

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 14.00 and 151.02 of the Los Angeles Municipal Code establishing regulations to facilitate the use of existing hotels and motels for Supportive Housing and/or Transitional Housing.

WHEREAS, the extreme shortage of housing in the City of Los Angeles has been well documented;

WHEREAS, the housing shortage continues to exacerbate the homelessness crisis, as rates of homelessness increased 20% in the City of Los Angeles from 2016 to 2017;

WHEREAS, the City of Los Angeles has declared a shelter crisis under California Government Code Section 8698 based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety;

WHEREAS, the City Council has determined that, to address this crisis, the public interest or necessity demands the improvement of real property to provide supportive housing and transitional housing for extremely low income or very low income individuals and families who are homeless or chronically homeless, which includes facilities from which assistance and services, such as mental health treatment, health care, drug and alcohol treatment, education and job training, may be provided;

WHEREAS, on January 7, 2016, the City of Los Angeles issued a Comprehensive Homeless Strategy Report, which identified more than 60 policy and funding recommendations in addressing homelessness;

WHEREAS, Strategy 7C identified in the Comprehensive Homeless Strategy Report directed the Housing and Community Investment Department and the Department of City Planning to identify opportunities for adaptive reuse of existing private properties in the City of Los Angeles that are capable of being converted to Transitional and Supportive Housing, with special focus on existing high-density structures such as hotels and motels;

WHEREAS, given limited resources and the extreme need for shelter, it is clear that creative, cost-effective strategies are needed to complement the City's plan to address the homeless crisis in the urgent, comprehensive and persistent manner it deserves; and

WHEREAS, the adaptive reuse of hotels and motels presents an opportunity for a cost-effective and expeditious strategy to expand the City's supply of Transitional and Supportive Housing;

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. The following definitions are added to Section 12.03 of the Los Angeles Municipal Code to read:

SUPPORTIVE HOUSING. Housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. The housing is linked to onsite or offsite Supportive Services, and any onsite Floor Area used for the delivery of Supportive Services shall be considered accessory to the residential use.

TRANSITIONAL HOUSING. A building that is designed to provide housing and Supportive Services to persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people, to facilitate movement to permanent housing, typically within 24 months.

SUPPORTIVE SERVICES. Services that are provided on a voluntary basis to residents of Supportive Housing and Transitional Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

Section 2. Subdivision 12 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is added to read as follows:

12. Interim Use of Motels for Supportive Housing or Transitional Housing. The purpose of this subdivision is to facilitate the interim use of dwelling units or guest rooms in existing Hotels, Motels, Apartment Hotels, Transient Occupancy Residential Structures and Hostels as Supportive Housing and/or Transitional Housing. This subdivision is further intended to allow such property to return to its previous use, or any use consistent with the underlying zoning, upon termination of the interim Supportive Housing and/or Transitional Housing use.

(a) **Interim Motel Housing Project.** An Interim Motel Housing Project is the physical re-purposing or adaptation of an existing Hotel, Motel, Apartment Hotel, Transient Occupancy Residential Structure, or Hostel for the purposes of using such building or buildings for Supportive Housing and/or Transitional Housing. All dwelling units and guest rooms in the project must be used for Supportive Housing and/or Transitional Housing. The Interim Motel Housing Project may not at any point in time result in any additional Floor Area or an expansion of the building footprint or height, nor shall it result in an increase in the total combined number of dwelling units or guest rooms on the property. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.

(1) For the purposes of this Section, properties and/or units that are subject to the provisions of LAMC Section 47.70, et seq. (Residential Hotel Ordinance) at the time that an Interim Motel Housing Project application is submitted to the Department of City Planning, shall remain subject to all

requirements and restrictions set forth therein both during the contract term to provide Supportive Housing and/or Transitional Housing and thereafter, including, but not limited to, the submission of an Application for Clearance to the Housing and Community Investment Department (HCID). At the conclusion of the contract term, the number of Residential Units at each participating property shall be no greater or less than the number originally determined by HCID pursuant to LAMC Section 47.76 or any subsequent number approved by HCID as part of an Application for Clearance.

(b) Application and Approval.

- (1) The Department of Building and Safety shall review all Interim Motel Housing Projects for zoning compliance described in Paragraph (d) and adherence to the performance standards in Paragraph (e). The Interim Motel Housing Project shall be approved if the application requirements, zoning compliance and performance standards of this subsection are met.
- (2) Prior to issuance of a building permit, the applicant shall provide a copy of an executed contract agreement which demonstrates that the Supportive Housing and/or Transitional Housing use to be provided on-site and associated Supportive Services have received funding from a local public agency, as identified on a list maintained by the Department of City Planning, and is in place and ready to commence operation upon project occupancy.

(c) Termination of Supportive Housing and/or Transitional Housing Contract.

Upon any termination of the Supportive Housing and/or Transitional Housing contract, the Interim Motel Housing Project shall be required, within 90 days, to notify the Department of Building and Safety and to complete one of the following:

- (1) Submit an application to the Department of Building and Safety to return to the previous use for which a Certificate of Occupancy was valid at the time that the Interim Motel Housing Project application was submitted to the Department of City Planning, or to any use permitted by the current zoning regulations; or
- (2) Provide a copy of a new executed contract agreement in accordance with the requirements in Paragraph (b)(2).

(d) Zoning Compliance.

- (1) Interim Motel Housing Projects shall not be subject to any otherwise applicable zoning ordinance and/or specific plan or other overlay district regulations including but not limited to the following:
 - (i) **Minimum Area per Dwelling Unit or Guest Room.** A building, nonconforming as to the area regulations (density) of the underlying zone, may be used for an Interim Motel Housing Project, provided

that the conversion does not create any additional dwelling units or guest rooms.

- (ii) **Off-Street Automobile Parking.** The required number of parking spaces shall be the same as the number of spaces that existed on the site at the time that the Interim Motel Housing Project application was submitted to the Department of Building and Safety, and shall be maintained and not reduced. Interim Motel Housing Projects shall otherwise be exempt from the provisions of Section 12.21 A.4(m) of this Code.
 - (iii) **Use.** Notwithstanding the use provisions of the underlying zoning, an Interim Motel Housing Project shall be permitted.
 - (iv) **Change of Use.** For any change of use of a building or a portion of a building, Section 12.23 B.7 of this Code shall not apply to Interim Motel Housing Projects.
 - (v) **Nonconforming Use of Buildings in Manufacturing Zones.** Notwithstanding the regulations contained in Section 12.23 B.4 of this Code, an Interim Motel Housing Project shall be permitted in M Zones.
 - (vi) **Nonconforming Use in A and R Zones.** The regulations contained in Section 12.23B.2 of this Code shall not disqualify any existing motel from approval as an Interim Motel Housing Project or from returning to a motel use at the termination of the Supportive Housing and/or Transitional Housing contract.
- (2) **Supplementation of Guest Rooms.** For the purposes of this Section, Guest Rooms may be supplemented with cooking facilities including a sink, a refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave. Any such supplementation of Guest Rooms shall be permitted to remain at the time that an Interim Motel Housing Project returns to the original use for which a Certificate of Occupancy was valid at the time of application.
- (3) **Preservation of Nonconforming Rights.** Upon termination of the Supportive Housing and/or Transitional Housing use, any building used for an Interim Motel Housing Project that is nonconforming as to area and/or use regulations or any other zoning code requirement or requirements shall be authorized to return to the original use and condition for which a Certificate of Occupancy was valid at the time of application, notwithstanding any physical alterations to the subject property. Any Floor Area used for Supportive Services may be returned to use as guest rooms

and/or dwelling units, or may be converted to accessory amenity spaces, so long as the total number of guest rooms and the total number of dwelling units do not exceed the number approved on the previous Certificate of Occupancy.

(e) **Performance Standards.** The Interim Motel Housing Project shall meet the following performance standards:

(1) **Supportive Service Area.** Floor Area dedicated to Supportive Services may be provided onsite within an existing building, but shall not exceed ten percent (10%) of the total Floor Area of the building.

(2) **Lighting.** Security night lighting shall be shielded so that the light source cannot be seen from adjacent residential properties.

(f) **Purpose.** The use of these guest rooms and dwelling units under this subdivision shall not be considered an increase in density or other change which requires any corresponding discretionary action. Floor Area dedicated to Supportive Services shall be accessory to the Supportive Housing and/or Transitional Housing use. Lighting on the site should be adequate to provide for public safety and should not spill out on adjoining residential uses.

Section 3. Section 151.02 of the Los Angeles Municipal Code is amended to read as follows:

Rental Units. ... The term shall not include:

13. Housing accommodations in Supportive Housing and/or Transitional Housing participating in an Interim Motel Housing Project pursuant to LAMC Section 14.00.A.13.

This exemption shall apply only to housing accommodations which have been issued a housing exemption by the Department indicating satisfaction of the following conditions:

- (1) the subject housing accommodations are subject to and operating in accordance with a contract to provide Supportive Housing and/or Transitional Housing; and
- (2) any tenant remaining in the housing accommodations at the commencement of the contract term to provide Supportive Housing and/or Transitional Housing shall be afforded all rights and protections provided by this Article, including, but not limited to, LAMC Section 151.09A pertaining to the recovery of housing accommodations from any such tenant.

The Department shall have the authority to revoke an exemption issued pursuant to this Subdivision for failure to adhere to any of the conditions for an exemption set forth in this Subdivision.

This exemption shall be deemed automatically revoked upon termination of the contract term or failure to operate in accordance with the contract to provide Supportive Housing and/or Transitional Housing.

Section 4. URGENCY CLAUSE. The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The Los Angeles Homeless Authority (LAHSA) January 2017 point in time count found that approximately 34,189 people are experiencing homelessness in the City of Los Angeles, reflecting a 20% increase from 2016. Over 73% of this number, or 25,237 people, are unsheltered, meaning that their primary nighttime residence is a public or private place not designated or ordinarily used as a regular sleeping accommodation for human beings. A significant portion of people experiencing homelessness in the City of Los Angeles experience multiple health issues, trauma, and disability: 20% have a substance use disorder, 33% have a serious mental illness, and 19% have a physical disability, while 36% have experienced domestic violence. Furthermore, approximately 31% of this population are experiencing chronic homelessness, a group that, when unsheltered, often incurs significant public costs related to emergency room visits, law enforcement, and incarceration. These costs have been shown to be significantly reduced when individuals are placed into supportive housing. The process in the proposed ordinance is designed to promote the expeditious expansion of the availability of supportive housing and transitional housing within the City. Supportive housing and transitional housing provide stable shelter for individuals experiencing homelessness, along with supportive services which help to address health and disability issues such as substance abuse, serious mental illness, and physical disabilities. For all these reasons, the ordinance allowing Interim Use of Motels for Supportive Housing or Transitional Housing shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Section 5. 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.