

Housing Rights Issues

Housing Rights vs. City of Los Angeles Proposed Rezoning Ordinance

September 27, 2010

The September 2010 Planning Department staff report, Case Number CPC-2009-800-CA and Council File Number 07-34-27 proposes important zoning changes that potentially negatively impact any person in the city of Los Angeles who rents or owns a duplex or single family residence. [1] [Link to staff report](#)

These provisions, if enacted, will dramatically restrict anyone who lives under any rent sharing arrangements from living in housing of their choice. Those affected would be students, seniors, friends and roommates, adult children living with their parents, and people who rent homes together for any reason.

This document is divided into three sections:

- * **Proposed changes and how they would negatively affect renters and rental properties**
- * **Why this proposed ordinance should be defeated**
- * **What you can do about it**

All source documents referenced here are available at the Sober Living Network website:
www.soberhousing.net/housing_rights_los_angeles.html.

PROPOSED CHANGES AND HOW THEY WOULD NEGATIVELY AFFECT RENTERS AND RENTAL PROPERTIES IN LOW DENSITY RESIDENTIAL ZONES

Proposed Changes

Currently there is no restriction on the number of leases or rental agreements for single family residences and duplexes in the City of Los Angeles. This ordinance proposes to reclassify as a boarding house any rental property in a single family home or duplex in low density residential areas (R1, R2 and RD) with more than one leasing arrangement, either written or oral. This could potentially drive thousands of people out of their current residences: students, seniors, friends living together, and persons with disabilities who need group homes to live in. Specifically, the City proposes to do this by **redefining “family,” “single housekeeping unit,” “boarding house,” and “correctional or penal institution.”**

“Family” would be redefined as: “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, *as a single housekeeping unit.*” (emphasis ours. [2] See Planning Department Appendix A p. A-2 ([link](#)))

“Single housekeeping unit” would be redefined as: “One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. *If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single lease, either written or oral, whether for monetary or non-monetary consideration.*” (emphasis ours. [2] See Planning Department Appendix A p. A-2)



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“Boarding house” would be redefined as: “A one-family dwelling where lodging is provided to individual with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral, or a dwelling with five or fewer guest rooms of suites of rooms . . .” ([2] See Planning Department Appendix A, pp. A-1, A-5)

“Correctional or Penal Institution” would be defined as: “Any building including a prison, jail, or half-way house used for the housing or provision of services to persons under sentence from a federal, state or county court, or otherwise under the supervision of the State of California Department of Corrections or successor agency.” ([2] See Planning Department Appendix A, p. A-1. *The Planning Department notes in its narrative that any residence meeting this new definition of “Correctional or penal institution” would need to apply for and be granted a Conditional Use Permit in order to operate.*)

Just which homes would be impacted is not made clear. Does the City’s definition mean that any home in which a parolee lives, whether as a renter or not, would need to be reclassified and, therefore, need a CUP?

WHY THIS PROPOSED ORDINANCE SHOULD BE DEFEATED

[1] This proposed ordinance sweeps with too broad a brush and with no justification. What supportive reasoning and evidence does the City have that homes with more than one lease are a greater threat to community health and safety than those homes that don’t have such rental agreements? This also assumes that those homes in which financial burdens of housing are not shared under separate agreements pose no threat to communities, which is an equally unsound premise.

[2] The City of Los Angeles has nuisance abatement laws it has not used against homes it claims are nuisances to neighbors. Why not start there first?

[3] By redefining family, this ordinance ignores the *City of Santa Barbara v. Adamson* case in which the California Supreme Court ruled, based on privacy laws, that local governments cannot define family differently for non-related persons than related persons. Not only does this ordinance ignore Adamson but the City is apparently declaring war on residents of the City who choose to live together and are not related to each other. Many will, in fact, be largely banned from living in low density residential neighborhoods.

[4] Furthermore, the City seeks to redefine family not on the functionality of how people relate to each other in the privacy of their homes, but solely on how people pay for their housing. This puts an undue burden on those who cannot afford to live alone, particularly in these harsh economic times in which people are being forced to share housing who never have before.

[5] The ordinance is discriminatory against housing for persons with disabilities. The more than two and a half year history of this developing ordinance clearly demonstrates its discriminatory intent to restrict group homes for persons with disabilities, eventually narrowing its focus specifically to sober living. (For an explanation of legal protections for housing for persons with disabilities (see Fair Housing FAQ and 3 Legal Protections.) In the trail of public documentation it is clear that the basis for wanting this restriction is based on neighbors’ complaints about sober living. However, the City has offered no justification based on objective evidence that sober living homes overall are more of a threat to community health and safety than any other type of home. In fact, in a January 28, 2010, City Planning Staff Report, explanations were given why the City could not legally restrict sober living homes. ([3] see Jan. 28 2010 staff report, p. 10 ([link](#))) Following is an excerpt from that report:

“Staff considered alternative amendments to this definition as a way to regulate sober living homes as unlicensed group residential uses, and found that every alternative definition was fatally flawed. Every

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alternative considered was illegal, unenforceable, or discriminatory. In particular, some were too broad in their impact, such that several individuals living as roommates would be prohibited. Other definitions, such as ones that require investigation of who uses what rooms or facilities in the household, are unenforceable."

WHAT YOU CAN DO ABOUT IT

If you are a resident of the City of Los Angeles or own rental property in the City, let your opinion be heard through the following means:

- * **The Planning Commission hearing on this Ordinance is scheduled for Thursday, October 14, 8:30 a.m., 200 N. Spring Street, Los Angeles City Hall, Room 1010 (10th floor).** (Please check back here for the link to the meeting agenda once posted on or after October 4, 2010)
- * If you want to make your views known to the Commissioners before the hearing date, your deadline for doing is no later than Monday, October 4, 2010.
- * You may also attend the hearing on October 14 and testify. However, it is always good to let the commissioners know your opinion before the meeting.
- * You can **contact the Planning Commission by sending an e-mail to cpc@lacity.org** and your message will be distributed to all the Planning Commissioners.

INFORMATION

For more information on this document or issue, please contact:
Network Project Director (email link, phone (310) 924-7155), or
Deborah Parker: (email link, phone (858) 538-7623), or
visit the Network website at www.soberhousing.net.

ATTEND ONE OF THESE COMMUNITY PLANNING MEETINGS

The City planning staff has scheduled community meetings to discuss the new ordinance. These are not hearings. City staff will be there, but the meetings are for information and discussion only. Dates and locations are:

- * Northeast Los Angeles, Saturday October 2, 10 AM - 2 PM, El Sereno Recreation Center
- * West Los Angeles, Wednesday October 6, 5 PM - 9 PM, Felicia Mahood Senior Center
- * San Fernando Valley, Saturday October 9, 10 AM - 2 PM, Marvin Braude Center

For location information please see the announcement from the City Planning Department.

View this document online, with links to City and other source data at
www.soberhousing.net/housing_rights_los_angeles.html

footnotes:

- [1] Planning Department report of September 2010 , Case Number CPC-2009-800-CA and Council File Number 07-34-27
- [2] Appendix A of Planning Department report
- [3] Planning Department report of January 2010, same Case and Council File number