

RULES & GOVERNMENT

NOV 30 2007

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 governmental body or agency must have first 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

WHEREAS, existing law allows facilities that serve six or fewer residents to be considered residential uses of the property, allowed to locate in any residential zone without local land use permission, but facilities serving more than six residents must be licensed by the State and are not allowed to be located in residential zones without local land use permission; and

WHEREAS residential care facilities provide rehabilitation and support services for those who live in them; and

WHEREAS, there is no intent to stop the creation of residential care facilities for six or fewer people; and

WHEREAS, there is a growing problem in some cities and parts of cities where residential care facilities for six or fewer people are being over-concentrated in neighborhoods; and

WHEREAS, the over-concentration of residential care facilities presents unique problems and concerns for the community surrounding them, and can diminish the very residential character these facilities wish to offer their patients and which the patients seek; and

WHEREAS, only certain categories of residential care facilities serving six and fewer people are regulated by State law requiring a distance separation between like facilities of 300-feet; and

WHEREAS there is a strong need to apply one state law to all such residential care facility arrangements fairly and equitably; 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 for six or fewer people, all of which are regulated by a number of State agencies, and all of which are preempted from local land use regulation per State and federal law; and

WHEREAS, on September 8, 2007, the General Assembly of the League of California Cities supported the application of one State 300-foot distance separation law for all new residential care facilities for six and fewer people; and

WHEREAS, the City has historically supported efforts that would prevent the over-concentration of rehabilitation facilities in residential areas, including support for AB 3005 and AB 3007 which were not enacted;

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 SPONSORSHIP of legislation that would implement uniform distance regulations for all new residential care facilities serving six and fewer people that will be consistent with federal law.

PRESENTED BY: _____


JOSE HUIZAR
Councilmember, 14th District

SECONDED BY: _____



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