

To: General Public

Date August 5, 2019

Status Report regarding Moratorium enacted by Ordinance 237-19, an urgency ordinance prohibiting the City from issuing any conditional use permits for large residential care facilities.

On July 9, 2019, the City Council adopted Ordinance 237-19, an urgency ordinance prohibiting the City from issuing any conditional use permits for large residential care facilities in any zoning district within the City zoned for residential use. A large residential care facility is defined in the City Municipal Code as “any state-licensed family home, group care facility or similar facility family home, group care facility, or similar facility providing twenty-four-hour non-medical care for more than six persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.

The purpose of moratorium is to allow City Planning and legal staff a measured period of time in which to adequately study the effects of a conditional use permit requirement for large residential care facilities, including the impacts on available housing for vulnerable individuals requiring assisted living and /or specialized care, and whether the existing requirements and standards for large residential care facilities sufficiently protect the potential residents of such facilities and surrounding property owners. Time to conduct a thorough review of the impacts of large residential care facilities in various residential zones, the extensive federal and state case law governing the regulation of this use, the applicability of the City’s existing zoning regulations to the use, the regulatory scheme of other California cities, and the need for any additional zoning ordinance amendments.

Ordinance 237-19 was adopted pursuant to the authority of Government Code section 65858, and is due to expire on August 31, 2019. The Government Code requires that, at least ten days prior to that time, the legislative body must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

The Government Code also provides that the moratorium may be extended by the City Council following a noticed public hearing, for an additional period of time up to ten months and fifteen days.

A. Status Report Regarding Moratorium:

Information on Large Residential Care Facilities: Since adoption of the moratorium, staff has conducted research on residential care facilities, group homes, and state licensing requirements. In addition, internal staff meetings have been held regarding the issues. On July 9, 2019 the City Administrator and City Planner met with the owner, at this meeting the owner of the large residential care facility at 282 10 street have offered an invitation to City staff and City Council to visit the property.

Another meeting was held on July 16, 2019 with the City Administrator, City Planner, the owner of the large residential care facility and staff from Sutter Yuba Mental Health Services. At this meeting staff was given an explanation of the current operations of the large

residential care facility and were told that there were thirteen (13) persons one (1) medical technician and her son living at 282 10th Street. City staff was also made aware at this meeting that all residents at the care facility are under the care and placement by Sutter Yuba Mental Health Services.

1. Input from the public: The City has continued to receive input from the general public concerning the large residential care facility at 282 10 Street.
2. Consultation with legal counsel: City staff has consulted with legal counsel and has been advised that this complex area of law requires consideration of federal constitutional principles of free speech, equal protection and due process; the California State constitutional right of privacy;; the federal Fair Housing Act (“FHA”) and the Fair Housing Amendments Act of 1988 (“FHAA”); the federal American with Disabilities Act (“ADA”); the California Health and Safety Code and Welfare and Institutions Code provisions governing licensed residential care, health and treatment facilities; and principals and requirements of California planning and zoning law.
3. Next Steps: Staff will continue to research the law as well as available information pertaining to large residential care facilities in Williams. Based upon research done to date, the City Attorney and City Staff believe that it may be in the best interest of the City to regulate large residential care facilities, through the reasonable accommodation process. Therefore, staff anticipates developing recommended amendments to the City’s zoning ordinance Staff will continue to provide information to the community and to see community input in this process.