



Legislation Details (With Text)

File #:	10-1343	Version:	1	Name:	CD6,1,7&9 - The Aviles Law
Type:	Agenda Item	Status:		Status:	Approved
File created:	12/3/2010	In control:		In control:	City Council
On agenda:	12/14/2010	Final action:		Final action:	12/14/2010
Title:	Recommendation to respectfully request that City Attorney draft a resolution for City 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 request that City Council refer the Aviles Law to the State Legislation Committee for consideration for a resolution.				
Sponsors:	COUNCILMAN DEE ANDREWS, SIXTH DISTRICT, COUNCILMEMBER ROBERT GARCIA, FIRST DISTRICT, COUNCILMEMBER JAMES JOHNSON, SEVENTH DISTRICT, COUNCILMEMBER STEVEN NEAL, NINTH DISTRICT				
Indexes:	Resolution Request				
Code sections:					
Attachments:	1. 121410-R-16sr.pdf, 2. 121410-R-16-PowerPoint-1.pdf, 3. 121410-R-16-PowerPoint-2.pdf				

Date	Ver.	Action By	Action	Result
12/14/2010	1	City Council	approve recommendation	Pass

Recommendation to respectfully request that City Attorney draft a resolution for City 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 request that City Council refer the Aviles Law to the State Legislation Committee for consideration for a resolution.

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
18320.210 (18.20.110)	Dangerous buildings or conditions
9.65.060 (D) (4)	Administrative Citation

(New code numbers effective January 1, 2011)

Approve recommendation.

Robert Garcia, Councilmember First District
Dee Andrews, Councilmember Sixth District
James Johnson, Councilmember Seventh District
Steven Neal, Councilmember Ninth District