

ORDINANCE NO. 188481

An ordinance amending Sections 12.03, 12.22, 12.24, 14.00, 19.18; adding Sections 16.60 and 16.61 of Chapter I of the Los Angeles Municipal Code; and, amending Article 18 of Chapter IV of the Los Angeles Municipal Code to codify housing replacement requirements and resident protections.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The following definitions are added to Section 12.03 of Article 2 of Chapter I of the Los Angeles Municipal Code in alphabetical order to read as follows:

Development Project includes any project involving the issuance of a City Planning approval or a building permit from the Los Angeles Department of Building and Safety to allow the alteration of the size of, construction, or demolition of any structure, or a change in the density or intensity of use of land, and is subject to the requirements for development projects under Section 66300.6 of the California Government Code.

Housing Development Project has the same meaning as defined in paragraph (2) of subdivision (h) of California Government Code Section 65589.5, except that it also includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit.

Protected Units means any of the following:

- (a) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
- (b) Residential dwelling units that are or were subject to the Rent Stabilization Ordinance pursuant to Article I of Chapter XV of this Code, or any other form of rent or price control through a public entity's valid exercise of its police power within the past five years.
- (c) Residential dwelling units that are or were rented by lower or very low income households within the past five years.

(d) Residential dwelling units that were withdrawn from rent or lease in accordance with the Ellis Act (Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code) within the past 10 years.

Replace has the same meaning as provided in subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of Section 65915 of the California Government Code.

Sec. 2. Subparagraph (1) of Paragraph (d) of Subdivision 29 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(1) For any project qualifying for a Floor Area Bonus that contains rental housing for Low, Very Low, Moderate or Workforce Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 or 99-years as specified in Section 16.61 A of this Code, from the issuance of the Certificate of Occupancy.

Sec. 3. The first sentence in Subparagraph (1) of Paragraph (b) of Subdivision 31 of Subsection A. of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(1) A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it provides minimum required percentages of On-Site Restricted Affordable Units, meets the applicable replacement requirements of Section 16.60 of this Code, and does not seek or receive a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses.

Sec. 4. Subparagraph (1) of Paragraph (f) of Subdivision 31 of Subsection A. of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(1) For any Housing Development qualifying for a TOC Incentive that contains rental housing for Extremely Low, Very Low, or Lower Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for 55 or 99 years as specified in Section 16.61 A of this Code.

Sec. 5. Subparagraphs (3) and (4) of Paragraph (a) of Subdivision 26 of Subsection U. of Section 12.24 of the Los Angeles Municipal Code are amended to read as follows:

(3) the project meets any applicable dwelling unit replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and Section 16.60 of this Code as verified by the Los Angeles Housing Department (LAHD). Replacement housing units required pursuant to these sections may count toward any on-site Restricted Affordable Unit requirement above;

(4) the project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 or 99 years as specified in Section 16.61 A of this Code from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and

Sec. 6. Subparagraph (4) of Paragraph (a) of Subdivision 30. of Subsection U. of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

(4) the affordability of all reserved lower income dwelling units will continue for a minimum of 55 or 99 years as specified in Section 16.61 A of this Code;

Sec. 7. The last sentence of Subparagraph (2) of Paragraph (c) of Subdivision 10 of Subsection A. of Section 14.00 of the Los Angeles Municipal Code is amended to read as follows:

A covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that each required Restricted Affordable Unit shall be reserved and maintained for at least 55 or 99 years as specified in Section 16.61 A of this Code.

Sec. 8. Subparagraph (3) of Paragraph (c) of Subdivision 13 of Subsection A. of Section 14.00 of the Los Angeles Municipal Code is amended to read as follows:

(3) **Housing Replacement.** Projects shall meet any applicable dwelling unit replacement requirements of Section 16.60 of this Code, as verified by the Los Angeles Housing Department and all applicable covenant and monitoring fees in Section 19.14 of this Code shall be paid by the applicant prior to the issuance of any building permit.

Sec. 9. A new Section 16.60 is added to Article 6.1 of Chapter I of the Los Angeles Municipal Code as follows:

SEC. 16.60. DEMOLITION OF HOUSING UNITS

A. Development Projects that Result in the Demolition of Housing Units

1. **Purpose.** This subdivision enforces compliance with state law and offers protections related to the demolition of housing units that occurs as a result of Development Projects and extends these protections beyond their expiration of January 1, 2030 under state law.
2. **Definitions.** As used in this section the following words and phrases shall have the meanings specified below. Other terms used in this section shall have the meanings in Section 12.03 of this Code if defined there.

Affordable Housing Cost has the same meaning as defined in Section 50052.5 of the California Health and Safety Code.

Affordable Rent has the same meaning as defined in Section 50053 of the California Health and Safety Code.

Comparable Unit contains the same or greater number of existing bedrooms and bathrooms as the unit being replaced. Where one or more single family homes with four or more bedrooms are being replaced by a project that consists of two or more units, a Comparable Unit may have three bedrooms.

Equivalent Size means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

3. **Approval of Housing Development Projects that Result in the Demolition of Housing Units.** Notwithstanding any law to the contrary, the City shall not approve any Housing Development Project that would require the demolition of occupied or vacant Protected Units, or that is located on a site where Protected Units were demolished in the previous five years, unless all of the following requirements are satisfied.

(a) **Replacement of Existing or Demolished Protected Units.** The Housing Development Project shall replace all existing Protected Units and Protected Units demolished on or after January 1, 2020 pursuant to the replacement requirements of California Government Code Section 65915(c)(3) and consistent with the requirements included in Los Angeles Municipal Code Section 16.60 A.3.(a), which are in addition to any requirements included in Section 151 of this Code.

(1) **Income Requirements.** Units occupied on the date of application shall be replaced with units at an Affordable Rent or Affordable Housing Cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy based upon the units and incomes of those households in occupancy pursuant to California Government Code Section 65915(c)(3)(B)(i) inclusive of the following income categories: Low Income, Very Low Income, Extremely Low Income and Acutely Low Income. Units that have been demolished or vacated on or before the date of application shall be replaced with units at an Affordable Rent or Affordable Housing Cost based upon the highpoint in occupancy during the previous five years pursuant to California Government Code Section 65915(c)(3)(B)(ii).

(i) **Replacement When Incomes Are Not Known.** If the incomes of the individuals and households are not known, and unless otherwise demonstrated, the presumption in California Government Code Section 65915(c)(3)(B)(i) regarding Lower Income Households shall be inclusive of the percentage of Extremely Low Income, Very Low Income and Low Income Households in the same proportion as their share of all renter households within the City of Los Angeles, as determined by the General Manager of the Los Angeles Housing Department utilizing the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy

database or equivalent census data disaggregated by tenure and income category.

(ii) **Replacement of Rent or Price Controlled Units in Higher, Moderate, and Lower Opportunity Areas.**

Notwithstanding Section 16.60 A.3(a)(1)(i) above, units subject to a form of rent or price control through a local government's valid exercise of its police power shall be replaced accordingly. In Higher Opportunity Areas and Moderate Opportunity Areas, units deemed or presumed to be occupied by persons or families above the lower income category shall be replaced with low income units. In Lower Opportunity Areas, units shall be replaced proportionate to the share of all lower income renter households within the City of Los Angeles described in Section 16.60 A.3(a)(1)(i) above.

(2) **Equivalent Size.** All replacement units must be Equivalent Size, and Development Projects shall contain at least the same total number of units and total aggregate number of bedrooms as the Protected Units being replaced. Except when a tenant is exercising the right to return as defined in Section 16.60 A.3(b)(4), new units do not have to match bedroom configurations of the demolished units.

(3) **Relationship to Other Affordability Requirements.** Any Protected Units replaced under this subparagraph shall be considered in determining whether the Housing Development Project satisfies the requirements of any state, local or federal requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, extremely low income, or acutely low income households, as specified in Sections 50063.5, 50079.5, 50093, 50105, and 50106 of the California Health and Safety Code.

- (4) **Exceptions.** Notwithstanding the requirements above, the replacement requirements of this section shall not apply to the following:
- (i) A Housing Development Project that consists of a single residential unit on a site with a single Protected Unit.
 - (ii) A Housing Development Project that complies with the requirements of Section 16.60 A.5(a) of this Code.
- (5) **Procedures.** An owner of a Housing Development Project subject to the above requirements must complete an application for a Replacement Unit Determination with the Los Angeles Housing Department (LAHD). Information from the owner and existing tenant(s), as well as information gathered by LAHD, will be used to determine whether any Protected Units exist.

(b) Existing Occupant Protections

- (1) **Right to Remain.** An existing occupant shall be allowed to occupy their unit until six months before the start of construction activities with proper notice, subject to Chapter 16 (beginning with Section 7260) of Division 7 of Title 1 of the California Government Code. The project applicant shall give existing occupants written notice of the planned demolition, the date the occupant must vacate, and the occupant's rights under this Section 16.60. Notice shall be provided at least six months before the date the occupant must vacate, or more than six months before if required under applicable state or local law.
- (2) **Right to Return if Demolition Does Not Proceed.** An existing occupant that is required to leave their unit shall be allowed to return to the same rental unit or a Comparable Unit at their prior rental rate if the demolition does not move forward and the property is returned to the rental market. This right to return is in addition to any applicable requirement in Los Angeles Municipal Code Sections 151.26

(Ellis Act Provisions – Regulation of Property on Re-Offer for Rent or Lease After Withdrawal) or 151.27 (Ellis Act Provisions - Re-Rental Rights of Displaced Tenants) of Article 1 of Chapter XV for properties subject to the Rent Stabilization Ordinance.

- (3) **Right to Relocation.** For occupants who are not Lower Income Households, relocation benefits shall follow the amounts and processes, as applicable, in Los Angeles Municipal Code Sections 151.09 G (Rent Stabilization Ordinance) and 165.06 A (Just Cause Ordinance), California Government Code Section 65863.7 (Mobile Home Closures), or for publicly funded projects the greater amount under either local law 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), occupants of Lower Income Households displaced from their residence by a Development Project shall be entitled to, and the owner shall pay, relocation benefits that equal 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.

The owner shall comply with this requirement by following sub-subparagraphs (i), (ii) or (iii) below, and complying with all of the requirements in sub-subparagraphs (iv)-(vii):

- (i) **Comparable Replacement Unit.** Before or at the time of serving a notice to terminate tenancy, or if no notice is served, before or when 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 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 Sections 151.09 (Evictions) or Section 165.06 (Relocation Assistance) of this Code, the owner shall comply with the respective processes and amounts in these sections;
- d. Any requirement that an occupant make an advance payment to the owner, such as first and last month's rent or a security deposit, must be in accordance with all laws. An owner must pay the relocation benefit to the occupant before the occupant's advance payment to the owner is due;
- 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 owner to provide additional proof that the occupant executed the lease at the comparable replacement unit; and
- 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, the owner shall pay relocation benefits to

the occupant under Section 16.60 A.3(b)(3)(ii) or (iii), below.

- (ii) **Standardized Payment.** Pay relocation benefits to the existing occupant(s) within 15 days after service of a notice to terminate tenancy, or, if no notice is served, then prior to or at the time the occupant(s) are displaced, according to the following requirements:
 - a. Pay an amount 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 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 Section 151.06 D (Automatic Adjustments) of this Code. The adjusted amount shall be rounded to the nearest \$50 increment. LAHD shall publish the amount annually; and
 - c. The relocation benefits shall be paid in accordance with the process and timing requirements in Section 151.09 G.1(a) and (b), G.2, and G.5 of this Code.
- (iii) **Individualized Relocation Process Consistent with State Relocation Law.** Before or when the owner serves a notice to terminate tenancy, or if no notice is served, then before or when the occupant is displaced by a project, the owner shall be subject to an individualized

relocation process to determine and pay the amount of relocation equal to the amount paid by public entities under California Government Code Sections 7260-7277. The owner shall:

- a. At the time the Replacement Unit Determination is filed or at the termination of tenancy, whichever comes first, submit all relocation documents required by LAHD for publicly-financed projects, including but not limited to: a relocation plan; a résumé and qualifications of the required relocation consultant; a completed relocation tenant rent roll; and a completed project summary assessment;
 - b. Before filing with LAHD a Notice of Intent to Withdraw or Declaration of Intent to Evict for the purpose of demolition, obtain LAHD's approval of all required relocation documents. If no LAHD approval is obtained, then the owner may 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. Obtain LAHD's approval of the calculated relocation payment once a tenant has identified replacement housing; and
 - d. Provide to LAHD evidence showing the tenant was relocated to the identified replacement housing and the owner has paid the tenant the full relocation payment.
- (iv) For determining whether a tenant is displaced by a Development Project, the following actions shall constitute evidence of development if:
- a. The Owner applies for an entitlement or building permit for a Development Project requiring demolition of an existing rental unit and the tenancy is or will be

terminated as a result;

- b. The Owner applies for a Replacement Unit Determination and the tenancy is or will be terminated as a result; or
 - c. The Owner serves a notice or otherwise seeks to terminate a tenancy or recover possession of a rental unit based on any of the reasons in Los Angeles Municipal Code Sections 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use), 47.09 (Mobilehome Park Closure Impact Report), 151.09 A.10 (Evictions), 165.03 I.1, or 165.03 I.3 (Just Cause Evictions), requiring payment of relocation assistance and that includes evidence of intent to develop the property.
- (v) Nothing in this subsection relieves the owner from the obligation to provide relocation assistance under City administrative agency action or any other provision of local, state or federal law. If an occupant has the right to monetary relocation benefits under 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 has the right to the highest relocation benefit provided by local, state, or federal law.
- (vi) No demolition permit shall be issued unless LAHD provides a written clearance to the Department of Building and Safety stating that the owner has complied with the relocation assistance requirements of this section. The owner shall provide proof of compliance with the relocation assistance requirements of this section on a form provided by LAHD. The form shall be accompanied by a fee of \$45 per unit. The fee shall be adjusted annually based on the Consumer Price Index – All Urban Consumers for the Los Angeles-Long Beach-Anaheim metropolitan statistical area, or if such index

ceases to be published, by an equivalent index chosen by the Director of LAHD, and pursuant to Section 151.06.D of this Code. LAHD shall publish the fee annually.

- (vii) If after the effective date of this ordinance an owner of residential real property has exercised its rights under California Government Code Section 7060, et seq. to withdraw the property from residential rent or lease or exercised its rights under Los Angeles Municipal Code Section 165.03 I.1 or 165.03 I.3 (Just Cause Evictions), with no stated intent to redevelop the property in its Notice of Intent to Withdraw, paid no property relocation payments consistent with Section 16.60 A.3(b)(3)(i), (ii) or (iii), above, to the occupants of the property, and within five years of submitting the Notice of Intent to Withdraw, the owner seeks to develop the property as demonstrated by actions described in Section 16.60 A.3(b)(3)(iv), above, then 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 LAHD a fine equal to three times the relocation benefit amount that would have been paid under Section 16.60 A.3(b)(3)(ii) or (iii), above, where the income of the former occupants is known. Where income of the former occupants is 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 an owner seeks a demolition or new construction permit clearance from LAHD at a property where the 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 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 owner's 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.

The appellant shall pay an administrative fee for the costs of the appeal in an amount equal to the amount for appeals under Section 165.06.C (Relocation Assistance) of this Code.

After the hearing officer issues a decision in the administrative hearing, the owner may seek judicial review of the determination pursuant to California Code of Civil Procedure Section 1094.5.

- b. Any Lower Income household displaced as a result of a tenancy termination for the purpose of property development under Los Angeles Municipal Code Sections 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or 47.09 (Mobilehome Park Closure Impact Report), 151.09 A.10 (Evictions), or 165.03 I.1 or 165.03 I.3 (Just Cause Evictions), shall be entitled to relocation benefits under Section 16.60 A.3(b)(3)(ii), above. The payment shall be in accordance with Section 151.09.G.1-2 (Evictions) of this Code.
- c. A private right of action under Section 16.60 A.7, below, for causes of action arising out of Section 16.60 A.3(b)(3)(vii), brought by an occupant in

possession of the unit when the Notice of Intent to Withdraw was filed shall accrue when the owner files for an entitlement, building permit, or Replacement Unit Determination to construct a Development Project.

(4) **Right to Return.** The owner shall provide the following to the existing occupants of any Protected Units that are lower income households and agree to this requirement on a form provided by LAHD:

- (i) A right of first refusal for a deed-restricted Comparable Unit available in the new housing development affordable to the household at their prior rental rate or an Affordable Rent or an Affordable Housing Cost, whichever is lower. Where the prior rental rate is used to establish the initial rent, subsequent rent increases for such tenants shall not exceed the allowable rent increase for rent stabilized units under Chapter XV (Rent Stabilization Ordinance) of this Code, and this limitation shall be included in the covenant recorded for the affordable replacement unit. This right of first refusal requirement shall not apply to any of the following:
 - a. A Development Project that consists of a single residential unit located on a site where a single Protected Unit is being demolished;
 - b. Units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for Lower Income Households, except when Protected Units are occupied by households who qualify for residence in the new development and for whom providing a Comparable Unit would not be precluded due to unit size limitations or other requirements of any funding source of the housing development, as determined by

the Los Angeles Housing Department; or

- c. A Development Project that meets all of the criteria in 16.60 A.4(a)(1).

(5) Additional Tenant Notification Obligations.

- (i) A project applicant shall notify existing tenants in writing of all their legal rights under Section 16.60 A.3(b) of this Code. Information regarding the tenant's eligibility for these rights, rent guidelines for the new unit, and any procedures the tenant will need to follow to exercise these rights shall be provided in writing to the tenant in accordance with any and all requirements and procedures of LAHD's Replacement Unit Determination (RUD). The applicant shall provide and maintain accurate contact information to tenants for purposes of communicating throughout the construction and lease up of the Development Project.
- (ii) A project applicant or their predecessor-in-interest shall provide written notice to any tenant who is exercising their right to return of major milestones in the development process, including but not limited to: (1) the start of construction; (2) on at least a bi-annual basis provide updates on the anticipated date of when occupancy would be opened; (3) at least 180, 90, 30 and 15 days in advance of the anticipated availability of the unit pursuant to the issuance of the Temporary or Final Certificate of Occupancy; (4) when the Temporary Certificate of Occupancy is issued; and (5) when the Final Certificate of Occupancy is issued. Failure to inform tenants of the project's major milestones may result in commensurate additional time provided to the tenant to return to the replacement unit. This subsection shall not preclude tenants from contacting the applicant or their predecessor-in-interest to inquire about progress

throughout construction and lease up of the Development Project.

- (iii) Where a tenant household has a right of return pursuant to Section 16.60 A.3(b) of this Code, the project applicant or their predecessor-in-interest shall notify the tenant household of this right. The notice must comply with the applicable standards set forth by LAHD and include the rent guidelines for the project and any procedures the tenant must follow to claim a new unit. Where LAHD has created a standard notice, the project applicant must provide that standard notice to tenant households.
- (iv) Within 30 days of receipt of the notice that the Temporary or Final Certificate of Occupancy has been issued and the replacement unit is available, a tenant household must notify the owner if it wishes to reoccupy the replacement unit or room. The owner must hold the unit or room vacant at no cost to the tenant for 60 days from the date the tenant household's written notice of its intent to reoccupy the rental unit is received.
- (v) Where a tenant household has a right to remain pursuant to Section 16.60 A.3(b) of this Code the project applicant or their predecessor-in-interest shall provide written notice to existing occupants of the planned demolition, the date they must vacate, and their rights under this section.
- (vi) A project applicant who experiences unforeseen delays in issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy impacting the timeline of their construction milestone updates shall not be subject to the Private Right of Action described in Section 16.60 A.7, so long as they can demonstrate compliance with the tenant notification obligations in Section 16.60 A.3(b)(5).

- 4. Approval of Non-Housing Development Projects that Result in the Demolition of Housing Units until January 1, 2030.** Notwithstanding any other law until January 1, 2030, the City shall not approve any Development Project that is not a Housing Development Project and will require the demolition of occupied or vacant Protected Units, or is located on a site where Protected Units were demolished in the previous five years, unless all the following requirements are satisfied.

(a) **Replacement of Existing or Demolished Protected Units.** The project shall replace all existing Protected Units and Protected Units demolished on or after January 1, 2020, pursuant to the replacement requirements of California Government Code Section 65915(c)(3) and Section 16.60 A.3(a) of this Code, consistent with the following requirements:

- (1) The Development Project may not include an industrial use nor be located on a site that is entirely within a zone, adopted prior to January 1, 2022, that does not allow residential uses and the Protected Units that are or were on the project site are or were nonconforming uses;
- (2) At the time of permit issuance, a Development Project applicant must sign an affidavit for the Los Angeles Department of Building and Safety to ensure the replacement housing will be developed prior to or concurrently to the Development Project. “Developed prior” means that a Certificate of Occupancy or Temporary Certificate of Occupancy for the replacement housing must be obtained prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the nonresidential Development Project;
- (3) The required replacement housing may be located on a site other than the project site but shall be located within the City of Los Angeles, with a preference for sites within close proximity;
- (4) The project applicant may contract with another entity to develop the required replacement housing units, except that the replacement housing units shall not fulfill the affordability

requirements of any other development pursuant to another law;

(5) A commercial developer seeking a commercial density bonus may propose providing restricted affordable units through an agreement with a housing developer for partnered housing. The agreement must be approved by the City pursuant to California Government Code Section 65915.7; and

(6) Notwithstanding the requirement that an Accessory Dwelling Unit be located on a lot with an existing or proposed primary residence, the replacement housing may be established through creation of an Accessory Dwelling Unit with the primary nonresidential use on the parcel being able to be used in place of a primary residence.

(b) **Existing Occupant Protections.** The Development Project meets the occupant protections described in Los Angeles Municipal Code Section 16.60 A.3(b); and

(c) **Sunset Provisions.** The requirements of this subsection shall not apply to projects approved after January 1, 2030, except for those Development Projects that submitted a preliminary application pursuant to Section 65941.1 of the California Government Code before January 1, 2030. This subsection shall remain in effect until January 1, 2034, and as of that date is repealed.

5. No Net Loss of Dwelling Units. Notwithstanding any other law and notwithstanding density limitations on a site, no permit shall be issued for a Housing Development Project that will require the demolition of one or more residential dwelling units irrespective of Protected Unit status, unless the project will create at least as many residential dwelling units as those demolished. In addition, the Housing Development Project shall include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years, except for the following:

(a) LAHD may approve an off-site replacement plan for buildings with covenanted affordable housing units that request approval to build

a smaller number of units on the site in the following circumstances:

- (1) The proposed construction of the new affordable units cannot replace all units on site due to physical changes in unit type, such as replacing Single Room Occupancy or Residential Hotel guest rooms with studio dwelling units; or
- (2) The proposed construction of the new affordable housing units cannot replace all units on site and meet the City's required Accessible Housing Program standard;
- (3) Off-site replacement units approved by LAHD pursuant to this subparagraph shall be subject to the following requirements:
 - i) Subject to LAHD approval, the off-site replacement housing units will be of Equivalent Size or larger and have equivalent amenities as the on-site replacement housing units, and will be covenanted at the same affordability levels and for at least the same length of time as the on-site replacement housing; and
 - ii) Subject to LAHD approval, the off-site replacement housing units will be constructed within a three-mile radius of the on-site replacement housing units.

6. Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction

(a) Thresholds for Placement in Anti-Harassment Violators

Database. LAHD shall place a beneficial owner onto the LAHD Anti-Harassment Violators Database when:

- (1) A final judgment has been issued against the beneficial owner within the last five years, which does not precede the operative date of this Section 16.60 A.6, for unlawful tenant harassment under the City's Tenant Anti-Harassment Ordinance, known as "TAHO," as set forth under Article 5.3 in Chapter IV of the Los Angeles Municipal Code, or similar actions within City limits

under California Civil Code Sections 1940.2, 1942.4, or 1942.5;
or

- (2) The City has either (A) issued three final citations for TAHO violations at properties in the City against the beneficial owner within the last ten years, which do not precede the operative date of this Section 16.60 A.6, for which all appellate remedies have expired or (B) in zones where there is a heightened risk of displacement of lower income tenants as determined by the City's Displacement Assessment Risk Tool, the City has issued one final citation for TAHO violations at a property against the beneficial owner within the last five years, which do not precede the operative date of this Section 16.60 A.6, for which all appellate remedies have expired; or
- (3) A final judgment has been issued against the beneficial owner within the last five years, which does not precede the operative date of this Section 16.60 A.6, for: wrongfully or illegally evicting a tenant within City limits, or causing a tenant to involuntarily quit within City limits in violation of local or state law.
- (4) As used in Section 16.60 A.6, a "beneficial owner" includes any of the following:
 - (i) A natural person with a recorded ownership interest in the real property where the tenant harassment takes place;
 - (ii) An ownership entity, including a corporation, limited liability company, limited partnership, partnership, or trust with a recorded interest in the real property where the tenant harassment takes place;
 - (iii) An entity or natural person that meets any of the following criteria:
 - a. has an "ownership interest" or "ownership or control of ownership interest" as these terms are defined in Section 1010.380(d)(2)(i)-(ii) (Reports

of Beneficial Ownership Information) of Title 31 of the Code of Federal Regulations, in an entity described in Sub-subparagraph (4)(i) or (4)(ii) above;

b. exercises "substantial control," as the term is defined in Section 1010.380(d)(1) (Reports of Beneficial Ownership Information) of Title 31 of the Code of Federal Regulations, over an entity described in Sub-subparagraph (4)(i) or (4)(ii) above; or

c. receives substantial economic benefits from the assets of an entity described in Sub-subparagraph (4)(i) or (4)(ii) above.

(iv) A beneficial owner for purposes of the above excludes the following:

a. A minor child;

b. A person acting solely as an employee of an ownership entity and whose control over, or economic benefits from, that ownership entity derives solely from the employment status of the person;

c. A person whose only interest in an ownership entity is a future interest through a right of inheritance; or

d. A creditor of an ownership entity, unless the creditor meets the requirements specified in Sub-subparagraph (i) above.

(b) Notice of Determination and Right to Staff Review. After LAHD places an individual or entity into the LAHD Anti-Harassment Violators Database, LAHD shall send a Notice of Determination to the known beneficial owner(s) of the property, if different from the project applicant or permittee, as shown on the last equalized

assessment roll, and to any person holding a deed of trust, mortgage, or other security interest in the property as revealed by a title search with respect to the property.

The Notice of Determination shall state that the LAHD General Manager, or designee, has determined based on criteria in Section 16.60 A.6(a) that the beneficial owner should be placed in the LAHD Anti-Harassment Violators Database, the basis for that determination, and the potential consequences under this ordinance. This section does not create any new appeal rights under the Administrative Citation Enforcement (ACE) Program. Within 14 days of the date of this notice, the beneficial owner(s), subject to being placed in the database, shall have a right to request an LAHD staff level review of this determination. At the review, the beneficial owner may submit any evidence relevant to this determination.

- (c) **Review of Determination.** The LAHD staff review shall be set on a date no earlier than 20 days after the date of the Notice of Determination, and the review shall be conducted no later than 60 days after the date of the Notice of Determination. At the review, the beneficial owner may submit any evidence relevant to this determination regarding the correct identity of the violator and the correct number of violations. The review shall be limited to whether the beneficial owner meets one of the stated criteria set forth in Section 16.60 A.6(a) above.

Within 30 days of the review, LAHD shall provide a written LAHD Notice of Outcome notifying the beneficial owner of the outcome of the review. If the determination is upheld in review, the beneficial owner may seek judicial review by writ of mandamus.

- (d) **Consequences of Placement in LAHD's Anti-Harassment Violators Database.** When there has been a final determination to place a beneficial owner on the LAHD Anti-Harassment Violators Database, LAHD shall notify in writing the Superintendent of Building and Safety and the Director of Planning.

If any owner, applicant, or permittee, seeking a demolition permit or approval that is subject to Section 16.60 for a Development Project

involving new construction, major renovations, or additions, 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 unless otherwise prohibited by law. 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 apply to any new owner of the property, 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).

Demolition permits or approvals that are necessary to comply with a Department of Building and Safety, LAHD, or other government order shall not be withheld or revoked under this Section.

The five-year hold period shall commence on the date that a court's final judgment is entered or the City's citation for a TAHO violation is final and no further judicial remedies are available.

If at the end of the five-year hold period, no new citations have been issued to and no court findings have been made against the beneficial owner(s), the beneficial owner(s) or subsequent owners shall be removed from the LAHD Anti-Harassment Violators database. However, if during the five-year period, there is a new citation or court-entered judgment against the same beneficial owner, the five-year ban shall be extended from the date that the most recent citation or court-entered judgment becomes final and no further appeals are available. No citation used to place a beneficial owner into the database may be used against the beneficial owner more than once.

Notwithstanding any other law, any action by the Department of Building and Safety or the Department of City Planning resulting from any of the provisions of this section, including demolition permit revocation and withholding of an approval shall not be further appealable.

- (e) **Operative Date and Subsequent Ordinance.** This Section 16.60 A.6 shall become operative after LAHD establishes a determination and review process and publishes a notice of its effective date on the LAHD website and at least once in a newspaper of a general circulation in the City of Los Angeles.

If the City adopts a subsequent ordinance in conflict with the procedures in this Section 16.60 A.6 relating to the withholding or revoking of a demolition permit, this Subparagraph shall be of no further force and effect.

7. Private Right of Action; Civil Penalties.

- (a) An aggrieved tenant under Section 16.60 of this Code, or any person, organization, or entity who will daily and adequately represent the interests of an aggrieved tenant(s) under this Section 16.60, may institute civil proceedings as provided by law, against any owner, or their successor-in-interest, for violating any of the provisions of this Section 16.60 and any person who aids, facilitates, or incites another to violate the provisions of this Section 16.60, such as submitting false information in response to the requirements of this section.
- (b) The prevailing tenant may be awarded compensatory damages. A court may impose civil penalties up to \$10,000 per violation of provisions of the covenant described in this Section 16.60 depending upon the severity of that violation, tenant relocation, or other appropriate relief, as adjudged by the court. Treble damages may also be awarded for willful violations. If a tenant prevailing under this article is 65 years or older or disabled, the court may impose additional civil penalties up to \$5,000 per violation depending upon the severity of the violation of the covenants as described in this Section 16.60. The prevailing tenant shall be awarded reasonable attorneys' fees and costs.
- (c) Any owner or their agent violating any of the provisions of Section 16.60, may be enjoined therefrom by a court of competent jurisdiction.

- (d) The right to bring a civil action under Section 16.60 shall extend to current tenants at a property, to former tenants at a property who were displaced by violations of Section 16.60, and to the City.
- (e) The remedies in this paragraph are not exclusive nor do they preclude any tenant or the City from seeking any other legal or equitable remedies, penalties and punitive damages, as provided by law.
- (f) Any agreement, whether written or oral, waiving any of the provisions contained in this Section 16.60 shall be void as contrary to public policy.

8. Relationship to Other Zoning Provisions and Laws. The provisions of Section 16.60 shall apply citywide except for Historic Preservation Overlay Zones (HPOZs). Specific Plans, Supplemental Use Districts, or other overlays may establish additional replacement requirements and/or additional occupant protections greater than those provided in Section 16.60 A, in which case, the greater replacement requirements and occupant protections shall be used. This section is intended to comply with the minimum requirements of California Government Code Section 66300.6. If at any time this section does not meet the minimum requirements of California Government Code Section 66300.6, the greater replacement requirements and occupant protections shall be used. The Director of Planning may prepare Implementation Memoranda, Technical Bulletins and/or User Guides for the requirements set forth in California Government Code Section 66300.6, for the purpose of providing additional information pertaining to this section and meeting minimum requirements.

Sec. 10. A new Section 16.61 is added to Article 6.1 of Chapter I of the Los Angeles Municipal Code as follows:

SEC. 16.61. RESTRICTED AFFORDABLE UNITS

A. Length of Affordability.

1. A Restricted Affordable Unit 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 restrictions will be observed for at least 99 years from the issuance of the Certificate of Occupancy except for:

- (a) A development for which public subsidies are tied to a specified covenant period, as determined by the Los Angeles Housing Department, unless the project applicant voluntarily agrees to a covenant period of at least 99 years;
- (b) For sale units, which must be consistent with the for-sale requirements of California Government Code Section 65915(c)(2);
- (c) Residential units for Lower Income Students, Transitional Foster Youth, Disabled Veterans, and/or Homeless Persons, shall be provided at affordability levels as determined in Los Angeles Municipal Code Section 12.22 A.37 for at least 55 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.
- (d) If a lesser term is required by state or federal law, Chapter I of this Code or as a condition of approval, that term shall be no less than 55 years.

B. Requirements Regarding Unit Design, Unit Mix, Unit Size, Quality and Amenities, Access to, and Distribution of Affordable Units in Mixed-Income Developments. The Los Angeles Housing Department shall have the authority to establish and administer requirements applicable to all Restricted Affordable Units in mixed-income developments regarding the unit mix, unit size, quality and amenities, access to and distribution of affordable housing units in mixed-income Development Projects, to ensure compliance with fair housing law and any other applicable requirements, including but not limited to requirements from funding sources. The requirements shall be enforced through an approval by LAHD before permit issuance. The requirements shall be established in a set of Fair Housing Requirements for Affordable Housing created by the Los Angeles Housing Department and the Department of City Planning, and adopted by resolution by the City Planning Commission. If the City Planning Commission fails to adopt these requirements by resolution, the requirements may be presented to the City Council for their consideration and adoption. LAHD shall have the authority to interpret these requirements to best implement their goals.

1. Amendments to the Fair Housing Requirements for Affordable Housing shall be approved by the City Planning Commission, pursuant to the procedures in Section. 13B.1.5 (Guidelines or Standards Adoption/Amendment) of Chapter 1A of this Code.

2. The Director of Planning and General Manager of LAHD may prepare Implementation Memoranda, Technical Bulletins and/or User Guides for the purpose of providing additional information pertaining to this Subsection and maintaining consistency with Chapter 12, commencing with Section 66300 of the California Government Code (Housing Crisis Act of 2019).

C. Allocation of Restricted Affordable Units. Restricted Affordable Units shall be subject to the following:

1. **Affirmative Marketing and Fair Housing Outreach.** Sale or lease of the Restricted Affordable Units shall follow the affirmative marketing and outreach requirements of the Los Angeles Housing Department (LAHD), as outlined in a deed restriction drafted by LAHD and filed with Los Angeles County Recorder.
2. **Affordable and Accessible Housing Registry.** All Restricted Affordable Units shall be registered to the extent feasible on the Affordable and Accessible Housing Registry managed by LAHD, or any existing equivalent listing, when available for rent; and
3. **Priority Populations.** To the extent practical and consistent with any applicable local, state and federal law, and pursuant to any locally adopted guidelines, the Affirmative Marketing and Fair Housing Outreach provisions in subdivision 1 and the Affordable and Accessible Housing Registry in subdivision 2 above, as well as any other City Planning or LAHD administrative procedure, should attempt to prioritize those populations with the greatest housing needs that have been displaced by government-related actions. This may include, but not be limited to:
 - (a) Any person or household who has been displaced through a withdrawal of units pursuant to the Ellis Act and Sections 151.22 to 151.28 (Ellis Act Provisions) of this Code.
 - (b) A lower income person or household subject to a rent increase related to conversion to market-rate housing due to termination of a public funding subsidy contract, mortgage prepayment, or expiring use restrictions based on land use entitlement concessions; or

- (c) A person or household displaced due to a code enforcement order, including those affected by a natural disaster that resulted in their residential unit being rendered uninhabitable.

D. Private Right of Action; Civil Penalties

1. A covenant acceptable to the Los Angeles Housing Department shall be recorded guaranteeing compliance with the requirements of Section 16.61.
2. The covenant shall provide a private right of enforcement by the City and any aggrieved current or former tenant or tenants of any building to which a covenant and agreement applies. The aggrieved current or former tenant(s) may institute civil proceedings as provided by law, against any owner, or their successor-in-interest, for violating any of the provisions of the covenant as described in this Section 16.61 and any person who aids, facilitates, or incites another to violate any of the provisions of the covenant described in this Section 16.61, such as submitting false information to the City in response to the requirements of this section.
3. The prevailing tenant may be awarded compensatory or punitive damages. A court may impose civil penalties up to \$10,000 per violation of provisions of the covenant described in this Section 16.61 depending upon the severity of that violation, tenant relocation, or other appropriate relief, as adjudged by the court. Treble damages may also be awarded for willful violations. If a prevailing tenant is 65 years or older or disabled, the court may impose additional civil penalties up to \$5,000 per violation depending upon the severity of the violation of the covenant as described in this Section 16.61. The prevailing tenant shall be awarded reasonable attorney's fees and costs.
4. Any owner or their agents violating any of the provisions of the covenant as described in this Section 16.61, may be enjoined therefrom by a court of competent jurisdiction.
5. The remedies provided by this Section 16.61 are in addition to any other legal or equitable remedies and are not intended to be exclusive, nor do they preclude any tenant or the City from seeking any other remedies, penalties and punitive damages, as provided by law.

6. Any agreement, whether written or oral, waiving any of the provisions contained in Section 16.61 of this Code shall be void as contrary to public policy.

E. Relationship to Other Zoning Provisions. The provisions of Section 16.61 shall apply citywide except HPOZs. Specific Plans, Supplemental Use Districts, or other overlays may establish longer covenant lengths, requirements for unit design, mix, etc. and/or additional allocation requirements greater than those provided in Section 16.61, in which case the greater covenant length, requirements for unit design, mix, etc. and allocation requirements shall be used.

Sec. 11. Paragraphs (b) and (h) of Subdivision (2) of Subsection B. of Section 19.18 of the Los Angeles Municipal Code 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, as specified in Section 16.61 A of this Code, 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 Section 16.60, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915.

(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 in Section 16.60 of this Code.

Sec. 12. Article 19 of Chapter IV of the Los Angeles Municipal Code is amended in its entirety to read as follows:

See Los Angeles Municipal Code Section 16.60 (Demolition of Housing Units).

Sec. 13. Notwithstanding LAMC Section 11.05. (Effect of Renumbering or Redesignation of Provisions or Sections in Statutes or Codes of the State of California Which are Referenced to in the Los Angeles Municipal Code), any references to state or

federal statutes or regulations in this ordinance shall be to those statutes or regulations as written and in effect on the date the ordinance adding those references is adopted. This general rule is intended to control over a specific rule to the contrary and shall not be subject to the rule of statutory construction that where there is a conflict, a specific statute controls over a general statute. References within this ordinance to requirements of other City or government agencies or Chapters of the LAMC, as well as other local, state, and federal codes are provided for informational purposes and are not intended to be comprehensive or to provide exemption from any additional applicable regulations from other City or government agencies or Sections of the LAMC not explicitly referenced in this ordinance.

Sec. 14. **TECHNICAL CORRECTIONS.** As deemed necessary by the Director, the Department of City Planning may prepare technical corrections to this ordinance that would fix citations and typographical errors that do not result in substantive changes to the policies adopted by the City Council through Council File Nos. 22-0617, 21-1230-S5, 21-1230-S6, or 21-1230-S8, in their approval of this final ordinance, in consultation with the City Attorney.

A. Such technical corrections may include:

1. Corrections to typographical errors and citations.
2. Stylistic and formatting consistency edits
3. Corrections to ensure consistency between provisions.
4. Corrections to clarify the implementation of a provision.
5. Corrections to illustrations or graphics to align with the text of Chapter I of the Los Angeles Municipal Code.

B. The Department of City Planning shall bring those corrections to the City Council for final approval by resolution.

C. This section shall be effective for one year from the effective date of this ordinance.

Sec. 15. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety because the ordinance is necessary for urgently needed housing. As recognized in the Housing Element, the City has a need for the development of approximately 450,000 housing units by the year 2029, including an immediate need of tens of thousands of units to serve an existing shortfall. In order to address this shortfall, the City must complete a rezoning program by February 12th, 2025 per California Government Code 65583(c)(1)(A), at which time a determination of non-compliance could trigger a significant loss of funding for housing and infrastructure, loss of local zoning control, and court-imposed fines. This potential loss of funding for housing could result in less affordable housing being developed citywide, posing a severe threat to the stability of lower income households and further contributing to the City's ongoing homelessness and affordable housing crisis. This ordinance implements a rezoning program that

would make the City compliant with state-mandated requirements. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 16. **OPERATIVE DATE.** This ordinance shall be operative on February 11, 2025, in compliance with the rezoning program deadline of February 12, 2025; but if the rezoning program deadline is suspended or extended by the State of California, such as by an emergency order of the Governor, the operative date of this ordinance shall be the day before the new rezoning program deadline set by the State.

Sec. 17. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
OSCAR MEDELLIN
Deputy City Attorney

Date January 31, 2025

File No. 21-1230-S8

Pursuant to Charter Section 559, I
disapprove this ordinance on behalf
of the City Planning Commission and
recommend that it **not** be adopted.

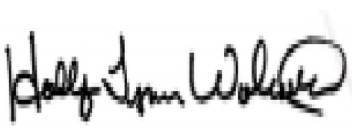

VINCENT P. BERTONI, AICP
Director of Planning

Date January 31, 2025


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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK



MAYOR



02/07/2025

Ordinance Passed February 7, 2025

Approved _____

Ordinance Published: 02/11/2025
Ordinance Effective Date: 02/11/2025
Ordinance Operative Date: 02/11/2025