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## PRESS RELEASE

### **Fix the City Lawsuit Challenges New Law that Eliminates Due Process, Competitive Bids and Allows the Mayor to “Commandeer Property”**

**Los Angeles** -- Fix The City, a nonprofit organization that advocates for public safety and infrastructure, filed a lawsuit today in LA Superior Court challenging the City’s adoption of Los Angeles Administrative Code (LAAC) 8.33, “Local Housing and/or Homelessness Emergency.” A copy of the complaint is attached. For more information visit [www.FixTheCity.org](http://www.FixTheCity.org).

On July 5, 2023, the City Council passed LAAC 8.33, “Local Housing and/or Homelessness Emergency”. LAAC 8.33 allows the Mayor to declare a “local emergency” not for unforeseen events such as earthquakes, fires, and floods, but for the chronic conditions of homelessness and/or general housing supply.

The lawsuit alleges that LAAC 8.33 violates state laws regarding declaring local emergencies (Govt. Code S. 8630), requiring competitive bidding for contracts over \$5,000 (Public Contracts Code Sec. 20162), and allowing the Mayor to “commandeer property” violating eminent domain protections enshrined in our Constitution.

The implications of LAAC 8.33 are substantial. Under LAAC 8.33, the Mayor can unilaterally issue new rules, regulations and orders that take effect immediately, commandeer property, unilaterally execute contracts, and suspend competitive bidding – all without any checks and balances, any requirement of public hearings or in fact public involvement of any kind, including the City’s own neighborhood councils.

The illegality of LAAC 8.33 is plain. State law states: “Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.”

Instead, LAAC 8.33 merely requires the Mayor to provide a resolution to the council but does not require the council to ratify the declaration, bypassing a key check and balance mandated in state law and also depriving the public of the ability to comment on the declaration.

Further, state law requires that “The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.” LAAC 8.33 impermissibly extends this to 90 days.

“LAAC 8.33 is fatally flawed. It violates state law and allows for the declaration of a local emergency for chronic problems normally reserved for incidents such as earthquakes, floods and fires.” Laura Lake, Fix The City board member, commented. “The city already has a declared “Shelter Crisis” (CF 15-1138) in place which provides authority and substantial tools to address homelessness absent LAAC 8.33. Allowing any mayor to grant him or herself emergency powers for chronic conditions abandons representative democracy in favor of governance by fiat,” she concluded.

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“This law simply puts too much power in the hands of city officials. As we have already seen, city officials seem to believe that in the name of the declared emergency, they can hold secret negotiations and make vendor selections without notifying the public until the project is a ‘done deal.’ This eliminates due process and excludes the public from being involved in any way.” said Mike Eveloff, President of Fix The City.

The suit also seeks to invalidate the current emergency declaration based on LAAC 8.33 and all actions related to the declaration not only because the declaration relies on a flawed LAAC 8.33, but that there is no evidence that the Chief Legislative Analyst, City Attorney or mayor submitted a resolution as required by LAAC 8.33.

We have already seen more than our share of corruption with several council members either in prison, awaiting prison or waiting for trial. Allowing the secret award of multi-million-dollar contracts without competitive bidding is bad policy, avoids accountability and is rife with opportunities for corruption.

Fix The City is represented in this matter by The Silverstein Law Firm.

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