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Submitted in PLUM Committee  
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Item No.: Comm. from Public  
Deputy: \_\_\_\_\_

## CITY OF LOS ANGELES' PROPOSED COMMUNITY-CARE LICENSING ORDINANCE

### BACKGROUND

The Community Care Facilities ordinance would **increase homelessness, undermine funding for and creation of permanent supportive housing, and limit housing opportunities** for homeless and formerly homeless residents of Los Angeles, as follows:

- To live in a single family residential zone (R1 or R2), all household members would be required to live under a single written or verbal lease.
- Redefining as a “boarding or rooming house” any home or apartment *anywhere in the City* with more than one written or verbal lease would stall or derail plans for shared supportive housing.
- Current buildings housing more than two unrelated probationers or parolees in the building would be in violation. The law would prohibit future buildings from housing more than two parolees/probationers or require a conditional use permit as a “parolee-probationer home.”

*Planning staff recommendations to eliminate the parolee-probationer provisions would remove some of the enormous impact of the ordinance. However, the recommendations regarding changes to the definition of “boarding or rooming house” and “single housekeeping unit” will not remedy the ordinance’s negative effects.*

### WOULD INCREASE HOMELESSNESS BY THOUSANDS

In addition to preventing people living in poverty from sharing housing in a City with a 20% poverty rate, unless Planning staff’s recommendation to remove the parolee-probationer provision is adopted, the ordinance would force thousands of parolees/probationers to the streets, decreasing public safety:

- A strong link exists between incarceration and homelessness. One-third to one-half of all parolees in Los Angeles are homeless at any given time.<sup>1</sup>
- Probationers and parolees are seven times more likely to recidivate when homeless than when housed,<sup>2</sup> making probationers/parolees living on the streets a far greater threat to public safety. The proposed ordinance would create enormous barriers to operating supportive housing, which offers services that promote health and housing stability, increase public safety<sup>3</sup> and improve property values.<sup>4</sup>
- 26,773 probationers and 14,607 parolees currently reside in the City.<sup>5</sup> California’s Public Safety Realignment, intended to promote alternatives to incarceration for non-violent, non-sex, non-serious offenders, will result in an additional 9,000 County residents on probation in 2012. This ordinance would severely limit housing opportunities for these individuals.

### WOULD UNDERMINE EFFORTS TO CREATE PERMANENT SUPPORTIVE HOUSING

Even if Planning staff’s recommendations are adopted to revise the ordinance’s definitions of single

<sup>1</sup> Metraux, Stephen, Roman, Caterina, Cho, Richard, “Incarceration and Homelessness.” *2007 National Symposium on Homelessness Research*. Feb. 14, 2007.

<sup>2</sup> Metraux, Stephen, Roman, Caterina, Cho, Richard, “Incarceration and Homelessness.” *2007 National Symposium on Homelessness Research*. Feb. 14, 2007.

<sup>3</sup> Justice Policy Institute. *Housing and Public Safety*. 2007.

<sup>4</sup> 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.

<sup>5</sup> Los Angeles County Department of Probation, July 2011; California Department of Corrections & Rehabilitation. “Active Parolees.” *CalParole*. Sept. 15, 2011.

housekeeping unit and boarding home, the ordinance would still place in jeopardy “shared supportive housing,” in which tenants (typically three to six) share housing, each with their own bedroom.

- Housing for transition-age youth frequently necessitates separate lease agreements for every tenant.
- Projects in the development pipeline, including a New Directions-LAHD project for 15 veterans to live in four single-family homes and an LAHD project for high-cost public hospital users, would be illegal.
- Shared housing is not a boarding, rooming, group, or sober living home and supportive housing residents are not transient; the average length of residency is the same as any other tenant.<sup>6</sup> The City identified shared living as a means of increasing housing opportunities for people with disabilities.<sup>7</sup>

### WOULD PUT FEDERAL FUNDING AT RISK

Los Angeles would be unable to certify that it furthers fair housing:

- The U.S. Department of Justice argued in an amicus brief to the 9<sup>th</sup> Circuit Court of Appeals that a Newport Beach ordinance, almost identical to the Planning staff’s recommended changes, violates Fair Housing and disability rights laws, reflecting federal government opinion, potentially jeopardizing HUD funding.
- HUD prohibits denying HUD-VA Supportive Housing (HUD-VASH) and Shelter Plus Care vouchers due to criminal history.<sup>8</sup>
- The Mental Health Services Act Housing Program regulatory agreement requires every tenant of shared supportive housing to have his/her own lease.<sup>9</sup>

### WOULD LIMIT HOUSING OPPORTUNITIES PROMOTING INDEPENDENCE

Jurisdictions are obligated to promote the right of people with disabilities to live in as independent setting as possible.<sup>10</sup>

- Supportive housing provides people with disabilities the tools to live independently, promoting housing permanency, independence, and choice, unlike licensed facilities, which provide care and supervision.<sup>11</sup>
- The proposed ordinance would have a disparate impact on supportive housing, in conflict with state law requiring zoning laws to treat supportive housing the same as any other dwelling of the same type.<sup>12</sup>

### RECOMMENDATIONS TO LIMIT THE UNINTENDED IMPACT

To address neighborhood council concerns, the Council should support creating a simplified system for more frequent enforcement of existing law, while narrowing the effect of the ordinance:

- Adopt Planning staff recommendations to eliminate the definition of and reference to “parolee-probationer home.” The current draft would have immeasurable ramifications on the City’s and County’s response to homelessness, affecting almost all supportive housing developments in the City.
- Eliminate the re-definition of “boarding or rooming house.” The draft is overbroad and inaccurate.

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<sup>6</sup> 81% of supportive housing tenants with mental and substance abuse disabilities remain housed after one year. Martha Burt, Jacquelyn Anderson. “AB 2034 Program Experiences in Housing Homeless People with Serious Mental Illness.” *Corp. for Supportive Hsg.* Jan. 2006.

<sup>7</sup> *Analysis of Impediments to Fair Housing Choice Reissuance*, Memorandum from the Offices of Community Planning and Development and Fair Housing and Equal Opportunity, September 2, 2004.

<sup>8</sup> “Implementation of the HUD-VA Supportive Housing Program.” *Federal Register*, May 6, 2008 (prohibiting denial of admission due to criminal background, except in when veteran subject to lifetime sex offender registration).

<sup>9</sup> Mental Health Services Act Housing Program’s Regulatory Agreement § 2(hh); California’s Uniform Multifamily Regulations governing the Multifamily Housing Program for Supportive Housing, 25 CCR § 7341(a)(2) ; the Department of Housing and Urban Development’s regulations for housing assistance requires each assisted tenant in shared housing have his/her own lease, 24 CFR § 982.616.

<sup>10</sup> *Ohnstead v. LC & EW*, 527 U.S. 582 (1999).

<sup>11</sup> Federal courts recognize supportive housing as a preferred less-restrictive housing model. *Disability Advocates, Inc. v. Paterson*, 2010 WL 933750 (E.D.N.Y. 2009).

<sup>12</sup> Government Code § 65583.

**EXAMPLES OF PROJECTS AFFECTED**

- Like most supportive housing projects, every Skid Row Housing Trust project (22 buildings housing 1,492 tenants) house more than two probationers/parolees. These projects offer permanent supportive housing to people with disabilities previously experiencing chronic homelessness.
- New Directions provides 147 units of supportive housing to formerly homeless veterans at the West Los Angeles VA campus, many of whom are probationers and parolees.
- The John Stewart Company is the largest private manager of supportive housing in California. Staff screen for criminal background, but do not determine parolee or probationer status; enforcing this ordinance would place huge administrative burdens for John Stewart and other property managers.
- The Integrated Recovery Network provides housing and services to people exiting LA County jails, reducing average recidivism rates by over 50% among their clients. Its housing would violate this ordinance, since homes offer housing to more than two probationers/parolees.
- New Directions receives funds from the federal Supportive Housing Program (SHP) to provide housing to 18 formerly homeless veterans in an R1 zone. Tenants have separate rental agreements.. New Directions and LAHD are creating shared permanent supportive housing for 15 veterans in four single-family homes in an R1 zone. Each will have their own lease under federal requirements.
- Homes for Life operates a home for six residents in an R1 zone, each with their own lease. All residents, including two who have lived there fore over 20 years, would face homelessness should the ordinance pass. Homes for Life also operates several projects housing more than two parolees/probationers.
- SHARE receives County mental health services funding to operate 43 properties of shared housing for people who are able to live independently with mental illness. Fifteen of these properties are located in R1 and R2 zones and would no longer be able to operate under the draft ordinance.
- First to Serve is planning on creating shared supportive housing opportunities for 14 tenants in three R1 homes, using federal funds that require each tenant to sign their own lease.

**OVER 40 ORGANIZATIONS OPPOSE SINGLE LEASE AND PAROLEE-PROBATIONER PROVISIONS**

Los Angeles Housing Department	Housing Authority of the City of Los Angeles	
Public Counsel	Disability Rights California	Los Angeles Homeless Services Authority
American Civil Liberties Union	The John Stewart Company	National Alliance on Mental Illness
Skid Row Housing Trust	New Directions	United Way of Greater Los Angeles
Business Leader’s Task Force	Homes for Life Foundation	Hollywood Business Improvement District
SHARE Housing	Housing Works	Walden House
Amity Housing	Integrated Recovery Network	Shelter Partnership
Western Center on Law & Poverty	CLARE Foundation	Mental Health America Los Angeles
Inner City Law Center	A New Way of Life	First to Serve
LAMP Community Services	Tarzana Treatment Center	United Homeless Healthcare Partners
Little Tokyo Service Center	Jovenes	Strategic Actions for a Just Economy
Southern California Association of Non-Profit Housing		Venice Community Housing Corporation
Association of Community Human Services Agencies		Affordable Living for the Aged
California Association of Alcohol & Drug Program Executives		San Fernando Valley Homeless Coaliton
Los Angeles Family Housing	Ocean Park Community Center (OPCC)	

## DIFFERENCES BETWEEN LICENSED FACILITIES AND PERMENANT SUPPORTIVE HOUSING

### *Supportive Housing Tenants*

### *Licensed Facility Residents*

Live independently

Are unable to live independently and require institutionalization

Sign a lease (or sublease if master-leased) with landlord, have rights & responsibilities of tenancy under state & local law, are free to come & go or have guests

Do not have leases, have no rights under landlord-tenant law, have restrictions on coming & going, as well as guests

Have no restrictions on length of tenancy, can remain in apartment as long as complying with lease terms & desires to remain in apartment

Do not determine their own length of stay

May participate in accessible, usually comprehensive, flexible array of services tailored to needs of each tenant, with a case manager on call 24/7

Service availability varies from home to home, without choice in services

Are not required to participate in services as a condition of tenancy, of admission into housing, or of receipt of rental subsidies

Are required to participate in services, or cannot remain in home

Have rent based on income, in compliance with federal affordability guidelines (30-50% of income)

Must pay rent based on home's guidelines, not based on federal affordability guidelines

Work closely with services staff who collaborate with (but are usually separate from) property management staff to resolve issues to prevent eviction

Have no advocate for resolving issues that may lead to eviction, as service providers usually the same as staff running home

Live in housing that meets federal quality standards for safety & security

May be required to live in substandard conditions

Usually occupy own bedroom &, if sharing common areas, choose own roommates

Have no choice over housemates, usually share bedroom with at least one (usually multiple) other tenants