

ORDINANCE NO. _____

An ordinance amending Section 12.03 of the Los Angeles Municipal Code to expand the definition of “Shelter for the Homeless” to include more types of facilities and providers and to delete references within that definition to obsolete state code regulations; and amending Sections 12.80 and 12.81 of the Los Angeles Municipal Code to align the City’s regulations with state law in order to streamline the process for a declaration by the Mayor or City Council of a shelter crisis and allow the swift establishment of temporary homeless shelters on public and private property in response to that declaration.

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

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to replace the definition of “Shelter for the Homeless” in its entirety as follows:

SHELTER FOR THE HOMELESS. A facility operated by a “**provider**,” other than a “**community care facility**” as defined in the California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the state’s standards for shelters. The term “**temporary accommodations**” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “**provider**” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable state health and safety requirements.

Sec. 2. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – GOVERNMENT OWNED AND LEASED PROPERTY.

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by a government agency in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this Section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have

sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Sec. 3. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 zones without regard to the number of beds or number of persons served, if the shelter is located on property owned or leased by the provider. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Sec. 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 City of Los Angeles is in the midst of a shelter crisis, with the City Council having formally 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. Aside from the general threat to health and safety that exists as a result of homelessness, this year presents an additional threat to the health and safety of the City's homeless population due to the weather phenomenon known as El Niño. Weather experts confirm that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded, and as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016. The El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage. Based on the City's previous experience with El Niño, and understanding the magnitude of this season's El Niño pattern, the threat to the health and safety of the homeless population in Los Angeles will be further exacerbated by the torrential rain that is anticipated with the commencement of El Niño's precipitation cycle. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, the amendments to the Los Angeles Municipal Code Sections 12.03, 12.80 and 12.81 shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date _____

File No. CF 15-1138