

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Chapter 1 and Chapter 1A of the Los Angeles Municipal Code (LAMC), including adding Section(s) 16.70 of Chapter 1 and amending Section 12.10, 12.11, 12.12 for the purpose of establishing reasonable regulations regarding affordable housing development, codifying housing replacement requirements, and to comply with state housing law.

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

Sec. 1. Section 16.70 of Chapter 1 of the the Los Angeles Municipal Code is added to read as follows:

**SEC. 16.70. HOUSING ELEMENT SITES**

A. **Purpose.** This section is intended to create procedures to implement state housing element law related to sites identified by the most recent Housing Element of the General Plan and its associated rezoning program. These regulations shall apply to the Inventory of Housing Element Sites, Prior Housing Element Sites and Lower Income Rezoning Sites and where so stated herein shall supersede the regulations applying in the sites pursuant to state law.

B. **Definitions.** For purposes of this Subdivision the following words and phrases are defined as follows:

**Development Project.** A Development Project includes any project requiring a City Planning application or building permit to allow the construction, reconstruction or addition/alteration of the size of a structure.

**Housing Development Project** has the same meaning as defined paragraph (2) of subdivision (h) of Section 65589.5, except that it also includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit.

**Housing Element Sites** means sites listed on the inventory of land suitable for residential development developed pursuant to paragraph (3) of subdivision (a) of California Government Code Section 65583 that exists in the most recently adopted Housing Element, including Appendix 4.1 of the 2021-2029 Housing Element.

**Lower Income Households** has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

**Lower Income Rezoning Housing Element Sites** means sites that were rezoned as part of a rezoning program to meet the Housing Element need for very low and low-income households allocated pursuant to Government Code Section 65584. The inventory of these sites shall be established as part of an applicable rezoning ordinance and submitted to the state each year as part of the Housing Element Annual Progress Report.

**Ministerial Approval** means an administrative review process to approve a “use by right” as this term is defined in California Government Code Section 65583.2(i). No City agency shall require a discretionary permit, but objective standards may be applied pursuant to subdivision (f) of Section 65589.5. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project. The ministerial review shall not apply to any subdivision procedures described in Article 7 of Chapter 1 of the LAMC, nor to Coastal Development Permits. The project will not be subject to review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. The project shall not be subject to a public hearing or notice requirement, and there shall be no right of appeal.

**Prior Housing Element Sites** means Housing Element Sites identified as meeting the criteria for a prior housing element site in the most recently adopted Housing Element, including non vacant sites that were identified in the prior Housing Element and vacant sites that were identified in the prior two Housing Elements, including sites identified in Column P of Appendix 4.1 of the current 2021-2029 Housing Element.

**“Protected units”** means any of the following:

1. Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
2. Residential dwelling units that are or were subject to the Rent Stabilization Ordinance pursuant to Chapter XV of the LAMC, or any other form of rent or price control through the City’s valid exercise of its police power within the past five years.
3. Residential dwelling units that are or were rented by lower or very low income households within the past five years.

4. Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

**Replace.** Replace shall have the same meaning as provided in subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of Section 65915.

**C. Requirements for Development Projects on Housing Element Sites.**

Notwithstanding any law including any density limits, the City shall not approve a development project on a Housing Element Site that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years, unless all of the following requirements are satisfied.

**1. Replacement of Existing or Demolished Protected Units.**

- (a) **Housing Development Projects.** A Housing Development Project will replace all existing Protected Units and Protected Units demolished on or after January 1, 2020 pursuant to the replacement requirements of California Government Code Section 65915(c)(3) and Section 16.60 A.3(a) of this Code.
- (b) **Non Housing Development Projects.** A Development Project that is not a Housing Development Project must satisfy the replacement requirements in California Government Code Section 65915(c)(3) and Section 16.60 A.4(a).

**D. Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period.**

1. The Department of City Planning and Building and Safety shall not, through any administrative, quasi-judicial, legislative or other actions, reduce the density of a Housing Element Site, or approve any development project on a Housing Element Sites parcel with fewer units, by income category, than shown as realistic capacity in the most recent list of Housing Element Sites for the remaining housing element planning period pursuant to California Government Code Section 65584, including from columns Q, R and S of Appendix 4.1 of the current 2021-2029 Housing Element, unless it either:
  - (a) Makes a finding pursuant to Government Code Section 65863(b)(2) that, while the proposed project would result in fewer units by income category than those identified in the Housing Element Sites inventory prepared for the 2021-2029 Housing Element, the remaining sites identified in the

Housing Element of the General Plan are adequate to meet the requirements of GC Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to GC Section 65584. A written finding with substantial evidence shall be included as part of approval of the project on the number of sites by income category and their adequacy to meet the requirements.

(b) If a finding can not be made, the Department of City Planning shall, within 180 days, identify and make available additional adequate sites through a rezoning to accommodate the jurisdiction's share of the regional housing need by income level.

2. A housing development project may not be denied on the basis that approval of the housing project would require compliance with this section.

**E. Ministerial Approval for Prior Housing Element Sites**

If a Housing Development Project is proposed on a Prior Housing Element Site and at least twenty percent of the project's units will be made affordable and available to Lower Income Households, the project shall be subject to Ministerial Approval pursuant to California Government Code section 65583.2(i).

**F. Ministerial Approval for Lower Income Rezoning Housing Element Sites.**

If a Housing Development Project is proposed on a Lower Income Rezoning Housing Element Site, and at least twenty percent of the project's units will be made affordable and available to Lower Income Households, the project shall be subject to Ministerial Approval pursuant to California Government Code section 65583.2(i).

**G. Minimum Densities for Lower Income Rezoning Housing Element Sites.**

If a Housing Development Project is proposed on a Lower Income Rezoning Housing Element Site, it shall not be approved unless it meets a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units.