.org.

Q&A with Field Representatives

Abigail asks about the vacancy tax and if there are updates on the motion to tax landlords with empty apartments. Elizabeth comments that motions can be very slow in becoming law. She's unsure exactly of the status. Stacey said that it's in committee, awaiting data. For detailed legislative updates, please email Elizabeth.

Nancee asks about the status of the tenant anti harassment ordinance to push it through. Elizabeth says she is unsure but to email her. Stacey comments that it is in committee. File 14-0268-S. Visit the LA City Clerk Connect to find the status. The MVCC PLUM committee hopes to file a community impact statement in support. The ordinance would require landlords to provide up to 15k to each tenant as a fine for harassment. Nancee encourages people to support this and get involved in advocacy.

Nancee also states that sometimes owners of buildings lie about whether they are protected under the Ellis act and that the Councilmembers' offices should connect people to resources even if their landlord has told the tenant that they are legally allowed to evict.

Tenant Rights 101 Workshop

Abigail Coleman of the LA Tenants Union offers the following advice to tenants:

- Keep all correspondence with landlord in writing.
- Take pictures of any notices posted on your door or necessary repairs and make sure they are dated
- IF you're not on the lease, you can establish tenancy through mail and length of stay so keep some official mail such as utilities, DMV registration, etc. on file just in case.
- If unable to pay rent due to COVID, provide notice in writing as early as possible and make a record of it. Visit their website for a template.
- Read and keep a copy of your lease and any paperwork sent by your landlord.
- Join a tenants union.

Landlords are required by law to provide you a safe and sanitary home. You have a right to the following:

- Written notice from your landlord 24 hours before entering. They can only enter 9am to 5pm unless its an emergency. They must get permission to enter, but you are not required to give that permission.
- Repairs and maintenance must be done in a timely fashion.
- Impartial home inspections by a third party must be provided upon request.
- To pay rent with a money order and to receive a receipt. (even if your landlord uses a web portal for payment)
- Right to organize with your neighbors or to join a tenants union.
- Lastly, it is illegal for landlords to retaliate against tenants for exercising their rights.

To look up whether your building is RSO, you can also go to zimas.lacity.org in addition to using the HCID hotline. Other legal protections include the home sharing ordinance, buyouts (go to the LATU website for a buyout calculator).

If a tenant is experiencing issues with landlords, they recommend the following: talk to neighbors to understand if they share concerns, file complaints with HCID or LA City Planning, attend a LA Tenants Union meeting (wednesday evenings on Zoom) or email them at westsidelatu@gmail.com.

LATU Q&A

Gabriel asked if LATU is meeting in person as well (outdoors, socially distanced). Abby replied that they also meet by the Oakwood Recreation Center in Venice at 767 California Avenue.

General Q&A

Tyler noted that the Renters Subcommittee is also working to hold an Ask an Attorney session at an upcoming meeting. Next meeting is October 17, 2020. Tyler will also request slides and post them with minutes/meeting materials.

Stacey recommends visiting the LA Tenants' Union website for various documents and templates to support renters. Their Facebook page is also helpful and they respond to messages on Facebook as well. There is also a Westwood LA Tenants Union chapter.

Gabriel asks if these organizations collaborate or function separately. Emma responded that they work around the same issues. Gabriel commented that it would be helpful to know which site's forms and templates tenant should use. HCID has legally compliant forms but LATU has created some templates for their own purposes.

Eviction Defense Network

Elena Popp, Executive Director of EDN, says that they created consensus among eviction defense lawyers in LA County to create an LA Tenant's Survival Guide and determine what laws to look at to follow the law. First look at AB3088, then look at LA's local tenant protection laws (City Attorney thinks that the Mayor's office preempts the state law, tenant lawyers do not think so). Regardless, tenants should send declarations of financial distress. They expect that the confusion about these issues will be cleared up in the next legislative session, but for now people should just follow every law and then decide which apply after there is more clarification.

The only way that the CDC law protects is if someone were being evicted for non-COVID reasons.

For more information, visit www.stayhousedla.org to find all the resources you need. Every lawyer in the county that does eviction defense has vetted this form. Send it no later than the 7th day of the month. However, she recommends that you do it on the 30th or 31st of the month so your landlord knows as soon as possible. If landlord also provides a form to complete, submit both.

The site also provides workshops and has a form to submit and request legal support. They will connect you to legal services and organizing groups. This is an important initiative that is bringing everyone in LA County doing this work together to support tenants.

EDN Q&A

Gabriel asks about a tenant who got a notification to fill out the form. What should they do next? Elena says that she should submit the form requested from the landlord and can submit a request on Stay Housed LA. Tenants are not protected who have household incomes over 100k/year AND whose income is 130% or over median rent.

Abby asks what to do if someone filled out Stay Housed LA form and didn't get connected to help? Elena says that they have committed to respond within 48 hours, faster if a notice to vacate or summons. Elena says to email her at elenaipopp17@edn.la with the email subject "Stay Housed LA not responding". Nancee commented that the tenant may have filled out information incorrectly. Abby states that the building was acquired by an LLC landlord and has been making the living situation worse. The landlord threatened to evict due to unauthorized tenants in the RSO. Elena states that she should make sure to request through Stay Housed LA. She could attend an Ask An Attorney hour, but it's better for her to forge a relationship now to get help. It sounds like this violates local ordinances and state law. She should also minimize communication with the landlord to not say too much to the landlord directly, go through lawyer instead.

The Eviction Defense Network is also working to build a program that will train volunteers to help tenants (do not have to be a lawyer). If this program comes into place, it will be important during the rent repayment period. They are planning to work with the Santa Monica Court eventually.

Gabriel asks if tenants should negotiate with their landlords. Elena says that ideally they should not. Some tenants have made payment agreements with landlords then had worse financial situations, and now are struggling with what to do. Elena feels that it's better to have others negotiate for you, especially those who are trained. Someone who is nervous and frightened will have a harder time navigating.

Tyler will work to incorporate all the materials onto the MVCC Renters Subcommittee webpage of marvista.org. Otherwise, be sure to visit stayhousedla.org.

Stacey noted that many tenants are struggling with housing security and also running out of food. The Wood restaurant was distributing groceries (Nourish LA). LA Unified is also giving out three meals per day for children. She encourages the Renters Subcommittee to assemble resources on food for tenants.

7. Meeting adjourned at 3:38