August 21, 2023

Secretary Marcia Fudge U.S. Department of Housing and Urban Development 451 7th Street SW Washington, DC 20410

RE: The Millennia Resistance Campaign Demands of HUD for Improving Affected Tenants' Quality of Life at Troubled Millennia Properties

Dear Secretary Fudge,

We are a collective of tenants, organizers, legal advocates, and concerned citizens who have formed the Millennia Resistance Campaign ("MRC"), which was created in response to an epidemic of terrible housing conditions at Millennia properties, some of which have led to tenant deaths or serious bodily injury. MRC includes tenant and community organizations advocating for HUD-assisted tenants at Cordoba Courts (Opa-Locka, FL), Forest Cove (Atlanta, GA), JFK Towers (Durham, NC), Memphis Towers (Memphis, TN), Peace Lake Towers (New Orleans, LA), and Sunset Village (Cleveland, MS). Despite raising these concerns with HUD more than a year ago, tenants continue to face terrible housing conditions, serious threats to their health, and no or little responsive action from HUD to hold Millennia or HUD contractors accountable.

It is important to note that most of the properties identified below fall within the Southeast Regional HUD office under the direction of Mark Dominick. Many of the tenants, organizers, and advocates trying to get relief and accountability report a constant "loop" they are placed into, where Mr. Dominick or his staff redirect them to the project-based contract administrators, local field office staff, or even Millennia staff, regardless of how serious the issue has become.

Other than offering help to a few individual tenants, HUD has been unresponsive to tenants and advocates' global concerns about Millennia and HUD's failure to use available enforcement tools to bring the properties into habitable and safe condition. HUD has also not kept tenants updated or required that Millennia keep tenants adequately informed about the status of rehabilitation or redevelopment.

Since our August 17, 2022 meeting with Ethan Handelman, Toby Halliday and Bob Iber, conditions have continued to deteriorate and threaten the health and safety of tenant-families.

MRC tenants have outlined below specific demands to HUD for their properties. These demands would vastly improve the quality of life of tenants, reduce their risk of death or injury and would greatly decrease the displacement of tenants when conditions are beyond repair. We are asking that HUD take or require the following actions for each of the specific projects below. We note

that in other cases involving problem owners, <u>HUD has swiftly acted to hold that owner</u> <u>accountable, using available tools and levers</u> to ensure that HUD tenants' housing is preserved and the tenants are living in decent, safe, and sanitary housing. MRC is asking for the same kind of action here in the Millennia properties identified below.

We would also like to call your attention to the list of priority issues presented by the Leaders and Organizers for Tenant Empowerment (LOFTE) Network to HUD multifamily staff on April 2 and discussed with HUD Office of Multifamily staff on July 21, 2023. LOFTE is calling on HUD to make several policy changes that will benefit Millennia tenants and all HUD tenants living in substandard housing. These include: (1) amending Housing Notice 2018-8 to require that HUD shall (not may) take at least one of the enforcement actions listed in the Notice where owners fail to correct health and safety violations, after consultation with tenant representatives; (2) requiring that HUD proactively convene meetings between legitimate tenant associations, upon request, with local, regional and HUD Headquarters officials, in properties with below 60 inspection scores; (3) in properties with above 60 inspection scores but documented substandard conditions, issue a Demand for Corrective Action and likewise require meetings with legitimate tenant organizations and local/regional/national HUD officials; (4) require owners undergoing enforcement action to proactively inform tenants of their Right to Organize and allow tenants to meet with HUD without retaliation or interference. Though the purpose of this communication is to highlight individual Millennia complexes, the issues detailed are pervasive within HUD housing and impact far more than just Millennia tenants.

22nd Avenue Apartments Cordoba Courts (Opa-Locka, FL)

Rehabilitation efforts have been underway at Cordoba Courts for more than five years. Tenants are still enduring flooding and leaking, mold, and a lack of security. Millennia has not clearly and consistently relocated tenants. Some tenants have not received sufficient notice of their move. Millennia regularly runs out of tape and boxes for tenants to use to move. Tenants were also not informed when the HUD Account Executive changed. This lack of information and transparency has led to the perception among tenants that some of their neighbors are receiving preferential treatment.

Relocated tenants continue to have conditions issues, including problems with their electricity, plumbing, and rodents. Additionally, the rehabilitated units do not have phone jacks and some tenants require or prefer to have a landline.

Tenants have also reported the smell of gas throughout the property. Some tenants have holes in their drywall and continue to experience sewage back-ups. Residents also have serious security concerns: the property needs more lighting, the existing security measures are not sufficient to deter crime, and there are no gates to the parking lot limiting ingress and egress (the public has full access to the property).

Specific Demands of the Cordoba Courts Residents

The Cordoba Courts residents ask that relocation units are habitable and without severe or life-threatening defects. These units must also meet accessibility requirements where appropriate. Given all that has transpired with Cordoba Courts and the harm that it has caused the tenants, HUD should explore receivership options, either through HUD's existing tools or by cooperating with the local government where the HAP contract could be assigned to a local, responsible receiver. Otherwise, Millennia will continue not to willingly address these issues on a timely basis, as demonstrated by their many broken promises to tenants over several years. Tenants and their community partners want this property and its project-based Section 8 subsidy to be preserved.

To better ensure that the tenants are living in decent, safe, and sanitary housing, HUD should make frequent, randomized visits to the site to monitor the ongoing renovations. The entire property should be tested for mold, exposed or disturbed asbestos, and lead-based paint, including areas considered to be renovated. Where these contaminants are identified, there should be immediate remediation undertaken by an outside, qualified third-party expert. HUD should enforce required remediation and containment precautions with frequent, randomized HUD visits to confirm current and future compliance. HUD should also require Millennia to explore pass-through lease options in cases where the units cannot be made habitable within 24 hours.

HUD should require Millennia to always have sufficient quantities of tape, bubble wrap, scissors and boxes to make it easy for tenants to relocate. HUD should also require Millennia to make tenants whole for the loss of personal property due to poor housing conditions and cover the costs of any state identification card changes due to address changes. Through a management and occupancy review, review tenant files where there are allegations of outstanding rent, which may be related to a failure to properly recertify tenants. HUD should clarify that there should be no rescreening of the residents through the relocation process. HUD should require that Millennia provide proper outdoor lighting, 24-hour security, and a secure property that limits public access.

Forest Cove (Atlanta, GA)

All Forest Cove families were relocated off-site to temporary housing via pass through leases during the summer of 2022. However, an estimated 38 Forest Cove families were not included in the official relocation roll because they had moved out of the complex prior to the initiation of the relocation process after conditions became unlivable.¹ Some families disputed their exclusion from the process, claiming that they had been told they could still participate even if they moved

¹ Advocates in Atlanta are unsure of the exact number because attempts to identify who exactly has been unlawfully removed from the program have been hindered.

out ahead of time due to health and safety concerns for their families.² But when Millennia and APD Urban, the company tasked with relocation, began the relocation process, they claimed that they had no obligation to relocate these former residents. The effect of this is that Forest Cove families were unlawfully terminated from the PBRA program without due process of law and in violation of program requirements.

The relocation process has also been chaotic and harmful for Forest Cove tenants. Resident rents have been repeatedly paid late, putting several tenants at risk of eviction, despite not having acted in a way to violate their lease agreements. Six tenants have had evictions filed against them, and legal advocates have been able to have their cases dismissed. Tenants continue to receive late notices and eviction threats because the properties' corporate offices—which receive the payments— do not communicate in a timely manner with property management staff. Tenants were also asked to execute new, standard leases that do not include the rights and protections tenants possess under the project-based rental assistance program.

Tenants were also advised by Millennia and APD Urban to leave their large furniture items behind when they were moved from Forest Cove, because furniture would be provided. Yet it took months just for some tenants to receive beds and mattresses, and many tenants are still waiting on living and dining room furniture.

Many extremely-low income tenants who should receive a utility allowance check to offset their utility costs have not been receiving utility checks from Millennia. Other tenants' checks have been arriving at the wrong address. The Atlanta Volunteer Lawyers Foundation has been urging Millennia to resolve these issues for months, but their efforts have been unsuccessful. Several tenants also had to pay out of pocket for moving expenses after the moving company arranged by APD Urban failed to show up or refused to move their belongings. Many tenants have also been moved to units that still have significant conditions issues³, despite the units being inspected.

In March 2023, The Georgia Department of Community Affairs announced that Millennia was not awarded Low-Income Housing Tax Credits for the redevelopment of Forest Cove. Soon after, HUD made the decision to terminate its contract with Millennia and issue Tenant Protection Vouchers to the Forest Cove tenants. Tenants and local advocates had hoped to meet with HUD and the City of Atlanta to discuss options that could preserve the HAP contract and prevent the loss of the critical housing stock that Forest Cove represented, but HUD chose to go over their heads and make this determination without consultation. Over the next several months, Forest Cove residents will be relocated to new housing with the assistance of HUD's relocation contractor, Leumas. Close to 200 families will now have to search for landlords willing to accept their vouchers in a market that is already competitive.

² One tenant has email documentation from APD Urban confirming that she was on the relocation list, and another has screenshots that confirm her attendance at needs assessment meetings in the fall of 2021, after she signed move-out paperwork.

³ See this article from the Atlanta Civic Circle: <u>https://atlantaciviccircle.org/2023/04/13/forest-cove-renters-placed-in-dangerous-dwellings/</u>

Specific demands of the Forest Cove Residents:

- 1. Develop, in consultation with tenants and the City of Atlanta, a written, enforceable right-of-return that allows Forest Cove tenants with an interest in site-based housing to return to any new housing developed by the City of Atlanta in Thomasville Heights or at another site or sites where the budget authority from Forest Cove will be moved to. The residents cannot be rescreened and must be guaranteed that the housing will meet their household size and accessibility needs.
- 2. For families electing to move with a tenant-based voucher, traditional relocation housing counseling will not overcome the market forces referenced above. HUD needs to proactively do more to prevent housing discrimination and segregation and to support families in a market hostile to their participation. At a minimum, HUD needs to pay for qualified housing mobility counseling. We understand that Leumas does not typically provide such specialized housing counseling, but several groups across the United States capably perform that kind of counseling, if they have sufficient resources and the time necessary to help the families make successful moves.
- 3. HUD must determine if the small area fair market rents for Atlanta are sufficient for the enhanced vouchers to be competitive in the private rental market.
- 4. Many of the families who moved out before the start of the relocation process did so because the conditions in their units became too much for them to bear, and Millennia's constant delays made them feel that they had no other option. Residents who were displaced from Forest Cove and not offered alternative housing through the pass-through lease process must be identified and their housing subsidies returned. They should then be offered the same array of options as other tenants.
- 5. Tenants electing to take a voucher should not be rescreened, with the exception of income eligibility. Given the issues that have occurred with rent payments during the term of the pass-through leases, there should be no consideration of rent debts or evictions.
- 6. HUD needs to offer extended search times of up to one year and pay for all relocation expenses (including but not limited to security deposits, application fees, credit checks, or move-in fees).
- 7. HUD should continue to proactively solicit tenant feedback on a regular basis and ensure that any action it takes does not worsen tenant housing conditions or result in their homelessness. HUD must also take a more active role in the oversight of the remainder of the relocation process. The actions of the relocation team must be subject to HUD review

to ensure that residents are not being denied any of the rights they are entitled to under the PBRA program or the URA.

JFK Towers (Durham, NC)

Rehabilitation efforts have been underway at JFK Towers for over a year now. During this time, tenants have endured through poorly coordinated moves and broken elevators, pest problems, clogged and smelly trash chutes, lack of security, fire alarms malfunctioning or failing, lack of adequate laundry facilities, clogged sinks and tubs with sewage back ups. One tenant had to move due to bedbugs after living in an infestation for a month without any pest service, though she repeatedly asked for service, in person, at the office each day. Management kept informing her that the company would not return calls.

Tenants who have been relocated to rehabilitated units are living with conditions issues as well. These include sewage blockages and pest infestations, along with unfinished floors and non-existent baseboards. Recently, all three elevators were down and per signage in the elevators, they had not been inspected since 2021 and Millennia had no contract in place to service them.

Security issues abound at JFK Towers. For two years, management has been provided security camera footage of excessive nighttime foot traffic from non-residents up the exterior east fire stairwell, and no action has been taken.

Specific Demands of the JFK Towers Residents

- 1. HUD should audit the funding allocated to Millennia for the purchase, acquisition and renovation of JFK Towers to ensure that contract providers of mechanical services (plumbers, electricians, pest control technicians, elevator contractors, etc.) have been paid in a timely manner and in full. HUD should also confirm that the funds allocated for the renovation of each unit are reflected in the quality of the renovated units.
- 2. HUD should order a top-down inspection of JFK Towers to identify the specific work needed to correct defects within both renovated and non-renovated units.
- 3. HUD should conduct an audit to examine the completion of work orders, that looks at the manner in which they are executed and the time it takes to resolve them.
- 4. HUD should push Millennia to take the following actions, and follow up to ensure that they are completed:
 - a. Ensure a paid pest contract for both bed bugs and roaches, and confirm consistent plumbing services for fixing stoppages, clogs and hot water concerns.

- b. A security contract and analysis to improve the overall security of the facility.
- c. Remediation of the clogged trash chute, and an analysis on how to better handle waste removal for elderly and disabled residents. HUD must ensure that Millennia has paid for waste removal services and has accurately determined the scope of services needed.
- d. Laundry facilities need to be in working order at all times. One washer/dryer is not adequate for 170 plus units. Make necessary electrical repairs on a per unit basis.
- e. Conduct a fire code inspection to assess the condition of the fire alarms and ensure that renovated units do not have any fire code violations. Millennia should also address the lack of sufficient volume of alarms so that they are audible inside of bedrooms.
- f. Emergency issues should be prioritized for follow-up so that tenants are not left in unsafe units while they wait for renovations.

Memphis Towers (Memphis, TN)

After Millennia's consistent failure for months to provide consistent hot water, tenants delivered a demand letter to management detailing a timeline for when this issue needed to be remedied. Despite the fact that the lack of hot water is an emergency, health, and safety violation, management refused to directly address the issue and insisted that their temporary hot water boiler could serve the building. After tenants appeared on local media demonstrating the lack of hot water, Millennia was pressured to address the issue and installed a new hot water boiler at the beginning of 2023. Some of the tenants who participated in the direct action against Millennia then faced retaliation from property management, including suspicious allegations of rent non-payment. Management also used two tenants to disrupt and interfere with tenant organizing, including designating these tenants as security at the property, which enabled them to try to stop media from coming onto the property, and actively disrupt tenant meetings by calling the police.

After a successful hot water campaign, tenants focused on security at the building because many residents do not feel safe in their own homes. Tenants surveyed the building and found that the top issues were: a lack of 24/7 security, a front door that remains unlocked and allows non-residents to enter the building at all hours of the day and night, and medical emergency devices that go unmonitored and are therefore effectively useless. Tenants, along with organizers, delivered a demand letter to management asking for security; functioning and locked entry and exit doors with keycard access; repairs to emergency buzzer-pull strings so that emergency medical services have access to the building at all times.

Since the demand letter was delivered, tenants and organizers have faced a host of retaliation. The day after the demand letter was delivered, organizers were on the property to talk to tenants who had received retaliatory notices of lease violations and notices to vacate. The building manager instructed an armed security guard at Memphis Towers to remove organizers from the building. The armed security guard then physically pushed organizers outside of the building. Organizers were then issued a warning for trespassing from the Memphis Police Department after a conversation between the attending officer and the property manager. Weeks later, the property manager told a different security guard to physically detain an organizer who had an appointment with a resident at Memphis Towers. While attempting to leave, the organizer was stopped and put in handcuffs by this heavily armed security guard. This is a direct violation of tenants' rights to organize under 24 CFR part 245. The organizer was not allowed on the property until the District Attorney Steve Mulroy issued a letter to the property saying that the police would not arrest organizers at the property because their actions are protected by 24 CFR part 245. Despite this directive, Millennia continues to direct staff to target tenants and organizers. Millennia also refuses to address tenant demands or even meet with tenants on the issue of security despite repeated requests.

Millennia also continues to weaponize staff now acting as security to target tenant and non-tenant organizers. These unqualified and unprofessional live-in security guards have threatened calls to the police in response to tenants peacefully congregating in public places and engaging in other activities that do not violate HUD policies, lease terms, or local, state, or federal law. These constant microaggressions and overt harassment from management and security have taken a toll on tenants, making them frightened of continued attacks.

Additionally, tenants' accounts and rent payments are being compromised by non-management employees with unauthorized access. Staff are also entering tenants' apartments without proper notice.

Specific Demands of the Memphis Towers Residents

HUD should undertake a management and occupancy review at the property, with a specific review of tenant files where there is an allegation of outstanding rent. HUD should make Millennia come to the table and address the tenant association's reasonable demands for security in their homes. HUD should require that there is consistent, professional 24/7 security at the front desk. This security person or team should be used, and Millennia should end its practice of using tenants sympathetic to management as security. A key card system (at no cost to the tenants) should be installed at each entry and exit point. The emergency access pull cords should be checked to ensure they are constantly monitored and in working order. HUD should make frequent, randomized visits to the site to monitor the ongoing renovations. HUD should host a building-wide meeting that confirms the right to organize and protections provided under federal law.

MTU has also identified two additional troubled Millennia properties in Memphis - Hope Heights and Serenity Towers. Similar to Memphis Towers and many other projects in Millennia's portfolio, these projects suffer from poor housing conditions. Hope Heights is plagued with flooding from a broken water pipe system and elevators that are frequently not in operation, leaving vulnerable residents stranded in a 10-story building. Serenity Towers has been plagued by A/C units that are often out of order, leaving residents at risk of heat exhaustion and death during Memphis's hot summers. HUD should therefore also undertake a management review at Serenity Towers and Hope Heights, with immediate attention to the serious conditions issues.

Peace Lake Towers (New Orleans, LA)

When residents were evacuated from the property in 2021 due to Hurricane Ida, Millennia made assurances that their personal items and property would be secure if left in their apartments. Yet many tenants' items were taken from units the following December due to break-ins. Tenants were notified on January 22, 2022 of the break-ins via letters sent to their on-site apartments despite the fact that they were still living off-site in hotels at the time. The letter only notified tenants that their items were being moved to pods. Upon moving back April 22, 2022, residents found their belongings sitting unattended in the foyer of Peace Lake. Residents had to identify and move their belongings from the foyer. As a result, tenants lost items and those without renter's insurance were not compensated or provided replacements for their lost or stolen items. The insecure premises make the property a target for break-ins into the vacant tenant units. Tenants who complained to the news and their local council members faced retaliation. In fact, on the day of MRC's meeting with HUD last year, tenants who participated in the meeting were served eviction notices for alleged breaches of their leases. Fortunately, these tenants had legal representation, and those cases were dismissed for a lack of evidence.

There continue to be serious accessibility issues at the property that are causing great harm to tenants. Renovations are underway while residents are living at the property. Scaffolding has been in place at the building for the last two years, causing difficulties for the residents trying to access the property. A tenant fell out of their wheelchair due to the hazards present as a consequence of the ongoing construction, and that tenant later died. There have also been several security issues, including break-ins and hallways riddled with unauthorized persons who are using narcotics.

The elevators continue to be inoperable, trapping elderly, disabled residents in their units or on their floors. This is not only an emergency health and safety violation, but this also creates a tremendous hardship for residents to care for themselves, including limiting their ability to grocery shop. This has impeded even emergency exits, where emergency workers had to go up stairs to manually send the elevator down to the first floor in order to treat those having an emergency.

Specific Demands of the Peace Lake Towers Residents

The elevators must be fixed immediately and properly maintained. Alternative energy sources must be provided in the situation of another natural disaster. This is necessary to protect elderly and disabled tenants.

Handicapped and accessible equipment needs to be placed back into all bathrooms at Peace Lake Towers. The remodeling that took place after Hurricane Ida stripped all necessary and crucial equipment from bathrooms at Peace Lake Towers. There are disabled individuals in wheelchairs without accessibility bars in their bathtubs.

HUD should, through a management and occupancy review, review tenant files where there is an allegation of outstanding rent. HUD should also make frequent, randomized visits to the site to monitor the ongoing renovations.

Residents want the site's PBRA subsidy to be preserved, and are interested in exploring either new management or the transfer of the HAP contract to a new owner.

Sunset Village (Cleveland, MS)

On Aug. 30, 2022, Deshundra Tate, 31, and her daughter Kendra, 5, died following a gas leak at Sunset Village. Following the accident, Sunset Village tenants were relocated to local motels temporarily, but shortly thereafter, were told to return without assurances the property was indeed safe.⁴ The University of Mississippi's Low-Income Housing Clinic had to obtain a temporary restraining order to require Millennia to have the property tested prior tenants' return to the property.⁵ After the instatement of the temporary restraining order, HUD inspected and deemed 70 units unfit, but later determined the required repairs were completed. When residents returned in early January 2023, they returned to units that still had the older, faulty gas appliances that were of concern because the appliances are prone to accidentally being turned on without tenants' knowledge. Residents also found their units covered in construction dust and debris scattered throughout the property. The units HUD deemed to be habitable were riddled with mold, exposed asbestos, and missing drywall. Tenants and advocates had the property tested by Advanced Environmental Consultants for the presence of asbestos and other environmental hazards. The results of that testing found in the tested units the presence of Category I nonfriable ACM in poor condition.

⁴ Nick Judin, *Displaced Apartment Residents Warn Of 'Unsafe, Unlivable' Conditions After Two Die In Cleveland, Miss.*, Mississippi Free Press, Oct. 17, 2022,

https://www.mississippifreepress.org/28439/displaced-sunset-village-residents-warn-of-unsafe-unlivable-conditionsafter-two-deaths-in-cleveland-miss.

⁵ Nick Judin, Judge Issues Temporary Restraining Order Against Sunset Village Management, Preventing Relocations, Mississippi Free Press, Oct. 18, 2023,

https://www.mississippifreepress.org/28522/judge-issues-temporary-restraining-order-against-sunset-village-manage ment-preventing-relocations.

Further, the current contract in place between Millennia and Empire Corporation of Tennessee, Inc ("Empire") anticipated the disturbance of the asbestos. Tenants and advocates have raised concerns about the contractor's qualifications and the ability to properly remediate the asbestos.⁶ Conditions are so poor in the units that Empire must constantly make repairs—repairing or replacing damaged flooring and subflooring, ceilings within units, and the roof of several buildings on the property. These in-place repairs and the renovation make tenants susceptible to disturbed asbestos. Medical science has determined that no exposure to asbestos is safe.⁷ But despite knowing the "flooring, mastic, drywall/joint compound" have asbestos, Empire and Millennia continue to renovate while families remain in place.

Two of the renovated buildings continue to have plumbing issues, which has created ongoing issues and destroyed the newly replaced drywall and flooring. The plumbing issues have also caused low water pressure in tenants' renovated units. Tenants in renovated units also have an ongoing infestation issue, with mice entering the unit under their front doors. Reportedly, management's plan to address the issue is to provide door strips to prevent the mice's entrance.

Specific Demands of the Sunset Village Residents

HUD should inspect each remediated building and unit to ensure the work was performed properly. HUD's inspection should include an extensive assessment of the plumbing infrastructure and testing for mold. HUD should require the replacement of any defective plumbing. Millennia should be required to identify and remediate the cause of any systemic mold. And where mold, disturbed or loose asbestos is detected throughout the property (both the renovated and unrenovated portions), HUD must enforce the required remediation and containment precautions with frequent, randomized HUD visits to confirm compliance. HUD must require the replacement of all older unsafe appliances in the inhabited unrenovated units. Where units cannot be habitable within 24-hours, HUD should provide tenants with alternative housing via a pass-through lease. Finally, HUD must review tenants' files to ensure proper rent and utility allowance calculations.

Conclusion & Next Steps

As previously noted, we firmly believe that meeting these specific property demands will not only advance the shared goal of preservation but will also have an immediate positive impact on

⁶ Letter from Desiree C. Hensley, Esq. & Jordan B. Hughes, Esq., Low Income Housing Clinic University of Mississippi School of Law, to Administrator Michael S. Regan et al., Administrator of the U.S. Environmental Protection Agency (Mar. 06, 2023) (on file with author).

⁷ 20 USC § 4011; 42 USC § 7412; 40 CFR §§ 61.01, 61.145.

the quality of life for the affected tenants and the surrounding communities. We request that you and senior leadership of the Office of Housing meet with MRC to discuss HUD's preservation plan for each property, address tenants' questions and concerns, and follow up on the list of more general demands that we issued to HUD in August of last year. We hope that the Secretary and senior leadership will take this request seriously and take the necessary steps to ensure the preservation and well-being of these communities.

Please contact Ms. Foluke Nunn (<u>fnunn@afsc.org</u>) to schedule the meeting or with any concerns. Thank you for your attention to this matter.

Sincerely,

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