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March 20, 2025

Honorable Members of the City Council  
City of Los Angeles  
City Hall, Room 395  
Los Angeles, CA 90012

**Report from the Department of Building and Safety on the ability of a property owner that has been issued an Order To Comply to continue to operate the use in question during the 30-day time window of the notice.**

## Background

On December 6, 2024, City Council adopted the motion in Council File 24-1158 instructing the Los Angeles Housing Department and the Department of Building and Safety (DBS), in coordination with the Office of the City Attorney, to report in less than 30 days on the ability of a property owner that has been issued a Notice and otc to Comply to continue to operate the use in question during the 30-day time window of the notice.

The motion stated that it is unclear under current City practices whether, during that 30-day period, a violation of land use must be terminated immediately, or whether the 30-day period can be used by the owner or operator to continue the use in question.

## Discussion

### OCCUPANCY AND USE

Occupancy classifications and uses are regulated by Chapter 3 of the City's Building Code. Different classifications of occupancy and use represent varying levels of hazard and risk to building occupants and adjacent properties. Although some classifications and/or uses are similar in nature and pose little hazard or risk when used in a manner that is similar to that for which they were constructed, the LAMC makes clear that no person may use, occupy or maintain any building or structure within the city, except as provided by Code (LAMC 91.103.1).

### OCCUPANCY AND USE - VIOLATIONS

Whenever any portion of a building is used in a manner other than that for which it was constructed, DBS has the authority to order by written notice (Order to Comply or OTC) that such violation be discontinued. The written notice shall state the nature of the violation(s) and shall fix a time for the abatement thereof (LAMC 91.104.2.5).

LADBS has the discretion to shorten the compliance timeline, but typically, 30 days is the standard duration of time afforded for compliance with an OTC. When the nature of a violation is determined to pose an imminent hazard to life and/or safety, the timeline can be shortened to as little as one day. Examples of imminent hazards include but are not limited to, swimming pools that are open to public access due to lacking an approved enclosure, hazardous electrical installations and structural deficiencies that could cause injury. Such violations require immediate action to abate hazardous violations. A violation that is related to the use of a structure does not typically involve an imminent threat to health and safety, and so, such violations typically receive a compliance timeline of 30 days.

With regard to the spirit and intent of enforcement timelines, CA Senate Bill 897 was signed into law on Sept 28, 2022, Amending Health and Safety Code Section 17980.12.(a) to include the following:

*“The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances ... may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.”*

This illustrates that on a state level the spirit and intent of the code is becoming more lenient with enforcement timelines when violations do not endanger physical safety.

Also, the City does issue temporary permits which allow occupancies to be used contrary to their original purpose. While such permits will trigger additional requirements, this allowance is evidence that all such violations are not necessarily an imminent threat to health and safety.

It is well established that the permitting and construction processes required to abate certain violations can take considerable time, and in many instances, compliance within 30 days is not realistic or possible. If a property owner who has received an OTC is actively working towards compliance, but will not complete compliance by the ordered date, the LAMC allows for extensions to OTCs to be requested. Good faith effort to resolve the violations is taken into account when reviewing formal requests for an extension of time.

It is not uncommon for a property owner who has received an unapproved use violation OTC to apply for a Change of Use permit prior to the compliance date of the OTC. This process can take far more than 30 days as some design and construction will most likely be required. The Department will usually view such an application as a sign of a good faith effort, and will grant the owner additional time to complete the permitting process and any necessary construction.

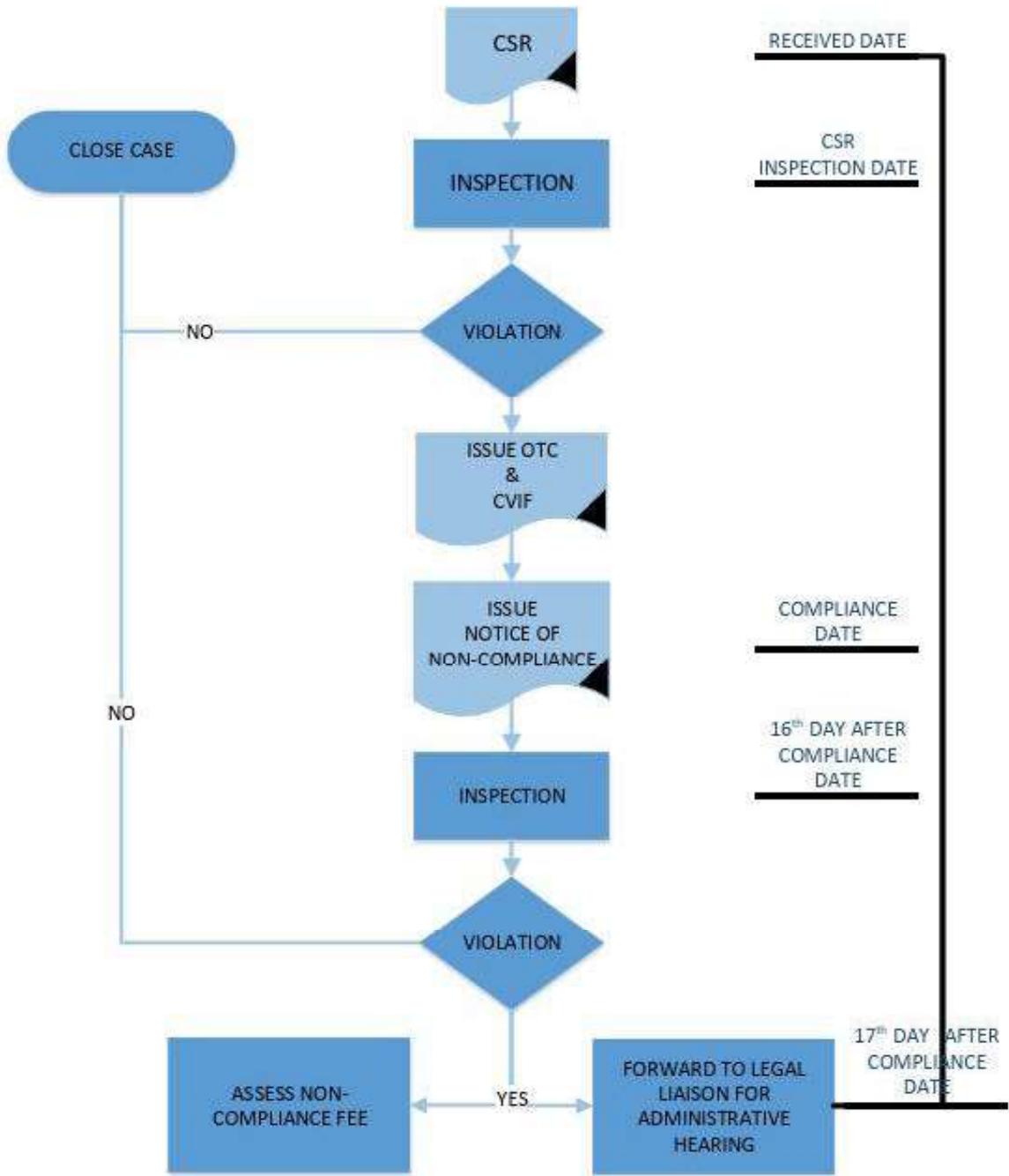
At the time of a compliance inspection, if the unapproved use has not been abated, field staff document the non-compliance. Just as certain actions are a show of good faith, others reveal a lack thereof. The continuation of the operation of an unapproved use will have an impact on the decision to grant any requested extensions of time as this would show a lack of good faith effort to bring a site into compliance. When it is determined that an owner is not complying with an OTC within the allotted time, the case is forwarded to the City Attorney's office.

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## **SUMMARY**

The decision to allow an unpermitted use to continue after the issuance of an OTC is intrinsically determined by the level of danger posed by the violation. While the LAMC mandates that all buildings be used only in compliance with their designated occupancy classification, enforcement actions, including compliance timelines, are influenced by the severity of the hazard involved. In cases where a violation presents an imminent threat to health and safety—such as hazardous electrical installations, open and unsecured swimming pools, or structural deficiencies—compliance timelines may be significantly shortened, sometimes requiring immediate action. Conversely, unpermitted use violations typically do not pose an immediate danger, and therefore, they are generally assigned a standard 30-day compliance period. However, if a property owner demonstrates a good faith effort to resolve the violation, such as by applying for a Change of Use permit, the Department may allow additional time for compliance as stipulated in the LAMC. However, continued operation of an unapproved use despite an issued OTC may be considered a lack of good faith and can impact decisions regarding extensions, ultimately leading to referral to the City Attorney for legal action.

# Enforcement Flowchart



Should you have any questions, please contact Brendan Looney at 213-268-8034 or by email at [Brendan.Looney@lacity.org](mailto:Brendan.Looney@lacity.org).

Respectfully,

*Devin Myrick* for

Osama Younan

General Manager

Department of Building and Safety