

## **Resolution #2017-36**

### **RESOLUTION OF THE HIGHLAND PARK HOUSING AUTHORITY APPROVING THE TERMS OF A PROPERTY LEASING AND MANAGEMENT AGREEMENT WITH THE HIGHLAND PARK AFFORDABLE HOUSING CORPORATION**

**WHEREAS**, the Highland Park Housing Authority (the “Authority”), a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437a(b)(6) (“PHA”) with a Section 8 Annual Contributions Contract with the United States Department of Housing and Urban Development (“HUD”), is the fee simple owner of an affordable residential rental public housing project known as Park Terrace and located at the following addresses: 205 – 219, South 6<sup>th</sup> Avenue, Highland Park, New Jersey 08904; 602 – 616 Benner Street, Highland Park, New Jersey 08904; and 206 – 220, South 7<sup>th</sup> Avenue, Highland Park, NJ 08904 (the “Project”); and

**WHEREAS**, the Authority received a RAD Conversion Commitment (“RCC”), dated May 26, 2017 and as amended, from HUD to convert its proposed projects to Authority-owned and operated multifamily housing under the Rental Assistance Demonstration Program, P.L. 112-55 (2012) (“RAD”; implemented through Notice PIH 2012-32), administered by HUD; and

**WHEREAS**, the Authority proposes to convert funding to project-based voucher (“PBV”) assistance under the RAD Program (codified at 42 U.S.C. 1437f(o)(13) and implemented at 24 CFR Part 983), and in connection therewith is required to enter into a PBV Housing Assistance Payment (“HAP”) contracts and Rental Assistance Demonstration Use Agreements (“RAD Use Agreement”) with respect to the Project; and

**WHEREAS**, the “Rental Assistance Demonstration Project (RAD) Quick Reference Guide for Public Housing Projects Converting to Project-Based Voucher (PBV) Assistance, Department of Housing and Urban Development (HUD), October 2014”, at Sections 2 and 3, provides that (i) the RAD PBV HAP contract must be signed by the owner of the project and the PHA administering the PBV assistance, acting as a contract administrator, (ii) the contract administrator and the owner cannot be the same legal entity, and (iii) the PHA must hire an independent entity, approved by HUD, to perform the housing quality standards (“HQS”) inspections and render reasonableness determinations (24 CFR Sec. 983.59); and

**WHEREAS**, where a PHA is the fee owner of a project, HUD allows the PHA to contract with an affiliated entity to lease and manage project and to assume the obligations of the “owner” (“HAP Owner”) under the RAD PBV HAP contract, and also requires that such affiliated entity execute a RAD Use Agreement in the capacity as an owner; and

**WHEREAS**, the Highland Park Affordable Housing Corporation (“HPAHC”) is organized a not-for-profit corporation under the laws of the State of New Jersey; and

**WHEREAS**, the Authority desires to appoint HPAHC as its agent for the leasing and management of the Project, to assume the obligations as HAP Owner under the RAD PBV HAP contract, and to enter into the RAD Use Agreement, and HPAHC hereby accepts such

appointment and assumes such obligations via reciprocal Resolution adopted by the HPAHC; and

**WHEREAS**, the Authority desires to approve the terms and conditions of a Property Leasing and Management Agreement with the HPAHC (the "Agreement"), in substantially the form attached hereto as Exhibit A, with such additional revisions, if necessary, to be recommended by HUD and/or made by Special Counsel.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Highland Park Housing Authority of the Borough of Highland Park, New Jersey, as follows:

1. The Authority hereby appoints HPAHC as its agent for the leasing and management of the Project, to assume the obligations as HAP Owner under the RAD PBV HAP contract, and to enter into the RAD Use Agreement, in accordance with the terms of the Agreement.
2. The Authority hereby approves the terms of the Agreement in substantially the form attached hereto as Exhibit A, with such additional revisions, if necessary, to be recommended by HUD and/or made by Special Counsel, and authorizes the execution and delivery of such Agreement by the Chairman, Executive Director and Secretary of the Authority, as applicable.
3. This Resolution shall take effect immediately.

Motion to adopt Resolution #2017-36 moved by Commissioner Monk and seconded by Commissioner Reh and upon roll call, the vote was as follows:

ROLL CALL: Chudnick Martinez Methven Monk Rainwater Reh Sedehi  
AYES: Methven Monk Rainwater Reh Sedehi  
NAYS: None  
Abstain: None  
Absent: Chudnick Martinez

I hereby certify that the above is a true and exact copy of the Resolution adopted by the Board of Commissioners of the Housing Authority of the Borough of Highland Park at their Regular Meeting of July 12, 2017.

*Donna F. Brightman*  
Donna F. Brightman, Secretary

**CERTIFICATION**

I, the Executive Director and Secretary of the Highland Park Housing Authority, do hereby certify that the within resolution entitled, "RESOLUTION OF THE HIGHLAND PARK HOUSING AUTHORITY APPROVING THE TERMS OF A PROPERTY LEASING AND MANAGEMENT AGREEMENT WITH THE HIGHLAND PARK AFFORDABLE HOUSING CORPORATION," was adopted at a meeting of the Authority duly called and held on July 12, 2017, at which meeting a quorum was present and acting throughout, by a majority of the full membership of the Board of Commissioners. Such resolution has not been amended, modified, or repealed, and is in full force and effect as of the date hereof and is a true copy of the whole of the resolution.

*Donna F. Brightman*

Donna Brightman  
Executive Director/ Secretary

