

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

INDEPENDENT LIVING CENTER OF) Case No.: 12-cv-00551 FMO (PJWx)
SOUTHERN CALIFORNIA, <i>et al</i> ,)
Plaintiffs,)
vs.) MONITOR'S NINTH SEMI-ANNUAL
) REPORT RE: CRA/LA FOR
CITY OF LOS ANGELES,) REPORTING PERIOD OF JULY 1,
CALIFORNIA, <i>et al</i> .) 2022 THROUGH DECEMBER 31, 2022
Defendants)

1 **I. INTRODUCTION**

2 This is the ninth Monitor’s Report on the implementation of the Settlement
3 Agreement by and Between CRA/LA, a Designated Local Authority, Successor Agency
4 to the Community Redevelopment Agency of the City of Los Angeles, and Plaintiffs
5 (“Settlement”) adopted in this Court’s Judgment entered September 7, 2017, ECF Nos.
6 596, 596-1 (“Judgment”). The Monitor is pleased to report that construction is anticipated
7 to begin next month on the first project covered by the Settlement.

8 The Settlement includes two exhibits – Exhibits A and B – identifying the
9 developments in which CRA must make the 250 accessible units available. Exs. A & B to
10 Judgment at 10-12, ECF No. 596-1. Of these, CRA intends to provide a total of 183
11 accessible units by retrofitting units in Exhibit B developments. To address the remaining
12 67 units, CRA is investigating retrofitting some of the Exhibit A developments. As
13 described below, CRA has made progress in planning and pre-construction phases of
14 activity, particularly with respect to newer Exhibit B developments, and is preparing to
15 commence construction next month.

16 **II. ASSESSMENT OF PROGRESS, PROBLEMS, AND MONITOR**
17 **RECOMMENDATIONS**

18 We discuss the Judgment’s procedural requirements in Section A, and then
19 substantive requirements in Section B.

20 **A. Procedural Requirements**

21 **1. Reporting**

22 The Monitor finds that CRA’s Report #9 on Residential Accessibility Retrofit
23 Program, July 1, 2022 through December 31, 2023 (dated March 23, 2023) (“Report
24 #9”), attached hereto, is adequate to assess compliance. Appx. at 1.
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1 **2. Record Keeping and Data**

2 CRA continues to maintain adequate records. CRA’s managing architect, Carde
3 Ten Architects, maintains a file server containing its architectural surveys of the Exhibit
4 B developments, and the general contractor is using the Procore Construction
5 Management Platform to track the process of construction.

6 **3. Expenditure of Funds**

7 CRA has not expended many funds through the end of the reporting period – July
8 through December 2022 – because of the delay in commencement of retrofitting. *See*
9 Report #9 at 7 (Tables 1 & 2), Appx. at 7. However, CRA anticipates that its
10 expenditures will increase significantly during the current and future reporting periods as
11 construction and relocation activities get underway. For example, the construction budget
12 for Buckingham Place is approximately \$1,050,000. These expenditures should be
13 reflected in CRA’s Court Monitor Report #10 for the reporting period ending June 30,
14 2023.

15 The California Department of Finance continues to approve CRA’s payment
16 schedule extending beyond the original term of the Settlement and CRA/LA anticipates
17 that funding for the program will be adequate to satisfy the obligations set forth in the
18 Settlement Agreement. *See* Report #9 at 3, Appx. at 3.

19 **4. The Parties’ Collaboration**

20 CRA continues to be highly collaborative with Plaintiffs and the Monitor, and
21 CRA’s Managing Architect collaborates with Plaintiffs’ and the Monitor’s expert
22 architects. As noted previously, CRA has leveraged its relationship with the covered
23 developments to encourage owners and property managers to comply with training,
24 relocation, and other requirements protective of tenants and applicants that the Los
25 Angeles Accessible Housing Program (“AcHP”) implements. In the prior report, the
26 Monitor encouraged coordination between CRA and the City. Toward that end, a meeting
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1 was held among CRA, the City, Plaintiffs, and the Monitor to address the relocation plan
2 for the first development slated for construction.

3 **5. Settlement Term**

4 CRA will need additional time to meet its obligations under the Settlement
5 Agreement and the Retrofit Program will continue through 2025 at a minimum. *See*
6 Report #9 at 3, Appx. at 3.

7 **6. Cost of Monitoring**

8 The cost of the Monitor, \$135,051 through December 31, 2022, has not yet
9 exceeded the original budgeted amount of \$160,000. *See* Report #9 at 7 (Table 2), Appx.
10 at 7; Ex. A to Judgment, IV.1(e), ECF No. 596. The Monitor will discuss a replacement
11 budget with CRA. Plaintiffs' counsel will also work with CRA on monitoring fees in
12 light of the extended settlement term.

13 **B. Substantive Requirements**

14 **1. Exhibit B Developments**

15 CRA has identified five developments that constitute Phase 1 of its retrofit project.
16 *See* Report #9 at 4 (Table 1), Appx. at 4. These developments originally had 75
17 accessible units; however, CRA increased the number of accessible units in Phase 1 by
18 19 through voluntary agreement of development owners for a total of 94 projected
19 accessible units in this phase. *See id.* Adding this to the accessible units identified in
20 later-phase projects, CRA is projected to have 183 such units in Exhibit B developments.
21 Because the Target Number of Accessible units required by the Settlement Agreement is
22 250, CRA will be required to identify and retrofit 67 additional units, either through
23 additional voluntary units in Exhibit B developments or through retrofitting units among
24 Exhibit A developments.

25 The Monitor approves of the strategy of increasing the number of Exhibit B
26 accessible units as it has the virtue of increasing the number of units in newer
27 developments with longer periods of affordability.

1 Following a 2019 Request for Qualifications and September 6, 2022 Request for
2 Proposals, CRA selected Walton Construction, Inc. (“Walton”) as the general contractor
3 for the five Phase 1 projects. Report #9 at 2, Appx. at 2. Building permits for these
4 projects were secured during the first week of March 2023, and construction on the first
5 three of these projects will commence as follows: Buckingham Place Senior Housing -
6 April 10, 2023; Vermont Senior Housing – May 5, 2023; and Imani Fe East and West –
7 July 18, 2023. *Id.* at 4, 8, Appx. at 4, 8.

8 **2. Exhibit A Developments Identified Feasibility of Retrofitting**

9 CRA’s Managing Architect has identified 12 Exhibit A developments as feasible
10 for retrofitting to produce the remaining 67 accessible units required by the Judgment.
11 CRA plans to reach out to these 12 developments after construction commences on the
12 Phase 1 projects. *See* Report #9 at 5, Appx. at 5. The Monitor requests that CRA provide
13 preliminary information about this as soon as possible – and on a rolling basis – in order
14 for the parties and Monitor to understand remaining options.

15 **3. Inspections and Surveys**

16 All 22 Exhibit B housing developments have been inspected and surveyed. CRA
17 plans to have Carde Ten Architects conduct final inspections and issue certificates of
18 inspection with accessibility standards as retrofitting is completed. CRA, however,
19 should consider reaching out to the 12 Exhibit A developments identified as candidates
20 for retrofitting in light of the persistence of delays.

21 The Monitor’s Expert Architect will then conduct a due diligence sample survey of
22 compliance with accessibility standards.

23 **4. Identifying Accessible Units Occupied by Persons Who Do Not** 24 **Need Accessible Features**

25 CRA had previously reported that it
26 surveyed tenants of the Phase 1 Projects to determine if they needed
27 mobility or hearing/vision accessible units. At the request of the Plaintiffs,
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1 CRA/LA is embarking on another round of surveys. Survey findings will be
2 available before CRA/LA's general contractor pulls building permits and
3 will be used to determine if changes to the units designated for retrofitting
4 are needed and/or if additional units should be retrofitted.

5 CRA's Report #8 on Residential Accessibility Retrofit Program, January 1, 2022 to June
6 30, 2022 at 2-3, ECF No. 711-1. Following review of this report, counsel for Plaintiffs
7 ILCSC and CALIF requested to know the response rates on the survey, to know whether
8 alternative formats or reasonable accommodations were provided to tenants, and to view
9 the results. The Parties and the Monitor will discuss how best to convey required and
10 relevant information.

11 Plaintiffs urge CRA to timely coordinate with the City's AcHP program about
12 scheduling of the retrofits and regarding surveys and relocation of tenants, as AcHP has
13 to address related policy implementation issues, including providing information about
14 the anticipated and actual scheduling and completion of retrofits, the affected units,
15 vacancies in affected units, and detailed information about the timing of any temporary
16 relocation and concerns of tenants being temporarily relocated.

17 Retrofitting at the fourth and fifth projects will start in September and December,
18 respectively; CRA will survey tenants closer to the construction start date due to tenant
19 turnover.

20 CRA will make determinations of which accessible units are occupied by persons
21 not needing accessibility features "after retrofit work is completed." Report #9 at 6,
22 Appx. at 6. However, as the Monitor has stressed in previous reports, CRA should make
23 that determination prior to the commencement of retrofitting so that the need for
24 temporary relocation housing with accessibility features can be timely identified. *See,*
25 *e.g.,* Monitor's Semi-Annual Report Re: CRA/LA for Reporting Period of January 1,
26 2021 through July 31, 2021 at 5-6, ECF No. 695.

