

ORDINANCE NO. 184168

An ordinance adding Section 12.82 to Article 2 of Chapter 1 of the Los Angeles Municipal Code to allow the operation and establishment of temporary emergency shelters for the homeless throughout the City for the duration of the 2016 El Nino precipitation cycle.

WHEREAS, the El Nino cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage;

WHEREAS, the National Weather Service has confirmed that the winter of 2015-2016 will present one of the most powerful El Nino cycles ever recorded;

WHEREAS, as a result of this El Nino cycle the City of Los Angeles will likely experience heavy rainfall well into the early spring of 2016;

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 threat to the health and safety of the homeless population in Los Angeles is further exacerbated by the torrential rain that is anticipated with the commencement of El Nino's precipitation cycle; and

WHEREAS, 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.

NOW, THEREFORE,

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

Section 1. Section 12.82 is added to Article 2 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 12.82. HOMELESS SHELTERS – EMERGENCIES – EL NINO 2016.

A. Notwithstanding any provisions of this article to the contrary, during the period not totaling more than 90 days from the effective date of this ordinance, a shelter for the homeless may be established and operated in any zone of the City 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. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

B. Requirements.

1. Providers shall register with the City of Los Angeles by submitting a "Cold/Wet Weather Temporary Shelter Application" online via the City's website (www.lacity.org); and

2. Providers shall comply with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the Los Angeles Fire Department's Fire Prevention and Public Safety Bureau; and

3. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.

4. Providers shall comply with all local, state and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

C. For the purposes of this section only, a shelter for the homeless means 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 90 days from the effective date of this ordinance. For the purpose of this section, 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 meets all applicable state health and safety requirements.

Sec. 2. **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 measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts of the inclement weather brought on by the 2015-2016 weather phenomenon known as El Nifto. Weather experts confirm that the winter of 2015-2016 will present one of the most powerful El Nifto cycles ever recorded, and as a result of this El Nifto cycle, the City of Los Angeles will likely experience heavy rainfall well into the early spring of 2016. The El Nifto cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage. The City of Los Angeles is already 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. Based on the City's previous experience with El Nino, and understanding the magnitude of this season's El Nino 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 Nino'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 El Nino 2016 Emergency Homeless Shelter Ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 3. 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 **MAR \$ Q P**filfi_____.

Mayor

Pursuant to Charter Section 559.1, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

Director of Planning