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LA CITY SOFT STORY RETROFIT ORDINANCE STATUS UPDATE - MARCH 2016

Los Angeles City has sent out approximately 13,500 seismic retrofit compliance letters to identified building owners whose buildings are considered to have a soft story condition that may be vulnerable to collapse during an earthquake. As this seismic retrofit program is just in its beginning stages, there may be a number of questions that arise. SEAOSC will attempt to keep the membership informed of issues as they arise that could impact the structural engineering profession and professional services we offer to both our clients and the community. As information becomes available, it will be distributed through the SEAOSC newsletters and posted to the SEAOSC website, so check-in periodically for updates.

LA City Soft Story Retrofit Ordinance and Tenant Habitability Review

What SEAOSC members need to know:

SEAOSC would like to bring to the membership's attention that the LA City Soft Story Retrofit Ordinance includes sections (91.9307.1) Notification to Tenants and Occupants and (91.9307.2) Tenant Habitability Plan, that requires the development of a Tenant Habitability Plan (THP) and the building owner to notify the tenants of the work being done to the building. The method of tenant notification has to be approved by the Los Angeles Housing and Community Investment Department (HCIDLA). The THP may also have to address temporary tenant relocation requirements. The HCIDLA requires the THP to make sure the tenants are not evicted as a result of the building owner complying with the seismic retrofit ordinance.

Why should SEAOSC members care?

A prospective client, who has received the soft-story compliance letter from the Los Angeles City Department of Building and Safety, may be contacting you directly regarding hiring you or your company to provide an engineered solution for the building's existing soft story condition and then hiring a contractor to do the actual retrofit work. As part of the plan check requirement, the building owner may need to provide evidence of having fulfilled the Tenant Habitability Plan requirements noted in the ordinance or evidence as to why it doesn't apply to them. If your company is tasked with taking the retrofit design through the plan check process, the THP is something the building owner is going to need to provide to either you or the contractor to submit to HCIDLA for their approval. A flyer is available from

both LADBS and HCIDLA that explains the HCIDLA Tenant Habitability Program process. When the THP is approved by HCIDLA, they will electronically sign-off with LADBS plan check, clearing the way for the permit to be issued, assuming all other plan check corrections and clearances have been obtained.

Completion of the Tenant Habitability Program process may take longer to accomplish than the actual seismic retrofit design and structural plan check of the design. The building owner, or their representative, will need to work with the HCIDLA to come up with an acceptable THP, which the tenants will have a given number of days to review and respond to prior to obtaining sign-off from HCIDLA. Once HCIDLA signs off electronically, LADBS plan check can then issue the construction permit. The time to complete the THP and obtain tenant approval could well be several months, and impact the ability of the owner to obtain a signed fixed price contract from the contractor. The building owners will likely need to hire a contractor to help develop the THP.

Obtaining the THP on the client's behalf typically is not a service the structural engineer will be providing. But it is recommended that the structural engineer during initial client discussions about the building's seismic retrofit scheme also inform the client of this THP requirement stated in the ordinance, as the owner likely has not read the entire ordinance or understands what is required. The owner should have the THP requirements related to their building completed and signed off by the HCIDLA prior to structural plan check submission for the seismic retrofit design if possible. This will help speed up the plan check process and issuance of the permit.

The building owner can contact the Los Angeles Housing and Community Investment Department to find out more about the Tenant Habitability Program requirements at:

Main Office, 1200 West 7th Street, 1st floor, Los Angeles CA 90017

Satellite office locations can be found at this link: <http://hcidla.lacity.org/Public-Counters>

A PDF copy of the latest flyer that explains the HCIDLA Tenant Habitability Program process should be available from both the LADBS and HCIDLA websites in the near future, as well as other information related to the soft-story ordinance. A copy of the HCIDLA Tenant Habitability Program flyer, as of March 2016, is attached to this status update letter.

Seismic Retrofit Cost Recovery Program

How to apply

Applications for a cost pass-through may be obtained from the HCIDLA via our:

- Hotline at 866-557-7368
- Web site at hcidla.lacity.org
- HCIDLA public counters
- E-mail at hcidla.rso@lacity.org

Applications MUST be submitted within 12 months of completing the retrofit work. The following items will be required with the application:

- A copy of the THP
- Documentation that supports the costs, e.g. contracts, invoices, proof of payment, etc.
- Rent roll that includes tenants' move-in dates and current rents

RSO workshops are held throughout the year. Individual assistance with applications is also available the first Tuesday of every month by appointment. Call 213-928-9075 to schedule.

How the program works

- Up to 50% of total seismic retrofit costs may be passed through to tenants, if approved by HCIDLA.
- The maximum rent increase is \$38 per month for 120 months. The recovery period may be extended until the full approved amount is collected.
- Seismic retrofit costs are divided among all the units.

How cost recovery applications are processed

A Case Analyst will be assigned to review the application and guide you throughout the process.

- Landlords and tenants receive notification that the application has been filed
- HCIDLA reviews documentation and determines the correct pass-through amount.
- A final determination, including an appeal form, is mailed to landlords and tenants.
- Both landlords and tenants have the right to appeal the decision.

HCIDLA Contacts

Tenant Habitability Program Unit
(213) 252-1464
Email: hcidla.code.seismic@lacity.org

<http://hcidla.lacity.org/tenant-habitability-program>

Cost Recovery Applications & RSO Information
(866) 557-RENT (7368)
Email: hcidla.rso@lacity.org

<http://hcidla.lacity.org>

Building & Safety Contacts

Soft-Story Retrofit Unit
201 N. Figueroa St., Suite 890
(213) 482-SOFT (7638)

Email: soft-storyretrofit@lacity.org

<http://ladbs.org/soft-story>



LOS ANGELES SEISMIC RETROFIT PROGRAM

Tenant Habitability Plan & Cost Recovery Guide for Property Owners



Tenant Habitability Program

This guide summarizes the requirements of the City of Los Angeles Tenant Habitability Program, administered by the Los Angeles Housing and Community Investment Department (HCIDLA). The legal requirements are set forth in the Los Angeles Municipal Code (LAMC) Section 152.00. A copy of Section 152.00 is available on HCIDLA's web site at [www.http://hcidla.lacity.org/tenant-habitability-program](http://hcidla.lacity.org/tenant-habitability-program).

What is the Tenant Habitability Program?

The Tenant Habitability Program requires the development of a Tenant Habitability Plan (THP) in order to mitigate the impact on tenants during major construction in apartment buildings. Property owners undertaking major construction work must take steps to ensure that tenants can safely remain in place during construction or provide temporary relocation to tenants when the work makes the rental unit untenable, as defined by California Civil Code Section 1941.1. **Seismic retrofit work requires the filing of a Tenant Habitability Plan.**

What do I do when I receive a seismic retrofit order?

When building owners receive a seismic retrofit order from the Los Angeles Department of Building and Safety (LADBS), they must notify tenants in writing on the form approved by HCIDLA (LAMC Sections 91.9307.1 and 91.9506.1). Owners may download tenant notification forms from HCIDLA's web site at <http://hcidla.lacity.org/tenant-habitability-program>.

When and how do I file a THP?

Building owners may file a THP application at any time before starting seismic retrofit work. The typical sequence of events is as follows:

- Building owner receives a LADBS seismic order and responds to LADBS requirements, i.e. provides a structural analysis and drawings.

If seismic retrofit work is necessary, then:

- LADBS will require the property owner to obtain HCIDLA's clearance of a THP.
- Building owner contacts HCIDLA to obtain and fill out the THP application forms.
- Building owner together with his/her contractor develops a THP, including an estimate of the duration of work and the impact to tenants, and proposes appropriate mitigation measures. When complete, owner submits the THP to the HCIDLA.
- HCIDLA accepts the THP if it adequately mitigates the retrofit work's impact on tenants.
- A copy of the accepted THP is served to the tenants.
- Tenants have 15 days to appeal the THP.
- If not appealed within 15 days, HCIDLA will clear the retrofit permit for issuance.
- If appealed timely, then HCIDLA conducts a THP appeal hearing, and the outcome of the hearing will determine the next steps.



What is included in a THP?

THP applications require ownership information, property identification, and a list of the tenants that includes the amount of their rent payments.

The THP must describe the anticipated impact of the work to the apartments and common areas, and the proposed mitigation measures.

The THP must also describe the anticipated impact of the work to tenants' personal property and the proposed mitigation measures.

In addition, the THP must cover planned temporary disruptions to water, electrical, gas or sewer services. For instance, if these disruptions are necessary, then they may not occur outside of the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. The THP must also cover accidental disruptions to these services.

A THP is required even if the owner and contractor do not anticipate any impact to the apartments or to tenants' personal property. This is because the THP also covers the contractor's work hours, the estimated duration of the work, the estimated completion date and the general construction safety requirements that are applicable to the worksite.

Avoid construction delays: Contact the program and start preparing a THP early. LADBS will not issue a retrofit permit and retrofit work may not start until HCIDLA accepts a THP and gives clearance to issue the retrofit permit.

Can program staff help me prepare a THP?

Yes. HCIDLA staff are available to assist in the preparation of a THP at (213) 252-1464 or hcidla.code.seismic@lacity.org.

At Left — Example of Soft Story Building: Popular in the 1950s and 1960s, apartment buildings with tuck-under parking are particularly vulnerable to collapse during earthquakes.