

**Newark Housing Authority  
Board of Commissioners  
“Special Meeting”  
Friday, April 26, 2019**

**Summary of Meeting Minutes**

**Opening:**

The scheduling of this Special Meeting was at the written request from two of NHA’s Commissioners to the Board Chairperson Lloyd Harris. The request of the meeting and the manner in which each board member was notified was consistent with the By-Laws and was hereby called by the Chairperson. The meeting was called to order at 1:00 PM.

**I. Roll Call:**

Board of Commissioners present: Lloyd Harris, Donna Shand, Nikki Lane and Marguerite Ashley. Marene Jordan; Executive Director and Donald Gouge Jr. NHA’s attorney were also present.

Absent: Kevin Heitzenroder and Emile Brown.

Note: One Board Vacancy (Mayoral Appointment – Mark Doughty Resigned)

**II. Approval of Minutes:**

**(a). Minutes from March 2019**

The Chairperson asked for approval of the minutes from the March 13, 2019 Meeting. Mrs. Lane made a motion to approve the minutes. The motion was 2<sup>nd</sup> by Ms. Shand.

Aye 3 (Ms. Shand, Mrs. Lane and Ms. Ashley)  
Nay 0  
Motion passed, Vote: 3 to 0  
Abstain: 0

**(b). Executive Session Minutes from March 2019**

The Chairperson asked for approval of the Executive Session minutes from the March 13, 2019 meeting taken by Ms. Ashley. Ms. Shand made a motion to approve the minutes. The motion was 2<sup>nd</sup> by Mrs. Lane.

Aye 3 (Ms. Shand, Mrs. Lane and Ms. Ashley)  
Nay 0  
Motion passed, Vote: 3 to 0  
Abstain: 1 (Mr. Heitzenroder was not present for the meeting)

**III. Report of the Executive Director:**

**(a). Staff Report:**

The Chairperson asked for the report of the Executive Director for the month of March. Mrs. Jordan provided the following report:

### **President Trump's 2020 Proposed Budget Cuts:**

In recent a communication with a representative from Senator Carper's office, NHA was able to re-emphasize the concern for desperate measures to be put in place in an effort to avoid another crisis for NHA as an agency that is 100% federally funded. The two key funding sources proposed for elimination that could affect NHA is the Capital Funds and the CDBG. Emphasis was placed on how the elimination, loss or cut in any funding sources will have a huge impact on our operations, our development plans and our residents who may face the possibility of becoming homeless.

In summary Senator Carper's representative responded with this:

*The president only gets to propose a budget. Under the constitution, Congress has the power to pursue or to make the final decision when it comes to appropriating taxpayer dollars. During the previous two appropriation cycles, members of Congress from both sides flat-out ignored most of President Trump's proposed cuts. Senator Carper's representative went on to say that while Senator Carper does not serve on the Appropriations Committee, he still advocates for funding for these and other HUD programs by joining "Dear Colleague" letters sent to members of the Appropriations Committee. For FY2020, Senator Carper's has signed a "Dear Colleague" letter advocating for robust funding for several funding sources. Although the President gets to release a budget advertising his priorities each year, the final decision maker in this process is Congress who gets to show whether or not they agree with the President by passing annual spending bills. The President could refuse to sign the bills into law, and that is exactly what we saw at the beginning of this year with the shutdown. However, before the current administration, common sense suggested no President would want to be in the politically undesirable position of having to explain to the American Public why he vetoed a spending bill that provided funding for critical, and in some cases lifesaving programs and services. Senator Carper's representative has the Newark Housing Authority on his radar in a sense that he is aware of our 100% dependency on federal dollars. He re-emphasized that Senator Carper will oppose these thoughtless cuts to HUD programs proposed by the Trump Administration and work with his colleagues to pass spending legislation that provides necessary funding.*

In the next few months, Carper's representative will discuss with Mrs. Jordan possible ways to secure sustainable and reliable funding sources moving forward.

### **Mayor and Council Meeting – "Public Meeting (Student Housing)":**

NHA attended a Council Meeting on Wednesday, March 27th as part of a discussion group regarding the student housing issues in our community. In summary, affordable and senior housing appeared not to be a part of the issue. It's questionable as to if there is even an actual concern for both. It appears the City's approach and concern is geared more towards student housing and the income associated with it. There was much discussion about how the closed student dorms (beds lost) was by no means equivalent to the dorms opened (beds made available) since 2015. The difference in beds lost from 2015 to 2019 is 1,913. The loss in beds does not include the students that are housed in the private sector. This number is around 3,300. The University is only responsible for housing the freshmen. The new admissions for freshmen increase each year. A strain is put on the housing market once students are no longer freshmen because they are forced to find off campus housing which cripples the market for our Section 8 program participants.

Mrs. Lane mentioned that she believes that we need to voice our position on "affordable housing" with the "New" Mayor, Jerry Clifton.

Mrs. Jordan responded that Jerry Clifton was the Councilman (prior to him becoming Mayor) in whose jurisdiction NHA is located and that she had a very good rapport with him. She added, Jerry has always been very supportive of NHA. Mrs. Jordan will follow-up with Jerry in his new role as Mayor.

Mrs. Jordan added that the newly elected Councilman for District 1 - James Horning reached out by email in an effort to meet and discuss affordable housing and any issues that perhaps Council can be of further help in pursuing/accomplishing our mission. A meeting date and time is to be determined.

Mrs. Lane asked if NHA was appointed to the Rental Needs Committee regarding Student Housing.

Mrs. Jordan responded, "Yes, this Rental Needs Committee is the 2<sup>nd</sup> phase of a Rental Needs Assessment that was requested by the City and completed by an outside firm several years ago but nothing was done with the data. So hopefully, this committee will have better results in a collaborative effort in meeting ALL the needs of the City not just student housing."

**Vera Institute of Justice; Unification Initiative:**

NHA is pleased to report that meetings have resumed with Vera Institute of Justice. They are the consultants hired to assist the State of Delaware in an Opening Doors to Public Housing initiative to reunite people from prison with families who participate in federally funded housing programs. Representatives from Vera Institute met with representatives from each agency to discuss policies and procedures that are specific to their areas of jurisdiction. NHA's onsite meeting was held on Wednesday, March 27th at our office. The three primary goals to be addressed are:

- Develop a family reunification housing program using best practices;
- Update ACOP Policies/Administrative Plans to improve access for those returning to their communities following involvement with the criminal justice system; and
- Adopt and implement a standard admissions matrix for conviction history.

NHA asked if we can explore ideas that would house persons being released from prison who DO NOT have families to reunite with under this initiative but need housing as well. The reply was "Yes" Re-entry as another phase could be discussed at a future meeting.

Mrs. Lane was supportive of the initiative and concurred with the statewide collaboration in developing a unified policy for the state.

The Chairperson asked for approval of the Staff Report for the month of March 2019 meeting. Ms. Shand made a motion to approve the Staff Report. The motion was 2<sup>nd</sup> by Mrs. Lane.

Aye 3 (Ms. Shand, Mrs. Lane and Ms. Ashley)  
Nay 0  
Motion passed, Vote: 3 to 0  
Abstain: 0

#### **IV. Committee Reports:**

##### **A. Report of Policies, Procedures, Compliance & Personnel Committee – Chairperson (Vacant):**

The Chairperson of this Board mentioned that this sub-committee is vacant. Mrs. Jordan responded that Mr. Doughty has resigned. She will follow-up with the City Secretary as a timeline for a replacement. Mrs. Jordan will add this topic to next month's agenda to discuss/nominate a Chairperson for this committee.

##### **B. Report from Development Committee – Chairperson (Mr. Heitzenroder):**

Mr. Heitzenroder was not present for this meeting. In his absence Mrs. Jordan reported the following. She mentioned that Mr. Heitzenroder's board term expires in July and since the board of commissioners do not meet in July that Mr. Heitzenroder's last official board meeting will be in June.

Mrs. Jordan reported the following as an update for this committee:

##### **(1). Overview – Update:**

- RFP 2018-02-Mixed Finance Housing Development Legal Counsel: The Newark Housing has formally signed an engagement letter with Reno & Cavanaugh. Reno & Cavanaugh was the mixed financed counsel procured for Alder Creek. NHA was fortunate enough to be working (once again) with the same legal council representative, Martin Wash who assisted in closing the deal at Alder Creek. A conference call was held to provide an update on where we are in our development plans.
- RFQ 2019-02 Developer Partner – NHA received a draft of the solicitation. A review is pending.
- PIH Notice 2019-05- Under this streamlined conversion, NHA MUST be fully converting out of the public housing program in order to benefit from the streamlined conversion. What that means, is that NHA would also need to convert the 42 public housing units at Alder into some form of section 8 as a requirement of this notice as well as convert the 54 units currently under NHA's housing portfolio. The team consisting of NHA, Reno & Cavanaugh and CSG Advisors believe that our next steps should be:
  1. Finalize and Circulate the RFP for a Developer Partner
  2. Pursue streamlined voluntary conversation under PIH Notice 2019-05 for George Reed Village II
  3. Inquire into a RAD conversation for Alder Creek

The team is exploring all options to ensure the best plan moving forward to successfully transition our aged housing stock into new, vibrant, energy efficient units to improve the quality of housing we offer our program participants.

- NHA challenged the PIH notice on the call on Tuesday that mentioned units owned vs. ACC units simply because NHA does not own nor manage the units at Alder Creek but only provides the subsidy. HUD's response was that these units must also be converted as the notice indicates a full conversion of ACC units regardless of ownership.
- NHA participated in a HUD conference call with our field office to discuss streamlined voluntary conversion on Tuesday, April 23<sup>rd</sup> for small PHAs - PIH Notice 2019-05. The call was informative. As a follow-up to that call, HUD has made small PHA's aware that Technical Assistant will be

available for small PHA's to help with repositioning their housing stock. NHA will take full advantage of this assistance.

- Environmental Review for our redevelopment of George Reed Village II is due Mid-May.
- The updated Physical Needs Assessment (PHA) is also due Mid-May.
- Board Resolution #396 may need to be amended to include the streamlined voluntary conversion. The annual plan will need to be updated to include this new initiative for repositioning our housing stock.

**(2). RFP 2019-01 (A&B) – Appraisal Service:**

- Both RFP's were streamlined as much as possible given the feedback we received from folks who have expressed interest in responding. Both RFP's will be available on Monday, April 29, 2019. The responses are due on Tuesday, May 28th. With RFP B (Scattered Sites), the 18 properties were grouped into 5 sections depending on their location.

For example:

Section 1 – College Park (Madison Drive properties)

Section 2 – George Reed (McKean Place properties)

Section 3 – George Reed (Thompson Circle properties & Delaware Avenue property)

Section 4 – Cleveland Avenue (W. Cleveland Avenue properties)

Section 5 – Cherry Hill Manor (4 Patrick Henry property)

By separating the scattered properties into sections allows the proposer the option to submit a bid to provide appraisal services for all 18 properties or for a single section.

**C. Report of Finance Committee – Chairperson (Ms. Shand):**

The Chairperson of this sub-committee, Ms. Shand, was present and presented the financial reports for the period covering April 2018 – February 2019.

**(a) Monthly Financials**

In presenting the monthly financial reports (Budget vs. Actual Report) for the LIPH program, she noted there were no unusual expenses indicated in the report. She allowed time for questions.

Mrs. Lane asked if there were any unusual expenses this month.

Mrs. Jordan responded “NO”.

Mrs. Lane asked if we had an extermination policy.

Mrs. Jordan responded “Yes”. She added that our extermination policy allows for extermination services to be administered quarterly. We do perform “Special Inspections” at the request of tenants and under certain circumstances.

Mrs. Lane asked if bed bug issues were included in our extermination policy.

Mrs. Jordan responded, “No”.

Mrs. Lane recommended that NHA amend the existing policy to include beg bugs for board review and approval.

Mrs. Shand referred to the Profit & Loss report for the Section 8 program. In reviewing this report, there was nothing unusual about this report as well. There were no questions regarding this report.

Mrs. Jordan added the following to Ms. Shand’s Monthly Financial Report:

**FYE unaudited Financials:**

Within the next few weeks, NHA will be submitting the unaudited financials for FYE 3/31/2019 electronically to HUD of their review and approval.

**FYE 3/31/2019 Audit:**

The independent FYE 3/31/2019 Audit of our unaudited financials is scheduled for the 2<sup>nd</sup> week in August.

**D. Strategic Planning Committee – Chairperson (Ms. Shand):**

The Chairperson of this sub-committee, Ms. Shand, was present. However, there was no activity to report from this committee.

**V. Attorney Issues:**

N/A

**VI. Old Business:**

- A. From the other Commissioners: None
- B. From the Executive Director: None
- C. From Legal Counsel:
  - 1. Mr. Gouge reported on the status of the tenant who had a fire in her unit. The judge ruled in NHA’s favor and a wage attachment was filed to recoup the monies owed to NHA.
  - 2. Mr. Gouge reported (as a follow-up from last month) on the former tenant who had filed a Human Relations complaint a year after their participation ended. NHA did receive a draft copy of the Conciliation Agreement. A final version is pending.
  - 3. Mr. Gouge reported another former tenant has filed a complaint with the Human Relations Department for discrimination. He noted this complaint was expected and we have a fact finding case review scheduled for May 22<sup>nd</sup>.

Mrs. Lane asked for clarification as to what the discrimination complaint was for.

Ms. George read parts of the complaint for clarification purposes only.

Mrs. Lane commented that the developments of the complaint were filed after the fact and the complaint claims that NHA did not grant a Reasonable Accommodation Request for a person with a disability.

Mrs. Jordan responded “Yes” and added; “NHA (all staff members) attend Fair Housing Training every year. The most recent training attended by staff was held on March 7, 2019. During the training (sponsored by DE NAHRO) the trainer mentioned that a landlord has a right to verify a disability if the disability is unknown or not obvious.”

Example: For someone walking with a cane or is wheel-chair bound; there is some sort of disability that is clearly visible. So there would be no need for NHA to verify a disability. If someone was receiving SSDI, SSI or SSD, it’s indicative there is some sort of a disability. So again, there would be no need for verification.

However, someone who mentions having a disability relating to a car accident who did not provide any written documents until after the fact they had moved needs to be further verified to determine if the disability meets HUD’s definition of a person with a disability. Consequently, NHA received verification from a doctor (on behalf of the former tenant) that merely states that the former tenant was involved in a motor vehicle accident and could not mow her lawn and had difficulty in performing daily tasks.

Mrs. Jordan added there is a process (completion of required form) in verifying a disability to determine if a Reasonable Accommodation can be granted for a person with a disability. This process was not completed even though the form was forwarded for completion.

Mr. Harris simply commented as to how many people come into the program feeling entitled and feeling no responsibility whatsoever.

**VII. New Business:**

- A. From Commissioners: Mrs. Shand she would like to discuss having another retreat to discuss some housekeeping issues.
- B. From the Executive Director: None
- C. From Legal Counsel: None

**VIII. Visitors and/or Petition:**

Mrs. White was present. She commented and asked the following:

1. She acknowledged attending the City Council Meeting regarding student housing and heard the mention of student housing being a priority but fulfilling the need for student housing would never happen in her opinion.
2. She asked for clarification into funding for LIPH units vs. Section 8. She was not in favor of all units converting into Section 8 units.
3. She wanted clarification as to who made the decision to do away with LIPH units.

Mrs. Jordan asked Mrs. White to stop by the office so that she could explain the funding, and opportunities for improving our housing stock.

Mrs. Ashely mentioned that the Old Civic Association had reformed due to the Steering Committee's recommendation in part for the designation of the student zoned streets.

**X. Adjournment:**

The Chairperson asked for a motion to adjourn the meeting. Mrs. Lane made a motion for the board to adjourn. The motion was 2<sup>nd</sup> by Ms. Shand.

Aye 3 (Ms. Shand, Mrs. Lane and Ms. Ashley)  
Nay 0  
Motion passed, Vote: 3 to 0  
Abstain: 0

**Meeting adjourned at approximately 2:32 PM**

**Minutes Submitted by: Marene M. Jordan, Executive Director**

APPROVED