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LOS ANGELES
CITY PLANNING

November 3, 2010

Planning Commissioners
c/o Commission Secretariat
City of Los Angeles
200 N. Main St., Room 272
Los Angeles, CA 90012

Dear Commissioners:

SHIELDS For Families, Inc., respectfully submits the following comments in response to the Los Angeles City Planning Commission's report and recommendations, *Core Findings and Community Care Facilities Code Amendments*. The proposed ordinance is unsuitable for adoption in the City of Los Angeles: it would deny needed services and aggravate homelessness for a large at-risk population in South Los Angeles, it conflicts with existing California law and the goals and policies of the City of Los Angeles, and it may result in an unconstitutionally disproportionate effect on persons seeking drug and alcohol treatment and/or minorities.

SHIELDS For Families has been serving the South Los Angeles community for over 20 years, primarily providing substance abuse treatment and mental health services to a population comprised of over 97% ethnic minorities. This community, also known as Service Planning Area (SPA) 6, has the highest overall rate of drug use per 100,000 population at 11.2, outstripping even the County's 9.6, according to a report by the California Endowment. It has the highest overall poverty rate—32% for adults and 40% for youth—in Los Angeles. SPA 6 has the highest rates of homelessness, the highest rates of reported disability including drug and alcohol abuse and mental illness, the highest rates of unemployment, the lowest levels of educational achievement and the lowest average household income in the city. There is a ratio of only .5 jobs per worker here, compared to the County's overall one to one ratio. Nearly one in every five parolees lives in this community. Furthermore, SPA 6 contains some of the most violent and dangerous communities in Los Angeles. For example, Vermont Vista, where SHIELDS operates, has the fourth highest rate of violent crime in the city according to the Los Angeles Times' crime reporting statistics.

The proposed ordinance places individuals living in shared housing in SPA 6 in immediate danger of homelessness. The proposed definition of "rooming/boarding house" is flawed; it is so broad as to include the shared housing facilities operated by not only numerous non-profit providers but also the State Department of Mental Health. This ordinance would force non-profits to close their doors or face the untenable prospect of placing all tenants in a room under the same lease. Such a lease arrangement would force owners to illegally evict all tenants in a room for the violations of one tenant, or impose unconstitutional limitations on the number of occupants that could inhabit a room. Separate leases are absolutely necessary for shared housing, as they allow negotiations with the landlord for accommodations based on disability. Furthermore, such an ordinance would directly contravene State law and put the

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Department of Mental Health in an untenable position. The Mental Health Services Act of 2004, its Housing Program and subsequent regulations require DMH to place tenants in shared housing developments under separate leases. This ordinance would prevent developers from complying with the MHSA and jeopardize DMH's current funding commitments to provide additional shared housing units.

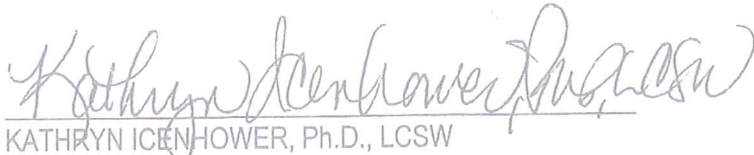
The proposed ordinance is also inconsistent with the City's own Housing Element of the General Plan. Objective 4.1 states that the City will be "committed to providing an adequate supply of short-term and permanent housing and services throughout the city...and meet the special needs of persons who are homeless and at high risk of homelessness." Policy 4.1.6 also states that it is the goal of the City to "eliminate zoning and other regulatory barriers to the placement and operation of housing for the homeless and special needs populations." Instead of supplying more housing, meeting the needs of citizens of Los Angeles, and eliminating regulatory barriers, this ordinance will cut the availability of housing, make it more difficult to provide for citizens' needs, and create additional zoning hurdles that restrict the development of new shared housing and frustrate the successful rehabilitation and reintegration of the population that the City purports to serve. These individuals are the ones the City should be protecting: the ones who are making an effort to reenter society, to deal with disability and to fight the chaos surrounding them.

It is unreasonable at best to believe that an ordinance based largely on a similar ordinance in the City of Newport Beach would be appropriate for the City of Los Angeles. Newport Beach is one of the richest communities in California; its population is 92% Caucasian and the average household income is nearly four times that of South Los Angeles. The needs and desires of these two communities could not be more different. While Newport Beach is concerned with preserving its wealthy citizens' rights to quiet enjoyment, South Los Angeles is concerned with fighting rampant homelessness. While Newport Beach is concerned with mitigating the secondhand smoke emitting from boarding houses, South Los Angeles is concerned with lowering its staggering murder rate. The Planning Commission seeks to identify "appropriate zones" for shared housing and recovery facilities, but it seems to ignore the fact that different cities are fighting different problems. Preserving the residential character of a neighborhood by prohibiting certain commercial enterprises may be a legitimate abstract reason for an ordinance, but such reasoning as applied to this ordinance simply does not make sense. The City, County and private non-profits such as ours are fighting to transform our community, not preserve its current state. In SPA 6 this ordinance would only exacerbate homelessness, drug abuse and violence.

Given this, it is no stretch to imagine that this proposed ordinance may cause a disparate discriminatory impact on disabled persons under the federal Fair Housing Act and/or a disparate impact on minorities under the federal Civil Rights Act. Because non-profit and governmental providers would not be able to utilize needed funds to place multiple occupants on separate leases, they may be forced to mandate single-room occupancy, thus creating, in essence, an overly restrictive numerical limitation on occupancy. The City of Los Angeles itself is only 30% Caucasian; as previously mentioned SPA 6's population is over 97% ethnic minority. It would not be difficult to show statistics proving at minimum a *prima facie* case of disparate discriminatory effect. Studies have shown that the policy this ordinance would create would have the greatest impact on those who have very few options in finding other housing.

SHIELDS For Families therefore urges the Planning Commission to reject the proposed definitions of "family," "single housekeeping unit," and "correctional institutions."

Sincerely,

A handwritten signature in cursive script, reading "Kathryn Icenhower, Ph.D., LCSW". The signature is written in dark ink and is positioned above a horizontal line.

KATHRYN ICENHOWER, Ph.D., LCSW
Executive Director
SHIELDS For Families, Inc.