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REGINA HOUSTON-SWAIN
EXECUTIVE DIRECTOR

January 11, 2013

City Council
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012
Attention: Adam Lid, City Clerk

PROPOSED ORDINANCE AMENDING SECTIONS 12.03, 12.21, 12.22, 12.24, and 14.00 OF THE MUNICIPAL CODE

The updated draft of the proposed ordinance continues to pose serious problems with respect to its impact on people with disabilities. People with disabilities are more likely to live in group settings, and inadequate housing and housing instability pose a significantly greater harm to individuals with disabilities than to the general public. Therefore, any ordinance that limits group housing is of great concern to the disability community. Because the proposed ordinance limits group living arrangements without articulating legitimate, rational reasons for its specific limits, it would invite fair housing lawsuits. Furthermore, some of the specifics of the current draft would, if actually enforced, exacerbate the phenomenon of poorly run, dangerous group homes, and dramatically increase homelessness for the majority of renting families of four or more people.

The Department on Disability (DOD) strongly urges the City to refocus its energies on improving the efficiency and capacity of its nuisance abatement forces in order to address the very legitimate concerns of people impacted by poorly run group homes – both the residents of these homes and their neighbors. This ordinance is not the solution. Specifically, some of our main concerns are as follows:

Single Housekeeping Unit – While the elimination of the "lease language" in the original draft is, semantically-speaking, an improvement over the previous draft, the now-proposed definition continues to exclude the many group homes in which the make-up of the residence is determined by the landlord, property manager or other third party. Regional center clients frequently reside in group homes in which the provider retains this power to decide who lives in the home, and who may not. Similarly, SHARE Collaborative Housing, the popular and well-respected housing program that involves a public-private partnership between the County Department of Mental Health and private landlords who screen individual tenants, would be excluded from this definition.

DOD is unaware of any legitimate reason to exclude well run group homes inhabited by well-behaved people with disabilities from single family neighborhoods just because a non-profit or other entity has determined the composition of the group. So long as the residents are well behaved, law abiding neighbors, what difference does it make to the neighbors that someone other than the residents themselves assembled the group? DOD urges the Council to reject this limitation on group homes.

Furthermore, by excluding from the definition of "Single Housekeeping Unit" any household in which the landlord/manager controls the composition of the household, this provision would encourage landlords of group housing not to screen potential tenants and not to evict trouble-makers in order to be allowed to operate as a Single Housekeeping Unit. Stripping landlords of their power to control to whom they rent would exacerbate the problem of poorly-run, crime ridden group homes, not solve it.

Boarding or Rooming House – The relationship between the "Single Housekeeping Unit" and "Boarding or Rooming House" definitions is unclear. Under this draft's definition, a man with a wife and two children renting a two-bedroom apartment (lodging provided to four or more people) would be considered to be living in a boarding house and prohibited from living in the 90% of the City where boarding homes are prohibited. That is because, as written, a literal reading would be that "Single Housekeeping Unit" excludes any group that resides in a "Boarding or Rooming House," *i.e.*, a dwelling leased to a group of four or more persons. DOD assumes that is a drafting error and that the authors instead intended to exclude from the "Boarding or Rooming House" definition any dwelling leased to a "Single Housekeeping Unit." That language should be clarified.

Furthermore, under the draft's parking requirement in which every 250 feet of floor area shall be considered the same as a separate guest room, if this family of two adults and two children could only rent a 1000 square foot apartment if it came with 4 parking spaces. In other words, any family of four or more individuals would be restricted from renting anywhere except where boarding houses are allowed, and that provide a parking space for every 250 square feet of floor space. The DOD strongly urges rewriting this definition as the City simply does not have enough rental units to house families that would be legal under the proposed ordinance. At the very least, prior to making such requirements part of an ordinance the City should prepare ample documentation that a household of four renting a 1000 square foot dwelling unit actually needs 4 parking spaces, in order to defend itself from the inevitable lawsuit(s) accusing the City's parking requirements of being a mere ruse invented to make it more difficult to run boarding homes.

An additional concern is that if a homeowner rents rooms to 3 lodgers (and therefore does not fall under the definition of boarding home) and one of those lodgers gives birth, the homeowner will suddenly be running a boarding home. If that homeowner is in a zone in which boarding homes are not permitted, the homeowner will be in violation of the ordinance, unless he evicts the woman for giving birth, something that would violate fair housing laws.

Page 3, Sec. 3 Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code amendments to parking requirements – It is not clear from the language if it mirrors state code regarding parking requirements for the various licensed facilities mentioned. As licensed care facilities for 6 or fewer individuals are allowed by right in single family residences, the City should not be adding requirements over and above what the state

requires. If the proposed amendments mirror the state guidelines, the DOD recommends that the ordinance should include language that acknowledges its adherence to state guidelines. The DOD strongly recommends that the City follow the State's lead on parking requirements for licensed facilities.

Conclusion – The current draft would create more problems than it solves. Fair housing laws are interpreted broadly, with an eye to intent and impact; the absence of non-discriminatory language does not absolve an ordinance of the discriminatory intent that inspired it or the discriminatory impact that would follow it, if enforced. A maze of parking requirements is not a safe haven from the demands of fair housing laws. Excising from landlords their power to maintain order in their properties through the proper screening of applicants and the eviction of bad tenants would result in greater disorder.

Fair housing laws demand that problems be addressed in a manner that targets "problem activities," not "problem people." Law-abiding people, both with and without disabilities, want and deserve to live in safe neighborhoods un-blighted by "problem" residences. Again, the DOD strongly urges to City to refocus its energies on nuisance abatement, as it is the most direct way to deal with problem activities.

The proposed ordinance should be rejected.

Respectfully,

Regina Houston-Swain
Executive Director

cc. Amy Brothers, Deputy City Attorney