

**From:** [Alex Khatchaturian](#)  
**To:** [Krause, Erik](#)  
**Cc:** [Zemaitaitis, Vilia](#); [Prasad, Hillary@HCD](#); [Calvert, Bradley](#); [Asp, Kristen](#); [Golianian, Roubik](#); [Garcia, Michael](#)  
**Subject:** Comments on Amended 6th Cycle Housing Element (Glendale)  
**Date:** Wednesday, November 16, 2022 5:10:08 PM  
**Attachments:** [Correspondence with Daniel Brotman Chapter 9.30 GMC.pdf](#)  
[Amended 6th Cycle Housing Element page 401.pdf](#)

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Mr. Krause,

My review of the amended housing element was primarily focused on the city's analysis of the fair housing implications related to the enforcement of its Just Cause and Retaliatory Evictions Ordinance, as codified in Chapter 9.30 of the municipal code.

Glendale currently does not and does not plan to enforce the tenant protection provisions of its Just Cause and Retaliatory Evictions Ordinance. I attached to this e-mail my correspondence with Councilmember Dan Brotman from two years ago in which he stated, after conferring with the City Attorney and city staff, that Glendale has elected to not enforce the tenant protection provisions of Chapter 9.30 of the municipal code.

Please note the Enforcement Procedures section of the ordinance (Chapter 9.30.055) states:

*"The city, at its sole discretion, may choose to enforce the provisions of this chapter through administrative fines, administrative citations and any other administrative procedure set forth in Chapters 1.20 and 1.24 of the municipal code, as amended. The city's decision to pursue or not pursue enforcement of any kind shall not affect a tenant's rights to pursue civil remedies."*

The amended Housing Element does not contain any commitment for the establishment of a tenant protections enforcement program. Nor does it contain any plan to remove discretion out of the enforcement process and place a ministerial duty on city staff to enforce the tenant protection provisions. Instead, in response to HCD's request for analysis on the fair housing implications related to the enforcement of the adopted ordinance, the amended Housing Element states:

*"Enforcement is administered by the Community Development Department Housing staff, who try to resolve housing-related issues through informal mediation, informing the sides of their rights, and dispatching City resources where appropriate."*

I attached page 401 of the amended housing element for reference.

The reality is, as the councilmember communicated unequivocally in his response to my question, the city does not enforce tenant protections. Moreover, as evidenced by the amended housing element, the city does not plan to enforce tenant protections. Instead, as I have personally experienced myself, city staff refer tenants to seek civil remedies when they call to report violations of tenant protection provisions. Informal mediation and educating landlords and tenants about their rights is not an effective enforcement mechanism for safeguarding

tenant protections. Violations of tenant protections need to be enforced the way violations of our indigenous tree ordinance are enforced.

It is disheartening to see that city staff made no effort to address this issue, especially considering that two-thirds of Glendale residents are tenants. Unless Glendale implements an enforcement program that commits to safeguarding tenant protections without discretion, I do not think the city will be certified by HCD as compliant with state housing element law.

Thank you,  
Alex Khatchaturian



Alex Khatchaturian <alexkhatchaturian@gmail.com>

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## Chapter 9.30 JUST CAUSE AND RETALIATORY EVICTIONS

9 messages

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Alex Khatchaturian <alexkhatchaturian@gmail.com>  
To: "Brotman, Daniel" <dbrotman@glendaleca.gov>

Wed, Sep 16, 2020 at 9:49 AM

Mr. Brotman,

The moratorium on evictions expires at the end of this month. Do you know if tenants faced with unlawful termination of their tenancy can rely on the City to enforce the provisions of Glendale Municipal Code Chapter 9.30? Or are tenants limited to pursue costly civil remedies, which puts them at a great disadvantage against landlords?

I understand the City has sole discretion over whether to pursue or not pursue enforcement of any kind. I am curious if there has been any discussion among members of the City Council regarding this matter.

Thank you,  
Alex Khatchaturian

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Brotman, Daniel <dbrotman@glendaleca.gov>  
To: Alex Khatchaturian <alexkhatchaturian@gmail.com>

Wed, Sep 16, 2020 at 9:20 PM

Hi Alex,

The governor recently signed an eviction moratorium bill called AB 3380. It replaces our local ordinance. I'm sure you can find lots of information on the web, but here's a summary I was given.

- Full protections: Any rent missed between March 1 and August 31 will be converted to civil debt. (This means landlords can take tenants to small claims court for any missed rent – but they can't evict them for not paying it.)
- Protections with a caveat: For rents missed between Sept. 1 and January 31, tenants must pay 25% of rent within that period, or else they'll be open to eviction. The remaining 75% of their rent is treated as a civil debt, just like the provision for missed rent from between March 1 and August 31.
- More time: Also under the new law, the usual three-day-notice to evict that landlords post – mandatory before they go through the court process to evict a tenant – is now a 15-day-notice.
- How the process works for tenants: Once a landlord has posted a 15-day notice, a tenant can file with courts that they have a pandemic-related hardship. A tenant filing with the courts that they have a pandemic-related hardship must swear under penalty of perjury that they are enduring a pandemic-

related hardship. (This is a much higher bar than the attestation that was required under AB 1436). Additionally, if a tenant earns 130% of a county's Area Median Income or higher, a landlord can ask for them to produce proof of a pandemic-related financial hardship, like a layoff or wage-reduction notice from an employer.

- No more eviction moratoria at the local level: Eviction moratoria previously passed by cities and counties will be grandfathered in, but they won't be able to pass any extensions.
- Courts: Courts can begin processing evictions for non-payment of rent in non-COVID cases on October 5<sup>th</sup>.
- Property owners: The mortgage forbearance provisions for property owners that were in AB 1436 are not in the new bill.

It's pretty good news for tenants. Not great for landlords.

Regards,

Dan

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**From:** Alex Khatchaturian <[alexkhatchaturian@gmail.com](mailto:alexkhatchaturian@gmail.com)>  
**Date:** Wednesday, September 16, 2020 at 9:50 AM  
**To:** "Brotman, Daniel" <[dbrotman@Glendaleca.gov](mailto:dbrotman@Glendaleca.gov)>  
**Subject:** Chapter 9.30 JUST CAUSE AND RETALIATORY EVICTIONS

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**Alex Khatchaturian** <[alexkhatchaturian@gmail.com](mailto:alexkhatchaturian@gmail.com)>  
To: "Brotman, Daniel" <[dbrotman@Glendaleca.gov](mailto:dbrotman@Glendaleca.gov)>

Thu, Sep 17, 2020 at 6:41 AM

Mr. Brotman,

I am familiar with this new state law (AB 3088), but Glendale has a Just Cause Eviction Ordinance codified in Chapter 9.30 of municipal code. My question was whether the city will enforce the provisions of this ordinance, by assessing fines and penalties to landlords who do not comply. If a landlord attempts to evict a tenant without cause, in violation of city law, can the tenant rely on the city to enforce its laws, or does the tenant have to

pursue civil remedies at its own cost?

Glendale's ordinance, which was adopted last year, affords tenants with certain protections. But a lot of tenants cannot afford to retain counsel and initiate civil suits when they are wronged by their landlords. Most attorneys, understandably, won't represent tenants unless the lease provides the prevailing party attorney fees and costs.

I urge you to discuss enforcement of city laws protecting tenants, such as the Just Cause Eviction Ordinance, with the City Council and City staff. Is the city going to enforce Glendale Municipal Code Chapter 9.30?

Thank you,  
Alex Khatchaturian  
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**Brotman, Daniel** <[dbrotman@glendaleca.gov](mailto:dbrotman@glendaleca.gov)>  
To: Alex Khatchaturian <[alexkhatchaturian@gmail.com](mailto:alexkhatchaturian@gmail.com)>

Thu, Sep 17, 2020 at 7:33 AM

Hi Alex,

Sorry, I thought you were talking about the eviction moratorium. I will forward your question to our city attorney. I suspect the answer will be that we don't have resources to enforce but we'll see.

By the way, I brought up the idea of funding free or low cost legal support for tenants through a non-profit a couple months ago (when we were allocating Measure S funds). Unfortunately, I didn't get support from my colleagues. If this is a widespread issue, and if the lawyer who does pro-bono work for the Glendale Tenants Union is fully loaded, perhaps we can re-look at it.

Dan

Sent from my iPhone

On Sep 17, 2020, at 6:41 AM, Alex Khatchaturian <[alexkhatchaturian@gmail.com](mailto:alexkhatchaturian@gmail.com)> wrote:

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**Alex Khatchaturian** <[alexkhatchaturian@gmail.com](mailto:alexkhatchaturian@gmail.com)>  
To: "Brotman, Daniel" <[dbrotman@glendaleca.gov](mailto:dbrotman@glendaleca.gov)>

Thu, Sep 17, 2020 at 8:10 AM

Mr. Brotman,

I anticipate many landlords will seek alternatives to evict non-paying tenants, because the state has passed strong protections for tenants who are not paying rent. Instead of going after them for non-payment, they will seek just cause evictions, knowing that the city will not penalize them for noncompliance with local requirements. For example, a landlord can say he wants to remodel the unit, get an inflated estimate from a contractor showing the cost exceeds 8x the monthly rent (as required by the ordinance), obtain permits for the work, and demand the tenant vacate within 30 or 60 days. Once the tenant vacates, the landlord need not follow through; he can do minor cosmetic improvements and rent the unit at market price. The Glendale ordinance prohibits such bad faith practices, but if the City does not enforce it, the law has no teeth! Of course the evicted tenant can sue for wrongful eviction, but do you see the injustice here? The purpose of the just cause ordinance is to protect tenants, not allow landlords to use it as an alternative for evicting them. Moreover, a lot of tenants are not financially secure to engage in costly lawsuits.

I appreciate you validating my concerns, and I look forward to hearing back from you once you get a response

from the city attorney.

Thank you,  
Alex Khatchaturian  
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**Alex Khatchaturian** <alexkhatchaturian@gmail.com>  
To: "Brotman, Daniel" <dbrotman@glendaleca.gov>

Mon, Sep 28, 2020 at 9:58 AM

Mr. Brotman,

I am following up to check if you received a response from the city attorney regarding the city's enforcement of the provisions of Chapter 9.30 of Glendale Municipal Code. Specifically, is the city going to assess fines and penalties to landlords who do not comply with Glendale's Just Cause Eviction Ordinance?

Thank you,  
Alex Khatchaturian

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**Brotman, Daniel** <dbrotman@glendaleca.gov>  
To: Alex Khatchaturian <alexkhatchaturian@gmail.com>

Mon, Sep 28, 2020 at 10:28 AM

I don't think I did. Will follow up.

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**Alex Khatchaturian** <alexkhatchaturian@gmail.com>  
To: "Brotman, Daniel" <dbrotman@glendaleca.gov>

Sun, Oct 11, 2020 at 3:54 PM

Mr. Brotman,

I have not heard back from you. Please follow up regarding this matter. I want to know if the city is going to assess fines and penalties to landlords who do not comply with Glendale's Just Cause Eviction Ordinance.

Thank you,  
Alex Khatchaturian

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**Brotman, Daniel** <dbrotman@glendaleca.gov>  
To: Alex Khatchaturian <alexkhatchaturian@gmail.com>

Mon, Oct 12, 2020 at 2:32 PM

Hi Alex,

I finally had a conversation with staff about this. The direct answer is that we don't enforce and don't plan to. We do have a few people on staff that take calls and try to help informally, either by contacting landlord to explain the requirements or referring tenants to sources of free or low cost legal advice. Staff tells me there have been very few JC eviction related calls. Most calls relate to things like rent increases or relocation payments. I believe there have been a few retaliation related. Some calls to understand COVID protections, etc. This is all anecdotal and not based on hard data.

As I mentioned before, I like the idea of using some of our Measure S dollars to fund 3<sup>rd</sup> party tenant legal assistance, but that hasn't gotten support yet. I may ask again.

FYI, there's an item coming to Council/HA tomorrow afternoon regarding a potential Landlord-Tenant Commission. The report refers to Culver City's Landlord-Tenant Mediation Board; it's a forum for voluntary mediation but has not been very active as far as I know. I'm doubtful that something like this would bring much value here, but open to ideas.

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- Just Cause Eviction: Addresses the twelve (12) legal reasons for eviction and other issues relating to the termination of a tenancy.
- Relocation Assistance: -Tenants are eligible for relocation assistance when a tenant elects to vacate a unit in response to a rent increase that increases the rent by more than 7% of the rent that was in place at any time during the 12 month period preceding the effective date of the rent increase.
- Right to Lease: Requires landlords to offer a lease with a minimum term of 1 year to prospective tenants and current tenants who are issued rent increases.

The Rental Rights Program expands tenant protections found in the City's Just Cause Eviction, which was established in 2002, and works to: minimize displacement of tenants by requiring a landlord to have a "just cause" in order to terminate a tenancy and prohibiting retaliation for the exercise for designated rights; mitigate the impact of tenants who have to vacate their rental unit when they are unable to afford higher rent increases, when the unit requires eviction for major rehabilitation, or similar reasons, by providing relocation assistance; and address instability and substandard living conditions and services. Enforcement is administered by the Community Development Department Housing staff, who try to resolve housing-related issues through informal mediation, informing the sides of their rights, and dispatching City resources where appropriate. Independently, or through Housing staff's referral, the City Attorney's office will investigate allegations of retaliation and the City's prosecutor may file criminal charges where appropriate. As previously stated, this has only happened in a small number of cases since 2013; mediation/education efforts are typically successful in resolving the issue and there have been no prosecutions. The Rental Rights Program works in tandem with the State's Tenant Protection Act of 2019 to provide a rent cap and evictions protections for renters. These programs support fair housing efforts to reduce the risk of displacement, particularly for lower income renters and protected classes.

Research has shown that low-income renter populations are disproportionately exposed to environmental hazards and that housing tenure is a telling determinant of social vulnerability to disasters. Renters bear the brunt of the existing affordable housing shortage, and their adaptive capacity to cope and recover from the impacts of environmental hazards may be reduced due to systemic inequities and limited resources. As discussed in the Constraints section under Environmental Constraints, environmental hazards affecting residential development in the City include geologic and seismic conditions, as well as wildfire, which provide the greatest threat to the built environment, and aircraft accident. More than half of the City lies within Very High Fire Hazard Severity Zones (VHFHSZ). VHFHSZs in Glendale are located in the Verdugo Mountains and San Rafael Hills (generally north of Kenneth Road and Glenoaks Boulevard and south of the 210 Freeway) and San Gabriel Mountains (northern tip of the City). Residents living within these VHFHSZ areas are at risk of displacement due to wildfire. In order to reduce the risk, new development must comply with applicable City requirements for fuel modification zones, fire-safe site design principals, and other fire prevention activities. The Glendale Local Hazard Mitigation Plan and Glendale Safety Element contain details policies and programs to reduce risk to life and property due to hazards, including environmental hazards, and address on emergency preparedness and aviation disaster response. Liquefaction and other seismic-related issues are further addressed by the State Universal Building Code (UBC).

Regionally, much of Los Angeles County is designated as sensitive to displacement. Nearly every census tract in and around central (downtown) Los Angeles; along the I-110 Freeway; east Los Angeles; and in the Gateway Cities, is designated as a sensitive community. Coastal areas and western Los Angeles County (e.g., Beverly Hills, Malibu, Calabasas) are generally not designated sensitive. Most areas along I-110 between I-10 and I-405, and along I-105 receive a displacement typology of "Low-Income/Susceptible to Displacement". Downtown Los Angeles and neighborhoods to the north and west of Downtown (including Mid-City, Echo Park, and Highland Park) are undergoing "Advanced Gentrification" or "Early/Ongoing Gentrification". Generally, the same areas that are not designated sensitive (coastal areas and western Los Angeles County) are "Stable/Advanced Exclusive". Glendale exhibits similar patterns to the rest of the County, where areas with high real estate values are generally exclusive and areas with lower real estate values are at risk of displacement.