



## Reasonable Accommodation

The Housing Authority of the City of Los Angeles (HACLA) strives to provide equal opportunity for all individuals to participate in and benefit from its programs in compliance with state and federal fair housing laws. An individual with a physical or mental disability may request a change, exception, or adjustment to a HACLA rule, policy, service, or modification to a dwelling unit or common space also known as a "Reasonable Accommodation" to obtain equal access to the HACLA programs.

### What is a "reasonable accommodation" for purposes of the federal Fair Housing Act?

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.

The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

### Reasonable Accommodation Request

The HACLA will give equal consideration to a reasonable accommodation request even if it is made orally or in writing on other than HACLA's standard forms. A family may request a reasonable accommodation at any time from their Housing Authority worker.

### Examples of Reasonable Accommodations

The following are examples of reasonable accommodations; it is not intended to be an exclusive list.

- A. If a person with disabilities is unable to come to the office due to a disability, a HACLA staff member may upon the family's request:
  1. Re-schedule the interview to accommodate the family's needs;
  2. Conduct the interview by phone and mail the documents to the family for signature(s); or
  3. Schedule a non-office visit (e.g. visit at home or nursing home).
- B. If a person with disabilities has difficulty understanding or filling out forms, the HACLA staff shall assist the individual if requested and advise the person with disabilities that he or she may bring someone with him or her to assist with the interview.
- C. If a person with disabilities has a hearing impairment, the HACLA shall provide a Sign Language Interpreter if requested five (5) working days in advance.
- D. If a person with disabilities has a vision impairment, if requested, the HACLA staff shall:
  1. Assist as a reader in completing forms;
  2. Permit the interview to be recorded;
  3. Allow the individual to bring someone to assist him/her; or
  4. Provide alternate format materials, such as large print documents.
- E. Provide access in public areas for service/assistance animals as well as necessary medical devices.

**The Housing Authority will be closed on:**  
Monday, May 25th in observance of Memorial Day

## Reasonable Accommodation

### For Section 8 Only

- F. Reissue a voucher so that the family can locate a unit that has necessary accessibility features.
- G. Extend the voucher search time so the family can locate a unit with necessary accessible features.
- H. Provide a larger subsidy size in order to rent a larger bedroom size unit to accommodate special needs such as a live-in aide or large medical equipment.
- I. Provide an exception to the Fair Market Rents or Voucher Payment Standards to allow the family to rent a unit accessible to the family.
- J. Provide an exception to the “renting to relatives rule”.

### For Public Housing Only

- K. Provide time and/or assistance for HACLA unit preparation for pest control treatment.
- L. Make physical modifications that are reasonable to units and common area.
- M. Modifications to dwelling units and common areas. Examples of unit modifications include but are not limited to:
  1. A unit equipped with a smoke alarm and/or other amenities such as a flashing doorbell designed for persons with a hearing impairment.
  2. Grab bars, handrails, or lever handles instead of knobs at doors and sinks.
  3. If a public housing household has a member with disabilities that needs a reasonable accommodation, and the current unit cannot be reasonably modified, the resident will be offered a transfer to a suitable unit in accordance with the transfer procedure outlined in the HACLA’s Admissions and Continuing Occupancy Policy.
- N. Allow for necessary service or assistance animals in accordance to HACLA policy.

### Interactive Process

Staff will engage in discussion with the family to determine what policy exception or reasonable accommodation is being requested and to identify acceptable alternative accommodations if necessary. For the Section 8 program only, if the owner refuses to allow a reasonable accommodation, the Advisor or Ombudsperson will provide the family information on how to file a housing discrimination complaint and/or refer the participant to HUD, DFEH, or a Fair Housing agency to make a complaint.

### Response to Requests

The HACLA will promptly respond in writing to a request for a reasonable accommodation or consideration of mitigating circumstances with a decision or a request for additional information not to exceed 30 calendar days from receipt of the request.

If the request is denied the family has 30 calendar days from the date of the denial to submit an appeal to the HACLA. Additional time may be provided if due to the disability, the family is not able to respond within the timeframe.

1. The first step is an Appeal to the Department Director or his/her designee.
2. The final step is a Grievance to the Accessibility Coordinator.

**If you believe that you have experienced discrimination in a Housing Authority program due to a disability, complete and submit a HACLA Reasonable Accommodation or Disability Discrimination Grievance form (S504-08). Denial of a reasonable accommodation request does not necessarily constitute discrimination.**

For more information about the reasonable accommodation process, please contact:

**Accessibility (Section 504) Coordinator**

Housing Authority of the City of Los Angeles

2600 Wilshire Boulevard, 3rd Floor, Los Angeles, CA 90057

Telephone: (213) 252-1879 TTY: (213) 252- 5313; E-mail: [coordinator@hacla.org](mailto:coordinator@hacla.org)

## Tenant Protection Act of 2019 (Assembly Bill No. 1482)

Effective January 1, 2020, California Law (Assembly Bill No. 1482 “Tenant Protection Act of 2019”), limits rent increases over the course of any 12-month period to 5% plus the percentage change in the cost of living or 10% whichever is lower. The Housing Authority has determined that the Tenant Protection Act of 2019 does apply to units that receive tenant based rental assistance.

This provision applies to all residential real properties **not** covered under the City’s Rent Stabilization Ordinance (RSO) with a certificate of occupancy issued more than 15 (fifteen) years ago, and not otherwise subject to a specified exemption.

The Housing Authority will apply these provisions using a rent cap equal to 8.3% (5% plus 3.3% Consumer Price Index (CPI) April 2018 - April 2019) for assisted units with a certificate of occupancy issued before December 31, 2004, unless the assisted unit is subject to a specified exemption or the City’s RSO. For assisted units built on January 1, 2005 or later, the rent cap provisions will apply on a continuous 15-year rolling basis.

For rent increases processed between March 15, 2019 and December 31, 2019 where the approved contract rent exceeded the maximum rent cap set a 8.3%, Section 8 Advisors must conduct an interim reexamination effective January 1, 2020. The revised contract rent will be the contract rent as of March 15, 2019, plus the maximum allowable 8.3% rent increase. The landlord is not liable to the Housing Authority or tenant for any rent overpayment made between March 15, 2019 and December 31, 2019.

If applicable, once revised rent calculations are completed:

- The Housing Authority will recapture any HAP overpayment made to the landlord on or after January 1, 2020.
- The owner must return any rent overpayment made by the tenant since January 1, 2020.

Some properties may be exempt from this law, for example single family residences, some condominiums, and duplexes (where owner occupies one of the units as their principal residence), unless it is owned by a corporation, a limited liability company that includes at least one member that is a corporation, or a real estate investment trust and notice is provided to the tenant that the unit is exempt. Some duplexes may also be exempt.

In these circumstances, the Housing Authority will rely on the landlord to provide the Housing Authority with a copy of the written notice sent to the tenant indicating that the property is exempt. The burden of proof falls on the landlord.

The Tenant Protection Act of 2019 will remain in effect until January 1, 2030.

**This Tenant Newsletter supersedes the February 2020 Tenant Newsletter.**

### Stay Informed

S8 strongly encourages you to be informed about any updates on policies and procedures that may impact your S8 assistance. **Provide your e-mail address** to your Advisor. This will give you a faster way to be informed about any HACLA news. Your e-mail address will be maintained as confidential information, it will be used for S8 communications only and it will not be disclosed to third parties. The objective of providing your e-mail address is to facilitate contact by the HACLA with participant families.

**You will need to have an email address to be able to complete your annual reexamination online.**

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## Source of Income/Section 8 Protections

“Source of Income” (SOI) laws protect the rights of tenants to use income from public assistance, or other sources that may be viewed as non-traditional to pay rent. Housing providers cannot lawfully reject rental applicants because they receive, or will receive, assistance in paying their rent when they are otherwise qualified for the housing. Housing providers must include all sources of lawful income in determining whether a rental applicant is able to pay the rent.

Lawful sources of income include regular paychecks, social security, supplemental security income (SSI), disability income, CalWORKs, child support, spousal support, public assistance, savings, unemployment benefits or wages from lawful employment.

The City of Los Angeles includes Section 8 in its source of income protection laws. It is illegal for a housing provider to deny a rental applicant because the applicant has a Section 8 voucher. It is also illegal for the housing provider to deny a current tenant’s request to use a Section 8 voucher to pay for the rent.

Property owners may screen and reject any applicant, including those with a Section 8 voucher, for past conduct and ability to pay rent, as long as the screening is applied equally to all applicants.

## Eviction and Rent Moratorium

The following information relates to recent emergency orders taken by local, state, and Federal officials in response to the COVID-19 pandemic. This information is provided for your reference only. If you have any questions, please seek legal assistance from counsel.

- On March 23rd the Los Angeles Mayor Garcetti issued a temporary moratorium on evictions for non-payment of rent for tenants who are unable to pay rent due to circumstances related to the COVID-19 pandemic.
- On March 30th, the Mayor halted rent increases on occupied rental units that are subject to the City’s Rent Stabilization Ordinance (RSO).

## HACLA Operations During COVID-19

Effective 3/12/2020, the HACLA offices are closed to walk-in traffic until further notice to protect our clients and staff. We will be conducting all business by email, phone or mail, including annual reexaminations. All other appointments/meetings, informal hearings, and annual inspections are suspended, and all initial and complaint inspections are now processed through landlord self-certification.

## Loss of Income Due to COVID-19

In response to the COVID-19 Emergency, S8 Advisors will conduct streamlined interim reexaminations to verify only your reported income changes to adjust your tenant rent portion due to loss or decrease of income. If there is any missing documentation or clarification is required, S8 Advisors will contact you via phone or email.

The streamline interim reexamination process allows self-certification of income changes over the phone or through email, if you do not have the documents available.



Tenant Newsletter is available online: <http://www.hacla.org/s8formspolicies>