



City of Long Beach
Working Together to Serve

R-16
Office of Dee Andrews
Council Member, Sixth District
Memorandum

Date: December 14, 2010

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Robert Garcia, Councilmember First District *RG*
Dee Andrews, Councilmember Sixth District *DA*
James Johnson, Councilmember Seventh District *me for JJ*
Steven Neal, Councilmember Ninth District *SN*

Subject: **AGENDA ITEM:** The Aviles Law

DISCUSSION

On December 14, 2007, three Aviles sisters, Jasmine -10 years old, Jocelyn - 7 years old and Stephanie-6 years old, lost their lives while sleeping inside of a residence located at 1052 Martin Luther King Avenue. Fire swept through the small apartment that had been illegally converted from a garage to a living space without proper permits or code compliance.

Arson Investigators determined the fire to be accidental and caused by a faulty space heater. The Aviles sisters were sleeping on the bedroom floor when the fire broke out. Their aunt, asleep in the living room awoke to the fire and attempted get the girls out of the burning unit. When she was unable, she sought help from a nearby neighbor. The fire quickly grew in size trapping the Aviles sisters inside the burning structure where they would lose their lives to the fire.

Fire Inspectors and Building Officials identified multiple fire and life safety code violations at the location. There were no working smoke detectors, no exit window in the bedroom or heating as required by code. The problems continued with shoddy sub-standard wiring throughout the location. Essentially two of the four garages had been walled off and a living space was created as a rental unit without the proper permits that are required by the City of Long Beach. Throughout Long Beach, a population of those less fortunate live in garages or locations where life safety codes are simply ignored. Property owners are creating this hazardous condition without regard for life, fire or building code regulations.

As a result of the Martin Luther King Avenue tragedy, City of Long Beach Fire Department and Code Enforcement Inspectors launched an aggressive inspection operation and identified **over 550** illegally converted garages being used as living spaces. Heavy fines were levied and numerous illegal conversions were removed. The deaths of Jasmine, Jocelyn and Stephanie Aviles were preventable had the property owner complied with the laws regarding garage conversions. This was not the case on December 14, 2007.

Therefore, with the support of the family, all Municipal Codes relating to garage conversions should be collectively known as the Aviles Law. The Aviles Law will serve to educate the public and reinforce the dangers of illegal garage conversions. These laws cannot be ignored or disregarded.

The Aviles Law:

- 18.08.050 (18.02.050 D) Dangerous Building
- 18.16.150 (18.08.010) Certificate of Occupancy
- 18.20.080 (18.09.010) Failure to Comply with LBMC Title 18 Bldg. & Construction
- 21.31.245(C) Unlawful Dwelling
- 21.41.170 Illegal Garage Conversion
- 18.20.210 (18.20.110) Dangerous buildings or conditions
- 9.65.060 (D) (4) Administrative Citation

(New code numbers effective January 1, 2011)

Recommendation:

It is respectfully requested that the City Attorney be requested to draft a Resolution for Council's consideration that would recognize the various provisions of the Long Beach Municipal Code that regulate the illegal conversion of garages as the "**Aviles Law**". The Aviles Law will serve to educate the public and reinforce the dangers of these illegal, unpermitted and dangerous conversions and that Long Beach City Council refer the Aviles Law to the State Legislative Committee for consideration for a resolution.