

June 7, 2012

Honorable Councilmembers  
Los Angeles City Hall  
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 Councilmembers:

We, the undersigned, are affordable housing providers, lawyers, and advocates for homeless people, veterans, and individuals with disabilities. We write with strong objections to the proposed Community Care Facilities Ordinance, in particular the parolee/probationer provisions and the provisions requiring tenants in low-density zones to share no more than one written or verbal lease.

Our organizations are deeply concerned that the proposed ordinance will increase homelessness among families, youth, veterans, people with disabilities, and seniors. The proposed single lease requirement effectively prohibits siting shared permanent supportive housing<sup>1</sup> in low-density zones. In order to comply with the ordinance, developers would be stripped of important sources of funding which require residents in supportive housing to each have his or her own lease. By limiting shared housing arrangements, the proposed ordinance will also devastate the 43,000 households in Los Angeles who share single family homes in order to make housing more affordable. Families who share housing will either face homelessness, or will be forced to share a lease, leaving them vulnerable to eviction should a co-tenant violate the lease.

Moreover, the parolee/probationer provision would thwart efforts to build permanent supportive housing for the reentry population in any zone in the City by forcing developers to obtain a conditional use permit (and outright prohibiting such homes in low-density zones). Data makes clear that probationers and parolees are more likely to recidivate when homeless than when housed, making probationers/parolees living on the streets a far greater threat to public safety than probationers/parolees who are housed.

The ordinance also fails to accomplish its intended purpose. The provision requiring tenants in R1 or R2 zones to share a single lease purports to respond to neighborhood concerns about nuisance homes. We share these concerns – nuisance homes may threaten the health and safety of neighborhoods and should be addressed. However, the single lease requirement has no effective way to address this concern since homes disrupting low-density neighborhoods can simply comply with the law’s letter and place all residents on a single written lease. In fact, nothing in the ordinance prevents an unlimited number of residents residing in a single-family dwelling, as long as all of the residents had a single written or oral lease. Such a home could be noisy, overcrowded, unsafe, and a nuisance to others, but would still not be in violation of the proposed ordinance. Meanwhile, a safe and well-managed home with multiple leases housing people that would otherwise be homeless would not be permitted.

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<sup>1</sup> It is well-established that permanent supportive housing is an effective and cost-efficient means of ending chronic homelessness. See, e.g. National Alliance to End Homelessness, “Chronic Homelessness: Policy Solutions,” (Policy Brief, March 2010).

Last, as detailed in letters from multiple law firms,<sup>2</sup> by limiting housing options for people with disabilities, the proposed ordinance violates federal and state anti-discrimination laws, including the federal Fair Housing Act, the Americans with Disabilities Act, the California fair housing laws, and the California constitutional right to privacy. Moreover, passing this ordinance could place millions of HUD dollars in jeopardy because the City would be in violation of its duty to affirmatively further fair housing.

Should the ordinance pass, the City should expect to defend lawsuits brought by individuals with disabilities seeking to protect their civil rights.

Countless organizations have commented on the ill-conceived nature of this ordinance. Voting for this ordinance in its current form would be an abdication of your duty to the City of Los Angeles and its residents. We urge you to vote NO and to find real solutions to the problem of nuisance homes in our City.

Yours,

A Community of Friends  
A New Way of Life Reentry Project  
ACLU of Southern California  
Affordable Living for the Aging  
African American Alcohol and Other Drug Council of LA County  
Amity Foundation  
Bet Tzedek Legal Services  
Business Leaders Task Force  
CLARE Foundation  
Clergy and Laity United for Economic Justice (CLUE-LA)  
Clifford Beers Housing, Inc.  
Coalition for Economic Survival  
Coalition for Responsible Community Development  
Community Coalition  
Corporation for Supportive Housing  
Disability Rights California  
Disability Rights Legal Center  
Downtown Women's Center

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<sup>2</sup> See, e.g. Letter from Disability Rights Legal Center to the members of City Council Members (March 16, 2012); Letter from Disability Rights California to the members of the Planning and Land Use Management Committee (Mar. 28, 2011); Letter from Western Center on Law and Poverty to Council President Eric Garcetti and Other Councilmembers (May 25, 2011); and Letter and Memorandum from Munger, Tolles & Olsen to Councilmember Eduardo Reyes (Jan. 12, 2012). The federal government apparently agrees with these concerns. In October 2011, the U.S. Department of Justice submitted an amicus brief to the 9<sup>th</sup> Circuit Court of Appeals, stating that a similar Newport Beach ordinance violates fair housing and disability rights laws.

East LA Community Corporation  
Enterprise Community Partners  
Gettlove  
Healthy Homes Collaborative  
Historical Monument One-Fifty-Seven  
Hollywood Property Owners Alliance  
Home For Good  
Homes for Life Foundation  
Housing Works  
Inner City Law Center  
Inquilinos Unidos  
Jovenes, Inc.  
L.A. Family Housing  
LA Voice  
Legal Aid Foundation of Los Angeles  
Little Tokyo Service Center  
Los Angeles Area Chamber of Commerce  
Los Angeles Community Action Network  
Los Angeles Metropolitan Churches  
Mental Health America of Los Angeles  
New Directions  
Our Faith Matters  
PATH  
PATH Gramercy  
PATH Partners  
PATH Ventures  
People Organized for Westside Renewal (POWER)  
Public Counsel Law Center  
Salvation Army Haven  
SHARE Housing  
Shelter Partnership  
Skid Row Housing Trust  
Southern California Association of Non-Profit Housing  
St. Joseph's Center

Supportive Housing Alliance

United Homeless Healthcare Partners

United Way of Greater Los Angeles

Venice Community Housing Corporation

Western Center on Law and Poverty

Women, Organizing Resources, Knowledge and Services (WORKS)