



## Summary of Tenant Rights for Seismic Retrofit Work

### **What is Seismic Retrofit Work?**

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It is construction work that involves reinforcing or improving the ability of a building to resist lateral force at the ground level where the structure contains parking or other similar open floor space that creates soft, weak or open-front wall lines, and there exists one or more stories/floors above it.

### **What is a Tenant Habitability Plan?**

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It is a plan that describes what kind of work your landlord is going to do, how the work will affect you, and how long the work will take. Your landlord must submit this plan to the Los Angeles Housing + Community Investment Department (HCIDLA) before any work may begin. If you object to the Plan, you may appeal it.

### **What if I disagree with the plan?**

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You have fifteen (15) days from when you receive the Notice of Seismic Retrofit Work to file an appeal of the Plan with the Los Angeles Housing + Community Investment Department. An appeal form should be attached to your Notice of Seismic Retrofit Work.

### **How soon can the renovation work begin?**

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The work may begin no sooner than twenty (20) days after the landlord has served on you: (1) a copy of the Plan; (2) a Notice of Primary Renovation Work; (3) a summary of the provisions of the Tenant Habitability Program.

### **Can a tenant remain in my home while the renovation work is done?**

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Yes, if the work will not make your home uninhabitable outside construction hours and will not expose you at any time to toxic or hazardous materials. Your landlord is permitted to do construction work from Monday through Friday between the hours of 8 am and 5 pm. Your landlord must restore all housing services such as your utilities by 5 pm. The Plan should describe the safe work practices your Landlord plans to use. For example, lead safe practices must be used to minimize the spread of lead dust, paint chips, soil, and debris during construction. For more information or to report unsafe work practices, contact the Housing Department at (866) 557-7368.

### **When can I choose permanent relocation?**

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You may have two chances to choose permanent relocation. First, if the work in your unit will take thirty (30) days or more, you can choose permanent relocation. You must submit the permanent relocation request form to your landlord within fifteen (15) days from the date your landlord serves you the Plan. Second, you may choose permanent relocation if the work continues 30 days longer than the completion date stated in the Plan, or 30 days longer than any later Plan modification accepted by the Housing Department.



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### **If I choose permanent relocation, how much money can I receive in relocation assistance?**

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#### **Relocation Amounts:**

#### **Effective July 1, 2016 thru June 31, 2017:**

Type of Tenant	Less than 3 years	3 years or more	Less than 80% AMI
Eligible	\$7,900	\$10,400	\$10,400
Qualified	\$16,650	\$19,700	\$19,700

#### **HUD Area Median Income Limits 80% AMI (Los Angeles):**

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
<b>\$48,650</b>	<b>\$55,600</b>	<b>\$62,550</b>	<b>\$69,450</b>	<b>\$75,050</b>	<b>\$80,600</b>	<b>\$86,150</b>	<b>\$91,700</b>

If more than one fee payment amount applies to a unit, the landlord pays the higher amount for the unit. Each tenant then shares on an equal pro-rata basis.

A “qualified” tenant is any tenant who is 62 years of age or older; or handicapped as defined in Section 50072 of the California Health & Safety Code or disabled as defined in Title 42 United States Code Section 423; or is a person residing with one or more minor dependent children (as determined for federal income tax purposes.) All other tenants are “eligible” tenants.

### **When am I required to temporarily relocate?**

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If your home will not be habitable outside of construction hours or you will be exposed to hazardous materials at any time, you will be required to temporarily relocate while the work is done. The Housing + Community Investment Department will review the landlord’s Plan and decide whether you can stay in your unit while the work is being done.

### **What are my temporary relocation options if temporary relocation lasts less than thirty (30) days?**

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If temporary relocation will last less than thirty (30) days, the landlord may:

1. Move you to another “habitable” unit in the same building or another building; or
2. Move you to a motel or other housing; or
3. Offer you a daily dollar amount for you to find your own temporary place to go. If you find your own temporary housing, you must let your landlord and the Housing + Community Investment Department know your address so the landlord can tell you when it is safe to move back to your home.

## Summary of Tenant Rights for Seismic Retrofit Work

### **What is a “habitable” unit?**

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A habitable unit is a unit capable of being lived in or occupied. It should be located not more than two (2) miles from your home, unless no such accommodation is available. It should also contain standard amenities such as a telephone. In addition, if you are deprived of basic services, such as, cooking facilities, laundry facilities, or housing for your pet, the landlord should compensate you for the loss of these services while you are temporarily relocated.

### **What are my options if temporary relocation lasts thirty (30) days or more?**

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If temporary relocation will last (thirty) 30 days or more, the landlord may:

1. Move you to another “comparable” unit in the same building or another building; or
2. Offer you a daily dollar amount for you to find your own temporary place to go. If you find your own temporary housing, you must let your landlord and the Housing Department know your address so the landlord can tell you when it is safe to move back to your home; or
3. You can choose to give up your unit and get permanent relocation money.

### **What is a “comparable” unit?**

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Whether the temporary housing is comparable to your unit depends on: size, number of bedrooms, accessibility, proximity to services and institutions upon which you depend, amenities, including allowance for pets, if necessary. If you desire, the temporary housing should be within five miles of your rental unit. You may also agree to occupy a non-comparable temporary replacement unit as long as the landlord compensates you for any reduction in services.

### **What if I fail to temporarily relocate?**

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If you object to the temporary housing arrangements made by your landlord, you should appeal the Plan. If you fail to temporarily relocate in accordance with an accepted Plan, eviction proceedings may be brought against you. While you are living in temporary housing, you must continue to pay your rent to your landlord as usual. Otherwise, eviction proceedings may be brought against you.

### **Who pays for my temporary housing?**

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Your landlord must pay for all temporary housing costs even if those costs are more than the usual rent that you pay. These costs include, but are not limited to, moving you to and from your temporary housing as well as any temporary furnishings that are necessary in your temporary housing.

## Summary of Tenant Rights for Seismic Retrofit Work

### **What happens to my personal belongings while I am temporarily relocated?**

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Your landlord must take steps to secure and protect your property from damage or loss. Your landlord should describe in the Plan what precautions will be taken to safeguard your belongings. If you and your landlord agree, your landlord can pay you a dollar amount for you to move or store your own belongings. Your agreement must be in writing, signed by both parties, and submitted to the Housing Department.

### **If I am temporarily relocated, how do I know when I can move back home?**

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The Plan and Notice of Primary Renovation Work should let you know when you may return to your home. However, if you must temporarily move before you are told when you can come home, the landlord must give you at least seven (7) days notice before your unit is available. If your temporary housing involves a monthly contract with a third-party housing provider, the landlord must give you at least 30 days notice before your unit is available. This notice will be given to you as a "Unit Re-occupancy Notice."

As a tenant, if you agree with the condition and tenantability of the unit, you should sign the form and return it to the landlord for them to submit to the Department. If you disagree with the condition and tenantability of the unit, you have a right to request an inspection of the unit by the Department.

### **Can the landlord raise my rent after doing the primary renovation work?**

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Maybe. Within twelve (12) months after finishing the work, the landlord may file an application for rent increase with the Housing + Community Investment Department. The Housing Department will notify you that the landlord has requested approval of a rent increase. You will have ten (10) days from the date of mailing of such notification to object in writing to the rent increase. Once the Housing + Community Investment Department has approved an increase, you may appeal the increase within fifteen (15) days from the mailing of the decision to you.

### **How much can my rent be raised for primary renovation work?**

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At most, the landlord can raise your rent by 10% divided equally over two years if the landlord's application for a rent increase is approved. This increase is in addition to any regular yearly rent adjustment (e.g. 3%-5% a year).

### **How much can my rent be raised if I am a low-income tenant?**

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The rent should not be increased more than 10% of the rent fee during the life of the tenancy for a low-income tenant.

### **What if my landlord used my utilities while I was temporarily relocated?**

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If the landlord uses tenant paid utilities during the period you temporarily relocated, the landlord is required to compensate you for the cost of such usage within 15 days of delivery of your written request.



## Summary of Tenant Rights for Seismic Retrofit Work

### **What if the landlord does not follow the Plan?**

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If the landlord fails to follow the Plan, the Housing + Community Investment Department will deny the landlord's application for a rent increase. If the landlord does not provide permanent relocation assistance, you can sue the landlord for damages, in the amount of the unpaid relocation assistance, attorney's fees and costs. If a landlord fails to carry out his or her obligations under a temporary relocation plan, you can sue the landlord for all actual damages, special damages (twice actual damages or \$5,000, whichever is greater), punitive damages (if the failure was intentional), attorney's fees and court costs.

### **Where can I find the ordinance and the Tenant Habitability regulations?**

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Both the Primary Renovation Program Ordinance and the Rent Adjustment Commission's Tenant Habitability Program Regulations may be found at the Housing Department's website: <http://lahd.lacity.org>

### **Who can I call if I have questions?**

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- Call the Housing + Community Investment Department at (866) 557- RENT [557-7368].
- Call your landlord or your landlord's designated contact.



# Notice of Seismic Retrofit Work

**Seismic work will not take place in any units.**

## To Tenant:

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City, State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: ( ) \_\_\_\_\_

## From Landlord:

Name(s): \_\_\_\_\_  
 As of Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City, State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: ( ) \_\_\_\_\_

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## Soft-Story Retrofit Work

Currently work will begin on your home and/or building no earlier than 20 days from the date this Notice is served on you.

## Duration

The work is estimated to:

Start on: 7/15/2019	}	For a total of 2 months and 2 days.
End on: 9/17/2019		



# Notice of Seismic Retrofit Work

## Scope of Work

Structural	Installing a 17' Moment Frame over 2 Parking spaces (3rd and 2nd from right) and drag system over al ..... .....
Hazard Abatement (e.g. lead, asbestos)	..... ..... .....
Other Work	..... ..... .....



# Notice of Seismic Retrofit Work

## Will You Be Temporarily Relocated?

No, you do not need to temporarily relocate. Construction work may be done Monday through Friday from 8 am to 5 pm.

Yes, you must temporarily relocate:

From: To:

To location:

- Your building, unit #
- Hotel/Motel (name: )
- Other:

Address:

Cross Street(s):

This is \_\_\_\_\_ miles from your home.

- For loss of the following services:

\_\_\_\_\_

You will be compensated:

\$ \_\_\_\_\_

If you agree, the landlord is willing to pay a daily dollar amount for you to find your own temporary housing. Please see Per Diem Agreement attached.

- Your belongings will not be moved from your home.
- Your belongings will be stored at:

Name:

Address:

If you agree, the landlord is willing to pay a fixed dollar amount for you to move and temporarily store your own belongings. Please see Moving & Temporary Storage Agreement attached.

**Your tenancy will not be terminated as a result of your temporary relocation. You have the right to reoccupy the unit/s under the existing terms of tenancy upon completion of the Seismic Retrofit Work subject to rent adjustment. However, you must continue to pay your rent as usual. Otherwise, eviction proceedings may be brought against you.**



# Notice of Seismic Retrofit Work

## Designated Contact for Landlord

Please submit your soft-story retrofit questions, concerns, and paperwork to:

Name(s):	Michelle Durey		
Address:	_____		
City, State:	_____	Zip:	_____
Phone:	3108805649		
Fax:	_____		

During soft-story retrofit work, please pay your rent to the following person:

Name(s):	_____		
Address:	_____		
City, State:	_____	Zip:	_____
Phone:	_____		

## Right to Appeal the Department’s determination regarding the Tenant Habitability Plan (THP).

You have the right to appeal HCIDLA’S acceptance of the THP if you do not agree with the landlord regarding the necessity to either temporarily relocate or remain in place during the Seismic Retrofit Work. The appeal must be made in writing using the attached “Appeal Form” and must specify the grounds for appeal. The appeal must be filed within 15 days of receiving the Department’s THP determination. To file the appeal, you must submit the form along with the appeal application fee before the appeal deadline in person to any of the Department’s public counters (<http://hcidla.lacity.org/Public-Counters>), or by mail to the address specified in the application. You may find additional information regarding appeals at <http://hcidla.lacity.org/tenant-habitability-thp-appeal-form>

I am the landlord of the premises or I am an authorized agent of the landlord. I understand that the landlord is responsible for paying all the temporary housing accommodation costs for the tenant(s) regardless of whether those costs exceed the rent paid by the tenant(s).

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

I am:

the Landlord

the Landlord’s Agent

Phone: \_\_\_\_\_



# APPEAL FORM Tenant Appeal of Seismic Retrofit Work Request for Hearing

## Tenant Information:

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Unit: \_\_\_\_\_  
 City, State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: (     ) \_\_\_\_\_

## Landlord Information:

Owner(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: (     ) \_\_\_\_\_

I request a hearing to modify the Tenant Habitability Plan (THP) for Seismic Retrofit Work for  Soft Story or  Non-Ductile Concrete Building dated \_\_\_/\_\_\_/\_\_\_.

I request a hearing for the following reasons (attach additional pages if necessary):  
 Rent increase appeals will be scheduled for hearing, but will not postpone work.

Please describe:


I need an interpreter for the hearing and I cannot bring one with me.

Language spoken: \_\_\_\_\_

## PLEASE TAKE NOTICE:

Sign Language Interpreters, Communication access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended.

For additional information, please contact: (Division, phone number-voice and/or TTY).



# APPEAL FORM Tenant Appeal of Seismic Retrofit Work Request for Hearing

**\$35 Filing Fee [made payable to “City of Los Angeles – R.S.D.”] (check one)**

Check

Money Order

Low Income Exemption (must complete affidavit on back of this page)

Appeals must be filed within **15 calendar days** of the date your landlord served you with a copy of the THP and Notice of Seismic Retrofit Work.

Submit forms and fees to:  
**Los Angeles Housing and Community  
Investment Department- Hearing Section  
P.O. Box 17340, Los Angeles, CA 90017-0340**

Or in person to any of its Public Counters  
(<http://hcidla.lacity.org /PublicCounters>)

For questions, call **(866) 557- RENT**.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

HCID #: _____	APN: _____
Received: ___/___/___	By: _____



# APPEAL FORM Tenant Appeal of Seismic Retrofit Work Request for Hearing

## APPEAL FEE WAIVER REQUEST

I hereby request waiver of the \$35 hearing fee associated with my Request for Hearing to appeal the Tenant Habitability Plan dated: \_\_\_/\_\_\_/\_\_\_.

The following table lists the maximum annual income a tenant household may receive and be eligible for a fee waiver. Limits for Los Angeles 2017

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$50,500	\$57,700	\$64,900	\$72,100	\$77,900	\$83,650	\$89,450	\$95,200

I, \_\_\_\_\_, declare that my household income does not exceed the limits shown in the above table for my household size and that this information is true and correct to the best of my knowledge.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

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### OFFICE USE ONLY:

Qualified for Fee Exemption:       Yes       No

By: \_\_\_\_\_

Date: \_\_\_\_\_