



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 5 - 0 1 9 1
JUL 2 3 2015

REPORT RE:

DRAFT ORDINANCE ADDING SECTION 7.35.10 TO ARTICLE 4.6 OF CHAPTER I OF DIVISION 7 OF THE LOS ANGELES ADMINISTRATIVE CODE TO CLARIFY THAT NOTICES AND INSTRUMENTS RELATED TO PROCEEDINGS FOR THE COLLECTION OF NUISANCE ABATEMENT COSTS OR CODE ENFORCEMENT COSTS SHALL BE ENTITLED TO RECORDATION

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. 14-1585

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance adds Section 7.35.10 to the Los Angeles Administrative Code (LAAC) to clarify that notices and instruments related to proceedings for the collection of nuisance abatement costs and costs incurred performing code enforcement activities shall be entitled to recordation.

Background

On November 18, 2014, the Los Angeles Department of Building and Safety (LADBS) requested the Planning and Land Use Management (PLUM) Committee to initiate an ordinance to clarify the authority of LADBS to record notices of pending liens in connection with nuisance abatement and other code enforcement activities. California Government Code Section 27201 provides that the "county recorder shall not refuse to record any instrument, paper, or notice that is authorized or required by

statute, court order, or local ordinance that relates to the recordation of any instrument, paper, or notice that relates to real property to be recorded on the basis of its lack of legal sufficiency.”

Summary of Ordinance Provisions

On January 27, 2015, in response to the report from LADBS, the PLUM Committee requested the City Attorney, in consultation with LABDS, to present and prepare a proposed ordinance that would add Section 7.35.10 to the LAAC to clarify that notices or instruments related to proceedings for the collection of nuisance abatement or code enforcement costs may be recorded by the City against a property. This draft ordinance adds the requested new section to the LAAC.

CEQA Determination

We recommend that, prior to adoption of this ordinance, you determine that your action is not subject to the California Environmental Quality Act (CEQA). Pursuant to Subsections 15378(b)(2) and (b)(5) of the State CEQA Guidelines, continuing administrative activities, as well as organizational or administrative activities that will not result in direct or indirect physical changes in the environment, are not projects within the meaning of CEQA. This proposed ordinance satisfies both provisions and merely supplements existing administrative procedures set forth at LAAC Section 7.35.1, *et. seq.*, for the recovery of costs incurred from nuisance abatement and the performance of other code enforcement activity. More specifically, the ordinance establishes that notices and instruments related to such administrative proceedings, including notices of pending liens, are entitled to recordation. This change to the LAAC will not result in any direct or indirect physical change in the environment, and therefore CEQA does not apply.

Charter Findings Not Required

The enclosed draft ordinance strictly relates to administrative procedures used in connection with the abatement of nuisances and other code enforcement activities, and is not a land use ordinance. For this reason, this draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

Council Rule 38 Referral

Copies of the draft ordinance were sent, pursuant to Council Rule 38, to the Department of Building and Safety, Department of Public Works, Department of City Planning, Housing and Community Investment Department, and the Los Angeles Fire Department with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Monica Castillo at (213) 978-8228. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM/MDC:mrc
Transmittal

ORDINANCE NO. _____

An ordinance adding Section 7.35.10 to the Los Angeles Administrative Code to clarify that notices or instruments related to proceedings for the collection of nuisance abatement costs, or any fee, cost or charge incurred from code enforcement activities shall be entitled to recordation.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 7.35.10 is added to Article 4.6 of Chapter I of Division 7 of the Los Angeles Administrative Code to read as follows:

Sec. 7.35.10. Recordation.

Notices or instruments related to proceedings for the collection of nuisance abatement costs, or the collection of any fees, costs or charges subject to the provisions of this Article, including costs incurred performing inspections and enforcement activities collectible under Government Code Section 54988, shall be entitled to recordation. Notices entitled to recordation pursuant to this section shall include, without limitation, notices of pending liens.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

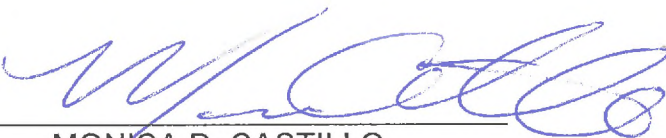
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
MONICA D. CASTILLO
Deputy City Attorney

Date 7/22/15

File No. CF 14-1585