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November 13, 2024

Los Angeles City Council
c/ o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**TECHNICAL MODIFICATIONS TO THE PROPOSED RESIDENT PROTECTIONS
ORDINANCE (EXHIBIT A.2); CF 21-1230-S8; CASE NO. CPC-2024-388-CA;
ENV-2020-6762-EIR; ENV-2020-6762-EIR-ADD1; ENV-2020-6762-EIR-ADD2**

The following ordinance corrections and additions are requested to be incorporated into CF 21-1230-S8 (Proposed Resident Protections Ordinance) in (1) Exhibit A.2 of the staff recommendation report, originally presented to the City Planning Commission on September 26, 2024 and transmitted to the Council File on October 16, 2024, and (2) the Proposed Draft Chapter 1A Resident Protections Ordinance, transmitted to the Council File on November 13, 2024 to be considered by the Los Angeles City Council's Planning and Land Use Management Committee and presented for City Council approval.

Right to Relocation

This change is recommended to better align the proposed ordinance with California Relocation Assistance Law, to clarify pathways for compliance with the state law, and to make other technical revisions to the code language that clarify implementation.

CH 1 INSTRUCTIONS: Revise Right to Relocation provision clarifying additional state law requirements in 16.60 A.3(b)(3) on pages 7-11 of Exhibit A.2 to include the following additions and deletions:

TRACKED CHANGE

(3) Right to Relocation. ~~(iii)~~ For occupants who are not Lower Income Households, relocation benefits shall be the amounts and processes, as applicable, pursuant to ~~LAMC~~ ~~Los Angeles Municipal Code~~ Section 165.06 A (Just Cause Ordinance), LAMC Section 151.09 G (Rent Stabilization Ordinance), California Government Code 65863.7 (Mobile Home Closures) or for publicly funded projects the greater amount under either local city laws or under Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code.

Consistent with California Government Code Section 66300.6(b)(4)(A),
~~o~~ Occupants of Lower Income Households ~~including Very Low Income and Extremely Low Income,~~ that are displaced from their residence by a Development Project shall be entitled to, and the ~~developer~~ owner shall pay, relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code and any implementing regulations, under this provision in the amounts set forth below when the occupant is displaced by the owner from their residence by a development project.

The ~~developer~~ owner shall comply with this requirement by following (i), (ii) or (iii) below, and complying with all of the requirements in (iv)-(vii): ~~pay the relocation benefits required pursuant to this provision prior to the issuance of any demolition permit for the site.~~

- (i) **Comparable Replacement Unit.** Prior to or at the time of serving a notice to terminate tenancy, or if no notice is served, prior to or at the time the occupant is displaced by a Development Project, provide a copy of a written lease signed by the occupant to LAHD, documenting that the existing occupant has access to a comparable replacement unit (as the term is used in California Government Code Section 7260) that is permanently affordable, consistent with the following requirements:
 - a. The comparable replacement unit is consistent with all standards set forth in Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code, and any implementing regulations.
 - b. The rent is permanently affordable to the occupant based on the income level of the occupant household.
 - c. If the occupant is also entitled to relocation benefits under LAMC Section 151.09 (Evictions) of Article 1 of Chapter XV of the LAMC or Section 165.06 (Relocation Assistance) of Article 5 of Chapter

XVI of the LAMC, the developer shall comply with the respective processes and amounts set forth in Section 151.09 (Evictions) of Article 1 of Chapter XV of the LAMC or Section 165.06 (Relocation Assistance) of Article 5 of Chapter XVI of the LAMC.

- d. Any developer requirement that the occupant make an advance payment, such as first and last month's rent or a security deposit, must be in accordance with all laws, and shall be paid only after the relocation benefit has been paid by the owner to the occupant.
- e. LAHD reserves the right to review the comparable replacement unit and the lease for compliance with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code and any implementing regulations. LAHD may require the developer to provide additional proof that the occupant executed the lease at the comparable replacement unit.
- f. In the event the occupant is unable to move into the comparable replacement unit or LAHD determines that the unit is not a comparable replacement unit consistent with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code and any implementing regulations, owner shall pay relocation benefits to the occupant under LAMC Section 16.60 A.3(b)(3)(ii) or (iii), below.

(ii) **Standardized Payment.** Within 15 days after serving a notice to terminate tenancy, or if no notice is served, prior to or at the time the occupant is displaced by a Development Project, pay relocation benefits to the existing occupant according to the following formula and process requirements:~~For occupants that are Lower Income Households including Very Low Income and Extremely Low Income households, who are displaced from their residence by a Development Project under the criteria set forth above, the relocation benefit shall be:~~

- a. ~~a) Pay an amount e~~Equal to the difference between the Section 8 Department Voucher Payment Standard and the rent affordable to that occupant's income level per Section 50053 of the California Health and Safety Code, multiplied by 42 months, plus estimated incidental moving costs.
- b. The amount for the Section 8 Department Voucher Payment Standard, the determination of the affordable rent per Section 50053 of the California Health and Safety Code, and the estimated

incidental moving costs shall be determined upon the adoption of this ordinance, and then adjusted annually according to the Consumer Price Index – All Urban Consumers. ~~For efficient implementation, the City will use a 2-bedroom standard since 2-bedrooms are the most common unit type in the City.~~ For the year beginning July 1, 2025, and all subsequent years, the fee amounts shall be adjusted on an annual basis pursuant to the formula set forth in LAMC Section 151.06 D (Automatic Adjustments) of Article 1 of Chapter XV. The adjusted amount shall be rounded to the nearest \$50 increment. LAHD shall publish the amount annually.

- c. The relocation benefits shall be paid in accordance with the process and timing requirements set forth in LAMC Section 151.09 G.1(a) and (b), G.2, and G.5, of Article 1 of Chapter XV of the LAMC.
- ~~b. If the occupant is entitled to a relocation benefit due to a termination of tenancy under the Los Angeles Municipal Code Sections 165.03 I(1) or (3) (Just Cause Evictions) of Article 5 of Chapter XVI, 151.09 A.10 (Evictions) of Article 1 of Chapter XV, 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or 47.09 (Mobilehome Park Closure Impact Report) of Article 7 of Chapter IV, the payment shall be made in accordance with Los Angeles Municipal Code Section 151.09 G.1-2 (Evictions) of Article 1 of Chapter XV.~~
- ~~e. For mobile home park closures, at least the amount required by Government Code Section 65863.7.~~

(iii) **Individualized Relocation Process Consistent with State Relocation Law.** Prior to or at the time of serving a notice to terminate tenancy, or if no notice is served, prior to or at the time the occupant is displaced by a Development Project, conduct an individualized relocation process to determine and then pay the equivalent amount of relocation paid by public entities pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code by:

- a. At the time of filing the Replacement Unit Determination or the termination of tenancy, whichever comes first, submitting all relocation documents required by LAHD for publicly-financed projects, including but not limited to: a relocation plan; resume and qualifications of the required relocation consultant; a completed

relocation tenant rent roll; a completed project summary assessment.

- b. Prior to filing a Notice of Intent to Withdraw or Declaration of Intent to Evict for the purpose of demolition with LAHD, obtaining LAHD's approval of all required relocation documents. If approval is not obtained then a developer may still file the Notice or Declaration but for relocation benefit purposes, must comply with either Sub-subparagraphs (3)(i) or (3)(ii), above, instead of (3)(iii).
 - c. Obtaining LAHD's approval of the calculated relocation payment once a tenant has identified replacement housing.
 - d. Providing evidence to LAHD that the tenant was relocated to the identified replacement housing and the full relocation payment was made.
- (iv) ~~(i)~~ For purposes of determining whether a tenant is displaced by a Development Project, the following actions shall constitute evidence of development:
- a. Developer~~Owner~~ files for an entitlement or building permit for a Development Project requiring the demolition of an existing rental unit and the tenancy is or will be terminated as result; or
 - b. Developer~~Owner~~ applies for a Replacement Unit Determination and the tenancy is or will be terminated as a result; or
 - c. Developer~~Owner~~ serves a notice or otherwise seeks to terminate a tenancy or recover possession of a rental unit based upon one of the grounds under LAMC Sections 165.03 I.-~~(1)~~ or {3} (Just Cause Evictions) of Article 5 of Chapter XVI, 151.09 A.10 (Evictions) of Article 1 of Chapter XV, 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or 47.09 (Mobilehome Park Closure Impact Report) of Article 7 of Chapter IV requiring payment of relocation assistance that includes evidence of intent to develop the property.
- (v) Nothing in this subsection relieves the developer from the obligation to provide relocation assistance pursuant to City administrative agency action or any other provision of local, state or federal law. If an occupant is entitled to monetary relocation benefits pursuant to City administrative agency action or any provision of local, state or federal law, then those

benefits shall operate as a credit against the highest relocation benefits required to be paid to the tenant under this section. The occupant is entitled to the highest relocation benefit provided by local, state, or federal law.

- (vi) ~~(iv)~~ Under no circumstances shall a demolition permit be issued unless the Los Angeles Housing Department provides a written clearance to the Department of Building and Safety stating that the landlord has complied with the relocation assistance requirements of this section. The landlord shall provide proof of compliance with the relocation assistance requirements of this section to the Los Angeles Housing Department on a form provided by the Los Angeles Housing Department. The form shall be accompanied by a fee of \$45 per unit. The annual fee increase adjustment shall be based on the Consumer Price Index – All Urban Consumers for the Los Angeles-Long Beach-Anaheim area, or if such index ceases to be published, by an equivalent index chosen by the Director of the Los Angeles Housing Department. The fee shall be averaged for the previous twelve (12) month period ending September 30 of each year. It shall reflect the change in the Consumer Price Index over the previous consecutive twelve (12) month period expressed as a percentage and rounded off to the nearest whole number.
- (vii) ~~(v)~~ If an ~~developerowner~~ of residential real property has exercised, after the adoption of this ordinance, its rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw the property from residential rent or lease or LAMC 165.03 I. ~~(1)~~ or ~~(3)~~ (Just Cause Evictions) of Article 5 of Chapter XVI, and the ~~developerowner~~ did not state an intent to redevelop the property in its Notice of Intent to Withdraw; and the ~~developerowner~~ did not pay occupants of the property relocation payments consistent with LAMC 16.60 A.3(b)(3)(ii), (ii) or (iii), above, and then within five years of submitting this Notice of Intent to Withdraw, the ~~developerowner~~ seeks to develop the property as demonstrated by actions described in LAMC 16.60 A.3(b)(3)(iv), above, the following shall apply:
 - a. As a condition of the clearance of demolition or new construction permits, the applicant or the applicant's successor-in-interest shall be required to pay to the LAHD a fine equal to three times the relocation benefit amount that would have been paid under LAMC 16.60 A.3(b)(3)(ii) or (iii), above, where the income of the former occupants are known; where incomes of the former occupants are not known, the applicant shall be required to pay \$250,000 per displaced occupant household. The LAHD shall not clear a

demolition or new construction permit until the applicant complies with this section. The withholding of permits shall not apply to demolition permits or approvals that are necessary to comply with a Department of Building and Safety, LAHD, or other government order.

i-Notice Process. When a ~~developer~~owner seeks a demolition or new construction permit clearance from LAHD at a property where the ~~developer~~owner may have misrepresented its intention to develop the property in its Notice of Intent to Withdraw, and it has not paid relocation benefits to tenants consistent with having displaced them for development, LAHD will provide written notice to the ~~developer~~owner that the LAHD's clearance of the permits is conditioned on payment of the fine. The notice shall include the address of the property at issue, a copy of the ~~developer~~owners Notice of Intent to Withdraw, the amount of the potential fine, and the process to appeal the imposition of the fine.

ii-Appeal Process. The notice shall include a right to file an appeal within 30 calendar days of the notice of the condition to pay the fine which shall include the right to an administrative hearing.

~~Developer~~Owners who file an appeal will be subject to an administrative fee to pay for the costs of the appeal. The amount will be the same amount as for appeals under LAMC Section 165.06.C (Relocation Assistance) of Article 5 of Chapter XVI.

After the hearing officer issues a decision in the administrative hearing, the ~~developer~~owner will have a right to seek judicial review of the determination governed by California Code of Civil Procedure Section 1094.5. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5 only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision became final.

- b. Any Lower Income ~~h~~Household who is displaced as a result of a tenancy termination for the purpose of property development under Los Angeles Municipal Code Sections 165.03 I.{1} or {3} (Just Cause Evictions) of Article 5 of Chapter XVI, 151.09 A.10 (Evictions) of Article 1 of Chapter XV, 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different

Use) or 47.09 (Mobilehome Park Closure Impact Report) of Article 7 of Chapter IV, shall be entitled to relocation benefits under Section LAMC 16.60 A.3(b)(3)(ii)(a), above. The payment shall be made in accordance with Los Angeles Municipal Code Section 151.09.G.1-2 (Evictions) of Article 1 of Chapter XV.

- c. For the occupant who was in possession of their unit at the time the ~~developer~~~~owner~~ filed the Notice of Intent to Withdraw who seeks to pursue a private right action under LAMC Section 16.60 A.7, below, for causes of action arising out of 16.60 A.3(b)(3)(vii) above, the cause of action shall accrue when the ~~developer~~~~owner~~ files for an entitlement, building permit, or Replacement Unit Determination to construct a Development Project.

CH 1A INSTRUCTIONS: Revise Right to Relocation provision clarifying additional state law requirements in 4C.15.1.C.3.c on pages 7-11 of Proposed Draft Ch 1A Resident Protections Ordinance to include the following additions and deletions:

TRACKED CHANGE

c. Right to Relocation.

iii. For occupants who are not *lower income households*, relocation benefits shall be the amounts and processes as applicable pursuant to Chapter XVI. (Housing Regulations), Sec. 165.06 A (Relocation Assistance), Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 G (Evictions), California Government Code, Chapter 4. (Zoning Regulations), Sec. 65863.7 or for publicly funded projects the greater amount under either local city laws or under California Government Code, Chapter 16 (Relocation Assistance), Sections 7260-7277.

Consistent with California Government Code, Chapter 12. (Housing Crisis Act of 2019), Sec. 66300.6(b)(4)(A), occupants of *lower income households* ~~including very low income households and extremely low income households, that are~~ displaced from their residence by a project shall be entitled to, and the ~~developer~~~~owner~~ shall pay, relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to California Government Code, Chapter 16. (Relocation Assistance), Sections 7260-7277 and any implementing regulations. ~~under this provision in the amounts set forth below when the occupant is displaced by the owner from their residence by a project.~~

The ~~developer~~owner shall comply with this requirement by following Sub-subparagraphs i. (Comparable Replacement Unit), ii. (Standardized Payment), or iii. (Individualized Relocation Process Consistent with State Relocation Law) below, and complying with all of the requirements in Sub-subparagraphs iv. - vii., below.~~The owner shall pay the relocation benefits required pursuant to this provision prior to the issuance of any demolition permit for the site.~~

i. Comparable Replacement Unit. Prior to or at the time of serving a notice to terminate tenancy, or if no notice is served, prior to or at the time the occupant is displaced by a project, provide a copy of a written lease signed by the occupant to LAHD, documenting that the existing occupant has access to a comparable replacement unit (as the term is used in California Government Code, Chapter 16. (Relocation Assistance), Sec. 7260) that is permanently affordable, consistent with the following requirements:

- a. The comparable replacement unit is consistent with all standards set forth in California Government Code, Chapter 16. (Relocation Assistance), Sections 7260-7277, and any implementing regulations.
- b. The rent is permanently affordable to the occupant based on the income level of the occupant household.
- c. If the occupant is also entitled to relocation benefits under Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 (Evictions) or Chapter XVI. (Housing Regulations), Sec. 165.06 (Relocation Assistance), the developer shall comply with the respective processes and amounts set forth in Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 (Evictions) or Chapter XVI. (Housing Regulations), Sec. 165.06 (Relocation Assistance).
- d. Any developer requirement that the occupant make an advance payment, such as first and last month's rent or a security deposit, must be in accordance with all laws, and shall be paid only after the relocation benefit has been paid by the owner to the occupant.
- e. LAHD reserves the right to review the comparable replacement unit and the lease for compliance with California Government Code, Chapter 16. (Relocation Assistance), Sections 7260-7277 and any implementing regulations. LAHD may require the developer to provide additional proof

that the occupant executed the lease at the comparable replacement unit.

- f. In the event the occupant is unable to move into the comparable replacement unit or LAHD determines that the unit is not a comparable replacement unit consistent with California Government Code, Chapter 16. (Relocation Assistance), Sections 7260-7277 and any implementing regulations, owner shall pay relocation benefits to the occupant under Sub-subparagraph ii. (Standardized Payment) or iii. (Individualized Relocation Process Consistent with State Relocation Law), below.

ii. Standardized Payment. Within 15 days after serving a notice to terminate tenancy, or if no notice is served, prior to or at the time the occupant is displaced by a project, pay relocation benefits to the existing occupant according to the following formula and process requirements: ~~For occupants that are lower income households including very low income households and extremely low income households, who are displaced from their residence by a project under the criteria set forth above, the relocation benefit shall be:~~

- a. Pay an amount eEqual to the difference between the Section 8 Department Voucher Payment Standard and the rent affordable to that occupant's income level per California Health and Safety Code, Chapter 2. (Definitions), Sec. 50053, multiplied by 42 months, plus estimated incidental moving costs.
- b. The amount for the Section 8 Department Voucher Payment Standard, the determination of the affordable rent, see Paragraph 2 (Affordable Rent) of Subsection D (Measurement) below, and the estimated incidental moving costs shall be determined upon the adoption of this ordinance, and then adjusted annually according to the Consumer Price Index – All Urban Consumers. ~~For efficient implementation, the City will use a 2-bedroom standard since 2-bedrooms are the most common unit type in the City.~~ For the year beginning July 1, 2025, and all subsequent years, the fee amounts shall be adjusted on an annual basis pursuant to the formula set forth in Chapter XV. (Rent Stabilization Ordinance), Sec. 151.06 D (Automatic Adjustments). The adjusted amount shall be rounded to the nearest \$50 increment. LAHD shall publish the amount annually.
- c. The relocation benefits shall be paid in accordance with the process and timing requirements set forth in Chapter XV. (Rent Stabilization Ordinance), Sections 151.09 G.1(a) and (b), G.2, and G.5.

- ~~b. If the occupant is entitled to a relocation benefit due to a termination of tenancy under the Chapter IV. (Public Welfare), Sec. 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or Sec. 47.09 (Mobilehome Park Closure Impact Report), Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 A.10 (Evictions), or Chapter XVI, (Housing Regulations), Sec. 165.03 I.1 or Sec. 165.03 I.3 (Just Cause Evictions) of this Code, the payment shall be made in accordance with Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 G.1-2 (Evictions) of this Code.~~
- ~~c. For mobile home park closures, at least the amount required by California Government Code, Chapter 4. (Zoning Regulations), Sec. 65863.7.~~

iii. Individualized Relocation Process Consistent with State Relocation Law.

Prior to or at the time of serving a notice to terminate tenancy, or if no notice is served, prior to or at the time the occupant is displaced by a project, conduct an individualized relocation process to determine and then pay the equivalent amount of relocation paid by public entities pursuant to California Government Code, Chapter 16. (Relocation Assistance), Sections 7260-7277 by:

- a. At the time of filing the Replacement Unit Determination or the termination of tenancy, whichever comes first, submitting all relocation documents required by LAHD for publicly-financed projects, including but not limited to: a relocation plan; resume and qualifications of the required relocation consultant; a completed relocation tenant rent roll; a completed project summary assessment.
- b. Prior to filing a Notice of Intent to Withdraw or Declaration of Intent to Evict for the purpose of demolition with LAHD, obtaining LAHD's approval of all required relocation documents. If approval is not obtained then a developer may still file the Notice or Declaration but for relocation benefit purposes, must comply with either Sub-subparagraphs i. (Comparable Replacement Unit) or ii. (Standardized Payment), above, instead of this Sub-subparagraph iii. (Individualized Relocation Process Consistent with State Relocation Law).
- c. Obtaining LAHD's approval of the calculated relocation payment once a tenant has identified replacement housing.

- d. Providing evidence to LAHD that the tenant was relocated to the identified replacement housing and the full relocation payment was made.
- iv. i-For purposes of determining whether a tenant is displaced by a *project*, the following actions shall constitute evidence of development:
 - a) ~~Developer~~~~Owner~~ files for an entitlement or building permit for a *project* requiring the demolition of an existing rental unit and the tenancy is or will be terminated as result; or
 - b) ~~Developer~~~~Owner~~ applies for a Replacement Unit Determination and the tenancy is or will be terminated as a result; or
 - c) ~~Developer~~~~Owner~~ serves a notice or otherwise seeks to terminate a tenancy or recover possession of a rental unit based upon one of the grounds under Chapter IV. (Public Welfare), Sec. 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or Sec. 47.09 (Mobilehome Park Closure Impact Report), Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 A.10 (Evictions), or Chapter XVI. (Housing Regulations), Sec. 165.03 I.1 or Sec. 165.03 I.3 (Just Cause Evictions) of this Code, requiring payment of relocation assistance that includes evidence of intent to develop the property.
- v. Nothing in this subsection relieves the developer from the obligation to provide relocation assistance pursuant to City administrative agency action or any other provision of local, state or federal law. If an occupant is entitled to monetary relocation benefits pursuant to City administrative agency action or any provision of local, state or federal law, then those benefits shall operate as a credit against the highest relocation benefits required to be paid to the tenant under this section. The occupant is entitled to the highest relocation benefit provided by local, state, or federal law.
- vi. Under no circumstances shall a demolition permit be issued unless the Los Angeles Housing Department provides a written clearance to the Department of Building and Safety stating that the landlord has complied with the relocation assistance requirements of this section. The landlord shall provide proof of compliance with the relocation assistance requirements of this section to the Los Angeles Housing Department on a form provided by the Los Angeles Housing Department. The form shall be accompanied by a fee of \$45 per unit. The annual fee increase adjustment shall be based on the Consumer

Price Index – All Urban Consumers for the Los Angeles-Long Beach-Anaheim area, or if such index ceases to be published, by an equivalent index chosen by the Director of the Los Angeles Housing Department. The fee shall be averaged for the previous twelve (12) month period ending September 30 of each year. It shall reflect the change in the Consumer Price Index over the previous consecutive twelve (12) month period expressed as a percentage and rounded off to the nearest whole number.

- vii. ~~v.~~ If an ~~developer~~owner of residential real property has exercised, after the adoption of this ordinance, its rights under California Government Code, Chapter 12.75 (Residential Rental Property), Sections 7060-7060.7 to withdraw the property from residential rent or lease or Chapter XVI. (Housing Regulations), Sec. 165.03 I.1 or Sec. 165.03 I.3 (Just Cause Evictions) of this Code, and the ~~developer~~owner did not state an intent to redevelop the property in its Notice of Intent to Withdraw; and the ~~developer~~owner did not pay occupants of the property relocation payments consistent with Sub-subparagraphs i. (Comparable Replacement Unit), ii. (Standardized Payment), or iii. (Individualized Relocation Process Consistent with State Relocation Law), above, and then within five years of submitting this Notice of Intent to Withdraw, the owner seeks to develop the property as demonstrated by actions described in Sub-subparagraph iv., above, the following shall apply:
- a) As a condition of the clearance of demolition or new construction permits, the applicant or the applicant's successor-in-interest shall be required to pay to the LAHD a fine equal to three times the relocation benefit amount that would have been paid under Sub-subparagraphs ii. (Standardized Payment) or iii. (Individualized Relocation Process Consistent with State Relocation law), above, where the income of the former occupants are known; where incomes of the former occupants are not known, the applicant shall be required to pay \$250,000 per displaced occupant household. The LAHD shall not clear a demolition or new construction permit until the applicant complies with this section. The withholding of permits shall not apply to demolition permits or approvals that are necessary to comply with a Department of Building and Safety, LAHD, or other government order.

Notice Process.

When a developerowner seeks a demolition or new construction permit clearance from LAHD at a property where the developerowner may have misrepresented its intention to develop the property in its Notice of Intent to Withdraw, and it has not paid relocation benefits to tenants consistent with having displaced them for development, LAHD will provide written notice to the developerowner that the LAHD's clearance of the permits is conditioned on payment of the fine. The notice shall include the address of the property at issue, a copy of the developerowners Notice of Intent to Withdraw, the amount of the potential fine, and the process to appeal the imposition of the fine.

Appeal Process.

The notice shall include a right to file an appeal within 30 calendar days of the notice of the condition to pay the fine which shall include the right to an administrative hearing.

DeveloperOwners who file an appeal will be subject to an administrative fee to pay for the costs of the appeal. The amount will be the same amount as for appeals under Chapter XVI. (Housing Regulations), Sec. 165.06.C (Relocation Assistance).

After the hearing officer issues a decision in the administrative hearing, the developerowner will have a right to seek judicial review of the determination governed by California Code of Civil Procedure, Chapter 2. (Writ of Mandate), Sec. 1094.5. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure, Chapter 2. (Writ of Mandate), Sec. 1094.5 only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision became final.

- b) Any *lower income household* who is displaced as a result of a tenancy termination for the purpose of property development under Chapter XVI. (Housing Regulations), Sec. 165.03 I.1 or 3 (Just Cause Evictions), Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 A.10 (Evictions),

Chapter IV. (Public Welfare), Sec. 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or Sec. 47.09 (Mobilehome Park Closure Impact Report) of this Code, shall be entitled to relocation benefits under ~~Sub-sub-subparagraph a) of~~ Sub-subparagraphs ii. (Standardized Payment) or iii. (Individualized Relocation Process Consistent with State Relocation Law), above. The payment shall be made in accordance with Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09.G.1-2 (Evictions).

- c) For the occupant who was in possession of their unit at the time the ~~developer~~~~owner~~ filed the Notice of Intent to Withdraw who seeks to pursue a Private Right of Enforcement under Paragraph 2. (Private Right of Enforcement; Civil Penalties) of Subsection E. (Procedures). below, for causes of action arising out of Sub-subparagraph vii. above, the cause of action shall accrue when the ~~developer~~~~owner~~ files for an entitlement, building permit, or Replacement Unit Determination to construct a *project*.

Right to Return

This change is recommended to clarify that the Comparable Unit afforded to tenants under the Right to Return will need to be deed-restricted.

CH 1 INSTRUCTIONS: Revise language clarifying that the Comparable Unit afforded to tenants under the Right to Return will need to be deed-restricted in Section 16.60 A.3(b)(4)(i) on page 11 of Exhibit A.2 to include the following addition:

TRACKED CHANGE

- (i) A right of first refusal for a deed-restricted Comparable Unit...

CH 1A INSTRUCTIONS: Revise language clarifying that the comparable unit afforded to tenants under the Right to Return will need to be deed-restricted in Section 4C.15.1.C.3.d.i. on page 11 of the Proposed Draft Chapter 1A Resident Protections Ordinance to include the following addition:

TRACKED CHANGE

- i. A right of first refusal for a deed-restricted comparable unit, see Paragraph 4...

Anti-Harassment Penalties

This change is recommended to clarify consequences for non-compliance with the Anti-Harassment provisions of the proposed ordinance.

CH 1 INSTRUCTIONS: Revise language regarding consequences of placement in LAHD's Anti-Harassment Violators Database in 16.60 A.6(d) on page 19 of Exhibit A.2 to include the following additions and deletions:

TRACKED CHANGE

...If any applicant or permittee seeking a demolition permit or approval pursuant to LAMC Section 16.60 for a Development Project involving new construction, major renovations, or additions, ~~that is within a property with Protected Units~~ and the applicant or permittee is on the LAHD Anti-Harassment Violators Database, the Superintendent of Building and Safety shall withhold or revoke the issuance of any demolition permits for five years and the Director of Planning and/or Superintendent of Building and Safety shall withhold the issuance of any approval for five years. Where the City has denied or revoked a demolition permit or approval to any applicant under this paragraph ~~(d)~~, the denial or revocation for a five year term for the subject property shall transfer ("run with the land") at sale to any new owner, unless the new owner is developing a publicly-financed affordable housing project on the same site where more than 50 percent of the units are affordable, except for manager's unit(s). ...

CH 1A INSTRUCTIONS: Revise language regarding consequences of placement in LAHD's Anti-Harassment Violators Database in 4C.15.1.C.4.d on pages 15-16 of Proposed Draft Ch 1A Resident Protections Ordinance to include the following additions and deletions:

TRACKED CHANGE

... If any applicant or permittee seeking a demolition permit or approval pursuant to this Sec. 4C.15.1. (Housing Projects that Result in the Demolition of Dwelling Units) or Sec. 4C.15.2. (Non-Housing Projects that Result in the Demolition of Dwelling Units) for a *project* involving new construction, major renovations, or additions, ~~that is within a property with Protected Units~~ and the applicant or permittee is on the LAHD Anti-Harassment Violators Database, the Superintendent of Building and Safety shall withhold or revoke the issuance of any demolition permits for five years and the Director of Planning and/or Superintendent of Building and Safety shall withhold the issuance of any approval for five years. Where the City has denied or revoked a demolition permit or approval to any applicant under this Subparagraph d. (Consequences of Placement on LAHD's Anti-Harassment Violators Database) above, the denial or revocation for a five year term for the subject property shall transfer ("run with the land") at sale to any new owner, unless the new owner is developing a publicly-financed affordable housing project on the same site where more than 50 percent of the units are affordable, except for manager's unit(s). ...

State and Federal Law exemption from 99 year covenant requirement

This change is recommended to clarify the relationship between the 99 year covenant requirement in the proposed ordinance, and State or Federal requirements that include

conflicting covenant lengths.

CH 1 INSTRUCTIONS: Add language clarifying relationship of 99 year covenants to conflicting requirements in state law in 16.61 A.1 on page 21 of Exhibit A.2 to include the following addition:

TRACKED CHANGE

Unless covenant terms are otherwise specified due to a requirement contained in State or Federal Law, Chapter 1 of this Code or as a condition of approval, a Development Project is subject to this section and must be restricted by a covenant acceptable to the Los Angeles Housing Department recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction will be observed for at least 99 years from the issuance of the Certificate of Occupancy except for:

CH 1A INSTRUCTIONS: Add language clarifying relationship of 99 year covenants to conflicting requirements in state law in 4C.15.3.C.1.a on page 24 of the Proposed Draft Ch 1A Resident Protections Ordinance to include the following addition:

TRACKED CHANGE

- a. Unless covenant terms are otherwise specified due to a requirement contained in State or Federal Law, Chapter 1 of this Code or as a condition of approval, a *project* is subject to this section and must be restricted by a covenant acceptable to the Los Angeles Housing Department recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction will be observed for at least 99 years from the issuance of the Certificate of Occupancy except for:

Covenant Approval

This change is recommended to clarify that the Los Angeles Housing Department has sole authority to approve covenants.

CH 1 INSTRUCTIONS: Add language clarifying covenant approval in in 16.61 D.1 on page 23 of Exhibit A.2 to include the following deletion:

TRACKED CHANGE

1. A covenant acceptable to the ~~Department of City Planning and the~~ Los Angeles Housing Department shall be recorded guaranteeing the requirements in this LAMC Section 16.61 and providing for a private right of enforcement by the City, any tenant of any building to which a covenant and agreement applies.

CH 1A INSTRUCTIONS: Add language clarifying covenant approval in in 4C.15.3.D.1 on page 26 Proposed Draft Ch 1A Resident Protections Ordinance to include the following deletion:

TRACKED CHANGE

1. Records and Agreements

A covenant acceptable to the ~~Department of City Planning and the~~ Los Angeles Housing Department shall be recorded guaranteeing the requirements in this Section 4C.15.3 and providing for a private right of enforcement by the City, any tenant of any building to which a covenant and agreement applies.

Linkage Fee Covenant Length

This change is recommended to revise covenant length requirements for projects seeking an exemption from the Affordable Housing Linkage Fee.

CH 1 INSTRUCTIONS: Clarifying covenant length in Sec. 11 of the ordinance on page 24 of Exhibit A.2 by replacing Sec. 11 of the ordinance to read as follows:

Sec. 11. Paragraph (b) and (h) of Subdivision 2 of Subsection B. of Section 19.18 of Article 9 of Chapter 1 of the the LAMC are amended to read as follows:

(b) Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low income households, for at least 55 or 99 years, pursuant to LAMC 16.61 A where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. ~~---~~ Such a covenant shall also subject projects using this exemption to the replacement policies in ~~Government Code Section 65915(e)(3)~~ LAMC Section 16.60, as that section may be amended from time to time, and...

(h) Any project located within the boundaries of the Central City West Specific Plan Area, as defined in Ordinance No. 163,094, if the Applicant agrees by covenant and agreement with the City or by development agreement to abide by the linkage fee and replacement housing obligations set forth in ~~the Specific Plan for the Central City West Area~~ LAMC Section 16.60.

CH 1A INSTRUCTIONS: Clarify covenant length language in Sec. 8 of the ordinance on pages 29-30 of the Proposed Draft Ch 1A Resident Protections Ordinance by replacing Sec. 8 of the ordinance to read as follows:

Sec 8. Amend Sub-subparagraph ii. of Subparagraph b. of Paragraph 1. (Exemptions) of Subsection B. (Applicability) of Section 15.4.3. (Affordable Housing Linkage Fee) of Div. 15.4. (Affordable Housing Program Fees) of Article 15 (Fees) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

- ii. The *housing development project's restricted affordable units* are subject to a recorded affordability restriction of 99 years pursuant to Sec. 4C.15.3 (Restricted Affordable Units) from the issuance of the *Certificate of Occupancy*, recorded in a covenant acceptable to the LAHD, and subject to fees as set forth in Sec. 15.4.2. (Fees for Enforcement of Housing Covenants); ~~also including:~~

- a) ~~A housing development project in which 100 percent of all dwelling units, exclusive of manager units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.~~
- b) ~~A mixed-income housing development project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.~~
- e) Such a covenant shall also subject *projects* using this exemption to the replacement policies in ~~California Government Code (Sec. 65915(c)(3))~~ Sec. 4C.15.1 (Housing Projects that Result in the Demolition of Dwelling Units) or Sec. 4C.15.2 (Non-Housing Projects that Result in the Demolition of Dwelling Units), and to LAHD fees related to housing replacement determinations pursuant to State law, as set forth in this Zoning Code (Chapter 1A).pursuant to State law, as set forth in this Zoning Code (Chapter 1A).

Sincerely,



VINCENT P. BERTONI, AICP
Director of Planning

VPB:AV:JM:MG:jh