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The Honorable Neysa Fligor  
and Members of the Los Altos City Council  
City of Los Altos  
1 North San Antonio Road  
Los Altos, CA 94022

council@losaltosca.gov, PublicComment@losaltosca.gov;  
Via Email

Re: March 9, 2021 City Council Meeting, Agenda Item # 7 – Boardinghouses

Dear Mayor Fligor:

On the Tuesday, March 9, 2021 council meeting, you will consider [Agenda Item # 7](#), *An Ordinance of the City Council of the City of Los Altos amending Los Altos Municipal Code Chapter 14.02 (General Provisions) and adding chapter 14.31 (Boardinghouses) to regulate boardinghouses.*

Adopting this ordinance would be a violation of Fair Housing Law because the one-sentence summary of the staff report reads, “The ordinance would regulate boardinghouses to help preserve the character of residential neighborhoods.” In addition to the violation of fair housing law, as policies, laws, and regulations expressly and admittedly designed solely to preserve *community character*, this ordinance violates Government Code § 65008.

The main thrust of the city's argument is that while “unrelated individuals who choose to live together in a family-like atmosphere [must be treated] the same as families bound together by blood, marriage, or adoption,” boardinghouses are a “commercial venture in which persons are brought together not by social or compatibility bonds but as paying tenants.”<sup>1,2</sup> In trying to imagine the difference between those two circumstances, it is difficult to understand how multiple, unrelated college students; two or more lower-income households; or coworkers with long commutes, such as first responders, nurses, or state and federal legislators, who independently and individually choose to share a home together constitute a commercial use while a blended family of unmarried partners, each with their own child or children who together live under one roof, do not. If those college students cook meals together, are they

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<sup>1</sup> Santa Barbara v. Adamson (1980) 27 Cal.3d 123

<sup>2</sup> Barrett v. Lipscomb (1987) 194 Cal.App.3d 1524

living in a family-like atmosphere? If those lower-income households carpool to their children's school(s), are they living in a family-like atmosphere? If those firefighters with long commutes pick up each others' dry cleaned uniforms, are they living in a family-like atmosphere?

Additionally, the staff report for this proposed ordinance reads, “The proposed definition of ‘lodging’ is intended to be broad enough to encompass a group of individuals brought together through a shared living platform to rent a single home, but it would exclude a group of individuals who have chosen to live together in a family-like atmosphere.” Also, in Los Altos Municipal Code § 14.02.070, the city defines *single-room occupancy* as “a residential project with small units between one hundred fifty (150) and three hundred fifty (350) square feet each, with or without integral bathroom and/or kitchen facilities.” Questions that remain unanswered but seem germane to this discussion include those about mechanisms to ensure objective and nondiscriminatory enforcement; the city's definition of a *family-like atmosphere*; provisions concerning the right of entry onto private lands, the right of entry into private property, and the right of warrantless inspection of private property; incompatibility with the city's own established and permitted definitions and uses related to single-room occupancy; preemption by SB 2, as codified; penalties; and remedies.

Furthermore, the city alleges that its desire to regulate boardinghouses “is necessary to preserve the health, safety, or welfare of the general public” and that “the establishment of boardinghouses has the potential to result in overcrowding, excessive noise, traffic congestion, illegal parking, and other effects.” I am unaware of any established law, legal precedent, or peer-reviewed scientific data that supports the city's claim that unrelated persons living together—compared to related persons living together—has an adverse effect on the health, safety, or welfare of the general public, and the city has provided no evidence whatsoever that unrelated persons who live together are likely, probable, or certain to cause more overcrowding, excessive noise, traffic congestion, illegal parking, or other effects than when related persons live together.

Moreover, the city feigns concern for “the residents of [boardinghouses,] which are often made to pay excessive rents to live in overcrowded conditions.” The proper remedy for excessive rent is rent control, not the intrusion upon individuals' privacy and personal freedoms. Interestingly, the city's premise is that boardinghouses are inherently overcrowded, which, in addition to the absence of any evidence thereof, is not an established fact in the public consciousness. If this were the case, every hotel would be a public nuisance. Worse still, while the title of this agenda item informs the reader that the city wishes to “regulate boardinghouses,” in reality, the city seeks to prohibit them outright. Through this ordinance, the city intends to add to its municipal code § 14.30.040, “Boardinghouses prohibited,” of which the first sentence reads, “A boardinghouse is a prohibited use in every zoning district of the city.”

Last, as of January 2021, the median home price in Los Altos was \$3,429,451, so, ostensibly, very few if any lower-income households—defined as making no more than 80% of the area median income—can afford to live there<sup>3</sup>. By further restricting the ability of lower-income

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<sup>3</sup> <https://www.zillow.com/los-altos-ca/home-values/>

households to obtain or maintain residences in Los Altos, the city could reasonably or will likely violate multiple programs within its own Housing Element, including:

- Program 2.1.3 – Allow employee housing
- Program 3.2.3 – Provide incentives and amend the City’s Zoning Ordinance for compliance with statutory requirements for single-room occupancy residences to address the needs of extremely low-income households.
- Program 4.3.1 – Assist in the development of affordable housing.
- Program 5.1.1 – Assist residents with housing discrimination and landlord-tenant complaints.
- Program 6.1.2 – Assist seniors to maintain and rehabilitate their homes.

This letter was also electronically delivered to the California Department of Housing and Community Development’s Division of Housing Policy Development, Office of Planning and Community Development, Accountability and Enforcement Unit. as well as fair housing counsel, local pro-housing organizations, local housing activists, and Los Altos residents.

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. I am signing this letter both in my capacity as an employee of YIMBY Law and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Jon Wizard  
Housing Elements Coordinator  
YIMBY Law



Cc: Vice Mayor Anita Enander  
Councilmember Lynette Lee Eng  
Councilmember Sally Meadows  
Councilmember Jonathan D. Weinberg

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 7 - 3/9/21  
**Date:** Friday, March 5, 2021 3:02:01 PM

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Hi Mayor Fligor and Councilmembers,

I'm writing to ask you to not ban boardinghouses.

I believe that everyone currently on city council ran on a platform of affordable housing. Many of my friends have found affordable rooms in boarding houses since tenants can divvy up the cost of common areas. It's among the few ways to get affordable housing out of the large, single family homes that cover Los Altos.

Some Los Altans may oppose having more neighbors on grounds that their neighbors would be noisy and park illegally. The city should address those *specific* concerns (by enforcing noise & parking ordinances) rather than use the bluntest instrument possible: a complete ban.

Thanks,  
Salim Damerdji