



EXPANDED AGENDA

August 9, 2017

			<u>Res. #</u>
4:00 p.m.	I. <u>CONSENT ITEMS</u>		
Page 4 18	A. Approval of Minutes of July 12, 2017 B. Approval of Minutes of July 12, 2017 Administrative Session		
4:05 p.m.	II. <u>INFORMATION EXCHANGE</u>		
Page 24 29	A. Report of the Executive Director B. Calendar C. Correspondence and Printed Matter D. Commissioner Exchange E. Resident Advisory Board F. Community Forum G. Status Report		
4:15 p.m.	III. <u>ADMINISTRATIVE AND SPECIAL SESSIONS ACTIONS</u>		
32	A. Ratification of Action Taken in Administrative Session on July 12, 2017: Approval of a Financing Plan for the Woodfield Commons Development, Approval of Related Actions, and Approval to Form a New Entity to serve as Member of the Owner		17-51R(pg. 33)
4:20 p.m.	IV. <u>COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION</u>		
Page 36	A. Development and Finance Committee – Com. Simon, Chair		
54	1. Approval of the Final Development Plan for 900 Thayer; Authorization for the Executive Director to Execute General Contractor Contract for an Amount not to Exceed \$26,000,000, Inclusive of a Limited Scope Contract of \$680,273 for Completion of Underground Utilities, and Approval of \$700,000 of Additional Predevelopment Funding		17-52(pg. 52)
60	2. Approval to Increase the Maximum Amount of the Cash-flow Contingent Loan for Park View at Aspen Hill as Part of the RAD Conversion of Senior Multifamily Properties, Approval to Amend the Commitment to Reflect Penrose as the Developer of Record, and Authorization for the Executive Director to Execute Related Documents		17-53(pg. 58)
70	3. Approval to Select R4 Capital as the Tax Credit Syndicator for Elizabeth House III and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement		17-54(pg. 67)
79	B. Legislative and Regulatory Committee – Com. Byrd, Chair		
110	1. Authorization to Submit FY 2017 Section Eight Management Assessment Program (SEMAP) Certification to HUD		17-55(pg. 74)
	2. Authorization to Adopt a New Violence Against Women Act Policy for the Housing Opportunities Commission of Montgomery County		17-56(pg. 85)
	3. Authorization to Submit the FFY 2017 Capital Fund Program Grant Annual Contributions Contract Amendment and Supporting Documentation		17-57(pg. 113)
4:50 p.m.	V. <u>ITEMS REQUIRING DELIBERATION and/or ACTION</u>		

	None		
	VI. *<u>FUTURE ACTION ITEMS</u> None		
	VII. <u>INFORMATION EXCHANGE (continued)</u> A. Community Forum		
	VIII. <u>NEW BUSINESS</u>		
	IX. <u>ADMINISTRATIVE SESSION FINDINGS</u>		
5:00 p.m.	<u>ADJOURN</u>		
5:10 p.m.	<u>ADMINISTRATIVE SESSION (Closed)</u> <i>Pursuant to Section 3-305(b) of the General Article of the Annotated Code of the State of Maryland, this Administrative Session will be called to order to consider the acquisition of real property.</i>		

NOTES:

1. This Agenda is subject to change without notice.
2. Public participation is permitted on Agenda items in the same manner as if the Commission was holding a legislative-type Public Hearing.
3. Times are approximate and may vary depending on length of discussion.
4. *These items are listed "For Future Action" to give advance notice of coming Agenda topics and not for action at this meeting.
5. Commission briefing materials are available in the Commission offices the Monday prior to a Wednesday meeting.

If you require any aids or services to fully participate in this meeting, please call (240) 627-9425 or email commissioners@hocmc.org.

Consent

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

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

Minutes

July 12, 2017

17-07

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted on Wednesday, July 12, 2017 at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:05 p.m. Those in attendance were:

Present

Jackie Simon, Chair
Christopher Hatcher, Vice Chair
Richard Y. Nelson, Jr., Chair Pro Tem
Linda Croom
Edgar Rodriguez

Absent

Margaret McFarland
Pamela Byrd

Also Attending

Stacy Spann, Executive Director
Gail Willison
Clarence Landers
Angelia McIntosh-Davis
Patrick Mattingly
Sherraine Rawlins
Garrett Jackson
Christina Autin
Kayrine Brown
Tiffany Jackson
Nilou Razeghi
Gary Hall
Stephanie Semones

Nowelle Ghahhari, General Counsel
Patrick Mattingly
Victoria Dixon
Maria Montero
Ian Williams
Shala Rafiq
Ethan Cohen
Zachary Marks
Rita Harris
Ruth Jorge
Terri Fowler
Jim Atwell
Shauna Sorrells

RAB

Yvonne Caughman

Guest

Rev. Melvin Martin, Tobytown Resident
Matthew Sulio, Tony Davis Scholarship
Rose Makor, Tony Davis Scholarship

Guest Cont'd

Maurice Jackson, NAACP

Commission Support

Patrice Birdsong, Spec. Asst. to Commission

IT Support

Irma Rodriguez

Prior to the meeting convening, Jackie Simon, Chair, introduced the 2017 Tony S. Davis Scholarship Award honorees. Chair Simon and Executive Director Spann presented them with their awards. Rose Makor was named this year's winner and was awarded a \$5,000 scholarship. Matthew Sulio and Joshua Santandrea each received a \$2,500 scholarship. All recipients are high school graduates and reside in subsidized housing.

The Board briefly recessed and reconvened at 4:15 p.m. The Consent Calendar was adopted upon a motion by Chair Pro Tem Nelson and seconded by Vice Chair Hatcher. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

I. CONSENT ITEMS

- A. Approval of Minutes of June 7, 2017** – The minutes were approved as submitted.
- B. Approval of Minutes of June 7, 2017 Administrative Session** – The minutes were approved as submitted.
- C. Approval of Minutes of June 23, 2017 Special Administrative Session** – The minutes were approved as submitted.
- D. Approval of Minutes of June 23, 2017 Special Session** – The minutes were approved as submitted.
- E. Approval of 2017 Tony S. Davis Scholarship Award Winners**

RESOLUTION No.: 17-49

**RE: Approval of 2017 Tony S. Davis
Scholarship Award Winners**

WHEREAS, in recognition of the many accomplishments and extensive community volunteer work performed by former HOC employee Tony Davis who was tragically killed in 2000, HOC established the Tony Davis Scholarship Awards Program in his memory; and

WHEREAS, since its inception, the Tony Davis Scholarship Awards Program has annually provided scholarship awards to high school seniors who are residents of either Public Housing or participate in the Housing Choice Voucher Program and who also demonstrate excellent academic

achievement and school attendance, participate in extra-curricular and community activities, and have been accepted by a college or university; and

WHEREAS, a Selection Committee, composed of two Commissioners, the Executive Director, and Legislative and Public Affairs Division staff was convened on June 16, 2017 to review the highly qualified applications; and

WHEREAS, the Selection Committee considered academic records, attendance records, recommendations from school personnel and HOC staff, 500 word essays written by the applicants, SAT or ACT scores, school and community activities, and college acceptance information; and

WHEREAS, the Selection Committee recommends one outstanding candidate, Rose Makor, for the \$5,000 Tony Davis Scholarship Award; and

WHEREAS, the Selection Committee was extremely impressed by the pool of deserving candidates and is recommending \$2,500 cash awards to both Matthew Sulio and Joshua Santandrea.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County affirms the recommendation of the Tony Davis Scholarship Awards Selection Committee for Rose Makor to receive a \$5,000 Scholarship Award and for Matthew Sulio and Joshua Santandrea to each receive \$2,500 cash awards.

II. INFORMATION EXCHANGE

- A. Report of the Executive Director** – Chair Simon requested that the Executive Director include the video that is played prior to the meetings as a component of the HOC Agenda. She stated that the video allows others to understand all the things that HOC does that is not just construction and housing. Executive Director Spann explained that because of the flow of the Agenda it was easier to show the video in the beginning but he will work with staff on revamping the Agenda to include video presentations.

Executive Director Spann had no additional information to add to his written report but explained that the year 2017 has been really busy thus far and he wanted to publicly express his gratitude to the HOC Team for not only their hard work but for their dedication during times of tragedy and hardship.

- B. Calendar and Follow-up Action** – Revision to the Calendar to correct the names of the Commissioners that participate on the Legislative and Regulatory Committee. The Commissioners serving on the Committee are Pamela Byrd as Chair, Linda Croom, and Edgar Rodriguez.

C. Commissioner Exchange

- Commissioner Croom reported a correction that needed to be made to the Calendar. The names of the Commissioners who participate on the Legislative and Regulatory Committee needed to be revised.
- Chair Simon expressed her appreciation to the HOC Team for their hard work and understanding in times of need. She thanked them for their work during the power outage at Arcola Towers.

D. Resident Advisory Board (RAB) – Ms. Yvonne Caughman, Vice President of the Resident Advisory Board, briefly reported that the RAB is still in process of reviewing the MOU and will soon provide the updates to Legal Department for review. Ms. Caughman also reported that the RAB will be meeting on July 24, 2017 with a Legal Advocacy group. The group would be providing a presentation on understanding RAD process.

E. Community Forum – Rev. Melvin Martin, Tobytown Resident, addressed the Board regarding the assigned parking spaces in the Tobytown community.

III. ADMINISTRATIVE AND SPECIAL SESSIONS ACTIONS

**A. Ratification of Action Taken in Special Administrative Session on June 7, 2017:
Approval to Renew and Modify Certain Terms of the PNC Bank, N.A. Lines of Credit**

Nowelle Ghahhari, General Counsel, and Stacy Spann, Executive Director, explained that at the request of Commissioner McFarland, this Section was added to the Agenda for ratification of actions taken in Administrative Session rather than including those actions on the Consent Calendar.

The following resolution was adopted upon a motion by Vice Chair Hatcher and seconded by Commissioner Croom. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom, and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

RESOLUTION: 17- 32R

**RE: Ratification of Approval to Renew and
Modify Certain Terms of the PNC
Bank, N.A. Lines of Credit**

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 (the “Act”), to carry out and effectuate the purpose of providing affordable housing including providing for the acquisition, construction, rehabilitation and/or

permanent financing or refinancing (or a plan of financing) of rental housing properties which provide a public purpose; and

WHEREAS, at a Special Administrative Session duly called and held on June 7, 2017, with a quorum present, the Commission duly adopted Resolution 17- 32AS, which authorized the renewal for an additional three years, through June 30, 2020, and the revision of some terms of two Line of Credit Agreements with PNC Bank, N.A.; and

WHEREAS, consistent with the Commission’s Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in an open meeting with a quorum physically present, the action undertaken by the Commission in adopting Resolution 17- 32AS and any action taken since June 7, 2017 to effectuate the transaction contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 17- 32AS and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

B. Ratification of Action Taken in Special Administrative Session on June 23, 2017: Approval to Proceed to Closing on the Acquisition of Certain Properties Located in Wheaton and Approval to Fund Additional Earnest Money Deposit

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Vice Chair Hatcher. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom, and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

RESOLUTION: 17-46R

RE: Ratification of Approval to Proceed to Closing on the Acquisition of Certain Properties Located in Wheaton and Approval to Fund Additional Earnest Money Deposit

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 (the “Act”), to carry out and effectuate the purpose of providing affordable housing including providing for the acquisition, construction, rehabilitation and/or permanent financing or refinancing (or a plan of financing) of rental housing properties which provide a public purpose; and

WHEREAS, at a Special Administrative Session duly called and held on June 23, 2017, with a quorum present, the Commission duly adopted Resolution 17-46AS, which authorized the Commission to proceed to closing on certain Real Property in Wheaton, as well as payment

of an additional Earnest Money Deposit in accordance with the terms of the Purchase and Sale Agreement; and

WHEREAS, consistent with the Commission’s Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in an open meeting with a quorum physically present, the action undertaken by the Commission in adopting Resolution 17-46AS and any action taken since June 23, 2017 to effectuate the transaction contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 17-46AS and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

IV. COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION

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

1. Approval of a Bond Authorizing Resolution for Greenhills Apartments Limited Partnership and Approval to Transfer the Property’s Existing Cash to the Opportunity Housing Property Reserve Account

Kayrine Brown, Chief Investment and Real Estate Officer, and Victoria Dixon, Senior Multifamily Underwriter, were presenters.

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Vice Chair Hatcher. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom, and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

RESOLUTION No.: 17-50a

RE: Approval to Transfer Greenhills Apartments Existing Cash of Approximately \$956,269 to the Commission’s Opportunity Housing Property Reserve Account

WHEREAS, Greenhills Apartments (the “Property”) is a 78-unit apartment and townhome community located in Damascus, Maryland that is owned by the Housing Opportunities Commission of Montgomery County (the “Commission”); and

WHEREAS, the Commission has approved a Final Development Plan, a Financing Plan and Budget, the Feasibility and Public Purpose, and adopted an Authorizing Resolution to issue Multifamily Housing Development Bonds 2017 Series A (the “2017 Series A Bonds”) for the Property, which will undergo a substantial rehabilitation, preserving it as an affordable housing development in the northern section of Montgomery County; and

WHEREAS, since Fiscal Year (FY) 2014 through the fourth quarter of FY 2017, the Property's cash flow has been restricted to the Property and not used for the Commission's operations, as the timing to redevelop the property was uncertain; and

WHEREAS, as of May 31, 2017, the Property's existing cash holdings ("Property Cash") of \$1,456,269 is held at the property in anticipation of the renovation but is expected to increase up to the closing of the financing; and

WHEREAS, the Property Cash belongs to the Commission and is therefore transferrable to another account of the Commission at its sole discretion; and

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it hereby approves the transfer of a minimum \$956,269 of Property Cash to the Commission's Opportunity Housing Property Reserve (OHPR) account; and

BE IT FURTHER RESOLVED that \$500,000 of the Property Cash is to remain restricted to the Property in order to fund any operational expense shortfalls during construction; and

BE IT FURTHER RESOLVED that any portion of the \$500,000 remaining available upon the property reaching stabilized occupancy of 93%, will be transferred to the Opportunity Housing Property Reserve (OHPR) account; and

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director of the Commission 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.

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Vice Chair Hatcher. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom, and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

RESOLUTION: 2017-50b

Re: Adoption of an Authorizing Resolution for the Issuance of 2017 Series A Multifamily Housing Development Bonds and a Tax-Exempt Drawing on the PNC Bank, National Association Real Estate Revolving Line of Credit or a Tax-Exempt Advance under the PNC Bank, National Association Amended and Restated Committed Line of Credit Note for the Financing of the Acquisition and Rehabilitation of the Greenhills Apartments Project

A RESOLUTION OF THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY AUTHORIZING THE ISSUANCE AND SALE OF A SERIES OF THE COMMISSION'S MULTIFAMILY HOUSING DEVELOPMENT BONDS 2017 SERIES A (THE "2017 SERIES A BONDS") AND AUTHORIZING A TAX-EXEMPT DRAWING ON THE PNC BANK, NATIONAL ASSOCIATION REAL ESTATE REVOLVING LINE OF CREDIT (THE "PNC RELOC TAX-EXEMPT DRAWING") OR A TAX-EXEMPT ADVANCE UNDER THE PNC BANK, NATIONAL ASSOCIATION AMENDED AND RESTATED COMMITTED LINE OF CREDIT NOTE (THE "PNC LOC TAX-EXEMPT ADVANCE," AND COLLECTIVELY WITH THE 2017 SERIES A BONDS AND THE PNC RELOC TAX-EXEMPT DRAWING, THE "2017 OBLIGATIONS"), IN A TOTAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,000,000 FOR THE PURPOSE OF THE FINANCING OF (1) A MORTGAGE LOAN INSURED UNDER THE FHA RISK-SHARING PROGRAM FOR THE ACQUISITION, REHABILITATION AND EQUIPPING OF GREENHILLS APARTMENTS, A MULTIFAMILY RESIDENTIAL RENTAL PROJECT FOR OCCUPANCY BY PERSONS OF ELIGIBLE INCOME TO BE OWNED BY GREENHILLS APARTMENTS LIMITED PARTNERSHIP, (2) A SHORT-TERM SECURED LOAN MADE UNDER THE BELOW-DEFINED PNC REVOLVING LOAN AGREEMENT OR THE BELOW-DEFINED LOAN DOCUMENTS RELATING TO THE PNC LOC TAX-EXEMPT ADVANCE OR SUCH ADDITIONAL SHORT-TERM SECURED LOAN FINANCED WITH THE PROCEEDS OF SHORT-TERM BONDS ISSUED UNDER THE BELOW-DEFINED TRUST INDENTURE, ALL AS SHALL BE NECESSARY FOR THE FINANCING OF THE ABOVE-DESCRIBED DEVELOPMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A SERIES INDENTURE, CERTAIN TAX-RELATED DOCUMENTS, A DISCLOSURE AGREEMENT AND ANY AND ALL REAL ESTATE DOCUMENTS; APPROVING THE PREPARATION, EXECUTION AND DISTRIBUTION OF PRELIMINARY AND FINAL OFFERING DOCUMENTS RELATING TO THE FINANCING; AUTHORIZING THE EXECUTION OF ANY OTHER DOCUMENTS NECESSARY FOR THE ISSUANCE OF THE 2017 OBLIGATIONS AND THE ACCOMPLISHMENT OF THE TOTAL FINANCING PLAN DESCRIBED HEREIN; AUTHORIZING THE CHAIRMAN, VICE CHAIRMAN OR CHAIRMAN PRO TEM AND EXECUTIVE DIRECTOR OR OTHER AUTHORIZED REPRESENTATIVE TO PROCEED WITH THE SALE OF THE 2017 SERIES A BONDS TO PNC CAPITAL MARKETS LLC, AS UNDERWRITER OR TO SUCH OTHER APPROVED UNDERWRITER OR INITIAL PURCHASER AND TO EXECUTE AND DELIVER A CONTRACT OF PURCHASE IN CONNECTION WITH SUCH SALE; AUTHORIZING THE EXECUTIVE DIRECTOR OR OTHER AUTHORIZED REPRESENTATIVE TO ESTABLISH THE TERMS RELATING TO THE 2017 OBLIGATIONS AND TO MAKE ONGOING DETERMINATIONS RELATING THERETO; APPOINTING THE FINANCIAL ADVISOR AND BOND COUNSEL FOR THE 2017 OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Housing Opportunities Commission of Montgomery County (the "Commission") is a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law (the "Act"), and authorized thereby to issue its notes and bonds from time to time to fulfill its corporate purposes; and

WHEREAS, the Act declares that there exists within Montgomery County (the "County") a critical shortage of decent, safe and sanitary dwelling accommodations available to rent which "persons of eligible income" (within the meaning of the Act) can afford; and

WHEREAS, the Act empowers the Commission to make mortgage loans to qualified sponsors to provide for the construction, rehabilitation, long-term and short-term financing of multifamily residential housing units in the County for occupancy by persons of eligible income and to perform any other duties that the Commission considers necessary in carrying out the purposes of the Act; and

WHEREAS, the Commission, in furtherance of the purposes of the Act, has established a program (the "Program") to provide for the financing of mortgage loans through the issuance of its multifamily housing bonds; and

WHEREAS, pursuant to the Act and the Program, the Commission entered into the Trust Indenture, dated as of November 1, 1996 (the "Trust Indenture"), by and between the Commission and U.S. Bank National Association (formerly, Sun Trust Bank), as successor trustee, providing for the issuance of bonds (the "Bonds") from time to time in accordance with the provisions thereof and of any series indenture specifically relating to any such series of Bonds issued thereunder; and

WHEREAS, the proceeds received from the issuance and sale of Bonds under the Trust Indenture are used to make, purchase or finance mortgage loans (each, a "Mortgage Loan," and collectively, the "Mortgage Loans") or finance mortgage loans through the purchase of guaranteed mortgage securities; and

WHEREAS, the pledges and assignments made pursuant to the Trust Indenture and the provisions, covenants and agreements therein set forth to be performed by or on behalf of the Commission are for the equal benefit, protection and security of the owners of any and all of the Bonds, each of which, regardless of the time of its issue or maturity, shall be of equal rank without preference, priority or distinction over any other thereof except as expressly provided in the Trust Indenture; and

WHEREAS, the Commission has determined to issue its Multifamily Housing Development Bonds, 2017 Series A pursuant to the Trust Indenture and the Series Indenture Providing for the Issuance of Multifamily Housing Development Bonds, 2017 Series A (the "Series Indenture") and to make a tax-exempt drawing on its PNC Bank, National Association Real Estate Revolving Line of Credit pursuant to the provisions of the PNC Revolving Loan Agreement (hereinafter defined) or to request a tax-exempt advance under its Amended and Restated Committed Line of Credit Note, dated as of June 30, 2014, as amended on June 1, 2017 (the "PNC Line of Credit Note"), pursuant to the Loan Documents (as defined therein) or, alternatively, to issue tax-exempt short-term Bonds, in either case, for the funding of a short-term secured loan (i) to make moneys available for the acquisition, rehabilitation and equipping of a development (the "Development"), to be owned and operated by Greenhills Apartments Limited Partnership, the general partner of whom is wholly-controlled by the Commission, (ii) to reimburse the Commission for prior expenditures of Commission funds to finance the acquisition and rehabilitation of the Development; (iii) to make the required deposit to the Reserve Fund (as defined in the Trust Indenture) as required by the Trust

Indenture and the Series Indenture; and (iv) to reimburse the Commission for prior capital expenditures, all in accordance with the financing plans approved by the Commission in connection with the Development under the separate resolutions adopted by the Commission on June 13, 2017 and June 23, 2017 and in accordance with the additional financing plans set forth in this Resolution (together, the "Total Financing Plan"); and

WHEREAS, the Mortgage Loan to be financed with the proceeds of a portion of the 2017 Obligations will be endorsed for federal insurance under the Risk-Sharing Agreement, dated September 23, 1994 (the "Risk-Sharing Agreement"), by and between the Commission and the Secretary of the U.S. Department of Housing and Urban Development ("HUD"), pursuant to which Risk-Sharing Agreement, the Commission will reimburse HUD for its losses under the Mortgage Loan in an amount not greater than 25% of the outstanding principal balance of the Mortgage Loan; and

WHEREAS, in connection with the issuance of the 2017 Obligations and the accomplishment of the Total Financing Plan, the Commission anticipates entering into various documents, including, but not limited to the Series Indenture and, as hereinafter defined, the Offering Documents, the Contract of Purchase, the Tax-Related Documents, the Disclosure Agreement, the Real Estate Documents and certain other documents relating to the PNC RELOC Tax-Exempt Drawing, the PNC LOC Tax-Exempt Advance, the Mortgage Loan, the short-term secured loan, the sale of the 2017 Series A Bonds, and the financing of the Development;

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County:

1. **2017 Obligations.** The 2017 Obligations are hereby authorized to be issued in an aggregate principal amount not to exceed \$12,000,000 to carry out the purposes under the Program as described above. Subject to the following sentence, a portion of the 2017 Obligations shall be separately designated "2017 Series A Bonds" and a portion of the 2017 Obligations will be separately designated "PNC RELOC Tax-Exempt Drawing" and/or "PNC LOC Tax-Exempt Advance." Notwithstanding the foregoing, the Executive Director is hereby authorized to approve, in consultation with the Financial Advisor and Bond Counsel to the Commission, such greater number or amount of 2017 Obligations to be issued in connection with the Total Financing Plan and to determine the designations therefor. The 2017 Series A Bonds are to be issued pursuant to the terms of the Trust Indenture and pursuant to the terms of the Series Indenture. The 2017 Series A Bonds shall be limited obligations of the Commission, secured by and payable solely from moneys pledged therefor under the Indenture. The PNC RELOC Tax-Exempt Drawing will be made in accordance with the provisions of the Revolving Loan Agreement, dated as of July 1, 2014, by and between the Commission and PNC Bank, National Association, as amended on June 1, 2017 (the "PNC Revolving Loan Agreement"). The PNC LOC Tax-Exempt Advance will be made in accordance with the provisions of the PNC Line of Credit Note and the related Loan Documents.

2. Approval of Total Financing Plan. The Commission hereby approves the Total Financing Plan as described above pursuant to the terms and conditions to be set forth in the documents approved hereby.

3. Series Indenture. The Chairman, the Vice Chairman, or the Chairman Pro Tem, and the Executive Director of the Commission or any authorized designee of the Executive Director are hereby authorized and directed to execute and deliver the Series Indenture in such form as shall be approved by such officers, the execution of such Series Indenture being conclusive evidence of such approval and of the approval of the Commission, and the Secretary-Treasurer of the Commission, or any other authorized officer of the Commission (an "Authorized Officer"), is hereby authorized and directed to affix the seal of the Commission to the Series Indenture and to attest the same.

4. Tax-Related Documents. The Chairman, the Vice Chairman, the Chairman Pro Tem and the Executive Director of the Commission are hereby authorized and directed to execute and deliver a Tax Regulatory Agreement and No Arbitrage Certificate and other documents (collectively, the "Tax-Related Documents") restricting the application of the proceeds of the 2017 Obligations and the use and occupancy of the Development in such forms as shall be prepared by Bond Counsel and approved by the Chairman, the Vice Chairman, the Chairman Pro Tem or the Executive Director, the execution of the Tax-Related Documents being conclusive evidence of such approval and of the approval of the Commission. The Chairman, the Vice Chairman, the Chairman Pro Tem or the Executive Director of the Commission is hereby further authorized and directed to execute and deliver on behalf of the Commission Internal Revenue Service Form 8038-G relating to the 2017 Obligations as prepared by Bond Counsel.

5. Disclosure Agreement. The Commission hereby authorizes and approves the execution and delivery of a continuing disclosure agreement (the "Disclosure Agreement") related to the Series 2017 A Bonds, in such form as may be approved by the Chairman, the Vice Chairman or the Chairman Pro Tem and the Executive Director of the Commission, their execution and delivery of the Disclosure Agreement constituting conclusive evidence of such officer's approval of the Disclosure Agreement and the approval of the Commission.

6. Mortgage Loan; Real Estate Documents. The Commission hereby authorizes and approves the financing of the Mortgage Loan with the proceeds of a portion of the 2017 Obligations which will be endorsed for federal insurance under the Risk-Sharing Agreement, pursuant to which the Commission will reimburse HUD for its losses under the Mortgage Loan in an amount not greater than 25% of the outstanding principal balance of the Mortgage Loan. The Commission hereby authorizes and approves the financing of the short-term loan to be financed with the PNC RELOC Tax-Exempt Drawing, the PNC LOC Tax-Exempt Advance and/or the short-term tax-exempt Bonds. The Commission hereby further authorizes and approves the preparation, execution and delivery of any and all real estate documents (the "Real Estate Documents") relating to the acquisition and

rehabilitation of the Development, in its capacity as issuer of the 2017 Obligations and in its capacity as general partner of the limited partnership owner of the Development.

7. Offering Documents. The Commission hereby authorizes and approves the preparation and distribution of a preliminary offering document of the Commission and the preparation, execution and distribution of a final offering document (collectively, the "Offering Documents"), each relating to the 2017 Series A Bonds, in such forms as may be approved by the Chairman, the Vice Chairman or the Chairman Pro Tem and the Executive Director of the Commission, their execution and delivery of the Offering Documents constituting conclusive evidence of such officer's approval of the Offering Documents and the approval of the Commission.

8. Sale of 2017 Series A Bonds. The Chairman, the Vice Chairman, the Chairman Pro Tem, the Executive Director or other Authorized Representative of the Commission is authorized to proceed with the sale of the 2017 Series A Bonds to PNC Capital Markets LLC or such other underwriter or to any other entity as shall be in the best interest of the Commission as determined by the Chairman, the Vice Chairman, the Chairman Pro Tem, the Executive Director or other Authorized Representative of the Commission.

9. Contract of Purchase. The Chairman, the Vice Chairman, the Chairman Pro Tem, the Executive Director or other Authorized Representative of the Commission is authorized to execute a contract of purchase and/or any other form of purchase agreement (the "Contract of Purchase") in connection with the issuance, purchase and sale of the 2017 Series A Bonds.

10. Terms; Ongoing Determinations. The Executive Director or other Authorized Representative of the Commission, as the case may be, is hereby authorized, without further action of or authority from the Board of Commissioners to establish the dates, maturities, interest payment dates, denominations, terms of redemption, registration privileges, security and other terms, and to approve the interest rates on (a) the 2017 Series A Bonds, (b) the PNC RELOC Tax-Exempt Drawing, and (c) the PNC LOC Tax-Exempt Advance, all of the foregoing to be specified, as applicable, in the Series Indenture, the PNC Revolving Loan Agreement and/or the PNC Line of Credit Note and the related Loan Documents. The Executive Director or other Authorized Representative of the Commission, as the case may be, is hereby authorized, without further action of or authority from the Board of Commissioners, to perform any act, to execute any documents, and is hereby authorized, from time to time during the period the 2017 Obligations are outstanding, to make ongoing determinations, as may be required by the terms of the Series Indenture, the PNC Revolving Loan Agreement, the PNC Line of Credit Note and the related Loan Documents and any other financing documents relating to the 2017 Obligations, the Development, the Mortgage Loan, the short-term secured loan and any additional loans, including, but not limited to, the giving and withholding of consents, the selection of certain providers, the determination

to permit the prepayment of the Mortgage Loan or the short-term secured loan and the refunding and redemption of the 2017 Obligations and/or other Bonds, and the Executive Director or other Authorized Representative of the Commission, as the case may be, is further authorized to execute any and all documents evidencing such determinations as may be deemed necessary and proper.

11. Other Action. The Chairman, the Vice Chairman, the Chairman Pro Tem, the Executive Director or other Authorized Representative of the Commission is hereby authorized and directed to execute and deliver any and all additional documents and instruments necessary or proper to be executed and delivered and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution relating to the 2017 Obligations and the accomplishment of the Total Financing Plan.

12. Appointment of Financial Advisor and Bond Counsel. Caine Mitter & Associates Incorporated is hereby appointed as Financial Advisor, and Kutak Rock LLP, Washington, D.C., is hereby appointed as Bond Counsel in connection with the issuance of the 2017 Obligations.

13. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the 2017 Obligations, the Series Indenture, the Contract of Purchase, the Tax-Related Documents, the Offering Documents, the Real Estate Documents, the Disclosure Agreement, the PNC Revolving Loan Agreement, the PNC Line of Credit Note and the related Loan Documents, the Mortgage Loan, the short-term secured loan or in any other agreement or document executed on behalf of the Commission in its capacity as issuer of the 2017 Obligations or in its capacity as general partner the limited partnership owner of the Development, shall be deemed to be a stipulation, obligation or agreement of any Commissioner, officer, agent or employee of the Commission in his or her individual capacity, and no such Commissioner, officer, agent or employee shall be personally liable on the 2017 Obligations or be subject to personal liability or accountability by reason of the issuance thereof.

14. Action Approved and Confirmed. All acts and doings of the officers of the Commission which are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance of the 2017 Obligations and the accomplishment of the Total Financing Plan are hereby approved, and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects approved and confirmed.

15. Severability. If any provision of this Resolution shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision hereof or cause any other provision hereof to be invalid, inoperative or unenforceable to any extent whatsoever.

16. Effective Date. This Resolution shall take effect immediately.

V. ITEMS REQUIRING DELIBERATION and/or ACTION

None

VI. FURURE ACTION ITEMS

None

VII. INFORMATION EXCHANGE (continued)

None

VIII. NEW BUSINESS

None

IX. ADMINISTRATIVE SESSION FINDING

None

Based upon this report, and there being no further business to come before this open session of the Commission, pursuant to Section 3-305 of the General Provisions Article of the Maryland Annotated Code, a motion was made to adjourn the open session to a closed session by Vice Chair Hatcher and seconded by Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom, and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

The open session adjourned at 4:41 p.m.

Respectfully submitted,

Stacy L. Spann
Secretary-Treasurer

/pmb

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

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

Administrative Session Minutes

July 12, 2017

An Administrative Session of the Housing Opportunities Commission of Montgomery County was conducted on Wednesday, July 12, 2017 at 10400 Detrick Avenue, Kensington, Maryland beginning at 5:09 p.m. Those in attendance were:

Present

Jackie Simon, Chair
Christopher Hatcher, Vice Chair
Richard Y. Nelson, Jr., Chair Pro Tem
Linda Croom
Edgar Rodriguez

Absent

Margaret McFarland
Pamela Byrd

Also Attending

Stacy Spann, Executive Director
Kayrine Brown
Gail Willison
Ugonna Ibebuchi
Zachary Marks
Gio Kaviladze

Nowelle Ghahhari, General Counsel
Zachary Marks
Jim Atwell
Vivian Benjamin
Victoria Dixon

Commission Support

Patrice Birdsong, Spec. Asst. to the Commission

According to Section 3-305(b) of the General Provision Articles of the Annotated Code of the State of Maryland, this Administrative Session was called to order pursuant to subsection (5), to consider the investment of public funds; and (7) to consult with counsel to obtain legal advice.

- 1. Approval of the Selection of Bozzuto Management Company and Bozzuto Construction Company as Property Manager and General Contractor, Respectively for the Hillandale Gateway (formerly Holly Hall) Development**

Kayrine Brown, Chief Investment and Real Estate Officer, and Zachary Marks, Assistant Director of New Development, provided the Board with an update. No further action was required.

2. Approval of a Financing Plan for the Woodfield Commons Development, Authorization to Issue a Financing Commitment, Approval to Provide Mortgage Insurance Under the FHA Risk Share Program in Concert with the HUD/Federal Financing Bank Program for Housing Finance Agencies, and Approval to Secure and Execute a Hedge Agreement for the Transaction, Approval to Form a New Entity to serve as 11% Co-Managing Member of the Owner

Kayrine Brown, Chief Investment and Real Estate Officer, was the presenter.

The following resolution was adopted upon a motion by Chair Pro Tem Nelson and seconded by Commissioner Croom. Affirmative votes were cast by Commissioners Simon, Hatcher, Nelson, Croom, and Rodriguez. Commissioners McFarland and Byrd were necessarily absent and did not participate in the vote.

RESOLUTION No.: 17-51

RE: Approval of a Financing Plan for the Woodfield Commons Development, Authorization to Issue a Financing Commitment, Approval to Provide Mortgage Insurance Under the FHA Risk Share Program in Concert with the HUD/Federal Financing Bank Program for Housing Finance Agencies, and Approval to Secure and Execute a Hedge Agreement for the Transaction, Approval to Form a New Entity to serve as 11% Co-Managing Member of the Owner

WHEREAS, the Housing Opportunities Commission of Montgomery County (the "Commission" or "HOC") is a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law, and authorized thereby to effectuate the purpose of providing affordable housing, including providing for the acquisition, construction, rehabilitation and/or permanent financing or refinancing (or a plan of financing) of multifamily rental housing properties for persons of eligible income which provide a public purpose; and

WHEREAS, on September 3, 2014, the Commission approved participation in an application by Conifer Realty, LLC ("Conifer" or the "Borrower") to the Maryland Department of Housing & Community Development (DHCD) for 9% Low Income Housing Tax Credits (LIHTC) to finance the development of Woodfield Commons; and

WHEREAS, Woodfield Commons (the “Property”), is a planned 84-unit, mixed-income apartment community for families and individuals, to be built in Damascus, MD; and

WHEREAS, Conifer was awarded an allocation of 9% LIHTC for 2015 and subsequently, received a 2017 carryover allocation of 9% LIHTC; and

WHEREAS, the approved participation by the Commission included 1) a contribution of up to \$350,000 from the Commission to the development, as a grant, funded as equity from multifamily funds in the OHRF; 2) an 11% interest in the general partnership of Woodfield Commons as a co-managing, joint venture partner and 5% of the developer fee; and 3) the opportunity for the Commission to serve as senior lender to the project; and

WHEREAS, Conifer has arranged for construction financing of the Property through Bank of America, N.A. and is seeking a commitment for permanent financing; and

WHEREAS, the Commission has been approved to participate in the HUD Risk Sharing/Federal Financing Bank (FFB) Risk Sharing Program (“HUD/FFB Risk Sharing Program”), under which transactions processed by the Commission can be financed and FHA-insured upon completion of construction; and

WHEREAS, HOC staff has completed a review of the transaction and has determined that, given the terms of an FHA/FFB execution, the final underwriting and pro forma operating projections, the transaction is feasible; and

WHEREAS, the Financing Plan involves the formation of a new entity (“New Entity”) by HOC, of which HOC will be the sole member, to serve as the 11% co-managing member of the ownership entity of the Property, Woodfield Commons Associates, LLC (the “Owner”); and

WHEREAS, Conifer expects to begin construction on the Property in August 2017, reach substantial completion by December 2018, and convert to permanent financing by September 2019; and

WHEREAS, the Commission desires to issue a two year forward commitment to Conifer to insure and finance the permanent loan for the Property in an amount not to exceed \$10,500,000, using the HUD/FFB Risk Sharing Program; and

WHEREAS, the FFB cannot lock in an interest rate more than 60 days before delivery, but can agree to participate at a rate to be determined two years hence; and

WHEREAS, to protect the transaction from potential interest rate increases, Conifer wishes to forward starting swap (“Hedge Agreement”) to protect the transaction in the event rates rise above the underwritten rate; and

WHEREAS, the projected cost for the Hedge Agreement (up to \$2.4 MM including transaction expenses) would be included as a development cost; and

WHEREAS, with the Hedge Agreement, the rate at which the permanent financing has been underwritten is 4.1%; and

WHEREAS, the Financing Plan for Woodfield Commons includes a combination of an FFB/FHA Risk Share permanent mortgage loan, LIHTC equity, Solar Tax Credit equity, Rental Housing Funds, a grant from HOC, a Weinburg Foundation grant, and General Partner equity; and

WHEREAS, the Development and Finance Committee at its June 23, 2017 meeting considered and recommended approval of the Financing Plan, Feasibility and Public Purpose for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County, acting in its own capacity and for and on behalf of a to-be-formed New Entity, acting in its capacity as the 11% co-managing member of the Owner, hereby approves the Financing Plan, Feasibility and Public Purpose, as recommended by the Development and Finance Committee and;

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County acting in its own capacity and for and on behalf of a to-be-formed New Entity, acting in its capacity as the 11% co-managing member of the Owner that it hereby approves:

1. The Financing Plan for Woodfield Commons that includes a combination of an FFB/FHA Risk Share permanent mortgage loan, LIHTC equity, Solar Tax Credit equity, Rental Housing Funds, a grant from HOC, a Weinburg Foundation grant, and General Partner equity;
2. The Housing Opportunities Commission of Montgomery County's ("HOC") issuance of a Financing Commitment for the permanent financing of Woodfield Commons;
3. HOC's provision of mortgage insurance under the FHA Risk Share Program in concert with the HUD/Federal Financing Bank Program for housing finance agencies, whereunder the HOC will share 50% of the risk for the permanent loan transaction for Woodfield Commons;
4. HOC's securing and executing a Hedge Agreement for the transaction; and
5. HOC's formation of a New Entity to serve as the 11% co-managing member of the Owner.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and for and on behalf of a to-be-formed New Entity acting in its capacity as the 11% co-managing member of the Owner, that the Executive Director is authorized, without further action on their respective parts, 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.

Based upon this report and there being no further business to come before this Administrative Session of the Commission, the meeting adjourned at 6:10 p.m.

Respectfully submitted,

Stacy L. Spann
Secretary-Treasurer

/pmb

INFORMATION EXCHANGE



Report of the Executive Director
Stacy L. Spann
August 9, 2017

HOC Honors Tony S. Davis Memorial Scholarship Winners



On Wednesday, July 12th, HOC honored the winners of the 2017 Tony S. Davis Memorial Scholarship. These deserving high school seniors were selected based on their academic success, contributions to the community, and vision for the future.

HOC established the Tony S. Davis Scholarship as a tribute to the extensive community service record of former HOC staff member Tony S. Davis, who was tragically killed in 2000. Mr. Davis was widely recognized for his years of volunteer work in the Seneca Ridge community in Germantown. He worked tirelessly to improve the lives of residents and served as a role model to many who lived there. These three college-bound scholarship winners have exhibited the same passion for making a difference in their own community.

The award recipients and their families were honored with a reception that evening, where they had the opportunity to meet with HOC Commissioners and staff before receiving their awards at HOC's July Commission meeting. HOC Commission Chair Jackie Simon presented two awards of \$2,500 to winners Matthew Sulio of Silver Spring and Joshua Santandrea of Gaithersburg. One award of \$5,000 was presented to Rose Makor of Olney, who told the Commission the award would help her attend Penn State University in the fall and put her on the path toward her dream of becoming a doctor.

HOC is proud to help its students become good civic leaders. When people are stably housed, they can focus on moving the goals they have for themselves and their family. We are proud to be a small part of that for these young people.



Fatherhood Initiative Graduates Sixth Cohort

HOC's Fatherhood Initiative hosted the completion event for its sixth cohort (Zeta) of graduates on Friday, July 28th at Uncle Julio's restaurant in Bethesda. The participants celebrated their accomplishments and engaged with workshop facilitators and representatives from other social service agencies—creating future relationships and pathways to new opportunities.



As the Fatherhood Initiative celebrates the accomplishments of the Zeta cohort, they have already begun recruitment for the seventh cohort (Eta) to begin August 14th. As of July 28th, over 360 people had expressed interest in participating in the next cohort by signing up for information sessions. This increased interest—an all-time high—is likely attributed to the recent decision to extend programming offered by the Fatherhood Initiative and HOC Academy to potential customers on HOC's Housing Path waitlist.

HOC School Supply Drive

HOC's non-profit affiliate, Housing Opportunities Community Partners, Inc., will be hosting a 5-week school supply drive from July 19th through August 23rd to benefit families and children served by HOC. Donation boxes have been placed at HOC customer service centers in Silver Spring and Gaithersburg, as well as HOC offices at East Deer Park and in Kensington. Individuals and organizations can help in several different ways: donating money/gift cards to purchase supplies, donating backpacks filled with supplies, hosting supply boxes at your office/business, and/or volunteering to host a vendor table at HOC's "Back to School Fest." The drive will conclude with HOC's "Back to School Fest" on Friday, August 25th at Rockin' Jump Trampoline Park in Gaithersburg. Our partners at Rockin' Jump have generously provided the venue and one hour of jump time to all HOC youth who register to receive school supplies. Our goal is to send 2,000 kids back to school this year with all the tools they need and we hope you will help!



VPC One and VPC Two Renovations Completed

In July 2017, renovations of VPC One and VPC Two units—with the exception of two units scheduled for later completion due to resident accommodation—were completed. Comprehensive interior and exterior renovations were performed on 677 units, including 669 former Public Housing scattered site units converted under HUD Section 18 disposition.

With the completion of the 677 units, almost 43% of the scattered site unit portfolio is now fully renovated at the new, higher standard, including energy efficiency improvements that will reduce utility costs for our residents. Staff anticipates that the total cost for renovations will come in under budget, with an average of approximately \$62,000 per unit in hard costs.

Leasing of the renovated units has thus far been successful—with 25 new leases signed in June, 30 in July, and four units already pre-leased for August. Another 32 units are in the process for future move-in.

The completion of the VPC unit renovations represents a significant milestone for HOC staff who have been working on the conversion of the Public Housing scattered site units for almost seven years. The Section 18 disposition project began in 2010 and the final unit converted from Public Housing in December 2015. Conversion and renovation through the VPC project has enabled HOC to preserve and update units that may have otherwise been lost in a community where affordable housing is so desperately needed.

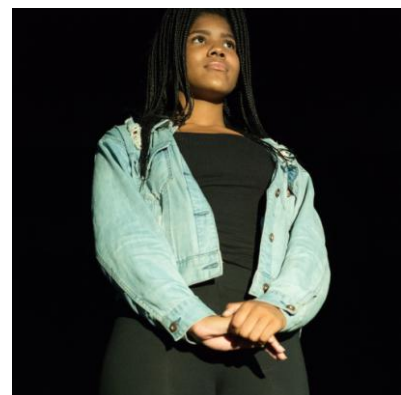
Team of Stars Camp Closes Summer 2017 Season



On Thursday, July 27th, the Team of Stars Summer Camp held closing performances for an audience at Gaithersburg Middle School. Team of Stars uses performing arts as a forum for youth to tackle important issues and create theater productions that encompass those themes. Camp participants assume leadership roles and learn how to produce a show by learning set design, choreography, improvisation, and musical skills. The theme of this year's production was "The Struggles Unknown," performed by

approximately 40 HOC youth.

Team of Stars Summer Camp is a program sponsored by Montgomery County-based non-profit Project Change, formally partnering with HOC each year to refer many campers to the program.



In the Spotlight: Branch Out Tutors at HOC Academy Summer Camps



On Wednesday, July 19th WJLA ABC 7 News aired a piece highlighting Branch Out Tutors' volunteer efforts with HOC students at Magruder's Discovery.

Branch Out Tutors is a team of students from schools around Montgomery County focused on serving underprivileged youth throughout the community. Over the last year, HOC and Branch Out Tutors have partnered to provide tutoring, homework help, and after-school activities to students at five HOC properties. Again this year, Branch Out Tutors

volunteered at HOC's Mash Up Summer Camp at Magruder's Discovery. The interactive camp combined games, learning and outdoor fun by allowing students to "mash" sports, arts, and STEM activities.

We are pleased to spread the good works of local high school students and HOC's partnerships in support of customers. Congratulations to HOC Academy staff who develop and administer these programs as well as Resident Services Coordinators who help make these programs a success!



HOC Commits Units to Program Serving Persons with Disabilities

In April 2017, the Commission approved Resolution 16-24 to authorize a partnership between HOC and the Maryland Department of Housing and Community Development (DHCD), setting aside 10 housing units for persons with disabilities participating in the Money Follows the Person Bridge program (MFPB). Typically, MFPB serves individuals in transition from institutions, such as nursing facilities, with disabilities. Under the MFPB program, HOC will receive subsidies from the state to help house program participants for a three year period, after which HOC will continue to commit the units and add newly allocated recordation funds to provide ongoing subsidies after the state funding expires. Resident Services and Real Estate divisions have worked to identify and renovate units to meet standards. HOC staff is also finalizing the Memorandum of Understanding (MOU) and anticipates starting to house participants in August 2017. State agency partners will provide supportive services to the residents to ensure housing stability.

Georgian Court Youth Win Cook Off at Thingamajig Convention

On Thursday, July 27th the Georgian Court Cook-off team brought home first place from the Great Cook Off competition at YMCA of Metropolitan Washington's 23rd Annual Thingamajig Convention. The YMCA Thingamajig Invention Convention allows youth to utilize their strategic thinking and creativity through STEM-related activities and challenges. The team from Georgian Court impressed judges with culinary delights including various chicken, egg, and fruit dishes. Each winning team member received an engraved cutting board and a certificate. Congratulations to these talented HOC youth!



HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

August 2017

1	National Night Out (<i>All</i>) – Upper County Recreation Center, 8201 Emory Grove Rd., Gaithersburg, MD 20877	5 - 9 p.m.
9	HOC Regular Meeting (<i>All</i>)	4:00 p.m.
15	Budget, Finance and Audit Committee Meeting (<i>Nelson, Simon, Hatcher</i>)	10:00 a.m.
18	Development and Finance Committee Meeting (<i>Simon, McFarland, Nelson</i>)	10:00 a.m.
18	Status/Lunch Meeting w/Executive Director (<i>All</i>) – Location TBD	12:00 noon
25	Back to School Fest (<i>All</i>) – Rockin Jump, 18620 Woodfield Rd., Gaithersburg, MD 20879	
28	Agenda Formulation (<i>Simon, Croom</i>)	12:00 noon

September 2017

4	Labor Day Holiday (<i>HOC Offices Closed</i>)	
6	HOC Regular Meeting (<i>All</i>)	4:00 p.m.
15	Development and Finance Committee Meeting (<i>Simon, McFarland, Nelson</i>)	10:00 a.m.
15	Property Tour (<i>All</i>)	12:00 noon
18	Resident Advisory Board (<i>Croom</i>)	6:00 p.m.
18	Banor Board Meeting (<i>Hatcher, Nelson</i>) – Bauer Park Community Room	7:30 p.m.
19	Legislative and Regulatory Committee Meeting (<i>Byrd, Croom, Rodriguez</i>)	4:00 p.m.
20	Budget, Finance and Audit Committee Meeting (<i>Nelson, Simon, Hatcher</i>)	10:00 a.m.
21	Family Self-Sufficiency (FSS) Graduation (<i>All</i>) – Silver Spring Civic Center, One Veterans Plaza, Silver Spring, MD	6 – 8 p.m.
25	Agenda Formulation (<i>Simon, Croom</i>)	12:00 noon

October 2017

4	HOC Regular Meeting (<i>All</i>)	4:00 p.m.
16	Resident Advisory Board (<i>Croom</i>)	6:00 p.m.
17	Budget, Finance and Audit Committee Meeting (<i>Nelson, Simon, Hatcher</i>)	10:00 a.m.
20	Development and Finance Committee Meeting (<i>Simon, McFarland, Nelson</i>)	10:00 a.m.
20	Status/Lunch Meeting w/Executive Director (<i>All</i>) – Location TBD	12:00 noon
23	Agenda Formulation (<i>Simon, Byrd</i>)	12:00 noon

November 2017

1	Budget, Finance and Audit Committee Meeting (<i>Nelson, Simon, Hatcher</i>)	2:00 p.m.
1	HOC Regular Meeting (<i>All</i>)	4:00 p.m.
17	Development and Finance Committee Meeting (<i>Simon, McFarland, Nelson</i>)	10:00 a.m.
20	Resident Advisory Board (<i>Croom</i>)	6:00 p.m.
21	Legislative and Regulatory Committee Meeting (<i>Byrd, Croom, Rodriguez</i>)	4:00 p.m.
23-24	Thanksgiving Holiday Observed (<i>HOC Offices Closed</i>)	

December 2017

6	HOC Regular Meeting (<i>All</i>)	4:00 p.m.
12	Budget, Finance and Audit Committee Meeting (<i>Nelson, Simon, Hatcher</i>)	10:00 a.m.
15	Development and Finance Committee Meeting (<i>Simon, McFarland, Nelson</i>)	10:00 a.m.
15	Status/Lunch Meeting w/Executive Director (<i>All</i>) – Location TBD	12:00 noon

18 Resident Advisory Board (*Croom*)

6:00 p.m.

25 Christmas Holiday (*HOC Offices Closed*)

Activities of Interest

- 1 – Follow-up Meeting w/Housing for People with Disabilities Group
 - 2 – Property Tour
-

Administrative and Special Sessions Actions

**RATIFICATION OF ACTION TAKEN IN ADMINISTRATIVE SESSION ON
JULY 12, 2017:**

**Approval of Financing Plan for the Woodfield Commons Development
and Related Actions and Approval to Form a New Entity to Serve as
Member of the Owner**

August 9, 2017

- At an Administrative Session on July 12, 2017, the Commission adopted Resolution 17-51 in which the Commission approved a Financing Plan for the Woodfield Commons Development and related actions and the formation of a new entity to serve as co-managing member of the Ownership entity.
- Consistent with the Commission's Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in an open meeting with a quorum physically present, the action undertaken at the July 12, 2017 Administrative Session to provide notice to the public under the Maryland Open Meetings Act. Further, the Commission wishes to ratify any action taken since the Administrative Session with respect to the approved transaction.

RESOLUTION: 17-51R

RE: Ratification of Action Approval of Financing Plan for Woodfield Commons and Related Actions and Approval to Form a New Entity to Serve as Member of the Owner

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 (the “Act”), to carry out and effectuate the purpose of providing affordable housing including providing for the acquisition, construction, rehabilitation and/or permanent financing or refinancing (or a plan of financing) of rental housing properties which provide a public purpose; and

WHEREAS, at an Administrative Session duly called and held on July 12, 2017, with a quorum present, the Commission duly adopted Resolution 17-51, in which the Commission approved the Financing Plan for the Woodfield Commons Development and related actions as well as the formation of a New Entity to serve as 11% co-managing member of the ownership entity; and

WHEREAS, consistent with the Commission’s Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in an open meeting with a quorum physically present, the action undertaken by the Commissioners in adopting Resolution 17-51 and any action taken since July 12, 2017 to effectuate the transaction contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 17-51 and any subsequent actions taken in relation thereto, are hereby ratified and affirmed.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Housing Opportunities Commission of Montgomery County at a meeting conducted on August 9, 2017.

Patrice M. Birdsong
Special Assistant to the Commission

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Committee Reports and Recommendations for Action

Development and Finance Committee

Approval of the Final Development Plan for 900 Thayer, Authorization for the Executive Director to Execute General Contractor Contract for an Amount not to Exceed \$26,000,000, Inclusive of a Limited Scope Contract for Completion of Underground Utilities, and Approval of \$700,000 of Additional Predevelopment Funding

SILVER SPRING



STACY L. SPANN, EXECUTIVE DIRECTOR

KAYRINE V. BROWN
ZACHARY MARKS
HYUNSUK CHOI

August 9, 2017

Table of Contents

Topics	Page
Executive Summary	3
Property/Location	5
Development Plan	
Unit Mix	6
Construction Sources and Uses	7
Predevelopment Fund	8
Design	9
Projected Construction Schedule	14
Team Assembly	15
Summary and Recommendations	16

Executive Summary

- The site, though recently confirmed as having an official address of 8240 Fenton Street, Silver Spring, MD, was heretofore described as having a location of 900 Thayer Avenue. For consistency, it is herein referenced as “900 Thayer” or the “Property”, which consists of 0.65 acres (28,526 square feet) of land on the southwest corner of the intersection of Fenton Street and Thayer Avenue. It is partially improved with a one-story automotive service building, which will be demolished to make way for the new development.
- On March 16, 2016, the Commission acquired 900 Thayer, which already had Site Plan approval for 124 residential units with 5,169 square feet of ground-floor retail.
- On April 6, 2016, the Commission approved the preliminary development plan for 900 Thayer, which provided approvals for: 1) a 124-unit new construction general occupancy development to include 96 RAD Project Based Rental Assistance (PBRA) units, 2) a predevelopment loan of \$2,182,500 from the Opportunity Housing Reserve Fund to pay for development expenses related to this development plan for 900 Thayer, 3) selection of The Concourse Group (TCG) as development consultant, and 4) the acceptance of existing contracts for only KTG architecture firm.
- On September 7, 2016, the Commission approved the selection of CBG Building Company (CBG) as General Contractor for the construction of the Property and authorized the Executive Director to enter into contract negotiations
- On October 5, 2016, the Commission approved the selection of Edgewood Management for pre-construction consulting and property management service.
- On March 1, 2017, the Commission approved the revised unit configuration that delivers 84 RAD PBRA units at 900 Thayer and 12 RAD PBRA units at Victory Crossing, successfully placing all 96 RAD units from Holly Hall.
- Staff submitted the RAD Financing Plan on May 15, 2017 and is expecting to receive the RAD Conversion Commitment (RCC) in September 2017. Staff is expecting construction closing in September/October 2017 as well.



Executive Summary

- The County Planning Board requires that all site utilities be placed underground (PEPCO, Cable, etc). For this type of construction to be cost effective and time efficient in meeting this requirement, the relocation of these utilities is best completed prior to the commencement of building construction.
- Staff proposes that this portion of the scope of work be approved via a Limited Scope Contract with CBG prior to the full construction closing in September/October 2017. The estimated value of the Limited Scope Contract shall not exceed \$680,273.
- In addition, staff recommends approval for the Executive Director to execute a contract at construction closing with CBG as general contractor for an amount not to exceed \$25,319,727, which together with the Limited Scope Contract shall not exceed \$26,000,000.
- To fund the Limited Scope Contract, staff requests approval to increase the predevelopment funding of the project by \$700,000 in, bringing the total funding from the Opportunity Housing Reserve Fund (“OHRF”) to \$2,882,500.
- Staff is pursuing two primary options for long-term financing at this time to achieve optimum results. One is to apply for a combination of 9% Low Income Housing Tax Credit (“LIHTC”) with conventional financing and 4% LIHTC with HOC bonds. However, if the project is not awarded the 9% credits, the project will be financed solely with 4% tax credits and HOC bonds. Staff will update the Commission as the application process proceeds.



900 Thayer – Property/Location



- The Bonifant at Silver Spring
- Alexander House Apartments
- Silver Spring Civic Center
- Elizabeth House
- Future Elizabeth House III
- Loft 24 Condominiums

- The property is located at 8240 Fenton Street in Silver Spring, Montgomery County, Maryland and contains a total of 0.65 acres of land. The site sits on the southwest corner of the intersection of Fenton Street and Thayer Avenue and is partially improved with a one-story automotive service building and a surface parking lot.
- The multifamily development site is approved for 124 dwelling units in a six story building. The Property will be constructed with wood-frame (five stories above a one-level concrete podium). The design for the new building is site-plan approved.
- While the Property is two blocks from the southern edge of redeveloped Downtown Silver Spring, it has good pedestrian access to Silver Spring shops, services, and amenities. Further, the new Silver Spring Library and The Bonifant have filled in one of the two blocks with new development. Between location of The Bonifant and the Property is a new condominium project and a Safeway that are already in place in this redevelopment area.
- After construction, the building and housing units are expected to qualify for Leadership in Energy & Environmental Design (“LEED”) Silver status.

900 Thayer – Development Plan

Residential Unit Mix

Units	Average Unit Size	Residential Units	Total SQFT	Gross Rent	Per SQFT	Utility Allowances	Effective Rent
1 BR (RAD)	635	42	26,670	\$806	\$1.27	\$79	\$727
1 BR (Market)	635	31	19,685	\$1,600	\$2.52	\$0	\$1,600
2 BR (RAD)	967	42	40,614	\$911	\$0.94	\$105	\$806
2 BR (Market)	967	9	8,703	\$1,995	\$2.06	\$0	\$1,995
	772	124	95,672	\$1,126	\$1.46	\$62	\$1,064

RAD	% of RAD	Average Rent
84	67.74%	\$767

MARKET	% of MARKET	Average Rent
40	32.26%	\$1,689

- Property will have 10 Uniform Federal Accessibility Standards (UFAS) units which require more than minimum of 5% (7 units) of total units.

Retail Mix

Retail Rent Schedule	Square Footage	Base YR Net Rent	Total Net Rent
Retail #1A	1,710	\$32.00	\$54,720
Retail #1B	1,185	\$32.00	\$37,920
Retail #2	2,274	\$32.00	\$72,768
Total	5,169	\$32.00	\$165,408

Public Purpose

- Delivering 900 Thayer as a family community would eliminate market concerns and should appeal to Montgomery County Council, which expressed a desire for additional affordable family units in downtown Silver Spring.
- It is increasingly important to complete conversion of all Public Housing assets.
- 84 RAD PBRA units at 900 Thayer and 12 RAD PBRA units at Victory Crossing, successfully placing all 96 RAD units from Holly Hall.

900 Thayer – Development Plan

Projected Construction Sources and Uses

Development Budget Highlights

Sources of Fund Construction	Amount	Per Unit
HOC Equity (1)	\$30,724,426	\$247,778
Total Sources	\$30,724,426	\$247,778

Uses of Fund Construction	Amount	Per Unit
Hard Cost (2)	\$25,120,938	\$202,588
Hard Costs Contingency (3)	\$2,512,094	\$20,259
Fees Related To Construction Costs (4)	\$2,725,594	\$21,981
Relocation Costs (5)	\$100,800	\$813
Real Estate Tax (6)	\$3,400	\$27
Guarantees and Reserves (7)	\$261,600	\$2,110
Total Uses	\$30,724,426	\$247,778

Notes:

1. Staff expects to present the financing plan at the September 2017 meeting of the Commission
2. Guaranteed Maximum Price contract pending and inclusive of Davis Bacon Wage (\$2,763,024)
3. Construction Contingency of 10% of Construction Costs
4. County Fibernet, Permits, Underground Utilities, Builders Risk Insurance, and FFE.
5. Relocation costs of \$1,200/per affordable unit only (from Holly Hall)
6. Projected two years of taxes for Solid Waste Charge, Bay Restoration Fund and Water Quality Protection Charge.
7. 10% soft cost contingency and three months Operating Reserves

900 Thayer – Development Plan

Predevelopment Fund

Predevelopment Budget	Original Budget	Revised Budget	Obligated Amount	Remaining Budget
Phase I	\$10,000	\$7,863	\$2,138	\$5,725
Appraisals	\$8,500	\$8,500	\$0	\$8,500
ALTA Survey	\$12,000	\$12,000	\$0	\$12,000
Market Study	\$7,500	\$13,400	\$5,900	\$7,500
Architecture & Engineering	\$600,000	\$687,350	\$687,350	\$0
Interior Design	\$130,000	\$38,200	\$38,200	\$0
Legal (Land Use)	\$17,500	\$10,000	\$5,000	\$5,000
Legal (Real Estate/Contracts)	\$58,000	\$58,000	\$0	\$58,000
Legal (Tax Credit)	\$90,000	\$50,000	\$0	\$50,000
Permits & County Fees *	\$734,000	\$565,378	\$112,740	\$452,638
Title & Recording	\$75,000	\$75,000	\$0	\$75,000
Sustainability Consultant	\$35,000	\$74,920	\$74,920	\$0
Development Consultant	\$225,000	\$388,160	\$388,160	\$0
Dry Utilities Service	\$0	\$60,000	\$50,150	\$9,850
Demolition Costs	\$0	\$30,000	\$0	\$30,000
Contingency	\$180,000	\$103,730	\$90,921	\$12,808
Total	\$2,182,500	\$2,182,500	\$1,455,479	\$727,021

• Current remaining predevelopment budget is \$727,021. However, staff is going to spend \$452,638 as noted below:

1. Building Permit - \$70,000
2. PEPCO Fee * - \$155,000
3. Letter of Credit for Surety Bond - \$10,000
4. County Fee - \$96,215
5. WSSC Fee - \$10,284
6. Right-of-Way Permit - \$38,297.40
7. Special Inspections for field services including Concrete Testing and MEP - \$72,842

• The remaining \$274,383 of predevelopment funding, including demolition costs, is going to be expensed prior to submission of the LIHTC application.

Note: The County Planning Board requires that all site utilities be placed underground (PEPCO, Cable, etc). For this type of construction to be cost effective and time efficient in meeting this requirement, the relocation of these utilities is best done prior to the commencement of building construction.

Projected Additional Predevelopment Costs

Items	Additional Predevelopment Costs
CBG's subcontractor most simply by executing a short interim contract *	\$680,273
Total Additional Predevelopment Budget	\$680,273

• This utility work can be accomplished by CBG's subcontractor most simply by executing a short interim contract for this limited scope of work with a not to exceed amount of \$680,273.

900 Thayer - Development Plan

First Floor Amenity – Concept of Lobby



★ Splitting Mail Boxes



Note: Elevators will be located at each side of the building.

August 9, 2017

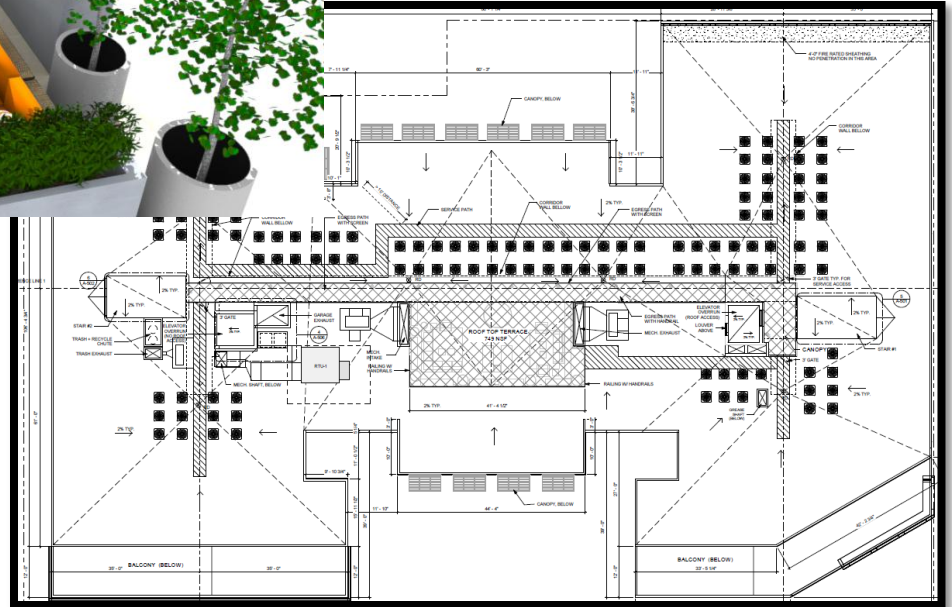
900 Thayer - Development Plan

Second Floor Amenity – Concept of Community Room/Patio



900 Thayer - Development Plan

Rooftop Amenity – Concept of Rooftop Terrace



The roof top open lounge area will have chairs, umbrella tables, and several swinging chairs. The roof will also have low profile solar panels as approved by LEED.

900 Thayer - Development Plan

Unit Kitchen Layout



- Above typical Uniform Federal Accessibility Standards (UFAS) units with front control range and microwave on the countertop.
- All unit have some type of Kitchen Pantry while two of the units have actual closets.



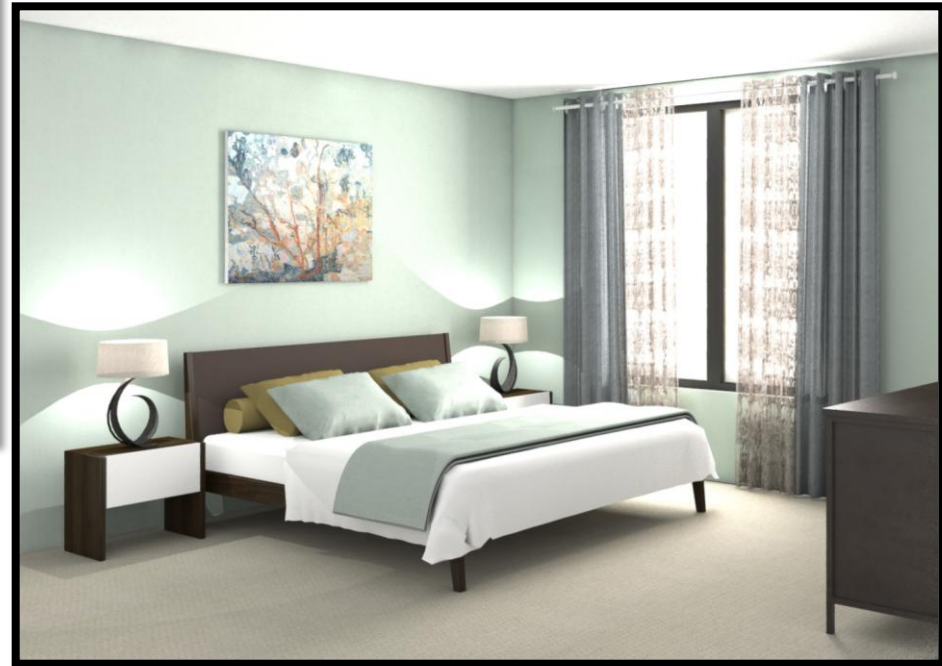
900 Thayer - Development Plan

Unit Bedroom/Bathroom Design



Typical Bathroom layout but every bathroom does not have linen closets.

Typical Bedroom Design



900 Thayer – Development Plan/Schedule

Projected Construction Schedule

Schedule	2017						2018												2019			
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Commence Dry Utilities	█	█																				
Completed Demolition	█	█																				
Notice to Proceed			█																			
Construction Loan Closing			█																			
Comp. Under Ground Utilities			█	█	█																	
Construction Period				→																		
Sheeting and Shoring/Excavation			█	█																		
Ground Level Concrete				█	█																	
Level One Concrete					█	█																
Masonry at Elevator Shafts and Stairways						█	█															
Framing						█	█	█	█	█	█	█										
Roofing/Exterior Finishes											█	█	█	█								
Interior Finishes												█	█	█	█	█	█	█	█			
Projected Submitting LIHTC Applications (9%)								█	█													

Key Dates

- 1) Projected Building Permit in August 2017
- 2) Projected Construction Start: October 2017
- 3) Projected Submitting Low Income Housing Tax Credit Applications to CDA in first quarter of 2018.

900 Thayer - Development Plan

Architect

KTGY, located in Tyson Corner, Virginia is an international full-service architecture and planning firm delivering innovation and artistry.

Six office locations nationwide: Irvine, Los Angeles and Oakland (CA); Denver (CO); Tyson's (VA); Pune (India). Fifteen partners with more than 300+ employees

They are currently working on West Side at Shady Grove in Rockville, MD with mixed-use apartments/retail (an EYA development).

- Commission approved selection of KTGY on April 6, 2016



Development Consultant

The Concourse Group

- Commission approved selection of The Concourse Group on April 6, 2016

Property Management

Edgewood Management

- Commission approved selection of Edgewood Management on October 5, 2016
- Edgewood Management provides pre-construction and post-construction management services

General Contractor

CBG Building Company

- Commission approved selection of CBG Building Company on September 7, 2016

Summary and Recommendations

Issues for Consideration

Does the Commission wish to accept the recommendation of the Development and Finance Committee which met on July 21, 2017 and approve:

1. The Final Development Plan for the construction of 900 Thayer?
2. Execution of a Limited Scope Contract not to exceed \$680,273 to allow CBG Building Company to proceed with required dry utilities work as soon as possible, prior to the final construction closing projected in September 2017?
3. Authorization for the Executive Director to execute a contract at construction closing with CBG Building Company as general in an amount not to exceed \$25,319,727, which together with the Limited Scope Contract shall not exceed \$26,000,000?
4. An increase of 700,000 in predevelopment funds, from the OHRF, bringing the total to \$2,882,500?

Time Frame

Action at the August 9, 2017 meeting of the Commission.

Budget/Fiscal Impact

There is no adverse impact for the Agency's FY 2018 budget. The unobligated balance in the OHRF as of June 30, 2017 is \$7,516,889. If approved, the unobligated OHRF balance is reduced to \$6,816,889.

Staff Recommendation and Commission Action Needed

Staff recommends that the Commission accept the recommendation of the Development and Finance Committee and approve:

1. The Final Development Plan for the construction of 900 Thayer;
2. Execution of a Limited Scope Contract not to exceed \$680,273 to allow CBG Building Company to proceed with required dry utilities work as soon as possible, prior to the final construction closing projected in September 2017;
3. Authorization for the Executive Director to execute a contract at construction closing with CBG Building Company as general in an amount not to exceed \$25,319,727, which together with the Limited Scope Contract shall not exceed \$26,000,000.
4. An increase of 700,000 in predevelopment funds, from the OHRF, bringing the total to \$2,882,500.

RESOLUTION No.: 17-52

RE: Approval of the Final Development Plan; Authorization for the Executive Director to Execute General Contractor Contract for an Amount not to Exceed \$26,000,000, Inclusive of a Limited Scope Contract of \$680,273 for Completion of Underground Utilities; and Approval of \$700,000 of Additional Predevelopment Funding

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law, is authorized thereby to effectuate the purpose of providing affordable housing, including providing financing for the construction of rental housing properties which provide a public purpose; and

WHEREAS, on March 16, 2016, the Commission acquired 900 Thayer (“900 Thayer”) located on approximately 0.65 acres (28,526 square feet) of land at 8240 Fenton Street, Silver Spring, MD; and

WHEREAS, on April 6, 2016, the Commission approved 900 Thayer as a 124-unit, mixed-income, new construction, family community containing 73 one-bedroom and 51 two-bedroom units (“Development Plan”); and

WHEREAS, also as part of the Development Plan revised on March 1, 2017, 900 Thayer would contain 84 Project Based Rental Assistance (“PBRA”) units through conversion of these Public Housing units at Holly Hall via the Rental Assistance Demonstration (“RAD”) program and 40 market rate units; and

WHEREAS, the Commission authorized, in conjunction with its approval of the Development Plan, a predevelopment loan of \$2,182,500, the selection of The Concourse Group (“TCG”) as development consultant, and the acceptance of an existing contract with KTG Architecture; and

WHEREAS, on September 7, 2016, the Commission approved the selection of CBG Building Company (“CBG”) as general contractor for the construction of 900 Thayer and authorized the Executive Director to enter into contract negotiations with CBG for general contracting services for the construction of 900 Thayer; and

WHEREAS, on October 5, 2016, the Commission approved the selection of Edgewood Management for pre-construction consulting and property management services; and

WHEREAS, on June 15, 2017, staff submitted the RAD Financing Plan to the United States Department of Housing and Urban Development (“HUD”) and is expecting to receive a RAD Conversion Commitment (“RCC”) from HUD in August of 2017, which permits HOC to convert the 84 Public Housing units at Holly Hall to PBRA units at 900 Thayer; and

WHEREAS, the HOC’s site plan approvals by the Montgomery County Planning Board require that all site utilities be placed underground; and

WHEREAS, the underground relocation of site utilities is best completed prior to the commencement of building construction and HOC wishes to begin building construction immediately upon approval of funding; and

WHEREAS, staff will present a plan for construction financing at the September 2017 meeting of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the final development plan for the construction of 900 Thayer as outlined to the Commission on the date hereof.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it authorizes the immediate execution of a Limited Scope Contract for the relocation of the underground utilities, in an amount not to exceed \$680,273, to be funded from the Opportunity Housing Reserve Fund (“OHRF”), allowing CBG Building Company to commence required dry utilities while the General Contractor Contract is being completed.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it authorizes the execution of a contract with CBG Building Company as general contractor for 900 Thayer at closing of construction financing for \$25,319,727 which together with the Limited Scope Contract shall not exceed \$26,000,000 (“General Contractor Contract”).

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it authorizes an increase of \$700,000 in predevelopment funds to be funded from the Opportunity Housing Reserve Fund (“OHRF”), bringing the total predevelopment funds from the OHRF authorized for 900 Thayer to \$2,882,500.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it authorizes the Executive Director, without any further action on its part, to take any and all other actions necessary and proper to carry out the transaction and actions contemplated herein.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at an open meeting on August 9, 2017.

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Patrice M. Birdsong
Special Assistant to the Commission

APPROVAL TO INCREASE THE MAXIMUM AMOUNT OF THE CASH-FLOW CONTINGENT LOAN FOR PARK VIEW AT ASPEN HILL AS PART OF THE RAD CONVERSION OF SENIOR MULTIFAMILY PROPERTIES, APPROVAL TO AMEND THE COMMITMENT TO REFLECT PENNROSE DEVELOPMENT LLC AS THE DEVELOPER OF RECORD, AND AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE RELATED DOCUMENTS

AUGUST 9, 2017

- On March 4, 2015, the Commission approved a cash-flow contingent loan of \$1,250,000 to Shelter Development LLC (“Shelter”), the then developer of Park View at Aspen Hill, in return for placement of 40 HOC RAD units at the to-be-built property.
- In early 2016, Shelter announced it was exiting the affordable housing business, including deals under development.
- Maryland CDA agreed to allow Pennrose Development LLC (“Pennrose”) to replace Shelter as the developer of record and to transfer to Pennrose the 9% LIHTC allocation awarded to Park View at Aspen Hill.
- Changes in senior mortgage assumptions have ostensibly widened the need for a cash-flow contingent loan to \$1,544,000.
- Even at this larger amount, Park View at Aspen Hill remains the most cost-effective RAD transaction which HOC will have engaged.
- Staff recommends that the Commission accept the recommendation of the Development and Finance Committee which met on July 21, 2017 and approve funding for an additional \$300,000 from the Opportunity Housing Reserve Fund (“OHRF”), though staff also believes that final underwriting will obviate the need for this authorization.
- Staff also recommends approval to amend the cash-flow contingent loan commitment to reflect the substitution of Pennrose for Shelter.

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Stacy L. Spann, Executive Director

FROM: Division: Real Estate
Staff: Kayrine V. Brown, Chief Investment & Real Estate Officer Ext. 9589
Zachary Marks, Assistant Director of New Development Ext. 9613

RE: Approval to Increase the Maximum Amount of the Cash-flow Contingent Loan for Park View at Aspen Hill as Part of the RAD Conversion of Senior Multifamily Properties, Approval to Amend the Commitment to Reflect Pennrose as Development LLC the Developer of Record, and Authorization for the Executive Director to Execute Related Documents

DATE: August 9, 2017

COMMITTEE REPORT: Deliberation X

OVERALL GOAL & OBJECTIVE:

Transfer of rental assistance and permanent relocation of residents from 40 units at Elizabeth House in the form of Project Based Rental Assistance ("PBRA") via the Rental Assistance Demonstration ("RAD") program.

BACKGROUND:

On March 4, 2015, the Commission authorized the Executive Director to execute a loan commitment not to exceed \$1,250,000 ("Commitment") with Shelter Development LLC ("Shelter"). In exchange for the Commitment, Shelter agreed to place 40 PBRA units at its Park View at Aspen Hill project upon construction completion at RAD payment standards below the maximum rent levels on most of the 40 Low Income Housing Tax Credit units for which the vouchers would be paired. The amount of the grant agreement is the difference between the senior mortgage proceeds Park View at Aspen Hill would be able to secure without the 40 RAD units present and the amount it could secure with the RAD units present.

At the time of the March 4, 2015 Commission approval, all 40 RAD units were to come from Elizabeth House. The average RAD payment standard for the 40 converted Holly Hall units was \$849 per unit per month. HOC and Shelter Development were projecting the interest rate at closing to be 5.50%. Also, at the time, the term and amortization of the loan were assumed to be 40 years.

In the intervening years, a few notable changes to the project have occurred, some of which may require an increase in HOC's soft loan:

1. Change in Developer: In early 2016, Shelter made a corporate-level decision to sell all of its affordable housing assets and immediately exit all of its affordable housing pursuits. As Park View at Aspen Hill was awarded a 9% Low Income Housing Tax Credit ("LIHTC") allocation, partly

based upon the strength of Shelter's development expertise, a developer of equal or greater strength, as determined by the Community Development Administration ("CDA"), had to be selected to replace Shelter. CDA declined HOC's request to replace Shelter. HOC and CDA eventually agreed to substitute Pennrose Development LLC ("Pennrose") for Shelter.

2. Adjustment to Interest Rate, Loan Amortization, and Loan Term in Underwriting: When Pennrose assumed the role of developer for the Park View at Aspen Hill transaction, it changed some base assumptions related to the transaction's underwriting. The projected interest rate was changed from 5.50% to 6.05%. The projected amortization schedule was changed from 40 years to 35 years, as was the term of the assumed loan.

Based on these adjustments to underwriting, the HOC cash-flow contingent loan would need to be increased by \$300,000 to \$1,550,000. HOC staff believes that Pennrose will ultimately be able to secure senior financing at more favorable terms than those which Pennrose is now projecting and does not expect the final HOC cash-flow contingent loan to be greater than the currently approved amount of \$1,250,000.

Pennrose is in the process of identifying its construction-phase and permanent-phase lenders. It expects to select a lender over the next 60 days. However, for both the pending commitment application to CDA and HUD's acceptance of the RAD Finance Plan for Park View at Aspen Hill, a revised commitment from the Commission is required to reflect underwriting as it is today.

Even with the increased cost of placement at \$1.55MM, Park View at Aspen Hill remains the most cost effective RAD relocation project (\$38,750 per unit) (the low cost achieved as a result of its 9% Low Income Housing Tax Credit award).

ISSUES FOR CONSIDERATION:

Does the Commission wish to accept the recommendation of the Development & Finance Committee which met on July 21, 2017 and approve:

1. An increase to the maximum amount of HOC's cash-flow loan commitment to Park View at Aspen Hill of \$300,000?
2. The Amendment of HOC's cash-flow loan commitment to Park View at Aspen Hill to substitute Pennrose Development LLC for Shelter Development as borrower?
3. An increase in the funding of the loan amount from the Opportunity Housing Reserve Fund ("OHRF") of \$300,000, bringing the total obligated amount for HOC's cash flow loan to Park View at Aspen Hill to \$1,550,000?

PRINCIPALS:

Housing Opportunities Commission of Montgomery County
Maryland's Department of Housing and Community Development
DHCD's Community Development Administration
Montgomery County's Department of Housing and Community Affairs
Pennrose Development LLC
Shelter Development LLC

BUDGET/FISCAL IMPACT:

There is no budget impact. The \$1,250,000 already approved as the maximum amount of the loan is already included as an obligation of the OHRF. At the not-to-exceed amount, this would increase the use of the OHRF by as much as \$300,000. The encumbered balance in the OHRF as of June 30, 2017 is \$7,516,889; the additional commitment would reduce the balance to \$7,216,889.

TIME FRAME:

Action at the open session of the Commission on August 9, 2017.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Commission accept the recommendation of the Development & Finance Committee and approve:

1. An increase to the maximum amount of HOC's cash-flow loan commitment to Park View at Aspen Hill of \$300,000.
2. The Amendment of HOC's cash-flow loan commitment to Park View at Aspen Hill to substitute Penrose Development LLC for Shelter Development as borrower.
3. An increase in the funding of the loan amount from the Opportunity Housing Reserve Fund ("OHRF") of \$300,000, bringing the total obligated amount for HOC's cash flow loan to Park View at Aspen Hill to \$1,550,000.

RESOLUTION No.:17-53

RE: Approval to Increase the Maximum Amount of the Cash-flow Contingent Loan for Park View at Aspen Hill as Part of the RAD Conversion of Senior Multifamily Properties, Approval to Amend the Commitment to Reflect Pennrose Development LLC as the Developer of Record, and Authorization for the Executive Director to Execute Related Documents

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law, is authorized thereby to effectuate the purpose of providing affordable housing, including providing financing for the construction of rental housing properties which provide a public purpose; and

WHEREAS, Shelter Development LLC (“Shelter”) was the original developer of a six-acre parcel – to be carved out of excess land owned by Wheaton Seventh Day Adventist Church – located in Aspen Hill, Maryland, along Bel Pre Drive; and

WHEREAS, Shelter proposed to construct a new, 120-unit independent senior living affordable rental apartment community called Park View at Aspen Hill (“PVAH”) for which the Maryland Department of Housing and Community Development (“DHCD”) awarded a 9% Low Income Housing Tax Credit (“LIHTC”) allocation; and

WHEREAS, HOC’s wished to participate in the proposed development based on its need of 40 units at PVAH as relocation housing to which residents and Project-Based Section 8 subsidy would be transferred from Elizabeth House upon its conversion from Public Housing via the US Department of Housing and Urban Development’s Rental Assistance Demonstration (“RAD”) program; and

WHEREAS, as part of the application to DCHD for a 9% LIHTC allocation which Shelter submitted, HOC committed to provide a cash-flow contingent loan of up to \$1,250,000 (“Original Loan”) in addition to the total sources of funds already committed at the time and otherwise projected, as those other sources were insufficient to fully finance the total development costs for PVAH; and

WHEREAS, subsequent to PVAH’s receiving the 9% LIHTC award, Shelter decided to exit the affordable housing interest including deals under development; and

WHEREAS, to retain the 9% LIHTC award, DHCD had to approve a replacement developer for Shelter; and

WHEREAS, HOC and DHCD agreed upon Pennrose Development LLC (“Pennrose”) as the replacement developer for Shelter; and

WHEREAS, changes in underwriting assumptions since PVAH received the 9% LIHTC award leave the project in need of an additional \$300,000 in construction sources; and

WHEREAS, in the event that the proceeds generated by the sale of tax credits and by the senior mortgage for the financing of the construction of PVAH exceed \$22,367,585, less any increases in total development costs for PVAH over \$26,153,721, the \$1,544,000 commitment would be reduced by the amount of additional proceeds net of any new total development cost increases.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director is hereby authorized and directed to issue a revised commitment letter to Pennrose and its affiliate assignee for a cash-flow contingent loan for the Park View at Aspen Hill project in the amount of \$1,550,000, bearing interest at 2%, which loan will be funded from the Opportunity Housing Reserve Fund and shall be funded simultaneously with the closing and/or funding of the project's LIHTC equity and other construction financing.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, without any further action on its part, to take any and all other actions necessary and proper to carry out the specific transaction contemplated herein.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at an open meeting of the Commission on August 9, 2017.

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Patrice M. Birdsong
Special Assistant to the Commission

Approval to Select R4 Capital as the Tax Credit Syndicator for Elizabeth House III and Authorization for the Executive Director to Negotiate and Execute a Letter of Intent Outlining the Terms of a Limited Partnership Agreement



STACY L. SPANN, EXECUTIVE DIRECTOR

KAYRINE V. BROWN
ZACHARY MARKS
BRIAN KIM
HYUNSUK CHOI

August 9, 2017

Table of Contents

Topics	Page
Executive Summary	3
Offer Overviews	5
Summary of LOIs	6
Summary and Recommendations	7

Executive Summary

- Elizabeth Square is a 136,032 sq. ft. parcel located in downtown Silver Spring, bounded by Fenwick Street to the North, Second Avenue to the East, WMATA Rail Lines to the West and Apple Street to the South, known as Elizabeth Square and consists of three discrete properties: Alexander House, owned by Alexander House Development Corporation and Alexander House Limited Partnership (combined as “Alexander House”), Elizabeth House, owned by the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”), and Fenwick Professional Park owned by Acorn Storage No. 1, LLC a subsidiary of Lee Development Group (LDG) subject to a Master Lease to Elizabeth House III Limited Partnership, Elizabeth House III LLC and EH III Recreational Center, LLC.
- The Elizabeth House III (“EH III”) development includes 267 residential units, of which 120 units will be set aside as affordable units, a South County Regional Recreation and Aquatic Center (“SCRRAC”) totaling 120,000 square feet, and a 7,500 square feet Senior Resource Center/Primary Care Facility operated by Holy Cross Hospital.
- The 120 affordable units will be comprised of 106 Rental Assistance Demonstration (“RAD”) units and 14 Low Income Housing Tax Credit (“LIHTC”) units serving residents at or below 60% of the Area Median Income (“AMI”).
- Staff is in the process of preparing a 4% LIHTC application to the Maryland Department of Housing and Community Development (“DHCD”), which is projected to be submitted by end of August 2017.

Executive Summary

- On August 30, 2016, staff solicited proposals from eight (8) LIHTC syndicators listed below to select an equity investor for Elizabeth House III. From the those requested, staff received only two (2) Letters of Interest (LOIs) from R4 Capital and Boston Capital.

Boston Capital	Hudson Housing Capital	PNC Financial Services Group	Riverside Capital
R4 Capital	Raymond James	RBC Capital Market Housing Group	Wells Fargo

- Since the presidential election, there have been extensive discussions of a drop in the federal corporate tax rate. In March 2017, staff requested that R4 Capital and Boston Capital provide their best and final price and they came back to us with updated prices.
- Following the receipt of offers, staff communicated individually with representatives from the firms to evaluate the offers, discuss flexibility on terms, review relevant past experience, and introduce key members of HOC's project team. Both partners expressed a strong desire to work with HOC on this project.
- Based on highest per credit price and other acceptable transaction terms, staff recommends the selection of R4 Capital as the syndicator for Elizabeth House III.
- R4 Capital was founded in 2011 and is a multifamily housing investment company focused on providing equity and debt financing for the development, acquisition and preservation of apartment communities across all income spectrum. They have invested approximately 178 properties located in 39 states including Waverly House and Alexander House. R4 Capital has an average of over 25 years of Housing Tax Credit experience with a track record that includes over \$15 billion of Housing Tax Credit investments on behalf of more than 200 corporate investors.

CREDIT PRICING COMPARISON



Boston Capital

	\$/Credit with 40 yrs depreciation	\$1.030	Discounted Rate 6.00% with Payments PV	\$0.960	Discounted Rate 6.00% with Payments PV
Equity Amount		\$12,082,000	\$10,562,257	\$11,258,992	\$9,946,652

Offer Overview: R4 and Boston Capital



- Founded in 2011
- Team has on average over 25 years of Housing Tax Credit experience with a track record that includes over \$15 billion of Housing Tax Credit investments on behalf of more than 200 corporate investors
- Since May 2012, raised more than \$1.6 billion of LIHTC equity
- Approximately 178 properties located in 39 states
- Launched R4 Capital Funding, a tax exempt lending business
- Commission approved R4 Capital as the investor for Waverly House and Alexander House
- **Equity - \$12,082,000 (\$1.0300 with 40 yrs depreciation)**

Boston Capital

- Founded in 1974
- A real estate investment and advisory firm specializing in equity investments in affordable multifamily housing and market rate apartment communities
- Has more than 2,110 multifamily apartment properties in 49 states and the District of Columbia
- Constituting nearly 213,000 apartment homes with a development cost in excess of \$18.7 billion
- Commission approved Boston Capital as the investor for Arcola Towers
- **Equity - \$11,258,992 (\$0.960 with 40 yrs depreciation)**

Summary of Letters of Interest

	R4 Capital			Boston Capital		
Pricing	\$1.030			\$0.960		
Depreciation	40 years			40 years		
	Payments Present Value (PV) with Discounted Rate 6%			Payments Present Value (PV) with Discounted Rate 6%		
	Actual Payment			Actual Payment		
Equity	\$12,082,000	\$10,562,257		\$11,258,992	\$9,946,652	
Pay-In Schedule						
at closing	20.0%	\$2,416,400	\$2,416,400	13.0%	\$1,463,669	\$1,463,669
75% of Completion	N/A	N/A	N/A	10.0%	\$1,125,899	\$1,062,169
Completion Date	5.0%	\$604,100	\$537,647	25.0%	\$2,814,748	\$2,505,116
Rental Achievement	65.0%	\$7,853,300	\$6,593,782	49.0%	\$5,516,906	\$4,632,101
Receipt of IRS Forms 8609	10.0%	\$1,208,200	\$1,014,428	3.0%	\$337,770	\$283,598
Syndication Fee	\$50,000			\$50,000		
Asset Mgt Fee	\$10,000			\$7,950		
Partnership Mgt Fee	\$10,000			\$7,950		
Seller Note Accrues Interest AFR (Applicable Federal Rate)	2.81%			2.81%		
Amortization	40 years			40 years		
Development Fee Schedule	\$2,500,000			\$2,500,000		
at closing	33.3%	\$833,333		25.0%	\$625,000	
Completion Date	33.3%	\$833,333		25.0%	\$625,000	
Rental Achievement	33.3%	\$833,334		12.3%	\$307,500	
Receipt of IRS Forms 8609	N/A	N/A		37.7%	\$942,500	
Exit Taxes	\$2,876,993 (\$11,507,970 of gain recognized on the sale * 25%)			\$2,703,566 (\$10,814,262 of gain recognized on the sale * 25%)		
HOC Relationship	Yes			Yes		

Summary and Recommendations

Issues for Consideration

Does the Commission wish to accept the recommendation of the Development and Finance Committee which met on June 23, 2017 and approve the selection of R4 Capital as Low Income Housing Tax Credit Syndicator for the Elizabeth House III transaction and authorize the Executive Director to negotiate and enter into Limited Partnership Agreement?

Time Frame

Action at the August 9, 2017 meeting of the Commission.

Budget Impact

There is no adverse impact for the Agency's FY 2017 operating budget.

The investment raises approximately \$12.1 million of tax credit equity for the new construction of Elizabeth House III.

Staff Recommendation and Commission Action Needed

Staff recommends that the Commission accept the recommendation of the Development and Finance Committee and approve the selection of R4 Capital as Low Income Housing Tax Credit Syndicator for the Elizabeth House III transaction and authorize the Executive Director to negotiate and enter into Limited Partnership Agreement for the portion of the Elizabeth House property that would be sold to a LIHTC limited partnership.

RESOLUTION No.: 17-54

RE: Approval to Select R4 Capital as the Tax Credit Syndicator for Elizabeth House III and Authorization for the Executive Director to Negotiate and Execute a Limited Partnership Agreement

WHEREAS, Elizabeth Square is a 136,032 sq. ft. parcel located in downtown Silver Spring, bounded by Fenwick Street to the North, Second Avenue to the East, WMATA Rail Lines to the West and Apple Street to the South and consists of three discrete properties: Alexander House, owned by Alexander House Development Corporation and Alexander House Limited Partnership (combined as "Alexander House"); Elizabeth House, owned by the Housing Opportunities Commission of Montgomery County ("HOC" or "Commission"), and Fenwick Professional Park owned by Acorn Storage No. 1, LLC a subsidiary of Lee Development Group (LDG) subject to a Master Lease to Elizabeth House III Limited Partnership, Elizabeth House III LLC and EH III Recreational Center, LLC; and

WHEREAS, the Elizabeth House III ("EH III") development includes 267 residential units, of which 120 units will be set aside as affordable units, a South County Regional Recreation and Aquatic Center ("SCRRAC") totaling 120,000 square feet, and a 7,500 square feet Senior Resource Center/Primary Care Facility operated by Holy Cross Hospital; and

WHEREAS, the 120 affordable units will be comprised of 106 Rental Assistance Demonstration ("RAD") units and 14 Low Income Housing Tax Credit ("LIHTC") units serving residents at or below 60% of the Area Median Income ("AMI"); and

WHEREAS, the revised Sketch Plan, Preliminary Plan, and Site Plan for Elizabeth Square was submitted to the M-NCPPC in July 2017 with approval projected for November 2017; and

WHEREAS, permit set for the new EH III is anticipated to be completed by September 2017; and

WHEREAS, the development plan includes HOC's creation of Elizabeth House III Limited Partnership (the "Partnership") to own 120 units of the Property in order to avail of equity raised by the syndication of 4% Low Income Housing Tax Credits and a permanent loan funded from the sale of tax-exempt bonds, insured by FHA pursuant to its Risk Share agreement with HOC, and secured by 45% of the Property; and

WHEREAS, Elizabeth House III Limited Partnership (the "Partnership") was created on September 16, 2016, with EH III GP LLC, of which HOC is the sole member, as the general partner and HOC as the initial limited partner; and

WHEREAS, HOC and the Partnership expect to receive a Letter of Reservation of Federal Low Income Housing Tax Credits from the Maryland Department of Housing and Community Development which will enable the Partnership to raise approximately \$12.1 million in equity to pay part of its development costs; and

WHEREAS, after soliciting investment proposals from the top Low Income Housing Tax Credit (LIHTC) syndicators, HOC received two proposals detailing interest in purchasing the tax credits allocated to the Partnership and being admitted as its investor limited partner; and

WHEREAS, after review of all the submissions and further inquiries of the investors, R4 Capital has been determined to be the strongest LIHTC syndicator among the two respondents; and

WHEREAS, HOC intends to negotiate an amended and restated limited partnership agreement with R4 Capital for the admission of R4 Capital as a limited partner, the withdrawal of HOC as a limited partner, and the continued role of EH III GP LLC as the general partner of the Partnership.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and for and on behalf of EH III GP LLC, as its sole member, acting for itself and for and on behalf of Elizabeth House III Limited Partnership, as its general partner, that it approves the selection of R4 Capital as the low income housing tax credit investor syndicator.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and for and on behalf of EH III GP LLC, as its sole member, acting for itself and for and on behalf of Elizabeth House III Limited Partnership as its general partner, that the Executive Director 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.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County, acting for itself and for and on behalf of EH III GP LLC, as its sole member, acting for itself and for and on behalf of Elizabeth House III Limited Partnership as its general partner, at an open meeting on August 9, 2017.

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Patrice M. Birdsong
Special Assistant to the Commission

Legislative and Regulatory Committee

**AUTHORIZATION TO SUBMIT FY 2017
SECTION EIGHT MANAGEMENT
ASSESSMENT PROGRAM (SEMAP)
CERTIFICATION TO HUD**

AUGUST 9, 2017

- HUD requires housing agencies that administer a Section Eight Housing Choice Voucher Program to certify annually to program performance in compliance with the Section Eight Management Assessment Program (SEMAP) rules.

- HOC's SEMAP certification for Fiscal Year 2017 establishes the Housing Choice Voucher program as a High Performer.

- HOC will certify 140 points for the year ending June 30, 2017 which is an overall score of 97%.

- HOC's overall score for the year ended June 30, 2016 was 93% which designated HOC as a High Performer.

- The SEMAP certification is due to HUD by August 29, 2017.

The first seven indicators are also verified by the independent auditors annual audit report for the year ending June 30, 2017. The remaining seven indicators are verified through HUD's systems. The chart below identifies the individual indicator areas, the maximum points possible, the points HOC received in 2016, and what HOC will certify in its 2017 submission.

Indicator	Indicator Title	Maximum Possible Points	2016 Rating	2017 Certification
1	Waiting List	15	15	15
2	Reasonable Rent	20	15	20
3	Determination of Adjusted Income	20	15	15
4	Utility Allowance	5	5	5
5	HQS Quality Control	5	5	5
6	HQS Enforcement	10	10	10
7	Expanding Housing Opportunities	5	5	5
8	Payment Standards	5	5	5
9	Timely Annual Recertification	10	10	10
10	Correct Tenant Rent	5	5	5
11	Pre Contract HQS Inspection	5	5	5
12	Annual HQS Inspection	10	10	10
13	Lease Up	20	15	20
14	Family Self-Sufficiency	10	10	5
	Program Points	145	130	135
Bonus	Deconcentration Bonus	5	5	5
	Total Points		135	140
	Overall Percentage		93%	97%

HOC's 2017 SEMAP Certification submission equals 140 points, or 97 percent of the overall total program points. The program profile status as submitted will be a High Performer.

HOC staff continues to work diligently on improving the accuracy of the program activity. Specific attention has been placed on quality control reviews, client annual recertifications, third party verifications, inspections, income calculations, and rent reasonableness activity.

HUD is required by regulation to issue its final rating to HOC within 120 days of HOC's Fiscal Year end. The notification letter from HUD will require HOC to respond within 45 days if there are corrective actions for any SEMAP deficiencies. HOC staff does not anticipate that any response will be needed.

ISSUES FOR CONSIDERATION:

Does the Housing Opportunities Commission of Montgomery County wish to accept the recommendation of the Legislative and Regulatory Committee to authorize the Executive Director, or his designee, to submit to the U.S. Department of Housing and Urban Development (HUD) the Fiscal Year (FY) 2017 Section Eight Management Assessment Program (SEMAP) certification?

PRINCIPALS:

Housing Resources Division
Compliance Department
Client Services Department

BUDGET IMPACT:

None.

TIME FRAME:

The Legislative and Regulatory Committee reviewed this item at its meeting on July 20, 2017. For Commission action on August 9, 2017.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Housing Opportunities Commission of Montgomery County accept the recommendation of the Legislative and Regulatory Committee to authorize the Executive Director, or his designee, to submit to the U.S. Department of Housing and Urban Development (HUD) the Fiscal Year (FY) 2017 Section Eight Management Assessment Program (SEMAP) certification.

RESOLUTION: 17-55

**RE: Authorization to Submit FY 2017
Section Eight Management
Assessment Program (SEMAP)
Certification to HUD**

WHEREAS, U.S. Department of Housing and Urban Development (HUD) regulations require that the Housing Opportunities Commission of Montgomery County (HOC) submit the Section Eight Management Assessment Program (SEMAP) certification annually; and

WHEREAS, the SEMAP certification, which measures the status of HOC's administration of the Section Eight Program for Fiscal Year 2017, must be submitted to HUD within 60 days of the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director is hereby authorized to submit the Fiscal Year 2017 SEMAP Certification to HUD.

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

I HEREBY CERTIFY that the forgoing resolution was adopted by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on Wednesday, August 9, 2017.

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**Patrice Birdsong
Special Assistant to the Commission**

Section 8 Management Assessment Program (SEMAP) Certification

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0215
(exp. 11/30/2016)

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This collection of information is required by 24 CFR sec 985.101 which requires a Public Housing Agency (PHA) administering a Section 8 tenant-based assistance program to submit an annual SEMAP Certification within 60 days after the end of its fiscal year. The information from the PHA concerns the performance of the PHA and provides assurance that there is no evidence of seriously deficient performance. HUD uses the information and other data to assess PHA management capabilities and deficiencies, and to assign an overall performance rating to the PHA. Responses are mandatory and the information collected does not lend itself to confidentiality.

Instructions Respond to this certification form using the PHA's actual data for the fiscal year just ended.

PHA Name	For PHA FY Ending (mm/dd/yyyy)	Submission Date (mm/dd/yyyy)
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Check here if the PHA expends less than \$300,000 a year in Federal awards

Indicators 1 - 7 will not be rated if the PHA expends less than \$300,000 a year in Federal awards and its Section 8 programs are not audited for compliance with regulations by an independent auditor. A PHA that expends less than \$300,000 in Federal awards in a year must still complete the certification for these indicators.

Performance Indicators

1. Selection from the Waiting List. (24 CFR 982.54(d)(1) and 982.204(a))

(a) The PHA has written policies in its administrative plan for selecting applicants from the waiting list.

PHA Response Yes No

(b) The PHA's quality control samples of applicants reaching the top of the waiting list and of admissions show that at least 98% of the families in the samples were selected from the waiting list for admission in accordance with the PHA's policies and met the selection criteria that determined their places on the waiting list and their order of selection.

PHA Response Yes No

2. Reasonable Rent. (24 CFR 982.4, 982.54(d)(15), 982.158(f)(7) and 982.507)

(a) The PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units (i) at the time of initial leasing, (ii) before any increase in the rent to owner, and (iii) at the HAP contract anniversary if there is a 5 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary. The PHA's method takes into consideration the location, size, type, quality, and age of the program unit and of similar unassisted units, and any amenities, housing services, maintenance or utilities provided by the owners.

PHA Response Yes No

(b) The PHA's quality control sample of tenant files for which a determination of reasonable rent was required shows that the PHA followed its written method to determine reasonable rent and documented its determination that the rent to owner is reasonable as required for (check one):

PHA Response At least 98% of units sampled 80 to 97% of units sampled Less than 80% of units sampled

3. Determination of Adjusted Income. (24 CFR part 5, subpart F and 24 CFR 982.516)

The PHA's quality control sample of tenant files shows that at the time of admission and reexamination, the PHA properly obtained third party verification of adjusted income or documented why third party verification was not available; used the verified information in determining adjusted income; properly attributed allowances for expenses; and, where the family is responsible for utilities under the lease, the PHA used the appropriate utility allowances for the unit leased in determining the gross rent for (check one):

PHA Response At least 90% of files sampled 80 to 89% of files sampled Less than 80% of files sampled

4. Utility Allowance Schedule. (24 CFR 982.517)

The PHA maintains an up-to-date utility allowance schedule. The PHA reviewed utility rate data that it obtained within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10% or more in a utility rate since the last time the utility allowance schedule was revised.

PHA Response Yes No

5. HQS Quality Control Inspections. (24 CFR 982.405(b))

A PHA supervisor (or other qualified person) reinspected a sample of units during the PHA fiscal year, which met the minimum sample size required by HUD (see 24 CFR 985.2), for quality control of HQS inspections. The PHA supervisor's reinspected sample was drawn from recently completed HQS inspections and represents a cross section of neighborhoods and the work of a cross section of inspectors.

PHA Response Yes No

6. HQS Enforcement. (24 CFR 982.404)

The PHA's quality control sample of case files with failed HQS inspections shows that, for all cases sampled, any cited life-threatening HQS deficiencies were corrected within 24 hours from the inspection and, all other cited HQS deficiencies were corrected within no more than 30 calendar days from the inspection or any PHA-approved extension, or, if HQS deficiencies were not corrected within the required time frame, the PHA stopped housing assistance payments beginning no later than the first of the month following the correction period, or took prompt and vigorous action to enforce the family obligations for (check one):

PHA Response At least 98% of cases sampled Less than 98% of cases sampled

7. Expanding Housing Opportunities. (24 CFR 982.54(d)(5), 982.153(b)(3) and (b)(4), 982.301(a) and 983.301(b)(4) and (b)(12)).

Applies only to PHAs with jurisdiction in metropolitan FMR areas.

Check here if not applicable

(a) The PHA has a written policy to encourage participation by owners of units outside areas of poverty or minority concentration which clearly delineates areas in its jurisdiction that the PHA considers areas of poverty or minority concentration, and which includes actions the PHA will take to encourage owner participation.

PHA Response Yes No

(b) The PHA has documentation that shows that it took actions indicated in its written policy to encourage participation by owners outside areas of poverty and minority concentration.

PHA Response Yes No

(c) The PHA has prepared maps that show various areas, both within and neighboring its jurisdiction, with housing opportunities outside areas of poverty and minority concentration; the PHA has assembled information about job opportunities, schools and services in these areas; and the PHA uses the maps and related information when briefing voucher holders.

PHA Response Yes No

(d) The PHA's information packet for voucher holders contains either a list of owners who are willing to lease, or properties available for lease, under the voucher program, or a list of other organizations that will help families find units and the list includes properties or organizations that operate outside areas of poverty or minority concentration.

PHA Response Yes No

(e) The PHA's information packet includes an explanation of how portability works and includes a list of neighboring PHAs with the name, address and telephone number of a portability contact person at each.

PHA Response Yes No

(f) The PHA has analyzed whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the PHA has considered whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

PHA Response Yes No

8. Payment Standards. The PHA has adopted current payment standards for the voucher program by unit size for each FMR area in the PHA jurisdiction and, if applicable, for each PHA-designated part of an FMR area, which do not exceed 110 percent of the current applicable FMR and which are not less than 90 percent of the current FMR (unless a lower percent is approved by HUD). (24 CFR 982.503)

PHA Response Yes No

Enter current FMRs and payment standards (PS)

0-BR FMR _____ 1-BR FMR _____ 2-BR FMR _____ 3-BR FMR _____ 4-BR FMR _____
PS _____ PS _____ PS _____ PS _____ PS _____

If the PHA has jurisdiction in more than one FMR area, and/or if the PHA has established separate payment standards for a PHA-designated part of an FMR area, attach similar FMR and payment standard comparisons for each FMR area and designated area.

9. Annual Reexaminations. The PHA completes a reexamination for each participating family at least every 12 months. (24 CFR 982.516)

PHA Response Yes No

10. Correct Tenant Rent Calculations. The PHA correctly calculates tenant rent in the rental certificate program and the family rent to owner in the rental voucher program. (24 CFR 982, Subpart K)

PHA Response Yes No

11. Precontract HQS Inspections. Each newly leased unit passed HQS inspection before the beginning date of the assisted lease and HAP contract. (24 CFR 982.305)

PHA Response Yes No

12. Annual HQS Inspections. The PHA inspects each unit under contract at least annually. (24 CFR 982.405(a))

PHA Response Yes No

13. Lease-Up. The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year.

PHA Response Yes No

14a. Family Self-Sufficiency Enrollment. The PHA has enrolled families in FSS as required. (24 CFR 984.105)

Applies only to PHAs required to administer an FSS program.

Check here if not applicable

PHA Response

a. Number of mandatory FSS slots (Count units funded under the FY 1992 FSS incentive awards and in FY 1993 and later through 10/20/1998. Exclude units funded in connection with Section 8 and Section 23 project-based contract terminations; public housing demolition, disposition and replacement; HUD multifamily property sales; prepaid or terminated mortgages under section 236 or section 221(d)(3); and Section 8 renewal funding. Subtract the number of families that successfully completed their contracts on or after 10/21/1998.)

or, Number of mandatory FSS slots under HUD-approved exception

b. Number of FSS families currently enrolled

c. Portability: If you are the **initial** PHA, enter the number of families currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

Percent of FSS slots filled (b + c divided by a)

14b. Percent of FSS Participants with Escrow Account Balances. The PHA has made progress in supporting family self-sufficiency as measured by the percent of currently enrolled FSS families with escrow account balances. (24 CFR 984.305)

Applies only to PHAs required to administer an FSS program .

Check here if not applicable

PHA Response Yes No

Portability: If you are the **initial** PHA, enter the number of families with FSS escrow accounts currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

Deconcentration Bonus Indicator (Optional and only for PHAs with jurisdiction in metropolitan FMR areas).

The PHA is submitting with this certification data which show that:

- (1) Half or more of all Section 8 families with children assisted by the PHA in its principal operating area resided in low poverty census tracts at the end of the last PHA FY;
 - (2) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area during the last PHA FY is at least two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the last PHA FY;
- or**
- (3) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area over the last two PHA FYs is at least two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the second to last PHA FY.

PHA Response Yes No **If yes, attach completed deconcentration bonus indicator addendum.**

I hereby certify that, to the best of my knowledge, the above responses under the Section 8 Management Assessment Program (SEMAP) are true and accurate for the PHA fiscal year indicated above. I also certify that, to my present knowledge, there is not evidence to indicate seriously deficient performance that casts doubt on the PHA's capacity to administer Section 8 rental assistance in accordance with Federal law and regulations.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Executive Director, signature

Chairperson, Board of Commissioners, signature

Date (mm/dd/yyyy) _____

Date (mm/dd/yyyy) _____

The PHA may include with its SEMAP certification any information bearing on the accuracy or completeness of the information used by the PHA in providing its certification.

SEMAP Certification - Addendum for Reporting Data for Deconcentration Bonus Indicator

Date (mm/dd/yyyy) _____

PHA Name _____

Principal Operating Area of PHA _____
(The geographic entity for which the Census tabulates data)

Special Instructions for State or regional PHAs Complete a copy of this addendum for each metropolitan area or portion of a metropolitan area (i.e., principal operating areas) where the PHA has assisted 20 or more Section 8 families with children in the last completed PHA FY. HUD will rate the areas separately and the separate ratings will then be weighted by the number of assisted families with children in each area and averaged to determine bonus points.

1990 Census Poverty Rate of Principal Operating Area _____

Criteria to Obtain Deconcentration Indicator Bonus Points

To qualify for bonus points, a PHA must complete the requested information and answer yes for only one of the 3 criteria below. However, State and regional PHAs must always complete line 1) b for each metropolitan principal operating area.

- 1) _____ a. Number of Section 8 families with children assisted by the PHA in its principal operating area at the end of the last PHA FY who live in low poverty census tracts. A low poverty census tract is a tract with a poverty rate at or below the overall poverty rate for the principal operating area of the PHA, or at or below 10% whichever is greater.
- _____ b. Total Section 8 families with children assisted by the PHA in its principal operating area at the end of the last PHA FY.
- _____ c. Percent of all Section 8 families with children residing in low poverty census tracts in the PHA's principal operating area at the end of the last PHA FY (line a divided by line b).
- Is line c 50% or more? Yes No

- 2) _____ a. Percent of all Section 8 families with children residing in low poverty census tracts in the PHA's principal operating area at the end of the last completed PHA FY.
- _____ b. Number of Section 8 families with children who moved to low poverty census tracts during the last completed PHA FY.
- _____ c. Number of Section 8 families with children who moved during the last completed PHA FY.
- _____ d. Percent of all Section 8 mover families with children who moved to low poverty census tracts during the last PHA fiscal year (line b divided by line c).
- Is line d at least two percentage points higher than line a? Yes No

- 3) _____ a. Percent of all Section 8 families with children residing in low poverty census tracts in the PHA's principal operating area at the end of the second to last completed PHA FY.
- _____ b. Number of Section 8 families with children who moved to low poverty census tracts during the last two completed PHA FYs.
- _____ c. Number of Section 8 families with children who moved during the last two completed PHA FYs.
- _____ d. Percent of all Section 8 mover families with children who moved to low poverty census tracts over the last two completed PHA FYs (line b divided by line c).
- Is line d at least two percentage points higher than line a? Yes No

If one of the 3 criteria above is met, the PHA may be eligible for 5 bonus points.

See instructions above concerning bonus points for State and regional PHAs.

**AUTHORIZATION TO ADOPT
A NEW VIOLENCE AGAINST WOMEN ACT POLICY FOR THE
HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY**

August 9, 2017

- On November 16, 2016, the U.S. Department of Housing and Urban Development (HUD) published a new Final Rule implementing the housing protections authorized in the Violence Against Women Reauthorization Act of 2013 (VAWA).
- The 2013 Act expanded VAWA’s protections to victims of sexual assault in addition to its existing protections for victims of domestic violence, dating violence, and stalking.
- The 2013 Act added standardized language to be used by all Public Housing Authorities (PHA) in their drafting of the following four required documents: (1) A Notice of Occupancy Rights, (2) An Emergency Transfer Plan, (3) An Emergency Transfer Request Form, and (4) A Certification of Domestic Violence.
- The 2013 Act also expanded VAWA’s applicability beyond the existing protections for program participants of Public Housing and Section 8 Rental Assistance to include many other HUD and non-HUD housing programs such as HOME Investment Partnerships, Section 236 rental program, McKinney-Vento Homeless programs, Low-Income Housing Tax Credit properties, and many others.
- Since the VAWA 2013 Final Rule extended VAWA’s reach beyond just Public Housing and Section 8 to include many other HUD and non-HUD housing programs, HOC seeks to adopt a single, stand-alone policy which describes HOC’s commitment to VAWA adherence and enforcement for all of HOC’s programs.
- At this time, staff is requesting authorization to adopt a new Violence Against Women Act Policy for the Housing Opportunities Commission of Montgomery County.

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Stacy L. Spann, Executive Director

FROM: Staff: Ethan Cohen Division: Compliance Ext. 9764
 Darcel Cox Compliance Ext. 9427
 Lynn Hayes Housing Resources Ext. 9622
 Clarence Landers Property Management Ext. 9569

RE: Authorization to Adopt a New Violence Against Women Act Policy for the Housing Opportunities Commission of Montgomery County

DATE: August 9, 2017

STATUS: **Committee Report: Deliberation** X

OVERALL GOAL & OBJECTIVE:

To authorize the Executive Director, or his designee, to adopt a new Violence Against Women Act (VAWA) Policy for the Housing Opportunities Commission of Montgomery County.

BACKGROUND:

On November 16, 2016, the U.S. Department of Housing and Urban Development (HUD) published a new Final Rule implementing the housing protections authorized in the Violence Against Women Reauthorization Act of 2013 (“VAWA 2013” or “2013 Act”). The original VAWA 2013 was approved on March 7, 2013 in Public Law 113-4, 127 Stat. 101. The 2013 Act comes to modify the VAWA 2005 Law (Public Law 109-162, 119 Stat. 2959) which applied VAWA’s protections to certain HUD programs by amending the authorizing statutes for HUD’s Public Housing and Section 8 programs to provide protections for victims of domestic violence, dating violence, and stalking. The new VAWA 2013 Final Rule removes these amendments from the Public Housing and Section 8 authorizing statutes and, in their place, provides stand-alone VAWA protections that apply to these programs, as well as to additional HUD programs. The 2013 Act also now applies VAWA protections to victims of sexual assault in addition to its existing protections for victims of domestic violence, dating violence, and stalking.

Additionally, VAWA 2013 expands protections for victims of domestic violence, dating violence, sexual assault, and stalking by amending the definition of domestic violence to include violence committed by intimate partners of victims, providing that tenants cannot be denied assistance because an affiliated individual of theirs is or was a victim of domestic violence, dating violence, sexual assault, or stalking (collectively VAWA crimes). The new law also expands remedies for victims of domestic violence, dating violence, sexual assault, and stalking. It requires housing providers to develop and use emergency transfer plans, and provides, if lease bifurcation is allowed, tenants to have a reasonable time to establish eligibility for assistance under a VAWA-

covered program or to find new housing when an assisted household has to be divided as a result of the violence or abuse covered by VAWA.

VAWA 2013 provides protections for both applicants and tenants of assistance under a VAWA-covered housing program. However, the emergency transfer and bifurcation provisions of the rule are applicable solely to tenants. Furthermore, the statutory provisions of VAWA 2013 now require a Notice of Occupancy Rights, an Emergency Transfer Plan, and allow for the possibility of bifurcation of a lease. However, as described in the VAWA 2013 Final Rule, the core statutory protections of VAWA 2013 that prohibit denial or termination of assistance, or eviction solely on the basis that an individual is a victim of domestic violence, dating violence, stalking, or sexual assault apply to certain housing programs subsidized by HUD even where there is no lease. HUD funds many shelters, temporary housing, short-term supported housing, and safe havens. No person is to be denied access to such a facility or be required to leave such a facility solely on the basis that the person is, or has been, a victim of domestic violence, dating violence, sexual assault, or stalking.

Another key provision of the VAWA 2013 Final Rule is the addition of new housing programs to now be covered by VAWA. While VAWA 2013 maintains the existing protections for program participants of Public Housing, Section 8 Vouchers, and Project-Based Section 8, it also expands the housing protections from VAWA 2005 to now include the following programs:

- HOME Investment Partnerships program;
- Section 202 Supportive Housing for the Elderly;
- Section 236 Rental Program;
- Section 811 Supportive Housing for People with Disabilities;
- Section 221(d)(3) Below Market Interest Rate (BMIR) Program;
- Housing Opportunities for persons with AIDS (HOPWA) program;
- HUD's McKinney-Vento Homeless programs;
- Low-Income Housing Tax Credit properties; and
- USDA Rural Housing properties.

Ultimately, this new Final Rule better enables housing providers to comply with the mandates of VAWA 2013, and it reflects Federal policies that recognize that all individuals should be able to live in their homes without fear of violence. The implementation of VAWA protections in HUD programs increases opportunities for all individuals to live in safe housing and reduces the risk of homelessness for individuals who might otherwise be evicted, be denied housing assistance, or flee their homes.

Importantly, HUD notes in the Final Rule that the core statutory protections of VAWA 2013 that apply to applicants and tenants were applicable upon the initial enactment of VAWA 2013. To this end, the Final Rule states that formal regulations are not necessary to mandate adherence to this nondiscrimination requirement. Therefore, if an individual meets all of the eligibility requirements and complies with all of the occupancy requirements, that individual cannot be denied assistance or have assistance terminated solely on the basis that the individual is a

victim of domestic violence, dating violence, stalking, or sexual assault whether or not the housing provider has a written VAWA Policy which describes the protections of this Final Rule.

Despite the VAWA 2013 Final Rule's identification that a formal PHA policy is not required in order to implement the provisions of VAWA 2013, HOC staff recommends that the Commission develop an HOC VAWA Policy which would apply to all programs covered by VAWA 2013. Since this VAWA 2013 Final Rule extended VAWA's reach beyond just Public Housing and Section 8 to include many other HUD and non-HUD housing programs, HOC would benefit from having a single, stand-alone policy which describes HOC's commitment to VAWA adherence and enforcement.

The development of a new HOC VAWA Policy was discussed initially by the Legislative and Regulatory Committee (LRC) at its meeting on May 16, 2017. During that meeting, the LRC requested that HOC staff develop a VAWA Policy for the Committee's review at the next regular LRC meeting in July 2017. In particular, this VAWA Policy addresses the following issues and questions raised during the May 16th LRC meeting:

- Provide definitions of key terms used in the VAWA Policy.
 - HOC's VAWA Policy defines terms such as:
 - Actual and imminent threat;
 - Bifurcate;
 - Dating violence;
 - Domestic violence;
 - Perpetrator;
 - Sexual assault; and
 - Stalking.
- Explain what kinds of documentation are accepted by HOC as proof that someone is a VAWA victim.
 - The HOC VAWA Policy permits verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking in any one, or more, of the following three ways:
 1. **HUD-approved form** – Victims may provide to HOC, or to the requesting Section 8 owner or manager, a written certification, on a form approved by HUD. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator. See Appendix C of the Policy for a copy of this form.
 2. **Other documentation** – Victims may provide to HOC, or to the requesting Section 8 owner or manager, written documentation signed by an employee,

agent, or volunteer of a victim service provider, an attorney, or a medical professional. In order to use such third-party documentation, the victim must have sought assistance in addressing the domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, described in such documentation from the third-party professional. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this Policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault, or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

3. **Police or court record** – Victims may provide to HOC, or to the requesting Section 8 owner or manager, a Federal, State, tribal, territorial, local police, or court record describing the incident, or incidents, in question.
- Describe how HOC will protect the individual accused as the perpetrator from a false allegation.
 - The HOC VAWA Policy explains that an individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, can be requested by HOC, or a Section 8 owner or manager to provide verification of the adverse action. Provision of such verification must be within 14 business days after the victim receives HOC's request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA for that specific allegation.
 - Explain HOC's process for emergency transfers with regard to timing and availability of units.
 - HOC's VAWA Policy and its Emergency Transfer Policy explicitly state that HOC cannot guarantee the approval of a transfer request or how long it will take to process a transfer request. However, the Policy goes on to say that HOC will act as quickly as possible to move a customer who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit in HOC's portfolio, subject to availability and safety of a unit.
 - If a unit is available, the transferred customer must agree to abide by the terms and conditions that govern occupancy in the unit to which the customer has been transferred. If there are no units available for transfer in the program in which the customer currently participates, HOC will attempt to transfer the victim to a vacant unit in another program, so long as the customer can establish eligibility for that unit and program.

- If HOC has no safe and available units for which a customer who needs an emergency transfer is eligible, HOC will assist the victim in referring them to other housing providers who may have safe and available units to which the customer could move. This includes local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are listed in HOC’s Emergency Transfer Plan (Appendix D of the Policy).
- Describe the VAWA Policy’s relationship to other applicable laws:
 - HOC’s VAWA Policy states: “Neither VAWA, nor this Policy implementing it, shall preempt or supersede any provision of Federal, State, or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.”

ISSUES FOR CONSIDERATION:

Does the Housing Opportunities Commission of Montgomery County wish to accept the recommendation of the Legislative and Regulatory Committee to authorize the Executive Director, or his designee, to adopt a new Violence Against Women Act (VAWA) Policy for the Housing Opportunities Commission of Montgomery County?

PRINCIPALS:

Housing Resources Division
Property Management Division
Compliance Department

BUDGET IMPACT:

None.

TIME FRAME:

The Legislative and Regulatory Committee reviewed this item at its meeting on July 20, 2017. For Commission action on August 9, 2017.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Housing Opportunities Commission of Montgomery County accept the recommendation of the Legislative and Regulatory Committee to authorize the Executive Director, or his designee, to adopt a new Violence Against Women Act (VAWA) Policy for the Housing Opportunities Commission of Montgomery County.

RESOLUTION: 17-56

**RE: Authorization to Adopt a New
Violence Against Women Act
Policy for the Housing
Opportunities Commission of
Montgomery County**

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC”) seeks to adopt a new Violence Against Women Act Policy in order to implement the regulations identified in the Violence Against Women Reauthorization Act of 2013.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director is hereby authorized to adopt a new Violence Against Women Act (VAWA) Policy for the Housing Opportunities Commission of Montgomery County.

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

I HEREBY CERTIFY that the forgoing resolution was adopted by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on Wednesday, August 9, 2017.

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**Patrice Birdsong
Special Assistant to the Commission**



Violence Against Women Act Policy

Last Revision:
July 2017

I. INTRODUCTION

The purpose of this Violence Against Women Act (VAWA) Policy (“Policy”) is to implement the applicable provisions of the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4, 127 Stat. 54, approved March 7, 2013, at 127 Stat. 101) and more generally to set forth the policies and procedures of the Housing Opportunities Commission of Montgomery County (HOC) with regard to VAWA. Notwithstanding its title, this policy is gender-neutral, and its protections apply to all HOC customers who are victims of domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, or sexual orientation.

Furthermore, the policies and procedures described herein are applied by HOC in a consistent and nondiscriminatory manner as directed by the fair housing requirements of the U.S. Department of Housing and Urban Development (HUD). As per the Code of Federal Regulations (CFR) at 24 CFR 5.2001, HOC’s VAWA Policy is consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), such that victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. Additionally, this Policy is operated consistently with HUD’s Equal Access Rule at 24 CFR 5.105(a)(2).

This Policy is applicable to the administration of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.). Additionally, HOC extends this Violence Against Women Act Policy to apply to all housing programs as may be provided by HOC.

The implementation of VAWA protections for participants in HUD and other housing programs increases opportunities for all individuals to live in safe housing and reduces the risk of homelessness for individuals who might otherwise be evicted, be denied housing assistance, or flee their homes.

II. GOALS AND OBJECTIVES

This Policy has the following principal goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault, or stalking who are assisted by HOC;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;
- D. Creating and maintaining collaborative arrangements between HOC, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, sexual assault, or stalking, who are assisted by HOC; and
- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, affecting individuals who HOC assists.

III. OTHER HOC POLICIES AND PROCEDURES

This Policy is referenced in, and attached to, HOC's Five-Year and Annual Public Housing Agency (PHA) Plans demonstrating its applicability to the Public Housing (PH) and Housing Choice Voucher (HCV) programs. Additionally, this Policy shall apply to any and all other HOC housing programs as described in Section I of this document. To the extent that any provision of this Policy shall vary or contradict any previously adopted policy or procedure of HOC, the provisions of this Policy shall prevail.

IV. DEFINITIONS

The following definitions apply as used in this Policy, as per the Code of Federal Regulations (CFR) at Title 24, Section 5.2003:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants are subject to eviction or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Covered housing program consists of the following HUD programs:

- (1) Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- (2) Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.
- (3) Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- (4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.

- (5) Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- (6) Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- (7) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- (8) HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- (9) The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

Covered housing provider refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there is more than one covered housing provider. This is dependent upon the VAWA duty or responsibility performed by a covered housing provider, whereas the covered housing provider is not always the same individual or entity.

Dating violence means violence committed by a person:

- (1) Who is or was previously in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) The type of relationship; and
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the

jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

V. ADMISSIONS AND SCREENING

- A. *Non-Denial of Assistance.* HOC will not deny admission to any of its housing programs to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for such admission.

VI. TERMINATION OF TENANCY OR ASSISTANCE

- A. *VAWA Protections.* Under VAWA, HOC's housing program participants have the following specific protections, which HOC observes:
 1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
 2. In addition to the foregoing, HOC will not terminate tenancy or assistance as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the assisted household, a guest or another person under the customer's control, and the customer or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - (a) Nothing contained in this paragraph shall limit any otherwise available authority of HOC or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance for any violation of a lease or program requirement not premised on the act or acts of

domestic violence, dating violence, sexual assault, or stalking in question against the customer or a member of the customer's household. However, in taking any such action, neither HOC nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence, sexual assault, or stalking than that applied to other customers.

- (b) Nothing contained in this paragraph shall be construed to limit the authority of HOC or a Section 8 owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager or HOC can demonstrate an actual and imminent threat to other customers or to those employed at or providing service to the property, if the customer is not evicted or terminated from assistance.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, HOC or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by HOC. Leases used for all housing operated by HOC and, at the option of Section 8 owners or managers, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by HOC, shall contain provisions setting forth the substance of this paragraph.

VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. *Requirement for Verification.* The law allows, but does not require, HOC or a section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided in paragraph VII. C., HOC shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by HOC. Those Section 8 owners or managers receiving rental assistance, which HOC administers, may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* – Victims may provide to HOC, or to the requesting Section 8 owner or manager, a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. On this form, the victim must also state that the incident or incidents in question are bona fide incidents of actual or threatened abuse

meeting the requirements of the applicable definition(s) set forth in this Policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator. **A copy of HOC's HUD-Approved form Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation is provided in Appendix C of this Policy.**

2. *Other documentation* – Victims may provide to HOC, or to the requesting Section 8 owner or manager, written documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional. In order to use such third-party documentation, the victim must have sought assistance in addressing the domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, described in such documentation from the third-party. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this Policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault, or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
 3. *Police or court record* – Victims may provide to HOC, or to the requesting Section 8 owner or manager, a Federal, State, tribal, territorial, local police, or court record describing the incident, or incidents, in question.
- B. *Time allowed to provide verification/ failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, and who is requested by HOC, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.
- C. *Waiver of verification requirement.* The Executive Director of HOC, or a Section 8 owner, or manager, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. The Executive Director, owner, or manager has the sole discretion to grant such a waiver, which HOC will submit in writing. A waiver in a particular instance or instances shall not operate as precedent for, or create any right to, a waiver in any other case or cases, regardless of similarity in circumstances.

VIII. CONFIDENTIALITY

- A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking) provided to HOC or to a Section 8 owner, or manager in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained

by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

1. Requested or consented to by the individual in writing; or
 2. Required for use in an HOC housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA; or
 3. Otherwise required by applicable law.
- B. *Notification of rights.* All tenants of HOC housing and tenants participating in the Section 8 rental assistance program administered by HOC shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

VIII. TRANSFER TO NEW RESIDENCE

- A. *Emergency Transfer Plan.* According to HOC's Unit Transfer Guidelines, the highest priority for transfers, Priority 1, is given to victims of domestic violence, dating violence, sexual assault, or stalking. More specifically, in situations where a victim of domestic violence, dating violence, sexual assault, or stalking, seeks an emergency transfer from HOC, the following regulations describe the requirements of eligibility for an emergency transfer under VAWA. Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. **A copy of HOC's Emergency Transfer Request form is provided in Appendix A of this Policy.**

1. Emergency Transfers

HOC is concerned about the safety of its customers, and such concern extends to customers who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HOC allows customers who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the customer's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of HOC to honor such request for customers currently receiving assistance, however, may depend upon a preliminary determination that the customer is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HOC has another dwelling unit that is available and is safe to offer the customer for temporary or more permanent occupancy.

This plan identifies customers who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to customers on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HOC is in compliance with VAWA.

2. Eligibility for Emergency Transfers

A customer who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR Part 5, Subpart L is eligible for an emergency transfer, if the customer reasonably believes that there is a threat of imminent harm from further violence if the customer remains within the same unit. If the customer is a victim of sexual assault, the customer may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A customer requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Customers who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

3. Emergency Transfer Request Documentation

To request an emergency transfer, the customer shall notify HOC's management office and submit a written request for a transfer to the appropriate Property Manager or Housing Specialist. HOC will provide reasonable accommodations to this policy for individuals with disabilities. The customer's written request for an emergency transfer should include either:

(a) A statement expressing that the customer reasonably believes that there is a threat of imminent harm from further violence if the customer were to remain in the same dwelling unit assisted under HOC's program;

OR

(b) A statement that the customer was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the customer's request for an emergency transfer.

4. Confidentiality

HOC will keep confidential any information that the customer submits in requesting an emergency transfer, and information about the emergency transfer, unless the customer gives HOC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the customer, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the customer. See the Notice of Occupancy Rights under the Violence Against Women Act for more information about HOC's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking. **A copy of HOC's Notice of Occupancy Rights is provided in Appendix B of this Policy.**

5. Emergency Transfer Timing and Availability

HOC cannot guarantee the approval of a transfer request or how long it will take to process a transfer request. HOC will, however, act as quickly as possible to move a customer who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a customer reasonably believes a proposed transfer would not be safe, the customer may request a transfer to a different unit. If a unit is available, the transferred customer must agree to abide by the terms and conditions that govern occupancy in the unit to which the customer has been transferred. HOC may be unable to transfer a customer to a particular unit if the customer has not, or cannot, establish eligibility for that unit.

If HOC has no safe and available units for which a customer who needs an emergency transfer is eligible, HOC will assist the customer in identifying other housing providers who may have safe and available units to which the customer could move. At the customer's request, HOC will also assist customers in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this Transfer Plan.

- B. *Portability*. HOC will not deny Section 8-assisted customers portability to units located in another jurisdiction so long as the following criteria are met:
1. The term of the customer's existing lease must be complete to the satisfaction of the current landlord, or the family has not occupied the unit for 12 months;
 2. The customer has complied with all other requirements of the Section 8 program; or
 3. The customer is moving from the unit in order to protect the health or safety of an individual member of the household who is, or has been, the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believes that the customer or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

X. COURT ORDERS

- A. *Court orders*. It is HOC's policy to honor orders entered by courts of competent jurisdictions affecting individuals assisted by HOC and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

XI. RELATIONSHIPS WITH SERVICE PROVIDERS

It is HOC's policy to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If HOC staff becomes aware that an HOC assisted individual is a victim of domestic violence, dating violence, sexual assault, or stalking, HOC will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring HOC either to maintain a relationship with any

particular provider of shelter or services to victims or domestic violence, dating violence, sexual assault, or stalking or to make a referral in any particular case. HOC's Emergency Transfer Plan shall describe providers of shelter or other services to victims of domestic violence, dating violence, sexual assault, or stalking with which HOC has referral or other cooperative relationships. **A copy of HOC's Emergency Transfer Plan is provided in Appendix D of this Policy.**

XII. NOTIFICATION

HOC shall provide written notification to applicants, tenants, and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance, and termination of tenancy or assistance as described in this Policy.

- A. *Notice of Occupancy Rights.* HOC provides notice to a tenant or applicant of their occupancy rights under VAWA at three specific times:
1. When an individual is denied residency under an assisted program;
 2. When an individual is admitted to a dwelling unit assisted under the covered housing program; and
 3. With any notification of eviction or termination of assistance.

HOC believes that it is important to provide a separate Notice of Occupancy Rights under VAWA so as to ensure that applicants and residents are aware of their rights under the Act. Therefore, HOC provides a separate Notice of Occupancy Rights to program participants at the times specified in this rule. **A copy of HOC's Notice of Occupancy Rights is provided in Appendix B of this Policy.**

- B. *New Victim Certification Form.* HOC provides all customers and applicants with a copy of the Agency's Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation Form. If an HOC customer is seeking VAWA protections from their housing provider, this is the appropriate form with which to provide the requested written documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. The victim, or someone on the victim's behalf, can complete this form. The New Victim Certification Form also describes HOC's system for submitting various types of third-party documentation. **A copy of HOC's New Victim Certification Form is provided in Appendix C of this Policy.**

XIII. RELATIONSHIP WITH OTHER APPLICABLE LAWS

Neither VAWA, nor this Policy implementing it, shall preempt or supersede any provision of Federal, State, or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

XIV. AMENDMENT

HOC may amend this Policy from time to time, as approved by the Agency's Board of Commissioners.

Appendix A

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept

confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's): _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Appendix B

Housing Opportunities Commission of Montgomery County NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Opportunities Commission of Montgomery County (HOC) is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under any HOC program, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance from HOC, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under any HOC program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

HOC may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HOC chooses to remove the abuser or perpetrator, HOC may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HOC must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of

time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HOC must follow Federal, State, and local eviction procedures. In order to divide a lease, HOC may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, HOC may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HOC may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HOC will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HOC's emergency transfer plan provides further information on emergency transfers, and HOC must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HOC can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HOC must be in writing, and HOC must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HOC may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HOC as documentation. It is your choice which of the following to submit if HOC asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HOC with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HOC has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HOC does not have to provide you with the protections contained in this notice. If HOC receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HOC has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HOC does not have to provide you with the protections contained in this notice.

Confidentiality

HOC must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HOC must not allow any individual administering assistance or other services on behalf of HOC (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HOC must not enter your information into any shared database or disclose your information to any other entity or individual. HOC, however, may disclose the information provided if:

- You give written permission to HOC to release the information on a time limited basis.
- HOC needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HOC or your landlord to release the information.

VAWA does not limit HOC's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HOC cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HOC can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- (1) Would occur within an immediate time frame, and
- (2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HOC can demonstrate the above, HOC should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider’s violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Washington, D.C. HUD Field Office.

For Additional Information

You may view a copy of HUD’s final VAWA rule at <https://portal.hud.gov/hudportal/documents/huddoc?id=5720-F-03VAWAFinRule.pdf>. Additionally, HOC must make a copy of HUD’s VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **HOC’s Housing Programs Coordinator, Ethan Cohen**. Mr. Cohen can be reached at 240-627-9764 or via email at ethan.cohen@hocmc.org.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact any of the following local organizations in Montgomery County:

<p>Montgomery County Abused Persons Program 1301 Piccard Dr, Rockville, MD 20850 Abused Persons Program 24 Hour Crisis Services: 240-777-4000 Service/Intake: 240-777-4195 Administrative Office: 240-777-4210</p>	<p>Montgomery County Sheriff’s Office Domestic Violence Section 50 Maryland Avenue Room T400 Rockville, MD 20850 240-777-7016</p>
<p>Montgomery County Family Justice Center Foundation 600 Jefferson Plaza #500 Rockville, MD 20852 240-773-0444</p>	<p>States Attorney’s Office 50 Maryland Avenue Rockville, MD 20850 240-777-7300</p>
<p>Victim Information and Notification Everyday (VINE) Service 1-866-MD4VINE (1-866-634-8463)</p>	

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact any of the local organizations in Montgomery County listed above.

Victims of stalking seeking help may also contact any of the local organizations in Montgomery County listed above.

Appendix C

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s): _____ _____ _____ _____
--

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Appendix D

Housing Opportunities Commission of Montgomery County EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Emergency Transfers

HOC is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HOC allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of HOC to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HOC has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HOC is in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR Part 5, Subpart L is eligible for an emergency transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HOC's management office and submit a written request for a transfer to the appropriate Property Manager or Housing Specialist. HOC will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HOC's program;

OR

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

HOC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HOC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HOC's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HOC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HOC will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HOC may be unable to transfer a tenant to a particular unit if the tenant has not, or cannot, establish eligibility for that unit.

If HOC has no safe and available units for which a tenant who needs an emergency transfer is eligible, HOC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HOC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this Transfer Plan.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in

creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

List of Local Organizations Offering Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

- **Montgomery County Abused Persons Program**
1301 Piccard Dr, Rockville, MD 20850
Abused Persons Program 24 Hour Crisis Services: 240-777-4000
Service/Intake: 240-777-4195
Administrative Office: 240-777-4210
- **Montgomery County Family Justice Center Foundation**
600 Jefferson Plaza #500
Rockville, MD 20852
240-773-0444
- **Montgomery County Sheriff's Office**
Domestic Violence Section
50 Maryland Avenue
Room T400
Rockville, MD 20850
240-777-7016
- **States Attorney's Office**
50 Maryland Avenue
Rockville, MD 20850
240-777-7300
- **Victim Information and Notification Everyday (VINE) Service**
1-866-MD4VINE (1-866-634-8463)

- **Montgomery County District Courts Filing for Ex-Parte and Peace Orders
Emergency Evaluation Petitions
Filing of violations and modifications of existing orders issued by the District Court**

- **Rockville District Court**
27 Courthouse Square
Rockville, MD 20850
301-279-1500
Note: From 9am to 3pm Victim Assistance is available at this location.
- **Silver Spring District Court**
8552 Second Avenue
Silver Spring, MD 20910
301-563-8550

Interim Protective and Peace Orders are available after hours or whenever the District Courts are closed from a District Court Commissioner at:

- **Central Processing Unit**
1307 Seven Locks Road
Rockville, MD

- **Montgomery County Circuit Court Filing for Ex-Parte Orders
Emergency Evaluation Petitions
Filing of violations and modifications of existing orders issued by the Circuit Court**

- 50 Maryland Avenue, 3rd floor
Rockville, MD
240-777-9115
Note: Victim Assistance and legal consultation are available at this location.
- **District Court Commissioner**
Central Processing Unit
1307 Seven Locks Rd.
Rockville, MD
301-610-7217 (24 Hours)

AUTHORIZATION TO SUBMIT THE FFY 2017 CAPITAL FUND PROGRAM GRANT ANNUAL CONTRIBUTIONS CONTRACT AMENDMENT AND SUPPORTING DOCUMENTATION

AUGUST 9, 2017

- The Housing Opportunities Commission of Montgomery County was notified by the U.S. Department of Housing and Urban Development (HUD) that it has been awarded \$288,858 as part of the FFY 2017 Capital Fund Program (CFP) grant for Public Housing.
- CFP grant funds are used to make capital improvements to the Commission's public housing stock.
- This award amount is \$305,086 less than the \$593,944 award amount received from HUD in FFY 2016. This significant decrease is due to the Public Housing RAD conversions over this past year.
- HUD directs the Commission to submit a Capital Fund Grant Annual Statement, a signed Annual Contributions Contract Amendment, and a supporting Commission Resolution to HUD in order to reserve the CFP grant funds.
- The Annual Statement details the contemplated expenditure categories of the CFP grant funds based on those previously estimated in the Agency's CFP Five-Year Action Plan.
- Staff recommends that the Executive Director or his designee be authorized to submit to HUD the FFY 2017 Annual Statement outlining how the CFP grant funds will be expended, the signed Annual Contributions Contract Amendment, and the supporting Commission Resolution.

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Stacy L. Spann, Executive Director

FROM: Ethan Cohen Division: Compliance Ext. 9764
Clarence Landers Property Management Ext. 9569
Zachary Marks Real Estate Development Ext. 9613
Ellen Goff Real Estate Development Ext. 9528

RE: Authorization to Submit the FFY 2017 Capital Fund Program Grant Annual Contributions Contract Amendment and Supporting Documentation

DATE: August 9, 2017

STATUS: **Committee Report: Deliberation** X

OVERALL GOAL & OBJECTIVE:

To authorize the Executive Director, or his designee, to submit to the U.S. Department of Housing and Urban Development (HUD) the Federal Fiscal Year (FFY) 2017 Capital Fund Program (CFP) Annual Statement outlining the ways in which the CFP grant funds will be expended, the signed FFY 2017 Annual Contributions Contract (ACC) Amendment, and the supporting Commission Resolution.

BACKGROUND:

Annually, HOC is awarded Capital Fund Program (CFP) grant funds based upon a HUD formula. These CFP funds are then used to make capital improvements to the Commission’s public housing stock. CFP grant funds cannot be used for properties that are not public housing.

The FFY 2016 CFP grant award was \$593,944.

The FFY 2017 CFP grant award is \$288,858 which represents a decrease of \$305,086. This decrease in funding is due to a reduction in the number of Public Housing units in HOC’s portfolio due to conversions via the Rental Assistance Demonstration (RAD) program over this past year.

Implementation of the CFP grant funds will be coordinated by the Real Estate Development Department according to the CFP Five-Year Action Plan and the CFP Annual Statement, as summarized below:

Administration	\$28,886.00
RAD Investment Activity	\$259,972.00
Grand Total	\$288,858.00

ISSUES FOR CONSIDERATION:

Does the Housing Opportunities Commission of Montgomery County wish to accept the recommendation of the Legislative and Regulatory Committee to authorize the Executive Director, or his designee, to submit to the U.S. Department of Housing and Urban Development (HUD) the Federal Fiscal Year (FFY) 2017 Annual Statement outlining the ways the CFP grant funds will be expended, the signed FFY 2017 Annual Contribution Contract Amendment, and the supporting Commission Resolution?

PRINCIPALS:

Housing Opportunities Commission of Montgomery County (HOC)
U.S. Department of Housing and Urban Development (HUD)

BUDGET IMPACT:

The funds will be restricted to the Public Fund and used for public housing capital improvements and RAD investment activities.

TIME FRAME:

The Legislative and Regulatory Committee reviewed this item at its meeting on July 20, 2017. For Commission action on August 9, 2017.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Housing Opportunities Commission of Montgomery County accept the recommendation of the Legislative and Regulatory Committee to authorize the Executive Director, or his designee, to submit to the U.S. Department of Housing and Urban Development (HUD) the Federal Fiscal Year (FFY) 2017 CFP Annual Statement outlining how the CFP grant funds will be expended, the signed FFY 2017 Annual Contribution Contract Amendment, and the supporting Commission Resolution.

RESOLUTION: 17-57

**RE: Authorization to Submit the
FFY 2017 Capital Fund Program
Grant Annual Contributions
Contract Amendment and
Supporting Documentation**

WHEREAS, the Housing Opportunities Commission of Montgomery County (“Commission”) will receive \$288,858 in FFY 2017 Capital Fund Program grant funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, staff has identified \$288,858 in needs based upon the Commission’s Five-Year Capital Fund Program Action Plan; and

WHEREAS, by submitting the FFY 2017 CFP Annual Statement and the signed FFY 2017 ACC Amendment, the Commission is agreeing that capital and management activities will be carried out in accordance with all HUD regulations.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is hereby authorized to submit to the U.S. Department of Housing and Urban Development the FFY 2017 Annual Statement outlining how the Capital Fund Program grant funds will be expended, the signed FFY 2017 Annual Contributions Contract Amendment in the amount of \$288,858, and the supporting Commission Resolution.

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

I HEREBY CERTIFY that the foregoing resolution was adopted by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on August 9, 2017.

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**Patrice Birdsong
Special Assistant to the Commission**

2017 Capital Fund

**Capital Fund Program
(CFP) Amendment
To The Consolidated Annual Contributions
Contract (form HUD-53012)**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing**

Whereas, (Public Housing Authority)	HOUSING OPPRTY COM OF MONTGOMERY CO	MD004	(herein called the "PHA")
and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions Contract(s) ACC(s) Numbers(s)	P-189	dated 7/10/1967	

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out development, capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. HUD will provide a revised ACC Amendment authorizing such additional amounts.

\$ 288,858.00 for Fiscal Year 2017 to be referred to under Capital Fund Grant Number MD39P00450117
PHA Tax Identification Number (TIN): On File DUNS Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number 2017 - 1

Now Therefore, the ACC(s) is (are) amended as follows:

- The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for development, capital and management activities of PHA projects. This CFP Amendment is a part of the ACC(s).
- The PHA must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) published at 78 Fed. Reg. 63748 (October 24, 2013), as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in section 9(g)(2) of the Act.
- The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.
- For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.
- Unless otherwise provided, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the Act and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.
- Subject to the provisions of the ACC(s) and paragraph 3, and to assist in development, capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.
- The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP

assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. However, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing project(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.

8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).
(mark one): Yes No

10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authorities and all applicable HUD regulations and requirements. For total conversion of public housing projects, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing projects(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.

12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must record the Declaration(s) of Trust within 60 days of the effective date or HUD will recapture the funds.

The parties have executed this CFP Amendment, and it will be effective on 8/16/2017. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development By _____ Date: _____	PHA (Executive Director or authorized agent) By  Date: <u>7/24/2017</u>
Title _____	Title <u>Stacy L. Spann, Executive Director</u>

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

7/14/2017

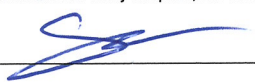
Part I: Summary

PHA Name: Housing Opportunities Commission of Montgomery County	Grant Type and Number Capital Fund Program Grant No.: MD39-P004-501-17 Date of CFFP:	Replacement Housing Factor Grant No:	FFY of Grant: 2017 FFY of Grant Approval:
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Type of Grant

Original Annual Statement
 Reserve for Disasters/Emergencies
 Revised Annual Statement revision no.: ____
 Performance and Evaluation Report for Program Year Ending _____
 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost (2)	
		Original	Revised	Obligated	Expended
1	Total Non-CFP Funds and Bond Proceeds				
2	1406 Operations (may not exceed 20% of line 20)				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 20)	28,886.00			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment-Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities				
18	1501 Collateralization or Debt Service paid by PHA				
19	1503 RAD-CFP				
20	1504 RAD-Investment Activity	259,972.00			
21	Amount of Annual Grant (Sum of lines 2 - 19)	288,858.00	0.00	0.00	0.00
22	Amount of line 20 Related to LBP Activities	0.00	0.00	0.00	0.00
23	Amount of line 20 Related to Section 504 Compliance	0.00	0.00	0.00	0.00
24	Amount of line 20 Related to Security - Soft Costs	0.00	0.00	0.00	0.00
25	Amount of line 20 Related to Security - Hard Costs	0.00	0.00	0.00	0.00
26	Amount of line 20 Related to Energy Conservation Measures	0.00	0.00	0.00	242,397.00

Signature of Executive Director: Stacy L. Spann, Executive Director 	Date 07/24/2017	Signature of Public Housing Director _____	Date _____
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Form HUD-50075.1 (4/2008)

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program
 7/14/2017

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part II: Supporting Pages - CFP YEAR TWENTY-SIX 2017

PHA Name:		Grant Type and Number				Federal FFY of Grant:	
Housing Opportunitis Commission of Montgomery County, Maryland		Capital Fund Program No: MD39-P004-501-17		CFFP (Yes/No):		2017	
		Replacement Housing Factor Grant No:					
MD 4-2 ELIZABETH HOUSE	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
			Original	Revised	Funds Obligated	Funds Expended	
General Description of Major Work Categories							
Site Improvements							
Lighting, Walks/Parking Lot, Landscaping, Fencing, etc.	1450						
504 Compliance - Common Areas	1450						
Dwelling Structures							
504 Compliance - Unit retrofit, etc.	1460						
Lead Base Paint and Asbestos	1460						
Roofs and Aluminum Siding	1460						
Windows, Doors and Entry Locks	1460						
Kitchen Renovation	1460						
Bath Renovation	1460						
Floor Coverings - Carpet, Vinyl, Wood, Refinishing	1460						
Window Coverings - Roller Shades, Venetian Blinds	1460						
Painting - Interior and Exterior/Code Violations	1460						
HVAC - Boiler, Chiller, Furnance, Heatpump, etc.	1460						
Mechanical/Plumbing-Valves, Guages, Pipes, Sprinklers, Controls	1460						
Electrical - Lights, GFI's. Re-wiring, Security Systems	1460						
Elevator Safety	1460						
Smoke Detectors	1460						
Structural - Foundation, Beams, Joists, Trusses, Masonry, etc.	1460						
Dwelling Equipment							
Ranges/Refrigerators	1465.1						
Garbage Disposals	1465.1						
Washers and Dryers	1465.1						
Water Heaters	1465.1						
Non-Dwelling Structures							
Management Office/Community Rooms	1470						
Non-Dwelling Equipment							
Vehicles	1475						
DEBT Service							
RAD - CFP	1503						
RAD - Investment Activity	1504		259,972.00				
Total Physical Needs for This Property							
			259,972.00	0.00	0.00	0.00	

form HUD-50075.1(07/2014)

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program
 7/14/2017

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part II: Supporting Pages - CFP YEAR TWENTY-SIX 2017

PHA Name:		Grant Type and Number				Federal FFY of Grant:	
Housing Opportunites Commission of Montgomery County, Maryland		Capital Fund Program No: MD39-P004-501-17		CFFP (Yes/No):		2017	
		Replacement Housing Factor Grant No:					
MD 4-11 TOBY TOWN	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
			Original	Revised	Funds Obligated	Funds Expended	
General Description of Major Work Categories							
Site Improvements							
Lighting, Walks/Parking Lot, Landscaping, Fencing, etc.	1450						
504 Compliance - Common Areas	1450						
Dwelling Structures							
504 Compliance - Unit retrofit, etc.	1460						
Lead Base Paint and Asbestos	1460						
Roofs and Aluminum Siding	1460						
Windows, Doors and Entry Locks	1460						
Kitchen Renovation	1460						
Bath Renovation	1460						
Floor Coverings - Carpet, Vinyl, Wood, Refinishing	1460						
Window Coverings - Roller Shades, Venetian Blinds	1460						
Painting - Interior and Exterior/Code Violations	1460						
HVAC - Boiler, Chiller, Furnance, Heatpump, etc.	1460						
Mechanical/Plumbing-Valves, Guages, Pipes, Sprinklers, Controls	1460						
Electrical - Lights, GFI's. Re-wiring, Security Systems	1460						
Elevator Safety	1460						
Smoke Detectors	1460						
Structural - Foundation, Beams, Joists, Trusses, Masonry, etc.	1460						
Dwelling Equipment							
Ranges/Refrigerators	1465.1						
Garbage Disposals	1465.1						
Washers and Dryers	1465.1						
Water Heaters	1465.1						
Non-Dwelling Structures							
Management Office/Community Rooms	1470						
Non-Dwelling Equipment							
Vehicles	1475						
DEBT Service							
RAD - CFP	1503						
RAD - Investment Activity	1504						
Total Physical Needs for This Property							
			0.00	0.00	0.00	0.00	

form HUD-50075.1(07/2014)

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program
 7/14/2017

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part II: Supporting Pages - CFP YEAR TWENTY-SIX 2017

PHA Name:		Grant Type and Number				Federal FFY of Grant:	
Housing Opportunites Commission of Montgomery County, Maryland		Capital Fund Program No: MD39-P004-501-17		CFFP (Yes/No):		2017	
		Replacement Housing Factor Grant No:					
MD 4-13 HOLLY HALL	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
			Original	Revised	Funds Obligated	Funds Expended	
General Description of Major Work Categories							
Site Improvements							
Lighting, Walks/Parking Lot, Landscaping, Fencing, etc.	1450						
504 Compliance - Common Areas	1450						
Dwelling Structures							
504 Compliance - Unit retrofit, etc.	1460						
Lead Base Paint and Asbestos	1460						
Roofs and Aluminum Siding	1460						
Windows, Doors and Entry Locks	1460						
Kitchen Renovation	1460						
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Floor Coverings - Carpet, Vinyl, Wood, Refinishing	1460						
Window Coverings - Roller Shades, Venetian Blinds	1460						
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Structural - Foundation, Beams, Joists, Trusses, Masonry, etc.	1460						
Dwelling Equipment							
Ranges/Refrigerators	1465.1						
Garbage Disposals	1465.1						
Washers and Dryers	1465.1						
Water Heaters	1465.1						
Non-Dwelling Structures							
Management Office/Community Rooms	1470						
Non-Dwelling Equipment							
Vehicles	1475						
DEBT Service							
RAD - CFP	1503						
RAD - Investment Activity	1504						
Total Physical Needs for This Property			0.00	0.00	0.00	0.00	

form HUD-50075.1(07/2014)

Deliberation and/or Action

Future Action

INFORMATION EXCHANGE

New Business

Administrative Session Findings

Adjourn

Administrative Session



NOTICE OF COMMISSION MEETING TO BE CONDUCTED IN ADMINISTRATIVE SESSION

**The Housing Opportunities Commission will convene
the following Administrative Session:**

- Acquisition of Real Property

Wednesday, August 9, 2017

5:10 p.m.

**HOC Headquarters
10400 Detrick Avenue
Kensington, Maryland 20895**

Pursuant to Section 3-305(b)(3) of the General Article of the Annotated Code of the State of Maryland, this Administrative Session will be called to order to consider the acquisition of real property.