

Executive Summary

Since the start of the COVID-19 pandemic, Strategic Actions for a Just Economy (SAJE) has supported an ever increasing number of L.A. County tenants who have reported slum housing conditions as a result of landlord negligence. Despite filing complaints with relevant government agencies, hazardous housing conditions persist. Following analysis of L.A. County's code enforcement administration, including conversations with County staff and interviews with County tenant residents, SAJE finds that the decentralization of the County's current code enforcement administration creates an unnecessarily complicated system, confusion for tenants and impediments for County staff, delays in abatement, and therefore harm for tenants living in uninhabitable conditions.

The County should implement a proactive code enforcement system that is centralized under a single agency in order to foster clear understanding of County department roles and responsibilities and increase efficiency for code violation resolutions. The County should adopt a program structure similar to L.A.'s Housing Department (LAHD). This program should include best practices from LAHD and learn from the challenges in implementing the Systematic Code Enforcement Program (SCEP), the Rent Escrow Account Program (REAP), and the Tenant Habitability Plan (THP). The County should also incorporate other code enforcement tools like health and safety receiverships, which are an immediate and effective tools to eradicate slum housing.

This memo identifies areas for improvement and recommendations. The objective of SAJE's recommendations are to identify practices the County can adopt to quickly and efficiently resolve code violations and achieve compliance when landlords do not comply or cooperate.

SAJE recommends L.A. County:

- Centralize all code enforcement for rental units under a single agency:
- Adopt a proactive inspection program similar to L.A. City's Systematic Code Enforcement Program (SCEP)
- Adopt a program similar to L.A. City's Rent Escrow Account Program (REAP) to hold landlords accountable for noncompliance and motivate cooperation.

- Adopt a program similar to L.A. City's Tenant Habitability Plan (THP) to ensure that property owners take the appropriate measures to ensure tenants are safe in the case of serious code violations necessitating construction work
- Create a property rehabilitation program that utilizes health and safety receiverships for challenging code enforcement cases
- Utilize the civil court system to hold landlords accountable for noncompliance

Background

L.A. County's code enforcement is carried out by the Department of Public Health (DPH) and the Department of Public Works (DPW). Tenants who experience issues with maintenance and sanitation, such as cockroaches, a lack of hot water, plumbing issues, and leaky roofs, can get their issues addressed with DPH. DPW, on the other hand, handles very specific issues pertaining to the safety of buildings. Tenants whose homes are structurally unsound, or on the verge of collapse, can get their issues addressed by DPW. Code violations pertaining to fire safety, such as non-working smoke detectors, are addressed by the Fire Department. When landlords do not correct code violations in their properties, the most any agency can do to motivate cooperation is refer the case to the District Attorney (DA). However, it is uncommon for the DA to take up code enforcement cases, and when they do, the fines (which are minimal) paid by the landlord go directly to the court, which leaves the problem of habitability unresolved. The County needs to adopt and deploy stronger code enforcement tools to bring buildings up to code when landlords do not.

Recommendations

1. Centralize all code enforcement in rental properties under a single agency

The Department of Public Health is the agency we believe is most prepared to house a comprehensive, proactive, centralized code enforcement program. DPH is currently responsible for enforcing the housing code and the health and safety codes for unincorporated areas of L.A. County. Annually, their District Surveillance and Enforcement Branch administers housing inspections for properties of five units or more to check for code violations. They also respond to complaints filed by tenants who experience issues concerning sanitation (e.g. debris, cockroaches), plumbing, maintenance (e.g. broken windows, cracked countertops), and more. DPH does not, however, inspect for code violations concerning electrical, structural hazards, or construction, which are the responsibility of DPW.

The Department of Public Works enforces the Building Code through their Building and Safety division and addresses code violations for structural hazards or illegal construction. Code enforcement, however, is a very small piece of their work. DPW's primary responsibility is to

regulate private construction on private property by issuing permits and certificates of occupancy to make sure the buildings we occupy are safe to inhabit. Yet, DPW receives numerous tenant complaints and conducts housing inspections in response to complaints filed for issues DPH addresses and that DPW does not have the resources to address. Some of the main reasons this is happening are 1) there is general confusion on the part of County staff and County tenants about what responsibilities DPH handles versus DPW and 2) operators receiving tenant complaints made through 211 are incorrectly referring cases to DPW when they should be referred to DPH. The fact that DPW receives complaints and the nature of their work concerns building safety, creates the perception that they are the agency that addresses habitability issues, but they are not.

One tenant SAJE has assisted in trying to get her habitability issues remedied is Lourdes of unincorporated East Compton. Lourdes lives with her two children, one of whom receives chemotherapy treatment, in slum housing conditions, including no hot water, holes in her bathroom walls where pests enter, severe cockroach and ant infestations, no overhead lighting, only two working electrical outlets, and broken windows. In November of 2020, Lourdes filed a complaint with DPW. After persistent follow up and months of waiting, an inspector finally investigated the property in February 2021, only to inform her that DPH was better suited to address her concerns.

Lourdes’s case highlights the problems created when code enforcement is decentralized. It is inefficient, delays resolution of code violations, and creates harm for tenants. Tenants’ uncertainty over which agency to file complaints with is also exhausting agencies’ limited resources, which is why SAJE recommends the establishment of a single agency that is responsible for all code violation categories concerning rental properties in unincorporated L.A. County (see the list below). This recommendation could lead to a restructuring of current agencies.

Code violation categories ¹	
○ Electrical	○ such as defective electrical conduits, missing light fixtures, hazardous outlets
○ Fire Safety	○ such as missing or non-working smoke detectors, carbon monoxide detectors, and fire extinguishers

¹ Based on HCID’s list of possible code violations. See: <https://lacontroller.org/audits-and-reports/audit-on-systematic-code-enforcement-program/>

○ Habitability	○ such as deteriorated waterproofing, defective weather protection
○ Weather Protection	○ such as deteriorated roof, roof leaks, cracked windows
○ Heating and Ventilation	○ such as unapproved stove range, lack of bathroom ventilation
○ Maintenance	○ such as crack countertops, torn carpet, door frames inoperable,
○ Nuisance conditions	○ such as unsanitary vacant units
○ Zoning Violation	○ Landscaping requires maintenance, misc articles stored premises
○ Plumbing	○ such as non-working toilet
○ Sanitation	○ such as sewage leaks
○ Structural Hazard	○ such as unstable floor supports, structurally unsound footings
○ Construction	○ such as construction without permits

DPH already addresses some of the four most common code violations tenants in L.A. City experience: missing or defective smoke detectors, defective or deteriorated plaster, missing or defective carbon monoxide detectors, and missing, unsafe or defective floor coverings. An important distinction between DPH and DPW is that DPH emphasizes tenant habitability and DPW does not. DPH is the primary responder to tenant habitability concerns in the County already. Therefore, we do not find DPW to be the appropriate agency to house a centralized code enforcement program since tenant habitability is central to code enforcement.

Under our proposed recommendation, DPH would be expected to address all violation categories listed above. DPW would continue to carry out their most primary responsibility, which is to regulate private construction and handle permits, but would no longer receive tenant complaints. In the case a code violation needed a permit to correct, DPH would refer the property owner to file an application for a permit with DPW; however, DPH would continue to manage the code enforcement case. If a comprehensive program is housed under DPH, it would require DPH to

expand and receive training from agencies like the Fire Department and DPW to train them on their code violations.

2. Adopt a proactive, comprehensive, and standardized inspection program that would regularly inspect rental properties and ensure they're up to code

Currently, the County does not conduct comprehensive and thorough annual inspections of all rental properties to ensure they meet code. DPH conducts annual inspections for multi-family homes (4+ units) for code violations, however, the inspections are not comprehensive. The inspections are unannounced and mostly focus on common areas. Inspectors go door to door but find that most tenants are either not home since inspections are conducted during the traditional work hours of Monday through Friday 10am to 5:00pm or are unwilling to let the inspector into their home. According to DPH staff, less than 10% of units are inspected.

Without comprehensive annual inspections, tenants have to rely on the complaint-based option to get code violations addressed but they may have no knowledge of this option or may be unwilling to utilize it due to fear of landlord retaliation. It's also inefficient for DPH. More resources are needed to respond to complaints than would be needed if code violations were identified during a routine inspection.

SAJE recommends the County adopt a strong, standardized inspection program similar to L.A.'s SCEP program, which conducts regular inspections of **all rental units**, not only properties with 5 units or more, for code violations, and more frequent inspections of properties with a history of noncompliance. This program should include the following:

- Proactive communication before the annual inspection, such as notices to tenants in advance that includes both the inspection date and an explanation of the benefits of inspections for tenants. The notice should also include contact information for the inspector and information on how to file a complaint with DPH as an alternative way to receive an inspection.
- After the initial attempt to inspect a unit, there should be a second opportunity for tenants to get their units inspected without them having to file complaints. Inspectors should leave a notice with a second date for inspection. If they aren't present for the second inspection attempt, a final notice with the inspector's information to schedule an inspection should be issued.
- If between an initial routine inspection and a re-inspection, more code violations are identified by tenants, the inspector should inspect the property for said code violations, issue violations accordingly, and include them in the same case rather than make tenants submit a complaint to open a new case with another inspector.

3. Establish a strong resolution plan that includes issuing citations, a program similar to LA's REAP, and property rehabilitation in the case of noncompliance.

Currently, the County does not have a resolution plan for cases of noncompliance. If property owners are noncompliant, the most an agency can do is refer the case to the District Attorney for criminal prosecution, but there is no guarantee the DA will take on the case, and if they do, fines paid by the landlord will go to the court. Meanwhile, tenants continue to live with code violations. Without a process that initiates the use of stronger code enforcement tools that can motivate compliance or resolve code violations, tenants who have no discretionary dollars to make repairs themselves are likely to continue living in slum conditions that threaten their health and quality of life. The other options available to tenants include incurring the costs for repairs themselves and suing their landlords in small claims court for the money or utilizing California Civil Code 1942 to Repair and Deduct, which means tenants make the needed repairs and deduct the cost from their rent. Both options are unideal, create unnecessary burden for the tenants, and require knowledge of the court system to be able to utilize and navigate. In the latter case, nothing can prevent the landlord from taking the tenant to court for nonpayment of rent, which can put the tenant in a compromising situation that requires the mobilization of legal resources, which if they don't have, could result in an eviction.

SAJE recommends the establishment of a strong resolution plan that includes issuing citations for violations, an accountability program similar to LA's REAP program, and property rehabilitation in the case of noncompliance. REAP is a city-administered program in Los Angeles designed to hold property owners accountable for non-compliance with the City's housing code. If a property owner is noncompliant with code enforcement, their building can enter REAP. When a property enters REAP, tenants may get a rent reduction commensurate with the code violations, and rent can be paid to the City not the landlord. The landlord can't receive the rental income until all the code violations on the property are fixed and the building exits REAP. Property owners with buildings in REAP experience loss of monthly income, eviction restrictions, administrative fees, and a lien against their property, which can motivate them to fix code violations. Under this program, the code enforcement agency should:

- Charge inspection fees, fees or administrative hearings, and issue fines for noncompliance.
- Oversee a program similar to L.A.'s Rent Escrow Account Program (REAP). We recommend a program that improves upon L.A. City's existing REAP program and addresses the shortcomings of the program.
- Initiate property rehabilitation if a property has been in REAP for over 30 days and the landlord has not initiated abatement. The code enforcement agency should assess the cost, labor, and expertise needed to fix the code violations.

- For less challenging cases (such as replacing a light fixture): the agency should correct the code violations and charge the property owner for the cost.
- For more challenging cases: utilize health and safety receiverships. A receivership is a code enforcement tool that allows a code enforcement agency to request a “receiver” from the court to rehabilitate a property where the owner has been noncompliant with the agency’s orders to comply. The receiver is a neutral third party that typically specializes in property rehabilitation (such as [Cal Receivers](#)). The receiver rehabilitates the property then returns it to the owner. The owner is responsible for the cost of rehabilitation, which can be paid by re-financing the building. In the worst cases, where the property owner is absent or demonstrates an inability to properly maintain a building, the County can force a sale.
- After an administrative hearing has taken place, if the property owner is still non-compliant the building would enter REAP.
- In the County’s REAP program, tenants should:
 - Receive a rent reduction up to 100% depending on the number and severity of violations. For example, if a property’s only code violation is a cracked countertop, that probably wouldn’t constitute a 100% rent reduction, however, if a property has 38 violations of varying degrees of severity, then it could. Note: this is different from L.A. City’s REAP program which only allows a 50% rent reduction not 100%, despite cases where violation severity levels justify a 100% reduction.
 - Pay rent directly into an escrow account managed by DPH, and not the landlord, while the building is in REAP
- Inspectors identify and inspect all other properties owned in unincorporated L.A. County by the same landlord and issue code violations.
- When the landlord makes repairs and resolves the code violations of all properties, the property in the initial complaint exits REAP, and the landlord can reclaim the rental income that was paid into the escrow account.
- If, after 30 days, the landlord does not make the necessary repairs, DPH initiates property rehabilitation themselves or requests a receiver from the courts for more challenging cases.
- If the landlord does not pay the bill within 30 days, the City could initiate the sale of the building to the tenants, a nonprofit housing provider, or community land trust (CLT).

4. Create publicly available instructions for the complaint-based system.

Tenants without knowledge that they can make complaints for habitability issues in their homes may be living in slum housing conditions simply because they don’t know that they can get their

issues resolved with the help of a code enforcement agency. As a result, tenants live in slum conditions and suffer the consequences.

SAJE recommends creating publicly available instructions for the complaint-based system. This could take the form of a “Step-by-Step” guide in multiple languages for the public that includes detailed instructions on how to file a complaint and what the process entails. Such a guide should be provided to each L.A. County tenant in multiple languages each year.

5. Have multiple language options available for tenants to be able to file complaints and receive inspections in their chosen language.

Currently, tenants cannot file complaints, or receive inspections, in their chosen language. More than half of L.A. County residents speak a primary language that isn't English². Yet, there are no options available online to file a complaint in a language that is not English, which prevents non-English speaking residents from getting their habitability issues addressed. There is also no option for a tenant to request or receive an inspection in their chosen language. Without multiple language options available, many people cannot access code enforcement.

SAJE recommends the County have multiple language options, especially Spanish, Chinese, Tagalog, Korean, Armenian, Vietnamese, available for tenants to be able to file complaints and receive inspections in. Secondly, because an agency cannot predict the language of a particular household, inspectors should be equipped to communicate with tenants in multiple languages during routine inspections by having access to translation services on hand. County staff and DPH staff should also have access to translation for over-the-phone conversations, complaints, and referrals.

6. Require inspectors to inspect the neighboring units of a rental unit with a code violation.

Under current protocols, housing inspectors only inspect the housing unit that is the subject of a complaint even in cases where there is evidence that other units may be affected. For example, vermin infestations are seldom confined to one unit; often if one unit has cockroaches adjacent units will have infestations as well.

SAJE recommends requiring inspectors to inspect the neighboring units of a rental unit with a code violation that has the potential to affect other units. Inspect the adjacent units and no less than 50% of the total units of the property, and more, if more units may be affected.

² <https://advancingjustice-la.org/sites/default/files/LASpeaksLanguageDiversity.pdf>

7. Create an efficient and easily manageable database where tenants can look up and monitor their case status.

Tenants are unable to monitor the status of their case. After an initial inspection is conducted in response to a complaint, tenants must be able to easily find out information about the status of their case so they can predict when code violations will be resolved and contact the inspector if necessary. Under both DPH and DPW protocols, tenants sometimes do not hear from the inspector again unless they follow up. More often than not, the burden is on the tenant to follow up about the status of their case, yet they do not have access to useful case information. In order to learn about a DPH case, tenants must utilize a reference number or the property address to look up “Inspection Results,” but the only information they can access is the inspection date and violation description. There is no information on the inspector or their contact information, case status, upcoming compliance and reinspection dates, or other useful information.

SAJE recommends creating an online database for tenants to easily look up their case status. Tenants should be able to log into this system and access the list of code violations, inspection dates, case status (e.g. pending re-inspection), next steps (e.g. initial inspection, compliance date, re-inspection, administrative hearing), contents of the initial complaint and letter notifications that were issued to both tenant and property owner, any relevant notes, and contact information for the inspector. Inspectors should be required to communicate with tenants after every step of the process via phone, email, and online so that they are aware of all next steps and know exactly what to expect. Tenants should be mailed letter notifications about compliance dates, reinspection dates, the list of code violations, and the inspector’s contact information.

8. Create an Emergency Response line for severe code violations

Tenants with severe habitability issues, such sewage leaks, need to be able to get such issues resolved with urgency. Right now, in order to report urgent habitability concerns, tenants have to either navigate 211 or file a complaint online. There is no direct line of communication for tenants to request immediate and expedited inspection.

SAJE recommends establishing an emergency response direct line for tenants with severe issues that will initiate an expedited process for getting violations resolved within 24-48 hours. DPH, upon contacting the property owner in this event, should deploy maintenance workers to begin immediate remediation of the code violation and bill the property owners.

9. Adopt a program similar to L.A.’s Tenant Habitability Plan program for instances that require major renovation work on a property.

If property owners conduct major renovation work on a property, or if a housing inspection reveals the need for serious rehabilitation work that requires permits for construction, there are

no protections in place for tenants to prevent displacement due to construction or prevent harm caused by construction debris if tenants are not relocated and stay at home during major construction work.

SAJE recommends adopting a program similar to L.A.'s Tenant Habitability Plan (THP) program. In L.A. when property owners are undertaking major construction work in apartment buildings, they need to develop a THP to mitigate the impact the construction will have on tenants, and either take steps to ensure tenants can safely remain in their homes while the work is taking place or provide them temporary comparable relocation. This program should be designed so it is not open to abuse by landlords seeking to permanently displace residents under cover of a THP.

10. The County should partner with local health clinics and make referrals if conditions impacting health are discovered during inspections.

Tenants with evidence of mold, pest infestation, lead paint, asbestos, gases, or other hazardous conditions in their homes may be experiencing negative health impacts as a result, yet may not be seeking treatment by a doctor or know that their negative health condition and the condition of their home are linked.

SAJE recommends the County partner with local health clinics and make referrals if conditions impacting health are discovered during inspections. Additionally, the County should require that inspectors who discover a code violation, such as lead paint, that is linked to negative health conditions in individuals, refer the occupants of the unit to local healthy homes educators and health promoters like St. John's and Esperanza for South Los Angeles areas.

11. Shorten the time it takes to take action to resolve code violations when landlords don't cooperate

Under DPH's current protocol, after a tenant files a complaint, DPH issues the landlord a courtesy notice to comply within 21 days without conducting an inspection or issuing a violation. After 21 days, if the landlord did not comply, the tenant must call DPH and inform them of the landlord's noncompliance. Only then will an inspector check the premises for code violations, which usually takes a week or longer. After the inspection, and once a code violation is identified, the inspector determines how long it should take the property owner to comply; the maximum is three weeks. When the compliance date passes, the inspector will re-inspect. If the property owner hasn't complied, the inspector can grant extensions giving landlords more time to comply. If they continue to be noncompliant, an office hearing can take place between DPH and the property owner to explain why there has been no compliance. If noncompliance continues, the case can be referred to the District Attorney.

SAJE recommends eliminating the practice of issuing 21-day courtesy notices to landlords before inspecting for a code violation. In SAJE's experience, landlords ignore courtesy notices which then increases the time frame for compliance by as many as 42 days. Forty-two days is too long for a tenant to be living in conditions that impact their health and safety. If a property owner misses a compliance deadline, an administrative hearing should be scheduled immediately and a second compliance date of less than 7 days should be in effect. If this second compliance date is missed, DPH inspectors should refer the case to the District Attorney within two weeks of a missed compliance date. However, we do not believe referring cases to the DA is a strong enough mechanism to motivate compliance or resolve code violations, which is why we recommend receiverships, REAP, and the utilization of the civil court system.

12. Utilize the civil court system to hold property owners accountable

The most any agency can do in the face of noncompliance is refer a code enforcement case to the DA. However, the fines typically issued to property owners after a DA case is usually not commensurate with the damage done to tenants. A typical DA case is a \$500 misdemeanor or 6 months of jail for each count, usually with a handful of counts, which amounts to around \$3,000 in fines. The cost of an attorney to represent a property owner in court usually costs more than this amount. A sum this low can be seen as the cost of doing business for some large corporate landlords. It isn't enough to prevent landlords from neglecting their properties.

SAJE recommends utilizing the civil court system to hold landlords accountable. DPH should work with the DA and County Counsel to target the worst code enforcement cases. When a property enters the L.A. County REAP program, it should also initiate a civil case along with a criminal case. Through the civil court system, property owners can be held accountable for not only lack of maintenance, but tenant harassment, negligence, and other violations of tenant protections if found during the investigative process. The damages, which would likely exceed criminal court fines, would be redirected to DPH and can be used to increase code enforcement activities, compensate tenants, and rehabilitate their homes.

13. Create a dashboard that compiles complaints for property owners across properties and maps them to show neighborhood concentration

For the worst code enforcement cases, it's likely that the property owner has other properties with habitability complaints too that inspectors are not aware of. It is useful to know if a property owner's noncompliance represents a pattern, especially if inspectors are entering the property into REAP, referring cases to the DA, or pursuing damages in civil court. There are other tenants that could be experiencing harm and should be captured in these code enforcement efforts. Yet,

the County is not currently tracking code violation complaints for property owners across properties.

SAJE recommends the County create a dashboard that compiles complaints for property owners across properties and maps them to show neighborhood concentration. With such a dashboard, an inspector should be able to use the address of one property to identify complaint information for other properties with the same owner within L.A. County. This information will bolster the efforts of inspectors as it will streamline the investigative process and also help them prioritize buildings suspected to be problematic.

Recommendations

- Centralize all code enforcement in rental properties under a single agency
- Adopt a proactive, comprehensive, and standardized inspection program that would regularly inspect rental properties and ensure they're up to code
- Establish a strong resolution plan that includes issuing citations, a program similar to LA's REAP, and property rehabilitation in the case of noncompliance.
- Create publicly available instructions for the complaint-based system.
- Have multiple language options available for tenants to be able to file complaints and receive inspections in their chosen language.
- Require inspectors to inspect the neighboring units of a rental unit with a code violation.
- Create an efficient and easily manageable database where tenants can look up and monitor their case status.
- Create an Emergency Response line for severe code violations
- Adopt a program similar to L.A.'s Tenant Habitability Plan program for instances that require major renovation work on a property.
- The County should partner with local health clinics and make referrals if conditions impacting health are discovered during inspections.
- Shorten the time it takes to take action to resolve code violations when landlords don't cooperate
- Utilize the civil court system to hold property owners accountable
- Create a dashboard that compiles complaints for property owners across properties and maps them to show neighborhood concentration

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