

**REPORT:
HELPING TO RESHAPE THE
SAN FRANCISCO HOUSING AUTHORITY
MAY 2008**

**Housing Rights Committee of San Francisco
and
San Francisco Local Homeless Coordinating
Board**

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I. Summary of Issues, Solutions, and Pages for further details

<u>No.</u>	<u>Issue</u>	<u>Solution</u>	<u>Page for more detail</u>
1	Lack of Federal funding resulting in inadequate supply of housing to meet the need	Increased advocacy on a Federal level	6
2	Lack of rent collection and owing back rent lead to too many evictions	Create policy and practice that improves rent collection and prevents tenants from falling behind on rent and getting evicted	6-7
3	Lack of transparency of the SF Housing Authority	Resident outreach plans and marketing tools to be transparent about policies and practices	7
4	Lack of accountability of the SF Housing Authority	Increase accountability and oversight of the SFHA by working with local City departments, Housing Authority Commission, SF Board of Supervisors, and local HUD offices	8-9
5	Inadequate maintenance and conditions of units	Use City departments to do maintenance and repairs and have a simple and direct response system to report and check the status of repair requests	9-10
6	Inability for residents to transfer to safer living arrangements	Increase safety and security at SF Housing Authority developments, streamline the transfer process and work with other local Housing Authorities and the City to identify alternative affordable housing options and to coordinate transfers to safer areas	10
7	Poor access for people who have criminal backgrounds or special needs, including homelessness	Reinstate “homeless status” as a priority and expand local eligibility criteria. Utilize less restrictive eligibility criteria, when allowed by HUD, for those with criminal backgrounds.	11
8	Lack of opportunities for tenant input and participation and inadequate response to tenant’s needs	Conduct a tenants’ “Know Your Rights” education campaign and adopt a “supportive housing” model when possible	11-12
9	Lack of partnership between the Housing Authority, City departments and community agencies	Create partnerships with city agencies, departments and community groups and create institutional ways for a broad spectrum of stakeholders to get involved in the work of the SF Housing Authority	12-13
10.	Inability of section 8 voucher holders to utilize vouchers	Provide incentives and strengthen marketing to landlords to increase participation in program and enforce non-discrimination laws	13-14

II. BACKGROUND:

Various community stakeholders expressed concerns over current policies and practices of the San Francisco Housing Authority (SFHA) during several meetings of the San Francisco Local Homeless Coordinating Board (LHCB) Policy Committee. Many concerned community groups and individuals have been discussing and taking action on this issue for many years. The LHCB Policy Committee met on September 20, 2007 to discuss possible strategies in addressing the many issues community members had raised with regards to the SFHA.

Each year, the San Francisco Housing Authority is required by HUD to submit an annual plan describing their proposed policies for the Public Housing and Section 8 programs in the upcoming year. Prior to submitting their annual plan to HUD each July, they must have a public process that allows for public comment on any proposed changes. This annual planning process was identified by the LHCB Policy Committee, with guidance from the Housing Rights Committee of San Francisco, as the primary mechanism to give feedback to the SF Housing Authority. The decision was then made to organize a community process to gather input in preparation of a report for submission and inclusion in the 2008 SFHA Annual Plan.

Coincidentally, on September 27, 2007 Mayor Newsom created the San Francisco Housing Authority Transition Team in response to the resignation of former SFHA director, Greg Fortner, and appointed a new interim director. The “transition team” is comprised of department heads of various city agencies and has been described as a way to introduce more city involvement and oversight into the SFHA and as a vehicle for reform.

III. GENERAL COMMUNITY MEETING INFORMATION:

The Local Homeless Coordinating Board Policy Committee and the Housing Rights Committee of San Francisco hosted four large community meetings entitled “Helping to Reshape the San Francisco Housing Authority.” The meetings were divided into four categories that outlined broad topics and concerns expressed by many in the community. The following were the topics and dates of the meetings:

- “Availability and Accessibility”: December 3, 2007
- “Eviction Policies and Practices”: January 7, 2008
- “Repairs, Conditions, and Vacant Units”: January 23, 2008
- “Accountability”: February 11, 2008

This brief report will outline the primary concerns and suggested solutions expressed at each community forum. The forums represent the voice of a diverse community of stakeholders who care deeply and are invested in the future of the San Francisco Housing Authority. Residents, community groups, non-profits, advocates, legal service agencies, policy makers, and service providers joined together to express concerns and offer solutions to problems.

IV. TOP TEN ISSUES:

- 1. Lack of Federal funding resulting in inadequate supply of housing to meet the need**
- 2. Lack of rent collection and owing back rent lead to too many evictions**
- 3. Lack of transparency of the SF Housing Authority**
- 4. Lack of accountability of the SF Housing Authority**
- 5. Inadequate maintenance and conditions of units**
- 6. Inability for residents to transfer to safer living arrangements**
- 7. Poor access for people who have criminal backgrounds or special needs, including homelessness.**
- 8. Lack of opportunities for tenant input and participation and inadequate response to tenant's needs**
- 9. Lack of partnership between the Housing Authority and City departments and community agencies**
- 10. Inability of Section 8 voucher holders to utilize vouchers**

V. TOP TEN SOLUTIONS:

- 1. Increased advocacy on a Federal level**
- 2. Create policy and practice that improves rent collection and prevents tenants from falling behind on rent and getting evicted**
- 3. Resident outreach plans and marketing tools to be transparent about policies and practices**
- 4. Increase accountability and oversight of the SFHA by working with local City departments, Housing Authority Commission, SF Board of Supervisors, and local HUD offices**
- 5. Use City departments to do maintenance and repairs and have a simple and direct response system to report and check the status of repair requests**
- 6. Increase options and safety at SFHA sites and work with other local Housing Authorities to coordinate transfers to safer areas**
- 7. Reinstate "homeless status" as a priority and expand local eligibility criteria. Utilize less restrictive eligibility criteria, when allowed by HUD, for those with criminal backgrounds.**
- 8. Conduct a tenants' "Know Your Rights" education campaign and adopt a "supportive housing" model when possible**
- 9. Create partnerships with city agencies, departments and community groups and create institutional ways for a broad spectrum of stakeholders to get involved in the work of the SF Housing Authority**
- 10. Provide incentives and strengthen marketing to landlords to increase participation in program and enforce non-discrimination laws**

VI. IN DEPTH ANALYSIS OF ISSUES AND SOLUTIONS:

#1. Issue: Lack of Federal funding resulting in inadequate supply of housing to meet the need .

Due to decades of HUD budget cuts at the Federal level, the SFHA does not have adequate funds for the development and preservation of affordable housing necessary to truly meet the needs of homeless and low-income residents in San Francisco.

The affordable housing currently available in San Francisco is inadequate to meet the need. In addition to an estimated 6,377 homeless people in San Francisco (Homeless Count 2007), the need is also demonstrated by the 29,235 households on the current SFHA public housing waitlist and the 21,110 households on the section 8 waitlist, for a combined total of 45,308 households who are eligible but without affordable housing. According to the National Low Income Housing Coalition, there is a deficit of 24,198 rental units, which are affordable to extremely low-income renters in San Francisco. 49% of extremely low-income renter households are spending more than 50% of their income on housing costs.

San Francisco already puts forth money from general city and state funds to meet some of the demand. While the local investment can always be greater, public housing programs have been the key responsibility of the federal government. Yet, Congress has drastically reduced its support for local housing authorities across the nation and the federal funds for affordable housing have significantly declined in the past decades. As the cost of living continues to increase in San Francisco, more federal funding for affordable housing must be provided.

#1. Solution: Increased advocacy on a Federal level.

The Housing Authority should work in partnership with San Francisco government officials to advocate for increased Federal Funding. It would also be effective to leverage local funding to get increased federal funds. Finally, with San Francisco's Representative Nancy Pelosi in the powerful position as Speaker of the House, San Francisco should request further support for our federally-subsidized housing from Speaker Pelosi.

#2. Issue: Lack of rent collection and owing back rent lead to too many evictions.

Non-payment of rent is one of the most common reasons for evictions occurring at the Housing Authority. In April 2008 alone, 1,500 14-day notices were issued, with each household owing an average of \$5,648. These residents are some of the most vulnerable in San Francisco and therefore many evicted tenants face homelessness as their only alternative. This becomes a costly situation for the person, the SFHA, the city and community service providers. Most residents must use rental assistance programs in order to remedy the problem and this puts an intense strain on the entire rental assistance system throughout San Francisco. Many of the back rent issues are due to miscalculations by the SFHA and therefore are not true representations of the real balance due. The process for learning of potential error and correcting it is complicated.

#2: Solution: Create policy and practice that improves rent collection and prevents tenants from falling behind on rent and getting evicted.

Improved property management practices are essential to an efficiently run housing program. Managers currently often do not properly record changes in income, which leads to incorrect charges for the tenant. The SFHA must improve property management practices so that rent collection will occur on time. Managers need to be trained in accurate record keeping and respectful tenant relations. Keeping accurate records of interactions and agreements with tenants are essential for being able to reference later, especially in light of the high turnover rate of managers within the SFHA.

Additional solutions suggested for this issue focus on intervening early and working openly with the client to prevent eviction. A system should be put in place within the SFHA and noted in the Admissions and Continued Occupancy Policies that addresses and resolves back rent issues early. Clients should be contacted when rent is late each month (i.e. 5 days after rent is due). Early intervention is done prior to the tenant falling far behind on rent (i.e. 9 months behind on rent). Clients should be notified of what back rent is owed no more than 3 months late and should be referred to an outside agency that would set up a realistic payment plan and make sure that all back rent charges are correct. Constant communication between SFHA and the tenant is necessary. The SFHA should send out monthly letters updating tenants on their status as well as referring them to agencies that will help with payment plans and financial assistance.

Appendix A reviews the additional memo on eviction policies of the SF Housing Authority prepared by the Housing Rights Committee, VLSP, EDC and Bay Area Legal Aid.

#3: Issue: Lack of transparency of the SF Housing Authority.

Many residents and other community members are concerned that the SFHA policies and procedures are unclear to the public, and that documentation and explanations are lacking or incomplete when enforcing policy. Often, each employee states a different policy and procedure for universal problems. This causes a lot of confusion for both the resident and advocates.

#3: Solution: Resident outreach plans and marketing tools to be transparent about policies and practices.

Reviews and audits of SFHA's current policies and procedures should be done by an independent outside entity. Policies should be written in a clear and simple manner. Once clear and correct policies are identified they should be made readily available to residents and community members. They should also be adopted universally and provided to all SFHA employees to ensure consistency.

In particular, improvements need to be made with application processes (eligibility and access), grievance procedures, and appeals. It is important to encourage residents to ask and get copies of documents during any procedures with the SFHA. A checklist should be devised for tenants to use to keep their records/documents in order. Finally, all policies and written documents must be made available in multiple languages.

#4: Issue: Lack of accountability of the SF Housing Authority.

Various issues were raised about the SFHA's lack of accountability within the organization and at the local and federal level. The majority of issues are regarding the corrective actions taken against tenants without proper notification and justification. This affects the tenants and the community advocates and lawyers working on their behalf. The Housing Authority also lacks accountability in their partnerships with the community regarding efforts to create safe and accessible housing for San Francisco's low-income and homeless residents. There seems to be no clear vehicle for making complaints, suggesting changes, or receiving information or clarification about policies, procedures and practices. Participants were also concerned at the lack of oversight by local government and the lack of opportunity for oversight from the public and residents.

#4: Solution: Increase accountability and oversight of the SF Housing Authority by working with local City departments, Housing Authority Commission, SF Board of Supervisors, and local HUD offices.

Tenants should play the lead role in accountability and oversight since they are the most directly affected by the way the Housing Authority operates. Creating active, structured tenant advisory boards that are engaged in SFHA's decision-making processes will allow this level of oversight. Tenant groups should be invited to report to the Housing Authority Commission regularly.

The role of the SFHA Commission should be strengthened. The community and tenants would like to have input regarding who sits on the Commission. The city should consider videotaping, recording or broadcasting SFHA Commission meetings as is done with other city commissions. Currently, commission appointments are done by the Mayor. However, it would be better for these appointments to be determined by a broader group of stakeholders including residents, Board of Supervisor (BOS) members and other key stakeholders. Commissioners should regularly report to the BOS and should also consider having occasional offsite meetings closer to or at public housing sites. A Public Housing resident and a Section 8 resident should be appointed to the commission to represent their unique issues.

The SFHA Annual Plan should also be presented to the BOS for review and input so that the city is aware of any significant proposed changes in policy before final decisions are made.

Tenants and stakeholders should be given a better understanding of the governance structure and organizational hierarchy of the Housing Authority. For instance, participants asked how the local HUD offices are involved with the SFHA. Concerns about HUD oversight and involvement were mentioned. There is a lack of clarity on the role played by HUD as well as their obligations to monitor SFHA practices. HUD should define who takes responsibility within the SFHA and how far certain policies can go before action can be taken from an outside source. HUD field offices should be more accessible and receptive to community feedback regarding the SFHA. This report will be sent to local HUD offices.

Additionally all checklists and relevant records, such as when a tenant reports maintenance needs, should be made with carbon copies so that tenants can keep a copy of the process that is planned.

#5: Issue: Inadequate maintenance and conditions of units.

Consensus is that there is a great backlog of needed repairs as well as ongoing poor conditions at the majority of Housing Authority developments. The issue of most concern, however, is the extremely slow or altogether lack of response to repair requests and known deteriorating conditions. The repair reporting and response system is complicated and improvements take an unreasonably long time to complete. The Housing Authority needs to create a systematic way to respond to maintenance issues and take responsibility for quickly fixing uninhabitable units.

#5: Solution: Use City departments to do maintenance and repairs and have a simple and direct response system to report and check the status of repair requests.

Consider increasing the role of the Department of Public Works in fixing up units, maintaining quality living conditions, and providing resources to do maintenance up-keep and respond to repair requests. Another suggestion is to mobilize community volunteers and private businesses to get involved in maintenance and repairs at SFHA sites. The model used at Project Homeless Connect, for example, could be used.

There should be a simple, step-by-step process for reporting and getting repairs done that all tenants, employees, and especially property managers, know and follow. Suggestions included: have dedicated drop-in hours at SFHA to report repairs, have an email address to report needs, and have an automated phone system that allows one to report repair needs. The City's 311 was suggested. Finally, there should be a database that tracks requests and completion of tasks that the residents can access to track the status of their repair request. Work order numbers should be given at the beginning of the process and recorded by the tenant as well as the Housing Authority, or whichever entity takes the repair request. All forms should be carbon copied so records can be kept by all parties involved. When repairs are completed, tenants should inspect and sign off on the completed job to ensure that no part is left undone before it can be reported as completed. Residents who report repairs at their property management office should be given a proof of reporting such as a case number or a carbon copy. There should be a standard repair request form available to all residents with instructions as to how to report a repair need. All services should be offered in multiple languages.

Random site inspections done by a third party, with publicly available reports, would improve the Housing Authority's accountability and help the public and the City monitor conditions in the public housing developments. There should be better cooperation and collaboration between the SFHA and the Department of Building Inspections (DBI) to address habitability issues in Public Housing. In 2007, an MOU was developed between the SFHA and DBI which needs to be effectively implemented. At the very least, the DBI should monitor code compliance in SFHA properties as they do in all other privately-owned rental housing. The SFHA should not be exempt from meeting local housing code requirements. In cases where SFHA properties do not

comply with San Francisco housing code, the DBI, in conjunction with the City Attorney's Code Enforcement Task Force, should take action to enforce the law.

Issue #6: Inability for residents to transfer to safer living arrangements.

There are not enough options for residents to transfer to other areas and units when their living situations are unsafe and/or unhealthy. Even people with "priority" transfers (in cases such as domestic violence or hate crimes) do not get a response in a timely manner and do not get access to livable units. Also, if there is an opportunity to transfer, the process of being informed about and being able to accept or reject the unit is difficult to navigate and cumbersome.

Solution #6: Increase safety and security at SF Housing Authority developments, streamline the transfer process and work with other local Housing Authorities and the City to identify alternative affordable housing options and to coordinate transfers to safer areas.

Safety is a major and recurring issue that was raised at the community meetings. SFHA should take more responsibility in creating safe places for residents to live. Measures to enhance safe environments include increasing security staffing, strengthening community policing programs at public housing sites, and installing cameras.

When a transfer is needed, the process should be clearly defined and as simple as possible. Residents should be told what criterion qualifies for a transfer, how to request a transfer, and what documentation must be submitted. Staff should be available to assist in the process. In life-threatening situations, residents must be approved for a priority transfer without unnecessary delays or challenging barriers.

Once a resident has been approved for a priority transfer, provide clear information in a timely manner regarding their status on the waiting list, next steps, the process and rules regarding accepting or rejecting offers, and who to contact with questions or concerns. The SFHA should be more lenient in allowing residents with priority transfers to refuse unit offers, considering that a replacement unit is not necessarily safer in some cases. At the beginning of the process, residents should be able to tell SFHA about what developments will be safe for them to live in so as to avoid needing to deny a unit that is equally as dangerous as the one from which they are transferring. When a client refuses an offer, their status on the priority transfer wait list should not be affected.

The SFHA should coordinate with city departments such as the Human Service Agency, Mayor's Office of Housing, Department of Public Health and the Redevelopment Agency to identify alternative affordable housing options for residents with priority transfers. The city should make city-funded affordable housing units available and consider short-term subsidies for relocation of public housing residents facing urgent health and safety risks.

Since there are few alternative affordable housing options in San Francisco, then options outside of San Francisco should be explored. Strengthening partnerships with other Bay Area Housing Authorities could help with this, since agreements could be made to easily transfer SFHA residents who are at-risk to public housing units in neighboring counties.

Issue #7: Poor access for people who have criminal backgrounds or special needs, including homelessness.

Screening criteria is too strict, particularly in buildings run by private management companies. The categories of crimes used for denial should be reviewed; the SFHA has discretion in this area. When a denial is given based on results of a criminal background check, all of the information that was used as grounds for that denial should be provided to the applicant in writing. Low-income and homeless renters should not be excluded from subsidized housing due to bad credit, debt or eviction for non-payment of rent, all of which are symptoms of poverty. Overall, eligibility criteria should be loosened.

Solution #7: Reinstate “homeless status” as a priority and expand local eligibility criteria. Utilize less restrictive eligibility criteria, when allowed by HUD, for those with criminal backgrounds.

The preference points once given to homeless families should be reinstated. Vulnerable populations should be prioritized in admissions. The waiting list of nearly 50,000 households warrants a triage system to ensure that those who are most in need are able to obtain housing. Homeless families, those needing to escape domestic violence and the disabled should be given priority on Housing Authority waiting lists.

It was suggested that the SF Housing Authority only look at conviction records (not arrests), consider prior criminal records for a time less than the current ten years, implement denials by giving individual written statements of why they were denied, and revisit the overall screening and admissions policies.

If a denial does occur, residents should be given a longer period of time to respond and request a hearing. They should also be informed that they may view their file to learn what grounds their denial was based on and instructed as to how to access their file.

The application process should be more accessible and accommodating to applicants.

Issue #8: Lack of opportunities for tenant input and participation and inadequate response to tenant’s needs.

A primary theme that resonated through all of the community forums was that more opportunities were needed to engage residents in the decision-making processes. Some mandated processes are not being fulfilled and opportunities to have residents participate are being missed. Without giving tenants the opportunity to help make decisions, effective solutions will not be created and implemented.

Additionally, without resident participation in decision-making, the true needs of residents will not be understood nor met by the Housing Authority. Many residents face multiple barriers to sustained stability and self-sufficiency. The environments at many SFHA sites do not offer enough support.

Solution #8: Conduct a tenants’ “Know Your Rights” education campaign and adopt a “supportive housing” model when possible.

Tenants should be encouraged to voice their opinions and be provided with the means and support to do so. In addition to obtaining tenants’ opinions during the annual plan process, it is important to ask for their opinions throughout the year, both formally (i.e. through surveys) and informally (i.e. during meetings).

Residents should be provided with easily understandable information about their rights as a tenant, including grievance procedures and available resources such as legal aid and rental assistance. An outline of SFHA policies and procedures should also be available to all residents. Both tenant’s rights and SFHA policies and procedures need to be available on the SFHA website and in different languages.

Explore opportunities, or specific housing sites, that may better serve their clients using a supportive housing model. These opportunities can be identified if the Housing Authority works more closely with local non-profits who provide housing to residents with special needs.

Issue #9: Lack of partnership between the Housing Authority, City departments and community agencies.

Although the SFHA is the largest provider of affordable housing in San Francisco, it has failed at providing overall quality, safe and secure living conditions for all of its residents. In order for the SFHA to better serve residents and improve all of their units to bring them up to the level of quality that should exist, there needs to be a new commitment to partner with City departments and local community agencies. There are many community groups that serve the tenants in a variety of capacities, and therefore are affected by the practices of the Housing Authority. However, in the past, the SFHA has been resistant to sharing information with or accepting input from community stakeholders.

Solution #9: Create partnerships with city agencies, departments and community groups and create institutional ways for a broad spectrum of stakeholders to get involved in the work of the SF Housing Authority.

These are examples of partnerships that would serve to improve services and units for the residents:

The Department of Public Works can be involved in maintenance and repair oversight and contribute resources and finances to assist the SFHA in making units habitable and safe.

The Department of Public Health can assist in oversight to ensure that all buildings and units are up to health code.

The Human Services Agency can work with the SFHA to create set-aside units for people who are homeless and to provide appropriate on-site services to help avoid eviction. Eviction

prevention and rent assistance programs for public housing residents could also be better coordinated with the SFHA management and legal staff.

The Board of Supervisors should be invited to review and comment on the Annual Plan and regular updates and status reports should be made to the BOS on critical issues. City officials should be made aware of projected funding shortfalls, significant policy changes and other events with anticipated detrimental impact on residents as soon as possible so that they can help mitigate the impact.

Community agencies should work with the SFHA to organize tenants and educate them on their rights and opportunities to get involved. The SFHA should partner with advocacy groups and lawyers to avoid evictions and help maintain people in housing. Finally, the SFHA should work with community groups to provide trainings to property managers on how to work with residents better.

Issue #10: Inability of section 8 voucher holders to utilize vouchers.

Low-income San Francisco renters who are fortunate enough to have received Section 8 vouchers are finding it increasingly difficult to use the vouchers in the city's high-priced housing market. Section 8 renters have a limited time to find replacement housing when they are forced to move due to issues such as rent increases, uninhabitable housing, change in household size or landlord opting out of the program. First time voucher holders also encounter many obstacles in finding adequate, affordable decent housing where they can use their vouchers. The City's Human Rights Commission has recognized this, since there are many fair housing implications.

There are two key barriers for section 8 renters: landlords' non-acceptance of vouchers and high rents, which are above the SFHA's payment standard. A section 8 renter attempting to use a voucher must find a willing landlord who will rent the unit at a low enough rent that the SFHA's payment standard (which is a below market amount) will cover it. The SFHA provides a very short list of properties that will accept Section 8; currently there are only 46 properties. Unfortunately, few private landlords agree to accept Section 8 vouchers, thereby limiting the housing pool from which Section 8 renters can choose. A cursory review on www.craigslist.org demonstrates that many landlords state "no Section 8." A recent search yielded 20 such postings. Voucher holders also find that available apartments also have rents that are not within the SFHA payment standard amount (see Appendix B).

Solution #10: Provide incentives and marketing to landlords to increase participation in the program and enforce non-discrimination laws.

The SFHA should more actively encourage landlord participation in the Section 8 program through aggressive marketing and education as well as providing incentives to participating landlords. The program expectations and obligations should be clearly provided to landlords in writing, in simple language and be available online. There should be a "landlord liaison" who can assist section 8 landlords to navigate the program rules as well as provide information and resources. Special recruitment efforts should be aimed at non-profit housing developers. Partnerships with affordable housing providers should be created. The city should ensure that

city-funded affordable housing projects accept section 8 vouchers and market available units to section 8 renters.

In cases where landlords are blatantly discriminating against Section 8 renters, the SFHA should take some responsibility to educate them about the potential violation of local and state laws. The city should enforce both municipal police code and state law that prohibits discrimination based on “source of income.”

VII. The Future of the “New Housing Authority”

San Francisco has a unique opportunity as the search continues for the new director of the Housing Authority. Although the commission ultimately has the authority to hire the new director, the Housing Authority Transition Team (headed by the City Administrator with the Mayor’s Office of Housing playing a large role) has been tasked by the Mayor to conduct the hiring search. We encourage the commissioners, the Mayor and the city agencies involved to consider the comments outlined in this document as they design hiring criteria and make the final decision of who to hire as the new director.

With the change that lies ahead at the Housing Authority, understanding the challenges and frustrations that people have experienced with past policies and practices of the San Francisco Housing Authority will help improve future policies and practices. The 75 individuals representing 37 different organizations attending our community forums (see Appendix C) helped to identify previous challenges and to develop the many specific policy suggestions and solutions that are detailed in this report. Previous challenges have been significant in several areas including 1) the manner and style of communication with the SFHA staff on issues such as eligibility and access, reporting of maintenance needs, and many other basic questions and concerns, and 2) the transparency of and ability to provide feedback on the standard practices and policies of various operations of the SFHA such as the protocol for maintenance and repairs, transfer requests, eviction practices, and many other areas.

We ask that as the City works toward reform of the SFHA, consider that the new director will be crucial in this change. We would like to see leadership at the SFHA that values collaboration, open communication, transparency and is welcoming and responsive to community involvement. Improving relations and developing collaboration between the SFHA, the residents, other community agencies, and the local government need to be priorities. We understand that significant improvements and change in SFHA policies and operations will take time. However, an important step will be to include all stakeholders in identifying areas needing change, problem-solving, and decision-making. We hope to see a partnership where community groups and city agencies are considered valuable assets that can bring additional resources to the table, enhancing the ability of the SFHA to meet its mission.

The community is looking forward to the San Francisco Housing Authority becoming a strong and effective community partner with an open communication process, responsive and respectful interactions with residents and other community partners, and an overall powerful spirit of collaboration.

Appendix A

“Memo on eviction policies of the SF Housing Authority prepared by the Housing Rights Committee, VLSP, EDC and Bay Area Legal Aid”



Memo Re: Evictions from San Francisco Housing Authority¹

A. POLICY CONCERNS

I. Eviction Situation

- Agencies that work with tenants of SFHA report a steady increase in both eviction proceedings and in actual evictions from units, particularly beginning in the fall of 2006.² The vast majority of these evictions are for non-payment of rent. SFHA tenants are some of the most vulnerable residents of the city, and many evicted tenants face homelessness.
- SFHA filed a total of 166 evictions against its conventional housing tenants in 2006. 130 of these (78%) were filed in September – December. SFHA filed 38 evictions (23%) in a two-day period immediately following Christmas (Dec 28-29).³
- SFHA appears on pace to file over 200 evictions in 2007.
- In January – May of this year, 56% of SFHA eviction cases seen through VLSP's Courthouse Landlord/Tenant Project⁴ resulted in the tenant losing their housing.⁵

¹ This memo was prepared after discussions about this issue between the Volunteer Legal Services Program (VLSP) and Bay Area Legal Aid, Housing Rights Committee, Eviction Defense Collaborative and ACORN.

² Note: Eviction proceedings are legally referred to as "Unlawful Detainer" actions (or UD's). UD's are statutorily afforded a special fast track status known as a "summary proceeding." By statute UD's are geared to move very quickly through the courts. UD's are almost always an immediate housing crisis for our clients and their families.

³ This data is from the San Francisco Superior Courts website. These numbers reflect the UD's recorded when SFHA is the plaintiff, which should include all conventional public housing.

⁴ When a tenant receives an Unlawful Detainer notice, they have five days (including weekend and holidays) to file a response. If they do not file a response, they are subject to a default judgment by the court, after which they can be evicted immediately and without trial. Most tenants file their response through the Eviction Defense Collaborative (EDC). After the response has been filed, a court date is usually set, along with a settlement conference which is scheduled for the week before the court date. The Volunteer Legal Services Program and EDC jointly administer the Courthouse Landlord/Tenant Project, through which volunteer attorneys assist tenants in their negotiations with landlords at these settlement conferences.

⁵ 72 settlement conferences were scheduled for SFHA tenants during this period. In 61 of these cases we were able to determine a clear result. In 34 of these cases (56%) the tenant lost their unit -- 19 tenants were eventually evicted, while 15 agreed to move out because they could not negotiate a "pay and stay" agreement. In another 3 cases (5% of total), judgments have been reached against the tenant, which means an eviction is immediately pending.

- In 39% of these cases tenants negotiated a stipulated agreement (or a “pay and stay”) and are still in their units. SFHA standard practice is to require tenants to immediately pay at least 50% of the total back-rent allegedly due, and to pay the remaining amount in installments, in addition to their monthly rent. SFHA often will require tenants to pay for SFHA’s attorney’s fees and costs as a condition of settlement. Many of these tenants will not manage to make these payments and will subsequently be summarily evicted.

II. Back Rent Issues

- **For a variety of reasons, many related to SFHA policies, tenants in eviction proceedings often owe very large amounts of back rent.** This makes it more difficult to negotiate “pay and stay” agreements that allow tenants and their families to stay in their housing.
- **Tenants owed an average of \$5,648 in back rent** at their courthouse settlement conferences. Back rent was often owed for up to 12 months (the statutory limit for evictions), and in several instances for far longer.⁶
- **These tenants must apply for the maximum amount of rental assistance available (which usually precludes them from ever using these resources again).**

In order to keep their housing, tenants must acquiesce to stipulated agreements (or “pay and stays”) in which they pay a large lump sum up front, and still owe substantial monthly payments in addition to their rent for many months or years into the future. These agreements place significant financial strain on these low-income families

- **There are not enough rental assistance resources available for SFHA tenants, and the needs of SFHA tenants put a strain on the entire rental assistance system.**⁷ These challenges will be further discussed in the Policy Recommendations section.

⁶ Although back rent reaching further back than 12 months cannot be part of a “Unlawful Detainer” judgment, it can be collected in a separate lawsuit. SFHA often insists on collecting this additional back rent as part of any “pay and stay” agreement.

⁷ Housing Rights Committee, ACORN, and EDC have also been reviewing the rental assistance situation, and have found that between July 1, 2006 and January 31st, 2007 the following programs provided rental assistance to SFHA tenants:

- Season of Sharing (SOS) approved 104 grants totaling \$100,633
- Catholic Charities approved 139 grants totaling \$66,725
- Hamilton First Avenues approved 7 grants totaling \$7,000

This means that in 7 months, SFHA received \$174,358 in general fund dollars and SOS funds to prevent the eviction of 250 families from their units. If you assume that half of SOS funds go toward eviction prevention, approximately 26% of the funds available for eviction prevention from these three programs have been received by SFHA. This puts a great strain on these rental assistance programs, which have very limited funds to provide services for the entire city.

- **Large arrearages accrue because of lengthy delays between each step in SFHA’s rent collection and eviction process.** When residents fall behind in rent (often because of an unforeseen emergency) their SFHA property manager will eventually send them a 14-day “pay or quit” notice. Sometimes the property manager will wait many months before they issue this notice. During this time the tenant may be falling further and further behind. The 14-day notice then sets in motion the lengthy eviction process. Unless the tenant can pay the full amount of back rent during this time, the property manager will then stop accepting rent. From this point forward, when the tenant tries to pay the back rent they owe, or negotiate a payment plan, they will be told that their matter has been “sent to legal.” Their file will then usually sit in SFHA’s legal department for many months, during which time the tenant will fall further and further behind in their rent, with no opportunity to remedy the situation. The tenant will eventually be served with a “summons and complaint” and will need to file a response. (If the tenant does not file a response, SFHA’s attorney can get a default judgment against the tenant, who then faces immediate eviction.) After another often lengthy delay, SFHA will in turn file a “memo to set the case for trial” and a court date will be set. By the time their case reaches the settlement conference, as noted above, the tenant will usually owe a huge amount of back rent.
- **SFHA will often impose attorney’s fees as part of any settlement agreement. This is a burden on tenants. It also creates a disincentive for the attorneys handling SFHA evictions to resolve these issues early in the process.** This will be discussed further in Policy Recommendations.
- **SFHA does not provide a means for tenants to resolve back rent issues quickly once they fall behind.** This will be further discussed in Policy Recommendations.
- **There are many problems with SFHA’s implementation of their new Enterprise Income Verification system.** SFHA has instituted an aggressive policy of utilizing the Internet-based Enterprise Income Verification (EIV) system in order to detect possible under-reporting of household income. SFHA may be under pressure from HUD to utilize this system. However, because of SFHA’s poor record-keeping, the EIV system is sometimes detecting “unreported income” which the tenant actually tried to report. Furthermore, there has been little or no tenant education around this new EIV system or its implications, despite the fact that SFHA is now requiring that families pay rent increases retroactively, which often results in huge increases in the back rent they allegedly owe.
- **The nature of this process sets tenants up for failure and increases the eviction rate for SFHA tenants. It also costs SFHA money, as the agency ends up not collecting many months of rent for these units, and then having to pay outside counsel expensive legal fees for these eviction proceedings.**

B. PRIMARY POLICY RECOMMENDATIONS

I. SFHA should implement an early intervention system to resolve back rent issues, which allows tenants to reinstate their tenancy and to work out a payment plan so that they can get current on their rent as quickly as possible.

- **Such an early intervention approach should be formalized and included as part of SFHA’s Admissions and Continued Occupancy Policies.**
- **SFHA should work with legal providers to negotiate repayment plans as early in this process as possible.** SFHA’s legal department used to work with Bay Area Legal Aid (BALA) to resolve back rent issues and negotiate before they got to the “Unlawful Detainer” stage. Typically, SFHA would grant a two-week extension, and during this time BALA would work with the tenant and negotiate a reasonable payment plan which allowed the tenant to avoid the eviction process and stay in their unit. Unfortunately, this practice ended several years ago, when SFHA downsized their legal department and began sending all their eviction cases to outside counsel. Currently, tenants have no way to resolve these issues once the property manager stops accepting rent. Furthermore, once the UD is sent to outside counsel, the attorney has an economic incentive not to settle the case early, so that they can collect increased legal fees (either from SFHA or from the tenant).
- **Such an early intervention system could be implemented with minimal staffing,** perhaps with one administrator or paralegal. SFHA could send out a monthly notice that informs tenants who have fallen behind on their back rent that they should contact a designated agency for assistance in resolving their back rent issues. These agencies could then work with the tenant and SFHA to resolve back rent issues promptly. If tenants do not take advantage of this opportunity, they would then receive a 14-day notice.⁸
- **An early intervention process would be of immediate benefit to tenants, would reduce the number of evictions and promote housing stability; it would also increase the amount of rent that SFHA collects while greatly reducing their legal expenses**

⁸ In this vein, the Eviction Defense Collaborative notes the model of Community Housing Partnership, which "generally provides an initial warning notice to tenants who are no more than one month behind in their rent, a second notice for tenants who are 1-2 months behind in their rent, and a third notice for tenants who are two or more months behind. No 3-day notice is given until the tenant has been given these initial opportunities to address the issue and the landlord is planning to go to court. Tenants who are behind in their rent are contacted by support services to see if it is possible to resolve the issue. For tenants who are three or more months behind, the landlord is still willing to enter into a payment plan, but the tenant needs to pay at least one-sixth of the balance due at the outset of the payment plan."

II. SFHA should not collect more than 3 months of back rent, or \$3000 total, from tenants in nonpayment cases.

- **This policy would reduce evictions, and would provide SFHA with a strong incentive to resolve nonpayment issues with tenants in a more timely fashion.**
- **By limiting collectible back rent to \$3,000 all non-payment eviction cases would have the potential to settle with a “pay and stay.”** Since \$1500 is the current limit on most rental assistance, tenants eligible for this assistance would be able to meet SFHA’s demand for 50% of back rent to be paid in an immediate lump sum. The other \$1500 could be paid off in monthly installments. The amount of these installments, when added to the tenants’ monthly rent, should not exceed 50% of the household’s income.
- **This policy may actually increase the amount of rent collected by SFHA.** Currently, when tenants owe large amounts of back rent they often agree to a move-out agreement, in which SFHA does not collect any of this money. This policy would decrease the number of tenants who agree to such deals, and increase the number of tenants who are able to pay their back rent and stay in their units.

III. SFHA property managers should have a systematic and equitable method for working out repayment plans with tenants, so that they can catch up on their back rent quickly and without legal action.

- **When a tenant owes less than three months rent they should be able to pay partial rent and negotiate a payment plan with their property manager to catch up on back rent.** Such a policy would increase rent collected by SFHA and reduce unnecessary hardship on tenants. Such a policy must also be applied equitably by property managers. There is currently a widespread perception among tenants and service providers that a tenant’s ability to negotiate a payment plan with a manager largely depends on whether that property manager “likes them.”

IV. SFHA should provide property managers with better training, particularly in record keeping and tenant relations.

- **Many of these eviction proceedings are related to problems that tenants experience in reporting changes in income which are not properly recorded by property managers.** Bay Area Legal Aid frequently has to file formal grievances with SFHA in order to receive rent adjustments for tenants, because property managers do not make the appropriate adjustments when income changes are reported to them.

V. SFHA should take steps to reduce the frequent turnover of property managers.

- Many problems arise for tenants because of the high turnover rate among property managers. For instance, tenants frequently make verbal arrangements with property managers regarding repayment of past due rent. However, new property managers may not honor previous agreements, placing tenants at risk of being evicted.

VI. Tenants should be provided with "rent amnesty" regarding back rent until a) all tenants have been thoroughly informed regarding SFHA's use of Enterprise Income Verification (EIV) system, the importance of reporting all sources of income in their annual recertification, and the consequences of not doing so, and b) problems have been cleared up regarding SFHA's failure to maintain and update information provided by tenants.

- **SFHA has implemented this new EIV system without educating tenants as to its impact.** Tenants also experience widespread problems regarding having their records and rents adjusted when they report changes; they are sometimes penalized for SFHA's faulty record-keeping, as if they had committed fraud. This contributes greatly to distrust of SFHA and becomes a strong disincentive for tenants to promptly report changes in income and household composition.
- **Accountability must flow in both directions.** In recent public meetings SFHA has attributed increased evictions and displacement from Southeast San Francisco to this new EIV system and its detection of tenant "fraud." Obviously, tenants must be held accountable and they must pay their rent. However, tenants must also be able to rely on SFHA to properly maintain its records, to conduct re-certifications in a timely manner, and to communicate with tenants in a clear and respectful way. Currently, tenants are being held to a higher level of accountability, around which there has been no education or supportive services provided.

VII. SFHA property managers should promptly adjust rent downwards when tenants report a reduction of income.

HUD requires that housing authorities promptly adjust rent downwards when a tenant reports a reduction of household income. However, SFHA tenants often experience difficulty in receiving needed rent adjustments and must file a grievance in order to have their rent reduction processed.

VIII. SFHA should not adjust rent upwards between annual re-certifications or apply retroactive rent increases between annual re-certifications.

- HUD regulations do not require that rent be adjusted upwards between annual re-certifications if a tenant's income increases. In order to reduce the number of evictions, SFHA should only adjust rent upward at a tenant's annual re-certification.

IX. The city should expand funding and options for back rent and emergency rent in order to protect families from eviction and to keep tenants in good standing.

- **Current rental assistance funds are not sufficient, and often have too many restrictions attached in order to help public housing tenants.**

- **Most funds only provide \$1000 to \$1500, and can only be used once.** As noted above, due to SFHA practices the average back rent for SFHA tenants at courthouse settlement conferences in 2007 was over \$5600. Tenants often owe such large amounts they must use multiple agencies to pay off the entire debt, which means they wipe out their eligibility for several programs at once. The next time they have an emergency, there is no funding available.
- **Many rental assistance funds are not available to public housing residents.** Two programs - Catholic Charities and Hamilton Family Services - have already expended almost all of their direct assistance funds for this population. Season of Sharing is also running short on funds.⁹
- **These agencies should be provided with additional funds to stabilize tenants in SFHA housing, both through direct rental assistance and these case-management services.** The agencies that provide rental assistance also assist tenants in making sure that they are able to follow a payment plan which will allow them to stay in their housing long-term.

C. ADDITIONAL POLICY RECOMMENDATIONS

I. SFHA should provide tenants of affordable housing and their advocates with a Rent Calculation Sheet so that they can clearly understand how their rent amount has been established.

- Currently tenants and their advocates often have great difficulty in determining how their total amount of back rent has been reached.

II. Tenants should be provided with information and access to money management assistance.

- Many tenants would greatly benefit from assistance in budgeting their resources, and this assistance would reduce evictions and back rent issues. Some of these financial services are currently provided by ACORN.

III. SFHA should provide tenants with a list of referrals and resources for eviction and back rent issues, both at move-in and along with any notice of adverse action.

- SFHA offers little or no supportive services to its tenants. A list of referrals would inform tenants of some of the resources available to them from other agencies.

IV. SFHA must consider its failure to maintain a unit in habitable condition and/or to respond to requests for repairs in eviction cases.

⁹ Housing Rights Committee, EDC, and ACORN have been documenting the limitations of the programs that assist with unpaid rent.

- Unfortunately, few SFHA units would meet the San Francisco building code. There is a severe backlog of maintenance requests, and requested repairs can take an extremely long time. In response to severe habitability issues, tenants sometimes feel that they should be able to withhold rent until necessary repairs are made. This, in turn, can lead to back rent issues and evictions. Coordination with DBI, DPH and the City Attorney's code enforcement team must be improved in order to deal with habitability issues. Regarding habitability issues, tenants should be better informed and educated about their rights and possible remedies.

V. SFHA should give tenants the option to designate a third party (for instance, their HSA caseworker, tenants' union, etc) to be notified of any adverse action against tenant.

VI. SFHA should notify tenants of the option to pay rent directly through CalWorks modified payment plans when appropriate.

Appendix B

FAIR MARKET RENT / PAYMENT STANDARD

FAIR MARKET RENT / PAYMENT STANDARD

UNIT SIZE	EFFECTIVE 10.01.07	EFFECTIVE 10.01.07
	HUD Fair Market Rent	SFHA Payment Standard - 110% OF FMR
SRO	\$776	\$853
STUDIO	\$1,035	\$1,138
ONE	\$1,272	\$1,399
TWO	\$1,592	\$1,751
THREE	\$2,125	\$2,337
FOUR	\$2,246	\$2,470
FIVE	\$2,582	\$2,840
SIX	\$2,919	\$3,210
SEVEN	\$3,256	\$3,581
CCS Code	C08	P08

		INCOME LIMITS AS OF 03.20.07	
FAMILY SIZE	30% of AMI (Income Targeting Per QHWRA)	SECTION 8 - 50% of AMI	LOWER INCOME 80% of AMI
1	\$23,750.00	\$39,600.00	\$63,350.00
2	\$27,150.00	\$45,250.00	\$72,400.00
3	\$30,550.00	\$50,900.00	\$81,450.00
4	\$33,950.00	\$56,550.00	\$90,500.00
5	\$36,650.00	\$61,050.00	\$97,700.00
6	\$39,400.00	\$65,600.00	\$104,950.00
7	\$42,100.00	\$70,100.00	\$112,200.00
8	\$44,800.00	\$74,650.00	\$119,450.00

Appendix C

Organization Participants

ORGANIZATIONAL PARTICIPANTS

Hamilton Family Center
Chinatown Community Development Center
San Francisco Safety Network
Bay Area Legal Aid
La Casa De Las Madres
Tenderloin Neighborhood Development Corporation
San Francisco Bar Association
San Francisco Human Rights Commission
Connecting Point
Building Solid Homes
Visitacion Valley Community Development Corporation
Compass Family Services
St Francis Living Room
San Francisco Community Clinic Consortium
Safe Communities Reentry Council
St Boniface
St Vincent De Paul
Riley Center
SF Department of Public Health
SF Human Service Agency
SF Asthma Task Force
Honoring Emancipated Youth
Homeless Advocacy Project
UCSF
Glide
Breathe California
Legal Assistance for the Elderly
San Francisco Tenant's Union
Tenderloin Housing Clinic
Holy Family Day Home
Independent Living Resource Center of SF
Ping Yuen Resident Improvement Association
St Josephs Family Center
Volunteer Legal Services Project
Housing Rights Committee of San Francisco
SF Local Homeless Coordinating Board
SFPD Parkside Station
Haight Ashbury Free Clinics