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Honorable Members of the City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

Report from the Department of Building and Safety on actions taken and recommendations to shorten the timeline for securing nuisance vacant structures and declaring them a public nuisance when appropriate. (CF 23-0248)

Background

On Apr 14, 2023, City Council adopted the motion in Council File 23-0248 instructing the Los Angeles Department of Building and Safety (LADBS), with the assistance of the City Attorney's Office, the Department of City Planning, and any other relevant departments, to report back within 30 days with recommendations to shorten the timeline for securing and, where required, declare an abandoned building a public nuisance for the purpose of demolition. The report should include a description of staffing increases necessary to conduct building inspections more efficiently and resolve cases more expeditiously, in addition to an identification phase of the public nuisance determination process that may be expedited or streamlined.

These Council instructions were supported by concerns in the motion that a large number of vacant and abandoned buildings serve as a potential source of blight in neighborhoods and can pose a significant hazard to public health and safety, such as the potential for fires to start in these structures and spread to adjacent properties. The motion also expressed concern that with a nearly 600 Vacant Building Abatement (VBA) caseload, staffing resources were being strained and the number of inspectors assigned to this function was inadequate to effectively take the necessary administrative actions.

Additional concerns were raised that the codes and protocols in place to declare a vacant problem property as a public nuisance and then use abatement code authority to demolish the structure were burdensome and extremely time consuming.

Discussion

LADBS reviewed the following pertinent LAMC Code Sections (98.0712, 91.8904, 91.8907) and found no code requirements that appeared to cause excessive procedural actions or an excessive delay of Departmental abatement actions.

Pursuant to LAMC Sections 98.0701, et seq. and 91.8904.1.1, LADBS may order the owner of a vacant and unsecured building to clean, fence, and barricade the property and remove any graffiti within 10 days. If the owner fails to do so, LADBS may abate the property. Pursuant to LAMC Sections 91.8904.2.2, 91.8907.2, 91.8907.3, and 91.8907.4 the Board of Building and Safety Commissioners (BBSC) may declare a vacant building that has been secured and subsequently breached, a public nuisance and may order that it be demolished. The BBSC may only act after the property has been secured and subsequently breached, LADBS has issued an order for a hearing at least 15 days from the date of the hearing, and the hearing was actually held.

These code provisions did appear to provide property owners with a reasonable notification of violations and a reasonable opportunity and time period to self-mitigate the nuisance conditions before the Department takes action to mitigate the nuisance by established protocols and assess both cost recovery and administrative fees. Therefore, no recommendations for changes associated with these code sections are presented at this time. This process serves as a protection, not only for the property owners but also for the City.

In addition to the code review and analysis, LADBS performed a case study of VBA cases that were processed between 2014 and 2020 for complaints concerning “Abandoned or Vacant Building Left Open to the Public”. These structures were found to be in violation of the code, were issued a Department Order to abate the violations and then after multiple failed attempts to secure the structures, the cases were presented to the Board of Building and Safety Commissioners to declare the structures public nuisances. These cases were evaluated for excessive time delays, the potential cause of the delays and enhancements that could be

implemented to mitigate the cause(s) of the delay(s). The following recommendations and actions taken by the Department are the result of the case study.

Actions Taken

1) The Repair and Demolition Fund will be evaluated during each annual budget consideration for appropriate funding.

Evaluation of cases in the study and interviews with staff revealed that in many circumstances, the number of nuisance properties that required a public nuisance declaration and demolition, demanded funding that exceeded the balance of the Repair and Demolition Fund. If the fund balance is not sufficient to pay the cost of the demolition work contract, then the demolition contract cannot be processed.

Decades ago, the Repair and Demolition Fund was allotted an initial fund amount each year and with the addition of money from cost recovery collection efforts, liens, and the 40% administration fee added to the demolition cost, the fund was able to maintain a sufficient balance for normal work demands. However, due to the COVID-19 pandemic, the over 3-year discontinuance of lien confirmations by the City Council, and increased work demands caused by a continuously increasing number of breaches to previously barricaded structures, the Department has struggled to maintain a viable balance in the fund. The Department has had to make a number of individual intermittent funding requests to the City Council to fund necessary barricade or demolition work, thereby using a large amount of time for both LADBS and the City Council staff.

In response, LADBS worked closely with the Chief Administrative Officer (CAO) during this last budget cycle to evaluate the cost demands on the Repair and Demolition Fund and make an appropriate budget request to Council to cover anticipated costs. LADBS will continue to conduct this budget evaluation with the CAO on an annual basis to ensure that adequate funding proposals are submitted to the City Council to cover the anticipated cost of abatement of nuisance vacant structures.

2) Synchronize the various contracts related to demolition work so that no single contract necessary to complete the demolition of a structure declared a public nuisance by the BBSC impedes or delays the demolition work.

When a building is declared a public nuisance by the BBSC, the City has the authority to demolish the building. If a property owner does not comply with the Order from the City and the concurring BBSC determination, LADBS will execute work orders to have the structure demolished by a private contractor. A large number of existing buildings contain some form of

asbestos, which must be removed in accordance with very specific State and Federal regulations. To comply with these regulations, LADBS has a number of annual contracts with qualified private asbestos-removal contractors. Compliance with the regulations require the use of three separate private contractors. The three separate contracts involve the following scope of work: (1) generate a report detailing the asbestos in the building and the scope of work for removal, (2) perform the safe removal and disposal of the asbestos, and (3) monitor the contractor's removal ensuring that all the required safety measures are in place and all the material has been removed. These separate contracts may also have different terms of validity.

LADBS has discovered that a lapse in the term of any one contract will halt the entire demolition and that this circumstance has occurred on a number of occasions. Such lapses have been due to procedural practices, staffing issues, or just the complex nature of contract administration.

LADBS has performed an evaluation of the processing of demolition-related private contracts and has implemented changes in the process that will minimize lapses or periods with no valid contract and synchronize the time periods or terms of the various demolition and asbestos abatement contract types in order to prevent unnecessary delays in the demolition process.

3) Establish and implement a LADBS policy to streamline the notification posting requirement in LAMC Section 91.106.4.5.1 for structures that are declared a public nuisance by the BBSC.

Per Section 91.106.4.5.1 of the LAMC, LADBS shall mail out demolition notices to all abutting property owners and occupants, as well as the City Council District Office and the Certified Neighborhood Council Office if a building that is proposed to be demolished is more than 45 years old. In addition to the mailings, the applicant shall post a placard on the property where the demolition will occur, in a conspicuous, visible place, within 5 feet of the property line, including the date of the application for demolition pre-inspection and comply with certain standards, such as a minimum 11" x 17" size placard mounted at a minimum of 4 feet above the ground. The placard posting must be verified by the Department 30 days prior to the issuance of a demolition permit.

LADBS has determined that due to the placard postings being removed by unauthorized persons prior to the inspector verification or due to non-compliance with the required standards, the posting verifications are causing delays to the issuance of the demolition permits by several months at a number of proposed demolition sites, including those that have been declared a public nuisance.

Therefore, LADBS is establishing and will implement a Departmental policy whereby the LADBS inspector will post the placard for demolition applications where the structure has been declared a public nuisance by the BBSC, thereby consolidating the posting and verification at a single site visit.

Recommendations

- 1) Amend LAMC Section 91.8906.1.3 to increase the annual maximum amount allowed to remain in the Repair and Demolition Fund to allow the fund to maintain a sufficient balance for normal work demands.**

Per LAMC 91.8906 any balance in excess of \$250,000.00 in the Repair and Demolition Fund at the end of the fiscal year shall be returned to the salary account of the LADBS and used for staffing costs. This limited excess fund threshold causes funds to be transferred out of the account, which frequently leaves an insufficient balance to pay for abatement measures for the existing nuisance properties. The excess fund threshold of \$250,000.00 has not been updated in over two decades, yet cost of the work contracts and the volume of processing has increased substantially. LADBS has spent well over the threshold this year alone in abatement costs.

LADBS recommends that Council instruct LADBS, CAO, and the City Attorney to report on the viability of amending LAMC Section 91.8906.1.3 to increase the annual maximum amount allowed to remain in the Repair and Demolition fund to an amount that will support a stable funding balance in the future and enable LADBS to continue the effective abatement of nuisance conditions on properties with vacant structures.

- 2) Relax or exempt HPOZ regulations in LAMC Section 1A.13B.8.6 for structures that are declared a public nuisance by the BBSC.**

Per Section 1A.13B.8.6 of the LAMC, the demolition of a building in a Historical Preservation Overlay Zone (HPOZ) is considered a project and requires the issuance of a Certificate of Appropriateness to address the removal of Contributing Elements before a demolition permit is issued.

Private contractors hired by the City are required to comply with the above referenced code section and the related process, which entails a lengthy application, review, and public hearing that may involve specialized knowledge by the applicant and may incur substantial cost. LADBS has no resources available to assist the contractor with the complex HPOZ process and no funding has been allocated to LADBS for this purpose. For this reason, LADBS has deemed properties within an HPOZ to be infeasible to present to the BBSC for consideration to be declared a public nuisance and these significant geographic areas are being denied the protection that the public nuisance code provides to other parts of the City.

LADBS recommends that Council instruct LADBS, the Department of City Planning, and the City Attorney to report on a viable pathway to minimize or eliminate the current barriers for a City-authorized private contractor to obtain a demolition permit in HPOZ areas in an expedited manner when the condition of a structure has caused the property to be declared a public nuisance by the BBSC and demolition of the structure has been ordered.

3) Evaluate typical demolition permit clearances in order to identify any streamlining that may apply to properties declared a public nuisance by the BBSC.

Demolition permits typically require departments outside of LADBS to verify that the project is in compliance with regulations that are under their purview. Such clearances ensure that LADBS issues permits only when appropriate. The clearances required for each demolition are dictated by the Building Clearance Handbook. Such clearances may include:

- Department of City Planning: ZA's, ZI's, CPCs, APCs, ADMs, Coastal, HPOZ, Redevelopment Project Area (when applicable).
- Department of Public Works: Bureau of Street Services (BOSS) / Urban Forestry Division (when applicable)
- Metropolitan Transportation Authority (when applicable).
- Los Angeles Housing Department (when applicable).
- Additional site-specific clearances may apply.

LADBS recommends that Council instruct LADBS and other related City departments to streamline the clearance process by reduction or elimination, for properties that have been declared a public nuisance by the BBSC. Any such change would require a code amendment

4) Increase staffing levels in the Vacant Building Abatement Division (VBA) of the LADBS Code Enforcement Bureau.

Evaluation of cases in the study and interviews with staff indicated that in many circumstances the current Department goals related to the frequency of inspections needed to perform necessary monitoring of the site conditions at properties with vacant structures are not being satisfied, and in many cases, actions needed to mitigate nuisance conditions, such as barricading and fencing, are not being identified. In addition, response time to address new complaints of open vacant structures exceeds Departmental goals. With a current caseload of nearly 600 properties and the fact that nuisance conditions are occurring more frequently and demand more mitigation efforts, the current staffing levels are inadequate.

The Department believes that in order to have sufficient staffing, 1 Senior Inspector (supervisor) and 6 inspector positions should be added to current staffing levels.

LADBS recommends that the City Council instruct the CAO with the assistance of LADBS to evaluate the additional staffing needs by determining what staffing is necessary to meet current Departmental goals and identify funding for the additional positions.

Should you have any questions, please contact Joel Williams at 213-923-6130 or by email at joel.n.williams@lacity.org.

Respectfully,

Devin Myrick for

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General Manager

Department of Building and Safety