Disability Rights California

California's protection and advocacy system

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December 11, 2013

Via E-mail, U.S. Mail, and In-Person

Councilmember Mitchell Englander, Chair
Councilmember Jose Huizar
Councilmember Mike Bonin
Councilmember Felipe Fuentes
Councilmember Curren D. Price, Jr.
Ad Hoc Committee on Community Care Facilities
c/o City Clerk, Room 395
Los Angeles, CA 90012

Re: 12/11/13 Special Meeting of Ad Hoc Committee on Community Care Facilities

Dear Councilmembers:

Disability Rights California is a private, non-profit disability rights organization federally mandated to advance and protect the human and legal rights of Californians with disabilities. 42 U.S.C. §15001, et seq., 42 U.S.C. §10801, et seq., 29 U.S.C. § 794(e), 29 U.S.C. § 3011, 29 U.S.C. § 3012; *see also* California Welfare and Institutions Code §§ 4900-4905.

We continue to urge the City to reject or amend the Community Care Facilities Ordinance ("Ordinance"), as it is unlawful as written in every version pending before the City Council ("Council"). All versions of the Ordinance will contribute to homelessness and discriminate against people with disabilities, minorities, and other protected classes. Our opposition is detailed in our previous letters to the City Planning Commission on the same matter, dated October 14, 2010, November 4, 2010, February 10, 2011, March 28, 2011, May 31, 2011, March 20, 2012, June 15, 2012, and

December 9, 2012, and to the Council on January 30, 2013. We also concur with and adopt by reference the conclusions drawn in the February 3, 2011 letter submitted to the City Planning Commission by the Law Office of Kim Savage. We also agree with and adopt by reference the letters submitted to the City by Disability Rights Legal Center, Western Center on Law and Poverty, and Public Counsel. Enclosed please find our most recent letters regarding the Ordinance submitted to the Council on January 30, 2013, together with Western Center on Law and Poverty and Disability Rights Legal Center.

We also express deep concern that the Ad Hoc Committee gave only 24-hour notice for its December 11, 2013 Special Meeting, especially since the Ordinance will have a significant impact on people with disabilities. On such a short turnaround, many people with disabilities will be unable to secure necessary accommodations to equally attend and participate in the meeting. Title II of the ADA requires that City government, including the Ad Hoc Committee on Community Care Facilities, provide equal access to its programs, services, and activities. 42 U.S.C. § 12132. 24-hour notice impedes the ability of people with disabilities to effectively secure accommodations per the City's own recommended policies. As set out on the notice for the Special Meeting, the City advises people with disabilities to make requests for most accommodations "at least 24 hours prior to the meeting/event" and "five or more business days notice [for Sign Language Interpreters]." We urge the Ad Hoc Committee to provide sufficient notice for people with disabilities to have equal access to its meetings, in compliance with Title II of the ADA.

Sincerely,

Dara Schur, Director of Litigation
Sri Panchalam, Staff Attorney
Andrew Berk, Staff Attorney

Encl.

1. January 30, 2013 Letter from Disability Rights California and Disability Rights Legal Center
2. January 29, 2013 Letter from Disability Rights California and Western Center on Law and Poverty

cc: Sharon Gin, Legislative Assistant - sharon.gin@lacity.org

Disability Rights California

DRLC
Disability Rights Legal Center
www.disabilityrightslegalcenter.org

California's protection and advocacy system

January 30, 2013

Council President Herb Wesson and Councilmembers Richard Alarcon, Tony Cardenas, Eric Garcetti, Janice Hahn, Jose Huizar, Paul Koretz, Paul Krekorian, Tom LaBonge, Bernard C. Parks, Jan Perry, Ed Reyes, Bill Rosendahl, Dennis P. Zine, Mitchell Englander, Joe Buscaino
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Re: Proposed Ordinance on Community Care Facilities, et al.
Case No. CPC-2009-800-CA
Council File No. 11-0262

Dear Council President Wesson and Councilmembers:

We write on behalf of Disability Rights California and the people with disabilities who it is our federal mandate to represent, including Lawanna Arnold,Chris Kidd, Lawrence Lazon, and Nicole Dollison,[1] and Disability

[1] Disability Rights California is a non-profit agency serving Californians with disabilities each year through advocacy, legal representation, abuse investigations, and public education initiatives. Disability Rights California is the nation's largest disability rights organization, and is the agency mandated to provide protection and advocacy services for those individuals in California who have developmental, physical, sensory, and/or mental disabilities, pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §§ 15001, 15041, et seq., as amended, 45 C.F.R. § 1386; Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. § 10801, et seq.; the Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e; the Assistive Technology Act, 29 U.S.C. §§ 3011, 3012; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20; the Children's Health Act of 2000, 42 U.S.C. § 300d-53; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62;and California Welfare & Institutions Code §§ 4900 et seq.

Rights Legal Center.[2] We urge the City to reject or amend the Community Care Facilities Ordinance ("Ordinance"), as it is unlawful as written in every version pending before the Council.

We write to expand upon our concerns about the Ordinance as addressed initially in our letters to the City Planning Commission on the same matter, dated October 14, 2010, November 4, 2010, February 10, 2011, March 28, 2011, May 31, 2011, March 20, 2012, June 15, 2012, and December 9, 2012. We also concur with and adopt by reference the conclusions drawn in the February 3, 2011 letter submitted to the City Planning Commission by the Law Office of Kim Savage. We also agree with and adopt by reference the letters submitted to the City by Disability Rights Legal Center, Western Center on Law and Poverty, and Public Counsel.

The Ordinance (particularly the portions that affect shared housing) has the potential to displace or disrupt as many as 473,396 individuals currently living in shared housing arrangements. It will greatly exacerbate homelessness and decrease affordable housing opportunities in Los Angeles, a city which already suffers from a severe shortage of affordable housing and supported housing in particular. The Ordinance undermines recent efforts to provide additional supportive housing and innovative housing options in the City that have proven successful in reducing homelessness. We find it particularly troubling that the City is considering the Ordinance at this time of severe cutbacks in funding for affordable housing (including the loss of redevelopment housing funds), because shared housing options are among the most inexpensive to create. The Ordinance will create great harm to those who are most challenged in finding appropriate, affordable, accessible housing, including people with disabilities who need supportive housing. We urge the Council to reject this ordinance which has no foundation in any reasonable policy.

[2] DRLC is a non-profit disability rights firm that enforces the civil rights of individuals with disabilities under the Americans with Disabilities Act ("ADA") and related federal and state disability rights statutes. Our office litigates both individual and class action cases that are designed to address systemic discrimination in all aspects of society.

The Ordinance will devastate the City's affordable housing consumers, including people with disabilities, leaving thousands in the City with nowhere to go but inappropriate institutions or the streets.

A. Multiple Versions of Ordinance

We note that there are at least three options and two substantially different versions of the Ordinance pending in front of the Council:

1. Adopt the September 2011 version of the ordinance, per the PLUM report of April 2012 passing along the ordinance without recommendation (Item 13.A); or
2. Instruct the City Attorney to prepare revisions, per the Public Safety Committee report of December 2012 (Item 13.B); or
3. Pass the January 2013 version of the ordinance prepared by the City Attorney (Item 31), apparently with or without the additional revisions proposed by the Department of City Planning on January 25, 2013.

As discussed in more detail below, the language in these drafts of the Ordinance are highly problematic. None of the versions of the Ordinance, with or without any of the proposed amendments is lawful. All versions of the Ordinance will contribute to homelessness and discriminate against people with disabilities, minorities, and other protected classes.

Furthermore, there are a number of provisions in all proposed versions of the Ordinance, including the definitions of "Family," "Single Housekeeping Unit," and "Boarding and Rooming Houses," that violate federal and state fair housing laws, the Americans with Disabilities Act and similar state laws, state land use and zoning ordinances, and the federal and state constitutions. The Ordinance is also inconsistent with the City's Housing Element and General Plan, and the City's Analysis of Impediments submitted to HUD as outlined the accompanying letter submitted jointly with Western Center on Law and Poverty (and incorporated herein by reference). Additionally, a negative declaration under CEQA is inappropriate, because the Ordinance is likely to have a significant environmental impact that requires an EIR as outlined in the accompanying

letter from Laurel Impett (and incorporated herein by reference). We continue to urge the City Council to reject this ordinance as written, because it is unlawful for all of these reasons.

Our comments, in this letter and prior and accompanying letters, address all the versions being considered but focus on the impact of shared housing in the January 2013 draft. We incorporate by reference our comments in prior letters regarding these definitions in other versions of the Ordinance, including the September 2011 draft and urge the City Council to reject all proposed versions of the Ordinance. At a minimum, given the lack of clarity and certainty as to what is being considered, the Council should reject the ordinances until a clear, understandable option is presented. In addition to our comments below, we preserve our comments communicated to Council in prior and accompanying letters described above, and incorporate them by reference here.

Similar to the burdensome limits that Ordinance drafts prior to January 2013 imposed on shared housing, the January 2013 draft would significantly limit housing options for seniors, people with disabilities, and others.

For example, the interaction between the revised definition of "Single Housekeeping Unit" and the revised definition of "Boarding or Rooming House," creates the result that four or more people – regardless of their relationship with one another – who rent a single family home or a duplex become a "Boarding or Rooming House," rendering them banned in low density zones, even though such household configurations are currently permitted in these zones under the current zoning code. This provision could affect up to 473,396 residents of the City of Los Angeles. Exhibit 6 to January 29, 2013 Letter from Andrew Beveridge to Laurel Impett (hereinafter "Beveridge Letter," accompanying this letter and incorporated by reference). Even if the Council were to amend the Ordinance to exempt Single Housekeeping Units from the Boarding or Rooming House definition, it would still impact four tenants who were unable to meet the definition of a Single Housekeeping Unit, such as a blood-related family of three who rented a single-family home and sublet a portion to an individual who did not share household activities or all living spaces with them. Under such a

scenario, the Ordinance would still affect up to 146,974 City residents. *Id.* Even if one assumed that the reach of an amended Ordinance would only touch households with at least four renters completely unrelated by blood, marriage, or adoption to the main householder, up to 48,122 people in the City would still be affected. Comparable numbers of people would impacted by a lease restriction that defined a Boarding or Rooming House as a household with three or fewer leases, and even more people would be impacted – and could face displacement – with a single lease provision, as appeared in earlier drafts of the Ordinance.

To understand the potential impact of any version of the Ordinance, it is important to understand that Boarding or Rooming Houses are prohibited from over 90 percent of the residentially-zoned land in the City. Exh. 4 to Beveridge Letter. Only 13,226 of a total of 137,641 acres of residentially-zoned land allow Boarding or Rooming Houses. Adding in other areas of the City that allow Boarding or Rooming Houses brings the total available zoned land to only 30,438 acres (out of a total of 260,719 acres of zoned land in the City). *Id.*

Even in the areas of the City that do allow Boarding or Rooming Houses, the new parking restrictions in the January 2013 proposed definition of "Boarding or Rooming House" would likely make it impossible for such households to locate there, further eliminating an important source of affordable housing in the City. The definition states that every 250 feet of floor area would be the equivalent of a separate guest room. As a general matter, the current zoning code requires a parking space for every guest room. The increased parking requirement would impossible to meet at most, if not all locations: for example, a 1000 square-foot home (which is small by today's standards) would need four parking spaces. This would affect an even larger number of people.

The January 2013 draft also proposes additional restrictions on Community Care Facilities over and beyond state law, including parking restrictions and occupancy requirements. For example, the January 2013 draft requires that all licensed Community Care Facilities "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 City should remain

consistent with state law and not impose additional restrictions on Community Care Facilities beyond what is required by state licensing agencies; this will only obstruct the siting of crucial, licensed facility housing for people with severe disabilities in the City.

B. The Ordinance Fails to Directly Acknowledge The Rights of Community Care Facilities and Other Facilities With Six or Fewer Residents.

Initial drafts of the Ordinance acknowledged that licensed Community Care Facilities, as defined in §1502 of the Health and Safety Code, may operate in all residential zones as of right when serving six or fewer residents. The same right was recognized for licensed alcoholism or drug abuse recovery or treatment facilities, and for licensed residential care facilities for the elderly.[3] As amended in recent versions, however, including the September 2011 and January 2013 drafts, the Community Care Facilities portion of the Ordinance fails to acknowledge the exemption; it merely imposes requirements on facilities of seven or more individuals.

We encourage the City Council to reintroduce language making it explicit that Community Care Facilities and other similar facilities of six or fewer can operate in all residential zones as of right, conforming provisions regarding those facilities to state law. We urge the City to restore the earlier version of this latter provision and expand it to incorporate several other categories of housing that are entitled to operate in all residential zones as of right under state law, and which are overlooked in all proposed versions of the Ordinance.

C. The Ordinance Overlooks Several Other Categories of Homes Protected Under State Law

In addition to omitting language explicitly acknowledging the rights of

[3] Individuals in recovery from drug and alcohol addiction are defined as disabled under the Fair Housing Act, 24 C.F.R. § 100.201, and other applicable laws.

certain licensed facilities with six or fewer residents, all proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, miss in their definition of "Boarding and Rooming Houses" or otherwise note that several other categories of homes which, if serving six or fewer residents, are explicitly granted the same protections under separate chapters of the Health and Safety Code. For example:

1) Residential Care Facility for Persons with Chronic Life Threatening Illness (Health & Safety Code § 1568.0831, defined at § 1568.01).

2) Intermediate Care Facility/Developmentally Disabled Habilitative, Intermediate Care Facility / Developmentally Disabled – Nursing, and Congregate Living Health Facility (Health & Safety Code §§ 1267.8 and 1267.16, defined at § 1250).

3) Pediatric Day Health and Respite Care Facility (Health & Safety Code § 1761.4, defined at § 1760.2).

4) Employee Housing (Health & Safety Code § 17021.5, defined at § 17008).

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, fail to note clearly that under Health and Safety Code § 1566 (Community Care Facilities) and the corresponding statute for each other type of home, "six or fewer persons" does not include the licensee, members of the licensee's family, or persons employed as facility staff. The operators of the home *and* as many as six residents served are treated as a family for zoning purposes.

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, also fail to note California law that provides specific statutory protections for an even broader range of homes designed to provide care for individuals with disabilities. In the Lanterman-Petris-Short Act, the California Legislature found that "mentally and physically handicapped persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability." As such, the Legislature declared that "the use of property for the care of six or fewer

mentally disordered or otherwise handicapped persons is a residential use of such property for the purposes of zoning." Lanterman-Petris-Short Act, Welfare and Institutions Code § 5115, emphasis added. Pursuant to that finding, the Legislature further declared that "a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential property for the purposes of zoning if such homes provide care on a 24-hour-a-day basis." Such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings." (Welfare and Institutions Code § 5116, emphasis added). *See also* Health & Safety Code §§ 1265-1271.1, 1250(i), 1250(e), 1250(h), and 1760-1761.8. All proposed versions of the Ordinance fail to address these laws, and improperly exclude homes that may be exempt from licensure as a Community Care Facility but may otherwise be state-authorized or certified (e.g., a family care home, foster home or group home which is certified by a foster family agency). All proposed versions of the Ordinance also fail to exempt these homes from the definition of "Rooming and Boarding House."

D. The Ordinance Violates State and Federal Fair Housing Laws

Federal and state laws prohibit housing discrimination against individuals with disabilities. Fair housing laws apply both to licensed and unlicensed homes, including those exempt from licensing, and they apply regardless of the number of residents. All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, violate a number of federal and state fair housing laws, including the Fair Housing Amendments Act of 1988, the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the California Fair Employment and Housing Act ("FEHA"), the 14th Amendment to the U.S. Constitution, California Government Code §65008, and the Unruh Civil Rights Act.

1) Federal Law

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, violate the Fair Housing Amendments Act of 1988, the

ADA, and Section 504. The Fair Housing Amendments Act of 1988 (FHAA) prohibits intentional discrimination, in which disability is a factor in the negative action, as well as unintentional discrimination, in which a neutral action discriminates via a disparate impact on individuals within a protected group. 42 U.S.C. § 3604, et seq. The FHAA also protects people with disabilities from discrimination arising out of 1) Failure to make reasonable accommodations in rules, policies, or practices to enable them to live in the community, and 2) Refusal to permit a tenant with disabilities to make reasonable modifications to the premises at the tenant's expense. *Id.*

The Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 further prohibit local government entities from discriminating on the basis of disability, including discrimination in land use and zoning ordinances. 42 U.S.C. § 12132; 29 U.S.C. § 794. Within the text of the ADA, Congress set forth its broad goal of "providing a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1). Moreover, these laws were intended to protect people with disabilities "'from deprivations based on prejudice, stereotypes, or unfounded fear.'" *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 737 (9th Cir. Cal. 1999) (citing *School Board of Nassau County v. Arline*, 480 U.S. 273, 287 (1987)); *Chalk v. United States Dist. Court*, 840 F.2d 701, 707-08 (9th Cir. 1988) ("To allow the court to base its decision on the fear and apprehension of others would frustrate the goals of Section 504."); *Innovative Health Systems, Inc. v. City of White Plains*, 117 F.3d 37, 49 (2d Cir. 1997) ("Although [a city] may consider legitimate safety concerns in its zoning decisions, it may not base its decisions on the perceived harm from . . . stereotypes and generalized fears.").
The Americans with Disabilities Act[4] ("ADA") and Section 504 of the Rehabilitation Act of 1973[5] ("Section 504") prohibit local government

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[4] Title II of the Americans with Disabilities Act provides, in relevant part: "...[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132

entities and entities receiving federal financial assistance from discriminating on the basis of disability, including discrimination in land-use and zoning ordinances. 42 U.S.C. § 12132; 29 U.S.C. § 794; *See Bay Area Addiction Research Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 730 (9th Cir. 1999) (holding that Title II of the ADA and Section 504 apply to discriminatory zoning practices because zoning is a normal function of a government entity); *Innovative Health Sys., Inc. v. City of White Plains*, 117 F.3d 37, 44-49 (2d Cir. 1997) (holding that the ADA applies to zoning decisions involving drug and alcohol rehabilitation center); and the Americans with Disabilities Act: Title II Technical Assistance Manual ("TA Manual") § II-3.6100, illus. 1 (1993) (identifying zoning as covered by the statute).

The ADA and Section 504 prohibit many types of discrimination. Even if the discrimination is not found to be intentional, a public entity can be liable for discrimination against people with disabilities by denying them "meaningful access" to its services, programs or activities. *See Dare v. California*, 191 F.3d 1167, 1171-72 (9th Cir. 1999). Courts have held that there is a denial of "meaningful access" when (1) persons with disabilities are disproportionately burden due to their unique needs or (2) a public entity fails provide necessary reasonable accommodations for disabled persons.

The Ninth Circuit has repeatedly and unequivocally held that governmental action which "disproportionately burdens people with disabilities because of their unique needs [is] actionable under the ADA." *Rodde*, 357 F.3d at 998 (citing *Crowder v. Kitagawa*, 81 F.3d 1480 (9th Cir. 1996)).
In *Crowder v. Kitagawa*, 81 F.3d 1480 (9th Cir 1996), the Ninth Circuit adopted the "meaningful access" standard. The Crowder court recognized that in passing the ADA, Congress intended to address not only "intentional exclusion" but also "the discriminatory effects of architectural,

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[5] Section 504 of the Rehabilitation Act of 1973 provides in pertinent part: "No otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

transportation, and communication barriers, overprotective rules and policies, [and] failure to make modifications to existing facilities and practices." *Id.* at 1483. Thus, the Ninth Circuit held that "...the barriers to full participation...are almost all facially neutral but may work to effectuate discrimination against disabled persons." Id. The Ninth Circuit found that a disparate impact analysis was not appropriate in the context of disability and instead, when examining "discriminatory effects," the inquiry should focus on whether disabled persons were denied "meaningful access" to a public entity's services, programs or activities. *Id.* at 1484 (*citing Alexander v. Choate*, 469 U.S. 287, 302 (1985)); *see also Rodde*, 357 F.3d at 998 (upholding a preliminary injunction precluding Los Angeles County from closing a hospital that provided medical care disproportionately required by people with disabilities and not readily available elsewhere in the County). Applying this analysis, the Court found that the imposition of a 120-day quarantine on carnivorous animals entering Hawaii "burdens visually-impaired persons in a manner different and greater than it burdens others." *Crowder*, 81 F.3d at 1485. The Court explained that because of the unique need for guide dogs among the visually-impaired, such persons cannot leave their dogs in quarantine and enjoy public services (e.g., public transportation) like anyone else. Id. at 1484-85. Thus, meaningful access to the public services provided to others was denied to persons with vision disabilities because the quarantine failed to take into account their unique needs in violation of the ADA. *Id.* at 1485.

All proposed versions of the Ordinance also fail to provide any opportunities for people with disabilities to request a change or modification to the Ordinance as a reasonable accommodation, as required by federal and state law. *See* May 15, 2001 Letter from California Attorney General (attached to our prior letters and herein incorporated by reference).

All proposed versions of the Ordinance unlawfully restrict small unlicensed shared living arrangements housing individuals with disabilities as well as larger homes, whether licensed or unlicensed. In *City of Edmonds v. Oxford House*, 514 U.S. 725, 735 (1995), involving a 10-12 resident group home for individuals recovering from alcohol and drug addiction, the Supreme Court found that "rules that cap the total number of occupants in order to prevent overcrowding of a dwelling 'plainly and unmistakably,' ...

fall within § 3607(b)(1)'s absolute exemption from the FHA's governance; rules designed to preserve the family character of a neighborhood, fastening on the composition of households rather than on the total number of occupants living quarters can contain, do not." For example, the January 2013 draft effectively prohibits any household with four or more renters who do not meet the intrusive definition of a "Single Housekeeping Unit" from residing in low-density residential zones.

The Supreme Court has explicitly found that the right to "establish a home" is a fundamental liberty protected under the 14th Amendment's Equal Protection Clause. For a number of adults with disabilities, exercising this right translates to establishing a group home in the community. Each factor that makes group homes harder to establish "operates to exclude" individuals with disabilities from the community. *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432 (1985), recognizing that group homes for adults with mental disabilities are "an essential ingredient of normal living patterns" for such individuals; *Olmstead v. L.C. by Zimring*, 527 U.S. 581 (1999), holding that institutionalization of individuals with disabilities whose needs could be met in a more integrated community setting constituted disability discrimination in violation of the ADA.

Many people with disabilities choose to live as families in households with other individuals. The City cannot interfere with that choice by making arbitrary distinctions among families based on the relationships of individuals, their chosen living arrangements, or the licensing status, if any, of their residence. Arbitrary distinctions such as these not only make no practical sense, but they violate the fair housing laws and constitutional equal protection protections. *See North-Shore Chicago Rehabilitation Inc. v. Village of Skokie*, 827 F.Supp. 497 (1993). The new definitions of "Family" and "Single Housekeeping Unit" in all versions of the proposed ordinance represent just such arbitrary distinctions as well as violating State privacy protections, as outlined below.

To the extent that the City's true intent in passing this ordinance is to regulate certain types of housing for a specific category of people with disabilities—recovering drug and alcohol users in sober living homes—it also violates the above statutes. Earlier staff reports expressly state that

the City repeatedly tried to regulate sober living homes (without substantiation of a problem), but legally could not do so because it singled out a particular group of persons with disabilities.

Courts have found similar ordinances intended to exclude recovery facilities from residential zones, as amply indicated here in the underlying staff reports, constitute intentional discrimination in violation of the ADA and Section 504 and related state laws. *See, e.g., Bay Area Addiction Research & Treatment, Inc.*, 179 F.3d at 734 (City ordinance prohibiting methadone recovery clinics from operating within 500 feet of any residential property held discriminatory); *New Directions Treatment Servs. v. City of Reading*, 490 F.3d 293, 304 (3d Cir. 2007) (ban on the establishment of methadone clinics within 500 feet of many structures, including schools, churches, and residential housing developments held discriminatory); *MX Group v. City of Covington*. 293 F.3d 326, 344-345 (6th Cir. 2002) (City's amendment to zoning ordinance effectively prohibiting methadone clinic from operating within the City held discriminatory).

It is important to note that the courts in all of these cases found that public opprobrium and presumed risks asserted by neighborhood community groups did not equal "real evidence" of "significant risk" sufficient to warrant the exclusions of these ordinances, and were precisely the kind of myths, stereotypes, and "unfounded fears" that disability rights laws were designed to protect people with disabilities against. *Bay Area Addiction Research & Treatment, Inc.* at 179 F.3d at 736-737; *New Directions Treatment Servs.* 490 F.3d at 303-304; *MX Group, 293 F. 3d at 341-342.*

Pursuant to federal law, the City has an affirmative duty to further fair housing choice. If the proposed ordinance is adopted, the City will be in violation of this duty. A violation of this duty jeopardizes federal funding in that HUD may withdraw its funds, or seek reimbursement of its funds, as it has done in other jurisdictions across the country. Indeed, federal prosecutors are currently investigating whether city officials falsely told HUD that the City is in compliance with federal regulations requiring

protections for people with disabilities.[6] And just recently, the United States Department of Justice filed a brief in support of plaintiff sober living home operators and residents in a case against the City of Newport Beach involving a similar ordinance.[7]

The Fair Housing Act requires HUD to "administer [housing] programs....in a manner affirmatively to further the policies of [the Fair Housing Act]," including the general policy to "provide, within constitutional limits, for fair housing throughout the United States." (42 U.S.C. § 3608(e)(5).) As a recipient of HUD funds, the City of Los Angeles has an obligation to affirmatively further fair housing. *See*, Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000a *et seq.*), the Fair Housing Act (42 U.S.C. §§ 3601-3619), 42 U.S.C. §5304(b)(2).

The City receives a variety of HUD funding, including HOME and Community Development Block Grant money. To receive HUD funding, the City must prepare a Consolidated Plan. The Consolidated Plan regulations (24 CFR § 91) require that each local government submit a certification that it is affirmatively furthering fair housing. This means that it will (1) conduct an analysis of impediments to fair housing choice; (2) take appropriate actions to overcome the effects of impediments identified through that analysis; and (3) maintain records reflecting the analysis and actions. *See 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. The HUD Fair Housing Planning Guide instructs entitlement jurisdictions to analyze how local laws, regulations and administrative policies, procedures and practices affect the location, availability, and accessibility of housing, and how conditions, both private and public, affect fair housing choice. Fair Housing Planning Guide, U.S. Department of Housing and Urban Development, March 1996, at 2-7.

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[6] See David Zahniser, *Los Angeles under federal investigation over disabled housing, Los Angeles Times*, Los Angeles Times, available at: http://www.latimes.com/news/local/la-me-disabled-probe-20111212,0,5924677.story

[7] See http://www.justice.gov/crt/about/app/briefs/pacificshoresbrief.pdf.

The violation of this duty should not be taken lightly. A major lesson of the historic settlement in Westchester County, New York is that the analysis of the policies that affect the location of affordable housing is necessary for a jurisdiction to accurately certify that it is furthering fair housing. *United States ex rel. Anti-Discrimination Ctr. of Metro N.Y., Inc., v. Westchester County* 668 F.Supp.2d 548 (S.D.N.Y. 2009). As noted above, actions to further reduce fair housing choice have drawn severe consequences. Since the *Westchester* decision, HUD has frozen or threatened to freeze its disbursement of federal funds when local jurisdictions have proposed actions which violate the obligation to affirmatively further fair housing.

2) State Law

In addition to the federal laws and Supreme Court precedent discussed above, all proposed versions of the Ordinance, including the September 2011 and January 2013 versions, violate a number of state laws, including the California Fair Employment and Housing Act (FEHA), California Gov't Code § 65008, California Gov't Code § 11135, and the Unruh Civil Rights Act, California Civil Code § 51, et seq. ("Unruh Act").

California's Fair Employment and Housing Act (FEHA) protects from discrimination individuals with disabilities and children who may be more likely than others to live with unrelated individuals in group housing.[8] FEHA provides protections at least as extensive as those recognized under the federal FHAA. *See* Cal. Gov't Code §12900, et seq. California's Unruh Civil Rights Act similarly prohibits housing discrimination against people with disabilities, and states that a violation of the ADA is also a violation of each act. *See* Cal. Civ. Code § 51, et seq.

California Gov't Code § 65008 provides that any planning and zoning action taken by the city "is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or

[8] "Working Together to Ensure Housing Opportunities for People with Disabilities and Children." Assembly Committee on Human Services, Information Hearing, Background Briefing Paper, February 18, 2009. Attached to prior letters and herein incorporated by reference.

any other land use" on the basis of a number of protected characteristics, including disability.

The history of the Ordinance emphasizes that it is aimed at regulating people in sober living homes and people with disabilities who share living arrangements, and is thus, discriminatory. Regardless of the City Council's intent, the Ordinance would have a harmful, disproportionate, and discriminatory impact on people with disabilities, as explained below in Part E.

E. The Ordinance Violates Federal and State Constitutional Privacy Rights By Attempting to Redefine "Family"

The Ordinance's definitions of "family" and "single housekeeping unit" in all proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, are vague, ambiguous, and intended to limit housing opportunities for people in protected categories, including people with disabilities. The definitions violate federal and state constitutional privacy protections by attempting to define "family" and "single housekeeping unit" in an exclusionary manner. *See City of Santa Barbara v. Adamson*, 27 Cal. 3d 123, 134 (1980); California Constitution art. I, § 1; U.S. Const., amend. XIV.

Furthermore, supportive housing, regardless of the number of individuals in such housing, is considered a residential use of property and should be "subject only to those restrictions that apply to other residential dwellings of the same type in the same zone." Cal. Gov't Code § 65583. Overall, the proposed definitions and requirements in all proposed versions of the Ordinance create a high risk of discriminatory application of the Ordinance against individuals with disabilities.

F. The Ordinance Would Have Significant Harmful Consequences, With a Discriminatory Impact On Individuals With Disabilities

All proposed versions of the Ordinance are likely to have a disparate and discriminatory impact in violation of federal and state disability rights laws.

The January 2013 draft, in particular, similar to previous drafts of the Ordinance, including the September 2011 draft, would have a disparate and discriminatory impact on people with disabilities and other protected classes by requiring additional procedures for all facilities with over seven residents and by threatening households of four or more people.

While state law makes it explicit that certain small facilities can site as of right in all residential zones, it does not supersede federal and state law non-discrimination provisions for larger housing units. Furthermore, specific state siting statutes do not eliminate the obligation of the City to avoid discrimination against other living arrangements simply because they are not licensed or do not fall within a specific statutory exemption. The City cannot enact ordinances that discriminate against housing for people with disabilities, either intentionally or through a discriminatory impact, regardless of the number of residents or their licensing or certification status.

The definitions of "Family," "Single Housekeeping Unit" and "Rooming and Boarding Houses," in all proposed versions of the Ordinance discriminate against people with disabilities and violate federal and state fair housing laws, the ADA, the federal and state constitutions, and other legal protections for people with disabilities. These restrictions disproportionally impact people with disabilities, large families, and people from ethnic communities, all of whom are protected classes under federal and state law.

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, will have the significant and harmful impact on individuals with disabilities of significantly limiting their already narrow housing options. The Ordinance ignores recent statutory and case developments that express a strong preference for serving people with disabilities in the least restrictive environment, including the Supreme Court's decision in *Olmstead v. L. C. by Zimring*, 527 U.S. 581 (1999) The proposed Ordinance limits community housing options for people with disabilities whose needs could be met in the community, and directs them instead to institutionalization. The ways in which the Ordinance would limit

community housing options for people with disabilities include but are not limited to the following:

1) ***The Ordinance Will Have a Discriminatory and Disproportionate Impact on People with a Disability-Related Need to Live in a Shared Living Arrangement***

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, will have a discriminatory impact on people with a disability-related need to live in shared housing. For example, clients of Regional Centers are people with severe disabilities arising from diagnoses of mental retardation, cerebral palsy, autism, seizure disorder and other related conditions that arose before the age of 18. They have been determined to need life-long case management and care coordination. One of the alternatives for institutional care is supported living in one's own apartment. Under that program, usually two or more regional center clients are paired into an apartment with the support of services to assist them to move toward increasingly independent living. The regional center case managers and supportive living services providers assist in the process of matching compatible roommates. The supported living program is one way California seeks to bring itself into compliance with the integration mandate of the Lanterman Act and The Americans with Disabilities Act as interpreted by *Olmstead*.

In addition to people with developmental disabilities, a significant number of people with other disabilities have a disability-related need for a shared living situation. According to the 2009 California Health Interview Survey, an estimated 1,045,000 Los Angeles County residents needed professional help for self-reported mental/emotional and/or alcohol-drug issues (of these, over half fell below 300% of the federal poverty level). Http://www.chis.ucla.edu. Many of these individuals are able to avoid institutionalization or homelessness, as well as manage the symptoms of their disability, by living in shared housing.

To give some concrete examples, one woman was homeless for eight years; although she participated in a number of "programs" during the time she was homeless, none of them were able to keep her stable and healthy

until she entered a shared home, where she has lived for nearly a decade. At the home, she receives supportive services, is able to take her medication consistently, and is able to reassure her children that she is safe and well. Another woman, who has bipolar disorder and autism, was able to leave the restrictive environment of a board and care institution by entering the same shared home, where she has lived in the community for approximately twenty years. She works for eight hours per week doing filing at a local community college.

For these individuals, their living situation is a critical aspect of the treatment of their disability, and they benefit from the ability to live in low-density residential areas where they assist in the upkeep of their home and take pride in being a part of the neighborhood. They live in low density (R1 or R2) residential zones with others. The Ordinance would prohibit their living situation and affect not only these women, but many others in similar situations throughout Los Angeles. The Ordinance would also prohibit other people with disabilities from benefiting from such a living arrangement in the future.

There are many indications that this Ordinance will affect a large number of people with disabilities directly, and will limit the ability of many more to have a shared living arrangement in Los Angeles:

The Westside Regional Center, which is only one of five Regional Centers serving people with developmental disabilities in the City of Los Angeles,[9] reported to us that 750 of their clients live in a non-institutional setting and estimate that one-third of those are in the City of Los Angeles.

H.O.M.E., an organization dedicating to providing housing for people with developmental disabilities, reports that they have well over one hundred tenants in Los Angeles County, many of whom live in the City of Los Angeles who live in shared housing.

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[9] The other regional centers whose clients include Los Angeles residents are: North Los Angeles Regional Center, Lanterman Regional Center, South Central Los Angeles Regional Center, and East Los Angeles Regional Center.

SHARE! is only one of the organizations receiving Mental Health Services Act funding from the Los Angeles County Department of Mental Health; they have identified fifteen houses where residents with disabilities share housing in low density R1 and R2 neighborhoods.

The Sober Living Network reports that there are about 200 homes in its network in the City of Los Angeles; about three quarters of the homes are in R1 and R2 low-density residential neighborhoods.

In a May 24, 2011 letter addressed to Councilmember Richard Alarcon from Victory Outreach identifies 34 homes in the City of Los Angeles that provide shared housing.

In a May 15, 2011 letter to Councilmember Richard Alarcon, the organization New Directions has identified $2 million in lost Mental Health Services Act funds that it would be unable to utilize to provide housing for American veterans with disabilities.

These numbers are only a portion of the people who could be directly and indirectly affected by the Ordinance.

2) Limited Income Seniors and Persons with Disabilities Will Be Prevented from Living in the City of Los Angeles Under the Ordinance

In addition to the people described above, many seniors and people who live on a limited income because of a disability, such as those on SSI/SSP or Social Security Benefits are only able to live in the community through shared housing.[10] They are financially unable to guarantee the entire rent on their own.

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[10] See generally "Priced Out in 2010: The Housing Crisis for People with Disabilities" at http://www.tacinc.org/media/13444/PricedOut2010.pdf. According to the report, an SSI recipient would have to pay 115% of their income in 2010 just to cover the rent on an efficiency apartment in the Los Angeles/Long Beach area. The income of SSI recipients in California has since been reduced due to state budget cuts, making housing even more unaffordable than at the time the report was written.

"Empty nesters," widows and widowers, and other persons trying to live on reduced income frequently are able to remain in their own home only by finding roommates. All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, are overreaching and violative of privacy rights by the limitation on roommates and additionally by defining the scope of the relationship between the homeowner/renter and a roommate or roommates. Presently, the revised definitions of "Single Housekeeping Unit" and "Boarding or Rooming House" in the January 2013 draft not only requires that a homeowner/renter rent only to three or fewer, but also requires that all persons jointly occupy the home with joint access to all facets of living in the home.

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, prevent elderly or disabled homeowners, renters, or roommates from keeping their food and meal preparation separate from others in their household in order receive the full food stamp benefit they are entitled to. Further, a roommate or the homeowner/primary renter may have dietary needs that require that meals and food preparation be handled separately. Such separation would directly conflict with the revised definition of a Single Housekeeping Unit in the January 2013 draft.

All proposed versions of the Ordinance also interfere with the right of a resident to choose his or her own IHSS attendant and handle meals, laundry, cleaning of own space separately. Such an arrangement would directly conflict with the revised definition of a Single Housekeeping Unit in the January 2013 draft.

3) The Ordinance Impacts A Broad Range Of Persons In Need Of Shared Housing.

All proposed versions of the Ordinance, including the September 2011 and January 2013 drafts, undermine shared housing—a critically important source of affordable housing—and have an extremely broad reach in the communities that it impacts. Recent drafts effectively eliminate many housing opportunities for parolees and probationers, a group with a critical need for affordable housing. They add a new zoning code definition, "Parolee-Probationer" home, with a number of restrictions. The burden this places on people on parole or probation in their search for housing not only

prevents much-needed shared living virtually the entire City and effective reintegration of this population into the community, but also substantially increases administrative and financial costs on the City.

The need for shared living also includes current college students, recent college graduates burdened with enormous education debt, people with income in the entry level range, and many others.

In response to the havoc that the Ordinance will wreak on an already low supply of affordable housing in the City of Los Angeles, the City will need to ensure many more shelter beds for individuals and families, unnecessarily increasing municipal costs.

G. The Ordinance Violates the City's Obligations under CEQA and under its Federal Obligations to "Affirmatively Further Fair Housing."

As outlined in the letter submitted on our behalf by Laurel Impett, incorporated herein by reference, the City has also made unsupported findings related to the Ordinance pursuant to California law, including the California Environmental Quality Act (CEQA), Cal. Gov't Code § 65302.8, and Cal. Gov't Code § 65863.6. The proposed ordinance will have a significant effect on the environment and on the housing needs of the region. Among other necessary findings, the City must study the impact the proposed ordinance will have on the City's housing supply and its ability to meet the housing needs of the region.

The City's determination to issue a Negative Declaration, and its determination that no Environmental Impact Report is required, is contrary to the statutory terms of the California Environmental Quality Act (CEQA) and its related regulations and guidelines. All proposed versions of the Ordinance will have a significant effect on the environment, including but not limited to:

- The displacement of large numbers of individuals (including many with disabilities) thus necessitating the construction of replacement housing elsewhere;

- Creating an increase in homelessness;
- causing substantial adverse effects on human beings, directly and indirectly;
- Causing the loss of affordable housing units, resulting in a need to develop additional affordable and supportive housing units in a fewer number of land use zones;
- Reducing the availability of sites for affordable and supportive housing, increasing demands for additional housing in higher densities in other parts of the City;
- Increasing demands for transportation and/or public services in some parts of the city as a result of forcing supported and shared housing into fewer zones; and
- Conflicting with other land use and zoning laws including the Housing Element, the General Plan, the Analysis of Impediments, and the coastal plan/program and ordinances (for housing in the coastal zone).

See, e.g., 14 C.C.R. Sec. 15000 *et seq.*, Guidelines for Implementation of the California Environmental Quality Act, including Appendix G, Environmental Checklist Form, Sections X, XIII, XIV, XVI, and XVIII;, Public Resources Code Sections 21000 *et seq.*, including 21083 and 21087 21083.05 65088.4; 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151; Gov. Code 65088.4

Moreover, federal law requires the City of Los Angeles, like all public entities subject to Community Development Block Grant (CDBG) regulations, to affirmatively further fair housing choice or risk losing federal grant money. 42 U.S.C. § 5304(b)(2). The proposed ordinance is in violation of that obligation, as well as any certification the City has made that it is in compliance, because it increases the barriers to free housing choice for people with disabilities. The Housing Element itself references the City of Los Angeles's Analysis of Impediments to Fair Housing as recommending the removal of barriers to siting treatment programs for people with disabilities at pp. 2-28.

There are additional unlawful components of the Ordinance, but we wished to highlight some of the major concerns. Please contact us with any

questions or for further analysis or legal citations. We urge the Committee not to adopt the Ordinance as currently written, or prior versions of the Ordinance.

Sincerely,

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January 29, 2013

The Honorable City Council of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Re: Council File No. 11-0262, CPC-2009-800-CA
January 30, 2013, City Council Agenda Items 13 and 31
Proposed Ordinances Conflict with the City's General Plan

To the Honorable City Council:

On January 30, 2013, the City Council will consider two proposed ordinances to change the City's zoning code in several respects that conflict with the City's General Plan, in particular its 2006-2014 Housing Element. The proposed ordinances are under council File Number 11-0262, and are described in two City Attorney drafts dated September 13, 2011 and January 3, 2013. They would, in addition to confirming the City's treatment of certain licensed facilities to conform with state law:

1. Redefine boarding homes to curtail informal and private congregate living throughout the City

2. Impose a new and draconian classification, parolee/probationer home, and require unrelated persons who are on parole or probation to obtain a conditional use permit to live only in the City's highest density residential zones

As set forth in greater detail below, these provisions directly contravene the General Plan Housing Element's analysis of governmental

constraints on housing maintenance, improvements and development; and they are incompatible with the objectives, policies, and programs of the Housing Element. *See* Cal. Govt. Code §§65580, 65583, 65860(a)(2).[1]

A. The zoning change proposal of September 13, 2011

The City Attorney's September 13, 2011 ordinance is before the City Council as Agenda item 13.A. It defines a single housekeeping unit (and family) as one where residents live under *no more than one lease*. It then defines a boarding house as one where residents live under *more than* one lease. And, it adds a *new* definition of parolee/probationer home to mean any residential structure or unit that houses more than two "parolees-probationers unrelated by blood, marriage, foster care status, or legal adoption" and, according to the City Attorney's description permits such homes *as conditional uses only*, in the City's highest density residential zones.

B. The zoning change proposal as of January 3, 2013

On January 3, 2013, the City Attorney issued a new draft of the ordinance. It now:

1. Defines a boarding house as a dwelling where lodging is provided to four or more people for monetary or non-monetary consideration, not including a state-licensed facility. New parking requirements are also proposed, to count every 250 square feet of floor area as the same as a separate guest room.

2. Makes a new definition of a "single housekeeping unit" as a non-transient group of people living together and sharing all access to living, kitchen and eating areas, and sharing household activities and responsibilities, whose makeup is determined by the members of the unit rather than by a third party such as the landlord, property manager, or other entity (like a nonprofit organization). A single housekeeping unit does not include a boarding house. Under the

[1] Sections refer to the California Government Code unless otherwise noted.

proposal a "family" is a group of people living together as a single housekeeping unit.

3. Adds a new zoning code definition, "Parolee-Probationer Home," which is any dwelling that contains a dwelling unit or guest room that houses more than two "parolees-probationers" who do not have a family relationship to each other. This living arrangement would then be prohibited in all but the most restrictive residential zones, and even in those zones a conditional use permit must be obtained.[2] The conditional use permit process entails at a minimum notice to the occupants of surrounding properties, publication of the proposed use, and a public hearing. L.A.M.C. §12.24.

C. The impact of these changes

As reflected in the Beveridge letter, it is estimated that 6335 residential units and 48,122 residents would have their housing arrangements become unlawful due to the proposed changes to the definitions of boarding house and family alone.[3] If the parking restriction is passed, boarding houses would not likely be able to locate anywhere in the city, because the parking requirement would be impossible to meet at most, if not all, locations. For example, a two bedroom house of 1,000 square feet of living space could be required to have four on-site parking spaces. *See* L.A.M.C. §12.21(4).

Still more individuals would be impacted by the "Parolee-Probationer" home provision, as anywhere more than two people are parolees or probationers live together, their residence would become illegal. Only if the unit is in the

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[2] The September 13, 2011 report of the City Attorney states, "Finally, the draft ordinance adds a definition of Parolee-Probationer Home and permits them as conditional uses only in R-3 and less restrictive zones." The January 3, 2013 report explains that under the revised ordinance, "a conditional use permit is ... required where one or more units ... have three or more parolee-probationers."

[3] Letter from Andrew Beveridge to Laurel Impett, January 29, 2013, attached as Exhibit 1. The full letter with all of its exhibits is submitted to the City Council under separate cover and incorporated herein by reference. The Beveridge letter explains that the potential impact is actually far greater, on as many as 473,396 of the City's residents.

city's highest density zones would residents even be eligible to apply for a conditional use permit, with no assurance of the result of their application.

To impose the changes prospectively alone would profoundly restrict housing options for the City's residents. Worsening the effects, the proposals would also render illegal *existing* uses, thus subjecting thousands or more of the City's residents to displacement and fear of displacement.

D. The City Must Reject the Proposals as Inconsistent with the Objectives, Policies, and Programs of the 2006-2014 Housing Element

Under state law, the City's general plan, specifically the housing element of its general plan, must plan for housing that meets the needs of all economic segments of the community. §65580(d). In so doing, the City must identify and analyze existing and projected needs, and state goals, policies, quantified objectives and programs for the preservation, improvement and development of housing. §65583. The element must specifically assess housing needs, resources, and constraints relevant to meeting these needs specifically for persons with disabilities, among others. §65583(a)(7). Flowing from this assessment, the element must then include a "statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement and development of housing." §65583(b)(1). Although the goals, quantified objectives and policies need not meet all of the needs identified, they must "[a]ddress and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing," specifically including housing for persons with disabilities. §§65583(b)(2), (c)(3).

All subsequent land use decisions, including the adoption and amendment of zoning ordinances, must be consistent with the general plan and its elements, including the housing element. §65860; *see e.g. Lesher Communications, Inc. v. City of Walnut Creek,* 52 Cal.3d 531, 541 (1990). A city zoning ordinance is inconsistent with the general plan if the land uses authorized by the ordinance are not "compatible with the objectives, policies, general land uses, and programs specified in the plan."

§65860(a)(2); *Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Sup'rs,* 62 Cal.App.4th 1332, 1336 (1998).

In *Lesher*, the City of Walnut Creek passed a growth initiative, Measure H, to control traffic congestion. At the time the ordinance was passed the general plan of the City of Walnut Creek was "growth oriented," and had an objective to accommodate projected population growth as can reasonably accommodated in the City. Because it conflicted with the general plan at the time it was passed, Measure H was held invalid. 52 Cal.3d at 541, 544.

In *Building Industry Association of San Diego, Inc. v. City of Oceanside,* 27 Cal.App.4th 744 (1994), voters enacted Proposition A, which adopted a maximum number of dwelling units to be constructed each year. In reaching its conclusion that Proposition A was invalid, the court observed that after the proposition was passed, the City did not meet its regional housing needs objectives for all income categories, in particular for low and moderate income families. Moreover, at the time the proposition was adopted, an element of the general plan stated a policy to "avoid direct controls on the number or location of new housing units to be built...." *Id.* at 766. The proposition also conflicted with the general policy, "Adequate provision for the housing needs of all economic segments of the community is an issue of the highest priority in Oceanside to meet the low income household assistance goals and to protect, encourage and, where feasible, provide low and moderate income housing opportunities within the intent of State policy to address local needs." *Id.* at 767. The Court held, "*Prop. A does not promote this policy and accordingly must be deemed inconsistent with it.*" *Id.* (emphasis added).

The current proposed zoning amendments pose multiple conflicts with the housing element's objectives, policies, general land uses, and programs specified in the plan, and impose new constraints where they did not previously exist. The proposals further conflict with the analysis of governmental constraints upon which those objectives, policies and programs is based.

E. The Proposed Ordinances Conflict with the 2006-2014 Housing Element

1. The Proposed Ordinances Add Rather than Alleviate Governmental Constraints on Housing for People with Disabilities

In analyzing housing needs specific to persons with disabilities, the Housing Element states:

> As with any population, *a full spectrum of affordable housing is needed*, from mobile home, temporary shelters to transitional and permanent housing, *including group, congregate and independent housing. Independent, supported living is preferable,* either through individual or shared homes or apartments providing each individual with his/her own bedroom. Support services may be provided either on- or off-site. *Appropriate housing for persons with mental or physical disabilities includes affordable small or large group homes* (near retail services and public transit), apartment settings with support ... [etc.]" City of Los Angeles 2006-14 Housing Element ("HE"), p. 1-16. (Emphasis added)

Thus, rather than finding a need to expand available licensed facilities only, the Housing Element's needs assessment stresses the importance of a *full spectrum* of group, congregate and independent housing.

In its section analyzing governmental constraints on housing for people with disabilities, the Housing Element states:

> The City of Los Angeles completed an Analysis of Impediments to Fair Housing Choice (AI).... The latest update recommended...the update of the definition of 'family'[4]....

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[4] The 2005 Analysis of Impediments to Fair Housing observed, at pp. 5-14 to 5-15:

> Local governments may restrict access to housing for households failing to qualify as a "family" by the definition specified in the zoning ordinance. Even if the code provides a broad definition, deciding what constitutes a "family" should be avoided to prevent confusion or give the impression of restrictiveness. Furthermore, Landlords or property owners may refuse to rent or sell units to households not meeting the definition of family.
>
> The City's Zoning Code defines "family" in a potentially restrictive manner that could limit the number of unrelated individuals from sharing housing. The City's Zoning Code defines a "family" as:

> The City of Los Angeles adopted Ordinance No. 177325 (effective March 18, 2006) ... [which] amended the Zoning Code Section 12.03 definition of 'family,' which had previously posed a regulatory impediment due to its effect of discriminating against individuals with disabilities residing together in a congregate or group living arrangement. The definition of family now complies with fair housing laws....[5] HE at p. 2-28 to 2-29.

In conflict with the Housing Element's finding that prior governmental constraints had been removed, the proposed ordinances would:

> *An individual or two or more persons related by blood or marriage, or a group of not more than 5 persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit, except that there may be up to 4 foster children, 16 years of age or under, where the total number of persons living in a dwelling unit does not exceed 8 and providing the keeping of the foster children is licensed by the State of California as a fulltime foster care home.*

> California court cases have ruled that an ordinance that defines a "family" as (a) an individual, (b) two or more persons related by blood, marriage or adoption, or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit, is invalid. These cases have explained that defining a family in a manner that distinguishes between blood-related and non-blood related individuals does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the City, and therefore violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discrimination between biologically related and unrelated persons.

> In general, the City's definition of "family" has the potential to discriminate nontraditional families such as gay and lesbian couples, or certain cultures that prefer living with extended family members and friends.

The 2005 Analysis of Impediments goes on to analyze in great detail fair housing impediments imposed by the zoning code definition of family. Excerpts are attached hereto as Exhibit 2 and the entire 2005 Analysis of Impediments is incorporated herein by reference.

[5] In response to the 2005 Analysis of Impediments' findings, the City specifically committed to adopt an ordinance to "Revise the definition of "family" in the Zoning Code to read "one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit." Analysis of Impediments at p. 5-22.

1. Add, rather than remove, impediments against individuals with disabilities residing together in a congregate or group living arrangement by imposing new restrictions on the definition of family.

2. Add, rather than remove, impediments against individuals residing together in a congregate or group living arrangement by imposing new and onerous parking restrictions.

3. Conflict with the Housing Element by reinstating a discriminatory criterion requiring a legal relationship for more than two parolees and probationers to live together anywhere in the City without a conditional use permit. The parolee-probationer home restriction reaches residents who and are not related to each other by "blood, marriage, foster care status, or legal adoption."

4. As a further conflict with the Housing Element and perhaps illustrating the lack of care in drafting the parolee-probationer home restriction, the ordinances on their face also discriminate against same-sex couples who are *domestic partners* but cannot legally marry in California. Thus, an unmarried same-sex couple with a roommate is treated differently under the proposals than a married heterosexual couple with a roommate, where all are parolees or probationers.

F. The Proposed Ordinances Add Rather than Alleviate Governmental Constraints on the City's Zoning Capacity

In analyzing the current governmental constraints on zoning, the Housing Element states:

> Multi-family housing (including SROs and permanent supportive housing) are allowed by right in the following residential and commercial zones: [including R2 & RD zones]. "By right" means that no process whatsoever is required for the construction of multi-family housing, SROs or permanent supportive housing in each of these zones.... HE at p. 2-5.

> With the exception of density bonus projects that exceed the maximum density permitted by law, multi-family housing projects do not require conditional use permits. Conditional use provisions in the Zoning Code, therefore, do not constrain zoning capacity... HE at p. 2-8.

In conflict with these provisions, and rather than alleviating zoning constraints, the proposed ordinances impose new zoning constraints that:

1. Restrict "by right" multifamily housing uses in zones that currently permit it by expanding the category of persons considered to live in a boarding house and barring boarding houses from new zones, and

2. Impose new conditional use permit requirements that constrain zoning capacity for more than two parolees or probationers who are not related to each other.

G. The Proposed Ordinances are Incompatible with Housing Element Objectives, Policies, and Programs.

A City's zoning ordinance is *consistent* with its general plan "if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. Perfect conformity is not required, but a project must be compatible with the objectives and policies of the general plan." *Endangered Habitats League, Inc. v. County of Orange,* 131 Cal.App.4th 777, 782 (2005) (internal quotes and citations omitted). Unfortunately, the proposed ordinances obstruct the attainment of various objectives, policies, and programs of the general plan:

1. **The proposed ordinances conflict with Objective 1.1:** Plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs.

   The proposed ordinances further conflict with Policy 1.1.3 Facilitate the new construction of housing types that address current and projected needs of the city's households.

The housing element's needs and constraints assessments acknowledge that a variety of housing options, including congregate living, is needed to accommodate the housing needs of the city's residents including homeless persons and persons with disabilities.[6] Rather than planning the capacity, developing incentives, and facilitating new construction, the Beveridge letter shows the ordinance imposes new restrictions on shared housing currently permitted, resulting in a 90% reduction of available residentially zoned land.

Similarly, where *no* restriction currently exists for parolees or probationers who reside together, the ordinances would render illegal *all* occupancy by more than two parolees or probationers who are not legally related to each other and only permit such occupancy to continue upon obtaining a conditional use permit. Moreover, the proposed ordinance takes effect upon existing parcels, with no "grandfathering" provision. It has *no* provision to mitigate the resulting disruption that the rezoning would immediately impose on residents of newly illegal homes.

The proposal thus does the opposite of facilitating new construction of housing types that are acknowledged to be needed, including congregate living options for homeless persons (described further below) and persons with disabilities; instead, it imposes disincentives and obstacles to meeting housing these housing needs. It further does the opposite of planning capacity and developing incentives for an adequate supply of housing options; instead, it imposes new restrictions and fails utterly to plan for the disruption and displacement they would impose.

2. **The proposed ordinances conflict with Objective 1.5** Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

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[6] The housing element's discussion of needs of homeless persons is described in this section below.

The proposed ordinances further conflict with Policy 1.5.1 Streamline land use entitlement, environmental review, and building permit processes.

Rather than reducing regulatory and procedural barriers to preserving a variety of housing options for those who need to live with others as documented by the Housing Element's needs assessment, the proposed ordinances impose new barriers and render existing housing illegal. Rather than streamlining uses, it imposes a new conditional use process and broad geographic restrictions on parolees and probationers who are not in a traditional family.

3. **The proposed ordinances conflict with Objective 3.1** Assure that housing opportunities are accessible to all residents without discrimination on the basis of race, ancestry, sex, national origin, color, religion, sexual orientation, marital status, familial status, age, disability (including HIV/AIDS), and student status.

   The proposed ordinances further conflict with Policy 3.1.1 Promote and facilitate equal opportunity practices in the sale and rental of housing.

   As discussed above, the proposed ordinances instead re-inscribe disability and familial status discrimination that had been removed from the city's zoning code. Moreover, a prior version of the ordinance recognized that its target is the regulation of sober living homes, whose residents are persons with disabilities protected by the fair housing. Department of City Planning Recommendation Report, January 10, 2010, re CPC-2009-800-CA at pp. 4-6, 9 (acknowledging community demand to regulate sober living homes, and noting that regulation targeted solely at sober living homes "would be considered discriminatory").

   And, the ordinance will have disparate impact on the basis of disability, sexual orientation, race, and national origin. In addition to

the concerns set forth above, parolees and probationers are more likely to be Black or Latino than the general population.[7]

Rather than be compatible, the proposed ordinances instead obstruct the attainment of the objective and policy to promote fair and equal housing opportunities in the City.

Finally, it is notable that as of December 31, 2011 the City has not implemented its Program 3.2.2.A to "provide information and training to Neighborhood Councils and other community organizations on fair housing issues." [8]

4. **The proposed ordinances conflict with Objective 4.1** Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the special needs of persons who are homeless or who are at high risk of homelessness.

   The proposed ordinances further conflict with Policy 4.1.3 Provide permanent supportive housing options for homeless persons and special needs households with services such as job training and placement programs, treatment, rehabilitation and personal management training to assure that they remain housed. Ensure an adequate supply of emergency and temporary housing for people who become homeless or are at high risk of becoming homeless.

   The proposed ordinances further conflict with Policy 4.1.6 Eliminate zoning and other regulatory barriers to the placement and operation of housing facilities for the homeless and special needs populations in appropriate locations throughout the City.

   In analyzing housing needs of homeless persons, the Housing Element states:

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[7] Laura M. Maruschak, Erika Parks, Probation and Parole in the United States, 2011, Bureau of Justice Statistics (November 29, 2012), available at http://bjs.ojp.usdoj.gov/content/pub/pdf/ppus11.pdf and attached as Exhibit 4.
[8] Annual Element Progress Report, Housing Element Implementation, January 1, 2011 to December 31, 2011, Attachment 1, page 38, attached hereto as Exhibit 3 (program on "hold pending budget and staff resources").

> The housing needs of the homeless require special attention because the homeless have little to no income and face physical challenges, mental challenges, social isolation, and transportation limitations, all of which influence their access to appropriate and affordable housing. ...Providing appropriate housing is a critical part of the solution to end homelessness.
>
> ...The current 10,062 short-term beds for the homeless ... are not sufficient, evidenced by the large number of homeless people sleeping on the street and in cars, nor are they a long-term solution to end homelessness.
>
> *More short-term housing options (emergency shelters and transitional housing facilities) are needed* as well as affordable housing, permanent supportive housing and other forms of service-enriched permanent housing. HE at pp. 1-21 to 1-22 (emphasis added).

In conflict with these needs and the accompanying objective and policies, the proposals reduce and restrict available sites for transitional housing in residential zones. The group homes restrictions consider only "non-transient" households to be families. Although transient is not defined, *transitional* housing presumably would *not* be considered "non-transient" by nature.

In addition, homelessness has been identified as a significant national and local concern for persons on parole or probation.[9] The California Department of Corrections has reported that at any given time 10 percent of the state's parolees are homeless, and as high as 30 to 50 percent in major metropolitan areas such as Los Angeles.[10] The restrictions on parolees' and probationers' ability to live together anywhere in the city without a conditional use permit thus conflicts with their access to housing options that would provide a long-term solution to end homelessness. The proposals also conflict with state realignment and efforts to house parolees and probationers in

---

[9] Katherine Brown, Council of State Governments, Homelessness and Prisoner Re-Entry: Strategies for Addressing Housing Needs and Risks in Prisoner Re-Entry

[10] *Id.*

integrated but supervised settings in the community, reflected in California Assembly Bills AB109 and AB117 (2011).

5. **The proposed ordinances conflict with various Housing Element Programs, including:**

   a. **Program 1.1.3.C** Innovative Housing Design. Rather than "encourage alternative multi-family residential design, such as congregate living and conversion of large homes to ... shared housing," the ordinance again does the opposite. This program sets forth a schedule of actions:

      Establish Task Force to review City Codes – 2009
      Task Force report and recommendations – 2010
      Revised regulations – 2011

      As of December 2011, none of these steps had been implemented; instead, the City reports, "Task Force and recommendations for revised regulations [are] on hold pending budget and staff resources."[11]

      Although the proposals expand potential sites for certain state licensed homes, as to independent group living it *discourages, obstructs, and limits* congregate living options.

   b. **Program 1.5.1.F** Amend the Zoning Code to Facilitate Non-Conventional Housing

      This program requires the City to "Identify modifications needed in the Zoning Code to facilitate innovative housing types, such as shared housing, congregate living, ... and group quarters, including consideration of parking requirements ... and other development standards, and the need to better regulate through conditional use permits." The City considers the proposed ordinances its action to implement this program[12];

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[11] Annual Element Progress Report, Housing Element Implementation, January 1, 2011 to December 31, 2011, Attachment 1, page 8, attached hereto as Exhibit 3.

[12] December 31, 2011 Housing Element Progress Report at p. 25.

however, the ordinance must be considered in context with the City's needs assessment and constraints analysis.

Nothing in the Housing Element supports the City's focus exclusively on permitting licensed group housing while severely curtailing informal and independent arrangements by nonprofits, other third parties, and parolees and probationers. Rather than "facilitate" shared housing, congregate living, and group quarters, and in conflict with the needs assessment and analysis of constraints, the ordinance *limits* shared housing to licensed facilities while curtailing shared housing in independent settings. It is notable that these zone changes are proposed without benefit of the task force contemplated in Program 1.1.3.C, as that program was never implemented.

c. Programs 4.1.3.I, J, & K and 4.1.6.A and B

The restrictions on group living outside of licensed contexts, and on unrelated parolees and probationers living together, call into question the City's ability to meet its programs to expand the availability of: permanent supportive housing; new housing serving the mentally ill; permanent housing for persons with disabilities; and permanent and supportive homeless housing siting by right throughout the City. Again, it is notable that Program 4.1.6.B to "identify and adopt changes to the Zoning Code to facilitate by-right siting of a greater variety of shelter and transitional facilities throughout the City" is also "On hold pending budget and staff resources."[13]

6. The City has not met its Regional Housing Needs Allocations

As of December 31, 2011, the City had yet to meet its allocations for 23,721 very low-income units, 15,435 low-income units, and 99,068 units overall. As set forth above, the ordinances further restrict the City's ability to meet the housing needs of its residents and thereby conflict with the housing element objective 1.1 to "Plan the capacity and develop incentives

[13] December 31, 2011 Housing Element Progress Report at p. 41.

for the production of an adequate supply of rental and ownership housing for households of all income levels and needs."

H. The City Council Should Reject the Proposals because they Violate the Least Cost Zoning Ordinance

California law requires cities to zone sufficient vacant land for residential use with appropriate standards to meet housing needs of all income categories. §65913.1. Appropriate standards mean those that "contribute significantly" to the economic feasibility of producing housing at the lowest possible cost for persons and families of low and moderate income. *Id.* By requiring a conditional use permit for unrelated parolees or probationers to live together, the ordinances impose additional and unnecessary costs, time and expense in particular for housing for persons re-entering society and subject to prison realignment. The new zoning restrictions also risk increasing the cost of group housing for homeless persons and persons with disabilities by making available sites more scarce and therefore more costly. *See Building Industry Association of San Diego,* 27 Cal.App.4th at 771 (growth control proposition facially conflicts with §65913.1 because it does not "comply with standards contributing to the economic feasibility of producing the lowest possible cost housing," in light of the limited exceptions to the growth controls imposed).

I. The City Council Hearing Violates the City Charter and Los Angeles Municipal Code Because Major Provisions have not been Considered by the City Planning Commission

The proposed ordinances have changes substantially since the time they were heard by the City Planning Commission in 2010. New provisions with broad reach that were *never* considered by the City Planning Commission include the Parolee-Probationer Home definition and citywide restrictions, and the proposed expanded parking restrictions on group homes. The municipal code, §11.5.5 provides:

> Nor ordinance, order or resolution referred to in Charter Section[] ... 558 shall be adopted by the Council *unless it shall first have been submitted to the City Planning Commission* for

> report and recommendation.... The report and recommendation shall indicate whether the proposed ordinance, order or resolution is in conformance with the General Plan ... and any other applicable requirement....

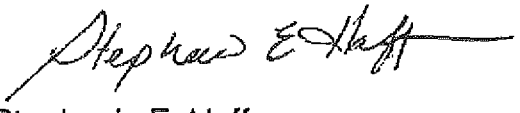
City Charter Section 558 sets forth the requirements for the creation or change of any zones for the purpose of regulating land use. City Charter, §558(a). The requirements include a report and recommendation of the City Planning Commission, which shall be considered by the City Council. City Charter §558(b). The current impactful proposals defining and regulating boarding houses and parolee-probationer homes have never been the subject of any City Planning Commission hearing, recommendation or report. Thus, the full public process to amend the zoning code has not been followed. The ordinances' passage, without benefit of the CPC's input into its new and sweeping provisions, would violate the City Charter and Municipal Code.

Conclusion

For all of the forgoing reasons, the City Council is urged to *reject* the proposed ordinances as inconsistent with the Housing Element and in violation of state law, and the City Municipal Code and the City Charter.

Sincerely,

Autumn M. Elliott
Associate Managing Attorney
Disability Rights California



Stephanie E. Haffner
Senior Litigator
Western Center on Law and Poverty

Cc: Antonio Villaraigosa, Mayor
June Lagmay, City Clerk
Amy Brothers, Deputy City Attorney

Exhibits:

1. Letter of Andrew Beveridge to Laurel Impett dated January 29, 2013 (text); the complete letter including all exhibits is submitted to the Council File under separate cover and incorporated by reference
2. Analysis of Impediments to Fair Housing (excerpts) (The full report, incorporated by reference, is available here: http://lahd.lacity.org/lahdinternet/Portals/0/Bids/RFPsRFQs/Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice.pdf.)
3. Attachment 1 to Housing Element Progress Report for January 1, 2011 to December 31, 2011
4. Laura M. Maruschak, Erika Parks, *Probation and Parole in the United States, 2011*, Bureau of Justice Statistics (November 29, 2012)
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Date: 12/11/13

Submitted in Ad Hoc CCEO Committee

Council File No: 11-0262

Item No.: 1

Deputy: Comm From Public

StopCCFO.org

North Valley Area	CD	CIS	StopCCFO	Support
Current Ordinance >9/13/11				
North Hollywood West	2	N/A	7/19/12	
Pacoima	7	**No**	6/20/12	
North Hills West	12	Yes	7/19/12	10/18/12
Chatsworth	12	Yes		6/6/12
Northridge South	12			8/23/12
Granada Hills North	12	Yes		5/21/12
Granada Hills South	12	Yes		2/9/12
Northridge West	12			7/7/12
Before Final Draft <9/13/11				
Sylmar	7			2/24/11
Northridge East	12			12/23/10
No position taken on CCFO				
Arleta	6			
North Hills East	6,7			
Panorama City	6			
Sun Valley Area	6,2			
Foothills Trails District	7			
Mission Hills	7			
Sunland-Tujunga	7			
Porter Ranch	12			

50 NCs took a position
31 on Current Version
20 Opposed, 1 split
10 Support, but only
4 of 10 heard both sides

Heard only supporters

South Valley Area	CD	CIS	StopCCFO	Support
Current Ordinance >9/13/11				
Studio City	2,4	Yes		6/20/12
Tarzana	3			2/28/12
Winnetka	3	No		6/12/12
Before Final Draft <9/13/11				
Reseda	3,12			2/7/11
Encino	5	Yes		1/26/11
No position taken on CCFO				
Greater Valley Glen	2			
Mid-Town No Hollywood	2			
No Hollywood North East	2,6			
Valley Village	2			
Canoga Park	3			
Woodland Hills-Warn Ctr	3			
Greater Toluca Lake	4			
Sherman Oaks	4			
Lake Balboa	6			
Van Nuys	6,2			
West Hills	12			

Heard only supporters

Harbor Area	CD	CIS	StopCCFO	Support	
Before Final Draft <9/13/11					
Coastal San Pedro	15			1/24/11	
Harbor Gateway North	15			1/11/11	Heard only supporters
Northwest San Pedro	15	Yes		1/31/11	
No position taken on CCFO					
Central San Pedro	15				
Harbor City	15				
Harbor Gateway South	15				
Wilmington	15				

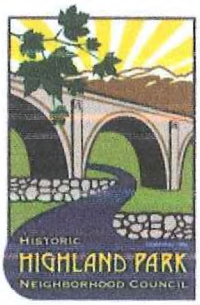
South Area	CD	CIS	StopCCFO	Support	
Current Ordinance >9/13/11					
Empower Congress Central	8	**No**	7/5/12		
Empower Congress SoWest	8	Yes	7/16/12		
CANNDU	9	**No**	8/23/12		
Empower Congress SoEast	9,8	Yes	8/14/12		
Before Final Draft <9/13/11					
Empower Congress North	8,9			3/1/11	
Empower Congress West	10			10/7/10	Heard only supporters
United Neighborhoods	10			2/3/11	
No position taken on CCFO					
Park Mesa Heights	8				
Central Alameda	9				
South Central	9				
Voices of 90037	9				
Mid City	10				
West Adams	10				
Watts	15				

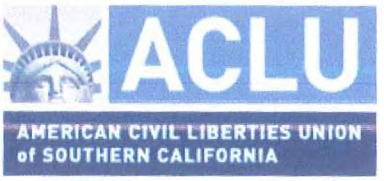
East Area	CD	CIS	StopCCFO	Support	
Current Ordinance >9/13/11					
Greater Cypress Park	1	**No**	7/17/12		
Historic Highland Park	1,14	Yes	6/21/12		
Atwater Village	13	**No**	9/13/12		
Elysian Valley Riverside	13	**No**	8/16/12		
Boyle Heights	14	**No**	7/25/12		
Glassell Park	14,1	Yes	7/17/12		
Before Final Draft <9/13/11					
Silver Lake	13,4			3/2/11	Heard only supporters
No position taken on CCFO					
Arroyo Seco	1,14				
Lincoln Heights	1,14				
Greater Echo Park Elysian	13,1				
Eagle Rock	14,1				
LA-32	14,1				

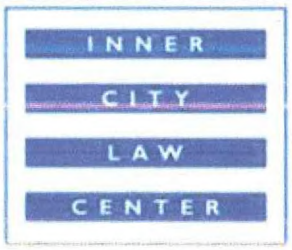
West Area	CD	CIS	StopCCFO	Support	
Current Ordinance >9/13/11					
Palms	5	N/A	6/6/12	2/2/11	
Venice	11	Yes	6/19/12		
Westside	5			7/12/12	
Westwood	5	Yes		6/13/12	
Before Final Draft <9/13/11					
Bel Air-Beverly Crest	4,5			10/27/10	Heard only supporters
South Robertson	5	Yes		2/17/11	
Mar Vista	11			10/12/10	
West Los Angeles	11			10/5/10	
Westchester/Playa	11,8			11/2/10	
Del Rey	11			12/9/10	

Central Area	CD	CIS	StopCCFO	Support	
Current Ordinance >9/13/11					
Greater Griffith Park	4,13	Yes	6/19/12		
Central Hollywood	13,4	Yes	7/23/12		
East Hollywood	13	**No**	7/16/12		
Hollywood Studio District	13	Yes	8/13/12		
Rampart Village	13	**No**	6/19/12		
Downtown Los Angeles	14,1	**No**	8/14/12		
Before Final Draft <9/13/11					
Greater Wilshire	4,5	No		3/9/11	Heard only supporters
Mid-City West	5,4	No		1/11/11	
No position taken on CCFO					
Historic Cultural	1,14				
MacArthur Park	1				
Pico Union	1				
Westlake North	1,13				
Westlake South	1				
Hollywood Hills West	4,13	N/A	Deadlock	Stalemate	
Hollywood United	4,13				
Olympic Park	10				
P.I.C.O.	10,5				
Wilshire- Koreatown	10,13				

Organizations Opposing the City of Los Angeles Community Care Facilities Proposed Ordinance CF 11-0262







Center for Living & Learning

Join the List of Organizations Opposing this Bad Law Sign On to #StopCCFO at www.StopCCFO.org

Organizations Opposing the City of Los Angeles Community Care Facilities Proposed Ordinance CF 11-0262

CHRYSALIS
a nonprofit organization Changing Lives Through Jobs

CLARE foundation, inc.

COMMUNITY SOLUTIONS

DOWNTOWN WOMEN'S CENTER

COUNTY OF LOS ANGELES
Public Health
Substance Abuse Prevention and Control

LAC DMH
MENTAL HEALTH

DRUG POLICY ALLIANCE
Reason. Compassion. Justice.

EAST LA COMMUNITY CORPORATION
TRABAJANDO JUNTOS...WORKING TOGETHER

felicity house

Gettlove

FRED BROWN RECOVERY SERVICES
SAN PEDRO

NEW DIRECTIONS
ND
WHERE VETERANS TURN

HARVEST HOUSE

AOA
Apartment Owners Association of California, Inc.

Sober Living Network

Haight Ashbury Free Clinics

WALDEN HOUSE
Giving Hope - Changing Lives

OUR FAITH MATTERS
is an initiative of PATH PARTNERS

HOLLYWOOD
CHAMBER OF COMMERCE

LOS ANGELES BUSINESS LEADERS TASK FORCE
HOME FOR GOOD
United Way of Greater Los Angeles & L.A Area Chamber of Commerce

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HOMES FOR LIFE FOUNDATION
providing permanent, service-enriched housing for persons with mental disabilities...

Paso por Paso
Recuperación en tu Idioma

Los Angeles HOUSE OF RUTH

HOUSING WORKS

invisible PEOPLE.tv

Integrated recovery network
a non-profit corporation

Los Angeles Area Chamber of Commerce

JOVENES INC
empowering youth to succeed

THE JOHN STEWART COMPANY
Diversified Housing Services

L.A. FAMILY HOUSING

Liberty Hill

LAM
LOS ANGELES METROPOLITAN CHURCHES

Los Angeles Mission
The Crossroads of Hope

Los Angeles Community Action Network

LA VOICE PICO

COMMUNITY COALITION
people. power. progress.

MHA
Mental Health America of Los Angeles

NAMI
National Alliance on Mental Illness

NARR
National Association of Recovery Residences

PATH
People Assisting The Homeless

Oceanside Transitional Living In Malibu
lifelong recovery in a real life setting

Pathways TO YOUR FUTURE

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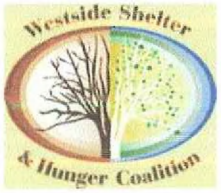
Organizations Opposing the City of Los Angeles Community Care Facilities Proposed Ordinance CF 11-0262



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