
Tenant Habitability Plan: Los Angeles Model

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Goals today:

1. Basic overview of how program works;
2. Discussion on whether the committee believes that this would be a helpful addition for the Berkeley;
3. Direction for Staff regarding more information, research or drafting of language.



What problem are we trying to fix?

There has been a rise in complaints from tenants experiencing unsafe and disruptive practices during repairs;

Tenants remain long term in rentals because of vacancy de-control and so repairs while a unit is occupied is more common;

It is very difficult to address unsafe construction practices in the middle of the practice.



History

Los Angeles like Oakland had a just cause for eviction which allowed a landlord to evict when doing “primary renovation.” After a 4 year moratorium, the city updated the ordinance to only allow for temporary relocation and more protective construction plans. This became known as the Tenant Habitability Plan.

- **Ended primary renovation evictions**
Had become large loophole raving rent controlled units
- **Addressed abusive and dangerous construction while allowing needed repairs**

Berkeley

What we have?

Strong tenant protections from evictions;

Right to return when the tenant temporarily moves out during the repairs;

Protections against exploitive capital improvement rental increases;

Right to access to available units;

Protections about temporary move out to similar available units;

What is missing?

PROCESS

An overlay that protects the tenants that **do not move out** and ;

And requirement that the **landlord plan ahead** to properly manage the potential dangers and disturbances;

Also, allows tenant to chose to move permanently with relocation.

Tenant Habitability Plan as described by City of Los Angeles

“The Tenant Habitability Program requires the development of a Tenant Habitability Plan (THP) in order to mitigate the impact on tenants during major construction in apartment buildings. Property owners undertaking major construction work must take steps to ensure that tenants can safely remain in place during construction or provide temporary relocation to tenants when the work makes the rental unit untenable, as defined by California Civil Code Section 1941.1.”

Two main contexts for Programs

- Primary Renovation
- Seismic Renovation

What work triggers a THP

Proposed work includes:



Examples:

- Re-piping
- Seismic Retrofitting
- Substantial Alterations
- Re-wiring

1. The replacement of existing **water or gas** supply lines or drain **waste** lines, or the installation of new waste lines;
 2. The replacement of **electrical** wiring or circuits, the replacement of an electrical service panel, or the addition of new wiring or circuits;
 3. The replacement or upgrading of a **heating, ventilation, or air conditioning** (HVAC) system or the replacement, upgrading, or initial installation of an elevator system;
 4. Additions, modification or improvements to the **foundation** or to the **structure** (including the roof) that expose the building frame or compromise the building's security, weather protection or fire protection;
 5. The **abatement of hazardous materials**, such as but not limited to lead-based paint and asbestos, in accordance with applicable federal, state and local laws.
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Identification:

7 requirements?

- Landlord, the general contractor **responsible** and any specialized contractor responsible for hazardous material abatement,
- All **affected tenants** including the current **rent** each tenant pays and the **date** of each tenant's last rent increase.
- Description of the **scope of work** covering the Primary Renovation Work and any Related Work. Such description shall address the overall work to be undertaken on all affected units and common areas, the **specific work to be undertaken** on each affected unit, an estimate of the total project cost and time, and an estimate of the cost and time of renovation for each affected unit.
- The **impact** of the Primary Renovation Work and Related Work on the habitability of affected rental units, including a **discussion of impact severity and duration with regard to noise**, utility interruption, exposure to hazardous materials, interruption of fire safety systems, inaccessibility of all or portions of each affected rental unit, and disruption of other tenant services.

Identification:

What are the requirements?

- **Mitigation measures** that will be adopted to ensure that tenants are **not required to occupy an untenable** dwelling, as defined in California Civil Code Section 1941.1, **outside of the hours of 8:00 am through 5:00 pm**, Monday through Friday, and **are not exposed at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.** Such measures may include the adoption of work procedures that allow a tenant to remain on-site and/or the temporary relocation of tenants.
 - Identification of the **impact** of the Primary Renovation Work and Related Work on the **personal property of affected tenants**, including work areas which must be cleared of furnishings and other tenant property, and the exposure of tenant property to theft or damage from hazards related to work or storage.
 - Identification of the **mitigation measures** that will be adopted to secure and protect tenant property from reasonably foreseeable damage or loss.
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Notification of Tenant Habitability Plan

It notifies the tenant as to when the work will start and end,
what type of work will be done,
how the work will affect you, the details of temporary
relocation, if necessary,
and a summary of the Tenant Habitability Plan

Process

Key to success: permits may not be processed until plan is approved.

1. Provide completed plan to THP;
 2. Within 5 days reviewed and approved or denied;
 3. If approved may apply for permit;
 4. Approved THP served on tenant 60 days before work can commence with Notice of Primary Renovation Work; THP plan, summary of plan and relocation option if work will last more than 30 days.
 5. Tenant and Landlord have 15 days to appeal THP.
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Questions

Numbers of THP are filed, approved, appealed;

Any unintended consequences?

What would they do differently ?

Any lessons learned?

Useful links

<https://hcidla2.lacity.org/rental-property-owners/primary-renovation-program>

https://hcidla2.lacity.org/wp-content/uploads/2020/05/the_thp_process_rent_cost_recovery_programs_0.pdf#overlay-context=thp-process-rent-cost-recovery-programs

https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-196150
