

COMMISSIONERS' REGULAR ELECTRONIC BOARD MEETING
January 19, 2022

Resolution(s) Passed:

- 22-01 Resolution approving a modification to the resale restrictions on those Homeownership Lots designated for construction of Affordable Units pursuant to Addendum No. 2 to Master Development Agreement Addressing Implementation of Homeownership Component by and between Richmond Redevelopment and Housing Authority and The Community Builders, Inc., dated February 28, 2020, and authorizing the Chief Executive Officer, or his designee, to negotiate, execute and deliver an amendment to Addendum No. 2 to Master Development Agreement Addressing Implementation of Homeownership Component to reflect such modification on behalf of Richmond Redevelopment and Housing Authority
- MOTION:** Hardiman, Chair of the Real Estate Committee
VOTE: Aye: Blount, Coleman, Gooden, Hardiman, Johnson, Jones, Kessler, Pitchford, Shelton
ABSTAIN: None
ABSENT: None
- 22-02 Resolution Authorizing the Interim CEO, or Her Designee, to Execute an Amendment to the Master Development Agreement with The Community Builders, Inc.
- MOTION:** Hardiman, Chair of the Real Estate Committee
VOTE: Aye: Blount, Coleman, Gooden, Hardiman, Johnson, Jones, Kessler, Pitchford, Shelton
ABSTAIN: None
ABSENT: None
- 22-03 Resolution Approving the Use of HUD's 60/40 RAD Blend Program for the Richmond Senior Project and Authorizing RRHA's Interim Chief Executive Officer, or Her Designee, to Execute Any Document Reasonably Necessary to Effect the Same
- MOTION:** Hardiman, Chair of the Real Estate Committee
VOTE: Aye: Blount, Coleman, Gooden, Hardiman, Johnson, Jones, Kessler, Pitchford, Shelton
ABSTAIN: None
ABSENT: None

MINUTES OF REGULAR ELECTRONIC MEETING
OF THE COMMISSIONERS OF
RICHMOND REDEVELOPMENT AND HOUSING AUTHORITY
HELD VIA GOTOMEETING
IN RICHMOND, VIRGINIA
ON WEDNESDAY, JANUARY 19, 2022

Board of Commissioners

In Attendance Via GoToMeeting:

Dr. Basil I. Gooden, Chairman
Barrett Hardiman, Vice Chairman
Veronica Blount
Jonathan Coleman
W. R. "Bill" Johnson, Jr.
Robley Jones
Neil Kessler
Charlene Pitchford
Patrice Shelton

RRHA Staff

Stacey Daniels-Fayson, Interim Chief Executive Officer

Chairman Basil Gooden called the meeting to order at 5:31 p.m. with Ben Titter serving as General Counsel. A quorum was established.

General Counsel Comments

This meeting is an electronic meeting conducted in accordance with Va. Code § 2.2-3708.2(A)(3) as well as City of Richmond Ordinance 2020-R025, which was adopted pursuant to Va. Code § 44-146.21 The Board is meeting by entirely remote means and a quorum is not physically assembled due to the COVID-19 pandemic, which has made it unsafe for a quorum of Board members to physically assemble in a single location. The purpose of this electronic meeting is to allow the Board to provide for the continuity of RRHA operations and carry out the Board's lawful purposes, duties, and responsibilities.

Notice of this electronic meeting was published on RRHA's website on **January 10, 2022**. That Notice identified that this meeting will be an "electronic meeting" conducted through GoToMeeting and that members of the public could observe and participate. Specific instructions to access the meeting by internet and by phone were disclosed in the Notice, which also directed members of the public to a link where they could register to deliver public comments. All requests to speak are delivered to Priscilla Jackson, Executive Administrative Assistant.

Members of the public must register in advance in accordance with the Board's Bylaws in order to make public comments during the meeting. To register, members of the public must access an online link by which they can provide the registration information required by the Board's Bylaws. Public comments must be made at electronic meetings of this Board in real time through the GoToMeeting application, either by internet or by phone. Written comments will not be accepted and will not be included in the minutes of this meeting.

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 Chair 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.

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Please disable your audio and video broadcasts now.

Members are reminded that all voting during this electronic meeting will 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.

Agenda

Chairman Gooden asked if there were any additional items for the January 19, 2022 board agenda. No additional items were recommended; the agenda was accepted as presented.

Minutes

The Minutes from the *December 15, 2021 Regular Board of Commissioner's Meeting* were approved.

Motion: (Jones/Hardiman) Move to adopt the Minutes from the December 15, 2021 Regular Board of Commissioner's Meeting

Motion Carried Unanimously

Citizen Information Period

Chairman Gooden informed the Commissioners that Councilwoman Stephanie Lynch had requested to speak at the board meeting but had missed the deadline to sign up to speak. He asked if there were any objections from the Commissioners with granting a waiver for her to speak. There were no objections from the Commissioners; therefore, Councilwoman Lynch was allowed to speak.

Brian W. Bills addressed the Board of Commissioners to discuss RRHA's decision to recommence evicting tenants for nonpayment of rent and ideas on how to support tenants to sign up for rent relief. He asked for a board motion to suspend legal steps that would lead to Eviction of RRHA residents for non-payment of rent because currently there is rent relief money available that would allow residents to remain in their housing and make RRHA whole. He asked if there are ways that the Richmond community and other organizations operating in RRHA communities can come together to help reach the residents if RRHA is not able to succeed in reaching them. He concluded his comments by saying "*I personally volunteer, if I can be helpful in any way to support in contacting these families. I will volunteer to go knock on doors with RRHA or do anything else that I can do to help prevent these evictions in our city.*"

Keisha Cummings addressed the Board of Commissioners to discuss evictions. She stated that RRHA should not proceed with evictions at this time but should extend efforts to enroll residents in rent relief. She mentioned that the residents did not have access to the Calhoun Center until this year, and that residents do not have access to the recreation center in Hillside Court. She concluded her comments by saying "*If you guys*

need any assistance with community building with the residents, 2Live LLC is also available to help the residents".

Beth Almore addressed the Board of Commissioners to amplify and signal boost a petition that was signed by over 1,000 thousand community members calling for a hard pause to the eviction of RPS students. The community members are asking that the RRHA board establish a policy that no family with RPS students shall be evicted during this current academic year. She concluded her comments by saying that *"housing is a human right, not a luxury, not a privilege"*.

Thad Williamson addressed the Board of Commissioners as a resident of the city of Richmond regarding the resumption of lease enforcement activities. He asked the Board to take action this evening to suspend any plans to move forward with legal action that could potentially lead to the eviction of residents for non-payment of rent especially since funds have been appropriated to specifically help low-income public housing residents. He said *"we should not be contemplating a mass dislocation of residents while we have the resources and tools available to prevent it. We will be continuing to advocate to City Council and the city administration to provide more support and resources to RRHA for related efforts to prevent evictions"*.

Robin Mines addressed the Board of Commissioners to discuss preventing evictions in RRHA and engaging the community. She thanked the Board and staff for their efforts to reach and engage the families to apply for these funds. She urged RRHA to connect with community members and non-profits to assist them in engaging with the residents.

Ben Teresa addressed the Board of Commissioners and asked that they take action to suspend any plans to move forward with legal action leading to the eviction of residents. He stated that the eviction of public housing residents will lead residents into the worst quality of housing or effectively make them homeless.

Councilwoman Stephanie Lynch addressed the Board of Commissioners regarding the housing crisis for 900 plus RRHA families and asked that they do all that they can to stop legal action against those families who are facing evictions. She said *"As a city council member, I'm here and I think all of my colleagues have expressed a desire to partner with you and have a more regular dialog with you and to do that in lockstep with our community members and advocates that are here right now with us today and most importantly, the residents"*. She concluded her comments by saying *"I stand at the ready to work with you"*.

Chairman Gooden concluded the Citizen Information Period by thanking all of the speakers for their comments.

Chairman's Updates

Chairman Gooden provided the following comments and updates.

- o He expressed gratitude and appreciation to the RRHA team and the Board for the work that they are doing in these challenging times.
- o The lease enforcement issue is of concern to many. The RRHA Board and staff look forward to having conversations and engaging citizens to look for ways and solutions to address this issue. He said *"None of us are in the business of wanting to evict anyone. It is not in anyone's best interest to have anyone removed from their homes"*.
- o The Board will be moving forward with the CEO search.

Interim Chief Executive Officer's Updates

Interim CEO Stacey Daniels-Fayson provided the following comments and updates.

- o Lease Enforcement
 - RRHA will continue to work with our families to apply for rental assistance and ensure that our residents can enter into repayment agreements.
 - RRHA is working with the Department of Housing and Community Development to ensure that we can apply for rental assistance on behalf of our families.
 - HUD has made it clear to RRHA that any debts that the residents owe will not be forgiven and that we must enforce our lease.
 - A presentation was provided on RRHA's lease enforcement efforts.

Discussion: After receiving updates from staff on RRHA's lease enforcement efforts, the Board made the following suggestions:

- o Suspend all legal action on any lease enforcement efforts through June 2022.
This would give the Authority time to exhaust every single avenue to get as many residents as possible caught up on their rent without ending RRHA's lease enforcement.
- o When filing for an unlawful detainer, staff should give residents every opportunity to retain legal counsel prior to them going to court.
- o Staff should ensure that full documentation is recorded on RRHA's outreach efforts not only for families who are behind on rent, but also for those who do not respond to staff's request to provide them with assistance.
- o Staff should invite the superintendent of schools, the local HUD representative, the Mayor and representatives from city council to attend the next board meeting to provide guidance on RRHA's lease enforcement efforts.

After discussing this item at length, the following motion was made:

Motion: (Hardiman/Kessler) Move to suspend the filing of unlawful detainers on any resident until the February 16, 2022 board meeting.

Nay: Jones

Abstain: Blount, Coleman

Motion Carried

Action Items:

1. Staff will provide the Commissioners with the number of families that are at risk of potential legal action.
2. Staff should convene a meeting with the citizens who spoke during the public comment period to come up with a plan to help RRHA to reach the residents who have been unresponsive to staff's efforts to contact them.

Organizational Assessment Update

Director of Procurement Art Walker provided an update on the Organizational Assessment. The following key points were mentioned:

- o In December 2021, TAG & Associates was awarded the contract to conduct the organizational assessment for the agency.
- o TAG began their engagement process with staff and stakeholders at the beginning of this month.
- o The assessment is scheduled to be completed by April 2022.

Freedom of Information Act (FOIA)

General Counsel Ben Titter provided an update on FOIA. The following key points were mentioned:

- o Any conversations between three or more Commissioners to discuss RRHA business must be done at a board meeting. This would include having discussions with fellow Commissioners or members of any of the Board's committees regarding RRHA business whether on RRHA property or not. This applies to e-mails, text messages, media posts and in-person conversations.
- o If a matter can be discussed in a closed session, the Board or the committee must come together in an open meeting, have a motion to enter into a closed session on the record, and then proceed with the discussions in the closed session.

Committee Updates

The *Real Estate and Community Development Committee* met on January 13, 2021. Commissioner Barrett Hardiman, Chairman of the Real Estate Committee provided an update on the items that were discussed during that meeting:

- o Three resolutions were discussed:

- Resolution #1: Approves modification to amendment for Addendum No. 2 to Master Development Agreement for the Homeownership Agreement for The Community Builders.
- Resolution #2: Authorizes the Interim CEO to execute an amendment to the Master Development Agreement with The Community Builders.
- Resolution #3: Approves the use of HUD's 60/40 RAD Blend Program for the senior project.

The *Administration and Finance Committee* met on January 18, 2022.

Commissioner Neil Kessler provided an update on the items that were discussed during that meeting:

- o COVID Policy.
- o Compensation Scale.
- o Interim Controller Position.
- o Agency Vacancies.
- o Section 3 Hires.
- o IT Update.
- o Procurement Update.
- o Section 3/MBE Reporting.

The *Property Management Committee* met on January 12, 2022. Interim Chief Operating Officer Kenyatta Green provided an update on the items that were discussed during that meeting:

- o Training for the Leadership Academy will start on February 4, 2022 due to the increase in COVID cases.
- o FY 2021-2022 Annual Agency Plan.
- o FY 2022-2023 Annual Agency Plan Process.
- o Homeownership Program.
- o Lease Enforcement.
- o Vacancy Turn Process.
- o Maintenance Fees/Charges.
- o R.I.S.E. Award Winners.

Action Item: Staff will provide the Board with information on the vacancy process and turn times for the units.

The *Governance Committee* met on January 12, 2022. Commissioner Robley Jones, Chairman of the Governance Committee provided an update on the items that were discussed during that meeting:

- o Proposed revisions to the Procurement Policy will be presented at the next board meeting.
- o Work is underway on the CEO search.

- Director of Human Resources, Ingram Brown will contact the three search firms that are approved on the state contract list and request that they provide their proposals by January 28, 2022.

Resolution(s)

Agenda Item No. 1 – Resolution approving a modification to the resale restrictions on those Homeownership Lots designated for construction of Affordable Units pursuant to Addendum No. 2 to Master Development Agreement Addressing Implementation of Homeownership Component by and between Richmond Redevelopment and Housing Authority and The Community Builders, Inc., dated February 28, 2020, and authorizing the Chief Executive Officer, or his designee, to negotiate, execute and deliver an amendment to Addendum No. 2 to Master Development Agreement Addressing Implementation of Homeownership Component to reflect such modification on behalf of Richmond Redevelopment and Housing Authority

(22-01) WHEREAS, the Board of Commissioners of Richmond Redevelopment and Housing Authority (“RRHA”) adopted a resolution on January 21, 2015, authorizing the Chief Executive Officer of RRHA to enter into a Master Development Agreement with The Community Builders, Inc. (“TCB”) pursuant to which TCB would serve as master developer for the redevelopment and transformation, in multiple components, of the Creighton Court/Nine Mile Road area of the City of Richmond (the “Project”); and

WHEREAS, RRHA and TCB subsequently entered into a Master Development Agreement dated February 5, 2015 (as subsequently amended, the “MDA”), pursuant to which RRHA and TCB agreed to the terms and conditions pursuant to which TCB would serve as the master developer for the Project; and,

WHEREAS, the Project includes, among other things, a homeownership component (the “Homeownership Component”) providing for the development of up to thirty-six (36) single-family homes (collectively, the “Homeownership Units”) on lots to be transferred by RRHA to TCB (collectively, the “Homeownership Lots”), eight (8) of which Homeownership Units shall be sold as affordable units (collectively, the “Affordable Units”); and

WHEREAS, in connection with the implementation of the Homeownership Component, RRHA and TCB have previously entered into Addendum No. 2 to Master Development Agreement Addressing Implementation of Homeownership Component, dated February 28, 2020 (“Addendum No. 2 to MDA”), which Addendum No. 2 to MDA was approved by the Board of Commissioners of RRHA pursuant to a resolution adopted on May 15, 2019; and

WHEREAS, pursuant to Addendum No. 2 to MDA, the Homeownership Lots upon which Affordable Units are to be developed and constructed are to be sold to third-party purchasers, subject to a restriction that each such third-party purchaser may not re-sell his/her/their Affordable Unit to a purchaser earning above 80% of area median income, adjusted for family size (the “Affordable Unit Resale Restriction”); and

WHEREAS, the Affordable Unit Resale Restriction was intended to comply with the restrictions imposed by the Virginia Department of Housing and Community Development (“DHCD”) in connection with grant funding provided by DHCD to partially finance the construction and sale of the Affordable Units (the “DHCD Grant”); and

WHEREAS, due to the historic lack of equitable wealth accumulation opportunities for the initial 80% AMI purchasers combined with the lack of homeownership opportunities within Richmond for households earning up to 120% AMI, and the desire to expand the benefit of affordable homeownership to these households, TCB has proposed a modification to the Affordable Unit Resale

Restriction to permit the resale of the Affordable Units by the initial purchasers of the Affordable Units to purchasers earning up to 120% of area median income, adjusted for family size; and

WHEREAS, RRHA staff has determined that the proposed modification to the Affordable Unit Resale Restriction is reasonable given current market conditions; and

WHEREAS, it is necessary for the Board of Commissioners of RRHA to take appropriate official action to approve the proposed modification to the Affordable Unit Resale Restriction and to authorize the Chief Executive Officer, or his designee, to negotiate, execute and deliver an amendment to Addendum No. 2 to MDA to reflect such modification on behalf of RRHA;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of RRHA that (i) the Affordable Unit Resale Restriction shall be modified to permit the resale of the Affordable Units by the initial purchasers of the Affordable Units to purchasers earning up to 120% of area median income, adjusted for family size, and (ii) the Chief Executive Officer, or his designee, acting on behalf of RRHA, is hereby authorized and directed to negotiate, execute and deliver an amendment to Addendum No. 2 to MDA to reflect such modification to the Affordable Unit Resale Restriction.

Motion: (Hardiman, Chair of the Real Estate Committee) Move to adopt Resolution #1

Motion Carried Unanimously

Agenda Item No. 2 – Resolution Authorizing the Interim CEO, or Her Designee, to Execute an Amendment to the Master Development Agreement with The Community Builders, Inc.

(22-02) WHEREAS, RRHA and The Community Builders, INC. (the “Developer”) previously entered into that certain Master Development Agreement, dated January ____, 2015 and executed by Developer on January 29, 2015 and by RRHA on February 5, 2015 (the “MDA”); and

WHEREAS, RRHA and Developer subsequently entered into certain amendments to the MDA; and

WHEREAS, RRHA and Developer now desire to further amend the MDA, as more particularly described in that certain “Addendum No. 3 to Master Development Agreement Addressing Demolition of 192 Existing Units in Phase 1, Creighton Court by and between Richmond Redevelopment and Housing Authority and The Community Builders, INC.”, attached hereto as Exhibit A (the “Addendum No. 3”); now, therefore:

BE IT RESOLVED that the Interim Chief Executive Officer, or her designee, is authorized and directed to execute and deliver the Addendum No. 3; and

BE IT FURTHER RESOLVED that the Interim Chief Executive Officer, or her designee, is authorized and directed to negotiate, execute, and deliver any other document reasonably necessary to complete RRHA’s obligations under the Addendum No. 3.

Motion: (Hardiman, Chair of the Real Estate Committee) Move to adopt Resolution #2

Motion Carried Unanimously

Agenda Item No. 3 – Resolution Approving the Use of HUD’s 60/40 RAD Blend Program for the Richmond Senior Project and Authorizing RRHA’s Interim Chief Executive Officer, or Her Designee, to Execute Any Document Reasonably Necessary to Effect the Same

(22-03) WHEREAS, the Board of Commissioners of the Richmond Redevelopment and Housing Authority (“RRHA”), through written resolution, previously approved the redevelopment of RRHA’s properties at 1200 Decatur, 1611 4th Avenue, 1920 Stonewall Place, 3900 Oldbrook Circle, 700 Lombardy, and Fox Manor (18 W 27th Street), collectively referred to herein as “Richmond Senior” or the “Project”; and

WHEREAS, the Board of Commissioners of RRHA, through written resolution, previously approved the redevelopment of the Project through the Rental Assistance Demonstration (“RAD”) program administered by the United States Department of Housing and Urban Development (“HUD”); and

WHEREAS, HUD also permits redevelopment through a RAD/Section 18 Blend program, under which redevelopment occurs under both RAD and HUD’s Section 18 program effectively replacing the units proposed for disposition (up to 40 percent of the public housing units within a project) with Section 8 project-based voucher (PBV) assistance in accordance with 24 CFR part 983; and

WHEREAS, for financial and other reasons, RRHA and its developer-partner, The Michaels Organization, determined that converting up to 40 percent of the public housing units in the Project to PBV assistance under Section 18, and the remaining units converting under RAD, is the most feasible redevelopment option for the Project.

NOW, THEREFORE, BE IT RESOLVED by the RRHA Board of Commissioners that (i) the Board approves the use of the RAD Blend program with up to 40 percent of the units in the Project converting to PBV assistance under Section 18 and the remaining units converting under RAD, and (ii) the Interim Chief Executive Officer, or her designee, is hereby authorized to negotiate, execute, and deliver any and all documents reasonably required in connection with this resolution.

Motion: (Hardiman, Chair of the Real Estate Committee) Move to adopt Resolution #3

Motion Carried Unanimously

Commissioners’ Comments

- Commissioner Charlene Pitchford thanked the Commissioners for their support to provide baskets to residents.
- Commissioner Neil Kessler suggested that staff develop a plan to publicize to the community all of the lease enforcement efforts that the agency has been done thus far to assist our residents with coming current on their rent.

- Commissioner Bill Johnson agreed with Commissioner Kessler's comments about publicizing our efforts to the community and said *"We also need to let staff know that we recognize that you're in a difficult position. We have expectations, the community has expectations, and you've got guidelines. We are not against you. We need you to do the job that you're doing. We recognize that you're working hard. And no one, especially me and other members of this Board, wants to see someone put out on the streets. And we know that you're working hard. What you're facing is not easy. But we've got to step up and try to do the best job that we can do. I encourage you to continue to reach out and get anyone who is willing to help out. We are working for the community, that's what we're here to do. So, if it sounds one way, just know that it's our passion to try to get the job done. But we do support you, and we need you to do the best job that you can. And on doing that, you can count on our support. Thank you so much to continuing to assist them"*.
- Commissioner Veronica Blount mentioned that when Richmond Public Schools (RPS) put out the message about ensuring that the families with children are not evicted, she wondered if they sent that same message private landlords. She asked staff to find out how RPS is working with private landlords so that perhaps RRHA can use that same process with our residents.

Action Items:

1. Staff should develop a plan to publicize to the community all lease enforcement efforts that the agency has done to assist our residents with coming current on their rent.
2. Staff should check with RPS to see what process they used with private landlords to keep families with children from being evicted.

Adjournment

There being no further business, the meeting adjourned at approximately 8:09 p.m.


Interim Chief Executive Officer/Secretary


Chairman