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February 16, 2012

Honorable Council President Wesson
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: COUNCIL FILE 11-0262, PROPOSED COMMUNITY-CARE LICENSING ORDINANCE

Dear President Wesson:

On behalf of the Corporation for Supportive Housing (CSH), I am writing to express deep concerns with the proposed Community Care Facilities ordinance. The ordinance would threaten the well-being of thousands of people with disabilities, create obstacles for operating supportive housing, cost taxpayers more, violate the principles of fair housing, and jeopardize access to federal funds.

CSH is a national non-profit that partners with developers, service providers, and property managers to create and sustain permanent supportive housing (permanent housing affordable to people experiencing homelessness with housing-based case management, health, and vocational services). CSH in California has helped our non-profit partners develop over 12,000 supportive homes in California, over 2,000 of which are now operating in the City of Los Angeles.

For the over 40,000 parolees and probationers living in the City, the proposed Community Care Facilities Ordinance includes provisions that would result in homelessness for thousands. Under the “parolee-probationer home” provisions, added by the City Attorney’s office after the initial Council vote, existing and future buildings housing more than two unrelated probationers or parolees would be illegal in single family zones and would require a conditional use permit as a “parolee-probationer home” in all other zones. This provision would require landlords across the City to conduct costly background checks, since most do not screen for parolee/probationer status. Landlords of existing buildings would then be required either to—

- (1) evict tenants who exceed the ordinance’s limit of parolees/probationers and pay for relocation expenses for these tenants under the City’s rent control laws,
- (2) obtain a conditional use permit, equally costly to the landlord and the City, or
- (3) violate the ordinance and risk continued operation.

Since almost every supportive housing building existing in Los Angeles would be categorized as a “parolee-probationer home” under the ordinance (including all of the buildings you have supported in your tenure on the Council), these buildings would similarly face these choices. Any organization hoping to build supportive housing would be required to expend tremendous resources to obtain a conditional use permit, even before knowing the background of a future tenant population, and would place such a project at risk of horrific neighborhood opposition.

Moreover, multiple federal programs prohibit the Housing Authority from conducting criminal

background checks, including the Veterans Affairs Supportive Housing Program and the McKinney-Vento Homeless Assistance grants Shelter Plus Care program. The ordinance would require the Housing Authority either to violate the terms of the ordinance or forgo these federal resources.

Additionally, parolees and probationers will find it even more difficult to access housing. Homelessness is prevalent among parolees and probationers; data from the California Department of Corrections and Rehabilitation indicate that one-third to one-half of the parolees who currently live in Los Angeles County are homeless. Since sleeping on the streets of the City of Los Angeles is a crime, a homeless person could be on probation for the crime of being homeless, then be unable to access housing because he/she is a probationer. Given that homeless probationers and parolees are seven times more likely to violate parole or probation than people who are housed, this ordinance reinforces a vicious cycle of incarceration and homelessness and threatens public safety.

Additionally, under separate provisions of this proposal, to be located in a low-density residential zone (R1 or R2), a home must be occupied by a "family," redefined as a "single housekeeping unit." "Single housekeeping unit" would be defined, in part, as household members all living under a single lease. The ordinance would further redefine "boarding or rooming house" as a home with more than one lease, effectively limiting any home with more than one lease to high-density zones, and, by virtue of characterization of "boarding house," prevent the development of housing created for multiple leaseholders.

The City and County have dedicated resources to create shared permanent supportive housing for homeless residents. Residents of these units share common areas, bathrooms, and kitchens, but each occupies his/her own room and signs his/her own lease. The proposed ordinance would effectively prohibit shared permanent supportive housing in low-density zones, even though shared housing does not resemble a boarding, rooming, group, or sober living home, but is permanent housing that falls under landlord-tenant law and is designed to allow formerly homeless people with disabilities to live independently.

Permanent supportive housing is not a commercial enterprise and is not the subject of neighborhood concerns. On the contrary, studies prove supportive housing is a cost-effective approach to addressing homelessness that is linked to improved neighborhood property values and reductions in crime. The City, County, state, and federal government have all adopted permanent supportive housing as a model of ending chronic homelessness.

The ordinance would add barriers to the siting and availability of permanent supportive housing. *Under the Mental Health Services Act (MHSA) Housing Program and HUD Regulations governing the use of Section 8 Housing Choice Vouchers, every tenant of shared permanent supportive housing must have own his/ her lease, a core component of permanent supportive housing.* CSH has gathered multiple examples of projects that would be affected by this ordinance, including one to transform four abandoned foreclosures into permanent supportive housing for 15 homeless veterans with disabilities. It would make illegal a plan to move chronically homeless people from County hospital beds into shared supportive housing. If it passes, many with psychiatric or developmental disabilities living in shared homes would risk homelessness, some after decades of living independently.

It would also put in jeopardy the City's federal housing funds. By enacting severe restrictions on people with disabilities to live in single family zones, these two provisions would write into law principles that are blatant violations of Fair Housing and disability rights laws: that Angelenos with disabilities can only live in certain neighborhoods, or in institutions. Because the City is legally required to further fair housing rights to receive federal housing funds, because the record on this ordinance is replete with intent to eliminate sober living facilities, and because the federal government weighed in against the

City of Newport Beach in litigation over a similar ordinance, this ordinance could foreclose our ability to obtain federal funds.

Finally, the ordinance is unenforceable. Not only will it lead to a flood of variance requests that the Planning Department has admitted it cannot process effectively, it would require Building and Safety to develop a system of "lease police" that would either require tenants throughout the City to show their leases (even if verbal) to City officials, or would be enforced in a prejudicial manner only in responses to neighbor vendetta. At the same time, nuisance homes could comply simply by placing every tenant on one written lease, thereby failing to eliminate the homes that are the target of the ordinance.

To address neighborhood council concerns, the Council should support creating a simplified system for more frequent enforcement of existing law, while narrowing the effect of the ordinance:

- (1) Eliminate the definition of and reference to "parolee-probationer home."
- (2) Eliminate the re-definition of "boarding or rooming house." The draft re-definition is overbroad and inaccurate.
- (3) Eliminate the single lease requirement and replace this provision with the creation of a task force to identify real solutions to concerns of Neighborhood Councils.

Thank you for considering these options as alternatives to adoption of the current draft of the ordinance. Feel free to contact Sharon Rapport, Associate Director, California Policy, with questions (sharon.rapport@csh.org or ((323) 243-7424).

Sincerely,



Jonathan Hunter
Managing Director, Western Region