

A stylized sunburst graphic composed of numerous yellow and orange rays of varying lengths, radiating from the left side of the slide. The background of the slide is a gradient from light yellow on the left to dark orange on the right.

Reasonable Accommodations to Reduce Pesticide Use for Infestations

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St. John's Well Child and Family Center

- St. John's Well Child and Family Center (St. John's)
 - independent 501(c)(3) network of Federally Qualified Health Centers in Los Angeles, California
 - serves patients of all ages through thirteen independent and school-based health centers and two mobile clinics spanning Central and South L.A. and Compton
 - provides primary medical, dental, mental health, and social support services to uninsured, underserved and economically disadvantaged people in Los Angeles
 - served 66,856 patients through over 274,000 visits

Neighborhood Legal Services

- NLSLA provides free legal assistance to more than 100,000 individuals and families annually, through innovative projects that expand access to justice and address the most critical needs of low-income communities in Los Angeles County.
- Areas of focus: Housing, Health, Economic Security, Access to Justice

South L.A.

- 34.3% of the target population has no usual source of health care (LACDPH, 2013)
- 44.6% of adults report difficulty accessing health care (LACDPH, 2013)
- 30.4% of adults report their health to be fair or poor
- The population to one FTE Primary Care Physician Ratio in the proposed service area is 8,948:1 (LACDPH, 2013)
- Almost 45% of the target population has Medicaid, while 30.8% are uninsured (compared to 15.7% Medicaid and 22.8% uninsured LA County) (US Census, 2011)

State of Housing in South LA

Surveys of 140 tenants in South L.A. found that:

45% of tenants' units had mold;

75% had cockroaches;

40% had rats or mice, compared to 7% for renters nationwide;

34% had bedbugs;

39% reported leaks from pipes and plumbing
(national rate: 11%)

47% reported broken plaster or peeling paint
(national rate: 3%)

Additionally, respondents suffered: chronic allergic symptoms (49%); chronic skin rashes (42%); asthma (25%).

Asthma Triggers in Substandard Housing

- Cockroaches
- Mold
- Pesticides - Pesticide aerosols or gases, like other respiratory irritants, can lead to asthma; Pesticides may increase the risk of developing asthma, exacerbate a previous asthmatic condition or even trigger asthma attacks by increasing bronchial hyper-responsiveness (Hernandez et al, 2011).

Healthy Homes South LA

Description: A collaborative partnership between St. John's, Esperanza Community Housing Corporation (provides case management, in-home assessments and education/remediation services) and Strategic Actions for a Just Economy (provides tenant advocacy) to address slum housing related health issues.

- Bi-directional referrals between agencies
- Identification of patients with slum housing related health issues
- Home visitation, education and remediation assistance by trained Community Health Promoters
 - Home and health assessments
 - Reduction of environmental triggers
 - IPM, green cleaning, some structural remediation
- Tenant advocacy and legal assistance
 - Ensure necessary remediation completed by landlords
 - Protection against eviction
 - **Reasonable Accommodation requests for asthmatic tenants**

Trinity Park Pilot

The goals of this project were to:

1. Increase the thoroughness of county code enforcement inspections;
2. Promote healthy remediation by establishing protocols that decrease pesticide spraying and increase the use of Integrated Pest Management (IPM);
3. Encourage repairs that get to the root of the housing problems
4. Show landlords that IPM is cost effective;
5. Connect uninsured tenants to healthcare;
6. Create successes in the pilot that will be replicated in all county inspections.
7. Increase access to units for healthy homes inspections
8. Demonstrate increased cost effectiveness of the inspection process

Disability Discrimination:

Sources of Law

- Federal Fair Housing Act, CA Fair Housing & Employment Act
 - Require “reasonable accommodation” for tenants with disabilities if necessary for them to use and enjoy their dwelling. Cannot be an “undue burden” on the landlord or a “fundamental alteration” of the landlord’s business.
 - Require “reasonable modification” if accommodation is a structural change to the building; tenant must cover cost.
 - Require the landlord to engage in an “interactive process.”
 - Allow landlord to request a letter from a clinical provider.
- Americans with Disabilities Act (ADA)
 - Only covers public housing, not private landlords.
- Section 504 of Rehabilitation Act & Unruh Civil Rights Act
 - Prohibit discrimination, including disability discrimination

Disability Discrimination: Enforcement

- Fair Housing Act and Fair Housing & Employment Act
 - Complaint to the UD Dep't of Housing & Urban Developm't
 - Complaint to the CA Dep't of Fair Employment and Housing
 - Private lawsuit OR defense in an eviction
- Americans with Disabilities Act (ADA)
 - Complaint to US Department of Justice
 - Private lawsuit OR defense in an eviction
- Section 504 of Rehab. Act & Unruh Civil Rights Act
 - Complaint to Office of Civil Rights of agency receiving fed \$
 - Complaint to CA Dep't of Fair Employment and Housing
 - Private lawsuit OR defense in an eviction

Contrast: City of Los Angeles Code Enforcement

- Code enforcement agencies
 - Department of Public Health: Vermin, Air Quality
 - Housing & Community Investment: Other Conditions
 - Building & Safety: Structural Issues, Permits
 - Rent Stabilization Board: Rent Control Violations
- Timelines
 - Discrimination complaints: Intake in 60 days
 - Code enforcement: Contact in 72 hours
 - BUT: discrimination complaints → litigation & defenses

Previous Use of Reasonable Accommodation in Sub-standard Housing to Improve Health

- New York City Housing Authority's (NYCHA) tenants, along with community advocacy organizations, Manhattan Together and South Bronx Churches, represented by the Natural Resources Defense Council (NRDC) and the National Center for Law and Economic Justice (NCLEJ), filed a class action lawsuit against the housing authority – December 2013.
- NYCHA and the plaintiffs negotiated a court order intended to address water and dampness problems in a systematic manner to protect all residents. As a result of this court order, the Housing Authority must:
 - Revise its policies, practices, and procedures.
 - Provide plaintiffs with detailed quarterly and annual progress reports.
 - Conduct random audits of its work orders to ensure that 95% of problems were resolved in a timely manner.
 - Abate flooding in 24 hours, with wet material dried in 48 hours.
 - Complete repairs that could be fixed in a single visit within seven days and complete complex repairs within 15 days, on average.

(Source: <http://www.nchh.org/>)

Sample Letter

Date: ____/____/____

Re: Reasonable Accommodation Request

Patient Name: _____ Date of Birth: ____/____/____

To whom it may concern:

I work as a _____ at St. John's Well Child and Family Center. I am writing regarding the above-mentioned patient, who is a person with a disability.

This patient's disability is being negatively impacted by the following housing conditions:

Please make the following reasonable accommodation(s), which will reduce the negative health impact on this patient:

- Integrated Pest Management
- Lead Paint Removal
- Repair the following problem(s): _____

- Install the following safety measure(s): _____

- Other: _____

Your cooperation is required by the Federal Fair Housing Act (42 U.S.C. §§ 3601-3619), California Fair Housing and Employment Act (Gov. Code §§ 12900-19996), and other applicable law.

Should you have questions, please do not hesitate to contact me using the following information:

Sincerely,

Outcomes

- Reduction in use of pesticides to address infestations
- Reduction in potential asthma triggers
- Increased utilization of Integrated Pest Management on behalf of landlord and tenant
- Patient/tenant empowerment

A large, stylized graphic of a hand with fingers spread, rendered in shades of yellow and orange, positioned on the left side of the slide.

Questions?

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