

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to implementing an accessible housing program (AcHP) in connection with the settlement agreement in the case of Independent Living Center of Southern California v. City of Los Angeles et al. (US District Court Case No. CV12-0551).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the implementation of an AcHP to carry out the requirements of the Settlement Agreement in the case of Independent Living Center of Southern California v. City of Los Angeles et al. (US District Court Case No. CV12-0551).
2. RESOLVE that the following positions are APPROVED and CONFIRMED for the Housing and Community Investment Department (HCIDLA) and City Attorney for the period of January 1, 2017 through June 30, 2017, subject to position allocation by the Personnel Department and pay grade determination by the City Administrative Officer (CAO):

HCIDLA

<u>No.</u>	<u>Class</u>	<u>Title</u>
1	9182	Chief Management Analyst (Exempt)
2	9171-1	Senior Management Analyst I
1	1538	Senior Project Coordinator (Exempt)
12	9184-2	Management Analyst II
<u>1</u>	1569-2	Rehab Construction Specialist II
17	Total	

City Attorney

<u>No.</u>	<u>Class</u>	<u>Title</u>
1	0535-0596	Deputy City Attorney III

3. AUTHORIZE the following two positions included above in Recommendation No. 2 to be exempted from the Civil Service provisions of the City Charter, pursuant to Charter Section 1001(b) due to the need for specialized expertise:

<u>No.</u>	<u>Class</u>	<u>Title</u>	<u>Role</u>
1	9182	Chief Management Analyst	AcHP Administrator
1	1538	Senior Project Coordinator	Education and Outreach Team Leader

4. ESTABLISH a new fund within Department No. 43 called the Accessible Housing Fund.
5. APPROPRIATE \$3,000,000 from the Unappropriated Balance, Accessible Housing Settlement Account to HCIDLA, Department No. 43, Accessible Housing Fund (Fund No. TBD) and establish accounts within Fund No. TBD as necessary, subject to the approval of the CAO, to carry out the AcHP.

6. DIRECT the Department of General Services to report to the Municipal Facilities Committee on what actions are required to secure up to 5,000 square feet of additional office space at HCIDLA Headquarters (1200 West 7th Street/Garland Building) for the AcHP, including any necessary tenant improvements (estimated at \$363,000).
7. AUTHORIZE the General Manager, HCIDLA, or designee, to:
  - a. Issue a Request for Qualifications (RFQ) for an Expert Accessibility Consultant to be approved by the Plaintiffs and to report back with funding requirements and request for authority to execute a contract.
  - b. Issue a RFQ for as many architects with experience in designing projects for people with disabilities as may be necessary, on a part-time basis, to serve as Expert Architects under the Expert Accessibility Consultant, and to provide architectural drawings and plans for retrofit alterations as necessary to make the projects and units accessible for persons with mobility and/or hearing/vision impairments, pursuant to state and federal accessibility laws and regulations, and report back with funding requirements and request authority to execute contracts.
  - c. Enter into a Sole Source contract with a Court Monitor for up to ten years, as required by the SA, at a first year cost not to exceed \$850,000, subject to the review and approval of the City Attorney as to form.
  - d. Transfer \$250,000 to Fund No. 100/59, Account No. 9798 - Miscellaneous Liability Payouts, so that the City Attorney may pay Plaintiffs' Counsel the monitoring fee, as prescribed by the SA.
  - e. Issue an RFQ to create a list of qualified licensed and bonded general contractors to retrofit apartment units so that they are accessible for persons with mobility and/or hearing/vision impairments, pursuant to the SA, and State and Federal accessibility laws and regulations, and report back with funding requirements and authority to execute contracts.
  - f. Enter into a Sole Source contract with Emphasys Computer Solutions, Inc. (formerly SocialServe.com) for the period of December 1, 2016 through November 30, 2017, with two optional one-year renewals, to modify and expand the existing Affordable Housing Website, developed jointly with Los Angeles County, to include:
    - i. Updated information on accessible, affordable housing units in the City of Los Angeles.
    - ii. Allow tenants with disabilities to apply on-line for available units and get on waiting lists.
    - iii. Providing a 24-hour call center to assist applicants in applying for accessible, affordable housing, at a first year cost not to exceed \$450,000, subject to the review and approval of the City Attorney as to form, and compliance with the City's contracting requirements.

- g. Amend Contract No. C-125234 (Amendment No. 3) with Rydek Computer Professionals, and Contract No. C-125235 with 3Di, Incorporated, to add funding totaling \$370,140 each (\$740,280 total) to upgrade the Housing Information Management System to track all of the project stages of the SA to allow staff to meet the significant data recording and reporting requirements, subject to the review and approval of the City Attorney as to form, and compliance with the City's contracting requirements.
- h. Retroactively execute a Sole Source contract with Ann Bauman for the period of December 15, 2015 through June 30, 2017, with an option to extend another one year, to provide technical expertise to assist the HCIDLA and the City in addressing compliance issues related to the implementation of the settlement agreement including but not limited to developing policies and procedures, a training curriculum, and systems requirements required under the SA, for an amount not to exceed \$300,000, subject to the review and approval of the City Attorney as to form, and compliance with the City's contracting requirements.
- i. Prepare Controller's instructions for any necessary technical adjustments consistent with the Mayor and Council action on this matter, subject to the approval of the CAO, and AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: The CAO and HCIDLA report that the City has made a commitment to invest \$200 million over ten years to implement this effort. The costs for the recommendations contained in the December 1, 2016 Joint CAO/HCID report, attached to the Council file, total \$5.1 million, which represents our known costs for Fiscal Year (FY) 2016-17. The first FY 2016-17 First Financial Status Report set-aside \$3 million for this program. If additional resources are needed this fiscal year, the CAO will report back on funding options.

Community Impact Statement: None submitted.

**(Housing Committee waived consideration of the above matter)**

Summary:

On December 14, 2016, your Committee considered a December 1, 2016 Joint CAO/HCID report relative to implementing an AcHP in connection with the settlement agreement in the case of *Independent Living Center of Southern California v. City of Los Angeles et al.* (US District Court Case No. CV12-0551). According to the CAO/HCID, on January 13, 2012, several organizations- the Independent Living Center of Southern California, the Fair Housing Council of San Fernando Valley and the Communities Actively Living Independent and Free- filed a Complaint against the City alleging deficiencies in the physical accessibility of housing developments and their property management policies and procedures. These Plaintiffs then filed a Second Amended Complaint on August 20, 2012. This Complaint alleged that the City and the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) engaged in a pattern or practice of discrimination against people with disabilities, in violation of federal and state law, by failing to ensure that multifamily rental housing funded, developed or otherwise assisted by the City and/or the CRA/LA was accessible and made available to people with disabilities.

For approximately a year and a half, the City negotiated with the Plaintiffs on a remedial plan to bring the City and the properties into compliance. The City negotiating team was led by the CAO and the City Attorney. There have been many meetings with the Plaintiffs' attorneys, which culminated in a settlement agreement (SA) with the Plaintiffs. The program the City is required to undertake is extraordinarily complex, but achievable with the appropriate resources, oversight and cooperation from the City's developer partners. The term of the SA is ten years from the date of execution (Effective Date) or when the target number of accessible units is achieved, whichever is later.

During that period the City is required to:

- a. Commit \$200 million over 10-years on the program's implementation.
- b. Survey all named properties (727) in the SA to determine if they meet the requisite federal accessibility standards.
- c. Build or retrofit 4,000 units to make them accessible to individuals with mobility impairments and/or hearing/vision impairments.
- d. Ensure that all properties in the HCID affordable housing portfolio enact and carry out policies and procedures that meet federal and state accessibility regulations.
- e. Develop a website that can be utilized by individuals with disabilities to apply for housing, particularly, accessible housing units.
- f. Ensure that individuals with hearing/vision disabilities obtain auxiliary aids.
- g. Provide annual training for housing development staff in approximately 800 properties in nondiscrimination laws in regards to people with disabilities and in effective communications skills.

In the SA, the City has committed to invest \$200 million over ten years. This commitment includes the administrative costs for implementing the program and the investment in rehabilitation and new construction the City makes to meet the 4,000 unit commitment. This would include many new accessible units that will be created as a result of funding made available from the recent approval of Proposition HHH.

Through the FSR for FY 2016-17, the City set aside \$3.0 million in the Unappropriated Balance, Accessible Housing Settlement Account (Council File No. 16-0600-S167) to begin the first year implementation of the SA. Although many of the implementation expenses remain unknown, should additional resources be required this fiscal year, the CAO will report back with funding options.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations contained in the December 1, 2016 Joint CAO/HCID report and detailed in the above recommendations. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE

A handwritten signature in blue ink, appearing to read "Paul Kretz".

<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
RYU:	YES
HARRIS - DAWSON:	ABSENT
ARL	

12/14/16

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**