

MIKE FEUER
CITY ATTORNEY

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June 26, 2015

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

Honorable Members:

The purpose of this letter is to set forth my views regarding a proposal to grant amnesty to the owners of certain billboard structures that violate City law.

My office plays at least three significant roles relative to billboards. First, we provide advice to the Council, Mayor and relevant departments and commissions on the law surrounding billboards. Second, our office drafts ordinances related to billboards. Third, our office represents the City in litigation related to billboards--both defending the City when it is sued, and, on behalf of the City or the People of the State of California, affirmatively enforcing the City's billboard laws when those laws are violated.

Given those roles, I wanted to communicate with you in advance of Tuesday's PLUM Committee meeting, at which you will consider two proposed billboard-related ordinances drafted by the Planning Department. One of these proposals includes a provision that would grant amnesty to certain violators of the City's billboard laws.

At the outset, I underscore the essence of our previous advice to the PLUM Committee in February. Contrary to what some have suggested, nothing about state law requires the City to grant amnesty for hundreds of billboard structures that either have no City permit or were constructed in violation of City permits. To be specific, state law imposes a rebuttable presumption that a billboard was lawfully erected if no enforcement action was taken regarding that billboard in the preceding five years. In no way, however, does that presumption prevent the City from taking enforcement action regarding 391 of the 937 billboards that have been altered in violation of their permits. In addition, depending on the facts, that presumption may not prevent enforcement with respect to some of the remaining 546 structures that lack permits.

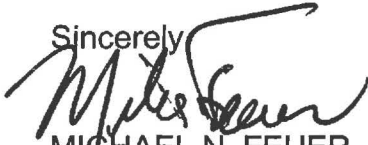
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Because there is no legal impediment to the City taking enforcement action with respect to 391 billboard structures--and perhaps many more--I emphasize that, as we have said previously, our office remains ready aggressively to enforce the law. Any such enforcement action will, of course, require a referral from the Department of Building and Safety.

Given that neither state law nor any City rule or regulation prevents the City from enforcing its billboard laws against hundreds of unlawful billboards, I strongly recommend against including an amnesty provision in this or any other pending billboard ordinance.

Thank you for your consideration.

Sincerely,



MICHAEL N. FEUER
City Attorney

Cc: Honorable Eric Garcetti, Mayor
Sharon Tso, Chief Legislative Analyst
Miguel Santana, Chief Administrative Officer
Michael Lo Grande, Director of Planning
Ray Chan, Superintendent of Building