

June 23, 2008

Los Angeles County Executive Office of the Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Dear Los Angeles County Board of Supervisors,

Subject: Comments to "County of Los Angeles General Plan Housing Element 2008-2014"

On behalf of the Housing Rights Center (HRC), I would like to thank you for the opportunity to comment on the February 2008 draft of the County of Los Angeles General Plan Housing Element 2008-2014 ("Housing Element"). The HRC is a private non-profit organization serving Los Angeles and surrounding areas. The HRC's mission is to actively support and promote fair housing through education and advocacy to the end that all persons have the opportunity to secure the housing they desire and can afford, without discrimination based on their race, color, religion, gender, sexual orientation, national origin, familial status, marital status, disability, ancestry, age, source of income or other characteristics protected by law. More information can be found at HRC's website, <http://www.hrc-la.org>.

Given our vested interest in ensuring fair housing and equal housing opportunities for Los Angeles County residents, we offer these recommendations:

- 1) On page 3-24, "overcrowded" is defined as "one to 1.5 persons occupying a room, excluding bathrooms, kitchens, hallways, and porches." "Severely overcrowded" is defined as "more than 1.5 persons occupying a room."

Under the federal Fair Housing Act, a landlord may place a reasonable limit on the number of persons occupying a housing unit, as long as that limit does not specify a certain number of children. Although the Housing Element's definitions of "overcrowded" and "severely overcrowded" do not explicitly forbid children from occupying a dwelling, they may still be in conflict with the federal and state Fair Housing laws by having a disparate impact on families with children. For instance, the 1.5 person definition of "overcrowded" makes it more difficult for a parent / guardian with a child to rent a studio- or one-bedroom apartment than for an individual without a child to rent the same dwelling. Landlords could unjustifiably refuse to rent to these types of families with children based on the definition of "overcrowded" and "severely overcrowded." In the aggregate, families with children will have a more difficult time finding rental housing.

As a baseline, the Uniform Housing Code provides minimum standards and requires that habitable rooms, except kitchens, have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area is increased by 50 square feet for each occupant in excess of two.

Although the Department of Housing and Urban Development (“HUD”) has not established a bright line rule for analyzing occupancy limitation cases, it has established guidelines in a document known as the “Keating Memo,” issued by HUD General Counsel Frank Keating in 1991. This memo establishes the following factors:

- a) *Size of bedrooms and unit:* a charge of unreasonable occupancy limits would be applicable in one two-bedroom apartments but not another, depending on the bedroom sizes and the total size of the unit.
- b) *Age of children:* a charge of unreasonable occupancy limits would be applicable in one one-bedroom unit but not another if the minor child was an infant or a teenager.
- c) *Configuration of unit:* a charge could issue depending on whether one unit also had a den that could be used a livable space and another did not.
- d) *Other physical limitations of housing:* such as the capacity of the septic, sewer, and other business systems.

The HRC recommends that the Los Angeles County Board of Supervisors (“Board”) strike the “Overcrowding” section of page 3-24 and, in lieu, adopt the California Department of Fair Employment and Housing’s “2 +1 persons” guideline. Under the “2 + 1 persons” guideline, property owners and landlords are advised to allow two persons to occupy a bedroom and to allow one person to occupy an additional living or common area. In effect, families with children face less impediments to obtaining rental housing and property owners and landlords mitigate their liability under a Fair Housing familial status discrimination suit.

- 2) Page 3-40 includes the County’s Zoning Ordinance definition of “family”:

“a person or persons related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit. ‘Family’ shall also include a group of not more than five persons, including roomers but not servants, unrelated by blood, marriage or adoption, when living together as a single housekeeping unit in a dwelling unit.”

The Housing Element states “[t]his definition may be viewed as restrictive/illegal and is recommended for removal from the County’s Zoning Ordinance.”

The HRC strongly supports the recommendation provided by the Housing Element for the removal of the County Zoning Ordinance’s definition of “family.” People with disabilities may require a group living arrangement whereby they secure the support they need to live in the community. Overly restrictive definitions of family that place numerical limits on unrelated persons and occupancy standards based on familial status restrict the housing choices of individuals with disabilities in violation of federal and state fair housing laws. The definition of “family” must emphasize the functioning of the members as a cohesive household and cannot distinguish between related and unrelated persons. When a group home of individuals with disabilities functions like a family, they cannot be excluded from residential zones solely because the residents are unrelated by blood, marriage, or adoption.

In 1980, the California Supreme Court, in City of Santa Barbara v. Adamson (27 Cal. 3d 123, 164 Cal. Rptr. 539 [1980]), struck down a municipal ordinance that permitted any number of related people to live in a house in an R1 zone, but limited the number of unrelated people who were

allowed to do so to five. The court held that the residents of the Adamson household, although unrelated, were a single housekeeping unit that could be termed an alternative family and as such could not be excluded from the single family zone, or made to apply for a conditional use permit.

The HRC recommends that the Board adopt the following definition of family:

"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."

- 3) The HRC recommends that the Housing Element also address and propose solutions to the trend of housing foreclosures and predatory lending practices that have occurred in recent years. Particular groups of people, including senior citizens, low-income persons, and persons with disabilities, are especially vulnerable to housing foreclosures and predatory lending practices. HRC believes that these groups of people are currently facing or are likely to face serious impediments to finding affordable housing and that the Housing Element should outline proactive steps to address this problem.
- 4) Footnote number 20 on page 3-35 states:

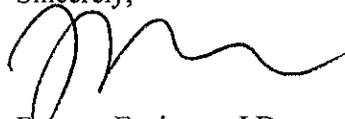
State Density Bonus On-Site Parking Standards: Studio to one-bedroom: one parking space; two-to three-bedroom: two parking spaces; four or more bedrooms: 2.5 parking spaces. These requirements include guest and handicapped parking.

The HRC recommends that the words "handicapped parking" be stricken and replaced with the words "parking for persons with disabilities."

- 5) Pages 2-2 through 2-3 list additional incentives for developers. "Reduced parking requirements" are included among the additional incentives. The HRC would like the Board to keep in mind that reduced parking requirements might negatively affect the availability of accessible parking spaces for persons with disabilities.

Again, thank you for the opportunity to comment on the February 2008 draft of the County of Los Angeles General Plan Housing Element 2008-2014. The HRC looks forward to implementation of the programs outlined in the Housing Element which are designed to enhance affordable housing for persons with disabilities in Los Angeles County. If there are any questions, please feel free to contact me by phone at 213.387.8400 ext. 35 or by e-mail at fespinoza@hrc-la.org.

Sincerely,



Frances Espinoza, J.D.
Executive Director
Housing Rights Center

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July 22, 2008

County of Los Angeles
 Board of Supervisors
 500 West Temple Street
 Los Angeles, CA 90012

Re: 2008-2014 Housing Element
 July 29, 2008 Public Hearing

Honorable Supervisors:

This letter and the attached recommendations are submitted on behalf of Public Counsel Law Center, Neighborhood Legal Services, and the Southern California Association of Nonprofit Housing ("SCANPH"). Public Counsel is a non-profit legal services agency dedicated to advancing equal justice under the law by delivering free legal services to indigent and underrepresented children, adults, and families throughout Los Angeles County. We are interested in the effectiveness of the County's Housing Element in planning for the housing needs of its lower income and homeless residents.

We have appreciated the efforts of the County's Regional Planning staff to meet with us and discuss several of our concerns throughout the Housing Element update process. Nonetheless, we feel that there remain a few additional changes needed to (1) address that nearly half of the sites identified in the inventory are less than a quarter acre in size; (2) commit to adopting a mixed income/inclusionary housing ordinance; (3) more specifically commit to timely efforts to preserve the 974 housing units at-risk of conversion; and (4) facilitate development of emergency shelters, transitional and supportive housing in accordance with SB2 (Gov't. Code §65583). The attached chart provides our recommendations to amend the existing program language consistent with the abovementioned issues.

We strongly encourage the County to take this last step before adopting its 2008-2014 Housing Element.

Very truly yours,

Remy De La Peza
 Attorney, Equal Justice Works Fellow
 Public Counsel Law Center

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cc: Connie Chung, Department of Regional Planning

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**LOS ANGELES COUNTY 2008-2014 HOUSING ELEMENT
RECOMMENDED AMENDMENTS**

Program	Existing Program Language	Recommended Program Language	Discussion
<p>26. Preservation of At-Risk Housing (Page 2-19)</p>	<p>Annually update the status of at-risk housing projects. Discuss preservation options with at-risk project owners. As funding permits, explore acquisition of at-risk projects or extension of affordability covenants. Contact nonprofit housing organizations by the end of 2010 to solicit interest in preserving at-risk housing projects. Pursue funding from State and Federal programs to assist in preserving at-risk housing. Allocate Section 8 Housing Choice Vouchers for households displaced due to the expiration of Section 8 project-based rental assistance. Work with nonprofits and landlords to provide notification of expiring units to tenants; engage tenants in the effort to preserve at-risk units, in addition to identifying affordable housing options.</p>	<p>1) Amend program to read: “<u><i>Continually monitor and</i></u> update the status of at-risk housing projects. <u><i>This information will be posted online.</i></u> Contact nonprofit housing organizations by the end of <u><i>2008.</i></u> <u><i>On an annual basis, identify and pursue all potential funding sources that could be used to preserve the affordability of these units. Include the potential amount of funding under each source and how the funds could be targeted for specific preservation actions. This information will be posted online.</i></u> <u><i>Where preservation is not successful due to the expiration of Section 8 project-based rental assistance,</i></u> allocate Section 8 Housing Choice Vouchers for households displaced. <u><i>Where preservation is not successful due to other reasons, provide sufficient relocation assistance to help displaced tenants secure a comparable unit within the County.</i></u>”</p>	<p>Given the 974 housing units at-risk in the planning period, the program must include more specific and proactive language. As HCD recommended in its comment letter, the County should consider contacting non-profits <u><i>immediately</i></u> to develop a preservation strategy, instead of the end of 2010. The program should also consider pursuing funding on at least an annual basis.</p> <p><i>*17 projects, 974 units at-risk (mostly DB units)</i> <i>*This is the only program directed towards preservation of current AH stock</i> <i>*County’s analysis: Preservation= \$3.36 million/yr in rent subsidies (20 yr= \$86 mill), Replacement= \$190 million</i></p>
<p>4. Infill Sites Utilization Program (Page 2-3)</p>	<p>Promote awareness of the County’s Infill Sites program to small property owners/developers, as funds become available, in conjunction with the efforts for the</p>	<p>2) Amend program to read: “Promote awareness of the County’s Infill Sites Utilization program to small property owners/developers <u><i>through the following:</i></u></p>	<p>Need greater details to ensure program implementation, given that almost half of the sites are less than ¼ acre and infeasible for affordable development.</p>

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**LOS ANGELES COUNTY 2008-2014 HOUSING ELEMENT
RECOMMENDED AMENDMENTS**

	<p>Affordable Housing Density Bonus Program.</p>	<p><u>Create outreach materials (e.g., one pagers, pamphlets) highlighting the features of the Infill Sites Utilization Program and encouraging developers and small property owners to use the program [within 6 months of adoption]. Actively circulate outreach materials to both non- and for-profit housing developers and small property owners and make information on the program easily accessible (e.g., mailers, emails, available at Planning office, on DRP website). Monitor use of the program and the number of affordable units produced as a result of the program.”</u></p>	<p><i>*47% sites in inventory are less than ¼ acre *51% less than ½ acre *Last planning period only met 7.5% RHNA for Very Low, 4.1% RHNA for Low</i></p>
<p>10. Inclusionary Housing Program (Page 2-7)</p>	<p>Evaluate the feasibility of establishing an inclusionary housing policy in 2010. In the event that the program is not feasible, develop other strategies for creating a local source of funding for affordable housing.</p>	<p>3) Adopt a county-wide inclusionary housing policy by 2009.</p>	<p>Mixed income policies are effective in bringing affordable homes where market rate housing is built. Given the County’s inability to meet its affordable RHNA last planning period, stronger program language is needed.</p> <p><i>*Last planning period only met 7.5% RHNA for Very Low, 4.1% RHNA for Low *Vacancy rate (renters): 3.5% *Construction objectives (compared with RHNA) for this planning period:</i></p>

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**LOS ANGELES COUNTY 2008-2014 HOUSING ELEMENT
RECOMMENDED AMENDMENTS**

			225 (7212) <i>Extremely Low</i> , 255 (7213) <i>Very Low</i> , 22 (9073) <i>Low</i>
2. Removal of Governmental Constraints (Page 2-2)	Certain County Rules and regulations may constrain the development of affordable to low- and moderate-income households with special needs. To mitigate potential constraints, the Zoning Ordinance Update Program (ZOUP), and other programs, will update the County’s Zoning Code to do the following: ...Clarify provisions for transitional and supportive housing and ensure consistency with the Health and Safety Code...	4) Amend program to add: “Clarify provisions for transitional and supportive housing and ensure consistency with the Health and Safety Code <u><i>and Government Code (SB2)</i></u> ; <u><i>Remove all constraints on the building of emergency and domestic violence shelters that violate the County’s obligations under SB2.</i></u> ”	SB2 requires that the local government treat transitional and supportive housing in the same way as any other residential use within the same zone. (Gov’t. Code §65583(a) (5)). The County should also permit emergency shelters without need for discretionary action. (Gov’t. Code §65583 (a) (4) (A)). In the Zoning Constraints Section of the Element (pp. 3-43 to 3-44), it appears that although emergency shelters may locate “by right” in a discretionary number of zones, additional criteria are imposed to determine suitability of new shelters in these zones (e.g. whether there is an “over-concentration” of shelters in the area). In addition, domestic violence shelters are permitted through an apparently discretionary Director’s Review. The County should revise Program 2 to include a statement that it will remove all constraints that violate the County’s obligations under SB2.

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