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CITY ATTORNEY

REPORT NO. R 1 6 - 0 1 9 5
JUN 1 5 2016

REPORT RE:

**DRAFT ORDINANCES AND BALLOT RESOLUTIONS REGARDING A CERTIFIED
INITIATIVE PETITION ESTABLISHING AFFORDABLE HOUSING AND LABOR
STANDARDS RELATED TO CITY PLANNING**

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

Honorable Members:

The City Clerk has presented to your Honorable Body a certified initiative petition in support of a proposed ordinance establishing affordable housing and labor standards for City planning decisions. Charter Section 452 requires Council to take certain actions upon presentation of a certified initiative petition. In connection with the City Clerk's report, this Office has prepared and hereby transmits the draft ordinances and ballot resolutions related to Council's options and responsibilities under Charter Section 452.

Background

On May 16, 2016, a group of proponents submitted an initiative petition to the City Clerk containing voter signatures in support of a proposed ordinance that would establish affordable housing and labor standards related to general plan amendments, zoning changes and other City planning decisions.

The proposed ordinance would amend certain sections of the Los Angeles Municipal Code and Administrative Code, including to:

- (1) Limit the City's ability to restrict the adoption of general plan amendments for development projects that:

- (a) are located in a Regional Center, Downtown Center, area zoned as Industrial, or within one-half mile of a major transit stop;
 - (b) incorporate local hiring preferences for all construction and building work and comply with other labor standards, including the use of licensed contractors, payment of prevailing wages and hiring of workers from local and disadvantaged areas and state-approved apprenticeship programs; and
 - (c) include a certain percentage of affordable housing units or otherwise comply with the ordinance's affordable housing requirements;
- (2) require that the City must assess the impacts of community plan changes on affordable housing and local jobs and create and monitor affordable housing inventories within community plan areas;
 - (3) require that development projects with 10 or more residential units seeking general plan amendments or certain zoning changes must meet affordable housing requirements by providing on-site or off-site affordable housing or payment of an in-lieu fee into the City's Affordable Housing Trust Fund;
 - (4) add a requirement that City projects funded by the Affordable Housing Trust Fund comply with the above-described labor standards; and
 - (5) create an affordable housing incentive program for developments located near major transit stops.

On May 31, 2016, the City Clerk completed its preliminary review of the initiative petition and accepted it for processing. The City Clerk thereafter examined the voter signatures contained on the petition using the random sampling method authorized in the City Election Code and in accordance with Charter Section 451. The City Clerk has now completed that examination and has determined that the initiative petition contains a sufficient number of valid voter signatures to qualify for presentation to the City Council. The City Clerk certified the petition as sufficient on June 8, 2016, and presented the certified petition to Council on June 10, 2016.

Council Options

Charter Sections 450 through 452 provide that, when a valid and certified initiative petition requesting adoption of a proposed ordinance is presented to the City Council, the City Council may:

1. Adopt the proposed ordinance without alteration.
2. Call a special stand-alone election, which must be held no earlier than 110 days but no later than 140 days after the Council acts, to submit the proposed ordinance to a vote of the electors of the City; or
3. Determine to submit the proposed ordinance at either the next City election or the next Statewide election occurring more than 110 days from the date of Council action (i.e., either the State's General Election held on November 8, 2016 or the City's Primary Nominating Election held on March 7, 2017).

Charter Section 452 provides that Council must take action within 20 days after the presentation of a valid certified petition.

Should the Council wish to adopt the proposed ordinance without alteration, we have enclosed the ordinance proposed in the initiative. (See Attachment 1.) Should the Council wish to submit the proposed ordinance to the voters, we have enclosed an election ordinance and ballot resolutions to place the measure on the November 2016 State ballot (see Attachment 2) or the March 2017 City ballot (see Attachment 3).¹ These election resolutions and ordinances include a ballot title for the measure, which must be 75 words or less for the November 2016 State ballot or 175 words or less for the March 2017 City ballot. (See Cal. Elections Code §§ 9051, 13247; City Election Code § 603.)

If you have any questions regarding this matter, please contact Assistant City Attorney Terry Kaufmann Macias at (213) 978-8233 or Deputy City Attorney Harit Trivedi at (213) 978-7100. They 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

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¹ Please note that we have not transmitted documents for a special stand-alone election because the option of holding an election on the proposed ordinance can be accomplished by consolidating the election with the already scheduled November 2016 State General Election.