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February 7, 2023

The Honorable Karen Bass
Mayor, City of Los Angeles
200 N. Spring Street, Room 303
Los Angeles, CA 90012

The Honorable City Council
c/o City Clerk
Room 395, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Attention: Ms. Heleen Ramirez, Office of the Mayor

**RE: REPORT TO THE CITY COUNCIL REGARDING AMENDING LOS ANGELES MUNICIPAL
CODE 49.99.2.C**

Recommendation for Council Action, subject to the approval of the Mayor:

REQUEST the City Attorney to draft an ordinance amending the Los Angeles Municipal Code (LAMC) to require landlords and building managers to allow any companion animal residing in a rental dwelling unit pursuant to LAMC Section 49.99.2.C to continue residing there for the duration of the animal's natural life, or until the tenant either voluntarily relocates the animal or voluntarily vacates the premises.

Summary:

Los Angeles Municipal Code (LAMC) Section 49.99.2.C reads: "No Owner shall endeavor to evict or evict a residential tenant based on the presence of unauthorized occupants or pets, or for nuisance related to COVID-19 during the Local Emergency Period." This clause was adopted in March 2020 and has been in effect for more than two-and-a-half years. It has allowed tenants living in "no pets" buildings to either foster or adopt animals and accommodate them in their units or accommodate them when friends or family members moved in for health or economic reasons and brought companion animals with them.

At its meeting on August 23, 2022, the Board of Animal Services Commissioners approved a recommendation to the City Council that any amendments to LAMC Section 49.99.2.C altering or

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ending COVID-19 pandemic-related rental regulations should include a provision requiring landlords and building managers to allow any companion animal residing in a rental dwelling unit pursuant to that section to continue residing there for the duration of the animal's natural life, or until the tenant either relocates or voluntarily relocates the animal.

On October 4, 2022, the City Council adopted an Ad Hoc Committee on COVID-19 Recovery and Neighborhood Recovery report (plus floor amendments), which included a request that Section 49.99.2.C be amended to “[p]rovide that no-fault evictions for unauthorized pets and/or tenants can be enforced only after January 31, 2024, and after the landlord has provided a 30-day notice for the tenant to remedy the situation.” The City Council also requested the Department to report back and provide recommendations on the following:

- Policies and procedures for renters who have adopted pets during the emergency order who are in full compliance with all LAAS ordinances and regulations regarding pets, to retain — rather than relinquish—their companions.
- Potential changes to Section 49.99.2.C to require landlords and building managers to make an exception of any pets in violation of a lease that predates the emergency order and treat the pet as an Emotional Support Animal (ESA) companion animal or therapy animal using the guidelines such as those predicated by the Federal Fair Housing Act for the rest of their natural lives, the duration of the tenancy of the tenants lease, or until such time the tenant voluntarily relocates the pet or themselves.
- Policies in other jurisdictions that educate and regulate adoptions of pets by residents who are subject to lease agreements that may restrict or prohibit pets in rental properties further reducing rates of relinquishment.

Discussion:

A. Policies and Procedures For Renters Who Have Adopted Pets During the Emergency

Apart from allowing tenants to bring animals – either by adoption, fostering, or as a result of taking in friends or relatives who bring companion animals with them – into apartment units where they normally would not be allowed, Section 49.99.2.C does not affect any existing statutes, regulations, or policies.

All existing regulations regarding pets – such as limits on dogs and cats per household, noise and other nuisances, and dangerous behavior – continue to apply. No additional policies and procedures were developed by the Department to address this situation. There was no noticeable increase in service calls, complaints or relinquishments related to Section 49.99.2.C. The Department's experience has been that this ordinance modestly helped reduce the population of animals in its shelters during a period of time when they were essentially not open to the public.

B. Potential Amendments to LAMC Section 49.99.2.C

The Department recommends that the City Council request the City Attorney to amend the LAMC to allow any companion animal residing in a rental dwelling unit pursuant to Section 49.99.2.C to continue residing there for the duration of the animal's natural life, or until the tenant either voluntarily relocates the animal or voluntarily vacates the premises. The

protections of LAMC Section 49.99.2.C have allowed tenants living at “no pets” properties to foster, adopt, or otherwise take in animals and accommodate them in their units for over two-and-a-half years. If these protections end, pet owners living at these properties will likely be forced to surrender their pets. This would result in increased relinquishments to the City’s already crowded animal shelters. The proposed amendment would allow individuals to remain with their pets and prevent relinquishments to the City’s shelters.

As noted previously, all existing regulations regarding numerical limits, noise, and other nuisances would continue to apply. If an animal residing at a “no pet” property hasn’t proven to be problematic for the landlord or other tenants after living in a building during the pandemic (during which time it could have been removed for creating problems), it appears likely that it would not suddenly become problematic if allowed to remain at the property.

The City Council also requested a recommendation regarding the treatment of these pets as emotional support animals or other therapy animals. Service animals and emotional support animals are defined under and governed by federal and California law, and therefore it seems inadvisable to expand those definitions via the LAMC. However, amending the LAMC as proposed should suffice for keeping the unspecified, but likely not excessive, number of animals living in apartments where they weren’t previously permitted, housed for the time being.

C. Policies in Other Jurisdictions

The City Council requested the Department to report back on “policies that educate and regulate adoptions of pets by residents who are subject to lease agreements that may restrict or prohibit pets in rental properties further reducing rates of relinquishment.” The Department interprets this to be asking about laws that require that rental properties permit the presence of pets and programs or policies intended to make such arrangements more acceptable to all stakeholders.

This topic is not entirely new to the City. In 2016 the City Council adopted Council File 15-0843, which called for an interagency task force to look at how the City could encourage more adoption of companion animals by apartment tenants and educate landlords of the benefits of allowing animals in their buildings. This task force met with national experts and reviewed programs, policies, and laws from all over the United States. The task force did not recommend that the City pursue a politically problematic requirement that all apartment buildings permit companion animals. However, its work led to a multi-year series of workshops for landlords co-sponsored by Animal Services and the Housing and Community Investment Department (HCID) to educate them on the issues relating to and benefits of permitting animals in their units.

In 2019 the City Council adopted an ordinance pursuant to Council File 18-0350 which required that any apartment building utilizing public funding administered by HCID (now the Los Angeles Housing Department) permit tenants to have companion animals reside with them. This primarily applies to affordable housing projects of various types. It complements requirements associated with a number of federal and state affordable housing financing programs which also require companion animals to be permitted.

Looking at the situation across the country, there seems to be very few, if any, statutes which require landlords to allow companion animals in their units. The notable exception is a law in the City of New York, Administrative Code § 27-2009.1, which overrides a no-pet clause in a

residential lease. Under this "Pet Law," a landlord has waived their right to enforce a no-pet clause if: (1) the tenant has kept a pet "openly and notoriously;" (2) the landlord or their agent (superintendent) has known or should have known of the pet for three (3) months or more; and (3) the landlord does not begin court proceedings within three months of gaining knowledge of the pet.

The New York City Pet Law could be likened to a "pet squatting" law. However, its essence is similar to what generally is intended by the Board's recommendation: If a pet living in a no-pets building has not caused any problems it should be allowed to remain.

Fiscal Impact

The number of animals living in apartments as a result of LAMC 49.99.2.C is unknown. Therefore, the direct fiscal impact to the City of allowing companion animals to remain in apartments cannot be determined. However, if amending the regulation as proposed would diminish the number of animals relinquished to City animal shelters, it could reduce future Department shelter expenses.

If you have any questions on this matter, please contact Curtis Watts, Assistant General Manager via e-mail at curtis.watts@lacity.org.

Respectfully submitted,



Annette G. Ramirez
Interim General Manager