

FACT SHEET ON HUD’S HISTORIC VOLUNTARY COMPLIANCE AGREEMENT WITH THE CITY OF LOS ANGELES

On August 2, 2019, the U.S. Department of Housing and Urban Development’s (HUD) Office of Fair Housing and Equal Opportunity (FHEO) reached a groundbreaking settlement with the City of Los Angeles to provide landmark accessibility improvements for Angelenos with disabilities across its multi-billion-dollar affordable multifamily housing program.

Highlights of the ten-year Voluntary Compliance Agreement (VCA) include:

- Retrofits to hundreds of existing multifamily housing developments across the City to provide 3,100 accessible housing units designed for persons with mobility disabilities, individuals who are deaf or hard of hearing, and individuals who are blind or have low vision, as well as accessible public and common use areas;
- Production of accessible units at a higher rate than required by state and federal minimums, to yield an anticipated 1,500 accessible housing units designated for occupancy by individuals with disabilities over the next ten years;
- Implementation of a new “Enhanced Accessibility Program” to produce state-of-the-art, “super-accessible” units with features that afford greater accessibility than currently required by federal standards;
- Implementation of policies to ensure that accessible units designated for occupancy by individuals with disabilities are actually made available for occupancy by the persons who need the accessibility features they provide; and
- A substantial financial commitment by the City to provide the funding necessary to accomplish the actions required by the agreement.

The terms of the VCA are historic and will provide significant relief to many Angelenos with disabilities who require affordable, accessible housing. This fact sheet provides background on HUD’s accessibility investigation of the City of Los Angeles and the details of the VCA.

Background

In response to concerns about the accessibility of the City of Los Angeles’s affordable housing program, in 2011, FHEO initiated a compliance review investigation under its fair housing and civil rights laws. FHEO is the office in HUD responsible for ensuring compliance with federal nondiscrimination and accessibility requirements by HUD recipients of federal assistance. These laws include Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), Title II of the Americans with Disabilities Act, 42 U.S.C. §§12131-12134 (ADA), and the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*

During the course of the investigation, FHEO conducted multiple on-site reviews and found accessibility violations. On January 12, 2012, FHEO issued to the City a Letter of Findings of Noncompliance (LOF) with Section 504 and the ADA. As the VCA states, HUD also became aware of certain violations of the Fair Housing Act's requirements that developments built for first occupancy after March 13, 1991 be designed and constructed to be accessible to individuals with disabilities. Since these findings were made, HUD sought the City's voluntary compliance to resolve the noncompliance.

FHEO conducted a subsequent on-site review of the City's affordable housing program in June 2017, as the prior findings had not yet been resolved. On April 1, 2019, FHEO issued to the City a Supplemental Letter of Findings of Noncompliance with Section 504 and the ADA. Through these reviews, FHEO informed the City of its findings of physical accessibility violations at the one hundred and twenty housing developments in the City's affordable housing program surveyed by the government.

HUD and the City reached an agreement to resolve these findings on August 2, 2019 and executed a Voluntary Compliance Agreement (VCA).

Summary of the Voluntary Compliance Agreement

Implementation of the VCA by the City of Los Angeles will resolve the findings made by FHEO in 2012 and 2019. The VCA sets out a process and time frame for the City to come into compliance that includes HUD oversight and monitoring throughout the term of the agreement. The VCA requires the City to:

- Provide 15% accessible housing units in new and rehabilitated developments: 11% mobility accessible units and 4% sensory accessible units;
- Retrofit 3,100 units in existing housing developments to ensure that the City's affordable housing program provides individuals with disabilities a choice of geographic locations where they may live as well as a range of unit sizes and amenities, which will ensure that individuals with disabilities are not limited to living in a small number of buildings or locations around the City;
- Implement a new "Enhanced Accessibility Program" to provide "super-accessible" units in any competitive funding program for developers of affordable housing in the City, including HOME Investment Partnership and Nine Percent (9%) Low Income Housing Tax Credit funding;
 - Developers that submit applications for these competitively awarded funding programs administered by the City will receive a minimum of ten percent (10%) bonus in allocation points awarded on their application for participating in the Enhanced Accessibility Program;

- Incorporating the accessibility features from the Enhanced Accessibility Program into affordable housing developments throughout the City will result in less cost while ensuring greater accessibility;
- The accessibility features in the Enhanced Accessibility Program exceed the requirements of federal and state law or provide alternative features to increase accessibility;
- Retain a neutral accessibility consultant that will assist in identifying units for retrofits, developing the plan for retrofits, and will verify that any retrofits and all future housing developments comply with the federal accessibility standards;
- Develop and implement policies relating to Affirmative Marketing, Admissions and Tenanting Procedures, Reasonable Accommodations, Effective Communications, and Transfers, to ensure that individuals with disabilities are given access to designated accessible housing units with the features that they need;
- Implement an “Architects and Developers Training Program” to provide a comprehensive, two-day seminar on federal accessibility standards, the Enhanced Accessibility Program, instructions on conducting an on-site survey, and a written exam; and
- Ensure that its websites and digital communications are accessible to and provide effective communication with persons with disabilities by, among others, conforming to digital accessibility standards, such as the Web Content Accessibility Guidelines (WCAG) 2.0 AA.

Questions and Answers about HUD’s VCA with the City of Los Angeles

Question: What were HUD’s findings of noncompliance with Section 504 and the ADA against the City of Los Angeles?

HUD’s findings are detailed in its 2012 LOF and its 2019 Supplemental LOF. Read the [2019 Supplemental LOF](#).

Question: Why did HUD need to enter into the VCA when there is a Private Settlement Agreement that resolves similar issues with the City?

HUD’s VCA requires additional commitments from the City than the agreement that was reached between the City and private litigants. HUD must ensure that any resolution of noncompliance with federal accessibility requirements results in fixing the violations and ensuring compliance going forward. HUD’s VCA expands the City’s commitments under the agreement reached with private litigants by requiring the City to, for example:

- Retrofit 3,100 existing housing units in its affordable housing program, which will result in accessible units becoming available to individuals more quickly than newly developed housing and will provide accessible housing in more geographic locations;

- Develop future affordable housing in a manner that includes a higher percentage of designated accessible housing units during the 10-year term of the agreement;
- Ensure that if the City is unable to produce 3,100 accessible units through retrofits during the term of the agreement, that the City will provide additional accessible units through the development of new affordable housing, resulting in a larger total number of accessible housing units to be provided under this agreement.

In addition, because HUD is required to monitor its grantees, the VCA provides mechanisms for the City to report its progress of the implementation of the agreement to the Department and creates a partnership between the City and HUD to resolve issues that may arise. For example, if the City is unable to obtain the cooperation and compliance of one of its subrecipients, the City may refer the subrecipient to HUD for enforcement.

Question: How many designated accessible housing units will be created in the City of Los Angeles under this VCA?

The City of Los Angeles is required to provide at least 4,031 accessible housing units, 3,100 of which must be provided through retrofits to existing housing developments. However, the agreement may result in far more accessible housing units, depending on the City’s progress over the term of the agreement, since 15% of all newly constructed and rehabilitated housing must also be made accessible.

Question: How much will the implementation of this VCA cost the City of Los Angeles?

Under the VCA, the City has committed to provide the funding that is necessary to implement the agreement.

Question: How big is the City of Los Angeles’s affordable housing portfolio?

More than 800 multifamily housing developments are affected by the VCA. Many of these developments are identified in Appendices 1 and 2 to the VCA. Because the City continues to develop affordable housing, given the critical need for such housing, the portfolio is continuing to grow.

Question: What types of accessibility features are part of the Enhanced Accessibility Program?

The “Enhanced Accessibility Program,” which is detailed in Appendix 5 of the VCA, consists of both required features for developers to include as part of their applications for competitive funding from the City, as well as optional features of which at least five must be selected to be considered for funding. Examples of the types of features include:

- Residential grade power operated manual door for designated mobility units, with an automatic push plate button or keyless proximity-based entry and exit, while ensuring security measures are in place for the unit.

- In designated accessible units provide either motion activated light switches with “touch pad” or “rocker-pad” override options, except in unit bathrooms, or provide “rocker-pad” switches.
- In all designated accessible units, in kitchens and bathrooms, provide full extension pull-out drawers, shelves, and racks in all base cabinets, instead of swing-open doors.
- In all designated accessible units provide pantry storage with pull-out, adjustable height shelves.
- In designated accessible units, provide adjustable height closet rods and shelves in all closets. Rods and shelves will be adjusted to meet the needs of the resident.
- Provide accessible trash disposal options at all trash disposal sites throughout the development by providing power or (in the case of fire doors) manually operated door openers and closers that allow for five pounds maximum force.
- The design of designated mobility units will ensure that ceilings are properly reinforced such that a track and harness system could be installed as a reasonable accommodation. Following sound building practices, generally nothing additional is required to ensure the potential for installation.
- In designated mobility units, provide open concept floor plans that maximize space utilization for or overlap of kitchen, dining, and living room spaces. Such spaces may have features to close them off for privacy, e.g., pocket or sliding doors, with accessible hardware. Bedrooms and bathrooms will always have doors.
- For 50% of designated mobility units in developments that consist of studios/efficiencies, or 1-bedrooms, provide roll-in showers. For designated mobility units that have more than 1 full bathroom, provide at least one roll-in shower in the unit.
- Ensure visible alarms are installed along with the audible fire alarm system throughout the development, including all units, consistent with 2010 ADA Standards 215 and 702.
- Install accessible in-home controls (e.g., thermostat, lighting, etc.).
- In designated mobility units, provide single-lever faucets with touch or motion sense water controls at all sinks and lavatories.

Question: What if I live in one of the developments in the City’s affordable housing portfolio and I need a designated accessible housing unit, but do not currently have one?

Under the agreement, the City will work with property owners and managers to adopt tenancing, transfer, and other policies to ensure that tenants and applicants with disabilities

are matched with units that meet their accessibility needs. An individual may also request a reasonable accommodation or move into another unit. Certain developments will also be retrofitted to include accessible housing units, and new affordable housing developments will also be produced.

Question: How will the City of Los Angeles make sure that individuals with disabilities who need the features of a designated accessible unit have access to such units?

The VCA requires the City to implement policies relating to Section 504, the ADA, and the Fair Housing Act, which include how the City will appropriately match tenants and prospective tenants with disabilities to units with the accessibility features they need.

Question: How will HUD ensure that retrofits and future affordable housing in the City of Los Angeles' program comply with the federal accessibility standards?

HUD will review and approve the City's Accessible Housing Unit Plan and all survey tools, checklists, and protocols developed by the City's neutral accessibility consultant (NAC) to be used for on-site surveys of existing developments and for future developments to ensure consistency with the federal accessibility standards. In order to qualify as an accessible housing unit, a unit must receive NAC verification and City certification of compliance with federal accessibility standards, including Section 504, ADA, and Fair Housing Act accessibility requirements. HUD will conduct monitoring and review the City's reporting requirements to ensure benchmarks are being met through the City's Accessible Housing Unit Plan, as well as with all policies and procedures and other requirements under the VCA.