

**PLANNING AND LAND
USE MANAGEMENT**

MOTION

The City of Los Angeles has had two primary methods of addressing violations of municipal regulations. The first is through legal penalties, criminal citations, and litigation. The second, is through the Administrative Citation Enforcement (ACE) program which was added to the LAMC to create a process to rectify code violations without turning them into a criminal offense. For violations related to land use, the Administrative Citation process sets a standard fee based on square footage and number of times the violations have occurred.

The ACE program is helpful in the City's compliance efforts, however it is not effective in all circumstances and additional tools are needed. ACE fees fail when violations have impacts that are not adequately captured by the program's square footage or flat fee model. For instance, when a historic site is demolished without permitting, at maximum the fee will be \$16,000 and the remedy for a violation is to simply pull permits legally. Thus, a retroactive permit can be issued for irreplaceable historic resources.

The Administrative Citation language specifies that ACE violations can be combined with "any other enforcement remedies provided in this Code" by the issuing departments. In 2019, the City Council passed an ordinance authorizing the Los Angeles Department of Water and Power to disconnect utilities at unlawful commercial cannabis establishments if the City provides written confirmation of cannabis sales at the location and the Department of Cannabis Regulation confirms the site is not authorized to sell cannabis.

This is a creative method to proactively remedy non-compliance. The City should expand on this approach to better solve land use violations. Additional deterrents should offer city departments a toolkit of non-criminal consequences to more effectively deter future re-occurrences.

The City should not issue permits at one site when the property owner has open violations at other sites. Multi-year permit prohibitions on sites subject to blatantly illegal demolitions, grading, or violations of tenants rights, should create "scorched earth" penalties for willful non-compliance. Unpermitted removals of protected trees should result in mandated holds on certificates of occupancy. LADWP should be authorized to expand on the utilities disconnection at cited locations of other uses that have been cited multiple times for health and safety violations and in the current pandemic they should be used in particular to prevent large gatherings that increase spread of the novel coronavirus.

The need for these tools has become even more clear this year during the COVID-19 pandemic. Property owners in Los Angeles, particularly those adjacent to now-closed Hollywood nightlife locations, have been responsible for renting out residences as “party houses.” These locations are endangering all Angelenos by enabling large, close-contact, largely maskless gatherings, in direct violation of City Emergency Orders and County Health Orders. In addition to the current fines available for use in gaining compliance at these locations, properties which are used to flout public health guidance have violated the public trust, endangered lives, and should be shuttered by having their Certificates of Occupancy revoked and water and power shut off.

I THEREFORE MOVE that the City Council instruct the Department of Building and Safety (DBS), Department of City Planning (DCP), Department of Water & Power (DWP), and the Housing and Community Investment Department (HCID) to form a working group to identify building, zoning, housing, and municipal code violations impacting community well-being and report back to the City Council outlining additional deterrence tools that can be adopted to remedy these violations, including but not limited to DWP shut-offs, Certificate of Occupancy holds or revocations, permit prohibitions on the same or related properties, and scorched earth penalties.

I FURTHER MOVE that the City Attorney be requested to draft an ordinance based on the deterrence tools recommendations by DBS, DCP, DWP, and HCID that can be used to hold property owners accountable for parties hosted at their properties that violate the County Public Health Order and put public health at risk during this COVID-19 pandemic. These penalties should be in addition to those available under the Loud and Unruly Gatherings Ordinance.

PRESENTED BY:



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