



Honorable Council President Wesson
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: COUNCIL FILE 11-0262, PROPOSED COMMUNITY-CARE LICENSING ORDINANCE

Dear President Wesson:

On behalf of the Corporation for Supportive Housing (CSH), I am writing to express ongoing concerns with the proposed Community Care Facilities ordinance (CCFO). CSH is a national non-profit that partners with developers, service providers, and property managers to create and sustain affordable housing with services (supportive housing) to end homelessness. CSH in California has helped our non-profit partners develop over 12,000 supportive homes, over 2,000 of which in the City of Los Angeles.

Along with over 100 other organizations and 19 neighborhood councils, we are deeply concerned that the CCFO would threaten City goals of reducing crime, creating thriving neighborhoods, and fostering housing opportunities for vulnerable Angelinos. These consequences would come at the expense of millions in taxpayer dollars, without achieving the stated objectives of the ordinance.

1. *The ordinance would exacerbate crime, rather than reduce it.*

Parolee-Probationer Provision: For the over 40,000 parolees and probationers living in the City, the proposed CCFO includes provisions that would result in more homelessness, which, in turn would increase recidivism rates among this population. Under the amended “parolee-probationer home” provisions, units with more than two unrelated probationers or parolees would be illegal in single family zones and would require a conditional use permit as a “parolee-probationer home” in all other zones.

*Given that homeless probationers and parolees are seven times more likely to recidivate than people who are housed,*¹ this ordinance reinforces a vicious cycle of incarceration and homelessness and threatens public safety. This ordinance would decrease opportunities for people with a history of incarceration from accessing housing, even though studies show that criminal history is not a predictor for transience or crime in a community.² Conversely, homelessness increases an individual’s risk of arrest or re-arrest, often for quality of life crimes. Since sleeping on L.A. streets is illegal, for example, people experiencing homelessness would be twice-damned: they’ll have a record because they have no place to sleep and that record would become the reason they’ll have fewer places to sleep. The Council of State Governments has said, “Without stable housing, individuals [reentering communities from

¹ S. Metraux, D. Culhane, R. Cho. "Homeless Shelter Use and Reincarceration Following Prison Release," *Criminology and Public Policy*, Vol. 3, no. 24 (2004)

² D. Malone. "Assessing Criminal History As Predictor of Future Housing Success for Adults with Behavioral Health Disorders." *Psychiatric Services*, Vol. 60, No. 2 (Feb. 2009).

prison or jail] have a much harder time accessing employment, substance abuse treatment and other support services, and making or restoring connections with community resources and positive social networks.”³ Barring access to housing would only increase recidivism.

Restrictions on Number of Leases: Proponents of the CCFO have argued that shared housing breeds crime, and point to the Northridge shooting in early December as evidence. To reduce crime, proponents argue, the CCFO would make illegal, in almost 90% of the residential areas of the City, all households but “single housekeeping units.” Single housekeeping units would be defined, in part, as households with two or fewer leases (as amended at the December 10th Public Safety Committee hearing). The ordinance would further redefine “boarding or rooming house” as a home with more than two leases, effectively limiting any home with more than two leases to high-density zones, and, by virtue of characterization of “boarding house,” prevent housing created for multiple leaseholders.

The premise of these provisions, however, is erroneous. First, as a *Los Angeles Times* editorial noted, any link between shared housing and the Northridge shooting is inaccurate. As the *Times* editorial pointed out, the residents of the Northridge home were victims of the crime, rather than perpetrators: “There is no reason to believe that [the shooter] was more or less likely to have shot them had they been the only four residents of a tidy single-family home. The . . . attempt to link them . . . falls short of the standard of thought and action Los Angeles residents should demand from an elected official.”

Second, studies from the last 50 years reveal that a neighbor’s adjacency to shared housing, publicly-funded housing, or housing for people with disabilities does not, in any way, mean that neighbor will risk greater crime.⁴ A neighborhood’s crime rate is directly related to socioeconomic factors, like cohesion among neighbors,⁵ resource/economic deprivation,⁶ a neighborhood’s severe poverty,⁷ a neighborhood’s overall physical decay, and a fear among neighbors.⁸

Finally, though we agree that much of the City’s housing is substandard and overcrowded, and that these conditions can reflect a neighborhood’s crime rate,⁹ blight, overcrowding, and crime exist regardless of housing type, even among single family homes people own.

2. The CCFO would not close problematic homes.

The CCFO would require the Department of Building and Safety to develop a system of “lease police” that would either require landlords to show leases (even if verbal) in response to neighbor complaint. The CCFO will not deter bad actors who will most likely place all residents under a single rental agreement to skirt this law, or who will commit yet another violation of City law aside from laws they are already violating, knowing the City has no resources to enforce. Indeed, the CCFO will not give City staff more resources to enforce well-established City laws or the CCFO.

³ National Reentry Resource Center. “Frequently Asked Questions: Housing.” *Council of State Governments*. <http://www.nationalreentryresourcecenter.org/faqs/housing-and-reentry#Q1>.

⁴ D. Roncek, R. Bell, J. Francik. “Housing Projects & Crime: Testing a Proximity Hypothesis.” *Social Problems*. Vol. 29, No. 2. (Dec. 1981).

⁵ R. Sampson, S. Raudenbush, F. Earls. “Neighborhoods & Violent Crime: A Multilevel Study of Collective Efficacy.” *Science*. Vol. 277 (Aug. 15, 1997); T. Pratt, F. Cullen. “Assessing Macro-Level Predictors & Theories of Crime: A Meta Analysis.” *Crime & Justice, University of Chicago Press*, Vol. 32 (2005).

⁶ Pratt & Cullen (2005).

⁷ R. Loeber, D. Farrington. *Serious & Violent Juvenile Offenders: Risk Factors & Successful Interventions*. Sage Publications (1998).

⁸ R. Taylor, A. Harrell. “Physical Environment & Crime.” U.S. Dept. Justice’s Nat’l Institute of Justice Research Report (Jan. 1996); K. Ferguson, C. Mindell. “Modeling Fear of Crime in Dallas Neighborhoods: A Test of Social Capital Theory.” *Crime & Delinquency*, Vol. 49 (2006).

⁹ *Id.*

As the police officers and staff from the fire department stated regarding the Northridge shooting, the conditions that existed in the Northridge home already violated existing City codes. If any link exists between this specific home and the crime itself, the tragedy is a reflection of the City's lack of resources to investigate fully and prosecute blatant violations of existing nuisance and safety laws, rather than a commentary on people sharing housing.

Further, even if the CCFO is enforced, a home could not close more rapidly than under the broken nuisance abatement process, as a home owner would still be entitled to due process rights, involving a lengthy litigation process. The CCFO fails to address any speedier remediation process.

3. *The CCFO would severely decrease, rather than increase, housing opportunities.*

Proponents of the CCFO argue the ordinance would increase housing opportunities for people with disabilities. Nothing could be further from the truth. While the ordinance allows for some licensed facilities to exist by right in single family zones, licensed facilities are institutions, not housing. They are intended to offer care and supervision to people with severe disabilities, usually temporarily, when those individuals cannot live independently. Over 20 years ago, the Americans with Disabilities Act and the Supreme Court demanded all jurisdictions promote the right of people with disabilities to live as independently as possible in homes of their choice. The Court ruled jurisdictions offering people with disabilities no other option but institutionalization violate principles of the ADA and the Constitution.¹⁰ The CCFO would impact programs intended to give people with disabilities greater access to housing that cannot be, and should not be, subject to licensure, as they do not provide care and supervision.

The City identified shared housing as a means of increasing housing opportunities for people with disabilities and has dedicated resources to create shared permanent supportive housing for homeless residents.¹¹ The CCFO puts these and other projects in jeopardy. Funding sources intended to decrease homelessness among people with disabilities requires compliance with City laws. Yet, these same funding sources, such as the Mental Health Services Act (MHSA) Housing Program and the HUD Section 8 Housing Choice Voucher program, require every tenant of shared housing sign his/her own lease.¹² Examples of affected projects include a plan to transform four blighted foreclosures into permanent supportive housing for 15 homeless veterans with disabilities, a design to move chronically homeless people from County hospital beds into shared supportive housing, and a project to convert temporary housing for homeless people to shared permanent supportive housing. These "good actors" would be caught in the net of this ordinance, even though these projects have to comply with strict occupancy and habitability standards. These and many other examples demonstrate how the CCFO would restrict housing opportunities.

Similarly, the parolee-probationer provision would put City law in conflict with federal guidelines in administering federal voucher programs. Several programs, particularly those funding housing for homeless people, prohibit the Housing Authority from conducting criminal background checks. The Veterans Affairs Supportive Housing Program and the McKinney-Vento Homeless Assistance Shelter Plus Care program are two examples in which the CCFO would require the Housing Authority either to violate the terms of the ordinance or forgo these federal resources.

¹⁰ Americans with Disabilities Act of 1990; *Olmstead v. L.C.*, 527 U.S. 581 (1999).

¹¹ *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.

¹² Mental Health Services Act Regulatory Agreement, § 2(hh); 24 CFR § 982.616.

Moreover, if enforced, the almost 50,000¹³ families, seniors, students, people with disabilities, and others in poverty who now share housing for economic reasons would most likely suffer the greatest impact. Those forced to double up in housing will find themselves outside the law; if enforced, the ordinance would drive many, especially those who are living in extreme poverty, into homelessness.

4. *The CCFO would cost taxpayers millions.*

Enforcement of the CCFO would cost the City millions, without any additional resources added to the City budget. Defending multiple CCFO lawsuits would impose costs, the Department of Building and Safety staff would have to increase to respond to neighbor complaints, the Planning Department has admitted it would have to add staff to process conditional use permits, and costs of increased homelessness to taxpayers would be significant.¹⁴

More importantly, the CCFO would put in jeopardy the City's federal housing funds. As more thoroughly explained in the attached letter from Disability Rights California (DRC), by enacting severe restrictions on people with disabilities, these provisions would write into law principles long ago abandoned: that Angelinos with disabilities can only live in certain neighborhoods or in institutions. Because the City is legally required to further fair housing rights to receive federal housing funds, because the record on this ordinance is replete with intent to eliminate sober living facilities, and because the U.S. Department of Justice (DOJ) has signaled its belief that this ordinance is illegal by suing the City of San Jacinto for a very similar ordinance, this ordinance could cause HUD and DOJ to withhold vital housing funds.

5. *We need a workable solution to the problems of substandard and overcrowded housing, rather than the CCFO, which is not a solution at all.*

To address the real concerns of bad neighbors, the Council should support creating a system for more frequent enforcement of existing laws. An alternative ordinance should eliminate the "parolee-probationer home" provision and the re-definition of "boarding or rooming house," significantly narrow the single lease requirement, and add a task force to address nuisances in homes throughout the City.

Thank you for considering these alternatives to the flawed CCFO. Feel free to contact Sharon Rapport, Associate Director, California Policy, with questions (sharon.rapport@csh.org or ((323) 243-7424).

Sincerely,



Jonathan Hunter
Managing Director, Western Region

¹³ 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.

¹⁴ The public costs of one Los Angeles County homeless resident totals \$2,987 *per month*. D. Flaming, P. Burns, M. Matsunaga. "Where We Sleep: Costs When Homeless and Housed in Los Angeles County." *Economic Roundtable* (2009).