



# RENT *Stabilization*

ANTONIO R. VILLARAIGOSA, MAYOR  
RUSHMORE D. CERVANTES, INTERIM GENERAL MANAGER

---

Los Angeles Housing Department ◊ Rent Stabilization - Customer Service and Information

3550 Wilshire Blvd., 15<sup>th</sup> Floor  
Los Angeles, CA 90010-2314

3415 S. Sepulveda Blvd., #150  
Los Angeles, CA 90034-6060

6640 Van Nuys Blvd.  
Van Nuys, CA 91405-4617

8475 South Vermont Avenue, 2<sup>nd</sup> Floor  
Los Angeles, CA 90044-3424

2215 North Broadway Ave.  
Los Angeles, CA 90031

690 Knox Street, #125  
Los Angeles, CA 90502-1305

P.O. Box 17280, Los Angeles, CA 90017-0280  
866-557- RENT ◊ 866-557-7368  
[www.lacity.org/lahd](http://www.lacity.org/lahd)

---

## EVICCTIONS FOR OCCUPANCY BY LANDLORD, LANDLORD'S IMMEDIATE FAMILY OR A RESIDENT MANAGER

The Rent Stabilization Ordinance limits the number of reasons why a landlord may bring legal action to recover possession of a rental unit. One of the legal reasons for evicting an existing tenant is Section 151.09A8 of the Ordinance, which permits an eviction when a landlord seeks in good faith to recover possession of the rental unit for use and occupancy by the landlord, or the landlord's spouse, children or parents, provided the landlord is a natural person, or for a resident manager.

### PROCEDURE

When a landlord seeks to recover a rental unit for the specific individuals allowed under Section 151.09A8, the landlord must obtain a Landlord Declaration form from the Rent Stabilization Division. The Landlord Declaration must be completed with the name of the individual to be moved into the rental unit (if known, when evicting for a resident manager), identification of relationship, the date when the individual will move in, the rent

presently being charged for the rental and the date of the last rent increase. The Declaration must be filed with the Rent Stabilization Division in triplicate prior to giving the tenant the 60-day notice to quit required by State law. (Effective January 1, 2007, no fault evictions require a 60-day notice.) The Rent Stabilization Division retains the original copy Landlord Declaration and returns a copy to the landlord. The landlord makes a copy and serves it to the tenant along with the 60-day notice. The Landlord Declaration form does not fulfill the State law requirement for a 60-day written notice. The landlord must state in the 60 day notice the reason for the eviction. A new owner who purchases a condo and intends to live in it upon sale may give a 30-day notice if the notice is served within 120 days from the establishment of escrow. (See Civil Code Section 1946.1.)

A landlord, including corporations and partnerships, may evict an existing tenant to install a resident manager. California

law requires that a resident manager be provided in building complexes containing 16 or more units. The landlord may evict for the occupancy of a resident manager in a building of any size.

### **RELOCATION ASSISTANCE**

Landlords are required to provide monetary relocation assistance when the landlord evicts a tenant to move in her/his self, spouse, parents, children, or for a resident manager. Relocation assistance is not required when evicting to replace an employee resident manager with another resident manager. Payment shall be made within 15 days of service of a written 60 day notice and declaration; however, the landlord may elect to pay the monetary relocation benefits into an escrow account to be disbursed to the tenant. (See Rent Adjustment Commission regulations 920.00 Managers as Tenants and 960.00 Relocation Assistance Escrow Accounts.)

### **NEW ORDINANCE**

As of August 1, 2009 Ordinance 180741 became effective and changes the requirements for evictions from rent-stabilized units for occupancy by an owner, family or resident manager and provides for reduced relocation amounts in limited circumstances for “Mom and Pop” landlords.

### **NEW OWNERSHIP REQUIREMENTS FOR OCCUPANCY BY A FAMILY MEMBER OR A RESIDENT MANAGER**

The new ordinance expanded the list of eligible family members who may qualify to recover an RSO rental unit for family occupancy to include grandchildren and

grandparents. Previously, these types of evictions were limited to spouses, children or parents. The new ordinance provides that in order to recover possession of a rental unit for owner occupancy, a landlord must own title to at least 25 percent of the property or be a beneficiary with an interest of at least 25 percent in a trust that owns the property. A landlord may recover possession of a rental unit for a resident manager only if the landlord is a natural person who possesses legal title to at least 50 percent of the property or is a beneficiary with an interest of at least 50 percent in a trust that owns the property.

### **GOOD FAITH INTENTION TO OCCUPY AND VERIFICATION REQUIREMENT**

Under the new provisions of Section 151.30 B, the new occupant must move in within 3 months of vacancy and intend to occupy the rental unit for at least 2 years. Failure to do either may be evidence of a bad faith eviction. The landlord must file a re-rental notice with the LAHD within **3 months of evicting a tenant and on the 1<sup>st</sup> and 2<sup>nd</sup> year filing anniversary** after the tenant vacates the rental unit, stating the replacement tenant still occupies the unit. An owner who offers a rental unit that was subject to tenancy termination under Subdivision 8 of Subsection A of Section 151.09 for rent or less within two years after the tenant vacated the rental unit must first offer to rent the rental unit to the displaced tenant (s), provided that the tenant(s) advised the landlord in writing within 30 days of displacement of the tenant’s desire to consider an offer to renew tenancy.

## TENANT PROTECTIONS

The new Ordinance imposes certain tenant protections and limits the selection of the unit for eviction. A landlord cannot evict if a comparable unit is vacant. Also, the landlord must evict the most recent tenant to occupy a unit with the needed number of bedrooms, unless the landlord needs a different unit due to medical necessity as certified by a treating physician. Further, certain tenants are protected from evictions for resident manager or owner/family occupancy, including tenants who have resided in the rental unit for at least ten years and are at least 62 years of age or disabled, and tenants who are terminally ill as certified by a treating physician.

## PENALTIES AND FEES

There is an administrative fee of \$75.00 per tenancy termination for move-in of a resident manager or owner or family member. A landlord who evicts in bad faith is liable to the evicted tenant for treble damages, equitable relief and attorney's fees, and the City may sue for punitive damages and equitable relief. If a landlord fails to file the required notices, the landlord is liable for a fee of \$250.00 per day of delinquency.

The Rent Stabilization Ordinance provides for criminal penalties for violation of the Ordinance. Any landlord who willfully, with the intent to deceive, files a Landlord Declaration that contains false or misleading information shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or by imprisonment in the County Jail for not more than six months or both.

## REDUCED RELOCATION FEES FOR "MOM & POP" LANDLORDS

Once every three years, a qualifying landlord ("Mom and Pop") can pay a reduced relocation fee for a good faith eviction for occupancy by the owner, family member or a resident manager, provided that certain requirements are met as prescribed in Section 151.30 of the LAMC. In these instances, the required relocation assistance is **\$7,000** for **eligible tenants** and **\$14,000** for **qualified tenants**. This reduced fee applies if the property containing the rental unit contains 4 or less units, the landlord owns no more than one other single-family home on a separate lot in Los Angeles, and the eligible relative moving into the rental unit does not own residential property in the City. For more information, please refer to Ordinance 180747.

## RENT LEVEL AFTER AN EVICTION FOR IMMEDIATE FAMILY

The rent level on a rental unit, after the family member or resident manager terminates occupancy, shall be restored to the rent level prior to the eviction, plus any automatic increases that are due. The unit is not decontrolled when the family member or resident manager vacates, and the rent may not be raised to the market level.

(08BULL-EVICTION FOR LANDLORD-FAMILY-RESIDENT MANAGER  
August 2009 MI

