

EXPANDED AGENDA

April 6, 2022

YouTube Link: <https://youtu.be/JJHT8uFimsg>

In order to continue to implement recommended social distancing guidelines, HOC will conduct its meetings via an online platform and teleconference call until further notice.

		Res #
2:30 p.m.	<p><u>Public Hearing</u></p> <ul style="list-style-type: none"> • Public Housing Agency Plan (PHA): HOC’s Proposed Fiscal Year 2023 Annual Housing Agency Plan - https://youtu.be/WKG9eQgyvys 	
3:00 p.m.	<ul style="list-style-type: none"> • Housing Choice Voucher Administrative Plan: Approval of Revisions to the Table of Content, Chapters 1, 2, 10, and 11 of the HOC Housing Choice Voucher (HCV) Administrative Plan and Authorization for the Acting Executive Director to Implement the Revisions - https://youtu.be/Nzty7Tp3VAM 	
4:00 p.m.	<p>I. <u>INFORMATION EXCHANGE</u></p> <p>A. Community Forum B. Report of the Executive Director C. Commissioner Exchange</p>	
4:40 p.m.	<p>II. <u>APPROVAL OF MINUTES</u></p> <p>A. Approval of Minutes of March 2, 2022 B. Approval of Minutes of March 2, 2022 Closed Session C. Approval of Minutes of March 17, 2022 Special Session D. Approval of Minutes of March 17, 2022 Closed Special Session</p>	
4:50 p.m.	<p>III. <u>COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION</u></p>	
Page 22	<p>A. Administrative and Regulatory Committee – Com. Kelleher, Chair</p> <p>1. Public Housing Agency Plan (PHA): Authorization to Submit HOC’s Fiscal Year 2023 Annual Public Housing Agency Plan</p>	22-22 (pg. 26)
5:10 p.m.	<p>2. Violence Against Women Act (VAWA): Authorization to Implement Revisions to HOC’s Violence Against Women Act Policy and Related Revisions to Housing Choice Voucher Administrative Plan</p>	22-23 (pg. 62)
5:20 p.m.	<p>3. Housing Choice Voucher Administrative Plan: Approval of Revisions to the Table of Content, Chapters 2, 10, and 11 of the HOC Housing Choice Voucher (HCV) Administrative Plan and Authorization for the Acting Executive Director to Implement the Revisions to the Plan</p>	22-24 (pg.112)
5:30 p.m.	<p>B. Development and Finance Committee – Com. Simon, Chair</p> <p>1. Hillandale Gateway: Approval of a Preliminary Development Plan for the Non-Age Restricted Building and</p>	22-25 (pg. 170)

5:40 p.m. Page 172	Approval of a Revised Affordability Mix for the Age-Restricted Building 2. Garnkirk Farms: Authorization to Execute a Construction and Development Service Agreement Between HOC at Garnkirk Farms, LLC and RJD Real Estate Advisors, LLC for the Development of Garnkirk Farms Apartments	22-26 (pg. 185)
5:50 p.m. Page 188	IV. <u>ITEMS REQUIRING DELIBERATION and/or ACTION</u> 1. Fiscal Year 2023 (FY'23) Recommended Budget: Presentation of the Acting Executive Director's FY'23 Recommended Budget 2. Approval to Increase the Acting Executive Director's Approval Limit to Fund a Transfer of Knowledge Agreement to Provide Transitional and Consulting Services to HOC	22-27 (pg. 210)
6:10 p.m. Page 207		
6:20 p.m. Page 212	<u>CLOSING STATEMENT</u> • Vote to close meeting	
	<u>ADJOURN</u>	
6:30 p.m.	<u>CLOSED SESSION</u> <i>The closed committee meeting will be called to order pursuant to Section 3-305(b)(3) of the General Provisions Article of the Annotated Code of Maryland</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.

Information Exchange

Virtual Homeownership Workshop – The Other End of the Housing Continuum

On Saturday, March 12, 2022, the HOC Homeownership Program (“HOC/HOP”) hosted a virtual Homeownership Workshop for HOC residents and employees. TowneBank Mortgage was the participating lender. One of the goals of HOC’s Single-Family Mortgage Finance office is to provide potential borrowers with the knowledge on becoming a homeowner, and during the workshop, topics such as (1) understanding your credit; (2) budgeting and management of finances; (3) the mortgage application process; (4) obtaining financing; and (5) the role of a realtor, was discussed. An overview of the various mortgages offered by HOC’s Mortgage Purchase Program (MPP) and the MPP’s secondary loans for closing cost assistance was also provided. Eleven (11) employees and 40 residents, representing 51 families, participated in the workshop. Upon completion of the workshop, each participant received a Certificate of Achievement, which can be used to satisfy the Homebuyers Education course requirement for the MPP and the Montgomery County Moderately Priced Dwelling Unit (MPDU) program.

Our virtual workshops are very well received by our residents, which makes for an active and engaged audience. Potential borrowers, who are income and credit qualified, will work with Single Family staff to assist them in the future purchase of available MPDUs. The Single-Family Mortgage Finance office plans to offer virtual workshops quarterly for both HOC residents and employees going forward.

The Housing Production Fund – Gaining Interest Nationally

Publicly produced and owned mixed-income housing, has gained significant momentum in the U.S. after decades of success internationally. As interested states and localities across the County have cast about for model U.S. social housing legislation, Montgomery County’s recently created Housing Production Fund (“HPF”) – the product of collaboration between HOC and the County Council -- has become a favored template.

The State of **California** has introduced AB 2053 in the state legislature that borrows the HPF idea to use low-cost public debt as a stand-in for construction equity. The bill heads to committee next month. In **Seattle**, a ballot measure has been introduced for November 2022 that uses the same public-debt-for-equity model and creates a local public development authority. That second element is the other foundational part of Montgomery County’s HPF legislation. Fortunately for the County, HOC, an entity with a long history of and continued capacity for publicly owned mixed-income development, already exists. **Rhode Island** is exploring the use of the Providence Housing Authority for the same purpose.

Councilmembers, legislators, and advocacy organizations in **Nashville, Denver, St. Petersburg, DC, and New York City** are all actively looking to adapt the HPF. As recently as today (3/31/2022), The American Prospect published a story (<https://prospect.org/infrastructure/housing/how-to-solve-housing-crisis-with-one-weird-trick/>) that identifies just some of the effects of Montgomery County’s leadership in social housing as word spreads across the country.

It appears increasingly likely that public development entities will become significant market participants in many parts of the U.S., particularly those where housing shortages are at their direst. HOC’s legacy of producing mixed-income housing, building equity through retained ownership, and innovating with public finance puts it – once again – at the vanguard of affordable housing progress.

Resident Services Coordination and Activities Focuses on the Community

The Service Coordination Unit provides assessment, counseling, information, referrals, and program services to HOC customers. During the month of March 2022, staff continued to provide services primarily virtually due to the COVID pandemic and the continued closure of HOC offices. Nonetheless, Resident Counselors continued to engage with customers to determine their needs and provided referrals to HOC's partners for food and other assistance. Resident Counselors also continued to perform wellness checks with customers to ensure their safety and assess needs. Customers with delinquent rent were referred to the COVID Rent Assistance Program and the Housing Stabilization Program.

During the month of March HOC customers also continued to receive referrals to unemployment assistance, TCA, SNAP, MEAP, EARP, and other benefit programs. Housing Stabilization staff continued to process a vast number of applications for rental assistance. Though resident counselors continued working remotely, staff continues to come into the office as needed for emergencies and to assist with food distribution, vaccination clinics, and other activities. Resident Counselors have also attended the HRD virtual briefings for new voucher recipients to provide information about the services that Resident Services team offer. Additionally, the Resource Services team continues to provide services to persons with disabilities to meet their service needs.

March 2022 highlights for activities of Resident Counselors include the following:

- Assisted with the relocation of families impacted by the explosion/fire at Friendly Gardens to Paddington Square Apartments (HOC-owned);
- Participated in community cool down meetings to address recent surge in violence in and around the Cider Mill community;
- Met with staff from the Street Outreach Network formed by the County's Department of Health and Human Services to finalize a Memorandum of Understanding for the Street Outreach Network to provide services to customers at Cider Mill;
- Facilitated the Fundamentals of Housing workshops on March 16th and March 17th;
- Facilitated resource sharing workshops on March 22nd and March 24th;
- Partnered with the Office of Heat & Energy to facilitate an Energy Savings Workshop on March 28th;
- Facilitated a resident meeting at Seneca Ridge;
- Facilitated the Senior Fitness Exercise Program at Forest Oak Towers;
- Facilitated the Senior Brown Bag food distribution at Elizabeth House;
- Partnered with St. John's Church of Bethesda to facilitate the Nourishing Bethesda Nutritional Education and food distribution event at Waverly House;
- Facilitated the Paint with Pierce-Art Enrichment Program at Rockville Town Center; and
- Assisted customers with relocations and other needs for RAD and renovation projects at Rockville Town Center to Residences on the Lane, Stewartown Homes, Shady Grove Apartments, Willow Manor apartments, Bauer Park Apartments, and Georgian Court Apartments.

Resident Services – HOC Academy Invests in Youths and Adults

Youth Enrichment

The Afterschool Science, Technology, Engineering, Art, and Mathematics (STEAM) enrichment for elementary-aged youth 3rd – 5th grade continued during the month of March. The program currently has 24 participants (+2). The youth have participated in different educational enrichment experiences, including Science, Technology, Engineering, and Mathematics (STEM) experiments (Mad Science) and healthy cooking activities. The participants are learning about how the kitchen is like a science lab, and cooking is like an experiment.

HOC Academy staff continued to recruit for HOC's College Success Program. There are 10 high school seniors enrolled to date and 23 youth who have completed the interest form and require additional outreach. Approximately 80% of participants have received early admission acceptance letters from several colleges, and universities, including Montgomery College, Hood College, Morgan State University, and Towson University. Students are participating in monthly webinars and/or one-on-one phone contact with their coach. STEAM Forward Academy Scholarships have been awarded to eight (8) students thus far. Students participated in Montgomery College's Black Rock STEM special event held on March 26th.

Adult Education and Workforce Development

In March, the Small Business Strategy Course (SBSC) completed four sessions. There are 10 participants in the Course. Twelve (12) HOC customers completed the SBSC orientation so far for the Cohort beginning April 25, 2022. Four (4) past participants of the SBSC have reported legalizing their businesses in March.

HOC Academy staff hosted a How to Start a Non-Profit Webinar on March 16th. Forty-two (42) participants attended. Two participants in the Disenfranchised Business Enterprise/Minority Business Enterprise Certification Saturday Course completed the four-hour course. All participants report having a better understanding of the application process with the Maryland Department of Transportation.

HOC Academy staff continued to process tuition assistance requests for degree and certification programs at various institutions. In March, 26 requests for tuition assistance were processed.

Resident Services – Financial Literacy 101 and One on One

The Financial Literacy Coach continued to work with HOC customers and individuals on the Housing Path waitlist on creating a financial foundation. During the month of March, the Financial Literacy Coach provided one-on-one financial literacy coaching to five (5) HOC customers and 22 individuals from the HousingPath waitlist. The coaching sessions continued to cover topics including creating a working budget, identifying disposable income, reading one's credit report, and creating and accomplishing monthly financial goals. During the month of March, the Financial Literacy Coach facilitated financial literacy workshops. Two (2) HOC customers and six (6) individuals attended the workshops.

Resident Services – Supportive Housing

The Supportive Housing Program provides housing assistance and case management services to 239 participants who are formerly homeless and have disabilities. The program services some of the most vulnerable residents of the county. In March program staff continued to have home visits with program participants. Program staff continues to wear the appropriate personal protective equipment and maintain distancing. Program staff also began the process of planning for the conversion to a Leasing program structure. This will entail converting all leases between program participants and landlords to leases between HOC and landlords. Program staff also continued to assist Emergency Voucher recipients. Program staff is also providing services that include assistance with application fees, housing location, security deposits, moving assistance, and household items.

During March, program staff continued to assist customers via the Rent Supplement Program (RSP). The RSP provides a shallow rental subsidy (up to \$600 monthly) to county residents who struggle to pay their full rent with their current income. The program serves a large number of seniors on fixed incomes. The program serves up to 300 families. The program continues to struggle to fill all program slots. This is due to a lack of success in enrolling new participants from the waitlist. Program staff will target senior properties and HOC properties to enroll new participants who are struggling with paying their rent.

Resident Services – Fatherhood Initiative

The Fatherhood Initiative is a national program funded by the U.S. Department of Health and Human Services. HOC is the first and only housing agency to be awarded a grant under the Fatherhood Initiative. HOC completed its first five-year grant as a best practice model. HOC was awarded a second five-year grant and is currently in year two of the five-year grant period. The program provides parenting education, case management services, financial assistance for educational classes and training, and participation incentives. In March 2022, 30 new fathers were enrolled in the program and 21 graduated.

HOC's Fatherhood Initiative also continued its participation in the Strengthening the Implementation of Responsible Fatherhood Programs (SIRF) Study. The study works closely with the program to identify and overcome the challenges the program may face along the lines of case management. The study also identifies challenges, helps implement possible solutions, examine those effects on the program, and makes adjustments when needed. The SIRF study will produce usable, broadly applicable lessons to inform emerging best practices in recruiting, engaging, and retaining fatherhood participants, as well as methods for implementing rapid cycle evaluations within Responsible Fatherhood programs. During the month of March, the Fatherhood Initiative staff entered into the third learning cycle for the program. During this learning cycle case management sessions with Fathers increased.

From the Office of the Chief Ombudsman Officer

One of the primary focus of the Office of the Chief Ombudsman is to improve communication between the police and HOC with the primary focus on strengthening our communities and improving our programs. With that in mind, engagements have begun with the police at a first meeting. On March 8, 2022, Kayrine Brown, Acting Executive Director, Bonnie Hodge, Chief Ombudsman Officer, Charnita Jackson, Former Director of Property Management, and Nathan Bovelle, Chief Maintenance Officer met with the Upcounty (Gaithersburg) Montgomery County Police Commanders and discussed a partnership that integrates the use of collaboration, problem solving and community engagement. All parties agreed to work together to build a safe and healthy community.

A second meeting is being planned to convene with the Downcounty (Silver Spring) Police Commanders in the near future.

Housing Resources – Family Self Sufficiency Expands to Entire Household and PBRA Households

On March 10, 2022, the Family Self Sufficiency (FSS) Coordinator attended a virtual FSS Roundtable meeting hosted by the District of Columbia Housing Authority (DCHA). FSS Coordinators within the MD/VA/DC area attended the meeting. The FSS Manager from HUD headquarters discussed the upcoming FSS regulatory changes that will be issued in the next few months. Some of these changes will redefine the program by offering greater options to families. For instance, the Head of Household will no longer be the only individual to enter into an FSS Contract of Participation but will be available to all household members 18 years and older. Similarly, Project Base Rental Assistance (PBRA) multifamily will be eligible to participate in FSS and forfeited escrow will not be returned to HUD but will remain with the Public Housing Authority (PHA) to assist families in good standing with financial resources to achieve their goals.

In partnership with HOC, the Emmanuel Brinklow Seventh Day Adventist Church conducted a virtual Financial Literacy workshop for HOC customers on March 15, 2022. Eighteen customers/FSS participants attended the session on investing your Tax Return. The presenter focused on the three main budgeting strategies: controlling spending, managing debt, and saving for the future.

Housing Resources – HCV and EHV Utilization

Monthly, HOC selects applicants from the Housing Path Waitlist to achieve a 95% program utilization rate. The program baseline is 7,659, with a current utilization rate of 93%. HOC housed 87 new applicants during the month of February 2022, and 93 contracts are pending execution. Currently, 158 families with issued vouchers are searching for suitable units to rent and 150 families were selected from the HCV waitlist last month.

HOC has an allocation of 118 Emergency Housing Vouchers (EHVs). Currently, 41 families have successfully leased units. 76 Families with issued vouchers are searching for suitable units to rent. EHV customers are referred to HOC from the Department of Health and Human Services (HHS). HOC received 5 referrals in the month of February. All five families were issued vouchers in February. We await one additional referral from HHS.

Real Estate – Fenton Silver Spring Community Brings New Dining Opportunities

The retail spaces located within HOC's 124-unit mixed-income and mixed-use Fenton Silver Spring development continue to take shape with news of The Breakfast Club, which is described as an all-day breakfast restaurant featuring Southern American with a twist of Caribbean cuisine targeting an opening in May. This news follows the upcoming opening of Rockville-based coffee shop and roaster, Black Lion Café, which is also targeting a spring opening. These businesses will add to a growing list of diverse restaurants in downtown Silver Spring offering the residents of Felton Silver Spring even more dining options. More news can be found [here](#).

Minutes

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

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

Minutes

March 2, 2022

22-03

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted via an online platform and teleconference on Wednesday, March 2, 2022, with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:02 p.m. Those in attendance were:

Present via Teleconference

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

Absent

Linda Croom

Also Attending via Teleconference

Kayrine Brown, Acting Executive Director
Jennifer Arrington
Nathan Bovelie
Darcel Cox
Paige Gentry
Lynn Hayes
Bonnie Hodge
Charnita Jackson
Fred Swan
Kathryn Hollister
Elliot Rule
Jessie Joseph

Aisha Memon, General Counsel
Eugenia Pascual
John Broullire
Marcus Ervin
Timothy Goetzinger
Ian-Terrell Hawkins
Matt Husman
Zachary Marks
Terri Fowler
Olutomi Adebo
Gail Willison
Mary Phillips

IT Support

Aries Cruz

Commission Support

Patrice Birdsong, Spec. Asst. to the Commission

Chair Priest opened the meeting welcoming all to the monthly meeting. There was a roll call of Commissioners participating.

I. **Information Exchange**

Community Forum

- There were no participants signed up for the Community Forum.

Executive Director's Report

- Kayrine Brown, Acting Executive Director, provided an overview of the written report, with an update on the Resident Services activities, a "Community Cool Down" meeting at Cider Mills, and the topping out event at the Westside Shady Grove. There was a last minute addition to the Acting Executive Director's report in regards to the Heritage Emory Grove revitalization.

In regards to the Emory Grove project, Chair Pro Tem Nelson reported that the PHED Committee Chair, Councilmember Riemer, acknowledged the project during the Committee meeting held on Monday, February 28, 2022, and is very much in support of it.

Chair Priest commented thanking the staff on good job in preparation of the presentation to the PHED Committee and asked Acting Executive Director Brown to provide a summary of what took place.

Acting Executive Director Brown addressed Commissioner Merkowitz's question regarding access to emergency rental assistance funds.

Commissioner Exchange

- Commissioner Simon commented on the continuation of informing applicants and residents of access to services the County has to offer.
- Chair Priest commented on the Cool Down event, indicating that this is a model we should consider putting in place for the future.

II. **Approval of Minutes** - The minutes were approved as submitted with a motion by Vice Chair Kelleher and seconded by Commissioner Simon. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Merkowitz, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

- A. Approval of Minutes of February 2, 2022**
- B. Approval of Minutes of February 2, 2022 Closed Session**
- C. Approval of Minutes of February 7, 2022 Special Session**
- D. Approval of Minutes of February 7, 2022 Closed Special Session**

III. **COMMITTEE REPORTS AND RECOMMENDATIONS FOR ACTION**

A. Administrative and Regulatory Committee – Com. Kelleher, Chair

1. **Supportive Housing:** Authorization to Execute Lease Agreement for the Supportive Housing Program

Fred Swan, Director of Resident Services, was the presenter. Mr. Swan addressed questions of the Commissioners.

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

RESOLUTION NO.: 22-17

**RE: Authorization to Execute Lease Agreements
for the Supportive Housing Program**

WHEREAS, the Supportive Housing Program is a U.S. Department of Housing and Urban Development (“HUD”) funded initiative that is administered by the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) on behalf of the Montgomery County Homeless Continuum of Care;

WHEREAS, HUD mandates that all administering agencies of the Supportive Housing Program (the “Program”) operate under one of two designated structures;

WHEREAS, the two HUD designated program structures for the Program are the Rental Assistance structure and the Leasing structure;

WHEREAS, HOC has chosen to operate the Program under the Leasing structure; and

WHEREAS, accordingly, for each Program participant, HOC must enter into a lease agreement with the landlord and an occupancy agreement with the participant.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the Acting Executive Director, or her designee, to (A) operate the Program via the Leasing structure; and (B) to execute all necessary lease agreements with landlords and execute all necessary occupancy agreements with the participants in accordance with the Program.

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

B. Budget, Finance and Audit Committee – Com. Nelson, Chair

1. **Budget to Actual Statements:** Acceptance of the Second Quarter FY’22 Budget to Actual Statements

Timothy Goetzinger, Acting Chief Financial Officer, introduced Olutomi Adebo, Assistant Budget Officer, who was the presenter.

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

RESOLUTION NO.: 22-18

**RE: Acceptance of the Second Quarter
FY’22 Budget to Actual Statements**

WHEREAS, the Budget Policy for the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) states that quarterly budget to actual statements will be reviewed by the Commission; and

WHEREAS, the Commission reviewed the Second Quarter FY'22 Budget to Actual Statements during its March 2, 2022 meeting; and

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it hereby accepts the Second Quarter FY'22 Budget to Actual Statements.

2. **Uncollectable Tenant Accounts Receivable:** Authorization to Write-off Uncollectable Tenant Accounts Receivable (October 1, 2021 – December 31, 2021)

Timothy Goetzinger, Acting Chief Financial Officer, introduced Eugenia Pascual, Controller, who was the presenter. Ms. Pascual and Acting Executive Director Brown addressed the Commissioners questions in regards to explanation of the bad debt write-offs.

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

RESOLUTION NO.: 22-19

**RE: Uncollectible Tenant Accounts Receivable:
Authorization to Write-Off Uncollectible
Tenant Accounts Receivable**

WHEREAS, the current policy of the Housing Opportunities Commission of Montgomery County (“HOC”) is (i) to provide for an allowance for tenant accounts receivable balances that are delinquent for more than ninety (90) days; and (ii) to propose the write-off of former tenant balances; and

WHEREAS, staff periodically proposes the write-off of uncollected former tenant balances, which updates the financial records to accurately reflect the receivables and the potential for collection; and

WHEREAS, the proposed write-off of former tenant accounts receivable balances for the period of October 1, 2021 – December 31, 2021 is \$77,988, consisting of \$43,370 from Opportunity Housing properties, \$2,732 from Supportive Housing Properties and \$31,886 from LIHTC/RAD Properties.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Acting Executive Director, or her designee, without further action on its part, to take any and all actions necessary and proper to write off \$77,988 in uncollectible accounts receivable related to (i) tenant balances that are delinquent for more than ninety (90) days, and (ii) former tenant balances, including the execution of any and all documents related thereto.

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

1. **Hillandale Gateway:** Design and Development Update; Approval of a Preliminary Development Plan for the Age-Restricted Building; Approval to Select CBG Building Company as General Contractor; and Approval to Select Lambis Rank for Construction Management Services

Kayrine Brown, Acting Executive Director, and Marcus Erving, Director of Development, provided an introduction prior to introducing Kathryn Hollister, Senior Financial Analyst, who provided the presentation.

Staff addressed Chair Pro Tem Nelson questions in regards to the AMI on the age restricted property.

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

RESOLUTION NO.: 22-20

RE: Approval of Preliminary Development Plan for the Age-Restricted Building and Approval of a General Contractor and Construction Manager for Hillandale Gateway

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) is the sole member of HOC at Hillandale Gateway, LLC, which is a member of Hillandale Gateway, LLC; and

WHEREAS, Hillandale Gateway, LLC, is the lessee of a 96-unit rental property in Hillandale known as Holly Hall Apartments located on approximately 4.35 acres of land at 10100, 10110 and 10120 New Hampshire Avenue, Silver Spring, MD 20903 (“Holly Hall”); and

WHEREAS, HOC is redeveloping the Holly Hall site and a neighboring parcel located at 10140 New Hampshire Avenue, Silver Spring, MD into a mixed-income, mixed-use, multigenerational community (“Hillandale Gateway”) as part of a joint venture with The Duffie Companies; and

WHEREAS, on February 18, 2021, the Montgomery County Planning Board approved the site plan for Hillandale Gateway (“Approved Site Plan”); and

WHEREAS, the Approved Site Plan includes the development of a 155-unit, age-restricted (age 62+) senior building (“AR Building”); a 308-unit, non-age restricted multifamily building (“NAR Building”); structured parking garage; and commercial/retail/restaurant spaces; and

WHEREAS, the Commission desires to approve a preliminary development and finance plan (“Preliminary Development Plan”) for the AR Building, in which (a) 113 units are affordable to households earning 50% AMI or below; (b) 42 units are affordable to households earning 80% AMI or below; and (c) all 155 units are financed through the Low Income Housing Tax Credit (“LIHTC”) program, utilizing the program’s income average set aside; and

WHEREAS, the Commission issued request for proposals for general contracting services (“RFP #2266”) and construction management services (“RFP #2282”) for Hillandale Gateway; and

WHEREAS, CBG Building Company (“CBG”) received the highest score among respondents to RFP #2266 and Lambis Rank received the highest score among respondents to RFP #2282; and

WHEREAS, the Commission desires to select CBG as the general contractor for Hillandale Gateway and authorize the Acting Executive Director to negotiate a contract with CBG; and

WHEREAS, the Commission desires to select Lambis Rank as the construction manager for Hillandale Gateway and authorize the Acting Executive Director to execute a contract (“CM Contract”) with Lambis Rank; and

WHEREAS, the Commission desires that the CM Contract allow HOC the right to terminate the contract prior to construction should the Hillandale Gateway transaction not close.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves the Preliminary Development Plan for the AR Building, in which (a) 113 units are affordable to households earning 50% AMI or below; (b) 42 units are affordable to households earning 80% AMI or below; and (c) all 155 units are financed through the LIHTC program, utilizing the program’s income average set aside.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves the selection of CBG as the general contractor for Hillandale Gateway and authorizes the Acting Executive Director to negotiate a contract with CBG.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves the selection of Lambis Rank as the construction manager for Hillandale Gateway and authorizes the Acting Executive Director to execute a CM Contract with Lambis Rank that binds HOC to preconstruction costs only and allows HOC the right to terminate the contract prior to construction should the Hillandale Gateway transaction not close.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting on behalf of itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that the Acting Executive Director, or her designee, is hereby authorized, without any further action on its part, to take any and all actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

2. **Mortgage Finance:** Approval of Firm Selected to Serve the Commission as Bond Counsel for a New Contract Term in Accordance with Request for Proposal (RFP) #2288

Jennifer Arrington, Acting Director of Mortgage Finance, was the presenter.

The following resolution was adopted upon a motion by Commissioner Simon and seconded by Commissioner Byrd. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Merkwitz, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 22-21

Re: Approval of Firms Selected to Serve the Commission as Bond Counsel for a New Contract Term in Accordance with Request for Proposal (RFP) #2288

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “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, and is further authorized by the Agreement by and between HOC and Montgomery County, Maryland, effective July 1, 2010, as amended, to issue its notes and bonds from time to time to fulfill its corporate purposes; and

WHEREAS, the ability to issue notes and bonds to the capital markets is subject to the availability of an opinion of a nationally recognized bond counsel concerning (1) the validity of the bonds and (2) the excludability of interest on the bonds from gross income for federal income tax purposes, without which the bonds are not normally marketable; and

WHEREAS, in 2017, the Commission appointed Kutak Rock LLP (“Kutak Rock”) and Ballard Spahr LLP to serve as bond counsel for three (3) years with two (2) additional one-year renewals, for a maximum contract term of five (5) years that ends on April 9, 2022; and

WHEREAS, the Commission continues to seek the services of bond counsel that is highly qualified and experienced in the issuance of revenue bonds for its single family and multifamily programs under parity (open) indentures at prices that are highly competitive in the market place, and therefore issued RFP #2288 on October 27, 2021 for said purpose; and

WHEREAS, staff completed its review of the three (3) firms that submitted a proposal in response to RFP #2288, and has determined that the law firm of Kutak Rock was the most responsive and is the most qualified to represent the Commission as bond counsel for a new contract term.

NOW, THEREFORE BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it (A) approves the selection of Kutak Rock LLP as its bond counsel for its single family and multifamily bond programs under parity indentures for a new contract term of three (3) years with two (2) additional one-year extensions; (B) authorizes the Acting Executive Director, or her designee, to negotiate and execute contract documents in conformance with the submitted proposal and best practices; and (C) authorizes a maximum annual contract amount not to exceed \$600,0000 annually.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that bond counsel services for select stand-alone conduit transactions will be negotiated with Kutak Rock LLP in accordance with its proposal.

The meeting went into recess at 5:10 p.m. and reconvened at 5:12 p.m.

Chair Priest read the Written Closing Statement and made a motion to adopt the statement and close the meeting. Commissioner Simon seconded the motion, with Commissioners Priest, Kelleher, Nelson, Byrd, Merkowitz, and Simon voting in approval. Commissioner Croom was necessarily absent and did not participate in the vote.

Based upon this report and there being no further business to come before this session of the Commission, the Commission adjourned the open session at 5:12 p.m. and reconvened in closed session at 5:15 p.m.

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the Housing Opportunities Commission of Montgomery County’s closed session held on

March 2, 2022 at approximately 5:15 p.m. via an online platform and teleconference, with moderator functions occurring at 10400 Detrick Avenue, Kensington, MD 20895. The meeting was closed under the authority of Section 3-305(b)(9) to discuss the status of ongoing negotiations with the union, including telework and wages.

The meeting was closed and the closing statement dated March 2, 2022 was adopted on a motion made by Roy Priest, seconded by Jackie Simon, with Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, Jeffrey Merkowitz, and Jackie Simon voting in favor of the motion. Commissioner Linda Croom was necessarily absent. The following persons were present: Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, Jeffrey Merkowitz, Jackie Simon, Kayrine Brown, Aisha Memon, Patrick Mattingly, Hiwote Yohannes, Terri Fowler, Charnita Jackson, Darcel Cox, Gail Willison, Matt Husman, Nathan Bovelleville, Timothy Goetzinger, Zachary Marks, Ian-Terrell Hawkins, and Patrice Birdsong.

In closed session, the Commission discussed the below topic and took the following action:

1. **Topic:** The status of ongoing negotiations with the union, including telework and wages (pursuant to Section 3-305(b)(9)).
 - a. **Action Taken:** The Commission received an update from the Director of Human Resources regarding the negotiations and arbitration process. No formal action/vote was taken.

The closed session was adjourned at 5:55 p.m.

Respectfully submitted,

Kayrine Brown
Acting Secretary-Treasurer

/pmb

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

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

Special Session Minutes

March 17, 2022

A Special Session of the Housing Opportunities Commission of Montgomery County was conducted via an online platform and teleconference on Thursday, March 17, 2022, with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:11 p.m. Those in attendance were:

Via Online/Teleconference

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

Absent

Linda Croom

Also Attending via Online/Teleconference

Aisha Memon, General Counsel

IT Support

Aries Cruz

Commission Support

Patrice Birdsong, Spec. Asst. to the Commission

Chair Priest opened the meeting welcoming all to the Special Session of the Housing Opportunities Commission. The sole item on the agenda was to conduct a vote to meet in closed session pursuant to Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland.

Chair Priest read the Written Closing Statement and made a motion to adopt the statement and close the meeting. Vice Chair Kelleher seconded the motion, with Commissioners Priest, Kelleher, Nelson, Byrd, Merkowitz, and Simon voted unanimously in approval. Commissioners Croom was necessarily absent and did not participate in the vote.

Based upon this report and there being no further business to come before this session of the Commission, the Commission adjourned the open session at 4:13 p.m., and reconvened in closed session at 4:15 p.m.

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the Housing Opportunities Commission of Montgomery County's closed session held on

March 17, 2022 at approximately 4:15 p.m. via an online platform and teleconference, with moderator functions occurring at 10400 Detrick Avenue, Kensington, MD 20895. The meeting was closed under the authority of Section 3-305(b)(1) to discuss the employment, assignment, resignation, and evaluation of specific HOC employees.

The meeting was closed and the closing statement dated March 17, 2022 was adopted on a motion made by Chair Priest, seconded by Vice Chair Kelleher, with Commissioners Priest, Kelleher, Nelson, Byrd, Merkowitz, and Simon voting in favor of the motion. Commissioner Croom was necessarily absent and did not participate in the vote. The following persons were present during the closed session: Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, Jeffrey Merkowitz, Jackie Simon, Aisha Memon, and Christina Bolmarcich.

In closed session, the Commission discussed the below topic and took the following action:

1. **Topic:** The discussion of the employment, assignment, resignation, and evaluation of specific HOC employees (pursuant to Section 3-305(b)(1)).
 - a. **Action Taken:** With a quorum present, Commissioners Priest, Nelson, Kelleher, Byrd, Merkowitz, and Simon approved (i) accepting the Consultant's recommendations with two minor modifications, and (ii) the process for following up with staff. Commissioner Croom was necessarily absent and did not participate in the vote. No formal resolution was presented or approved.

The closed session was adjourned at 5:49 p.m.

Respectfully submitted,

Roy Priest
Chair – HOC Board of Commissioners

/pmb

Committee Reports and Recommendations for Action

Administrative and Regulatory Committee

AUTHORIZATION TO SUBMIT HOC'S FISCAL YEAR 2023 ANNUAL PUBLIC HOUSING AGENCY PLAN

April 6, 2022

- The Quality Housing and Work Responsibility Act of 1998 requires that Public Housing Agencies (“PHAs”), such as the Housing Opportunities Commission of Montgomery County (“HOC”), draft Annual and Five-Year Public Housing Agency (“PHA”) Plans.
- The PHA Plan serves as a comprehensive guide to HOC’s policies, programs, operations, and strategies for meeting local housing needs and goals. The Plan informs the U.S. Department of Housing and Urban Development (“HUD”), residents, and the public of HOC’s mission for serving the needs of low-income and very low-income families as well as HOC’s overarching strategy for addressing those needs.
- HOC is submitting a Fiscal Year (“FY”) 2023 Annual PHA Plan, which provides updates on details that were outlined in HOC’s FY 2020-2024 Five-Year PHA Plan. The Annual PHA Plan provides further clarifications, any revisions, and anticipated action steps that align with the Plan. Additionally, the Plan may have HOC’s primary policies and plans for the Housing Choice Voucher and Public Housing programs for the coming fiscal year.
- The 45-day public comment period for HOC’s FY 2023 Annual PHA Plan began on February 14, 2022, and culminates with the public hearing held April 6, 2022 at 2:30 pm via YouTube.
- The Administrative and Regulatory Committee reviewed this item at its meeting on March 21, 2022 and supports staff’s request for authorization to submit HOC’s FY 2023 Annual PHA Plan to HUD by no later than April 17, 2022.

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Kayrine Brown, Acting Executive Director

FROM: Staff: Darcel Cox Division: Executive/Compliance Ext. 9427
 Elliot Rule Division: Executive/Compliance Ext. 9647
 Jessie Joseph Division: Executive/Compliance Ext. 4855

RE: Authorization to Submit HOC’s Fiscal Year 2023 Annual Public Housing Agency Plan

DATE: April 6, 2022

STATUS: **Committee Report** **Deliberation** X

OVERALL GOAL & OBJECTIVE:

To authorize the Acting Executive Director of the Housing Opportunities Commission of Montgomery County (HOC or the Commission), or her designee, to submit the Fiscal Year (FY) 2023 Annual Public Housing Agency (PHA) Plan to HUD.

BACKGROUND:

The Annual PHA Plan is to inform the U.S. Department of Housing and Urban Development (HUD), residents, and the public of HOC’s mission for serving the needs of low-income and very low-income families. HOC must submit a five-year Plan highlighting its Housing Choice Voucher (HCV) and Public Housing (PH) programs. Annually, HOC must submit updates to the Five-Year PHA Plan.

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) became law on October 21, 1998. QHWRA, also known as the Public Housing Reform Law, created the PHA Plan. This year, HOC is submitting its 23rd Annual PHA Plan for HOC’s FY 2023, which begins on July 1, 2022 and ends on June 30, 2023.

HOC’s Annual PHA Plan provides details about immediate operations, program participants, programs, and services. In addition, it details the Agency's strategy for addressing the housing needs of Montgomery County residents. HOC submitted its fifth Five-Year PHA Plan for FY 2020, which covers the period of FY 2020-2024. The Five-Year PHA Plan describes HOC’s mission as well as its long-range goals and objectives for achieving its mission over the five years outlined within the Plan. Much of the current Five-Year PHA Plan focused on HOC’s use of the Rental Assistance Demonstration (RAD) program to convert the Agency’s Public Housing portfolio to Project-Based Rental Assistance (PBRA) and Project-Based Vouchers (PBV). HOC must submit the FY 2023 Annual PHA Plan to HUD 75 days prior to the start of the FY covered in the plan, which is April 17, 2022.

The substantive updates to this year’s Annual PHA Plan are updates to the HCV Administrative Plan, the Housing Resources Division’s (HRD) HCV PBV activity, and the addition of 118 COVID-19 Emergency Housing Vouchers (EHV).

HRD previously adopted 26 temporary COVID-19 waivers pursuant to HUD PIH Notices 2020-05, 2020-13, and 2020-33. Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, HUD had broad authority to waive statutes and regulations for the PH and HCV programs. These waivers were intended to allow program participants and PHAs to participate in and operate these programs more efficiently during the COVID-19 crisis. The waivers required updates to nine chapters within HOC’s HCV Administrative Plan.

HUD subsequently published PIH Notice 2021-14 on May 4, 2021, which reinstated the waivers through December 31, 2021. In addition, HUD introduced two new waivers. The reinstatement of the original waivers and the adoption of the two additional waivers required HRD to revise the nine HCV Administrative Plan chapters.

The American Rescue Plan, which President Biden signed into law on March 11, 2021, appropriated five billion dollars for new and renewal EHV’s to facilitate expedited leasing for families at high risk of exposure to the Coronavirus. HOC was awarded 118 EHV’s based on HUD’s assessment of homeless persons in Montgomery County. The EHV’s are designated for the following categories: homeless, at risk of homelessness, domestic violence victims, and recently homeless and housing instability. The addition of these EHV’s required updates to HOC’s HCV Administrative Plan.

Staff released a draft of the FY 2023 Annual PHA Plan to the public on February 14, 2022. In addition, staff provided the Resident Advisory Board (RAB) with a copy of the FY 2023 Annual PHA Plan for review and comment. The RAB has reviewed the Plan and has provided a letter of endorsement, which HOC will submit as one of the supporting documents to HUD on, or before, April 17, 2022. To date, HOC has not received any public comments on the Annual PHA Plan. HOC held a virtual public hearing for the annual Plan prior to today’s Commission meeting. The public hearing was the culmination of the 45-day public comment period for HOC’s FY 2023 Annual PHA Plan.

ISSUES FOR CONSIDERATION:

Does the Commission wish to accept staff’s recommendation, which is supported by the Administrative and Regulatory Committee, to authorize the Acting Executive Director, or her designee, to submit HOC’s FY 2023 Annual PHA Plan to HUD on, or before, April 17, 2022?

PRINCIPALS:

Housing Resources Division
Property Management Division
Real Estate Development Division
Resident Services Division

BUDGET IMPACT:

None.

TIME FRAME:

The Administrative and Regulatory Committee informally reviewed this item at its meeting on March 21, 2022 and supports staff's recommendation. Staff recommends it for formal Commission action on April 6, 2022.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Commission authorize the Acting Executive Director, or her designee, to submit HOC's FY 2023 Annual PHA Plan to HUD on, or before, April 17, 2022.

RESOLUTION NO.: 22-22

**RE: Authorization to Submit the Fiscal Year
2023 Annual Public Housing Agency Plan**

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC”) seeks to implement the mandatory Annual PHA Plan requirements of the Quality Housing and Work Responsibility Act of 1998 (“QHWRA”); and

WHEREAS, the submission of the FY 2023 Annual PHA Plan was prepared in accordance with 24 CFR Part 903 regulations and requirements for submission to the U.S. Department of Housing and Urban Development (“HUD”); and

WHEREAS, HOC worked in collaboration with the Resident Advisory Board to obtain recommendations in the development of the proposed Annual PHA Plan submission; and

WHEREAS, HOC obtained certification from local government officials that the proposed Annual PHA Plan Submission is consistent with the jurisdiction’s Consolidated Plan; and

WHEREAS, HOC conducted a Public Hearing on April 6, 2022 to obtain public comments regarding the proposed Annual PHA Plan Submission; and

WHEREAS, HOC has considered all comments and recommendations received and has incorporated all relevant changes in the proposed Annual PHA Plan Submission.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the FY 2023 Annual PHA Plan and its submission to HUD no later than April 17, 2022, as required by federal regulation.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Acting Executive Director, or her designee, 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 April 6, 2022.

**S
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**Patrice Birdsong
Special Assistant to the Commission**

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																										
A.1	<p>PHA Name: <u>Housing Opportunities Commission of Montgomery County</u> PHA Code: <u>MD004</u></p> <p>PHA Type: <input checked="" type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA</p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2022</u></p> <p>PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)</p> <p>Number of Public Housing (PH) Units <u>0</u> Number of Housing Choice Vouchers (HCVs) <u>8,629</u> Total Combined Units/Vouchers <u>8,629</u></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p>Availability of Information. PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="width: 25%;">Participating PHAs</th> <th rowspan="2" style="width: 10%;">PHA Code</th> <th rowspan="2" style="width: 25%;">Program(s) in the Consortia</th> <th rowspan="2" style="width: 15%;">Program(s) not in the Consortia</th> <th colspan="2" style="width: 25%;">No. of Units in Each Program</th> </tr> <tr> <th style="width: 10%;">PH</th> <th style="width: 15%;">HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA: Not Applicable</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA: Not Applicable																	
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		PH	HCV																								
Lead PHA: Not Applicable																											

B. Plan Elements						
B.1	<p>Revision of Existing PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Grievance Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Community Service and Self-Sufficiency Programs.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Asset Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):</p> <p>HOC made updates to the HCV Administrative Plan pursuant to PIH Notice 2021-14, reinstating the previously established waivers and alternative requirements. HOC also adopted new waivers that allow self-certification of social security numbers, self-certification of disability status, and self-certification of eligible non-citizenship status for applicants if a higher level of verification is unavailable. Staff also updated the Administrative Plan to reflect the rules governing the Emergency Housing Vouchers awarded to HOC. HOC is also in the process of making updates to our VAWA policy. Please see attached narrative for additional details.</p> <p>(c) The PHA must submit its Deconcentration Policy for Field Office review. Please see attached narrative for additional details.</p>					
B.2	<p>New Activities.</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Designated Housing for Elderly and/or Disabled Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant-Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Over-Income Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Police Officers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Non-Smoking Policies.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project-Based Vouchers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p>					

	Please see attached narrative.
B.3	<p>Progress Report.</p> <p>Provide a description of the PHA’s progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.</p> <p>Please see attached narrative for additional details.</p>
B.4	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.</p> <p>Please reference 10/30/2020 HUD approved form 50075.2. The Capital Fund Program Five-Year Action Plan describes the capital improvements necessary to ensure the long-term physical and social viability of HOC's Public Housing Projects.</p>
B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
C.	Other Document and/or Certification Requirements.
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>The RAB has reviewed the FY 2023 Annual PHA Plan and provided a letter of endorsement. The RAB did not provide any comments for review.</p>
C.2	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.3	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p>

	<p>If yes, include Challenged Elements.</p> <p>HOC will outline any challenges to the elements of this FY 2023 Annual PHA Plan upon completion of the public comment period and prior to HUD submission.</p>				
<p>C.5</p>	<p>Troubled PHA. (a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place? Y N N/A <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe: Not Applicable.</p>				
<p>D.</p>	<p>Affirmatively Furthering Fair Housing (AFFH).</p>				
<p>D.1</p>	<p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <p>HOC has not yet been required to submit an Assessment of Fair Housing (AFH).</p> <table border="1" data-bbox="180 1052 1455 1503"> <tr> <td data-bbox="180 1052 1455 1094"> <p>Fair Housing Goal:</p> </td> </tr> <tr> <td data-bbox="180 1094 1455 1503"> <p><i>Describe fair housing strategies and actions to achieve the goal</i></p> <p>HOC has created a Customer Relationship Management system to better streamline the customer complaints and Reasonable Accommodation process. This system allows HOC staff to receive and track customer concerns electronically for timely resolution. This tool allows HOC to identify root causes of issues and creates a quality assurance platform for training, as necessary.</p> </td> </tr> </table> <table border="1" data-bbox="180 1528 1455 1938"> <tr> <td data-bbox="180 1528 1455 1570"> <p>Fair Housing Goal:</p> </td> </tr> <tr> <td data-bbox="180 1570 1455 1938"> <p><i>Describe fair housing strategies and actions to achieve the goal</i></p> <p>HOC has engaged a Hispanic media resource to advertise Plans that require public comments. This allows HOC to reach other demographics. HOC also created an internal intranet page for Language Access Plan resources for HOC staff to assist Limited English Proficient individuals more efficiently.</p> </td> </tr> </table>	<p>Fair Housing Goal:</p>	<p><i>Describe fair housing strategies and actions to achieve the goal</i></p> <p>HOC has created a Customer Relationship Management system to better streamline the customer complaints and Reasonable Accommodation process. This system allows HOC staff to receive and track customer concerns electronically for timely resolution. This tool allows HOC to identify root causes of issues and creates a quality assurance platform for training, as necessary.</p>	<p>Fair Housing Goal:</p>	<p><i>Describe fair housing strategies and actions to achieve the goal</i></p> <p>HOC has engaged a Hispanic media resource to advertise Plans that require public comments. This allows HOC to reach other demographics. HOC also created an internal intranet page for Language Access Plan resources for HOC staff to assist Limited English Proficient individuals more efficiently.</p>
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Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

In 2017 HOC adopted the VAWA across its entire affordable housing portfolio. Additional policy updates are currently going through the Commission approval process. Please reference section B1 (section (b), Violence Against Women Act Policy) of the attached Plan narrative.

Instructions for Preparation of Form HUD-50075-ST Annual PHA Plan for Standard and Troubled PHAs

A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

A.1 Include the full **PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type,** and the **Availability of Information,** specific location(s) of all information relevant to the public hearing and proposed PHA Plan. (24 CFR §903.23(4)(e))

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Plan Elements. All PHAs must complete this section.

B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.” (24 CFR §903.7)

Statement of Housing Needs and Strategy for Addressing Housing Needs. Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR §5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR §903.7(a)).

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA’s reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b)) Describe the PHA’s admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA’s policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. (24 CFR §903.7(b)) Describe the PHA’s procedures for maintain waiting lists for admission to public housing and address any site-based waiting lists. (24 CFR §903.7(b)). A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. (24 CFR §903.7(b)) Describe the unit assignment policies for public housing. (24 CFR §903.7(b))

Financial Resources. A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing

or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c))

Rent Determination. A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. (24 CFR §903.7(d))

Operation and Management. A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA. (24 CFR §903.7(e))

Grievance Procedures. A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. (24 CFR §903.7(f))

Homeownership Programs. A description of any Section 5h, Section 32, Section 8y, or HOPE I public housing or Housing Choice Voucher (HCV) homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

Community Service and Self Sufficiency Programs. Describe how the PHA will comply with the requirements of (24 CFR §903.7(l)). Provide a description of: **1)** Any programs relating to services and amenities provided or offered to assisted families; and **2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs subject to Section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135) and FSS. (24 CFR §903.7(l))

Safety and Crime Prevention (VAWA). Describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must provide development-by-development or jurisdiction wide-basis: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities. (24 CFR §903.7(m)) A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

Pet Policy. Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

Asset Management. State how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory. (24 CFR §903.7(q))

Substantial Deviation. PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

Significant Amendment/Modification. PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32 REV-3, successor RAD Implementation Notices, or other RAD Notices.

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b))

B.2 New Activities. If the PHA intends to undertake any new activities related to these elements in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

HOPE VI or Choice Neighborhoods. **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Choice Neighborhoods; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI or Choice Neighborhoods is a separate process. See guidance on HUD's website at:

https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6 . (Notice PIH 2011-47)

Mixed Finance Modernization or Development. **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6/mfph#4

Demolition and/or Disposition. With respect to public housing only, describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm. (24 CFR §903.7(h))

Designated Housing for Elderly and Disabled Families. Describe any public housing projects owned, assisted or operated by the PHA (or portions thereof), in the upcoming fiscal year, that the PHA has continually operated as, has designated, or will apply for designation for occupancy by elderly and/or disabled families only. Include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the

designation was approved, submitted, or planned for submission, 5) the number of units affected and; 6) expiration date of the designation of any HUD approved plan. **Note:** The application and approval process for such designations is separate from the PHA Plan process, and PHA Plan approval does not constitute HUD approval of any designation. ([24 CFR §903.7\(i\)\(C\)](#))

Conversion of Public Housing under the Voluntary or Mandatory Conversion programs. Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>. ([24 CFR §903.7\(j\)](#))

Conversion of Public Housing under the Rental Assistance Demonstration (RAD) program. Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Rental Assistance or Project-Based Vouchers under RAD. See additional guidance on HUD's website at: [Notice PIH 2012-32 REV-3, successor RAD Implementation Notices, and other RAD notices.](#)

Occupancy by Over-Income Families. A PHA that owns or operates fewer than two hundred fifty (250) public housing units, may lease a unit in a public housing development to an over-income family (a family whose annual income exceeds the limit for a low income family at the time of initial occupancy), if all the following conditions are satisfied: (1) There are no eligible low income families on the PHA waiting list or applying for public housing assistance when the unit is leased to an over-income family; (2) The PHA has publicized availability of the unit for rental to eligible low income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family; (3) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit; (4) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and (5) The PHA gives the over-income family at least thirty days notice to vacate the unit when the unit is needed for rental to an eligible family. The PHA may incorporate information on occupancy by over-income families into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7. \(24 CFR 960.503\)](#) (24 CFR 903.7(b))

Occupancy by Police Officers. The PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents. A "police officer" means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify. The PHA may incorporate information on occupancy by police officers into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7. \(24 CFR 960.505\)](#) (24 CFR 903.7(b))

Non-Smoking Policies. The PHA may implement non-smoking policies in its public housing program and incorporate this into its PHA Plan statement of operation and management and the rules and standards that will apply to its projects. See additional guidance on HUD's website at: [Notice PIH 2009-21 and Notice PIH-2017-03. \(24 CFR §903.7\(e\)\)](#)

Project-Based Vouchers. Describe any plans to use Housing Choice Vouchers (HCVs) for new project-based vouchers, which must comply with PBV goals, civil rights requirements, Housing Quality Standards (HQS) and deconcentration standards, as stated in 983.57(b)(1) and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. If using project-based vouchers, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan ([24 CFR §903.7\(b\)](#)).

Units with Approved Vacancies for Modernization. The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with [24 CFR §990.145\(a\)\(1\)](#).

Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

For all activities that the PHA plans to undertake in the current Fiscal Year, provide a description of the activity in the space provided.

B.3 Progress Report. For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.7\(r\)\(1\)](#))

B.4 Capital Improvements. PHAs that receive funding from the Capital Fund Program (CFP) must complete this section ([24 CFR §903.7 \(g\)](#)). To comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan in EPIC and the date that it was approved. PHAs can reference the form by including the following language in the Capital Improvement section of the appropriate Annual or Streamlined PHA Plan Template: "See Capital Fund 5 Year Action Plan in EPIC approved by HUD on XX/XX/XXXX."

B.5 Most Recent Fiscal Year Audit. If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. ([24 CFR §903.7\(p\)](#))

C. Other Document and/or Certification Requirements.

C.1 Resident Advisory Board (RAB) comments. If the RAB had comments on the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))

C.2 Certification by State or Local Officials. Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#)). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form

HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154 or 24 CFR 5.160(a)(3) as applicable; (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations, impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).

C.4 Challenged Elements. If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

C.5 Troubled PHA. If the PHA is designated troubled, and has a current MOA, improvement plan, or recovery plan in place, mark "yes," and describe that plan. Include dates in the description and most recent revisions of these documents as attachments. If the PHA is troubled, but does not have any of these items, mark "no." If the PHA is not troubled, mark "N/A." (24 CFR §903.9)

D. Affirmatively Furthering Fair Housing (AFFH).

D.1 Affirmatively Furthering Fair Housing. The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) ... Strategies and actions must affirmatively further fair housing" Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan.

Public reporting burden for this information collection is estimated to average 7.52 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. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.



Fiscal Year (FY) 2023 Annual Public Housing Agency Plan Submission Housing Opportunities Commission of Montgomery County (HOC) Narrative and Additional Information

A1: PHA Information

The Public may view the PHA Plan and supporting documentation, and obtain information regarding any of the activities outlined in this plan at HOC's website, www.hocmc.org. HOC typically makes this information available at its main administrative office (10400 Detrick Avenue, Kensington, Maryland 20895) and at the three (3) satellite offices listed below, but these offices are closed to the public indefinitely due to the COVID-19 Pandemic.

HOC Gaithersburg Customer Service Center **(Closed to the Public indefinitely)**
101 Lake Forest Blvd.
#200
Gaithersburg, Maryland 20877

HOC Silver Spring Customer Service Center **(Closed to the Public indefinitely)**
880 Bonifant Street
Silver Spring, Maryland 20910

HOC East Deer Park Office **(Closed to the Public indefinitely)**
231 East Deer Park Drive
Gaithersburg, Maryland 20877

Additional documents and supporting documents for this PHA Plan, that are also available for viewing at HOC's website, www.hocmc.org, are listed below.

1. Form HUD-50057-ST-HCV-HP: PHA Certification of Compliance with the PHA Plans and Related Regulations;
2. HUD Form 50077-CR: Civil Rights Certification;
3. Resident Advisory Board PHA Plan Endorsement Letter;
4. Form HUD 50077-SL: Certification by State or Local Official of PHA Plan's Consistency with the Consolidated Plan or State Consolidated Plan;
5. HOC's FY 2020-2024 Five Year PHA Plan and FY 2022 Annual PHA Plans;
6. Housing Choice Voucher Administrative Plan;
7. Public Housing Admissions and Continued Occupancy Policy;
8. Public Housing Capital Fund Program Five-Year Action Plan: 2017-2021; and
9. HOC's Violence Against Women Act Policy.

Pursuant to Section 511 of the United States Housing Act and the regulations in 24 CFR part 903, HOC is required to establish a Resident Advisory Board (RAB). The RAB is comprised of individuals who reflect and represent the residents assisted by HOC. Their role is to assist HOC in developing the PHA Plan. The RAB has reviewed the FY 2023 Annual PHA Plan draft and provided a letter of endorsement. There were no comments submitted for review.

This FY 2023 Annual PHA Plan includes a minimum 45-day public comment period, which began February 14, 2022. The public comment period will culminate with a public hearing currently scheduled for Wednesday, April 6, 2022 at 2:30pm via YouTube. HOC will receive public comments via phone, mail, and email. Interested parties may also attend the public hearing virtually and can visit HOC's website, www.hocmc.org, for additional details.

B1: Revision of Plan Elements

HOC has completed the conversion of all Public Housing (PH) units via Component One of the Rental Assistance Demonstration (RAD) program. HOC currently operates no PH units and all previous PH tenants' assistance has been converted pursuant to the RAD Component One regulations outlined in PIH Notice 2019-23 (Rental Assistance Demonstration-Final Implementation, Revision 4). Staff outlined the details of the RAD conversion in HOC's FY 2022 Annual PHA Plan. As part of HOC's RAD portfolio conversion, HOC elected not to close out the PH program, and currently has PH Capital Fund Program (CFP) funds that have been budgeted through HUD's EPIC system. HOC is exploring its use of the Faircloth Limit for future potential development under the RAD program. HOC's Public Housing Admissions and Continued Occupancy Policy (ACOP) previously governed HOC's PH program. Since HOC has converted all of its PH units, this document is no longer relevant.

HOC is in the final stage of the overall closeout of the RAD program. Elizabeth House III is currently under construction and is the final project to be completed under RAD. HOC will officially close out this project through the RAD Resource Desk once we receive the Completion Certification and all residents are relocated to the new property. This is anticipated for the fall of 2022. The RAD Project-Based Rental Assistance (PBRA) and Project-Based Voucher (PBV) Housing Assistance Payment (HAP) contracts are tied to the new Elizabeth House III property.

HOC's Housing Choice Voucher (HCV) and Project Based Voucher (PBV) programs are governed by HOC's Administrative Plan. The Administrative Plan derives its layout and much of its content from the Code of Federal Regulations (CFR), Title 24, Part 982—Section 8 Tenant Based Assistance: Housing Choice Voucher Program and Title 24, and Part 983.

- HOC's policies for HCV admission eligibility are established in Chapter Two of the HOC Administrative Plan.
- HOC's policies for persons applying for HCV admission are established in Chapter Three of the HOC Administrative Plan.
- HOC's HCV waitlist and selection processes are established in Chapter Three of the HOC's

Administrative Plan.

- All of HOC's PBV policies are established in Chapter 22 of the HOC Administrative Plan.

Eligibility for HOC's HCV program is determined when an applicant is called from the wait list. HOC uses the following criteria for screening applicants:

- a. An applicant must be a "family". A family may be a single person or group of persons.
- b. An applicant must be within the appropriate Income Limits.
- c. An applicant must furnish Social Security Numbers for all family members.
- d. An applicant must furnish Declaration of Citizenship or Eligible Immigrant Status and verification where required.
- e. At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.
- f. Criminal or drug related activity only to the extent required by law or regulation including criminal records from local and state law enforcement agencies. HOC checks national and state sex offender registries and will deny persons subject to lifetime registration. HOC will review, on a case by case basis, the issues related to any applicant who is registered as a sex offender for other than their lifetime.

Section (b):

The following section highlights revisions made to HOC's plan elements.

COVID-19 Waivers:

HOC previously reported adopting 26 temporary COVID-19 waivers outlined in PIH Notice 2020-33. These waivers were a result of the Coronavirus Aid, Relief and Economic Security (CARES) Act that President Trump signed into law on March 17, 2020.

HUD subsequently published PIH Notice 2021-14 on May 4, 2021 restating the waivers and alternative requirements previously established on November 30, 2020 in PIH Notice 2020-33. PIH Notice 2021-14 also extended the period of availability for previously established waivers until December 31, 2021. The notice also introduced two new waivers that allows the Public Housing Authority (PHA) to accept self-certification of income in place of third party verification, and self-certification of social security numbers, self-certification of disability status and self-certification of eligible non-citizenship status for applicants if a higher level of verification is unavailable. Below is a list of waivers that HOC previously adopted and extended to December 31, 2021 pursuant to PIH Notice 2021-14, along with the two new waivers.

- **PH and HCV-2 (Adopted 4/20/20):** Permits the PHA to delay the annual reexamination of income and family composition. PHAs must implement HCV-7 (referenced below) for impacted families if they implement this waiver. Period of Availability: December 31, 2021.

- **PH and HCV-3** (Adopted 4/20/20): Waives the requirements to use the income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification. PHAs must also address material income discrepancies that may arise later. Period of Availability: December 31, 2021.
- **PH and HCV-4** (Adopted 4/20/20): Waives the requirements to use income verification requirements, including the use of EIV for interim reexaminations. Period of Availability: December 31, 2021.
- **PH and HCV-5** (Adopted 4/20/20): Waives the mandatory EIV monitoring requirements. Period of Availability: December 31, 2021.
- **PH and HCV-6** (Adopted 4/20/20): Provides for extensions to Family Self Sufficiency (FSS) contract of participation. Period of Availability: December 31, 2021.
- **PH and HCV-8 (New)** (Adopted 7/1/21): Waives the third-party income verification requirements for applicants, and allows PHAs to consider self-certification as the highest form of income verification at admission. Period of Availability: December 31, 2021.
- **PH and HCV-9 (New)** (Adopted 7/1/21): Waives the requirements to obtain and verify social security number documentation and documentation evidencing eligible non-citizen status before admitting applicants to the HCV and Public Housing programs. PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. Period of Availability: December 31, 2021.
- **Housing Quality Standards (HQS)-1** (Adopted 4/20/20): Changes initial inspection requirements allowing for owner certification that there are no life-threatening deficiencies. If self-certification is used, the PHA must inspect the unit no later than the one-year anniversary of the date of owner's certification. This waiver does not include a waiver of 24 CFR 35.15, visual assessment for deteriorated paint. Period of Availability: December 31, 2021.
- **HQS-2** (Adopted 4/20/20): Changes inspection requirements to allow for owner certification that there are no life-threatening deficiencies. Where self-certification is used, the PHA must inspect the unit no later than the one-year anniversary of the date of the owner's certification. Period of Availability: December 31, 2021.
- **HQS-3** (Adopted 4/20/20): Allows for an extension of up to 30 days for owner repairs of non-life-threatening conditions. Period of Availability: December 31, 2021.
- **HQS-4** (Adopted 4/20/20): Under the Initial HQS Alternative Inspection Option, this waiver allows for commencement of assistance payments based on owner certification that there are no life threatening deficiencies. Period of Availability: December 31, 2021.

- **HQS-6** (Adopted 4/20/20): Waives the requirement for the PHA to conduct interim inspections and requires an alternative method. It allows for repairs to be verified by alternative methods. Period of Availability: December 31, 2021.
- **HQS-7** (Adopted 4/20/20): Allows Project Based Voucher (PBV) turnover units to be filled based on owner certification that there are no life-threatening deficiencies. It also allows for a delayed full HQS inspection not less than the one-year anniversary of the date of the owner's certification. Period of Availability: December 31, 2021.
- **HQS-8** (Adopted 4/20/20): Allows for PBV units to be added or substituted in the HAP contract based on owner certification that there are no life-threatening deficiencies. It also allows for delayed full HQS inspection not less than the one-year anniversary of the owner's certification. Period of Availability: December 31, 2021.
- **HQS-9** (Adopted 4/20/20): Provides for a suspension of the requirement for Quality Control (QC) sampling inspections. Period of Availability: December 31, 2021.
- **HQS-11** (Adopted 4/20/20): Requirement to perform initial HQS inspections in order to begin making homeownership assistance payments, and requires the family to obtain independent professional inspection. Period of Availability: December 31, 2021.
- **Housing Choice Voucher (HCV)-1** (Adopted 7/20/20): Establishes an alternative requirement that policies may be adopted without board approval until September 30, 2021, and that any provisions adopted informally must be adopted formally by December 31, 2021.
- **HCV-2** (Adopted 4/20/20): Waives the requirement for an oral briefing and provides for alternative methods to conduct required voucher briefings, such as webcast, video call, or expanded information packet. Period of Availability: December 31, 2021.
- **HCV-3** (Adopted 4/20/20): Allows PHAs to provide voucher extensions regardless of current PHA policy. Period of Availability: December 31, 2021.
- **HCV-4** (Adopted 4/20/20): Provides for Housing Assistance Payment (HAP) payments for contracts not executed within 60 days. Period of Availability: December 31, 2021.
- **HCV-5** (Adopted 4/20/20): Allows for PHA discretion on absences from units longer than 180 days. PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 days. Period of Availability: December 31, 2021.
- **HCV-6** (Adopted 4/20/20): Allows PHAs to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. Period of Availability: December 31,

2021.

- **HCV-7** (Adopted 4/20/20): Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination. Period of Availability: December 31, 2021.
- **HCV-9** (Adopted 4/20/20): Requirement for the family to obtain pre-assistance counseling in the homeownership program. Period of Availability: December 31, 2021.
- **HCV-10** (Adopted 4/20/20): Pertains to the Family Unification Program (FUP) and allows PHAs to increase the age to 26 for foster youth's initial lease-up. Period of Availability: December 31, 2021.
- **HCV-12** (Adopted 7/20/20): Applies to FUP and allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days. Period of Availability: December 31, 2021.
- **HCV-13** (adopted 7/20/20): Allows a PHA to extend homeownership assistance for up to one additional year. Period of Availability: December 31, 2021.
- **HCV-14** (Adopted 7/20/2020): Allows a PHA to keep a PBV unit under contract for a period of time that extends beyond 180 days from the last HAP, but does not extend beyond December 31, 2020. Period of Availability: December 31, 2021.

Pursuant to PIH Notice 2021-14, HOC implemented the extended period of availability of the existing COVID-19 waivers previously adopted, and adopted the two new waivers indicated above (PH and HCV 8 and 9). This required HOC to update the following chapters of its Housing Choice Voucher Administrative Plan.

- **Chapter 4** (Establishing Preferences and Maintaining the Wait List): Updates to this chapter read that HOC may accept referrals from child welfare agencies for youth who will leave foster care within 120 days. HOC may execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not reached 26th birthday). The temporary provision expired December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 6** (Factors Related to Total Tenant Payment and Family Share Determination): Updates to this chapter read that HOC may continue to make HAP payments and not terminate the HAP contract if the family is absent for more than 180 consecutive days due to extenuating circumstances. This temporary policy expired on December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 7** (Verification Procedures): Updates to this chapter read that HOC may forgo third-party income verification until December 31, 2021. This temporary verification method is in accordance

6

with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, HOC may accept self-certification of disability status if a higher level of verification is not immediately available. If HOC accepts a self-certification, HOC must obtain a higher level of verification within 90 days of admission. This temporary waiver expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, HOC may forgo obtaining documentation of eligible non-citizenship status before admittance to the HCV program. HOC will accept self-certification in lieu of the required documentation. Families must provide the required documentation within 90 days of admission to be eligible for continued assistance, pending verification until December 31, 2021. This waiver was implemented in accordance with the waiver flexibility authorized on PIH Notice 2021-14.

Additionally, HOC may forgo obtaining documentation of valid social security numbers for household members. HOC will accept self-certification in lieu of required documentation. The family must submit the required documentation within 90 days of admission to be eligible for continued assistance, pending verification until December 31, 2021. HOC implemented this waiver in accordance with the waiver flexibility authorized on PIH Notice 2021-14.

Additionally, HOC may accept self-certification of date of birth if a higher level of verifications not immediately available. If HOC accepts a self-certification, HOC must obtain a higher level of verification within 90 days of admission. This temporary waiver expired on December 31, 2021, and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

- **Chapter 8** (Voucher Issuance and Briefings): Updates to this chapter read that HOC may conduct initial applicant briefings by other means, such as webcast, video call, or expanded information packet. These alternative methods expired on December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to this chapter read that HOC may grant extensions for other non-listed reasons through December 31, 2021. This temporary policy is in accordance with waiver flexibility authorized in PIH Notice 2021-14.

- **Chapter 9** (Request for Approval of Tenancy and Contract Execution): Updates to this chapter read that, through December 31, 2021, HOC may execute the HAP contract no later than 120 days from the beginning of the lease term. This temporary policy is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 10** (Housing Quality Standards and Inspections): Updates to this chapter read that, in relation to timely initial HQS inspections, through December 31, 2021, HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit instead of conducting an initial inspection. HOC must

conduct an inspection in the unit no later than one year from the date of the owner's certification. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to chapter 10 read that, through December 31, 2021, HOC may authorize occupancy of a unit if the unit passed an alternative inspection in the previous 24 months. The owner must certify that he/she has reasonable basis to have knowledge that no life-threatening conditions exist in the unit. HOC must conduct the HQS inspection no later than one year from the date of the owner's certification. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to chapter 10 read that HOC may provide the owner an additional 30 days to make repairs or non-life-threatening deficiencies. The period of availability to approve an additional 30 days is temporary and ended December 31, 2021. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, in the PBV section of chapter 10, updates read that for pre-HAP contract inspections, HOC is not required to conduct pre-contract inspections and may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the PBV units. HOC must inspect the units no later than one year from the date of the owner's certification. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, in the PBV section of chapter 10, updates read that HOC may waive the initial inspection requirement to fill a turnover PBV unit. HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the PBV units. HOC must inspect the units no later than one year from the date of the owner's certification. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, the PBV section of chapter 10, updates read that HOC may amend the PBV HAP contract to add additional PBV contract units or to substitute a different unit for a previously covered contract unit without conducting an initial inspection. This is subject to the PBV program cap and income mixing requirements. HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question. HOC must inspect the unit no later than one year from the date of the owner's certification. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, regarding special/complaint inspections under chapter 10, if the reported deficiency is life-threatening HOC will notify the owner of the deficiency in lieu of conducting an inspection. The owner must correct the deficiency within 24 hours of the HOC notification or provide

documentation that the deficiency does not exist. HOC is not required to conduct an on-site inspection to verify that the repairs have been made, but may rely on alternative verification methods. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

- **Chapter 12** (Re-certifications): Updates to this chapter read that HOC may delay the completion of the annual recertification until December 31, 2021. This temporary delay is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 21** (Housing Choice Voucher Homeownership Option): Updates to this chapter read that HOC may permit a family to purchase a home without fulfilling pre-assistance homeownership counseling requirements. This temporary provision expired December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to Chapter 21 read that, through December 31, 2021, HOC may waive the initial homeownership inspection requirement. This temporary policy is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to Chapter 21 read that HOC may extend the maximum term of homeownership assistance for one year if the family is in the last year of the term and is experiencing financial hardship as a result of the COVID-19 Pandemic. This temporary policy is in accordance with the waiver flexibility authorized in PIH Notice 2021-14 and has a period of availability of December 31, 2021.

- **Chapter 22** (Housing Choice Voucher Project-Based Program): Under the PBV program, HOC is typically required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner. Updates to this chapter read that, in response to the COVID-19 Pandemic, at its discretion, HOC may keep a unit under contract for a period of time that exceeds 180 days, but does not extend beyond December 31, 2021. This temporary policy expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Emergency Housing Vouchers:

President Biden signed the American Rescue Plan (ARP) into law on March 11, 2021, in response to the ongoing impact of the COVID-19 pandemic. The ARP appropriates \$5 billion dollars for new and renewal Emergency Housing Vouchers (EHVs), to facilitate expedited leasing for families at high risk of exposure to the Coronavirus.

HOC was awarded 118 EHVs based on HUD's assessment of the number of homeless persons in Montgomery County and HOC's operational capacity to quickly lease the EHV families. To qualify for an EHV, an individual or family must meet one of four eligibility categories:

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

Eligible EHV families are not selected from the HOC waitlist. Rather the Continuum of Care (CoC) sends HOC referrals. This is the local planning body responsible for coordinating the full range of homeless services for a specific geographic region. The local Department of Health and Human Services ("HHS") is designated as the CoC for Montgomery County. HOC may also accept direct referrals from Victim Service Providers (VSPs) if the CoC is unable to identify families that may be eligible for EHV's because they are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking.

HOC entered into a Memorandum of Understanding (MOU) with the CoC on July 29, 2021, to establish a partnership for the administration of the EHV's. The CoC is responsible for verifying that the referred applicant meets one of the four aforementioned eligibility categories. To expedite and facilitate EHV leasing, HUD has modified the traditional voucher program requirements and established alternative requirements that apply only to the administration of the EHV's as identified in Chapter 4 (Establishing Preferences and Maintaining the Wait List) of the HOC Administrative Plan.

Chapter 4 (Establishing the Wait List and Maintaining Preferences) of the Administrative Plan was updated with a new section for EHV's, which included the following:

- Number of EHV vouchers administered by HOC
- Referral process
- Maintenance of separate wait list
- Eligibility criteria
- Prohibition of denial of admission (CFR Title 24, part 982.552 and 982.55)
- HOC criteria for denial of admissions (CFR Title 24, part 982.553)
- Voucher Issuance/Lease Term
- Additional services provided to EHV participants
- Portability requirements
- Initial Certifications
- Housing Quality Standards Inspections
- Interim Examinations

Violence Against Women Act (VAWA) Policy:

HOC is currently in the process of updating our VAWA Policy in accordance with the Violence Against

Women Reauthorization Act of 2013 (Public Law 113-4, 127 Stat. 54, approved March 7, 2013, at 127 Stat. 101), and subsequent HUD Housing Notice 2017-05, and PIH Notice 2017-08. Staff will present the following updates to the Commission for approval:

- Updates to include HUD and non-HUD housing programs;
- HOC's addition of Low Income Housing Tax Credit to the list of covered programs;
- Requirement for all HOC Tenant Selection Plans to include policies and procedures covering VAWA protections,
- Updates to wording for VAWA Accommodation Requests, including examples of accommodations, method to submit a request, required documentation, and record retention.
- Emergency VAWA transfers under the Housing Choice Voucher program (tenant and project-based vouchers).

This process will also result in updates to Chapter 1 (Statement of Policies and Objectives) of HOC's HCV Administrative Plan. Any updates to the Administrative Plan will also go through the proper public comment period and approval process.

Section (C): Deconcentration

HOC's Public Housing Deconcentration Policy is described in Chapter 10 of the Agency's Admissions and Continued Occupancy Policy (ACOP), which governed HOC's Public Housing program. Although HOC has converted all of its PH units and tenants through the use of RAD Component One, rendering the ACOP no longer relevant, HOC's PH Deconcentration policy is referenced below, as requested for this section. More specifically, Sections 10.4 and 10.5 read the following:

10.4 Deconcentration Policy:

It is HOC's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Towards this end, we may skip families on the wait list to reach other families with a lower or higher income. Additionally, the Housing Opportunities Commission may use flat rents to encourage higher-income eligible residents to lease or remain in a public housing unit. We will accomplish this in a uniform and non-discriminatory manner.

HOC will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

10.5 Deconcentration Incentives:

Subject to its annual deconcentration analysis, the HOC may offer one or more incentives to encourage applicant families whose income classification would help to meet the

deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

B2: New Activities

HOC administered a Project-Based Voucher (PBV) Housing Assistance Payment (HAP) contract with HOC's Town Center Apartments for sixty-two (62) senior housing apartments. HUD executed the PBV HAP contract on July 1, 2019. HUD awarded HOC tenant protection vouchers for At-Risk Households in Low-Vacancy Areas (Low-Vacancy Vouchers or "LVV") for residents of Town Center Apartments under the Second Component of the RAD program and Section III (A) of Notice PIH 2018-02. Under this program, HOC elected to administer the PBV HAP contract. The property's triggering event was the maturation of its Section 236 mortgage on May 1, 2019.

As part of HOC's ongoing commitment to enhance communities and provide stronger opportunities to customers currently living at Town Center Apartments, HOC is currently completing the new construction of senior property, Residences on the Lane (formerly referred to as Upton II), in downtown Rockville. Residences on the Lane will be the replacement property for the residents of Town Center Apartments and was developed under the Low Income Housing Tax Credit (LIHTC) program. HOC is in the process of relocating the current tenants from Town Center Apartments.

The PBV HAP contract for the LVVs cannot be assigned to the Residences on the Lane and that contract was ultimately terminated. All of the residents who received PBV assistance under the LVV contract were offered a tenant-based voucher to relocate. Most of the residents indicated a strong preference to relocate to the new Residences on the Lane property. Please note, HOC followed all of the requirements of the Uniform Relocation Act (URA) for all residents relocating from Town Center Apartments.

The new Residences on the Lane property is located within Rockville Housing Enterprises (RHE) jurisdiction for the Housing Choice Voucher Program. HOC and RHE executed a Memorandum of Understanding (MOU) allowing HOC to continue to administer the vouchers for the residents relocating to the Residences on the Lane. The residents are elderly and the portability process generally requires a great deal of time to lease a unit successfully. HOC's goal is to simplify the transfer process for this vulnerable population, if they choose to relocate to the Residences on the Lane. Moreover, the residents relocating will have to recertify annually for the LIHTC and Project Based Rental Assistance programs with management agent staff, and with HOC staff for the Housing Choice Vouchers. Allowing HOC to continue to administer these vouchers will allow continuity of the residents working with HOC's voucher program staff. Additionally, we recognize that the porting process can be an administrative burden on both HOC and RHE.

This request applies only for the current 62 Town Center residents relocating to the Residences on the Lane. Any other transfer to Rockville Housing Enterprises jurisdiction will continue to follow the prescribed portability process already in place.

During FY 2021, and pursuant to the PBV regulations outlined in 24 CFR 983 and PIH Notice 2017-21, HOC posted a Request for Proposal for its HCV program. HOC intended to project-base a total of 100 units using competitive selection process and utilized the selection criteria described in HOC's Administrative Plan ensuring compliance with PBV goals, civil rights requirements, Housing Quality Standards (HQS), and deconcentration standards, as stated in 24 CFR 983.57 and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions for the HCV program. HOC successfully project-based all 100 units throughout Montgomery County, including properties located in Silver Spring, Bethesda, Rockville, Wheaton, Germantown, Clarksburg, and Gaithersburg.

In accordance with the Code of Federal Regulations (CFR) at 24 CFR 983.6 and HOC's Administrative Plan, the maximum amount of PBV assistance that HOC may provide is up to 20 percent of the amount of the HCV program baseline (currently 8,629). HOC currently has 970 PBV units located throughout Montgomery County, Maryland, including Silver Spring, Aspen Hill, Bethesda, Montgomery Village, Gaithersburg, Rockville, Germantown, Chevy Chase, Wheaton, Takoma Park, Clarksburg, and Boyds.

B3: Progress Report

HOC continues to make positive strides toward meeting the mission and goals described in its FY 2020 – 2024 Five-Year Plan. Below are some highlights of HOC's efforts over this past year:

- **Real Estate Development Team:** Development of affordable housing.
 - HOC has developed and is developing affordable, mixed-use developments in Montgomery County.
- **Housing Resources Division (HRD):** Operation of HOC's Housing Choice Voucher program.
 - HRD oversees two Customer Service Centers (Down-County, Silver Spring, and Up-County, Gaithersburg). The centers have been closed to the public indefinitely due to the COVID-19 pandemic from March 2020 to present. HRD previously adapted its operations in order to operate efficiently and provide the same level of services as pre-COVID-19. These modifications included teleworking, electronic certifications, limited in-office hours for critical staff, remote customer voucher issuance and relocation briefings, remote landlord informational briefings, and remote informal hearings. These modifications have continued successfully throughout the pandemic and will remain in effect until conditions are deemed safe.
 - HRD has worked assiduously to increase the utilization rate of the Housing Choice Voucher program. HOC identified a leasing strategy with the Department of Housing and Urban Development (HUD) to obtain a 95% leasing rate by the end of calendar year 2021.

Monthly, staff selected 150-200 applicants from the wait list to determine program eligibility for the HCV program. Overall, HOC selected 2,317 applicants from the waitlist during calendar year 2021.

The response rate is extremely low during the pandemic and often certification packets trickle in after the requested return date. The mailing time is also slower than usual. As a result, correspondence is sent electronically to the customer email address on the application, and by the US Postal Service. Additionally, staff conducted outreach to applicants with vouchers nearing expiration.

HRD continues to monitor the utilization rate monthly and work to achieve and maintain a 95% leasing rate. The current rate is 94%.

- **Inspection Services (Housing Resources Division):** Operates HOC's Housing Choice Voucher Housing Quality Standards inspection program.
 - HOC's Inspection Services team previously phased in the use of virtual inspections for annual and initial inspections in order to continue to ensure safe and appropriate housing for our HCV customers during the COVID-19 pandemic. The team also allowed virtual inspections for our most vulnerable population. This option will remain in effect.
 - HOC is currently working to permanently implement remote video inspections through our third party inspections company, Inspection Experts, Inc. (IEI). IEI's Virtual HQS system uses an interactive application, which can be used on any smartphone or tablet. In-person inspections are to be granted on an as-needed basis, or if requested by the customer.
- **Resident Services:** Provide supportive services to all of HOC's customers.
 - Resident Services continues to provide paramount supportive services to HOC customers, including HCV recipients. As a result of the pandemic, there has been a rise in requests for services from Resident Service staff, who seamlessly adapted their services to support HOC participants through phone, virtual platforms, and limited door-to-door services for extenuating circumstances (crises and lack of access to virtual platforms). They continue to offer general services, including need-based workforce assessments, wellness checks, information, and referrals. They also supply HOC participants who have specific needs with food assistance and other essentials, such as facemasks and cleaning supplies. Most notably during the pandemic, are the meaningful supportive services provided to the children and youth who faced unexpected closure of schools, childcare centers, and many of the community spaces that children and families typically utilize. These closures limited access to support networks and help from adults outside the home.

Lastly, HOC's Resident Services Division continues to provide education programs for youth; workforce, health and wellness programs for adults; and support for our elderly population through the use of virtual platforms and in-person (as needed).

- HOC has continued to work with staff, other local agencies, and outside partners to enhance its fair housing efforts.

Violence Against Women Act (VAWA) Goals: Currently policy under revision (see Section B1 above).

To help meet the goals of the Violence Against Women Act (VAWA), HOC provides support and referrals to counseling for victims of domestic violence, dating violence, sexual assault, or stalking. HOC's partner, the Montgomery County Department of Health and Human Services, features an Abused Persons Program (240-777-4673), which provides 24-hour services, including access to counseling and shelters. HOC has an Agency-wide VAWA Policy which clearly defines and describes HOC's efforts to ensure that VAWA victims retain their housing assistance. HOC also assists victims with referrals to obtain restraining orders.

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"). 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's Commission chose to develop a single, stand-alone VAWA policy which describes HOC's commitment to VAWA adherence and enforcement.

HOC's new VAWA 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 actions in response to an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, affecting individuals who HOC assists.

Additionally, HOC's VAWA Policy states the Agency's commitment 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. While HOC's VAWA Policy does not create any legal obligation requiring HOC either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, dating violence, sexual assault, or stalking or to make a referral in any particular case, HOC's Emergency Transfer Plan does 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.

Lastly, HOC's VAWA Policy incorporates and explains the Agency's use of the following four HUD documents required as per the VAWA 2013 Final Rule:

1. Notice of Occupancy Rights under the Violence Against Women Act;
2. Model Emergency Transfer Plan for Victims of Domestic Violence;
3. Certification of Domestic Violence; and
4. Emergency Transfer Request for Victims of Domestic Violence.

B4: Capital Improvements

Please reference HUD form 50075.2 approved by HUD on 10/30/2020. The Capital Fund Program Five-Year Action Plan describes the capital improvements necessary to ensure the long-term physical and social viability of HOC's Public Housing Projects.

B5: Most Recent Fiscal Year Audit

No Findings were reported for FY 2021.

C1: Resident Advisory Board (RAB) Comments

The RAB has reviewed the FY 2023 Annual PHA Plan and did not have comments. Please see letter of endorsement.

C2: Certification by State or Local Officials

Pofen Salem, Chief of the Division of Finance and Administration (Montgomery County, MD), reviewed the Five-Year and FY 2023 Annual PHA Plans, and executed this certification.

C3: Civil Rights Certification/Certification Listing Policies and Programs that the PHA has revised since Submission to its Last Annual Plan

HOC's Acting Executive Director, Kayrine Brown, will execute this certification prior to the completion of this FY 2023 PHA Annual Plan.

C4: Challenged Elements

HOC will outline any challenges to the elements of this FY 2023 Annual PHA Plan upon completion of the public comment period.

C5: Troubled PHA

Not applicable.

D1: Affirmatively Furthering Fair Housing (AFFH)

HOC has not been required to submit an Assessment of Fair Housing (AFH). Please see template for other notes.



RESIDENT ADVISORY BOARD
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895
240-627-9735

February 18, 2022

Members

Lakeyia Thompson
President

Tashea Walters
Vice President

Shawntel Thomas
Secretary

Kathleen Flanagan
Parliamentarian

Vacant
Treasurer

Linda Croom
Commissioner

Ms. Kayrine Brown
Acting Executive Director
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895

RE: Endorsement of FFY 2022 (HOC FY 2023) PHA Plan

Dear Ms. Brown:


This letter certifies that the Resident Advisory Board (RAB) to the Housing Opportunities Commission (HOC) of Montgomery County reviewed and discussed the proposed Federal Fiscal Year (FFY) 2022 (HOC FY 2023) Annual Public Housing Agency (PHA) Plan. Please be advised that the RAB fully supports and endorses the proposed PHA Plan.

We are pleased that the Housing Resources Division (HRD), Resident Services Division, Real Estate Development Division, and the agency as a whole, have adapted during the COVID-19 pandemic to continue to provide housing opportunities and services to our customers. Specifically, the COVID-19 waivers adopted and extended by HRD enabled HOC to continue to serve our Housing Choice Voucher (HCV) Customers efficiently during the pandemic. The 118 Emergency Housing Vouchers also allowed HOC to provide assistance to homeless and other at-risk individuals during the pandemic.

It is also important to note that HRD has been working with HUD to increase and ultimately maintain utilization rates of the HCV program to 95% in order to maximize affordable housing opportunities to Montgomery County residents.

The demand for affordable housing in Montgomery County remains far higher than the supply, as evidenced by the 45,923 active applicants on HOC's affordable housing wait list. It is imperative that HOC continue to provide affordable housing opportunities to residents, not only through the HCV program, but also through the preservation and development of affordable housing units in its portfolio.

Sincerely,


Ms. Lakeyia Thompson
President

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Pofen Salem, the Chief of the Division of Finance and Administration
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2020-2024 and/or Annual PHA Plan for
fiscal year 2023 (HUD 2022) of the Housing Opportunities Commission is consistent with
the

PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

Montgomery County Department of Housing and Community Affairs
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or
State Consolidated Plan.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **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)

Name of Authorized Official: Pofen Salem	Title: Chief of the Division of Finance and Administration
Signature: <i>Pofen Salem</i>	Date: 2/17/2022

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S.
Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information
are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to
ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year 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. HUD
may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Certifications of Compliance with
PHA Plan and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations
including PHA Plan Elements that Have Changed**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or X Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 07/2022, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Opportunities Commission

MD004

PHA Name

PHA Number/HA Code

 x Annual PHA Plan for Fiscal Year 20 23

 5-Year PHA Plan for Fiscal Years 20 - 20

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **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).

Name of Executive Director

Name Board Chairman

Kayrine Brown, Acting Executive Director

Signature

Date

Signature

Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

Public reporting burden for this information collection is estimated to average 0.16 hours per year 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. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Civil Rights Certification
(Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 3/31/2024

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning 07/2022 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction’s initiatives to affirmatively further fair housing that require the PHA’s involvement; and maintains records reflecting these analyses and actions.

Housing Opportunities Commission

MD004

PHA Name

PHA Number/HA Code

I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **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)

Name of Executive Director:		Name of Board Chairperson:	
Kayrine Brown, Acting Executive Director			
Signature	Date	Signature	Date

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 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. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

AUTHORIZATION TO IMPLEMENT REVISIONS TO HOC'S VIOLENCE AGAINST WOMEN ACT POLICY AND RELATED REVISIONS TO THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

April 6, 2022

- The Violence Against Women Reauthorization Act of 2013 (“VAWA”) was signed into law by President Obama on March 7, 2013. HUD subsequently released its final rule effective December 16, 2016. HOC has extended its VAWA Policy to apply to all housing programs which HOC administers.
- HOC’s VAWA Policy outlines HOC’s policies and procedures in relation to VAWA and is in accordance with the Act and HUD’s final notice. HOC is updating the Policy pursuant to PIH Notice 2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance). HOC is also adding clarity on specific entities that can provide verification of actual incidents or threatened domestic violence, dating violence, sexual assault, or stalking.
- The Code of Federal Regulations (“CFR”) requires Public Housing Agencies (“PHAs”) to adopt written plans and policies that describe the federal regulations and establish local policies for administration of the voucher programs for the given PHA. For the Housing Choice Voucher (“HCV”) program, this governing document is the Administrative Plan.
- HOC is adding a VAWA section to Chapter One of the HCV Administrative Plan, which references HOC’s VAWA Policy.
- The updates to the HCV Administrative Plan require a 30-day public comment period. The public comment period commenced on March 4, 2022 and will culminate with a virtual Public Hearing on April 6, 2022.
- The Administrative and Regulatory Committee reviewed this item at its meeting on March 21, 2022 and supports staff’s request for authorization to implement the proposed updates to HOC’s VAWA Policy and related revisions to the HCV Administrative Plan.

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Kayrine Brown, Acting Executive Director

FROM: Staff: Darcel Cox Division: Executive/Compliance Ext. 9427
 Elliot Rule Division: Executive/Compliance Ext. 9647
 Jessie Joseph Division: Executive/Compliance Ext. 4855

RE: Authorization to Implement Revisions to HOC’s Violence Against Women Act Policy and Related Revisions to the Housing Choice Voucher Administrative Plan

DATE: April 6, 2022

STATUS: **Committee Report** **Deliberation** X

OVERALL GOAL & OBJECTIVE:

To authorize the Acting Executive Director of the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”), or her designee, to implement the proposed revisions to HOC’s VAWA Policy and related revisions to the HCV Administrative Plan.

BACKGROUND:

President Obama signed The Violence Against Women Reauthorization Act of 2013 into law on March 7, 2013. HUD subsequently released its final rule effective December 16, 2016, which expanded housing protections to victims of domestic violence, dating violence, sexual assault, and stalking across all of HUD’s key housing programs. The law initially applied to all multifamily assisted housing properties, including those with project-based Section 8. It was later broadened to include the Public Housing, Housing Choice Voucher, and Project Based Voucher programs. HOC has extended the policy to apply to all housing programs which HOC administers.

HOC updates its VAWA Policy according to the guidelines set forth in the VAWA Act of 2013, as well as additional HUD guidance, specifically subsequent HUD notices, PIH Notice 2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance) and Housing Notice 2017-05 (Violence Against Women Act Reauthorization Act of 2013-Additional Guidance for Multifamily Owners and Management Agents).

The following is a summary of the proposed updates to HOC’s current VAWA Policy based on guidance from PIH Notice 2017-08, which add:

- The Low Income Housing Tax Credit (“LIHTC”) program to the list of programs covered. LIHTC is a non-HUD program, and is governed by Section 42 of the Internal Revenue

Code.

- Language requiring Tenant Selection Plans for HOC’s applicable properties to include procedures covering VAWA protections.
- New section outlining “Requests for VAWA Accommodations”. This section details HOC’s procedures for requesting an accommodation or modification of a policy in order to exercise VAWA protections.
- New section, “Emergency Transfer and the Housing Choice Voucher and Project-Based Voucher Program”. This section describes emergency transfers for both programs.

In addition to the items listed above, HOC is adding clarity to the sections that address specific entities that can provide other documentation of actual or perceived domestic violence, dating violence, sexual assault, or stalking. These updates are to the actual Policy, Appendix A (Emergency Transfer Request for Certain Victims of Domestic Violence, Sexual Assault, or Stalking), Appendix B (Notice of Occupancy Rights Under the Violence Against Women Act), and Appendix C (Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation).

In relation to the proposed revisions to the VAWA Policy indicated above, staff are proposing revisions to Chapter One of the HCV Administrative Plan. These revisions include the addition of a VAWA section to the existing chapter, which references the VAWA Policy.

The Resident Advisory Board (“RAB”) reviewed the proposed revisions to HOC’s VAWA Policy and the related revisions to Chapter One of the HCV Administrative Plan and provided a letter of endorsement. No comments were received for review from the RAB. The updates to the HCV Administrative Plan require a 30-day public comment period, which commenced on March 4, 2022 and will culminate with a virtual public hearing on April 6, 2022 prior to the Commission meeting. To date, HOC has not received any public comments on the proposed revisions to Chapter One of the HCV Administrative Plan.

ISSUES FOR CONSIDERATION:

Does the Commission wish to accept staff’s recommendation, which is supported by the Administrative and Regulatory Committee, to authorize the Acting Executive Director, or her designee, to implement the proposed revisions to HOC’s VAWA Policy and related revisions to the HCV Administrative Plan?

PRINCIPALS:

Housing Resources Division
Property Management Division

BUDGET IMPACT:

None.

TIME FRAME:

The Administrative and Regulatory Committee informally reviewed this item at its meeting on March 21, 2022 and supports staff's recommendation. Staff recommends it for formal Commission action on April 6, 2022.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Commission authorize the Acting Executive Director, or her designee, to implement the proposed revisions to HOC's VAWA Policy and related revisions to the HCV Administrative Plan.

RESOLUTION No.: 22-23

RE: Authorization to Submit Proposed Revisions to HOC’s Violence Against Women Act Policy and Related Revisions to the Housing Choice Voucher Administrative Plan

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC”) seeks to update its current Violence Against Women Act (“VAWA”) Policy based on HUD guidance provided in PIH Notice 2017-08; and

WHEREAS, HOC seeks to implement VAWA related revisions to Chapter One of its Housing Choice Voucher (“HCV”) Administrative Plan; and

WHEREAS, HOC worked in collaboration with the Resident Advisory Board to obtain recommendations in the development of the proposed updates to HOC’s VAWA Policy and the related revisions to Chapter One of the HCV Administrative Plan; and

WHEREAS, HOC commenced a public comment period for the updates to the HCV Administrative Plan on March 4, 2022 and culminated with a virtual Public Hearing on April 6, 2022; and

WHEREAS, HOC has considered all comments and recommendations received and has incorporated all relevant changes in the proposed revisions to Chapter One of the HCV Administrative Plan.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the proposed revisions to HOC’s VAWA Policy and related revisions to the HCV Administrative Plan.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Acting Executive Director, or her designee, 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 April 6, 2022.

S
E
A
L

Patrice Birdsong
Special Assistant to the Commission



RESIDENT ADVISORY BOARD
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895
240-627-9735

March 28, 2022

Ms. Kayrine Brown
Acting Executive Director
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895

RE: Endorsement of Proposed Revisions to HOC's Violence Against Women Act Policy and Related Housing Choice Voucher Administrative Plan Revisions

Dear Ms. Brown:

This letter certifies that the Resident Advisory Board (RAB) to the Housing Opportunities Commission (HOC) of Montgomery County reviewed and discussed the proposed revisions to HOC's Violence Against Women Act (VAWA Policy) and related revisions to the Housing Choice Voucher (HCV) Administrative Plan, Chapter One (Statement of Policy and Objectives). Please be advised that the RAB fully supports and endorses the proposed revisions to HOC's VAWA Policy and the HCV Administrative Plan.

The RAB recognizes and appreciates HOC's efforts to update agency documents in relation to VAWA in order to address this essential fair housing issue. VAWA protections are critical to HOC applicants and customers at all levels of housing provided by HOC.

It is essential that HOC remain diligent in their efforts to promote all aspects of fair housing while providing quality housing opportunities throughout Montgomery County.

Sincerely,

A handwritten signature in black ink that reads "K. Flanagan".

Kathleen Flanagan
Parliamentarian

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



Violence Against Women Act Policy

Last Revision:

~~July 2017~~

April 2022

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 additional subsequent HUD notices, PIH Notice 2017-08 Violence Against Women Reauthorization act of 2013 Guidance and Housing Notice 2017-05 Violence Against Women Act (VAWA) Reauthorization Act of 2013**, 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 and Non-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).
- (10) The Low Income Housing Tax Credit (LIHTC). If a property is layered with Section 8, implement Section 8 Rules and continue to comply with the additional requirements outlined by the other governing agency.

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, **manager management agents**, 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.
- B. *Tenant Selection Plan.* Where applicable, properties' Tenant Selection Plans (TSP) must include policies and procedures covering VAWA protections. In compliance with instructions provided on Paragraph 4-4 or HUD Handbook 4350.3, if a property updates or adds any new preferences, all existing waiting list applicants must be notified, so they may take advantage of any qualifying preference.

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~~ management agent 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~~ management agent 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~~ management agent to evict or terminate from assistance any tenant or lawful applicant if the owner, ~~manager~~ management agent 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~~ management agent, 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~~ management agents, 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~~ management agent 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~~ **management agents** 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~~ **management agent**, 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~~ **management agent**, written documentation signed by an employee, agent, or volunteer of a victim service provider, **social worker**, an attorney **or other legal assistance provider**, **pastoral counselor**, a medical professional or a mental health professional, **or other professional (collectively, “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~~ **management agent**, 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~~ **management agent** 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 management agent**, 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 management agent** 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 management agent** 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.

IX. 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~~ **Management Agent** 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. Requests for VAWA Accommodation

Similar to Section 504, and the reasonable accommodation policies, which are designed to assist people with disabilities, the VAWA accommodation is designed to assist the customer, who is a victim of a VAWA crime, with a request to accommodate/modify a policy, in order to exercise their protections. HOC will review them on a case-by-case basis in a fair and consistent manner within 14 business days of receipt of all the necessary documents to render a decision. Some examples of accommodations include:

- a) Waiver of tenant selection criteria (credit, eviction screening).
- b) Reconsider rejection.
- c) Modify lease term (waive the notice to vacate requirement).
- d) Evict a member of the household.

HOC does not require the customer to complete a formal request form for VAWA accommodation, but prefers that the customer makes the request in writing.

The VAWA accommodation will not require the customer to provide specific information, or any additional information not listed within this policy, unless HOC requires disclosure or verification information. HOC may deny the VAWA accommodation request if the customer does not provide the required documentation. Note: if the request for the VAWA accommodation is deemed fraudulent, HOC may terminate or remove the customer or family member from the lease.

HOC will retain the VAWA accommodation records for a period of three years, or for the time specified in the program regulation.

5. 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.**

6. 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. *Emergency Transfer and the Housing Choice Voucher and Project-Based Voucher Program.* This section is an addition to HOC's Emergency Transfer Plan, where the Policy does not specifically address the voucher program(s). As vouchers are tenant-based assistance, the HCV customer may request a voucher to move to another unit. (See section D. *Portability* for moves outside of HOC's jurisdiction).

1. Housing Choice Voucher Program (HCV)

If an HCV applicant or customer who is a victim completes the required documents to request a transfer, and the request is deemed reasonable, HOC will expedite the administrative process and may conduct a one-on-one briefing to issue a voucher. Additionally, HOC will allow the victim to submit up to three Request for Tenancy Approval (RFTA) forms. When the customer submits an RFTA, HOC's Inspection Services will expedite the review of the RFTA to ensure the necessary documents are on file and complete and schedule the Housing Quality Standards (HQS) inspection as quickly as possible.

2. Project-Based Voucher Program (PBV)

The PBV program is governed by the HCV program regulations. Unlike families receiving HCV assistance, which is tenant-based, PBV families cannot move with their assistance as it is tied to the unit. If a PBV victim makes an emergency request and completes the required documents to request an Emergency Transfer, HOC must review the request, and determine the most appropriate response to address the PBV VAWA request. The PBV victim family is not required to give advanced written notice of intent to vacate the PBV unit if the family requests to move to protect the safety of the victim.

HOC does not offer tenant-based assistance for PBV applicants and customers that have not lived in a PBV unit for more than one year. If the PBV victim makes an emergency transfer request and has been living in the unit for less than one year, HOC may refer and transfer the PBV victim to another safe PBV unit. If there are no available PBV units, HOC may offer the PBV victim to other housing opportunities in the community to address the request.

If the PBV victim requests and is approved for an emergency VAWA transfer, HOC will refer the family to another PBV unit, subject to availability and safety of the unit. If the victim reasonably believes the proposed unit would not be safe, the PBV victim may request another PBV unit. The PBV victim must agree to abide by the terms of governing occupancy of the unit. HOC may not be able to transfer the PBV victim to the unit if the PBV victim cannot establish program eligibility requirements.

If there are no available units for which the PBV victim is eligible and needs an emergency transfer, HOC will assist in identifying other housing providers who may have safe and available units to which the victim may be able to move. HOC may assist in contacting and will provide a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking included with this policy.

If the PBV victim makes an emergency request and has been living in the PBV unit for more than one year, and if subsidy is available, HOC must give the PBV victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

HOC cannot guarantee approval of a transfer request or how long it will take to process the request. HOC will act as quickly as possible to transfer the PBV victim subject to the availability and safety of a PBV unit. HOC will expedite the administrative process regarding the PBV referral, voucher issuance, and the RFTA process, and schedule the HQS inspection as quickly as possible.

The PBV victim should also refer to the property's Emergency Transfer Plan.

Note: If the PBV victim requests to move sooner than a tenant-based voucher is available, HOC must give the family priority to receive the next available opportunity for tenant-based assistance, even if the family left the unit to protect the family's safety.

- C. *Portability.* HOC will not deny a Section 8-assisted customer's request for 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 of 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 management agent**, 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, **attorney or** legal assistance provider, pastoral counselor, **medical or** 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, **social worker**, an attorney **or other legal assistance provider**, **pastoral counselor**, a medical professional or a mental health professional, **or other 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.~~ **Compliance Department** at 240-627-9400 or via email at HOCVAWA@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:

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 Sheriff’s Office Domestic Violence Section 50 Maryland Avenue Room T400 Rockville, MD 20850 240-777-7016
Montgomery County Family Justice Center Foundation 600 Jefferson Plaza #500 Rockville, MD 20852 240-773-0444	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)	

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, **social worker**, an attorney **or other legal assistance provider**, **pastoral counselor**, or medical or mental health professional, **or other 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): _____ _____ _____ _____
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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~~ Management Agent 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.

Requests for VAWA Accommodation

Similar to Section 504, and the reasonable accommodation policies, which are designed to assist people with disabilities, the VAWA accommodation is designed to assist the customer, who is a victim of a VAWA crime, with a request to accommodate/modify a policy, in order to exercise their protections. HOC will review them on a case-by-case basis in a fair and consistent manner within 14 business days of receipt of all the necessary documents to render a decision. Some examples of accommodations include:

- a) Waiver of tenant selection criteria (credit, eviction screening).
- b) Reconsider rejection.
- c) Modify lease term (waive the notice to vacate requirement).
- d) Evict a member of the household.

HOC does not require the customer to complete a formal request form for VAWA accommodation, but prefers that the customer makes the request in writing.

The VAWA accommodation will not require the customer to provide specific information, or any additional information not listed within this policy, unless HOC requires disclosure or verification information. HOC may deny the VAWA accommodation request if the customer does not provide the required documentation. Note: if the request for the VAWA accommodation is deemed fraudulent, HOC may terminate or remove the customer or family member from the lease.

HOC will retain the VAWA accommodation records for a period of three years, or for the time specified in the program regulation.

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.

Emergency Transfers and the Housing Choice Voucher and Project-Based Voucher Programs. This section is an addition to HOC's Emergency Transfer Plan, where the Policy does not specifically address the voucher program(s). As vouchers are tenant-based assistance, the HCV customer may request a voucher to move to another unit. (See section D. Portability for moves outside of HOC's jurisdiction).

1. Housing Choice Voucher Program (HCV)

If an HCV applicant or customer who is a victim completes the required documents to request a transfer, and the request is deemed reasonable, HOC will expedite the administrative process and may conduct a one-on-one briefing to issue a voucher. Additionally, HOC will allow the victim to submit up to three Request for Tenancy Approval (RFTA) forms. When the customer submits an RFTA, HOC's Inspection Services will expedite the review of the RFTA to ensure the necessary documents are on file and complete and schedule the Housing Quality Standards (HQS) inspection as quickly as possible.

2. Project-Based Voucher Program (PBV)

The PBV program is governed by the HCV program regulations. Unlike HCV, families receiving HCV assistance, which is tenant-based, PBV families cannot move with their assistance as it is tied to the unit. If a PBV victim makes an emergency request and completes the required documents to request an Emergency Transfer, HOC must review the request, and determine the most appropriate response to address the PBV VAWA request. The PBV victim family is not required to give advanced written notice of intent to vacate the PBV unit if the family requests to move to protect the safety of the victim.

HOC does not offer tenant-based assistance for PBV applicants and customers that have not lived in a PBV unit for more than one year. If the PBV victim makes an emergency transfer

request and has been living in the unit for less than one year, HOC may refer and transfer the PBV victim to another safe PBV unit. If there are no available PBV units, HOC may offer the PBV victim to other housing opportunities in the community to address the request.

If the PBV victim requests and is approved for an emergency VAWA transfer, HOC will refer the family to another PBV unit, subject to availability and safety of the unit. If the victim reasonably believes the proposed unit would not be safe, the PBV victim may request another PBV unit. The PBV victim must agree to abide by the terms of governing occupancy of the unit. HOC may not be able to transfer the PBV victim to the unit if the PBV victim cannot establish program eligibility requirements.

If there are no available units for which the PBV victim is eligible and needs an emergency transfer, HOC will assist in identifying other housing providers who may have safe and available units to which the victim may be able to move. HOC may assist in contacting and will provide a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking included with this policy.

If the PBV victim makes an emergency request and has been living in the PBV unit for more than one year, and if subsidy is available, HOC must give the PBV victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

HOC cannot guarantee approval of a transfer request or how long it will take to process the request. HOC will act as quickly as possible to transfer the PBV victim subject to the availability and safety of a PBV unit. HOC will expedite the administrative process regarding the PBV referral, voucher issuance, and the RFTA process, and schedule the HQS inspection as quickly as possible.

The PBV victim should also refer to the property's Emergency Transfer Plan.

Note: If the PBV victim requests to move sooner than a tenant-based voucher is available, HOC must give the family priority to receive the next available opportunity for tenant-based assistance, even if the family left the unit to protect the family's safety.

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)

Proposed Revisions to HOC’s Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act is amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, are described in, and implemented throughout, this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for Montgomery County, Maryland by the Housing Opportunities Commission of Montgomery County, Maryland (HOC) through its Housing Resources Division.

Administration of the Section 8 Program and the functions and responsibilities of t HOC’s staff are in compliance with the HOC's Personnel Policy and the U.S. Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all other relevant Federal, State and local fair housing laws and regulations.

Jurisdiction

HOC’s jurisdiction in which to administer the Section 8 Housing Choice Voucher (HCV) Program is the county of Montgomery in the state of Maryland, exclusive of the City of Rockville.

A. MISSION STATEMENT OF THE HOUSING OPPORTUNITIES COMMISSION

HOC currently operates a Section 8 Existing Program funded by HUD. The program began in February 1976 when HOC and HUD entered into an Annual Contributions Contract (ACC) for the administration of Housing Assistance Payments to assist 330 families. Since that time, HOC’s successful operation of the program resulted in subsequent funding to HOC from HUD through allocation by a fair share formula and by awarding of funds through a competitive process resulting in funds supporting payments to many additional families. HOC’s Commission, which oversees the operation of the Section 8 Program, approves the use of the administrative fee reserve.

HOC's mission for the Section 8 Existing Program is to provide rent subsidies and affordable housing choices to qualified families while simultaneously providing customer friendly service to applicants, participating families, landlords, and the community at large. The emphasis in this program is to enable families of extremely and very-low incomes to seek the housing of their choice in the private market, and to receive the rental assistance necessary to obtain that housing. The Section 8 program provides Housing Assistance Payments (HAP) as determined in accordance with schedules and criteria established by HUD. HAP funds are the difference between what an

eligible family can afford to pay for housing, and the amount required to obtain decent housing in Montgomery County.

Beginning in 1979, HOC provided resident support services and assistance, as needed, to program participants to ensure that they are successful members of the community. Today, HOC's Resident Services Division's Section 8 Counselors work to reduce the number of serious disturbance complaints from the community about Section 8 households through increased outreach and education of residents, timely response to complaints and increased Agency presence in locations where persistent problems exist. It is the policy of HOC and its employees to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment. HOC does not deny any family or individual the opportunity to apply for, or receive, assistance under the Section 8 HCV Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability, or sexual orientation.

B. LOCAL GOALS [24 CFR 982.1]

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

 X HOC Goal: Expand the supply of assisted housing

Objectives:

 X Apply for additional rental vouchers

 Reduce public housing vacancies

 X Leverage private or other public funds to create additional housing opportunities

 X Acquire or build units or developments

 X HOC Goal: Improve the quality of assisted housing

Objectives:

 Improve public housing management (PHAS score)

 X Improve voucher management (SEMAP score)

 X Increase customer satisfaction

 X Concentrate on efforts to improve specific management functions (e.g., public housing finance; voucher unit inspections)

 X HOC Goal: Increase assisted housing choices

Objectives:

- Provide voucher mobility counseling
- Conduct outreach efforts to potential voucher landlords
- Increase voucher payment standards
- Implement voucher homeownership program
- Implement public housing or other homeownership programs
- Implement public housing site-based wait lists
- Convert public housing to Project-Based Section 8
- Other: (list below)
- Other HOC Goal/s and objectives: (List below)

HUD Strategic Goal: Improve community quality of life and economic vitality

- HOC Goal: Provide an improved living environment

Objectives:

- Implement measures to de-concentrate poverty by bringing higher income public housing households into lower income developments.
- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.
- Implement public housing security improvements.
- Designate developments or buildings for particular resident groups (elderly, persons with disabilities.)
- Other: (list below)
- Other HOC Goal/s and objectives: (List below)

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- HOC Goal: Promote self-sufficiency and asset development of assisted households.

Objectives:

Increase the number and percentage of employed persons in assisted families.

Provide or attract supportive services to improve assistance recipients employability.

Provide or attract supportive services to increase independence for the elderly or families with disabilities.

Other: (list below)

Other HOC Goal/s and objectives: (List below)

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

HOC Goal: Ensure equal opportunity and affirmatively further fair housing. Objectives:

Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability.

Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability.

Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

Other: (list below)

In addition, HOC has the following goals for the HCV program:

- *To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.*
- *To encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socioeconomic, recreational, and other human service needs.*
- *To create positive public awareness and expand the level of family, owner, and community support in accomplishing HOC's mission.*
- *To attain and maintain a high level of standards and professionalism in HOC's day-to-day management of all program components.*

- *To administer an efficient, high-performing agency through continuous improvement of HOC's support systems and commitment to HOC's employees and their development.*

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the HCV program in a manner consistent with HUD requirements and the local goals and objectives contained in the Public Housing Agency (PHA) Plan. The Housing Choice Voucher Program is implemented as of October 1, 1999. HOC is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations have precedence. The original Administrative Plan and any changes are approved by HOC's Board of Commissioners, the pertinent sections included in the PHA Plan, and a copy provided to HUD.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

HOC will not make expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes without the prior approval of HOC's Board of Commissioners.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define HOC's local policies for the operation of the HCV program in the context of Federal laws and regulations. All issues related to Section 8 that are not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable laws.

F. TERMINOLOGY

The Housing Opportunities Commission of Montgomery County (HOC) is often referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-Citizen Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Voucher Choice program refers to the merged program effective as of August 12, 1999.

"HQS" means the Housing Quality Standards required by regulations as enhanced by HOC.

"Failure to Provide" refers to all requirements in the first Family Obligation. See the "Denial or Termination of Assistance" chapter in this Administrative Plan.

See the Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of HOC to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

HOC will not deny any family or individual the equal opportunity to apply for, or receive, assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability, or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, HOC provides Federal/ State/ local information, including the toll free number for the Housing Discrimination Hotline: 1-800-669-9777, to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information is available during the family briefing session, and all applicable fair housing information and discrimination complaint forms are a part of the Voucher holder's briefing packet, and available upon request at the front desk.

In an effort to affirmatively further fair housing, HOC will:

1. Advertise widely in the community for the coordinator position or positions;
2. Market the program to all eligible persons including persons with disabilities and persons with limited English proficiency (LEP);
3. Create buildings and communication options that facilitate applications and service delivery accessible to persons with disabilities;
4. Provide fair housing counseling services or referrals to fair housing agencies;
5. Inform participants of how to file a fair housing complaint; and

6. Recruit landlords and service providers in areas that expand housing choice for homeownership participants and housing mobility.

All HOC staff are required to attend fair housing training to inform them of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of HOC's overall commitment to quality customer service. Fair housing posters are posted throughout HOC's offices, including in the lobby and interview rooms. The equal housing opportunity logo is used on all outreach materials. Staff attends local fair housing update training sponsored by HUD and other local organizations to keep current with new fair housing developments.

Except as otherwise provided in the Code of Federal Regulations at 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because HOC's facilities are inaccessible to, or unusable by, persons with disabilities. Posters and housing information are displayed in locations throughout HOC's office in such a manner as to be easily readable from a wheelchair. HOC's offices are accessible to people with disabilities. Accessibility for the hearing impaired is provided by the Maryland Relay service.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

It is the policy of HOC to be service-directed in the administration of its housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of his/her disability before HOC will treat a person differently than anyone else. HOC's policies and practices are designed to provide assurances that persons with disabilities are given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and any related services. The availability of requesting an accommodation is made known by including notices of the availability of disability accommodations on HOC forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities. This policy is applicable to all situations described in this Administrative Plan including when a family initiates contact with HOC, when HOC initiates contact with a family (including when a family applies), and when HOC schedules or reschedules appointments of any kind.

Eligibility to request a reasonable accommodation requires that the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following Americans with Disabilities Act (ADA) definition:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such an impairment.

Note: This is not the same as HUD's definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 24 CFR 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, HOC requires that a reliable, knowledgeable health provider, such as a doctor, social worker, or caseworker competent to make the assessment, provide written verification that the person needs the specific accommodation due to his/her disability and that the change is required for the person to have equal access to the housing program.

If HOC finds that the requested accommodation creates an undue administrative or financial burden for the Agency, HOC will either deny the request and/or present an alternative accommodation that still meets the needs of the person with disabilities.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of HOC (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the Agency as a whole, the requested accommodation would pose a severe financial hardship on HOC.

HOC provides a written decision to the person requesting the accommodation within a reasonable time. If a person is denied their requested accommodation or feels that the alternative accommodation provided is inadequate, they may request an informal hearing to appeal HOC's decision.

Reasonable accommodations are made for a person with a disability that requires an advocate or accessible offices. A designee is allowed to provide some information, but only with the permission of the person with the disability.

Upon request, all HOC mailings are available in an accessible format, as a reasonable accommodation for customers with disabilities.

Verification of Disability

HOC verifies disabilities based on the definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act of 1990.

Outreach

Outreach efforts include notification of non-profits and County agencies, as well as all other media and agencies listed in HOC's Administrative Plan regarding public notices (see section discussing the wait list in the "Applying for Admission" chapter of this Administrative Plan.)

Applying for Admission

All persons who wish to apply for any of HOC's programs must submit a pre-application as indicated in the "Applying for Admission" chapter of this Administrative Plan. Upon request, applications are available in an accessible format to assist people with disabilities.

Upon request, HOC will mail application and admissions information in an accessible format to customers with disabilities.

The full HCV program application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for a reasonable accommodation is requested by a person with a disability. Applicants are interviewed by HOC staff to review the information on the full program application form. Verification of disability as it relates to Section 504, the Fair Housing Act, or the ADA are requested as reasonable accommodations at this time. The full application also includes questions asking all applicants whether any reasonable accommodations are necessary.

I. TRANSLATION OF DOCUMENTS

HOC has bilingual staff available to assist families with Limited English Proficiency (LEP) with interpretation and translation services.

In determining whether it is feasible to provide translation of documents written in English into other languages, HOC considers the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and instead speak a specific other language;
- Estimated cost to HOC per customer of translation of English written documents into the other language;
- Availability of local organizations to provide translation services to LEP families;
- Availability of bi-lingual staff at HOC to provide translation for LEP families.

J. MANAGEMENT ASSESSMENT OBJECTIVES

HOC operates its housing assistance program with efficiency and can demonstrate to HUD auditors that HOC is using its resources in a manner that reflects its commitment to quality and service. Accordingly, HOC policies and practices are consistent with the areas of measurement for the following HUD Section Eight Management Assessment Program (SEMAP) indicators:

1. Selection from the Wait List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. FMR/exception rent & Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment and Escrow Account Balances

Bonus Indicator: Deconcentration of poverty and minorities

HOC supervisors, Compliance Specialists, or another qualified person other than the person who performed the work, as required by HUD, conducts quality control reviews on the following SEMAP factors:

- Selection from the wait list
- Rent reasonableness
- Determination of adjusted income
- HQS Enforcement
- HQS Quality Control Inspections

The annual sample of files and records is drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size for review of SEMAP's rating factors relate directly to each factor.

K. RECORDS FOR MONITORING HOC's PERFORMANCE

To demonstrate compliance with HUD and other pertinent regulations, HOC maintains records, reports, and other documentation for a time that is in accordance with HUD requirements and HOC's Document Retention Guideline. Records are maintained in a manner that allows an auditor, housing professional, or other interested party to follow, monitor, and/or assess HOC's operational procedures objectively, with accuracy, and in accordance with SEMAP requirements and other internal supervisory audits.

L. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD and/or HOC are permitted to release family information.

HOC's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

All information which would lead one to determine the nature and/or severity of a person's disability is not released except on an "as needed" basis in cases where a disability-related accommodation is under consideration by HOC staff. All requests for access and granting of accommodations based on this information are reviewed for approval by HOC's Fair Housing and Equal Opportunity (FHEO) Officer.

HOC's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files are stored in a secure location that is only accessible by authorized staff.

HOC staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff, will result in severe disciplinary action.

M. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

HOC publicizes and disseminates information to make known the availability of housing assistance and related services for very low-income families on a regular basis using newspapers of general circulation, minority media, and other suitable means.

HOC has multi-lingual staff to assist Limited English Proficiency (LEP) families. Other local non-profit organizations are available, upon request by a customer family, to explain un-translated documents or to assist in verbal translation for other languages. HOC provides information at its voucher briefing sessions to all selected voucher applicants describing Federal, State, and local laws regarding housing discrimination. At its briefing sessions, HOC also provides a copy of HUD's housing discrimination complaint form, which is available for HOC customers to use if they believe they are victims of discrimination.

In order to reach individuals who cannot, or may not, read the newspapers, HOC posts information on its website and at its offices. HOC also distributes fact sheets to the local broadcasting media, and initiates personal contact with members of the news media and community service personnel. HOC may also utilize public service announcements. HOC communicates the status of housing availability to other service providers in the County and advises them of housing eligibility factors, HOC guidelines, and how to guide potential applicants to HOC's wait list. All of these efforts help HOC's partners to make informed and proper referrals to HOC for housing assistance.

In the tenant-based Housing Choice Voucher (HCV) program, eligible families are responsible for finding units and negotiating lease agreements with private market owners. HOC provides program training and assistance to help guide eligible families in their search for a unit. It is important to note that the legislative intent of the HCV program is to place the responsibility for finding and leasing-up in a unit on the individual family. This responsibility reduces the dependency of families on local housing authorities, and provides families with greater freedom of choice as to type, size, and location of their homes. It is, therefore, HOC's intent to provide the greatest amount of support and assistance to families within the parameters of encouraging families' self-sufficiency and independence. However, no family participating in any of the programs described in this Administrative Plan may simultaneously receive the benefit of more than one of the following: Certificate, Voucher, other Section 8 housing assistance, Section 101 rent supplements, Section 236 Rental Assistance Payments, tenant-based assistance under the HOME Program, Public or Indian housing assistance, any local or State rental subsidy, or other duplicate subsidy as determined by HUD.

In order to administer the HCV program effectively, both in terms of efficient management and attainment of the program's goals, HOC developed this comprehensive Administrative Plan. The Plan allows for an administration sufficiently flexible to provide services and support to those in leased units, as well as provide for leasing of additional units. HOC is responsible for complying with all changes in HUD regulations pertaining to these programs and updates this Administrative Plan on an as-needed basis in order to remain up-to-date and compliant with any changes in Federal, State, or local regulations affecting the voucher program.

N. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

HOC makes a concerted effort to keep private owners informed of legislative changes in the tenant-based voucher program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

HOC encourages owners of decent, safe, and sanitary housing units to lease their units to Section 8 families.

HOC conducts periodic meetings with participating owners to improve owner relations, provide continuing education, and recruit new owners.

HOC maintains a list of units available for the Section 8 Program and updates this list at least monthly. When listings from owners are received, they are compiled by HOC staff by bedroom size.

HOC maintains lists of available housing submitted by owners in many neighborhoods within HOC's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists of available units are provided at voucher briefings.

HOC actively recruits property owners with units located outside of areas of minority and poverty concentration. HOC also applies for exception payment standards on a case-by-case basis if HOC jurisdiction.

O. The Violence Against Women Act of 2013 (VAWA) [24 CFR5.2003]

It is the policy of the HOC to comply fully with all federal, state, and local laws and with the rules and regulations within VAWA. Notwithstanding its title, VAWA is gender neutral, and protects applicants who qualify for assistance and program participants from eviction, denial of housing assistance, or termination from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking.

HOC maintains consistency with HUD's nondiscrimination and equal opportunity requirements and victims will not face discrimination against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, gender identity, marital status, or age.

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections, as VAWA protections are only available to program participants.

Unassisted members who are also on the lease may qualify by way of the lease for VAWA protections [24 CFR 5.2005 (c)].

As a reasonable accommodation, a participant may request VAWA protections based on the grounds that the live-in aide is a victim of domestic violence, dating violence, sexual assault, or stalking.

VAWA Notification Requirements

HOC provides applicants and participants with the HUD approved *Notice of Occupancy Rights Under the Violence Against Women Act* form (Form HUD-5380). This form explains the VAWA protections, including the right to confidentiality, documentation, and any limitations on those protections.

HOC also provides applicants and participants with the *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation* form (Form HUD 5382). The VAWA customer may complete this form to report the incident of domestic violence, dating violence, sexual assault, or stalking. However, this form is optional. A third-party may submit the form on behalf of the applicant or participant, or submit one of the following types of third-party documents:

1. A document, which the customer has signed, along with a signature from a "professional" from whom the customer has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the 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 meets the VAWA definition in HUD's regulations at CFR 5.2003. Examples of "Professionals" include:
 - An employee;

- Agent, or volunteer of a victim service provider;
 - An attorney; or
 - A medical or mental health professional.
2. A record from a federal, state, or local law enforcement agency, court, or an administrative agency; or
 3. At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Violence Against Women Act Policy

HOC's Violence Against Women Act Policy (VAWA 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.), and includes other housing programs not administered by the Housing Choice Voucher program. The VAWA Policy includes, but is not limited to, the following additional program requirements:

- Definitions;
- Termination of tenancy or assistance;
- Verification requirements;
- Confidentiality;
- Conditions for an extension for submitting documents;
- Emergency Transfer Plan;
- Emergency Transfer Request form;
- Portability;
- Project-Based Voucher transfer policies; and
- Contact information for local victim advocacy groups or service providers.

P. CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS

The Housing Opportunities Commission of Montgomery County (HOC) and its staff are governed by the provisions of the Montgomery County Ethics Law; Chapter 19A of the Montgomery County Code. Additionally, HOC's own Ethics Policies and Procedures provide further requirements regarding ethical conduct to which HOC personnel must adhere in their performance of HOC activities and all interactions with HOC customers.

HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN: APPROVAL OF REVISIONS TO TABLE OF CONTENT, CHAPTERS 2, 10, AND 11 OF THE HOC HOUSING CHOICE VOUCHER (“HCV”) ADMINISTRATIVE PLAN AND AUTHORIZATION FOR THE ACTING EXECUTIVE TO IMPLEMENT THE REVISIONS TO THE PLAN

April 6, 2022

- The Code of Federal Regulations (“CFR”) requires Public Housing Agencies (“PHAs”) to adopt written plans and policies that describe the federal regulations and establish local policies for administration of the voucher programs of the given PHA. For the Housing Choice Voucher (“HCV”) program, this governing document is the Administrative Plan.
- The CFR also requires that PHAs revise their Administrative Plan as needed in order to comply with federal requirements. Optional changes unique to a specific PHA may also be added, provided they do not conflict with federal regulations.
- At this time, HOC has developed proposed various revisions to its Administrative Plan.
- The updates to the HCV Administrative Plan require a 30-day public comment period. The public comment period commenced on March 4, 2022 and will culminate with a virtual Public Hearing on April 6, 2022.
- The Administrative and Regulatory Committee reviewed this item at its meeting on March 21, 2022 and supports staff’s request for authorization to implement the proposed updates to the HCV Administrative Plan.
- Since the Administrative Regulatory Committee’s approval, staff has updated language which explains what types of Remote Virtual Inspection (“RVI”) will be conducted; trigger events that will result in a RVI reverting to an in-person physical inspection and omitted SEMAP language in chapter 10 of the Plan.

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Kayrine Brown, Acting Executive Director

FROM:	Staff:	Jessie Joseph	Division: Executive/ Compliance	Ext. 4855
		Elliot Rule	Executive/ Compliance	Ext. 9647
		Darcel Cox	Executive Compliance	Ext. 9427

RE: **Housing Choice Voucher Administrative Plan:** Approval of Revisions to Table of Content, Chapters 2, 10, and 11 of the HOC Housing Choice Voucher (HCV) Administrative Plan and Authorization for the Acting Executive to Implement the Revisions to the Plan

DATE: April 6, 2022

STATUS: Committee Report: Deliberation X

OVERALL GOAL & OBJECTIVE:

To request that the Housing Opportunities Commission of Montgomery County adopt revisions to the HOC Administrative Plan’s Table of Contents, Chapters 2, 10 and 11, governing the Housing Choice Voucher program (the “Revisions”), and authorize the Acting Executive Director, or her designee, to implement the revisions to the Administrative Plan for the Housing Choice Voucher Program (“Administrative Plan”).

BACKGROUND:

As policies and provisions change at the federal, state, and local levels, HOC revises its Administrative Plan for the HCV program accordingly. These revisions ensure that HOC’s voucher program remains in compliance with the regulations governing its jurisdiction, Montgomery County. Below is a summary of the proposed updates to HOC's Administrative Plan.

TABLE OF CONTENTS:

Chapter 1 modifies letter “N” and inserts letters “O”; and “P”
Chapter 10 modifies letters “E”, “F”, “G”, “H” and “I” to accommodate the insertion of Remote Video Inspection.

CHAPTER 2: Eligibility for Admission

Staff are proposing revisions to Chapter 2 of the HCV Administrative Plan to update its eligibility and admission standards for Live-In Aides.

CHAPTER 10: Housing Quality Standards and Inspections (HQS)

The Cares Act of 2020 provided the US Department of Housing and Urban Development (“HUD”) with broad authority to waive statues and regulations for the Housing Choice Voucher Program. HUD published PIH Notice 2021-31 on December 31 2021. This notice extended the waiver previously adopted in PIH Notice 2020-13 published July 2 2021. The notice incorporates the use of “Virtual” Remote Video Inspections or RVI as an alternate HQS inspection method. Adopting this waiver provides HOC the flexibility to continue to serve our most vulnerable customers while reducing the risk of exposure to the current Coronavirus from third party inspectors and HOC staff. Staff also views this implementation as essential to HOC’s Business Continuity plan in the event of another pandemic, epidemic or major natural disaster.

CHAPTER 11: Owner Rents, Rent Reasonableness, and Payment Standards

Pursuant to PIH Notice 99-35, HUD merged Section 8 Certificates and Voucher Programs. This change allowed for a new way of calculating the Housing Assistance Payment (“HAP”) and the Family Share. The merger has since concluded making all pre-merger language obsolete.

HOC made the following revisions to the Plan:

- Omitted in its entirety the section(s) alluding to pre-merger language.
- Adjusted and clarified the Payment Standards to include the Electronic Funds Transfer (“EFT”) process.

As part of the process for making revisions to HOC’s HCV Administrative Plan, public comment was required. Accordingly, HOC provided a 30-day public comment period, which began on March 4, 2022, and concluded today April 6, 2022 with a public hearing. During the comment period, a draft of the proposed revisions to the HCV Administrative Plan was made available on the Agency’s website. Staff has presented the proposed revision of the Table of Contents, Chapters 2, 10 and 11 of the HCV Administrative Plan to the Resident Advisory Board (“RAB”) and received a letter of endorsement. Staff has addressed any comments from the RAB prior to approval by the Commission.

ISSUES FOR CONSIDERATION:

Does the Housing Opportunities Commission of Montgomery County wish to accept staff’s recommendation, which is supported by the Administrative and Regulatory Committee, to adopt the revisions to the HOC Administrative Plan’s Table of Contents, Chapters 2, 10 and 11, governing the Housing Choice Voucher program (the “Revisions”), and authorize the Acting Executive Director, or her designee, to implement the revisions to the Administrative Plan for the Housing Choice Voucher Program Administrative Plan?

PRINCIPALS:

Housing Opportunities Commission

BUDGET IMPACT:

None.

TIME FRAME:

For Commission action at the April 6, 2022 meeting of the Commission.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Housing Opportunities Commission of Montgomery County adopt the revisions to the HOC Administrative Plan's Table of Contents, Chapters 2, 10 and 11, governing the Housing Choice Voucher program and authorize the Acting Executive Director, or her designee, to implement the revisions to the Administrative Plan for the Housing Choice Voucher Program Administrative Plan.



RESIDENT ADVISORY BOARD
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895
240-627-9735

March 28, 2022

Ms. Kayrine Brown
Acting Executive Director
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895

RE: Endorsement of Proposed Revisions to HOC's Housing Choice Voucher

Administrative Plan Dear Ms. Brown:

This letter certifies that the Resident Advisory Board (RAB) to the Housing Opportunities Commission (HOC) of Montgomery County reviewed and discussed the proposed revisions to HOC's Housing Choice Voucher (HCV) Administrative Plan, as outlined below. Please be advised that the RAB fully supports and endorses these proposed revisions to HOC's HCV Administrative Plan.

- **Table of Contents:** Updated based on revisions below.
- **Chapter 2** (Eligibility for Admission): Updated standards for Live-In Aides.
- **Chapter 10** (Housing Quality Standards and Inspections): Addition of language regarding Remote Video Inspections.
- **Chapter 11** (Owner Rents, Rent Reasonableness, and Payment Standards): Omitted language regarding voucher certificates and added language regarding Electronic Fund Transfers (EFT).

The RAB recognizes and appreciates HOC's efforts to update HOC's HCV Administrative Plan based on updates to the current rules and regulations, and to add additional clarity to the existing HCV Administrative Plan. It is essential that HOC continue these efforts to keep HOC's policies, procedures, and governing documents up to date.

Sincerely,

A handwritten signature in black ink that reads "K. Flanagan".

Kathleen Flanagan
Parliamentarian

RESOLUTION: 22-24

RE: Approval of Revisions to Table of Content, Chapters 2, 10, and 11 of the HOC Housing Choice Voucher (HCV) Administrative Plan and Authorization for the Acting Executive to Implement the Revisions to the Plan

WHEREAS, the Housing Opportunities Commission of Montgomery County (“Commission” or “HOC”) desires to revise its Administrative Plan for the Housing Choice Voucher Program (the “Plan”) to update the (i) Table of Contents (as shown on Exhibit A), (ii) processes related to live-in aides and reasonable accommodations in Chapter 2 (as shown on Exhibit B), (iii) language regarding remote inspections in Chapter 10 (as shown on Exhibit C), and (iv) language in Chapter 11 (as shown on Exhibit D) (collectively, the “Revisions”); and

WHEREAS, a public comment period for the Revisions began on March 4, 2022 and concluded on April 6, 2022 with a public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County adopts the Revisions, as identified in the revised Plan chapters attached hereto as Exhibit A, B C and Exhibit D.

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

I HEREBY CERTIFY that the forgoing resolution was adopted by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on April 6, 2022.

S
E
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L

Patrice Birdsong
Special Assistant to the Commission

EXHIBIT A

Revised Administrative Plan for the Housing Choice Voucher Program

[attached]

Table of Contents

Chapter 1 STATEMENT OF POLICIES AND OBJECTIVES

A.	MISSION STATEMENT	1-1
B.	LOCAL GOALS	1-2
C.	PURPOSE OF THE PLAN.....	1-5
D.	ADMINISTRATIVE FEE RESERVE	1-5
E.	RULES AND REGULATIONS	1-5
F.	TERMINOLOGY	1-6
G.	FAIR HOUSING POLICY.....	1-7
H.	REASONABLE ACCOMMODATIONS POLICY	1-8
I.	TRANSLATION OF DOCUMENTS.....	1-10
J.	MANAGEMENT ASSESSMENT OBJECTIVES	1-10
K.	RECORDS FOR MONITORING PHA PERFORMANCE.....	1-11
L.	PRIVACY RIGHTS.....	1-11
M.	FAMILY OUTREACH	1-12
N.	OWNER OUTREACH	1-12
O.	THE VIOLENCE AGAINST WOMEN ACT (VAWA).....	1-13
P.	CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS	1-14

Chapter 2 ELIGIBILITY FOR ADMISSION

A.	ELIGIBILITY FACTORS	2-1
B.	FAMILY COMPOSITION.....	2-2
C.	INCOME LIMITATIONS	2-6
D.	MANDATORY SOCIAL SECURITY NUMBERS	2-7
E.	CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS	2-7
F.	OTHER CRITERIA FOR ADMISSIONS.....	2-8
G.	TENANT SCREENING	2-9
H.	CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT	2-9
I.	INELIGIBLE FAMILIES.....	2-9
J.	PROHIBITED ADMISSIONS CRITERIA.....	2-9

Table of Contents

**Chapter 3
APPLYING FOR ADMISSION**

A. OVERVIEW OF APPLICATION TAKING PROCESS 3-1
B. OPENING/CLOSING OF APPLICATION TAKING 3-2
C. "INITIAL" APPLICATION PROCEDURES..... 3-4
D. APPLICANT STATUS WHILE ON WAITING LIST 3-4
E. TIME OF SELECTION 3-4
F. COMPLETION OF A FULL APPLICATION..... 3-5
G. VERIFICATION..... 3-6
H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY 3-6

**Chapter 4
ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST**

A. WAITING LIST 4-2
B. SPECIAL ADMISSIONS 4-3
C. WAITING LIST PREFERENCES 4-4
D. LOCAL PREFERENCES 4-4
E. INCOME
TARGETING 4-6
F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION 4-6
G. EXCEPTIONS FOR SPECIAL ADMISSIONS..... 4-6
H. TARGETED FUNDING..... 4-7
I. PREFERENCE AND INCOME TARGETING ELIGIBILITY..... 4-8
J. ORDER OF SELECTION 4-9
K. FINAL VERIFICATION OF PREFERENCES 4-11
L. PREFERENCE DENIAL..... 4-12
M. REMOVAL FROM WAITING LIST AND PURGING 4-13

**Chapter 5
SUBSIDY STANDARDS**

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE..... 5-1
B. EXCEPTIONS TO SUBSIDY STANDARDS..... 5-2
C. UNIT SIZE SELECTED..... 5-4

Table of Contents

Chapter 6 FACTORS RELATED TO TOTAL TENANT PAYMENT & FAMILY SHARE DETERMINATION

A.	INCOME AND ALLOWANCES.....	6-2
B.	MINIMUM RENT	6-3
C.	DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT	6-6
D.	AVERAGING INCOME	6-11
E.	MINIMUM INCOME.....	6-12
F.	INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME.....	6-13
G.	REGULAR CONTRIBUTIONS AND GIFTS	6-13
H.	ALIMONY AND CHILD SUPPORT	6-14
I.	LUMP-SUM RECEIPTS	6-14
J.	CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS.....	6-15
K.	ASSETS	6-15
L.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE	6-16
M.	CHILD CARE EXPENSES	6-16
N.	MEDICAL EXPENSES.....	6-17
O.	PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES.....	6-17
P.	REDUCTION IN BENEFITS.....	6-17
Q.	UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS	6-18

Chapter 7 VERIFICATION PROCEDURES

A.	METHODS OF VERIFICATION AND TIME ALLOWED.....	7-1
B.	RELEASE OF INFORMATION	7-7
C.	COMPUTER MATCHING	7-7
D.	ITEMS TO BE VERIFIED.....	7-7
E.	VERIFICATION OF INCOME.....	7-8
F.	INCOME FROM ASSETS	7-13
G.	VERIFICATION OF ASSETS.....	7-14
H.	VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME.....	7-15
I.	VERIFYING NON-FINANCIAL FACTORS.....	7-16
J.	VERIFICATION OF WAITING LIST PREFERENCES	7-22

Table of Contents

Chapter 8 VOUCHER ISSUANCE AND BRIEFINGS

A.	ISSUANCE OF VOUCHERS.....	8-1
B.	BRIEFING TYPES AND REQUIRED ATTENDANCE	8-2
C.	ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION.....	8-6
D.	ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION	8-7
E.	SECURITY DEPOSIT REQUIREMENTS	8-7
F.	TERM OF VOUCHER	8-8
G.	VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS.....	8-10
H.	REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER ..	8-11
I.	SPLIT HOUSEHOLDS DURING PROGRAM PARTICIPATION	8-11

Chapter 9 REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

A.	REQUEST FOR APPROVAL OF TENANCY	9-2
B.	ELIGIBLE TYPES OF HOUSING	9-3
C.	LEASE REVIEW	9-3
D.	SEPARATE AGREEMENTS.....	9-4
E.	INITIAL INSPECTIONS.....	9-4
F.	RENT LIMITATIONS.....	9-4
G.	DISAPPROVAL OF PROPOSED RENT	9-5
H.	INFORMATION TO OWNERS.....	9-5
I.	OWNER DISAPPROVAL.....	9-5
J.	CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE	9-6
K.	CONTRACT EXECUTION PROCESS.....	9-6
L.	CHANGE IN OWNERSHIP.....	9-6

Table of Contents

Chapter 10 HOUSING QUALITY STANDARDS AND INSPECTIONS

A.	GUIDELINES/TYPES OF INSPECTIONS	10-2
B.	INITIAL HQS INSPECTION.....	10-3
C.	ANNUAL HQS INSPECTIONS	10-4
D.	MOVE OUT/VACATE	10-5
E.	SPECIAL/COMPLAINT INSPECTIONS.....	10-7
F.	QUALITY CONTROL INSPECTIONS.....	10-7
G.	ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS.....	10-7
H.	EMERGENCY REPAIR ITEMS.....	10-8
I.	CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)	10-9
J.	DETERMINATION OF RESPONSIBILITY.....	10-10
K.	CONSEQUENCES IF FAMILY IS RESPONSIBLE	10-11

Chapter 11 OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

A.	RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM	11-1
B.	MAKING PAYMENTS TO OWNERS.....	11-2
C.	RENT REASONABLENESS DETERMINATIONS.....	11-3
D.	PAYMENT STANDARDS FOR THE VOUCHER PROGRAM.....	11-4
E.	ADJUSTMENTS TO PAYMENT STANDARDS.....	11-5
F.	EXCEPTION PAYMENT STANDARDS	11-7
G.	OWNER PAYMENT IN THE PRE-MERGER REGULAR CERTIFICATE PROGRAM	11-7

Table of Contents

Chapter 12 RECERTIFICATIONS

A.	ANNUAL ACTIVITIES.....	12-1
B.	ANNUAL RECERTIFICATION/REEXAMINATION.....	12-2
C.	REPORTING INTERIM CHANGES.....	12-4
D.	OTHER INTERIM REPORTING ISSUES.....	12-5
E.	INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.....	12-6
F.	NOTIFICATION OF RESULTS OF RECERTIFICATIONS.....	12-7
G.	TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS).....	12-7
H.	CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES.....	12-9
I.	CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES.....	12-9
J.	MISREPRESENTATION OF FAMILY CIRCUMSTANCES.....	12-9

Chapter 13 MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

A.	ALLOWABLE MOVES.....	13-1
B.	RESTRICTIONS ON MOVES.....	13-2
C.	PROCEDURE FOR MOVES.....	13-2
D.	PORTABILITY.....	13-3
E.	OUTGOING PORTABILITY.....	13-4
F.	INCOMING PORTABILITY.....	13-5

Chapter 14 CONTRACT TERMINATIONS

A.	CONTRACT TERMINATION.....	14-1
B.	TERMINATION BY THE FAMILY: MOVES.....	14-1
C.	TERMINATION OF TENANCY BY THE OWNER: EVICTIONS.....	14-2
D.	TERMINATION OF THE CONTRACT BY PHA.....	14-4

Table of Contents

Chapter 15 DENIAL OR TERMINATION OF ASSISTANCE

A.	GROUNDS FOR DENIAL/TERMINATION	15-2
B.	“ONE-STRIKE POLICY”	15-5
C.	FAMILY OBLIGATIONS.....	15-9
D.	PROCEDURES FOR NON-CITIZENS	15-13
E.	ZERO (\$0) ASSISTANCE TENANCIES	15-14
F.	OPTION NOT TO TERMINATE FOR MISREPRESENTATION.....	15-14
G.	MISREPRESENTATION IN COLLUSION WITH OWNER.....	15-14
H.	MISSED APPOINTMENTS AND DEADLINES.....	15-14
I.	ADMINISTRATIVE CHANGES DURING TERMINATION OF ASSISTANCE ...	15-15

Chapter 16 OWNER DISAPPROVAL AND RESTRICTION

A.	DISAPPROVAL OF OWNER	16-1
B.	OWNER RESTRICTIONS AND PENALTIES.....	16-3
C.	CHANGE IN OWNERSHIP.....	16-3

Chapter 17 CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS (For HAP Contracts Effective Before October 2, 1995)

A.	OWNER CLAIMS	17-1
B.	UNPAID RENT	17-1
C.	DAMAGES	17-2
D.	VACANCY LOSS IN THE CERTIFICATE PROGRAM.....	17-2
E.	MOVE-OUT AND CLOSE-OUT INSPECTIONS	17-4
F.	PROCESSING CLAIMS	17-4

Table of Contents

Chapter 18 OWNER OR FAMILY DEBTS TO THE PHA

A.	PAYMENT AGREEMENT FOR FAMILIES.....	18-2
B.	DEBTS OWED FOR CLAIMS	18-3
C.	DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION.....	18-4
D.	DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP	18-5
E.	GUIDELINES FOR PAYMENT AGREEMENTS	18-5
F.	OWNER DEBTS TO THE PHA	18-7
G.	WRITING OFF DEBTS	18-7

Chapter 19 COMPLAINTS AND APPEALS

A.	COMPLAINTS TO THE PHA	19-2
B.	PREFERENCE DENIALS.....	19-3
C.	INFORMAL REVIEW PROCEDURES FOR APPLICANTS	19-3
D.	INFORMAL HEARING PROCEDURES	19-5
E.	HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"	19-11
F.	MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES	19-12

Chapter 20 SPECIAL HOUSING TYPES

A.	SINGLE ROOM OCCUPANCY	20-2
B.	CONGREGATE HOUSING.....	20-3
C.	COOPERATIVE HOUSING	20-4
D.	MANUFACTURED HOMES	20-5

Table of Contents

Chapter 21 HOUSING CHOICE VOUCHER HOMEOWNERSHIP OPTION

A.	GENERAL PROVISIONS	21-1
B.	FAMILY ELIGIBILITY REQUIREMENTS	21-1
C.	FAMILY PARTICIPATION REQUIREMENTS	21-4
D.	AMOUNT OF ASSISTANCE	21-7
E.	TERMINATION OF HOUSING CHOICE VOUCHER HOMEROWNERSHIP ASSISTANCE	21-9
F.	CONTINUED PARTICIPATION IN HOUSING CHOICE VOUCHER PROGRAM	21-10
G.	HOC ADMINISTRATIVE FEE	21-11
H.	WAIVER OR MODIFICATION OF HOMEROWNERSHIP POLICIES	21-11

Chapter 22 HOUSING CHOICE VOUCHER PROJECT-BASED PROGRAM

A.	OVERVIEW	22-1
B.	ELIGIBLE UNITS	22-3
C.	APPLICANT ELIGIBILITY FOR PARTICIPATION	22-4
D.	LEASES AND HOUSING ASSISTANCE PAYMENTS CONTRACTS	22-5
E.	CONTINUED PARTICIPATION	22-5

GLOSSARY

A.	ACRONYMS USED IN SUBSIDIZED HOUSING	GL-1
B.	GLOSSARY OF TERMS IN SUBSIDIZED HOUSING	GL-3
C.	GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE	GL-16

PROGRAM INTEGRITY ADDENDUM

A.	CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD	PI-2
B.	STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD	PI-3
C.	STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD	PI-4
D.	THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD	PI-5
E.	OVERPAYMENTS TO OWNERS	PI-5
F.	HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD	PI-6

Table of Contents

G.	PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA	PI-7
H.	CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW	PI-7
I.	EVALUATION OF THE FINDINGS	PI-7
J.	ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED	PI-8

Table of Contents

Reserved

EXHIBIT B

Revised Administrative Plan for the Housing Choice Voucher Program

[attached]

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 5, Subparts B, D & E; Part 982, SubpartE]

INTRODUCTION

This Chapter defines both HUD's and HOC's criteria for admission and denial of admission to the HCV program. HOC's policy is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. HOC staff review all information provided by the family carefully and without regard to factors other than those defined in this chapter. Families are provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by HOC pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(B)]

HOC accepts applications only from families whose head or spouse is at least 18 years of age.

Participation eligibility is determined based on an applicant family's ability to meet HUD's criteria, as well as any permissible additional criteria established by HOC.

The HUD eligibility criteria are:

An applicant must be a "family".

An applicant must be within the appropriate Income Limits.

An applicant must provide Social Security Numbers for all family members.

An applicant must furnish Declaration of Citizenship or Eligible Immigrant Status and verification where required.

At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before HOC can provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

The family's initial eligibility for placement on the wait list is made in accordance with the eligibility factors described herein.

Evidence of Citizenship/Eligible Immigrant Status is not verified until the family is selected from
Housing Opportunities Commission of Montgomery County

the wait list for final eligibility processing for issuance of a voucher.

B. FAMILY COMPOSITION [24 CFR 982.201]

The applicant must qualify as a family. A family may be a single person or a group of persons.

”Family” includes a family with a child or children. A family includes a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides. HOC determines if any other group of persons qualifies as a family.

A single person family may

be: An elderly person;

A displaced person;

A person with a disability; and/or

Individuals are not considered disabled, for HCV eligibility purposes, solely on the basis of any drug or alcohol dependence.

Any other single person.

A child who is temporarily away from home because of placement in foster care is still considered a member of the family. However, this provision pertains only to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A family also includes:

Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.

Two or more elderly or disabled persons living together, or one or more elderly, near-elderly, or disabled persons living with one or more live-in aides.

Head of Household

The head of household is the adult member of the household who is designated by the family as the head. The head of household is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/ local law.

Spouse of Head of Household

Spouse means the husband or wife of the head of household.

who, in order to dissolve the relationship, and would have to be divorced. This includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads of the household.

Co-Head of Household

A co-head of household is an individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or a co-head, but not both. A co-head never qualifies as a dependent.

Live-in Aides

A Family may include a live-in aide provided that such live-in aide:

- Is determined by HOC to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities;
- Will reside in the unit with the elderly and/or disabled person(s) whom they assist;
- Is not obligated for the support of the person(s) whom they assist;
- Would not be living in the unit except to provide care for the person(s) whom they assist;
- An existing household member cannot change relationship status to a live-in aide; and
- Meets the relevant occupancy requirements of the housing program (see Chapter 5 of this Administrative Plan for the Occupancy Requirements of the Housing Choice Voucher program).

A live-in aide is treated differently than family members, as follows:

Income of the live-in aide is not counted for purposes of determining eligibility or level of benefits;

Live-in aides are not subject to the Non-Citizen Rule requirements; and

Live-in aides are not eligible for consideration as a remaining member of the tenant family.

Relatives are not automatically excluded from serving as live-in aides, but they must meet all of the criteria of the live-in aide definition described above.

Written verification is required from a reliable, knowledgeable ~~third-party~~ provider, such as a ~~medical~~ doctor, ~~or other medical professional,~~ social worker, therapist, ~~or~~ caseworker, a peer support group, a non-medical service agency, or some other reliable third party who is in a position to know about the individual's disability. The ~~third party~~ provider must certify that a live-in aide is needed for the care of the family member who is elderly (62+), near-elderly (50- 61), and/or disabled. ~~The health provider must also list the number of hours for which the elderly, near-elderly, and/or disabled household member requires assistance from the aide each day.~~

HOC periodically requires families with live-in aides to submit documentation to support the continued need for their live-in attendant.

At any time, HOC can refuse to approve a particular person as a live-in aide or may withdraw such approval, in accordance with 24 CFR 982.316, if:

The aide commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; and/or

The person currently owes rent or other amounts to HOC or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

If a specific live-in aide is disqualified, they must move out of the unit. Importantly, disqualification of a specific live-in aide does not remove the original live-in aide approval from HOC. Rather, the household member for whom the aide assistance is required needs only to submit the name and information of a new person to take over the role of live-in aide. A new reasonable accommodation request is not needed for this purpose.

Able-bodied household member:

An applicant or participant requesting a reasonable accommodation to add a live-in aide with an able-bodied adult household member residing in the unit may be denied the request if the household member is not disabled, not an elderly person, not in school, or not working. The applicant or participant must provide documentation or verification of the status of the able-bodied adult member.

Split Households Prior to Voucher Issuance

When a family on the wait list splits into two otherwise eligible families due to divorce or legal separation and the new families both claim the same placement on the wait list, and there is no court determination, HOC makes the final decision taking into consideration the following factors:

Which family member applied as head of household;

Which family unit retains the children or any disabled or elderly members; Restrictions that were in place at the time the family applied;

Role of domestic violence in the split; and/or

Any recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, HOC may deny their placement on the wait list for failure to supply information requested by HOC.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they are treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51 percent of the time are considered members of the household in which they live at least 51 percent of the time. "51 percent of the time" is defined as 183 days of the year. These 183 days do not need to run consecutively.

There is a self-certification required of families who claim joint custody or temporary guardianship.

When both parents are on the wait list and both are trying to claim the child, the parent whose address is listed in the child's school records is allowed to claim the school-age child as a dependent.

In cases in which parents have joint custody of a child or children (50/50 custody), HOC grants the child deduction to the household of record provided by Montgomery County Public Schools or a private school. If the child is residing outside of HOC's jurisdiction, due to joint custody, the principal household of record provided by the applicable school system is used to determine living arrangements and the standard deduction.

If the child is not enrolled in school, HOC relies upon official records from daycare providers, tax records, and insurance providers such as Medicaid.

Split Households during Program Participation

When families currently receiving assistance split, the current head of household retains continual voucher assistance. Remaining family members must separately apply when the wait list is open to receive their own, separate assistance.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

A family's annual income at the time of admission must not exceed the very low-income limits for occupancy established by HUD.

Income eligibility requires that the applicant family is in the extremely low-income category, which is a family whose income does not exceed 30 percent of the area median income (AMI). HOC may select up to 25 percent of new applicants in the very-low income category, which is a family whose income does not exceed 50 percent of AMI. HOC will not admit families whose income exceeds 50 percent of AMI except those families specifically described in the Code of Federal Regulations (CFR) at 24 CFR 982.201(b).

Income eligibility requires that the applicant family is under the low-income limit in any of the following categories described in 24 CFR 982.201(b)(1)

A very low-income family.

A low-income family that is continuously assisted under the 1937 Housing Act.

An applicant is continuously assisted if the family received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income non-purchasing family residing in a project subject to a homeownership

program under 24 CFR 248.173.

A low-income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project that is subject to a resident homeownership program.

To determine if a family is income-eligible, HOC compares the annual income of the family to the applicable income limit for the family's size.

Families whose annual income exceeds the income limit are denied admission and offered an informal review.

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who do not have a Social Security Number must sign a certification that they were never issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 90 days.

HOC permits a 90-day period during which an applicant family may become a program participant, even if the family lacks the documentation necessary to verify the Social Security Number (SSN) of a family member under the age of six (6) years old. HOC must grant an extension of one additional 90-day period if HOC determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant. For example, an applicant may be able to demonstrate timely submission of a request for a Social Security Number, in which case processing time would be the cause of the delay. If the applicant family does not produce the required documentation within the authorized time period, HOC must impose appropriate penalties, in accordance with the Code of Federal Regulations at 24 CFR 5.218.

If merited, HOC offers a grace period and/or an extension. HOC implements this provision just

as it currently implements the provision for program participants. Specifically, an applicant family with a child under the age of six (6) years may become a participant family, even if the Social Security Number for the child is unverified at the time of admission. If the Social Security Number is still not verified at the end of the initial 90-day period, then HOC must determine whether a 90-day extension is merited. If it is not merited, then HOC must follow the provisions of 24 CFR

5.218. If a 90-day extension is merited, then HOC must either verify the Social Security Number for the child by the end of the 90-day extension period or follow the provisions of 24 CFR 5.218.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, at least one member of the household must be a U.S. citizen or have eligible immigration status. Individuals who are neither, may elect not to contest their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families: A family is eligible for assistance as long as at least the head of household or spouse is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families are given notice that their assistance is pro-rated and that they may request a hearing if they contest this determination.

All Members Ineligible: Applicant families that include no eligible members are ineligible for HCV assistance. Such families are denied admission and offered an opportunity for a hearing.

Non-Citizen Students: Defined by HUD in the non-citizen regulations. Non-Citizen Students are not eligible for HCV assistance.

Appeals: For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status Before Admission

HOC does not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family, pursuant to this section.

F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

HOC applies the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the HCV program:

- The family has not violated any family obligations during a previous participation in the Section 8 program for at least three years prior to final eligibility determination.

- HOC will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.
- The family must pay any outstanding debt owed TO HOC or to another PHA as a result of prior participation in any federal housing program within 30 days of the PHA's notice to repay.
- The family is in good standing regarding any current payment agreements made with another PHA for a previous debt incurred.
- If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, HOC may deny their assistance and refer the family file/ record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

Program eligibility restrictions are extended to include any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965;
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child, and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to HCV assistance under section 8 of the 1937 Act.

For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child, and who is seeking Section 8 Assistance, there is an eligibility test. Both the student and the student's parents (the parents individually and jointly) are part of this eligibility test. The student and his /her parents must be income eligible for the student to receive Section 8 Assistance. If the parents are not income eligible, the student is ineligible to receive Section 8 Assistance.

The student's parents' income may be irrelevant if the student can demonstrate the absence of, or his/her independence from, their parents. All of the following criteria must be met:

- The individual is of legal contract age under state law.
- The individual has a household separate from his/her parents or legal guardians, and has had it for at least one year prior to application for occupancy.

- The individual meets the status of Independent Student as defined by the U.S. Department of Education.
- The individual is not claimed as a dependent by his/her parents or legal guardians pursuant to Internal Revenue Service (IRS) regulations.
- The individual obtains a certification of the amount of financial assistance that his/her parents will provide, signed by the individual providing the support. The certification is required even if no assistance is ultimately provided.

These restrictions do not affect students residing in a Section 8 assisted unit with his/her parents or one who resides with their parents who are applying to receive Section 8 assistance. The restriction is focused on a student under the age of 24 who is already residing in a Section 8 assisted unit without his or her parents, or one who is seeking on his/her own Section 8 unit in which to reside.

G. TENANT SCREENING [24 CFR 982.307]

HOC takes into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

HOC does not screen family behavior or suitability for tenancy. HOC is not liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HOC's approval of the tenancy, HOC informs the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a)(3)]

Payment of rent and utility

bills; Caring for a unit and

premises;

Respecting the rights of other residents to the peaceful enjoyment of their housing;

Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and/or

Compliance with other essential conditions of tenancy.

HOC advises families how to file a complaint if they experience discrimination from an owner. HOC advises families how to make a Fair Housing complaint with HUD. HOC may also report the owner to HUD (Fair Housing/Equal Opportunity) or a local Fair Housing Organization, if the Agency becomes aware of fair housing discrimination concerns.

H. CHANGES IN ELIGIBILITY PRIOR TO THE EFFECTIVE DATE OF THE CONTRACT

Eligibility changes that occur during the period between the issuance of a voucher and lease up by the family may affect the family's eligibility or share of the rental payment.

I. INELIGIBLE FAMILIES

Families who are determined ineligible are notified in writing of the reason for their denial and are given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See the "Complaints and Appeals" chapter of this Administrative Plan for additional information about reviews and hearings.

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the HCV program is not based on where the family lives before admission to the program.

Furthermore, admission to the HCV program is not based on any of the following:

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;

Discrimination because a family includes children;

Whether a family decides to participate in a family self-sufficiency program; and/or

Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

EXHIBIT C

Revised Administrative Plan for the Housing Choice Voucher Program

[attached]

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the U.S. Department of Housing and Urban Development's (HUD) minimum quality standards for tenant-based programs. All voucher units are required to meet HQS standards both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and Housing Assistance Payment (HAP) contract.

HOC inspects each unit under contract with one of its voucher families at least annually. HOC also has an inspection supervisor perform quality control inspections on the number of files required for file sampling for the Section Eight Management Assessment Program (SEMAP) annually to maintain HOC's required standards and to assure consistency in HOC's program. A separate sample, also meeting SEMAP thresholds, of any owner-certified repairs following a failed inspection is subject to quality control review by an HOC inspections supervisor. This Chapter describes HOC's procedures for performing HQS and other types of inspections, and HOC's standards for the timeliness of deficiency repairs following a failed inspection. This Chapter also explains the responsibilities of the owner and the family in the inspections process, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HOC's requirements. Please see the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter for more information about HOC's additions to HUD's HQS criteria.

A. GUIDELINES/ TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

At all times, HOC encourages owners to provide housing above HQS minimum standards. HOC does not promote any additional acceptability criteria which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be active and in service prior to the HOC's inspection of the unit. If the utilities are not in service at the time of inspection, the inspector notifies the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval [RFTA]) and requests that the utilities are turned on. The inspector then schedules a re-inspection.

There are five types of inspections which HOC performs:

1. Initial/Move-in: Conducted upon receipt of RFTA;
Annual: Conducted within 12 months of the last annual inspection;
2. Special/Complaint: At the request of an owner, family, agency, or third-party;
3. Quality Control: Conducted by HOC's inspection lead or supervisor; and
4. Move-Out/Vacate: An inspection requested by the landlord to demonstrate tenant-caused damages.

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timely Initial HQS Inspection

HOC makes every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

HOC periodically reviews the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to HOC.

If HOC determines after a periodic review of files that the average time for a family and owner to obtain an initial inspection is longer than 15 days, HOC will review staffing needs relevant to HQS inspection and make improvements.

The Initial Inspection is conducted to:

Determine if the unit and property meet the HQS defined in this Administrative Plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information used for determination of rent-reasonableness.

If the unit fails the initial HQS inspection, the owner is advised to notify HOC once repairs are completed.

On an initial inspection, the owner is given up to 30 days to correct the items noted as failed, at the inspector's discretion, depending on the amount and complexity of work to be done.

The owner is allowed up to one re-inspection for repair work to be completed. At its discretion, HOC may accept owner certification that the repairs were completed as detailed in the initial inspection.

If the time period given by the inspector to correct the repairs elapses, or the maximum number of failed re-inspections occurs, then the family must select another unit.

Families are not adversely impacted by the failure of a unit to pass the initial HQS inspection. Instead, HOC extends the remaining time on the voucher by suspending the voucher timeline from the date of HOC's receipt of the RFTA until notification to select another unit. This is known as tolling time.

Project-Based Voucher (PBV)

PBV HAP Contract – HQS Inspections to Substitute Units

C. ANNUAL HOS INSPECTIONS [24 CFR 982.405(a)]

HOC conducts a unit inspection in accordance with HQS at least annually. These annual inspections are scheduled for 60 days prior to the anniversary of the last annual inspection, so that the inspections are conducted at least annually, as required by the Section Eight Management Assessment Program (SEMAP). Special inspections may be scheduled between anniversary dates.

Landlords must correct any HQS deficiencies that cause a unit to fail unless it is a fail for which the tenant is responsible.

The family must allow HOC to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections are conducted on business days only.

Reasonable hours to conduct an inspection are between 8:30 a.m. and

4:00 p.m. HOC notifies the family in writing at least three days prior to the inspection.

First Inspection: The family and the owner are notified of the date and time of the inspection appointment in writing using postal or electronic mail. The family is required to provide access to the unit for any inspection. If the family is unable to participate and is unable to

otherwise arrange access, they must reschedule the appointment. Rescheduling must occur within 72 hours of the initial scheduled inspection date. HOC permits only one such rescheduling peryear.

If the family fails to provide access to the unit, HOC considers the family to have violated a Family Obligation and their assistance may be terminated in accordance with the termination procedures in this Administrative Plan. HOC will reschedule up to one HQS inspection, due to a missed appointment, as long as the inspection is completed within scheduling requirements.

Re-inspection: The family and owner are provided a notice of any re-inspection appointment by postal or electronic mail. HOC may accept owner certification that the repairs were completed as detailed in the initial inspection. If the family is not at home for the re-inspection appointment, a card is left at the unit. The appointment letter contains a warning of abatement and a notice of the owner's responsibility. After this point, responsibility to open the unit for the inspector falls on the unit owner or landlord.

The family is also notified that it is a Family Obligation to allow HOC to inspect the unit. If the family is responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.

Remote Video Inspection “Virtual Inspection”

HOC has adopted guidance detailed in PIH Notice 2020-31 and will perform Housing Quality Standard (HQS) Inspections using video streaming technology. A proxy will perform the Remote Video Inspection (RVI) at the inspection site. The proxy will follow the direction of the HQS inspector throughout the entire inspection process as required in 24.CFR 982.405(a). HOC will conduct RVI Inspections on a unit at initial move-in, annually and at any other time HOC deems necessary.

RVI or Virtual Inspection will enable HOC to comprehensively inspect units in a manner that meets the basic statutory and regulatory standards. Virtual Inspections may take the place of physical inspections. However, HOC is aware there will be circumstances where RVI “Virtual Inspections” will not provide sufficient information or evidence to allow HOC to make an appropriate determination. In these circumstances, HOC will exercise judgment and reasoning that will yield the best results for the tenants, inspector and the agency, such as inspection waiver where applicable, or converting RVI inspection into a physical inspection

Choosing a Proxy

HOC requires the Proxy to either be the landlord, property representative, tenant or any adult associated with the tenancy. Selection of the proxy is a mutual decision among HOC, the landlord, and the tenant.

The designated Proxy and Inspector must successfully complete the online Lead Based Paint Visual Assessment Training Course. This requirement is for properties built before 1978 where children under six years old currently or will reside. HUD offers this as a free course that is available at Hud.gov: (<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>).

Once the Proxy is trained, they must send a certificate of completion to the Inspector to add to the inspection file.

On the day of the inspection, HOC or the inspector will prompt the Proxy to attest to the following:

- Confirmation of no smell of natural gas, Methane or other noxious gas;
- Live streaming requirement of RVI and not recorded;
- Commitment to following directions of the inspector; and
- Any additional items that HOC deems necessary.

Incorporating RVI

HOC will adhere to HQS acceptability criteria and each virtual inspection will include the following steps to ensure performance requirements are met.

1. Administrative Preparation

HOC has evaluated and determined that incorporating RVI into the inspection process requires an update to the HCV Administrative Plan to provide fair notice to the public and to highlight the benefits of using technology to assist in HQS Inspections.

2. Pre- Inspection Planning

Assessing Equipment Needs

Required equipment to perform the RVI “Virtual Inspection” may include:

- Distance Measuring Device, i.e. a tape measure;
- Lighting Device, i.e. a flashlight;
- Circuit Analyzer, i.e. GFI;
- Means to test smoke and carbon detectors;
- Temperature devices for displaying the internal unit temperature;
- Fully charged Smartphone or Tablet with reliable internet connection and high camera resolution (megapixels, sensors and pixel size) to see details such as paint chip and broken glass; and
- Any Additional items HOC deems necessary.

HOC must ensure that the Proxy has the necessary equipment to conduct the RVI inspection. Under the following circumstances, HOC will schedule an in person inspection:

- There are a total of two “no-shows”.
- The proxy does not have the appropriate equipment available to perform the virtual inspection;
- Does not acknowledge the RVI appointment time and date; or
- Provide a certificate of completion where applicable within 24 hours of inspection.

Scheduling the RVI

HOC requires that the tenant, landlord or property manager attend the RVI or “Virtual Inspection”. The notice of inspection will follow the same format as with any physical inspection notification protocol initially set by HOC and detailed in **24. CFR 982.401(a) Initial inspection** and **24 CFR 982.405 (a) Annual Inspections**. Additionally, HOC requires that the RVI or “Virtual Inspection” notice provide justification for choosing this method of inspection as well as a contact number and email, should the tenant have any questions or concerns.

3. Performing Inspection

HOC will use software and equipment that provides adequate privacy and safeguards to ensure protection of Personal Identifiable Information. HOC requires that the HQS Inspector use a HOC office or other remote location that is not vulnerable to exposure or susceptible to risk of violating the privacy of the tenant or the Agency, such as unsecured public Wi-Fi

On the day of inspection, the HQS inspector will use the HOC approved designated streaming web-based platform to contact the proxy. During the inspection the HQS inspector will use the same inspection forms HOC currently uses to record any deficiencies.

Prior to the start of the inspection, the inspector must verify that the unit on their screen is the unit scheduled for inspected. In addition, HOC requires that the HQS Inspector verifies the address and street name from the outside of the unit.

Inspection of the Exterior of the unit should include:

- Outside walls;
- Roofs;
- Yard and adjoining properties;
- All sides of the structure;
- Fences and outbuildings;
- Visually examine paint conditions of all siding, trim;
- Windows;
- Porches,
- Steps and sidewalks;
- Columns; and
- Any other painted areas.

Inspection of the Interior of the unit should include:

Review each room including bedrooms separately and visually examine:

- Paint conditions;
- Walls;
- Common area;
- Tenant-accessed areas;
- Ceilings;
- Steps;
- Appliances
- Floors;
- Doors;
- Door frames; and
- Windows, including window troughs.

The inspector will document the amount of deterioration indicating whether the scales is greater or less than the HUD de minimis amount.

Post Inspection

HOC or the HQS Inspector will complete the process of generating notification letters to the landlord and/or tenant to communicate inspection results of the inspections

Passed Inspection:

With a successful inspection HOC will process the HAP for the initial inspection or approve the inspection if it is an annual or other inspection type; whichever applies to the situation

Failed Inspection:

For unsuccessful inspection, HOC will provide follow-ups such as re-inspections, clearance test and or submission of supporting documents. HOC will add a photo of the items failed to the inspection file.

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See Emergency Repair Items section.)

For non-emergency items, repairs are required within 30 days.

Failure by either the family or the owner to provide access to the unit for re-inspection does not extend the 30-day time frame to complete repairs, and HOC will abate the unit.

For major repairs, HOC may approve a written request from the owner for an extension beyond 30 days.

Rent Increases: HOC may not approve rent to owner increases if the unit is in a failed condition.

D. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

HOC may also conduct a special inspection based on information from third parties such as neighbors or public officials.

HOC will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs following the special inspection.

If the annual inspection date is within 120 days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection may be categorized as the annual inspection and all annual procedures will be followed at that time.

E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections are performed by the Housing Inspections Supervisor, or another designated official, on the number of files required by SEMAP for the given fiscal year. The purpose of Quality Control inspections is to confirm that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files for the Quality Control inspections includes recently completed inspections (within the prior 90 days), a cross-section of neighborhoods, and a cross-section of inspectors.

F. MOVE OUT/VACATE

A move out inspection is performed only at the landlord's request. HOC may charge the landlord a fee in order to conduct these inspections.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401(a)]

HOC strictly adheres to the acceptability criteria in the Housing Choice Voucher program regulations at 24 CFR, Section 982. However, HOC amends the acceptability criteria to require that an owner participating in the HOC's voucher program comply with the local government rental licensing requirements in Montgomery County, Maryland. HOC allows owners adequate time to obtain the required license(s). However, HOC will not enter into a HAP contract with an unlicensed owner. HOC may hold HAP from an owner under contract when HOC is notified by Montgomery County that the owner failed to maintain

the appropriate rental license(s).

Modifications

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Extension for repair items not required by HQS may be granted for modifications/adaptations to the unit if agreed to by the tenant and the landlord. HOC will allow execution of the HAP contract if the unit meets all requirements and the modifications do not affect the livability of the unit.

H. **EMERGENCY REPAIR ITEMS** [24 CFR982.401(a)]

The following items are considered of an emergency nature and require repair by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector:

- Lack of security for the unit;
- Waterlogged ceiling in imminent danger of falling;
- Major plumbing leaks or flooding;
- Natural gas leaks or fumes;
- Electrical problems which could result in shock or fire;
- No heat when the outside temperature is below 10 degrees Fahrenheit and the temperature inside the unit is below 68 degrees Fahrenheit;
- Utilities not in service;
- No running hot water;
- Broken glass where someone could be injured;
- Obstacle which prevents tenant's entrance or exit;
- Lack of functioning toilet; and

- Non-working smoke detector or missing smoke detector, as required.

HOC may give a short extension (not more than 48 additional hours) if immediate notification of the responsible party is delayed or if it is impossible to make the repair within the 24-hour period.

In those cases where there is leaking gas, potential for fire, or other threat to public safety, and the responsible party cannot be notified immediately or it is impossible to make the repair within 24 hours, HOC will notify the proper authorities.

If the emergency repair item(s) are not corrected in the time period required by HOC, and the owner is responsible, payments to the owner are abated and the HAP contract is terminated.

If the emergency repair item(s) are not corrected in the time period required by HOC, and it is an HQS breach that is a family obligation, HOC terminates the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health and safety threat and are treated by HOC as an emergency (24-hour) fail item.

HOC will issue a written warning to any family determined to have purposely disconnected a unit's smoke detector. The warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of HQS.

CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)

[24 CFR 982.405, 982.453]

If a unit fails to meet HQS due to an owner-caused deficiency at the re-inspection, the HAP to the owner is abated.

Abatement

A Notice of Abatement is sent to the owner, explaining that the abatement is effective from the day after the date of the failed inspection. The notice is for 30 days.

HOC will inspect abated units within 15 days of the owner's notification that the repair work is completed.

If the owner makes repairs during the abatement period, payment resumes on the day the unit passes inspection.

No retroactive payments are made to the owner for the abatement period. The notice of abatement states that the tenant is not responsible for HOC's portion of rent during the abatement. However, the tenant must continue to pay their portion of the rent even during the abatement period.

Reduction of Payments

HOC may grant an extension in lieu of abatement in the following cases:

The owner is experiencing extenuating circumstances and has a good history of HQS compliance.

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the necessary funds.
- The repairs are delayed due to climate conditions.

Owners must provide supporting documentation to request abatement extension. Extensions are made for a period of time not to exceed 30 days. At the end of that time, at HOC's discretion, if the work is not completed, HOC will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all of the deficiencies cited prior to the end of the abatement period (which is 30 days), the owner and the tenant are sent a HAP Contract Proposed Termination Notice. The tenant is also notified of a scheduled relocation appointment. The proposed termination notice is a 60-day notice. The family is required to begin the process to relocate from the unit or risk termination from the program. Prior to the effective date of the termination, if the repairs are not completed, the abatement remains in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by HOC if the tenant chooses to remain in the unit. Only one HQS inspection is conducted after the termination notice is issued.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family, such as:

- Tenant-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit, or premises, caused by a household member or ~~guest beyond~~ guest beyond normal wear and tear
 - "Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

- Vermin infestation in a rented single-family home or other detached unit.

The owner is responsible for all other HQS violations.

The owner is responsible for any vermin infestation for multifamily and non-detached units. However, if such infestation is caused by the family's living habits and is serious and repeated, it may be considered a lease violation. The owner may then evict the family for violation of the lease. HOC may choose to terminate the family's assistance on that basis as well.

If the family is responsible but the owner carries out the repairs, the owner is encouraged to bill the family for the cost of the repairs.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If the family is responsible for any emergency or non-emergency violations of HQS, then the family is responsible to work with the owner or landlord to make any repair(s) or corrections within 24 hours or 30 days, as appropriate. If the repair(s) or correction(s) are not made in this time period, HOC will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases require approval by the Housing Inspector Supervisor or another designated official. The owner's rent is not abated for items that are the ~~family's responsibility~~ family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract is terminated when the assistance to the family is terminated. HOC will provide the owner with adequate notice (no less than 30 days) of the termination date of the HAP. Contract cancellation due to tenant-caused HQS deficiencies does not preclude the owner from immediately executing a new HAP with HOC for another voucher tenant.

EXHIBIT D

Revised Administrative Plan for the Housing Choice Voucher Program

[attached]

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.505, 982.503, 982.504, 982.505]

INTRODUCTION

~~The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date". These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.~~

~~In accordance with the regulations, for those Section 8 participant families where there is a HAP Contract in effect entered into prior to October 1, 1999, the PHA will continue to uphold the rent calculation methods of the pre-merger Regular Certificate, OFTO, and Voucher tenancies until the 2nd regular reexamination of family income and composition following the "merger date". However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.~~

HOC will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is HOC's responsibility to ensure that the owners charge reasonable rents based upon unassisted comparable units in the rental market, using the criteria specified in the Code of Federal Regulations (CFR) 24 CFR 982.507(b).

This Chapter explains HOC's procedures for determination of rent-reasonableness, payments to owner's adjustments to the Voucher Payment Standards (VPS), and other rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The Rent to Owner is limited by rent reasonableness. HOC must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units in the rental market.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy which is described in (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is for a new admission or a relocation to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income if gross rent exceeds the voucher's payment standard. During the initial term of the lease, the owner may not raise the rent

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed between the owner and HOC, HOC begins processing payments to the landlord. A HAP Register is used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. HOC's finance division disburses electronic ~~echecks~~ payments to the owner on the first of each month. HOC will not replace payments if the owner claims to have not received ~~echecks payment~~, HOC will not provide a replacement ~~echecks payment~~ until the payee has provided a written request and a stop ~~payment~~ is placed put on the ~~echecks payment~~.

Excess Payments

The total rent the tenant pays plus the housing assistance payment (HAP) may not exceed the rent to owner. The owner must immediately return any excess overpayment to the tenant or HOC.

Owners who do not return excess payments are subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

Late Payments to Owners

It is a business practice in Montgomery County for property managers and owners to charge tenants a reasonable late fee for rents that is not received by the due date, notwithstanding any grace period. In Montgomery County, the industry standard is a grace period of 10 days past the first of the month.

Therefore, in keeping with generally accepted practices in the local housing market, the HOC must pay the HAP to the owner promptly and in accordance with the HAP contract.

Upon written request of the owner, HOC will pay a five percent late fee to the owner for HAP that is not mailed to the owner by the first day of the month.

The proof of payment date is the date the Electronic Funds Transfer (ETF)

HOC is not obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond HOC's control. For example, sometimes there is a delay in the HOC's receipt of program funds from HUD. HOC will use administrative fee income or the administrative fee reserve as its only source for any late payment penalties.

HOC will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

HOC must ensure that rents charged by owners to HCV customers clients are reasonable. This reasonableness determination requires, HOC to compare rent for the unit to rent for similar unassisted units in the marketplace. (982.507)

HOC must determine rent reasonableness in all of the following four instances:

- Before entering a HAP contract. HOC must not execute a HAP contract until it has documented that the rent charged is reasonable.
- Before any increase in the rent to owner. Before approving a rent increase, HOC must determine and document whether the proposed rent is reasonable compared to the rent for similar units in the marketplace and not rents higher than those paid by unassisted tenants.
- **If there is a ten percent decrease in the published fair market rent FMR (for the unit size rented by the family) in effect 60 days before the contract anniversary date as compared with the FMR in effect one year before the contract anniversary date.** This provision is designed to ensure that when the market goes down by a significant amount HOC must reexamine rent reasonableness.
- **If directed by HUD.** If HUD has reason to question HOC's system or accuracy of its determinations, HUD may require HOC to conduct rent reasonableness reviews on all or a portion of its units.

In determining comparability, HOC must consider the following nine elements:

1. Location
2. Quality
3. Size
4. Unit type
5. Age of unit
6. Amenities
7. Housing services
8. Maintenance; and
9. Utilities the owner must provide under the lease

HOC will obtain data for other unassisted units through the information provided by a third-party contractor. If this is unavailable, HOC will access the data through a combination of MRIS (Metropolitan Regional Information System), internet real estate searches, newspapers, realtors, professional associations, inquiries with owners, market surveys, and other available sources.

In general, the market areas for rent reasonableness are neighborhoods. Subject units within the neighborhood are compared to similar units within the same area.

The owner certifies that the rent to owner is not more than the rent charged by the owner for comparable unassisted units at the same property. This certification is stated as a requirement in the contract and occurs by acceptance of each housing assistance payment.

HOC will document all rent reasonableness decisions and the basis for each decision. The documentation will identify who conducted the rent reasonableness determination and when.

HOC will complete a sample quality control review of the rent reasonableness determinations.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment (HAP) for a family. In accordance with HUD regulations, and at HOC's discretion, the Voucher Payment Standard (VPS) amount is set by HOC between 90 percent and 110 percent of the HUD published Small Area Fair Market Rents (SAFMR). This is considered the basic range. HOC reviews the appropriateness of the VPS annually when the SAFMRs are published by HUD. In determining whether a change is needed, HOC will ensure that the VPS is always within the range of 90 percent to 110 percent of the new SAFMR, unless an exception payment standard is approved by HUD.

HOC will establish a single Voucher Payment Standard amount for each SAFMR zip code area in the Agency's jurisdiction, or in any groupings of SAFMR zip code areas as may be determined by HOC. For each SAFMR zip code area, HOC establishes VPS amounts for each "unit size". HOC may provide a higher VPS within the Agency's jurisdiction if needed to expand housing opportunities outside areas of minority and/or poverty concentration, as long as the higher VPS is within the 90-110 percent of SAFMR range.

In situations where the adoption of new Voucher Payment Standards (VPS) based on HUD's Small Area Fair Market Rents (SAFMR) will cause a decrease in the VPS amount during the existing Housing Assistance Payments (HAP) contract term, HOC will take the following action:

HOC will change to the lower VPS based on the SAFMRs to calculate the family's Housing Assistance Payments (HAP). This change will begin at the effective date of the family's second regular reexamination following the effective date of the decrease in the VPS.

HOC may approve a higher Voucher Payment Standard within the basic range, if required as a

reasonable accommodation for a family that includes a person with disabilities.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. HOC will not raise Payment Standards solely to make "high end" units available to Voucher holders. HOC may use some or all of the measures described below in making its determination whether an adjustment to the Payment Standards is needed.

Assisted Families' Rent Burdens

HOC reviews its VPS amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30 percent of their annual adjusted income for their rent.

If it is determined that particular unit sizes in HOC's jurisdiction have VPS amounts that are creating rent burdens for families, HOC may modify its payment standards for those particular unit sizes.

HOC may increase its payment standard within the basic range for those particular unit sizes to help reduce the percentage of annual income that participant families in HOC's jurisdiction are paying.

HOC may establish a separate VPS , within the basic range, for designated parts its jurisdiction if it determines that a higher payment standard is needed in these designated areas to provide families with quality housing choices and to give families an opportunity to move outside areas of high poverty and low-income concentration.

Quality of Units Selected

HOC reviews the quality of units selected by participant families when making the determination of the percent of income families are typically paying for housing, and to ensure that VPS increases are only made when needed to reach the mid-range of the market.

PHA Decision Point

HOC reviews the average percent of income that families in the voucher program are paying for their rent. If more than 40 percent of families are paying more than 30 percent of their monthly adjusted income for a particular unit size, HOC will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's

Housing Quality Standards HQS and any additional standards added by HOC in this Administrative Plan.

If families are paying more than 30 percent of their income for rent due to the selection of larger bedroom size units or luxury units, HOC may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, HOC will continue increase the payment standard as per the process described in this Administrative Plan

Rent to Owner Increases

HOC may review a sample of its leased units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

HOC may consider the average time period for families to lease up under the voucher program. If more than 25 percent of voucher holders are unable to locate suitable housing within the term of the voucher and HOC determines that this is due to 10 percent of rents in the jurisdiction being unaffordable for families even with the presence of a voucher, the Payment Standard may be adjusted.

Lowering of the Payment Standard

If the HUD issued SAFMRs decreases, it may require HOC to adjust its Payment Standards. Additionally, statistical analyses of average rents in Montgomery County may reveal that decreasing the VPS should be lowered. In any case, HOC will not set the Payment Standards below 90 percent of the SAFMR's without authorization from HUD.

Financial Feasibility

Before increasing the VPS, HOC may review its budget to determine the impact projected subsidy increases will have on funding available for the voucher program and the number of families able to be served

For this purpose, HOC will compare the number of families who could be served under a higher Payment Standard with the number of families currently by the existing Payment Standards.

File Documentation

HOC retains files for at least three years to document the analysis and findings used to justify whether or not to increase or decrease the VPS.

F. EXCEPTION PAYMENT STANDARDS

If a dwelling unit is located in a VPS exception area, HOC must use the appropriate payment standard amount established by HOC for the exception area in accordance with HUD regulation at 24 CFR 982.503.

~~G. OWNER PAYMENT IN THE PREMERGER REGULAR CERTIFICATE PROGRAM [24 CFR 982.502(d)]~~

~~Owners must request the rent increase in writing. Any increase will be effective the later of (1) the anniversary date of the Contract, or (2) at least 60 days after the owner's request is received.~~

~~The approval or disapproval decision regarding the adjustment will be based on HUD required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.~~

~~The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.~~

~~For terminations of Pre-merger Regular Certificate HAPS, see "Contract Terminations" chapter.~~

Development and Finance Committee

HILLANDALE GATEWAY: APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE NON-AGE RESTRICTED BUILDING AND APPROVAL OF A REVISED AFFORDABILITY MIX FOR THE AGE RESTRICTED BUILDING

10100, 10110, 10120 AND 10140 NEW HAMPSHIRE AVE, SILVER SPRING, MD



**KAYRINE BROWN, ACTING EXECUTIVE
DIRECTOR**

**Kathryn Hollister, Senior Financial Analyst
Gio Kaviladze, Senior Financial Analyst
Marcus Ervin, Director of Development
Zachary Marks, Chief Real Estate Officer**

Table of Contents

Topics	Page
Executive Summary	3
Development Highlights	4
Site Plan	5
Affordability	6
Preliminary Development Plan – NAR Building	7
Sources and Uses – NAR Building	15
Development Timeline	25
Prior Commission Actions	26
Summary and Recommendations	27

Executive Summary

- Hillandale Gateway **will be a new mixed-use, mixed-income, multigenerational community** located at 10100, 10110 and 10120 New Hampshire Avenue in Silver Spring, MD, on the site of Holly Hall Apartments (“Holly Hall”), a former 96-unit Public Housing community.
- Hillandale Gateway **will include a total of 463 residential units**. Hillandale Gateway will comprise **two residential buildings – one, a 155-unit Net Zero Energy, age-restricted (age 62+) senior building (“AR Building”)**; the other, **a 308-unit Passive House, non-age restricted multifamily building (“NAR Building”)**. In addition to residential units, the site will have a drive-thru coffee shop, above-ground parking garage, commercial/retail/restaurant space, and public and private green space.
- Hillandale Gateway **will be the first major multifamily investment in the East County** in decades and will create its first destination mixed-use community. Hillandale Gateway will also set the bar for innovation and energy efficiency in residential development in the mid-Atlantic.
- HOC is developing Hillandale Gateway as part of a joint venture (“Joint Venture” or “Hillandale Gateway, LLC”) with The Duffie Companies (“Duffie”). Duffie is a third-generation, Montgomery County-based, family-owned real estate owner, developer, and asset manager. Duffie has extensive experience developing high-performance green buildings and is one of the largest real estate owners in the Hillandale submarket of Silver Spring, owning 10140 New Hampshire Avenue (the site of the future Starbucks at Hillandale Gateway) and all of the properties along the east side of New Hampshire Avenue directly across from the Hillandale Gateway site.
- **On March 2, 2022, staff presented a design and development update for Hillandale Gateway, and the Commission approved a Preliminary Development Plan for the AR Building. It also approved the selection of a CBG Building Group as General Contractor and Lambis Rank as Construction Manager for the construction of the development.**
- **Staff is requesting that the Commission accept staff’s recommendation which is supported by the Development and Finance at its meeting on March 25, 2022, to:**
 - **Approve a Preliminary Development Plan for the NAR Building**, which includes restricting 93-units (30%) to households earning 30%, 40%, 50% and 80% AMI, and financing the restricted units as a LIHTC transaction utilizing the income average set aside.
 - **Approve a revised affordability mix for the AR Building** to provide a broader range of affordability levels. On March 2, the Commission approved an affordability mix for the AR Building, in which 113 units (73%) are affordable to households earning 50% AMI and 42 units (27%) are affordable to households earning 80% AMI. Staff is proposing a revised affordability mix that would provide a greater range of affordability, by restricting units to households earning 30% to 80% AMI.
- **Approval of the above items would provide a full spectrum of affordability at Hillandale Gateway, not only site-wide, but in the AR and NAR Buildings individually.**

Development Highlights

- **Affordability:** Hillandale Gateway will be a contemporary mixed-income development in a location with convenient access to major arterials, services, recreational activities and amenities. Hillandale Gateway will provide a full spectrum of affordability, not only site-wide, but in the AR and NAR Buildings individually.
- **Economic Development:** Hillandale Gateway will bring worthy new amenities and improvements to the Hillandale neighborhood and eastern Montgomery County, and is intended to be the catalyst for achieving broader transformations in Hillandale, attracting the new restaurants, new shops, new residents, new businesses, and new jobs that the White Oak Science Gateway Master Plan specifically seeks to encourage.
- **Sustainability:** Hillandale Gateway will incorporate a variety of methodologies in an effort to set new benchmarks for sustainability and high-performance development in Montgomery County. By using Passive House construction methodologies, the energy consumption of the buildings will be significantly reduced. At the same time, the site will include a renewable energy system (in the form of rooftop solar on both the senior and multifamily building and on the parking garage), which the Development Team anticipates will be sufficient to allow the AR building to become a Zero-Net Energy building – producing as much energy as it consumes. Thus, Hillandale Gateway will promote energy efficiency while supporting the energy needs of its residents.
- **Resiliency:** During periods of grid outage, Hillandale Gateway’s solar plus energy storage will be used to provide a resiliency center for residents and the surrounding neighborhood. Resiliency hubs are designed to provide emergency heating and cooling capability; refrigeration of temperature sensitive medications; plug power for charging of cell phone and computer batteries; certain durable medical equipment, as well as emergency lighting.
- **Public Open Space:** At the entrance of Hillandale Gateway will be a centralized green space (“Central Green”), usable by the public as well as residents, consisting of approximately 17,000 square feet of contiguous open space. This public open space will include an amphitheater and will be a centerpiece and foreground for the development, establishing a focal point for the multi-building project. The site will provide additional open space, walkable sidewalks, a "loop path", streetscaping, a programmable “Festival Street”, landscaping and other site improvements, all of which will be dispersed throughout the entirety of the site.
- **Transportation:** Instead of taking the “pay and go” approach and paying a Local Area Transportation Improvement Program (“LATIP”) fee associated with the development, the Development Team intends to design and construct more than \$1 million in transportation improvements along the frontage of the site on Powder Mill Road. The Development Team has worked closely with MCDOT to design a new bus transit center featuring a pedestrian-friendly drop-off area, bus shelters, restroom facilities for bus drivers, and other related infrastructure improvements. Another transportation feature is that the site will provide electric vehicle (“EV”) charging stations.
- **Digital Equity:** HOC is partnering with the County to provide MoCoNet (free internet service) to residents in the AR Building; staff is also exploring providing this service to low-income residents at the NAR Building.

Site Plan



KEY

Buildings:

1. 155-unit Senior Building "AR"
2. 308-unit Multifamily Building "NAR"
3. Parking Garage
4. Retail Pads
5. Drive-thru Coffee Shop

Site:

6. Transit station
7. Open green with amphitheater/ event stage
8. Urban plaza and natural area
9. Festival street with removable bollards
10. Flexible lawn space and dining terraces
11. Perimeter loop path

Affordability

Staff proposes the affordability mix shown to the right, which includes the NAR affordability mix and revised AR affordability mix (together, the “Proposed Affordability Mix”). The Proposed Affordability Mix will meet and exceed a number of entitlement and financing requirements:

- Hillandale Gateway’s site plan approval requires a minimum site-wide affordability of 25% MPDUs (116 MPDUs), of which 96 MPDUs (83%) are in the AR Building (for a building-wide affordability of 62%) and 20 MPDUs (17%) are in the NAR Building (for a building-wide affordability of 6%). This requirement stems from the White Oak Science Gateway Master Plan, which required that any redevelopment of the Holly Hall site include a one-to-one replacement of Holly Hall’s former 96 affordable, age-restricted units (“Holly Hall Replacement Units”).
- Additionally, Montgomery County’s Housing Production Fund (“HPF”), a construction financing source for Hillandale Gateway, requires a 30% site-wide affordability (20% of units at 50% AMI and 10% of units at MPDU).
- Site-wide, the Proposed Affordability Mix **exceeds site plan and HPF requirements**. The site also qualifies for FHA Risk Share financing.
 - The Development Team has already begun community outreach regarding the change in affordability and will continue to work with the community to deliver the Proposed Affordability Mix.
- Of **the net new units** (all units beyond the Holly Hall Replacement Units), **26% (96 units) will be MPDUs, and 15% (56 units) will be affordable to households earning 80% AMI.**
- For the NAR Building, staff proposes that **93 units (30%) are restricted to households earning 30%, 40%, 50% and 80% AMI.**
 - This affordability mix includes 62 units (20%) at or below 50% AMI, allowing for the NAR Building to separately qualify for FHA Risk Share financing. This is beneficial should the AR and NAR buildings need to convert to permanent financing at different times.
- For the AR Building, staff proposes a revised affordability mix. On March 2, 2022, the Commission approved 113 units at 50% AMI and 42 units at 80% AMI. The revised affordability mix to the right would provide **a wider range of affordability levels, including units at extremely low income levels.**
 - Not only does this affordability mix provide a wider range of affordability, it also results in **more permanent debt proceeds, which reduces the need for deferred developer fees by approximately \$1.5 million.**
- In summary, the Proposed Affordability Mix provides a full spectrum of affordability, not only site-wide, but in the AR and NAR Buildings individually.**

Hillandale Gateway Affordability (Site-wide)		
30%	25	5%
40%	25	5%
50%	67	14%
60%	50	11%
70%	25	5%
80%	56	12%
Market	215	46%
TOTAL	463	100%
NAR Building		
30%	10	3%
40%	10	3%
50%	42	14%
60%	0	0%
70%	0	0%
80%	31	10%
Market	215	70%
TOTAL	308	100%
AR Building		
<i>Revised Affordability Mix</i>		
30%	15	10%
40%	15	10%
50%	25	16%
60%	50	32%
70%	25	16%
80%	25	16%
Market	0	0%
TOTAL	155	100%

Preliminary Development Plan – NAR Building

Staff is seeking Commission approval of a Preliminary Development Plan for the NAR Building, so that it can proceed with the preparation and submission of financing applications. Staff will return to the Commission for approval of a Final Development and Finance Plan in July 2022. Staff has analyzed various development and financing scenarios and recommends the following framework:

- Staff proposes financing the affordable portion of the NAR Building as a Low Income Housing Tax Credit (“LIHTC”) transaction. Given the range of affordability, staff recommends utilizing the income averaging set aside.
 - A LIHTC transaction for the NAR Building will require additional volume cap from the state, beyond HOC’s annual allocation. Staff has been building its relationship with CDA and has been successful in securing additional volume cap to meet HOC’s pipeline needs. The likelihood of receiving additional volume cap for CY22 (beyond what will be required for the AR building) has become a real possibility in recent months due to the efforts of HOC staff and leadership.
 - Without additional volume cap, LIHTC financing would not be possible. **In a non-LIHTC scenario, the transaction would require approximately \$7.5M in additional HOC equity or other permanent financing sources** to make the depth and breadth of affordability possible.
- Staff proposes utilizing a conventional construction loan and HPF as a construction financing sources for the NAR Building. The site meets HPF affordability requirements.
 - Using non FHA construction sources saves the development more than \$11M in Davis Bacon wages.
- Staff proposes an FHA Risk Share permanent loan at conversion.
- Hillandale Gateway is also a competitive candidate for a number of grants and loans related to high performance, energy efficiency and resiliency, which the Development Team intends to apply for. The development is also eligible for a number of rebates for solar and electric vehicle charging infrastructure, which will be provided to the transaction after installation.
- Staff and the Development Team will continue to analyze and evaluate financing products and strategies, and development cost savings and efficiencies, as it works toward a final development and finance plan.

NAR Building Affordability Mix		
AMI	# of Units	Percent of Total
30%	10	3%
40%	10	3%
50%	42	14%
60%	0	0%
70%	0	0%
80%	31	10%
Market	215	70%
TOTAL	308	100%

LIHTC Income Limits for 2021 (Based on 2021 MTSP Income Limits)						
Household Size	30.00%	40.00%	50.00%	60.00%	70.00%	80.00%
1 Person	27,090	36,120	45,150	54,180	63,210	72,240
2 Person	30,960	41,280	51,600	61,920	72,240	82,560
3 Person	34,830	46,440	58,050	69,660	81,270	92,880
4 Person	38,700	51,600	64,500	77,400	90,300	103,200
5 Person	41,820	55,760	69,700	83,640	97,580	111,520
6 Person	44,910	59,880	74,850	89,820	104,790	119,760
7 Person	48,000	64,000	80,000	96,000	112,000	128,000
8 Person	51,090	68,120	85,150	102,180	119,210	136,240

Income Averaging allows LIHTC owners to elect to serve households with incomes of up to 80% of area median income (AMI) and have these household qualify as LIHTC units, so long as the average income/rent limit in the project remains at 60% or less of AMI. HOC has utilized income averaging on four previous transactions: Fenton Silver Spring (formerly 900 Thayer), Residences on The Lane (formerly Upton II), Elizabeth House III, and the Willow Manor Properties. In total, these transactions have financed the development or rehabilitation of 783 income- and rent-restricted units that are affordable to households with incomes ranging from 30% to 80% AMI, as well as 44 market-rate units.

Sources and Uses – NAR Building

CONSTRUCTION FINANCING

USES OF FUNDS - DEVELOPMENT	AMOUNT	PER UNIT	% OF TOTAL
Construction Contract	\$97,496,867	\$316,548	67.81%
Additional Construction Hard Costs	\$4,473,114	\$14,523	3.11%
Construction Contingency	\$5,098,499	\$16,554	3.55%
Construction Related Costs	\$5,972,110	\$19,390	4.15%
Design & Engineering	\$4,963,956	\$16,117	3.45%
Developers Costs	\$4,024,853	\$13,068	2.80%
Financing Fees & Charges	\$1,000,000	\$3,247	0.70%
Bond Issuance Costs	\$0	\$0	0.00%
HOC Financing Fee	\$0	\$0	0.00%
Construction Period Interest	\$7,649,337	\$24,836	5.32%
HPF Loan Interest	\$5,260,363	\$17,079	3.66%
Capitalized Operating Costs	\$989,194	\$3,212	0.69%
Guarantees & Reserves	\$1,000,000	\$3,247	0.70%
Developer Fee	\$5,842,278	\$18,968	4.06%
TOTAL USES OF FUNDS	\$143,770,571	\$466,788	100%

SOURCES OF FUNDS - DEVELOPMENT	AMOUNT	PER UNIT	% OF TOTAL
Senior Construction Loan	\$93,450,871	\$303,412	65.00%
HOC Equity	\$5,950,000	\$19,318	4.14%
Tax Credit Equity	\$14,691,733	\$47,700	10.22%
HPF Loan	\$29,677,966	\$96,357	20.64%
Permanent Mezz Loan	\$0	\$0	0.00%
Funding Gap / (Surplus)	\$0	\$0	0.00%
TOTAL SOURCES OF FUNDS	\$143,770,571	\$466,788	100%

PERMANENT FINANCING

USES OF FUNDS - PERMANENT	AMOUNT	PER UNIT	% OF TOTAL
Construction Contract	\$97,496,867	\$316,548	62.81%
Additional Construction Hard Costs	\$4,473,114	\$14,523	2.88%
Construction Contingency	\$5,098,499	\$16,554	3.28%
Construction Related Costs	\$5,972,110	\$19,390	3.85%
Design & Engineering	\$4,963,956	\$16,117	3.20%
Developers Costs	\$4,604,853	\$14,951	2.97%
Financing Fees & Charges	\$6,637,091	\$21,549	4.28%
Bond Issuance Costs	\$500,000	\$1,623	0.32%
HOC Financing Fee	\$2,394,269	\$7,774	1.54%
Construction Period Interest	\$7,649,337	\$24,836	4.93%
HPF Loan Interest	\$5,260,363	\$17,079	3.39%
Capitalized Operating Costs	\$989,194	\$3,212	0.64%
Guarantees & Reserves	\$3,353,629	\$10,888	2.16%
Developer Fee	\$5,842,278	\$18,968	3.76%
TOTAL USES OF FUNDS	\$155,235,561	\$504,012	100%

SOURCES OF FUNDS - PERMANENT	AMOUNT	PER UNIT	% OF TOTAL
FHA Risk Share Permanent Financing	\$119,713,469	\$388,680	77.12%
HOC Equity	\$5,950,000	\$19,318	3.83%
Tax Credit Equity	\$14,691,733	\$47,700	9.46%
HPF Loan	\$0	\$0	0.00%
Permanent Mezz Loan	\$14,880,358	\$48,313	9.59%
Funding Gap / (Surplus)	\$0	\$0	0.00%
TOTAL SOURCES OF FUNDS	\$155,235,561	\$504,012	100%

- The sources and uses above are for the construction and permanent financing of the NAR Building residential units (LIHTC and non LIHTC), parking garage and retail spaces.
- Sources for construction include: a conventional construction loan, HPF, LIHTC equity and HOC equity.
- Upon stabilization and conversion, the construction loan and HPF will be taken out by a permanent FHA Risk Share loan and mezzanine debt.
 - The transaction will also have \$5.7M in interim income upon permanent conversion, which could be used as a permanent financing source (which would reduce the need for mezzanine debt), or to service the mezzanine debt (to provide a more attractive return).

Development Timeline

- Approval of AR Building Preliminary Development Plan
- Approval of General Contractor and Construction Manager

Mar
2022

April
2022

- Select LIHTC Syndicator

May
2022

- Close on LIHTC and Construction Financing

July
2022

Dec
2022 /
Jan
2023

- Approval of NAR Building Preliminary Development and Finance Plan
- Approval of Revised AR Affordability Mix
- Submit LIHTC and Financing Applications

- Present Final Development and Financing Plan to Commission
- Potential Early Start Agreement
- Additional Predevelopment Funding, if needed

Prior Commission Actions

RESOLUTION 15-79: On October 7, 2015, the Commission approved a predevelopment budget to fund the first 15 months of predevelopment activity related to the redevelopment of Holly Hall.

RESOLUTION 17-18: On March 1, 2017, Staff provided a Hillandale design update to the Commission and the Commission approved a revised budget for 12 months of predevelopment activity related to the redevelopment of Holly Hall.

RESOLUTION 19-10: On January 9, 2019, Staff presented a Hillandale design update to the Commission and the Commission approved a revised budget to fund predevelopment work.

RESOLUTION 19-56: On May 8, 2019, the Commission approved the site design and authorized the submission of an application to the Planning Board for Site and Subdivision Plan approval.

RESOLUTION 20-13: On February 5, 2020, the Commission approved the redesigned site plan for submission to the Planning Board, a revised predevelopment budget, and CY2020 predevelopment funding.

RESOLUTION 20-78: On November 4, 2020, the Commission approved a revised budget to fund predevelopment work through closing of construction financing.

RESOLUTION No. 21-18: On February 3, 2021, the Commission approved the demolition of Holly Hall.

RESOLUTION No. 22-20: On March 2, 2022, the Commission approved a preliminary development plan for the AR Building and approved the selection of a general contractor and construction manager for Hillandale Gateway.

Summary and Recommendations

Issues for Consideration

Does the Commission wish to accept staff's recommendation, which is supported by the Development and Finance Committee, and approve:

1. The proposed Preliminary Development Plan for the NAR Building at Hillandale Gateway, which includes restricting 93-units (30%) to households earning 30%, 40%, 50% and 80% AMI, and financing the restricted units as a LIHTC transaction utilizing the income average set aside?
2. The revised affordability mix for the AR Building, which includes restricting 155 units (100%) to households earning 30%, 40%, 50%, 60%, 70% and 80% AMI?

Budget/Fiscal Impact

Approval of these items has no budget or fiscal impact.

Time Frame

For action at the April 6, 2022 meeting of the Commission.

Staff Recommendation and Commission Action Needed

Staff recommends that the Commission approve:

1. The proposed Preliminary Development Plan for the NAR Building at Hillandale Gateway, which includes restricting 93-units (30%) to households earning 30%, 40%, 50% and 80% AMI, and financing the restricted units as a LIHTC transaction utilizing the income average set aside.
2. The revised affordability mix for the AR Building, which includes restricting 155 units (100%) to households earning 30%, 40%, 50%, 60%, 70% and 80% AMI.
 - On March 2, the Commission approved an affordability mix for the AR Building, in which 113 units (73%) are affordable to households earning 50% AMI and 42 units (27%) are affordable to households earning 80% AMI. Staff is proposing a revised affordability mix that would include 15 units (10%) at 30% AMI, 15 units (10%) at 40% AMI, 25 units (16%) at 50% AMI, 50 units (32%) at 60% AMI, 25 units (16%) at 70% AMI and 25 units (16%) at 80% AMI. The revised affordability mix would provide a greater range of affordability.

RESOLUTION No.: 22-25

RE: Approval of Preliminary Development Plan for the Non Age-Restricted Building and Approval of a Revised Affordability Mix for the Age-Restricted Building for Hillandale Gateway

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or “Commission”) is the sole member of HOC at Hillandale Gateway, LLC, which is a member of Hillandale Gateway, LLC; and

WHEREAS, Hillandale Gateway, LLC, is the lessee of a 96-unit rental property in Hillandale known as Holly Hall Apartments located on approximately 4.35 acres of land at 10100, 10110 and 10120 New Hampshire Avenue, Silver Spring, MD 20903 (“Holly Hall”); and

WHEREAS, HOC is redeveloping the Holly Hall site and a neighboring parcel located at 10140 New Hampshire Avenue, Silver Spring, MD into a mixed-income, mixed-use, multigenerational community (“Hillandale Gateway”) as part of a joint venture with The Duffie Companies; and

WHEREAS, on February 18, 2021, the Montgomery County Planning Board approved the site plan for Hillandale Gateway (“Approved Site Plan”); and

WHEREAS, the Approved Site Plan includes the development of a 155-unit, age-restricted (age 62+) senior building (“AR Building”); a 308-unit, non-age restricted multifamily building (“NAR Building”); structured parking garage; and commercial/retail/restaurant spaces; and

WHEREAS, on March 2, 2022, the Commission approved a preliminary development plan for the AR Building, in which (a) 113 units are affordable to households earning 50% AMI or below; (b) 42 units are affordable to households earning 80% AMI or below; and (c) all 155 units are financed through the Low Income Housing Tax Credit (“LIHTC”) program, utilizing the program’s income average set aside; and

WHEREAS, the Commission desires to approve a revised affordability mix for the AR Building, in which (a) 15 units are affordable to households earning 30% AMI or below; (b) 15 units are affordable to households earning 40% AMI or below; (c) 25 units are affordable to households earning 50% AMI or below; (d) 50 units are affordable to households earning 60% AMI or below; (e) 25 units are affordable to households earning 70% AMI or below; and (f) 25 units are affordable to households earning 80% AMI or below; and

WHEREAS, the Commission desires to approve a preliminary development plan for the NAR Building, in which (a) 10 units are affordable to households earning 30% AMI or below; (b) 10 units are affordable to households earning 40% AMI or below; (c) 42 units are affordable to households earning 50% AMI or below; (d) 31 units are affordable to households earning 80% AMI or below; (e) 215 units are unrestricted; and (f) the 93 restricted units are financed through the LIHTC program, utilizing the program’s income average set aside.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves a revised affordability mix for the AR Building, in which (a) 15 units are affordable to households earning 30% AMI or below; (b) 15 units are affordable to households earning 40% AMI or below; (c) 25 units are affordable to households earning 50% AMI or below; (d) 50 units are affordable to households earning 60% AMI or below; (e) 25 units are affordable

to households earning 70% AMI or below; and (f) 25 units are affordable to households earning 80% AMI or below.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves the preliminary development plan for the NAR Building, in which (a) 10 units are affordable to households earning 30% AMI or below; (b) 10 units are affordable to households earning 40% AMI or below; (c) 42 units are affordable to households earning 50% AMI or below; (d) 31 units are affordable to households earning 80% AMI or below; (e) 215 units are unrestricted; and (f) the 93 restricted units are financed through the LIHTC program, utilizing the program's income average set aside.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting on behalf of itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that the Acting Executive Director, or her designee, is hereby authorized, without any further action on its part, to take any and all 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 at a regular open meeting conducted on April 6, 2022.

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Patrice M. Birdsong
Special Assistant to the Commission

**GARNKIRK APARTMENTS: AUTHORIZATION TO EXECUTE A
CONSTRUCTION AND DEVELOPMENT SERVICES AGREEMENT
BETWEEN HOC AT GARNKIRK FARMS, LLC AND RJD REAL ESTATE
ADVISORS, LLC FOR THE DEVELOPMENT OF GARNKIRK FARMS
APARTMENTS IN CLARKSBURG
MIXED-INCOME RENTAL HOUSING IN CLARKSBURG**



**KAYRINE BROWN, ACTING EXECUTIVE
DIRECTOR**

**Zachary Marks, Chief Real Estate Officer
Marcus Ervin, Director of Development
Gio Kaviladze, Senior Financial Analyst**

Table of Contents

Topic	Page #
Executive Summary	3
Garnkirk Background	6
Design Sustainability Accessibility & Universal Design	7
Featured Amenities	9
Construction & Development Services Roles & Responsibilities	10
Development Timeline	12
Prior Commission Actions	13
Summary and Recommendations	14

Executive Summary

HOC staff introduced the proposed 184-unit Garnkirk Farms Apartments (“Garnkirk”), an unsolicited development opportunity on February 3, 2021, which was in the form of a letter of intent (“LOI”) received on December 4, 2020 (“LOI”) that was subsequently approved on March 3, 2021. As multifamily rental development opportunities are limited in Clarksburg and community opposition can be strong, the already entitled project by the owner of the property, the Duffie Companies (“Duffie”), would allow HOC to enter into the transaction having avoided that political and entitlement risk.

On the strength of Duffie’s relationship with HOC, Duffie approached HOC staff to gauge HOC’s interest in taking over the development and owning the improvements. With HOC’s involvement, the number of restricted affordable units provided at Garnkirk would not only grow from 25-units (~13.59%) to 57-units(30.98%), but 20% of these 57 units would be restricted to 50% AMI. Additionally, the development would be enhanced with close attention and investigation into sustainable development techniques and accessibility features where feasible.

The Commission formally closed on the 99-year Ground Lease on September 17, 2021 and subsequently approved a predevelopment budget and funding at the November 3, 2021 meeting of the Commission, for \$5,344,731, using the PNC Bank, N.A. Real Estate Line of Credit (“RELOC”) as the funding source. Repayment of the RELOC will occur at the closing of the construction loan financing in approximately Q2-Q3 2023.

Execution of the Ground Lease permitted HOC and RJD Real Estate Advisors, LLC (“RJD”), a Duffie affiliate to enter into a Predevelopment Services Agreement to allow RJD to continue providing vertical design management consulting services during the predevelopment period. **To advance the future development and construction oversight efforts, staff seeks authorization and approval to enter into a Construction and Development Services Agreement with RJD with terms similar to those presented in this packet.**

April 6, 2022



Total Units	Bedroom Type	Baths	Type	Square Feet	Collected Rent	Rent (/SF)
63	1	1	MKT	665	\$1,775	\$2.67
9	1	1	MPDU	665	\$1,285	\$1.93
18	1	1	50%	665	\$1,181	\$1.78
21	2	1	MKT	1,148	\$1,995	\$1.74
3	2	1	MPDU	1,148	\$1,535	\$1.34
6	2	1	50%	1,148	\$1,332	\$1.16
43	2	2	MKT	1,148	\$2,128	\$1.85
7	2	2	MPDU	1,148	\$1,620	\$1.41
14	2	2	50%	1,148	\$1,417	\$1.23

***The project will operate as a mix of market-rate and affordable units with a total of 57-affordable units inclusive of 19 MPDU units and 38 units restricted at 50% of AMI.**

Executive Summary

Garnkirk Farms is a community of 392 residential dwelling units (including a minimum of 12.5% MPDUs) consisting of 18 single-family detached units, 190 townhouses, and 184 multi-family units. **The multifamily component of the community is the final phase of the development. It will provide high-quality mixed-income housing, which is limited in this part of the County.**

The proposed 184-unit mixed-income family rental property will be located at Shawnee Lane and Observation Drive in Clarksburg, Montgomery County, Maryland. The property will be comprised of one- and two-bedroom garden-style units. **Staff is working with the team to determine the feasibility of incorporating 3BR-units to accommodate larger household sizes, similar to Westside Shady Grove.** The development will operate as a mix of market-rate and affordable units with a total of 57-affordable units inclusive of 19 MPDU units and 38 units restricted at 50% of AMI. The MPDU units will target households earning up to 65% of Area Median Household Income (“AMHI”) under the Moderately Priced Dwelling Unit (“MPDU”) program. The project will offer garden-style units within a four-story, elevator-served building and 254 space parking structure



Executive Summary

As noted on the prior slide, the **Commission approved the Letter of Intent (“LOI”) on March 3, 2021, which included key terms that would form the foundation and provisions under the 99-year Ground Lease between Duffie and HOC.** Under the Ground Lease, **Duffie would lease the ground to HOC and also act as lead developer on the project through permitting, construction and lease-up.** The structure provides numerous benefits to HOC including 1.) removing the land cost from development basis, 2.) provides HOC 100% ownership of the improvements, 3.) activates development deal with a trusted partner and frees up HOC RED bandwidth , and 4.) adds a development deal with refined predevelopment spending needs.

Lastly, under the terms of the Ground Lease, Duffie or its affiliates would be afforded the right to receive a right of first offer to perform development and construction management services for the Development, provided the parties are able to negotiate mutually agreeable terms for such services, which represent the actions being brought forth to the Commission in this request.

Ground Lease Key Terms

HOC Receives Purchase Option as End-of-lease Recourse

Duffie is Responsible for Pre-existing Environmental Conditions

HOC Holds Right of First Refusal Should Duffie Sell Land*

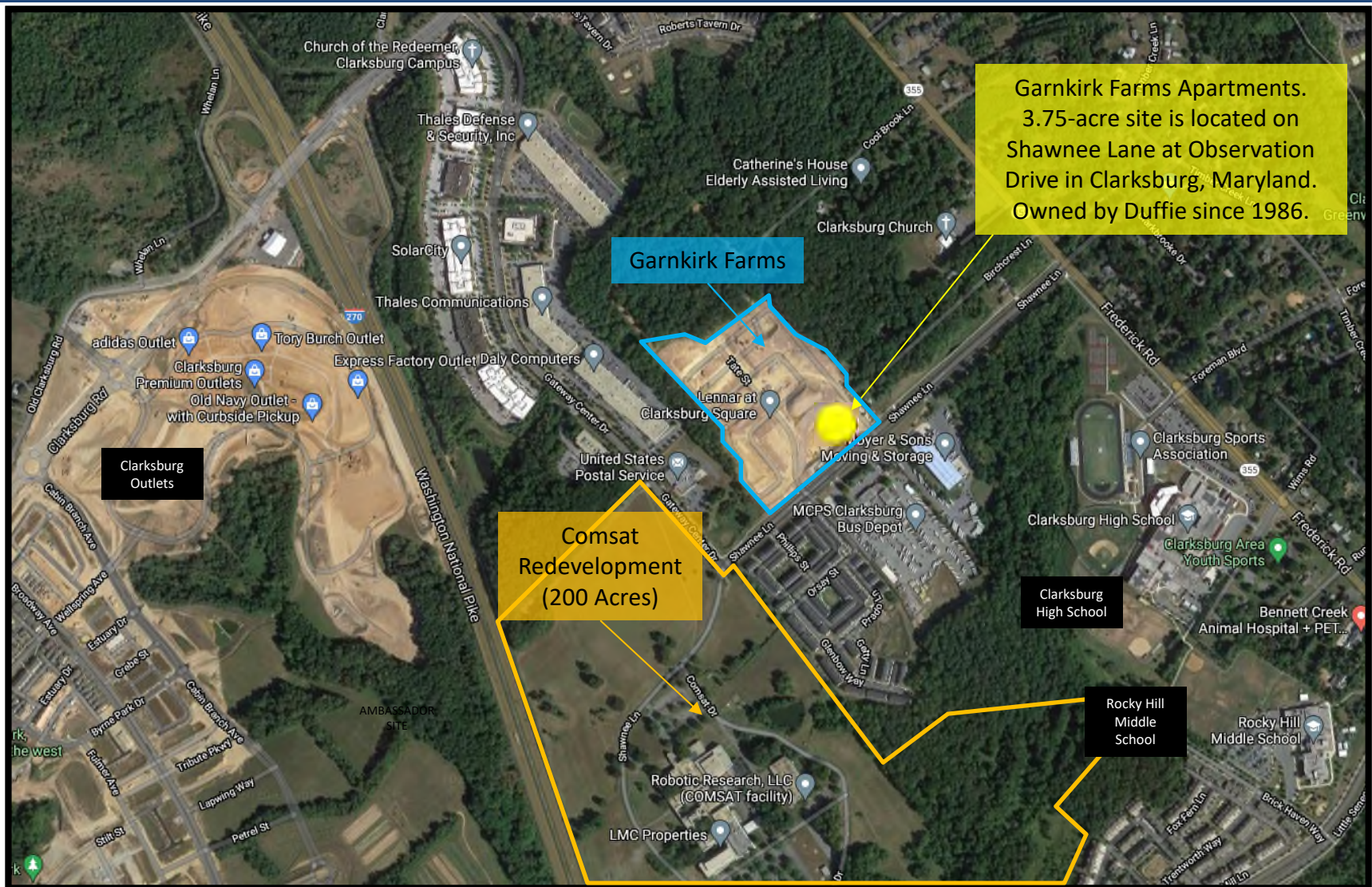
HOC Maintains Unfettered Right to Renovate/Redevelop

Duffie receives right of first offer to perform development and construction services for the Development.

*If Duffie were to enter into a contract to sell the land, HOC would retain a right of first refusal (ROFR) to purchase the Property on the same terms and conditions as set forth in the Third-Party Offer.



Background - Garnkirk Farms Apartments



Design | Sustainability | Universal Design



ARCHITECTURE

The 184 residence of Garnkirk Farms Apartments will be the final phase of construction in a broader site plan including the Clarksburg Square community comprised of 18 single-family homes and 190 townhouses. As the arrival point to the community, **Garnkirk Farms apartments look to compliment the classic and current architecture of the Clarksburg Square community while introducing modern elements and amenities.** Among the designers' guiding principles is a prevailing theme of connection, sustainability, and the creation of long-term value.



SUSTAINABILITY

Designed to meet LEED Platinum and Energy Star Indoor Air Quality Plus certifications the Garnkirk Farms team has focused on creating a highly efficient property without sacrificing comfort or value. Rather than build "code-minimum" and pushing investments in sustainability down the road, the Garnkirk Farms design team is performing the analysis from the onset to optimize construction and maximize long-term value.

At the leading edge of sustainability, the Garnkirk Farms project **is conceived as a fully electric Net Zero Energy Ready development and meet many of the goals outlined in Thrive Montgomery 2050 (Montgomery County's draft update to its General Plan, which is the blueprint and guiding policy document for future growth and development in the County).** Early energy modeling by Jay Hall and Associates and photovoltaic design by Aurora Energy confirm the project's viability to be among the largest Net Zero Energy multifamily projects in Montgomery County and the broader DC Metro area.



ACCESSIBILITY AND UNIVERSAL DESIGN

Marx|Okubo, the project's Accessibility consulting team, serves as an impartial reviewer of accessibility compliance. While the Americans with Disabilities Act ("ADA") and Federal Fair Housing Act ("FFHA") are more than 25 years old, accessibility compliance remains a challenging prospect for many property owners. The project team understands that the projects function must go hand-in-hand with its form.

An early focus on the elements of Universal Design and accessibility will position Garnkirk Farms as a project designed for equitable enjoyment by all residents. No matter how beautiful, a property will not be comfortable or appealing if a resident cannot move freely through its rooms and independently perform the basic tasks of life. In addition to life-long accessibility needs, sudden accident or the long-term effects of illness can create mobility problems, visual and auditory impairments, or cognitive decline. The Garnkirk Farms designers hope to limit the impacts of these challenges.

Examples of Universal Design elements incorporated into the project include, but are not limited to, elevator access to all levels, enlarged door widths, enlarged hallway and travel paths, in wall blocking for grab rails and seats, and solid rollable flooring surfaces.

Sustainability Continued: Garnkirk Farms Apartments & Thrive 2050

Garnkirk Farms meets many of the goals outlined in Thrive Montgomery 2050 (Montgomery County's draft update to its General Plan, which is the blueprint and guiding policy document for future growth and development in the County). The vision for Thrive Montgomery 2050 is that:

"In 2050, Montgomery County is a vibrant and welcoming place where all people thrive with equitable access to attainable housing, healthy food, opportunities for physical activity, parks and open spaces, employment, education, services and a variety of travel options. No longer a suburban bedroom community, Montgomery County has diversity in population, in living and working experiences, in modes of travel, and in natural and built resources. People from all over the world choose to live, work, grow and age here."

Thrive Montgomery 2050 goals achieved by Garnkirk Farms Apartments:

- ✓ Compact form of development/urbanism.
- ✓ Corridors are the place for new growth.
- ✓ Stop planning for cars.
- ✓ Attainable housing for all income levels.
- ✓ A diverse county.

Other Thrive Montgomery 2050 goals:

- Eradicate greenhouse gas emissions.
- Evolution of single-family neighborhoods near transit.
- Champion the importance of place.
- Regional solutions and strategies.



Featured Amenities

In addition to those typical amenities incorporated into multifamily developments throughout Montgomery County, DAS Architecture has been engaged to provide specialized expertise in place making and improving the resident experience. **Considered amenities include, but are not limited to:**

In-Unit Amenities

- Electric Ranges/**Induction Ranges***
- Refrigerator w/Icemaker
- Garbage Disposal
- Dishwasher
- In-Unit Washer/Dryer Machines
- Central Air Conditioning
- Vinyl & Composite Flooring
- Window Blinds
- Ceiling Fans
- Controlled Access/Key Fob
- Patio/Balcony
- High-Quality Finishes/Selections
- Walk-in Closets

Community-Wide Amenities

- Bike Racks/Storage
- Car Charging Station
- Common Patio
- Conference Room
- Firepit
- Computer Center
- Elevators
- Community Room with Kitchen
- Study Lounge
- Fitness Center
- Outdoor Swimming Pool
- Game Room/Billiards

Community-Wide Amenities

- Dog Washing Station
- Copy/Print/Fax
- On-Site Management
- Clubhouse
- TV Lounge
- Picnic Area with Grills
- Community Wide Wi-Fi
- Dog Park with Clean-Up Stations
- Package/Receiving
- Parking Garage (254 Spaces)

***Staff will investigate the feasibility of incorporating this appliance type into the programmed amenities.**



Design Precedent: Images from nearby Axiom at Cabin Branch (located opposite of I-270)

Construction & Development Services

As addressed in the Executive Summary, through the execution of a Construction and Development Agreement with RJD, **RJD will serve as Lead Developer for the Garnkirk Farms project with assistance from and oversight by HOC, and will be responsible for the continued day-to-day project management, design, procurement, and general development for the project** while sharing a total project development fee of 5% of the base Development Costs, approximately \$2.9M with 80% of such fee payable to the Developer (\$2.3m) and 20% to payable to HOC (\$580k). As Duffie has already achieved a major milestone of securing the entitlements for the Development, HOC’s role will be to broadly provide daily project management support, identify project financing tools and guarantees, and develop leasing protocols. **Provided below are the detailed key Duffie responsibilities under the proposed Agreement within the various phases of Development.**

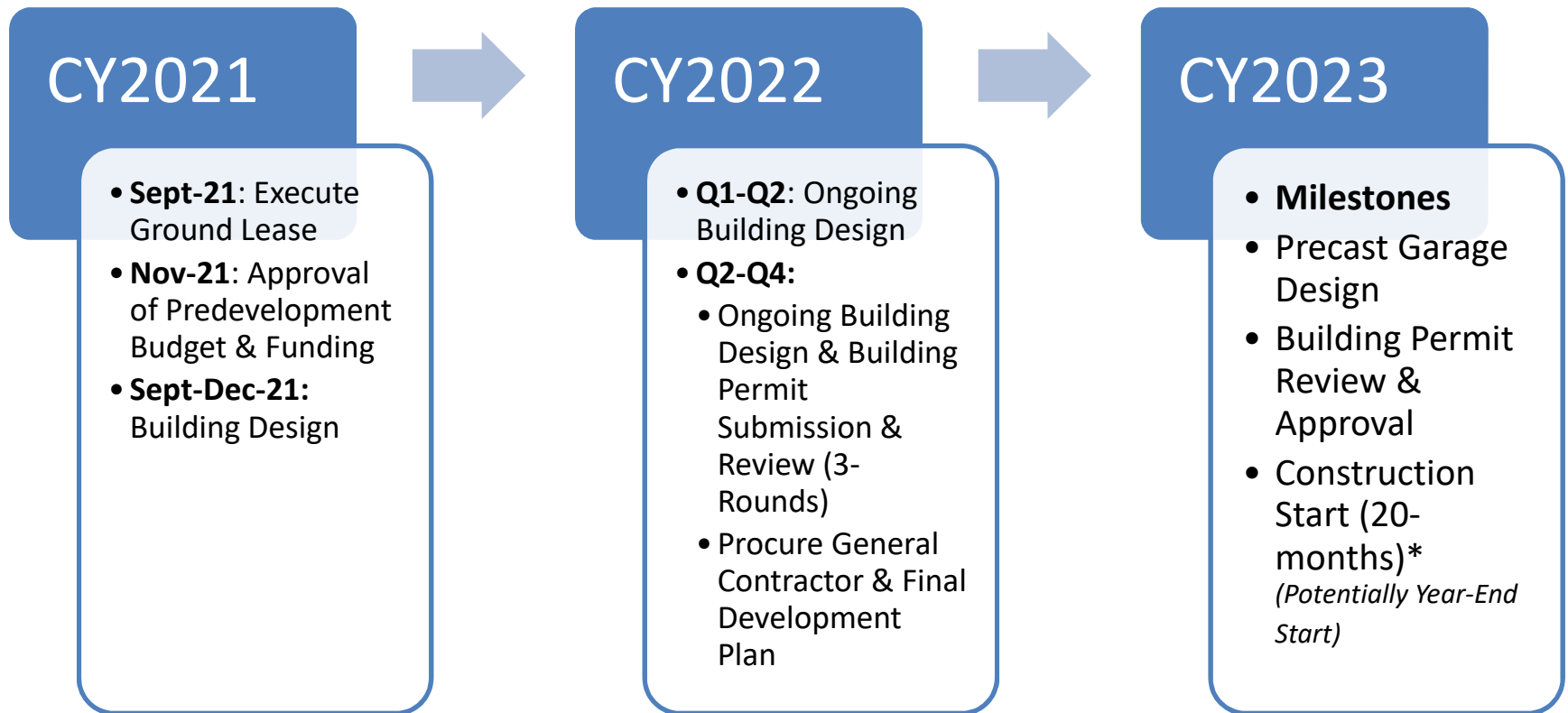
PREDEVELOPMENT Q4 2021 – Q3 2023
RJD [DEVELOPER]
<ul style="list-style-type: none"> •Assisting Owner in establishing a Project budget. •Managing the design and entitlement process, including obtaining any and all necessary local approvals. (Site previously entitled by Duffie) •Reviewing the Project budget prepared by the general contractor for the Development, subject to Owner review and comment. •Consulting with Owner and the general contractor regarding any proposed changes to the Plans and Specifications, budget and schedule. •Advising HOC and Owner during any procurement process related to the Project.
HOC [OWNER DEVELOPER]
<ul style="list-style-type: none"> •Ongoing project accounting, oversight & coordination of the design & permitting as assisted by Developer, addtl. procurements as required, and managing/negotiating the Project Financing.

CONSTRUCTION (est. 20 months) Q4 2023 - 2024
RJD [DEVELOPER]
<ul style="list-style-type: none"> •Monitoring the general contractor’s and subcontractor’s construction progress through weekly site visits, identifying/addressing problems encountered, and consulting with HOC to resolve any issues that arise. •Coordinating inspections with the general contractor and Owner to monitor compliance of the work with Plans and Specifications and the Construction Contract. •Reviewing and assisting Owner with review and approval of Construction Requisitions. •Keeping the Owner apprised of any potential delays and cost-overruns and coordinating with the general contractor and consultants to mitigate impacts. •Coordinating with utilities companies to ensure timely service connection and delivery.
HOC [OWNER DEVELOPER]
<ul style="list-style-type: none"> •Ongoing project management & oversight, project accounting, & coordination with Lender(s).

POST CONSTRUCTION / LEASE-UP Est. 2025
RJD [DEVELOPER]
<ul style="list-style-type: none"> •Compiling and delivering to Owner manuals, technical information, as-built drawings, and warranties provided by general contractor relating to the Project. •If requested by Owner, assisting Owner in establishing leasing guidelines, rents, an operating budget, capital repair schedule and budget, and/or the selection of a management company.
HOC [OWNER DEVELOPER]
<ul style="list-style-type: none"> •Developing leasing protocols for the market rate and restricted units. •Maintaining and managing the property on an ongoing basis upon construction completion.

Development Timeline

Accounting for Budget Approval, Design, Local Reviews, and Procurements the project timeline currently is estimated at 16 months for Preconstruction and approximately 20 months for construction of the 184-unit residential building and attached precast parking garage.



Prior Commission Actions

RESOLUTION 21-63AS: On June 18, 2021, the Commission approved at a Special Session Meeting authorization to enter into a 99-year Ground Lease with the Duffie Companies for the Garnkirk Farms Property. This approval also offered Duffie or its affiliate a right of first offer to perform development or construction management services for the Development.

RESOLUTION 21-105A: On November 3, 2021, the Commission approved a Predevelopment Budget in the amount of \$5,344,731 and Funding of Predevelopment expenditures, and approved a draw on the PNC Bank, N.A. Real Estate Line of Credit to fund the predevelopment expenditures, which would be repaid at the closing of the construction financing.

RESOLUTION 21-105B: On November 3, 2021, the Commission approved a draw up to \$5,344,731 on the PNC Bank, N.A. Real Estate Line of Credit to provide Predevelopment Funding for the development.

Summary and Recommendations

ISSUES FOR CONSIDERATION

Does the Commission wish to accept staff's recommendation, which is supported by the Development and Finance Committee, and approve:

1. Execution of a Construction and Development Services agreement between HOC at Garnkirk Farms, LLC and RJD Real Estate Advisors, LLC for the development of the Garnkirk Farms Apartments in Clarksburg?

BUDGET/FISCAL IMPACT

Approval of this action has no budget or fiscal impact for FY2022. The Commission will earn an approximate total Development Fee in an approximate amount of \$580K. The fee would be payable in installments with 5% upon issuance of a notice to proceed with the construction, 85% in twenty (20) monthly installments and continuing during the duration of the project, 5% upon substantial completion, and the remaining balance payable in twelve (12) monthly installments commencing after the date of Substantial Completion.

TIME FRAME

For action at the April 6, 2022 meeting of the Commission.

STAFF RECOMMENDATION AND COMMISSION ACTION NEEDED

Staff recommends that the Commission approve:

1. Execution of a Construction and Development Services agreement between HOC at Garnkirk Farms, LLC and RJD Real Estate Advisors, LLC for the development of the Garnkirk Farms Apartments in Clarksburg?

RESOLUTION No.: 22-26

RE: Authorization to Execute a Construction and Development Services Agreement Between HOC at Garnkirk Farms, LLC and RJD Real Estate Advisors, LLC for the Development of the Garnkirk Farms Apartments in Clarksburg

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

WHEREAS, the Duffie Companies (“Duffie”), is the owner of a parcel located at Shawnee Lane and Observation Drive in Clarksburg, which is fully entitled for a 184-unit, wood frame apartment community wrapped around a 254-unit structured parking deck (“Garnkirk Farms Apartments” or the “Property”); and

WHEREAS, on December 4, 2020, Duffie submitted to HOC an unsolicited offer providing HOC the opportunity to acquire Garnkirk Farms Apartments via ground lease (“Ground Lease”); and

WHEREAS, on September 17, 2021, HOC (as the sole member of HOC at Garnkirk Farms, LLC) closed on the Ground Lease, which included as part of the consideration a right of first offer by Duffie or its affiliates to perform development and/or construction management services for Garnkirk Farms Apartments, provided the parties are able to negotiate mutually agreeable terms for such services; and

WHEREAS, at closing, Duffie assigned to HOC all of its existing design and development work product, and HOC is required to reimburse Duffie for the same at the earlier of closing on the first construction loan or January 1, 2023; and

WHEREAS, the Ground Lease allows HOC to defer rent payments until the earlier of the closing on the first construction loan or January 1, 2023; and

WHEREAS, on November 3, 2021, the Commission approved an initial predevelopment budget (“Predevelopment Budget”) and funding (“Predevelopment Funding”) from the PNC Bank, N.A. Real Estate Line of Credit (the “\$150MM LOC”) in the amount of \$5,344,731 to cover the predevelopment expenditures related to development of the Property that include the costs related to finalizing the building design, paying for building permits, professional/legal fees, and payment of deferred ground lease payments prior to construction, which will be repaid at the closing of the construction financing anticipated to occur around May of 2023;

WHEREAS, through the execution of a Construction and Development Services Agreement RJD Real Estate Advisors, LLC (“Developer”) will serve as developer for the Garnkirk Farms Apartments with

assistance from and oversight by HOC and will be responsible for the day-to-day project management, design, procurement, and general development for the project while sharing in a project development fee pursuant to terms presented to the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as the sole member of HOC at Garnkirk Farms, LLC, that HOC's Acting Executive Director, or her duly authorized designee, is authorized to execute a Construction and Development Services Agreement with RJD Real Estate Advisors, LLC, containing business terms substantially and materially similar to those outlined to the Commission.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as the sole member of HOC at Garnkirk Farms, LLC, that HOC's Acting Executive Director, or her duly authorized designee, is authorized, without any further action on their respective parts, to take any and all other actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on April 6, 2022.

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Patrice M. Birdsong
Special Assistant to the Commission

Deliberation and/or Action

**FY 2023 (FY'23) RECOMMENDED BUDGET:
PRESENTATION OF THE ACTING EXECUTIVE DIRECTOR'S
FY'23 RECOMMENDED BUDGET**

April 6, 2022

- The Executive Director's FY'23 Recommended Budget reflects the Housing Opportunities Commission of Montgomery County's ("HOC", the "Commission", or the "Agency") priorities and strategic objectives.
- The Recommended Operating Budget for FY'23 is \$306.9 million.
- The Recommended Capital Budget for FY'23 is \$252.9 million.
- The Budget, Finance and Audit Committee will review this budget proposal in detail and recommend the FY'23 Budget, as amended, to the full Commission for adoption at the June 8, 2022 Commission meeting.

approved by the Montgomery County Council establishing a \$50 million fund to provide revolving, low-cost, construction-period financing to HOC's developments. The HPF is utilized in conjunction with additional HOC investment, private investment, conventional construction debt, etc. to finance construction and lease-up phases for new-construction projects. Permanent financing repays the initial HPF investment, which is subsequently returned to the fund for investment in the next HPF transaction.

The goal of the HPF is to produce 3,500 newly constructed units over a twenty-year period. With \$50 million available, it is anticipated that two or more developments can be undertaken at any given time. On average, each transaction will yield at least 105 affordable units and approximately 350 total units. At the end of five years, HPF financing is repaid at permanent closing back to the HPF. The HPF will revolve every five years resulting in \$250 million of construction loans over a twenty-year period and will provide committed capital for part of HOC's 5,500-unit pipeline. By using existing HOC models for revolving funds, HOC will utilize the HPF to address the shortage of all housing, particularly affordable housing, in Montgomery County, Maryland.

HOC is developing *new*, renovating existing, and preserving through acquisition, rental housing stock at HOC's greatest volume to date. As Montgomery County's foremost steward of restricted low- and moderate-income housing, this continued drive for increased production and preservation derives from recognition of the responsibility conferred by this position of leadership. The breadth and depth of HOC's tools and techniques, some only available to HOC, for the delivery of affordable housing place it uniquely within the County's affordable housing provider network. HOC leverages its housing efforts to pursue other important goals such as those outlined in the County Executive's Climate Action Plan and the Council's Racial Equity and Social Justice Act. By providing innovative, energy efficient housing with increased geographical access for families to be more proximately located near important destinations such as employment centers, schools, medical providers, and familial relations; HOC is an essential partner to the County in achieving these important goals.

The installation and activation of a tri-generation system – one which combines cooling, heat and power and reduces greenhouse gas emissions – as part of the continued comprehensive renovation of Bauer Park has already dramatically increased on-site energy production offsetting most of the properties electrical consumption. Construction financing closed for the total renovation of Georgian Court, Shady Grove Apartments, and the three Willow Manor senior communities, which included upgrades to utility systems, mechanical systems, and building envelopes. In aggregate, HOC reinvested more than \$230 million in these 577 units of low- and moderate-income housing.

HOC's acquisition activities were limited to 17 units on Avondale Street in Bethesda. Despite the small number, the preservation of these naturally occurring affordable homes provide families

the opportunity to live in the center of downtown Bethesda and within walking distance to Bethesda-Chevy Chase High School. HOC also began the installation of 80 additional affordable units at its FY21 Bradley Crossing acquisition located on the southern side of the Bethesda Central Business District.

HOC closed on the construction financing for and began construction of its new Westside at Shady Grove community. This 268-unit mixed-income, mixed-use multifamily rental development is located within walking distance to the Shady Grove Metro Station and within a larger master development that provides further socioeconomic diversity, public amenities, and commercial access. It is HOC's first new construction project to use HPF financing. HOC's up county Service Center will relocate to this building upon completion. Design, entitlement, and permitting continued on several other new construction projects. Hillandale Gateway is slated to close in the upcoming fiscal year, and the two buildings will be the first multifamily buildings in Maryland constructed to Passive House standards. With the support of a significant on-site solar array, one of the two buildings is pursuing Zero Net Energy status, which would be the first in the Mid-Atlantic region.

HOC has embraced **new Rental Assistance Programs** to assist our customers that have been financially impacted during the COVID-19 pandemic by unemployment or underemployment in getting a fresh start. The Montgomery County Department of Health and Human Services ("HHS") was awarded \$31 million in federal funding from the Department of Treasury. Additionally, the State was awarded \$401 million and provided \$28 million to the County in direct support, which HHS used to create the county's \$59 million federally-funded Emergency Rental Assistance Program. HOC worked diligently to maximize the assistance received through this program; however, non-payment of rent continues to be an issue for HOC.

National and local estimates are that between 13 to 15 percent of renters are behind on rent, but there is no good data on how far behind people are. It is thought that nearly 40 million Americans cannot afford to pay their rent and are fearing eviction from their homes. Thousands of people in Montgomery County are living this grim reality. Understanding this, HOC worked with Montgomery County Government to secure additional emergency rental assistance funding through various sources including the Housing Initiative Fund, Federal CDBG-Coronavirus Funding, and County General Funds. HOC will work with its partners to provide outreach to affected residents to clear arrearages and to keep our residents housed.

HOC is delivering **new** housing opportunities through the receipt of **Emergency Housing Vouchers** ("EHVs"). HOC was awarded 118 Emergency Housing Vouchers on July 1, 2021, for families who are homeless, recently homeless, at risk of homelessness, or fleeing domestic violence, sexual assault, stalking or human trafficking. Eligible families are referred to HOC by the Montgomery County Department of Health and Human Services ("HHS") Continuum of Care ("CoC") program and are eligible for a host of services from HOC, including application and

security deposit fees, search assistance, transportation assistance, and moving expenses. HOC was awarded service fees in the amount of \$3,500 per person and supplemental administrative fees to operate the EHV Program.

Through the use of technology and innovation, HOC has incorporated *new* methods of providing services to our customers at all stages of life to help them set and achieve financial goals. Many of these services are made possible through the County's Non Departmental Account ("NDA") funding provided to HOC. Continued funding by the County provides residents with access to a number of counseling programs, which are administered by HOC, such as emergency assistance, housing stabilization, and family self-sufficiency counseling. Funds also provide utility assistance for deeply subsidized housing units, which provide safe, affordable housing to some of the most economically disadvantaged residents in the county. Finally, this funding supports HOC's customer service centers, which are strategically located in Gaithersburg (up county) and in Silver Spring (down county), ensuring that disadvantaged households can more easily access services they need to remain stably housed.

Providing counseling and other services during the pandemic has been a challenge. Previously, services were provided almost exclusively face-to-face. As this was not possible, outside of emergencies, *new* ways of providing services were utilized. In addition to providing services virtually (via platforms like Zoom) and by phone, we have been able to provide critically-needed items, such as food, to customers via no contact delivery. One challenge discovered during the pandemic is that some customers either lacked the equipment or the knowledge to use the devices and platforms necessary to receive services effectively in a virtual environment. Moving forward this can be addressed through HOC's digital equity initiative. Additionally, moving forward we will be exploring ways that we can utilize our software platforms to enable customers to complete required transactions (e.g., applications, surveys, assessments, recertifications, etc.) electronically.

HOC Academy ("HOCA") programs include a host of services offered to children, adults and small businesses. The Adult Education and Workforce Development ("AEWD") programs provides adult education, workforce development, training and employment programs as well as small business development opportunities, while also providing youth STEM/STEAM enrichment. Prior to the pandemic, all program opportunities and customer engagement happened in-person. As a result of COVID-19 protocols, HOCA quickly pivoted to offer virtual programs via Zoom and Google Meet. AEWD webinars and workshops are accessed by customers across Montgomery County with the convenience of virtual access. HOCA has also been able to offer Spanish translation as a result of the breakout room features of virtual platforms. AEWD program innovation (ex. Small Business Development Workshops and DBE/MBE Certification Course) and participation increased significantly with average participation for webinars reaching approximately 40 participants. Youth STEM/STEAM enrichment participation also pivoted to virtual summer and after school programs. Although participation decreased due to digital fatigue, HOCA serves HOC

youth and families across the County. Further, HOCA has been able to focus on creating new elementary, middle, and high school STEM/STEAM initiatives through our STEAM Forward Academy program launched in the middle of the COVID-19 pandemic. Lastly, HOCA has connected HOC customers to the vast STEM/STEAM opportunities our partner programs at Montgomery College, Learning Undefeated, and more via scholarship. HOCA plans to continue providing scholarships toward partner organization programs while creating a STEM/STEAM community through STEAM Forward Academy.

HOC's **Fatherhood Initiative Program**, funded through a grant awarded through the U.S. Department of Health and Human Services ("U.S. DHHS"), was **renewed** for another 5-year cycle. Funding has increased by approximately of \$300k. Due to the increase of funds along with efficient program administration, enrollment for the program has increased from 150 to over 350 fathers. Since the start of the COVID-19 pandemic, the Fatherhood Initiative Program has been conducted entirely virtually. Since then, program participation has been at an all-time high largely due to participants not needing to commute to participate.

HOC has increased the **Family Self Sufficiency** ("FSS") Program enrollment by utilizing **new** technology such as Google Meet. As a result of the pandemic, the entire FSS staff worked remotely for the past two years. During this time, many of HOC's customers became unemployed and remained at home. The pandemic influenced remote work environment allowed the FSS Team to market the program to all Housing Choice Voucher Customers by conducting cold calls and sending email blasts. Staff promoted the escrow incentive and the opportunity to enhance training skills in preparation to return to the workforce. The response was overwhelming. Staff utilized Google Meet to conduct virtual information sessions and HelloSign to easily send and receive required enrollment documents within minutes. Having these particular tools available positively affected the program's growth. Overall, the program size increased by 27 percent over the past two years with 377 participants currently enrolled in the Program.

Path Forward

Moving forward, it is imperative that we use the available financial and educational resources to assist customers to re-establish their housing status and become more financially stable. This will enable them to focus more clearly on meeting the needs of their families and will enable HOC to begin the climb out of rental arrearages that have developed and grown over the past two years. Staff are cautiously optimistic that as the environmental effects from the COVID-19 pandemic improve, the risk of evictions from HOC's properties will decrease, allowing our customer to remain housed. If we hope to continue serving our customers and community as effectively and efficiently as possible, HOC will need to continue to be innovative in its service delivery.

Crucial to this work are the partners – big and small; government, private, and nonprofit – who demonstrate an enduring commitment to bettering Montgomery County and serving its

residents. Working together we are able to help more families and communities determine the trajectory of their own lives. Our ability to continue innovating and investing in Montgomery County requires strong partnerships and collaboration with the County Executive and County Council. Finally, with the steady guidance of our Commissioners and the hard work of our staff, HOC will continue to pursue a vision of Montgomery County where individuals can improve their economic status, remain stably housed and reach their definition of success.

This budget supports these priorities and objectives and strives to honor the support we continue to receive from all of our partners.

ISSUES FOR CONSIDERATION:

The Recommended Operating Budget for FY'23 is \$306.9 million. In addition, the Capital Budget for FY'23 is \$252.9 million.

The FY'23 Recommended Budget reflects the Agency's continued commitment to provide innovative, energy efficient housing, increased geographical access for families to important resources, and superior service to our customers. Through innovative financing and development tactics, HOC's model for affordable housing development will allow us to continue on the path of integrating neighborhoods and bringing families closer to the critical resources and quality neighborhoods. To this end, the FY'23 budget reflects ongoing investment in personnel and systems to successfully manage and maintain HOC's properties while integrating the new business model of a hybrid remote work environment developed in response to the Pandemic. In addition to the Agency's focus on developing, managing and maintaining our real estate portfolio, we continue to deliver superior services to our customers that have adapted to the current changing environment. These services are provided through various programs including those offered through HOC Academy.

The Agency's development activities continue to generate commitment and development fees that support the Agency's operations and the Opportunity Housing Reserve Fund ("OHRF"), which provides funding for future development activities.

While redevelopment and renovation of HOC's aging mixed-income properties continues to improve the ability to attract market rate renters to offset the affordable units and support the financial viability of the Agency's portfolio, the generation of income on the market units in the FY'23 Recommended budget continues to be suppressed as a result of the County's Voluntary Rent Guidelines 0.4 percent well as the eviction moratorium mandated during COVID-19 that has resulted in the continuation of nonpayment of rents in many of our properties. Staff is working diligently to use all available resources for rental assistance to assist our customers in clearing their arrearages.

The FY'23 Recommended Budget continues to rely on fees from development activity that are one time in nature to support operations. Therefore, many of the cost containment and new business practices implemented over the past few years will continue and be further incorporated into the budget before adoption. In addition, the FY'23 Recommended Budget presented to you this evening is balanced with the use of reserves.

Detailed discussions will be held with the Budget, Finance and Audit Committee during April and May. During these meetings, the specifics of each fund will be discussed. It should be noted that staff anticipates significant changes between the Recommended Budget and the Adopted Budget.

BUDGET IMPACT:

None for FY'22. This budget, when adopted on June 8, 2022, will set the financial plan for the Agency for FY'23.

TIME FRAME:

During April and May, the Budget, Finance and Audit Committee will informally review this budget proposal in detail. The FY'23 Budget, as amended, will be presented to the full Commission for adoption at the June 8, 2022 meeting. The Commission must adopt a budget for FY'23 before the fiscal year begins on July 1, 2022.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

No action is asked of the Commission at this meeting. The following is the meeting schedule for the review and adoption of the FY'23 Budget:

- April 26th, and
- May 10th

All meetings will be conducted virtually through Zoom and made available on YouTube.

Staff will present the revised FY'23 Budget to the full Commission for adoption at the June 8, 2022 Meeting.

Spreadsheets Highlighting FY'23 Recommended Operating and Capital Budgets



Commission Meeting FY 2023 Recommended Budget

April 6, 2022

FY 2023 – Budget Overview

Recommended Budget

Fund Summary Overview		FY 2023 Recommended Budget		
		Revenues	Expenses	Net
General Fund		\$26,554,858	\$30,798,637	(\$4,243,779)
	Draw from GFOR	\$1,262,646	\$0	\$1,262,646
Multifamily Bond Funds		\$17,392,014	\$17,392,014	\$0
Single Family Bond Funds		\$9,702,599	\$9,702,599	\$0
Opportunity Housing Fund				
	Opportunity Housing Reserve Fund (OHRF)	\$6,345,372	\$1,570,916	\$4,774,456
	Restrict to OHRF	\$0	\$4,774,456	(\$4,774,456)
	Opportunity Housing & Development Corporation Properties	\$102,278,133	\$99,541,243	\$2,736,890
	Draw from GFOR for MetroPointe Deficit	\$244,243	\$0	\$244,243
Public Fund				
	Housing Choice Voucher Program (HCVP)	\$123,891,096	\$123,891,096	\$0
	Federal and County Grants	\$19,214,246	\$19,214,246	\$0
TOTAL - ALL FUNDS		\$306,885,207	\$306,885,207	\$0

* Revenues and Expenses include inter-company Transfer Between Funds

FY 2023 – Revenue and Expense Summary

Recommended Budget

Operating Budget

Operating Income

Tenant Income	\$100,792,327
Non-Dwelling Rental Income	\$1,327,065
Federal Grant	\$124,284,738
County Grant	\$12,006,345
Management Fees	\$29,713,337
Miscellaneous Income	\$135,953
TOTAL OPERATING INCOME	\$268,259,765

Operating Expenses

Personnel Expenses	\$51,431,582
Operating Expenses - Fees	\$19,616,575
Operating Expenses - Administrative	\$9,107,437
Bad Debt	\$2,293,584
Tenant Services Expenses	\$7,558,851
Protective Services Expenses	\$896,481
Utilities Expenses	\$6,853,787
Insurance and Tax Expenses	\$3,086,645
Maintenance Expenses	\$9,472,166
Housing Assistance Payments (HAP)	\$114,174,786
TOTAL OPERATING EXPENSES	\$224,491,894

NET OPERATING INCOME

\$43,767,871

Non-Operating Budget

Non-Operating Income

Investment Interest Income	\$23,554,840
FHA Risk Sharing Insurance	\$1,076,817
Transfer Between Funds	\$13,993,785
TOTAL NON-OPERATING INCOME	\$38,625,442

Non-Operating Expenses

Interest Payment	\$39,752,689
Mortgage Insurance	\$1,018,549
Principal Payment	\$11,176,238
Debt Service, Operating and Replacement Reserves	\$11,168,138
Restricted Cash Flow	\$7,866,120
Development Corporation Fees	\$5,737,991
Miscellaneous Bond Financing Expenses	\$710,648
FHA Risk Sharing Insurance	\$1,076,817
Transfer Out Between Funds	\$3,886,123
TOTAL NON-OPERATING EXPENSES	\$82,393,313

NET NON-OPERATING ADJUSTMENTS

(\$43,767,871)

FY 2023 – Operating Budget: Source of Funds

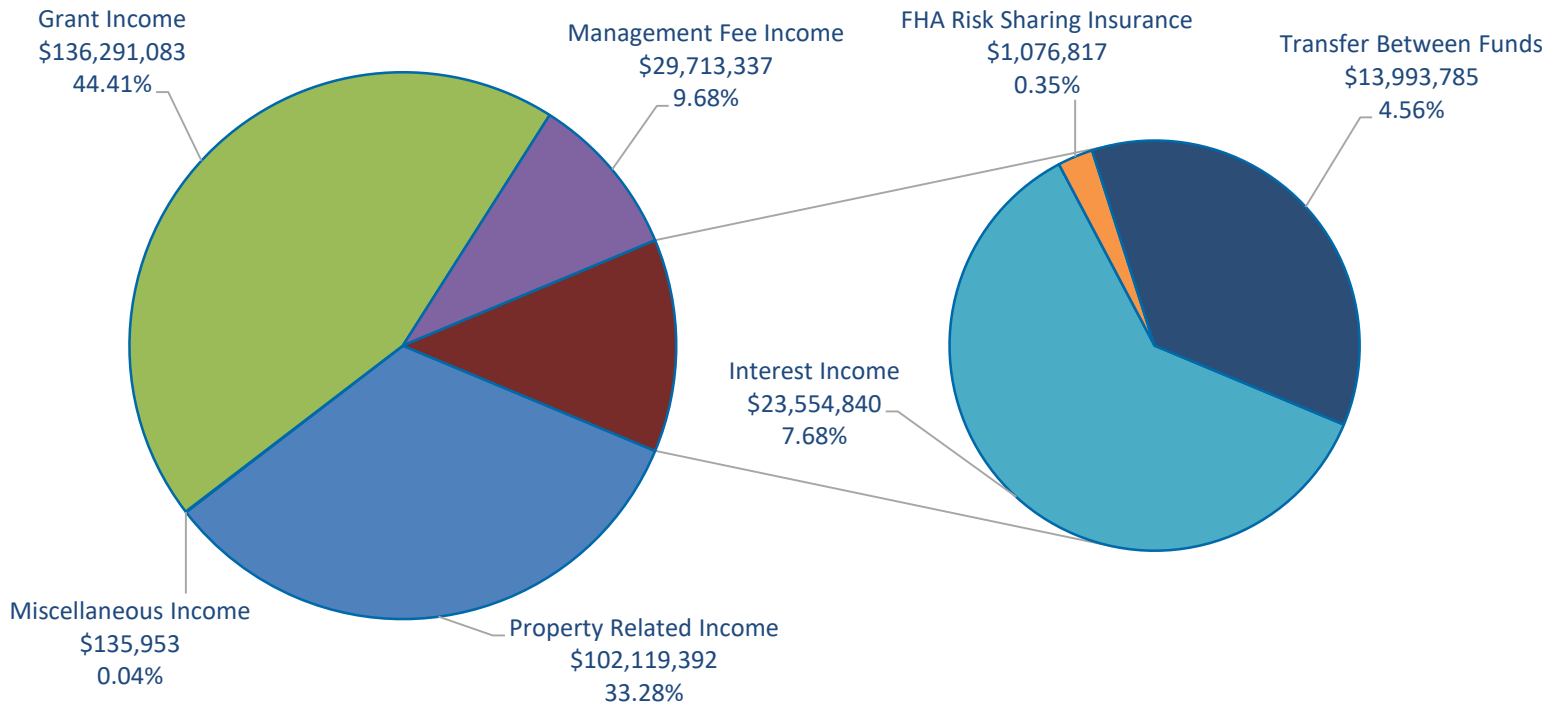
Total Income – Proposed – \$306,885,207

Operating Income

\$268,259,765

Non-Operating Income

\$38,625,442

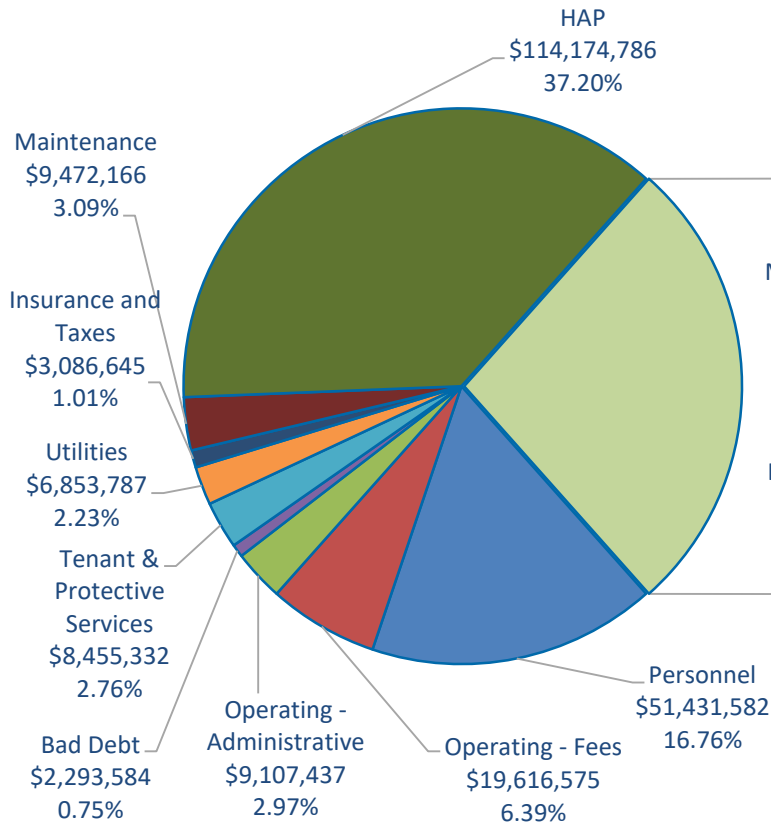


FY 2023 – Operating Budget: Use of Funds

Total Expenses – Proposed – \$306,885,207

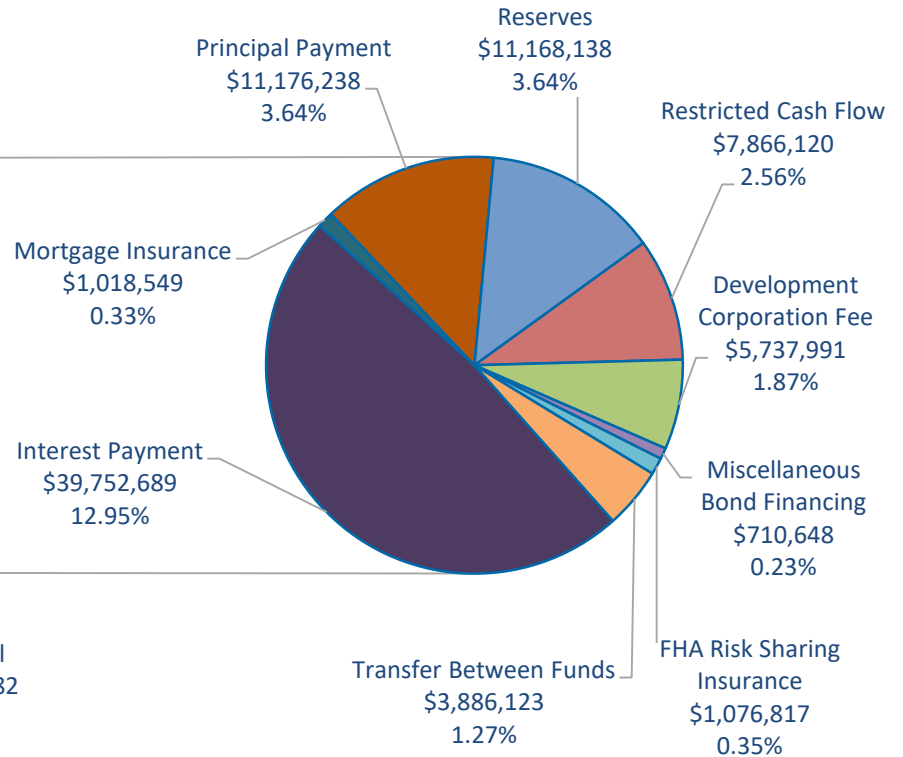
Operating Expenses

\$224,491,894



Non-Operating Expenses

\$82,393,313



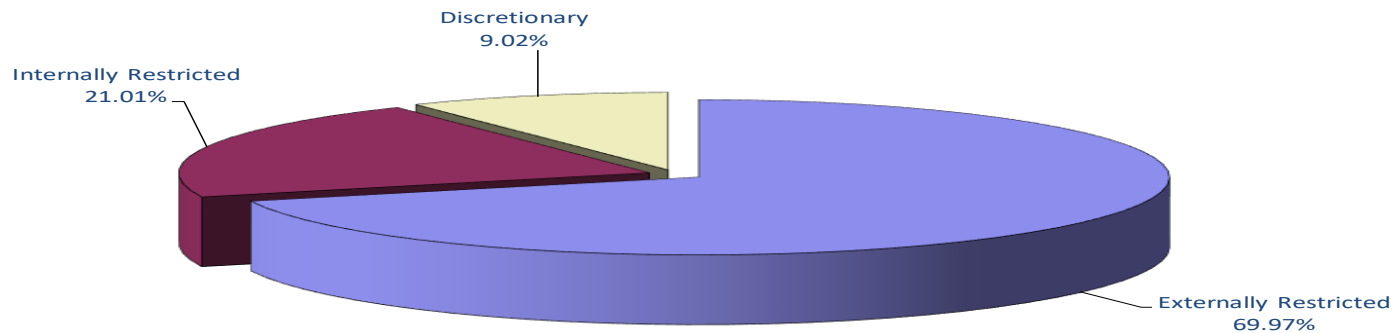
Total Agency Operating Budget Summary – FY 2019 through FY 2023

Total Revenue and Expense Statement

Total Revenue and Expense Statement	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Amended Budget	FY 2023 Recommended Budget
Operating Income					
Tenant Income	\$90,898,929	\$97,703,079	\$101,168,308	\$102,038,145	\$100,792,327
Non-Dwelling Rental Income	\$1,088,218	\$1,107,343	\$1,971,505	\$1,263,007	\$1,327,065
Federal Grant	\$111,759,315	\$116,933,119	\$117,108,381	\$123,984,851	\$124,284,738
State Grant	\$24,370	\$0	\$0	\$0	\$0
County Grant	\$10,063,003	\$10,089,325	\$11,036,409	\$11,126,350	\$12,006,345
Management Fees	\$20,146,249	\$27,581,348	\$24,469,222	\$28,979,741	\$29,713,337
Miscellaneous Income	\$496,816	\$346,691	\$571,402	\$361,727	\$135,953
TOTAL OPERATING INCOME	\$234,476,900	\$253,760,905	\$256,325,227	\$267,753,821	\$268,259,765
Operating Expenses					
Personnel Expenses	\$42,438,284	\$44,166,986	\$43,941,599	\$47,329,643	\$51,431,582
Operating Expenses - Fees	\$17,735,370	\$18,438,628	\$18,960,653	\$19,314,099	\$19,616,575
Operating Expenses - Administrative	\$7,224,321	\$8,648,832	\$7,948,761	\$9,600,658	\$9,107,437
Bad Debt	\$1,953,887	\$1,484,756	\$3,367,868	\$2,953,169	\$2,293,584
Tenant Services Expenses	\$6,390,914	\$6,123,707	\$7,207,120	\$7,989,061	\$7,558,851
Protective Services Expenses	\$789,721	\$1,369,695	\$1,003,501	\$733,045	\$896,481
Utilities Expenses	\$6,135,729	\$6,280,649	\$7,084,450	\$6,770,254	\$6,853,787
Insurance and Tax Expenses	\$2,706,517	\$2,455,978	\$2,911,833	\$3,450,651	\$3,086,645
Maintenance Expenses	\$9,974,062	\$9,787,285	\$9,239,238	\$9,684,826	\$9,472,166
Housing Assistance Payments (HAP)	\$97,568,970	\$99,329,069	\$105,640,697	\$106,615,332	\$114,174,786
TOTAL OPERATING EXPENSES	\$192,917,775	\$198,085,585	\$207,305,720	\$214,440,738	\$224,491,894
NET OPERATING INCOME	\$41,559,125	\$55,675,320	\$49,019,507	\$53,313,083	\$43,767,871
Non-Operating Income					
Investment Interest Income	\$29,740,649	\$26,017,802	\$22,053,438	\$23,482,449	\$23,554,840
FHA Risk Sharing Insurance	\$890,294	\$1,102,136	\$1,518,820	\$891,352	\$1,076,817
Transfer Between Funds	\$8,891,771	\$8,577,517	\$12,245,244	\$8,313,030	\$13,993,785
TOTAL NON-OPERATING INCOME	\$39,522,714	\$35,697,455	\$35,817,502	\$32,686,831	\$38,625,442
Non-Operating Expenses					
Interest Payment	\$42,540,438	\$38,556,309	\$37,662,266	\$39,859,756	\$39,752,689
Mortgage Insurance	\$881,485	\$1,168,924	\$1,162,254	\$1,166,400	\$1,018,549
Principal Payment	\$9,340,623	\$11,002,405	\$11,987,690	\$12,333,631	\$11,176,238
Debt Service, Operating and Replacement Reserves	\$9,998,074	\$15,441,521	\$12,140,601	\$14,557,675	\$11,168,138
Restricted Cash Flow	\$5,076,416	\$8,174,970	\$6,262,226	\$6,474,902	\$7,866,120
Development Corporation Fees	\$6,338,023	\$6,668,476	\$5,343,739	\$5,770,452	\$5,737,991
Miscellaneous Bond Financing Expenses	\$415,277	\$947,904	\$674,756	\$589,764	\$710,648
FHA Risk Sharing Insurance	\$890,294	\$1,102,136	\$1,502,780	\$891,352	\$1,076,817
Transfer Out Between Funds	\$5,429,173	\$5,530,873	\$6,858,867	\$4,445,982	\$3,886,123
TOTAL NON-OPERATING EXPENSES	\$80,909,803	\$88,593,518	\$83,595,179	\$85,999,914	\$82,393,313
NET NON-OPERATING ADJUSTMENTS	(\$41,387,089)	(\$32,918,193)	(\$41,777,672)	(\$32,686,831)	(\$43,767,871)
NET CASH FLOW	\$172,036	\$2,779,257	\$1,241,830	\$0	\$0

FY 2023 – Revenue Restrictions

Revenue Restriction (Showing externally placed restrictions)	FY 2023 Recommended Budget			
	Externally Restricted	Internally Restricted	Discretionary	TOTAL
Operating Income				
Property Related Income	\$41,013,981	\$58,124,278	\$2,981,133	\$102,119,392
Federal Grant	\$124,284,738	\$0	\$0	\$124,284,738
County Grant	\$12,006,345	\$0	\$0	\$12,006,345
Management Fees	\$0	\$6,345,172	\$23,368,165	\$29,713,337
Miscellaneous Income	\$85,046	\$0	\$50,907	\$135,953
TOTAL OPERATING INCOME	\$177,390,110	\$64,469,450	\$26,400,205	\$268,259,765
Non-Operating Income				
Interest Income	\$23,547,748	\$0	\$7,092	\$23,554,840
FHA Risk Sharing	\$1,076,817	\$0	\$0	\$1,076,817
Transfer Between Funds	\$12,731,139	\$0	\$1,262,646	\$13,993,785
TOTAL NON-OPERATING INCOME	\$37,355,704	\$0	\$1,269,738	\$38,625,442
TOTAL - ALL REVENUE SOURCES	\$214,745,814	\$64,469,450	\$27,669,943	\$306,885,207



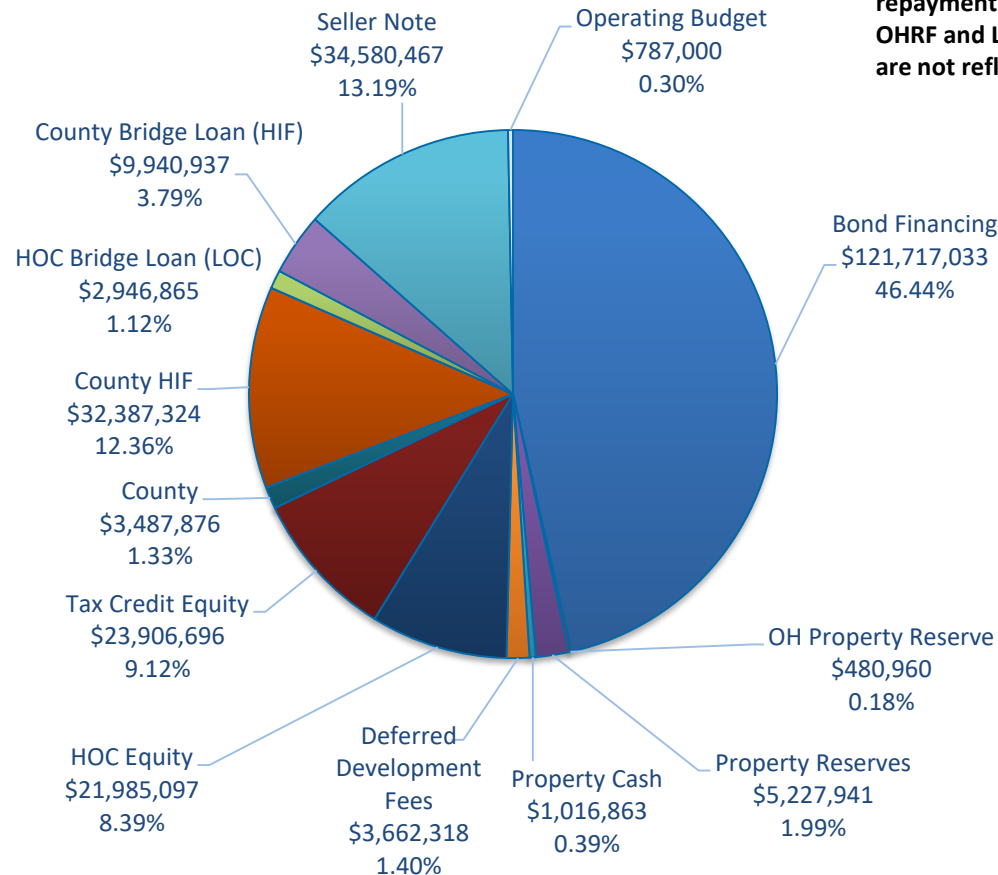
FY 2023 – Capital Budget

Capital Budget Overview

Capital Budget Summary	FY 2023 Recommended Budget
Capital Improvements	
East Deer Park	\$112,000
Kensington Office	\$100,000
880 Bonifant	\$50,000
Information Technology	\$825,000
Opportunity Housing Properties	\$5,408,901
Subtotal	\$6,495,901
Capital Development Projects	
Bauer Park Apartments	\$3,257,532
Deeply Affordable Units	\$1,250,000
Elizabeth House III	\$3,653,409
Georgian Court	\$9,963,270
Hillandale Gateway - Senior	\$21,821,702
Hillandale Gateway - Multifamily / Retail	\$43,065,366
Metropolitan	\$108,988,214
Shady Grove	\$11,034,897
Stewartown	\$4,776,677
Upton II	\$5,539,196
West Side Shady Grove	\$22,637,382
Willow Manor Resyndication	\$10,400,358
Subtotal	\$246,388,003
TOTAL	\$252,883,904

FY 2023 – Capital Budget

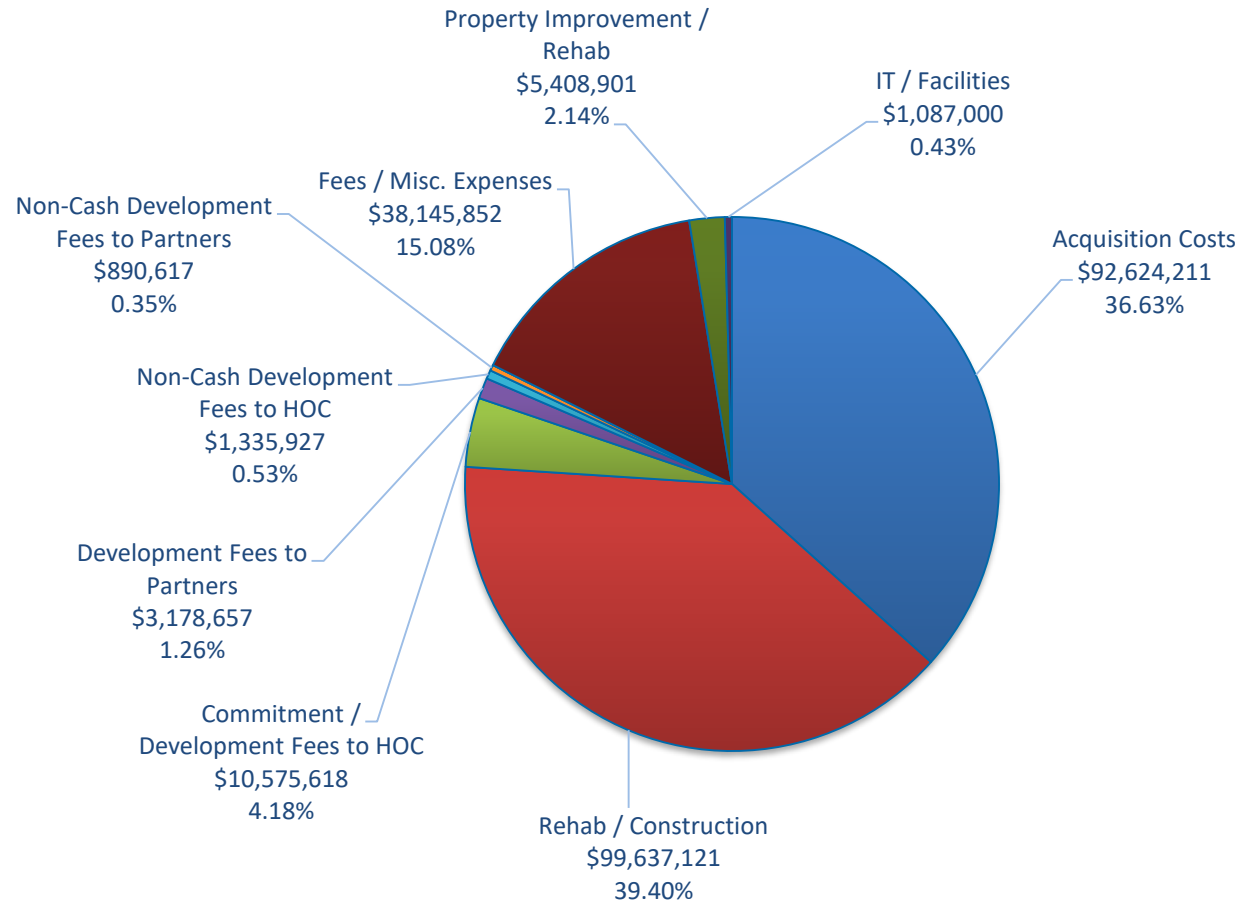
Source of Funds - Recommended – \$252,883,904 *



* The net FY 2023 Capital Budget includes repayments of \$2,672,756 and \$6,570,717 for OHRF and LOC Bridge Loans , respectively, that are not reflected in the pie chart .

FY 2023 – Capital Budget

Use of Funds - Recommended – \$252,883,904



APPROVAL TO INCREASE THE ACTING EXECUTIVE DIRECTOR'S APPROVAL LIMIT TO FUND A TRANSFER OF KNOWLEDGE AGREEMENT TO PROVIDE TRANSITIONAL AND CONSULTING SERVICES TO HOC

April 6, 2022

- The Housing Opportunities Commission of Montgomery County (“HOC”) is a complex organization with many business lines that require staffing expertise to ensure smooth operations and that it meets its financial, regulatory and other obligations so that it may deliver on its mission of providing affordable housing and services to its customers.
- When these obligations cannot be met purely from its staffing complement, HOC looks to the consulting pool to fill gaps in talent.
- Beginning in 2021, HOC engaged the services of the former Chief Financial Officer (the “Consultant”) to provide transitional and consulting services via a Transfer of Knowledge Agreement.
- Since that time a number of unpredictable events, which began with the resignation of the Executive Director, have caused the engagement of the Consultant to be extended; therefore, staff recommends that the Commission approve an increase to the approval limit of the Acting Executive Director by \$75,000 to provide full funding for the Transfer of Knowledge Agreement with Consultant through the end of calendar year 2022

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County

VIA: Kayrine Brown, Acting Executive Director

FROM: Staff: Tim Goetzinger Division: Finance Ext. 4836

RE: Approval to Increase the Acting Executive Director’s Approval Limit to Fund a Transfer of Knowledge Agreement to Provide Transitional and Consulting Services to HOC

DATE: April 6, 2022

STATUS: Consent Deliberation Status Report Future Action

BACKGROUND:

To increase the value of the transfer of knowledge agreement with Gail Willison (the “Consultant”) to provide continued support to HOC while it transitions key leadership positions.

On February 1, 2021, The Housing Opportunities Commission of Montgomery County engaged the services of the former Chief Financial Officer to respond to its immediate need for transitional and consulting services for the Department of Risk Management and was compensated \$131,000 for services for the full year while HOC recruited for a permanent staff. These services required technical knowledge, unique skill set, and extensive familiarity of the policies and procedures of HOC, all of which the Consultant possessed and applied effectively.

In November 2021, the Chief Financial Officer (“CFO”) resigned unexpectedly, and an Acting CFO was appointed from among the executive staff. The Consultant was again called upon to assist with providing institutional support for the Finance office, and to the new Director of Risk Management, as well as to provide general support to HOC caused by the resignation of the Prior Executive Director. Additionally and separately, the Consultant would provide assistance separately with negotiations with the MCGEO union during HOC’s negotiation of its economic and non-economic contracts. The compensation was \$6,000 per month for two separate six-month engagements, totaling \$72,000.

The Board of Commissioners has determined to delay the recruiting of a CFO until it selects a permanent Executive Director; therefore, continued assistance is needed to manage the completion of the fiscal year 2022 audit. The Consultant has agreed to manage the entire audit, including the Single Audit for \$50,000. Cumulatively, all services would exceed the Acting Executive Director’s approval authority by \$3,000.

Furthermore, the Commission is now actively engaged in the recruiting of an Executive Director, but until then, continued support for the acting CFO and a new CFO may be needed. Additionally, as we approach a new round of MCGEO negotiations and once the new CFO is chosen, the Consultant may again be called upon for additional services. Staff is requesting that the Commission approve an additional \$72,000

increase in the knowledge transfer contract for the second half of calendar year 2022, should those services be required.

- The aggregate of the engagement would be \$325,000.
- The Acting Executive Director currently has approval authority of up to \$250,000 and has obligated \$203,000
- The Management of the Audit (\$50,000) would increase the aggregate obligation to \$253,000
 - The Acting Executive Director's authority would be over obligated by \$3,000
 - The requested funding need for the second half of calendar year 2022 is \$72,000
- The aggregate amount of additional funding is \$75,000.

At the Budget Finance & Audit Committee meeting on February 24, 2022, the Acting Executive Director gave a brief summary of this upcoming need to the committee and advised that this item would be coming to the Commission for action at a future date. While there was no discussion or vote on the matter, it was understood that the stability of HOC was important, given the many management changes and the ongoing search for an Executive Director. Of high importance, the auditors wish to complete the Single Audit by early September 2022 to ensure completion of full audit with sufficient time for the Commission to review prior to the required filing deadline.

Therefore, staff requests full funding of an agreement with the Consultant to manage the Agency's FY2022 annual audit and to provide services in support of the Chief Financial Officer and union negotiations as needed as HOC continues its transition, by increasing the Acting Executive Director's approval limit by \$75,000.

The total amount of approval of the agreement covering the two-year period of calendar year 2021 and 2022 shall not exceed \$325,000.

ISSUES FOR CONSIDERATION:

Does the Commission wish to accept staff's recommendation to increase the Acting Executive Director's approval limit by \$75,000 to provide full funding for the Consultant's Transfer of Knowledge Agreement with HOC for transitional and consulting services?

BUDGET IMPACT:

None for FY2022. Funds have been included in the recommended budget for FY 2023.

TIME FRAME:

For formal action at the April 6, 2022 meeting of the Commission.

STAFF RECOMMENDATION:

Staff recommends that the Commission authorize an increase of \$75,000 to the Acting Executive Director's approval limit to provide full funding for the Consultant's Transfer of Knowledge Agreement with HOC for transitional and consulting services.

Resolution No.: 22-27

Re: Approval to Increase the Acting Executive Director’s Approval Limit to Fund a Transfer of Knowledge Agreement to Provide Transitional and Consulting Services to HOC

WHEREAS, the Housing Opportunities Commission of Montgomery County’s (“Commission” or “HOC”) Procurement Policy (“Policy”) establishes the maximum awarding authority for staff; and

WHEREAS, the maximum awarding authority for the Executive Director is \$250,000 for Purchase Orders, Contracts for Goods and Services, and Professional Service Contracts; and

WHEREAS, effective on February 1, 2021, HOC entered into a Transfer of Knowledge Agreement (the “Agreement”) with one of its former Chief Financial Officers (“CFO”) (the “Consultant”) to provide transition and consulting services;

WHEREAS, staff has previously requested four amendments to the Agreement to increase the services to (i) support of the Acting CFO following the resignation of the CFO, (ii) to assist with Union negotiations, (iii) and to manage the fiscal year 2022 Single Audit and the overall HOC audit; and

WHEREAS, due to continued vacancies at the executive levels caused by HOC’s ongoing recruiting of an Executive Director, it is necessary to enter into a fifth amendment to the Agreement to allow the Consultant to continue to (i) support the Acting CFO, (ii) assist a new CFO (when hired), (iii) assist with new rounds of Union negotiations, and (iv) provide institutional transfer of knowledge to the new Executive Director; and

WHEREAS, the fifth amendment would increase the cost of the Agreement above the Executive Director’s awarding authority by \$75,000.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County approves an increase of \$75,000 above the current maximum awarding authority for the Executive Director to provide full funding of the Agreement for a total amount of \$325,000 covering two calendar years.

I HEREBY CERTIFY that the forgoing resolution was adopted by the Housing Opportunities Commission of Montgomery County at a regular open meeting conducted on April 6, 2022.

Patrice M. Birdsong
Special Assistant to the Commission

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Closing Statement

Written Statement for Closing a Meeting (“Closing Statement”)

Date: April 6, 2022

A. Pursuant to Section 3-305(b) and (d) of the General Provisions Article of the Annotated Code of Maryland, I move to adjourn this open session to a closed session only:

3. X “To consider the acquisition of real property for a public purpose and matters directly related thereto.”

B. For each provision checked above, the topic to be discussed and the reason for discussing that topic in closed session is provided below.

Statutory Citation	Topic	Reason for closed-session discussion
§3-305(b)(3)	The potential acquisition/purchase (via either a ground lease or purchase and sale agreement) of real property located in Silver Spring, Maryland for redevelopment into multifamily housing. [NOTE: This topic was discussed at a closed Development & Finance Committee meeting on March 25, 2022. This meeting is to continue the discussion and seek approval from the Commission]	The meeting must be closed in order to protect HOC’s ability to purchase the property. Public discussion of this item could harm HOC’s ability to negotiate and/or could result in HOC not being able to purchase the property.

C. This statement is made by Roy Priest, Chair.

D. Recorded vote to close the meeting:

- Date: April 6, 2022 Time: _____ Location: (LiveStream on YouTube)
- Motion to close meeting made by: _____
- Motion seconded by: _____
- Commissioners in favor: _____
- Commissioners opposed: _____
- Commissioners abstaining: _____
- Commissioners absent: _____

Officer’s Signature: _____

Adjourn

Closed Session