

CATEGORICAL EXEMPTION, HOUSING COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to mandating seismic retrofits of existing wood-frame soft-story buildings and existing concrete buildings within the City of Los Angeles, and authorizing the Rental Adjustment Commission to modify Tenant Habitability Program requirements for purposes of implementing seismic retrofit mandates.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that the accompanying Ordinance is exempt under the California Environmental Quality Act (CEQA) pursuant to the following determinations:
 - a. Determine that the proposed amendment to Division 93 of Article I, Chapter IX of the Los Angeles Municipal Code (LAMC) (Mandatory Earthquake Hazard Reduction in Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls) is exempt from CEQA pursuant to CEQA Guidelines, Sections, 15061(b)(3), 15301 and 15269; City of Los Angeles CEQA Guidelines, Class 1, Type 1 and Class 2, Type 2.
 - b. Determine that the proposed amendment to Division 95 of Article I, Chapter IX of the LAMC (Mandatory Earthquake Hazard Reduction in Existing Non-Ductile Concrete Buildings) is exempt from CEQA pursuant to CEQA Guidelines, Sections, 15301, 15302 and 15269; and, City of Los Angeles CEQA Guidelines, Class 1, Type 1 and a Class 2.
 - c. Determine that the proposed amendments to LAMC Sections 152.02, 152.04, 152.05 and 152.08 are exempt from CEQA pursuant to CEQA Guidelines, Section 15061(b)(3).2.
2. PRESENT and ADOPT the accompanying ORDINANCE to mandate seismic retrofits of existing wood-frame soft-story buildings and existing non-ductile concrete buildings within the City of Los Angeles, as amended to incorporate the technical amendments contained in the draft ordinance presented by the City Attorney at the Housing Committee meeting held October 7, 2015; to extend the time required for compliance with soft-story building retrofits to seven years after an order is issued by the Department of Building and Safety; and, to delete words/phrases relating to demolition and vacating units.
3. ADOPT the recommended Findings set forth in the City Attorney report to Council dated October 2, 2015, pursuant to Health and Safety Code Section 19163(a).

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

Accompanying a report to Council dated October 2, 2015, the City Attorney presents Ordinance amending the LAMC to mandate seismic retrofits of existing wood-frame soft-story buildings and existing non-ductile concrete buildings within the City of Los Angeles, and to authorize the

Rental Adjustment Commission to modify Tenant Habitability Program requirements for purposes of implementing seismic retrofit mandates. The Ordinance establishes minimum building code standards to retrofit wood-frame soft-story and non-ductile concrete buildings and sets forth the time limits by which property owners must meet these standards. For existing wood-frame soft-story buildings, unless subject to an exception, if the permit application for a new building was submitted before January 1, 1978, property owners are required to complete retrofit or demolition work within four years of receiving an order from the Department of Building and Safety. For concrete buildings built pursuant to permit applications submitted before January 13, 1977, unless subject to an exception, property owners are required to complete retrofit or demolition work within 25 years of receiving the order.

The Ordinance also creates administrative procedures and enforcement tools to implement the seismic retrofit standards, and confers specific authority upon the Rent Adjustment Commission to permit exceptions from other LAMC requirements if they impede compliance with seismic retrofit provisions. Under the proposed ordinance, the Rent Adjustment Commission may, by regulation, modify the service and notice requirements of Section 152.04 of the Tenant Habitability Program, and extend the time provisions of Section 152.05 by up to an additional 180 days. The City Attorney's report also includes recommendations by the Department of City Planning for a CEQA determination and Findings required by the California Health and Safety Code.

At its meeting held October 7, 2015, the Housing Committee discussed this matter with representatives of the City Attorney, the Department of Building and Safety, and the Los Angeles Housing and Community Investment Department (HCIDLA). The City Attorney's representative presented a draft ordinance containing technical amendments. The Department of Building and Safety discussed program enforcement. Owners found not to be in compliance with the seismic retrofit mandates could be referred to the City Attorney for prosecution as misdemeanors. The Department has sufficient staff to perform program activities. The HCIDLA representative discussed provisions of the City's Tenant Relocation Program. It was explained that tenants will be eligible for temporary or permanent relocation assistance when their residences are uninhabitable during retrofit construction. The goal of the Tenant Relocation Program is for tenants to remain in or to return as soon as possible to their existing residences.

Members of the Housing Committee discussed these matters with staff and recommended amendments to the City Attorney's draft ordinance. The Committee recommended that the time required for compliance with soft-story building retrofits be extended to seven years after an order has been issued by the Department of Building and Safety, and that words/phrases related to demolition and vacating units be deleted from the ordinance.

During the public comment period apartment owners and apartment owner advocacy representatives expressed support for the proposed extension of time. Concerns were expressed regarding obtaining financing for seismic retrofit projects and the prosecution of owners for non-compliance. Suggestions were made for the City to waive project permit fees and rental gross receipts taxes.

Renters and renter advocacy group representatives expressed concerns that the cost of seismic retrofits would be passed on to tenants. Speakers urged the Committee to protect renters from rent hikes and gentrification resulting from the eviction of tenants as a result of seismic retrofit projects. It was further stated that complete transparency was needed to protect tenants from misinformation, illegal evictions, and unwarranted rent increases.

The Housing Committee recommended that Council approve the revised draft ordinance presented by the City Attorney, as amended to incorporate the amendments mentioned above; and, to approve the related Findings and environmental determination.

Respectfully Submitted,

HOUSING COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
CEDILLO:	YES
FUENTES:	YES
HUIZAR:	ABSENT
PRICE:	YES
HARRIS-DAWSON:	YES

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-NOT OFFICIAL UNTIL COUNCIL ACTS-