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Nicole Schmidt

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San Francisco Public Housing as an Avenue for Empowerment: The Case for Spirited Compliance with Tenant Participation Requirements

NICOLE SCHMIDT*

Introduction

Public housing developments, better known as “the projects,” are infamous for high rates of crime and squalid conditions. A conversation with any public housing tenant will reveal a plethora of deficiencies in the administration of housing developments. Citing problems from lack of communication and responsiveness to substandard and even unsanitary living conditions, many public housing residents feel isolated from the very processes and procedures that were designed with them in mind. The San Francisco Housing Authority (“SFHA”) has had an especially difficult time adhering to national standards regarding tenant participation in the development of goals and the measurement of progress in the public housing arena. As the seventeenth largest of approximately 3,200 local housing authorities in America, the SFHA includes fifty-one developments with 6,262 public housing developments in addition to administering 7,409 Section 8 vouchers.

* Nicole Schmidt is a 2009 Juris Doctor candidate at the University of California, Hastings College of the Law. The courageous residents of San Francisco public housing were instrumental in the development of this Note. Nicole would like to thank Sara Shortt of the Housing Rights Committee of San Francisco and Professor Mark Aaronson for their guidance and support. Lastly, she is forever indebted to Finn, Matthew, and especially her mother and father, for their love and companionship.

2. Interview with Sara Shortt, Executive Director, Housing Rights Committee of San Francisco, in S.F., Cal. (Sept. 15, 2007).
The impact of the nature of its administration affects over 30,000 residents and countless other members of the low-income population. The recent resignation of the SFHA’s longest running executive director, Gregg Fortner, is the last in a long line of events that seem to spell out glaring inadequacies in the city’s public housing program.

As a response to the difficulties associated with federal control of local public housing programs, the Quality Housing and Work Responsibility Act of 1998 (“QHWRA”) devolved responsibility for the administration of housing programs to local Public Housing Authorities (“PHA”). Along with increased control over their public housing and Section 8 programs, local housing authorities are charged with completing annual and five year plans detailing administrative procedures and submitting them for approval by the Department of Housing and Urban Development (“HUD”).

The QHWRA attempts to foster resident empowerment by mandating tenant participation in and comments on the annual plan process through the formation of Resident Advisory Boards “RAB”. As both a tool for reforming the San Francisco public housing/Section 8 programs and a catalyst for community empowerment, these participation requirements are critically valuable.

While the letter of the law has ensured the creation of a RAB in San Francisco, the spirit inherent in the policy goals of the QHWRA is clearly lacking. Despite the fact that PHAs are required to provide “reasonable resources” to allow RABs to gather and process information regarding resident needs, the San Francisco RAB has yet to have an independent meeting or unilaterally make comments to the annual plan. This note seeks to discover the ways in which the laws may be strengthened in letter or in implementation to facilitate the true participation and thus empowerment of low-income residents receiving assistance from the SFHA.

My research stems largely from my own experiences helping to conduct local tenant leadership meetings in a collaborative effort to form a committed, prepared and educated RAB in San Francisco.

4. Id.
7. No Trespass, supra note 6.
8. Id.
10. Shortt, supra note 2.
The sources for my views and information range from newspaper accounts of public housing crises to my own practical interactions with the QHWRA requirements. In particular, this note is based on personal conversations with public housing and Section 8 residents and my experiences working with grassroots and established housing rights organizations. In particular, the Housing Rights Committee of San Francisco's executive director Sara Shortt has been instrumental in illuminating the intricacies of public housing and Section 8 in San Francisco. This note seeks to provide an answer to the question: How can the full potential benefits of tenant participation in public housing be utilized to empower residents while improving the administration and characteristics of public housing programs?

This note is split into three main sections following the evolution and implementation of public housing laws in America. The first section traces public housing in America from its inception to current times, focusing in particular on the underlying policy choices made by enacting legislatures. Primarily relying on legislative developments in response to social and economic conditions, this portion of the note discusses the changing motivations and goals of lawmakers as well as the practical effects of changes in the law.

Section two outlines local interpretations and practical results of the QHWRA both inside and outside of San Francisco. Relative successes stemming from local implementation are contemplated, taking into account the levels of adherence to the overall spirit of tenant participation requirements. The particular situation and history of the SFHA is discussed in this section as well.

Finally, section three contemplates the ways in which the language in the QHWRA may be strengthened or, alternatively, implemented differently in order to ensure that tenant participation is meaningful and serves to foster both efficient housing programs and community empowerment.

This note features conclusions stemming from SFHA's failure to accurately address and remedy the various ills that plague the administration of public housing and Section 8 in San Francisco. The current economic recession will likely mean that the nature of public housing may soon affect a more expansive portion of the population. Compliance with the spirit of statutes mandating tenant participation in the annual plan process and beyond will serve to allow the housing authority access to valuable information about the true nature of public housing developments. With a more thorough understanding of the object of its responsibilities, the SFHA will inevitably be better able to address issues and concerns when they
arise, thereby benefiting the residents while reducing costs. In addition, the experiences of residents as members of a RAB will surely help to ensure a place for them as repeat players in community activities, which will have great potential for empowerment in other areas of life.

I. History and Motivations of Public Housing in America

As a response to the severe housing shortages and substandard living conditions of the Great Depression, Congress passed the United States Housing Act of 1937 ("USHA"). By authorizing loans to local public housing agencies, the Act facilitated the construction of lower-rent public housing. USHA also implicitly recognized the value of resident participation: The Declaration of Policy stated that "[n]o person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low income housing project." USHA also implicitly recognized the value of resident participation. Despite the absence of an explicit mandate of tenant participation, the Declaration seems to be aimed at fostering the creation of an administration that is at least open to including tenants. This early commitment reflects the timeless concern with functional and productive public housing management as it relates to the necessity for public participation.

The costs of World War II demanded a moratorium on new housing construction in the United States. In response to the growing need for low-income housing stemming from the economic effects of war (especially associated with returning soldiers), Congress passed the Housing Act of 1949. This Act ushered in a new era
characterized by further financing of the clearance of slums and blighted areas under redevelopment programs. Perhaps known best for the recognition that every American family deserves a "decent home and suitable living environment," the Act encouraged development of well-planned communities to eliminate inadequate and poor quality public housing. In 1965, Congress passed the Housing and Urban Development Act, which created a federal agency with powers and responsibility for oversight of public housing projects and their management. The U.S. Department of Housing and Urban Development ("HUD") was formed to support community development while ensuring non-discriminatory access to public housing. In further pursuit of the goal of equality, Congress passed Title VIII of the Civil Rights Act of 1968 (known as the "Fair Housing Act of 1968"), which prohibits discrimination in the housing market based on race, color, religion or national origin. The Act was enacted to bar all racial discrimination, private as well as public, in sale and rental of real property.

A. The Quality Housing and Work Responsibility Act

As evidenced by the lengthy history of legislation geared towards improving the state of housing in America, public housing "projects," as they are commonly known, have long been infamous for illicit activity relating to drugs and crime as well as generally substandard living conditions. In response to the recognition that public housing in America is "plagued with problems" at least partially caused by failed methods of federal oversight, Congress passed the "Quality Housing and Work Responsibility Act of 1998." As a mechanism to deregulate public housing agencies while making them more accountable to residents, the QHWRA aimed to help de-concentrate poverty in public housing while creating economic incentives and opportunities for residents to

17. Id.
19. See id. (charging HUD with exercising its powers consistently with national housing policy and facilitating sustained progress in attaining national housing objectives).
22. No Trespass, supra note 6.
become self-sufficient.\textsuperscript{23}

The Act delegates authority over many areas of public housing and Section 8 administration to state and local public housing agencies.\textsuperscript{24} One of the main features of the QHWRA is the development of mandatory annual and five year plans: Individual public housing agencies must set out their administrative plans at least once yearly for approval by HUD.\textsuperscript{25} HUD approval is crucial for each individual PHA, as failure to draft an acceptable annual plan can result in funding cuts or the withholding of federal housing funds altogether.\textsuperscript{26} In addition, the annual plan provides an important tool with which HUD may measure the competency of local housing authorities. If the annual plan indicates the need for concern about the effectiveness of local administration, HUD may rein in control of local housing programs by shifting responsibilities from the local to the federal level.\textsuperscript{27}

The requirements for the annual plan are very specific and include:

(a) statement of housing needs; 
(b) statement of PHA’s deconcentration and other policies that govern eligibility, selection, and admissions; 
(c) statement of financial resources; 
(d) statement of PHA’s rent determination policies; 
(e) statement of PHA’s operation and management; 
(f) statement of PHA grievance procedures; 
(g) statement of capital improvements needed; 
(h) statement of any demolition and/or disposition; 
(i) statement of public housing developments designated as housing for elderly families or families with disabilities (or both); 
(j) statement of the conversion of public housing to tenant-based assistance; 
(k) statement of homeownership programs administered by the PHA; 
(l) statement of PHA’s community service and self-sufficiency programs;

\textsuperscript{23.} No Trespass, supra note 6.
\textsuperscript{25.} No Trespass, supra note 6.
(m) statement of PHA's safety and crime prevention measures;
(n) statement of PHA's policies and rules regarding ownership of pets;
(o) civil rights certification.\textsuperscript{28}

In order to ensure tenant and public input into local decision-making, the Act also mandates the creation of at least one RAB for each PHA.\textsuperscript{29} The act outlines the functions of the RAB as follows:

Each [R]esident [A]dvisory [B]oard established under this subsection by a public housing agency shall assist and make recommendations regarding the development of the public housing agency plan for the agency. The agency shall consider the recommendations of the [R]esident [A]dvisory [B]oards in preparing the final public housing agency plan, and shall include, in the public housing agency plan submitted to the Secretary under this section, a copy of the recommendations and a description of the manner in which the recommendations were addressed.\textsuperscript{30}

The duties of the RAB, as delineated above, explicitly require that the Board be actively involved in the development of the annual plan. Contrary to the practical reality this note will reveal, Congress viewed the RAB as a "significant and permanent player in the plan process."\textsuperscript{31} In fact, the Senate Report indicates that the Resident Advisory Board was not expected to be an ad hoc committee:

The Committee envisions that [R]esident [A]dvisory [B]oards will be formally organized with rules of governance and an orderly process for nomination and appointment such that the advisory board is representative of a diversity of perspectives among the residents. It is anticipated that resident advisory boards will establish processes, such as public hearings, town meetings, or other means of acquiring information, to assure that advisory board members are informed of the opinions of other residents. Resident [A]dvisory [B]oards are not to be considered ad hoc

\textsuperscript{28} 24 C.F.R. § 903.7 (2008).
\textsuperscript{29} 42 U.S.C. § 1437c-1(e).
\textsuperscript{30} 42 U.S.C.S. §1437c-1(e).
\textsuperscript{31} No Trespass, supra note 6, at 174.
groups convened solely for the purpose of reviewing public housing agency plans and then disbanded. Rather, they are expected to be permanent organizations that meet on a regular basis as is necessary to carry out their responsibilities.  

In order to ensure that the RAB is able to exist as a productive and functional catalyst for the dissemination of information and ideas from residents concerning the local housing authority and public housing programs, Congress provided an avenue for resources. The PHA is required to "allocate reasonable resources to assure the effective functioning of Resident Advisory Boards." While a "reasonable" requirement seems too vague to have an impact, Congress did include some direction for the PHA in deciding what resources are necessary. "Reasonable resources" must provide means for RAB members to become informed on programs covered by the PHA, to communicate with assisted families by mail and telephone, to meet with assisted families, and to access information regarding covered programs on the internet. The obvious qualification of these requirements, however, is that these resources must be provided "taking into account the size and resources of the PHA." While the phrase "taking into account" fails to clearly indicate what effect disparities in PHA size and resources will have on "reasonable resources" for the RAB, even a cursory investigation of the characteristics of the SFHA and its jurisdiction shows that while deficiencies in resources caused by budget cuts and mismanagement may seem to provide an explanation for failures, the large size of the SFHA calls for adequate funding for the RAB.

The PHA must also adhere to strict timeline requirements regarding a public hearing and prior notice. In the effort to engage the public at large in the administrative planning process, the Act requires that the PHA conduct a public hearing to discuss and obtain

34. Id.
35. Id.
36. DOUGLAS RICE & BARBARA SARD, CTR ON BUDGET AND POLICY PRIORITIES, CUTS IN FEDERAL HOUSING ASSISTANCE ARE UNDERMINING COMMUNITY PLANS TO END HOMELESSNESS, (2007), available at http://www.cbpp.org/2-1-07hous.pdf. By 2006, funding for HUD programs had declined by $3.3 billion (or eight percent) in comparison to 2004, once adjustments for inflation are made. For 2007, the Administration has proposed further cutbacks of $1.3 billion. While Congress has not yet made its final appropriations decisions, most programs will likely be funded at roughly the same nominal level as in 2006, and therefore below 2006 levels once inflation is taken into account.
public comment regarding the annual plan.\textsuperscript{38} Information regarding the hearing and the proposed plan must be available to the public.\textsuperscript{39} Not later than 45 days before a public hearing is to take place, the PHA must make the proposed annual plan, including attachments, available for inspection by the public at the main office of the PHA and publish a notice informing the public that the information is available for review and detailing the time, place, and location of the public hearing.\textsuperscript{40} Lastly, there is one additional (albeit lackluster) requirement regarding public notice of the annual plan process: Congress stated that “PHAs shall conduct reasonable outreach activities to encourage broad public participation in the PHA plans.”\textsuperscript{41}

A casual reading of the QHWRA reveals that the U.S. Government was concerned about both the quality of public housing and the ability of the PHA to accurately respond to the needs and desires of tenants and the public at large. Clearly, the participation and notification requirements are meant to craft a collaborative process by which PHAs may develop policies and procedures that accurately reflect the needs of the diverse tenants that receive assistance. However, the weak language utilized in important sections of the law threatens to allow local PHAs enough discretion to completely ignore the spirit of the public participation requirements while feigning just enough compliance to continue to qualify for federal funding. The continuous use of the word “reasonable” in place of clear and specific guidelines for appropriate measures geared toward ensuring meaningful participation reinforces the lack of commitment to widespread participation. In addition, the absence of true safeguards in the language of the governing statutes allows violations to go mostly unnoticed on a macro level. In fact, it seems that the San Francisco public housing tenants themselves don’t know and/or don’t believe in the benefits of tenants’ rights when it comes to the annual plan process. This fact in conjunction with consistent federal housing budget cuts creates a dangerous situation for public housing in America in general and San Francisco in particular.

\textsuperscript{38} Id.
\textsuperscript{39} Id.
\textsuperscript{40} 24 C.F.R. § 903.17(b)(2).
\textsuperscript{41} 24 C.F.R. § 903.17(c) (2008).
II. History and Comparative Look at SFHA

This section will explore the history and current state of the San Francisco Housing Authority in regards to quality public housing and its relationship with residents. In addition, this section offers a brief look at the approaches taken by other housing authorities and the results, both successful and unsuccessful. The SFHA was established in 1938 by the San Francisco Board of Supervisors in response to the United States Housing Act of 1937.42 While HUD oversees the authority at the federal level, the San Francisco Housing Authority Commission operates at a local level to oversee and make decisions regarding the authority.43 The SFHA’s primary mission is “to provide safe, sanitary, affordable and decent housing to very low-income families, senior citizens and persons with disabilities.”44

The first public housing development west of the Mississippi, Holly Courts, opened in San Francisco in 1940.45 Four developments soon followed and SFHA managed a total of 1736 units by 1943.46 As San Francisco ports played a major part in WWII, this housing construction boom can be seen as the effort of the city to provide support for the 35,000 service members, war workers and their families.47 Despite charismatic beginnings, the SFHA has been plagued by allegations, from failure to protect residents from discrimination to mismanagement of often unsanitary housing. In the last ten or so years, the SFHA has been unable to maintain consistent good standing with HUD or San Francisco public housing/Section 8 residents.

In 1999, the SFHA was being praised for its ability to rise out of “troubled” status and make serious efforts to address tenants’ issues.48 Prior to extreme changes in administration and procedure, both the Vietnamese Coalition for Civil Rights and the Asian Law Caucus had filed lawsuits alleging that the Authority ignored

43. Id.
44. Id.
45. Id.
46. Id.
47. Id.
“repeated acts of racial harassment and violence in public housing.” In 1998, HUD cut off the SFHA’s day-to-day funding for nearly a month due to the housing authority’s failure to correctly report expenses. In addition, a HUD review found that incompetent management resulted in unsafe and unsanitary conditions in some public housing developments. HUD also cited lax rent collection, poor bookkeeping, shoddy repairs, high crime rates, and inadequate maintenance as issues that plagued the SFHA. In one instance, the SFHA was given an “F” for its “inadequate” response to tenant requests for repairs for such problems as plugged toilets and clogged sinks (issues that can result in dangerous health concerns if not addressed in a timely manner). The SFHA, instead of taking responsibility for its shortcomings in this area, chose instead to cite a “disagreement... [with HUD] over what constitutes an emergency.” The SFHA also received an “F” for failing to adequately monitor how public housing grants were spent and a “C” in rent collections. Again, a spokesperson for the SFHA was sure to point out that the agency collected “95 cents on the dollar” rather than being forthright in accepting the blame for what amounts to mismanagement of public funds.

Despite these troubles, the SFHA managed to get back on its feet by improving safety and bolstering the strength of internal administrative systems and procedures. Specifically, HUD investigators noted that the SFHA improved by “rehabilitating buildings, inspecting housing every year, keeping cash reserves, involving residents, tracking and reporting crime, and screening tenant applicants.” However, particularly in the past few years the SFHA has been plagued with allegations of complete mismanagement and substandard living conditions.

One of the biggest concerns in San Francisco public housing is safety and security. In March 2007, the city was forced to increase police patrols in public housing developments for the second time in two years. In order to help prevent violence, police vowed to step

49. Id. at A14.
50. Wilson, supra note 27, at A13.
51. Lewis, supra note 48, at A13.
52. Wilson, supra note 27.
53. Id. at A13.
54. Id.
55. Id.
56. Id.
57. Lewis, supra note 48.
58. Wilson, supra note 27.
59. Lewis, supra note 48.
up enforcement of trespassing laws that were already in place. Weeks later, elderly housing residents continued to complain of dangerous conditions inside their developments. In the absence of sufficient security, residents were forced to deal with drug dealing and fights when outsiders loitered inside their developments.

In August 2007, a Board of Supervisors Public Safety Committee meeting concluded that surveillance cameras were ineffective in helping to decrease the rates of homicide in public housing developments. Thus, public housing tenants continue to be concerned by the lack of effective security in many of the buildings. Trespassers seem to appear even while a guard sits near the front door, concentrating on the computer. Many buildings lack full-time security and instead must share a roving security guard with other developments, meaning that each group of tenants suffers a lack of complete safety. Residents speak of finding drug paraphernalia, used condoms, and even fecal matter in the hallways of federally owned public housing buildings. Tenants have even reported instances of intruders attempting to force their way inside apartments despite the protests of residents inside. One resident of a Western Addition public housing development commented, "[i]t's war out here."

Another prevalent problem with San Francisco public housing is the lack of physical maintenance of the developments. Residents of the "worst" housing development in San Francisco, Sunnydale in Visitacion Valley, state that their buildings are completely falling apart. Stairwells have collapsed, plumbing doesn't work, and windows are boarded up. In November 2007, the San Francisco Chronicle compared conditions in local public housing to those in third world countries when a mother in Hunters View, a housing project in Hunters Point, awoke to find sewage water draining into

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60. Id.
62. Id.
64. Public Housing Meeting, in San Francisco, Cal. (Feb. 4, 2008).
65. Id.
66. Id.
67. Knight, supra note 61.
68. Tenant Meeting, in San Francisco, Cal. (Feb. 5, 2008).
69. Fulbright, supra note 63.
71. Id.
her apartment from the ceiling.\textsuperscript{72} Even worse, the SFHA did not offer to help with or participate in clean-up efforts after the incident.\textsuperscript{73} Hunters View was named one of the worst housing developments in the nation by HUD officials earlier in 2007.\textsuperscript{74} Ironically, just a short time ago (in 1999) then-Mayor Willie Brown praised the SFHA for ensuring that “all of our public housing developments ... have had extensive exterior and interior rehabilitation as well as new plumbing, roofing, landscaping and improved handicapped accessibility.”\textsuperscript{75} In particular, eighty units in the Sunnyvale development were slated for complete renovation just eight years ago.\textsuperscript{76} Now, some “sinks are so moldy, they are black” and “cockroaches and mice run around inside.”\textsuperscript{77}

A third issue commonly experienced by public housing tenants is racial discrimination and violence. The problem is not new nor is it a surprise. In 1999, a federal judge placed the SFHA under a housing decree, ordering the agency to “integrate public housing and protect residents from harassment.”\textsuperscript{78} Then, in 2002 the U.S. Department of Justice sued the SFHA for “knowingly allowing its tenants to be victims of racial harassment.”\textsuperscript{79} It was alleged that the SFHA responded with indifference to repeated complaints of vandalism and verbal threats aimed at an interracial couple in Potrero Hill.\textsuperscript{80} In keeping with its earlier defensiveness, the housing authority called the lawsuit “misdirected and unfair.”\textsuperscript{81}

Today, residents of Clementina Towers in SoMa, the “South of Market” neighborhood in San Francisco, complain of racial tension, especially involving Muslims and African Americans.\textsuperscript{82} One resident from that development speaks of continuous harassment simply because he looks like he may be of Middle Eastern descent\textsuperscript{83} (ironically, he’s from India). In December 2007 a family of Pakistani immigrants filed suit against the SHFA alleging that the authority’s failure to allow them an emergency transfer after an

\textsuperscript{72} Heather Knight, Ceiling Break at Public Housing Unit Draws Third World Comparison, S.F. CHRON., Nov. 16, 2007, at B1.
\textsuperscript{73} Id.
\textsuperscript{74} Id.
\textsuperscript{75} Wilson, supra note 27.
\textsuperscript{76} Id.
\textsuperscript{77} Fullbright, supra note 70.
\textsuperscript{79} Id.
\textsuperscript{80} Id.
\textsuperscript{81} Id.
\textsuperscript{82} Public Housing Meeting, supra note 64.
\textsuperscript{83} Public Housing Meeting, in San Francisco, Cal. (Feb. 5, 2008).
ethnically and religiously motivated burglary and vandalism amounted to a violation of the law.\textsuperscript{84} Perhaps manifesting a pattern of lack of responsiveness, at the time of the burglary and vandalism, the SHFA was under court order (from the Department of Justice lawsuit mentioned above) to “immediately and thoroughly investigate all claims of harassment motivated by race and religion.”\textsuperscript{85}

A last, and perhaps most important, issue that arises constantly in speaking with public housing and Section 8 voucher program residents (both managed by the SFHA) is the lack of effective communication and timely responsiveness of the SFHA. Tenants speak of situations in which it has taken \textit{months} to get in touch with the SFHA to ask simple questions about repairs or monthly fees.\textsuperscript{86} Despite the presence of local management responsible for a smaller segment of public housing developments, tenants are still often unable to find anyone to address housing issues. For example, one development manager, notorious for having been re-assigned various times due to the astounding number of complaints regarding his lack of responsiveness, is said to commonly show up at his developments once a week and literally shut tenants out of his office as they try to approach him with important complaints.\textsuperscript{87} Tenant association presidents, low income housing residents themselves, often have to deal with late-night and early-morning calls from neighbors about urgent issues that are the responsibility of management.\textsuperscript{88} Another problem with the failure of the SFHA to set up adequate procedures for communicating with residents is that increases in rent or the addition of maintenance charges (for both public housing and the Section 8 voucher program) are commonly a complete surprise to tenants who are already living paycheck to paycheck.\textsuperscript{89} Further, tenants say they aren’t notified of important public housing meetings until a few days before they’re scheduled, causing most of them to miss the meetings because they’re unable to get off work on such short notice.\textsuperscript{90} This failure of communication between the SFHA and its residents can be blamed for constant deficiencies apparent in all areas of San Francisco public housing.

\textsuperscript{84} Marisa Lagos, San Francisco Housing Authority Sued Over Failure to Protect Muslim Tenants, S.F. CHRON., Dec. 10, 2007, at D1.
\textsuperscript{85} Id.
\textsuperscript{86} Tenant Meeting, \textit{supra} note 1; Public Housing Meeting, in San Francisco, Cal. (Feb. 18, 2008).
\textsuperscript{87} Public Housing Meeting, \textit{supra} note 83.
\textsuperscript{88} Id.
\textsuperscript{89} Id.
\textsuperscript{90} Id.
Despite these consistent troubles with San Francisco public housing and the existence of federal laws aimed at creating a secure place for tenants in the formation of the annual plan, the SFHA has failed to comply with the spirit of the QHWRA. The situation remains in which the SFHA continues to run an enterprise that they don’t wish to learn about from those who understand it best, the tenants. Public housing residents that have been involved with the RAB in the past state that the “reasonable resources” allotted to the board amounted to nothing.\textsuperscript{91} The RAB met a total of four times, all within the three months before the annual plan was due to HUD; all four meetings were facilitated by SFHA without any outside organization or information gathered by the tenants.\textsuperscript{92} The fact that the housing authority itself facilitates and runs each RAB meeting has an enormous impact on the nature and quality of RAB discussions and deliberations as well as the input the RAB is able to offer in regards to the San Francisco annual plan. Seated at chairs feet below the platform occupied by the administration of the SFHA, residents may experience a chilling effect on their ability to speak freely and honestly about their experiences in public housing. In addition, residents need time to flesh out their concerns and come up with a cohesive and comprehensive set of comments to present to the SFHA regarding the Annual plan. Four one-hour meetings featuring an agenda formulated by the SFHA itself certainly doesn’t seem conducive to this kind of serious deliberation.

Another issue with the RAB meetings as currently held is that minutes of the meetings are taken by the SFHA itself.\textsuperscript{93} In San Francisco, these minutes often become a part of the RAB comments to the annual plan.\textsuperscript{94} Residents of San Francisco public housing are doubtful, at best, about their effectiveness as members of a RAB.\textsuperscript{95} There are a plethora of complaints stemming from a general lack of responsiveness on the part of the SFHA.\textsuperscript{96} For example, residents speak of meetings with substantial testimony by RAB members, none of which is transcribed by the SFHA.\textsuperscript{97} Of the comments that are written down, residents say the SFHA fails to accurately portray the concerns of the residents and often downplays issues that RAB members feel strongly about by using vague and weak language.\textsuperscript{98}

\textsuperscript{91} Public Housing Meeting, \textit{supra} note 64.
\textsuperscript{92} Public Housing Meeting, \textit{supra} note 83.
\textsuperscript{93} Id.
\textsuperscript{94} Id.
\textsuperscript{95} Id.
\textsuperscript{96} Id.
\textsuperscript{97} Id.
\textsuperscript{98} Id.
In addition, residents feel disconnected from the government agency and feel that the ineffective management of the developments themselves won’t be solved in formal meetings with the SFHA. 99

In terms of the “reasonable resources” that are afforded RABs, most residents said they couldn’t even fathom the SFHA funding their private meetings. 100 In fact, during my own work with the Housing Rights Committee of San Francisco and the National Housing Law Project, we saw no less than three tenants mysteriously and suddenly stop working with us altogether after meetings with SFHA representatives. While there is no direct evidence of what exactly the residents were told about our efforts to help form an educated and unified RAB in San Francisco, we can only guess that the residents were frightened out of participating in simple community organization.

Legal services and civil rights organizations also play a role in determining the effectiveness of a RAB. In San Francisco, groups like Bay Area Legal Aid, Housing Rights Committee and the National Housing Law Project have played a large part in the contribution of public comments regarding the annual plan. 101 These organizations helped to address issues including compliance with the Violence Against Women Act of 1994, service of limited English proficiency residents, and reasonable accommodations. 102 While the contributions of these and other local organizations concerned with housing rights are crucial to the annual plan process, tenants are almost surely better represented by those who experience public housing first-hand.

These procedural failures in the arena of tenant participation in the annual plan process can evolve into significant substantive failures on the part of the housing authority. Therefore, it is essential to discover the ways in which other similarly situated PHAs have complied with federal laws mandating public participation to formulate a specific vision of the resolution to the current situation in San Francisco.

99. Id.
100. Section 8 Meeting, supra note 86; Public Housing Meeting, supra note 83.
102. Id.
A. Resident Participation in Other Jurisdictions

The method and character of local interpretation of the QHWRA often defines the nature of the public housing and Section 8 programs offered in a given jurisdiction. The experiences of individual jurisdictions in regards to compliance with the Act’s requirements, especially concerning the formation and utilization of RABs, greatly vary.

The PHA in Chicago provided the Central Advisory Council (the local RAB) with "$50,000 to hire individuals, including the Legal Aid Foundation of Chicago, to provide technical assistance with the planning process."103 The Chicago RAB had control over the funds and the ability to make decisions on how and for whom the funds would be spent. In addition, the RAB sought and received private foundation funding to assist it with the planning process. The Chicago PHA allocated $1.2 million in 2000 for the support of tenant councils over the next several years.104 One of the main reasons cited for the success of the Chicago RAB is the tenants’ consistent involvement in the adoption of a comprehensive plan for the transformation of public housing.105 Even in Oakland, a city just across the bay from San Francisco, the PHA hired a consultant to work with the RAB. However, when the PHA staff and the consultant controlled the agenda and presented issues in too complex a manner for general understanding, it was reported that the process as followed in the jurisdiction allowed for “limited effectiveness in securing resident input.”106 According to the National Housing Law Project, “[a]dvocates reported that RABs that consulted with outside experts or had independent legal representation were more independent and representative.”107

Other RABs have made progress even without independent representation. In Camden, New Jersey, the RAB was even able to pressure the PHA to start anew on the annual plan when the authority drafted the first plan without resident involvement.108 In response, the PHA spent $30,000 to hire a local housing advocate as counsel for the RAB.109 The RAB, along with its advocate, was able to discuss and make recommendations regarding the entire annual plan;

103. No Trespass, supra note 6, at 178.
104. Id.
105. Id. at 179.
106. Id.
107. Id. at 178.
108. Id.
109. Id. at 179.
the members ultimately felt that the PHA "considered their comments and made some significant changes to the plan."\textsuperscript{110}

Even in jurisdictions where the PHA has not been as attentive to the RAB, successes stemming from cohesive and unified resident groups have been noted. For example, in Hartford, Connecticut, a RAB concerned with the responsiveness of the local PHA included a comment in the annual plan requesting that the PHA meet with the RAB consistently throughout the year, assist it with the Annual plan process, and provide updates on the implementation of certain important programs and plans.\textsuperscript{111}

It is clear from this cursory examination of the experiences of other public housing jurisdictions that there are a variety of ways to comply with tenant participation requirements with a plethora of possible results. While the language in the applicable statutes seems to allow vastly different methods and levels of compliance, the goals of public housing (including the provision of safe, decent and affordable housing for lower income individuals) are best served when tenants are able to play a meaningful part in the annual plan process and thus the daily administration of public housing.

III. The Case for Compliance or the Need for Stronger Mandates

Benjamin Franklin said, "Tell me and I will forget. Show me and I will remember. Involve me and I will understand."\textsuperscript{112} The goal of empowerment for disadvantaged communities through participatory education is found to characterize countless efforts to improve conditions in America. For example, the astounding successes of the grassroots community development organization Dudley Street Neighborhood Initiative in the Boston area can be attributed to consistent and conscientious efforts to provide public education and participation.\textsuperscript{113} In the Tenderloin neighborhood of San Francisco, the work of the Southeast Asian Community Center ("SEACC") involving community education and participation has a huge impact on the lives of recent immigrants. SEACC provides

\textsuperscript{110} Id.

\textsuperscript{111} Id. at 178.

\textsuperscript{112} Howard University Center for Urban Progress, Center for Advancement of Service Learning, http://www.coas.howard.edu/hucup/casl_quotes.htm (last visited Apr. 2, 2009).

\textsuperscript{113} PETER MEDOFF & HOLLY SKLAR, STREETS OF HOPE: THE FALL AND RISE OF AN URBAN NEIGHBORHOOD (1994).
counseling and education regarding small business start-up and maintenance to all immigrants residing in San Francisco. In turn, Southeast Asian immigrants have been able to consistently educate their peers to a level where Little Saigon, a neighborhood made of immigrant business geared toward serving the immigrant populations, naturally developed from the efforts of the entire community.114

Public housing legislation has shown a concern with resident involvement in planning administrative and procedural aspects of local jurisdictions since at least 1938. However, it doesn’t seem that the last eighty years have resulted in the collaborative and effective effort in San Francisco that Congress seemed to hope for, to the detriment of the public housing all over the city. While this can partially be based on federal budget cutbacks and flawed federal oversight, it is important for local officials to understand the power of resident involvement and responsiveness on the part of the SFHA. By understanding trends in conditions experienced at public housing developments and having access to the latest news of issues in particular locations, the SFHA is more likely to have the capacity to solve problems by catching them early. The capacity of the SFHA to effectively manage a public housing program as large and diverse as San Francisco’s includes detailed knowledge of each development and its tenants as well as sufficient financial resources to address problems as they become apparent. By consulting with tenants, the SFHA can utilize first-hand information regarding specific issues in the developments when drafting policy and making management choices. In addition, assuming that tenants will relate concerns to the authority faster than would a chain of management and administrative staff (which is almost certain to be true, as problems are more likely to personally effect and agitate tenants), solutions will often be less expensive when devised early.

Increased compliance with the spirit of resident participation requirements will also, theoretically, address arguments of financial conservatives that public housing is meant to be temporary and thus that the solution to financial crises is simply to decrease housing assistance. It is fundamental that empowerment means increased success in many aspects of life. By empowering residents with the development of a strong and unified RAB, the SFHA may reasonably expect more at least a few of those residents to take a leading role in advocating for their developments. The development

114. Interview with Richard Wada, Director of the Small Business Program, Southeast Asian Community Center, in San Francisco, Cal. (Oct. 29, 2007).
of leadership skills and a commitment to the community may foster continued success in tenants, ultimately allowing them to "move up" and out of public housing. This may help by lending legitimacy to a PHA that has been plagued with allegations if ineffectiveness.

To functionally and effectively comply with tenant participation requirements, the SFHA should first take steps to ensure that residents are given proper notice of the opportunity to become a part of the RAB. During admissions interviews, the SFHA should advise tenants of the existence of the RAB, describe its purpose as an advisory body to the SFHA and provide information regarding meetings of both the RAB and any development-centered tenant councils. The SFHA should also ensure that sufficient resources for publication of meeting details are available to the RAB. Further, the RAB itself can help foster continued participation by organizing tenants around vital issues in each development. It is also important for tenants to continually be made aware of the potential impact of the RAB and of ways that individuals may contribute to improving the nature of public housing in San Francisco in general.

In addition to ensuring that each tenant is given the opportunity to become a part of the RAB, it is crucial that the SFHA take seriously the RAB’s role as year-round advisory body. By listening attentively and making concerted efforts to ameliorate problems cited by tenants, the SFHA will not only make clear the advantages of participation (therefore encouraging continued involvement by tenants) but will improve the nature of public housing in San Francisco as a whole. Concededly, each particular problem complained of by the RAB will not be solved simply by a good working relationship with the SFHA. However, the involvement of both administration and tenants on the numerous issues affecting public housing can only improve the chances of effective resolutions.

Alternatively, without a commitment of tangible compliance with the spirit of resident participation requirements by the PHA, the only option is the tough route of attempting to strengthen the law regarding public housing. Tightening up the requirements for PHA responsiveness and attentiveness to RAB and public comments would help to place the burden of follow-through with the PHA rather than a few dedicated tenants and community organization workers. The inclusion of more tenants on the SFHA and even as part of the housing commission would help to ensure that an undiluted perception of public housing needs and conditions is available. The word "reasonable" as used throughout the housing statutes should be replaced with specific requirements for tenant education and organization of a cohesive RAB.
In terms of monitoring compliance with tenant participation mandates, it would be immensely useful for HUD to add an “Empowerment Report” to the list of items to be submitted with the Annual plan. The report should detail efforts made to educate tenants and make the formation and functionality of a RAB simple for tenants, as well as a comprehensive list of all RAB and public comments along with the responses of the SFHA and tangible measures taken to address serious issues. As pure reliance on the SFHA doesn’t always give a clear and precise picture of reality, it will also be helpful to require the inclusion of a statement directly authored by the RAB president or all RAB members together describing residents’ view of the SFHA’s compliance and specific measures taken by the SFHA, as well as a verification that the comments and responses included in the annual plan that year are true and correct (and accurately translated).

**Conclusion: A City with a Problem**

San Francisco’s public housing program is characterized by disrepair, problems with safety and security and overall dissatisfaction. Despite living in one of the most educated cities in America, many citizens of San Francisco deal with third world conditions in their housing developments on a daily basis. Federal and state statutes aimed at ensuring tenant participation in the Annual plan process are weak enough to allow the SFHA to trod over the spirit of participation mandates; instead they continuously deprive San Francisco’s public housing residents of the opportunity to be involved in what could be a very empowering experience: membership on a RAB. RABs truly provide the chance for the PHAs to improve the administration of public housing as well as the physical conditions of developments while enabling residents to take part in a community effort. It is the moral and official duty of the SFHA to run the city’s public housing programs to the best of its ability; doing so requires a firm commitment not just to the letter, but to the underlying spirit of all housing statutes, especially those mandating tenant participation.