



April 19, 2012

Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street, Room 410
Los Angeles, California 90012

Case No: CPC-2009-800-CA
CEQA: ENV-2009-801-ND
Council File No: 11-0262
Re: Community Care Facility Ordinance

Honorable Councilmembers Reyes, Englander and Huizar:

Under the California Constitution, Article XI, Section 7, the City has broad police powers to preserve the residential characteristics of its residential neighborhoods, which constitutional powers have been recognized by both the California Supreme Court and the United States Supreme Court, the latter of which stated in *Berman v. Parker*, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled." Both Supreme Courts have held that the government has the right to regulate both the number of people who may reside in a dwelling unit and the manner in which the dwelling unit is used as long as such regulations do not unfairly discriminate or impair an individual's rights of privacy and association. According to the California Attorney General, Bill Lockyer, *Published Opinion No. 01-402*, "a city may prohibit, limit or regulate the operation of a boarding or rooming house in a low density residential (R-1) zone...in order to preserve the residential character of the neighborhood." The Los Angeles General Plan, the "Constitution" for land use and development has stated in its listed goals and objectives, "to ensure that the character and scale of stable single-family residential neighborhoods is maintained... and to enhance the quality of life in multi-family neighborhoods."

The City of Los Angeles has been legally vested with the power to regulate land use in a manner that protects the public health, safety and welfare of its residents and to ensure the stability, scale and quality of life in residential districts. Therefore, concerned residents and Law Enforcement Officials have been urging City Officials to exercise their authority to regulate:

1. the proliferation of illegal group houses, the associated crime and negative impacts to residential character
2. the abusive and predatory practices of illicit group house operators that have been allowed to operate boarding businesses within residential districts without constraints

The aforementioned are not isolated incidents. This is pervasive, widespread and has affected almost every community within the city of LA. As the number of group houses increase (together with a large number of parolee/probationer residents), so does the crime in the surrounding neighborhood. For each group house, hundreds of surrounding neighbors are negatively impacted or become victims of crimes. These houses require constant police, paramedics, and code enforcement intervention ([see attachment #1](#)). This is a needless financial drain on already strained city resources.

Other municipalities have already responded to the emergent need to regulate group housing. Their codes and ordinances define and regulate Boarding/Rooming/Parolee houses and licensed Community Care Facilities serving 7 or greater residents. In the majority of cases, the previously mentioned group housing facilities are regulated in some manner and not allowed to locate by right in any zone. The standard of zoning practice qualifies a Boarding/Rooming house as a commercial enterprise that is an incompatible use in residential districts. Generally, these are prohibited in areas zoned low density residential. Additional regulations by special permits or CUP are required for boarding/lodging to locate in higher density, more intense use zones. Some cities strictly regulate the number of parolees that are allowed to cohabitate together in a boarding/lodging house, involve collaboration with local safety officials, or require special permits or lease agreements. Community Care Facilities serving 7 or greater residents are generally regulated by a CUP and not permitted as public benefits projects to locate by right in any zone. ([see attachment #2](#)).

After reviewing the multiple ordinances from other cities, it is quite evident that the City of Los Angeles could offer its residents more comparable, legitimate and substantial regulations! To prevent further confusion and in order to expedite and streamline the implementation of this ordinance we recommend the following:

- **The PLUM Committee recommendation to be sent forward to City Council should be retitled “Boarding or Rooming House Ordinance”.**
- **To reject all recommendations made within the 3/8/12 Planning Report.**
- **Maintain current zoning codes that regulate the Community Care Facilities serving 7 or greater residents, requiring a variance to locate in residential zones. Delete the CCF serving 7 or greater provision from this ordinance.**
- **Classify and define a Boarding/Rooming House as a business that is prohibited in areas zoned one or single family, R2, RD zones. Require a CUP, a certification based on performance standards, and a business license to locate in all other zones.**
- **Maintain Parolee/Probationer Home definition in accordance to 9/13/11 City Attorney’s Report. As part of the CUP, operators shall require any parolee/probationer or released prisoner to sign “crime free lease addendum” that is to be mailed to their respective LAPD division.**
- **Maintain current definitions of Single Housekeeping Unit and Boarding/Rooming House (defined as having 2 or more separate leases) in accordance to 9/13/11 City Attorney’s Report. Include the following provision, “subleasing shall be prohibited”.**
- **Add an Administrative Code Enforcement penalty provision to strengthen nuisance abatement laws.**
- **Boarding/Rooming Houses exiting prior to effective date of the enactment of this ordinance are required to comply within 6 mos of effective date.**

In summary, the Old Granada Hills Residents’ Group encourages you to consider the abovementioned recommendations. The City of Los Angeles has the opportunity to pass a just, fair and balanced ordinance as other California municipalities have done. In this way our City will be staying within its legal authority to do so and will continue to comply with the terms of the General Plan. The proposed regulations will not infringe on residents’ right to privacy or violate Fair Housing requirements. Lastly, a clearly written ordinance will support the efforts of enforcement and safety officials thereby protecting the safety, character, health, welfare and economic stability for all communities, neighborhoods and their residents.

Respectfully,



Maria Fisk
Old Granada Hills Residents’ Group, board member