

GOOD NEIGHBOR AGREEMENT (GNA)

BY AND BETWEEN

The Fourth Quarter LLC

AND

Whittier Neighborhood Association (WNA)

AND

The Bo Matthews Center for Excellence (BMCE)

IN SUPPORT OF and AS WITNESSED by the Fourth Quarter GNA Task Force.

The Fourth Quarter Partners, who own the property at 3154 Downing Street, will provide 28 housing units and supportive services for formerly homeless residents of Denver, Colorado, plus 8 mixed-income units in a 4-story building, for a total of 36 housing units.

The Good Neighbor Agreement Task Force represents the Whittier Neighborhood Association (WNA), the Cole Neighborhood Association (CNA), The Points Historical Redevelopment Corp., Inc., and the Diverse Neighborhood Collective (DNC).

Purpose and Goals

- I. The purpose of this Good Neighbor Agreement is to advise and provide neighborhood input into the ongoing development and management of the Fourth Quarter Apartments, and to:
 - A. Maintain a peaceful, safe, and beautiful neighborhood;
 - B. Share open and honest communication;
 - C. Help each other address concerns and solve problems;
 - D. Assist residents in their positive transition into community; and,
 - E. For the facility to be an oasis for those who need help. Tenants of the Fourth Quarter will feel safe, secure and supported in a manner assuring they will thrive and prosper in a positive way.
- II. The primary goals of this Task Force, when considering a Good Neighbor Agreement (GNA), are:
 - A. To maintain a safe and healthy neighborhood environment where all prosper and thrive; and,
 - B. To establish a development that serves the good of the neighborhood.

General Commitments

- I. In order to accomplish these goals, certain responsibilities and commitments are agreed upon by each of the primary parties. The Whittier Neighborhood Association (or, in the case of the dissolution of WNA, the secondarily appointed primary signatory(-ies)) will:
 - A. At the request and/or invitation of BMCE, the Fourth Quarter Partners, or the property management company, participate in discussions around issues of public safety and security, and other issues impacting the community;
 - B. As per the governing bylaws of the Whittier Neighborhood Association, provide the mechanism for any member associated with the Fourth Quarter Partners, or party to this GNA, who should become a Board member of WNA, to recuse him-/herself in any vote germane to the Fourth Quarter Apartments or this GNA;

- C. Provide the Fourth Quarter Apartments and its residents with the same level of service, information, and opportunity as with any other resident or business in good standing in the Whittier Neighborhood; and,
- D. Support the development plans of the Fourth Quarter Partners in seeking approval for the development plans (as outlined in the following pages) in the City of Denver planning and permitting process. This support will be in the form of a “letter of support” from the Whittier Neighborhood Association, as requested by the Fourth Quarter Partners.

These duties and responsibilities of the WNA hold throughout this GNA.

II. The Fourth Quarter Partners, owners and investors will:

- A. Utilize best efforts to select a property management firm that is in alignment with the principles and specifics set out under this GNA.

III. Property management will:

- A. Review tenant demographics and property conditions with the neighborhood associations, neighbors, and other neighborhood groups;
- B. Provide written response regarding resolution of repeated issues, problems or behaviors that impact the environment, safety and security of the neighborhood; and,
- C. Be available and responsive to concerns and issues at any time as addressed in the specifics of the body of this GNA.

IV. The Bo Matthews Center for Excellence will:

- A. Provide a quarterly venue for discussion, as a *community forum*, inviting the WNA, guests, and BMCE stakeholders, including funders, staff, participants, community and guests. These quarterly meetings are to provide a safe and welcoming environment for all attending to:
 - i. Provide suggestions and/or advisory comments in developing effective methods to resolve repeatedly documented and reported behavioral concerns in Critical Incident Reports;
 - ii. Hear input from the review of program and facility design, outcomes, policies, procedures, progress reports, and other relevant information, and to offer suggestions and advisory comments with regard to those items;
 - iii. Discuss safety or safety-related issues affecting the neighborhood, and to invite comments or suggestions on these issues;
 - iv. Discuss repeated issues, problems or behavioral issues that impact the community, and to seek resolution; and,
 - v. Monitor progress and commitments made within this agreement.
- B. Provide quarterly reports as per the requirements of the funding for services, to both Denver’s Road Home/Denver Department of Human Services, and, the Whittier Neighborhood Association Board. This report will include progress and outcomes on the measurable indicators for services, including, but not limited to, employment, education, volunteerism, and accomplishments.
- C. Document reports and resolution of critical incidents and neighborhood concerns.
- D. Be responsive to neighborhood concerns raised, as addressed in the specifics of the body of this GNA.

Specific Commitments

PROPERTY SECTION

I. Property Development:

- A. Developer has the responsibility to develop a four story 36-unit apartment building with a variety of 1-bedroom, studio, and 2-bedroom apartments. 26 parking spaces will be provided for the residents and staff of the Fourth Quarter Apartments.
- A. Developer agrees to build a structure that matches the fabric of the surrounding neighborhood in form, mass, and scale. The following design goals have been established:
- i. Form
 - a. The building will be oriented to the streets creating an interesting, engaging, comfortable, well-illuminated and pedestrian-friendly experience.
 - b. The building will have a clearly delineated Base, Middle and Top. The Base shall be appropriately scaled and detailed to reflect the traditional buildings in the area. The building will incorporate a material change and/or articulation where the upper part of the building meets the sky.
 - c. The building will be configured in such a way that presents itself to the corner similar to other commercial structures along the Downing corridor.
 - ii. Mass
 - a. The building will be broken up by setbacks in the form of balconies and/or terraces that will establish solid/void relationships seen throughout the residential fabric.
 - b. The building will include wood, masonry, metal paneling or some form of high quality material for the skin of the Middle and Top portions, if budget permits.
 - c. Window openings will be appropriately scaled to reflect the proportions found in the neighborhood.
 - iii. Scale
 - a. Articulation such as balcony rails, expansion joints, and changes in material and/or color will be incorporated to add a rich and textured facade.
 - b. Landscaping will be carefully considered to add detail and texture to the streetscape and pedestrian experience.
- B. Building Materials and Specifications
- i. Windows and Doors: Windows on the main body of the building shall be a minimum of 6'-0" tall and of an appropriate width to maintain historic proportions. The corner element of the building shall have oversized windows in more modern proportions. Balcony doors shall be full-lite glass doors.
 - ii. Fence: The fence along the north side of the building shall be of a more commercial character with a combination of wood and metal strapping

- and/or welded wire mesh.
- iii. Exterior Cladding: The corner element of the building shall be finished in either stucco or metal panels. The ground floor of the building shall be ground-face CMU block with decorative horizontal banding. The main body of the building shall be sided with a cementitious HardiPlank product. Architect has agreed to present the exact specs and color board of these materials to the Whittier Neighborhood Association board and the GNA Task Force for approval when selections are made.
 - iv. Balcony railings: All balcony railings shall be constructed of powder coated or painted steel.
- C. Developer will install attractive lawn, trees, gardens, and other landscaping that contribute to the beauty of the Fourth Quarter neighborhood.

II. Property Management Company:

- A. Property Management Company has the responsibility for keeping the building well-maintained and attractive. It is desirable for property owner and residents to show pride in the community by caring for the building to maintain the Fourth Quarter Apartments property in the best possible condition.
- B. The Property Management Company will:
 - i. Maintain the building and grounds in clean and good condition.
 - ii. Promptly make any repairs needed.
 - iii. Maintain a well-lighted facility and grounds.
 - iv. Maintain the landscape installed by the developer.
- C. Remove graffiti within 72 hours as required by the City Ordinance.
- D. The Property Management Company will make every effort to provide common space within the facility when available and when not in use by residents, to neighborhood civic organizations, non-profit arts or community groups, and nearby charitable or educational organizations.
- E. The property management company will create a culture of respect for a safe, clean and secure living environment, grounds and facility.
- F. The owners and managers will notify the GNA Task Force members within 120 days before any change is made in ownership of the property. If ownership changes, a new GNA will be negotiated with the new owners.
- G. The owners and managers will notify the GNA Task Force members within 120 days before any change is made in the service provider.
- H. The owners and managers of this property are accountable to the neighborhood.
 - I. The owners and managers will be accessible during normal business hours for the neighborhood associations, associated residents neighbors, and other neighborhood groups, to report directly to the property manager and/or an appropriate city agency, in a timely manner, when property issues require attention.

OCCUPANCY POLICIES

Occupancy policies set the parameters of who will live in the property and the expectation of how individual apartments and community space should be maintained.

III. The Property Management Company will:

- A. Write and utilize eligibility and screening processes that adhere to the Federal and State of Colorado Fair Housing laws.
- B. Adhere to the BMCE Eligibility & Screening Policies as set out in Attachment 1, and incorporated herein by reference.
- C. Market vacancies of the 28 affordable housing units to potentially eligible individuals, as identified in the BMCE Eligibility and Screening Policies. (Attachment 1)
- D. Write Occupancy Rules that incorporate standards that reflect the needs of each tenant, other tenants of the building and area residents and adhere to the guidelines as set out in the attached *Denial of admission and termination of assistance for criminals and alcohol abusers* (Attachment 2).
- E. Ensure the building is crime free. The Property Management Company will strictly enforce that all residents, any member of a resident's household, any person affiliated in any way with a resident of the Fourth Quarter Apartments, including any guest of a resident (collectively, "Affiliates of Resident(s)"), shall not engage in any criminal activity, including drug-related crime activity in or near any dwelling unit or the area surrounding the building (hereinafter collectively referred to as the "Premises") "Drug related activity" means the illegal manufacture, sale distribution, use, possession with intent to manufacture, sell, distribute, or use of a controlled substance. Such conduct, when committed by any Resident, a member of Resident's household or any Affiliate of Resident shall constitute a breach of the lease agreement and the Occupancy Policies of the Fourth Quarter Apartments.
- F. Ensure that all residents, any member of a resident's household or any Affiliates of Residents, shall not engage in any other illegal activity including, but not limited to prostitution, criminal street gang activity, hate crime activity, the unlawful ownership, possession, custody, or discharge of a firearm, or the possession or use of other illegal deadly weapons on or near the Premises, or any other behavior that violates any Federal or State criminal statutes. Such conduct, when committed by any Resident, a member of Resident's household or any Affiliate of Resident shall constitute a breach of the lease agreement and the Occupancy Policies of the Fourth Quarter Apartments.
- G. Ensure the establishment of a referral system mechanism for how people access potential residency and services, to include:
 - i. Initial determination of potential eligibility;
 - ii. Screening process
 - iii. Background checks on all applicants
 - iv. Someone from the Fourth Quarter Partners who is accountable for ensuring that this process is implemented and continued.
- H. All household members and their guests will be held accountable to the rules and policies of the Fourth Quarter Partners the property management company, the Bo Matthews Center for Excellence, and any specific policies under this GNA.
 - i. Any violation of these policies will result in eviction according to the 10-day Notice policies of the month-to-month lease.

IV. The Bo Matthews Center for Excellence will:

- A. Provide a clear and accessible Complaint/Appeal process to any individual seeking or currently in housing.

- B. Any individual has the right to Appeal a decision on eligibility.
- C. Any individual has the right to appeal a decision on 10-day notice, within the 10-day Notice period, and to have such appeal heard and responded to within 48 hours.
 - i. Resolution to Appeals will be heard by the Management Team committee;
 - a. The Management Team is made up the following staffing positions:
 - i. Executive Director
 - ii. Director of Programs & Services
 - iii. Chief Financial Officers
 - iv. Program Directors from all programs
 - ii. Committee will reach resolution by consensus as to whether a given Appeal should be upheld or denied, e.g.:
 - a. Appeals for violations of policies such as the smoke-free policy for a first-time incident are likely to be granted.
 - b. Appeals for violations of policies such as violence or threats of violence are likely to be denied.

SAFETY

Safety and security are essential for citizens to live peacefully and free from harm, and for neighborhoods to remain desirable and attractive. The Fourth Quarter Apartments, its residents and surrounding communities share the responsibility of creating and maintaining a safe and secure neighborhood, in order to promote safety and security for all residents of the neighborhood.

- V. The Property Management Company will:
 - A. Provide a 24 x7 secured and controlled access to the building with surveillance cameras at the entrances and surrounding the building.
 - B. Provide and effectively maintain proper lighting that surrounds the building, and to conform to the Main Street zoning standards of pedestrian-level lighting. This includes all entrances as well as side alleys, parking lot, sidewalks.
 - C. Strictly enforce the City’s Noise Ordinance for all residents and visitors.
 - D. Not tolerate gangs or gang activities in and outside the building.
 - E. Ensure building is maintained and up-kept to neighborhood standard.
 - F. Ensure graffiti is removed as outlined in the property section above and complies with the City Ordinance of 72 hours removal.
 - G. Provide a contact number where neighbors and residents are able to call-in. A response to the calls will be provided within 24 to 48 hours.
 - H. Notify police in the event of an emergency.

- VI. The Bo Matthews Center for Excellence will:
 - A. Provide 24-hour on-call case management to all residents and property manager;
 - B. Provide a 24-hour on-call Clinical back-up for case manager on-call
 - C. Work toward having 7-day staffing at BMCE by the time of the occupancy of the new Fourth Quarter Apartments.
 - D. Provide all residents with a 24/7 process to communicate health, safety and security concerns.

CONDUCT AND BEHAVIOR

Conduct and behavior that is respectful of others contributes to the peaceful enjoyment of life in the community. Individuals have the freedom to act as they please, so long as those actions are lawful, and do not harm others or infringe upon their rights. Cooperation and respect between citizens are desirable qualities, and will be actively promoted in the neighborhood.

- VII. The Property Management Company, In order to promote good conduct and behavior, will:
- A. Create and enforce house rules that encourage respect for others and encourage lawful behavior for residents and guests;
 - B. Prohibit loud music and loud or offensive language in public;
 - C. Prohibit all firearms on the premises;
 - D. Investigate and respond promptly as indicated above to all concerns about resident behavior expressed by neighbors or other community members.

COMMUNICATIONS

Communication between Property Management Company and the neighboring community is important to develop and maintain positive relationships. Attending community meetings quarterly help make the community aware of positive developments and efforts to achieve success. . Methods will be established to ensure routine communication, feedback, and monitoring of this agreement's commitments. In order to promote communication between the property management team and the neighborhood:

- VIII. The Property Management Company will:
- A. Respond promptly to concerns expressed by neighbors or community members regarding residents or facility.
 - B. Staff taking such a call will determine if it is an emergency (defined as a grave or imminent threat to the health or safety of any person), in which case police or rescue squad will be contacted as appropriate, along with the BMCE staff on-call, and following any company-internal processes and procedures for reporting such incidents.
 - C. As per company-internal guidelines, staff will notify the appropriate supervisory party within 24-48 hours of the issue raised, and the response initiated.
 - D. All complaints and responses will be documented and will be provided to the appropriate supervisory party (as per company-internal guidelines), within a 24-48 hour time period.
 - E. Property management supervisory staff (as per company-internal guidelines) will be responsible for any further follow-up required, e.g., with a neighbor, with the community, with BMCE, with law enforcement, etc.
 - F. Property management supervisory staff (as per company-internal guidelines) will make follow-up contact with the original caller and other parties involved, as necessary, within five business days (sooner if possible), and advise all parties of current status, within the boundaries of confidentiality.
 - G. Make written documentation available at quarterly meetings held by BMCE, regarding resolution of repeated issues, problems, or patterns of behavior that were handled by property management company;
 - H. Notify neighbors and others at least annually of procedures for raising issues and concerns which describe contact persons, resolution process, and time frames for resolution of issues;

- I. Document all complaints, and concerns, including responses to problems and outcomes to responses, and provide a summary report to the neighborhood organizations, in aggregate data.

IX. The Bo Matthews Center for Excellence will:

- A. Provide notice of any upcoming events that impact the neighborhood, and invite the community when appropriate.
- B. Communicate as provided through the responsibility for a quarterly meeting (as set out hereinabove).
- C. Be accessible for residents, neighbors, community, and the various organizations in the community.

CHANGES TO AGREEMENT

- X. This agreement may be changed or modified from time to time upon mutual agreement of the Fourth Quarter Partners, The Bo Matthews Center for Excellence, the property management company, and Whittier Neighborhood Association (or, in the case of the dissolution of WNA, the secondarily appointed primary signatory(-ies)),– with the input of the remaining entities on the Task Force: Cole Neighborhood Association, The Points Historical Redevelopment Corp., Inc., City Councilperson for District 8, Denver’s Road Home, and the Diverse Neighborhood Collective (DNC).

BMCE FUNDING AGREEMENT

XI. BMCE anticipates receiving funding for services at 3154 Downing Street through an agreement (the “City Funding Agreement”) with the City and County of Denver, through the Denver’s Road Home program. BMCE and Task Force members representing Denver’s Road Home commit to incorporating as performance standards of the contractor in the City Funding Agreement: (i) the obligations of BMCE pursuant to this Good Neighbor Agreement; and (ii) certain commitments of the City’s Department of Human Services pertaining to this Good Neighbor Agreement. A preliminary draft of the City Funding Agreement is attached hereto as Attachment 3.

SECONDARILY-APPOINTED PRIMARY SIGNATORY(-IES)

XII. In the event of the dissolution of the Whittier Neighborhood Association, two (2) of the three (3) remaining represented groups on the Task Force – Cole Neighborhood Association, The Points Historical Redevelopment Corp., Inc., the Diverse Neighborhood Collective – will be selected by the consensus of the remaining primary signatory parties and the members of the Task Force. Should the Whittier Neighborhood Association become re-established at some future point in time, primary signatory rights and duties automatically revert to WNA.

Signed and dated this _____ day of _____, 2009.

PARTIES TO THIS AGREEMENT:

Fourth Quarter Partners

BY: Henry Burgwyn

Whittier Neighborhood Association

BY: Linda Dowlen, President

Bo Matthews Center for Excellence

BY: Gilana Rivkin

Signed and dated this _____ day of _____, 2009.

TASK FORCE MEMBERS:

Cole Neighborhood Association

BY: Ashleigh Weatherill

Diverse Neighborhood Collective

BY: Lisa Calderon

The Points Historical Redevelopment Corp., Inc.

BY: Cha Ka M-Zee

City Council District 8

BY: Carla Madison

Denver's Road Home

BY: Jamie van Leeuwen, Executive Director

William P. Matthews, Matthews Center, LLC

Claudie D. Minor, Jr., Matthews Center, LLC

Pat Coyle, Denver's Road Home

Mickey Florio, CNA

Jorge Merida, CNA

John McBride, WNA

Jami Horwitz, WNA

Grace Burgwyn, Fourth Quarter Partners

Barbara Matthews