

RESOLUTION

Resolution providing that a ballot proposition be submitted to the qualified voters of the City of Los Angeles.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:

Section A. The following ordinance of the City of Los Angeles is hereby proposed to be submitted for approval by a two-thirds vote of qualified voters of the City of Los Angeles at a Special Election to be called and consolidated with the State’s General Election held on November 8, 2016:

ORDINANCE NO. _____

An ordinance amending Chapter II of the Los Angeles Municipal Code by adding new Article 1.18 to provide funding for housing and homeless services within the City of Los Angeles through the imposition of a special parcel tax on real property parcels within the City of Los Angeles.

WHEREAS, on January 7, 2016, the City Administrative Officer and Chief Legislative Analyst with the assistance of various City of Los Angeles and County of Los Angeles representatives, issued a Comprehensive Homeless Strategy Report (such report as amended is referred to herein as the Report, CF# 15-1138-S1) pursuant to the request of the Mayor and Council of the City of Los Angeles;

WHEREAS, the Report provided more than 60 policy and funding recommendations in dealing with homelessness reduction and prevention and housing;

WHEREAS, the Report has estimated that the projected cost estimate for the City of Los Angeles to create and maintain programs and facilities to address the public health and safety crisis created by homelessness in the City of Los Angeles, will require approximately Two Billion Dollars of funding over ten years;

WHEREAS, in the Report, the Los Angeles Homeless Services Authority has identified approximately 26,000 homeless individuals within the City of Los Angeles;

WHEREAS, the present homeless population within the City of Los Angeles which affects all segments of society, including all ethnicities and ages, and affects areas throughout the City of Los Angeles, has created a public health and safety crisis;

WHEREAS, the homeless crisis has been exacerbated by the underbuilding of housing in the City of Los Angeles, which has created a shortage of housing for homeless individuals;

WHEREAS, low-income individuals and households face a greater risk and danger of homelessness because of the shortage of housing and affordable housing in the City of Los Angeles and resulting high rents;

WHEREAS, the City Council, for the Fiscal Year 2016-17 budget, included over One Hundred Million Dollars to address the homeless crisis;

WHEREAS, given the limited resources and other priority endeavors in the City to ensure public safety, infrastructure improvements, and a growing economy, it is clear that new funding must be pursued in order to address homelessness and housing and to address these concerns in the urgent, comprehensive and persistent manner they deserve;

WHEREAS, to stabilize the funding needs for housing and homeless services and facilities, the City Council of Los Angeles proposes the placement of a "Homelessness Reduction and Prevention and Housing Parcel Tax" before the voters;

WHEREAS, an imposition of a special parcel tax would provide a source of funding for the City of Los Angeles to provide housing and homeless services and facilities; and

WHEREAS, a citizens oversight committee and an administrative oversight committee will be established to ensure that the revenue from the special parcel tax are used exclusively for housing and homelessness, as described.

NOW THEREFORE,

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

Section 1. Article 1.18 is added to Chapter II of the Los Angeles Municipal Code to read:

ARTICLE 1.18

HOMELESSNESS REDUCTION AND PREVENTION AND HOUSING PARCEL TAX

SEC. 21.18.1. DEFINITION.

The following words and phrases whenever used in this article shall be construed as defined in this section:

- (a) "affordable housing" shall mean housing made available to a low income person.

- (b) "AMI" shall mean the Area Median Income published by HUD, as applied to the City of Los Angeles.
- (c) "City" shall mean the City of Los Angeles, a municipal corporation.
- (d) "Comprehensive Homeless Strategy Report" shall mean the Comprehensive Homeless Strategy Report issued on January 7, 2016 by the City Administrative Officer and Chief Legislative Analyst (CF# 15-1138-S1), as amended.
- (e) "fiscal year" shall mean the fiscal year of the City as defined under Vol 1, Art. III, Sec. 310 of the City Charter.
- (f) "homeless" shall mean an individual or household who is homeless, at risk of homelessness, or chronically homeless, as such terms are used and defined under 24 CFR Parts 91 and 576, as amended.
- (g) "homeless housing" shall mean housing made available to the homeless.
- (h) "housing" shall mean a house, apartment, group of rooms, or single room occupied or intended for occupancy as separate living quarters, which may include, but not limited to, supportive housing, affordable housing, emergency housing, permanent housing, rapid rehousing, transitional housing, or veterans housing, as such terms are used and construed by the Los Angeles Housing and Community Investment Department.
- (i) "household" shall have the same meaning as found under 24 CFR 5.403, as amended.
- (j) "low income person" shall mean an individual or household whose combined total gross income does not exceed 80% of AMI, as determined and amended by HUD.
- (k) "parcel" shall mean a unit of real property as shown on the last equalized assessment roll of the County of Los Angeles.
- (l) "rental assistance" shall mean the various rental assistance programs, operated by the Los Angeles Housing and Community Investment Department.
- (m) "HUD" shall mean the U.S. Department of Housing and Urban Development, or its successor department or agency.

SEC. 21.18.2. EXEMPTIONS.

(a) Nothing in this article shall be construed as imposing this Special tax upon any person when imposition of that Special Tax upon that person would be in violation of either the Constitutions of the United States or the State of California.

(b) The Special Tax imposed by this article shall not be levied upon the federal government, the state government, any state agency, or any local government agency.

SEC. 21.18.3. HOMELESSNESS REDUCTION AND PREVENTION AND HOUSING PARCEL TAX.

(a) There is hereby imposed a Special Homelessness Reduction and Prevention and Housing Parcel Tax (Special Tax) on each parcel within the City. The Special Tax shall be imposed each fiscal year, beginning with the fiscal year 2017-18 and expiring on July 1, 2027.

(b) The Special Tax is enacted under the authority of Los Angeles City Charter Section 101, other authority set forth in the California Government Code sections 50075-50077.5 and 53717, and as otherwise authorized by California law.

SEC. 21.18.4. PURPOSE.

(a)(i) The purpose of this Special Tax is to provide housing and homeless services, within the City. Funding shall be used:

(1) to acquire, construct, or finance the construction of or the improvement of, homeless housing and affordable housing and the facilities therein that serve the occupants and nearby community;

(2) to acquire real property in connection with or in furtherance of the purposes described under paragraphs (1) or (3);

(3) to construct or finance the construction of infrastructure related to the projects described under paragraphs (1), (2), (4), (5) or (10) of this section;

(4) to establish, create, provide, or deploy any facility, shelter, program, or public health service, whether or not in connection with homeless housing or affordable housing, recommended in the City's Comprehensive Homeless Strategy Report;

(5) to staff, maintain, construct, improve, or provide facilities for the homeless, including but not limited to, storage, showers, and shelters;

(6) to provide rental assistance for homeless housing and affordable housing;

(7) to fund services and programs identified in the Comprehensive Homeless Strategy Report;

(8) to fund the cost of collecting and administering the Special Tax;

(9) to make available for the use, operation, or management of the facilities, and projects described under paragraphs (1), (2), (3), (4), (5), (7), or (10) by other public, private, or non-profit individuals or entities;

(10) to provide any other housing, facility, project, or service for the homeless or low income person; and

(11) to issue bonds and the costs associated therein, the proceeds of which will be used for any of the purpose described under paragraphs (1), (2), (3), (4), (5), or (10) of this section.

(b) City Council may provide for the collection of the Special Tax in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the City, or by the County of Los Angeles on behalf of the City.

(c) If the Special Tax is collected by the County of Los Angeles on behalf of the City, the City may enter any and all necessary agreements with the County of Los Angeles to administer the collection and remittance of the Special to the City, such cost to be paid from the Special Tax.

(d) The cost of enforcement and administration of the Special Tax, including refunds, shall be paid from the special tax fund described in Section 21.18.6.

(e) All housing developments and facilities described above shall comply with applicable City, State and Federal accessibility laws and agreements, including Section 504 of The Rehabilitation Act of 1973 and the Americans with Disabilities Act.

SEC. 21.18.5. TAX RATE.

The Special Tax to be imposed on each parcel shall be \$101.96 per fiscal year.

SEC. 21.18.6. HOMELESSNESS REDUCTION AND PREVENTION AND HOUSING SPECIAL TAX FUND.

(a) There is hereby established a special fund in the City Treasury entitled "Special Homelessness Reduction and Prevention and Housing Special Tax Fund". The funds collected pursuant to this article shall be placed in this special tax fund to be used exclusively for the purpose for which the Special Tax in this article is imposed, and

for no other purpose. Funds deposited in this special tax fund shall not be subject to reversion to the Reserve Fund, established under Charter Section 302. This special tax fund may be deposited in an interest bearing account. Nothing in this section shall prevent the use of these funds to reimburse the General Fund when money is advanced from the General Fund to pay for the uses provided for in this article. All interest earnings generated by funds on deposit in the special tax fund shall remain in it to be used only for the purpose for which the Special Tax in this article is imposed.

(b) If at the end of any fiscal year, any unencumbered money raised by this Special Tax remains, it may be used in a succeeding fiscal year for the purposes stated in this article.

SEC. 21.18.7. MAINTENANCE OF EFFORT.

Proceeds from the Special Tax shall not be used to supplant existing levels of funding dedicated to housing and homeless services and facilities.

SEC. 21.18.8. CITIZENS OVERSIGHT COMMITTEE.

(a) A Citizens Oversight Committee shall be established by ordinance to make recommendations on the expenditure of revenues received from the Special Tax and to monitor the implementation and performance of the projects, programs, and services funded by the revenues received from the Special Tax.

(b) The Citizens Oversight Committee shall consist of seven appointed members, four of whom will be appointed by the Mayor and three appointed by the City Council.

SEC. 21.18.9. ADMINISTRATIVE OVERSIGHT COMMITTEE.

(a) An Administrative Oversight Committee shall be established by ordinance to review, amend, and adopt any expenditure recommendations prepared by the Citizens Oversight Committee based on funding priorities and awards.

(b) The Administrative Oversight Committee shall consist of the Mayor, City Administrative Officer, and Chief Legislative Analyst, or their respective designees.

SEC. 21.18.10. EXPENDITURE PLAN.

(a) The Citizens Oversight Committee shall develop and adopt an annual expenditure plan for the selection and funding of projects and services eligible under this article.

(b) Any expenditure plan adopted by the Citizens Oversight Committee shall include funding priorities to address homeless housing, including connected supportive

services such as mental health treatment, healthcare, substance abuse, education, and job training.

(c) The Citizens Oversight Committee shall submit its annual expenditure plan to the Administrative Oversight Committee for review and revision on or before April 1st of each year, beginning in the calendar year 2018.

(d) The Administrative Oversight Committee shall forward the annual expenditure plan, as adopted and amended, to the City Council and Mayor for adoption, by or before the fiscal year beginning after April 1st.

SEC. 21.18.11 ADMINISTRATION OF HOUSING.

All housing programs funded by the Special Tax shall be administered by the Los Angeles Housing and Community Investment Department or such other departments, agencies, or divisions as designated by the Mayor and City Council, with oversight by the Citizens Oversight Committee and the Administrative Oversight Committee.

SEC. 21.18.12. ANNUAL AUDIT, PROGRAM EVALUATION AND CERTIFICATION.

The City Controller shall audit the expenditures of the revenues received under the provisions of this article consistent with the City Charter and report thereon to the City Council and Mayor on an annual basis.

SEC. 21.18.13. ANNUAL REPORT.

The City Administrative Officer, as the chief fiscal officer of the City, shall file a report with the City Council no later than June 30, 2020, and each year thereafter so long as the revenues received under the provisions of this article are available, such report shall contain: (i) the amount of Special Taxes collected and expended; and (ii) the status of any program funded in part or in whole by Special Tax.

SEC. 21.18.14. REFUNDS AND PAYMENTS.

(a) Requests for refunds based on the exemptions provided under Section 21.18.2 may be filed with the Office of Finance or such other department, agency, or division designated by the Mayor and City Council.

(b) All refunds under this Section shall be administered and determined by the Office of Finance or such other department, agency, or division designated by the Mayor and City Council.

(c) No claim for refund shall be allowed in whole or in part unless filed with the Office of Finance or such other designated department, agency, or division within a one year from the date of the claimed overpayment, and each claim for refund of the amount of the overpayment must be filed on forms furnished, and in the manner

prescribed, by the Office of Finance or such other designated department, agency, or division. Refunds may be made from the special tax fund.

(d) The Special Tax shall be due in two equal installments in accordance with the collection procedures of the Los Angeles County Tax Collector with the first installment due November 1st and the second installment due February 1st in each fiscal year. The owner of a parcel at the time set forth in California Revenue and Taxation Code Sections 405, shall have a personal obligation to the City until the tax is paid for each fiscal year.

SEC. 21.18.15. AMENDMENTS.

Procedural provisions of this article may be amended by ordinance passed by the City Council.

SEC. 21.18.16. SUBMISSION TO VOTERS.

The ordinance enacting this article shall be submitted to the voters of the City. The taxes determined and proposed by this article shall be levied only if the ordinance is approved by a vote of not less than two-thirds of the voters voting. If the ordinance is approved by the requisite number of voters, the article shall thereafter be considered a part of the Los Angeles Municipal Code.

SEC. 21.18.17. SEVERABILITY CLAUSE.

If any section, clause, sentence, phrase, or portion of this proposition is held unconstitutional or invalid by any court or tribunal of competent jurisdiction, the remaining sections, clauses, sentences, phrases, or portions of this proposition shall remain in full force and effect, and to this end the provisions of this proposition are severable. In addition, the voters declare that they would have passed all sections, clauses, sentences, phrases, or portions of this proposition without the section, clause, sentence, phrase or portion held unconstitutional or invalid.

Sec. B. The City Clerk is hereby authorized and directed to publish a notice containing the proposed ballot proposition, specifying the date of November 8, 2016, as the date the proposition is to be voted upon by the qualified voters of the City of Los Angeles. The notice shall be published once in a newspaper of general circulation in the City of Los Angeles, and in each edition thereof during that day of publication. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the proposed ballot proposition and to distribute the proposed ballot proposition to any and all persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the proposed ballot proposition to each of the qualified voters of the City of Los Angeles.

Sec. C. The City Clerk is hereby authorized and directed to cause a notice to be published once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed ballot proposition may be obtained upon request in the City Clerk's office.

Sec. D. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.


I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
CHARLES S. HONG
Deputy City Attorney

Date 5/29/16

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has adopted a resolution to place an ordinance before the qualified voters of the City of Los Angeles at a Special Election to be called and consolidated with the State's General Election held on November 8, 2016; and

WHEREAS, the City Election Code requires the City Attorney to prepare and present a ballot title and question consisting of an impartial statement of the measure; and

WHEREAS, the City Attorney has presented the following ballot title and question for the proposed measure:

**HOMLESSNESS REDUCTION AND PREVENTION AND HOUSING
PARCEL TAX. PROPOSITION __.**

To provide affordable housing for the homeless and those in danger of becoming homeless, such as battered women and their children, veterans, seniors and the disabled; and increase access to mental health and drug and alcohol treatment; shall the City of Los Angeles collect a per parcel tax of \$101.96 totaling approximately eighty million dollars annually; with citizens oversight, annual audits, and a July 1, 2027 sunset clause?

NOW, THEREFORE, BE IT RESOLVED that the ballot title and question presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has taken action pursuant to the City Charter to place a parcel tax proposition before the qualified voters of the City of Los Angeles at a Special Election consolidated with the State's General Election to be held on November 8, 2016;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Council of the City of Los Angeles respectfully requests the Board of Supervisors of the County of Los Angeles to consolidate the City of Los Angeles Special Election with the State General Election to be held on November 8, 2016, for the purpose of submitting to the qualified voters of the City of Los Angeles the proposed homeless funding proposition with the following ballot title:

HOMLESSNESS REDUCTION AND PREVENTION AND HOUSING PARCEL TAX. PROPOSITION __.

To provide affordable housing for the homeless and those in danger of becoming homeless, such as battered women and their children, veterans, seniors and the disabled; and increase access to mental health and drug and alcohol treatment; shall the City of Los Angeles collect a per parcel tax of \$101.96 totaling approximately eighty million dollars annually; with citizen oversight, annual audits, and a July 1, 2027 sunset clause?

Sec. 2. That the Board of Supervisors be requested to fix the costs to be paid by the City of Los Angeles for conducting the Special Election, and that the City of Los Angeles will reimburse the County of Los Angeles for the costs incurred in conducting the Special Election.

Sec. 3. That the Board of Supervisors is hereby authorized to canvass the returns of the Special Election for which consolidation is requested.

Sec. 4. That the Special Election shall be held and conducted as provided by law for the holding of the State's General Election in the City of Los Angeles as provided in State Elections Code Section 10418.

Sec. 5. That the City Clerk file a duly certified copy of this Resolution forthwith with the Board of Supervisors of the County of Los Angeles and provide a copy of the resolution to the County Registrar-Recorder.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

C.F. No. _____

ORDINANCE NO. _____

An ordinance calling a Special Election to be held on Tuesday, November 8, 2016, for the purpose of submitting to the qualified voters of the City of Los Angeles a special parcel tax and consolidating this Special Election with the State's General Election to be held on the same date.

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

Section 1. A Special Election is hereby called to be held in the City of Los Angeles on November 8, 2016, for the purpose of submitting to the qualified voters of the City of Los Angeles, for approval by a two-thirds vote, a special tax ordinance for housing and homeless services ordered to be submitted by the Council of the City of Los Angeles.

Sec. 2. The ballot title and question to be used at the Special Election for the measure to be submitted to the qualified voters of the City of Los Angeles shall be:

**HOMLESSNESS REDUCTION AND PREVENTION AND HOUSING
PARCEL TAX. PROPOSITION __.**

To provide affordable housing for the homeless and those in danger of becoming homeless, such as battered women and their children, veterans, seniors and the disabled; and increase access to mental health and drug and alcohol treatment; shall the City of Los Angeles collect a per parcel tax of \$101.96 totaling approximately eighty million dollars annually; with citizen oversight, annual audits, and a July 1, 2027 sunset clause?

Sec. 3. The proposition shall be designated on the ballot or ballot pages by a letter or number determined by the City Council in accordance with applicable City and state laws. Upon the designation by the proper officials of the letter or number to be assigned to the proposition, that letter or number is hereby adopted and shall be the designation for the ballot title.

Sec. 4. To vote on the proposition, the voter shall mark the ballot next to the word "Yes" or the word "No." A "Yes" vote shall be counted in favor of adoption of the proposition and a "No" vote shall be counted against adoption of the proposition.

Sec. 5. The Special Election hereby called shall be, and hereby is ordered to be, consolidated with the State's General Election to be held in the City of Los Angeles on Tuesday, November 8, 2016.

Sec. 6. The voting polls on election day shall open at 7:00 a.m., November 8, 2016, and shall remain open until 8:00 p.m. of the same day when the voting polls shall be closed, except as provided in California Elections Code Section 14401.

Sec. 7. The election precincts, polling places and, officers of election for the Special Election shall be the same as those provided in the City of Los Angeles for the State's General Election, and the elections shall be held in all respects as if there were only one election. Furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the Order of the Registrar-Recorder of the County of Los Angeles to be adopted for the State's General Election and that Order is incorporated into and made part of this ordinance.

Sec. 8. In all other particulars, the Special Election shall be held and conducted as provided by law for the conduct of the State's General Election in the City of Los Angeles. The Board of Supervisors of the County of Los Angeles shall have authority to canvass the returns of the Special Election, and the City Council of the City of Los Angeles upon receipt of the certified results of the canvass of election returns shall declare the results thereof.

Sec. 9. The City Clerk shall certify to the passage of this ordinance by the Council of the City of Los Angeles by a vote of not less than two-thirds of all of its members, and shall cause this ordinance to be published prior to the time appointed for the holding of the election (a) once a week for two weeks in a newspaper published less than six days a week in the City of Los Angeles, or (b) once a day for at least seven days in a newspaper published at least six days a week in the City of Los Angeles.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than two-thirds of all of its members, at its meeting of _____, 2016.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
CHARLES S. HONG
Deputy City Attorney

Date 6/24/16

File No. _____