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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GHP MANAGEMENT CORPORATION,)	Case No. CV 21-06311 DDP (JEMx)
)	
Plaintiff,)	
)	ORDER GRANTING MOTION TO
v.)	INTERVENE
)	
CITY OF LOS ANGELES,)	[Dkt. 20]
)	
Defendant.)	
)	

Presently before the court is a Motion to Intervene as defendants filed by three nonprofit organizations: Alliance for Community Empowerment ("ACCE"); Strategic Actions for a Just Economy ("SAJE"); and Coalition for Economic Survival ("CES") (collectively, "Proposed Intervenors"). Having considered the submissions of the parties, the court grants the motion and adopts the following Order.¹

I. Background

At the outset of the COVID-19 pandemic, Defendant City of Los Angeles ("the City") enacted Ordinance No. 186585, which was later updated by Ordinance No. 186606 (collectively, the "Eviction

¹ Defendant City of Los Angeles does not oppose the motion.

1 Moratorium" or "Moratorium"). Plaintiffs allege that the Eviction
2 Moratorium "effectively precludes residential evictions."
3 (Complaint ¶ 45.) The Moratorium prohibits landlords from
4 terminating tenancies due to COVID-related nonpayment of rent, any
5 no-fault reason, certain lease violations related to additional
6 occupants and pets, or removal of rental units from the rental
7 market. (Complaint ¶ 46.) The Moratorium further allows tenants
8 who have missed rent payments a one-year period to pay delayed
9 rent, starting from the end of the ongoing local emergency period.
10 (Id.) Tenants may sue landlords and seek civil penalties for
11 violations of the Moratorium. (Id. ¶ 49.)

12 Plaintiffs, comprised of (1) thirteen limited liability
13 corporations or limited partnerships that own apartment buildings
14 and (2) the management company that manages the buildings, own or
15 manage nearly five thousand apartment units in Los Angeles.
16 Plaintiffs allege that the Moratorium constitutes an uncompensated
17 taking of private property in violation of the Fifth Amendment's
18 Takings Clause, as well as the California Constitution's Takings
19 Clause. Plaintiffs' Complaint seeks an award of "just
20 compensation," costs, and attorney's fees, but does not seek to
21 invalidate or enjoin enforcement of the Moratorium.

22 Proposed Intervenors now seek to intervene as defendants.
23 ACCE is an organization engaged in "ground-up organizing to build a
24 strong people's movement to create transformative community
25 change." (Declaration of Joseph Delgado ¶ 2.) ACCE's housing
26 justice campaigns focus "on helping families stay in their homes,
27 preserving affordable housing, and pushing for equitable housing
28 practices across California, including in Los Angeles." (Id.)

1 ACCE organizes in low and very low-income neighborhoods, and its
2 Los Angeles membership is “predominately Black and Brown, including
3 a significant number of undocumented Angelenos.” (Id. ¶ 3.) Most
4 of ACCE’s members are severely rent burdened. (Id. ¶ 4.) Demand
5 for ACCE’s eviction defense clinics has more than doubled during
6 the pandemic. (Id. ¶ 7.)

7 SAJE “serves predominantly low-income and very low-income
8 people of color in [] South Central Los Angeles,” and advocates for
9 “tenant rights, healthy housing, and equitable development in South
10 Los Angeles.” (Declaration of Cynthia Strathmann ¶¶ 2,4.) Like
11 ACCE, SAJE has seen a “substantial uptick” in demand for its tenant
12 assistance services since the onset of the pandemic. (Id. ¶ 8.)
13 CES is a “grassroots community-based organization dedicated to
14 organizing low and moderate-income people to win economic and
15 social justice throughout the greater Los Angeles Area.”
16 (Declaration of Larry Gross ¶ 2.) Since the pandemic began, CES,
17 too, has seen a “marked uptick” in the number of people seeking
18 assistance tenants’ rights assistance, specifically with respect to
19 inability to pay rent, harassment from landlords, and landlords’
20 refusal to maintain habitable dwellings. (Id. ¶¶ 3-4.)

21 Proposed Intervenor seek to defend the Moratorium, without
22 which, Intervenor posit, their members and other tenants would be
23 forcibly displaced from their homes. (Motion at 2:6-9.)

24 **II. Legal Standard**

25 Under Federal Rule of Civil Procedure 24, a court must allow
26 intervention by any movant who “claims an interest relating to the
27 property or transaction that is the subject of the action, and is
28 so situated that disposing of the action may as a practical matter

1 impair or impede the movant's ability to protect its interest,
2 unless existing parties adequately represent that interest." Fed.
3 R. Civ. P. 24(a)(2). An applicant meets these criteria, and may
4 intervene as of right, if (1) the motion is timely; (2) the
5 applicant has a "significant protectable" interest relating to the
6 action; (3) disposition of the action may, as a practical matter,
7 impair or impede the applicant's ability to protect that interest;
8 and (4) the applicant's interest is inadequately represented by the
9 parties to the action. California ex rel. Lockyer v. United
10 States, 450 F.3d 436, 440 (9th Cir. 2006). When evaluating these
11 requirements, courts are guided by "practical and equitable
12 considerations," and generally construe the Rule to apply "broadly
13 in favor of proposed intervenors." Wilderness Soc. v. U.S. Forest
14 Serv., 630 F.3d 1173, 1179 (9th Cir. 2011) (quoting United States
15 v. City of Los Angeles, 288 F.3d 391, 397 (9th Cir. 2002))
16 (internal quotation omitted).

17 Alternatively, when an intervenor cannot satisfy the four-part
18 test for intervention as of right, courts may allow anyone who "has
19 a claim or defense that shares with the main action a common
20 question of law or fact" to intervene. Fed. R. Civ. P.
21 24(b)(1)(B).

22 In evaluating motions to intervene, courts must "take all
23 well-pleaded, nonconclusory allegations in the motion to intervene,
24 the proposed complaint or answer in intervention, and declarations
25 supporting the motion as true." Sw. Ctr. for Biological Diversity
26 v. Berg, 268 F.3d 810, 820 (9th Cir. 2001)

27 **III. Discussion**

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1 At the outset, it must be noted that Plaintiffs are not the
2 first to challenge the Eviction Moratorium. Soon after the
3 implementation of the Moratorium, the Apartment Association of Los
4 Angeles, an organization that advocates on behalf of rental
5 property owners such as Plaintiffs, brought a constitutional
6 challenge to the Moratorium, including claims under the Takings
7 Clause. See Apartment Ass'n of Los Angeles Cty., Inc. v. City of
8 Los Angeles, No. CV2005193DDPJEMX, 2020 WL 4501792, at *1 (C.D.
9 Cal. Aug. 5, 2020) ("AAGLA"). Two of the Proposed Intervenors
10 here, ACCE and SAJE, sought, and were permitted, to intervene as
11 defendants in AGGLA. In AAGLA, ACCE and SAJE asserted an interest
12 in defending tenants' "legally protected property interest in
13 remaining in their homes." AGGLA, 2020 WL 4501792 at *2. In
14 allowing intervention as of right, this Court determined that the
15 City would not necessarily adequately represent or defend that
16 interest. Id. at *3.

17 Here, proposed Intervenors make arguments similar to those
18 raised in AAGLA. Proposed Intervenors assert an "interest in the
19 ongoing applicability of the Ordinances' protections, which
20 directly impact many of their tenant members." (Mot. at 13:8-10.)
21 With respect to the practical effect of a disposition in this
22 matter, Proposed Intervenors contend that a declaratory judgment in
23 Plaintiffs' favor could be used by other landlords to obtain
24 injunctive relief, or compel the City to, in the face of
25 overwhelming liability for compensatory payments, end the emergency
26 declaration and terminate the Moratorium earlier than COVID and its
27 attendant economic effects would otherwise dictate. (Mot. at
28 14:21-28.) The result, Proposed Intervenors argue, would be an

1 "outbreak of eviction proceedings," a rise in homelessness, and
2 increased risk of the spread of COVID-19. (Mot. at 15:6-18.)
3 Proposed Intervenor argue further that, as in AAGLA, the City (1)
4 does not share Proposed Intervenor's interests, especially insofar
5 as the City seeks solutions that would benefit Plaintiffs
6 themselves, and (2) does not have the knowledge or information
7 necessary to adequately represent Proposed Intervenor's low-income
8 members and clients' interests.

9 Plaintiffs here raise arguments that were also raised, and
10 rejected, in AAGLA. Plaintiffs argue, for example, that Proposed
11 Intervenor have failed to show that the City is incapable of
12 representing Proposed Intervenor's interests because "[t]here is an
13 assumption of adequacy when [a] government is acting on behalf of a
14 constituency that it represents." Arakaki v. Cayetano, 324 F.3d
15 1078, 1086 (9th Cir. 2003). At the same time, however, "[t]he
16 burden on proposed intervenors in showing inadequate representation
17 is minimal, and would be satisfied if they could demonstrate that
18 representation of their interests 'may be' inadequate." Id.
19 Courts, including the Ninth Circuit, "have permitted intervention
20 on the government's side in recognition that the intervenors'
21 interests are narrower than that of the government and therefore
22 may not be adequately represented." Id. at 1087 (collecting
23 cases).

24 Oakland Bulk & Oversized Terminal, LLC v. City of Oakland is
25 not to the contrary. As explained in AAGLA, the Oakland Bulk court
26 concluded only that the proposed intervenors there had not met
27 their burden to demonstrate that the governmental entity would or
28 could not represent the intervenors' narrow set of interests.

1 Oakland Bulk, 960 F.3d 603, 620 (9th Cir. 2020); AGGLA, 2020 WL
2 4501792 at *3 n.1. Here, in contrast, Proposed Intervenors have
3 submitted evidence that their interests and the City's diverge. As
4 an initial matter, Proposed Intervenors' very existence is premised
5 on the notion that governmental policies have failed to secure
6 economic or social justice, including housing stability, for
7 Proposed Intervenors' members. (Delgado Decl. ¶ 2; Strathmann
8 Decl. ¶ 2; Gross Decl. ¶ 2.) Furthermore, with respect to the
9 specific ordinances at issue here, although Plaintiffs are correct
10 that Proposed Intervenors' interests coincide with those of the
11 City to the extent that both have some desire to maintain some
12 level of eviction protections, this Court cannot agree that
13 Proposed Intervenors share the same "ultimate objective" as the
14 City in light of evidence that ACCE, SAJE, and over 300 other
15 organizations advocated for broader COVID-19 emergency protections
16 that the City refused to adopt. (Delgado Decl. ¶ 5; Gross Decl. ¶
17 5.)

18 Attempting to distinguish this case from AAGLA, Plaintiffs
19 largely rely upon the fact that their Complaint, unlike the AAGLA
20 plaintiff's complaint, does not seek injunctive relief invalidating
21 or enjoining enforcement of the Eviction Moratorium. Therefore,
22 Plaintiffs suggest, disposition of this matter would not
23 necessarily have any broader effect beyond the small number of
24 private property owners who are party to this suit, and thus this
25 case does not implicate any significant interest Proposed
26 Intervenors may possess. This argument is disingenuous. Although
27 Plaintiffs' opposition suggests that Plaintiffs are bringing an as-
28 applied challenge to the Moratorium, none of Plaintiffs'

1 allegations appears particular to Plaintiffs. Indeed, Plaintiffs
2 themselves assert that “[t]he takings litigation is coming, not
3 just from Plaintiffs in this action, but from landlords throughout
4 the City.” (Opposition at 5 n.1). The fourteen Plaintiffs here,
5 who own or manage approximately five thousand of the hundreds of
6 thousands of rental units in Los Angeles, alone seek “an amount in
7 excess of \$100,000,000.” (Complaint ¶ 8.) To contend, therefore,
8 as Plaintiffs do, that a declaratory judgment that the Moratorium
9 constitutes an unconstitutional taking would do nothing more than
10 give rise to a “hyper-speculative” fear that the City might make
11 adjustments to the Moratorium is naive, at best. Any argument that
12 this matter presents a limited question pertaining only to a small
13 number of litigants is not well-taken. See Fed. R. Civ. P.
14 24(a)(2) (permitting intervention as of right where “disposing of
15 the action may as a practical matter impair or impede the movant’s
16 ability to protect it’s interest”) (emphasis added). Proposed
17 Intervenor have adequately shown that this matter could affect the
18 viability of the Moratorium’s eviction protections.

19 **IV. Conclusion**

20 For the reasons stated above, Proposed Intervenor’s Motion to
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1 Intervene as defendants is GRANTED.²

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5 IT IS SO ORDERED.

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8 Dated: November 22, 2021



DEAN D. PREGERSON
United States District Judge

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² Even if Proposed Intervenors could not intervene as of right, this Court would grant permission to intervene pursuant to Fed. R. Civ. P. 24(b)(1)(B). See Spangler v. Pasadena City Bd. of Ed., 552 F.2d 1326, 1329 (9th Cir. 1977); Freedom from Religion Found., Inc. v. Geithner, 644 F.3d 836, 844 (9th Cir. 2011) (“[T]he independent jurisdictional grounds requirement does not apply to proposed intervenors in federal-question cases when the proposed intervenor is not raising new claims.”)