

ORDINANCE NO. _____

An ordinance adding Article 19 to Chapter IV of the Los Angeles Municipal Code to require replacement obligations and occupant protections for new housing development projects.

WHEREAS, the City of Los Angeles is experiencing an extreme shortage of affordable housing, which has resulted in increased poverty and homelessness;

WHEREAS, the California legislature passed the Housing Crisis Act of 2019 (HCA), through Senate Bill 330, codified in California Government Code Section 66300, *et seq.*, effective January 1, 2020, which was intended to help alleviate the State's extreme housing shortage through a variety of measures, such as those to preserve "protected units," protect occupants of "protected units," and replace demolished residential units in new housing development projects;

WHEREAS, the California legislature passed amendments to the HCA through Senate Bill 8 (SB 8), effective January 1, 2022, to among other things, extend the sunset date, clarify that the HCA's requirements apply to all new housing development projects, including those proposing to construct single dwelling units, and those involving no discretionary approvals, and to clarify that relocation benefits and rights of first refusal are reserved for lower-income occupants of "protected units";

WHEREAS, SB 8 also amended California Government Code Section 66301(a) to read: "This chapter shall only apply to a housing development project that submits a preliminary application pursuant to Section 65941.1 before January 1, 2030";

WHEREAS, California Government Code Section 66300(d)(3) authorizes locally adopted ordinances that place restrictions on the demolition of residential dwelling units or the subdivision of residential dwelling units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation benefits to displaced households;

WHEREAS, California Government Code Section 66300(j) authorizes affected cities to enact development policies, standards, or conditions intended to preserve or facilitate the production of housing for lower income households; and

WHEREAS, pursuant to the aforementioned authority, the City wishes to enact this ordinance in order to prevent any loss of replacement units and occupant protections for lower income households.

NOW, THEREFORE,

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

Section 1. A new Article 19 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 19

**REPLACEMENT OBLIGATIONS AND OCCUPANT PROTECTIONS
REQUIRED FOR NEW HOUSING DEVELOPMENT PROJECTS**

SEC. 51.31. DEFINITIONS.

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

“Complete application” refers to a complete application pursuant to Section 65943 of the California Government Code.

“Housing development project” shall have the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5 of the California Government Code, however, shall not include a housing development project located within a very high fire hazard severity zone.

“Protected units” has the same meaning as set forth in California Government Code Section 66300(d)(2).

“Very high fire severity zone” has the same meaning as provided in California Government Code Section 51177.

SEC. 51.32. APPLICABILITY.

This article shall apply only to housing development projects that: (1) on or after January 1, 2022, but before January 1, 2030, submit a complete application to the Department of City Planning or a complete set of building plans for plan check and permit to the Department of Building and Safety, along with any associated submittal fee; or (2) on or after the effective date of this article, receive an approval of a complete application that was submitted to the Department of City Planning on or after January 1, 2020, but before January 1, 2022. This article does not apply to a housing development project that submitted a complete application to the Department of City Planning before January 1, 2020.

SEC. 51.33. REPLACEMENT OBLIGATIONS AND OCCUPANT PROTECTIONS REQUIRED FOR NEW HOUSING DEVELOPMENT PROJECTS.

A. The City shall not approve or issue a building permit for a housing development project that will require the demolition of one or more residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

B. The City shall not approve or issue a building permit for a housing development project that will require the demolition of occupied or vacant protected units, unless the housing development project meets all of the requirements of California Government Code Section 66300(d)(2).

SEC. 51.34. SEVERABILITY.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SEC. 51.35. SUNSET PROVISION.

A. This article shall remain in effect only until January 1, 2034, and as of that date is repealed.

B. A housing development project that submits a preliminary application pursuant to Section 65941.1 of the California Government Code before January 1, 2030, remains subject to this article after January 1, 2030.

Sec. 2. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: due to the severity of the affordable housing crisis, the City must take all available measures to prevent the loss of replacement units and to provide occupant protections for lower income households. The Council, therefore, with the Mayor's concurrence, adopts this ordinance to be become effective upon publication pursuant to Los Angeles City Charter Section 253.

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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
MEI MEI CHENG
Deputy City Attorney

Date 5.4.2022

File No. 21-1431

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The Clerk of the City of Los Angeles hereby certifies that the foregoing 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.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____