

ENGLEWOOD HOUSING AUTHORITY

111 West Street

Englewood, New Jersey 07631

Tel.: (201) 871-3451

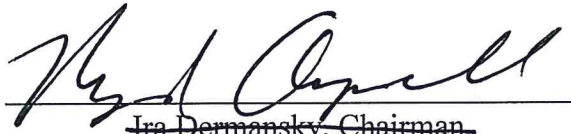
Fax: (201) 871-5908

RESOLUTION NO. 09- 25- 2017 (1)

OFFERED BY: Commissioner Jones
SECONDED BY: Commissioner Correa

BE IT RESOLVED BY THE COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE CITY OF ENGLEWOOD AS FOLLOWS:

To approve the July 24, 2017 Board Meeting minutes.



~~Ira Dermansky, Chairman~~
Raymond Aspinwall, Vice Chairman

ATTEST:



Domingo Senande, Executive Director

Chairman Ira Dermansky
Vice Chairman Raymond Aspinwall
Commissioner Raul Correa
Commissioner Elisha Gurfein
Commissioner Carla D. Jones
Commissioner Charles Moche

Absent
Aye
Aye
Aye
Aye
Aye

At the Board Meeting of September 25, 2017 (1) upon roll call of Commissioners present, all voted "Aye" and Resolution September 25, 2017 (1) as carried.

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TTY: (201) 871-8951

RESOLUTION NO. 09- 25 - 17 (2)

**RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF ENGLEWOOD
AUTHORIZING AWARD OF A CONTRACT TO
STARMARK APPRAISALS, LLC
FOR A MAP (MULTIFAMILY ACCELERATED PROCESSING) APPRAISAL AT
WESTMOOR GARDENS**

OFFERED BY: Vice Chairman Aspinwall
SECONDED BY: Commissioner Gurfein

WHEREAS, the Englewood Housing Authority as managing agent for Westmoor Gardens requires a MAP Appraisal at Westmoor Gardens for a contract renewal; and

WHEREAS, in accordance with its procurement policy, the Englewood Housing Authority did solicit price quotes; and

WHEREAS, the Englewood Housing Authority reviewed the offers and determined that **STARMARK APPRAISAL, LLC** was the only responsible firm which submitted a reasonable offer; and

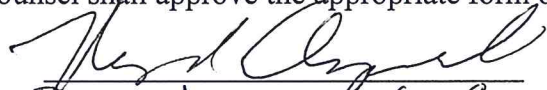
WHEREAS, based upon its evaluation and a review of references the Housing Authority staff recommends that **STARMARK APPRAISALS, LLC** be awarded a contract for the MAP appraisal at Westmoor Gardens for a total of \$6,800.00; and

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Englewood hereby authorizes the Executive Director, Mr. Domingo Senande, to execute a contract with **STARMARK APPRAISALS, LLC** for the MAP appraisal at Westmoor Gardens for a total of \$6,800.00.

BE IT FURTHER RESOLVED THAT legal counsel shall approve the appropriate form of contract.

ATTEST:


Domingo Senande, Executive Director


RAYMOND ASPINWALL, VICE CHAIRMAN

Vice Chairman Ira Dermansky
Commissioner Raymond Aspinwall
Commissioner Raul Correa
Commissioner Elisha Gurfein
Commissioner Carla D. Jones
Commissioner Charles Moche

Absent
Aye
Aye
Aye
Aye
Aye

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HUD Approved Appraisers

Allyson Appraisal Service, Inc.
25 Route 22E Suite 220
Springfield, New Jersey 07081
Contact - Mr. Harvey S. Cohen

No response

Appraisal Exchange South, LLC
233 Drake Road
Cherry Hill, New Jersey 08034
Contact - David A. Mac Nicoll

No response

The Cortland Group
P.O. Box 532
Marlton, New Jersey 08053
Contact - Paul M. Cortland

No response

Harris Appraisals 1, LLC
185 Prospect Avenue, Apt. 16K
Hackensack, New Jersey 07601
Contact - Paul R. Harris

No response

Metropolitan Appraisal Services
1140 Bloomfield Avenue, Suite 214
West Caldwell, New Jersey 07006
Contact - Christopher Healy

No response

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RESOLUTION NO. 09- 25 -2017 (3)

OFFERED BY: Vice-Chairman Aspinwall
SECONDED BY: Commissioner Gurfeln

**BE IT RESOLVED BY THE COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE CITY OF ENGLEWOOD AS FOLLOWS:**

WHEREAS, PHADA/NAHRO, public housing industry groups, achieved a successful outcome in a lawsuit challenging the operating reserve offset that Congress and HUD imposed on 2012 operating subsidies, and

WHEREAS, the decision was handed down on January 18, 2017 by the United States Court of Federal Claims (Claims Court) which held that the operating reserve offset was a breach of the Annual Contributions Contract (ACC) between HUD and public housing agencies, and

WHEREAS, the Claims Court found that the 2012 appropriations for operating subsidies should have been prorated for all housing authorities and therefore any housing authority that received operating subsidies that were less than 81.04 percent of its eligibility amount was entitled to money damages equal to the difference, and

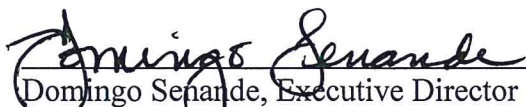
WHEREAS, if Englewood Housing Authority does not join the second lawsuit which must be filed by November 18, 2017, the Englewood Housing Authority could lose out on a potential award of \$114,108 albeit there is no guarantee money damages will be awarded since there is a possibility that HUD might appeal the Claims Court decision and win the appeal, and

WHEREAS, Executive Director, Domingo Senande recommends that Englewood Housing Authority join the lawsuit and pay \$3,400.00 using non-federal funds to cover legal fees and filing fees; and

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners authorizes the payment of \$3,400.00 of non-federal funds to join the lawsuit and a check in the full amount will be sent to PHADA made out to "Operating Reserves Litigation".


Ira Dermansky, Chairman

ATTEST:


Domingo Senande, Executive Director

Chairman Ira Dermansky
Vice Chairman Raymond Aspinwall
Commissioner Raul Correa
Commissioner Elisha Gurfein
Commissioner Carla D. Jones
Commissioner Charles Moche

Absent
Aye
Aye
Aye
Aye
Aye

At the Board Meeting of September 25, 2017 (3) upon roll call of Commissioners present, all voted "Aye" and Resolution September 25, 2017 (3) as carried.



May 17, 2017

RE: Money Damages Owed to Your Housing Authority

Dear Executive Director:

As you may have heard, we achieved a successful outcome in a lawsuit challenging the operating reserve offset that Congress and HUD imposed on your 2012 operating subsidies. In a decision handed down on January 18, 2017, the United States Court of Federal Claims (Claims Court) held that the operating reserve offset was a breach of the Annual Contributions Contract between HUD and Public Housing Agencies.

The Claims Court found that the 2012 appropriation for operating subsidies should have been prorated for all housing authorities. The Claims Court agreed with us that any HA that received operating subsidies that were less than 81.04 percent of its eligibility amount was entitled to money damages equal to the difference. **In this lawsuit, 309 housing authority plaintiffs were awarded a total of over \$135 million.**

You are among a large number of HAs who would have been entitled to money damages if you had joined the lawsuit. **The total amount of money damages for you and the other HAs that did not participate in the lawsuit is over \$230 million.** All this money will be lost if a second lawsuit is not filed before November 18, 2017, which is the end of the six-year statute of limitations period for the filing of a breach of contract lawsuit against the United States. To avoid this, we are advising you of your legal option to participate in a second lawsuit against HUD. The estimated amount of money damages you are eligible to receive, based on the Claims Court's January 18 decision, is \$114108

As we did for the first lawsuit, PHADA and NAHRO will administer a second lawsuit in order for HAs, like yours, to have the opportunity to obtain the money damages to which you are entitled. As with the first lawsuit, the Washington, D.C. law firm of Coan and Lyons will manage the litigation and provide necessary legal services. That law firm developed the strategy, and represented the HAs that were the plaintiffs, in the first lawsuit that we won. PHADA and NAHRO will not be parties to the second lawsuit. We will not benefit in any way from the result of the second lawsuit, as we similarly will not benefit from the result of the first lawsuit. PHADA and NAHRO's role in this second lawsuit is solely advisory and administrative. Additionally we cannot guarantee you will receive money damages since there is a possibility that HUD might appeal the Claims Court decision and win that appeal.

We do not know yet whether HUD will appeal the January 18 decision to the United States Court of Appeals for the Federal Circuit, the court to which appeals from the Claims Court are made. We will let you know as soon as we know. Meanwhile, time is short. If you want to file suit to receive money damages, you should obtain board approval to participate in the second lawsuit and identify the **non-federal funds** you can use to pay legal fees as soon as possible. Even if HUD appeals the decision, you will still need to participate in a lawsuit filed before November 18, 2017, to receive the money damages to which you are entitled for HUD's breach of your ACC.

The fee for small HAs (less than 250 units) is \$1,000. The fee for HAs with 250 or more units is \$3,000. These amounts include a \$400 filing fee the Claims Court is expected to charge each plaintiff. These fees were determined, in part, by the costs incurred in the first lawsuit. Again, the money used to pay for the legal fees must come from **non-federal funds**.

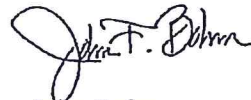
If you wish to participate in this lawsuit, please so indicate in a **signed letter, showing the full formal name of your agency, the name of a contact person with that person's email address and phone number**, and include a check made out to "Operating Reserves Litigation" for the requisite amount. Send the payment to: PHADA 511 Capitol Court NE Washington DC 20002. **The submission deadline is August 15, 2017.**

If you have questions, please email them to ccoan@coanlyons.com and ravkames@comcast.net. Thank you.

Sincerely,



Timothy G. Kaiser
PHADA Executive Director



John Bohm
NAHRO Acting CEO

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RESOLUTION NO. 9 – 25 – 2017 (4)

RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF ENGLEWOOD
APPROVING BILLS AND CLAIMS FOR THE PERIOD
OF
AUGUST

OFFERED BY: Commissioner Jones
SECONDED BY: Commissioner Correa

WHEREAS, the bills and claims per the attached listing (voucher numbers through)

E.H.M.S. -	001773
EHA Operating -	1620
Foti-	1771
Section 8 -	013306
W.G. -	4661

were reviewed and found acceptable as amended at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of the City of Englewood approve disbursement and payment of all checks on the attached listing for the period of August 1st through 31st.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Housing Authority of the City of Englewood approve payment of all other checks identified on the attached listing for the period of August

Raymond Aspinwall
RAYMOND ASPINWALL, VICE CHAIRMAN

ATTEST:

Domingo Senande
Domingo Senande, Executive Director

Chairman Ira Dermansky
Vice Chairman Raymond Aspinwall
Commissioner Raul Correa
Commissioner Elisha Gurfein
Commissioner Carla D. Jones
Commissioner Charles Moche

Absent
Aye
Aye
Aye
Aye
Aye

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RESOLUTION NO. 9 – 25 - 2017 (5)

RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF ENGLEWOOD
APPROVING BILLS AND CLAIMS FOR THE PERIOD
OF
SEPTEMBER

OFFERED BY: Commissioner Jones
SECONDED BY: Commissioner Correa


WHEREAS, the bills and claims per the attached listing (voucher numbers through)

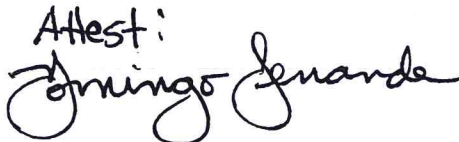
E.H.M.S. –	001779
EHA Operating –	1656
Foti -	1775
Section 8 -	013327
W.G. -	4701

were reviewed and found acceptable as amended at meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of the City of Englewood approve disbursement and payment of all checks on the attached listing for the period of September 1st through 30th.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Housing Authority of the City of Englewood approve payment of all other checks identified on the attached listing for the period of September.


RAYMOND ASPINWALL, Vice Chairman

Attest:


Vice Chairman Ira Dermansky
Commissioner Raymond Aspinwall
Commissioner Raul Correa
Commissioner Elisha Gurfein
Commissioner Carla D. Jones
Commissioner Charles Moche

Absent
Aye
Aye
Aye
Aye
Aye