

EVICTIONS - GOOD FAITH REQUIREMENTS

Rent Adjustment Commission Regulations • Section 610.00 •
Amended: February 24, 2006, March 15, 2007, July 23, 2009

Rent Adjustment Commission Regulations & Guidelines

- 610.00 GOOD FAITH REQUIREMENTS
- 610.01 These regulations are promulgated under authority given the Commission by LAMC Chapter XV, Article 1, Section 151.03 (LAMC 151.03).
- 610.02 A landlord may evict a tenant on grounds which are not based on actions by the tenant pursuant to LAMC Sections 151.09.A8, 151.09. A9, 151.09.A10, 151.09.A11, 151.09.A.12 and 151.09.A.13. In each of these evictions, the landlord must act in good faith in accordance with this Regulation.
- 610.03 Evictions for owner/family/resident manager occupancy have additional good faith requirements as set forth in regulation 614.00 below, and must comply with the provisions of regulation 620.00 et seq.
- 610.04 Determination of the good faith requirements of the Rent Stabilization Ordinance (LAMC Chapter XV, Article I) shall be based on the factors enumerated in this Regulation and any other relevant factors.
- 610.05 The phrase “in good faith” is borrowed from equity jurisprudence and must be interpreted accordingly. It simply means honestly; without fraud, collusion or deceit; really, actually, without pretense.
- 611.00 DEMONSTRATING GOOD FAITH
- 611.01 A landlord shall demonstrate good faith by:
- a. adhering to all provisions of the Rent Stabilization Ordinance and
 - b. not using the eviction as a method of circumventing any of the provisions of the Rent Stabilization Ordinance.
- 611.02 In order to show adherence to all provisions of the Rent Stabilization Ordinance, a landlord needs to be in compliance with at least the provisions set forth in regulation 612.00.

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- 611.03 The examples set forth in regulation 613.00, and regulation 614.00 when applicable, may be used to infer that a landlord is using an eviction as a method of circumventing the provisions of the Rent Stabilization Ordinance.
- 612.00 **ADHERING TO ALL PROVISIONS OF THE RENT STABILIZATION ORDINANCE**
- 612.01 The landlord has registered the unit and made a copy of the registration certificate available to the tenant, as required by law. (LAMC 151.05.A)
- 612.02 The landlord has paid annual interest on the security deposit when the deposit has been held for at least one year. (LAMC 151.06.02)
- 612.03 The landlord has been charging no more than the legal rent permitted by law. (LAMC 151.06, 151.07, 151.11)
- 612.04 The landlord has made available to the tenant the rental records required by Ordinance that justify the rent demanded or accepted (LAMC 151.05.C)
- 612.05 The landlord, in an eviction under LAMC 151.09.A8, 151.09.A9, 151.09.A10, or 151.09.A11 has filed with the Department the required declaration on or before the date on which the notice to quit is given to the tenant (LAMC 151.09.C2).
- 612.06 The landlord has provided each affected tenant with the Notice of Intent to Withdraw required for a termination of tenancy based on LAMC 151.09.A10. (LAMC 151.09.C.4.c)
- 612.07 The landlord has provided the Los Angeles Housing Department with the names of the tenants of each rental unit, the date on which the rental unit will be withdrawn from rental housing use and the rent applicable to that rental unit in the Notice of Intent to Withdraw required for a termination of tenancy based on LAMC 151.09.A10. (LAMC 151.09.C.4.a)
- 612.08 The landlord has notified the Los Angeles Housing Department in writing within thirty (30) days of receipt of a claim by a tenant that they are entitled to a one year extension of their tenancy because of their age or disability when the landlord is terminating their tenancy based on LAMC 151.09.A10. (LAMC 151.09.C.4.b. (4))
- 612.09 The landlord has complied with the three month and annual filing requirements in accordance with LAMC Section 151.30.F in an eviction for owner/family/resident manager occupancy pursuant to LAMC Section 151.09.A.8.
- 613.00 **EXAMPLES OF CIRCUMSTANCES FROM WHICH ONE CAN INFER AN INTENT TO CIRCUMVENT THE RENT STABILIZATION ORDINANCE FOR ALL NO FAULT EVICTIONS PERMITTED UNDER THE RENT STABILIZATION ORDINANCE**

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- 613.01 There is a pattern or practice of evicting tenants in lower rent units and not evicting tenants in higher rent units for evictions based on LAMC 151.09.A8, 151.09.A9, 151.09.A10, or 151.09.A11.
- 613.02 There is a pattern or practice of the landlord evicting tenants and subsequently raising the rents for successor tenants without complying with the Rent Stabilization Ordinance.
- 613.03 There is a pattern or practice of the landlord evicting tenants in lower rent units for occupancy by the owner, the owner's spouse, children or parents or a resident manager.
- 613.04 The landlord timed the eviction of the tenant for occupancy by the owner, the owner's spouse, parents or children, or a resident manager so that there are no available comparable replacement units in the building.
- 613.05 The landlord is evicting tenants in a lower rent unit for occupancy by a resident manager where the building has less than 16 units (California Code of Regulations Title 25, Section 42) and there are no unique circumstances pertaining to the building that would otherwise require the use of an on-site resident manager.
- 613.06 The landlord is retaliating against a tenant for having filed a complaint with a governmental agency (LAMC 151.09B).
- 613.07 There is a pattern or practice of the landlord evicting tenants based on permanent removal of the units from rental housing use under LAMC 151.09.A10 for the purpose of selling the units but the units continue to be used for residential rental use.
- 613.08 In an eviction for permanent removal from rental housing use (LAMC 151.09.A10), the justification given by the landlord for the units' permanent removal from the rental market in the Landlord Declaration of Intent to Evict submitted to the Los Angeles Housing Department does not necessitate the units' permanent removal from rental housing use.
- 613.09 In an eviction for permanent removal from rental housing use (LAMC 151.09A10), the landlord is evicting a tenant for occupancy by the landlord, landlord's relative, or for a resident manager in an attempt to bypass the restrictions imposed by LAMC 151.09A8.
- 613.10 The landlord is engaging in conduct that is in violation of state or local housing law.

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- 613.11 The landlord is evicting a tenant for failure to abide by the accepted Tenant Habitability Plan where the temporary replacement housing being offered is untenable and is in violation of California Health & Safety Code Section 17920.3 or 17920.10.
- 613.12 There is a pattern or practice of filing unsuccessful unlawful detainer actions against the tenant who is now being evicted under LAMC 151.09.A8, A9, A10 or A11.
- 614.00 EVIDENCE WHICH MAY INDICATE THE LANDLORD'S BAD FAITH IN AN EVICTION FOR OWNER/FAMILY/RESIDENT MANAGER OCCUPANCY
- 614.01 The landlord, eligible relative or resident manager failed to occupy the unit within three months of the vacation of the unit by the prior tenant. (LAMC Section 151.30.B)
- 614.02 The landlord, eligible relative or resident manager failed to occupy the unit for a period of two consecutive years. Occupancy for two consecutive years by different resident managers shall not constitute evidence of bad faith. (LAMC Section 151.30.B)

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