12. Cities in Ohio
   • Linndale
   • South Euclid
   • University Heights
   • Warrensville Heights
   • Wickliffe

13. Cities in Pennsylvania
   • Borough of State College
   • Philadelphia
   • Pittsburgh

14. Memphis, Tennessee

15. Cities in Texas
   • Austin
   • Dallas

16. Counties/Cities in Washington
   • Bellevue
   • King County
   • Kirkland
   • Olympia
   • Redmond
   • Renton
   • Seattle
   • Spokane
   • Tumwater
   • Vancouver

17. Cities in Wisconsin
   • Cambridge
   • Dane County
   • Madison
   • Milwaukee
   • Ripon
   • Sun Prairie
   • Wauwatosa
ORDINANCE NO. ______________

An ordinance adding Article 5.5.1 to Chapter IV of the Los Angeles Municipal Code to protect affordable housing opportunities for renters utilizing rental assistance or other sources of income as payment.

WHEREAS, the City of Los Angeles is committed to providing and preserving desperately needed affordable housing for all segments of the community, in particular for its most vulnerable residents, as matter of social justice and in order to preserve diversity; and

WHEREAS, the City of Los Angeles desires to protect affordable housing opportunities for renters utilizing rental assistance or other sources of income as payment; and

WHEREAS, California’s Fair Housing and Employment and Housing Act (FEHA) (Government Code Section 12900 et seq.) as amended from time to time, makes it unlawful for the owner of any housing accommodation to discriminate against any person based on certain factors, including a person’s source of income; and

WHEREAS, FEHA defines source of income as “lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant”, however, excludes landlords as “a representative of a tenant”; and

WHEREAS, this ordinance defines “source of income” more broadly to include rental assistance from any federal state, local or non-profit administered benefit or subsidy program, among other sources; and

WHEREAS, the Housing Authority of the City of Los Angeles, which administers the City’s Section 8 program, reports a shortage of landlords participating in the Section 8 program; and

WHEREAS, this shortage may in part, reflect discrimination against Section 8 vouchers holders as well as against those receiving rental assistance from other federal, state, local, or non-profit administrated benefit or subsidy programs, among other sources; and

WHEREAS, there is concern that any such discrimination may significantly limit the pool of housing available to those receiving rental assistance; and

WHEREAS, California and federal law require the City to identify impediments to providing affordable housing and discrimination free housing and to develop strategies for removing these impediments; and
WHEREAS, in order to fulfill its commitment to fair and affordable housing opportunities and to fulfill its legal obligations, it is necessary protect affordable housing opportunities for renters utilizing rental assistance or other sources of income as payment and enact appropriate civil remedies.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Article 5.5.1 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

CHAPTER IV, ARTICLE 5.5.1

PROTECTING AFFORDABLE HOUSING OPPORTUNITIES FOR RENTERS UTILIZING RENTAL ASSISTANCE OR OTHER SOURCES OF INCOME AS PAYMENT

Sec. 45.56. Findings and Purpose.

The City Council finds and declares:

Housing is a fundamental necessity of life. Housing plays a major role in defining quality of life, security, connection to community and access to opportunity. Objective 3.1 of the City's Housing Element of its General Plan provides that the City must ensure that housing opportunities are accessible to all residents without discrimination on the basis of race, ancestry, sex, national origin, color, religion, sexual orientation, marital status, familial status, age, disability (including HIV/AIDS), and student status.

The Housing Authority of the City of Los Angeles (HACLA) which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, that 18,000 of Los Angeles residents are on the waiting list of Section 8 rental assistance, and that many tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords. This lack of participation has resulted in a local housing crisis among Section 8 recipients. In fact, due to a combination of factors including discrimination, low vacancy rates and the high cost of housing, at present, only 53% of Section 8 voucher holders are successful in finding a unit.

In August 2018, the U.S. Department of Housing and Urban Development (HUD) reported the results of "A Pilot Study of Landlord Acceptance of Housing Choice Vouchers" in five jurisdictions, finding that in Los Angeles, 76.4% of landlords contacted by phone in response to advertised rental units answered that
he or she did not accept vouchers. The average denial rate was 81.5% in low-poverty areas, 80.7% in medium poverty areas and 66% in high poverty areas. The study also found that the tests in jurisdictions that have local laws against voucher discrimination, the denial rates were lower as compared to sites without such protections. While it was not possible to conclude that local laws against voucher discrimination were the cause of lower denial rates in those jurisdictions with such laws, the results of the study suggest that local anti-discrimination laws may have a desired effect in increasing voucher acceptance.

The purpose of this article is to address the local housing crisis created by lack of participation by landlords participating in HACLA’s Section 8 rental subsidy program by establishing a right on the part of Section 8 recipients, as well as participants in other rental assistance programs, to be free of discrimination based on their use of rental assistance or other sources of income as payment.

This article is also in furtherance of Goal 4 of the City and HACLA’s 2018-2023 Assessment of Fair Housing Plan which is to ensure equal access to housing for persons with protected characteristics, lower-income and homeless residents through various mechanisms including the expansion of source of income protections as provided for herein.

Sec. 45.57. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Section 12.03 of this Code, if defined therein.

A. Housing Accommodation. All dwelling units, efficiency dwelling units, guest rooms, and suites, as defined in Section 12.03 of this Code, and all housing accommodations as defined in Government Code Section 12927, and duplexes and condominiums in the City of Los Angeles, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, utilities, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall also include mobile homes, whether rent is paid for the mobile home and the land upon which the mobile home is located, or rent is paid for the land alone. Further, it shall include recreational vehicles, as defined in California Civil Code Section 799.29 if located in a mobile home park or recreational vehicle park whether rent is paid for the recreational vehicle and the land upon which it is located, or rent is paid for the land alone.

B. Person. Any natural person, firm, association, partnership, limited partnership, organization, entity, business, trust, limited liability company, joint venture, corporation, estate, or trust.
C. **Source of Income.** Any lawful source of income, rental assistance, subsidy, or financial aid from any person, including but not limited to a federal, state or local government, or non-profit or charitable agency, whether paid directly to the program participant, landlord or representative, including but not limited to the Section 8 voucher program, the Los Angeles Homeless Services Authority’s Rapid Re-Housing program or any other housing subsidy program, homeless assistance or prevention program or security deposit assistance program.

**Sec. 45.58. Prohibited Activities.**

It shall be unlawful for any person offering for rent or lease, renting, leasing or listing any housing accommodation, or any authorized agent or employee of such person, to do or attempt to do any of the following:

A. Refuse to rent or lease, or to continue to rent or lease, a housing accommodation, refuse to enter into or renew a rental agreement, lease or housing assistance payment contract, refuse to execute any documents required to enter into or renew a rental agreement, lease or housing assistance payment contract; require any clause, condition or restriction in the terms of tenancy, refuse access to or use of the common area or facilities associated with a housing accommodation, serve a notice of termination of tenancy, seek to terminate or terminate a tenancy, refuse to make repairs or improvements to a housing accommodation or real property associated with a housing accommodation, or otherwise deny to or withhold from any person, a housing accommodation or housing services or amenities on the basis of source of income.

B. Apply different terms, conditions, or privileges in connection with the rental of a housing accommodation, including but not limited to the setting of rates for rental or lease, the establishment of damage deposits or other financial conditions, based upon a person’s source of income.

C. Represent to any person based upon their source of income that a housing accommodation is unavailable for viewing or potential rental or rental when such housing accommodation is in fact, available.

D. Make, print, or publish, or cause to be made, printed, or published through any medium, electronic, print, broadcast or other method, any notice, statement, sign, advertisement, application, or contract, with regard to a housing accommodation offered for rent, including but not limited to the accepted form(s) of payment for the housing accommodation, which indicates any preference, limitation, or discrimination based on a person’s source of income.
Sec. 45.59. Remedies.

A. Civil Liability: Any person, including the City, may enforce the provisions of this article by means of a civil action. The burden of proof in such cases shall be preponderance of the evidence. Any person who violates any provision of this article or who aids in any such violation, is liable for, and the court must award to the person whose rights are violated, three times the amount of actual damages and special damages or three times the amount of one month's rent that the landlord charges for the housing accommodation at issue, whichever is higher. The court may also award attorney's fees, costs of the action and punitive damages.

B. Equitable Relief. The City Attorney, District Attorney or any person acting for the interests of itself, its members, the general public or a protected class, may bring an action for equitable relief, including but not limited to an injunction to secure compliance with the provisions of this article.

C. Affirmative Defense. Non-compliance with any applicable provision of this article shall constitute an affirmative defense for a tenant against any unlawful detainer action brought pursuant to California Code of Civil Procedure section 1161, as amended.

D. Nonexclusive Remedies and Penalties. The remedies provided in this article are not exclusive, and nothing in this article shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

Sec. 2. If any part, term or provision of this ordinance is held void, illegal, unenforceable, or in conflict with any law of a federal, state or local law or regulation, the validity of the remaining parts, terms or provisions of this ordinance shall not be affected.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.
Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By ____________________________

Deputy City Attorney

Date ____________________________

File No. __________________________

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

______________________________  ______________________________

Ordinance Passed  Approved