Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

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TO: Supervisor Mark Ridley-Thomas, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Richard J. Bruckner DCS for RJB
Director

STATUS REPORT ON BOARD MOTION REGARDING POSTPARTUM RECOVERY HOMES (December 11, 2012, Item 50-C)

On December 11, 2012, by motion of Supervisor Don Knabe, your Board adopted a motion instructing the Director of Planning to take the following actions:

1. Collaborate with the County Counsel, the Department of Public Works/Building and Safety, Health Department, Fire Department and other State agencies with regulatory authority to investigate complaints regarding postpartum recovery homes (also referred to as "maternity boarding houses") ; and

2. Review the proliferation of postpartum recovery homes within the unincorporated area and to report back to the Board of Supervisors in 30 days with a status report containing Regional Planning's findings, recommendations and actions.

This status report, as directed by your Board motion, summarizes the findings recommendations and actions of the Department of Regional Planning (Regional Planning) in addressing the actions outlined above.

BACKGROUND

The apparent rise in the prevalence of maternity boarding houses is in response to a recent "birthing tourism" trend. This trend seems to be expanding in Southern California (particularly in Los Angeles and San Bernardino counties), as well as New York City, and Vancouver, Canada. In Southern California alone, there are reported to be many such operations. The practice also occurs in the San Francisco Bay Area, but either it

is not as widespread, guest counts are kept very low, or is very discreet, so that very few known code enforcement actions ever took place. Many of the Bay Area city officials reported they have no knowledge of such operations.

In many of the cities across the San Gabriel Valley, once the existence of such maternity boarding houses are known, city officials have sought to shut down such establishments for zoning and building code violations, if they find that the houses had unpermitted remodeling or were being used as boarding houses without proper zoning permits. This has been the case in the cities of Walnut, Alhambra, Temple City and Monterey Park. These jurisdictions recognize that it is not illegal to have pregnant women living together, but the operation of a boarding house within a residentially zoned area without proper permits, or the installation of additional walls or other structures to the residence without proper permits serves as the basis for the enforcement.

Similarly, the City of Los Angeles reported that they consider maternity boarding houses as either "boarding houses," which are defined as a house consisting of four or fewer guest rooms to be rented, or as "hotels" if six or more guest rooms are rented. Boarding houses are permitted by-right in the City of Los Angeles' R-3 zone and hotels are permitted in their R-4 zone, subject to pre-determined conditions.

In Vancouver, Canada, city officials reported that *"Under city bylaws, the property owner is allowed to operate as a boarding and lodging facility without a license, with up to two guests per unit. City officials say city bylaws don't forbid a boarding house for pregnant women."* However, there was a reported case where the city shut down an operation run in a series of townhouses because the facility exceeded the number of guests permitted without a license.

In contrast, "maternity homes," are distinguishable uses. These facilities are residences are used primarily to provide housing for abused, abandoned or "at risk" single teenage pregnant mothers and their newborn babies. There are a few operations in the Southern California area (such as St. Anne's), and the majority are run by religious and/or non-profit organizations. They are usually run as transitional or group homes and the mothers usually stay for longer periods of time in comparison with the short term stays at for profit maternity boarding houses.

ENFORCEMENT INVESTIGATION FINDINGS

Maternity boarding houses are not defined as a specific use in Title 22 of the Los Angeles County Code (Planning and Zoning Code). The Zoning Enforcement Section of Regional Planning interprets the use of residences for maternity boarding houses as boarding/rooming houses. The Zoning Enforcement section has been investigating alleged maternity boarding houses since 2007. Between 2007 and November 2012 zoning enforcement inspectors have investigated complaints regarding approximately 15 alleged maternity boarding houses in the unincorporated communities of Los Angeles County within the San Gabriel Valley. From December 2012 to date, Regional Planning has received approximately 60 complaints regarding alleged maternity boarding houses. Some of these complaints were regarding properties already under investigation and, with the exception of one complaint all of these properties are located in a zone where boarding / rooming houses are prohibited.

Zoning Enforcement staff recently inspected the locations of 20 alleged maternity boarding houses and found it difficult to confirm the alleged violations. Inspectors were unable to gain consent to access 13 out of the 20 homes inspected. Inspectors gained permission to access 7 homes and found that only 3 of those homes were in violation of the Zoning Code. This sample is a typical representation of what Zoning Enforcement Inspectors find when investigating maternity boarding houses. Based on the previous cases that were investigated prior to December 2012 and these recent inspections, it has been our experience that County Inspectors typically do not gain access to inspect alleged maternity boarding houses as occupants do not answer the door even when it is clear that there are people home. When occupants answer the door they often state that they do not speak English. Those occupants who speak English typically still deny inspectors access to the home. Although inspectors leave business cards and attempt to make contact with the occupants or property owner, the inspectors rarely receive a return call or communication back from property owners or tenants. Often second or third attempts to inspect maternity boarding houses still result in no voluntary internal access to confirm the alleged boarding house violation.

When inspectors do not gain access to the home, they conduct a "plain view" inspection of the exterior of the home from the public right-of-way. Inspector's field visits have noted that these alleged boarding houses typically maintain the character of their surrounding neighborhood as they never display any exterior signage related to a business or maternity boarding house and they are typically very well maintained. In almost all of these cases no zoning violations are observed from an external plain view inspection and nuisances such as traffic congestion, overflow street parking or noise pollution are not observed or detected at the time of inspection.

In those cases where access to the alleged maternity boarding house is granted and zoning violations are observed, a notice of violation is mailed to the property owner of record. After the initial notice has been issued, inspectors are typically denied access to the home when attempting to conduct a follow-up inspection. In those instances where we get no get no cooperation from the property owner and adequate code violation evidence exists an inspection warrant can be obtained from the court. If other violations are observed on the property, such as garage conversions, illegal second units or illegal additions, the property owner is cited by Regional Planning and the Department of Public Works, Building and Safety Division ("Public Works"). If the violations continue unabated and voluntary compliance cannot be obtained, the case is referred to the District Attorney and/or County Counsel.

CURRENT REGIONAL PLANNING ACTIONS

Currently the following actions are being taken. Zoning Enforcement staff are actively logging and tracking all open cases and new complaints received regarding maternity boarding houses. Inspectors from Regional Planning have already begun to coordinate and conduct joint inspections with the Public Works, as well as the Department of Children and Family Services. Regional Planning staff has contacted the Fire Department and Health Department in an effort to coordinate joint inspections with staff from those agencies in the future. Regional Planning staff has also been in contact with investigators from the State Franchise Tax Board and State Employment Development Department and will also be referring cases to those agencies.

In those instances where Regional Planning confirms that a maternity boarding house is operating in a prohibited zone such as the single-family residence zone, a Notice of Violation will be issued. Regional Planning works with each property owner to obtain voluntary compliance using existing enforcement procedures including the noncompliance fee. In those instances where the property owner/operator refuse to voluntarily comply and abate the violation, a referral will be made to the District Attorney or County Counsel to initiate legal action.

RECOMMENDATIONS

We recommend that Zoning Enforcement continue to investigate public complaints regarding maternity boarding houses. To further strengthen our efforts, Zoning Enforcement recommends conducting coordinated multi-agency inspections with Public Works, Health and Fire Departments. Also, Regional Planning will include as part of the inspection team a Mandarin/Cantonese translator to communicate with occupants of these homes. Some of the complaints received by Regional Planning allege other potential crimes such as tax evasion and fraud being committed by the operators of these alleged maternity boarding houses. Since Regional Planning can

only investigate and resolve violations of Planning and Zoning Code, these complaints will also be forwarded to the appropriate state agencies to investigate those concerns.

I trust this status report responds to your concerns. Should you have any questions regarding this report, please contact Alex Garcia at (213) 974-6483 or agarcia@planning.lacounty.gov.

RJB:JG:AG

c: Executive Office, Board of Supervisors
Chief Executive Office (Rita Robinson)
County Counsel
Fire
Health
Public Works

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