

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

10400 Detrick Avenue
Kensington, Maryland 20895
(240) 627-9425

Minutes

July 7, 2021

21-07

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted via an online platform and teleconference on Wednesday, July 7, 2021, with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:05 p.m. Those in attendance were:

Present via Teleconference

Roy Priest, Chair
Frances Kelleher, Vice Chair
Richard Y. Nelson, Jr., Chair Pro Tem
Pamela Byrd
Linda Croom
Jeffrey Merkowitz
Jackie Simon

Also Attending via Teleconference

Stacy Spann, Executive Director
Aisha Memon, General Counsel
Timothy Goetzinger
Charnita Jackson
Christina Autin
Hyunsuk Choi
Kathryn Hollister
Marcus Ervin

Kayrine Brown, Deputy Executive Director
Cornelia Kent
Fred Swan
Paul Vinciguerra
Matt Husman
Darcel Cox
Nicolas Deandreis
Ian Hawkins

Guest

Yvette Cook
K'lor Simms
Deshaun Ejiogu
John Dowdell
Alayah Brunson
Xavier Simms
Deana Wright
Laurenne Momi Mvete
Najah Alfaro

Guest Cont'd

Karen Lundregan
Marsha Coleman-Adebayo

Chair Priest opened the meeting welcoming all to the monthly meeting. There was a roll call of Commissioners participating. Chair Priest announced that the order of the Agenda has been adjusted for this meeting, starting with the approval of the Consent Item.

I. **Consent**

A. **Approval of 2021 Tony S. Davis Memorial Scholarship Award Winners**

The following resolution was adopted upon a motion by Commissioner Simon and seconded by Vice Chair Kelleher. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwowitz, and Simon.

RESOLUTION NO.: 21-66

RE: Approval of 2021 Tony S. Davis Memorial Scholarship Award Winners

WHEREAS, in recognition of the many accomplishments and extensive community volunteer work performed by Tony S. Davis, a former Housing Opportunities Commission of Montgomery County (“HOC”) employee who was tragically killed in the year 2000, HOC established the Tony S. Davis Memorial Scholarship Awards Program (the “Scholarship Program”) in his memory; and

WHEREAS, since its inception, the Scholarship Program has annually provided scholarship awards to high school seniors who are residents of HOC’s affordable housing programs and who also demonstrate excellent academic achievement and school attendance, participate in extracurricular and community activities, and have been accepted by a college or university; and

WHEREAS, the selection group considered academic records, recommendations from school personnel and HOC staff, personal essays written by the applicants, pandemic resilience, school and community activities, and college acceptance information; and

WHEREAS, HOC staff recommends two outstanding candidates, Yvette Cook and K’lor Simms, for \$3,000 Tony S. Davis Scholarship Program awards; and

WHEREAS, HOC staff wishes to offer nine runner-up awards and recommend two \$1,500 cash scholarships to Deshaun Ejiogu and John Dowdell; five \$1,000 cash scholarships to Asia Nuchurch, Alayah Brunson, Maryam King, Xavier Simms and Deana Wright; and two \$500 cash scholarships to Laurenne Momi Mvete and Najah Alfaro.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County affirms the recommendation of the Tony S. Davis Scholarship Awards Selection Group for Yvette Cook and K’lor Simms to each receive a \$3,000 scholarship award; Deshaun Ejiogu and John Dowdell to each received a \$1,500 scholarship award; Asia Nuchurch, Alayah Brunson, Maryam King, Xavier Simms and Dena Wright to each receive a \$1,000 scholarship award, and Laurenne Yomi Mvete and Najah Alfaro to each receive a \$500 scholarship award.

II. **Information Exchange**

- Tony S. Davis Memorial Scholarship Award Recipient - Commissioner Simon introduced the 11-recipients of the 2021 Tony S. Davis Memorial Scholarship Fund. HOC established this scholarship in memory and honor of Mr. Tony S. Davis, an HOC employee who devoted his life to volunteering, coaching and counseling in the Seneca Ridge Community. Since its

inception, the Scholarship Program has annually provided scholarship awards to high school seniors who are residents of HOC's affordable housing programs and who also demonstrates excellent academic achievement and school attendance, participate in extracurricular and community activities, and have been accepted by a college or university. This year's first place award winners are Yvette Cook and K'lor Simms who will each receive a \$3,000 cash scholarship. There were nine (9) runner ups, two (2) received cash scholarship awards in the amount of \$1,500, Deshaun Ejiogu and John Dowell; five (5) received cash scholarship awards in the amount of \$1,000, Asia Nuchurch, Alayah Brunson, Maryam King, Xavier Simms, and Deana Wright; and two (2) students received \$500 cash scholarships, Laurena Yomi Mvete and Najah Alfaro.

Community Forum

- Karen Lundregan – Addressed the Board.
- Marsha Coleman-Adebayo – Addressed the Board on behalf of the Moses Cemetery
- Rev. Segun Adebayo – Addressed the Board on behalf of the Moses Cemetery
- David Mott – Addressed the Board regarding the sale of Westwood Towers/Bethesda African Cemetery Coalition
- Rian Adamian – Addressed the Board regarding the sale of Westwood Towers/Bethesda African Cemetery Coalition
- Tim Willard – Addressed the Board regarding the sale of Westwood Towers/Bethesda African Cemetery Coalition

Executive Director's Report

- During his final Executive Director's Report of the Housing Opportunities Commission (HOC), Executive Director Spann acknowledged and highlighted the accomplishment of the Tony S. Davis Scholarship recipients, as well as the work accomplished with this Board, Montgomery County, and staff of HOC. Nothing additional to add to the written report.

Commissioner Exchanged

- Each Commissioner thanked and expressed their gratitude to Mr. Spann for his leadership and accomplishments achieved during his tenure with HOC.

III. **Approval of Minutes** - The minutes were approved as submitted with a motion by Commissioner Simon and seconded by Commissioner Byrd. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon.

- Approval of Minutes of June 9, 2021**
- Approval of Minutes of June 9, 2021 Closed Session**
- Approval of Minutes of June 18, 2021 Special Session**
- Approval of Minutes of June 18, 2021 Closed Special Session**
- Approval of Minutes of July 2, 2021 Special Session**

IV. **CLOSED AND SPECIAL SESSION RATIFICATION**

- Ratification of Action Taken in Open Special Session on June 18, 2021:** Approval to Explore Opportunity to Rebalance HOC's Multifamily Portfolio via Disposition of Select Assets

The following resolution was adopted upon a motion by Commissioner Croom and seconded by

Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwowitz, and Simon.

RESOLUTION NO.: 21-62R

RE: Approval to Explore Opportunity to Rebalance HOC's Multifamily Portfolio via Disposition of Select Assets

WHEREAS, the Housing Opportunities Commission of Montgomery County ("HOC" or "Commission"), a public body corporate and politic duly created, organized, and existing under the laws of the State of Maryland, is authorized pursuant to the Housing Authorities Law, organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, to carry out and effectuate the purpose of providing affordable housing;

WHEREAS, HOC has received a proposal from ORLO to work with HOC for the purchase and preservation of assets currently owned by HOC;

WHEREAS, the Commission continues to pursue new acquisition and development strategies across the County, and must from time-to-time evaluate certain multifamily assets in the HOC portfolio and explore areas where HOC may rebalance its portfolio while preserving the existing affordability;

WHEREAS, the Commission may employ a variety of strategies one of which has been presented by ORLO in the form of working with the Commission for the purchase and preservation of assets currently owned by HOC, which staff wishes to explore;

WHEREAS, at an open Special Session duly called and held on June 18, 2021, with a quorum participating, the Commission adopted Resolution 21-62, with Commissioners Priest, Kelleher, Croom, Merkwowitz, and Simon voting in approval, and with Commissioner Nelson being opposed and Commissioner Byrd being necessarily absent and not participating in the vote;

WHEREAS, by adopting Resolution 21-62, the Commission authorized staff to explore working with ORLO for the purchase and preservation of Fairfax Court, Holiday Park, Montgomery Arms, and Willows of Gaithersburg, and to report their findings to the Commission at a future date, provided that such exploration shall impose no binding requirements on the Commission

;
WHEREAS, consistent with the Commission's Second Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in a regular open meeting with a quorum participating, the action undertaken by the Commissioners in adopting Resolution 21-62 and any actions taken since June 18, 2021 to effectuate the actions contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 21-62 and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

B. Ratification of Action Taken in Open Special Session on June 18, 2021: Approval to Explore Change in Ownership of Westwood Tower Apartments

The following resolution was adopted upon a motion by Commissioner Byrd and seconded by Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwowitz, and Simon.

RESOLUTION NO.: 21-63R

**RE: Approval to Explore Change in Ownership of
Westwood Tower Apartments**

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), a public body corporate and politic duly created, organized, and existing under the laws of the State of Maryland, is authorized pursuant to the Housing Authorities Law, organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, to carry out and effectuate the purpose of providing affordable housing;

WHEREAS, HOC is the owner of a multifamily building located at 5401 Westbard Avenue, Bethesda known as Westwood Tower Apartments (“Westwood Tower” or the “Property”);

WHEREAS, HOC acquired Westwood Tower on December 14, 2017 by drawing on its line of credit and refinanced the draw with short-term acquisition financing (“Acquisition Financing”) on March 26, 2018;

WHEREAS, the Acquisition Financing matures on June 26, 2021 and the bank has declined to extend the financing beyond the summer of 2021;

WHEREAS, HOC has received offers from three residential real estate operators (“Offerors”) to work with HOC for the purchase and preservation of the Property;

WHEREAS, the Commission continues to pursue new acquisition and development strategies across the County, and must from time-to-time evaluate certain multifamily assets in the HOC portfolio and explore areas where HOC may rebalance its portfolio while preserving the existing affordability;

WHEREAS, the Commission may employ a variety of strategies one of which has been presented by the Offerors in the form of working with the Commission for the purchase and preservation of the Property, which staff wishes to explore;

WHEREAS, at an open Special Session duly called and held on June 18, 2021, with a quorum participating, the Commission authorized the Executive Director to vet offers and discuss terms exploring a change in ownership of the Westwood Tower while preserving or increasing the affordability at the Property, and to present the options to the Commission, including potential proposals for the use of the proceeds (the “Westwood Tower Action”), with Commissioners Kelleher, Nelson, Croom, Merkwitz, and Simon voting in approval, and with Commissioner Priest being opposed and Commissioner Byrd being necessarily absent and not participating in the vote; and

WHEREAS, consistent with the Commission’s Second Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in a regular open meeting with a quorum participating, the Westwood Tower Action and any actions taken since June 18, 2021 to effectuate said action.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Westwood Tower Action and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

C. Ratification of Action Taken in Closed Special Session on June 18, 2021: Approval to Acquire Real Property Located in Clarksburg, Maryland via a Ground Lease

The following resolution was adopted upon a motion by Commissioner Simon and seconded by Vice Chair Kelleher. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon.

RESOLUTION NO.: 21- 64ASR

RE: Approval to Acquire Real Property Located in Clarksburg, Maryland via a Ground Lease

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), a public body corporate and politic duly created, organized, and existing under the laws of the State of Maryland, is authorized pursuant to the Housing Authorities Law, organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, to carry out and effectuate the purpose of providing affordable housing;

WHEREAS, at a closed Special Session duly called and held on June 18, 2021, with a quorum participating, the Commission adopted Resolution 21-64AS, with Commissioners Priest, Kelleher, Nelson, Merkowitz, and Simon voting in approval, and with Commissioners Byrd and Croom being necessarily absent and not participating in the vote;

WHEREAS, by adopting Resolution 21-64AS, the Commission authorized the Executive Director to execute a ground lease (including a guaranty) for property located in Clarksburg, Maryland; and

WHEREAS, consistent with the Commission’s Second Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in a regular open meeting with a quorum participating, the action undertaken by the Commissioners in adopting Resolution 21-64AS and any actions taken since June 18, 2021 to effectuate the actions contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 21-64AS and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

D. Ratification of Action Taken in Open Special Session on July 2, 2021: Approval to Pursue Opportunity of a Change in Ownership of Westwood Tower Apartments and Authorization for the Executive Director to Execute a Letter of Intent

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Commissioner Byrd. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon.

RESOLUTION NO.: 21-65R

RE: Approval to Pursue Opportunity of a Change In Ownership of Westwood Tower Apartments and Authorization for the Executive Director to Enter into a Purchase and Sale Agreement for the Disposition of the Property

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), a public body corporate and politic duly created, organized, and existing under the laws of the State of Maryland, is authorized pursuant to the Housing Authorities Law, organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, to carry out and effectuate the purpose of providing affordable housing;

WHEREAS, HOC is the owner of a multifamily building located at 5401 Westbard Avenue, Bethesda known as Westwood Tower Apartments (“Westwood Tower” or the “Property”);

WHEREAS, HOC acquired Westwood Tower on December 14, 2017 by drawing on its line of credit and refinanced the draw with short-term acquisition financing (“Acquisition Financing”) on March 26, 2018;

WHEREAS, the Acquisition Financing which matured on June 26, 2021 has been extended to no later than September 26, 2021;

WHEREAS, HOC has received offers from three residential real estate operators (“Offerors”) to work with HOC for the purchase and preservation of the Property; and

WHEREAS, on June 18, 2021, the Commission authorized the Executive Director to evaluate offers, discuss terms exploring a change in ownership of the Property while preserving or increasing affordability, and present options to the Commission including potential proposals for use of proceeds;

WHEREAS, on July 2, 2021, staff presented such options to the Commission;

WHEREAS, at an open Special Session duly called and held on July 2, 2021, with a quorum participating, the Commission adopted Resolution 21-65, with Commissioners Kelleher, Nelson, Byrd Croom, Merkwowitz, and Simon voting in approval, and with Commissioner Priest being opposed;

WHEREAS, by adopting Resolution 21-65, the Commission took the following actions:

- Authorized the Executive Director, the Acting Executive Director (as applicable), or their designees, to negotiate and execute a Purchase and Sale contract with Charger Ventures (“Purchaser”) for the sale of Westwood Tower that includes the terms presented to the Commission at the July 2, 2021 special session and language regarding (1) the applicable County Master Plans, Sector Plans, and municipal land use plans for the Property, (2) efforts to rewild the Willet Branch stream, and (3) the alleged existence of a burial ground on the land formerly owned by White’s Tabernacle #39.
- Required that net proceeds from the sale of Westwood Tower to be deposited to a restricted account for future uses to be approved by the Commission.

WHEREAS, consistent with the Commission’s Second Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in a regular open meeting with a quorum participating, the action undertaken by the Commissioners in adopting Resolution 21-65 and any actions taken since July 2, 2021 to effectuate the actions contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 21-65 and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

V. **CONSENT CONT'D**

A. **Approval to Amend and Restate Resolutions 21-57A, 21-57B, 21-58A, and 21-58B**

The following resolution was adopted upon a motion by Commissioner Byrd and seconded by Vice Chair Kelleher. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwitz, and Simon.

RESOLUTION NO.: 21-67

**RE: Approval to Amend and Restate Resolutions
21-57A, 21-57B, 21-58A, and 21-58B**

WHEREAS, on June 9, 2021, the Housing Opportunities Commission of Montgomery County ("HOC" or "Commission") approved resolutions 21-57A, 21-57B, 21-58A, and 21-58B (the "Resolutions");

WHEREAS, among other things, the Resolutions discussed funding various actions related to Georgian Court Apartments and Shady Grove Apartments from the PNC Bank, N.A. Line of Credit in error;

WHEREAS, the Resolutions should have been drafted to refer to the PNC Bank, N.A. Real Estate Line of Credit;

WHEREAS, staff desires to amend and restate in their entirety the Resolutions to correct the source of funding; and

WHEREAS, the corrected resolutions are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County approves the amended and restated Resolutions as attached hereto as Exhibit A.

B. **Authorization for the Executive Director to Temporarily Delegate Authority Subject to Certain Restrictions**

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Vice Chair Kelleher. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwitz, and Simon.

RESOLUTION NO.: 21-68

**RE: Authorization for the Executive Director to
Temporarily Delegate Authority Under Certain
Circumstances**

WHEREAS, pursuant to the Second Amended and Restated Bylaws dated March 25, 2020 of the Housing Opportunities Commission of Montgomery County (the "Commission"), the Commission may employ a Secretary-Treasurer who serves as Executive Director;

WHEREAS, pursuant to Resolution 92-78, the Commission authorized the Executive Director to delegate to the Assistant Executive Director(s), the Director of Finance, and any additional designee identified by the Executive Director in a memo to the Commission, the authority to execute any or all documents pertaining to the following functions of the Commission: (1) vehicle ownership and transfer, (2) insurance claims, (3) single family mortgage purchase program and other homeownership assistance program

assumptions, note cancellations, certificates of satisfaction, and foreclosure and REO actions, and (4) purchase or sale of real estate for the Commission's homeownership and MPDU rental programs;

WHEREAS, pursuant to Resolution 12-07, the Commission authorized the Executive Director to (1) enter into contracts in the name of the Commission pursuant to the Commission's procurement policy and as otherwise granted by law or resolution, and (2) except as may be limited by specific direction from the Commission, to conduct all other functions and activities on behalf of the Commission;

WHEREAS, Resolution 12-07 also authorized the Executive Director, the Director of Housing Management (now the Director of Property Management) and the Chief Financial Officer to sign, draw, accept or endorse checks, drafts, notes, bills of exchange, or other instruments to withdraw funds on deposit in any bank accounts of the Commission, and any of the two above named officers were authorized to (1) except as otherwise directed by the Commission, pledge and grant liens and security interest on any and all property, assets, or interests therein owned by the Commission as security for any monies borrowed and as security for any liability incurred, and (2) borrow money and incur liabilities on behalf of and in name of the Commission, to seal or guaranty its bills and accounts receivable, to sign, execute, and deliver promissory notes and other obligations of the Commission;

WHEREAS, in an effort to consolidate and clarify prior resolutions, and to anticipate circumstances in which the Executive Director may be temporarily unavailable, incapacitated, or otherwise indisposed, staff recommends that the Executive Director be authorized to temporarily delegate some or all of his authority to the Deputy Executive Director, Director of Mortgage Finance, Chief Operating Officer, Chief Real Estate Officer, Chief Financial Officer, Director of Human Resources, Director of Resident Services, Chief Logistics and Facilities Officer, Chief Maintenance Officer, Chief Technology Officer, Director of Legislative and Public Affairs, Director of Housing Resources, or Director of Property Management (as these positions may be subsequently renamed), subject to the following conditions: (1) a "Delegation Memorandum" shall be sent to all Commissioners from the Office of the Executive Director via electronic mail specifying what authority the Executive Director is delegating, to whom it is being delegated, and the duration of the delegation; and (2) in no event shall the period of delegation be longer than twenty-one (21) consecutive business days; and

WHEREAS, in the event the Executive Director desires or needs to delegate authority for longer than twenty-one (21) consecutive business days, the delegation must be approved by the Commission via separate resolution.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director may temporarily delegate any or all of his authority to the Deputy Executive Director, Director of Mortgage Finance, Chief Operating Officer, Chief Real Estate Officer, Chief Financial Officer, Director of Human Resources, Director of Resident Services, Chief Logistics and Facilities Officer, Chief Maintenance Officer, Chief Technology Officer, Director of Legislative and Public Affairs, Director of Housing Resources, or Director of Property Management (as these positions may be subsequently renamed), subject to the following conditions:

1. As soon as possible, a Delegation Memorandum shall be sent to all Commissioners from the Office of the Executive Director via electronic mail that specifies what authority is being delegated, to whom it is being delegated, and the duration of the delegation.
2. In no event shall a period of delegation endure longer than twenty-one (21) consecutive business days; in the event the Executive Director desires to delegate authority for longer than twenty-one (21) consecutive business days, the delegation must be approved by the Commission via a separate resolution.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director shall not be divested of any authority (including any signatory authority) during the period of delegation.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that in the event a resolution is approved by the Commission in which signatory and/or approval authority is delegated to persons other than the Executive Director, that resolution shall control for the purposes and time frames specified therein.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 92-78 and Resolution 12-07 and any actions taken in relation thereto are hereby ratified and affirmed.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that this Resolution shall be deemed ratified as of February 1, 2012 with the same force and effect as if approved on that date.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that this Resolution shall be effective as to the current Executive Director and their successors.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that if the position of Executive Director is being filled by an "Acting Executive Director," the Acting Executive Director shall have the same delegation authority as stated in this Resolution.

C. Approval of Various Actions Related to HOC Committees

The following resolution was adopted upon a motion by Vice Chair Kelleher and seconded by Commissioner Simon. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon.

RESOLUTION NO.: 21-69

**RE: Approval of Various Actions Related
to HOC Committees**

WHEREAS, the Housing Opportunities Commission of Montgomery County's ("HOC" or the Commission") current structure dates back to 1974, and since that time, HOC has had occasion to form numerous committees, both formal and informal, many of which are no longer in use;

WHEREAS, in order to avoid confusion and to clarify the current status of its committees, the agency must dissolve all its committees;

WHEREAS, HOC desires to establish three committees: (1) the Budget, Finance and Audit Committee ("BF&A"), (2) the Development and Finance Committee ("D&FC"), and the Administrative and Regulatory Committee (formerly the Legislative and Regulatory Committee) ("A&RC") (each, an "HOC Committee," together, the "HOC Committees");

WHEREAS, the committees' scopes are as follows:

- The BF&A may review information and make recommendations regarding (i) HOC's, its affiliated entities', and its properties' budgets, financial statements, and audits (including the budgets and audits of any development corporations, limited liability companies, and any properties/non-profit entities in which HOC is the management agent), (ii) budgetary and financial issues impacting the agency, (iii) property management contract renewals and any line of credit renewals, and (iv) any other matters as designated by the Chair of the Commission (the "BF&A Scope").
- The D&FC may review information and make recommendations regarding (i) the development, acquisition, disposition, and/or financing of HOC's properties (including development budgets), (ii) financing plans for developments that are funded by the Commission or third-party lenders; (iii) the issuance of bonds, instruments of the money market, and other derivative products to fund activities of the Single Family and Multifamily Bond Programs; (iv) the making of mortgage loans including mortgage insurance; (v) the creation and oversight of bond indentures and program funds; (vi) the activities of the Mortgage Finance Division, which carries out the local Housing Finance Agency functions of Montgomery County in accordance with the Maryland Code, Housing and Development Title 16; and (vii) any other matters as designated by the Chair of the Commission (the "D&FC Scope").
- The A&RC may review information and make recommendations regarding (i) HOC's regulatory requirements and responsibilities as a Housing Agency (including Public Housing Agency and Administrative Plans); (ii) the agency's general public affairs strategy, policy direction, and general administration; and (iii) any other matters as designated by the Chair of the Commission (the "A&RC Scope," together with the BF&A Scope and the D&FC Scope, the "HOC Committees' Scope").

WHEREAS, the HOC Committees shall be governed according to the following operational rules:

1. On an annual basis, the Chair of the Commission shall appoint three Commissioners to each HOC Committee, each of whom shall serve until their successors are appointed; provided, however, that an HOC Committee may temporarily be composed of two Commissioners in the event of vacancies or other reasons determined by the Chair of the Commission;
2. The Chair of the Commission shall select each HOC Committee Chair;
3. The Chair of the Commission may alter the composition of any HOC Committee as needed and shall fill any vacancy on an ad hoc basis; and
4. Each HOC Committee's authority is limited to approving its minutes, reviewing materials, and making recommendations to the full Commission (no HOC Committee or individual committee member has the authority to approve or take an action on behalf of the Commission) (together, the "HOC Committees' Operational Rules").

WHEREAS, in order to prevent future confusion, no HOC committee shall be formed unless approved by resolution;

WHEREAS, to the extent any portion of any HOC policy and/or guidelines conflict with this resolution, those portions will automatically be considered null and void unless otherwise approved by a future Commission resolution.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County hereby dissolves any and all committees that were formed between January 1, 1974 and July 6, 2021.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County hereby establishes the BF&A, D&FC, and A&RC, approves the HOC Committees' Scope, and approves the HOC Committees' Operational Rules.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that no HOC committee shall be formed unless approved by resolution.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that in the event any portion of any HOC policy and/or guidelines conflict with this Resolution, those portions will be automatically considered null and void unless otherwise approved by a future resolution.

VI. COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION

A. Development and Finance Committee – Com. Simon, Chair

- 1. Georgian Court:** Approval to Select Boston Financial Investment Management as the Tax Credit Syndicator for Georgian Court Apartments and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement

Kayrine Brown, Deputy Executive Director introduced Hyunsuk Choi, Housing Acquisitions Manager, who was the presenter.

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Commissioner Simon. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowicz, and Simon.

RESOLUTION NO.: 21-70

RE: Approval to Select Boston Financial Investment Management as the Tax Credit Syndicator for Georgian Court Apartments and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) is the general partner of Georgian Court Silver Spring Limited Partnership, the current owner of Georgian Court Apartments (the “Property”); and

WHEREAS, the Property was originally constructed in 1975 and is a 147-unit Low Income Housing Tax Credit (“LIHTC”) and Section 8 multifamily property that consists of 49 one-bedroom and 98 two-bedroom units; and

WHEREAS, the Property is currently operating under an extended-use covenant, which requires the following set asides: 29 units (Project-Based Section 8 rental assistance) set aside at 50% of area median income (“AMI”), and 118 units set aside at 60% of AMI; and

WHEREAS, in June 2021, the Commission approved (i) the selection of Hamel Builders, Inc. as general contractor for the renovation of the Property, (ii) the request to create a maximum of 24-vacant units at the Property by allowing staff to freeze leasing and temporary relocate residents off-site to facilitate the renovation schedule, (iii) an increase of \$500,000 to the existing predevelopment budget to be funded with a loan from the

PNC Bank, N.A. Real Estate Line of Credit, and (iv) ratified the formation of wholly-owned special purpose entities to serve as the new Property owner and managing member entities; and

WHEREAS, in May 2021, staff solicited proposals from sixteen (16) LIHTC investors to select an equity investor for the Property and received Letters of Interest from Boston Financial Investment (“Boston Financial”), Enterprise Community Investment, PNC Bank, and RBC Capital Markets; and

WHEREAS, Boston Financial’s proposal offers the most advantageous terms for HOC due to the combination of equity pricing, equity pay-in schedule, transaction underwriting assumptions and conditions, and year-15 partnership exit terms and projections.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the selection of Boston Financial as the LIHTC syndicator for the Property and authorizes the Executive Director to negotiate and execute a letter of intent outlining the terms of an operating agreement with Boston Financial.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County hereby approves the negotiation of an operating agreement with Boston Financial based on the terms outlined in the letter of intent, with the understanding that HOC staff will return to the Commission prior to closing for approval to execute the operating agreement with Boston Financial.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his authorized designee, is authorized, without any further action on their respective parts, to take any and all other actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

- 2. Shady Grove Apartments:** Approval to Select Boston Financial Investment Management as the Tax Credit Syndicator for Shady Grove Apartments and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement

Kayrine Brown, Deputy Executive Director introduced Hyunsuk Choi, Housing Acquisitions Manager, who was the presenter.

The following resolution was adopted upon a motion by Commissioner Byrd and seconded by Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwowitz, and Simon.

RESOLUTION NO.: 21-71

RE: Approval to Select Boston Financial Investment Management as the Tax Credit Syndicator for Shady Grove Apartments and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) is the general partner of Shady Grove Apartments Limited Partnership, the current owner of Shady Grove Apartments (the “Property”); and

WHEREAS, the Property was originally constructed in 1977 and is a 144-unit Low Income Housing Tax Credit (“LIHTC”) and Section 8 multifamily property that consists of 45 one-bedroom, 83 two-bedroom, and 16 three-bedroom units; and

WHEREAS, the Property is currently operating under an extended-use covenant, which requires the following set aside: 144 units (100%) (project-based Section 8 rental assistance) set aside at 50% of area median income (“AMI”); and

WHEREAS, in June 2021, the Commission approved (i) the selection of Hamel Builders, Inc. as general contractor for the renovation of the Property, (ii) the request to create a maximum of 24-vacant units at the Property by allowing staff to freeze leasing and temporary relocate residents off-site to facilitate the renovation schedule, (iii) an increase of \$485,000 to the existing predevelopment budget to be funded with a loan from the PNC Bank, N.A. Real Estate Line of Credit, and (iv) ratified the formation of wholly-owned special purpose entities to serve as the new Property owner and managing member entities; and

WHEREAS, in May 2021, staff solicited proposals from sixteen (16) LIHTC investors to select an equity investor for the Property and received Letters of Interest from Boston Financial Investment (“Boston Financial”), PNC Bank, and RBC Capital Markets; and

WHEREAS, Boston Financial’s proposal offers the most advantageous terms for HOC due to the combination of equity pricing, equity pay-in schedule, transaction underwriting assumptions and conditions, and year-15 partnership exit terms and projections.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the selection of Boston Financial as the LIHTC syndicator for the Property and authorizes the Executive Director to negotiate and execute a letter of intent outlining the terms of an operating agreement with Boston Financial.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County hereby approves the negotiation of an operating agreement with Boston Financial based on the terms outlined in the letter of intent, with the understanding that HOC staff will return to the Commission prior to closing for approval to execute the operating agreement with Boston Financial.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his authorized designee, is authorized, without any further action on their respective parts, to take any and all other actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

- 3. Emory Grove Village:** Approval to Select Tammal Enterprise Inc. as Demolition Contractor for Emory Grove Village in Accordance with Invitation for Bid (“IFB”) #2253 and Authorization for the Executive Director to Negotiate and Execute a Contract for the Demolition

Kayrine Brown, Deputy Executive Director introduced Paul Vinciguerra, Construction Manager, was the presenter.

The following resolution was adopted upon a motion by Commissioner Simon and seconded by Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwitz, and Simon.

RESOLUTION NO.: 21-72

**RE: Approval to Select Tammal Enterprises, Inc.
as the Demolition Contractor for the Demolition of
Emory Grove Village Pursuant to IFB #2253;
Authorization for the Executive Director to Execute
Contracts; and Approval for Staff to Complete the
Demolition of the Property**

WHEREAS, in furtherance of its mission to provide affordable housing and supportive services that enhance the lives of low- and moderate-income families and individuals throughout Montgomery County, Maryland and to ensure that no one in Montgomery County is living in substandard housing, the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”) has begun the demolition process of Emory Grove Village (“Emory Grove Village” or the “Property”); and

WHEREAS, Emory Grove Village is a 54-unit multifamily two-story townhome community located at 8107 Morning View Drive, Gaithersburg, Maryland 20877 that was built in 1970 as a Public Housing community and was converted from Public Housing under the Rental Assistance Demonstration (“RAD”) program in 2015, with the RAD subsidies transferred to HOC scattered site units; and

WHEREAS, the buildings on the site have reached the end of their useful life cycles and the Property is currently vacant; and

WHEREAS, in order to facilitate the redevelopment of the site, HOC is seeking the services of a demolition contractor to demolish the existing buildings and prepare the site for redevelopment; and

WHEREAS, Montgomery County, via its Capital Improvement Program (“CIP”), has appropriated \$1,900,000 in funding to HOC for the demolition of Ambassador Apartments and Emory Grove Village, of which \$1,007,985.91 has been spent for Ambassador Apartments demolition expenses and \$85,772.41 has been spent on Emory Grove Village for preparation for demolition, leaving \$806,241.68 available for use by HOC to fund the demolition of Emory Grove Village; and

WHEREAS, HOC issued Invitation for Bid (“IFB”) No. 2253 soliciting bids from qualified demolition contractors interested in providing demolition services for Emory Grove Village; and

WHEREAS, bids were timely received from seven (7) firms which ranged in price from \$488,000 to \$1,181,500; and

WHEREAS, staff has determined that Tammal Enterprises, Inc. (“Tammal”) is a responsive and responsible bidder that offered the lowest bid of \$488,000; and

WHEREAS, staff subsequently has included the demolition of a small shed and garage to the scope of work, which added \$4,800 to Tammal's final price, which still has Tammal as the lowest qualified bidder at \$492,800 for demolition; and

WHEREAS, the Commission desires to award IFB #2253 to Tammal and authorize the Executive Director to negotiate and execute a contract for the demolition of Emory Grove Village; and

WHEREAS, staff proposes to include a 15% contingency of \$73,720, which bring the total budget for the demolition to \$566,720.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the award of IFB #2253 to Tammal Enterprises, Inc., to demolish Emory Grove Village, to be funded with the remaining CIP appropriation.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is hereby authorized to negotiate and execute a contract with Tammal Enterprises, Inc. for \$492,800.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves a demolition budget of \$566,720, which includes a contingency of \$73,720 or 15% of the contract cost.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that staff is hereby authorized to proceed with taking all necessary actions and obtaining any necessary approvals from related parties, including the Montgomery County Department of Permitting Services, to complete the demolition Emory Grove Village.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is authorized, without any further action on its part, to take any and all other actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

- 4. Willow Manor Properties:** Approval to Select PNC as the Tax Credit Syndicator and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement; Approval of Request for Additional Predevelopment Funds; and Ratification of the Formation of Ownership Entities

Marcus Ervin, Acting Director of Development and Real Estate introduced Kathryn Hollister, Senior Financial Analyst, who was the presenter.

The following resolution was adopted upon a motion by Commissioner Simon and seconded by Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowicz, and Simon.

RESOLUTION NO.: 21-73

RE: Approval to Select PNC as the Tax Credit Syndicator for the Willow Manor Properties; Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement; Approval and Ratification of the Formation of Ownership Entities; Approval of Request for

Additional Predevelopment and Prepaid Closing Funds

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) is the sole member of three individual single-purpose entities: The Manor at Cloppers Mill, LLC, The Manor at Fair Hill Farm, LLC, and The Manor at Colesville, LLC (collectively the “Willow Manor Single-Purpose Entities”), which own Willow Manor at Clopper’s Mill, Willow Manor at Fair Hill Farm, and Willow Manor at Colesville, respectively; and

WHEREAS, Willow Manor at Clopper’s Mill consists of 102 age-restricted Low Income Housing Tax Credit (“LIHTC”) and market-rate apartments in Germantown, MD (“Clopper’s Mill”), Willow Manor at Fair Hill Farm consists of 101 age-restricted LIHTC apartments in Olney, MD (“Fair Hill Farm”), and Willow Manor at Colesville consists of 83 age-restricted LIHTC apartments in Silver Spring, MD (“Colesville”) (collectively, the “Willow Manor Properties” or “Properties”); and

WHEREAS, on April 1, 2020 the Commission approved pursuing a LIHTC resyndication of the Properties as a single scattered site transaction and predevelopment funding in the amount of \$400,000 in the form of a loan from the Opportunity Housing Reserve Fund (“OHRF”); and

WHEREAS, in April, 2021, staff solicited proposals from 16 LIHTC investors to select an equity investor for the Property and received Letters of Interest from Boston Financial Investment Management (“BFIM”) and PNC Bank; and

WHEREAS, while BFIM’s proposal offers the most advantageous financial terms, PNC Bank’s proposal offers the greatest certainty of executing the desired transaction structure (specifically, the ability to elect the average income test set aside, thereby reducing the risk of resident displacement); and

WHEREAS, staff requests \$541,200 in additional predevelopment funding and \$920,000 in prepaid closing funds to cover all anticipated project costs between July 7, 2021 and the transaction’s LIHTC closing (“Closing”), which is anticipated to occur in October 2021, to be funded with a loan from the FHA Risk Sharing/MIP Cash Reserve that will be repaid upon Closing; and

WHEREAS, the Commission desires to ratify the formation of wholly-owned special purpose entities, HOC at Willow Manor, LLC and HOC MM Willow Manor, LLC, to serve as the new owner and managing member entities, respectively, for the transaction; and

WHEREAS, the Commission currently intends and reasonably expects to participate in tax-exempt borrowings to refinance the acquisition cost, finance certain property improvements, and fund reserves for the Willow Manor Properties in an amount not to exceed \$100,000,000, all or a portion of which may reimburse the Commission for the portion of such expenditures incurred or to be incurred subsequent to the date which is 60 days prior to the date hereof but before such borrowing, and the proceeds of such tax-exempt borrowing will be allocated to reimburse the Commission’s expenditures within 18 months of the later of the date of such expenditures or the date that the Willow Manor Properties are placed in service as part of the LIHTC resyndication (but in no event more than 3 years after the date of the original expenditure of such moneys); and

WHEREAS, the Commission hereby desires to declare its official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the Commission for such expenditures with the proceeds of the Commission's future tax-exempt borrowing for such projects named in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County acting on behalf of itself and on behalf of the Willow Manor Single-Purpose Entities, as their sole member, that the Housing Opportunities Commission of Montgomery County authorizes the selection of PNC Bank as the LIHTC syndicator for the Properties and authorizes the Executive Director to negotiate and execute a letter of intent outlining the terms of an operating agreement with PNC Bank.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County acting on behalf of itself and on behalf of the Willow Manor Single-Purpose Entities, as their sole member, that the Housing Opportunities Commission of Montgomery County hereby approves the negotiation of an operating agreement with PNC Bank based on the terms outlined in the letter of intent, with the understanding that HOC staff will return to the Commission prior to closing for approval to execute the operating agreement with PNC Bank.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves \$541,200 in additional predevelopment funding and \$920,000 in prepaid closing funds to be funded with a loan from the FHA Risk Sharing/MIP Cash Reserve to be repaid upon Closing.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it ratifies the formation of wholly-owned special purpose entities (HOC at Willow Manor, LLC and HOC MM Willow Manor, LLC) to serve as the new owner and managing member entities for the transaction.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it presently intends and reasonably expects to participate in tax-exempt borrowings of which proceeds, in an amount not to exceed \$100,000,000, will be applied to reimburse the Commission for its expenditures in connection with the Willow Manor Properties.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it presently intends and reasonably expects to refinance the acquisition cost, finance certain property improvements, and fund reserves for the Willow Manor Properties from the proceeds of a tax-exempt bond issuance and that all of the acquisition and financing expenditures covered by this Resolution which may be reimbursed with proceeds of tax-exempt borrowings were made not earlier than 60 days prior to the date of this Resolution, except preliminary expenditures related to the project as defined in Treasury Regulation Section 1.150-2(f)(2) (e.g. architect's fees, engineering fees, costs of soil testing and surveying).

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that all prior acts and doings of the officials, agents and employees of the Commission which are in conformity with the purpose and intent of this Resolution, and in furtherance of the LIHTC resyndication of the Willow Manor Properties, shall be and hereby are in all respects ratified, approved and confirmed.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission Montgomery County, on behalf of itself and on behalf of the Willow Manor Single-Purpose Entities, as their sole member, authorizes the Executive Director of HOC, or his designee, without any further action on their respective parts, to take any and all other actions necessary and proper to carry out the transaction and actions contemplated herein, including the execution of any documents related thereto.

B. Legislative and Regulatory Committee – Com. Kelleher, Chair

1. Administrative Plan: Authorization to Adopt a New Policy for the Administration of 118 Emergency Housing Vouchers in Response to HUD PIH Notice 2021-15

Bonnie Hodge, Assistant Director of Housing Resources Division, and Fred Swan, Director of Resident Services, were the presenters.

The following resolution was adopted upon a motion by Commissioner Croom and seconded by Commissioner Byrd. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowicz, and Simon.

RESOLUTION NO.: 21-74

RE: Authorization to Adopt a New Policy for the Administration of 118 Emergency Housing vouchers pursuant to HUD PIH Notice 2021-15

WHEREAS, in response to COVID-19, the U.S. Department of Housing and Urban Development issued Notice PIH 2021-15 (the “Notice”) on May 5, 2021 that appropriated \$5 Billion Dollars for new and renewal Emergency Housing Vouchers (“EHVs”); and

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) was awarded 118 EHVs to facilitate expedited leasing for families referred from the Continuum of Care (“CoC”) who are at high risk of exposure to COVID-19; and

WHEREAS, pursuant to the Notice, HOC must enter into a Memorandum of Understanding (“MOU”) with CoC by July 31, 2021; and

WHEREAS, also pursuant to the Notice, HOC desires to formally revise its Administrative Plan for the Housing Choice Voucher Program (the “Plan”) to add the Emergency Housing Voucher policy; and

WHEREAS, the recommended revisions to the Plan are outlined in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the Executive Director, or his designee, to negotiate and enter into a MOU with CoC by July 31, 2021.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County that it approved revising the Plan to add the Emergency Housing Voucher Policy as identified in the attached Exhibit A.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is hereby authorized and directed, without any further action on its part, to take any and all other actions necessary and proper to carry out the actions contemplated herein.

2. Housing Choice Voucher Administrative Plan: Revision to HOC Administrative Plan for the Housing Choice Voucher Program to add Coronavirus Disease 2019 (COVID-19) Related Waivers to the Plan in Accordance with HUD Notice PIH 2021-14

Bonnie Hodge, Assistant Director of Housing Resources Division, was the presenter.

The following resolution was adopted upon a motion by Vice Chair Kelleher and seconded by Commissioner Croom. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwitz, and Simon.

RESOLUTION NO.: 21-75

**RE: Revision of HOC's Administrative Plan for
the Housing Choice Voucher Program to Add
Temporary Changes in Response to COVID-19
Pursuant to HUD PIH Notice 2021-14**

WHEREAS, in response to COVID 19, the U.S. Department of Housing and Urban Development issued Notice PIH 2021-14 (the "Notice") on May 4, 2021 that established temporary waivers and alternative requirements for the Housing Choice Voucher Program;

WHEREAS, the Notice allowed a housing authority to adopt waivers and temporarily revise its administrative plan without board approval, provided that any informally adopted revisions are approved by its board no later than December 31, 2021;

WHEREAS, pursuant to the Notice, the Housing Opportunities Commission of Montgomery County ("HOC" or "Commission") informally adopted many of the waivers in the Notice, and the Commission now desires to formally revise its Administrative Plan for the Housing Choice Voucher Program (the "Plan") to add the temporary waivers; and

WHEREAS, the recommended revisions to the Plan are outlined in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County adopts the revisions to the Plan as identified in the attached Exhibit A.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is hereby authorized and directed, without any further action on its part, to take any and all other actions necessary and proper to carry out the actions contemplated herein.

VII. NEW BUSINESS

1. Appointment of Acting Secretary-Treasurer and Executive Director

The following resolution was adopted upon a motion by Chair Priest and seconded by Vice chair Kelleher. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkwitz, and Simon.

RESOLUTION NO.: 21-76

**RE: Appointment of Acting Secretary
Treasurer and Executive Director**

WHEREAS, Stacy L. Spann, the current Secretary-Treasurer and Executive Director ("Secretary/ED") of the Housing Opportunities Commission of Montgomery County (the "Commission" or "HOC") announced his resignation and his contract shall expire on July 31, 2021;

WHEREAS, the Commission intends to conduct a search for a new Secretary/ED, but wants to ensure that HOC is effectively operated and managed in the interim; and

WHEREAS, as of August 1, 2021, the Commission desires to appoint Kayrine Brown as HOC's Acting Secretary-Treasurer and Executive Director, who shall be vested with all the delegations and authority previously granted to the Secretary/ED, including but not limited to all signatory authority.

NOW, THEREFORE, BE IT RESOLVED that, as of August 1, 2021, the Housing Opportunities Commission of Montgomery County hereby appoints Kayrine Brown as HOC's Acting Secretary-Treasurer and Executive Director.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that, as of August 1, 2021, Kayrine Brown, as HOC's Acting Secretary-Treasurer and Executive Director, shall be vested with all the power and authority granted to HOC's Secretary/ED pursuant to state or local statutory or regulatory requirements, and any and all HOC's policies, agreements, and resolutions, including but not limited to all signatory authority.

Based upon this report and there being no further business to come before this session of the Commission, the Commission adjourned the open session at 6:14 p.m., recessed and convened meetings of the Development Corporations.

Respectfully submitted,

Stacy L. Spann
Secretary-Treasurer

/pmb

Attachments:

- 1 – Exhibit A – Restated Resolutions 57A, 57B, 58A, 58B
- 2 – Exhibit A – Emergency Housing Voucher Policy

Approved: September 1, 2021

Exhibit A

(Restated Resolutions: 21-57A, 21-57B, 21-58A, and 21-58B)

RESOLUTION No: 21-57A

RE: Approval to Select Hamel Builders as General Contractor for the Renovation of Georgian Court Apartments, Approval to Freeze Leasing to Facilitate Renovation, Approval of Request for Additional Predevelopment Funds, and Ratification of the Formation of Ownership Entities

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), is the general partner of Georgian Court Silver Spring Limited Partnership, the owner of Georgian Court Apartments (the “Property”); and

WHEREAS, the Property was originally constructed in 1975 and is a 147-unit Low Income Housing Tax Credit (“LIHTC”) and Section 8 multifamily property that consists of 49 one-bedroom and 98 two-bedroom units; and

WHEREAS, the Property is currently operating under an extended-use covenant, which requires the following set asides: 29 units (Project-Based Section 8 rental assistance) set aside at 50% of area median income (“AMI”), and 118 units set aside at 60% of AMI; and

WHEREAS, HOC’s Procurement Office issued a Request for Proposals (“RFP”) #2237 for construction services for renovation of the Property on February 12, 2021; and

WHEREAS, staff is looking to do a comprehensive renovation and add significant improvements to energy-efficiency, the common areas, exterior buildings, and the residents’ units; and

WHEREAS, four (4) respondents submitted qualified packages for the RFP by the deadline of April 12, 2021 that met threshold requirements; and

WHEREAS, Hamel Builders, Inc. (“Hamel”) scored highest in the average of the evaluators’ scores on the criteria with an average score of 84.3%; and

WHEREAS, based on the evaluation of the proposals, staff recommends the selection of Hamel as general contractor for the renovation of the Property and requests authorization of the Executive Director to enter into contract negotiations; and

WHEREAS, staff requests authorization to halt leasing of future vacant units for a total of up to 24 units for each phase of renovation for the duration of the renovation; and

WHEREAS, staff requests \$500,000 in additional predevelopment budget to be funded with a loan from the PNC Bank, N.A. Real Estate Line of Credit (“PNC RELOC”) for preparation of a Low Income Housing Tax Credit application to be submitted to the Department of Housing and Community Development and to obtain the necessary building permits; and

WHEREAS, the loan will incur interest costs and be repaid from the proceeds of the renovation financing at closing, which are anticipated to be funded from the proceeds of tax-exempt bond issuance by HOC; and

WHEREAS, the Commission may make draws on the PNC RELOC at a taxable rate equal to London Interbank Offered Rate ("LIBOR") (at 1-month, 3-month, 6-month, or 12-month LIBOR) plus 58 basis points.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the selection of Hamel as the general contractor and authorizes the Executive Director to negotiate a contract for the Georgian Court Apartments transaction.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County hereby approves to halt leasing of future vacant units for a total of up to a total of 24 vacant units required for each phase of renovation for the duration of the renovation.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County approves an increase in predevelopment funds of \$500,000 from the PNC Bank, N.A. Real Estate Line of Credit.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County ratifies the formation of wholly-owned special purpose entities to serve as the new Property owner and managing member entities for the transaction.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his designee, without further action on its part, to take any and all other actions necessary and proper to carry out the transactions contemplated herein, including but not limited to the execution of any and all documents related thereto.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on July 7, 2021.

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Patrice M. Birdsong
Special Assistant to the Commission

RESOLUTION No: 21-57B

RE: Approval to Draw on the PNC Bank, N.A. Real Estate Line of Credit to Fund Costs Related to the Georgian Court Apartments Transaction

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), is the general partner of Georgian Court Silver Spring Limited Partnership, the owner of Georgian Court Apartments (the “Property”); and

WHEREAS, the Property was originally constructed in 1975 and is a 147-unit Low Income Housing Tax Credit (“LIHTC”) and Section 8 multifamily property that consists of 49 one-bedroom and 98 two-bedroom units; and

WHEREAS, staff is looking to do a comprehensive renovation and add significant improvements to energy-efficiency, the common areas, exterior buildings, and the residents’ units; and

WHEREAS, staff requests \$500,000 in additional predevelopment budget to be funded with a loan from the PNC Bank, N.A. Real Estate Line of Credit (“PNC RELOC”) for preparation of a Low Income Housing Tax Credit application to be submitted to the Department of Housing and Community Development and to obtain the necessary building permits; and

WHEREAS, the loan will incur interest costs and be repaid from the proceeds of the renovation financing at closing, which are anticipated to be funded from the proceeds of tax-exempt bond issuance by HOC; and

WHEREAS, the Commission may make draws on the PNC RELOC at a taxable rate equal to London Interbank Offered Rate (“LIBOR”) (at 1-month, 3-month, 6-month, or 12-month LIBOR) plus 58 basis points.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County approves an increase in predevelopment funds of \$500,000 at a rate of one-month LIBOR plus 58 basis points from the PNC RELOC to prepare a Low Income Housing Tax Credit application to be submitted to the Department of Housing and Community Development and to obtain the necessary building permits, and that this draw shall have a due date that coterminous with the termination date of the PNC RELOC, which is currently January 30, 2022.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his designee, without further action on its part, to take any and all other actions necessary and proper to carry out the transactions contemplated herein, including but not limited to the execution of any and all documents related thereto.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on July 7, 2021.

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Patrice M. Birdsong
Special Assistant to the Commission

RESOLUTION No: 21-58A

RE: Approval to Select Hamel Builders as General Contractor for the Renovation of Shady Grove Apartments, Approval to Freeze Leasing to Facilitate Renovation, Approval of Request for Additional Predevelopment Funds, and Ratification of the Formation of Ownership Entities

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), is the general partner of Shady Grove Apartments Limited Partnership, the owner of Shady Grove Apartments (the “Property”); and

WHEREAS, the Property was originally constructed in 1977 and is a 144-unit Low Income Housing Tax Credit (“LIHTC”) and Section 8 multifamily property that consists of 45 one-bedroom, 83 two-bedroom, and 16 three-bedroom units; and

WHEREAS, the Property is currently operating under an extended-use covenant, which requires the following set aside: 144 units (100%) (project-based Section 8 rental assistance) set aside at 50% of area median income (“AMI”); and

WHEREAS, HOC’s Procurement Office issued a Request for Proposals (“RFP”) #2246 for construction services for renovation of the Property on March 5, 2021; and

WHEREAS, staff is looking to do a comprehensive renovation and add significant improvements to energy-efficiency, the common areas, exterior buildings, and the residents’ units; and

WHEREAS, six (6) respondents submitted qualified packages to the RFP by the deadline of April 23, 2021 that met threshold requirements; and

WHEREAS, Hamel Builders, Inc. (“Hamel”) scored highest in the average of the evaluators’ scores on the criteria with an average score of 96.3%; and

WHEREAS, based on the evaluation of the proposals, staff recommends the selection of Hamel as general contractor for the renovation of the Property and requests authorization of the Executive Director to enter into contract negotiations; and

WHEREAS, staff requests authorization to halt leasing of future vacant units for a total of up to 24 units requested for each phase of renovation for the duration of the renovation; and

WHEREAS, staff requests \$485,000 in additional predevelopment budget to be funded with a loan from the PNC Bank, N.A. Real Estate Line of Credit (“PNC RELOC”) for preparation for a Low Income Housing Tax Credit application to be submitted to the Department of Housing and Community Development and to obtain the necessary building permits; and

WHEREAS, the loan will incur interest costs and be repaid from the proceeds of the renovation financing at closing, which are anticipated to be funded from the proceeds of tax-exempt bond issuance by HOC; and

WHEREAS, the Commission may make draws on the PNC RELOC at a taxable rate equal to London Interbank Offered Rate ("LIBOR") (at 1-month, 3-month, 6-month, or 12-month LIBOR) plus 58 basis points.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the selection of Hamel as general contractor and authorizes the Executive Director to negotiate a contract for the Shady Grove Apartments transaction.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County hereby approves to halt leasing of future vacant units for a total of up to a total of 24 vacant units required for each phase of renovation for the duration of the renovation.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County approves an increase in predevelopment funds of \$485,000 from the PNC Bank, N.A. Real Estate Line of Credit.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County ratifies the formation of wholly-owned special purpose entities to serve as the new Property owner and managing member entities for the transaction.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his designee, without further action on its part, to take any and all other actions necessary and proper to carry out the transactions contemplated herein, including but not limited to the execution of any and all documents related thereto.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on July 7, 2021.

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Patrice M. Birdsong
Special Assistant to the Commission

RESOLUTION No: 21-58B

RE: Approval to Draw on the PNC Bank, N.A. Real Estate Line of Credit Fund Costs Related to the Shady Grove Apartments Transaction

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), is the general partner of Shady Grove Apartments Limited Partnership, the owner of Shady Grove Apartments (the “Property”); and

WHEREAS, the Property was originally constructed in 1977 and is a 144-unit Low Income Housing Tax Credit (“LIHTC”) and Section 8 multifamily property that consists of 45 one-bedroom, 83 two-bedroom, and 16 three-bedroom units; and

WHEREAS, staff is looking to do a comprehensive renovation and add significant improvements to energy-efficiency, the common areas, exterior buildings, and the residents’ units; and

WHEREAS, staff requests \$485,000 in additional predevelopment budget to be funded with a loan from the PNC Bank, N.A. Real Estate Line of Credit (“PNC RELOC”) for preparation for a Low Income Housing Tax Credit application to be submitted to the Department of Housing and Community Development and to obtain the necessary building permits; and

WHEREAS, the loan will incur interest costs and be repaid from the proceeds of the renovation financing at closing, which are anticipated to be funded from the proceeds of tax-exempt bond issuance by HOC; and

WHEREAS, the Commission may make draws on the PNC RELOC at a taxable rate equal to London Interbank Offered Rate (“LIBOR”) (at 1-month, 3-month, 6-month, or 12-month LIBOR) plus 58 basis points.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County approves an increase in predevelopment funds of \$485,000 at a rate of one-month LIBOR plus 58 basis points from the PNC RELOC to prepare a Low Income Housing Tax Credit application to be submitted to the Department of Housing and Community Development and to obtain the necessary building permits, and that this draw shall have a due date that coterminous with the termination date of the PNC RELOC, which is currently January 30, 2022.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his designee, without further action on its part, to take any and all other actions necessary and proper to carry out the transactions contemplated herein, including but not limited to the execution of any and all documents related thereto.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on July 7, 2021.

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Patrice M. Birdsong
Special Assistant to the Commission

Exhibit A

(Emergency Housing Voucher Policy)

Please note: Existing language is in **BLACK** and proposed changes are in **RED**

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAIT

LIST [24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is HOC's objective to ensure that families are placed in the proper order on the wait list and selected from the wait list for admission in accordance with the policies in this Administrative Plan.

This chapter explains how HOC will administer its consolidated wait list for all of its housing programs, including the tenant-based and project-based voucher wait lists, hereinafter referred to as the consolidated list or master list. The tenant-based wait list has five local preferences that HOC adopted to meet local housing needs, define the eligibility criteria for the preferences, and explain HOC's system of applying them. The wait list for housing subsidized with project-based vouchers is maintained as a sub list within the consolidated list. Any family selected to be housed utilizing a project-based voucher is only eligible for a specific bedroom sized unit based on their family size.

By maintaining an accurate wait list, HOC is able to perform the activities which ensure that an adequate pool of qualified applicants is available, so that program funds are used in a timely manner. Each family on the tenant-based wait list may also have its name on the project-based wait list.

A. MANAGING THE WAIT LIST

Opening and Maintaining the Wait List

Opening of the wait list will be announced with a public notice stating that applications for public housing, Housing Choice Voucher and all other wait lists maintained by the **Housing Opportunities Commission of Montgomery County (HOC)** will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media, including social media. The public notice will state any limitations on who may apply. Wait lists for all sub-jurisdictions and Countywide will be opened and closed at the same time.

The notice will state that applicants already on wait lists for other housing programs must apply separately for this program and such applicants will not lose their place on other wait lists when they apply for public housing. The notice will include the Fair Housing logo and slogan, and will be in compliance with Fair Housing requirements.

HOC intends for the wait list to remain open indefinitely; however, if the Executive Director decides to close the list, the closing of the wait list will also be announced with a public notice. This public notice will state the date the wait list will be closed, and it will be published in a local newspaper of general circulation and by any available minority media, including social media.

Organization of the Wait List

In July 2015, HOC merged its existing sub-jurisdictional wait lists for the Housing Choice Voucher program and all other housing programs into one combined wait list, referred to herein interchangeably as merged list, master list, merged master list, or wait list, except as specifically noted.

In conjunction with the merge of all of HOC's wait lists, HOC opened its merged master wait list for all programs, and left the merged list open indefinitely or until such time as a determination is made by the Executive Director that there is cause to close the wait list, at which time proper notice will be posted in a local newspaper of general circulation and by any available minority media, including social media.

Only one application may be submitted and it must be submitted by the head of household or his/her designee.

The wait list is maintained in accordance with the following guidelines:

1. The application will be a permanent file. Any contact between HOC and the applicant will be documented in the electronic applicant file.
2. All applications will be maintained in order of date and time of application, and applicable preference(s).
3. Under the merged wait list, one master list is maintained electronically through a proprietary program. All applications and updates to an application are submitted electronically through a proprietary on-line web portal. Paper and telephone submissions are not permitted. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic submissions.
4. All applicants must give notice of any changes to their application within two weeks of a change. Changes include: change of mailing address, change of email address, change of phone number, change in family composition, change in income, or changes in factors affecting preference points. As noted in paragraph 3, all changes must be done electronically because paper and telephone submissions are not accepted. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic update submissions.
5. The master wait list is updated daily and applicants' wait list profiles are accessible via the internet on a 24-hour basis.
6. For the Housing Choice Voucher program, HOC maintains one merged master list in order of date-time stamp and any applicable preference(s). However, within the master list there are sub-sorted separate lists for certain programs and properties. This includes the Choice Mobility wait list for those customers eligible for

project-based to tenant-based subsidy conversion. See Chapter 22 of this Administrative Plan for more information.

7. HOC entered into Housing Assistance Payments (HAP) contracts to subsidize units at several properties that are operated by third-party managers and/or owners. The individual, property-specific wait lists for these properties are included within the master list but are sorted separately to only reflect applicants who satisfy the various property and programmatic eligibility criteria. More specifically, the details regarding these property-specific wait lists are as follows:
 - i. HOC maintains separate wait lists for Arcola Towers, Elizabeth House, Holly Hall, and Waverly House, which are housing facilities operated for the benefit of senior and/or disabled customers.
 - ii. HOC entered into a HAP contract to subsidize units at Emory Grove, Ken-Gar, Parkway Woods, Sandy Spring Meadow, Seneca Ridge, Town Centre Place, and Washington Square as required as part of the Rental Assistance Demonstration (RAD) program, and required Housing Choice Vouchers. The individual wait lists created for these RAD properties are included in the merged master list but are sorted separately to reflect only those applicants who are eligible for these properties.
 - iii. HOC entered into HAP contracts to subsidize units at several properties that are managed by third-party managers and/or owners. These properties provide supportive services to at-risk populations in the form of Housing Choice Vouchers. Applicants for these programs must meet stringent requirements and are ranked by date and time of application only. The individual wait lists created for these properties are included in the merged master list but are sorted separately to reflect only those applicants who are eligible for these properties.
8. Contact between HOC and wait list applicants for the purposes of selection from the list is documented in the applicant's wait list file.

Implementation of RAD Wait List Provisions

Former public housing (PH) applicants and residents receive priority consideration on the site-based wait lists created within *HOC Housing Path*, HOC's electronic wait list. Prior to the opening of the HOC Housing Path wait list, HOC mailed to all former PH wait list applicants a post card notifying them of the new wait list and instructed them to submit an application. The following policies describe how former PH applicants and residents receive priority consideration for housing at all of HOC's RAD-converted properties and at properties with Project-Based Voucher (PBV) assistance provided using the non-competitive selection process created by the Housing Opportunities Through Modernization Act (HOTMA), and described in Chapter 22, Section G of this Administrative Plan.

In order to provide former PH applicants with the best opportunity to be housed at one of the RAD properties, HOC adopted and follows the procedures listed below:

- Analyze HOC Housing Path to identify former PH wait list applicants and residents that have submitted a new application.
- Issue notices to former PH wait list applicants and residents informing them that they are eligible to receive priority consideration for housing at RAD properties, and instruct them to respond to the notice if they would like to be considered.
- Former PH applicants and residents who respond, but have not submitted a new HOC Housing Path application will be instructed to do so.
- For those families who respond to the notice and/or have submitted a new HOC Housing Path application, HOC will create a separate pool of applications that will receive priority consideration for vacancies at HOC's RAD properties.
- As vacancies become available at RAD properties, applicants will be selected from the priority pool based on their date and time of application to Housing Path.

B. WAIT LIST CUSTOMERS (FAMILIES)

All wait list applicants are required to maintain an e-mail address. To the extent an applicant chooses to use the e-mail address of another person, the applicant is solely responsible for receiving information sent to the listed email address and lack of access to that account is not considered a valid excuse for missing notices. To the extent a family does not have an e-mail address, HOC can assist the family in obtaining a free email account. The applicant is responsible for notifying HOC of any change in their e-mail address. HOC maintains public use computers at all of its HUB locations. Public use computers are also widely available at other public locations such as local libraries. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic submissions.

All wait list applicants are required to list an address in their Housing Path application. If the applicant is homeless or does not have a permanent address, the applicant can choose to list the address of another person, so long as it is not the address of a current voucher holder. This address is used to send any paper correspondence to the applicant, including required paperwork as part of the selection process. The applicant is solely responsible for receiving information sent to the listed address and lack of access to mail at that address is not considered a valid excuse for missing notices or paperwork. The applicant is responsible for notifying HOC of any change in address.

Treatment of Single Applicants

Single applicants are treated as any other eligible family on the wait list for the tenant-based and project-based voucher wait lists.

C. WAIT LIST [24 CFR 982.204]

Tenant-Based Voucher

HOC uses a consolidated wait list for the admission of all of its housing programs. The

consolidated list includes a sub list for admissions to the tenant-based voucher assistance program.

Except for Special Admissions, applicants are selected from the consolidated wait list in accordance with the policies, preferences, and income targeting requirements defined in this Administrative Plan.

HOC will maintain information that permits proper selection from the wait list.

The wait list contains the following information for each applicant listed:

- . Applicant Name
- . Family Unit Size (number of bedrooms family qualifies for under HOC's subsidy standards)
- . Date of application
- . Qualification for any local preference(s)
- . Racial or ethnic designation of the head of household
- . Targeted program qualifications

Project-Based Voucher

HOC maintains separate sub lists for admissions to the project-based voucher (PBV) assistance program. Any applicant that submits an application to the master wait list is also considered for inclusion on the PBV wait list.

Except for Special Admissions, applicants are selected from HOC's wait list in accordance with the policies, preferences, and income targeting requirements defined in this Administrative Plan.

Families are selected from the PBV wait list based on the bedroom size of the unit available at the time of selection.

HOC must maintain information that permits proper selection from the wait list.

The wait list contains the following information for each PBV applicant listed:

- . Applicant Name
- . Family Unit Size (number of bedrooms family qualifies for under HOC's subsidy standards)
- . Date of application
- . Qualification for any local preference(s)

- . Racial or ethnic designation of the head of household
- . Targeted program qualifications

D. **SPECIAL ADMISSIONS** [24 CFR 982.54(d)(e), 982.203]

If HUD awards HOC program funding that is targeted for specifically named families, HOC must admit these families under a Special Admission procedure.

Special admissions families are admitted outside of the regular wait list process. They may not have to qualify for any preferences, nor are they required to be on the program wait list. HOC administers two Special Programs and maintains separate records of these admissions.

The Family Unification Program (FUP):

The Family Unification Program (FUP) qualifies for special admissions as long as the individuals referred to HOC meet the program definition.

Family Unification Program-Eligible Family (A family that the Public Child Welfare Agency (PCWA) has certified as a family for whom a lack of adequate housing is a primary factor in the imminent placement of the family’s child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care, and that the HOC has determined is eligible for a Housing Choice Voucher.)

Family Unification Program-Eligible Youth (A youth that the Public Child Welfare Agency (PCWA) has certified to be at least 18 years old and not more than 24 years old (has not reached his/her 25th birthday) who left foster care at age 16 or older and who does not have adequate housing, and that HOC has determined is eligible for a Housing Choice Voucher.) **HOC may accept referrals from child welfare agencies for youth who will leave foster care within 120 days. HOC may execute a contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not reached their 26th birthday). This temporary provision expires December 30, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.**

Emergency Housing Vouchers (EHV):

HOC administers 118 Emergency Housing Vouchers (EHVs). Eligible EHV applicants are referred to HOC from the Continuum of Care (CoC) via the Department of Health and Human Services (HHS). HOC can accept direct referrals outside of HHS to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in HOC’s Emergency Transfer Plan, or if HHS lacks a sufficient number of eligible families to refer. HOC must enter into Memorandum of Understanding (MOU) with a Victims Service Provider (VSP) to accept EHV referrals apart from HHS.

HOC must maintain a separate waitlist for EHV referrals at initial leasing and for any turnover vouchers. HOC cannot issue an EHV subsequent to September 30, 2023. Provided that the re-issuance

date is prior to September 30, 2023 the term of the EHV may extend beyond September 30, 2023.

EHV Eligibility Criteria:

Eligible applicants must meet one of the four eligibility categories:

- Homeless,
- At risk of homelessness,
- Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

EHV customers are not required to meet the local residency preference to live or work in Montgomery County. Additionally, income targeting requirements are not applicable for EHV families. EHV households can range from extremely low incomes (30% AMI) to low incomes (80% AMI).

HOC cannot deny program admission for the following reasons, pursuant to Title 24 part 982.552 and 982.55 of the Code of Federal Regulations (CFR):

- If any member of the family has been evicted or terminated from federally assisted housing
- The family owes rent or other amounts owed to a Public Housing Authority ("PHA") in connection with Section 8 or Public Housing assistance
- The family has not reimbursed any PHA for amounts paid to an owner under a Housing Assistance Payment ("HAP") Contract for rent, damages to the unit or other amounts owed by the family under the lease
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA
- The PHA determines that any household member is currently engaged in or has engaged in drug-related criminal activity, during a reasonable time before the admission

HOC will deny program admission for the following reasons pursuant to Title 24 part 982.553 of the CFR:

- If any member of the household has been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing

- If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program
- If any household member is currently engaged in, has engaged in violent criminal activity within the last 12 months
- If any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months
- If any household member engaged in or threatened abusive or violent behavior toward HOC personnel within the previous 12 months

Voucher Issuance/Lease Term

HOC will issue the EHV voucher for a term of 120 days. The initial lease term for EHV households can be for a period less than 12 months, regardless of whether the shorter term is the prevailing market practice.

Services

HOC will assist EHV households by providing the following services based on documented need based and funding availability:

- Housing Location - EHV applicants will receive housing location assistance from HOC and/or the CoC. This includes helping the family identify and visit available units, providing transportation assistance and directions, assisting with the completion of rental applications and HOC forms and helping to find an accessible unit that meets the needs of a disabled household.
- Transportation Assistance – HOC will provide transportation assistance to EHV households to help them view and select housing units. HOC will provide up to \$150 in transportation assistance per EHV household based on documented need and funding availability.
- Security Deposit - HOC will provide security deposit assistance to EHV households to help them secure housing. HOC will provide up to \$2,500 in security deposit assistance per EHV household based on documented need and funding availability. If refundable, the security deposit will be refunded to HOC for future use of eligible EHV households.
- Application Fee/Holding Fee - HOC will provide application and/or holding fee assistance to EHV households to help them secure housing. HOC will provide up to \$200 in application and/or holding fee assistance per EHV household based on documented need and funding availability.
- Moving Expenses - HOC will provide moving assistance to EHV households. HOC will provide up to \$1,800 moving expenses per EHV household based on documented need and funding availability.
- Essential Household Items - HOC will provide EHV households with assistance to secure essential household items. HOC will provide up to \$200 in assistance for

essential household items per EHV household based on documented need and funding availability.

- Renters Insurance - HOC will provide EHV households with assistance to secure renter's insurance. HOC will provide up to \$175 in assistance for renter's insurance per EHV household based on documented need and funding availability.
- Furniture - HOC will provide EHV households with assistance to secure furniture. HOC will provide up to \$1,000 in assistance for furniture per EHV household based on documented need and funding availability.

Portability

EHV applicants can immediately port to another jurisdiction of their choice. The requirement to have a legal domicile in Montgomery County at the time of the application submission is waived. HOC cannot restrict an EHV family from exercising portability options because they are a non-resident applicant.

If the EHV family moves to another jurisdiction that does not administer an EHV Program, the receiving PHA may absorb the family into its regular HCV program or bill the initial PHA.

If the EHV family moves to another jurisdiction that administers an EHV program, the receiving PHA may only absorb the EHV family with an available EHV allocated voucher. If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA.

The EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.

Initial Certification Exam

HOC can accept income calculations and verifications from third party providers or an examination that HOC conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as the income was calculated in accordance with the rules outlined at Title 24 CFR Part 5 within the last six months, and the family certifies there has been no change in income or the family composition in the interim. At the time of the family's annual reexamination, HOC must conduct the annual reexamination of income as outlined in 24 CFR 982.516.

EHV applicants may provide third-party documentation which represents the applicant's income within the 60 day period prior to admission or voucher issuance but is not dated within 60 days of HOC's request.

HQS Inspections

HOC can pre-inspect available units that EHV Families may be interested in leasing. If an EHV family selects a unit that passed a HQS inspection within 45 days of the date of the Request for Tenancy Approval (RFTA) Form, the unit may be approved as long as it meets all other conditions under Title 24 part 982.305 of the CFR.

Interim Examinations

When adding a family member after the EHV family has been placed under a Housing Assistance Payment (HAP) Contract, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption or court-awarded custody of a child, the HOC must approve additional family members and may apply its regular screening criteria in doing so.

EHV applicants may provide third-party documentation which represents the applicant's income within the 60 day period prior to admission or voucher issuance but is not dated within 60 days of HOC's request.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit.

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

Applicants who are admitted under Special Admissions, rather than from the wait list, are identified in HOC's database with special codes.

At turnover:

If a voucher issued to an FUP-eligible family or FUP-eligible youth under the FUP program is terminated, the voucher is reissued to the extent practicable, to another FUP-eligible family or FUP-eligible youth. If the award on turnover is not practicable, FUP vouchers may be used by HOC for such families based upon local needs.

If a customer served through Special Admissions in the FUP program is on an HOC Program Admissions Wait List (Tenant Based Voucher or Project Based Voucher), the client remains eligible on the wait list for the period of time the list is active. If a client is selected from the Program Wait List and utilizes the voucher, the FUP voucher is reissued, to the extent practicable, to another FUP-eligible family or FUP-eligible youth.

E. WAIT LIST PREFERENCES [24 CFR 982.207]

When a family is selected from the wait list, the family is invited to an interview and the verification

process begins. It is at this point in time that the family's wait list preference(s) are verified. To qualify for a preference, an applicant must provide verification that shows he or she qualified either at the time of the initial application or at the time of selection from the wait list. However, placement based upon preference is dependent on the family still qualifying for the preference at the time of selection.

If the family no longer qualifies to be near the top of the list, because the family does not qualify for a preference, then the family's preference status is removed. Importantly, however, the family will remain on the wait list based upon their original date and time of application. HOC must notify the family in writing of this determination and give the family the opportunity for an informal hearing to appeal the decision.

Once a preference is verified, the family completes a full application, presents Social Security number information, citizenship/eligible immigrant information, and signs the Consent for Release of Information forms.

An applicant is not granted any local preference for the tenant-based and project-based voucher wait lists if any member of the family was evicted from housing assisted under a HUD 1937 Housing Act program during the past three years because of drug-related criminal activity or felonious charged criminal activity.

HOC will grant an exception to such a family if:

- The responsible member has successfully completed a rehabilitation program;
- The evicted person clearly did not participate in or know about the drug-related activity; and/or
- The evicted person no longer participates in any drug related criminal activity.

If an applicant makes a false statement in order to qualify for a local preference, HOC will deny the local preference.

F. **LOCAL PREFERENCES** [24 CFR 5.410]

HOC offers public notice when changing its preference system and the notices are publicized using the same guidelines as those for opening and closing the wait list.

HOC uses the following local preference system:

First Local Preference – Displacement: Families who are displaced as a result of a State or County redevelopment project, or a change in the nature of a project that is part of the County plan for maintaining affordable housing, and who are referred by the County Executive's Office. A signed certification from the County Executive's office is required for the family to qualify for this preference. [Two Points]

Second Local Preference – Residency preference for families who live, work, or have a bona fide offer to work in Montgomery County. To qualify for this preference, evidence is

required either at the time of application or at the time of selection from the wait list. HOC will treat graduates of, or active participants in, education or training programs in Montgomery County as residents of Montgomery County if the education or training program is designed to prepare individuals for the job market. To qualify and satisfy this preference, graduates must have graduated after the initial application for housing. [One Point]

Third Local Preference – HUD funded 2006 Main Stream Disabled (MSD) program; 15 units. [Two Points]

Fourth Local Preference – Veterans: Preference is given for ten (10) veterans and their families. The applicant must be at least 18 years old and a veteran.

HOC verifies the preference with a list of homeless veterans and their families provided by the Montgomery County Department of Health and Human Services (DHHS). [Three Points]

Fifth Local Preference – Families with Histories of Homelessness: Preference is given for ten (10) families with histories of homelessness who are currently housed within the Montgomery County Homeless Continuum of Care. The applicant must be at least 18 years old and have at least one minor child (under the age of 18) within the household.

HOC verifies the preference by receiving direct referrals from the Montgomery County Department of Health and Human Services (DHHS). [Three Points]

Sixth Local Preference – HUD funded 2017/2018 Mainstream Disabled (MSD) Grant program: Preference is given for Non-Elderly Disabled (NED) families who meet at least one of the following criteria:

1. Transitioning out of institutional or other segregated settings;
2. At serious risk of institutionalization;
3. Homeless; or
4. At risk of becoming homeless.

NED is defined as disabled persons aged 18-62 and can include any member of a household. Eligibility for this preference is initially indicated based on responses to questions on HOC's wait list, which are designed to capture these criteria. Once a NED family is called up for a subsidy based on this preference, HOC staff conducts comprehensive verification of the preference qualifications, as explained in Section M of this Chapter. [Three Points]

Treatment of Single Applicants

Single applicants are treated as any other eligible family on the wait list for the tenant-based and project-based voucher wait lists.

G. INCOME TARGETTING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year HOC reserves a minimum of seventy-five (75) percent of its Section 8 new admissions for families whose incomes do not exceed thirty (30) percent of the area median income (AMI). HUD refers to these families as “extremely low-income families.” HOC must admit families who qualify under the Extremely Low-Income limit to meet the income targeting requirement, regardless of preference. This policy applies to the tenant-based and project-based voucher wait lists.

HOC’s income targeting requirement does not apply to low-income families continuously assisted, as provided for under the 1937 Housing Act.

HOC is also exempted from this requirement when HOC provides assistance to low income or moderate-income families entitled to preservation assistance under the tenant-based voucher program as a result of a mortgage prepayment or opt-out.

H. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

[24 CFR 5.415]

May 2017

At the time of application, an applicant's entitlement to a local preference may be made on the following basis:

An applicant's certification that they qualify for a preference is accepted without verification at the pre-application. When the family is selected from the wait list for the final determination of eligibility, the preference is verified. To Qualify for the preference, an applicant must provide verification that shows he or she qualified either at the time of the pre-application or at the time of certification.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant is returned to the wait list (tenant-based or project-based) without the local preference, and given an opportunity for an office meeting.

I. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular wait list. When a specific type of funding becomes available, the tenant-based and project-based voucher wait lists are searched for the first available family meeting the targeted funding criteria. HOC reserves the right to use this assistance under the “Interim Use” policy. [See Glossary under “Interim Use” for definition].

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. HOC has the following "Targeted" Programs:

- Veterans Affairs Supportive Housing (VASH)
- Mainstream Allocation Plan for Persons with Disabilities
- Voucher allocation for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans

For any voucher allocation for Non-Elderly Persons with Disabilities (NED) in Support of Designated Housing Plans, HOC identifies a non-elderly disabled family, as defined by HUD, on HOC's wait list that will not be housed due to an approved or submitted Designated Housing Plan.

At turnover:

Re-issuance upon turnover of vouchers in the Non-Elderly Persons with Disabilities in Support of Designated Housing Plans 2008 allocation will be to Non-Elderly Persons with Disabilities on the wait list.

5.410] **Change in Circumstances**

Changes in an applicant's circumstances while on the wait list may affect the family's entitlement to a preference. Applicants are required to update their on-line application when their circumstances of change.

Cross-Listing of Different Housing Programs and Section 8 [24 CFR 982.205(a)]

HOC maintains a consolidated master wait list for all of its housing programs. An applicant is considered for admission to any program for which they are eligible until such time that documentation is presented which establishes a customer as ineligible for a given housing program(s). If a customer is determined ineligible for the voucher program, their application is maintained on the consolidated wait list so that they may continue to be considered for other housing opportunities.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a federal, State, or local housing subsidy, as determined by HUD, including public housing.

HOC may not take any of the following actions because an applicant has applied for, received, or

J. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR refused other housing: [24 CFR 982.205(b)]

- . Refuse to list the applicant on the wait list for tenant-based voucher assistance;
- . Deny any admission preference for which the applicant is currently qualified;
- . Change the applicant's place on the wait list based on a preference, date of application, or other factors affecting selection under HOC's selection policy; or
- . Remove the applicant from the wait list.

However, HOC may remove the applicant from the wait list for tenant-based assistance if HOC has offered the applicant assistance under the Project-Based Voucher program.

K. **ORDER OF SELECTION** [24 CFR 982.207(e)]

HOC's method for selecting applicants from a preference category leaves a clear audit trail which can be used to verify that each applicant was selected in accordance with the method specified in the Administrative Plan. **Tenant-Based Voucher Wait List**

Local Preferences

HOC provides the following system to apply local preferences:

Each preference receives an allocation of points. The more preference points an applicant receives, the higher the applicant's position on the wait list.

Among Applicants with Equal Preference Status

Among applicants with equal preference status, the tenant-based voucher wait list was organized by the lottery selection process for the first 365 days after the wait list was opened in the summer of 2015. Thereafter, applicants with equal preference status on the tenant-based voucher wait list are organized by date and time stamp.

Project-Based List

HOC provides the following system to apply local preferences:

Each preference receives an allocation of points. The more preference points an applicant receives, the higher the applicant's position on the wait list.

The PBV sub list is organized by family size and the corresponding bedroom size as follows:

- . One and two person families are eligible for a one-bedroom unit.
- . Three and four person families are eligible for a two- bedroom unit.
- . Five and six person families are eligible for a three- bedroom unit.
- . Seven and eight person families are eligible for a four- bedroom unit.

Exceptions to this policy are made in accordance with HOC's policies of reasonable accommodation for persons with disabilities.

The number of persons per bedroom is subject to compliance with the Montgomery County Code, Chapter 26-5, Space, Use, and Location. Paragraph (b) of Chapter 26-5 is shown below:

b) *Floor area, sleeping.* In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant must contain at least 70 square feet of habitable space, and every room occupied for sleeping purposes by more than one occupant must contain at least 50 square feet of habitable space for each occupant. However, in a mobile home every room occupied for sleeping purposes by one occupant must contain at least 50 square feet

of habitable space; by 2 occupants, at least 70 square feet of habitable space; and by more than 2 occupants, at least an additional 50 square feet of habitable space for each additional occupant.

Among Applicants with equal preference status, the PBV wait list is organized by the regular date-time selection process for each bedroom size.

L.1 PROJECT-BASED VOUCHER REFERRALS

Applicants referred to HOC for housing subsidy through PBVs by way of Offender Reentry programs sponsored by the Silver Spring Interfaith Housing Coalition and Threshold Services, Inc. are granted an eligibility criminal background exception. The participant does not have rights to the HOC Grievance Procedures.

The eligibility exception is not extended to the following individuals:

1. Persons convicted of manufacturing or producing methamphetamine;
2. Any person evicted from federally assisted housing for a serious violation of the lease (and for three years following the eviction);
3. Any person who fails to sign and submit consent forms to obtain information in accordance with the Administrative Plan Part 5, subparts B and F;
4. Any person required under HUD regulation to establish citizenship or eligible immigration status;
5. Any person subject to a life time registration requirement under a state sex offender registration program; and
6. Any persons convicted for violent felonies.

L.2 PROJECT-BASED VOUCHER REFERRALS

In an effort to minimize displacement of families, if a unit that is to be included in the PBV contract is occupied by an eligible family, the in-place family must be placed on the program wait list. When eligibility is determined, the family must be given an absolute selection preference and referred to the project owner for an appropriately size PBV contract.

A preference will be extended through the PBV program (only) for services offered. In selecting families, HOC may give a preference to disabled families who need services offered at a particular project. This preference (more specifically a referral) is limited to the population of families with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing who, without appropriate supportive services, are not able to maintain themselves in housing.

Selection of applicants in the targeted funding Family Unification Program (FUP) 2008 allocation

are completed in conjunction with referrals from the Montgomery County Department of Health and Human Services (MCHHS). HOC will accept families certified by the MCHHS as eligible applicants for FUP. HOC will compare the names provided with the names on the current HOC wait list. Any referred family on the HOC wait list is served first. Those families referred and not on the HOC wait list will be added to the wait list and served based on date of referral or on a first come first served basis.

M. **FINAL VERIFICATION OF PREFERENCES** [24 CFR 5.415]

Preference information on pre-applications is updated as applicants are selected from the wait list. At that time, HOC will obtain necessary verifications of preference(s) at the interview and by third party verification.

Subsection A – Secondary Review/Credit Checks

Before issuing vouchers to applicant families, HOC requests a credit report of all new applicant families, all adults (persons 18 years of age and older) who will reside in the assisted household. The credit report is reviewed by HOC. Applicant households claiming they have zero income automatically undergo a credit check review. The information contained in the credit check is used to confirm the information provided to HOC by the family. Specially, the credit report is used to confirm:

- 1. Employment:** A credit report will list any employers the applicant has listed in any recent credit applications. If the credit report reveals employment for any adult household member within the last 12 months that was not disclosed, the family will be asked to provide additional documentation to resolve the discrepancy. Failure to disclose current employment may result in denial of participation in the Housing Choice Voucher and Section 8 programs.
- 2. Aliases:** A credit report can provide information on other names that have been used for the purposes of obtaining credit. Common reasons for use of other names include a recent marriage or a divorce. If an alias has not been disclosed to HOC, the family will be asked to provide additional evidence of the legal identity of all adult family members.
- 3. Current and previous addresses:** A credit report can provide a history of where the family has lived. This is particularly important because HOC provides a residency preference. If the family has provided one address to HOC and the credit report indicates a different address, the family will be asked to provide additional proof of residency. This may include a history of utility bills, bank statements, school enrollment records for children, credit card statements, and/or other relevant documentation. Failure to provide adequate proof could result in denial of the residency preference.

Credit card and loan payments: A credit report will usually include a list of the family's financial obligations. Examples of the items that may show up include car loans, mortgage loans, student loans, and credit cards payments. HOC will review

this information to confirm the income and asset information provided by the family. If the family's current financial obligations (total amount of current monthly payments) exceed the amount of income reported by the family, HOC will ask the family to disclose how they are currently meeting their financial obligations. Accounts that have been charged off or are significantly delinquent are not included in this calculation. Failure to provide adequate proof of income could result in denial of participation in the Housing Choice Voucher and Section 8 programs.

5. **Multiple Social Security Numbers:** A credit report may list multiple Social Security numbers if an adult family member has used different Social Security numbers to obtain credit. If the credit report information does not match the information provided by an adult family member, the family member or head of household will be required to obtain written confirmation of the Social Security number that was issued to him/her from the Social Security Administration.

Applicant families are not issued vouchers until all discrepancies between the information provided by the applicant family and the information contained in the credit report have been cleared by the applicant family and approved by HOC.

When discrepancies are found, the family will be contacted by HOC. In most cases, the family will be allowed a maximum of ten (10) business days to provide the additional information. On a case-by-case basis, as a reasonable accommodation, the family may be granted additional time. If additional time is granted, the family receives written notification of the new deadline. No second or additional extensions will be granted. Failure to provide the required information to HOC could result in denial of participation in the Housing Choice Voucher and Section 8 Programs.

When the credit report reveals multiple discrepancies which require interview appointments, HOC will schedule up to two interview appointments. An additional appointment may be scheduled as a reasonable accommodation. Failure to appear at the interview session could result in denial of participation in the Housing Choice Voucher and Section 8 Programs.

N. PREFERENCE DENIAL [24 CFR 5.415]

If HOC denies a preference, HOC notifies the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review to appeal the decision. If the preference denial is upheld as a result of the review, or the applicant does not request a review, the preference is removed from the applicant's entry on the wait list, returning the applicant to their regular date-time positioning. Applicants may exercise other rights if they believe they are a victim of discrimination.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the wait list.

O. REMOVAL FROM THE WAIT LIST AND PURGING [24 CFR 982.204(c)]

HOC will not remove an applicant's name from the wait list unless:

2. The applicant fails to respond to an electronic or written request for information or
 1. The applicant requests in writing that their name be removed; a request to declare their continued interest in the program; or
3. The applicant does not meet either the eligibility or suitability criteria for the program.
4. The applicant refuses two housing units without good cause.

Obligation to Annually Confirm Application Information

Each year, or at such time as HOC determines reasonable, HOC will issue notice to all applicants on the wait list requesting that each applicant confirm their continued interest in remaining on the wait list. Failure to renew the information in a timely manner will result in removal from the wait list.

HOC will provide notice to wait list applicants to confirm their continued interest and set a date by which their renewal must be completed. HOC will send notices thirty days, fifteen days, five days, and one day prior to the date when that renewal or confirmation is due.

All notices under this Section are sent by HOC electronically to the last known e-mail address listed on the application. Wait list applicants may also request text message notifications. If a family does not have an e-mail address, HOC can assist the family in obtaining a free email account. It will be the applicant's sole responsibility to check that email account from time to time and to respond to any email and/or SMS text from HOC. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic submissions.

Should an applicant not respond to the request to confirm their continued interest in remaining on the wait list by renewing their application or to their notification of selection for a program for any reason, prior to the established deadline, the applicant is removed from the wait list. Reasons for non-response, resulting in removal from the list, include (but are not limited to) negligence in completing the electronic update/application in a timely manner and relocation resulting in a return of the e-notice to HOC with no forwarding email address provided. Applicants removed from the wait list will receive a notification identifying their removal from Housing Path.

Missed Appointments

All applicants who fail to keep a scheduled appointment with HOC are sent a written notice of termination of the process for eligibility. That written notification of termination may be sent as an attachment to an e-mail.

HOC will allow the family to reschedule an appointment for good cause. Generally, no more than one opportunity is given to reschedule without good cause, and no more than two opportunities are given for good cause. When good cause exists for missing an appointment, HOC will work closely with the family to find a more suitable time. Applicants are advised of their right to an informal review before being removed from the wait list.

Notification of Negative Actions

Any applicant whose name is being removed from the wait list will be notified by HOC, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the wait list if they fail to respond within the timeframe specified. HOC's system of removing applicant names from the wait list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, HOC will verify that there is in fact a disability, that the disability is what caused the failure to respond, and then provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the wait list based on the date and time of their original application.

Purging the Wait List

HOC will update and purge its wait list as needed to ensure that the pool of applicants reasonably represents the interested families for whom HOC has current information, i.e. applicant's address, family composition, income category, and preference.