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CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (WESTERN DIVISION)

INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, a California non-profit corporation; FAIR HOUSING COUNCIL OF SAN FERNANDO VALLEY, a California non-profit corporation; and COMMUNITIES ACTIVELY LIVING INDEPENDENT AND FREE, a California non-profit corporation, Plaintiffs, vs. CITY OF LOS ANGELES, CALIFORNIA, a California municipal	CASE NO. CV 12-0551 SJO (PJW) FIRST AMENDED COMPLAINT FOR INJUNCTIVE, DECLARATORY, AND MONETARY RELIEF; DEMAND FOR TRIAL BY JURY

corporation; COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES, a public entity; CRA/LA DESIGNATED LOCAL AUTHORITY, a public entity and successor agency to the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES; OVERSIGHT BOARD FOR THE CRA/LA DESIGNATED LOCAL AUTHORITY, a public entity; 105 EAST "I" STREET, L.P., a California limited partnership; 12129 EL DORADO AVENUE, L.P., a California limited partnership; 4651 HUNTINGTON, L.P., a California limited partnership; 505 BONNIE BRAE PARTNERS, L.P., a California limited partnership; 901 SOUTH BROADWAY STREET LIMITED PARTNERSHIP, a California limited partnership; ADAMS 935, L.P., a California limited partnership; AMCAL MONTECITO FUND, L.P., a California limited partnership; AMISTAD PLAZA PARTNERS LIMITED PARTNERSHIP, a California limited partnership; ANDALUCIA SENIOR APARTMENTS, L.P., a California limited partnership; ARDMORE 959 PARTNERS, L.P., a California limited partnership; ASTURIAS SENIOR APARTMENTS, L.P., a California limited partnership, B S BROADWAY VILLAGE II, L.P., a California limited partnership; BUCKINGHAM SENIOR APARTMENTS, L.P., a California limited partnership; CANTABRIA SENIOR APARTMENTS, L.P., a California limited partnership; CARONDELET COURT PARTNERS, L.P., a California limited partnership; CENTRAL VILLAGE APARTMENTS, L.P., a California limited partnership; DECRO ORION APARTMENTS, L.P., a California limited partnership; DECRO OSBORNE APARTMENTS, L.P., a California limited partnership; EAST LA COMMUNITY CORPORATION, a California corporation; EASTSIDE VILLAGE, L.P., a California limited partnership; ESPERANZA COMMUNITY HOUSING CORPORATION, a California corporation; EUGENE HOTEL, L.P., a California limited partnership; FAME

WEST 25TH STREET, L.P., a California limited partnership; FAR EAST BUILDING, L.P., a California limited partnership; GRANDVIEW NINE, L.P., a California limited partnership; HART VILLAGE, L.P., a California limited partnership; HEAVENLY VISION SENIOR HOUSING, L.P., a California limited partnership; HOBART HEIGHTS PARTNERS, L.P., a California limited partnership; HOOVER SENIORS, L.P., a California limited partnership; IMANI FE, LP, a California limited partnership; KOREAN FAMILY HOUSING CORPORATION, a California corporation; LAS MARGARITAS, L.P., a California limited partnership; LOS ANGELES HOUSING PARTNERSHIP, INC., a California corporation; LOS CUATRO VIENTOS, L.P., a California limited partnership; MENLO PARK, A CALIFORNIA LIMITED PARTNERSHIP, a California limited partnership; MORGAN PLACE, L.P., a California limited partnership; NEW GENESIS APARTMENTS, L.P., a California limited partnership; NEW TIERRA DEL SOL, L.P., a California limited partnership; NOHO SENIOR VILLAS, L.P., a California limited partnership; OL HOPE, L.P., a California limited partnership; P G HOUSING PARTNERS, L.P., a California limited partnership; PALM VILLAGE SENIOR HOUSING CORP., a California corporation; PALOMAR APARTMENTS, L.P., a California limited partnership; PENNY LANE CENTERS, a California corporation; RAMPART APARTMENTS, A CALIFORNIA LIMITED PARTNERSHIP, a California limited partnership; REDROCK NOHO RESIDENTIAL, LLC, a Delaware limited liability company; RENATO APARTMENTS, L.P., a California limited partnership; RITTENHOUSE LIMITED PARTNERSHIP, a California limited partnership; SELMA-HUDSON COMMUNITY LIMITED PARTNERSHIP, a California limited partnership; SEVEN MAPLES, L.P. a California limited partnership; SF NO HO LLC, a California limited liability company; SHERMAN VILLAGE

APARTMENTS, L.P., a California limited partnership; SHERMAN WAY COMMUNITY HOUSING, L.P., a California limited partnership; STOVALL HOUSING CORPORATION, a California corporation; VERMONT SENIORS, a California corporation; WA COURT, L.P., a California limited partnership; WATTS/ATHENS PRESERVATION XVII, L.P., a California limited partnership; WEST ANGELES VILLAS, L.P., a California limited partnership; WESTERN/CARLTON II, L.P., a California limited partnership; and YALE TERRACE APARTMENTS, A CALIFORNIA LIMITED PARTNERSHIP, a California limited partnership,

Defendants.

INTRODUCTION

1. This civil rights action is brought because public money that was to be used to build and provide affordable, accessible housing was misapplied, denying hundreds of people with disabilities housing over many years. The Plaintiffs are the Independent Living Center of Southern California ("ILCSC"), a non-profit independent living center for people with disabilities, the Fair Housing Council of San Fernando Valley ("FHC"), a non-profit fair housing organization, and Communities Actively Living Independent and Free ("CALIF"), a non-profit independent living center for people with disabilities. Their claims are brought against the Community Redevelopment Agency of the City of Los Angeles ("CRA"), the CRA/LA Designated Local Authority, a public entity ("Local Authority") and successor agency to the

Community Redevelopment Agency of the City of Los Angeles; the Oversight Board for the CRA/LA Designated Local Authority ("Oversight Board"), a public entity; and the City of Los Angeles ("City") in its own capacity and in its capacity as a successor housing agency to Defendant CRA. The claims arise from their collective failure to ensure that housing is accessible and available to people with disabilities as required under federal and state civil rights law. In this First Amended Complaint ("Complaint"), the City, the CRA, the Local Authority, and the Oversight Board may be referred to collectively as "Government Defendants." The CRA, the Local Authority, the Oversight Board, and the City in its capacity as successor housing agency may be referred to collectively as the "Redevelopment Defendants."

2. This Complaint alleges that the Government Defendants have engaged in a pattern or practice of discrimination against people with disabilities in violation of Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act (the "ADA"), the Fair Housing Act, and California Government Code § 11135. These Defendants have failed to ensure that housing funded, developed, or significantly assisted by the Redevelopment Defendants as part of their housing programs is accessible to people with disabilities. These Defendants have also knowingly allocated millions of dollars in federal, state and other funds to finance housing throughout Los Angeles without ensuring that their programs as a whole and the housing they developed, funded, and significantly assisted is accessible and made meaningfully available to people with disabilities.

3. Plaintiffs join the Owner Defendants—current owners of 61 housing developments that received federal funds through the Redevelopment Defendants—solely because they may be necessary to effectuate any injunctive relief with respect to access, retrofitting and policy implementation that the Court may order.

4. The Government Defendants' violations of federal and state civil rights laws have thwarted efforts by Congress and the California legislature to eradicate discrimination against people with disabilities, and rendered Defendants' housing programs and housing units unavailable to people with disabilities in direct contravention of their intended purpose. Enforcement of Section 504 of the Rehabilitation Act, Title II of the ADA, the Fair Housing Act, and California Government Code § 11135 against the Government Defendants is necessary because of the extensive nature of the civil rights violations in their housing programs.

JURISDICTION

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1367. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201, 2202 and 1343, and by Rules 57 and 65 of the Federal Rules of Civil Procedure.

6. Plaintiffs' claims for violations of California state law concern the same actions and omissions that form the basis of Plaintiffs' claims under federal law such that they are all part of the same case or controversy. This Court has supplemental jurisdiction over those state law claims pursuant to 28 U.S.C. § 1367.

7. This action for declaratory and injunctive relief arises in part under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Title II of the ADA, 42 U.S.C. § 12132, *et seq.*; and the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*

VENUE

8. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1391(b) because Defendants operate and perform their official duties therein and thus reside there for purposes of venue, and because a substantial part of the events and omissions giving rise to the claims occurred in Los Angeles County, which is in the Central District of California.

PARTIES

9. The Independent Living Center of Southern California ("ILCSC") is an independent living center for people with disabilities and has its principal place of business in Van Nuys. It is a non-profit, community-based corporation that provides a wide range of services to people with disabilities and seniors in the City of Los Angeles and adjoining areas. It is governed by a Board of Directors that must always contain at least 51% people with disabilities.

10. ILCSC's mission is to provide services which offer people with disabilities and seniors the opportunity to seek an individual course towards independence, while educating the community. The vast majority of clients served by ILCSC are poor because their disabilities limit their ability to work, and they therefore rely on public and private programs intended to serve people with low incomes.

11. During 2011, ILCSC served approximately 6,000 new clients, with more than half requesting assistance with searching for accessible and/or affordable housing or removing barriers to accessible housing, requiring it to devote 2.5 full-time equivalent employees to assist clients with housing needs. In addition, ILCSC's Systems Advocacy Coordinator devoted one-quarter of his time to addressing housing accessibility issues, including meetings with elected officials, employees of the Government Defendants and others to alert them to the severe need for accessible affordable housing and noncompliance with federal accessibility requirements in housing funded, developed, or significantly assisted by the Government Defendants.

12. ILCSC seeks to have its clients' needs met by public and private programs that serve residents of the City of Los Angeles, and provides services and supports directly only in circumstances where such programs are not serving them adequately.

13. During 2011, among ILCSC's clients seeking assistance with accessible and/or affordable housing, only 10% have found housing that meets their needs. Since 2009, ILCSC has assisted at least two clients seeking to secure accessible housing in buildings constructed with federal funds granted by or through the Redevelopment Defendants, but was not successful. ILCSC also provides services through the California Community Transitions program. Through the California Community Transitions program, ILCSC seeks to help people move from skilled nursing facilities and acute care hospitals back into community living. ILCSC assists clients with locating and obtaining affordable housing,

provides security deposits and first month's rent, and assists with home modification and durable medical equipment, among other services.

14. A substantial majority of ILCSC's clients, employees, and community advisory board ("constituents") are people with disabilities, or family of people with disabilities, who have been harmed and continue to be harmed because the Government Defendants have failed and continue to fail to ensure that housing funded, developed, or significantly assisted by the Defendants as part of their housing programs is accessible to people with disabilities.

15. Fair Housing Council of San Fernando Valley ("FHC") is a non-profit fair housing membership organization, incorporated under the laws of the State of California, and serving clients in portions of the City of Los Angeles and adjoining areas.

16. FHC's mission is to eliminate housing discrimination and to expand housing choices for people with disabilities and members of other classes protected under federal and state civil rights and equal opportunity statutes and regulations. FHC assists people with disabilities to file housing discrimination complaints. Between 2008 and 2011, 21% of all such complaints were filed by people with physical disabilities, and a majority of these sought more accessible housing.

17. FHC also responds to inquiries about the availability of housing for people with disabilities. Between 2008 and 2011, 23% of all of FHC's inquiries were from people with physical disabilities, and a majority of these sought more accessible housing.

18. In response to a lack of information about accessible affordable housing, from 2008 to the present, FHC expended substantial staff and monetary resources researching which housing projects contained accessible, affordable housing units, and providing that information to people with disabilities, disability advocacy organizations, and the general public, as well as notifying the City about its concerns and findings.

19. FHC engages in a number of activities to further its mission of promoting equal housing opportunities including, but not limited to: education programs in the community; training programs for real estate professionals and the general public; fair housing counseling; and coaching people with disabilities in strategies to advocate for accessible affordable housing.

20. FHC constituents, employees, and board of directors include people with disabilities, or family of people with disabilities, who have been harmed and continue to be harmed because the Government Defendants have failed and continue to fail to ensure that housing funded, developed, or significantly assisted by the Defendants as part of their housing programs are accessible to people with disabilities. For instance, a former long-time FHC consultant currently lives in a nursing home because of her inability to find accessible affordable housing in the community. Furthermore, an elderly FHC member and her adult son who is a wheelchair user continue to live in an inaccessible apartment building because of her inability to find accessible affordable housing in the community.

21. Communities Actively Living Independent and Free ("CALIF") is an independent living center with its principal place

of business in Los Angeles, California. It is a non-profit, community-based corporation that provides services by and to people with disabilities in the City of Los Angeles. CALIF seeks to achieve full inclusion, equality, and civil rights for people with disabilities. It is governed by a Board of Directors that must always contain at least 51% people with disabilities.

22. CALIF's mission is 1) To achieve greater input, participation, and control over policies and services especially those for people with disabilities, including those that exclude them; 2) To address discrimination wherever it exists; 3) To encourage the meaningful participation of persons with disabilities in mainstream activities that enhance the positive image and experience of disability; 4) To empower people with disabilities by encouraging ongoing education and a broad knowledge of the history and heritage of the Disability Movement; and 5) To provide the Disability Community with the following core services: Systems Change Advocacy; Housing Advocacy; Individual and Benefits Advocacy; Personal Assistance Services Advocacy; Information and Referral; Peer Counseling; Independent Living Skills Training; and Assistive Technology.

23. The majority of clients served by CALIF are poor because their disabilities limit their ability to work, and therefore they rely on public and private programs intended to serve people with low incomes.

24. CALIF served a significant number of clients requesting assistance with searching for accessible and/or affordable housing or removing barriers to accessible housing,

requiring it to devote one full-time employee to assist clients with housing needs.

25. CALIF's Housing Programs, administered and implemented by its Housing Advocate, include a Tenant-Landlord Conflict Resolution program and the California Community Transition program.

26. Through the California Community Transitions program, CALIF seeks to help people move from skilled nursing facilities and acute care hospitals back into community living. CALIF assists clients with locating and obtaining affordable housing, provides security deposits and first month's rent, and assists with home modification and durable medical equipment, among other services.

27. In addition, CALIF's Housing Advocate provides clients with assistance with applications for Section 8 and other public housing programs; assistance with reasonable accommodation requests in public housing; and information and referrals to various affordable housing programs in the City and County of Los Angeles.

28. Over the last four years, CALIF has been forced to divert the time and resources of its Housing Advocate from implementing the above-mentioned housing programs and services to inspecting and confirming the accessibility of housing units to which it refers clients who require housing with accessible features – including units within the Government Defendants' Redevelopment Housing Program. CALIF had previously referred clients to such housing units advertised as accessible, only to have those clients return, upset and complaining that the advertised

units were not in fact accessible, or that accessible units did not exist.

29. During the time period relevant to the instant Complaint, CALIF's Housing Advocate personally inspected at least three buildings constructed with funds granted by or through the Government Defendants that boasted that they had accessible units. Barriers discovered at these properties, both in common areas and within the advertised "accessible" units, included doorways that were too narrow to accommodate wheelchairs, and bathrooms and kitchens that lacked accessible features and required clearances. When these barriers have been discovered, CALIF has spent its scarce time and resources counseling frustrated and aggrieved home seekers, and educating housing providers regarding their noncompliance with the law and the housing rights of people with disabilities.

30. A substantial majority of CALIF's clients, employees, and community advisory board ("constituents") are people with disabilities, or family of persons with disabilities, who have been harmed and continue to be harmed because the Government Defendants have failed and continue to fail to ensure that housing funded, developed, or significantly assisted by the Defendants as part of their Redevelopment Housing Program is accessible to people with disabilities.

31. Defendant City of Los Angeles, California is a municipal corporation organized under the laws of the State of California.

32. At all times relevant, the City has been a public entity within the meaning of Title II of the ADA.

33. At all times relevant, the City has received federal financial assistance within the meaning of the Rehabilitation Act.

34. At all times relevant, the City has received state financial assistance within the meaning of California Government Code § 11135.

35. Defendant City of Los Angeles is sued in its own capacity and in its capacity as a successor housing agency to Defendant CRA, as set forth further below.

36. Defendant Community Redevelopment Agency of the City of Los Angeles ("CRA") is a public agency authorized, until February 1, 2012, by the California Community Redevelopment Law to conduct redevelopment and revitalization activities using public and private funds in designated areas of the City of Los Angeles.

37. At all times relevant, the Defendant CRA has been a public entity within the meaning of Title II of the ADA.

38. At all times relevant, the Defendant CRA has received federal financial assistance within the meaning of the Rehabilitation Act.

39. At all times relevant, the Defendant CRA has received state financial assistance within the meaning of California Government Code §11135.

40. At all times relevant up until February 1, 2012, a Board of Commissioners appointed by the Mayor of the City of Los Angeles and confirmed by the Los Angeles City Council has overseen the CRA.

41. Under an "Oversight Ordinance," adopted in 1991, every action of the CRA up until February 1, 2012 has been

subject to Los Angeles City Council approval. L.A. Ad. Code § 8.99.01, *et seq*.

42. Pursuant to the same ordinance, the Los Angeles City Attorney has served as General Counsel for the CRA. L.A. Ad. Code § 8.99.03.

43. On June 28, 2011, the Governor of the State of California approved California Assembly Bill ABx1 26 (2011) ("AB 26"), which was filed with the Secretary of State on June 29, 2011, amending California Redevelopment Law, California Health and Safety Code Sections 33500, 33501, 33607.5, and 33607.7, and adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170), and adding Section 97.401 and 98.2 to the California Revenue and Taxation Code.

44. AB 26 fundamentally restructured California Redevelopment Law, dissolving the existing structure of redevelopment agencies and transferring to successor entities all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies, other than as specified.

45. AB 26 set up a timetable and structure for dissolving redevelopment agencies and transferring their remaining obligations to the successor entities. *See Cal. Redevelopment Assoc. v. Matosantos*, 53 Cal.4th 231, 135 Cal.Rptr.3d 683 (Dec. 29, 2011) (holding that ABx1 26 ('The Dissolution Act') is constitutional and establishing a dissolution date of February 1, 2012 for all agencies.)

46. Pursuant to AB 26, and specifically California Health & Safety Code Section 34173, and as of February 1, 2012, Defendant CRA was dissolved as part of this fundamental restructuring of

redevelopment agencies in California and certain of the CRA's functions, obligations, liabilities, and assets were transferred to two successor entities, specifically a Designated Local Authority called the "CRA/LA Designated Local Authority," and the City of Los Angeles.

47. Defendant CRA/LA Designated Local Authority was established on or about February 1, 2012.

48. Defendant CRA/LA Designated Local Authority is a public entity formed pursuant to California Health & Safety Code 34173(d).

49. At all times relevant, the Defendant CRA/LA Designated Local Authority has been a public entity within the meaning of Title II of the ADA.

50. At all times relevant, the Defendant CRA/LA Designated Local Authority has received federal financial assistance within the meaning of the Rehabilitation Act.

51. At all times relevant, the Defendant CRA/LA Designated Local Authority has received state financial assistance within the meaning of California Government Code § 11135.

52. Defendant CRA/LA Designated Local Authority is a successor entity to Defendant CRA, assuming statutorily specified functions, assets, and liabilities of Defendant CRA as of February 1, 2012, as set out in AB 26.

53. On or about January 25, 2012, Defendant City of Los Angeles passed a resolution whereby it elected, pursuant to California Health & Safety Code § 34176(a), to become the successor housing agency to the CRA, to receive and retain the housing assets of Defendant CRA, to perform the housing

functions under the California Community Redevelopment Law previously performed by Defendant CRA, and to accept transfer of all rights, powers, duties and obligations, except as otherwise provided in California Health & Safety Code Part 1.85, of Defendant CRA related to its housing assets and functions. *See* Los Angeles City Council File No. 12-0049.

54. AB 26, and specifically California Health & Safety Code Sections 34179, *et seq.*, requires that an oversight board consisting of seven members be established to approve and/or direct specified activities of the successor agency.

55. On or about May 2, 2012, Defendant Oversight Board for CRA/LA, a Designated Local Authority, was officially constituted to assume the statutorily specified functions; members of Defendant Oversight Board were sworn into office; and the first meeting of Defendant Oversight Board took place.

56. Each of the Government Defendants was the actual or apparent agent, employee, manager, or representative of each of the other Government Defendants. Each Government Defendant, in doing the acts or omitting to act as alleged in this Complaint, was acting in the course and scope of his, her, or its actual or apparent authority pursuant to such agencies; or the alleged acts or omissions of each Government Defendant as agent were subsequently ratified and adopted by each agent as principal.

OWNER DEFENDANTS

57. Defendant 105 East "I" Street, L.P. ("105 East I") is a California limited partnership that does business in California, including in the City and County of Los Angeles. 105 East I currently owns Don Hotel Apartments, a multi-family housing

development located at 105 East I Street, Los Angeles, California. Don Hotel Apartments is a CRA-assisted development.

58. Defendant 12129 El Dorado Avenue, L.P. ("El Dorado") is a California limited partnership that does business in California, including in the City and County of Los Angeles. El Dorado currently owns El Dorado Apartments, a multi-family housing development located at 12129 El Dorado Avenue, Los Angeles, California. El Dorado Apartments is a CRA-assisted development.

59. Defendant 4651 Huntington, L.P. ("4651 Huntington") is a California limited partnership that does business in California, including in the City and County of Los Angeles. 4651 Huntington currently owns Vista Monterey Senior Housing, a multi-family senior housing development located at 4647 Huntington Drive North, Los Angeles, California. Vista Monterey Senior Housing is a CRA-assisted development.

60. Defendant 505 Bonnie Brae Partners, L.P. ("Bonnie Brae") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Bonnie Brae currently owns Bonnie Brae Apartment Homes, a multi-family housing development located at 501-511 South Bonnie Brae Street, Los Angeles, California. Bonnie Brae Apartment Homes is a CRA-assisted development.

61. Defendant 901 South Broadway Street Limited Partnership ("901 South Broadway") is a California limited partnership that does business in California, including in the City and County of Los Angeles. 901 South Broadway currently owns Broadway Plaza Apartments, a multi-family housing development

located at 901 South Broadway Street, Los Angeles, California. Broadway Plaza Apartments is a CRA-assisted development.

62. Defendant Adams 935, L.P. ("Adams 935") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Adams 935 currently owns Adams and Central, a multi-family housing development located at 1011 Adams Boulevard, Los Angeles, California. Adams and Central is a CRA-assisted development.

63. Defendant Amcal Montecito Fund, L.P. ("Amcal") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Amcal currently owns Montecito Terraces, a multi-family housing development located at 14653-61 and 14726-28 Blythe Street, Los Angeles, California. Montecito Terraces is a CRA-assisted development.

64. Defendant Amistad Plaza Partners Limited Partnership ("Amistad") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Amistad currently owns Amistad Plaza, a multi-family housing development located at 6050-6130 South Western Avenue, Los Angeles, California. Amistad Plaza is a CRA-assisted development.

65. Defendant Andalucia Senior Apartments, L.P. ("Andalucia") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Andalucia currently owns Andalucia Senior Apartments, a multi-family senior housing development located at 15305 Lanark Street, Los Angeles, California. Andalucia Senior Apartments is a CRA-assisted development.

66. Defendant Ardmore 959 Partners, L.P. ("Ardmore 959") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Ardmore 959 currently owns The Ardmore, a multi-family housing development located at 959 South Ardmore Avenue, Los Angeles, California. The Ardmore is a CRA-assisted development.

67. Defendant Asturias Senior Apartments, L.P. ("Asturias") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Asturias currently owns Asturias Senior Apartments, a multi-family senior housing development located at 9628 Van Nuys Boulevard, Los Angeles, California. Asturias Senior Apartments is a CRA-assisted development.

68. Defendant B S Broadway Village II, L.P. ("B S Broadway II") is a California limited partnership that does business in California, including in the City and County of Los Angeles. B S Broadway II currently owns Broadway Village II, a multi-family housing development located at 5101 South Broadway, Los Angeles, California. Broadway Village II is a CRA-assisted development.

69. Defendant Buckingham Senior Apartments, L.P. ("Buckingham") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Buckingham currently owns Buckingham Place Senior Housing, a multi-family senior housing development located at 4020 Buckingham Road, Los Angeles, California. Buckingham Place Senior Housing is a CRA-assisted development.

70. Defendant Cantabria Senior Apartments, L.P. ("Cantabria") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Cantabria currently owns Cantabria Senior Citizen Apartments, a multi-family senior housing development located at 9640 Van Nuys Boulevard, Los Angeles, California. Cantabria Senior Citizen Apartments is a CRA-assisted development.

71. Defendant Carondelet Court Partners, L.P. ("Carondelet") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Carondelet currently owns Carondelet Court Apartments, a multi-family housing development located at 816 South Carondelet Street, Los Angeles, California. Carondelet Court Apartments is a CRA-assisted development.

72. Defendant Central Village Apartments, L.P. ("Central Village") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Central Village currently owns Central Village Apartments, a multi-family housing development located at 2000 South Central Avenue, Los Angeles, California. Central Village Apartments is a CRA-assisted development.

73. Defendant Decro Orion Apartments, L.P. ("Decro Orion") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Decro Orion currently owns Orion Garden Apartments (aka Decro Orion), a multi-family housing development located at 8947-8955 North Orion Street, Los Angeles, California. Orion Garden Apartments (aka Decro Orion) is a CRA-assisted development.

74. Defendant Decro Osborne Apartments, L.P. ("Decro Osborne") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Decro Osborne currently owns Decro Osborne Apartments (aka Osborne Family), a multi-family housing development located at 12360 Osborne Street, Los Angeles, California. Decro Osborne Apartments (aka Osborne Family) is a CRA-assisted development.

75. Defendant East LA Community Corporation ("ELACC") is a California corporation that does business in California, including in the City and County of Los Angeles. ELACC currently owns Boyle Hotel Apartments, a multi-family housing development located at 101 North Boyle Avenue, Los Angeles, California, and Paseo Del Sol, another multi-family housing development located at 417 North Soto Street, Los Angeles, California. Boyle Hotel Apartments and Paseo Del Sol are both CRA-assisted developments.

76. Defendant Eastside Village, L.P. ("Eastside Village") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Eastside Village currently owns Eastside Village (Lillian Mobley), a multi-family housing development located at 2250 East 111th Street, Los Angeles, California. Eastside Village (Lillian Mobley) is a CRA-assisted development.

77. Defendant Esperanza Community Housing Corporation ("Esperanza") is a California corporation that does business in California, including in the City and County of Los Angeles. Esperanza currently owns La Estrella Apartments, a multi-family housing development located at 1979 Estrella Avenue, Los

Angeles, California. La Estrella Apartments is a CRA-assisted development.

78. Defendant Eugene Hotel, L.P. ("Eugene") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Eugene currently owns Eugene Hotel, a multi-family housing development located at 560 South Stanford Street, Los Angeles, California. Eugene Hotel is a CRA-assisted development.

79. Defendant Fame West 25th Street, L.P. ("Fame West") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Fame West currently owns FAME West 25th (aka FAME-Western), a multi-family housing development located at 1940 West 25th Street, Los Angeles, California. FAME West 25th (aka FAME-Western) is a CRA-assisted development.

80. Defendant Far East Building, L.P. ("Far East") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Far East currently owns Far East Building, a multi-family housing development located at 347-353 East First Street, Los Angeles, California. Far East Building is a CRA-assisted development.

81. Defendant Grandview Nine, L.P. ("Grandview") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Grandview currently owns Grandview 9, a multi-family housing development located at 916-920 South Park View Street, Los Angeles, California. Grandview 9 is a CRA-assisted development.

82. Defendant Hart Village, L.P. ("Hart") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Hart currently owns Hart Village, a multi-family housing development located at 6927-41 Owensmouth Avenue/21702-12 Hart Street, Los Angeles, California. Hart Village is a CRA-assisted development.

83. Defendant Heavenly Vision Senior Housing, L.P. ("Heavenly Vision") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Heavenly Vision currently owns Heavenly Vision Seniors, a multi-family senior housing development located at 9400 South Broadway, Los Angeles, California. Heavenly Vision Seniors is a CRA-assisted development.

84. Defendant Hobart Heights Partners, L.P. ("Hobart") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Hobart currently owns The Hobart, a multi-family housing development located at 924 South Hobart Boulevard, Los Angeles, California. The Hobart is a CRA-assisted development.

85. Defendant Hoover Seniors, L.P. ("Hoover") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Hoover currently owns Hoover Senior, a multi-family senior housing development located at 6200-6214 South Hoover Street, Los Angeles, California. Hoover Senior is a CRA-assisted development.

86. Defendant Imani Fe, LP ("Imani Fe") is a California limited partnership that does business in California, including in

the City and County of Los Angeles. Imani Fe currently owns Imani Fe (East and West), a multi-family housing development located at 10345 and 10408-10424 South Central Avenue, Los Angeles, California. Imani Fe (East and West) is a CRA-assisted development.

87. Defendant Korean Family Housing Corporation ("Korean Family Housing") is a California corporation that does business in California, including in the City and County of Los Angeles. Korean Family Housing currently owns Pleasant Hill Homes, a multi-family housing development located at 1315 Pleasant Avenue, Los Angeles, California. Pleasant Hill Homes is a CRA-assisted development.

88. Defendant Las Margaritas, L.P. is a California limited partnership that does business in California, including in the City and County of Los Angeles. Las Margaritas, L.P. currently owns Las Margaritas, a multi-family housing development located at 115 and 137 North Soto Street and 319 North Cummings Street, Los Angeles, California. Las Margaritas is a CRA-assisted development.

89. Defendant Los Angeles Housing Partnership, Inc. ("L.A. Housing Partnership") is a California corporation that does business in California, including in the City and County of Los Angeles. L.A. Housing Partnership currently owns Bronson Court, a multi-family housing development located at 1227-39 North Bronson Avenue, Los Angeles, California. Bronson Court is a CRA-assisted development.

90. Defendant Los Cuatro Vientos, L.P. ("LCV") is a California limited partnership that does business in California,

including in the City and County of Los Angeles. LCV currently owns Cuatro Vientos, a multi-family housing development located at 5331 East Huntington Drive, Los Angeles, California. Cuatro Vientos is a CRA-assisted development.

91. Defendant Menlo Park, A California Limited Partnership ("Menlo Park") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Menlo Park currently owns Menlo Park Apartments, a multi-family housing development located at 831 West 70th Street, Los Angeles, California. Menlo Park Apartments is a CRA-assisted development.

92. Defendant Morgan Place, L.P. ("Morgan") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Morgan currently owns Morgan Place Senior Apartments, a multi-family senior housing development located at 7301-15 South Crenshaw Boulevard, Los Angeles, California. Morgan Place Senior Apartments is a CRA-assisted development.

93. Defendant New Genesis Apartments, L.P. ("New Genesis") is a California limited partnership that does business in California, including in the City and County of Los Angeles. New Genesis currently owns New Genesis Apartments, a multi-family housing development located at 452-458 South Main Street, Los Angeles, California. New Genesis Apartments is a CRA-assisted development.

94. Defendant New Tierra del Sol, L.P. ("New Tierra") is a California limited partnership that does business in California, including in the City and County of Los Angeles. New Tierra

currently owns Tierra del Sol, a multi-family housing development located at 7500 Alabama Avenue, Los Angeles, California. Tierra del Sol is a CRA-assisted development.

95. Defendant NoHo Senior Villas, L.P. ("NoHo Senior") is a California limited partnership that does business in California, including in the City and County of Los Angeles. NoHo Senior currently owns NoHo Senior Villas, a multi-family housing development located at 5526-5532 Klump Avenue, Los Angeles, California. NoHo Senior Villas is a CRA-assisted development.

96. Defendant Ol Hope, L.P. ("Ol Hope") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Ol Hope currently owns Hope Manor, a multi-family housing development located at 1031 South Hope Street, Los Angeles, California. Hope Manor is a CRA-assisted development.

97. Defendant P G Housing Partners, L.P. ("P G Housing") is a California limited partnership that does business in California, including in the City and County of Los Angeles. P G Housing currently owns Pico/Gramercy, a multi-family housing development located at 3201 West Pico Boulevard, Los Angeles, California. Pico/Gramercy is a CRA-assisted development.

98. Defendant Palm Village Senior Housing Corp. ("Palm Village") is a California corporation that does business in California, including in the City and County of Los Angeles. Palm Village currently owns Palm Village Senior Citizens, a multi-family senior housing development located at 9040 Laurel Canyon Boulevard, Los Angeles, California. Palm Village Senior Citizens is a CRA-assisted development.

99. Defendant Palomar Apartments, L.P. ("Palomar") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Palomar currently owns Palomar Apartments, a multi-family housing development located at 5473 Santa Monica Boulevard, Los Angeles, California. Palomar Apartments is a CRA-assisted development.

100. Defendant Penny Lane Centers ("Penny Lane") is a California corporation that does business in California, including in the City and County of Los Angeles. Penny Lane currently owns Columbus Permanent Housing, a multi-family housing development located at 8900-06 Columbus Avenue, Los Angeles, California. Columbus Permanent Housing is a CRA-assisted development.

101. Defendant Rampart Apartments, A California Limited Partnership ("Rampart") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Rampart currently owns Casa Rampart, a multi-family housing development located at 401 and 512 South Rampart Boulevard, Los Angeles, California. Casa Rampart is a CRA-assisted development.

102. Defendant Redrock NoHo Residential, LLC ("Redrock NoHo") is a Delaware limited liability company that does business in California, including in the City and County of Los Angeles. Redrock NoHo currently owns Lofts @ NoHo Commons ("Lofts"), a multi-family housing development located at 11136 Chandler Boulevard, North Hollywood, California. Lofts is a CRA-assisted development.

103. Defendant Renato Apartments, L.P. ("Renato") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Renato currently owns Renato Apartments, a multi-family housing development located at 527-531 South San Julian, Los Angeles, California. Renato Apartments is a CRA-assisted development.

104. Defendant Rittenhouse Limited Partnership ("Rittenhouse LP") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Rittenhouse LP currently owns Rittenhouse, a multi-family housing development located at 1100 East 33rd Street, Los Angeles, California. Rittenhouse is a CRA-assisted development.

105. Defendant Selma-Hudson Community Limited Partnership ("Selma-Hudson") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Selma-Hudson currently owns Casa Verde, a multi-family housing development located at 1552 Schrader Boulevard, Los Angeles, California. Selma-Hudson is a CRA-assisted development.

106. Defendant Seven Maples, L.P. ("Seven Maples") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Seven Maples currently owns Seven Maples Senior Apartments, a multi-family senior housing development located at 2618-30 West 7th Street, Los Angeles, California. Seven Maples Senior Apartments is a CRA-assisted development.

107. Defendant SF No Ho LLC ("SF No Ho") is a California limited liability company that does business in California,

including in the City and County of Los Angeles. SF No Ho currently owns Gallery @ NoHo Commons ("Gallery"), a multi-family housing development located at 5416 Fair Avenue, Los Angeles, California. Gallery is a CRA-assisted development.

108. Defendant Sherman Village Apartments, L.P. ("Sherman Village") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Sherman Village currently owns Sherman Village Apartments, a multi-family housing development located at 18900 Sherman Way, Los Angeles, California. Sherman Village Apartments is a CRA-assisted development.

109. Defendant Sherman Way Community Housing, L.P. ("Sherman Way") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Sherman Way currently owns Three Courtyards Apartments (aka Ivy Terrace), a multi-family housing development located at 13751 Sherman Way, Los Angeles, California. Three Courtyards (aka Ivy Terrace) is a CRA-assisted development.

110. Defendant Stovall Housing Corporation ("Stovall Housing") is a California corporation that does business in California, including in the City and County of Los Angeles. Stovall Housing currently owns Stovall Villa, a multi-family housing development located at 535 West 41st Street, Los Angeles, California. Stovall Villa is a CRA-assisted development.

111. Defendant Vermont Seniors is a California corporation that does business in California, including in the City and County of Los Angeles. Vermont Seniors currently owns Vermont Seniors (I and II), a multi-family senior housing development located at

3901-3925 South Vermont Avenue/1015 West 39th Place, Los Angeles, California. Vermont Seniors (I and II) is a CRA-assisted development.

112. Defendant WA Court, L.P. ("WA Court") is a California limited partnership that does business in California, including in the City and County of Los Angeles. WA Court currently owns Washington Court Family Housing, a multi-family housing development located at 1717 East 103rd Street, Los Angeles, California. Washington Court Family Housing is a CRA-assisted development.

113. Defendant Watts/Athens Preservation XVII, L.P. ("Watts/Athens") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Watts/Athens currently owns Terre One Apartments, a multi-family housing development located at 5270 South Avalon Boulevard, Los Angeles, California. Terre One Apartments is a CRA-assisted development.

114. Defendant West Angeles Villas, L.P. ("WAV") is a California limited partnership that does business in California, including in the City and County of Los Angeles. WAV currently owns West Angeles Villas, a multi-family housing development located at 6030 Crenshaw Boulevard, Los Angeles, California. West Angeles Villas is a CRA-assisted development.

115. Defendant Western/Carlton II, L.P. ("Western/Carlton") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Western/Carlton currently owns Metro Hollywood Apartments (aka Hollywood Western Apartments/Western-Carlton Phase II) ("Metro

Hollywood"), a multi-family housing development located at 1672 N. Western Avenue, Los Angeles, California. Metro Hollywood is a CRA-assisted development.

116. Defendant Yale Terrace Apartments, A California Limited Partnership ("Yale Terrace") is a California limited partnership that does business in California, including in the City and County of Los Angeles. Yale Terrace currently owns Yale Terrace Apartments, a multi-family housing development located at 716-734 South Yale Street, Los Angeles, California. Yale Terrace Apartments is a CRA-assisted development.

STATUTORYAND REGULATORY FRAMEWORK

I. Section 504 of the Rehabilitation Act

117. The purpose of the Rehabilitation Act of 1973 is to "maximize employment, economic self-sufficiency, independence, and inclusion and integration into society" of people with disabilities. 29 U.S.C. §701(b)(1). The Rehabilitation Act is based on findings that "individuals with disabilities continually encounter various forms of discrimination in such critical areas as . . . housing" and that "the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to . . . achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency." 29 U.S.C. §701(a)(5) and (6)(B).

118. All entities receiving federal financial assistance must comply with the anti-discrimination provisions of Section 504 of the Rehabilitation Act. 29 U.S.C. §794(a). "No otherwise qualified individual with a disability . . . shall, solely by reason of his or

her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . ." 29 U.S.C. § 794.

119. Section 504 requires covered entities to provide people with disabilities meaningful access to programs, services, and activities. *Alexander v. Choate*, 469 U.S. 287 (1985). The meaningful access requirement applies across the board to all of a covered entity's programs, services, and activities, regardless of whether a particular program, service, or activity itself has direct federal funding.

120. U.S. Department of Housing and Urban Development ("HUD") Regulations implementing Section 504 provide that "[a] recipient, in providing any housing, aid, benefit, or service in a program or activity that receives Federal financial assistance from the Department [of Housing & Urban Development] may not, directly or through contractual, licensing, or other arrangements, solely on the basis of handicap: . . . Aid or perpetuate discrimination against a qualified individual with handicaps by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any housing, aid, benefit, or service to beneficiaries in the recipient's federally assisted program or activity"; [or] "Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the housing, aid, benefit, or service." 24 C.F.R. § 8.4(b)(1).

121. The HUD regulations implementing Section 504 also require that "[i]n any program or activity receiving Federal financial assistance from the Department, a recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would: (i) Subject qualified individuals with handicaps to discrimination solely on the basis of handicap; (ii) Defeat or substantially impair the accomplishment of the objectives of the recipient's federally assisted program or activity for qualified individuals with a particular handicap involved in the program or activity, unless the recipient can demonstrate that the criteria or methods of administration are manifestly related to the accomplishment of an objective of a program or activity; or (iii) Perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State." 24 C.F.R. § 8.4(b)(4).

122. In addition to general program requirements, HUD Section 504 regulations also describe specific architectural and other requirements that apply to particular housing projects or units receiving federal financial assistance.

123. For example, five percent of the total dwelling units in new multifamily housing projects receiving federal financial assistance must meet the requirements set forth in the Uniform Federal Accessibility Standards ("UFAS") for accessibility for people with mobility impairments, and an additional two percent must be accessible per UFAS requirements for people with hearing or vision impairments. 24 C.F.R. §8.22(a) and (b).

124. Multifamily housing projects receiving federal financial assistance must take steps to ensure that accessible dwelling units in those projects are occupied by people who need the accessibility features of those units, including offering available units first to people who need the accessibility features and taking steps to assure that advertising and other information regarding the availability of accessible units reaches people with disabilities. 24 C.F.R. §8.27.

125. Accessible units must also be distributed throughout housing projects and sites to the maximum extent feasible and be available in a range of sizes and amenities so that a person with a disability's choice of living arrangements is comparable to that of others.

126. The regulations regarding these specific requirements provide important guidance regarding what steps may be necessary to ensure that people with physical disabilities have meaningful access to a housing program, and the Court may accept them as authoritative interpretations of the statute by the agency charged with enforcement.

II. Title II of the Americans with Disabilities Act

127. The Americans with Disabilities Act, which is modeled on Section 504 of the Rehabilitation Act, was enacted "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" with "clear, strong, consistent, enforceable standards . . . in order to address the major areas of discrimination faced day-to-day by people with disabilities." 42 U.S.C. §12101(b).

128. All public entities, including state and local governments and their departments, agencies, and instrumentalities, must comply with Title II of the Americans with Disabilities Act.

129. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity." 42 U.S.C. § 12132.

130. Like Section 504, Title II of the ADA requires covered entities to provide people with disabilities meaningful access to programs, services, and activities. *Crowder v. Kitagawa*, 81 F.3d 1480 (9th Cir. 1996). The meaningful access requirement applies across the board to all of a covered entity's programs, services, and activities, regardless of whether a particular program, service, or activity itself has direct federal funding.

131. U.S. Department of Justice Regulations implementing Title II of the ADA clarify that "[a] public entity, in providing any aid, benefit or service, may not, directly or through contractual, licensing or other arrangements, on the basis of disability. . . . [a]id or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;" [or] "Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service." 28 C.F.R. § 35.130(b)(1).

132. Department of Justice Regulations implementing Title II also clarify that "[a] public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration: (i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability; (ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or (iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control . . ." 28 C.F.R. § 35.130(b)(3).

III. The Fair Housing Act

133. In 1988, Congress amended the Fair Housing Act to include a number of provisions prohibiting discrimination on the basis of disability, as part of a comprehensive revision of the law.[1] In considering those amendments, Congress stressed that enforcement of civil rights laws is necessary to protect people with disabilities from the "devastating" impact of housing discrimination, including both architectural and attitudinal barriers to full participation by people with disabilities

134. The debates and legislative history of the Fair Housing Amendments Act of 1988 reflect Congressional findings that a person using a wheelchair or other mobility aid is just as

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[1] The Fair Housing Amendments Act ("FHAA") uses the term "handicap" instead of the term "disability." Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that definition of "disability" in the Americans with Disabilities Act is drawn almost verbatim "from the definition of 'handicap' contained in the Fair Housing Amendments Act of 1988"). Except when referring to the statutory language of the FHAA, this Complaint uses the term "disability," which is more generally accepted.

effectively excluded from the opportunity to live in a particular dwelling by steps or thresholds at building or unit entrances and by too narrow doorways as by a posted sign saying "No Handicapped People Allowed."

135. As relevant in this litigation, the Fair Housing Act prohibits both intentional discrimination on the basis of disability and many neutral policies and practices that have a disproportionate adverse impact on people with disabilities. 42 U.S.C. §§ 3604(f)(1) and 3604(f)(2).

IV. Section 11135 of the California Government Code

136. All entities receiving financial assistance from the State of California must comply with Section 11135 of the California Government Code, which prohibits discrimination on the basis of disability. Section 11135 incorporates the definitions of discrimination contained in the ADA and its implementing regulations such that a violation of the ADA is also a violation of §11135. California Government Code § 11135(b).

FACTS

I. Lack of Affordable, Accessible Housing in Los Angeles

137. In order to obtain federal housing and community development funds, the City submits a Consolidated Plan to HUD every five years describing the housing market and housing needs within Los Angeles.

138. According to the 2008-2013 Consolidated Plan, Los Angeles is home to large numbers of people with disabilities. In 2000, 20.4% of the population of Los Angeles five years old and older had a disability. 2008-2013 Consolidated Plan at 176. Almost 45% of the population of Los Angeles 65 years old and

older had a disability in 2000. *Id.* Nearly one-quarter of disabled adults and two-thirds of adults over the age of 65 have physical limitations. *Id.* at 93. In addition, 24% of the people with disabilities living in Los Angeles have vision or hearing limitations. *Id.*

139. The City states in the Consolidated Plan that people with physical limitations require accessible housing and that there is an acute need for accessible housing in Los Angeles. The City found that "[f]inding affordable, accessible units is a challenge" in the City of Los Angeles. *Id.* at 94.

140. The City states that "there are hundreds of thousands of individuals, and families, in Los Angeles, who require accessible, affordable housing and do not have it." *Id.* at 180.

141. The City's Housing Element of its General Plan is the City's "blueprint" for meeting the housing requirements of its residents and "identifies the City's housing conditions and needs." City of Los Angeles Housing Element 2006-2014 at 1. This Housing Element was adopted pursuant to California laws requiring that the City adopt a General Plan Housing Element with certain specified information. California Government Code §§ 65300, *et seq.*)

142. In its Housing Element, the City recognizes that people "with physical disabilities need affordable, conveniently-located housing which has been specially adapted for wheelchair accessibility, along with other physical needs." City of Los Angeles Housing Element 2006-2014 at 1-16.

143. The City acknowledges that older, more affordable housing units in the City "are not accessible to those with disabilities." *Id.*

144. The City reports that "[o]ver one-half of all disabled adults in the City have 'going-outside-home' or other employment limitations which affect the ability to work and earn an income." *Id.* at 1-14.

145. As a result, people with disabilities "face unique problems in obtaining affordable and adequate housing" in Los Angeles. *Id.*

II. Federal and State Financial Assistance to the City and the CRA

146. Since at least 1974, the City has received federal housing and community development funds from HUD, as well as federal funds from other federal agencies.

147. The City has received federal funds under the Community Development Block Grant ("CDBG") program.

148. The City has received federal funds under the HOME Investment Partnership ("HOME") program.

149. The City has received federal funds under the Emergency Shelter Grant ("ESG") program.

150. The City has received federal funds under the Housing Opportunities for People with AIDS ("HOPWA") program.

151. The City has also benefitted from the proceeds of federal loan guarantees pursuant to Section 108 of the Community Development Act. 42 U.S.C. § 5308.

152. The City has directed millions of dollars in CDBG and HOME funds as well as state, local, and private resources to an

Affordable Housing Trust Fund for the purposes of developing affordable housing.

153. By virtue of this commingling with federal funds, the anti-discrimination requirements of the Rehabilitation Act and the ADA attach to all funds in the Trust Fund.

154. As part of its affordable housing program, the City has directed hundreds of millions of dollars in CDBG, HOME, Affordable Housing Trust Funds, state, and other funds to the Redevelopment Defendants.

155. The City has also received funds from the State of California.

156. The Redevelopment Defendants have received millions of dollars in federal housing and community development funds, as well as federal funds from other federal agencies.

157. The Redevelopment Defendants have also received funds from the State of California.

III. Government Defendants' Redevelopment Housing Program

158. The Redevelopment Defendants used these funds and others directly to acquire property eventually developed into housing and/or allocated these and other funds to developers to acquire property, finance, operate, build or substantially alter tens of thousands of housing units.

159. The Redevelopment Defendants also used other financing, regulatory, contractual, and governmental methods to support their housing programs and to provide significant assistance to developers, owners, and operators of housing.

160. Pursuant to a staff report presented to the Local Authority at an April 19, 2012 Special Meeting, entitled "Report to the Governing Board on Status of Housing Functions and Transfer of Housing Assets, Functions, and Obligations to the Los Angeles Housing Department (LAHD)" ("April 19, 2012 Housing Report"), there were over 29,000 units of housing, including 23,000 affordable units, in the Redevelopment Defendants' portfolio as of April 19, 2012.

161. Pursuant to the April 19, 2012 Housing Report, as of April 19, 2012, there were nearly 4,500 additional units in the Redevelopment Defendants' development "pipeline," i.e. somewhere in the process of development.

162. There were thousands of additional units funded, developed or significantly assisted by the Redevelopment Defendants that are no longer in its existing portfolio.

163. All of these units were constructed as part of the Government Defendants' program, service, or activity of increasing the availability of housing, including affordable housing, in the City of Los Angeles.

164. The inventory of housing built or rehabilitated with funds, land, or other assistance provided by or through the Redevelopment Defendants, including projects not yet completed, is hereinafter referred to as the "Redevelopment Housing Program."

IV. Defendants' Failure to Ensure that People with Physical Disabilities Have Meaningful Access to the CRA Housing Program

165. By virtue of accepting federal funds to support the Redevelopment Housing Program, the Government Defendants are bound to comply with the obligations of Section 504 of the Rehabilitation Act, which prohibits recipients from operating programs which exclude people with disabilities from participation in, deny them the benefits of, or subject them to discrimination under any program or activity.

166. As public entities, the Government Defendants are bound to comply with the obligations of the Americans with Disabilities Act, which prohibits public entities from operating programs which exclude people with disabilities from participation in, deny them the benefits of, or subject them to discrimination under any program or activity.

167. By virtue of accepting financial assistance from the State of California, the Government Defendants are bound to comply with the obligations of Section 11135 of the California Government Code, which prohibits recipients from operating programs which exclude people with disabilities from participation in, deny them the benefits of, or subject them to discrimination under any program or activity.

168. However, the Government Defendants failed, and continue to fail, to take steps to ensure that the Redevelopment Housing Program is accessible to people with disabilities or that any accessible units that exist are made available to people with disabilities.

169. As a result, people with physical disabilities have been and continue to be denied meaningful access to the Redevelopment Housing Program.

170. For example, the Government Defendants failed, and continue to fail, to maintain policies or practices to ensure that the Redevelopment Housing Program contains sufficient units accessible to people with mobility, auditory, or visual impairments.

171. The Government Defendants failed, and continue to fail, to maintain policies, practices, or procedures to ensure that accessible units within the Redevelopment Housing Program are made available to and utilized by people with mobility or auditory or visual impairments who need the accessibility features of those units.

172. The Government Defendants have failed, and continue to fail, to maintain policies, practices, or procedures to ensure that people with mobility or auditory or visual impairments otherwise have meaningful access to the Redevelopment Housing Program.

173. At all relevant times, the Government Defendants could not or would not identify for the public which projects receiving financial or other benefit from the Redevelopment Defendants received federal financial assistance triggering Rehabilitation Act and regulatory obligations.

174. At all relevant times, the Government Defendants failed to monitor compliance with the Rehabilitation Act accessibility requirements in the Redevelopment Housing Program.

175. At all relevant times, the Government Defendants failed to maintain a list of accessible units within the Redevelopment Housing Program.

176. At all relevant times, the Government Defendants failed to produce any list of accessible units within the Redevelopment Housing Program.

177. At all relevant times, the Government Defendants could not or would not identify for the public any wheelchair-accessible or sensory-accessible units.

178. At all relevant times, the Government Defendants could not or would not describe for the public any accessible features in so-called "wheelchair units," "handicapped units," or "sensory accessible units" within the Redevelopment Housing Program.

179. The Government Defendants have failed, and continue to fail, to require that projects within the Redevelopment Housing Program comply with federal accessibility requirements, which has the effect of excluding people with disabilities from such developments.

180. In addition, the Government Defendants failed to ensure that contracts and regulatory agreements with developers, owners, and operators of housing in the Redevelopment Housing Program and other documents pertaining to the Redevelopment Housing Program included accessibility requirements sufficient to comply with the Government Defendants' obligations as recipients of federal funds.

181. The Government Defendants also failed to exercise oversight over developers and owners of housing in the Redevelopment Housing Program in regards to their obligations to

comply and their ongoing compliance with disability access provisions of federal law.

182. The Government Defendants' failures with regard to ensuring the accessibility of the Redevelopment Housing Program stand in stark contrast to their efforts to enforce other requirements, such as regulatory provisions concerning affordability requirements.

183. In addition to their failure to comply with accessibility requirements for the redevelopment project as a whole, the Government Defendants failed to ensure compliance with these requirements in housing where the Government Defendants were providing federal funding to the developer and/or owner for the project.

184. For example, Plaintiffs are aware of at least 61 multifamily projects, comprising approximately 4,140 units, for which the Redevelopment Defendants provided CDBG, HOME and/or AHTF funds to support new construction or substantial alteration. The multifamily projects include but are not limited to: Don Hotel Apartments (58 units); El Dorado Apartments (60 units); Vista Monterey Senior Housing (48 units); Bonnie Brae Apartment Homes (53 units); Broadway Plaza Apartments (82 units); Adams and Central (80 units); Montecito Terraces (98 units); Amistad Plaza (56 units); Andalucia Senior Apartments (94 units); The Ardmore (48 units); Asturias Senior Apartments (69 units); Broadway Village II (50 units); Buckingham Place Senior Housing (71 units); Cantabria Senior Citizen Apartments (81 units); Carondelet Court Apartments (32 units); Central Village Apartments (85 units); Orion Garden Apartments (aka Decro

Orion) (32 units); Decro Osborne Apartments (aka Osborne Family) (50 units); Boyle Hotel Apartments (51 units); Paseo Del Sol (7 units); Eastside Village (Lillian Mobley) (78 units); La Estrella Apartments (11 units); Eugene Hotel (44 units); FAME West 25th (aka FAME-Western) (12 units); Far East Building (16 units); Grandview 9 (62 units); Hart Village (47 units); Heavenly Vision Seniors (46 units); The Hobart (49 units); Hoover Senior (38 units); Imani Fe (East and West) (92 units); Pleasant Hill Homes (24 units); Las Margaritas (42 units); Bronson Court (32 units); Cuatro Vientos (25 units); Menlo Park Apartments (48 units); Morgan Place Senior Apartments (55 units); New Genesis Apartments (106 units); Tierra del Sol (119 units); NoHo Senior Villas (25 units); Hope Manor (75 units); Pico/Gramercy (71 units); Palm Village Senior Citizens (60 units); Palomar Apartments (28 units); Columbus Permanent Housing (6 units); Casa Rampart (69 units); Lofts (292 units); Renato Apartments (97 units); Rittenhouse (100 units); Casa Verde (30 units); Seven Maples Senior Apartments (57 units); Gallery (438 units); Sherman Village Apartments (33 units); Three Courtyards Apartments (aka Ivy Terrace) (52 units); Stovall Villa (31 units); Vermont Seniors (I and II) (140 units); Washington Court Family Housing (101 units); Terre One Apartments (15 units); West Angeles Villas (150 units); Metro Hollywood (60 units); and Yale Terrace Apartments (55 units). The number of units at each project are based upon information and belief.

185. None of the 61 federally-funded multifamily projects contains units accessible to people with mobility and/or auditory or visual impairments in sufficient numbers, sizes and locations to

provide people with disabilities meaningful access to this program, service, or activity in violation of Section 504 of the Rehabilitation Act, Title II of the ADA, the Fair Housing Act, and Government Code § 11135.

186. Moreover, the steps outlined in the Section 504 regulations to maximize the utilization of accessible dwelling units by people who need the accessibility features of those units were not taken.

187. By letter of January 11, 2012, the HUD Office of Fair Housing and Equal Opportunity notified the City and the CRA of the results of a compliance review, which found that "the City and the CRA are not monitoring the policies and procedures of federally-funded recipients in several key areas, and that the policies in place are not implemented in a manner that ensures that these policies and practices do not discriminate against qualified individuals with disabilities because of their disability. . . . there is no monitoring of Section 504 compliance, and . . . an overall lack of knowledge as to the duties and responsibilities with respect to Section 504." HUD Letter of Findings of Noncompliance, January 11, 2012, at 7.

188. HUD also "found that a large percentage of residents without disabilities currently occupy the designated accessible units in several HUD-funded developments," and that, with no oversight from the CRA, many developments had offered accessible dwelling units to the general population on a lottery or wait-list basis without regard to disability or need for accessibility features. *Id.* at 8.

189. The City has annually certified its compliance, and the compliance of its subrecipients, including CRA, with federal housing and civil rights laws to HUD and other federal agencies in order to ensure its continuing receipt of federal funds.

190. Nonetheless, and in violation of the federal and state civil rights laws referenced above, the Government Defendants failed, and continue to fail, to ensure that housing within the Redevelopment Housing Program complies with applicable law and is accessible to people with disabilities. As a result, people with physical disabilities who require accessible units are denied meaningful access to the Redevelopment Housing Program.

191. The Government Defendants' policy of failing to ensure that all of the housing projects within the Redevelopment Housing Program—regardless of affordability status or receipt of federal funds—comply with applicable regulations and are accessible to people with disabilities has a different and disparate impact on people with physical disabilities, who have a particular need for housing with accessibility features, and has the effect of excluding people with physical disabilities.

192. A disproportionate percentage of people with disabilities in Los Angeles have low incomes because of the work limitations imposed by their disabilities.

193. People with disabilities have a particular need for accessible units because people with low income cannot afford to pay for significant modifications to their housing units.

194. People with disabilities have a particular need for affordable, accessible units because people with low income cannot afford more expensive housing units.

195. As a result, the Government Defendants' failure to ensure that affordable housing within the Redevelopment Housing Program complies with applicable laws and is accessible to people with disabilities has a different and disparate impact on people with physical and sensory disabilities and has the effect of disproportionately excluding people with physical and sensory disabilities from Redevelopment Housing Program.

V. Exhaustion of Administrative Remedies

196. On or about January 12, 2012, Plaintiffs presented their claims for money or damages under state law to the City pursuant to California Government Code § 900, *et seq.*

197. By correspondence dated February 22, 2012, the City denied Plaintiffs' state law tort claims for money or damages.

198. Plaintiffs have met any applicable requirement that they exhaust administrative remedies in order to bring state law damage claims against the City.

199. On or about January 12, 2012, Plaintiffs presented their claims for money or damages under state law to the CRA pursuant to California Government Code § 900, *et seq.*

200. As of the filing of this First Amended Complaint, none of the Redevelopment Defendants have responded to Plaintiffs regarding Plaintiffs' state law tort claims for money or damages.

201. Plaintiffs have met any applicable requirement that they exhaust administrative remedies in order to bring state law damage claims against the Redevelopment Defendants.

INJURY TO PLAINTIFFS

I. Injury to Plaintiff Independent Living Center of Southern California

202. As a result of the actions described above, ILCSC and its constituents have been directly and substantially injured. These actions have frustrated Plaintiff ILCSC's mission and undermined the effectiveness of the programs and services it provides, including encouraging community integration of people with disabilities, providing assistance to individuals and families searching for housing or affected by discriminatory housing practices, and eliminating discriminatory housing practices.

203. Because the Government Defendants have not complied with their obligations to ensure that their Redevelopment Housing Program met accessibility requirements, and because they have failed to inform the public of the existence of any accessible units, ILCSC has been required to devote substantial staff time and money assisting people with disabilities to locate and secure such accessible housing.

204. As a consequence of the violations by the Government Defendants described herein, ILCSC has had to divert its scarce resources away from its educational and other programs focused on expanding housing choice for its constituents and toward efforts focused on securing compliance with federal accessibility requirements in the Government Defendants' Redevelopment Housing Program.

205. In addition, ILCSC has invested considerable time and effort in educating the City, the Redevelopment Defendants, the housing industry, and the general public about the importance of

accessible housing for people with disabilities, in an attempt to secure compliance.

206. Each time any of the Government Defendants failed to ensure that housing in the Redevelopment Housing Program was accessible, it frustrated the mission of ILCSC inasmuch as it made it difficult or impossible for people with disabilities to live in that housing.

207. The Government Defendants' conduct reduced the effectiveness of outreach and advocacy efforts by ILCSC and required it to provide additional educational programs to counteract the impression left by the Government Defendants' conduct that constructing inaccessible residential housing is permissible.

208. The Government Defendants' continuing discriminatory practices have forced ILCSC to divert scarce resources to identify, investigate, and counteract the Government Defendants' discriminatory practices, and such practices have frustrated Plaintiff's other efforts against discrimination, causing Plaintiff to suffer concrete and demonstrable injuries.

209. ILCSC has expended resources attempting to counteract the Government Defendants' discriminatory practices including, but not limited to, counseling people with disabilities affected by the Government Defendants' discriminatory practices and conducting outreach to the City and the Redevelopment Defendants about the accessibility requirements under federal law, resulting in the diversion of resources that it would not have had to expend were it not for the Government Defendants' violations.

210. Until remedied, the Government Defendants' unlawful, discriminatory actions will continue to injure ILCSC by:

a. Interfering with efforts and programs intended to bring about equality of opportunity in housing;

b. Requiring the commitment of scarce resources, including substantial staff time and funding, to investigate and counteract the Government Defendants' discriminatory conduct, thus diverting those resources from ILCSC's other activities and services, such as education, outreach and counseling; and

c. Frustrating the mission and purposes of ILCSC.

II. Injury to Plaintiff Fair Housing Council of San Fernando Valley

211. As a result of the actions described above, FHC and its constituents have been directly and substantially injured. These actions have frustrated Plaintiff FHC's mission and undermined the effectiveness of the programs and services it provides, including encouraging community integration of people with disabilities, providing assistance to individuals and families searching for housing or affected by discriminatory housing practices, and eliminating discriminatory housing practices.

212. Because the Government Defendants have not complied with their obligations to ensure that their Redevelopment Housing Program met accessibility requirements, and because they have failed to inform the public of the existence of any accessible units, FHC has been required to devote substantial staff time and money

assisting people with disabilities to locate and secure such accessible housing.

213. Between 2008 and 2011, FHC's Deputy Director devoted at least one-third of her time to addressing housing accessibility issues, including meetings with elected officials, employees of the Government Defendants, and others to alert them to the severe need for accessible affordable housing and noncompliance with federal accessibility requirements in buildings funded by or through the Government Defendants.

214. Because the Redevelopment Defendants could not or would not publicly identify the location of any unit in the entire CRA inventory that met the accessibility requirements of the Rehabilitation Act, FHC was required to expend substantial staff time and scarce resources on researching the location of accessible affordable housing and making that information available to its constituents.

215. As a consequence of the violations described herein, FHC has had to divert its scarce resources away from its educational and other programs focused on expanding housing choice for its constituents and toward efforts focused on securing compliance with federal accessibility requirements in the Redevelopment Housing Program.

216. In addition, FHC has invested considerable time and effort in reporting to Government Defendants the extent of noncompliance in federally-funded, CRA-assisted buildings in Los Angeles, and educating the housing industry, and the general public about the importance of accessible housing for people with disabilities, in an attempt to secure compliance.

217. Each time any of the Defendants failed to ensure that housing funded in part by federal housing and community development funds was accessible, it frustrated the mission of FHC inasmuch as it made it difficult or impossible for people with disabilities to live in that housing.

218. Defendants' conduct reduced the effectiveness of outreach and advocacy efforts by FHC and required it to provide additional educational programs to counteract the impression left by Defendants' conduct that constructing inaccessible residential housing is permissible.

219. Defendants' continuing discriminatory practices have forced FHC to divert scarce resources to identify, investigate, and counteract the Defendants' discriminatory practices, and such practices have frustrated FHC's other efforts against discrimination, causing FHC to suffer concrete and demonstrable injuries.

220. FHC has expended resources attempting to counteract Defendants' discriminatory practices including, but not limited to, counseling people with disabilities affected by Defendants' discriminatory practices and conducting outreach to the City and the Redevelopment Defendants about the accessibility requirements under federal law, resulting in the diversion of resources that it would not have had to expend were it not for Defendants' violations.

221. Until remedied, Defendants' unlawful, discriminatory actions will continue to injure FHC by:

a. Interfering with efforts and programs intended to bring about equality of opportunity in housing;

b. Requiring the commitment of scarce resources, including substantial staff time and funding, to investigate and counteract Defendants' discriminatory conduct, thus diverting those resources from the Plaintiff's other activities and services, such as education, outreach and counseling; and

c. Frustrating the missions and purposes of FHC.

III. Injury to Plaintiff Communities Actively Living Independent and Free

222. As a result of Defendants' actions described above, CALIF and its constituents have been directly and substantially injured.

223. Each time any of the Government Defendants failed to ensure that housing funded in part by federal housing and community development funds was accessible, it frustrated the mission of CALIF inasmuch as it made it difficult or impossible for people with disabilities to live at that dwelling, and undermined the effectiveness of the programs and services it provides, including promoting the community integration of people with disabilities, providing assistance to individuals and families searching for housing or affected by discriminatory housing practices, and eliminating discriminatory housing practices.

224. Because the Government Defendants have not complied with their obligations to ensure that their Redevelopment Housing Program meets accessibility requirements, and because they have failed to inform the public about the existence of any accessible

units, CALIF has been required to devote substantial staff time and money assisting people with disabilities to locate and secure such accessible housing. CALIF has had to divert its scarce resources away from its housing programs focused on expanding housing choice for its clients as outlined herein, and toward efforts focused on confirming and securing compliance with federal accessibility requirements in the Redevelopment Housing Program.

225. In addition, CALIF has expended resources attempting to counteract the Government Defendants' discriminatory practices including, but not limited to, counseling people with disabilities affected by the Government Defendants' discriminatory practices and educating housing providers and the general public about federal accessibility requirements and the importance of accessible housing to people with disabilities, resulting in the diversion of resources that they would not have had to expend were it not for the Government Defendants' violations.

226. The Government Defendants' continuing discriminatory practices have forced, and will continue to force CALIF to divert scarce resources to identify, investigate, and counteract the Government Defendants' discriminatory practices, and such practices have frustrated Plaintiff's other efforts against discrimination, causing Plaintiff to suffer concrete and demonstrable injuries.

227. Until remedied, the Government Defendants' unlawful, discriminatory actions will continue to injure CALIF by:

a. Interfering with efforts and programs intended to bring about equality of opportunity in housing;

b. Requiring the commitment of scarce resources, including substantial staff time and funding, to investigate and counteract the Government Defendants' discriminatory conduct, thus diverting those resources from CALIF's other activities and services, such as education, outreach and counseling; and

c. Frustrating the missions and purposes of CALIF.

IV. Injuries to All Plaintiffs

228. By the actions described above, the Government Defendants have engaged in, and continue to engage in a pattern or practice of discrimination against people with disabilities in violation of the Rehabilitation Act, the Americans with Disabilities Act, the Fair Housing Act, and Government Code § 11135. The Government Defendants continue to engage in such a pattern, practice, or policy of discrimination so as to constitute a continuing violation.

229. The Government Defendants have acted or failed to act with deliberate indifference. The Government Defendants have known that their acts and omissions create a substantial likelihood of harm to Plaintiffs' federally protected rights, and the Government Defendants have failed to act upon that likelihood.

230. There now exists an actual controversy between the parties regarding the Government Defendants' duties under the federal and state civil rights laws. Plaintiffs accordingly are entitled to declaratory relief.

231. The Government Defendants, unless enjoined, will continue to engage in the unlawful acts and the pattern or practice of discrimination and unlawful conduct described above.

232. Plaintiffs have no adequate remedy at law. Plaintiffs now are suffering and will continue to suffer irreparable injury from the Government Defendants' acts and unlawful conduct unless relief is provided by this Court. Plaintiffs thus are entitled to preliminary and permanent injunctive relief.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

SECTION 504 OF THE REHABILITATION ACT

[29 U.S.C. § 794, *et seq.*]

[All Plaintiffs Against City;

Owner Defendants Named as Rule 19 Parties Only]

233. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs.

234. Defendant City of Los Angeles' discriminated and continues to discriminate on the basis of disability in violation of Section 504 of the Rehabilitation Act by acting or failing to act in a manner that, among other things:

a. Denies meaningful access to the Redevelopment Housing Program to people with mobility impairments and visual and hearing disabilities;

b. Has a disparate impact on people with mobility impairments and visual and hearing disabilities;

c. Aids or perpetuates discrimination against people with disabilities when such discriminatory conduct is engaged in by the Redevelopment Defendants and

others who have received financial or other significant assistance from the City as part of the Redevelopment Housing Program.

d. Uses methods of administration that discriminate against people with disabilities, defeating the purpose of the Redevelopment Housing Program, and/or that perpetuate the discrimination of other agencies by failing to ensure that the Redevelopment Housing Program provides accessible housing or otherwise provides meaningful access to people with mobility, visual, or hearing impairments.

e. Otherwise limits people with disabilities from enjoying housing or the opportunity to obtain such housing by engaging in the policies, practices, acts, and omissions described above.

235. As a result of the discrimination alleged in the previous paragraph, Plaintiffs have sustained the injuries described herein.

SECOND CLAIM FOR RELIEF

SECTION 504 OF THE REHABILITATION ACT

[29 U.S.C. § 794, *et seq.*]

[All Plaintiffs Against Redevelopment Defendants; Owner Defendants Named as Rule 19 Parties Only]

236. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs.

237. The Redevelopment Defendants discriminated and continue to discriminate on the basis of disability in violation of Section 504 of the Rehabilitation Act by acting or failing to act in a manner that, among other things:

a. Denies meaningful access to the Redevelopment Housing Program to people with mobility impairments and visual and hearing disabilities.

b. Has a disparate impact on people with mobility impairments and visual and hearing disabilities.

c. Aids or perpetuates discrimination against people with disabilities when such discriminatory conduct is engaged in by the Redevelopment Defendants and others who have received financial or other significant assistance from the City as part of the Redevelopment Housing Program.

d. Uses methods of administration that discriminate against people with disabilities, defeating the purpose of the Redevelopment Housing Program, and/or that perpetuate the discrimination of other agencies by failing to ensure that the redevelopment housing provides meaningful access to people with mobility, visual, or hearing impairments.

e. Otherwise limits people with disabilities from enjoying housing or the opportunity to obtain such housing by engaging in the policies, practices, acts, and omissions described above.

238. As a result of the discrimination alleged in the previous paragraph, Plaintiffs have sustained the injuries described herein.

THIRD CLAIM FOR RELIEF

AMERICANS WITH DISABILITIES ACT

[42 U.S.C. § 12131, *et seq.*]

[All Plaintiffs Against City;

Owner Defendants Named as Rule 19 Parties Only]

239. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs.

240. Defendant City of Los Angeles' discriminated and continues to discriminate on the basis of disability in violation of Title II of the ADA by acting or failing to act in a manner that, among other things:

a. Denies meaningful access to the Redevelopment Housing Program to people with mobility impairments and visual and hearing disabilities.

b. Has a disparate impact on people with mobility impairments and visual and hearing disabilities.

c. Aids or perpetuates discrimination against people with disabilities when such discriminatory conduct is engaged in by the Redevelopment Defendants and others who have received financial or other significant assistance from the City as part of the Redevelopment Housing Program.

d. Uses methods of administration that discriminate against people with disabilities, defeating the purpose of the Redevelopment Housing Program, and/or that perpetuate the discrimination of other agencies by failing to ensure that the Redevelopment Housing Program provides accessible housing or

otherwise provides meaningful access to people with mobility, visual, or hearing impairments.

e. Otherwise limits people with disabilities from enjoying housing or the opportunity to obtain such housing by engaging in the policies, practices, acts, and omissions described above.

241. As a result of the discrimination alleged in the previous paragraph, Plaintiffs have sustained the injuries described herein.

FOURTH CLAIM FOR RELIEF

AMERICANS WITH DISABILITIES ACT

[42 U.S.C. § 12131, *et seq.*]

[All Plaintiffs Against Redevelopment Defendants; Owner Defendants Named as Rule 19 Parties Only]

242. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs.

243. The Redevelopment Defendants' actions and failures to act discriminate on the basis of disability in violation of Title II of the ADA and its implementing regulations by engaging in the following actions or omissions:

a. Denies meaningful access to the Redevelopment Housing Program to people with mobility impairments and visual and hearing disabilities.

b. Has a disparate impact on people with mobility impairments and visual and hearing disabilities.

c. Aids or perpetuates discrimination against people with disabilities when such discriminatory conduct is engaged in by the Redevelopment Defendants and others who have received financial or other

significant assistance from the City as part of the Redevelopment Housing Program.

d. Uses methods of administration that discriminate against people with disabilities, defeating the purpose of the Redevelopment Housing Program, and/or that perpetuate the discrimination of other agencies by failing to ensure that the redevelopment housing provides meaningful access to people with mobility, visual, or hearing impairments.

e. Otherwise limits people with disabilities from enjoying housing or the opportunity to obtain such housing by engaging in the policies, practices, acts, and omissions described above.

244. As a result of the discrimination alleged in the previous paragraph, Plaintiffs have sustained the injuries described herein.

FIFTH CLAIM FOR RELIEF

FAIR HOUSING ACT

[42 U.S.C. §3601, *et seq.*]

[All Plaintiffs Against Government Defendants; Owner Defendants Named as Rule 19 Parties Only]

245. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs.

246. Plaintiffs are aggrieved persons as defined in 42 U.S.C. § 3602(i).

247. Government Defendants' policy or practice of failing to act to ensure that housing projects within the Redevelopment Housing Program are physically accessible as required under other laws has a disparate impact on people with disabilities such that

Government Defendants injured Plaintiffs in violation of the federal Fair Housing Act and its implementing regulations by committing the following discriminatory housing practices:

a. Otherwise making unavailable dwellings because of handicap.

b. Discriminating in the terms, conditions, and privileges of the rental of a dwelling because of handicap.

c. Discouraging persons from inspecting, purchasing or renting a dwelling because of handicap.

d. Limiting the use of privileges, services or facilities associated with a dwelling because of handicap.

248. As a result of the discrimination alleged in the previous paragraph, Plaintiffs have sustained the injuries described herein.

SIXTH CLAIM FOR RELIEF

CALIFORNIA GOVERNMENT CODE § 11135

[All Plaintiffs Against Government Defendants; Owner Defendants Named as Rule 19 Parties Only]

249. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs.

250. Through their acts and omissions described herein, Government Defendants have violated and will continue to violate California Government Code § 11135 by unlawfully denying people with disabilities the benefits of, and unlawfully subjecting people with disabilities to discrimination under, Defendants' programs and activities.

251. As a result of the discrimination alleged in the previous paragraph, Plaintiffs have sustained the injuries described herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court enter an order against Defendants, together and individually, as follows:

A. Declare that the Government Defendants' policies, practices, acts, and omissions as set forth above violate:

a. Section 504 of the Rehabilitation Act,

b. Title II of the ADA,

c. Government Code § 11135;

B. Enjoin the Government Defendants, their officers, directors, employees, agents, managers, successors, assigns, and all other persons in active concert or participation with any of them, both temporarily during the pendency of this action, and permanently, from:

1. Providing funds or property or other significant assistance for land or for the development, construction, or rehabilitation of any housing and/or common areas in buildings containing housing units that, in any way, fail to comply with the accessibility requirements of:

a. Section 504 of the Rehabilitation Act,

b. Title II of the ADA,

c. Government Code § 11135;

2. Failing or refusing to bring housing and the public use and common use areas in buildings containing housing units that are part of the Redevelopment Housing Program into compliance with the requirements of:

a. Section 504 of the Rehabilitation Act,

b. Title II of the ADA,

c. Government Code § 11135; and

3. Failing or refusing to otherwise provide meaningful access for people with mobility impairments and visual and hearing disabilities to the Redevelopment Housing Program.

C. Enjoin the Government Defendants, their officers, directors, employees, agents, managers, successors, assigns, and all other persons in active concert or participation with any of them from failing or refusing to:

1. Survey each and every housing unit in the Redevelopment Housing Program and appurtenant common and public use areas, and assess the compliance of each with the accessibility requirements of Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135;

2. Report to the Court the extent of the noncompliance with the accessibility requirements of Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135; and

3. Bring each and every such housing unit in the Redevelopment Housing Program and appurtenant common and public use areas into compliance with the requirements of Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135.

4. Otherwise provide meaningful access to the Redevelopment Housing Program to people with mobility, visual, or hearing impairments.

5. Adopt policies and procedures to ensure that newly built or renovated housing meets the accessibility requirements of Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135.

6. Adopt policies and procedures to ensure that the Owner Defendants and any prospective owner or manager of units in the Redevelopment Housing Program comply with the requirements of Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135 with respect to assignment of accessible units to residents who need such units because of their disabilities and with respect to reasonable accommodation and reasonable modifications in relation to those units.

D. Enjoin the Owner Defendants, their officers, directors, employees, agents, managers, successors, assigns, and all other persons in active concert or participation with any of them from failing or refusing to:

1. Allow access to all housing built or renovated using federal funds and to appurtenant common and public use areas to effectuate the relief described above, including access for any inspections necessary to determine compliance with accessibility standards, and access for any retrofitting or other physical modifications necessary to bring each and every such apartment complex into compliance with the requirements of Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135;

2. Implement any policy change necessary to provide meaningful access to the Redevelopment Housing Program to people with mobility, visual, or hearing impairments as required by Section 504 of the Rehabilitation Act, Title II of the ADA, and Government Code § 11135;

3. Allowing any other steps necessary to provide meaningful access to the Redevelopment Housing Program to people with mobility, visual, or hearing impairments.

E. Award the Plaintiffs damages against the Government Defendants for Plaintiffs' injuries resulting from the Government Defendants' discriminatory practices and conduct.

F. Award the Plaintiffs costs of this action and reasonable attorneys' fees pursuant to: 29 U.S.C. § 794a; 42 U.S.C. §§12133 and 12205; Cal. Civ. Pro. Code § 1021.5 and as otherwise may be allowed by law.

G. Award such other and further relief as the Court deems to be just and equitable.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Dated: June 1, 2012

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE
CENTRAL DISTRICT OF CALIFORNIA

I hereby certify that on this 1st day of June, 2012, I filed the foregoing First Amended Complaint for Injunctive, Declaratory, and Monetary Relief; Demand for Trial By Jury and accompanying document in the traditional manner, in hard copy, at the Court's civil intake office. The Court will enter these documents via its CM/ECF filing system, which shall serve as notice of such filing on all counsel of record.

Maria Michelle Uzeta