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**Newark Housing Authority  
Board of Commissioners  
September 8, 2021**

**Summary of Meeting (Virtual Zoom) Minutes**

**Opening:**

Before the regular meeting of the Board of Commissioners was called to order and in the absence of the Acting-Chairperson/Vice-Chairperson – Marguerite Ashely, Mr. Gouge asked the Commissioners present to nominate a Chairperson to Chair this meeting. Commissioner Forman-Gaines made a motion for Commissioner Lane to chair the meeting in the absence of, Marguerite Ashley. The motion was 2<sup>nd</sup> by Commissioner Brown.

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

At approximately 5:14 PM, the Acting-Chairperson Nikki Lane called the Board of Commissioner's meeting to order.

**I. Roll Call:**

The Acting-Chairperson made a request for Roll Call. Board of Commissioners present: Nikki Lane, Paul Tillman, Emile Brown, Denise Forman-Gaines and Kathleen Lewis. Marene Jordan (Executive Director) and Attorney Donald Gouge Jr. were also present.

Note: Commissioner Marguerite Ashely was not present for the meeting.

**II. Approval of Minutes:**

**(a). Meeting Minutes for August 11, 2021.**

The Acting-Chairperson asked for a motion to approve the Meeting Minutes for the August 11, 2021 Board of Commissioners' Meeting.

Mr. Brown made a motion to approve the meeting minutes. The motion was 2<sup>nd</sup> by Mr. Tillman/Mrs. Forman-Gaines.

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

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

**(a). Staff Report from August 2021**

The Acting-Chairperson asked for the report of the Executive Director for the month of August, 2021. Ms. Jordan provided the following report:

**Community Out Reach:**

The Newark Area Welfare Committee provided rental assistance for back rent owed from one of our HCV participants who was being abused by her caregiver. On behalf of the participant, the family made a request to the landlord to allow them to break the lease without penalty. The landlord was in agreement to the request.

**CDBG:**

NHA, in collaboration with our developer partner, submitted an application on 9/7/2021 for consideration in receiving an allocation of CDBG funds. Our request was for financial assistance in the amount of \$120,000 to demo the admin building as part of the redevelopment of George Reed Village II.

**VA Virtual Landlord Fair:**

The Virtual Landlord Fair was a great success. We are encouraged that through partnerships and actions of everyone involved, we will continue in our endeavors in assisting our veterans in obtaining safe and affordable housing.

**Statewide Analysis of Impediments to Fair Housing Choice:**

While the Task Force Committee for the Statewide Analysis of Impediments to Fair Housing Choice continues to meet monthly to discuss progress related to goals and strategies outlined in the report, NHA provided additional bullets to include in the progress report to HUD.

NHA's Developer Partner attended New Castle County's Public Hearing on April 23, 2021 and provided the following comments (in summary) on the New Castle County, Department of Community Services Draft Consolidated Plan and Annual Action Plan for Federal Housing and Community Development Programs:

**Comment 1:**

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

While the City of Newark receives dedicated CDBG, it does not receive a specifically allocated portion of HOME. This is detrimental to the new creation of affordable housing.

Additional consideration: the 2020 Statewide Analysis of Impediments to Fair Housing.

The growth of student housing in Newark is causing greater housing choice inequity by disproportionately displacing low income families of color. This, in turn, is creating greater and greater demand on the Newark Housing Authority's George Reed community and other waiting lists.

**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.

**Comment 4:**

Increased Supply of Affordable Housing” Goal Outcome suggestion:  
Consider New Construction of 50-100 units of affordable housing or public housing.

**Housing Manager’s Position:**

In NHA’s efforts to fill the Housing Manager’s position, NHA will begin the vetting process within the next few weeks.

**Section 8 Invite Letters:**

NHA is in the process of determining eligibility to issue vouchers to Section 8 applicants off of the waiting list.

The above report concluded Mrs. Jordan’s report from the Executive Director. She opened the floor for Q&A.

Mrs. Lane asked if the waiting list was open. Mrs. Jordan responded, “No”. “We are inviting families off of our Section 8 Waiting List to determine their eligibility in receiving a voucher. The reason for the invites is our utilization rate is below the HUD 95% requirement. The drop in our rate is due to surrounding housing authorities absorbing our families which have made funds available to issue vouchers. However, the flip side of this is although we are inviting families, we are unsure of how many will lease-up in our jurisdiction being that there is a housing shortage.”

Mrs. Lane asked, “What is our current rate?” Mrs. Jordan responded, “We are projected to fall below 93% if we do not increase our lease-ups.”

Mrs. Lane asked if any other commissioner had any questions on the report from the Executive Director. Since there were none, the Acting Chairperson asked for a motion to approve the Staff Report. Mr. Brown made a motion to accept the motion. The motion was 2<sup>nd</sup> by Mr. Tillman.

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

**IV. Committee Reports:**

The Acting Chairperson called for the report from the Policies, Procedures, and Compliance & Personnel Committee.

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

The Chairperson of this sub-committee, Mr. Brown, was present for this meeting.

**(a).** Personnel: Executive Session (Closed to the Public - Personnel) Executive Session meeting held at 4:30 PM on September 8th prior to the Regularly Scheduled Commissioner Meeting.

Mr. Brown reported that an Executive Session Meeting was held prior to discuss the Executive Director's contract and a further discussion will be held prior to next month's board meeting.

**(b).** Discussion of proposed language to revise the By-laws relating to the Chair/Vice-Chair current rolls; if responsibilities are deferred.

Mrs. Jordan acknowledged that a discussion was held with Mr. Gouge in the absence of Mr. Brown but felt a further discussion is needed. However, any revisions to the By-laws fall under this committee for Mr. Brown to review.

Mr. Gouge stated that he was provided with a copy of some proposed language but does not understand why language is being proposed that references a facilitator vs. a controller. He does not think changes are needed to the By-Laws.

Ms. Lane stated that she was not looking to change the By-laws. She restated that she will not be able to accept the nomination of Chairperson if Ms. Ashely does not continue with the clerical duties being that she (Ms. Ashley) is available and lives in close proximity to the office.

Mr. Tillman read for the record a section from the By-Laws pertaining to Article II – Officers; Section 3 which states in part:

***“The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson”.***

He added, “If the nominated Chairperson is not available due to her professional obligations that this language covers the Chairperson delegating the “check signing” to the Vice-Chairperson.”

Mrs. Jordan stated that what Mrs. Lane is proposing is to delegate the Chairperson's check signing responsibilities indefinitely as long as she (Ms. Lane) accepts the nomination of Chairperson of the Board. Mrs. Jordan stated she is only communicating her understanding of the By-laws as they relate to the responsibilities of the Chair vs. Vice-Chairperson.

Mrs. Foreman-Gaines asked, "Is there only one check signer?" Mrs. Jordan answered, "No. I am also a check signer. All Checks require two signatures. One from the Chairperson and if the Chairperson is not available the Vice-Chairperson will sign in the absence of."

Mr. Tillman asked Mr. Gouge his opinion on changing the By-laws. Mr. Gouge stated that he suggests that the By-laws remain as adopted.

Mr. Tillman suggested and made the following motion relating to the Chair vs. Chairperson's roles and responsibilities as a check signer;

"At the recommendation of our attorney, Ms. Ashely (Vice-Chairperson) can resume the role as a primary check signer for the agency due to Ms. Lane's professional obligations should she accept the nomination of Chairperson of the board."

The motion was 2<sup>nd</sup> by Ms. Forman-Gaines.

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

The Acting Chairperson called for the report from the Development Committee.

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

The Vice-Chairperson asked Ms. Jordan to provide the report for this committee.

**(a). Committee Update:** Ms. Jordan reported the following:

**501(c)3:**

During last month's meeting, nominations were made to fill the Chair, Secretary and Treasurer positions for the newly created non-profit. The persons nominated accepted those positions. Instead of the positions being mentioned as they were referred to, the positions should be referred to as those of President, Vice-President and Secretary/Treasurer. A re-appointment for these positions will need to take place later on in the meeting.

The Elected Officers of NHA's non-profit (NHA Development Corporation) will be holding its first meeting after the conclusion of this meeting.

**Application #DDA0011025 for the Proposed George Reed Village II:**

NHA received notification that the Office of Fair Housing and Equal Opportunity has completed their review of our Section 18 Application to demo the 36 1-bedroom units. The office has made a recommendation to the Special Application Center to approve NHA's application. We are one step closer in receiving the official approval.

**Application #DDA0011618 Section 18 Disposition Application to sell two Scattered Site Rentals:**

NHA submitted a Section 18 Disposition application (today – September 8<sup>th</sup>) to sell 2 scattered site rental properties. Once approved, NHA will begin the public notification of advertising the properties for sale.

The Acting Chairperson called for the report from the Finance Committee. The Acting Chairperson acknowledged that Ms. Ashely (Chairperson of this committee) was not present but the commissioners did receive the monthly financials. She asked Mrs. Jordan if she had anything to add.

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

**(a) Monthly Financials:**

In the absence of the Chairperson, Mrs. Jordan stated that she was open to any questions or comments relating to the financial reports for the period covering April 2021 – July 2021. The reports show we are well within our budget.

After a brief discussion, the monthly financial reports circulated for this meeting were determined to be not for the most recent review period. Mrs. Jordan will recirculate the monthly financials for the correct period covering April 2021 – July 2021. In addition, Mr. Tillman revisited the monthly reports and stated that the reports should show a column for the total annual budget for the year. This column will help in reviewing the most recent activity (revenues & expenses) as they relate to the overall FY budget.

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

The Chairperson of this sub-committee, Ms. Lane, was present. She asked for feedback from the commissioners who participated in the “Essentials for Commissioners” webinar Training. Commissioners’ comments were as follows:

Commissioner Brown:

“The training was very good.” He wished the training would have been offered years ago but felt the training helped with his understanding of his role/fiduciary responsibility as a commissioner. He mentioned that the trainer mentioned a commissioner can be paid. He asked Mrs. Jordan if a participant who is serving on the board is being compensated. Mrs. Jordan asked if he was referring to a resident appointed commissioner. Mr. Brown said, “Yes.” Mrs. Jordan responded, “No”. Mr. Brown stated that we may want to revisit this in hope to gain more resident interest when the seat becomes available in the future.

Commissioner Foreman-Gaines:

She also felt the training was very good. But (it) was very long and similar to other trainings she attended as a commissioner for other boards. She mentioned the trainer was very knowledgeable and could relate the training material well. As part of the training, the trainer offered relevant case studies that were very interactive and shared horror stories that some commissioners experienced from other agencies.

Commissioner Tillman:

Also felt the training was good and replicated the online HUD training he participated in prior to this training. “What was nice about this training is that it was mostly attended by us (NHA Board members) along with a commissioner from Indiana.” He mentioned that it was a lot of information at one time and now that he has completed the training, it will take some time to implement the training learned in a 2-day, 8-hour webinar into everyday action as a commissioner. He mentioned that the trainer informed

participants that not only can the housing authority be sued but commissioners can also be sued. He asked Mr. Gouge/Mrs. Jordan if we should look into getting some type of insurance for board members. Mrs. Jordan responded, "NHA does provide its commissioners with liability insurance."

Commissioner Lewis:  
Offered no feedback on the training but did participate.

Mrs. Jordan asked, "Would it be helpful if training is provided periodically?"

Commissioner Brown:  
"Yes, I would be interested in additional training and or a refresher from time to time."

Commissioner Forman Gaines:  
"Yes, I would be interested in additional training offering shorter commitments."

Commissioner Tillman:  
"Yes, I would be interested in additional training on different topics; should the budget allow for the additional trainings."

#### **V. Attorney Issues:**

Mr. Gouge reported he will be providing an update later on in the meeting.

#### **VI. Old Business:**

- A. From the other Commissioners: None
- B. From the Executive Director:
  - (a). Discuss/Nominate Chair/Vice-Chairperson(s)  
Mr. Brown made a motion to nominate Ms. Lane as Chairperson of the Board. Mr. Brown also made a motion to reconfirm Ms. Ashely as Vice-Chairperson. Both motions were 2<sup>nd</sup> by Mr. Tillman. Mrs. Jordan noted that although Ms. Ashley was not present for this meeting, she mentioned in previous meetings her willingness to continue as Vice-Chairperson of the Board.
  - (b). 501(c)3 – Newark Housing Authority Development Corporation (NHADC); Reappoint Executive Officers.

Mrs. Jordan noted that a discussion was held earlier in the meeting regarding how at last month's meeting nominations were made to fill the Chair, Secretary and Treasurer positions for the newly created non-profit. The persons nominated accepted those positions. Instead of the positions mentioned to fill three seats on the 501(3)3 board, the positions should be those of President, Vice-President and Secretary/Treasurer. A re-appointment for these positions will need to be reaffirmed.

Ms. Lane made a nomination for Mr. Tillman to be President, Ms. Forman-Gaines to be Vice-President and Mrs. Jordan to be reconfirmed as Secretary/Treasurer.

Mr. Tillman respectfully declined the nomination.

Mrs. Forman-Gaines reconfirmed that Ms. Shand should hold a seat on this committee. Ms. Lane asked Mrs. Jordan if Ms. Shand is interested in a seat on this board. Mrs. Jordan responded, "Yes."

Ms. Forman-Gaines made a motion to nominate Ms. Shand to be President of the non-profit. Ms. Lane revised her motion to nominate Ms. Shand as the President, Mrs. Forman-Gaines as Vice-President and Mrs. Jordan to serve as Secretary/Treasurer. The motion was 2<sup>nd</sup> by Mr. Tillman and Mr. Brown.

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

- C. From Legal Counsel:
  - (a). Board Vacancies

Mr. Gouge reported that as of his last communication with the Governor's Office, his contact was meeting with the Governor tomorrow (September 9<sup>th</sup>) to reappointment Ms. Lewis to a 3-year term and to appoint a new board member to replace Ms. Shand.

## **VII. New Business:**

- A. From Commissioners: N/A
- B. From the Executive Director: N/A
- C. From Legal Counsel:

Mr. Gouge reported that he will be filing a complaint tomorrow to evict a tenant for non-compliance and for several violations as a participant of the Low Income Public Housing Program. The tenant was afforded due process in having an informal hearing (a representative from Wilmington Housing Authority was the hearing officer) and a Formal Hearing (a representative from Dover Housing Authority was the hearing officer) both hearing officers upheld Mrs. Jordan's decision to terminate her lease and participation in the program. Mr. Gouge reported that the complaint will contain 17 exhibits.

Mrs. Forman-Gaines asked, "How long does it take for a case to be heard in court?" Mr. Gouge responded, "It depends on the court, but for JP Court 13 it takes about 6- weeks."

Mr. Tillman asked if there were any issues with tenant's non-payment due to COVID-19. Mr. Gouge said, "No."

Ms. Lane commented on DE HAP - the Delaware Housing Assistance Program (DE HAP). This program provides emergency housing assistance to renters affected by shutdowns, closures, layoffs, reduced work hours or unpaid leave due to the COVID-19 health crisis. They are able to log in and apply for rental assistance online.

Mrs. Forman-Gaines asked if the funds are paid directly to the landlord.

Ms. Lane responded, "Yes, the payments are made directly to the property owner/landlord."



Mrs. Jordan added, "The Newark Area Welfare Committee has funds available to assist our program participants (limited to the City of Newark) with any back rent and/or utilities as in the past." She added that currently, she is not aware of any program participant (Section 8 or Public Housing participants) needing assistance.

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

**IX. Executive Session:**

Executive Session (Closed to the Public - Personnel) Executive Session meeting held at 4:30 PM on September 8th prior to the Regularly Scheduled Commissioner Meeting.

**X. Adjournment:**

The Acting-Chairperson asked for a motion to adjourn the meeting. Mrs. Forman-Gaines made a motion for the meeting to adjourn. The motion was 2<sup>nd</sup> by Mr. Tillman.

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

**Meeting adjourned at approximately 6:10 PM**

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