

Date: September 18, 2012
To: Honorable Mayor and City Council
From: Councilmember Patrick O'Donnell, Chair, State Legislation Committee
Subject: **THE AVILES LAWS**

The State Legislation Committee, at its meeting held Thursday, September 13, 2012, considered communications relative to the above subject.

It is the recommendation of the State Legislation Committee that the City Council concur in the recommendations of the Committee to amend the State Legislative Agenda to request the State Legislature pass a resolution encouraging all cities to name their Municipal Code provisions related to illegal garage conversions as "The Aviles Laws".

Respectfully submitted,

STATE LEGISLATION COMMITTEE

Councilmember Patrick O'Donnell, Chair

Attachments

Prepared by:
Allison Bunma



Date: September 14, 2012

To: Mayor and Members of the City Council

From: Patrick O'Donnell, Chair of the State Legislation Committee *PO*

Subject: **Recommendation to Amend the State Legislative Agenda to Request the State Legislature Pass a Resolution Encouraging All Cities to Name Their Municipal Code Provisions Related to Illegal Garage Conversions as "The Aviles Laws"**

On Thursday, September 13, 2012 the State Legislation Committee held a meeting to discuss a State Resolution to encourage all cities to name their municipal code provisions related to illegal garage conversions as "The Aviles Law." This was an item that was referred to the Committee by the full City Council. The Committee recommended to amend the City's State Legislative Agenda and request that our delegation pass this resolution.

Fiscal Impact

There is no fiscal impact from updating the State Legislative Agenda. Resources to advocate for this resolution before the State Legislature are included in the City Manager's Office budget.

Recommendation: Recommendation to Amend the State Legislative Agenda to Request the State Legislature Pass a Resolution Encouraging All Cities to Name Their Municipal Code Provisions Related to Illegal Garage Conversions as "The Aviles Laws"



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 Br 33*
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.



City of Long Beach Memorandum
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REQUEST TO ADD AGENDA ITEM


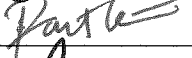
Date: *September 14, 2012*

To: Larry Herrera, City Clerk

From: *Councilmember Patrick O'Donnell*

Subject: Request to Add Agenda Item to Council Agenda of **September 18, 2012.**

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

Council District	Authorizing Councilmember	Signed by
4	Patrick O'Donnell	
1	Robert Garcia	 (88)
7	James Johnson	