



# SPECIAL PROVISIONS FOR SEISMIC RETROFIT WORK

RAC Regulations • Section 720.00 • Effective January 23, 2017

## Rent Adjustment Commission Regulations & Guidelines

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Central (Wilshire) Regional Office

3550 WILSHIRE BLVD., 15<sup>TH</sup> Floor  
LOS ANGELES, CA 90010

East Regional Office

2215 N. BROADWAY AVE.  
LOS ANGELES, CA 90031

South Regional Office

690 KNOX ST., Suite 125  
LOS ANGELES, CA 90502



CITY OF LOS ANGELES

CD-8 Satellite Office

8475 S. VERMONT AVE., 2nd Floor  
LOS ANGELES, CA 90044

West Regional Office

1645 CORINTH AVE., Suite 104  
LOS ANGELES, CA 90025

North (Valley) Regional Office

6400 LAUREL CANYON BLVD., Suite 610  
NORTH HOLLYWOOD, CA 91606



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### 721.00 DECLARATION OF PURPOSE

#### 721.01 Purpose

The purpose of these regulations is to facilitate completion of the mandatory earthquake hazard reduction requirements for existing wood-frame buildings with soft, weak, or open-front walls and existing non-ductile concrete buildings by modifying the service and notice requirements of Article 2 of Chapter XV of the Los Angeles Municipal Code, titled the Tenant Habitability Program.

#### 721.02 Authority

The Rent Adjustment Commission has adopted these regulations pursuant to the authority granted to it by Los Angeles Municipal Code Sections 151.03, 151.07A.8, and 152.08. In adopting these regulations the Commission finds that:

1. The earthquake hazard reduction requirements of Divisions 93 and 95 of Article 1 of Chapter IX of the Los Angeles Municipal Code are time sensitive public welfare and safety requirements;
2. The mere undertaking of and completion of the work performed by a landlord pursuant to Divisions 93 and 95 of Article 1 of Chapter IX of the Los Angeles Municipal Code shall not in and of itself, result in any building or residential unit being deemed untenable or uninhabitable as defined in California Civil Code Section 1941.1; and
3. Modification of the service and notice requirements effected herein are necessary to efficiently carry out the purpose of the mandatory earthquake hazard reduction requirements of Divisions 93 and 95 of Article 1 of Chapter IX of the Los Angeles Municipal Code.

### 722.00 DEFINITIONS

The following words and phrases, whenever used in these regulations, shall be construed as defined in this section, which restates, in some instances, definitions used in LAMC Section 151.02. Should a discrepancy exist between a definition presented here and in Section 151.02, the wording in the LAMC definition shall prevail. Words and phrases not defined here shall be construed as defined in LAMC Sections 12.03 and 162.02, if defined there.

Building and Safety. The City of Los Angeles Department of Building and Safety or any successor.



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**Department.** The Los Angeles Housing and Community Investment Department or any successor.

**LAMC.** The Los Angeles Municipal Code

**Notice of Seismic Retrofit Work.** Written notice, served by the landlord upon a tenant or tenant household prior to starting Seismic Retrofit Work or Related Work and using a form established by the Department, advising the tenant of forthcoming Seismic Retrofit Work or Related Work, the impact of such work on the tenant, and measures the landlord will take to mitigate the impact on the tenant.

**RAC.** The Rent Adjustment Commission of the City of Los Angeles or any successor.

**Related Work.** Improvements or repairs which in and of themselves, do not constitute Seismic Retrofit Work but which are undertaken in conjunction with and are necessary to the initiation and/or completion of Seismic Retrofit Work.

**RSO.** Chapter XV of the Los Angeles Municipal Code Section 151.00, et. seq., commonly known as the Rent Stabilization Ordinance.

**Seismic Retrofit Work.** The structural analysis and alterations to a building that are necessary to comply with the earthquake hazard reduction requirements of Divisions 93 and 95 of Article 1 of Chapter IX of the Los Angeles Municipal Code.

**Temporary Relocation.** The moving of a tenant from the tenant's permanent residence to habitable temporary housing accommodations in accordance with a Tenant Habitability Plan. The temporary relocation of a tenant from his/her permanent place of residence shall not constitute the voluntary vacation of the unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the same unit, upon the completion of the Seismic Retrofit Work and any Related Work, subject to any rent adjustments as may be authorized under the RSO.

**Tenant Habitability Plan.** A document, submitted by a landlord to the Department, identifying any impact Seismic Retrofit Work and Related Work will have on the habitability of a tenant's permanent place of residence and the steps the landlord will take to mitigate the impact on the tenant and the tenant's personal property during the period Seismic Retrofit Work and Related Work are undertaken.



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### **723.00 PROCEDURE FOR UNDERTAKING SEISMIC RETROFIT WORK**

#### **723.01 Building Permit Clearance**

##### **723.01.1 Identification of Seismic Retrofit Work**

All permit applications identified as Seismic Retrofit Work by Building and Safety's initial screening process shall be further reviewed to determine whether the proposed work constitutes, in whole or in part, Seismic Retrofit Work. Such review shall be undertaken by either of the following agencies:

1. The Department, which shall make its determination within five (5) working days of receiving sufficient information from the permit applicant to determine the scope of the proposed work; or
2. Building and Safety, per an agreement with the Department to undertake such screening.

##### **723.01.2 Department Clearance of Seismic Retrofit Work**

The Department shall clear a landlord's application for building permits to perform Seismic Retrofit Work in accordance with procedures established by Building and Safety, when both of the following conditions have been met:

1. The landlord has submitted a Tenant Habitability Plan which the Department finds adequately mitigates the impact of Seismic Retrofit Work and any Related Work upon tenants; and
2. The landlord has submitted a declaration, under penalty of perjury, documenting service to affected tenants of both a Notice of Seismic Retrofit Work and a copy of the non-confidential portions of the Tenant Habitability Plan.

#### **723.02 Tenant Habitability Plan**

The Department may establish forms for landlord use in filing a Tenant Habitability Plan. At a minimum, the forms shall require the Landlord to provide the Department with the information listed herein as part of the Tenant Habitability Plan.

It is in the interest of both landlords and tenants that Seismic Retrofit Work and any Related Work be undertaken as efficiently and effectively as possible. To that end, landlords must provide tenants with a summary of their rights under the Tenant Habitability Program and to the extent modified herein, prepared by the Department, prior to seeking tenant input in developing mitigation measures or



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entering into any agreement with said tenants.

#### 723.02.1 Identification of Responsible Parties

The landlord shall provide the following information:

1. Name, address, and phone number of the landlord;
2. Name, address, and phone number of the person designated by the landlord as the contact person for all issues related to the proposed project, if the contact person is not the landlord;
3. Name, address, and contact phone number of the general contractor responsible for the Seismic Retrofit Work and any Related Work; and
4. Name, address, and contact phone number of any specialized contractor or sub-contractor responsible for hazardous material abatement.

#### 723.02.1 Identification of Affected Tenants

The landlord shall provide the following information on a separate attachment which, in accordance with California Civil Code Section 1798, et seq., shall be considered a confidential addendum to the Tenant Habitability Plan:

1. The name, address including unit number, and phone number of the primary tenant(s) or head of tenant household for each rental unit affected by Seismic Retrofit Work;
2. An identification of which rental units affected by Seismic Retrofit Work, if any, house Qualified Tenants; and
3. The current rent and the date of last rent increase for each rental unit affected by Seismic Retrofit Work.

#### 723.02.3 Scope of Work

The landlord shall provide a description of the scope of the Seismic Retrofit Work and any Related Work. Such description shall address:

1. The total number of units on property;
2. The identification of specific units and common areas affected by the Seismic Retrofit Work and any Related Work;
3. The specific scope of Seismic Retrofit Work to be done in each unit;
4. The overall scope of the Seismic Retrofit Work, Related Work, and any other



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work to be undertaken at or about the same time as the Seismic Retrofit Work and any Related Work;

5. The estimated duration of all work for the entire project;
6. The estimated duration of work for each affected unit, including projected start and finish dates; and
7. The estimated total cost of all Seismic Retrofit Work and any Related Work.

#### 723.02.4 Impact on Habitability

The landlord shall identify the impact of Seismic Retrofit Work and any Related Work on the habitability of affected rental units, including a discussion of impact severity and duration with regard to the following factors:

1. Noise;
2. Utility interruption;
3. Exposure to toxic or hazardous materials;
4. Interruption of fire safety systems;
5. Inaccessibility of all or portions of each affected rental unit; and
6. Disruption of other tenant services.

#### 723.02.5 Tenant Health & Safety

The landlord shall identify the 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 one or both of the following options:

1. The adoption of work procedures that allow tenants to remain on-site by either (a) avoiding the creation of untenable conditions altogether or (b) returning the rental unit to a habitable condition outside of the hours of 8:00 am through 5:00 pm, Monday through Friday; and
2. The temporary relocation of tenants to habitable replacement housing, in conformance with Section 728.00, et seq., of these regulations, with provision made for compensating tenants deprived of essential, previously available, housing services (e.g., cooking facilities, free laundry, or pet accommodations) as a result of temporary relocation.



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#### **723.02.6 Impact on Tenant Personal Property**

The landlord shall identify the impact of Seismic Retrofit Work and any Related Work on the personal property of affected tenants including a discussion of timing, severity, and duration, with regard to the following factors:

1. Work areas which must be cleared of furnishings and other tenant property;
2. Exposure of furnishings and other tenant property to theft;
3. Exposure of furnishings and other tenant property to elements or hazards; and
4. Other material impacts on tenant personal property.

#### **723.02.7 Protection of Tenant Property**

The landlord shall identify the mitigation measures that will be adopted to secure and protect tenant property from reasonably foreseeable damage or loss.

#### **723.03 Plan Acceptance**

##### **723.03.1 Departmental Determination**

The Department shall make a determination regarding the adequacy of a landlord's Tenant Habitability Plan within five working days of the Department's receipt of the plan for review. The Department shall accept those plans which meet the requirements of LAMC Section 152.03B and Section 723.02, et seq. of these regulations and which it determines, with reference to the standards set forth in California Civil Code Section 1941.1 and in these regulations, will adequately mitigate the impacts of Seismic Retrofit Work and any Related Work upon tenants. The Tenant Habitability Plan may allow for the temporary disruption of major building systems during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, without requiring the relocation of tenants in order to adequately mitigate the impacts upon the affected tenants. However, tenants should not be exposed at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

##### **723.03.2 Notification of Deficiencies**

Whenever the Department determines that a Tenant Habitability Plan is inadequate, the Department must provide landlords with a written description of the deficiencies that must be addressed. A landlord may submit an amended Tenant Habitability Plan in order to correct identified deficiencies, which the Department will review in accordance with Section 723.03.1 of these regulations or request an appeal contesting the Department's Tenant Habitability Plan determination.



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#### 724.00 RIGHT TO APPEAL AND APPEAL PROCESS

Both landlords and tenants have the right to appeal the Department's Determination on a Tenant Habitability Plan. If a Tenant Habitability Plan is appealed, work shall be stayed pending a Hearing Officer's determination.

#### 724.01 Landlord's Right to Appeal the Department's Determination

Landlords may appeal the Department's determination of a Tenant Habitability Plan to a Hearing Officer. The personal delivery or mailing by the Department of the Department's determination, pursuant to LAMC Section 152.03C, shall constitute service of the Department's determination. The appeal shall be made in writing, upon appropriate forms provided by the Department, and shall specify the grounds for appeal. The appeal shall be filed with the Department within 15 calendar days of the service of the Department's determination. If the deadline to appeal falls on a weekend or holiday, the appeal shall be filed by the following work day.

#### 724.02 Tenant's Right to Appeal the Tenant Habitability Plan

After the Department's acceptance of a Tenant Habitability Plan, the landlord must serve all tenants that may be affected by the work following the notice and service requirements of RAC Regulation Section 725.00, et. seq. Tenants may appeal the Department's Determination regarding a Tenant Habitability Plan to a Hearing Officer.

The appeal by the tenant shall be made in writing, completing an appeal form provided by the Department, and shall specify the grounds for appeal. The appeal shall be filed with the Department within 15 calendar days of the service of the Tenant Habitability Plan and Notice of Seismic Retrofit Work by the landlord to the tenant, pursuant to LAMC Section 152.04 and Section 725.01, et. seq. of these regulations. If the deadline to appeal falls on a weekend or holiday, the appeal shall be filed by the following work day.

If a tenant appeals the Department's acceptance of a Tenant Habitability Plan, the tenant is afforded an additional 15 day period to request permanent relocation from the date that the Department provides the appeal decision to the tenant.

#### 724.03 Appeal Administrative Fee

Landlord and Tenant Appeals shall be accompanied by the payment of an administrative fee of \$35.00. In accordance with LAMC Section 151.14C, this fee





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may be waived for any individual who files a declaration stating that he or she annually earns no more than 50% of the median income for the Los Angeles area as calculated annually by the U.S. Department of Housing and Urban Development.

#### 724.04 General Manager's Hearing

The requested hearing shall be held within 30 calendar days of the filing of the appeal following the procedures set forth in LAMC Section 151.07A.3. The Hearing Officer shall issue a written decision within ten calendar days of the hearing on the appeal, with a copy of the decision served on the landlord and tenants by first class mail, postage prepaid, or in person.

#### 724.05 Commencement of Work after Appeal

If a Tenant Habitability Plan is appealed by a landlord or tenant, the commencement of work on the project shall be stayed until a General Manager Hearing Officer Decision is issued on the appeal and all conditions described in the decision have been met.

#### 725.00 NOTICE AND SERVICE REQUIREMENTS

##### 725.01 Notice of Seismic Retrofit Work

Using a form established by the Department, the landlord shall serve each tenant household that may be affected by proposed Seismic Retrofit Work with the following, written in the language in which the original lease was negotiated:

1. A Notice of Seismic Retrofit Work;
2. A summary of the provisions of the Tenant Habitability Program (LAMC Section 152.00, et seq.);
3. If applicable, a permanent relocation agreement form;
4. A copy of the non-confidential portions of the Tenant Habitability Plan; and
5. An appeal form provided by the Department.

Service of these items shall be provided in the manner prescribed by Section 1162 of the California Code of Civil Procedure. The time of service for these items shall be no less than 20 days prior to the date on which the Seismic Retrofit Work is scheduled to begin.



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Each Notice of Seismic Retrofit Work shall provide, at a minimum, the information listed in the following subsections:

#### 725.01.1 Time Frame

A Notice of Seismic Retrofit Work shall indicate the estimated start and completion dates of the following:

1. The Seismic Retrofit Work and any Related Work associated with a Tenant Habitability Plan accepted by the Department; and
2. Any other work affecting the tenant that will be undertaken at or about the same as the Seismic Retrofit Work and any Related Work.

#### 725.01.2 Description of Work and Impact

A Notice of Seismic Retrofit Work shall provide:

1. A description of the Seismic Retrofit Work and any Related Work to be performed and how it will impact that particular tenant household; and
2. A description of any other work that will be undertaken at or about the same as the Seismic Retrofit Work and any Related Work and the impact of such work on that particular tenant household.

#### 725.01.3 Arrangements for Paying Rent

If Seismic Retrofit Work and any Related Work necessitate a temporary change in the arrangements for paying rent, the Notice of Seismic Retrofit Work shall include the following information:

1. The person and address where rent is to be paid;
2. The amount of rent; and
3. The next date rent is due.

Unless a temporary change in the due date is required by a third-party housing provider, the notice shall adhere to the current terms of the tenant's existing oral or written rental agreement.

#### 725.01.4 Details of Temporary Relocation

A Notice of Seismic Retrofit Work shall provide the details of temporary relocation including the name(s) and address(es) of temporary replacement housing, if necessitated by the Seismic Retrofit Work, and associated tenant rights under the Tenant Habitability Program. In addition, a Notice of Seismic Retrofit Work should provide the following:



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1. If applicable, the reasonable compensation that will be provided to a tenant who is temporarily deprived of essential, previously available housing services, such as access to cooking facilities, free laundry facilities or housing for pets, as a result of temporary relocation;
2. Information that the landlord and tenant may mutually agree to the landlord providing a per diem payment to the tenant in lieu of the landlord providing temporary replacement housing; and
3. Information that the tenant has the option to elect permanent relocation assistance, in consideration of the tenant's voluntarily terminating the tenancy and quitting the rental unit, in either of the following situations:
  - a. The habitability of the tenant's rental unit is impacted by Seismic Retrofit Work and any Related Work for a period of 30 days or more; or
  - b. The Seismic Retrofit Work and any Related Work continue for 30 days longer than the projected completion date set forth in the Tenant Habitability Plan or any modification thereto accepted by the Department.

#### 725.01.5 Tenant Questions

A Notice of Seismic Retrofit Work shall provide instructions on how a tenant with questions can consult the landlord, the Department, or the Department's designee. The landlord may designate an agent authorized to act on behalf of the landlord in this regard.

#### 725.01.6 Re-occupancy and Rent Adjustments

A Notice of Seismic Retrofit Work shall provide notice of a tenant's right to re-occupy the rental unit under the existing terms of tenancy upon completion of Seismic Retrofit Work and any Related Work, subject to rent adjustments as authorized under the RSO. The notice shall further provide a tenant with a good faith estimate of what rent increases may be allowed under the RSO because of the proposed Seismic Retrofit Work, Related Work, and any additional work to be undertaken in conjunction with the Seismic Retrofit Work.

#### 725.01.7 Tenant Right to Appeal

A Notice of Seismic Retrofit Work shall provide notice that the tenant may appeal the Department's acceptance of a Tenant Habitability Plan in cases where the tenant does not agree with the landlord regarding the necessity for the tenant to either be temporarily displaced or remain in place during Seismic Retrofit Work, provided such request is submitted to the Department in accordance with Section 724.02 of these regulations. The owner shall provide each tenant with an appeal



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form provided by the Department.

#### 725.02 Declaration of Service

Using a form established by the Department, landlords shall submit a declaration under penalty of perjury documenting service of those documents provided in Section 725.01 of these regulations to each affected tenant or tenant household prior to the Department's clearance of a Building and Safety permit for Seismic Retrofit Work.

#### 725.03 Notice of Agreement Electing Per Diem Payment for Temporary Relocation and/or Fixed Payment for Moving and Storage

If a landlord and tenant agree to allow the landlord to pay the tenant either (a) a per diem for temporary relocation, in accordance with Section 728.07.4 of these regulations or (b) a fixed payment to cover the costs of moving and/or storage of the tenant's personal property, in accordance with Section 738.08.4 of these regulations, the landlord shall provide the Department with a copy of the written agreement within 15 days of its execution.

Such agreement shall be written in the language in which the original lease was negotiated and include the following information:

1. The per diem or fixed payment amount;
2. The timing, frequency, and duration of any temporary relocation payments;
3. A listing of the items to be moved or stored, if any;
4. The method of payment to the tenant; and
5. A statement that the agreement is intended to be binding, admissible in court, and enforceable by a Court.

#### 725.04 Notice Electing Permanent Relocation Assistance

Tenants electing to terminate their tenancies in exchange for permanent relocation assistance, in accordance with LAMC Section 152.05 and Section 727.00 of these regulations, shall give landlords written notice of their decision using a permanent relocation agreement form established by the Department for this purpose. Landlords, in turn, shall provide the Department with copies of executed permanent relocation agreement forms within 15 days following service of the form on the landlord.



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#### 725.05 Notice of Unit Available for Re-occupancy

The landlord shall provide any tenant required to temporarily relocate to replacement housing during Seismic Retrofit Work with written notice of the date upon which the unit may be re-occupied and shall provide the Department with a copy of such notice. In instances when a tenant must relocate before being given notice of a date certain for return, the landlord's notice of the unit being available for re-occupancy shall be given in advance of the actual re-occupancy date, according to the following schedule:

1. If the temporary replacement housing involves a monthly contract with a third-party housing provider, the landlord shall provide notice to the tenant(s) of pending availability for re-occupancy no less than 30 days before the unit is available; or
2. If the temporary replacement housing does not involve a monthly contract with a third-party housing provider, the landlord shall provide notice to the tenant(s) of pending availability for re-occupancy no less than seven (7) days before the unit is available.

#### 726.00 Commencement of Seismic Retrofit Work

The landlord may commence Seismic Retrofit Work on a given building no sooner than 20 days from the date when the tenants of that building were served with those documents provided in Section 725.01 of these regulations. Such commencement of work is further subject to the landlord's completion of all mitigation measures that the Tenant Habitability Plan identifies are to be accomplished prior to the initiation of Seismic Retrofit Work.

#### 726.01 Plan Monitoring

The Department may monitor the adherence of landlords and tenants to the requirements of the Tenant Habitability Plan through the date of project completion or tenant re-occupancy, whichever is later. Such monitoring may include inspections as the Department determines to be warranted, including, but not limited to, inspections undertaken in response to complaints from affected parties.



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#### 727.00 PERMANENT TENANT RELOCATION

##### 727.01 Tenant Entitlement to Permanent Relocation Assistance

Any tenant affected by Seismic Retrofit Work and Related Work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance pursuant to LAMC Section 159.09.G in either of the following circumstances:

1. The Seismic Retrofit Work and any Related Work, as set forth in the Tenant Habitability Plan, will make a rental unit untenable or uninhabitable for 30 or more days; or
2. The Seismic Retrofit Work and any Related Work continues for 30 or more days longer than the projected completion date set forth in the later of either the Tenant Habitability Plan or any modifications thereto accepted by the Department.

##### 727.02 Tenant Election of Permanent Relocation Assistance

To elect permanent relocation assistance, a tenant shall inform the landlord of the decision by mailing or personally delivering a completed permanent relocation agreement form, provided by the Department, to the landlord or agents thereof in accordance with the following time frames:

1. Within 15 days of service, in the manner prescribed by California Code of Civil Procedure Section 1162, of the Notice of Seismic Retrofit Work and the non-confidential portions of the Tenant Habitability Plan;
2. Within 15 days of service, in the manner prescribed by California Code of Civil Procedure Section 1162, of written notice from either the landlord or the Department that the Seismic Retrofit Work and Related Work will continue for 30 or more days longer than the projected completion date stated in the later of either the Tenant Habitability Plan or any modifications thereto accepted by the Department; or
3. At any time after the initial projected completion date stated in the Tenant Habitability Plan has been exceeded by 30 or more days provided that no revised completion date was given to the tenant in accordance with subparagraph (2) above.

##### 727.08 Payment Requirements

Once the tenant has elected to receive permanent relocation assistance in



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accordance with LAMC Section 152.05 and Section 727.02 of these regulations, the landlord shall have 15 days to provide the tenant with relocation assistance in the manner and for the amounts set forth in LAMC Section 151.09G.

#### **728.00 TEMPORARY RELOCATION**

##### **728.01 Conditions Mandating Temporary Relocation**

The landlord shall indicate in the Tenant Habitability Plan whether the temporary relocation of one or more tenant households is necessary. Pursuant to LAMC Section 152.03, the Department independently may determine whether temporary relocation is necessary in conjunction with its review of the Tenant Habitability Plan. The Department may also require the temporary relocation of a tenant at any time during the Seismic Retrofit Work if the Department determines temporary relocation is necessary to ensure the health or safety of the tenant. In determining whether the health or safety of the tenant is in jeopardy, the Department may consider health and safety factors including, but not limited to, substandard conditions (California Health & Safety Code Section 17920.3), lead-based paint (Health & Safety Code Section 17920.10), and untenable rental housing conditions (California Civil Code Section 1941.1).

##### **728.02 Delays in Initiating Seismic Retrofit Work**

A significant delay in the landlord's initiation of Seismic Retrofit Work should be reflected in a corresponding delay in the requirement for a tenant to relocate. Whenever the start of Seismic Retrofit Work is delayed significantly, the failure of a tenant to relocate in conformance with the timing initially indicated in an accepted Tenant Habitability Plan shall not be considered an unreasonable interference with the landlord's ability to implement the requirements of that Tenant Habitability Plan.

##### **728.03 Maintenance of Tenancy**

The temporary relocation of a tenant under the Tenant Habitability Program shall not constitute the voluntary vacating of that rental unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the tenant's rental unit upon the completion of the Seismic Retrofit Work.

##### **728.04 Payment of Rent**

A tenant who is temporarily relocated as a result of Seismic Retrofit Work shall continue to pay rent in the manner prescribed by any lease provision or acceptance



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in the course of business between the landlord and the tenant unless modified by the landlord as provided in Section 725.01.3 of these regulations.

#### 728.05 Temporary Housing Accommodation Costs

A landlord shall pay for all temporary housing accommodation costs regardless of whether those costs exceed rent paid by the tenant.

#### 728.06 Escrow Accounts

A landlord may choose to place a tenant's rent and any other required payments in an escrow account. All costs of opening and maintaining the escrow account shall be borne by the landlord.

#### 728.07 Temporary Replacement Housing

A landlord shall temporarily relocate a tenant to habitable temporary housing accommodations if the Seismic Retrofit Work will:

1. Make the rental unit 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;
2. Expose the tenant at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos; or
3. Otherwise endanger the health or safety of the tenant.

#### 728.07.1 Temporary Replacement Housing for 30 or More Consecutive Days

If the temporary relocation lasts 30 or more consecutive days, the landlord shall make available comparable housing either within the same building or in another building. For purposes of this section, a replacement unit shall be comparable to the existing unit if both units are comparable in size, number of bedrooms, accessibility, proximity to services and institutions upon which the displaced tenant depends, amenities, including allowance for pets, if necessary, and, if the tenant desires, location within five miles of the rental unit. The landlord and tenant may agree that the tenant will occupy a non-comparable replacement unit provided that the tenant is compensated for any reduction in housing services.

#### 728.07.2 Temporary Replacement Housing for Fewer than 30 Consecutive Days

If the temporary relocation lasts less than 30 consecutive days, the landlord shall make available temporary housing that, at a minimum, provides habitable replacement accommodations either in the same building as the Seismic Retrofit





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Work, in a hotel or motel, or in other housing. If the temporary housing is in a hotel, motel or other housing, it shall:

1. Be located no greater than two miles from the tenant's rental unit, unless no such accommodation is available; and
2. Contain standard amenities such as a telephone.

Depending on the size and composition of a given tenant household, habitable temporary housing in a hotel or motel may require more than one hotel or motel unit.

#### 728.07.3 Payment Arrangements

If temporary replacement housing is to be provided at a location not owned or managed by the landlord, the landlord shall describe the payment arrangements that have been made in the Tenant Habitability Plan including:

1. The person to whom such payment will be made;
2. The time such payment will be made;
3. The period of time such payment will cover; and
4. The action the landlord will take should the period of temporary relocation need to be extended.

Should a landlord fail to make payments for temporary replacement housing in accordance with the Tenant Habitability Plan, such a failure shall constitute a reduction in housing services and entitle the tenant to a reduction in rent, in addition to any other remedies available under these regulations.

#### 728.04 Per Diem Payment

A landlord and tenant may mutually agree to allow the landlord to pay the tenant a per diem amount for each day of temporary relocation instead of the landlord providing temporary replacement housing. The agreement shall be written in the language in which the original lease was negotiated, signed by the landlord and tenant, and contain the tenant's acknowledgment that the tenant received notice of tenant rights under LAMC Section 152.06 and understands those rights. The landlord shall provide the Department with a copy of this agreement, in accordance with Section 725.03 of these regulations, within 15 days of its execution.

#### 728.07.5 Temporary Loss of Housing Services

The landlord shall provide reasonable compensation to tenants who are temporarily deprived of essential services that had been provided at the rental unit



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undergoing renovation. These deprivations include, but are not strictly limited to:

1. Loss of cooking facilities;
2. Loss of housing for a pet if allowed under the rental agreement; and
3. Loss of access to laundry facilities owned by the tenant or otherwise made available to the tenant without charge.

#### 728.08 Related Costs

##### 728.08.1 Moving Costs

A landlord shall pay all actual reasonable costs of moving a tenant to temporary replacement housing including, but not limited to:

1. Transportation of tenant personal property;
2. Packing and unpacking;
3. Insurance of personal property while in transit;
4. Compensation for any damage occurring during moving;
5. Storage of personal property;
6. Disconnection and re-connection of utility services; and
7. Any other additional costs attributable to a tenant's special need, including needs resulting from disability or age.

##### 728.08.2 Temporary Furnishings

A tenant shall not be temporarily relocated to an unfurnished rental unit without the provision of basic necessary furnishings. The landlord may provide temporary furnishings or the landlord may move, and later return, the tenant's furnishings.

##### 728.08.3 Protection of Tenant Property

A tenant's personal property shall not remain on site during Seismic Retrofit Work if it is exposed to hazards or is left unsecured, and the landlord shall be responsible for any temporary storage of tenant personal property necessitated by Seismic Retrofit Work. The landlord shall also be responsible for any damage or loss to tenant property incurred while in transit or in storage unless the tenant has assumed explicit responsibility for such transit or storage.

##### 728.08.4 Payment to Tenant for Moving or Storage

If mutually acceptable to both parties, a landlord and tenant may agree to allow



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the landlord to pay the tenant a fixed payment amount to cover the cost of moving and/or storing tenant personal property, if needed. In order to agree upon a fixed payment to the tenant instead of the landlord providing for moving and temporary storage, the tenant and landlord must conclude a separate written agreement, signed by both parties and written in the language in which the original lease was negotiated, setting forth the details of the payment arrangement and including the tenant's acknowledgment of the receipt of and understanding of a notice of rights under this section and LAMC Section 152.06. The landlord shall provide the Department with a copy of this agreement in accordance with Section 725.03 of these regulations.

### 728.08.5 Tenant-Paid Utilities

If the landlord uses tenant-paid utilities during the period the tenant is temporarily relocated, the landlord shall compensate the tenant for the cost of such usage within 15 days of delivery by mail or hand to the landlord of a written request by the tenant, including supporting documentation, for reimbursement.

### 728.09 Landlord Obligations

The Landlord shall fulfill the following obligations with regard to temporary replacement housing:

1. Provide for the temporary relocation of the tenant, as necessary, in accordance with Section 728.07, et seq., of these regulations;
2. Provide for the moving and storage of tenant furnishings, if necessary, in accordance with Section 728.08, et seq., of these regulations;
3. Provide for the security of tenant personal property remaining on site during Seismic Retrofit Work in accordance with Section 728.08.3 of these regulations;
4. Promptly notify the tenant of any change in the Tenant Habitability Plan that affects the timing or duration of the tenant's temporary relocation;

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5. Facilitate a tenant's timely return to his/her rental unit by performing all Seismic Retrofit Work in conformance with a Tenant Habitability Plan;
6. Notify the tenant of the date the unit is to be re-occupied in accordance with Section 725.05 of these regulations; and
7. Adhere to all other applicable requirements of the Tenant Habitability Plan.

### 728.10 Tenant Obligations

The tenant shall fulfill the following obligations with regard to temporary replacement housing:

1. Pay rent to the landlord;
2. Temporarily relocate, as required, in accordance with a Tenant Habitability Plan and Notice of Seismic Retrofit Work;
3. Provide the landlord with a contact address and phone number while temporarily relocated;
4. Notify the landlord if the tenant has entered into a monthly contract with a third-party housing provider; and
5. Adhere to all other applicable requirements of the Tenant Habitability Plan.

### 729.00 TENANTS REMAINING IN THE UNIT

#### 729.01 Safety of the Tenant

The landlord shall take action to ensure that a tenant is not subjected to conditions that present a threat to the tenant's safety and well-being as a result of Seismic Retrofit Work. For a tenant to remain in a rental unit while Seismic Retrofit Work is undertaken, untenable conditions shall be limited to the hours between 8 am and 5 pm, Monday through Friday, and all housing services necessary for the unit to be habitable shall be restored daily at the end of working hours

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(e.g., disconnected utility services restored by 5 pm). In some instances, however, specific tenant circumstances may make it unsafe for the tenant to remain in place, and the Department may determine that the tenant in question must be temporarily relocated.

The Tenant Habitability Plan shall include a detailed description of the precautions that will be undertaken to safeguard the health and safety of tenants remaining in place during the course of Seismic Retrofit Work in accordance with any regulations or guidelines promulgated by the RAC or the Department.

### 729.02 Tenant Personal Property

The landlord shall ensure reasonable protection and security for an affected tenant's personal property that remains in the rental unit during Seismic Retrofit Work.

### 729.03 Compliance with Tenant Habitability Plan

Both landlords and tenants shall adhere to the requirements of the Tenant Habitability Plan.

THIS INFORMATION IS OFFERED FREE OF CHARGE TO THE GENERAL PUBLIC.

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