

## ANALYSIS

This ordinance adds new Chapter 8.58 entitled "Source of Income Protection." This chapter prohibits discrimination based on an individual's source of income with respect to residential rental properties in the unincorporated territory of the County of Los Angeles, except those properties that are defined as exempt. In general, exempt properties include nursing homes, convalescent homes, retirement homes, and units where the owner or his/her immediate family and tenant must share a bathroom or kitchen facility. The new chapter replaces provisions relating to the County's pre-1995 mobilehome rent protections that are no longer in effect.

MARY C. WICKHAM  
County Counsel

By



BEHNAZ TASHAKORIAN  
Principal Deputy County Counsel  
Contracts Division

BT:gjh

Requested: 2/25/19  
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**ORDINANCE NO. \_\_\_\_\_**

An ordinance repealing Chapter 8.58 – Mobilehome Park Tenant Protections, of Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, and adding new Chapter 8.58 – Source of Income Protection.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 8.58, entitled "Mobilehome Park Tenant Protections," is hereby repealed in its entirety.

**SECTION 2.** Chapter 8.58, entitled "Source of Income Protection," is hereby added to read as follows:

**8.58.010 Purpose and Findings.**

A. Rents throughout the County of Los Angeles (County) are continuing to rise due to factors like increasing real estate costs which lead to a decrease of the affordability and stability of housing stock in unincorporated Los Angeles County. According to the California Housing Partnership Corporation, the County needs 568,255 additional affordable housing units that would house lower-income individuals and families to meet current needs.

B. In its July 24, 2018 report entitled "Affirmatively Furthering Fair Housing in Los Angeles," the California Housing Partnership Corporation found that recipients of rent subsidy vouchers issued in the County by the U.S. Department of Housing and Urban Development, pursuant to 24 Code of Federal Regulations Part 982 (Section 8), are frequently denied housing opportunities by landlords who discriminate based on a tenant's rental subsidy assistance. Additionally, further limitations on the availability of

inventory for rental subsidy assisted families are created by the County having less than a three percent (3%) vacancy rate and approximately 38,000 individuals on the County's waiting list for Section 8 housing, which is effectively eliminating housing choice options.

C. Landlords are not mandated by law to consider Section 8 vouchers or rental assistance from other programs or sources as income. Therefore, persons who are recipients of Section 8 vouchers or housing assistance of any kind are often denied housing because of their receipt of such assistance.

D. This chapter addresses the severe housing crisis in the County by ensuring that all persons with the ability to pay for housing are considered for housing, regardless of whether they receive a housing subsidy or housing assistance of any kind.

#### **8.58.020 Definitions.**

For purposes of this chapter, the following definitions shall apply:

A. "Covered Rental Unit(s)" means any dwelling unit as defined in California Civil Code section 1940, subsection (c), located in unincorporated areas of the County and used or occupied in consideration of payment of rent with the exception of those units designated in Section 8.58.040 of this chapter as exempt. This definition applies to any dwelling space that is actually used for residential purposes, including live-work spaces, accessory dwelling units, and mobilehomes rented by the owner of a mobilehome to a tenant, whether or not the residential use is legally permitted.

B. "Person" means any natural person, firm, corporation, partnership, or other organization, agency, association or group of persons, however organized.

C. "State" means State of California.

D. "Source of Income" means any lawful source of income for rental payment from a rental assistance program, homeless assistance program, security deposit assistance program, or housing subsidy program from any federal, State or local government, or nonprofit or charitable agency, whether paid directly to the program participant, landlord or representative, including, but not limited to the Section 8 Housing Choice Vouchers Program, other federally-funded rental assistance programs, the Flexible Housing Subsidy Pool, and rapid re-housing rental assistance.

E. "Tenant" means a person entitled or seeking to be entitled, by written or oral agreement, to the use or occupancy of any Covered Rental Unit.

**8.58.030 Discrimination Prohibited.**

It is unlawful for any Person, or any authorized agent or employee of such Person, to do any of the following in the offering for rent, renting or renewal of a Covered Rental Unit, wholly or partially based on Source of Income:

A. Interrupt, terminate, fail, or refuse to initiate, execute or conduct any transaction for the rental of a Covered Rental Unit;

B. Falsely represent to any Person that a Covered Rental Unit is unavailable for rental when the Person making such representation knows or should know that such Covered Rental Unit is in fact, available;

C. Include or apply different terms or conditions in connection with the rental of a Covered Rental Unit, including, but not limited to, the setting of rates for rental, the establishment of damage deposits, or other financial conditions that are not uniformly applied to all Tenants in other Covered Rental Units;



D. Refuse or restrict facilities, services, repairs, or improvements for any Tenant of a Covered Rental Unit;

E. Indicate preference, limitation or discrimination, in print, publication, or advertisement, published through any medium, electronic, broadcast or other method, or in any notice, statement, sign, application or contract, with regard to a Covered Rental Unit offered for rent, including, but not limited to, the accepted form(s) of payment for the Covered Rental Unit;

F. Fails to account for any rental payments or portions of rental payments that will be made by other individuals or federal, State or local agencies on the same basis as rental payments to be made directly by the Tenant; or

G. Fails to account for the aggregate income of Tenants residing together or an aggregate income of Tenants and their cosigners on the same basis as the aggregate income of married persons residing together.

**8.58.040 Exemptions.**

Nothing contained in this chapter shall apply to:

A. Any nursing home, convalescent home, or retirement home; or

B. The rental or leasing of any dwelling unit in which the owner or any member of his/her immediate family occupies one of the dwelling units and it is necessary for the owner to use either a bathroom or kitchen facility common with the Tenant.

**8.58.050 No Waiver.**

A. Nothing in this chapter shall be deemed to waive any federal, State or local law relating to any rental or occupancy of any dwelling unit or commercial space otherwise permitted by law.

B. Subject to the prohibitions against discrimination contained in the chapter, nothing in this chapter is intended to prohibit a Person from using credit reports and other tenant screening processes under State or federal law for evaluating a Tenant for a Covered Rental Unit.

**8.58.060 Remedies.**

A. **Civil Liability.** Any Person, including the County, may enforce the provisions of this chapter by means of a civil action. The burden of proof in such cases shall be preponderance of evidence. Any Person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter is liable for three times the amount of one month's rent that the Person charges for the Covered Rental Unit in question. The court may also award attorneys' fees, costs, and/or punitive damages. Any Person who violates any provision of this chapter or who aids in the violation of any provision of this chapter shall be liable for civil damages for each provision of this chapter that the Person violates, and for each instance in which the Person violates a provision of this chapter. No administrative remedy need be exhausted prior to filing suit pursuant to this section.

B. **Equitable Relief.** Any aggrieved Person, the County Counsel, the District Attorney, or any Person or entity which will fairly and adequately represent the interests

of Tenants protected under this chapter, may enforce the provisions of this chapter by means of seeking equitable relief, including an appropriate injunction to secure compliance with the provisions of this chapter, in any court of competent jurisdiction. No administrative remedy need be exhausted prior to filing suit pursuant to this section.

C. **Criminal Liability.** Any Person who violates any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not exceeding six months, or both.

D. **Affirmative Defense.** Non-compliance with any applicable provisions of this chapter shall constitute an affirmative defense for a Tenant in any unlawful detainer action brought pursuant to California Code of Civil Procedure section 1161, as amended.

E. **Nonexclusive Remedies and Penalties.** The remedies provided in this chapter are not exclusive, and nothing in this chapter shall preclude any Person from seeking any other remedies or penalties provided by law.

#### **8.58.070 Severability.**

If any provision of this chapter or the application thereof to any Person, property, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this chapter are hereby declared to be severable.

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