

February 11, 2010

Councilman Ed Reyes, Chair
Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles CA 90026

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Honorable Councilman Reyes:

RE: CF#10-0085 – (KORETZ/PARKS) RELATING TO DBS CODE ENFORCEMENT AND "AFTER-THE-FACT" PERMITS

I am protesting this ordinance, as written, because the wording is far too broad and vague in regard to penalty fees for "after-the-fact" permits and penalties for "planning and zoning code violations":

(1) There is no way to identify when an "after-the-fact" citation is appropriate unless it is the result of an observation/complaint of current activity or proof can be provided of recent changes. Los Angeles has structures up to 100 years old and many/most do not meet current codes. We cannot place all these owners in jeopardy of losing their homes by demanding "after-the-fact" penalties for all prior repairs/improvements.

(2) The wording of the ordinance would allow selective enforcement and encourage "witch hunts" resulting in high fines to home/business owners because the penalties collected are designated to fund the salaries of the inspectors.

(3) It could also encourage inspectors to solicit or demand entry to property in violation of Fourth Amendment rights, based upon changes that may have been made on a property many years before by a prior owner/resident. (And made possibly before a permit was required for the particular improvement.)

(4) The purpose and limitations on administrative citations is that they are used for cost recovery by the public entity issuing them, rather than the agency incurring the high costs of criminal action (always a loss to the City). They are not to be used to create high penalties to merely punish the violator. The purpose is to allow people to come into compliance with laws in a humane and reasonable manner and return revenue to the City. (As described by Council President Eric Garcetti at the 2/10/10 Council discussion of red-light-camera violations.)

Suggested alternative:

If the purpose of this ordinance is to increase the cost of "after-the-fact" permits and encourage obtaining permits prior to beginning any construction/repair/renovation—and not merely to use administrative citations to "punish" those who own homes that do not meet current codes (which would probably include any L.A. residential/commercial structure over two years of age)—this can be accomplished by merely adding a 30-50% increase to the cost of the "after-the-fact" permit. This would serve as an incentive for those who are aware of permit requirements in the City to obtain permits in advance and would not be unduly harsh on those who did not know or failed to obtain a permit. There should also be an option for waiving this additional fee at the discretion of the inspector.

Most people who will become the victims of this ordinance, as written, are totally unaware of each/every item for which a permit is required, including the Councilmembers who will vote on this item. (Few of us have read the entire Los Angeles Building Code.) The DBS already has adequate methods in place to address unpermitted items that result in a public safety hazard or are improperly constructed.

POTENTIAL IMPACT:

1. The onerous financial hardship this could place on home/business owners--especially migrants to the Los Angeles area from other countries/states and low-income or elderly homeowners who may not be aware of those changes/repairs on their properties which require permits.
2. This ordinance could potentially result in bankruptcies and loss of property to, especially, lower-income owners/families.
3. It would mainly target areas like Highland Park, Eagle Rock, Central/South L.A., San Pedro, Wilmington, Echo Park, and Valley areas such as Pacoima, Arleta and other older communities.

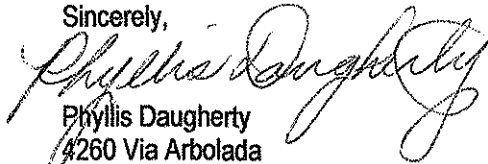
February 11, 2010

4. Many older homes and business locations have had multiple conversions/renovations/repairs since the early 1900's. There is no way they can meet current code, and the current owner would either have to demolish them or face financial ruin in trying to pay fines and costs.
5. The increasing threat of punitive action against property owners merely emphasizes the overly restrictive and regulatory reputation of Los Angeles that causes those who work in this city to purchase homes elsewhere and to avoid opening businesses in the city. This is counter to the City's stated desire to attract businesses and residents who will enjoy living, spending and investing in Los Angeles.

At this time, the City is seeking methods of augmenting the General Fund to provide badly needed programs and to avoid laying off City workers. We do not need ordinances that can cause home/business owners to increasingly avoid obtaining permits to enhance and improve their properties because they fear entry by building inspectors. We also want to be sure that people have a humane mechanism for working with the City to rectify longstanding violations without fear of inordinate and unfair penalties.

I hope you will seriously consider the foregoing in deciding on this issue.

Sincerely,



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