

**HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY**

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

**Minutes**

September 9, 2020

20-09

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted via an online platform and teleconference on Wednesday, September 9, 2020, with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:01 p.m. Those in attendance were:

**Present**

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

**Also Attending**

Stacy L. Spann, Executive Director  
Cornelia Kent  
Darcel Cox  
Renee Harris  
Nicolas Deandreis  
Fred Swan  
Nathan Bovelie  
Jay Berkowitz  
Marcus Ervin  
Hyunsuk Choi  
Rita Harris  
Eugenia Pascual  
Erik Smith  
Ian-Terrell Hawkins  
Heather Grendze

Eamon Lorincz, Deputy General Counsel  
Kayrine Brown  
Terri Fowler  
Gio Kaviladze  
Zachary Marks  
Patrick Mattingly  
Bonnie Hodge  
Ellen Goff  
Jennifer Arrington  
Millicent Anglin  
Karlos Taylor  
Leidi Reyes  
Matt Husman

**Resident Advisory Board**

Yvonne Caughman, Vice President

**Commission Support**

Patrice Birdsong, Spec. Asst. to the Commission

Chair Priest opened the meeting with a welcome and an introduction of the newest Commissioner to The Housing Opportunities Commission Board, Jeffrey Merkowitz, as well as welcoming everyone back from brief summer break.

I. **Information Exchange**

**Executive Director's Report**

Stacy L. Spann, Executive Director, highlighted and acknowledged from his written report the work of the Resident Services Division, Housing Resources Division/Housing Choice Voucher Program, Montgomery County, and the Real Estate Development Team, during these difficult times in continuing to provide services to customers.

**Commissioner Exchange**

Chair Priest acknowledged the significant impact of unreported issues that this pandemic has caused in our communities. Chair Pro Tem Nelson expressed his appreciation to the staff, in particular, those who are front facing with customer, for their work in maintaining the business of the Agency. Chair Priest thanked the Commissioners and Staff responsible for the implementation of technology plan that allowed the transitioning of virtual work environment. Commissioner Simon expressed her appreciation to Staff in their work with the CDBG Program.

**Resident Advisory Board**

Yvonne Caughman, Vice President, reported on activities of the Resident Advisory Board. The Resident Advisory Board is in the process of working with the Legislative and Public Affairs and the Information and Technology Offices in improving their presence on the website. There next scheduled meeting is Monday, September 21, 2020 at 6:00 p.m.

- II. **Approval of Minutes** - The minutes were approved as submitted with a motion by Chair Pro Tem Nelson and seconded by Commissioner Simon. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, and Simon. Commissioner Merkowicz abstained.
- A. **Approval of Minutes of July 1, 2020**
  - B. **Approval of Minutes of July 1, 2020 Administrative Session**
  - C. **Approval of Minutes of August 11, 2020 Special Session**
  - D. **Approval of Minutes of August 11, 2020 Special Administrative Session**
  - E. **Approval of Minutes of August 27, 2020 Special Session**
  - F. **Approval of Minutes of August 27, 2020 Special Administrative Session**

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

- A. **Budget, Finance & Audit Committee – Com. Nelson, Chair**
  - 1. **Authorization to Submit County FY'22 Capital Improvements Program Budget**

Cornelia Kent, Chief Financial Officer, and Terri Fowler, Budget Officer, were the presenters.

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

**RESOLUTION NO.: 20-60**

**Re: Authorization to Submit County FY'22-27  
Capital Improvements Program Budget**

**WHEREAS**, the Capital Improvements Program (CIP) is a program administered by Montgomery County (the "County") that provides funds for larger long-term investments in facilities & infrastructure, and affordable housing;

**WHEREAS**, the Housing Opportunities Commission of Montgomery County ("HOC") receives funds from the CIP to further its purpose in providing affordable housing;

**WHEREAS**, the County is considering amendments to the CIP Budget for FY'22-27 (the "Budget"), and requests are due to the Office of Management and Budget by September 10, 2020; and

**WHEREAS**, staff desires to submit a request to the County that the Budget (i) continues to fund our current Supplemental Funds for Deeply Subsidized HOC Owned Units Improvements at the \$1,250,000 annual level and, (ii) maintains the current \$1,900,000 funding for the demolition of the Ambassador Apartments and Emory Grove Apartments.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Opportunities Commission of Montgomery County, that it authorizes the submission to the County of a request that the CIP Budget for FY'22-27 continue to fund the current Supplemental Funds for Deeply Subsidized HOC Owned Units Improvements at the \$1,250,000 annual level, and maintains the current \$1,900,000 funding for the demolition of the Ambassador Apartments and Emory Grove Apartments.

**2. Approval to Extend the Primary Audit Contract with CliftonLarsonAllen LLP for One Additional Year**

Cornelia Kent, Chief Financial Officer, was the presenter.

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

**RESOLUTION NO.: 20-61**

**RE: Approval to Extend the Primary Audit Contract with CliftonLarsonAllen LLP for One Additional Year**

**WHEREAS**, on July 10, 2019 the Housing Opportunities Commission of Montgomery County renewed the primary audit contract with CliftonLarsonAllen LLP ("CLA") to complete HOC's financial audit for fiscal year 2020; (the "Contract"); and

**WHEREAS**, the Contract expires as of December 31, 2020 and there are no remaining renewals; and

**WHEREAS**, due to the COVID-19 pandemic, staff has determined it is necessary to extend the Contract with CLA for a one (1) year term under the emergency procurement guidelines in order to minimize disruption and complete the FY 2021 audit in a timely fashion.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Opportunities Commission of Montgomery County that it hereby approves extending Contract with CLA for a one (1) year term, with an expiration date of December 31, 2021.

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

**1. RFP 2209: Approval of Selection of Firms to the Research, Policy, Planning and Zoning Pool**

Kayrine Brown, Chief Investment and Real Estate Officer, and Erik Smith, Junior Financial Analyst, were the presenters.

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

**RESOLUTION NO.: 20-62**

**RE: Approval of Selection of Firms to the Research, Policy, Planning and Zoning Pool**

**WHEREAS**, on June 26, 2020, the Housing Opportunities Commission of Montgomery County (“HOC”) issued a request for proposal (“RFP”) #2209 for Research, Policy, Planning and Zoning Consultant Services and received five responses from inSITE Advisory Group (“InSITE”), HR&A Advisors (HR&A), Scheer Partners (“Scheer”), Townscape Design LLC (“Townscape”), and Urban Ventures (“Urban”); and

**WHEREAS**, after review of proposals, staff is recommending that HOC negotiate and execute contracts with the four firms listed below (each a “Firm,” together the “Firms”) to create a Research, Policy, Planning, and Zoning Consultant Pool (the “Pool”) in which each Firm is authorized to provide the following services up to the following amounts:

1. InSITE – Research, Policy, and Planning Consultant Services up to \$30,000 per year.
2. HR&A – Research, Policy, Planning, and Zoning Consultant Services up to \$30,000 per year.
3. Scheer – Research, Policy, Planning, and Zoning Consultant Services up to \$50,000 per year.
4. Townscape – Research, Planning, and Zoning Consultant Services up to \$80,000 per year.

**WHEREAS**, each Firm offers unique and a highly valuable set of services and expertise that will help plan and guide HOC’s research, policy, planning, development and entitlement activities, and all Firms have excellent work history and come highly recommended from various municipalities; and

**WHEREAS**, the Firms are expected to represent HOC and work with staff in the coming months on ongoing and anticipated master and sector plan revisions, the evaluation of the HOC portfolio for opportunities to expand the delivery of affordable housing, and on legislative matters.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Opportunities Commission of Montgomery County that it approves the creation of the Pool to include the four Firms to provide the services specified herein.

**BE IT FURTHER RESOLVED** by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is authorized and directed to negotiate and execute contracts with the four Firms for an initial term of one year with three one-year extensions up to the amounts specified herein, which shall be paid from annual funding approved in the Real Estate Division budget.

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

**2. Underwriters: Approval to Renew the Contracts of the Underwriting Team Consisting of a Senior Manager and Co-managers in Accordance with the Current Contracts and the Procurement Policy**

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

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

**RESOLUTION NO.: 20-63**

**RE: Approval to Renew the Contracts of the Underwriting Team Consisting of a Senior Manager, Co-Senior Manager, and Co-Managers in Accordance with the Current Contracts and the Procurement Policy**

**WHEREAS**, to advance its mission and operate a successful bond financing program, the Housing Opportunities Commission of Montgomery County (the "Commission" or "HOC") engages the services of a number of industry professionals, including a team of investment banking firms (Underwriters) to help structure HOC's bond issuances and market the bonds to obtain the most favorable pricing; and

**WHEREAS**, on January 9, 2019, after completing a new procurement for Underwriter services, the Commission selected eight firms, approved a structure that consists of a Senior Manager, a Co-senior Manager, and six Co-managers, and authorized the Executive Director to execute Letter Agreements ("Contracts") with each firm with initial terms of two years with two one-year renewals that must be approved by the Commission in accordance with provisions of the Procurement Policy; and

**WHEREAS**, the eight firms were Bank of America Merrill Lynch, Citigroup Global Markets, Jefferies, LLC, Morgan Stanley, PNC Capital Markets, LLC, RBC Capital Markets, Wells Fargo Company, and M&T Securities, but Citigroup has not yet finalized its Contract (but is still eligible to join the team), and M&T Securities terminated its Contract having exited the long-term fixed rate municipal business as of July 1, 2020, leaving six active underwriting firms on the team; and

**WHEREAS**, all firms continue to perform satisfactorily and are positioned to meet the Commission's upcoming issuance needs, and the Commission wishes to extend each Contract for one year as well as allow Citigroup to join the team if it completes the required Contract.

**NOW, THEREFORE, BE IT RESOLVED** that the Housing Opportunities Commission of Montgomery County approves a one-year renewal of each of the Contracts with the following six Underwriters (with the structure unchanged and incorporating the terms of the original Contracts):

Senior Manager: Bank of America Merrill Lynch, New York NY

Co-Senior Manager      PNC Capital Markets, LLC, Pittsburgh, PA  
Co- Managers:            Jefferies LLC, New York, NY  
                                 Morgan Stanley, New York, NY  
                                 RBC Capital Markets, New York, NY  
                                 Wells Fargo Company, San Francisco, CA

**BE IT FURTHER RESOLVED** that the Housing Opportunities Commission of Montgomery County authorizes the Executive Director, or his designee, to execute a Contract with Citigroup for one-year, as an active member of the team, should it complete the necessary documentation required to serve as a Co-manager, provided that the terms and conditions of the Contract shall materially be the same as those accepted by the other Co-managers.

**BE IT FURTHER RESOLVED** that the Housing Opportunities Commission of Montgomery County authorizes the Executive Director, or his designee, without any further action on its part, to execute such other documents and to take any and all other actions, in each case as necessary and proper, in the Executive Director's judgment, to carry out the actions contemplated herein.

**3. MAP Lender: Approval to Expand the Pool of U.S. Department of Housing and Urban Development (HUD) Multifamily Accelerated Processing (MAP) Lenders Pursuant to Request for Qualifications #2211**

Jennifer Arrington, Assistant Director of Bond Management, was the presenter.

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

**RESOLUTION NO.: 20-64**

**RE: Approval to Expand the Pool of HUD  
Multifamily Accelerated Processing Lenders  
Pursuant to Request for Qualifications #2211**

**WHEREAS**, on January 11, 2017, the Housing Opportunities Commission of Montgomery County (the "Commission") approved the creation of a pool of U.S. Department of Housing and Urban Development ("HUD") Multifamily Accelerated Processing ("MAP") lenders (the "MAP Pool") to prepare, process, and submit loan applications to secure Federal Housing Administration multifamily mortgage insurance that included AGM Financial, Love Funding, Walker Dunlop, and Wells Fargo; and

**WHEREAS**, in April 2020, Wells Fargo declined to renew its contract due to lack of MAP lending transactions from the Commission; and

**WHEREAS**, on July 1, 2020, staff issued Request for Qualifications ("RFQ") #2211 in order to expand the existing MAP Pool; and

**WHEREAS**, on July 23, 2020, staff received one response from Berkadia Commercial Mortgage, LLC ("Berkadia"), and after review and consideration, staff recommends that Berkadia be admitted to the existing MAP Pool by awarding an initial two-year contract with three one-year renewal options; and

**WHEREAS**, a MAP lender will be selected, as needed, from the MAP Pool after it submits its term sheet to the Commission in response to the requested scope of work, and will be engaged and compensated accordingly from the respective Commission-approved project development budget, such approved project budget having gone through the normal Commission approval process for development and financing.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Opportunities Commission of Montgomery County that it hereby authorizes and directs the Executive Director, or his designee, without further action on its part, to execute a contract for MAP lending services, as described by RFQ #2211, with Berkadia for an initial term of two years with three one-year renewal options, as permitted under HOC's procurement policy.

**BE IT FURTHER RESOLVED** that the Executive Director, or his designee, is hereby authorized and directed to take all actions necessary and proper to carry out the transactions and activities contemplated herein, including the execution of any documents related thereto.

**4. Metropolitan: Approval of Feasibility Funding for the Financing and Renovation of The Metropolitan and Authorization to Make loans to The Metropolitan of Bethesda Limited Partnership and The Metropolitan Development Corporation**

Zachary Marks, Director of Development, was the presenter.

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

**RESOLUTION NO.: 20-65**

**RE: Approval of Feasibility Funding for the Financing and Renovation of The Metropolitan and Authorization to Make loans to The Metropolitan of Bethesda Limited Partnership and The Metropolitan Development Corporation**

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

**WHEREAS**, The Metropolitan Apartments ("Metropolitan" or the "Property") was constructed in 1997 with a 14-story, 308-unit high-rise apartment building located at 7620 Old Georgetown Road, Bethesda and currently consists of 216 market rate units and 92 affordable units; and

**WHEREAS**, the Property is owned by The Metropolitan of Bethesda Limited Partnership (the "Metropolitan LP"), which is wholly owned by HOC, and The Metropolitan Development Corporation (the "Metropolitan Corporation"), which is wholly controlled by HOC; and

**WHEREAS**, the 216 market rate units benefitted from minor renovations completed in 2013, but are in need of more significant renovations to remain competitive with other market rate units as well as to address aging systems; and

**WHEREAS**, the 92 affordable units have not had any renovations since they were placed in service; and

**WHEREAS**, staff would like to engage third-party due diligence and feasibility consultants to investigate and document the details of the existing condition of the building and systems in order to develop the scope of the renovation; and

**WHEREAS**, one of the goals for these studies is to identify and quantify the features of this renovation that could encompass an increase in energy efficiency and extend the Property's remaining useful life; and

**WHEREAS**, the Commission desires to approve funding in an amount up to a total of \$120,000 to cover the due diligence and feasibility costs, which shall take the form of a loan to the Metropolitan LP in the amount of \$36,000 and a loan to the Metropolitan Corporation in the amount of \$84,000, and to fund such costs from the Opportunity Housing Reserve Fund ("OHRF"), to be repaid upon closing of renovation financing; and

**WHEREAS**, the Commission currently intends and reasonably expects to participate in tax-exempt borrowings to finance such capital expenditures in an amount not to exceed \$100,000,000, all or a portion of which may reimburse the Commission for the portion of such capital expenditures incurred or to be incurred subsequent to the date, which is 60 days prior to the date hereof, but before such borrowing, and the proceeds of such tax-exempt borrowing will be allocated to reimburse the Commission's expenditures within 18 months of the later of the date of such capital expenditures or the date that the project is placed in service (but in no event more than three years after the date of the original expenditure of such moneys); and

**WHEREAS**, HOC will continue to evaluate its options for construction and permanent financing, which may include the issuance of tax-exempt governmental bonds or such other tax-exempt bonds that are permissible under provisions of the Internal Revenue Code, the proceeds of which would fund a permanent mortgage that would be insured by FHA in accordance with the Risk Share mortgage program; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Housing Opportunities Commission of Montgomery County approves a loan to the Metropolitan LP in an amount up to \$36,000 and a loan to the Metropolitan Corporation in an amount up to \$84,000 (total of \$120,000) to be funded from the OHRF for feasibility work for the financing and renovation of the Metropolitan, which will be repaid from the proceeds of the renovation financing at closing.

**BE IT FURTHER RESOLVED** that the Housing Opportunities Commission of Montgomery County, as the general partner of the Metropolitan LP, accepts a loan from HOC in an amount up to \$36,000.



**BE IT FURTHER RESOLVED THAT:**

Section 1. Declaration of Official Intent. The Commission presently intends and reasonably expects to finance costs related to the predevelopment, development, and equipping of the Metropolitan, with moneys currently contained in its Opportunity Housing Reserve Fund, and General Fund Property Reserve Account, County Revolving Fund accounts, and any other funds of the Commission so designated for use by the Commission.

Section 2. Dates of Capital Expenditures. All of the capital expenditures covered by this Resolution which may be reimbursed with proceeds of tax-exempt borrowings will be incurred not earlier than 60 days prior to the date of this Resolution except preliminary expenditures as defined in Treasury Regulation Section 1.150-2(f)(2) (e.g. architect's fees, engineering fees, costs of soil testing and surveying).

Section 3. Issuance of Bonds or Notes. The Commission presently intends and reasonably expects to participate in tax-exempt borrowings of which proceeds in an amount not to exceed \$100,000,000 will be applied to reimburse the Commission for its expenditures in connection with the project.

Section 4. Confirmation of Prior Acts. All prior acts and doings of the officials, agents and employees of the Commission, which are in conformity with the purpose and intent of this Resolution, and in furtherance of the Property, shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 5. Repeal of Inconsistent Resolutions. All other resolutions of the Commission, or parts of resolutions related to the Property which are inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its passage.

**BE IT FURTHER RESOLVED** that the Housing Opportunities Commission of Montgomery County, on behalf of itself and as the general partner of the Metropolitan LP, authorizes and directs the Executive Director, or his designee, without further action on their respective parts, to take any and all other actions necessary and proper to carry out the transactions contemplated herein including, but not limited to, the execution of any and all documents related thereto.

**C. Legislative and Regulatory Committee – *Com. Kelleher, Chair***

**1. Approval of Revisions to HOC's Administrative Plan for the Housing Choice Voucher Program to add Coronavirus Disease 19 (COVID-19) Related Waivers to the Plan in Accordance with HUD Notice PIH 2020-13**

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

**RESOLUTION NO.: 20-66**

**RE: Revision of HOC's Administrative Plan  
for the Housing Choice Voucher Program to Add  
Temporary Changes in Response to COVID-19  
Pursuant to HUD PIH Notice 2020-13**

**WHEREAS**, in response to COVID 19, the U.S. Department of Housing and Urban Development issued Notice PIH 2020-13 (the "Notice") on July 2, 2020 that established temporary waivers and alternative requirements for the Housing Choice Voucher Program;

**WHEREAS**, the Notice allowed a housing authority to adopt waivers and temporarily revise its administrative plan without board approval, provided that any informally adopted revisions are approved by its board no later than December 31, 2020;

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

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

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

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

Based upon this report and there being no further business to come before this session of the Commission, the open session adjourned at 5:07 p.m. and reconvened in closed session at approximately 5:26 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 September 9, 2020 at approximately 5:26 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)(13) to discuss the confidential commercial and financial terms of a real estate transaction.

The meeting was closed on a motion by Vice Chair Kelleher, seconded by Chair Pro Tem Nelson, with Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon unanimously voting in approval. The following persons were present during the closed session: Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, Linda Croom, Jeffrey Merkowitz, Jackie Simon, Stacy Spann, Eamon Lorincz, Kayrine Brown, Nicolas Deadreis, Zachary Marks, and Cornelia Kent.

In closed session, the Commission discussed the confidential commercial and financial terms of a real estate transaction. No formal action was taken.

The closed session was adjourned at 6:18 p.m.

Respectfully submitted,

Stacy L. Spann  
Secretary-Treasurer

/pmb

Attachment

1 – Exhibit I: Summary of HCV Waivers and Alternative Requirements

**Approved: October 7, 2020**

**Exhibit I: Summary of HCV Waivers and Alternative Requirements**

This chart summarizes the waivers authorized under PIH Notice 2020-13 and the availability period for each.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
PH and HCV-1 PHA 5-Year and Annual Plan Submission Dates: Significant Amendment Requirements	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)(2)  <u>Regulatory Authority</u> §§ 903.5(a)(3), 903.5(b)(3), 903.13(c), 903.21, 903.23	<ul style="list-style-type: none"> <li>Alternative dates for submission</li> <li>Changes to significant amendment process</li> </ul>	<ul style="list-style-type: none"> <li>Varies based on FYE</li> <li>12/31/20</li> </ul>	NO	
PH and HCV-2 Family Income and Composition: Delayed Annual Examinations	<u>Statutory Authority</u> Section 3(a)(1)  <u>Regulatory Authority</u> §§ 982.516(a)(1), 960.257(a)	<ul style="list-style-type: none"> <li>Permits the PHA to delay the annual reexamination of income and family composition</li> <li>HCV PHAs must implement HCV-7 for impacted families if they implement this waiver</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	YES	4/20/20
PH and HCV-3 Family Income	<u>Regulatory Authority</u> §§ 5.233(a)(2),	<ul style="list-style-type: none"> <li>Waives the requirements to use the</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	YES	4/20/20

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
and Composition: Annual Examination; Income Verification Requirements	960.259(c), 982.516(a) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification <ul style="list-style-type: none"><li>• PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later</li></ul>			
PH and HCV-4 Family Income and Composition: Interim Examinations	<u>Statutory Authority</u> Section 3(a)(1)  <u>Regulatory Authority</u> §§ 5.233(a)(2), 982.516(c)(2), 960.257(a), (b) and (d), 960.259(c)  <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"><li>• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations</li></ul>	<ul style="list-style-type: none"><li>• 12/31/20</li></ul>	<b>YES</b>	<b>4/20/20</b>

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

<b>Item</b>	<b>Statutory and regulatory waivers</b>	<b>Summary of alternative requirements</b>	<b>Availability Period Ends</b>	<b>Did PHA implement waiver and alternative requirement?</b>	<b>Date of PHA adoption</b>
PH and HCV-5 Enterprise Income Verification (EIV) Monitoring	<u>Regulatory Authority</u> § 5.233  <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> <li>• Waives the mandatory EIV monitoring requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>
PH and HCV-6 Family Self-Sufficiency (FSS) Contract of Participation: Contract Extension	<u>Regulatory Authority</u> § 984.303(d)	<ul style="list-style-type: none"> <li>• Provides for extensions to FSS contract of participation</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>
PH and HCV-7 Waiting List: Opening and Closing; Public Notice	<u>Regulatory Authority</u> § 982.206(a)(2)  <u>Sub-regulatory Guidance</u> PIH Notice 2012-34	<ul style="list-style-type: none"> <li>• Waives public notice requirements for opening and closing waiting list</li> <li>• Requires alternative process</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>NO</b>	
HQS-1 Initial Inspection Requirements	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C)  <u>Regulatory Authority</u> §§ 982.305(a),	<ul style="list-style-type: none"> <li>• Changes initial inspection requirements, allowing for owner certification</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
	982.305(b), 982.405	that there are no life-threatening deficiencies <ul style="list-style-type: none"> <li>• Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner’s certification.</li> </ul>	<ul style="list-style-type: none"> <li>• 1-year anniversary of date of owner’s certification</li> </ul>		
HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections: PHA Acceptance of Completed Units	<u>Statutory Authority:</u> Section 8(o)(8)(A)  <u>Regulatory Authority:</u> §§ 983.103(b), 983.156(a)(1)	<ul style="list-style-type: none"> <li>• Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies</li> <li>• Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner’s certification.</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> <li>• 1-year anniversary of date of owner’s certification</li> </ul>	<b>Yes</b>	<b>4/20/20</b>
HQS-3 Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal	<ul style="list-style-type: none"> <li>• Allows for extension of up to 30 days for owner repairs of non-life threatening conditions</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>Yes</b>	<b>4/20/20</b>

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
	Register Notice January 18, 2017				
HQS-4 HQS Initial Inspection Requirement: Alternative Inspection Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>• Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies</li> <li>• Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner’s certification.</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> <li>• 1-year anniversary of date of owner’s certification</li> </ul>	<b>YES</b>	<b>4/20/20</b>
HQS-5 HQS Inspection Requirement: Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D)  <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> <li>• Allows for delay in biennial inspections</li> <li>• All delayed biennial inspections must be completed as soon as reasonably possible but by no later than 1 year after the date on which</li> </ul>	<ul style="list-style-type: none"> <li>• 10/31/20</li> <li>• 1 year after the date on which the biennial inspection would have been required absent the waiver</li> </ul>	<b>NO</b>	



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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
		the biennial inspection would have been required absent the waiver.			
HQS-6 HQS Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F)  <u>Regulatory Authority</u> §§ 982.405(g), 983.103(e)	<ul style="list-style-type: none"> <li>• Waives the requirement for the PHA to conduct interim inspection and requires alternative method</li> <li>• Allows for repairs to be verified by alternative methods</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	Yes	4/20/20
HQS-7 PBV Turnover Unit Inspections	<u>Regulatory Authority</u> § 983.103(c)	<ul style="list-style-type: none"> <li>• Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies</li> <li>• Allows for delayed full HQS inspection NLT than 1-year anniversary of date of owner's certification.</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> <li>• 1-year anniversary of date of owner's certification</li> </ul>	Yes	4/20/20

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HQS-8: PBV HAP Contract: HQS Inspections to Add or Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A)  <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies</li> <li>Allows for delayed full HQS inspection NLT 1-year anniversary of date of owner’s certification</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> <li>1-year anniversary of date of owner’s certification</li> </ul>	<b>YES</b>	<b>4/20/20</b>
HQS-9 HQS Quality Control Inspections	<u>Regulatory Authority</u> §§ 982.405(b), 983.103(e)(3)	<ul style="list-style-type: none"> <li>Provides for a suspension of the requirement for QC sampling inspections</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>
HQS-10 Housing Quality Standards: Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> <li>Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.</li> </ul>	Remains in effect one year from lease term or date of this Notice, whichever is longer	<b>NO</b>	
HQS-11 Homeownership Option: Initial	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B)	<ul style="list-style-type: none"> <li>Waives the requirement to perform an initial HQS inspection in</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HQS Inspection	<u>Regulatory Authority</u> § 982.631(a)	order to begin making homeownership assistance payments <ul style="list-style-type: none"> <li>• Requires family to obtain independent professional inspection</li> </ul>			
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54(a)	<ul style="list-style-type: none"> <li>• Establishes an alternative requirement that policies may be adopted without board approval</li> <li>• Any provisions adopted informally must be adopted formally NLT December 31, 2020</li> </ul>	<ul style="list-style-type: none"> <li>• 9/30/20</li> <li>• 12/31/20</li> </ul>	<b>Yes</b>	<b>7/20/20</b>
HCV-2 Information When Family is Selected: PHA Oral Briefing	<u>Regulatory Authority</u> §§ 982.301(a)(1), 983.252(a)	<ul style="list-style-type: none"> <li>• Waives the requirement for an oral briefing</li> <li>• Provides for alternative methods to conduct required voucher briefing</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>Yes</b>	<b>4/20/20</b>
HCV-3 Term of Voucher:	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> <li>• Allows PHAs to provide voucher</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>Yes</b>	<b>4/20/20</b>

**Exhibit I: Summary of HCV Waivers and Alternative Requirements.**

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
Extensions of Term		extensions regardless of current PHA policy			
HCV-4 PHA Approval of Assisted Tenancy: When HAP Contract is Executed	<u>Regulatory Authority § 982.305(c)</u>	<ul style="list-style-type: none"> <li>• Provides for HAP payments for contracts not executed within 60 days</li> <li>• PHA must not pay HAP to owner until HAP contract is executed</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>
HCV-5 Absence from Unit	<u>Regulatory Authority § 982.312</u>	<ul style="list-style-type: none"> <li>• Allows for PHA discretion on absences from units longer than 180 days</li> <li>• PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>
HCV-6 Automatic Termination of HAP Contract	<u>Regulatory Authority § 982.455</u>	<ul style="list-style-type: none"> <li>• Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
		terminates automatically.			
HCV-7 Increase in Payment Standard During HAP Contract Term	<u>Regulatory Authority § 982.505(c)(4)</u>	<ul style="list-style-type: none"> <li>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 to do so.</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	Yes	4/20/20
HCV-8 Utility Allowance Schedule: Required Review and Revision	<u>Regulatory Authority § 982.517</u>	<ul style="list-style-type: none"> <li>Provides for delay in updating utility allowance schedule</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	No	
HCV-9 Homeownership Option: Homeownership Counseling	<u>Statutory Authority Section 8(y)(1)(D)</u>  <u>Regulatory Authority §§ 982.630, 982.636(d)</u>	<ul style="list-style-type: none"> <li>Waives the requirement for the family to obtain pre-assistance counseling</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	Yes	4/20/20

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HCV-10 Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to increase age to 26 for foster youth initial lease up</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>YES</b>	<b>4/20/20</b>
HCV-11 Family Unification Program (FUP): Length of Assistance for Youth	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to suspend terminations of assistance for FUP youth who will reach the 36-month limit between April 10, 2020, and December 31, 2020</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>NO</b>	
HCV-12 Family Unification Program (FUP): Timeframe for Referral	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>YES</b>	<b>7/20/20</b>
HCV-13 Homeownership: Maximum Term	<u>Regulatory Authority</u> § 982.634(a)	<ul style="list-style-type: none"> <li>Allows a PHA to extend homeownership</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>YES</b>	<b>7/20/20</b>

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
of Assistance		assistance for up to 1 additional year			
HCV-14 Mandatory Removal of Unit from PBV HAP Contract	<u>Regulatory Authority</u> §§ 983.211(a); 983.258	<ul style="list-style-type: none"> <li>Allows a PHA to keep a PBV unit under contract for a period of time that extends beyond 180 from the last HAP but does not extend beyond December 31, 2020</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>	<b>YES</b>	<b>7/20/20</b>