



APPENDIX 1



DEFINITIONS

The definitions contained in the implementing regulations for Section 504 of the Rehabilitation Act, the Fair Housing Act, and the Americans with Disabilities Act are incorporated by reference. See 24 C.F.R. §§ 8.3, 100.20; 28 C.F.R. § 35.104.

a. Accessibility Laws

Means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq.; the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131, et seq.; the California Fair Employment and Housing Act, California Government Code Section 12920, et seq.; California Government Code Section 11135 et seq.; the federal Fair Housing Act of 1968, as amended (“FHA”), 42 U.S.C. §§ 3601-3620; implementing regulations and design standards for each of the preceding statutes; and the California Building Code. In all instances, the requirements of the Federal Accessibility Laws shall supersede any state or local requirements, unless the state or local requirements are stricter than the Federal requirements.

b. Accessibility Standards

Means the following compliance standards:

For purposes of Section 504 and the ADA:

- a. For Housing Developments constructed or substantially altered before March 15, 2012:
 - i. The new construction requirements of 24 C.F.R. pt. 8, including 24 C.F.R. §§ 8.4(d), 8.22, 8.26, and 8.32 as well as the new

construction requirements of UFAS, or their successor standards.

- b. For Housing Developments constructed or substantially altered on or after March 15, 2012:
 - i. The Alternative Accessibility Standard; or
- c. Any future accessibility standard and other regulatory requirements applicable to newly constructed facilities in federally-assisted programs that may be adopted in a final rule issued by the U.S. Department of Housing and Urban Development (“HUD”) pursuant to notice and comment rulemaking under Section 504 so long as such accessibility standard and regulatory requirements do not provide for less accessibility for persons with disabilities than either a or b.

For purposes of the Fair Housing Act:

- a. Compliance with the standards set forth in 24 C.F.R. § 100.205, including the requirements in ANSI A117.1-1986 and the Fair Housing Accessibility Guidelines, March 6, 1991, in conjunction with the Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers About the Guidelines, June 28, 1994.

For purposes of state law:

- a. The accessibility provisions of the California Building Code Chapters 11A and 11B, or any future accessibility standard and other regulatory requirements applicable to newly constructed facilities adopted as part of the California Building Code; and

b. All applicable building codes in effect for the City of Los Angeles Building and Safety Department.

c. Accessible

When used with respect to a Housing Unit or a Housing Development, means full compliance with the requirements of the Accessibility Standards.

d. Accessible Housing Development

Means a Housing Development that is Accessible, including Accessible public and common use areas as well as having the number of Accessible Units required by the City pursuant to the Voluntary Compliance Agreement and the Corrected Settlement Agreement for the Development.

e. Accessible Housing Units or Accessible Housing Unit

Means Housing Units that are on an Accessible Route, are Accessible, and are located in an Accessible Housing Development. The term Accessible Units refers collectively to Housing Units with Mobility Features and Housing Units with Hearing/Vision Features. An Adaptable Housing Unit may be counted as an Accessible Housing Unit so long as (1) the adaptable elements are limited to those permitted by the Accessibility Standards for purposes of Section 504 and the ADA, and (2) the City, the Subrecipient, the Owner, and the Property Management Agent of each Housing Development where any Adaptable Housing Unit is located establish, maintain, and implement procedures that ensure: (a) the Adaptable Housing Units are tenanted in accordance with 24 C.F.R. § 8.27, and (b) prompt, effective action is taken into install, add to, raise, lower, or otherwise alter adaptable elements upon request made by or on behalf of a Person With A Disability and that such action is taken without cost to the

Person with A Disability. See 24 C.F.R. §§ 8.3, 8.32; UFAS §§ 4.34.3 – 4.34.6 and the comparable provisions of the Alternative Accessibility Standard.

f. Accessible Route

Means a continuous, unobstructed UFAS-compliant path as prescribed in 24 C.F.R. §§ 8.3 and 8.32 and UFAS § 4.3. As used for purposes of the ADA, an Accessible Route is as described in Chapter 4 of the 2010 Standards for Accessible Design, 28 C.F.R. §§ 35.104, as applied to public entities, except that elevator exceptions do not apply.

g. Alternative Accessibility Standard

Means and refers to the alternative accessibility standard for new construction set out in HUD’s notice at 79 Fed. Reg. 29,671 (May 23, 2014), when used in conjunction with the new construction requirements of HUD’s regulations at 24 C.F.R. pt. 8, 24 C.F.R. § 8.22, and the new construction requirements of 28 C.F.R. pt. 35, including the 2010 Standards for Accessible Design as defined in 28 C.F.R. § 35.104 and as applied to public entities (excluding any elevator exceptions).

h. Americans with Disabilities Act (ADA) of 1990

(42 U.S.C. § 12101 et seq.) prohibits discrimination on the basis of disability. Title II of the ADA prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by public entities (state and local governments and special purpose districts). Title III of the ADA prohibits private entities that own, lease, and operate places of public accommodation, which include shelters, social service establishments, and other public accommodations providing

housing, from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. See 28 C.F.R. parts 35 (Title II) and 36 (Title III).

i. Assistance Animals

Means and refers to animals that work, provide assistance, or perform tasks for the benefit of a person with a disability as well as animals that provide emotional support that alleviates one or more identified symptoms or effects of a person’s disability. A service animal is one type of Assistance Animal but individuals who use service animals have unique rights under the ADA, Section 504, and California law. Assistance Animals include animals that are trained and untrained and include dogs and other animals. Assistance Animals are not pets and are not subject to a housing provider’s pet policies.

j. Auxiliary Aids

Refers to aids, services, or devices that enable persons with vision, hearing, manual, or speech impairments to have an equal opportunity to participate in, or enjoy the benefits of, programs, services, or activities, including housing and other programs, services, and activities subject to the requirements of Section 504 and/or the ADA. Auxiliary aids include but are not limited to the aids, services, and devices set out in the definition of auxiliary aids in 24 C.F.R. § 8.3 and the definition of auxiliary aids and services in 28 C.F.R. § 35.104.

k. California Disabled Persons Act

The California Disabled Persons Act, California Civil Code Section 54, et

seq., protects individuals with disabilities from discrimination in housing.

I. California Fair Employment and Housing Act

The California Fair Employment and Housing Act, California Government Code Section 12920, et seq., and its regulations at 2 California Code of Regulations Section 12005, et seq., prohibit discrimination in housing.

m. CRA/LA

Refers to The Community Redevelopment Agency of the City of Los Angeles and its successor agency, CRA/LA, A Designated Local Authority.

n. Conventional Unit (also referred to as a Standard Unit)

Means a unit that does not contain all the accessibility features of Accessible Housing Units with Mobility or Hearing/Vision features.

o. Covered Housing Development

Is the whole of one or more residential structures and any structures, equipment, roads, walks, and parking lots that are part of the Development.

A Covered Housing Development is one that:

- a. Received or will receive any Federal financial assistance from or through the City or the Community Redevelopment Agency/Los Angeles (CRA/LA), and/or
- b. Was or is financially assisted, designed, constructed, altered, operated, administered, or financed in connection with a program administered by the City (directly or in its role as the “Housing Successor Agency” pursuant to the Community Redevelopment Agency dissolution legislation) or by its Subrecipients, including the CRA/LA.

c. **Effective Dates of Covered Housing Developments:**

- i. Multifamily rental housing developments that received or receive any Federal financial assistance from or through the City since July 11, 1988; or
- ii. 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, including CRA/LA or Mortgage Bond funds, since January 26, 1992.

p. DOD

Refers to the City of Los Angeles Department on Disability, or any successor department.

q. Fair Housing Act

The Fair Housing Act, 42 U.S.C. § 3601, et seq., prohibits discrimination in the sale, rental, and financing of dwellings and in other housing-related activities because of race, color, national origin, religion, sex, familial status, and disability. See 24 C.F.R. part 100.

r. Gender expression

Means a person's gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth, as set out in Cal. Gov't Code § 12926(r)(2) and 2 C.C.R. § 11030(a).

s. Gender identity

Means each person's internal understanding of their gender, or the

perception of a person’s gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person’s sex assigned at birth, or transgender, as set out in 2 C.C.R. § 11030(b). See also 24 C.F.R. 5.105 (HUD definition) (*Gender identity* means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents).

t. Genetic information

Includes:

- a. Genetic Information: With respect to any individual, information derived from or about any of the following, as set out in Cal. Gov’t Code § 12926(g) and 2 C.C.R. § 11065(h):
 - i. The individual’s genetic tests;
 - ii. The genetic tests of family members of the individual;
 - iii. Receipt of genetic services;
 - iv. Participation in genetic services clinical research, or
 - v. The manifestation of a disease or disorder in family members of the individual.
- b. Genetic Characteristic, as set out in Cal. Gov’t Code § 12926(i)(2) and 2 C.C.R. § 11065(d)(7)(2), including:
 - i. Any scientifically or medically identifiable gene or chromosome,

or combination or alteration of a gene or chromosome, or any inherited characteristic that may derive from a person or the person's family member; and

- ii. That is known to be a cause of a disease or disorder in a person or the person's offspring, or that is associated with a statistically increased risk of development of a disease or disorder, though presently not associated with any disease or disorder symptoms.

u. HCIDLA

Refers to the City of Los Angeles Housing and Community Investment Department or any successor department. HCIDLA was formerly called the Los Angeles Housing Department or LAHD.

v. Housing Unit with Hearing/Vision Features

Means a Housing Unit that is located on an Accessible Route and complies with 24 C.F.R. § 8.22 and all applicable provisions of UFAS or the comparable provisions of the Alternative Accessibility Standard including but not limited to sections 809.2 through 809.5 of the 2010 Standards for Accessible Design. Hearing/Vision Features include but are not limited to visual alarms (UFAS §§ 4.34.10, 4.28.3), auxiliary alarms (UFAS §§ 4.34.10, 4.28.4), telephone volume controls and hearing aid compatibility (UFAS § 4.31.5), protections against protruding objects (UFAS § 4.4), stairway requirements (UFAS §§ 4.9, 4.26.4), protections against exposed pipes and surfaces (UFAS §§ 4.19.4, 4.24.6, 4.34.6.5(8)), audible alarms (UFAS § 4.28.2), signage (UFAS § 4.30), push button controls for telephones (UFAS § 4.31.6), consumer information (UFAS § 4.34.4), and range, cooktop, and oven controls (UFAS §§ 4.34.6.6, 4.34.6.7)

w. Housing Unit with Mobility Features

Is a Housing Unit that is located on an Accessible Route and complies with the requirements of 24 C.F.R. § 8.22 and all applicable provisions of UFAS or the comparable provisions of the Alternative Accessibility Standard including but not limited to §§ 809.2 through 809.4 of the 2010 ADA Standards for Accessible Design. A Housing Unit with Mobility Features can be approached, entered and used by persons with mobility disabilities, including individuals who use wheelchairs.

x. “Must” or “will”

Means a mandatory obligation.

y. Owner

Means an owner of a Housing Development covered by this Policy, including an owner who (1) has received, receives, or will receive any federal financial assistance from or through the City since July 11, 1988, and/or (2) was, is, or will be the owner of a Housing Development 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 since January 26, 1992. An Owner may also be a Subrecipient. “Owner” includes agents of Owners, including property managers, property management companies, employees of owners and management companies, and successive owners of developed property for as long as the developed property continues to be subject to mandates of the original Owner’s contract with the City.



z. Person with a Disability or Persons with Disabilities (also referred to as Individual with a Disability or Individuals with Disabilities)

Refers to a person who has a physical or mental impairment that limits one or more major life activities such as, for example, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, or learning; has a record of such impairment; or is regarded as having such an impairment, and includes all individuals covered by either federal or state law. This list of major life activities is not exhaustive. Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system. In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism. Under regulations implementing the ADA Amendments Act of 2008, some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Such impairments are “predictably assessed” as disabilities by the very nature of the impairment as substantially limiting a major life activity or major bodily function. Examples include deafness, blindness, intellectual disabilities, partially or



completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia. This does not mean that other conditions are not disabilities. It means that in virtually all cases these conditions will be covered as disabilities. See 28 C.F.R. § 35.108; See 24 C.F.R. § 8.3, as modified by the ADA Amendments Act of 2008, Pub. L. 110-325, § 7(2), 122 Stat. 3558 (September 25, 2008), amending 29 U.S.C. § 705(20); California Disabled Persons Act, Civil Code Section 54 et seq.; California Fair Employment and Housing Act (FEHA), and Gov. Code §§ 12900 et seq., including Sections 12926(j) and (m).

aa. Reasonable Accommodations

Are changes, modifications, exceptions, alterations, or adaptations in rules, policies, practices, programs, services, activities, facilities that may be necessary to (1) provide a person with a disability an equal opportunity to use and enjoy a dwelling, including public and common use areas of a development, (2) participate in, or benefit from, a program (housing or non-housing), service or activity; or (3) avoid discrimination against a person with a disability. Such an accommodation must be granted unless it would (i) pose an undue financial and administrative burden, or (ii) fundamentally alter the essential nature of the program, service, or activity. See the Joint Statement of the Department of Housing and Urban Development and the Department of Justice regarding Reasonable Accommodations under the Fair Housing Act, May 17, 2004.



A reasonable accommodation includes any physical or structural change to a Housing Unit or a public or common use area that would be considered a **reasonable modification** for purposes of the Fair Housing Act.

bb. Reasonable Moving Expenses

Include the actual costs of relocating a tenant household from one unit to another. Those costs include, but are not limited to:

- c. Transportation of tenant personal property;
- d. Packing and unpacking;
- e. Insurance of personal property while in transit;
- f. Compensation for any damage occurring during moving;
- g. Storage of personal property;
- h. Disconnection and re-connection of utility, cable, and internet services and related deposits; and
- i. Any other additional costs attributable to a tenant's special needs, including needs resulting from disability or age.
- j. Reasonable increased housing costs for temporary relocation, during the time of dislocation, pursuant to the Federal Uniform Relocation Act.

Additional guidance on reasonable moving expenses will be provided by the HCIDLA, in conformity with the federal Uniform Relocation Act.

cc. Requestor

Requestor includes a parent or guardian or another person that has been designated by applicant or tenant to act on behalf of applicant or tenant

needing the accommodation or modification.

dd. Section 504 of the Rehabilitation Act (Section 504)

Section 504, 29 U.S.C. § 794, et seq., provides that no qualified individual with disabilities shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. See 24 C.F.R. part 8.

ee. Sex

Has the same definition as provided in Government Code section 12926(r), which includes, but is not limited to, pregnancy; childbirth; medical conditions related to pregnancy, childbirth, or breastfeeding; gender; gender identity; and gender expression, or perception by a third party of any of the aforementioned, as set out in 2 C.C.R. § 11030(c).

ff. Sexual Orientation

Includes heterosexuality, homosexuality, and bisexuality, as set out in Cal. Gov't Code § 12926(s).

gg. Subrecipient

Means and refers to any public or private agency, institution, organization, or other entity or person to which federal financial assistance or financial assistance from or through the City is extended. A Subrecipient also means and refers to a non-federal entity that receives a sub-award from a pass-through entity to carry out part of a federal program, but does not include an individual who is a beneficiary of such program. A Subrecipient may include a sub-grantee of the City. A Subrecipient may also be a recipient of other federal awards directly from a federal awarding agency. 2



C.F.R. § 200.93. A Subrecipient may also be an Owner.

hh. Transgender

Is a general term, as set out in 2 C.C.R. § 11030(e) that refers to a person whose gender identity differs from the person's sex assigned at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as transsexual.

ii. Uniform Federal Accessibility Standards (UFAS)

Refers to a set of scoping requirements and standards for the design and construction of buildings and facilities to ensure that they are readily accessible to and usable by persons with disabilities. See Appendix A to 24 C.F.R. subpart 40 for residential structures and Appendix A to 41 C.F.R. subpart 101-19.6 for general-type buildings (UFAS is also available on-line at <http://www.access-board.gov>).



