

## Letters to the Editor

The Pasadena Landlord “Witch Hunt”

Dear AOA:

I would like to share an experience with your readers, I had recently participating in the process of the not very well known **“Pasadena Mediation Ordinance”** or as I affectionately call it, “The Pasadena Witch Hunt”.

Among other things, this ordinance states that for any rent increase or notice to vacate to take effect, the tenant has a right to a mediation hearing with the landlord or landlord’s representative. This representative cannot be an attorney and an attorney cannot accompany the landlord. If the landlord refuses to attend, the rent increase or notice to vacate will not be valid unless and until the landlord attends. Also, the tenant can use the landlord’s refusal to attend in court, as a defense against an unlawful detainer action.

Several days after serving my tenant with a rent increase notice, I received correspondence from the “Housing Rights Center”, a non-profit tenant advocate group, stating that my tenant had requested a mediation hearing. I called the representative from the group to let her know I was not interested in attending a mediation. She informed me about the finer points of this legislation and forwarded me a copy. Although my attorney had never heard of this ordinance, he confirmed that it was, in fact, real. He brought up the point that my right to representation was being compromised by this ordinance and that if I chose to do so, I could fight the City of Pasadena. He said that after spending \$100,000 on attorney and court costs, and experiencing much heartache and headache, I would probably win. Instead, I scheduled the mediation.

I had never attended a mediation before, but assumed it would be held by a neutral party on neutral ground. This mediation was neither. Upon arriving at the address given to me, I realized I was walking into the City of Pasadena Housing and Community Development Office and the mediator was my tenant’s representative, who is employed by the “Housing Rights Center”, who is in turn, contracted by the City of Pasadena. I was in the lion’s den.

The mediation began with the tenant advocate introducing herself as a neutral mediator. Inside, I had to laugh. I proceeded with the mediation and somehow made it through the minefield of probing questions, designed, in my opinion, to sniff out any ammunition the tenant could use against me in a lawsuit. I negotiated an arrangement with my tenant, just so I could get the heck out of there.

The “Tenant Rights Center” is a non-profit organization which educates landlords about, and prosecutes landlords for, discrimination. Discrimination is wrong and should not be tolerated. This ordinance, however, is nothing short of an avenue for this tenant advocate group, to gather evidence against a landlord, who is unrepresented, uninformed, and unprotected, in order to investigate any charges that a tenant may be making against him

or her, potentially resulting in a lawsuit against the landlord. That, in my opinion, is equally as wrong. - *Name Withheld*

***[Editor's Note: Are cities that are not already under rent control slowly chipping away at the property owners rights? First, a mediation is set up by the city at the tenant's request to interrogate our rights to raise rents or terminate a tenancy and the next thing you know, they'll be voting in rent control. What other cities will follow suit? Burbank? Orange County? Cities in Northern California? This must be stopped! This is nothing more but another taking away of your private property rights and the destruction of our American System of Free Enterprise that still exists in these non rent-controlled areas. Please send us your story and share with our readers what "Big Brother" is doing to interfere with your property rights.]***

L.A. City Code Enforcement Strikes Again!

Dear AOA:

I am sending this letter to you in response to your article published in the AOA magazine about the "Nightmare with L.A. Systematic Code Enforcement".

I, too, have had unreasonable interaction with SCEP and they have charged me the ridiculous fees. I was able to resolve my problems after many, many hours on the phone and finally getting the initial inspection officer's name, the supervisor's name and the supervisor of the supervisor's name and then locating and going physically to his office to talk face to face. He waived my fees because I was able to present to him permits and sign-off notes to prove that the inspector was wrong. It was a nightmare and I was shocked all the way down the line with the arrogance and bullying that exists with the lower level inspectors.

They told me such things as "*You have to do whatever we tell you to do because you cannot fight the City and we will put a lien on your property and notify all your tenants that your building is substandard.*" My issue was a single window in a bedroom that was not double-hung, which is a current code requirement for bedrooms.

Then... they taped several pages of notices with "SUBSTANDARD BUILDING" all over my building and scared the mess out of my tenants ... [over one window!]

My building was built in 1926 and remodeled in 1989 and the windows were changed out and all permitted on a general building permit, which means the windows were not individually listed on the permit. I had to find the contractor's notes and sign off sheets for the permit issued for the general remodel (weeks of research). The remodel was done in 1989 before the code was changed to require double hung windows but never the less, they tried to make me change the window with a different window than what was on the

rest of the building. When I told them I knew the windows were permitted and grandfathered in, they told me I had to change the window or they would put a lien on my property and continue to charge me the (250%) late fees as long as I argued my point.

Then... they taped several pages of notices with “SUBSTANDARD BUILDING NOTICES” all over my building and scared the mess out of my tenants as they do not know the difference between a real dangerous living condition and a single, old, permitted window in a bedroom that is not up to 2006 code.

When I called SCEP after getting my first wave of the insane late fee to tell them the issue was being cleared up, they refused to remove the fees and they told me the same thing they told you – that the City Council okayed the fees. I felt betrayed by my city that I love and that I am an honest tax-paying contributor too.

I, too, am a pride of ownership landlord. I have a great relationship with all of my tenants who are all quality tenants. I am very active in doing my own safety inspections as well as keeping my buildings cosmetically very nice, inside and out.

It wasn't just the late fees that shocked me, it was the lower level inspectors bullying threats to fee me and put a lien on my property when it was clear that the window had been there for years and was consistent with the other windows in the building.

By the way, they gave me 30 days to replace the window which is impossible. They have to be permitted, ordered, installed and inspected – even Building and Safety knows you can't do that in 30 days.

Fortunately, I was able to reason with the upper level inspector who really understood his position and mine too. He was kind enough to resolve it but did tell me that the issue could come up all over again with the next inspection and I would have to go through this all over again and there was no guarantee that it would be resolved next time.

I would like to know why we can't sue SCEPS for harassment, for bullying and extortion. I was told that you cannot sue the City but something has to be done. No one, no organization should ever have the authority to just tell you what to do and threaten to fee you to death or ruin your business (via a lien or running your good tenants off) just because they are an inspector for SCEPS and it is their privilege to command you to do whatever they want.

Why is City Council ignoring this issue? Please feel free to forward this letter to the City Council. Thank you for listening. *Elizabeth Ann*