



County of Los Angeles

September 2, 2025

Dawyn R. Harrison
County Counsel

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Board of Supervisors

Hilda L. Solis
Supervisor, First District

Holly J. Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

Janice Hahn
Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District




Re: Amendment to Title 8 – Consumer Protection, Business and Wage Regulations, Clarifying and Strengthening the Enforcement Process for Price Gouging During a State of Emergency (7/15/25 Board Agenda; Item No. 9)

Dear Supervisors:

On July 15, 2025, your Board directed our office, in collaboration with the Director of Consumer and Business Affairs, to return to your Board in 30 days with an urgency ordinance to codify the authority of the Director of Consumer and Business Affairs to issue administrative fines and penalties for violations of the price gouging ordinance. The analysis and ordinance are enclosed for your consideration.

Very truly yours,

DAWYN R. HARRISON
County Counsel

By 
MICHAEL S. BUENNAGEL
Senior Deputy County Counsel

APPROVED AND RELEASED:



JUDY W. WHITEHURST
Chief Deputy

MSB:bl
Enclosure

c. Fesia Davenport, Chief Executive Officer
Edward Yen, Executive Officer, Board of Supervisors

ANALYSIS

This urgency ordinance amends Chapter 8.09 (Overpricing of Goods and Services Following the Proclamation of a State of Emergency or the Declaration of a Local Emergency) of Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, by:

- (1) Clarifying and expanding the authority of the Department of Consumer and Business Affairs to enforce Chapter 8.09, including authority to investigate, access and subpoena records, examine witnesses, promulgate rules, issue notices of violation, impose administrative fines, and reach settlements with persons determined to be in violation of Chapter 8.09;
- (2) Specifying the amount of administrative fines and other penalties for violations;
- (3) Prohibiting retaliation against persons who report potential violations of Chapter 8.09; and
- (4) Establishing an appeal procedure for administrative violations; and
- (5) Expanding the requirements and authorities provided in Chapter 8.09 to apply countywide, including unincorporated areas and incorporated cities.

This urgency ordinance will take immediate effect upon its approval by at least a four-fifths (4/5) vote of the Board of Supervisors.

DAWYN R. HARRISON
County Counsel

By 
MICHAEL S. BUENNAGEL
Senior Deputy County Counsel
Government Services Division

MSB:bl

Requested: 7/9/2025

Revised: 8/25/2025

ORDINANCE NO. _____

An urgency ordinance amending Chapter 8.09 (Overpricing of Goods and Services Following the Proclamation of a State of Emergency or the Declaration of a Local Emergency) of Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, by: (1) clarifying and expanding the authority of the Department of Consumer and Business Affairs to enforce Chapter 8.09, including authority to investigate, access and subpoena records, examine witnesses, promulgate rules, issue notices of violation, impose administrative fines, and reach settlements with persons determined to be in violation of Chapter 8.09; (2) specifying the amount of administrative fines and other penalties for violations; (3) prohibiting retaliation against persons who report potential violations of Chapter 8.09; (4) establishing an appeal procedure for administrative violations; and (5) expanding the requirements and authorities provided in Chapter 8.09 to apply countywide, including unincorporated areas and incorporated cities.

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

SECTION 1. Section 8.09.010 is hereby amended to read as follows:

8.09.010 Findings.

The Board of Supervisors finds that in emergencies and major natural or manmade disasters including, but not limited to, earthquakes, floods, fires, storms, droughts, plant or animal infestation or diseases, pandemic or epidemic disease outbreaks, or civil disturbances, there may be a temporary spike in demand for food, repair or reconstruction services, emergency or medical supplies, hotels, motels,

housing, or gasoline. Under such circumstances, there is a heightened risk to consumers that prices for goods and services that are vital and necessary for their health, safety, and welfare may be significantly increased. Therefore, the County of Los Angeles has an interest in ensuring that County residents are protected against overpricing of vital and necessary goods and services during a state of emergency as proclaimed by the President of the United States, the Governor of California, or locally by the Board of Supervisors as declared pursuant to law.

~~As a result of COVID-19, both Los Angeles County and the Governor of the State of California declared local and State emergencies on March 4, 2020. The Los Angeles County Department of Consumer and Business Affairs has received over 1,100 allegations of price gouging following the declarations of emergency. During this time of unprecedented emergency, there is an urgent need to take action to protect the residents of the County as price gouging continues to be reported, even three months after the declared emergency. This urgency ordinance amends the County's price gouging ordinance to strengthen consumer protections and it is essential that the amendments made by this urgency ordinance take effect immediately for the preservation of the public peace, health, and safety of the County.~~

This urgency ordinance is adopted pursuant to article XI, section 7 of the California Constitution and Government Code sections 25123, subdivision (d), and 25131, and 8634 to protect against an immediate threat to the public safety, health, and welfare, and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors of the County of Los Angeles. The Board of Supervisors

finds that this ordinance is necessary for the immediate preservation of the public safety, health, and welfare based upon the following facts:

A. Since the January 7, 2025, Declaration of a State of Emergency in response to the wildfires that brought widespread devastation to areas throughout Los Angeles County, the Department of Consumer and Business Affairs has received over 3,800 consumer complaints alleging instances of price gouging, the vast majority related to housing. These complaints of widespread price gouging occurring in both unincorporated areas and incorporated cities demonstrate that, like the devastation of the wildfires, price gouging is a countywide problem that requires countywide action.

B. Despite issuing more than 1,800 cease-and-desist letters to businesses, property owners, landlords, and real estate professionals, and over 230 referrals made to the Price Gouging Task Force for further investigation and potential civil action, very few civil or criminal cases have been filed as of August 1, 2025 because litigation can be complicated, expensive, and time intensive.

C. The County needs additional administrative tools to more swiftly and effectively enforce price gouging protections, to deter further violations, and restore confidence in County government to protect the vulnerable.

D. This ordinance to strengthen and expand the Department of Consumer and Business Affairs' current enforcement efforts is urgently needed to ensure that violators face meaningful consequences more quickly and to deter those who would take advantage of consumers and renters in this time of crisis.

SECTION 2. Section 8.09.030 is hereby amended to read as follows:

8.09.030 Definitions.

Unless otherwise provided below, the definitions provided by California Penal Code section 396 shall apply:

A. "Aggrieved Person" means a Person who is the object of harm caused by a Responsible Person committing a violation of this Chapter or who has filed a complaint with the Department alleging such a violation.

AB. "Care Facility" means a facility that provides long-term residential care to individuals requiring assistance with personal care or medical needs.

C. "Correction Order" means the notice issued by Department of Consumer and Business Affairs to a Responsible Person.

D. "County" means the County of Los Angeles.

E. "Days" means calendar days, which is all days including Saturdays, Sundays, and holidays, unless otherwise specified.

F. "Department" means the County Department of Consumer and Business Affairs.

G. "Director" means the Director of the Department or their designee.

H. "Enforcement Order" means the order issued by the Department to a Responsible Person as described in Section 8.09.100.B.

I. "Hearing Officer" for purposes of this Chapter shall have the same meaning as provided in Los Angeles County Code Section 1.25.020.D or a hearing

officer assigned by the Office of County Hearing Officer as provided in Los Angeles County Code Section 2.14.030.

~~B~~J. "Medical Supplies" are any items used in the diagnosis, cure, mitigation, treatment, or prevention of disease or other medical condition, including, but not limited to, prescription and non-prescription drugs and medical devices, bandages, gauzes, isopropyl alcohol, and personal protective equipment, including, but not limited to, masks, gowns, face shields, and gloves.

~~C~~K. "Mobilehome" means the definition set forth in California Civil Code section 798.3, including subsequent amendments.

~~D~~L. "Mobilehome Space" means the site within a Mobilehome Park intended, designed, or used for the location or accommodation of a Mobilehome and any accessory structures or attached appurtenances whether or not the Mobilehome space is permitted pursuant to State or local law.

~~E~~M. "Person" means any individual, online retailer, vendor or any form of business organization or association, or any other legal entity.

~~F~~N. "Rental Price" means the following:

1. For housing rented within one year prior to the time of the proclamation or declaration of emergency, the actual rental price paid by the tenant.
2. For housing not rented at the time of the declaration or proclamation, but rented, or offered for rent, within one year prior to the proclamation or declaration of emergency, the most recent rental price offered before the proclamation or declaration of emergency.

3. For housing rented at the time of the proclamation or declaration of emergency but which becomes vacant while the proclamation or declaration of emergency remains in effect and which is subject to any County rent control ordinance, rule, regulation, or initiative measure, the actual rental price paid by the previous tenant or 160 percent of the fair market rent established by the United States Department of Housing and Urban Development, whichever is greater.

O. "Reconsideration Determination" means the written response of the Director to a timely request for reconsideration of an Enforcement Order as described in Section 8.09.110.C.

P. "Responsible Person" means a Person responsible for, or alleged to be responsible for, a violation of this Chapter. There may be more than one Responsible Person for a code violation. A Responsible Person may include:

1. A Person who causes or materially contributes to the causation of the code violation;

2. A Person who maintains or allows the code violation to continue by the Person's action or inaction;

3. A Person whose agent, employee, or independent contractor causes or materially contributes to the causation of the code violation; and

4. An on-site manager of a business premises who is responsible for the activities at the premises.

Q. "Restitution" means the refund of money paid by a Person over and above the amount a Responsible Person is allowed to charge for a good or service under this Chapter.

~~GR.~~ "Sell" or "Resell" means to engage in a sales transaction located within the ~~unincorporated area of the~~ County of Los Angeles, or to engage in a sales transaction with any resident of the ~~unincorporated area of the~~ County of Los Angeles whereby the sale of goods or services occurs through the internet, mail order, telephone, or any other means and whereby delivery of such goods or services occurs within the ~~unincorporated area of the~~ County of Los Angeles.

S. "Service" or "Serve" for purposes of this Chapter means personal delivery or delivery through first class mail, postage pre-paid, to the Person to be served. If served via personal service, service shall be effective on the date personal service is executed; if served via first class mail, service shall be effective on the date of mailing. All notices that must be served under this Section must include a proof of service stating the date of service.

~~HT.~~ "Unconscionably excessive price" means a price that is more than 50 percent above either the person's total cost paid for the good or the person's total cost of producing and selling the good.

~~IU.~~ "Vital and necessary" means required to sustain the health, safety, and welfare of a ~~p~~Person or animal.

SECTION 3. Section 8.09.040 is hereby amended to read as follows:

8.09.040 Price Gouging Following the Proclamation or Declaration of an Emergency Prohibited.

A. Upon the proclamation of a state of emergency by the President of the United States, Governor of California or locally by the Board of Supervisors, resulting from, but not limited to, an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, pandemic or epidemic disease outbreak or other natural or manmade disaster, the following shall be unlawful:

1. Goods and Services Previously Offered for Sale. For a period of 30 days following that proclamation or declaration, it is unlawful for a person to sell or offer to sell any vital and necessary consumer food items or goods, including but not limited to, water, milk, eggs, flour, salt, dried and canned goods, sanitary products, medical supplies, batteries, propane, gasoline or other motor fuels, baby food, diapers, and baby supplies, goods or services used for emergency cleanup, emergency supplies, home heating oil, building materials, housing, transportation, freight, restaurant food delivery services, and storage services, for a price of more than 10 percent above the price charged by that person for those goods or services immediately prior to the proclamation or declaration of emergency, subject to the conditions set forth in ~~§~~Subsection (C) of this Section.

2. Goods and Services Not Previously Offered for Sale. If a good or service has not been sold by a person during the 30-day period immediately preceding the day

that proclamation or declaration is made, it is unlawful for that person to sell or offer to sell that good or service for an unconscionably excessive price.

3. Hoarding. In addition to the prohibitions set forth in Section 8.09.040.A.1 and A.2, for a period of 30 days following that proclamation or declaration, it is unlawful for a person to purchase and accumulate, vital and necessary consumer food items or goods, including but not limited to water, milk, eggs, flour, salt, dried and canned goods, sanitary products, medical supplies, batteries, propane, gasoline or other motor fuel, baby food, diapers, and baby supplies, in excess of what would be ordinarily and customarily needed for business, personal or home consumption, for the purpose of reselling or offering to resell such vital and necessary consumer food items or goods.

4. Construction Goods and Services. For a period of 180 days following that proclamation or declaration, it is unlawful for a contractor to sell or offer to sell any vital and necessary repair or reconstruction services or any services used in emergency cleanup for a price of more than 10 percent above the price charged by that person for those services immediately prior to the proclamation or declaration of emergency, subject to the conditions set forth in ~~§~~Subsection (C) of this Section.

5. Hotels and Motels. For a period of 30 days following that proclamation or declaration, it is unlawful for an owner or operator of a hotel or motel to increase the hotel's or motel's regular rates, as advertised immediately prior to the proclamation or declaration of emergency, by more than 10 percent, subject to the conditions set forth in ~~§~~Subsection (C) of this Section.

6. Short Term or Vacation Rentals. For a period of 30 days following that proclamation or declaration, it is unlawful for a booking service or homeowner to increase the daily rental rate as advertised immediately prior to the proclamation or declaration of emergency, by more than 10 percent, subject to the conditions set forth in ~~§~~Subsection {C} of this ~~§~~Section. It is unlawful for booking services and homeowners to cancel reservations in order to advertise the same property for an increased rate higher than 10 percent than the originally advertised rate.

7. Home and Apartment Rentals. For a period of 30 days following that proclamation or declaration, it is unlawful for any person to increase the rental price as advertised, offered, or charged for housing, to an existing or prospective tenant, by more than 10 percent. However, a greater rental price increase is not unlawful if that person can prove that the increase is directly attributable to additional costs for repairs or additions beyond normal maintenance that were amortized over the rental term that caused the rent to be increased greater than 10 percent or that an increase was contractually agreed to by the tenant prior to the proclamation or declaration. For rental housing that was not rented or advertised for rent within one year prior to a declaration of emergency, the price cannot exceed 160 percent of the fair market rent value of the rental housing as established by the U.S. Department of Housing and Urban Development. This Chapter does not authorize any person to charge a price greater than the amount authorized by Title 8 — Division 3 — Chapter 8.52, Rent Stabilization Ordinance.

8. Care Facilities. For a period of 30 days following that proclamation or declaration, it is unlawful for care facilities to increase the cost of care as advertised immediately prior to the proclamation or declaration of emergency, by more than 10 percent subject to the conditions set forth in ~~§~~Subsection (C) of this Section.

9. Mobilehomes. For mobilehomes and mobilehome spaces rented to existing tenants at the time of the proclamation or declaration of emergency and subject to the Mobilehome Rent Stabilization Ordinance of the Los Angeles County Code Title 8 ~~—~~ Division 3 ~~—~~ Chapter 8.57 are subject to the limitations set therein. For new tenants who enter into a rental agreement for a mobilehome space that is subject to the Mobilehome Rent Stabilization Ordinance but was not rented at the time of, or became vacant after, the proclamation or declaration of emergency, it is unlawful for any person to charge a rent in excess of the amount of rent last charged for a space in the same mobilehome park. For new tenants who buy a mobilehome located in an existing space in a mobilehome park that is subject to the Mobilehome Rent Stabilization Ordinance, it is unlawful for any person to charge a rent in excess of the amount of rent last charged for that space. This Chapter does not authorize any person to charge a price greater than the amount authorized by Title 8 ~~—~~ Division 3 ~~—~~ Chapter 8.57, Mobilehome Rent Stabilization Ordinance.

B. A business offering an item for sale at a reduced price immediately prior to the proclamation or declaration of the emergency may use the price at which it usually sells the item to calculate the price pursuant to ~~§~~Subsections (A)(1) or (A)(4) of this Section.

C. For the pricing of goods and services, construction goods and services, hotel and motel rates, short term and vacation rentals and care facilities, described in ~~Subsections (A)(1)–(A)(2), (A)(4)–(A)(6) and (A)(8)~~ of this Section, a greater price increase is not unlawful if the person selling the goods or services can prove that the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods, or directly attributable to additional costs for labor, goods or materials used to provide the services, provided that in those situations where the increase in price is attributable to the additional costs imposed by the seller's or contractor's supplier or additional costs of providing the goods or services during the state of emergency, the price represents no more than 10 percent above the total of the cost to the seller or contractor plus the markup customarily applied by the seller or contractor for that good or service in the usual course of business immediately prior to the onset of the state of emergency. In addition, a greater price increase is not unlawful if an owner or operator of a hotel or motel, short term or vacation rental, or care facility can prove that the increase in price is due to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates, or if the increase in costs is attributable to the declared emergency.

D. The provisions of this Section may be extended pursuant to California Penal Code section 396-(e) for additional 30-day periods by the Board of Supervisors, if deemed necessary to protect the lives, property, or welfare of the citizens.

SECTION 4. Section 8.09.050 is hereby amended to read as follows:

8.09.050 Reporting.

Any person believing that a violation of this Chapter has been committed may file a complaint with the Department of Consumer and Business Affairs, which shall have the authority to investigate the complaint ~~consistent with Section 8.09.055 and if determined that there is evidence of a potential violation of this Chapter, and impose~~ administrative fines pursuant to Section 8.09.130. The Department may also forward the complaint to the County Counsel, or District Attorney, or other public agency with jurisdiction over the subject matter of the complaint for prosecution or other appropriate handling.

SECTION 5. Section 8.09.055 is hereby amended to read as follows:

8.09.055 ~~Administration, Document Retention, Investigation and Subpoena Power Requirements.~~

~~A. The Department of Consumer and Business Affairs shall be responsible for the administration of this Chapter, including, but not limited to, investigation of complaints that a person has violated any provision of this Chapter and public education and outreach. Additionally, the Department of Consumer and Business Affairs shall be designated as the enforcement officer, as defined in subsection (B) of Section 1.25.020 of the County Code, responsible for final determination and imposition of administrative fines to be issued and for appearances before the administrative hearing officer as provided for in Chapter 1.25 of the County Code.~~

~~B. The Department of Consumer and Business Affairs may develop rules for the administration and implementation of this Chapter. A copy of such rules shall be filed with the Executive Officer of the Board of Supervisors and shall be in effect immediately thereafter.~~

C. Upon the proclamation of a state emergency by the President of the United States, the Governor of California, or the declaration of a local emergency, all ~~p~~Persons as identified in ~~Section 8.09.030 (E)~~subject to Section 8.09.040 are required to retain business records, including, but not limited to, data regarding pricing of vital and necessary goods, for three months prior to the declaration through three months after the declaration of the state and local emergency has been lifted.

~~D. Upon the proclamation of a state emergency by the President of the United States, the Governor of California, or the declaration of a local emergency, the Director of the Department of Consumer and Business Affairs shall have the authority to issue subpoenas for documents and to conduct examinations of persons as witnesses under Government Code section 25170 for the purpose of enforcing this Chapter and other consumer protection laws. This also includes the power to administer oaths pursuant to Government Code section 25057 and to take all actions necessary to enforce subpoenas, including but limited to reporting noncompliance thereof to the Superior Court.~~

SECTION 6. Section 8.09.060 is hereby amended to read as follows:

8.09.060 Civil and Criminal Penalties and Enforcement.

A. The County Counsel or District Attorney may bring a civil action to seek imposition of civil penalties, obtain restitution and for any other appropriate legal or equitable relief in any court of competent jurisdiction to enjoin violations of this Chapter.

B. Any Responsible Person who violates provisions of this Chapter shall be liable for a civil penalty not to exceed ten thousand dollars (\$10,000) per each violation.

C. Any Responsible Person who shall be convicted of violating the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or by imprisonment in the County jail for not more than six months, or by both.

D. In addition to the penalties set forth in Subsections A, B, and C, of this Section, any Responsible Person who violates any provision of this Chapter ~~shall~~may be subject to an administrative fine issued pursuant to ~~Chapter 1.25 of this code~~Section 8.09.130.

SECTION 7. Section 8.09.070 is hereby added to read as follows:

8.09.070 Retaliation Prohibited.

It shall be unlawful for any person to discriminate in any manner or take adverse action against any Person in retaliation for reporting a potential violation of this Chapter. Rights protected by this Chapter include, but are not limited to: (1) the right to file a complaint or inform any Person about any other Person's alleged noncompliance with this Chapter; and (2) the right to inform any Person of their potential rights under this

Chapter and to assist in asserting such rights. Protections of this Chapter shall apply to any Person who mistakenly, but in good faith, alleges noncompliance with this Chapter. Taking adverse action against a Person within 90 days of the Person's exercise of rights protected under this Chapter shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

SECTION 8. Section 8.09.080 is hereby added to read as follows:

8.09.080 Department of Consumer and Business Affairs – Powers and Duties.

A. Enforcement and Investigations. The Department is authorized to take appropriate steps to enforce this Chapter, including to investigate possible violations and issue administrative fines pursuant to Section 8.09.130. Upon receipt of a complaint or if the Department has reason to believe that any Person may be in violation of this Chapter, the Department may conduct an investigation into the potential violation. The Department may conduct site inspections, interview witnesses to alleged violations, take depositions, review documents and records, and utilize any other investigatory method reasonably necessary to determine whether a violation of this Chapter occurred. The Department may issue a Correction Order at any time during the course of an investigation. Upon completion of an investigation, if the Department determines a violation of this Chapter was committed, the Department shall issue an Enforcement Order to the Responsible Person for the violation.

B. Access to Records. The Department shall have access to records of Persons subject to this Chapter during business hours to inspect books and records, to

interview Persons, including employees, and to investigate such matters necessary or appropriate to determine whether a Person has violated any provisions of this Chapter.

C. Subpoenas and Examination of Witnesses. The Director shall have the authority to issue subpoenas for documents and to conduct examinations of persons as witnesses under Government Code section 25170 for the purpose of enforcing this Chapter and other consumer protection laws. This also includes the power to administer oaths pursuant to Government Code section 25057 and to take all actions necessary to enforce subpoenas, including, but limited to, reporting noncompliance thereof to the Superior Court.

D. Rulemaking Authority. The Department shall establish rules, policies, and procedures governing the administration and enforcement of this Chapter and will provide a copy of the rules, policies, and procedures to the Board of Supervisors.

E. Confidentiality. The Department must encourage reporting and cooperation with investigations by keeping confidential, to the maximum extent permitted by law, the name, address, and other identifying information of any Person reporting a violation or aiding an investigation by providing information to the Department investigators. Provided, however, that with the authorization of such Person, the Department may disclose the Person's name and identifying information as necessary to enforce this Chapter or for other appropriate purposes. The Department must also protect proprietary business information to the maximum extent permitted by law.

F. Settlement Authority.

1. The Department is authorized to negotiate and approve settlements with Responsible Persons, in consultation with County Counsel, where the Department determines settlement is in the best interest of the County. Settlement agreements must be in writing and signed by the Director and the Responsible Person(s). Settlements authorized under this Subsection may provide a Responsible Person(s) with a repayment plan to be paid overtime.

2. The Department may waive administrative fines owed to the County imposed under this Chapter, in whole or in part, if the Department determines the violation was not willful and that enforcement of the administrative fines would not further the purposes of this Chapter.

3. The Department shall not reduce any amount of restitution owed to an Aggrieved Person pursuant to this Chapter that a Responsible Person is determined to owe without the written consent of the Aggrieved Person.

G. Authority for Contracts. The Department shall have the authority to enter into contracts with consultants, non-profits, community-based organizations, and other Persons in accordance with the County's contracting rules and procedures, to enforce and/or provide education and outreach as necessary to perform the Department's responsibilities under this Chapter.

SECTION 9. Section 8.09.090 is hereby added to read as follows:

8.09.090 Cooperation with Administrative Investigations.

All Persons subject to Section 8.09.040 shall cooperate with investigations by the Department.

SECTION 10. Section 8.09.100 is hereby added to read as follows:

8.09.100 Notices of Violation.

A. Correction Order. If the Department has determined a violation of this Chapter has occurred, the Department may issue and Serve a Correction Order on the Responsible Person immediately. The Correction Order shall identify the violation to be corrected and a reasonable amount of time to correct the violation. Failure to comply with the Correction Order may be included in a subsequent Enforcement Order.

B. Enforcement Order.

1. If the Department determines a Responsible Person has violated a provision of this Chapter, including, but not limited to, a failure to comply with a Correction Order, the Department shall prepare and Serve an Enforcement Order on the Responsible Person.

2. An Enforcement Order contains the Department's final determination concerning whether a Responsible Person violated this Chapter, the administrative fine for each violation as specified in Section 8.09.130, and that an amount is due and owing to either an Aggrieved Person, the County, or both. An Enforcement Order shall include information as required in a notice of violation pursuant to Los Angeles County Code Section 1.25.050.C, and may also contain the following:

- a. A statement explaining that each day of a continuing violation may constitute a new and separate violation;
- b. The amount of administrative fines imposed for the violation(s);

c. A statement informing the Responsible Person(s) that the administrative fines shall be paid to the County of Los Angeles, the date by which the Department requires the administrative fines to be paid, the procedure for payment, and the consequences of failure to pay;

d. Restitution to be paid to Aggrieved Person(s), if any;

e. Requirements for posting the Enforcement Order at any place of business and/or internet websites of the Responsible Person(s) and mailing the Enforcement Order to Aggrieved Persons; and

f. The name and signature of the Director.

C. Posting Requirement. The Responsible Person must, within 24 hours after receipt of an Enforcement Order, post the Enforcement Order for a minimum of 60 days as specified by the Department in the Enforcement Order and further specified in the rules, policies, and procedures promulgated by the Department pursuant to Section 8.09.080.

D. Mailing Requirement. The Responsible Person must, within 72 hours after receipt of an Enforcement Order, mail an exact copy of the Enforcement Order to all Aggrieved Persons as specified by the Department in the Enforcement Order and further specified in the rules, policies, and procedures promulgated by the Department pursuant to Section 8.09.080. The Responsible Person shall retain evidence of mailings for a minimum of four years from the date of mailing.

E. Stay of Enforcement. At the DCBA's discretion, a stay of any corrective action required by an Enforcement Order may be issued in the event of good faith settlement negotiations.

SECTION 11. Section 8.09.110 is hereby added to read as follows:

8.09.110 Reconsideration of Enforcement Order.

A. Reconsideration by Director. Any interested party, including a Responsible Person or an Aggrieved Person, that is the subject of an Enforcement Order may file a written request for reconsideration of an Enforcement Order with the Department. A request for reconsideration of an Enforcement Order by a Responsible Person shall be filed with the Department within 20 days from the date the Enforcement Order is Served, unless extended by the Director upon a showing of good cause. In order to be considered timely, the request for reconsideration must be postmarked or actually received by the Department on or before the tenth day following the Service of the Enforcement Order on the Responsible Person or the last day of any extension granted by the Director, whichever is later. A request for reconsideration by an Aggrieved Person or other interested party shall be filed with the Department within 20 days of posting and mailing of the Enforcement Order by the Responsible Person pursuant to Section 8.09.100. The request for reconsideration shall be in writing and filed with the Department and include the following information:

1. The alleged violation(s) being contested;
2. The reason, in detail, why each violation being contested should be reconsidered;

3. Any new facts or law not considered in the course of the DCBA's investigation that would aid in issuing a final determination;

4. The signature of the Person requesting reconsideration, under penalty of perjury; and

5. The return address where the Person requesting reconsideration shall receive Service of a Reconsideration Determination.

B. Stay of Enforcement. If administrative fines owed to the County are the subject of the request for reconsideration, then accrual of such administrative fines shall be stayed upon receipt of the request for reconsideration, until the determination of such reconsideration is final.

C. Reconsideration Determination. Within 20 days of receipt of the written request for reconsideration, unless extended by the Department, the Director shall respond to a request for reconsideration by issuing a written Reconsideration Determination. The Director may uphold or reject the Enforcement Order, in whole or in part, or reduce, waive, or conditionally reduce the administrative fines stated in an Enforcement Order if mitigating circumstances are shown. The Director may impose conditions and deadlines for the correction of violations or the payment of administrative fines and may include instructions for notifying Aggrieved Persons of the Reconsideration Determination. The Reconsideration Determination shall be Served by mail to the Responsible Person and any other Persons requesting notice. A Reconsideration Determination shall be final unless timely appealed pursuant to Section 8.09.120.

SECTION 12. Section 8.09.120 is hereby added to read as follows:

8.09.120 Appeals.

A. Administrative Appeal. After receiving a Reconsideration Determination from the Department, any Person may request an administrative appeal of the Reconsideration Determination by submitting a request for hearing to the Director pursuant to Section 1.25.080. Upon receiving a timely request, the Director shall appoint a Hearing Officer pursuant to Chapter 1.25 or refer the request to the Office of the County Hearing Officer pursuant to Chapter 2.14. No Person may request an administrative appeal unless such Person has first filed a request for reconsideration and received a Reconsideration Determination from the Director.

B. Judicial Review of Hearing Officer Decision. Pursuant to Chapter 1.25, any Person may seek judicial review of a Hearing Officer's decision pertaining to the imposition of an administrative fine by filing an appeal with the Superior Court in accordance with the time periods, procedures, and other requirements set forth in Government Code section 53069.4. If no appeal of the Hearing Officer's written decision is filed within the time period set forth in Government Code section 53069.4, the Hearing Officer's decision shall be deemed confirmed and final.

SECTION 13. Section 8.09.130 is hereby added to read as follows:

8.09.130 Administrative Fines for Violations.

A. Administrative Fines. An administrative fine payable to the County may be assessed for a violation of any provision of this Chapter as specified below. The administrative fine may be assessed through an Enforcement Order issued to the Responsible Person by the DCBA.

VIOLATION AND ADMINISTRATIVE FINE AMOUNT		
Violation	County Code Section	Administrative Fine Payable to the County per Violation per Day
Goods and Services Previously Offered for Sale	8.09.040.A.1	Up to \$1,000
Goods and Services Not Previously Offered for Sale: selling goods or services not previously sold for unconscionably excessive price	8.09.040.A.2	Up to \$1,000
Hoarding: purchase and accumulate consumer food items or goods in excess of need for purpose of reselling	8.09.040.A.3	Up to \$1,000
Construction Goods and Services: increase price for covered goods or services more than 10%	8.09.040.A.4	Up to \$1,000
Hotels and Motels: increase hotel or motel rates more than 10%	8.09.040.A.5	Up to \$1,000
Short-Term or Vacation Rentals: increase daily rental rate more than 10%	8.09.040.A.6	Up to \$1,000
Home and Apartment Rentals: increase rental price more than 10%	8.09.040.A.7	Up to \$1,000
Care Facilities: increase cost of care as advertised more than 10%	8.09.040.A.8	Up to \$1,000
Mobilehome: charge rent in excess of the amount of rent last charged	8.09.040.A.9	Up to \$1,000
Retaliation	8.09.070	Up to \$20,000
Non-compliance with requirement to post Enforcement Order	8.09.100.C	Up to \$1,000
Non-compliance with requirement to mail Enforcement Order	8.09.100.D	Up to \$1,000

Failure to comply with Department Investigation	8.09.090	Up to \$500
Failure to retain records	8.09.055	Up to \$500

B. Calculation of Administrative Fines. Each and every day that a violation exists constitutes a separate and distinct violation. The maximum administrative fine that may be imposed by an Enforcement Order in a calendar year for each type of violation listed above shall be \$10,000 per item, product, or service, per proclamation or declaration of emergency, with the exception of a retaliation violation, in which case the maximum fine shall be \$30,000 per violation, per proclamation or declaration of emergency. The maximum administrative fine may be increased cumulatively by 50 percent for each subsequent violation of the same provision by the same Responsible Person within a three-year period.

C. Payments to the County; Due Date; Late Payment Fee. Administrative fines payable to the County of Los Angeles are due within 30 days from the date of the Enforcement Order, if applicable. The failure of any Responsible Person to pay an administrative fine within 30 days shall result in the assessment of an additional late fee. The amount of the additional late fee shall be ten percent of the total amount of the administrative fine assessed for each month the amounts are unpaid, compounded to include already accrued late administrative fines that remain unpaid. The County may exercise its discretion regarding the fines, penalties, and fees levied based on the severity of the violation, the length of the violation, and whether the violation was the first of its kind for the Responsible Person.

D. Collections of Amounts Due. The failure of any Responsible Person to pay amounts owed to the County under this Chapter when due shall constitute a debt to the

County. The County may file a civil action or, to the extent feasible under State law, create and impose a lien against any property owned or operated by a Responsible Person or other Person who fails to pay an administrative fine assessed by the Department, or pursue any other legal remedy to collect such amounts due.

E. Successor Liability. If any Responsible Person ceases its business operations, sells, exchanges, or otherwise disposes of the Responsible Person's business or stock of goods, then any Person who becomes a successor to the business shall become liable for the unpaid amount of the remedies defined in the Enforcement Order if, at the time of the conveyance of the business, the successor knew or should have known of the fact and amount of the Enforcement Order.

SECTION 14. Section 8.09.140 is hereby added to read as follows:

8.09.140 Additional Penalties.

A. County Contracts, Disqualification, or Termination. The Department shall provide notice to all County departments of Responsible Person(s) that are subject to a final Enforcement Order, Reconsideration Determination, or Hearing Officer's decision that finds the Responsible Person violated this Chapter. To the extent permitted by applicable law, Responsible Persons determined to be in violation of this Chapter may be subject to penalties affecting their current or potential contractual relationships with the County. Penalties shall be set forth in the Department's rules, policies, and procedures, and may include, but are not limited to, disqualification from contracting with the County and termination of existing contracts.

B. County Licenses. The Director may recommend that any license issued by the County or any departments thereof, or the application for, or renewal or transfer of,

a license of a Responsible Person determined to be in violation of this Chapter be suspended, revoked, or denied. In evaluating whether a license should be recommended for suspension, revocation, or denial, the Director may take into consideration factors including, but not limited to: (1) whether the Responsible Person's violation was an inadvertent or clerical error; (2) whether the violation was the first violation by that Responsible Person; (3) whether any violation was corrected timely; and (4) whether any amounts due to an Aggrieved Person or the County as a result of the violation were timely paid. The decision to suspend, revoke, or deny a license based on a recommendation from the Director shall be made by the Department issuing the license and done in accordance with applicable law.

SECTION 15. Section 8.09.150 is hereby added to read as follows:

8.09.150 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The County Board of Supervisors hereby declares that it would have adopted this Chapter and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the Chapter would subsequently be declared invalid or unconstitutional.

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