



COUNTY OF LOS ANGELES
Public Health

BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

MUNTU DAVIS, M.D., M.P.H.
Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

313 North Figueroa Street, Room 806
Los Angeles, California 90012
TEL (213) 288-8117 • FAX (213) 975-1273

www.publichealth.lacounty.gov



BOARD OF SUPERVISORS

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

November 27, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

7 November 27, 2018

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**APPROVAL OF AN ORDINANCE TO AMEND THE LOS ANGELES COUNTY CODE
TITLE 8 – CONSUMER PROTECTION, BUSINESS AND WAGE REGULATIONS AND
TITLE 11- HEALTH AND SAFETY TO ESTABLISH A NEW PUBLIC HEALTH PERMIT
REQUIREMENT FOR INTERIM HOUSING FACILITIES**

(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

Approval to adopt an ordinance to amend the Los Angeles County Code (LACC), Title 8 – Consumer Protection, Business and Wage Regulations and Title 11 – Health and Safety to establish a new public health permit requirement and accompanying health and safety standards for a new category of buildings used for human habitation: interim housing facilities.

IT IS RECOMMENDED THAT THE BOARD:

Introduce, waive reading, and adopt the attached ordinance (Exhibit A) that amends LACC Title 8 – Consumer Protection, Business and Wage Regulations and Title 11 – Health and Safety.

PURPOSE/JUSTIFICATION FOR RECOMMENDED ACTION

In Los Angeles County, there are approximately 7,700 beds in interim housing facilities that serve homeless and transitory populations. There are total of 327 interim housing facilities of which 234 are publicly funded and 93 are privately funded. The Departments of Health Services (DHS), Mental Health (DMH), and Public Health (DPH), as well as the Los Angeles Homeless Services Authority (LAHSA), fund and monitor the majority of publicly-funded interim housing facilities via contractual arrangements with the operators. These public agencies formed a workgroup to assess existing standards, identify common contractual requirements, and create opportunities to strengthen multi-agency coordination to enhance consistency, effectiveness, and efficiency. It was determined that contractual oversight alone was insufficient to appropriately monitor the health and safety standards of individual housing facilities in the rapidly expanding interim housing system, and that interim housing facilities must be inspected like other permitted multi-unit housing facilities.

The enactment of this ordinance will allow DPH-Environmental Health (EH) to implement a new interim housing inspection program. The DPH-EH Interim Housing Program will ensure that permitted interim housing facilities comply with applicable health and safety requirements for congregate housing, as well as requirements that are specifically tailored for this type of temporary housing. DPH-EH regulatory oversight will include the following activities: 1) permitting of interim housing operations, 2) conducting routine inspections and complaint investigations at interim housing facilities, 3) providing training and outreach to interim housing facility operators and stakeholders, 4) assisting and educating interim housing operators on necessary actions needed to achieve compliance, and 5) collaborating with interim housing agencies to strengthen multi-agency service delivery and efficiency.

The use of Measure H funding will result in a multi-year expansion of the interim housing system with the goal of enabling many more homeless families and individuals to transition from interim to stable housing. The DPH-EH Interim Housing Program will strengthen the quality of the interim housing facilities throughout the County, which directly promotes capacity development and excellence in the homeless service system.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action supports Strategy II.2, Support the Wellness of Our Communities and Pursue Operational Effectiveness of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

Measure H is funding four (4) Environmental Health Specialist III positions, who will be assigned solely to the DPH-EH Interim Housing Program. DPH-EH is utilizing the positions to develop and implement the new Interim Housing Program and will begin operations starting January 1, 2019.

The costs associated with the new Interim Housing Program will be fully offset by Measure H funding at no net County cost.

FACTS AND PROVISION/LEGAL REQUIREMENTS

DPH-EH is empowered with public health regulatory authority to perform certain mandated services, including, but not limited to, inspections and investigations related to food, housing, drinking water, solid waste, and vector management. State and local health and safety laws provide DPH-EH with the authority to enforce statutory and regulatory requirements to protect public health and safety. The cost of regulatory activities is principally offset by the collection of fees for permits, licenses, and services.

Adoption of the recommended ordinance is necessary to authorize DPH-EH to establish a new public health permit requirement for interim housing facilities, as defined by the attached ordinance, in order to conduct health and safety inspections and enforcement activities. These inspections will be conducted in a manner similar to the public health inspections now being performed at retail food facilities, multiple family dwellings, motels/hotels, and boarding homes. Interim housing facilities will be inspected for compliance with the requirements of LACC Title 8 and Title 11. In addition, interim housing operators who provide a food service will be required to obtain a food facility public health permit and be inspected for compliance with requirements of the California Retail Food Code (CRFC).

ENVIRONMENTAL DOCUMENTATION

The adoption of the recommended ordinance is for the purpose of establishing a new inspection program and is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the California Environmental Quality Act Guidelines.

IMPACT ON CURRENT SERVICES FOR PROJECT(S)

If adopted, the amended ordinance will authorize DPH-EH, beginning on January 1, 2019, to process applications and issue public health permits for interim housing facilities, and then conduct plan check routine inspections, and complaint investigations.

Respectfully submitted,



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

#04507

Enclosure

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1928
FACSIMILE
(213) 680-2165
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

October 29, 2018

Terri Williams, Environmental Health Deputy
County of Los Angeles
Department of Public Health
5050 Commerce Street
Baldwin Park, California 91706

**Re: Ordinance Amending Los Angeles County Codes Title 8 -
Consumer Protection, Business and Wage Regulations, and
Title 11 - Health and Safety of Los Angeles County Code**

Dear Ms. Williams:

Enclosed please find the analysis and ordinance that amends Title 8 and Title 11 of the Los Angeles Code, to establish a new public health permit and license as well as the health and safety requirements for interim housing facilities.

The analysis and ordinance may be presented to the Board of Supervisors for consideration at a public hearing.

Very truly yours,
MARY C. WICKHAM
County Counsel

By  for
ROBERT E. RAGLAND
Principal Deputy County Counsel

APPROVED AND RELEASED:


LAWRENCE L. HAFETZ
Chief Deputy

RER:ele

Enclosure

ANALYSIS

This ordinance amends Title 8 – Consumer Protection, Business and Wage Regulations and Title 11 – Health and Safety of the Los Angeles County Code, to both establish a new public health permit and license requirement, and create specific health and safety requirements for a new category of housing: interim housing facilities.

This ordinance is an important response to the homelessness crisis in Los Angeles County. This ordinance creates a new category of housing and recognizes the need for health and safety requirements for the increasing number of interim housing facilities within the County. Interim housing facilities are congregate living settings that provide provisional housing to persons who lack permanent housing, are experiencing homelessness, or are at imminent risk of becoming homeless. This ordinance incorporates interim housing facilities into the Department of Public Health's regular housing inspection program. These facilities will be inspected on a regular basis and be required to meet all applicable housing health and safety requirements. In addition, interim housing facilities will be required to meet specifically tailored requirements regarding toilet rooms, handwashing and bathing facilities, and storage of personal belongings, linen and bedding, and the proper disposal of sharps. Moreover, interim housing facilities that provide a meal service to its temporary residents shall also be required to obtain a food facility permit from Public Health. In order to cover the County's programmatic costs, Measure H funds will be used.

MARY C. WICKHAM
County Counsel

By



ROBERT E. RAGLAND
Principal Deputy County Counsel
Health Services Division

RER:ele

Requested: 10/04/18

Revised: 10/24/18

ORDINANCE NO. 2018-0046

An ordinance amending Title 8 – Consumer Protection, Business and Wage Regulations and Title 11 – Health and Safety of the Los Angeles County Code, relating to public health permitting and health and safety requirements for interim housing facilities.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.04.143 is hereby amended to read as follows:

8.04.143 Food Facility, High Risk.

"Food facility, high risk" means a restaurant, retail food market, interim housing facility, or licensed health care facility, which meets any of the following criteria:

- A. Offers a menu that involves preparation of a variety of potentially hazardous foods as defined in the California Health and Safety Code, section 113871;_
- B. Prepares potentially hazardous food in advance of service using a food preparation method that involves two (2) or more steps which may include: combining potentially hazardous ingredients, cooking, cooling, reheating, hot or cold holding, freezing, or thawing;_
- C. Prepares foods for multi-day use by the restaurant, retail food market, interim housing facility, or licensed health care facility;_
- D. Prepares or processes raw food products such as sushi, meat, seafood, raw sprouts, or poultry;_
- E. Processes meat, seafood, or poultry by smoking, curing, or drying;_
- F. Uses reduced oxygen packaging methods;_

G. Uses multi-use eating and drinking utensils;

SECTION 2. Section 8.04.277 is hereby added to read as follows:

8.04.277 Interim Housing Facility

"Interim housing facility" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in section 1250 of the Health and Safety Code and except any mental health or alcoholism and drug abuse rehabilitation or treatment facility licensed by the State of California), used or intended to be used as a place where provisional sleeping or rooming accommodations are furnished on a temporary basis to persons who lack permanent housing, are experiencing homelessness or are at imminent risk of becoming homeless, with or without compensation from the resident and with or without meal service. "Interim housing facility" includes, but is not limited to, bridge housing, crisis housing, recuperative care housing, stabilization housing, recovery bridge housing, and shelters.

SECTION 3. Section 8.04.720 is hereby amended to read as follows:

8.04.720 Fee Schedule.

Business Classification	Permit Fee
...	
<u>Interim Housing Facility</u>	
<u>1 to 25 beds</u>	<u>Fee Exempt</u>

<u>26 to 50 beds</u>	<u>Fee Exempt</u>
<u>51 to 75 beds</u>	<u>Fee Exempt</u>
<u>76 to 100 beds</u>	<u>Fee Exempt</u>
<u>101 or more beds</u>	<u>Fee Exempt</u>
<u>Interim Housing Food Facility</u>	
<u>1 to 1,999 square feet</u>	<u>Fee Exempt</u>
<u>2,000 to 4,999 square feet</u>	<u>Fee Exempt</u>
<u>5,000 to 9,999 square feet</u>	<u>Fee Exempt</u>
<u>10,000 or more square feet</u>	<u>Fee Exempt</u>
Laundry (self-service):	
Less than 4,000 square feet of work rooms	186.00
...	

SECTION 4. Section 11.20.050 is hereby amended to read as follows:

11.20.050 Dwelling ~~u~~Unfit ~~f~~For ~~h~~Human ~~h~~Habitation, ~~u~~Use or ~~o~~Occupancy.

"Dwelling unfit for human habitation, use or occupancy" means any dwelling, hotel, motel, apartment house, interim housing facility, or other structure used for living or sleeping purposes which, by reason of its construction or by reason of the lack of maintenance or repair thereof, is in such a condition as creates a hazard to the health, welfare, or safety of its occupants.

SECTION 5. Section 11.20.095 is hereby added to read as follows:

11.20.095 Hot Water

"Hot water" means water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit (43.3 degrees Celsius).

SECTION 6. Section 11.20.115 is hereby added to read as follows:

11.20.115 Interim Housing Facility

"Interim housing facility" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in section 1250 of the Health and Safety Code and except any mental health or alcoholism and drug abuse rehabilitation or treatment facility licensed by the State of California), used or intended to be used as a place where provisional sleeping or rooming accommodations are furnished on a temporary basis to persons who lack permanent housing, are experiencing homelessness or are at imminent risk of becoming homeless, with or without compensation from the resident and with or without meal service. Interim housing

facility includes, but is not limited to, bridge housing, crisis housing, recuperative care housing, stabilization housing, recovery bridge housing, and shelters.

SECTION 7. Section 11.20.140 is hereby amended to read as follows:

11.20.140 Substandard dDwelling.

A. "Substandard dwelling" means any dwelling, house court, dormitory, hotel, motel, interim housing facility, or apartment house which, through lack of maintenance or repair, generally endangers the life, limb, health, property, safety or welfare of the public, or of the occupants thereof.

B. Conditions which render a structure a "substandard dwelling" include, but are not limited to, any of the following:

1. Lack of approved toilet or privy structure, bathtub or shower, kitchen sink, hot and cold running water, or other required approved plumbing within an apartment or dwelling;
2. Lack of exterior wall or roof covering adequate to protect the occupants from the elements;
3. Damaged interior walls, partitions, floors or ceiling;
4. Plumbing fixtures and piping which have become insanitary or are otherwise in a condition to create a health hazard;
5. Sewage disposal system which has become insanitary or is otherwise in a condition to create a health hazard;
6. Unreasonable collection of rubbish, debris or trash upon premises;

7. Any of the conditions specified in Section 11.02.300, subsections B, C, D, or E;
8. Use of other than habitable rooms for living, cooking, or eating purposes;
9. Incomplete construction;
10. Infestation by insects, vermin, or rodents;
11. General dilapidation;
12. Lack of a water supply adequate to sustain the health of the inhabitants.

SECTION 8. Section 11.20.150 is hereby amended to read as follows:

11.20.150 Applicability of Chapter Provisions.

The provisions of this Chapter 11.20 shall apply to all dwellings, house courts, hotels, interim housing facilities, and apartment houses.

SECTION 9. Section 11.20.160 is hereby amended to read as follows:

11.20.160 Maintenance ~~Required~~—Noncompliance ~~Unlawful~~.

Every dwelling, house court, hotel, motel, interim housing facility, and apartment house shall be maintained in good repair. It is unlawful for any person to occupy or to cause or permit another person to occupy any dwelling, house court, hotel, motel, interim housing facility, and apartment house which does not comply with this section.

SECTION 10. Section 11.20.310 is hereby amended to read as follows:

**11.20.310 Sleeping ~~r~~Rooms—Overcrowding and ~~e~~Other
~~u~~Unhealthful ~~e~~Conditions ~~p~~Prohibited.**

No person shall occupy, rent or lease, suffer, or permit another person to use for sleeping purposes any kitchen, cellar, hallway, bath, shower, compartment, toilet room, or any habitable room or place, including any hotel, apartment house, interim housing facility, multiple dwelling or dwelling, which is detrimental to the health of the occupant or occupants by reason of overcrowding or insufficiency of light, windows, ventilation, or drainage. The window area of any room used for sleeping purposes shall not be less than one-eighth of the floor area and shall be at least one-half openable or the room completely air-conditioned.

SECTION 11. Section 11.20.420 is hereby deleted in its entirety:

~~11.20.420 Posting requirements—Penalty for noncompliance.~~

~~A. The owner of a house court, as defined in Section 11.20.110 of this chapter, shall be responsible for posting in a common area, accessible by all tenants and the general public, a placard, as provided by the health officer. "Common area, accessible by all tenants and the general public" means:~~

~~1. Posted in a conspicuous location within five feet of the main entrance of the housing court; or~~

~~2. Posted in or near the outside of the door of the housing court manager, if one exists; or~~

~~3. Posted in a location as directed and determined in the discretion of the county health officer to ensure proper notice to all tenants and the general public.~~

~~B. The placard shall not be defaced, marred, camouflaged, hidden or removed. Removal of the placard is a violation of this chapter and shall be punishable as specified in Section 11.02.080.~~

~~C. The placard shall legibly display the following information so as to be clearly visible to all tenants and the general public entering the housing court:~~

~~This building is inspected by the Department of Health Services, Environmental Health.~~

~~All public health questions/concerns regarding this property should be directed to: (local office address and telephone number to be provided by the county health officer)~~

~~Please contact the office listed above to report health code violation or concerns.~~

~~Copies of inspection reports may be requested from this office.~~

~~D. The placard must also list the web site address and toll free telephone number for the department of health services, environmental health, housing inspection program, which shall be provided by the county health officer.~~

SECTION 12. Section 11.20.450 is hereby added to read as follows:

11.20.450 Laundries.

A. All laundries shall be in a building. The floors shall be constructed of smooth, nonabsorbent, durable materials. All walls and ceilings shall be constructed of smooth material. All floors, walls, and ceilings shall be kept clean and in good repair.

B. Washing machines shall be installed in such a manner that the area under and around the machines may be kept clean and in good repair.

SECTION 13. Section 11.20.460 is hereby added to read as follows:

11.20.460 Appliances.

Appliances provided by house courts, hotels, motels, interim housing facilities, and apartment houses shall be kept fully operative, and in good repair.

SECTION 14. Section 11.20.470 is hereby added to read as follows:

11.20.470 Comfort Heat.

A. Every dwelling, house court, hotel, motel, interim housing facility, and apartment house shall be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms, and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager, shall be required to provide that heat at a minimum temperature of 70 degrees Fahrenheit, 24 hours a day. These facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

B. The provisions of Subsection (A) are subject to the exemption for existing buildings provided in Section 103, of the Uniform Housing Code.

C. Those buildings and structures which are exempt from the requirements of Section 103 shall be provided with heat at a temperature as close to 70 degrees Fahrenheit as the existing heating facilities are capable of providing at a point of three

(3) feet above the floor in all habitable rooms when the heating facilities are not under the control of the tenant or occupant.

SECTION 15. Section 11.20.500 is hereby added to read as follows:

11.20.500 Interim Housing Facilities – Regulations Applicable.

Interim housing facilities shall comply with Chapters 11.16, 11.20, 11.30, 11.32, and 11.38 of this Division 1.

SECTION 16. Section 11.20.510 is hereby added to read as follows:

11.20.510 Toilet Rooms, Handwashing, and Bathing Facilities – Interim Housing Facility.

Every interim housing facility shall contain a lavatory and bathtub or shower. All lavatories, bathtubs, and showers of interim housing facilities shall be provided with hot and cold running water under pressure. All toilet rooms, bath and shower rooms, and utility rooms shall be adequately lighted and ventilated to the outside atmosphere. All such rooms and the fixtures and equipment therein shall be maintained in a state of good repair and free from dirt, filth, and corrosion. It is unlawful for any person to occupy or to cause or permit another person to occupy any interim housing facility which does not comply with this section.

Toilet rooms of interim housing facilities shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.

Each toilet stall shall include a door with locking mechanism and a permanently installed dispenser with toilet tissue.

Handwashing facilities shall be provided within or adjacent to toilet rooms. The number of handwashing facilities required shall be in accordance with local building and plumbing codes. All handwashing facilities shall be provided with hot and cold running water under pressure.

Handwashing facilities shall be provided with the following in dispensers at, or adjacent to, each handwashing facility: handwashing cleanser, sanitary single-use towels or an air hand drying device.

SECTION 17. Section 11.20.520 is hereby added to read as follows:

11.20.520 Storage Areas for Personal Belongings – Interim

Housing Facility.

Each bed in an interim housing facility shall be provided with a storage unit for the keeping of personal belongings of each person. Sufficient additional storage facilities shall be provided for the reasonably safekeeping of articles or personal belongings which are not in daily use.

SECTION 18. Section 11.20.530 is hereby added to read as follows:

11.20.530 Linen and Bedding for Interim Housing Facility.

A. All interim housing facilities wherein beds are used shall provide an adequate amount of clean bedding, cots and springs, and mattresses in good repair. All such beds, cots, springs, and mattresses shall be maintained in a sanitary condition and, after being used by one person, shall be thoroughly cleaned before being used by another person.

B. Interim housing facilities shall provide an adequate amount of clean linen necessary to properly care for the persons therein.

C. Adequate and suitable space shall be provided for the storage of clean linens. Soiled linens shall be kept in nonabsorbent receptacles or washable laundry bags and properly stored and transported to prevent contamination.

D. Linens shall be laundered as often as necessary but no less than weekly. If linens are laundered on the premises, they shall be laundered in a mechanical clothes washer and dryer that is cleaned and sanitized before and after each time it is used.

SECTION 19. Section 11.20.540 is hereby added to read as follows:

11.20.540 Sharps – Proper Storage – Interim Housing Facility.

All used needles and syringes shall be placed in an approved sharps bio-hazard container and properly disposed.

SECTION 20. Section 11.20.550 is hereby added to read as follows:

11.20.550 Posting Requirements – Interim Housing Facility.

A. The owner of an interim housing facility as defined in Section 11.20.115 of this chapter shall be responsible for posting in a common area, accessible by all tenants and the general public, a placard, as provided by the Health Officer. "Common area, accessible by all tenants and the general public" means:

1. Posted in a conspicuous location within five (5) feet of the main entrance of the interim housing facility; or
2. Posted in or near the outside of the door of the interim housing facility manager, if one exists; or

3. Posted in a location as directed and determined in the discretion of the County Health Officer to ensure proper notice to all occupants and the general public.

B. The placard shall not be defaced, marred, camouflaged, hidden, or removed. Removal of the placard is a violation of this chapter and shall be punishable as specified in Section 11.02.080.

[804143RRCC]