



Yolo County Housing

Lisa A. Baker, Executive Director

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BOARD OF COMMISSIONERS

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DATE: October 14, 2010

TO: YCH Board of Commissioners

FROM: Lisa A. Baker, Executive Director

SUBJECT: **Receive and File Final Response of Yolo County Housing to Yolo County Grand Jury Report**

RECOMMENDED ACTIONS:

That the Board of Commissioners:

1. Receive and file the Response Letter to the Grand Jury

BACKGROUND/DISCUSSION:

The Grand Jury investigated Yolo County Housing (YCH) in response to a citizen's complaint. In that complaint, it was alleged that YCH failed to address a complaint on the part of an elderly resident regarding tenant safety. In addition, the Grand Jury had questions about the emergency pull cord system at Riverbend Manor I and II.

The attached response letter was sent to the Grand Jury within the 90-day response time and provides the results of the follow-up investigation undertaken by YCH staff, as well as a response to specific findings and concerns of the Grand Jury. The response to the Grand Jury was sent via email and mail to both the lead for the YCH investigation, as well as to the Judge.

In particular, the letter responds to the description of the alleged "disruptive tenant", the emergency pull cord system, the ongoing safety efforts of YCH, the policies affecting complaints, grievances and evictions, as well as specific responses to findings and observations.

YCH will be undertaking the following, subject to future Board approval on some items:

- Continuing to train residents on appropriate use and deployment of the emergency pull cord system;
- Add language to job description safety language to ensure that staff are in conformance with appropriate Board-adopted safety regulations;
- Continue to follow its policies and procedures for complaints and evictions;
- Codify procedures to enforce existing complaint procedures;

- Continue to provide safety information and to continue to provide safety information at quarterly resident meetings;
- Continue to conduct staff safety training and use one module annually to focus on emergency preparation.

FISCAL IMPACT:

None at this time.

CONCLUSION:

Staff recommends that the Board receive and file the Grand Jury response.

Attachment: Response of YCH to the Yolo County Grand Jury

RESPONSE TO GRAND JURY REPORT (Cover Sheet)

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and Grand Jury Foreperson.

Report Title: Yolo County Housing Authority

Report Date: June 30, 2010

Response by: Lisa A. Baker

Title: Executive Director

FINDINGS

I (we) agree with the findings numbered: See attached response

I (we) disagree wholly or partially with the findings numbered: See attached response

RECOMMENDATIONS

Recommendations numbered: 10-17, 10-20 and 10-21 (see attached response) have been implemented (attach a summary describing the implemented actions).

Recommendations numbered: 10-19 require time for implementation but not for further study (see attached response) require further analysis (attach an explanation of the analysis for study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

Recommendations numbered: 10-18 (see attached response) will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: September 27, 2010

Signed: _____

Total number of pages attached: 5 attached pages, 6 total pages counting cover sheet



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Response to Yolo County Grand Jury Report – September 2010

Honorable Janet Gaard

Judge

Yolo Superior Court, Department 15

1100 Main Street, Suite 300

Woodland, CA 95695

This letter represents the response of the Housing Authority of the County of Yolo (informally known as "Yolo County Housing" or "YCH") to the 2010 report of the Grand Jury. Specifically, this letter responds to findings F-1 through F-4 and Recommendations 10-17 through 10-21.

We want to take this opportunity to thank the Grand Jury for their time and interest in our programs, as well as for the service and professionalism of its members.

Background/Discussion

The Grand Jury investigated YCH in response to a citizen's complaint. In that complaint, it was alleged that the Agency did not address a "very serious complaint" on the part of an elderly resident regarding tenant safety. Specifically, that management failed "to deal with a disruptive tenant who repeatedly brandished a gun, peeped through windows, exposed himself, used threatening and abusive language and screamed and howled through the night. There was also concern about the well-being of a minor who lived with the disruptive adult and reportedly was his caregiver." In addition, the Grand Jury had questions about the emergency pull cord system. This response addresses those issues.

Riverbend Senior Manor I and II – Independent Rental Units

In its report, the Grand Jury referred to Riverbend Senior Manor I and II as independent living facilities. Actually, they are not "facilities" as such, but apartment buildings with unfurnished, independent apartments for elderly families who choose to rent at the complexes. These are not assisted living facilities and households who rent at the site live there in independent apartments. Riverbend Senior Manor I and II also lease space to the West Sacramento Senior Center and to the Meals program in order to provide opportunities for all seniors in the City of West Sacramento, including seniors renting units at Riverbend.

As stated in the report, Las Casitas and Riverbend have daily on-site management and access to staff during business hours either in person at the office, in the unit or by contacting management at the rental office. In addition, the YCH maintains a 1-800 number for after hours and emergency maintenance. As part of its 2010 anniversary, each resident also received a refrigerator magnet with

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the following information: 911 for emergencies, office hours and phone number, after hours/weekend emergency maintenance and access to the YCH website for additional information on disaster preparedness.

Emergency Pull Cord System

Apart from this information, there is also an emergency pull cord system in place to assist residents in knowing when another resident is in distress. In the Grand Jury report, it was unclear if the system was properly explained to jurors. The emergency pull cord system consists of a pull cord in each senior apartment. The cords are required to hang free and close to the floor to allow access to the system. When the cord is pulled, there is a light outside of the apartment and a horn, alerting residents to the emergency so that responders can call 911. The system is functional and is tested regularly. It is tested as part of the independent Real Estate Assessment Center (REAC) uniform inspection criteria (also known as UPCS). The YCH undergoes federal 3rd party REAC UPCS inspections annually and also contracts for its own 3rd party UPCS inspections annually. There have been no issues with the pull cord system functioning correctly. At one time, it was brought to management's attention that two (2) units in the rear had lights that did not face the other rental units. Because of this, it was possible that if someone pulled the emergency cord, residents would not know who needed assistance. This was corrected by staff with relocation of the lights to face towards the other rental units.

YCH recognizes that such a system functions best when residents understand the system and how to respond. YCH will be providing additional training to residents on how to use the system. In reality, the largest problem with the system is with residents who tie up the cords or hide them behind furniture, making them inaccessible to persons on the floor. Staff will continue to train residents not to tie up the cords, put them behind furniture or otherwise interfere with their effectiveness.

Disruptive Tenant

YCH staff can find no single tenant who meets the criteria outlined in the Grand Jury complaint. There were three (3) individual tenants in three separate apartments whose issues might have been the basis for this complaint. One tenant was cited by YCH for disruptive activities and violations of housekeeping standards that interfered with safety. Another resident was cited for theft and abusive language. In these two (2) instances, the YCH had documented violations in accordance with due process requirements for civil eviction and was taking action to terminate the tenancy of the renters. Prior to eviction proceedings, one tenant moved and another was killed in an apparently unrelated action. In the third instance, the tenant has filed a cross complaint against the original complainant. That complaint is currently under investigation by YCH and both tenants have been advised of requirements for a safe environment that allows for the peaceful enjoyment of the premises.

Regarding the issue of an at-risk minor, there were no approved minors living in any of the three (3) units. In one case, the resident had an adult son who did not reside on the premises, but who did assist his father with required paperwork and tasks.

YCH receives complaints, allegations and other information from residents and others about a variety of issues, including resident safety and security. YCH staff takes each one seriously and does follow up on complaints. However, due to privacy requirements, YCH staff are not always able to discuss outcomes with complainants or share the status of cases with them. Because YCH is subject to the same civil law requirements as any landlord with respect to evictions, YCH is required to have sufficient documentation of events, along with evidence of attempts to enforce the lease before it can bring a successful eviction proceeding against residents. This can sometimes take time

before an eviction can move forward. In addition, YCH needs sufficient concrete evidence that will meet the court's burden of proof to be successful in its efforts.

Policies Regarding Complaints, Grievances, Evictions

In its report, the Grand Jury determined that the "Yolo County Board of Supervisors created a Risk Control Policy Statement for YCHA in 2008." Yolo County Housing (YCH) is independent of the County. In 2009, the Board of Commissioners for YCH created a Risk Control Policy Statement that states, "The safety and well-being of the residents and employees of the Housing Authority of the County of Yolo is of the utmost importance. (Resolution 09-06.)

The YCH takes safety and security seriously and has not only adopted a Risk Control Policy Statement that governs actions of the Agency and individual employees, but also addresses safety and security in its Admissions and Continued Occupancy Policy for residents of YCH federally-funded affordable rental housing under the ownership/management of YCH.

As such, and as noted by the Grand Jury, the YCH does have a written grievance procedure, as well as Lease documents and House Rules that address safety and security. There are many ways in which residents can make a complaint and in which YCH staff follow up on safety and complaints issues. These include:

- The YCH has an "Incident Documentation Form" through which residents may make written complaints; however, YCH does not require that residents use the form and will take complaints in any documented form;
- YCH holds quarterly resident meetings where safety and security issues, as well as general residential issues, are discussed and information is disseminated to residents;
- YCH addresses safety issues through its annual calendar and through flyers sent to each unit in addition to the meetings above. For 2010, these have included topics such as flu prevention and illness, BBQ safety, water safety, heat illness prevention, tenant obligations regarding no violent criminal or drug-related activities, fire safety and home protection safety tips.
- YCH conducts annual housekeeping inspections, as well as 3rd party UPCS inspections; in addition, HUD REAC conducts annual UPCS inspections as well;
- The YCH maintains a Memorandum of Understanding with the West Sacramento Police Department for information sharing; and
- The YCH maintains a "fraud and abuse" hotline where residents may report fraud, abuse, or other complaints.

Possible Gang Activities

YCH takes the safety and security of its residents seriously. In the Grand Jury comments section, it is stated that Riverbend is in "an area well-known for gang activities." As a result, YCH staff contacted West Sacramento Police Department for information about possible activities. The police department reported only non-emergency alarm calls (false alarms) and hang-ups. There were no reports of gang activity with respect to Riverbend Senior Manor I and II.

Findings and Recommendations

- **F-1:** Despite multiple complaints, the YCH did not take action to deal with the disturbed tenant and thereby jeopardized the safety of other tenants. **YCH response** there was no single tenant with the representing issues. YCH responded to complaints against three (3) different residents and took action leading to termination of tenancy in two (2) of the cases. YCH has a cross complaint from the third.
- **F-2:** The failure to deal with the disturbed tenant posed a potential risk for a minor. **YCH response** there were no known minor children in residence in any of the three (3) instances.
- **F-3:** The emergency pull cord system may or may not be effective, depending on whether cords are appropriately deployed inside the units, whether the system is operating correctly, and whether alarms are detected and responded to by others. **YCH response** the emergency pull cord system is operational; however, training of residents is required to ensure that cords are properly deployed, alarms detected and responded to.
- **F-4:** The job descriptions of staff who have direct oversight of housing do not adequately address tenant safety. **YCH response** all job descriptions require that job functions be carried out in a safe manner and that safety concerns be reported to the Safety Committee or to management. In addition, all staff receive safety training a minimum of four (4) times per year. Finally, not all staff with the same job description are responsible for direct oversight of housing (e.g. voucher staff who provide private market subsidies). YCH staff are bound by the Risk Control Policy Statement and the Admissions and Continued Occupancy Plan (ACOP). YCH. YCH will add language to its job description safety language to require staff to be in conformance with the applicable safety policies in the Risk Control Statement and the ACOP.
- **F-5:** Supervisory staff have not ensured compliance with established policies and procedures regarding responsiveness to tenant complaints. **YCH response** YCH staff operate in a team environment where complaints are discussed with supervisory staff and a course of action and/or investigation is agreed upon. In addition, supervisory staff bring summaries of complaints to management staff to ensure that management staff is in agreement with the manner in which the complaint will be handled and/or investigated. Finally, evictions are handled by supervisory staff, who are responsible for ensuring that YCH has taken the appropriate actions that will lead to successful eviction proceedings where necessary. YCH does conclude, however, that policies in place could have better codified procedures and will undertake to create a better documented complaint and follow-up process.
- **10-17:** Enforce eviction procedures to remove tenants who pose significant physical safety hazards to themselves or other tenants, in accordance with federal, state and local laws. **YCH response** YCH enforces lease violations and eviction procedures with respect to all tenants who violate the lease and house rules, especially for those who pose safety hazards. YCH is not able to determine who can and cannot live independently, but can and does enforce the lease.
- **10-18:** Enhance the emergency pull cord system to ensure that emergency alarms actively notify an on-duty responder. Coordinate planning with tenant council to ensure the new system is sufficient, but not intrusive to tenant privacy. When on-site, staff should respond to pull cord alarms. **YCH response** The pull cord system is a voluntary alert system. Staff will work with the tenant council and residents to ensure that all residents are trained in the appropriate use and

deployment of the system. YCH staff are NOT first-responders and should not respond directly to pull cord emergencies as this could delay emergency first responder assistance. Such a delay could have tragic outcomes. Residents should immediately call 911 when the system has been deployed.

- **10-19:** Include tenant safety in job descriptions, including those for senior management, and incorporate disciplinary measures for staff who fail to identify or act on tenant safety problems. **YCH response** please see F-4 above. With respect to discipline, YCH has a policy and practice of enforcing progressive discipline with staff for failure to adhere to YCH policies, including the ACOP, Risk Control Safety Policy, Personnel Policy and other safety policies. YCH will continue to enforce progressive discipline within its organization.
- **10-20:** Promote monitoring and awareness regarding tenant safety issues. Reporting should be coordinated with tenant councils to promote accuracy and completeness. **YCH response** YCH will continue to coordinate with residents and with the resident council on promoting awareness of resident safety issues. YCH will ensure that a portion of quarterly resident meetings is devoted to different aspects of safety awareness.
- **10-21:** Institute annual training sessions on safety and emergency preparedness for the entire staff and tenants. **YCH response** YCH currently conducts quarterly safety training for the entire staff and has safety topics at its quarterly resident meetings. Annually, YCH will use one module to focus on emergency preparedness.

This completes the response of the Housing Authority of the County of Yolo to the Grand Jury Report.