



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District  
MARK RIDLEY-THOMAS  
Second District  
ZEV YAROSLAVSKY  
Third District  
DON KNABE  
Fourth District  
MICHAEL D. ANTONOVICH  
Fifth District

April 4, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

## **MOTION TO DIRECT THE SACRAMENTO ADVOCATES TO SUPPORT ASSEMBLY BILL 192 (HAGMAN) WHICH WOULD SPECIFY THAT OPERATING A HOTEL IN VIOLATION OF LOCAL BUILDING AND ZONING CODES IS ILLEGAL (ITEM NO. 10, AGENDA OF APRIL 9, 2013)**

Item No. 10 on the April 9, 2013 Agenda is a motion by Supervisor Knabe to direct the Sacramento advocates to support Assembly Bill 192 (Hagman) which would specify that operating a hotel in violation of local building and zoning codes is illegal.

### **Existing Law**

Existing law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

### **Assembly Bill 192 (Hagman) - Zoning Violation: Hotel Operation**

AB 192 (Hagman), as introduced on January 28, 2013, would specify that operating a hotel in violation of local building and zoning codes is illegal within State law by making it a misdemeanor, punishable by fine or imprisonment, or both, for any person to operate a hotel in an area zoned for residences.

The author's office reports that homes in residential areas are being manufactured into makeshift hotels for additional profit to owners and that these hotels cut into legitimate hotel business, evade taxes, disrupt nearby residents and cause a public nuisance.

*"To Enrich Lives Through Effective And Caring Service"*

*Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only*

Each Supervisor  
April 4, 2013  
Page 2

The author further states that these facilities pose serious health and public safety hazards since they do not follow basic health, fire and safety regulations. The author introduced AB 192 to provide local jurisdictions a way to respond to issues which appear to have grown beyond a local zoning issue.

AB 192 is supported by Supervisor Don Knabe. There is currently no registered opposition to the bill.

The bill has been referred to the Assembly Local Government Committee and is scheduled for hearing on April 10, 2013.

### **Analysis**

The Department of Regional Planning (DRP) reports that the establishment of maternity boarding houses seems to be expanding in Southern California, particularly in Los Angeles and San Bernardino counties. Between 2007 and November 2012, zoning enforcement inspectors investigated complaints and confirmed 16 alleged maternity boarding houses operating in the unincorporated communities of Los Angeles County within the San Gabriel Valley. From December 2012 to mid-January, Regional Planning received approximately 60 complaints regarding alleged maternity boarding houses. The Department indicates that with the exception of one parcel, all of these properties are located in a zone where boarding/rooming houses are prohibited.

The Department of Regional Planning also reports that County inspectors have found it very difficult to gain access to these sites for various reasons, including language barriers and being denied access. Inspectors have left business cards in attempts to make contact with the occupants or the property owners, but they rarely receive any communication from those individuals. The District Attorney's office has dedicated a bilingual investigator to accompany County departments on all investigations.

County Counsel indicates that AB 192 is an effort to assist the County and other local jurisdictions to regulate the operation of maternity boarding houses. AB 192 would make it a crime to operate a "hotel" in an "area zoned for residences" in violation of a local zoning ordinance. "Hotel" is defined in AB 192 as a "building containing 6 or more guest rooms offering transient lodging accommodations to the general public."

County Counsel notes that because AB 192 proposes to criminalize only the operation of a "hotel," some ambiguities may arise in the County regulatory context. Presently, the Los Angeles County Planning and Zoning Code (Title 22 of the Los Angeles County Code) does not define maternity boarding houses as a specific use. Instead, such uses may fall within the definition of "rooming/boarding house" or "hotel," as set forth in the

Planning and Zoning Code. Some maternity boarding house uses may fall within the County's definition of a "rooming/boarding house," but not a "hotel." It is unclear whether these uses will be included within purview of AB 192, which only affects unlawful "hotels." In addition, it is unclear whether the proposed definition of "hotel" in AB 192 would preempt the County's definition of a "hotel" and/or limit the County's ability to amend its definition of "hotel" in the future.

County Counsel further notes the bill's provision making it a crime to operate a hotel "in an area zoned for residences" is ambiguous. For example, the County's Planning and Zoning Code allows residential uses in commercial zones with a conditional use permit. It is not clear whether AB 192 would only apply to residential zones or if it would extend to other zones, such as commercial zones, where residential uses are allowed.

Of the approximately 60 complaints received by DRP from December 2012 to mid-January 2013, all of the subject properties, with one exception, are located in a zone where "rooming/boarding houses" and/or "hotels," as defined in the Planning and Zoning Code, are prohibited. Therefore, clarifications of the above issues could make AB 192 a more effective enforcement tool for the County. To that end, this office and the affected departments will work with the author's office to clarify the language in the bill to more effectively deter the unpermitted operation a maternity hotel in residential areas in the County.

### **Previous Board Action**

On December 11, 2012, the Board adopted a motion by Supervisor Knabe instructing the Director of Regional Planning to collaborate with the County Counsel, the Department of Public Works/Building and Safety, Health Department, Fire Department, and other County and State agencies with regulatory authority to investigate complaints regarding the use of postpartum recovery homes which are located in existing single-family residential zones. The motion further instructed the Director of Regional Planning to review the proliferation of postpartum recovery homes within the unincorporated area and to report back to the Board in 30 days with a status report containing Regional Planning's findings, recommendations and actions.

On February 5, 2013, the Board adopted a revised motion by Supervisor Knabe to:

- Approve the recommendations provided by the Director of Regional Planning for the continued investigation of public complaints regarding postpartum recovery homes known as "maternity hotels";

- Direct the Chief Executive Officer to take the lead in facilitating the multi-agency inspections with the Departments of Regional Planning, Public Works, Public Health, Children and Family Services, Public Social Services, Fire, Sheriff, Registrar-Recorder/County Clerk, District Attorney, Franchise Tax Board, Employment Development Department (EDD) and any other County Departments, as necessary;
- Direct County Counsel, in consultation with the Director of Regional Planning, and appropriate community stakeholders, to define the use and draft a proposed ordinance for consideration by the Board and provide a recommendation by the Regional Planning Commission to appropriately regulate the use of maternity hotels through zoning regulations to ensure the public's health, safety, and welfare;
- Direct the Chief Executive Officer to identify additional funding to assist the multi-agency inspectors with additional staff and Mandarin/Cantonese translators to communicate with occupants at these Maternity Hotels; and
- Direct the Chief Executive Officer to provide a report to the Board in 60 days and quarterly thereafter, on the progress of the cases.

This office has been working with the aforementioned County departments and outside agencies and will be reporting back to the Board under a separate cover.

### **Conclusion**

There is no existing Board-approved policy relating to the imposition of criminal penalties on an individual who operates a hotel in a residential area in violation of local building and zone codes. Therefore, support of AB 192, which would specify that operating a hotel in violation of local building and zoning codes is illegal within State law by making it a misdemeanor, punishable by fine or imprisonment, for any person to operate a hotel in an area zoned for residences, **is a matter for Board policy determination.**

WTF: RA  
MR:AO:ma

c: Executive Office, Board of Supervisors  
County Counsel  
Department of Public Works  
Department of Regional Planning