

CASE

California Tenants Association



Skidrow Tenants Union

"Empowering Tenants, Building Community, Demanding Justice"
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The Skidrow Tenants Union, a member of the California Tenants Association, along with its councils, operates independently of Housing4Humanity, SRO, AHF and other private owners. Our primary focus is representing and advocating for tenants, ensuring their rights and interests are protected. While the properties and other private owners, we do not work for them—we work for the tenants.

Mallard v. Aids Healthcare: Small Claims Case

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CASE REVIEW

To help you strengthen your case, a review of the documents indicates the following points for your consideration:

-
- Rent Withholding Notice:
 -
 - The notice of rent withholding due to uninhabitable conditions, sent to Beatriz Di Marco, states that Jason B. Mallard is withholding rent until all necessary repairs are completed to restore the unit to a habitable condition as required by law1....
 -
 - The issues rendering the unit uninhabitable have been ongoing since March 15, 20231....
 -
 - The AHF Skid Row Tenants Association has been appointed as Jason B. Mallard's Power of Attorney to act on their behalf in communications and legal processes related to resolving these issues1....
 -
 - According to California Civil Code § 1941.1 (2023), a dwelling is considered untenable if it lacks any of the listed affirmative standard characteristics3.... These include3...:
 - Effective waterproofing and weather protection.
 - Properly maintained plumbing and gas facilities.
 - A lawful water supply providing hot and cold running water.
 - Functional heating facilities.
 -

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Adequate electrical lighting and wiring.

- Clean and sanitary building premises.

- Maintained floors, stairways, and railings.

- Sufficient garbage receptacles.

- A locking mail receptacle (if applicable).

- The conditions at 501 S Los Angeles St Los Angeles CA 90013 do not meet habitability standards according to California Health and Safety Code Sections 17920.3 and 17920.103....

- Power of Attorney:

- As of September 20, 2024, Jason B Mallard appointed the Union Leaders of AHF Skid Row Tenants Association as their Attorney-in-Fact5.... This grants them full power and authority to act on Jason's behalf in matters including5....:

- Representing Jason in communications, discussions, and negotiations with the landlord or property manager regarding uninhabitable conditions in the dwelling at Room 308, located at 501 S Los Angeles St CA 90013.

- Exercising the right to withhold rent under California Civil Code § 1941.1 until the unit is restored.

- Taking legal action to ensure compliance with habitability laws and protect tenant rights.

- Tenant Issues Checklist:

- The document includes a checklist of tenant issues, with several items marked as present9....:

- Clean common areas9....

- Overflowing trash or recycling bins9....

- Inadequate waste disposal facilities9....

- Disputes over lease terms9....

- Lease violations9....

- Discrimination or harassment9....

- Privacy violations9....

- Retaliation for reporting issues9....

- Outdated or unattractive fixtures and finishes9....

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- Peeling paint or wallpaper9....
- Worn carpeting or flooring9....
- Lack of accommodations for disabilities9....
- Difficulties accessing certain areas (stairs without ramps or elevators)9....
- Birds nesting in eaves or attics9....
- Bedbugs or fleas9....
- Slow drainage in sinks, bathtubs, or showers10....
- Inconsistent room temperatures10....
- Poor air quality or ventilation10....
- Rats10.
- Act/Ledger Disputes10....
- Noise from community events or gatherings10....
- Neighbor complaints about pets10.

• Healthy Housing Foundation Work Order:

◦ A work order from Healthy Housing Foundation, dated January 10, 2024, lists plumbing, electric, fixtures, and a front door issue13.

◦ The work order description mentions a police report regarding two individuals entering the resident's space and vandalizing the residence door13....

• Lawsuit

◦ Jason Mallard is suing AIDS Healthcare Foundation Corp. for \$12,50015.

◦ The trial is scheduled for February 14, 202516.

• Damages Claimed:

◦ Rent reduction of \$487.50 for 75% uninhabitable conditions over 29 months (\$650 rent), totaling \$14,137.5017.

◦ Water shut-off compensation: \$649.80 for 30 days of water unavailability (prorated at \$21.66 per day)17.

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Mail interference: \$2,000 for delays and obstructions in mail delivery¹⁷.

Additional expenses: \$1200 for pest control, cleaning supplies, and temporary accommodations (\$100 a month)¹⁷.

Total quantified damages: \$17,986.8 (max \$12,500)¹⁷.

Affidavit:

On January 29, 2024, Jason B Mallard signed an affidavit and swore under penalty of perjury that the information is true and correct¹⁸.

Change of Ownership/Management:

AIDS Healthcare Foundation transferred ownership of the property to Housing4Humanity on December 30, 2024¹⁹....

Healthy Housing Foundation now serves as the property manager¹⁹....

Based on the documents, consider these points to strengthen your case:

Detailed Evidence of Uninhabitable Conditions: Provide comprehensive evidence, such as photographs, videos, maintenance requests, and repair logs, to support each claim of uninhabitable conditions listed in the tenant issues checklist⁹....

Impact on Health and Safety: Document how each uninhabitable condition has affected your health, safety, and well-being. Include medical records, doctor's notes, or any other relevant health-related documentation.

Communication Records: Keep detailed records of all communications with the landlord, property manager, and any other relevant parties. This includes emails, letters, phone calls, and in-person conversations.

Expert Testimony: Consider obtaining expert testimony from qualified professionals, such as building inspectors, contractors, or pest control specialists, to support your claims of uninhabitable conditions.

Legal and Code References: Ensure all legal and code references are accurate and up-to-date. Citing specific California Civil Code sections and Health and Safety Code sections can strengthen your legal arguments³....

Damage Calculation: Provide a clear and detailed breakdown of how you calculated your damages, including rent reduction, water shut-off compensation, mail interference, and additional expenses¹⁷.

Witness Statements: Gather statements from neighbors, visitors, or anyone else who has witnessed the uninhabitable conditions in your unit.

Police Report: Include a copy of the police report related to the vandalism incident mentioned in the Healthy Housing Foundation work order¹³....

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Property Ownership and Management Changes: Update your case to reflect the change in property ownership and management. Include documentation of the transfer of ownership from AIDS Healthcare Foundation to Housing4Humanity and the appointment of Healthy Housing Foundation as the property manager19....

Inspection Reports: Include copies of any inspection reports conducted by government agencies or other qualified professionals.

Violation Notices: Include copies of any violation notices issued to the landlord or property manager by government agencies.

Retaliation: If you believe the landlord or property manager has retaliated against you for asserting your rights as a tenant, document each instance of retaliation and explain how it violated your rights.

Breach of Contract: Review your lease agreement and identify any specific provisions that the landlord or property manager has violated.

Emotional Distress: Document any emotional distress you have suffered as a result of the uninhabitable conditions in your unit. This may include anxiety, depression, or other mental health issues.

Requested Relief: Be clear and specific about the relief you are seeking from the court. This may include monetary damages, rent abatement, repairs to the unit, or termination of the lease agreement.

By addressing these points and providing strong evidence to support your claims, you can build a stronger case and increase your chances of success in court.

Briefing Document: Jason Mallard Housing Dispute

Date: 2025-02-18

Subject: Summary of Documents related to Jason Mallard's Housing Dispute

Overview:

This document summarizes several legal and administrative documents concerning a housing dispute involving Jason Mallard, residing at 501 S Los Angeles St, Unit 308, Los Angeles, CA 90013. The documents outline issues with the habitability of the unit, a rent withholding action by Mallard, a small claims court case initiated by Mallard against AIDS Healthcare Foundation (AHF) and related legal proceedings and management changes. The AHF Skid Row Tenants Association is acting on behalf of Jason Mallard.

Key Themes and Facts:

Uninhabitable Conditions & Rent Withholding:

Jason Mallard is withholding rent due to "uninhabitable conditions" in his unit (Room 308) at 501 S Los Angeles St, Los Angeles, CA 90013.

These conditions have been ongoing since 03/15/2023.

The AHF Skid Row Tenants Association, represented by President D. Nash Stabolito, is acting as Mallard's "Power of Attorney" in this matter.

The rent withholding is based on California Civil Code § 1941.1 (2023), which defines conditions rendering a dwelling untenable. These conditions include lack of "effective waterproofing," "properly

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maintained plumbing or gas facilities," "adequate electrical lighting," and "clean and sanitary building premises."

The AHF Skid Row Tenants Association has found several issues, including problems with trash disposal, lease violations, legal and compliance issues, discrimination or harassment, privacy violations, outdated fixtures, peeling paint, worn carpeting, lack of accommodations for disabilities, slow drains, inconsistent room temperatures, and rats, among other things.

AHF Involvement & Management Changes:

The property was previously owned by AIDS Healthcare Foundation (AHF).

On December 30, 2024, AHF transferred ownership of the property to Housing4Humanity, a California nonprofit public benefit corporation.

Healthy Housing Foundation (HHF) has been contracted to serve as the property manager for the new owner, Housing4Humanity. All rent payments and notices are to be directed to HHF.

Small Claims Court Case:

Jason Mallard has filed a small claims case (Case Number 24STSC05973) against AIDS Healthcare Foundation Corp.

The trial date was scheduled for 02/14/2025, but the hearing was scheduled for 05/02/2025, and the case was threatened for dismissal for failure to prosecute.

The amount claimed is \$12,500.00.

Mallard is seeking damages for uninhabitable conditions, violation of health and safety codes, illegal construction, negligence, and "management/landlord/employee interference."

Mallard is seeking damages related to rent reduction (\$187.50 for 75% uninhabitable conditions), water shut-off compensation (\$649.80 for 30 days of water unavailability), mail interference (\$2,000), and additional expenses (\$1,200 for pest control).

Power of Attorney and Union Representation:

Jason Mallard has granted the AHF Skid Row Tenants Association, specifically D. Nash Stabolito, power of attorney to represent him in all communications, discussions, and legal proceedings related to the uninhabitable conditions of his dwelling.

Jason Mallard has authorized Union Leaders to communicate with him regarding this case.

Safety and Security Concerns

A work order request notes a police report filed on January 10 describing two people entering Jason's unit despite his absence and vandalizing the unit by scratching the word "rat" and "caimo" and even attempting to burn the door down.

Key Quotes:

(From Notice of Rent Withholding): "As the President and Representative of the AHF Skid Row Tenants Association, I am writing on behalf of JASON B MALLARD (resident) in room 308. I represent the voices that often go unheard, and I hereby notify you that the tenant will be invoking their right under California law to withhold rent until all necessary repairs have been completed, and the unit is restored to a habitable condition as required by law."

(From Notice of Rent Withholding): "Pursuant to the terms of our lease agreement and in accordance with California Civil Code § 1941.1, I am writing to formally notify you of conditions that render unit 308 dwelling untenable under the law. These issues have been ongoing since 03/15/2023 and remain unresolved to date."

(From Small Claims Form, MC-031): "Defendant owes Plaintiff monetary damages for the following counts: C1: Violation Of Habitability Standards (Cal. Civil Code §§ 1941 And 1942), C2: Violation Of Health And Safety Codes, C3: Illegal Construction Of Rooftop Homes Without Permits."

Potential Implications:

The rent withholding could lead to further legal action by Housing4Humanity (as the new landlord) to evict Mallard.

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The small claims case outcome could determine whether Mallard receives compensation for the uninhabitable conditions.

The involvement of the AHF Skid Row Tenants Association suggests this case may be part of a larger effort to address housing conditions in the Skid Row area.

The claim of discrimination and harassment may lead to further legal challenges.

Next Steps:

Monitor the progress of the small claims case and any related legal actions.

Investigate the specific habitability issues in the unit and determine the extent of the repairs needed.

Assess the potential impact of the management change from AHF to Housing4Humanity and Healthy Housing Foundation.

Monitor resolution of the police report regarding vandalization of the unit.

Navigating Tenancy Disputes: A Study Guide

I. Study Topics

California Civil Code § 1941.1: Understand what constitutes an "untenantable" dwelling under this code and be able to list specific examples.

Rent Withholding: Review the legal basis for withholding rent due to uninhabitable conditions and the steps a tenant must take.

Power of Attorney: Study the purpose and implications of granting Power of Attorney to the AHF Skid Row Tenants Association.

Habitability Standards: Learn what landlords are required to provide to ensure safe and livable conditions for tenants, according to CA law.

AHF Skid Row Tenants Association: Research the role and objectives of this organization in advocating for tenants' rights.

Healthy Housing Foundation and Housing4Humanity: Understand their roles in property management and ownership.

Small Claims Court: Examine the process for filing a claim, including limitations, jurisdictional issues, and the defendant's possible responses.

Causes of Action: Identify the various claims Jason Mallard makes against the defendant, such as negligence, retaliation, and habitability violations.

Damages: Review how damages are calculated and the types of compensation sought in the small claims case.

Legal and Procedural Timelines: Pay attention to dates and deadlines associated with notices, filings, and hearings.

II. Quiz

Answer the following questions in 2-3 sentences each.

What specific California Civil Code section is central to the rent withholding claim, and what does it define?

What is the role of the AHF Skid Row Tenants Association in this situation?

Describe the initial transfer of ownership, and who contracted to serve as the property manager?

What steps must a tenant take before legally withholding rent due to uninhabitable conditions?

Give three specific examples of conditions that could render a dwelling "untenantable" under California Civil Code § 1941.1.

In the work order document, what was the tenant Mallard reporting to the Tenant Union Leader?

What is the case number for the Superior Court of California action filed on December 30, 2024?

Name three specific causes of action Jason Mallard is claiming against the defendant.

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What was the scheduled trial date in the plaintiff's claim to go to small claims court?
In the event that an attorney is not affordable, where can people turn for small claims advice?

III. Quiz Answer Key

California Civil Code § 1941.1 is central to the rent withholding claim. It defines conditions under which a dwelling is considered uninhabitable, outlining the landlord's duty to maintain habitable premises. The AHF Skid Row Tenants Association acts as Jason Mallard's Power of Attorney, representing him in communications, negotiations, and legal processes related to the uninhabitable conditions of his unit. They advocate for his tenant rights.

AIDS Healthcare Foundation (AHF) transferred ownership of the property to Housing4Humanity. Healthy Housing Foundation (HHF) was contracted to serve as the property manager for the property. Before withholding rent, a tenant must formally notify the landlord of the uninhabitable conditions and allow a reasonable time for repairs. They can then withhold rent until the conditions are brought into compliance with California Civil Code § 1941.1.

Examples of conditions that could render a dwelling "untenantable" include ineffective waterproofing, lack of hot and cold running water, and inadequate electrical lighting.

The tenant was reporting that he was not found to be home, so security allowed two people into his unit who behaved as though they were living there. They proceeded to vandalize the residence door and even attempted to burn the door down.

The case number for the Superior Court of California action filed on December 30, 2024 is 24TSTSC05973.

Three causes of action Jason Mallard is claiming against the defendant include negligence, retaliation, and habitability violations.

The scheduled trial date was February 14, 2025, at 8:30 AM.

If an attorney is not affordable, people can turn to the Small Claims Court Advisory Program.

IV. Essay Questions

Analyze the legal strategy employed by Jason Mallard and the AHF Skid Row Tenants Association. How effective do you think it is, and what are its potential weaknesses?

Discuss the ethical considerations for both the landlord/property management and the tenant/tenant association in this dispute.

Evaluate the role of California Civil Code § 1941.1 in protecting tenants' rights. Does it provide adequate protection, or are there areas where it could be strengthened?

Compare and contrast the positions and responsibilities of Housing4Humanity and the Healthy Housing Foundation in this situation. How might their roles contribute to or alleviate tenant disputes?

Critically assess the potential outcomes of the small claims case, considering the evidence presented and the legal arguments on both sides.

V. Glossary of Key Terms

Untenantable: A condition of a dwelling that substantially lacks standard characteristics, making it unsafe or unhealthy for habitation, as defined by California Civil Code § 1941.1.

Rent Withholding: The legal act of a tenant refusing to pay rent because the landlord has failed to maintain the property in a habitable condition.

Power of Attorney: A legal document authorizing one person (the attorney-in-fact) to act on behalf of another (the principal) in specified matters.

Habitability Standards: Minimum requirements for a dwelling to be considered safe and livable, including adequate weather protection, plumbing, and electrical systems.

AHF Skid Row Tenants Association: An organization advocating for the rights of tenants in the Skid Row area of Los Angeles, often providing legal representation and support.

Housing4Humanity: A California nonprofit public benefit corporation that owns the building.

Healthy Housing Foundation: Entity contracted to manage the property formerly owned by AHF.

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Small Claims Court: A court that handles civil disputes involving relatively small amounts of money, typically with simplified procedures and less formal rules of evidence.

Cause of Action: A set of facts sufficient to justify a right to sue to obtain money, property, or the enforcement of a right against another party. Examples in this case may include: negligence, retaliation, and habitability violations.

Damages: Monetary compensation sought or awarded in a lawsuit to compensate for losses or injuries.

Plaintiff: The party who initiates a lawsuit. In this case, Jason Mallard is the Plaintiff.

Defendant: The party against whom a lawsuit is brought. In this case, AIDS Healthcare Foundation is the Defendant.

Unlawful Detainer: The legal process used by a landlord to evict a tenant from a property.

Negligence: Failure to exercise the care that a reasonably prudent person would exercise in similar circumstances.

Retaliation: Action taken by a landlord against a tenant for exercising their legal rights.

Affidavit: A written statement confirmed by oath or affirmation, for use as evidence in court.

Order to Show Cause: A court order requiring a party to appear and explain why the court should not take a particular action.

Sanctions: Penalties or other enforcement measures used to provide incentives for obedience with the law.

Frequently Asked Questions about Jason Mallard's Housing Dispute

What is the nature of Jason Mallard's dispute? Jason Mallard is involved in a dispute concerning the habitability of his rental unit (Room 308 at 501 S Los Angeles St Los Angeles CA 90013) and a legal battle against AIDS Healthcare Foundation (AHF) and their property manager. He has filed a small claims suit against AHF, alleging uninhabitable conditions and seeking damages for negligence, retaliation, and habitability violations.

What specific issues render Jason Mallard's unit "uninhabitable" according to California law? California Civil Code § 1941.1 (2023) outlines standards for habitability. The notice of rent withholding indicates Mr. Mallard's unit lacks, or substantially lacks, many of these standards including effective waterproofing, proper water and gas supplies, functional heating, adequate electrical lighting, a clean and sanitary building, maintained floors and stairways, and sufficient garbage receptacles.

What actions has Jason Mallard taken due to the alleged uninhabitable conditions? Mr. Mallard has taken multiple actions. He has formally notified the landlord of his intent to withhold rent until the necessary repairs are completed and the unit is restored to a habitable condition, in accordance with California law. He has also filed a small claims lawsuit against AHF seeking monetary damages related to the conditions.

Who is representing Jason Mallard in this matter? Jason Mallard is represented by the AHF Skid Row Tenants Association, with President D. Nash Stabolito DD PhD acting as his Attorney-in-Fact. He has also authorized them to communicate with Union Leaders on his behalf.

What legal actions have been initiated, and what is the status of those actions? Jason Mallard has initiated a small claims case (Case Number 24TSTC05973) against AIDS Healthcare Foundation. Additionally, AHF initiated an unlawful detainer action against Mr. Mallard which the court dismissed due to failure to file proof of service.

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What is the role of Healthy Housing Foundation and Housing4Humanity in this dispute? AIDS Healthcare Foundation (AHF) transferred ownership of the property to Housing4Humanity, a California nonprofit public benefit corporation, on December 30, 2024. Healthy Housing Foundation (HHF) was contracted to serve as the property manager, collecting rent payments. This change in ownership and management occurred during the period of the dispute.

What are the key damages Jason Mallard is seeking in his small claims suit? In his small claims case, Jason Mallard is seeking \$12,500 in damages, the maximum for small claims, which included rent reduction, mail interference, pest control, cleaning supplies, and temporary accommodations.

What is the AHF Skid Row Tenants Association and what is their role in this dispute? The AHF Skid Row Tenants Association is a tenant advocacy group representing residents in the Skid Row area of Los Angeles. They act as Jason Mallard's power of attorney, representing him in communications, negotiations, and legal proceedings to ensure compliance with habitability laws. They are also endorsing candidates for local political office.

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Timeline of Events:

March 15, 2023: Jason Mallard's dwelling unit (Room 308 at 501 S Los Angeles St, Los Angeles, CA 90013) begins to experience uninhabitable conditions that violate California Civil Code § 1941.1, according to the AHF Skid Row Tenants Association.

January 10, 2024: A police report is filed after security allows two people to enter Jason Mallard's room (308) while he was not home, where they vandalized the residence door by scratching words like "rat" and "caimo" and attempted to burn it.

September 20, 2024: Jason Mallard signs a Power of Attorney, appointing the AHF Skid Row Tenants Association to act on his behalf in matters related to his uninhabitable dwelling, including withholding rent under California Civil Code § 1941.1.

September 20, 2024: The AHF Skid Row Tenants Association, represented by President D. Nash Stabolito, sends a "Notice of Rent Withholding Due to Uninhabitable Conditions" to Beatriz Di Marco, property manager, on behalf of Jason Mallard.

October 30, 2024: AIDS Healthcare Foundation VS Jason Mallard case is assigned to Department 92 in the Stanley Mosk Courthouse.

December 19, 2024: The Articles of Incorporation of the Healthy Housing Foundation are amended and restated.

December 26, 2024: Jason Mallard files a small claims court claim against the AIDS Healthcare Foundation.

December 30, 2024: AIDS Healthcare Foundation transfers ownership of the property to Housing4Humanity. Healthy Housing Foundation will serve as the property manager.

January 6, 2025: Order to Show Cause Hearing is filed by The Superior Court of California for the case of AIDS Healthcare Foundation vs Jason Mallard for Failure to File Proof of Service

January 14, 2025: Housing4Humanity, represented by Beatriz Di Marco, sends Jason Mallard a notice informing him of the change in ownership and management, directing rent payments to the Healthy Housing Foundation.

February 14, 2025: Jason Mallard and the AIDS Healthcare Foundation are scheduled to attend a trial in Department 90 at the Stanley Mosk Courthouse regarding a small claims court case.

February 5, 2025: Order to Show Cause Hearing is scheduled, regarding dismissal for Failure to Prosecute for the case of AIDS Healthcare Foundation vs Jason Mallard.

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Cast of Characters:

Jason B. Mallard: Tenant of room 308 at 501 S Los Angeles St, Los Angeles, CA 90013. He is experiencing uninhabitable conditions in his dwelling.

D. Nash Stabolito DD PhD: President of the AHF Skid Row Tenants Association. Represents Jason Mallard and the AHF Skid Row Tenants Association.

Beatriz Di Marco: Property Manager for Housing4Humanity. Previously with AIDS Healthcare Foundation.

AIDS Healthcare Foundation (AHF): The original owner of the property, and Plaintiff in the Unlawful Detainer Lawsuit.

Housing4Humanity: The new owner of the property as of December 30, 2024.

Healthy Housing Foundation (HHF): The property manager for Housing4Humanity.

Conrad V. Sison: Attorney for Plaintiff, AIDS Healthcare Foundation in the unlawful detainer Lawsuit against Jason Mallard

Becky DeGeorge: CA Registered Corporate Agent for AIDS Healthcare Foundation

Michael Kahane: President of Healthy Housing Foundation

Ashoke S. Talukdar: Secretary of Healthy Housing Foundation

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