

TRANSMITTAL

To: **THE COUNCIL**

Date: **05/24/24**

From: **THE MAYOR**

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.

A handwritten signature in black ink, appearing to read 'Carolyn Webb de Macias', is centered on the page.

(Carolyn Webb de Macias for)

KAREN BASS

Mayor

Ann Sewill, General Manager
Tricia Keane, Executive Officer

Daniel Huynh, Assistant General Manager
Anna E. Ortega, Assistant General Manager
Luz C. Santiago, Assistant General Manager

City of Los Angeles



Karen Bass, Mayor

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May 16, 2024

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Honorable Karen Bass
Mayor, City of Los Angeles
Room 303, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Attention: Helen Ramirez, Legislative Coordinator

COUNCIL TRANSMITTAL: REQUEST AUTHORITY TO ENTER INTO LOAN AND REGULATORY AGREEMENTS TO FINANCE ACCESSIBILITY RETROFITS OF EXISTING AFFORDABLE HOUSING DEVELOPMENTS IN ACCORDANCE WITH THE AMENDED CORRECTED SETTLEMENT AGREEMENT WITH THE INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, ET. AL. AND VOLUNTARY COMPLIANCE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUMMARY

The General Manager of the Los Angeles Housing Department (LAHD) respectfully requests that your office review and approve this transmittal and forward it to the City Council for further consideration. Through this transmittal, LAHD requests approval to make loans to the projects described below in order to finance accessibility retrofits for existing affordable housing developments pursuant to both the Amended Corrected Settlement Agreement (ACSA) entered into with the Independent Living Center of Southern California (ILCSC), et al., and the Voluntary Compliance Agreement (VCA) entered into with the U.S. Department of Housing and Urban Development (HUD). Both the ACSA and VCA require that the City produce a specified number of certified accessible housing units and anticipate that some portion of those units will be provided through the accessibility retrofit of existing housing developments in LAHD's portfolio of financed affordable housing. The ACSA requires a total of 4,000 accessible units, and the VCA requires a total of 4,031 accessible units. The VCA further requires that 3,100 of the 4,031 units be provided through retrofitting existing covered housing developments. Both agreements require that the City provide funding to facilitate the production of accessible units, including through funding retrofitting activities. Therefore, LAHD requests authority to finance accessibility retrofitting activities for four existing affordable housing developments commonly referred to as: (1)

Pico Robertson Senior Community, (2) Paul Williams Apartments, (3) PATH Metro Villas II, and (4) New Harvest at Jordan Downs.

RECOMMENDATIONS

- I. That the Mayor review this transmittal and forward to the City Council for further action;
- II. That the City Council, subject to the approval of the Mayor:
 - A. AUTHORIZE the General Manager of the Los Angeles Housing Department (LAHD), or designee, subject to the review and approval of the City Attorney as to form, to negotiate and execute accessibility retrofit Loan and Regulatory Agreements with the legal owner of each project and in the amounts identified in Table 1;
 - B. AUTHORIZE the General Manager of LAHD, or designee, subject to the review and approval of the City Attorney as to form, to execute subordination agreements of the financial commitment for each of the projects identified in Table 1, wherein the City's Loan and Regulatory Agreements are subordinated to their respective conventional or municipally funded loans; as required;
 - C. AUTHORIZE the Controller to transfer appropriations in the amount of \$6,000,000 from the Unappropriated Balance Fund No. 100/58, Account No. 580238-Accessible Housing Program Retrofit Contracts, to the Accessible Housing Fund No. 10D/43, appropriation account 43Y698-Retrofit.
 - D. AUTHORIZE the General Manager of LAHD, or designee to:
 - i. Obligate funds for the projects in amounts not to exceed those listed below:

TABLE 1 - Project Retrofit Funding Obligations			
Owner	Fund Name / No	Appr Acct / Name	Amount
Mercy Housing California 73, L.P.	Accessible Housing Fund / 10D	43Y698 / Retrofit	\$2,535,000
Paul Williams Apartments, L.P.	Accessible Housing Fund / 10D	43Y698 / Retrofit	\$1,490,000
Metro Villas Phase 2 Los Angeles, L.P.	Accessible Housing Fund / 10D	43Y698 / Retrofit	\$2,100,000
Jordan Downs Phase 1B, L.P.	Accessible Housing Fund / 10D	43Y698 / Retrofit	\$2,000,000

- E. AUTHORIZE the General Manager of LAHD, or designee, to prepare Controller's Instructions and any necessary technical adjustments consistent with Mayor and City Council actions, subject to the approval of the City Administrative Officer (CAO), and instruct the Controller to implement the instructions.

BACKGROUND

The Accessible Housing Program (AcHP) ensures that multifamily affordable housing developed with assistance from the City and/or the former Community Redevelopment Agency of the City of Los Angeles (CRA/LA) is

accessible to people with disabilities. This program was established to ensure the City's compliance with and implementation of the Amended Corrected Settlement Agreement (ACSA), entered into on September 5, 2016, with Independent Living Center of Southern California (ILCSC), et. al. Under the ACSA, the City must provide 4,000 accessible units. As such, AcHP is responsible for surveying previously constructed multifamily affordable housing developments to identify deficiencies and retrofitting them where feasible; accelerating the construction of new and substantially rehabilitated affordable accessible units by requiring 11% mobility and 4% hearing/vision accessible units; and by requiring all developments to adopt, implement, and maintain compliance with consistent rental management policies that address fair housing for people with disabilities. AcHP actively monitors each development's compliance with these policies and applicable accessibility requirements on a quarterly basis. AcHP also monitors compliance with the design and construction of covered housing projects to ensure that they are designed and built to applicable accessibility standards.

Also in response to concerns about the accessibility of the City's affordable housing program, the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO) initiated a compliance review investigation in 2011 under its fair housing and civil rights laws. During the course of the investigation, the FHEO conducted multiple on-site reviews of existing housing developments supported with federal funding and identified conditions that were not fully compliant with all applicable accessibility standards. On August 2, 2019, HUD and the City reached an agreement to resolve these findings resulting in a Voluntary Compliance Agreement (VCA) with a term of 10 years. The HUD/FHEO settlement with the City, concurrently with the ACSA, intends to provide accessibility improvements for persons with disabilities across the affordable multifamily housing program by adding guidelines that the City must uphold. However, the VCA has additional actions and requirements beyond those required under the ACSA. Under the VCA, the City must create 4,031 accessible units, and unlike under the ACSA, the VCA specifically requires that 3,100 of the accessible units must be provided through retrofitting existing developments. Failure to satisfy the VCA's obligations by the expiration of the agreement's term in 2029 could result in a penalty assessment requiring additional accessible units.

To date, 1,026 units of affordable housing have been certified as accessible. In addition, approximately 1,750 accessible units are currently in construction or pre-development financing stages of LAHD's affordable housing development pipeline. The units currently in process are expected to be completed by the end of 2026.

ACCESSIBILITY RETROFIT OF EXISTING AFFORDABLE HOUSING DEVELOPMENTS

Both the ACSA and VCA allow for the retrofitting of existing affordable housing developments for accessibility as a means by which the City will achieve the 4,031 accessible housing units required by the settlement agreements. In accordance with the settlement agreements, LAHD worked with the private plaintiffs representing the disability community and Evan Terry Associates (ETA), which serves as the City's required Neutral Accessibility Consultant (NAC), to develop the Accessible Housing Unit Plan (AHUP). The AHUP is intended to guide the process of identifying existing developments for accessibility retrofit to ensure geographic distribution of accessible units throughout the City, in a range of unit sizes, and to maximize affordability and access to public transportation and other amenities, in a cost effective and efficient manner. While the AHUP prioritizes the surveying of newer developments for accessibility retrofit ahead of older developments, it also

recognizes the opportunity to leverage other capital investments planned for older developments to facilitate retrofitting units in older buildings.

The process for retrofitting an existing development for accessibility begins with the City's NAC reviewing existing building plans and performing a detailed on-site accessibility survey (inspection) of the property to determine what barriers to accessibility exist that must be remediated to meet applicable accessibility standards. The inspection includes all exterior and interior public spaces, including paths of travel, parking, stairs, and community spaces. In addition, all accessible units are inspected for accessibility, and non-accessible units are inspected for adaptability in compliance with the Fair Housing Act (FHA) and the California Building Code as applicable. Based upon the inspection, the NAC prepares a detailed Architectural Accessibility Conditions Report (NAC Report) identifying barriers to accessibility that must be addressed at the development in order to achieve accessibility certification under the ACSA and VCA. Based upon the content of the NAC Report, the property owner works with its contractor to develop a scope of work and cost estimate to complete the accessibility retrofit. AcHP construction staff reviews the scope of work and cost estimate for cost reasonableness and to ensure that all of the accessibility requirements are addressed.

The accessibility retrofits will entail construction work to be performed at occupied housing developments. Property ownership and management will need to coordinate with their contractor and construction crews to minimize disruptions to building operations and tenants. To incentivize property owners to complete the accessibility retrofits, LAHD will offer favorable financing terms. To finance the accessibility retrofits, LAHD will offer no-interest, deferred repayment loans. Loans will be due and payable in full at the same time as existing LAHD or other public financing on the property. Loans will also be subordinate to other existing project financing and be secured by a Deed of Trust recorded on the property title.

Pico Robertson Senior Community, Paul Williams Apartments, PATH Metro Villas II, and New Harvest at Jordan Downs are the next developments to complete the process to be ready to perform accessibility retrofits. LAHD is requesting authority to provide loans totalling up to \$8,125,000 to support the required retrofit work on these sites. The work funded pursuant to this request will result in the remediation of 346 total units and all common areas of the four housing developments. This will result in the certification of 59 accessible units, 196 adaptable units that can be easily converted to provide accessibility if requested by a tenant, and 91 conventional units. This will also result in common areas, community rooms, paths of travel, parking, and similar development-wide facilities being brought into compliance with accessibility standards. The accessibility improvements cost approximately \$23,500 per unit averaged across the four developments. While it is generally more efficient and cost effective to ensure accessibility compliance is met during initial construction, because of changes in the HUD and Court-approved certification process, these projects were not able to be certified prior to their initial completion. Therefore, the requested amount will allow for certification of these projects and will enable the City to count the accessible units towards the City's settlement obligations.

PICO ROBERTSON SENIOR COMMUNITY

The Pico Robertson Senior Community (Pico Robertson) is a 48-unit housing development located at 8862 W. Pico Boulevard in Los Angeles that is affordable to lower-income households earning at or below 60% of Area Median Income (AMI). In 2017, LAHD provided financing totaling \$2,789,400 to Mercy Housing California to

develop the project. Although the development was completed and occupied in 2021, the project was not certified as meeting accessibility requirements due to changes in the HUD and Court-approved certification process.

In 2021, ETA performed an accessibility survey of Pico Roberston and prepared a NAC Report identifying barriers to accessibility needing to be addressed to achieve certification as required by the ACSA and VCA. The NAC Report identified accessibility barriers in public and community areas, such as narrow access isles and insufficient vertical clearance at accessible parking spaces, walkways and/or hallways with missing railings or handrails, public area exterior door closing speeds that are too fast, noncompliant and inconsistent height, depth, and slope of stairways and railings, out of reach storage space, and missing and improperly installed signage. In addition, within dwelling units, including within both adaptable units and designated accessible units, kitchens sinks do not provide sufficient knee and toe clearance, lavatories have improperly installed grab bars, and front doors require too much force to open.

The estimated budget for the scope of work to address the accessibility barriers at the Pico Robertson is \$2,535,000. This estimate includes all hard construction costs, architectural and other fees for review, reports, and monitoring by required Certified Accessibility Specialists (CASps), as well as insurance, and other related and soft costs and contingencies and temporary short-term relocation as necessary. Upon completion of the accessibility retrofit, the Pico Robertson apartments will be a fully accessible, 48-unit affordable housing development, including eight mobility units, three communication units, and 37 adaptable units, with accessible paths, community, and common areas. These 11 accessible units, including the mobility and communications units, will count towards the City's obligations under both the ACSA and the VCA.

PAUL WILLIAMS APARTMENTS

The Paul Williams Apartments is a 41-unit housing development located at 1010 E. Jefferson Boulevard in Los Angeles that is affordable to lower-income households earning at or below 50% of Area Median Income (AMI). Beginning in 2015, LAHD provided financing totaling \$5,920,436 to Hollywood Community Housing Corporation (HCHC) to develop the project. Although the development was completed and occupied in 2019, the project was not certified as meeting accessibility requirements due to changes in the HUD and Court-approved certification process.

In 2022, ETA performed an accessibility survey of Paul Williams Apartments and prepared a NAC Report identifying barriers to accessibility needing to be addressed to achieve certification as required by the ACSA and VCA. The NAC Report identified accessibility barriers in public and community areas, such as gates and doors that require too much force to open or close too quickly, accessible routes that are too narrow or have protruding objects, missing or incorrectly installed signage, doors with insufficient width or maneuvering clearance, and out of reach storage space. In addition, within dwelling units, some kitchens do not provide sufficient storage or shelf space within the reach range of someone with a disability and do not provide required knee/toe clearance at sinks. Additionally, some electrical receptacles and switches in the units are out of reach range, and pipes are not properly insulated in lavatories.

The estimated budget for the scope of work to address the accessibility barriers at the Paul Williams Apartments is \$1,490,000. This estimate includes all hard construction costs, architectural and other fees for review, reports,

and monitoring by required Certified Accessibility Specialists (CASps), as well as insurance, and other related and soft costs and contingencies, and temporary short term relocation as necessary. Upon completion of the accessibility retrofit, the Paul Williams Apartments will be a fully accessible, 41-unit affordable housing development, including five mobility units, three communication units, 33 adaptable units, with accessible paths, community, and common areas. These eight accessible units, including the mobility and communications units, will count towards the City's obligations under both the ACSA and the VCA.

PATH METRO VILLAS II

The PATH Metro Villas II Apartments is a 122-unit housing development located at 320 N. Madison Avenue in Los Angeles that is affordable to lower-income households earning at or below 60% of Area Median Income (AMI). In 2017, LAHD provided financing totaling \$7,713,721 to PATH Ventures (PATH) to develop the project. Although the development was completed and occupied in 2020, the project was not certified as meeting accessibility requirements due to changes in the HUD and Court-approved certification process.

In 2021, ETA performed an accessibility survey of PATH Metro Villas II Apartments and prepared a NAC Report identifying barriers to accessibility needing to be addressed to achieve certification as required by the ACSA and VCA. The NAC Report identified accessibility barriers in public and community areas, such as doors with excessive slope in door maneuvering areas or that require too much force to open or close too quickly, stairs with noncompliant and inconsistent height, depth, and slope of stair treads, risers and hand railings, ramps with excessive slope, and insufficient storage shelf space within reach range in the community kitchen. In addition, within dwelling units, including within both adaptable units and designated mobility units, entrance doors require too much force to open or close too quickly, kitchens do not provide sufficient knee/toe clearance or storage shelf space within reach range, bathtub controls and grab bars are not properly mounted, electrical switches are out of reach range, and drain pipes are not properly insulated.

The estimated budget for the scope of work to address the accessibility barriers at the PATH Metro Villas II Apartments is \$2,100,000. This estimate includes all hard construction costs, architectural and other fees for review, reports, and monitoring by required Certified Accessibility Specialists (CASps), as well as insurance, and other related and soft costs and contingencies and temporary short term relocation as necessary. Upon completion of the accessibility retrofit, the PATH Metro Villas II Apartments will be a fully accessible, 122-unit affordable housing development, including 13 mobility units, five communication units, 104 adaptable units, with accessible paths, community, and common areas. These 18 accessible units, including the mobility and communications units, will count towards the City's obligations under both the ACSA and the VCA.

NEW HARVEST AT JORDAN DOWNS

New Harvest at Jordan Downs (New Harvest) is a 135-unit affordable housing development located at 2060-2390 E. Century Boulevard in Los Angeles that is affordable to lower-income households earning at or below 50% of AMI. In 2018, LAHD provided bond financing totaling \$32,650,000 to The Michaels Development Company to develop the project. Although the development was completed and occupied in 2020, the project was not certified as meeting accessibility requirements due to changes in the HUD and Court-approved certification process.

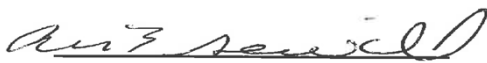
In 2021, ETA performed an accessibility survey of New Harvest and prepared a NAC report identifying barriers to accessibility needing to be addressed at the development in order to achieve accessibility certification required by the ACSA and VCA. The NAC report identified accessibility barriers in public areas, such as loose and deteriorated asphalt in parking areas and fire extinguishers not located on accessible routes. Stairs leading to some units have inconsistent riser and tread lengths and slopes and railing heights. Within dwelling units, including accessible and adaptable units, there is insufficient accessible kitchen storage and shelf space, shower diverters are not properly located, and sinks and countertops are not repositionable in adaptable units.

The estimated budget for the scope of work to address the accessibility barriers at New Harvest is \$2,000,000. This estimate includes all hard construction costs, architectural and other fees for review, reports, and monitoring by required Certified Accessibility Specialists (CASps), as well as insurance, and other related and soft costs and contingencies and temporary short term relocation as necessary. Upon completion of the accessibility retrofit, New Harvest will be a fully accessible, 135-unit affordable housing development, including 16 mobility units, six communication units, 22 adaptable units, and 91 conventional units with accessible paths, community, and common areas. These 22 accessible units, including the mobility and communications units, will count towards the City's obligations under both the ACSA and the VCA.

FISCAL IMPACT

Funding for the accessibility retrofit program has already been allocated to AcHP as part of LAHD's approved budget for Fiscal Year 2023-2024. AcHP is funded by the General Fund, and is ineligible for federal funds as required in both the ACSA and VCA.

Approved By:



ANN SEWILL
General Manager
Los Angeles Housing Department