

## Appendix K

### Protections from Tenant Harassment Full Program Guidelines

#### I. Overview

##### A. Introduction and Context

Measure ULA, a November 2020 ballot initiative written by experts in affordable housing and tenant protections, passed with 58% of the vote. It establishes the Los Angeles Program to Prevent Homelessness and Fund Affordable Housing (“House LA”), which changes a documentary transfer tax on certain large real estate purchases to fund an array of homelessness prevention, tenant protection, and housing production strategies, as well as housing preservation. As part of its Homelessness Prevention Program, the law requires that a certain percentage of tax revenue be spent to educate tenants about harassment, monitor compliance with Los Angeles’s existing tenant anti-harassment laws, and enforce them.

Landlord harassment causes tenant displacement. Even if a formal eviction is never filed, many tenants choose to self-evict rather than live through harassment that can be emotionally draining and sometimes physically dangerous. Landlords engage in harassment in order to circumvent tenant protections that would otherwise keep people housed. In 2021, an estimated 500 or more tenants experienced landlord harassment in the City of Los Angeles each month.<sup>41</sup>

These Guidelines prepared by the United to House LA Coalition are designed specifically for the House LA Protections from Tenant Harassment Program (“Program”), and will guide the Los Angeles Housing Department or its successor agency (“Department”) in implementing the Program.

##### B. Purpose and Scope

The purpose of these Program Guidelines is to implement Section 22.618.3(d)(2)ii.c. of House LA, which establishes the Protections from Tenant Harassment Program, which is designed “to fund non-profit organizations and City services to monitor and enforce protections against tenant harassment and other tenant rights, and to inform tenants of such protections and support them in exercising their rights.”

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<sup>41</sup> Cantong, J., Landlord Harassment & Illegal Eviction, USC Price Center for Social Innovation, tbl. 2 “Landlord/Tenant Dispute Calls by Month, 2010-2021” (Mar. 22, 2022), <https://usc-ndsc-wordpress.azurewebsites.net/landlord-harassment-illegal-eviction/>. See also, Dillon, L. & Poston, B., Despite protections, landlords seek to evict tenants in Black and Latino areas of South L.A., L.A. Times (June 18, 2020), <https://www.latimes.com/homeless-housing/story/2020-06-18/despite-protections-landlords-attempting-to-evict-tenants-in-south-l-a-black-and-latino-neighborhoods-data-shows>.

Program requirements detailed in the measure are as follows:

- **Shared responsibility between City and nonprofits.** At least 30% of Program funds must be used for programs or activities led by nonprofit organizations. However, the City also retains responsibility for undertaking a significant portion of programmatic work.
- **Education, Monitoring, Enforcement, and Support.** The Measure requires that Tenant Harassment Program funds be spent in all four of these areas, even if other Measure ULA program areas may also be used for some of these purposes.

### C. Commitment to Racial Equity

House LA's Goals include: "Deploying programs and policies funded through this initiative in such a way as to address racial segregation, dismantle racially exclusionary practices, and promote racial equity in housing, academic, and economic opportunities."<sup>42</sup> In alignment with this purpose, the Protections from Tenant Harassment Program seeks to enhance racial equity through resource distribution, implementation strategies, and outcomes. Furthermore, these Program Guidelines have been established in accordance with the Vision of the City of Los Angeles' Office of Racial Equity, which states, "We envision a City that authentically engages communities most harmed by systemic racism, as leaders and collaborators, in the process of identifying data, distributing public resources, and reforming policies that impact outcomes of Civil + Human Rights and Equity." Additionally, the Department will incorporate racial equity metrics in program evaluation.

### D. Additional Legislative Changes

In addition to the Program described below, the United to House LA Coalition has identified three key legislative changes to the City's Tenant Anti-Harassment Ordinance (TAHO) that would vastly improve the Program and help it meet House LA's goals. First, LAMC § 45.35.B should be amended to make attorney's fees and costs mandatory if a tenant prevails in a lawsuit under the law. Second, the penalties in LAMC §§ 45.35.B and C should be augmented to include mandatory treble actual damages (including for mental/emotional distress) if larger than the applicable penalty, in addition to the flat penalty currently in the law. Third, TAHO should include an explicit three year statute of limitations during which tenants can bring claims.<sup>43</sup> These legislative changes will increase civil enforcement by incentivizing the private bar to take these kinds of cases on behalf of aggrieved tenants without risk of going unpaid.

However, private bar enforcement is simply not sufficient to remedy the actual harassment that Los Angeles tenants face every day, and it will not provide the deterrent effect necessary to reduce that harassment in the aggregate.

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<sup>42</sup> Los Angeles Administrative Code § 22.618.1(f).

<sup>43</sup> Without this, tenants may only have one year to bring claims, which will reduce the number of enforcement actions filed. Cal. Code of Civ. Proc. § 340.

## II. Program Requirements

The Department shall use the Protections from Tenant Harassment Program funds to develop a City strategy to monitor and enforce the Tenant Anti-Harassment Ordinance (TAHO) and contract with nonprofit partners to educate and support tenants in enforcing the law.

### A. City Program

#### 1. City Program Overview

As close to 70% of Program funds as possible should be spent directly by the City of Los Angeles. The Department should develop a robust monitoring and enforcement division, and the Office of the City Attorney should be given resources to bring criminal and/or civil charges against violators of the law.

#### 2. Los Angeles Housing Department

LAHD currently does not enforce the City's TAHO beyond sending "informational letters" or reclassifying complaints of harassment to fall under an existing LAHD division. Program funds should be used for the Department to develop a Tenant Anti-Harassment (TAH) division as part of its Regulatory Compliance and Code Bureau. TAH should be responsible for investigating claims of harassment and enforcing City law, either itself or through partnerships with the City Attorney and nonprofits.

- TAH should have an accessible complaint intake system that is easy for tenants to access and complete, such as multiple entry points and a variety of language options.
- TAH should employ investigators who proactively work to assess and resolve complaints.
- The results of the investigations should be publicly accessible, similar to code enforcement violations, including parties against whom complaints have been filed.
- TAH investigations should result in a letter that is more than "informational."
  - Letters should identify all parties who may be responsible for harassment, including but not limited to property management, the landlord, and/or the developer.
  - Letters should include all alleged facts of the complaint which, if proven true, would constitute Tenant Harassment under LAMC § 45.33.
  - Letters should include any relevant factual findings made by Investigators.
  - To the extent relevant, letters should have a concrete timeline for the harassment to stop or be remedied, with consequences for noncompliance.
  - Letters should also function as a tenant's written notice required under LAMC § 45.35.F to bring a civil proceeding or small claims case.
- Investigators should be empowered to issue fines and fees to the maximum extent allowed by law.
- TAH should have an appeals process which is accessible by tenants.
- A report should be issued by TAH showing how many cases are in each phase of the system, including complaints, pending investigations, and resolved cases.

TAH should not be siloed from the Rent Stabilization, Code Enforcement, or Compliance divisions—LAHD should ensure that these units are regularly coordinating work, since many times tenant harassment crosses over into one of these other areas, and vice versa. TAH should be another tool in LAHD’s belt to ensure that Angelenos have access to safe, healthy housing.

The Department should also establish a Task Force with the City Attorney and LSPs and CBOs contracted with Program funds to ensure that all responsible parties are coordinating and not working at cross purposes or duplicating effort. The Task Force should meet on a quarterly basis to discuss implementation and a Task Force Directory should be provided to all members.

After investigating cases, the Department should refer them to the City Attorney for potential criminal prosecution or civil litigation, and/or to LSPs for civil litigation, and/or to CBOs for tenant support and education. All referrals should include a full sharing of the LAHD case file, supporting documentation, and any other records to expedite fact investigation and litigation. TAH’s written referrals should typically consist of the following:

- Witness statements;
- Copies of written communications between the parties;
- Relevant legal documents, such as rental agreements;
- All LAHD records relating to the property, including past complaints;
- Contact information for all LAHD personnel who participated in the investigation; and a
- Harassment timeline.
- Visual documentation

### **3. Los Angeles Office of the City Attorney**

The City Attorney shall establish a division or unit dedicated to bringing criminal or civil lawsuits under TAHO. A well-resourced City Attorney’s office is better positioned to use litigation to achieve a deterrent effect and reduce harassment in Los Angeles, especially with a volume of criminal charges or civil penalties, rather than select high-profile lawsuits.

## **B. Nonprofit Program**

### **1. Nonprofit Program Overview**

The Measure requires that at least 30% of Program funds be spent on programs led by nonprofit organizations. The Program should stick as close to this 30% target as possible. Nonprofit organizations will face significant challenges with capacity if they are responsible for a larger share of the Program funds. In addition, it is important for the City to have as many resources as possible to sustain the City Program and enforce City law. The nonprofit program shall consist of multiple grants to Legal Services Providers (LSPs) and Community-Based Organizations (CBOs).

## 2. Legal Services Provider Grants

The Department shall award Grants to one or more LSPs for the purpose of enforcing TAHO.

- **Eligibility.** Grantees must be Legal Services Organizations, as defined in the Eviction Defense/Prevention Guidelines.
- **Length.** Each Grant shall last for a minimum of three years. Grants may be renewed at the Department's discretion. If a Grant is not renewed, either because the Department declines to award an additional Grant or because the Grantee(s) choose not to apply, wind-down funds shall be provided to assist with concluding lawsuits and transferring obligations and operations to another grantee.
- **Goals.** The goals of the Grant and of the program shall be
  - To provide full-scope and limited-scope legal representation to pursue affirmative tenant anti-harassment claims; and
  - To assist and empower tenants, through legal strategies, who are facing tenant harassment, and raise public awareness and exposure of anti-harassment rights to act as a deterrent to landlords going forward.
- **Program.** Each Grantee shall operate the following program:
  - Provide Full-Scope Legal Representation to tenant households in order to resolve harassment issues, including filing for affirmative tenant anti-harassment cases under the City's Tenant Anti-Harassment Ordinance.
    - **Full-Scope Legal Representation** is ongoing legal representation provided by an LSP to a client, and all legal advice, advocacy, and assistance associated with that representation. Full-Scope Legal Representation shall be provided by a lawyer authorized to practice in the State of California.
    - Lawsuits brought with Grant funds may also include any other appropriate legal claims in addition to those under the City's TAHO.
  - Provide Limited-Scope Services to tenant households facing harassment.
    - **Limited-Scope Services** includes, but is not limited to: legal consultation/advice, assistance with filing or completing forms in proper, and/or referrals. It does not include tenant education or Full Scope Legal Representation.
  - Eligible costs shall include (but should not be limited to) salaries and benefits for attorneys, paralegals, secretaries, case managers, and supervision thereof; expert witnesses; depositions; costs and fees associated with enforcement; and nonprofit program administration, including overhead.

## 3. Community-Based Organization Grants

The Department shall award Grants to one or more CBOs for the purpose of educating about TAHO and enforcing compliance with it.

- **Eligibility.** Grantees must be nonprofit Community-Based Organizations.

- **Length.** Each Grant shall last for a minimum of three years. Grants may be renewed at the Department’s discretion. If a Grant is not renewed, either because the Department declines to award an additional Grant or because the Grantee(s) choose not to apply, wind-down funds shall be provided to assist with transferring obligations and operations to another grantee.
  
- **Goals.** The goals of the Grant and of the program shall be
  - To educate litigants, via online resources, workshops, and clinics on TAHO and what steps can be taken to combat tenant harassment and displacement; and
  - To assist and empower tenants, through organizing and other strategies, who are facing tenant harassment, and raise public awareness and exposure of anti-harassment rights to act as a deterrent to landlords going forward.
  
- **Program.** Each Grantee shall operate the following program:
  - Conduct workshops/clinics on tenant harassment. Workshops/clinics are intended to be educational but may also be done in partnership with Grantee LSPs and be used to identify/screen cases for Limited-Scope Services or Full-Scope Legal Representation.
  - Eligible costs shall include (but should not be limited to) salaries and benefits for tenant organizers, outreach workers, social workers, case managers, other employees, and supervision thereof; costs and fees associated with workshops; and nonprofit program administration, including overhead.
  - The Department should explore modeling the CBO grants after the REAP/UMP Outreach Contractor program.