



January 27, 2012

The Honorable Antonio Villaraigosa
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

RE: Opposition to Proposed Community Care Facilities Ordinance Amending Sections 12.03, 12.21, 12.22, 12.24 and 14.00 of the Municipal Code

Dear Mayor Villaraigosa:

On behalf of the Commission of the Los Angeles Homeless Services Authority (LAHSA), I am writing to express our strong objections to the proposed **Los Angeles City Community Care Facilities Ordinance** as currently drafted. While we understand the original intent behind the proposal, our primary concern is that the ordinance will have a disproportionate impact on the City's most vulnerable and economically disadvantaged residents, and will increase homelessness in Los Angeles. Los Angeles has the largest homeless population in the nation and a critical shortage of affordable housing. The proposed ordinance, as drafted, would further reduce available affordable housing options, strip rental supports from physically and mentally disabled individuals living in shared housing in R1 and R2 zones (these rental support programs, including Section 8, Shelter Plus Care, and Mental Health Services Act funds require separate leases for each client), and exacerbate the fragile living situations of so many of the City's lower income households. Creating additional barriers to housing options for the economically and physically disadvantaged is NOT a pathway to ending homelessness.

The ordinance as currently written poses significant negative consequences to thousands of low-income families and individuals by prohibiting their ability to double-up or provide housing in exchange for services. For example, an elderly woman who provides housing for several students in exchange for shopping, driving her for medical appointments or mowing the lawn would be considered to be operating a "boarding or rooming house" and not permitted in low-density zones (Section 2, amending Section 12.03 of the Los Angeles Municipal Code). The inclusion of "nonmonetary consideration" for housing is overly broad and casts an extremely wide net in defining "boarding or rooming house."

The restrictive nature of the "single housekeeping unit" in each home in single family residential zones restricts all household members living in the home to a single written or verbal lease. This definition will eliminate all shared housing for mentally or physically disabled residents utilizing Section 8, Shelter Plus Care, or Mental Health Services Act funds to subsidize their rents in R1 or R2 zones. Further, it mandates that all future City-supported permanent housing and permanent supportive housing for those in most need be based on the most expensive model available – namely a residence for each individual. An example of how this provision will directly affect housing for homeless veterans was articulated at the Commission Policy and Planning Committee held on January 20, 2012. New Directions, Inc., a homeless veterans housing and services agency which

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has been empowering veterans and facilitating their successful return to family and society for twenty years, is working with the City (LAHD) utilizing Neighborhood Stabilization Fund housing to create permanent housing for veterans. The project includes utilizing foreclosed single family homes in the Pacoima area as rental housing for veterans who have successfully graduated from New Directions' transitional programs and are ready to move on to independent living. Under the City Community Care Facility Ordinance, this project would be illegal in the City of Los Angeles, and veterans will lose housing options because each is required to have a separate lease. The separate lease is both therapeutic (teaching life skills) and a funding source requirement.

A couple renting a home in an R1 or R2 zoned area cannot share housing legally without adding the additional renter to the original lease; the single housekeeping unit prohibits households from doubling up to retain stable housing. Based on 2011 Census Bureau data, nationally, almost 30% of all adults have been forced to double up to retain their housing. While data doesn't indicate in which zones these doubled up arrangements exist, we know that thousands if not tens of thousands of people will be affected by this single provision of the proposed ordinance.

The total occupancy restrictions in the proposed ordinance that limits the number of occupant residents for every bedroom or guest room to two in alcohol and drug abuse facilities regardless of size of room will result in a loss of these valuable beds in Los Angeles City (Section 8, amending section 14.00 paragraph 10(a)(7) of the Los Angeles Municipal code). For example, People in Progress, which currently operates two well regarded, community supported state licensed substance abuse programs in the City (in R and C zones), would lose 27 of their 140 beds. The loss of these 27 beds severely impacts the overall financial feasibility of the programs and may result in the closure of all 140 beds at a time when these beds are desperately needed. The same scenario would apply to other licensed treatment facility programs throughout the City.

The ordinance creates significant barriers to housing of parolees/probationers. The ordinance defines a "parolee/probationer home" as any building currently housing three or more unrelated parolees/probationers and requires it to obtain a Conditional Use Permit. We know that without housing parolees/probationers are forced to live on the streets and are seven (7) times more likely to recidivate than when housed. Decreasing housing options for parolees and probationers will decrease overall public safety. At present, 26,773 probationers and 14,607 parolees reside in the City (CA Dept. of Corrections and Rehabilitation and LA County Dept. of Probation). California's Public Safety Realignment program, 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, increasing homelessness among a population already at risk and undermining your own community safety goals.

As the body that oversees the approximately \$80MM in annual HUD McKinney-Vento funds coming into Los Angeles City and County, we are extremely concerned that the ordinance jeopardizes this funding by failing to affirmatively further fair housing opportunities. As a recipient of Federal and State funds, the City is required to develop policies and programs that affirmatively further fair housing. An adverse determination that the ordinance violates fair housing standards would place in jeopardy the City's McKinney-Vento Homeless Assistance programs, the Veterans Affairs Supportive Housing program, the Section 8 and Shelter Plus Care programs as well as the State Mental Health Services Act. This is a risk the City should not be taking in this time of uncertain economics and reductions in our public safety net systems.

Further, we believe that even if the City were to adopt such an ordinance, fair housing and disability advocates have indicated that they will immediately bring legal action against the ordinance. The City will be forced to spend significant resources to defend the ordinance; resources that could be used to keep libraries open, or house homeless families.

Additionally, limiting housing accessibility in low-density neighborhoods will potentially have a disparate impact on protected classes under the ADA and the FHA and runs counter to State law. It has been noted in various hearings that the proposal would not hamper efforts to house homeless persons with disabilities if they live in licensed facilities which are permitted in low-density zones. Licensed facilities are NOT the only form of permanent supportive housing. Not all people with disabilities require or desire the care/supervision of a licensed facility. In recognition of this, State law specifically provides exemptions for permanent supportive housing from community care licensing requirements (Health and Safety Code § 1504.5). 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, to obtain the State exemption, all tenants must have an individual lease in their own name (Health and Safety code § 1504.5[c][2]).

Over the past twenty-two years, Homes for Life Foundation has completed 256 units for persons with chronic mental illness. This ordinance would prevent them continuing to develop and operate this much needed shared supportive housing for formerly homeless persons with disabilities – such as Buchanan House – located in Highland Park (R1 zone). As with New Directions, their funding requires that each resident have their own lease.

We strongly recommend that, at a minimum, the City reduce the negative impacts of the ordinance by:

- Eliminating or refining the re-definition of “boarding or rooming house.” The draft re-definition is overbroad and inaccurate. The ordinance should be limited to “commercial enterprises” housing people on a short-term basis.
- Eliminating the single lease requirement or, at the very least, limit the requirement to commercial for-profit enterprises that restrict a tenant’s length of stay in housing to avoid unintended impact. Households that are forced to double up to retain their housing should not lose their housing rights because of this City action. Further, mentally and physically disabled individuals who rely on rent subsidies to remain stably housed should not be forced to either lose their rent subsidies or relocate. Shared housing for homeless or formerly homeless households should be exempted from any restrictions on their ability to obtain housing if we really want to end homelessness in Los Angeles.
- Eliminating the occupancy restriction limiting residents to two for every bedroom or guest room in alcohol and drug abuse facilities and let the State licensing process continue to define legal requirements for these badly needed programs.
- Eliminating 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, significantly increase barriers to housing for parolees/probationers, and adversely impact public safety by forcing many parolees/probationers to live on the streets. Further, the definition will affect almost all supportive housing buildings in the City and create significant additional workload for landlords and other non-profit housing providers.

The proposed ordinance will increase barriers to appropriate, affordable housing for homeless, disabled and other low-income people at a point in time where the City of Los Angeles needs to keep all of the affordable housing options it can. We urge you to work with the Los Angeles City Council to craft an ordinance that addresses the issues related to homes that house bad neighbors without it being contrary to your commitment to reducing and ending chronic and veteran homelessness.

Thank you for your consideration, and we look forward to continuing our work with you and all members of the City Council to prevent and end homelessness in the City of Los Angeles.

Sincerely,



Owen Newcomer
Chair, LAHSA Commission

Cc: Hon. Herb Wesson, Council President, Member, HCED
Hon. Ed Reyes, Chair, PLUM & Vice Chair HCED
Hon. José Huizar, Vice Chair, PLUM
Hon. Paul Kerkorian, Member, PLUM
Hon. Tony Cardenas, Chair, HCED
Hon. Richard Alarcon, Member HCED
Hon. Jan Perry, Member, HCED