

San Diego Housing Commission  
**POLICY**

Subject: **CLAIMS AND LEGAL ACTIONS AGAINST THE HOUSING COMMISSION**

Number: **PO208.000**

Effective Date: **7/15/91**

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1. BACKGROUND

1.1 The protection of Housing Commission assets and the safety of employees, residents and the public is secured through adequate insurance coverage and by risk control measures administered through the Risk Management Program. This policy formalizes the method in which claims and legal actions against the Housing Commission are resolved.

2. PURPOSE

2.1 To ensure the expedient and efficient processing of all claims and lawsuits filed against the Housing Commission.

2.2 To provide clarification of authority and responsibility for the resolution of claims and legal actions.

2.3 To ensure that actions taken to resolve claims and legal actions are in the best interests of the Housing Commission.

3. POLICY

3.1 All claims shall be filed with the Executive Director.

3.2 Administrative procedures for the processing of claims and legal actions are contained in the Risk Management Program.

3.3 The Executive Director is authorized to administrate claims against the Housing Commission pursuant to Government Code 935 et seq. and as hereinafter provided.

3.4 The Executive Director shall designate a risk manager to investigate claims up to, but not anticipated to exceed, the amount of liability insurance deductible applicable to the claim.

3.5 The Executive Director shall have the authority to allow, deny or compromise claims up to, but not exceeding, five thousand dollars (\$5,000).

3.6 All claims exceeding the applicable liability insurance deductible, but within the limits of coverage, shall be adjusted by that carrier.

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Approved:

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Elizabeth C. Morris  
Executive Director

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Carrol M. Vaughan  
Deputy Executive Director, Operations

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- 3.7 All claims in an amount exceeding \$5,000, and not covered under liability insurance, shall be allowed or denied under the Housing Commission, or the Housing Authority of named, unless otherwise denied by operation of law. A claim denied by operation of law is recognized as denied by Government Code Section 912.4 when, after forty-five (45) days of filing the claim, no action has been taken either by way of acceptance or denial.
- 3.8 Notification of denial of claim, whether by the Executive Director, the insurance carrier, the Housing Commission, the Housing Authority or by operation of law, shall be made in writing to the claimant.
- 3.9 In all cases that are settled, payment shall be made to the claimant following the claimant's properly signed and executed release of the Housing Commission from further liability.
- 3.10 Advice and consent of the Housing Commission General Counsel on questions of law shall be sought in all cases adjusted by the Executive Director.
- 3.11 Advice and consent of the Housing Commission General Counsel shall be sought in all cases in which a summons and complaint is served on the Housing Commission.
- 3.12 Where a summons and complaint is covered by the Commission's general liability carrier without a reservation of rights the carrier shall control the defense of the claim and coordinate that effort with the Housing Commission General Counsel. In all matters where a reservation of rights is asserted by the carrier, the Housing Commission General Counsel shall be responsible for resolving coverage issues with the carrier and recommending independent counsel for the Housing Commission.
- 3.13 Where a summons and complaint is not covered by the Commission's general liability carrier, the General Counsel shall control the defense of the claim, or recommend special counsel.
- 3.14 Data on the Housing Commission's claims volume and expense experience shall be maintained by the Executive Director or designee.

History

Adopted: 7/15/91