



Landlord Groups Granted Preliminary Injunction Against Los Angeles County

Los Angeles County Given Until December 1st to Modify or Abandon Eviction Moratorium

Federal District Court Judge's Order Granting Motion for Preliminary Injunction Cites Rampant Disparities and Ambiguities Within L.A. County Ordinance and Concludes the County's "Tenant Protections are Unconstitutionally Vague"

LOS ANGELES, CALIFORNIA – October 20, 2022: The Apartment Owners Association of California, Inc. (AOA) and the Apartment Association of Greater Los Angeles (AAGLA) jointly announced today that they have been granted a preliminary injunction they had been seeking to prevent enforcement of Los Angeles County's broad-based moratorium on residential tenant evictions. In the United States District Court judge's order granting the landlord group's motion for preliminary injunction, multiple violations of the "Vagueness Doctrine" and the complete lack of specific standards for how to apply various provisions contained within the County's eviction moratorium are cited. The District Court judge's order concludes that "Plaintiffs are likely to succeed on the merits of their claim that the Resolution's Tenant Protections are unconstitutionally vague."

The District Court has given Los Angeles County until December 1st to modify the eviction moratorium, and to give owners and tenants a chance to adjust, at which time it will no longer be able to enforce its eviction moratorium ordinance. According to the Order: "Effective December 1, 2022, the County is hereby enjoined from enforcing the Tenant Protections..."

In March 2022, AOA and AAGLA had filed a joint lawsuit in Los Angeles County Superior Court for the State of California on behalf of their members and the County's rental housing providers seeking, among other relief, an Injunction against the enforcement of the County of Los Angeles's residential eviction moratorium. Los Angeles County's so-called, "temporary" eviction moratorium has remained in place nearly three years, and is set to expire on December 31, 2022. The County's COVID-19 eviction protections cover not only the County's unincorporated areas, but also most of the incorporated cities within the County.

Jeffrey Faller, President of AOA stated: "There's no rational basis for the County keeping its eviction moratorium in effect for nearly three years especially since the health crisis ended long ago. For the County's tenants, a "rent holiday" has existed the entire time. As a result, many of our member's lives are ruined as they have been unable to collect rent, and lost their properties to foreclosure or fire sales, and many others have had to liquidate retirement savings or have gone into debt using credit cards in order to meet ongoing obligations like mortgage payments, property insurance, taxes, and ongoing maintenance and repair costs." Mr. Faller of AOA further commented: "For nearly three years, virtually

one thousand days, renters have taken advantage of the situation created by the County's ordinance by not paying rent because of alleged COVID-19 impacts while at the same time, they have afforded to travel, purchase new cars, and in the most egregious cases, purchased properties of their own."

Under the County's ordinance, tenants are merely allowed to "self-certify" their inability to pay rent due to COVID-19, and unilaterally decide to not pay rent based on the facts and circumstances they determined as if tenants had acted as their own "judge and jury." Faller further commented: "Eviction bans like the County's just encouraged unscrupulous renters to skip paying rent without recourse."

AAGLA's Executive Director, Daniel Yukelson, stated: "While this ruling is certainly great news for rental housing providers in Los Angeles County, the Court's decision comes a little too late as the County's ordinance is already set to expire on December 31, 2022. Nevertheless, we intend to continue pursuing our case and to obtain a final order declaring the County's ordinance unconstitutional to allow our AAGLA and AOA members to seek compensation from the County to cover what has surely added up to billions of dollars in losses." Yukelson further commented: "And, we won't be stopping there. Our lawsuit against the County will be our roadmap to obtain similar rulings against all other jurisdictions that implemented these harmful and irrational eviction moratoriums, including against cities such as Beverly Hills, Santa Monica, and West Hollywood."

Cheryl Turner, President of the AAGLA Board of Directors and candidate for California State Senate District 28, stated: "The County used the excuse of the global pandemic to wield unlimited power over private property owners. No business other than the rental housing business had been singled-out and forced to provide services for free. The County's ordinance lacked any semblance of balance and merely provided valuable benefits to the County's renters at the expense of landlords, particularly the small business, 'moms and pops' who make-up the majority of rental property owners in the County." Ms. Turner further commented: "When laws are created, legislators need to always endeavor to find the right balance and must be cognizant of the potential for unintended consequences. In this case, the unintended consequences forced rental housing providers out of business and ruined people's lives. Many of the County's housing providers suffered unnecessarily for nearly three years without stable rent collections and without any idea of when the moratorium would eventually end."

AAGLA and AOA are represented by attorney Douglas J. Dennington of Rutan & Tucker LLP of Irvine. Mr. Dennington stated: "Obviously, we are pleased with the Court's decision. There have been numerous challenges to eviction moratoriums across the U.S. Until this recent decision, none of these other cases have been successful to date."

During 2020, AAGLA had also filed a lawsuit against the City of Los Angeles on behalf of its members and the City's housing providers making a constitutional challenge to the City's moratoriums on evictions and on rent increases. That matter is still pending.

Founded in 1917, the Apartment Association of Greater Los Angeles seeks to promote the highest levels of professionalism within the multifamily rental housing industry. It provides a wide array of services and benefits that meet the needs of rental housing providers of all sizes, including educational seminars and member events, expert operational advice, and an extensive library of lease agreements and other forms needed to successfully own and manage rental properties. The Association also serves

as a powerful advocate and lobbyist for rental housing providers at the local, county, state, and federal levels of government. For more information, go to: www.aagla.org/legalfund.

The Apartment Owners Association of California, Inc. (AOA) is the largest individually-organized group of apartment owners in California. AOA members enjoy free downloadable forms, access to advisors who provide free property management advice, low-cost tenant screening, the most widely circulated apartment industry magazine in the state, Million Dollar Trade Shows, and many other [member benefits](#). At the beginning of the pandemic, AOA decided to provide free [COVID forms](#) and free [educational content on YouTube](#) to members and non-members alike as a sign of solidarity. AOA is committed to supporting rental property owners with the resources needed to make the business of providing housing more profitable, easier, and more enjoyable.

Contact: Daniel M. Yukelson, Executive Director
Apartment Association of Greater Los Angeles
Telephone: (213) 384-4131; Ext. 322

Jeffrey Faller, President
Apartment Owners Association of California, Inc.
Telephone: (818) 988-9200; Ext. 121