

From: Meka <meka@baymoon.com>
Subject: **Accommodations for smoking and harassment**
Date: December 13, 2008 3:48:36 PM PST
To: Keri Swenson <kswenson@jsco.net>
Cc: Marva A Foote <marva.a.foote@hud.gov>, Rene Ingram <ringram@calhfa.ca.gov>, Nancy DeSerpa <Nancy.deSerpa@mail.house.gov>, Mark Stivers <mark.stivers@sen.ca.gov>, John Colby <colby@docktorcat.com>, Patricia Colby <pecolbe@yahoo.com>, meka@baymoon.com
▶ 3 Attachments, 1.1 MB

December 13, 2008

Keri Swenson
Regional Manager
John Stewart Company
104 Whispering Pines Drive - #200
Scotts Valley, CA 95066
831-438-5725 ext 229
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via email to: kswenson@jsco.net

cc: marva.a.foote@hud.gov

cc: ringram@calhfa.ca.gov

cc: Nancy.deSerpa@mail.house.gov

cc: mark.stivers@sen.ca.gov

cc: colby@docktorcat.com

cc: pecolbe@yahoo.com

re: Accommodations for smoking and harassment

Dear Ms. Swenson:

I am writing to request accommodations for my disabilities which are of paramount importance to my physical health, and to request certain restrictions be placed upon my upstairs neighbor's activities given her recent (erratic) behaviors. Attached are PDFs of my doctor's letters and of a letter from Ms. Schroff to me about Mission Gardens being a "smoking property".

As you know, I was forced to take on legal representation to force TerraCorp Financial to accommodate my exposure to second-hand smoke from Ms. Tania Story and Mr. Craig Akey. I was transferred to Apartment A-101 as their choice to make an accommodation. Ms. Coronado, my upstairs neighbor, was characterized by them as a "light smoker" — I have never seen her smoke a cigarette since I moved to A-101 almost two years ago — and the "A"

building was designated as "non-smoking" to incoming residents and visitors.

Recently Ms. Coronado's level of smoking has increased significantly. Moreover, it seems to be associated with her apartment being inspected by the Santa Cruz Fire Marshal and her accusations against me for his forcing her to clean up her apartment. Specifically, dead rats and snakes began appearing on my porch after she tried to force her way into my apartment, accusing me of reporting her to the fire department, and allowing her unleashed dog to run into my apartment, scaring my emotional assistance cats.

Ms. Coronado's behaviors are especially troubling given previous attempts by her to illegally gain access to my apartment by turning the doorknob to open my door after she had spoken to me, and once when she thought I wasn't home. Ms. Coronado's behavior seem erratic and irrational: I feel terrified and unsafe.

Please allow me to explain the history of my second-hand smoke exposure at Mission Gardens and the former management's poor handling of this problem. When I moved into Apartment C-201 I told Ms. Schroff I smelled tobacco smoke in my new apartment. Ms. Schroff, on several occasions, denied that my apartment smelled like tobacco smoke. A few weeks later, I learned that Ms. Tania Story was an extremely heavy chain-smoker. I presented Ms. Schroff with a letter from my physician Dr. Wendy Leonard about the danger of second-hand smoke on my physical disabilities: chronic asthma, glaucoma, sleep apnea, medicines used for poly-cystic ovary syndrome, and high blood pressure. That same day I received a notice from Ms. Schroff that Tania Story had lodged a written complaint about alleged "stomping noises" occurring every night in my bedroom at about 1:00 AM. My brother and I could never determine what this "stomping" might be, as we rarely used the bedroom from 12:00 AM to 2:00 AM, being in the living room and dining area. Our attempts to determine what Ms. Story might have been hearing were rebuffed by her. Ms. Schroff told me that Tania continued to make written complaints against me, but I never received notices about them. Ms. Schroff informed me that Ms. Story had continually complained about her previous upstairs neighbor Ms. Denise Toland (Clausen), now in G-103, four years out of seven.

My health was deteriorating from my exposure to Ms. Story's second-hand smoke. When Ms. Schroff allowed Mr. Akey to move in with Tania — he is also a chain-smoker — the significantly increased levels of smoke began to have severely dangerous effects on my health. I suffered several episodes in which my breathing stopped. I was forced to use four different asthma inhalers and two different allergy medicines. My eye pressure increased, forcing my ophthalmologist to add eye-drop medicines to reduce ocular pressure. I had chronic bronchitis; I was continually on courses of antibiotics. I had chronic sinusitis with terribly painful sinus headaches.

The 2006 "transfer" list I obtained from the CalHFA public records officer indicates I was allegedly placed on it by Ms. Schroff on 10/25/05. However, I was not placed at the top of the list as the HUD Occupancy Manual requires accommodations for disabilities to be. It was also listed as R/E, for required/elective. Ms. Schroff told me that she was not going to allow me to transfer to a ground-floor apartment. In March 2006, Apartment B-105 below my brother's

became available. It has no adjacent smokers, unlike A-101. When I asked Ms. Schroff why she hadn't transferred me to this apartment, she told me it was reserved for wheelchair users. However, Ms. Jeton Holland, who was moved in, does not use a wheelchair and we have similar mobility issues.

By August 2006, I felt like I was going to die. Ms. Schroff told me no other apartments were coming available and she urged me to leave Mission Gardens, telling me and my brother that I should "move on". At this point, I came to my brother's apartment after my breathing stopped one night, to sleep there. He was so worried about me, that he demanded I temporarily move in with him and assisted me in gaining legal counsel, at the cost of several thousand dollars, to force TerraCorp to address accommodating the effect of Ms. Story and Mr. Akey's second-hand smoke on me. Please closely review the correspondence between Attorney Ed Frey and President Matthew Locati of TerraCorp which I will provide you with next Monday. Mr. Locati was not cooperative, to the point of being cruelly negligent. Attorney Frey was preparing to litigate after six months of Mr. Locati ignoring his requests to address this situation.

During Attorney Frey's representation of me, Ms. Story showed blatant disregard for her smoke's effects on my health, leaving me a note (on my door) saying my health was not her problem and that the owner (of Mission Gardens) would never limit her smoking. She also threatened to sue me for having a legal advocate address her smoke's effect on me after I informed her of its consequences for my health through the mail which Attorney Ed Frey required I do as a first step towards conciliation.

Finally after seven months, Apartment A-101 came available due to the death of its occupant. She had been a three pack a day chain-smoker since Mission Gardens was built. Her walls were yellowed. The ventilation was filled with smoke residue. Apartment A-101 is adjacent to two smokers. Mr. Locati characterized Ms. Coronado as a "light smoker" in a verbal communication. Since I moved into A-101 I have never seen Ms. Coronado light up a cigarette. This was the accommodation I was presented with, an imperfect and untimely one.

Until about two months ago, I lived beneath Ms. Coronado with no ill-effects from her smoking, because it never entered my apartment. The only exception was when her son stayed briefly with her. After Ms. Coronado was forced by the Fire Marshal to clean up her apartment, increasing levels of second-hand smoke began entering my apartment from our shared ventilation. Ms. Coronado began leaving rats and snakes on my porch. She also started moving my plants and my water hose attachment, breaking it. No one else at Mission Gardens has to allow other residents to use or leave their belongings on their porches. Ms. Coronado has an alternative access-way to her apartment which does not use my porch. I made a request to Ms. Schroff that Ms. Coronado move her plants and bench from my porch walk-way. Ms. Schroff complied, and Ms. Coronado grudgingly moved her things. However, she has started using my porch again as an access-way and makes faces at the camera placed in my window as protection from her attempts to illegally enter my apartment.

To sum:

1. I feel desperate. My health is again deteriorating from my exposure to Ms. Coronado's

increased level of smoking. I cannot go through another experience like I did with Ms. Tania Story and Mr. Craig Akey.

2. I am fearful; I don't feel safe. Ms. Coronado's erratic, irrational behaviors towards me scare me. They seem to be escalating, and given her emotional disability, I fear what might happen if she continues.

3. I feel violated. Ms. Coronado, in her increased use of my porch, makes faces at my camera. She also broke another water sprayer attached to my water hose. Ms. Coronado believes these sprayers cause the hose to leak. She seems obsessed with my porch and my belongings on it. She has complained to me and others that I use plastic pots and they don't match.

Considering what I suffered when I lived above Ms. Story and Mr. Akey, Ms. Coronado's increased smoking after the Fire Marshal visited her, her attempts to illegally enter my apartment — forcing me to place a video camera there to protect against it — her obsession with my porch, and her stalking-like behavior by leaving dead rats and snakes on my porch, I request the following accommodations:

1. Ms. Coronado's smoking be limited so that it does not enter my apartment, and if necessary she be transferred to a ground floor apartment more appropriate for a resident with a dog and two cats — I have noticed that she leaves her dog on her back balcony and it scratches and whines, waking me up in the morning.

2. Ms. Coronado be required to use her alternative access-way to her apartment, never entering my porch.

3. Ms. Coronado be required to not speak to me, nor to my visitors. who she has asked inappropriate questions of.

4. Ms. Coronado be required to cease leaving dead animals on my porch.

I am certain that a reasonable, effective solution, meeting my requests can be made. I appreciate your prompt attention to what I have written. I welcome the John Stewart Company after problems receiving reasonable accommodations by the former managing agent. Thank you for your sincere concern about my situation.

Respectfully,
Patricia Colby

email: pecolbe@yahoo.com, meke@baymoon.com
telephone: 831.458.4240

postal address:
849 Almar Avenue., Suite C-242
Santa Cruz, CA 95060



County of Santa Cruz

HEALTH SERVICES AGENCY

POST OFFICE BOX 962, 1080 EMELINE AVENUE, SANTA CRUZ, CA 95061-0962

SANTA CRUZ HEALTH CENTER
1080 EMELINE AVE.
SANTA CRUZ, CA 95061
(831) 454-4100 FAX: (831) 454-4296

WATSONVILLE HEALTH CENTER
9 CRESTVIEW DRIVE
WATSONVILLE, CA 95076
(831) 763-8400 FAX (831) 763-8081

TDD: (831) 454-4123

OUTPATIENT MEDICAL CLINICS DIVISION

November 1, 2005

Re: Patricia Colby (DOB: 01/05/1961)

To Whom It May Concern:

I am writing in regards to Ms. Patricia Colby. I have been her primary care physician since 2003, and she has been a patient at our clinic since 1999. Ms. Colby suffers from severe asthma and sleep apnea. She is extremely susceptible to asthma exacerbations, and second hand smoke is one of chemical agents that triggers these exacerbations. It is important that she live in a smoke-free environment. If there are any questions, please contact me at the number listed below.

Sincerely,

Wendy Leonard, MD
1080 Emeline Avenue
Santa Cruz, CA 95060
(831) 454-4100



County of Santa Cruz

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TDD: (831) 454-4123

OUTPATIENT MEDICAL CLINICS DIVISION

August 2, 2006

Re: Patricia Colby (DOB: 01/05/1961)

To Whom It May Concern:

I am writing in regards to Ms. Patricia Colby. I have been her primary care physician since 2003, and she has been a patient at our clinic since 1999. Ms. Colby suffers from severe asthma, severe sleep apnea, glaucoma, and polycystic ovarian syndrome. Since being exposed to the second hand smoke of her neighbor, Patricia's symptoms of asthma and sleep apnea have worsened. The pressures in her eyes have increased, and this is indicative of second hand smoke exposure. In addition, she requires medications that are dangerous when mixed with tobacco smoke exposure. She has also experienced worsening allergies, elevated blood pressure, and worsening bronchitis since this exposure began.

As you may be aware, environmental tobacco smoke (second hand smoke) has recently been formally identified as an airborne toxic substance that may cause and/or contribute to death or serious illness. Second hand exposure has been linked to increased eye pressures, increased cardiovascular risk when combined with oral birth control pills, worsened GERD and increased production of inflammation and fluid retention in the upper airway that leads to worsened obstructive sleep apnea. I have seen serious decline in Patricia's health since she has been exposed to second hand tobacco smoking while living at your residence. I am very concerned that her condition will continue to deteriorate unless the toxic substance is removed from her residence. I strongly encourage that action be taken to eliminate the second hand tobacco exposure that is currently impacting Patricia's health. If there are any questions, please contact me at the number listed below.

Sincerely,

Wendy Leonard, MD

1080 Emeline Avenue
Santa Cruz, CA 95060
(831)454-4100

SANTA CRUZ MISSION GARDENS APARTMENTS
90 Grandview Street
Santa Cruz CA 95060
831-426-2036

August 16, 2006

Patricia Colby
90 Grandview St. #C201
Santa Clara CA 95060

Dear Pat:

This letter is in response to the letter you gave me dated 8/15/06 in regards to your downstairs neighbor Tania and her smoking.

I have explained to you in the past this is a smoking property. Tania and her boyfriend may smoke any where on the property except the management office, community room or the laundry rooms. Tania and her boyfriend need to make sure that they do not drop their cigarette butts on the grounds they must be disposed of correctly. She should have respect for your needs and not smoke around your stairwell.

I spoke to Tania on 8/15/06 regarding your complaint that you feel she is harassing you. She said she was not intending to do so. I asked her to speak to her boyfriend to be careful not to drop cigarette butts on the grounds. I also asked her if she was involved at all in your receiving the package from (Winston, I believe) containing the camera and pack of cigarettes. She said she had nothing to do with that. She states that she does not want to have trouble with her neighbors. Tania also feels you were harassing her when you took the photo of her.

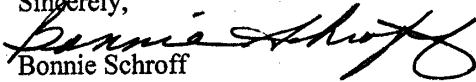
I hope that you both will be able to work this problem out since you both live so close together.

Regarding your illness do to the cigarette smoke I have had you on the transfer list since 10/25/05. There has not been an apartment available since that date with non smokers living close. It would not solve the problem if you were transferred to another apartment with smokers close by.

with smokers close by.

I mentioned to you at one time if you and your brother would like to trade apartments since he has non smokers living close to him. At that time you stated that he wanted to stay in his apartment. You might still consider this as an immediate solution. You will be notified as soon as a suitable apartment with non smokers close by becomes available. If you have any other questions please feel free to contact me at 426-2036.

Sincerely,


Bonnie Schroff
Site Manager