

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.	) <b>MONITOR’S TENTH SEMI-ANNUAL</b>
	) <b>REPORT RE: CRA/LA FOR</b>
CITY OF LOS ANGELES,	) <b>REPORTING PERIOD OF JANUARY</b>
CALIFORNIA, <i>et al</i> .	) <b>1, 2023 THROUGH JUNE 30, 2023.</b>
Defendants	)

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## **I. INTRODUCTION**

This is the tenth Monitor’s Report on the implementation of the Settlement Agreement by and Between CRA/LA, a Designated Local Authority, Successor Agency to the Community Redevelopment Agency of the City of Los Angeles, and Plaintiffs (“Settlement”) adopted in this Court’s Judgment entered September 7, 2017, ECF Nos. 596, 596-1 (“Judgment”). The Monitor is pleased to report that construction has been completed on 22 units, including 10 mobility units, five hearing/vision units, and seven units with mobility and hearing/vision features; the units have been inspected by the general contractor’s CASp, and tenants have moved back into their homes. CRA’s Report #10 on Residential Accessibility Retrofit Program, January 1, 2023 to June 30, 2023 (September 15, 2023) (“Report #10”) at 3, 5, Appx. at 3, 5.

## **II. ASSESSMENT OF PROGRESS, PROBLEMS, AND MONITOR RECOMMENDATIONS**

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

### **A. Procedural Requirements**

#### **1. Reporting**

The Monitor finds that CRA’s Report #10, attached hereto, is adequate to assess compliance. *See* Appx. at 1.

#### **2. Record Keeping and Data**

CRA continues to maintain adequate records. CRA’s Managing Architect, Ten Architects,<sup>1</sup> maintains a file server containing its architectural surveys of the Exhibit B

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<sup>1</sup> Ten Architects is the successor to Managing Architect Carde Ten Architects. Report #10 at 3.

1 developments, and the general contractor is using the Procore Construction Management  
2 Platform to track the process of construction.

### 3 **3. Expenditure of Funds**

4 CRA's expenditures increased significantly during the reporting period as  
5 construction got underway. *See* Report #10 at 6 (Tables 1 & 2), Appx. at 6. It spent a total  
6 of \$2,737,805, of which \$2,143,971 was paid to the general contractor. That brought the  
7 total program expenditures from the inception of the program through June 30, 2023 to  
8 \$4,165,285. *Id.*

9 The California Department of Finance continues to approve CRA's payment  
10 schedule extending beyond the original term of the Settlement and CRA/LA anticipates  
11 that funding for the program will be adequate to satisfy the obligations set forth in the  
12 Settlement Agreement. *See id.* at 3.

### 13 **4. The Parties' Collaboration**

14 In the lead up to the filing of the Monitor's Ninth Semi-Annual Report Re:  
15 CRA/LA For Reporting Period of July 1, 2022 Through December 31, 2022, ECF No  
16 720 (March 31, 2023), the parties had detailed discussions concerning: the relocation plan  
17 including Plaintiffs' concerns about the relocation consultant's understanding of  
18 disability-specific issues; provision of information to tenants and solicitation of input  
19 from tenants; and the likely need for an extension on the deadline for completion. The  
20 ILCSC/CALIF Plaintiffs have requested documentation relating to relocation, grievances,  
21 and tenant need for accessible features and are, at this juncture, unsatisfied with the  
22 response. The Monitor looks forward to all parties' renewed participation in these  
23 discussions, based on the provision of requested information by CRA.

### 24 **5. Settlement Term**

25 CRA will need additional time to meet its obligations under the Settlement  
26 Agreement and the Retrofit Program will continue through 2025 at a minimum. *See*  
27 Report #10 at 3, Appx. at 3. The Monitor requests the parties' positions on an amended  
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1 Settlement and Judgment, and has requested that Plaintiffs draft a proposed amended  
2 settlement and judgment.

3 **6. Cost of Monitoring**

4 The cost of the Monitor, \$140,766 through June 30, 2023, has not yet exceeded the  
5 original budgeted amount of \$160,000. *See id.* at 6 (Table 2); Ex. A to Judgment, IV.1(e),  
6 ECF No. 596. The Monitor will discuss a replacement budget with CRA. Plaintiffs’  
7 counsel will also work with CRA on monitoring fees in light of the extended settlement  
8 term.

9 **B. Substantive Requirements**

10 **1. Accessible Units**

11 CRA has identified five developments that constitute Phase 1 of its retrofit project.  
12 *See* Report #10 at 2 (Table 1), Appx. at 2. As noted above, 22 units in two of these  
13 developments – Buckingham Place Senior Housing and Vermont Senior Housing – were  
14 completed during the reporting period. *Id.* at 5. Both developments had unanticipated  
15 barriers in their common areas, which CRA anticipates will be remediated during the  
16 current reporting period, *id.* at 7; the projects will be certified once that work is complete,  
17 *id.* at 4. In the meantime, the Monitor requests that CRA/LA have the 22 completed units  
18 surveyed by the Managing Architect and provide both his reports and documentation of  
19 any review by Los Angeles Department of Building and Safety or other city departments.

20 Retrofitting at the third project started in July, and at the fourth earlier this month.  
21 CRA anticipates that construction will start on the fifth project in December. *Id.* at 7.

22 The Phase 1 developments originally had 75 projected accessible units; however,  
23 CRA increased the number of accessible units in Phase 1 by 23 through voluntary  
24 agreement of development owners for a total of 98 projected accessible units in this phase  
25 – four more than projected in CRA’s Report #9 on Residential Accessibility Retrofit  
26 Program, July 1, 2022 through December 31, 2022 (March 23, 2023) (“Report #9”), ECF  
27 No. 720-1 at 1. *Compare* Report #10 at 2 *with* Report #9 at 4. Building permits for all 98  
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1 units in Phase 1 have been secured. Report #10 at 3, Appx. at 3. CRA currently projects  
2 that it will be able to provide 187 accessible units in Exhibit B developments. *Id.* at 4.

3 The Settlement includes two exhibits – Exhibits A and B – identifying the  
4 developments in which CRA must make the 250 accessible units available. Exs. A & B to  
5 Judgment at 10-14, ECF No. 596-1. Of these, CRA intends to provide a total of 187  
6 accessible units by retrofitting units in Exhibit B developments – an increase of four units  
7 since the last report. To address the remaining 63 units, CRA is exploring the following  
8 options: (i) working with the remaining 17 Exhibit “B” property owners to identify  
9 additional “voluntary” units to be retrofitted, (ii) analyzing the feasibility of retrofitting  
10 some of the housing developments listed on Exhibit “A” to the Settlement Agreement,  
11 and (iii) working with new projects to provide additional accessible units beyond what is  
12 required by the City. Report #10 at 4, Appx. at 4.

13 The Monitor approves this approach to achieving the target number of 250  
14 accessible units, and requests that CRA provide preliminary information about this as  
15 soon as possible – and on a rolling basis – in order for the parties and Monitor to  
16 understand remaining options.

17 CRA has selected nine Phase 2 projects that are projected to add a total of 47  
18 accessible units, 31 mobility and 16 hearing/vision. *Id.* at 8. On July 27, 2023, CRA/LA  
19 issued a Request for Proposal to its pool of prequalified project architects. On September  
20 11, 2023, CRA/LA received three proposals. In the coming weeks, CRA will review the  
21 bids and select one or more of the firms to prepare construction documents for the Phase  
22 2 Projects. *Id.*

## 23 **2. Inspections and Surveys**

24 All 22 Exhibit B housing developments have been inspected and surveyed. In  
25 addition, the 22 completed accessible units have been surveyed by the general  
26 contractor’s CASp; the final CASp report is pending completion and inspection of the  
27 common areas. *Id.* at 3, 7.

1 CRA plans to have Ten Architects conduct final inspections and issue certificates  
2 of inspection with accessibility standards as retrofitting is completed. CRA anticipates  
3 that the Certificate of Compliance for Buckingham Place will be issued by the end of  
4 October, 2023; and certificates for other projects will follow as they are completed. *Id.* at  
5 7.

6 **3. Identifying Accessible Units Occupied by Persons Who Do Not**  
7 **Need Accessible Features**

8 CRA reports that, of the 22 units on which construction has been completed, 21 are  
9 occupied by individuals with disabilities who need the accessibility features. *Id.* at 5.  
10 CRA received this information “[b]y either a direct request from a tenant or anecdotally  
11 from the relocation consultants and apartment managers.” *Id.* It is the Monitor’s  
12 understanding that CRA will survey tenants in the remaining Phase 1 developments  
13 closer to the construction start date due to tenant turnover. Counsel for Plaintiffs ILCSC  
14 and CALIF as well as the Monitor have requested to know more about how this  
15 information is obtained; this is the subject of ongoing discussions among the parties and  
16 the Monitor.

17 In addition, CRA has previously stated that it would make determinations of which  
18 accessible units are occupied by persons not needing accessibility features “after retrofit  
19 work is completed.” Report #9 at 6. However, as the Monitor has stressed in previous  
20 reports, CRA should make that determination prior to the commencement of retrofitting  
21 so that the need for temporary relocation housing with accessibility features can be timely  
22 identified. *See, e.g.,* Monitor’s Semi-Annual Report Re: CRA/LA for Reporting Period of  
23 January 1, 2021 through July 31, 2021 at 5-6, ECF No. 695 (Oct. 1, 2021).

24 Plaintiffs urge CRA to timely coordinate with the City’s AcHP program about  
25 scheduling of the retrofits and regarding surveys and relocation of tenants, as AcHP has  
26 to address related policy implementation issues, including providing information about  
27 the anticipated and actual scheduling and completion of retrofits, the affected units,  
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1 vacancies in affected units, and detailed information about the timing of any temporary  
2 relocation and concerns of tenants being temporarily relocated.

3 **4. Temporary Relocation Policies**

4 CRA's relocation consultants, Overland, Pacific & Cutler ("OPC"), drafted a  
5 relocation plan for Buckingham Place Senior Housing, the first Phase 1 project slated for  
6 construction. *See* Report #9, Attachment A, ECF No. 720-1 at 9. The Monitor and  
7 Counsel for Plaintiffs reviewed the plan and provided feedback. In its Report #9, CRA  
8 stated that it anticipated completing relocation plans for all Phase 1 projects during the  
9 period covered by the present Monitor's Report. Report #9 at 8. The Monitor urges CRA  
10 to provide these relocation plans and the parties to continue their discussions on this  
11 topic.

12 **III. CONCLUSION**

13 The Monitor is pleased to report on the completion and move-in of 22 accessible  
14 units and CRA's projected progress for the current reporting period. The Monitor looks  
15 forward to working with the parties on a number of open items.

16 Dated: September 29, 2023

Respectfully submitted,

18 /s/ Timothy P Fox

19 TIMOTHY P. FOX

20 *Court Monitor*