

MOTION

I MOVE that the matter of NEGATIVE DECLARATION, COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to regulating State licensed community care and residential care facilities, **Item 31** on today's Council Agenda (CF 11-0262), be AMENDED to:

1. Establish a two-year Enhanced Nuisance Abatement Program targeting problem locations with dedicated city staff to exclusively handle nuisances in residential properties. The program shall include an interagency "Fast Track Residential Nuisance Abatement Task Force" and protocols for prompt and effective resolution of complaints including: 1) an online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have an investigator visit site to conduct investigation within 7 days of receiving complaint, 6) provide written assessment to complainant and property owner within 28 days of receiving complaint.
2. Instruct the Community Development Department, in consultation with the City Administrative Officer, to identify funding including matching funds from outside sources, for the above program, and to report with recommendations to the Housing, Community Economic Development Committee.

I FURTHER MOVE that Item 31 be AMENDED to ADOPT the attached Ordinance in lieu of the proposed Ordinance attached to the file, including the following provisions:

1. DELETE the following definitions:
 - a. definition of "Parolee – Probationer Home"
 - b. definition of "Single Housekeeping Unit"
 - c. definition of "Boarding or Rooming House"
 - d. definition of "Family"
2. DELETE the prohibition on a one family dwelling located on a lot zoned RD being used as a boarding or rooming house
3. DELETE the conditional use permit requirement for a Parolee- Probationer Home in all zones except the RW2 and more restrictive zones
4. ADD the following new sections imposing the following requirements:
 - a. The City's zoning authorities shall prioritize enforcement resources on buildings with the most severe and long-standing nuisance problems and on landlords who own multiple non-compliant buildings and/or who have repeatedly failed in the past to comply with the administrative nuisance abatement procedures.

- b. For nuisances in or on residential properties, the compliance period shall be 90 days unless the Director determines that there are extreme circumstances that make compliance within 90 days impossible.
- c. In addition, a violation or failure to comply shall result in the residential property being deemed and declared substandard under California Health and Safety Code Section 17920.3 because conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling as specified in California Civil Code Section 1942.4.

5. AMEND the Municipal Code to add the following sub-subsections:

- a. A property that has a nuisance that is the subject of enforcement under this section shall not be eligible for ongoing or subsequent City subsidy, grant, funding, entitlement or benefit to a landlord until the nuisance is abated. Ongoing funding shall be suspended at the point that a compliance hearing has been held and the nuisance was determined to still exist. Funding shall not be reinstated until the nuisance is abated.
- b. Contingent upon funding, the Department shall dedicate one zoning administrator and sufficient supporting staff to exclusively handling nuisances in residential properties.
- c. The Department shall establish and lead a "Fast Track Residential Nuisance Abatement Task Force" comprised of the zoning administrator in charge of residential nuisances, and representatives of the Police Department, the Department of Building & Safety, the Housing Department, the County Department of Mental Health, the Los Angeles Homeless Services Authority and the City Attorney. The members of the Task Force shall work together to promptly and efficiently resolve residential nuisances and nuisance-related problems. The Department shall lead and facilitate the Task Force by holding regular Task Force meetings, coordinating enforcement among Task Force members and providing regular reports on the status of nuisance investigations and hearings. Task Force members will ensure that their agencies are providing resources as necessary to resolve nuisances and nuisance-related problems.
- d. For residential nuisances, the Department shall establish protocols for prompt and effective resolution of complaints including: 1) develop online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have a Department investigator visit site to conduct investigation within 7 days of receiving complaint; 6) provide written assessment to complainant and property owner within 28 days of receiving complaint; and 7) evaluate Department staff based on benchmarks on timing, communication and outcomes of complaints.

6. ADD the following new section relative to unlicensed community care facilities:

Unlicensed Community Care Facility: A facility is an unlicensed community care facility, residential care facilities for the elderly, residential care facilities for the chronically ill or child care center or family child care home if it is maintained and operated to provide nonmedical care, is not exempt from licensure and the facility is providing care or supervision, is held out as providing care or supervision, or represents that it is providing care or supervision, as defined in the California Code of Regulations, Sections 80001 community care facility, 87801 residential care facility for the chronically ill, 87101 residential care facility for the elderly, or Section 102352 family child care home.

The Department of Building and Safety shall investigate and inspect facilities suspected of being unlicensed community care facilities.

Where the Department of Building and Safety finds evidence that a facility is an "unlicensed community care facility" as defined in this section, the Department shall file a complaint with the appropriate licensing agency under the State Department of Social Services including: 1) For Children's Residential Facilities such as group homes and family homes, the Department shall contact the Children's Residential Program Office for Los Angeles County; 2) for Residential Care Facilities for the Elderly, the Department shall contact the Senior Care Program Office for Los Angeles County; 3) for Adult Residential Facilities, Adult Day Programs, and Social Rehabilitation Facilities, the Department shall contact the Adult Care Program Office for Los Angeles County; 4) for Family Child Care Homes that provide day care in private homes, the Department shall contact the Child Care Program Office for Los Angeles County; 5) for Health Care Facilities such as General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, Chemical Dependency Recovery Hospitals and Correctional Treatment Centers, the Department shall contact the California Department of Public Health's Licensing and Certification Division.

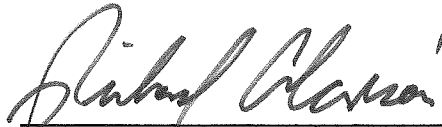
According to State Law and State Department of Social Services procedures, the licensing agency will make an unannounced visit to the facility within 10 days of receipt of the complaint. The licensing agency is required to report the results of the investigation and the Department of Building and Safety shall continue to monitor the investigation to ensure any problems are resolved.

For "unlicensed community care facilities" in single family homes, the Department of Building and Safety shall conduct a thorough code enforcement inspection of the facility including citing for substandard conditions, untenable conditions, illegal construction and overcrowding. The Department of Building and Safety shall conduct follow up to ensure repairs are made and to recover fees and costs as provided under State and local law.

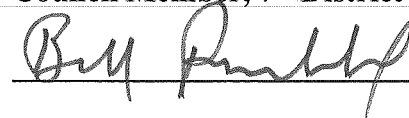
The Department of Building and Safety shall report any suspicion of physical or sexual abuse in unlicensed facilities to the Police Department. In addition, the Department may report to the County Adult Protective Services agency and/or the Long-Term Ombudsman program.

Severability. If any part, section, subsection, subdivision, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this ordinance.

PRESENTED BY:


RICHARD ALARCÓN
Council Member, 7th District

SECONDED BY:



ORIGINAL



JAN 30 2013 REFERRED TO Community Care Facilities Working Group

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.21, 12.24, 12.27.1 and 14.00 of the Los Angeles Municipal Code consistent with the California Community Care Facilities Act to add definitions of *Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed;* and *Alcoholism or Drug Abuse Recovery or Treatment Facility, Licensed;* to permit State licensed facilities with seven or more residents as public benefit projects subject to performance standards in any zone; identify and report unlicensed facilities; and to enhance residential nuisance enforcement.

Deleted: 12.22,
Deleted: to amend the definitions of *Boarding or Rooming House* and *Family* to provide clear guidelines for the appropriate enforcement of boarding houses with transient characteristics; and to prohibit *Boarding or Rooming Houses* in one-family dwellings in the RD Zone. The proposed ordinance also adds a definition of *Parolee-Probationer Home* and permits them by conditional use in all zones except the RW2 or more restrictive zones

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions in alphabetical order to read as follows:

Deleted: PAROLEE-PROBATIONER HOME. Any dwelling, Apartment House, Hotel, or Apartment Hotel, which, whether owned and/or operated by a person or a for-profit or not-for-profit entity, contains a dwelling unit or guest room that houses three or more parolees-probationers unrelated by blood, marriage, foster care status, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee-probationer, and/or any public or private entity or person on behalf of the parolee-probationer. A parolee probationer includes: (i) any person who has been convicted of a federal crime; sentenced to a United States prison, and received conditional and revocable release in the community under the supervision of a federal parole officer; (ii) any person who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, as defined in Penal Code Section 3000, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division; (iii) an adult or juvenile sentenced to a term in the California Youth Authority and who has received conditional and revocable release in the community under the supervision of a Youth Authority Parole Officer; or (iv) any person who has been convicted ... [1]

ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITY, LICENSED. As defined in Section 11834.02 of the Health and Safety Code, any premises, place or building licensed by the State of California that provides 24-hour residential non-medical services to adults who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse, and who need alcohol and drug recovery treatment or detoxification services.

COMMUNITY CARE FACILITY, LICENSED. Any facility, place or building licensed by the State of California that is maintained and operated as a residential facility or as a social rehabilitation facility, as defined in Sections 1502(a)(1) and 1502(a)(7) of the Health and Safety Code, respectively, to provide non-medical residential care for persons in need of services, supervision or assistance essential for sustaining the activities of daily living.

RESIDENTIAL CARE FACILITY FOR THE ELDERLY, LICENSED. As defined in Section 1569.2 of the Health and Safety Code, a housing arrangement licensed by the State of California and chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels of intensities of care and supervision, protective supervision, or personal care, or health related services are provided, based upon the varying needs of the residents, as determined in order to be admitted and to remain in the facility. A Residential Care Facility for the Elderly, Licensed, may house residents under 60 years of age with compatible needs pursuant to Section 1569.316 of the Health and Safety Code and provide health-related services pursuant to Section 1569.70 of the Health and Safety Code.

SINGLE HOUSEKEEPING UNIT

Deleted: Any household whose members are a non-transient interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all living, kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined ... [2]

Sec. 2. The following definitions set forth in Section 12.03 of the Los Angeles

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Municipal Code are amended to read as follows:

Sec. 3. Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended by adding a new Sub-subparagraph (6) to read as follows:

(6) Any Alcoholism or Drug Abuse Recovery or Treatment Facility, Licensed; Community Care Facility, Licensed; or Residential Care Facility For The Elderly, Licensed, shall provide a minimum of two automobile parking spaces, with 0.2 automobile parking space provided for each additional resident over the number seven. The parking spaces are calculated based on the maximum number of residents authorized by the state license.

Deleted: BOARDING OR ROOMING HOUSE. A dwelling where lodging is provided to four or more persons for monetary or non-monetary consideration. This definition does not include any state licensed facility serving six or fewer persons which, under state law, is not considered a boarding house. For purposes of calculating parking requirements, every 250 square feet of floor area shall be considered the same as a separate guest room.

Deleted: FAMILY. One or more persons living together in a dwelling unit as a single housekeeping unit.

Sec. 4. Subsection D of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

D. (None)

Sec. 5. Paragraph 9 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

9. (None)

Sec. 6. Subparagraph 5 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

5. (None)

Sec. 7.

Sec. 7. The first paragraph of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read as follows:

A. Public Benefit Projects and Performance Standards. Where not permitted by right or by Conditional Use Permit pursuant to Subsections U, V or W of Section 12.24, the following public benefit uses are permitted in any zone, unless restricted to certain zones or locations. The uses shall meet the following performance standards or alternative compliance measures approved pursuant to Subsection B.

Deleted: Sec. 5. Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 31 to read as follows:

31. Boarding or Rooming Houses in the RD Zone. Notwithstanding the provisions of Section 12.09.1 of this Code, anyone-family dwelling located on a lot zoned RD shall not be used as a boarding or rooming house.

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Deleted: Paragraph 54 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is added to read as follows:

54. Parolee-Probationer Homes in all zones except the RW2 and more restrictive zones.

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Upon the Director's determination that the public benefit use meets the stated performance standards, the Director shall record a covenant of the determination with the Office of the County Recorder. The covenant shall be valid as long as the property is used as a public benefit. The covenant shall be terminated when the land is no longer used as a

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public benefit. Upon recordation with the Department of City Planning of a covenant affirming the performance standards of a public benefit, notification of the public benefit shall be sent to adjoining and abutting property owners, the applicable certified neighborhood council, and the applicable City Council office. Public notification shall identify the applicable performance standards and a statement that, if the public benefit does not adhere to the performance standards, the Director of Planning may revise the performance standards or discontinue the use and terminate the covenant.

Sec. 8. Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended by adding a new Paragraph 10 to read as follows:

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10. Alcoholism or Drug Abuse Recovery or Treatment Facilities, Licensed; Community Care Facilities, Licensed; and Residential Care Facilities For The Elderly, Licensed, serving seven or more residents in the A, R, and C zones.

(a) Performance standards:

- (1) The use meets the applicable automobile parking space requirements set forth in Section 12.21A 4 (d) (6);
- (2) The use avoids interference with traffic by providing access through driveways and/or loading docks for deliveries and pickups;
- (3) The use is conducted in conformance with 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 use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of adjoining and neighborhood properties; and
- (7) Total occupancy of the use does not exceed two adult residents for every bedroom or guest room as shown on the building plans approved by the Department of Building and Safety.

(b) Purposes: Alcoholism or Drug Abuse Recovery or Treatment Facilities, Licensed; Community Care Facilities, Licensed; and Residential Care Facilities For The Elderly, Licensed, serving seven or

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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.

Sec. 9. Subsection A (Purpose) of Section 12.27.1 of Chapter I, Article 2 of the Los Angeles Municipal Code is amended to adding a third paragraph to read:

The City's zoning authorities shall prioritize enforcement resources on buildings with the most severe and long-standing nuisance problems and on landlords who own multiple non-compliant buildings and/or who have repeatedly failed in the past to comply with the administrative nuisance abatement procedures.

Sec. 10. Subsubsection 3 ("Compliance Review") of Subsection C of Section 12.27.1 of Chapter I, Article 2 of the Los Angeles Municipal Code is amended by adding the following sentence to the end of Section 3:

For nuisances in or on residential properties, the compliance period shall be 90 days unless the Director determines that there are extreme circumstances that make compliance within 90 days impossible.

Sec. 11. Subsubsection 5, ("Violations") of Subsection C of Section 12.27.1 of Chapter I, Article 2 of the Los Angeles Municipal Code is amended by adding a second paragraph to read:

In addition, a violation or failure to comply shall result in the residential property being deemed and declared substandard under California Health and Safety Code Section 17920.3 because conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling as specified in California Civil Code Section 1942.4.

Sec. 12. Subsection D of Section 12.27.1 of Chapter I, Article 2 of the Los Angeles Municipal Code is amended to add the following sub-subsections 3, 4, 5 and 6 to read:

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3. A property that has a nuisance that is the subject of enforcement under this section shall not be eligible for ongoing or subsequent City subsidy, grant, funding, entitlement or benefit to a landlord until the nuisance is abated. Ongoing funding shall be suspended at the point that a compliance hearing has been held and the nuisance was determined to still exist. Funding shall not be reinstated until the nuisance is abated.

4. Contingent upon funding, the Department shall dedicate one zoning administrator and sufficient supporting staff to exclusively handling nuisances in residential properties.

5. The Department shall establish and lead a "Fast Track Residential Nuisance Abatement Task Force comprised of the zoning administrator in charge of residential nuisances, and representatives of the Police Department, the Department of Building & Safety, the Housing Department, the County Department of Mental Health, the Los Angeles Homeless Services Authority and the City Attorney. The members of the Task Force shall work together to promptly and efficiently resolve residential nuisances and nuisance-related problems. The Department shall lead and facilitate the Task Force by holding regular Task Force meetings, coordinating enforcement among Task Force members and providing regular reports on the status of nuisance investigations and hearings. Task Force members will ensure that their agencies are providing resources as necessary to resolve nuisances and nuisance-related problems.

6. For residential nuisances, the Department shall establish protocols for prompt and effective resolution of complaints including: 1) develop online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have a Department investigator visit site to conduct investigation within 7 days of receiving complaint, 6) provide written assessment to complainant and property owner within 28 days of receiving complaint; and 7) evaluate Department staff based on benchmarks on timing, communication and outcomes of complaints.

Sec. 13. Unlicensed Community Care Facility: A facility is an unlicensed community care facility, residential care facilities for the elderly, residential care facilities for the chronically ill or child care center or family child care home if it is maintained and operated to provide nonmedical care, is not exempt from licensure and the facility is providing care or supervision, is

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held out as providing care or supervision, or represents that it is providing care or supervision, as defined in the California Code of Regulations, Sections 80001 community care facility, 87801 residential care facility for the chronically ill, 87101 residential care facility for the elderly, or Section 102352 family child care home.

The Department of Building and Safety shall investigate and inspect facilities suspected of being unlicensed community care facilities.

Where the Department of Building and Safety finds evidence that a facility is an “unlicensed community care facility” as defined in this section, the Department shall file a complaint with the appropriate licensing agency under the State Department of Social Services including: 1) For Children’s Residential Facilities such as group homes and family homes, the Department shall contact the Children’s Residential Program Office for Los Angeles County; 2) for Residential Care Facilities for the Elderly, the Department shall contact the Senior Care Program Office for Los Angeles County; 3) for Adult Residential Facilities, Adult Day Programs, and Social Rehabilitation Facilities, the Department shall contact the Adult Care Program Office for Los Angeles County; 4) for Family Child Care Homes that provide day care in private homes, the Department shall contact the Child Care Program Office for Los Angeles County; 5) for Health Care Facilities such as General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, Chemical Dependency Recovery Hospitals and Correctional Treatment Centers, the Department shall contact the California Department of Public Health’s Licensing and Certification Division.

According to State Law and State Department of Social Services procedures, the licensing agency will make an unannounced visit to the facility within 10 days of receipt of the complaint. The licensing agency is required to report the results of the investigation and the Department of Building and Safety shall continue to monitor the investigation to ensure any problems are resolved.

For “unlicensed community care facilities” in single family homes, the Department of Building and Safety shall conduct a thorough code enforcement inspection of the facility including citing for substandard conditions, untenable conditions, illegal construction and overcrowding. The Department of Building and Safety shall conduct follow up to ensure repairs are made and to recover fees and costs as provided under State and local law.

The Department of Building and Safety shall report any suspicion of physical or sexual abuse in unlicensed facilities to the Police Department. In addition, the Department may report to the County Adult Protective Services agency and/or the Long-Term Ombudsman program.

Sec. 14. **Severability.** If any part, section, subsection, subdivision, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this ordinance.

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