

Exhibit “B”: Resident Protections Ordinance (RPO)

Amendments to CF: 21-1230-S8 (Ordinance 188,482)

The Resident Protections Ordinance (RPO) is an ordinance amending Articles 4 and 6 of Chapter 1A of the Los Angeles Municipal Code. This exhibit shows amendments to Ordinance 188,482 to match the style and formatting of Chapter 1A of the LAMC, including corrections to typographical errors and citations.

Additions to Chapter 1A text are shown in underline and deletions are shown in ~~striethrough~~. *Italics* signify that a term is defined in Div. 14.3. (Glossary) of Chapter 1A of the LAMC.

EXHIBIT “B” RPO

Section 1. A new Division 4C.15 (Resident Protections) is added to Part 4C. (Development Standards Rules) of Article 4. (Development Standards) of Chapter 1A of the Los Angeles Municipal Code as follows:

DIV. Division 4C.15. RESIDENT PROTECTIONS (~~Resident Protections~~)

SEC. 4C.15.1. HOUSING PROJECTS THAT RESULT IN THE DEMOLITION OF DWELLING UNITS.

A. Intent.

The intent of the standards of this Section (Housing Projects That Result In The Demolition Of Dwelling Units) is to codify housing replacement requirements, ensure preservation of *dwelling units*, and ensure consistent occupant protections when residential *projects* result in the loss of *dwelling units*.

B. Applicability.

1. Loss of Protected Units.

The requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units) apply to any *project* that meets the definition of “housing development project” as defined in California Government Code Sec. 65589.5(h)(2), except that, for purposes of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), 4C.15.1, “housing development project” also includes *projects* that involve no discretionary approvals and *projects* to construct a single *dwelling unit*, and either:

- a. Will require or result in the loss or reduction of occupied or vacant *protected units*; or
- b. Is located on a *lot* where *protected units* were removed in the previous five years.

2. Loss of Dwelling Units.

The requirements of Paragraph 2. (No Net Loss of Dwelling Units) of Subsection C. (Standards), below, apply to any *project* that meets the definition of “housing development project” as defined in California Government Code Sec. 65589.5(h)(2), except that, for purposes of this Section (Housing Projects That Result In The Demolition Of Dwelling Units). ~~4C.15.1~~, “housing development project” also includes *projects* that involve no discretionary approval and *projects* to construct a single *dwelling unit*, and either:

- a. Will require or result in the loss or reduction of occupied or vacant *dwelling units*; or
- b. Is located on a lot where *dwelling units* were removed in the previous five years.

3. Project Activities:-

The requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units) apply to *project activities* that may result in the loss or reduction of occupied or vacant *protected units* or *dwelling units*, as described in Paragraph 1. (Loss of Protected Units) and Paragraph 2. (Loss of Dwelling Units), above, including:

- a. *New construction*;
- b. *Major remodel*;
- c. *Exterior modification*;
- d. *Use modification*;
- e. *Temporary use*;
- f. *Demolition*; and
- g. *Renovation*.

4. Reconciling Provisions:-

- a. Relationship to *Specific Plans*, ~~Supplemental Districts and Special Zones~~

Supplemental Districts, Special Zones, and Specific Plans established in Article 8 (Supplemental & Special Zoning) may establish additional replacement requirements and/or additional occupant protections greater than those provided in this Section (Housing Projects That Result In The Demolition Of Dwelling Units), in which case, the greater replacement requirements and occupant protections shall be used. However, in the event the provisions of a *Historic Preservation Overlay Zone (HPOZ)* conflict with the provisions of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), the provisions of the *HPOZ* shall prevail.

b. Relationship to State Law-

This Section (Housing Projects That Result In The Demolition Of Dwelling Units) shall be implemented consistent with the requirements of State Law contained in California Government Code Sec. 66300.6. The *Director* may prepare Implementation Memoranda, Technical Bulletins, and/or User Guides related to the local implementation of California Government Code Sec. 66300.6, ~~and through this Section (Housing Projects That Result In The Demolition Of Dwelling Units)~~4C.15.1.

C. Standards-

1. 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 Sec. 65915(c)(3), consistent with the requirements in this Section (Housing Projects That Result In The Demolition Of Dwelling Units)~~4C.15.1.~~ These requirements apply in addition to any requirements included in Chapter XV. (Rent Stabilization Ordinance), Sec. 151.28 (Ellis Act Provisions) of this Code.

a. Income Requirements-

Protected units occupied on the date of *application* shall be *replaced* with *dwelling units* at an affordable rent, see Paragraph 2 (Affordable Rent) of Subsection D (Measurement) below, or affordable housing cost, see Paragraph 1 (Affordable Housing Cost) of Subsection D (Measurement) below, 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 Sec. 65915(c)(3)(B)(i), inclusive of the following income categories: *low income households*; *very low income households*; *extremely low income households*; and *acutely low income households*. *Protected units* that have been demolished or vacated on or before the date of *application* shall be *replaced* with units at an affordable rent, see Paragraph 2. (Affordable Rent) of Subsection D. (Measurement) below, or affordable housing cost, see Paragraph 1. (Affordable Housing Cost) of Subsection D. (Measurement) below, based upon the highpoint in occupancy during the previous five years, pursuant to California Government Code, Chapter 4.3. (Density Bonuses and Other Incentives), Sec. 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, Chapter 4.3. (Density Bonuses and Other Incentives), Sec. 65915(c)(3)(B)(i) regarding *lower income households* shall be inclusive of the percentage of *extremely low income households*, *very low income households* 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 Dwelling Units-

Notwithstanding Sub-subparagraph i. (Replacement When Incomes Are Not Known), above, *dwelling units* subject to a form of rent or price control through a local government's valid exercise of its police power shall be *replaced* as follows:

- a) In Higher Opportunity Areas and Moderate Opportunity Areas, *dwelling units* deemed or presumed to be occupied by persons or families above the lower income category shall be *replaced* with low income units.

- b) In Lower Opportunity Areas, with the *dwelling units* proportionate to the share of all lower income renter *households* within the ~~City of Los Angeles~~ described in Sub-subparagraph i. (Replacement When Incomes Are Not Known), above.

b. Equivalent Size-

All replacement units must be of equivalent size, pursuant to Paragraph 5, (Equivalent Size) of Subsection D, (Measurement) below, and *projects* shall contain at least the same total number of units and total aggregate number of bedrooms as the *protected units* being replaced. New units do not have to match bedroom configurations of demolished units, except when a tenant is exercising the right to return as defined in Paragraph 3, (Existing Occupant Protections) below.

c. Relationship to Other Affordability Requirements-

Any *protected units replaced* pursuant to this Paragraph (Replacement of Existing or Demolished Protected Units) shall be considered in determining whether the *project* satisfies the requirements of any state, local or federal requirement that requires, as a condition of the development of rental units, that the *project* provide a certain percentage of rental units affordable to, and occupied by, households with incomes that do not exceed the limits for *moderate income households, lower income households, very low income households, extremely low income households, or acutely low income households*, as specified in Sections 50063.5, 50079.5, 50093, 50105, and 50106 of the California Health and Safety Code.

d. Exceptions-

Notwithstanding the requirements above, the replacement requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units) shall not apply to the following:

- i. A *project* that consists of a single *dwelling unit* on a site with a single *protected unit*; or

- ii. A *project* that complies with the requirements of Subparagraph a. of Paragraph 2. (No Net Loss of Dwelling Units) below.

e. Procedures-

An owner of a *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.

2. No Net Loss of Dwelling Units-

Notwithstanding any other law and notwithstanding density limitations on a *site*, no permit shall be issued for a *project* that will require the *demolition* or loss of one or more *dwelling units* irrespective of *protected unit* status, unless the *project* will create at least as many *dwelling units* as those demolished. In addition, the *project* shall include at least as many *dwelling units* as the greatest number of *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 *restricted affordable units* that request approval to build a smaller number of *dwelling units* on the site in the following circumstances:
 - i. The proposed construction of the new *restricted affordable units* cannot *replace* all *dwelling units* on *site* due to physical changes in *dwelling unit* type, such as replacing *efficiency dwelling units* with *household dwelling units*; or
 - ii. The proposed construction of the new *restricted affordable units* cannot *replace* all *dwelling units* on *site* and meet the *City's* required Accessible Housing Program standards.
 - iii. Off-site replacement units approved by *LAHD* pursuant to this Subparagraph shall be subject to the following requirements:
 - a) Subject to *LAHD* approval, the off-site replacement *dwelling units* will be of equivalent size, see Paragraph 5. (Equivalent Size) of Subsection D. (Measurement) below, or larger and have equivalent

amenities as the on-site replacement *dwelling units*, and will be covenanted at the same affordability levels and for at least the same length of time as the on-site replacement *dwelling units*; and

- b) Subject to *LAHD* approval, the off-site replacement *dwelling units* will be constructed within a three-mile radius of the on-site replacement *dwelling units*.

3. Existing Occupant Protections:-

a. 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 California Government Code Sections 7260-7277. The project applicant shall provide an existing occupant with written notice of the planned *demolition*, the date the occupant must vacate, and the occupant's rights under this Section (Housing Projects That Result In The Demolition Of Dwelling Units). The project applicant shall provide this notice at least six months prior to the date the existing occupant must vacate, or more than six months if required under applicable state or local law.

b. 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, see Paragraph 4. (Comparable Unit) of Subsection D. (Measurement) below, 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 Chapter XV. (Rent Stabilization Ordinance), Section 151.27 (Ellis Act Provisions - Re-Rental Rights of Displaced Tenants) of this Code.

c. Right to Relocation:-

For occupants who are not *lower income households*, relocation benefits shall follow the amounts and processes, as applicable, in Chapter XVI. (Housing Regulations), Sec. 165.06 A (Relocation Assistance) of this Code, Chapter XV. (Rent Stabilization Ordinance), Sec. 151.09 G (Evictions) of this Code, California Government Code Sec. 65863.7 or, for

publicly funded *projects* the greater amount under either local law or under California Government Code Sections 7260-7277.

Consistent with California Government Code Sec. 66300.6(b)(4)(A), occupants of lower income households that are displaced from their residence by a *project* shall be entitled to, and the owner shall pay, relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to California Government Code Sections 7260-7277 and any implementing regulations.

The owner shall comply with this requirement by following Sub-subparagraphs i. (Comparable Replacement Unit), Sub-subparagraph ii. (Standardized Payment), or Sub-subparagraph iii. (Individualized Relocation Process Consistent with State Relocation Law) below, and by complying with all of the requirements in Sub-subparagraphs iv. - vii., below:

i. Comparable Replacement Unit

-

Before 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 Section 7260) that is permanently affordable, consistent with the following requirements:

- a) The comparable replacement unit is consistent with all standards in California Government Code 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), Section 151.09 (Evictions) or Chapter XVI. (Housing Regulations), Section 165.06 (Relocation Assistance), the owner shall comply with the respective processes and amounts set forth in Chapter XV. (Rent Stabilization Ordinance), Section 151.09 (Evictions) or

Chapter XVI. (Housing Regulations), ~~Section~~ 165.06
(Relocation Assistance); and

- 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 California Government Code, Chapter 16. (Relocation Assistance), ~~Sections~~ 7260-7277 and any implementing regulations. *LAHD* may require the owner 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 ~~Sections~~ 7260-7277 and any implementing regulations, owner shall pay relocation benefits to the occupant under Sub-subparagraphs ii. (Standardized Payment) or Sub-subparagraph 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:

- 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 California Health and Safety Code 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 the fiscal year beginning July 1, 2025, and all subsequent fiscal years, the fee amounts shall be adjusted on an annual basis pursuant to the formula set forth in Chapter XV. (Rent Stabilization Ordinance), 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.

- c) The relocation benefits shall be paid in accordance with the process and timing requirements in Chapter XV. (Rent Stabilization Ordinance), Sections 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 a relocation amount equal to the amount paid by public entities pursuant to 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 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 Ssub-subparagraphs i. (Comparable Replacement Unit) or Sub-subparagraph ii. (Standardized Payment), above, instead of this Ssub-subparagraph iii. (Individualized Relocation Process Consistent with State Relocation Law);

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 *project*, the following actions shall constitute evidence of development:

a) The oOwner applies 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 a result;

b) The oOwner applies for a Replacement Unit Determination and the tenancy is or will be terminated as a result; or

c) The oOwner 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~~tion~~ 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or Sec~~tion~~ 47.09 (Mobilehome Park Closure Impact Report), Chapter XV. (Rent Stabilization Ordinance), Sec~~tion~~ 151.09 A.10 (Evictions), or Chapter XVI. (Housing Regulations), Sec~~tion~~ 165.03 I.1 or Sec~~tion~~ 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 Ssubsection (Standards) relieves an owner 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 by the owner under this Section (Housing Projects That Result In The Demolition Of Dwelling Units). The occupant is entitled to the highest relocation benefit provided by local, state, or federal law.

vi. No *demolition* permit shall be issued unless the Los Angeles Housing Department 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 (Housing Projects That Result In The Demolition Of Dwelling Units). The owner shall provide proof of compliance with the relocation assistance requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units) 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 metropolitan statistical 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 ~~12~~^{twelve}-month period ending September 30 of each year. The fee shall reflect the change in the Consumer Price Index over the previous consecutive twelve-month period expressed as a percentage and rounded off to the nearest whole number.

vii. If after the effective date of this ordinance (Ord. No. 188,482) an owner of residential real property has exercised 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), ~~Section~~ 165.03 I.1 or ~~Section~~ 165.03 I.3 (Just Cause Evictions) of this Code, with no stated intent to redevelop the property in its Notice of Intent to Withdraw, paid no property relocation payments consistent with Sub-subparagraphs i. (Comparable Replacement Unit), Sub-subparagraph ii. (Standardized Payment), or Sub-subparagraph 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 *LAHD* a fine equal to three times the relocation benefit amount that would have been paid under Sub-subparagraphs ii. (Standardized Payment) or Sub-subparagraph iii. (Individualized Relocation Process Consistent with State Relocation law), 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 Ssection (Housing Projects That Result In The Demolition Of Dwelling Units). 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 Chapter XVI. (Housing Regulations), ~~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 Chapter XVI. (Housing Regulations), ~~Section~~ 165.03 I.1 or Sec. 165.03 I.3 (Just Cause Evictions), Chapter XV. (Rent Stabilization Ordinance), ~~Section~~ 151.09 A.10 (Evictions), Chapter IV. (Public Welfare), ~~Section~~ 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or ~~Section~~ 47.09 (Mobilehome Park Closure Impact Report) of this Code, shall be entitled to relocation benefits under Sub-subparagraphs ii. (Standardized Payment) or Sub-subparagraph iii. (Individualized Relocation Process Consistent with State Relocation Law), above. The payment shall be in accordance with Chapter XV. (Rent Stabilization Ordinance), ~~Section~~ 151.09.G.1-2 (Evictions) of this Code.

c) For an occupant who was in possession of a unit at the time the 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 owner files for an entitlement, *building permit*, or Replacement Unit Determination to construct a *project*.

d. 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 the Los Angeles Housing Department:

i. A right of first refusal for a deed-restricted comparable unit, see Paragraph 4. (Comparable Unit) of Subsection D. (Measurement)

below, available in the new housing development. The offered comparable unit in the new housing development shall be affordable to the *household* at the *household's* prior rental rate, at an affordable rent, see Paragraph 2. (Affordable Rent) of Subsection D. (Measurement) below, or at an affordable housing cost, see Paragraph 1. (Affordable Housing Cost) of Subsection D. (Measurement) below, whichever is lower. In a case where the prior rental rate is used to establish the initial rent, any subsequent rent increase for such tenant shall not exceed the allowable rent increase for a rent stabilized unit 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 *project* that consists of a single *dwelling 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 *dwelling 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 comparable units 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 *project* that meets all the criteria in Sec. 4C.15.2.E. (Exceptions).

e. Additional Tenant Notification Obligations:-

- i. A project applicant shall notify existing tenants in writing of all their legal rights under this Paragraph ~~Section 3. (Existing Occupant Protections) above~~. Information regarding a tenant's eligibility for these rights, rent guidelines for the new unit, and any procedures a 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 *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 ~~t~~Temporary or ~~f~~Final *Certificate of Occupancy*, (4) when the ~~t~~Temporary *Certificate of Occupancy* is issued, and (5) when the ~~f~~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 shall not preclude tenants from contacting the applicant or their predecessor-in-interest to inquire about progress throughout construction and lease up of the *project*.
- iii. Where a tenant *household* has a right of return pursuant to Subparagraph d. (Right to Return), above, 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 ~~t~~Temporary or ~~f~~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 Subparagraph a. (Right to Remain) above, 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 (Housing Projects That Result In The Demolition Of Dwelling Units).

- vi. A project applicant who experiences unforeseen delays in issuance of a ~~temporary~~ *Certificate of Occupancy* or final Certificate of Occupancy impacting the timeline of their construction milestone updates shall not be subject to the Private Right of Action described in Paragraph 2. (Private Right of Action; Civil Penalties) of Subsection E. (Procedures), below, so long as they can demonstrate compliance with the tenant notification obligations in this Subparagraph ~~e~~. (Additional Tenant Notification Obligations).

4. Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction:-

- a. Thresholds to Place ~~an~~ individual or Entity on LAHD's Anti-Harassment Violators Database:-

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

- i. A final judgment has been issued against the beneficial owner within the last five years, which does not precede the operative date of this Paragraph (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction) Section 4C.15.1C.4, for unlawful tenant harassment under the *City's* Tenant Anti-Harassment Ordinance, known as "TAHO," as set forth under Chapter IV. (Public Welfare) of this Code, or similar actions within *City* limits under California Civil Code ~~Sections~~ 1940.2, Sec. 1942.4, or Sec. 1942.5; or
- ii. The *City* has either (A) issued three final citations for TAHO violations at properties in the *City* against the beneficial owner within the last ~~10ten~~ years, which do not precede the operative date of this Paragraph (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction)Section 4C.15.1C.4, 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 for which all appellate remedies have expired; or

- iii. A final judgment has been issued against the beneficial owner within the last five years, which does not precede the operative date of this Paragraph (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction)~~Section 4C.15.1C.4~~, 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 sState law.
- iv. For purposes of this Paragraph 4-(Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction), a "beneficial owner" shall be defined as established in Paragraph 3₂ (Beneficial Owner) of Subsection D₂ (Measurement) below.

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 Subparagraph a. (Thresholds to Place individual or entity on LAHD's Anti-Harassment Violators Database), above, 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 (Housing Projects That Result In The Demolition Of Dwelling Units) does not create any new appeal rights under the Administrative Citation Enforcement (ACE) Program, Chapter I. (General Provisions and Zoning), Article 1.2. (Administrative Citations) of this Code. ~~Division 1.2. (Municipal Code Administrative Citations)~~. 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 Subparagraph a. (Thresholds to Place individual or entity on LAHD's Anti-Harassment Violators Database), above.

Within ~~thirty (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-

i. 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.

ii. If any owner, applicant, or permittee, seeking a *demolition* permit or approval that is subject to this Section ~~4C.15.1~~. (Housing Projects that Result in the Demolition of Dwelling Units) or ~~Section~~ 4C.15.2. (Non-Housing Projects that Result in the Demolition of Dwelling Units) for a *project* involving *new construction*, or 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 Subparagraph ~~4~~. (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 apply 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)*.

iii. 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 Paragraph (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction).

iv. The five-year hold period shall commence on the date of the court's final judgment or the *City's* citation is final and no further judicial remedies are available.

v. If at the end of the five-year hold period, no new citations have been issued to and no new court judgment has been entered 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.

vi. 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 (Housing Projects That Result In The Demolition Of Dwelling Units), including *demolition* permit revocation and withholding of an approval shall not be further appealable.

e. Operative Date and Subsequent Ordinance-

This Paragraph 4- (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant harassment or Eviction) 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 general circulation in the City of Los Angeles.

If the *City* adopts a subsequent ordinance in conflict with the procedures in this Paragraph 4- (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction) relating to the withholding or revoking of a *demolition* permit, this Paragraph (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction)⁴ shall be of no further force and effect.

D. Measurement

1. Affordable Housing Cost

For the purpose of meeting the requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), “affordable housing cost” has the same meaning as defined in California Health and Safety Code Sec. 50052.5.

2. Affordable Rent

For the purpose of meeting the requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), “affordable rent” has the same meaning as defined in California Health and Safety Code Sec. 50053.

3. Beneficial Owner

For the purpose of meeting the requirements of Paragraph 4 (Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction) above, a “beneficial owner” includes any of the following:

- a. A natural person with a recorded ownership interest in the real property where the tenant harassment takes place.
- b. 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.
- c. An entity or natural person that meets any of the following criteria:
 - i. has an “ownership interest” or “ownership or control of ownership interest” as these terms are defined in the Code of Federal Regulations, Chapter X. (Financial Crimes Enforcement Network, Department of the Treasury), Section 1010.380(d)(2)(i)-(ii), in an entity described in Subparagraphs a. or b. ~~of this Paragraph 3. above; or~~
 - ii. exercises “substantial control,” as the term is defined in Code of Federal Regulations, Chapter X. (Financial Crimes Enforcement Network, Department

of the Treasury), ~~Section~~ 1010.380(d)(1), over an entity described in Subparagraphs a. or b. ~~of this Paragraph 3.~~, above; or

iii. receives substantial economic benefits from the assets of an entity described in Subparagraphs a. or b. ~~of this Paragraph 3.~~ above.

d. An owner for purposes of the above excludes the following:

i. A minor child;

ii. 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;

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

iv. A creditor of an ownership entity, unless the creditor meets the requirements specified in Subparagraph a. ~~of Paragraph 3.~~ above.

4. Comparable Unit

For the purpose of meeting the requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), a “comparable unit” contains the same or greater number of existing bedrooms and bathrooms. In cases 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.

5. Equivalent Size

For the purpose of meeting the requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), “equivalent size” shall mean that the replacement units contain at least the same total number of bedrooms as the *dwelling units* being *replaced*.

E. Procedures

1. Records and Agreements.

A covenant acceptable to the *LAHD* shall be recorded guaranteeing compliance with this Section (Housing Projects That Result In The Demolition Of Dwelling Units)^{4C.15.1} and providing for a private right of enforcement by the *City*, any tenant, or owner of any *building* to which a covenant and agreement applies.

2. Private Right of Action; Civil Penalties-

- a. An aggrieved tenant under this Section (Housing Projects That Result In The Demolition Of Dwelling Units), or any person, organization, or entity who will daily and adequately represent the interests of an aggrieved tenant(s) under this Section (Housing Projects That Result In The Demolition Of Dwelling Units), 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 (Housing Projects That Result In The Demolition Of Dwelling Units) and any person who aids, facilitates, or incites another to violate the provisions of this article, including but not limited to submitting false information in response to the requirements of this Section (Housing Projects That Result In The Demolition Of Dwelling Units).
- b. A prevailing tenant may be awarded compensatory damages. A court may impose civil penalties up to \$10,000 per violation of this Section (Housing Projects That Result In The Demolition Of Dwelling Units) 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 this Section (Housing Projects That Result In The Demolition Of Dwelling Units). The prevailing tenant shall be awarded reasonable attorney's fees and costs.
- c. Any owner or their agent violating any of the provisions of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), may be enjoined therefrom by a court of competent jurisdiction.
- d. The right to bring a civil action under this Section (Housing Projects That Result In The Demolition Of Dwelling Units) shall extend to current tenants at a property, to former tenants at a property who were displaced by violations of this Section (Housing Projects That Result In The Demolition Of Dwelling Units), and to the *City*.

- e. The remedies in this Paragraph (Private Right of Action; Civil Penalties) 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 (Housing Projects That Result In The Demolition Of Dwelling Units) shall be void as contrary to public policy.

SEC. 4C.15.2. NON-HOUSING PROJECTS THAT RESULT IN THE DEMOLITION OF DWELLING UNITS-

A. Intent

The intent of this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) is to codify housing replacement requirements, ensure preservation of *dwelling units*, and ensure consistent occupant protections, while allowing for *non-residential projects* that result in the loss of *dwelling units*.

B. Applicability

1. Loss of Dwelling Units-

- a. The requirements of this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) apply to any project that meets the definition of “Project” consistent with how the term “development project” is used in California Government Code Section 66300.6, and is not a housing development project as defined in California Government Code, Chapter 3. (Local Planning), Section 65589.5, and that either:
 - i. Submits a preliminary application pursuant to California Government Code, Chapter 4.5. (Review and Approval of Development Projects), Section 65941.1, before January 1, 2030 and receive approval before January 1, 2034, and either:

- a) Will require or result in the loss or reduction of occupied or vacant *dwelling units*; or
 - b) Is located on a *lot* where *dwelling units* were removed in the previous five years; or
- ii. Is located on a *lot* that is mapped on the Inventory of Housing Element Sites Map, as established in Section 1.5.13. (Inventory of Housing Element Sites Map) and
 - a) Will require or result in the loss or reduction of occupied or vacant *protected units*; or
 - b) Is located on a *lot* where *protected units* were removed in the previous five years.

2. Project Activities-

The requirements of this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) apply to *project activities* that may result in the loss or reduction of occupied or vacant *protected units*, as described in Paragraph 1. (Loss of Dwelling Units), above, including:

- a. *New construction*;
- b. *Major remodel*;
- c. *Exterior modification*;
- d. *Use modification*;
- e. *Temporary use*;
- f. *Demolition*; or
- g. *Renovation*.

3. Reconciling Provisions-

- a. Relationship to Specific Plans, Supplemental Districts and Special Zones-

Supplemental Districts, Special Zones, and Specific Plans established in Article 8. (Supplemental & Special Zoning) may establish additional replacement requirements and/or additional occupant protections greater than those provided in this Section (Non-Housing Projects That Result In

The Demolition Of Dwelling Units), in which case the greater replacement requirements and occupant protections shall be used. However, in the event that the provisions of a *Historic Preservation Overlay Zone (HPOZ)* conflict with the provisions of this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units), the provisions of the *HPOZ* shall prevail.

b. Relationship to State Law-

This Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) is intended to comply with the minimum requirements of ~~s~~State Law contained in California Government Code, Chapter 12., (Housing Crisis Act of 2019), ~~Sec. tion~~ 66300.6. If at any time this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) does not meet the minimum requirements of California Government Code, Chapter 12. (Housing Crisis Act of 2019), ~~Sec. tion~~ 66300.6, the greater replacement requirements and occupant protections shall be used. The *Director* may prepare Implementation Memorandums, Technical Bulletins, and/or User Guides for the requirements set forth in California Government Code, Chapter 12. (Housing Crisis Act of 2019), ~~Sec. tion~~ 66300.6, for the purpose of providing additional information pertaining to this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) and meeting minimum requirements.

C. Standards-

1. Replacement of Existing Units 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, Chapter 4.3. (Density Bonuses and Other Incentives), ~~Sec. tion~~ 65915(c)(3) and Sec. 4C.15.1.C.1. (Replacement of Existing or Demolished Protected Units) of this Chapter, in addition to the following requirements:

- a. At the time of permit issuance, an 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 *project*. “Developed prior” means a final Certificate of Occupancy or ~~t~~Temporary Certificate of Occupancy for the replacement housing must be obtained prior to issuance

of a final *Certificate of Occupancy* or ~~Temporary~~ *Certificate of Occupancy* for the non-residential project;

- b. 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;
- c. The applicant may contract with another entity to develop the required replacement *dwelling units*, except that the replacement *dwelling units* shall not fulfill the affordability requirements of any other development pursuant to another law;
- d. 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
- e. 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 *non-residential use* on the parcel being able to be used in place of a primary residence.

2. Existing Occupant Protections-

The *project* meets the occupant protections described in Section 4C.15.1.C.3. (Existing Occupant Protections).

D. Measurement-

None.

E. Exceptions-

A *Project* that meets all of the following criteria is exempt from the replacement requirements established in Paragraph 1₂ (Replacement of Existing Units or Demolished Protected Units) of Subsection C₂ (Standards), above:

1. The *project* includes uses defined in ~~Section 5D.8.5C.2.6.~~ (Light Industrial Uses) or Sec. ~~5D.9.5C.2.7.~~ (Heavy Industrial Uses);
2. The *project* is located on a *lot* with an applied Use District (Part 5B₂) that does not allow *residential uses* and was adopted prior to January 1, 2022; or
3. The *protected units* that are or were on the *lot* are or were *nonconforming uses*.

F. Procedures-

1. Records and Agreements-

A covenant acceptable to the Los Angeles Housing Department shall be recorded guaranteeing compliance with this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units)~~4C.15.2.~~ and providing for a private right of enforcement by the *City*, any tenant, or owner of any *building* to which a covenant and agreement applies.

2. Private Right of Action; Civil Penalties-

- a. An aggrieved tenant under this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units), or any person, organization, or entity who will daily and adequately represent the interests of an aggrieved tenant(s) under this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units), 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 (Non-Housing Projects That Result In The Demolition Of Dwelling Units) and any person who aids, facilitates, or incites another to violate the provisions of this article, including but not limited to submitting false information in response to the requirements of this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units).
- b. The prevailing tenant may be awarded compensatory damages. A court may impose civil penalties up to \$10,000 per violation of this Section (Non-Housing Projects That Result In The Demolition Of Dwelling Units) 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 this Ssection (Non-Housing Projects That Result In The Demolition Of Dwelling Units). The prevailing tenant shall be awarded reasonable attorney's fees and costs.

- c. Any owner or their agents violating any of the provisions of this Ssection (Non-Housing Projects That Result In The Demolition Of Dwelling Units), may be enjoined therefrom by a court of competent jurisdiction.
- d. The right to bring a civil action under this Ssection (Non-Housing Projects That Result In The Demolition Of Dwelling Units) shall extend to current tenants at a property, to former tenants at a property who were displaced by violations of this Ssection (Non-Housing Projects That Result In The Demolition Of Dwelling Units), and to the *City*.
- e. The remedies in this Pparagraph (Private Right of Action; Civil Penalties) 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 Ssection (Non-Housing Projects That Result In The Demolition Of Dwelling Units) shall be void as contrary to public policy.

SEC. 4C.15.3. RESTRICTED AFFORDABLE UNITS:-

A. Intent:-

The intent of this Section (Restricted Affordable Units is tTo ensure *restricted affordable units* are available and accessible to residents in need and to uphold fair housing policies and regulations related to unit mix, size, quality, distribution and amenities.

B. Applicability-

1. The *Restricted Affordable Units* requirements established in this Section (Restricted Affordable Units) shall apply to any *restricted affordable units* provided within a *project*.

Supplemental Districts, Special Zones, and Specific Plans established in Article 8, (Supplemental & Special Zoning) may establish longer covenant lengths, additional requirements for unit design, mix, size, quality, distribution, amenities, and/or additional allocation requirements greater than those provided in this Section (Restricted Affordable Units), in which case the greater covenant length, additional requirements for unit design, mix, size, quality, distribution, amenities, and/or allocation requirements shall be used. However, in the event that the provisions of a Historic Preservation Overlay Zone (*HPOZ*) conflict with the provisions of this Section (Restricted Affordable Units), the provisions of the *HPOZ* shall prevail.

C. Standards-

1. Length of Affordability-

- a. A *project* is subject to this Section (Restricted Affordable Units) and must be restricted by a covenant acceptable to the *LAHD* 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:
 - i. A *project* in which public subsidies are tied to a specified covenant period, as determined by the *LAHD*, unless the project applicant voluntarily agrees to a covenant period of at least 99 years;
 - ii. For sale units, which must be consistent with the for-sale requirements of California Government Code, Chapter 4.3. Section 65915(c)(2);
 - iii. *Dwelling units* for ~~Lower Income~~ Students, ~~Transitional~~ Foster Youth, ~~Disabled Veterans~~, and/or ~~Homeless Persons~~ shall be provided at affordability levels as determined in Section 9.2.1. (State Density Bonus Program) ~~of this Zoning Code (Chapter 1A)~~ 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; or

- iv. If a lesser term is required by state or federal law, Chapter I. (General Provisions and Zoning) of this Code or as a condition of approval, that term shall be no less than 55 years.

2. Requirements Regarding Unit Design, Unit Mix, Unit Size, Quality and Amenities, Access to, and Distribution of Affordable Units in Mixed-Income Developments-

The *LAHD* 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 developments in order 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* prior to 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 at the *City Planning Commission*. If the *City Planning Commission* fails to adopt these regulations 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.

- a. 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 this Code (Chapter 1A).~~
- b. 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 Paragraph (Requirements Regarding Unit Design, Unit Mix, Unit Size, Quality and Amenities, Access to, and Distribution of Affordable Units in Mixed-Income Developments) and maintaining consistency with California Government Code, Chapter 12. (Housing Crisis Act of 2019), Sec. 66300., et seq. ~~Chapter 12, commencing with Section 66300 of the California Government Code (Housing Crisis Act of 2019).~~

3. Allocation of Restricted Affordable Units-

Restricted affordable units shall be subject to the following:

- a. Affirmative Marketing and Fair Housing Outreach. Sale or lease of the *restricted affordable units* shall follow the affirmative marketing and outreach requirements of the *LAHD*, as outlined in a deed restriction drafted by *LAHD* and filed with the Los Angeles County Recorder;
- b. 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
- c. 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 Subparagraph a. and Affordable and Accessible Housing Registry in Subparagraph b. ~~above of this Paragraph 3,~~ 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:

- i. Any person or *household* displaced through a withdrawal of units pursuant to the Ellis Act and Chapter XV. (Rent Stabilization Ordinance), ~~Section~~ 151.22 (Ellis Act Provisions - Statement of Purpose and Effect) to Sec. 151.28 (Ellis Provisions - Rental of Replacement Units) of this Code;
- ii. A lower income person or lower income 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;
- iii. A person or *household* who was displaced due to a code enforcement order, including those affected by a natural disaster that resulted in their *dwelling unit* being rendered uninhabitable.

D. Procedures-

1. Records and Agreement-

A covenant acceptable to the *LAHD* shall be recorded guaranteeing compliance with this Section (Restricted Affordable Units)4C.15.3 and providing for a private right of enforcement by the *City*, and any tenant of any *building* to which a covenant and agreement applies.

2. Private Right of Action; Civil Penalties-

- a. 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 (Restricted Affordable Units)4C.15.3 and any person who aids, facilitates, or incites another to violate the provisions of this Section (Restricted Affordable Units), such as submitting false information in response to the requirements of this Section (Restricted Affordable Units).
- b. 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 (Restricted Affordable Units)4C.15.3 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 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 (Restricted Affordable Units)4C.15.3. The prevailing tenant shall be awarded reasonable attorneys' fees and costs.
- c. Any owner or their agent violating any of the provisions of the covenant as described in this Section (Restricted Affordable Units)4C.15.3, may be enjoined therefrom by a court of competent jurisdiction.
- d. The remedies provided by this Section (Restricted Affordable Units) 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 other remedies, penalties and punitive damages, as provided by law.

- e. Any agreement, whether written or oral, waiving any of the provisions contained in this Section (Restricted Affordable Units)~~4C.15.3~~ shall be void as contrary to public policy.

Sec. 2. A new Paragraph 4. (Records and Agreement) of Subsection E. (Process) of Section 9.3.2. (Local Affordable Housing Incentive Program) of Division 9.3. (Community Benefits Program) of Article 9 (Public Benefit Systems) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

4. Records and Agreement:

Prior to the issuance of any *building permit*, the applicant shall record a covenant acceptable to the *LAHD* that reserves and maintains the total combined number of *dwelling units* designated as restricted affordable for at least 55 or 99 years pursuant to ~~Sec. 4C.15.3.~~ (Restricted Affordable Units) from the issuance of the Certificate of Occupancy.

Sec. 3. A new Paragraph 4. (Housing Replacement) of Subsection B. (Eligibility) of Section 9.4.1 (Permanent Supportive Housing Incentive Program) of Division. 9.4. (General Incentive Programs) of Article 9 (Public Benefit Systems) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

4. Housing Replacement:

Projects shall meet any applicable *dwelling unit* replacement requirements of ~~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). Consistent with ~~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), *dwelling units* that are subject to Chapter XV. (Rent Stabilization) of this Code and ~~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 that are also deemed or presumed to be occupied by persons or families above the lower income category shall be *replaced* pursuant to ~~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), as determined by the *LAHD*, and all applicable monitoring fees in Article 15. (Fees) ~~Chapter 1. (General Provisions and Zoning), Article 9 (Fees)~~ of this Code shall be paid by the applicant prior to the issuance of any building permit.

Sec. 4. Subsection E. (Records and Agreement) of Section 9.4.1. (Permanent Supportive Housing Incentive Program) of Division 9.4. (General Incentive Programs) of Article 9 (Public Benefit Systems) of Chapter 1A of the Los Angeles Municipal Code is amended to read as follows:

E. Records and Agreement-

Prior to the issuance of any building permit for a *qualified permanent supportive housing project*, the applicant shall record a covenant acceptable to the Los Angeles Housing Department that reserves and maintains the total combined number of *dwelling units* designated as restricted affordable for at least 55 or 99 years pursuant to Sec. 4C.15.3. (Restricted Affordable Units) from the issuance of the *Certificate of Occupancy*.

Sec. 5. Subsection E. (Records and Agreement) of Section 9.4.4. (Unpermitted Dwelling Units Program) of Div. 9.4. (General Incentive Programs) of Article 9 (Public Benefit Systems) of Chapter 1A of the Los Angeles Municipal Code is amended to read as follows:

E. Records and Agreement-

Prior to the issuance of any building permit, 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 years or 99 years pursuant to Section 4C.15.3. (Restricted Affordable Units) from the issuance of the *Certificate of Occupancy*.

Sec. 6. The following definitions in Division 14.3. (Glossary) of Chapter 1A of the Los Angeles Municipal Code are amended to read as follows:

Demolition. Pursuant to Sec. 14.2.15.B.8. (Demolition), demolition is defined as the removal of an entire *structure* or *building*. For the purposes of Sec. 4C.15.1. (Housing Projects that Result in the Demolition of Dwelling Units) and Sec. 4C.15.2. (Non-Housing Projects that Result in the Demolition of Dwelling Units), this definition shall not apply. For the purposes of Div. 13B.8. (Historic Preservation), demolition is defined as the removal of more than 50 percent of the perimeter wall framing, the removal of more than 50 percent of the roof framing, or the substantial removal of the exterior of a *facade* in the Street-Visible Area.

Protected Unit. A protected unit includes a *dwelling unit* that meets any of the following criteria:

1.(i) A *dwelling unit* that is or was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to lower income households or very low income households within the past five years,

2.(ii) A *dwelling unit* that is or was subject to the Rent Stabilization Ordinance, pursuant to Chapter XV. (Rent Stabilization Ordinance) 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;

3.(iii) A *dwelling unit* that is or was rented by a *lower income households* or *very low income households* within the past five years,

4.(iv) A *dwelling unit* that was withdrawn from rent or lease in accordance with the Ellis Act, pursuant to California Government Code, Chapter 12.75 (Residential Real Property), Sections 7060-7060.7, within the past 10 years.

Replace: Replace is defined as provided in California Government Code Section 65915(c)(3)(B) and (C).

Sec. 7. Sub-subparagraph ii. of Subparagraph b. of Paragraph 1. (Exemptions) of Subsection B. (Applicability) of Section 15.4.3. (Affordable Housing Linkage Fee) of Division 15.4. (Affordable Housing Program Fees) of Article 15 (Fees) of Chapter 1A of the Los Angeles Municipal Code is amended to read as follows:

- ii. The housing development project's *restricted affordable units* are subject to a recorded affordability restriction of at least 55 years to 99 years pursuant to Section 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 Section 15.4.2. (Fees for Enforcement of Housing Covenants). Such a covenant shall also subject projects using this exemption to the replacement policies in Section 4C.15.1. (Housing Projects that Result in the Demolition of Dwelling Units) or Section 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).