

**COMMISSIONERS' EMERGENCY MEETING**  
*July 15, 2020*

**Resolution(s) Passed:**

20-11            Resolution Authorizing and Enacting certain Accounting and Policy Changes  
Related to Public Housing Debt Collections and Lease Enforcement

**MOTIONS:** Jones/Kessler

**VOTE: Aye:** Blount, Kessler, Harrigan, Young, Coleman, Jones

**ABSTAIN:** None

**ABSENT:** Olds

20-12            Resolution Implementing, Adopting and Extending certain Temporary Pandemic-  
Related Waivers in the Low-Income Public Housing and Voucher Choice  
Programs

**MOTIONS:** Jones

**VOTE: Aye:** Blount, Kessler, Harrigan, Young, Coleman, Jones

**ABSTAIN:** None

**ABSENT:** Olds

MINUTES OF THE REGULAR ELECTRONIC MEETING  
OF THE COMMISSIONERS OF  
RICHMOND REDEVELOPMENT AND HOUSING AUTHORITY  
HELD VIA GOTOMEETING  
IN RICHMOND, VIRGINIA  
ON WEDNESDAY, JULY 15, 2020

**In Attendance via GoToMeeting:**

**Board of Commissioners**

Veronica G. Blount, Chairman  
Neil Kessler, Vice Chairman  
Elliott Harrigan  
Samuel S. Young, Jr.  
Jonathan Coleman  
Robley Jones

**Absent**

Marilyn Olds

**RRHA Staff**

Stacey Daniels-Fayson, Interim Chief Executive Officer

Chairman Blount called the meeting to order at 5:37 p.m. with Cory Wolfe serving as Legal Counsel. A quorum was established.

**General Counsel Comments**

This meeting is an electronic meeting called and conducted in accordance with City of Richmond Ordinance No. 2020-093 (the “Ordinance”), which was ordained under the authority conferred unto the City by Va. Code § 15.2-1413. The Board is meeting by entirely remote means and a quorum of the Board is not physically assembled. The Board is conducting an electronic meeting due to the novel coronavirus (Covid-19) pandemic, which has made it unsafe for a quorum of Board members to physically assemble in a single location. RRHA’s Board of Commissioners is a “public body” within the meaning of the Virginia Freedom of Information Act (Va. Code § 2.2-3700 *et seq.*), as well as Section 1(B)(5) of the Ordinance, in that the members of this Board are appointed to office by the City Council.

Notice of this electronic meeting was published on RRHA’s website on **Wednesday, July 8, 2020**. That Notice identified that this meeting will be an “electronic meeting” within the meaning of the Ordinance, that the meeting will be conducted through GoToMeeting, and that members of the public could observe and, if applicable, participate in the meeting. Specific instructions to access the meeting by Internet and by phone were disclosed in the Notice. The Notice also directed members of the public to a

link at which they could register to deliver public comments in real time in accordance with the Citizens' Comment provisions of this Board's Bylaws. All such requests to speak are delivered to Priscilla Jackson, Executive Administrative Assistant.

Members of the public must register in advance to make public comments in accordance with the Board's Bylaws. To do so, members of the public must access an online link by which they can provide the information required by the Board's Bylaws. These comments must be made at electronic meetings of this Board in real time through the GoToMeeting application, either by Internet or by phone.

In accordance with the Bylaws, no member of the public may address the Board unless they have registered to speak, or have otherwise been called upon by the Chair to speak. Accordingly, all members of the public are instructed to disable any audio or video broadcasts until and unless the Board has called upon such individual to deliver comments. If a member of the public refuses to disable an audio or video broadcast after having been warned to do so by the Chair, then the individual may be permanently banned from the remainder of the meeting.

Please disable your audio and video broadcasts now.

All members of this body in attendance at this meeting are participating electronically. The members who are participating in this meeting include: **(1)** Ms. Veronica G. Blount, the Chair; **(2)** Mr. Jonathan Coleman, **(3)** Mr. Elliott Harrigan, **(4)** Mr. Robley S. Jones, **(5)** Mr. Neil S. Kessler, the Vice Chair; and **(6)** Mr. Samuel S. Young, Jr.

Members are reminded that all voting during this electronic meeting must be conducted by roll call vote. When a motion is on the floor, I will call each member by name, in alphabetical order, to state their vote individually, until all members are polled.

I have no further comments.

### **Minutes**

The Minutes from the June 17, 2020 Regular Electronic Board of Commissioners Meeting, were approved.

**1 Motion: (Jones/Young) Move to adopt the Minutes from the  
June 17, 2020 Regular Electronic Board of Commissioners Meeting**

**Motion Carried  
Absent: Olds**

### **Citizen Information Period**

No citizens were scheduled to speak.

**Chairman/CEO Reports**

**Chairman's Comments** – Chairman Blount provided the following comments and/or updates. She said *“I want to say that in these unprecedented times of COVID-19, I think that we as an agency have been doing an exceptional job of not only meeting our responsibilities to have board meetings and special board meetings, but we have also been making sure that we've been staying in contact with our executive board members. I'm happy to say that the transition between the two interims has been successful and I'm really happy to see that we've had a smooth transition. I'm very proud of these women who have taken the helm in a seamless manner, with no incidents. Thank you so much for your service and especially at a time like this because I don't think any other CEO or interim CEO, have had to go through anything such as this COVID crisis, and still be able to handle operations of the largest housing authority in the state of Virginia. I thank our supporting staff in the executive office: Priscilla Jackson, Ingram Brown, Cory Wolfe, Brian Swann and others. Not only was Teri Walton working as the Interim CEO, but she was still doing her job in operations, and being able to do that seamlessly as well. We are in great hands and I know that we're going to be setting a new precedent for how housing authorities are going to be run”*.

**Interim Chief Executive Officer's comments** – Interim CEO Stacey Daniels-Fayson provided the following comments and/or updates. She said *“I'd like to say before I get started that I'm very excited to be in the interim role. I am very committed to the Housing Authority and the mission of the Authority and to our residents. I know that we have a lot of work to do and will continue to do that work and do it well”*.

- In this COVID-19 pandemic environment, we continue to work with limited operations. Several staff from multiple departments are teleworking. Essential personnel which includes central maintenance, property management and maintenance staff continue to work on staggered work schedules to address emergency and urgent work orders.
- To address the concern regarding routine work orders, we are augmenting RRHA staff by hiring temporary employees and contractors to assist with these routine items. The contractors will help with vacancy reductions and the temporary

employees will handle the agency's curb appeal. This will free up maintenance staff to work on routine work orders.

- RRHA's Re-imagining strategy is moving forward. The team continues to work on a variety of processes to move the organization forward virtually.
- Under the CARES Act, HUD authorized a series of waivers to certain regulatory requirements for Low Income Public Housing (LIPH) and the Housing Choice Voucher (HCV) programs. A resolution is being presented to the Board to adopt temporary pandemic related waivers for the LIPH and HCV programs.
- The inventory removal application for the first phase of Creighton was submitted to HUD on July 8<sup>th</sup>. Staff continues to work on the applications for the second and third phases of the Creighton project.
- Several virtual community meetings were held for the Fulton, Afton, Stovall, Bainbridge, and Randolph communities. Sarah Jones-Anderson, Senior Project Manager did an excellent job on presenting the information.
- The Community Builders was awarded \$700,000 from the Department of Housing and Community Development for Phase 2B of the Armstrong development.
- RRHA provided a response to the City of Richmond's 300 Plan.
- The Eviction Moratorium is ending on July 24<sup>th</sup>. The lease enforcement actions will become effective on August 8<sup>th</sup> or 10<sup>th</sup>.
- Staff has been campaigning by using different media outlets to reach our residents so that they can enter into repayment agreements with the RRHA.
- Virtual meetings were held with various council members.
  - On June 24<sup>th</sup>, staff met with Councilwoman Ellen Robertson and the Maggie Walker Citizens Advisory Board to discuss RRHA's approach to redevelopment and collaborative strategic efforts. There was discussion surrounding city funding for infrastructure, resident services and relocation needs to assist the Authority.
  - On July 8<sup>th</sup>, staff met with Councilwoman Robertson to discuss development projects in relationship to the issue of crime and safety along the I-64 and I-95 corridors.

- On July 9<sup>th</sup>, staff met with Councilwoman Cynthia Newbille and community builders to provide an update on the Creighton Court and Armstrong projects. Councilwoman Newbille offered support to the projects in terms of funding. We are looking for funding for RRHA's relocation planning initiative.
- The theme throughout the meetings with the Council representatives was to ask for their commitment on the projects that we have underway, particularly the Creighton project. These efforts are not just RRHA, but is a partnership among RRHA, our developers and the city.
- On July 10<sup>th</sup>, staff met with Councilwoman Lynch to discuss the RAD development for the senior properties. The Councilwoman highlighted one of our own staff, Kami Smith, Resident Services Coordinator on her customer service skills and how she personally interacts with the residents. "*Kudos to Kami*".
- The Open House event for the scholarship recipients will be held on July 28<sup>th</sup>.

**Committee Updates**

Interim CEO, *Stacey Daniels-Fayson* reported that the *Administration and Finance Committee* met on July 13, 2020. The following items were reviewed and discussed:

- 2019 audit.
- Wi-Fi and daycare access for residents.
- Lease enforcement policy changes.
- HUD waivers.
- Agency vacancies.
- IT update.
- Procurement update.
- Financials.

Note: the *Real Estate and Community Development Committee* did not meet in July.

Resolution(s)

*Agenda Item No. 1* - Resolution Authorizing and Enacting certain Accounting and Policy Changes Related to Public Housing Debt Collections and Lease Enforcement

(20-11) WHEREAS, the Richmond Redevelopment and Housing Authority (“RRHA”) owns and manages more than 3,500 units of low-income public housing; and

WHEREAS, RRHA’s property management staff observe a number of legal, administrative, and accounting policies related to the enforcement of the public housing dwelling lease for such units (hereafter, the “Lease”), and the collection of debt owed to RRHA under such Lease by public housing tenants; and

WHEREAS, such legal, administrative, and accounting policies are codified in certain legal and operational instruments, which include, without limitation: the Lease, the RRHA Admissions and Continued Occupancy Policy (the “ACOP”), and other miscellaneous written staff directives or procedural guides (collectively, the “Policies”); and

WHEREAS, on the advice and recommendation of the Interim Chief Executive Officer of RRHA (the “CEO”), the Board of Commissioners of RRHA (the “Board”) believes a number of changes to the Policies, along with certain other accounting changes, are necessary to improve Lease enforcement and debt collection while also expanding access to RRHA’s public housing program by current and future residents of low and extremely low income;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of this Board that to the greatest extent permitted by applicable law:

I. RRHA shall observe and comply with each of the following:

- (1) **Revise the Payment Sequence.** Effective July 25, 2020 (or as near thereto as is administratively practicable), RRHA shall permanently revise the order of priority by which a particular tenant payment is applied to such tenant’s current outstanding tenant charges (hereafter, the “Payment Sequence”) such that any given payment is applied to a tenant’s outstanding charges in the following order:
  - a. First, to outstanding monthly **rent** charges, in reverse chronological order of the date such charges were assessed;
  - b. Then, to outstanding charges assessed for **damage** to a tenant’s residence (beyond normal wear and tear) in accordance with Paragraph 5 of Part II of the Lease, in reverse chronological order of the date such charges were assessed;

- c. Then, to outstanding charges for court costs or other **legal fees** assessed in accordance with Paragraph 15 of Part II of the Lease, in reverse chronological order of the date such charges were assessed;
  - d. Then, to any returned check or **non-sufficient fund fees** charged in accordance with Paragraph 2 of Part II of the Lease, in reverse chronological order of the date such charges were assessed;
  - e. Then, to any **late fees** charges in accordance with Paragraph 2 of Part II of the Lease, in reverse chronological order of the date such charges were assessed;
  - f. Then, to any **cleaning fees** lawfully charged, in reverse chronological order of the date such charges were assessed;
  - g. Then, to charges for any other **miscellaneous amounts** owed to RRHA by a public housing resident pursuant to the Lease or applicable law and which is not otherwise addressed in this Payment Sequence, in reverse chronological order of the date such charges were assessed;
  - h. Then, to any **excess utility surcharge** assessed in accordance with Paragraph 4 of Part II of the Lease, in reverse chronological order of the date such charges were assessed.
- (2) **Re-apply payments applied to utility debt.** Effective July 25, 2020 (or as near thereto as is administratively practicable), RRHA shall reverse every payment made by a current public housing resident on or after February 1, 2013, and shall re-apply such payment according to the Payment Sequence which was in effect at the time such payment was received, except that no payment shall be applied to any excess utility surcharge assessed in accordance with Paragraph 4 of Part II of the Lease unless every other category of charges outlined in such Payment Sequence owed by such tenant was also satisfied at the time such payment is applied.
- (3) **Forgive utility debt.** Once RRHA achieves the re-application of payments described in Paragraph 2 above, the Interim CEO (or her designee) shall review the total amount of tenant excess utility surcharges which were charged on or after February 1, 2013 and which remain wholly or partially unpaid at the time such re-application was completed. Upon conducting such review, the Interim CEO (or her designee) shall report back to this Board at the next administratively convenient opportunity with a recommendation as to whether forgiveness or other remediation of such unpaid excess utility surcharges is appropriate.
- (4) **When late fees are assessed.** Effective July 25, 2020 (or as near thereto as is administratively practicable), RRHA shall amend the Policies such that no late fee shall be charged to any public housing tenant in any month if, according to RRHA's business records and the Payment Sequence described above, the tenant's rent for that month was paid in full, regardless of any outstanding balance the tenant may owe for non-rent charges or previous months' rent charges.

- (5) **Amount of late fee.** Effective July 25, 2020 (or as near thereto as is administratively practicable), RRHA shall charge no fee in excess of five dollars (\$5.00) for the late payment of any charge due under the Lease.
- (6) **Tenant grievances.** Effective July 25, 2020 (or as near thereto as is administratively practicable), RRHA shall amend the Policies to require that a representative of a tenant's property management office respond to every request for formal or informal settlement of a tenant grievance (as such terms are defined in 24 C.F.R. Part 966, Subpart B) within fifteen (15) calendar days of RRHA's receipt of such request.
- (7) **Filing of unlawful detainer.** Effective July 25, 2020 (or as near thereto as is administratively practicable), RRHA shall amend the Policies to require that no Summons for Unlawful Detainer is filed to recover possession of a low-income public housing unit for the sole reason of nonpayment of charges due under the Lease if:
  - a. fewer than twenty-four (24) calendar days has passed since the tenant's most recent monthly rent charge became due and payable,
  - or**
  - b. the total amount of debt claimed as damages on such summons does not exceed the minimum income-based rent charged by RRHA.

II. The Interim CEO (or her designee) is authorized and directed to undertake all measures necessary or convenient to effect the changes described in Part I of this Resolution, including, if necessary, the preparation, negotiation, execution, or delivery of any contract, policy, procedural manual, or other instrument necessary to effect the terms hereof, without the further or additional authorization or approval of this Board.

III. To the extent that there exists any legal, procedural, or administrative prerequisite to amend any of the Policies concerned in this Resolution which would delay the effective date of such amendment beyond any effective date imposed this Resolution hereinabove, the CEO is authorized and directed to enact and observe the relevant policy change as fully as permitted by law until such administrative prerequisite is completed.

**2 Motion: (Jones/Kessler) Move to adopt Resolution 1**

**Motion Carried**

**Absent: Olds**

***Agenda Item No. 2*** - Resolution Implementing, Adopting and Extending certain Temporary Pandemic-Related Waivers in the Low-Income Public Housing and Voucher Choice Programs

**(20-12)** WHEREAS, the novel coronavirus pandemic commonly known as COVID-19 is an ongoing, unprecedented public health crisis which significantly impacts the safe and efficient operation of public housing authorities; and

WHEREAS, in response to the COVID-19 pandemic and in accordance with the Coronavirus Aid, Relief, and Economic Security Act of 2020 (the “CARES Act”), the U.S. Department of Housing and Urban Development (“HUD”) authorized a series of waivers to certain regulatory requirements of the low-income public housing (“LIPH) and Housing Choice Voucher (“HCV” or “HCVP”) programs (collectively, the “HUD Waivers”); and

WHEREAS, such HUD Waivers, which are outlined and described in Public and Indian Housing Notice 2020-05 (attached hereto as Exhibit “A”); do not require consent from HUD, approval by a public housing authority’s governing body, or formalized public notice as conditions for adoption by RRHA; and

WHEREAS, RRHA adopted many of the HUD Waivers in its HCV and LIPH programs on May 5 and May 6, 2020, respectively, as outlined those documents entitled “Statement of Temporary HCVP Waivers and Policy Changes” and “Statement of Temporary Public Housing Waivers and Policy Changes,” hereafter referred to as the “Waiver Documents” (attached hereto as Exhibits “B” and “C”); and

WHEREAS, within the Waiver Documents, RRHA affirmatively adopted Waivers HCV-1 and PH-4, which allow RRHA to make temporary revisions to its HCVP Administrative Plan (the “Administrative Plan”) and its LIPH Admissions and Continued Occupancy Policy (the “ACOP”), respectively, as to certain internal policies not specifically addressed by the HUD Waivers but over which RRHA enjoys discretion generally, in order to revise existing policies to accommodate the needs of program participants, applicants, and RRHA staff during the COVID-19 pandemic; and

WHEREAS, in accordance with the requirements of Waivers HCV-1 and PH-4, RRHA included in the Waiver Documents certain temporary amendments to its Administrative Plan and ACOP in order to (i) extend the deadlines for individuals on the HCV and LIPH program waiting list to confirm their continued interest in assisted housing, (ii) to temporarily waive all deadlines for the submission of eligibility verification documents by HCV and LIPH applicants undergoing eligibility review for such programs, (iii) to allow existing LIPH residents to report a decrease in household income at any time without penalty,

and (iv) to temporarily waive the deadline by which existing LIPH residents must report increases in household income to RRHA; and

WHEREAS, in addition to the temporary Administrative Plan and ACOP revisions described in the preceding paragraph, RRHA also characterized each HUD Waiver adopted in the Waiver Documents as temporary revisions to such Administrative Plan and ACOP, but only to the extent needed to ensure the clear and unambiguous interpretation of such documents in relation to those HUD Waivers which RRHA affirmatively adopted and which may appear to contradict the existing provisions of the Administrative Plan and ACOP; and

WHEREAS, in accordance with Waiver HCV-1 and PH-4, any temporary revisions to the Administrative Plan and ACOP intended to have effect beyond June 30, 2020 must be formally adopted by RRHA's Board of Commissioners on or before July 31, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of this Board that to the greatest extent permitted by applicable law:

1. That each of the HUD Waivers adopted by RRHA in the Waiver Documents is hereby approved and ratified by this Board; and
2. That to the extent the Waiver Documents temporarily revise RRHA's Administrative Plan and ACOP in accordance with HUD Waiver HCV-1 or PH-4, such revisions are hereby approved, ratified, and formally adopted by this Board, and each such revision shall enjoy full force and effect until the first occurrence of any of the following events: (i) existing or future HUD guidance requires that such revision be rescinded, or (ii) this Board affirmatively rescinds such revision.

***3 Motion: (Jones) Move to adopt Resolutions 2***

**Motion Carried**

**Absent: Olds**

**Closed Session**

At 6:13 p.m., Commissioner Jones asked to go into Closed Session and read the following motion:

I move that we go into closed session to consult with legal counsel and staff regarding the following matters:

*(1) Discuss or consider prospective candidates for employment or promotion, particularly the appointment of an interim or permanent Chief Executive Officer, as permitted by Va. Code § 2.2-3711(1).*

**4 Motion: (Jones/Young) Move to go into Closed Session.**

**Motion Carried**

**Absent: Olds**

At 6:46 p.m., Commissioner Jones asked to leave Closed Session.

**5 Motion: (Jones/Young) Move to leave Closed Session.**

**Motion Carried**

**Absent: Olds**

***CERTIFICATION OF CLOSED MEETING***

WHEREAS, the Board of Commissioners of the Richmond Redevelopment and Housing Authority (the "Board") convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(B) of the Code of Virginia of 1950, as amended, requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

**6 Motion: (Jones/Kessler) Move to accept the Certification of Closed Meeting**

**Motion Carried**

**Absent: Olds**

Adjournment

There being no further business, the meeting adjourned at 6:47 p.m.

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Chairman

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Chief Executive Officer/Secretary