

File Number

07-0002-s150

Last Changed Date

07/11/2007

Title

300 FEET DISTANCE SEPARATION / NEW RESIDENTIAL CARE FACILITIES

Initiated by

Huizar Mover 2007 / Smith

Subject

Resolution - WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal government body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and WHEREAS, the intent of existing federal and state law is to offer housing and care facility options for the elderly, mentally and physically handicapped persons, and others in need of care, in residential surroundings. The proposed legislative amendments are not intended to place undue restrictions on residential care facilities with six or fewer people. However, the placement of an unlimited number of facilities within close proximity of one another could lead to an over concentration of residential care facilities and thereby significantly alter the very residential character that these homes are seeking, and WHEREAS, in early 2006 the Council supported (CF 06-0002-S63) Assembly Bills 3005, 3006, and 3007 (Emmerson) to provide more regulatory authority to cities regarding the location of alcohol and drug abuse recovery treatment facilities, and increase public awareness of the location of those public facilities; and WHEREAS, in late 2006 the Council supported (CF 06-2289) and instructed the Chief Legislative Analyst to work with Council District 14 in seeking legislation to address the growing problem of more senior residential care facilities for six or fewer people being concentrated in neighborhoods in excessive amounts; and WHEREAS, this problem has been aggravated by differing Health and Safety Code provisions (see chart attached, 1500, 1520.4, 1520.5, 1527, 1566, 1568, 1569 and 11834) for differing types of residential care facilities (alcohol or drug abuse recovery/treatment facilities; adult residential; group homes; and residential care facilities for the elderly) for six or fewer people, all of which are regulated by a number of State agencies, and all of which are preempted from local regulation per State and federal law; and WHEREAS: , there is no intent to stop the creation of housing and care facilities for six or fewer people, there is a strong need to apply one state law to all such residential care facility arrangements fairly and equitably, and this state law is the one establishing the over-concentration formula of not siting one such facility within 300 feet of another; while this distance threshold exists for some residential care facilities, it does not for all of them, and therein lies a powerful aggravation of the over-concentration situation; and NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2007-2008 State Legislative Program SUPPORT of legislation that will require 300 feet distance separation for all new residential care facilities. BE IT FURTHER RESOLVED that this Resolution be submitted to the League of California Cities for consideration in its Annual Conference September 5-8, 2007, in Sacramento.

Date Received

06/19/2007

File History

6-19-07 - This day's Council session
6-19-07 - File to Council and Legislative Processing Clerk for placement on next available Council agenda
6-26-07 - Council Action - Resolution ADOPTED
6-27-07 - File to Mayor FORTHWITH
6-29-07 - Mayor's message concurred in Council Action of June 26, 2007
6-29-07 - File to Council and Legislative Processing Clerk
7-11-07 - File in files