

Ordinance Fact Sheet

TO: CITY COUNCIL

Date: April 23, 2007

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 8.19 RELATING TO ALCOHOL OR DRUG RECOVERY GROUP HOMES WHICH ARE NOT LICENSED BY THE STATE AND AMENDING TITLE 17 SECTION 17.80.020B OF THE PASADENA MUNICIPAL CODE AMENDING THE DEFINITION OF A BOARDING HOUSE

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE TO BY ADDING CHAPTER 8.19 RELATING TO ALCOHOL OR DRUG RECOVERY GROUP HOMES WHICH ARE NOT LICENSED BY THE STATE AND AMENDING TITLE 17 SECTION 17.80.020B OF THE PASADENA MUNICIPAL CODE AMENDING THE DEFINITION OF A BOARDING HOUSE

PURPOSE OF ORDINANCE:

The proposed ordinance amends the definition of "boarding houses" and will establish a permit requirement for the operators of alcohol or drug recovery group homes which are not licensed by the state as well as standards for their operation.

BACKGROUND

The City has received numerous complaints regarding group homes in residential zones. On March 26, 2007 the City Council approved amendments to the municipal code to allow the City to better regulate such group homes.

MEETING OF 04/23/2007

AGENDA ITEM NO. 9.A.4.

City Council, pg. 2
April 23, 2007

Although the City's current code does prohibit "boarding houses" in residential zones, the current code defines such homes to be ones that rent up to 5 rooms. By redefining their characteristics the City will be able to encompass and regulate all group home type facilities, boarding houses, and the like which rent out individual rooms without consideration as to who the renters are. The revised definition would provide that the rental of three or more rooms would constitute a boarding house. Although initially it was proposed that the rental of 3 to 5 rooms would constitute a boarding house, after further research it was determined that such a definition was too limiting. The broader definition is therefore recommended and provided for in the proposed ordinance.

Although licensed alcohol and drug recovery group homes would fall into the definition of a boarding house, the ordinance amendment does not seek to regulate such *licensed* facilities (as they would be exempt from local regulation) but only those which are not licensed. Accordingly the proposed ordinance amendments would not be in conflict with State law.

In certain circumstances, however, unlicensed group homes which provide housing to those recovering from drug or alcohol addiction (such individuals are deemed disabled under Federal and State law and may be entitled to a reasonable accommodation) may be allowed in residential zones even though a boarding house would normally be prohibited in such residential zones. By implementing an operator permit requirement and by setting standards of operation the City would be able to better regulate such facilities and ensure that the residential character of these residential zones be maintained.

Such standards would include a 500 foot separation requirement from any other group home facility within the City whether or not such facility is licensed by the State, as well as provisions for the prohibition of nuisance activities.

The Council's request to have notice provided to surrounding neighbors would be accomplished through the administrative process. Additionally, staff is continuing to research the most appropriate distance requirements that would apply to all boarding houses in all types of residential zoning districts.

REASON WHY LEGISLATION IS NEEDED:

An ordinance is needed to amend the provisions of Title 17 and Title 8 of the Pasadena Municipal Code.

PROGRAM, DEPARTMENTS, OR GROUPS AFFECTED:

The Planning Division and Neighborhood Services Division and the Police Department will be affected by the proposed ordinance.

City Council, pg 3
April 23, 2007

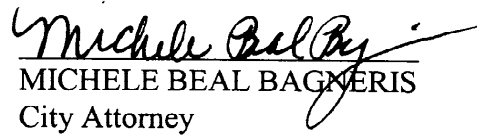
ENVIRONMENTAL

The proposed ordinance amendment would have no significant environmental impact and therefore CEQA does not apply. (CEQA Guidelines 15162.)

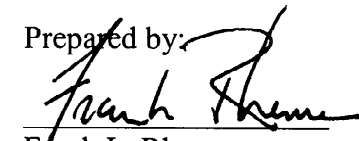
FISCAL IMPACT

The proposed ordinance would have a fiscal impact in relation to staff time for the Police and Planning Department.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


Frank L. Rhemrev
Assistant City Attorney

Introduced by _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING
TITLE 8 OF THE PASADENA MUNICIPAL CODE BY ADDING
CHAPTER 8.19 RELATING TO ALCOHOL OR DRUG RECOVERY
GROUP HOMES WHICH ARE NOT LICENSED BY THE STATE AND
AMENDING TITLE 17 SECTION 17.80.020B AMENDING THE
DEFINITION OF A BOARDING HOUSE**

WHEREAS, the City Council of the City of Pasadena is aware that individuals who are recovering from drug or alcohol addiction are deemed disabled under state and federal law; and

WHEREAS, the City Council of the City of Pasadena recognizes that federal law requires cities to provide a reasonable accommodation for those individuals who are disabled with respect to housing opportunities; and

WHEREAS, the City Council of the City of Pasadena recognizes that such reasonable accommodation may include allowing alcohol or drug recovery group homes to locate in single family residential zones; and

WHEREAS, the City Council of the City of Pasadena finds that alcohol or drug recovery group homes which are not licensed by the State, although providing a valuable service to those so afflicted, can adversely affect the health, safety, comfort, and general welfare of the surrounding neighborhood;

NOW THEREFORE, the people of the City of Pasadena ordain as follows:

SECTION 1. Title 8 of the Pasadena Municipal Code is hereby amended by adding a Chapter 8.19 which reads as follows:

“Chapter 8. 19

**ALCOHOL OR DRUG RECOVERY GROUP HOMES
WHICH ARE NOT LICENSED BY THE STATE**

Sections:

8.19.010	Purpose
8.19.020	Definitions
8.19.030	Applicability
8.19.040	Operator Permit
8.19.050	Standards
8.19.060	Compliance
8.19.070	Authority to enter

8.19.010 Purpose

The City recognizes that although alcohol or drug recovery group homes which are not licensed by the State provide a valuable service to those so afflicted, they can adversely affect the health, safety, comfort, and general welfare when allowed to locate within a single family residential neighborhood. The purpose of this ordinance is to address community problems that are associated with alcohol or drug recovery group homes; provide opportunities for the operation of alcohol or drug recovery group homes to be conducted in a mutually beneficial relationship with the community; ensure that there is no degradation of the community; and to prevent conduct that is contrary to the purpose of this ordinance.

8.19.20 Definitions

A. "Alcohol or drug recovery group home." Any home, residence, facility, or premises which provides temporary, interim, or permanent housing to persons who are recovering from alcohol or drug addiction in a group support setting where such home, residence, facility, or premises is not licensed by the State of California.

B. Operator. A person or persons who owns, manages, or operates an alcohol or drug recovery group home.

8.19.030 Applicability

The provisions of this chapter shall apply to alcohol or drug recovery group homes and to all persons who own, manage, or operate them when such group home is located in a single family residential zone.

8.19.040 Operator permit

Any person who owns, manages, or operates an alcohol or drug recovery group home shall obtain an Operator's Permit from the City. No person shall operate such a group home without first having obtained such a written permit.

A. An application for such permits shall be filed with the City and shall be in writing on forms provided by the City.

B. The City shall investigate and shall ascertain whether or not all persons directly or indirectly interested in the permit or in the proposed group home as owner, partner, officer, manager, employee or other person to be in charge of the group home are persons of good moral character. The City shall ascertain whether or not any of such persons have been convicted of a felony or any crime involving moral turpitude. The City shall cause fingerprints to be taken of the applicant and any other person referred to in this subsection.

C. The Fire Chief and Director of Building and Safety shall ascertain whether the premises to be used are suitable, proper and adequate, and comply with applicable laws, ordinances and regulations concerning such premises.

D. The City shall notify the applicant in writing within 30 days after the filing of the application for a permit that the application has been granted or denied. In event of denial, the applicant may appeal to the City but must do so within 10 days of the date of the notification.

The City shall hear the appeal within 10 days of the date of receipt of the notice of appeal.

8.19.050 Standards

An alcohol or drug recovery group home must comply with the following standards:

1. It shall not result in adverse effects to the health, welfare, peace, or safety of persons in the surrounding area;
2. It shall not jeopardize or endanger the public health, welfare, or safety of persons in the surrounding area;
3. It shall not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics;
4. It shall not result in nuisance activities, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, public consumption of alcohol, harassment of passers-by, gambling, public urination, theft, assault, battery, vandalism, littering, loitering, illegal parking, loud noises, lewd conduct, or police detentions and/or arrests;
5. It shall not result in violation of any applicable provision of any other city, state, or federal regulation, ordinance or statute;
6. It shall not be located within 500 feet, measured from the property lines, of any other group home facility, whether or not such facility is licensed by the State; and
7. It shall have no more than 6 renters.

8.19.060 Compliance

The City may suspend or revoke the operator's permit upon a determination that the holder of the permit has violated any provisions of this chapter or has allowed on the premises any infraction or violation of law. Prior to such suspension or revocation the City shall set and conduct a hearing wherein the permit holder shall have the opportunity to be heard and present evidence in his/her defense. After such hearing the City shall notify the permit holder in writing as to the outcome of the hearing. In the event that the permit is suspended or revoked, the permit holder may appeal to the City but must do so within 10 days of the date of the notification. The City shall hear the appeal within 10 days after the date of receipt of the notice of appeal.

8.19.070 Authority to inspect

Any city official or authorized representative charged with enforcement responsibilities under this municipal code, state law or other government authority may enter and inspect the premises or perform any duty imposed by the municipal code or by state law, provided the owner, managers, operator, or lawful occupant(s) has consented to the inspection.

The refusal by an owner, manager, operator, or occupant to permit such entry and inspection shall constitute cause for the suspension or revocation of the operator's permit.”

SECTION 2. Section 17.80.020B of Chapter 17.80 of the Pasadena Municipal Code is hereby amended by deleting the definition of “boarding houses (land use)” in its entirety and replacing it with a new definition which reads as follows:

8.19.020B Definitions, "B."

"Boarding Houses (land use). A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities are rented to individuals under separate rental agreements or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence."

SECTION 3. This ordinance shall take effect upon the expiration of thirty days from its publication.

Signed and approved this _____ day of April, 2007

Bill Bogaard
Mayor of the City of Pasadena

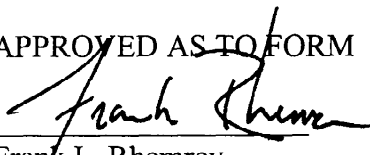
I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its regular meeting held on _____, 2007, by the following vote

AYES:
NOES:
ABSENT:
ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM



Frank L. Rhemrev
Assistant City Attorney