

POLICY MOTION

COMMITTEE: Planning and Land Use Management (PLUM)

TITLE: Support for Council File 21-1431 (Bonin-Raman)

PURPOSE: This motion is to express the Mar Vista Community Council's support of the City of Los Angeles Council File (CF) 21-1431 to remove any gap in unit replacement obligations and occupant protections pursuant to SB 330 and SB 8

BACKGROUND:

California Senate Bill 330, "The Housing Crisis Act of 2019" (HCA) was signed into law by Governor Gavin Newsom on October 9, 2019 and became effective on January 1, 2020. SB 330 amended the State Housing Accountability Act, Permit Streamlining Act and Planning and Zoning Law under Title 7 of the California Government Code and created new state laws regarding the production, preservation and planning for housing.

The law enacted by SB 330 (codified at California Government Code Section 66300) to preserve housing includes a requirement that any new proposed housing development project consisting of two or more units (excluding those that involve no discretionary approvals) provide at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the past 5 years.

Additional replacement requirements were also required for existing or demolished "Protected Units," defined as those residential dwelling units that are or were within the 5 years prior: (1) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, (2) subject to any form of rent or price control through a public entity's valid exercise of its police power within the 5 past years, (3) occupied by lower or very low income households, or (4) that were withdrawn from rent or lease per the Ellis Act, within the past 10 years.

Occupants of Protected Units were also provided with various protections including the right of first refusal for comparable units (i.e. same bedroom type) in the owner's proposed new housing development, at an affordable rent (if applicable), relocation assistance pursuant to state or local law (whichever is greater) and the right to remain in their unit until 6 months before the start of construction. The above protections were to be applied until the HCA was repealed on January 1, 2025, as set forth in California Government Code Section 66301.

SB 8, effective January 1, 2022 extends the provisions of the HCA to January 1, 2034 and clarifies that it was also intended to apply to proposed housing development projects consisting of one or more units (including those that involve no discretionary approvals and those that involve both discretionary and non-discretionary approvals). However, it also amends California Government Code Section 66301 to add a provision that this Chapter (i.e. the HCA) shall only apply to a housing development project that submits a preliminary application pursuant to Section 65941.1 before January 1, 2030. This language represents a drafting error that limits the types of housing development projects upon which the City may apply the replacement obligations and occupant protections provisions of California Government Code Section 66300.

I THEREFORE MOVE that the Los Angeles Housing Department and Los Angeles City Planning, with the assistance of the City Attorney, be directed to draft and present an ordinance with an urgency clause and approved as to form and legality that requires the replacement obligations and occupant protection provisions of California Government Code Section 66300 to apply to Housing Development Projects that

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submit a complete application, file a complete set of building plans for plan check and permit, or receive a project or permit approval on or after January 1, 2022 in order to: (1) eliminate any gap in applicability of the replacement obligations and occupant protections, (2) prevent the unintended loss of replacement units and occupant protections, and (3) maintain consistency of the application of replacement obligations and occupant protections.

THE MOTION:

The Mar Vista Community Council supports if amended to include adequate enforcement funding Council File applicability of the replacement obligations and occupant protections, (2) prevent the unintended loss of replacement units and occupant protections, and (3) maintain consistency of the application of replacement obligations and occupant protections.

ACTION/VOTE COUNT:

MVCC PLUM Committee meeting, June 7th, 2022

Motion of amendment to include "if amended to include adequate enforcement funding" moved by Kalani Whittington, seconded by Kathryn Wheeler

Motion of amendment approved by MVCC PLUM 6-0-0

MVCC PLUM Committee meeting, June 7th, 2022

Motion of support moved by Kalani Whittington, seconded by Kathryn Wheeler

Motion of support if amended approved by MVCC PLUM 6-0-0

MVCC Board Meeting, June 15th, 2022

Motion of opposition moved by Director XXX, seconded by Director XXX Motion of opposition approved by the MVCC Board XX-XX-XX