



**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING**

VIA ZOOM

MEETING ID: 845 0658 6039

PASSWORD: 091943

Please note the certification of the Housing Authority of New Orleans ("HANO") that is posted with this Agenda and which does certify that because of and pursuant to Executive Order and Emergency Proclamations Numbers 25 JBE 2020, 30 JBE 2020, and 33 JBE 2020 signed by Governor John Bel Edwards, HANO is unable to operate in accordance with the quorum requirement of La. R.S. 42:19 and therefore will conduct all or portions of this meeting by telephonic-conferencing and/or video-conferencing means without a physical quorum present. Procedures for appropriate participation by the public in this meeting are posted on HANO's website.

BOARD OF COMMISSIONERS

**PRESIDENT
DEBRA JOSEPH**

**VICE PRESIDENT
ISABEL BARRIOS**

**COMMISSIONERS
AVERY FORET
SHARON JASPER
CAROL JOHNSON
MONIKA MCKAY
HYMA MOORE
KIM PIPER
BILL ROUSELLE**

COMMITTEE APPOINTMENTS

DEVELOPMENT

**CHAIR
CAROL JOHNSON**

**COMMISSIONERS
ISABEL BARRIOS
KIM PIPER**

***ASSET MANAGEMENT &
OPERATIONS***

**CHAIR
BILL ROUSELLE**

**COMMISSIONERS
SHARON JASPER
HYMA MOORE**

FINANCE & AUDIT

**CHAIR
DEBRA JOSEPH**

**COMMISSIONERS
MONIKA MCKCAY**

PERSONNEL

**CHAIR
DEBRA JOSEPH**

**COMMISSIONERS
ISABEL BARRIOS
KIM PIPER
BILL ROUSELLE**

MAY 28, 2020 at 4:00pm

AGENDA

- I. STATEMENT BY GENERAL COUNSEL**
- II. CALL TO ORDER**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PRESIDENT**
- V. APPROVAL OF THE AGENDA**
- VI. APPROVAL OF THE MINUTES**
 - Regular Meeting held on February 27, 2020
 - Special Meeting held on April 8, 2020
- VII. EXECUTIVE DIRECTOR'S REPORT**
- VIII. COMMISSIONER REPORTS**
 - Residents' Advisory Board (RAB) Report
 - Landlords' Advisory Board Committee Report
- IX. COMMITTEE REPORT(S)**
 - Finance & Audit Committee Report
 - Development Committee Report
 - Personnel Committee Report

X. NEW BUSINESS

**ITEMS FOR APPROVAL
AUTHORIZATON(S)**

- **RESOLUTION NO. 2020-08 Authority to Enter into Loan and Ground Lease for Lafitte Block 6 Homeownership**
- **RESOLUTION NO. 2020-09 - Approval of the Sale of Three of HANO's Scattered Sites on South Saratoga Street to the New Orleans Redevelopment Authority**
- **RESOLUTION NO. 2020-10 - Authority to Enter into a Contract for On-Call Agency-Wide HVAC Services**
- **RESOLUTION NO. 2020-11 - Approval of the Implementation of the Program Waivers Offered by HUD**

XI. PUBLIC COMMENTS

- **Public Comment(s)**
- **Board of Commissioners Comment(s)**

XII. ANNOUNCEMENTS AND REMINDERS

XIII. EXECUTIVE SESSION

- **Pursuant to La. R.S. 42:17(A)(2), to Discuss HANO's Active Litigation**

XIV. ADJOURNMENT



BOARD OF COMMISSIONERS

**PRESIDENT
DEBRA JOSEPH**

**VICE PRESIDENT
ISABEL BARRIOS**

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COMMITTEE APPOINTMENTS

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**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR COMMITTEE MEETING**

MAY 28, 2020 at 4:00pm


VIA ZOOM

**CERTIFICATION OF INABILITY TO OPERATE
DUE TO LACK OF QUORUM**

In accordance with Executive Order and Emergency Proclamation Numbers 30 JBE 2020 and 59 JBE 2020 issued by Governor John Bel Edwards on March 16, 2020 and May 14, 2020 respectively, this notice shall serve as a certification of the inability of the Housing Authority of New Orleans ("HANO") to operate in accordance with Louisiana's Open Meetings Law due to the lack of a quorum as a result of the COVID-19 Public Health Emergency and the measures put in place to protect the health and safety of the public by federal, state, and city officials.

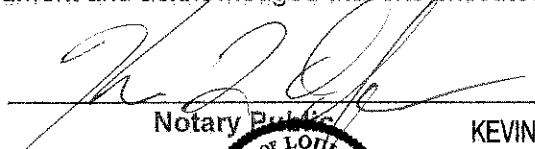
As attested to below, Evette Hester, Secretary of the HANO Board of Commissioners, has conferred with the members of the Board of Commissioners and confirmed their inability to attend a meeting in public because of the measures put in place to protect the health and safety of the public by federal, state, and city officials.


Considering the foregoing and in accordance with Section 4 of Executive Order JBE 2020-30 and Section 2 of Executive Order JBE 2020-59, the Regular Meeting of the HANO Board of Commissioners to be held on May 28, 2020 at 4:00 p.m. will be held via teleconference and/or videoconference in a manner that allows for observation and input by members of the public as set forth in the Notice and Agenda of the meeting that has been posted by HANO.



Evette Hester
Secretary, HANO Board of Commissioners

On this 22nd day of May, 2020 before me personally appeared Evette Hester, to me known to be the person described herein and who executed the foregoing instrument and acknowledged that she executed it as her free act and deed.



Notary Public


**KEVIN OUFNAC
NOTARY PUBLIC
STATE OF LOUISIANA
BAR NO. 23887
MY COMMISSION IS FOR LIFE**



May 28, 2020

MEMORANDUM

**To: Board of Commissioners
President Debra Joseph, Vice President Isabel Barrios,
Commissioner Avery Foret, Commissioner Sharon Jasper,
Commissioner Carol Johnson, Commissioner Monika McKay,
Commissioner Hyma Moore, Commissioner Kim Piper and
Commissioner Bill Rouselle**

**Through: Evette Hester
Executive Director**

**From: Emily May
Acting Director, Development and Modernization**

**Re: Lafitte Redevelopment, LLC and Lafitte Block 6 Homeownership, LLC
Development of 30 Residential, Homeownership Units**

On May 21, 2013, the Board of Commissioners approved Resolution 2013-26 approving funds in the amount of Fifteen Million Six Hundred Thousand Dollars (\$15,600,000) for the development and construction of 52 residential, homeownership units for the Lafitte Block 6 Homeownership Project of the Lafitte Redevelopment, and authorized the Administrative Receiver to execute any and all documents necessary for the Third Amendment to the Lafitte Master Development Agreement (Lafitte MDA).

The Third Amendment to the Lafitte MDA was executed on April 8, 2014 and stated that HANO would provide up to \$9,605,781 in total funding for the Block 6 Homeownership Project to the Lafitte Block 6 Homeownership, LLC (Developer), of which an amount up to \$400,000 would be made available for predevelopment activities. The Third Amendment to the Lafitte MDA also stated that the number of residential, homeownership units may be adjusted due to market conditions, and that HANO and the Developer would negotiate a Developer Services Agreement (DSA).

Since the Third Amendment to the Lafitte MDA was signed, the number of residential, homeownership units was reduced from 52 to 45 units to allow for larger units with a broader appeal to the homeownership market. Thereafter, the DSA was signed in August of 2017 for the development of the 45 units.

After the DSA was signed, drawings were completed and the project went through the competitive bidding process on two occasions. The process resulted in construction costs beyond the project budget capacity. Therefore, the developer and HANO renegotiated/revised the development plan and further reduced the number of residential, homeownership units to 30 units.

HANO's Development and Modernization Department believes that the reduction to 30 residential, homeownership units is necessary to complete the Lafitte Block 6 Homeownership Project, and it recommends that HANO move forward with the financial closing of the Lafitte Block 6 Homeownership Project at this time.

Therefore, it is requested that the Board of Commissioners of the Housing Authority of New Orleans authorizes the Executive Director to execute any and all documents necessary to effectuate the financial closing of the Lafitte Block 6 Homeownership Project with 30 residential, homeownership units, and to submit to the Special Applications Center an update to the project information.

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 28, 2020**

RESOLUTION NO. 2020-08

WHEREAS, on May 21, 2013, the Board of Commissioners approved Resolution 2013-26 approving funds in the amount of Fifteen Million Six Hundred Thousand Dollars (\$15,600,000) for the development and construction of 52 residential, homeownership units for the Lafitte Block 6 Homeownership Project of the Lafitte Redevelopment and authorized the Administrative Receiver to execute any and all documents necessary for the Third Amendment to the Lafitte Master Development Agreement (MDA); and

WHEREAS, the Third Amendment to the Lafitte MDA was executed on April 8, 2014 and stated that HANO would provide up to \$9,605,781 in total funding for the Block 6 Homeownership Project to the Lafitte Block 6 Homeownership, LLC (Developer), of which an amount up to \$400,000 would be made available for predevelopment activities; and

WHEREAS, the Third Amendment to the Lafitte MDA also stated that the number of residential units may be adjusted due to market conditions and that HANO and the Developer would negotiate a Developer Services Agreement (DSA); and

WHEREAS, the number of residential, homeownership units was then reduced from 52 to 45 units to allow for larger units with a broader appeal to the homeownership market; and

WHEREAS, FEMA approved on May 29, 2017 \$6,354,050 in funding for the now 45-unit project; and

WHEREAS, HANO executed the DSA on August 31, 2017 with the Developer for the development of 40 buildings of single family attached and detached homes (45 units); and

WHEREAS, HANO has agreed to loan \$400,000 in program income and \$6,354,050 in FEMA funding as predevelopment and construction funding for the project; and

WHEREAS, the Developer bid the project twice in 2019, but received bids in significantly in excess of the total development budget comprised of the FEMA funding and a private bank loan from Home Bank; and

WHEREAS, to successfully complete this project within the limits of the total development budget, the number of residential, homeownership units was further reduced from 45 to 30 in order to close the funding gap; and

Resolution No. 2020-08
May 28, 2020
Page 2

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of New Orleans hereby authorizes the HANO Executive Director, Evette Hester, to execute any and all documents necessary to effectuate the financial closing of the Lafitte Block 6 Homeownership Project with 30 residential, homeownership units, and to submit to the Special Applications Center an update to the project.

Executed this 28th Day of May, 2020

APPROVAL:

DEBRA JOSEPH
PRESIDENT, BOARD OF COMMISSIONERS



May 28, 2020

MEMORANDUM

**To: Board of Commissioners
President Debra Joseph, Vice President Isabel Barrios,
Commissioner Avery Foret, Commissioner Sharon Jasper,
Commissioner Carol Johnson, Commissioner Monika McKay,
Commissioner Hyma Moore, Commissioner Kim Piper and
Commissioner Bill Rouselle**

**Through: Evette Hester
Executive Director**

**From: Emily May
Acting Director, Development and Modernization**

Re: Sale of 3 Properties to New Orleans Redevelopment Authority (NORA)

The New Orleans Redevelopment Authority (NORA) exists and operates generally for public purposes including but not limited to the prevention and elimination of blighted areas, the development of vibrant neighborhoods, and the establishment of economically and socially sound communities. NORA seeks to accomplish these goals through a broad-range of redevelopment activities.

NORA issued a letter request to acquire three properties in the Central City area with municipal addresses 1205, 1209, and 1213 South Saratoga Street. The Housing Authority of New Orleans (HANO) owns these three properties on South Saratoga Street (South Saratoga Street Scattered Sites) and holds them in its scattered site portfolio.

NORA has been investing in Central City for many years, including the development of their office building which served as a catalyst for additional investment on the Oretha Castle Haley Corridor. More recently, NORA self-developed five energy efficient two-story homes in the 1300 block of South Saratoga Street directly behind their office building. The homes developed by NORA in the 1300 block of South Saratoga Street were marketed and sold to low-to-moderate income families.

NORA has plans to self-develop more properties on South Saratoga Street and in furtherance of these plans would like to acquire from HANO the South Saratoga Street Scattered Sites. NORA believes that its acquisition and self-development of the HANO property into affordable homeownership opportunities is likely to increase the impact of the investment on the community. The HANO agrees with NORA's assessment.

Appraisals dated February 7, 2020 established the total value of all the South Saratoga Street Scattered Sites at \$90,000 as follows:

ADDRESS	DIMENSIONS	SQ. FT. AREA	APPRAISED VALUE
1205 S. Saratoga	29 x 112	3,248	\$30,000
1209 S Saratoga	29 x 112	3,248	\$30,000
1213 S Saratoga (a.k.a 1213-15)	29 x 112	3,248	\$30,000

NORA would like to acquire these lots from HANO for the full appraised value of \$90,000. HANO would like to sell these lots to NORA for the full appraised value of \$90,000 because HANO agrees with NORA's assessment that NORA's self-development of these lots redevelopment into affordable homeownership opportunities is likely to increase the impact of the investment on the community.

Therefore, it is requested that the Board of Commissioners of the Housing Authority of New Orleans authorize the Executive Director of HANO, Evette Hester, to execute any and all documents necessary to effectuate the sale and transfer of 1205, 1209, and 1213 South Saratoga Street to the New Orleans Redevelopment Authority for Ninety Thousand Dollars (\$90,000).

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 28, 2020**

RESOLUTION NO. 2020-09

WHEREAS, the Housing Authority of New Orleans (“HANO”) is the owner of certain vacant property located in the State of Louisiana, Parish of Orleans, which bears municipal address as 1205, 2019 and 1213 South Saratoga Street (“Properties”); and

WHEREAS, the New Orleans Redevelopment Authority (“NORA”) self-developed five energy efficient two-story homes in the 1300 block of South Saratoga Street and has plans to self-develop more properties on South Saratoga Street; and

WHEREAS, NORA, in furtherance of its plans to self-develop more properties on South Saratoga Street has issued a letter request to acquire the Properties from HANO; and

WHEREAS, HANO has determined that the Properties, along with two adjacent NORA-owned lots, would increase the impact of the investment on the community and better serve the community by being disposed of “as is” to the NORA for redevelopment into affordable homeownership opportunities; and

WHEREAS, appraisals dated February 7, 2020 established the value of the Properties “as is” at Ninety Thousand Dollars (\$90,000); and

WHEREAS, NORA will purchase the properties for the appraised value; and

WHEREAS, non-federal funds were used to acquire the land and thus, authorization from the United States Department of Housing and Urban Development’s Special Applications Center (“SAC”) for the disposition of the Properties is not required; and

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of New Orleans hereby authorizes the HANO Executive Director, Evette Hester, to execute any and all documents necessary to effectuate the sale and transfer of 1205, 1209, and 1213 South Saratoga Street to the New Orleans Redevelopment Authority for the sum of Ninety Thousand Dollars (\$90,000).

Executed this 28th day of May, 2020

APPROVAL:

**DEBRA JOSEPH
PRESIDENT, BOARD OF COMMISSIONERS**



May 28, 2020

MEMORANDUM

**To: Board of Commissioners
President Debra Joseph, Vice President Isabel Barrios,
Commissioner Avery Foret, Commissioner Sharon Jasper,
Commissioner Carol Johnson, Commissioner Monika McKay,
Commissioner Hyma Moore, Commissioner Kim Piper and
Commissioner Bill Rouselle**

**Through: Evette Hester
Executive Director**

**From: Maggie Merrill
Director, Asset Management**

**Re: Approval to Exercise One Additional One-Year Option to
Contract #19-913-10, On-Call Agency-Wide HVAC Services – 2019 with
Tropical A/C and Heat, LLC**

On April 18, 2019, HANO issued RFP #19-913-10 for On Call Agency-Wide HVAC Services – 2019, and subsequently awarded Contract #19-913-10 to Tropical A/C and Heat, LLC on June 7, 2019, in the amount of \$54,090.79 per year. The contract amount was based on a trend analysis of common repair and replacement needs to the HVAC units at Fischer, the Scattered Site AMPs, and New Florida, along with anticipated unit failures at New Florida due to improper duct sizing.

The initial term of the contract is one year, with two additional one year options. The initial year contract expires on June 6, 2020. The additional one year options, if exercised by HANO, would expire on June 6, 2021 and June 6, 2022.

Soon after the award of the contract to Tropical A/C and Heat, LLC, HANO started to experience a much higher than anticipated failure of HVAC units at all five Fischer AMPs. In addition, the HVAC units were reaching the end of their useful life, and they need to be converted from R22 refrigerant to 410A refrigerant. In order to replace the HVAC units that were failing in occupied units, as well as conversion to 410A where warranted, we had to amend the original contract twice to increase the dollar amount. Amendment #1 on August 14, 2019 increased the contract to an amount not-to-exceed \$75,000, and Amendment #2 on November 14, 2019 increased the contract to an amount not-to-exceed \$149,000. HANO has now paid approximately \$140,000 to Tropical A/C and Heat, LLC under the contract.

In this initial year, Tropical A/C and Heat, LLC has provided high quality on-call maintenance, repair, and replacement of HVAC units at all of HANO's properties, and has been very responsive and expeditious in their repairs to minimize any disruption to our tenants. Based on the number of HVAC failures that we are experience across our portfolio, and the age of the existing HVAC units, we will be scoping and planning for wholesale replacement of HVAC units at our properties as a capital project. While we plan for that capital project, and as we move into the summer

months, we anticipate that we will continue to need extensive on-call maintenance, repair, and replacement HVAC services for our properties. Therefore, we request to exercise the first additional one-year option available under Contract #19-913-10, effective June 7, 2020.

HANO asks the Board of Commissioners of the Housing Authority of New Orleans to hereby approve the extension of contract #19-913-10, On Call Agency-Wide HVAC Services – 2019, with Tropical A/C and Heat, LLC for one additional one-year period, in an amount not to exceed \$149,000, and to authorize the Executive Director to execute any and all documents necessary to effectuate the contract.

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 28, 2020**

RESOLUTION NO. 2020-10

WHEREAS, the Housing Authority of New Orleans (HANO) issued RFP#19-913-10 to procure On Call Agency-Wide HVAC Services – 2019 on April 18, 2019; and

WHEREAS, HANO entered into Contract # 19-913-10 On Call Agency-Wide HVAC Services – 2019 with Tropical A/C and Heat, LLC (“Contract”) in an amount not to exceed \$54,090.79 per year on June 7, 2019; and

WHEREAS, after entering into Contract # 19-913-10, HANO started to experience a much higher than anticipated failure of HVAC units at all five Fischer AMPs. In addition, the HVAC units were reaching the end of their useful life, and they need to be converted from R22 refrigerant to 410A refrigerant; and

WHEREAS, the higher than anticipated failure of HVAC units and the need to convert units from R22 refrigerant to 410A refrigerant forced HANO to amend original contract two times to increase the contract amounts first to not-to-exceed \$75,000, and then to not-to-exceed \$149,000 in order to address all repair and replacement of HVAC units in occupied housing at Fischer, Florida, and the Scattered Sites; and

WHEREAS, HANO has now paid approximately \$140,000 to date under the Contract; and

WHEREAS, HANO contract number 19-913-10 has an option to extend the contract term for two additional one-year periods, if contractor has satisfactorily performed under the contract; and; and

WHEREAS, In this initial year, Tropical A/C and Heat, LLC has provided high quality on-call maintenance, repair, and replacement of HVAC units at all of HANO’s properties, and has been very responsive and expeditious in their repairs to minimize any disruption to our tenants; and

WHEREAS, HANO anticipates continued extensive need for maintenance, repair, and replacement of HVAC units at occupied housing at its properties during the summer months, and as it plans for wholesale replacement of HVAC units as a capital project;

**Resolution No. 2020-10
May 28, 2020
Page 2**

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of New Orleans hereby approves the extension of contract #19-913-10 with Tropical A/C and Heat, LLC for one additional one-year period in an amount not to exceed \$149,000, effective June 7, 2020, and hereby authorizes the Executive Director to execute any and all documents necessary to effectuate the contract extension.

Executed this 28th Day of May, 2020

APPROVAL:

**DEBRA JOSEPH
PRESIDENT, BOARD OF COMMISSIONERS**



May 28, 2020

MEMORANDUM

**To: Board of Commissioners
President Debra Joseph, Vice President Isabel Barrios,
Commissioner Avery Foret, Commissioner Sharon Jasper,
Commissioner Carol Johnson, Commissioner Monika McKay,
Commissioner Hyma Moore, Commissioner Kim Piper and
Commissioner Bill Rouselle**

**Through: Evette Hester
Executive Director**

**Re: HANO's Implementation of Certain Waivers and Administrative Exceptions
to Program Rules and Regulations Because of the COVID-19 Pandemic**

On April 10, 2020 the United States Department of Housing and Urban Development ("HUD") issued PIH Administrative Notice 2020-05 (the "Notice"). In the Notice, HUD offered to public housing authorities ("PHAs") the option to accept certain waivers and administrative exceptions to the requirements and deadlines that are normally imposed by HUD on PHAs in regard to their provision of housing and housing assistance. HUD made its offer of waivers and administrative exceptions to PHAs because it recognized that many of the orders that have been issued by various state and local authorities in response to the COVID-19 pandemic have limited the ability of PHAs to conduct public meetings, economic activity, and normal office hours.

The Notice allows PHAs like the Housing Authority of New Orleans ("HANO") to apply the waivers at their discretion. Key waiver provisions include delaying the submission of HUD required documentation for agency plans, for verification of agency performance status, and for verification of agency finances. Under the Notice, PHAs may also elect, at their discretion, to waive or alter various program requirements and regulations in both the Low-Income Public Housing and the Housing Choice Voucher Programs.

In addition, the Notice deems some of the offered waivers and exceptions "short term," with an expiration date of July 31, 2020, and it deems some of the waivers and exceptions "long term" with an expiration date of December 31, 2020. Finally, the Notice requires PHAs to affirmatively and in writing accept HUD's offer by stating which waivers and/or administrative exceptions it will implement. A summary table of HUD waivers and alternative requirements listed in the Notice is attached hereto as Schedule A.

The activities and office hours of HANO have been reduced by the restrictions on public gatherings and economic activities that have been imposed by the Executive Order and Emergency Proclamations of Louisiana Governor John Bel Edwards, see, e.g., 33 JBE 2020 and 59 JBE 2020, and New Orleans Mayor LaToya Cantrell, see, Mayoral Proclamation to Promulgate Emergency Orders During the COVID-19 State of Emergency issued March 16, 2020 and Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to

COVID-19 issued May 15, 2020. HANO has also reviewed the applicability of the waivers and administrative exceptions to program rules and regulations that are offered by HUD in PIH 2020-05.

As a result of its reduced activities and its review of the Notice, HANO has decided to affirmatively and in writing accept HUD's offer by implementing as needed, all of the waivers and administrative exceptions described in the Notice. HANO Executive Director Evette Hester implemented the waivers and administrative exceptions that have been accepted by HANO on May 1, 2020. The memorandum notice of the Executive Director to the HANO Board of Commissioners of HANO's acceptance and implementation of the waivers is attached hereto as Schedule B.

Therefore, it is requested that the Board of Commissioners of the Housing Authority of New Orleans formally recognize by resolution the acceptance and implementation of the waivers that became effective on May 1, 2020.

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 28, 2020**

RESOLUTION NO. 2020-11

WHEREAS, on April 10, 2020 the United States Department of Housing and Urban Development (“HUD”) issued PIH Administrative Notice 2020-05. (the “Notice”); and

WHEREAS, the Notice offered to public housing authorities (“PHAs”) the option to accept certain waivers and administrative exceptions to the requirements and deadlines that are normally imposed by HUD on PHAs in regard to their provision of housing and housing assistance; and

WHEREAS, HUD made its offer of waivers and administrative exceptions to PHAs because it recognized that many of the directives and orders that have been issued by various state and local authorities in response to the COVID-19 pandemic have limited the ability of PHAs to conduct public meetings, economic activity, and normal office hours; and

WHEREAS, HANO’s activities and office hours have been reduced by the restrictions on public gatherings and economic activities that have been imposed by the Executive Order and Emergency Proclamations of Louisiana Governor John Bel Edwards, see, e.g., 33 JBE 2020 and 59 JBE 2020, and New Orleans Mayor LaToya Cantrell, see, Mayoral Proclamation to Promulgate Emergency Orders During the COVID-19 State of Emergency issued March 16, 2020 and Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19 issued May 15, 2020; and

WHEREAS, on May 1, 2020 HANO affirmatively and in writing accepted HUD’s offer made in the Notice by implementing as needed, all of the waivers and administrative exceptions described in the Notice; and

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of New Orleans hereby ratifies HANO’s May 1, 2020 acceptance and implementation as needed, of all waivers and administrative exceptions described in PIH 2020-05.

Executed this 28th day of May, 2020

APPROVAL:

**DEBRA JOSEPH
PRESIDENT, BOARD OF COMMISSIONERS**

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
PHA WIDE *Items that normally require Board approval before submission will continue to require if the submission was extended.					
PHA 5-Year and Annual Plan	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h) <u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21	<ul style="list-style-type: none"> Alternative dates for submission Changes to significant amendment process 	<ul style="list-style-type: none"> Varies based on FYE HANO must submit by 10/18/20 	Yes	05/01/20
Financial Reporting	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	<ul style="list-style-type: none"> Allows for extensions of financial reporting deadlines 	<ul style="list-style-type: none"> Varies based on FYE HANO must submit audited financials by 12/31/20 	Yes	05/01/20
PUBLIC HOUSING AND HOUSING CHOICE VOUCHER					
Family income/ composition – delayed annual reexaminations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 982.516(a)(1), § 960.257(a)	<ul style="list-style-type: none"> Permits the PHA to delay the annual reexamination of income and family composition HCV PHAs must implement HCV-7 which allows the PHA to apply the increased payment standard 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
		amount for impacted families if they implement this waiver			
EIV System Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> • Waives the mandatory EIV monitoring requirements. 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
Annual Reexamination Income Verification	<u>Regulatory Authority</u> § 5.233(a)(2) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> • Waives the requirements to use the income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification • PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
Interim Reexaminations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d)	<ul style="list-style-type: none"> • Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
	<u>Sub-regulatory Guidance</u> PIH Notice 2018-18				
Waiting List	<u>Regulatory Authority</u> § 982.206(a)(2) PIH Notice 2012-34	<ul style="list-style-type: none"> • Waives public notice requirements for opening and closing waiting list • Requires alternative process 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
CLIENT SERVICES					
FSS Contract of Participation	<u>Regulatory Authority</u> § 984.303(d)	<ul style="list-style-type: none"> • Provides for extensions to FSS contract of participation 	<ul style="list-style-type: none"> • 12/31/20 	Yes	05/01/20
Homeownership HQS	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> § 982.630, 982.636(d)	<ul style="list-style-type: none"> • Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments. • Requires family to obtain independent professional inspection 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> § 982.630, 982.636(d)	<ul style="list-style-type: none"> • Waives the requirement for the family to obtain pre-assistance counseling 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
HOUSING CHOICE VOUCHER PROGRAM					
Initial Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C) <u>Regulatory Authority</u> § 982.305(a), 982.305(b), 982.405	<ul style="list-style-type: none"> Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	Yes	05/01/20
<u>PBV Pre-HAP Contract Inspections, PHA acceptance of completed units</u>	<u>Statutory Authority:</u> Section 8(o)(8)(A) <u>Regulatory Authority:</u> §§ 983.301(b), 983.156(a)(1)	<ul style="list-style-type: none"> Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	Yes	05/01/20
Non-Life Threatening HQS - Initial Unit Approval	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> Allows for extension of up to 30 days for owner repairs of non-life threatening conditions 	<ul style="list-style-type: none"> 7/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
Initial HQS - Alternative Inspections	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> • Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies • Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 	Yes	05/01/20
Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> • Allows for delay in biennial inspections • All delayed biennial inspections must be completed as soon as reasonably possible but by no later than October 31, 2020. 	<ul style="list-style-type: none"> • 10/31/20 	Yes	05/01/20
Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F) <u>Regulatory Authority</u> §§ 982.405(g), § 983.103(e)	<ul style="list-style-type: none"> • Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
PBV Turnover Inspections	<u>Regulatory Authority</u> § 983.103(c)	<ul style="list-style-type: none"> • Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 	Yes	05/01/20
PBV HAP Contract – HQS Inspections to Add or Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A) <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)	<ul style="list-style-type: none"> • Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 	Yes	05/01/20
HQS QC Inspections	<u>Regulatory Authority</u> § 982.405(b)	<ul style="list-style-type: none"> • Provides for a suspension of the requirement for QC sampling inspections 	<ul style="list-style-type: none"> • 10/31/20 	Yes	05/01/20
HQS Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> • Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. 	Remains in effect one year from lease term or date of notice, whichever is longer	Yes	05/01/20
Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	<ul style="list-style-type: none"> • Waives the requirement to adopt revisions to the admin plan 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	<ul style="list-style-type: none"> • Waives the requirement for an oral briefing • Provides for alternative methods to conduct required voucher briefing 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
Term of Voucher - Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> • Allows PHAs to provide voucher extensions regardless of current PHA policy • 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
PHA Approval of Assisted Tenancy	<u>Regulatory Authority</u> § 982.305(c)	<ul style="list-style-type: none"> • Provides for HAP payments for contracts not executed within 60 days • PHA must not pay HAP to owner until HAP contract is executed 	<ul style="list-style-type: none"> • 7/31/20 	Yes	05/01/20
Absence from Unit	<u>Regulatory Authority</u> § 982.312	<ul style="list-style-type: none"> • Allows for PHA discretion on absences from units longer than 180 days • PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days 	<ul style="list-style-type: none"> • 12/31/20 	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
Automatic Termination of the HAP Contract	<u>Regulatory Authority</u> § 982.455	<ul style="list-style-type: none"> Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20
Increase in Payment Standard	<u>Regulatory Authority</u> § 982.505(c)(4)	<ul style="list-style-type: none"> Provides PHAs with the option 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 to do so. 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20
Utility Allowance Schedule	<u>Regulatory Authority</u> § 982.517	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20
FUP	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> Allows PHAs to increase age to 26 for foster youth initial lease up 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20
SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	<ul style="list-style-type: none"> PHA to retain prior year SEMAP score unless requests otherwise 	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	<ul style="list-style-type: none"> • Waives the requirement to submit 50058 within 60 days 	<ul style="list-style-type: none"> • 12/31/20 	Yes	05/01/20
CAPITAL FUND					
Fiscal closeout of Capital Grant Funds	<u>Regulatory Authority</u> § 905.322(b)	<ul style="list-style-type: none"> • Extension of deadlines for ADCC and AMCC 	Varies by PHA	Yes	05/01/20
Total Development Costs	<u>Regulatory Authority</u> § 905.314(c)	<ul style="list-style-type: none"> • Waives the TDC and HCC limits permitting approval of amounts in excess of published TDC by 25% to 50% on a case by case basis 	Applies to development proposals submitted to HUD no later than December 31, 2021	Yes	05/01/20
Cost limitations	<u>Regulatory Authority</u> § 905.314(j)	<ul style="list-style-type: none"> • Allows for the use of force account labor for modernization activities in certain circumstances 	<ul style="list-style-type: none"> • 12/31/20 	Yes	05/01/20
Deadline for reporting Operating and Capital Fund expenditures	<u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5)	<ul style="list-style-type: none"> • Provides a one-year extension 	One-year extension, however no programmatic expenditure end date shall be extended	Yes	05/01/20

HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
			beyond one month prior to closure of relevant appropriations acc		
PUBLIC HOUSING					
ACOP	<u>Regulatory Authority</u> § 960.202(c)(1)	<ul style="list-style-type: none"> Changes to approval process for ACOP 	<ul style="list-style-type: none"> 7/31/20 	Yes	05/01/20
CSSR	<u>Statutory Authority</u> Section 12(c) <u>Regulatory Authority</u> § 960.603(a) and 960.603(b)	<ul style="list-style-type: none"> Temporarily suspends CSSR 	<ul style="list-style-type: none"> 3/31/21 	Yes	05/01/20
Energy Audits	<u>Regulatory Authority</u> § 965.302	<ul style="list-style-type: none"> Allows for delay in due dates of energy audits 	One year beyond 2020 audit deadline	Yes	05/01/20
Over-income families	Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490 Notice: Notice PIH 2019-11	<ul style="list-style-type: none"> Changes to timeframes for determination of over-income 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20


HANO Certified Waivers

Item	Statutory and Regulatory Waivers	Summary of Alternative Requirements	Availability Period Ends	Should HANO accept waiver? Implementation as needed.	Date of PHA adoption
Resident Council Elections	<u>Regulatory Authority</u> § 964.130(a)(1)	<ul style="list-style-type: none"> Provides for delay in resident council elections 	<ul style="list-style-type: none"> 7/31/20 	Yes	05/01/20
Utility Allowance	<u>Regulatory Authority</u> § 965.507	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20
Tenant notifications	<u>Regulatory Authority</u> § 966.5	<ul style="list-style-type: none"> Advance notice not required except for policies related to tenant charges 	<ul style="list-style-type: none"> 7/31/20 	Yes	05/01/20
PHAS	<u>Regulatory Authority</u> 24 CFR Part 902	<ul style="list-style-type: none"> Allows for alternatives related to inspections PHA to retain prior year PHAS score unless requests otherwise 	HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21	N/A	Yes
Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	<ul style="list-style-type: none"> Waives the requirement to submit 50058 within 60 days 	<ul style="list-style-type: none"> 12/31/20 	Yes	05/01/20
Designated Housing Plan	<u>Statutory Authority</u> Section 7(e)(1)	<ul style="list-style-type: none"> Allows for HUD to delay notification about designated housing plan 	<ul style="list-style-type: none"> 7/31/20 	N/A	N/A



MEMORANDUM

To: Board of Commissioners
President Debra Joseph, Vice President Isabel Barrios,
Commissioner Toni Hackett Antrum, Commissioner Bill Rouselle, Commissioner Carol Johnson, Commissioner Sharon Jasper, Commissioner Kim Piper, Commissioner Hyma Moore, and Commissioner Monika McKay

From:  Evette Hester
Executive Director

Date: May 1, 2020

Re: HANO's Implementation of Certain Waivers and Administrative Exceptions to Program Rules and Regulations Because of the COVID-19 Pandemic

On April 10, 2020 the United States Department of Housing and Urban Development (“HUD”) issued PIH Administrative Notice 2020-05 (the “Notice”). In the Notice, HUD offered to public housing authorities (“PHAs”) the option to accept certain waivers and administrative exceptions to the requirements and deadlines that are normally imposed by HUD on PHAs in regard to their provision of housing and housing assistance. HUD made its offer of waivers and administrative exceptions to PHAs because it recognized that many of the orders that have been issued by various state and local authorities in response to the COVID-19 pandemic have limited the ability of PHAs to conduct public meetings, economic activity, and normal office hours.

The Notice allows PHAs like the Housing Authority of New Orleans (“HANO”) to apply the waivers at their discretion. Key waiver provisions include delaying the submission HUD required documentation for agency plans, for verification of agency performance status, and for verification of agency finances. Under the Notice PHAs may also elect, at their discretion, to waive or alter various program requirements and regulations in both the Low-Income Public Housing and the Housing Choice Voucher Programs.

In addition, the Notice deems some of the offered waivers and exceptions “short term,” with an expiration date of July 31, 2020, and it deems some of the waivers and exceptions “long term” with an expiration date of December 31, 2020. Finally, the Notice requires PHAs to affirmatively and in writing accept HUD’s offer by stating which waivers and/or administrative exceptions it will implement. A summary table of HUD waivers and alternative requirements listed in the Notice is attached hereto.

The activities and office hours of HANO have been reduced by the restrictions on public gatherings and economic activities that have been imposed by the Executive Order and Emergency Proclamations of Louisiana Governor John Bel Edwards, *see, e.g.*, 33 JBE 2020, and New Orleans Mayor LaToya Cantrell, *see*, Mayoral Proclamation to Promulgate Emergency Orders During the COVID-19 State of Emergency issued March 16, 2020. HANO has also reviewed the applicability of the waivers and administrative exceptions to program rules and regulations that are offered by HUD in PIH 2020-05.

As a result of its reduced activities and its review of the Notice, HANO has decided to affirmatively and in writing accept HUD’s offer by implementing as needed, all of the waivers and administrative exceptions described in the Notice. HANO’s acceptance of HUD’s offer and a table listing these waivers and administrative exceptions that has been excerpted from the Notice are attached to this memorandum.

Attachments:
HUD Notice PIH 2020-05
HANO Certified Waivers