

Sec. 2. Division 95 of Article 1 of Chapter IX of the Los Angeles Municipal Code is amended in its entirety to read as follows:

## **ARTICLE 1, DIVISION 95**

### **MANDATORY EARTHQUAKE HAZARD REDUCTION IN EXISTING NON-DUCTILE CONCRETE BUILDINGS**

#### **SEC. 91.9501. PURPOSE.**

The purpose of this division is to promote the public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing concrete buildings. In the Northridge Earthquake, many concrete buildings constructed prior to the 1976 Los Angeles City Building Code provisions performed poorly and collapsed, causing loss of human life, personal injury and property damage. Similar loss of life, injury and property damage occurred in the Great Hanshin Earthquake, Mexico City Earthquake, and Christchurch New Zealand Earthquake due to the outdated building codes in those communities. The poor performance of these older concrete buildings is typically due to deficiencies in the lateral force resisting system (beams, columns and joints) that render the building incapable of sustaining gravity loads when the building is subjected to earthquake-induced lateral displacements. This division creates minimum standards to mitigate hazards from these structural deficiencies. Adherence to these minimum standards will improve the performance of these buildings during earthquakes and reduce, but not necessarily prevent, the loss of life, injury or earthquake-related damage.

#### **SEC. 91.9502. SCOPE.**

The provisions of this division shall apply to any existing concrete building built pursuant to a permit application for a new building that was submitted before January 13, 1977, or, if no permit can be located, the structure is determined by the Department to have been built under building code standards enacted before January 13, 1977.

**EXCEPTIONS:** This division shall not apply to detached single-family dwellings or detached duplexes. Moreover, notwithstanding any provision of this Code, compliance with this division shall not require existing electrical, plumbing, mechanical or fire-safety systems to be altered to comply with existing code unless they constitute a hazard to life or property.

#### **SEC. 91.9503. DEFINITIONS.**

The following words and phrases, whenever used in this division, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Division 2 of this Code.

**CONCRETE BUILDING** is a building having concrete floors and/or roofs, either with or without beams, supported by concrete walls and/or concrete columns, and/or concrete frames with or without masonry infills, or any combination thereof.

**DUPLEX** is a building containing only two single-family dwelling units.

**DWELLING UNIT** shall include any individual residential unit within either an R-1 or R-2 occupancy building, including a mixed-occupancy building when part of it is either an R-1 or R-2 occupancy. A dwelling unit shall include the area of a building that is occupied as a dwelling unit, whether the building is approved or unapproved for residential use.

**QUALIFIED HISTORICAL BUILDING** is any building designated or currently in the process of being designated as a "qualified historical building" as defined in Part 8, Title 24 of the California Code of Regulations.

**MASONRY INFILL** is the unreinforced or reinforced masonry wall construction within a reinforced concrete frame.

**RETROFIT** is an improvement of the lateral force-resisting system by alteration of existing structural elements or addition of new structural elements.

**SINGLE-FAMILY DWELLING** is any building with one dwelling unit which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this Code.

#### **SEC. 91.9504. COMPLIANCE REQUIREMENTS.**

**91.9504.1. General.** The owner of each building within the scope of this division shall cause a structural analysis to be made of the building by a civil or structural engineer or architect licensed by the state of California, and if the building does not meet the minimum engineering standards specified in this division, the owner shall cause the building to be structurally altered to conform to such standards or, at the owner's option, cause it to be demolished within the time limits stated in Section 91.9504.2.

**91.9504.2. Time Limits for Compliance.** The owner of a building within the scope of this division shall comply with its requirements by completing the following actions within the time limits stated below:

1. Within three (3) years after service of the order described in Section 91.9505, submit on the form provided by the Department a completed checklist for the Department to review and approve.
2. If the building is determined to be a non-ductile concrete building pursuant to Subdivision (1), within ten (10) years after service of the order,

submit a detailed evaluation of the building documenting whether the building meets or exceeds the requirements set forth in Section 91.9508. The evaluation shall include one of the following:

(a) Proof that the building was previously retrofitted in conformity with the provisions in either Chapter 85 or former Chapter 95 (Ordinance No. 171,260; No. 179,324; No. 172,592; and No. 182,850) of the Los Angeles Building Code; or

(b) Proof that the building was previously retrofitted in conformity with the engineering requirements of this division; or

(c) A report consisting of a structural analysis that shows the building meets the engineering requirements of this division; or

(d) A report consisting of a structural analysis and plans for the proposed structural alteration of the building to comply with the engineering requirements of this division; or

(e) Plans for demolition of the building.

3. Within twenty-five (25) years after service of the order, complete all necessary demolition or retrofit work on the building.

Time limits for compliance shall be based on the service date of the original order from the Department. Transfer of title shall not change compliance dates.

#### **SEC. 91.9505. ADMINISTRATION.**

**91.9505.1. Issuance of Order.** When the Department determines that a building is within the scope of this division, the Department shall issue an order to the owner as described in Sections 91.9505.2 and 91.9505.4.

**91.9505.2. Service of Order.** The Department shall serve the order in writing, either personally or by certified or registered mail, upon the owner as shown on the last equalized assessment roll. Service by mail shall be deemed complete at the time of deposit in the post office. Proof of giving notice may be made by an affidavit of an employee of the City that shows service in conformity with this division.

**91.9505.3. Failure to Receive Order.** Failure of the owner to receive an order shall not relieve the owner of any obligation to comply with the provisions of this division.

**91.9505.4. Contents of Order.** The order shall specify that the building has been determined by the Department to be within the scope of this division and, therefore, is required to meet the minimum seismic standards described in Section 91.9508. The

order shall be accompanied by a copy of Section 91.9504, which sets forth the owner's alternatives and time limits for compliance.

**91.9505.5. Appeal from Order.** The owner of any building subject to this division may appeal the Department's initial determination that the building is within the scope of this division to the Board of Building and Safety Commissioners. Such appeal shall be filed with the Board within 60 days from the service date of the order. Any such appeal shall be decided by the Board no later than 60 days after the date that the appeal is filed. Such appeal shall be made in writing upon appropriate forms provided by the Department, and the grounds of the appeal shall be stated clearly and concisely. Each appeal shall be accompanied by a filing fee as set forth in Table No. 4-A of Division 4 of Article 8 of Chapter IX of the Los Angeles Municipal Code.

Requests for slight modifications from any other determinations, orders or actions by the Department pursuant to this division shall be made in accordance with the procedures established in Section 98.0403.2 of the Los Angeles Municipal Code.

**91.9505.6. Recordation.** At the time that the Department serves the order described in Section 91.9505.1, the Department shall file with the Office of the County Recorder a certificate stating that the subject building has been determined to be within the scope of this division, and that it has been ordered to be structurally analyzed and structurally altered or demolished (if the owner so decides), pursuant to Section 91.9504.2, if the Department determines that it does not conform to the minimum design standards of this division.

The Department shall file with the Office of the County Recorder a certificate terminating the above recorded status of the subject building if the building is thereafter demolished by owner pursuant to Section 91.9504.2, found not to be within the scope of this division, or is determined to be structurally capable of resisting minimum seismic forces as a result of structural alterations or analysis required by this division.

## **SEC. 91.9506. OCCUPANT AND TENANT ADVISORY.**

**91.9506.1. Notification to Tenants and Occupants.** When the Department determines that a building falls within the scope of this division, the owner shall advise all current and prospective residential and non-residential tenants, subtenants, lessees, sublessees, or any other person(s) entitled to the use and/or occupancy of the building of such determination. With respect to current and prospective residential tenants, subtenants, lessees, sublessees, or other person(s) entitled to the use and/or occupancy of the building, the property owner shall advise such persons of the Department's determination in a method and written format approved and promulgated by the Los Angeles Housing and Community Investment Department. With respect to current and prospective non-residential tenants, subtenants, lessees, sublessees, or other person(s) entitled to the use and/or occupancy of the building, the owner shall

advise such persons of the Department's determination in a method and written format approved and promulgated by the Department.

**91.9506.2. Tenant Habitability Plan.** If required by the Rent Stabilization Ordinance, the property owner shall be required to submit to the Los Angeles Housing and Community Investment Department a Tenant Habitability Plan pursuant to Article 2, Chapter XV of the Los Angeles Municipal Code (L.A.M.C. Section 152.03B). If, upon review of the Tenant Habitability Plan, it is determined by the Los Angeles Housing and Community Investment Department that work required under this division affects the tenantability of any building or residential unit as defined in California Civil Code Section 1941.1, the owner shall be required to pay relocation benefits pursuant to Article 1, Chapter XV of the Los Angeles Municipal Code (L.A.M.C. Section 151.09G) to any tenant, subtenant, lessee, sublessee, or other person(s) entitled to the use and/or occupancy of the building that is affected by the untenable conditions or displaced from the residential unit. However, the mere undertaking and completion of work performed by the owner pursuant to this division shall not, in and of itself, result in any building or residential unit being deemed untenable or uninhabitable as defined in California Civil Code Section 1941.1.

#### **SEC. 91.9507. HISTORICAL BUILDINGS.**

Qualified historical buildings shall comply with requirements of the California Historical Building Code established under Part 8, Title 24 of the California Code of Regulations.

#### **SEC. 91.9508. ENGINEERING ANALYSIS.**

**91.9508.1. Scope of Analysis.** This division requires the alteration, repair, replacement or addition of structural elements and their connections to meet the following requirements in this section.

**91.9508.2. Building Structural Analysis, Design and Evaluation.** The building shall meet one of the following criteria:

1. Strength of the lateral-force resisting system shall meet or exceed seventy-five percent (75%) of the base shear specified in the current Los Angeles Building Code seismic provisions. Elements not designated to be part of the lateral-force resisting system shall be adequate for gravity load effects and seismic displacement due to the full (100%) of the design story drift specified in the current Los Angeles Building Code seismic provisions.

2. Meet or exceed the requirements specified for "Basic Safety Objectives" using ground motions and procedures established by the Department based on ASCE 41.

3. Pursuant to Section 91.104.2.6, other methods approved by the Department deemed to be equivalent to the standards set forth in Subdivisions 1 and 2 of this subsection.

#### **SEC. 91.9509. INFORMATION REQUIRED ON PLANS.**

**91.9509.1. General.** For existing and new construction, the plans and specifications shall be of sufficient clarity to indicate the nature and extent of the proposed work and to show in detail that it will conform to the provisions of this division and the Los Angeles Building Code.

**91.9509.2. Engineer's or Architect's Statement.** The responsible engineer or architect shall provide the following statements on the approved plans:

1. "I am responsible for designing this building's seismic strengthening in compliance with the minimum standards of Chapter 95 of the Los Angeles Building Code using the design criteria of (75% of ASCE 7 or ASCE 41)."

and when applicable:

2. "The Registered Deputy Inspector, required as a condition of the use of structural design stresses requiring continuous inspection, will be responsible to me as required by Section 1704 of the Los Angeles Building Code."

3. "Structural Observation will be performed in accordance with the current Los Angeles Building Code."

#### **SEC. 91.9510. VIOLATION/PENALTY.**

Notwithstanding any other provision of this Code to the contrary, it shall be unlawful for any person, firm, or corporation to maintain, use, or occupy any building within the scope of this division that fails to meet the minimum earthquake standards specified in this division after receiving an order described in Section 91.9505.

Any person who violates or causes or permits another person to violate this division is guilty of a misdemeanor, and shall be subject to prosecution and/or administrative enforcement under the Los Angeles Municipal Code. For purposes of this paragraph, "any person" includes an owner, lessor, sublessor, manager or person in control of a building subject to this division. This term shall not include any person who is merely a tenant or other individual occupying any dwelling unit, efficiency dwelling unit, guest room or suite in a building. The legal owner of a building is that person, firm, corporation, partnership or other entity whose name or title appears on the record with the Office of the County Recorder, as well as all successors or assignees of these persons.

**EXCEPTION:** This section shall not apply to any building on which work is proceeding in compliance with the time limits set forth in this division, or in compliance with any extensions of time granted by the Department or the Board; or any action, order or determination made by the Department or the Board in the implementation of this division.

#### **SEC. 91.9511. SEVERABILITY.**

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction or by reason of any preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 3. Section 152.02 of Article 2 of Chapter XV of the Los Angeles Municipal Code is amended to read as follows:

#### **SEC. 152.02. DEFINITIONS.**

**Notice of Primary Renovation Work.** Written notice, served by the landlord upon a tenant or tenant household at least 60 days, or as otherwise modified pursuant to Section 152.04, prior to the commencement of any Primary Renovation Work or Related Work and using a form established by the Department, advising the tenant of forthcoming Primary Renovation Work and Related Work, the impact of such work on the tenant, and measures the landlord will take to mitigate the impact on the tenant.

Sec. 4. A second paragraph is added to Section 152.04 of Article 2 of Chapter XV of the Los Angeles Municipal Code to read as follows:

For purposes of the Mandatory Earthquake Reduction requirements in LAMC Sections 91.9301, et seq., and 91.9501, et seq., and as authorized by Section 152.08 of this article, the Commission shall have the authority by regulation to modify the service and notice requirements.

Sec. 5. Subsection A to Section 152.05 of Article 2 of Chapter XV of the Los Angeles Municipal Code is amended and Subsection D is added to read as follows:

**A.** If the Primary Renovation Work and any Related Work will impact the **tenantability** of a rental unit for 30 days or more, any tenant affected by the Primary Renovation Work and Related Work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance pursuant to Section 151.09G of this Code and the return of any security deposit that cannot be retained by the landlord under applicable law. If the Primary Renovation Work and Related Work continues for 30 days longer than the projected completion date set forth in the later of

either the Tenant Habitability Plan or any modifications thereto accepted by the Department, the tenant's option to accept permanent relocation assistance shall be renewed.

D. For purposes of the Mandatory Earthquake Reduction requirements in LAMC Sections 91.9301, et seq., and 91.9501, et seq., and as authorized by Section 152.08 of this article, the Commission shall have the authority by regulation to extend the time provisions by up to the maximum of an additional 180 days.

Sec. 6. Section 152.08 of Article 2 of Chapter XV of the Los Angeles Municipal Code is amended to read as follows:

#### **SEC. 152.08. AUTHORITY OF COMMISSION TO REGULATE.**

A. The Commission shall be responsible for carrying out the provisions of this article and shall have the authority to issue orders and promulgate policies, rules and regulations to effectuate the purposes of this article. All such rules and regulations shall be published once in a daily newspaper of general circulation in the City of Los Angeles, and shall take effect upon such publication. The Commission may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to promulgate, administer and enforce any regulation, rule or order adopted pursuant to this article.

B. In order to provide sufficient time for owners to comply with the Mandatory Earthquake Hazard Reduction requirements in LAMC Sections 91.9301, et seq., and 91.9501, et seq., the Commission may do the following:

1. Modify the service and notice requirements set forth in Section 152.04 this article; and/or

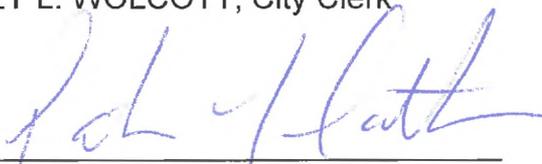
2. Grant, upon request by owner, an extension of up to 180 days beyond the original project completion date without triggering the permanent relocation assistance requirements set forth at Section 151.09G of this Code. Prior to granting an owner's request to extend project completion dates, the Commission shall notify the Department of Building and Safety of the request. If work performed pursuant to Mandatory Earthquake Hazard Reduction Requirements is not completed by the original project completion date or by a subsequent date authorized by RAC, any tenant, subtenant, lessee, sublessee, or other person(s) entitled to use and/or occupy the building or residential unit affected by such work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance, pursuant to Section 151.09G, and the return of any security deposit that cannot be retained by the owner under applicable law.

C. Before modifying service and notice requirements and/or granting time extensions under its authority in subparagraph B of this section, the Commission shall find that the modifications and/or time extensions are necessary to carry out the purpose of the Mandatory Earthquake Hazard Reduction requirements of this Code.

Sec. 7. 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, at its meeting of OCT 09 2015.

HOLLY L. WOLCOTT, City Clerk

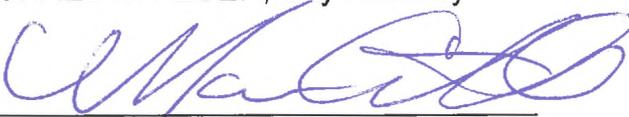
By   
Deputy

Approved 09 OCT 2015

  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
MONICA D. CASTILLO  
Deputy City Attorney

Date 10-8-15

File No. CF 14-1697-S1

## DECLARATION OF POSTING ORDINANCE

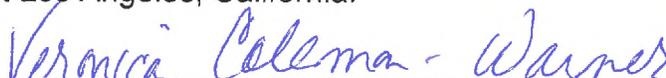
I, VERONICA COLEMAN-WARNER, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 183893 – Amending Division 93 and 95 of Article I of Chapter IX of the LAMC to establish mandatory standards for earthquake hazard reduction in existing wood-frame buildings with soft, weak, or open-front walls and existing non-ductile concrete buildings, and amending Sections 152.02, 152.04, 152.05 and 152.08 of Article 2 of Chapter XV of the LAMC to grant authority to the Rental Adjustment Commission to modify Tenant Habitability Program requirements for purposes of implementing seismic retrofit mandates - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on October 9, 2015, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on October 13, 2015 I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on October 13, 2015 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of October, 2015 at Los Angeles, California.

  
Veronica Coleman-Warner, Deputy City Clerk