

LA LAW LIBRARY

Tenant Anti-Harassment Law Training

Presented by:
Sean Bigley, Senior Attorney
Legal Aid Foundation of Los Angeles

- Legal Aid Foundation of Los Angeles is a nonprofit law firm that protects and advances the rights of the most underserved – leveling the playing field and ensuring that everyone can have access to the justice system.
- LAFLA has 5 neighborhood offices, 3 DV clinics, 4 self-help centers, and community clinics.



- LAFLA's legal priorities encompass:
 - Supporting families
 - Preserving quality, affordable housing
 - Maintaining economic stability
 - Promoting safety, security, and health
 - Serving populations with special vulnerabilities
 - Protecting human and civil rights



By the end of this training, you will be able to:

1. Identify prohibited and actionable tenant harassment;
2. Describe communicative and administrative best practices for tenants experiencing harassment;
3. Identify legal remedies to address the harassment;
4. Interview clients and provide them counsel, advice, and work product.



- California/LA Eviction Process in Brief
- Los Angeles County and City Tenant Anti-Harassment Ordinances (TAHO)
- Tenant Remedies
- Best Practices for Tenants
- Volunteer opportunities

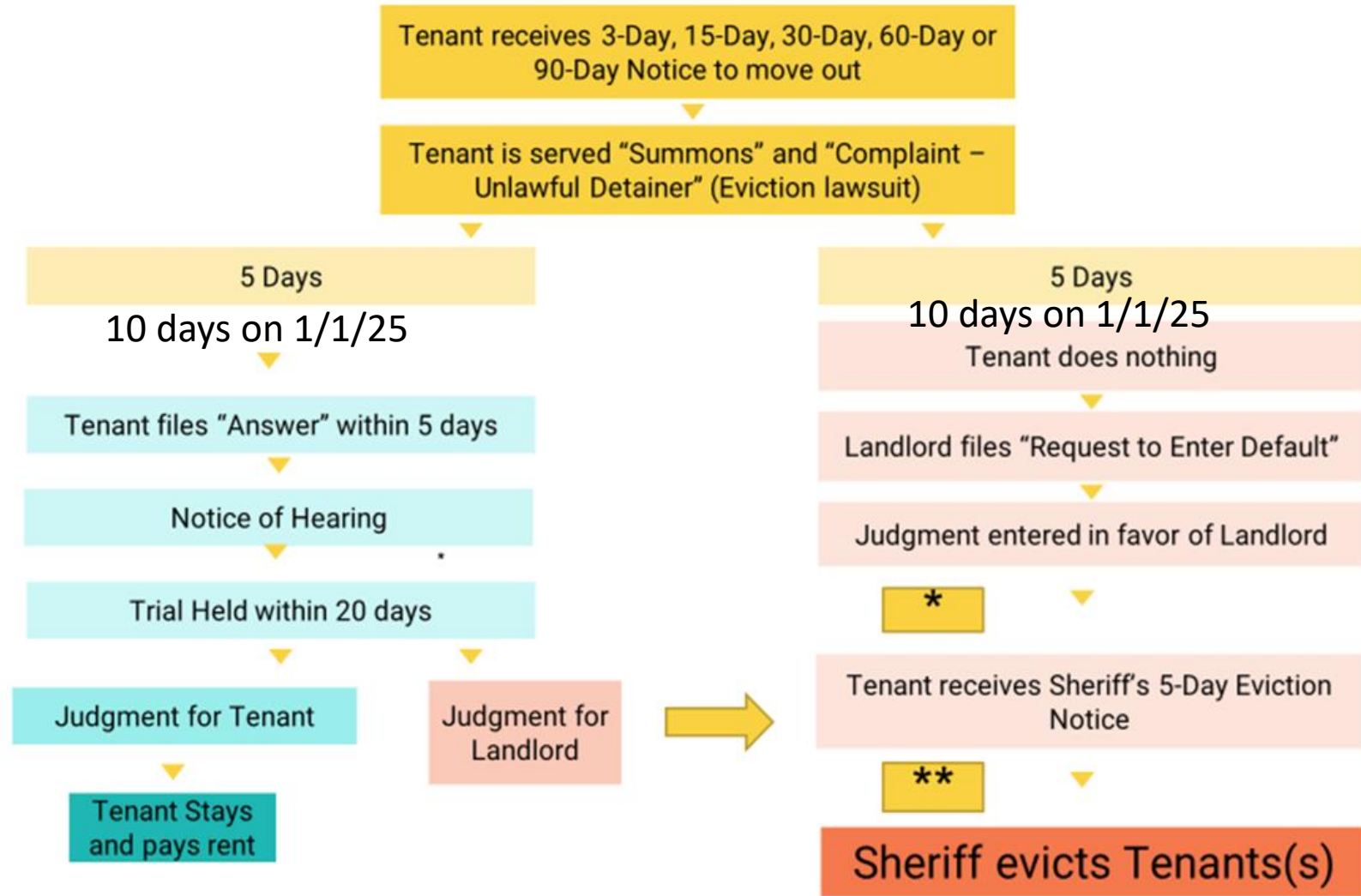


Quick Background on Eviction Cases in California/LA

Key Concepts for Unlawful Detainers (UDs)

- In California, no self-help eviction!
- Landlords need "just cause" to evict tenants
- UD is a summary court process
 - e.g., 5 court days to file Answer, 5 court days to respond to discovery, etc.
- Counterclaims not permitted

UD Case Process



Tenant Anti-Harassment Ordinances (TAHO)

California Civil Code
Los Angeles County Code
Los Angeles (City) Municipal Code

California

Civ. Code
1940.2

Tenant
Protection Act

**Los
Angeles
County**

LACC
8.52.130

Retaliatory
Eviction and
Anti-
Harassment

**Los
Angeles
City**

LAMC 45.33

Tenant
Harassment

LAMC 45.33 TAHO TIMELINE

TAHO conversations reignited

Small collective of policy, attorneys, and organizers (TAHO working group) came together to seize the opportunity to pass TAHO in LA City modeled after other cities (LAFLA, PC, ACCE, LATU, SAJE, LACCLA, LA-CAN, ICLC, EDN, Claudia Media, and others)

LA City TAHO passed

On June 23, 2021, LA City TAHO passed, and went into effect on August 6, 2021

Before COVID-19

Tenants have always experienced harassment in LA city, there wasn't much that could be done. LATU work and visibility



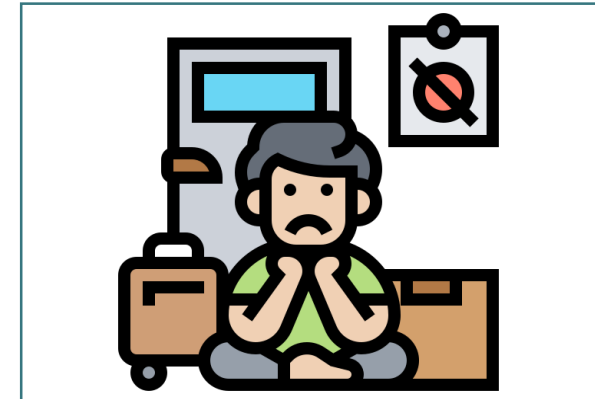
What is Harassment Under TAHO?

1. Landlord can't be unreasonably bothersome or disruptive by:
 - Reducing or eliminating services
 - Failing to make timely repairs
 - Written notice
 - Reasonable time to repair



What is Harassment Under TAHO?

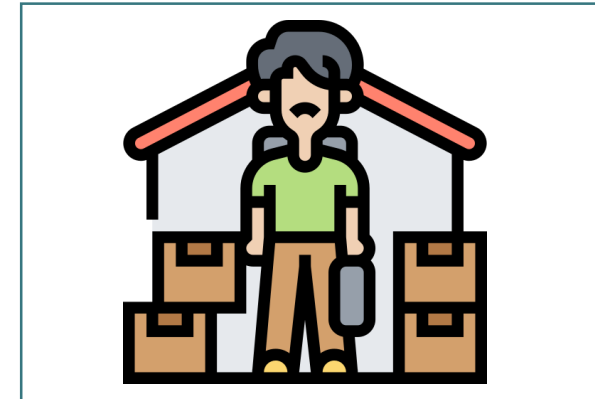
1. Landlord can't be unreasonably bothersome or disruptive by (cont'd):
 - Entering or photographing the unit unreasonably
 - Using words or body language to physically harm
 - Actions or threats of action that interfere with enjoyment of home



What is Harassment Under TAHO?

2. Landlord can't force a move-out by:

- Offering money
- Misleading or lying
- Serve an eviction notice based on facts they know are untrue
- Refusing to accept rent payments
- Repeatedly doing disruptive things that would likely make Tenant move out



What is Harassment Under TAHO?

3. Landlord can't violate Tenant's protections by:

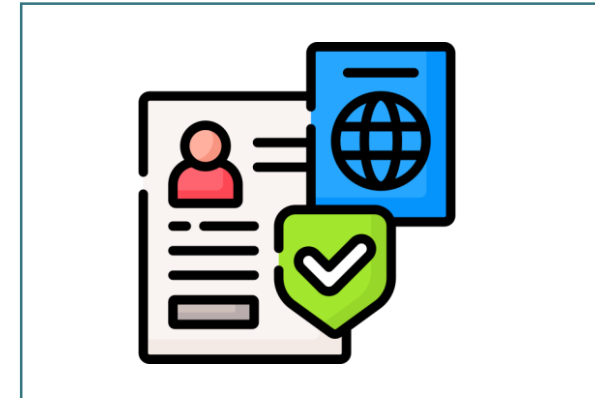
- Discriminating based on legally protected grounds
- Retaliate for tenant organizing
- Giving their information to the government



What is Harassment Under TAHO?

4. Landlord can't use Tenant's info to harass by:

- Asking about immigration status
 - Subsidized housing exception
- Threatening to disclose immigration status
- Invading their privacy or asking invasive questions



On September 24, 2024, the LA City Council's Housing and Homelessness Committee approved a report recommending the following changes to LAMC 45.33:

- **Definition of Tenant Harassment:** Change definition to require bad faith, rather than knowing and willful course of conduct.
- **Examples of Tenant Harassment:**
 - Revised to include threats of reduction/elimination of housing services;
 - Expanded examples regarding abuse of right of access to dwelling unit;
 - Includes unilateral imposition of new material terms of tenancy;
- **Remedies:**
 - Includes City of LA as potential civil litigant enforcing the ordinance;
 - Upon finding of liability, revision mandates award of attorneys fees! One-Way!
 - On this point, imagine you got into plaintiff's employment law in 1980.

Tenant Remedies

What Can Tenant Do if Landlord is Harassing Them?

Three Tenant Remedies

Tenant Right
#1 under
TAHO: Sue
Landlord

Tenant Right
#2 under
TAHO:
Defense to
Eviction
Lawsuit

Los Angeles
City Laws to
Punish
Landlords

When Tenant sues Landlord

Unlimited civil or small claims court

Court can award various types of relief

- Injunctive (e.g., ordering repairs or prohibiting harassing threats)
- Damages (e.g., money for harm, rent decrease, or penalty)

Overview of Small Claims Process

Mail demand letter and wait 14 days

Fill out small claims docs:

- SC-100: Complaint
- SC-100A: Form to add additional plaintiffs/defendants
- MC-031: Extra page for declaration
- FW-001: Court fee waiver request

Other steps

- Determine filing courthouse
- File docs in person
- Serve docs on Defendant and fill out Proof of Service (SC-104)
- Bring 3 copies of all evidence to court hearing

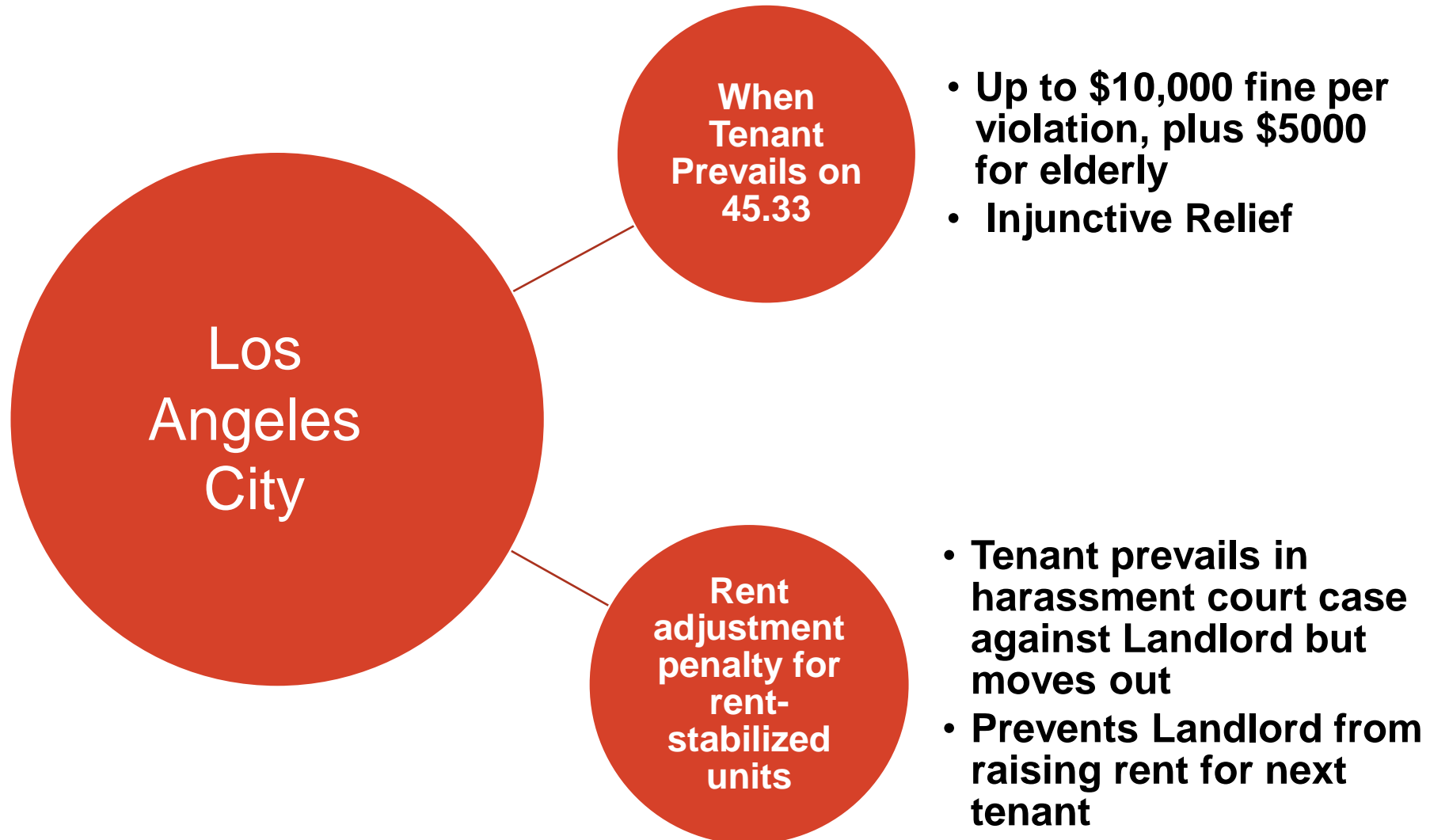
When Landlord sues Tenant

Unlawful Detainer case

- 5 days to answer
- Tenant should contact an attorney right away

Harassment is an affirmative defense

Los Angeles City Laws to Punish Landlords



Best Practices for Clients

Checklist for Tenant Experiencing Harassment

Write Down Everything

1

Take notes about what Landlord is doing wrong

2

Keep copies of all documents and communication

3

Communicate in writing where possible



Send a Formal Letter to Landlord

Explain demands to do or not do

- E.g., make needed repairs or stop harassing threats

If planning to sue Landlord, specify money damages details in the letter:

- Requested payment date
- Requested payment method

File a Complaint in Los Angeles City

Los Angeles Housing Department

- Can try to stop landlord harassment
- (866) 557-7368
- <https://Housing.LACity.org/Residents/File-A-RSO-Complaint>



VOLUNTEERING OPPORTUNITIES

Client Interviewing and Clinic Procedures

VOLUNTEERING OPPORTUNITIES

Client Interviewing and Clinic Procedures

How to Interview TAHO Clients

- Introduce yourself and explain that you have to check their form (next slide) and collect any documents they've brought you.
- Check each section of the form, to make sure information and signatures are provided. Document all work-product on the form. Take your time.
- Briefly identify all documents and organize in separate piles.
- Ask them what brings them in. Remind them to slow down while you keep detailed notes. Organize notes in a clear timeline, beginning with where they live, when they moved in, what happened, and who did it.
- Once you know the nature of the problem, flag down LAFLA staff for next steps.
- Once work product is prepared and/or advice given, keep the client at the table until a LAFLA attorney has reviewed the work and signed the intake form.

Applicant Processing Sheet—Staff & Pro Bono Use Only
 COMPLETE ALL 6 STEPS BEFORE DISMISSING INDIVIDUAL

Check as you complete steps

STEP 1 LEGAL ISSUE Issues _____ of _____
 What is the legal issue? *Discuss only one issue on this form. If multiple issues, ask LAFLA attorney for extra forms.*

STEP 2 NAMES
 Applicant's Name: _____ LAFLA Staff Screener: _____
 LAFLA Supervising Attorney: _____
 1. Pro Bono Volunteer: Law Student Attorney Other 2. Pro Bono Volunteer: Law Student Attorney Other
 Name of Pro Bono: _____ Name of Pro Bono: _____
 Firm / School Name: _____ Firm / School Name: _____

STEP 3 FACTS
 What are the relevant facts? _____

STEP 4 ASSISTANCE
 What did you do for the individual? Check all that apply and explain in space below.
 Counsel & Advice. *Advised client:* _____

 Drafted pro per letter regarding (keep copy of letter for file): _____
 Assisted with paperwork. *Explain (keep copy for file):* _____
 Referred to: _____
 Other. *Explain:* _____

STEP 5 TIME
 How much time did you spend working on this specific issue?
 Write number of minutes: _____

STEP 6 SUPERVISION
 Volunteer does not dismiss individual. Give paperwork to LAFLA Supervising Attorney for review before dismissing applicant.
 LAFLA Supervising Attorney Signature: _____

PROLAW MATTER INFO	FUNDING	PAI CASE	IMMIGRANT VERIFICATION
Matter description: _____ <input type="checkbox"/> Open New Matter <input type="checkbox"/> _____ to open matter <input type="checkbox"/> Returning client—Existing matter <input type="checkbox"/> ENTER IN PROLAW	<input type="checkbox"/> LSC <input type="checkbox"/> Table II; Why? _____ <input type="checkbox"/> CSBG ___ Proof of Income ___ Proof of Residency	<input type="checkbox"/> IOLTA <input type="checkbox"/> DOJ-DV <input type="checkbox"/> City of LA <input type="checkbox"/> City of SM <input type="checkbox"/> CalWORKs <input type="checkbox"/> Other	<input type="checkbox"/> No <input type="checkbox"/> Yes Retained by PAI? <input type="checkbox"/> No <input type="checkbox"/> Yes LSC eligible immigrant? <input type="checkbox"/> No <input type="checkbox"/> Yes Verification attached? <input type="checkbox"/> No <input type="checkbox"/> Yes

LEGAL CLINIC	DV INVOLVED?	PROBLEM CODE	LAFLA FOLLOW-UP?	OPPOSING PARTY
# _____	<input type="checkbox"/> No <input type="checkbox"/> Yes	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes; Explain: _____	Name: _____ Date of Birth: _____

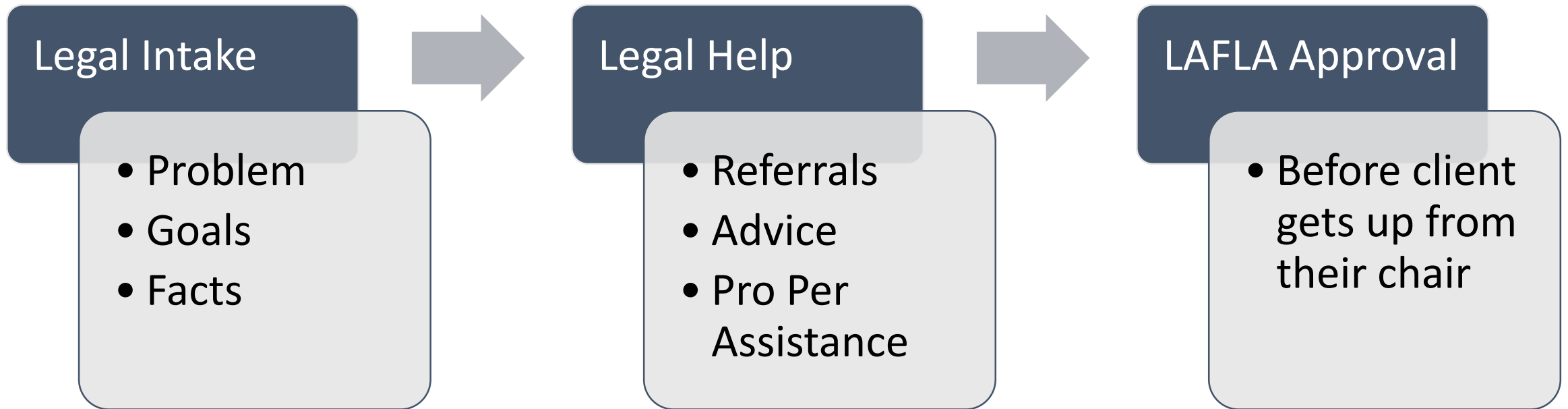
CLOSING
 1. Closing Date: _____ No closing date—Case Retained
 2. CSR Case? No Yes
 3. Closing Code: A—CNA B—LAC
 For extended service use closing memo
 4. Non-CSR Closing Code: 1—Unable to assist 2—Client withdrew 3—Information only
 4—Referral only 5—Duplicate

LAC CASES ONLY (closing codes)

Output 1: PC _____ O/put _____ Date _____ Outcome 1: PC _____ O/come _____ Sub-O/c _____ Date _____
 Output 2: PC _____ O/put _____ Date _____ Outcome 2: PC _____ O/come _____ Sub-O/c _____ Date _____

Econ Benefit 1: PC _____ Code _____ Amount _____ Type _____ Long-term Amount _____
 Econ Benefit 2: PC _____ Code _____ Amount _____ Type _____ Long-term Amount _____

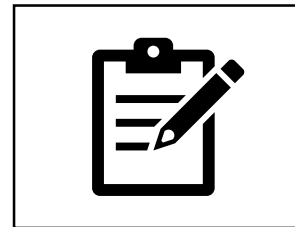
LAFILA STAFF USE ONLY



Clinics are held at LACAN, at 849 E 6th St, Los Angeles, CA 90021,
and at SAJE at 152 W 32nd St, Los Angeles, CA 90007

- **Arrive on Time:**
 - **LA CAN:** 4:00 pm to 7pm, 1st and 3rd Wednesdays;
 - **SAJE:** 2:00 pm to 7pm, last Wednesday of the month
- **Parking:** Street parking only
- **Materials:** Bring a pen and a laptop. Don't bring other valuables.
- **Dress:** Business casual
- **Check in with LAFLA staff when you arrive**

Prospective clients sign in at front desk and will have just attended a Know Your Rights Presentation



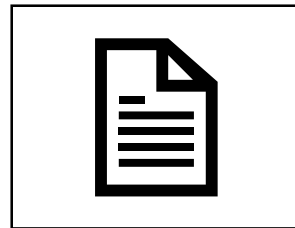
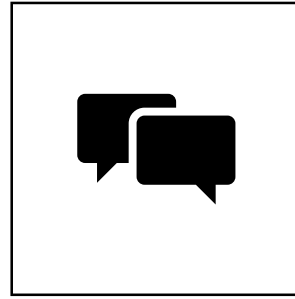
LAFLA paralegal completes eligibility intake with client

LAFILA staff review intake and assign clients to legal volunteers

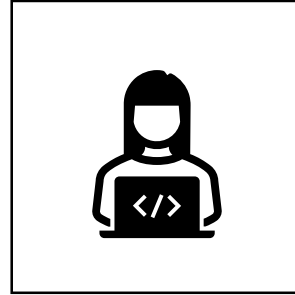


Legal volunteers meet and interview clients to determine legal issues and provide assistance

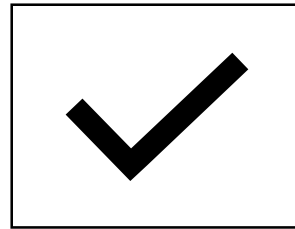
Give client copies of any self-help or pro per materials, if available



- Legal Volunteers are encouraged to check with LAFLA legal staff at any time **and must check in at least once**
- Document all facts, advice/pro per assistance/referrals, and other information in LAFLA file



Collect copies of all relevant documents that client brought, as well as any letters or documents you created



Before the client is dismissed, LAFLA Supervising Attorney does final review



Client dismissed

- Sean F. Bigley; sebigley@lafla.org; @sfbigley; 562-435-2470
- If you're interested in doing these sorts of cases, which you should be, just reach out. I'd love to help you think it over.

