

RECEIVED BY
OFFICE OF CITY CLERK

George F. Welch Jr.
1085 JUL 27 PM 2:05 Box 391818
Cambridge MA. 02139
CAMBRIDGE MA (617) 247-3800

July 19, 1995,

CC: HUD Secretary Cisneros
Undersecretary Cuomo
Robert Healy, City Manager
City of Cambridge MA
Minhard Culpepper, Boston
Field Office HUD Counsel
Senator Edward M. Kennedy

Mary Lou Crane, Boston Representative of
Henry G. Cisneros, Secretary
U.S. Department of Housing and Urban Development

RE: Appeal Under HOME Program/Uniform Relocation Act Procedure
of Low-Income HOME Program Displaced Cambridge YMCA Tenant

Dear Ms. Crane:

This Appeal is submitted to you based on the July 11, 1995 Boston Globe report by Jordana Hart that you represented Secretary Cisneros when HUD gave the City of Cambridge Massachusetts \$1.2 million to aid the homeless.

This Appeal is also submitted to you based upon the fact that I am a Massachusetts lower income veteran who is homeless because the City of Cambridge Massachusetts, Grantee of HUD HOME Program financial assistance used to pay part of the costs for the rehabilitation, demolition of the Cambridge YMCA's 127 unit building,

1) failed to properly determine in November 1992 that I would be displaced from my Cambridge YMCA room #432 as a result of the HOME Funds assisted rehabilitation of the Cambridge YMCA building at the time my landlords made application to the City of Cambridge Community Development Department for HOME Program funds as appears in the November 2, 1992 determination letter to me and other Cambridge YMCA Tenants from Elsa Campbell City of Cambridge Community Development Department attached as EXHIBIT A.

2) failed to properly determine in November 1992 that I qualified or would qualify upon moving from my Room #432 as a displaced person as a result of the HOME Program assisted rehabilitation, demolition of the Cambridge YMCA building who was eligible for relocation assistance and relocation payments under the Uniform Relocation Act as appears in the November 2, 1992 determination letter to me and other Cambridge YMCA Tenants from Elsa Campbell City of Cambridge Community Development Department attached as EXHIBIT A.

3) failed to properly notify me in the November 2, 1992 determination letter, EXHIBIT A, of my rights to appeal the November 2, 1992 determination under the HOME Program and Uniform Relocation Act Appeals Procedure to HUD's Boston Field Office for a review of the City of Cambridge's November 2, 1992 non eligibility determination. READ the City of Cambridge November 2, 1992 non eligibility determination letter, EXHIBIT A.

4) failed to comply with the Uniform Relocation Act General Requirements Governing Claims For Relocation Payments set out in Paragraph 2-7 of HUD Uniform Relocation Act Handbook 1378 by promptly

paying to me my March 14, 1994 moving expense claim and providing me with assistance in completing my March 14, 1994 replacement housing rental payment claim form.

This Appeal seeks relief from my homeless status by your compliance, as Secretary Cisneros's Boston Field Office representative, with the Uniform Relocation Act and HOME Program Appeal Procedure requirements by providing me and Cambridge YMCA rehabilitation Project HOME Funds Grantee/Participating Jurisdiction City of Cambridge with your written review of the City of Cambridge's November 2, 1992 determination letter, EXHIBIT A and determination as follows

HUD Boston Field Office Determination

That YMCA Tenant George F. Welch Jr. is a displaced person as a result of the HOME Program assisted Cambridge YMCA rehabilitation demolition Project and is eligible for relocation assistance and payments at Uniform Relocation Act levels provided by the City of Cambridge Massachusetts Grantee of the HOME Program Funds. The City must promptly pay to George F. Welch Jr., his March 14, 1993 \$225 claim for moving expenses and based upon the failure of the HOME Program Grantee City of Cambridge and the Cambridge YMCA to offer a comparable replacement dwelling, pay to George F. Welch Jr. the costs of a decent, safe and sanitary replacement dwelling selected by George F. Welch Jr. in accordance with Paragraph 2-5d(2) of HUD Handbook 1378.

FACTS

1. The \$5.6 million 127 unit Cambridge YMCA Affordable Housing rehabilitation, demolition Project was a HOME assisted Project as defined in HUD Uniform Relocation Act Handbook 1378 CHG-1 Paragraph 8-45, based upon the three page written description of the HOME assisted Project, attached as EXHIBIT B, showing that the City of Cambridge Community Development Department provided HOME funds used with non federal funds to pay the costs of the rehabilitation. *Read Page 2 top paragraph of EXHIBIT B*

2. HUD has made public the determination that a HOME-assisted "project" is the rehabilitation of the building. A person displaced from any one of the units is protected by the URA. See HUD Handbook 1378 CHG-1 Paragraph 8-45 Example 3.

3. As appears from the November 2, 1992 determination of eligibility letter signed by Elsa Campbell City of Cambridge Community Development Department George F. Welch Jr. a/k/a Jack was a Cambridge YMCA Tenant before the Cambridge YMCA made application to the City of Cambridge for financial assistance to rehab the Cambridge YMCA building.

4. The HOME Program definition of a Displaced Person "Each "displaced person" is eligible for relocation assistance at URA Levels...the term "displaced person" includes but may not be limited to...A person that moves permanently from the real property after receiving a notice from the property owner that requires such a move, if such a move occurs on or after the date of the submission of an application to the grantee (e.g. participating jurisdiction) or HUD, if the applicant has site control and the project is later approved.

Read Paragraph 8-43 HUD Handbook 1378 CHG-1

5. By letter dated March 10, 1993, attached as EXHIBIT C the Cambridge YMCA gave notice to Tenant George F. Welch Jr. requiring Tenant Welch to move on April 9, 1993 from Room 432 for the renovation (rehabilitation) starting April 1, 1993, after the November date of the submission by the Cambridge YMCA of the application to the Grantee City of Cambridge for HOME Program financial assistance to rehab the YMCA building.

6. After Tenant George F. Welch Jr. moved on April 9, 1993, the City of Cambridge and the Cambridge Family YMCA Affordable Housing Limited Partnership entered on April 21, 1993 into an Agreement under which

- a. on page 1, the City, acting through the Community Development Department, provided HOME Program financial assistance for the rehabilitation of the 127-unit Single Room Occupancy Partnership building located at 820 Massachusetts Avenue, Unit 1, Cambridge, Massachusetts, see copy page 1 attached as EXHIBIT D1; and
- b. on page 12, the City Communities and Development Department will administer the HOME Program consistent with the requirements of the HOME Program regulation 92.353 to ensure that all reasonable steps are taken to minimize displacement of persons as a result of a project assisted with HOME Funds. The Partnership shall assist the Department, as needed, in meeting these requirements see copy of page 12 attached as EXHIBIT D12

said HOME Program Agreement being executed by the City Manager of Cambridge and the City Solicitor and the Assistant City Manager for Community and Development for the City and Brenda J. Ellis, Treasurer for the owners Cambridge Family YMCA Affordable Housing Limited Partnership see copy of page 21 of the HOME Program Agreement attached as EXHIBIT D21.

7. There is no evidence that the record that either the HOME Program Grantee City of Cambridge Community Development Department or the Limited Partnership acted in accordance with the Displacement, Relocation, Acquisition Requirements appearing on page 12 of the HOME Program Agreement. Read Page 12 EXHIBIT D12

8. There does not exist in HUD's records the Boarding agreement referred to in the City's November 2, 1992 determination letter, signed by George F Welch Jr. and Brenda J. Ellis on behalf of the owners of the Cambridge YMCA building regarding Tenant Welch's occupancy and displacement from Room 432 in the Cambridge YMCA building.

9. There does not exist in HUD record a Waivers signed by Cambridge YMCA Tenant George F. Welch Jr. in a format acceptable to HUD which describes the specific assistance to be waived, cites the pertinent law and regulations under which it is available, and indicates that Cambridge YMCA Tenant George F. Welch Jr. understands that, absent the waiver he cannot be displaced unless provided the prescribed assistance. See Paragraph 1-31c HUD Handboook 1378 CHG1.

3 *George F Welch Jr Jack*



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

EXHIBIT A

MICHAEL ROSENBERG,
Assistant City Manager for
Community Development

MARY FLYNN,
Deputy Director for
Community Development

November 2, 1992

Dear Tenant;

The Cambridge Family YMCA at 820 Massachusetts Avenue, Cambridge, is in the process of submitting an application to the Cambridge Community Development Department for financial assistance through the HOME Program to rehab the building in which you reside.

This letter is to inform you that you are not eligible for relocation assistance under the Uniform Relocation Act of 1979, due to the Boarding Agreement for the Extended Transient Rental Program that you signed upon admission.

You will be informed as to the implementation date of the impending program and given 30 days written notice of the termination of your Boarding Agreement.

If you have any questions about this, please contact Ron Lahti, at the Cambridge Family YMCA at 661-9622.

Sincerely,

Elsa Campbell
Elsa Campbell
HOME Program Coordinator

EXHIBIT A

THE CAMBRIDGE FAMILY YMCA

SUPPORTIVE SERVICE HOUSING RENOVATION PROJECT

Serving the community from a 19th-Century facility in Central Square presents its challenges to this City's YMCA as it enters the 21st Century. An aging physical plant, deferred maintenance, and burgeoning demand for its social services have prompted the Cambridge Family YMCA Board of Trustees to embark on a total renovation and upgrade of the historically-significant Massachusetts Avenue facility. In the first quarter of 1993, the Cambridge Family YMCA will launch the first stage of a plan which calls for the renovation of the Supportive Service Single Resident Occupancy (SRO) housing, the main lobby and administrative offices, as well as beginning modifications to bring the building into compliance with the Americans With Disabilities Act (ADA). The renovations will feature measures to bring the building in compliance with current building code, the enhancement of life safety systems, and the elimination of architectural barriers to the physically-challenged. Successive stages of the master building renovation will address the athletic and recreation facilities, and the youth and childcare portions of the building.

The YMCA has been managing its affordable housing program in Central Square since 1896. The 130-room facility has a proud history of serving Cambridge's working poor and socially-marginalized. In recent years the YMCA has been called upon to serve men who bring a variety of needs - chronic mental illness, homelessness, substance abuse, and increasingly, AIDS and HIV-infection. As the largest SRO residence for men in the city, the YMCA is committed to providing quality, safe housing with essential supportive services.

The financing for the initial stage of renovation - the YMCA's Supportive Service Housing - is provided by government sources. The foundation for the financing is the award of Low Income Housing Tax Credits from the federal Housing and Urban Development Department (HUD) through the Commonwealth of Massachusetts Executive Office of Communities and Development (EOCD). In November of 1991, the EOCD announced the award of \$449,019 in annual federal low income housing tax credits, spanning ten years, which enables the YMCA to attract \$2.1 million in equity investment to the project. In addition the National Park Service declared in December of 1992 the historic certification of the YMCA building for rehabilitation purposes. This certification qualifies the YMCA to obtain historic preservation tax credits to complement the low income housing incentives. The YMCA will treat the 1896 and 1912 portions of the building renovation in an historically-sensitive manner, following federal law encouraging the preservation of this Cambridge landmark.

To make effective use of the federal tax credits, the Cambridge Family YMCA has created a for-profit limited partnership, the Cambridge Family YMCA Affordable Housing Limited Partnership, formed in December of 1991. The limited partnership, which will be capitalized in the first quarter of 1993, owns the 40,000 square feet of affordable housing in the YMCA building. The YMCA sold the residential portion of the building to the limited partnership for \$952,000. The YMCA will use the sale proceeds to eliminate existing long-term debt, establish reserve escrows for YMCA operations, and fund the cost of capital improvements to the YMCA and areas held in common by the limited partnership and the non-residential portion of the building. The YMCA has established a buyback endowment to fund the repurchase of the residence in fifteen years at the expiration of the life of the federal tax credits. The Cambridge Family YMCA has obtained a \$2.1 million equity investment commitment through Boston Capital Partners, Inc., one of the nation's largest low-income housing limited partnership syndicators.

The Cambridge Family YMCA has obtained commitments for a \$2.02 million shared first mortgage from the Massachusetts Government Land Bank (\$1.51 million) and the Massachusetts Housing Partnership (\$510,000). The YMCA has been awarded a \$250,000 grant from the Affordable Housing Program of the Federal Home Loan Bank (FHLB) of Boston, through the FHLB's Cambridge partner, the Cambridgeport Savings Bank. The City of Cambridge has made a commitment of \$341,000 in "gap financing" through the HOME program, administered by the City's Community Development Department.

The Cambridge Family YMCA has received a commitment of \$155,000 in working capital funds from the Massachusetts Community Economic Development Assistance Corporation (CEDAC) to fund the pre-development costs associated with the housing renovation. Consultants serving the YMCA have each agreed to defer the bulk of their compensation until finance closing. Each has committed to a reduced fee schedule and capped their fees for this socially-beneficial affordable housing renovation.

In addition to the finances for physical renovation, the YMCA has received commitments to enhance the supportive services in the Residence. Upon issuance of a Certificate of Occupancy, the YMCA will receive nearly \$5 million in federal Housing and Urban Development Department rental subsidies divided between two separate programs. These subsidies are effective for the next ten years, with the probability of renewal. The Cambridge Housing Authority has been instrumental in obtaining these subsidies, and will continue to administer them following completion of the renovations.

In 1992 the Cambridge Family YMCA was selected as one of 34 sites nationally to inaugurate HUD's "Shelter Plus Care" program. This progressive housing program provides the YMCA \$2,044,800 in Section 8 rental subsidies for 30 SRO units over ten years. Fifteen of the SRO rooms are designated to serve formerly homeless men with chronic mental illness. The other fifteen are for homeless men diagnosed with AIDS or HIV-infection. Support services, with a value exceeding the operating subsidy, accompany the award enabling the YMCA to serve these special needs guests more successfully. The Regional Office of the Commonwealth's Department of Mental Health and Cambridge Cares About AIDS are responsible for providing support services to this program, as well as assisting in its administration.

The YMCA also received an additional \$2.4 million in HUD Section 8 rental subsidies through the Stewart B. McKinney Homeless Assistance Act. These subsidies will cover 35 SRO rooms for ten years. This program caps the tenant's share of rental payment at 30% of the individual's income, while providing a secure stream of income for the YMCA to service debt and to provide support services. Current residents of the YMCA, who will not be displaced due to the project, will be considered first to receive these subsidies; if some are left over, homeless men are given preference.

Other housing subsidies from current programming will continue following renovation. Current programming includes: City of Cambridge Department of Human Service Programs' Emergency Transitional Housing (22 rooms), the Commonwealth's Department of Mental Health housing for men with chronic mental illness (7 rooms), and Cambridge Cares About AIDS Emergency Transitional Housing (5 rooms). The total number of rent subsidized rooms at the YMCA following renovation will be 99 out of the 127 room total.

The YMCA has received approvals from the Cambridge Board of Zoning Appeals for a special permit (renovation of a non-conforming use) and a variance (increased floor area ratio to provide for code compliance). An application for a building permit has been filed with the City's Inspectional Services. The Wainwright Bank and Trust Company has provided a letter of commitment to the YMCA for a \$2 million construction loan.

The YMCA has engaged Trinity Financial, Inc., a Boston-based real estate development consulting firm, to guide the Association in the assembly of the financing of the project. The architectural firm of Finegold Alexander + Associates of Boston, with extensive experience in historic preservation and affordable housing, serves as the design team for the renovation. Architectural Engineers are providing consultancy on building systems. The law firms of Garrity and Knisely and Hale and Dorr, both of Boston, are providing real estate law and tax counsel respectively. Ziner and Company is providing accounting services to the Limited Partnership. The historic preservation consultant is Leslie Larson of Boston. Geotechnical engineering is provided by McPhail Associates of Cambridge. CWC Builders, Inc. of Newton will serve as the General Contractor.

Funding for successive stages of the building renovation will be derived from a public subscription capital campaign to be managed by the Cambridge Family YMCA. The renovations to the health enhancement and fitness facilities, and the youth and childcare program areas, will be made possible by the generous support of individuals, corporations and foundations which contribute to a capital campaign.

The YMCA's ambitious renovation project is being guided by a volunteer YMCA Real Estate Development Committee of fifteen individuals, chaired by YMCA Past Chief Volunteer Officer Brenda J. Ellis. In this first phase of the project, oversight is shared with the YMCA Residence Committee, chaired by YMCA Board Member Theodora Arvanites. The YMCA's Public Policy, Membership, and Program Committees are offering guidance in their areas of specialization. The Cambridge Family YMCA Board of Trustees is chaired by Joseph A. DiMatteo.

EXHIBIT C



820 Massachusetts Avenue
Cambridge, Massachusetts
02139-3296

(617) 661-9622

March 10, 1993

Mr. George Welch, Jr.
Room 432

Dear Mr. Welch, Jr.:

Enclosed you will find a "30 Day Notice to Quit". This is official notice that you are to vacate your room before April 9, 1993.

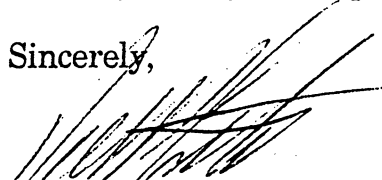
As you recall, you rented your present room, Room 432, under the Extended Transient Rental (ETR) agreement. This agreement stipulates use of the room until the start of renovation on the Residence facility. We are beginning construction on April 1, 1993.

If you have paid rent beyond April 9th, this money will be refunded to you. Please be reminded that you are not entitled to Relocation Assistance.

If you have questions or concerns regarding this matter, please see me or Paul Bartow.

Thank you for your cooperation.

Sincerely,



Ronald P. Lahti
V.P. for Residence &
Counseling Services

RPL:psb

THIS AGENCY IS
SUPPORTED BY



EXHIBIT C

YMCA Mission:
To put Christian principles
into practice through programs
that build healthy body,
mind, and spirit for all.

EXHIBIT D 1

Contract No. H43-93

AGREEMENT BETWEEN
THE CITY OF CAMBRIDGE, MASSACHUSETTS
and
THE CAMBRIDGE FAMILY YMCA
AFFORDABLE HOUSING LIMITED PARTNERSHIP
820 Massachusetts Avenue
Cambridge, Massachusetts 02139

THIS AGREEMENT effective as of the 21st day of April, 1993, is entered into by and between the Cambridge Family YMCA Affordable Housing Limited Partnership of Cambridge, Massachusetts (hereinafter called the "Partnership"), and the City of Cambridge, a municipal corporation in the Commonwealth of Massachusetts (hereinafter called the "City"), for the purpose of substantial rehabilitation of the 127-unit Single Room Occupancy Partnership building located at 820 Massachusetts Avenue, Unit 1, Cambridge, Massachusetts.

WITNESSETH THAT;

WHEREAS, the Congress and the President of the United States of America have respectively enacted and signed the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq) (hereinafter called the "Act"), under which monies are authorized and appropriated to support affordable housing activities; and

WHEREAS, the City, acting through its Department of Community Development (hereinafter called the "Department"), is funded under a Grant Agreement dated May 21, 1992 with the United States Department of Housing and Urban Development (hereinafter "HUD"), for the HOME Program in the amount of \$1,137,000; and

WHEREAS, under said Act the City has established a HOME Program Activity entitled Rental Housing Rehabilitation; and

WHEREAS, the City, acting through the Department, has appropriated funds in the amount of \$313,204 for the substantial rehabilitation of nine HOME eligible units; and

WHEREAS, the City desires to engage the Partnership to render services in the execution of this Activity for the Department under the Act; and

WHEREAS, the Partnership has contracted with CWC Builders, Inc. to perform such services and has the apparent ability to so perform; and

EXHIBIT D 1

OTHER FEDERAL REQUIREMENTS**Minority and Women Owned Businesses**

The Department will make available to the Partnership the SOMBA Directory of Minority and Women Owned Businesses and their inventory of those MBEs and WBEs not in the SOMBA, their capabilities, services and supplies or product, to further outreach efforts. The Partnership is encouraged to make a good faith endeavor to encourage the use of such businesses when they are potential sources of materials or services. The Partnership is required to announce their planned projects to those on the SOMBA and other lists.

Environmental Review

An Environmental Review must be conducted in compliance with 24 CFR 92.352 for each HOME project prior to disbursement of HOME funds. The Partnership shall assist the Department, as needed, in completing the Environmental Review.

Displacement, Relocation and Acquisition

The Department will administer the HOME Program consistent with the requirements of the HOME Program regulation 92.353 to ensure that all reasonable steps are taken to minimize the displacement of persons as a result of a project assisted with HOME funds. The Partnership shall assist the Department, as needed, in meeting these requirements.

Lead-based Paint

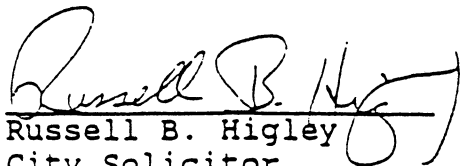
All units which receive HOME funds must comply with 24 CFR 35. The Partnership shall do the following:

Notify tenants and prospective purchasers of structures built before 1978 using the Watch Out for Lead-based Paint Poisoning letter. Keep records of notification letters.

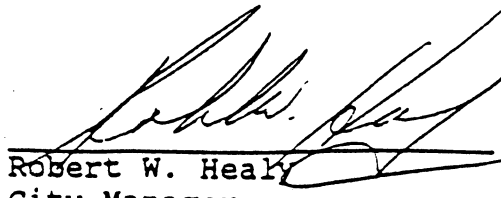
Notify prospective tenants and owners before rental or purchase. Include provisions in all contracts for sale,

IN WITNESS WHEREOF, the parties set their hands as of this
21st day of April, 1993.

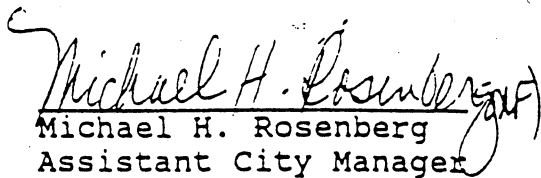
APPROVED AS TO LEGAL


Russell B. Higley
City Solicitor

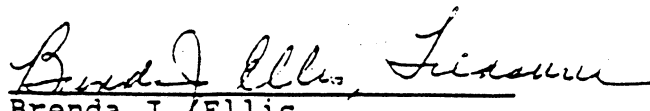
APPROVED FOR THE CITY


Robert W. Healy
City Manager

APPROVED FOR THE DEPARTMENT


Michael H. Rosenberg
Assistant City Manager
for Community Development

APPROVED BY THE CONSULTANT


Brenda J. Ellis
Treasurer, Cambridge Family
YMCA, Inc.
General Partner of Cambridge
Family YMCA Affordable Housing
Limited Partnership

Contract No. H43-93

Cambridge Family YMCA Affordable Housing Limited Partnership

George F. Welch Jr.
P. O. Box 391818
Cambridge MA 02139

33

July 27, 1995

The Clerk of the City of Cambridge MA
Cambridge City Hall

Dear Madam Clerk

Please place the attached copy of my appeal to the Boston Field Office of the Department of Housing and Urban Development from the November 1992 non eligibility for relocation benefits letter of Elsa Campbell HOME Program Coordinator City of Cambridge Communities and Development Department, on the agenda for the July 31, 1995 meeting of the Cambridge City Council for discussion and appropriate action to be taken by the council.

Thank you

Jack aka George F. Welch Jr.

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Consent Communication #33

S-258

Communication was received from
Jack a/k/a George J. Welch, Jr.
regarding a letter from the
Boston Field Office of the
Department of Housing and
Urban Development.

In City Council July 31, 1995

Placed on file