

COMMITTING TO END THE LOS ANGELES COUNTY EVICITON MORATORIUM

In March 2020, at the onset of the COVID-19 pandemic, the Los Angeles County (County) Board of Supervisors (Board) established an eviction moratorium alongside the State of California’s “Safer at Home Public Health Order”. This eviction moratorium included “tenant protections” designed to offset and shield residential and commercial tenants from the economic fallout of the necessary public health orders.

Over subsequent months, the Board acted to further expand tenant protections to meet the needs of the pandemic. One significant step was establishing the County’s tenant protections for unincorporated areas as the baseline for all eighty-eight incorporated cities in the County, of which there are currently three (3) cities in the County with more restrictive tenant protections, and thus are not subject to some or all of the County’s policies. This policy decision helped establish consistency countywide.

Additionally, the County’s tenant protections have shifted to reflect the necessary flexibility of the State’s preemption of locally enacted tenant protections related to residential non-payment of rent. These actions were critical to establishing compatible regulations statewide, thus avoiding any discrepancies between local jurisdictions.

On January 25, 2022, the Board of Supervisors took further action to extend the County’s tenant protections through the end of 2022 in two phases, with a phasing-out of the protections, with some exceptions.

As adopted by the Board, Phase 1 (February 1 – May 31) added no new protections, however, eviction protections for non-payment of rent for commercial tenants were lifted permanently. In Phase 2 (June 1 – Dec 31), eviction protections were lifted for denial of entry and certain owner move-in requirements.

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Further, as of July 1, 2022, protections for non-payment of rent were reinstated to establish an affirmative defense for residential tenant households with income at or below 80% Area Median Income (AMI), due to a COVID-19 financial hardship for rent incurred on or after July 1, 2022, with self-certification of income and financial hardship.

In addition, the State and the federal government have allocated hundreds of millions of dollars in funding to Los Angeles County for emergency rent relief.

As of September 1, 2022, the State's COVID-19 Emergency Rental Assistance Program, known as Housing is Key, has issued more than one billion dollars in emergency rental assistance to more than 85,000 households (excluding the cities of Los Angeles and Long Beach). This funding was critical to help tenants address their rental arrears and provided additional relief for many small, mom-and-pop landlords that were significantly burdened by the County's continuing eviction protections.

The State's program continued to accept applications from landlords and tenants until March 31, 2022, when the State was expected to lift its eviction protections. Notably, the State has formally recognized challenges in disbursing relief payments to impacted applicants within a timely manner.

Through the implementation of Assembly Bill 2179 (AB 2179), State eviction protections were extended for applicants that applied by the March 31st deadline. AB 2179 also preempted the County's nonpayment of rent protections from taking effect on the originally scheduled date of April 1, 2022, establishing that landlords are able to evict tenants for non-payment of rent incurred for the months of April, May, and June of 2022.

However, with the County's addition of protections for non-payment of rent for residential tenants for self-certified lower-income tenants on July 1, 2022, landlords once again were faced with undue financial burden without sufficient financial support.

On June 28, 2022, the Board adopted a motion directing County Departments to identify other existing State programs, funding, and proposed programs/legislation to support property owners and their tenants; survey current eviction protections implemented nationwide, including comparing the impacts of those eviction protections to that of our County and data on jurisdictions that have lifted their protections; and provide recommendations for a financial planning assistance program to help COVID-19 impacted tenants plan and prepare for budgeting and debt repayment.

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The August 23, 2022 report from the Chief Executive Office (CEO) indicated, among other things, that small rental property owners were more likely to experience declines in rental revenue during the pandemic by 50 percent or more. While the County has taken a number of steps to help these property owners, the need is far outpacing the resources available to make up for continued loss of revenue.

Significantly, the report further notes that 43 states and Washington D.C. took action to implement some form of eviction protections after the onset of the pandemic. More importantly, as of today, each jurisdiction has formally rescinded those protections, including the State of California.

More than 30 months have passed since the implementation of the County's emergency eviction moratorium. Currently, Los Angeles County is the only jurisdiction nationwide with eviction protections for non-payment of rent still in effect. As the State has moved to end tenant protections, the County should also commit to ending its moratorium by the end of calendar year 2022, as the Board had previously approved.

While the end of the County's eviction moratorium would rescind the emergency COVID-19 tenant protections for unincorporated communities, this action also removes the County's moratorium as a baseline for incorporated cities. Each incorporated City in the County can now take informed actions on appropriate protections for their jurisdiction, as their leadership deems necessary. On July 25, 2022, the County's Department of Consumer and Business Affairs submitted a "Report on Lessons Learned During the Pandemic Related to Tenant Protections" to support incorporated cities. The report is a useful reference as it provides a comprehensive review of lessons learned.

These significant, but necessary, actions related to tenant protections will impact eighty-eight cities and therefore should be clearly communicated and messaged. In addition, as the August 2022 report from the CEO notes, County Departments should take significant actions to prepare both landlords and tenants for the impending changes to the region's laws regarding tenant protections and evictions.

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I, THEREFORE, MOVE that the Board of Supervisors (Board) direct the Director of the Department of Consumer and Business Affairs, in coordination with the Executive Director of the Chief Executive Office's Homeless Initiative, the Chief Executive Office (CEO), and other relevant Departments to prepare and implement an immediate coordinated strategy of the County's emergency tenant protections phase out with a defined end date of December 31st, 2022 that will:

1. Establish a countywide strategy to communicate the formal phase out of the County's emergency tenant protections for both landlords and tenants, including but not limited to through the property owner and landlord round-table meetings established by the Board of Supervisors on January 5, 2021.
2. Continue to broadly message to the suite of available financial planning assistance programs to help COVID-19 impacted tenants.
3. Report back in writing in 30 days and monthly thereafter until the completion of the phase-out of the County's emergency tenant protections and on the progress of the above directives.

I, FURTHER MOVE that the Board of Supervisors (Board) direct the Executive Officer of the Board to send a letter to the City Managers and elected leaders of all eighty-eight (88) incorporated cities within Los Angeles County (County) to inform them of the Board's actions to end the County's eviction moratorium by implementing the phase out of its emergency tenant protections by December 31, 2022.

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