

The Coalition for Economic Survival has been providing its full support and assistance to the Barrington Plaza Tenants effort to stop this unjust evictions

NEWS RELEASE

Barrington Plaza Tenants' Association Renters' Rights Victory Finalized

Tentative Tenant Lawsuit Ruling Upheld Ellis Act Mass Evictions Are Illegal

Today, Los Angeles County Superior Court Judge H. Jay Ford, III issued his 'Statement of Decision' essentially upholding his tentative ruling in favor of the Barrington Plaza Tenants Association that the Ellis Act evictions they were facing were illegal.

In Judge Ford's ruling he states the following:

Having considered the evidence and arguments presented in the trial and having issued a tentative decision and proposed statement of decision, and having considered the parties respective objections to that proposed statement of decision and taken the matter under submission, the Court issues following statement of decision under Code of Civil Procedure §632

ORDER OF JUDGEMENT

On the stipulated "Ellis Act Intent Issue" in this consolidated trial, the Court finds Barrington Pacific, LLC, and Douglas Emmett, Inc., did not possess the intent required under the Ellis Act and the Los Angeles Rent Stabilization Ordinance (RSO) to remove all the apartments in Barrington Plaza from rental housing use. The Court concludes the requisite intent required under the Ellis Act and the RSO is the intent to withdraw the rental units from the rental market indefinitely and with no present intent to relet those units in the future.

Based on the preponderance of the evidence, the Court finds on May 8, 2023, when Barrington Pacific filed its Notice of Intent to Withdraw Units from Rental Housing Use with the City and served its notice of termination on its tenants, Barrington Pacific did not intend to permanently remove those apartments from the rental market under the RSO or otherwise intend "to go out of business" as contemplated under the Ellis Act. But rather, Barrington Pacific had the intent to temporarily withdraw the apartments in Barrington Plaza from rental use with the specific intent to relet those apartments as soon as it completed its planned renovations to all the apartments including installing fire and safety improvements, fire sprinklers, and other modernization upgrades, all which Barrington Pacific planned for and expected would take three to five years to complete.

Therefore, on this stipulated issue the Court finds in favor of Plaintiff Barrington Plaza Tenant Association and against Defendants Douglas Emmett, Inc., and Barrington Pacific, LLC, in the action for declaratory relief (Case No. 23STCV 13323) and in favor of the Defendant tenants and against Barrington Pacific in the consolidated actions for unlawful detainer. Counsel for the Tenant Association and unlawful detainer Defendants are to meet and confer to submit a stipulated proposed consolidated judgment, or separate judgments. in the actions for unlawful detainer and the action for declaratory relief.

On June 12, 2023, the Barrington Plaza Tenants Association filed its complaint for declaratory and injunctive relief against Barrington Pacific and Douglas Emmett. The complaint sought a judicial declaration that Barrington Pacific did not have good cause to evict the tenants of Barrington Plaza under the Ellis Act.

On June 13, 2024, a year later almost to the day, Los Angeles County Superior Court Judge H. Jay Ford, III issued a tentative ruling in favor of the tenants.

Today's ruling confirms that the evictions filed are invalid and tenants get to remain.

The tenant's lawsuit, which sought to stop the mass eviction at the 712 rent controlled Barrington Plaza Apartments in West Los Angeles, was based on a state law that allows landlords to evict if they plan to remove the units from the rental market. The lawsuit accused Douglas Emmett, Inc of operating in "bad faith" in that it has no intention of going out of the rent business, which is required by state law in order to evict. Tenants are claiming they are being evicted by the corporate landlord to renovate and gentrify the building so it can

re-rent it at much higher luxury rents.

The judge agreed and made the following findings:

- The Court Concludes Barrington Pacific Failed to Prove It Intended to Permanently Remove the Rental Units in Barrington Plaza from Rental Housing Use under Los Angeles Municipal Code Section 151.09, Subdivision A10.
- The Court Concludes Barrington Pacific Failed to Prove Its Withdrawal of the Rental Units in Barrington Plaza from the Rental Market Is Protected under the Ellis Act.
- The Court Concludes Barrington Pacific Failed to Prove the RSO's Requirement That a Landlord Have the Intent to Permanently Remove the Rental Units from Rental Housing Use Is Preempted by the Ellis Act.
- The Court Concludes Barrington Pacific Failed to Meet Its Burden to Prove Its Intent to Demolish the Rental Units under Los Angeles Municipal Code Section 151.09, Subdivision A10(a), or the Ellis Act.

Barrington Plaza tenants and the [Coalition for Economic Survival](#) see the lawsuit as a tremendous victory in the effort to defend rent control in Los Angeles and throughout the state.

Larry Gross, executive director of the [Coalition for Economic Survival](#), which has been providing crucial support for the tenants, said, "This is, no doubt, one of the most important tenants' rights legal victory in state history. It's a victory that shows when tenants unite and organize they can win. They did it without support from their City Councilmember or the LA City Attorney who refused to take any legal action on behalf of the tenants. Both these officials were recipients of large amounts of donations to their election campaigns, which may be the reason," Gross concluded"

The state's Ellis Act gives landlords the right to get out of the rental business and the Los Angeles Rent Stabilization Ordinance controls rent increases, limits permissible evictions for tenants in rent stabilized units and addresses how the Ellis Act will be applied locally. Under L.A. city law, one legally allowed reason to evict is if an owner is going to remove a rental unit "permanently from rental housing use."

Attorney Fran Campbell with the [Law firm of Campbell and Farahani](#) in representing the Barrington Plaza Tenants Association argued in court, "We are extremely glad that the judge agreed with us that a landlord who is evicting its tenants under the Ellis Act to make repairs is not 'going out of business.' Their intent was clearly to improve its property, re-rent the units and increase its rents in the future. That is not what the Ellis Act is about."

[Barrington Plaza Tenant Association](#) leader Monique Gomez said. "We have been fighting these bogus evictions for over a year now. Tenants

here have faced harassment, intimidation and uncertainty without little to no help from the City. It shows when we stick together we can win. Today we celebrate and continue to fight for the return of the tenants who moved out in fear of what has been determined to be illegal evictions"

-30-



Please Donate to the
Coalition for
Economic Survival
Support CES' Work!



Donate to the Coalition for Economic Survival (CES)

Help Support the Coalition for Economic Survival. Donate Now!

One-Time

Monthly

\$10

\$25

\$50

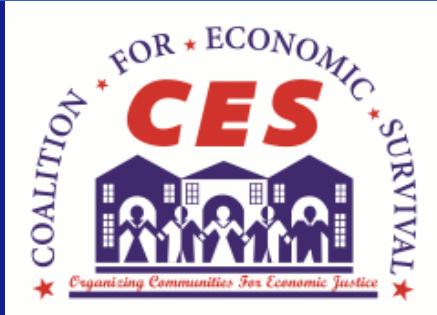
\$100

\$250

\$500

\$1,000

\$ Other



Coalition for Economic Survival

Telephone: (213) 252-4411

Fax: (213) 252-4422

contactces@earthlink.net

www.cesinaction.org

Mailing Address:

Coalition for Economic Survival

14320 Ventura Bl #537, Sherman Oaks, CA
91423



Coalition for Economic Survival | Mailing Address: 14320 Ventura Bl - PMB 537 | Sherman Oaks, CA 91423 US

[Unsubscribe](#) | [Update Profile](#) | [Constant Contact Data Notice](#)

