

# Los Angeles City Council Approves Major Earthquake Retrofitting Ordinance

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On October 9th, the Los Angeles City Council voted 12-0 to approve an ordinance requiring mandatory earthquake retrofitting for thousands of buildings in Los Angeles. The ordinance comes nearly a year after the publication of “[Resilience by Design](#),” a report prepared by Mayor Eric Garcetti and Dr. Lucy Jones aimed at improving Los Angeles’s resiliency in the event of a major earthquake.

The ordinance mandates earthquake retrofitting for certain buildings that receive an order from the Department of Building and Safety (DBS). The obligation to comply with the ordinance is not triggered until an owner of a building has received an order from DBS. Owners who receive an order from DBS are required to either produce an evaluation of their building that demonstrates compliance with the minimum earthquake standards in the ordinance or retrofit the building within the timeframes in the ordinance.

The ordinance targets non-ductile concrete buildings and wood frame soft-first-story buildings. The City is prioritizing sending notices to owners of wood-frame soft-first-story multifamily residential buildings with more than 16 units. Second in priority are notices for buildings with three or more stories, followed by all other buildings. Considering that the City estimates there are approximately 13,500 soft-first-story and 1,400 non-ductile buildings in Los Angeles, notifying all affected building owners will be a time-consuming task.

## **Buildings Subject to the Ordinance**

### ***Non-Ductile Concrete Buildings***

The ordinance applies to all existing concrete buildings built pursuant to a permit application submitted before January 3, 1977. If served an order, the owner has 60 days to file an appeal against the determination that the building falls within the scope of the ordinance. Within three years of service of an order, the owner must complete a checklist that DBS will use to determine if the building is a non-ductile concrete building. If DBS determines that the building is constructed of non-ductile concrete, the owner has 10 years from service of the order to do one of the following: 1) establish that the building has been retrofitted, 2) demonstrate that the building does not require retrofitting

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because it meets the engineering requirements of the ordinance, or 3) provide DBS with plans for retrofitting or demolition. All necessary retrofitting or demolition work on the building must be completed within 25 years of the service of the order.

### ***Wood Frame/Soft First Story Buildings***

The ordinance applies to all existing buildings of wood frame construction where a permit for construction of a new building was applied for before January 1, 1978, or where the ground floor portion of the structure contains parking or similar open space (AKA soft-first-story).

Within a year of receiving an order, the owner must submit a structural analysis that demonstrates that the building meets the earthquake standards in the ordinance, or structural analysis and plans for structural alteration of the building that meet the earthquake standards in the ordinance. All permits for retrofitting must be obtained within two years and final retrofitting or demolition of the building must be completed within seven years.

### **Financing and Other Considerations**

The ordinance does not include any provisions for financing, tax breaks or other incentives for completing retrofitting work on either type of building. Financing was acknowledged as the critical issue that needed to be addressed to achieve the goals of the ordinance at the committee level and at the City Council hearing, but no formal financing mechanisms were included in the ordinance. Relatedly, Assembly Bill 428, which would have created a tax credit for seismic retrofits, was vetoed by the Governor on October 10th.

Affected buildings are only required to meet the earthquake standards set out in the ordinance; existing electrical, plumbing, mechanical, and fire-safety systems do not need to be updated to existing code unless they are hazardous.

Owners are required to notify residential and non-residential tenants should DBS determine that their building falls within the scope of the ordinance. Landlords of rent stabilized units will be responsible for paying relocation benefits should tenants be displaced.

“Qualified historical buildings,” as defined in Part 8, Title 24 of the California Code of Regulations, must comply with the earthquake standards established by the California Historical Building Code.

### **Enforcement**

Failure to comply with the ordinance is punishable as a misdemeanor, per Los Angeles Municipal Code Section 91.103. The ordinance also provides that DBS has the right to vacate a building if an owner fails to comply, and buildings that are determined to be hazardous may be demolished.

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