Subject: **Re: Compilation Bulletin Revision -- Subject: Disconnected Utilities**
Date: 2/12/2007 9:43:53 A.M. Eastern Standard Time
From: Elizabeth_A._Hanson@hud.gov
To: Bernie1603@aol.com
CC: judy_wojciechowski@hud.gov

Bernie - I have read your email shown below and do respect your judgment and opinion, but on this one we are going to have to agree to disagree. This is about the basic issue of lease enforcement and safety. If a resident is not paying their utilities, they are in violation of their lease and actions need to be taken to either bring them in compliance or to evict them. I understand about some judges viewing public housing as a warehouse or housing of last resort, but the PHAs need to work with those judges and get them educated about public housing. Public housing is not an entitlement, as I'm sure you know there are thousands of people on public housing waiting lists that would love the opportunity to have a unit and would take good care of it.

The idea that we would exclude a unit from inspection because the utilities were turned off because the resident had failed to pay their utility bill is baseless. Our purpose is to ensure that units are decent, safe, sanitary and in good repair and in good conscience, I don't think anyone would consider a unit without utilities to be that. Many PHAs have arrangements with utility companies so that they know when the utilities are being turned off in their properties - I toured some properties once where a number of outside gas meters were clearly red tagged and when I questioned it, the HA representative said that the red tags indicated that the gas had been turned off by the gas company. In this case the HA knew that gas had been turned off for some reason, but weren't doing any followup and certainly weren't enforcing the terms of the lease. There is a huge liability that the HA takes on when something happens at their properties and people are injured or die - not only in terms of money, but in terms of conscience. Most of the HA staff that I have dealt with take a lot of pride in the housing product that they provide and consider their residents of their HA communities as an extended family. We've been dealing with the impacts of one PHA that had a fire and faces a multimillion judgment that was awarded to the family members who survived the fire. Because of the hazards associated with having a unit where utilities aren't working, I can't walk away from the potential harm to the residents that live in the unit and others living in the property. Also, HAs have to do an annual inspection of 100 percent of their units and the maintenance staff are in and out of the units responding to work orders, so they generally have a good idea of what is going on with the residents.

When a resident doesn't have one of the basic utlities, such as electricity, they are going to find substitute means of providing light and necessary power and in the last 6 weeks here in the DC area we've seen several deaths due to fires that were caused by those alternative means. The PHA also has the responsibility of ensuring that all of the units and properties are safe and that no one tenant does something that causes harm to any of the others. I can contact the various insurance companies that provide coverage to PHAs to see what their policies read about fires and other hazards caused when the terms of the lease aren't enforced.

But the bottom line is, we are charged with ensuring that the housing that gets provided is decent, safe, sanitary and in good repair and we can't and won't ignore those instances where utilities have been turned off and people are living in the units.

I've only heard from you and one PHA about this, which tells me on a national level that this is not a really big deal. What does concern me is that the PHAs in the State of GA are upset about this and makes me wonder if there is a big problem in GA with this. I'll talk with Boyce about this, but again, other than you and one PHA that requested clarification, this has gone pretty much unnoticed.

take care