

HOUSING AUTHORITY OF BERGEN COUNTY
One Bergen County Plaza, Hackensack, New Jersey

MINUTES OF ZOOM VIRTUAL MEETING OF OCTOBER 22, 2020

THESE MINUTES ARE NOT VERBATIM BUT ARE INSTEAD A SYNOPSIS OF WHAT TRANSPIRED AT THE REGULAR MEETING OF OCTOBER 22, 2020 – A ZOOM VIRUTAL MEETING OF THE HOUSING AUTHORITY OF BERGEN COUNTY BOARD OF COMMISSIONERS

PRESENT:

Commissioner Peter Caminiti, Sr.	Terrence Corriston, General Counsel
Commissioner Angelo D’Arminio, Jr.	Lynn Bartlett, Executive Director
Commissioner Joanne English-Rollieson	Al Restaino III, Accounting Manager
Commissioner Junior Hernandez	Julia Orlando, BCHHH Director
Commissioner Daniel Ortega	John Biale, HDC Dir. Of Development
Commissioner Danielle Peterson	Shahin Rahvar, Asst. Dir Rental Pgms
Commissioner Harvey Sohmer	Heather Wei, IT/Comm. Specialist

ABSENT:

Vincent Bufis, Field Operations Director
Esther Gatria, HR Manager

CALL TO ORDER

The meeting to order at 5:33pm. Executive Director Lynn Bartlett read the following statement:

Consistent with the Byron M. Baer Open Public Meetings Act: P.L.1975c231 - All meetings of public bodies shall be open to the public at all times. Notice of the virtual meeting schedule of the HABC Board of Commissioners setting forth the date, time and hyperlink information was posted by The Record on April 21, 2020. The same notice was posted on the Authority website and provided to the County Clerk for posting at the County Administration Building on April 17, 2020. The minutes of this meeting will be available following the next regularly scheduled meeting.

PLEDGE OF ALLEGIANCE

HDC Director of Development John Biale led all in the pledge of allegiance.

ROLL CALL

Commissioners Caminiti, D’Arminio, English-Rollieson, Hernandez, Ortega (late), Peterson (late) and Sohmer were all present for the meeting, none were absent.

MINUTES

The Chairman asked for a motion to approve the regular meeting minutes of the September 2020 meeting of the HABC Board of Commissioners. Motion was made by Commissioners Caminiti and seconded by Commissioner Hernandez; upon roll call the motion carried unanimously.

ROLL CALL VOTE:

Caminiti – YES
D’Arminio – YES
English-Rollieson - YES
Hernandez – YES
Ortega – ABSENT
Peterson – ABSENT
Sohmer - YES

EXECUTIVE DIRECTOR REPORT

Director Bartlett began by reporting that both HABC and HDC audits have been completed. She explained that under many of the pandemic waivers HUD has given they provided 6month extension to complete and submit year end audits. Ms. Bartlett explained that finance staff have been exceptionally organized, business continuity sound, resulting in the provision of all necessary documents to the auditor on time and audits have been completed. Ms. Bartlett explained that Auditor Rich Larsen of Novogradac will likely be at the November Board meeting to present the audit.

HUMAN RESOURCES

The Executive Director reported the resignation of a maintenance assistant earlier in the week and the likelihood that the opening will be advertised to be filled.

Ms. Bartlett welcomed Commissioner Peterson to the meeting (5:36pm) allowing for the record's reflection of her attendance.

FIELD

Director Bartlett then provided the monthly vacancy report verbally due late circulation the report. She reported this 22 vacancies for the entire portfolio and lease signings scheduled for almost half of the units, 5 with lease signings in the coming week.

BANKING SERVICES

Keeping Board members abreast of the present situation with Investors Bank, Ms. Bartlett explained that she responded to Investors Bank after the last Board of Commissioner meeting and informed them of the Board's decision to not amend the current contract terms. She then explained that Investors Bank had responded by providing a 90 notice to terminate the contract. Ms. Bartlett explained that the termination will require that HABC and HDC will need to procure banking services once again. She further explained that she was working with General Counsel to see if it is possible for the remaining banking partner, Freedom Bank, to provide banking services for the entire portfolio.

AUDIT

Ms. Bartlett updated the Board of Commissioners on the IRS notices issued to HABC regarding late filing of 1099s for the years 2017, 2018 and 2019. Ms. Bartlett reported that HABC Auditor Novogradac has reached out to the IRS attempting to resolve the matter. Novogradac provided a Reasonable Cause Letter asking that the penalties be forgiven. The matter has assigned to a treasury agent whom Novogradac has been working directly with on the matter. Ms. Bartlett explained that the situation is the result of the HABC marking an incorrect box on the 1099s for participating landlords when submitting the forms, and submitting the some of the forms late. HABC staff have been educated properly on correct filings, with appropriate reporting controls put in place; no issues are expected going forward. Continued updates will also be provided to the Board on the matter until it is settled.

ATTORNEY REPORT

Terry Corriston explained that in addition to NJ's prohibition of evictions during the pandemic there are new eviction stays in place until the end of December placed by Center for Disease Control (CDC). The CDC rule bars evictions for non-payment. He explained that HABC has a very limited number of non-paying tenants and that HABC has been working directly with these households.

Mr. Corriston reported that there are new rules issued by the State of NJ on virtual meetings. To be in full compliance HABC will need adopt resolution on how HABC treats public comment and confirm full compliance with publicizing meetings.

DISCUSSION

Commissioner English-Rollieson asked if landlords can still file for eviction while the courts are closed? Mr. Corriston affirmed that landlords can still file. He explained that NJ rules now require a 30 day notice to the tenant prior to filing. He furthered that federal regulations are slightly complicated, they require the tenant to file a certification that they earn under a threshold amount of money, have lost income due to COVID and despite their best efforts they have been unable to pay rent. Continuing, he explained that the best a landlord can do is argue those facts to be untrue; though right now no matter will be addressed by court until after the new year.

He further explained that previously, the law did not require notice of private landlords for non-payment and required 14 day notice for public housing authorities; now all are required to provide 30 day notice.

PUBLIC MEETING

Vice-Chairman Caminiti made a motion opening the meeting to the public, it was seconded by Commissioner English-Rollieson motion carried unopposed.

Patricia Whitney introduced both herself and her daughter Felicia Fung. She explained that Ms. Fung is a participant of the HABC Section 8 Housing Choice Voucher Program, and their collective concern being that Ms. Fung is entitled to an informal hearing which she was denied by Ms. Bartlett in an email dated October 12, 2020. Ms. Whitney continued, stating that over the past year Ms. Fung submitted 5 requests for reasonable accommodation to rent from a relative, and all five have been denied. Ms. Whitney stated that Ms. Fung has searched over 100 single family detached units and found all to be over the HABC payment standard and unaffordable to the household. She explained that within last 60 days Ms. Fung lost her job.

Ms. Whitney then cited page and paragraph sections of the HABC HCV Administrative Plan referencing informal hearings.

Ms. Bartlett clarified the citations Ms. Whitney referenced in the Plan by explaining that when a household is being terminated or denied an application for assistance then household can request a fair hearing. Ms. Bartlett pointed out that Ms. Fung is neither being terminated from the program nor denied assistance and as such a fair hearing was unwarranted and was denied. Ms. Bartlett explained that although the reasonable accommodation request to rent from relative was denied, Ms. Fung was provided three alternative accommodations: adding a bedroom to the voucher size, added additional search time to the voucher, and allowing the household to exceed payment standard up to 120%.

Chairman Ortega joined the meeting (5:49pm)

Ms. Bartlett then asked if Terry had any additional information to share given that had Terry received and reviewed correspondence from participant. He asked Ms. Whitney if her daughter was present or available since the discussion is relative to her. Ms. Fung responded directly affirming her presence. Mr. Corriston then asked her is she had any issue with her matter being discussed publicly? Ms. Fung responded that she was ok with her matter being discussed publicly.

Mr. Corriston then shared his belief that there is a misunderstanding on the part of the participant and her Mother as to how the program works. He pointed out that payment standards are individual to towns. He referred to previous correspondence received from the family, including one of the reasonable accommodation requests which stated that Ms. Fung was not permitted to move to other towns or jurisdictions. Mr. Corriston stated his wish to be clear, that Ms. Fung can go anywhere in US to find suitable house, including towns that identified in her correspondence. She can move to Garfield, Englewood, or any other local jurisdiction – the HABC would port her participation and paperwork so that she could lease up

anywhere. Mr. Corrison also addressed the statement made that Ms. Fung's loss of income lowers payment standard, which is incorrect – loss of job means that household will receive more assistance. Ms. Fung responded explaining that moving households are capped at 40% of their income on a relocation and the loss of income reduces her maximum contribution. Mr. Corrison acknowledged her point and stated that he wanted to ensure she understands the workings of the program.

Ms. Whitney then referenced page 462 of the HABC HCV Admin Plan identifying the section on informal hearings specifically referencing bulleted item number three. She explained that it applied directly to her granddaughter and grandson, reading the citation “household is over housed in current unit and exception is denied.” Mr. Corrison explained that over housed means that your unit is too big for the household and that no one was taking issue relative to being over housed.

Ms. Whitney then referenced page 301 of the Plan citing “when HABC makes a decision that has a negative impact on the family, the family is often entitled to an appeal”. Mr. Corrison responded that he believed the HABC has properly applied the Plan.

Commissioner English Rollieson asked how much is voucher for? Director Bartlett explained that an additional bedroom had provided for the household and that the amount is based upon zip code. Ms. Bartlett asked Ms. Fung to confirm that she is presently in a two-bedroom unit but a three-bedroom voucher had been provided. Ms. Fung responded confirming that she is in a two-bedroom apartment. Commissioner English-Rollieson's follow up inquired if the new voucher is for additional bedroom in a higher range? Ms. Bartlett confirmed. Commissioner English-Rollieson then asked participant if she is reporting that she has been unable to find any units within the payment standard range? Ms. Fung affirmed as correct, she explained that she is looking for detached home to best accommodate her son's disability. Commissioner English-Rollieson asked if Ms. Fung was restricting herself to renting only a single family home, and if she would accept a unit in a two family on first or second floor that was larger. Ms. Fung explained that her son's yelling has been an issue for neighbors.

Commissioner English-Rollieson then stated that she was confused as to what the problem to being addressed was? Mr. Corrison offered clarification by explaining that Ms. Whitney has a single family home she owns, that has apparently has been vacant for over a year, that she would like to rent to daughter and have HABC pay assistance on behalf of Ms. Fung to Ms. Whitney - which is prohibited under program regulations.

Ms. Whitney argued that the rental is not prohibited, but permissible under special accommodation. Mr. Corrison replied, explaining the special accommodation can be provided when show a need and no other accommodation is available. He furthered that the Authority had provided lists of other properties to Ms. Fung. She replied that the list she was given only had one home and it was a two family but had already been leased. She furthered that she had searched site and no other single family homes were listed on the site.

Commissioner English-Rollieson offered her experience as realtor and that other units were available. Commissioner English-Rollieson asked if Ms. Whitney could sell home to someone else who can lease to Ms. Fung? Mr. Corrison stated that an arms length sale not intended to defraud would be permissible. Ms. Bartlett also explained that the HUD regulations were clear in defining the term “relative” and any sale would need to be outside that definition.

Ms. Whitney explained that she didn't understand how the household was not entitled to a fair hearing? Commissioner English-Rollieson responded stating “because you have other options available”. Given the Commissioners professional experience she stated there are places available to Ms. Fung. The

Commissioner follow up asking why Ms. Whitney wanted a fair hearing, and what the fair hearing would determine? Commissioner English-Rollieson pointed out that the household was in front of full board now, and all are working to rectify or find solution and have offered sale of the house, and not limiting the housing search to only single family homes.

Both Ms. Whitney and Ms. Fung reiterated their concerns for a unit in a two family house and their concerns because of the child's banging. Ms. Whitney heartfully explained the frustration of being a mother and not being able to move your child and grandchildren into her house. Which all acknowledged. Commissioner English-Rollieson offered Ms. Whitney and Ms. Fung to call her for assistance if you need it.

Concluding the matter and discussion, seeing there were no other members of the public in attendance, Vice-Chairman Caminiti made a motion closing the public portion of the meeting, it was seconded by Commissioner English-Rollieson and carried.

Vice-Chairman offer to turn the meeting over the Chairman who politely encouraged Vice-Chairman to continue and finish out the meeting.

CONSENT AGENDA

Vice-Chairman Caminiti made a motion approving all items on the consent agenda, Resolutions 2020-74 through 2020-79 that carried unanimously upon roll call.

A. Resolution 2020-74

Resolution approving the routine expenditures for the HABC for the period of 9/15/20 - 10/16/20.

B. Resolution 2020-75

Resolution approving the routine expenditures for the HDC for the period of 9/15/20 - 10/16/20.

C. Resolution 2020-76

Resolution authorizing a contract with Better Image Landscapes, Inc. for snow plowing services for the 2020 and 2021 seasons.

D. Resolutions 2020-77

Resolution authorizing a contract with TSUJ Group for routine electrical maintenance service and repairs on an as needed basis and, when necessary, alteration or replacement of existing systems.

E. Resolutions 2020-78

Resolution authorizing a contract with Magic Touch Construction Co., Inc., and Jason Mazzer Plumbing & Heating, LLC for the provision of routine plumbing maintenance service & repairs on an as needed basis and, when necessary, alteration or replacement of existing systems.

F. Resolutions 2020-79

Resolution authorizing a contract with Gaeta Recycling Co., for scavenger service/garbage removal at Grove Gardens for a period of five (5) years. Center.

ROLL CALL VOTE: Caminiti – YES
 D'Arminio – YES
 English-Rollieson - YES
 Hernandez – YES
 Ortega – YES
 Peterson – YES
 Sohmer - YES

Seeing no further business to discuss Vice-Chairman Caminiti moved to adjourn the meeting at 6:05pm, seconded by Chairman Ortega and unanimously approved.