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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Housing Works, Los Angeles Catholic
Worker, Independent Living Center of
Southern California, Inc., and Timothy
Laraway,

Plaintiffs,

v.

County of Los Angeles, County of
Los Angeles Board of Supervisors, and
Los Angeles County Department of
Public Social Services,

Defendants.

Case No. 2:15-cv-08982

**COMPLAINT FOR
UNLAWFUL
DISCRIMINATION AGAINST
PERSONS WITH MENTAL
DISABILITIES**

DEMAND FOR JURY TRIAL

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INTRODUCTION

1
2 1. This lawsuit challenges the systematic, unlawful, and wrongful denial
3 of subsistence benefits to the most needy and vulnerable citizens in Los Angeles
4 County—indigent persons with mental or developmental disabilities.

5 2. The County of Los Angeles has a statutory duty to provide General
6 Relief (GR) benefits to indigent residents of Los Angeles County. GR is the
7 program of last resort for residents who are unable to support themselves, are
8 unsupported by other means, and do not qualify for any other cash-aid program.
9 GR benefits consist of a meager \$221 per month. GR recipients have been
10 described as “the poorest of the poor.” Roughly half of GR recipients are homeless.

11 3. A disproportionately large percentage of GR applicants have mental
12 and/or developmental disabilities (collectively, “mental disabilities”). Each year,
13 thousands of indigent residents of Los Angeles County are unable to secure GR
14 benefits to which they are entitled due to their mental disabilities.

15 4. Defendant Los Angeles County Department of Public Social Services
16 (DPSS) is charged with administering GR in Los Angeles County. DPSS has
17 implemented a complex, time-consuming process for applying for GR benefits.
18 Applicants typically must complete a long application packet and spend long hours,
19 if not several days, in loud, crowded, and chaotic DPSS offices. For persons with
20 serious mental disabilities such as schizophrenia, bipolar disorder, and severe
21 depression, the application process is a daunting and insurmountable barrier to
22 securing GR benefits.

23 5. There are simple ways that DPSS could make the GR application
24 process more accessible to persons with mental disabilities. DPSS could, for
25 example, allow online applications for GR benefits. DPSS already has an online
26 application process in place for CalFresh (food stamp), CalWORKs (welfare for
27 families), and other services. A similar online application process for GR would
28 allow friends and social workers to assist applicants with mental disabilities in

1 completing applications for GR benefits.

2 6. Additionally, DPSS could employ a mental-health screening tool near
3 the beginning of the GR application process. DPSS could then expedite and
4 simplify the application process for individuals who screen positive for mental
5 disabilities and assist those individuals in completing the process. DPSS also could
6 direct individuals who screen positive for mental disabilities to on-site mental
7 health specialists for a more thorough mental health assessment.

8 7. DPSS's discrimination against persons with mental disabilities does
9 not end with its burdensome GR application process. The requirements that DPSS
10 imposes for *obtaining* and *maintaining* GR benefits are even more onerous. For
11 example, individuals must participate in three weeks of job training before their GR
12 applications will be approved. Furthermore, to continue receiving GR benefits, the
13 individuals must spend 80 additional hours every month in the job-readiness
14 program. For many individuals with mental disabilities, these requirements are
15 unreasonable and unrealistic.

16 8. DPSS purports to solve the above-discussed problems through its
17 "Needs Special Assistance" (NSA) program. But the accommodations that DPSS
18 offers through the NSA program are inadequate, especially during the initial stages
19 of the GR application process, when many applicants with mental disabilities give
20 up on the process and forego benefits to which they are entitled. Furthermore, even
21 according to the County's own statistics, DPSS systematically under-identifies
22 persons with serious mental disabilities. In addition, when DPSS does identify an
23 individual as NSA, DPSS usually designates the person "temporary NSA." Then,
24 after a short time period has expired, DPSS denies the person any accommodations,
25 without any clinical assessment that he or she is capable of complying with DPSS's
26 onerous requirements.

27 9. Defendants' discrimination against persons with mental disabilities
28 and failure to provide reasonable accommodations violate the Americans with

1 Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (“Section
2 504”), and Section 11135 of the California Government Code (“Section 11135”).

3 10. Plaintiffs are Housing Works, Independent Living Center of Southern
4 California, Inc., Los Angeles Catholic Worker (collectively, “Organizational
5 Plaintiffs”) and Timothy Laraway. Each Plaintiff seeks injunctive and declaratory
6 relief from Defendants’ ongoing violations of the ADA, Section 504, and Section
7 11135. In addition, Mr. Laraway seeks monetary relief to compensate for the
8 injuries he incurred from Defendants’ failure to provide him with the GR benefits to
9 which he was lawfully entitled in a timely fashion.

10 JURISDICTION AND VENUE

11 11. This Court has subject-matter jurisdiction over Plaintiffs’ causes of
12 action under the ADA and Section 504 pursuant to 28 U.S.C. §§ 1331 and 1343.
13 This Court has supplemental jurisdiction over Plaintiffs’ cause of action under
14 Section 11135 pursuant to 28 U.S.C. § 1367. The facts giving rise to Plaintiffs’
15 cause of action under Section 11135 are substantially the same as those giving rise
16 to Plaintiffs’ causes of action under the ADA and Section 504. Plaintiffs also seek
17 declaratory relief pursuant to 28 U.S.C. §§ 2201 *et seq.*

18 12. The Court has personal jurisdiction over Defendants at least because
19 they reside in this District and provide services in this District and because a
20 substantial part of the events and omissions giving rise to Plaintiffs’ claims
21 occurred in this District.

22 13. Venue is proper pursuant to 28 U.S.C. § 1391(b) at least because
23 Defendants reside in this District and because a substantial part of the events and
24 omissions giving rise to Plaintiffs’ claims occurred in this District.

25 THE PARTIES

26 A. Plaintiffs

27 14. Plaintiff Housing Works (HW) is a nonprofit organization providing
28 extensive services to chronically homeless persons in Los Angeles County who

1 struggle with serious mental illness. The majority of HW clients are trying to
2 obtain GR, on GR, or transitioned from GR to Supplemental Security Income (SSI).
3 Approximately 85 percent of HW clients on GR are NSA eligible. HW's office is
4 located in Hollywood, California. HW's mission is to create accessible housing
5 and service options that model, with respect and dignity, sustainable,
6 environmentally sensitive, and affordable communities with people of limited
7 resources. After conducting medical and social assessments, HW locates
8 permanent supportive housing tailored to address its clients' individual health and
9 addiction needs. Once its clients are housed, HW provides on-site, holistic services
10 such as mental health counseling, job placement, and assistance with applying for
11 public benefits, such as GR and SSI. As explained below, Defendants' failure to
12 provide GR benefits to qualified individuals with mental disabilities, in violation of
13 the ADA, Section 504, and Section 11135, has diverted HW's time and resources to
14 providing subsistence-level assistance to those individuals and has frustrated HW's
15 organizational goals.

16 15. Plaintiff Independent Living Center of Southern California (ILCSC) is
17 a nonprofit organization dedicated to providing services to people with disabilities
18 while educating the community. ILCSC has offices in Van Nuys and Lancaster,
19 California. ILCSC provides job coaching, vocational training, homemaker training,
20 socialization training, classes on disability rights, housing referrals, and many other
21 services to residents of Los Angeles County who are persons with disabilities, older
22 adults, or veterans. ILCSC also provides subsistence-level assistance, such as food
23 and shelter, to indigent persons, including persons with mentally disabilities. As
24 explained below, Defendants' failure to provide GR benefits to qualified
25 individuals with mental disabilities, in violation of the ADA, Section 504, and
26 Section 11135, has diverted ILCSC's time and resources to providing subsistence-
27 level assistance to those individuals and has frustrated ILCSC's organizational
28 goals.

1 16. Plaintiff Los Angeles Catholic Worker (LACW) is an unincorporated
2 association that is part of the lay Catholic Worker movement founded over eighty
3 years ago to feed the hungry, shelter the homeless, care for the sick, clothe the
4 naked, and visit the prisoner. LACW operates a free soup kitchen and hospitality
5 house for homeless guests, provides free blankets, toiletries, and reading glasses for
6 the homeless, purchases special shopping carts for homeless people to store their
7 personal property, provides hospice care for the dying in downtown Los Angeles,
8 publishes a Christian newspaper, and engages in political advocacy. Many
9 individuals using LACW services are on GR and are NSA eligible. As explained
10 below, Defendants' failure to provide GR benefits to qualified persons with mental
11 disabilities, in violation of the ADA, Section 504, and Section 11135, has diverted
12 LACW's time and resources to providing subsistence-level assistance to those
13 individuals and has frustrated LACW's organizational goals.

14 17. Plaintiff Timothy Laraway is a resident of Los Angeles County and a
15 57-year-old man suffering from multiple mental disorders, including post-traumatic
16 stress disorder, anxiety, depression, and bi-polar disorder. Mr. Laraway has been
17 hospitalized and under psychiatric care because of his mental disorders, and has
18 taken medication to treat them. Mr. Laraway believes he also has a learning
19 disability and problems with his memory. Mr. Laraway's mental conditions render
20 him unable to earn an income, and he has experienced periods of homelessness.

21 18. Mr. Laraway attempted to apply for GR benefits in or about April
22 2013 at the Pomona DPSS office. Mr. Laraway informed the DPSS worker that he
23 had mental illnesses and memory problems, but he was not screened for NSA or
24 given any special assistance. The DPSS worker instructed Mr. Laraway to appear
25 for an off-site medical evaluation the following day, but refused Mr. Laraway's
26 request that she write down the appointment information to help him remember
27 it. Mr. Laraway missed the appointment because he became confused and
28 overslept, so his GR application was denied. During these events, DPSS did not

1 undertake any investigation to determine what would constitute reasonable
2 accommodations for Mr. Laraway.

3 19. Mr. Laraway applied again for GR in or about January 2014 at the
4 Metro East #15 DPSS office. Again, Mr. Laraway informed the DPSS worker of
5 his mental illnesses, but DPSS did not provide any accommodation. Again,
6 Mr. Laraway was instructed to report for an off-site medical appointment, but he
7 was unable to keep the appointment for reasons connected with his mental
8 impairments. Mr. Laraway returned to DPSS to request a new appointment, but the
9 DPSS worker said that she could not reschedule him because he had missed too
10 many appointments already, and that his application would be automatically denied.
11 Again, during these events, DPSS did not undertake any investigation to determine
12 what would constitute reasonable accommodations for Mr. Laraway.

13 20. With the assistance of an advocate from the Legal Aid Foundation of
14 Los Angeles, Mr. Laraway re-applied for GR benefits in August 2014, and was
15 finally designated temporary NSA and approved for benefits. DPSS, however, has
16 never provided Mr. Laraway with any compensation for the 16-month period
17 between April 2013 and August 2014 when he was prevented from obtaining GR
18 because of DPSS's failure to reasonably accommodate his mental disorders.

19 **B. Defendants**

20 21. Defendant County of Los Angeles is a political subdivision of the State
21 of California. Pursuant to Welfare and Institutions Code § 17000, County of Los
22 Angeles is required to provide general assistance to eligible indigent residents who
23 lack any other means of support.

24 22. Defendant Board of Supervisors of Los Angeles County is the
25 legislative body charged by law with adopting standards of general assistance aid
26 and care for indigent residents in Los Angeles County pursuant to Welfare and
27 Institutions Code § 17001.

28 23. Defendant Los Angeles County Department of Public Social Services

1 is responsible for administering the GR program, as well as other benefit programs,
2 in Los Angeles County.

3 **STATEMENT OF FACTS**

4 **A. California's General Relief Program**

5 24. California Welfare and Institutions Code § 17000 provides that each
6 county in California “shall relieve and support all incompetent, poor, indigent
7 persons, and those incapacitated by age, disease, or accident, lawfully resident
8 therein, when such persons are not supported and relieved by their relatives or
9 friends, by their own means, or by state hospitals or other state or private
10 institutions.”

11 25. To fulfill the mandates of § 17000, the counties in California provide
12 indigent adults with financial assistance known as either “general assistance” or
13 “general relief.” In Los Angeles County, the program is called “General Relief”
14 and is administered by DPSS.

15 26. Eligibility for the County's GR program is limited to those destitute
16 residents who have \$50 or less in cash or in a bank account and whose income is
17 less than \$221 per month. According to DPSS's website, “[a]n average GR case
18 consists of one person, living alone, with no income or resources.”

19 27. A GR recipient living alone receives a maximum monthly grant of
20 \$221. The grant is supposed to cover a GR recipient's housing, utilities, food,
21 clothing, transportation, and other basic necessities of life.

22 **B. DPSS's Complex GR Application Process**

23 28. DPSS has implemented a complex, time-consuming process for
24 applying for GR benefits. The process discriminates against persons with mental
25 disabilities and imposes undue barriers to their access to GR benefits.

26 29. For example, the GR application process discriminates against persons
27 who suffer from social anxiety. Social anxiety is a symptom of a wide spectrum of
28 mental disorders, including psychosis, schizophrenia, major depression, anxiety

1 disorders, and post-traumatic stress disorder. Persons with social anxiety are
2 frequently discouraged from applying for GR, or give up during the application
3 process, because it requires spending many hours (or even days) in a DPSS office,
4 which is typically crowded, noisy, and chaotic.

5 30. As another example, the GR application process discriminates against
6 persons who have cognitive disorders. Persons with cognitive disorders are often
7 unable to complete the application process due to its complexity.

8 31. A non-exhaustive list of the steps of the GR application process is set
9 forth below. These steps, both individually and collectively, discriminate against
10 persons with mental disabilities such as social anxiety and cognitive disorders and
11 improperly obstruct their access to GR benefits, for the reasons explained in the
12 preceding paragraphs. Particular steps of the GR process discriminate against
13 persons with mental disabilities in other ways, as set forth below.

14 32. As an initial matter, DPSS requires that GR applicants submit their
15 applications in person at one of the 14 DPSS offices in Los Angeles County. Upon
16 arriving at the DPSS office, applicants are often required to stand in line outside for
17 a long period of time just to enter the office.

18 33. Next, applicants must go through a security checkpoint. Persons with
19 mental disorders such as schizophrenia and post-traumatic stress disorder are often
20 intimidated by the security guards and thus forego applying for GR benefits. Upon
21 information and belief, DPSS fails to ensure that guards are adequately trained on
22 awareness of and sensitivity to persons with mental disabilities.

23 34. Upon entering the lobby of the DPSS office and checking in,
24 applicants must obtain an application packet from a Case Opening Clerk. The line
25 or wait time to obtain the application packet can be over an hour long.

26 35. After receiving the GR application packet, applicants then try to find a
27 place in the lobby to complete the application packet. Often there is no seating
28 available, so they end up standing or sitting on the floor. The GR application

1 packet is lengthy and complex. Typically, applicants receive no assistance in
2 completing the packet, even when they suffer from serious mental disabilities.
3 Applicants with mental disabilities often give up and forego GR benefits to which
4 they are entitled.

5 36. Applicants who manage to complete the application packet cannot
6 simply submit it at that time. They instead are required to wait in the DPSS office
7 to meet with a caseworker. Applicants routinely spend several hours—or even the
8 entire day—waiting for a meeting with a caseworker, all the time straining to hear
9 their name called out over the din of noise in the office. Applicants often avoid
10 leaving the lobby for any reason—even to go to the bathroom—out of fear that they
11 will miss the announcement of their meeting with a caseworker. Many applicants
12 are also afraid to step outside for a break from the lobby because they will be
13 required to wait in the outside lines and go through another security check before
14 coming back in. The long period of waiting in a noisy DPSS office can be
15 intolerable for persons with mental disorders such as schizophrenia, attention deficit
16 order, bipolar disorder, and severe depression. Those persons often give up and
17 forego GR benefits to which they are entitled.

18 37. When applicants finally meet with caseworkers, the caseworkers
19 review the applications, decide who is eligible for GR benefits, and categorize those
20 individuals who are deemed eligible as “employable” or “unemployable.” It is only
21 at this point in the process—after hours of waiting—that DPSS makes any serious
22 effort to determine whether an applicant has mental disabilities. And that effort is a
23 poor one. In practice, caseworkers typically categorize applicants as “employable”
24 unless the applicants say they are unemployable. Persons with mental disabilities
25 often respond to caseworkers that they are employable, even if they cannot
26 realistically maintain a job, because they do not understand the question, are
27 reticent to discuss their disability, or incorrectly believe that they meet the
28 definition of employable. Furthermore, as discussed below, the NSA screening

1 protocol employed by DPSS is defective and fails to identify large numbers of
2 persons who have mental disabilities.

3 38. Applicants who are screened as potentially NSA are referred for an
4 evaluation by Department of Mental Health (DMH) or Adult Protective Services
5 (APS). Although DMH and APS evaluators are co-located with DPSS, an applicant
6 screened as potentially NSA must often wait hours in the DPSS office for an
7 evaluation. If a DMH or APS evaluator is unavailable, applicants are scheduled for
8 an appointment, requiring them to return to the DPSS office, go through the
9 security lines again, and wait in the DPSS office again.

10 39. Applicants not screened as potentially NSA return to the lobby and
11 wait yet again for their names to be called for fingerprinting. After providing
12 fingerprints, applicants return to the lobby to wait to be called by the cashier to
13 receive an Electronic Benefits Transfer (EBT) card.

14 40. Within the next 30 days, GR applicants are required to return to the
15 DPSS office, check in, and provide documentary proof of eligibility to the
16 caseworkers. Applicants with mental disabilities often are unable to satisfy these
17 further requirements due to their mental disabilities. As a consequence, the
18 applicants are unable to obtain GR benefits to which they are entitled.

19 **C. DPSS's Deficient NSA Program**

20 41. Defendants recognize that many GR applicants and recipients have
21 significant mental disabilities that require accommodation if those persons are to
22 secure and maintain the benefits to which they are entitled. In the 1980s, in
23 response to a lawsuit in state court, Defendants established the NSA program. The
24 NSA program is ostensibly intended to accommodate persons with mental
25 disabilities in applying for, obtaining, and maintaining GR benefits. In actuality,
26 the NSA program as implemented by Defendants falls far short of their legal
27 obligations under the ADA, Section 504, and Section 11135.

28 42. There are at least four fundamental flaws in the NSA program. *First,*

1 the NSA program provides few, if any, accommodations for individuals with
2 mental disabilities in the initial stages of the GR application process, before they
3 meet with caseworkers. As detailed above, the initial stages of the process impose
4 barriers that prevent many individuals with mental disabilities from obtaining GR
5 benefits. Because DPSS rarely, if ever, designates individuals NSA until after they
6 meet with caseworkers—typically several hours into the application process—the
7 NSA program fails to address that problem.

8 43. *Second*, although DPSS claims that applicants with mental disabilities
9 can request accommodations during the application process, DPSS only recently
10 began to implement a procedure by which the applicants can make a request for
11 accommodations, but DPSS has not trained its staff on providing appropriate
12 accommodations. Furthermore, persons with mental disabilities are often unable or
13 unwilling to request accommodations for their mental disabilities, either due to the
14 disabilities themselves or to the stigma associated with them.

15 44. *Third*, DPSS’s method of identifying individuals as NSA
16 under-identifies individuals with mental disabilities.

17 45. DPSS employs a two-stage process for screening individuals to be
18 referred to mental health professionals for a mental disability assessment. In the
19 first screening stage, DPSS relies upon its employees to identify individuals who
20 may have mental disabilities by observing their outward behavior and appearance in
21 the DPSS office. DPSS claims that its employees perform such observations during
22 “lobby sweeps.” But in reality, to the extent that lobby sweeps occur, they are too
23 short and superficial in most instances to assess whether a person has a mental
24 disability.

25 46. In reality, the only significant instance in which DPSS employees
26 have an opportunity to make observations that might indicate that an applicant is
27 mentally disabled is when a caseworker meets with an applicant. This meeting
28 typically takes place several hours into the application process. Many persons with

1 mental disabilities do not make it to the meeting because they already have given
2 up on their attempt to obtain GR benefits.

3 47. Regardless, Defendants' reliance on the observations of DPSS
4 employees to screen for mental disabilities is inadequate. DPSS employees
5 generally lack the education, experience, and training necessary to identify persons
6 with mental disabilities. DPSS does not conduct any employee training at all
7 concerning developmental disabilities, as opposed to mental illness.

8 48. The second screening stage occurs if a DPSS caseworker suspects,
9 based upon his or her observations, that an individual has a mental disability. The
10 employee then asks that individual questions from a form called "ABP 4029."
11 DPSS's use of this form fails to identify many individuals who have mental
12 disabilities. As just one example of the form's deficiencies, it only screens for
13 mental illness; it does not screen at all for developmental disabilities.

14 49. The County's own statistical data provides strong evidence that DPSS
15 refers too few individuals for mental health evaluations. In 2014, DPSS processed
16 240,507 applications for GR but designated only 18,267 of those applicants as
17 NSA. Of those applicants that were approved (114,970), only 16 percent received
18 NSA status. By contrast, the Los Angeles Homeless Services Authority estimates
19 that 39.5 percent of the homeless identified in the Los Angeles County Continuum
20 of Care area (L.A. County except Glendale, Pasadena, and Long Beach) in 2015
21 suffer from mental illness, developmental disability, or brain injury.

22 50. DPSS easily could improve its process for identifying individuals with
23 mental disabilities. DPSS could, for example, administer a voluntary mental health
24 screen to all GR applicants rather than limit the screen to those who either identify
25 themselves or are identified by the DPSS employees as potentially NSA. The
26 County already administers a voluntary mental health screen to all persons who
27 have been classified as employable for the CalWORKs program and a mandatory
28 screen for substance abuse on intake. In addition, DPSS could administer a

1 validated mental health screening tool to all GR applicants at the beginning of the
2 application process. Upon information and belief, the State of New York employs
3 such a screening tool in its social services offices.

4 51. As another example, DPSS could use mental health data from other
5 sources, such as emergency room records and DMH records, to screen GR
6 applicants for mental disabilities. Upon information and belief, DPSS already
7 possesses such data but does not use it for screening purposes.

8 52. *Fourth*, DPSS has adopted an improper practice of designating
9 individuals “temporary NSA.” DPSS designates over 70% of participants in the
10 NSA program “temporary NSA” as opposed to “permanent NSA.”

11 53. DPSS’s designation of individuals with mental disabilities as
12 “temporary NSA” is arbitrary and capricious. It is impossible to predict whether a
13 person will overcome his or her mental disabilities, even if the person engages in
14 mental health treatment. DPSS has no basis for assuming that a person’s mental
15 disabilities will only be temporary.

16 54. Individuals who are designated “temporary NSA” lose all the
17 accommodations afforded by the NSA program after a short time period.
18 Typically, this time period is between three and nine months. When the time period
19 expires, DPSS ceases to provide accommodations to individuals who had been
20 designated “temporary NSA” and automatically classifies them as “employable,”
21 even when DPSS has no evidence that they have overcome their mental disabilities
22 and no evidence that they are able to meet the general requirements to maintain GR
23 benefits. As a consequence of being deprived of accommodations, persons
24 designated “temporary NSA” often lose GR benefits to which they are entitled.

25 **D. DPSS’s Onerous Requirements for Obtaining and Maintaining**
26 **GR Benefits**

27 55. The allegations in this section apply to individuals who have been
28 deemed “employable.” In particular, these allegations apply to thousands of

1 persons with mental disabilities whom DPSS failed to classify as NSA or whose
2 “temporary NSA” status expired.

3 56. DPSS has imposed onerous requirements for obtaining and
4 maintaining GR benefits both before and after an individual completes the
5 application process. These requirements discriminate against persons with mental
6 disabilities and impose unreasonable barriers to their access to GR benefits.

7 57. A non-exhaustive list of the requirements for obtaining and
8 maintaining GR benefits is set forth below. All of these steps, both individually
9 and collectively, discriminate against persons with mental disabilities such as social
10 anxiety and cognitive disorders and improperly obstruct their access to GR benefits.

11 58. After completing their GR application (but before it is officially
12 approved), applicants who have been classified as “employable” must attend an
13 Employment Needs Evaluation at a District office to assess their job readiness and
14 any employment barriers. DPSS insists that applicants report to a specific office
15 selected from among the 14 DPSS offices in Los Angeles County, even if that
16 office is inconvenient for the applicants. Applicants who do not report to that
17 specific office cannot obtain GR benefits.

18 59. Applicants also must attend the General Relief Opportunities to Work
19 (GROW) program—a half-day classroom orientation followed by a personal
20 interview. Some “employable” GR applicants are assigned to Early Job Search and
21 are required to return to the District office on a weekly basis to submit proof of
22 their job search. Other “employable” applicants are assigned to Rapid Employment
23 and Promotion—a series of workshops conducted by a contractor. The remaining
24 “employable” applicants are assigned to three-week Job Skills and Preparation
25 Class. Individuals who do not comply with these procedures are unable to obtain
26 any GR benefits.

27 60. After their GR applications have been approved, all “employable” GR
28 recipients are required to participate in the GROW program, at the specific office

1 selected by DPSS, to receive benefits. DPSS imposes extensive, ongoing
2 requirements on recipients classified as “employable” including job searches and
3 job training. Employable GR recipients must complete at least 80 hours per month
4 of GROW activities. Individuals who do not comply with these procedures lose
5 their GR benefits.

6 61. Every three months, a recipient must complete and return a detailed
7 “Quarterly Eligibility Report” (“QR 7”) describing any intervening changes in the
8 recipient’s status such as changes in income, living arrangements, or property.
9 Individuals who do not comply with this requirement lose their GR benefits.

10 62. After nine months of receiving GR benefits, “employable” GR
11 recipients are terminated from the GR program. For a three-month period, they are
12 prohibited from receiving GR benefits—even if they suffer from debilitating mental
13 illnesses. Thus, Defendants force countless individuals with serious mental
14 disabilities to live on the streets of Los Angeles with no benefits at all.

15 **E. Defendants’ Failure to Make Reasonable Accommodations**

16 63. Defendants have failed to make reasonable accommodations for
17 persons with mental disabilities who encounter the above-discussed barriers in
18 applying for, obtaining, and maintaining GR benefits. A non-exhaustive list of
19 examples of reasonable accommodations that Defendants have failed to make is
20 provided below.

21 64. Defendants reasonably could, and should, allow online applications for
22 GR benefits. This would allow friends and advocates of persons with mental
23 disabilities to assist them in completing the application. That would reduce or
24 eliminate the need for those persons to spend hours in DPSS offices.

25 65. Defendants reasonably could, and should, provide clearer and more
26 effective procedures for individuals with mental disabilities to request
27 accommodations in their efforts to apply for, obtain, and maintain GR benefits.
28 Defendants have only recently begun to implement procedures aimed at providing a

1 means to request accommodation, but Defendants have not sufficiently trained
2 DPSS employees on providing reasonable accommodations to those with mental
3 disabilities.

4 66. Defendants reasonably could, and should, provide a validated mental
5 disability screening tool to all applicants for GR at the beginning of the GR
6 application process. Upon implementing that screening tool, Defendants
7 reasonably could, and should, expedite and simplify the GR application process for
8 applicants who screen positive for mental disabilities and assist them in the
9 application process. DPSS also reasonably could, and should, direct those
10 applicants to co-located DMH or APS specialists for a follow-up mental health
11 assessment. More generally, Defendants reasonably could, and should, employ a
12 more accurate method of screening GR applicants for mental disabilities.

13 67. Defendants reasonably could, and should, provide better training to
14 DPSS employees on identifying and working with persons with mental disabilities.

15 68. Defendants reasonably could, and should, reduce the time needed to
16 complete the GR application process for those with mental disabilities. In
17 particular, Defendants reasonably could, and should, ensure that the GR application
18 process can be completed within about two hours of arrival at a DPSS office.
19 Defendants also reasonably could, and should, ensure that the GR application
20 process requires no more than one visit to a DPSS office.

21 69. Defendants reasonably could, and should, simplify and shorten the GR
22 application packet. Defendants also reasonably could, and should, provide
23 assistance in completing the application to applicants in DPSS lobbies.

24 70. Defendants reasonably could, and should, provide a means for
25 individuals with mental disabilities to avoid the stress and strain of waiting to hear
26 their name called out in a noisy environment, such as a board indicating persons'
27 place in line or providing a designated place for those with mental disabilities to
28 wait for a caseworker to physically escort them to the interview.

1 71. Defendants reasonably could, and should, eliminate or simplify their
2 onerous requirements for obtaining and maintaining GR benefits after applicants
3 have completed the application process.

4 72. Defendants reasonably could, and should, allow participants in the GR
5 program to report to DPSS's job-readiness program at the office of their choice.

6 73. Defendants reasonably could, and should, terminate their policy of
7 designating individuals with mental disabilities "temporary NSA" without cause.
8 In place of that policy, Defendants reasonably could, and should, assume that
9 individuals with mental disabilities will continue to have those disabilities unless a
10 trained medical practitioner has determined otherwise.

11 74. Defendants reasonably could, and should, do what certain outside
12 organizations have been forced to do for their clients with mental disabilities, i.e.,
13 provide a person to walk through the application process with the mentally disabled
14 individual, helping the applicant overcome the anxiety, stress, or other issues
15 caused by the process.

16 75. Defendants reasonably could, and should, undertake community
17 outreach efforts to ensure that indigent individuals with the most serious mental
18 illnesses, who lack the ability to initiate the GR application process on their own,
19 have an opportunity to obtain GR benefits.

20 **F. The Harm Caused to Organizational Plaintiffs**

21 76. Defendants' foregoing unlawful policies and procedures have caused
22 thousands of persons with mental disabilities to be deprived of subsistence benefits
23 to which they are entitled. HW, LACW, and ILCSC have all been forced to divert
24 their resources to feeding, sheltering, and clothing those deprived individuals and
25 have suffered frustration of their organizational missions as a consequence.

26 77. For example, many of HW's mentally ill clients find the raucous DPSS
27 offices to be so oppressive that they are unable to endure the time-consuming GR
28 application process. Even when they can obtain their cash benefits, HW clients are

1 often unable to request and receive an NSA screening and designation on their own.
2 To ensure that their clients receive their \$221 monthly benefit, HW assigns staff to
3 personally conduct clients through the exhausting application process, providing
4 advocacy and emotional support as needed. Thus, Defendants' unlawful policies
5 and practices have diverted HW's resources and frustrated its organizational
6 mission.

7 78. Similarly, if Defendants had afforded reasonable access to GR
8 benefits to indigent persons with mental disabilities, then LACW would not have
9 needed to provide as much subsistence-level support to those individuals, and could
10 instead have dedicated more resources to its other advocacy and services, including
11 buying specialized shopping carts for its homeless guests, which cost LACW 60
12 dollars each. Thus, Defendants' unlawful policies and practices have diverted
13 LACW's resources and frustrated its organizational mission.

14 79. Similarly, if Defendants had afforded reasonable access to GR benefits
15 to indigent persons with mental disabilities, then ILCSC would not have needed to
16 provide subsistence-level support to many of those individuals and could instead
17 have used those resources for job coaching, vocational training, homemaker
18 training, socialization training, classes on disability rights, housing referrals, and
19 other services. Thus, Defendants' unlawful policies and practices have diverted
20 ILCSC's resources and frustrated its organizational mission.

21 **FIRST CAUSE OF ACTION**
22 **AMERICANS WITH DISABILITIES ACT**
23 42 U.S.C. § 12132

24 80. Plaintiffs reallege and incorporate herein all previously alleged
25 paragraphs of this Complaint.

26 81. Title II of the ADA, 42 U.S.C. § 12132, provides that:

27 [N]o qualified individual with a disability shall, by reason
28 of such disability, be excluded from participation in or be
denied the benefits of the services, programs, or activities
of a public entity, or be subjected to discrimination by any
such entity.

1 82. The term “disability” includes persons with mental impairments that
2 substantially limit one or more major life activities. 42 U.S.C. § 12101(1).

3 83. Timothy Laraway is a qualified individual with a disability within the
4 meaning of the ADA under 42 U.S.C. § 12131(2).

5 84. Defendants are public entities within the meaning of the ADA under
6 42 U.S.C. §12131(1).

7 85. Title II of the ADA generally requires that public entities operate each
8 service, program, or activity so that the service, program, or activity, when viewed
9 in its entirety, is readily accessible to and usable by individuals with disabilities.

10 86. Defendants’ current policies, practices, and procedures in the
11 administration of the GR program systematically fail to reasonably accommodate
12 the needs of individuals with mental disabilities.

13 87. Congress directed the Department of Justice (DOJ) to write
14 regulations implementing Title II’s prohibition against discrimination. 42 U.S.C.
15 § 12134. Pursuant to this mandate, the DOJ has issued regulations defining the
16 forms of discrimination prohibited by Title II of the ADA. 28 C.F.R. §§ 35.101
17 *et seq.*

18 88. Defendants have failed to make reasonable modifications to its
19 policies, practices, and procedures in its administration of the GR program.
20 Defendants’ failure to make reasonable modifications has resulted in
21 discrimination against individuals on the basis of disability in violation of
22 28 C.F.R. § 35.130(b)(7).

23 89. Defendants use criteria and methods of administration that have the
24 purpose or effect of defeating or substantially impairing the accomplishment of the
25 objectives of the GR program with respect to persons with disabilities in violation
26 of 28 C.F.R. § 35.130(b)(3)(ii).

27 90. In providing the aid, benefits, and services associated with the GR
28 program, Defendants may not deny mentally disabled individuals the equal

1 opportunity to participate in or benefit from the aid, benefits, or services of said
2 program. 28 C.F.R. § 35.130(b)(1)(i). Further, Defendants may not provide
3 mentally disabled individuals with an aid, benefit, or service that is not as effective
4 in affording the same opportunity to obtain the same result, gain the same benefit,
5 or reach the same level of achievement as provided to persons without disabilities.
6 28 C.F.R. § 35.130(b)(1)(iii).

7 91. Defendants are similarly prohibited from imposing or applying
8 eligibility criteria that screen out or tend to screen out an individual with a
9 disability or class of individuals with disabilities from fully and equally enjoying
10 any service, program, or activity, unless such criteria can be shown to be necessary
11 for the provision of the program being offered. 28 C.F.R. § 35.130(b)(8).
12 Defendants' overly burdensome policies, procedures, and practices tend to screen
13 out individuals with mental disabilities and are unnecessary for the provision of
14 GR benefits.

15 92. Title II of the ADA requires Defendants to make reasonable
16 modifications to the GR program to avoid discrimination against mentally disabled
17 individuals on the basis of disability. 28 C.F.R. § 35.130(b)(7).

18 93. Defendants' policies, procedures, and practices operate to exclude
19 persons with mental disabilities from GR benefits and discriminate against them
20 solely on account of their disabilities, in violation of the ADA and the regulations
21 promulgated pursuant thereto. Defendants' policies, procedures, and practices
22 have resulted in, or threaten to result in, discrimination against mentally disabled
23 individuals in their unlawful exclusion from participation in, and denial and
24 reduction of GR benefits.

25 94. Timothy Laraway has been injured by Defendants' conduct violating
26 the ADA. He has been wrongfully deprived of GR benefits to which he was
27 entitled. Additionally, he has been subject to unlawful and discriminatory barriers
28

1 in his efforts to secure and maintain GR benefits. Defendants were deliberately
2 indifferent to Mr. Laraway’s mental disabilities.

3 95. Organizational Plaintiffs have also been injured by Defendants’
4 conduct violating the ADA. They have been forced to divert time and resources to
5 providing assistance to individuals with mental disabilities who Defendants should
6 have assisted. As a result, their organizational missions have been frustrated.

7 96. Defendants’ conduct constitutes an ongoing and continuous violation
8 of the ADA and, unless restrained from doing so, Defendants will continue to
9 violate the ADA.

10 97. The above-mentioned conduct, unless enjoined, will continue to
11 inflict injuries for which Plaintiffs have no adequate remedy at law.

12 **SECOND CAUSE OF ACTION**
13 **SECTION 504 OF THE REHABILITATION ACT OF 1973**
14 29 U.S.C. § 794

15 98. Plaintiffs reallege and incorporate herein all previously alleged
16 paragraphs of this Complaint.

17 99. Section 504, 29 U.S.C. § 794, provides that:

18 [N]o otherwise qualified individual with a disability in the
19 United States . . . shall, solely by reason of his or her
20 disability, be excluded from participation in, be denied the
21 benefits of, or be subjected to discrimination under any
22 program or activity receiving Federal financial
23 assistance . . .

24 100. Timothy Laraway is a “qualified individual[] with a disability” within
25 the meaning of Section 504.

26 101. Defendants currently receive federal financial assistance and received
27 federal financial assistance at all times relevant to this action.

28 102. The DOJ is charged under Executive Order 12250 with coordinating
the implementation of Section 504. 28 C.F.R. § 41.1.

103. In providing any aid, benefit, or service, a recipient of federal
financial assistance “may not . . . [d]eny a qualified handicapped person the

1 opportunity to participate in or benefit from the aid, benefit or service,” “[a]fford a
2 qualified handicapped person an opportunity to participate in or benefit from the
3 aid, benefit, or service that is not equal to that afforded others,” “[p]rovide a
4 qualified handicapped person with an aid, benefit, or service that is not as effective
5 in affording equal opportunity . . . as that provided to others,” or “[o]therwise limit
6 a qualified handicapped person in the enjoyment of any right, privilege, advantage,
7 or opportunity enjoyed by others[.]” 45 C.F.R. § 84.4(b)(i), (ii), (iii), and (vii).

8 104. Defendants use criteria and methods of administration that have the
9 purpose or effect of defeating or substantially impairing the accomplishment of the
10 objectives of the GR program with respect to persons with disabilities and that
11 subject persons with disabilities to discrimination in violation of 45 C.F.R.
12 § 84.4(b)(4)(i), (ii).

13 105. Defendants’ policies, procedures, and practices exclude persons with
14 mental disabilities from the GR program and discriminate against them solely on
15 account of their disabilities, in violation of Section 504 and the regulations
16 promulgated pursuant thereto. Further, Defendants systematically fail and refuse
17 to offer reasonable modifications and accommodations for individuals with mental
18 disabilities.

19 106. Defendants’ policies, procedures and practices have resulted in, or
20 threaten to result in, discrimination against mentally disabled individuals in their
21 unlawful exclusion from participation in, and denial of, GR benefits.

22 107. Timothy Laraway has been injured by Defendants’ conduct violating
23 Section 504. Solely by reason of his disabilities, Mr. Laraway has been
24 wrongfully deprived of GR benefits to which he was entitled and has been
25 subjected to unlawful and discriminatory barriers in his efforts to secure and
26 maintain GR benefits. Defendants were deliberately indifferent to Mr. Laraway’s
27 mental disabilities.
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1 108. Organizational Plaintiffs have also been injured by Defendants’
2 conduct violating Section 504. They have been forced to divert time and resources
3 to providing assistance to individuals with mental disabilities who Defendants
4 should have assisted. Solely by reason of their disabilities, those individuals were
5 excluded from participation in and denied the benefits of the GR program. As a
6 result, the organizational missions of Organizational Plaintiffs have been
7 frustrated.

8 109. Defendants’ conduct constitutes an ongoing and continuous violation
9 of Section 504 and unless restrained from doing so, Defendants will continue to
10 violate Section 504.

11 110. The above-mentioned conduct, unless enjoined, will continue to
12 inflict injuries for which Plaintiffs have no adequate remedy at law.

13 **THIRD CAUSE OF ACTION**
14 **CALIFORNIA GOVERNMENT CODE § 11135**

15 111. Plaintiffs reallege and incorporate herein all previously alleged
16 paragraphs of this Complaint.

17 112. California Government Code § 11135 and the regulations
18 promulgated thereunder prohibit discrimination against persons with disabilities by
19 recipients of state funding, and provides in pertinent part, that:

20 No person in the State of California shall, on the basis
21 of . . . disability, be unlawfully denied full and equal
22 access to the benefits of, or be unlawfully subjected to
23 discrimination under, any program or activity that is
conducted, operated or administered by the state or any
state agency, is funded directly by the state, or receives
any financial assistance from the state.

24 113. Upon information and belief, Defendants have received substantial
25 state financial assistance at all relevant times.
26
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28

1 114. Defendants' discriminatory policies and practices deny individuals
2 with mental disabilities full and equal access to GR benefits in violation of
3 California Government Code § 11135 and the regulations promulgated thereunder.

4 115. Defendants have violated California Government Code § 11135(b)
5 through their conduct alleged herein.

6 116. Timothy Laraway has been injured by Defendants' conduct violating
7 California Government Code §11135. He has been wrongfully deprived of GR
8 benefits to which he was entitled. Additionally, he has been subject to unlawful
9 and discriminatory barriers in his efforts to secure and maintain GR benefits.
10 Defendants were deliberately indifferent to Mr. Laraway's mental disabilities.

11 117. Organizational Plaintiffs have also been injured by Defendants'
12 conduct violating California Government Code § 11135. They have been forced to
13 divert time and resources to providing assistance to individuals with mental
14 disabilities who Defendants should have assisted. As a result, their organizational
15 missions have been frustrated.

16 118. Defendants' conduct constitutes an ongoing and continuous violation
17 of California Government Code § 11135. Unless restrained from doing so,
18 Defendants will continue to violate California Government Code § 11135.

19 119. The above-mentioned conduct, unless enjoined, will continue to
20 inflict injuries for which Plaintiffs have no adequate remedy at law.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs respectfully pray that this Court:

23 1. Declare that the challenged policies, procedures, and practices of
24 Defendants are unlawful;

25 2. Issue preliminary and permanent injunctive relief prohibiting
26 Defendants, their agents, employees, successors, and all persons acting in concert
27 with them from discriminating against mentally disabled applicants for and
28 recipients of GR assistance;

1 3. Issue preliminary and permanent injunctive relief prohibiting
2 Defendants, their agents, their employees, their successors, and all persons acting in
3 concert with them from:

- 4 a. Failing to provide reasonable accommodations to individuals
5 with mental disabilities in the process for applying for,
6 obtaining, and maintaining GR benefits;
- 7 b. Denying approval of GR benefits for mentally disabled
8 individuals who qualify financially for GR benefits and have not
9 been afforded reasonable accommodations;
- 10 c. Terminating GR benefits of mentally disabled individuals who
11 qualify financially for GR benefits and have not been afforded
12 reasonable accommodations; and
- 13 d. Stripping individuals of NSA status without a clinical evaluation
14 indicating that they no longer need accommodations to comply
15 with GR requirements;

16 4. Award Timothy Laraway all general, special, compensatory, and
17 consequential damages according to proof, including but not limited to appropriate
18 monetary damages (including interest at the statutory rate);

19 5. Award Plaintiffs their costs and expenses, including attorneys' fees;
20 and

21 6. Order such other and further relief as the Court deems just and proper.
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Dated: November 18, 2015

LEGAL AID FOUNDATION OF
LOS ANGELES

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DEMAND FOR JURY TRIAL

In accordance with Rule 38(b) of the Federal Rules of Civil Procedure and Central District of California Local Rule 38.1, Plaintiffs hereby demand a jury trial on all issues triable by a jury.

Dated: November 18, 2015

LEGAL AID FOUNDATION OF
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