

**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. **R 20 - 0252**  
**AUG 27 2020**

**REPORT RE:**

**DRAFT ORDINANCE AMENDING SECTION 98.0105 OF THE LOS ANGELES  
MUNICIPAL CODE TO CLARIFY THE RIGHT OF ENTRY FOR THE  
DEPARTMENT OF BUILDING AND SAFETY INSPECTIONS**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 20-0844

Honorable Members:

As requested by the City Council, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Section 98.0105 of Division 1, Article 8, Chapter IX of the Los Angeles Municipal Code (LAMC) to clarify the right of entry for Department of Building and Safety inspectors to conduct inspections.

Background and Summary of Ordinance

LAMC Section 98.0105(a) currently provides that when a Department of Building and Safety inspector requests entry for an inspection, and the request is denied or cannot be obtained, the inspector "shall have recourse to every remedy provided by law to secure lawful entry." Historically, the Department of Building and Safety has interpreted the language to require entry pursuant to an inspection warrant unless there are exigent circumstances. The draft ordinance amends Section 98.0105(a) to expressly require an inspection warrant if consent to enter is refused or cannot be obtained. The draft ordinance also amends Section 98.0105(b) to clarify when an inspection warrant is not needed in exigent circumstances, and repeals Section

98.0105(c) in its entirety, whose provisions are incorporated into LAMC Section 98.0105(b). Current LAMC Section 98.0105(d) is renumbered as 98.0105(c).

California Environmental Quality Act Standard of Review

The City Council, based on the whole of the administrative record, may determine that the draft ordinance amending LAMC Section 98.0105 is an administrative activity and government fiscal activity, which, pursuant to CEQA Guidelines Section 15378(b)(2) and (4), does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and is not a project subject to CEQA review.

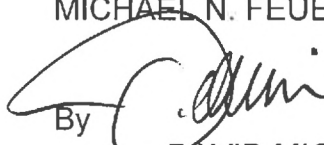
Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Department of Building and Safety and Los Angeles Department of Planning with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Yongdan Li at (213) 978-8105. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:YL:sm  
Transmittal