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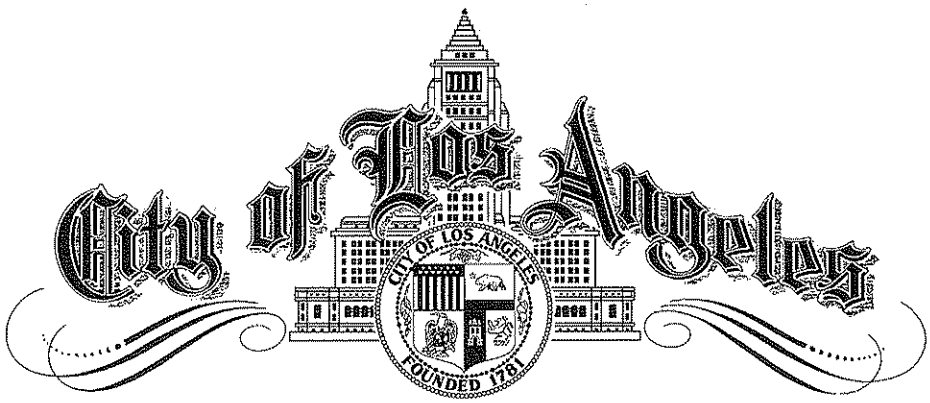

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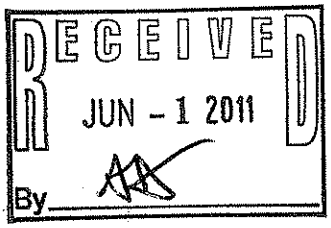
RICHARD ALARCÓN
Councilmember
Seventh District

May 26, 2011



Los Angeles City Council
200 North Spring Street, # 340
Los Angeles, CA 90012

Re: Community Care Facility Ordinance (CF# 11-0262)

Honorable Councilmembers,

I have great concern regarding the proposed Community Care Facility Ordinance (CF# 11-0262) single lease / agreement requirement and its impact of excluding shared housing opportunities in the City's single family zones. The original motion introduced by Councilmember Smith in October, 2007 dealt with regulating nuisances arising from transitional rehabilitation homes and to prevent an over-concentration of Sober Living Homes in single family zones. However, the ordinance before the Council now proposes to regulate all shared housing in the City. The City Planning Commission held public hearings subsequent to receiving the ordinance in October, 2010, but was unable to secure a sufficient number of votes to approve the ordinance, perhaps reflecting the contentious nature of the testimony. In February, 2011, Councilmember Smith introduced a motion resolving that the City Planning Commission forward the ordinance to the City Council as the Commission had not acted within the required 75 days. The Commission transmitted the ordinance to Council without a recommendation where it is expected to be discussed June 1st.

Like you, I have been receiving many letters and comments regarding this ordinance and would like to call your attention to the single lease / agreement requirement within the ordinance that I find deeply troubling.

I remain in support of adopting regulations that will allow the City to better address nuisances that negatively impact the character of single family neighborhoods; however, the Community Care Facility Ordinance goes too far outside its original scope and proposes to make all living situations involving two or more leases / agreements in single family homes illegal. This would not only affect Sober Living Homes as was the intent of the original motion, but would also make unlawful several common living situations including: two or more seniors renting a house they do not own; a family that takes in a mother-in law and an adult son or daughter who is currently out of work; a home owner who would like to rent two rooms in his or

her home to pay the mortgage; churches or temples that promote shared living programs, two families that have to double up in one home due to the economic crisis, off campus housing for students, corporate employees sharing a single family residence on an extended assignment, and many other living situations.

If the problem this ordinance seeks to address is a nuisance issue, then we should address the nuisances and prosecute violators that are negatively affecting single family neighborhoods instead of adopting a new ordinance that proposes a broad, overreaching approach of dictating who can live where and with whom.

As the City Attorney's Office has stated this proposed ordinance is legal, other legal entities have stated opposition and concerns. As a result, I have asked for an opinion from the American Civil Liberties Union, Neighborhood Legal Services of LA County, and Legal Aid Foundation of Los Angeles. To date, the City has received opposition from Public Counsel, Inner City Law Center, Legal Aid Foundation of Los Angeles, Corporation for Supportive Housing, Victory Outreach International, New Directions, California Association of Addiction and Recovery Resources, National Alliance on Mental Illness, United Homeless Healthcare Partners, among others. The City has also received objections from the Los Angeles Chamber of Commerce regarding this ordinance. Finally, the Los Angeles Housing Department and Los Angeles Homeless Services Authority have provided written concerns to the ordinance. Please find some of the opposition letters and a matrix from LAHD enclosed. I respectfully request the City Council address concerns raised by these entities before scheduling this ordinance at Council.

We have been champions of civil rights, fair housing, and fairness for the disabled over the years. This ordinance is a step backward in the struggles fought to allow individuals the freedom of choice in where to live and who to live with. I would like to work with you to clearly identify the nuisance problem and address these nuisances directly. I propose the City Council establish a working group consisting of experts outside of City government to review nuisance abatement strategies and work with law enforcement and City inspectors to target problem homes for prosecution and spare the majority of the City's residents from possible civil rights infringement or haphazard enforcement policies. I look forward to working with you and our partners on legislation that accomplishes both nuisance abatement and protecting the majority of peaceful law abiding people who live in shared housing with more than one lease / agreement situations. It is my hope and request that you dig deep in your hearts and speak to your legal advisors before taking action.

Yours truly,

Richard Alarcón

RICHARD ALARCÓN
Councilmember, 7th District

RA:fa
Enclosures: 8

cc: Honorable Mayor Antonio Villaraigosa
Honorable City Attorney Carmen Trutanich
Michael LoGrande, Director, Department of City Planning
Douglas Guthrie, General Manager, Los Angeles Housing Department
Michael Arnold, Executive Director, Los Angeles Homeless Services Authority
Public Counsel
American Civil Liberties Union
Neighborhood Legal Services of LA County
Inner City Law Center
Legal Aid Foundation of Los Angeles
Corporation for Supportive Housing
Victory Outreach International
New Directions, Inc.
California Association of Addiction and Recovery Resources
National Alliance on Mental Illness – SFV Chapter
United Homeless Healthcare Partners

Public Counsel
LAW CENTER
THE PUBLIC INTEREST LAW OFFICE OF THE LOS ANGELES COUNTY AND BEVERLY HILLS BAR ASSOCIATIONS
The Southern California Affiliate of The Lawyers' Committee for Civil Rights Under Law

May 19, 2011

Hon. Richard Alarcon
Los Angeles City Hall, Room 470
200 North Spring Street
Los Angeles, California 90012

Re: *File No. 11-0262: Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Treatment Facility, Licensed.*

Dear Councilmember Alarcon:

Public Counsel writes with strong objections to the current version of the proposed ordinance, *Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Treatment Facility, Licensed.* Public Counsel, the *pro bono* law office of the Los Angeles and Beverly Hills Bar Association, is one of the nation's largest pro bono law firms specializing in providing legal services to low-income communities. As one of its nine projects, our Community Development Project (CDP) is committed to supporting the production and preservation of affordable housing for people who are homeless or at risk of homelessness. CDP's clients include nonprofit affordable housing developers, community organizations and low-income residents of Los Angeles County who struggle on a daily basis with the impacts of California's housing crisis.

This ordinance poses unnecessary barriers to the development of permanent supportive housing in low-density residential zones, essentially restricting housing options for people with disabilities. It also has the potential for erecting barriers against the creation of shared supportive housing throughout the City, in any zone. Further, the restrictions on shared living arrangements prohibit the ability of owners to take in renters, for more than one family to share a single unit, and for students and other lower-income people to share housing in low-density zones, thereby further reducing the supply of affordable housing for people who cannot afford housing on their own. As set forth in Sections 2.C and 4, we believe that the ordinance raises a number of concerns under state and Federal fair housing laws.

1. Background

Under the proposed ordinance, in order to be located in a low-density residential zone (R1 or R2), a home must be occupied by a "family," which has been redefined, in part, to require that the occupants live together as a "single housekeeping unit." A "single housekeeping unit" is characterized in part by the requirement that all members of the household share a single lease. If members of a household held multiple leases, then the dwelling would be re-classified as a "boarding or rooming house." The latter would essentially eliminate the ability of housing with more than

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one lease to be located in any low-density zones throughout the City.

2. No Evidence Supports the Breadth of the Proposed Provisions

The single lease requirement of the proposed ordinance purports to respond to neighborhood concerns about sober living homes and other transient occupancy arrangements, yet the City Planning staff has not shown any evidence to show that the single lease requirement included in the proposed ordinance will do anything to address these concerns. Not only does the ordinance fail to accomplish its intended purpose, but the ordinance's provisions are overbroad. As set forth below, the current draft of the ordinance will detrimentally impact a large number of lower-income people-- beyond the population that lives in sober living homes-- who intend to remain permanently housed.

3. The Proposed Ordinance Poses Barriers to Permanent Supportive Housing in Low Density Zones

A. Permanent Supportive Housing Is A Proven Strategy to End Homelessness and the Centerpiece of the United Way/Chamber of Commerce's *Home for Good* Plan.

In recent years, Los Angeles has voiced a commitment to focus on permanent supportive housing as a strategy to end chronic homelessness. Permanent supportive housing is a centerpiece of the United Way's and Los Angeles Chamber of Commerce's *Home for Good* plan to end chronic homelessness in Los Angeles by 2016, which you have endorsed. As you know, permanent supportive housing is permanent housing with onsite services tailored to the needs of people who have been homeless, such as case management, primary health care, mental health, and drug treatment services. Studies show that over 80% of formerly chronically homeless residents remain stably housed after a year in supportive housing.[1] In addition, permanent supportive housing reduces demand on public services: A recent study by the Economic Roundtable shows that when people who are homeless are housed in permanent supportive housing, their use of public services decrease by 79%.[2] Permanent supportive housing is linked to improved neighborhood property values[3] and reductions in crime.[4]

B. The Definition of Single Housekeeping Units Prohibits Shared Permanent Supportive Housing In Low Density Zones

Current County and City programs provide shared supportive housing, where a number of tenants occupy a single unit of housing and share common areas, often in low-density zones. Each tenant in permanent supportive housing has his/her own lease – often an individual's rent is based on a percentage of his/her income. Having his/her own lease is crucial to permanent supportive housing – tenants are responsible for their own rent, live independently, and remain housed for long periods with the help of an array of supportive services.

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[1] Dennis P. Culhane and Stephen Metraux, *Rearranging the Deck Chairs or Reallocating the Life Boats*, 74 J. OF AMERICAN PLANNING ASSOC. 111, 115 (2008).
[2] Where We Sleep: The Costs of Housing and Homelessness in Los Angeles," 1 (2009). available at http://www.economicrt.org/summaries/Where_We_Sleep.html.
[3] Furman Center for Real Estate & Urban Policy. "The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from New York City." *New York University School of Law*. 2009.
[4] Justice Policy Institute. *Housing and Public Safety*. 2007

However, the proposed ordinance, by requiring tenants in low-density zones to share a single lease, would prohibit siting shared supportive housing in low-density zones and would classify such living arrangements anywhere in the City as a "boarding or rooming house," subject to regulation under this classification. Imposing this classification would make siting housing for residents of shared supportive housing more difficult and, in fact, impossible in many areas of the City. As drafted, the ordinance would force tenants to live in more dependent and restrictive living arrangements or, to live only in certain areas.

C. The Single Lease Requirement Conflicts With Shared Supportive Housing Funding

Under the Mental Health Services Act (MHSA) Housing Program and the Los Angeles Housing Department's (LAHD) Notice of Funding Availability, every tenant of shared supportive housing must have his/her own lease. However, as discussed above, the proposed ordinance would require shared supportive housing tenants to share a lease, making it impossible to use an important source of funding for permanent supportive housing. Since LAHD has further plans to create shared permanent supportive housing, this ordinance would directly conflict with LAHD's plans to reduce chronic homelessness.

D. The Ordinance Classifies Shared Supportive Housing as Boarding Houses, Making it Difficult to Site

The proposed ordinance would incorrectly classify any shared supportive housing anywhere in the City as a "boarding or rooming house," subject to regulation under this classification. Unlike boarding or rooming houses, supportive housing is permanent and non-commercial – its presence does not disrupt the residential and stable character of single-family neighborhoods. Also, unlike boarding homes, permanent supportive housing offers a broad array of services designed to keep tenants stably housed.

Imposing the "boarding house" classification would make siting supportive housing more difficult and, in fact, impossible in some areas of the City. Given the depth of chronic homelessness in Los Angeles, and the growing local, state, and national recognition of the effectiveness of permanent supportive housing in addressing chronic homelessness, it simply does not make sense to impose such a significant barrier to its development.

E. The Proposed Ordinance Limits Options for People With Disabilities

The Planning Department has asserted that the proposed ordinance will not interfere with efforts to house homeless individuals with disabilities because individuals may live in licensed community care facilities, which are permissible in low-density zones.[5] Aside from the obvious issue – that this severely restricts housing options for people with disabilities -- licensed facilities are simply not a substitute for permanent supportive housing. Not all homeless individuals require, or would even benefit from, the care and supervision of a licensed program.

The State Legislature recognized the difference between supportive housing and licensed facilities and specifically exempts permanent supportive housing from community care licensing requirements. See California Health and Safety Code § 1504.5 (noting that that "there is an urgent need to increase the access to supportive housing," and that "it is the intent of the Legislature that persons with disabilities be permitted to . . . receive one or more community living support services in the least restrictive setting possible, such as in a . . . supportive housing residence."). However, in order to obtain the exemption, a tenant in the supportive housing development must hold a lease in his or her own name.[6] Should this

[5] Department of City Planning Recommendation Report, CPC-2009-800-CA, Supplemental Report, at 5.
[6] Cal. Health and Safety Code § 1504.5(c)(2).

ordinance pass, any shared supportive housing development in a low-density zone could potentially be subject to licensing requirements, thereby disqualifying the development from receiving many sources of funding.

Moreover, the suggestion that homeless individuals with disabilities live in licensed facilities raises serious fair housing concerns. The Supreme Court, in its *Olmstead* decision, stated that jurisdictions must promote people with disabilities living in as independent setting as possible.[7] The proposed ordinance will make it impossible to place permanent supportive housing in low-density zones. This severely limits options for people with disabilities and raises a number of fair housing concerns regarding the impact on people for disabilities (see the letter from Disability Rights California to the members of the Planning and Land Use Management Committee, dated March 28, 2011).

4. The Proposed Ordinance Violates State Housing Element Law

The proposed ordinance violates provisions in State Housing Element Law designed to protect opportunities for potential residents of supportive housing. Under State Housing Element Law, local governments must treat "supportive housing" as "a residential use of property." State Housing Element Law further requires jurisdictions to subject supportive housing only to those restrictions that apply to other residential dwellings of the same type in the same zone."[8] Here, the proposed ordinance conflicts with State Housing Element Law because it would have the effect of reclassifying supportive housing as a boarding or rooming house, subjecting it to additional restrictions (a conditional use permit) that are not required of similar residential dwellings in order to be built in an R1 or R2 zone.

5. The Restrictions on Shared Living Arrangements Puts More People At Risk of Homelessness

By limiting shared living arrangements, the proposed ordinance may have the unintended consequence of putting more individuals at risk of losing their homes and/or their current living arrangements. Especially in this economic climate, and considering that Los Angeles has one of the highest rates of overcrowding in the nation, an increasing number of homeowners take in renters in order to afford the mortgage on their home. The proposed ordinance would require a homeowner to rent to all tenants under a single lease – this is not practicable for many homeowners and renters who may wish to retain the flexibility to negotiate individual leases. Further, requiring tenants to share a single lease places a tenant in a precarious situation in which he or she will face eviction, and subsequent damage to his or her credit, if any of the other tenants do not pay their part of the rent.

In addition to homeowners, other residents may wish to live in shared housing arrangements to save costs, such as disabled individuals on SSI. The proposed ordinance makes this extremely difficult in low-density zones. In fact, it is unclear from the ordinance whether individuals currently living in shared living arrangements under multiple leases would be forced to move, since the text of the ordinance provides no "grandfathering clause," indicating all current such arrangements would become illegal once the ordinance takes effect.

The Los Angeles metropolitan area has a severe affordable housing crisis. The Los Angeles City Housing Element forecasts a need for over 40,000 affordable units for our lowest-income residents by 2014 – and as of the most recent annual progress report, the City has only built a little over 500 of those units. Limiting the ability of our residents to find suitable and affordable shared living arrangements simply flies against City policy to ensure housing that is affordable for all of its residents.

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[7] *See Olmsted v. L.C. by Zimring*, 527 U.S. 581, 600-601 (1999)
[8] Cal. Gov Code § 65583(a)(5)

6. Conclusion

The ordinance is overbroad and as drafted, will detrimentally impact a variety of different permanent, non-commercial housing types for low-income people. This was not and should not be the effect of an ordinance purporting to preserve the character of residential neighborhoods. You have signed the *Home For Good* Plan and committed to comprehensive efforts to increase the supply of permanent supportive housing just last year. This is an opportunity for you to show that you are serious about that commitment.

Very truly yours,

Anne Lainer
Staff Attorney
Public Counsel

Legal Aid Foundation of Los Angeles

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West Office, 1102 Crenshaw Boulevard, Los Angeles, CA 90019 T: (323) 801-7989

Writer's Direct Line: 213 640-3823

May 27, 2011

Honorable Richard Alarcon
Seventh District
City Hall
200 N. Spring Street, Room 425
Los Angeles, CA 90012

RE: Opinion Regarding Proposed Community Care Facilities Ordinance
(Los Angeles City Council File 11-0262)

Councilmember Alarcon:

I am writing this letter on behalf of the Legal Aid Foundation of Los Angeles (LAFLA) in response to your May 23, 2011 request for our assistance reviewing the proposed Ordinance referenced above. As Los Angeles' frontline law firm for low-income people, LAFLA promotes access to justice, strengthening communities, combating discrimination, and effecting systemic change through representation, advocacy, and community education. Our mission commits us to the preservation of affordable housing for extremely low income people and to combating homelessness.

The Ordinance states that it attempts to balance the goals of the community Care Facilities Act while maintaining the "quality of life" in single family neighborhoods. However, the consequences of the bill are not at all balanced, and will likely harm the "quality of life" of our extremely low income clientele. The proposed Ordinance is far too over-broad, will have unintended consequences on the supply of affordable housing, and will likely violate fair housing laws.

We would like to direct your attention to the May 19, 2011 letter sent to you by Public Counsel who's legal analysis we fully support.

Sincerely,

Barbara J. Schultz
Senior Attorney

Disability Rights California

California's protection and advocacy system

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May 10, 2011

To Whom It May Concern:

Re: Opposition to Proposed Ordinance on Community Care Facilities, et al.
Case No. CPC-2009-800-CA
Council File No. 11-0262

Disability Rights California, on behalf of itself and clients, opposes passage of the ordinance as written because it would create a host of negative consequences for Los Angeles residents in general, and especially for residents with disabilities. We have submitted several letters in opposition to the proposed ordinance regarding this issue to the City Planning Commission and the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council. Our most recent letter is attached.

Negative consequences of the proposed ordinance include, but are not limited to:

1) A limitation on the ability of people with disabilities to live in small group homes in the community via restrictions on the definition of "family" requiring that all residents be listed on a single lease.
   Many people with disabilities require a separate lease even if they are residing with others as a social family unit, e.g. for supportive housing, for special accommodations, or for stability.
   - The other "family" requirements are also burdensome. Residents receiving public benefits may need to keep separate finances for food, rent and home maintenance, and some people with mobility-related disabilities may not have physical access to every area in the home.

2) Incompatibility of the proposed ordinance with California law regarding facilities for six or fewer individuals with disabilities.

3) Ushering of people with disabilities into large-scale facilities.
   - The focus on sober living has distracted from the fact that other people with disabilities often choose to live together as a family for social and support purposes. Not all such individuals need to be in a licensed facility (they may have other care providers, etc.) but may need separate leases. The ordinance would prohibit such family units, thereby restricting housing options for those who do not want to reside in large community care facilities.
   - At the PLUM committee hearing, one committee member suggested that the ordinance does not limit housing choice because people with disabilities can still live in large licensed facilities. This reflects a fundamental misunderstanding of what disability rights law prohibits, particularly since for some, a large licensed facility would be the *only* choice under the proposed ordinance.

4) Undue limitations on the ability of lower-income homeowners and long-term renters, including those with disabilities, to take on one or more roommates or to require adult children to pay rent to help prevent loss of the home in a difficult economy.
   Long-term renters should be allowed to remain on the lease alone and create a separate agreement with the sublessor.
   - Homeowners who take in two roommates should be allowed to have a separate agreement with each roommate to preserve control over who resides in their home.

5) The ordinance will shut down legitimate homes that do not pose a threat to the residential character of the community.

Necessary changes to the proposed ordinance include, but are not limited to, the following:

- Elimination of the single-lease requirement.
- A blanket exemption for *all* homes and facilities (licensed or unlicensed) with six or fewer residents.
- Provision of opportunities for people with disabilities to request a change or modification to the ordinance as a reasonable accommodation.
- Reduction of procedural and other hurdles for facilities of all sizes.
- Elimination of discriminatory occupancy standards.
- Revision of the definitions of "family" and "single housekeeping" units.

The ordinance will impose significant burdens on – or shut down – legitimate homes that pose no threat to the residential character of Los Angeles neighborhoods. The problematic boarding houses described at the public hearings would already be unlawful under current law. The City should enforce existing law against problematic residences instead of imposing an overbroad ordinance that reduces housing options for a protected class of citizens and that exposes the City to litigation.

Nonetheless, the proposed ordinance has several positive portions that we support, including the following:

- Making it explicit that Community Care Facilities and other similar facilities of six or fewer residents can operate in all residential zones as of right, conforming provisions regarding those facilities to state law.
- Providing a simplified ministerial process for facilities of over six people.
- Eliminating illegal spacing requirements.

There are additional unlawful components of the proposed ordinance, but we wished to highlight some of the major concerns. Please contact me if you have questions or if you want further analysis or legal citations. We urge the Committee not to adopt the ordinance as currently written.

Sincerely,

Dara L. Schur
Director of Litigation

Autumn M. Elliott
Associate Managing Attorney

Lisa Concoff Kronbeck
Senior Advocate

VICTORY OUTREACH
— International —

Pastor Sonny Arguinzoni, Sr.
President/Founder

May 24, 2011

Councilmember Alarcón
Los Angeles City Hall Office
200 N. Spring St. Room 470
Los Angeles, CA 90012

Re: REASONS FOR OPPOSING THE PROPOSED LA CITY COMMUNITY CARE FACILITY ORDINANCE (Council File: 11-0262) PROVISIONS FOR BOARDING HOUSES

It is with great concern that we oppose the proposed LA City Community Care Facility Ordinance. We urge you to consider our points and in good conscience understand how devastating it would be if this ordinance were passed.

- From our humble beginnings in Boyle Heights in 1967, Victory Outreach now has 700 locations in 33 countries. On June 20-26, 2011, we will be having our World Conference at the Los Angeles Convention Center. We are expecting 25,000 people a day from our members nationally and internationally. 75% of those attending were once persons with life-controlling problems, now they are professionals, educators, people who now make a difference in their cities.

- With respect to Victory Outreach alone, this ordinance would affect 34 homes in the City of Los Angeles that provides housing and requires each occupant have their own lease/agreement.

- Victory Outreach is extremely concerned that "at risk" individuals will be denied the right to live in a safe environment they call home because the proposed ordinance will make their housing illegal and they would be released into the streets of Los Angeles only to become homeless.

- Certain "at-risk" individuals may resort to anti-social behavior or crime to secure finances for housing.

- If this ordinance is passed. The City of Los Angeles has to come up with a solid solution to the problem we face of thousands of people who are currently "at risk" or could potentially stand to be "at risk", being cast to the wayside. In fact, without creating an alternative to displacement, the City will undoubtedly contribute to the homeless dilemma with passage of the proposed ordinance.

- This ordinance is not only detrimental to our organization but to others that perform the same or similar functions within the City. Currently the number of people who benefit from shared housing range from thousands to tens of thousands across the City of Los Angeles.

- This ordinance is also infringing on the rights of those protected under the Americans with Disabilities Act. Therefore, because of their disability the "at risk" individuals are being discriminated against.

- This ordinance will also make it impossible for property owners to lease out their properties to various individuals under separate leases or agreements. Without the ordinance, a home owner is able to continue to pay for their property and the tenants have a safe environment in which to live.

- The City of Los Angeles must be accountable for the ramifications that will take place if this ordinance is passed. The city must understand, shared housing that allows each occupant to have their own lease/agreement is a great asset to the communities when managed wisely as we do.

Thank you for taking our concerns into consideration. We trust that you will make the decision that is right for all, not just a few.

Sincerely,

Sonny Arguinzoni, Founder,
Victory Outreach International,

J Rod Fried

California Association of Addiction Recovery Resources

P O Box 214127, Sacramento CA 95821
916-338-9460 Fax: 916-338-9468
TTY: 473-0836

May 12, 2011

To the Honorable Members of the Los Angeles City Council:

The California Association of Addiction Recovery Resources (CAARR) is the largest and most diverse coalition of Alcohol and Other Drug (AOD) treatment providers in California. Our member organizations operate more than 100 licensed, non-profit residential and outpatient treatment centers throughout the State. As an organization, CAARR educates and trains hundreds of counselors every year at 26 sites across the state, provides advocacy, certifies sober living homes, provides consulting services under a variety of government and foundation contracts, disseminates research, and advises the California Department of Alcohol and Drug Programs (DADP) on a variety of its committees.

CAARR has successfully opposed various pieces of legislation at the state level that would have unlawfully discriminated against treatment providers via site and zoning restrictions that would have applied to AOD treatment facilities. CAARR also, though unsuccessfully, sponsored legislation that would have regulated "sober living homes" by the DADP (most recently SB 992 of 2007) in an attempt to address some cities' concerns about "sober living" and which had ultimately gained the support of the League of California Cities.

CAARR has carefully reviewed the provisions of the so-called Community Care Facility Ordinance, sponsored by Council Member Smith. We regret to inform you that CAARR is **strongly OPPOSED to the proposal**. Our rationale for opposing the proposal is based on the following logical sequence of interpretations to reach our conclusion:

First, The City defines the term "Family" conventionally: "One or more persons living together in a dwelling unit with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit, as a single housekeeping unit."

However, The City re-defines a "Single Housekeeping Unit" to explicitly exclude any "family" whose members rent accommodation according to separate leases: : "One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. *If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single lease, either written or oral, whether for monetary or non-monetary consideration.*"

Then, The City creates a definition of a "Boarding or Rooming House" that explicitly includes all situations in which persons choose to live together but who are not bound together by the terms of a single lease: "A one-family dwelling where *lodging is provided to individuals* with or without meals, for monetary or non-monetary consideration *under two or more separate agreements or leases,* either written or oral, **or** *a dwelling with five or fewer guest rooms* or suites of rooms, where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration *under two or more separate agreements or leases, either written or oral*. Boarding or rooming house does not include an alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed.

The combined effect of the definitions of a Single Housekeeping Unit and a Boarding or Rooming House is to drastically and discriminatorily revise and limit the very definition of "Family" and also to deny federally mandated rights of one segment of the disabled community.

Second, The City proposes to discriminate against licensed alcohol and drug treatment facilities in violation of ADA:

Sec. 14. New Sub-subparagraph (6) added to Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code to read:

(6) Any alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed; shall meet the following requirements for automobile parking spaces:

(i) If the alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed; is for six or fewer residents, then the facility shall meet the requirements for *automobile parking spaces* set forth in Section 12.21 A 4 (a) of this Code; or

(ii) If the *alcoholism or drug abuse recovery or treatment facility,* licensed, is for seven or more residents, then *one automobile parking space must be provided for every resident*; or

(iii) If the community care facility, licensed, *or residential care facility for the elderly,* licensed, is for seven residents, then a minimum of *two automobile parking spaces must be provided, with 0.2 automobile parking space provided for each additional resident over the number seven.*

Sec. 19. A new Paragraph 10 is added to Subsection A of Section 14.00 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed, community care facilities, licensed, and residential care facilities for the elderly, licensed, for seven or more residents in the A. R. and C zones.

(a*) Performance standards*:

1. The facility meets the *applicable automobile parking space requirements* set forth in Section 12.21A 4 (d)(6);
2. The facility *avoids interference with traffic by providing access through driveways* and/or loading docks for deliveries and pickups;
3. The facility conforms to the City's noise regulations pursuant to Chapter 11 of this Code; any household noise or music shall be sufficiently modulated to ensure that adjacent residents are not disturbed;
4. In the A and R zones, the existing residential character of the building and site are maintained, including the exterior facade, landscaping, fences, walls, lawn areas, and driveways;
5. Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;
6. The facility does not create an unreasonable level of disruption or interference with the peaceful enjoyment of adjoining and neighborhood properties;
7. Total occupancy *in the facility does not exceed two residents for every bedroom or guest room.*

(b) Purposes:

Alcoholism or drug abuse recovery or treatment facilities, community care facilities, and residential care facilities for the elderly for seven or more residents in the A. Rand C zones *shall be compatible with the character of the neighborhood* and not adversely impact the health, safety and welfare of the persons residing in the facility or the

neighborhood. *Parking, traffic and transportation impacts shall be insignificant.* The operation must comply with state law and must have a state license. *The number of residents allowed per facility is limited in order to keep density within acceptable limits.*

Third, The City has drafted the ordinance to apply different rules to "single housekeeping units" versus a "rooming or boarding house" without benefit of exempting any "boarding house" that may exist to afford housing opportunities explicitly to disabled persons who are protected from discrimination by the Americans with Disabilities Act and the Fair Housing Act {*e.g.* **Sec. 804. [42 U.S.C. 3604] }.**

Sec. 16. A new Subdivision 30 is added to Subsection A of Section 12.22 of the Los Angeles Municipal Code to read:
Sec 30. Boarding or Rooming Houses in the RD Zone
Notwithstanding the provisions of Section 12.09.1 of this Code, *any one-family dwelling located on a lot zoned RD shall not be used as a boarding or rooming house.*

Fourth, federal anti-discrimination statutes are equally applicable whether the discriminatory practice is rendered either as "an effect" of a rule or statute, or whether it is accomplished "by intent" of a rule or statute.

Fifth, it is clear and certain that adopting the proposed ordinance will result in a discriminatory *effect* by means of a municipal zoning requirement that adversely impacts a much-needed living arrangement (*i.e.* "sober living homes") that many people in recovery from the disease of alcoholism or other drug addiction require to maintain their sobriety as part of a continuum of care. We see no benefit to The City or to these disabled individuals by adoption of an ordinance that will essentially require intervention by the Federal Courts.

Sixth, the proposed ordinance seems to have been *drafted with discriminatory intent,* to make it very difficult if not financially or logistically impossible, to operate or to inhabit a "sober living home". Writing this "Boarding House Ordinance" in a way that is applicable everywhere that renters live in the same dwelling space under separate lease arrangements, but that does not exempt sober living homes and that puts illegal restrictions on licensed AOD treatment facilities, is a transparent and arbitrary "device" useful to "targeting" sober living homes and AOD treatment facilities in a manner that is clearly at odds with federal fair housing protections for the disabled that prohibit just such zoning practices.
As to intent, see for example:

"The real scoop on ***sober-living*** ordinance" *(emphasis added to the title of this recent op-ed piece that ran in the LA Daily News)*

http://www.dailynews.com/opinions/ci_17719357

By Greig Smith and Mitchell Englander
Greig Smith represents the 12th District on the Los Angeles City Council. Mitchell Englander is chief of staff for the 12th District, as well as councilman-elect.
Posted: 03/28/2011 02:21:22 PM PDT
..... (excerpt) .....

"We receive complaints from families who have a nuisance group home on their block and will not allow their children to play outside on their own street *because it is unsafe*. The residents of some homes include parolees, *recovering drug addicts and alcoholics*, and even registered sex offenders. (*emphasis added*)

Last, the vitality of residential neighborhoods is not threatened by residential care, whether for the elderly, in-patient AOD treatment facilities, or legitimate sober living homes, according to any reputable study of their impacts.

Alcoholism and other drug addicts suffer from a treatable chronic disease recognized by the American Psychiatric Association. It is eminently clear that there are hundreds of thousands of untreated addicts in California and that the lack of treatment opportunities generates enormous social costs to all of us. They need care and treatment, not municipal ostracizing.

Los Angeles is a great and world-class city that simply should not go down the road of introducing discriminatory housing policy that would likely be copied by City Councils in other California cities. CAARR urges you to reject the current proposal and to instead seek narrower means of dealing with unwanted disturbances in residential neighborhoods. We would be pleased and honored to participate with you in such an endeavor.

Sincerely,

Susan B. Blacksher, MSW
Executive Director

NEW DIRECTIONS, INC.
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April 15, 2011

Hon. Richard Alarcon
Los Angeles City Hall
200 North Spring Street, Room 470
Los Angeles, California 90012

Re: *File No. 11-0262: Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Treatment Facility, Licensed.*

Dear Council Member:

I am writing to express my strong opposition to the current version of the proposed Community Care Licensing Ordinance. New Directions has been empowering veterans and facilitating their successful return to family and society for nearly 20 years. New Directions Inc. (NDI) began serving veterans in a single rented house in 1992. Today, NDI employs 90 staff members that provide treatment, mental health services and support to 230 transitional housing residents 24 hours a day, 7 days a week, in 5 locations in Los Angeles and an outpatient program in Pacoima.

As a partner and supporter of *Home For Good, the Action Plan to End Chronic and Veteran Homelessness by 2016*, New Directions, Inc. is working to create more permanent supportive housing for homeless and disabled veterans. We are currently working to develop 147 units of permanent supportive housing on the grounds of the VA medical center campus in North Hills.

In addition, in the nearby community of Pacoima, we are working with the City and Restore Neighborhoods Los Angeles (RNLA) to acquire several foreclosed properties under the Neighborhood Stabilization Program (NSP). These properties would be utilized as shared housing for veterans who have completed NDI's program. A portion of the units would be set aside for veterans living with mental illness, utilizing Mental Health Services Act (MHSA) funding. Services will be provided by NDI's Mobile Integrated Treatment Team, which will be funded by the VA under the Social Services for Veterans Families (SSVF) program.

Because the MHSA program requires that each resident have a lease, the proposed ordinance would prevent us from accessing over $2 million in MHSA funding for the NSP properties, and would thereby render NDI unable to offer this housing to veterans disabled by the impact of war. This is a concrete example of how this ordinance would result in less housing for disabled veterans, and a lost opportunity for

the City of Los Angeles to leverage an additional $2 million in MHSA funds for its NSP program, not to mention the service dollars available under SSVF.

The ordinance would also prevent us from using NSP properties as long-term affordable rental housing for veterans without mental illness. We plan to rent the non-MHSA NSP units to veterans who have graduated from our program and obtained employment, but can't afford to rent an apartment on their own. Many of our graduates rent homes with other graduates when they leave our program, in order to save on rent and expenses, and to benefit from the camaraderie and support of living with other veterans who have also transformed their lives. **If this ordinance passes with the single lease provision, this affordable housing option for veterans would be eliminated.**

In order to fulfill the goal of ending veteran homelessness in 5 years, we need to utilize all of the housing stock available to us, and to be wise about how we spend precious resources. There is not enough permanent supportive housing in existence or in the development pipeline to house our County's homeless citizens. Shared housing in the community with linkages to supportive services is a viable housing model for homeless veterans being utilized across the country in NSP properties. As one affordable housing developer recently put it, "There's going to be very little development of new supportive housing in this economy. We've got to recycle the housing we've got- scattered site housing is the new development model." *(Jennifer Richer, Hallmark Community Solutions, Alameda County- shared housing project utilizing NSP and MHSA.)*

Please vote against the Community Care Ordinance unless it exempts supportive housing and excludes the single lease provision. At this critical juncture in our city's future, it will only serve to hinder our plan to prevent and end chronic and veteran homelessness by 2016.

Very sincerely,

Poni Reinis
Executive Director
New Directions, Inc.

United Homeless Healthcare Partners

2330 Beverly Blvd.
Los Angeles, CA 90057

April 13, 2011

Hon. Councilmember Richard Alarcón
Los Angeles City Hall
200 North Spring Street, Room 470
Los Angeles, California 90012

Re: *File No. 11-0262: Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Treatment Facility, Licensed.*

Dear Council Member:

On behalf of our 120 member agencies, United Homeless Healthcare (UHHP) writes with strong objections to the current version of the proposed ordinance, *Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Treatment Facility, Licensed.* UHHP's network includes healthcare providers, permanent supportive housing providers, social service organizations, professional associations, city, county, and federal officials, and other key stakeholders. The network is focused on issues and practices surrounding the policies, funding, planning, and delivery of services to the homeless residents throughout Los Angeles County.

This ordinance poses unnecessary barriers to the development of permanent supportive housing in low-density residential zones, essentially restricting housing options for people with disabilities. Further, the restrictions on shared living arrangements prohibit the ability of owners to take in renters, for more than one family to share a single unit, and for students and other lower-income people to share housing in low-density zones, thereby further reducing the supply of affordable housing for people who cannot afford housing on their own. The ordinance as drafted also poses a number of legal concerns. As set forth in Sections 2.C and 4, we believe that the ordinance raises a number of concerns under state and Federal fair housing laws.

1. Background

Under the proposed ordinance, in order to be located in a low-density residential zone (R1 or R2), a home must be occupied by a "family," which has been redefined, in part, to require that the occupants live together as a "single housekeeping unit." A "single housekeeping unit" is characterized in part by the requirement that all members of the household share a single lease. If members of a household held multiple leases, then the dwelling would be re-classified as a "boarding or rooming house." The latter would essentially eliminate the ability of housing with more than one lease to be located in any low-density zones throughout the City.

2. No Evidence Supports the Breadth of the Proposed Provisions

The single lease requirement of the proposed ordinance purports to respond to neighborhood concerns about sober living homes and other transient occupancy arrangements, yet the City Planning staff has not shown any evidence to show that the single lease requirement included in the proposed ordinance will do anything to address these concerns. Not only does the ordinance fail to accomplish its intended purpose,

but the ordinance's provisions are overbroad. As set forth below, the current draft of the ordinance will detrimentally impact a large number of lower-income people-- beyond the population that lives in sober living homes-- who intend to remain permanently housed.

3. The Proposed Ordinance Poses Barriers to Permanent Supportive Housing in Low Density Zones

A. Permanent Supportive Housing Is A Proven Strategy to End Homelessness and the Centerpiece of the United Way/Chamber of Commerce's *Home for Good* Plan.

In recent years, Los Angeles has voiced a commitment to focus on permanent supportive housing as a strategy to end chronic homelessness. Permanent supportive housing is a centerpiece of the United Way's and Los Angeles Chamber of Commerce's *Home for Good* plan to end chronic homelessness in Los Angeles by 2016, which you have endorsed. As you know, permanent supportive housing is permanent housing with onsite services tailored to the needs of people who have been homeless, such as case management, primary health care, mental health, and drug treatment services. Studies show that over 80% of formerly chronically homeless residents remain stably housed after a year in supportive housing.[1] In addition, permanent supportive housing reduces demand on public services: A recent study by the Economic Roundtable shows that when people who are homeless are housed in permanent supportive housing, their use of public services decrease by 79%.[2] Permanent supportive housing is linked to improved neighborhood property values[3] and reductions in crime.[4]

B. The Definition of Single Housekeeping Units Prohibits Shared Permanent Supportive Housing In Low Density Zones

Current County and City programs provide shared supportive housing, where a number of tenants occupy a single unit of housing and share common areas, often in low-density zones. Each tenant in permanent supportive housing has his/her own lease. Having his/her own lease is crucial to permanent supportive housing – tenants are responsible for their own rent, live independently, and remain housed for long periods with the help of an array of supportive services.

However, the proposed ordinance would prohibit siting shared supportive housing in low-density zones and would classify such living arrangements anywhere in the City as a "boarding or rooming house," subject to regulation under this classification. Imposing this classification would make siting housing for residents of shared supportive housing more difficult and, in fact, impossible in many areas of the City. As drafted, the ordinance would force tenants to live in more dependent and restrictive living arrangements or, to live only in certain areas. The County Department of Mental Health estimates they provide direct funding for shared supportive housing projects in development in the City of Los Angeles, totaling 39 units that will house as many as 78 residents, and that they fund other mental health agencies, like SHARE! to house people in shared permanent supportive housing. SHARE! offers approximately 30 shared supportive housing homes for as many as 180 formerly homeless people with mental illness in

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[1] Dennis P. Culhane and Stephen Metraux, *Rearranging the Deck Chairs or Reallocating the Life Boats*, 74 J. OF AMERICAN PLANNING ASSOC. 111, 115 (2008).
[2] Where We Sleep: The Costs of Housing and Homelessness in Los Angeles," 1 (2009). available at http://www.economicrt.org/summaries/Where_We_Sleep.html.
[3] Furman Center for Real Estate & Urban Policy. "The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from New York City." *New York University School of Law*. 2009.
[4] Justice Policy Institute. *Housing and Public Safety*. 2007

City single family residential zones. The ordinance will result in homelessness among all shared permanent supportive housing residents.

C. The Single Lease Requirement Conflicts With Shared Supportive Housing Funding

Under the Mental Health Services Act (MHSA) Housing Program and the Los Angeles Housing Department's (LAHD) Notice of Funding Availability, every tenant of shared supportive housing must have his/her own lease. However, as discussed above, the proposed ordinance would require shared supportive housing tenants to share a lease, making it impossible to use an important source of funding for permanent supportive housing. Since LAHD has further plans to create shared permanent supportive housing, this ordinance would directly conflict with LAHD's plans to reduce chronic homelessness.

D. The Ordinance Classifies Shared Supportive Housing as Boarding Houses, Making it Difficult to Site

The proposed ordinance would incorrectly classify any shared supportive housing anywhere in the City as a "boarding or rooming house," subject to regulation under this classification. Unlike boarding or rooming houses, supportive housing is permanent and non-commercial – its presence does not disrupt the residential and stable character of single-family neighborhoods. Also, unlike boarding homes, permanent supportive housing offers a broad array of services designed to keep tenants stably housed. The federal government characterizes sober living homes as transitional housing and people residing in these homes as still "homeless," as opposed to permanent supportive housing. Imposing the "boarding house" classification would make siting supportive housing more difficult and, in fact, impossible in some areas of the City. Given the depth of chronic homelessness in Los Angeles, and the growing local, state, and national recognition of the effectiveness of permanent supportive housing in addressing chronic homelessness, it simply does not make sense to impose such a significant barrier to its development.

E. The Proposed Ordinance Limits Options for People With Disabilities

The Planning Department has asserted that the proposed ordinance will not interfere with efforts to house homeless individuals with disabilities because individuals may live in licensed community care facilities, which are permissible in low-density zones.[5] Aside from the obvious issue -- that this severely restricts housing options for people with disabilities -- licensed facilities are simply not a substitute for permanent supportive housing. Not all homeless individuals require, or would even benefit from, the supervision of a licensed program. The State Legislature recognized this difference and specifically exempts permanent supportive housing from community care licensing requirements. See California Health and Safety Code § 1504.5 (noting that that "there is an urgent need to increase the access to supportive housing," and that "it is the intent of the Legislature that persons with disabilities be permitted to . . . receive one or more community living support services in the least restrictive setting possible, such as in a . . . supportive housing residence."). In order to obtain the exemption, a tenant in the supportive housing development must hold a lease in his or her own name.[6] Moreover, the Supreme Court, in its *Olmstead* decision, stated that jurisdictions must promote people with disabilities living in as independent setting as possible.[7]

The proposed ordinance is in conflict with a major tenet of supportive housing, the proven strategy to end homelessness for people with the greatest barriers to housing stability. As such, under the proposed

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[5] Department of City Planning Recommendation Report, CPC-2009-800-CA, Supplemental Report, at 5.

[6] Cal. Health and Safety Code § 1504.5(c)(2).

[7] *See Olmsted v. L.C. by Zimring*, 527 U.S. 581, 600-601 (1999)

ordinance, it would be impossible to place permanent supportive housing in low-density zones. This severely limits options for people with disabilities and raises a number of fair housing concerns regarding the impact on people for disabilities (see the letter from Disability Rights California to the members of the Planning and Land Use Management Committee, dated March 28, 2011).

4. The Proposed Ordinance Violates State Housing Element Law

The proposed ordinance violates provisions in State Housing Element Law designed to protect opportunities for potential residents of supportive housing. Under State Housing Element Law, local governments must treat "supportive housing" as "a residential use of property." State Housing Element Law further requires jurisdictions to subject supportive housing only to those restrictions that apply to other residential dwellings of the same type in the same zone."[8] Here, the proposed ordinance conflicts with State Housing Element Law because it reclassifies supportive housing as a boarding or rooming house, subjecting it to additional restrictions (a conditional use permit) that are not required of similar residential dwellings in order to be built in an R1 or R2 zone.

5. The Restrictions on Shared Living Arrangements Puts More People At Risk of Homelessness

By limiting shared living arrangements, the proposed ordinance may have the unintended consequence of putting more individuals at risk of losing their homes and/or their current living arrangements. Especially in this economic climate, and considering that Los Angeles has one of the highest rates of overcrowding in the nation, an increasing number of homeowners take in renters in order to afford the mortgage on their home. The proposed ordinance would require a homeowner to rent to all tenants under a single lease – this is not practicable for many homeowners and renters who may wish to retain the flexibility to negotiate individual leases. Further, requiring tenants to share a single lease places a tenant in a precarious situation in which he or she will face eviction, and subsequent damage to his or her credit, if any of the other tenants do not pay their part of the rent. In addition to homeowners, other residents may wish to live in shared housing arrangements to save costs. The proposed ordinance makes this extremely difficult in low-density zones. In fact, it is unclear from the ordinance whether individuals currently living in shared living arrangements under multiple leases would be forced to move, since the text of the ordinance provides no "grandfathering clause," indicating all current such arrangements would become illegal once the ordinance takes effect.

The Los Angeles metropolitan area has a severe affordable housing crisis. The Los Angeles City Housing Element forecasts a need for over 40,000 affordable units for our lowest-income residents by 2014 – and as of the most recent annual progress report, the City has only built a little over 500 of those units. Limiting the ability of our residents to find suitable and affordable shared living arrangements simply flies against City policy to ensure housing that is affordable for all of its residents.

6. Conclusion

The ordinance is overbroad and as drafted, will detrimentally impact a variety of different permanent, non-commercial housing types for low-income people. This was not and should not be the effect of an ordinance purporting to preserve the character of residential neighborhoods. Late last year, you signed the *Home For Good* Plan and committed to comprehensive efforts to increase the supply of permanent supportive housing. This is an opportunity for you to show that you are serious about that commitment.

[8] Cal. Gov Code § 65583(a)(5)

We strongly urge you to oppose adoption of this ordinance unless and until the following has occurred:

- Amendments are adopted that exempt permanent housing arrangements from being classified as boarding houses or from being prohibited in low-density residential zones. Consider an amendment that applies the ordinance only to temporary housing situations that have express limits on length of stay (e.g. boarding houses).
- Report back on the detrimental impacts this ordinance will have on:
  (1) people with disabilities;
  (2) low-income tenants, students, and homeowners who would face foreclosure without supplemental rental income; and
  (3) federal and state funding for affordable housing that requires multiple leases.

Very truly yours,

Peggy Edwards

Peggy Edwards
Executive Director

Cc: Hon. Councilman Tom LaBonge
Hon. Councilman Tony Cardenas
Hon. Councilmember Bernard C. Parks
Hon. Councilwomen Jan Perry
Hon. Councilmember Herb J. Wesson, Jr
Hon. Councilmember Bill Rosendahl
Hon. Councilmember Eric Garcetti
Hon. Councilwomen Janice Hahn

LAHD

Community Care Facilities Proposed Ordinance

Items regulated by Ordinance	Impact	LAHD's Concerns w/ Requirements	Notes for Concerns	Recommendations
I. Bring LA Municipal Code into conformance with Community Care Facilities Act of 1973	1. Creates definition and mechanism for regulating licensed facilities serving 7 or more residents (previously undefined) that regulate State licensed homes (i.e., Community Care Facilities, Alcohol and Drug Program and Residential Care Facility for the Elderly). 2. Licensed Facilities serving 6 or fewer residents cannot be regulated by localities and must be permitted by right in all zones.	1. None 2. N/A	1. Helps the City regulate licensed facilities serving 7 or more residents which was previously undefined. 2. N/A	
A. Land Use regulation for <u>licensed</u> facilities serving 7 or more residents	1. Facilities will be defined as "public benefit" and allowed in all zones however: 2. They will be recorded with a covenant with DCP. 3. Upon recording of a covenant they will be subject to performance standards. 4. Notification will be sent to abutting Neighbors, NCs and CDs about new land use in area and information on performance standards so they can watch	1. N/A 2. Data collected regarding covenants recorded and revoked. -Data on covenants recorded and revoked is to be shared and reviewed between LAHD and DCP 3. Enforcement entity of performance standards is unclear. 4. Enforcement may subject residents to unintended consequences such as discrimination, harassment and privacy concerns.	1. N/A 2. For evaluation purposes that can be subject to review later. 3. HIPAA, Privacy Rights, Confidentiality Agreements, Appeals process for revoked covenants. 4. The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in public accommodation. The Fair Housing Act	2. Data (i.e., names and address of properties, population served, owner information, etc.) on covenants recorded/revoked should be collected on a regular basis, no less than annually by DCP and provided to LAHD. The proposed ordinance should have a 2-year revision clause and should be subject to review to determine impact. At that time, the City can decide to amend ordinance should the data collected indicate reasons to address negative impacts. 3. LAHD requests City Attorney to provide response regarding any possible conflict with mentioned policies and laws. 4. City Attorney and DCP, please address the following: Which entity will enforce this ordinance to ensure performance standards are met? If a "public benefit" facility fails to

LAHD

Items regulated by Ordinance	Impact	LAHD's Concerns w/ Requirements	Notes for Concerns	Recommendations
	for how to revoke that benefit		(FHA) prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, one of the protected classes are disabled individuals.	adequately meet the performance standards, will the facility cease to exist? Will the facility be revoked as a "public benefit"? Will there be an appeals process for revoking a public benefit?
II. Preserve Single Family Neighborhood Character from transient housing types and <u>unlicensed</u> care facilities	1. Creates new definitions that redefine entire idea of owners and renters and where they may be located.	1. Goes above and beyond bringing municipal code into conformance with Community Care Facilities Act of 1973 by unnecessarily overreaching to regulate "bad apples" (e.g., Eighty occupants residing in a single-family home without lease agreements, who say they are a "family") which may produce unintended consequences.	1. B&S occupancy laws or Fire codes	1. City Attorney please provide a response as to how our current occupancy and fire codes are currently enforced to prevent the issues DCP cited in the staff summary report.
		2. The new definitions and land uses to preserve single family neighborhood character is not stated in the Housing Element. Objective 1.2 (L). B. Nuisance abatement of problem properties is not mentioned in the Housing Element	2. Ch 6 Housing Unit Design Policy 1.1.6 (c) Innovative Housing types. Objective 1.5 (E)(F) to Reduce regulatory and procedural barriers... Policy C, Goal 3 Housing Opportunities without discrimination, (D) Citywide fair Housing Program. Goal 4 and sections 4.1.6 (A)(B)(C) outline a commitment to house special needs individuals.	2. City Planning Department please describe how the proposed ordinance does not conflict with mentioned Housing Element policies, goals and objectives. A balanced approach needs to be found to meet the Housing Element's goals and objectives.

LAHD

Items regulated by Ordinance	Impact	LAHD's Concerns w/ Requirements	Notes for Concerns	Recommendations
A. Define "Single Housekeeping Unit"	1. Defined as a household where members occupy a dwelling unit under no more than one oral or written lease.	1. Impacts all populations who share housing under more than one lease including tenants, students, low income populations, PSH and Mental Health Services Act (MHSA) housing programs/projects. 2. May impact transitional housing due to restriction to no more than one single written and oral lease agreement.	1. PSHP projects require individual lease agreements for tenants to obtain housing in both Single and Multi-family buildings which include Section-8 Project-Based subsidies. A "family" can be considered as one-person under the PSHP Program OR according to the proposed ordinance a "family" is one or more persons living together in a dwelling unit as a single housekeeping unit. **Federal Code § 982.616 - Shared housing:** Lease and HAP contract states: "For assistance in a shared housing unit, there is a separate HAP contract and lease for each assisted family". **MHSA Program Regulatory Agreement-California Code §2(hh):** Each bedroom in shared housing developments are subject to a separate individual rental agreement. 2. Due to program type, transitional housing projects may operate with only oral agreements, making enforcement difficult.	1. Ensure that local laws do not conflict with Federal and State regulations, but instead create a balance between all laws. 2. City Attorney and DCP please describe the policy and/or enforcement procedures for this section of the ordinance.
B. Define "Boarding or Rooming House"	1. Defined as a facility where members occupy a dwelling unit under more than one oral or written lease.	1. Restricts power of tenants to create sublease agreements which may impact their ability to: - Evict problem tenants - Change members of their household without violating lease agreements	1. Impacts all groups who rely on sublease agreements esp. low income individuals from renting homes together such as students, seniors, disabled individuals, transitional housing individuals, formerly homeless	1. Allow multiple lease agreements in a single family home in RD, R1 and R2 zones. Consider housing situations involving single individuals or families with children. e.g. City of Lompoc defines boarding

LAHD

Items regulated by Ordinance	Impact	LAHD's Concerns w/ Requirements	Notes for Concerns	Recommendations
		a. This may have an impact on their credit rating and ability to rent housing in the future.	families and individuals.	house as more than 3 lease agreements. They are prohibited from R1 zones. Consider increasing "one" to "more than one." **LAHD's NSP Plans:** Some NSP properties will be used to house veterans, seniors and the disabled in single family homes for the purposes of group homes, veteran housing, and special needs housing. **(See attached zone map where NSP target area overlap with RD, R1 and R2 zones particularly in CD 6,7 8, 9, 10, 14, and 15).** **Non-profit providers have approached the LAHD to use some of the NSP properties for special needs populations, in particular in council districts 6, 7 and South Los Angeles areas.**
	2. Prohibit Boarding or Rooming house from low-density RD, R1 and R2 zones	2. PSHP, MHSA, NSP, non-licensed group homes housing the disabled and other programs are restricted to certain zones which may pose Fair Housing Act (FHA) concerns. a. Affects housing opportunities for properties outside of LAHD programs which serve disabled individuals (e.g. consumers of Regional Center Programs).	2. May lead to complaints regarding a violation of reasonable accommodations of FHA [§3604(g)(3)(b)]; by impacting all groups, the proposed ordinance may have a disparate impact on protected classes (According to Title VII of the Civil Rights Act of 1964). - **Government Code 12955(l)** states: "unlawful to discriminate through	2. City Attorney please provide legal opinion on these concerns.

LAHD

Items regulated by Ordinance	Impact	LAHD's Concerns w/ Requirements	Notes for Concerns	Recommendations
			public or private land use practices, decisions, authorizations because of...disability." -City of Santa Barbara vs. Adamson The California Supreme Court rejected the municipality's interference with the right of individuals to determine their living arrangements.	
		3. A number of households share housing facilities or live in a "doubled up" manner due to monetary constraints.	**3. Statistics on shared housing:** According to the 2003 American Housing Survey for the L.A. Metropolitan Area and the 2005 American Housing Survey for the nation, 9,500 people who live below the poverty level rented rooms from renters or owners in the City. Between 2.4 and 4 million people live below the poverty level and live in shared living arrangements throughout the country. Based on the national percentage of people living in shared housing types of 2.4% to 4% nationwide, we can infer that based on the City's population of 3.8 million people, 29,600 to 49,000 people in Los Angeles are sharing living arrangements in the City (National Alliance to End Homelessness).	**3.** The proposed ordinance needs to consider the potential impact to this population.