

Proposed Los Angeles City Housing Ordinance Targets Latinos

For decades local jurisdictions have attempted to regulate immigration by enacting laws targeting recent immigrants by seeking regulation of issues incidental to their lifestyles.ⁱ Private residential occupancy standards limiting the number of people who can live in a home have been the subject of much controversy.ⁱⁱ To avoid legal action, efforts turned to alternative methods, other than whether occupants were relatedⁱⁱⁱ, reportedly in large part to prevent recent immigrants from living in certain Los Angeles neighborhoods.^{iv} The City of Los Angeles previously enacted several such ordinances, now repealed.^v

In 1985 then 7th District Councilmember Ernani Bernardi motioned for occupancy limits stating “The means must be found to legally place reasonable limits on the number of unrelated tenants who can live in a single residence (apartment of single family home).^{vi} At that time the 7th District covered predominantly white SFV neighborhoods^{vii}; Bernardi supported FAIR, a lobbying group devoted to using the harshest possible measures to reduce immigration and made racist comments to fellow Councilmember Ridley-Thomas. He retired after the 7th District was reconfigured, making the constituency 70% Latino.^{viii}

Then 14th District LA Councilmember Richard Alatorre adamantly opposed the 1985 law stating it interfered with basic constitutional rights of privacy and security in one’s home including the right to determine the size of one’s family. Alatorre complained there were no grandfathering provisions, no exemptions for children, pointing to the fact harmful results would be borne by people economically least aware of, or able to, defend their rights or seek redress.^{ix} Other opponents were more straightforward. Mr. Dino Hirsch, a prominent Latino Renter Rights Advocate with Inquilinos Unidos, stated it was aimed at the Spanish speaking community in downtown and East Los Angeles.^x The law passed.^{xi}

The LA Community Care Facilities 2008 Ordinance^{xii} purportedly began as an attempt to control a small number of problem residences claiming to be sober living homes in then Councilmember Greig Smith’s predominantly white, single family home, 12th District. The Planning Department reported he could not target a federally protected class (people in recovery from addiction are considered disabled). And there was not much support for going after small groups of poor people changing their bad habits.^{xiii}

Realizing he did not have necessary support, Smith and these predominantly white, middle class people expanded the proposed ordinance to capture immigrant families who often “double up” to save money and learn to navigate their new country. Understanding they could generate much more support by including provisions targeting immigrants by defining homes with more than one (even oral) rental agreement a “boarding house”^{xiv} not allowed in single family zones, the supporters quickly gained alot of momentum. The ordinance was presented as a way to regulate undesirables out of neighborhoods.^{xv}

Former Councilmember Smith has a history of supporting discriminatory laws like Arizona and was the lone vote against the LA City Boycott^{xvi}. And his successor, current CD 12 Councilmember Mitch Englander, carried on seeking to repeal the Arizona Boycott^{xvii} and moving forward with the Community Care Facilities ordinance, also targeting immigrants.

Courts uphold constitutional protections against the discriminatory occupancy limit laws. As a result, anti-immigration groups have been seeking a way around the law to achieve their desired results. Instead of focusing on illegal occupancy restrictions they are now seeking to redefine “family” by claiming any home where there is more than one rent sharing agreement is a “boarding house”, similar to a motel, not legal in family homes.

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The stated targets for enforcement are unpopular recovering alcoholics and addicts, who also are defined as a protected class, but who lack well organized opposition. Numerous anti-immigration activists were quietly mobilized to support this ordinance as a back-door way to force immigrant families out of predominantly white family neighborhoods. Instead of utilizing occupancy standards, they will make rent sharing agreements illegal. The Community Care ordinance provides a solution to regulate immigrant families.^{xviii}

The actors and legal maneuvers are changing, but the discriminatory intent is the same. Greig Smith, Mitch Englander and Ernani Bernardi - all LA City Councilmembers with mostly white constituents insisting government must devise a way to control immigration. For the same reasons "Preserving Single Family Neighborhoods, Relieving Overcrowded Conditions, Parking, Noise, Health and Safety, Deteriorating Neighborhoods, etc.", these white Councilmembers propose various discriminatory ways of regulating immigration. Wealthy white neighborhoods want only white tenants in their white communities.^{xix}

What is missing in the current fight against the Community Care Facilities ordinance is opposition from any Latino and other immigrant rights advocates and organizations. Other provisions of this ordinance target the circumstances in which minorities often find themselves: in treatment for drug and alcohol addiction, seeking shelter in group homes, and under the supervision of criminal justice authorities. The ordinance will outlaw any more than two unrelated people on any probation or parole from living in family homes.^{xx} Organizations opposing this ordinance include the Corporation for Supportive Housing, ACLU, Public Counsel, Inner City Law Center, Legal Aid Foundation of Los Angeles, Victory Outreach International, the Los Angeles Chamber of Commerce, the Los Angeles Homeless Services Authority and the City of Los Angeles' own Housing Department.^{xxi}

Planning Committee Chair Councilman Ed Reyes Councilmember.Reyes@LACity.org, (213) 473-7001, Councilman Jose Huizar 473-7014, Councilmember.Huizar@LACity.org and Councilman Tony Cardenas 473-7006, Councilmember.Cardenas@LACity.org have supported prior drafts of this law, likely without understanding the sure impact on Latinos. Call, email, visit or write to LA City Hall 200 North Main Street Los Angeles CA 90012 to **URGE COUNCIL TO VOTE NO ON THE DISCRIMINATORY COMMUNITY CARE LAW.**

ⁱ [Escondido's parking law](#) targeting poor Latino families who congregate in single- family homes to save money

ⁱⁱ [Escondido's ordinance](#) barring landlords from renting to illegal immigrants, supported by San Diego Minutemen

ⁱⁱⁱ [Santa Barbara v. Adamson](#) holding that no distinction can be made between related and unrelated occupants

^{iv} [LA Times 12.13.86 "Council OKs Occupancy Limits on Rental Units"](#) Law aimed at Spanish-speaking community

^v [Council File No. 85-1517](#); 1986 Occupancy Limit Ordinance in light of [Adamson](#); [rescinded](#) per LA Housing Dept

^{vi} [1985 Occupancy Limit Motion](#) for apartments and family homes, introduced by Councilmember Ernani Bernardi

^{vii} [Los Angeles City Council District 7](#) From 1961–86 CD 7 included Van Nuys, Sylmar, Sepulveda and Granada Hills

^{viii} [Councilmember Ernani Bernardi](#) supported lobbying group FAIR; made public condescending & racist remarks

^{ix} [Councilmember Alatorre's letter](#) dated December 5, 1986 opposing Ernani Bernardi's Occupancy Limit Ordinance

^x [Council Meeting Minutes](#) December 12, 1986, page two testimony of the late Dino Hirsch for Inquilinos Unidos

^{xi} [Mayor Tom Bradley](#) signed Ordinance with reservations it may punish innocent people and increase homelessness

^{xii} [Councilmember Smith's Motion](#) 07-3427 stating sober living homes have detrimental impacts on neighborhoods

^{xiii} [January 2010 Draft Ordinance](#) listing reasons why the City should not attempt to regulate sober living homes

^{xiv} [Modified Proposed Ordinance](#) amending code definitions of Boarding House and Family for enforcement

^{xv} [Neighborhood Petition](#) demanding illegal occupancy limits for reasons mirroring Bernardi's 1985-6 ordinance

^{xvi} [LA Weekly 11.1.10 "L.A. City Councilman Greig Smith Overrides City's Arizona Boycott -- Again"](#) for LAPD tasers

^{xvii} [LA Daily News 10.22.11 "Put an end to Arizona boycott, Councilman Englander says"](#) to resume business there

^{xviii} [Community Care Ordinance Supporters by Race & Council District](#) shows that 2/3 of supporters are white people

^{xix} [The Sober Living Law is Simply Discrimination against Minorities](#) same neighborhoods supported occupancy limits

^{xx} [Final Draft Community Care Facilities Ordinance](#) outlaws family homes with more than 2 unrelated probationers

^{xxi} [Councilmember Alarcon's Opposition](#) expressing concern regarding the Community Care Facilities Ordinance