

# **Los Angeles County Development Authority**

## **Fair Housing and Accessibility Requirements**

### **Affordable and Special Needs Multifamily Rental Properties**

In accordance with the Federal Fair Housing Act (FHA), the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act as per HUD Document Deeming Notice 29671 dated May 23, 2014 (Section 504), the California Fair Employment and Housing Act (FEHA), and the Unruh Civil Rights Act of California, it is the policy of the Los Angeles County Development Authority (LACDA) that residential rental properties that receive funding, service, or program assistance from the LACDA must adhere to all applicable federal and state laws and requirements related to Fair Housing and Accessibility.

Requirements of public funding outlined herein do not supersede the requirements of the California Building Code (CBC), including Chapter 11(A) and Chapter 11(B). It is the responsibility of each funding recipient (Borrower) to ensure that properties being renovated or constructed fully comply with applicable building codes.

For all affordable and/or special needs housing developments that receive funding, service, or program assistance through the annual Notice of Funding Availability (NOFA), it is the responsibility of the Borrower to comply with federal and state laws and regulations governing Fair Housing and accessibility for residential properties. The following Fair Housing, affirmative marketing, tenant selection, and accessibility guidelines provide the key elements of compliance that are required; however, they do not supersede the responsibility of the Borrower to comply with all applicable laws and regulations, as required by all sources of funding that are received.

### **Accessibility Requirements**

All multifamily projects that are built or renovated with financial, service, or program assistance from the LACDA will be subject to all applicable compliance requirements or standards related to Fair Housing and Accessibility. In instances where the standards differ, the project must incorporate the most rigorous or stringent standard. If two standards are comparably rigorous but conflict, the standard that is most appropriate for the project's population applies.

#### **A. Non-Federal Funding Sources**

Examples include: Affordable Housing Trust Funds, Homeless Bonus Funds, Homeless and Housing Prevention Funds, No Place Like Home Funds, and Homeless Prevention Initiative Funds.

All projects must be designed and constructed in a manner that allows access to and use by persons with disabilities in accordance with the California Fair Employment and Housing Act (Sections 12921, 12926, 12955-12956 of the Government Code) and Title II of the ADA, as amended.

## **B. Federal Funding Sources**

Examples include: HOME Investment Partnerships Program Funds, Community Development Block Grant Funds (CDBG), Section 8 Project-Based Vouchers (PBV) and Project Based Veterans Affairs Supportive Housing (PBVASH) Vouchers, Housing Opportunities for Persons With AIDS (HOPWA), and HEARTH ACT

In addition to compliance with state requirements and Title II of the ADA, as amended, developments using U.S. Department of Housing and Urban Development (HUD) funds or rent subsidies must also comply with Section 504, the Fair Housing Act, and HUD's implementation Regulations (24 CFR Parts 8 and 100, respectively), which prohibit discrimination based on disability and establish program accessibility and physical accessibility requirements.

### **1. Applicability**

- a. For purposes of this NOFA or a Loan Agreement, newly-constructed multifamily rental housing with four or more units shall adhere to both Section 504 and Fair Housing Act design requirements. Rehabilitated multifamily housing shall adhere to Section 504 requirements only.
- b. Section 504 design requirements are satisfied when the development is designed in compliance with the technical criteria in the Uniform Federal Accessibility Standards. Note that HUD has deemed ADA 2010 an equivalent standard (with some exceptions per Deeming Notice 29671 dated May 23, 2014) for use in projects permitted after March 15, 2013. Fair Housing Act design requirements found in HUD's Fair Housing Act Design Manual are also required. For new construction of rental projects where two or more accessibility standards apply, the Borrower is required to follow and apply both standards.

### **2. Section 504 Requirements Summary**

For the convenience of the reader, a brief summary of the requirements of Section 504 is presented here. However, to ensure full compliance, Borrowers must obtain and use a copy of the Uniform Federal Accessibility Standards (UFAS) and HUD Document Deeming Notice 29671 dated May 23, 2014, available through HUD.

## **C. Mandatory Accessibility Requirements**

All NOFA-funded projects must comply with accessibility requirements that are designed to mirror minimum requirements needed for federal Low-Income Housing Tax Credit allocations, as administered by the California Tax Credit Allocation Committee (TCAC). Note that the LACDA's requirements provide for a higher number of fully-accessible units than required by ADA 2010 or Section 504.

1. The following are mandatory requirements:

- a. Leasing documents shall include a notice of consumer rights specific to adaptability features available in each feature. These consumer rights shall also be posted within the residential dwelling units. The cost for modifying a unit identified as fully accessible shall be borne by the property manager. Adaptable unit modifications (applying to all other units) will be made by the property manager, but the cost of the modifications may be borne by the resident.
- b. A minimum of 10% of total project units shall be designed with mobility features (round up for fractional units). These units can be inclusive of Universal Design units.
- c. A minimum of 4% of total project units shall be designed with auditory and visual communications features (round up for fractional units). These units can be inclusive of Universal Design units.
- d. Designated mobility and communication feature units shall be equally distributed among different unit sizes and types and shall be distributed throughout the project (not located in the same area, or on a single floor) with at least one mobility unit designated per unit type and one communication feature unit designated per unit type. These units shall be distributed throughout the project consistent with 24 CFR Section 8.26.
- e. Mobility and communication feature units shall be marked by an International Sign of Accessibility (ISA), of minimum 1"x1", located within the unit (below the door viewer) and mounted per CBC 11(B) 703.
- f. Townhome style units shall have a fully accessible bath and bedroom on the ground level floor. Multi-story residential dwelling units in buildings with one or more elevators shall comply with 11(B) 233.3.1.2.4 and multi-story residential dwelling units in buildings with no elevator shall comply with 11(B) 233.3.1.2.5.

**D. Mandatory Project Certifications**

1. Architect Certifications

All project architects must submit a certification that the development has been designed and constructed to be accessible to persons with disabilities, in compliance with the California Fair Employment and Housing Act, ADA 2010, Section 504 (if applicable), the Fair Housing Act requirements, and the NOFA Standard Accessibility and Universal Design Requirements.

Architect certifications shall state which units have been designated to meet the requirements of ADA 2010, Section 504, and the Fair Housing Act, including specific designation of mobility and communication feature units.

## 2. CASp Reports

To ensure full compliance with all state and federal accessibility requirements, all project teams are required to include a State of California Certified Accessibility Specialist (CASp), who is independent of the design team and who is also a certified Architect and/or Engineer.

The CASp consultant will provide a report at three (3) stages during the project life:

Loan Committee review phase – The CASp report shall indicate that plans have been reviewed and shall clearly identify if the plans are in compliance with all applicable accessibility requirements, or if there are instances of noncompliance with accessibility requirements. If evidence of noncompliance exists, the report shall clearly detail the instances of noncompliance. If the plans are not compliant with all accessibility requirements, the CASp report shall be accompanied by a letter from the Borrower describing how each non-compliant item will be resolved before the start of construction. Construction may not commence until a CASp report stating that the plans are in compliance with all applicable accessibility requirements is received and accepted by the LACDA.

Both the plans and the CASp report shall clearly identify which units will satisfy the mobility and communications requirements. The CASp report shall explicitly state which accessibility standards apply, given the funding source(s) involved in the project financing.

Construction phase - A report detailing compliance with all applicable accessibility requirements shall be provided prior to the building department's framing inspection sign-off. The CASp's physical inspection of the project must be coordinated with the LACDA's construction inspector. This construction phase report shall clearly identify that all applicable accessibility requirements are met, or the report shall clearly identify instances of noncompliance. Project teams shall provide an accompanying letter describing how the non-compliant issues will be remedied, along with a projected timeframe for completion. The report shall clearly identify which units satisfy the mobility and communications requirements above. The CASp report shall explicitly state which accessibility standards apply, given the funding source(s) involved in the project financing.

Close of construction - The final report from the CASp at the close of construction shall be submitted before a notice of completion is recorded. The report shall identify that the constructed project meets all applicable accessibility requirements, or shall identify the steps needed for accessibility compliance to be achieved. Follow-up CASp reports are required until all outstanding issues of noncompliance have been addressed. The LACDA reserves the right to request additional documentation if deemed necessary.

CASp reports at all stages shall include the information identified in the NOFA Appendix 7 "Loan Committee Phase – Required Submittals" and shall clearly identify compliance with all applicable accessibility requirements or detail the instances of noncompliance.

## **E. Universal Design**

All senior housing projects must incorporate Universal Design Principles. The LACDA recognizes the need to create living spaces that do not disadvantage any group of residents, accommodates a wide range of resident preferences and abilities, and allow residents to age in place. Universal Design is not a code or standard, but a set of features that should be integrated into the design of a unit to both meet the needs of residents that require accessibility features and to assist an aging population. The Universal Design Requirements incorporate TCAC Regulations Section 10325(c)(9)(B) and include:

1. For Senior Housing Projects, Universal Design Standards are required for 100% of all project units.
2. Accessible routes of travel to the dwelling units with accessible 34" minimum clear-opening-width entry, and 34" clear width for all doors on an accessible path. To achieve the 34" opening, ensure sufficient space is provided for the rear door swing.
3. Interior doors with lever hardware and 42" minimum width hallways.
4. Fully accessible bathrooms complying with ADA 2010 and CBC 11(B). In addition, a 30" x 48" clearance parallel to and centered on the bathroom vanity allowing for a parallel approach.
5. Accessible kitchens (meeting the requirements of ADA 2010). A 30" x 48" clearance parallel to and centered on the front of all major appliances and fixtures (refrigerator, oven, dishwasher and kitchen sink).
6. Accessible master bedroom size shall be at least 120 square feet (excluding the closet), shall accommodate a queen size bed, shall provide 36" of clearance around three (3) sides of the bed, and shall provide required accessible clearances, free of all furnishings, at bedroom and closet doors. The master bedroom closet shall be on an accessible path.
7. Units that include communication features for audio or visually impaired residents, alarms and doorbells shall extend into all habitable rooms and bathrooms and shall fully comply with all requirements of UFAS/ADA 2010 (mandatory application in 4% communication feature units). If this feature is design-build, it should be clearly identified in the plans at the time of design review.
8. Closets and balconies shall be located on an accessible route.
9. Universal Design principle units shall be distributed throughout the project consistent with 24 CFR Section 8.26.
10. Universal Design principle units shall have an ISA symbol of minimum 1" x 1", located within the unit (below the door viewer) and mounted per 11(B) 703.

11. Senior housing projects are required to integrate these Universal Design Requirements for all project units and include the installation of grab bars and the installation of the tub seat at the accessible bathroom. Non-senior Universal Design units do not require installation of tub seat and shower spray unit – these features can be designed to be adaptable.
12. Applicant must obtain confirmation from a CASp that the above Universal Design requirements have been met.

## **F. Senior Housing Requirements**

In addition to conforming to Universal Design Principles, projects that are restricted to seniors (at a minimum aged 55 and older) are required to integrate Senior Housing Requirements to respond to the specific needs of the senior population. These needs are based upon the recognition of the senior residents' changing physical conditions, the need for design clarity, and accommodation of the wide range of senior residents' mobility and visual perception capabilities. A well-designed Senior Housing development should also support the feeling of community and encourage interaction among its residents through thoughtful and creative design, enhancing the immediate neighborhood.

Senior Housing projects will be evaluated in three (3) basic categories: Mobility, Clarity and Inclusiveness, outlined below.

Mobility: Physical mobility and dexterity goals and strategies.

1. Easy access from parking areas and project entries to apartments, common areas and outdoor areas shall be provided (all common area spaces shall be on an accessible path of travel).
2. An accessible drop off area near the main entry or incorporated into below-grade parking for steep sites shall be provided.
3. Main entrance should have ADA-assisted doors to accommodate for resident's declining physical strength (ADA Automatic Door).
4. Corridors at least 60" wide to accommodate wheelchairs, assisted walking, and two (2) residents walking side-by-side with mechanical assistance are recommended.
5. Elimination of excessive changes in grades at building exteriors and within common areas and the use of sloped sidewalks (1:20 maximum slope) is recommended; where ramps are required, the maximum slope shall be 1:12 per ADA 2010. Within units, no changes in elevation are allowed, and all units shall be a single story.
6. Lever hardware on doors shall be used. Other hardware for cabinets, drawers, and closets shall be easy to use with minimal physical effort and limited finger dexterity.

7. Reasonable access/distance from units to parking, common rooms, trash rooms and laundry shall be provided (location and configuration of parking shall fully comply with CBC 11(B)/ADA 2010).
8. At least one (1) ADA-compliant elevator shall be provided.
9. Pursuant to the Unruh Act, the development shall also provide that:
  - i. Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair;
  - ii. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking;
  - iii. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps; and
  - iv. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.

Clarity: Perceptual and orientation goals and strategies.

1. Organization of the architectural elements for a senior development should be clear and straightforward, without confusing angles and complicated access paths.
2. Within a structure and within the individual unit, floor plan layouts that are easy to understand and remember.
3. The incorporation of visual cues such as skylights, windows, widened corridors, enlarged corridor intersections, recessed entries (to common rooms and offices), sculptural light fixtures, and colors to serve as spatial points of reference and landmarks for resident navigation.
4. Comprehensible signage design that is large enough to read, that offers appropriate visual contrast between text and foreground, and that is appropriately located.
5. Clear lobby directories.
6. Coupling signage text with recognizable icons that cater to varying levels of literacy and cognitive ability (i.e. line drawing or icon of a computer next to the computer lab sign in the directory).
7. The use of wayfinding strategies that incorporate visual access between parts of the building to allow opportunities to monitor interior or exterior landmarks.

8. The use of wayfinding strategies that incorporate a degree of architectural differentiation between spaces through the use of distinct shapes and forms.
9. The use of memory boxes or other means to personalize resident unit entry doors is encouraged.
10. Signage design that is large enough to read and is appropriately located.
11. Pursuant to the Unruh Act, the development shall also provide that walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.

Inclusiveness: Goals and strategies promoting resident interaction and accessibility for all.

1. A project that is accessible to residents of all physical abilities, especially in common areas, such as: parking, outdoor common areas, community rooms, laundry, and trash areas.
2. A project that can accommodate residents with varying vision, hearing and dexterity levels.
3. A project that accommodates the frail and those with physical limitations.
4. A project that provides a variety of unit sizes to accommodate single residents, couples, or residents with caretakers.
5. The incorporation of informal meeting places in the main circulation corridors, intersections of hallways and stairways, in addition to common spaces and outdoor spaces.
6. Use of doors with glass panels to maintain a visual connection at laundry rooms and common rooms to the corridors and to the building exterior.
7. Use of internal window openings along interior corridors to provide visual connections to the exterior or courtyard.
8. Common areas that can accommodate a variety of uses and users.
9. Additional design features that promote a sense of community among residents.
10. Pursuant to the Unruh Act, the development shall be designed to encourage social contact by providing at least one common room and at least some common open space.

## **AFFIRMATIVE MARKETING**

All multi-family projects that are funded through the NOFA are required to submit for approval, the attached **Affirmative Fair Housing Marketing Plan** (AFHM) that details the marketing strategy designed to provide information and to attract eligible persons or families

in the housing market area to the available units without regard to race, color, national origin, sex, gender identity, religion, marital status, familial status, disability, sexual orientation, ancestry, genetic information, source of income, or any other basis prohibited by law. The plan shall describe initial advertising, site signage, website and social media promotion, recorded messages, community outreach, and all other marketing and communication activities which will inform potential renters or buyers of the availability of the units.

The plan shall address both the initial lease-up phase and the ongoing marketing of vacancies, waiting lists, and accessible units throughout the term of affordability.

## **LOS ANGELES COUNTY HOUSING RESOURCE CENTER**

All rental projects must register the properties on the Los Angeles County Housing Resource Center (LAC-HRC) at [www.housing.lacounty.gov](http://www.housing.lacounty.gov). This includes projects that include exclusively Special Needs or homeless units and/or projects and units that are leased through a Coordinated Entry System of any type.

Property listings must include detailed information on accessibility features of the building and all units, as well as information on the number and bedroom size of any fully accessible units. These fully accessible units must be marketed as a unique unit type (i.e. one BR vs. one BR accessible).

Project listings must be posted and approved prior to the first time that any rental applications are available.

Projects that offer rental opportunities available to the general public must also create a special PDF marketing flyer that describes the accessibility features and explains how a person can apply for a unit. This flyer is posted on a page for “New Leasing Opportunities for Affordable and Accessible Housing.”

The advertising of accessible rental units on the LAC-HRC helps the project comply with new regulations for Information and Communication Technology (ICT) that require the use of accessible websites that comply with requirements of Section 508 of the Rehabilitation Act of 1973, while the LAC-HRC call center is experienced in helping people who call using transfer services.

The requirement to register a property on the LAC-HRC is an ongoing obligation that requires the property listing to be updated as unit types become available, leased, or have a status change of any type.

## **PRE-LEASE UP MEETINGS**

Rental projects are required to have a preliminary lease up meeting within 30 days of construction start and a second pre-lease up meeting between 60 and 90 days from the date that residency applications will be accepted.

The pre-lease up meetings (or conference calls) should include the Borrower's project manager, the management company, and the service provider agency. Topics to be discussed include:

- Approval of all website postings advertising the project.
- Construction sign requirements.
- Developing the Affirmative Marketing Plan
- Use of a Coordinated Entry System
- Special outreach efforts
- Interest lines and phone messages
- TTY/TDD or Relay Services
- Special marketing of accessible units
- Confirmation of no local preferences
- Registering properties on the L.A. County Housing Resource Center website

## **SIGNAGE AND GRAPHICS**

All construction or leasing signs on projects funded by LACDA funds must include the International Symbol of Accessibility and the Equal Housing Opportunity Logo.

<http://portal.hud.gov/hudportal/HUD?src=/library/bookshelf11/hudgraphics/fheologo>

There must be a prominent display of the HUD Fair Housing poster at the leasing office and project site from the beginning of construction through occupancy (24 CFR 110.10). This poster must be at a minimum 11 inches by 14 inches (24 CFR 110.25). This poster is available at the local HUD office or available for download at:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opportunity](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opportunity)

All posted rental information or interest phone numbers must include a TTY/TDD phone number or a Relay Service phone number.

An Equal Housing Opportunity logo, statement, or slogan must be included on all written outreach tools (i.e. signs, advertisements, brochures, direct mail solicitations, press releases, etc.).

Any rental office associated with the project must display the HUD Fair Housing Poster, which is available at the local HUD office or available for download at:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opportunity](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opportunity)

Rental offices must also display a Notice of Right to Reasonable Accommodation.

## **LANGUAGE**

All marketing materials should also include a Spanish language contact. As approved in the Affirmative Marketing Plan, there may be other languages used for project marketing.

It is important to register the project on the LAC-HRC, because the call center and website are bi-lingual, and the website includes a Google translator feature.

## **OTHER WEBSITES**

Postings of project leasing information on the Borrower, architect, or management company's website must include the following items:

- International Symbol of Accessibility
- Equal Housing Opportunity logo
- TTY, TTD or Relay Service phone number

## **ARCHITECTURAL RENDERINGS**

Although not required, Borrowers and architects are encouraged to include representations of diverse populations of people (race, ethnicity, age, gender, family size) and at least one person with a disability (as identified with a wheelchair, cane, walker, or service animal) in renderings of the property that will be used for marketing or posting on the LAC-HRC.

## **AFFIRMATIVE FAIR HOUSING MARKETING PLAN REVIEW**

The Borrower must review its AFHM Plan at least once every five (5) years throughout the life of the loan and to update it as needed in order to ensure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations (see 24 CFR Part 200, Subpart M). This shall be done more frequently if local conditions or project demographics significantly change. The LACDA and/or HUD may monitor the implementation of this AFHM Plan at any time and may also request modification in its format and/or content, when deemed necessary.

## **SENIOR HOUSING EXEMPTION**

At least one of the following conditions must be met for a "senior-only" project to be considered exempt from the Fair Housing Act's prohibition of discrimination based on familial status:

- HUD has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program, or
- The project will be occupied solely by persons who are 62 years of age or older, or
- The project houses or will house at least one person who is 55 years of age or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 years of age or older.

## **INITIAL TENANT SELECTION**

### **APPROVAL OF TENANT SELECTION PLAN**

The requirements, procedures, and methods used for processing tenant applications will typically depend on a combination of factors, including the management company's standard procedures, as well as other requirements imposed by a housing authority, Coordinated Entry System(s), service needs, vulnerability assessments, criminal background requirements, Mental Health Services Act (MHSA) requirements, and/or any other overlying qualification protocols needed.

Projects must submit a Tenant Selection Plan and Property Management Plan in addition to the Affirmative Marketing Plan. The LACDA must approve the application package prior to the initiation of leasing.

The Tenant Selection Plan must also distinguish between the initial lease-up process for the building's first occupants, and how waiting lists and tenant qualification will be handled on an ongoing basis.

The Initial Tenant Selection Plan must address the following items:

## **APPLICATIONS**

Explain if there will be pre-application form or a full application made available. Include the application and, if applicable, the pre-application form. The forms must include a section in which the applicant can request an accessible unit, and designate if they are requesting a mobility or a communication feature unit. Explain how the applications will be logged and processed.

The application package and annual recertification cover pages must include a statement that reasonable accommodations and special forms of communication are available upon request.

The application phase shall be a specific period of time during which prospective tenants can obtain and return applications or pre-applications. The process must include a mechanism for prospective tenants to request reasonable accommodations related to the physical process of obtaining, completing, or submitting an application.

## **LOTTERIES**

Projects that have units available to the public are strongly encouraged to hold lotteries for initial tenant selection. The Initial Tenant Selection Plan should explain if the lottery will be a drawing or an electronic lottery, if the community will be invited, and/or if the lottery will be broadcast via a web-based platform.

The lottery process should include a mechanism to identify people who have requested accessible units and to assign those people to the appropriate accessible unit before filling the unit with another tenant who has not requested an accessible unit.

Lotteries are appropriate for units that do not require a Coordinated Entry System or other assessment based on level-of-need, or service history with the Los Angeles County Departments of Health Services (DHS) or Mental Health (DMH).

## **LOCAL PREFERENCES**

No local preferences will be allowed.

## **LEASE**

A sample lease that includes the following, must be submitted:

- Notification that tenants in accessible units who did not request or do not require the accessible features agree to be relocated to another unit, if necessary to offer the accessible unit to a person or persons with disabilities.
- Notification that the tenant may request reasonable modifications by the landlord or management company in order to accommodate a disability.
- A rider explaining the rights of tenants under the Violence Against Women Act for projects with HUD funding.

## **COORDINATED ENTRY SYSTEMS**

Sponsors of projects that include Permanent Supportive Housing (PSH) units may elect, or be required, to use a Coordinated Entry System (CES) or Coordinated Assessment process to prioritize tenants for selection. For purposes of this document, CES shall also refer to Coordinated Assessment processes.

## **GENERAL DEFINITION AND APPLICATION IN LOS ANGELES COUNTY**

A CES is an organized process that provides for the assessment of homeless individuals for the purposes of placing them into PSH projects with the goal of housing the most vulnerable people first. A CES also includes data and referral systems that capture information about available PSH units so that the prioritized individual can be referred to the next available and appropriate PSH unit.

The CES can be used for chronically homeless and homeless individuals, families, Transition Age Youth, and homeless veterans.

CES data management is part of the Homeless Management Information System (HMIS) required by HUD, and administered by the Los Angeles Homeless Services Authority (LAHSA) for the Los Angeles Continuum of Care (CoC).

The CES that was jointly created by United Way of Greater Los Angeles and CSH Los Angeles is supported by LAHSA. However, there are four CoCs in Los Angeles County, with varying levels of data coordination. The four CoCs are Los Angeles, Pasadena, Glendale, and Long Beach.

## **REQUIRED USAGE**

Because not all projects funded by the LACDA serve homeless populations, the use of a CES is not required for all NOFA-funded projects. Projects providing PSH units are strongly encouraged to consider CES, and in some cases will be required to utilize CES as a condition of certain funding sources, such as HUD CoC funding. The project's marketing and leasing plan shall identify if CES will be utilized and designate the units that will receive CES referrals. Use of CES for NOFA-funded projects must be approved as part of the marketing and lease-up plan.

## **CES AND HOME FUNDS**

CES may be used for HOME-funded units that provide Permanent Supportive Housing.

### **CES and the Los Angeles County Housing Resource Center**

Projects that use CES, for all or a portion of units, must still list the project on the Restricted-Access portion of the LAC-HRC, and include detailed information in the listing about how caseworkers and agency users can direct a prospective tenant to be assessed for inclusion in a CES pipeline.

## **ONGOING MANAGEMENT AND COMPLIANCE**

### **TENANT RECORDS**

The Property Owner or designee shall maintain records of all prospective tenant applicants, including their race, ethnicity and gender, reasons for denial of application, placement on a waiting list, and other relevant information. Owners shall also maintain records of tenant requests for accessible units and the related occupancy, denial, or wait list determination for such requests.

Unless there is an approved CES process in place, the Property Owner or designee shall also provide for the selection of applicants from a written waiting list in the chronological order of their application, insofar as is practicable, and provide prompt written notification to any rejected applicants of the grounds for any rejection.

The Property Owner or designee must certify that it has affirmatively furthered fair housing at the time of lease up. Review of this affirmative marketing effort for rental projects will be conducted in conjunction with the Annual Owner's Tenant Certification process.

### **ACCESSIBLE UNITS**

The Property Owner must maintain as-built drawings at all times that show the location of fully accessible units.

Borrowers, Sponsors, and/or Owners of affordable multi-family projects that have received funding from the LACDA in the past are strongly encouraged to develop and maintain an inventory of accessible units in the funded properties. This inventory should list any Section 504 or ADA certifications that have been established, along with other information related to adaptability and Universal Design. The inventory should be a project compliance evaluation that also describes accessibility components of parking, common areas, playgrounds, mailboxes, signage, path-of-travel, and any other part of the project related to the provision of tenant services or amenities.

## **EMERGENCY PREPAREDNESS**

Property Management Plans that are submitted for LACDA approval must include a section that addresses emergency preparedness for tenants for all buildings over 15 units.

### **Alert LA County**

Management Plans for LACDA funded properties are encouraged to provide all tenants with information about **Alert LA County** (<https://www.lacounty.gov/emergency/alert-la/>), which is a free mass notification system for Los Angeles County residents and businesses. The Sheriff's Department uses Alert LA County to contact you if there is an emergency or disaster in your community. The system sends shelter-in-place instructions, evacuation, and other emergency messages.

## Affirmative Fair Housing Marketing Plan Summary (RENTAL)

|  |   |   |
|--|---|---|
| <p>1a. Applicant or Owner's Name, Address (including city, state &amp; zip code), telephone &amp; email address</p>  | <p>1b. Project Name, Location (including city, and zip code) (Use both NOFA application name and completed name, if known)</p>  |   |
| <p>1c. Type of Housing/ Number of Units</p> <p>Check all that apply</p> <p><input type="checkbox"/> Senior Age 62+</p> <p><input type="checkbox"/> Non Senior/Family</p> <p><input type="checkbox"/> PSH - individuals</p> <p><input type="checkbox"/> PSH - families</p> <p><input type="checkbox"/> PSH – TAY</p> <p><input type="checkbox"/> PSH - Veterans</p> <p><input type="checkbox"/> Special Needs</p> <p><input type="checkbox"/> HUD 811 PRA</p><br><p><input type="checkbox"/> Other</p> <p>Total Units w/o managers unit: _____</p> <p>Total Units incl. managers unit: _____</p> <p>Additional Description:</p> | <p>1d. Rental Range</p> <p>From \$ _____</p> <p>To \$ _____</p> <p>Check all that apply</p> <p><input type="checkbox"/> LIHTC</p> <p><input type="checkbox"/> HOME Rents</p> <p><input type="checkbox"/> PBV - LACDA</p> <p><input type="checkbox"/> PBV - HACLA</p> <p><input type="checkbox"/> PB VASH - LACDA</p> <p><input type="checkbox"/> PB VASH HACLA</p> <p><input type="checkbox"/> Shelter Plus Care</p> <p><input type="checkbox"/> Continuum of Care</p> <p><input type="checkbox"/> DMH FHFP</p> <p><input type="checkbox"/> MHSA</p> <p><input type="checkbox"/> DHS FHSP</p> | <p>1e. Tenant Selection</p> <p>Check all that apply</p> <p><input type="checkbox"/> CES # of units: _____</p> <p><input type="checkbox"/> DHS # of units: _____</p> <p><input type="checkbox"/> Lottery # of units: _____</p> <p><input type="checkbox"/> Other</p> <p>Verify that there is no local preference in the tenant selection plan.</p> <p><input type="checkbox"/> Verified, no local preference</p> |
| <p>1f. Approximate Starting Dates (mm/dd/yyyy)</p> <p>Advertising _____</p> <p>Date of Initial Occupancy _____</p> <p><small>Advertising to begin at least 90 days prior to initial occupancy. Notification of intent to begin marketing shall be submitted to the Los Angeles County Development Authority no later than 90 days prior to initiation of marketing.</small></p>  | <p>1g. Housing/Expanded Housing Market Area</p> <hr/> <p>1h. Census Tract</p>   |   |
| <p>1i. Managing Agent's Name &amp; Address (including city, state &amp; zip code), telephone &amp; email address</p>   |   |   |
| <p>1j. Entity Responsible for Marketing (check all that apply)</p> <p><input type="checkbox"/> Owner   <input type="checkbox"/> Agent   <input type="checkbox"/> Other (specify)</p> <p>Name, Address (including city, state &amp; zip code), telephone &amp; email address</p>  |   |   |

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1k. Contact for Affirmative Fair Housing Marketing Plan (Name, Address (including city, state & zip code), telephone & email address)

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2. Wait List (for existing projects)

To add to waiting list \_\_\_\_\_ (which currently has \_\_\_\_\_ individuals) \_\_\_\_\_

To reopen closed waiting list \_\_\_\_\_ (which currently has \_\_\_\_\_ individuals) \_\_\_\_\_

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3a. Demographics of Project and Marketing Area (Complete Worksheet 1)

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3b. Targeted Marketing Activity

Based on your completed Worksheet 1, indicate which demographic group(s) in the housing market area is/are least likely to apply for the housing without special outreach efforts.

- White     Hispanic or Latino     American Indian or Alaskan Native     Asian  
 Black or African American     Native Hawaiian or Other Pacific Islander     Families with Children  
 Persons with Disabilities     Other ethnic group, religion, etc. (specify): \_\_\_\_\_

4a. Proposed Marketing Activities: Community Contacts

Complete and submit Worksheet 2 to describe your use of community contacts to market the project to those least likely to apply.

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4b. Proposed Marketing Activities: Methods of Advertising

Complete and submit Worksheet 3 to describe your proposed methods of advertising that will be used to market to those least likely to apply. Attach samples of advertisements, radio and television scripts, internet advertisements and websites, brochures, etc.

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5a. Fair Housing Poster

The Fair Housing Poster must be prominently displayed in all offices in which rental activity takes place (24 CFR 200.620(e)). Check below all locations where the Poster will be displayed.

Rental Office     Model Unit     Other (specify): \_\_\_\_\_

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5b. Affirmative Fair Housing Marketing Plan (AFHM Plan)

The AFHM Plan must be available for public inspection at the rental office (24 CFR 200.625). Check below all locations where the AFHM Plan will be made available. Check all that apply:

Rental Office     Model Unit     Other (specify): \_\_\_\_\_

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5c. Project Site Sign

All Project Site Signs should include the Equal Housing Opportunity logo, slogan, or statement (24 CFR 200.620(f)). Check below all locations where the Project Site Sign will be displayed. Check all that apply:

Rental Office     Model Unit     Entrance to Project     Other (specify): \_\_\_\_\_

The size of the Project Site sign is/ will be: \_\_\_\_\_ x \_\_\_\_\_

The Equal Housing Opportunity logo or slogan or statement is/will be: \_\_\_\_\_ x \_\_\_\_\_

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6. Evaluation of Marketing Activities

Explain the evaluation process you will use to determine whether your marketing activities have been successful in attracting the group(s) least likely to apply, how often you will make this determination, and how you will make decisions about future marketing based on the evaluation process.

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7a. Marketing Staff

What staff positions are/will be responsible for affirmative marketing?

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7b. Staff Training and Assessment: AFHM Plan

- (1) Has staff been trained on the AFHM Plan?  Yes     No
  - (2) Is there ongoing training on AFHM Plan and Fair Housing Act issues in general?  Yes     No
  - (3) Is yes, who provides it?
  
  - (4) Do you periodically assess staff skills, including their understanding of the AFHM Plan and their responsibilities to use it?  Yes     No
  - (5) If yes, how and how often?
-

- 
8. Coordinated Entry: Describe in detail the proposed use of a Coordinated Entry System.
9. Publicly Available Units: Describe the number and type of units that will be available to the general public.
10. Language and Translation: Describe what marketing materials, websites, or social media will be translated into other languages. Describe staff capacity to assist persons with Limited English Proficiency. Describe any translation services that will be available.
11. Assisting People With Communications Disabilities: Describe methods that will be employed to assist people who have vision, hearing, or speech disabilities who need assistance learning about the property and how to apply for occupancy. Will there be a TTY or Relay Service Number on all marketing materials?
12. Affirmative Marketing of Accessible Units: Describe measures that will be employed to notify prospective tenants of the availability of accessible units.
13. Additional Considerations Is there anything else you would like to tell us about your AFHM Plan in order to ensure that your program is marketed to those lease likely to apply for the units and/or to be housed in them? Please attach additional sheets, as needed.

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#### 14. Review and Update

By signing this form, the applicant/respondent agrees to review its AFHM Plan at least once every 5 years throughout the life of the loan and to update it as needed in order to ensure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations (see 24 CFR Part 200, Subpart M). This shall be done more frequently if local conditions or project demographics significantly change. The Los Angeles County Development Authority and/or HUD may monitor the implementation of this AFHM Plan at any time, and may also request modification in its format and/or content, when deemed necessary.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

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Signature of person submitting this Plan & Date of Submission (mm/dd/yyyy)

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Name (type or print)

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Title & Name of Company

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## **Instructions**

The Affirmative Fair Housing Marketing Plan requires that each applicant subject to these requirements carry out an affirmative program to attract prospective tenants of all minority and non-minority groups in the housing market area regardless of race, color, national origin, sex, religion, marital and familial status, handicap (disability), sexual orientation, ancestry or source of income. These groups include White, members of minority groups, i.e., Black, American Indian/Alaskan Native, Hispanic or Latino, Asian, Native Hawaiian or Other Pacific Islander, person with disabilities, families with children, or persons with different religious affiliations in the housing market area who may be subject to housing discrimination on the basis of race, color, national origin, sex, religion, marital and familial status, handicap (disability), sexual orientation, ancestry or source of income. The applicant shall describe on this form the activities it proposes to carry out during advance marketing, where applicable, and the initial rent-up period. The affirmative marketing program also should ensure that any group(s) of persons normally **not** likely to apply for the housing without special outreach efforts know about the housing, feel welcome to apply and have the opportunity to rent.

## **NOTES:**

### **Part 1 – Applicant and Project Identification.**

A housing market area is the area from which a multifamily housing project owner/agent may reasonably expect to draw a substantial number of its tenants. If a housing market area is not demographically diverse in terms of race, color, national origin, sex, religion, marital and familial status, handicap (disability), sexual orientation, ancestry or source of income, an expanded housing market area may be used. This is a larger geographic area that may provide additional diversity. Indicate the housing or expanded housing market area in which the housing is/will be located, e.g., “City of \_\_\_\_\_” for housing market area, or “City of \_\_\_\_\_” and “County of Los Angeles” for expanded housing market area.

For item 1f, specify approximate starting date of marketing activities to the groups targeted for special outreach and the anticipated date of initial occupancy. The applicant may obtain Census Tract location information, item 1h, from local planning agencies, public libraries and other sources of census data. Item 1i is to be completed only if a Managing Agent is implementing the plan.

### **Part 2 – Wait List**

In the case of existing project, specify how many individuals were or are on the waiting list at the time the advertising began or will begin.

### **Part 3 – Demographics and Marketing Area**

“Least likely to apply” means that there is an identifiable presence of a specific demographic group in the housing market area, but members of that group are not likely to apply for the housing without targeted outreach, including marketing materials in other languages for limited English proficient individuals, and alternative formats for persons with disabilities.

Reasons for not applying can include, but are not limited to insufficient information about housing opportunities, language barriers, or transportation impediments.

**Part 14** – The applicant’s authorized agent signs and dates the Plan. By signing the Plan, the applicant assumes full responsibility for its implementation. The Los Angeles County Development Authority may at any time monitor the implementation of the Plan and request modification in its format or content, where the Los Angeles County Development Authority deems necessary.

**Notice of Intent to Begin Marketing.** No later than 90 days prior to the initiation of rental marketing activities, the applicant with an approved Plan shall submit written notice of intent to begin marketing. The notification is required by the Affirmative Fair Housing Marketing Plan Compliance requirements.

**Affirmative Fair Housing Marketing  
Certification**

**Project Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

I, the undersigned, on behalf of \_\_\_\_\_ hereby certify under penalty of perjury that the marketing efforts for the above-named project is or have been conducted in complete adherence to the Affirmative Marketing Plan dated \_\_\_\_\_ as previously accepted and approved by the Los Angeles County Development Authority.

\_\_\_\_\_  
Signature of Property Owner or Designee

(Name) \_\_\_\_\_

(Title) \_\_\_\_\_

(Date) \_\_\_\_\_

**Worksheet 1: Determining Demographic Groups Least Likely to Apply for Housing Opportunities**

(See AFHM Plan Summary, Block 3b)

In the respective columns below indicate the percentage of each demographic group for the project (if occupied), waiting list (for existing projects), census tract, housing market area, and expanded housing market area (if the latter is needed to create a more diverse housing market area in terms of race, color, national origin, religion, sex, disability, or familial status).

Wherever possible, statistics should be obtained from a local planning office, Community Development Block Grant Consolidated Plan, or another official source such as the U.S. Census Bureau (please see <http://factfinder.census.gov>. Under Decennial Census, click "Get Data". Choose SF3, then detailed tables).

If there is a significant under-representation of any demographic group in the project and/or on its waiting list relative to the surrounding housing market area, then those groups(s) that are under-represented will be considered "least likely to apply" without targeted outreach and marketing, and will be so identified in Block 3b of the AFHM Plan Summary. Maps showing both the Housing Market Area and Expanded Housing Market Area should also be attached.

| Demographic Characteristics               | Project % | Waiting List % | Census Tract % | Housing Market Area % | Expanded Housing Market Area% (if used) |
|---|-----------|----------------|----------------|-----------------------|---|
| White                                     |           |                |                |                       |   |
| American Indian or Alaskan Native         |           |                |                |                       |   |
| Asian                                     |           |                |                |                       |   |
| Black or African American                 |           |                |                |                       |   |
| Native Hawaiian or Other Pacific Islander |           |                |                |                       |   |
| Hispanic or Latino                        |           |                |                |                       |   |
| Persons with Disabilities                 |           |                |                |                       |   |
| Families with Children                    |           |                |                |                       |   |
| Other                                     |           |                |                |                       |   |

Worksheet 2: Proposed Marketing Activities – Community Contacts (See AFHM Plan Summary, Block 4a)

For each targeted marketing population designated as least likely to apply in Block 3b, identify at least one community contact organization you will use to facilitate outreach to the group. This could be a social service agency, religious body, advocacy group, community center, etc. State the names of contact persons, their addresses and phone numbers, their previous experience working with the target population, the approximate date contact was/will be initiated, and the specific role they will play in assisting with the affirmative fair housing marketing program.

| Targeted Population(s) | Community Contact:                                  |
|------------------------|---|
| 1                      | Name, address, telephone & email:                   |
|                        | Experience with target pop:                         |
|                        | Date contact initiated:<br>Specific marketing role: |
|                        | Name, address, telephone & email:                   |
|                        | Experience with target pop:                         |
|                        | Date contact initiated:<br>Specific marketing role: |
| 2                      | Name, address, telephone & email:                   |
|                        | Experience with target pop:                         |
|                        | Date contact initiated:<br>Specific marketing role: |

**Worksheet 3: Proposed Marketing Activities – Methods of Advertising (See AFHM Plan Summary, Block 4b)**

Complete the following table by identifying your targeted marketing population(s), as indicated in Block 3b, as well as the methods of advertising that will be used to market to that population. For each targeted population, state the means of advertising that you will use, as applicable to that group. In each block, in addition to specifying the media that will be used (e.g., name of newspaper, television station, website, location of bulletin board, etc.), state any language(s) in which the material will be provided, identify any alternative format(s) to be used (e.g., Braille, large print, etc.), and specify the logo(s) (as well as size) that will appear on the various materials. Attach additional pages, if necessary.

| Methods of Advertising ↓   | Targeted Population:  | Targeted Population: | Persons with Disabilities |
|--|---|----------------------|---------------------------|
| Los Angeles County Housing Resource Center website   | Public Access?  | Restricted Access?   | Accessible Unit PDF?      |
| Housing.LACity.Org   |   |                      |                           |
| Coordinated Entry System   | Provide details on use of CES, if applicable. Specify which Continuums of Care are involved and any efforts to market outside of Los Angeles CoC, if any. |                      |                           |
| Newspaper  |   |                      |                           |
| Radio Stations   |   |                      |                           |
| TV Stations  |   |                      |                           |
| Other Electronic Media (websites , social media, etc.)<br><small>(include DMH website if applicable)</small> |   |                      |                           |
| Bulletin Boards  |   |                      |                           |
| Brochures, Notices, Flyers   |   |                      |                           |
| Other (specify)  |   |                      |                           |