

The City of Los Angeles is currently facing an extreme affordable housing shortage, and even more so for the physically and developmentally disabled population.

Summary

The city is currently under a Voluntary Compliance Agreement (VCA) with the Department of Housing and Urban Development (HUD) finalized in 2019. Under the agreement in Section III. REMEDIAL ACTIONS, part C. Requirements for Existing Housing Developments, number 15, the city is required to “retrofit Three Thousand One Hundred (3,100) existing affordable housing units, with Two Thousand Two Hundred and Fifteen (2,215) Housing Units with Mobility Features and Eight Hundred and Eighty Five (885) Housing Units with Hearing/Vision Features.” With the construction of new affordable housing units, the agreement under the section mentioned requires that “fifteen (15%) percent of all Housing Units in Future Housing Developments, Housing Developments Currently Under Construction, and Housing Developments Subject to Substantial Alterations are Accessible Housing Unit with 11% Housing Units with Mobility Features and 4% Housing Units with Hearing/Vision Features.”^[1] As of July 1, 2020, The HUD VCA agreed to by City of Los Angeles also includes accessibility incentives to affordable housing applicants in the city.^[2]

Under the Los Angeles City Municipal Code Section 12.03, supportive housing is defined as “Housing with no limit on length of stay for persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. The housing is linked to onsite or offsite Supportive Services, and any Floor Area used for the delivery of Supportive Services shall be considered accessory to the residential use.” Under Section 12.03, future supportive housing must be “in perpetuity” (no expiration date on affordability) to comply with addressing the affordable and accessible housing crisis in LA City.^[3]

As stated in the Urgency Clause of LA City ORDINANCE NO. 185489: “A significant portion of people experiencing homelessness in the City of Los Angeles experience multiple health issues, trauma and disability... 19% have a physical disability... Furthermore, approximately 31% of this population are experiencing chronic homelessness.”^[4]

Rationale for additional Housing Goals, Objectives, Policies, and Programs

In the “A Crisis within a Crisis: Housing for Californians with Developmental Disabilities, November 2019” Report, “Less than 16% of adults with developmental disabilities own or rent their own homes, others are unhoused or at risk of losing their housing in the near future. This creates a large population that is vulnerable to displacement or homelessness. A single event — such as the death of a parent or guardian, closure of a group home, or eviction because of behavioral issues in unsupportive housing — could leave them with nowhere to go. They are the only population for whom independent, community-based housing can be required to receive vital services.”^[5] According to the June 2021 data by the California Department of Developmental Services, there are currently 45,657 clients of all ages receiving services in LA City, of which 37,600 of them reside in their parent’s and/or guardian’s house. Only 2,788 of them are living independently with supportive living.^[6]

Under the Lanterman Act, section 4501: “The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors, and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance.”

“An array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life and to support their integration into the mainstream life of the community. To the maximum extent feasible, services and supports should be available throughout the state to prevent the dislocation of persons with developmental disabilities from their home communities.”

“Services and supports should be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age. Consumers of services and supports, and where appropriate, their parents, legal guardian, or conservator, should be empowered to make choices in all life areas. These include promoting opportunities for individuals with developmental disabilities to be integrated into the mainstream of life in their home communities, including supported living and other appropriate community living arrangements. In providing these services, consumers and their families, when appropriate, should participate in decisions affecting their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way in which they spend their time, including education, employment, and leisure, the pursuit of their own personal future, and program planning and implementation. The contributions made by parents and family members in support of their children and relatives with developmental disabilities are important and those relationships should also be respected and fostered, to the maximum extent feasible, so that consumers and their families can build circles of support within the community.”

“The Legislature finds that the mere existence or the delivery of services and supports is, in itself, insufficient evidence of program effectiveness. It is the intent of the Legislature that agencies serving persons with developmental disabilities shall produce evidence that their services have resulted in consumer or family empowerment and in more independent, productive, and normal lives for the persons served. It is further the intent of the Legislature that the Department of Developmental Services, through appropriate and regular monitoring activities, ensure that regional centers meet their statutory, regulatory, and contractual obligations in providing services to persons with developmental disabilities. The Legislature declares its intent to monitor program results through continued legislative oversight and review of requests for appropriations to support developmental disabilities programs.”¹⁷

Section 4502 Under the Lanterman Act creates a bill of rights for developmentally disabled individuals:

“(a) Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California. An otherwise qualified person by reason of having a developmental disability shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives public funds.

(b) It is the intent of the Legislature that persons with developmental disabilities shall have rights including, but not limited to, the following:

- (1) *A right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible. Such services shall protect the personal liberty of the individual and shall be provided with the least restrictive conditions necessary to achieve the purposes of the treatment, services, or supports.*
- (2) *A right to dignity, privacy, and humane care. To the maximum extent possible, treatment, services, and supports shall be provided in natural community settings.*
- (3) *A right to participate in an appropriate program of publicly supported education, regardless of degree of disability.*
- (4) *A right to prompt medical care and treatment.*
- (5) *A right to religious freedom and practice.*
- (6) *A right to social interaction and participation in community activities.*
- (7) *A right to physical exercise and recreational opportunities.*
- (8) *A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect.*
- (9) *A right to be free from hazardous procedures.*
- (10) *A right to make choices in their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way they spend their time, including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation.*
- (11) *A right to a prompt investigation of any alleged abuse against them.*^[8]

Addressing this issue therefore requires the use of accessibility standards built into the city code above the current state and federal laws. The nearby City of Long Beach California has such standards built into the city code, but it only applies to single family and duplex dwellings that receive assistance from the city.^[9] Expanding these standards to apply to multi-family, apartments, mixed-used, non-residential developments, and those that do not receive city assistance besides the current dwelling units covered under the code will result in the physically and developmentally disabled population being able to live an independent life in the community of their choosing. Such standards will reinforce the current “Purposeful Aging Los Angeles Initiative.”^[10]

Proposed Options and Recommendations

The proposed 2021-2029 Housing Element for the City of Los Angeles, Chapter 6 Housing Goals, Policies and Objectives is comprehensive, yet the lack of specific language does not address all areas of disability and unintentionally excludes an entire population in the disabled community – those with intellectual and developmental disabilities. This population is served through our Regional Center system created through the Lanterman Act. This population also tends to be last considered (or included, if at all) in any form of policy discussion. It would benefit all to clarify the inclusion of our intellectually and developmentally disabled in the proposed Housing Element by changing the phrasing used throughout “mental and physical disability” to “mental, physical, and developmental disability”. The use of “developmental” covers “intellectual” disabilities as well under the Lanterman Act so that would be appropriate.

It appears in the proposed Housing Element for the City of Los Angeles that the use of the term mental disability is based on Social Security Administration's (SSA) category listing to encompass the developmentally disabled in "mental disorders" when in fact they should be in the "neurological disorder" category. [Social Security Disabling Conditions \(disabilitybenefitscenter.org\)](https://disabilitybenefitscenter.org) Asperger's Syndrome and autism are considered developmental disabilities from birth – organic brain disorders by specialists, yet the SSA has incorrectly included these into "mental" rather than "neurological" disorders. While we cannot change the SSA descriptions, it would be helpful to clarify for inclusiveness throughout the proposed Housing Element, the addition of "developmental" whenever using the phrase "mental and physical disabilities" – changing to "mental, physical and developmental" disabilities.

In addition to that specific change in descriptive language, it would be beneficial to also incorporate wording from the preliminary draft of the County of Los Angeles Housing Element (2021-2029) that includes specific recognition of developmentally disabled similar to their referencing of Regional Center data for their unincorporated areas of Los Angeles.^[1] Regional Centers should be front and center with the needs assessments for the City of Los Angeles yet not mentioned in a meaningful way that shows the true crisis regarding housing for developmentally disabled.

Recommendations

By incorporating "developmentally" disabled throughout the proposed Housing Element for the City of Los Angeles, it will be a truly inclusive document reflecting all residents served by the City. It will be a documented reminder to landlords and builders that this population does not fall through the cracks, but has housing needs that should be accommodated. Flaws of the Lanterman Act's structuring of the Individual Personal Plan (IPP) itself (where housing data is collected) need to be considered. A majority of their clients live in the homes of their parents – never having an opportunity to be independent with supports. Cost, parent fears, and lack of proper supported housing are some reasons. These parents are aging and will need supportive services themselves in the future, making it impossible for them to continue caring for their disabled adult children in their homes. Clients are not asked "Do you feel safe where you live?" "Would you like to live somewhere else?" and other more specific questions regarding their wishes to be living with peers in the community. That is an issue to be addressed at the state level and until it is corrected, we'll never really know the true housing need of disabled individuals.

A highlighted and notated version of Chapter 6 is attached showing the areas that need more inclusive language. It is strongly recommended that such suggestions are considered and incorporated into the proposed Housing Element for the City of Los Angeles.

^[1] <https://lahousing.lacity.org/AAHR/Documents/RequiredPolicies/VCA%20-%20HUD.pdf>

^[2] https://hcidla2.lacity.org/wp-content/uploads/2021/04/Exh_08-AcHP-EAP-NOFA-formv2.pdf

^[3] https://planning.lacity.org/ordinances/docs/InterimMotelConversion/Adopted/17-1432_ORD_185489_04-20-2018.pdf

^[4] https://planning.lacity.org/ordinances/docs/InterimMotelConversion/Adopted/17-1432_ORD_185489_04-20-2018.pdf

[5] <https://www.lantermanhousingalliance.org/research>

[6] Data from <https://www.dds.ca.gov/transparency/facts-stats/> "Quarterly Consumer Report by age group and residence type EXCEL sheet," and filtered to LA City ZIP Codes.

[7] https://www.dds.ca.gov/wp-content/uploads/2021/04/Revised_LantermanAct_Jan2021.pdf

[8] https://www.dds.ca.gov/wp-content/uploads/2021/04/Revised_LantermanAct_Jan2021.pdf

[9] http://longbeach-ca.elaws.us/code/mc_title18_ch18.66_sec18.66.020 and http://longbeach-ca.elaws.us/code/mc_title18_ch18.66_sec18.66.040

[10] <https://www.purposefulagingla.com/>

[11] [Preliminary Draft Housing Element Update](#) Pages 83-86



Daniel Skolnick
Senior Planning
Deputy
Councilmember
Paul Koretz, Fifth
District

[200 North Spring
Street, Room 440,
Los Angeles, CA
90012](#)

(213) 473-7005 Los
Angeles City Hall
Office

Email:
daniel.skolnick@lacity.org

*****PLEASE NOTE:** All email correspondence with the office of Councilmember Paul Koretz (including any attachments), along with any associated personal identifying information, is considered a public record under the California Public Records Act and may be subject to public disclosure under the Act. ***



Cathy Gott <mrgott35@gmail.com>
to Daniel, Benjamin, Julie

Thu, Sep 23, 9:46 AM

Thank you. for sharing this! Can I share with my counterparts at the County? I'd love to collaborate in our efforts. Best, Cathy

Cathy Gott, MPA
She/Her
LA County Commission on Disabilities
(818) 425-7763

[CLICK IMAGE TO LEARN ABOUT OUR PROJECTS](#)



Daniel Skolnick
to me, Benjamin, Julie

Thu, Sep 23, 3:33 PM

Yes, of course.

Cathy Gott, MPA
She/Her
LA County Commission on Disabilities
(818) 425-7763