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April 1, 2005

Via Federal Express

The Honorable David Parks
Chair, Committee on Government Affairs
Nevada State Legislature
Nevada State Capitol
401 South Carson Street
Carson City, NV 89701-4747

Re: Opposition to Assembly Bill 355

Dear Chairman Parks:

I am writing on behalf of the Housing and Development Law Institute (HDLI). HDLI is a nonprofit organization based in Washington, DC that serves as a national legal resource for public housing agencies, redevelopment agencies, and other stakeholders in the public housing industry. Our members include public housing and redevelopment agencies of all sizes across the country, including public housing agencies in Nevada.

HDLI has reviewed Assembly Bill 355 recently introduced into your Committee and writes this letter in strong opposition to the bill. For the reasons described more fully below, HDLI urges your committee not to support this bill because it is overly broad and contravenes existing comprehensive protections that adequately balance the rights of all residents and the rights of agency management to meet its obligation to provide safe, decent and sanitary housing to the residents.

Clearly, the framers of Bill 355 are striving to ensure procedural protections for public housing residents who are impacted by adverse decisions of public housing agencies. However, as written, this Bill is so overly broad that it not only would apply to serious agency decisions, such as terminations of assistance or evictions, but would apply to *every* daily administrative decision that a housing agency makes, such as unit transfers, modifications to units, etc. This likely would embroil agencies and the court system in significant numbers of new law suits in the district court, causing the agencies to expend significant sums of money and to divert human resources in the process.

In this age of a true *national housing crisis*, Bill 355 undoubtedly would make it even more difficult for public housing agencies to fund, and pay appropriate attention to, the provision of housing and housing services to their residents. If the bill is passed, agencies will be forced to divert significant amounts of scarce, and constantly dwindling, public housing funds from housing programs and services to the litigation that is intended to ensue from Bill 355.

Given the extraordinarily lengthy time frames and litigation stays that are extended within the bill for the benefit of residents, the bill would operate to encourage residents clearly in violation of their lease to initiate litigation, if for no other means but to stall the inevitable. This will make it even more difficult for public housing agencies to enforce their leases, recover delinquent rents to help support the housing program, and/or evict tenants involved in criminal behavior or who otherwise threaten public housing developments. In cases of criminal behavior, nuisance, and other serious violations, while the tenant is enjoying the lengthy stay provided under Bill 355, the rest of the community will be forced to suffer with enduring their presence. And while the tenant remains on the rolls, his or her spot cannot go to other needy families waiting desperately to be assisted.

Finally, Bill 355 does not recognize that the federal government already has in place a sophisticated regulatory scheme that provides significant procedural and substantive rights and ample safeguards for public housing residents faced with adverse agency decisions. This nationally-applicable scheme provides residents with informal grievance hearings, followed by formal grievance hearings. The existing mechanism provides for the reversal of the housing agency's decision in appropriate cases, which is binding on the housing agency. And where the housing agency prevails on a grievance, it must still file an action in court to evict the resident and prove its case. The resident has the right to contest the eviction action in court, and to appeal any adverse decision. The existing scheme is mandated by federal regulation, enforced by HUD, and is followed nationally by public housing agencies so that there is consistency in treatment and outcomes with regard to the use of precious federal funds. Bill 355 will destroy this important consistency inherent in the existing grievance and appeal system.

The effects of Bill 355 on the ability of public housing agencies to provide affordable homes and related housing services to the many public housing residents that they serve will be devastating on Nevada housing agencies and residents and potentially equally devastating on thousands of other public housing agencies and their millions of public housing residents across the country.

While HDLI is in favor of providing public housing residents with full protections to address adverse decisions by their agencies, you must consider that in providing the extraordinary procedural protections for public housing tenants, Bill 355 elevates this group of tenants above other groups not receiving public housing assistance, creating a two-tier system that will likely be difficult to both manage and defend within the judicial and executive systems.

HDLI strongly urges you to consider the adverse impact that Bill 355 will have on the rest of the public housing community, agencies and residents alike, and urges you to not support this bill.

Very truly yours,

Lisa Walker Scott
HDLI Executive Director & General Counsel

Bcc: David Morton, Reno Housing Authority