

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

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

Minutes

April 1, 2020

20-04

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted via an online platform and teleconference on Wednesday, April 1, 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
Jackie Simon
Pamela Byrd

Absent

Linda Croom

Also Attending

Stacy L. Spann, Executive Director
Cornelia Kent
Christina Autin
Darcel Cox
Olutomi Adebo
Renee Harris
Paul Vinciguerra
Ian Williams
Fred Swan
Gail Willison
Nathan Bovelie

Aisha Memon, General Counsel
Kayrine Brown
Terri Fowler
Gio Kaviladze
Zachary Marks
Kathryn Hollister
Lynn Hayes
Patrick Mattingly
Ian Hawkins
Charnita Jackson
Eamon Lorincz

IT Support

Karlos Taylor
Gabriel Taube

Commission Support

Patrice Birdsong, Spec. Asst. to the Commission

I. **Information Exchange**

The Resident Advisory Board and Community Forum was cancelled due to the current state of emergency and social distancing guidelines related to the Coronavirus Disease (COVID-19).

- II. **Approval of Minutes** - The minutes were approved as submitted with a motion by Commissioner Simon and seconded by Vice Chair Kelleher. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.
 1. **Approval of Minutes of March 4, 2020**
 2. **Approval of Minutes of March 4, 2020 Administrative Session**
 3. **Approval of Minutes of March 25, 2020 Special Session**
 4. **Approval of Minutes of March 25, 2020 Special Administrative Session**

- III. **Administrative and Special Session Ratification**
 1. **Approval of the Second Amended and Restated Bylaws of the Housing Opportunities Commission of Montgomery County**

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-26R

RE: Approval of the Second Amended and Restated Bylaws of the Housing Opportunities Commission of Montgomery County

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

WHEREAS, the Commission’s bylaws provide that at HOC’s regular monthly open meetings, one or more Commissioners may participate and vote on matters by teleconference or electronic medium as long as a quorum of the Commission participates, with at least two (2) Commissioners physically present;

WHEREAS, taking into account the technological advancements in remote meetings and potential situations wherein it is advisable to participate in meetings remotely, including states of emergency and other similar constraints, staff recommends amending HOC’s bylaws; and

WHEREAS, Article III, Section 2 of HOC’s bylaws shall be amended as follows: “Regular Monthly Open Meetings. The Commission shall hold regular monthly open meetings for the purpose of conducting any or all of its business at such time and location as it may determine by resolution or subject to a call by the Chair, provided that no less than one such regular meeting shall be held each month; provided, however, that the Chair and Executive Director may agree not to convene a regular monthly meeting in a specific month so long as the Commission provides the public with reasonable advance notice thereof in accordance with the State Open Meetings Act, Section 3-101 et seq. of General Provisions Article of the Maryland Annotated Code (the “Open Meetings Act”). One or more Commissioners may participate and vote on matters at a regular open meeting by teleconference or electronic medium as long as (i) a quorum of the Commission participates, ~~with at least two (2) Commissioners physically present and the remainder of the quorum participating through a teleconference or other electronic medium;~~ and (ii) all Commissioners, staff and members of the public can communicate and interact with each other clearly during the period of time scheduled for the deliberation and action, as well as view materials clearly,

including the meeting agenda and all documents and materials to be considered or acted upon at the meeting. Notwithstanding the above, at the Annual Meeting, a quorum must consist of four (4) Commissioners physically present”;

WHEREAS, at a Special Session duly called and held on March 25, 2020, with a quorum participating, the Commission duly adopted Resolution 20-26, with Commissioners Simon, Nelson, Byrd, Priest, and Kelleher voting in approval, and Commissioner Croom being necessarily absent and not participating in the vote;

WHEREAS, by adopting Resolution 20-26, the Commission approved the Second Amended and Restated Bylaws;

WHEREAS, consistent with the Commission’s Second Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in a regular open meeting with a quorum participating, the action undertaken by the Commission in adopting Resolution 20-26 and any action taken since March 25, 2020 to effectuate the action contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 20-26 and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

2. Authorization to Increase the PNC Bank Line of Credit to Provide for Business Continuity During the Coronavirus Disease (COVID-19) Outbreak

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-27R

RE: Authorization to Increase the PNC Bank Line of Credit to Meet Potential Cash Flow Needs that May Arise from the COVID-19 Pandemic

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

WHEREAS, the COVID-19 pandemic is affecting millions of people across many nations and having a growing impact on the global and local economy;

WHEREAS, staff has been evaluating the potential effects of the downturn in the economy on our customers and the ultimate impact to HOC’s operations, with two areas of operations that may be significantly impacted: the Housing Choice Voucher (“HCV”) Program and customer rent collections;

WHEREAS, in the event that the Department of Treasury is unable to fund monthly Housing Assistance Payments and administrative fees to HOC, the Commission will not receive the funds necessary to pay the Housing Assistance Payments to landlords each month under the HCV Program;

WHEREAS, as businesses close and lay-off workers, HOC's customers may be unable to pay their monthly rent and all evictions at HOC-owned properties are postponed during the COVID-19 pandemic;

WHEREAS, the Commission wishes to make provisions for the continuity of Housing Assistance Payments to landlords participating in the HCV Program, and continuity of HOC operations in the event customers are unable to make monthly rental payments;

WHEREAS, there may be other areas of HOC's operations that are significantly impacted by the COVID-19 pandemic that will require available cash flow to allow HOC to continue to meet the needs of the community;

WHEREAS, the Commission has an existing Line of Credit with PNC Bank, National Association (the "PNC LOC") that may be used to provide for the operational cash flow needs of HOC;

WHEREAS, the Commission has a General Fund Operating Reserve ("GFOR") which may also be used to meet the operational cash flow needs of the Commission;

WHEREAS, the PNC LOC and GFOR may not be sufficient to meet HOC's potential cash flow needs, therefore staff recommends increasing the PNC LOC;

WHEREAS, at a Special Administrative Session duly called and held on March 25, 2020, with a quorum participating, the Commission duly adopted Resolution 20-27AS, with Commissioners Nelson, Byrd, Priest, and Kelleher voting in approval, Commissioner Croom being necessarily absent and not participating in the vote, and Commissioner Simon being temporarily away from the meeting and not participating in the vote;

WHEREAS, by adopting resolution 20-27AS, the Commission approved increasing the PNC LOC to meet HOC's potential cash flow needs that may arise from the COVID-19 pandemic, provided that staff will return to the Commission for approval prior to drawing on the PNC LOC; and

WHEREAS, consistent with the Commission's Second Amended and Restated Bylaws, the Commission wishes to ratify and affirm, in a regular open meeting with a quorum participating, the action undertaken by the Commissioners in adopting Resolution 20-27AS and any actions taken since March 25, 2020 to effectuate the actions contemplated therein.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Resolution 20-27AS and any subsequent actions taken in relation thereto are hereby ratified and affirmed.

IV. COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION

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

1. Authorization to Submit HOC FY21 Annual Public Housing Agency Plan

Darcel Cox, Chief Compliance Officer, was the presenter.

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

RESOLUTION NO.: 20-28

**RE: Authorization to Submit HOC's Fiscal
Year 2021 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 2021 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 HOC's 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 will conduct a Public Hearing on April 1, 2020 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 2021 Annual PHA Plan and its submission to HUD no later than April 17, 2020, as required by federal regulation.

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

2. Budget, Finance, and Audit Committee – Com. Nelson, Chair
1. Approval of Service Contract for HOC Inspections

Renee Harris, Program Coordinator, was the presenter.

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-29

RE: Approval of Service Contract for HOC Inspections

WHEREAS, the Housing Opportunities Commission of Montgomery County ("HOC") is required to perform Housing Quality Standards Inspections per the U.S. Department of Housing and Urban Development, Montgomery County Chapter 26 Inspections, Radon Inspections, and Lead Based Paint Inspections (collectively, "Inspections");

WHEREAS, in December 2019, staff solicited a Request for Proposals #2184 (the “RFP”) to solicit proposals from firms interested in performing the Inspections, to which staff received two responses;

WHEREAS, the RFP contained five categories of evaluation criteria;

WHEREAS, each of the two proposals were evaluated, assigning numerical values to the firms, based on the following categories: background and related experience; methodology; staffing and management plan; section 3/small business, minority, disadvantage, female status/subcontracting plan; and price; and

WHEREAS, applying the criteria described above, staff recommends executing a contract with Inspections Experts, Inc. to complete the Inspections for a term of two years with two one-year renewals.

NOW, THEREFORE, BE IT 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 execute a contract with Inspections Experts, Inc. for a term of two years with two one-year renewals for the Inspections.

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

1. Stewartown: Authorization to Select Boston Capital as Tax Credit Investor and Authorization for the Executive Director to Negotiate an Operating Agreement

Kayrine Brown, Chief Investment and Real Estate Officer, and Gio Kaviladze, Senior Financial Analyst, were the presenters.

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-30

RE: Authorization to Select Low Income Housing Tax Credit Syndicator for the Renovation of Stewartown Homes and Authorization for the Executive Director to Negotiate an Operating Agreement

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”) seeks to preserve Montgomery County’s existing affordable housing, including that subsidized by Rental Assistance Payment (“RAP”) contracts and Section 236 financing facing growing sustainability challenges; and

WHEREAS, Stewartown Homes (the “Property”), located at 9310 Merust Lane, Gaithersburg, was built in 1977 under the Section 236 Program and consists of 94 townhome units, 19 of which were subsidized by a RAP contract, in twelve (12) buildings on three (3) parcels totaling 15 acres of land; and

WHEREAS, the Property, with the exception of ongoing capital improvements, has not had major renovations within the last twenty years; and

WHEREAS, the Commission approved a predevelopment plan at the May 2, 2018 Commission meeting to comprehensively renovate the Property in order to maximize its life and public purpose it delivers; and

WHEREAS, the Property reached the end of its initial 15-year Low Income Housing Tax Credit ("LIHTC") compliance period, and staff recommends re-syndicating in order to raise additional capital to finance the proposed renovation; and

WHEREAS, to select the LIHTC investor for the transaction, staff solicited proposals from fourteen (14) tax credit investors and syndicators and received Letters of Interest from Boston Capital, Enterprise Housing Credit Investment, and R4 Capital; and

WHEREAS, Boston Capital submitted the most advantageous proposal in response to the solicitation, therefore staff recommends that Boston Capital be selected as LIHTC syndicator for the transaction, and that the Executive Director begin negotiating the terms of an operating agreement; and

WHEREAS, staff will return to the Commission to present (1) the final terms of the operating agreement prior to the execution thereof (2) a Final Development Plan after the construction costs and budget are finalized, (3) a Financing Plan after potential capital providers, amounts, and terms are assessed, and such plans will identify the sources of funds to finance all expected predevelopment and development costs.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County approves the selection of Boston Capital as the LIHTC syndicator for renovation of the Property, and authorizes the Executive Director to begin negotiating the terms of an operating agreement with Boston Capital.

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

2. Willow Manor: Approval of a Predevelopment Plan and Funding for the Willow Manor Properties and Approval to Pursue Low-Income Housing Tax Credit (LIHTC) Resyndication as a Scattered Site Transaction

Kayrine Brown, Chief Investment and Real Estate Officer, and Kathryn Hollister, Senior Financial Analyst, were the presenters.

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-31

RE: Approval of Predevelopment Plan and Funding for the Willow Manor Properties and Approval to Pursue Low Income Housing Tax Credit Resyndication as a Scattered Site Transaction

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

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

WHEREAS, the Commission, on behalf of the Willow Manor Single-Purpose Entities, accepted short-term acquisition loans for the Willow Manor Properties (“Acquisition Financing”), which included the acceptance of first mortgage loans from PNC Bank N.A. (“First Mortgages”) and subordinate loans from Montgomery County’s Department of Housing and Community Affairs (“County Loans”); and

WHEREAS, the Acquisition Financing matures on October 31, 2020; and

WHEREAS, the Commission wishes to apply for permanent financing for the Properties as a single scattered site transaction, which may result in reduced transactional and operational costs and may generate higher financing proceeds for the Properties; and

WHEREAS, the Commission has explored permanent financing options for the Willow Manor Properties and believes a LIHTC resyndication of the Properties will yield the most proceeds, which can be used to repay the outstanding First Mortgages and County Loans, finance improvements to the properties, pay financing and development fees, and fund required reserves; and

WHEREAS, the Commission desires, as part of the LIHTC resyndication application, to restrict the market-rate units at Clopper’s Mill to households earning 80% or less of the Washington Metropolitan Statistical Area Median Income (“AMI”) so that all units meet the average income test, which would allow the transaction to generate additional equity proceeds; and

WHEREAS, the Commission understands a LIHTC resyndication of the Properties requires a special allocation of private activity bond volume cap (“Additional Volume Cap”) from Maryland’s Department of Housing and Community Development (“DHCD”), which may not be provided; and

WHEREAS, in the event DHCD does not provide Additional Volume Cap, staff will return to the Commission with an alternate permanent financing plan; and

WHEREAS, the Commission desires to approve a predevelopment budget in an amount up to \$400,000 to cover predevelopment costs related to the Properties’ permanent financing, and fund the predevelopment budget from the Opportunity Housing Reserve Fund (“OHRF”), which will be repaid upon closing of permanent financing; and

WHEREAS, the Commission currently intends and reasonably expects to participate in tax-exempt borrowings to refinance the acquisition cost, finance certain property improvements, and fund reserves for the Willow Manor Properties in an amount not to exceed \$100,000,000, all or a portion of which may

reimburse the Commission for the portion of such expenditures incurred or to be incurred subsequent to the date which is 60 days prior to the date hereof but before such borrowing, and the proceeds of such tax-exempt borrowing will be allocated to reimburse the Commission's expenditures within 18 months of the later of the date of such expenditures or the date that the Willow Manor Properties are placed in service as part of the LIHTC resyndication (but in no event more than 3 years after the date of the original expenditure of such moneys); and

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

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Commission authorizes the submission of LIHTC application for the resyndication of the Willow Manor Properties as a single scattered site transaction.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves a predevelopment budget in an amount up to \$400,000 to cover predevelopment costs related to the permanent financing of the Willow Manor Properties, and to fund the predevelopment budget from the OHRF, which will be repaid upon closing of permanent financing

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as sole member of The Manor at Cloppers Mill, LLC, that the following actions are hereby approved:

1. That Willow Manor at Clopper's Mill be included in a scattered site LIHTC application with Willow Manor at Fair Hill Farm and Willow Manor at Colesville;
2. That the LIHTC application include a restriction of the market-rate units at Willow Manor at Clopper's Mill to households earning 80% or less of the Washington Metropolitan Statistical Area Median Income ("AMI") so that 100% of the units meet the average income test; and
3. That the Executive Director, Stacy L. Spann, or his designee, is authorized to execute any and all documents, and act as necessary, on behalf of The Manor at Cloppers Mill, LLC to effectuate the permanent financing of Willow Manor at Clopper's Mill.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as sole member of The Manor at Fair Hill Farm, LLC, that the following actions are hereby approved:

1. That Willow Manor at Fair Hill Farm be included in a scattered site LIHTC application with Willow Manor at Clopper's Mill and Willow Manor at Colesville; and
2. That the Executive Director, Stacy L. Spann, or his designee, is authorized to execute any and all documents, and act as necessary, on behalf of The Manor at Fair Hill Farm, LLC to effectuate the permanent financing of Willow Manor at Fair Hill Farm.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as sole member of The Manor Colesville, LLC, that the following actions are hereby approved:

1. That Willow Manor at Colesville be included in a scattered site LIHTC application with Willow Manor at Clopper's Mill and Willow Manor at Fair Hill Farm; and

2. That the Executive Director, Stacy L. Spann, or his designee, is authorized to execute any and all documents, and act as necessary, on behalf of The Manor at Colesville, LLC to effectuate the permanent financing of Willow Manor at Colesville.

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

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

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

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

3. Construction Management Services Pool: Authorization to Create a Construction Management Services Pool in Accordance with the Procurement Policy and Pursuant to Request for Qualification #19-2153

Kayrine Brown, Chief Investment and Real Estate Officer, and Paul Vinciguerra, Construction Manager, were the presenters.

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-32

RE: Authorization to Create a Construction Management Services Pool in Accordance with the Procurement Policy and Pursuant to Request for Qualification #19-2153

WHEREAS, the Housing Opportunities Commission of Montgomery County ("HOC" or the "Commission") continues to review its entire real estate portfolio and anticipates that it will rehabilitate and/or redevelop a significant portion of the properties it owns, including those it will acquire and new

construction projects, and this will require manpower and operational support to augment HOC's current staff; and

WHEREAS, the use of construction management firms will help ensure the efficient and effective execution of the Commission's goal of providing safe, high quality, and affordable housing to its residents; and

WHEREAS, on October 19, 2019, staff issued a Request for Qualifications (#19-2153) (the "RFQ") to solicit qualifications from construction management firms interested in providing these services on an as needed basis, to which five firms replied and met the submission requirements; and

WHEREAS, the RFQ attached distinct weight to three categories of qualifications; and

WHEREAS, each of the five proposals were evaluated, assigning numerical values to the firms based on the following three categories: qualifications and experience, supporting materials and narrative description, and references; and

WHEREAS, applying the criteria described above, the following five firms are being recommended as qualified for selection, having received from HOC staff overall scores above 80: CFI Construction Corp., JDC Construction Project Management, Owner Rep Consulting, Carlson Construction, and Davey Mackison & Reid, LLC.

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

1. Authorizes the selection of CFI Construction Corp., JDC Construction Project Management, Owner Rep Consulting, Carlson Construction, and Davey Mackison & Reid LLC, for inclusion in a single pool of construction management services firms;
2. Authorizes the use of these firms for pre-development activities as well as on Commission-authorized development projects;
3. Authorizes the Executive Director, or his designee, to execute zero dollar contracts with each selected firm for an initial one-year term with two optional one-year renewals.

V. ITEMS REQUIRING DELIBERATION and/or ACTION

1. Presentation of the Executive Director's FY21 Recommended Budget

Cornelia Kent, Chief Financial Officer, and Terri Fowler, Budget Officer, were the presenters. No action needed.

2. Approval of Actions Taken by the Housing Opportunities Commission of Montgomery County Pursuant to COVID-19 and Authorization of Future Actions Taken in Response to COVID-19

Cornelia Kent, Chief Financial Officer, was the presenter.

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, and Simon. Commissioner Croom was necessarily absent and did not participate in the vote.

RESOLUTION NO.: 20-33

RE: Approval of Actions Taken by HOC Pursuant to COVID-19 and Authorization of Future Actions Taken in Response to COVID-19

WHEREAS, the COVID-19 pandemic is affecting millions of people across many nations and having a growing impact on the global and local economy, and, as a result, in March 2020, Maryland Governor Larry Hogan declared a State of Emergency and the President of the United States proclaimed the outbreak of COVID-19 a national emergency;

WHEREAS, an increasing number of governmental orders, directives, and guidelines have been issued, which have closed various businesses and have generally promoted social distancing measures, and on March 16, 2020, Governor Larry Hogan issued an order temporarily prohibiting the eviction of tenants that cannot meet their rental obligations due to COVID-19 related reasons;

WHEREAS, HOC's customers are particularly at risk from being financially impacted by COVID-19, and the Executive Director has taken several actions to prevent undue hardship to HOC's customers;

WHEREAS, the actions the Executive Director has taken in response to the COVID-19 crisis include, but are not limited to, the following temporary actions: (1) suspending all tenant evictions; (2) suspending all maintenance work orders that are not emergency or exigent high priority work orders; (3) suspending the initial and annual inspections for each unit, including the project-based rental assistance units, at the following properties: Arcola Towers, Waverly House, the RAD 6 properties (Parkway Woods, Town Centre Place, Washington Square, Seneca Ridge, KenGar, and Sandy Spring Meadows), Bauer Park, Town Center Rockville, Pomander Court, Paint Branch, Camp Hill, Elizabeth House, Magruders Discovery, Chelsea Towers, Avondale Apartments, Lasko Manor, Holiday Park, and HOC's Scattered Sites; and (4) under the Housing Choice Voucher Program ("HCVP"), suspending all regular annual inspections, re-inspections, and quality control inspections; suspending all future Housing Assistance Payment abatements; and allowing clients additional time, if requested, to submit their recertification packets, which may result in delinquencies (the "HOC COVID-19 Response");

WHEREAS, as additional information becomes available, staff anticipates there will be additional federal, state, and/or local orders, legislation, regulations, and guidelines which will require HOC to take further action, including potentially suspending new voucher issuances and accepting interim changes by telephone under the HCVP;

WHEREAS, HOC is audited by several entities, including CliftonLarsonAllen and the U.S. Department of Housing and Urban Development;

WHEREAS, the Commission desires to document its approval of the HOC COVID-19 Response and to authorize additional actions that may be necessary in response to future additional federal, state, and/or local orders, legislation, regulations, and guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County approves the HOC COVID-19 Response.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it authorizes the Executive Director, or his designee, without any further action on its part, to take any and all other actions necessary and proper to comply with any federal, state, and/or local orders, legislation, regulations, and guidelines pertaining to COVID-19, including the execution of any documents related thereto, provided that the Executive Director provide notice to the Commission of any and all actions taken.

Based upon this report and there being no further business to come before this session of the Commission, the open session adjourned at 5:00 p.m. and reconvened in closed session at approximately 5:10 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 April 1, 2020 at approximately 5:10 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 three (3) separate real estate transactions.

The meeting was closed on a motion by Vice Chair Kelleher, seconded by Commissioner Simon, with Commissioners Priest, Kelleher, Nelson, Byrd, and Simon unanimously voting in approval. Commissioner Croom was necessarily absent and did not participate in the vote. The following persons were present: Roy Priest, Frances Kelleher, Richard Y. Nelson, Pamela Byrd, Jackie Simon, Stacy Spann, Aisha Memon, Kayrine Brown, Christina Autin, Zachary Marks, Cornelia Kent, Marcus Ervin, Kathryn Hollister, Erik Smith, Gail Willison, Gio Kaviladze, and Patrice Birdsong.

In closed session, the Commission discussed the confidential commercial and financial terms of two (2) separate real estate transactions (the third item was removed from the agenda). The following actions were taken:

1. With a quorum present, the Commission duly adopted Resolution 20-34AS, with Commissioners Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, and Jackie Simon voting in approval, which approved the following for a certain real estate transaction in Montgomery County: (1) amending the terms of an operating agreement, (2) increasing the CY 20 predevelopment budget, and (3) the funding source for the increased CY 20 budget. Commissioner Croom was necessarily absent and did not participate in the vote.
2. With a quorum present, the Commission duly adopted Resolution 20-35AS, with Commissioners Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., and Jackie Simon voting in approval, which approved the following for a certain real estate transaction in Montgomery County: (1) feasibility funding, and (2) the funding source for the feasibility funding. Commissioner Byrd abstained and Commissioner Croom was necessarily absent and did not participate in the vote.

The closed session was adjourned at 6:38 p.m.

Respectfully submitted,

Stacy L. Spann
Secretary-Treasurer

/pmb

Approved: May 6, 2020