

MOTION PLANNING and LAND USE MGT.

SEP 26 2006

The City has a right to protect the integrity of residential neighborhoods with its jurisdiction and an obligation to ensure that senior citizens are provided with high quality housing that protects their health and preserves their dignity through their golden years. Accordingly, the City should thoroughly review its current interpretation of California Health and Safety Code Section 1566.3 relative to licensing, operation and sitting senior care facilities with 6 or less residents in single family residential zones.


Recently there has been a number of inquires from Eagle Rock residents in reference to the City's legal ability to intervene or regulate senior care facilities with 6 or less occupants in a single family residential zone. Previous feedback provided by the City Attorney indicated that locations of state license facilities in residential zones can be regulated by local government if the facility has more than 6 residents. Since such facilities do not require licensing, they cannot be regulated in a manner different from any other single family residence and are also protected by federal law. Specifically, the Fair Housing Amendments Act (FHAA) prohibits any person, including a municipality, from discriminating against and individual because of a handicap.

Moreover, California Health and Safety Code Section 1566.3 states that "Whether or not unrelated persons are living together a residential facility which serves six or fewer persons shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article. No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

I THEREFORE MOVE that the City Council direct the Department of Planning in cooperation with the City Attorney and the Department of Building and Safety prepare a report within 30-days that provides an interpretation of California Health and Safety Code Section 1566.3 relative to licensing, operation and sitting senior care facilities with 6 or less residents in single family residential zones.

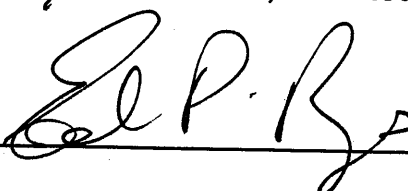
I FURTHER MOVE that the report include recommendations as to what, if any, modifications can be made to State law to prohibit over concentration of such facilities into one geographic area as well as proposed bill language designed to close statutory loopholes that may exist to afford the City some degree of local control over senior care facilities in residentially zoned areas that protects the health and dignity of those living in such facilities while preserving the quality of life of all residents living in the community.

PRESENTED BY:


JOSE HUIZAR
Councilmember, 14th District

06-2289

SECONDED BY:



SEP 26 2006

EL7