

11-0762

COUNTY OF LOS ANGELES

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LOS ANGELES
CITY PLANNING
2010 OCT -5 PM 4:08

October 5, 2010

Planning Commissioners
c/o Commission Secretariat
City of Los Angeles
200 North Main Street, Room 272
Los Angeles, California 90012

Dear Commissioners:

**AGENDA ITEM FOR OCTOBER 14, 2010, CPC HEARING
"COMMUNITY CARE FACILITIES ORDINANCE"**

This is in response to the Los Angeles City Planning Commission's report and recommendations, *Core Findings and Community Care Facilities Code Amendments*. The proposed amendments are in conflict with two of Los Angeles County – Department of Mental Health's (DMH) housing programs and will significantly impact DMH's ability to locate and secure permanent housing for clients of DMH who are homeless or at risk of homelessness.

One of the proposed amendments changes the definition of family to "one or more persons living together in a dwelling unit as a single housekeeping unit" which requires that these persons "occupy a single dwelling unit under one lease, whether written or oral." This change will negatively impact DMH clients currently living in shared housing, housing in which tenants occupy a single dwelling unit such as a single-family home and each tenant usually has their own lease. The single lease agreement requirement impedes independent living arrangements for these individuals who do not require care and supervision in a licensed program. The single lease requirement also undercuts protections afforded by landlord-tenant laws because the landlord would be required to evict the entire dwelling unit if there were any issues with single tenants. Individual lease agreements are necessary for DMH clients because they allow for direct negotiations with landlords if reasonable accommodations are needed for mental health or physical health disabilities. Individual leases often promote an environment of recovery for individuals with mental illnesses.

Shared housing is typically located in R1 and R2 zones because of affordability and accessibility and to allow tenants greater opportunity for community integration. A change in the definition of family will place shared housing in the category of "Rooming/Boarding Houses," currently prohibited in both R1 and R2 zones. If the proposed amendments are approved the prohibitions for Rooming/Boarding Houses will be expanded to Restricted Density zones. These changes will result in the relocation of existing shared housing developments, placing vulnerable individuals with mental illnesses at greater risk of homelessness. Although the exact number of DMH clients that would be impacted by this is unknown, in DMH's adult Full Service Partnership programs approximately 7% of the clients live in unlicensed congregate living settings.

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"To Enrich Lives Through Effective And Caring Service"

The revised definition of family also affects DMH's ability to create new shared housing as the revisions are in direct conflict with two programs, the Mental Health Services Act (MHSA) Housing Program and the Housing Trust fund, both funded by the MHSA, a State-funded initiative approved by the California electorate in 2004. These programs are two of DMH's largest resources for homeless clients and support the development of permanent, affordable housing for individuals with mental illnesses and their families who are homeless or at risk of homelessness. MHSA Housing Program regulations state that shared housing developments (http://www.cimh.org/downloads/handouts/MHSAApplication_rev08-13-07.pdf) "contain one or more traditional residential units (i.e., contain a kitchen and at least one bathroom), and generally consist of two- to four-unit buildings, including duplexes, triplexes and four-plexes." The regulations further state that "to qualify for funding under this program, shared housing developments must provide a lease and a separate lockable bedroom for each MHSA Housing Program tenant." The Housing Trust Fund has similar requirements. The City's proposed amendments would prevent shared housing developers from being able to comply with the MHSA requirements and local zoning requirements, thus jeopardizing the approximate 100 shared housing units to be located in the City of Los Angeles with current MHSA funding commitments from DMH.

The proposed amendments also expand the definition of correctional or penal institutions to include "any building including a prison, jail or halfway house used for the housing or provision of services to persons under sentence from a federal, state or county court, or otherwise under the supervision of the State of California Department of Corrections or successor agency." Clients receiving services from DMH are often on probation or under court supervision after a conditional release. Though this provision is unclear, the expanded definition may increase barriers to housing for these clients because the owner of any single family dwelling unit where more than one person on parole or probation resides may be required to obtain a Conditional Use Permit (CUP). CUPs are difficult to procure, require a lengthy public hearing process, and may encourage NIMBY (Not in My Backyard) attitudes toward housing for DMH clients who are leaving jail and attempting to reintegrate successfully into the community.

DMH acknowledges the Planning Commissions' desire to "maintain the quality of life in single-family neighborhoods." However, the proposed *Core Findings and Community Care Facilities Code Amendments* severely restrict both existing and future affordable, permanent housing options for vulnerable individuals with mental illnesses who are homeless or at risk of homelessness and increase the stigma and discrimination already experienced by these individuals. This type of housing is already in very short supply throughout the County, and we cannot risk displacing those who are already housed or preventing the development of new housing options for this population. DMH recommends that the Commission return the proposed ordinance to the Planning Department for revision to eliminate any code amendments that would negatively impact housing options for DMH clients.

Sincerely,



Marvin J. Southard, D.S.W.
Director of Mental Health

MJS:MF:sm

c: Alan Bell, Deputy Director, Department of City Planning