

Communication from Public

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Date Submitted: 06/24/2024 11:09 AM
Council File No: 23-0623
Comments for Public Posting: Please see attached a comment letter written by the United Neighbors in Defense Against Displacement.



June 24th, 2024

To: The Honorable Marqueece Harris-Dawson
councilmember.harris-dawson@lacity.org

Los Angeles City Hall
200 N. Spring St Room 460
Los Angeles, CA 90012

Re: Schedule The Affordable Housing Streamlining Ordinance for Planning and Land Use Management Committee with Strong Tenant Protections

To the Honorable Marqueece Harris-Dawson:

The United Neighbors in Defense Against Displacement (UNIDAD) writes this letter as a follow up to our three previous letters regarding the proposed City of Los Angeles' Affordable Housing Streamlining Ordinance ([Council File-23-0623](#)). We previously submitted letters on June 20, August 24, and October 25, 2023 to the respective council files and departments overseeing the Ordinance. We are writing to ask for the Affordable Housing Streamlining Ordinance to be quickly agendized and adopted with amendments to add strong tenant and environmental justice protections to ensure affordable housing preservation, prevent the displacement of low-income communities of color and working-class Angelenos, and strengthen community health through equitable development. Also, while this letter is focused on tenant protections, particularly in regards to RSO buildings, and environmental justice protections, our prior letters have further details on other important pieces that would make this a stronger and more equitable Ordinance, which we still encourage you to include as amendments. This includes ensuring that accountability and public participation are not limited in low-income communities of color.

The Affordable Housing Streamlining Ordinance will result in vast, permanent changes to Los Angeles' built environment, especially as existing rent-stabilized buildings are demolished to make way for new development. Because the Ordinance applies only to areas zoned for multifamily buildings, these changes will disproportionately affect low-income communities of color, such as those in South Central, who are already vulnerable to gentrification and displacement.

Therefore, while we are supportive of the need to quickly produce affordable housing, we encourage the City Council and City Planning Department staff to ensure the Ordinance adheres to principles of equitable development, as identified by impacted community residents and articulated in the [UNIDAD People's Plan](#). Before codifying the Ordinance, we urge you to address flaws that leave low-income communities of color vulnerable to displacement. This includes addressing the harms of demolition of existing rent-stabilized housing, requiring production of healthy and affordable housing at the deepest affordability levels, and ensuring that the ministerial review process does not inadvertently perpetuate adverse health impacts.

I. Principles of Equitable Development from the UNIDAD People's Plan

Before we provide details of our recommendations, we would like to share with your office our principles of equitable development, which emerged from extensive community conversations leading up to the most recent S/SELA Community Plan update. We strongly believe that these principles must continue to guide any policy that will impact planning and development in Los Angeles, especially in low-income communities of color. These are listed in the [UNIDAD People's Plan](#), along with an accompanying set of policy recommendations; the City adopted almost 80% of the plan into its final S/SELA Community Plan update and received a national award for its community-centered and community-serving work

1. Investing in people first. The land should support human development and economic equity;
2. Doing no harm: Stabilizing and strengthening communities of color, rather than causing or leading to the displacement of residents from their homes or communities;
3. Providing tangible economic benefits for local residents, including housing for low-income households, jobs with family-supporting wages, targeted hiring for local and disadvantaged residents and the opportunity to build equity and wealth among low-income individuals and communities;
4. Supporting housing as a human right through the preservation and creation of an ample supply of housing affordable for all residents, including low-income and homeless members of the community;
5. Strengthening the health and well-being of residents through accessibility to parks and open space, health care services, walkable and bikeable streets;
6. Capturing land value for community benefit that has been increased due to public infrastructure investments and zoning decisions;
7. Preserving the culture and values of the local people;
8. Supporting the rights of tenants;

9. Ending the criminalization of people of color, the homeless, low-income tenants and other members of our community;
10. Institutionalizing the genuine participation of low-income communities in decision-making, policy implementation and monitoring;
11. Advancing the people's control of the land, including through democratic community-based institutions, such as community land trusts and cooperatives.

Therefore, in order to advance equity and racial justice in any such policy, it is imperative that the following strategies be included in the Ordinance.

II. Strong Tenant Protections and Anti-Displacement Policies are Needed to Avoid Displacing Low-Income Tenants for New Low-Income Tenants

One unintended consequence of streamlining is gentrification of communities most at risk and the displacement of existing low-income tenants when redevelopment demolishes current low-income, rent-stabilized housing in the name of increased production. Because of this, we are extremely concerned by the lack of tenant protections in a directive that purports to want to build more affordable housing for the very same low-income tenants and residents who are being displaced. This seems in direct contradiction to the spirit of the motion.

The displacement impact of this Ordinance is not hypothetical, given the negative impacts we have already seen from the Mayor's Executive Directive 1. In South Los Angeles, we have seen families who have and will be displaced from their rent-stabilized apartments in order to accommodate a 100% affordable housing project under ED 1. UNIDAD member Strategic Actions for a Just Economy (SAJE) has counseled many tenants whose building will be demolished in order to build new affordable housing. These tenants feel confused and lost as to why they will be displaced and do not understand the relocation process. They have also raised concerns around the way the City's relocation consulting firm is approaching tenants. Even at its best, the existing relocation process does not work to keep people in their communities.

In order to prevent the unintended displacement impacts of streamlining, we recommend the following tenant protection and anti-displacement policies to be included in the Ordinance.

- 1. Streamlining should be unavailable or severely restricted when it will displace vulnerable renters.**

Ideally, any site occupied by residential tenants in the prior 10 years should be ineligible for streamlining. This will ensure the Ordinance does not have the perverse outcome of displacing low-income renters to build housing for low-income renters. A 10-year lookback is essential to avoid incentivizing property owners from pretextually displacing their tenants prior to submitting any applications with the City. Categorical exclusion is by far the best way to ensure that low-income tenants are not displaced by the expedited building of affordable housing.

At a minimum, any project streamlined through this Ordinance should be required to comply with the relocation, right of return, and right to remain obligations under the Housing Crisis Act of 2019 (as amended by SB 8 and AB 1218) and Government Code 7260 *et seq.*, even if the project would otherwise be exempt from those requirements under state law. Specifically, these requirements should apply even if the project is 100% affordable housing, despite any applicable state law otherwise releasing a 100% affordable housing project from those anti-displacement obligations. Robust relocation services should be provided by a qualified specialist and include securing comparable replacement housing in the same area. The current process is not sufficient for tenants. The City's contracted relocation specialist, Interwest, only gives tenants a sheet of paper with places that tenants can call to apply for housing. The process of applying to affordable housing is complex, and tenants, especially those with language and technology barriers (which often occupy rent controlled properties), have a difficult time navigating it. It is essential for the City to support tenants in the process of applying to affordable housing, and in ensuring that they have a unit to move into before they are displaced by the redevelopment of their home.

SAJE has been working with tenants in RSO properties who are being displaced for the purpose of building affordable housing. The most pressing concern that these tenants express is that they do not know where they are going to move to and fear that they will not find affordable housing in the short period of time that they are given to vacate their building. There are two pertinent issues here: first, tenants in RSO properties that are being lost often have fixed incomes that have only been sufficient enough to pay the rent at these rent controlled properties. This is especially true for long-term residents who have lived in their units for 10 or more years and have been able to remain there with their fixed incomes because the rent increases have been sustainable. These tenants are forced to scavenge the scarce numbers of affordable housing units or rent controlled properties that are available in the City; unfortunately, these rent-controlled properties are often 25 percent more than what these tenants had been paying before they were displaced.. Second, the requirements for finding and securing affordable housing have changed dramatically over the past decade: –many affordable housing units have requirements like a credit check, a stable job, and paystubs, which LA's most

vulnerable tenants do not always have. These factors make it almost impossible for low-income tenants to compete for housing in LA. Additionally, the right of return is meaningless for a tenant who cannot qualify to live in the housing that is replacing their demolished home, because subsidized housing tenancy requirements are often more stringent than what an unsubsidized landlord requires, including questions about citizenship and status.

Furthermore, streamlining means tenants have very little notice and time to find new affordable housing in their community, and consequently they are more at risk of becoming unhoused. Without a robust and supportive application process to apply to affordable housing, the City will drive tenants from rent-stabilized homes and into homelessness. The fact that the Ordinance may result in a net increase in affordable housing units Citywide does not resolve this issue, which is unfolding in real time.

2. The existing stock of healthy affordable housing must be preserved through a no net loss policy.

Demolition of existing affordable housing, including rent-stabilized housing, should be a last resort, not prioritized. When a parcel with rental housing is redeveloped, all demolished rental units should be replaced with units that serve a similar population; developers should replace the units' square footage and bedroom/bathroom counts and should include replacement requirements at the ELI and ALI levels.

Production of healthy affordable housing at the deepest affordability levels is necessary to stabilize the communities most at risk of displacement and gentrification. Doing so will help address the crisis of housing affordability and rent burden created by the gap between median rents and median income that exist in this City.

3. The City should independently verify all tenant information and ensure that proper noticing happens for the life of the project.

It is important for this Ordinance to mitigate any disruption or harm to impacted tenants. The Ordinance needs to limit how many existing tenants will be affected and include transparency and accountability when they are. The City departments approving the units should also verify that the developer-provided information regarding current residents is accurate. For example, we have encountered units where housing is set to be demolished for an affordable housing project, and the developer on file indicated the building was vacant. However, we visited the site and saw toys outside the unit, indicating that children currently or previously lived in the unit. This is unacceptable, and

we anticipate that the more streamlined the redevelopment process is, the more families like this will slip through the cracks.

III. Low-Income Tenants Continue to Struggle to Access Affordable Housing Once it is Built

In addition to these specific recommendations on how to make the Ordinance more equitable, if the City is truly serious about quickly expanding its stock of affordable housing, it must also address how low-income Angelenos access that housing. The current affordable housing application process desperately needs to be revamped to meet the needs of applicants. Community members do not feel that they are able to apply to affordable housing that is being built in their communities—both the application process and application requirements are opaque and inaccessible to lower-income families. We have heard of parents who rely on their children’s school counselors to support them with applying for affordable housing, when this is a resource that should be made available from the City. While we agree with the City’s goal of expediting affordable housing *production*, it must also ensure affordable housing *access*. The City should partner with neighborhood organizations that work with community members to create a comprehensive process so that affordable housing applications are accessible to community members, especially those that do not have access to technology.

IV. Incorporate a local preference policy

UNIDAD recommends a local preference policy for displaced tenants impacted by streamlined projects. We believe that this is important in order to ensure that displaced tenants have the opportunity to remain in their community instead of being displaced for 3 to 4 years while the new development is finalized.

Specifically, we recommend that any tenant displaced due a project approved under the Ordinance be offered two rights of first refusal. Displaced tenants should have preference for any available affordable unit produced under a City affordable housing incentive program (including but not limited to the Transit Oriented Communities program) that is in that tenant’s Community Plan Area or within two miles of their residence. Displaced tenants should also have preference for any available affordable unit produced under this Ordinance Citywide. These two rights will accomplish several goals. First, displaced tenants will have immediate access to quality replacement housing. Next, displaced tenants will have the dignity of choosing whether they want to remain in their community or use the displacement as an opportunity to move into a different neighborhood, including potentially a higher-resource one.

Our recommendation here is in *addition to*, not instead of, any displaced tenant's right to replacement housing under City or state law. It is also in addition to the tenants' right to return to the replacement units constructed under the Ordinance.

V. Environmental Justice Should be at the Forefront of Housing Production, Not an Afterthought

Housing is also an environmental justice issue. This Ordinance should not ignore the environmental racism of historic land use policy and instead ensure that housing is both affordable and healthy by addressing the impacts of toxic land uses on habitability.

1. Require projects to complete a Phase I environmental site review and, if warranted, a Phase II environmental site review to determine if a site is contaminated.

If a site is found to be contaminated, a project should undertake a preliminary endangerment assessment to determine the existence of any release of a hazardous substance on the site, determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity, and evaluate current and past cleanup actions.

2. Require environmental assessments for developments located near hazardous sites

Given that eligible projects are allowed on zones that have a land use designation that allows for multifamily housing, it is a concern that these projects could potentially be located on or next to toxic or industrial land. Additionally, it is also problematic that many industrial sites are not zoned as industrial, but rather residential or commercial which adds to the problem of exposure to toxic or industrial sites. One example of this are oil drilling wells and sites, such as the AllenCo drill site, where many in South LA and other parts of the City are zoned as residential. Without CEQA or environmental protections in place, residents could be exposed to harmful pollutants that would be detrimental to their health and well-being. Therefore, it is important that setbacks are in place.

Environmental assessments should be required for any development:

- Within 1,600 feet of a current industrial use or land zoned for future industrial use by right
- Within 3,200 feet of a facility that currently or previously extracts or refines oil or gas
- Within 1,000 feet of freeways

3. The Ordinance should align with, not contradict, environmental planning goals.

We must ensure that development in the City redresses the cumulative harms of a long history of racist zoning and planning policies that have caused displacement through the connected crises of housing affordability, increased risk of low-income residents becoming unhoused, and environmental racism that impacts housing habitability. There is a need for the City and polluting industries to provide resources to adequately remediate the site to the highest standards, which is for land that is to be utilized for residential use. Therefore, the City has the responsibility to ensure that the codification of this Ordinance aligns with other moving policies in the City, such as the oil-site clean up ordinance and the Environmental Justice Element, to protect residents from toxic substances that could be detrimental to health and ensure that any future use of former industrial sites are held to the highest standard of remediation and are compatible with residential areas.

Conclusion

We strongly urge you to please consider these issues, as well as the additional recommendations from our prior letters, as you prepare to agendize the Affordable Housing Streamlining Ordinance for a Planning and Land Use Management Committee meeting. We believe that the Ordinance should be amended before it gets scheduled, however we also believe that it is critical that the new improved Ordinance is finalized quickly in order to prevent other types of inequitable development and housing production to cause unintended consequences for this City's most vulnerable residents.

Thank you for your time.

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