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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION
THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE

JEFFREY POWERS, et al,

Plaintiffs,

Case No. LACV22-8357

vs.

DENIS RICHARD MCDONOUGH,

Defendants.

REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS
TRIAL DAY 11
Friday, August 23, 2024
8:00 a.m.
LOS ANGELES, CALIFORNIA

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LOS ANGELES, CALIFORNIA; FRIDAY, AUGUST 23, 2024

8:00 a.m.

--oOo--

THE COURT: We're back on the record. All counsel are present, the parties are present, and we were with Dr. Harris yesterday.

If you would like to resume the stand, please.

MR. DU: I want to address the SafetyPark issue real quick. SafetyPark's counsel asked to be heard, he's not here right now. He has represented to me that he can have the witness here on Monday, and we are fine with that, but he still asked to be heard, but he's not here right now.

THE COURT: What I will do, I always pay the courtesy of having him heard, I would like to hear his position, but I don't want to hold up these proceedings.

We have so many witnesses coming across the country that this is the kind of, quite frankly, taxpayer expenditure, and harmful to each of you sitting and waiting.

So if he'd like to be heard, I would like him here. You have no power over that.

Is the United States Marshal here?

THE COURTROOM DEPUTY: Not yet.

THE COURT: Not yet, okay.

1 MR. DU: I don't think that is necessary at this
2 point.

3 THE COURT: I'm not sure yet, with all of this drama
4 going on, we're going to cut through this drama and we're going
5 to get people here who are material and needed.

6 I don't want you to be the intermediary. And if this
7 person is needed today, and you have a subpoena, this person
8 will be here today. So you plan your case accordingly, each of
9 you, and I'm not going to be inconvenienced and neither one of
10 you are going to be inconvenienced.

11 As long as it's a valid subpoena. If it's not a valid
12 subpoena then counsel needs to be heard and that needs to be
13 resolved, in their favor.

14 MR. DU: That's fine.

15 THE COURT: But now we're taking too much time.

16 Dr. Harris, will you return to the stand, please.

17 Good morning. Dr. Harris has resumed the stand,
18 counsel for the plaintiff, your continued direct examination.

19 MR. ROSENBAUM: Thank you, Your Honor.

20 DIRECT EXAMINATION (continued)

21 BY MR. ROSENBAUM:

22 Q Good morning.

23 A Good morning.

24 Q How are you, Dr. Harris?

25 A I'm good, how are you?

1 Q I'm okay. Thank you.

2 Dr. Harris, I neglected to mention yesterday, you are
3 testifying in a 30(b)(6) capacity.

4 Do you recall that?

5 A My deposition was in that capacity, my understanding is my
6 current capacity is different.

7 THE COURT: Your current capacity is different?

8 THE WITNESS: That's what I said, yes, sir. Your
9 Honor, I understood myself to be -- my counsel called it a fact
10 witness.

11 BY MR. ROSENBAUM:

12 Q My understanding was that you were being put forward on
13 all of the issues that were part of the defendants' witness
14 list as a 30(b)(6) witness.

15 MR. ROSENBAUM: Your Honor, I don't want to dwell on
16 this, I don't think it makes a huge amount of difference, but
17 that was my understanding.

18 THE COURT: Well, it does make a difference.

19 MR. ROSENBAUM: Okay.

20 THE COURT: An appreciable difference. I expressed
21 my concern yesterday, and express it again, that, you know, the
22 witness, Tony, finds himself in quite an unenviable position, I
23 will be blunt about that. He's testifying on behalf of UCLA,
24 as candid as he can be on both sides, but you have to wonder
25 why the Chancellor isn't here or why the UCLA athletic director

1 isn't here if these baseball diamonds are of such import.

2 And seeing people placed in your position, along with
3 the gentleman yesterday from UCLA, is a little painful to
4 watch, because I expect that you will continue to be equally
5 candid and truthful, just as he was, and that can be sometimes
6 beneficial, and sometimes harmful to the institution you
7 represent.

8 THE WITNESS: Uh-huh.

9 THE COURT: I can imagine him going back to UCLA
10 with the candidness that he displayed yesterday, and maybe a
11 co-worker or somebody looking over their shoulder. I don't
12 want to say he got thrown to the wolves, but I worry about
13 that.

14 So I appreciate you being here, I just wish somebody
15 higher up in the administration was here. I'll be blunt about
16 that. And I don't want to see you thrown to the wolves.

17 So what is he, is he a 30(b)(6)?

18 MS. WELLS: Can I clarify, Your Honor?

19 THE COURT: No. Counsel, no. You don't want me to
20 make a further statement right now, believe me. You really
21 don't.

22 Is he a 30(b)(6) or not?

23 MR. ROSENBAUM: My understanding was he is.

24 THE COURT: Well, you two have a conversation,
25 because I've got a way of getting other people here and I don't

1 want to go through that drama.

2 MS. WELLS: Your Honor, if I may. He was a 30(b)(6)
3 witness for purposes of the deposition and for any testimony
4 relating to those same topics he is a 30(b)(6).

5 THE COURT: Okay, he's a 30(b)(6).

6 MS. WELLS: But for other purposes he's a fact
7 witness that we had identified.

8 THE COURT: Okay. I don't know what that is, but
9 thank you.

10 MS. WELLS: I just wanted to clarify.

11 THE COURT: Thank you for your courtesy. I don't
12 want to go through the drama, but I've got a way of resolving
13 that, too, and I don't want to do it unless I have to.

14 BY MR. ROSENBAUM:

15 Q Dr. Harris, yesterday, you told me that --

16 THE COURT: To be blunt about it, that is,
17 Mr. McDonough should be here. I'm going to be that blunt about
18 it, okay, testifying on behalf of your agency. So if I'm going
19 to talk about the Chancellor and I'm going to talk about the
20 athletic director, I'm going to be equally blunt with the VA.
21 He should be here.

22 You shouldn't be in this position, nor should Braverman.

23 All right. Counsel?

24 MR. ROSENBAUM: Thank you, Your Honor.

25 BY MR. ROSENBAUM:

1 Q Yesterday, Dr. Harris, you talked to us about the fact
2 that, if I understood you correctly, based on the most recent
3 data, 70 percent of the HUD-VASH project-based units were set
4 at 30 percent AMI, is that what you told me?

5 A I want to clarify that slightly.

6 THE COURT: Oh, I'm sorry, just a moment.

7 Gentlemen, are you the U.S. Marshals?

8 U.S. MARSHAL: Yes, sir.

9 THE COURT: Listen. I want to thank you for
10 inconveniencing you. This may resolve itself, I thought you
11 might be taking a trip out to see somebody today, I didn't
12 know. Go about your business, if we need you, we will call
13 you. We may need you today, we'll see. Thank you very much.

14 Counsel?

15 THE WITNESS: Should I pick up where I was?

16 BY MR. ROSENBAUM:

17 Q Sure.

18 A What I had said is it was 70 percent of the buildings have
19 either some or all of their units set at 30 percent AMI. It's
20 not 70 percent of all units.

21 Q Okay. And those are buildings in the community outside
22 the grounds of the VA; is that right?

23 A It includes both on and off the grounds.

24 Q Okay. And on the grounds at least half of the units in
25 Building 207 are 30 percent AMI; is that right?

1 A That's correct.

2 Q And that's about 30 units?

3 A It is.

4 Q And then there are other buildings that have a range of
5 between 50 to 60 percent AMI; is that right?

6 A So does Building 207.

7 Q Okay.

8 A And the others do as well, I just didn't want to leave 207
9 out of that.

10 Q Okay. You are familiar generally with the distribution of
11 where HUD-VASH veterans are living; isn't that correct?

12 A Not to any great detail, no.

13 Q Well, you are familiar enough that you told me that a
14 relatively small proportion of veterans are living in the
15 immediate vicinity of the West LA Campus; isn't that right?

16 A Yes, I think that's a fair statement.

17 Q And that would include Brentwood, Westwood, and Beverly
18 Hills?

19 A It includes Brentwood and Westwood, I can't speak for
20 Beverly Hills.

21 Q Do you know whether or not there are any HUD-VASH veterans
22 living in Beverly Hills?

23 A I don't know either way, yes or no.

24 Q You talked to me also about case management yesterday; is
25 that right?

1 A Did we?

2 Q We talked about the importance of case management.

3 A Yes.

4 Q And part of the role of case management is their ability
5 to take new veterans onto their caseload; is that right?

6 A Certainly. You can't begin case management until you
7 bring them onto your caseload.

8 Q And thinking about VA staff who are case managers, you are
9 aware that there are shortages within the VA of case managers;
10 isn't that right?

11 A Could you define shortage?

12 Q Well, below staff -- do you have a definition of fully
13 staffed?

14 A We have a target percentage filled, yes.

15 Q Okay.

16 A And we are below that, as you heard Ms. Hammitt speak to.

17 Q Okay. That target is below 100 percent?

18 A The target is 90 percent, it reflects natural turnover in
19 positions. People retire, people come in at a GS11 and leave
20 for a GS12, people move out of state, there's a lot of turn in
21 staffing and so the 90 percent target is meant to account for
22 that.

23 Q You and I talked about the issue of referrals to public
24 housing agencies. Do you remember that?

25 A In the deposition?

1 Q Yes.

2 A Yes.

3 Q I'm not going to go into that detail, but it is true that
4 over the course of your tenure, you have heard from multiple
5 people at public housing agencies concern about the number of
6 referrals that they were getting; isn't that right?

7 A Yes.

8 Q And that includes the executive director?

9 A Yes. I'm sorry is that -- sorry, Judge.

10 THE COURT: Is that Mr. Braverman?

11 THE WITNESS: I assume he's referring to Carlos
12 Herrera. I should have asked.

13 BY MR. ROSENBAUM:

14 Q Yes, of the public housing agencies.

15 A The PHA executive directors.

16 THE COURT: Carlos who?

17 THE WITNESS: He was just here. Herrera?

18 THE COURT: This is the first time I think I've
19 heard that name.

20 THE WITNESS: Could you share?

21 MR. SILBERFELD: Carlos Van Natter.

22 THE WITNESS: Oh, Van Natter, that's right. I was
23 thinking of a different Carlos.

24 THE COURT: And he's the head of the public --

25 THE WITNESS: Of HACLA, the PHA, I think you will

1 hear from him today.

2 BY MR. ROSENBAUM:

3 Q You have also heard from the Los Angeles County Public
4 Housing Agency, too; isn't that right?

5 A That's correct.

6 Q In fact, that was a common part of your conversations with
7 the EDs; isn't that right?

8 A Yes.

9 (Reporter Clarification.)

10 MR. ROSENBAUM: Executive directors.

11 THE WITNESS: Yes. And with the public housing
12 agencies as a whole.

13 BY MR. ROSENBAUM:

14 Q Dr. Harris, you don't know how many veterans have been
15 referred for vouchers, say over the past year, who suffer from
16 SMI; is that correct?

17 A I do not know that.

18 Q Or TBI.

19 A That's correct.

20 Q Or PTSD?

21 A That's correct.

22 Q Or schizophrenia?

23 A Also correct. These are knowable questions, I don't know
24 the answers.

25 Q Okay. To your knowledge, sir, do any of the PHAs, the

1 public housing agencies, have the capacity to provide case
2 management services?

3 A So, I assume in asking this you are talking about the PHA
4 as designated service provider --

5 Q Yes.

6 A -- opportunity? It might depend on how you define
7 capacity. Could you clarify that?

8 Q Well, have you had discussions with public housing
9 agencies about whether they have the a capacity to actually
10 carry out case management services?

11 A I have been part of such discussions, yes. My reason for
12 wanting to clarify capacity is because they don't have a team
13 of case managers, for instance, waiting in the wings. They
14 might, however, be able to pull together funding that they
15 could, for instance, subcontract for that, and I would define
16 that as capacity also.

17 Q But you use the word "might," you don't know?

18 A They are exploring it now.

19 Q Whether you say pull together, that's going to have to
20 come out of their pockets or through their efforts; is that
21 right?

22 A Yes. We had hoped and I had personally advocated for the
23 administrative funding that HUD is issuing specific to HUD-VASH
24 be used for this purpose.

25 PHAs have been instructed by HUD that it cannot be, but

1 that's -- so the funding would have to come from somewhere
2 else.

3 I do want to say, again, Mr. Rosenbaum, they are
4 exploring those possibilities now.

5 Q Okay. Do you know what -- you are familiar with the
6 phrase "intensive veteran"?

7 A Could you clarify the question?

8 Q High-need veteran, intensive veteran, is that a phrase
9 that's familiar to you?

10 A Are you referring to the phases of case management in
11 HUD-VASH.

12 Q Yeah.

13 A I'm familiar with the intensive phase, yes.

14 Q And do you have a definition of what the intensive phase
15 means?

16 A It's defined in policy. I don't have it memorized. The
17 concept is it is the first phase in the program that veterans
18 new to the program typically enter in that phase, it's meant to
19 signify a higher level of acuity or need.

20 Q And it's a fact, is it not sir, that regarding veterans in
21 Los Angeles who are enrolled in HUD-VASH, you don't know how
22 many unhoused veterans whom you would qualify as intensive, in
23 fact, have a case manager assigned to them; isn't that right?

24 A Could you clarify who you are asking about exactly?

25 Q Yes. I'm asking about veterans who, as you've just

1 described, are classified as intensive veterans and we talked
2 about that in your deposition, and the question I'm asking you
3 is you don't know how many such veterans who are enrolled in
4 HUD-VASH, in fact, have a case manager assigned to them; isn't
5 that correct?

6 MS. WELLS: I'm going to object to the use of the
7 term "intensive veterans" because the witness just testified
8 that's not a term he's familiar with or a concept that exists.

9 THE COURT: "I'm asking about veterans who as you
10 have just described are classified as intensive veterans and we
11 talked about that in your deposition. And the question I'm
12 asking you, and you don't know how many such veterans who are
13 enrolled in the HUD-VASH, in fact, have case managers assigned
14 to them, isn't that correct?"

15 That's too many questions. Re-ask the question,
16 counsel. That was confusing.

17 BY MR. ROSENBAUM:

18 Q If I may, let's go to your deposition, sir, at page 104
19 beginning at line 5.

20 A To be clear, I don't see anything up here.

21 Q I don't either.

22 A Okay. I didn't know whatever we're seeing.

23 Q Just hang on for a moment, please.

24 Okay. Is it in front of you now, sir?

25 A It is.

1 MR. ROSENBAUM: Your Honor, is it in front of you
2 now as well?

3 BY MR. ROSENBAUM:

4 Q So beginning at line 5:

5 "QUESTION:

6 MR. ROSENBAUM: Oh, I'm sorry.

7 BY MR. ROSENBAUM:

8 Q Beginning at line 5:

9 "QUESTION: So you may have just answered this, but
10 conversely you don't know the number of veterans whom would
11 qualify as what's the phrase you're using? Intensive.

12 "ANSWER: Intensive is the initial phase of
13 HUD-VASH.

14 "QUESTION: I think I probably asked this again,
15 bear with me, please, do you know the number of intensive
16 veterans there who are unhoused in Los Angeles?

17 "ANSWER: I do not.

18 "QUESTION: The percentage of unhoused veterans in
19 Los Angeles who are intensive?

20 "ANSWER: No, the designation of intensive is a
21 phase of case management, it's really only relevant to those in
22 the program.

23 "QUESTION: You don't know what you don't know.

24 "ANSWER: We haven't assessed and determined it for
25 anybody else outside of the program."

1 That was your testimony, sir?

2 A Yes.

3 Q Again, sir, I'm not going to go through with you the
4 issues of attrition in any detail from the HUD-VASH program.

5 But, I do want to ask you one phase of that. You are
6 unaware, are you not, of any audit to see what extent, if any,
7 case managers are performing the function of ensuring that
8 recertifications, in fact, take place; isn't that true, sir?

9 A I have a lot I could and would like to say about
10 attrition, I will answer the question first. I'm not aware of
11 a formal audit. I am aware of quite a bit of activity within
12 the HUD-VASH program and with the PHAs meant to reduce the
13 number of attrition -- of people leaving the program because of
14 a failure to recertify.

15 HUD-VASH staff meet regularly with PHA staff now,
16 they're now doing case conferencing together, that is not
17 something that was done previously. With one of the express
18 purposes being to identify veterans coming up on their
19 recertification deadline. And I know we have seen a pie chart
20 a couple of times in this case already showing that roughly
21 half, for instance, of LACDA's exits were due to program
22 violations, which includes failures to recertify.

23 That data goes back to 2021. I did ask the team what it
24 looks like more recently and whether it would reflect more
25 recent improvements. That percentage drops to about 30 percent

1 when you just look at the last 12 months, so we've seen quite a
2 bit of improvement there. There's still more to go, but quite
3 a bit of improvement.

4 Q I don't have that data, that's data that's never been
5 turned over, right?

6 A So part of my job is to work with the State every day, so
7 not all of it would have --

8 Q Okay. 30 percent --

9 A -- been recorded.

10 (Reporter Clarification.)

11 BY MR. ROSENBAUM:

12 Q 30 percent is a pretty high number, wouldn't you agree,
13 sir?

14 A Yeah, I just said it's still higher than we want it to be,
15 but it is quite a bit lower than it was.

16 Q Based on your experience and your training, sir, you
17 believe, do you not, that conditions that are associated with
18 severe mental illness, PTSD, traumatic brain injury, and other
19 conditions associated with disabilities and homelessness affect
20 judgments and capacity with respect to paying rent; isn't that
21 right?

22 A It was a lengthy question. I think you are asking me if
23 those disorders or conditions might impact one's ability to pay
24 rent?

25 Q Yes.

1 A They might, yes. I do -- something I wish I had said
2 yesterday along this whole narrative, there are many, many
3 people who struggle with those conditions who pay their rent.

4 Q Okay. Well, sir, has any analysis been made as to the
5 number of unhoused veterans who have SMI, PTSD, TBI, and other
6 conditions who will struggle with respect to paying rent? Has
7 that analysis ever been done, sir?

8 That's just a yes or no question, sir.

9 A I'm not aware of one.

10 Q And that also applies to affording and paying rent every
11 month, doesn't it not, sir?

12 A What applies, sorry.

13 Q The impact of SMI and TBI and PTSD and those other
14 conditions?

15 A You're asking if such a study has been conducted?

16 Q Well, a study, investigation, inquiry, anything looking
17 into it? Isn't the answer "no, it hasn't been"?

18 A The answer is I'm not aware of one.

19 Q And isn't it true, sir, that those are very plausible
20 explanations for why some individuals can't pay the rent,
21 afford to pay their rent, maintain financial information; isn't
22 that true, sir?

23 A Well, again, this is a fairly important narrative that I
24 just want to take a second to speak to.

25 There are roughly 18 million veterans in this country.

1 Last year there were 35,000 homeless veterans, that's
2 .1 percent. That means 99.9 percent of veterans don't or
3 haven't become homeless.

4 Many, many of those veterans struggle with all of the
5 conditions you are describing, they are not unhoused.

6 These are important -- deeply important conditions.
7 It's our mission to treat them, but I want to be really
8 cautious about drawing causation here.

9 Q Well, let's go back to my question now.

10 Is it your testimony that those conditions for the
11 percentage who are unhoused that are the focus of this case,
12 that that cannot have an impact, a significant impact, on their
13 capacity to pay rent, to keep their financial matters in order?

14 A That is not my testimony, no.

15 Q Okay. In fact, sir, you told me -- you acknowledge, do
16 you not, it's a difficult adjustment for veterans to go from
17 the streets to a housing unit; is that right, sir?

18 A I mean, I think I know what you are talking about, it's a
19 little vague for me. Do you mind clarifying the "adjustment"
20 piece just so I know what I'm speaking to?

21 Q Sure. Let's go to your deposition on page 142, beginning
22 at line 4. Beginning at line 6 because I struck before that.

23 "QUESTION: Just for context, does the VA maintain
24 data as to how long persons are on the street before they get
25 into a HUD-VASH voucher unit.

1 "ANSWER: The homeless history data we collect is at
2 the point of assessment. The HOMES assessment I referenced
3 earlier, and we do not ask for how long you've been homeless --

4 THE COURT: Counsel, would you start over? We're
5 not picking that up on realtime.

6 BY MR. ROSENBAUM:

7 Q I'm going to start over at line 6.

8 THE COURT: Slowly, please.

9 MR. ROSENBAUM: Sure.

10 "QUESTION: Does the VA maintain data as to how long
11 persons are on the street before they get into a HUD-VASH
12 voucher unit?

13 "ANSWER: The homeless history data we collect is at
14 the point of assessment, that HOMES assessment I referenced
15 earlier, and we do ask for how long you've been homeless. We
16 collect data similar to what you are saying.

17 "QUESTION: So that can make transition to living in
18 a housing unit challenging, right?

19 "ANSWER: When you say that --

20 "QUESTION: The period of time that they're on the
21 streets.

22 "ANSWER: It could be a difficult adjustment for
23 veterans, if that's what you mean, yes."

24 That was your testimony, was it not, sir?

25 A Well, that was, but if you go immediately below, I

1 clarified that many veterans improve at the point of moving
2 into housing.

3 Q Okay. You know, sir -- strike that.

4 To your knowledge, sir, the VA has never done any
5 analysis to determine what are the causes to explain what's
6 responsible for the expiration of vouchers; isn't that right?

7 A I'm sorry, Mark, do you mind rephrasing the question?

8 Q Sure. To your knowledge -- and if it helps I can put up
9 page 144, line 11.

10 To your knowledge, the VA has never done any analysis to
11 determine what are the causes to explain what's responsible for
12 the expiration of vouchers, didn't you tell me that, sir?

13 A So, as I mentioned previously -- yes, that is what I said.
14 As I mentioned previously, there has been quite a bit of
15 activity on the operation side, not on the analysis or research
16 side, but on the operation side to address failures to
17 recertify.

18 Q Yeah. Nor has there been any audit or examination to
19 determine the degree to which VA case managers are fulfilling
20 that function. Didn't you tell me that, too, sir?

21 A Which function are you referring to?

22 Q The function of assisting with respect to what results in
23 expiration of those vouchers?

24 A Again, what I have learned in the past, say, month is
25 that, operationally, that exact analysis has been done, and the

1 staff is working on filling out the team, especially that will
2 provide aftercare because a lot of these recertification
3 failures happen in graduated veterans, veterans who have
4 actually left case management but retain the voucher.

5 So I think the answer is different than it was several
6 months ago during the deposition.

7 Q Okay. But my question is and remains, is there a
8 breakdown as to the number of veterans who -- unhoused veterans
9 who have HUD-VASH who meet this description? There has been no
10 such specific audit; isn't that right?

11 A Well, we have seen the breakdown in the pie charts here in
12 this trial.

13 Q No. We haven't seen a breakdown in terms of the extent to
14 which VA case managers are fulfilling that function, unless
15 there is some pie chart I don't know about.

16 MS. WELLS: Objection. Vague.

17 THE COURT: Do you understand the question? It was
18 about the VA case managers fulfilling their function.

19 THE WITNESS: This is probably where my own
20 experience doing these kind of analyses might be a hindrance.
21 I'm trying to picture what you are describing, and I don't
22 really understand what that would look like.

23 I don't know of such an audit, if I'm following what you
24 are suggesting.

25 Q Okay. You know what Brilliant Corners is?

1 A I do.

2 Q Brilliant Corners is headquartered in San Francisco?

3 A I believe that is right.

4 Q Brilliant Corners has a stellar reputation at being a
5 housing navigator?

6 A That's my impression, yes.

7 Q Okay. So far as you know, they are the best?

8 A Yes. I think that's fair to say.

9 Q And in fact, Brilliant Corners was the first choice of the
10 VA to do housing navigation in Los Angeles; isn't that right?

11 A So.

12 Q That's a yes or no question, sir.

13 A Well, it's not.

14 THE COURT: You can answer. We're not going to play
15 the yes or no game. What is your answer?

16 THE WITNESS: Well, there is a couple of layers to
17 this. We do some navigation ourselves. And then if you are
18 referring to contracting, we don't do preselection. These are
19 openly bid. So we don't have a first choice in that context
20 until we receive bids.

21 You didn't ask this exactly, but I think I know what you
22 are referring to here. We did put out a solicitation for
23 housing navigation contract. Brilliant Corners did not apply
24 for that, so they couldn't, by definition, have been our
25 choice.

1 THE COURT: Did you actually contract for Brilliant
2 Corners?

3 THE WITNESS: We put out a solicitation for a
4 housing navigation contract.

5 THE COURT: Just a moment. That wasn't my question.
6 And I don't care about Brilliant Corners. There may be others
7 equally or close to it. But specifically, did you put out a
8 request to Brilliant Corners, or was it just a general?

9 THE WITNESS: We-- I would love to explain this.
10 I'm not trying to be difficult.

11 THE COURT: I understand.

12 THE WITNESS: The way the contracting process works,
13 there is essentially a pre-phase where we do what I have been
14 told is called market research. That's where you informally --
15 or we, VA informally reach out to agencies that we know
16 conduct --

17 THE COURT: Let's stop right there. Did you
18 informally reach out to Brilliant Corners?

19 THE WITNESS: Yes.

20 THE COURT: Continue.

21 THE WITNESS: But not just them. I believe there
22 were others that the VA reached out to.

23 We did put out the solicitation. We did receive
24 multiple bids. Brilliant Corners was not one of them. We did
25 select other agencies to do the work.

1 THE COURT: Okay. Counsel.

2 BY MR. ROSENBAUM:

3 Q And it's your understanding, is it not, sir, that
4 Brilliant Corners didn't respond to the VA because they knew
5 that the VA couldn't pay this sort of per-unit cost that their
6 experience showed was necessary; isn't that right?

7 A That's basically right, yes. Their estimate per veteran
8 was quite a bit outside our budget.

9 Q Incidentally, housing navigation, in fact, that is pretty
10 new to the VA; isn't that right?

11 A Yes and no. It's always been a component of HUD-VASH case
12 management. It was something the case managers themselves
13 needed to do along with the many other things they do for
14 veterans and in the system. Parsing it out as a contract was a
15 relatively new thought, yes.

16 Q Okay. You are aware, sir, that UCLA has a nationally
17 renowned social worker school?

18 THE COURT: Is that the Luskin School?

19 MR. ROSENBAUM: Exactly.

20 THE COURT: Are you aware of the Luskin School?

21 THE WITNESS: Really, only by name. I'm a clinical
22 psychologist. I didn't come up through the social work world.
23 I don't go to the conferences. There is a lot I don't know
24 about social work.

25 BY MR. ROSENBAUM:

1 Q Well, you are aware, are you not, sir, that there had been
2 informal conversations about, for example, taking advantage of
3 UCLA students and recent graduates to work to provide support
4 to veterans?

5 A Yes. I was not part of those discussions. I am aware.

6 Q And they included for example, UCLA and USC?

7 A That's my impression.

8 Q Okay. And you had, in fact, conversations with Sally
9 Hammitt on this subject, did you not?

10 A Informally, yes. Sally and I speak frequently about how
11 to expand our resources and serve more veterans, yes.

12 Q And Ms. Hammitt expressed an interest in using students
13 and graduates; isn't that true?

14 A That's true.

15 Q And you are not aware of any formal steps taken toward
16 that end; isn't that right?

17 A Not aware. That doesn't at all mean they didn't happen.

18 Q Well, you are not aware of them, are you, sir?

19 A Not aware, as I said.

20 Q In your 30(b)(6) capacity. And you are not aware, are
21 you, of any discussions with UCLA or USC or any of the schools;
22 isn't that right?

23 A No. I just testified that I thought such discussions had
24 occurred.

25 Q But they didn't go anywhere; isn't that right?

1 A Again, I'm not sure where they landed.

2 Q Well, are there students from Luskin out there working
3 with veterans today?

4 A I don't know.

5 Q Okay. The case managers that we have -- I have been
6 talking to you about, those, for now, those are VA employees.
7 But the VA also used case managers that are contracted with;
8 isn't that right?

9 A And you are referring to HUD-VASH, I assume?

10 Q Yes.

11 A Yes.

12 Q There are entities that have been contracted to provide
13 supportive services; isn't that right?

14 A That's right.

15 Q Like Step Up on Second, and PATH, and U.S. Vets, and VOA;
16 is that right?

17 A Those are good examples, yes.

18 Q These are true both on and off the VA grounds?

19 A Yes. That's true.

20 Q Do you know how many veterans are served by those, say,
21 the four entities I just mentioned?

22 A I don't have an exact number. It's a lot. It's well over
23 1,000.

24 Q Okay. And so far as you know -- and unless I tell you
25 differently, I'm talking about the four entities, Step Up on

1 Second, PATH, U.S. Vets, and VOA. So far as you know, none of
2 these employ psychiatrists; isn't that true?

3 A I don't know for certain. I would like to clarify. These
4 are very large agencies. I don't know their staffing
5 structure. My guess is there's that kind of psychiatric
6 consultation built in, but I don't know.

7 Q When you testified in your deposition in your 30(b)(6)
8 capacity, your answer is you didn't know of any; isn't that
9 right?

10 A Do you mind showing me where we're talking about?

11 Q Sure. Page 163, line 8. Starting at line 8. Do you have
12 that in front of you?

13 A I do.

14 Q "QUESTION: Do you know whether or not Step Up has
15 utilized any VA psychiatrists for any of its work with respect
16 to HUD-VASH?

17 "ANSWER: No. I don't know offhand, but I would
18 think it's the way the system should work. If there is a need
19 for psychiatry services and the contractor can't provide it
20 themselves, the veteran should be referred to" --

21 THE COURT: Just a little slower.

22 MR. ROSENBAUM: I'm sorry.

23 -- "should be referred to VA for that psychiatry
24 services.

25 "QUESTION: Do you know for a fact whether that ever

1 happened with respect to Step Up?

2 "ANSWER: I have never seen any report on them one
3 way or another. No. No, I don't.

4 "QUESTION: The same is true for PATH and U.S. Vets
5 and VOA.

6 "ANSWER: Yes."

7 BY MR. ROSENBAUM:

8 Q That's what you testified to, sir?

9 A That is what I testified to, yes.

10 Q And sitting here today, you are not aware of any of those
11 agencies, in fact, employing psychiatrists; isn't that right?

12 A I don't know any different than I did then. It is very
13 typical that a HUD-VASH program, whether VA medical center or
14 contract, would not in fact have a dedicated psychiatrist.
15 Most HUD-VASH programs refer to mental health for psychiatry.

16 Q Okay. You are aware, are you not, sir -- you are aware,
17 are you not, sir, that there were some patient deaths in
18 Building 209?

19 A Any particular time frame we're talking about?

20 Q A number of years ago.

21 A Would you define the number? I'm sorry. I want to know
22 what time frame we're talking about.

23 Q Well --

24 A Do you mean ever?

25 Q Let's go to page 165, line 2. Actually, it's probably

1 easier if I start at 164, at line 13.

2 "QUESTION: Is there a requirement, to your
3 knowledge, in the contract with Step Up and U.S. Vets and VOA
4 that a clinical social worker be assigned" --

5 THE COURT: A little slower, counsel.

6 MR. ROSENBAUM:

7 "QUESTION: Is there a requirement, to your
8 knowledge, in the contract with Step Up and U.S. Vets and VOA
9 that a clinical social worker be assigned as part of every
10 support team for a veteran who receives HUD-VASH?

11 "ANSWER: I have not read the contracts myself. I
12 would venture that the answer is yes.

13 And I know that all of the contractors have new hires
14 going through credentialing which means they are licensed
15 providers. And I also know that if they are unlicensed
16 providers providing case management, they need to be doing it
17 under the care of someone with a license.

18 So I'm deducing that that would be the understanding of
19 every contract.

20 "QUESTION at line 2 of page 165: Do you know if
21 these contractors have ever been monitored to the extent to
22 which in fact that takes place.

23 "ANSWER, line 5: What I know is that a number of
24 years ago, after a couple of patient deaths in Building 209,
25 the only building that was open back then, there was a review

1 conducted of the case management, the degree to which it met
2 policy expectations.

3 "QUESTION: Do you know if there has been one since
4 that time?

5 "ANSWER: I'm not aware of anything since that time.

6 "QUESTION: Can you give me -- put a date on that?

7 "ANSWER: That is -- this is a rough guess. I'd say
8 2017.

9 BY MR. ROSENBAUM:

10 Q That was your testimony, was it not, sir?

11 A It was. I have learned more information about this since,
12 so I'm happy to update.

13 Q Did you make any corrections in your deposition?

14 A I did not.

15 Q Okay.

16 A This was just in the course of my general duties.

17 Q Okay. Do you know specifically whether there have been
18 audits regarding the case managers?

19 A Yes. There are monthly audits conducted by contract
20 liaisons, by the VA staff responsible for overseeing the
21 contracts.

22 Q And as a result of that, there have been found staff
23 shortages; isn't that true?

24 A That is true.

25 Q Okay. Do you know the extent of those staff shortages?

1 A Not presently. No. I know there has been -- there were
2 fairly deep concerns early on, especially when the new
3 buildings opened. There has been quite a bit of progress
4 since, but I don't have specifics.

5 Q Let's turn to Exhibit 65.

6 And Exhibit 65 is voluminous, so I'm going to be
7 referring to particular pages. I'm really only interested in
8 two pages, sir.

9 Well, correct myself. I'm only interested in four
10 pages.

11 Could you take a look, sir, at -- in Exhibit 65 -- 65,
12 it's Bates numbered 122815.

13 THE COURT: That's going to be pretty complicated.
14 What is the number at the bottom of the page?

15 MR. ROSENBAUM: I'm just going to say the Bates
16 number. It's page 1 of 5, it's Bates number 122814. Do you
17 see that, sir?

18 THE WITNESS: I do not.

19 MS. WELLS: Is it possible to identify it in the way
20 it's been marked on the plaintiffs' exhibit list which breaks
21 down Exhibit 25 into different exhibit?

22 MR. ROSENBAUM: I will do my best.

23 MR. DU: Your Honor, it's page 189.

24 MR. ROSENBAUM: Thank you. I'm sorry about that.

25 THE WITNESS: Got it.

1 BY MR. ROSENBAUM:

2 Q Okay. Just want to organize my page numbers here.

3 Starting, sir, at page 2 of 5 -- and I am sorry, Your Honor, I
4 just don't have the number. It's 122815.

5 MS. WELLS: I believe this is Exhibit 65-12, if the
6 binder is organized that way. I'm not sure.

7 MR. ROSENBAUM: Does that work, Tommy? Is that
8 right?

9 MR. DU: Yes.

10 BY MR. ROSENBAUM:

11 Q Okay. Do you see that organizational tree there, sir?

12 A Yes.

13 Q Do you know what that, just in generally, that
14 organizational tree is?

15 A Yes.

16 Q Can you describe what it is, please?

17 A Yes. The CERS organization as a whole is broken up into
18 sections, each overseen by a deputy. This particular branch is
19 the access and outreach branch.

20 Q Okay. And this is for fiscal year 2024? I'm actually
21 looking at the first page.

22 A I was going to say I don't see a date on.

23 Q If you go one page earlier, it's in the left-hand corner.
24 It says "Organizational Chart," in small print, "FY2024."

25 Do you see that?

1 A I do see that.

2 Q Okay. Going back to the page that you and I were just
3 talking about, there is a box that says street outreach; is
4 that right?

5 A Yes.

6 Q And street outreach is part of -- these are individuals --
7 strike that.

8 What is your understanding of what the phrase "street
9 outreach" means?

10 A My working or functional understanding is that street
11 outreach is outreach conducted out in the community, on the
12 streets, in parks and various places where we believe unhoused
13 veterans to be, with the goal of reaching, contacting, engaging
14 them for services and housing.

15 Q Okay. And the geographical area that is covered here,
16 what area is that?

17 A I believe it is the entire medical center catchment area.

18 Q So what counties does that include?

19 A I am not the guy to ask about Southern California
20 counties, I'm sorry.

21 Q Okay. It's more than LA County, isn't it?

22 A Yes, that's my understanding.

23 Q It's Ventura County too, for example. It includes four
24 counties; isn't that right?

25 A That's my understanding. Again, if I haven't made clear,

1 I do not live in LA, so I tend to defer to others on the
2 geography.

3 Q Okay. Well, can you tell me if this is beyond your tenor
4 here, but just thinking about LA County, LA County is over
5 4,000 square miles, is it not, sir?

6 A I do not know.

7 Q It's the size of Rhode Island and Delaware put together?

8 A I did not know that either. It's very large, I will agree
9 with you there.

10 Q And for looking at -- directing your attention back to
11 this chart, it says that there are 13 full-time employees that
12 cover all of those catchment areas; isn't that right, sir?

13 A That is what it says, yes.

14 Q Okay. And it's your understanding that not everyone in
15 that box is actually conducting street outreach; isn't that
16 right?

17 A So this is a constantly evolving team. I recall during
18 our deposition, pointing out that a couple of those positions
19 were not, in fact, performing outreach at that time, yes.

20 Q In fact, your deposition was in April of this year; isn't
21 that right?

22 A I don't recall the exact date.

23 Q Okay. And what you told me is that not everybody covered
24 in that box does street outreach, right?

25 A That's very similar to what I had just said. I believe

1 that's what I said.

2 Q Of that 13 of that time, it was your understanding that
3 the actual number was nine; isn't that right?

4 A I mean, you are asking me to do this from memory.

5 Q We can go to your deposition. Page 175, line 8. You tell
6 me if this refreshes your recollection.

7 Do you have that in front of you?

8 A I do. Thank you.

9 Q All right. Starting at line 7.

10 "QUESTION: Okay. And you see the box that says
11 street outreach?

12 "ANSWER: I do.

13 "QUESTION: And there are 13 full-time employees who
14 are street outreach?

15 "ANSWER: There's 13 in that box, yes.

16 "QUESTION: Are there other boxes of street outreach
17 that I don't see?

18 "ANSWER: As I understand it, not everyone in that
19 box is actually conducting street outreach.

20 "QUESTION: Do you know how many are?

21 "ANSWER: Presently, my understanding is it's nine
22 of the 13.

23 "QUESTION: What's the geographical area that
24 they're supposed to cover?

25 "ANSWER: As I understand it, street outreach is

1 meant to be conducted in every SPA, the entire catchment area.

2 "QUESTION: Does that include Kern County?

3 "ANSWER: My understanding is that it includes all
4 of the areas we've talked about. It's obviously going to vary
5 in frequency and intensity in both.

6 "QUESTION: So it includes Kern County, LA County,
7 Ventura County. Did we identify any other counties?

8 "ANSWER: I did not.

9 "QUESTION: Could it be more but that's what you
10 know?

11 "ANSWER: Yes."

12 Okay. That was your testimony during your deposition,
13 sir?

14 A Yes. Thank you.

15 Q Okay. And sir, you told me also that the outreach
16 workers, they work Monday through Friday; isn't that right? Is
17 that what you told me?

18 A I actually don't recall that either. That is certainly
19 believable.

20 Q Well -- and typically the hours they would work is from
21 8:00 a.m. to 4:30; isn't that right?

22 A That is a typical tour of duty in VA. I actually wouldn't
23 be surprised at all if the outreach workers worked outside of
24 their tour, but I don't know that for sure.

25 Q Street outreach, that's not part of HUD-VASH; isn't that

1 right?

2 A That's correct.

3 Q And in April of 2024, you just told me that there were
4 nine individuals, right, doing this work?

5 A That's what was in that testimony, yes.

6 Q Okay. And in fact, of those nine individuals, not all of
7 them are veterans; isn't that right?

8 A I don't recall for sure.

9 Q All right.

10 A It's not a requirement that a street outreach worker be a
11 veteran. As you have heard other testimony in the trial, it
12 can be a great benefit in terms of engaging veterans on the
13 streets, and it's something we do promote and try for.

14 Q In fact, I was watching you when Dr. Sherin was
15 testifying, and when he talked about the value of veteran
16 peers, am I correct, sir, you were nodding your head in
17 agreement to that?

18 A I did not know you were watching, but I do recall nodding
19 along with that. I agree with every word of that.

20 Q Okay. And directing your attention, sir, at line 9 of
21 page 180. Do you have that in front of you, sir?

22 A No, I do not. Give me a moment. Okay. It's on the
23 screen it looks like.

24 Q At line 9.

25 "I think you told me this at least twice, but just

1 tell me how many of them are veterans of the nine?

2 "ANSWER: I don't know how many are veterans. Six
3 of them are actually labeled as peers in the position
4 description list. And peers are, by definition, formerly
5 homeless veterans.

6 "QUESTION: Thank you. What about the other three?

7 "ANSWER: I don't know the veteran status of the
8 other employees.

9 "QUESTION: Do you know how many of them, of the
10 nine, speak Spanish?

11 "ANSWER: I do not.

12 "QUESTION: Do you know if any of them speak
13 Spanish?

14 "ANSWER: I don't know one way or another.

15 "QUESTION: Do you know how many of them speak a
16 language other than English?

17 "ANSWER: No, I don't."

18 Line 5 on page 181:

19 "QUESTION: How many of them, if you know, have
20 served in Iraq?

21 "ANSWER: I don't know the military history of any
22 of these employees.

23 "QUESTION: Same, do you know if any of them served
24 in Iraq, Afghanistan, Vietnam?

25 "ANSWER: No, I do not.

1 "QUESTION: How many of them are women?

2 "ANSWER: I don't know that either.

3 "QUESTION: Do you know if any of them are women?

4 "ANSWER: I don't know one way or the other. This
5 position description listing, which is another entry, has
6 names. We could, of course, take a look at those, but I
7 haven't assessed gender, military history, any of those
8 factors.

9 "QUESTION: What about racial and ethnic
10 composition? Anything about that with respect to the nine?

11 "ANSWER: I do not."

12 That was your testimony at the deposition, sir?

13 A Yes.

14 Q The VA understands the value of outreach workers who look
15 and sound a lot like the veterans that they are talking with;
16 isn't that right, sir?

17 A Yeah. I think that is an accurate statement.

18 Q That inspires trust and rapport; isn't that right?

19 A Exactly.

20 Q Those individuals would know what they have been through;
21 isn't that right?

22 A What they -- the veterans, they are speaking to, is that
23 what you mean?

24 Q Yes.

25 A Yes.

1 Q Incidentally -- going back to that 13 number -- one of
2 those 13 individuals is a program coordinator; is that right?

3 A I have got to move back to that exhibit. Just a moment.

4 Thank you. Yes.

5 Q Okay. And there are also, within that number, thee social
6 science techs; isn't that right?

7 A Yes.

8 Q And those social science techs, what they primarily do are
9 eligibility assessments; isn't that right?

10 A That's my understanding.

11 Q So they don't actually do outreach?

12 A They do an incredibly important function of outreach, so I
13 would disagree with that, counselor.

14 Q They don't do street outreach; isn't that right, sir?

15 A Again, it's a critical component of street -- they are not
16 generally walking around on the streets, but sometimes they
17 are.

18 Q Okay. They are making eligibility assessments, that's
19 their job?

20 A Which is necessary and vital to getting veterans into
21 care.

22 Q And of the 13, only four of them are social workers; isn't
23 that true?

24 A Yes. According to the indications on the chart.

25 Q And of those social workers, sir, you don't know how many

1 of them, if any, were veterans; isn't that right?

2 A I don't know one way or the other.

3 Q Could you take a look, sir, at -- again, I apologize to
4 you sir, it's page 4 of 5, the Bates number is 122817, and I'm
5 sorry, I can't be more specific.

6 MR. ROSENBAUM: Can you help me, Tommy?

7 A A page number would be great.

8 MR. DU: It's page 191 of Exhibit 65.

9 MR. KNAPP: And I'll just note for clarity of the
10 record that this document was previously admitted as
11 Exhibit 1214.

12 MR. ROSENBAUM: That's really helpful, thank you,
13 Cody.

14 MS. WELLS: On August 9th.

15 MR. ROSENBAUM: Thank you.

16 BY MR. ROSENBAUM:

17 Q So is this in front of you, sir?

18 A Yes.

19 Q And looking at the left-hand corner, upper left-hand
20 corner, it lists workers by SPAs. Do you see that?

21 A Yes. Commonly it's pronounced "spa," here locally.

22 Q And "SPA" stands for what?

23 A Service Planning Area.

24 Q Okay. So for SPA -- you see where it says SPA 58?

25 A Yes.

1 Q And for SPA 58, that means that the individuals who are
2 working there are assigned to both SPAs; is that right?

3 A I actually -- I actually am not positive about this. I
4 think it means they're assigned to one or the other. But it
5 could mean they're assigned to both. I actually don't know.

6 Q Okay. And so looking at that, what it says for -- do you
7 know how big either SPA 5 or SPA 8 is?

8 A No.

9 Q Do you know what those relate to geographically at all?

10 A I have seen these on the map but never committed them to
11 memory.

12 Q So for SPA 5-8 there is one supervisor social worker,
13 correct?

14 A Yes.

15 Q And eight social workers and four peer specialists and one
16 social science tech; is that right?

17 A Sorry, the screen jumped to a slightly different view.
18 There we go.

19 Yes, reporting to that supervisory social worker,
20 yes.

21 Q Okay. And most of those workers don't do street outreach;
22 isn't that true, sir?

23 A Yes. This is the HUD-VASH org chart.

24 Q Exactly.

25 You talked to me yesterday about your familiarity with

1 homeless persons in Los Angeles on a one-on-one basis.

2 Isn't it true, sir, that at least at the time of this
3 deposition, you had never been to any encampment of homeless
4 persons in Los Angeles?

5 A Never -- never an encampment, yes.

6 Q And never had been to any of the encampments in any of the
7 catchment areas, sir; isn't that right?

8 A Again, encampments, that's correct.

9 Q You had never spoken to a homeless veteran who was
10 actually at the time on the streets of Los Angeles; isn't that
11 true?

12 A I don't recall saying that, but if it's in the record, I
13 would concur with it.

14 Q Reading from page 213, starting at line 2 for context.

15 "QUESTION: What's your best estimate of how many
16 homeless veterans you've spoken to?

17 "ANSWER: Here in Los Angeles, in that context, less
18 than ten.

19 "QUESTION: And the veterans whom you spoke to, they
20 were about to or they were part of project-based housing?

21 "ANSWER: Yes.

22 "QUESTION: So they weren't homeless at the time?

23 "ANSWER: Yes. That's right."

24 That was your answer, sir?

25 Let me just go a little bit further.

1 "QUESTION: So maybe you just answered this, but
2 have you spoken to any homeless veterans who at the time were
3 homeless and on the streets in Los Angeles?

4 "ANSWER: On the streets, probably not. I've spoken
5 to some veterans at CTRS, they are technically homeless but not
6 on the streets?

7 That was your testimony, sir?

8 A Yes.

9 Q Okay. When Dr. Sherin was testifying, were there other
10 matters that Dr. Sherin testified you were in agreement with?

11 A That's a very broad question.

12 Yes. There were.

13 Q Do you recall what some of those subject matters were,
14 sir?

15 A Yes. I think one thing that resonated with me, I have
16 made the same argument, was his concept of the connective
17 tissue in housing. The importance of developing a healthy,
18 thriving place for veterans to be, not just focusing purely on
19 a raw number of housing units.

20 Q Why do you think that's important, sir?

21 A I would hope it's self-evident, but it's because it's, in
22 my opinion, what determines quality of life.

23 MR. ROSENBAUM: May I just have a moment?

24 THE COURT: Yes.

25 MR. ROSENBAUM: Your Honor, I have no further

1 questions.

2 THE COURT: Do you want to consult with your team?

3 MR. ROSENBAUM: I just did.

4 THE COURT: They are all nodding.

5 Do you need a break before you start with
6 cross-examination?

7 MR. SILBERFELD: Your Honor, by agreement we were
8 going to interrupt the examination of Dr. Harris to bring
9 another witness in here.

10 THE COURT: Fine. Thank you very much, sir, you may
11 step down but apparently you will be back obviously. Thank you
12 very much.

13 Do you want me to take a break before calling the next
14 witness?

15 MR. SILBERFELD: If I could just have five minutes
16 to go --

17 THE COURT: Okay. So, Terri, why don't you take a
18 break.

19 (Recess.)

20 THE COURT: We're back on the record, all counsel
21 are present, the parties are present. And informally just a
22 moment ago, counsel called to the Court's attention that
23 SafetyPark's counsel is present.

24 Counsel?

25 MR. HIGHAM: Thank you, Your Honor. I intend to be

1 brief. I'm Terry Higham, I'm here on behalf of SafetyPark and
2 I'm only here to correct some misimpressions that may have been
3 left with the Court.

4 I have an opposition to the motion to enforce --
5 or the request to enforce I'd like to present it to the Court
6 for review.

7 THE COURT: And counsel will each need a copy of
8 that, of course.

9 THE WITNESS: I have a copy here for counsel.

10 THE COURT: Thank you very much for your courtesy.

11 Counsel, this will take a little while to read,
12 and I promise I will read it as quickly as possible, but we're
13 holding up progression of witnesses at present time.

14 MR. HIGHAM: Very well, Your Honor, if I may be
15 brief. There are three points I just wanted to raise.

16 First of all, there's never been any personal
17 delivery of a subpoena, trial subpoena to the witness.
18 Rule 45(b)(3) requires that.

19 And, secondly, there has never been any agreement
20 on behalf of SafetyPark or myself to accept service of process
21 on behalf of Ms. Davis, who's the witness.

22 Also, SafetyPark does have standing to raise the
23 objection here, but we're here to solve a problem, not to be
24 part of a problem. I have been in contact with Ms. Davis
25 yesterday and she's amenable to appearing on Monday morning at

1 10 o'clock if that is acceptable with the Court and counsel?

2 THE COURT: I don't know their case. I don't know
3 when she's expected, but I know this, we lose this courtroom
4 next Friday, and they're going all over this building. And I
5 don't want people flying in from Washington D.C. after Labor
6 Day if it's not necessary.

7 So let me hear from counsel for just a moment.

8 I would like to work with you, and thank you for
9 being so gracious.

10 MR. HIGHAM: Thank you, Your Honor.

11 MR. DU: Your Honor, we're fine with Ms. Davis
12 appearing on Monday, our only request so that the Government
13 can present their case is that she appear at 8 a.m.

14 THE COURT: We'll start at 8 a.m., but if she's
15 going to be here at 10 o'clock, are we going to break at
16 10 o'clock?

17 You two have a consultation with counsel for just
18 a moment. We're using up court reporter time on this, this
19 could be easily resolved.

20 (Off the record discussion.)

21 THE COURT: Okay, counsel, thank you. All counsel
22 are ordered back at 12 noon, we will resolve it at that time.

23 Counsel, your next witness?

24 Counsel, sir, you are ordered back at 12 noon.
25 We will take it up at lunch hour. Thank you.

1 MR. SILBERFELD: Your Honor, plaintiffs call Carlos
2 Van Natter.

3 THE COURT: Thank you. Thank you, sir, would you
4 raise your right hand, please.

5 THE COURTROOM DEPUTY: Do you solemnly swear that
6 the testimony you are about to give in the cause now pending
7 before this Court shall be the truth, the whole truth and
8 nothing but the truth so help you God?

9 THE WITNESS: I do, yes.

10 THE COURT: Thank you, sir. If you would please be
11 seated in the witness box, it's just to my right, stairs are
12 closest to the wall. Watch this small step right here.

13 THE WITNESS: Good morning, Judge.

14 THE COURT: Thank you, sir. Would you state your
15 full name for the record, please.

16 THE WITNESS: Yes. My name is Carlos Van Natter.

17 THE COURT: Would you spell your last name, sir.

18 THE WITNESS: It's two words, first word is V-A-N,
19 second word is N-A-T-T-E-R.

20 CARLOS VAN NATTER,
21 having been duly sworn,
22 testified as follows:

23 THE COURT: Thank you very much, sir.

24 Counsel, direct examination, please.

25 MR. SILBERFELD: Thank you, Your Honor.

DIRECT EXAMINATION

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BY MR. SILBERFELD:

Q Mr. Van Natter, thank you for coming.

Would you tell the Court, please, who you are and where you work?

A Yes. I'm the director of Section 8 at the Housing Authority of the City of Los Angeles.

Q And how long have you held that position, sir?

A Next week it will be 38 years.

Q What is Section 8 housing?

A Section 8 housing is where we provide rental subsidy to low income residents in the city.

We determine the tenant's portion of the rent, which is 30 percent of their income. Tenants pay that towards rent and the housing authority pays the difference directly to the landlords on behalf of the tenants.

Q I'm going to ask you to slow down a little bit for the sake of our court reporter's hands. Okay?

A Yes.

Q Is the HUD-VASH program something you are familiar with, sir?

A Yes.

Q And is the HUD-VASH program something that is administered by you, and your office at the Housing Authority in the City of Los Angeles?

1 A Yes.

2 Q For the boundaries of the City of Los Angeles, correct?

3 A Yes.

4 Q Overall, Mr. Van Natter, how many individuals does the
5 Housing Authority of the City of Los Angeles serve?

6 A Over 61,000.

7 Q And of those 61,000 individuals that are served by the
8 housing authority, what percent, approximately, are homeless
9 individuals?

10 A 47 percent of our resources are assisting the homeless.

11 Q And the HUD-VASH program is part of your responsibility;
12 is that right?

13 A Yes.

14 Q And how long have you had that responsibility?

15 A Well, I have been the director of Section 8 for ten years,
16 I was assistant director before then also working with the
17 HUD-VASH program, so I would say at least 20 years.

18 Q Now the HUD-VASH program has existed in your agency, the
19 Housing Authority of the City of Los Angeles, since 2008; is
20 that correct?

21 A Yes.

22 Q And you have been directly involved with the management
23 and operation of that program since 2008?

24 A Yes.

25 Q To the present?

1 A Correct.

2 Q All right. Could you describe, please, to the Court what
3 the role is of individuals who work for the Housing Authority
4 of the City of Los Angeles with respect to the administration
5 of the HUD-VASH program. What do your folks do is a short way
6 of saying it?

7 A Yes.

8 So, our staff receives referrals from the VA for
9 applicants for the program, for the HUD-VASH program.

10 We review the paperwork, we determine eligibility. If
11 the families or individuals meet our criteria they receive a
12 voucher for assistance. With the vouchers they can look for a
13 unit anywhere in the city of Los Angeles.

14 Once they have found a unit, our staff with process that
15 paperwork, inspect the units, and execute a contract with the
16 private landlord. That's on the tenant-based side of the
17 program. We also administer a project-based component of the
18 HUD-VASH program also.

19 MR. SILBERFELD: The diagrams help. Karlen, may I
20 have the microphone.

21 THE COURTROOM DEPUTY: Yes.

22 MR. SILBERFELD: Thank you so much.

23 BY MR. SILBERFELD:

24 Q Mr. Van Natter, you mentioned there are two types of
25 vouchers. Do you recall that?

1 A Two components of the HUD-VASH program, yes.

2 Q So HUD-VASH has a tenant-based --

3 A Yes.

4 Q -- voucher? And also has a project-based voucher?

5 A Yes.

6 Q Define, if you would, what a tenant-based voucher is.

7 A So a tenant-based voucher is assistance that a tenant
8 receives which they can take anywhere to work with the private
9 landlord in the city of Los Angeles and outside of our
10 jurisdiction, too, because we have inter-jurisdictional
11 agreement with other housing authorities in the Southern
12 California area.

13 Q Let me see if this also fits within the description.

14 If an individual is holding a tenant-based
15 voucher, that voucher follows them anywhere they want to go to
16 live; is that correct?

17 A That's correct.

18 Q And then define for us what a project-based voucher is?

19 A So the project-based voucher program is where we work with
20 developers and a building is built that provides assistance to
21 the veterans for as long as they are living in that particular
22 unit.

23 Q So the project-based voucher stays with the unit, it does
24 not follow the individual; is that right?

25 A That's correct.

1 Q All right. As of today, if you have the figures or just
2 give me approximates, too, how many total HUD-VASH vouchers,
3 tenant-based and project-based, does the Housing Authority of
4 the City of Los Angeles administer?

5 A Altogether we have around 4,900 vouchers and that is 3,800
6 in the tenant-based program and 1,200 in the project-based
7 component.

8 THE COURT: Just a moment. I'm going to repeat that
9 back just because of the speed of the answer in question.

10 We have 4,900 VASH?

11 THE WITNESS: Total.

12 THE COURT: Total. Let me repeat back so you know
13 what I'm absorbing.

14 You have 3,800 tenant-based; is that correct?

15 THE WITNESS: Yes.

16 THE COURT: And you have 400 project-based?

17 THE WITNESS: No, it's closer to 1,200. And as I
18 think about it, the exact number is 1,127 on the project-based.

19 THE COURT: So 1,127 project-based.

20 THE WITNESS: Yes.

21 THE COURT: Is that correct? Thank you very much,
22 sir.

23 BY MR. SILBERFELD:

24 Q Have I written it down correctly here, Mr. Van Natter?

25 A Yes.

1 Q And there's a concept that is important for the Court to I
2 think to understand and that has to do with caps.

3 Are you familiar with what I'm talking about?

4 A Yes, on the project-based side.

5 Q Correct. So there are caps that apply to project-based
6 vouchers. Would you describe to the Court what that is and
7 what it means?

8 A So, HUD allows a housing authority to utilize 30 percent
9 of its tenant-based allocation for the project-based voucher
10 program.

11 Q Is that how you get from 4,900 to roughly 1,127?

12 A The 1,127, which is the HUD-VASH project-based component
13 number, is part of our overall project basing that we do at the
14 agency.

15 THE COURT: I don't understand what you just said.

16 THE WITNESS: Okay. HUD allows us to project base
17 30 percent of our overall allocations. So our overall
18 allocations are, as I was saying, over 61,000.

19 30 percent of that figure is what we can project base
20 and the 1,127 that's in HUD-VASH is a component part of our
21 overall project-based units at our agency.

22 THE COURT: I don't understand what you just said.

23 THE WITNESS: Okay.

24 BY MR. SILBERFELD:

25 Q How about this --

1 THE COURT: No, no. Again. I love repetitiveness
2 until I understand it.

3 THE WITNESS: Okay. The 1,127 of HUD-VASH project
4 base is what we have procured through arrangements with
5 developers to get to that number. But the 1,127 is not
6 necessarily 30 percent of the 3,900.

7 The 30 percent that we can project base at our
8 agency is a bigger number, but our project basing 1,127 in
9 HUD-VASH that rolls up to the overall bigger number that we
10 project-based at our agency.

11 THE COURT: Counsel is going to turn the page over
12 and you're going to go to that chart and we're going start with
13 the 61,000.

14 THE WITNESS: Okay.

15 THE COURT: Go grab a pen. Abraham Lincoln said,
16 "You can fool all of the people some of the time or some of the
17 people all of the time, but not all of the people all of the
18 time."

19 Until I understand it, you're fooling me.

20 Let's start with the 61,000, let's do our math.

21 THE WITNESS: Now, the 61,000 these are all of the
22 resources we have at the housing authority.

23 THE COURT: Right. I understand that.

24 THE WITNESS: Okay. Now, we have -- our biggest
25 program is the Housing Choice Voucher Program, which is what

1 people normally refer to as Section 8. And that number is
2 actually around 50,000.

3 THE COURT: That's going to be what I'm going to
4 call Section 8.

5 THE WITNESS: Correct.

6 THE COURT: And the difference between these two
7 numbers is there are some other special programs that add up to
8 the 61,000. We have other programs like the Continuum of Care
9 and other programs like that.

10 But this 50,000 figure housing choice, this is what HUD
11 allows us to use as the basis of our 30 percent that we could
12 project base.

13 THE COURT: Let's be clear. That's for Los Angeles
14 County?

15 THE WITNESS: Los Angeles City. Our jurisdiction.

16 So 31 -- I'm sorry, 30 percent of the 50,000 would be...

17 THE COURT: About 16,000 and something.

18 THE WITNESS: Yeah, I was going to say, who is good
19 with math? 16,000.

20 So this is approximately what we can project base over
21 all at our agency in the City of Los Angeles.

22 THE COURT: So put "project" next to it. The other
23 I assume can be tenant-based?

24 THE WITNESS: Correct. The difference is
25 tenant-based, the 34,000 is the tenant-based number.

1 THE COURT: So 34,000 tenant-based.

2 THE WITNESS: And we do call it PBV for
3 project-based.

4 THE COURT: No, no. Your tenant base is 34,000.

5 THE WITNESS: Oh, is the difference, which would be
6 34.

7 THE COURT: Now, believe it or not I've walked
8 through this before in a different process.

9 THE WITNESS: Okay. So you are correct. 50,000 is
10 the overall HCV number, 34,000 of that is tenant-based, 16,000
11 of that is what we can project base.

12 So that 1,127, that we saw earlier in HUD-VASH is part
13 of this number of 16,000.

14 THE COURT: Right.

15 THE WITNESS: We cannot go above 16,000.

16 When I say that we can project base 30 percent of this
17 overall number, rightly now, overall in all programs we're at
18 about 28.5 percent of the 30 percent we could do on project
19 basing.

20 THE COURT: Why?

21 THE WITNESS: The balance, that little one and a
22 half percent is what the housing authority is reserving for
23 ourselves for public housing redevelopment.

24 For example, at our Jordan Downs complex we have torn
25 down the old buildings, we're putting up new PBV in its place.

1 THE COURT: I won't say that there is mass panic,
2 but the Mayor gave you some very specific concerns about losing
3 your HUD vouchers. She didn't say VASH, but your HUD vouchers
4 through nonuse.

5 Do you recall that?

6 THE WITNESS: Yes.

7 THE COURT: And she was very concerned publicly
8 about you having to return those vouchers unused to not only
9 the public embarrassment to your agency and the city, but also
10 losing those geographically, eventually I'm going to want to
11 know about the VASH-HUD vouchers. Okay?

12 THE WITNESS: Okay.

13 THE COURT: So we're getting there. Now, keep
14 explaining this magical math to me.

15 THE WITNESS: Okay. So the difference between the
16 16,000 PBV and the 1,127 is our regular PBV program that is not
17 HUD-VASH.

18 So those are buildings that we partner with developers
19 around the city to create housing in different neighborhoods.

20 So that's our regular PBV program.

21 That is not specifically for veterans, it's for any
22 population that we could serve and there is a number there,
23 like families, transitioning youth, people with disabilities,
24 those are the many categories in the regular PBV program.

25 So I could write down, too, that our number of HUD-VASH

1 PBV is 1,127.

2 THE COURT: How do we get to the 1,127?

3 THE WITNESS: We got that through solicitations,
4 notices of funding availability that we issued to the
5 development community.

6 THE COURT: Exactly. You didn't set a number, you
7 waited on the solicitation and how we could pick up the money
8 strings through our developer.

9 You didn't say it's 30 percent of some number, you had
10 to wait until the developer puts together the -- I'm going to
11 call it the tax credit money string. So this 1,127 isn't
12 driven by 50,000 or 61,000 or 16,000, it's really driven by our
13 developer finally putting together these --

14 THE WITNESS: The money to build the project,
15 correct.

16 THE COURT: So it's got nothing to do with magical
17 math and a comparison or ratio to our 50,000 or 61,000, it's
18 developer project, what can we get in tax credits to come to
19 you and give you the number. Right?

20 THE WITNESS: Yes.

21 THE COURT: Simple as that. You can retake the
22 stand again.

23 Now do all of you understand that? Because we
24 will walk through it again. Do you?

25 MS. HILL: Sure. I think so.

1 THE COURT: Look, it's developer based. The
2 developer has to go out there and find these credits so he or
3 she is struggling out there to put this together and these
4 numbers aren't set by the City, they're a reflection of what
5 the developer brings to us, and that is being reflected and
6 it's got nothing to do with this magical math about a ratio
7 that we just heard that nobody understood. Okay.

8 All right, counsel?

9 BY MR. SILBERFELD:

10 Q Mr. Van Natter, that cap of 30 percent that's set by HUD;
11 is that right?

12 A Yes.

13 Q At one point in time the cap was actually 20 percent and
14 then your agency got permission to go up to 30 percent,
15 correct?

16 A Well, HUD allowed all PHAs to go 10 percent higher if that
17 addition 10 percent was to serve special populations, including
18 the homeless.

19 THE COURT: Now stop. I want you to repeat that
20 more slowly. Slowly.

21 THE WITNESS: So, all housing authorities were given
22 the option of going beyond the initial 20 percent that you
23 could project base to add an additional 10 percent for special
24 populations, primarily homeless.

25 THE COURT: And that's because HUD recognized

1 certain areas with, let's say, high cost in terms of rent.

2 THE WITNESS: And high need, yes.

3 THE COURT: And high need, thank you. And Los
4 Angeles was one of those areas?

5 THE WITNESS: Yes.

6 THE COURT: There are other areas, of course.

7 THE WITNESS: Maybe in California, yes.

8 THE COURT: Okay. Thank you.

9 BY MR. SILBERFELD:

10 Q You said in response to one of the Court's questions that
11 you are at about 28 and a half percent or so utilization of
12 your project-based vouchers?

13 A Yes.

14 Q And the other 1 and a half percent is reserved for some
15 building that the housing authority is doing?

16 A Yes.

17 Q And is there a consequence to being at that cap in terms
18 of the availability of additional project-based vouchers?

19 THE COURT: At being at what cap? The 28.5 or 30
20 percent?

21 MR. SILBERFELD: 30.

22 THE COURT: 30.

23 THE WITNESS: Yes. I mean, the housing authority
24 cannot provide more project-based assistance to developers, and
25 there are a lot more projects in the pipeline that could be

1 assisted, that aren't, because we have that cap. There have
2 been movements to increase the cap by housing authorities and
3 other advocates because it's an impediment for our area, but
4 not nationwide.

5 THE COURT: I'm going to repeat back to you what you
6 just said, or at least what I absorbed. So you can correct me.
7 Don't be chill. Correct me.

8 Hey, look, Judge, we have got actually more
9 developers that could have a project-based tax credit build up.

10 THE WITNESS: Uh-huh.

11 THE COURT: But we have a 30 percent cap. And if
12 that cap was lifted, we could have more project-based
13 development.

14 THE WITNESS: Yes.

15 THE COURT: Hold on. The answer is yes, that is
16 refreshing. Yes.

17 Then you mentioned, well, there is advocates out there,
18 and we have things -- what do we have out there that drives
19 this? In other words, HUD has already granted an exception to
20 Los Angeles and probably Northern California and some other
21 places. Okay. And thank you.

22 What is driving this to have HUD or the administration
23 or whoever is in this decision-making process up this cap?

24 THE WITNESS: Developers would like to see us
25 increase the cap.

1 THE COURT: Developers would. They don't drive
2 Congress. What do we have in the works, you know, that gets
3 HUD to take -- not necessarily to do it. Who is involved in
4 the administration? What Congressman is going to bat? Or is
5 this a lawsuit and advocates pushing this and some developers
6 out there are going to be accused of greed, et cetera?

7 What is pushing this process to raise the cap?

8 THE WITNESS: To be able to provide more housing.

9 THE COURT: What is pushing this process to raise
10 the cap on project-based development or vouchers?

11 THE WITNESS: Which entities are pushing it?

12 THE COURT: Yes. Anything. What is the push?

13 THE WITNESS: It's mainly been the development
14 community. Our partners at the Los Angeles Housing Department
15 would like to see the cap raised. However, the housing
16 authorities have attention and mixed emotions about this
17 because when we started with the initial based number of 50,000
18 housing choice vouchers, which is regular Section 8, that is a
19 fixed pool. And to increase the project-based side, you have
20 to decrease the tenant-based side.

21 THE COURT: From HUD's perspective. If you don't
22 reach these project-based vouchers, you have to turn them back?
23 You turn them back to HUD, and you say, look, we had -- if we
24 had X pool, for instance, and we will take Section 8 for a
25 moment. And hypothetically, we have got 10,000, and you don't

1 meet your goal, as Mayor Bass was concerned about and the
2 council was concerned about, and you get 7,000, you have to
3 turn them back to HUD.

4 And if you are HUD, you are wondering why you ever gave
5 Los Angeles 10,000 if you can't fulfill your Section 8. So, I
6 want to know what is happening over here with the VASH project
7 and if you had to turn them back eventually. And I want to
8 know that -- historically what has been unused.

9 Because why does HUD give us more VASH vouchers or
10 Section 8 when it could go to other parts of the country if
11 we're not doing our job out here and getting them fulfilled?

12 So counsel is going to ask that in a moment. If they
13 don't, I am.

14 Counsel.

15 MR. SILBERFELD: That is a subject we're going to
16 cover.

17 THE COURT: Okay. In other words, what is our usage
18 rate, what is our return rate, historically.

19 BY MR. SILBERFELD:

20 Q Mr. Van Natter, just before we leave the cap issue, what
21 is a notice of a funding availability?

22 A That is where we put out a solicitation to the community,
23 to developers to submit proposals to us for buildings that they
24 want to construct after they put together their financing
25 package to use our vouchers in this process.

1 See, because the PBV program, in general, permanent
2 supportive housing, there is three main components of it. You
3 need the capital to build the building, you need the rental
4 subsidy for the tenants to afford to live there, and you need
5 supportive services so they can successfully live there.

6 The housing authority provides the operating subsidy.

7 THE COURT: Just one moment. What does "PBV" stand
8 for?

9 THE WITNESS: Project-based voucher.

10 THE COURT: Thank you. I'm not very good at the
11 acronyms.

12 All right. Historically, the City is perceived that
13 they have an architecture responsibility. The County is
14 perceived that they have a service. And there has been a
15 constant conflict in Los Angeles between where those lines are
16 drawn. You know that and I know that.

17 THE WITNESS: Uh-huh.

18 THE COURT: When you have a project-based voucher
19 program, how are those services provided? Do they come through
20 the County?

21 THE WITNESS: Yes. They come from the LA County
22 Department of Health Services and Mental Health.

23 THE COURT: And what guarantee for the developer
24 when they put in a -- not VASH, but a HUD-based section? What
25 guarantee is it that services are commensurate with the person

1 carrying around the voucher in a tenant-based voucher program?

2 THE WITNESS: Well, they are requirements of our
3 NOFA, our notice of funding availability, that supportive
4 services be provided to the tenants in the project-based
5 voucher program.

6 THE COURT: It is a tenant-based, not project-based.

7 THE WITNESS: Tenant-based doesn't necessarily have
8 that requirement.

9 THE COURT: But project-based does?

10 THE WITNESS: Correct. Yes.

11 THE COURT: Is that being fulfilled through the
12 HUD-VASH project-based? Do we have the services commensurate
13 from the County?

14 THE WITNESS: Well, under the HUD-VASH program, the
15 VA provides the supportive services.

16 THE COURT: The County doesn't?

17 THE WITNESS: No.

18 THE COURT: Okay. You are right.

19 Thank you, counsel.

20 BY MR. SILBERFELD:

21 Q So just finishing up on the NOFA, the notice of funding
22 availability, if you are at or very near to the cap on the
23 project-based voucher side, are you able, by your process, to
24 issue new notices of funding availability?

25 A No.

1 Q Why not?

2 A Because we don't have the funding for it.

3 Q And when that happens, no new funding of new construction
4 of Low-Income Housing Tax Credit buildings can occur in the
5 City of Los Angeles, correct?

6 A Correct.

7 Q All right. Just before we leave this chart and I return
8 to the podium, 3,800 of the HUD-VASH vouchers that your agency
9 takes care of are tenant-based vouchers?

10 A Yes.

11 Q Okay. And historically -- and we will go through the
12 details year by year in a minute -- but historically, Mr. Van
13 Natter, what percent of those 3,800 are actually utilized?

14 A Right now it's about 59 percent.

15 THE COURT: So, I'm going to repeat back to you.

16 On our tenant-based voucher, about 59 percent
17 utilization. Correct me -- simply about a 41 percent return
18 rate?

19 THE WITNESS: Well, they are not returned yet.

20 THE COURT: Let's just say unused.

21 THE WITNESS: They are unused. We are constantly
22 working at --

23 THE COURT: You know the mayor is very concerned
24 about that.

25 THE WITNESS: Oh, yes.

1 THE COURT: Counsel is very concerned about that.

2 THE WITNESS: We're concerned about that at the
3 housing authority.

4 THE COURT: That is unconnected with the VASH.

5 BY MR. SILBERFELD:

6 Q I understand. Just for math purposes, Mr. Van Natter, if
7 59 percent of 3,800 vouchers today -- if we took a snapshot
8 today -- are in use, roughly 40 percent are not in use?

9 A Yes.

10 Q So that would be 1,500, roughly?

11 A Yes.

12 Q And what is the explanation for why those 1,500 are not in
13 use?

14 A The primary one from the housing authority's standpoint is
15 we don't receive referrals to process, to get -- determine
16 eligibility for veterans and get the vouchers on the street.

17 Q And whose responsibility is it to provide the referrals?

18 A The VA.

19 Q I want to go forward for a moment. Keep that 1,500 figure
20 in mind.

21 And I want to ask you a question about available housing
22 stock for rental purposes in the City of Los Angeles.

23 Do you have an approximate figure as to the number of
24 tenant units, not owner occupied units, tenant units that are
25 rental units in the City of Los Angeles?

1 A Rental units is about 650,000.

2 Q And as we speak this morning, what is the vacancy rate in
3 the City of Los Angeles today?

4 A The vacancy rate is a bit below 4 percent, so about
5 4 percent.

6 Q Really? So that, if we did the math there, that says to
7 me that there are about 26,000 units available?

8 A Yes.

9 Q Approximately, right?

10 A Yes.

11 Q So that if these 1,500 available vouchers could properly
12 be pushed out the door and into the hands of homeless veterans,
13 there is 26,000 units in the City of Los Angeles,
14 approximately, to choose from?

15 A There are 26,000 available units in the city. All of them
16 might not be at our price point and what we could afford to
17 pay, based on the voucher payment standard and the fair market
18 rent. But that is the number of available units in the city,
19 yes.

20 THE COURT: Once again, I want to make sure you are
21 referring to the city and not the county.

22 THE WITNESS: That is city.

23 BY MR. SILBERFELD:

24 Q Now, this issue of lack of referrals from VA to your
25 agency, that has persisted for each and every year that

1 HUD-VASH has been in existence, has it not?

2 A Since inception of the program with us, 2008, yes.

3 Q All right. Have you met with individuals from VA about
4 this problem?

5 A Yes.

6 Q Repeatedly?

7 A Yes.

8 Q Over the span of many years?

9 A Over the entire time period, yes, uh-huh.

10 Q 16 years' worth?

11 A Since 2008, yes.

12 THE COURT: We're going to start assigning
13 responsibilities instead of bureaucracy.

14 Who have you met with, by name?

15 THE WITNESS: So, currently, we meet with John Kuhn
16 and Sally Hammitt on a higher level at the VA. They are at the
17 VA.

18 THE COURT: Just a moment. On a higher level, who?

19 THE WITNESS: Those are the two higher level people
20 -- John Kuhn and Sally Hammitt. And then more on the
21 operational level, we work with Vangi Leggins, and Estelle
22 Reyes. So we have a number of meetings with the VA. At a
23 higher level like when I'm involved. And operationally, with
24 my staff and staff at the VA, those happen weekly.

25 Our high level meetings happen monthly or bimonthly,

1 yes.

2 THE COURT: I'm hearing operational. I'm hearing
3 good people trying to do a good job.

4 THE WITNESS: Yes.

5 THE COURT: I'm not hearing this goes necessarily,
6 except by hearsay, any higher. I don't know if this gets to
7 the top levels of the VA. I don't know if this gets to the
8 administration.

9 You are not a policy maker, are you? They are not,
10 certainly, policy makers.

11 THE WITNESS: No. From our agency, locally, we're
12 working directly with those VA staff.

13 THE COURT: Well-intentioned folks out there.

14 THE WITNESS: Yes.

15 BY MR. SILBERFELD:

16 Q You mentioned senior level meetings that occur either
17 monthly or bimonthly?

18 A Yes.

19 Q And you participate in those?

20 A Yes.

21 Q And you have participated in those for more than a decade?

22 A Yes.

23 Q And the --

24 THE COURT: Give me some more names of folks you
25 have met with, the highest levels. That's certainly no

1 disrespect to Mr. Kuhn or Ms. Hammitt.

2 THE WITNESS: Mr. Braverman at the VA has been
3 involved in some of the meetings before. We have had -- the
4 HUD-VASH utilization issue has been a major one for HUD. On
5 the national level, we have had folks come out and meet with us
6 from them.

7 THE COURT: Who? The administration? Who?

8 THE WITNESS: The VA secretary has been out in the
9 past.

10 THE COURT: He came out for the opening of 53 units.

11 THE WITNESS: Last year he came out for the opening
12 of our two buildings on the campus, yes. Uh-huh.

13 THE COURT: Mayor Bass.

14 THE WITNESS: Yes.

15 THE COURT: I watched that on TV.

16 THE WITNESS: Yes. I was there too.

17 THE COURT: And so you assume from that that he is
18 aware. That's an assumption. Who from the administration --
19 besides the director or whatever his title is, McDonough -- of
20 the VA? Anybody from the White House?

21 THE WITNESS: No. Those are the high level people
22 I'm aware of that we have been in communication with.

23 THE COURT: Okay. Thank you, counsel.

24 BY MR. SILBERFELD:

25 Q In the course of the monthly or bimonthly senior

1 leadership meetings that you have participated in, Mr. Van
2 Natter, has the subject of inadequate referrals from VA, to
3 HACLA, to your agency, come up repeatedly?

4 A Yes.

5 And you know, I want to add to my last comment. Also,
6 Keith Harris, who is here, has also been involved in those
7 meetings also.

8 THE COURT: We didn't get that because it was too
9 quick. Could you repeat that? I'm watching realtime.

10 THE WITNESS: Okay. Yeah. I just wanted to add
11 that Keith Harris has also been involved in meetings that we
12 have had regarding HUD-VASH utilization, yes. As a higher
13 level person. Yes.

14 THE COURT: Okay.

15 BY MR. SILBERFELD:

16 Q Now, in those same meetings that occur at the operational
17 level with people from your agency and people from VA, to your
18 knowledge, has the subject of inadequate referrals come up
19 repeatedly over time?

20 A Yes.

21 Q And in fact, your agency has set a marker, has it not, as
22 to how many referrals you would like to see in order to
23 actually deploy the vouchers that are available for deployment?

24 A Yes.

25 Q What is that number, sir?

1 A Well, from the very beginning in 2008, we have asked for
2 25 referrals a week -- HUD-VASH referrals for the program.

3 Now, over time, since we have such a large number of
4 unused vouchers, it's really, truly, 41 referrals that we need
5 a week now.

6 However, we have not been receiving numbers close to
7 that.

8 THE COURT: Just a moment. I'm confused.
9 Historically, 25 referrals a week, but now, over time, since we
10 have such a large number of unhoused vouchers, it's really 41
11 referrals.

12 Do I take that answer to mean that 25 is the number you
13 have given out to the VA, but now because of the number of
14 unused vouchers to catch up, you would like to have 41 per
15 week?

16 THE WITNESS: Yes.

17 THE COURT: Simple as that, right?

18 THE WITNESS: We started out with 25, but now we
19 realize we truly need 41 referrals a week to utilize the whole
20 3,800 and get them all utilized.

21 THE COURT: Thank you. You have got some pressure
22 on you from the mayor, don't you, and the counsel?

23 THE WITNESS: Yes.

24 BY MR. SILBERFELD:

25 Q This year, Mr. Van Natter, you participated in a meeting

1 at the VA on February 1, did you not?

2 A Yes.

3 Q And the purpose of that meeting, at least as it related to
4 you, was to explain to the assembled people there what was
5 wrong with the referral system and the unused vouchers,
6 correct?

7 A Yes. The utilization of the HUD-VASH vouchers.

8 Q And that was actually -- pardon me -- a meeting of the
9 Veteran and Community Oversight and Engagement Board, correct?

10 A Yes. They called us from HACLA, so I spoke for the
11 Housing Authority of City of Los Angeles, and also my
12 counterpart at the County housing authority, Amelia Salas,
13 spoke on our HUD-VASH programs.

14 Q And you made a presentation at that meeting, did you not?

15 A Yes.

16 Q On behalf of your agency?

17 A Correct.

18 MR. SILBERFELD: Your Honor, if we could display
19 Exhibit 16, please. It's in evidence.

20 THE COURT: So, you are making the presentation. Is
21 LAHSA there also?

22 THE WITNESS: No. This group, the Veterans and
23 Community Oversight Engagement Board wanted to hear from the
24 housing authorities, their perspective on the utilization
25 situation with HUD-VASH.

1 BY MR. SILBERFELD:

2 Q And present at that meeting were representatives of the
3 VA, correct?

4 A Yes.

5 Q Do you remember who was there from VA?

6 A John Kuhn was there, Sally Hammitt was there, Keith Harris
7 was also there, and a number of the lower level line staff that
8 we work with. Vangi Leggins, L-E-G-G-I-N-S, was there, and
9 Estelle Reyes.

10 THE COURT: Back up just an inch from that mic, just
11 one more inch. There we go. Once again, the name, please?

12 THE WITNESS: Estelle Reyes was the last name.

13 THE COURT: Estelle Reyes, R-E-Y-E-S?

14 THE WITNESS: Yes.

15 BY MR. SILBERFELD:

16 Q On behalf of your agency, did you do the talking --

17 A Yes.

18 Q -- around Exhibit 16?

19 A I did.

20 Q Okay. Let's walk through this. The question you were
21 asked by the oversight board was exactly what, Mr. Van Natter?
22 What were you trying to answer?

23 A What is the reason for the low utilization of HUD-VASH
24 vouchers in Los Angeles?

25 Q Was anything that you presented on February 1 brand new

1 information about the problem?

2 A No. Not really. I mean, through meetings that we have
3 had regularly with the VA folks, we talk about all of these
4 things on referrals, utilization. I kind of joke with my staff
5 that they are tired of hearing from me because I sound like a
6 broken record, because all we're asking about is more referrals
7 for the HUD-VASH program, because we have staff standing by
8 ready to process them.

9 THE COURT: I'm going to assume that we have got all
10 good folks here at the operational level -- you, and the VA,
11 and Sally who's joining you, and everybody else.

12 Where does this go after we have these, you know, these
13 meetings? With all of these good operational folks, you make
14 your complaint, they say they are doing their best, et cetera.
15 It's just lost at this level or does it go someplace?

16 Because, see, with Mr. Harris or Dr. Harris, I'm stuck
17 with a conversation with McDonough who supposedly talks to
18 Treasury who talks to HUD, who talks to -- how I do know? It's
19 all hearsay.

20 Do you have any idea if this goes up the chain of
21 command so there's somebody in the policymaking decision that
22 can do something about this if they chose? Or are we stuck at
23 the good faith operational level with the folks trying to do
24 this?

25 THE WITNESS: That's where we're starting. That's

1 where we can operate from. But I know, for example, on the HUD
2 side, the whole issue of utilization of the HUD-VASH program is
3 known as an issue at the higher levels at HUD.

4 THE COURT: How do I know that? I have a bunch of
5 hearsay that Dr. Harris makes a presentation, McDonough who's
6 upset and talks to someone in HUD, who talks to somebody in
7 Treasury who might have a White House person present.

8 THE WITNESS: Well, after this meeting that we had
9 in February --

10 THE COURT: In other words, did you get any feedback
11 from the White House? Any feedback from somebody who can make
12 a policy decision here, good or bad?

13 THE WITNESS: Well, that's what I was going to say.
14 After this meeting in February, there was also another meeting
15 with folks that came out from Washington, D.C.

16 THE COURT: Who?

17 THE WITNESS: Richard Choi on the HUD -- I'm sorry
18 on the HUD side.

19 THE COURT: Who is he?

20 THE WITNESS: He's -- you know, they have a lot of
21 titles at HUD.

22 THE COURT: They do. Might be policy makers, might
23 be just operational people?

24 THE WITNESS: No. He's one of the higher level
25 assistants to the secretary.

1 THE COURT: I don't know that. Who is he? I don't
2 see him here.

3 THE WITNESS: No. But he's one person that we know
4 of at HUD that is aware of the issue regarding utilization in
5 our agency.

6 THE COURT: Counsel.

7 BY MR. SILBERFELD:

8 Q Thank you.

9 When you went to this meeting on February 1, Mr. Van
10 Natter, to make the presentation we're about to talk about, did
11 you have an understanding as to what VA's position was as to
12 the nature of the problem why referrals weren't being made?

13 What did they say, as far as you understood it?

14 A Yes. Our understanding was that the VA's main reason or
15 belief in why the utilization was low is because the market is
16 extremely difficult in the City and County of Los Angeles.

17 Q And you would agree with that statement, correct?

18 A It is a factor, yes.

19 Q It's a difficult rental market?

20 A True.

21 Q But you never get to whether it's a difficult rental
22 market until you make a referral and try to rent the unit,
23 correct?

24 A Correct.

25 Q Which is why you believe that the major reason for the

1 unused vouchers is the lack of referrals from VA to your
2 agency?

3 A Yes.

4 Q And is that true as well, the lack of referrals, is that
5 true as well for the Los Angeles County Development Authority?

6 A Yes.

7 Q Is it true as well, as far as you know, to the other 17 or
8 so public housing authorities in the Greater Southern
9 California area?

10 A You know, I can't speak for them exactly, but I would
11 think so.

12 I know personally about the LACDA, because in our
13 meetings that we have regularly with the VA they are usually
14 joint meetings between the City and County housing authority
15 and the VA. So I know they're in the same position or
16 situation as us regarding referrals and utilization.

17 Q All right. So if you would, turn to the third page of
18 exhibit -- sorry, Exhibit 16.

19 And overall, we'll talk about the details in a second,
20 but overall what are you trying to express on this page, sir?

21 A So this page has the total number of allocations we have
22 from HUD-VASH, what our utilization is by units and by percent.
23 How many referrals we get in each year. And how many people
24 leave the program or attrition, that's the last column that
25 occur each year.

1 Q We will talk about attrition separately, but let's walk
2 through these columns.

3 The first column is year. This is basically
4 15 years' worth of information on one slide; is that right?

5 A Correct. Since the start of our HUD-VASH program.

6 Q And we have some separate figures that you were kind
7 enough to provide for the first half of 2024.

8 We will get to those in a little bit.

9 The allocations column, that is the number of HUD-VASH
10 vouchers provided to your agency by HUD, correct?

11 A Yes.

12 Q So, for example, in 2023 you had 3,739 tenant-based
13 vouchers because the legend over on the left says this is about
14 tenant-based vouchers, correct?

15 A Correct.

16 Q All right. And just sticking with 23 for a second, of
17 those 2,127 were utilized, correct?

18 A Yes.

19 Q And that is a utilization rate of 57 percent?

20 A Yes.

21 Q Which means the other 43 percent were left unused and sat
22 in the drawer?

23 A Yes.

24 Q So that's how to read those three columns; is that right?

25 A Correct.

1 Q All right. And the fourth -- sorry, the fifth column
2 over, Title of Referrals, that is the count by year, not by
3 month or week, but by year of the number of referrals made by
4 VA to HACLA, correct?

5 A Yes.

6 Q So in 2023, and we will drill down on this in a second, in
7 2023, VA -- this is calendar year information, is it not, sir?

8 A Correct.

9 Q In 2023 the VA referred 229 individuals to your agency for
10 HUD-VASH placement, correct?

11 A Yes.

12 Q And the process is that the referral is the first step,
13 that's the gate opening for somebody to actually get a voucher?

14 A Correct.

15 Q And then you determine eligibility, you help that person
16 perhaps find a unit, but nothing happens until that person
17 shows up at your door with a referral, correct?

18 A Yes.

19 Q So 229 referrals in 2023, if we divide that number by 12,
20 that's about 20 referrals a month, roughly?

21 A Yes. And if you look at the fifth slide it actually
22 details it out exactly.

23 Q We will get there.

24 A Okay.

25 THE COURT: So five per week?

1 THE WITNESS: So it was actually 19 referrals per
2 month or four per week for 2023.

3 BY MR. SILBERFELD:

4 Q Right, we will get to that slide in a half a second.

5 A Okay.

6 Q But describe what the last column here means having to do
7 with attrition. Can you do that for us?

8 A Yes. So attrition -- that column -- that number is the
9 number of veterans who leave the program.

10 Q So, every year from 2008 to 2023 some number of people
11 leave the program?

12 A Yes.

13 Q And they leave for different reasons?

14 A Correct.

15 Q And we will talk about those reasons in a little bit.

16 But is the way to think about -- or is a way to think
17 about whether the HUD-VASH program is gaining ground on the
18 homelessness problem, to take the number of referrals and
19 compare it to the number of people leaving the program, to see
20 if you are making any headway at all?

21 A Yes.

22 Q So in 2023, on this page, VA referred 229 people to your
23 agency, correct?

24 A Yes.

25 THE COURT: Ask him why the Point-in-Time count

1 shows there is a decrease in veterans on the streets of Los
2 Angeles.

3 BY MR. SILBERFELD:

4 Q Okay. Would you answer the Court's question if you can?

5 THE COURT: On the one hand, the argument is going
6 to be, look, Judge, there is more attrition than referrals by
7 the VA, and yet we have a decrease if we take the Point-in-Time
8 count, regardless of accuracy or inaccuracy, we have a decrease
9 in the homeless veteran population.

10 What is the explanation for this?

11 THE WITNESS: Part of it is on the next page of the
12 project base.

13 THE COURT: Okay, then I will wait for the next
14 page.

15 Counsel?

16 BY MR. SILBERFELD:

17 Q But a way of thinking about on the tenant-based side
18 whether any headway is being made to solving homelessness among
19 veterans is to compare the number of referrals to the number of
20 people leaving the program for whatever reason, correct?

21 A Yes.

22 Q And in 2023, where the number of referrals was 229 and the
23 number of people leaving the program was 262, you actually fell
24 backwards, not forwards, correct?

25 A Correct.

1 Q Now let's turn to the next page, which is the same basic
2 information, this time about the project-based program,
3 correct?

4 A Yes.

5 Q And why is it a different span of years, Mr. Van Natter?

6 A Our project-based voucher program started later than the
7 tenant-based program did.

8 Q Okay. And this one doesn't have any information on it
9 about referrals. Do you see that?

10 A Correct.

11 Q Why is that?

12 A Well, you know, actually so this is by year, and then what
13 we did on another slide coming up was for the year of 2023 we
14 included referrals by month.

15 Q Okay.

16 A We did a drill-down on that.

17 Q All right. Well, let's turn to that then.

18 The next slide is the utilization of HUD-VASH vouchers
19 -- tenant-based vouchers for the calendar year 2023, correct?

20 A Yes.

21 Q And it breaks out the information month by month, correct?

22 A Yes.

23 Q And we have the same information as we had two slides ago,
24 we had the allocation of the total number of vouchers on the
25 tenant-based side, right?

1 A Correct.

2 Q We have the number that were utilized, correct?

3 A Yes.

4 Q We have the percent, correct?

5 A Yes.

6 Q And in 2023, the actual utilization of HUD-VASH vouchers
7 on the tenant-based program hovered between it looks like 55
8 and 57 percent throughout the course of the year.

9 Does that seem right to you?

10 A Yes.

11 Q And the next column is the referral column by month.
12 These are the referrals made by VA to your agency, correct?

13 A Yes.

14 Q And these numbers range from a low of 9 to it looks like a
15 high of 36. Do you see that?

16 A Correct.

17 Q So in no month in calendar year 2023 did VA refer 41
18 individuals to you for HUD-VASH vouchers, correct?

19 A Correct.

20 Q And in no month, other than one, did they -- or two,
21 sorry, did they hit 25?

22 A Three actually.

23 Q Three? All right. 36, 29?

24 A 25.

25 Q Oh, you hit 25, okay. Good.

1 What is the effect on your agency of these low referrals
2 rates?

3 A Well, we fall further behind and more in the hole. As you
4 mentioned before, we need to at least have referrals that equal
5 or exceed attrition, but we need more than that because not
6 everyone is successful when we get a referral. We'll probably
7 get to that in a bit.

8 Q Right. Not every referral works out in a placement,
9 correct?

10 A Yes.

11 Q Which is why you need --

12 A We have to oversubscribe and issue vouchers, because not
13 everyone is successful with a voucher in finding a unit.

14 THE COURT: On tenant-based?

15 THE WITNESS: On the tenant-based program, yes.

16 BY MR. SILBERFELD:

17 Q So then in the blue bars on this page you sum up 229, you
18 provide an average of 19 a month, and an average of four per
19 week, right?

20 A Yes.

21 Q And at the same time you provide the attrition information
22 -- by the way, how do you know that that attrition information
23 is accurate?

24 A We keep track of that --

25 Q Okay.

1 A -- in reports we have. We know every month how many
2 people leave the program by various categories.

3 Q So in calendar '23 more people left the program than
4 entered, correct?

5 A Yes.

6 Q And on a weekly basis, you had asked for 25 or 41,
7 depending upon the urgency, referrals a week and you got four?

8 A Correct.

9 Q And the number of people leaving the program was five?

10 A Yes. Per week.

11 Q Now, turning the page to the project-based program for
12 calendar year '23, walk us through, Mr. Van Natter, this
13 information.

14 Again we have the 12 months of 2023, correct?

15 A Right. So this was a drill-down for the year of 2023 by
16 month. Again, we have the allocation that we had start of the
17 month, how many units were actually utilized, the percentage
18 that that was, and again the number of referrals, and attrition
19 for the project-based voucher program.

20 Q On the project-based side for calendar year '23, there
21 were more referrals than attrition, correct?

22 A Yes.

23 Q So roughly 140 additional people entered the program than
24 left it?

25 A On the project-based side most of the referrals do pan out

1 and become executed contracts, yes.

2 Q So this is an improvement?

3 A It is. It's better than the tenant-based side, yes, for
4 sure.

5 Q The average per month of referrals was 24, and the number
6 leaving the program was 12, for a net of about 12, right?

7 A Correct.

8 Q Okay. Now before we get to the reasons for attrition, do
9 you have an understanding as to why there are problems with
10 referrals? Does it have something to do with staffing at the
11 VA?

12 A That is what we've heard, yes.

13 Q That there are staffing shortages?

14 A Correct.

15 Q And that's been true for how long, sir?

16 A From pretty much the start of the program.

17 THE COURT: Now is this something you heard from
18 counsel, is it something you read about, is it some
19 conversation you've had with VA officials. Right now it's just
20 hearsay.

21 THE WITNESS: Right. No, this is what we've heard
22 directly from VA staff as we've had our regular ongoing
23 meetings over this period, an issue with staffing at the VA.

24 THE COURT: Thank you.

25 BY MR. SILBERFELD:

1 Q Now, there was a time, right, two years, where there was a
2 more robust referral program than exists today; is that right?

3 A That's correct.

4 Q If you would go back to the third page of Exhibit 16, this
5 was the historical utilization for all years.

6 Do you see that, sir?

7 A Yes.

8 Q I want to direct your attention to 2015 and 2014.

9 Do you see those numbers?

10 A I do.

11 Q Those are, as far as the referral goes, a rather
12 significant uptick in referrals from all of the other years.

13 Would you agree with that?

14 A Yes.

15 Q So in 2015, for example, VA referred 1,322 individuals to
16 your agency, correct?

17 A Yes.

18 Q And in 2014 it was 1,000? 1,014 to be exact, right?

19 A Yes.

20 Q Do you have an understanding as to why that uptick
21 occurred?

22 A Yes. At that time the VA was partnering with other
23 community-based organizations that work with veterans to
24 provide referrals to us.

25 THE COURT: Who?

1 THE WITNESS: It was a number of them, it was at
2 least 12 different agencies, groups like the VOA, PATH was
3 probably involved there at that time, too. Different CBOs in
4 the community.

5 THE COURT: VOA and PATH by way of example?

6 THE WITNESS: Yes.

7 THE COURT: Family housing out in the valley with
8 Stephanie? Hope in the Valley?

9 THE WITNESS: Hope in the Valley may have been one.
10 U.S. Vets I believe was another.

11 THE COURT: Salvation Army involved at all?

12 THE WITNESS: Yes.

13 THE COURT: It gives me an example, thank you.

14 THE WITNESS: Right.

15 BY MR. SILBERFELD:

16 Q Do you have an understanding, Mr. Van Natter, as to why
17 that program was discontinued?

18 A Well, again, just from what we heard from VA staff, it
19 seemed to be issues with the bargaining units there, they
20 didn't like the work being contracted out, they wanted VA staff
21 to do it themselves, so that's part of the reason why they
22 stopped doing that program.

23 We loved that program because that's where we got the
24 highest number of referrals when there was help for the VA and
25 partnership by these other groups.

1 Q So the highest number of referrals occurred in those two
2 years when some part of this referral process was contracted
3 out?

4 A Correct.

5 Q Since 2015 that has never occurred again, has it?

6 A Well, no, it's occurring now. We have heard I think there
7 are about four agencies now that the VA is working with
8 currently.

9 Q When did that start?

10 A Sometime last year, maybe mid last year.

11 THE COURT: Just a moment, "we've heard," "I think."
12 Now you know what I'm thinking.

13 THE WITNESS: This is what we hear in the meetings
14 with VA staff that we've had.

15 THE COURT: Let's start again. What programs do you
16 know about that are actually being contracted out to? Not I
17 heard or I think.

18 THE WITNESS: It would be referrals for the
19 tenant-based program here.

20 THE COURT: Who?

21 THE WITNESS: I don't know the names of the current
22 groups that they're working with, but we heard that there are
23 about four partner agencies.

24 THE COURT: Working with is different to me than
25 results. Those are words that are meaningless to me.

1 Start again, what do you know as a fact? Are
2 these programs in place? Who's paying for them? What entities
3 have these contracts? If you don't know, say, I don't know.

4 THE WITNESS: I don't know the details.

5 THE COURT: Okay, simple as that.

6 THE WITNESS: Uh-huh.

7 THE COURT: Counsel?

8 BY MR. SILBERFELD:

9 Q You've heard about a designated service provider program
10 that was launched --

11 A Yes.

12 Q -- in March of this year?

13 A Yes.

14 Q That was an opportunity --

15 A It was offered in March of this year.

16 Q Right. It was offered to your housing authority as well
17 as others?

18 A To all housing authorities across the country that have
19 HUD-VASH programs, yes.

20 Q That was a program that was offered to allow agencies like
21 yours to become caseworkers, essentially, and handle the
22 referrals process through your agency, correct?

23 A Yes. Basically.

24 Q But your folks are not trained to do that, are they?

25 A Correct. We had two major issues with the DSP program.

1 One was that, level of expertise. Our staff are not case
2 managers. We would not be able to evaluate the mental health
3 or other supportive needs veterans may have and make them
4 referrals to other agencies that could assist. So we don't
5 have that level of expertise at our agency.

6 The second major problem with the DSP problem was there
7 is no funding provided by HUD to do it, so we would have a hard
8 time figuring out how to do that without money.

9 Q I assume your people are fully engaged in their daily
10 activities?

11 A Correct.

12 Q You don't have extra time available in your staff, do you?

13 A No, I mean, they're fully utilized determining eligibility
14 of the veterans from the referrals and issuing vouchers and
15 processing contracts when tenants find units.

16 Q You mentioned that VA has contracted with some agencies,
17 you don't know the extent of it, to help with the referral
18 process within the last six months or a year, roughly?

19 A We have heard since summer of last year, about a year.

20 Q Has the needle moved, Mr. Van Natter, on referrals say in
21 the last six months?

22 A Yes, we have seen an uptick.

23 Q Let's put up the information you provided to me about the
24 first six months of the year, okay?

25 A Okay.

1 Q Do you have it handy?

2 A I have it on an e-mail.

3 Q Yeah, I have it, too.

4 So I asked you before you came today to tell us what the
5 six months just ended, the first six months of the year, looked
6 like, correct?

7 A Yes.

8 Q You provided that information to me, I want to put it up
9 and just ask you to confirm that it's accurate, okay?

10 A Okay.

11 Q On the tenant-based vouchers, for the six months -- first
12 six months of the year, the referrals from VA to your agencies
13 were 36 in January, 57 in February, 94 in March, 47 in April,
14 63 in May, and 56 in June.

15 Does that sound right?

16 A Yes. I think that adds up to about 347.

17 Q That is exactly what it adds up to.

18 A Right. So we have seen an improvement. So if you compare
19 to 2023 when we got 229 all year, it's better.

20 Q Okay.

21 A It's not where we need it to be, but it's better.

22 Q In the same period the attrition rate you told me was 15
23 in January, 12 in February, 29 in March, 14 in April, 10 in
24 May, and 16 in June, for a total of 96.

25 Does that sound right?

1 A That's correct.

2 Q And the difference between those two is 251, right?

3 A Yes.

4 Q So some progress is being made, right?

5 A Yes.

6 Q On the project-based side, same set of points, January
7 through June, the referrals on the project-based side were 12,
8 20 in February, 56 in March, 68 in April, 73 in May, and 57 in
9 June. I got 286.

10 Does that sound right?

11 A Yes.

12 Q And the attrition in that same period by month was 11, 13,
13 15, 14, 17, and 15 for a total of 85.

14 Does that seem right to you, sir?

15 A Correct.

16 Q A net gain of 201, right?

17 A Yes.

18 Q Does that improvement, Mr. Van Natter, solve the problem
19 of unused vouchers?

20 A No. Not completely, but it's movement in the right
21 direction.

22 Q And if this trend were to continue there would be
23 improvement that would be tangible, right?

24 A Yes.

25 Q Now let's talk about attrition and the causes of

1 attrition.

2 Going back to Exhibit 16 for a moment, the -- I wish we
3 had numbered these pages now. The seventh page of the exhibit
4 has sort of a peach-colored table.

5 Do you see that, sir?

6 A Yes.

7 Q This is something you created, right?

8 A Correct.

9 Q And this is the page of the annual attrition rate by type
10 for calendar year 2023 in the tenant-based program?

11 A Correct.

12 Q The next page is the same thing for the project-based
13 program?

14 A Yes.

15 Q Can you identify for us on the table, and I realize the
16 numbers are a little small, the top three reasons for people
17 leaving the program?

18 A Yes. And you can see I wrote them on there, because all
19 the writing there is little notes I made over time.

20 The number one reason is skip. Skip is when
21 people just walk away from the unit, don't tell us what's going
22 on, they just leave.

23 Second is tenant noncompliance with program
24 requirements, annual reexamination.

25 And the third top reason is deceased or death.

1 Q Now, I know we can't do anything about the death category,
2 regrettably, but the noncompliance percent of 23 percent and
3 the skip category of 24 percent, combining those, that's
4 47 percent of all of the attrition, almost half, right?

5 A Correct.

6 Q Do you have a view as to whether those percentages and
7 those amounts of people leaving the program could be reduced by
8 greater casework attention?

9 A Yes. They could be improved.

10 Q And taking the tenant noncompliance, for example, how
11 would a caseworker in the real world help a veteran avoid
12 tenant noncompliance?

13 A By helping them complete their paperwork. And one thing
14 that the housing authority does to try to reduce this number is
15 to work with the VA and notify them of when we are doing an
16 annual review for the veteran, and when they don't comply, give
17 them a heads-up on an intent to terminate because of
18 noncompliance.

19 So we try to work with them along the way to engage the
20 veterans to complete the paperwork because we don't want to see
21 the people terminated for this reason.

22 We don't want to see them become homeless again.

23 Q And the skip category, I mean, that is just a simple way
24 of saying you lose track of somebody, somebody walks away from
25 a unit and you are never told why or what the reasons were,

1 right?

2 A Correct.

3 Q Do you think the skip category could be reduced or
4 ameliorated in some way by greater caseworker engagement and
5 attention?

6 A Yes.

7 THE COURT: So just a moment. So our eviction rate
8 for veterans is 5 percent?

9 THE WITNESS: Yes.

10 THE COURT: Now eviction rate, do I take that to be
11 unruly behavior, smoking dope? In other words, my eviction
12 rate, that's more different than skipping, et cetera, et
13 cetera?

14 THE WITNESS: Right. The number one eviction reason
15 is nonpayment of rent.

16 THE COURT: What's my 5 percent? It seems like a
17 relatively low figure for this population. What does eviction
18 mean?

19 THE WITNESS: Eviction means that legal action was
20 taken against the tenant --

21 THE COURT: Doing what?

22 THE WITNESS: And the primary reason is nonpayment
23 of their portion of the rent.

24 THE COURT: Nonpayment, not getting in a fight?
25 Nonpayment.

1 THE WITNESS: Yes.

2 THE COURT: Now, getting in a fight might be one
3 reason you get evicted, that could be in this category.

4 THE WITNESS: Well, yeah, there are some reasons
5 someone could be evicted.

6 THE COURT: But nonpayment, right?

7 THE WITNESS: Nonpayment is the number one reason.

8 BY MR. SILBERFELD:

9 Q Now, one more chart. Overall, Mr. Van Natter, what is the
10 attrition rate in the HUD-VASH program for veterans? It's
11 approximately 15 percent, is it not?

12 A That's correct, I was just going to say that.

13 Q And you have experience with attrition rates in other
14 aspects of HACLA's program, do you not?

15 A In other programs, yes.

16 Q All right. So in HUD-VASH, over time, the attrition rate,
17 people who depart the program, is about 15 percent?

18 A Yes.

19 Q What is it in Continuum of Care?

20 A The Continuum of Care program -- it's 10 percent attrition
21 rate.

22 Q And what is it in Section 8 housing?

23 A 4 to 5 percent.

24 Q Now, the HUD-VASH recipients have supportive services, do
25 they not? Case workers.

1 A Yes.

2 Q The Continuum of Care group, also has supportive services,
3 do they not?

4 A Yes.

5 Q And yet they seem to leave the program at lower rates,
6 correct?

7 A Correct.

8 Q The Section 8 housing group has no supportive services?

9 A Correct.

10 Q And they leave the program at a third of the rate that
11 veterans leave?

12 A Correct.

13 Q If you turn, Mr. Van Natter, to the second to last page of
14 Exhibit 16, you described to the group that was assembled in
15 February some strategies and initiatives to increase
16 utilization. Do you see that, sir?

17 A Yes.

18 Q And you told the assembled group that you needed 41
19 referrals a week to utilize your full allocation, correct?

20 A Correct.

21 Q And the suggestions about strategies and initiatives
22 here -- take the first one, higher voucher payment standards
23 and higher small area voucher payment standards. Whose
24 responsibility would that be if somebody waved the magic wand
25 and said, yes, we want to do that?

1 A First off, these are not suggestions. These are what we
2 have done to help increase utilization in the HUD-VASH program.

3 And that first one is -- so, HUD sets the rents we can
4 offer in the HUD-VASH program at the fair market rent, and it
5 gives housing authorities the option to go to 120 percent of
6 that figure to come up with the voucher payment standard.

7 That is what we have adopted. That is the highest that
8 you can do -- that a housing authority can do. We always opt
9 for the highest voucher payment standard that we can in the
10 programs.

11 So, we have our highest voucher payment standard
12 citywide at 120 percent of the fair market rent, which is what
13 FMR is, in the city.

14 And then, if you want me to go onto the next part? In
15 higher area voucher payment standards?

16 Q Yes.

17 A I can speak about that? Okay. So beyond the citywide
18 voucher payment standard, which is at 120 percent of the FMR,
19 we also have three tiers of small area voucher payment
20 standards which represents rent we can offer in the higher rent
21 areas of the city.

22 And using the one bedroom as an example, the one-bedroom
23 regular citywide voucher payment standard is 2407, it's \$2,400
24 we can offer for a one bedroom apartment in the City of Los
25 Angeles.

1 Under the small area voucher payment standard tiers, the
2 highest tier, the third tier, allows us to offer \$3,200 for a
3 one bedroom voucher.

4 And the highest tier, again, is the highest rent areas
5 of the city, and those are the neighborhoods in ZIP codes --
6 because it goes by ZIP code -- that surround the West LA VA
7 medical center.

8 THE COURT: Like the 90049?

9 THE WITNESS: Exactly. Brentwood, Westwood, all of
10 those places.

11 So we're having success with these small area voucher
12 payment standards in allowing veterans to live where they want
13 to, close to the campus, and get the services they need. So we
14 have found the small area VPS, voucher payment standards, to be
15 helpful and those are the max that we can offer.

16 I should also say that HUD made the small area voucher
17 payment standards an option to housing authorities. And HACLA
18 and the County housing authority adopted them in January of
19 last year. We continue with them this year. And coming up in
20 January 2025, HUD has made them mandatory for a group of cities
21 across the country. And we are in that group again, and we
22 will continue with small area voucher payment standards.

23 Q Each and every one of these strategies and initiatives,
24 nevertheless, still depends upon referrals occurring, correct?

25 A Correct.

1 Q You never get to any of these solutions until there is a
2 referral made that comes into your office and seeks a voucher?

3 A Yes.

4 MR. SILBERFELD: That's all of the questions I have.

5 Your Honor, we just had a Post-It conversation here back
6 and forth about possibly interrupting Mr. Van Natter, briefly,
7 for one plaintiff who is here.

8 THE COURT: For what?

9 MR. SILBERFELD: For a plaintiff's testimony who is
10 here.

11 THE COURT: If that is agreeable with each of you,
12 it is agreeable with the Court.

13 Can we take a break, though, right now just for the
14 court reporter.

15 And when will this gentleman be back?

16 MR. SILBERFELD: He's here.

17 THE COURT: He's coming back to us?

18 MR. SILBERFELD: We will finish right after the
19 plaintiff.

20 THE COURT: Thank you very much. We will come back
21 in 15 minutes, then. Thank you.

22 (Recess.)

23 THE COURT: Back on the record. All counsel are
24 present. The parties are present. You were going to call a
25 witness out of order.

1 MS. PIAZZA: Plaintiffs call Joseph Fields.

2 THE COURT: Thank you.

3 Sir, if you would step forward? Sir, would you raise
4 your right hand. Kerlan, the clerk, she's going to administer
5 the oath to you.

6 (Oath was administered.)

7 THE WITNESS: I do.

8 THE COURT: Thank you, sir. If you would please
9 take the witness stand -- and if someone would like to help the
10 gentleman -- the steps are closest to the wall. After you
11 ascend these steps, there is another small ledge.

12 If you could come all the way up to the gentleman to
13 make sure he doesn't trip.

14 Sir, would you state your full name for the record,
15 please.

16 THE WITNESS: Joseph William Fields.

17 THE COURT: Once again, would you restate that. Is
18 it Joseph --

19 THE WITNESS: William Fields.

20 THE COURT: Thank you, sir. Would you spell your
21 last name, sir.

22 THE WITNESS: F-I-E-L-D-S.

23 THE COURT: Thank you.

24 JOSEPH FIELDS,
25 having been duly sworn,

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MS. PIAZZA:

4 Q Hi, Mr. Fields. Is it okay for me to call you Joseph?

5 A Okay.

6 Q How are you doing this morning?

7 A I'm good.

8 Q I just want to remind you, if you need a break time at any
9 time, you just let me know, okay?

10 Joseph, you are a veteran?

11 A Yes, ma'am.

12 Q Combat veteran?

13 A Yes.

14 Q What branch did you serve in?

15 A U.S. Army artillery.

16 Q And when was that?

17 A 1988 through 1991.

18 Q Okay. And Joseph, where do you live now?

19 A Veterans Hospital, Building 208.

20 Q Okay. How long have you lived there?

21 A Almost a year, about a year.

22 Q And, Joseph, do you have any service-connected
23 disabilities?

24 A Yes.

25 Q What are those?

1 A I suffer from PTSD; muscle and joint pain; nerve pain; and
2 tinnitus in my ears, my ears ring all the time; sleep issues.
3 Yeah. That's it in a nutshell.

4 Q What is your service-connected disability rating?

5 A Right now it's at 100 percent.

6 Q So I just want to go over briefly how some of those
7 disabilities impact you.

8 Could you talk a little bit about how your physical
9 disabilities impact your life?

10 A They affect me daily, sometimes hourly. It all depends on
11 how the day is going.

12 I struggle with sleep issues. I struggle with
13 relationship issues. My psyche is affected. Comprehension.
14 Ability to interact with other people, and family issues.
15 Basically everything that my life is connected to is affected
16 by it. Sometimes more severe than others.

17 Q What about your mobility? Walking, standing, running?

18 A That's -- it wasn't always an issue in the beginning when
19 I first got out. As time went on, I got older, my mobility has
20 slowed down to maybe half as well as I was a couple of years
21 ago.

22 Now I limp. My stature is not correct. I'm used to
23 being -- I have a hard time looking people in the eye. I have
24 a hard time standing up straight. Sleep issues, also.

25 Getting out of bed sometimes. Most of the time when I

1 wake up in the morning, my muscles and joints take a while to
2 -- they need to wake up also, you know. So it takes me time to
3 get out of bed or even out of the house sometimes.

4 Q Do you have any other health conditions that affect you
5 these days?

6 A I have high blood pressure. Let me see. I had a brain
7 bleed couple of months ago.

8 Q I definitely want to talk about that.

9 Do you have any injuries to your feet?

10 A Yeah. I have a -- it started out as a callous on my left
11 foot at bottom of my foot. It's developed from a callous to a
12 hole. So I have had this hole in my foot for about a year now.

13 A lot has to do with my environment and doing what the
14 doctor says, as far as care to my foot, you know. For a while
15 there, I had a nurse coming to the building and she'd take care
16 of my foot. Then I started doing it on my own. If I'm not
17 diligent about it -- you can have a hole in your foot for,
18 like, five years if you don't take care of your foot. So it
19 has to do with foot care and where I'm at, especially the
20 environment.

21 I noticed when I left the CTRS home and got to my
22 apartment, just within a week I noticed a big difference. For
23 the greater. It was better. Just an environment change like
24 that. I didn't recognize that a big change -- that's been an
25 issue for a while now.

1 The pain is -- I have nerve pain as it is. Add a hole
2 to it, and I have cried myself to sleep several times.
3 Literally, tears. I have had surgery before. That hurts. But
4 pain in your feet, that is another story.

5 Q Thanks for going through that with me, Joseph.

6 I want to go back and talk a little bit more about your
7 military service.

8 What year did you enlist in the military?

9 A I had boot camp in 1988, July 5th, 1988.

10 Q How old were you?

11 A I was 17.

12 Q Can you talk a little bit about why you enlisted?

13 A I knew from an early age that I was going to join the
14 Army.

15 My grandfather served in the Korean conflict as an
16 infantry soldier. I knew as soon right -- as I could
17 comprehend anything to do with the Army, I knew I could do it.
18 There was no doubt in my mind. So from a young age, I just
19 knew I wanted to join the Army. Had my grandfather served in
20 the Marine Corp, I would have been a marine. But he served in
21 the infantry, and that's what I want to do it, and I did it.

22 Q You were close with your grandfather?

23 A I'm very close. He's like my dad.

24 Q During your service did you ever deploy?

25 A I was stationed in Germany and deployed to Saudi Arabia.

1 Q When was that?

2 A That was -- I got there December 27, 1990. I went to
3 Saudi Arabia.

4 Q Can you describe your duties while you were in Saudi
5 Arabia?

6 A At first, it was just everyday, run-of-the mill training.
7 Training, training, training. Then as we started moving closer
8 toward Iraq and it changed a little bit. We went more into
9 combat mode to where we were pulling hard duty all the time,
10 looking out for the enemy.

11 We had first contact -- it was early February. We
12 dropped six rounds on a position. And I was artillery, so I
13 shot a 155 millimeter cannon. It was about 100 pounds each. I
14 was the primary -- primary guys, so that's the number two guy.
15 That's the guy that loads and fires the cannon. That was my
16 job. So, yeah, we dropped in six rounds on a position on a
17 small hill. First round was a white phosphorus round. I just
18 spun around and then we dropped five more, HG high explosive.

19 That was our first contact. After that, it was kind of
20 sporadic. It wasn't a lot of contact at first. My next fire
21 mission was future rounds for a gun at the city of Baghdad.
22 And there was somewhere around three battalions, something like
23 20-something guns per battalion. Add that up, 50 rounds per
24 gun. Whatever that amounts. It was at night, so everything
25 was lit up like 4th of July. That's what I remember.

1 Q And can you say again, I think you mentioned this, how
2 much weight were you required to lift as part of using that?

3 A 100 pounds.

4 Q Say it again?

5 A 100 pounds.

6 Q 100 pounds. And was that physically challenging?

7 A Yeah. I'm kind of a short guy, so, 100 pounds is a lot.

8 Q And did those duties contribute to your service-connected
9 disability?

10 A I believe so, absolutely.

11 Q On a more mental, emotional level, what was it like being
12 there?

13 A There was nothing else in my mind but that particular
14 task. I couldn't think of anything else.

15 My state of mind was focused on what was happening and
16 that was that.

17 Q How long was that deployment?

18 A It was about six or seven months. It wasn't that long.

19 Q After you deployed, how long until you were discharged?

20 A Let me see. I came back in -- I guess about a year, maybe
21 less. I got back -- '91, yeah, less than a year.

22 Q And what was life like when you got home?

23 A I had a family right away, so I got to work right away and
24 put everything behind me. I didn't have time to worry about
25 me. I had a newborn daughter, so I had to worry about her.

1 Q Was there a time it became difficult to put what happened
2 behind you?

3 A Yeah. About '93, couple of years after I got out, my
4 psyche was not what it used to be, and I checked into the VA
5 Hospital for the first time in 1993.

6 Q Was that a psychiatric hospitalization?

7 A Yes. It was a three-day evaluation.

8 Q And what happened after that hospitalization?

9 A I just continued to have problems dealing with life on
10 life's terms. Dealing with anything, period. I just had a lot
11 of problems.

12 Q What was your housing situation at that point?

13 A I had an apartment with -- it was my daughter and her mom
14 for a while, and then I started going back to the VA
15 periodically, and it continued like that for a few years. I
16 really wasn't stable for a long time.

17 Q So, was there a time, Joseph, that you became homeless?

18 A Yeah. First time I was homeless was in probably 2011,
19 November of 2011. I came out here from Ventura. I came out
20 here to seek help, and I ended up sleeping on the sidewalk
21 outside the VA hospital with a lot of veterans. That was San
22 Vicente Street, which later became Veterans Row. That was
23 about 2012 is the first time I was out there.

24 Q Was there a time you went into the domiciliary on the West
25 LA Campus?

1 A Yes. I went into the domiciliary several different times.
2 Every time that I got out of the domiciliary, I was drawn to
3 the veterans sidewalk.

4 Q Did you do any other VA programs?

5 A I did the Menlo Park post-traumatic stress disorder
6 program. That was -- at the time I went, it was No. 1 in the
7 nation. It's got the 90-day program in Menlo Park. And I was
8 there about five months, five and a half months.

9 And I was in the domiciliary in that program. It was
10 probably one of the only VA programs I went to, but I kept
11 going to them back and forth.

12 I was in a small program briefly in East Los Angeles
13 called Bullets, and I think I was there for couple of weeks.
14 And that's about it.

15 Q So it sounds like a lot of moving around?

16 A Yeah, absolutely.

17 Q Did you spend any time in shelters?

18 A Yeah. I think Bell shelter, I was there for about a week.
19 That was about it as far as shelters. There is one shelter
20 outside of the VA, I was there for a while too. I don't think
21 they have that one anymore.

22 Q In those years, did you suffer any injuries or accidents?

23 A I was hit by a truck in Downtown LA one time. I was on a
24 bike and I broke my back, broke the handle bars. I broke my
25 back in that. That was a big injury. That one pretty much

1 sidelined me for a little bit.

2 Years later, you know, I'm still paying for it. I walk
3 slow. And yeah, that one hurt.

4 Q Were you hospitalized for that injury?

5 A Yeah. On and off for a while. I had to take IV
6 antibiotics for a while. And yeah, I was in the hospital for
7 -- a couple of different times.

8 Q And when you were discharged from the hospital, did you go
9 right back to the street?

10 A Yes. Right back to San Vicente. We call it Veterans Row
11 now.

12 Q And on Veterans Row, were there times that you had
13 encounters with law enforcement?

14 A Yeah. They periodically sweep the sidewalk, threw our
15 tents, threw stuff out, threw it away, things like that.

16 Q Were you ever arrested?

17 A A couple of times for -- what do they call it -- warrants,
18 things like that, tickets, and whatnot.

19 Q Did you have to spend time in jail?

20 A A little bit, not too much. But it was just -- it seemed
21 like we'd fall into this cycle of, you know, going to jail,
22 getting out of jail, going to the sidewalk, going back to jail,
23 going to VA program, getting kicked out, going back to the
24 block, going back to jail, going back to a VA program. That
25 was a never-ending cycle for a decade for me. There was

1 nothing for us to go to.

2 I mean, you know, they finally opened up a welcome
3 center, but that was years later, you know. And that was like,
4 you know, if you did anything wrong you were kicked out. VA
5 Police Department, they didn't care.

6 "I was just about to get my housing, sir, please," you
7 know. And they'd kick you out anyway, throw all of your stuff
8 away. And it's hard on someone's psyche, especially if you are
9 trying to do right.

10 Q Are you doing okay, Joseph?

11 A Yeah, I'm all right.

12 Q Do you want to take a break or keep going?

13 A No, I'm okay. I'm okay.

14 Q One other thing I want to ask about about that time is
15 your medical care.

16 So was it difficult to, you know, make or keep medical
17 appointments in that time?

18 A Absolutely. You'd think standing right outside of the
19 gate that I would be able to go to a doctor's appointment.
20 It's a little bit more than that. There's forgetfulness of the
21 appointment. There's your situation. And I'm not bathed, I'm
22 wearing the same clothes I had on last week. And I'm still
23 hungry. I have my doctor's appointment. What do I do? I
24 don't have my ID. I don't have my paperwork.

25 Q And you referenced this earlier, you know, what later

1 became Veterans Row.

2 Are you talking about on San Vicente when there were
3 tents set up with American flags?

4 A Yeah. Before there were tents, there was just veterans
5 hanging out with each other. You know, we were on cardboard,
6 we were on boxes, we were on foam pads, you name it. I think I
7 changed my situation there at least ten times as far as what my
8 site looked like, my campsite or my little spot.

9 My area of occupation was always I tried to keep it
10 clean. When I set up my tent, I put a flag pole on the back
11 with an American flag on it. All our flags were for us.

12 All the way down the block, people noticed that, you
13 know, they noticed that.

14 Yeah. It was like tents. The tents were okay, but...

15 Q You talked to me a little bit about -- earlier you
16 mentioned some difficulty with posture, can you talk a little
17 bit more about that?

18 A Yeah. I was hit by this truck and my posture changed a
19 little bit, but not so drastic.

20 I think it was -- my theory is that when I came back to
21 the block last time, I didn't feel that I was worthy enough to
22 look people in the eye, so I started directing my eyesight away
23 from people.

24 Because growing up, as a kid and everything and I was
25 talking to other people in the eye and it let them know if you

1 are interested in them, you know, they are important to you
2 because you are talking to them.

3 And when I came back to the block this last time, I
4 didn't feel that way anymore. So I started not looking people
5 in the eye and I started slouching a little bit. Little by
6 little it's just starting to get -- my posture changed more and
7 more.

8 It's been a few years now. That's why I'm bent over.
9 And that's -- a lot has to do with my foot injury also. It's a
10 pressure wound because my weight shifted, and everything just
11 shifted.

12 And so now I walk hunched over, and I don't get around
13 as much as I used to.

14 You know, that has taken a lot of my psyche. You know,
15 I worry about that, and I think about that a lot.

16 Yeah. That's that, I guess.

17 Q From Veterans Row, did you eventually move to CTRS?

18 A Yeah. We went from -- I think I was on Veterans Row three
19 and a half years this last time straight. Before it was like
20 six months here, four months here, but this time I was there
21 three and a half years.

22 And we moved into the tiny homes is what they call them.
23 Very small enclosure. But before that, there was -- there is a
24 parking lot just inside the gate where we were at. It was
25 directly across from the, I think the experimental building.

1 Yeah. So in that parking lot, they offered us a tent in that
2 parking lot on the asphalt right there.

3 But the one thing -- the reason I didn't want to go in
4 there and take that spot is because the staff -- or whoever
5 told them -- I had friends that were on that spot and they were
6 told not to talk to us or go outside the gate. To me, that is
7 divide and conquer. They want us to fight within ourselves.
8 That didn't sit well with me at all. It had to come from
9 staff.

10 No other veteran has the power to just say that and have
11 it be gospel, you know. It had to come from staff that they
12 would get punished if they talked to us outside on the
13 sidewalk. I couldn't understand that because we were all
14 veterans, whether we were combat veterans or not, it doesn't
15 matter. You served. You are a veteran.

16 Q Can you talk a little bit about the living in the tiny
17 sheds, what was that like?

18 A You know, it was a solution to a big problem. At the time
19 that was -- you know, it was okay for a little bit but, you
20 know, I was in that shelter two and a half years waiting for
21 VASH or some sort of housing, for the housing to come down.

22 Two and a half years, that is a long time in that little
23 shed.

24 To me, it's equivalent to a medical cell in a county
25 jail. It's just a little bit bigger than a regular cell. It's

1 got a small escape hatch in case it caught fire or something.

2 The escape hatch was below the shelving, so you kind of
3 had to be a small person or really agile to escape that out
4 there. I used to practice. I had a stool that was about the
5 height of the underneath the shelf, so I used to prop open the
6 door with that stool and I was able to slide out.

7 Not everybody can do that, you know. If you are bigger
8 than me, you are not going to be able to do that. You might
9 get stuck in that little tiny home and fry up. That worried a
10 lot of us.

11 We were always trying to figure out how we can get out
12 of there in a hurry if we needed to. And a couple of guys did,
13 a couple of those things caught on fire. They managed to get
14 out.

15 My neighbor, he barely made it out. It messes with him
16 today. He is an older gentleman. But it messes with him, I
17 know it does. He talked to me about it.

18 But like I said, you know, it was a quick solution to a
19 big problem.

20 Q Joseph, did you have any, you know, medical conditions
21 that were exacerbated while you were living at CTRS?

22 A My foot, for one. Besides my foot, I got -- because I
23 work on electric bikes, I am always tinkering with my hands.

24 And in my mind, I don't want to stay stagnant,
25 especially in that little spot. So, you know, I get dirt or

1 grease or whatever on my fingertips on my hand.

2 If I'm not diligent in washing them, if I get a cut on
3 my leg -- which I did -- if I touch it with my hand, I'm going
4 to get an infection.

5 I got cellulitis on both of my shins. It still comes
6 back. Like right now, my left leg from the knee down is bigger
7 than my right leg, because it's swollen, so I have a slipper on
8 my left foot.

9 Q Were you ever hospitalized for that infection on your
10 legs?

11 A Yeah, a couple of times. The infection got out of hand
12 and my foot just blew up. I was hospitalized for ten days, I
13 think. I take antibiotics.

14 And that happened to me, like, two or three times.

15 The environment plays a lot on infection. If you are in
16 the right spot, you are not in a clean environment, infection
17 is going to get out of hand, no matter what. That is what
18 happened to me two or three times.

19 I think I was hospitalized two or three times for that,
20 on different occasions.

21 Q Joseph, I want to talk a little bit about living in
22 Building 208, but want to check in, how you're doing?

23 Do you want to take a break?

24 A No, I'm good. I'm good.

25 Q Okay. All right. We don't have much left, so I will be

1 quick.

2 So you currently -- you said you live in Building 208 on
3 the West LA grounds?

4 A Yes.

5 Q You have been there almost a year?

6 A Yeah.

7 Q And is that housing through HUD-VASH?

8 A Yes.

9 Q Did you have to apply for that housing?

10 A Yes.

11 Q What was the application like?

12 A It was real big. I think I filled out the application two
13 or three times.

14 I got copies of all of my stuff two or three times. It
15 was a long process.

16 Just to sign the lease took at least two and a half
17 hours, we went over everything, the same thing. It was a very
18 long process.

19 I have friends that had keys to their apartment and they
20 still couldn't move in, I didn't understand that. How do you
21 get the key and you can't move in? They're not ready yet,
22 they're not ready yet. It took a long time.

23 Q Did you get any help with the application?

24 A Yeah. I had a counselor that she was very, very young.
25 She was good, she was a good counselor. I really liked her,

1 she was really good, real smart. She helped me fill it out.

2 Q So it made a difference having her?

3 A Absolutely, absolutely. If I didn't have her I don't
4 think I would have been able to -- I mean -- I think I would
5 have figured it out sooner or later, but, yeah, if I didn't
6 have her, I don't think I would have been able to get in there.

7 Q Do you remember between when you were accepted into that
8 housing and when you actually moved in to your unit, how long
9 was that?

10 A I would say when I did sign my lease, let me think. It
11 was a couple months, it was a couple months. It took a long
12 time.

13 And then when I finally did sign my lease I got
14 punished, I was locked out of my tiny home. I couldn't go back
15 to my tiny home after I signed my lease. I couldn't even go
16 back to get my backpack, I had to be escorted to get my stuff.
17 I can't understand that.

18 I guess when you sign a lease you're considered you have
19 a second dwelling, so when you have a second dwelling you can't
20 go back to the first one. That's what they were telling me.

21 It's really weird because, like, as soon as I signed my
22 lease, it's like I couldn't go back into my tiny home to get my
23 stuff that day, and the security staff wouldn't let me go back.
24 They wouldn't let me get on the property right there.

25 So I was, like, man, what am I going to do, you know,

1 stuck out here, I guess I will go sleep in my apartment. I
2 didn't have any stuff, you know.

3 And just I remember, you know, it had been like almost
4 ten years since I had an apartment of my own and this really
5 messes with you.

6 This is a big deal, you know, I had been outside three
7 and a half years, I had 15 veteran friends of mine died on the
8 sidewalk. Two of them were murdered.

9 I'm trying to get into this apartment and they forced me
10 to go up there again and sit with them. I don't want to sit
11 with those guys, I didn't like them. This is mine, this is my
12 apartment. It's been a decade, man, you know, let me have some
13 time by myself before you guys go in there.

14 I remember I sat on the bed, I was crying like a baby,
15 just like I'm crying right now, and they didn't let me have the
16 time for myself. I really didn't like that.

17 Q Joseph, do you want to take a break?

18 A No.

19 Q I just have a few more questions about living in Building
20 208?

21 A Yeah.

22 Q You mentioned earlier that you've had healthcare
23 appointments in your unit; is that right?

24 A Yes.

25 Q Can you tell us a little bit about who visited and what

1 they help you with?

2 A Yeah, there was a nurse that, I forget what company she
3 worked for, but she came out.

4 I think at first she was seeing me at the tiny homes
5 maybe once a week, once every ten days or something like that.

6 And then when I got up to my unit a different nurse came
7 and she was pretty diligent. She'd come like once every week
8 and a half, two weeks.

9 She was out for a couple, two, three months. Then I had
10 a nurse practitioner that would come and he was pretty cool.

11 They did pretty good. It was an outsourced company, I
12 don't think they worked for the VA. I mean, they worked for
13 VA, but not -- do outsourcing, but they were pretty cool, and I
14 was getting healthcare like that mainly for my foot.

15 And then they just stopped coming. And then I realized
16 I think I missed an appointment or two and they stopped coming
17 and I haven't seen them for a few months now. It's been a
18 while since I've seen them.

19 BY MS. PIAZZA:

20 Q Do you wish they were still coming?

21 A Yeah, they were, you know, they were real cool. They
22 helped me with my foot and stuff, you know. I mean, I can take
23 care of my foot myself, but I think a lot of it had to do with
24 just another person coming into our environment over in
25 Building 208, it means a lot.

1 Being with the camaraderie of other veterans, it means a
2 lot to me. I've been coming to this facility since I was eight
3 or nine years old with my grandfather. So being on the
4 property and, you know, hanging out with vets on that property,
5 it means a great deal to me.

6 And for years, you know, I couldn't have that because
7 they weren't giving us anything. That property was given to us
8 many, many moons ago.

9 Q So does it matter to you that you live on the West LA
10 grounds?

11 A Yeah. It matters a lot. I've been living there most of
12 my life.

13 Q You told me a story, I know this may be difficult to talk
14 about, you told me a story of a medical emergency that you had
15 in your unit in the past few months.

16 Are you willing to share that with us?

17 A Sure. You know, we had barbecue downstairs few months
18 back and I went to the barbecue and I was fine. I got upstairs
19 to my apartment, and went to the restroom, and I started to
20 lose my motor skills. I couldn't hardly stand. I felt like a
21 newborn deer that just came out of the womb, that's basically
22 how I was getting around.

23 And I heard someone in the hallway, it's a good thing I
24 didn't lock the door because it's kind of a heavy door, you
25 know.

1 I was able to get the door open and yell for help from
2 this guy that was in the hallway. He knocked on my friend's
3 door that was my neighbor and he came out, and one other
4 neighbor came out and they sat with me for like an hour. Got
5 ahold of my kids for me, got ahold of Rob, and they took me to
6 the ER, which I don't understand, you know, I live on the VA
7 property, but I can't call the ER to bring me an ambulance to
8 take me to the ER?

9 I don't get it. I mean, I think they do -- I don't
10 know, man, I just know that you call 911 they're not going to
11 send an ambulance. It's just real weird like that.

12 Maybe I'm wrong, I don't know, but I'm pretty sure it's
13 been hard to get an ambulance up there sometimes. But, you
14 know, I asked Rob to come pick me up and he took me to the ER.

15 But I did call the ER and they told me what to do, and,
16 you know, if I'm independent with, you know, my friends and
17 stuff there that are vets, you know, and if I wouldn't have
18 been on the property I probably wouldn't be alive, I don't
19 know. You know, so yeah, it means a lot.

20 Q Joseph, are you doing okay for just a couple more
21 questions?

22 A Yeah, I'm all right.

23 Q Why did you decide to become a plaintiff in this lawsuit?

24 A At first I didn't want to, to be honest with you.

25 Courtrooms and myself don't get along very well. I kept

1 telling Rob, you know, I don't want to go to court, but I
2 support you guys.

3 Anything that happens, it goes back to the vets, I don't
4 want any part of it.

5 Q As a resident of the West Los Angeles grounds, do you want
6 more housing to be built on that property?

7 A Absolutely.

8 Q Why is that?

9 A We need it.

10 Q Who is "we"?

11 A The vets. I mean, we don't want it, but we need it. It's
12 a necessity.

13 Q Joseph, I want to thank you for going through all of this.

14 A Thank you.

15 MS. PIAZZA: Nothing further.

16 THE COURT: Counsel, cross-examination?

17 MS. WELLS: No questions. I would just like to
18 thank Mr. Fields very much for both his service and for his
19 time here today.

20 THE WITNESS: Thank you.

21 THE COURT: Sir, you mentioned a nurse that was --
22 or a counselor, I'm sorry, that was very diligent. Would you
23 mind giving us her name?

24 Do you remember her name?

25 THE WITNESS: It's going to take me a minute, I have

1 problems sometimes.

2 THE COURT: That's okay. You can give it to counsel
3 later on, I just wanted to give a shout-out to her.

4 THE WITNESS: Great. Great.

5 THE COURT: Thank you very much.

6 THE WITNESS: Thank you.

7 THE COURT: Counsel, would you help the gentleman
8 down?

9 Counsel, would you like to continue with your next
10 witness? Whatever order is going to be acceptable to the
11 Court.

12 MR. KNAPP: We will go back to Mr. Van Natter.

13 THE COURT: Mr. Van Natter, thank you very much.

14 Mr. Van Natter, if you would be kind enough to
15 retake the stand.

16 Watch that last step right there, okay.

17 THE WITNESS: Thank you.

18 THE COURT: Thank you, sir.

19 The witness has been seated, this would be
20 cross-examination, please.

21 CROSS-EXAMINATION

22 BY MR. KNAPP:

23 Q Good morning, Mr. Van Natter, it's good to see you again.

24 A Hello, nice to see you.

25 Q So I have a few topics I would like to cover with you this

1 morning.

2 The first I just want to start with base lines.

3 So you mentioned earlier you run the Section 8 office at
4 HACLA; is that right?

5 A Correct.

6 Q And I think you may have testified that you have been in
7 that role for 38 years, but you have only be the director for
8 something like eight years, correct?

9 A Ten years. Yes.

10 Q Ten years, yeah.

11 But 38 years with HACLA --

12 A With the agency --

13 (Reporter Clarification.)

14 THE COURT: There was a speak over, we couldn't get
15 the transcript.

16 So you said 38 years at HACLA, correct?

17 BY MR. KNAPP:

18 Q In various roles; is that right?

19 A Yes.

20 Q And when we say "Section 8," that is just another way of
21 referring to the Housing Choice Voucher Program; is that right?

22 A Correct.

23 Q And the Housing Choice Voucher Program, to your
24 understanding, is the federal government's major program for
25 assisting low income families to afford decent, safe, and

1 sanitary housing in the private rental market; is that right?

2 A Yes.

3 Q And within the Housing Choice Voucher Program public
4 housing authorities, like HACLA, actually administer that
5 program on the ground; is that right?

6 A Yes.

7 Q And you have testified to this earlier, but among other
8 things you determine eligibility, provide the rental subsidy,
9 inspect the proposed unit, and contract with the landlord; is
10 that right?

11 A Yes.

12 Q HUD provides all of your furnishing for that, correct?

13 A Yes.

14 Q And that funding covers the cost of your rental subsidy
15 payments but also the administration cost of running the
16 Housing Choice Voucher Program?

17 A Correct.

18 Q HUD even funds your salary?

19 A Correct.

20 Q So you have talked a little bit about the number of
21 housing choice vouchers that are allocated to HACLA.

22 It's over 52,000 housing choice vouchers, correct?

23 A Correct.

24 Q And I believe counsel had you create a chart, but I'm
25 going to provide you one that we have marked as Exhibit 1637.

1 Mr. Van Natter, do you recognize this document?

2 A Yes.

3 Q Does this document reflect that HACLA has been allocated
4 52,742 housing choice vouchers?

5 A Yes, in all the various programs.

6 Q Exactly. There are subsets within the general Housing
7 Choice Voucher Program, correct?

8 A Correct.

9 Q And one of those subsets is the HUD-VASH program, right?

10 A Yes.

11 Q And does it show on this chart that the number of HUD-VASH
12 vouchers allocated to HACLA is 4,865?

13 A Yes.

14 Q But then there are other housing programs that your office
15 administers and those are reflected here as well, such as the
16 emergency housing vouchers?

17 A Correct.

18 Q Such as HOPWA?

19 A Yes. A number of different ones, project-based voucher,
20 about.

21 Q But those are distinct from the Housing Choice Voucher
22 Program, right?

23 A They are subsets of the Housing Choice Voucher Program.

24 Q Well -- okay.

25 But totaling up all of those other programs in addition

1 to the Housing Choice Voucher Program, you get to 61,788
2 vouchers, correct?

3 A Correct.

4 MR. KNAPP: Your Honor, I would move 1637 be
5 received into evidence.

6 THE COURT: Received.

7 (Exhibit 1637 received into evidence.)

8 BY MR. KNAPP:

9 Q So as we mentioned, the HUD-VASH program involves a
10 subsets of the vouchers in the Housing Choice Voucher Program,
11 right?

12 A Yes.

13 Q And those vouchers have certain special eligibility
14 criteria, correct?

15 A Yes.

16 Q They also come with some special benefits that are not
17 part of the normal Housing Choice Voucher Program, right?

18 A Correct.

19 Q And just looking at the total numbers, it's around a
20 little under 10 percent of all of HACLA housing choice vouchers
21 are HUD-VASH vouchers, correct?

22 A Yes.

23 Q And you have discussed this a bit today, but you are able
24 to project base some number of those HUD-VASH vouchers,
25 correct?

1 A Correct.

2 Q And can you just briefly summarize for us what project
3 basing is?

4 A That is when housing authority works with a developer that
5 attaches the rental assistance to the building rather than the
6 tenant.

7 Q And I believe earlier, you were testifying that there is a
8 30 percent cap on project basing within the Housing Choice
9 Voucher Program, correct?

10 A Yes.

11 Q But that is for the program overall, right?

12 A Correct.

13 Q It's not specific to HUD-VASH?

14 A Correct.

15 Q And so, in fact, within the HUD-VASH allocation those
16 numbers could fluctuate?

17 A Yes.

18 Q And HACLA has 1,127 project-based HUD-VASH vouchers at
19 this time; is that right?

20 A Yes.

21 Q And that leaves the remaining amount of your HUD-VASH
22 vouchers, 3,739, as tenant-based vouchers, right?

23 A Correct.

24 Q Currently HACLA is utilizing around 59 percent of its
25 HUD-VASH vouchers, I believe that's what you testified to?

1 A Yes.

2 Q And you are aware that HUD occasionally allocates new
3 vouchers to public housing authorities, right?

4 A Yes.

5 Q And in the past HACLA has been able to receive new HUD
6 vouchers, despite not being anywhere close to full utilization,
7 correct?

8 A Correct.

9 Q And I believe you started to get into this earlier but
10 maybe not to this level of detail, but in general HACLA has a
11 success rates of around 60 percent with its Housing Choice
12 Voucher Program; is that right?

13 A That's correct.

14 Q And here by "success rate" we mean the rate at which a
15 voucher holder is actually successful in using the voucher to
16 rent a unit, correct?

17 A Yes.

18 Q Now, do you recall discussing the voucher issuance process
19 with my colleague Mr. Silberfeld earlier this morning?

20 A Yes.

21 Q So to help the Court, I want to briefly cover with you
22 what the voucher issuance process looks like from HACLA's
23 perspective.

24 MR. KNAPP: So, Your Honor, if we could approach the
25 witness, we are going to hand what we have marked Exhibit 1627.

1 THE COURT: 1627, thank you.

2 BY MR. KNAPP:

3 Q Mr. Van Natter, do you recognize this document?

4 A Yes.

5 Q And what is it?

6 A This is the HUD-VASH training manual that we have that we
7 have produced.

8 Q And why did you produce this?

9 A This is what we use to train our staff on administration
10 of the HUD-VASH program.

11 Q And so if you turn to the second page of Exhibit 1627, do
12 you see the table of contents for this document?

13 A Yes.

14 Q And if you look at bullet two for referrals, do you see
15 where it references a work flowchart?

16 A Yes.

17 Q On page -- then it says it will be on page 9. So if you
18 could flip to page 9 with me.

19 A Yes, I'm there.

20 Q And looking at this work flowchart, does this accurately
21 capture the process the housing authority goes through after
22 referral from VA of a HUD-VASH participant?

23 A Yes.

24 Q So I just want to make sure we know what some of these
25 abbreviations are in this document.

1 Do you see in the top left corner where it says
2 "DS and SO check"?

3 A Correct. Yes, I see that.

4 Q What does that refer to?

5 A The SO is sex offender check. We -- that's one of the
6 requirements that we look for for any applicant to the HUD-VASH
7 program.

8 THE COURT: That's a disqualifier, isn't it?

9 THE WITNESS: It is. That's about the only way you
10 can be disqualified from being on HUD-VASH, if you're a
11 registered sex offender.

12 BY MR. KNAPP:

13 Q What does the "DS" stand for?

14 A You know, that's a good question. I was thinking about
15 that, I'm not quite sure what that one is.

16 Q I think it will show up later in the document.

17 But after you conduct that check HACLA then has
18 to interview the applicant, correct?

19 A Correct. Well, if I could clarify? So we receive the
20 referral packet from the VA, so oftentimes we don't have to
21 interview the tenant directly, we may follow up with them on
22 questions from the referral packet information that we have
23 received.

24 Q That's all to determine that the application is complete
25 and to determine they meet the eligibility requirements,

1 correct?

2 A Correct.

3 Q And if they meet the eligibility requirements they are
4 then approved for a voucher, correct?

5 A Yes.

6 Q Once they have a voucher, they then have to go and find a
7 unit to rent with that voucher, correct?

8 A Yes.

9 Q Is that what an "RFTA" refers to in the middle of this
10 page?

11 A Correct. That stands for Request For Tenancy Approval.
12 That is the paperwork that a landlord fills out if they agree
13 to rent a unit to anyone on any of our programs, but here a
14 HUD-VASH veteran specifically.

15 Q But sometimes an individual isn't able to find a unit,
16 correct, and their voucher expires?

17 A Correct.

18 Q How long can a voucher remain open before it expires in
19 the HUD-VASH program?

20 A The standard time period of a voucher is 180 days, so a
21 veteran, or any of our applicants, can have up to six months to
22 locate a unit.

23 Q And you say "generally," are there exceptions to that?

24 A There are. If the tenant requests a reasonable
25 accommodation due to a disability they can get additional time

1 on their voucher to search for a unit beyond the 180 days.

2 THE COURT: After that 180-day period if there is
3 not an exception, that voucher isn't automatically renewed, is
4 it? In other words, the applicant has to once again go through
5 the paperwork?

6 THE WITNESS: Correct. The voucher expires, the
7 tenant would have to start over, they'll want to be referred
8 again.

9 THE COURT: You've got an issue, you don't find a
10 place, we're back to two or three hours of paperwork, right?

11 THE WITNESS: Correct.

12 THE COURT: Counsel?

13 BY MR. KNAPP:

14 Q And so, if a HUD-VASH participant is successful in finding
15 a unit, that unit then has to be inspected by the housing
16 authority; isn't that right?

17 A Yes.

18 Q And then the housing authority will negotiate the rent
19 with the landlord, correct?

20 A Correct.

21 Q And then provide the owner with the lease terms, correct?

22 A Well, we use the standard lease terms that are allowable
23 in the state, but we do have to receive a lease agreement
24 executed between the landlord and the tenant for us to proceed
25 with contracting the tenant on our program.

1 Q And, here again, HACLA plays a role in ensuring those
2 leases meet the requirements of the program and of other
3 relevant laws and regulations, right?

4 A Correct.

5 Q And if HACLA approves a lease, determines it meets all of
6 the relevant requirements, there is then a process that has to
7 occur for the contract to be prepped; is that right?

8 A Yes.

9 Q And for the owner and HACLA to sign the lease; is that
10 right?

11 A Yes.

12 Q And for the tenant to agree to the terms?

13 A Exactly.

14 Q And at that point, and only then, can an individual
15 participant in the HUD-VASH tenant move into their unit,
16 correct?

17 A Well, with the lease agreement and our authorization they
18 can move in before we fully execute the contract.

19 Q At what stage in this process on this work flowchart would
20 that be reflected, the earliest point?

21 A Earliest point would be if -- see the RFT, rent offer,
22 kind of in the middle? If the owner accepts that and then
23 provides us the lease, the lease will have the start date when
24 the tenant wants to move in and we approve that date.
25 Generally the day after the date on the lease agreement.

1 Q And turning to the next page, Mr. Van Natter, which will
2 be page 11, I guess flip the page.

3 Does this just break down this work flowchart into more
4 granular detail here?

5 A Yes.

6 Q And on the right-hand side there is a column labeled
7 "days/timeline." Do you see that?

8 A Yes.

9 Q And do the time estimates in this column reflect HACLA's
10 goal for how long each of these steps will take?

11 A Correct.

12 Q In the middle column, which takes up most of the left-hand
13 side of the page, do you see references to "variables"?

14 A Yes.

15 Q Are those variables things that can derail the process or
16 prolong the amount of time it takes to complete each step?

17 A Yes.

18 And I see up above in step one, DS was double
19 subsidy, which is meaning we're looking to make sure they're
20 not out of program already. I forgot they called it DS.

21 Q Exactly, thank you, Mr. Van Natter.

22 And that chart continues on to page 14 of this document,
23 correct?

24 A Yes.

25 Q And if you will turn with me to page 17.

1 A Okay. I think I'm there.

2 Q This breaks out that process into even more detail,
3 correct?

4 A Yes.

5 Q And I won't take us through that, but just for the Court's
6 reference.

7 Turning back to page 2, which is the table of contents.

8 Do you see a reference to reasonable accommodation
9 forms?

10 A Yes.

11 Q Those are the forms that an individual participant would
12 submit to request a reasonable accommodation to extend the
13 expiration date of their voucher, correct?

14 A Yes.

15 Q In Bullet 3, there is a reference to HUD-VASH program
16 forms. Do you see that?

17 A Yes.

18 Q These are the forms that would be used by participants in
19 the program to request to move their voucher to a new
20 jurisdiction, things like that?

21 A Correct. And also, the sample voucher is there too.

22 Q And do you see Bullet 5, the request for tenancy approval?

23 A Yes.

24 Q Those are all of the forms that have to be executed
25 between the tenant, the landlord, and HACLA as part of the

1 voucher use process?

2 A Yes.

3 Q And then if you see at the bottom where it says HUD-VASH
4 complete application packet?

5 A Yes.

6 Q That refers us to page 67; is that right?

7 A Yes.

8 Q Everything after page 67 reflects what a complete HUD-VASH
9 application packet requires; is that right?

10 A Yes.

11 MR. KNAPP: Your Honor, I will move to admit 1627
12 into evidence.

13 THE COURT: Received.

14 (Exhibit 1627 received into evidence.)

15 BY MR. KNAPP:

16 Q And you can put that aside, Mr. Van Natter.

17 A Okay.

18 Q So, you have talked a little bit about this today, but
19 since VA referrals are the starting point for HUD-VASH, the
20 HUD-VASH issuance process, your coordination with VA must be an
21 important part of the program, correct?

22 A It is, yes.

23 Q And you have testified today that you are engaged at the
24 highest levels with folks at GLA?

25 A Correct.

1 Q That includes John Kuhn and Sally Hammitt, most
2 particularly?

3 A Yes.

4 Q But also Dr. Braverman whenever he was at GLA?

5 A Yes.

6 Q And your staff worked even more closely with the VA's VASH
7 staff; is that right?

8 A Yes, they do.

9 Q In fact, they work together on a daily basis; is that
10 right?

11 A Correct.

12 Q You recall testifying about the referral rates from VA
13 this morning?

14 A Yes.

15 Q And you stated that you track and report those rates of
16 referrals from VA, correct?

17 A Correct.

18 Q And I believe you provided my colleague, Mr. Silberfeld,
19 with some information. I'm going to give you the reports and
20 you can confirm whether they are what you are relying on to
21 gather that information.

22 A Okay.

23 MR. KNAPP: So, Your Honor, we're going to hand
24 Mr. Van Natter what we have marked as Exhibit 1628.

25 THE COURT: Exhibit 1628, thank you.

1 BY MR. KNAPP:

2 Q Do you recognize this document, Mr. Van Natter?

3 A Yes, I do.

4 Q Is this the, effectively, the summary of the information
5 that you provided to Mr. Van Natter but in a formal report
6 form?

7 A Yes. This is actually a monthly report that we submit to
8 HUD.

9 Q And I just want to make sure we understand what we're
10 looking at.

11 So, Section 1 refers to the tenant-based HUD-VASH
12 program in this document; is that right?

13 A Correct.

14 Q And the total allocation is the number of vouchers that
15 are allocated to the tenant-based voucher side of the HUD-VASH
16 program, correct?

17 A Yes.

18 Q And the success rate that is listed here is HACLA's -- is
19 voucher holder success rate in using their vouchers with HACLA,
20 correct?

21 A Correct.

22 Q And the total leased up refers to the number of vouchers
23 that have been successfully used to obtain a unit?

24 A Yes.

25 Q In the pipeline, that reflects folks who have been

1 referred to HACLA but haven't yet exercised their voucher to
2 obtain a unit, correct?

3 A Correct.

4 Q And they are broken down, here, based on where they are in
5 that work flowchart that we were just looking at earlier,
6 correct?

7 A Yes. That is basically work in process. Uh-huh.

8 Q And then, beneath that, there is a reference to total
9 HUD-VASH remaining for future issuance (leasing potential)?

10 A Yes.

11 Q And that reflects how many additional vouchers could be
12 utilized in the HUD-VASH program?

13 A Correct.

14 Q And beneath that is reference to EOP in the past month.
15 What does EOP stand for?

16 A End of participation. That is veterans leaving the
17 program.

18 Q And in here there are four categories that are broken out,
19 one is Self-Sufficient, that right?

20 A Correct.

21 Q What does Self-Sufficient refer to?

22 A That category is someone, or in this case, a veteran, who
23 no longer needs our assistance because they are making enough
24 money where 30 percent of their income would equal the total
25 contract rent. So they opt out of the program, they don't need

1 our help any more.

2 Q And what does Self-Termination/VA Discharge refer to?

3 A The VA discharge would be those folks, those veterans who
4 are not complying with the VA supportive services or the
5 category also, self-termination, someone could decide they no
6 longer want to be on the program.

7 Q That is what I think you may have referred to earlier as
8 skipping or skip?

9 A Yes. Skips would be in this category on this report.

10 Q And then voucher expiration refers to individuals who have
11 not successfully utilized their voucher before the expiration
12 period, correct?

13 A Yes.

14 Q And Program Violation refers to any number of violations
15 of the HUD-VASH program criteria, correct?

16 A Correct.

17 Q And that might be failure to complete the recertification
18 process, right?

19 A Yes.

20 Q It could be violations of a lease term, correct?

21 A Could be, yes.

22 Q And here it says that in January -- sorry, this is a
23 report for January 2024, correct?

24 A Yes.

25 Q And it says that in January 2024, there were a total of 15

1 exits from the HUD-VASH program?

2 A Correct.

3 Q Beneath that, there is a breakdown, weekly, for referrals
4 for the month. Do you see that?

5 A Yes.

6 Q And you see where it states that there were 36 referrals
7 for the month of January 2024?

8 A Yes.

9 Q And does that match the information you provided earlier?

10 A Yes.

11 Q Turning to page 2 of this document.

12 There is a box to describe problems that hinder
13 utilization in the HUD-VASH program at HACLA.

14 Do you see that? At the top.

15 A Yes.

16 Q So you have covered, I believe, referrals and housing
17 retention earlier this morning. But I don't think you have
18 covered what it means for VASH conversions to HCVP to also
19 affect program utilization.

20 A Yes.

21 Q What does that mean?

22 A That would be families or -- it's primarily families where
23 maybe the head of household that was the veteran is no longer
24 in the household, and so the remaining household members can
25 still receive assistance, but they are transferred out of the

1 HUD-VASH program.

2 Q So they still hold a voucher, it's just under a different
3 umbrella?

4 A It would be a regular HCV, housing choice voucher.

5 Q So we're going to bring up what we have marked as
6 Exhibits 1629.

7 THE COURT: Counsel, how much longer will you have,
8 approximately, on direct?

9 MR. KNAPP: I will say 20 minutes.

10 THE COURT: Then we will take a recess. Terri has
11 been at it all morning. Okay.

12 So, I was hoping we would finish before lunch, but we
13 haven't. Can you come back at 1 o'clock?

14 THE WITNESS: Yes.

15 THE COURT: Thank you very much for your courtesy.
16 Counsel, we will be in recess until 1 o'clock.

17 MR. DU: Your Honor, may we have one moment with the
18 SafetyPark counsel? After lunch is fine as well.

19 THE COURT: Maybe. Terri is going to take a break
20 now.

21 Counsel, this is going to be literally one minute. All
22 right. We're on the record. Now has this matter been resolved
23 with this witness? Because this is extraordinarily
24 inconvenient, as far as the Court is concerned. Otherwise, I
25 will see you at 4:30. Has this been resolved?

1 MR. HIGHAM: I believe so, Your Honor.

2 THE COURT: Not "I believe so." Has this been
3 resolved?

4 MR. HIGHAM: Yes.

5 THE COURT: What's the resolution?

6 THE WITNESS: Resolution is we will have the witness
7 appear, dropped off here by Uber at 3:00 p.m. on Monday
8 afternoon, and she will stay as long as necessary in order to
9 complete her testimony.

10 THE COURT: Now, is this a witness that the
11 plaintiff was going to call?

12 MR. DU: Yes.

13 THE COURT: Is that enough time to finish your
14 direct examination?

15 MR. DU: We believe so, Your Honor.

16 THE COURT: Is this acceptable to the defendants?

17 MR. ROSENBERG: It is with one understanding, Your
18 Honor.

19 It is our concern that we're going to call Mr. Simms
20 first thing on Monday morning.

21 We anticipate that Mr. Simms' testimony will take most,
22 if not all, of the day.

23 THE COURT: This one hasn't been worked out?

24 MR. ROSENBERG: It has been worked out. I have
25 discussed with counsel, and their witness will wait until we

1 are done with Mr. Simms' testimony.

2 THE COURT: What happens if we're not courteous and
3 we don't finish that witness and she starts at 4:00 or 4:30?

4 MR. ROSENBERG: My understanding is she will be
5 prepared to start at 4:00 or 4:30.

6 THE COURT: All right. Then we will make our best
7 efforts.

8 Thank you for your courtesy.

9 MR. HIGHAM: Thank you, Your Honor. We appreciate
10 that.

11 (Lunch recess.)

12 THE COURT: All right. Back on the record.

13 And gentlemen?

14 MR. KNAPP: We may have lost our witness, Your
15 Honor.

16 MR. SILBERFELD: I will go look.

17 THE COURT: Somebody, go see if you can go find him,
18 okay?

19 MR. SILBERFELD: He's coming up the stairs.

20 THE COURT: Let me get off the bench so it looks
21 like I'm late.

22 All right. We're back in session. All counsel are
23 present. The parties are present. The witness is present.

24 Counsel, continue cross-examination, please.

25 MR. KNAPP: Thank you.

1 BY MR. KNAPP:

2 Q Welcome back, Mr. Van Natter.

3 A Hello.

4 Q Do you still have Exhibit 1628 in front of you?

5 A Yes.

6 Q Looking at the first page, does it reflect that there were
7 four exits from the VASH program for self-sufficiency reasons?

8 A Yes.

9 Q And ten exits, based on self-determination or VA
10 discharge?

11 A Yes.

12 Q Zero vouchers expired?

13 A Correct.

14 Q And one exit based on a program violation?

15 A Yes. That's --

16 Q And that's fall for January, 2024, correct?

17 A Correct.

18 Q Mr. Van Natter, we're going to bring up what we have
19 marked as Exhibit 1629.

20 A Okay.

21 Q It may be up there in front of you already.

22 A Yes, I have it.

23 Q And what is this document?

24 A This is another HUD-VASH monthly report that we submit.

25 This is the one for February of this year. Last one was

1 January.

2 Q That's February of 2024?

3 A Correct.

4 Q And does this reflect that there were 12 exits from the
5 VASH program that month?

6 A Yes.

7 Q Four exits based on self-sufficiency, seven exits based on
8 self termination/VA discharge, and one exit based on a voucher
9 expiration?

10 A Correct.

11 Q And does it show that there were 51 referrals in the month
12 of February 2024?

13 A Yes.

14 Q And I believe earlier you may have testified that it was
15 57?

16 Do you recall that?

17 A That may have been what we put down on the board before.

18 Q And would this be the accurate number here?

19 A Yes. This is what we're submitting to HUD.

20 Q And, Mr. Van Natter, do you have Exhibit 1630 in front of
21 you?

22 A No, I do not.

23 Q And what is Exhibit 1630, Mr. Van Natter?

24 A This is the HUD-VASH monthly update that we send to HUD.

25 This is for the month of March 2024.

1 Q And does this reflect that there were 29 exits from the
2 VASH program in March 2024?

3 A Yes.

4 Q And that's three exits based on self-sufficiency, 11 exits
5 based on self termination/VA discharge, zero exits based on
6 voucher expiration, and 15 exits based on program violation?

7 A Yes.

8 Q And does this also reflect that there were 94 referrals in
9 the month of March 2024?

10 A Correct.

11 Q All right. We're going to bring up Exhibit 1631. And
12 what is Exhibit 1631, Mr. Van Natter?

13 A This is the HUD-VASH monthly update for April 2024.

14 Q And does this show that in April of 2024, there were 14
15 exits from the VASH program?

16 A Yes.

17 Q One exit was for self-sufficiency, eight exits were for
18 self-termination/VA discharge, zero exits were based on voucher
19 expiration, and five exits were based on a program violation;
20 is that right?

21 A Yes.

22 Q And does Exhibit 1631 also show that there were 47
23 referrals from the VA that month?

24 A Yes.

25 Q And we will now bring up Exhibit 1632.

1 And what is Exhibit 1632?

2 A This is the HUD-VASH monthly update for the month of May
3 2024.

4 Q And in the month of May of 2024, does this show that there
5 were ten exits from the VASH program?

6 A Yes.

7 Q Two of those exits were for self-sufficiency, two exits
8 were for self-termination/VA discharge, one exit was for
9 voucher expiration, and five exits were a program violation; is
10 that right?

11 A Yes.

12 Q Does this also show there were 63 referrals from the VA in
13 month of May 2024?

14 A Yes.

15 Q And we will bring up Exhibit 1633.

16 What is Exhibit 1633?

17 A This is the HUD-VASH monthly update for the month of June
18 2024.

19 Q And does it show that in the month of June 2024, there
20 were 16 exits from the VASH program?

21 A Yes.

22 Q Two of those exits were for self-sufficiency, one exit was
23 for self termination/VA discharge, three exits were voucher
24 expiration, and ten exits were for a program violation; is that
25 right?

1 A Yes.

2 Q Does it also show that in the month of June 2024, there
3 were 56 referrals from the VA?

4 A Yes.

5 Q And for each of these numbers that we have read these,
6 these are on the tenant-based voucher side of the VASH program;
7 is that right?

8 A That's correct.

9 MR. KNAPP: Your Honor, I would move to admit
10 exhibits --

11 THE COURT: 1628, 1629, 1630, 1631, 1632, and 1633.

12 MR. KNAPP: Exactly, Your Honor. Thank you.

13 THE COURT: Received.

14 (Exhibits 1628, 1629, 1630, 1631, 1632, and 1633
15 received into evidence.)

16 BY MR. KNAPP:

17 Q And so, in total, Mr. Van Natter, this shows that on the
18 tenant-based program side on the VASH program, there were 347
19 referrals from the VA in the first six months of 2024; is that
20 right?

21 A Yes.

22 Q And that's the most referrals HACLA has received since
23 2020; isn't that right?

24 A Yes. From that earlier PowerPoint that we showed, yes.

25 Q And those were for the entire year, correct, previously?

1 A Correct.

2 Q And we are only halfway through this year, and we have
3 already surpassed every year since 2020?

4 A Yes.

5 Q And this doesn't account for the 286 referrals on the
6 project-based voucher side that you have discussed with
7 Mr. Silberfeld earlier; isn't that right?

8 A Correct.

9 Q And isn't it right that with 286 referrals so far this
10 year, you have already met the number of referrals you received
11 from the VA for project-based vouchers in 2023?

12 A Yes.

13 Q And taken together, with the 347 referrals on the
14 tenant-based voucher side and 286 referrals on the
15 project-based voucher side, you have received 633 referrals so
16 far in the year of 2024 from the VA; is that right?

17 A Through June, yes.

18 Q Through June. And that is half a year, and a year is
19 52 weeks, correct?

20 A Correct.

21 Q So we will say 26 weeks so far this year, fair?

22 A Correct.

23 Q And this is just rough math on my part, but I think that
24 comes out to just over 24 referrals per week?

25 Does that sound right?

1 A Yes.

2 THE COURT: And you don't need 25 referrals per week
3 if our veteran population is shrinking.

4 In other words, when you want 25 per week, that is
5 based, let's say, hypothetically, on 4,000 -- I'm making up
6 that number -- or 3,200, but as that population starts to
7 decrease in terms of housing, however we define that, that
8 means that that number of 25 goes down, doesn't it?

9 THE WITNESS: It would.

10 THE COURT: Okay. Now, where are we now, then? In
11 other words, 25, then you needed 41 to catch up; now, you have
12 got some acceleration here, 633.

13 THE WITNESS: Right.

14 THE COURT: How are we doing? Kind of a broad
15 question about how we're doing.

16 THE WITNESS: We would have to reevaluate where we
17 are and what the number is that we need now.

18 THE COURT: Go ahead and do that. Take a piece of
19 paper and do that for me.

20 THE WITNESS: Okay. Might have to do it on my
21 phone. I don't have a pencil.

22 THE COURT: We range 2800 to 3200. That's one
23 number. We're down from 3800. We have a request of 25 per
24 week. We're supposedly doing four a week.

25 We need 41 to catch up. We're at 633 now, already in

1 this year. Don't project forward because -- so, what do you
2 need now? Do you need eight a week? Ten a week? 40 a week?
3 What?

4 THE WITNESS: It's going to be close to 25 a week
5 still, but I would say 22.

6 THE COURT: Still about 25. I mean, give or take.

7 THE WITNESS: Right.

8 THE COURT: Okay. So about 25 per week.

9 So if we keep this team together right here, just
10 joking.

11 All right. Counsel, more questions.

12 BY MR. KNAPP:

13 Q Mr. Van Natter, you recall about testifying about
14 attrition rates earlier this morning?

15 A Yes.

16 Q And just to clarify, when someone is removed from the
17 HUD-VASH program, that is the result of a decision by HACLA,
18 correct?

19 A Not all together. A tenant could pass away. Tenant could
20 skip.

21 Q But it's HACLA that determines they have exited the
22 program?

23 A Correct. HACLA would terminate that HUD-VASH contract.

24 Q Exactly. And program violations cause attrition in the
25 Housing Choice Voucher program more generally, not just in

1 HUD-VASH, correct?

2 A Correct.

3 Q In fact, that is one of the top three causes of exits in
4 the Housing Choice Voucher program more generally, correct?

5 A It is. Same three categories.

6 Q And those three categories are death, skip, and program
7 violation?

8 A Correct.

9 Q And if we tally up the number of program violation exits
10 for the year 2024, in the reports that we have just read
11 through, I tally those as 36 exits for the calendar year 2024?

12 A Correct.

13 Q And if we tally up the number of exits based on a voucher
14 expiration, I get 5 exits in the calendar year, 2024?

15 A Are you talking about the regular Housing Choice Voucher
16 program?

17 Q I'm talking about the reports that we have reviewed from
18 VASH so far today.

19 A Yes. It would be based on these numbers we just went
20 over.

21 Q And when we tally up the number of exits based on
22 self-sufficiency, I get 16 from these reports.

23 Does that sound right to you?

24 A Yes.

25 Q And when we tally up self-terminations, I get 39. Does

1 that sound right to you?

2 A Correct.

3 Q So, for a total we have the number of exits for 2024 as
4 92; is that right, or 96, I apologize.

5 A 96.

6 Q Earlier you testified about the attrition rate in HUD-VASH
7 and suggested that it's 15 percent; is that right?

8 A Correct.

9 Q What is that time period that you are referring to for
10 that attrition rate?

11 A That's an annual figure.

12 Q So it's from 2023; is that right?

13 A Correct.

14 Q And how do you arrive at that rate? In other words, what
15 is your numerator and denominator?

16 A The denominator would be the number of veterans on the
17 program.

18 The numerator would be those that are leaving the
19 program.

20 Q So, on the tenant-based voucher side, we know that there
21 have been 96 exits so far this year, correct?

22 A Yes.

23 Q And if I look at Exhibit 1633, it tells me that the total
24 lease up on tenant-based voucher side is 2,208 vouchers?

25 A Yes.

1 Q Those are vouchers that are being utilized, correct?

2 A Correct.

3 Q And so that's the denominator in determining the attrition
4 rate; is that right?

5 A Yes.

6 Q And the numerator in determining the attrition rate would
7 be the 96 exits we have just been discussing, right?

8 A Yes.

9 Q And, again, this is rough math on my part, but when I do
10 that it comes out to just over 4 percent for the year 2024.
11 Does that sound right?

12 A Yes.

13 Q And so let's assume that no one new leases up a voucher
14 for the rest of 2024.

15 Are you with me?

16 A Yes.

17 Q And let's assume we have a similar increase in exits, so
18 another 96 exits.

19 I think that would give us around an 8 percent attrition
20 rate for the year, assuming no one else enters the program.

21 A Correct.

22 Q And that would still be below your other disability-based
23 voucher programs, the COC that is referenced in this exit to
24 your left?

25 A Correct, which is 10 percent.

1 Q And, Mr. Van Natter, I'm not sure if you have told us yet,
2 but how many project-based vouchers are currently utilized in
3 the HUD-VASH program?

4 A We had that on one of the PowerPoint slides, because we
5 were at about 77 percent utilized in the HUD-VASH PBV
6 component.

7 Q That is out a total of 1,157?

8 A 1127.

9 Q Or 27.

10 A Yes.

11 THE COURT: Just one moment. Thank you.

12 BY MR. KNAPP:

13 Q And I think that comes out to around 857 utilized vouchers
14 on the project-based voucher side.

15 Does that sound right?

16 A It does.

17 Q So if we add 2,208 utilized vouchers on the tenant-based
18 voucher side, and 857 vouchers on the project-based side that
19 are currently utilized, I get around 3,075 utilized vouchers.

20 Does that seem right?

21 A I got 3105, but that is close.

22 THE COURT: Just a moment. Would you repeat those
23 numbers for me. 857 on the project-based, and how many
24 unutilized?

25 THE WITNESS: 2,208.

1 THE COURT: Well, you dropped your voice. 2,200 --

2 THE WITNESS: -8.

3 THE COURT: Now, just a moment.

4 THE WITNESS: 3065. I get that. Adding those two
5 up.

6 THE COURT: 3,065, right? Okay.

7 BY MR. KNAPP:

8 Q And if I add the 96 exits on the tenant-based voucher side
9 to the 85 exits on the project-based voucher side that you
10 testified to earlier, I get 181 exits for the calendar year
11 2024; is that right?

12 A Through June, yes.

13 Q And 181 as our numerator over 3,065 as our denominator to
14 determine the attrition rate. I get something, like,
15 6 percent. Does that sound right?

16 A Correct.

17 Q So, at least so far in 2024, the attrition rate in the
18 VASH program is overperforming HACLA's other disability-based
19 voucher programs, correct?

20 A Yes.

21 Q Beyond referrals you face other challenges to increasing
22 the utilization of HUD-VASH vouchers, correct?

23 A Yes.

24 Q And that includes, mainly, the nature of the housing
25 market in the LA area, right?

1 A Correct. Correct.

2 Q There is an extremely low vacancy rate in Los Angeles; is
3 that right?

4 A Yes. About 4 percent.

5 Q And it takes time for a voucher holder to lease a unit
6 through the Housing Choice Voucher program, correct?

7 A Well, all voucher holders get six months to locate a unit.

8 Q But the process of leasing up takes time?

9 A Yes.

10 Q And adds time that a non-voucher holder in the private
11 market might not have. They could just lease immediately,
12 correct?

13 A Correct.

14 Q And so that creates challenges with landlord
15 participation, right?

16 A Yes. It does for all of our programs.

17 Q Uh-huh. And you also face high rents in Los Angeles, in
18 addition to the low vacancy rates, right?

19 A Correct.

20 Q And HUD has taken steps to assist HACLA and other public
21 authority in the area with those problems, haven't they?

22 A Yes.

23 Q Among other things, they've -- HUD has approved you to use
24 Small Area Fair Market rents to determine your voucher payment
25 statements standards, correct?

1 A Yes.

2 Q And you used those in the ZIP codes in West LA, right?

3 A Yes. Those are in our highest tier.

4 Q And in that highest tier, HACLA has set voucher payment
5 standards as 120 percent of the Small Area Fair Market rent for
6 those ZIP codes, right?

7 A Yes.

8 THE COURT: Just a moment. And Terri, it was
9 120 percent, I believe.

10 BY MR. KNAPP:

11 Q Thank you for bearing with me.

12 As a result of the use of that exception payment
13 standard and the Small Area Fair Market rents, HACLA has seen
14 success in getting tenant-based units for veterans near the
15 West Los Angeles campus, correct?

16 A Yes.

17 Q And HUD has also granted various waivers, including
18 extensions on document timeout, expirations, right?

19 A Correct.

20 Q HUD is allowing HACLA to permit veterans to self-certify
21 their disability, right?

22 A Yes.

23 Q HUD is allowing veterans to self-certify their income,
24 right?

25 A Yes.

1 Q They can even self-certify their date of birth?

2 A Correct.

3 Q And HUD allows you to serve veterans at a higher income
4 level than other participants in the Housing Choice Voucher
5 program, don't they?

6 A Correct.

7 Q Normally, in the Housing Choice Voucher program someone
8 has to be at 50 percent of the area median income, right?

9 A Yes.

10 Q But veterans can go up to 80 percent of the area median
11 income, correct?

12 A Correct.

13 Q And you are familiar with recent changes that HUD has made
14 announcing that disability benefit -- VA disability benefits
15 should be excluded from the area median income calculation for
16 purposes of determining eligibility?

17 A Yes.

18 Q And as a result, you wouldn't expect any veteran to exceed
19 the threshold for the HUD-VASH program based on their
20 disability benefits, correct?

21 A Correct.

22 Q But you would acknowledge that a HUD-VASH voucher holder
23 may still face barriers to using their HUD-VASH voucher in a
24 given project-based development if the developer has lower
25 income thresholds based on tax credits or other applicable

1 regulations, right?

2 A Yes.

3 THE COURT: Now, just one moment.

4 Thank you. Please continue.

5 BY MR. KNAPP:

6 Q But that exclusion is not attributable to any part of the
7 HUD-VASH program; isn't that right?

8 A Correct.

9 THE COURT: Well, it's the timing that concerns me.
10 If this would have been in place six months ago or nine months
11 ago, this Court would have some barometer of what the local
12 developer in our project-based would do.

13 Right now, with this late development or later
14 development, I have no barometer of what the local developer is
15 going to do.

16 What is your opinion about what the local developer is
17 going to do?

18 THE WITNESS: Well, as you noted, these regulations
19 just came out about a week ago.

20 THE COURT: Has it written guidelines? Nobody
21 signed off on this so far, and a new administration can go
22 backwards on it, can enhance it. I have no idea.

23 So, what do you think our local developer is going to
24 do? And this is just a guesstimate, okay?

25 THE WITNESS: Right. I mean, we have been

1 requesting that they follow these waivers that we have
2 received, but that hasn't always been the case.

3 We hope with these new regulations --

4 THE COURT: Depending upon what they got themselves
5 into in terms of the tax credits, they may have to, let's say,
6 put forth a higher standard than we would hope, right?

7 THE WITNESS: They still would be bound by their
8 previous agreements for that funding that they received.

9 THE COURT: They have got to make some kind of money
10 on it, they can't go broke.

11 All right. So we have no way of testing this, counsel,
12 right now.

13 BY MR. KNAPP:

14 Q You also discussed the designated service provider program
15 this morning, correct?

16 A Yes.

17 Q And you are aware that Congress actually directed the
18 federal agencies to make this an option available to public
19 housing authorities, right?

20 A Correct.

21 Q And you are aware that Congress didn't appropriate new
22 funds for that program, right?

23 A Yes.

24 Q But you are aware that HUD has just awarded a new set of
25 administrative fees to HACLA, correct, or made available a new

1 set of administrative fees?

2 A Yes.

3 Q And you are currently exploring, are you not, whether you
4 can access other funding streams in order to potentially
5 subcontract, for example, to become a designated service
6 provider?

7 A We have been in conversations with the VA and also with
8 the county housing authority on whether or not this would be
9 feasible for our agencies to do.

10 Q One thing that makes it potentially feasible is the
11 availability of new administrative fees that can offset the
12 expenditure of other funds, right?

13 A Correct.

14 Q Earlier you discussed the existence of caps on
15 project-based vouchers within the Housing Choice Voucher
16 program.

17 Do you recall that?

18 A Yes.

19 Q And you testified that the cap is generally 20 percent of
20 the voucher allocation to the PHA, but that you can go up to
21 30 percent for purposes of serving individuals with
22 disabilities, correct?

23 A And people who are experiencing homelessness, yes.

24 Q And those caps are statutory, to your understanding; isn't
25 that right?

1 A Correct.

2 Q I just have a couple more questions to run through with
3 you.

4 A Okay.

5 Q HACLA received a substantial infusion of new vouchers in
6 the HUD-VASH program around 2013 and 2014, correct?

7 A Yes.

8 Q Over 1,000 new vouchers, right?

9 A Correct.

10 Q And at no point has HACLA approached full utilization
11 after that substantial increase in its voucher allocation,
12 correct?

13 A Correct.

14 Q And you testified earlier that there was a period of time
15 when the VA made more extensive use of contractors in order to
16 obtain a higher referral -- higher number of referrals; is that
17 right?

18 A Yes.

19 Q But even in that period, HACLA's utilization never
20 exceeded 69 percent; isn't that right?

21 A Correct.

22 Q I believe you testified earlier that you believed that
23 more case management could help to avoid or forestall instances
24 of skips?

25 A Yes.

1 Q But I believe you also testified that you have no
2 expertise in case management or history of providing case
3 manage; is that right?

4 A Not directly, correct.

5 Q And just more generally, looking back to the attrition
6 rates we see in 2024, the increase in referrals, and the number
7 of exits, you would say that we are, in fact, gaining ground in
8 the fight to end homelessness, correct?

9 A Yes. We're going in the right direction.

10 Q And we don't only gain ground through the HUD-VASH
11 program, right, there are other housing programs that may
12 permanently place a veteran in housing?

13 A That's correct, yes.

14 Q So to the extent we have seen a decrease in the PIT count,
15 it's not solely attributable to new success in the HUD-VASH
16 program, right?

17 A Correct, but I would say primarily.

18 MR. KNAPP: Let me just consult with my colleagues
19 for one moment.

20 No further questions. Thank you, Mr. Van Natter.

21 THE COURT: Have you checked with your colleagues?
22 Comfortable?

23 MR. KNAPP: I have.

24 REDIRECT EXAMINATION

25 BY MR. SILBERFELD:

1 Q Mr. Van Natter, counsel asked you about these new
2 administrative fees that HUD, I guess, issues.

3 When did you receive those?

4 A Those I have been -- the notice we received on that was
5 very recently.

6 Q How recent is that?

7 A Within the past month, really.

8 Q And what is the -- do you even know what the amount of the
9 fee is?

10 A I don't know off the top the percent now.

11 Q Well, is it enough to cover everything you would be asked
12 to do under the designated service provider program?

13 A We would have to pencil it out and see.

14 My first impression would be, no, but I need to look at
15 it with the staff.

16 Q And was it an award of a dollar amount or a percent of
17 something?

18 A A percent.

19 Q A percent of what?

20 A Well, a percentage a bit higher than the current amount
21 that we get in admin fees for not only HUD-VASH, but all of our
22 programs.

23 MR. SILBERFELD: Your Honor, just before the witness
24 leaves, I would like to mark these exhibits and have them moved
25 in.

1 THE COURT: Okay. Do you want to mark them as one
2 block A, B, C, and D, or mark them separately?

3 MR. SILBERFELD: I have got tags on them. The chart
4 we created with the witness that we labeled HUD-VASH would be
5 235.

6 THE COURT: 235.

7 MR. SILBERFELD: We would offer that.

8 THE COURT: Received.

9 (Exhibit 235 received into evidence.)

10 MR. SILBERFELD: The calculation about the 61,000
11 and how you get down to the caps will be 236.

12 THE COURT: 236 received.

13 (Exhibit 236 received into evidence.)

14 MR. SILBERFELD: The available vouchers and
15 available rental units in the city will be 237.

16 THE COURT: 237 received.

17 (Exhibit 237 received into evidence.)

18 MR. SILBERFELD: The tenant-based voucher program
19 for the first six months of 2024 will be 238.

20 THE COURT: Received.

21 (Exhibit 238 received into evidence.)

22 MR. SILBERFELD: The project-based voucher figures
23 for the same period, first six months of 2024, will be 239.

24 THE COURT: Received.

25 (Exhibit 239 received into evidence.)

1 MR. SILBERFELD: The attrition rates will be 240,
2 Your Honor.

3 THE COURT: 240, received.

4 (Exhibit 240 received into evidence.)

5 MR. SILBERFELD: That's all. Thank you.

6 THE COURT: Do you have any more questions? Why
7 don't you check with your team for a moment.

8 MR. SILBERFELD: I don't.

9 THE COURT: Okay. Then recross?

10 MR. KNAPP: No recross. I will just thank Mr. Van
11 Natter for his decades of collaboration with the VA.

12 THE COURT: Mr. Van Natter, thank you for your
13 courtesy and thank you for attending.

14 Counsel, your next witness, please.

15 MS. PIAZZA: Your Honor we have another plaintiff on
16 her way up. Could we do a ten-minute recess?

17 THE COURT: Why don't we take a break and come back
18 in.

19 How about ten minutes then?

20 MS. PIAZZA: Thank you, Your Honor.

21 THE COURT: Off the record for a moment.

22 (Pause in the proceedings.)

23 THE COURT: Back on the record. We're still in
24 session with all parties and counsel present.

25 Counsel, on behalf of the plaintiffs, would you like to

1 call your next witness, please.

2 MS. LI: Plaintiffs call Laurieann Wright.

3 THE COURT: And are you an interpreter? Would you
4 ask the witness to raise your right hand?

5 MR. DU: She's an attorney, Your Honor.

6 THE COURT: I'm sorry. I need Kerlan.

7 Okay. We have an interpreter present?

8 MR. DU: No, we do not. We do not need an
9 interpreter, Your Honor.

10 THE COURT: We do not need an interpreter. My
11 apologies.

12 Would you raise your right hand?

13 (Oath was administered.)

14 THE WITNESS: I do.

15 THE COURT: Thank you very much. Would you please
16 be seated in the witness stand, and the steps are just to my
17 right. Steps are right to my right.

18 Be comfortably seated.

19 THE WITNESS: Thank you.

20 THE COURT: Would you state your full name, please?

21 THE WITNESS: My name is Laurieann Wright.

22 THE COURT: And would you spell your first name?

23 THE WITNESS: L-A-U-R-I-E-A-N-N. It's one word.

24 THE COURT: And your last name, please.

25 THE WITNESS: W-R-I-G-H-T, Wright.

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LAURIEANN WRIGHT,

having been duly sworn,

testified as follows:

THE COURT: Okay. This would be direct examination, please.

MS. LI: Yes, Your Honor.

THE COURT: And why don't you state your name.

MS. LI: I'm Yi Li, counsel for plaintiffs.

THE COURT: Nice meeting you. Thank you.

DIRECT EXAMINATION

BY MS. YI:

Q Good afternoon, Ms. Wright. Is it okay if I call you Laurieann?

A Yes.

Q And before we start, I just wanted to recognize -- can you reach the microphone?

A Good.

Q Okay, great. Thank you.

Before we start, I just wanted to say that I know we might be discussing some potentially difficult topics today, and so, if at any point you need to take a break, please just let us know.

A Okay.

Q I'm going to try to speak very slowly and clearly for the court reporter. I hope that you will do the same.

1 A I will do my best.

2 Q Thank you so much.

3 Laurieann, where did you grow up?

4 A I was born in raised in New York City.

5 Q And what did you do after high school?

6 A From high school when I graduated, I went into the United
7 States Air Force.

8 Q Thank you so much for your service.

9 Why did you join the Air Force?

10 A I joined -- actually, when I was in 11th grade I went to
11 the delayed enlistment program, and so I joined when I was in
12 11th grade, and the year before I graduated high school.

13 And reason I went in, was to serve my country. I was --
14 I felt very strongly about that.

15 I went through nursing school while I was in high school
16 to technical training, and I wanted to pursue that in the
17 military.

18 Q Could you briefly describe for the Court your service in
19 the Air Force?

20 A I went -- I actually went in -- the delayed enlistment
21 program guaranteed my position as a Morse code operator. And
22 so I studied down in -- I went to Lackland in Texas for basic.

23 I spent nine months in school in Biloxi, Mississippi, at
24 Keesler. I asked for extra training at Fort Meade, Maryland.
25 And I was stationed at San Vito Air Station in Italy, where I

1 also was invited to go to more schooling in England.

2 And I really enjoyed it. I really enjoyed Europe. And
3 at that time, we were very involved with the Cold War and
4 Reagan was the president and so -- I can't tell you anything
5 else.

6 I had high clearance. But I really enjoyed the work.

7 Q How did your service come to an end?

8 A When I was in Italy, I was sexually assaulted by my
9 squadron commander. And I just -- I asked another NTO, a non
10 commissioned officer, who I portrayed as a friend -- something
11 happened to a friend -- and what should they do the following
12 day.

13 And he went ahead, and knew, I guess, it wasn't a
14 friend, and he told a fellow officer and the judge advocate on
15 our small air station. And the next thing I know, they pulled
16 me out of the compound, which is where our security work was,
17 and started the investigation.

18 And it didn't turn out very well in my favor, because I
19 was honorably discharged with an anti-social behavior. And
20 they sent me to Germany and gave me all kinds of questions.
21 This was in the 80s.

22 And that's why I didn't tell anybody, because I was
23 afraid. So they discharged me honorably, and I left.

24 I left the military very ashamed and guilty about
25 something that I didn't -- I didn't do anything wrong.

1 And then I went back home, and I was pretty much treated
2 the same way.

3 Q I'm so sorry to hear that, Laurieann, and I just want to
4 acknowledge your courage in sharing that today.

5 Do you need a moment before we move on?

6 A No, I'm fine. Thank you.

7 Q Okay. So I'm going to ask you a little bit about your
8 disability; is that okay?

9 A Yes.

10 Q Are you service connected for any disabilities?

11 A Yes, I am. I'm 100 percent service connected -- my
12 disabilities, my PTSD.

13 Q Could you briefly describe for the Court what it's like to
14 have PTSD?

15 A It still happens for me, and over the decades, it's
16 changed in any form because I was discharged in 1989. And I
17 still have a lot of fear of being attacked from behind or --
18 it's just a constant alert. Recurring dreams still.

19 No -- really no more about that incident, but I believe
20 that consequently -- the years following, like when I was
21 homeless, people, you know, did things. So it's a constant,
22 like, reopening up or taking off the bandage for me.

23 And even though I think I'm -- and I believe I am much
24 stronger, it kind of just pulls me back to, you know, pulls me
25 back to that spot inside where I feel very vulnerable.

1 Q That makes sense. What health care services do you
2 require for your PTSD?

3 A Mental health. I have had -- not until years -- until
4 years later -- it should have happened sooner than that, but I
5 had some really great mental health doctors I worked with at
6 the West LA VA. The doctors are really good. Really good.

7 And so they worked with my depression and any kind of
8 substance abuse that -- from alcohol -- and I turned to -- at
9 some point I turned to alcohol.

10 And so, so many things of mental health.

11 My life has changed tremendously because of the work I
12 have had with the doctors at West LA.

13 And unfortunately, during my homelessness I became -- I
14 had long periods of malnutrition because I didn't have -- I
15 wasn't service connected.

16 I had been turned away -- the first time I applied for
17 -- and so I didn't know -- there wasn't support.

18 There was never support in the '80s and '90s to tell
19 somebody to keep trying.

20 So I ended up becoming malnourished until I worked
21 with people at West LA. That was the bomb, because I was in
22 sober living and I was in great shape. And I've a nursing
23 background, and my nutrition was great. Everything was really
24 good for me.

25 Unfortunately, my bones -- I have osteoporosis. And I

1 have -- while I was -- actually, while I was homeless outside
2 of the VA, I was thrown down stairs and had my neck broken and
3 I had cerebral hemorrhaging.

4 I also had injuries to my lower back on another
5 occasion. And most recently, in just a year -- a year next
6 month will be since I had an accident where I lived in
7 Lancaster.

8 So, my health has been not good at all.

9 And I have a seizer disorder. I have had a lot of head
10 injuries from that and a lot of falls from grand mal seizures.

11 And so I -- once again, the seizure clinic, the liver
12 clinic -- because when I was on the street outside the VA, for
13 those three years, I got Hep C, and so they were all there for
14 me -- Neurology, women's clinic, they are awesome. I have had
15 tremendous, tremendous, strides.

16 I have had letters from all of the doctors because when
17 I did get service connected, they gave me a fiduciary at first,
18 but I didn't get housed, and so I was still in the street
19 living with even with a fiduciary.

20 And so I became really, really ill. So when I was in a
21 wheelchair, I couldn't walk because of nerve damage and brain
22 damage.

23 Then I went to Sylmar in a voluntarily locked facility
24 because I had nowhere else to go, I spent seven months there.

25 And from all of these -- all these -- I don't remember

1 what I was going to say. I'm sorry.

2 Q That's perfectly fine. Thank you so much for sharing
3 that.

4 I want to return to your other disabilities in a moment,
5 but I wanted to ask -- you mentioned the West LA VA, is it
6 important to you to have a VA psychiatrist?

7 A Oh, yes. The only thing that -- the only disappointment I
8 could say about the VA is that it -- gratefully, for students,
9 it's a teaching school, it's a teaching hospital. And the only
10 disappointment I have had is that, especially with psychiatry,
11 is that you get to really have a relationship with a doctor,
12 and that bond that you have, gets broken because they have to
13 move on.

14 And that's been difficult. And sometimes they wouldn't
15 have new people come in, and I didn't understand that because
16 they know that the students would leave and move on. And there
17 were periods where there wasn't anybody. And they put you in
18 the community -- like currently, currently, I'm back with VA
19 doctor, but we do via telephone video.

20 But they said -- because I couldn't make it to my
21 appointments down in West LA or Sepulveda from Lancaster, so
22 they said, okay, let's put you with somebody in the community.
23 So I said okay.

24 So when they did that, they gave me a civilian doctor.
25 And they gave him to me video, and it wasn't even COVID or

1 anything. And they were very rude.

2 It's very monetary. Like, if you don't call -- if you
3 don't call -- they kind of got snippy me with me. If you don't
4 call at this time, then we're going to charge you.

5 I didn't even want to work with them. They weren't,
6 like, the -- and most of -- 90 percent of the doctors probably
7 aren't veterans, but they get the vets.

8 The people that I work with, they just had this -- I
9 have a bond. I don't know what to -- because of the veterans
10 that we are and the way we communicate.

11 The psychiatrists that I have worked with have been
12 awesome.

13 But in the community, in civilian, I wouldn't work with
14 -- I told -- I told them at mental health I don't want to work
15 with these people. It's the second time that's happened, and I
16 want a VA doctor.

17 If I need to talk to somebody via video, then I want to
18 talk to my VA doctor. Don't send me right here and then she's
19 next door, but I still have to do a video. I want to be with a
20 person, with somebody. If I can't make it there because of
21 transportation --

22 And I only want a VA doctor.

23 Q That certainly makes sense. I want to turn to your
24 experiences on the VLA grounds. I think you mentioned you were
25 turned away.

1 When was that?

2 A After I discharged in May 5th of '89, 1989, I came to
3 California in September of '89.

4 My boyfriend, who I met in Italy, he's from California,
5 so I came out here to be with him. We were up in Camarillo
6 area, and we went to the West LA VA. So I was directed to go
7 to 212, which at the time was a Salvation Army -- or now I know
8 it's a Salvation Army.

9 But I went there and they looked at my DD 214. They
10 turned me away. They said we can't help you.

11 And that was the only medical place I knew to go to.
12 Neither one of us had gone back into -- he had gotten out and I
13 had gotten out of the service, so we were both civilians, and I
14 didn't quite understand that. So I didn't even disclose this
15 before, but the reason I went there was because I started
16 drinking alcohol, because I didn't know what to do. I was
17 still blaming myself for what happened and I was upset. And
18 when I went there, they turned me away.

19 So, I just went back to Camarillo, proceeded with my
20 life.

21 But my -- then would become my husband, he went back --
22 he went into Air National Guard, so I started on his --
23 medically on his stuff, because I didn't have any medical
24 insurance.

25 Q And did you ever return to the West LA grounds?

1 A I returned to West LA -- we were living in the Ventura
2 County, and I went back to go to the women's clinic, 7500, that
3 was -- that was -- the only reason I went was because of
4 gynecological. Before that, I was just OB exam. I had my two
5 sons.

6 But I needed -- we were divorced and I needed some help,
7 and so I reached out again to West LA, and I got hooked up with
8 the womens clinic and psychiatry there.

9 Q And you returned to the West LA grounds after you became
10 unhoused; is that right?

11 A Yes. Yes. That was my main thing. I could take the bus
12 shuttle from Oxnard.

13 I believe it came from Santa Maria and it would come
14 down. I could take it up at 9 o'clock and go to the VA and
15 make an appointment there, and then they would return. I could
16 do that back then for the womens clinic.

17 Q And around, when was that when you became unhoused?

18 A That was -- started in 2000. From 2000 all the way up
19 until 2012 when I was hospitalized. I was in and out, on and
20 off the street, and I would go periodically to get help down in
21 West LA.

22 And until I finally went to an appointment -- I was --
23 Ventura County -- let me say, Ventura County mental health, I
24 went to them when I became homeless in Ventura, because we got
25 divorced. It was not a good thing.

1 So I went to them, and I was -- I got into a sober
2 living, and I was staying there, but that was not sober. But I
3 went to make an appointment, but I didn't want to go by myself.
4 So I came down to the West LA VA, went to the womens clinic. I
5 forgot something.

6 I said to my friend, "Tell the bus driver I will be
7 right back," and the bus took off with my friend. Some friend.

8 And that's how I became homeless in 2009.

9 And until 2012, I stayed outside the VA for three years.
10 Going -- I went to the dom once.

11 And I was going to Naomi's House, they'd get me settled
12 in. There was no room at the dom. So every day, I stayed
13 outside. I'd come in, I go and sit in the homeless area, we'd
14 fill out paperwork, see the nurse. Sit there all day, every
15 day.

16 Q And did living outside the WLA grounds negatively impact
17 your health?

18 A Very, very much so. To where I was -- my doctor told me
19 he was proud of me, especially after I had my first year sober.
20 "I wish I would have had a video of you. We thought you were
21 not going to make it, that you were dead."

22 I was getting worse and worse and worse, to where my
23 fellow homeless people tricked me to get me to go to the
24 emergency room, and they put me in ICU.

25 It would get worse and worse. I was malnourished. I

1 was exposed to all the weather. I stayed in a broken down
2 mobile home behind Vons, which isn't there anymore. It's just
3 -- my mental health was bad, plus I had two injuries. And the
4 injuries were my hemorrhaging and my neck fractured. And other
5 incidents too.

6 It just got worse and worse. And they tricked me to get
7 to -- because I was, "I'm okay. I'm okay." And I wasn't.

8 But thank God, the VA saved my life and took care of me
9 when I couldn't do it myself.

10 Q Laurieann, you mentioned being hospitalized. Did this
11 happen a lot?

12 A It happened in -- well, for when I went -- when I first
13 went in 2012 -- that was May 5th, 2012 -- and then I stayed --
14 I went to Sylmar.

15 And then when I got out, they put me in Brentwood Manor
16 which is in right in West LA and Santa Monica. It's a nursing
17 home, and it was a horrible, horrible place, infested with bed
18 bugs.

19 But I volunteered. I did it. I'm going to do
20 everything I can. Volunteered for the ABC clinic, the
21 addiction behavior clinic. And I walked every day. I would
22 walk. I would get my butt all the way up. And up the hill, I
23 would take the bus. And I was there and I did everything I
24 could.

25 And I'm telling you, I even -- right behind there, they

1 made these new apartments, like, I applied there and they
2 turned me down.

3 And I applied for a couple other places but they didn't
4 have room anywhere.

5 So, Brentwood Manor was a very bad place. I reported
6 it.

7 My conservator had other people come to check that out.

8 But on a personal side, my sons -- I have three sons --
9 two of my older sons came to see me. And they were -- I had
10 bed bug bites on my face, and they thought that I was doing
11 horrible. So they stopped talking to me. And unfortunately,
12 my decision-making became -- I screwed up and I relapsed.

13 As soon as my conservator came in and found me, very
14 shortly after, like a week afterwards, she went took me to the
15 hospital, to my appointment at the womens clinic. And I said,
16 send me back to Sylmar.

17 I said, I can't -- I just want to be healthy. And they
18 did.

19 After that, I got out seven months later. This is all
20 voluntary. And I went to Clare Foundation and from there, my
21 life skyrocketed. I mean, I was working out every day at the
22 gym. I was going to the VA every day. I was doing all of the
23 activities. I was doing cognitive behavioral therapy with my
24 doctors, excuse me.

25 And I spent 18 months at Clare, and I was -- I mean, I

1 loved VA. I have been 32 -- now I'm 32 years. I love the West
2 LA VA.

3 Q The ABC clinic you mentioned, that was at the West LA
4 Campus?

5 A Yes.

6 Q And the therapist at the West LA campus?

7 A No. I saw her separately. My doctor, Dr. Watts, she was
8 separate then. ABC was -- I volunteered there. It was Monday,
9 Wednesday, Friday in the mornings. And then just -- it was a
10 good clinic.

11 Unfortunately, being a female, it's uncomfortable a lot,
12 especially with the history I have. Because a lot -- probably
13 95 percent of the time that I do anything with the VA, I am
14 comfortable with myself, but you get, sometimes people who
15 aren't very nice.

16 And being in a classroom full of men, you know, that say
17 things that are inappropriate, you get uncomfortable. But
18 regardless, the services are there. And you just have to reach
19 for them, and that's what I did, whether it was -- I did
20 biofeedback. I did smoking cessation. I did everything. They
21 had tai chi. I did yoga. I did everything they were offering.

22 Q So, the services you benefited from, they were at the WLA
23 grounds?

24 A Yes.

25 Q Okay. And you returned to West LA in 2021; is that right?

1 A Yes.

2 Q And where were you staying? What program were you
3 enrolled in at that time?

4 A So I went from -- from when I was -- I just want to
5 connect this bridge here.

6 I was finished with Clare in 2015, I went to -- someone
7 who worked at Clare, her and I got a place in North Hills, in
8 the Valley.

9 And so, from there I lived in the Valley where I used
10 Sepulveda, except for I went to West LA for neurology and the
11 liver clinic and surgery clinic. And so, I still was very
12 communicative with West LA.

13 But things -- after -- I did UIE school. I became -- I
14 went to school there in the Valley. Then after that, I was
15 alone.

16 And things started going downhill for me because after I
17 did nine months school at UEI with perfect attendance and a
18 4.0, I worked for a doctor's office.

19 He told me, "You can't keep going like this."

20 I said, "Like what?"

21 And he said, "You need to work part-time. You
22 physically can't work full-time. You are going to really not
23 be able to work if you keep doing that."

24 So I couldn't -- I went to the school and they said only
25 Spanish speaking, the jobs they had available, so I went and

1 found a part-time job doing something else.

2 And so, I was very depressed. And so, what happened
3 after that was I broke my ankle. And then I had to go to -- I
4 went to Valley Presbyterian. They put me in the hospital. My
5 ankle was so big, so they sent me to a nursing home in Sunland.
6 I went to Sunland for three months, and that was really
7 depressing. I wanted to get out of there.

8 They put me in the nursing home to do therapy. And so,
9 I was there, and I got myself to leave there right under the
10 wire, because as soon as I went to sober living in Reseda,
11 COVID closed everything down.

12 So I was there for a year. And then I went to another
13 sober living for a year. Because, medically, I was -- I have
14 MS and they couldn't handle my falling and stuff.

15 So, I was getting worse.

16 So, I became homeless again. I went and found myself at
17 the emergency room in West LA. I spent nine days there. And
18 then the 22nd, they came and they said you have been here nine
19 days, we don't want to keep you anymore over the weekend
20 because the state's giving -- where do you want to go? You
21 can't get into the dom because it's full.

22 We have a place called Tent City, do you want to go over
23 there.

24 So, I said, yes, I will go, because I felt very
25 comfortable. I know the vets. I know people. I knew I would

1 be okay, as long as I was on the VA property, I would be okay.

2 Because any time I could reach out and somebody would be
3 there for me.

4 So they said okay. The day before Thanksgiving, I went
5 to Tent City. And then I stayed there until the following
6 year. Then they put me into -- they just started building the
7 tiny homes. I got one of the tiny homes, and I was there until
8 we had the fire September 9th of '22.

9 Q Thank you. And returning to your time in the tents, I
10 know we talked about your back problems a little bit.

11 Did sleeping on the ground affect your back?

12 A Oh, yeah. Oh, yeah. Yeah. Yes. The cold. Everything
13 affects --

14 I was grateful -- I was very grateful when I got to the
15 tents and they gave me a sleeping bag. And I unrolled it --
16 and it was kind of funny because it looked like a straitjacket,
17 and I'm like what am I supposed to do with this thing?

18 They said to get in it. So I was cool with that because
19 it was really windy and cold. I was just grateful to be there
20 and know that the staff there, you know, they welcomed me. And
21 the next day was Thanksgiving and tons of people come and they
22 are all kind and they brought stuff. I got to meet everyone.
23 Yeah.

24 The pain never ceases.

25 I'm not a whiner, a complainer, but it doesn't cease.

1 Unfortunately, it's going to get a little bit worse. But I do
2 have people come from West LA out to see me every once in a
3 while. Nurse practitioners came a couple months ago to see me.
4 They drive out there. But it's nothing like being able to do a
5 walk-in any time I need to at the womens clinic or ER.

6 Q I'm returning to the tents for a little while longer.

7 Did your disabilities make it difficult for you to get
8 into your sleeping bag?

9 A Yeah. Yes. It was -- yeah. It was -- to get into the
10 sleeping bag, I'd just crawl up in a ball. I just crawl up in
11 a ball.

12 The tents aren't -- they were all blowing over. We were
13 running around catching them. People were trying to put them
14 down. That is one of the reasons why they gave me a tiny home
15 pretty quickly.

16 Q And was it really difficult when it rained?

17 A Yes. Yes. The cold. The cold, it gets in your bones. I
18 always know when it's going to rain, or I'm like something is
19 going to happen. I would feel it in my wrists. I would feel
20 it everywhere.

21 Q You mentioned MS. Is it difficult to be in the cold given
22 your MS?

23 A Yes.

24 Q How long were you there at the tents?

25 A I was in the tent part when they just started putting up

1 -- I think when I got there, they had put up, like, five of
2 them, but nobody had been in them yet. So I was there -- I
3 actually didn't stay in my tent by myself. I stayed in
4 Mr. Castellano's. I stayed over there where it was warmer.
5 And there was more people on that -- on that row. All of those
6 guys were tight.

7 And I was on the opposite side, and it was scarier. I
8 didn't feel protected. But the guys who are combat veterans,
9 they would all have their little area on that side so I was
10 able to be comfortable there.

11 Q And after the tents, you stayed in a tiny shed; is that
12 right?

13 A Yes.

14 Q And were -- how were the conditions living in the sheds?

15 A Well, if you can imagine being in pain all of the time and
16 then put in a metal, cold -- or metal box, it's not very
17 comfortable.

18 But they gave Mr. Castellano one right next to me. So
19 it kind of didn't make sense. There was four of them that were
20 doubles, so we went to the manager of CTRS and we were like --
21 we were pretty much inseparable at that time. We were like,
22 why don't we just move into a double, and then we can free up
23 two of these? They said, good idea.

24 So then we moved in together, and it was much more
25 comfortable too.

1 It was warmer, you know. Then we could -- it was
2 warmer. It was more homelike.

3 Q Despite the issues with the living conditions in tent and
4 tiny sheds, did you benefit from being near health services at
5 the WLA grounds?

6 A Absolutely. Absolutely. And the staff was great. And we
7 needed to get laundry done, you know, you just let people know.

8 Yeah. There is people, like, that volunteer. There are
9 volunteers that came in, but it was people like Rob who were
10 contact people. And so we knew that any time you had something
11 that you were not getting answers for, you could pick up the
12 phone and you could contact -- really, I knew -- the only
13 person I really knew I could feel safe with one of the CTRS
14 counselors and Rob, because he knows how people were, or pretty
15 much he could hear what other people were doing and ask them
16 what they were doing.

17 There is a pretty tight group, and I believe that is
18 mostly the people that we have spoken to also that
19 brainstormed.

20 And they said, well, what are we going to do? You know,
21 nothing was really moving anywhere. You know, Sammy had --
22 Mr. Castellano had been there for a long time. Are we going to
23 get VASH?

24 Are we going to get housing? I never had the
25 opportunity to even be questioned about housing because they

1 told me straight up after I spent all of those couple of years
2 going and signing the paperwork in the morning, getting my
3 vitals taken, and sitting around getting a brown bag, baloney
4 sandwich, which, thank you, I appreciated it, but we can't help
5 you because you are a female.

6 And the people that come first and are going to be
7 housed are going to be families with children.

8 The people on the list or disabled people, other people
9 who were already on the list, and the people -- the places
10 we're sending them to are Downtown LA. They are not going to
11 send you down there by yourself.

12 I knew that to be a fact because when people that I was
13 living with on the street, he got housed Downtown LA, and he
14 was scared, and he was a tough guy.

15 And it was very dangerous. So, I was not being housed.
16 There was nothing that was good for me to get me to be housed
17 anywhere if applied for that.

18 When I got out of -- when I was at the Brentwood Manor,
19 that's why I applied when I was at the ABC clinic for that
20 apartment place, because I wanted -- it looked nice and I saw
21 inside, but they didn't accept me.

22 Q So Laurieann, in the time you were on the WLA grounds, you
23 were never offered any type of permanent housing; is that
24 right?

25 A No.

1 Q Were you ever offered any temporary supportive housing?

2 A No.

3 Q Was that in the sheds?

4 A No. No. The -- CTRS was the first temporary -- that was
5 the first time that I -- I heard of VASH before, but I never,
6 even though I waited for all of that time, I never understood
7 why there were so many buildings and they were empty.

8 I didn't know why there were so many buildings except
9 for in war time.

10 So I started getting more educated on things of that
11 nature.

12 Why all of these people were outside and knowing that
13 during COVID the communities were very mad that the veterans
14 were all over the place, on the ground in the tents with COVID
15 running rampant.

16 And I believe that they finally must have had to step up
17 to the plate to house veterans, at least in that area.

18 Q If you had been offered permanent housing on the grounds
19 at that time, would you have taken it?

20 A Absolutely. Absolutely, yes. Because when I was at Naomi
21 House, when I did a short period of time at the dom, I was
22 going to noon meeting, a.m. meeting.

23 I was able to -- if, for some reason, I couldn't walk
24 across or I was late or something, I could grab the shuttle.
25 But I was capable of walking to the hospital. I -- absolutely.

1 Q You mentioned the fire in September of 2022. Is that why
2 you left the tiny sheds?

3 A Yes.

4 Q And where did you stay immediately after the fire?

5 A Some -- we were on the street for five weeks. Four of the
6 weeks, the community assisted us. Different community
7 organizations assisted us.

8 The fifth week I paid for in Palmdale.

9 That day, they sent us away. They sent us out to where
10 LAX was.

11 But the people -- the VA didn't do anything. They
12 didn't lift a finger. It was the community people, people in
13 the community that put forth the money to house myself and
14 Mr. Castellano, and another couple.

15 Q So the VA didn't put you up in a hotel?

16 A No.

17 Q They didn't provide you with any assistance?

18 A No.

19 Q They didn't help you recoup your lost belongings?

20 A Nothing. They actually made us leave. When we wanted to
21 look after -- we could see all of our stuff. Everything was
22 black.

23 But we couldn't -- he actually picked my wallet out of
24 there, and a couple of other things that we could see. And
25 they made us leave.

1 Then they wouldn't even -- for some reason, they
2 wouldn't even let Mr. Castellano back on. They allowed me to
3 come on, as if it was his fault or he did something. They
4 wouldn't let him on the CTRS grounds.

5 But I could come in and get our mail, which was really
6 not all there. But they were -- it was very bad.

7 Q After being on the streets for five weeks, you moved to
8 Lancaster; is that right?

9 A Yes, we didn't want to. We didn't want to be there. Our
10 VASH worker, Michelle, had taken us -- had driven us out there
11 and we looked at one place. We couldn't even open the doors.
12 You couldn't open the door.

13 Then we went to the place that we were at now. And as
14 we went down Beach Avenue, I told him, I said "no, no, no."

15 I could see it. It was a very bad neighborhood. Come
16 to find out, it's the worse place in Lancaster to live. When
17 we stepped out of the van, there were two hyperdermic needles
18 on the ground.

19 I said I don't want to live here. I don't want to live
20 here.

21 Then she said, well, this will be temporary. Well, that
22 was the fifth week.

23 We didn't have anywhere to go, so I spent my money on a
24 room. And then she's calling to say the manager accepted you,
25 you have to go there.

1 And she said it will be temporary.

2 Q This apartment in Lancaster, it's a HUD-VASH voucher?

3 A This is -- it's a HUD-VASH. It's a house, but it's in two
4 -- we're the front little part and the back part is bigger.

5 Q You weren't given the option to even look at apartments
6 near West LA?

7 A No. No. No.

8 Q You weren't given any option to look at apartments
9 anywhere closer to West LA than Lancaster?

10 A No.

11 Q And you drove down from Lancaster this morning, right?

12 A Yes.

13 Q And how long would you say that took?

14 A An hour and a half. You know, it depends on traffic.

15 Q And for folks in the room who are not from Los Angeles,
16 how long does it take with traffic to get down to West LA?

17 A To get to West LA from Lancaster, with traffic -- well,
18 when you picked me up the first time, that was over two and a
19 half -- two hours. At least two hours.

20 Q That was to get to your deposition, right?

21 A Yes. That was weird.

22 Q And now when you are in Lancaster, do you have
23 transportation to get to appointments in West LA?

24 A No. They have a -- they have a shuttle. They say they
25 have a shuttle, but I have never taken it. I have never taken

1 it. They say they have one. I can't even get to the Lancaster
2 clinic, because my bus stop is way over there, and for me to
3 just get there -- and I can't do that.

4 So, I have also run into problems with receiving access
5 with the bus access. I need my primary care physician to sign
6 off on the paperwork, which means I need to physically go to
7 get that from my primary care physician who, they said -- I
8 don't know who she is anymore.

9 If it's Sepulveda or if it's back to West LA, they
10 flip-flop me around and told me to go do Lancaster.

11 That's why the nurses came out to me, to check on me.
12 And that's where -- she checks on me. She's a great person.
13 She checks on me when she comes to see other clients.

14 Q I just want to make sure I understand. So you couldn't
15 get a shuttle through Access, but would you need to see your
16 primary care doctor; is that right?

17 A To get the whole shebang, the application, and yeah, and.

18 Q You can't -- you don't have the transportation --

19 A I don't have the transportation to get to -- and I keep
20 asking, well, whose my primary care physician? And I have to
21 go do that. And things have gotten really, really difficult.
22 And I'm trying to get a moving voucher.

23 We had Sammy's daughter living with us. She moved, so
24 now the rent went up. So next month, the rent is going to go
25 up again.

1 So in two years, the rent will have gone up three times.
2 My depression has gotten really bad. Never mind that it's bad
3 for me to walk to the store without somebody pulling up next to
4 me and asking me, do you want a ride; hey, you, you know. I
5 don't know why they do that.

6 It's not a good neighborhood. I do know that's probably
7 why.

8 Q And when you first moved there in 2022, you were able to
9 use the VA's ride share program?

10 A Yeah. The ride share was really great. COVID was pretty
11 much over, getting over. But they cut out all of the funding.

12 Q So that's --

13 A So there was nothing left. Before that, I was going to
14 appointments. I didn't have -- Sammy was making his
15 appointment for HPACT, and so we were making them together,
16 coming down. I would be able to get to CTRS and say hi to
17 people. We would see Rob and Joey and see people. It was
18 great. We haven't seen anybody for so long. And it's -- we
19 were very isolated. Very isolated. I'm trying to get out of
20 there.

21 Q So the ride share program no longer exists?

22 A No.

23 Q And you no longer have transportation to West LA?

24 A No.

25 Q Even if you did have transportation to West LA, is it

1 difficult with your disabilities to sit for so long in a car or
2 a bus?

3 A Right, it is. I considered taking the train down since
4 the train just comes right here. But that is a whole ordeal
5 for me to get to.

6 It seems like, in my mind, I'm going to do this, I'm a
7 go-getter, I'm going to make sure this happens, I'm no wimp.

8 But at the end of the day when I can't even walk to the
9 bathroom without having to bend over because I'm in so much
10 pain, it gets very discouraging. So I'm kind of at a wits end
11 trying to figure out what am I going to do for -- what am I
12 going to do.

13 Q Laurieann, you mentioned your history with seizures. Is
14 it important for you to see a neurologist?

15 A I do. I haven't had a seizure since 2012. And then last
16 year, we still don't know what happened, the manager said I had
17 a seizure, but I highly doubt it, but I was in the hospital for
18 six weeks. And pretty much, they described it as catatonic.

19 When I started coming around, I thought I just got
20 there. And I didn't know that I had been there four weeks
21 already.

22 And I was like, I'm out of here, what are we doing here.

23 And I found out the manager said she pulled up, she saw
24 me standing there, and then I went down. She jumped up, ran
25 out, and started giving me CPR, which, I highly doubt if I was

1 having a grand mal seizure that she would give me CPR right
2 away.

3 So we still don't know exactly what -- they didn't do
4 any EG at Antelope Valley Hospital, so I don't know what
5 happened.

6 But as far as the seizures, your question about the
7 seizures, it's very important for me to go back. I need to get
8 -- something -- something -- something is very wrong physically
9 with my spine.

10 And I went back after that happened, because I was in so
11 much pain, I had to crawl up to get to the bathroom and stuff.
12 But they said there was nothing wrong and I need to go back. I
13 need the care. I need the physical therapy. I need to be able
14 to straighten my core. I need -- I am personal trainer -- I
15 was a personal trainer. I have all of that experience, but I
16 can't do it by myself. I can't be my own doctor.

17 Q Absolutely. You mentioned that when you lived in the
18 Valley, you went to the West LA grounds to see a neurologist?

19 A Yes. Because they took my license because someone
20 reported that seizure that I had in 2012, so I didn't have my
21 driver's license until 2015.

22 So I was regularly getting EEGs and seeing doctors until
23 they gave me the A-okay and I got off conservatorship.

24 Q And it would help to be able to go to the West LA grounds
25 to see that neurologist regularly?

1 A Oh, yeah. Because they are really good. They would watch
2 out how I walk. If they saw me now...

3 Q Yeah. And you mentioned physical therapy for your back
4 problems.

5 Would it help to see a specialist at the WLA grounds for
6 that?

7 A Yes.

8 Q You have mentioned your MS. Would it, again, help to see
9 a specialist at the WLA grounds?

10 A Yes. Probably a rheumatologist. My hands are getting
11 really -- I'm very -- very painful and my fingers are starting
12 to curl and I'm getting scared.

13 I need to see somebody regularly. They need to do blood
14 tests. They need to do those kinds of things so we can move
15 forward.

16 Preventative care, not after-the-fact care.

17 Q Are you able to see any neurologist at all in Lancaster?

18 A No.

19 Q And you are not able to see a rheumatologist for your
20 arthritis?

21 A No. I would need to go -- regardless, I would need to go
22 back to -- I was going to call it home. I need to go back home
23 to get -- for them to refer me if there was something.

24 Q And you are not able to see a physical therapist in
25 Lancaster?

1 A No. The physical therapy -- they sent me to physical
2 therapy when I got out of the hospital in Lancaster, but I
3 couldn't get there. I went three times, and it wasn't enough.

4 But when the nurses came out just recently, they told me
5 we're going to refer you, how do you feel -- the occupational
6 therapist was on the phone, video, while they were there. She
7 asked me would it help if physical therapy came to you?

8 I said sure, I don't have any equipment, but she said,
9 no, no, they can come out to you. And two of them told me they
10 were going to follow up, and nobody ever followed up, so.

11 Q Even when a nurse did come out to you in Lancaster, nobody
12 followed up?

13 A No. And I called my VASH worker and talked to her and she
14 gets me with another -- and then they say they are going to
15 follow up. But it's far. They don't -- they don't stay in
16 Lancaster. They are from Sepulveda and West LA, so they travel
17 once a week or so.

18 Q You mentioned that you tried to move your voucher to West
19 LA; is that right?

20 A Yes, I did, for LACDA. I put in so far two moving
21 vouchers, and I haven't heard anything back from them, because
22 I want to come back closer.

23 Either they give me something in West LA, Los Angeles,
24 or Santa Monica would be cool. I love the beach. I lived
25 there for a long time there.

1 That would be bomb to be able to do physical therapy on
2 the beach. I mean, I want to come back, go back to where I
3 know it was the healthiest I had ever been in my life at that
4 time.

5 Q Needless to say, you would benefit from being close to the
6 West LA grounds --

7 A Yes.

8 Q -- where you received helpful services?

9 A Most definitely.

10 Q Laurieann, I have one last question for you. Why did you
11 decide to be a class representative in this case?

12 A It slowly evolved. But when I realized that -- when I
13 realized I was -- when it was labeled that, I said oh okay.

14 And being far away, and not communicating with the
15 others -- because we used to be able to go to the meetings when
16 we had the ride share. We were meeting at different place.

17 We would go to the rose garden or to the office across
18 the way there, and we weren't doing those things any more.

19 And Mr. Castellano wasn't going to be part of that.

20 I made a commitment inside myself. I said, well, I
21 don't care what it takes. This is -- I thought in my mind I
22 know the history a little bit of -- you know, you see the
23 beautiful pictures on the walls of how the VA was in the war
24 and the intentions that those people who donated and all of the
25 hard work that people put in.

1 And I know the way the world is today. The suicide
2 rates for veterans, and being older now. Being a younger
3 veteran and knowing how people were coming in, and knowing that
4 when I got out -- I didn't know I was a veteran. I didn't know
5 I had rights or I had an opportunity to get help.

6 I want that for people who go home and they are
7 suffering. They are lonely. They are not in those countries
8 anymore with all of their buddies and everyone is dispersed.
9 And I don't want us to have anybody suffer anymore who reaches
10 out for help and their families abandon them, or if they are
11 facing addiction and mental health problems and guilt and shame
12 for maybe some of the things that they feel they had to do or
13 were asked to do as part of war.

14 I don't want to see or ever know that anybody has to go
15 through anything like that inside, because it's all
16 preventable. And it's available -- the resources are
17 available. There are plenty of people that donate lots and
18 lots of money for those causes, for people who fight for our
19 country.

20 These kids are kids, and they deserve to have a life.

21 You know, after war or, you know, even the older people,
22 when I got -- I didn't want to accept my service connection
23 because I didn't feel like I deserved it. I felt like people
24 that weren't getting help had loss of limbs or eyes and they
25 were in wheelchairs and they were on the street, that they

1 deserved it.

2 But through therapy, I learned that I should be able to
3 get -- have my service connection. It took me a long time. I
4 wanted that for other people who didn't know that it's
5 available for them. They served their country and they should
6 be able to get help.

7 And I want that available for anyone, everyone. If they
8 have to come from across the country, West LA is a huge place.
9 It's got wonderful doctors, students, everyone who is willing
10 to learn, and they do, and the students are great. It's really
11 -- that's what I would like to see.

12 I don't want to see any more -- I don't want to see
13 anybody have to waste any time. Nothing is wasted, but
14 anything they didn't have to endure.

15 MS. LI: Thank you so much for that, and thank you
16 so much for sharing your story today.

17 No further questions, Your Honor.

18 THE COURT: Cross-examination, please.

19 CROSS-EXAMINATION

20 BY MR. KNAPP:

21 Q Good afternoon, Ms. Wright. I don't think we have met
22 yet.

23 My name is Cody Knapp, and I represent the VA in the
24 case.

25 I want to start by thanking you for your service and for

1 your bravery as a survivor.

2 I just have a couple of questions for you.

3 You mentioned that you have a social worker. Do you
4 recall that?

5 A Yes.

6 Q And I believe you have said she does a tremendous job for
7 you; is that right?

8 A Yes, very compassionate.

9 Q Would you mind sharing with the Court her name, if you are
10 comfortable?

11 A My VASH worker? Now I'm drawing a blank. Nadia is her
12 first name. I don't know how to pronounce her last name.

13 Q That's okay. And then you mentioned that you had a couple
14 of nurses come out to see you recently from HPACT; is that
15 right?

16 A I believe they are from HPACT because they are nurse
17 practitioners.

18 Q And I believe you mentioned that their visit was a
19 positive experience for you; is that right?

20 A Yes.

21 Q And if you recall their names, and you feel comfortable
22 sharing them with the Court?

23 A I don't recall. I don't recall their names. I do know
24 the one lady -- it was a lady and a gentleman.

25 And that lady, she actually came to see me in the

1 hospital. And she said she remembers me because I was
2 completely out of it.

3 She said it's nice to meet you finally, because -- I
4 don't remember their names, though. I have their business
5 cards, but nobody ever called me back. When I didn't receive
6 any calls back, I called Nadia again.

7 And Nadia has gotten a peer support specialist. They
8 are hiring a peer support specialist to work with them in the
9 VASH now. So I now have a peer support specialist named
10 Candace that I will be working with. I just met her.

11 MR. KNAPP: Thank you again for your time today on
12 behalf of myself and the United States.

13 THE COURT: Redirect examination?

14 MS. LI: No redirect, Your Honor.

15 THE COURT: Thank you very much for attending. You
16 are excused from these proceedings.

17 THE WITNESS: Thank you, sir.

18 THE COURT: Counsel, would this be a good time for
19 recess for about 15 minutes so Terri can take a break?

20 We will see you in 15 minutes, counsel. Thank you.

21 (Recess.)

22 THE COURT: All right. Dr. Harris has returned to
23 the stand. And, counsel, have you completed your direct?

24 MR. SILBERFELD: Yes.

25 THE COURT: Comfortable?

1 MR. SILBERFELD: Yes.

2 THE COURT: Cross-examination?

3 MS. WELLS: Thank you much. Just for the record,
4 Carlotta Wells on behalf of the defendants.

5 DIRECT EXAMINATION

6 (Federal defendant's direct examination)

7 BY MS. WELLS:

8 Q Good afternoon, Dr. Harris.

9 A Good afternoon.

10 Q I know you have testified previously, but I think maybe we
11 should go back to the beginning.

12 Can you please start and tell us what your educational
13 background is?

14 A Sure. I have a -- I'm assuming you want me to start in
15 college and not earlier?

16 Q Yes. That would be great.

17 A Save everybody that. I have a bachelor of science degree
18 in psychology from the University of Washington.

19 A master's in clinical psychology from the University of
20 Alaska.

21 And another master's degree in clinical psychology from
22 the University of Oregon.

23 And a Ph.D. in clinical psychology, also from the
24 University of Oregon. So those are the degrees part of my
25 background.

1 Q When were you first exposed to issues related to
2 homelessness?

3 A I got into psychology for the very stereotypical reason of
4 wanting to help people, and enjoying talking to people about
5 their life and trying to help them solve problems.

6 I sort of assumed I would be in private practice. My --
7 I had two training experiences on the way to the Ph.D. that
8 were particularly notable for me.

9 One was a practicum during graduate school when I worked
10 in a homeless youth shelter and the other was a rotation in the
11 homeless veterans programs at the Palo Alto VA and the
12 domiciliary during my internship.

13 And by the time that happened, looking back at my
14 training, and other practicum in behavioral medicine and
15 inpatient psychology and marriage and family therapy, both
16 homeless experiences were my favorite by far.

17 And so those were probably the earliest experiences and
18 at the point I finished the rotation in the domiciliary, I
19 wasn't sure where my career would go, but I was absolutely sure
20 that if a job opened up there I would come back.

21 Q And so what happened next, what was your first job after
22 you finished your internship?

23 A Yeah, there was a small step before I did a health
24 psychology post doctoral fellowship at the University
25 California, San Francisco. And about a year and a half into

1 that, a position did open up back at the dom and they reached
2 out to me, and I took that.

3 Q When they say "the dom" is that the domiciliary?

4 A Sorry. Yes. You have heard it described here that way
5 also, everybody calls it "the dom," it's just easier.

6 Q And exactly where was the location of the domiciliary you
7 worked with?

8 A Well, to be precise, it was on the Menlo Park Campus of
9 the Palo Alto VA Medical Center.

10 Q And what was your first job in the Palo Alto VA Center
11 Medical Center?

12 A It was an odd job. It was a hybrid mix of training,
13 research, education, special projects within the service. I
14 worked very closely with the chief of the service during the
15 first year in that role.

16 Q When you say "the service," what service are we talking
17 about?

18 A Sorry. The domiciliary service which oversaw both a
19 domiciliary care for homeless veterans, a DCHV component, and a
20 substance use residential component.

21 Q And did you have just that one job at Palo Alto or did you
22 assume other responsibilities at some point?

23 A I assumed considerably more responsibilities, yes. Ten
24 months into my first year, the chief of the domiciliary service
25 took an early retirement, recommended to leadership that I

1 replace him and I was put into the acting chief role. I was
2 not eligible for the permanent role at that time.

3 In fact, it took about a year and a half more
4 before I became eligible for that and then became the permanent
5 chief.

6 During that stretch, I was also made the director
7 of a 28-day substance abuse residential rehabilitation program
8 on the same campus and was for a stretch the director of the
9 addiction treatment service during that time as well.

10 Q Okay. And just so we're clear, what is the time frame
11 when you were serving in this position?

12 A In terms of the year?

13 Q Yes.

14 A I started my very first job in 2003, became the permanent
15 chief of the service in roughly 2005, I want to say.

16 Q How many years did you serve in that position?

17 A Six in total.

18 Q What came next?

19 A So, in 2009, VA central office was ramping up its homeless
20 efforts, the Obama Administration made ending veteran
21 homelessness a national priority, the Secretary of the VA,
22 Secretary Shinseki, made it a VA priority. I was asked to do a
23 temporary detail to VA central office to help them with those
24 ramp-up efforts and then a national director of operations
25 position was created. I was recruited into that. So I joined

1 VA central office in 2010 as the national director of
2 operations for VA's homeless programs.

3 Q When you say "central office," is that in Washington D.C.?

4 A Yes, it is.

5 Q So can you generally describe your duties and
6 responsibilities in this position as the national director of
7 operations for homeless programs?

8 A Yes. It followed a similar pattern to my first -- to the
9 chief of the dom job, in the sense that my responsibilities
10 grew each year. So it's probably easier to just tell you the
11 totality of it as opposed to what it started at and then taking
12 you through that.

13 In that position I was -- I oversaw a number of national
14 programs including HUD-VASH. Healthcare for Homeless Veterans,
15 HCHV. Our employment programs for homeless veterans, it was
16 called Homeless Veterans Community Employment Services, HVCES.
17 The Homeless Patient Aligned Care Teams, HPACT. And along with
18 overseeing those national programs, I also oversaw the data
19 team for the homeless veterans -- sorry, for the homeless
20 programs office, which changed names a couple of times. The
21 name of it by the time I was done in that position was the
22 Business Intelligence Team, or BI, and that group -- that's the
23 group that developed and maintained HOMES, our data collection
24 system. It was responsible for our performance measurement
25 system, a number of other things. Data sharing, privacy

1 concerns, worked with HUD on data sharing across our two
2 agencies, a fairly big important team.

3 The other aspect of my duties in that role were I had a
4 strong role in interagency work, so I worked closely and
5 represented the office many times with HUD, with the White
6 House, with the United States Interagency Council on
7 Homelessness.

8 I also had a lead role in our interactions with
9 Congress, both formal roles, such as testifying at hearings, I
10 have testified at six hearings, between Senate and House
11 hearings. As well as I served a lead role in providing
12 technical assistance to Congressional offices when they were
13 drafting bills related to veteran homelessness.

14 THE COURT: Just one moment, please.

15 (Pause in proceedings.)

16 THE COURT: Thank you, counsel.

17 BY MS. WELLS:

18 Q Is it possible for you to describe briefly for us the
19 relationship between the work you were doing at the national
20 level and what happens in medical centers around the country
21 with respect to these programs?

22 A Sure. Our -- the way our programs are structured, each of
23 the national homeless programs have a core leadership team at
24 VA central office, and that team produces the guiding policy
25 for programs. It manages the national budgets for those

1 programs. It establishes performance expectations for those
2 programs and those are issued nationally.

3 Local medical centers essentially need to follow or meet
4 those guidelines and expectations. That is the short version.
5 If there is a more specific question, I'm happy to answer it.

6 Q I think that is fine, but to what extent does the daily
7 work at a medical center -- or to what extent is it informed by
8 or relating to the work that is happening at the national
9 office but it's the other way around?

10 A Sure. Yeah, I would say there are multiple ways.

11 Again, the guiding policy is issued by the national
12 office and so the day-to-day operations should be following
13 that policy, executing that policy.

14 I don't know if this is what you are asking, but there
15 really is quite a bit of direct interaction between the
16 national offices and local sites.

17 This particular medical center has probably the most
18 interaction with the national office of any medical center in
19 the country.

20 Whether it's bringing challenges or problems to our
21 attention at the national office or if it's advocating for
22 additional staffing needs. If it's us going to them noticing a
23 concern in performance demonstrated by our data, things like
24 that.

25 Q Is it possible to give us an example of something where

1 the local medical center here has gone to national office to
2 receive assistance or ask for a assistance?

3 A Sure. And it's one I was directly involved in.

4 You've heard a lot about CTRS already in this trial.

5 Early on it was pretty bare bones, in terms of its
6 staffing. And you have heard veterans were concerned about
7 that, VA staff were concerned about that, I was particularly
8 concerned about that. One of my goals has been to augment the
9 staffing and the services in CTRS to make those as strong as
10 possible.

11 So I worked with the staff in CTRS and the CERS
12 leadership to put together a request for additional staffing
13 from the national office, from the HCHV office. It included
14 dollars for VA positions and also dollars for contracts.

15 Then I went to the national office because it's a group
16 I used to oversee for 11 years and helped guide them to a
17 decision to approve that and so, ultimately, GLA was able to
18 significantly improve, I think, what is available at CERS for
19 services.

20 Q You said you served in your position as the national
21 director of operations for 11 years?

22 A Yes.

23 Q What did you do immediately after that position?

24 A There was a stretch where I did something else in the
25 middle of that. Do you want me to just touch on that real

1 quick?

2 Q Sure.

3 A Okay. The executive director position for the homeless
4 office was vacated for a period of time. I should know the
5 date, at 2015, I believe.

6 THE COURT: Just a moment. In 2015, the director
7 position was vacated?

8 THE WITNESS: The executive director of the homeless
9 program.

10 THE COURT: I need to do this by titles, so let me
11 do this again. You came in -- bear with me, 2009?

12 THE WITNESS: '10.

13 THE COURT: Thank you. In 2009 I have the VA was
14 ramping up the homeless efforts, in 2010 you became the
15 national director of operations for the homeless program.

16 THE WITNESS: You are right. I did a detail in
17 2009. You remember my history better than I do.

18 THE COURT: Now, you're national director for --

19 THE WITNESS: Operations for the homeless program
20 office, yes.

21 THE COURT: The director position for the homeless
22 office was vacated in 2015. Explain that to me. I don't know
23 what is happening title wise here.

24 THE WITNESS: Understood. So I was the national
25 director of operations. I reported to the executive director

1 of the homeless program office in my position.

2 That person left the executive director position in
3 2015.

4 THE COURT: Now, did the director -- did that
5 director position have operations? They were over operations.

6 THE WITNESS: They were over me in operations, yes.

7 THE COURT: What else were they over?

8 THE WITNESS: The entire office. So they were over
9 the finance team, the other senior leaders in our office, they
10 were over the --

11 THE COURT: Okay.

12 THE WITNESS: National center on homelessness.

13 THE COURT: I understand, thank you.

14 THE WITNESS: You are welcome. I was asked to
15 become the acting executive director is what I was sort of
16 hoping I would get to, sorry about that.

17 THE COURT: In other words, the position in a sense
18 didn't cease to exist, it needed to be filled?

19 THE WITNESS: That's right.

20 THE COURT: And then you became acting director?

21 THE WITNESS: That's right.

22 THE COURT: It didn't disappear?

23 THE WITNESS: That's correct.

24 THE COURT: Okay. Thank you.

25 Counsel?

1 BY MS. WELLS:

2 Q How long were you in the acting executor director
3 position?

4 A So formally for eight months.

5 THE COURT: Who holds that position now, name?

6 THE WITNESS: Monica Diaz.

7 THE COURT: Monica who?

8 THE WITNESS: Diaz, D-I-A-Z.

9 THE COURT: Okay, thank you.

10 Counsel, my apologies.

11 A And that is an SCS position and as a GS employee I was
12 limited to two four-month terms.

13 So formally I was in for eight months. Informally I was
14 in it -- I covered many of those functions for close to two
15 years until it was finally filled by Ms. Diaz.

16 BY MS. WELLS:

17 Q What were the functions you continued to fill during that
18 period of time?

19 A Some of the ones I mentioned, so a lot of the interagency
20 work, a lot of the work with Congress, I did -- I testified at
21 several hearings in that time period.

22 Continued work with the White House during that time
23 period, so those are some of the functions.

24 Q Now, you talked about earlier where with CTRS the West LA
25 Medical Center reached out to the national level to get

1 assistance.

2 Was there a time when you oversaw a team from the
3 national office who came here to do some work at West LA?

4 A There was.

5 Q Can you describe what that was?

6 A Yes. The national office has been focused or concerned
7 with homelessness in Los Angeles for a long time.

8 In the period of time right after the *Valentini* suit,
9 one of VA's senior leaders here was Vince Kane. Vince Kane had
10 worked previously in the homeless program office. He was a
11 close colleague of mine.

12 He asked for a team of people from the homeless program
13 office to provide direct assistance to CERS in improving,
14 modernizing its services and operations.

15 So, I had a team of people, four people who reported to
16 me who essentially comprised that team, and spent a good part
17 of a couple of years traveling here very frequently and working
18 with the CERS team developing, improving processes, developing
19 procedures that would formalize those processes, trying to
20 bring more sophisticated data collection and analysis and
21 reporting to the team.

22 Q For the record, can you just tell us what the time frame
23 was what that team was out here?

24 A Yes. It was -- started in roughly 2016. And the
25 intensity of that support varied over time. It was probably

1 greatest from 2016 to 2018. I would say, but never ended
2 entirely.

3 Q What do you mean by it's "never ended entirely"?

4 A There has always been more intensive direct involvement
5 from the national office with GLA and CERS than there is with
6 any other medical center.

7 And it's not unrelated to my current position. GLA is
8 the only medical center with someone from the Secretary's
9 office dedicated to it.

10 Q So you anticipated where I was going next, which is what
11 is your current position?

12 A It's a mouth full. Senior Executive Homelessness agent
13 for Greater Los Angeles.

14 Q How long have you served in this position?

15 A Since December 2021.

16 Q And can you tell us a little bit how this position came
17 about?

18 A Yes. It's got an interesting history.

19 I think the most direct line to how it came about is
20 that it was a formal recommendation that came out of the VCOEB,
21 the oversight board that we have heard about here, and our
22 Secretary accepted that recommendation. His office created
23 this position.

24 I had maintained a fair amount of direct involvement
25 with GLA, both from overseeing the team previously and then to

1 some degree continuing because of its importance, so they
2 reached out to me about taking this role.

3 Q How would you describe the role that you currently are in?

4 A Again, it's a little bit of an unusual position.

5 The way I described it to Mr. Rosenbaum I think is how I
6 would still describe it. It's a role where I provide guidance,
7 and direction, and advocacy and support, both to the medical
8 center and on behalf of the medical center and its -- in all of
9 its efforts related to veteran homelessness.

10 Q So can you tell how you define -- like how you identify
11 the issues that you spend your time working on?

12 A Yes.

13 It depends a little bit.

14 Sometimes issues are brought to me either by the West LA
15 GLA staff or by partners and advocates in the community. And
16 sometimes I recognize or become aware of an issue and initiate
17 involvement myself.

18 Q Okay. And then, just briefly, since you have been in this
19 current position is there another detail or part-time position
20 you've also assumed responsibilities --

21 A Yes.

22 Q Can you just briefly tell us what those are?

23 A I can. Earlier this year I did a four-month half-time,
24 50 percent detail to the United States Interagency Council on
25 Homelessness to assist with their All Inside initiative.

1 Q What is that?

2 THE COURT: Who are they? This is new to me. Who's
3 on it, what do they do?

4 BY MS. WELLS:

5 Q Yeah, can you describe what the US --

6 THE WITNESS: Sure. You mean the interagency
7 council or the initiatives.

8 THE COURT: The United States Interagency Council on
9 Homelessness. Now that could include the White House, a
10 congressional member, you, who are these people?

11 THE WITNESS: It is the Federal Government's
12 convening body on homelessness.

13 THE COURT: That means absolutely nothing to me.
14 Who sits on it?

15 THE WITNESS: So there is an executive director.

16 THE COURT: Who?

17 THE WITNESS: Jeff Olivet.

18 THE COURT: Who's my executive director? Jeff?

19 THE WITNESS: Jeff, J-E-F-F, Olivet, O-L-I-V-E-T.

20 THE COURT: White House? Congress? VA? HUD? Who
21 is he?

22 THE WITNESS: He is an employee of USICH, he works
23 most closely with the White House Domestic Policy Council. And
24 the council's members are -- I don't know all of them, but most
25 of the federal agencies or departments that comprise the

1 president's cabinet.

2 THE COURT: I have seen that before. I have gone to
3 D.C., and I have disclosed to the parties early on in the case
4 that Carson had called me back, he was going to come here, I
5 didn't want the Secretary coming out here because that would be
6 a news item, some federal judge going to Washington, D.C. is
7 not a news item. I was surprised about how many people were in
8 that room, VA, HUD, I couldn't name all of the different
9 agencies.

10 THE WITNESS: Uh-huh.

11 THE COURT: I don't know what power this group has,
12 other than recommendation. I don't know if they are a policy
13 making body, help me?

14 THE WITNESS: Generally speaking they are not a
15 policy making body.

16 THE COURT: Coordination body?

17 THE WITNESS: Convening and coordination,
18 absolutely.

19 THE COURT: In other words, I have got the folks who
20 do the work, try to coordinate, interagency.

21 THE WITNESS: Yes.

22 THE COURT: Now is there any link to the
23 administration and if so, who?

24 THE WITNESS: Yes.

25 THE COURT: Who?

1 THE WITNESS: Domestic Policy Council.

2 THE COURT: Who?

3 THE WITNESS: In the current -- it varies, of
4 course, over time, but right now --

5 THE COURT: Who?

6 THE WITNESS: A guy named Chad Maisel, M-A-I-S-E-L.
7 I'm sorry, I do not know his exact title.

8 THE COURT: So we don't know if he has walk-in
9 privileges to the oval office or if he's upstairs on the second
10 floor? Just kidding.

11 Okay, counsel, please continue.

12 THE WITNESS: It's a fair question.

13 THE COURT: But you don't know him?

14 THE WITNESS: But I don't know.

15 THE COURT: I'm being facetious, my apologies.

16 Counsel?

17 MS. WELLS: Thank you.

18 A Did you want me to say anything about that experience?

19 BY MS. WELLS:

20 Q If you have anything else to offer, sure.

21 A I will just say that initiative, All Inside, is an
22 initiative focused on unsheltered homelessness in seven areas
23 around the country, Los Angeles being one of them. And
24 actually the State of California is one of them.

25 So, what it gave me was, first of all, it was my first

1 real foray outside of veteran homelessness in 20-plus years, so
2 it gave me some insight and familiarity with the larger
3 homeless world and apparatus.

4 But it also gave me quite a bit more contact with the
5 State of California, which I had had some contact in my current
6 role, but it built on that. That has helped me in the role I
7 continue to be in.

8 Q We will talk a little bit about that later in your
9 testimony.

10 Let's talk a little bit about the HUD-VASH program,
11 which I understand you have quite a bit of experience with over
12 your years --

13 A I do.

14 Q -- working for the VA, and you've obviously heard a lot of
15 testimony here during the trial about it.

16 Let's start first, would you consider that one of your
17 duties relating to HUD-VASH in your current role is to be the
18 liaison to the Veterans and Community Oversight and Engagement
19 Board, or the VCOEB?

20 A Yes. But my role with VCOEB is much broader than
21 HUD-VASH, I just want to make sure that's clear.

22 Q Can you give us a better explanation of what your role is
23 with VCOEB?

24 A Sure. I'm arguably, VA's closest liaison with that board,
25 and I mean with the chair and vice chair and subcommittee

1 chairs each month.

2 They reach out to me when they have subject matter
3 questions, maybe regarding recommendations they are considering
4 drafting. And I see it as my role to educate them primarily on
5 VA and veterans homelessness programs, et cetera.

6 Q How is your role in connection with the VCOEB different
7 from that than the other VA officials who are at the West LA
8 Campus?

9 A It is -- I would say my role differs in that I am a more
10 direct -- I have more direct involvement with them in terms of
11 helping them develop recommendations, topics, to focus on.

12 I would say I serve in a consultant-type role to them.

13 The local staff here are more involved when they are
14 asked to be on a specific topic. They might be asked to come
15 to a public meeting and speak on a topic like HUD-VASH.

16 Mine is more consultative to the board.

17 Q Okay.

18 MS. WELLS: Could we blow up Exhibit 1095, please.

19 BY MS. WELLS:

20 Q Dr. Harris, can you identify the document that has been
21 identified as Exhibit 1095?

22 A Yes. This looks like minutes from the VCOEB meeting on
23 31, March, 2022.

24 Q Okay. And are you one of the VA employees who attended
25 this meeting?

1 A Yes.

2 Q Do you recall if this is the first meeting you attended?

3 A I don't recall for certain. It might be.

4 Q Okay. Looking through it quickly, can you just let us
5 know whether or not this is -- what you see here in terms of
6 the format is, you know, consistent with your understanding of
7 the minutes --

8 A Yes --

9 Q -- the normal course.

10 A -- it is.

11 MS. WELLS: Your Honor, I would admit to move
12 Exhibit 1095 into evidence.

13 THE COURT: Oh, I'm sorry, counsel. Received 1095.
14 (Exhibit 1095 received into evidence.)

15 MS. WELLS: Thank you.

16 BY MS. WELLS:

17 Q Dr. Harris, can you tell us how often the VCOEB meets?

18 A It's roughly quarterly.

19 Q So about every three months or so?

20 A Yes.

21 Q And can you give us a sense of who serves on the board and
22 what the makeup is of the people who are on the board?

23 A Yes. Happy to.

24 The board is comprised of between 15 and 20 members. It
25 is required to be at least 50 percent veterans.

1 VA has a goal of the board being diverse and
2 representative of the veteran population. And the members are
3 expected to bring subject matter expert -- subject matter
4 expertise in areas relevant to the work here on veteran
5 homelessness and sometimes that is services experience,
6 sometimes it's development experience, policy experience, legal
7 experience, things like that.

8 Q And do you know what the length of tenure is for the
9 members?

10 A They serve two-year terms. Those terms can be renewed.

11 Q And just can you give us a general description of, like,
12 what happens during these quarterly meetings?

13 A Sure. These are public meetings. They are required
14 certainly in the board's charter. I actually believe there are
15 legal requirements to these as a federal advisory board.

16 So some of what happens is fairly fixed. And the form
17 it takes is there will be introductions from the board
18 leadership, introductions from VA senior leadership, and then
19 the board will have set an agenda of topics.

20 And typically it is VA staff presenting on those topics,
21 but it also frequently might be any other stakeholder or
22 participants in the work.

23 You heard Mr. Van Natter talk about presenting to the
24 board, so that the PHAs do. Brentwood as the principal
25 developer team has presented. And there will be presentations

1 from DC offices, such as Mr. Davenport for Real Property Law or
2 Mr. Simms for OAEM.

3 Q Okay. And who sets the agenda for the meetings?

4 A The board does.

5 Q What, if anything, comes out of these meetings?

6 A The most formal thing that comes out of the meetings is a
7 series of recommendations that the board makes to the
8 Secretary.

9 The other things that come out, people may -- oh, I
10 didn't finish. Sorry. I'm sorry, I want to say one more
11 thing.

12 After content presentations at these meetings there is a
13 public comment period.

14 Q Okay.

15 A And that's a very important both function of the board and
16 very important to us as an agency to receive that feedback.

17 And then the final step that happens is that the board
18 votes on its recommendations in the meeting. So, I'm sorry, I
19 forgot those pieces.

20 Q No, and I could have asked you about that too.

21 So going back to the public input, do you know
22 about how many people provide comments from the public?

23 A So it's a one-hour period, public comments are limited to
24 five minutes per person.

25 There is a sign-up process. There is public notice put

1 out for board meetings and then people sign up to comment.

2 So the number is, you know, however many five minute
3 slots that fit into 60.

4 Q Thank you. So, moving on a little bit, we just heard
5 testimony this morning and we have heard other testimony during
6 the trial about attrition from HUD-VASH.

7 Can you tell us to what extent this is an issue you have
8 been focused on your current role?

9 A Yes. It's an issue I have been focused on for many years
10 prior to my current role. I was very involved in the national
11 administration of HUD-VASH and attrition has been a national
12 concern for some time.

13 Locally, my biggest focus has been on trying to reduce
14 the number of exits due to recertification fail. With
15 attrition, I mean, you have seen this in the pie charts and
16 things, there are good reasons to leave the program, maybe
17 reunite with someone in another state, maybe you move to an
18 area you would rather be in. You get a new job and your income
19 exceeds what is allowed, those are all -- we want that form of
20 attrition, we don't want to prevent that.

21 But recertification is such an unforced error. That's
22 something we want to see as little of as possible.

23 So I have talked with and worked with the HUD-VASH team
24 locally trying to identify ways to reduce those.

25 Q We'll get in a few minutes to what you have done

1 particularly locally.

2 Can you tell us at the national level if this has also
3 been a focus and perceived as a problem?

4 A Yes. I think it's fair to say it has.

5 You have seen enough of the data here already to know.
6 There have been years where there were more exits from the
7 program than entries to the program, or move-outs than
8 move-ins.

9 We're never going to make up the ground that Mr. Van
10 Natter talked about and Mr. Knapp talked about with him until
11 we get a net positive.

12 So there were several years where nationally we were
13 stuck at 80,000 veterans, at least in the program, and we had a
14 year where we had 16,000 move in nationally and we didn't move
15 at all on the total lease step, there were just as many
16 move-outs.

17 So, yes, it's been a focus nationally as well.

18 Q Based on your experience in the work you have done in this
19 area, do you have an explanation as to why these numbers remain
20 basically the same?

21 A Voucher utilization is a very complex problem. And the
22 losses of housing are particularly vexing.

23 I don't think anybody knows with certainly what the
24 causes are.

25 One concern I have and a concern that they are

1 addressing here locally, is that there is an aspect of HUD-VASH
2 where you can graduate from the program and that means you no
3 longer participate in case management, but you keep your
4 voucher.

5 And what I have heard anecdotally from the team locally
6 is that a lot of the recertification failures are in that
7 group. And so it's a fairly obviously conclusion there, where
8 if there were ways to identify the dates to reach out to those
9 veterans, to provide support in the recertification process,
10 then you could reduce those dropouts and that is what, in fact,
11 the local team is doing. They have produced -- created an
12 aftercare team and that is a primary responsibility of that
13 team.

14 Q Stepping back a little bit, can you -- at least from VA's
15 perspective based on your knowledge, what determines the number
16 of vouchers that are issued by HUD to local PHAs in the
17 HUD-VASH program?

18 A It's a great question.

19 I am familiar because I helped create the formula that
20 determines that with HUD's senior leadership back in about
21 2012.

22 It is -- at a fundamental level, it is about need and
23 about performance. So meaning the number of known homeless
24 veterans in a given area is taken into account, and essentially
25 the PHA's performance in terms of utilization rate is taken

1 into account.

2 There is a big caveat there that I want to get to in a
3 second and think is really important for the Court to
4 understand as well.

5 Before I say that, need is not strictly the
6 point-in-time count.

7 It is, instead, a data point that we produce using a
8 tool that I helped create called the Gap Analysis.

9 And that piece takes the point-in-time count but also
10 takes the resources available at a medical center to meet that
11 need and essentially computes a gap.

12 If you do not have the resources or the number of
13 projected housing placements to meet the need, you have a gap.
14 That gap is what HUD uses in its voucher allocation formula, we
15 provide that to them.

16 The note I wanted to say about performance that I think
17 is really important to recognize here, until 2017 the
18 performance side of the formula played a really important role
19 in voucher allocation. So, for example, you could have a very
20 large number in terms of point-in-time count or in terms of
21 gap, but if your utilization rate was really low, the formula
22 would produce a small allocation for you, recognizing you had
23 more vouchers than you could deal with right now, we're not
24 going to fudge you.

25 We, and I say "we" because I was fundamental part of

1 this process in 2017, we believed that any year might be the
2 last year that Congress provided funding for new vouchers. We
3 had reached past the original five-year plan to end
4 homelessness. We did not expect that this would be a
5 permanently increased program.

6 And we knew there were places like Los Angeles, San
7 Francisco, Seattle, San Diego, that had far more homeless
8 veterans than they did vouchers, and if Congress turned off the
9 spigot to HUD-VASH, they would be left short of the number of
10 vouchers they needed to ultimately end veteran homelessness.

11 So, I proposed, and still stand by this, to remove the
12 performance factor in the formula and just give the number of
13 vouchers needed regardless of ability to use them all at the
14 moment.

15 And HUD agreed, we did that for two years and
16 functionally flooded certain areas, particularly on the west
17 coast, with vouchers.

18 And it turned out, Congress continues to fund this
19 program with more money every year and that was unnecessary,
20 but we did not know that at the time. And the reason I share
21 all of that, is LA has never recovered in terms of its
22 utilization rate from that experience.

23 The County PHA, LACDA received a thousand vouchers over
24 two years. In the five years following that, they only
25 received 500 over five years. Just to give you a way to

1 quantify how much we pushed vouchers to the areas we thought
2 would ultimately need it. So I thought that was really
3 important context, in addition to all of the other challenges
4 we face here.

5 There is what you could call a denominator issue. It
6 ballooned so big it really has made full utilization difficult
7 for those PHAs.

8 Q Do you know whether or not the performance piece of it or
9 the utilization piece of it is now something that is being
10 looked into?

11 A Thank you. I meant to say that. It is not just being
12 looked into, it has been reinstated.

13 It was just -- there were just two years where there was
14 no performance aspect to the formula at all.

15 You've heard reference to the 70 percent utilization
16 threshold, that is reinstating the performance factor.

17 There is also what HUD calls a floor and ceiling,
18 meaning even if need is there, even if performance is good, no
19 PHA will receive more than the ceiling and, conversely, less
20 than the floor. And those are 5 and 500.

21 Q That is for every location around the country?

22 A Correct.

23 Q Do you recall if this issue of attrition or recidivism is
24 one that has been raised at the VCOEB meetings?

25 A I believe so, yes.

1 MS. WELLS: Can we call up Exhibit 1096.

2 THE COURT: Thank you very much, I appreciate it.

3 BY MS. WELLS:

4 Q For the record, Dr. Harris, can you please identify what
5 has been handed to you as Exhibit 1096?

6 A Yes, these are the minutes from --

7 THE COURT: Counsel, do you want me to simply
8 receive 1095 and 1096, if they haven't been received?

9 MS. WELLS: I think we received 1095, and I was
10 going to ask you to receive 1096.

11 THE COURT: I'll receive 1096 to save some time.

12 (Exhibit 1096 received into evidence.)

13 MS. WELLS: Okay, thank you. We won't go into that
14 then.

15 BY MS. WELLS:

16 Q If we can go to turn to page 17 of this exhibit.

17 THE COURT: 1096?

18 MS. WELLS: Yes.

19 BY MS. WELLS:

20 Q I think somewhere in the middle of the page it talks about
21 recidivism there. Maybe it's the top. Yes, it's in the top
22 paragraph. Starts in the bottom of 16, you are right.

23 It starts with Mr. Mangano's comments. Can you just
24 tell us for the record who Mr. Mangano is?

25 A Yes. Philip Mangano, he was the vice chair of the VCOEB,

1 and interestingly, a former executive director of USICH.

2 Q So he raised a question about recidivism at this meeting;
3 is that right?

4 And is that the same as attrition?

5 MS. WELLS: And I don't know if you can highlight
6 it.

7 A I just want to see his exact question.

8 If the question is is recidivism the same as attrition,
9 functionally, yes.

10 BY MS. WELLS:

11 Q So it is an issue obviously the VCOEB also has been
12 concerned about?

13 A Yes.

14 Q Now you mentioned earlier this verification process that's
15 being started. Can you describe that for us a little bit more
16 and what your role has been in coming up with this approach?

17 A In -- are you referring to --

18 Q Verification. I'm sorry.

19 A Verification processes with the public housing authority?

20 Q Yes.

21 A Okay.

22 Q To address attrition or recidivism?

23 A Yes. So one of the things -- one of the broad roles I've
24 had is working with VBA, Veterans Benefit Administration, and
25 one of the areas we focused on is making the information that

1 VBA has available to the clinicians in VHA, Veterans Health
2 Administration.

3 And in the context of verification and recertification,
4 you have heard today veterans have to spend hours on the
5 paperwork.

6 And significant pieces of that process are verifying
7 Social Security number, verifying income, verifying disability.

8 And VBA has all of that information.

9 I studied the regulations related to those things very
10 carefully, as part of my work on the AMI issue, and discovered
11 there is more flexibility available in those processes than had
12 traditionally been exercised.

13 Q When you say "flexibility," what do you mean by that?

14 A As an example, veterans for a long time were required to
15 produce -- actually probably still are in many cases -- produce
16 their actual Social Security card to verify their Social
17 Security number.

18 But the regulations say that is one way to verify SSN.
19 But another way is -- I'm paraphrasing -- a formal document
20 from another Government agency that includes identifying
21 information.

22 So, through my work on the AMI issue, I knew the kinds
23 of information VBA had. We have worked together to produce a
24 templated letter, VHA staff now have been trained and have
25 access in VBA's system and can produce this letter which

1 includes information on the things I was just saying, Social
2 Security number, income, both from VA and from Social Security,
3 the service-connection disability information.

4 Then we have now started piloting the use of that letter
5 in HUD-VASH, and we recently -- I was directly part of this --
6 recently essentially saved a veteran from eviction whose rent
7 was being raised, based on his apparent income, but part of
8 that income was due to what's called aid and attendance, which
9 can be deducted from income for purposes of rental calculation.

10 Producing this letter with VBA separating out aid and
11 attendance is what got the veteran recertified.

12 So the letter, and this entire process and this entire
13 sharing across the agency, has incredible promise for reducing
14 recertification failures, but also getting veterans into
15 housing faster.

16 Q Just to follow up on couple of things you just said.

17 Can you just remind us, is CERS part of VHA?

18 A Yes.

19 Q So it's people from CERS who are accessing -- able now to
20 access the information in the -- from vets available in the
21 system that applies to the veteran benefits administration?

22 A Yes. After going through training yes.

23 Q Normally is it fair to say these two systems don't usually
24 -- people don't usually have access to both?

25 A Absolutely true, yes.

1 Q Then the letter you described, like operationally how
2 would it work or how does it work?

3 A It is a templated form, it's available both as a PDF, but
4 I believe there is capability of producing it within the
5 veterans benefits management system also.

6 So that a VA case manager has a veteran who needs to
7 verify SSN or disability payments, something like that, can
8 produce that letter on the spot, print it out, and hand it to
9 the veteran.

10 The stories you have heard of having to go to different
11 offices, deal with short windows where an office is open, et
12 cetera, all can be avoided when you can use that.

13 Q Do you have any idea of when this letter or this process
14 might be more widely available?

15 A Yes. Roughly, I would say next few months. It's still
16 being piloted and need to dot a few I's and cross a few T's.

17 Q Now, related to the attrition issue, we saw earlier in the
18 trial, I think it was during the testimony of Ms. Hammitt, a
19 snapshot from what is called, I think, the CERS dashboard.

20 Can you just remind us again what the CERS
21 dashboard is?

22 A Yes. It is -- by background, it was a recommendation by
23 VCOEB for there to be more transparency and public visibility
24 into VA's efforts related to veteran homelessness. So it is
25 designed to provide that visibility and there is a series of

1 charts on it, which would be easier to tell you about if I had
2 it.

3 Q Okay.

4 MS. WELLS: Can we pull up on Exhibit 25.

5 BY MS. WELLS:

6 Q So, Dr. Harris, I know this has already been admitted, but
7 is this a document with which you are familiar?

8 A Yes.

9 Q Okay. And I think toward the end there are some pie
10 charts relating to issues talking about people coming in and
11 leaving housing?

12 A Yes.

13 Q And I'm just showing you this one in particular because
14 this is for the period from October of 2021 to January of 2024.

15 MS. WELLS: You blacked it. Maybe we can pull up
16 the one for HACLA, which is the cut-off one. At least we have
17 already heard from that person, that agency.

18 BY MS. WELLS:

19 Q Either one is fine though, right, they're similar
20 information?

21 A The HACLA is probably the more reflective.

22 Q Okay. Is this the one that has been highlighted now or?

23 A Yes.

24 Q And looking at this, can you tell us if you think this is
25 an accurate reflection of the information relating to attrition

1 for this period of time?

2 A So I think the numbers are accurate, yes.

3 What concerns me is the pie chart is showing summary
4 data that goes all the way back to 2021.

5 And as you have heard for several weeks now, there's
6 been a lot of improvement within the HUD-VASH program in the
7 past year, especially.

8 And so this -- particularly, the 52 percent program
9 violations, there has been a lot of work done on that and we
10 actually heard earlier today that that percentage is better
11 now.

12 Q And I think we have a new exhibit, the numbers which
13 reflect the current -- 1635.

14 Dr. Harris, can you please identify what has been
15 identified as 1635, what this document is?

16 A Yes. This, again, is the CERS dashboard, is what I would
17 call it.

18 Q If you turn to the last page, same pie charts we were
19 looking at before, are these similar, at least replicate the
20 same information that we were looking at with respect to
21 Exhibit 25?

22 A It's the same information in the sense that it's the same
23 categories. The fundamental change here is it's just
24 displaying the current fiscal year and therefore reflecting
25 more recent improvements and the biggest thing that jumps out

1 to me is the program violation here has dropped down to
2 33 percent, where it was 52, when you were taking three years
3 of time into account.

4 Q And do you know the extent to which the information that
5 is appearing here is the same or similar to the information
6 that was shared earlier during doctor -- I mean Mr. Van
7 Natter's testimony?

8 A I think it's exactly the same. The data for these charts
9 comes from the PHA and I sort of followed along as Mr. Van
10 Natter was speaking and certainly matched the information that
11 I looked at, yes.

12 Q Thank you.

13 MS. WELLS: I move for the admission of Exhibit 1635
14 Your Honor.

15 THE COURT: Received.

16 (Exhibit 1635 received into evidence.)

17 MS. WELLS: I don't know if this is a good time to
18 take a break. I am at a transition point, or I can keep going.

19 THE COURT: Do you want to break for the day or
20 just...

21 MS. WELLS: Just a recess.

22 THE COURT: We will take a recess. How long would
23 you like? 15 minutes?

24 MS. WELLS: 15 minutes would be great, thank you.

25 (Afternoon recess.)

1 THE COURT: Doctor, we're back on the record, all
2 counsel and parties are the present.

3 Dr. Harris is retaking the stand.

4 You may continue with your examination.

5 BY MS. WELLS:

6 Q Dr. Harris, there has been quite a bit of testimony
7 already at trial about the by-name list.

8 Can you tell us, is this list used at the
9 national level?

10 A No. There is not a national by-name list.

11 Q Okay. What actions have you taken with respect to the
12 by-name list used here in Los Angeles since you came into your
13 current position?

14 A Well, I have been involved in a couple of ways.

15 The -- one of the biggest actions I have taken is that I
16 directed a data reconciliation of the by-name list where we
17 reconciled that list against VA's data.

18 Q Okay.

19 MS. WELLS: With respect to that earlier trial
20 Exhibit 6529, was admitted, if we can pull that up again.

21 BY MS. WELLS:

22 Q Dr. Harris, is this the culmination of the reconciliation
23 you were just referring to?

24 A Yes, it is.

25 Q Can you tell us how this came about? This document.

1 A Yes. I was concerned about the validity and accuracy of
2 the existing by-name list, and in conversations with VA staff,
3 we had concerns that it was missing names. And a by-name list
4 is only as good as its comprehensiveness and accuracy.

5 So I worked with LAHSA to get a copy of the by-name
6 list.

7 THE COURT: Heidi Marston, or who?

8 THE WITNESS: Heidi was no longer at LAHSA at this
9 point, this was a woman named Jen Escabosa.

10 THE COURT: Marston had already left?

11 BY MS. WELLS:

12 Q That reminds me, what is the time frame we're talking
13 about here?

14 A I think this was just last year.

15 And then I worked with the Business Intelligence
16 Team that I used to oversee and asked them to reconcile the
17 LAHSA by-name list against VA data.

18 I asked them to assess these three categories that are
19 bolded.

20 I said identify, based on our data that veterans who are
21 on the BNL, and should be, i.e., we believe they are currently
22 homeless also.

23 On the BNL and should not be, meaning we have reason to
24 believe they are housed.

25 And not on the BNL, and should be, meaning, we know they

1 are currently homeless, but they are not showing up on the
2 list. Those were the three categories I asked for.

3 Q Why those three categories?

4 A Those are all of the categories I could think of.

5 I think they are the relevant categories in reconciling
6 against two data systems.

7 Q And just to be clear, the one data system was HMIS. Is
8 that what LAHSA was using?

9 A The by-name list is populated from HMIS, yes.

10 Q That it was being compared to what VA data system?

11 A HOMES.

12 Q Okay. Just to remind us, what is exactly the information
13 that is entered into HOMES?

14 A A lot of information goes into HOMES, but it is used by
15 VA's homeless programs.

16 And it could be as little as what is called the
17 pre-engagement survey, just couple of questions you ask a
18 veteran who otherwise doesn't engage, it could be a full
19 biopsychosocial assessment --

20 THE COURT: You are using HMIS and integrating that
21 with HOMES?

22 THE WITNESS: The reconciliation we did, compared
23 data from HMIS to data in HOMES, not integrated.

24 There is efforts there, but it's a whole other can of
25 worms.

1 THE COURT: So, in other words, if HMIS picks me up
2 as a veteran, there is no transfer into the HOMES system?

3 THE WITNESS: That's correct.

4 THE COURT: Thank you, counsel.

5 THE WITNESS: We could talk about that at some point
6 if you wanted. There is national work on that exact issue that
7 I'm involved in.

8 BY MS. WELLS:

9 Q Do you want to briefly describe that, while we are on this
10 topic?

11 A Sure. A -- Congress passed a law, I believe it's -- we
12 call it Cleveland DOL Section 503.

13 THE COURT: Did they fund it? I'm just joking with
14 you.

15 THE WITNESS: They did not.

16 THE COURT: Of course.

17 THE WITNESS: You didn't even have to ask, did you.

18 And the law requires HUD and VA to work together to
19 create -- to develop a system for the sharing of data between
20 HMIS and HOMES.

21 And our agencies are working on that presently. I am
22 involved in that.

23 THE COURT: I'm sure there are agencies are in good
24 faith. Congress has to fund it, don't they?

25 THE WITNESS: Not necessarily.

1 THE COURT: Really? Do you have the discretion to
2 fund it?

3 THE WITNESS: We -- we -- yes.

4 THE COURT: Okay.

5 THE WITNESS: It's -- the initial solution will be
6 limited.

7 It's essentially an expansion of a capability we have
8 already created.

9 THE COURT: I understand. You run a pilot program
10 or a small program, go back to Congress to try to expand it if
11 it's successful.

12 THE WITNESS: That's probably what it will look
13 like.

14 THE COURT: Counsel, your questions.

15 BY MS. WELLS:

16 Q Okay. The reconciliation that you did comparing the HMIS
17 and HOMES data, why was it important to eliminate the gap, you
18 know, in the information that was contained in the two systems?

19 A Well, as you see on the chart, there are some very large
20 numbers in categories that we didn't want, either veterans on
21 the BNL, who shouldn't have been, because it wasn't reflecting
22 accuracy they were housed, and the much larger number of
23 veterans not on the BNL, who we did know were homeless.

24 So, the importance is to have a fully accurate and
25 comprehensive BNL, because that is where coordinated entry

1 flows from. That is where getting into housing flows from, in
2 a very real way.

3 Q Okay. And again, is this an issue that has been talked
4 about at the VCOEB --

5 A Yes.

6 Q -- if you can remember.

7 Can we pull up Exhibit 1097?

8 MS. WELLS: To save time, Your Honor, can I move to
9 admit 1097?

10 THE COURT: I'm sorry, I didn't hear counsel.

11 MS. WELLS: To save time, can I move to admit this
12 into evidence?

13 It's another VCOEB meeting minutes from October 19th.

14 THE COURT: 1097 is received.

15 (Exhibit 1097 received into evidence.)

16 BY MS. WELLS:

17 Q If you turn to page 8, in the middle of the page, it looks
18 like you made a comment talking about this work and the
19 research that you are doing on the by-name list; is that right?

20 It's highlighted on the screen for you.

21 A Yes. This comment was actually made in a completely
22 different context.

23 I was referring to my work on the AMI issue with this
24 comment.

25 But it was all about using the by-name list and making

1 it as accurate as possible.

2 Q Okay. Maybe we should move on to the AMI issue now
3 because it sort of flows with what you just said.

4 What was the connection between the by-name list and the
5 AMI work you ended up doing?

6 A Well, if I can give you -- just give a little backstory on
7 this.

8 Early on in my tenure in this position, I had joined a
9 call with the VA, HUD-VASH staff, and LAHSA.

10 And the call was focused on challenges filling
11 project-based units around the city.

12 And the prevailing narrative of that call was that too
13 many of the units are capped at 30 percent of AMI, area median
14 income, and that there weren't enough veterans below that
15 income cap to fill those units.

16 And I was flabbergasted at hearing that.

17 Because this is far from a wealthy population, and the
18 data I was familiar with suggested there were probably a great
19 number of homeless veterans with not only below 30 percent, but
20 zero income.

21 The other part of the narrative was that they were over
22 that amount because of their VA disability benefits.

23 So that's where this entire problem for me took root,
24 that veterans, based on their disability benefits, were being
25 disqualified from housing.

1 My whole career has been about applying data and
2 analysis and evidence to operations, literally been the theme
3 of my entire career.

4 So I immediately wanted to gather real data on this
5 question to assess the degree to which that narrative was true.
6 And if true, we damn well needed to do something about it and
7 fix it.

8 That has dominated my work life for about the last year
9 and a half or more.

10 Q So what is the connection, again, between the by-name
11 list --

12 A Sorry. I didn't answer your question.

13 Q -- and, you know, picking up this issue about the area
14 median income?

15 A So the way I chose to dig into this issue was to use the
16 by-name list and see if we could determine the income of every
17 veteran on that list, and particularly, see if we could
18 identify the amount of VA disability compensation they
19 received.

20 So, same way I did with LAHSA, got the by-name list,
21 worked with VBA and said, could you take this list and produce
22 the service connection percentage, disability payments, et
23 cetera for everybody on this, because I need to use that to
24 analyze how much of a problem we're really facing here.

25 It had the added bonus where VBA has direct access to

1 Social Security data so they were able to provide Social
2 Security benefits in that data as well.

3 But that is the connection of the by-name list. It was
4 the data source for this analysis, which then led to a
5 significant amount of research on this issue, and advocacy with
6 Treasury, Congress, others, in terms of trying to create a
7 solution.

8 Q And was included, among the results of that research, did
9 you prepare a PowerPoint presentation?

10 A Many. Yes, I did.

11 Q So one of them, I think, is Exhibit 1223. If we can pull
12 that up.

13 THE COURT: Thank you very much.

14 BY MS. WELLS:

15 Q So, for the record, Dr. Harris, can you identify this
16 document that is identified as Exhibit 1223?

17 A Yes. This is a series of slides I prepared, and I believe
18 this is the one I presented to the VCOEB.

19 Q And what is the date on it?

20 A June 2023.

21 MS. WELLS: Your Honor, I move to admit
22 Exhibit 1223.

23 THE COURT: Received.

24 (Exhibit 1223 received into evidence.)

25 BY MS. WELLS:

1 Q If you can turn to page 2 of this slide. This is labeled
2 Introduction. I think we have touched on already at trial a
3 number of the bullet points that you identified here, but if
4 you want to just highlight some of them that you think informs
5 the discussion that is going to come later.

6 A Yes. Happy to.

7 I think what I'd like to highlight, sometimes in this
8 discussion, people take aim at the fact that there are any
9 income restrictions at all.

10 And I just want to say there is a very good, important
11 reason to put income limits on housing.

12 It would not be affordable housing if it wasn't required
13 to be rented to people with low incomes.

14 That is the function of the caps themselves. Generally
15 speaking, we do not quibble or have complaints about the
16 existence of income caps.

17 They serve an incredibly important purpose in terms of
18 ending homelessness.

19 Our quibble is with the fact that a veterans' disability
20 benefits are disqualifying.

21 That is the much bigger concern. I mentioned yesterday
22 that that's what is unfair, kind of fundamentally unfair about
23 this issue.

24 Q As part of the issue that you were just talking about with
25 the eligibility requirements, you mention towards the top, I

1 guess the bullets that are highlighted, the funding is
2 connected to the income eligibility criteria.

3 Can you just briefly give us a snapshot of what you
4 meant by that?

5 A Sure. So this is referring to some funders you have heard
6 about a couple of times already, like the Low-Income Housing
7 Tax Credit program, tax exempt bonds.

8 There are other funders we have heard less about so far.
9 California has the -- I will just say the acronym, VHHP. It's
10 a --

11 Q Do you know what that stands for?

12 A Veterans Housing and Homelessness Prevention program.

13 There are county funders such as No Place Like Home.
14 City funders such as Measure HHH, which we heard about earlier
15 this week.

16 And what is -- there are -- all of those provide some
17 form of funding or financing that does come with requirement to
18 cap income, and the exact level varies.

19 But all of that funding is designed to incentivize the
20 development of affordable housing, which I think everybody in
21 the room agrees is a fundamental part of the solution to this
22 problem.

23 Q And what is the connection between these funding sources,
24 these income eligibility requirements, and the development of
25 property on the West LA Campus?

1 A Well, we've heard quite a bit about that, also, for
2 instance, from Mr. Johnson earlier.

3 All of the development on campus relies on funding like
4 this.

5 Q I think we might have had some testimony on this, but I
6 think there are principal developers who are -- who have the
7 primary enhance used lease for WLA; is that right?

8 A That's right.

9 Q Can you identify who those three companies are?

10 A Yes. The companies that comprise the principal developer
11 team are U.S. Vets, Century Housing, and Thomas Safran &
12 Associates.

13 Q How many units --

14 THE COURT: Shangri-La?

15 THE WITNESS: Shangri-La is not part of the
16 principal developer team. They are on the campus.

17 BY MS. WELLS:

18 Q How many units is the principal developer team responsible
19 for or anticipated to be constructing?

20 A The number in the enhanced-use lease they received is
21 minimum of 900. And added to, for instance, Shangri-La's
22 building and others, it gets to the 1,200 number in the master
23 plan.

24 The other point in this intro, I want to point out, but
25 we will, I think, probably get to this, is what this data

1 analysis ultimately showed is that if you look at 30 percent
2 AMI as the cutoff, roughly 75 percent or three-quarters of
3 homeless veterans are under that.

4 So there are a lot of veterans under 30 percent AMI.

5 The problem is there are 25 percent of veterans who are
6 over it, and thus disqualified from those units.

7 And a good number of those were, in fact, based on their
8 disability benefits.

9 Q Okay. Let's turn to the next slide, which is 1223-002.
10 Can you describe for us what you are showing on this slide?

11 A Yes. The first few slides in this presentation were just
12 sharing what I had learned about this population in Los
13 Angeles.

14 A lot of this, I'm pretty sure, was unknown prior to it,
15 and so there is a variety of areas that are simply descriptive
16 of the population of homeless veterans on the by-name list at
17 that time.

18 So this is showing you the average annual income of all
19 the veterans on the by-name list.

20 At that point there were 1,749 veterans on the list that
21 I used with BBA.

22 The medium income, quite a bit lower than that, 12,671.
23 That reflects a couple of really high outliers, that is why the
24 average is so much higher than the median.

25 As you can see, the annual at the time was really quite,

1 kind of surprisingly high of 96,000 over \$96,000.

2 And then I broke out the portions receiving either VA
3 disability or Social Security. It was almost perfectly 50/50
4 on the veterans with service-connected disability, and a little
5 under a third receiving some form of Social Security.

6 Q Okay. So let's turn to the next slide. Is this the same
7 information presented in a different form, or is this
8 different?

9 A This is -- what this does is dig in to service connection
10 percentage.

11 You know, for legitimate reasons, most of the dialogue
12 on this issue has been about one hundred percent
13 service-connected veterans because they are the most likely to
14 exceed eligibility thresholds.

15 But I was curious as to just how many of those there
16 were.

17 What this is showing was a surprise to me, actually,
18 that by far the most common percentage amongst the sample is,
19 in fact, the 100 percent service-connection level.

20 So, we don't have to get into it all, but I kind of
21 broke it out a bit more in terms of what this was showing.

22 Q Okay. That's where you also have a conclusion again that
23 the -- when paired with 100 percent service compensation
24 disability rating and the Social Security, it puts somebody
25 over?

1 A Yeah. I guess I will say this, although I can outline it
2 better in a moment, but to some degree, the understanding was
3 that it's only 100 percent service connection that pushes you
4 over 30 percent.

5 And part of what we will see here in a minute is that
6 that wasn't true.

7 As low as 70 percent service connection with some
8 contributing factors could push veterans over that level. So,
9 it was, in part, about expanding who we're talking about here.

10 Q Okay. So shall we turn to the next slide then?

11 A Sure. Do you want me to just explain or do you want to
12 ask me --

13 Q That's fine.

14 A What this is looking at -- I was also curious about the
15 combination of these two forms of compensation or benefit --
16 service connection and Social Security.

17 And so it shows, you know, about a third were service
18 connected only. Smaller portions had either Social Security
19 only or both.

20 And then, again, about a third, a little more, had
21 neither, and the average incomes of those.

22 Those receiving both, average income was over \$39,000,
23 placing them well over the 30 percent AMI level.

24 Q Okay. And I guess my question was going to be why is it
25 significant, and I guess that's why.

1 A Yes.

2 Q Okay. Let's look at the next slide.

3 A So, here we get kind of to the heart of the matter. This
4 is the same data in two charts, just one is raw numbers, the
5 other is percentages.

6 The categories I selected, because they were the known
7 income thresholds on campus, as I was developing this.

8 Some units are capped at 30 percent AMI, some at 50,
9 some at 60. So that's why I broke these down this way.

10 And as I said, almost three-quarters were under
11 30 percent AMI, 13 percent between 31 and 50, and then
12 7 percent 51 to 60, and 6 percent above 60.

13 Q Okay. We will go to the slide next, then I want to come
14 back and ask you about Building 207.

15 What does the next slide reflect?

16 A Can I actually say one more thing about this?

17 Q Yes.

18 A Okay. It's sort of a precursor, if we get to it, but this
19 -- the two bars, 51 to 60 percent, and over 60, a lot -- the
20 state of California, during or not long after this time, was
21 working on a bill to address this problem.

22 And the bill, rather than exclude disability, as we have
23 talked a lot about in here, that bill was going to raise income
24 thresholds if certain conditions were met.

25 I was part of a small group that worked on that, that

1 provided guidance and feedback as that bill was being
2 developed.

3 They were going to cap that bill at 50 percent.

4 And this data that I worked with them on, provided them
5 is what actually made them change that to an ultimate cap of
6 60 percent.

7 I just wanted to point that out. That's an important
8 group that I think would have been left out otherwise, without
9 this data to be able to say we have veterans who are still
10 going to be disqualified if you cap this at 50.

11 Q And what bill are you referring to?

12 A It ended up being Assembly Bill 1368 introduced by
13 Assemblyman Gabriel.

14 THE COURT: How are we doing with that assembly
15 bill?

16 THE WITNESS: It passed. The governor signed it
17 last year.

18 THE COURT: Last year?

19 THE WITNESS: Yes. It took affect January 1st.
20 Little slow to roll out, but it is in effect.

21 THE COURT: Okay.

22 BY MS. WELLS:

23 Q Does that cap apply to homeless veterans or into other
24 groups or just --

25 A It is specific to veterans, rented to homeless veterans.

1 And the way it works, I will just say really quickly, is that
2 if a developer can't fill a 30 percent unit, they can petition
3 the State for permission to raise it to 50, and ultimately even
4 to 60 percent; the short version of it.

5 Q Let's go to the next slide, 1223-007.

6 Can you please walk us through what this is reflecting?

7 A Yes. And I'm sorry the -- it's a pretty small font inside
8 those red bars.

9 This is probably the most important slide in this
10 presentation.

11 What the data on the left shows is for veterans at
12 different service connection levels, it shows you how that
13 income relates to the AMI levels.

14 And the numbers on this left side are the standard
15 published rates.

16 If you Google VA service connection, these are the
17 numbers you will see -- at the time I drafted this. The
18 numbers have actually changed now in 2024.

19 And what you see is 100 percent service-connected
20 veterans are over 30 percent, but under 50 percent.

21 And no other service-connection level is over
22 30 percent.

23 So, basically, the problem is just 100 percent
24 service-connected veterans.

25 Except that it isn't, that if you shift to the right

1 side -- I was able to do this because I had actual payments
2 from VBA, and this may be no surprise to the veterans in the
3 group, but the actual average payments veterans receive are
4 quite a bit higher than the published amounts.

5 This is due to a variety of factors.

6 What a VBA broadly calls special monthly compensation,
7 sort of an additional money for certain disorders or injuries
8 or other limitations, blindness, hearing loss.

9 What is incredibly important about this is that when you
10 look at actual payments, now veterans as low as 70 percent
11 service connection are over the 30 percent threshold.

12 So a lot more veterans, in terms of what we know about
13 their service connection, are now disqualified. And
14 100 percent service-connected veterans are now over that
15 50 percent threshold.

16 This is the other thing I presented to the State, to the
17 office working on the bill to push them to raise that cap to
18 60.

19 Q Uh-huh. So you already have described how the information
20 captured on the slide informed your advocacy with respect to
21 AB 1386.

22 Can you talk about how it also informed your advocacy on
23 behalf of veterans who wanted to move into 207?

24 A Yes. After one of the VCOEB meetings, during which the
25 development team for Building 207 had presented, I went and

1 talked to them, because they had presented that their entire
2 building would be 30 percent AMI.

3 And at this point, I was aware of the issue and asked --
4 essentially asked them if they could look into raising the AMI.

5 THE COURT: Who is "them"?

6 THE WITNESS: Sorry. The developers for Building
7 207. I'm trying to remember if that is Century or Thomas
8 Safran.

9 THE COURT: Is that Shangri-La?

10 THE WITNESS: No. It's either Century or Thomas
11 Safran & Associates.

12 THE COURT: Thomas Safran? Because that is the
13 first one --

14 THE WITNESS: Yes. I'm sorry. I'm blanking on
15 which one it is.

16 BY MS. WELLS:

17 Q Can you give us a time frame?

18 A I think this was -- it was actually before I had presented
19 this data.

20 I think it was as far back as January of last year.

21 And I asked them whether they could raise the income
22 thresholds in any of their units, what it would take to do
23 that.

24 That started a lengthy process that I engaged with them
25 pretty closely on, and it required them to get permission from

1 all of the funders that I mentioned a few minutes ago -- the
2 city for Measure HHH, the County for No Place Like Home, and
3 the State for both the tax credits and the tax exempt bonds.

4 Q When you say permission, permission to raise the AMI
5 level?

6 A Yes. Permission to raise the income threshold.

7 They, at our request, asked to raise half of their units
8 to 60 percent. They received approval from three of their four
9 funders. The City could not approve that because of the
10 50 percent -- they could only raise it to 50 percent that had
11 been written into the Measure HHH ballot language.

12 So that -- because the strictest cap supersedes all of
13 the others, that meant that none of the units could go above
14 50.

15 But, in the end, they were able to raise half their
16 units to 50 percent AMI.

17 And I will just add, to their credit, they actually
18 relinquished some of their HHH funds and sought private
19 philanthropy dollars so they could raise a small number of
20 units to 60 percent.

21 So, it was a direct, a very important, beneficial,
22 result directly from our advocacy on this issue.

23 Q Okay. Do you know what the AMI level for other projects
24 in development?

25 A It varies. There are still -- there are still a fair

1 number of 30 percent units coming. It's -- roughly speaking,
2 about half of the units on the campus for the next few
3 buildings will be at 30 percent.

4 Q Okay.

5 THE COURT: So, once again, you or somebody might go
6 bargain with them, hypothetically, and there might be some
7 philanthropic dollars. That's our best scenario.

8 THE WITNESS: Well, the best one, which I hope we
9 will get to, for this reason, I have changed to be adopted by
10 Treasury and other funders.

11 But, yes, we could do that as well.

12 BY MS. WELLS:

13 Q Let's turn to the next slide.

14 A My opinion is we could probably skip this one.

15 Q Okay. Let's go to 009.

16 Okay. What is the information here, because here, you
17 are identifying some other factors that you considered.

18 A Yes. Yeah. I think this shows something really
19 important.

20 This was a question of mine because I have been
21 concerned about the layers of eligibility criteria that get put
22 on these units when there are so many different funders with so
23 many different mandates and priorities.

24 And so I used Building 207 as the example.

25 I do want to be clear. This was done with a different

1 data set than all of the rest of these slides. This was done
2 with HOMES data from GLA.

3 So it's still local, but it's a slightly different group
4 of veterans.

5 And I wanted to look at the four primary criteria in
6 Building 207 which were, at the time: 30 percent AMI; 62 or
7 older; SMI, serious mental illness; and chronic homelessness.

8 And to be clear, certain units require certain
9 combinations of those. It's not that all 100 percent of the
10 units require all of those.

11 So the chart on the left shows the base rates or
12 prevalence of each of those things in the homeless population
13 here in our GLA data system.

14 In that data --

15 Q The characteristics, that assessment?

16 A Yes, that is.

17 So, in this left side, in this dataset it was 67 percent
18 under 30 percent AMI. So a little bit less than the by-name
19 list data set that I analyzed.

20 Roughly a third were 62 or older, 34 percent, 21 percent
21 with serious mental illness, and 50 percent chronically
22 homeless.

23 What becomes interesting is when you layer those
24 together.

25 So shifting to the other side of this slide, looking

1 just at veterans 62 or older, and 30 percent AMI or less, you
2 go from 100 percent of the sample down to 24 percent. You have
3 already locked off three-quarters of veterans in the population
4 locally.

5 If you then layer on serious mental illness, you have
6 dropped that to 5 percent of all of the veterans -- homeless
7 veterans assessed at GLA.

8 If you finally layer on chronic homelessness, you drop
9 that to 3 percent.

10 So for the units that require all of these, you have
11 ruled out 97 percent of the homeless veteran population,
12 locally.

13 It's incredibly difficult to fill these units when they
14 have these layered criteria.

15 The problem -- it's worth just noting that, and then it
16 also is to point out the problem is not just the income
17 restriction. These other restrictions make this difficult as
18 well.

19 Q The percentages that you have identified here with respect
20 to age and serious mental illness and chronic homelessness, how
21 valid do you think those percentages are?

22 A I think they are quite valid for this sample, for the
23 veterans assessed by GLA's homeless program.

24 Q Okay. So the next slide, I think, is going to be your
25 conclusions.

1 A This is not exactly the conclusion. It was more about
2 what are we doing with this information.

3 Q Conclusions about what to do next?

4 A Yes. Yes.

5 And there is -- I -- at the time we had already started
6 talking about the two kind of fundamental solutions to this
7 problem.

8 One being raise the caps, and the other being exclude VA
9 disability benefits. Those were the two we had sort of
10 coalesced as what we wanted to advocate for as an agency.

11 So you see those two -- the first two bullets talk about
12 what I have already mentioned.

13 If you can raise it, go for it.

14 The second bullet is speaking to AB1386, kind of build
15 in professional ability to raise the cap.

16 And then the third is where we proposed excluding VA
17 disability benefits from income calculations.

18 This is where I became kind of a thorn in the side of
19 our partner agencies, because I proposed it here and basically
20 didn't stop talking about it until last week, two weeks ago,
21 whenever it was.

22 From what I had studied -- well, let me just say the
23 reason Treasury is in this conversation is because they oversee
24 the LYTEC program.

25 The issue is that they don't use their own definition of

1 income which, Judge, you talked about before, that disability
2 benefits are not taxable, according to IRS.

3 They use HUD's definition of income.

4 So, they are kind of connected at the hip when it comes
5 to this issue.

6 From my perspective, I believed and still do that
7 Treasury has just enough leeway in its statutory definition of
8 income to adopt something like this.

9 Their statutory language says they "must determine
10 income in a manner consistent with" -- those are the key
11 words -- "HUD's Section 8 definition."

12 It doesn't say you must use HUD's definition, it's
13 "determine in a manner consistent with."

14 From my perspective that is the exact set of words
15 Treasury is likely mulling over right now as they plan in some
16 way to hopefully adopt HUD's --

17 THE COURT: Just a moment. You submitted this in
18 June of 2023, this PowerPoint?

19 THE WITNESS: I presented this, yes.

20 THE COURT: Last page where you say -- I'm going to
21 read this back to you now, that "VA has submitted these
22 proposed solutions to Treasury and HUD and continues to meet
23 with both agencies."

24 So from that sentence it would make me believe you
25 submitted this before June of 2023?

1 THE WITNESS: Yes, thank you, you're right.

2 THE COURT: What has taken a year? I'm serious
3 about this now. What has taken a year and why should this
4 Court have any confidence in this year's passage with your able
5 work and compliments?

6 THE WITNESS: Thank you.

7 THE COURT: This is going to occur on a wing and a
8 prayer and some interpretation by Treasury.

9 Where do I get that confidence? After a year?

10 Now, if that puts you on the spot, and that's a pretty
11 broad question, that's why I wish I had the VA Secretary or
12 literally the President of the United States, I could care
13 less.

14 This is going to be some far-reaching decisions I have
15 to make.

16 THE WITNESS: Yes.

17 THE COURT: And you're kind of being thrown to the
18 wolves again.

19 Why do I have confidence after a year or more, and maybe
20 a change of administration or a Treasury pinching pennies, or
21 even writing regulations?

22 What gives the Court confidence other than this lawsuit,
23 quite frankly, and, quite frankly, your able work.

24 Thank you, I want you to hear that. Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: I'm going to take this on a wing and a
2 prayer? Help me.

3 THE WITNESS: Okay.

4 THE COURT: I'm going to have to write an opinion of
5 some sort over Labor Day. Give me some confidence now.

6 THE WITNESS: I think this is a very important
7 issue.

8 THE COURT: Oh, you bet it is.

9 THE WITNESS: In terms of what took a year --

10 THE COURT: Have you got any input back from
11 Treasury yet, in a positive manner where they are going to
12 validate this interpretation?

13 THE WITNESS: I'm joining a call with them on
14 Tuesday during the lunch break here.

15 THE COURT: Counsel, your next question.

16 We will wait until then. I would love to see
17 that in writing.

18 THE WITNESS: Can I just touch on both of those real
19 quick?

20 BY MS. WELLS:

21 Q Okay, sure.

22 A I just talked about the Treasury one.

23 THE COURT: You can, but I don't think it's going to
24 help. I'm looking for something concrete.

25 So let's just wait, it's not fair to you, and I'm not

1 sure that was a fair question to ask of you, but after a year
2 you have to wonder, you know, with your able data, PowerPoint,
3 I mean pushing on this a year earlier, what takes a year? And
4 I will wait until your Tuesday call.

5 THE WITNESS: Okay.

6 THE COURT: Maybe somebody could fly out here and
7 give us that kind of verification, okay.

8 THE WITNESS: Okay.

9 THE COURT: White House would be nice. Secretary
10 would be nice. HUD would be nice.

11 But they are putting you up in good faith, just like
12 they did Tony over at UCLA.

13 I'm just amazed at this, quite frankly, okay?

14 THE WITNESS: Okay.

15 THE COURT: Not to you, once again, thank you.

16 THE WITNESS: Sure.

17 THE COURT: Counsel, your questions?

18 BY MS. WELLS:

19 Q Okay, I think we're done talking about the AMI issue for
20 now.

21 I want to go back and ask some follow-up questions
22 relating to the PIT count, which we've also heard quite a bit
23 of testimony here during the trial.

24 Again, this is an issue that has come up at VCOEB
25 meetings; is that right?

1 A Yes.

2 MS. WELLS: And I would like to pull up
3 Exhibit 1098.

4 If we just briefly could turn to page 009 just to sort
5 of identify the fact that this issue was raised during this
6 particular meeting.

7 BY MS. WELLS:

8 Q Do you see that there? And this is a meeting you attended
9 I believe it's February of 2023?

10 A Yes.

11 MS. WELLS: Your Honor, I would just move to admit
12 Exhibit 1098.

13 THE COURT: Received.

14 (Exhibit 1098 received into evidence.)

15 BY MS. WELLS:

16 Q And I don't want to dwell on anything that is going to
17 repeat testimony we've already heard, but can you tell us, if
18 at all, the PIT count is used in some way at the national level
19 by the VA?

20 A Yes, it is. It's used in a variety of ways.

21 The broad national number, it drives strategic planning,
22 operational planning, it can drive budgetary decisions, kind of
23 the obvious step one would think.

24 Q Like, how would it inform strategic planning, for example?

25 A Well, I will give you an example of one that I was

1 directly involved in.

2 There were several -- we saw a lot of progress in the
3 national point-in-time count in the early years of the formal
4 effort to end veterans homelessness that started in 2010.

5 One of the things that we realized, though, is that
6 sheltered homelessness was decreasing and unsheltered
7 homelessness was essentially staying static.

8 On the basis of that very basic analysis, I pushed us
9 both to fund additional outreach positions around the country,
10 also instituted a new performance measure related to outreach
11 that required a certain portion of initial contacts to be
12 street, not medically-center base, and with unsheltered
13 veterans, so that is an example.

14 Q To what extent, if you can, is it used for resource
15 allocation purposes?

16 A Yes. It is.

17 So I mentioned briefly the Gap Analysis earlier, and the
18 Gap Analysis is a piece of what HUD uses in its formula to
19 determine voucher allocations. And there isn't time to go into
20 detail late on a Friday on the Gap Analysis, but the
21 point-in-time count is the starting place for it.

22 And then, again, we make some assumptions based on
23 annual numbers from that and then we apply all of the
24 operational data we have on existing resources, anticipated
25 success rates with those resources, to assess if there is

1 enough of that to meet the need.

2 Q Okay. Is that something that is done with respect to this
3 local area, Los Angeles?

4 A Yes. It is done nationally and it is done at every
5 medical center, and we actually created a tool that could be
6 done within each continuum of care.

7 Because as you've probably gathered, we are
8 different entities in terms of geography at the medical center,
9 catchment area from continuums of care, so to the extent this
10 could be used as a planning and projecting tool, it's actually
11 more useful oftentimes to do this at the COC level which, for
12 instance, we could do here.

13 If I would just add, there was discussion earlier
14 in the trial about whether VA had the capability to make
15 homeless projections looking forward.

16 And, actually, I think the answer was "no" at the time,
17 but the answer is "yes," that is what the Gap Analysis can do.

18 It can only -- the way we've built it, it can only look
19 two years forward. There's just far too many assumptions built
20 into the model.

21 The error bars get unusable after two years, but we do
22 have that capability and plan to use it here.

23 Q Just so we have a little bit more information about what
24 this Gap Analysis consists of, can you give us some -- you
25 know, fill in a little bit more detail about the variables you

1 just mentioned?

2 A Sure. And some of that was actually in this VCOEB
3 response.

4 We take the point-in-time count, we do a look backwards
5 to see the change from the year prior. We look at all of the
6 known housing placements in the year prior.

7 From that, we can conclude what the inflow was, so
8 that's essentially -- as opposed to a point-in-time, we're
9 talking about all of the homeless veterans we anticipate over a
10 year, we apply that to the current year's point-in-time count
11 to build a projection for the number of homeless veterans we
12 will see in the year subsequent.

13 We then apply some assumptions to that group about who
14 will become housed.

15 One thing that hasn't, I believe, been referenced yet in
16 the trial is a fairly substantial number of homeless
17 individuals exit homelessness without ever touching the
18 homeless services system, generally called self-resolution or
19 self-resolving.

20 There is varying data points on this, but we actually
21 applied, based on prior research, 25 percent to that.

22 So we basically take 25 percent out who will never touch
23 and will exit homelessness. We essentially assume we need to
24 house the rest.

25 Then we look at HUD-VASH vouchers. We look at past

1 performance in terms of utilization, we project that forward.

2 How many housing placements do we anticipate coming from
3 HUD-VASH.

4 We do that for every program in VA. We do that for
5 non-VA resources.

6 We look at HUD's housing inventory count, we assess the
7 number of PSH units in the community not dedicated to veterans,
8 but that could serve veterans.

9 We build an assumption in there about how many veterans
10 will be housed in units like that.

11 We also account for veterans who are not eligible for
12 all of our programs and only apply housing placements by
13 programs they're eligible for.

14 It's a pretty sophisticated model.

15 Q Okay. That's something you developed or worked on?

16 A I oversaw the development of that. I worked directly on
17 it, yes.

18 Q When was it first used?

19 A It was first used in roughly 2014.

20 Interestingly, it came out of work here in LA. I was
21 part of a group that was pulled together to do a version of
22 this on homelessness -- on veteran homelessness at that time.

23 The conclusion at that time was that there were probably
24 going to be upwards of 10,000 unhoused veterans at the end of,
25 I think, 2015 or something like that, I have forgotten the

1 exact time frames.

2 That was presented to then Secretary Shinseki, who was
3 appropriately alarmed at such a large number, and on the spot
4 said I want one of these done in every medical center in the
5 country, because I want to know if we're going to reach our
6 goal or not.

7 I was given about two months to do that and worked with
8 a team of data analysts to develop it.

9 Q Okay. One other thing going back to the AMI issue, there
10 is another exhibit I just want to make sure we get into the
11 record, it's 1099, more VCOEB minutes and I think this is the
12 one from June of 2023.

13 THE COURT: If I haven't received 1098, let me make
14 sure I have received it. Received. I'm going to receive 1099
15 also.

16 MS. WELLS: Oh, you will? Good. Then I won't dwell
17 on it. It's the one --

18 THE COURT: It's the same kind of thing.

19 MS. WELLS: Yes.

20 (Exhibit 1099 received into evidence.)

21 BY MS. WELLS:

22 Q This is the one we made the presentation we just walked
23 through; is that right?

24 A Yes.

25 Q So we're almost done, I just want to ask you a little bit

1 more, Dr. Harris, about -- you've already talked about your
2 advocacy efforts in this area and I just want to make sure
3 we've covered the landscape in terms of everything that you
4 have done to advocate on behalf of homeless veterans.

5 So you have already mentioned Assembly Bill 1386.

6 Is there any other advocacy that you have been involved
7 with before the California State Legislature?

8 A Not with the State -- not with the State Legislature, no.

9 Q How about local communities?

10 It doesn't have to be limited to legislature, I'm
11 seeking generally about your advocacy efforts.

12 A Yeah, we -- early on in this AMI disability income issue,
13 in conversation with VCOEB, we -- in one of the meetings, I
14 don't remember when, we came away wanting to advocate with a
15 few different offices in California.

16 So I drafted a letter that our agency ultimately sent to
17 the Governor, the State Treasurer, and the Secretary of CalVet,
18 the State Veterans Affairs, basically advocating for more
19 flexibility in state programs when it came to AMI levels or
20 and/or the handling of VA disability benefits.

21 Q What about the federal level? What advocacy have you done
22 at Congress?

23 For example, are you familiar with the Sherman Bill?

24 A I am. I would say congressional advocacy and technical
25 assistance to Congress has been a fundamentally important part

1 of my role for many years now.

2 The Sherman Bill you are referring to is presently
3 titled I think the Housing Unhoused Disabled Veterans Act,
4 which is a nice play on the acronym of HUD-VA.

5 And it's a bill that would resolve the AMI issue by
6 revising HUD's statutory definition of income to exclude VA
7 disability benefits for purposes of eligibility, but include it
8 for purposes of determining rent.

9 It also requires rule making by HUD, in essence,
10 building it into their regulations.

11 And, Judge, I think when you talk about both, what took
12 so long and what gives some confidence, this bill being
13 introduced I think was a very important factor in the agency's
14 actions on this issue.

15 BY MS. WELLS:

16 Q Do you know when it was introduced?

17 A I don't know the exact date. It's been within the past I
18 would guess two months. It's pretty recent.

19 Q You know what the status is?

20 A I do not. Not much is moving through Congress these days.

21 Just to mention some other, I think, important
22 advocacy --

23 Q Can I ask you one thing before we move on?

24 Would this bill or, you know, the proposed
25 statute or legislation codify, then, what HUD did in the change

1 to its requirements, notice requirements?

2 A It would trump it, the bill goes further than what HUD
3 did.

4 What HUD did is use its waiver authority and HUD-VASH to
5 specify alternative requirements for the calculation of income
6 for HUD-VASH veterans.

7 What this bill would do is essentially change the
8 definition that HUD uses across the board for veterans. There
9 is a difference there.

10 And the important difference I think for the Court to
11 understand, the action HUD took for it to have a real world
12 impact it requires adoption and separate action by Treasury, by
13 state, tax credit offices, by county, and city entities.

14 They all need to take action to adopt this new method,
15 as you heard Mr. Dennis say, that notice only applies to
16 housing authorities right now.

17 The reason this bill is so important is that virtually
18 all of those other entities use HUD's regulatory definition of
19 income.

20 This bill forces that definition to change. If it
21 changes, it automatically applies to all of those other
22 entities.

23 THE COURT: Does the bill have a number?

24 THE WITNESS: It does, but I would be afraid of
25 giving you the wrong one.

1 THE COURT: Just a moment.

2 THE WITNESS: It would be pretty easy for me to find
3 it.

4 THE COURT: Just a minute. Just a minute. It's not
5 HR38-48, is it?

6 THE WITNESS: That is the number that was in my
7 head, I believe so. That is what I was going to say, but I
8 didn't want to guess.

9 THE COURT: That's offered by the local
10 Congressperson, Congressperson Lew?

11 THE WITNESS: Well, it's Sherman. It may be in
12 partnership with Lew actually.

13 But I'm pretty certain that is the right bill.

14 THE COURT: Just a moment. So does this bill, in
15 your opinion, take some of the power away from OIG?

16 THE WITNESS: The one I'm talking about wouldn't be
17 related to OIG at all.

18 THE COURT: Counsel?

19 BY MS. WELLS:

20 Q Are you aware of any other possible federal legislation
21 that is percolating on the hill relating to veterans and
22 homelessness issues?

23 For example, Other Than Honorable Discharge Bill; does
24 that sound familiar?

25 A Yes. The good news is that one is law.

1 It is one that I worked heavily on.

2 I worked with a couple of congressional offices that
3 were interested in making Other Than Honorable veterans
4 eligible for HUD-VASH. For many years they were only for Grant
5 and Per Diem and SSVF.

6 And so I provided extensive technical assistance to
7 those offices as they were drafting that bill.

8 It did pass, it did get signed into law several years
9 ago.

10 Q Okay.

11 A So that was a -- one of my first experiences with pretty
12 extensive involvement in laws that -- real quick, a second one
13 because it's come up a lot here, when the pandemic hit both of
14 the House and Senate Veterans Affairs Committees reached out to
15 us and said, in essence, what do you need for homeless veterans
16 during this time.

17 That started a process I led where we worked directly
18 with those committees on the language that ended up being
19 Section 4201 of Isakson Roe, and that is the bill that allow
20 during the pandemic, VA to directly provide food, shelter,
21 transportation, phones, a whole bunch of things that homeless
22 veterans count on that we did not previously have authority to
23 provide.

24 You heard a reference today to Rideshare, the funding
25 being discontinued. That's not exactly what happened.

1 What happened is that Isakson Roe, that particular
2 section, was only active under a public health emergency.

3 When the public health emergency was declared over, all
4 of that authority disappeared.

5 We no longer have it.

6 One of the things I have worked with those committees on
7 is a way to permanently authorize some of those things
8 including Rideshare. So that's still in development.

9 It has not been introduced -- at least not in current
10 form, it's not been introduced.

11 And then the final one I will just share that I have
12 worked with Congress on is a bill specifically related to
13 HUD-VASH.

14 One of the things we have wrestled with, as you've heard
15 for weeks here is what can we do to improve utilization rates.

16 One of the things that the bill being worked on in
17 Congress now called the End Veteran Homelessness Act would do a
18 couple of fundamental things to HUD-VASH.

19 One, it would open up what is essentially a voucher-only
20 pathway.

21 Right now, our statutory authority requires that a
22 veteran be assigned and seen by a VA case manager.

23 As you've heard that can be a bottleneck, is a
24 bottleneck to referrals and full utilization.

25 That law for veterans for whom the primary need is

1 financial, who don't demonstrate a need for case management, it
2 would open up a pathway and allow those veterans to come into
3 HUD-VASH to go straight to the public housing authority.

4 It does couple of other things, but that's one of the
5 most important things it does, and I think it could have a very
6 positive impact on our ability to fully use vouchers.

7 Q Do you know what the status is of that bill?

8 A It has been drafted, I believe it's in committee. I don't
9 believe it's been introduced.

10 A lot of things I know, Judge, you have referenced
11 potential new administrations, a lot of the things that could
12 really help us are kind of waiting to see what happens in
13 November.

14 Q Okay. One last topic I would like to cover with you very
15 briefly.

16 MS. WELLS: If we can pull up again what has already
17 been admitted as Exhibit 1624, which is the Federal Register
18 publication of the HUD notice, published on August 13th.

19 BY MS. WELLS:

20 Q We have already discussed this a little bit earlier in
21 your testimony. I just want to refer to one other issue that I
22 don't know has been addressed quite here yet, which is the non
23 -- relating to the noncompetitive selection of project-based
24 housing -- or vouchers.

25 I was just wondering if I can refer you to page 10 of

1 the exhibit, which isn't identified, so it's going to be 65778
2 is the page number.

3 This will be on the top left-hand column of that page,
4 it's where we can identify it.

5 A Okay.

6 Q And I think the language that has been highlighted here is
7 "PBV proposal and/or project selection for HUD-VASH" --

8 (Reporter Clarification.)

9 MS. WELLS: Yes.

10 BY MS. WELLS:

11 Q "PBV proposal and/or project selection for HUD-VASH must
12 follow all regular proposal and/or project selection
13 regulations with the following exception."

14 Can you please tell us what that exception is?

15 A Yes. What it is an exception to is that project-based
16 vouchers, generally speaking, have to be competitively
17 selected, meaning a solicitation goes out, different developers
18 come in with proposals, the best one is selected.

19 And what the exception allows is for the
20 noncompetitive selection of a PBV, the PHA can simply say,
21 "We're going to do project-based vouchers here."

22 But it's exclusive to HUD-VASH project on a VA facility,
23 on a VA campus.

24 THE COURT: Just a moment. I don't understand.

25 THE WITNESS: There is a little backstory that might

1 make it --

2 THE COURT: No backstory, just explain to me this
3 exception once again.

4 THE WITNESS: Okay. This allows the PHA to bypass
5 the competitive solicitation and selection and simply make a
6 noncompetitive decision to award PBVs.

7 THE COURT: Okay. Why?

8 THE WITNESS: That's the backstory.

9 THE COURT: That's the backstory, okay.

10 THE WITNESS: Yes. I know it's late.

11 THE COURT: No, it's not late.

12 THE WITNESS: I'm passionate about some of these
13 things.

14 On the West LA Campus the housing authority responsible
15 for the majority of vouchers is the LACDA, the County PHA.

16 They let the developers -- the principal developers know
17 a little over a year ago that they could not award PBVs that
18 were needed for the campus because they said they were going to
19 be required to do a competitive selection of that.

20 And that creates a problem because if they have to
21 compete it, somebody else might win and then we don't have
22 vouchers for the campus.

23 The developers came to me with that concern. I have a
24 very good relationship with the office of HUD that runs this
25 program, and worked with them to get a waiver last year and

1 allow them to make the awards they needed that year.

2 But the problem came up again this year, and so I worked
3 with the same people at HUD on a more permanent solution, which
4 is this: This now allows for noncompetitive selection if it's
5 on a campus.

6 THE COURT: Okay. Just a moment. I don't
7 understand how a competitive situation might take away
8 vouchers?

9 THE WITNESS: So let's say U.S. Vets needs vouchers
10 for one of the buildings a couple of years out that they are
11 building.

12 If the PHA is required to do open competition, the best
13 scored submission might be some other developer building in
14 some other place in the city. And there are only so many
15 awards they can make, and U.S. Vets could be left out and
16 without vouchers.

17 THE COURT: So does that then keep the -- and I'm
18 going to mix up my words, so pardon me -- does that then create
19 a floor because it's noncompetitive, which makes it, for the
20 developer having to get, let's say, 30 percent AMI and doesn't
21 give them the flexibility to raise that which means lowering it
22 for the veteran?

23 In other words, once again, in that noncompetitive
24 situation, a developer, without competitiveness, is in a
25 position of creating what I'm going to call a floor.

1 And because that noncompetitiveness, we have the AMI,
2 let's say 30 percent or whatever, we're not -- can't raise,
3 that, don't want to raise that, somebody might undercut us.

4 THE WITNESS: It might even be simpler than that.

5 I actually think that without vouchers, the project is
6 dead.

7 THE COURT: Yes.

8 THE WITNESS: I don't think it happens at all.

9 THE COURT: Under the present system.

10 THE WITNESS: Yeah, under the present system.

11 THE COURT: Okay. Thank you. Counsel.

12 BY MS. WELLS:

13 Q So just to clarify, to what extent does this alternative
14 requirement help guarantee that there will be enough
15 project-based vouchers available for developing property on
16 West LA Campus?

17 A It doesn't. It doesn't do that. What it does is mean if
18 vouchers are available, the PHA can, and plans to, award them
19 for the duration of the project.

20 The availability of vouchers gets a little bit more into
21 the PBV cap that was discussed earlier today.

22 Q Okay. And would a lower AMI in a building make a project
23 more competitive?

24 A That's a great question. And in many cases, yes, it does.

25 Q Why or how?

1 A It gets back to where I started, that these funders are
2 trying to incentivize the development of affordable housing.
3 They are trying to reach the most needy of the population in
4 terms of income.

5 And so, they will look favorably on an application that
6 says they are going to focus on the extremely low income.

7 MS. WELLS: May I just have a moment, Your Honor.

8 THE COURT: Take your time with your team. See if
9 you have more questions.

10 MS. WELLS: No further questions.

11 THE COURT: Okay. Now, cross-examination this
12 evening, or cross-examination -- strike. Redirect.

13 Technically redirect, but re-cross, whatever we're at,
14 two rounds.

15 Do you want that on Monday?

16 All I care about is that we have time.

17 Now, is there a problem with -- is it Mr. Simms? Is
18 there a schedule problem with him, is that why we're trying to
19 get him in on Monday?

20 MR. ROSENBERG: No, Your Honor, it's not a
21 scheduling problem, it's just we anticipate his testimony will
22 take a while and it's somewhat complex, and we didn't want it
23 to be broken up.

24 THE COURT: Depending upon your courtesy with
25 counsel that was in today, because if that witness from

1 SafetyPark is going to be called, you know, I don't want her
2 unnecessarily coming to court.

3 So you know your schedule, I don't, just reach out to
4 other counsel over the weekend and if you are not going to get
5 her, please don't have her come unnecessarily that can occur
6 Tuesday.

7 Would you like to cross-examination this evening or
8 would you like to take a break and do this Monday?

9 MR. ROSENBAUM: I have at least an hour. I would
10 rather wait until Monday.

11 THE COURT: No problem.

12 Doctor, thank you very much. Have a good weekend, and
13 we will see you Monday, what time?

14 Oh, I have an 8 o'clock calendar on Monday, I think I
15 can get through it by 8:30.

16 So I'm going to ask to you reconvene at 8:30. If I'm
17 not quite done, just remain I'm probably five minutes away.

18 MR. ROSENBERG: So 8:30 on Monday?

19 THE COURT: 8:30 on Monday.

20 MR. ROSENBERG: I did have -- off the record, I
21 wanted to follow up on our conversation about scheduling, if
22 that's all right.

23 THE COURT: Sure. Off the record.

24 (Pause in the proceedings.)

25 THE COURT: On the record, Terri. Thank you very

1 much.

2 Counsel, I'm going to schedule the preliminary approval
3 hearing on your settlement next Thursday at 8:30.

4 You are free to go forward with it. You asked for an
5 indication preliminarily. I usually wouldn't do that. You
6 both requested that. You have got my initial thoughts.

7 You can withdraw it, you can go forward, but I'm going
8 to resolve that matter one way or the other, 8:30, next
9 Thursday, okay.

10 Okay. Good night.

11 (The proceedings concluded at 5:41 p.m.)

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