



Minutes of the PUBLIC HOUSING AUTHORITY Meeting

Approved on December 12, 2006

Date of Meeting: September 6, 2006

The Board of Commissioners of the Public Housing Authority of the City of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 West Alameda, Tucson, Arizona, at 5:30 p.m., on Tuesday, September 6, 2006, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Chair Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Commissioner
Carol W. West	Commissioner
Karin Uhlich	Commissioner
Shirley C. Scott	Commissioner (Electronic Attendance)
Steve Leal	Commissioner
Nina J. Trasoff	Commissioner
Dorothy Payne	Commissioner
Robert E. Walkup	Chair

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Commissioner Scott was unable to be present at the meeting and would be participating by telephone. She said this was allowable under the Mayor and Council Rules and Regulations. Commissioner Scott had advised the City Clerk of her location and that no one else was present in the room. She stated Commissioner Scott would be watching the meeting by television and a conference telephone was in place that would allow her full participation in the meeting. Ms. Detrick said Commissioner Scott could vote on all matters in the same way as those members physically present, as long as she participated in any discussion, and was not just present for the vote. She said all votes would be taken by roll call, rather than voice vote.

Ms. Detrick also announced Susie Rogers, interpreter, would be assisting with anyone in the audience needing Spanish language for items listed on the agenda.

2. COMMUNITY SERVICES DEPARTMENT: CERTIFICATION OF A PUBLIC HOUSING ASSESSMENT SYSTEM TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2006

Kathleen S. Detrick, City Clerk, announced the City Manager's communication number 476, dated September 6, 2006, would be received into and made a part of the record. She read the resolution by number and title.

Resolution No. PHA2006-018 relating to Community Services; authorizing and directing the City of Tucson Community Services Department to certify to the United States Department of Housing and Urban Development (HUD) its standing on financial and management indicators required under the Public Housing Assessment System Program (PHAS) as of fiscal year ending June 30, 2006; and declaring an emergency.

It was moved by Commissioner Ibarra, duly seconded, to pass and adopt Resolution PHA2006-018.

Chair Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Commissioners Ibarra, West, Uhlich, Scott, Leal, Trasoff, Payne; and Chair Walkup

Nay: None

Resolution PHA2006-018 was declared passed and adopted by a roll call vote of 8 to 0.

3. PUBLIC HOUSING AUTHORITY: APPROVAL OF REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN

Kathleen S. Detrick, City Clerk, announced City Manager's communication number 468, dated September 6, 2006, would be received into and made a part of the record. She read the resolution by number and title.

Resolution No. PHA2006-017 relating to Community Services; approving and executing revisions to the Section 8 Administrative Plan; and declaring an emergency.

It was moved by Commissioner Payne, duly seconded, to pass and adopt Resolution PHA2006-017.

Chair Walkup asked if there were any further discussions.

Commissioner Payne expressed concerns about the *Violence Against Women's Act*, and asked for discussion of the item prior to taking a roll call vote. She noted that the *Act* covered domestic violence threats and intimidation, stalking, sexual assaults, and dating violence. She felt it did not cover spousal abuse, date rape, acquaintance rape, or relationship violence. She stated no act of violence was right. She wanted to see where survivors would go if they were in one of those situations. She asked how the families would be assisted, about their safety measures, and the need for a list of programs of where they could seek help. Also, if the survivor did not report, she wanted to know what would happen. She noticed that there was a fourteen-day window where if they could not prove that the act of violence did happen to them, after fourteen days one would not be protected under this law.

Commissioner Payne said she was also concerned that each situation would be considered case by case, depending on what situation was happening at that moment. She wanted to know what other ways the situation could be solved, if one did not report, so that they could keep their housing. Also, if one was in a relationship, she did not see how she could get herself out of that situation and also keep her housing, if she were an immigrant and her children were citizens.

Commissioner Payne asked if there were two laws going on, in the case of domestic violence. She asked if in the old law, when there was a certain way one could serve their time, and now would it be a felony. She wanted to make sure the situation would be defined, if it would be under the new law or the old law. She said she would like to see that changed. She also said she did not like the word 'victim'. She liked the word 'survivor' better.

Commissioner Payne also stated the community that would be burdened by the law would be people with bad credit ratings. The background check would be something that could stop them from getting a place, but now this law would cover them - poor landlord references, history of evictions, and criminal records. She wanted to make sure everyone could be protected under the law.

Chair Walkup said they were now in the middle of one motion, and now had an emerging set of concerns and issues. He asked the City Clerk how they should proceed.

Ms. Detrick said she presumed that Ms. Payne was withdrawing her motion until her questions are answered, then a new motion could be made and the vote could begin again.

Emily Nottingham, Community Services Director, advised the Commission Members that this action would be in response to the Federal *Violence Against Women Act*, which was passed as Federal legislation in 2006. As a result of that *Act*, there were things that applied specifically to Section 8, which they were required to include in their administrative plan. As a Housing Authority responsible for doing criminal background screening and screening individuals for the Section 8 program, they have always taken pride in being sensitive to the issues of violence against women and sexual assault. As a practice, they have allowed individuals who were survivors of violence to make that clear and not penalize them for that fact. This would give them the legal authority and would provide the legal authority throughout the country to do that.

Ms. Nottingham said the *Act* would increase the protection for women who were survivors of violence, so that they, as landlords working under the Section 8 Program, would not be able to penalize them unnecessarily or wrongly, in a situation where they were the survivor rather than the perpetrator of the crime. This would increase their protection and all they would be able to address would be how the law would apply to public housing or Section 8. She said there might be other changes, which would be needed at the national level as well.

Commissioner Trasoff asked if all categories would be covered in the *Violence Against Women Act*, including those covered by Commissioner Payne.

Ms. Nottingham replied she might have to refer that to the City Attorney, but said she knew that sexual assault had a fairly broad definition. She said that in their interpretation of the law as they reviewed applications for Section 8, they would assume that the intent was that it would apply in those situations.

Mike Rankin, City Attorney, stated that if such an offense would be charged as a sexual assault, it would be covered to the extent sexual assault would be included within the act.

Commissioner Trasoff asked if there was anything that would restrict them from doing more than the Federal *Act*. She noted they have always been ahead of things, in terms of protections. She asked if it was necessary for them to specify, rather than having it be based just on their interpretation, to specify that those other specific acts would be covered, so that it would not be left to interpretation.

Mr. Rankin said he did not feel that was necessary. He said the Commission could announce that their direction was that they would interpret it as broadly as possible,

to incorporate those types of offenses, as Commissioner Payne articulated. With respect to approval of the plan as Ms. Nottingham stated, the idea would be to comply with the Federal mandate that had been provided and have the plan in accordance with that. He stated they would certainly take the Commission's direction to include those offenses and read it as broadly as possibly within the confines of the Act.

Commissioner Trasoff asked the City Clerk if that would require them to modify the motion, or would that direction need to be modified.

Mr. Rankin said they were hearing that direction as part of the motion.

Commissioner Trasoff said she wanted to make clear another question Commissioner Payne raised. When they looked into the issue of whether they had only fourteen days in which to prove, survivors would also have the ability to self certify, and asked if that was the case.

Ms. Nottingham replied 'yes', they could self certify.

Commissioner Trasoff confirmed they would be protected. She asked to raise a final issue, based on Commissioner Payne's concerns, and thanked Commissioner Payne for raising those issues. She asked if someone needed protection, would the survivor need to move, or the alleged perpetrator; and if there was going to be protection and separation if there was not an arrest, which might happen in some instances, who would have to move, and how would that be determined.

Ms. Nottingham replied that would depend on the case at hand. She said that again, they would be dealing with the Section 8 Program, so they would not mandate who would be moving. They would have to decide that in the circumstances of the case and with the landlord.

Commissioner Trasoff asked if in fact something happened and the survivor was the one who had to move, would they be protected and something found for them.

Ms. Nottingham replied they could continue to receive assistance under the Section 8 Program.

Commissioner Leal said that separate from the domestic or spousal violence issue, he needed insight on the issue of background checks. It was his understanding that some organizations in some states, when they did them, they actually counted arrests whether or not there was a conviction. Some institutions in some states, when a background check is done, only counted convictions. He asked how it was done in the City.

Ms. Nottingham replied that when the information comes up to them, it would show arrests, but they only counted convictions, and they only dealt with felonies, not misdemeanors. She added they only dealt with felonies within the last three years.

Commissioner Leal felt that was good. He said there was a balance between protection and creating abusive systems. He was glad it was done that way.

Ms. Detrick asked Commissioner Payne to make her motion again.

It was moved by Commissioner Payne, duly seconded, to pass and adopt Resolution PHA2006-017.

Chair Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Commissioners Ibarra, West, Uhlich, Scott, Leal, Trasoff, Payne; and Chair Walkup

Nay: None

Resolution PHA2006-017 was declared passed and adopted by a roll call vote of 8 to 0.

4. APPROVAL OF MINUTES

Kathleen S. Detrick, City Clerk, announced City Manager's communication number 460, dated September 6, 2006, would be received into and made a part of the record. She asked for approval of the minutes for the Board of Commissioners of the Public Housing Authority meeting of June 13, 2006.

It was moved by Commissioner Trasoff, duly seconded, to approve the minutes of June 13, 2006, as presented.

Chair Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Commissioners Ibarra, West, Uhlich, Scott, Leal, and Trasoff; Payne, and Chair Walkup

Nay: None

The motion to approve the minutes of June 13, 2006 was carried by a roll call vote of 8 to 0.

5. **ADJOURNMENT** 5:58 p.m.

Chair Walkup announced that the meeting of the Board of Commissioners of the Tucson Public Housing Authority would stand adjourned.

CHAIR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Board of Commissioners of the Public Housing Authority of the City of Tucson, Arizona, held on the 6th day of September, 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac:cdj