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Los Angeles Superior Court

JUL 26 2018

Sherri R. Carter, Executive Officer/clerk
By Shaunya Bolden, Deputy

14 Attorneys for Petitioner/Plaintiff
15 ALLIANCE OF CALIFORNIANS FOR
COMMUNITY EMPOWERMENT
16 (ACCE ACTION)

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

19 ALLIANCE OF CALIFORNIANS FOR
COMMUNITY EMPOWERMENT
20 (ACCE ACTION),

21 Petitioner and Plaintiff,

22 v.

23 CITY OF LOS ANGELES, LOS
ANGELES CITY COUNCIL, and LOS
24 ANGELES HOUSING + COMMUNITY
INVESTMENT DEPARTMENT,

25 Respondents and Defendants.
26

Case No. NEW **BS 174427**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

By Fax

1 Petitioner and Plaintiff ALLIANCE OF CALIFORNIANS FOR COMMUNITY
2 EMPOWERMENT (“ACCE ACTION”), a 501(c)(4) organization, by and through their
3 attorneys Public Counsel, Rosen Bien Galvan & Grunfeld, and Public Interest Law Project,
4 hereby petition, complain, and allege¹ as follows, against Respondents and Defendants
5 CITY OF LOS ANGELES, LOS ANGELES CITY COUNCIL, and LOS ANGELES
6 HOUSING + COMMUNITY INVESTMENT DEPARTMENT (“HCIDLA”) (collectively
7 “Respondents” or “Defendants”), and each of them, as follows:

8 **INTRODUCTION**

9 1. This case is about homelessness, discrimination, segregation, and an illegal
10 city procedure that has acted as a bar to the remedy of this problem despite the voters’
11 clear intent to the contrary. Every day in the City of Los Angeles (the “City”), thousands
12 of men, women, and children, including veterans, individuals with mental and physical
13 disabilities, and survivors of domestic violence, have no meaningful choice but to live in
14 sidewalk encampments and sleep in tents or sleeping bags. The most recent homeless
15 count of the City, released on May 31, 2018, estimated that 31,516 individuals are
16 homeless in the City on any given night, including 3,002 children under the age of
17 eighteen and 3,042 seniors. Of these individuals, 9,322 experienced homelessness for the
18 first time this past year, an increase of 16 percent over the prior year. These conditions
19 result from a massive and chronic shortage of affordable housing for persons and families
20 with the lowest incomes, which are disproportionately people of color and people with
21 disabilities.

22 2. The City is exacerbating this problem by maintaining an illegal, unnecessary,
23 arbitrary, and discriminatory barrier to the construction of affordable and supportive
24 housing, allowing individual councilmembers to secretly stop, delay, or condition
25 proposed housing projects through a number of mechanisms, the most glaring example of
26

27 _____
28 ¹ Unless explicitly stated to the contrary, all allegations are based upon information and belief.

1 which is the deceptively labeled “Letter of Acknowledgement” (“LOA”). These
2 mechanisms allow an individual councilmember to veto affordable and supportive housing
3 projects for any or no reason at all. In the first instance, without obtaining an LOA,
4 developers cannot even apply for supportive and affordable housing funding in the City.
5 Even if they are successful in obtaining the required LOA from the individual
6 councilmember in whose district the project is to be sited, in some cases, there is also a
7 need for a separate Letter of Support from the same councilmember. These requirements
8 together, or singularly, effectively give individual councilmembers unchecked veto power
9 over nearly all affordable and supportive housing projects in their districts. These
10 obstructive requirements violate multiple provisions of state law, including the section
11 65008 of the California Government Code, the California Fair Employment and Housing
12 Act, the California Housing Element Law and the City’s Housing Element implementing
13 the same, the Los Angeles City Charter, and the Equal Protection Guarantee of the
14 California Constitution.

15 3. Giving individual councilmembers unrestricted veto power over affordable
16 and supportive housing is illegal and it violates the will of the people. With the increased
17 visibility of people experiencing homelessness on the streets of Los Angeles, and the
18 severe shortage of affordable housing, voters were compelled to act. On November 8,
19 2016, voters approved by a 3 to 1 margin Proposition HHH, authorizing \$1.2 billion in
20 general obligation bonds to construct supportive housing and affordable housing citywide
21 over the next decade. Months later, Los Angeles County voters approved Measure H, to
22 increase the county’s sales tax to fund services to address homelessness.

23 4. In spite of the people’s mandate to construct more supportive and affordable
24 housing, the City adopted and maintains the illegal LOA requirement. Since at least 2013
25 the City has included the LOA and Letter of Support requirements as part of its regulations
26 of the Affordable Housing Managed Pipeline program to help finance the construction of
27 affordable housing. It perpetuated and expanded the LOA requirement as part of its
28 regulations in 2017 and 2018 implementing Proposition HHH to fund the construction of

1 permanent supportive housing. Now, nearly all affordable and supportive housing built in
2 the City must apply for funding under the Proposition HHH program or the Affordable
3 Housing Managed Pipeline program and therefore are subject to these illegal requirements.

4 5. Pursuant to the LOA policy, applicants seeking funding from either program
5 must first obtain a Letter of Acknowledgement from the local councilmember in whose
6 Council District they wish to build. In contrast to all other types of housing developments,
7 the LOA imposes a threshold requirement for proposed subsidized housing projects that
8 must be met before an applicant can even apply to or be considered under either program.
9 Consequently, when an individual councilmember refuses to issue a letter, an affordable
10 and supportive housing project will not be considered for funding.

11 6. In practice, this “pocket veto” enables and encourages an individual
12 councilmember in whose district the housing is proposed to stop, delay, and alter any
13 project whenever they choose, including when they wish to placate those interest groups
14 who want to keep the formerly homeless out of their neighborhoods. The LOA operates
15 out of public view, insulating councilmembers from accountability for succumbing to
16 hostile and discriminatory attitudes of a minority of residents. It is an impermissible
17 delegation of legislative authority by the City Council, and it undermines Proposition HHH
18 and the Affordable Housing Managed Pipeline. It is truly a pocket veto in that the failure
19 to issue an LOA creates no affirmative public record of denial, and the mere existence of
20 the requirement deters many interested developers from even attempting to pursue
21 supportive housing or affordable housing projects, especially in certain Council Districts
22 where public hostility to such projects is well known.

23 7. In addition to the chilling effect of the LOA on development in certain
24 Council Districts, individual councilmembers have refused to issue LOAs for projects that
25 would have been otherwise eligible for funding through the Proposition HHH and
26 Affordable Housing Managed Pipeline programs, leading to far fewer affordable housing
27 projects, and in some cases zero Proposition HHH projects, in particular Council Districts.

28 8. Beyond providing a powerful tool to block housing for homeless residents,

1 the LOA acts to maintain racial and economic residential segregation throughout Los
2 Angeles by permitting individual councilmembers to limit mobility of low income
3 individuals into the neighborhoods they represent. *See* Philip D. Tegeler, *Housing*
4 *Segregation and Local Discretion*, 3 J. L. & Pol'y 209, 217 (1994) (“[Requiring local
5 government approval] has furthered segregation by limiting public resources to cities and
6 towns with large existing low-income populations, and by permitting other localities to
7 avoid public housing altogether.”).

8 9. Nothing about the LOA serves any legitimate governmental purpose. For
9 years, various stakeholders and authorities have publicly decried local approval
10 requirements, such as the LOA, in the siting of affordable housing. Government agencies
11 such as the U.S. Government Accountability Office and the U.S. Department of Housing
12 and Urban Development have said that local approval requirements are an impediment to
13 the realization of fair housing. *See* U.S. Government Accountability Office, *Low-Income*
14 *Housing Tax Credit – Some Agency Practices Raise Concerns and IRS Could Improve*
15 *Noncompliance Reporting and Data Collection*, GAO-16-360, at 14. Researchers from the
16 *Poverty & Race Research Action Council* have also found a “broad ‘chilling effect’ due to
17 local approval requirements” so strong it wholly discourages developers from even
18 considering sites in certain areas with reputations for community opposition to affordable
19 housing. *See* *Poverty & Race Research Action Council, Building Opportunity: Civil*
20 *Rights Best Practices in the Low Income Housing Tax Credit Program*, at 10-11 n. 12
21 (Dec. 2008). Because of these well-documented concerns, the National Council of State
22 Housing Agencies, a national association of state affordable housing agencies,
23 recommends that agencies not require local approval as a threshold for the siting of
24 affordable housing because such thresholds “effectively give localities the ability to veto
25 the development of [affordable housing] and allow ‘Not in My Backyard’ efforts to
26 prevent affordable housing development.” *See* National Council of State Housing
27 Agencies, *Recommended Practices in Housing Credit Administration*, at 8 (Dec. 2017).
28 Indeed the City’s own Assessment of Fair Housing and the Proposition HHH regulations

1 themselves acknowledge that community opposition and site selection policies and
2 discretionary approvals are barriers to fair housing in the City.

3 10. California law prohibits the LOA requirement. The LOA requirement
4 violates Cal. Gov. Code § 65008(b) because the adverse effects of permitting individual
5 councilmembers to veto supportive housing and housing for lower income households
6 disproportionately impacts housing opportunities primarily for low-income people of color
7 and individuals with disabilities. The requirement results in delays and increases in the
8 cost of affordable and supportive housing projects, preventing their construction in certain
9 high opportunity parts of Los Angeles, regardless of the need for or feasibility of such
10 projects, in areas where pockets of hostility exist. Its adverse effects fall
11 disproportionately on persons of color and individuals with disabilities and perpetuate
12 residential segregation based on race, class, and mental health. *See Keith v. Volpe*, 618 F.
13 Supp. 1132, 1157–59 (C.D. Cal. 1985) (finding violation of § 65008 regardless of intent
14 where denial of housing development had greater adverse effect on racial minorities and
15 on low income persons than on middle and high income persons), *aff'd*, 858 F.2d 467 (9th
16 Cir. 1988).

17 11. Concerns about the LOA specifically have been shared with the City on
18 numerous occasions. Petitioner’s attorney Public Counsel sent letters to the City, dated
19 October 27, 2014, April 19, 2018 and June 27, 2018, expressing its concerns that the LOA
20 was illegal and discriminatory. *See e.g.*, June 27, 2018 Letter from Public Counsel to Los
21 Angeles City Council, attached hereto as **Exhibit A**. In addition, a widely circulated 2014
22 report by Enterprise Community Partners, Inc. on the financing of supportive housing in
23 the Los Angeles, which interviewed many supportive housing developers and City
24 agencies (including HCIDLA), found that the developers they spoke with “all reiterated
25 the concern that [permanent supportive housing] project sponsors must face an even stiffer
26 test of possible community opposition” earlier in the development cycle because of the
27 letter requirement. “As council offices in turn seek neighborhood council
28 engagement/sanction for the project, developers report experiences in which these

1 community bodies overreach their purview, stepping outside of zoning alignment to even
2 question population targeting. Securing favor can significantly impact the project,
3 particularly its design, at quite an expense or delay to the project. Since developers simply
4 have no choice but to win local council approval for the project to advance, they are in a
5 compromised position to negotiate additional demands.” See Enterprise Community
6 Partners, Inc., *Financing Permanent Supportive Housing in Los Angeles: Challenges and*
7 *Opportunities in a New Era* at 21 (2014).

8 12. In December 2017, developers and homeless service providers urged the
9 City to drop the LOA requirement because it could be used to delay or block worthy
10 projects. See Dec. 14, 2017 Letter from Provider Alliance to Mayor and Los Angeles City
11 Council, attached hereto as **Exhibit B**. In March 2018, the Los Angeles Times Editorial
12 Board called for the elimination of the LOA, stating that its use “amounts to an exercise of
13 unlimited discretion.” The L.A. Times Editorial Board, *L.A. City Council members*
14 *shouldn't have the power to veto homeless housing projects at a whim*, L.A. Times (Mar.
15 17, 2018). Despite these calls, the City Council has refused to remove the LOA
16 requirement. It thereby continues to maintain an arbitrary, unnecessary and publicly
17 imperceptible barrier to supportive and affordable housing, effectively preserving the
18 status quo of the homeless crisis and perpetuating residential segregation in the City of Los
19 Angeles.

20 13. The LOA policy discriminates against the very type of housing for which it
21 operates. It applies only to supportive and affordable housing projects that receive public
22 funding through the Proposition HHH and Affordable Housing Managed Pipeline
23 programs. There is no analogous requirement for any other type of development in the
24 City. Nor is there any legitimate basis for the requirement related to the decision to
25 approve funding for projects pursuant to either program. By adopting and maintaining the
26 LOA policy, the City, therefore, has violated its mandatory duty to refrain from treating
27 subsidized housing differently from unsubsidized housing under Cal. Gov. Code §
28 65008(d)(1). It also has violated its duty under Cal. Gov. Code § 65008(b)(1) to refrain

1 from actions that discriminate against any residential development or emergency shelter
2 because of, *inter alia*, the method of financing or the intended occupancy of lower income
3 households.

4 14. Because this discriminatory treatment does not rely on any substantiated
5 factors that indicate subsidized supportive and affordable housing projects would “pose
6 any special threat to the city’s legitimate interests,” but rather on “negative attitudes [and]
7 fear” and “irrational prejudice” against homeless individuals on account of their
8 disabilities, race and class, symptomatic of “Not In My Back Yard” racial and economic
9 prejudice (“NIMBYism”), the LOA policy also violates the Equal Protection Clause under
10 Article I, Section 7(a) and Article IV, Section 16(a) of the California Constitution. *See*
11 *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 451 (1985).

12 15. In making unavailable and otherwise denying housing opportunities for
13 people of color and individuals with disabilities, the LOA policy also violates the
14 California Fair Employment and Housing Act (“FEHA”). *See* Cal. Gov. Code § 12900 *et*
15 *seq.* By and through their LOA policy, Respondents and Defendants intentionally
16 discriminate against people of color and individuals with disabilities. The LOA policy also
17 has a discriminatory effect on those protected classes.

18 16. The LOA policy also violates the California Housing Element Law. Cal.
19 Gov’t Code §§ 65580–65589.8. Under the Housing Element Law, the housing element of
20 each local jurisdiction’s general plan must make “adequate provision for the existing and
21 projected housing needs of all economic segments of the community.” *Id.* § 65583; *see*
22 *also id.* § 65582(f) (defining “housing element”). Among the requirements for meeting the
23 housing needs, the law requires analysis of governmental constraints that hinder the
24 locality from meeting . . . the need for housing for persons with disabilities, supportive
25 housing, transitional housing, and emergency shelters” *Id.* § 65583(a)(5). The
26 analysis must also demonstrate efforts to remove these local constraints. Based on the
27 analysis, the housing element must include a program to remove these constraints where
28 legally possible. *Id.* § 65583(c)(3).

1 acts and omissions alleged herein occurred in California. Venue is proper in this Court
2 because all the violations of law alleged herein occurred and are occurring in Los Angeles
3 County.

4 **PARTIES**

5 22. Petitioner and Plaintiff ACCE ACTION is a 501(c)(4) non-profit entity that
6 is a grassroots, member-led, statewide community organization with more than 13,000
7 members across California. ACCE ACTION is dedicated to raising the voices of everyday
8 Californians to fight for policies and programs to improve communities, and is currently
9 pursuing campaigns around housing justice, worker justice, and sustainable communities.
10 ACCE ACTION's housing justice work centers on helping families stay in their homes,
11 preserving affordable housing, and pushing for equitable housing practices across
12 California, including in Los Angeles.

13 23. ACCE ACTION has members who are eligible for supportive housing or
14 affordable housing and are currently seeking, applying for, or on waiting lists for
15 supportive housing or affordable housing in the City of Los Angeles. ACCE ACTION
16 also has members who have expressed a desire to reside in higher opportunity areas of the
17 City, but are unable to find housing in those areas that they can afford. As a result of
18 Respondents' unlawful LOA policy, ACCE ACTION's members have been injured and
19 will be injured in the future because they are unable to find supportive housing or
20 affordable housing.

21 24. ACCE ACTION's organizational mission has been frustrated by
22 Respondents' unlawful LOA policy. Among other things, ACCE ACTION regularly
23 operates tenants' rights clinics and directly assists tenants facing eviction and
24 homelessness. The barrier to supportive and affordable housing development caused and
25 exasperated by the LOA requirement directly decreases the number of housing alternatives
26 available across the City to persons that ACCE ACTION serves through its tenants' rights
27 clinics and otherwise, who are rendered homeless by evictions.

28 25. ACCE ACTION was a lead community stakeholder consulted by the City in

1 drafting its Assessment of Fair Housing. In addition, ACCE ACTION collaborated with
2 its sister organization - ACCE Institute - to gather and submit written comments to the
3 draft Assessment of Fair Housing on behalf of 42 community-based organizations. ACCE
4 ACTION and its sister organization convened meetings with service providers, advocates,
5 and residents to identify barriers to fair housing choice and to develop a list of goals and
6 strategies to mitigate or eliminate those barriers.

7 26. ACCE ACTION has devoted significant time and resources to remedying the
8 problem of homelessness to include the need for greater affordable and supportive housing
9 throughout the City of Los Angeles. As alleged herein, the LOA is a significant barrier to
10 these efforts, and, thus, ACCE ACTION and its members have been injured and will
11 continue to be injured by the LOA requirement in the future.

12 27. Respondent and Defendant CITY OF LOS ANGELES is a charter city and
13 municipal corporation organized under the laws of the State of California. The City is a
14 legal entity with the capacity to sue and be sued.

15 28. Respondent and Defendant LOS ANGELES CITY COUNCIL is the
16 legislative body of the City and is responsible for carrying out the Constitution and laws of
17 the State of California, and conforming the ordinances, regulations, policies, and actions of
18 the City to the requirements of state law.

19 29. Respondent and Defendant HCIDLA is the department of City government
20 responsible for the development and preservation of affordable housing, neighborhood
21 investment, and social services in the City, including the Proposition HHH program and
22 the Affordable Housing Managed Pipeline program described herein.

23 **FACTUAL ALLEGATIONS**

24 30. Petitioner and Plaintiff incorporates by reference herein each and every
25 allegation contained in the previous paragraphs.

26 **The Homelessness Crisis in Los Angeles**

27 31. Los Angeles is in the midst of a homelessness crisis unparalleled in any other
28 community in the nation. In an editorial dated February 25, 2018, the Los Angeles Times

1 painted the following grim picture of Skid Row:

2 There are few sights in the world like nighttime in skid row, the teeming
3 Dickensian dystopia in downtown Los Angeles where homeless and destitute
4 people have been concentrated for more than a century. Here, men and
5 women sleep in rows, lined up one after another for block after block in
6 makeshift tents or on cardboard mats on the sidewalks Criminals prey
7 on them, drugs such as heroin and crystal meth are easily available, sexual
8 assault and physical violence are common and infectious diseases like
9 tuberculosis, hepatitis and AIDS are constant threats. Skid row is — and
10 long has been — a national disgrace, a grim reminder of man’s ability to turn
11 his back on his fellow man.

12 32. Inadequate housing for low-income residents has created a dire situation in
13 the City. The number of residents living on the street or in emergency or temporary
14 shelters has surged, and homeless encampments have become a fixture of the Los Angeles
15 landscape. In 2018, the City estimated, 31,516 people experienced homelessness on any
16 given night. *See* Los Angeles Homeless Services Authority, Greater Los Angeles
17 Homeless Count 2018 Results (May 31, 2018). Among these individuals, 9,322 people
18 experienced homelessness for the first in the past year, an increase from 8,044 people in
19 2017, and 3,042 seniors, an increase of 26 percent from the previous year. *Id.* Also
20 included in the 31,516 were 3,002 children under the age of 18, and 1,575 transition-aged
21 youth (youth between the ages of 18 and 24). *See* Los Angeles Homeless Services
22 Authority, 2018 Greater Los Angeles Homeless Count – Data Summary (May 31, 2018)
23 attached hereto as **Exhibit C**.

24 33. The homelessness crisis is particularly acute for certain groups. People of
25 color and people with disabilities are all more likely to be homeless than White people and
26 people without disabilities. For example, although just 9% of the City’s population
27 identifies as Black, Black individuals and families represented 39% of the homeless
28 population in 2018. *See id.*; Los Angeles Department of City Planning, Citywide
29 Demographic Profile, Census 2010. Together, Black and Latino individuals now make up
30 74% of the City’s homeless population. In addition, 28% of homeless individuals report
31 having a serious mental illness, 16% report having a physical disability and 6% report
32 having a developmental disability. *Id.*

1 34. Homelessness is an issue in every one of the 15 Council Districts in the City.
 2 Table 1 below contains the most recent homeless count data for the City.

3 **Table 1: 2018 Greater Los Angeles Homeless Count – City of Los Angeles**

| District | Total Persons | Percent Change 2015-2018 | Total Vehicles, Tents, and Makeshift Shelters |
|----------|---------------|--------------------------|---|
| 1 | 2,525 | +29% | 979 |
| 2 | 1,282 | +111% | 574 |
| 3 | 608 | -2% | 238 |
| 4 | 754 | +21% | 224 |
| 5 | 894 | +2% | 199 |
| 6 | 2,828 | +86% | 510 |
| 7 | 1,260 | +19% | 521 |
| 8 | 2,132 | +30% | 412 |
| 9 | 3,185 | +33% | 950 |
| 10 | 1,427 | +6% | 480 |
| 11 | 2,041 | -14% | 753 |
| 12 | 700 | +23% | 276 |
| 13 | 3,004 | +32% | 804 |
| 14 | 7,077 | +12% | 1,758 |
| 15 | 1,799 | +17% | 530 |

16 Sources: *See* Los Angeles Homeless Services Authority (“LAHSA”), Homelessness Count
 17 by City Council District; LAHSA 2018 Greater Los Angeles Homeless Count - Data
 18 Summary - Vehicles, Tents, And Makeshift Shelters By Geographic Area. Council
 District 14 is where Skid Row is located, thus numbers for the district are higher than other
 districts.

19 **Proposition HHH Was Approved in 2016 to Build 10,000 Units of Supportive and
 20 Affordable Housing**

21 35. In response to this growing crisis, the City’s residents voted to tax
 22 themselves in order to build permanent housing for the homeless. Proposition HHH was
 23 proposed “to finance the acquisition or improvement of real property to provide[]
 24 supportive housing for extremely low income or very low income individuals and families
 25 who are homeless or chronically homeless...; temporary shelter facilities ... [for] those
 26 who are homeless, chronically homeless or at risk of homelessness; [and] affordable
 27 housing, including veterans housing, for extremely low income, very low income and/or
 28 low income individuals and families, including those who are at risk of homelessness.”

1 See Proposition HHH, attached hereto as **Exhibit D**. Proposition HHH was based on the
2 Los Angeles City Council’s findings that homelessness in Los Angeles affects “all
3 segments of society, including all ethnicities and ages, and affects areas throughout the
4 City of Los Angeles, [] creat[ing] a public health and safety crisis,” that “the
5 homeless[ness] crisis has been exacerbated by the underbuilding of housing in the City of
6 Los Angeles, which has created a shortage of housing for homeless persons,” and that
7 “additional funding for housing is also needed ... to address the homeless[ness] crisis in
8 the urgent, comprehensive and persistent manner it deserves.” *Id.*

9 36. On November 8, 2016, voters approved Proposition HHH, authorizing \$1.2
10 billion in general obligation bonds to build 10,000 units of supportive and affordable
11 housing over the next 10 years. The ballot initiative passed by a wide margin, with 77% of
12 voters (916,518) voting in favor, representing a clear mandate from the people. *See*
13 Nov. 8, 2016 Los Angeles City Special Municipal Election - Measure HHH Results.

14 37. Months later, Los Angeles County voters passed a second ballot measure,
15 Measure H, to increase the county’s sales tax to fund services to address homelessness.
16 *See* Mar. 7, 2017 Los Angeles County Election - Measure H Results (passing with the
17 support of 69% of voters (585,905)). Measure H was proposed to “adopt a retail
18 transactions and use tax ordinance for the specific purpose of preventing and combatting
19 homelessness within Los Angeles County.” Measure H § 4.73.030. Measure H was aimed
20 to prevent homelessness for families and individuals, to provide subsidized housing to
21 homeless disabled individuals, and to promote the development of affordable housing for
22 homeless families and individuals. *Id.* Both the Mayor and City Council strongly
23 supported both of these ballot initiatives.

24 38. The voters recognized that “permanent supportive housing” is the best
25 solution to getting those experiencing homelessness the housing, services, and stability
26 they need. Chronically homeless individuals with disabilities in particular benefit
27 significantly when provided with supportive housing. It has been well documented since
28 the 1970s that supportive housing is the key component for ending homelessness for the

1 chronically homeless. See The Supportive Housing Network of NY, History of Supportive
2 Housing, SHNNY.org. Supportive housing combines permanent shelter with services,
3 which may include mental and physical health services, drug and alcohol treatment, and
4 education and job training. See Los Angeles Housing and Community Investment
5 Department, *What is Permanent Supportive Housing?*, HCIDLA.LACITY.org. When
6 properly implemented, supportive housing results in chronically homeless residents
7 becoming permanently sheltered and provides residents with opportunities to better access
8 healthcare resources and pursue their educational or career goals. Participants in
9 supportive housing programs access housing faster and are more likely to remain stably
10 housed. See Leyla Gulcur, Ana Stefancic, Marybeth Shinn, Sam Tsemberis, & Sean
11 Fischer. *Housing, Hospitalization, and Cost Outcomes for Homeless Individuals with*
12 *Psychiatric Disabilities Participating in Continuum of Care and Housing First programs,*
13 *13 J. of Community & Appl. Social Psychology 176 (2003); Sam Tsemberis & Ronda*
14 *Eisenberg, Pathways to Housing: Supported Housing for Street-Dwelling Homeless*
15 *Individuals with Psychiatric Disabilities. 51 Psychiatric Services 487 (2000).*

16 39. The voters also recognized that affordable housing in addition to supportive
17 housing is an essential solution, as increasing numbers of people are driven into
18 homelessness due to unemployment, evictions, discrimination, and a dearth of housing for
19 the City’s lowest income residents. Proposition HHH, **Exhibit D** (“WHEREAS, low-
20 income individuals and households face a greater risk and danger of homelessness because
21 of the shortage of housing and affordable housing in the City of Los Angeles and resulting
22 high rents. ... [T]o address this [homelessness] crisis, the public interest or necessity
23 demands the acquisition or improvement of real property to provide[] supportive housing
24 ... [and] affordable housing....”); see also The L.A. Times Editorial Board, *The homeless*
25 *in L.A. are not who you think they are*, L.A. Times (Feb. 26, 2018). It is well-recognized
26 that increasing the supply of affordable housing for low-income persons decreases
27 homelessness. See **Exhibit D**; LAHSA, Homeless County 2017 Report, Greater Los
28 Angeles Homeless Count, at 38-48; Bryce Covert, *The Deep, Uniquely American Roots of*

1 *Our Affordable-Housing Crisis*, The Nation (May 24, 2018).

2 40. With the passage of Proposition HHH, not only does Los Angeles have the
3 financial means to build thousands of supportive housing and affordable housing units
4 needed to drastically reduce the number of people experiencing homelessness, there is also
5 land available to meet this demand. In a report to the City Council on March 5, 2018, the
6 HCIDLA identified over 180,000 lots throughout the City that could be suitable for
7 permanent supportive housing. Mar. 5, 2018 HCIDLA Report to the Los Angeles City
8 Council, attached hereto as **Exhibit E**. The City has also identified 119 parking lots
9 owned by the City Department of Transportation that could be suitable for housing for the
10 homeless. *See* Doug Smith, *A plan to house L.A.'s homeless residents could transform*
11 *parking lots across the city*, L.A. Times (Feb. 9, 2018).

12 **The Letter of Acknowledgment Policy**

13 41. The LOA is a mechanism by which individual councilmembers can block,
14 delay, or improperly condition consideration of permanent supportive and affordable
15 housing projects in the City. Since at least 2013 and continuing each year thereafter,
16 Respondents have required and imposed the LOA requirement for nearly all affordable and
17 supportive housing projects in the City. The LOA became a formal City policy on July 1,
18 2013 when it was adopted as part of the regulations for the City's Affordable Housing
19 Managed Pipeline, which the City created to oversee the various federal, state, and local
20 funding streams for affordable housing development administered by HCIDLA, including
21 most significantly the City's allocation of Low-Income Housing Tax Credits ("LIHTC").
22 Council File 13-0824. The LOA requirement and procedures were later adopted as part of
23 the Proposition HHH program regulations, which were proposed by HCIDLA and
24 approved by the Mayor and the City Council on December 13, 2017. Council File 17-
25 0090-S2. Section 2.7 of the Proposition HHH regulations requires an LOA in applications
26 for funding:

27 ///

28 ///

1 **2.7 Letter of Acknowledgement**

2 The application for the Call for Projects must include a Letter of
3 Acknowledgement from the Councilmember in whose district the
4 Supportive housing development will be located. Applications not
5 meeting this criteria will be automatically rejected and will not be
6 considered for further review during the current Call for Projects
7 (Attachment 2.7).

8 *See* Section 2.7, Proposition HHH Permanent Supportive Housing Program Regulations
9 (Dec. 13, 2017), attached hereto as **Exhibit F**.

10 42. Section 2.7 of the Proposition HHH regulations is nearly identical to, and
11 was based upon, Section 2.7 of the Affordable Housing Managed Pipeline regulations. *See*
12 Section 2.7, Affordable Housing Managed Pipeline Program Regulations (Apr. 27, 2018
13 redline), attached hereto as **Exhibit G**.

14 43. Additionally, Section 7.3 of the Affordable Housing Managed Pipeline
15 Regulations requires applicants to submit a councilmember Letter of Support to establish
16 “project readiness.” *See* Section 7.3, **Exhibit G**. Like the LOA requirement, the Letter of
17 Support requirement allows the individual councilmember in whose district the project is
18 proposed to stop, delay, or impermissibly condition the project funding, for any or no
19 reason. Because of this, the Letter of Support requirement in the Affordable Housing
20 Managed Pipeline regulations suffers from all of the same legal infirmities as the LOA
21 requirement, as discussed herein.

22 44. As with the Proposition HHH regulations, the Affordable Housing Managed
23 Pipeline regulations were proposed by HCIDLA and approved by the Mayor and City
24 Council. And as with Proposition HHH, the LOA is a threshold requirement to apply for
25 and secure Affordable Housing Managed Pipeline funding. *Id.*

26 45. The LOA policy is a requirement imposed only on developers who apply for
27 Proposition HHH or Affordable Housing Managed Pipeline funding from the City. Both
28 programs are administered by HCIDLA. There is no equivalent policy for unsubsidized
29 housing developments. As stated in Section 2.7 of both the Proposition HHH and the
30 Affordable Housing Managed Pipeline regulations, applications without an LOA from the

1 local councilmember in whose district the project will be located will be automatically
2 rejected and not be eligible for any funding. Consequently, the LOA requirement gives
3 individual councilmembers unfettered discretion to block or delay consideration of
4 affordable and supportive housing projects as part of a secret behind-the-scenes process,
5 thereby placing a substantial obstacle in the path of subsidized housing projects before
6 they can even get off the ground.

7 46. In adopting the LOA policy as a threshold requirement, HCIDLA
8 mischaracterized the LOA as a notice requirement, not a substantive approval requirement.
9 The HCIDLA report recommending the Proposition HHH regulations stated that “the
10 [Chief Administrative Officer] explained that it was important that Council Offices be
11 informed regarding potential projects in their district and that the letter was an
12 acknowledgement letter, not a support letter.” Joint report from the City of Los Angeles
13 CAO, CLA, and HCIDLA, at 6 (Aug. 10, 2017). The purpose of the LOA was purportedly
14 to “ensure that Council Offices are aware of the agencies applying in their District.” *Id.* at
15 8.

16 47. HCIDLA requires applicants to use their template of the “Council Office
17 Letter of Acknowledgement,” attached hereto as **Exhibit H**. The template requires
18 applicants to include, among other things, the project sponsor, project name and address,
19 total number of units, and number of homeless units. *Id.* The template also has three
20 checkboxes where a councilmember can indicate their position on the project as “Strongly
21 Support,” “Support,” or “No Position.” *Id.* Notably absent is an “Oppose” option;
22 however, councilmembers demonstrate their opposition by refusing to even sign an LOA
23 and thereby preventing consideration of the project.

24 48. HCIDLA has provided councilmembers with no guidance or standards to
25 limit an individual councilmember’s discretion to decline to issue or withhold an LOA for
26 any or no reason. HCIDLA does not even address the possibility of withholding an LOA.
27 Consequently, each councilmember has apparently developed their own policies based on
28 their perception of their district’s needs. *See Emily Alpert Reyes, Here’s how easy it is to*

1 *block a homeless housing project in L.A.*, L.A. Times (May 31, 2018). Councilmembers
2 have been given free rein to refuse an LOA for any reason or no reason, including any
3 manner of illegal, discriminatory reasons.

4 **The Letter of Acknowledgment Does Not Function as a Mere Acknowledgment and**
5 **Has Been Used to Block Supportive and Affordable Housing Projects**

6 49. The LOA does not function as a mere acknowledgement. Rather, it
7 effectively constitutes a delegation of legislative power to approve Proposition HHH or
8 Affordable Housing Managed Pipeline funding to the councilmember of the district where
9 the project is proposed. Councilmembers have refused to issue letters for projects that they
10 do not want in their districts, or used the necessity of the letter as a leveraging tool
11 empowering vocal neighborhood opponents to influence the design and population of
12 projects. As stated above, since the passage of Proposition HHH, several districts still do
13 not have any approved housing using Proposition HHH funds. Of the Proposition HHH
14 and Affordable Housing Managed Pipeline projects that have been approved, many have
15 faced delays or pressure to scale back the size of the project, provide fewer units set-aside
16 for tenants with mental disabilities, or include costly design concessions to appease vocal
17 neighborhood groups. *See e.g.*, The L.A. Times Editorial Board, *Don't let NIMBYs – or*
18 *weak-kneed politicians – stand in the way of homeless housing*, L.A. Times (Feb. 27,
19 2018). These changes are purely discretionary and not required by the terms of the
20 Proposition HHH program. Further, although such changes appear to be neutral at first
21 glance, requests for population changes of a project, for instance for more family housing
22 and fewer studio apartments for individuals, are often pretext for discriminatory animus
23 against homeless residents and other groups, such as people of color and people with
24 disabilities, who are homeless in disproportionate numbers.

25 50. Notwithstanding the severity of the homelessness crisis, the lack of sufficient
26 affordable housing and the voters' willingness to tax themselves to address these problems,
27 the LOA requirement effectively permits individual members of the City Council to delay
28 and block development of supportive and affordable housing. The LOA requirement has

1 caused or contributed to the lack of consideration of potential supportive and affordable
2 housing projects: individual councilmembers can and do use the LOA requirement to
3 extract concessions, direct project sponsors to privately negotiate with local groups and
4 neighborhood councils who in turn try to demand project changes or other costly
5 concessions before the councilmember will send the needed LOA. Many times no letter is
6 sent at all and the project just quietly dies.

7 51. The statistics demonstrate that there are several Council Districts where there
8 are *no* approved Proposition HHH projects. In total, there are 29 combined HHH projects
9 in predevelopment or in construction in Council Districts 1, 2, 4, 6, 7, 8, 9, 10, 11, 13, and
10 14. *See* Prop HHH Developments Financial Report, attached hereto as **Exhibit I**. Eleven
11 projects applied for funding in the second round in Council Districts 1, 7, 9, 11, 13, and 14.
12 *See* 2017-2018 HHH Call for Projects, attached hereto as **Exhibit J**. There are zero
13 projects currently approved for Council Districts 3, 5, 12, and 15.

14 52. There are few examples in the public record of LOA denials because the
15 process of seeking an LOA occurs out of the public eye. In districts where there are zero
16 approved Proposition HHH projects (Council Districts 3, 5, 12, and 15) developers are
17 hesitant to even approach the councilmembers of those districts due to well-known
18 NIMBY opposition. According to the Los Angeles Times, the councilmember for Council
19 District 5, home to some of the City’s wealthiest communities, said that his constituents
20 are “among the most likely to balk at proposed sites for homeless housing.” Emily Alpert
21 Reyes, *L.A. lawmakers pledge 222 units for homeless residents in each district*, L.A.
22 Times (Mar. 20, 2018). Yet that councilmember has expressly conditioned his agreement
23 to issue an LOA on “neighborhood council support” and “acceptance” of the proposed
24 project. *See* Nov. 3, 2017 email from Steven J. Spielberg to Councilmember Koretz and
25 staff, attached hereto as **Exhibit K**. The existence of the LOA as a pre-condition for
26 advancing any affordable and supportive housing project thus allows individual
27 councilmembers to effectively stop cold such developments in their districts.

28 53. Reporting by the Los Angeles Times found that at least one councilmember

1 in the City refused to issue an LOA unless the developer agreed to population changes to
2 the project to serve fewer chronically homeless individuals and more families at risk of
3 homelessness, among other reasons. Emily Alpert Reyes, *L.A. lawmakers can block*
4 *homeless housing projects by simply withholding a key letter*, L.A. Times (Mar. 12, 2018).
5 Chronically homeless individuals tend to have disabilities, while families at risk of
6 homelessness tend to have disabilities at far lesser rates. See LAHSA, Homeless County
7 2017 Report, Greater Los Angeles Homeless Count, at 78-80, 84-86. Because the 51-unit
8 project was missing an LOA, it could not proceed, even though the project was
9 “theoretically viable.” Feb. 16, 2018 HCIDLA Report and Recommendation to Council at
10 5. This project is one of the only examples where a developer applied for HHH funding
11 despite not having an LOA (needless to say, the project did not receive funding).

12 54. In another proposed HHH project in Sun Valley in Council District 6, the
13 developer was told in a brief email that the individual councilmember “would not support
14 an HHH application.” See Oct. 2, 2017 email from Ackley Padilla to Christine Villegas
15 and Christopher Murray, attached hereto as **Exhibit L**. The proposed site, which could
16 have housed 25 homeless people, is still vacant.

17 55. Even when councilmembers are willing to issue an LOA, they use the LOA
18 requirement as a leveraging tool to impact projects - in a manner prohibited by existing
19 law’s protections for supportive and affordable housing. For example, the councilmember
20 for Council District 7 directed one developer to conduct outreach, secure community
21 feedback about the “impact to the community” of their proposed project, and eventually
22 required substantive changes to the design of the project in exchange for issuing an LOA.
23 See Mar. 6, 2018 email from Tran Le to Emily Alpert Reyes, attached hereto as
24 **Exhibit M**. Developers apparently even feel they must cater to the councilmember’s
25 individual taste in design, tenant population, and architecture. See Oct. 23, 2017 email
26 from Steve Spielberg to Elaine De Leon, asking the “percentage of homeless [the
27 councilmember] would like to see” and whether the councilmember had “a design type
28 and/or particular architect he likes,” attached hereto as **Exhibit N**.

1 56. Despite knowing that the LOA policy results in funding, location, and
2 project approval decisions that impede the achievement of fair housing goals and that
3 make affordable housing unavailable to persons protected by the fair housing laws,
4 Respondents continue to propose and approve Proposition HHH and Affordable Housing
5 Managed Pipeline regulations with the LOA annually.

6 **The Letter of Acknowledgement Functions as a Discriminatory and Impermissible**
7 **Veto: It Allows Decisions Based on Animus against Homeless Residents and**
8 **Supportive and Affordable Housing Resulting in an Imposition of Costly Concessions**
9 **that Limit the Scope and Economic Feasibility of Proposed Projects**

10 57. In refusing, delaying, or otherwise improperly conditioning the issuance of
11 LOAs, councilmembers have invoked and incorporated fears and animosity toward
12 homeless residents expressed by some of their constituents, while failing to provide any
13 legitimate reasons for doing so, revealing that these decisions are driven solely by
14 discriminatory animus. *Cleburne*, 473 U.S. at 451 (holding that City’s insistence on
15 special use permits for homes for the mentally disabled was concerned with “negative
16 attitudes [and] fear [expressed by nearby property owners] unsubstantiated by factors
17 which are properly cognizable” and thus rested on discriminatory animus); *Avenue 6E*
18 *Investments, LLC v. City of Yuma, Ariz.*, 818 F.3d 493, 504 (9th Cir. 2016) (“The presence
19 of community animus can support a finding of discriminatory motives by government
20 officials, even if the officials do not personally hold such views.”).

21 58. The LOA policy gives NIMBY voices, who represent a small minority that
22 express animosity toward the development of supportive and affordable housing in their
23 communities, a back-door mechanism by which to block a project at inception. Frequently
24 cited NIMBY concerns include: “fear that new residents will threaten community safety,
25 and create a variety of nuisances, from increased traffic, to overcrowded schools, to
26 environmental degradation.” Corianne Payton Scally & J. Rosie Scally, *Democracy in*
27 *Action? NIMBY as Impediment to Equitable Affordable Housing Siting* (Sept. 18, 2014),
28 at 15, available at: <https://ssrn.com/abstract=2580363>. Such concerns have been cited by
groups in Venice in Council District 11 in their opposition to various supportive housing

1 projects in the district: “the City also is failing to effectively protect local residents from
2 crime and violations of public safety laws caused directly by transients and some homeless
3 people. Whatever ‘development strategies’ the City may be exploring with private
4 developers, such strategies should include placement of homeless housing in locations that
5 are not likely to cause significant detrimental impacts on single-family homeowners and
6 residents.” *See* Sept. 12, 2016 Letter from Robert L. Glushon on behalf of Oxford
7 Triangle Association to Office of City Administrative Officer, available at:
8 <https://app.box.com/s/tnt8dm3k4x15uy4wz0guurgucssu86z2>. These are also precisely the
9 types of concerns that some councilmembers have cited in their comments about homeless
10 encampments in their districts. But such concerns are mostly without justification and are
11 merely code for discriminatory animus toward the homeless and groups protected by the
12 fair housing laws which comprise the homeless population. *Cleburne*, 473 U.S. at 451;
13 *Avenue 6E Investments*, 818 F.3d at 505.

14 59. Such NIMBY opposition and deliberate discriminatory housing policies have
15 contributed to the segregated map of Los Angeles we see today. The City’s own
16 Assessment of Fair Housing (“AFH”) acknowledges that community opposition and siting
17 selection policies are barriers to fair housing and are significant contributing factors to
18 segregation in Los Angeles: “In recent years, community opposition has played a role in
19 hindering the development of high-density or affordable housing, both of which are
20 disproportionately occupied by people of color.” City of Los Angeles & HCIDLA,
21 Assessment of Fair Housing Plan 2018-2023, at 91 (Oct. 25, 2017), available at:
22 <http://hcidla.lacity.org/assessment-fair-housing>. The AFH specifically cites “community
23 opposition” as preventing “affordable multifamily housing from being built in many parts
24 of the city thus contributing to segregation by race and income.” *Id.* at 249. The AFH
25 further states that, “[t]o increase the stock of affordable housing throughout the City,
26 particularly in neighborhoods of opportunity, there is a need for the removal of barriers
27 that make affordable housing more difficult to produce, especially in certain
28 neighborhoods,” such as “discretionary approvals that require public hearings where

1 opposition based on stereotypes and fears about people of color, people with disabilities
2 and low-income people make affordable housing difficult to locate in affluent or
3 segregated neighborhoods.” *Id.* at 309.

4 60. As structured, the LOA is a vehicle for “community opposition” and
5 “discretionary approval,” which are both cited as barriers to the equitable siting of housing
6 in the AFH. The LOA policy thus provides a mechanism by which discriminatory
7 sentiments can and do influence, obstruct, and prevent the siting of affordable and
8 supportive housing in the City.

9 61. The LOA policy gives individual councilmembers, under pressure from
10 entrenched local interests, an impermissible veto over the equitable siting of affordable and
11 supportive housing projects in the City. This enables a vocal minority to actuate their fear
12 and animosity toward homeless individuals and affordable housing, and stand in the way
13 of the will of the majority who voted to tax themselves so that this very housing could be
14 built. Giving the force of law to this animus is discriminatory and unlawful. Put simply,
15 the City “may not avoid the strictures of [Equal Protection] by deferring to the wishes or
16 objections of some fraction of the body politic. ‘Private biases may be outside the reach of
17 the law, but the law cannot, directly or indirectly, give them effect.’” *Cleburne*, 473 U.S.
18 at 448. Yet, by adopting and maintaining the LOA policy, the City of Los Angeles is
19 doing just that.

20 **The Letter of Acknowledgment Policy Has a Disparate Impact on People of Color**
21 **and Individuals with Disabilities and Perpetuates Racial and Economic Segregation**
22 **in the City of Los Angeles**

23 62. As stated above, homeless residents in Los Angeles are disproportionately
24 people of color and individuals with disabilities. For example, the odds that a White
25 Angeleno was homeless in 2018 was 1 in 289, while the odds that a Black Angeleno was
26 homeless was 10 times higher: 1 in 29. Because the LOA policy is blocking, delaying, and
27 conditioning the development of supportive and affordable housing, for which people of
28 color and individuals with disabilities disproportionately qualify, it has a disparate impact
on these protected classes of individuals.

1 63. Respondents' adoption and annual re-adoption of the LOA policy also
2 perpetuates the segregation of people of color and lower income households by furthering
3 the concentration of supportive housing and affordable housing in already segregated, poor
4 parts of the City. The LOA policy disparately impacts low-income people of color and
5 individuals with disabilities as they are the main occupants of these subsidized housing
6 projects and are thus prevented from living in areas of higher opportunity in the City.

7 64. Los Angeles has significant levels of segregation. Latinos are the largest
8 ethnic group in Los Angeles at 48% and are most concentrated in East Los Angeles,
9 Northeast Los Angeles, South Los Angeles, and in areas surrounding the Port of Los
10 Angeles at the southern tip of the City, as well as in eastern sections of the San Fernando
11 Valley. Los Angeles Department of City Planning, Citywide Demographic Profile, Census
12 2010; AFH at 64, 105. Black residents are heavily concentrated in South LA; in fact, 29%
13 of all Black residents in Los Angeles County live in South Los Angeles. AFH at 65.
14 Asian Americans and Pacific Islanders are most concentrated in Central Los Angeles,
15 portions of Northeast Los Angeles, West Los Angeles, and the San Fernando Valley. *Id.* at
16 66. White residents are most concentrated in West Los Angeles and in the San Fernando
17 Valley. *Id.* at 67. Many neighborhoods in West Los Angeles have a much higher
18 percentage of White residents than the City does as a whole. *Id.*

19 65. Research has found that urban areas with high levels of segregation tend to
20 have lower levels of upward economic mobility, and that racial inequality is thus amplified
21 by residential segregation. *Id.* at 102. Concentrated poverty is associated with worse
22 health outcomes, lower educational attainment, and less economic opportunity. *Id.* at 102,
23 123. For example, the City's AFH noted that census tracts around racially and ethnically
24 concentrated areas of poverty have particularly low access to proficient schools. *Id.* at
25 123. Neighborhoods in East Los Angeles, Central Los Angeles, and South Los Angeles
26 have the least access to proficient schools, while West Los Angeles and the San Fernando
27 Valley, who are predominantly White and Asian, have the City's greatest access to
28 proficient schools. *Id.* at 123, 141.

1 66. Supportive housing is currently primarily sited in segregated, poor parts of
2 the City. A March 5, 2018 report from HCIDLA to the City Council, which looked at the
3 current and potential siting of permanent supportive housing, found that the majority of
4 completed permanent supportive housing and HHH projects are in “high segregation and
5 poverty resource area[s]” or “low resource area[s],” noting that “high segregation and
6 poverty and low resource areas have been the prime investment locations for siting
7 [permanent supportive housing] projects *for over a decade.*” See **Exhibit E** at 7, 3 (citing
8 the opportunity resource categories developed by the state, which are based on a composite
9 metric of economic, environmental, and educational indices). Specifically, the report
10 found that Council Districts 1, 9, and 14 have the highest number of permanent supportive
11 housing and recently approved HHH units, as well as contain a high percentage of the
12 City’s high segregation and poverty census tracts, 17%, 22%, and 10% respectively. *Id.* at
13 5. More than 55% of the City’s completed permanent supportive housing projects and
14 units are in high segregation and poverty areas and more than 20% of units are in low
15 resource areas. Additionally, more than 55% of the City’s recommended HHH allocation
16 identified at the time of the report are located in high segregation and poverty areas.
17 Council Districts 1, 13, and 15 contain the highest number of permanent supportive
18 housing units that are in construction, and the majority of these units (56%) are in high
19 segregation and poverty areas. *Id.* Council Districts 8, 9, and 14 reflect the highest
20 number of HHH predevelopment units, and the majority (67%) of the City’s HHH units in
21 predevelopment are in high segregation and poverty areas. The report also found that
22 many of the permanent supportive housing/HHH projects are sited in areas of racially and
23 ethnically concentrated areas of poverty. *Id.* at 6.

24 67. By contrast, the HCIDLA report found that certain Council Districts have a
25 tremendous amount of landbase lots in their high opportunity census tracts, “which are
26 valuable sources for increasing affordable housing opportunities, and are not currently
27 maximized.” *Id.* at 4 (defining landbase lots as parcels located in a High Quality Transit
28 Area that are zoned for multi-family residential use), 7. Specifically, Council Districts 4,

1 5, and 11 “contain a large percentage of [permanent supportive housing] land base lots in
2 their highest and high resource areas – 87%, 93% and 80% respectively. *Id.* at 7-8. The
3 report recommended that these districts “are areas for the City’s keen consideration of
4 housing for those most in need of housing coupled with services” and “should be taken
5 into account in how Los Angeles funds projects in the underutilized sections of the city.”
6 *Id.* at 8.

7 68. The map that follows was included in the HCIDLA report to the City
8 Council as Attachment E. It shows the concentration of permanent supportive housing and
9 HHH units in areas of high segregation and poverty.

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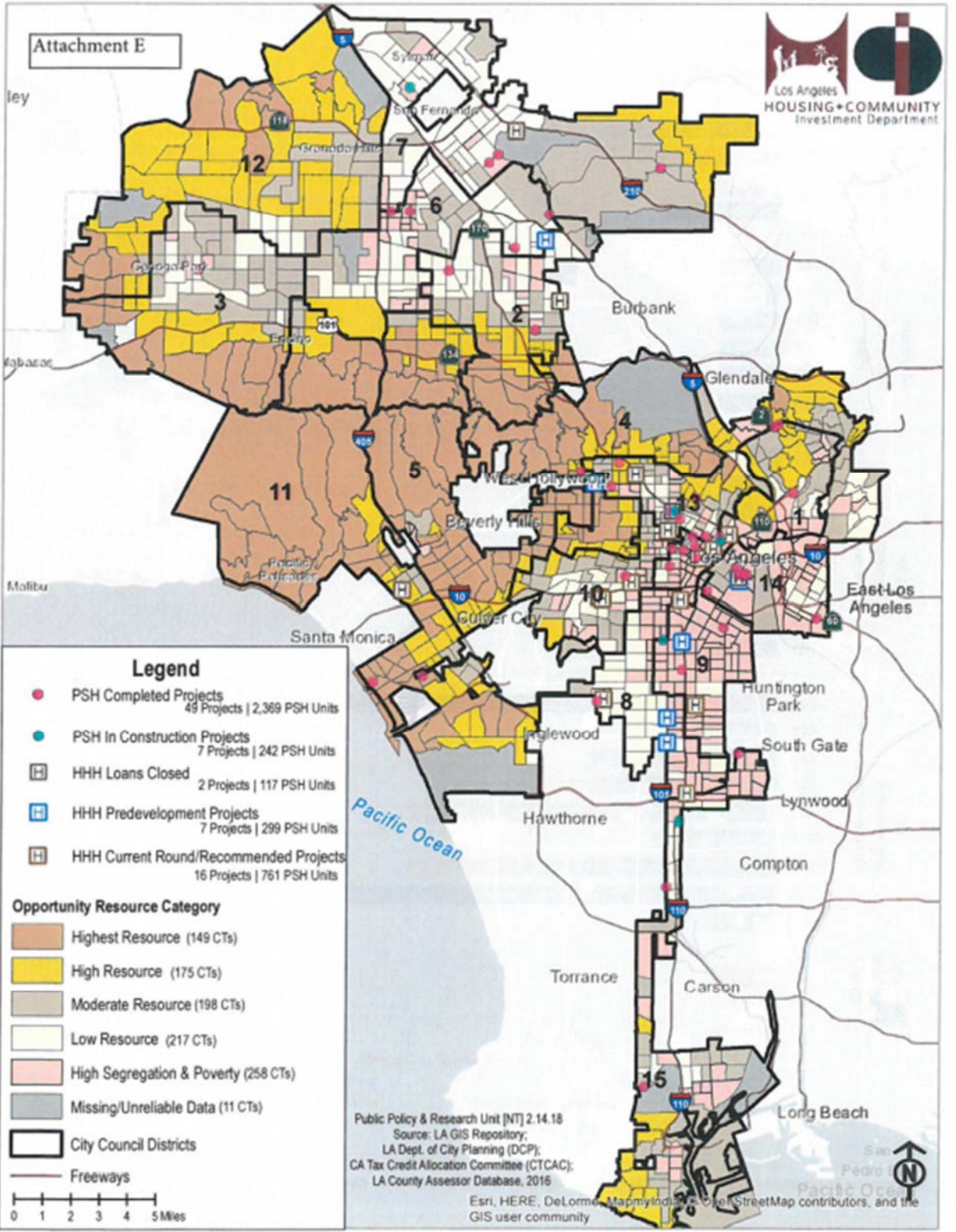
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City of Los Angeles: 2018 TCAC/HCD Opportunity Areas and Permanent Supportive Housing/HHH Projects

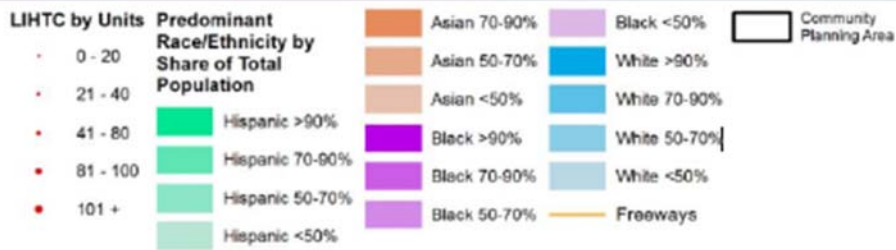
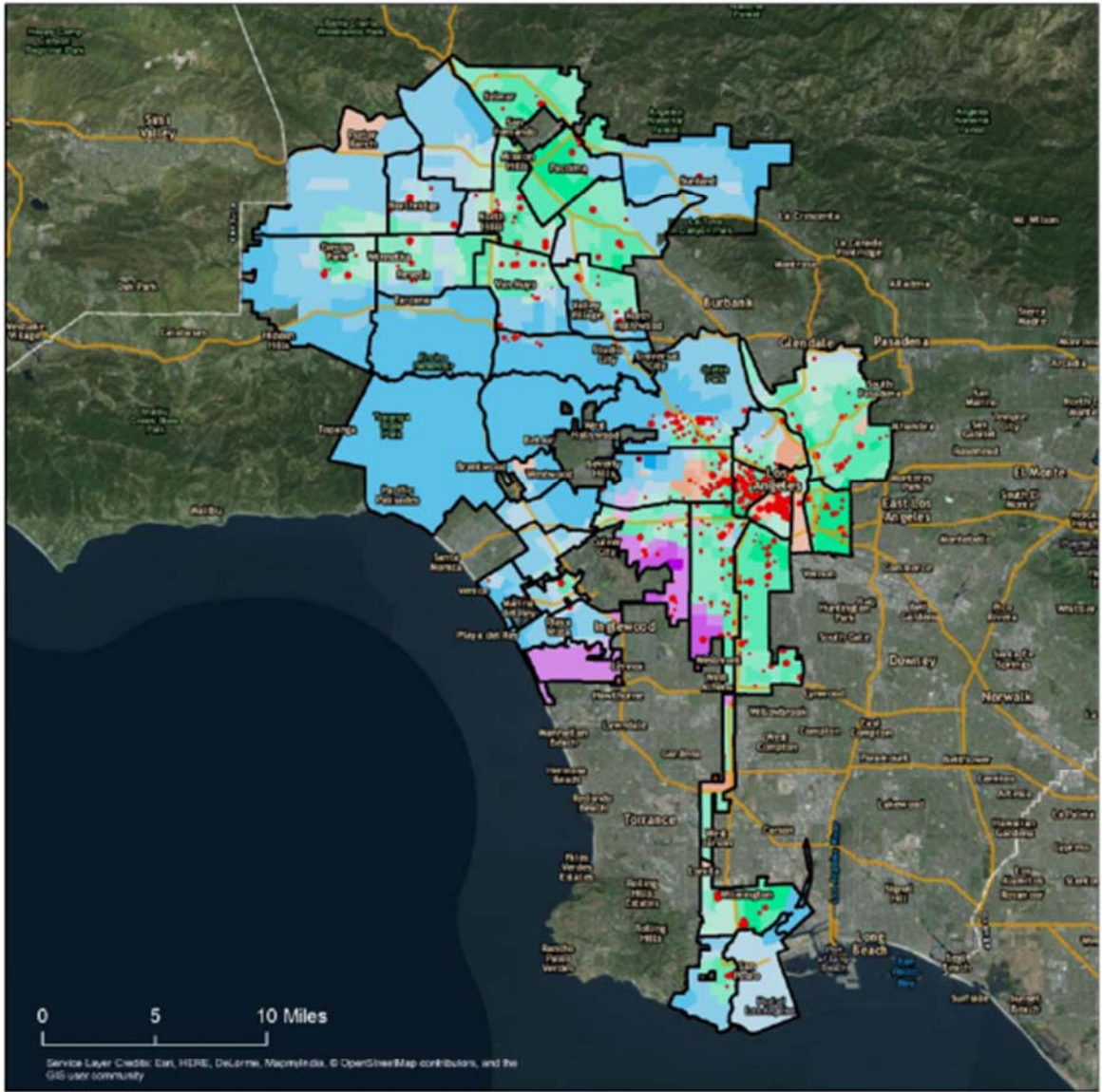


1 69. The siting of affordable housing follows the same pattern as supportive
2 housing in the City. There are 28,830 low-income units in LIHTC-financed developments
3 in the City. *See* AFH at 317. As acknowledged in the City’s AFH, LIHTC siting practices
4 between 2003 and 2015 have constructed “few units in high opportunity areas.” *Id.* at 250.
5 Further, “[p]ublic housing and LIHTC housing are largely located in segregated,
6 predominantly Hispanic, Asian, and Black neighborhoods.” *Id.* at 386. “[A]ll forms of
7 publicly supported housing including Low-Income Housing Tax Credit properties, project-
8 based section 8 properties, public housing units, and other multi-family units are more
9 concentrated in less affluent communities in South LA, East LA, Central LA, and portions
10 of the San Fernando Valley. Relatively little affordable housing is located in West LA.
11 The siting of publicly supported housing can limit fair housing choice and contribute to
12 segregation. The occupants of publicly supported housing are disproportionately members
13 of protected classes.” *Id.* at 99. According to the AFH, “[t]he high cost of land and
14 community opposition from residents in high-opportunity areas creates barriers to
15 affordable housing there,” *id.* at 386, and “the location of affordable housing helps to
16 perpetuate racial segregation.” *Id.* at 249.

17 70. The scarcity of affordable housing in predominantly White neighborhoods is
18 starkly illustrated by the map that follows, which was included in the AFH and shows the
19 concentration of LIHTC units in segregated, predominantly Hispanic, Asian, and Black
20 neighborhoods with few LIHTC projects in the predominantly White neighborhoods of
21 West Van Nuys, Encino, Tarzana, Westwood, West Los Angeles, Brentwood, and Pacific
22 Palisades. *Id.* at 289–90.

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City of L.A. AFH: LIHTC Developments by Number of Units and Race and Ethnicity in 2010



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1 71. The fact that this data is drawn from the City’s own reports – the AFH and
2 the HCIDLA report to the City Council – demonstrates that Respondents are aware of the
3 role that the siting of supportive and affordable housing projects plays in perpetuating
4 existing patterns of racial and economic segregation. The City has also explicitly cited
5 community opposition and site selection policies as barriers to fair housing in its AFH.
6 Yet, the City continues to remain deliberately indifferent to the problem by maintaining a
7 backdoor mechanism in the form of an LOA that preserves these existing patterns.

8 72. The LOA policy perpetuates these patterns of segregation because it can be
9 and has been used by individual councilmembers of predominantly White, wealthy parts of
10 the City to block the siting of supportive and affordable housing in their districts.

11 **Federal and State Law Do Not Require a Letter of Acknowledgment**

12 73. The LOA policy gives individual councilmembers the power to bar
13 affordable and supportive housing from their districts without a vote of the City Council.
14 This level of discretion is not mandated by federal or state law, and is serving as an
15 artificial, arbitrary, and unnecessary barrier to the equitable siting and development of
16 affordable and supportive housing in the City.

17 74. Federal law does not require such a barrier. Rather, federal law requires
18 California to adopt a Qualified Allocation Plan (“QAP”) to allocate the tax credits to
19 projects based upon the state’s priorities and federally mandated requirements. The
20 applicable federal statute covering local involvement in the siting of tax credit properties,
21 26 U.S.C. § 42(m)(1)(A)(ii), mandates only that the agency notify “the chief executive
22 officer (or the equivalent) of the local jurisdiction within which the building is located of
23 such project and provide[] such individual a reasonable opportunity to comment on the
24 project.” This minimal local notification and comment provision does not require local
25 approval, contribution, or support in any form, and certainly not on the level of the
26 individual councilmember. By granting greater control than required, the City is
27 subjecting to local veto all affordable tax credit developments.

28 75. Revenue Ruling 2016-29 interpreted § 42(m)(1)(A)(ii) and found that the

1 provision does not require agencies to reject proposals that do not obtain local approval of
2 the proposed development. Revenue Ruling 2016-29 found not only that such local
3 approval requirements were unnecessary under federal law, but also that they may be
4 harmful because they are “inconsistent” with “Federal fair-housing policy.” According to
5 the IRS, “§ 42(m)(1)(A)(ii) ensures only the opportunity for local input to the allocation
6 decision. It does not authorize an allocating agency to abandon the responsibility to
7 exercise its own judgment. In particular, *it does not require or encourage allocating*
8 *agencies to bestow veto power over LIHTC projects either on local communities or on*
9 *local public officials.”* Revenue Ruling 2016-29 (emphasis added). The IRS’s
10 interpretations of the Internal Revenue Code are entitled to substantial deference, and leave
11 no doubt that federal law does not require local approval of the proposed development of
12 tax credit properties.

13 76. Because local approval requirements contravene and frustrate federal fair
14 housing policy, such requirements have been the subject of litigation. For instance, the
15 Baltimore Regional Housing Campaign filed a complaint with HUD alleging that a
16 Maryland state policy requiring tax credit applications to receive a resolution of support
17 from the local jurisdiction in which the project was located had the effect of limiting
18 development of affordable housing in high opportunity White communities. *See, e.g.,*
19 *Baltimore Reg’l Hous. Campaign v. Maryland*, Housing Discrimination Complaint (Aug.
20 30, 2011). The State settled the complaint with HUD in 2017 and agreed to remove the
21 requirement and to other relief to alleviate the impact of the requirement on housing
22 location decisions. *See* Press Release of Settlement of HUD Fair Housing Complaint
23 Concerning Maryland’s Administration of LIHTC Program, available at:
24 <http://www.relmanlaw.com/civil-rights-litigation/cases/HUDvMaryland.php>. This
25 litigation confirms the view of the federal authorities charged with the promotion of fair
26 housing opportunities: federal law does not mandate local approval requirements, rather
27 federal law prohibits such requirements because of their negative impact on affordable and
28 supportive housing development opportunities.

1 185492, effective May 28, 2018.

2 80. The City’s LOA policy undermines and contravenes the intent of these state
3 and local laws. Despite councilmembers’ assertion that the LOA is necessary to ensure
4 community support, it is not necessary to use the LOA as a tool to ensure community
5 support. There is sufficient opportunity for public input through the community planning
6 process. The City’s LOA policy, which is in addition to the City’s planning process,
7 functions to undermine the goals and policies of that planning process.

8 **The Letter of Acknowledgment Policy Violates Cal. Gov. Code 65008’s Prohibition of**
9 **Discrimination Against Subsidized Housing**

10 81. California Government Code § 65008 is a unique anti-discrimination statute
11 that expressly prohibits local governments from discriminating against specified residential
12 developments for specified reasons including because the housing is subsidized or
13 intended for the occupancy of lower and moderate income households. It is one of the
14 many laws the state has adopted to “expedite the construction of affordable housing.” §
15 65582.1(m).

16 82. Section 65008(b) prohibits discrimination by a local government against any
17 residential development or emergency shelter because of, among other things, its method
18 of financing or its intended occupancy by very low, low, moderate or middle income
19 persons or families.

20 83. Section 65008(d)(1) prohibits a local government from imposing “different
21 requirements on a residential development or emergency shelter that is subsidized,
22 financed, insured, or otherwise assisted by federal or state government or by a local public
23 entity... than those placed on nonassisted developments....” This includes the denial or
24 conditioning of the development or shelter based in whole or in part on the development
25 being subsidized or financed by a governmental entity.

26 84. As alleged, in direct violation of § 65008, the City requires an LOA for
27 residential developments or emergency shelters that are intended for occupancy for lower
28 income persons or households and that are seeking financing or other financial subsidies

1 from the City. The City does not require an LOA for developments that are not subsidized,
2 financed, insured, or otherwise assisted by federal or state government or by a local public
3 entity.

4 **The Letter of Acknowledgment Policy Violates California Housing Element Law**

5 85. California Housing Element Law (Government Code §§ 65580 – 65589.8)
6 requires local governments to make adequate provision for the housing needs of all
7 economic segments of the community through the enactment and implementation of a
8 regularly updated Housing Element of the local General Plan. § 65581(a) and §65583. It
9 declares that the availability of housing is of vital statewide importance and a priority of
10 the highest order and that local governments have a responsibility to use their powers to
11 facilitate the improvement and development of housing for all income levels. § 65580.

12 86. The Housing Element must, among other things, assess its existing and
13 projected need for affordable housing, which must include the allocated share of the
14 regional need and special housing needs such as the need for housing for the homeless
15 and needs of persons with disabilities. § 65583(a)(1) and (a)(7).

16 87. The Housing Element must also analyze the governmental constraints to
17 meeting the housing needs of all income levels, including the need for supportive housing,
18 emergency shelters and transitional housing. § 65583(a)(5) and (c)(1). Constraints that
19 must be assessed include local process and permit procedures and “any locally adopted
20 ordinances that directly impact the cost and supply of residential development.” §
21 65583(a)(5). The analysis must also “demonstrate efforts to remove governmental
22 constraints that hinder the locality from meeting its share of the regional housing
23 need...and from meeting the need for housing for persons with disabilities, supportive
24 housing, transitional housing and emergency shelters....” *Id.*

25 88. Senate Bill No. 2 (Cedillo), enacted on October 13, 2007, which amends the
26 Housing Element Law, requires that supportive housing not be subject to any additional
27 restrictions not imposed on residential uses of the same type in the same zone. Cal. Gov.
28 Code § 65583(a)(5).

1 89. As alleged, the LOA requirement violates these provisions of Housing
2 Element Law because developers seeking funding for supportive housing pursuant to
3 Proposition HHH or the Affordable Housing Managed Pipeline must procure a
4 discretionary LOA, which is not required of other residential developments and the denial
5 of which effectively results in disapproval of the proposed housing.

6 **The Letter of Acknowledgement Policy Is Inconsistent with the City’s Housing**
7 **Element**

8 90. The City’s actions must be consistent with its General Plan, including the
9 Housing Element of the General Plan. *See* Gov’t Code § 65587.

10 91. Objective 2.5 of the City’s Housing Element provides that the City will
11 promote “a more equitable distribution of affordable housing opportunities throughout the
12 city.” The implementing policy 2.5.2 requires that the City will “[f]oster development of
13 new affordable housing units citywide and within each Community Plan area.” The City’s
14 LOA policy is inconsistent with this objective and policy because it permits individual city
15 councilmembers to disapprove supportive housing and affordable housing developments in
16 their geographic districts by simply not issuing the LOA without providing any basis for
17 the non-issuance.

18 92. Goal 4 of the Housing Element is that Los Angeles is a city committed to
19 preventing and ending homelessness. Objective 4.1 of that goal is for the City to
20 “[p]rovide an adequate supply of short-term and permanent housing and services
21 throughout the City that are appropriate and meet the specific needs of all persons who are
22 homeless or at risk of homelessness.” And the implementing policy 4.1.6 requires that the
23 City “[p]rovide housing facilities and supportive services for the homeless and special
24 needs populations throughout the City, and reduce zoning and other regulatory barriers to
25 their placement and operation in appropriate locations.” The City’s LOA policy is
26 inconsistent with this goal, objective and policy because it permits individual city
27 councilmembers to disapprove supportive housing and affordable housing developments in
28 their geographic districts by refusing to issue the LOA without any basis for the non-

1 issuance, creating a regulatory barrier to the placement of supportive and affordable
2 housing in appropriate locations throughout the city. Thus, instead of “reduc[ing]”
3 barriers, the City has created and is maintaining a significant barrier to these projects, in
4 the form of the LOA requirement.

5 **The Letter of Acknowledgement Policy Violates the City Charter and Constitutes an**
6 **Illegal Delegation of the City’s Municipal Powers**

7 93. Section 244 of the Los Angeles City Charter provides that “[e]xcept as
8 otherwise provided in the Charter, action by the Council shall be taken by majority vote of
9 the entire membership of the Council.” No provision of the charter allows action to
10 approve or disapprove expenditure of Proposition HHH or the Affordable Housing
11 Managed Pipeline funds or the development of housing by a lone councilmember.

12 94. California Constitution, Article XI, Section 7 grants cities and counties the
13 power to make and enforce local laws pursuant to their police power.

14 95. Under the LOA policy in Section 2.7 of the Proposition HHH regulations
15 and the Affordable Housing Managed Pipeline regulations, however, city staff are required
16 to automatically reject and may not further consider an application for these funds if it is
17 not submitted with an LOA from the councilmember of the Council District for which the
18 development is proposed. The decision to issue or not issue the LOA is not subject to any
19 standards or safeguards and, therefore, is left to the uncontrolled discretion of the
20 individual councilmember.

21 96. The LOA policy thus effectively delegates the legislative and executive
22 power to approve or reject an application for these funds from the City Council and the
23 Mayor to the individual councilmember of the Council District where the project is
24 proposed.

25 97. The delegation authorized by the LOA policy violates the City Charter and
26 constitutes an impermissible delegation of the City’s police power and other municipal
27 powers without adequate standards or safeguards.

28

1 **FIRST CAUSE OF ACTION**

2 **Writ of Mandate – Compel Compliance with Non-Discrimination Laws**

3 **(Gov. Code § 65008(d)(1); Code of Civ. Proc. § 1085)**

4 **Against All Respondents**

5 98. Petitioner incorporates by reference herein each and every allegation
6 contained in the previous paragraphs.

7 99. At all times relevant to this action, Respondents have had clear, mandatory
8 duties and prohibitions imposed by Government Code section 65008. Those include the
9 duties and prohibitions of section 65008(d)(1) not to impose different requirements on a
10 residential development or emergency shelter that is subsidized, financed, insured or
11 otherwise assisted by the federal or state or by local government entity. The prohibited
12 discrimination includes the denial or conditioning of a residential development or
13 emergency shelter based in whole or in part on the fact that the development is subsidized,
14 financed, insured or otherwise assisted by a local government.

15 100. The City violates this requirement because it has imposed the LOA
16 requirement solely upon housing developments seeking city subsidies or Low Income
17 Housing Tax Credits and does not impose this requirement on housing developments not
18 subsidized by the City or tax credits. Although the LOA is imposed as a pre-condition to
19 receiving local financing by the City, the LOA has no express or inherent relationship to
20 the eligibility of the development for local financing, and the imposition of the LOA
21 operates to deny, delay or condition assisted projects. Councilmembers routinely use the
22 LOA requirement to delay or block projects, or as leverage to secure changes in proposed
23 developments and additional public meetings not required by law.

24 101. Petitioner has no plain, speedy, and adequate remedy in the ordinary course
25 of law.

26 102. Petitioner is beneficially interested in having Respondents comply with all
27 applicable provisions of law and their legal duties, as set forth herein.

28 103. Wherefore Petitioner prays for relief, as set forth below.

1 **SECOND CAUSE OF ACTION**

2 **Writ of Mandate – Compel Compliance with Non-Discrimination Laws**

3 **(Gov. Code § 65008(b)(1); Code of Civ. Proc. § 1085)**

4 **Against All Respondents**

5 104. Petitioner incorporates by reference herein each and every allegation
6 contained in the previous paragraphs.

7 105. At all times relevant to this action, Respondents have had clear, mandatory
8 duties and prohibitions imposed by Government Code section 65008. Those include the
9 duties and prohibitions of section 65008(b)(1) not to discriminate against a residential
10 development or emergency shelter because of the method of financing of the development
11 or because the development or shelter is intended for occupancy by very low, low, or
12 moderate income persons or households.

13 106. The City violates this requirement because it has imposed the LOA
14 requirement solely upon supportive housing and affordable housing developments seeking
15 city financing or Low Income Housing Tax Credits and intended for occupancy by lower
16 and moderate income households. The requirement acts as a condition of approval of
17 those developments and is not imposed on other housing developments.

18 107. The acts and omissions of the City alleged herein discriminate against the
19 development of housing intended for occupancy by persons or households with very-low
20 and low-incomes in the City of Los Angeles.

21 108. The City knew, or should have known, that its policy would discriminate
22 against affordable housing and supportive housing for lower-income households. This
23 discrimination is in direct violation of section 65008(b)(1).

24 109. The City’s LOA policy also causes a discriminatory effect against people of
25 color, individuals with disabilities, and families with children. Homeless and low-income
26 households are disproportionately members of certain racial and ethnic groups and
27 individuals with disabilities, and families with children, and therefore the policy
28 predictably causes a disproportionate and adverse impact on members of these protected

1 classes. This discrimination violates section 65008(b)(1).

2 110. Petitioner has no plain, speedy, and adequate remedy in the ordinary course
3 of law.

4 111. Petitioner is beneficially interested in having Respondents comply with all
5 applicable provisions of law and their legal duties, as set forth herein.

6 112. Wherefore Petitioner prays for relief, as set forth below.

7 **THIRD CAUSE OF ACTION**

8 **Writ of Mandate – Compel Compliance with SB 2**

9 **(Gov. Code §§ 65583(a)(4) and 65583(a)(5); Code of Civ. Proc. § 1085)**

10 **Against All Respondents**

11 113. Petitioner incorporates by reference herein each and every allegation
12 contained in the previous paragraphs.

13 114. At all times relevant to this action, Respondents have had clear, mandatory
14 duties and prohibitions imposed by California’s Housing Element Law (Government Code
15 sections 65580- 65589.8). Those duties include compliance with section 65583(a)(5).

16 115. Section 65583(a)(5) mandates that local governments consider supportive
17 housing to be a residential use of property subject only to those restrictions that apply to
18 other residential dwellings of the same type in the same zone.

19 116. The City violates this requirement because developers seeking funding for
20 supportive and affordable housing pursuant to Proposition HHH and/or the Affordable
21 Housing Managed Pipeline must procure an entirely discretionary LOA which is not
22 required of other residential developments.

23 117. Petitioner has no plain, speedy, and adequate remedy in the ordinary course
24 of law.

25 118. Petitioner is beneficially interested in having Respondents comply with all
26 applicable provisions of the law and their legal duties, as set forth herein.

27 119. Wherefore Petitioner prays for relief, as set forth below.

28

1 **FOURTH CAUSE OF ACTIONS**

2 **Writ of Mandate – Compel Consistency with the City’s Housing Element**
3 **(Gov. Code § 65587; Code of Civ. Proc. § 1085)**

4 **Against All Respondents**

5 120. Petitioner incorporates by reference herein each and every allegation
6 contained in the previous paragraphs.

7 121. At all times relevant to this action, Respondents have had clear, mandatory
8 duties and prohibitions to act consistently with the adopted Housing Element of its General
9 Plan.

10 122. Objective 2.5 and implementing policy 2.5.2 of the City’s Housing Element
11 provide that the City will promote equitable distribution of affordable housing
12 opportunities throughout the city and foster development of new affordable housing units
13 citywide and within each Community Plan area.

14 123. Objective 4.1 and implementing Policy 4.1.6 of the City’s Housing Element
15 state that the City will provide an adequate supply of short-term and permanent housing
16 and supportive services for the homeless throughout the City and reduce zoning and other
17 regulatory barriers to their placement and operation in appropriate locations.

18 124. The City’s LOA policy is inconsistent with these objectives and policies
19 because it permits individual city councilmembers to disapprove supportive housing and
20 affordable housing developments in their geographic districts simply by not issuing the
21 LOA without any basis for the non-issuance, or to delay or condition such projects in
22 negotiating the issuance of the LOA. The policy creates a regulatory barrier to the
23 placement of supportive and affordable housing in appropriate locations throughout the
24 city.

25 125. Petitioner has no plain, speedy, and adequate remedy in the ordinary course
26 of law.

27 126. Petitioner is beneficially interested in having Respondents comply with all
28 applicable provisions of the law and their legal duties, as set forth herein.

1 Charter and impermissibly limits the City Council’s exercise of its police and municipal
2 powers.

3 133. Respondents have knowingly violated and continue to violate Proposition
4 HHH, the City Charter and Article I, Section 7(a) and Article XI, Section 7 of the
5 California Constitution, and controlling non-delegation principles by continuing to enforce
6 the LOA policy.

7 134. Petitioner has a beneficial interest in the outcome and is harmed by
8 Respondents failure to comply with all applicable provisions of law and their legal duties,
9 as set forth herein.

10 135. Wherefore Petitioner prays for relief, as set forth below.

11 **SIXTH CAUSE OF ACTION**

12 **Violation of State Equal Protection Guarantees**

13 **(California Constitution, Article I, Section 7(a) & Article IV, Section 16(a); Cal. Civ.
14 Proc. Code §§ 526, 526a))**

15 **Against All Defendants**

16 136. Plaintiff incorporates by reference herein each and every allegation contained
17 in the previous paragraphs.

18 137. Under Article I, Section 7(a) and Article IV, Section 16(a) of the California
19 Constitution, Defendants are required to ensure that homeless and low-income individuals
20 in the City of Los Angeles receive the equal protection of the laws. This requires
21 Defendants to ensure that supportive and affordable housing for homeless and low-income
22 individuals is not treated differently than housing for other individuals, and that housing
23 development decisions are not made on the basis of animus against the homeless or against
24 the protected classes who are disproportionately homeless, such as persons of color and
25 persons with disabilities.

26 138. Defendants have knowingly violated and continue to violate the rights of
27 Plaintiff to receive equal protection of the laws, pursuant to Article I, Section 7(a) and
28 Article IV, Section 16(a) of the California Constitution by failing to provide them with

1 basic housing opportunities equal to those that other individuals in the City receive.

2 139. Plaintiff has no plain, speedy, and adequate remedy in the ordinary course of
3 law.

4 140. Plaintiff is harmed by Defendants failure to comply with all applicable
5 provisions of law and their legal duties, as set forth herein.

6 141. Unless enjoined, Defendants will continue to violate the right to receive
7 protection of the laws under the California Constitution, and Plaintiff will suffer
8 irreparable harm.

9 142. Wherefore Plaintiff prays for relief, as set forth below.

10 **SEVENTH CAUSE OF ACTION**

11 **Violation of California Fair Employment and Housing Act**
12 **(Cal. Gov. Code § 12900 *et seq.*, Cal. Civ. Proc. Code §§ 526, 526a)**

13 **Against All Defendants**

14 143. Plaintiff incorporates by reference herein each and every allegation contained
15 in the previous paragraphs.

16 144. Under Government Code section 12955(k) of the California Fair
17 Employment and Housing Act, it is unlawful for Defendants “to otherwise make
18 unavailable or deny a dwelling based on discrimination” because of race, color, or
19 disability. The City’s acts and omissions, as alleged, discriminate based on race and
20 disability in that they result in the denial of housing opportunities available to these
21 protected classes, and in their exclusion from and/or segregation within Los Angeles.

22 145. The City enacted an LOA policy that enables individual members of the City
23 Council to refuse to make available supportive and affordable housing, acting with
24 knowledge that members of protected classes are disproportionately homeless and low-
25 income and in need of such housing.

26 146. The City’s LOA policy also causes a discriminatory effect. Homeless and
27 low-income households are disproportionately members of certain racial and ethnic groups
28 and individuals with disabilities, and families with children, and therefore the policy

1 predictably causes a disproportionate and adverse impact on members of these protected
2 classes.

3 147. Plaintiff has no plain, speedy, and adequate remedy in the ordinary course of
4 law.

5 148. Plaintiff is harmed by Defendants failure to comply with all applicable
6 provisions of law and their legal duties, as set forth herein.

7 149. Unless enjoined, Defendants will continue to violate the right to receive
8 protection of the laws under the California Fair Employment and Housing Act, and
9 Plaintiff will suffer irreparable harm.

10 150. Wherefore Plaintiff prays for relief, as set forth below.

11 **REQUEST FOR RELIEF**

12 WHEREFORE, Petitioner and Plaintiff prays for relief as follows:

13 149. For a declaration that the LOA policy in both the Proposition HHH
14 regulations and the Affordable Housing Managed Pipeline regulations, and any other
15 mechanism, policy, or practice, including the Letter of Support, that allows an individual
16 councilmember to veto project funding, is illegal and in conflict with the California
17 Constitution and state housing laws;

18 150. For a peremptory writ of mandate commanding Respondents to cease
19 discriminating against subsidized housing;

20 151. For a peremptory writ of mandate commanding Respondents to vacate and
21 set aside the LOA policy in both the Proposition HHH regulations and the Affordable
22 Housing Managed Pipeline regulations, the Letter of Support policy in the Affordable
23 Housing Managed Pipeline regulations, and any and all other mechanisms, policies, or
24 practices that allow individual councilmembers to veto project funding;

25 152. For an order enjoining the City from requiring an LOA, Letter of Support, or
26 any other mechanism, policy, or practice that allows an individual councilmember to veto
27 project funding for any subsidized housing project;

28 153. For the Court to maintain continuing jurisdiction over this matter until

1 Respondents have fully complied with the Court's order;

2 154. An award to Petitioner of reasonable attorney's fees and costs of suit; and

3 155. Such other and further relief as the Court deems just and proper.

4 DATED: July 25, 2018

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

6
7 By: 
8 Jeffrey L. Bornstein

9
10 Attorneys for Petitioner/Plaintiff
11 ALLIANCE OF CALIFORNIANS FOR
COMMUNITY EMPOWERMENT (ACCE ACTION)

12 DATED: July 25, 2018

Respectfully submitted,

PUBLIC COUNSEL


14
15 By: 
16 Shashi Hanuman

17
18 Attorneys for Petitioner/Plaintiff
19 ALLIANCE OF CALIFORNIANS FOR
COMMUNITY EMPOWERMENT (ACCE ACTION)

20 DATED: July 25, 2018

Respectfully submitted,

PUBLIC INTEREST LAW PROJECT

23
24 By: 
Michael Rawson

25
26 Attorneys for Petitioner/Plaintiff
27 ALLIANCE OF CALIFORNIANS FOR
28 COMMUNITY EMPOWERMENT (ACCE ACTION)

