



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

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### BACKGROUND

On June 1<sup>st</sup>, the City Council will consider a proposed ordinance that would restrict housing opportunities for Los Angeles residents who are at risk of homelessness, who are homeless, and who formerly experienced homelessness but are now living in stable, permanent housing.

- To live in a single family residential zone (R1 or R2) under the proposed ordinance, members of the home or apartment must be a “single housekeeping unit.” “Single housekeeping unit” would be defined, in part, as all of the household members *living under a single lease, written or oral*.
- The ordinance would further redefine “boarding or rooming house” as a home or apartment *anywhere in the City with more than one lease, written or oral*.

### RECOMMENDATIONS

The community care licensing provisions of the ordinance are positive, but the City Council should narrow the effect of other provisions in the following ways:

- *Eliminate the re-definition of “boarding or rooming house.”* Not only is the definition overbroad, it is inaccurate, as boarding houses are commercial establishments. Planning and City Attorney staff indicated the ordinance is intended to restrict “commercial enterprises” that house “transients;” a definition should be restricted to this effect.
- *At the very least, limit the single lease requirement to leases that limit a tenant’s length of stay in housing.* The target of the proposed ordinance are homes that provide housing on a short-term basis.

### ORDINANCE WOULD SIGNIFICANTLY INCREASE HOMELESSNESS

If enforced, the ordinance would severely restrict renters from sharing living arrangements:

- Because the ordinance forbids more than one rental agreement in any home or apartment, *an agreement between friends or families to live together to share the costs of housing, even if oral and informal*, would make such housing arrangements illegal in single family zones and would create hurdles for this housing as a “boarding or rooming house” in all other zones.
- As many as 49,000 renters living in poverty in the City share living arrangements.<sup>1</sup>
- An additional 9,500 people living in poverty rent a room in a home, often from other renters.<sup>2</sup>
- People in poverty sharing living arrangements are already at significant risk of homelessness. The practice of “doubling up” would be illegal in many parts of the City, potentially leaving thousands of people no choice but the streets or shelters.

### ORDINANCE WOULD UNDERMINE EFFORTS TO CREATE PERMANENT SUPPORTIVE HOUSING

“Shared supportive housing” housing—tenants sharing a single family home, duplex, or triplex, each with their own bedroom and a right to choose other housemates—is becoming more popular in

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<sup>1</sup> U.S. Census Bureau. *American Housing Survey*. Table 2-9 (2005). Extrapolated from national data the National Alliance on Ending Homelessness analyzed, indicating that 2.4 to 4 million (.7 to 1.3%) Americans in poverty share housing arrangements with non-relatives.

<sup>2</sup> U.S. Census Bureau. *American Housing Survey*: Los Angeles Metropolitan Area, Table 2-9 (2003).

housing homeless people with disabilities, as funding sources, like the Mental Health Services Act Housing Program and the Neighborhood Stabilization Program, finance purchase and rehabilitation of abandoned properties. The proposed ordinance would prohibit shared supportive housing in low-density zones.

- Though sober living facilities now operating outside the law will continue to do so, funding and regulatory requirements mandate that every tenant of shared supportive housing has his/her own lease.<sup>3</sup>
- Studies prove supportive housing reduces chronic homelessness.<sup>4</sup> It is linked to improved neighborhood property values<sup>5</sup> and reductions in crime.<sup>6</sup> Every 100 formerly homeless adults the community houses in supportive housing allows these tenants to avoid 2,000 nursing home days and 270 hospitalizations.<sup>7</sup>
- Shared housing is *not* a boarding, rooming, group, or sober living home. Supportive housing residents are *not transient*: the average length of residency is the same as any other tenant.<sup>8</sup>
- Removing barriers to creating more supportive housing is a central goal of the Chamber of Commerce's *Home for Good Plan*, which nine Council Members endorsed.

### **THE ORDINANCE WOULD CAST PEOPLE STABLY HOUSED BACK ONTO THE STREETS AND END POTENTIAL HOUSING INDEPENDENT HOUSING OPPORTUNITIES**

Planning staff said homeless people “could live in licensed community care facilities,” rather than supportive housing.

- A core principle of fair housing and disability rights law is the obligation of jurisdictions to advance the right of people with disabilities to live in as independent setting as possible.<sup>9</sup> Supportive housing provides people with disabilities the tools to live completely independently, without supervision. Supportive housing promotes housing permanency, independence, and choice, unlike licensed facilities, which provide care and supervision.
- Federal courts recognize supportive housing as a preferred less-restrictive housing model,<sup>10</sup> and the State Legislature specifically exempted supportive housing from licensing requirements.<sup>11</sup>
- The proposed ordinance would have a disparate impact on supportive housing, in conflict with state law, which requires zoning laws to treat supportive housing in the same manner as any other dwelling of the same type.<sup>12</sup>

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<sup>3</sup> Mental Health Services Act Housing Program's Regulatory Agreement § 2(hh); California's Uniform Multifamily Regulations governing the Multifamily Housing Program for Supportive Housing, 25 CCR § 7341(a)(2); the Department of Housing and Urban Development's regulations for housing assistance requires each assisted tenant in shared housing have his/her own lease, 24 CFR § 982.616.

<sup>4</sup> A recent Los Angeles Homeless Services Authority-commissioned report found that supportive housing decreases costs of hospital, ambulance, jail, police, and other services used by homeless people with mental illness and substance abuse disorders by 79%. Daniel Flaming, Patrick Burns, Michael Matsunaga. “Where We Sleep: Costs When Homeless and Housed in Los Angeles County.” *Economic Roundtable*. 2009.

<sup>5</sup> Furman Center for Real Estate & Urban Policy. “The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from New York City.” *New York University School of Law*. 2009.

<sup>6</sup> Justice Policy Institute. *Housing and Public Safety*. 2007.

<sup>7</sup> Laura Sadowski. “Effect of a Housing and Case Management Program on Emergency Department Visits and Hospitalizations Among Chronically Ill Homeless Adults: A Randomized Trial.” *Journal of Amer. Medical Assoc.* 2009. 1771-78.

<sup>8</sup> 81% of supportive housing tenants with mental and substance abuse disabilities remain housed after one year. Martha Burt, Jacquelyn Anderson. “AB 2034 Program Experiences in Housing Homeless People with Serious Mental Illness.” *Corp. for Supportive Hsg.* Jan. 2006.

<sup>9</sup> *Olmstead v. LC & EW*, 527 U.S. 582 (1999).

<sup>10</sup> *Disability Advocates, Inc. v. Paterson*, 2010 WL 933750 (E.D.N.Y. 2009).

<sup>11</sup> Health & Safety Code § 1504.5.

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