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8   UNITED STATES DISTRICT COURT

9   CENTRAL DISTRICT OF CALIFORNIA

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11   APARTMENT ASSOCIATION OF LOS)   Case No. CV 20-05193 DDP (JEMx)
     ANGELES COUNTY, INC.,   )
12   )
                     Plaintiff,   )   **ORDER DENYING PLAINTIFF'S MOTION**
13   )   **FOR PRELIMINARY INJUNCTION**
          v.   )
14   )
     CITY OF LOS ANGELES, ET AL.,)   [Dkt. 46]
15   )
                     Defendants.   )
16

17

18   Presently before the court is Plaintiff Apartment Association

19   of Los Angeles County, doing business as the Apartment Association

20   of Greater Los Angeles ("AAGLA")'s Motion for Preliminary

21   Injunction. Having considered the submissions of the parties and

22   heard oral argument, the court denies the motion and adopts the

23   following Order.[1]

     I.   Background

24

25   _____

26   [1] The court has also considered submissions from amici curiae
     (1) National Housing Law Project ("NHLP"); (2) Professors Ananya
27   Roy and Paul Ong, of the University of California, Los Angeles
     ("UCLA Scholars"); and (3) the Cities of Chicago, Albuquerque,
28   Austin, Baltimore, Boston, Cambridge, Chelsea, Cincinnati,
     Columbus, Dayton, Gary, Santa Cruz, Santa Monica, Seattle, St.
     Paul, Oakland, Portland, Tucson, Somerville, and West Hollywood,

1   The COVID-19 global pandemic is the gravest public health

2   crisis in over a century. At present, the novel coronavirus has

3   killed at least 230,000 Americans and infected over 9 million

4   more.[2] The true toll may never be known, but is likely

5   significantly higher. The Centers for Disease Control and

6   Prevention ("CDC"), for example, estimates that the number of

7   "excess deaths" in the United States is closer to 300,000.[3]

8   Neither the State of California nor the City of Los Angeles have

9   been spared from the ravages of COVID-19. Nearly a million

10 Californians have been infected, and nearly 18,000 have died.[4]

11 Approximately 300,000 of those cases and 7,000 of those fatalities

12 have occurred in the Los Angeles area.[5]

13   Eight months into the pandemic, the City of Los Angeles

14 remains in a state of emergency. In accordance with

15 recommendations from national, state, and local public health

16 authorities, state and local officials have taken hitherto

17 unthinkable steps to slow the spread of the virus. For a time, all

18 state and city residents were ordered to stay confined to their

19 places of residence, with limited exceptions.[6] Although

20 _____

21   [2] See
    https://covid.cdc.gov/covid-data-tracker/?CDC AA refVal=https%3A%2F
22 %2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcases-updates%2Fcases-in
    -us.html#cases casesper100k
23
        [3] See https://www.cdc.gov/mmwr/volumes/69/wr/mm6942e2.htm
24
        [4] See https://www.cdph.ca.gov/Programs/OPA/Pages/NR20-293.aspx
25
        [5] See
26 http://dashboard.publichealth.lacounty.gov/covid19 surveillance das
    hboard/
27
        [6] See
28 https://covid19.ca.gov/stay-home-except-for-essential-needs/;

1   restrictions have eased somewhat at present, many types of

2   businesses and gathering places remain closed in Los Angeles,

3   including movie theaters, bars, athletic fields, theme parks, gyms

4   and fitness centers, museums, live performance venues, indoor

5   restaurants, and "non-critical" offices.[7] These measures, in

6   conjunction with other coronavirus-related concerns, have had

7   devastating economic consequences. By one estimate, over 16

8   million California households have lost employment income as a

9   result of the coronavirus.[8] Over the last six months, the

10   unemployment rate in the Los Angeles area has ranged from 15 to 20

11   percent.[9]

12   Crises of national scope require national responses.

13   Initially, the federal government rose to meet the economic

14   challenge presented by the COVID crisis and passed the Coronavirus

15   Aid, Relief and Economic Security Act ("CARES Act"), Pub. L. No.

16   116-136. Among the CARES Act's provisions were (1) a one-time

17   stimulus payment to taxpayers and (2) an additional $600 weekly

18   payment to Americans collecting unemployment benefits.[10] [11] Those

19

20   [6](...continued)
     https://www.lamayor.org/sites/g/files/wph446/f/page/file/20200527%2
21   0Mayor%20Public%20Order%20SAFER%20AT%20HOME%20ORDER%202020.03.19%20
     (REV%202020.05.27).pdf

22   [7] See
     https://corona-virus.la/sites/default/files/inline-files/MO COVID-1
23   9 What%27sOpen Updated%2020201007.pdf

24   [8] See
     https://www.census.gov/data/tables/2020/demo/hhp/hhp14.html
25

26   [9] See https://www.bls.gov/eag/eag.ca losangeles md.htm

27   [10] See
     https://home.treasury.gov/policy-issues/cares/assistance-for-americ
28   an-workers-and-families;
                                              (continued...)

1 additional unemployment payments expired, however, at the end of

2 July, and Congress has not provided for further stimulus payments

3 or other assistance to the American people. But the crisis has not

4 abated. As the pandemic has worsened, its economic consequences

5 have persisted.

6   These economic impacts have, unsurprisingly, affected the

7 ability of many residential tenants to make rent payments.

8 Somewhere between one million and 1.4 million California households

9 are behind on their rent.[12] Approximately 14% of renter households

10 in Los Angeles County are behind on rent, largely due to the

11 effects of the pandemic on employment.[13] These households include

12 over 450,000 people in the City of Los Angeles.[14]

13   As the CDC has explained, the novel coronavirus "spreads very

14 easily and sustainably between people who are in close contact with

15 one another . . . ."[15] "[H]ousing stability helps protect public

16 _____

17   [10](...continued)
   https://www.edd.ca.gov/about edd/coronavirus-2019/cares-act.htm

18   [11] Undocumented immigrants, including those who pay federal
   taxes with an Individual Taxpayer Identification Number, are not
19 eligible for one-time stimulus payments, nor are United States
   citizens who are married to and file taxes jointly with
20 undocumented spouses. See, e.g., Amador v. Mnuchin, No. CV
   ELH-20-1102, 2020 WL 4547950, at *4 (D. Md. Aug. 5, 2020). Many
21 vulnerable renters in Los Angeles are concentrated in immigrant
   neighborhoods. (UCLA Scholars brief at 7.)
22
        [12] See
23 https://www.census.gov/data/tables/2020/demo/hhp/hhp14.html

24   [13] See UCLA Scholars brief at 4:10-11.

25   [14] Id. at 5:12.

26   [15] See Dep't of Health and Human Serv.'s, Centers for Disease
   Control and Prevention, *Temporary Halt in Residential Evictions to*
27 *Prevent the Further Spread of*
   COVID-19, https://www.govinfo.gov/content/pkg/FR-2020-09-04/pdf/202
28   (continued...)

1 health because homelessness increases the likelihood of individuals

2 moving into congregate settings . . ." [16]   Thus, "[i]n the context

3 of a pandemic, eviction moratoria – like quarantine, isolation, and

4 social distancing – can be an effective public help measure

5 utilized to prevent the spread of communicable disease," and

6 "facilitate self-isolation by people who become ill or who are at

7 risk for severe illness from COVID-19."[17]

8   Recognizing that "[t]he COVID-19 pandemic threatens to

9 undermine housing security and generate unnecessary displacement of

10 City residents," the City of Los Angeles adopted, among other

11 measures, Ordinance 186606 ("the Eviction Moratorium," "City

12 Moratorium," or "Moratorium"). The Moratorium "temporarily

13 prohibits evictions of residential and commercial tenants for

14 failure to pay rent due to COVID-19, and prohibits evictions of

15 residential tenants during the emergency for no-fault reasons, for

16 unauthorized occupants or pets, and for nuisances related to COVID-

17 19." (Plaintiff's Request for Judicial Notice, Ex. 3 at 2.)

18 Landlords may continue to seek to evict tenants for other reasons,

19 and do not run afoul of the Moratorium at all if they seek to evict

20 a tenant on the basis of a good faith belief that the tenant does

21 not qualify for the Moratorium's protections.[18]   (Id. at 3, 4).

22

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23   [15](...continued)
    0-19654.pdf

24

25   [16] Id.

26   [17] Id.

27   [18] The Moratorium also creates a private right of action for
    residential tenants against landlords for certain violations, but
    only after written notice to the landlord and a fifteen day window
28 to cure the alleged violation. (Moratorium at 4-5.)

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