ORDINANCE NO. 145027


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

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

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

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

HOUSING DIRECTOR - The Executive
Director of the Housing Authority.

HOUSING DEVELOPMENT - The construction
pursuant to a building permit of, or the
proposed conversion to condominium own-
ship pursuant to a final subdivision tract
map submitted for approval of any apartment
house, apartment hotel, multiple dwelling
or group dwelling, residential condominium
development or cooperative apartment home
having five or more dwelling units.
Sec. 2. The Los Angeles Municipal Code is hereby amended by adding Section 12.39 thereto, said section to read:

SEC. 12.39 - LOW AND MODERATE INCOME HOUSING

A. Requirements. 1. The developer of every housing development constructed pursuant to a building permit issued or a final tract map submitted for approval pursuant to a tentative tract map approved after the effective date of this section shall (a) make every reasonable effort to develop at least 6 per cent of the total number of units in the development at a cost which would allow them to be rented or sold as low-income dwelling units at the fair market value and at least an additional 9 per cent of the total number of units in the development at a cost which would allow them to be rented or sold as low or moderate income dwelling units at the fair market value, (b) if such units can be developed at such cost then make such units available at the fair market value to the Housing Authority or to low or moderate income households approved by the Housing Authority, and (c) execute such agreements with the Housing Authority as are appropriate to assure the continued availability of such units as low or moderate income dwelling units, which agreements shall be binding upon the developer and his successors in interest. In applying these percentages, any decimal fraction up to and including
0.5 may be disregarded and any decimal fraction over 0.5 shall be construed as requiring one dwelling unit.

2. When the Housing Authority determines (a) that every reasonable effort has been made and that no units meeting the standards set forth in subsection B below can be developed at a cost which would allow them to be rented as low or moderate income dwelling units at the fair market value or (b) that no subsidy is available to permit the rental of the required units to low or moderate income households at the fair market value, the requirements of this section shall be met by the developer, in lieu of developing the units required by subsection A1 above, giving the Housing Authority in writing the continuing right of first refusal to lease at the fair market value any of the units in the development, or to require that such units be leased at the fair market value only to low or moderate income households approved by the Housing Authority, up to a total of 15 percent of the total number of units in the development. The Housing Authority may exercise its right of first refusal, at the then fair market value, whenever thereafter all occupants of any unit in the development terminate or give notice of intent to terminate their occupancy, and after such termination fewer than 15 percent of the total number of units in the development would be occupied as low or moderate income
dwelling units. The developer shall
immediately notify the Housing Authority
in writing of any such termination or intent
to terminate.

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

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

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

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

C. Certification. No building permit shall be issued or final tract map be approved for any housing development until application has been made to the Housing Authority and it has certified that such development complies with the requirements of this section. The Housing Authority shall have the authority to require guarantees, to enter into recorded agreements with developers and with renters and purchasers of the required low 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. When this has been assured to the satisfaction of the Housing Authority, and it has determined that the proposed development meets the requirements and standards of this section, it shall certify the application approved as to the housing requirements of this section, and shall transmit it to the Department of Building and Safety.
D. Appeal. An applicant aggrieved by a determination or requirement of the Housing Authority in regard to this section may appeal to the City Council. The appeal shall set forth specifically wherein the action of the Housing Authority fails to conform to the provisions of this section, or wherein its requirements are improper. Such appeal shall be filed in duplicate in the public office of the Housing Authority. Thereupon, the appeal and the Housing Authority's file thereon shall be transmitted to the City Council. The City Council, by resolution, may reverse or modify any determination or requirement of the Housing Authority. The failure of the Council to vote upon an appeal within 90 days after transmitting shall be deemed a denial of the appeal. If an appeal be denied, the action of the Housing Authority shall thereupon become final and conclusive.

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

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

A. Purpose - The purpose of the
regulations set forth in this section
is to provide for the establishment
and control of residential planned
developments. It is the intent of
this section to promote and achieve
greater flexibility in design, to
encourage well-planned neighborhoods
with adequate open space which offer
a variety of housing and environments
through creative and imaginative planning
as a unit, to increase housing
opportunities for low and moderate
income households, and to provide for
the most appropriate use of land through
special methods of development.

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

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

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

R. Requirement of Compliance with
Low and Moderate Income Housing Provisions.
Each subdivision for purposes of permitting
condominium sales of the units within an
existing structure shall comply with the
provisions of Section 17.39 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
thereof, 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. 9 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 ________________
Deputy

Approved APR 30 1974

__________________________
Mayor.

File No. 71-2915 S-1
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 develop-
ment. 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 occu-
pants of any unit in the development terminates or

.....

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

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

3. If the developer of a housing
development of units for sale, after
every reasonable effort to comply with
Subsection A 1, determines that it
cannot so comply, then it shall grant
to the Housing Authority in writing, on
a form furnished by the Housing Authority,
the continuing right to require that any
units in the development subsequently
available for sale or resale up to a
total of 15% of the total number of units
therein, be sold at the then fair market
value only to low or moderate income
households approved by the Housing Authority.
The developer shall execute and record an
agreement to such effect running with the
land.

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

C. Compliance

No building permit shall be issued or
final tract map approved for any housing
development until the agreements, the right
of first refusal to lease or the right of a
low or moderate income household to buy, as
set forth in Section A hereof, have been
property executed, recorded, and submitted
to the Department of Building and Safety,
which after its receipt of the documents,
shall transmit them to the Housing Authority.
The Housing Authority shall have the
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.
Section 1. 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       Deputy.

JUL 10 1984

Approved

Mayor

Approved as to Form and Legality

IRA KEEPER, City Attorney,

By COLIN CHOU, Deputy.

File No. C.P. 83-0049

Pursuant to § 2.07.8 of the City Charter, approved for the Ch. by the Director of Planning.