

# Landlord Occupancy – Owners

PROCESS

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The Rent Stabilization Ordinance (RSO) & Just Cause Ordinance (JCO) allows a landlord seeking in good faith to recover possession of a rental unit for use and occupancy as a primary place of residence for the landlord, the landlord's spouse, grandchildren, children, parents or grandparents or resident manager.

## Who Can Apply

Per the Los Angeles Municipal Code, a landlord may recover possession of a rental unit to occupy the unit as their primary place of residence for **no less than two consecutive years**, if the landlord possesses legal title to at least 25% of the property containing the rental unit.

A landlord may also recover possession of a rental unit for an eligible family member (spouse, child, parent, grandparent, or grandchild) to make the unit their primary place of residence for **no less than two consecutive years**, if the landlord possesses legal title to at least 50% of the property containing the rental unit.

A landlord can recover possession of a unit for occupancy by the landlord or eligible family member only once for that person in each rental complex the landlord owns.

## What You Must Do

Complete your RSO-unit **Declaration of Intent to Evict for Landlord Occupancy and Relocation Services or Demolition Monitoring Services Application** or your **Non-RSO Declaration of Intent to Evict for Landlord Occupancy and Relocation Services or Demolition Monitoring Services Application**.

Submit your completed forms and corresponding fees to LAHD. To see the ways to submit, **click here**

Include a copy of your Grant Deed or Trust document.

Make sure to include the name of the family member and their move in date.

Property owners are responsible for paying relocation assistance to tenants.

Pay application fees to LAHD. THESE FEES ARE NOT REFUNDABLE even if the tenant is found to be protected and cannot be evicted.

For details, please read the **Eviction for Occupancy by Owner, Family, Manager Bulletin**.

## Protected Tenants

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A landlord cannot recover possession of a rental unit occupied by a Protected Tenant. A Protected Tenant has continuously resided in a rental unit for at least ten years, and is either: (i) 62 years of age or older OR (ii) disabled as defined in Title 42 United States Code Section 423 or handicapped as defined in Section 50072 of the California Health and Safety Code. A Protected Tenant is also a tenant who is terminally ill as certified by a treating physician licensed to practice in the State of California, regardless of their length of tenancy.

Application fees submitted will **not** be refunded, including when it is determined that a tenant is a Protected Tenant.

## Most Recent Tenants, Comparable Units, Vacant Units & Medical Exemptions

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A landlord may recover possession of a rental unit only from a tenant who is the most recent tenant, who is not protected, to occupy a rental unit in the building with the same number of bedrooms needed by the landlord. The landlord may not recover possession if there is a vacant unit on the same property with the same number of bedrooms needed.

A landlord may recover possession from a different tenant if a different unit is required because of medical necessity, as certified by a treating physician licensed to practice in the State of California.

## Residency Requirement for Replacement Occupant

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The owner or eligible family member for whom the landlord terminated the tenancy must in good faith intend to occupy the rental unit within three months after the existing tenant vacates the rental unit, as their primary place of residence for a period of two consecutive years. Failure to occupy the rental unit within three months after the existing tenant vacates the unit, or failure to occupy the rental unit as a primary place of residence for a period of two consecutive years, may be evidence that the landlord acted in bad faith in recovering possession of a rental unit.

## Mom & Pop Determinations (Reduced Relocation Assistance Payments)

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Landlords who meet all of the following criteria are eligible to pay lower relocation assistance payments to the evicted tenant.

- The building containing the subject rental unit contains four or fewer rental units;

- Within the previous three years, the landlord has not paid the reduced relocation assistance fees to any tenant who resided in the building;
- The landlord owns no more than four units of residential property and a single-family home on a separate lot in the City of Los Angeles; and
- Any eligible relative who will move into the rental unit does not own any residential property in the City of Los Angeles.

## RELOCATION ASSISTANCE

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The relocation assistance determinations are mailed to the landlord and tenant and include the relocation assistance amount for each unit.

If you disagree with the relocation assistance determination, you have the right to appeal the determination within 15 days of the issuance of the relocation determination.

The property owner should provide the tenants with the relocation assistance payment within 15 days after the service of the eviction notice. This payment can be made either directly to you or through an escrow account.

## Appeal Process

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All parties have a right to appeal the Tenant Relocation Determination within **15 calendar days** from the date of their determination. Appeals must be received by LAHD with the completed **Appeal form** and the filing fee made payable to "City of Los Angeles". There is a low income exemption waiver included with the form.

To qualify for an exemption from the appeal filing fee, the applicant's annual household earnings must be no more than 50 percent of the median income in the Los Angeles area. If you do not qualify for an exemption, you must submit the filing fee before an appeal can be scheduled.

## Post-Tenancy Termination Filing Requirements

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Within three months of the tenant's vacation of the rental unit, the landlord must file with the LAHD a **Declaration of Occupancy** under penalty of perjury stating that the rental unit is occupied by the person for whom the landlord terminated the tenancy. Two additional declarations must be filed with the LAHD within thirty days preceding the first and second year anniversary of the tenant's vacation of the rental unit. The statement must confirm the continued occupancy by the person for whom the landlord terminated the tenancy.

If the rental unit is not being occupied by the owner or eligible family member for whom the landlord terminated the tenancy, then an explanation of why it is not being occupied should be provided.

A landlord who fails to file the **Declaration of Occupancy** under penalty of perjury as required shall pay a fine in the amount of \$250 per day for each day that the Declaration of Occupancy is delinquent.

## **Notice of Re-Rental Requirements**

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A landlord who offers a rental unit that was the subject of a Landlord Occupancy Declaration for rent or lease within two years after the tenant vacated the rental unit must first offer to rent the rental unit to the displaced tenant, provided that the tenant advised the landlord in writing, within 30 days of their displacement, of their desire to consider an offer to renew the tenancy.

If the tenant informed the landlord in writing of their desire to consider an offer to renew their tenancy, the landlord must inform the tenant via certified mail and provide the tenant with 30 days to respond to the offer.

If a landlord desires to re-rent a rental unit that was the subject of a Landlord Occupancy Declaration within two years of the vacation of the rental unit, the landlord must file with the LAHD a **Notice of Intention to Re-Rent Rental Unit**. The form must be filed before renting or leasing the rental unit.

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