

~~January 28, 2011~~ JANUARY 13, 2011

The Board Meeting of the Philadelphia Housing Authority Board of Commissioners for December 2010 was held on Thursday, January 13, 2011, 3:00 pm, at the Philadelphia Housing Authority, Multipurpose Room, 12 S. 23rd Street, Philadelphia, Pennsylvania.

A quorum being present, Commissioner John F. Street, Chairman, called the meeting to order. Upon roll call, those present were as follows:


Present: Commissioner John F. Street, Chairman
Commissioner/Councilwoman Jannie L. Blackwell
Commissioner Nellie W. Reynolds, Vice Chairman
Commissioner Debra L. Brady

Absent: Commissioner Patrick J. Eiding (*present for Executive Session, absent for Public Session*)

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman, called the meeting to order. With that he asked for remarks from the Interim Executive Director Mr. Michael Kelly. PHA's Interim Executive Director, addressed his pleasure to be called to serve in the role of Interim Executive Director of the Philadelphia Housing Authority and stated it was a honor. He advised the Commissioners that PHA was presenting four (4) Resolutions to be considered, one is actually the policy on Zero Tolerance in the workplace, and with approval of the Chairman he requested to bypass the others and go directly to Resolution Number four (4) as PHA reached a consensus with the residents at our traditional Pre-Board Meeting. The Chairman agreed to do so after taking care of the minutes.

The next order of business was the approval of November 18, 2010 minutes. Commissioner Reynolds moved for the adoption of the minutes, for which Commissioner/Councilwoman Blackwell seconded. The minutes were unanimously adopted. With that, Commissioner John F. Street, Chairman, presided over the remaining agenda.

I hereby certify that this was
APPROVED BY THE BOARD ON 1/28/11

ATTORNEY FOR PHA

Commissioner Reynolds moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11412

**RESOLUTION APPROVING MINUTES OF THE REGULAR BOARD OF COMMISSIONERS MEETING
HELD ON NOVEMBER 18, 2010**

BE IT RESOLVED, that the minutes of the Board Meeting of the Philadelphia Housing Authority Meeting held on November 18, 2010 copies of which have already been provided to the members, be the same are hereby ratified, confirmed and approved.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Debra L. Brady

Absent: Commissioner Patrick J. Eiding (*present for Executive Session, absent for Public Session*)

Nays: None

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner/Councilwoman Blackwell moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Brady;

RESOLUTION NO. 11423

RESOLUTION INSTITUTING THE PHILADELPHIA HOUSING AUTHORITY'S ZERO TOLERANCE POLICY FOR ANY VIOLATIONS OF ITS HARASSMENT, INTIMIDATION AND DISCRIMINATION POLICIES AND OTHER EMPLOYMENT POLICIES INTENDED TO ELIMINATE AND PREVENT INTIMIDATION, HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

WHEREAS, it is the objective of the Philadelphia Housing Authority ("PHA") and its leadership to create and foster a culture of mutual respect and accountability and to promote a workplace free of discrimination and harassment in any form; and

WHEREAS, PHA prohibits employment discrimination based on race, color, religion, sex, disability status, national origin or sexual preference; and

WHEREAS, the PHA has in force a sexual harassment policy and other employment policies which may be amended and enhanced from time to time (the "Policies") intended to eliminate and prevent intimidation, discrimination and harassment in the workplace and to protect all employees from any form of harassment, discrimination or intimidation, physical verbal or implied; and

WHEREAS, the PHA is instituting a zero tolerance policy for any violations or breaches of the Policies by any member of PHA's staff or its vendors and contractors; and

WHEREAS, the PHA intends to promptly and fully investigate any complaint of a violation or breach of the Policies or retaliatory conduct in connection with any such complaint; and

WHEREAS, all PHA supervisory and other staff are responsible for abiding by and conforming to the Policies set forth in this resolution and are required to conduct themselves in accordance with these Policies; and

WHEREAS, PHA will act to promptly eliminate any behavior and impose corrective action for any failure to comply with the Policies; and

NOW, THEREFORE BE IT RESOLVED, that the PHA Board of Commissioners restates its commitment to prohibiting any acts of discrimination, intimidation or harassment by any member of PHA's staff, or its vendors and contractors and that it has adopted a zero tolerance policy for any violations or breaches of the Policies; and

BE IT FURTHER RESOLVED all supervisory and other employees of the PHA are responsible for abiding by this zero tolerance policy and ensuring its implementation throughout the PHA; and

BE IT FURTHER RESOLVED that all employees shall be notified of the Policies through training and other activities designed to ensure full implementation of the Policies and PHA's zero tolerance approach; and,

BE IT FURTHER RESOLVED that the Interim Executive Director shall undertake a further review of the Policies to ensure that they are comprehensive in nature and shall take all necessary actions to improve and strengthen the Policies in furtherance of the prevention and elimination of intimidation, discrimination and harassment in the workplace and the protection of all employees from any form of harassment, discrimination or intimidation, physical verbal or implied; and

BE IT FURTHER RESOLVED that PHA shall promptly respond to any complaints of harassment, discrimination or intimidation and any of violation of its Policies and will fully investigate any such complaints; and

BE IT FURTHER RESOLVED that where it is determined that such improper conduct has occurred, the PHA will act promptly to eliminate the behavior and impose such corrective action as is necessary.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Debra L. Brady

Absent: Commissioner Patrick J. Eiding (*present for Executive Session, absent for Public Session*)

Nays: None

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Brady moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11420

RESOLUTION AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR OF THE PHILADELPHIA HOUSING AUTHORITY (“PHA”) TO SUBMIT A MOVING TO WORK (“MTW”) ANNUAL PLAN (“PLAN”) FOR MTW YEAR ELEVEN, PHA FISCAL YEAR BEGINNING ON APRIL 1, 2011 TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”)

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) administers a Moving to Work (“MTW”) Demonstration Program that is designed to provide the opportunity for selected Housing Authorities to explore and demonstrate more efficient ways to provide and administer low-income housing; and

WHEREAS, pursuant to Philadelphia Housing Authority (“PHA”) Board of Commissioners (“Board”) Resolution No. 10618, dated December 21, 2000, PHA submitted to HUD an MTW Application Plan and Agreement, which details strategies to improve the facilities, operations, management and opportunities for Public and Housing Choice Voucher (formerly, Section 8) residents; and

WHEREAS, pursuant to PHA Board Resolution No. 10764, dated February 28, 2002, the Executive Director of PHA (the “Executive Director”) executed a MTW Demonstration Agreement (“MTW Agreement”) on behalf of PHA which expired on March 31, 2008; and

WHEREAS, pursuant to PHA Board Resolution No. 11241, dated August 21, 2008, the Executive Director entered into a new ten-year Moving To Work Agreement with HUD effective October 16, 2008; and,

WHEREAS, as a participant in the MTW Demonstration Program, PHA is required to develop MTW Annual Plans for each fiscal year during the term of the MTW Agreement, which Annual Plans outline the PHA budget and MTW activities in the format required under the MTW Agreement; and

WHEREAS, PHA is required to submit each Annual Plan for approval by its Board at least seventy-five (75) days prior to the beginning of each fiscal year; and

WHEREAS, PHA has developed the MTW Annual Plan for MTW Year Eleven, PHA Fiscal Year (“FY”) beginning on April 1, 2011; and,

WHEREAS, PHA is required to provide opportunities for resident and public participation and comments on the Annual Plan and the proposed Amendment including scheduling at least one (1) public hearing and to take into consideration any comments received as part of the final Annual Plan; and,

WHEREAS, PHA conducted two public hearings on November 15 and 16, 2010 and additional pre-meetings with residents to review the draft Annual Plan, and subsequently made changes to the final Annual Plan; and

WHEREAS, PHA is a block grant agency and the MTW Annual Plan includes a consolidated budget in accordance with the MTW Agreement; and

BE IT, THEREFORE, RESOLVED that the Board of Commissioners of the Philadelphia Housing Authority does hereby:

1. Approve the Annual Plan and MTW Amendment, and authorize the Interim Executive Director to: 1) Submit to HUD the PHA MTW Annual Plan for MTW Year Eleven; and 2) Take all steps necessary to secure HUD approval and implement initiatives as described in, the Plan, subject to receipt of adequate funding from HUD; and, 3) Certify that the Public Hearing requirement has been met; and, 4) Authorize the Chairperson of the Board

to execute the attached HUD Certification of Compliance with MTW Plan Requirements and Related Regulations.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Debra L. Brady

Absent: Commissioner Patrick J. Eiding (*present for Executive Session, absent for Public Session*)

Nays: None

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner/Councilwoman Blackwell moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Reynolds;

RESOLUTION NO. 11421

RESOLUTION RATIFYING RESOLUTION NO. 11408, DATED OCTOBER 21, 2010, WHICH AUTHORIZED THE PHILADELPHIA HOUSING AUTHORITY OR ITS AUTHORIZED DESIGNEE, ON BEHALF OF THE PHILADELPHIA HOUSING AUTHORITY, TO SUBMIT APPROPRIATE APPLICATIONS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO DEMOLISH PROPERTIES CITED AS "IMMINENTLY DANGEROUS" BY THE CITY OF PHILADELPHIA DEPARTMENT OF LICENSES AND INSPECTIONS, OR AS DETERMINED TO BE DANGEROUSLY UNSAFE BY STRUCTURAL ENGINEERING PROFESSIONALS

WHEREAS, the City of Philadelphia Department of Licenses and Inspections ("L & I"), through its Police Power, is authorized to cite hazardous properties as "Imminently Dangerous", to protect the health and safety of the general public; and

WHEREAS, L & I has determined that certain PHA properties are "Imminently Dangerous", and as such, these properties require emergency demolition; and

WHEREAS, in conducting inspections, PHA may conclude that certain properties are dangerously unsafe as determined by its structural engineering professionals; and

WHEREAS, prior to the demolition of dangerously unsafe properties or upon the notification of the condemnation of properties by L & I, PHA must obtain approval from the U. S. Department of Housing and Urban Development ("HUD") in order to demolish the properties; and

WHEREAS, in each of the above-referenced instances, due to the emergency circumstances and the need to expedite the required demolition, there would be insufficient time to seek approval from PHA's Board of Commissioners to submit an appropriate demolition application to HUD; and

WHEREAS, HUD has concurred with the expedited approval method evidenced by this resolution; and

WHEREAS, pursuant to Resolution number 10637 of March 15, 2001, PHA previously received the authority from its Board of Commissioners for an expedited emergency demolition process for properties cited by L & I as "Imminently Dangerous"; and

WHEREAS, PHA is hereby updating that authority to provide that the authorization provided hereunder for an expedited emergency demolition can be based on a determination made by structural engineering professionals employed or engaged by PHA or a determination made by or on behalf of L&I; and

WHEREAS, in connection with all demolition activities the Philadelphia Housing Authority ("PHA") must comply with certain provisions of the Housing Act of 1937, the Quality Housing and Work Responsibility Act of 1998, 24 CFR Part 970 (Public Housing Program - Demolition and/or Disposition of Public Housing Projects), the National Environmental Policy Act of 1969 (42 U.S.C. 4321), and the National Historic Preservation Act of 1966 (16 U.S.C. 469) and related laws, as stated in 24 CFR Part 50; and

WHEREAS, Resolution No. 11408 was adopted on October 21, 2010 by the PHA Board of Commissioners (the "Adopted Resolution") authorizing the activities set forth in Adopted Resolution and restated herein; and

WHEREAS, in order to obtain HUD approval of the Demolition Applications for properties determined to be "Imminently Dangerous" by structural engineering professionals employed or engaged by PHA or on behalf of L&I, PHA must comply with certain provisions of the regulations at 24 CFR Part 970 and other

related laws, which require that local governmental consultation predate the adoption of the Board of Commissioner's authorizing resolution; and

WHEREAS, the government consultation letter was received and is dated after the date of the Adopted Resolution, the ratification of the Adopted Resolution is required.

NOW THEREFORE, BE IT RESOLVED, that the Adopted Resolution is hereby ratified in all respects, subject to and in compliance with all applicable laws, statutes and regulations.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Debra L. Brady

Absent: Commissioner Patrick J. Eiding (*present for Executive Session, absent for Public Session*)

Nays: None

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Reynolds moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Debra Brady;

RESOLUTION NO. 11422

RESOLUTION RATIFYING RESOLUTION NO. 11407, DATED OCTOBER 21, 2010, WHICH AUTHORIZED THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS DESIGNEE, ON BEHALF OF THE PHILADELPHIA HOUSING AUTHORITY, TO SUBMIT A DEMOLITION APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE DEMOLITION OF 1008, 1010 AND 1012 SOUTH 20TH STREET AND 2110 CHRISTIAN STREET

WHEREAS, PHA has determined based on a structural report issued by Hunter Roberts (the "Report") that the PHA properties located at 1008, 1010 and 1012 South 20th Street and 2110 Christian Street (the "Properties") are structurally unsafe and have recommended demolition of the Properties; and

WHEREAS, based upon the Report, PHA has further determined that the Properties are obsolete as to their physical condition and other factors, making them unsuitable for their intended purposes; and that no reasonable program of modification is cost-effective to return or restore the Properties to their useful life; and

WHEREAS, PHA is required to submit a Demolition Application to the United States Department of Housing and Urban Development ("HUD") pursuant to Section 18 of the Housing Act for approval prior to undertaking the demolition of its public housing structures; and

WHEREAS, PHA has determined that a Demolition Application is required in order to demolish the Properties; and

WHEREAS, by submitting a Demolition Application to HUD and obtaining the necessary approvals, PHA will comply with federal laws and regulations, and other applicable laws governing the demolition of real property by a public housing authority; and

WHEREAS, Resolution No. 11407 was adopted on October 21, 2010 by the PHA Board of Commissioners (the "Adopted Resolution") authorizing the activities set forth in Adopted Resolution and restated herein; and

WHEREAS, in order to obtain HUD approval of the Demolition Application for the Properties, PHA must comply with certain provisions of the regulations at 24 CFR Part 970 and other related laws, which require that local government consultation predate the adoption of the Board of Commissioner's authorizing resolution; and

WHEREAS, the government consultation letter was received and is dated after the date of the Adopted Resolution, the ratification of the Adopted Resolution is required.

NOW THEREFORE, BE IT RESOLVED, that the Adopted Resolution and the Demolition Application to be submitted to HUD with respect thereto are hereby ratified in all respects, subject to and in compliance with all applicable laws, statutes and regulations.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Debra L. Brady

Absent: Commissioner Patrick J. Eiding (*present for Executive Session, absent for Public Session*)

Nays: None

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

The resolutions were adopted. With that, Commissioner John F. Street, Chairman opened the meeting for public comments. Comments were given by Louise Hannibal, Executive Director of Philadelphia Citizens of Action; Michelle McMann, employer of Disabled In Action/Liberty Resources; Dinero Jones, ADAPT; Margaret Taylor, tenant; Arlene Elliot, Scattered Site tenant; Robert Mears, Liberty Resources. With no other public comments being heard, Commissioner John F. Street, Chairman adjourned the meeting. (Copies of the actual transcript will be provided upon written request).