

REVISED LEGISLATIVE DIGEST

(9/15/2015, Substituted)

[Building and Planning Codes - Notice to Tenants of Dwelling Unit Merger or Demolition]

Ordinance amending the Building and Planning Codes to require written and posted notice to all tenants of a building in which demolition or merger of a dwelling unit is proposed; requiring an affidavit and notice if kitchens, stoves or bathrooms would be removed; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Building Code does not currently require notice to on-site tenants when certain kinds of work are proposed that could have the effect of eliminating a residential unit. For example, an application to remove a kitchen, stove or bathroom could be filed without notification that a residential unit, legal or illegal, would be removed. In addition, a tenant residing in an illegal unit may not get notice of the changes to residential units within the building.

The Planning Code contains requirements to notify on-site occupants and tenants when a conditional use permit is required and when certain kinds of demolitions, conversions or mergers are proposed and require discretionary review. There may be other kinds of more minor or interior work that would not require notice to on-site occupants and tenants under the Planning Code. In addition, a tenant residing in an unauthorized unit may not receive notice of the changes to residential units within the building.

Amendments to Current Law

The Building Code amendments would require that an applicant proposing to remove a stove, kitchen or bathroom sign an affidavit that such removal would not eliminate a legal or illegal dwelling unit and must post the affidavit on-site and deliver the notice to all tenants residing in the building.

The Building Code amendments would require an applicant proposing to remove a residential unit to post a notice about the application on-site and deliver the notice to all on-site tenants when an application is submitted. The notice would provide information about the permit as well as tenant counseling and translation services. Upon issuance of such building permit, the applicant must provide the same notice and information, as well as information about a possible appeal of the permit, by posting it on-site and providing it to all tenants in the building.

The Planning Code amendments would require notice to on-site tenants in both authorized and unauthorized residential units when work is proposed that would remove or eliminate a residential unit. Such notice would provide information about the permit and an appeal, as well as tenant counseling and translation services. The notice would be mailed to all on-site units, including unauthorized residential units, and would be posted in a common area within the building.