

# **Fair Housing Policies Related to Disability: Guidance and Requirements for Owners and Property Management Agents**

**Applicable to Covered Housing Developments**

Prepared by the Accessible Housing Program (AChP) of the  
Los Angeles Housing Department (LAHD)

June 2021



# Fair Housing Policies Related to Disability: Guidance and Requirements for Owners and Property Management Agents

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## PART ONE: OVERVIEW

### 1.1 City's Commitment to Fair Housing

The City of Los Angeles is strongly committed to affordable housing that is

- a. nondiscriminatory;
- b. fully accessible to Individuals with Disabilities; and
- c. in full compliance with fair housing and disability rights laws.

These Policies cover all Housing Developments that have received financing by, through, or in connection with a program administered by the City or the Community Redevelopment Agency of the City of Los Angeles (CRA/LA). This includes, but is not limited to:

- a. housing financed with HOME, CDBG, or other City Affordable Housing Trust Fund monies;
- b. City or CRA/LA projects for which a TEFRA hearing was conducted by the City, regardless of whether the bonds were issued by the City, CRA/LA, or other entity; and
- c. CRA/LA tax increment funds and Housing Developments with a ground lease on CRA/LA property.

All housing covered by these Policies must be constructed and operated in accordance with all applicable disability and fair housing laws. Specific obligations are set forth below.

### 1.2 Compliance with Policies Mandatory

These Policies reflect the requirements of federal and state fair housing law, as well as the City's policies pertaining to Individuals with Disabilities

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living in housing supported by the City, or the CRA/LA or its successors. The Policies were developed to answer the questions of Owners, Property Management Agents, and tenants, regarding the fair housing rights of Individuals with Disabilities. Questions regarding these Policies shall be directed to AChP.

Owners of Housing Developments are required to adopt and comply with these Policies and procedures. The Policies are **mandatory**, and to the extent the Policies conflict with existing policies or the development's lease provisions, then the policies or lease provision that provides **greater protections** for Individuals with Disabilities will control. Owners are also required to maintain specified records and report to the City regarding their implementation.

### 1.3. Information for Owners, Property Management Agents, Tenants and Applicants

This document has been divided into three sections. Part One provides an overview. Part Two outlines Owner obligations in general. Part Three is a Tenant Handbook that discusses in detail how the Policies will be implemented in the Housing Development. Therefore, the Tenant Handbook has been written so that Owners can insert the name of the Housing Development in place of “[PROPERTY NAME – TO BE COMPLETED BY OWNER].” The Tenant Handbook and Appendices must be provided to applicants for housing upon request and to all new tenants. The Property Management Agent or Owner will provide City-approved summaries of the Rental Occupancy Policies Related to Disabilities to each

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head of household, or the resident's designee, at the time of annual recertification or lease renewal. **Owners and their agents are responsible for knowing and implementing all policies contained in Part Two of this Guidance and the Tenant Handbook.** These Policies are designed to assist Owners and their agents to comply with federal and state nondiscrimination laws.

### 1.4 Applicable Laws

The following laws apply, as appropriate:

- a. the federal Fair Housing Act (FHA), as amended by the Fair Housing Amendments Act of 1988;<sup>1</sup>
- b. Titles II, III and V of the federal Americans with Disabilities Act (ADA), as amended, including by the Americans with Disabilities Amendment Act of 2008;<sup>2</sup>
- c. Section 504 of the federal Rehabilitation Act of 1973 (§ 504), as amended;<sup>3</sup>
- d. California's Fair Employment and Housing Act (FEHA);<sup>4</sup>
- e. California's Unruh Civil Rights Act;<sup>5</sup>

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<sup>1</sup> Federal Fair Housing Act, as amended by the Federal Fair Housing Amendments Act, 42 U.S.C. §§ 3601 et seq., and implementing federal regulations at 24 C.F.R. Part 100, especially 24 C.F.R. §§ 100.200 200.205 on "Prohibition Against Discrimination Because of Handicap."

<sup>2</sup> Americans with Disabilities Act, as amended by the Americans with Disabilities Amendments Act of 1988, 42 U.S.C. § 12101 et seq., and implementing Title II regulations (State and local governments) at 28 C.F.R. Part 35 and Title III regulations (public accommodations) at 28 C.F.R. Part 36.

<sup>3</sup> Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing federal regulations regarding "Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development" at 24 C.F.R. Part 8.

<sup>4</sup> California's Fair Employment and Housing Act, California Government Code §§ 12900 et seq., and implementing regulations at 2 C.C.R. §§ 2005 et seq., especially § 12005(d) (definition of assistance animals) and §§ 12176 et seq. (reasonable accommodations and modifications and assistance animals).

<sup>5</sup> Unruh Civil Rights Act, California Civil Code §§ 51 et seq.

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- f. California's Disabled Persons Act;<sup>6</sup>
- g. California Government Code 11135<sup>7</sup> (prohibiting discrimination by state and local government and recipients of state funding);
- h. California Code of Regulations, Title 25, Section 42 (requires an on-site manager or other responsible person to live on the premises and have charge of every apartment complex that has 16 or more units, if the property owner does not live on the premises); and
- i. City of Los Angeles Municipal Code, Systematic Code Enforcement Program (Health and Safety Violations).

Other federal or state fair housing law may also apply in some circumstances.

### 1.5 Disability Defined

Both federal and state law protect an Individual with a Disability; this includes an individual with a record of having a disability and an individual regarded as having a disability. Generally, more than one law will apply. Where there are differences between federal and state law, the provision of the law providing the most protection or the greatest accessibility to Individuals with Disabilities will control.

The definitions of disability in these Policies are intended to ensure that everyone covered by either federal or state law is protected. Disability is determined without looking at mitigating factors (for example, you have a mobility disability even though you can walk with crutches).

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<sup>6</sup> California's Disabled Persons Act, Civil Code §§ 54 et seq.

<sup>7</sup> California Government Code Section 11135 et seq.

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“Disability” includes a mental or physical impairment that limits a major life activity.<sup>8</sup> Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Disabilities include both physical and mental disabilities. Physical disabilities include, but are not limited to, partially or completely missing limbs, mobility disabilities requiring the use of a wheelchair, cerebral palsy, blindness, deafness, and chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, diabetes, multiple sclerosis, and heart disease.

Mental disabilities include, but are not limited to, emotional or mental illnesses, such as schizophrenia and chronic or episodic conditions (clinical depression, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, etc.). Covered disabilities also include cognitive or intellectual disability, developmental disabilities, organic brain syndrome,

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<sup>8</sup> California law is more protective of Individuals with Disabilities than federal law. Cal. Fair Employment and Housing Act (FEHA), Gov. Code §§ 12926(j) and (m). Federal law references disabilities that “substantially limit” rather than “limit” activities. However, federal recent interpretations of the phrase “substantially limit,” following the ADA Amendments Act, make it very similar to the California definition. Therefore, we use the term “limit” in these policies, not “substantially limit.”

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traumatic brain injuries, specific learning disorders, and autism spectrum disorders. While disability does not include the current illegal use of a controlled substance, alcoholism and past drug addiction are defined as disabilities. Federal disability rights laws do provide protections for an individual with an addiction to illegal drugs who (1) has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated and is no longer engaging in such use; (2) is currently participating in a supervised rehabilitation program and is no longer engaging in such use; or (3) is not a current user. These laws also protect individuals erroneously regarded as engaging in illegal drug use, but who are not in fact engaging in such use. A further exception exists under the ADA and Section 504 for individuals currently using illegal drugs, if a purpose of the program or activity in question is to provide health or rehabilitation services to such individuals.

### PART TWO: OWNER OBLIGATIONS

#### 2.1 Summary of Requirements

Owners must comply with all fair housing obligations and must follow all applicable laws including, but not limited to, those listed above. Key obligations are summarized in this Section, along with cross references to more detailed provisions later in these Policies.

- a. **Nondiscrimination.** Owners must not discriminate **on any basis prohibited by law.** This includes *race*,<sup>9</sup> *color*, *religion*, *sex*,

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<sup>9</sup> Under California law, race includes “traits historically associated with race, including but not limited to hair texture and protective hairstyles.” California Government Code § 12926(w). “Protective hairstyles”

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sex/gender, gender identity and expression, *familial status*, *national origin*, citizenship, immigrant status, primary language, marital status, ancestry, *age*, sexual orientation, *disability*, source of income (including receipt of Section 8 vouchers and similar subsidies),<sup>10</sup> genetic information, arbitrary characteristics, military or veteran status, or any other basis currently and subsequently prohibited by law (Federal fair housing laws prohibit discrimination based on the categories written in *italics*; California laws prohibit discrimination based on all of these categories). See Section 1.4 and Appendix 1, Definitions.

- b. **Reasonable Accommodations.** In addition, Owners must provide reasonable accommodations to rules, policies, practices, programs, services, activities, and facilities that may be necessary to ensure that Individuals with Disabilities and households, including Individuals with Disabilities, are not discriminated against or excluded from housing or housing-related services based on disability. To meet this obligation, request must be completed **promptly**, but no later than thirty (30) days after all required information for processing the request is

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include, but are not limited to, such hairstyles as braids, locks, and twists. California Government Code § 12926(x).

<sup>10</sup> Under California law, source of income is defined as “lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal state, or local subsidies, including but not limited to, federal housing assistance vouchers under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f). Source of income includes a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher. For the purposes of this definition, a housing owner or landlord is not considered a representative of the tenant unless the source of income is a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher. California Government Code § 12927(i) (2020).

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obtained, keeping in mind the timeline of the needs of the Individual with the Disability.

A reasonable accommodation also includes any physical or structural change to a Housing Unit or a public or common use area that may be needed to ensure that Individuals with Disabilities are able to have full enjoyment of the premises. These are changes that would be considered a reasonable modification for purposes of the Fair Housing Act. See Sections 2.7(e) and (f), 2.10, 2.11, 2.15(c), 3.4 and 3.15(b). To meet this obligation, a determination regarding the request must be made **promptly**, but no later than thirty (30) days after all required information for processing the request is obtained, keeping in mind the timeline of the needs of the Individual with the Disability which often may require providing the accommodation sooner. Although it may not always be possible to fulfill a reasonable modification request within thirty (30) days, the tenant (or applicant) must be informed of the determination and the timeline for providing the reasonable modification. Additional guidance on reasonable accommodations may be found in the May 17, 2004 Joint Statement of HUD and the Department of Justice (DOJ) on reasonable accommodations under the Fair Housing Act, available online at <https://www.hud.gov/sites/dfiles/FHEO/documents/huddojstatement.pdf> and in the detailed regulations on reasonable accommodations and modifications under the California Fair Employment and Housing Act are at 2 C.C.R. §§ 12005 et seq., especially § 12005(d) (definition

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of assistance animals) and §§ 12176 et seq. (reasonable accommodations and modifications and assistance animals).

- c. **Effective Communication.** Owners must provide effective communication when necessary so as to ensure that communication with applicants and residents with vision, hearing, speech, or other communication disabilities is as effective as communication with individuals without disabilities. See Sections 2.13, 3.5 and 3.18. An excellent discussion regarding effective communication can be found in the DOJ notice at <https://www.ada.gov/effective-comm.htm>.
- d. **Assistance Animals, Including Service Animals and Support Animals.** Owners must permit service animals, service animals in training, and support animals in accordance with applicable laws. See Sections 2.12, 3.15, 3.16, and 3.17. Owners are encouraged to refer to HUD Notice FHEO 2013-01 (April 25, 2013),<sup>11</sup> which explains the differences between these rights under federal law and to California regulations at 2 California Code of Regulations section 12000 (d) that provide a broader definition of service animals and therefore, stronger protections for an Individual with a Disability. Additional guidance about support animals can be found at 2 California Code of Regulations section 12185, including permissible inquiries and owner policies regarding support animals, including service animals and service animals in training. Since the protections in California regulations are broader than those provided by federal law, the

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<sup>11</sup> A copy of HUD's April 25, 2013 FHEO Notice is available online at [https://www.hud.gov/sites/dfiles/FHEO/documents/19ServiceAnimalNoticeFHEO\\_508.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/19ServiceAnimalNoticeFHEO_508.pdf).

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definition of service animal in California regulations is used in these Policies.

- e. **Affirmative Marketing.** Owners must conduct affirmative marketing to Individuals with Disabilities and take other steps to affirmatively further fair housing rights. See Sections 2.3, 2.5, 2.15 and 3.6.
- f. **Accessible Units.** Owners must ensure that their Housing Developments are accessible and provide a specific percentage of Housing Units with Mobility features and Housing Units with Hearing/Vision features, as required by law, the City, and the Property Management Plan. See Sections 2.3 and 3.7.
- g. **Waiting Lists, Transfers and Vacancies.** Owners must add to and maintain waiting lists, fill vacancies, and provide unit transfers in a manner that ensures that Individuals with Disabilities who need accessibility features have a priority for Accessible Units. Owners must select tenants to fill units using a written waiting list in the chronological order of their application, insofar as is practicable. For Accessible Units, Owners will use the Accessible Unit Waiting List; for Conventional Units, Owners will use their Conventional Unit Waiting List. Tenants who need a transfer for disability-related reasons will be given priority on the transfer list over tenants who request transfers for any reason other than emergencies affecting health or safety. See Sections 2.3, 2.8, 2.9, 2.10, 3.12, 3.13, and 3.14.
- h. **Barriers to Access.** Owners must not create barriers to accessibility (such as placing obstacles in accessible paths of travel or in accessible public bathrooms) or allow barriers to accessibility to occur

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due to neglect (such as failing to repair elevators in a reasonable time). Owners must promptly remove barriers to access. See Section 3.8.

- i. **No Retaliation Against Tenants.** Owners must not retaliate against any tenant, applicant, or associated person for exercising rights under the law or these Policies or for requesting that Owners comply with these Policies or any anti-discrimination law. Under California law, it is unlawful for Owners to disclose to any immigration authority, law enforcement agency, or local, state or federal agency information, regarding or relating to the immigration or citizenship status of any tenant, occupant, or other person known to the Owner to be associated with a tenant or occupant, for the purpose of or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of their rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling, irrespective of whether the tenant or occupant currently resides in the dwelling.<sup>12</sup> See Section 3.9.
- j. **Tenant Requests.** A tenant's or applicant's disability may **only** be considered in reference to the following:
  - i. requests for Accessible Units,

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<sup>12</sup> See California Civil Code § 1940.35(a) (retaliation), and California Fair Employment and Housing Act, Gov. Code §§ 12955(f) and 12955.7 (retaliation and harassment) and implementing regulations at 2 C.C.R. § 12130(retaliation).

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- ii. requests for reasonable accommodations and requests for auxiliary aids and services and communications in alternative formats,
  - iii. occupancy in Housing Developments in which the eligibility for admissions is legally permitted to be limited to Individuals with Disabilities or a specific disability, or
  - iv. when the Housing Development utilizes a selection preference for Individuals with Disabilities that is permitted by law. See Sections 3.11 and 3.15(f).
- k. **Limits on Requests for Disability Related Information.** Only if the disability and/or the need for the requested accommodation are not obvious or already known, then the Owner may request disability related information. When this information is necessary, Owners must seek only enough information to ascertain whether the tenant or applicant meets the requirement of having a disability and a disability-related need for whatever the tenant is requesting (e.g., an accommodation or accessible unit) but *must refrain* from inquiring about the nature or severity of the disability. Additional information may only be requested if the information:
- i. is necessary to verify that the tenant or applicant has a disability;
  - ii. is necessary to describe the needed reasonable accommodation; and/or
  - iii. shows the relationship between the individual's disability and the need for the requested reasonable accommodation,

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including a unit with specific accessibility features. See Sections 3.10, 3.11 and 3.15(f).

- l. **Confidentiality.** Owners must keep confidential all medical and other information about the individual's disability. If that information is retained by the Housing Development, it must be kept in locked files that are separate from general applicant or tenant files. See Sections 3.10, 3.11, and 3.15(f).
- m. **Language Access.** Many individuals, including applicants or tenants with disabilities, are limited English proficient (LEP). Therefore, Owners must provide information under these Policies in Spanish and other languages used by tenants in Housing Developments. See Section 3.5.
- n. **Required Forms.** Owners must utilize the City-approved forms *unless* the forms currently used by the Development provide more detailed information.

### 2.2 Designation of Responsible Individual

Owners must designate an experienced Owner Representative at the minimum level of an Asset Manager, Property or On-site manager, Senior Property Manager or Regional Manager, and senior staff for both Grievance Coordinator and Disability Coordinator (can be the same individual) to coordinate the efforts to comply with the requirements of these Policies. The name, title, and contact information of the individual will be posted in the rental office and available upon request to any individual. See Section 3.2 and Appendix 9, Property Management Contact

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Information. California Code of Regulations, Title 25, Section 42 (requires an On-site Manager or other responsible person to live on the premises and have charge of every apartment complex that has sixteen (16) or more units, if the property owner does not live on the premises). When the property is without an On-site Manager, a new On-site Manager must be hired promptly, but no later than thirty (30) days. Owners must notify ACHP of the contact information for the new On-site Manager as soon as the individual is hired. See Section 1.4.

### 2.3 Property Management Plan (PMP)

Each Owner created a Property Management Plan (PMP) that was approved by LAHD prior to lease-up. Among other requirements, the PMP must:

- a. identify each Accessible Unit by unit number, type of accessibility (mobility or hearing/vision), number of bedrooms, affordability level, and any applicable program restrictions;
- b. describe the initial and subsequent tenant selection processes and affirmative marketing plan; and
- c. reflect a commitment to affirmatively further the fair housing rights of tenants, including Individuals with Disabilities.

Housing Developments whose PMP does not meet the requirements of these Policies must update their PMP and submit to LAHD for review and approval within 60) days of adoption of these Policies. New Housing Developments must submit the PMP one hundred twenty (120) days **prior**

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to commencement of initial affirmative marketing for preliminary review and certification by LAHD.

Owners must comply with the Admissions Policy detailed in the PMP, which requires a lottery shall be conducted by every new housing development. Owners must comply with the City's Reasonable Accommodation Policy to ensure that the lottery process does not result in access barriers to participation by individuals with disabilities. Individuals must be allowed to submit an application for the lottery through various means (in-person, mail, email, development's website, <http://www.accesshousingla.org>, etc.). Applicants can apply to participate in multiple lotteries at the same time. Tenants of existing developments may apply for new housing development lotteries. All applications received by the submission deadline must be included in the lottery, regardless of method of submission. Owners' lottery applications must include a section where applicant may request accessibility features. Both Conventional and Accessible Units shall be tenanted through the lottery. After completion of the lottery and initial lease-up, applicants requesting an Accessible Unit are to be placed on both the Conventional Unit Waiting List and the Accessible Unit Waiting List.

### **2.4 Training**

Property Management Agents, including Owner Representative, Property or On-site Manager, Senior Property Manager or Regional Manager, Grievance Coordinator, and Disability Coordinator (as designated per Section 2.2), must attend ACHP training on the information contained in

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these Policies and property management provided training on the operation of the TTY/TDD and/or the California Relay Service and video relay services. AcHP will provide training on Effective Communication. New staff must receive an orientation to these policies within thirty (30) days of hire and all staff must receive ongoing training in fair housing laws, including an annual refresher course.

### 2.5 Affirmative Marketing of Accessible Units

Owners must affirmatively market the Housing Development and the Accessible Units to Individuals with Disabilities, consistent with the PMP, provide basic information about fair housing laws to applicants (as described below), and otherwise market the Housing Development to eligible individuals in the City without regard to disability.

In order to maximize use of Accessible Units by individuals needing the features of the units, all Owners must take the following steps to ensure that potential applicants are informed of available units, encouraged to apply, and have an equal opportunity to rent units:

- a. **Outreach.** Owners must conduct sufficient outreach to community organizations and other groups that serve Individuals with Disabilities to ensure that Accessible Units are, to the maximum extent possible, occupied by those households who need the accessibility features of that unit. Each PMP must describe how staff will conduct this outreach. Outreach to these organizations must take place at initial lease-up, when the waiting list for a property is reopened after being

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closed or when an Accessible Unit becomes available and there is no qualified household on any transfer or waiting list. The City's mandatory Affirmative Marketing Outreach Resource List of organizations that serve Individuals with Disabilities can be found on AcHP's website (<http://www.accesshousingla.org>). Outreach to all organizations on the City's list is mandatory when undertaking affirmative marketing. Owners must use the most up-to-date list available from the City. Outreach activities must include email notifications of the approved marketing flyer in an accessible format to organizations on the <http://www.accesshousingla.org> website Outreach List. All marketing materials must mention that there are Accessible Units for Individuals with Disabilities who need accessible features. Also, those materials must describe available units that are not fully accessible but have certain features that could be used by some Individuals with Disabilities, such as units that are located on a ground floor, in an elevator building or have adjustable closet rods, adjustable counter heights, grab bars in bathrooms or the ability to easily install grab bars (reinforcement/blocking behind the walls to enable future installation of grab bars), seats in shower, lever-type handles on all doors, front load washer and dryers in laundry room, or lower controls (light switches, thermostats, intercom, door bells or security alarms).

- b. **Website.** Information about the Housing Development and all Accessible Units and their availability status must be accurately listed online at <http://www.accesshousingla.org>. Owners must keep current

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the availability status of Accessible Units and the property management contact information listed on the website. Owners and Property Management Agents shall keep information about all properties updated and promptly notify the City each time a new Property Management Agent is hired or ownership changes. In addition, Owners must accurately and completely list the accessibility features of the Accessible Units and any other units with accessible features beyond the designated Accessible Units. Owners must also list vacant Conventional Units on the website. Owners must place Individuals with Disabilities on their waiting lists who apply via the website.

For developments that have units that are processed through the Coordinated Entry System (CES), the Tenant Registry provides the contact information for the Coordinated Entry System (CES) Access Points at <https://www.lahsa.org/documents?id=2760-ces-access-point-directory.pdf&ref=ces>. The Access Point provides information for applicants eligible for homeless and permanent supportive housing assistance. Individuals may choose to be considered for affordable and accessible housing through the Tenant Registry as well as through the CES portal for CES developments.

**2.6 Required Notices in Rental Office** (In scattered site projects, these Notices must be posted in all buildings in common areas accessible to all)

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- a. **HUD Poster.** Every rental office must display a HUD Fair Housing Poster in the rental office. The poster may be obtained through the local HUD office or at [https://www.hud.gov/sites/documents/FAIR\\_HOUSING\\_POSTER\\_ENG.PDF](https://www.hud.gov/sites/documents/FAIR_HOUSING_POSTER_ENG.PDF).
- b. **Notice.** Every rental office will also display a Notice of Right to Reasonable Accommodation and Auxiliary Aids Pursuant to Effective Communication Policy (Appendix 2).
- c. **State Fair Housing Poster.** Every rental office will also display a State Fair Housing Poster in both English and in Spanish: DFEH-H03P-ENG (September 2020) (Fair Housing Fact Sheet) and DFEH-H03B-SP (Spanish version). The poster is also available in multiple languages. These posters and additional housing posters and information are available from the California Department of Housing or Community Development or can be downloaded at <https://www.dfeh.ca.gov/Posters/> at the Housing tab. Owners or Property Management Agents should check annually to be sure they have the most recent version.

### 2.7 Tenant Application Package and Other Written Materials

The Housing Development's tenant application package must contain a section where the applicant may indicate a request for an Accessible Unit with Mobility or Hearing/Vision features (see Sections 2.8, 2.14(e)(iii)).

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The Housing Development's tenant application package, tenant annual recertification cover page, and all marketing materials must include the following:

- a. A statement that the property has Accessible Units and/or units with accessible features (if accurate) and an explanation of how an interested person can inquire about particular features of the Accessible Units;
- b. the Equal Housing Opportunity Logo (currently available at HUD's website at <https://www.hud.gov/library/bookshelf11/hudgraphics>), and the statement "This housing is offered without regard to race, color, religion, sex, gender, gender identity and expression, familial status, national origin, citizenship status, immigrant status, primary language, marital status, ancestry, age, sexual orientation, disability, source of income (including receipt of Section 8 and other similar vouchers), genetic information, military or veteran status, arbitrary characteristics, or any other basis currently or subsequently prohibited by law";
- c. marketing materials must not include any discriminatory remarks. Examples of discriminatory remarks include, but are not limited to, remarks such as "independent living" or "need to be able to live independently," which are discriminatory because they appear to exclude individuals who rely on supportive services, assistance, or aides. Housing Developments are not permitted to exclude

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individuals on the grounds that they utilize these services due to a disability;

- d. documents must be made accessible using a minimum font size of 12-point (14-point or larger is preferred) in Sans Serif, contain the Universal Symbol of Accessibility, and include, if available, a TTY/TDD phone number and/or the California Relay Service and video relay services. Advertising must also include an email address which individuals can use to request an application, as well as other information about where the application may be obtained, a statement that Individuals with Disabilities have the right to ask for and receive reasonable accommodations in rules, policies, practices, physical changes to facilities, or services (including in the application process), including the right to ask for communications in alternative formats and languages, to ask for auxiliary aids and services, as well as information on how to make such a request. (See subsection (f) below, “Notice of Right to Reasonable Accommodation”); and
- e. a statement on the tenant application and tenant annual recertification cover page that reasonable accommodations will be provided upon request.
- f. Notice of Right to Reasonable Accommodation. Owners must provide notice of the right to reasonable accommodations. The following language is to be placed at the bottom of the first page of every rental application and re-certification packet in at least a 12-point (14-point or larger is preferred), Sans Serif font type:

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“An Individual with a Disability may ask for: A change in rules or a physical change to their apartment or shared areas in the building (Either of which is a reasonable accommodation); an accessible apartment; and Auxiliary Aids and Services necessary to ensure effective communication between us. If you or anyone in your house has a disability and needs any of these things to live in our [Housing Development] and use our services then: Contact [Housing Development] staff to communicate your need for a reasonable accommodation or you may use a form called a ‘Reasonable Accommodation Form.’” See Appendix 2, Notice of Right to Reasonable Accommodations and Auxiliary Aids Pursuant to Effective Communication Policy and also Appendix 3, Optional Request Form for Reasonable Accommodations and/or for Auxiliary Aids Pursuant to Effective Communication Policy.

### **2.8 Initial Application Process and Waiting Lists**

Application forms must provide a section where Individuals with Disabilities who need the features of a mobility or hearing/vision unit can indicate their desire for such a unit. Using the process described in the Development’s PMP for the tenanting of units, Owners must create two lists – one for Conventional Units and another for Accessible Units.

The Accessible Unit Waiting List must include a sufficient number of applicants equal to three times the number of accessible units the property is required to have. The Accessible Unit Waiting List must remain open.

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In the case of initial lease-up, the names of Individuals with Disabilities who have identified the need for accessible units will be on **both** waiting lists so that applicants have the option of choosing a Conventional Unit should their name come up on that list before an Accessible Unit is available.

All waiting lists should be in chronological order according to application date and should clearly indicate which applicants have requested Accessible Units and what type of unit (Housing Unit with Mobility features or Housing Unit with Hearing/Vision features). Applicants and tenants who need both mobility and hearing or vision features should be offered the option of being offered a Unit with Mobility features; reasonable accommodations can then be made to provide necessary hearing/vision features.

If initial application forms did not solicit information about disability-related requests for Accessible Units, upon adoption of this Handbook, Owners must contact all households already on their waiting lists to determine whether any household on the waiting lists needs an Accessible Unit. If so, they should be placed on the appropriate waiting list for Accessible Units in the corresponding order that they would have been had the applicant household been asked at time of the initial application. Verification of disability should not be sought until such time as an Accessible Unit is available and only if the disability-related need for the Accessible Unit is not otherwise obvious or already known.

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All new applicants who do not need or do not have a household member who needs the accessible features of the unit cannot lease an accessible unit.

### **2.9 Filling Vacancies in Accessible Units**

Owner must use suitable means to assure that information regarding the availability of Accessible Units reaches eligible Individuals with Disabilities, and will take reasonable, nondiscriminatory steps to maximize the utilization of such units by eligible Individuals with Disabilities whose disability requires the accessibility features of the particular unit.

In the event that more than one household has requested an Accessible Unit, Owners must offer the Unit to households in the chronological order of their application on the waiting lists within each category (Mobility or Hearing/Vision). In the event the applicant does not qualify, Owner must provide prompt written notification to any rejected applicant stating the grounds for the rejection.

The Accessible Unit Waiting List must remain open at all times to ensure Individuals with Disabilities are given the opportunity to apply when an Accessible Unit becomes vacant. Owners must:

- a. first, offer the unit to a current occupant of the Housing Development who needs the features of an Accessible Unit;
- b. second, offer the unit to a current occupant of a Housing Development under common control who has requested and needs the features of an Accessible Unit;

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- c. third, offer the unit to an eligible, qualified applicant with disabilities on the Housing Development's waiting list who needs the features of an Accessible Unit;
- d. fourth, offer the unit to a current tenant of a Covered Housing Development who needs the accessible features of the Accessible Unit and is registered with the Registry; and
- e. fifth, offer the unit to qualified applicants who need the accessible features of the Accessible Unit and are registered with the Website.

If there is no eligible current tenant or applicant in need of accessible features, then the Development must conduct targeted outreach and marketing to advertise the unit to qualified individuals who need its accessible features, including the following:

- a. listing the unit as vacant and available to individuals who need the accessible features at <http://www.accesshousingla.org>
- b. in accordance with the Owner's PMP, sending an e-blast of City-approved marketing flyer in an accessible format to organizations that serve individuals with disabilities per the Mandatory Affirmative Marketing Outreach List (<http://www.accesshousingla.org>).

If, after using the process identified above, there are no households who need the features of that Accessible Unit, then after receiving AcHP approval, Owners may offer the unit to the next household on the chronological Conventional Unit Waiting List. In order to obtain AcHP approval, Owners must provide a list of all actions taken to find applicants who need the features of the available Accessible Unit. The list should also

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describe the results of these actions. Should the applicant on the waiting list choose not to occupy the Accessible Unit, they will remain at their same position on the Conventional Unit Waiting List.

If the household chooses to occupy the Accessible Unit, the tenant must sign a Lease Addendum in the form approved by ACHP (Appendix 6, Lease Addendum: Tenant's Agreement to Vacate Accessible Unit) at the same time the lease for the Accessible Unit is signed. The Lease Addendum requires the household to move to the next vacant, non-accessible unit of comparable size, finishes, and amenities at the same Development and at the Owner's expense, within thirty (30) days of notice by the Owner or Property Management Agent, or when given the minimum amount of notice required under California law, by the Housing Development that there is an eligible applicant or existing resident with a disability who requires the accessibility features of that Unit. Residents with month-to-month tenancy will be given the period of notice required by California law of changes to the terms of their tenancy, which will be consistent with the requirements of the Lease Addendum. Owners are responsible for enforcement of the Lease Addendum and the notice provided to month-to-month tenants. For individuals who are required to vacate an Accessible Unit because it is needed by an Individual with a Disability, Owners must pay the costs of transferring to a comparable Conventional Unit that meets affordability and program eligibility requirements of the household to be relocated, including new utility deposit(s), if required, and moving-related expenses. These costs are eligible project expenses.

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A household with a disability-related need for some, but not all, of the features of an Accessible Unit will not be required to sign a lease addendum stating they will move in the event that there is another household with an individual who could utilize more of the features of that unit. However, that household may be offered a Conventional Unit with reasonable accommodations/modifications provided by the Housing Development. If that household voluntarily agrees to move to a Conventional Unit with reasonable accommodations/modifications, then the Housing Development must provide the same expenses described above, as well as pay for accessibility features in the new Conventional Unit. These are also eligible project expenses.

When there is not yet a transfer provision in the lease that meets the requirements of this Policy, Owners may offer Conventional Units as they become available, first to households occupying Accessible Units who do not need the accessible features of that unit, and then in order to others on the Development's waiting list. See Sections 3.12, 3.13, and 3.14.

### **2.10 Requests for Transfers for Disability Related Reasons**

Owners must notify tenants that, if someone in their households has or develops a disability and needs accessibility features that their unit does not provide, then they have the right to

- a. request a transfer to a unit that has accessible features or
- b. to request reasonable accommodations to their units to make them more accessible.

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Owners must pay the costs of moving tenants to their new units. These costs are eligible project expenses. Owner will not charge additional fees for a transfer to an Accessible Unit or require an increased security deposit, unless the unit being vacated has been damaged beyond reasonable wear and tear, in which case the costs of repairs may be deducted from the current security deposit and an itemized receipt for repairs presented to the tenant with a request to replenish the deposit.

Owners must not charge the tenant an increased rent beyond the level of the tenant's existing apartment, unless the tenant chooses a unit with an additional bedroom and that unit is not selected to address a reasonable accommodation request. If the new unit has a permissible higher rent, at least thirty (30) days in advance Owners must notify the transferring tenant about the new rental amount.

Tenants must have the opportunity to view the unit and have at least five (5) days in which to decide whether to move there. Owners shall provide additional time, if necessary, as a reasonable accommodation for tenants with disabilities.

Owners must maintain an Accessible Unit Transfer List of current tenant households having Individuals with Disabilities who have requested a transfer to an Accessible Unit (or to a Conventional Unit with specific accessibility features). The list will include tenants residing in Housing Developments under common control who request an Accessible Unit. If a tenant waiting for a transfer to an Accessible Unit rejects the offer of an

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accessible unit, the tenant will remain at the same position on the Transfer List for the next available Accessible Unit.

When a Conventional Unit is expected to become vacant, Owners must offer that unit to the first household on the waiting list (based on any preferences applicable to the project), regardless of whether that applicant has requested an Accessible Unit. If the applicant has indicated a disability-related need for an Accessible Unit, Owners must notify the applicant in writing that the unit is not accessible, but that physical alterations to the Conventional Unit will be provided to accommodate the individual's needs.

An eligible family with a member who has a disability may choose to lease a Conventional Unit, if no Accessible Unit is available when the household reaches the top of the waiting list. In order to ensure access to the affordable housing program, Owners must provide physical alterations to the Conventional Unit to accommodate the individual's needs, unless the alterations would result in an undue financial and administrative burden to the Housing Development. If the applicant prefers to wait for an Accessible Unit, the household will remain at their position on both the Conventional and Accessible Unit waiting lists until accepting a Housing Unit that meets the household's needs. If an individual accepts a Conventional Unit with physical changes, but that unit does not fully meet the individual's needs, the Owner must permit the individual to be placed on the Accessible Unit Transfer List for a unit that meets the individual's needs.

The Housing Development may include some Conventional Units that contain accessibility features or may be accessible for other reasons.

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Owners must provide information about these units' accessible features to tenants who have informed Owners that they have a disability-related need so that they can choose whether to place themselves on the Transfer List to lease those units. For example, an individual may have difficulty climbing stairs. A ground floor Conventional Unit may meet their needs, even though the unit does not otherwise meet all the applicable accessibility standards of an Accessible Housing Unit with Mobility features. However, no household is required to give up its Conventional Unit with accessibility features to accommodate a household that would like those features. Tenants on the Accessible Unit Transfer List who do not need all the features of an Accessible Unit will be given first choice in renting a unit that meets their needs (for example, a ground floor Conventional Unit) when one becomes vacant. See Section 3.14 of the Tenant Handbook.

### **2.11 Consideration of Requests for Reasonable Accommodations and Interactive Process**

Upon receipt of request, Owners must grant reasonable accommodations unless the request fundamentally alters the nature of the Development's program or imposes an undue financial and administrative burden, considering all resources available to the Development, as set forth in Section 3.15. These costs are eligible project expenses. Reasonable accommodation policies and procedures must comply with California regulations about reasonable accommodations, which are located at 2 California Code of Regulations Sections 12176-12185. The interactive process with tenants is also addressed in California regulations at 2

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California Code of Regulations section 12177. Finally, the requirements regarding verifications are addressed in the California regulations at 2 California Code of Regulations section 12178. Owners are required to list all such requests in the reasonable accommodations log.

### **2.12 Assistance Animals, Including Service Animals and Support Animals**

A variety of state and federal laws provide tenants, prospective tenants with disabilities and guests, the right to have a support animal, which is subject to the reasonable accommodations policies and procedures set forth above. State and federal laws also give Individuals with Disabilities who visit or live in a housing development the right to be accompanied by a service animal, which is not subject to reasonable accommodation review. These rights and the Owner's obligations are addressed in Section 3.16 and 3.17. Owners are required to include the Assistance Animal Policy as a part of the lease by reference and are required to provide the Assistance Animal Policy to each applicant at the time of application or to each resident during annual recertification. Assistance animal policies and procedures must comply with California regulations about assistance animals, which are defined at 2 California Code of Regulations Section 12000. Guidance about assistance animals is located at 2 California Code of Regulations Section 12185. Within ninety (90) days of this policy being adopted, any Owners that required a tenant to pay a deposit or any fee in connection with an assistance animal must issue refunds to each affected resident.

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### 2.13 Effective Communication

Owners must adopt and implement the Effective Communication Policy detailed in this section and Section 3.18 of the Tenant Handbook. Owner must take appropriate steps to ensure that communications with applicants, tenants, and other Individuals with Disabilities are as effective as their communications with individuals without disabilities.

Requests must be completed promptly, but no later than thirty (30) days. Usually requests for effective communication can be met immediately or within a few days; for example, providing electronic materials in screen reader-friendly versions or in large print; using telephone relay or text to communicate; providing ASL interpreters, etc., keeping in mind the timeline of the needs of the Individual with the disability. A few requests, like converting a document to Braille, may take longer than a few days. The individual making the request should be advised as soon as possible how long it will take to fulfill the request. Owners must provide appropriate auxiliary aids and services to ensure that Individuals with Disabilities have an equal opportunity to participate in, and benefit from, their Housing Developments and services. Owners must comply with the Guidance in the U.S. Department of Justice's ADA guidance on Effective Communication (<https://www.ada.gov/effective-comm.htm>).

Owners must provide, at their expense, auxiliary aids and services for effective communication with their residents and applicants, as well as employees. These costs are eligible project expenses. The type of auxiliary aid or service necessary to ensure effective communication will vary in

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accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, Owners shall give primary consideration to the requests of Individuals with Disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the Individual with a Disability. If Owner makes a decision to deny a request for an Auxiliary Aid, Owner will put the decision in writing, will clearly state the reason for the decision, and will initiate the interactive process. If that is unsuccessful, Owner will provide the tenant/application information about how to initiate an appeal/grievance. Owner shall take actions to ensure that, to the maximum extent possible, Individuals with Disabilities will receive the benefits and services of the program or activity.

Owners shall provide, for individuals who are blind, have low vision, or have cognitive disabilities to receive forms, notices, and other information in alternative formats, as requested, including requests to automatically receive in a requested alternate format all print materials distributed, posted, or made available to applicants and tenants.

In addition, for individuals who are blind or have low vision, Auxiliary Aids and Enhanced Accessibility features provided pursuant to the City's program shall include, but are not limited to, the following: appliances and gym equipment with buttons, knobs, tactile markings, and audio features

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rather than touch screens; intercom and other security systems at apartment building main entrances must be accessible to individuals with sensory disabilities. Entry system cannot rely on a resident's or guest's ability to see; key fob access to controlled areas rather than touch screens or key cards, must be provided; thermostats and air conditioning controls must have buttons rather than touch screens and must provide audio feedback; apartment mailboxes must have bump dots or raised lettering; vending machines must have braille, large print or audio features that enable use without vision; apartment doors and doors to public and common use areas must have raised letters/numbers, braille and large print signage; elevator buttons with braille and raised/large print; audible elevator floor indicators, accessible electronic copies of leases, the City's Fair Housing Policies (Owner's Guide, Tenant Handbook, and Appendices), accessible documents in at least a 12-point font (14-point or larger is preferred), Sans Serif type. Development rules and Development notices that conform to the W3C's Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT) for shorter documents and the International Digital Publishing Forum's EPUB3 standard for lengthy or complex documents; enhanced lighting; emergency evacuation information in accessible formats, handrails on stairways, contrast on stair noses; and effective communication training provided to Development personnel upon request. When gym equipment and appliances are provided, including but not limited to, exercise equipment, ranges, microwaves, dishwashers, washers and dryers, they must be

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provided so they are accessible to individuals who are blind or have low vision.

For individuals who are deaf or hard of hearing, auxiliary aids and Accessibility-Related features provided by Subrecipients, Owners, and Property Management Agents pursuant to the City's program shall include, but are not limited to, the following: emergency systems (e.g., fire alarms, carbon monoxide detectors, smoke alarms) with light alerts or other visual or tactile alerting (e.g., bed shakers); doorbells with light alerts or other visual alerting; intercom and security systems at building entrances that do not rely on a resident's or guest's ability to hear; sign language interpreters available to provide access to meetings and social gatherings; use of audio amplification systems and assistive listening systems at resident meetings; activated closed-captioning on televisions located in public areas; using telephone relay systems or other electronic methods (e.g., text messaging) to communicate with deaf individuals; and effective communication training provided to Development personnel upon request; video phones provided in common use areas with high-speed internet; video connections for intercoms; message boards in text format; close captioning turned on at all times on all televisions and projected media in common use areas; assistive listening devices and loops in rooms where there are public presentations; and acoustically designed common areas.

Owners must train all property management staff, including maintenance staff, in how to receive and initiate, telephone calls to individuals who are deaf, hard of hearing, deaf-blind, or who have speech disabilities using a

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TTY, if available, and the free California Relay Service (CRS) available from the California Public Utilities Commission's Deaf and Disabled Telecommunications Program

(<https://ddtp.cpuc.ca.gov/default1.aspx?id=1484>). If Housing Development has a TTY, it must place and accept calls using the TTY.

Housing Development must accept telephone calls placed through relay services. Staff who answer the telephone will treat relay calls just like other calls. For further information regarding relay services, Owners may contact the California Public Utility Commission's Deaf and Disabled Telecommunications Program at <http://ddtp.cpuc.ca.gov/relay.aspx>.

In the event an Owner does not have a separate TTY number, the phone number for contacting the development's management offices must be posted and TTY users should be directed to call 711 or use their preferred Video Relay Service (VRS) provider. If requested by someone with a disability, Owners shall consider, as reasonable accommodations, email, text and/or fax communications.

PMPs must state that Development will endeavor to provide auxiliary aids and services immediately on an as-needed basis, and "walk-in" requests for aids and services will be honored to the extent possible. However, there may be instances in which it is not possible to provide requested aids and services immediately, such as arranging for Braille materials or American Sign Language Interpreters. Owners can request that individuals needing these services, where possible, make the request for auxiliary aids or services in advance when needed. If an Owner has reason to believe that

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an individual will require an auxiliary aid or service, such as an interpreter or materials in alternate formats, Owners must promptly initiate the individualized assessment process to identify what auxiliary aids and/or services will be necessary to ensure effective communication.

Signage in management offices; or on applications, recertification forms, and correspondence; or in telephonic voice mail greetings, automated telephonic menus; and other media used to communicate with the public and with residents will include information about how to request auxiliary aids and services.

Note that Owners (1) are prohibited from requiring an Individual with a Disability to bring another individual to interpret for them; (2) must not rely on an adult accompanying an Individual with a Disability to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or in situations not involving an imminent threat where the Individual with a Disability specifically requests such assistance, the accompanying adult agrees, and it is appropriate under the circumstances (this exception does not apply to minor children); and (3) must not rely on minor children to interpret, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available. See Sections 3.5 and 3.18.

### **2.14 Grievance Procedures and Notices of Rights**

#### **1. Owner Grievance Procedures**

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- a. Owners must adopt and implement the grievance procedures detailed in this section and Section 3.20 of the Tenant Handbook that incorporate appropriate due process standards that provide for the prompt and equitable resolution of disability-related complaints.
- b. Owners must notify applicants and tenants about the Housing Development's grievance process and provide the name of a senior staff person to contact with respect to any grievance and update that information in a timely manner. See Section 3.20 and Appendix 9, Property Management Contact Information.
- c. Owners must also notify applicants and tenants about the right to use the AcHP Grievance Policies and Procedures complaint process. See Section 3.21.
- d. Owners must take steps to notify applicants and residents that Owners do not discriminate on the basis of disability, of applicants' and residents' rights as described in these Policies, and of their right to file complaints. Aggrieved individuals 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. Notice of these rights must also supply the contact information for the person charged with overseeing the grievance process. A copy of these Policies, related forms, and the contact information must be provided to new tenants along with their lease and to existing tenants at their annual recertification and must be posted in the management office.

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- e. Additional methods of initial and continuing notification of rights and grievances procedures may include the posting of notices, placement of notices in recipients' publications, and distribution of memoranda or other written communications. Owners must ensure members of the population eligible to be served who have visual or hearing impairments are provided with the information necessary to understand and access the Housing Development. Methods for ensuring participation include, but are not limited to, qualified sign language and oral interpreters, readers, or the use of taped and Braille materials, as set out in Section 2.13 on Effective Communication.
- f. These procedures supplement and do not replace any notice and grievance procedures required by HUD, any funding sources, or other applicable law.
- g. Notices of rights and the grievance process are in addition to the Housing Development's obligation to engage in the interactive process with an individual who has requested a reasonable accommodation.
- h. Applicants and tenants are not required to exhaust these grievance procedures before seeking other administrative or judicial relief that may be available.
- i. Any notice from the Housing Development will include:
  - i. the name, title, and contact information of an individual who they can contact in regard to the action and the grievance procedure;

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- ii. a description of the action;
- iii. the reasons for the action with enough specificity to allow the individual to prepare an informed rebuttal;
- iv. information about how the tenant or applicant can view and copy their file and any records related to the adverse action;
- v. the availability of a meeting with a manager or other supervisory individual not involved in the decision on the action;
- vi. the time deadlines and process for requesting the meeting in (v);
- vii. the availability of reasonable accommodations and effective communication assistance as needed in exercising the rights in the notice; and
- viii. the location and contact information of the local legal services agency, a local fair housing organization, and an independent living center.
- ix. the availability of a procedure through the City of Los Angeles.
- j. The grievance procedures include:
  - i. the availability of a meeting to contest the action. The meeting will be with a manager or other supervisory individual not involved in the decision on the action;
  - ii. the availability of reasonable accommodations and effective communication assistance as needed to participate in the meeting;
  - iii. the right to view and copy the file and any records related to the adverse action;

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- iv. the right to present evidence and witnesses at the meeting;
- v. the right to be represented or accompanied by a person of their choice at the meeting; and
- vi. the right to receive a written decision within five (5) business days of the outcome of the meeting that states the reason for the decision and the evidence relied on in making the decision.

See Sections 3.20 and 3.21.

### 2. AcHP Grievance Policies and Procedures

AcHP will accept grievances about discrimination based on disability in housing and housing programs covered by this Policy. Tenants and applicants may submit a grievance to AcHP if they are not satisfied with the outcome of the Housing Development's grievance procedure, or they may submit a grievance to AcHP along with their grievance to the Housing Development.

AcHP grievances may be filed using any of the following methods:

- a. Fill an online form or at the AcHP Website:  
<http://www.accesshousingla.org>, "File a Grievance" under Tenants & Applicants tab
- b. Email to AcHP: [lahd.achp@lacity.org](mailto:lahd.achp@lacity.org)
- c. U.S. Mail to: LAHD, Accessible Housing Program, Attention: Grievance, 221 N. Figueroa Street, Suite #1400, Los Angeles, CA 90012

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- d. Telephone to the AcHP at 213-808-8550. Staff will return your message and provide assistance or complete the form on your behalf.

More information about the AcHP grievance process is available by contacting AcHP by any of the methods listed above.

If tenant/applicants are not satisfied with the outcome of the AcHP grievance procedure, they may file an appeal with the Department on Disability ADA Compliance Officer (213) 202-2764 Voice; (213) 202-3452 TTY; (323) 800-2752 Videophone;

(<https://disability.lacity.org/procedures-forms/americans-disabilities-act-title-ii-grievance-policy-and-procedure>) See Section 3.23 in the Tenant Handbook.

### 2.15 Records

- a. Owners must keep dated records and copies of all advertising flyers and notices related to their affirmative marketing efforts prior to lease-up, reopening of the waiting list, or prior to rental of an Accessible Unit to a household who does not need the accessibility features.
- b. Owners must keep copies of their original applicant pool information, dated Conventional and Accessible Unit Waiting and Transfer Lists showing contact information, application dates, waiting list status, and related documents showing attempts to contact individuals on the waiting lists, and dates individuals were provided a rental unit.
- c. Owners must keep dated records of requests –

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1. For Accessible Units by tenants, tenants in Housing Developments under common control, and applicants and the outcomes of those requests; See Sections 3.7, 3.12, 3.13, and 3.14.
2. For any Accessible Units *not* rented to a person who needs the accessible features, an explanation of all steps taken to attempt to rent the unit to a household with a person who needs the accessible features. See Sections 2.9 and 3.13.
3. Of all reasonable accommodation requests. At a minimum, logs must contain, the following information:
  - i. name of requestor and current address, phone number, or unit number;
  - ii. description of the request;
  - iii. whether the request is for a transfer to a different unit (for example, a ground floor unit, or a transfer to a different unit for other accommodation reasons, and other pertinent information);
  - iv. size of unit requested (e.g. Studio, 1, 2, or 3 Bedroom Unit), if relevant to the request;
  - v. date of request;
  - vi. current status of the request;
  - vii. whether the accommodation was approved or denied in whole or in part and date of determination;
  - viii. if request was denied, reason for denial;
  - ix. date notice given to requestor of approval or denial;

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- x. anticipated implementation date for completion of the accommodation;
  - xi. date accommodation was provided or completed; and
  - xii. pending and final appeals/grievances of denied or delayed reasonable accommodation requests, including the date of the appeal, the date of the final decision, and the final outcome, including implementation information if the request is granted.
4. Of all Effective Communication requests. Owner must maintain a log of all Effective Communication requests in the form required by AcHP.
5. Owners must keep a list of any resident that was issued a refund for a deposit or other fee in connection with an assistance animal, which must include the name of the resident, the address, and refund amount.
- d. Owners must keep a list of all transfers that occur under the terms of the Lease Addendum.
- e. Logs must be updated continuously.
- f. All information involving reasonable accommodation and effective communication requests must be kept confidential, separate from the tenant's file, and will only be shared on a need-to-know basis or as required by these Policies or by law. The tenant files shall reflect the outcomes of any such requests.

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- g. Log(s) must be provided to the City as part of the Quarterly Report module no later than the tenth day of the month following each quarter of the calendar year.
- h. All records in this Section must be retained until August 1, 2026 or for five (5) years, whichever is later.

### **2.16 Fair Housing Complaints or Lawsuits**

Owners must immediately inform AcHP in writing if a tenant or an applicant files a fair housing complaint or lawsuit against them with an external agency or organization.

### **2.17 Department on Disability – Information and Referral Resources**

General information about the rights of Individuals with Disabilities and about securing the provision of auxiliary aids from service providers may be requested by calling the City of Los Angeles' Department on Disability at (213) 202-2748 Voice or (213) 202-3452 TTY.

### **2.18 No Retaliation**

Owners/Housing Developments must not retaliate against any tenant, applicant, or associated person for exercising rights under the law or these Policies or for requesting that the Housing Development comply with these Policies or any anti-discrimination law.

### **2.19 Information to be Provided Prior to the Retrofit of Units in Housing Development**

## **Fair Housing Policies Related to Disability: Guidance and Requirements for Owners and Property Management Agents**

Some Housing Developments may not currently have fully accessible housing units, common areas, and/or sites. If that is the case, then AcHP will require that the projects be retrofitted and will work with Owners to ensure that this takes place in a timely manner. The following must be provided to and approved by AcHP, in addition to the Owner obtaining approval of the retrofit scope of work, cost estimate, and construction schedule:

- a. a description of the process used to choose units to be retrofitted to demonstrate that these choices were made on a fair and objective basis and will result in a fair distribution of units taking into account bedroom size, amenities, and other important considerations. If vacant units are to be chosen for retrofit, the back-up plan if there are not a sufficient number of vacant units to complete the retrofit within the approved timeframe must be disclosed to LAHD.
- b. a Tenant Relocation Plan for any temporary or permanent relocation that ensures that low-income tenants do not have to pay the cost of relocation and accommodates tenants with disabilities.
- c. Affirmative Marketing and Tenant Transfer Plans to ensure that individuals who need the features of the accessible units will occupy the units.
- d. a copy of the Lease Addendum to be signed by tenants occupying accessible units who do not require the accessible features of those units.