

Santa Monica Housing Authority | Item 4A at 9/17/20 Housing Commission meeting - lack of democratic tenant representation

joeldrobinson20@netscape.net <joeldrobinson20@netscape.net>

Wed 9/16/2020 9:17 PM

To: mike.soloff@mto.com <mike.soloff@mto.com>; Todd Flora <Todd.Flora@SMGOV.NET>; Leonora Camner <Leonora.Camner@SMGOV.NET>; Loren Bloch <Loren.Bloch@SMGOV.NET>; Richard Hilton <Richard.Hilton@SMGOV.NET>; Rene Buchanan <Rene.Buchanan@SMGOV.NET>; Carl Hansen <Carl.Hansen@SMGOV.NET>; Lane Dilg <Lane.Dilg@SMGOV.NET>; James Kemper <James.Kemper@SMGOV.NET>; Mayor Kevin McKeown <Kevin.McKeown@SMGOV.NET>
Cc: Melinda Espinoza <Melinda.Espinoza@SMGOV.NET>

EXTERNAL

Wednesday September 16, 2020

Dear Housing Commissioners, SMHA Staff and Mayor McKeown,

As a Santa Monica Housing Authority Section 8 voucher holder I was surprised to recently learn from a friend that the Santa Monica Housing Authority claims that there is a Section 8 Resident Advisory Board in existence. I have never been notified of an opportunity to participate on the RAB or to represent Section 8 tenants on the Housing Authority Board.

I request that in an effort to promote participatory democracy, and following the City of Inglewood's example, the Santa Monica Housing Authority automatically appoint all the Section 8 tenants as members of the RAB, and send to all Section 8 voucher holders/RAB members notifications of the opportunity to offer feedback regarding the Housing Plan as well as opportunities to represent tenants on the Housing Authority Board.

The currently proposed Housing Plan may not be approved by a Housing Authority Board that lacks the mandatory tenant representation. Any existing representation on the Housing Commission (an advisory body) does not fulfill the federal requirement for representation on the Housing Authority Board, which is a legislative body.

Sincerely,

Joel Robinson

Public comment re Item 4A - 9/17/20 HC meeting

OZ <zurawska@yahoo.com>

Thu 9/17/2020 4:24 AM

To: mike.soloff@mto.com <mike.soloff@mto.com>; Richard Hilton <Richard.Hilton@SMGOV.NET>; Todd Flora <Todd.Flora@SMGOV.NET>; Loren Bloch <Loren.Bloch@SMGOV.NET>; Leonora Camner <Leonora.Camner@SMGOV.NET>; Carl Hansen <Carl.Hansen@SMGOV.NET>; Rene Buchanan <Rene.Buchanan@SMGOV.NET>; Lane Dilg <Lane.Dilg@SMGOV.NET>
Cc: James Kemper <James.Kemper@SMGOV.NET>; George S. Cardona <George.Cardona@SMGOV.NET>; Melinda Espinoza <Melinda.Espinoza@SMGOV.NET>

EXTERNAL

Dear Commissioners and Ms. Dilg,

1. I oppose the approval of the 5-Year Housing Plan as submitted by staff, for the following reason:

The Santa Monica Housing Authority Board in its current composition lacks the federally mandated representation of CoC and Section 8 tenants, and therefore does not have the legal capacity to approve the Plan. The approval of the Plan must be pushed back until after the lack of representation has been cured to comply with 24 CFR § 964.415, § 964.405, § 964.425 and 24 CFR 578.75(g) (1).

The Santa Monica Housing Authority Board would only be exempted by federal law from having Section 8 tenant representation if within 30 days of the Resident Advisory Board having been notified by the Housing Authority of the opportunity to serve on the Housing Authority Board no program participant came forward as interested in serving on the Housing Authority Board. Here the Housing Authority not only failed to notify the RAB of such an opportunity, but failed to notify the Section 8 tenants of the creation of a RAB, the opportunity to serve on it, or any public RAB meetings. Every Section 8 tenant has the right to attend and participate in a RAB meeting but no such public meeting has been held.

Contrary to staff's previous statements, any program participant representation on an advisory body like the Santa Monica Housing Commission does not fulfill the federal requirement for tenant representation on the Housing Authority Board, which is a legislative body.

If staff contends that the SMHAB is exempt from the tenant representation requirement, I request that the staff please share with the public the pertinent law that proves the existence of such an exemption.

The enclosed email which I sent to the City Council on April 23, 2020 goes into more detail about the federal regulations mandating tenant representation on the Housing Authority Board and the manner in which the SMHA faked the RAB process. City staff had about five months to analyze and resolve this issue but chose not to. Instead, staff is once more attempting to push through the currently proposed 5-Year Housing Plan, in violation of federal law.

It is my hope that the Housing Commission, and especially the Commission and staff members who are attorneys, will not allow for this to continue.

2. Notwithstanding the above, I hereby submit the following public comment regarding the proposed 5-Year Plan:

- a. Add: Improve customer service in all areas to ensure that the SMHA is consistently experienced by residents, applicants, landlords and vendors as an efficient, pleasant and responsive organization:
 - Develop a Customer Service Policy to promote client-focused and consistent service delivery through respectful interactions.
 - Provide designated tenant advocates - I understand such advocates are available at the City of Los Angeles Housing Authority and are paid for by HUD. Currently there is no effective advocacy service available to the tenants for issues regarding the SMHA/HUD. Legal Aid's assistance is limited and often seen as tainted by a conflict of interest since the local Legal Aid office is funded by the City.
 - Provide opportunities for customer feedback, for example through periodic client satisfaction surveys. The current culture among the SMHA staff interacting with the clients leaves a lot of room for improvement. Incidents of Housing Specialists yelling at clients, treating clients in a demeaning manner or not being responsive to inquiries are far too common.
- b. Add: Provide a point of contact for a dedicated ADA Coordinator to track and maintain a list of ADA accessible housing units and coordinate the housing needs of people with disabilities. Additional responsibilities would include assessing risk of violations, coordinating with City departments, and providing education and instruction. - This is one of the recommended strategies under Goal #4 (Increase community integration for persons with disabilities) in this year's Assessment of Fair Housing prepared by Ms. Glauber.
- c. Add: Promote civic engagement among the clients including participation in City commission meetings, the Housing Authority Board, the RAB and other tenant organizations in order to build a partnership with the clients and remove the stigma of needs based programs.

- d. Question regarding family self-sufficiency goals: does SMHA currently offer a home ownership program? If not, why not?
- e. Question regarding the proposed outsourcing of annual eligibility recertification work: Wouldn't program participants have to first consent to their highly sensitive personal information, including financial and medical information, being handled by a third party? What happens if a program participant does not consent to that?

Regards,

Olga Zurawska

Enclosure: 1.

From: OZ <zurawska@yahoo.com>
To: George S. Cardona <george.cardona@smgov.net>
Cc: Andy Agle <andy.agle@smgov.net>; Lane Dilg <lane.dilg@smgov.net>; Sue Himmelrich <sue.himmelrich@smgov.net>; Gleam Davis <gleam.davis@smgov.net>; Greg Morena <greg.morena@smgov.net>; Ana Maria Jara <anamaria.jara@smgov.net>; Ted Winterer <ted.winterer@smgov.net>; terry.oday@smgov.net <terry.oday@smgov.net>; Councilmember Kevin McKeown <kevin.mckeown@smgov.net>; Michael Soloff <mike.soloff@mto.com>; Todd Flora <todd.flora@smgov.net>; Leonora Camner <leonora.camner@smgov.net>; Loren Bloch <loren.bloch@smgov.net>; Richard Hilton <richard.hilton@smgov.net>; Rene Buchanan <rene.buchanan@smgov.net>; carl.hansen@smgov.net <carl.hansen@smgov.net>; Barbara Collins <barbara.collins@smgov.net>; H. Epstein Stanley <stanatty@yahoo.com>
Sent: Thursday, April 23, 2020, 01:07:23 PM PDT
Subject: Demand to pull item 3.G - 4/28/20 HAB meeting - illegalities re: Housing Authority Board and RAB

To: Acting City Attorney George Cardona

Cc: Director of Housing and Economic Development Andy Agle, Interim City Manager Lane Dilg, Housing Authority Board, Housing Commission, Housing Manager Barbara Collins, Stan Epstein

Hello Mr. Cardona,

I am submitting this email to you as the Acting City Attorney for the city of Santa Monica in regard to agenda item 3.G. *Adoption of Fiscal Year 2020-2025 Santa Monica Public Housing Authority Plan* scheduled to be heard by the Santa Monica Housing Authority Board on April 28, 2020.

It is quite embarrassing that the PHA Plan as submitted to the Santa Monica Housing Authority Board by Mr. Agle and Ms. Dilg in her newly acquired position as Interim City Manager, presents multiple legal and factual deficiencies.

I request that item 3.G. be pulled from the Housing Authority Board agenda until two issues are cured:

It is my belief that the Santa Monica Housing Authority Board in its current composition is unable to hear and approve the Plan in accordance with the federal law because it is lacking the mandatory tenant representation. Please see 24 CFR § 964.415, § 964.405, § 964.425.

It is also my belief that the Housing Plan may not be approved by the Santa Monica Housing Authority Board because the Housing Plan has not gone through the federally mandated Resident Advisory Board (RAB) process. In fact, for about the past **twelve years** the Santa Monica Housing Authority failed to properly establish the federally mandated RAB. Please see 24 CFR § 903.13.

The above two issues had been previously brought up via written comment to the attention of the Housing Authority Board, City Attorney Lane Dilg, then City Manager Rick Cole, Director of Housing and Development Andy Agle and the Santa Monica Housing Commission on March 9, 2020. (please see the enclosed email).

The issue of the lack of a RAB had been brought up to the Housing Commission and Housing Authority staff in November 2019, and to the attention of the City Council and City Attorney in December 2019.

On December 5, 2019 Ms. Collins disingenuously stated in writing that a federal regulation allowed her discretion as to whether or not she needed to establish a RAB. This statement was completely false and Mr. Agle, who was copied on it, should not have permitted it. When I pressed for Ms. Collins to point me to the specific part of the federal regulation that allegedly gave her that discretion, Ms. Collins neglected to respond even after two follow up emails that were copied on the City Attorney, Housing Authority Board and the Housing Commission. It appears that all the parties copied on my follow up emails approved of Ms. Collins making false statements about federal regulations as no-one intervened.

Despite written and oral public comments regarding the need for a RAB, at the December 10, 2019 meeting of the Santa Monica Housing Authority Board, it approved the unlawfully drafted Plan without addressing the public's objections that were submitted via written and oral comments. The three California licensed attorneys present: City Attorney Lane Dilg, Councilmember Davis and Councilmember Himmelrich all appeared to violate their ethical obligations by not exploring the validity of the public's objections.

At the March 5, 2020 meeting of the Housing Commission Ms. Barbara Collins announced that the Housing Authority was in the process of creating a RAB. I believe this was as a result of the Congressional Inquiry filed on my behalf with HUD by the office of Congressman Ted Lieu. However, the process Ms. Collins described she was going to employ to form the RAB alarmed me as it seems to be based on backdoor appointments of specific section 8 tenants handpicked by the Housing Authority. Ms. Collins was not going to make the opportunity to serve on the RAB known to all the Section 8 tenants, or engage in a transparent application process.

On March 16, 2020 I emailed Santa Monica Housing Commission Chair Michael Soloff and requested his assistance in ensuring that the RAB would be formed in a transparent and democratic manner. It was my hope that as the Chair of the Commission and a licensed attorney, Mr. Soloff would be invested in attending to the concerns I had. I also requested that the assistance of the Legal Aid office be secured to draft the bylaws for the RAB to ensure, among others, that the RAB meetings would be public. Mr. Soloff forwarded my email to Ms. Collins. Ms. Collins responded to me that if I wanted for the Housing Authority to agendize the issue of how the RAB needs to be formed, I should submit a public comment to the Housing Commission and request that. At the same time Ms. Collins informed me that the Housing Commission and RAB meetings were on hold due to Covid-19. The latter soon proved to be untrue. Ms. Collins also added that if I had any questions, I could address them to her or to Mr. Kemper.

I welcomed the invitation and asked Ms. Collins to respond to the contents of the email Mr. Soloff had forwarded to her, which were concerning the need for the democratic and transparent formation of the RAB. I also asked Ms. Collins to answer one specific question: whether it was her contention that there was a RAB in Santa Monica at that time. Ms. Collins never responded to my email despite the fact that I followed up twice. Please note that there appears to be a pattern where Ms. Collins as the Executive Director of the Santa Monica Housing Authority appears to feel that she is at liberty to **ignore** a resident's emails.

Despite written appeals for a democratic and transparent process of creating the RAB, Ms. Collins appears to have engaged in behind the scenes handpicking of RAB members without notifying the approximately 1,488 Section 8 tenants in Santa Monica that a RAB was being created and that there was an opportunity to participate on it.

I am now informed that Ms. Collins maintains that there is a lawfully created RAB in Santa Monica because the Housing Authority had reached out to seven tenants who "agreed" to volunteer to be on the RAB, and that the RAB held a meeting via teleconferencing on April 2, 2020. I am also informed that out of the seven names of the alleged RAB members listed in Attachment B to the Staff Report, one member withdrew from being on the RAB prior to the RAB meeting. I am informed that the reason for this person's withdrawal was because the Housing Authority refused to provide them with the agenda for the meeting, stated that the content of the meeting could not be disclosed, and refused to let them know who the other alleged RAB members were. Inexplicably, this person's name is still listed on Attachment B as an alleged RAB member.

It appears that not only the alleged RAB itself but its alleged teleconference meeting is a sham that Ms. Collins is using to circumvent the federal law, the rights of Section 8 tenants, and participatory democracy.

I am filing this complaint with the Acting Santa Monica City Attorney as it is his responsibility to ensure adherence to all laws by all the City Departments, all city commissions and the Housing Authority Board. I believe it also is the City Attorney's responsibility to ensure that the City promotes rather than stifles participatory democracy. It appears that the lack of the federally mandated representation of Section 8 tenants on the Santa Monica Housing Authority Board for the past twelve or so years, as well as the lack of the federally mandated RAB established through a reasonable and transparent process, are designed to deprive the Section 8 tenants of a voice and the opportunity to participate in City processes. It appears that the goal is to consolidate power in the hands of the Housing Authority at the price of democracy. This warrants serious concerns about Ms. Collins's professional ethics as the Executive Director of the Santa Monica Housing Authority.

Before the Plan is submitted to HUD, the City Attorney, Mr. Agle and the Housing Authority Board must make sure that all HUD rules and regulations have been followed. The failure to do so will result in professional and other complaints, and could lead to action by HUD officials including the Inspector General.

It is not a good idea for the new Interim City Manager to start out with this illegal and highly problematic item 3.G or that any member of the State Bar should participate in.

Please respond to this email no later than by noon on Monday April 27, 2020.

Everything in this email has been approved by Stan Epstein.

Regards,

Olga Zurawska

Enclosures: 2.

- Zurawska's 3/9/20 public input submitted to the Housing Authority Board

- Zurawska's 3/16/20 email to Housing Commission Chair Michael Soloff

ENCLOSURE 1:

From: OZ <zurawska@yahoo.com>

To: Councilmember Kevin McKeown <kevin.mckeown@smgov.net>; Greg Morena <greg.morena@smgov.net>; Ana Maria Jara <anamaria.jara@smgov.net>; Sue Himmelrich <sue.himmelrich@smgov.net>; Gleam Davis <gleam.davis@smgov.net>; Terry O'Day <terry.oday@smgov.net>; Ted Winterer <ted.winterer@smgov.net>; Councilmtgitems <councilmtgitems@smgov.net>

Cc: Andy Agle <andy.agle@smgov.net>; Lane Dilg <lane.dilg@smgov.net>; Rick Cole <rick.cole@smgov.net>; Michael Soloff <michael.soloff@smgov.net>; Todd Flora <todd.flora@smgov.net>; Leonora Camner <leonora.camner@smgov.net>; Loren Bloch <loren.bloch@smgov.net>; Richard Hilton <richard.hilton@smgov.net>; Rene Buchanan <rene.buchanan@smgov.net>; carl.hansen@smgov.net <carl.hansen@smgov.net>; George S. Cardona <george.cardona@smgov.net>; Madeleine Pauker <madeleine@smdp.com>; Sam Catanzaro <sam@mirrormediagroupla.com>; Jorge Casuso <jcasuso@santamonicalookout.com>; SM Observer <editor@smobserver.com>

Sent: Monday, March 9, 2020, 10:47:03 PM PDT

Subject: written public input: Unlawful conduct by SM Housing Authority and SM Housing Authority Board - 3/10/2020 meeting of SM City Council

This is my written general public input submitted for the 3/10/2020 meeting of the Santa Monica City Council.

To:

Santa Monica Councilmembers,
Santa Monica Housing Authority Board.

cc:

Santa Monica Director of Housing and Economic Development,
Santa Monica Housing Commission,
Santa Monica City Attorney,
Santa Monica City Manger

I am writing regarding:

1. the lack of the federally required Resident Advisory Board in Santa Monica, and
2. the lack of representation of Section 8 tenants and Continuum of Care participants on the Santa Monica Housing Authority Board.

Currently the Housing Authority and its Board function as an autocracy without the federally mandated tenant participation.

I request that steps be taken to cure the above two violations of the federal law immediately, no later than by the March 24, 2020 meeting of the Santa Monica City Council which currently also serves as the Santa Monica Housing Authority Board.

The legal basis for my request is included below.

RE: 1 - the lack of the federally required Resident Advisory Board in Santa Monica.

On December 10, 2019 the Santa Monica Housing Authority Board "approved" a Housing Administrative Plan despite the fact that the Plan had not gone through the federally mandated Resident Advisory Board process.

The fact that Santa Monica lacks the mandatory Resident Advisory Board was brought up to the Santa Monica Housing Commission in November 2019. It was also brought up to the Director of Housing and Economic Development Andy Agle, the Housing Authority Board, the City Attorney, the City Manager and the Housing Commission via email prior to the December 10, 2019 meeting of the Santa Monica Housing Authority Board. It was also brought up by two members of the public - community leader Zina Josephs and myself - during the December 10, 2019 meeting of the Housing Authority Board. All to no avail.

The Santa Monica Housing Authority Board "approved" the unlawfully drafted Plan without addressing in any manner the objections that had been brought up by the public both in writing and verbally.

The City Attorney present at the December 10, 2019 meeting did not address the objections raised by the public in any manner. The two attorneys on the Santa Monica Housing Authority Board, Ms. Himmelrich and Ms. Davis, did not make any mention of the objections raised by the members of the public.

The unlawfully "approved" Plan was forwarded to HUD on January 9, 2020 - according to the Santa Monica Housing Division web site.

To date no RAB has been established as required by the federal regulation, but the Housing Division web page now features information that the Annual and Five-Year Administrative plans are available for public comment until March 31, 2020. The documents included on the web page in relation to the Five-Year Annual Plans claim that a RAB had submitted their feedback regarding the

Plans. Again, this is despite the fact that no lawfully established RAB exists in Santa Monica.

Links to the above mentioned document can be found here:

"The Santa Monica Housing Authority Draft 5-Year Plan and Draft Annual Plan are available for public comment until March 31, 2020. You can view the Draft 5-Year Plan [here](#) and the Draft Annual Plan [here](#). Please send your written comments to 1901 Main Street, 1st Floor, Suite A, Santa Monica CA 90405, ATTN: 5-Year and Annual Plan, by March 31, 2020. You may also email comments to smhousing@smgov.net."

source: <https://www.santamonica.gov/housing-policy-and-reports>

As a reminder, here is what the pertinent federal regulation says about the RAB and the process of choosing the RAB members:

24 CFR § 903.13

(b) "(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.**"

I am not aware that any reasonable process has been undertaken to choose the representation nor am I aware that there exists a RAB in Santa Monica that reasonably and adequately represents the families receiving tenant-based assistance.

Below are some pertinent excerpts from the HUD web site regarding the manner in which the RAB is supposed to be established by the PHA's (source:

https://www.hud.gov/program_offices/public_indian_housing/pha/about/rab)

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.***

I am not aware that SMHA provided **any** information to all Section 8 tenants regarding the RAB or that SMHA made **any** effort to encourage tenant participation in the RAB. If there now exists a RAB in Santa Monica secretly handpicked by Ms. Collins, it has been created in an undemocratic way to continue Ms. Collins's autocratic rule over the SMHA where the general body of Section 8 tenants are not given a voice in matters that affect their housing and lives. The 1488 tenants currently holding Section 8 vouchers are most likely unaware of the existence of the RAB process or the opportunity they have to serve on a RAB to provide feedback to SMHA.

Please note that the HUD web site states,

"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."

source: https://www.hud.gov/program_offices/public_indian_housing/pha/about/rab

To ensure that RABs can be as effective as possible, the PHA must allocate "reasonable" resources to provide "reasonable" means for the RAB to:

- Become informed about programs covered by the PHA Plan;
- Communicate with residents in writing and by telephone;
- Hold meetings with residents; and,
- Access information through the internet. [24 CFR 903.13(a)]

I am not aware that **any** resources have been allocated or **any** means have been allocated by SMHA to any RAB.

Furthermore, my research shows that other (lawfully and democratically run) jurisdictions, establish bylaws for their RAB(s). That is not the case in Santa Monica. However, I believe that assistance from LAFLA could be enlisted in order to establish RAB bylaws. The current situation where Ms. Collins is left in control of the RAB is simply unacceptable - it threatens the democratic process. After all, Ms. Collins already has a record of depriving Section 8 tenants of a voice for about twelve years, as well as a track record of being unfamiliar with federal regulations and blatantly lying in writing about having discretion to establish a RAB or not.

Sadly, it appears that Ms. Collins's less than professional conduct was already questioned at her previous position as the Executive Director of the Marin Housing Authority.

According to a 11/5/2015 *Marin Post* article, in 2007 the Golden Gate Village Resident Council alleged bad faith on the part of the Marin Housing Authority where Ms. Collins was the Executive Director, and filed a complaint with a regional HUD office. Per the article, the allegations against Ms. Collins included a conflict of interest and "that Barbara Collins was unqualified because she lacked a working knowledge of federal regulations and did not even understand the difference between project-based, public housing and the tenant-based Section 8 voucher program (...)" *The Marin Post* article goes on to state,

"According to sources interviewed for this article, Barbara Collins was hired without an executive search and had no prior hands on experience with housing management, construction or maintenance. One witness to her tenure told me that when confronted with the need to replace some old water piping on the property, she advised the Board of Supervisors to tear the property down."

source: <https://marinpost.org/blog/2015/11/10/golden-gate-village-resident-council-vs-marin-housing-authority-an-untold-story-part-ii>

RE: 2 - the lack of representation of Section 8 tenants and Continuum of Care participants on the Santa Monica Housing Authority Board.

The Santa Monica Housing Authority Board lacks tenant representation - please see the following federal regulations.

- a. Resident representation required on HA Board:

24 CFR § 964.415, § 964.405, § 964.425

b. CoC (Continuum of Care) participation on the HA Board:

24 CFR 578.75(g)(1)

The text of the above regulations is included below

2a. Resident representation required on HA Board

24 CFR

- § 964.415 Resident board members.

(a) *General.* Except as provided in §§ 964.405(b) and 964.425, the membership of the governing board of each public housing agency **must contain not less than one eligible resident board member.**

§ 964.405 Applicability.

(a) *General.* Except as described in paragraph (b) of this section, this subpart applies to any public housing agency that has a public housing annual contributions contract with HUD or administers tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) *Exceptions.* The requirements of this subpart do not apply to a public housing agency that is:

- (1) Located in a State that requires the members of a governing board to be salaried and to serve on a full-time basis; or
- (2) Not governed by a governing board.

§ 964.425 Small public housing agencies.

(a) *General.* The requirements of this subpart do not apply to any public housing agency that:

- (1) Has less than 300 public housing units (or has no public housing units):
- (2) Has provided reasonable notice to the resident advisory board of the opportunity for residents to serve on the governing board;

(3) Has not been notified of the intention of any resident to participate on the [governing board](#) within a reasonable time (which shall not be less than 30 days) of the resident advisory board receiving the notice described in [paragraph \(a\)\(3\)](#) of this section; and

(4) Repeats the requirements of paragraphs (a)(2) and (a)(3) of this section at least once every year.

(b) *Public housing agencies that only administer Section 8 assistance.* A [public housing agency](#) that has no public housing units, but administers Section 8 tenant-based assistance, is eligible for the exception described in [paragraph \(a\)](#) of this section, regardless of the number of Section 8 vouchers it administers.

(c) *Failure to meet requirements for exception.* A [public housing agency](#) that is otherwise eligible for the exception described in paragraphs (a) and (b) of this section, but does not meet the three conditions described in paragraphs (a)(2) through (a)(4) of this section, must comply with the requirements of this subpart.

2 b. Participation of Continuum of Care participants on the HA Board.

24 CFR 578.75(g)(1); which states:

(g) *Participation of homeless individuals.*

(1) Each [recipient](#) and [subrecipient](#) must provide for the participation of not less than one [homeless](#) individual or formerly [homeless](#) individual on the board of directors or other equivalent policymaking entity of the [recipient](#) or [subrecipient](#), to the extent that such entity considers and makes policies and decisions regarding any [project](#), supportive services, or assistance provided under this part. This requirement is waived if a [recipient](#) or [subrecipient](#) is unable to meet such requirement and obtains HUD approval for a plan to otherwise consult with [homeless](#) or formerly [homeless](#) persons when considering and making policies and decisions.

(2) Each [recipient](#) and [subrecipient](#) of assistance under this part must, to the maximum extent practicable, involve [homeless](#) individuals and families through employment; volunteer services; or otherwise in constructing, rehabilitating, maintaining, and operating the [project](#), and in providing supportive services for the [project](#).

Here is a link to the regulation: [24 CFR § 578.75 - General operations.](#)

Once again I request that the City of Santa Monica immediately take steps to cure the lack of a lawfully and democratically established RAB and the lack of tenant representation on the Santa Monica Housing Authority. I request that such steps be taken by the Santa Monica City Council by the Council's meeting scheduled for March 24, 2020 where I request these two issues be publicly addressed.

Regards,

Olga Zurawska

ENCLOSURE 2:

From: OZ <zurawska@yahoo.com>
To: Michael Soloff <michael.soloff@smgov.net>; Michael Soloff <mike.soloff@mto.com>
Cc: Todd Flora <todd.flora@smgov.net>; Leonora Camner <leonora.camner@smgov.net>
Sent: Monday, March 16, 2020, 02:02:20 PM PDT

Subject: RAB - must be established in a democratic manner, not through backdoor appointments

Hello Mr. Soloff,

I request your assistance as the Chair of the Santa Monica Housing Commission in ensuring that a democratic and transparent process is employed when establishing a Resident Advisory Board in Santa Monica, with a publicly announced timeline for the process. I request that all Section 8 tenants be immediately notified in writing that a RAB will be established, and encouraged to apply to be in the RAB. I also request that you encourage the local LAFLA office to provide assistance in the process of establishing a RAB and drafting the bylaws that would call for public RAB meetings.

The age of the Santa Monica Housing Authority intentionally disenfranchising the already marginalized group of Santa Monica Section 8 tenants must end at once.

As you know, the Santa Monica Housing Authority deprived its Section 8 tenants of the federally mandated RAB for about eleven years. After this fact was brought up to the Housing Commission in November 2019 and then in writing to the City Council and staff, Housing Manager Barbara Collins stated in writing that the RAB was not required. This written statement by Ms. Collins contravened the federal regulation that requires that each PHA must establish at least one RAB (24 CFR § 903.13). Despite the written and oral public comment before the City Council on December 10, 2019 notifying the Council and City staff again that a RAB had to be established and a RAB process had to be used before the Annual Administrative Plan could be presented to the Council for approval, the City Council "approved" the Plan without addressing the public comment in any way.

A few days ago I noticed that the Housing Division had posted the Draft Annual and Draft 5-Year Plan as available to public comment until March 31, 2020. Both the Draft Plans state that a RAB has had a chance to offer feedback regarding the Plans, which is puzzling as there is no RAB in Santa Monica.

The draft Plans are available here:

https://www.smgov.net/uploadedFiles/Departments/HED/Housing_and_Redevelopment/Affordable_Housing/Reports/2020%20Draft%205%20year%20plan%20with%20progress%20report.pdf

https://www.smgov.net/uploadedFiles/Departments/HED/Housing_and_Redevelopment/Affordable_Housing/Reports/2020%20Draft%20Annual%20Plan.pdf

On March 12, 2020 the audio of the Santa Monica Housing Commission meeting of March 5, 2020 became available online and I was able to listen it. I learned from the audio that during the March 5, 2020 meeting of the Housing Commission Ms. Collins announced that the SMHA was forming a RAB. Ms. Collins disingenuously stated that a federal regulation "allowed" the SMHA to form a RAB, whereas in reality federal regulation 24 CFR § 903.13 **mandates** that at least one RAB be established by each PHA. Ms. Collins announced that Mr. Hilton and Ms. Buchanan (both of the Santa Monica Housing Commission) "agreed" to be in the RAB. Ms. Collins also stated that the RAB would have seven members representing the diversity of the Section 8 tenants in Santa Monica. When you asked Ms. Collins if people had had the

opportunity to apply to be in the RAB, Ms. Collins responded in the negative. Ms. Collins added that in the future there would be an application process available. When you asked Ms. Collins how the RAB members would be selected, she hesitated and finally responded, "Randomly."

It certainly is good news that SMHA will finally be complying with the federal law by establishing the mandatory RAB.

However, it appears that the process which Ms. Collins is attempting to use while establishing the RAB is not transparent or democratic, and as such it is un-American. I certainly do not see any "reasonable process (...) undertaken to choose this representation" as required by the federal law:

24 CFR § 903.13

(b) "(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 be undertaken to choose this representation.**"

I have concerns about Ms. Collins not currently offering a transparent application process for those interested in being in the RAB.

I am also very concerned about Ms. Collins placing two current members of the Housing Commission in the RAB. Those individuals had been appointed to the Housing Commission by the City Council and should not double as members of the RAB.

There are currently about 1488 voucher holders in Santa Monica, and there certainly is a way to select other individuals to the RAB rather than those already appointed to the Housing Commission by the Council.

In a City where complaints that the City does not listen to the residents are prevalent, taking away two seats on the RAB and giving them to two Housing Commissioners creates the appearance that the City is in fact trying to limit the citizens' ability to have their voices heard by consolidating this ability in the hands of a small group of carefully selected individuals. For one, neither Mr. Hilton nor Ms. Buchanan during their long tenures as Housing Commissioners advocated for the federally mandated RAB to be established in Santa Monica, which certainly raises the question how well they represent the interests of Section 8 tenants. Ms. Collins's claim that the Santa Monica RAB members are being selected "randomly" is laughable considering that of the 1488 voucher holders Ms. Collins "randomly" selected the two current Housing Commissioners to be part of the RAB.

Below are some pertinent excerpts from the HUD web site regarding the manner in which the RAB is supposed to be established by the PHA's (source: https://www.hud.gov/program_offices/public_indian_housing/pha/about/rab).

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 should 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."*

I am not aware that SMHA provided **any** information to all Section 8 tenants regarding the RAB or that SMHA made **any** effort to encourage tenant participation in the RAB. What Ms. Collins is attempting to do has nothing to do with democracy. It appears that Ms. Collins is hastily attempting to create the impression that there is a RAB so that she is able to quickly push the Annual and 5-Year Plans through the City Council and HUD approval process.

Please note that the HUD web site states,

"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."

source: https://www.hud.gov/program_offices/public_indian_housing/pha/about/rab

Despite the fact that the Housing Division web site states that the two Draft Plans are up for public comment until March 31, 2020 and that a RAB has had the opportunity to offer their feedback, I am not aware that there is a properly established RAB in Santa Monica or that it had the time to offer feedback regarding the Plans. If it is Ms. Collins's plan to claim that Mr. Hilton and Ms. Buchanan constitute the RAB for the purpose of offering feedback to the current Draft Plans, I strongly oppose such renewed attempt at circumventing the RAB process.

Also, please note that to ensure that RABs can be as effective as possible, the PHA must allocate "reasonable" resources to provide "reasonable" means for the RAB to:

- Become informed about programs covered by the PHA Plan;
- Communicate with residents in writing and by telephone;
- Hold meetings with residents; and,
- Access information through the internet. [24 CFR 903.13(a)]

I am not aware that **any** resources have been allocated or **any** means have been allocated by SMHA to any RAB.

Furthermore, my research shows that other (lawfully and democratically run) jurisdictions, establish bylaws for their RABs. That is not the case in Santa Monica. However, I believe that assistance from LAFLA could be enlisted in order to establish RAB bylaws. The current situation where Ms. Collins is left in control of the formation of the RAB and allowed to do **backdoor appointments** to the RAB is simply unacceptable - it continues to threaten the democratic process and access. After all, Ms. Collins already has a record of depriving Section 8 tenants of a voice for about eleven years, as well as a track record of being unfamiliar with federal regulations, and blatantly lying in writing about having discretion to establish a RAB or not.

Sadly, it appears that Ms. Collins's professional conduct and competence were already questioned at her previous position as the Executive Director of the Marin Housing Authority.

According to a 11/5/2015 *Marin Post* article, in 2007 the Golden Gate Village Resident Council alleged bad faith on the part of the Marin Housing Authority where Ms. Collins was the Executive Director, and filed a complaint with a regional HUD office. Per the *Marin Post* article, the allegations against Ms. Collins included a conflict of interest and "that Barbara Collins was unqualified because she lacked a working knowledge of federal regulations and did not even understand the difference between project-based, public housing and the tenant-based Section 8 voucher program (...)"

Source: <https://marinpost.org/blog/2015/11/10/golden-gate-village-resident-council-vs-marin-housing-authority-an-untold-story-part-ii>

In light of the above I request your assistance as the Chair of the Santa Monica Housing Commission to ensure that there is a democratic, transparent process of forming the RAB after the eleven-year period where Section 8 tenants were deprived of the opportunity to participate in this federally mandated Board.

Please note that if the SMHA is not able to offer the application process in time for the seven-member RAB to be formed and offer feedback for the current Draft Plans, there is another democratic option. The SMHA can automatically appoint all the Section 8 tenants to the RAB and notify them by letter of the public hearing where they can offer feedback regarding the current Draft Plans - Inglewood does it this way.

<https://www.cityofinglewood.org/AgendaCenter/ViewFile/Item/780?fileID=735>

Then moving forward the proper application process can be employed for the seven-member RAB in Santa Monica in time for the next Plan, which I believe is usually drafted around October.

This certainly seems like a more democratic option than the backdoor appointments that Ms. Collins is attempting now.

Regards,

Olga Zurawska

Item 4A at 9/17/20 Housing Commission meeting - lack of democratic tenant representation

Dignity In Housing <dignityinhousing@gmail.com>

Thu 9/17/2020 4:38 AM

To: mike.soloff@mto.com <mike.soloff@mto.com>; Todd Flora <Todd.Flora@SMGOV.NET>; Leonora Camner <Leonora.Camner@SMGOV.NET>; Loren Bloch <Loren.Bloch@SMGOV.NET>; Richard Hilton <Richard.Hilton@SMGOV.NET>; Rene Buchanan <Rene.Buchanan@SMGOV.NET>; Carl Hansen <Carl.Hansen@SMGOV.NET>; Lane Dilg <Lane.Dilg@SMGOV.NET>; James Kemper <James.Kemper@SMGOV.NET>; Mayor Kevin McKeown <Kevin.McKeown@SMGOV.NET>
Cc: Melinda Espinoza <Melinda.Espinoza@SMGOV.NET>

EXTERNAL

Dear Housing Commissioners, Mayor McKeown, and staff of Santa Monica Housing Authority,

I have been informed that the Santa Monica Housing Authority has maintained that there is a Section 8 Resident Advisory Board (RAB) in Santa Monica. Any information regarding the existence of this resident advisory board has never been disseminated to Santa Monica Section 8 tenants. Therefore, Section 8 tenants have never had an opportunity to participate on the RAB.

This is astonishing to me and everyone I tell about it, as it flies in the face of core democratic principles. Opening up an opportunity for any and all Section 8 tenants to participate in the RAB would offer a wide range of lived Section 8 experiences for the Board to consider while deliberating its decisions. This diverse tenant representation would provide invaluable information to help the program run more effectively, efficiently, and help ensure better outcomes for the participants.

I request that the Santa Monica Housing Authority recognize the bold leadership exemplified by the City of Inglewood, and follow its lead by automatically appointing all of the Section 8 tenants of Santa Monica as members of the RAB. This will ensure all Section 8 voucher holders will receive timely notifications for the opportunity to provide feedback regarding the Housing Plan together with opportunities to represent tenants on the Housing Authority Board.

Sincerely,

Michael Louis

Public input item 2 - 9/17/20 HC meeting

oz <zurawska@yahoo.com>

Thu 9/17/2020 11:59 AM

To: Melinda Espinoza <Melinda.Espinoza@SMGOV.NET>; mike.soloff@mto.com <mike.soloff@mto.com>

Cc: Lane Dilg <Lane.Dilg@SMGOV.NET>

EXTERNAL

1. A couple days ago I inquired with staff as to who is currently in charge of the Santa Monica Housing Authority. I received a response that state "Lane Dilg is the Executive Director of the Housing Authority, and the Community Services Department implements the work of the Housing Authority." Did I miss a public announcement of this appointment? Especially considering that Ms. Dilg had already taken on the position of Interim City Manager during a state of emergency, I am wondering how Ms. Dilg could possibly find the time and possess the skills to also fill the demanding position of the Executive Director of the SMHA, a position with a reported annual salary of \$372,786 in 2018. Is this appointment temporary? Is an executive search to fill this position under way?
2. I request that the Commission agendize the issue of the democratic and transparent creation of the RAB, and tenant representation on the Housing Authority Board. So far it appears that the City has been resisting granting access to the federally mandated program participant representation despite strong advocacy efforts through public comments. The city has employed tactics ranging from flat out lies (Ms. Collins stating in writing that no RAB is required) to evasion (the Council and then City Attorney Dilg electing not to respond to public comments at Council on December 10, 2019 and Interim City Attorney Cardona failing to respond to a complaint submitted to him by email on April 23, 2020), to engaging in faking the creation of a RAB and holding a non-public RAB meeting. Today there are about 1,488 Section 8 voucher holders in Santa Monica but likely fewer than fifteen of them are aware that there is an opportunity to serve on a RAB and participate in its public meetings or to represent on the Housing Authority Board.

Regards,

Olga Zurawska

September 17, 2020

To: Housing Commission

From: Zina Josephs

RE: **9/17/20 agenda item 4-A -- 5-Year and Annual Plan**

I'm forwarding to you my email below from April 2020 because I'm unaware that the issues have been addressed since April.

Therefore, I still have the same concerns about the legitimacy of the Resident Advisory Board and the legal ability of the Housing Authority Board to approve the Housing Plan without representation from Continuum of Care and Section 8 tenants on the Housing Authority Board / City Council.

April 22, 2020

To: Mayor McKeown and the Santa Monica Housing Authority Board

From: Zina Josephs

RE: 4/28/20 agenda item 3.G – Adoption of FY 2020-25 Public Housing Authority Plan

I'm concerned about the process by which this plan was developed.

On page 2 of the agenda item, it states that “The United State Housing Act Section 511, and the regulations in 24CFR part 903, require housing authorities to establish a **Resident Advisory Board (RAB)** as part of the Annual Plan process for the Section 8 Housing Choice Voucher program. The role of a RAB is to assist and make recommendations regarding the development of the Plan, including any significant amendments or modifications....Staff identified seven Section 8 participants in good standing who reflect the desired diversity. Staff inquired to determine interest to serve on the RAB and **all seven participants volunteered to serve....**”

This is not true.

I happened to speak with one of the 7 RAB members listed in Attachment B (whom I will refer to as “they”) and asked about the RAB teleconference meeting referred to in the agenda item.

The response was that this person received a phone call on March 31st inquiring whether they would like to participate in a RAB teleconference meeting on April 2nd.

When they asked about an agenda, the response was that there was no agenda and that the content of the meeting could not be disclosed.

When they asked who else would be serving on the RAB, they were told, “We don't do that,” i.e., that information could also not be disclosed.

They therefore withdrew from the RAB, and yet their name is still listed in Attachment B.

They also wondered how the remaining RAB members could have discussed and made recommendations regarding **a very lengthy document (hundreds of pages) that they were never given**, only a 5-page summary entitled “Goals,” which was emailed to them on April 1st. And, how did the 5 RAB members who actually participated in the teleconference represent the views of the nearly 1,500 Section 8 tenants in Santa Monica, when other voucher holders didn't even know who was on the RAB?

The HUD requirements for a RAB have apparently been around for many years, so I don't understand why the Santa Monica RAB had to be appointed the last minute. (It didn't exist at the time of the March 5th Housing Commission meeting.) And why were they not given copies of the actual draft Plan?

Some comments and suggestions:

1) I'm concerned as to whether the Santa Monica Housing Authority Board actually has the legal authority to approve the Plan since, in its current composition, the SMHA lacks the federally mandated tenant representation:

24 CFR

- § 964.415 Resident board members.

(a) *General.* Except as provided in §§ 964.405(b) and 964.425, **the membership of the governing board of each public housing agency must contain not less than one eligible resident board member.**

2) The process for selecting members of the RAB should be both democratic and transparent.

24 CFR § 903.13

(b) "(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.**"

It does not seem sufficient for Jim Kemper to tap two Housing Commissioners to be members, and then for Barbara Collins to tell the Housing Commission on March 5, 2020 that the other 5 members would be selected by staff at random. What does selection "at random" mean in this context, other than perhaps choosing people they think will go along with whatever the staff proposes?

3) The selection process should include sending a written notification to all 1,488 Section 8 tenants in Santa Monica that they are eligible to apply to be appointed to the RAB.

4) The application process, the selection process, and the timeline should publicly noticed.

5) Housing Commissioners already have ample opportunity to make their views on the Public Housing Authority Plan known, so it seems illogical that they should also serve on the RAB, as is now the case.

6) An alternative to having only 5 or 7 RAB members reviewing the plan might be to follow the City of Inglewood model. Their Housing Authority apparently sends a letter to all Section 8 tenants, notifying them of an annual meeting to gather feedback about the city's plan. In other words, all their Section 8 tenants are automatically appointed to the city's RAB. That type of transparent process would eliminate the secrecy of the process that Santa Monica seems to be engaged in. <https://www.cityofinglewood.org/AgendaCenter/ViewFile/Item/780?fileID=735>

7) Perhaps LAFLA, which advocates for low-income people, could assist in writing RAB guidelines or bylaws, including a policy of holding public meetings.

In conclusion, the lack of required tenant representation on the Housing Authority Board, the lack of a reasonable and democratic process in selecting the Resident Advisory Board members, the lack of publicly noticed RAB meetings, and the failure to provide the RAB members with copies of the draft document they were supposedly helping to develop, all seem to make a mockery of the process and go against the values of this city.

Thank you for your consideration.

Zina Josephs