

NEIGHBORHOODS FOR ALL

TENANTS' RIGHTS,
COMMUNITY PARTICIPATION,
AND HOUSING JUSTICE



WHAT WILL YOU LEARN TODAY?

Stopping Gentrification from two perspectives:

1. Tenants' rights: tenants are often at risk of displacement due to gentrification. In this context, you will learn about your legal rights and protections.
2. Community participation: In addition to being a tenant, you're also a member and citizen of your community. Learn how to participate in the processes that define how your city is made.

TENANTS RIGHTS

1. Importance of Tenants' Rights
2. Tenant Law & LA Rent Control (LARSO)
3. Tenants' Rights without Rent Control Protections
4. Substandard Housing Conditions & How to Protect Yourself
5. Good Practices for Enforcing your Rights
6. Ellis Process
7. Eviction Process in a Nutshell
8. How to Get Help
9. Costa Hawkins

CITY PLANNING AND CREATING COMMUNITIES

1. Community planning process in City of LA
2. Role of Gentrification
3. Examples of Plans: General Plan/Community Plan/District Overlay and the planning process
4. Density and visions for the City
5. Re:code LA
6. Our LA 2040-General Plan Update
7. Local community plan updates

IMPORTANCE OF TENANTS' RIGHTS



“Residential stability begets a kind of psychological stability, which allows people to invest in their home and social relationships. It begets school stability, which increases the chances that children will excel and graduate. And it begets community stability, which encourages neighbors to form strong bonds and take care of their block.”

–Matthew Desmond, *Evicted*

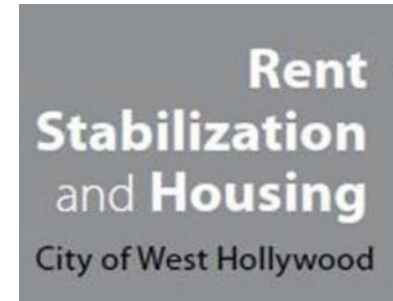
STATE LAW

- Basic Protections and Rights for tenants and landlords; and
- Explanation of legal process and procedures for evictions

LOCAL LAWS

Cities With Rent Control Laws:

- I. West Hollywood
- II. Santa Monica
- III. Beverly Hills
- IV. Los Angeles



IMPORTANCE OF LOS ANGELES RENT STABILIZATION ORDINANCE

The purpose of the RSO is to allow landlords a reasonable return on their investments while protecting tenants from excessive rent increases.

1. The Los Angeles Housing & Community Investment Department (LAHCID) is responsible for administering the city's rent control.
2. According to LAHCID, in 2013 there were approximately 638,000 renter occupied LARSO units.
3. There are approximately 118,254 LARSO properties in Los Angeles.

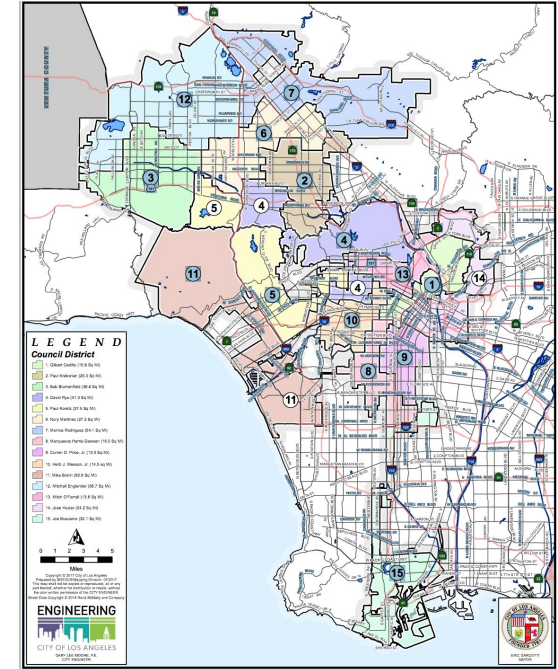
GENERAL PROVISIONS OF LARSO

- Rent increases are limited to a yearly basis.
- Owner must register rental units.
- Greater Tenant Protections: Can only evict for good cause.
 - See HICID Guide Online:
<http://hcidla.lacity.org/home-for-renters>
- Relocation Assistance in limited eviction situations.
- Units subject to inspections every three years through the Systematic Code Enforcement Program (SCEP).
 - Fees LL needs to pay to housing department can be passed through to the tenant

PROPERTIES COVERED BY LARSO

1. Property is Within Los Angeles City Limits;
2. The Property is Built Before October 1, 1978;
3. The Property has Two or More Dwellings on the Premises.

▼ Planning and Zoning	
Special Notes	None
Zoning	R3-1
Zoning Information (ZI)	21-2374 LOS ANGELES STATE ENTERPRISE ZONE
General Plan Land Use	Medium Residential
General Plan Footnote(s)	Yes
Hillside Area (Zoning Code)	No
Baseline Hillside Ordinance	No
Baseline Mansionization Ordinance	No
Specific Plan Area	None
Historic Preservation Review	No
HistoricPlacesLA	View
POD - Pedestrian Oriented Districts	None
CDO - Community Design Overlay	None
NSO - Neighborhood Stabilization Overlay	No
Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Ellis Act Property	No
Rent Stabilization Ordinance (RSO)	Yes
CRA - Community Redevelopment Agency	Pacoima / Panorama City (CD7) Earthquake Disaster Assistance Project
Central City Parking	No
Downtown Parking	No
Building Line	15
500 Ft School Zone	No
500 Ft Park Zone	No



*you can check on ZIMAS, <http://zimas.lacity.org/>

PROPERTIES NOT COVERED OR EXEMPT FROM THE LARSO

1. Property is located in other municipalities or unincorporated areas with Los Angeles County;
2. Property is a single family dwelling and used as such;
3. Government owned properties;
4. Non-profit owned units (SROs), with certain qualifications;
5. Hotels/Motels – with tenancy under 30 days; and
6. Units occupied by an family member or owner where no rents are collected

HOW WOULD I KNOW IF A PROPERTY IS COVERED BY LARSO?

1. Call LAHCID- (866) 557-RENT (7368)
2. LA Department of Building and Safety:
www.permitla.org/parcel/
3. Zimas:
<http://zimas.lacity.org/>
4. LA County Assessor
assessor.lacounty.gov/extranet/datamaps/pais.aspx

TENANTS' RIGHTS WITHOUT RENT CONTROL

- Basic state protection and contractual protections that landlord must keep housing conditions safe and healthy
- Written notice of rent increases or evictions
- Few cities outside of Los Angeles have “Just Cause”
Eviction protections:
 - Glendale and Maywood
- Freedom from Discrimination on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status (for example, having children), source of income, or disability
 - Reasonable Accommodation

RIGHT TO A SAFE AND HEALTHY HOME

In residential property the landlord has the obligation to maintain 'habitability'

- Reporting unsafe and unhealthy housing conditions
 - LA County Department of Health
 - Dept. of Public Works
- Doesn't extend to 'aesthetic conditions' only to basic livability of the property
- Tenant is always obligated to maintain the property in a clean and tidy state and not misuse the property
- Right to request repairs (i.e. repair and deduct)

EXAMPLES OF UNINHABITABLE CONDITIONS IN SLUM HOUSING AND EVICTION DEFENSE:



EXAMPLES OF ADVERSE HEALTH CONDITIONS AND PHYSICAL INJURIES RELATED TO UNINHABITABLE CONDITIONS:



HEALTH HAZARDS RELATED TO UNSAFE HOUSING

- Asthma and Allergies

- Commonly triggered by hazards such as mold, dust, roaches or bedbugs.
- If you or your child has an asthma diagnosis, [The Healthy Breathing Project](#) through Esperanza Community Housing will perform in-home surveys for asthma triggers.

- Lead Poisoning:

- Lead, if consumed, can cause serious damage to brain and nervous system, slowed growth or development, hearing, speech and behavioral problems, especially to young children
- Lead is commonly found in paint in older homes, and exposure can occur especially during renovations if lead-safe work practices are not employed.

LOS ANGELES HOUSING AND COMMUNITY INVESTMENT DEPARTMENT (LAHCID)

Examples: defective flooring, peeling paint, mold, leaks, defective or missing heater, defective smoke detectors, broken windows, roaches, rats, etc.

- Online: cris.lacity.org/cris/informationcenter/code/index.htm
- Phone (1-877-557-RENT)
- In person: <http://hcidla.lacity.org/Public-Counters>

Department of Public Health (DPH)

Examples-rodents, rats, bugs, roaches, mold, trash

- Online: www.lapublichealth.org/report/phreports.htm
- Phone: (626) 430-5200
- In person

PROTECTING YOUR RIGHTS AS A TENANT

- **Pay rent on time every month.** You lose your rights as a tenant the moment you stop paying your rent.
- **GET EVERYTHING IN WRITING: Always.**
- **Always get a rent receipt.** If your landlord refuses to give you a rent receipt pay with a check or money order to document your payments. NEVER pay cash.
- **Do not sign something you do not understand.** You are entitled to a rental contract in a language that you understand.
- **Have a copy of your lease/rental contract at hand.** Make sure the copy you have is signed by both you and the landlord.
- **Get changes to your lease in writing: If you request a change in your lease, make sure to get the changes in writing so it reflects those changes.**
***Example:** A tenant who was originally on the lease moves out and someone else moves in to replace that tenant.
- **Keep Everything:** Notices, letters, receipts, bills or anything related to your tenancy. You never know when you may need them.
- **Maintain Records of Repair Requests and any repair costs**

ELLIS ACT EVICTIONS

CA law that permits the removal of rent-controlled apartments from the housing market, eg. demolition of apartments for new construction

→ Evicts whole buildings at a time

Tenants are entitled to:

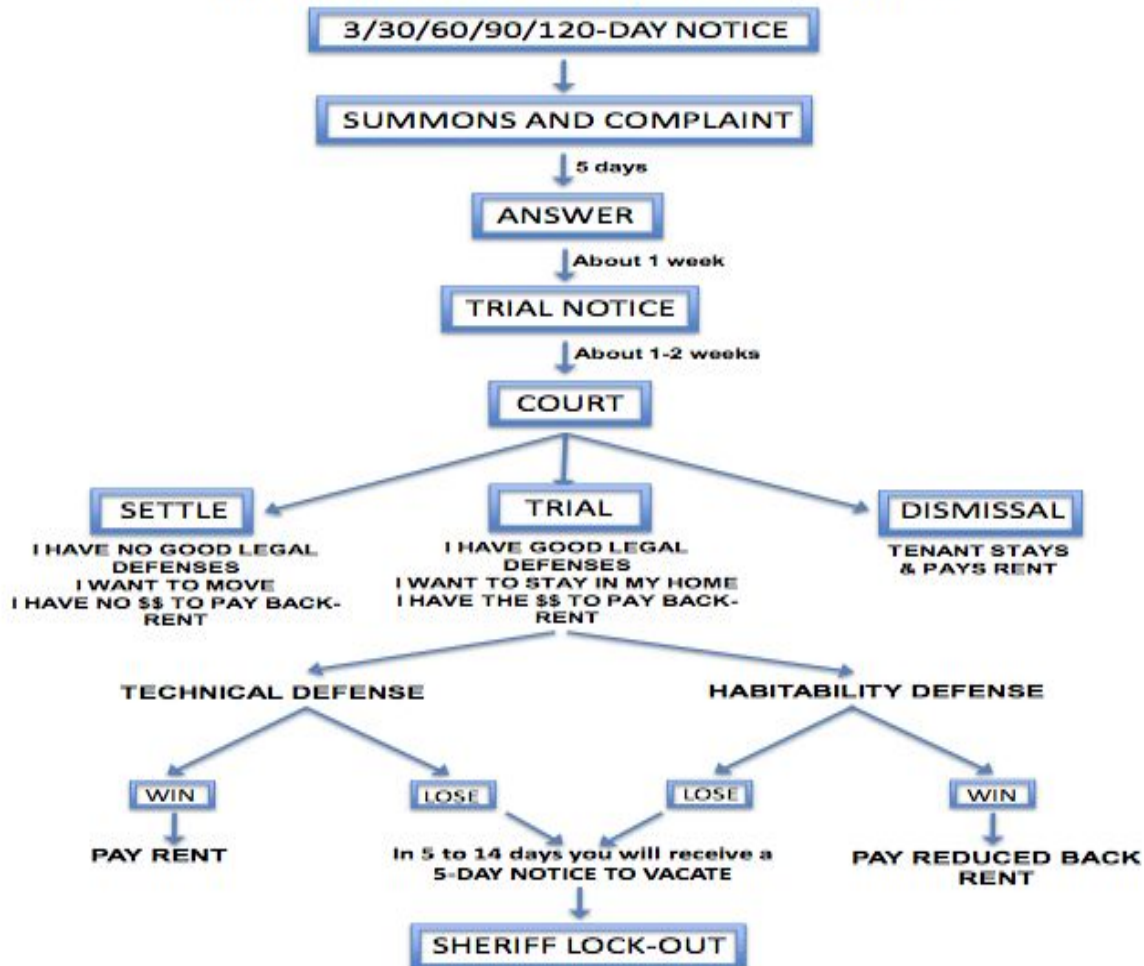
- Minimum 120 days to vacate
- Monetary Relocation Assistance of between \$7,750 - \$20,500
- Right to re-rent or hold landlord accountable if they abuse the law

Los Angeles has seen an increase in Ellis evictions in the past 2 years, and abuses of the law such as pressuring tenants to 'voluntarily' move out, and re-renting of apartments on AirBnB.

THE EVICTION PROCESS IN A NUTSHELL

- Service of a Notice (reason for the eviction)
- Filing & Service of the Complaint
- Response / Answer
- Trial
- Judgment or Settlement

THE UNLAWFUL DETAINER (EVICTION) PROCESS



HOW TO GET HELP

- DO NOT DELAY!
- Always try to get the advice of a lawyer!
- Avoid “notaries” and “paralegal services” (“notarios”)
- Tenant Clinics/Workshops
- Self- Help Centers located at most Courthouses
- Free Legal Services
- Low-Bono Legal Services

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
COURT SERVICES DIVISION

NOTICE TO VACATE

CASE NUMBER: 0300001

TO: Judgment debtor, members of the judgment debtor's household, and any occupants residing with the judgment debtor.

By virtue of a *Writ of Possession of Real Property*, a copy of which is attached,
YOU ARE ORDERED TO VACATE THE PREMISES DESCRIBED IN THE WRIT NOT LATER

THAN: FEBRUARY 24, 20 04.

SHERIFF'S BRANCH (Name, Address and Telephone Number)

☐ L.A. COUNTY SHERIFF'S DEPT.
COUNTY COURT HOUSE
110 N. GRAND AVE., RM 525
LOS ANGELES, CA 90012

☐

LEROY D. BACA, SHERIFF

By: J-G

Date: 2-19-04
Deputy

☐

☐

76N654E SH-CI-52 (REV. 9/94)

NOTICE TO VACATE

CAMPAIGN TO
REPEAL COSTA
HAWKINS



COSTA HAWKINS RENTAL HOUSING ACT

- California State Law enacted in 1995
 - Prohibits cities from establishing rent control over certain kinds of units
 - Prohibits municipal “vacancy control,” meaning if you are a landlord you can re-rent a unit at market rate.
- Costa-Hawkins exempted rental units erected after the law passed from being rent controlled

How does this impact housing today?

- Not having rent control in all of California; apartment associations have strong lobby groups and fight to not have rent control.
 - If you live in a non-rent control jurisdiction you can get a 30/60 Day notice for rent increases
- Rent control will only apply to units built BEFORE 1995.

WHY ARE RENT CONTROLLED APARTMENTS IMPORTANT?

NATURALLY OCCURRING AFFORDABLE HOUSING!!!

COMMUNITY PLANNING

WHY DOES YOUR
NEIGHBORHOOD LOOK LIKE
IT DOES?

WHAT ARE THE CITY'S MAJOR PLANNING DOCUMENTS?

1. General Plan
 - a. Housing Element
 - b. Community Plans (Land Use Element)
2. Consolidated Plan
3. Assessment of Fair Housing



WHO ARE THE MAJOR PLAYERS IN COMMUNITY PLANNING?

1. You
2. City
 - a. Planning Department
 - b. HCID
 - c. LAHSA
 - d. City Council
3. Community Groups
4. Nonprofit Advocacy Groups
5. Nonprofit and For Profit Developers
6. NIMBY's 🧢
7. Consultants
8. State and Federal Governments

THE GENERAL PLAN

The General Plan is the “constitution for future development” in a local area.

All county or city land use actions must be consistent with the General Plan and each of its elements.

The most relevant to housing are:

- The **Housing Element**
- The **Land Use Element** (in Los Angeles, this is called the “Community Plan”)

The other Mandatory Elements are:

Conservation 🏠 Noise 🏠 Circulation 🏠 Open Space 🏠 Safety

HOUSING ELEMENT

Every city and county must adopt a Housing Element

- The City or County planning department is responsible for drafting the Housing Element every eight years*
- Los Angeles' current Housing Element is in place for the years 2013-2021.

*Unless the city or county has an inadequate Housing Element and is required by the state to redraft at the four-year mark.

WHY HOUSING ELEMENT ADVOCACY

- Promote development of affordable, accessible and fair housing
- Mandate for public participation
- Community education
- Building collaborations
- Significant legal leverage

HOUSING ELEMENT CONTENTS

- Housing Needs & Resources
 - Regional housing needs assessment – how much growth the city must accommodate (in unit numbers, by income category)
 - “Special housing needs”
 - “At risk” housing
- Land Inventory
- Analysis of Constraints
- Statement of Goals, Quantified Objectives & Policies
- Schedule of Actions (Programs) *during* Planning Period

PARTICIPATING IN THE PROCESS

- Local government must
“make a diligent effort to achieve
public participation of all economic
segments of the community.”

City Council / Board of Supervisors

Planning Commission

Planning Department/Office of Housing

Public

Citizen
Groups

State Department of
Housing and Community
Development

Working Groups

EFFECTIVE COLLABORATION

- Affordable housing advocates
- Tenant organizations
- Non-profit developers
- Social service and housing providers
- Workers/unions and employers
- Other jurisdictions

PUBLIC PARTICIPATION

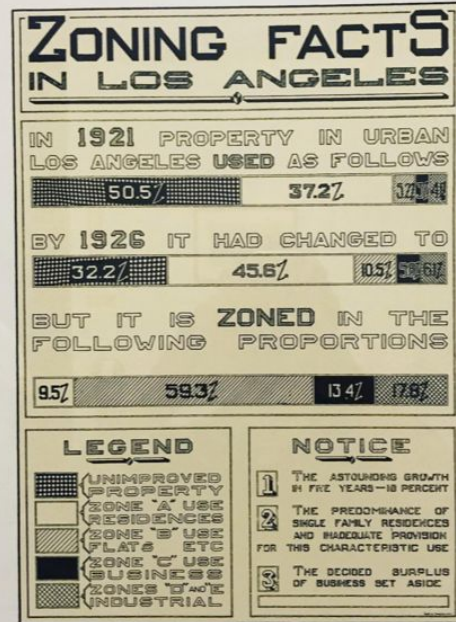
- Factors to Consider:
 - Projected growth
 - Historic patterns of exclusion
 - Jobs/Housing fit
 - Allies

GENERAL PLAN

The city anticipates to grow to 4.6 Million people by 2040

CURRENT ISSUES:

- Not enough AFFORDABLE HOUSING
- HIGH RATES OF HOMELESSNESS
- Unemployment rates



COMMUNITY PLANNING

Community Plan Areas

- ▶ Area Planning Commission
- ▶ Neighborhood Councils
- ▶ Plan Adoption Info



The City's 35 community plans comprise the Land Use Element of the General Plan.

The community plans integrate land use, infrastructure and transportation improvement

Direct growth to centers while preserving established residential neighborhoods

Create healthier, more livable neighborhoods and economically vital business districts that can provide more jobs and housing for city residents

Facilitate improved design of new and renovated structures and public spaces.

CONSOLIDATED PLANNING

Federal government requirement for both:

Entitlement Jurisdictions - get money directly from federal government

State: Distributes federal funds to Non-entitlement Jurisdictions

Programs

■ HOME 🏠 CDBG 🏠 HOPWA 🏠 ESG

Los Angeles's Current Plan ("Five-Year Plan") is for 2013-2018 - keep an eye out for public participation opportunities related to the next plan cycle.

THE CON PLAN PROCESS

Community Needs Identification

- Workshops
- Public Hearings

“Draft” Plan

- Advance Public Participation & Hearings
- “Citizen Participation Plan”

Final Plan

- Consider public comments
- Obtain HUD approval

THE CON PLAN PROCESS

Action Plan

- Public Participation & Hearings

CAPER

- Successful (or unsuccessful) implementation of the plan
- Public participation & Hearings

WHAT DOES IT LOOK LIKE?

Needs Discussion

- Citizen participation process
- Defined “special needs” populations
- Analyze obstacles to serving “underserved needs”
- CPD Maps: Available to public for assessing housing planning needs.
 - <https://www.hudexchange.info/resource/4867/affh-data-and-mapping-tool/>

Housing Market Analysis

- General housing information
- Poverty/race/ethnic group concentration
- Facilities & services for homeless
- Assisted housing

WHAT DOES IT LOOK LIKE?

Strategic Plan

- “Five year plan”
- Priorities & Strategies
 - Priority Needs
 - Analysis: How funding corresponds with needs
 - Anti-Poverty Strategy

Action Plan

- “One year plan”
- Priorities

SUBORDINATE "CON PLAN" PLANS

A jurisdiction must certify that it has complied with all requirements regarding these plans:

- Assessment of Fair Housing (Comment Period Concluded September 29, 2017).
- Language Assistance Plan (LAP)
- Compliance with Section 3 local hire requirements
- Anti-Displacement Plan
- Continuum of Care

GET INVOLVED! MAKE SURE
TO SHOW UP WHEN YOUR
COMMUNITY IS PLANNING
ITS FUTURE.

WHERE YOU CAN FIND OUT ABOUT UPCOMING PLANS

1. Get on your **neighborhood council** lists!
2. General Plan:
https://planning.lacity.org/GP_elements.html
3. Consolidated Plan: <http://hcidla.lacity.org/con-plan>
4. Assessment of Fair Housing:
<http://hcidla.lacity.org/assessment-fair-housing>

SUSTAINABLE COMMUNITIES,
ECONOMIES, NEIGHBORHOODS FOR ALL

THE EFFECTS OF DISPLACEMENT AND GENTRIFICATION

“Believing that hipsters can reverse the consequences of late-stage capitalism is a more attractive thought for city planners in cash-strapped cities than realizing that many American cities are, for now, screwed thanks to postindustrial decline and growing inequality. Gentrification may provide a new tax base, but it also reshapes what cities are, turning them into explicit supporters of inequality, reliant on it to self-fund, yet still unable to meet the needs of their poor. A real solution to the economics of American cities would require more work—more taxes, more laws, more intervention from the federal government. Those things are hard. Gentrification is easy.”

-Peter Moskowitz, *How to Kill a City*

LOCAL EFFORTS

- Talk to your neighbors.
- Support local businesses, find out more about worker coops.
- Show up to public meetings

REMEMBER...much of what's happening to the city of LA has to do with corporate investment. The planning system favors corporate wealth and poor people are seen as obstacles in accruing more wealth.

In creating a city, local officials makes choices often in the name of the economy. In creating different projects often, the city is assigning values to its residents: think about where affordable housing is placed, the poverty of Skid Row, what public schools are invested in, support of new local businesses and not old ones, "REVITALIZATION"

WHAT DO WE DO NOW?:

1. Find out what's going on in your neighborhood.
2. Join a tenants' union! Show up to your local community organizing meetings (whether it's a non-profit or a collective!) Become a member of places like the Womens Center for Creative Work.
3. Know your rights and tell other people about them too.

