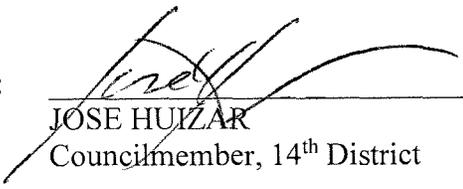


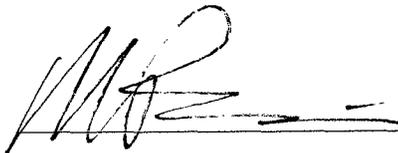
MOTION

I MOVE that the matter of the Categorical Exemption, Planning and Land Use Management Committee Report and Ordinance First Consideration relative to the City's Shelter Crisis Regulations with State law, Item No. 5 on today's Council Agenda (C.F. 15-1138-S6), **BE AMENDED** to PRESENT and ADOPT the attached ordinance in lieu of the Ordinance dated March 3, 2017, attached to the File, in order to include: 1) technical changes pursuant to HCID's response to the Rule 38 letter that was sent to revise state code references, and 2) a change clarifying Section 12.80 to specify the application of these regulations over City-owned property, which is consistent with State law that gives the City this authority.

PRESENTED BY:


JOSE HUIZAR
Councilmember, 14th District

SECONDED BY:



March 28, 2017



ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.80 and 12.81 of the Los Angeles Municipal Code to expand the definition of “shelter for the homeless” and to align the City’s shelter crisis regulations with state law.

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

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to replace the definition of “Shelter for the Homeless” in its entirety as follows:

SHELTER FOR THE HOMELESS. A facility operated by a “**provider**,” other than a “**community care facility**” as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The term “**temporary accommodations**” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “**provider**” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

Sec. 2. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – CITY OWNED AND LEASED PROPERTY.

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

Sec. 3. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.

A. Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

B. Requirements.

1. Providers shall register with the City of Los Angeles by submitting “Cold/Wet Weather Temporary Shelter Application” online via the City’s website (www.lacity.org); and

2. Providers shall comply with the “Cold/Wet Weather Temporary Shelter” requirements promulgated by the Los Angeles Fire Departments Fire Prevention and Public Safety Bureau; and

3. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.

4. Providers shall comply with all local, state and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

Sec. 4. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts of inclement weather and extreme temperatures, such as the weather conditions experienced in Los Angeles during the 2016-2017 winter season. Weather experts confirm that the winter of 2016-2017 brought record rainfall to the region, and it is possible that the City of Los Angeles could experience heavy rainfall well into the early spring of 2017. Recent weather patterns brought tremendous rainfall to the area, during which there was loss of human life and property damage. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. The 2016-2017 occupancy rates for homeless shelters in the City and County show a strong correlation between the increase in precipitation and demand for shelter, with heavier precipitation pushing shelters to near capacity. Based on the magnitude of this season's rainfall and temperature fluctuations, there is a current threat to the health and safety of the homeless population in Los Angeles. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 6. 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 its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date March 28, 2017

File No. CF 15-1138-S6

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

March 24, 2017

See attached report.


Vincent P. Bertoni, AICP
Director of Planning