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Los Angeles; Court Upholds Law Protecting City's Renters; Housing advocates welcome decision on an ordinance that aims to prevent unfair evictions.: [HOME EDITION]

Jocelyn Y. Stewart. *Los Angeles Times*. Los Angeles, Calif.: Mar 6, 2004. pg. B.3

Full Text (656 words)

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A Los Angeles Superior Court judge has upheld a Los Angeles ordinance that prohibits landlords from evicting tenants who fail to comply with regulations that, housing advocates argued, were designed to get rid of unwanted renters.

In a ruling issued this week, Superior Court Judge Malcolm Mackey called the ordinance prohibiting such evictions a "valid exercise of the city's police power." Specifically, the ordinance states that tenants cannot be evicted if they fail to comply with regulations that are not included in their original lease agreement and that they never consented to in writing.

"The rent control provision at issue here provides that a landlord may not evict a tenant for violating a change in the terms of tenancy unless the change is in writing and signed by both parties," Mackey wrote. The limitation is consistent with a U.S. Supreme Court's decision in a 1976 case.

The ruling was viewed as a victory for the city, tenants and housing advocates who said the ordinance is needed to protect tenants from unfair evictions and to give tenants who face such evictions an opportunity to defend themselves.

"It's not a magic bullet" in an eviction hearing, said Eric Moses, spokesman for the city attorney's office. "However, if there is a situation where a landlord imposed terms that the tenant didn't agree to in writing, the ordinance would help the tenant."

James McCone, a lawyer with the law firm of Dennis P. Block & Associates, which specializes in evictions, brought the motion to strike down the ordinance on behalf of DAM LLC, which owns rent-controlled residential property.

McCone could not be reached for comment but, in a motion submitted to the court, he had argued that the ordinance should be struck down because it "bludgeons landlord rights with a sledgehammer, when such overkill is unnecessary and poorly considered."

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The ordinance, which amends the city's Rent Stabilization Ordinance, was lawmakers' response to a trend that surfaced two years ago and often involved tenants of rent-controlled buildings.

Tenants who had lived in apartments for years, even decades, were suddenly required to provide extensive personal information, such as copies of Social Security cards and car registrations. In addition, tenants received 18-point lists of regulations governing everything in their buildings, from window coverings to alcohol consumption.

Lawyers with the Legal Aid Foundation of Los Angeles said the goal was to impose rules that were impossible to follow, then evict tenants and raise rents.

The Block firm opposed the amendment, arguing that landlords have a right to request changes that resolve problems faced by property owners.

Some judges ruled in favor of landlords who evicted tenants after changing the terms of the tenancy.

In March 2003, the City Council passed the amendment that states landlords "may not unilaterally change the terms of tenancy," then evict a tenant for violating the rules, unless the tenant has agreed in writing. Tenants facing eviction may use the amendment as a defense in court.

The attorney for DAM LLC argued that landlords under rent control have been abused by tenants who overcrowd units and mistreat property. "With little or no investigation," he said, the Los Angeles City Council had approved the amendment, "which strips the landlord of the ability to exert control of their property and secure their own property rights in those instances where tenants decide it's in their best interest to refuse to cooperate."

McCone argued that the amendment was a violation of due process, was unconstitutional and was preempted by state law.

Mackey disagreed with all three points.

Bet Tzedek Legal Services, an intervenor in the case, presented the "perspective of some actual tenants ... whose tenancies would be in danger if they didn't have the amendment out there to protect them," said Elissa Barrett of Bet Tzedek.

Barrett said the amendment offers protection to tenants, while taking away nothing from the rights of landlords who have legitimate causes for eviction.

Credit: Times Staff Writer

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