

HOUSING COMMISSION

APPROVED MEETING NOTES – May 6, 2021

Attendance			
	Present		Present
Arthur, Ben	Y	Serfis, Karen	Y
Berkey, Eric	Y	Sims, Charles	Y
Bray, Holly	Y		
Browne, Paul	Y	Staff:	
Edwards, Laura Saul	Y	Franklin, Joel	Y
Gee, Evelyn	-	Planning Comm. Liaison:	
Hemminger, Michael	Y		
Hogan, Alice	Y		
Montgomery, Anika	Y	Disability Advisory Comm Liason	
Norris, Haley	Y	Ray, Doris	Y
Rubalcava, Sara	Y		

Held in: Virtual public meeting held through electronic communication. This meeting was recorded and is available on the Housing Commission website.

Other Staff Present: Anne Venezia, Sarah Pizzo, Marie Randall and Alex McMillen of the Housing Division, Department of Community Planning, Housing and Development (CPHD).

Approval of Notes

Eric Berkey moved approval of the April 8, 2020 notes, Karen Serfis seconded, and the motion passed unanimously.

Crystal Plaza 1 Site Plan

At its May 6, 2021, virtual public hearing, the Citizens Advisory Commission on Housing considered the affordable housing program for the Crystal Plaza 1 Site Plan.

The Commission advises the County Board to approve the site plan. The Commission supports this project because it will create seven committed affordable units at the Riverhouse James building. The units will be located close to transit and four of the units will be family sized two-bedroom units. The project will also provide a contribution of \$3.3 million to the Affordable Housing Investment Fund.

The Commission vote on the motion was 9-3. Members in favor are Mr. Berkey, Ms. Bray, Mr. Browne, Ms. Edwards, Ms. Hogan, Ms. Norris, Ms. Rubalcava, Ms. Serfis and Mr. Sims with Mr. Arthur, Mr. Hemminger and Ms. Montgomery voting against. Those voting against the motion did so because of the lack of three-bedroom units and because the applicant was unable to answer some of the Commission's questions.

Serrano Apartments Subordination Agreement

At the Housing Commission's May 6, 2021, meeting, the Commission voted to defer the Serrano Apartments Subordination Agreement to a later date. The Commission vote on this was 11-0-1. Members in favor are Mr. Arthur, Mr. Berkey, Ms. Bray, Mr. Browne, Ms. Edwards, Mr. Hemminger, Ms. Hogan, Ms. Montgomery, Ms. Rubalcava, Ms. Serfis and Mr. Sims with Ms. Norris abstaining.

Also at the Housing Commission's May 6, 2021, meeting, the Commission received a briefing on current challenges at The Serrano from AHC, Inc. senior leadership and representatives from their new management company. AHC, Inc. leadership acknowledged that mistakes have been made in managing the property and ultimately conceded that they regretted purchasing it in the first place, given the difficulties in repairing and replacing HVAC systems and remediating rodents and pests, among other challenges. AHC, Inc. represented that it is committing several million dollars for capital improvements at The Serrano and that it is hopeful that between this additional money, a new property management team, and bi-monthly meetings with County staff, that it would resolve all outstanding issues within several months; AHC, Inc. did not provide a specific timetable on exactly when it believes work will be completed.

The Housing Commission heard directly from residents of The Serrano who candidly shared the physical deterioration within their units and the negative impacts they have had upon their health and that of family members. The most disturbing testimony was 2 provided by residents who shared that they constantly battle white dust entering their units from the building's HVAC systems, to an extent that they and their children constantly must leave their apartments to escape outside for fresh air, even as pollen counts in the community remain high. Another resident explained that they discovered mold and white and black powder in their convector unit and ultimately were displaced from their apartment for seven weeks, left on their own to find temporary housing. All residents who attended the meeting explained that rats and mice are constantly in their apartments and are so prevalent that many are either unable and/or uncomfortable cooking in their own homes; one resident recalled how their child's backpack was ripped into by rodents who were searching for a snack the child had forgotten to remove from the backpack when the child returned home from school (apparently a necessary routine in their apartment due to the rodent infestation).

The Commission heard testimony from resident advocates, including but not limited to representatives from VOICE, NAACP Arlington Branch, and BU-GATA. The advocates described their efforts to work with AHC, Inc. and County staff and the County Board over the previous approximately 18 months to bring units into compliance with applicable health and safety standards to little or no avail. Advocates acknowledged that while some progress has been made recently with the hiring of a new property management company, the progress has been far too slow with residents experiencing white and black dust in the airflow into their units and a rodent infestation making food storage and preparation difficult, if not impossible.

Finally, the Commission also heard from County staff, including staff from CPHD and DHS, about current efforts to explore all legal options to bring The Serrano into compliance with applicable health and safety requirements.

Preliminary Observations: In consideration of the testimony from the May 6, 2021, meeting, along with a review of documentation of property deficiencies (including pictures of rats/mice, dust-clogged convector filters, mice/rat droppings, physical deterioration to interior walls, and other deficiencies) provided by the NAACP Arlington Branch and BU-GATA, it is clear that the conditions at The Serrano likely pose an immediate health risk to at least some residents, and swift action must be taken immediately to ensure their health and safety. It is also apparent that any such urgency

now conveyed by both AHC, Inc. and the County would not exist if not for the persistent efforts of the residents and advocates; such an organized effort should not be necessary to secure minimum conditions of habitability. To paraphrase one of the residents who testified at the May 6, 2021, meeting, “Where is the empathy?” It is apparent that AHC, Inc. has made many mistakes and been far too slow in rectifying them, and that the County has similarly been far too deferential to AHC, Inc. and has not appropriately exercised its obligations to provide oversight and to assist the residents for whom many of our housing programs exist to serve.

Simply put, the residents of The Serrano deserve far better than the conditions currently provided by AHC, Inc. That such conditions have continued to persist within The Serrano is both an embarrassment to the County’s housing programs, but also an abandonment of commitments the County and AHC, Inc. have made to residents of The Serrano to ensure they have safe and decent housing. It is imperative that the County take prompt and 3 aggressive action to ensure that these residents are afforded safe and decent housing as soon as possible. Consistent with these preliminary observations and concerns, the Housing Commission recommends several actions be taken (if they are not already in progress) as soon as practically possible:

1. Immediate Safety of Residents: County staff should conduct an immediate analysis of the ventilation system and rodent infestation. Should the County determine that any units are not currently habitable, County staff should work with affected residents to relocate them to new units, including but not limited to using County financial resources to assist them with moving and rental assistance.
2. Legal Options: County staff, in consultation with the County Attorney, should explore all possible legal options to bring The Serrano into compliance with all existing contractual and legal requirements.
3. Compliance Review: County staff, if they have not done so already, should immediately commence a compliance review of The Serrano for its physical conditions and consult with appropriate stakeholders, including but not limited to residents, representatives from Bu-GATA, VOICE, and NAACP Arlington Branch, on information they have about conditions within the building and individual units.
4. Review of AHC Properties: County staff, if they have not done so already, should begin a review of other AHC properties within the county, including reviewing any resident complaints (if they exist), to determine if a more thorough review of AHC’s property management policies, procedures, and practices is warranted. The Housing Commission is concerned that the actions, or lack thereof, that led to conditions at The Serrano are not limited to one building and believes the County has an obligation to give AHC’s properties greater scrutiny to determine if these deficiencies are systemic.
5. Voluntary Compliance: County staff should continue to communicate with representatives from AHC, Inc., to bring it into voluntary compliance with existing contractual and legal requirements to ensure that the committed affordable units are safe and habitable. Aside from specific recommendations and/or mandates County staff may provide, the Housing Commission recommends that AHC, Inc. provide prompt, clear, and accessible (translated in Spanish and other applicable languages spoken by residents) communications to residents on both their individual units and the building generally about repairs that have been made, repairs in progress, and any other issues related to the general upkeep of The Serrano.
6. Future Development Agreements with AHC: Concurrent with efforts to bring The Serrano and potentially other AHC, Inc. properties up to minimum standards of safety and habitability, County staff should consider taking into account the failures of AHC, Inc. in maintaining their properties when reviewing any future proposals for development and/or County assistance. The Housing Commission believes the County should carefully consider the viability of future

agreements with AHC, Inc., so long as so many issues remain at The Serrano and possibly other AHC, Inc. properties.

7. Compensation and Legal Remedies for Residents: County staff should make funds available to Serrano residents living in substandard units through the Tenant Assistance Fund or other funds to provide for their food, lodging, mouse traps, relocation (temporary or permanent) and other expenses forced upon them by AHC, Inc.'s failure to maintain decent living conditions.
8. Sufficient Resources for CAF Oversight: The County Manager should prepare a recommendation to the County Board to increase resources dedicated to code enforcement, compliance, and tenant assistance to address the issues at AHC, Inc. properties and all CAF units now and in the future. These issues cannot be allowed to continue, and it is clear that existing allocations of staff have not been sufficient to maintain proper oversight and ensure that Arlington residents are not living in substandard housing supported by taxpayer dollars.

The Housing Commission requests that these recommendations be considered by the County Board and County staff and that an update on The Serrano be provided at our June 3, 2021, Housing Commission meeting.