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# Newark Housing Authority Board of Commissioners March 9, 2022

1st Revision April 14, 2022 (page #7)
2nd Revision April 26, 2022 (after review of recording of verbatim comments) (Page #10 & #11)

# Summary of Meeting (Virtual Zoom) Minutes

## Opening:

The regular meeting of the Board of Commissioners was called to order at promptly 5:00 PM by the Chairperson, Nikki Lane.

#### I. Roll Call:

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

The Chairperson acknowledged State Representative Paul Baumbach-23rd District being present.

### II. Approval of Minutes:

(a). Meeting Minutes for February 9, 2022.

The Chairperson asked if there were any questions or comments regarding the minutes from the February 9, 2022, meeting. Since there were none, the Chairperson asked for a motion to approve the Meeting Minutes for the February 9, 2022, Board of Commissioner's Meeting.

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

Aye 6 (Ms. Ashley, Mr. Brown, Mr. Tillman, Mrs. Forman-Gaines, Ms. Lewis and Mr. Anderson)
Nay 0 \*
Motion passed, Vote: 6 to 0

#### (b). Executive Session Meeting Minutes for February 9, 2022.

The Chairperson asked for a motion to approve the Executive Session Meeting Minutes from the February 9, 2022, Board of Commissioners' Executive Session Meeting.

Commissioner Forman-Gaines made a motion to approve the Executive Session Meeting Minutes from the February 9, 2022, Board of Commissioners' Executive Session Meeting. The motion was 2<sup>nd</sup> by Commissioner Brown.

Aye 6 (Ms. Ashely, Mr. Brown, Mr. Tillman, Mrs. Forman-Gaines, Ms. Lewis and Mr. Anderson) Nay 0 Motion passed, Vote: 6 to 0

# III. Report of the Executive Director: (a). Staff Report from February 2022

The Chairperson asked for the report of the Executive Director for the month of February 2022. Before Ms. Jordan was able to proceed with the report, Commissioner Anderson wanted to comment on NHA's protocols for Board of Commissioners contacting staff, extended staff, contractors and/or consultants even though it was not an agenda item. After a brief discussion regarding clarification of the meeting minutes vs. agenda items to be discussed, Commissioner Anderson apologized for not attending the meeting last month but requested that he be allowed to have the floor to speak on this topic. Mrs. Jordan acknowledged that the protocols for Board of Commissioners are not an agenda item for this meeting. Commissioner Forman-Gaines asked if we could allow Commissioner Anderson to speak on this topic under "Old Business" from the Commissioner section of the agenda. The Chairperson was in agreement that time will be allowed him, as a Commissioner, to voice his comments under "Old Business".

The Chairperson asked Mrs. Jordan to proceed with her Staff Report for the month of February. Before Mrs. Jordan proceeded, she wanted to introduce her full staff at the recommendation of Commissioner Brown.

Mrs. Jordan introduced Mr. Greg Baldwin, Administrative Assistant to the Executive Director. Mr. Baldwin shared that he is a former educator in the Christina School system. He was previously employed by the housing authority as the Housing Inspector and Procurement Officer before retiring to spend time with his grandchildren. He rejoined the housing authority as the Administrative Assistant on a part-time basis.

Next Mrs. Jordan introduced Mrs. Jacqueline Pizarro, NHA Housing Manager. Mrs. Pizarro shared that she retired from the county after 25 years of employment. She also shared how the environment, the atmosphere, and the staff here at the Newark Hosing Authority is a good fit for her.

Lastly, Mrs. Jordan introduced Mr. Ricky Hill, maintenance person and inspector. Mr. Hill shared that he has 15 years of experience as a contractor and did some freelance work until he was hired by NHA. He shared that the staff here is great and he is happy to be here.

Mrs. Jordan thanked her staff for taking the time to attend the meeting and invited them to stay for the duration of the meeting if they so desired. If not, she would see all the next morning.

The Chairperson and Board members welcomed the staff to NHA.

### **Increase in Affordable Housing Options:**

The affordable housing options here in the First State appear to be worsening. Delaware had the highest increase in rent in the country from 2019 – 2021, increasing by 12.3% in March of 2021. This is according to a survey by online insurance marketplace Quote Wizard, a LendingTree company. Our very own Chairperson, Nikki Lane, provided comments in an article published in the Delaware News Journal on

February 22, 2022. She responded from her position as a firm manager at Newark-based Delaware Property Management Co.

Under HUD's Expedited Waiver Request pursuant to Notice PIH 2021-34, NHA submitted a regulatory request. It was approved to allow NHA to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination. HUD also approved NHA's request under this waiver to increase its payment standards from 110% to 120% of the Fair Market Rents.

The request to increase the payment standards (per bedroom) allows NHA to approve more in contract rent as an incentive for existing landlords and new landlords. It allows landlords to be able to request more in contract rent depending on where the property is located, the condition of the property, utility costs and market comparisons. Consideration must also be given to the affordability of the contract rent not exceeding 30% of the program participant's adjusted gross income.

Both approved waiver requests will expire in December of 2022 along with a waiver request for the submission of a SEMAP score for 3/31/2022 and a waiver for the regulatory term of the issuance of a voucher.

As a follow-up to our discussion last month regarding landlord incentives implemented by other Delaware housing authorities, New Castle County Housing Authority and Delaware State Housing Authority have not implemented any incentives. However, representatives of both have confirmed that their voucher program is experiencing some of the same operational and procedural shortfalls as NHA, regarding housing and landlord shortages for their voucher participants.

NHA participated in the HUD landlord webinar held on February 17, 2022. It was mentioned that when planning for landlord engagement it is advisable to have multiple speakers to discuss Fair Housing, Reasonable Accommodations, and Inspections. Some incentives the program provides for landlords are:

- Participants provide stable/and long-term leases for landlords.
- Landlords receive a reliable/steady source of income. This works well if landlords keep up on the property, care about their assets and care about their community.

There are a lot of housing authorities experiencing difficulties in maintaining their lease-ups. One of the things we discussed was a bonus incentive (amount to be determined) for new listings. To be clear on this incentive it should be "New Listings and Lease-ups".

NHA reached out to several apartment complexes (School Lane, Thorn Flats and Pine Brook) within the City Limits of Newark and received little to no response regarding their interest in participation in our Housing Choice Voucher Program. If contact was made, the representative informed us that they are not interested in participating in the voucher program. We also contacted Regency Square Apartments who is a current program participant and houses three of our HCV program participants. When asked if they would admit or honor more of our vouchers in the future, the answer was no.

NHA receives daily emails and calls from individuals seeking affordable housing based on their income. We have, unfortunately, a housing shortage that exists beyond our control. We are making strides to expand the affordable housing market within the city limits of Newark. We emphasize being the smallest housing authority in the state of Delaware and our jurisdiction is limited to the City limits of Newark. Aside from being the smallest housing agency in the state, we are also in competition with the University of Delaware student population and their housing needs within a restricted area. Due to this fact, the inventory and availability of affordable housing in our jurisdiction is very limited.

## In person Meeting Location:

As a follow-up to our discussion last month regarding a meeting location should we resume in person board meetings, Alder Creek is agreeable with us holding monthly board meetings in their community room. This would start in May 2022, should there be a need to do so. Mrs. Jordan also mentioned that NHA's community room will be able to accommodate our in-person meetings.

Commissioner Anderson commented, "So, we are not meeting in April?" Mrs. Jordan responded that she is simply informing the board of possible meeting locations should an in-person meeting be held in April. The decision to resume in-person meetings has not yet been made.

#### **HOME Funds Application:**

LNWA and NHA submitted a HOME Fund application to New Castle County on February 25, 2022. Initially, the plan was to submit a funding request for \$500,000 but because of the time of the application's due date and not knowing if the APRA fund request of \$4M submitted to the state would be approved, our request for HOME funds increased to \$1M. These funds will be used for "Hard Cost" construction related expenses.

Mrs. Jordan mentioned the "use" of these funds was asked during last month's meeting by Chairperson, Lane. With the increase in construction cost, it is estimated that the per unit cost for new construction is nearing around \$260,000 per unit.

#### Annual Plan/5-Yeark Plan:

NHA received notification that HUD approved the annual plan/5-year plan for our fiscal year beginning April 1, 2022. Mrs. Jordan stated that an amendment to the plan is needed and she will discuss that later in the meeting.

#### **Board Vacancy:**

On February 24, 2022, NHA received a 30-day notice from Ms. Kathleen Lewis (resident Board member) of her intent to vacate her unit at Independence Circle. As a result of her move, she was advised that since she will no longer reside within the City Limits of Newark, she will need to submit a letter of resignation from the Board of Commissioners effective March 31, 2022.

Mrs. Jordan asked Commissioner Lewis if she wanted to say a few words.

Commissioner Lewis mentioned that she enjoyed her time on the board and received a lot of information that was helpful to her even though she did not ask many questions.

The Commissioners present thanked her for her commitment and time spent as a board member.

Mrs. Jordan acknowledged that she will follow-up with some residents who have expressed interest in the business of the authority to inquire if they are willing to serve in filling the resident seat on the board. She will then forward the name(s) to Mr. Gouge to present to the Governor's office and/or State Representative Paul Baumbach.

# Alder Creek - RAD Conversion Discussion:

NHA was contacted by the Ingerman team to discuss a RAD conversion for the 42 LIPH units at Alder Creek. The reason for this outreach is that this conversion could generate additional income for the property that could benefit both Ingerman and NHA.

Rental Assistance Demonstration (RAD)-What is RAD? RAD is four main options for converting Public Housing to Section 8 (RAD, Section 28 Demo/Dispo, and Streamlined Voluntary Conversion/Homeownership).

RAD was created to give public housing authorities (PHAs) a powerful tool to preserve and improve public housing properties and address the \$26 billion-dollar nationwide backlog of deferred maintenance. RAD also gives owners of three HUD "legacy" programs (Rent Supplement, Rental Assistance Payment, and Section 8 Moderate Rehabilitation) the opportunity to enter into long-term contracts that facilitate the financing of improvements.

For NHA's assets, the choice for a Section 18 Demo/Dispo application allows for NHA to receive phaseout funding under the public housing operating and capital fund programs. With a RAD conversion these funds are not eligible to a housing authority under this program.

NHA has consulted with its mixed-finance attorney in reference to the discussion with Ingerman's team. After the consult and on the advice of our attorney, we informed the Ingerman group that for NHA to move forward with a RAD conversion for Alder Creek there must be an economic benefit for NHA. With an anticipated increase in funding, NHA proposed a 50/50 split of the potential cash flow.

Based on the current ACC Rent & Subsidy and the proposed RAD contract rents received from the Ingerman group, there appears to be a significant gap in potential revenue.

Mrs. Jordan acknowledged that NHA has not made a commitment as options are still being explored.

The Chairperson asked if there were any other questions or comments relating to the staff report for February 2022. Commissioner Anderson asked if there was going to be an update on the development. Mrs. Jordan mentioned that she would provide an update during the report from the development committee.

The Chairperson asked for a motion to approve the Staff Report. Vice-Chairperson Ashley made a motion to approve the Staff Report from February. The motion was 2nd by Chairperson Lane.

Aye 6 (Ms. Ashely, Mr. Brown, Mr. Tillman, Mrs. Forman-Gaines, Ms. Lewis and Mr. Anderson) Nay 0 Motion passed, Vote: 6 to 0

## **IV. Committee Reports:**

The 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, Commissioner Brown, was present for this meeting. He thanked Mrs. Jordan for introducing her staff to the board. He mentioned that commissioners who have not signed off on the forms enclosed in the Board of Commissioners Policy and Procedural Manual need to do so and provide a fully executed copy to Mrs. Jordan.

# (a). Resolution No. 412 (Juneteenth Observed Holiday)

Mrs. Jordan introduced Resolution No. 412 which is the resolution to adopt Juneteenth as an observed holiday for NHA even though it is a Federal Holiday.

Commissioner Brown concurred with the introduction of the resolution.

Before a motion was made, Commissioner Anderson stated that he would like a posting on the door of the NHA's administrative office building indicating the office as being closed in observance of the holiday. He also expressed that this posting should communicate to the residents as to why Juneteenth is a holiday for NHA.

Commissioner Brown asked, "Why is this necessary?"

Commissioner Anderson responded, "Shouldn't we inform our residents of when the office is closed and why being that it's an Executive Order?"

Commissioner Forman-Gaines responded that she would think that the residents would be aware of this holiday since it's a Federal Holiday.

The Chairperson commented that it is not the role of NHA to inform the residents of holiday closings.

Mr. Gouge added, "Not only is this a Federal Holiday, but it is also a holiday adopted by the State of Delaware."

Commissioner Tillman asked if we posted holiday closing on the door in the past or how have we communicated closings to our residents.

Mrs. Jordan responded, "In the past we have posted holiday closings on our front door. However, our website informs the "public" that we are closed for <u>ALL FEDERAL HOLIDAYS</u>."

Commissioner Brown stated, "That is sufficient and nothing else is needed."

Commissioner Anderson asked, "Why is the resolution prepared for the Vice-Chairperson signing the resolution rather than the Chairperson?"

Mrs. Jordan noted, "The preparation of the signing of the resolution is based on the availability of the Vice-Chairperson to sign checks and process clerical duties for NHA."

The Chairperson added that the Vice-Chairperson is authorized to execute documents in the absence of the Chairperson.

The Chairperson asked for a motion to approved Resolution No. 412. Commissioner Anderson made a motion to accept Resolution No. 412. The motion was 2<sup>nd</sup> by Ms. Forman-Gaines.

Aye 6 (Ms. Ashely, Mr. Brown, Mr. Tillman, Mrs. Forman-Games, Ms. Lewis and Mr. Anderson) Nay 0 Motion passed, Vote: 6 to 0

The Chairperson called for the report from the Development Committee.

# B. Report from Development Committee - Chairperson (Position Vacant):

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

- (a). Committee Update: George Reed Village II
- (b). Resolution No. 410: Home Funds Request to New Castle County as a Funding Source for the Redevelopment

## (a). Committee Update: George Reed Village II:

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

LNWA and NHA is making progress on the Master Developer Agreement. We have made our first bond fund request for reimbursement expenses related to the GRV. *The State Bond Bill Amount allocated was \$500,000 for Phase 1.* This request included:

#### 1st Revision April 14, 2022

•	Architect's Design Fee	\$37,210.05
•	Survey	\$13,200.00
•	Engineering	\$12,072.00
•	Market Study	\$ 4,750.00
•	Environmental Reports	<i>\$ 1,200.00</i>
Total		\$68.432.05

Aa a result of the efforts of our developer partner, we received a letter of support for our application submitted for the American Rescue Plan Act (ARPA) funds for the redevelopment of the George Reed Village. The letter of support was signed by State Representative Paul Baumbach of the 23rd district, State Representative John Kowalko of the 25th district and David Sokola-President Pro Tempore of the 8th district.

# 501(c)3 - NHA Development Corporation:

NHA received written notification from the IRS notifying the agency that they have determined that NHA's Development Corporation (newly formed 501(c)3 – non-profit) received an exemption from the IRS as of February 28, 2022.

# Application #DDA0011618 Disposition of two Scattered Site Rental Properties:

The application process for the disposition of two scattered site rental properties was approved on March 3, 2022. Now that NHA has received written approval, we will proceed with making the public aware that the properties are for sale. We will be responsible for relocating the families and assisting with housing. We will also need to hold Executive Session meetings to discuss the method we will use in accepting offers for the purchase of these rentals.

Commissioner Anderson inquired as to if there will be renderings, a schematic or mockup for the redevelopment. He noted that in visiting NHA's office, there are renderings for Alder Creek in the lobby area.

Mrs. Jordan noted that other than the proposed plans presented by LNWA during their presentation to the board during the January meeting, we do not have any updated renderings to circulate. She reminded everyone that we are still in the planning stages, and we are in the process of securing funding for the redevelopment.

# (b). Resolution No. 413: (Submission of LIHTC Application to DSHA)

The Chairperson asked if there were any questions relating to Resolution No. 413. Mrs. Jordan stated, "The resolution is "pretty straight forward." It's just authorizing NHA and LNWA to submit the LIHTC application and request funds from DSHA."

The Chairperson asked for a motion to approve Resolution No. 413. Commissioner Anderson made a motion to approve the Resolution. The motion was 2<sup>nd</sup> by Commissioner Forman-Gaines.

Aye 6 (Ms. Ashley, Mr. Brown, Mr. Tillman, Mrs. Forman-Gaines, Ms. Lewis and Mr. Anderson) Nay 0 Motion passed, Vote: 6 to 0

The Chairperson called for the report from the Finance Committee:

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

#### (a) Committee Report: Monthly Financials

# (b) Resolution No. 411 FYE 3/31/2022 Write-offs (a). Monthly Financials:

The Chairperson for this committee was present and provided the following report. She referred to the Budget vs. Actual report for the period covering April 2021 – December 2021. She reported that we are on target and that we are spending less than income received. She acknowledged that some of our budget line items are over budget, but we appear to be well within our budget.

The Chairperson reported the same for the Budget vs. Actual report for the voucher program. She asked if there were any questions relating to the financial reports.

Commissioner Anderson inquired into annual membership costs.

The Chairperson of this committee referenced that NHA is a member of NAHRO (National Association of Housing and Redevelopment) and DE NAHRO which allows for networking with other housing authorities, commissioners and staff. They offer conferences and training.

Mrs. Jordan added, "We are also members of PHADA (Public Housing Authorities Directors Association) which is very similar to NAHRO."

Commissioner Anderson wants the Commissioners to be made aware of these conferences and to be afforded the opportunity to attend.

Commissioner Anderson also inquired into the cost of legal services.

The Chairperson of this committee commented, "Those costs are related to our attorney. He handles all court filings for NHA."

Mr. Gouge added that he also assists the agency with other legal aspects unrelated to court filings. He acknowledged that he also charges NHA a reduced rate.

Commissioner Anderson commented, "As soon as a call is placed to Mr. Gouge, he plugs into the phone to start his billing."

Commissioner Tillman noted that the percentage of the budget used (last column on the report) was not formulated (populated) correctly. He mentioned that we appear to be well within our budget which is good.

Since there were no other comments or questions relating to the financial reports, The Chairperson moved forward to Resolution No. 411 FYE 3/31/2022 Write offs.

## (b). Resolution No. 411 FYE 3/31/2022 Write-offs

The Chairperson for this committee asked if anyone had any questions relating to the resolution. Mrs. Jordan acknowledged that the write-offs for this reporting period are for damages or charges related to

tenants moving out and leaving unpaid balances only. Mrs. Jordan also noted that a debt action claim was filed for the balance owed by a former tenant of unit 12A.

Commissioner Anderson made a motion that we omit filing for the balance owed for 14A and 15A sighting it was "petty".

Mr. Gouge commented that he was not asked to write-off any other balance except the balance for the larger amount. Mr. Gouge stated that it is proper to write-off any amount that is owed for audit and compliance purposes.

Commissioner Tillman stated, "We are not filing court action for the smaller amounts, but we are approving the resolution to write off these balances. Correct?"

Mrs. Jordan stated, "That is correct."

The Chairperson asked if there were any additional questions or comments related to the write-offs. Since there were none, she asked for a motion to approve Resolution No. 411. Commissioner Anderson made a motion to approve the Resolution. The motion was 2<sup>nd</sup> by Vice-Chairperson Ashely.

Aye 6 (Ms. Ashley, Mr. Brown, Mr. Tillman, Mrs. Forman-Gaines, Ms. Lewis and Mr. Anderson) Nay 0 Motion passed, Vote: 6 to 0

# D. Strategic Planning Committee - Chairperson (Ms. Lane):

The Chairperson of this sub-committee, Ms. Lane, was present. There was no report from this Committee.

#### V. Attorney Issues: None

#### VI. Old Business:

A. From the other Commissioners:

Commissioner Anderson asked if he had the floor to speak on NHA's protocol for Board of Commissioners contacting staff, extended staff, contractors, and consultants. The Chairperson confirmed he had the floor. Commissioner Anderson acknowledged that he was appointed by the Governor's office to serve on this board, and he provided the director with copies of his Oath of Office filed with the State of Delaware. He stated, "As a commissioner, we have two fiduciary responsibilities; one is to watch the money and to approve staff." He mentioned that the director has too much responsibility. He informed all that he will be contacting the City Solicitor and the State Attorney's Office to start an investigation. He stated that the City appoints four commissioners to the board while the state appoints three. He also mentioned having conversations and questions with the attorney about the business of NHA and was informed that some of what he was asking was not protocol for a commissioner.

2nd Revision April 26, 2022 (after review of recording of verbatim comments)

#### Revision 1:

It was reported in the minutes as to Commissioner Anderson stating, "As a commissioner, we have two fiduciary responsibilities; one is to watch the money and to approve the staff."

The revision is as follows as verbatim to the recording:

Commissioner Anderson stated, "As a commissioner, we have two fiduciary responsibilities; one is to watch the money and to approve and supervise staff."

#### Revision 2:

It was reported in the minutes, as to Commissioner Anderson's comment, as follows; "He mentioned that the director has too much responsibility."

The revision is as follows as verbatim to the recording:

Commissioner Anderson stated, "I have some serious questions about some of our actions of delegating responsibility totally to the Executive Director. I am not sure that legally that we can do some of these delegations of responsibility".

#### Revision 3:

It was reported in the minutes, as to Commissioner Anderson's comment, as follows: "He informed all that he will be contacting the City Solicitor and the State Attorney's Office to start an investigation."

The revision is as follows as verbatim to the recording:

Commissioner Anderson stated, "I am going to ask those delegations and responsibilities be reviewed by the City Attorney and the State Attorney."

Commissioner Anderson suggested having NHA's protocol added to the Commissioner's Policy and Procedural Manual for future appointments to the board.

- B. From the Executive Director:
  - 1. Update on Landlord Outreach (SIP & Social Event or Virtual Invite) Mrs. Jordan asked if we could table this agenda item until the next meeting.
- C. From Legal Counsel: None

## VII. New Business:

- A. From Commissioners: None
- B. From the Executive Director:
  - 1. Board Vacancy (Resident Seat). This agenda item was previously discussed during the meeting.
  - 2. Admissions and Continued Occupancy Policy (ACOP) Modification
  - 3. Lease Addendum

Both agenda items 2 & 3 were discussed together as they relate to re-occupying vacant public housing units. These units have been approved or are currently under review by HUD for disposition and/or demolition subject to and in accordance with HUD requirements (e.g. HUD Notice PIH-2018 – 18. Mrs. Jordan provided a draft copy of a modification proposed for Newark Housing Authority's ACOP and a draft Lease Addendum for review.

Mrs. Jordan acknowledged that our policy does not address this, and she is proposing a modification to the Newark Housing Authority's ACOP and a correlating lease addendum.

Mrs. Jordan acknowledged that we will have vacant units within the next few weeks and that it is not in the best interest of NHA <u>not</u> to re-occupy these units given the housing shortage and the existing waiting list.

Mrs. Jordan also commented that she did not think it was in the best interest of the residents or community to keep units vacant since we have not submitted our LIHTC application which is due in Mid-April,

Mrs. Jordan acknowledged that both modifications are signification amendments to our approved annual plan (approved by HUD on March 1, 2022). We will need to submit a revised plan to HUD once we complete a public comment period for these significant amendments for 45 days followed by a public hearing.

- 4. RAD discussion for Alder Creek. This agenda item was previously discussed during the meeting.
- C. From Legal Counsel: None

# VIII. Visitors and/or Petition: None

# IX. Adjournment:

The Chairperson asked for a motion to adjourn the meeting. Vice-Chairperson Ashely made a motion for the meeting to adjourn. The motion was 2<sup>nd</sup> by Commissioner Forman-Gaines.

Aye 5 (Ms. Lane, Mr. Brown, Mr. Tillman, Mrs. Forman-Gaines and Ms. Lewis) Nay 0 Motion passed, Vote: 5 to 0

Meeting adjourned at approximately 6:17 PM Minutes Submitted by: Marene M. Jordan, Executive Director