

RESOLUTION 16-06

TO ADOPT RELOCATION AND RE-ENTRY POLICIES FOR NEW COMMUNITIES INITIATIVE DEVELOPMENTS

WHEREAS, the District of Columbia established the New Communities Initiative (“NCI” or “New Communities”) in 2005 as a partnership between the District of Columbia (“District”) and the District of Columbia Housing Authority (“DCHA”), aimed at revitalizing several public or subsidized housing developments by leveraging both District and private funds to support redevelopment efforts;

WHEREAS, the DCHA communities currently targeted for redevelopment through New Communities are Barry Farm, Lincoln Heights/Richardson Dwellings, Northwest One, and Park Morton;

WHEREAS, New Communities was established with four key principles to guide redevelopment efforts – (1) One for One Replacement of existing affordable housing units to ensure there is no net loss of the existing affordable housing units; (2) The Opportunity for Residents to Return to the community to ensure that residents will have a priority for new replacement units and an Opportunity to Stay for residents of NCI communities where a Build First strategy is implemented; (3) Mixed-Income housing to end the concentration of low-income housing; and (4) Build First, which calls for the development of new housing to begin prior to the demolition of existing distressed housing to minimize displacement;

WHEREAS, redevelopment in all NCI neighborhoods assumes the demolition of existing distressed housing units and the relocation of residents, temporarily and/or permanently, to alternate housing units;

WHEREAS, NCI is committed to the success of every resident, and that every resident has the opportunity to thrive as a valued member of a new mixed-income community, has a clear and realistic path to return, and is offered the support to do so;

WHEREAS, establishing a strategy for relocation and setting specific standards for return would affirm a Right to Return as an important principle for New Communities developments and support resident success;

WHEREAS, this resolution will apply to New Communities Initiative redevelopment of DCHA properties;

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NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the District of Columbia Housing Authority hereby authorizes the implementation and effectuation of a relocation strategy for DCHA residents relocating either temporarily or permanently from or within New Communities development that:

- (1) Establishes a clear date of residents' eligibility for right of return for each community, which shall be the date of the selection of a developer or master developer for the onsite parcel or any part thereof, or the demolition of the residents' units, whichever comes first, and shall apply to any person legally residing at the property at any point on or after this date. In anticipation of more residents being eligible for a right to return than the total number of replacement units, a priority system of re-admission will be developed by DCHA in consultation with residents and stakeholders, subject to the policies described in paragraphs (4), (5), (6), and (7) below.
- (2) Establishes guidelines under which residents are eligible to return to their original development or to another NCI development subject to availability, wherein (a) There is a clear on-lease/off-lease determination of all members of the household at the time of move-out to establish who is eligible to return; (b) The right to return is satisfied upon move-in to a redeveloped NCI property; (c) Eligible households' right to return will not be terminated by refusing a unit or units in a redeveloped property, however, that right will be subject to unit availability at their original development and the other redeveloped NCI properties; (d) Households are eligible to return to their original development until the stabilization of the final phase of the development of that property, subject to unit availability as stated in (2c) above; (e) If an eligible household is not able to return to their original development, they will remain eligible to return to another redeveloped NCI property, subject to (2c) above and subject to resident-established priorities as described in (8) below; and (f) Eligible residents have a right to a unit fits their household size based on DCHA rules about occupancy, and even if their household grows during the relocation period.
- (3) Requires notifications to residents about a temporary or permanent relocation be made following relevant Uniform Relocation Act ("URA") standards, beginning at the time that the developer or master developer is selected notwithstanding the approval of an application for the demolition and/or disposition application by the U.S. Department of Housing and Urban Development ("HUD"), or the demolition of the residents' units, whichever comes first, wherein minimum standards of notification include (a) a General Information Notice (GIN) to inform residents of the redevelopment project and that it will require them to vacate; (b) a Notice of Relocation Eligibility, which establishes residents' eligibility for assistance and includes referrals for replacement housing; and (c) a 90-day Notice to Move, which establishes the earliest date that a resident will be required to move.

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- (4) Maintains each resident's eligibility as long as they are not violating the terms of their current lease, and/or have not been evicted from DCHA housing, wherein a resident is not considered to be evicted until termination or eviction proceedings are complete, and involvement in termination or eviction proceedings does not effectively indicate eviction and is not sufficient to revoke their eligibility for return.
- (5) Bars the establishment of any minimum work or service requirements that are more stringent than DCHA policy in order to return to units supported by District or HUD subsidy.
- (6) Bars the establishment of any criminal background requirement more stringent than DCHA policy in order to return to units supported by District or HUD subsidy.
- (7) Bars the establishment of credit or drug screening requirements more stringent than DCHA policy in order to return to units supported by District or HUD subsidy.
- (8) Permits residents and stakeholders of the community to develop priorities for residents admitted to the community, with a first priority for former residents, subject to the policies described in paragraphs (4), (5), (6), and (7) above.
- (9) Requires adherence to URA protocols regarding appeals and grievances as of the date of the selection of a developer or master developer for the onsite parcel or any part thereof notwithstanding the approval of an application for the demolition and/or disposition application by HUD, or the demolition of the residents' units, whichever comes first, 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.

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- (10) Establishes an intention to work with NCI partners, including the District, developers and other partners to provide relocation support that meets minimum URA standards as of the date of the selection of a developer or master developer for the onsite parcel or any part thereof notwithstanding the approval of an application for the demolition and/or disposition application by HUD, or the demolition of the residents' units, whichever comes first.
- (11) Establishes an intention to work with NCI partners and residents through an inclusive and transparent process to establish return preferences for each NCI community.

ADOPTED by the Board of Commissioners and signed in authentication of its passage the 9 day of March, 2016.

ATTEST:

APPROVAL:

Adrienne Todman
Executive Director/Secretary

Terri Thompson
Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Kenneth S. Slaughter
General Counsel