



*“Great Apartments Start Here!”*

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July 27, 2021  
**Via Electronic Mail**

Hon. Mayor Justin Massey  
and the Members of the City Council  
1315 Valley Drive  
Hermosa Beach, California 90254

**RE: Agenda Item XIII (b) – Ordinance to Require Property Owners to Repair the Sidewalk Area Abutting Their Real Property**

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Dear Hon. Mayor Massey and the Members of the Hermosa Beach City Council:

At today’s July 27th City Council meeting, the City Council will consider a new ordinance requiring all real property owners to assume the full financial and legal responsibility for sidewalks, parkways, parking strips (area between sidewalk and curb), gutters and curbs that abut their property. The Apartment Association of Greater Los Angeles (AAGLA or Association) urges the City Council to reject adoption of the proposed ordinance and engage with AAGLA and other key stakeholders to develop alternative solutions.

The COVID-19 pandemic has caused severe financial strain to residents, business owners and rental housing providers for more than a year. Many “mom and pop” rental housing providers are seniors that rely on the rent as their main source of income for daily living expenses. Due to the state’s eviction moratorium (AB832), housing providers are struggling to stay afloat without having to sell their rental properties. These “mom and pop” properties are naturally occurring affordable housing that the City Council needs to preserve as some of the most affordable housing in Hermosa Beach.

According to the Staff report there is no specific reason given for why this ordinance is needed at all or at this particularly financially difficult time as residents are still reeling from the crippling financial impacts from COVID-19. Also, the report does not indicate or otherwise reflect that any outreach has been conducted to property owners, AAGLA or other key stakeholders. Further, it does not show that any studies have been conducted on the impacts the proposed ordinance would have on multifamily housing providers or any other property owners in Hermosa Beach. Lastly, it is unclear what prompted the introduction of this ordinance and whether any discussions have been conducted on this matter at a previous City Council or any City committee. Thus, it is extremely troubling that this concept is being advanced Without any discussion or essential stakeholder engagement. This does not appear to be good governance nor a policy that is needed at this time.



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The ordinance itself is vastly overreaching by assigning virtually all financial and legal liabilities to property owners for property that is rightly controlled by the City. Property owners did not install the sidewalks, gutters, curbs, parking strips or parkways. Nor do property owners control who uses these public pedestrian thoroughfares. They exist for the public good. As such, it is proper for the City to retain its existing obligations to properly repair and maintain them and the resulting liability that stems from such actions.

In addition, the proposed ordinance makes the lack of repairs a misdemeanor, which is criminal offense. According to Hermosa Beach’s Code, Section 1.04.020 Misdemeanors are defined as punishable by a fine or by imprisonment for up to 6 months or both. Subjecting property owners to criminal penalties for maintenance violations is excessive.

Further, this ordinance requires that property owners complete the repairs within four (4) weeks of notice being sent by the City. Such a limited time period fails to recognize the unique time period we are in after facing COVID-19. Contractors and all construction materials are in extremely short supply. Contractors will simply not come out to do a small job for an individual property owner. They can make far more money doing larger jobs. Only the City has the sheer quantity of work that can both attract contractors and obtain reasonable pricing for their work.

To reiterate, given the current financial strains faced by all Hermosa Beach residents due to the pandemic this proposed ordinance should be rejected. It is unclear why this ordinance is being brought forward at this time. However, it is clear that it will cause further financial harm to all Hermosa Beach property owners at a time when they are least able to withstand such mandates. We urge the City Council to begin a dialogue with AAGLA and other key stakeholders to find appropriate alternatives.

Thank you for your time and consideration of these matters. We look forward to partnering with the Hermosa Beach City Council to find equitable solutions. If you have any questions, please call me at (213) 384-4131 ext. 307 or contact me via electronic mail at [janet@aagla.org](mailto:janet@aagla.org).

Sincerely,  
*Janet M. Gagnon*  
Janet M. Gagnon, Esq.

CC: Daniel Yukelson, Executive Director, Apartment Association of Greater Los Angeles