

July 16, 2010

Elidia Duarte

Sent via facsimile: (510) 981-5480

Board of Directors: Agostino, Cox, Gale, Hunt, Moody, Norris  
Berkeley Housing Authority  
1901 Fairview St,  
Berkeley, CA 94703

**Re: APPEAL AND REQUEST FOR HEARING FOR FAILURE TO APPLY REDUCTION IN  
TOTAL TENANT PAYMENT BASED ON REDUCED INCOME**  
Duarte household

Dear Board,

This is an appeal, request for a hearing, and follow up on my presentation to the Board in open session on July 8, 2010. This board meeting was video taped. At that time I reminded the Board that I had requested a recalculation of my rent payment (TTP) and downward adjustment in 2009. I informed you that despite that passage of more than a year Tia Ingram and her staff had not responded.

I also informed you that during my July 7, 2010 file review I located a rent change notice in my file (dated April 6, 2010 by DeShazier), that the notice had not been sent to me, that it provided a downward change in TTP, that the effective date would be November 1, 2009, and that I continued to be charged and pay the same rent. The first I saw of this document was the certified copy of this document on July 8, 2010, produced upon my formal request.

I informed the Board that the purported retroactive date is wrong as the decrease in SS/SSI took effect in May 2009.

I stated that your staff, Tia Ingram, Lynda DeShazier, Rachel Levine, and Carol Norris are failing to take corrective measures due to retaliation for my numerous complaints regarding irregularities within the Board and the staff. You failed to respond.

My SS/SSI income has declined 13% since April 2009. Therefore, the sum alleged by DeShazier at this late date is still wrong.

Despite explicitly informing the BHA in April 21, 2009 of my decreased federal benefits (Exh. A, exhibits withheld and available upon request), no effort has been made to retroactively correct the reduction in income consistent with federal law. Therefore, this is an appeal and request for a hearing pursuant to 24 CFR 966.55, due process, and Cal. Information Practices Act.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Elidia Duarte, Tr by José Duarte

EXH. A

April 21, 2009

Elidia Duarte

Sent via Facsimile: 510.981.5480

**Delania Williams, Housing Occupancy Manager**  
Berkeley Housing Authority  
1901 Fairview St,  
Berkeley, CA 94703

**Re: NOTICE OF REDUCED INCOME FOR ELIDIA DUARTE AND APPEAL**  
**Elidia Duarte's tenancy**

Dear Delania Williams,

This is in response to the attached form from Linda Deshazier dated April 6, 2009 and received April 10, 2009. I assume that it is in response to my April 6, 2009 letter informing the BHA of my reduction in income (Exh. A). But, I cannot figure that out since you all never respond to anything in writing. From the outset it should be noted that Deshazier's form demands a response by April 13, 2009. 72 hours for an elderly person like me who does not speak English is unreasonable.

- 1) Deshazier's warning of adverse consequences if the requested documents are not submitted by that date is also unreasonable. As you know, you administer a federal, income based program wherein I am to pay  $\frac{1}{4}$  of my income toward rent. If later I were to discover that I had been overcharged rent based on this formula, BHA and the AHA would be obligated to issue a refund.
- 2) Now turning to the requested documents. Deshazier's form asks for my Social Security Award letters. My April 6, 2009 letter attached a copy of my April 4, 2009 award letter indicating that starting on May 1, 2009 my income would fall to \$870 from \$907<sup>1</sup>. That federal document is conclusive on the issue of future income. Did you lose that document? Duplicative requests for information in your possession is vexation. My original letter is attached again.
- 3) However, Deshazier asks for irrelevant documents such as my identification. I provided proof of my identification back in 2007 when I first moved in and again in December 2008, when I asked to modify my household. Let's face it- the only reason that you would ask for my ID again is to vex me. Also, it's a waste of paper.
- 4) Next, Deshazier asks for three consecutive pay stubs for March and April. March and April are two not three. No check stubs exist as I am an unemployed, retired, and disabled senior citizen. Also, the request's above period is wrong as my reduction in social security income has not yet happened.

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<sup>1</sup> The November 2008 Social Security Award letter documenting the income for the year 2009 is attached as a courtesy as you already have it (Exh. B).

- 5) Every year we go through the tedious task of income verification; specifically in April every year. I assume that in April 2009 when you demanded income verification you did so for a proper purpose and not just to make me waste money copying and mailing. With the help of the Sacramento Senior Home social worker, I mailed those income verification documents to you. It would be in your best interest if you all actually read the documents that you request and we provide. If you lost my April 2009 income verification, please admit so and request another copy.

As can be seen the above requests are vexatious. In the case of the request for ID and "three" consecutive pay stubs, the requests are nonsense.

To the extent necessary, this is an appeal challenging your decision to make the above odd requests and adverse actions planned by you. It should be clear by now that after my prior complaints against your office to the City Council that they will be disappointed to know that you all persist in doing wrong.

If you all are unable to figure out how to adjust my rent based on my reduced income, I will simply adjust it myself. If thereafter you and AHA persist in charging me my current \$221, I will simply ask a federal judge to sort it out for you and have the bench charge you for my attorney's fees.

It would be in everyone's best interest for you all to resolve this without my having to turn to HUD or the federal bench.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me or my mother, Elidia Duarte.

Sincerely,

Elidia Duarte

  
Translated by José Duarte