



RIGHT TO RETURN POLICY

ST. PAUL'S/TIDEWATER GARDENS

CHOICE NEIGHBORHOOD INITIATIVE

Adopted November 12, 2020

EXECUTIVE SUMMARY

RIGHT TO RETURN

Please find attached the Return Policy for the residents in Tidewater Gardens that are being relocated as a result of the Choice Neighborhood Initiative (CNI). This policy applies to each resident who wishes to return to the replacement housing if they meet the following requirements:

- ▶ Resident was lease-compliant at the time of departure from the Tidewater Gardens public housing community as of February 28, 2019.
- ▶ Resident continued to remain lease-compliant during the relocation period with no eviction proceedings, or judgement for eviction including those who are subject to any court-ordered stipulation agreement.
- ▶ Resident can show evidence that they can pay rent, which will continue to be 30% to 40% of adjusted income.
- ▶ Resident shall have no outstanding debts to NRHA and any other PHA.
- ▶ Resident shall refrain from any criminal activity throughout the relocation period.
- ▶ The head of household must be able to establish utilities in their own name since units will be individually metered
- ▶ Resident must not have been terminated or have a termination pending from the Housing Choice Voucher program.
- ▶ Resident must meet applicable income limits and household composition applicable to the Low-Income Housing Tax Credit program.

PREFERENCES

Returning residents shall be provided a preference for occupancy in the newly developed housing.

- ▶ Preference applies to on-site or off-site replacement units before such units are made available to any other eligible households.
- ▶ Preference applies to affordable units by utilizing an approved Housing Choice Voucher (HCV).
- ▶ Preference remains available for five (5) years from the lease up date for the replacement units and until the initial lease-up of the affordable units.

GRIEVANCE

In the event a resident is denied housing because he/she fails to meet one of the criteria set forth herein, the resident shall be afforded the right to file a grievance to appeal the denial decision.



INTRODUCTION

In order to return to the new Tidewater Gardens community after its revitalization, the Norfolk Redevelopment and Housing Authority (NRHA), in accordance with the United States Department of Housing and Urban Development (U.S. HUD) federal housing regulations, has set forth certain requirements for occupancy in the new community. The following selection criteria are predicated on these requirements. This policy does not apply to current or future applicants who were not former residents of Tidewater Gardens as further described below.

RIGHT OF RETURN

Each resident who wishes to return to the on-site or off-site replacement housing may return if the resident was lease-compliant at the time of departure from the Tidewater Gardens public housing community as of February 28, 2019 and continued to remain lease-compliant during the relocation period. A returning resident shall be provided a preference for occupancy of on-site or off-site replacement units before such units are made available to any other eligible households. The resident also has the option not to occupy a replacement unit and may retain tenant-based voucher assistance. A qualified resident who wishes to return to an affordable unit will also be provided a preference for occupancy of the affordable units by utilizing an approved Housing Choice Voucher (HCV). These preferences are retained even if the resident has already received permanent relocation benefits.

This preference applies to residents that were relocated due to the redevelopment activity and remains available for five (5) years from the lease up date for the replacement units and until the initial lease-up of the affordable units. If a household is “rightsized” (e.g. splits into two separate households) through relocation resulting from the Choice Neighborhoods grant program, the original head of household will have the right to return. Once all the original heads of household have been housed, the Grantee is required to offer the second household any units that are available. If no units are available, then the second household will be moved to the top of the waiting list. Both the original household and the second household are required to be lease compliant at the time of relocation and throughout relocation.

RETURN CRITERIA

To participate in the St. Paul’s Choice Neighborhood Rental initiative, each Tidewater Garden resident, in residents as of February 29, 2019, must meet all of the following mandatory requirements and will be subject to review criteria below as required by NRHA and the Management Company to determine eligibility for occupancy:

1. **Lease Compliance:** The resident must be in compliance with their current lease, with no eviction proceedings, or judgement for eviction including those who are subject to any court-ordered stipulation agreement.
2. **Evidence that a resident can pay rent:** Public housing assistance or a Housing Choice voucher is considered evidence that a Resident can pay the rent. The Housing Choice Voucher rent continues to be 30% to 40% of adjusted income and project base voucher.



3. No outstanding debts to NRHA and any other PHA: Any resident subject to a repayment agreement or stipulated agreement will be current with payment arrangements prior to moving into a new unit.
 - a. People First coaches are available to assist Residents needing to address any outstanding balances owed to NRHA or other landlords as well as and other pertinent issues prior to their completing the application process.
4. Criminal activity: Refrain from any criminal activity throughout the relocation period. NRHA will deny admission to an applicant who has engaged in criminal activity that threatens or interferes with the health, safety and right to peaceful enjoyment of the premises by other residents. A Criminal Offenders Records Investigation will be run on all returning household members 18 years of age and older.
 - ▶ The resident or household member shall not have been convicted of a drug-related or violent crime or have been evicted (or currently undergoing eviction) from any Federally or State-assisted housing program or any other housing during the relocation period and prior to return.
 - ▶ The resident or household member must not currently be or become engaged in illegal drug use.
 - ▶ The resident or household member must not currently be or become engaged in criminal activity.
 - ▶ The resident or any household member of any age must not currently be a sex offender or sexually violent predator or be registered on any state sex offender registry.
 - ▶ Exception to Criminal and Drug Related Activity. Criminal and drug activity that was previously disclosed to NRHA and was cleared by NRHA for occupancy, is exempt from this provision except for lifetime sexual offender registration status since June 25, 2001.
5. Utility Bills: Units will be individually metered, and the head of household must be able to establish utilities in their own name.
6. Tidewater Gardens residents who have utilized a Housing Choice Voucher, must not have been terminated or have a termination pending.
7. Income and household composition: Because units are funded with Low Income Housing Tax Credits, households must meet applicable income limits.

WAITING LIST PREFERENCES

Residents for occupancy at the new St. Paul's Choice Neighborhood development shall be placed on the new community Wait List for the category of housing they have requested. The Wait List shall also be divided by the number of bedrooms for which each Resident's household is eligible.

Tidewater Gardens residents, in residence as of February 28, 2019, who wish to move into a redeveloped unit at the new St. Paul's Area (Tidewater Gardens) site may do so if the resident was lease compliant (see definition which follows) at the time of departure from their NRHA unit, and meet the re-occupancy criteria noted below.



NRHA's goal is to maximize the number of original Tidewater Gardens households that return to the newly constructed units. To achieve this goal, NRHA has established a priority for original residents.

All original Tidewater Gardens residents who are lease compliant and meet the requirements below are eligible for a new unit and will have a right to return to a new unit at the redeveloped site. Original households that become ineligible for relocation assistance because of an eviction are ineligible for re-occupancy.

PRIORITY FOR NEW UNITS

It is anticipated that redevelopment will be completed in phases. Re-occupancy will conform to the redevelopment phases and their associated relocation needs as outlined below.

Redevelopment Phasing:

1. Phase 1: Snyder Lot - 41 replacement units
2. Phase 2: Transit Block 19 & 20 – 59 replacement units – 87 affordable units
3. Phase 3: Transit Block 17 & 18 – 43 replacement units – 59 affordable units
4. Phase 4: Tidewater Gardens Block 9 – 20 replacement units – 29 affordable units
5. Phase 5: Tidewater Gardens Blocks 5 & 10 – 27 replacement units – 33 affordable units
6. Phase 6: Tidewater Gardens Blocks 2,4 & 11 – 36 replacement units – 24 affordable units
7. Phase 7: Offsite units – 88 replacement units

Replacement and affordable unit counts will vary slightly as each project is further refined during the design process.

During the re-occupancy period, NRHA will prioritize residents based on date and time and replacement units will be offered to residents based on these priorities.

- a. Priority # 1: Tidewater Gardens residents in residence as of February 28, 2019 who reside in the area designated for the Phase 1.
- b. Priority # 2: Tidewater Gardens residents in residence as of February 28, 2019 who reside in the area designated as Phase 2.
- c. Priority# 3: Tidewater Gardens residents in residence as of February 28, 2019 who reside in the area designated as Phase 3.
- d. Priority #4: Tidewater Gardens residents in residence as of February 28, 2019 who reside in the area designated as Phase 4.
- e. Priority #5: Newly created households as a result of family splits at Tidewater Gardens who reside in the area designated for the Phase 1.
- f. Priority #6: Newly created households as a result of family splits at Tidewater Gardens who reside in the area designated for the Phase 2.
- g. Priority #7: Newly created households as a result of family splits at Tidewater Gardens who reside in the area designated for the Phase 3.
- h. Priority #8: Newly created households as a result of family splits at Tidewater Gardens who reside in the area designated for the Phase 4.



- i. Priority #9: Current Young Terrace and Calvert Square residents who are in good standing and meet income requirements for tax credit units.
- j. Priority #10: Public Housing residents, outside of the St. Paul's Area, who are in good standing and meet income requirements for tax credit units.
- k. Priority #11: Housing Choice Voucher (HCV)/Project Based Voucher (PBV) participants who are in good standing and meet income requirements for tax credit units.
- l. Priority #12: All other eligible households on NRHA's agency-wide waiting list including meeting income requirements for tax credit units.

GRIEVANCE

In the event a resident is denied housing because he/she fails to meet one of the criteria set forth herein, the resident shall be afforded the right to appeal the denial. The resident shall file a written request to NRHA's Occupancy Department for a grievance hearing within ten (10) business days from the date of the denial notice. Thereafter, the resident shall be afforded a hearing in compliance with federal laws, regulations and the policies of NRHA, which are all incorporated herein by reference. If a resident is required to go through any Grievance process with the Property Management, USI Case Manager/Mobility Specialist will assist the resident with the process.

The written request must specify:

- a. The reasons(s) for the grievance or content of NRHA's proposed action; and
- b. The action or relief sought.

The process described in the Management Plan and Tenant Selection Plan will be followed for residents with disabilities that have been denied housing.

CONTACT

Norfolk Redevelopment and Housing Authority
555 E. Main St, Norfolk, VA 23510
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November 24, 2020

To the Honorable Council
City of Norfolk, Virginia

Item Number: R-12

Re: A Resolution Reaffirming the Process for the Development of a Plan to Revitalize the St. Paul's Area and Establishing a Standard for the Future, Mixed-Income Community and a Guaranteed Right to Return.

Dear Ladies and Gentlemen:

Attached is a resolution to follow and enhance the Council's previous expression of its support for the plan to revitalize the St. Paul's area. The prior resolution was adopted on January 23, 2018. Today's resolution addresses goals for the plan that were not set out in the prior resolution.

Specifically, this resolution memorializes that the plan shall be sufficient to accommodate the return of all current residents of the Tidewater Gardens community who desire and are able to return and, to support that end, states that the City shall assist such residents in overcoming impediments to returning that may arise.

Finally, if adjustments are made to the plan by adding new housing units to accommodate returning residents, this resolution maintains that the City shall adjust the plan so as to respect and protect the Council's expressed goal of fostering a mixed-income, diverse, safe, healthy and vibrant neighborhood of opportunity for the St. Paul's area.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

Form and Correctness Approved:

BAP

Contents Approved:

By:



Office of the City Attorney

By:



DEPT. City Attorney's Office

NORFOLK, VIRGINIA

Resolution No.

A RESOLUTION REAFFIRMING THE PROCESS FOR THE DEVELOPMENT OF A PLAN TO REVITALIZE THE ST. PAUL'S AREA AND ESTABLISHING A STANDARD FOR THE FUTURE, MIXED-INCOME COMMUNITY AND A GUARANTEED RIGHT TO RETURN.

- - -

WHEREAS, there is a portion of the City of Norfolk that has been the subject of discussions about revitalization which has, over many years, come to be known as the "St. Paul's area," which is defined for purpose of this Resolution as that land presently improved with the public housing communities of Tidewater Gardens, Young Terrace, and Calvert Square as well as their surrounding environs, comprising a total of approximately 200 acres and generally bounded on the west by St. Paul's Avenue, on the north by East Virginia Beach Boulevard, on the east by Tidewater Drive, and on the south by East City Hall Avenue;

WHEREAS, this City Council did, on January 23, 2018, resolve to authorize the City Manager to initiate a process for the development of a plan to revitalize the St. Paul's area ("Plan");

WHEREAS, the execution of the Plan is currently imminent, relying, in part, on grant funds secured from the United States Department of Housing and Urban Development ("HUD") through its Choice Neighborhoods program for that portion of the St. Paul's area that is defined in the Choice Neighborhoods Initiative grant awarded by HUD in May of 2019 ("CNI Area");

WHEREAS, those public housing dwelling units located in the Tidewater Gardens community that are situated in that portion of the St. Paul's area identified as the CNI Area are obsolete as to physical condition, location, or other factors, making them no longer suitable for housing purposes and, therefore, are the subject of an application for demolition and disposition, now pending with HUD;

WHEREAS, the Plan is designed and intended to reduce or eliminate the harmful effects of segregation and poverty by fostering a mixed-income, diverse, safe, healthy and vibrant neighborhood of opportunity and, to that end, reduces the concentration of public housing dwelling units in the CNI Area;

WHEREAS, in order to ensure that the benefits of the revitalization Plan accrue to those who are most impacted by the demolition that will be required in order to accomplish it, every member of every household residing in every dwelling unit in the Tidewater Gardens community as of February 28, 2019 that is hereafter demolished or disposed of should have a right to

return to a new dwelling unit constructed either in accordance with the provisions of the CNI grant or in the St. Paul's area; and

WHEREAS, the City Council desires to clearly establish that the goal for the future community in the St. Paul's area is one that encourages, advances, and preserves residency by persons and families of various levels of income while protecting the right of existing residents to return to the area; now, therefore,

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1:- That Resolution No. 1,697, adopted on January 23, 2018 ("the Resolution"), is hereby reaffirmed;

Section 2:- That the total number of rent-subsidized and rent-restricted residential dwelling units constructed in the St. Paul's area, which area includes but is not limited to the CNI Area, at the conclusion of the development shall be sufficient to accommodate the return of all current residents of the Tidewater Gardens community who desire and are able to return.

Section 3:- That, in the event that the number of new rent-subsidized and rent-restricted residential dwelling units that are identified and proposed in the Plan as of the date of this Resolution are insufficient to accommodate the return of all those residents of the Tidewater Gardens community who desire and are able to return, the City shall cause to be constructed additional rent-subsidized and rent-restricted residential dwelling units in the St. Paul's area until the number of such units is sufficient to accommodate every person who was a resident of the Tidewater Gardens community as of February 28, 2019 and who desires and is able to return to the St. Paul's area. The ability of any resident to return shall conform to and be consistent with the eligibility for occupancy criteria approved by the Board of Commissioners for the Norfolk Redevelopment and Housing Authority in its Return Policy for Residents of Tidewater Gardens, adopted by resolution dated November 12, 2020.

Section 4:- That that City shall work to ensure that

financial assistance is provided to persons who have and who are exercising the right to return in order to overcome any impediments to returning that may arise, such as fees for early termination of leases, utility service account deposits and connection fees, actual moving expenses, and security deposits.

Section 5:- That, in the event that any new rent-subsidized and rent-restricted residential dwelling units are constructed in the St. Paul's area beyond the maximum number that is identified in the Plan as of the date of this Resolution in order to accommodate the right to return described herein, the City shall adjust the Plan so as to respect and protect the City Council's expressed goal of fostering a mixed-income, diverse, safe, healthy and vibrant neighborhood of opportunity for the St. Paul's area and, to that end, may make accommodation in the Plan for the construction of additional dwelling units that are neither rent-subsidized nor rent-restricted.

Section 6: - That this resolution shall be in effect from the date of its adoption.