

## **Apartment Association of Greater Los Angeles Appeals Lower District Court's Decision**

### ***Move Seeks Emergency Relief From the City's Eviction Ban and Rent Freeze Moratoria***

**LOS ANGELES, CALIFORNIA – December 7, 2020:** Following the U.S. District Court's denial of injunctive relief in the Apartment Association of Greater Los Angeles' (AAGLA) Preliminary Injunction Motion against the City of Los Angeles, a Notice of Appeal has been filed by AAGLA in the U.S. Ninth Circuit Court of Appeals. In addition, AAGLA is seeking to expedite a hearing date no later than Mid-January 2021. AAGLA had previously filed its lawsuit against the City of Los Angeles in Federal Court this past June challenging the City's eviction ban, prohibitions on late fees and interest on unpaid rent, and moratorium on annual rent increases.

AAGLA's Executive Director, Daniel Yukelson, stated:

“While we were disappointed in the decision by the lower District Court, we knew from the beginning and it has always been our strategy to quickly move our case along to the Ninth Circuit Court of Appeals where we will not be stymied by precedent that fails to squarely address the government's irresponsible and illegal response to the pandemic. We are certain that this next step in the legal process will lead to the invalidation of the City's moratoria. The higher-level courts are in a far better position to address the complicated issues we seek adjudication of. In the event the Ninth Circuit Court of Appeals does not rule favorably, we are prepared to deploy other legal strategies and, when and if necessary, appeal the case to the U.S. Supreme Court where we are certain we will more likely receive a chance for a favorable ruling.”

Yukelson further stated: “We believe we provided absolute proof that landlords have or will be adversely impacted by the City's onerous and unfair moratoria. The U.S. District Court did not fully agree with our argument that the City has interfered with our proof or our lease contracts in violation of the U.S. Constitution. We look forward to demonstrating the irreparable harm being done to the City's landlords by the unfair and illegal moratoria in this next step in the process.”

AAGLA is represented by attorney Douglas J. Dennington of Rutan & Tucker LLP of Costa Mesa. Mr. Dennington stated: “More recent U.S. Supreme Court rulings appear favorable to our case. In a recent U.S. Supreme Court decision, the State of New York's restrictions on attending religious services at houses of worship were invalidated. This is a promising outcome for our case, although the standard of review for First Amendment violations is less deferential than the standard of review we face in our case against the City of Los Angeles. Nevertheless, this is a good sign that the U.S. Supreme Court will not simply suspend the U.S. Constitution during this pandemic in contrast to arguments made by state and local governments during the course of the pandemic that normal standards of review for constitutional claims should be suspended..”

AAGLA has and continues to argue that the City's moratoria have gone way beyond what is necessary by providing benefits to the City's renters at the expense of all landlords, particularly the smaller “mom and pop” property owners who make-up the majority of rental property owners in the City. AAGLA Board of Directors President, Earle Vaughan, stated: “Our members and the City's rental property owners have now been suffering financially for 10-months without rent collections, while at the same time being required to meet their ongoing financial obligations such as City fees and services, property taxes, insurance and personal expenditures such as housing, medical care, food and clothing for themselves and their families. Landlords in the City continue to

suffer under the City's ordinance with no relief or assistance of any kind offered to help the many financially struggling housing providers."

Board Member and incoming AAGLA President, Cheryl Turner, stated: "The City's use of the Pandemic to wield unbridled power and strip away Constitutional Rights by singling-out rental property owners by requiring them to subsidize the livelihoods of others, interfering with contractual relationships between landlords and their tenants, and stripping away all the tools and flexibility required to collect rent or workout repayments of rent are clear violations of the U.S. Constitution. Our fight will not be over until we obtain a final judgment by the U.S. Supreme Court. We know we can and we will prove the City is clearly wrong here."

The Apartment Association of Greater Los Angeles seeks to promote the highest levels of professionalism within the multifamily rental housing industry. It accomplishes this objective by providing a wide array of educational seminars and member events throughout each year, by offering expert operational advice, and by supplying and maintaining virtually every conceivable agreement, form, and notice rental housing providers require 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. Owning and operating rental housing today has become a highly regulated industry, and accordingly, owning and managing rental property has become far more challenging and riskier than ever before. Without an organization such as the Apartment Association of Greater Los Angeles, there would be no other voice fighting for the rights of property owners within city halls, county offices, and at state and federal capitols. AAGLA IS THE VOICE THAT EFFECTS CHANGE!

The Apartment Association of Greater Los Angeles seeks the assistance of rental housing providers and other interested parties through contributions to its Legal Fund at [www.aagla.org/legalfund](http://www.aagla.org/legalfund).

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