

ORDINANCE NO. _____

An Interim Control Ordinance adopted as an urgency measure pursuant to California Government Code Section 65858, prohibiting the issuance of demolition permits on rent stabilized multi-family housing and covenanted affordable housing units in the Boyle Heights Community Plan area, to protect the public health, safety, and welfare of residents and stakeholders within the Boyle Heights community.

WHEREAS, the proposed Interim Control Ordinance is intended to regulate properties located within the Boyle Heights Community Plan area, which is a part of the Land Use Element of the General Plan of the City of Los Angeles;

WHEREAS, an update to the Boyle Heights Community Plan is underway, and has been recommended for approval by the Mayor, and by the City Planning Commission;

WHEREAS, the update to the Boyle Heights Community Plan includes zoning districts, requirements for new affordable housing units, unit replacement obligations for rent stabilized housing units, and other controls that seek to safeguard existing residential housing units and households;

WHEREAS, the update to the Boyle Heights Community Plan, including the proposed zoning ordinances, is not anticipated to go into effect until late 2024 or early 2025;

WHEREAS, the average household income in the Boyle Heights Community Plan area is \$50,623, or approximately 27 percent lower than the citywide-average of \$69,778, according to American Community Survey 2017-2021;

WHEREAS, according to the Department of City Planning's 2022 economic analysis, rent per square foot has increased in the Boyle Heights Community Plan area from approximately \$15 in 2012 to \$25 in 2022, an approximate 66 percent increase. The median home sales price per square foot has also increased from \$150 in 2012 to \$461 in 2022, an approximate 207 percent increase. These escalating rents and home prices have made housing inaccessible to many families in the Boyle Heights Community Plan area;

WHEREAS, building permit trends in the Boyle Heights Community Plan area demonstrate a significant rate of loss of rent stabilized units (RSO), including 136 RSO units removed since 2013 according to data from the Los Angeles Housing Department;

WHEREAS, 74 percent of residents in the Boyle Heights Community Plan area are renters, and the largely renter-occupied community is at varying stages of gentrification according to the Urban Displacement Project, including those which are at-risk due to ongoing real estate pressures from the redevelopment of downtown Los Angeles and nearby communities;

WHEREAS, the Boyle Heights Community Plan area has seen a 97 percent increase of rent levels since 2000, and with the loss of affordable housing, including forced tenant evictions and ongoing displacement, this is anticipated to further contribute to the City’s growing homelessness epidemic without tenant protections such as those proposed in the Boyle Heights Community Plan update;

WHEREAS, pursuant to the Housing Crisis Act (SB 330), a moratorium that affects housing may not be enforced until it has been approved in its final adopted form by the California Department of Housing and Community Development (HCD);

WHEREAS, the proposed ordinance recommended for approval by the City Council on December 15, 2023, was reviewed and conditionally approved by HCD on May 15, 2024, provided certain changes were made to the moratorium to remove the proposed prohibitions on the demolition of structures for the protection of certain potential historic resources; and

WHEREAS, the Interim Control Ordinance was amended to make the changes requested by HCD.

NOW, THEREFORE,

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

Section 1. **RECITALS.** The foregoing recitals are true and correct and incorporated herein by reference.

Sec. 2. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code:

A. **Rent Stabilized Multi-Family Housing Structures:** Any structure that is subject to the City’s Rent Stabilization Ordinance.

B. **Covenanted Affordable Housing Units:** Any structure containing multi-family dwelling units that are restricted, by valid covenant, for lower income households, as defined by Health and Safety Code Section 50079.5.

Sec. 3. **FINDINGS.** Based upon the above recitals and the administrative record the City Council finds:

A. There is a current and immediate threat to the public health, safety, and welfare from the loss of Rent Stabilized Multi-Family Housing Structures and Covenanted Affordable Housing Units in the Boyle Heights Community Plan area. The issuance of demolition permits in compliance with the provisions relating to the City’s

Zoning Ordinance for Rent Stabilized Multi-Family Housing Structures and Covenanted Affordable Housing Units in the Boyle Heights Community Plan would result in that threat to the public health, safety, and welfare. Demolition of such structures and units without additional tenant protections may be in conflict with the zoning proposals currently being studied in the Boyle Heights Community Plan Update.

B. The ordinance will protect the public health, safety, and welfare.

C. The ordinance, will prevent the demolition of housing for affordable or lower income households, as defined in Health and Safety Code Section 50079.5 and prevent the increase in price of affordable units, and will not otherwise restrict or limit housing development that does not involve the loss of affordable or rent stabilized housing.

D. The City Council finds this ordinance is not subject to the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15060, Subdivision (c)(2) and Section 15061, Subdivision (b)(3), because adoption of the ordinance will not result in a directly or reasonably foreseeable indirect physical change in the environmental and has no potential for resulting in a significant effect on the environment as the ordinance will maintain the status quo.

Sec. 4. **PROHIBITION.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, for a period of 45 days (which can be extended, as provided in this ordinance, for 10-month and 15-day period, which can be further extended to an additional year from the effective date of this ordinance) or until the Boyle Heights Community Plan Update is operative, issuance of the following permits is prohibited:

A. The issuance of any demolition permit for a Rent Stabilized Multi-Family Housing Structure within the Boyle Heights Community Plan area, as shown on the City of Los Angeles General Plan Land Use Map;

B. The issuance of any demolition permit for a Covenanted Affordable Housing Unit within the Boyle Heights Community Plan area, as shown on the City of Los Angeles General Plan Land Use Map; and

Sec. 5. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all properties with Rent Stabilized Multi-Family Housing Structures and with Covenanted Affordable Housing Units within the Boyle Heights Community Plan area, as shown on the City of Los Angeles General Plan Land Use Map.

Sec. 6. **EXTENSION OF REGULATIONS.** The City Council may by resolution extend the provisions of this ordinance for 10-month and 15-day period, which can be further extended to an additional year from the effective date of this ordinance so long as the Council makes the following findings: That the extension is necessary to protect the threat to the public safety, health, and welfare of the residents in the Interim Control

Ordinance area from the demolition of RSO structures, pursuant to the requirements of Government Code Section 65858.

Sec. 7. **HARDSHIP EXEMPTION.** The City Council, acting in its legislative capacity and by resolution, may grant hardship exemptions from any or all of the provisions of this ordinance in cases of extreme hardship duly established to the satisfaction of the City Council. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 8. **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. 9. **APPLICABILITY OF THE ZONING CODE.** The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter I and 1A of the Los Angeles Municipal Code and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in those chapters or other ordinances.

Sec. 10. **HCD REVIEW.** Immediately upon Council adoption, the Director of City Planning is instructed to send the ICO to HCD for its review and approval pursuant to Government Code Section 66300(b)(1)(B)(ii). The ordinance is not enforceable until it has been submitted and approved by the California Department of Housing and Community Development (HCD).

Sec. 11. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety because the current rate of loss of rent stabilized housing, within a community that has substantially lower household incomes than that of the surrounding City, which poses a threat to the stability of lower income households within Boyle Heights and stands to further contribute to the City's ongoing homelessness crisis. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 12. 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

HYDEE FELDSTEIN SOTO, City Attorney

By  _____
KATHRYN C. PHELAN
Deputy City Attorney

Date August 12, 2024

File No. _____

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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

Ordinance Passed _____