

Background Explainer: Proposed Private Right of Action for Home-Sharing Enforcement

Why This Is Before the Board

The City Council is considering a proposed ordinance to create a private right of action for enforcement of the Los Angeles Home-Sharing Ordinance. This issue is pending under Council File 14-1635-S10.

A private right of action would allow residents or community organizations to bring a civil action to stop or remedy unlawful short-term rental activity when City enforcement is insufficient.

This was heard in committee in May, and we already know that the City Attorney's office is redrafting it to make it stronger. This is our opportunity to chime in to have an effect on the process.

What Council Asked For

In December 2024, the City Council requested a private right of action modeled after the False Claims Act. The motion specifically contemplated two important features:

1. A mechanism allowing the City to intervene in the case to ensure its interests are represented; and
2. A provision allowing the person bringing the action to share in a portion of the damages, fines, or penalties imposed.

Those features matter because they create both City oversight and a practical incentive for private enforcement.

What the City Attorney Draft Does

The City Attorney's draft ordinance creates a much narrower and more delayed process. As drafted, it would:

1. Limit standing to an "Aggrieved Neighbor" living very near the violating short-term rental rather than allowing any interested person or affected community organization to sue;
2. Require notice to the City Attorney before a private action can proceed;

3. Allow up to 65 days for the City Attorney to decide whether to investigate;
4. Allow an additional 120 days if the City Attorney elects to investigate;
5. Require an additional cure period before suit may be filed; and
6. Omit the False Claims Act-style intervention and penalty-sharing provisions that Council requested.

In practical terms, the draft could delay private enforcement for months before an affected resident or organization can even file suit. We already know that enforcement delayed is enforcement denied.

Why the Draft May Not Work

The proposed ordinance is intended to provide a backstop where City enforcement has failed. But if the private right of action is too narrow, too slow, or too dependent on the same enforcement system it is meant to supplement, it may not provide a meaningful remedy.

Key concerns include:

1. Standing is too narrow. A 1,000-foot “Aggrieved Neighbor” standard may exclude residents and neighborhood organizations affected by broader patterns of unlawful short-term rental activity.
2. The delay is too long. A private remedy is not useful if residents must wait approximately six months before seeking relief.
3. The draft does not require enough transparency. If the City delays private enforcement by electing to investigate, the notifying party should receive the nonprivileged evidence informing the City’s decision whether to investigate and whether to pursue enforcement.
4. The draft omits key features Council requested. The proposed ordinance does not meaningfully include the City-intervention and penalty-sharing structure described in the original Council motion.
5. The remedy may not be economically usable. Private plaintiffs need meaningful remedies, including injunctive relief, civil penalties, attorneys’ fees, costs, and other relief sufficient to stop and deter violations.

Why an Express Private Right Matters

Residents should not assume they already have a general right to sue to enforce a municipal ordinance. In *Cohen v. Superior Court*, the Court of Appeal held that Government Code section 36900(a) does not authorize private parties to bring civil suits to enforce local ordinances unless a specific law provides that right. The California Supreme Court has granted review, so the issue remains legally unsettled.

That uncertainty makes this ordinance especially important. If the Home-Sharing Ordinance does not contain an express and usable private right of action, affected residents and

community organizations may be left without a direct way to enforce the ordinance when City enforcement fails.

Comparison: Santa Monica

Santa Monica's home-sharing law provides a simpler and broader model. Santa Monica Municipal Code section 6.20.100 states that "any interested person may seek an injunction or other relief to prevent or remedy violations" of the chapter.

That approach is broader than the City Attorney's proposed Los Angeles draft. It does not depend on a narrow 1,000-foot standing rule or a long City-controlled delay before suit may be filed.

Bottom Line

The question is not whether Los Angeles should create a private right of action. Council has already asked for one. The question is whether the ordinance will create a remedy that affected residents and community organizations can actually use.

As drafted, the ordinance risks creating the appearance of private enforcement without providing a practical enforcement tool. BABCN's proposed CIS asks the City Council to revise the draft so that the private right of action is clear, timely, transparent, and usable.