

Minutes
GHI Board of Directors
Regular Session
(Virtual Zoom)
December 3, 2020

Board Members Present: Brodd, Carter-Woodbridge, Hess, James, Jones, McKinley, Ready, Skolnik and Socrates

Excused Absences:

Others in Attendance:

Eldon Ralph, General Manager

Tom Sporney, Assistant General Manager

Joe Perry, Director of Finance

Neron Adams-Escalera, Director of Member Services

Agnes Erskine, Recording Secretary

President Brodd called the meeting to order at 8:05 p.m.

1. Approval of Agenda

Motion: The Board of Directors does approve the agenda as presented.

Moved: Hess

Seconded: James

Carried: 9-0

2. Announcement of an Executive Session Meeting held on December 3, 2020

The board of directors did not conclude its business prior to the Regular Session meeting but will report on its Executive Session actions at the next GHI Regular Session meeting.

3. Visitors and Members (Comment Period)

- Stephen Holland commented on the removal of all but one bus route and the effects it will have on GHI and GDC members and tenants.
- Anna Socrates also commented on the changes to the public transit routes.

4. Approval of Membership Applications

Motion: I move that the Board of Directors approve the following persons into the cooperative and membership be afforded them at the time of settlement:

- Nathan C. Snook and Katherine E. Snook, Tenants by the Entirety; 5-D Gardenway

submit its report by October 31, 2020 with recommendations including all but not limited to the following elements:

- 1. Objectives of the program.*
- 2. Name of the inspection program.*
- 3. Inspection checklist to be used.*
- 4. Education program for members and staff doing the inspections.*
- 5. Incentives to members to encourage compliance.*
- 6. Whether fines should be imposed for not correcting violations and if so, the fines that should be charged.*
- 7. Staff organization required for the program.*

GHI members Joseph Ralbovsky, Ed James, Alex Barnes, Kemlyn Brazda, Jeannette Grotke, and Philip Lake were appointed to serve on the task force; George Bachman served as the staff liaison, and Ed James as the Board liaison.

The task force recently submitted a report (attachment #5) for the Board's review.

Motion #1: I move that the Board of Directors accept the report from the GHI Yards and Exterior Task Force dated October 31, 2020.

Moved: James

Seconded: Ready

Carried: 9-0

Motion #2: I move that the Board of Directors hold a work session on January 4, 2021 for a more detailed discussion of the report that the Exterior Building and Yard Inspection Task Force submitted.

Moved: James

Seconded: Skolnik

Carried: 9-0

6e. Next Steps re: Succession Planning Task Force Report on Transition and Sustainability Issues

The Board established a Succession Planning Task Force comprised of members Tom Adams & Amy Odegaard (co-chairs), Frank DeBernardo, Chuck Hess, Stephen Holland, and Tim Murray to review approaches to leader continuity and succession planning for organizations like GHI, and recommend policies and possible actions to reduce risks during leader transitions and increase mission sustainability, resiliency and adaptability of GHI over the long term.

On November 18, 2020, the Board held a work session with the task force to discuss its report titled "A Transition and Sustainability Issues Report" (attachment #6), that is intended to serve as a guide in planning for and executing a number of major transitions over the next several years. During the work session, the Succession Task Force recommended that the Board should

consider authorizing the continuation of its successful work under a successor Transition and Sustainability Task Force. This Task Force should be comprised of interested members of the current Task Force and additional members with Board President concurrence. The charge of the Transition and Sustainability Task Force should include the following:

- 1) Review issues and recommendations presented in the Transition and Sustainability Issues report for purposes of recommending to the Board:
 - a. Which issues require attention in 2021 and the specific next actions that should be taken with any associated staffing or cost implication; and
 - b. Which issues or recommendations are best left to be considered by the Board of Directors and next General Manager.
- 2) Hiring of a Transition Consultant to work with and guide the Task Force and Board in designing a transition planning process which appropriately engages the Board, members and staff and prepares GHI for a successful General Manager transition and related changes that advance the mission and sustainability long-term of GHI. This work is different from and preparatory to a search for a new General Manager when the current Manager announces his retirement.
- 3) Coordinate closely with the Board liaison to the Task Force and the Board in advancing this work incrementally as it occurs, since the issues are interrelated and the resolution of each, influences options for other issues.

The Task Force requested an initial budget of \$7,500 to engage a transition consultant and acknowledged that additional consulting costs may need to be expended in 2021 to support specific work on the issues and the preparation for the General Manager succession. For planning purposes, it is estimated at this point that the additional consulting expenses will not exceed \$18,000. The Task Force also acknowledged that staff resources may be needed to advance its work and the Board should authorize the General Manager to allocate staff time to this work as he deems appropriate.

This work is expected to be concluded in 2021. Per the Board Succession Policy, the Board will appoint a Transition and Search Committee to lead the search for a new General Manager when the current Manager gives notice of retirement.

Motion #1: I move the Board of Directors establish a Transition and Sustainability Task Force to review the issues and recommendations presented in the Transition and Sustainability Issues report for purposes of recommending to the Board:

- a. Which issues require attention in 2021 and the specific next actions that should be taken with any associated staffing or cost implication; and
- b. Which issues or recommendations are best left to be considered by the successor to the current general manager and Board of Directors.

Moved: Skolnik

Seconded: McKinley

Carried: 9-0

Motion #2: I move that the Board of Directors allocate an initial budget of \$7500 to the Transition and Sustainability Task Force to engage a transition consultant and begin its work.

Moved: Ready

Seconded: Jones

Carried: 8-1

Opposed: Hess

6f. Proposed Upgrade of GHI's Website

Vendor support for Drupal 7, the content management software for GHI's website, expires in November 2021. By that time, every Drupal user must migrate to Drupal 9. The new property management system that GHI acquires next year will include a secure online portal to store much information that is now publicly displayed on GHI's website; hence the capacity of GHI's website will be greatly reduced.

The following options should be explored for upgrading GHI's website:

1. Upgrade the software operating system for the website to Drupal 7 and continue our relationship with 4Site (the current website service provider). Include a link that members will use to log in to the member portal on the Yardi property management system.
2. Request a firm/person other than our current website provider to build a new website on another platform other than Drupal. The new website will include a link that members will use to log in to the member portal on the Yardi property management system.

Staff recommends that the Board establish a task force to recommend which option should be implemented.

Motion: I move that the Board of Directors establish a task force to recommend by January 31, 2021, what upgrade(s) should be done to GHI's website.

Moved: Hess

Seconded: Ready

Carried: 9-0

6g. Joint-Use Agreement with City of Greenbelt re: Utilization of Maryland Natural Resources Program Funds for Renovation of a GHI Playground

On July 11, 2019, staff informed the Board that the City's FY 2020 Budget included a proposed renovation/replacement of GHI's playground at 2 Court Research. The City now proposes to seek approval from the Maryland Department of Natural Resources to use Program Open Space (POS) funds for this project; this process requires submission of a joint-use agreement (attachment #7) to the Maryland Department of Natural Resources, that is signed by representatives of the City and GHI.

Motion: I move that the Board of Directors authorize the Board President to sign a joint-use agreement that the City of Greenbelt will submit to the Maryland Department of Natural Resources seeking approval to utilize Program Open Space funds for renovating the GHI playground at 2 Research Rd.

Moved: Ready

Seconded: McKinley

Carried: 8-1

Opposed: Hess

6h. Effects of Recent P.G. County and City of Greenbelt Legislation re: Landlord-Tenant Matters on GHI Operations

GHI’s legal counsel has advised that under the Prince George’s County Code (see below), a housing cooperative is included under the definition of “Multifamily Rental Facility,” which means that GHI falls within the definition of a “Landlord.”

PRINCE GEORGE’S COUNTY CODE - SUBTITLE 13. - HOUSING AND PROPERTY STANDARDS.

DIVISION 3. - LANDLORD-TENANT REGULATIONS.

Sec. 13-138. - Definitions.

(a) For the purposes of this Division (and Division 4):

* * * (7) **Landlord** shall mean the legal and equitable owner(s) of a property, or any portion thereof, used or to be used as a single-family rental facility or a multifamily rental facility and shall include, without limitation, a mortgagee, vendee, contract purchaser, assignee of rents, receiver, trustee, executor, personal representative, lessee, or any person, firm, or corporation who manages the multifamily rental facility by contractual agreement with the owner. * * *

(9) **Multifamily Rental Facility** shall mean any building, structure, or combination of related buildings, structures, and appurtenances, operated as a single entity, housing cooperative ("COOP"), or a condominium, in which the landlord provides for a consideration three (3) or more rental dwelling units;

Due to the COVID-19 pandemic, the Prince George’s County Council and City of Greenbelt have passed the following bills and ordinances regarding landlord-tenant matters which may impact the operations of GHI:

1. Prince George’s CB-16-2020 - (Attachments #8a – 8b)

Prince George’s CB -16 -2020 (attachments #8a – 8b) prohibits rent increases, late fees or evictions of tenants during the COVID-19 State of Emergency proclaimed by Governor Larry Hogan and for 90 days after the end of the emergency. On October 20, 2020, the Governor extended the State of Emergency. This bill applies to tenants with substantial loss of income who are unable to make rent payments because of the emergency.

Based on the Governor’s Order, “Substantial Loss of Income” means with respect to an individual, a substantial loss of income resulting from COVID-19 or the related proclamation of a state of emergency and catastrophic health emergency, including, without limitation, due to job loss, reduction in compensated hours of work, closure of place of employment, or the need to miss work to care for a home-bound school-age child.

On May 7, 2020, the Board approved a fee deferral program that provides for up to 4 months of deferred payment of co-op fees for members financially affected by COVID-19; repayment will not be required prior to January 2021.

Based on CB-16-2020, that Board should consider whether GHI could either charge late fees to a member, apply a 2021 coop fee increase or terminate the member's mutual ownership contract due to financial default, if the member's co-op fees are deferred under GHI's COVID-19 fee deferral program. This provision applies during the COVID-19 State of Emergency and within the 90-day period after the emergency ends.

2. Prince George's CB-78-2020 – (Attachment #8c)

Prince George's CB -78 -2020 (attachment #8c) will be adopted early next year. It prohibits a landlord from increasing rent or imposing late fees for a tenant with a substantial loss of income, if the rent increase would take effect during the COVID-19 emergency and within 90 days after the emergency expires. It also prohibits a landlord from increasing rent in an amount that exceeds 2.6 percent per annum for any tenant not suffering a loss of income because of the emergency.

GHI's legal counsel stated the following: *“Under Section 13-139(a) of the Bill, the rent increase restrictions will take effect on the “date of adoption” of the Bill. This suggests that they will take effect as of the date on which the Council votes to approve the bill, unless there is some other information that I am missing. If the GHI fee increases will be effective as of January 1, 2021, and if the Bill is passed by the Council after January 1, 2021, the GHI 2021 fee increases will not be subject to the restrictions imposed by the Bill. However, you should continue to stay in touch with the Council on this, so that you will know if they change the language of the bill to alter the effective date, or if they actually pass the Bill before January 1”.*

3. City of Greenbelt Ordinances Freezing Late Fees and Rent Increases (Attachments #8d – 8e)

On November 23, 2020, Greenbelt's City Council approved ordinances freezing late fees and rent increases. The versions that were introduced are presented as attachments #8d and 8e. Staff has requested the City Manager to provide us the final versions; she indicated that they would be provided when they become available from the City Solicitor.

Both ordinances prohibit landlords from imposing any late fees on rents or rent increases on tenants for apartment complexes or ownership of apartments of more than 10 units. President Brodd who attended the City Council meeting, advised that the original language of the ordinances was amended to stipulate that the freezes would apply between the date of adoption of the ordinances and 60 days after the end of the emergency; and also that landlords shall offer tenants a repayment plan for deferred rents.

Since a housing cooperative is regarded as a landlord and a member as a tenant under the P.G. County's landlord- tenant regulations, the Board may wish to consider obtaining an opinion from our legal counsel about whether these two ordinances affect GHI.

Motion: I move that GHI seek legal advice from at least two separate attorneys regarding the legislation at the county and city levels regarding rent increases and late fees.

Moved: Hess

Seconded: Socrates

Failed: 4-5

Opposed: Brodd, Jones, McKinley, Ready, Skolnik

6i. Request to Establish a Board Policy re: Storage of Vehicles in GHI's Boat Lots

Members routinely rent parking lots in GHI's Boat Lots for storing recreational vehicles. In the past, there were several situations where members abandoned vehicles in the boat lots and staff experienced great difficulties in getting them removed. This prompted staff to develop a 'Recreational Vehicle (RV) Boat Lot Procedure' (attachment #9) which states that abandoned vehicles shall not be left in the boat lot and renters should provide documentation of vehicle registration annually.

The 2019 Maryland Code, Transportation, Title 13 - Vehicle Laws -- Certificates of Title and Registration of Vehicles, Subtitle 4 - Registration of Vehicles Part I - In General § 13-402. states that a motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle and if such a vehicle is not registered, a person may not park the unregistered motor vehicle on private property used by the public in general, including parking lots of shopping centers, condominiums, apartments, or town house developments.

Twenty-four members are currently storing vehicles in the Boat Lot; fourteen members have not provided evidence of registration certificates to staff despite being initially requested to do so in July 2020.

Staff recommends that the Board establish a policy to regulate the storage of vehicles in GHI's Boat Lots.

Motion: I move that the Board of Directors establish a task force to recommend a policy regarding the storage of vehicles in GHI's Boat Lots.

Moved: Jones

Seconded: Skolnik

Carried: 9-0

7. Items of Information:

7a. Board 12 Month Action Plan and Committee Task List

7b. Monthly GHI and City Calendars

7c. President's Items

7d. Board Members' Items

None

7e. Audit Committee's Items

None.

7f. Manager's Items

None.

Motion: To adjourn.

Moved: Hess

Seconded: Carter-Woodbridge

Carried: 9-0

The meeting adjourned at 10:14 p.m.

Ed James
Secretary