

From: OZ <zurawska@yahoo.com>

Sent: Thursday, December 19, 2019 3:03:34 AM

To: Michael Soloff <Michael.Soloff@SMGOV.NET>; Michael Soloff <mike.soloff@mta.com>; Leonora Camner <Leonora.Camner@SMGOV.NET>; Todd Flora <Todd.Flora@SMGOV.NET>; Richard Hilton <Richard.Hilton@SMGOV.NET>; Loren Bloch <Loren.Bloch@SMGOV.NET>; Rene Buchanan <Rene.Buchanan@SMGOV.NET>

Cc: James Kemper <James.Kemper@SMGOV.NET>

Subject: written public input (agenda item 2) - December 19, 2019 meeting - Santa Monica Housing Commission

EXTERNAL

Dear Santa Monica Housing Commission Members,

On December 10, 2019 the Santa Monica City Council "approved" the proposed Housing Administrative Plan which had been created without the input from a Resident Advisory Board process, i.e. in violation of 24 CFR § 903.13.

Therefore the Housing Administrative Plan as "approved" by the City Council is not a legally valid document.

I would like to know if the Plan as 'approved" by the City Council has been forwarded to

HUD despite the public comments notifying the Santa Monica Housing Authority of the federal regulation requiring input from a Resident Advisory Board.

If so, I request that it be immediately withdrawn from the HUD approval process.

The Housing Authority must establish a Resident Advisory Board and have the proposed Plan go through the RAB process as required by 24

CFR § 903.13. Only then can the Plan be approved by the City Council.

There is no controversy as to whether the Resident Advisory Board must be established or not.

A **HUD notice** dated August 21, 2000 answers some questions about RABs:

"This Notice transmits a copy of questions and answers developed to provide guidance to HUD Field Offices; public housing agencies; resident councils; and public and assisted housing tenants on the requirement for appointment of and the role of Resident Advisory Boards in the development of Public Housing Agency Plans. It supplements information found in the Public Housing Agency Plan regulation at **24 CFR Part 903**.

(...)

Question 9: Are PHAs with only Section 8 units required to have a RAB?

Answer: Yes. The statute clearly states that membership of RABs shall adequately reflect and represent the residents assisted by the agency. This includes families receiving section 8 tenant-based assistance. The common reference to Section 8 recipients as “participants,” rather than “residents” has no significance in this regard.

Question 10: At what stage in the planning process must PHAs involve the RABs?

Answer: The role of the RABs is to assist and make recommendations regarding the development of the PHA Plan and any significant amendments or modification to it. RABs should be involved in the planning process as soon as it is feasible and must be given sufficient time to fully participate in the process so that they can carry out their proper role and provide representation that is meaningful and relevant to the development of the Plan. The PHA and the RAB should develop a reasonable timetable to promote participation, including adequate notice of meetings. To facilitate productive meetings, PHAs may do preliminary work prior to involving the RABs, such as gathering and compiling data and materials to help residents participate in the process. A PHA must consider the recommendations of the RABs and make revisions to drafts or to the Plan which it determines appropriate."

Source: https://www.hud.gov/sites/documents/DOC_8906.PDF

The **HUD web site** has a web page devoted entirely to Resident Advisory Boards.

An excerpt from this page reads:

"What about Section 8 recipients?"

Because Section 8 residents do not have resident councils, PHAs with a significant sized tenant based assistance program must ensure that Section 8 residents are adequately represented or that reasonable efforts are made to secure their participation in the RAB. A significant sized tenant based assistance program is one where at least 20 percent of the total PHA's households receive tenant-based assistance.

Section 8-only PHAs are not exempt from the RAB requirement and must also appoint one or more RABs that adequately represent the population served. Given that there are no resident councils that comply with the tenant-participation regulations under the tenant-based assistance program, Section 8-only PHAs have discretion in the RAB appointment process. Participation in a RAB is limited to residents that are assisted under federally assisted public housing and the Section 8 tenant-based program.

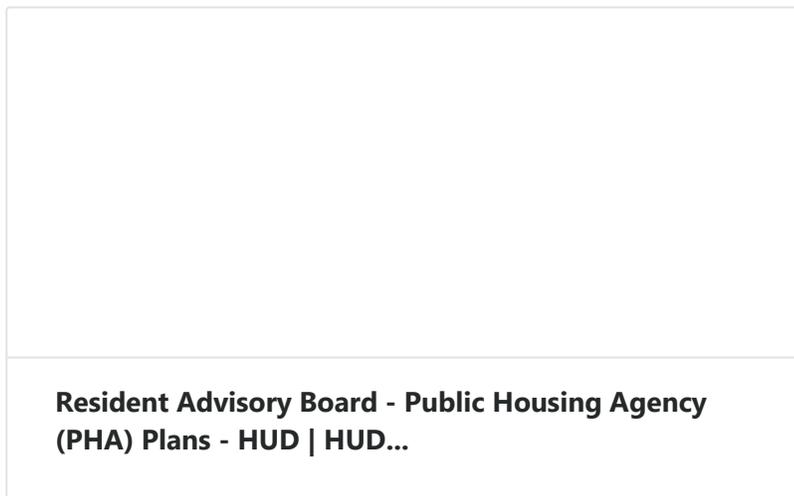
(...)

At what stage in the planning process must PHAs involve the RABs?

The role of the RABs is to assist and make recommendations regarding the development of the PHA Plan and any significant amendments or modifications to it. RABs should be involved in the planning process as soon as it is feasible and must be given sufficient time to fully participate in the process so that they can carry out their proper role and provide representation that is meaningful and relevant to the development of the Plan. The PHA and the RAB should develop a reasonable timetable to promote participation, including adequate notice of meetings. To facilitate productive meetings, PHAs may do preliminary work prior to involving the RABs, such as gathering and compiling data and materials to help residents participate in the process, including some initial recommendations. A PHA must consider the

recommendations of the RABs and make revisions to drafts or to the Plan which it deems appropriate."

Source: [Resident Advisory Board - Public Housing Agency \(PHA\) Plans - HUD | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)



Below is an email thread documenting my previous efforts to encourage the City of Santa Monica to comply with the federal regulation requiring that a Resident Advisory Board be established before the Housing Administrative Plan can be approved by the Santa Monica City Council.

Regards,

Olga Zurawska

----- Forwarded Message -----

From: OZ <zurawska@yahoo.com>

To: Barbara Collins <barbara.collins@smgov.net>

Cc: Sue Himmelrich <sue.himmelrich@smgov.net>; Greg Morena <greg.morena@smgov.net>; Ted Winterer

<ted.winterer@smgov.net>; Gleam Davis
<gleam.davis@smgov.net>; Ana Maria Jara
<anamaria.jara@smgov.net>; Terry O'Day
<terry.oday@smgov.net>; Councilmember Kevin McKeown
<kevin.mckeown@smgov.net>; Lane Dilg
<lane.dilg@smgov.net>; Rick Cole <rick.cole@smgov.net>;
Michael Soloff <mike.soloff@mto.com>; Todd Flora
<todd.flora@smgov.net>; Leonora Camner
<leonora.camner@smgov.net>; Richard Hilton
<richard.hilton@smgov.net>; Loren Bloch
<loren.bloch@smgov.net>; Rene Buchanan
<rene.buchanan@smgov.net>; Diane Glauber
<dglauber@lawyerscommittee.org>; Andy Agle
<andy.agle@smgov.net>

Sent: Wednesday, December 11, 2019, 09:20:38 AM PST

Subject: Re: Housing Administrative Plan - Resident Advisory Board required to provide input

Hello Ms. Collins,

This is to follow up on my email of December 6, 2019 (enclosed below).

Thank you for your assistance.

Regards,

Olga Zurawska

On Friday, December 6, 2019, 09:30:35 AM PST, OZ
<zurawska@yahoo.com> wrote:

Hello Ms. Collins,

Thank you for your response.

Could you please show me where specifically in the federal regulation it states, "a Housing Authority [may] determine the makeup of the structure for program participants to provide input to the Administrative Plan when they are Section 8 only agencies?"

For your convenience I am enclosing the full text of the regulation you referenced, 24 CFR § 903.13.

I look forward to hearing from you.

Regards,

Olga Zurawska

24 CFR § 903.13 - What is a Resident Advisory Board and what is its role in development of the Annual Plan?

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§ 903.13 What is a Resident Advisory Board and what is its role in development of the Annual Plan?

(a) A Resident Advisory Board refers to a board or boards, as provided in [paragraph \(b\)](#) of this section, whose membership consists of individuals who adequately reflect and represent the residents assisted by the PHA.

(1) The role of the Resident Advisory Board (or Resident Advisory Boards) is to assist and make recommendations regarding the development of the PHA plan, and any significant amendment or modification to the PHA plan.

(2) The PHA shall allocate reasonable resources to assure the effective functioning of Resident Advisory Boards. Reasonable resources for the Resident Advisory Boards must provide reasonable means for them to become informed on programs covered by the PHA Plan, to communicate in writing and by telephone with assisted families and hold meetings with those families, and to access information regarding covered programs on the internet, taking into account the size and resources of the PHA.

(b) Each PHA must establish one or more Resident Advisory Boards, as provided in [paragraph \(b\)](#) of this section.

(1) If a jurisdiction-wide resident council exists that complies with the [tenant](#) participation regulations in [part 964](#) of this title, the PHA shall appoint the jurisdiction-wide resident council or the council's representatives as the Resident Advisory Board. If the PHA makes such appointment, the members of the jurisdiction-wide resident council or the council's representatives shall be added or another Resident Advisory Board formed to provide for reasonable representation of families receiving [tenant](#)-based assistance where such representation is required under [paragraph \(b\)](#) **(2)** of this section.

(2) If a jurisdiction-wide resident council does not exist but resident councils exist that comply with the [tenant](#) participation regulations, the PHA shall appoint such resident councils or their representatives to serve on one or more Resident Advisory Boards. If the PHA makes such appointment, the PHA may require that the resident councils choose a limited number of representatives.

(3) Where the PHA has a [tenant](#)-based assistance program of significant size (where [tenant](#)-based assistance is 20% or more of assisted households), the PHA shall assure that the Resident Advisory Board (or Boards) has reasonable representation of families

receiving [tenant](#)-based assistance and that a reasonable process is undertaken to choose this representation.

(4) Where or to the extent that resident councils that comply with the [tenant](#) participation regulations do not exist, the PHA shall appoint Resident Advisory Boards or Board members as needed to adequately reflect and represent the interests of residents of such developments; provided that the PHA shall provide reasonable notice to such residents and urge that they form resident councils with the [tenant](#) participation regulations.

(c) The PHA must consider the recommendations of the Resident Advisory Board or Boards in preparing the final Annual Plan, and any significant amendment or modification to the Annual Plan, as provided in [§ 903.21](#) of this title.

(1) In submitting the final plan to HUD for approval, or any significant amendment or modification to the plan to HUD for approval, the PHA must include a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the PHA addressed these recommendations.

(2) Notwithstanding the 75-day limitation on HUD review, in response to a written request from a Resident Advisory Board claiming that the PHA failed to provide adequate notice and opportunity for comment, HUD may make a finding of good cause during the required time period and require the PHA to remedy the failure before final approval of the plan.

From: Barbara Collins <barbara.collins@smgov.net>
To: zurawska@yahoo.com <zurawska@yahoo.com>
Cc: Andy Agle <andy.agle@smgov.net>
Sent: Thursday, December 5, 2019, 09:22:39 PM PST
Subject: RE: Housing Administrative Plan - Resident Advisory Board required to provide input

Ms. Zurawska,

I am responding to your questions and statements on behalf of Mr. Agle.

Federal regulations at 24 CFR 903.13 permit a Housing Authority to determine the makeup of the structure for program participants to provide input to the Administrative Plan when they are Section 8 only agencies. The Santa Monica Housing Authority does not have a Resident Advisory Board (RAB), because it does not operate public housing, which is the main focus of the RAB. The Santa Monica Housing Authority supports the Housing Commission to provide a forum for the

public and participants to give input to the Administrative Plan. The (proposed and adopted) Plan is available online for all members of the public and participants to review at any time during the year. Notice of proposed revisions to the Plan were posted in the local newspaper and made available for 75 days for comment and input. Additionally, the Senior Commission, Social Service Commission, and the Commission on the Status of Women are all publicly noticed meetings where the Plan was discussed. The Housing Commission had three publicly noticed meetings where the Plan was discussed and where participants and public could provide input and comments.

The City has an online application available for applicants to be considered for the Housing Commission. This provides opportunity to all participants to apply to be on the Commission. Additionally, two members of the Commission represent program participants. A RAB would be redundant to the existing processes that are available for input to the Administrative Plan.

The Administrative Plan is on the Council agenda for 12/10/19 which also provides an opportunity for the public and participants to give input and comments on the Plan.

Thank you for your interest in affordable housing.

Sincerely,

Barbara Collins

City of Santa Monica

1901 Main Street, Suite A

Santa Monica, CA 90405

On Thursday, December 5, 2019, 04:50:18 PM PST, OZ
<zurawska@yahoo.com> wrote:

Hello Mr. Agle,

Thank you for your email.

I am looking forward to a response from Ms. Collins.

Please note that should the Santa Monica City Council approve the Housing Administrative Plan that has not gone through the federally mandated Resident Advisory Board process, myself and fellow advocates will have no choice but to ask HUD to reject the Plan.

Thank you for your attention to this important matter.

Regards,

Olga Zurawska

On Thursday, December 5, 2019, 11:30:13 AM PST, Andy Agle
<andy.agle@smgov.net> wrote:

Ms. Zurawska:

Barbara Collins will be responding to your inquiry.

Sincerely,

Andy Agle

Director of Housing and Economic Development

City of Santa Monica

310.458.2251

From: OZ <zurawska@yahoo.com>
Sent: Wednesday, December 4, 2019 11:10 AM
To: Andy Agle <Andy.Agle@SMGOV.NET>
Cc: Sue Himmelrich <Sue.Himmelrich@SMGOV.NET>; Greg Morena <Greg.Morena@SMGOV.NET>; Ted Winterer <Ted.Winterer@SMGOV.NET>; Gleam Davis <Gleam.Davis@SMGOV.NET>; Ana Maria Jara <AnaMaria.Jara@SMGOV.NET>; Terry O'Day <Terry.Oday@smsgov.net>; Councilmember Kevin McKeown <Kevin.McKeown@SMGOV.NET>; Lane Dilg <Lane.Dilg@SMGOV.NET>; Rick Cole <Rick.Cole@SMGOV.NET>; Michael Soloff <mike.soloff@mto.com>; Todd Flora <Todd.Flora@SMGOV.NET>; Leonora Camner

<Leonora.Camner@SMGOV.NET>; Richard Hilton
<Richard.Hilton@SMGOV.NET>; Loren Bloch
<Loren.Bloch@SMGOV.NET>; Rene Buchanan
<Rene.Buchanan@SMGOV.NET>; Diane Glauber
<dglauber@lawyerscommittee.org>

Subject: Re: Housing Administrative Plan - Resident Advisory Board required to provide input

Hello Mr. Agle,

Kindly respond to my email of November 27, 2019 as enclosed below.

Thank you.

Regards,

Olga Zurawska

On Wednesday, November 27, 2019, 04:34:03 PM PST, OZ
<zurawska@yahoo.com> wrote:

Hello Mr. Agle,

I understand that the proposed amendments to the Housing Administrative Plan were going to be presented for the City Council's consideration and approval at a December 2019 City Council meeting.

Last week I brought it up to the Housing Commission's attention that it appears that per federal regulations, the Housing Authority must establish a Resident Advisory Board to assist and make recommendations regarding the development of the PHA plan, and any significant amendment or modification to the PHA plan.

Apparently Section 8-only PHAs are not exempt from the RAB requirement and must also appoint one or more RABs that adequately represent the population served.

I request that the amendments to the Administrative Plan proposed by the Santa Monica Housing Authority **not** be presented for the City Council's consideration and approval until a RAB is established and until it has had a chance to make recommendations regarding the Plan.

I am enclosing pertinent information from a HUD web page.

Thank you for your attention to this matter.

Regards,

Olga Zurawska

RESIDENT ADVISORY BOARD - PHA PLANS

Forming the Resident Advisory Board

What is required?

The Resident Advisory Board (RAB) provides the PHA and the residents with a forum for sharing information about the Agency's Annual Plan. Section 511 of the United States Housing Act and the regulations in 24 CFR part 903 require that PHAs establish one or more Resident Advisory Board(s) (RAB) as part of the PHA Plan process. RAB membership is comprised of individuals who reflect and represent the residents assisted by the PHA. The role of the RAB is to assist the PHA in developing the PHA Plan and in making any significant amendment or modification to the Plan.

What is the role of the RAB?

The main role of the RAB is to make recommendations in the development of the PHA Plan. In order to facilitate collaboration, PHAs should encourage the RAB's participation from the inception of the planning process. PHAs are also required to request input from the RAB for any significant amendment or modification to the PHA Plan.

When should the RAB be appointed?

The RAB should be appointed well in advance of the date that the PHA Plan is due to HUD to ensure effective resident participation in the development of the plan.

Who can participate on the RAB?

If a jurisdiction-wide resident council is in place that complies with tenant participation regulations at 24 CFR Part 964, the PHA must appoint this group or its representatives as the Resident Advisory Board. If the PHA does not have a jurisdiction-wide resident council, then it should appoint resident

councils or their representatives to serve as one or more of the RABs. A PHA may require that the resident councils choose a limited number of representatives to serve as RAB members.

Where there are no resident councils that comply with the tenant participation regulations, then the PHA must appoint one or more RABs or board members as needed to adequately reflect and represent the residents assisted by the PHA. The PHA should give adequate notice of its intentions to the residents and encourage the residents to form resident councils that comply with the tenant participation regulations. PHAs have discretion in determining the method of appointment of RABs, as long as a PHA ensures that its RAB or RABs reflect and represent all the residents assisted by the PHA.

What about Section 8 recipients?

Because Section 8 residents do not have resident councils, PHAs with a significant sized tenant based assistance program must ensure that Section 8 residents are adequately represented or that reasonable efforts are made to secure their participation in the RAB. A significant sized tenant based assistance program is one where at least 20 percent of the total PHA's households receive tenant-based assistance.

Section 8-only PHAs are not exempt from the RAB requirement and must also appoint one or more RABs that adequately represent the population served. Given that there are no resident councils that comply with the tenant-participation regulations under the tenant-based assistance program, Section 8-only PHAs have discretion in the RAB appointment process. Participation in a RAB is limited to residents that are assisted under federally assisted public housing and the Section 8 tenant-based program.

How many RABs are required?

PHAs that do not have a jurisdiction-wide RC have discretion to

determine the number of RABs that they may appoint. PHAs are required to institute at least one RAB; the number of RABs beyond that number will depend on the size and the complexity of the PHA or its developments. In deciding the number of RABs to be established, a PHA should consider how adequate representation of its entire resident population can be provided.

How does the PHA fix the term of service?

There is no fixed term for membership on a RAB. A PHA has discretion to establish its own policy regarding the duration of the appointments. In determining the tenure to be adopted, PHAs may consider the number of RABs and the number of residents who volunteered to serve. Greater RAB participation may be realized by rotating residents' tenure.

What if the PHA cannot establish a RAB?

If, after making all possible endeavors, a PHA is not successful in establishing a RAB, it may appoint all of the agency's assisted residents as members of the RAB. The PHA must notify all of its members that they have been appointed as members and inform them of their role and responsibilities regarding the development of the PHA Plan. The PHA must also provide residents with notification of meetings (at least 48 hours in advance) and provide copies of any materials for review.

Encouraging Participation in the RAB

Residents who volunteer to be part of the RAB can be excellent partners to the PHA during the development of the PHA Plan. Although PHAs are expected to make a significant effort to ensure adequate resident representation in the Resident Advisory Boards, securing participation by residents during the planning process may pose a challenge for some PHAs.

How can a PHA encourage residents to take advantage of the RAB opportunity?

Personal appeals are one strategy. Executive Directors may be more likely to get commitments from residents if they personally request their participation. Residents might also be hesitant to volunteer to work with a Resident Advisory Board if they do not really understand their role as a member of the RAB. The PHA provide adequate information to all residents regarding the RAB. The PHA should inform residents of the purpose and role of the RAB, as well as practical information such as the time commitment required. The PHA should make clear to residents and Section 8 participants that the partnership between the residents and the PHA is of benefit to both parties. The residents are provided with an opportunity to voice their concerns so that their needs are addressed and they can become involved in the planning process. The PHA also gains essential information from the residents about the improvements that need to be made at the agency's developments and residents' self-sufficiency needs. This information helps the PHA to set priorities for capital improvements and advises resident services programming.

PHA's Responsibility to the RAB

What are the PHAs' Responsibilities?

PHAs have the responsibility to ensure that the RAB can adequately serve its function including:

- PHAs must give the RABs sufficient time to review and make recommendations on the Plan. RABs will be able to contribute best if they are provided with adequate information regarding the PHA's programs and the policies included in the Five-Year and Annual PHA Plan.
- The PHAs should give RABs advance notice of meetings scheduled to discuss areas of the Plan (generally, at least 48 hours, or more depending on the meeting agenda).

- RABs should also be provided with any existing documents that would assist them to make productive recommendations during the working meetings.
- PHAs should provide the RABs with reasonable means to carry out their functions such as making available a meeting place for discussing programs with the residents. RABs should also have access to any other communication tools such as a telephone, writing material, or computers that may facilitate their contacts with other resident households or to obtain further information on the programs.

At what stage in the planning process must PHAs involve the RABs?

The role of the RABs is to assist and make recommendations regarding the development of the PHA Plan and any significant amendments or modifications to it. RABs should be involved in the planning process as soon as it is feasible and must be given sufficient time to fully participate in the process so that they can carry out their proper role and provide representation that is meaningful and relevant to the development of the Plan. The PHA and the RAB should develop a reasonable timetable to promote participation, including adequate notice of meetings. To facilitate productive meetings, PHAs may do preliminary work prior to involving the RABs, such as gathering and compiling data and materials to help residents participate in the process, including some initial recommendations. A PHA must consider the recommendations of the RABs and make revisions to drafts or to the Plan which it deems appropriate.

Public Notice and Comment Period Requirements

The PHA governing body is required to convene a public hearing to discuss their Five-Year and/or Annual Plan and to prompt comments from the public regarding their proposed

activities. PHAs must consider, in consultation with the RABs, all the comments received at the public hearing.

PHAs are required to carry out the following steps at least forty-five (45) days prior to the scheduled public hearing:

- Publish a notice indicating that a public hearing to present the Plan and further public comments will be held including time, date and location. The notice should also indicate where the Plan and pertaining documents will be available for their review. The documents should be maintained at an accessible place such as the PHA's central office.
- Conduct outreach activities to promote comprehensive participation in the public hearing.

Any significant amendment or modification to the plan is subject to the public hearing and RABs' assessment requirements.

Incorporating Comments into the Plan

PHAs are required to consider the RAB's recommendations to the Plan but are not required to agree with them. The recommendations received must be submitted by the PHAs as a required attachment to the Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. It is prudent for PHAs to acknowledge those recommendations that conform to the programs and the mission of the PHA. If the RABs do not provide recommendations to the Plan, the PHA must document that in the attached narrative.

Announcement of Membership of the RAB

PHAs must provide an attachment to the PHA Plan listing the members of its Resident Advisory Board(s). If the number of participants is too large to reasonably list, then the attachment should include a list of the organizations represented on the

RAB or other description sufficient to identify how members were chosen.

RAB Notification of Plan Process

To ensure that the RAB is fully engaged in the full plan process, PHAs are required to promptly provide a copy of the HUD award letter (identifying formula share allocations for Capital Fund and Drug Elimination Programs), plan approval letter and at least one copy of the approved plan to each RAB.

Source: [Resident Advisory Board - Public Housing Agency \(PHA\) Plans - HUD | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

**Resident Advisory Board -
Public Housing Agency (PHA)
Plans - HUD | HUD...**