



June 15, 2012

Honorable Councilmember Bill Rosendahl  
Los Angeles City Hall  
200 North Spring Street  
Los Angeles, California 90012

- Re: *The proposed Community Care Facility Ordinance (File No. 11-0262) is illegal.*

Dear Councilmember Rosendahl:

We are attorneys representing a broad array of organizations that advocate on behalf of people who are homeless, veterans, and individuals with disabilities in the Los Angeles area. We write to express our grave concerns about the legality of the above-referenced proposed ordinance (“Ordinance”). We write further to underscore the severe negative consequences the Ordinance will have on the City’s most vulnerable residents.

The Ordinance basically consists of three parts. One part of the Ordinance would prohibit residences in low-density residential zones from housing tenants on more than one lease (which, in this letter, we call the “Single Lease Requirement”). Another part would require a conditional use permit for any residential building housing more than two unrelated parolees or probationers anywhere in the City, with the exception of single-family residential zones where such housing would be prohibited outright. The third part (which we do not address in this letter) would impose performance standards on certain treatment or care facilities that are licensed by the state of California.

As detailed in the letter and legal memorandum from Munger, Tolles & Olson LLP that is attached as Exhibit A as well as letters submitted by other legal services organizations, the Single Lease Requirement, if passed, would clearly violate a myriad of federal, state, and local laws. It would, at a minimum:

- Violate the Fair Housing Amendments Act of 1988 because it is motivated by the discriminatory purpose of eliminating sober living homes—which cater to individuals with disabilities—from low-density residential neighborhoods and would disproportionately impact such individuals, who the City well knows are most in need of shared housing;

- Violate the City’s obligation under the Americans with Disabilities Act to provide people with disabilities meaningful access to the City’s programs, services, and activities;
- Infringe residents’ rights to privacy under the California Constitution because enforcement by the City would require unwarranted intrusion into their personal affairs;
- Exceed the City’s zoning authority because it conflicts with at least two goals of the City’s Housing Element of the General Plan; and
- Jeopardize the continued receipt of sorely needed federal funds by running afoul of the City’s obligations as a recipient of federal funding to affirmatively further fair housing.

Passing an Ordinance with such glaring legal defects will invite a wave of lawsuits from affected residents and close scrutiny by state and federal officials.

In addition to subjecting the City to these substantial legal risks, the Single Lease Requirement will have a devastating impact on the more than 40,000 households in Los Angeles that share single family homes to make housing more affordable. If the Ordinance passes, families living in such households will either face homelessness or be forced to share a lease with their co-tenants and face the risk of eviction resulting from a co-tenant’s conduct. To illustrate the broad sweep of the Ordinance, consider the following examples of shared living arrangements that the Ordinance would prohibit from low-density residential zones:

- Four veterans sharing a home as they attempt to transition out of homelessness;
- Three seniors sharing a home to reduce housing expenses on their fixed income;
- Three persons with disabilities sharing a home in order to live in a residential community rather than an institutional environment;
- Two families sharing a home in order to live in a child-friendly neighborhood neither could otherwise afford on their own;
- Two students of limited financial means renting from a senior homeowner who needs the rental income to remain in that home.

All of these people have different and unique stories of struggle and perseverance, but they share a common need for shared housing to make ends meet or to pursue a better life for themselves. The Single Lease Requirement would make these common shared living arrangements nearly impossible to achieve in low-density residential zones.

All of these legal concerns and negative consequences would follow just from the Single Lease Requirement. The parolee/probationer provision raises equally troubling concerns. This

provision violates fair housing and disability rights laws because of its disparate impact on people with disabilities and other protected classes. It would also be incredibly bad policy for the City to place such a drastic limitation on the ability of people on parole or probation to find housing because people on parole or probation are seven times more likely to recidivate when homeless than when housed.

The problems with the Ordinance are all the more objectionable because it would not even solve the issue it purports to address. Any nuisance homes can and will continue to operate under the new requirements, while safe, well-managed, and vitally needed shared living arrangements will be senselessly eradicated.

Without exception, every housing- or homelessness-focused nonprofit organization or government agency that has weighed in on the Ordinance opposes it. The Los Angeles Housing Department, the Housing Authority of the City of Los Angeles, and the Los Angeles Homeless Services Authority all strongly oppose the Ordinance, as do the City's Department on Disability and the County Department of Mental Health. The Los Angeles Chamber of Commerce, the California Apartment Association, and all of the nonprofit groups identified in the letter attached as Exhibit B vehemently oppose the Ordinance.

We strongly urge you to vote NO on this harmful, illegal, and counter-productive Ordinance.

  
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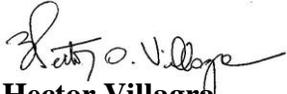
  
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