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**Newark Housing Authority
Board of Commissioners
May 12, 2021**

Summary of Meeting (Virtual Zoom) Minutes

Opening:

The regular meeting of the Board of Commissioners was called to order at approximately 5:03 PM by the Vice-Chairperson, Marguerite Ashley.

I. Roll Call:

The Vice-Chairperson made a request for Roll Call. Board of Commissioners present: Marguerite Ashley, Nikki Lane, Paul Tillman and Donna Shand. Marene Jordan (Executive Director) and Attorney Donald Gouge Jr. were also present.

Absent at Roll Call:

- Commissioner - Emile Brown (approximately 5:30 PM)
- Commissioner - Denise Forman-Gaines (approximately 5:45 PM)

Note: Both Commissioners joined the meeting after Roll Call was taken.

The Vice-Chairperson asked for a motion to approve the Meeting Minutes listed below.

II. Approval of Minutes:

(a). Executive Session Meeting Minutes from November 11, 2020

Ms. Lane made a motion to accept the Executive Session Meeting Minutes from November 11, 2020. The motion was 2nd by Ms. Shand.

Aye 4 (Mr. Brown, Ms. Lane, Ms. Shand and Mr. Tillman)
Nay 0
Motion passed, Vote: 4 to 0

(b). Special Meeting Minutes from November 30, 2020

Ms. Lane made a motion to accept the Special Meeting Minutes from November 30, 2020. The motion was 2nd by Ms. Shand.

Aye 4 (Mr. Brown, Ms. Lane, Ms. Shand and Mr. Tillman)
Nay 0
Motion passed, Vote: 4 to 0

(c). Meeting Minutes from April 14, 2021

Ms. Lane made a motion to accept the Meeting Minutes from April 14, 2021. The motion was 2nd by Ms. Ashley.

Aye 4 (Mr. Brown, Ms. Lane, Ms. Shand and Mr. Tillman)
Nay 0
Motion passed, Vote: 4 to 0

III. Report of the Executive Director:
(a). Staff Reports from April 2021

The Vice-Chairperson asked for the report of the Executive Director for the month of April 2021. Ms. Jordan provided the following report.

The month of May is our annual meeting month. As part of the annual meeting, milestones and accomplishments for the agency for the past year were shared.

Some accomplishments are as follows:

- NHA selected its developer partner for the Redevelopment of George Reed Village.
- NHA submitted its Demo/Dipso Application to HUD for the redevelopment of George Reed Village pending approval.
- The City of Newark provided NHA with a letter of support for the redevelopment of George Reed Village. Vice-Chairperson (Ms. Ashely) represented the agency at this City Council meeting.
- Recently, the City of Newark provided NHA with a letter of support for consideration in receiving a Bond financial contribution from the Joint Improvement Committee at Legislative Hall as part of their FY 2022 bond issuance in support of the redevelopment.
- NHA started the Formation of a 501C3.
- City Council approved some recommendations as a result of collaboration from the Rental Work Group of which NHA's Vice-Chairperson (Ms. Ashley) and NHA were participants.
- There was the successful signing of the statewide MOU for the Family Re-Entry Pilot Program.
- Our Section Eight Management Program score improved thereby re-ranking NHA as a High Performer.
- NHA received CARES ACT Supplemental Funds from HUD.
- NHA received no audit findings in our financial reports for FYE 3/31/2020 from the independent auditors or HUD.

The Vice-Chairperson stated that the By-laws are vague and allows for a roundup report to be provided by Mrs. Jordan at her discretion during the Annual Meeting.

Community Outreach – Resident Board Appointment:

In an attempt to recommend a resident to the Governor's office to fill the vacant resident seat on the board, NHA contacted several (three) residents who expressed an interest in possibly filling the position. However, there was no commitment.

Decrease in Affordable Housing Options:

On Tuesday, May 3, 2021, the NHA received notification that Southgate Apartments would no longer be accepting future NHA clients (Section 8 Voucher Program participants) for consideration as tenants of their rental properties. They will continue to honor leases with our current clients until any future terminations (due to specific issues) are required.

In conversation with the Property Manager for Southgate Apartments, all current NHA clients residing in the units can remain until they decide to move out or lease violations occur and terminations are enforced. Otherwise, no current NHA clients will be forced to move out or relocate.

When NHA questioned as to the reason for the decision, we were informed it was a decision made by the corporate office which is involved in a new partnership.

The Property Manager mentioned that the relationship between NHA and Southgate had been a positive one and there have been no issues which would have been a factor in the decision to end the long standing relationship with Southgate Apartments. NHA did reach out to those involved in the new partnership to inquire into this decision. NHA has not received a response.

Mr. Gouge commented that the loss of Southgate will impact the voucher program. Mrs. Jordan added that she is disappointed in receiving such notice. She also added that the Newark Housing Authority has a limited amount of rental properties listed and this creates a serious housing shortage. She noted having reached out to other apartment complexes in our jurisdiction in an attempt to schedule meetings to discuss how the program works. This was done in an attempt to increase landlord listings. However, NHA has not received a response to the inquiries.

Mr. Gouge asked how many of our voucher participants rent at Southgate.

Mrs. Jordan responded, "Eight (8)". She added, "Currently we have two apartment complexes (Colonial Garden and Victoria Mews) and about fifteen (15) private landlords who will continue to accept our vouchers."

- **Delaware Tenant Landlord Code: 60 day notice vs. 30 day notice.**

NHA approved a senior applicant who is trying to break her lease while renting at a tax credit property in Wilmington. Delaware Tenant Landlord Codes allows for a 30 day notice to be given because the applicant is being accepted into our LIPH program.

However, the code also states the following:

- "Although the Code provides for situations when less than 60 days' notice is required, landlord is entitled to retain the security deposit for all rental arrearage due, including late charges, rent due for

premature termination of the lease and/or reimburse the landlord for all reasonable expenses incurred in renovating and re-renting the premises caused by the premature termination.”

The question was asked, “How does the code allow for an exception in providing a 30 day notice (for this particular situation) if the code allows the landlord to exercise the full lease term?”

Mrs. Jordan informed all that the NHA applicant informed her that the current landlord advised her that they will accept her 30 day notice but will hold her financially responsible for the full term of the lease which does not end until August 2021. She asked Mr. Gouge (the attorney) and Ms. Lane (commissioner) for their interpretation of the code.

Mr. Gouge advised, “The applicant will have to forfeit the security deposit but is not responsible for the remaining rent owed after July 1st. The Code allows for a tenant to provide a 30 day notice which will commence on the 1st day of the month following the actual notice because she is being accepted into public housing.”

Ms. Lane agreed with Mr. Gouge and added that perhaps having a conversation with the property manager at the tax credit property while providing and referring to the Delaware Landlord Code may help.

Mrs. Jordan responded that NHA did reach out to the property manager but no contact was made. Mrs. Jordan asked Mr. Gouge to assist in an attempt to resolve the issue.

Property Management:

On Thursday, April 22, 2021, NHA received a report of an overflow of water and leakage of water from the drain pipe in the basement at one of our scattered site rental properties. After several attempts to resolve the issues (sewer blockage/loose plumbing, etc.), it was determined by a licensed contractor (Horizon Services) that the major sewer line had collapsed. This assessment was made after an internal camera device was used to determine why only a partial clearance was made. The replacement of the sewer lines (the cast iron piping) began on Monday, May 3, 2021. The tenants affected were provided accommodations at a nearby hotel.

Mrs. Jordan noted that this is not the first time NHA has had to replace the sewer lines at one of our rental properties. A few months back, we had to replace the collapsed sewer line at one of our senior units.

Both repairs were made at major/significant costs to NHA. We were made aware that repairs of this magnitude are likely to occur on a more frequent basis with our aging housing stock.

Mrs. Jordan stated that NHA cannot continue to fund capital improvements of this magnitude. She is hopeful that HUD will approve the applications to reposition our housing stock in an attempt to redevelop George Reed Village.

Vacancies:

Within the past month, NHA has experienced an increase in vacancies in our senior development. We are inviting families off of our waiting list to fill these vacancies.

The Vice-Chairperson asked if there were any more comments or questions regarding Mrs. Jordan's staff report. The Vice-Chairperson asked for a motion to approve the Staff Report for the month of April 2021. Ms. Lane made a motion to approve the Staff Report. The motion was 2nd by Ms. Shand.

Aye 4 (Mr. Brown, Ms. Lane, Ms. Shand and Mr. Tillman)
Nay 0
Motion passed, Vote: 4 to 0

IV. Committee Reports:

A. Report of Policies, Procedures, Compliance & Personnel Committee – Chairperson (Mr. Brown):

(a). Committee Update:

The Chairperson of this sub-committee, Mr. Brown, was present for this meeting. He did not have a report from this committee but did inform all that he has not met with Mrs. Jordan but plans to do so within the next few days.

B. Report from Development Committee – Chairperson (Vacant):

(a). Committee Update:

The Vice-Chairperson of the Board acknowledged that this committee still does not have a Chairperson so she asked Ms. Jordan to provide the update. Ms. Jordan provided the following report.

Development Committee Update:

Application #DDA0011025 for the Proposed George Reed Village II:

- NHA is still awaiting a response from the SAC/HUD office regarding our Section 18 application that was resubmitted on March 8, 2021.
- NHA and LNWA are currently negotiating the MDA. We are hopeful to have a signed agreement by the end of May.
- NHA and LNWA participated in New Castle County's Zoom Public Hearing held to discuss the ONE YEAR ACTION PLAN-CITIZEN PARTICIPATION PLAN on Friday, April 23, 2021. In an effort to receive financial support for the redevelopment of George Reed Village, the following comments were provided:

Comment 1: "Please provide for dedicated HOME funding to the City of Newark incorporated into the Annual Action plan and the Consolidated Plan.

The City of Newark does not receive any HOME funds from New Castle County – Only CDBG funds. This request is detrimental to the creation of new affordable housing in our jurisdiction.”

Comment 2: “Please incorporate language in the Annual Plan that will provide bonus points and extra capital resources for affordable housing projects within the 145.02 Census tract or 2 blocks from E. Main Street Newark given the higher property values and correlated higher cost of development.”

Comment 3: “Please include a goal, geographic area and funding specific to the stated goal “Increased Supply of Affordable Housing” found in the final Annual Action Plan and Consolidated Plan. Please include the City of Newark as a Geographic Area in this provision.”

Section 18 Disposition Application for two scattered site rentals:

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Delaware Appraisal Group completed and provided NHA with updated appraisals for both properties. The appraisals show that from July of 2017 (initial appraisal) to April of 2021 (current) the property values increased by \$45,000 for each.

NHA’s consultant Ten Bears Environmental Associates Co. is making progress in the required Environmental Review. The review may be completed a bit earlier than we anticipated.

Once the Environmental Review is approved, NHA will be able to submit a disposition application for these two units. NHA would then be able to publicly list the properties for sale.

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

(a) Monthly Financials:

The Chairperson of this sub-committee, Ms. Shand, was present for this meeting. There was no report from this committee as NHA is working on year end closing. However, a financial report will be provided at next month’s meeting along with a report on the unaudited financials due to HUD by May 31, 2021

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

(a). Commissioner Training:

The Chairperson of this sub-committee, Ms. Shand, was present. She asked Mrs. Jordan to update the board of the proposed commissioner training.

Mrs. Jordan referred to the Commissioner Packet where information on the Nan McKay Live Web Training offers a 2-day training seminar for “Essentials for Commissioners” available on August 23rd and the 24th.

Mrs. Jordan acknowledged that Mrs. Forman-Gaines is interested in this training. She asked if there were any other Commissioner interested.

Mr. Tillman, Mr. Brown and Ms. Ashley expressed interest in attending this training. The dates proposed for the training appear to work for each commissioner. Mr. Tillman noted that he will also register for the HUD online training to become more familiar and comfortable with his role as commissioner.

Mrs. Jordan is to contact Nan McKay to reserve the dates for the Commissioners to attend the “Essentials for Commissioners” in August. She will provide an update at the next meeting.

V. Attorney Issues:

Mr. Gouge reported that he had no report.

Ms. Ashely inquired into the new legislation – Senate Bill 90. Mr. Gouge reported there are two different pieces of legislation being considered.

1. Senate Bill 90 which Mrs. Jordan mentioned last month calls for a revision to the “Delaware Fair Housing Act and Residential Landlord-Tenant Code to repeal the exception to discrimination based on source of income that allows a landlord to discriminate against tenants who participate in government-sponsored rental assistance programs.”

2. Senate Bill 101 refers to amendments to the Residential Landlord Code.

VI. Old Business:

- A. From the other Commissioners: N/A
- B. From the Executive Director: N/A
- C. From Legal Counsel:
 - (a). Board Vacancy Follow-up

Mr. Gouge reported that he had not received a response from the Governor’s office regarding Mr. Harris’ appointment. He will follow-up again.

VII. New Business:

- A. From Commissioners:

Ms. Shand reported that today would be her last meeting as a Commissioner for the Newark Housing Authority. She will be getting married on Saturday, May 15, 2021. Her home was placed on the market and sold within one (1) day which is the reason for her resignation. Thus, she will no longer be a Newark Resident and regrettably has to resign.

She acknowledged that her position as a commissioner for 12 years was a pleasant one. She stated it was an honor and a privilege to serve on the board and thanked everyone for their work and commitment.

A brief discussion took place with all in attendance expressing their congratulations and well wishes.

Ms. Lane asked for an update on the new Housing Manager. Mrs. Jordan informed all that Ms. Tia Diallo accepted the position. However, her employment has not commenced. We anticipate a start day of mid-June.

B. From the Executive Director:

(a). Discuss/Nominate Vacant Sub-committee Chairperson(s):

Mrs. Jordan started the discussion by acknowledging that with Ms. Shand's resignation we will have three (3) vacant sub-committee chairperson's vacancies. She asked the commissioners if there was any interest from them in accepting an appointment as chairperson for one of these committees (Development, Finance or Strategic Planning).

A brief discussion took place during which Ms. Lane made a motion for Mr. Tillman to Chair the Finance Committee and for Mrs. Forman-Gaines to Chair the Strategic Planning committee. The motion was 2nd by Mr. Brown.

Mrs. Forman-Gaines appreciated the level of confidence that Ms. Lane and Mr. Brown had in making the motion for her to chair the Strategic Planning committee however at this time she has a full agenda and commitments to other boards. Mrs. Forman-Gaines mentioned that perhaps next year she would be in a better position to accept a future nomination as Chairperson of a sub-committee.

Mr. Tillman was also appreciative of the motion however he too had other board obligations and felt that he needed training to have some level of comfort as to his role as a commissioner.

Mrs. Jordan suggested that perhaps once the commissioner training is completed that the nomination for these sub committees can be revisited at a later date.

(b). Discuss/Nominate Chair/Vice-Chairperson(s):

Mrs. Jordan started this discussion by saying that the Chairperson position remains open as Ms. Ashley (current Vice-Chairperson) is acting Chairperson for the Board of Commissioners. She was not sure if action can be taken without having written correspondence from the Governor's office of Mr. Harris being removed from the Board. However, she asked if there was any interest from any Commissioner in filling the Chair or Vice-Chairperson seat on the board.

Ms. Ashley stated that she has personal reasons as to why she cannot commit to the Chairperson position. However, she would like to stay as Vice-Chairperson. No other board member expressed any interest in either one of these positions. No Action was taken. The nominations for Chair/Vice-Chairperson were tabled.

C. From Legal Counsel: N/A

VIII. Visitors and/or Petition: N/A

IX. Adjournment:

The Vice-Chairperson asked for a motion to adjourn the meeting. Mr. Brown made a motion for the meeting to adjourn. The motion was 2nd by Mr. Tillman.

Aye 4 (Mr. Brown, Ms. Lane, Mr. Tillman and Ms. Forman-Gaines)
Nay 0
Motion passed, Vote: 4 to 0

Meeting adjourned at approximately 6:11 PM

Minutes Submitted by: Marene M. Jordan, Executive Director

APPROVED