

ORDINANCE NO. 145927

An Ordinance amending Sections 12.03 and 13.04 of the Los Angeles Municipal Code, and adding Section 12.30 thereto.

WHEREAS, the City Council finds that a serious public emergency exists with respect to the housing of many citizens of this municipality; that there is a substantial and increasing shortage of housing accommodations for families and individuals of low and moderate incomes; that such shortage poses a serious threat to the public health, safety and general welfare of the citizens of this municipality; and that such emergency should be met immediately by steps to correct the shortage of low and moderate-income housing;

NOW THEREFORE THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.03 of the Los Angeles Municipal Code is hereby amended by adding the definitions of "Dwelling Unit, Low Income," "Dwelling Unit, Moderate Income," "Housing Authority," "Housing Director," "Housing Development" and "HUD," "Household, Low Income," "Household, Moderate Income," thereto, said definitions to be placed in such section in the appropriate alphabetical location and to read as follows:

DWELLING UNIT, LOW INCOME - A dwelling unit at a rental or at a sales price which is eligible for subsidy under any public program to assist the occupancy of housing by households of low income who meet the current eligibility standards for low-rent public housing established by the Housing Authority.

DWELLING UNIT, MODERATE INCOME - A dwelling unit at a rental or at a sales

1 price eligible for subsidy under any
2 public program to assist the occupancy
3 of housing by persons or households of
4 lower income who meet the current
5 eligibility standards for such households
6 established for the City of Los Angeles
7 from time to time by HUD and as certified
8 to the Housing Director.

9 HOUSEHOLD, LOW INCOME - A household
10 which meets the current eligibility
11 standards for low-rent public housing
12 established by the Housing Authority.

13 HOUSEHOLD, MODERATE INCOME - A
14 household which meets the current
15 eligibility standards for such house-
16 holds established for the City of
17 Los Angeles from time to time by HUD
18 and as certified to the Housing
19 Director.

20 HOUSING AUTHORITY - The Housing
21 Authority of the City of Los Angeles.

22 HOUSING DIRECTOR - The Executive
23 Director of the Housing Authority.

24 HOUSING DEVELOPMENT - The construction
25 pursuant to a building permit of, or the
26 proposed conversion to condominium owner-
27 ship pursuant to a final subdivision tract
28 map submitted for approval of any apartment
29 house, apartment hotel, multiple dwelling
30 or group dwelling, residential condominium
31 development or cooperative apartment home
32 having five or more dwelling units.

1 Sec. 2. The Los Angeles Municipal Code is hereby
2 amended by adding Section 12.39 thereto, said section to read:
3 SEC. 12.39 - LOW AND MODERATE INCOME HOUSING
4 A. Requirements. 1. The developer
5 of every housing development constructed
6 pursuant to a building permit issued or
7 a final tract map submitted for approval
8 pursuant to a tentative tract map approved
9 after the effective date of this section
10 shall (a) make every reasonable effort to
11 develop at least 6 per cent of the total
12 number of units in the development at a
13 cost which would allow them to be rented
14 or sold as low-income dwelling units at the
15 fair market value and at least an additional
16 9 per cent of the total number of units in
17 the development at a cost which would allow
18 them to be rented or sold as low or moderate
19 income dwelling units at the fair market
20 value, (b) if such units can be developed
21 at such cost then make such units available
22 at the fair market value to the Housing
23 Authority or to low or moderate income
24 households approved by the Housing Authority,
25 and (c) execute such agreements with the
26 Housing Authority as are appropriate to
27 assure the continued availability of such
28 units as low or moderate income dwelling
29 units, which agreements shall be binding
30 upon the developer and his successors in
31 interest. In applying these percentages,
32 any decimal fraction up to and including

1 0.5 may be disregarded and any decimal
2 fraction over 0.5 shall be construed as
3 requiring one dwelling unit.

4 2. When the Housing Authority determines
5 (a) that every reasonable effort has been
6 made and that no units meeting the standards
7 set forth in subsection B below can be
8 developed at a cost which would allow them
9 to be rented as low or moderate income
10 dwelling units at the fair market value or
11 (b) that no subsidy is available to permit
12 the rental of the required units to low or
13 moderate income households at the fair market
14 value, the requirements of this section shall
15 be met by the developer, in lieu of developing
16 the units required by subsection A1 above,
17 giving the Housing Authority in writing the
18 continuing right of first refusal to lease
19 at the fair market value any of the units in
20 the development, or to require that such units
21 be leased at the fair market value only to low
22 or moderate income households approved by the
23 Housing Authority, up to a total of 15 percent
24 of the total number of units in the development.
25 The Housing Authority may exercise its right
26 of first refusal, at the then fair market
27 value, whenever thereafter all occupants of
28 any unit in the development terminate or give
29 notice of intent to terminate their occupancy,
30 and after such termination fewer than 15 percent
31 of the total number of units in the development
32 would be occupied as low or moderate income

1 dwelling units. The developer shall
2 immediately notify the Housing Authority
3 in writing of any such termination or intent
4 to terminate.

5 3. When the Housing Authority determines
6 (a) that every reasonable effort has been
7 made and that no units meeting the standards
8 set forth in Subsection B below can be
9 developed at a cost which would allow them
10 to be sold as low or moderate income dwelling
11 units at the fair market value or (b) that
12 no subsidy is available to permit the sale
13 of the required units to low or moderate
14 income households at the fair market value,
15 the requirements of this section shall be met
16 by the developer, in lieu of developing the
17 units required by Subsection A1 above, giving
18 the Housing Authority in writing the continuing
19 right to require that any units in the develop-
20 ment subsequently available for resale, up
21 to a total of 15 percent of the total number
22 of units therein, be sold at the then fair
23 market value only to low or moderate income
24 households approved by the Housing Authority.
25 The Housing Authority may require the developer
26 to execute and record an agreement to such
27 an effect running with the land.

28
29 B. Standards. Low and moderate income
30 dwelling units required by this section shall:

31 1. Be reasonably dispersed throughout
32 the development;

1 2. Generally reflect the average
2 number of bedrooms per dwelling unit
3 for the development as a whole; and

4 3. Be designed to harmonize with
5 other residential structures and units
6 in the development.

7
8 C. Certification. No building
9 permit shall be issued or final tract
10 map be approved for any housing development
11 until application has been made to the
12 Housing Authority and it has certified
13 that such development complies with the
14 requirements of this section. The Housing
15 Authority shall have the authority to
16 require guarantees, to enter into recorded
17 agreements with developers and with renters
18 and purchasers of the required low income
19 dwelling units, and to take other
20 appropriate steps necessary to assure that
21 the required low and moderate income
22 dwelling units are provided and that they
23 are continuously occupied by low and moderate
24 income households. When this has been
25 assured to the satisfaction of the Housing
26 Authority, and it has determined that the
27 proposed development meets the requirements
28 and standards of this section, it shall
29 certify the application approved as to the
30 housing requirements of this section, and
31 shall transmit it to the Department of
32 Building and Safety.

1 D. Appeal. An applicant aggrieved
2 by a determination or requirement of the
3 Housing Authority in regard to this section
4 may appeal to the City Council. The appeal
5 shall set forth specifically wherein the
6 action of the Housing Authority fails to
7 conform to the provisions of this section,
8 or wherein its requirements are improper.
9 Such appeal shall be filed in duplicate in
10 the public office of the Housing Authority.
11 Thereupon, the appeal and the Housing
12 Authority's file thereon shall be transmitted
13 to the City Council. The City Council, by
14 resolution, may reverse or modify any
15 determination or requirement of the Housing
16 Authority. The failure of the Council to
17 vote upon an appeal within 90 days after
18 transmittal shall be deemed a denial of the
19 appeal. If an appeal be denied, the action
20 of the Housing Authority shall thereupon be-
21 come final and conclusive.

22 E. Authority to Delegate. Wherever it
23 is provided in this section that the Housing
24 Authority shall perform certain functions,
25 the performance thereof by the Housing
26 Director shall be equally effective if the
27 Housing Authority Board, by resolution, has
28 authorized the Housing Director to act on
29 such matters.

30 Sec. 3. Subdivision A of Section 13.04 of the
31 Los Angeles Municipal Code is hereby amended to read:

32 A. Purpose - The purpose of the

1 regulations set forth in this section
2 is to provide for the establishment
3 and control of residential planned
4 developments. It is the intent of
5 this section to promote and achieve
6 greater flexibility in design, to
7 encourage well-planned neighborhoods
8 with adequate open space which offer
9 a variety of housing and environments
10 through creative and imaginative planning
11 as a unit, to increase housing
12 opportunities for low and moderate
13 income households, and to provide for
14 the most appropriate use of land through
15 special methods of development.

16
17 Sec. 4. Subsection E of Section 13.04 of the
18 Los Angeles Municipal Code is hereby amended by adding Sub-
19 division 15 thereto, said subdivision to read:

20 15. Low and Moderate Income Dwelling
21 Units. Every residential planned development
22 shall provide low and moderate income dwelling
23 units as provided in Section 12.39 of this
24 code.

25 Sec. 5. Section 17.05 of Los Angeles Municipal
26 Code is hereby amended by adding Subsection R thereto, said
27 subsection to read:

28 R. Requirement of Compliance with
29 Low and Moderate Income Housing Provisions.
30 Each subdivision for purposes of permitting
31 condominium sales of the units within an
32 existing structure shall comply with the

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provisions of Section 12.39 of this code relating to the providing of low and moderate income housing.

Sec. 6. Authority is hereby given to utilize the functions of the Housing Authority of the City of Los Angeles, a state agency, and city functions are hereby transferred thereto, but only insofar as is necessary for the Housing Authority to perform the functions, either directly or acting through its Executive Director, set forth in this ordinance. Such authority and transfer shall be effective at such time as a contract is entered into between the City of Los Angeles and the Housing Authority of the City of Los Angeles setting forth the details thereof, and shall terminate upon the effective date of an ordinance declaring the termination of such authority and transfer unless earlier terminated by act of the Housing Authority. This ordinance shall not become operative prior to the effective date of a contract between the City of Los Angeles and the Housing Authority providing for the performance by the Housing Authority of those functions contemplated by this ordinance.

Sec. 7. Severability. If any provision of this ordinance, or the application thereof to any person, property or circumstance, is held invalid, the remainder of this ordinance, or the application of such provisions to other persons, property or circumstances, shall not be affected thereby.

Sec. 8 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of APR 23 1974 and was passed at its meeting of APR 30 1974

REX E. LAYTON, City Clerk,
By *A. R. ...*
Deputy

Approved APR 30 1974

Tom Bradley
Mayor.

File No. 71-2915 S.1

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5-3

An Ordinance amending Los Angeles Municipal Code Section 12.39 regarding low and moderate income housing.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Subdivision 2 of Subsection A of Section 12.39 of the Los Angeles Municipal Code is hereby amended to read as follows:

2. If the developer after every reasonable effort to comply with Subsection A 1 determines that it cannot so comply, then the developer shall grant to the Housing Authority in writing, on a form furnished by the Housing Authority, the continuing right of first refusal to lease at fair market value any of the units in the development, up to a total of 15% of the total number of units in the development. The developer shall execute and record an agreement to such effect running with the land. The Housing Authority may exercise its right of first refusal at the then fair market value, whenever all occupants of any unit in the development terminate or

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1 give notice of intent to terminate
2 their occupancy, and after such
3 termination fewer than 15% of the total
4 number of units in the development would
5 be occupied as low or moderate income
6 dwelling units. After the Housing
7 Authority notifies the developer or owner
8 that it may wish to exercise its right
9 of first refusal, the developer or owner
10 shall immediately notify the Housing
11 Authority in writing of any such
12 terminations or intents to terminate
13 as they occur. Failure by the Housing
14 Authority to respond within 7 days after
15 receipt of the notice from the developer
16 or owner shall be deemed a decision by
17 the Housing Authority to not exercise its
18 right of first refusal on that
19 particular unit.

20
21 Section 2. Subdivision 3 of Subsection A of
22 Section 12.39 of the Los Angeles Municipal Code is hereby
23 amended to read as follows:

24 3. If the developer of a housing
25 development of units for sale, after
26 every reasonable effort to comply with
27 Subsection A 1, determines that it
28 cannot so comply, then it shall grant

1 to the Housing Authority in writing, on
2 a form furnished by the Housing Authority,
3 the continuing right to require that any
4 units in the development subsequently
5 available for sale or resale up to a
6 total of 15% of the total number of units
7 therein, be sold at the then fair market
8 value only to low or moderate income
9 households approved by the Housing Authority.
10 The developer shall execute and record an
11 agreement to such effect running with the
12 land.

13
14 Section 3. Subsection C of Section 12.39 of the
15 Los Angeles Municipal Code is hereby amended to read as
16 follows:

17 C. Compliance

18 No building permit shall be issued or
19 final tract map approved for any housing
20 development until the agreements, the right
21 of first refusal to lease or the right of a
22 low or moderate income household to buy, as
23 set forth in Section A hereof, have been
24 property executed, recorded, and submitted
25 to the Department of Building and Safety,
26 which after its receipt of the documents,
27 shall transmit them to the Housing Authority.
28 The Housing Authority shall have the

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authority to require guarantees, to enter into recorded agreements with developers and with renters and purchasers of the required low and moderate income dwelling units, and to take other appropriate steps necessary to assure that the required low and moderate income dwelling units are provided and that they are continuously occupied by low and moderate income households.

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Sec.....⁴.....The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 3 1984

ELIAS MARTINEZ, City Clerk,

By Edward W. Cochran,
Deputy.

JUL 10 1984

Approved

Tom Bradley
Mayor

Approved as to Form and Legality

5-22-84
IRA REINER, City Attorney,

By Colin Chiu
COLIN CHIU, Deputy.

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Pursuant to Sec. 97.9 of the City Charter, approval of this ordinance is recommended for the City Council.

See attached report.
Ken Rippe
Director of Planning

File No. C.F. 83-0049