



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R26-0250
April 27, 2026

REPORT RE:

DRAFT ORDINANCE AMENDING DIVISIONS 89 AND 90 OF ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO CLARIFY LANGUAGE AND UPDATE PROCEDURES PERTAINING TO ADMINISTRATIVE ABATEMENTS

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 24-1229

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Divisions 89 and 90 of Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) to clarify and update the procedures pertaining to abatements therein.

Legislative Background

Division 89 of Article 1, Chapter IX of the LAMC describes the procedures by which the Los Angeles Department of Building and Safety (Building and Safety) may administratively abate buildings, structures, premises, and portions thereof, that constitute a nuisance, or are hazardous or substandard. Division 89 also sets forth the procedures for the summary abatement of buildings or structures that are a present, imminent, extreme, and immediate hazard or danger to public health and safety.

Division 90 of Article 1, Chapter IX of the LAMC describes the procedures by which Building and Safety may vacate and secure properties whose land use or discretionary approvals have been discontinued or revoked by the Department of City Planning (Planning Department) pursuant to LAMC Section 12.27.1, whose provisions are now at LAMC Section 13B.6.2.

On October 9, 2024, a motion was introduced (Rodriguez-Lee) requesting the City Attorney, in consultation with Building and Safety, to prepare and present a draft ordinance to: (1) clarify and update the language pertaining to abatements in Division 89; (2) update references in Division 90; and (3) provide a procedure by which properties subject to Division 90 may be declared a public nuisance and be abated or demolished pursuant to the procedures in Division 89.

On November 5, 2024, the Planning and Land Use Management (PLUM) Committee considered the motion and recommended its adoption to the City Council. On November 19, 2024, the City Council adopted the motion and requested that this Office prepare and present an ordinance to amend Divisions 89 and 90 of Chapter IX of the LAMC as outlined in the motion. This draft ordinance was addressed with LADBS concurrent with time sensitive Palisades Wildfire abatement, recovery and rebuilding activities, and the Triennial Building Code update. (Council File Nos. 25-0006 and 25-1217.)

Summary of Ordinance Provisions

The enclosed draft ordinance amends multiple sections of the LAMC pertaining to the abatement procedures set forth for Building and Safety in Divisions 89 and 90 of Chapter IX of the LAMC. It specifically makes the following changes to Division 89:

- (1) amends LAMC Subsections 91.8903.1.2 and 91.8903.1.3 to accelerate the timeline to commence abatement from 30 to 15 days and the accelerate the time to complete the abatement work from 90 to 45 days;
- (2) amends LAMC Subsection 91.8903.3.1 to expand the definition of building;
- (3) amends LAMC Subsection 91.8903.3.3 to clarify that the Department, not the owner, may seek to correct deficiencies by way of a Notice of Intention;
- (4) adds LAMC Subsection 91.8903.3.6 to separate out the City procedures for correcting the deficiencies itself;
- (5) amends the headers for LAMC Subsections 91.8903.7, 91.8904, 91.8904.1, 91.8904.1.1, 91.8904.2.1, 91.8907.3, and 91.8907.4;
- (6) amends LAMC Subsection 91.8903.7.1 to change the header and accelerate the period to commence work as 15 days instead of 30;

(7) amends LAMC Subsection 91.8904.1.2 to permit other departments and government agencies to perform abatement work at the request of the City and to allow the City to recover abatement costs performed by any of these parties;

(8) amends LAMC Subsection 91.8904.2.2 to change the header and expand the scope of properties eligible for a declaration of public nuisance;

(9) clarifies the language of LAMC Subsection 91.8904.3; and

(10) amends LAMC Subsections 91.8905.3, 91.8906.2, and 91.8907.4 to allow the City to recover abatement costs performed by any parties who performed abatement work.

The draft ordinance further makes the following changes to Division 90:

(1) updates reference in LAMC Subsections 91.9001.1, 91.9001.2, 91.9003.1, and 91.9003.2.3 to include applicable referenced Chapter 1A of the Zoning Code; and

(2) amends LAMC Subsection 91.9003.4.1 to permit Building and Safety to declare a property a public nuisance and abate the property pursuant to LAMC Subsections 91.8907.2, 91.8907.3, and 91.8907.4 if the property has been the subject of an abatement by Planning and has not complied with an order to discontinue or revoke a use.

California Environmental Quality Act Standard of Review

City Council may determine, based on the whole of the administrative record, that the draft ordinance is not a project for purposes of the California Environmental Quality Act (CEQA). CEQA does not apply to continuing administrative activities or organizational activities of government that will not result in specific direct or indirect physical changes in the environment, or to the creation of government funding mechanisms or other governmental fiscal activities that do not commit to any specific project that may result in potentially significant environmental impacts. (Pub. Res. Code § 21065; State CEQA Guidelines §§ 15378(b)(2) and (b)(5).) City Council may determine that the draft ordinance only makes various technical changes to continuing administrative activities, specifically those pertaining to the administrative remedies available for carrying out and enforcing existing building standards. On that basis, the proposed ordinance is not subject to CEQA.

Notwithstanding the above, the City Council may also determine, based on the whole of the administrative record, that the draft ordinance is exempt from CEQA under CEQA Guidelines Sections 15301 (categorical exemption for existing facilities), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Class 21 (Enforcement Actions by Regulatory Agencies), and that none of the exceptions under Section 15300.2 apply. The City Council may also determine that the project is not subject to CEQA under CEQA Guidelines Section 15061(b)(3) (common sense

exemption), because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. If the City Council concurs, it should adopt these CEQA findings prior to or concurrent with its action on the draft ordinance.

Findings Required Under the Health and Safety Code

Pursuant to Health and Safety Code Sections 17958.5 and 17958.7, the City may make changes or modifications to the provisions of the California Building Standards Code (Title 24, California Code of Regulations) and other regulations adopted pursuant to California Health and Safety Code Section 17922 when the City Council makes an express finding the changes are reasonably necessary because of local climatic, geological, or topographical conditions. The draft ordinance, however, only makes administrative changes related to the enforcement of building standards by Building and Safety. The draft ordinance does not make changes or modifications to the provisions of the California Building Standards Code, and thus the City is not required to make the findings in California Health and Safety Code Sections 17958.5 and 17958.7.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to Building and Safety and the Planning Department. These departments were requested to report their comments directly to City Council at the time this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney, Charles D. Sewell at 213-978-8083. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN W. HEATH
Chief Assistant City Attorney

JH:CDS:la
Transmittal