

Housing official says ordinance could cost city almost \$1 billion

By Gary Walker
July 13, 2012

Los Angeles stands to forfeit nearly \$1 billion in federal funding from the U.S. Department of Housing and Urban Development if an ordinance designed to reconfigure rental agreements is approved, according to a high-ranking city housing executive.

And legal experts and affordable housing advocates asserted veterans, seniors and members of group homes in Mar Vista, Del Rey, Venice and other Los Angeles neighborhoods could lose their places of residence as a result of the same proposed municipal law.

The City Council will be considering a Community Care Facilities ordinance in August that would force tenants of group homes and rental properties to be on one comprehensive lease. It would also prohibit community care homes, which often include veterans, parolees and recovering addicts, in low density or residential neighborhoods.

Attorneys from Munger, Tolles & Olson, a high-profile national law firm representing the Inner City Law Center, recommend that the City Council not approve the ordinance because it would violate federal fair housing statutes that would jeopardize funds that the city receives from HUD.

"In addition to the ordinance's several legal flaws, the ordinance also conflicts with the city's obligation as a recipient of federal housing. The Quality Housing and Work Responsibility Act requires the city's public housing agency to certify in its

annual plan that it 'will affirmatively further fair housing,'" wrote attorneys Stephen Kristovich, Richard Chen and Kenneth Jaimson to City Councilman Ed Reyes.

"The city's public housing agency has noted that 'the more limited housing opportunities that would result from this ordinance, and the more disproportionate impact on Section 8 voucher holders with disabilities, would be in violation of HUD's Affirmatively Fair Housing requirement, which could jeopardize fair housing.'"

Michael Arnold, the executive director of the Los Angeles Homeless Services Authority, mentioned the same concerns regarding the ordinance at a June 19 Venice Neighborhood Council meeting. He joined others in asking the local council to send a resolution to the City Council opposing the proposed community care law. The neighborhood council unanimously voted against the implementation of the ordinance.

"When you have an ordinance that requires people to live under one lease, that's a violation of fair housing laws," Arnold asserted. "Thousands of people will be affected by this ordinance and the city could lose nearly \$1 billion in HUD funding."

New Horizons, a nonprofit organization that provides housing and rehabilitation to homeless veterans, has residences in Mar Vista and Del Rey. The organization's president and chief executive officer, Gregg Scott, said non-profits that receive funding from HUD or other agencies are

required to sign individual leases with each tenant.

"Separate leases are a good thing for both tenants and landlords," Scott said. "It helps the veteran build a good credit history and allows the landlord to evict a problem tenant without moving the entire household."

"It protects a good tenant from potentially getting an eviction on their record because of someone else's behavior."

The proposed ordinance arose out of a concern about certain facilities in City Councilman Mitchell Englander's San Fernando Valley district that are supposedly causing nuisance problems. In a May 15 letter, he claimed that no specific group would be targeted and residences like Mitchell House or Chris' Place would not be eliminated.

"The ordinance is very carefully and specifically crafted so that it doesn't single out or discriminate against any groups, and it will not ban licensed group homes. In fact, with this new ordinance and updated definitions, people with disabilities, veterans, those living in poverty, and people afflicted by substance addiction and mental illness, will have better opportunities for housing in safe, protected and healthy living conditions," Englander wrote.

"The ordinance will help ensure that they can seek the services and support that they need without being exposed to squalid living conditions."

(OVER)



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Scott addressed the origin of the proposed municipal law and believes the way in which the ordinance is crafted will have the opposite effect of what Englander proposes to do.

“This dangerous, costly ordinance originated from neighborhood council members in the Valley who are angry about some poorly run group homes that have become real nuisances to surrounding neighbors. Ironically, it is these unregulated, often for profit group homes that will be able to put everyone under one lease and continue to operate,” Scott countered.

At the Venice council meeting, President Emeritus Mike Newhouse said the problem with some group and sober living homes is real.

“People who are paying rent and mortgages can be disturbed in the quiet enjoyment of their homes and that’s a very important thing to look at,” he said. “What I’d like to hear is what can be done beyond just simply telling the city to enforce the existing nuisance laws when we have these types of problems in our neighborhood, because in these budget-cutting times, sometimes it’s hard to get good enforcement.”

Nuisance abatement is a tool that can be used by municipalities to resolve public health, safety and quality of life problems within neighborhoods through the use of building codes, fire codes, zoning, etc.

Steve Clare, executive director of the Venice Community Housing Corporation which provides transitional housing for chronically

homeless, said low-income residents may qualify for a variety of different HUD grants, including Section 8 and community block grants. “This ordinance would have a huge impact on Los Angeles’ ability to address the issue of homelessness,” Clare said.

Englander, the former chief of staff of his predecessor Grieg Smith, claimed that any law-abiding group home or sober living facility should be in accordance with current zoning laws.

“The restrictions in the ordinance are based on already existing Los Angeles zoning rules, and include requiring licensed facilities to have adequate parking, security, programs and supervision in place and limits on numbers of residents,” Englander wrote. “Legitimate, licensed, well-run facilities should be able to meet these requirements, which are meant to ensure that the neighbors’ quality of life is protected.”

HUD Regional Public Information Officer Gene Gibson said her agency does not comment on pending legislation.

“Many of the issues of the ordinance revolve around zoning,” Gibson told The Argonaut. “HUD and the Department of Justice have had discussions with the city regarding the proposed ordinance.”

Public Counsel Law Center, a legal organization that assisted Section 8 tenants of Breezes Del Mar in Venice last year in a legal action against their landlord, is one of a dozen legal entities that have proclaimed the proposed ordinance to be illegal with

dire consequences if it is passed.

“Cities cannot discriminate in housing based on family status,” said Annie Marquit, an attorney at Public Counsel. “With all of the concerns raised about the ordinance, the risk is clear: it could jeopardize HUD funding.”

Clare said he has sympathy for those who have endured unruly neighbors, but a mechanism exists to combat that problem. “The city attorney needs to do his job with (nuisance abatement) and not focus on an ordinance that will have a whole array of unintended consequences,” he said.

Marquit said lawyers in City Attorney Carmen Trutanich’s office have not offered any indication regarding their reasoning for crafting the proposed ordinance despite strong opposition to it.

Rep. Maxine Waters’ (D- Westchester) office did not respond to inquiries for comment on this story. Waters is the chairwoman of the House of Representatives Subcommittee on Housing and Community Opportunity.

Rep. Janice Hahn’s (D- Venice) office declined to comment on the possible loss of HUD funding.