

Communication from Public

Name: UNIDAD (United Neighbors In Defense Against Displacement)
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Council File No: 23-0623
Comments for Public Posting: Dear Los Angeles City Councilmembers, The United Neighbors in Defense Against Displacement coalition (UNIDAD) submits the attached letter regarding Council File 23-0623. While we recognize the critical need for affordable housing production at the deepest affordability levels, we also strongly urge the City to ensure that efforts to streamline production continue to consider and include tenant protections and anti-displacement and environmental justice measures. You will find our detailed recommendations in the attached letter. We urge you to please consider these issues before rushing to approve an ED1 ordinance that carries severe unintended consequences for this city's most vulnerable residents in terms of their housing and neighborhood stability. Thank you for your time, The United Neighbors in Defense Against Displacement (UNIDAD Coalition) Strategic Actions for a Just Economy (SAJE) Esperanza Community Housing Corporation Physicians for Social Responsibility - Los Angeles (PSR-LA) Public Counsel Los Angeles Neighborhood Land Trust



August 24th, 2023

Re: Implementing strong public accountability, tenant anti-displacement, and environmental justice protections while codifying Executive Directive 1 (Council File 23-0623)

Dear Los Angeles City Councilmembers,

The United Neighbors in Defense Against Displacement (UNIDAD) write this letter regarding Council File 23-0623. The motion aims to codify Executive Directive 1 (ED 1), which would permanently adopt the current temporary process to streamline affordable housing project applications in the City of Los Angeles. As UNIDAD, we expressed our concerns about this motion on June 20, 2023 and provided recommendations that would allow for the codification of ED 1 to be more equitable. After attending a webinar held by the City on July 27, 2023, we have additional concerns about a permanent ED 1 ordinance. While we recognize the critical need for affordable housing production at the deepest affordability levels, it is important that efforts to streamline production continue to consider and include tenant protections and anti-displacement and environmental justice measures.

A permanent ED 1 ordinance will result in vast, permanent changes to the landscape in low-income communities of color, such as those in South Central, who are the ones most vulnerable to gentrification and displacement and are also the ones who have been most impacted by the housing affordability and homelessness crisis. Therefore, while we are supportive of the need to quickly produce affordable housing, we encourage the City Council and planning staff to use this opportunity to codify a law that will adhere to principles of equitable development, as identified by impacted community residents and articulated in the [UNIDAD People's Plan](#). Specifically, for this ordinance, we urge you to address some gaps that we have identified in terms of demolition of existing housing, 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 and displacement of the most vulnerable residents.

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

Before we provide details of our recommendations, we would like to reiterate the eleven principles of equitable development that 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, especially for low-income communities of color. These are listed in the [UNIDAD People's Plan](#), along with an accompanying set of policy recommendations (of which the City adopted almost 80% into its final S/SELA Community Plan update, and for which the City also received a national award for its community-centered and community-serving work). Below are the principles of equitable development from the People's Plan:

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 motion to codify ED 1.

II. Accountability and Public Participation Should Not Be Limited in the Name of Streamlining

While we need to increase our supply of affordable housing, an expedited process for applicants should not mean affected communities are left in the dark about what is happening in their neighborhoods. The city has made great progress in adopting people-centered planning, including in response to the demands of advocacy organizations and coalitions like UNIDAD. Removing public hearing requirements to streamline development will result in less community members being involved in the planning process and a step back from the community-led process the city has worked towards in the past decade. In order to further public participation, we recommend the following.

1. Create a public dashboard of all ED 1 projects.

The public notice and hearing process is an important tool for communities to be kept aware of what is going on in their neighborhoods. Because ED 1 creates ministerial approval processes, much of this public awareness is lost. For example, many ED 1 projects can avoid the Planning Department entirely and therefore do not appear on the Department's Bi-Weekly Case Report.¹ To ensure awareness and transparency, DCP should create a public dashboard of all ED 1 projects. This will let the public easily see what projects are in the pipeline. The city should make public information accessible on types of developments, whether they are demolishing any housing, if tenants have been informed of their right to return, and how many tenants are completing the right to return paperwork. It is not clear how many families are returning to their unit after being displaced. In order to truly implement the anti-displacement protections detailed below, there needs to be transparency on the effectiveness of the process.

A public dashboard is in the City's best interest—it will be a quick and effective tool to show the positive impacts of ED 1 and quickly visualize how many affordable housing units are being built due to this new process.

2. Require community meetings to ensure that low-income BIPOC residents have input on the type of development that will create affordable housing and stabilize neighborhoods.

The current proposed guidelines bypass opportunities for meaningful public review and input on housing developments, especially from low-income BIPOC residents. Preventing environmental justice communities from being included in local planning

¹ <https://planning.lacity.org/resources/bi-weekly-case-report>

decisions is a significant problem because local residents who have historically been excluded from decision-making often have substantial knowledge when it comes to identifying ways to improve developments, increase benefits to local communities, and reduce public health harms. Without community residents' valuable input and knowledge of the local area, affordable housing can and will be approved in areas with higher levels of pollution or environmental hazards, perpetuating the cycle of environmental injustice.

Therefore, UNIDAD recommends the city require at least one community meeting or a similar forum to solicit comments from local area residents if the project is located in an area designated as moderate resource, low resource, or high segregation and poverty on the most recent version of the California Tax Credit Allocation Committee's (TCAC's) Opportunity Maps.² The meeting should allow for community input on the project and should include a discussion of the results of the Phase I and, if required, Phase II environmental assessments; the results of the preliminary endangerment assessment if required; and any mitigation required to bring the potential for exposure to hazards to a level of insignificance. Meetings should include an assessment of existing environmental issues/conditions that could impact those who will live inside or near the development, and additional opportunities for community-serving benefits and alternative solutions. In addition, notices for this community meeting should be translated into the prevailing local languages and provided to every resident within 1,000 feet of the development project.

3. Tribal consultation should be required to ensure and respect the sovereignty and cultural heritage of California Native American Tribes.

The proposed guidelines also bypass tribal consultation. We strongly recommend that the city prohibit ED 1 streamlining on sites containing tribal cultural resources and also provide opportunities for tribal consultation. At the same time, we recommend the City work with Tribal/First Nation groups to ensure that additional language is added that creates more inclusive and just standards for tribal consultation that better support the self-determination of tribes, such as language from AB 168 (Aguiar-Curry, 2020), which requires a tribal scoping consultation for projects taking advantage of SB 35 expediting.

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

² For more information, please refer to: <https://www.treasurer.ca.gov/ctcac/opportunity.asp>

Tenant protections are essential to prevent displacement and gentrification in communities most at risk. However, one potential unintended consequence of ED 1 streamlining is displacement of existing low-income tenants because it will result in the demolition of current low-income, rent stabilized housing in order to expedite a goal of 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 ED1 is not hypothetical. In South Los Angeles, we have seen various examples in which families will be displaced out of their rent stabilized apartments in order to accommodate a 100% affordable housing project. UNIDAD member Strategic Actions for a Just Economy (SAJE) operates a weekly Tenant Action Clinic where we have counseled many tenants whose building will be demolished in order to build new affordable housing. The existing tenants feel confused and lost as to why they will be displaced and do not understand the relocation process. The tenants have also raised concerns around the way in which the City's relocation consulting firm is approaching tenants

In order to prevent the unintended displacement impacts of streamlining under ED1, 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 ED 1 streamlining. This will ensure ED 1 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 ED 1 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 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 RSO properties 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 out 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: 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 minimal. These tenants are forced to scavenge the scarce numbers of affordable housing or rent controlled properties that are available in the city; unfortunately, these rent controlled properties are often being rented out for at least 25 percent more than what they have been paying for rent in their current rent controlled property. Moreover, the terrain in which tenants are forced to find new housing is vastly different than when they searched for housing a decade or more before—many affordable housing units have requirements like a credit check, a stable job, and pay stubs, which LA's most vulnerable tenants in RSO units do not have. Both of these factors make it almost impossible for 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, the expediting process of ED 1 gives tenants even less time to find affordable housing in LA, and consequently tenants become more at risk of becoming homeless. Without a supportive process to apply to affordable housing, we run the risk of driving out tenants in RSO units into homelessness.

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 including matching square footage and bedroom/bathroom count, 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.

The webinar on July 27th made mention of an Inspection Bureau. We request more information on what kind of information the Bureau will be examining and if the Bureau will include representation from the LA Housing Department to ensure that tenants have been made aware of their right to return, and that there is monitoring, tracking, and enforcement for tenants who have opted into their Right to Return to come back upon initial lease up of the new development.

IV. 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. Prohibit ED 1 to be used on sites that are too close to hazardous uses.

Given that eligible ED 1 projects are allowed on zones that have a land use designation that allows for multifamily housing, it is a concern that ED 1 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 being 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. ED 1 projects should not be located in the following:

- 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. ED 1 should align with, not contradict, environmental planning goals.

We must ensure that development redresses the cumulative harms of a long history of racist zoning and planning policies that have created 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 ED 1 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.

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

In addition to these specific recommendations on how to make codifying ED 1 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 the City aims to expedite 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.

VI. Conclusion

We urge you to please consider these issues before rushing to approve an ED1 ordinance that carries severe unintended consequences for this city’s most vulnerable residents in terms of their housing and neighborhood stability.

Thank you for your time,

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