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HABITABILITY AND TENANT ANTI- HARASSMENT ORDINANCE (TAHO) COMPLAINT PROCESS

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INNER CITY LAW CENTER

- For more than 40 years, Inner City Law Center (ICLC) has provided free legal services, tenant outreach and education services to the most vulnerable residents of Los Angeles.
- Our mission is to ensure decent, safe and fully habitable housing for the enormous number of homeless and working poor families and individuals residing in Los Angeles County.
- The only legal-services provider located in Skid Row, ICLC's 100+ member staff and 500+ volunteers provide free, quality legal representation for people who have nowhere else to turn.

Lawyers Preventing and Ending Homelessness Project (PEHP)

The Lawyers **Preventing and Ending Homelessness Project (PEHP)** provides **holistic, client-centered** legal services through a **trauma informed** lens to clients that are:

- ▣ At risk of losing their housing,
- ▣ Unhoused,
- ▣ Experiencing landlord harassment
- ▣ Living with HIV/AIDS.

Our Goal: To reduce barriers our clients face to secure stable housing, employment, and self-sufficiency.

GOALS FOR THIS PRESENTATION

- Learn what habitability is.
- Learn how to file a complaint with the Los Angeles Housing Department, Los Angeles Department of Building and Safety, and the Department of Public Health.
- Learn what the Tenant Anti-Harassment Ordinance (TAHO) is.
- Learn how to file a TAHO complaint.

What is Habitability?

The image is a collage of mathematical concepts overlaid on a background image of a woman's face. The elements include:

- Circle:** A circle with radius r .
Area: $A = \pi r^2$
Circumference: $C = 2\pi r$
- Cone:** A cone with height h and radius r .
Volume: $V = \frac{1}{3} \pi r^2 h$
- Cylinder:** A cylinder with radius r .
Volume: $V = \pi r^2 h$
- Trigonometry Table:**

	30°	45°	60°
sin	$\frac{1}{2}$	$\frac{\sqrt{2}}{2}$	$\frac{\sqrt{3}}{2}$
cos	$\frac{\sqrt{3}}{2}$	$\frac{\sqrt{2}}{2}$	$\frac{1}{2}$
tan	$\frac{\sqrt{3}}{3}$	1	$\sqrt{3}$
- Right Triangle:** A right-angled triangle with angles 30°, 45°, and 60°. The sides are labeled $2x$, x , and $x\sqrt{3}$.
- Integration Formulas:**
 - $\int \sin x dx = -\cos x + C$
 - $\int \frac{dx}{\cos^2 x} = \tan x + C$
 - $\int \tan x dx = -\ln|\cos x| + C$
 - $\int \frac{dx}{\sin x} = \ln\left|\frac{x}{2}\right| + C$
 - $\int \frac{dx}{a^2 + x^2} = \frac{1}{a} \arctan\left(\frac{x}{a}\right) + C$
 - $\int \frac{dx}{x} = \ln|x| + C$
- Graph:** A graph of the tangent function $\tan(\theta)$ versus θ/rad . The vertical axis ranges from -5 to 10, and the horizontal axis is labeled θ/rad .
- Quadratic Equations:**
 - $ax^2 + bx + c = 0$
 - $a(x^2 + \frac{b}{a}x + \frac{c}{a}) = 0$
 - $x^2 + 2\frac{b}{2a}x + (\frac{b}{2a})^2 - (\frac{b}{2a})^2 + \frac{c}{a} = 0$
 - $(x + \frac{b}{2a})^2 - \frac{b^2 - 4ac}{4a^2} = 0$

Habitability is a basic Tenant right!

- You have the right to safe, clean, and habitable home!
- Under California law, your landlord must keep your home "habitable," which means kept in a condition that is suitable for humans to live in safely and free of major defects.
- Habitability issues can range from improper weather protection of the roof and exterior walls... to infestations of pests in individual units... to unsanitary common areas.

The Law

□ The Big 2:

□ California Civil Code § 1941

- Los Angeles Municipal Code §153.02

□ California Health and Safety Code §17920.3

- Additionally... the failure to maintain a habitable dwelling creates a private right of action under the Los Angeles Tenant Anti-Harassment Ordinance. (Los Angeles Municipal Code §45.35.)
 - More on that soon...

What Issues Do These Laws Cover?



California Civil Code § 1941 in a Nutshell

- Weatherproofing
- Plumbing
- Consistent hot and cold water
- Adequate heating
- Electrical lighting
- Clean and sanitary common areas free from garbage, rodents, and vermin.
- An adequate number of garbage receptacles
- Safe floors, stairways, and railings
- Locking mailboxes (in residential motels/hotels)



California Health and Safety Code

§17920.3 Condensed (It covers a lot!)

- Inadequate sanitation – mold, sewage, no hot water, creepy crawlies and other unwanted visitors...
- Structural hazards
- Nuisance
- Electrical wiring
- Plumbing
- Ventilation
- Weather protection
- Abandoned construction materials
- Vegetation, junk, garbage, stagnant water, etc. that constitute fire, health or safety hazards
- Inadequate building maintenance
- Emergency exits
- Fire extinguishers
- All buildings occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies (**LADBS?**)

Filing Complaints

Now I know what issues the laws cover.... Who do I report these issues to?

Government Agencies for Filing Habitability Complaints

Los Angeles Housing
Department (LAHD),
formerly HCIDLA



Los Angeles County
Department of Public
Health (DPH)



Los Angeles County Department of Public Health



- DPH investigates health issues in Los Angeles County
- Phone: (888) 700-9995
- Online: Submit complaint form online
at: <https://ehservices.publichealth.lacounty.gov/>

Reasons for a DPH Complaint

- Mold (Must be visible!)
- Lead Exposure
- Accumulated Trash
- Sewage/wastewater Discharge
- Infestations
 - ▣ Rats
 - ▣ Mice
 - ▣ Bedbugs
 - ▣ Cockroaches

Submitting a DPH Complaint



Complaint Form

Submit a Complaint

Reporting COVID-19 Cases

If you are a facility administrator or supervisor who needs to report a cluster of cases at your workplace, please visit www.redcap.link/covidreport. Do not use the complaint form below.

If you are not a facility administrator or would like to report anonymously, please complete the complaint form below.

Common Complaints

Health inspectors investigate businesses such as restaurants, food trucks, apartment buildings, hotels to theatres, swimming pools, water wells, landfills and more.

Common conditions to report are:

- COVID-19 related (such as business not adhering to Health Officer Orders or reopening protocols) *
- Problems at a restaurant or food market
- Rodent problems at a property
- Sewage or wastewater discharge at a property
- No water at a property
- Accumulated trash or debris at a property
- Noise Complaints
- Rental properties that are not maintained
- Mosquito breeding or swimming pools that are not maintained
- Lead exposure hazards (from lead-based paints, etc.)
- Mold in rental housing units
- Unpermitted Food Vendors
- Problems at body art and permanent make-up operations

* Due to the increased number of complaints regarding Health Officer Order (HOO) violations received by our Department, we may not be able to conduct a field investigation for all complaints at this time. During this peak surge period of the pandemic and recognizing the challenges it presents, as we work together to stem the spread of COVID-19, we will prioritize complaints of greatest urgency and potential impact regarding violations of the HOO. We will continue to make every effort to respond to as many complaints as possible. The Health Officer Order along with other valuable tools can be accessed at our Department's website at <http://publichealth.lacounty.gov/media/coronavirus/>

Submitting a DPH Complaint

Information you'll need to submit a complaint:

- Tenant's contact information
- Date of the incident
- Address of the building
- Description of the complaint
- Upload/attach documents, images, letters
 - Tip – Don't use Chrome as web browser!

Los Angeles Housing Department

- LAHD investigates violations of:
 - ▣ The Rent Stabilization Ordinance (RSO complaint), and
 - ▣ The City's multifamily residential Housing Code (Code complaint)



Code Complaint

- LAHD investigates complaints about unsafe, uninhabitable living conditions and violations at multifamily rental properties within the City of Los Angeles



Reasons for a Code Complaint

Water leaks or plumbing/drainage issues

Holes in walls, floors or carpet

Falling plaster

Peeling paint

Inadequate heat or hot water

Missing or broken windows/window screens

Lack of smoke/CO2 detectors

Defective electrical

Unclean common areas

Inadequate security locks

Unsafe stairways or railings

Reporting a Code Complaint

- Complaint with landlord/property manager
 - ▣ Verbal or in writing
 - ▣ Best Practice: Submit complaint in writing; keep a copy
- Complaint not addressed within 14 days
 - ▣ Contact code enforcement to make an official complaint
 - Phone: Los Angeles Housing Department (LAHD) at 866-557-RENT (7368)
 - Online: <https://housingapp.lacity.org/ReportViolation>
 - In-Person at LAHD office

Reporting a Code Complaint



CODE ENFORCEMENT DIVISION - REPORT A VIOLATION

[LAHD HOME](#) [Report A Violation](#) [Property Activity Report](#)

REPORT A CODE VIOLATION

To make a complaint regarding living conditions or possible code violation(s) at a multifamily rental property such as a duplex, apartment house, rooming house or bungalow complex you may do so by using this website. To do so you start by filling out the form below. Or you may call the Los Angeles Housing Department (LAHD) at 866-557-RENT (7368) to make a complaint.

For properties containing only one dwelling/house, residential condominiums, commercial/industrial buildings, vacant buildings or vacant lots you should contact the Department of Building and Safety at 888-LA4-BUILD or 888-524-2845.

For complaints regarding violations of the City's Home-Sharing Ordinance contact the Department of City Planning at 213-367-7788. More information regarding the Home-Sharing Ordinance can be found on the Department of City Planning's website:

<https://planning.lacity.org/plans-policies/initiatives-policies/home-sharing>

When using this website to make a complaint, you must provide your name, a contact phone number and the address of the property requiring investigation.

Your name and phone number will be kept confidential and not released to the public. LAHD uses this information to contact you and schedule an inspection regarding your complaint. If you do not want to provide your name and phone number, you may call our Hotline at 1-866-557-RENT(7368).

Every effort will be made to respond to your request within 24 hours.

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Email Address:

Violation Location:
(Example: Kitchen, Bathroom, Outdoor)

Violation Category: *

Violation Type: *

Selected Violation Types: *

- Select Category
- ACCESS FOR NEW UNIT INSPECTION
- ELECTRICAL
- FIRE SAFETY
- HABITABILITY
- HEATING AND VENTILATION
- HISTORICAL PRESERVATION
- ILLEGAL CONSTRUCTION
- MAINTENANCE
- MISCELLANEOUS
- NUISANCE CONDITIONS
- PLUMBING
- RESIDENTIAL HOTEL
- SANITATION**
- STRUCTURAL HAZARDS
- TENANT HABITABILITY PROGRAM
- UNAPPROVED UNIT(S)
- UNAPPROVED USE OR OCCUPANCY
- UTILITY
- WEATHER PROTECTION

Additional Comments:

Manager Name:

Manager Phone(H):

Owner Name:

Owner Phone(H):

Owner Phone (W):

Email Address:

Violation Location: Bathroom
(Example: Kitchen, Bathroom, Outdoor)

Violation Category: * PLUMBING

Violation Type: * Select Violation Type

- Selected Violation Types: *
- Select Violation Type
 - Missing isolation fitting at connection of dissimilar metals
 - Air/water piping gap not evident
 - Clothes dryer exhaust duct defective, missing, or requires maintenance
 - Plumbing drain blockage
 - Leaking or defective plumbing faucet or fixture
 - Missing or broken faucet or shut-off valve handle(s)
 - Damaged, defective or unsealed surface of plumbing fixture
 - Unapproved plumbing gas connectors or valves
 - Abandoned gas outlet improperly capped or plugged
 - Missing, defective, or unapproved gas shut-off valve
 - Open plumbing drain line**
 - Deteriorated or missing caulking seal between plumbing fixture(s) and walls or floors
 - Deteriorated or missing caulking seal around plumbing piping or electrical conduit under all kitchen and bathroom sinks
 - Failure to secure loose plumbing fixtures
 - Defective or missing trap, trap arm and/or tailpiece
 - Missing or unapproved strapping of water heater tank
 - Plumbing work or water heater installation done without permit or inspection approval
 - Water heater pressure relief valve piping unapproved
- Additional Comments:
- Manager Name:
- Manager Phone(H):
- Owner Name:
- Owner Phone(H): Owner Phone (w):

Reporting a Code Complaint

Information you'll need to file a complaint:

- First and last name of the tenant
- Address
- Phone Number
- Email address
- Violation location (common area, bathroom, kitchen)
- Violation category
- Violation type from options
- Comments
- Manager/Owner Information
- Submit complaint

*Save a copy before submitting!

Rent Stabilization Ordinance

- When does the Rent Stabilization Ordinance (RSO) apply?
 - ▣ Residential rental unit
 - ▣ City of Los Angeles
 - ▣ Most units are issued a Certificate of Occupancy from the LA Department of Building and Safety on or before October 1, 1978

Note: You can text 1-855-880-7368 to find out if you live in an RSO property or check using [Zimas.com](https://www.zimas.com).

Reasons for RSO Complaint

- ❑ Unit Not Registered
- ❑ Illegal Eviction
- ❑ Non-Payment of Relocation Assistance
- ❑ Illegal Rent Increase
- ❑ Reduction of Services
- ❑ Failure to Post RSO Notice
- ❑ Illegal Buyout Agreement
- ❑ LL Required Online Payment/Electronic Fund Transfer
- ❑ Harassment

Filing an RSO Complaint



RENT

Tenant Complaint Intake Form

- 1 PART ONE
Complaint Address
- 2 PART TWO
Tenant Information
- 3 PART THREE
Landlord(s) Contact Information
- 4 PART FOUR
Unit Details
- 5 PART FIVE
Reason(s) for Complaint
- 6 PART SIX
Upload Documents
- 7 PART SEVEN
Review & Submit

PART 1: COMPLAINT ADDRESS

Please enter the Property Address in which you are filing a RSO complaint

House No.:

Street Direction:

Street Name:

Street Suffix:

Information you'll need from the tenant:

- Address of the unit
- Tenant information
- Landlord contact information
- Unit details
- Reason(s) for complaint
- Attach/upload relevant documents
- Review/submit

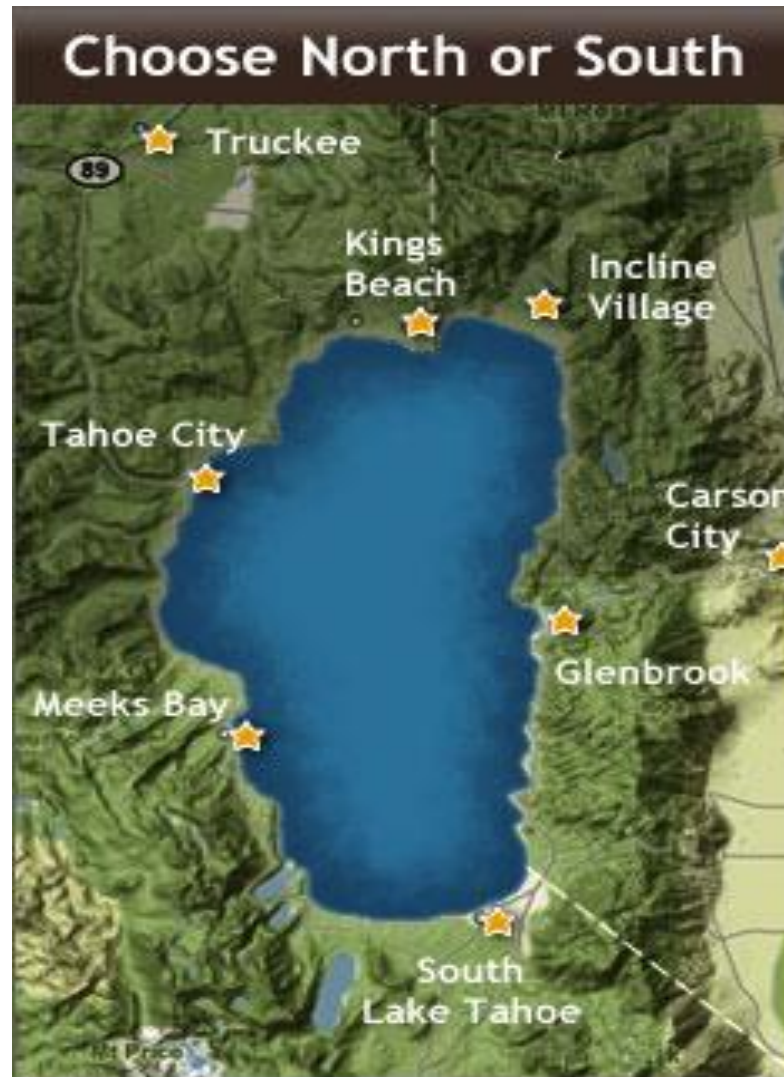
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Let's Go To Tahoe!



Wait! Not Tahoe...TAHO!

- What is it?
- City of Los Angeles's Tenant Anti-Harassment Ordinance (TAHO)
 - Passed by the L.A. City Council in 2021, it is a local law prohibiting landlords from harassing their tenants
 - Made violations of the law a criminal offense

HOLY COW! Sounds AMAZING, right?

Hmmm...maybe... 

What is Harassment?

- Along with their habitability rights, tenants are entitled to the peaceful and quiet enjoyment of their home
- Landlords can't unreasonably bother or disturb tenants by doing, or not doing something:
 - Threats or Verbal Abuse
 - Refusing to make needed repairs
 - Coercing a tenant to leave
 - Protected status abuses

Harassment = Poison...Antidote?

□ REMEDIES

- **Affirmative Defense** – if the landlord brings an Unlawful Detainer case, TAHO can be a defense
- **Private Right of Action** – a tenant can sue the landlord for this and be awarded damages
- **Criminal Prosecution** – violating this law could be considered a misdemeanor or infraction with up to a \$1000 fine and 6 months in jail

HOWEVER...!

"Toothless Tiger"



- One year after the implementation of TAHO*
 - 2300 complaints were filed and the City says about 1700 were resolved – most by a letter to landlord
 - The City expended almost no resources to investigate complaints
 - Not one landlord was taken to criminal court by the City
 - Very few private lawsuits
 - The City said most complaints weren't really harassment
- *As of Summer 2024 there were 13,000 complaints filed, but only 4 fines assessed and 0 criminal cases

Are These Good TAHO Cases?

- ❑ Couple has lived in the apartment for more than a year. They invite their cousin from Mexico to come live with them – they have work. Landlord offers them "cash for keys," saying he doesn't want them to get in trouble with ICE, which knows where they live.
- ❑ Tenant has complained to landlord about roaches and a leaky roof for months. Landlord keeps saying he will get someone there, but it's always at times that don't work for tenant.
- ❑ Landlord posts a notice that tenant keeps filthy conditions and that's drawing rats to the complex.

Cautious Optimism – TAHO Amended

- After significant advocacy, the L.A. City Council voted in September to strengthen TAHO
 - Mandatory attorney's fees - "shall" not "may"
 - Minimum civil penalties of \$2000 for each incident
 - No longer requires harassment to be "knowing and willful" and "serving no lawful purpose" - Now it is bad faith conduct causing tenants detriment or harm
 - Tenants can claim a broader range of damages – not just rent abatement or property damage, but emotional harm

What Should a Harassed Tenant Do?

- Take Steps to Document Harassment or Abuse
 - Communicate with landlord in writing! Email, text, etc.
 - Maintain a log of what's happening: day, date, time
 - Keep receipts of expenditures or losses
 - Take photos
 - Keep track of anyone who could be a witness
- Pursue a Claim
 - Formal letter to landlord say STOP!
 - File complaint with Los Angeles Housing Department

Can I Sue My Landlord?

□ Two Kinds of Lawsuits

- Small Claims – filed without an attorney and has a limit of \$12,500 in damages
- Superior Court case – can claim the full array of damages for whatever amount that can be documented and argued for
 - Claimant almost certainly needs an attorney in order to navigate the court system

DON'T GIVE IN! HOLD THEM ACCOUNTABLE!



QUESTIONS?

Thank you!

For more information and questions, please contact us at (213) 891-3262 or visit www.innercitylaw.org.