

MOTION

The Los Angeles Department of Building and Safety (LADBS) lien process is in need of reform. On a weekly basis LADBS requests to place several dozen proposed liens for nuisance abatement and code enforcement non-compliance on City Council agendas for official confirmation. The owners of the affected properties often exercise their right to a public hearing in order to challenge the findings of LADBS. While the City Council is the last step in the lien process, far too often it appears to be the first and only opportunity a constituent has to not only challenge the lien, but to dispute the original notice of non-compliance.

Particularly concerning is how frequently liens appear to be improperly agendized for Council confirmation due to apparent errors on the part of LADBS. Recent examples of liens improperly placed on a City Council agenda include:

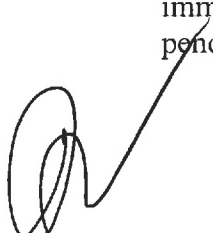
- Owner-occupied properties;
- Properties where the owner is deceased;
- Duplicate liens for a single violation, even after a case was resolved or the lien was paid in full;
- Property owners not properly notified of code violations, including original notices of non-compliance returned to LADBS as “undeliverable” by the Postal Service.

In one instance, not only was a duplicate lien recommended for confirmation on a property in error, but LADBS failed to recognize it as an owner-occupied single family dwelling -- properties that are exempt from lien processing. In another case, a property was ultimately determined to be non-compliant following a protest, but it was still in need of rescission once LADBS realized it was in possession of the original notice of non-compliance, which had been returned as “undeliverable” by the United States Postal Service.

It is in the best interests of our constituents, the furtherance of good government, and the efficiency of City Council meetings to explore new processes, options, and reforms to the current Department of Building and Safety lien process. The intervention of City Council staff following protest hearings has been key to identifying many LADBS processing errors. Through these hearings, property owners routinely reference circumstances that relate back to the original violation -- facts that Councilmembers and their staffs are neither privy to, nor qualified to adequately address. As a first step towards improving the current process, LADBS should assign an additional staff member to Council Chambers who is fluent in the particulars of the individual code violations, can properly respond to statements made in the hearing, and can answer specific questions.


Until meaningful action can be taken to address LADBS processing errors, it is appropriate to impose a moratorium on the Council’s confirmation of liens.

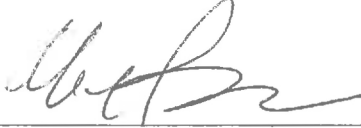
I THEREFORE MOVE to instruct the Department of Building and Safety (LADBS) to immediately halt/suspend the processing of liens to the City Council for final confirmation, pending further action and discussion on reforms to the current process.



I FURTHER MOVE to instruct LADBS report relative to steps that can be taken to improve the current process for nuisance abatement and code enforcement non-compliance liens, including: 1) strengthening departmental processes to better identify internal errors prior to requesting Council confirmation; 2) assigning the appropriate staff to Council meetings to address the specifics of the original violations; and 3) improving mechanisms to properly notify property owners of violations and liens, including the use of services such as Certified Mail.

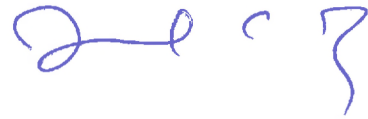
PRESENTED BY:


HERB J. WESSON, JR.
Councilmember, 10th District


MIKE BONIN
Councilmember, 11th District

SECONDED BY:





FEB 26 2016

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