

Fresno couple's complaints lead to eviction

By Pablo Lopez



Felicia Navarro and Sisomphone Phanvongkham with their daughter Kaylina Navarro, 7, at the apartment at left, that they were evicted from at the Parc Grove Commons, a public housing development at Fresno Street and Clinton Avenues in central Fresno.

JOHN WALKER — THE FRESNO BEE [Buy Photo](#)

Felicia Navarro and Sisomphone Phanvongkham aren't typical litigants in Fresno County Superior Court: they never finished high school and don't have a lawyer to guide them.

Yet when it comes to presenting their legal case against the Fresno Housing Authority and GSF Properties, Inc., they are determined.

They contend they were wrongfully evicted from Parc Grove Commons, a public housing development in central Fresno, for practicing free speech — in a nearly two-year period they lodged dozens of complaints about unsafe living conditions and management harassing them.

"All we did was exercise our tenant rights," Navarro said. "They evicted us to shut us up."

But a lawyer for GSF Properties, which manages Parc Grove Commons for the Housing Authority, says the couple broke the lease agreement.

"It's unfortunate they squandered a good situation," said Fresno attorney Steven R. Hrdlicka, noting that the couple

only had to pay \$114 a month to rent a two-bedroom, one-bath apartment. The Housing Authority picked up the remainder of the \$734 monthly tab.

“Somehow they believe people owe them something and that we are out to get them. It’s simply not true,” Hrdlicka said.

Navarro, 26, and Phanvongkham, 35, say otherwise, and [court documents](#) spell out a tangled tale. The two sides will square off in a courtroom in May.

A home at last

Navarro and Phanvongkham met 10 years ago at Cesar Chavez adult school in downtown Fresno and have been together ever since. Neither has a criminal record, court records show. Their daughter, Kaylina, is 7.

Navarro grew up in Fresno and attended Hoover and Fresno high schools, but says she didn’t get a diploma. Phanvongkham was born in Laos and says his family lived in a Thailand refugee camp before coming to America in the 1980s. He says he went to Edison, Duncan, Roosevelt and McLane high schools, but didn’t graduate. Neither is currently employed.

Two years ago, Navarro and Phanvongkham said, they were homeless in Fresno when they qualified for the Housing Authority’s rental assistance program. In June 2012, they began leasing a second-story apartment at Parc Grove Commons — one of three new public housing developments built by the Housing Authority between 2009 and 2012 for low-income families and the homeless. (The other two are Renaissance at Santa Clara in downtown Fresno, and Renaissance at Alta Monte in central Fresno. The Housing Authority also spent more than \$1 million on renovations to Pacific Garden in southeast Fresno.)

Navarro and Phanvongkham and their daughter lived at 2247 N. Angus St., apartment 205. Within a month of moving in, Navarro said she received a PG&E bill for \$114 that she said didn’t belong to her. “When I went to the office to find out why, staff avoided me and gave me the runaround,” Navarro said.

In August, she complained about a metal pin sticking out of a door hinge that cut her and her daughter, Housing Authority records say. She filed dozens of work orders to have the door hinge fix, but she said the work was never done in the 21 months that she and her family lived at Parc Grove Commons.

Navarro also complained about maintenance workers peeking through her windows and coming into her home unannounced. “One time I was bathing my daughter,” she said. “They scared me to death.” Management later apologized to her, according to a letter from GFS Properties dated Nov. 11, 2013.

Over the months, the couple accused management of showing favoritism to certain residents and asking neighbors and security to spy on them. Though Navarro and Phanvongkham contend management tried to avoid them, they said they still paid rent on time.

Housing Authority response

In a July 11, 2013 letter, Navarro they listed her complaints about GSF Properties to the Housing Authority. Richard Bradley, director of housing management, wrote back to Navarro in October 2014, informing her that the PG&E bill was, in fact, incorrectly given to her.

Regarding the metal pin on the hinge of the door, Bradley says it was part of the design. “The matter would be researched. In the meantime, please do not touch that part of the door,” his letter says.

Bradley’s letter says maintenance staff seen outside Navarro’s apartment window were picking up trash and power-washing the area where pigeons were roosting. “The H.A. apologized if it was felt there was favoritism shown,” the letter says.

Hrdlicka, however, said the couple also made several unspecified accusations regarding management and staff. On Dec. 18, 2013, Navarro and Phanvongkham were given a notice to vacate. They were ordered to hand in their apartment keys by March 14, 2014.

“You have been disturbing the peaceful enjoyment of the premises by other residents by knocking on their doors and repeatedly asking them to sign a petition regarding unfounded accusations,” the eviction notice said.

Navarro said she sought legal advice from dozens of lawyers, but they wanted money to represent them. “We don’t have any money. We don’t even own a car,” she said.

Navarro and Phanvongkham said Central California Legal Services, Inc. did help them by writing a letter to the landlord, saying the eviction appeared to be retaliatory.

But after the letter was mailed, the agency told Navarro in a Jan. 8, 2014 letter: “Now that all the agreed-upon work has been completed on your case, we are closing your file with this office.”

“Their help was a joke,” Phanvongkham said.

“It only made our situation worse,” Navarro said.

Evicted

On Jan. 24, 2014, GSF Properties filed an unlawful detainer lawsuit against the couple.

In general, an unlawful detainer lawsuit is brought by a landlord to regain possession of rented property and receive payment of back rent. In order to legally evict a tenant, the landlord must file an unlawful detainer lawsuit.

Fresno County Superior Court could not say last week how many unlawful detainers are filed each year, but Hrdlicka said Superior Court officials devote two courtrooms for these cases every Tuesday.

Hrdlicka says his law firm handles 120 unlawful detainers each month in the Valley. He said the people being evicted aren’t “bad people, they just make bad decisions.”

For instance, he said, evictions pick up around the time the Big Fresno Fair is in operation. Instead of paying rent, some tenants prefer to spend their money at the fair, Hrdlicka said.

In court, Hrdlicka said, he often sees unlawful detainer defendants holding smartphones, wearing expensive nail polish and driving nice cars. “I guess they would rather have that than a roof over their heads,” he said.

In tough economic times, Hrdlicka says many landlords understands the plight of families. “In many cases, they will work with their tenants,” he said, noting that some landlords have allowed multiple families to live in one dwelling, when the lease calls for only one family.

Navarro and Phanvongkham, however, said GSF Properties was out to get them. They have spent countless hours researching the law on the Internet.

Hrdlicka agreed that the couple has been tenacious at filing legal motions. But he also said they really don’t know or understand the law. “They have lost every step of the way,” he said.

The legal fight

The couple first challenged the eviction by filing a motion to quash, contending the eviction notice was legally defective. A judge denied the motion when the couple failed to show up for court. Navarro and Phanvongkham said they couldn’t make it to the hearing because their daughter was ill.

In hopes of keeping the eviction off their record, Navarro and Phanvongkham signed a stipulated agreement with GSF Properties in open court on March 4, 2014. Hrdlicka said Judge Carlos Cabrera went over the agreement and made sure the couple understood it.

But Navarro and Phanvongkham said they felt pressured to sign it. "What could we do? We thought it was our only chance to get another place to live," Navarro said.

The agreement called for them to leave Parc Grove Commons by March 13, 2014. Soon after the agreement, the couple filed a motion seeking additional time to move out, Hrdlicka said in court papers. The motion was denied.

At a hearing on May 27, Cabrera ordered the couple to pay \$337 in back rent, \$490 in court costs, and \$1,500 for Hrdlicka's attorney fees. Hrdlicka said the couple has yet to pay.

Navarro and Phanvongkham said they have tried to pay, but Hrdlicka modified the stipulated agreement without their consent and deliberately put up hurdles to prevent payment so they would default on the agreement. "It's twisted," Phanvongkham said.

Since the eviction, Navarro and Phanvongkham have been living with relatives in Fresno.

They have filed an appeal to dismiss the stipulated agreement and the judge's order to pay. The hearing is scheduled for May 6 in front of a panel of three Superior Court judges.

Hrdlicka said the couple's appeal isn't clear, "but it appears that the defendants somehow believe the stipulated agreement and order was somehow modified, and the court's decision should be reversed."

Navarro and Phanvongkham said that's exactly what they plan to argue in court.

"They want us to shut up and go away," Phanvongkham said. "But we plan to take it all the way."

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