

DETERMINATION OF REASONABLE CAUSE

DATE: July 27, 2023

CASE NAME: Teresa Roberson v. St. Petersburg Housing Authority

CASE NUMBER: HUD No.: 04-23-4801-8 PCOHR No.: PC-23-026

I. JURISDICTION:

The Complainant Teresa Roberson (hereinafter “CP Roberson”) alleged she was subjected to different terms and conditions by being denied a voucher transfer from the Tampa Bay Housing Authority (Hereinafter “TBHA”) to the Respondent, St. Petersburg Housing Authority due to her disabled status in violation Section 804(f)(2) of the Fair Housing Act and Chapter 70 of the Pinellas County Code of County Ordinances. The Respondents are the St. Petersburg Housing Authority (Hereinafter “RP SPHA”), Vanessa Manning, Housing Voucher Specialist (Hereinafter “RP Manning”) and Katherine Velez, Housing Choice Intake Supervisor (Hereinafter “RP Velez”).

The most recent act of discrimination is alleged to have occurred on March 21, 2023, and continuing. The complaint was filed timely on April 28, 2023. The subject property address is RP SPHA’s business address, located in Pinellas County.

II. COMPLAINANT’S ALLEGATIONS:

CP Roberson belongs to a class of persons whom the Fair Housing Act (the Act) protects because she is involved in a protected activity. CP Roberson states she received a transfer from Tampa Housing Authority to St. Petersburg Housing Authority. She contacted St. Petersburg Housing Authority and was advised by Vanessa Manning (RP Manning) Housing Voucher Specialist that her transfer never took place. CP Roberson states that RP Manning's denial is a refusal to rent.

CP Roberson has a Tampa Housing Authority voucher that she requested be transferred to Pinellas County to be close to family members that would assist her with her disability. On August 7, 2022, CP Roberson received a portability package that was sent to St. Petersburg Housing Authority (RP SPHA) by Jason Cruz Ayala (Portability Supervisor at Tampa Housing Authority). The package was sent to Katherine Velez (RP Velez) (St. Petersburg Housing Authority HVC Special Programs Intake Supervisor). The request was made for RP SPHA to confirm that they received the information. CP Roberson states that once she confirmed with Tampa Housing Authority that her file was forwarded to RP SPHA, she began contacting the agency to confirm that all documents were received and start the process of finding housing in Pinellas County.

CP Roberson states she attempted several times to reach out to RP SPHA to begin the process of transfer with no success. CP Roberson states she spoke with RP Velez at the end of 2022 and was advised that they did not have the voucher. CP Roberson also spoke with Joyce

DeBardleben (RP DeBardleben) (HVC Project Based Specialist) and Vanessa Manning (RP Manning) (HCV Intake Specialist) and was advised they did not receive the voucher transfer request. On February 28, 2023, Tampa Housing Authority Portability Department, sent a letter to RP SPHA regarding the portability transfer done and providing all the information required. CP Roberson states she has forwarded the information to RP Manning, and RP Velez, and they are still denying the receipt of the transfer, and the voucher. CP Roberson states that the denial from RP SPHA regarding the transfer is discriminatory, as there are other vouchers that have been received with no issue by them.

III. RESPONDENTS' DEFENSES:

The RP SPHA provided the following information as their response:

03/26/2023 - The SPHA received a HotlineInquiry (2023HICC037958) from Ileana Colon, Program Analyst HUD Field Office, Miami, Florida. A complaint was filed against the Tampa Housing Authority and the SPHA surrounding issues with the transfer of Ms. Roberson's Housing Choice Voucher to the SPHA's jurisdiction. The HotlineInquiry was emailed to Michael Lundy, President/CEO of the SPHA and forwarded for review and response to Larry Gonzalez, VP of the HCV program.

03/27/2023 - Larry Gonzalez received an email from Ms. Roberson regarding the contact made to staff and if any portability paperwork was received. Gonzalez responded that her file would be reviewed and the SPHA would respond back.

03/29/2023 - A review of Ms. Roberson's file is complete, and a request is made to the HCV Occupancy Supervisor to begin the portability process.

04/11/2023 - Ms. Roberson is issued a 2-bedroom Housing Choice Voucher by Ms. Joyce DeBardleben (Portability caseworker). The voucher is issued for 120 days with an expiration date of 09/09/2023.

05/04/2023 - Upon receipt of the complaint, PC-23-026, a request is made to the Portability Caseworker, by Larry Gonzalez, to contact Ms. Roberson and issue a second voucher. A second voucher is issued with a start date of 5/4/2023.

The Respondent asserts that based on the above review, Ms. Roberson's allegations of the SPHA "discriminatory practices" are not substantiated.

IV. FINDINGS:

The investigation revealed the following:

7/27/2022- TBHA emailed a portability form requesting that CP Roberson's case worker send all relevant information to the RP SPHA so she could port to RP SPHA.

8/2/2022- Email from RP Velez of the RP SPHA to email address of 'PT3R3X 01' of TBHA, advising they needed the rest of the portability packet.

8/7/2022- Email from Jason Cruz-Ayala of the TBHA sent to Tiffany Rhodes and Katherine Velez of RP SPHA. The e-mail indicated that portability information for CP Roberson was attached and that she wished to port to RP SPHA. The e-mail indicated that encrypted information was being sent to them, including forms 52665 and 50058, and requested confirmation of the email. The P. 16 of the Portability packet provided indicated disability status.

9/12/2022- RP Velez stated during a PCOHR investigative interview that she received voicemail from CP Roberson on this date.

9/14/2022- RP Velez states during a PCOHR investigative interview that she returned the call to CP Roberson to inform her they did not have her voucher.

2/28/2023- Letter from TBHA to the RP SPHA informing them that CP Roberson had ported to their jurisdiction with a voucher issued on 8/31/2022 and that billing should have been received by 11/26/2022. The letter indicated TBHA had not heard from RP SPHA regarding absorption of the client and, therefore, the RP SPHA was required to absorb the client per HUD regulations.

03/26/2023 – RP SPHA receives a HotlinelInquiry (2023HICC037958) from Ileana Colon, Program Analyst HUD Field Office, Miami, Florida, regarding various issues, including the lack of porting from TBHA to RP SPHA.

03/27/2023 – RP SPHA employee Larry Gonzalez received an email from CP Roberson regarding the lack of contact from RP SPHA staff.

03/29/2023 – RP SPHA Position Statement notes a review of CP Roberson's file is complete and a request is made to the HCV Occupancy Supervisor to begin the portability process.

3/29/2023- Portability packet is sent by RP SPHA to CP Roberson at her Tampa address.

04/11/2023 - CP Roberson is issued a 2-bedroom Housing Choice Voucher by Ms. Joyce DeBardleben (Portability caseworker). The voucher is issued for 120 days with an expiration date of 09/09/2023. During the investigation CP Roberson confirmed that RP SPHA had issued her a voucher during spring of 2023, as indicated by RP SPHA. Despite being issued a voucher in Pinellas and later Pasco County by RP SPHA, CP Roberson indicated she left for Gainesville, where she remained homeless.

05/04/2023 - Upon receipt of the complaint, PC-23-026, a request is made to the Portability Caseworker, by Larry Gonzalez, to contact CP Roberson and issue a second voucher. A second voucher is issued with a start date of 5/4/2023.

V. ANALYSIS

The CP alleges the RP SPHA subjected her to different terms and conditions due to her disability by refusing to process her voucher transfer request. She alleged that other vouchers were processed by RP SPHA before and after her request to port.

To establish a violation of the Act/Ordinance, the investigation must demonstrate:

1. The complainant is a member of a protected class.
2. The complainant was the respondent's tenant.
3. The respondent imposed unfavorable or less favorable terms or conditions on the complainant's tenancy.
4. The respondent did not impose such a terms or conditions on similarly situated tenants not of the complainant's protected class.

Regarding element #1, CP Roberson notated on PCOHR questionnaire that she suffered from a brain and spinal cord injury. Further, her portability information, on pg. 16, indicates her disability status. Thus, this element has been met.

Regarding element #2, CP Roberson was a voucher holder for the TBHA, who sent her voucher to RP SPHA on 8/7/2022. Thus, CP was RP SPHA's voucher holder.

Regarding element #3, CP Roberson did not have her voucher processed timely by the RP SPHA; As CP Roberson requested to port her voucher on 8/7/2022, but did receive a voucher until 4/11/2023, this would be an unreasonable delay and denial.

Regarding element #4, CP Roberson alleged that other vouchers were processed by the respondent at the same time with no similar delay. Although no specific names were provided, a review of RP SPHA port data showed that others both disabled and non-disabled were successfully ported before and after CP Roberson's request to port.

The following will display that the Respondent did not impose such treatment to others as, it is undisputed that CP Roberson submitted a valid port request on 8/7/2022. The investigation shows that the only action taken by the RP SPHA was to inform her on 9/14/2022 they did not have her voucher. Next, it is undisputed that CP Roberson's case was again communicated to RP SPHA on 2/28/2023, from the TBHA. However, no action was taken by the RP SPHA until CP Roberson filed a complaint with the HUD Hotline on 3/26/2023. It was only after this date did the RP SPHA take action to contact CP Roberson.

Regarding RP SPHA's procedural obligation in the port process, a review of the SPHA portability requirements required the SPHA to have done the following:

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355] Absorption or Administration:"

The Initial housing authority must: 1) contact the Receiving housing authority to alert that agency to expect the family; and 2) send the receiving housing authority a completed form HUD-52665, Family Portability Information form. The portability information form has two parts: Part I is completed by the Initial housing authority and Part II by the Receiving housing

authority. Copies of the family's voucher, the current form HUD-50058 and supporting income verifications must be attached to the portability form. **The receiving housing authority may request but not require additional information.** The housing authority may transmit these documents by facsimile machine.

When the family arrives at the Receiving housing authority office, the Receiving housing authority issues the family a housing choice voucher to enable the family to search in its jurisdiction. The housing choice voucher the Receiving housing authority issues may not expire before the expiration date established by the Initial housing authority. For extensions to the housing choice voucher term and the processing of requests for tenancy approval, however, the Receiving housing authority policies apply. In addition, the Receiving housing authority uses its own policies to determine the appropriate unit size for a family moving into its jurisdiction.

The Receiving housing authority must inform the Initial housing authority immediately whether it will absorb or administer the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher. The Receiving housing authority payment standards are used when the portable family leases a unit. The family will need to be informed of the receiving Housing authority policies and payment standards before it begins its search.

The Receiving housing authority may require the family to participate in a briefing and cooperate in a reexamination of income but may not unduly delay the family's housing search. It would not be reasonable, for example, to require the family to wait for a monthly briefing that was not scheduled for another three weeks. The Receiving housing authority may delay leasing activities only to receive verification of information related to income eligibility.

Thus, according to the policy, RP SPHA should have taken the action of updating CP Roberson's familial composition, issued her a voucher and informed the initial Housing Authority of their receipt and any changes during the process. This would have required RP SPHA to have contacted CP Roberson, which there is no documentation or support of such occurring.

Regarding contacts made by RP SPHA with CP Roberson during fall of 2022, it was CP Roberson's allegation that despite her calls to RP SPHA during fall of 2022, she was repeatedly told by employees that they did not have her voucher. RP Velez stated she only knew of her 9/14/2022 return call to CP Roberson wherein she informed CP Roberson they did not have her voucher. Case worker, Joyce Debardeleben denied having any contact from CP Roberson during fall of 2022, and housing specialist, RP Manning also stated she could not recall if she had spoken with CP Roberson during fall of 2022 regarding her voucher.

According to RP SPHA, they did not know why CP Roberson was not contacted after the 8/7/2022 port request. Regarding why CP Roberson was not contacted after TBHA's 2/28/2023 communication, respondent contact Gonzalez stated that the delay was due to RP Velez being out on maternity leave, although other employees were tasked with monitoring the email account. Gonzalez also stated that CP Roberson had been hospitalized. However, this would not have prevented RP SPHA from having affirmatively contacted CP Roberson to continue her voucher request.

Further, a review of other port requests during that time show that other port vouchers were properly processed around September of 2022, and March of 2023, the same time periods wherein CP Roberson had inquired.

Also, regarding any other comparative evidence during said time period, the Respondent submitted a list beginning on 7/28/2022 and ending 3/23/2023. Of the 24 total, 21 were given vouchers. Of the 21 vouchers ported, 5 were for disabled persons. Thus, other disabled persons did have their vouchers properly ported during this time period. As both members inside and outside of her protected class did receive vouchers.

The PCOHR concludes there is sufficient evidence to support the allegations based on disability. CP Roberson had two clear communications (8/7/2022 and 2/28/2023) wherein a voucher should have been granted and communication with her undertaken, but none was, and no reason was provided by the Respondent. As she was known to be disabled, with no services provided to her, the lack of a legitimate, non-discriminatory reason for the inaction leads to the inference of disability discrimination.

RP SPHA did not say the delay was a mistake, but only that they should have contacted her but did not. Further, the response provided by RP SPHA, specifically that the 8/1/2022 port request was not complete, did not address why the subsequent 8/7 valid port request was not acted upon. In essence, no reply was given.

It was not until CP Roberson complained to the HUD Hotline did RP SPHA begin to send her the necessary paperwork, on or about 3/29/2023. Prior to this the RP SPHA had failed to contact CP Roberson to process her voucher and did not communicate with TBHA to keep them apprised as required by HUD regulations.

As RP SPHA has not provided a reason why the 8/7/2022 port request was not acted upon and did not adequately explain why no contact was made even after 2/28/2023, the inference of discrimination remains.

VI. CONCLUSION:

Therefore, based on the foregoing evidence and analysis of the investigation, set forth above, it is recommended that “Reasonable Cause” exists to believe that the Respondent engaged in illegal discriminatory housing practice in violation of Section 804(f)(2) of the Fair Housing Act and Chapter 70 of the Pinellas County Code of County Ordinances.

VII. ADDITIONAL INFORMATION

Notwithstanding this determination by the Pinellas County Office of Human Rights, the Fair Housing Act provides that the complainant may file a civil action in an appropriate federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. The computation of this two-year period does not include the time during which this administrative proceeding was pending. In addition, upon the application

of either party to such civil action, the court may appoint an attorney, or may authorize the commencement of or continuation of the civil action without the payment of fees, costs, or security, if the court determines that such party is financially unable to bear the costs of the lawsuit.

The Department's regulations implementing the Act require that a dismissal, if any, be publicly disclosed, unless the respondent requests that no such release be made. Such request must be made by the respondent within thirty (30) days of receipt of the determination to the Field Office of Fair Housing and Equal Opportunity at the address contained in the enclosed summary. Notwithstanding such request by the respondent, the fact of a dismissal, including the names of all parties, is public information and is available upon request.

A copy of the final investigative report can be obtained from the Pinellas County Office of Human Rights.

Betina Baron
Betina Baron, Compliance Manager

08/09/23
Date