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EVICCTIONS FOR OCCUPANCY BY LANDLORD, LANDLORD'S IMMEDIATE FAMILY OR A RESIDENT MANAGER **Rent Stabilization Bulletin**

The Rent Stabilization Ordinance (RSO) and the Just Cause Ordinance (JCO) limit the number of reasons a landlord may bring legal action to recover possession of a rental unit. One of the legal reasons for evicting an existing tenant is when a landlord seeks in good faith to recover possession of the rental unit for use and occupancy by the owner, spouse, grandchildren, children, parents or grandparents, or a resident manager (Los Angeles Municipal Code (LAMC) 151.09.A.8 & 165.03.H). Corporations may not evict for owner of family occupancy, but may evict for resident manager occupancy only if the law requires that a resident manager be provided in the building (ex. buildings of 16 units or more) or the terms of a regulatory agreement require an on-site manager.

PROCEDURE

Landlords must comply with the restrictions and requirements of LAMC Section 151.30, when seeking to recover a rental unit for the specific individuals allowed under Sections 151.09 A.8 & 165.03.H. The landlord must file a completed *Declaration Of Intent to Evict* form with the Department.

1. The Declaration must be filed **prior** to giving the tenant the notice of termination of tenancy required by State law.
2. The landlord makes a copy of the filed Declaration of Intent to Evict and serves it to the tenant along with the termination of tenancy notice after filing the Declaration with the Department. The landlord must state in the termination notice the reason for the eviction.
3. In addition to filing the Declaration of Intent to Evict, a copy of notice of termination of tenancy must be filed with the Department within **3 business days** after serving it to the tenant. The notice of termination can be filed online at <https://lahd.service-now.com/efs>.

How to File

Property owners can file the Declaration of Intent to Evict and the Relocation Services or Demolition Monitoring Services Application in person at one of the public counters or may mail it to LAHD at PO BOX 17100 Los Angeles, CA 90057. Application fees are payable to the City of Los Angeles-LAHD. Include a copy of the grant deed and if the property is owned by a trust, submit a copy of the trust instrument which identifies any trustee, trustor and beneficiary.

To get forms: housing.lacity.org/rental-property-owners/tenant-is-not-at-fault-for-eviction-owners



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RELOCATION ASSISTANCE

Landlords are required to provide monetary relocation assistance when they evict a tenant to move in themselves, spouse, parents, grandparents, children, grandchildren or for a resident manager. The amounts are found in the [Relocation Assistance Bulletin](#). A landlord may deduct rental debt from the relocation amount. It is recommended the landlord offer to the tenant an itemized accounting of the exact rental debt to be deducted.

Mom & Pop Landlords - Reduced Relocation Amounts

Only for eviction under either the RSO or JCO for owner or family occupancy may a *Mom & Pop* landlord qualify for a reduced relocation fee, pursuant to Ordinance 180,747. This reduced fee applies, if there are four or less units on the property containing the rental unit, 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 180,747 and the *Relocation Assistance Bulletin*, which provides current relocation amounts. The landlord cannot be a corporate entity.

Just Cause Ordinance and Single Family Dwellings - One Month's Rent Equivalent

A landlord may qualify to pay only one month's rent equivalent for relocation only for a stand alone single family dwelling subject to the Just Cause Ordinance that is owned by a natural person who owns no more than four dwelling units and one single family dwelling on a separate parcel in the City of Los Angeles. This is not available for condominiums or for RSO units. (See Ordinance 187737).

Employee Managers

Relocation assistance is not required when evicting an *Employee-Resident* manager to replace them with a new *Resident* manager. If the resident manager is a *Manager-Tenant* receiving free or reduced rent with no other compensation, they may be entitled to relocation assistance. (See RAC [Regulation Section 920.00](#), *Managers as Tenants*).

Method of Relocation Payment

Relocation payment to tenants shall be made within 15 days after service of a written notice of termination of tenancy; however, the landlord may elect to deposit the monetary relocation benefits into an escrow account to be disbursed to the tenant upon vacating and for moving expenses. Escrow instructions must be given to tenants within 15 days. (See RAC [Regulation Section 960.00](#), *Relocation Assistance Escrow Accounts*).

OWNERSHIP REQUIREMENTS FOR OCCUPANCY BY OWNER OR A FAMILY MEMBER

To recover possession of a rental unit for owner occupancy, a landlord must own title to at least 25% of the property or be a beneficiary with an interest of at least 25% in a trust that owns the property. A landlord may recover possession of a rental unit for family occupancy only if the landlord is a natural person who possesses legal title to at least 50% of the property or is a beneficiary with an interest of at least 50 percent in a trust that owns the property.



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GOOD FAITH INTENTION TO OCCUPY AND VERIFICATION REQUIREMENT

The new occupant must move in within 3 months of vacancy and intend to occupy the rental unit for at least 2 years, pursuant to LAMC Section 151.30 B. 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 1st and 2nd year filing anniversary after the tenant vacates the rental unit, stating the replacement tenant still occupies the unit.

If an owner decides to re-rent or lease a unit within the two years following a tenancy termination under for owner, family or resident manager occupancy, the previously displaced tenant (s) must be notified and allowed the right of first refusal, 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 LAMC prohibits evictions of tenants in the following situations:

1. A landlord cannot evict if a comparable unit is vacant. Comparable units are ones that have the same number of bedrooms.
2. The landlord cannot evict a tenant if they are not the most recent tenant to occupy a unit with the same number of needed bedrooms, unless the landlord needs a different unit due to medical necessity as certified by a treating physician.
3. A landlord cannot evict tenants who have resided in the rental unit for at least ten years and are at least 62 years of age or disabled or handicapped.
4. A landlord cannot evict tenants who are terminally ill as certified by a treating physician regardless of length of tenancy.

PENALTIES AND FEES

There is an administrative fee of \$75.00 to terminate a tenancy to move-in a resident manager, owner or eligible 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 *Landlord Declaration* forms, the landlord is liable for a fee of \$250.00 per day of delinquency.

The LAMC 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.



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RENT LEVEL AFTER AN EVICTION FOR IMMEDIATE FAMILY (Only for RSO Units)

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.

THIS INFORMATION IS OFFERED FREE OF CHARGE TO THE GENERAL PUBLIC.

While this publication is designed to provide accurate and current information about the law, readers should consult an attorney or other expert for advice in particular cases, and should also read the relevant statutes and court decisions when relying on cited material. Laws and guidelines are frequently amended. The LAHD recommends that you verify information in the event that new changes are not yet reflected in this publication. The LAHD does not assume and hereby disclaims any liability to any party for any loss, damage, or disruption caused by errors or omissions, whether such errors or omissions result from negligence, accident, or any other cause.

AUXILIARY AIDS AND SERVICES: "As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities."

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