

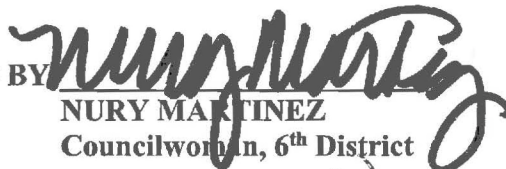
MOTION

The Planning Department has been working on a policy to prohibit the construction or operation of private detention centers for unaccompanied minors. An Interim Control Ordinance (ICO) was adopted on February 4, 2020 (Council File No. 20-0065), while the Planning Department and City Attorney prepare and present a draft ordinance with the permanent land use regulatory controls.

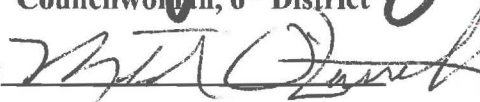
While the permanent ordinance and land use controls are prepared, we must ensure that there are no gaps on the prohibition of detention centers for unaccompanied minors. The ICO needs to be extended until the ordinance that will permanently ban these facilities from ever operating in the city is adopted.

I THEREFORE MOVE that the Council request the City Attorney, in consultation with the Planning Department, to prepare and present an ordinance to extend interim regulations prohibiting the construction or operation of private detention centers, and community detention facilities, for unaccompanied minors in the city for a period of one year.

PRESENTED BY


NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:



ORIGINAL

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RESOLUTION

WHEREAS, on February 4, 2020, the Council adopted an Interim Control Ordinance (ICO), temporarily prohibiting the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City;

WHEREAS, the private detention centers and community detention facilities Interim Control Ordinance (ICO) No. 186504 (Council File No. 20-0065) became effective on February 4, 2020;

WHEREAS, on March 3, 2020, the Council extended the ICO Ordinance No. 186504 imposing temporary interim regulations prohibiting the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City; for an extension period of 10 months and 15 days, inasmuch as a report was filed by the Planning Department pursuant to Government Code Section 65858(d) and Council has adopted the report as its own describing the measures that have been taken thus far toward the adoption of permanent land use regulatory controls;

WHEREAS, on October 11, 2019, Governor Newsom signed into law Assembly Bill 32 (Bonta), which bans private prisons and detention facilities from operating in California, and prevents the State from entering into or renewing contracts with for-profit prison companies after January 1, 2020, phasing out such facilities by 2028;

WHEREAS, just before the new State law went into effect, the federal government awarded new contracts to private companies that operate private detention centers in California;

WHEREAS, a multitude of studies and public testimony describe the alarming status of private detention center operations, including a February 2019 report by the California Attorney General, which found that privately operated immigration detention centers in California maintain poor living conditions, including, but not limited to, issues related to inadequate access to medical and mental health care and obstacles to contacting family and other support systems;

WHEREAS, prior to the adoption of the ICO, the City received a service request from a private organization for a change of use from a "home for the aged" to a "temporary residential facility with supportive services for unaccompanied minors" ("Subject Facility");

WHEREAS, the Subject Facility upon further review was intended as a privately run detention facility for unaccompanied minor immigrants held under the authority of U.S. Homeland Security, and therefore may be prohibited under Assembly Bill 32;

WHEREAS, in describing the Subject Facility in the City's Service Request Form, the applicant described its proposed use in summary as, "Other: Dormitory with supportive services (cafeteria, clinic, tutoring)" and more extensively as follows: The proposed new use of the property is a federal government-contracted residential facility for children ages 11-17 who cross the border unaccompanied. This would not be a detention facility. Rather, the facility would provide clothing, food, housing, tutoring, and medical assistance with the goal of finding relatives or foster parents or homes for the children. The maximum stay would be approximately 60-90 days;

WHEREAS, this description does not currently fall into any use in the City's Comprehensive Zoning Plan in Chapter I of the Municipal Code (City's Zoning Ordinance) and without amending the City's Zoning Ordinance, it may create confusion with permissible uses, such as "Supportive Housing," defined under the recently adopted Ordinance No. 185492, intended to facilitate homeless housing to address the City's homeless housing crisis, and/or other uses in the City's Zoning Ordinance, including "Transitional Housing," "Shelter," "Foster Care Home," "Dormitory," "Philanthropic Institutions," and "Correctional or Penal Institutions" uses;

WHEREAS, on July 8, 2019, the Council instructed that “the Planning Department, in consultation with the City Attorney, prepare and present an ordinance amending the City’s zoning code to prohibit the construction and operation of private detention centers in the City Los Angeles”;

WHEREAS, goals, objectives, and policies listed in the City’s General Plan, including the Framework Element, the Health and Wellness Element, and the Housing Element respectively promote: a liveable City for existing and future residents that is attractive to future investment, a City that leads on health and equity, and a City of safe, liveable, and sustainable neighborhoods. The prohibition of private detention centers would prevent irreversible and incompatible development, protect the health and well being of Angelenos, and impede adverse impacts on neighborhoods and the surrounding environment by allowing the necessary time needed to develop appropriate regulations and standards that will support the goals, objectives, and policies outlined in the plans;

WHEREAS, “Private Detention Centers” and “Community Detention Facilities for Unaccompanied Minors” are not currently enumerated uses in the Municipal Code, and therefore, the Interim Control Ordinance is designed to allow the City to further evaluate the impacts of such facilities on its residents and neighborhoods and to ensure that these facilities are not confused with supportive or transitional housing intended to provide housing for the homeless, or other housing types intended for minors or other incapacitated individuals placed under the consent of a parent or guardian or under the authority of the State Welfare and Institutions Code or persons housed or detained under the authority of the State Penal Code. The Interim Control Ordinance will prevent the construction or operation of these facilities pending the consideration and adoption of permanent land use regulations;

WHEREAS, the Private Detention Center Interim Control Ordinance (ICO) No. 186504 will expire on February 4, 2021 unless this additional one year extension is adopted, pursuant to Government Code Section 65858(a); and

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the Council hereby extends the provisions of Ordinance No. 186504 imposing temporary interim regulations prohibiting the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City; for an extension period of one year, inasmuch as the appropriate City agencies and officials are exercising due diligence and actively working towards the adoption of the appropriate permanent land use regulatory controls.

PRESENTED BY: _____
NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY: _____