



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 3 4 6

DEC 0 5 2013

REPORT RE:

**ORDINANCE AMENDING SECTION 49.95 OF ARTICLE 14.1 OF CHAPTER IV
OF THE LOS ANGELES MUNICIPAL CODE TO EXTEND THE
SUNSET DATE OF THE FORECLOSURE EVICTION ORDINANCE FROM
DECEMBER 31, 2013, TO DECEMBER 31, 2015**

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

Honorable Members:

Pursuant to your request, we have prepared and now transmit for your consideration, approved as to form and legality, the enclosed draft ordinance amending Section 49.95 of Article 14.1 of Chapter IV of the Los Angeles Municipal Code (LAMC) to extend the sunset date of the Foreclosure Eviction Ordinance from December 31, 2012, to December 31, 2015.

Because the existing LAMC provisions sunset on December 31, 2013, and because of the need to protect public peace, health and safety, we have included an urgency clause to make the ordinance effective upon publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Community Investment Department, which has approved the proposed language.

CEQA Findings

We recommend that City Council find that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) through a General Exemption under Article 18, Section 15060 (c)(2) of the State CEQA Guidelines and Article II, Section 2(m) of the City CEQA Guidelines. If you concur, you should adopt this finding prior to or concurrent with taking action on this ordinance.

If you have any questions regarding this matter, please contact Deputy City Attorney Mei-Mei Cheng at (213) 978-0055. 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:MMC:pj
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 49.95 of Article 14.1 of Chapter IV of the Los Angeles Municipal Code to extend the sunset date of the Foreclosure Eviction Ordinance from December 31, 2013, to December 31, 2015.

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

Section 1. Section 49.95 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 49.95. SUNSET PROVISION.

The provisions of this Article shall be in effect through December 31, 2015, unless the City Council acts by ordinance to amend this Section to extend its effective period.

Sec. 2. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety due to foreclosures of rental properties not subject to the City's Rent Stabilization Ordinance (RSO), Los Angeles Municipal Code Chapter XV.

The RSO prohibits evictions from RSO-regulated properties when the reason for the eviction is based solely on the lender having foreclosed on the rental property. Such protection does not extend to non-RSO properties. According to the Los Angeles Housing and Community Investment Department (HCIDLA), census data indicates that 20-25% of single-family homes in the City are occupied by non-RSO renters. Foreclosing lenders have repeatedly sought to evict tenants from foreclosed properties even when the tenants are current on their rental payments.

An extension to the Foreclosure Eviction Ordinance is necessary in order to ensure that the tenants of foreclosed non-RSO rental properties continue to be protected from no-fault evictions. Pursuant to City Charter Section 253, this ordinance shall take effect upon its publication.

Sec. 3. 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, **by a vote of not less than three-fourths** of all of its members, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL FEUER, City Attorney

By _____
MEI MEI CHENG
Deputy City Attorney

Date 12-5-13

File No.: _____