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SC Court of Appeals



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ColumbiaHousingSC.org

## Notice of Informal Hearing Decision

### Columbia Housing Authority

<b>Date:</b>	December 23, 2024
<b>Name of Housing Choice Voucher Participant:</b>	Kevin Smith
<b>Address of participant:</b>	3430 Kay Street Apt A-3 Columbia, SC 29210
<b>Hearing Date and time:</b>	Friday, December 13, 2024, 1:00 pm
<b>Hearing Location:</b>	Zoom
<b>Hearing Officer:</b>	Latoya Nix, <i>Hearing Officer</i>
<b>Name of Housing Authority Representative(s)</b>	Maxine Donaldson, <i>HCV Team Lead</i> , and Maxine Rice, <i>Housing Specialist</i>
<b>Name of Family Representative(s)</b>	None
<b>Others present at the hearing</b>	Stephanie Adam, <i>Area Manager</i> Keanah Johnson, <i>Property Manager</i> Daniel Desantis, <i>Property Owner</i> Damian White, <i>Chief of Security</i> Rickey Haile, <i>System Analyst</i> Katrina Bridgette, <i>Ross Coordinator</i>
<b>Intended Action:</b>	Columbia Housing's intent is to terminate the housing assistance for Kevin Smith due to: <b>Section 4, D;2 of the Family Obligations</b> as stated on the voucher. The Family (including each family member) must not: Commit any serious or repeated violation of the lease.
<b>Decision:</b>	Intended action is <input checked="" type="checkbox"/> Upheld <input type="checkbox"/> Overturned. The Hearing Officer will uphold the decision to terminate Kevin Smith's rental assistance due to serious and repeated lease violations. Aggression towards staff Poor conditions of the unit (Smoking and trash) Failure to allow entry into the unit. Harassment toward the owner (Mr. Desantis) Disturbing the peaceful enjoyment of the community

Latoya Nix, the Hearing Officer, conducted an informal hearing on December 13, 2024, via zoom.

## FINDINGS

- **August 2, 2024**
  - Tenant, Kevin Smith was charged a \$50.00 fine for Failure to allow entry to complete a work order.
- **August 6, 2024** (Case Number 2408023006)
  - Area Manager, Stephanie Adams called the police for an escort to Kevin Smith's unit at 3430 Kay Street Apt A-3.
    - The police report indicated several Deputies spoke with Mr. Smith and advised him of the property management's right to enter.
    - The police report stated that it took 30-40 minutes for the police to explain property management rights to enter the unit until Mr. Smith finally allowed property management into the kitchen.
    - The report stated that property management asked Mr. Smith for access to the rest of the apartment and Mr. Smith denied her access, stating that it was unnecessary.
- August 6, 2024
  - Pictures taken of the hole in the kitchen wall and sink filled with dirty dishes and cigarette butts.
- **August 6, 2024**
  - Kevin Smith was issued a 14- days' Notice to Quit
- **August 12, 2024** (Case Number 2408025912)
  - Property Manager, Keanah Johnson called the police to report that Mr. Smith was at the leasing office screaming, yelling, and refusing to leave.
- **August 14, 2024** (Case number 2408017614)
  - Property Management called the police for an escort with the plumbers to Mr. Smith's unit at 3430 Kay Street Apt A-3.
    - The report noted that Mr. Smith answered the door and immediately began to say that nobody was going to enter his apartment, and Management had no right to fix anything in the building.
    - The report noted that Mr. Smith was irate and hostile, and he made several racial remarks about Ms. Johnson
    - The report noted that Mr. Smith stated that he was assaulted and requested to press charges, however; the report indicated that Mr. Smith was never touched nor was there an attempt to touch Mr. Smith.
- **August 14, 2024**

- Pictures taken of multiple cigarette butts in a bowl on the cluttered countertop and in the kitchen sink.
- **September 26, 2024**
  - Rule to Vacate filed.
- **October 02, 2024** (Case number 2410027102) Intimidation
  - Area Manager, Stephanie Adams called the police to report that Kevin Smith made threats to come to her residence.
- **October 02, 2024** (Case number 2410018702)
  - Police report filed by Kevin Smith stating that the maintenance staff was harassing him.
- **October 9, 2024** (Case number 2024OR4010500094)
  - Daniel Desantis VS Kevin Smith
    - Application for a restraining order filed.
- **October 18, 2024**
  - **Civil Court Motion Hearing**
- **October 21, 2024**
  - **Writ of Ejectment**
- **October 29, 2024**
  - Application for a restraining order is granted for harassment or stalking.
- **October 31, 2024**
  - Application of Appeal filed.
- **November 8, 2024**
  - Notice of Proposed Termination mailed to Kevin Smith
- **November 27, 2024** (Case number 2411031926)
  - Police report filed by Kevin Smith alleging that his power was cut off. He also noted that he felt threatened by staff.
    - The police did not confirm the allegations.
- **December 05, 2024** (Case number 2412017905)
  - Police report filed by Kevin Smith stating that the maintenance person said, "Your time here is coming to an end."
    - Police contacted the witness who stated they did not hear the conversation.
    - A review of the camera did not show any criminal violations from maintenance.
- **December 13, 2024**
  - Informal Hearing conducted by Latoya Nix
- Mr. Smith was notified that maintenance would be coming to complete work inside of his unit, however, he did not allow entry on multiple occasions.
  - Police reports support this.
- Mr. Smith contacted the owner's wife multiple times on her cell phone.
  - A screenshot of the cell phone record supports this.

- Mr. Smith left multiple voicemails using an aggressive tone on the owner's voicemail.
  - Voicemails heard during the hearing support this.
- The owner, Mr. Desantis, was granted a restraining order against Mr. Smith for harassment/stalking.
  - A copy of the restraining order supports this.
- Mr. Smith admitted to smoking inside of his unit although the unit is non-smoking.
  - Mr. Smith admitted to this during the hearing.
- Several police reports were filed by Mr. Smith and the property management company against each other.

Based on the evidence presented (testimonies, emails, videos, and notices sent to Mr. Smith) Mr. Smith failed to adhere to the “Family Obligations” repeated lease violations as described in the Section 8 program. The rental assistance will terminate on January 23, 2025.

Date of Decision: December 20, 2024

LaToya Nix  
Hearing Officer

Date of Mailing: December 23, 2024

A copy of the hearing decision was sent first class mail to Kevin Smith and emailed to Maxine Donaldson, HCV Team Lead.