

MINUTES OF THE REGULAR MEETING OF THE FAIRFAX COUNTY
REDEVELOPMENT AND HOUSING AUTHORITY

April 25, 2013

On April 25, 2013, the Commissioners of the Fairfax County Redevelopment and Housing Authority (FCRHA) met in the FCRHA Board Room, One University Plaza, 4500 University Drive, Fairfax, Virginia.

CALL TO ORDER

FCRHA Chair Elisabeth Lardner called the Regular Meeting of the FCRHA to order at 7:03 p.m. FCRHA Commissioners present or absent for a portion or all of the meeting were as follows:

PRESENT

Elisabeth Lardner, Chairman
Richard C. Sullivan, Jr., Vice Chair
H. Charlen Kyle
John Betts
Robert C. Carlson
Christopher Craig
Willard Jasper
Richard Kennedy
Robert Schwaninger
Rod Solomon

ABSENT

Albert J. McAloon

Also present at the meeting were the following staff of the Department of Housing and Community Development (HCD): Paula C. Sampson, Director; John Payne, Deputy Director, Real Estate; Robert Easley, Acting Deputy Director, Operations; Tom Fleetwood, Associate Director, Administration/FCRHA; Aseem Nigam, Director, Real Estate Finance and Grants Management (REFGM); Molly Norris, Associate Director, REFGM; Nicole Wickliffe, Director, Asset Management Division; Barbara Silberzahn, Director, Homeownership Division; Abdi Hamud, Chief, Homeownership Division; Navneet Sohi, Public Information Officer, Administration Division; Kris Miracle, Director, Administration Division; Steve Knippler, Senior Program Manager, Administration Division; Charlene Fuhrman-Schulz, ADU Program Administrator, Design, Development and Construction Division (DDC); Rex Peters, Housing Community Developer, DDC; Russell Lee, Associate Director, Rental Services Division; Vin Rogers, Senior Program Manager, Rental Services Division; Hossein Malayeri, Director, DDC; Leo Leduc, Acting Director, Property Management Division; Mary L. Thompson, Financial Specialist III, Finance Division; Joan Beckner, Accountant II Finance Division; Stuart Stallman, Financial Specialist IV, Finance Division; Mike Trent, Network Analyst, Information Systems and Services (ISS); Peter Uhrmacher, and Jodi Cienki, FCRHA Assistants. Other Fairfax County staff in attendance: Alan Weiss and Ryan Wolf, Assistant County Attorneys and FCRHA Counsel.

PUBLIC HEARING

Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing Concerning Issuance of Multifamily Housing Revenue Bonds (The Residences at Government Center), Series 2013, in an Amount not to Exceed \$29,000,000 (Braddock District)

The FCRHA Chair opened the public hearing at 7:04. With no one signed up and no one in the audience wishing to speak, the Chair closed the public hearing at 7:04.

CITIZEN TIME

The FCRHA Chair opened Citizen Time at 7:05. With no one wishing to speak, the Chair closed citizen time at 7:05.

APPROVAL OF MINUTES

March 7, 2013

A motion was made by Commissioner Sullivan seconded by Commissioner Kennedy, that the FCRHA approve the Minutes of the March 7, 2013 Regular Meeting. A vote was taken and the motion carried with Commissioners Schwaninger, Jasper and Kyle abstaining.

ACTION ITEMS

1.

RESOLUTION NUMBER 18-13

Adoption of Recommended Changes to the Public Housing Program Lease

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) authorizes recommended changes made to the Public Housing program lease, as outlined in the Action Item presented to the FCRHA at its meeting on April 25, 2013.

A motion was made by Commissioner Schwaninger, seconded by Commissioner Jasper, to adopt Resolution Number 18-13. A vote was taken and the motion carried with Commissioner Craig out of the room.

2.

RESOLUTION NUMBER 19-13

Authorization to Implement Changes to the Housing Choice Voucher Program in Response to Federal Budget Sequestration

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority authorizes the implementation of the following changes to the Housing Choice Voucher program: 1) continued suspension of leasing new tenant-based vouchers including residents who move from project based units; 2) allowing properties with project-based vouchers to continue to lease those units as they turn over; and 3) cancellation of the award of project-based vouchers to new properties, in response to the federal budget sequestration and as described in the Action Item presented on April 25, 2013.

A motion was made by Commissioner Sullivan, seconded by Commissioner Kyle, to adopt Resolution Number 19-13. Following a discussion, an amendment to the motion was offered by Commissioner Solomon and accepted by Commissioner Sullivan. A vote was taken and the motion, as amended, carried unanimously.

Further discussion ensued, focusing on the various strategic options for program sustainability that were presented as part of the FCRHA's consideration of Resolution 19-13. A motion was made by Commissioner Jasper, seconded by Commissioner Betts, to have staff only consider Options C and D for further analysis. A roll call vote was taken and the motion failed, with the following results:

AYE

John Betts
Willard Jasper
H. Charlen Kyle

NAY

Elisabeth Lardner, Chair
Richard C. Sullivan, Jr., Vice Chair
Robert Carlson
Christopher Craig
Richard Kennedy
Robert Schwaninger
Rod Solomon

ABSTAIN

INFORMATION ITEMS:

1. Fairfax County Redevelopment and Housing Authority Meeting Summary – March 7, 2013
2. Semi-Annual At-Risk Housing Report: Summary of Sales and Market Trends; Status of At-Risk Affordable Apartment Complexes and Loss of Affordability Resulting from Expiring Government Finance Agreements and Subsidy Contracts and Escalating Rents
3. Summary of Affordable Housing Advisory Committee Workshop – January 28, 2013
4. Report on 2012 Homeownership Foreclosure Activity
5. Fairfax County Redevelopment and Housing Authority Calendar of Meetings – May and June 2013

CLOSED SESSION

A motion was made by Commissioner Schwaninger, seconded by Commissioner Jasper, that the Fairfax County Redevelopment and Housing Authority ("FCRHA") go into Closed Session for discussion and consideration, pursuant to Virginia Code Section 2.2-3711(A)(3), of the acquisition and disposition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the FCRHA, and (ii) consultation, pursuant to Virginia Code Section 2.2-3711(A)(7), with legal counsel pertaining to actual and probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

The motion carried and the FCRHA went into Closed Session at 8:34 p.m.

OPEN SESSION RESUMES

A motion was made by Commissioner Schwaninger, seconded by Commissioner Jasper, that the members of the Fairfax County Redevelopment and Housing Authority certify that to the best of their knowledge only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed or considered by the Fairfax County Redevelopment and Housing Authority during Closed Session.

A roll call vote was taken as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Elisabeth Lardner, Chairman		
Richard C. Sullivan, Jr., Vice Chair		
John Betts		
Robert C. Carlson		
Christopher Craig		
Willard Jasper		
Richard Kennedy		
H. Charlen Kyle		
Robert Schwaninger		
Rod Solomon		

The motion carried unanimously by the commissioners present and Open Meeting resumed at 9:34 p.m.

RESOLUTIONS

1.

RESOLUTION NUMBER 20-13

Fairfax County Redevelopment and Housing Authority (FCRHA) Declining Its Option to Purchase Affordable Dwelling Unit (ADU) at 13260 Coppermill Drive, Herndon, VA 20171 (Hunter Mill District)

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) elects not to exercise its option to purchase the unit at 13260 Coppermill Drive, Herndon, Virginia 20171 at any price greater than \$272,000; and

BE IT FURTHER RESOLVED that the FCRHA directs staff to coordinate with the owner(s) to ensure that any sale of the unit to a third party conforms to the requirements of the ADU program.

A motion was made by Commissioner Kennedy, seconded by Commissioner Schwaninger, to adopt Resolution Number 20-13. A vote was taken and the motion carried unanimously.

2.

RESOLUTION NUMBER 21-13

Fairfax County Redevelopment and Housing Authority (FCRHA) Declining Its Option to Purchase Affordable Dwelling Unit (ADU) at 8918 Royal Astor Way, Fairfax, VA 22031 (Providence District)

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) elects not to exercise its option to purchase the unit at 8918 Royal Astor Way, Fairfax, Virginia 22031 at any price greater than \$382,500; and

BE IT FURTHER RESOLVED that the FCRHA directs staff to coordinate with the owner(s) to ensure that any sale of the unit to a third party conforms to the requirements of the ADU program.

A motion was made by Commissioner Solomon, seconded by Commissioner Schwaninger, to adopt Resolution Number 21-13. A vote was taken and the motion carried unanimously.

3.

RESOLUTION NUMBER 22-13

Fairfax County Redevelopment and Housing Authority (FCRHA) Declining Its Option to Purchase Affordable Dwelling Unit (ADU) at 8930 Royal Astor Way, Fairfax, VA 22031 (Providence District)

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) elects not to exercise its option to purchase the unit at 8930 Royal Astor Way, Fairfax, Virginia 22031 at any price greater than \$329,365; and

BE IT FURTHER RESOLVED that the FCRHA directs staff to coordinate with the owner(s) to ensure that any sale of the unit to a third party conforms to the requirements of the ADU program.

A motion was made by Commissioner Solomon, seconded by Commissioner Schwaninger, to adopt Resolution Number 22-13. A vote was taken and the motion carried unanimously.

4.

RESOLUTION NUMBER 23-13

Fairfax County Redevelopment and Housing Authority (FCRHA) Declining Its Option to Purchase Home Equity Loan Program (HELP) Property at 14905 Rydell Road, Unit 104, Centreville, VA 20121 (Sully District)

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) elects not to exercise its option to purchase the unit at 14905 Rydell Road, Unit 104, Centreville, VA 20121 for \$130,000; and

BE IT FURTHER RESOLVED that the FCRHA directs staff to inform the owner that any future executed contract at a sales price at or under \$111,320 must be brought back to the FCRHA for consideration.

A motion was made by Commissioner Carlson, seconded by Commissioner Schwaninger, to adopt Resolution Number 23-13. A vote was taken and the motion carried unanimously.

5.

RESOLUTION NUMBER 24-13

Fairfax County Redevelopment and Housing Authority (FCRHA) Declining Its Option to Purchase Silver Lining Initiative Property at 6102 Kendra Way, Centreville, VA 20121 (Sully District)

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) elects not to exercise its option to purchase the unit at 6102 Kendra Way, Centreville, VA 20121 at any price equal to or greater than \$290,700; and

BE IT FURTHER RESOLVED that the FCRHA directs staff to inform the owner that any future executed contract at a sales price at or under \$290,700 must be brought back to the FCRHA for consideration.

A motion was made by Commissioner Carlson, seconded by Commissioner Jasper and Schwaninger, to adopt Resolution Number 24-13. A vote was taken and the motion carried unanimously.

MOTIONS

1.

MOTION

Motion Following Closed Session Relating to Possible Settlement of Litigation Regarding Affordable Dwelling Unit at 8908 Royal Astor Way, Fairfax, VA 22031 (Providence District)

MOVED that the Fairfax County Redevelopment and Housing Authority authorize:

1. The Office of the County Attorney to negotiate a settlement with respect to Fairfax County Circuit Court Case # CL 2012-17567, regarding the Affordable Dwelling Unit (ADU) located at 8908 Royal Astor Way, Fairfax, VA 22031, consistent with the terms discussed in closed session; and
2. The Chairman, the Vice Chairman, and any Assistant Secretary to execute all necessary or appropriate documents to implement any such settlement.

A motion was made by Commissioner Solomon, seconded by Commissioner Kyle, to adopt the motion as written. A vote was taken and the motion carried unanimously with Commissioner Sullivan abstaining.

2.

MOTION

Motion Following Closed Session Relating to Possible
Settlement of Litigation Regarding Affordable Dwelling Unit
at 3979 Pinehurst Greens Drive, Fairfax, VA 22033 (Sully District)

MOVED that the Fairfax County Redevelopment and Housing Authority authorize:

1. The Office of the County Attorney to negotiate a settlement with respect to Fairfax County Circuit Court Case # CL 2013-520, regarding the Affordable Dwelling Unit (ADU) located at 3979 Pinehurst Greens Drive, Fairfax, VA 22033, consistent with the terms discussed in closed session; and
2. The Chairman, the Vice Chairman, and any Assistant Secretary to execute all necessary or appropriate documents to implement any such settlement.

A motion was made by Commissioner Carlson, seconded by Commissioner Schwaninger, to adopt the motion as written. A vote was taken and the motion carried unanimously.

BOARD MATTERS – See Attachment #1

ADJOURNMENT

A motion was made by Commissioner Schwaninger, seconded by Commissioner Kennedy, to adjourn the meeting. A vote was taken and the motion carried unanimously and the meeting adjourned at 9:40 p.m.

(Seal)

Elisabeth Lardner, Chairman

Paula C. Sampson, Assistant Secretary