SUPREME COURT OF CALIFORNIA
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Supreme Court of California
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CASE NO. S249593

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

KERRIE REILLY

Petitioner and Appellant,

v.

MARIN HOUSING AUTHORITY

Respondent and Respondent.

DEFENDANT MARIN HOUSING AUTHORITY'S ANSWER TO THE PETITION FOR REVIEW

After the Decision of the Court of Appeal for the First Appellate District
Division Two, No. 149918

Affirming the Judgment of the Superior Court for the State of California,
County of Marin, Case No. CIV 1503896, Hon. Paul M. Haakenson

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS
(Cal. Rules of Court, rule 8.208)

There are no interested entities or persons to list in this certificate. (Cal. Rules of Court, rule 8.208(e)(3)).

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I.

INTRODUCTION

This petition arises from the court of appeal's unanimous decision which, guided by California case authority, concluded that the wages paid under the In-Home Supportive Services ("IHSS") program to petitioner, Kerrie Reilly ("petitioner"), were properly included as income when Marin Housing Authority ("responding party") calculated her housing subsidy under Department of Housing and Urban Development ("HUD") Section 8 program. Specifically, the court of appeal construed 24 C.F.R. section 5.609(c)(16)'s exemption from income "to reach money paid to a family so that the family can go out and hire services or purchase equipment necessary for the developmentally disabled family member." Such payments "offset the cost of services and equipment" that would otherwise fall on the family." (slip op., 8-9, attached as Exhibit 2 to Petition for Review.) Based on the "plain words" of the regulation, the court concluded that IHSS wages paid to petitioner are not costs falling within the exemption.[1] (Id. at 10-11.) As the court noted, only one other case has decided the issue, *Anthony v. Poteet Housing Authority* (5th Cir. 2009) 306 Fed.Appx. 98 where the Fifth Circuit considered similar facts and reached the same conclusion.

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[1] This is far different than the inference petitioner seeks to perpetuate by equating her IHSS wages to costs and repeatedly using the shorthand, "Development Disability income exemption," also "DD income exemption" when referring to 24 C.F.R. § 5.609 (c)(16). (Petition for Review, *passim.*) As the court of appeal explained, the regulation exempts IHSS costs only when a family hires a third party to provide services, and does not apply to wages paid to petitioner to provide these services to her daughter. To imply repeatedly that these wages fall within the "DD income exemption" is misleading, particularly in the context of the argument that the court's decision "nullifie[d] the DD income exemption."

Petitioner raises a number of arguments and cites to a number of publications and regulations not presented to the court of appeal. These include speculative and irrelevant arguments that this decision will work adversely to the interests of other similarly situated households statewide. This an irrelevant distraction and an argument that is not supported in the record with citable authority or admissible evidence. Also not presented to the court of appeal and irrelevant as well are arguments regarding the application of IRS tax exemptions and the impact that the California "housing crisis" has on people with disabilities whose history of discrimination and abuse and neglect when institutionalized supports extraordinary treatment. In fact, none of the publications cited in any of the 43 footnotes in the petition for review was cited to the court of appeal or to the trial court. The court of appeal and the trial court considered only the circumstances of one individual and the application of the regulation at issue in this context. The focus of the petition should have remained so, and it is improper for petitioner to attempt to broaden the scope to other individuals and other housing authorities and essentially request this court to conduct an improper examination of extrinsic evidence and arguments that have not percolated up through the courts of appeal. In a word, the impact on other recipients in other housing authorities simply is not ripe.

Not only is this issue not ripe, petitioner's attack is the overly simplistic. In reality, housing authorities generally apply *a number of HUD regulations in combination when considering income eligibility* and do so with the goal of keeping their compliant recipients in housing. If petitioner and her advocates believe that goal is no longer achievable given the court of appeal's construction of the regulation, the appropriate action is to convene for a policy discussion with HUD and seek a solution that achieves what they perceive to be appropriate. This would be consistent with HUD's function as well as rule making authority under the

Administrative Procedures Act ("APA") and further supports responding party's request that the court refrain from wading into broader issues than those presented to the court of appeal.

Finally, and consistent with respondent's position, this court should resist the invitation to superimpose its judgment upon HUD’s rule making authority. Where Congress has implicitly delegated responsibility to formulate regulations (*See*, 5 U.S.C. §§ 551-559.), "a court may not substitute its own construction of a statutory provision for a reasonable interpretation made by the administrator of an agency." *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.* (1984) 467 U. S. 837, 844, 104 S.Ct. 2778, 2782, 81 L.Ed.2d 694. "The overwhelming number of cases applying *Chevron* deference have reviewed the fruits of notice-and-comment rulemaking.” (*U.S. v. Mead Corp.* (2001) 533 U.S. 218, 230, 121 S.Ct. 2164, 2173, 150 L.Ed.2d 292.) The regulation at issue received “due deliberation" within the notice-and-comment process, and for this reason, this court should exercise judicial restraint.

In sum, the court of appeal's decision was correctly decided and provides certainty and clarity to the meaning of the regulation at issue. Consequently, the Petition for Review should be denied.

II.

<u>STATEMENT OF THE CASE</u>

Petitioner has been a Section 8 Housing Choice Voucher participant for many years. As set forth in the appellate record, in 1998, petitioner and her two daughters, one of whom is developmentally disabled, moved into a three bedroom, two and one-half bath townhome in Novato. Throughout this tenancy, petitioner has chosen to remain at home to care for her developmentally disabled daughter and received wages from the state and federally funded In-Home Support Services program ("IHSS"). (slip. op., *passim*.)

During this twenty year period, petitioner has benefitted from HUD subsidies which limited her out-of-pocket rent payment to 30% of her adjusted income. HUD regulations require that at least annually, each participating family report the number of family members residing in the household and identify each person's name and relationship to the voucher recipient. As pled in the Amended Verified Petition for Writ of Mandate ("petition for writ of mandate"), the non-disabled daughter moved out in approximately 2005, but petitioner did not report this change. An income audit in 2009 led to the revelation that the household composition had materially changed, a program violation which alone supported petitioner's termination from the Section 8 program. (24 C.F.R. § 982.552 (c).)

Rather than terminating petitioner from the program, respondent permitted petitioner to remain in the program providing she paid restitution. This agreement was memorialized as the "2009 Repayment Plan."

As petitioner acknowledged in the petition for writ, petitioner missed "at least 22 payments," in 2010, 2012 with the majority in 2014-15. This provided grounds for termination. In April 2015, faced with potential termination of her voucher, petitioner requested a recalculation of her share of the rent. Citing to 24 C.F.R. § 5.609(c)(16), petitioner asserted that IHSS wages paid to her should be excluded from income qualification calculations for the purposes of determining her subsidy under the program.

In July 2015, MHA issued a termination notice based on petitioner's repeated failure to make payments under the 2009 Repayment Plan. An administrative hearing was held. As set forth by the hearing officer in her detailed decision, petitioner acknowledged at the hearing that she knew she had been obligated to report the change of family composition but failed to do so, fearing that she would lose eligibility for a three-bedroom home and be forced to move. She also acknowledged that she had failed to repay as required by the agreement but argued that these payments would not have

been owed had the income calculations excluded her income paid to her by IHSS. The hearing officer was not persuaded, finding that this factor not related to the actual cause of termination which petitioner readily acknowledged to be the repeated failure to honor the repayment agreement. (slip. op., 3.) The hearing officer concluded that petitioner's repeated failure to honor her commitment to repay the overpayments supported respondent's termination from the Section 8 program, pursuant to (24 C.F.R. § 982.552 (c).) and respondent's rules which called for termination from the program when three repayments are missed during a twelve month period. (*Id.*)

Petitioner thereafter sought judicial relief by filing a petition for writ of mandate, asserting two causes of action, petition for administrative mandate and petition for writ of mandate ("petition for writ of mandate"), in the Marin County Superior Court, claiming that MHA erred in including petitioner's IHSS wages as income when calculating petitioner's Section 8 subsidy.

Respondent demurred on the grounds that petitioner had judicially admitted that she entered into a repayment agreement which she had repeatedly violated, supporting termination under 24 C.F.R. § 982.552(c) and the Marin Housing Authority Administrative Plan ("Administrative Plan").

In opposition, petitioner argued that MHA had erred in its income qualification calculations in that it had failed to exclude wages paid to her under the IHSS program. Specifically, she claimed that rather than income, these sums were "*costs of services*" necessary to keep her daughter in the family home as set forth at 24 C.F.R. § 5.609(c)(16). In support of the opposition, petitioner attempted to put hearsay evidence before the court which comprised primarily of letters from friends and acquaintances. The trial court declined to consider this extrinsic evidence. (Code Civ. Proc. §

430.30(a).) Not presented to the trial court is any of the extrinsic evidence which petitioner improperly attempts to introduce in the record here.

The trial court sustained the demurrer without leave to amend on the grounds that the petition for mandate as a whole failed to state facts sufficient to state a cause of action. (Code Civ. Proc. § 430.10(e).) Seeing no possibility that an amendment to the complaint would state a cause of action, the court entered judgment dismissing petitioner's claims with prejudice.

Petitioner appealed the judgment to the Court of Appeal, First District, Division Two. The court reviewed the judgment *de novo* (*Williams v. Housing Authority of Los Angeles* (2014) 121 Cal.App.4th 708, 718.) and affirmed the judgment.

III.

ISSUES PRESENTED FOR REVIEW

Petitioner challenges the court of appeal's unanimous decision in a case of first impression concerning the meaning of 24 C.F.R. § 5.609 (c)(16).

The issue is straightforward. Does a regulation which calls for an exclusion of "costs of services" apply to IHSS wages paid, with state and federal funds, to petitioner to compensate her for caring for her developmentally disabled daughter.

The court of appeal came to the correct conclusion when it concluded wages paid to petitioner under the IHSS program, to provide care for her daughter, constituted income to her and not "costs of services." The court further concluded that petitioner had not met her burden to show that an amendment to the petition for writ of mandate could be cured to state a cause of action.

IV.

THE UNANIMOUS DECISION OF THE COURT OF APPEAL REACHED THE CORRECT RESULT

It is settled law in this jurisdiction that sums paid to a family member to care of a disabled family member constitutes income. (*Norasingh v. Lightbourne* (2014) 229 Cal.App.4th 740, 744) In fact, the existence of an employment relationship and the characterization of IHSS payments as wages, regardless of whether provided to a family member or non-family member, is universally accepted. (*See e.g.*, *Norasingh* 229 Cal.App.4th at 744 (IHSS "compensates persons who provide the services to a qualifying individual".); *Guerrero v. Sup. Ct* (Weber) (2013) 213 Cal.App.4th 912 (recognizing complicated yet flexible rubric of employment arrangements sanctioned by the IHSS program.); *In-Home Supportive Services v. WCAB* (1984) 152 Cal.App.3d 720, 732-34 (dual employee relationship exists between IHSS provider and the state and county); *Basden v. Wagner* (2010) 181 Cal.App.4th 929 (IHSS is an "employer" for purposes of the state public employee-employer relation laws, such as unemployment compensation and workers' compensation). Thus, there is no need to further litigate the issue of whether IHSS wages constitute income. In fact, as petitioner has acknowledged, the IRS taxed these payments as ordinary income for many years.

HUD has promulgated detailed regulations, adopted by way of notice-and-comment rulemaking, which provide guidance to local housing authorities when calculating income eligibility and each participant's subsidy under Section 8.

24 C.F.R. § 5.609(b)(1) defines the household's annual income as "[t]he full amount, before any payroll deductions, of wages and salaries...and other compensation for personal services,"
(§ 5.609 (b)(1).)

The regulation at issue, 24 C.F.R. section 5.609(c)(16), excludes from income calculations:

> Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home *to offset the cost of services* and equipment needed to keep the developmentally disabled family member at home;

(24 C.F.R. § 5.609(c)(16) (emphasis added.).)

The court of appeal correctly read the established case law and regulation at issue together to conclude that petitioner's income derived from IHSS wages was not an offset of costs of services, reasoning the "cost of services and equipment needed to keep the developmentally disabled family member at home" must refer to amounts of money that the Reilly family pays." (slip op., at 11.) The court performed a thorough analysis of the meaning of the word "cost" as used elsewhere in 24 C.F.R. § 5.609, explaining that "the word "cost" has to be understood in its most common and concrete sense, as referring to an amount charged or paid" and concluded that this meaning applied to subsection (c)(16). (slip op., at 10-11.)

As the court of appeal acknowledged, a very similar issue was addressed in a 2009 unpublished opinion out of the Fifth Circuit in Texas, *Anthony v. Poteet Housing Authority* (5th Cir. 2009) 306 Fed.Appx. 98. There, the petitioner was paid under a similar program to provide in-home care for her son who was physically disabled. The court concluded that the under the plain meaning of the regulation, one must first incur an expense in order for the amount to be considered a "cost" and reached the conclusion that sums paid to Anthony to care for her son were income and did not qualify for an exemption under section (c)(16).

Anthony was decided nearly a decade ago and provides persuasive authority. Since that time, no other court has been asked to interpret 24

C.F.R. § 5.609(c)(16) until the instant litigation. Here, the court of appeal correctly construed the regulation to mean that petitioner's wages do not qualify as an "income exemption" because these wages are income and not costs to the household.

As the court of appeal noted, petitioner's interpretation would afford families caring for family members with developmental disabilities with more favorable treatment than other families who are caring for the mentally ill and physically disabled family members, leading to an inequitable result. This disparity would be inherently problematic as noted by the court of appeal. (slip op., 14.) The construct that persons with developmental disabilities are more worthy than those with other sorts of disabilities and should receive preferential treatment also runs counter to HUD's policy to treat all classes of disabled persons with parity and is in conflict the regulations cited in the petition for review. (*See e.g.*, 7 C.F.R. § 3555.152(b)(5)(x). (See, Petition for Review, p. 9, at footnote 19.)

The court of appeal reached the correct conclusion and provides certainty. Accordingly, this court should deny the petition for review.

V.

PETITIONER FAILS TO ESTABLISH GROUNDS TO REVIEW THE DECISION OF THE COURT OF APPEAL

A. An Appeal To The Supreme Court Is Not A Matter Of Right

It is not the province of the supreme court to determine whether facts were accurately stated and considered in the opinion of a court of appeal. (*People v. Davis* (1905) 147 Cal. 346, 349-350.) In fact, the court self-imposed "rather strict limits upon its exercise" and will without exception decline to evaluate a decision of a court of appeal in regard to the facts shown to exist by the record. (*Id.* at 350.)

The court has instead accepted other responsibilities. These responsibilities do not include making an independent fact finding as

petitioner urges here. The court may not look beyond the record for any facts. Thus, petitioner's urging that this court consider other housing authorities' interpretation of the regulation at issue is seeking the court to forage beyond the legitimate boundaries of judicial review. To that end, responding party objects to petitioner's attempt to introduce Exhibit 1. Contrary to petitioner's characterization, this Contra Costa County Housing Authority form is not a regulation and therefore should not be considered by this court. (Rules of Court, Rule 8.504(e)(1)(C). Even if a review of the factual record was appropriate by this court, this document is nothing more than hearsay, not presented to the trial court or the court of appeal, and lacks sufficient foundation to establish that it accurately incorporates any regulation, let alone the regulation at issue.

Moreover, the contention that there could be persons adversely affected by this decision is speculative and does not support a grant of review as there has been no litigation that would develop the record pertaining to the interests of other Marin County participants or participants in other housing authorities. (*See*, *Linder v. Thrifty Oil Co*. (2000) 23 Cal.4th 429, as modified (Aug. 9, 2000).) Because these persons are not parties to this litigation and because these facts have not been developed, these issues are waived. (*See id*.)

Similarly, petitioner's attempt to seek the court to conduct an evidentiary hearing regarding the practices of other housing authorities is improper. Not only is it not the function of this court, discretionary decisions made by other housing authorities do not control discretionary decisions made by respondent. Moreover, decisions made by other housing authorities are not citable authority and are irrelevant. In addition, petitioner argues an overly simplistic view that disregards the discretion provided to housing authorities to balance a number of factors with the goal of keeping compliant recipients in housing. Equally important, this issue

was not raised to the court of appeal and is therefore waived. (*Guz v. Bechtel Nat. Inc.* (2000) 24 Cal.4th 317, 348.)

Moreover, this case has nothing to do with disability discrimination. Nowhere was this issue raised to the trial court or to the court of appeal. Petitioner may not now raise the issue here. (*See*, *Flannery v. Prentice* (2001) 26 Cal.4th 572, 590–591 (not raised in the court of appeal.) Similarly, issues surrounding the housing crisis in the San Francisco Bay Area, also raised for the first time in the petition, are irrelevant to the issue before the court, have been waived and should be disregarded.

Finally, petitioner's argument that because the IRS 2014 ruling regarding IHSS income is also waived as it was not raised to the court of appeal. That said, there is no support to the argument that the U.S. Treasury's policy decision to not tax income derived from IHSS means that the payments are not income. The converse is true; IRS would not have considered the issue of whether IHSS payments should be excluded from gross income if these payments were not income in the first instance, and in fact, had been considered to be taxable income for many years prior to the 2014 publication which petitioner now seeks to place before the court. Further, IRS policy is irrelevant in that the policy considerations underlying IRS regulations do not control HUD functions.

B. <u>Harmony and Uniformity Are Not At Risk</u>

An important function of the supreme court is "to secure harmony and uniformity in the [courts of appeals'] decisions, their conformity to the settled rules and principles of law, a uniform rule of decision throughout the state, a correct and uniform construction of the Constitution, statutes, and charters, and in some instances a final decision by the court of last resort of some doubtful or disputed question of law." (*Guz, supra,* 24 Cal.4th at 348.) Review is proper only where an important issue has percolated in the courts of appeal, something which has not occurred here.

In addition, since there is no other citable authority construing the regulation at issue, there is no lack of uniformity of decision requiring the this court to weigh in for the purpose of providing clarity. (*Cf, Fisher v. City of Berkeley* (1984) 37 Cal.3d 644, 653–654, *aff'd sub nom. Fisher v. City of Berkeley, Cal.* (1986) 475 U.S. 260, 106 S.Ct. 1045, 89 L.Ed.2d 206.) There is no controversy here requiring this court's resolution.

C. The Question of Law At Issue Is Better Left to HUD

While the court may grant review to settle an important, unsettled question of law, the lack of case authority on the meaning of the regulation at issue, which was enacted more than twenty years ago, belies any contention that petitioner has presented an important question of law that warrants attention at this level. In fact, the First District's decision is one of first impression in California. The decision provides clarity and removes uncertainty concerning the meaning of the regulation.

Even if the court were to view the meaning of 24 C.F.R. § 5.609(c)(16) to be an important question of law, this court should defer to HUD's administrative rule review process and resist petitioner's request to make what is essentially a policy decision better left for HUD. As petitioner demonstrated to the court of appeal, the regulation at issue was adopted by way of notice-and-comment rulemaking. (slip op., 11-12.) Specifically, the Notice of Proposed Rulemaking ("NPRM") was published in the Federal Register, which was followed by a significant comment period. Established more than fifty years ago, HUD has developed special expertise in the administration of programs which provide housing subsidies to enable persons in unfortunate circumstances, whether these are related to developmental disabilities or physical disabilities, to obtain safe, decent and affordable housing. It has developed comprehensive regulations over the years by way of noticed rule making procedures, including the regulation at issue which was adopted in the mid-1990s. The interpretation

of one of these regulations is now before the court under circumstances which require HUD to receive great deference. (*See*, *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.* (1984) 467 U. S. 837.) In *Chevron*, Justice Stevens wrote, "We have long recognized that considerable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer." (*Id.*, see also, *Robinson v. District of Columbia Housing Authority* (D.D.C. 2009) 660 F.Supp.2d 6.

Moreover, because the notice-and-comment process facilitates public participation, rules with an NPRM should receive greater deference. (*U.S. v. Mead Corp.* (2001) 533 U.S. 218.) What petitioner seeks here is for this court to superimpose its judgment upon HUD's rule making authority and the wisdom behind the rules enacted the agency. Instead, this court should exercise judicial restraint in the form deference, particularly here where APA notice-and-comment assured "due deliberation." (*Id.*)

In sum, petitioner has failed to establish grounds for this court to review the decision of the court of appeal.

VI.

PETITIONER HAS NOT SHOWN THAT A REASONABLE POSSIBILITY THAT THE DEFECTS IN HER PETITION FOR WRIT OF MANDATE COULD BE CURED

The court of appeal is correct in its analysis and statement of law. As is apparent, petitioner has not carried her burden of proving that a reasonable possibility exists that the defects can be cured by amendment. (*See*, *Blank v. Kirwan* (1985) 39 Cal.3d 311, 319.) In fact, petitioner does not make that argument. Instead, petitioner asks this court to either speculate or conduct an evidentiary inquiry into whether the income of persons similarly and dissimilarly situated to her, have been excluded from income calculations by *other* housing authorities, to determine whether they

will be harmed as a result of the Court of Appeal decision. Petitioner has never pled and does not demonstrate that she has standing to advocate for these persons. Moreover, this speculative argument was not presented to the appellate court and therefore is not properly before this court. It also seeks an independent inquiry from this court which is not the court's function.

Similarly lacking is the claim that a conflict of law exists between the various housing authorities in this state. However, an individual housing authority's interpretation of a federal regulation does not rise to create a conflict of law as none of these interpretations has precedential value and none control the policy decisions made by respondent. As stated above, it is not the function of this court to engage in a factual inquiry as to the manner in which other housing authorities interpret 24 C.F.R. § 5.609 (c)(16). Moreover, this point has been waived by failing to raise the argument below. That said, if remanded, the court of appeal would be charged with conducting a fact finding where there has been no record developed at the trial court level. Just as here, that is not the proper function of the court of appeal.

Petitioner suggests that HUD regulations show preferential treatment for families of developmentally disabled person. Yet the regulation on which she relies, 24 C.F.R. § 811, *et seq*. provides housing complexes with supportive services for low income persons with "Physical Disabilities, Developmental Disabilities, and Chronic Mental Illness" with parity. (Petition for Review, p. 20, citing 24 C.F.R. § 891.305.) This scarcely makes the point the families of developmentally disabled persons are entitled to better treatment than other classes of disabled persons.

Again, petitioner has not shown that a reasonable possibility exist that defects in her petition for writ of mandate can be cured by amendment.

VII.

NO PREJUDICE WILL RESULT IF THE COURT OF APPEAL'S DECISION REMAINS CITABLE AND AS THE ONLY OPINION ON THE ISSUE, IT WILL PROVIDE HELPFUL GUIDANCE.

Under Cal. Rules of Court, 8.1115, the court of appeal's decision remains published and citable while review is pending if for only for the purpose of "potentially persuasive value." (Cal. Rules of Court, Rule 8.1115.) There is no other citable authority in this jurisdiction on the meaning and application of 24 C.F.R. section 5.609(c)(16), and as a result, the reasoning in the opinion will provide helpful guidance to trial courts during the pendency of the review. Particularly helpful, given the arguments set forth by petition, is the court's guidance that families caring for physically disabled persons should be accorded the same treatment as those caring for developmentally disabled persons. Accordingly, responding party requests that this court not issue an order depublishing the court of appeal's decision until it has made a final determination.

VIII.

CONCLUSION

For the reasons set forth above, responding party respectfully requests that this court deny review. The unanimous opinion is correct in all respects and provides certainty as to the meaning of the regulation. In addition, petitioner has failed to meet her burden to show that review is appropriate given that the state of the law is not unsettled and there is no important question of law for this court to decide. Finally, this court should defer to HUD and its rule making authority not only regarding the formulation of the regulation at issue but looking forward as well.

///

Dated: July 13, 2018

Respectfully submitted
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By: /s/ Anne C. Gritzer

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MARIN HOUSING AUTHORITY

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Dated: July 13, 2018

Respectfully submitted

By: /s/ Ilya Filmus

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IX.

CERTIFICATE OF WORD COUNT

(Cal. Rules of Court, rule 8.204(c)(1))

The text of this brief consists of 4,481 words as counted by the MICROSOFT WORD 2010 word-processing program used to generate the brief.

X.

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is One City Boulevard West, Fifth Floor, Orange, CA 92868-3677.

On July 13, 2018, I served true copies of the following document(s) described as **ANSWER TO PETITION FOR REVIEW** on the interested parties in this action as follows:

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Court of Appeal, First Appellate District Division Two 350 McAllister Street San Francisco, CA 94102 Case No. 149918	Hon. Paul M. Haakenson Marin County Superior Court 3501 Civic Center Drive, Courtroom E San Rafael, CA 94903 Case No. CIV 1503896

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with WFBM, LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Orange, California.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 13, 2018, at Orange, California.

/s/ Roberta Averill
Roberta Averill

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 7/13/2018 by Joy Madayag, Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **REILLY v. MARIN HOUSING AUTHORITY**
Case Number: **S249593**
Lower Court Case Number: **A149918**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **agritzer@wfbm.com**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

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ANSWER TO PETITION FOR REVIEW (WITH ONE TIME RESPONSIVE FILING FEE)	Answer to Petition for Review

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7/13/2018
Date

/s/Anne Gritzer

Signature

Gritzer, Anne (172496)

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Law Firm