

AGENDA ITEM#	15
BOARD MEETING DATE	10-2-2019

RESOLUTION AUTHORIZING JCHA TO PROMULGATE A RIGHT OF RETURN POLICY FOR HOLLAND GARDENS RESIDENTS TEMPORARILY RELOCATED DUE TO REVITALIZATION, THAT STRENGTHENS AND SUPPLEMENTS EXISTING RIGHTS UNDER FEDERAL AND STATE LAW AND TO INCORPORATE SUCH POLICY INTO THE HOLLAND GARDENS RELOCATION PLAN JCHA IS MANDATED TO SUBMIT TO HUD FOR REVIEW AND APPROVAL UPON THE SELECTION OF A FUTURE DEVELOPMENT PARTNER

WHEREAS, Holland Gardens (the “Property”) is a public housing complex owned by the Jersey City Housing Authority (JCHA) comprised of five low-rise brick garden apartment buildings, consisting of 192 “family” designated Annual Contributions Contract (ACC) units in the “Neighborhood District” of the Jersey Avenue Light Rail Redevelopment Plan within Ward E of the City of Jersey City (the City) and in close proximity to Route 139 and the Holland Tunnel; and

WHEREAS, the Property was designed and built in the early 1940’s when the Holland Tunnel was less than twenty (20) years old and traffic patterns and congestion had less impact on residents’ quality of life; and

WHEREAS, due to the Property’s physical condition and aging mechanical systems, it has become increasingly difficult and costly to maintain, rendering it nearly obsolete; and

WHEREAS, the buildings’ age and condition have resulted in decreased quality of life for residents of Holland Gardens; and

WHEREAS, pursuant to the requests of its residents and the Holland Gardens’ Resident Counsel to address short term and long-term physical, mechanical and environmental deficiencies at Holland Gardens, the JCHA Executive Director and her Executive Staff implemented a comprehensive project plan which included immediately addressing necessary repairs and adopting a comprehensive visioning process for the purpose of engaging residents and stakeholder input in order to strategize long term rehabilitation and redevelopment goals; and

WHEREAS, as part of the visioning process, Kitchen & Associates (Kitchen) compiled data it received from residents during organized charrettes to develop a Visioning Plan based on resident input and in conformity with the City’s Jersey Avenue Light Rail Redevelopment Plan Area; and

WHEREAS, The proposed redevelopment vision commits to a one-for-one replacement of the 192 public housing units under Section 9 of the Housing Act of 1937, as ACC units to ensure there is no net loss of the existing affordable housing units or change in subsidy type; and

WHEREAS, proper redevelopment of Holland Gardens will require complete demolition of the Property, and relocation of its residents in accordance with the Uniform Relocation Act, 42 U.S.C. 4601 *et seq.*(URA); and

WHEREAS, the JCHA is committed to maintaining tenancy rights and protections for residents that both strengthen and supplement relocation rights already provided by federal and state statute, HUD regulation and periodic notices; and

WHEREAS, pursuant to the requests of the Holland Gardens' residents and its Resident Counsel, the JCHA will establish a Right of Return Policy for the residents of Holland Gardens temporarily relocated due to the planned revitalization of the Property which shall be incorporated into the Relocation Plan JCHA is required to submit to HUD for review and approval once a development partner is selected; and

WHEREAS, no Certificate of Funds is necessary to approve this Resolution.

NOW THEREFORE BE IT RESOLVED that the JCHA hereby adopts a Right of Return Policy for the residents of Holland Gardens temporarily relocated due to planned revitalization of the Property to be incorporated into the Relocation Plan JCHA is required to submit to HUD for review and approval once a development partner is selected that:

1. Establishes a clear date of residents' eligibility for right of return, which shall be the date of the selection of a development partner for the Property and shall apply to any person legally residing at the property at any point on or after that date.
2. Establishes guidelines under which residents are eligible to return to the completed project which maintains each resident's eligibility as long as he or she is not in violation the terms of his or her lease, and/or has not been evicted from his or her temporary unit for good cause during the relocation period. "Good cause" shall be defined as any violation of the JCHA's Admissions and Continued Occupancy Policy (ACOP) or the JCHA's Administrative Plan during the relocation period that results in a lease termination or loss of subsidy. Notwithstanding the foregoing, if a relocated resident's Section 8 subsidy ceases due to an increase in income for more than six months pursuant to 24 CFR 982.455, that relocated resident shall still maintain her right to return to the completed project.
3. Establishes that the JCHA and its future development partner must offer current Holland Gardens' households at the date of selection of a development partner a lease for a unit that is the appropriate size as set forth in the ACOP in the completed project and such lease may not be denied except for "good cause" as defined in preceding paragraph.
4. Establishes that all rights afforded to each Holland Gardens household in accordance with the ACOP, URA, and New Jersey Anti-Eviction Act shall be maintained throughout the relocation period and until return to the completed property.

5. Establishes that a returning resident will not be ineligible to return to the completed project on the basis of a requested reasonable accommodation for their unit.
6. Establishes that the JCHA and its future development partner shall not re-screen returning residents for income eligibility, income targeting or credit history to determine whether the relocated head of household and other members of the household are entitled to return to the completed project. Notwithstanding the foregoing, the JCHA must verify income for the purpose of establishing the new tenancy and calculating tenant's portion of the rent.
7. Bars the establishment of any criminal background requirement more stringent than JCHA policy in order to return to the completed project
8. Bars the establishment of credit or drug screening requirements more stringent than JCHA policy in order to return to the completed project.
9. Establishes that Tenant Account Receivables and outstanding balances for money owed by relocated Holland Gardens residents, other than for money due and outstanding as a result of non-payment of tenant's portion of rent, shall not constitute good cause for denial of return to the completed project, provided that the relocated resident enter into a re-payment agreement with the JCHA for those non-rent outstanding balances.
10. Establishes that relocated Holland Gardens' residents will have the same tenant protections afforded under the ACOP, including notice and informal hearing processes at the time of the new leasing process.
11. Establishes that JCHA will transfer the security deposits paid by residents for the public housing unit to the new unit upon the tenant's return to the complete project and relocated residents will not be charged an additional or adjusted security deposit.
12. Establishes that a Head of Household with relocation rights shall have the right to transfer her relocation preference to another household created as a result of an authorized unit split.
13. Establishes that the Tenant's portion of the rent upon returning to the completed project shall remain 30% of household income or minimum rent in accordance with the ACOP, the established Flat Rent if the tenant so elects in accordance with the ACOP or, if the family income exceeds the over-income limit for two consecutive years under the federal Housing Opportunity Through Modernization Act of 2016 (HOTMA), the appropriate monthly rent as set forth in the ACOP.
14. Requires that JCHA hold quarterly meetings with residents at the Holland Gardens site or other accessible site that are accessible to residents who are limited-English proficient or otherwise disabled, and such meetings will be

“live-streamed” and become part of the ongoing public record of community engagement.

- 15. Requires adherence by the JCHA to all URA standards for dislocated persons including temporary housing, moving costs and assistance (including security deposit loans), and individual relocation counseling.

- 16. Requires adherence by the JCHA to URA protocols regarding appeals and grievances wherein residents are allowed to appeal in writing if they disagree with the determination of whether they qualify as displaced and/or with the amount of relocation assistance for which they are eligible.

Dated: October 2, 2019

COMMISSIONERS	Motion	2 nd	AYE	NAY	Absent	Abstention
J. Dublin			✓			
H. Fuentes					✓	
A. Herbold					✓	
R. Jones		✓	✓			
F. Kitchens	✓		✓			
A. Abdullah			✓			
R. Mukherji			✓			

I hereby certify that the hereinabove Resolution accurately memorializes the Resolution of the Board of Commissioners of the Housing Authority of the City of Jersey City as presented at its meeting of October 2, 2019 in the presence of a legally binding quorum.


 Vivian Brady-Phillips
 Executive Director Secretary

SEAL

Date: October 3, 2019

To: JCHA Board of Commissioners

From: Vivian Brady-Phillips, JCHA Executive Director
Stephen Cea, Director of Development

Subject: Resolution Authorizing JCHA to Promulgate a Right of Return Policy for Holland Gardens Residents Temporarily Relocated Due to Revitalization

The purpose of this memorandum is to provide support for the proposed Resolution Authorizing the Jersey City Housing Authority to promulgate a Right of Return Policy for the residents of Holland Gardens who will be temporarily relocated due to planned revitalization. Although these residents will not be relocated until fall of 2021, it is important for the JCHA to set forth the principles that will guide the planned relocation and provide tenants with assurance of their right to return to the redeveloped property

In developing a Right to Return Policy, the JCHA considered HUD guidance and that of tenant and housing advocacy organizations to establish a “best practice” approach that not only meets the requirements and standards of applicable federal and state law, such as the Uniform Relocation Act, 42 U.S.C. 4601 *et seq.*, but strengthens and supplements those rights by defining and delineating JCHA’s objectives and obligations. Specifically, the JCHA analyzed HUD’s policy under Rental Assistance Demonstration (RAD) program, reviewed concerns regarding protection of tenant rights raised by the National Low Income Housing Coalition, the National Housing Law Project and other advocacy organizations, and studied different approaches taken by other PHA’s to temporarily relocate and return public housing residents. Most importantly, the JCHA has sought to address the concerns raised by Holland Gardens’ residents at the seven public meetings held to date.

HISTORY

Holland Gardens (the “Property”) is a public housing complex owned by the JCHA comprised of five low-rise brick garden apartment buildings, consisting of 192 “family” designated Annual Contributions Contract (ACC) units in the “Neighborhood District” of the Jersey Avenue Light Rail Redevelopment Plan within Ward E of the City of Jersey City (the City) and in close proximity to Route 139 and the Holland Tunnel.

The Property was designed and built in the early 1940’s when the Holland Tunnel was less than twenty (20) years old and traffic patterns and congestion had less impact on residents’ quality of life. Due to the Property’s physical condition and aging mechanical systems, it has become increasingly difficult and costly to maintain, rendering it nearly obsolete. The buildings’ age and condition have resulted in decreased quality of life for residents of Holland Gardens.

Pursuant to the requests of its residents and the Holland Gardens' Resident Counsel to address short term and long-term physical, mechanical and environmental deficiencies at Holland Gardens, the JCHA Executive Director and Executive Staff implemented a comprehensive project plan which included immediately addressing necessary repairs and commencing with a comprehensive visioning process for the purpose of engaging residents and stakeholder input in order to strategize long term rehabilitation and redevelopment goals. As part of the visioning process, the JCHA procured design firm Kitchen & Associates, LLC (Kitchens) to lead a series of six resident-focused meetings and charrettes in order to develop a Visioning Plan based on resident input and in conformity with the City's Jersey Avenue Light Rail Redevelopment Plan Area.

From the outset, the proposed redevelopment vision commits to a one-for-one replacement of the 192 public housing units under Section 9 of the Housing Act of 1937, as ACC units to ensure there is no net loss of the existing affordable housing units or change in subsidy type. Because proper redevelopment of Holland Gardens will require complete demolition of the Property, its residents will be relocated in accordance with the Uniform Relocation Act, 42 U.S.C. 4601 et seq. (URA) with the expectation that they will return to the redeveloped Property.

Therefore, the JCHA seeks to establish a comprehensive Right of Return Policy for the residents of Holland Gardens temporarily relocated due to planned revitalization of the Property. If adopted, the JCHA will incorporate this Right to Return Policy into the Relocation Plan JCHA will submit to HUD for review and approval once a development partner is selected.

PROGRAM

The JCHA is committed to developing a new Holland Gardens for its current residents. This commitment will require a temporary relocation program that:

1. Keeps the relocated residents informed of the relocation process and their choices;
2. Maintains a forum for relocated resident to raise concerns throughout the relocation process;
3. Designs a program that addresses relocated residents' needs;
4. Keeps the relocated residents informed of the progress of redevelopment;
5. Ensures that the JCHA adheres to federal, state, and local requirements;
6. Enables relocated residents to return to the redeveloped property by clearly establishing their rights and responsibilities as well as JCHA's continued obligations.

In order to achieve these fundamental goals, the initial step is to establish a Right to Return Policy that will be incorporated into the Relocation Plan that must be submitted to HUD for approval prior to commencement of relocation and/or submission to HUD for Demo-Dispo approval.

Among other enumerated rights, the proposed Right of Return has key elements that address Holland Garden's residents' concerns, and the concerns of other stakeholders. These elements include:

1. **Relocated Residents Will Be Entitled to a Lease in the Redeveloped Property Absent Good Cause.** The proposed resolution establishes clear guidelines under which residents will be eligible to return to the completed project. Specifically, the proposed policy maintains each resident's eligibility as long as he or she is not in violation the terms of his or her lease, and/or has not been evicted from his or her temporary unit for good cause during the relocation period. "Good cause" shall be defined as any violation of the JCHA's Admissions and Continued Occupancy Policy (ACOP) or the JCHA's Administrative Plan during the relocation period that results in a lease termination or loss of subsidy.
2. **A Commitment Not to Rescreen Resident and Adherence to Public Housing Tenant Protections.** The proposed resolution establishes that the JCHA and its future development partner shall not re-screen returning residents for income eligibility, income targeting or credit history to determine whether the relocated head of household and other members of the household are entitled to return to the completed project. The proposed resolution also bars the establishment of any criminal background, credit or drug screening requirements more stringent than JCHA policy in order to return to the completed project
3. **Repayment of Outstanding Tenant Account Receivable Balances Will Not Bar the Right to Return.** The proposed resolution establishes that Tenant Account Receivables and outstanding balances for money owed by relocated Holland Gardens residents, other than for money due and outstanding as a result of non-payment of tenant's portion of rent, shall not constitute good cause for denial of return to the completed project, provided that the relocated resident enter into a re-payment agreement with the JCHA for those non-rent outstanding balances.
4. **Income-based Affordable Rents.** The proposed resolution establishes that the Tenant's portion of the rent upon returning to the completed project shall remain 30% of household income or minimum rent in accordance with the ACOP, or established Flat Rent pursuant to the JCHA ACOP if the tenant so elects. Tenants subject to HOTMA will have the same rights as they do under public housing as set forth in the ACOP.

These elements of the proposed Right to Return Policy are of utmost concern to the Holland Gardens' residents, the Holland Gardens' Resident Counsel, and other stakeholders. These incorporated elements should help residents understand the JCHA's strong commitment to ensuring that residents temporarily relocated will be welcomed back to the redeveloped Property if they wish to return.