

LOS ANGELES HOUSING DEPARTMENT



ACCESSIBLE HOUSING PROGRAM

GRIEVANCE

POLICIES AND PROCEDURES



A. POLICY

It is the policy of the Los Angeles Housing Department (LAHD) to accept, review, and resolve grievances regarding discrimination based on disability and lack of accessibility in Covered Housing Developments, LAHD's Covered Housing Programs, the Accessible Housing Website Registry, and the implementation of the Settlement Agreement of the lawsuit *Independent Living Center of Southern California, et al. vs. City of Los Angeles and the Community Redevelopment Agency of the City of Los Angeles* (referred to as "the Agreement") and the implementation of the Voluntary Compliance Agreement between the City of Los Angeles and the U.S. Department of Housing and Urban Development (referred to as "the HUD VCA").

1. Covered Housing Developments

Housing developments covered by this policy include multifamily rental housing developments that received or receive any Federal financial assistance from or through the City since July 11, 1988, and multifamily rental housing developments that were or are designed, constructed, altered, operated, administered, or financed, in whole or in part, in connection with a program administered in whole or in part by the City or the former Community Redevelopment Agency/Los Angeles (CRA/LA) or its successor since January 26, 1992, including housing that received or will receive bond financing.

This policy also covers services offered in Covered Housing Developments, such as services offered in permanent supportive housing. A list of housing developments covered under this policy can be found on the LAHD website (lahousing.lacity.org) under "Accessible Housing," "Covered Housing Developments."

2. LAHD Covered Housing Programs

LAHD housing programs covered under this policy include:

- a. LAHD's monitoring, regulation, or oversight of Covered Housing Developments, as related to disability, accessibility, the Settlement Agreement, and the HUD VCA;
- b. The Accessible Housing Website Registry and the City's Accessible Housing Webpages;
- c. LAHD's programs to develop new affordable housing, either through new construction or substantial rehabilitation of existing buildings, and to retrofit existing Covered Housing Developments to provide accessibility and to require compliance with applicable law and City policies for accessible housing; and
- d. The City's implementation of the Agreement and the HUD VCA.

B. SUBMITTING A GRIEVANCE

1. What Type of Grievances May Be Submitted?

Grievances regarding discrimination based on disability and lack of accessibility in Covered Housing Developments and LAHD's Covered Housing Programs, as defined in Sections A.1 and A.2. above, may be submitted to the LAHD Accessible Housing Program (AcHP). This includes grievances about Property Owner or Management actions, the City's implementation of its Housing Programs, and complaints about the Accessible Housing Website Registry.

If during the resolution of a complaint, the Complainant amends or updates the original request, then the City shall amend or update Complainant's complaint accordingly, and the timeline for resolution shall remain the same, as described below in Section B.4.

If during the resolution of a complaint, the Complainant files a new complaint that is unrelated to the pending complaint, then the City shall identify it as a separate matter, open a separate grievance file with a new case number, provide the parties with the new case number, and adhere to the timelines for the new complaint described in Section B.4, below Information that is already available to the City should be copied to the new case. The City shall use reasonable discretion in determining whether new information is an amendment or update or a new matter, based on how closely related the facts are in the update or new matter and the preferences of the Complainant.

2. Who May Submit a Grievance?

Grievances may be submitted by:

- a. Any person with a disability, any person perceived as having a disability, any person with a record of disability, and any person associated with a person with a disability, such as a family member or caregiver, who:
 - i. Has applied for a unit (accessible or otherwise) in a Covered Housing Development;
 - ii. Has been deterred from applying for such a unit;
 - iii. Has visited or attempted to visit such a unit;
 - iv. Is a current resident in a Covered Housing Development;
 - v. Has used or attempted to use the Accessible Housing Website Registry or the City's Accessible Housing Webpages; or
 - vi. Has participated in or been deterred from participating in any of LAHD's Covered Housing Programs.

- b. Any person or advocacy organization that believes there has been a violation concerning accessibility in a Covered Housing Development or in LAHD's Covered Housing Programs, as defined in Sections A.1 and A.2., above.

3. How to File a Grievance

Grievances and appeals may be submitted using any of the following methods:

- a. Online through the fillable form at the LAHD ACHP Compliance Website: accesshousingla.org. Click on "Grievance Policy and Procedures" on the drop down menu under the tab Tenants & Applicants."
 - i. The City's Department on Disability's (DOD) website also has a link to LAHD's fillable form: <https://disability.lacity.gov/>.
 - ii. When a Grievance is made online using the Internet, the complainant will receive an automatic message that the grievance has been received by LAHD, if an email address has been provided.

- b. By Email to the LAHD ACHP:
lahd.achp@lacity.org

- i. When a Grievance is received by Email, the complainant will receive an Email message that the grievance has been received by LAHD.
- c. By U.S. Mail to:
 - Accessible Housing Program, LAHD
 - Attention: Settlement Coordinator (or Director)
 - 221 N. Figueroa St., Suite 1400
 - Los Angeles, CA 90012
- i. When a Grievance is received by U.S. Mail and a return address is provided, the complainant will receive a written response through the U.S. Mail, that the grievance has been received by LAHD or by email if the complainant has provided an email address.
- d. By Telephone to the LAHD AcHP: **213-808-8550**. AcHP staff will return the call to respond to the message as soon as possible but no later than the next working day, and will provide assistance or complete the Grievance Form on behalf of the Complainant.

The Grievance Form is available to view and download from the LAHD website. You may also ask to have a form mailed to you by emailing to the address or calling the AcHP phone numbers listed in 3.b. and 3.d., above.

The use of the AcHP Grievance Form is preferred but not required. If submitting a written grievance without the Form, please include all information requested on the form.

4. Notification that the AcHP has Received a Grievance

- a. Within three (3) working days of receipt, grievances will be given a case number, entered into the AcHP database, and both the Complainant (using the preferred form of communication indicated on the complaint form) and the owner and/or property manager of the Covered Property (“Respondent”), as applicable, or their Representative will be notified in writing of the date LAHD received the grievance, the case number, and the contact information of the staff person assigned to the case. If the grievance involves a Complaint about LAHD, the notification will be provided to the appropriate official within LAHD.

If the Complainant requests confidentiality and the grievance is general in nature or is not specific to the Complainant, the City will not disclose Complainant's identity. If the grievance is specific to the Complainant and resolution requires that Respondent know the identity of the Complainant, the City will notify the Complainant that the City cannot accept an individualized grievance where the Complainant's identity is kept confidential from the respondent. Upon request, the City shall keep matters confidential from individuals other than respondent, City staff and agents, the U.S. Department of Housing and Urban Development, and plaintiffs and their counsel.

- b. In the event the Complainant or the Respondent requests information in Braille, then additional time to provide notice in writing of the date LAHD received the grievance, the case number, and the contact information of the staff person assigned to the case will be necessary. In those cases, within three (3) working days of receipt, grievances will be given a case number and entered into the AcHP database, but it may take up to 7 working days to complete AcHP's initial written notice.

C. GRIEVANCE INVESTIGATIONS

1. Role and responsibilities of the Settlement Coordinator /VCA Administrator

- a. Settlement Coordinator/VCA Administrator (hereinafter both referred to as "Settlement Coordinator" in this document) is responsible for overseeing all grievance investigations involving LAHD Covered Housing Developments and LAHD's Covered Housing Programs.
- b. Settlement Coordinator will designate appropriate AcHP staff to investigate and prepare a recommendation report on the grievance.
- c. Settlement Coordinator may, at his or her discretion, also involve City staff outside of LAHD to assist with any investigation or reporting functions.
- d. All determinations concerning grievances shall be reviewed by the Settlement Coordinator or his/her designee prior to a final determination.

2. Grievance Investigation Process

- a. Investigations may include, but are not limited to, interviews and/or telephone and in-person meetings with the Complainant, Respondent and/or their respective Representatives; collecting and reviewing relevant documents;

interviews with other witnesses or individuals with relevant information, and site visits to the property in question.

3. Additional Information about the Individual's Disability May Be Necessary to Investigate a Denial of a Request for an Accessible Unit or a Reasonable Accommodation.

- a. If the grievance is about the denial of an accessible unit or reasonable accommodation, it may be necessary to determine whether the individual seeking the unit or reasonable accommodation is a person with a disability who needs the features of an accessible unit, and/or whether there is a relationship between the disability and the reasonable accommodation requested.
- b. If the individual's disability is obvious and the need apparent, or if the information that was submitted to the Covered Property is clear, in that the Individual's disability is obvious, as is the need for the Accessible Unit or requested Reasonable Accommodation, and is available to AcHP staff, no additional information will be required.
- c. If the disability or need for the accessible unit or requested reasonable accommodation is not readily apparent, or AcHP staff determines the information submitted to the Covered Property was not sufficient, staff may request additional disability-related information.
 - i. Additional information can be provided by the individual making the request or a reliable third party who is in a position to know about the existence of the disability, that the reasonable accommodation requested may be necessary to meet the needs of the individual with a disability (that there is a connection between the individual's disability and the requested reasonable accommodation) and/or that the reasonable accommodation may be necessary for the household to have equal use and enjoyment of the programs, activities, or services of the Covered Housing Development or LAHD. Information from the individual, such as a determination of disability by the Social Security Administration or a credible statement of need for the requested accommodation, may provide sufficient information.
 - ii. Any additional information requested will be narrowly tailored and AcHP staff may only request the minimum information that is necessary to determine whether the request should have been granted or denied.

- iii. Medical records, diagnoses, and medical information unrelated to the request are not required and should not be requested or provided.
- iv. Detailed information about the nature, extent, or severity of a person's disability are not necessary.
- v. In rare instances, information from a third party may be necessary.

4. How Long Will It Take to Investigate the Grievance?

- a. Generally, after receiving the grievance, ACHP staff will begin to investigate it within three (3) working days¹, and will attempt to resolve it as expeditiously as possible and will notify the Complainant within thirty-three (33) working days of receipt of the grievance with ACHP's findings.
- b. This timeline may be extended by the written consent of or verbally by the Complainant.
- c. The timeline may also be extended by the City for good cause. Good cause may include, but is not limited to, inability of Complainant to provide requested information or City's inability to contact Complainant.
- d. If the grievance is time sensitive, it will be expedited and staff will make every effort to complete the investigation as soon as possible. Examples of time sensitive grievances include, but are not limited to, grievances related to a request for an accessible unit that might soon be rented to someone else, an alleged discriminatory eviction action, or an urgently needed reasonable accommodation such as in the event of a broken elevator. In the case of an eviction action, the City urges Complainant to seek immediate legal help, in addition to any grievance filed with the City.
- e. Complainant, Respondent, and/or their respective Representatives will be sent a Notice of Determination no later than 33 working days after the grievance was submitted, unless extended by written consent of or verbally by the Complainant or by the City for good cause.

5. Grievance Resolutions

- a. Voluntary Resolution by the parties.

¹ Note that the term "working days" means Monday through Friday, excluding legal holidays. Saturday and Sunday do not count as working days.

- i. Throughout the process, AcHP staff will work with the Complainant, Respondent, and/or their respective Representatives to encourage a voluntary resolution based on the information received and collected during the investigation and according to the resolution requested by the Complainant.
 - ii. If the resolution requested by Complainant cannot be achieved for “reasons permitted by fair housing laws,” staff will work with the Complainant and other parties to arrive at a mutually agreed upon alternative. “Reasons permitted by fair housing laws” include a request for a reasonable accommodation that would impose an undue financial and administrative burden on the housing provider or the City, considering all resources available, or would fundamentally alter the nature of the provider’s or City’s programs.
 - iii. A Voluntary Resolution by the parties will result in a letter to be sent to all parties by the Settlement Coordinator documenting the agreed upon resolution.
- b. For all other resolutions:
- i. The City will make a written determination, with accompanying findings, establishing that the grievance was:
 - a) Meritorious and additional action is needed; or
 - b) Not Meritorious.
 - ii. Determination of Meritorious Grievances
 - a) If AcHP staff determines that the grievance is meritorious, AcHP staff will prepare a report with a recommendation for additional action and submit it to the Settlement Coordinator or his/her designee for review and approval.
 - b) Upon completion of review by the Settlement Coordinator or his/her designee, a Notice of Determination will be sent to all parties describing the resolution of the grievance, with written findings describing any steps that must be taken by the Respondent, and identifying possible remedial actions that will be taken by the City if Respondent fails to comply, as described below.
 - c) Remedial actions in Complaints against Property Owners/Managers

- 1) Remedial actions may include LAHD enforcement efforts against the property owner/manager, or a referral to the United States Department of Housing and Urban Development (HUD), the California Department of Fair Employment and Housing (DFEH), the Los Angeles City Attorney, or other appropriate agency.
- 2) LAHD enforcement efforts may include those listed in the “Defaults and Remedies” Sections of the Loan and Regulatory Agreements, as appropriate or relevant to the grievance.
- 3) Enforcement efforts may also include prohibiting the owner/developer from participating in any LAHD financing programs until the grievance is satisfactorily resolved.

Enforcement efforts and referral options may be discussed with the Complainant in order for the City to determine the best approach. The City shall consider the Complainant’s preferences as to appropriate referrals and actions. The City shall notify the Respondent that retaliation against the Complainant is prohibited and may result in additional findings against the Respondent. Both Complainant and Respondent shall be notified of any enforcement actions taken or referrals made by the City.

d) Complaints against LAHD

- 1) When a grievance is filed against LAHD, LAHD will strive to resolve the grievance through voluntary resolution. LAHD will work with the Complainant to determine the best approach for resolving the issue.
- 2) In instances where an agreement cannot be reached between the Complainant and LAHD on what steps need to be taken, LAHD will make its findings and determination. Remedial actions taken by LAHD may include corrective action plans, changes in policies, or other actions within the City’s control.

iii. Determination of Non-Meritorious Grievances

- a) If ACHP staff determines that the grievance is non-meritorious or is outside the jurisdiction of the grievance process, staff will prepare a recommendation report and submit it to the Settlement Coordinator or his/her designee for review and approval.

- b) If the Settlement Coordinator or his/her designee concurs, then a Notice of Determination will be sent to all parties describing the resolution of the grievance with written findings of the reasons for the determination. It will also provide referrals for additional action in the event the Complainant wishes to pursue the grievance.
- c) If a final determination is made that a grievance is not meritorious, AcHP will close its review of the grievance without any further enforcement efforts, unless an Appeal is filed within the designated timeframe.

D. APPEALS

1. Who Can Appeal a Grievance?

An appeal may be filed by the parties to the grievance and/or their representatives.

2. When Does an Appeal Have to be Filed?

An appeal must be filed within fifteen (15) working days of receiving a Notice of Determination from LAHD. An extension of time or late filing may be granted for good cause.

3. How to File an Appeal

Appeals can be submitted in writing to the LAHD General Manager by any of the following methods. Please write "Appeal" in the subject line or on the envelope:

- a. Online through the fillable form at the LAHD AcHP Website: accesshousingla.org. Click on "Grievance Policy and Procedures" on the drop down menu, under the tab "Tenants & Applicants."

When an Appeal is made online using the Internet, the parties and/or their representatives will receive an automatic message that the appeal has been received by LAHD, if an email address has been provided.

- b. By Email to the LAHD Accessible Housing Program (AcHP): lahd.achp@lacity.org
When an Appeal is received by Email, the complainant will receive an email message that the appeal has been received by LAHD.

- c. By U.S. Mail to:

Accessible Housing Program, LAHD

Attention: LAHD General Manager

221 Figueroa St., Suite 1400

Los Angeles, CA 90012.

When an Appeal is received by U.S. Mail and a return address is provided, the complainant will receive a written response through the U.S. Mail that the Appeal has been received by HDIDLA or by email if the complainant has provided an email address.

- d. By Telephone to the LAHD AcHP: **213-808-8550**. AcHP staff will return the call to respond to the message as soon as possible but no later than the next working day and will provide assistance or complete the Appeal Form on behalf of the Appealing Party.

The Appeal Form is available to view and download from the LAHD AcHP Website at accesshousingla.org. Click on “Grievance Policy and Procedures” on the drop down menu under the tab Tenants & Applicants.” You may also ask to have a form mailed to you by emailing to the address above or calling the AcHP phone number listed in 3.b. and 3.d., above. The use of the Appeal Form is preferred but not required. If the form is not used, please include all information requested on the form.

Upon receiving an appeal, AcHP will send a Notice of Appeal to all parties involved within 3 working days of receipt. In the event a Party requests information in Braille, then additional time will be necessary, and it may take up to 7 working days to complete AcHP’s initial response.

4. Appeal Process

- a. Original complaint against Property Owners/Managers: The LAHD General Manager or his/her designee will consider the appeal, review all information submitted, gather additional information if needed, may meet with the Parties and/or their Representatives, and will issue a written determination.
- b. Original complaint against LAHD: The LAHD General Manager or his/her designee will assign the appeal to the General Manager or his/her designee of the City’s Department of Disability for review. The General Manager or his/her designee of the City’s Department of Disability will review all information submitted, gather additional information if needed, may meet with the Parties and/or their Representatives, and will issue a written determination.

5. How Long Will the Appeal Take?

The appeals process will take twenty (20) working days from receipt of the appeal to sending a written determination to all parties.

6. Appeal Resolutions

- a. The City will make a determination, with accompanying written findings, establishing that the Appeal has been granted or denied. The determination will be the final decision of LAHD.
- b. A Notice of Determination of Appeal will be sent to all parties, with written findings of the reasons for the decision.
- c. If the appeal affirms the underlying Determination that the Grievance was Meritorious, then the required actions as stated in the Initial Determination are to be implemented.
- d. If the appeal overturns the underlying Determination that the Grievance was Non-Meritorious, then the Determination of Appeal will include further written findings describing any steps that need to be taken by the Respondent and Remedial Actions as set forth in Paragraph C.5.b.ii.c) and d) above.

7. Options if Complainant Does Not Agree with the Determination of Appeal

Complainants who do not agree with LAHD's decision may submit an Americans with Disabilities Act (ADA) Title II grievance to the Los Angeles Department on Disability (DOD), as well as exercise any other rights to file an administrative complaint or legal action. To be considered by DOD, the Complainant must file the ADA Title II Grievance within 60 working days of receiving the final determination of their appeal from LAHD. Aggrieved persons may file complaints under the Fair Housing Act with the U.S. Department of Housing and Urban Development or the California Department of Fair Employment and Housing. HUD may also accept complaints under Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA.

E. AVAILABILITY OF ALTERNATIVE GRIEVANCE PROCEDURES

This Grievance Policy is just one option available to the Complainant. Complainants are not required to use this grievance procedure before proceeding with other legal options. The Complainant may file a complaint or grievance instead of or concurrently with federal and state agencies, legal services, fair housing agencies, or pursue

litigation. Appendix B is a list of agencies that also accept fair housing, Section 504, and/or ADA grievances.

F. EFFECTIVE COMMUNICATION

LAHD will take appropriate steps necessary to ensure effective communication with individuals with disabilities, including through the provision of appropriate auxiliary aids and services, and will provide reasonable accommodations in implementing the Grievance Policy. Persons requiring auxiliary aids should inform ACHP staff, if possible in writing, at least three (3) working days before they will be needed. If at all possible, requests for sign language and/or other interpreters should be made five (5) working days in advance. LAHD will seek to expeditiously furnish auxiliary aids or services to achieve effective communication.

G. ACHP FILE AND DATABASE MANAGEMENT

Separate files will be maintained for each grievance received, including appeals, which will be kept with the initial grievance. A database containing all grievances will be maintained and regularly updated by LAHD staff including dates, actions, parties involved, and outcomes. The information in this database is confidential, and will be protected using security features. Only authorized ACHP staff may access such information. Nothing in this paragraph is intended to limit monitoring under the HUD VCA or the Corrected Settlement Agreement.

H. CONFIDENTIALITY

To the extent possible, LAHD will maintain confidentiality in regard to grievances. All information related to a Complainant's disability will remain confidential to the extent provided by law, the Corrected Settlement Agreement, or the Voluntary Compliance Agreement, and, in no event will the City publicly disclose personally identifiable information regarding Complainants.

Unless confidentiality is requested by the Complainant, the City will disclose information about the Complainant to a Respondent in regard to a grievance. However, even when confidentiality is requested, there may be occasions where release of information about the Complainant to a Respondent is needed to achieve a satisfactory resolution of the issue, as set forth in Section B(4) above.

Information about the Complainant will not be released to third parties unless those parties are needed to achieve a satisfactory resolution of the interests. If the City believes that specific information needs to be released to third parties, the Complainant and Person with a Disability (if not the Complainant) will be advised and asked how she or he would like to proceed. Information released would be within the limits of the law. Nothing in this Section is intended to limit monitoring under the HUD VCA or the Corrected Settlement Agreement.

APPENDIX A
SUMMARY OF GRIEVANCE TIMELINE

Action	Timeline
Grievance filed with AcHP	Start Date
Complainant and Respondent notified in writing of the date grievance was received (Start Date), the case number, staff member assigned, and contact information.	Within 3 working days of Start Date If information requested in Braille, within 7 working days of Start Date
City conducts investigation of Complainant's grievance and issues a Notice of Determination.	No more than 33 working days from Start Date, unless extended by Complainant or by City for Good Cause.
If voluntary resolution, then letter sent to all Parties documenting the agreed upon resolution, and the case is closed.	Any time during Investigation Period.
If no voluntary resolution, then City will issue written Notice of Determination to all parties with accompanying findings.	At end of Investigation Period
Either Complainant or Respondent may file an appeal of the City's determination.	Within 15 working days of receiving the Notice of Determination with accompanying findings.
Notice of Determination of Appeal issued.	Within 20 working days of filing the appeal

APPENDIX B

REFERRAL LIST

1. State and Federal Agencies
 2. Legal Service Organizations
 3. Fair Housing Agencies
 4. Independent Living Centers
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1. STATE and FEDERAL AGENCIES

California State Department of Fair Employment and Housing (DFEH)

320 S. 4th Street
Los Angeles, CA 90017
(844) 541-2877 (213) 439-6799 (800) 700-2320 (TTY)
<http://www.dfeh.ca.gov/complaint-process/>

U.S. Department of Housing and Urban Development (HUD)

611 W. 6th Street
Los Angeles, CA 90017
(213) 894-8000
https://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

U.S. Department of Justice (DOJ)

950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Department Comment Line: (202) 353-1555
DOJ Main Switchboard: (202) 514-2000
TTY/ASCII/TDD: (800) 877-8339
<https://www.justice.gov/crt/how-file-complaint>

2. LEGAL SERVICE ORGANIZATIONS

Disability Rights California (DRC)

350 S. Bixel Street, Suite 290
Los Angeles, CA 90017
(213) 213-8000 (800) 719-5798 (TTY)
www.disabilityrightsca.org

Disability Rights Legal Center (DRLC)

Central Intake Line – (213) 736-1334
Nationwide Toll-Free Number – (866) 999-3752 (DRLC)
Video Relay – (213) 908-1079
<http://thedrlc.org>

Inner City Law Center

501 E. 6th Street
Los Angeles, CA 90021
(213) 891-2880
www.innercitylaw.org

Legal Aid Foundation of Los Angeles (LAFLA)

1102 Crenshaw Blvd.
Los Angeles, CA 91205
(800) 399-4529
www.lafla.org

Neighborhood Legal Services

1102 E Chevy Chase Blvd.
Glendale, CA 91205
(818) 896-5211 (800) 433-6251
www.nlsla.org

3. FAIR HOUSING AGENCIES

Housing Rights Center (HRC)

3255 Wilshire Blvd., Suite 1150
Los Angeles, CA 90010-1509
(213) 387-840 (800) 477-5977
www.housingrightscenter.org

Fair Housing Council of San Fernando Valley

14621 Titus Street, Suite 100
Panorama City, CA 91402
(818) 373-1185 (800) 487-2617

4. INDEPENDENT LIVING CENTERS

Communities Actively Living Independent & Free (CALIF)

634 S. Spring Street, 2nd Floor
Los Angeles, CA 90014
(213) 627-0477 (213) 623-9501 (TTD/TTY)
<https://calif-ilc.org/>

Independent Living Center of So Cal (ILCSC)

14407 Gilmore Street, #101
Van Nuys, CA 91401
(800) 524-5272 (818) 785-6934 (818) 785-7097 (TTD/TTY)
www.ilcsc.org

Disability Community Resource Center

12901 Venice Blvd.
Venice, CA 90066
(310) 390-3611 (888) 851-9245
<https://www.dcrc.co/>