

EXPANDED AGENDA

May 6, 2020

		Res #
4:00 p.m. Page 3	<p>I. <u>INFORMATION EXCHANGE</u></p> <p>A. Report of the Executive Director B. Commissioner Exchange</p> <p>The Resident Advisory Board and Community Forum have been cancelled due to the current state of emergency and social distancing guidelines related to the Coronavirus Disease (COVID-19). Please refer to HOC's website for more information on HOC's State of Emergency Open Meeting Procedures.</p>	
4:30 p.m. Page 8	<p>II. <u>APPROVAL OF MINUTES</u></p> <p>A. Approval of Minutes of April 1, 2020 B. Approval of Minutes of April 1, 2020 Administrative Session</p>	
4:40 p.m.	<p>III. <u>COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION</u></p>	
4:50 p.m. Page 24 Page 30	<p>A. Development and Finance Committee – Com. Simon, Chair</p> <p>1. Wheaton Gateway: Approval to Expand the Scope of Services for DSI Services, Inc. to Complete the Demolition of the Mattress Firm Site and Approval of a Change Order to Increase the Demolition Budget and Contract Value for the Mattress Firm Site</p> <p>2. HQ Site: Approval of Mandatory Referral Application Submission; Approval to Increase the Predevelopment Budget and Approval to Draw on the PNC Bank, N.A. Line of Credit to Fund a Second Installment of Predevelopment</p>	<p>20-36 (pg. 28)</p> <p>20-37_A (pg. 45) 20-37_B (pg. 47)</p>
5:15 p.m.	<u>ADJOURN</u>	
5:30 p.m.	<p><u>ADMINISTRATIVE SESSION</u></p> <p><i>A closed Administrative Session will be called to order pursuant to Section 3-305(b)(13) of the General Provisions Article of the Annotated Code of Maryland</i></p>	

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



COVID-19 Update

HOC is committed to doing everything we can to ensure the health and well-being of our staff, customers, and the community during the COVID-19 public health crisis. This month's Executive Director Report is an update on ongoing agency efforts that ensure the safety and support of our employees and those we serve.

At this time, the Agency is continuing its Social Distancing Protocols until further notice. As a related matter, HOC offices remain closed to the public, with the vast majority of employees participating in remote work. At this time, only designated employees are permitted to work from HOC's offices and only as scheduled. HOC continues to take additional safety measures, including (i) frequently sanitizing common areas in HOC offices; (ii) requiring customers to call or email rather than visit our offices in person; (iii) collecting packages and customer packages in secure bins at the front of all HOC offices; (iv) sanitizing HOC fleet and; (v) regular dissemination of Personal Protective Equipment to front line staff.

As of April 16, 2020, all staff operating from offices or properties have been required to wear masks while in the workplace. Masks were made available to designated employees and instructions for cleaning and making masks were distributed to all staff.

HUD Publishes Notice Addressing PH and HCV Waivers During COVID-19

On April 10, 2020 HUD published PIH Notice 2020-05, COVID-19 Statutory and Regulatory Waivers for the Public Housing and Housing Choice Voucher Program. The notice provides HOC with the flexibility to adjust program practices to prioritize mission critical functions when normal operations are restricted and severely constrained.

HOC has elected to apply many of the waivers in the notice to ease the administrative burden on customers and staff while reducing the spread of COVID-19. Notably, we are allowing customers to self-certify income, conducting virtual briefings and delaying annual recertifications when customers cannot comply with the program requirements. We are also permitting landlords to self-certify under limited circumstances with respect to Housing Quality Standards (HQS) inspections to limit unnecessary entry into customer units.

A copy of the notice can be found [here](#).

HOC Provides Flexibility to Customers During Pandemic

Amidst the evolving landscape of the COVID-19 pandemic, HOC continues to make necessary adjustments to serve the interests of customers and the residents of Montgomery County impacted by the public health crisis. Customers whose ability to pay rent timely has been impacted by this crisis may contact HOC in order to discuss rent payment plan and other options to help keep customers supported and housed. All customers received communications from their property management teams with direct contact information and preliminary details about temporary relief available to them due to job or income loss because of COVID-19. While HOC's offices

remain closed to the public for in-person walk-ins and appointments during the crisis, payments can continue to be made using secure drop boxes at HOC rent payment locations, standard mail, or online.

HOC remains committed to getting and keeping people housed during the COVID-19 pandemic. To that end, HOC has pivoted to providing virtual property tours to prospective customers while continuing to lease units to ensure we continue our goal to get people housed, even in the face of COVID-19. Furthermore, HOC staff have continued to perform wellness checks via phone at both multifamily and scattered sites properties.

Service Coordination Support and Rental Assistance Continue During COVID-19

Service Coordination

Due to the COVID-19 pandemic, and recommended guidelines from the CDC, state, county and HOC, the Resident Counselors continue to work remotely for their safety as well as the safety of the residents. Resident Counselors remain available via email and phone, as well as video conferencing when residents have the required technology. Resident Counselors continue to provide information, referrals, and resources to residents in need during this time. Phone wellness checks have been and continue to be conducted to assess residents' needs pertaining to the current crisis. Information about residents who are in need of food, toiletries and other essentials has been collected and efforts are underway to obtain and provide these items to those residents who have stated a need. Resident Counselors down county have conducted a total of 1,032 phone, email, or virtual interactions with residents during the month of April.

COVID-19 has also impacted our ability to provide community engagement activities, workshops, special events, and on-going programs. Fortunately, Community Aides, Resident Counselors, and Property Management and Property Maintenance staff have worked together to ensure that our food distribution programs could continue to provide essential meals to our customers throughout the county. We are serving approximately 200 households in our Manna Food Center Distributions at Town Center Rockville, Forest Oak Towers, Tanglewood Apartments, and Paddington Square. We are also serving approximately 185 seniors in our Capital Area Food Bank Distributions at Arcola Towers, Bauer Park, Town Center Rockville and Elizabeth House, and approximately 150 seniors at our Montgomery County Senior Nutrition Program host sites (Arcola Towers, Bauer Park, Elizabeth House, Forest Oak Towers, and Waverly House). Community Aide Mary Ellison has been working with Emmanuel Brinklow Church to provide households with essential items in the TCP-Olney HUB. Despite COVID-19, staff are working to organize some virtual program opportunities for families and seniors in the coming weeks with the assistance of partners, including HOC's nonprofit affiliate, Housing Opportunities Community Partners (HOCP).

Additionally, HOC is proud to announce that we will be able to provide approximately 475 households with supplies that are challenging to acquire as a result of the COVID-19 pandemic. HOCP awarded \$20,000 to purchase paper goods and disinfectant for HOC households. Each care package will contain toilet paper, paper towels, and bottles of disinfectant and hand sanitizers. In addition to the care packages and in an effort to utilize the remaining Maryland Emergency Food Program (MEFP) grant funds for FY 20, we hope to serve at least 175 households with fresh curated produce boxes from Coastal Sunbelt Produce company. Care packages and produce boxes will be distributed by Resident Services staff as soon as we are made aware of the need. Lastly, there is an opportunity for Resident Services to be able to supply face masks to our senior communities via the Office of Emergency Management, who recently received a large order of masks and would like to provide them to senior communities in Montgomery County. We have asked for several hundred masks in order to distribute to our customers aged 62 years and older.

Supportive Housing

The Supportive Housing team continued to provide critical services for the formerly chronically homeless and disabled population. Resident Counselors have been in almost constant contact via phone and email and remain available for emergency assistance. Supportive Housing staff also delivered gift cards to customer households reporting no income. The team conducted three (3) inspections for emergency relocations, relocated two (2) households during the month of April, and served two (2) emergency petitions.

Rental Assistance

Resident Services continues to operate the Housing Stabilization and Rent Supplement programs. Program staff have primarily been working remotely, coming to the office on select, staggered schedules only to receive and process confidential documents. Resident Services staff is also preparing to issue additional rental assistance resources to HOC customers and County residents who have lost income due to COVID-19. Resident Services has partnered with the Department of Housing and Community Affairs to secure Recordation and CDBG funding to support this effort. Resident Services anticipates beginning these efforts in mid-May.

HOC Steps Up Sanitation Efforts

HOC is committed to providing a high level of customer service during this pandemic balanced with our goal to keep residents and staff safe. To accomplish this, our custodians have continued increased cleaning and disinfecting efforts in common area spaces at our senior and multi-family properties numerous times throughout the day. Using environmentally friendly disinfectant approved by the Environmental Protection Agency, maintenance staff continue to disinfect all frequently touched surfaces in all community spaces including, but not limited to management offices, lobbies, community rooms, lounges, libraries, kitchens, bathrooms, laundry rooms and trash rooms. Special attention is being placed on disinfecting frequently touched areas such as doors, handrails, elevator buttons, light switches and laundry facilities. While common spaces have been closed to discourage resident gatherings and encourage social distancing best practices, staff continues to clean and disinfect all areas in an abundance of caution and to ensure the ongoing health and safety of all customers and property staff.

Phase II of Montgomery County Homeownership Assistance Fund Continues

Managed by HOC, the Montgomery County Homeownership Assistance Fund (McHAF) opened Phase II on January 21, 2020. McHAF provides downpayment and closing cost assistance funds for eligible first-time homebuyers in Montgomery County. Used in conjunction with HOC's Mortgage Purchase Program's first mortgage loan, McHAF enables approved applicants to access a zero-percent deferred loan of up to 40 percent of the qualifying household income, for a maximum of \$25,000. Applicants can access the funds through an [approved lender listed on the Homeownership page](#) of HOC's website.

As of April 30, 2020, Phase II of the McHAF has provided 39 households with incomes ranging from \$38,000 to \$140,988 an average secondary loan of \$22,866.

HOC is proud to continue this partnership with the County to provide homeownership tools to Montgomery County residents. This community is an exceptional place for families to live, work and grow and downpayment and closing cost assistance helps people take advantage of those opportunities.

CARES Act Funding Announced for State and Local Governments and Entities

Coronavirus Aid, Relief, and Economic Security Act (CARES) Act funding for state and local entities in Maryland was released in mid-April, dedicating \$37.6 MM to Public Housing and Rental Assistance Grants, \$26.2 MM to local governments for the Community Development Block Grant (CDBG), and \$22.8 MM to local governments for Homeless Assistance. Montgomery County will receive approximately \$2.9 MM and \$1.4 MM in CDBG and Homeless Assistance funding, respectively. An overview of CARES Act funding for Maryland by the Department of Legislative Services can be found [here](#).

On April 28 and May 1, 2020, HUD announced additional CARES Act funding for Public Housing Authorities (PHA) across the country for 1) Tenant-Based Rental Assistance to support the Housing Choice Voucher program for administrative and other expenses and 2) PHA response to COVID-19. Funding for these efforts have been allocated to the Housing Opportunities Commission of Montgomery County in the amount of approximately \$1.5 MM for HCV administrative expenses and \$73,100 for COVID-19 response. HUD notices and press releases can be found here for the [HCV administrative fees](#) and [COVID-19 response](#). Staff continue to monitor federal and state funding developments and await instructions on distribution and disbursement of these funds.

State Legislators Call on Maryland Governor to Cancel Rent and Mortgage Payments

On April 29, 2020, 50 state delegates and senators signed on to a letter to Governor Hogan urging “aggressive housing relief measures” such as rent and mortgage cancellation, requiring the renewal of expiring leases, a prohibition on rent increases and late fees, and a requirement that landlords negotiate reasonable, long-term payment plans. The letter, [found here](#), does not detail strategies for supporting these efforts nor does it provide any proposed legislative or budgetary actions to enact the requested actions. The governor has yet to respond publicly to the letter.

On April 30, the Public Justice Center, Homeless Persons Representation Project, and the ACLU of Maryland sent a letter to Governor Hogan proposing the use of CARES Act CDBG funding to support housing relief efforts. The letter, [found here](#), includes a proposal to make payments of 50% of lease rent for four months directly to landlords on behalf of tenants. Landlords would apply directly to the state and self-certify rent balances owed. The governor has yet to respond publicly to the letter. HOC staff continues to monitor and track any progress on these and other proposals to provide rent relief to customers and support to affordable housing providers in Maryland and Montgomery County.

Minutes

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 Council
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

Committee Reports and Recommendations for Action

Development and Finance Committee

**APPROVAL TO SELECT DEMOLITION SERVICES, INC. (“DSI”) TO COMPLETE THE
DEMOLITION OF THE MATTRESS FIRM SITE AND APPROVAL OF A CHANGE
ORDER TO INCREASE THE DEMOLITION BUDGET AND CONTRACT VALUE FOR DSI
TO INCLUDE THE MATTRESS FIRM SITE**

- On May 8, 2019, the Commission approved Resolution No. 19-54 (the “Resolution”), which authorized funding for the demolition of Ambassador Apartments (the “Ambassador”) and Emory Grove Village. The Resolution authorized the Executive Director to enter into a contract with DSI to raze the Ambassador and authorized a funding level of \$747,766, which constituted DSI’s contract amount of \$679,787 plus a 10% contingency, subsequently increased to an amount not to exceed \$815,745. This contract was funded with Montgomery County Capital Improvement Program (“CIP”) funds of \$1,300,000.
- A contract for the demolition of the Ambassador Apartments was awarded to Demolition Services, Inc. (“DSI”) on May 8, 2019.
- Shortly after commencement of the Ambassador demolition in December 2019, HOC staff consulted with the Montgomery County Department of Housing & Community Affairs (“DHCA”) regarding the use of CIP funds for demolition of the adjacent Mattress Firm site, and subsequently received approval from the Montgomery County Office of Management and Budget (“OMB”) to utilize the aforementioned funds for that purpose.
- Staff solicited bids for demolition services from three contractors including DSI, Dabco Construction Inc., and Atlantic Environmental Solutions. DSI represented the lowest and most qualified bidder for demolition of the Mattress site with a bid in the amount of \$133,509.
- At the Development and Finance Committee, which met on April 24, 2020, staff requested an increase to the DSI contract for demolition of Ambassador Apartments by \$133,509, and a corresponding increase to the demolition budget and contract value to complete the demolition of the Mattress Firm site.
- Staff recommends that the Commission accept the recommendation of the Development and Finance Committee and approve an increase to the DSI contract for demolition of Ambassador Apartments by \$133,509, via a change order and a corresponding increase to the demolition budget and contract value to complete the demolition of the Mattress Firm site.
- Once approved, the total contract value would increase by an amount not to exceed \$949,254 and the overall project budget is estimated to be \$1,278,826.

MEMORANDUM

TO: Housing Opportunities Commission

VIA: Stacy L. Spann, Executive Director

FROM: Kayrine Brown, Chief Investment and Real Estate Officer Ext. 9589
Zachary Marks, Director of Development Ext. 9613
Marcus Ervin, Housing Acquisition Manager Ext. 9752
Paul Vinciguerra, Construction Manager Ext. 9715

RE: **Wheaton Gateway:** Approval to Select Demolition Services, Inc. (“DSI”) to Complete the Demolition of the Mattress Firm Site and Approval of a Change Order to Increase the Demolition Budget and Contract Value for DSI to Include the Mattress Firm Site

DATE: May 6, 2020

STATUS: COMMITTEE REPORT: Deliberation

OVERALL GOAL & OBJECTIVE:

To expand the scope of services and increase the contract value amount for DSI to complete the demolition of the Mattress Firm Site at Ambassador Apartments by \$133,509.

BACKGROUND:

On May 8, 2019, the Commission approved Resolution No. 19-54 (the “Resolution”), which authorized funding for the demolition of Ambassador Apartments (the “Ambassador”) and Emory Grove Village. The Resolution authorized the Executive Director to enter into a contract with DSI to raze the Ambassador and authorized a funding level of \$747,766, which constituted DSI’s contract amount of \$679,787 plus a 10% contingency, subsequently increased to an amount not to exceed \$815,745. This contract was funded with Montgomery County Capital Improvement Program (“CIP”) funds of \$1,300,000.

Following the commencement of the Ambassador demolition in November 2019, the Wheaton Gateway development team, consisting HOC, the Duffie Companies, and Willco (the commercial condo owner of the Ambassador and owner of the Mattress Firm Site), entered into a binding joint venture agreement for Wheaton Venture, LLC (the “Venture”). The Venture further called for the parties to contribute their respective properties into the venture, including the Lindsay Ford West Side parcels, the Ambassador, and the Mattress Firm site. This land assemblage permits participation by Willco in the overall redevelopment of the Wheaton Gateway West Side community through the contribution of Willco’s adjacent Mattress Firm Site.

As demolition progressed, the Wheaton Gateway team fielded and responded quickly to concerns made by local constituents and elected officials regarding the demolition process, site security, and maintenance of pedestrian walkways by instructing DSI to quickly implement additional site signage, traffic control and security protocols for the remainder of the process, which would allow pedestrians to safely travel along University Boulevard. The parties additionally discussed the benefit and need to utilize remaining CIP funds to demolish the adjacent Mattress Firm Site for reasons including 1) reduce ongoing and future site security and oversight measures during the predevelopment phase that would be

the responsibility of the Venture and 2) prevent vandalism to the now vacant Mattress Firm Site.

Given the aforementioned arguments outlined above, the Montgomery County Office of Management and Budget (“OMB”) agreed to a HOC’s staff request in January 2020 to permit use of the remaining CIP funds to demolish the Mattress Firm Site. Staff solicited bids for demolition services from three contractors including DSI, Dabco Construction Inc., and Atlantic Environmental Solutions. As provided below, DSI represented the lowest and most qualified bidder for demolition of the Mattress site.

The bids were as follows:

Firm Name	Bid Price	
DSI	\$133,509	<i>Existing contractor and lowest bidder</i>
Dabco Construction, Inc.	\$142,100	
Atlantic Environmental Solutions	\$157,000	

In conclusion, as the Venture seeks to continue its positive engagement and goodwill with the greater Wheaton Gateway community; reduce blight; minimize ongoing maintenance and security costs that would be incurred by the Venture; lock-in confirmed contractor pricing for the demolition as noted in the bid submissions above; and most importantly avoid losing previously approved County CIP funding specifically for this effort, Staff seeks approval to expand the scope of services of DSI to permit demolition of the Mattress Site, and approve an increase to the Ambassador contract by \$133,509 bringing the total contract up to an amount not to exceed \$949,254, and an overall estimated project budget of \$1,278,826, outlined in the table below.

As previously mentioned, the Montgomery County CIP funds of \$1,300,000 allocated for the demolition of Ambassador Apartments is sufficient to complete the demolition of all structures and secure the site, leaving approximately \$21,174 unencumbered.

Allocated CIP Budget – Wheaton Gateway	\$1,300,000	
	<u>Contract</u>	<u>Budget</u>
Contract Amount	(\$679,787)	(\$679,787)
Pre-Demolition Expenditures (HOC)		(\$209,572)
Added Contingency (20%)	(\$135,958)	(\$135,958)
Additional Mattress Firm Demo Cost	(\$133,509)	(\$133,509)
Additional Permits, Fees, & Contingency (10%)		(\$20,000)*
Site Beautification		(\$100,000)*
Total Revised Contract/Budget	\$949,254	(\$1,278,826)
Unencumbered CIP Funds		\$21,174

**These budgeted amounts would be reallocated to the demolition of Emory Grove if not fully expended.*

ISSUES FOR CONSIDERATION:

Does the Commission wish to accept the recommendation of the Development and Finance Committee to approve an increase to the DSI contract for demolition of Ambassador Apartments by \$133,509 and a corresponding increase to the demolition budget and contract value to complete the demolition of the Mattress Firm site?

BUDGET/FISCAL IMPACT: There is no adverse impact on the Commission’s FY 2020 operating budget, and there is no adverse fiscal impact for the Commission.

TIME FRAME:

For action at the May 6, 2020 meeting of the Commission.

COMMITTEE RECOMMENDATION:

The Development and Finance Committee recommended that the matter be advanced to the May 6, 2020 Commission meeting for full approval.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Commission accept the recommendation of the Development and Finance Committee to approve an increase to the DSI contract for demolition of Ambassador Apartments by \$133,509, via a change order and a corresponding increase to the demolition budget and contract value to complete the demolition of the Mattress Firm site.

Once approved, the total contract value would increase by an amount not to exceed \$949,254 and the overall project budget is estimated to be \$1,278,826.

RESOLUTION NO: 20-36

RE: Approval to Select Demolition Services, Inc. (“DSI”) to Complete the Demolition of the Mattress Firm Site and Approval of a Change Order to Increase the Demolition Budget and Contract Value for DSI to Include the Mattress Firm Site

WHEREAS, Ambassador Apartments is a 162-unit multifamily residential apartment building built around 1960 and located at 2715 University Blvd. W. Silver Spring, MD (“Ambassador Apartments”) that has been vacated and fully demolished due to numerous physical and structural concerns to make way for redevelopment and the expansion of affordable housing at the site; and

WHEREAS, on May 8, 2019, the Commission approved awarding a contract to Demolition Services Inc. (“DSI”) for the demolition of Ambassador Apartments in the amount of \$679,787, that was subsequently increased to \$815,745 (the “Contract”), which is funded by Montgomery County Capital Improvement Program (“CIP”) funds totaling \$1,300,000; and

WHEREAS, the demolition of Ambassador Apartments is part of the overall Wheaton Gateway development plan, which also includes the demolition of an adjacent site located at 11200 Veirs Mill Road, Wheaton, Maryland (the “Mattress Firm Site”); and

WHEREAS, in January 2020, HOC received approval from the Montgomery County Office of Management and Budget to use the remaining CIP funds to demolish the Mattress Firm Site, and HOC solicited bids from qualified demolition contractors, including DSI, Dabco Construction Inc., and Atlantic Environmental Solutions; and

WHEREAS, following the solicitation, DSI was deemed the lowest and most responsive bidder with a proposal amount of \$133,509; and

WHEREAS, staff is seeking approval to amend the Contract (via change order) to expand the scope of work to include the demolition of the Mattress Firm Site and increase the amount by \$133,509, which will bring the total Contract amount to no more than \$949,254, and an overall estimated project budget of \$1,278,826; and

WHEREAS, there are sufficient funds available in the initial CIP appropriation to cover the increase to the Contract amount.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County approves amending the Contract (via change order) to expand the scope of work to include the demolition of the Mattress Firm Site and increase the Contract amount by \$133,509, bringing the total Contract value to a maximum of \$949,254 and the total project budget to a maximum of \$1,278,826, which will be funded by remaining CIP funds.

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

I HEREBY CERTIFY that the foregoing resolution was approved by the Housing Opportunities Commission of Montgomery County at a regular meeting on May 6, 2020.

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Patrice M. Birdsong
Special Assistant to the Commission

**HOC HEADQUARTERS: APPROVAL OF MANDATORY REFERRAL
APPLICATION SUBMISSION; APPROVAL TO INCREASE THE
PREDEVELOPMENT BUDGET; AND APPROVAL TO DRAW ON THE
PNC BANK, N.A. LINE OF CREDIT TO FUND A SECOND
INSTALLMENT OF PREDEVELOPMENT**

RELOCATING 10400 DETRICK TO NEWLY BUILT OFFICE



STACY L. SPANN, EXECUTIVE DIRECTOR

Kayrine Brown
Zachary Marks
Jay Shepherd

May 6, 2020

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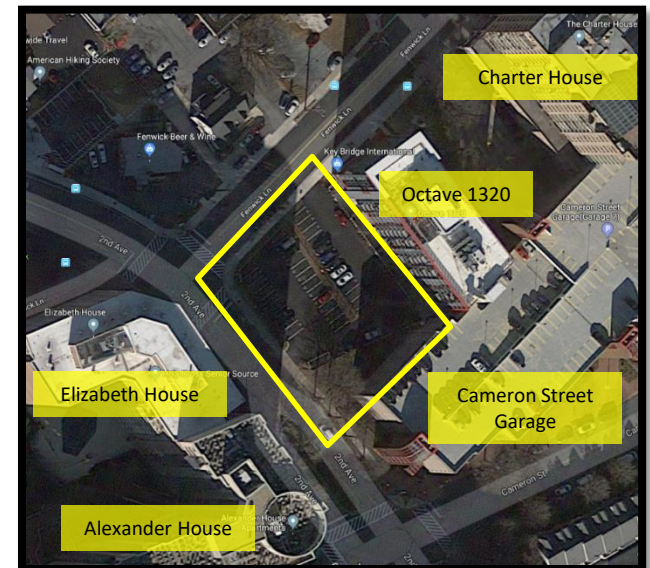
Executive Summary

Located at the southeastern corner of Fenwick Lane and Second Avenue, are three aggregated lots (1324 and 1328 Fenwick Lane, or “Fenwick & Second”) owned by Fenwick Silver Spring, LLC, which is a entity sharing common ownership with Promark Partners (“Promark Partners”). The lots currently serve as overflow surface parking. Promark acquired these parcels along with a former office building at neighboring 1320 Fenwick Lane that the firm converted to residential condominiums. Additionally, Promark has negotiated the option to purchase a 2,200-square foot parcel of excess land owned by the Department of Transportation (“DOT”) for \$700,000. This parcel will be purchased by Fenwick Silver Spring, LLC at closing and along with the Fenwick and Second, constitute the entire development site (“Site”).

On April 3, 2019, the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”), authorized the Executive Director to execute a Development Agreement and Ground Lease with Promark for the joint development of Site. HOC also engaged Design Collective, Inc. for architectural services to design and entitle, and administer construction for the new headquarters building of up to approximately 83,550 gross square feet or the maximum allowed by the current zoning regulations (“New HQ”).

Staff explored several options to increase the size and develop a building on the site that could accommodate additional tenants with compatible missions to HOC. However, due to the cost of high rise construction and the lack of pre-leasing from other non-profit tenants, as well as the benefit from a shorter entitlement period if no other tenants are involved, Staff, in conjunction with Promark under its role as development manager, are recommending the Commission submit an application for Mandatory Referral for the Site. Further, by pursuing a shorter path for completion under Mandatory referral with simply a governmental building, HOC can expedite delivery of the building, reduce predevelopment costs, and minimize development period risk – and thereby reduce project uncertainty in this environment.

On September 5, 2018, the Commission approved a first installment of development budget funding of \$264,500. Staff is currently requesting a second installment of \$793,800 from a loan from the PNC \$60MM Line of Credit as the source for the second installment of development budget funding, as well as an increase in the predevelopment budget from \$2,116,000. to \$2,650,150.



Mandatory Referral Process

Mandatory Referral Two-Step Process

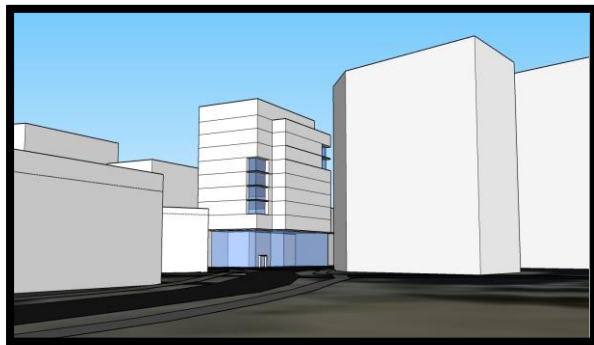
Mandatory Referrals are plans submitted by government agencies for a variety of development activities including road improvements, public school projects, and any other government-owned property development. The primary reason for pursuing this path is multi-fold in the Montgomery County entitlement process. By its very nature, it shortens the steps involved in the approval process which has a direct savings to design, legal, engineering studies, and accrued interest on funding. Mandatory Referral is not available to multifamily residential developments.

The Mandatory Referral process is divided into two steps: review of the location and review of the design of the proposed use.

Under Mandatory Referral, the MCPB must render a decision within 60 days of receiving a "completed application", unless the public agency as the applicant agrees to extend the 60 day requirement.

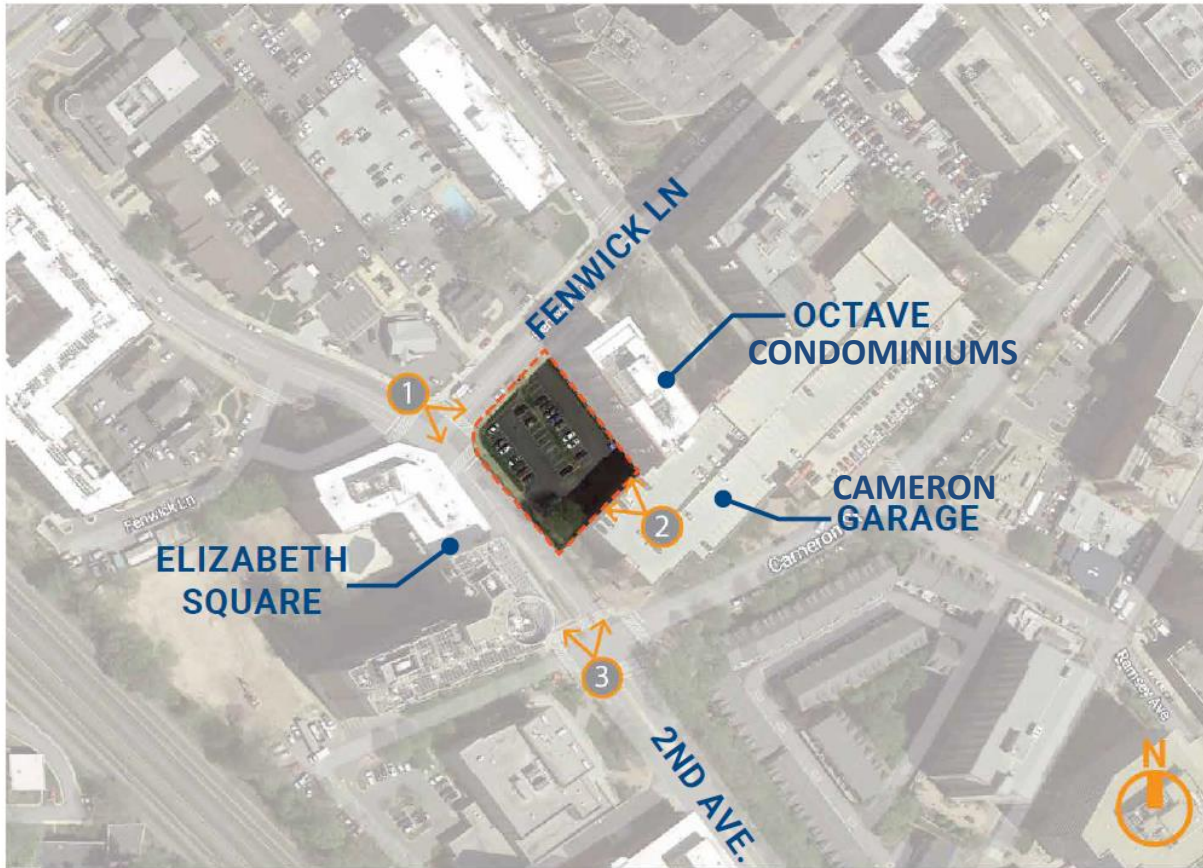
Entitlement Process And Direct Savings:

- **Forest Conservation:** Mandatory Referrals must address forest conservation law when submitted for a property larger than 40,000 sf and/or for more than 5,000 sf of proposed cutting, clearing, or grading. For Mandatory Referrals proposing less than 5,000 sf of disturbance on properties smaller than 40,000 sf, forest conservation law does not apply.
- **Development Review Committee (DRC):** Mandatory Referrals do not go to DRC.
- **Decision Type:** The Planning Department does not formally approve or deny Mandatory Referrals. Instead, they provide a recommendation to the applying agency either administratively or at a Planning Board hearing.
- **Fees:** Mandatory Referrals are free because they are submitted by government agencies.
- **Review Time:** Must be acted upon within 60 days.
- **Amendments:** Mandatory Referrals may not be amended. You may only change the results of a Mandatory Referral with a new Mandatory Referral application.



Site Context

HOC HQ - CONTEXT



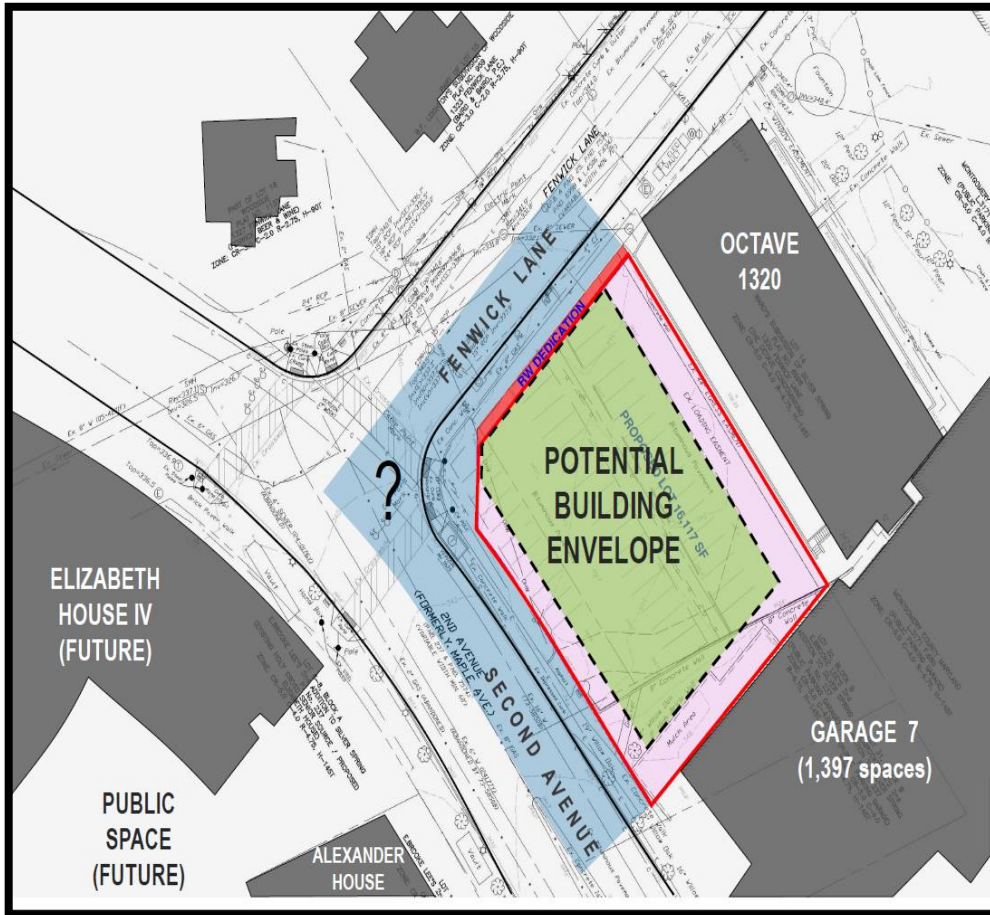
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Design Collective

Site Considerations

Mandatory Referral permits the development under its current as of right zoning, and for the Site, that is allowance to build up to 83,550 SF with a 145' height limit.

Site Considerations:



SITE DEVELOPMENT MODEL

		% of Total
Net HOC Service Center (1)	6,663 SF	8%
Net HOC HQ	52,366 SF	63%
Assume 20% Gross Factor for Base Building (2)	16,710 SF	20%
Gross other Commercial	7,809 SF	9%
Gross Building SF	83,548 SF	100%

Notes:

- (1) Relocation of the Silver Spring Service Center.
- (2) Loss in useable square footage to common area building needs, like stairwells, elevators, bathrooms, and corridors.

SITE SUMMARY:

Zoning: CR 5.0, C-4.0, R-4.75, H 145T

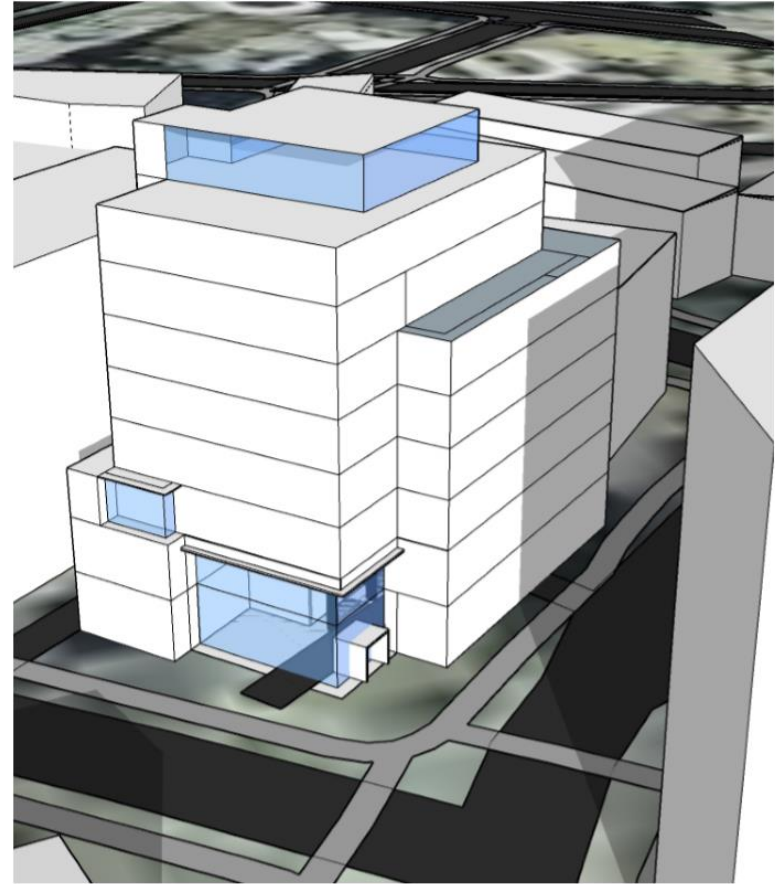
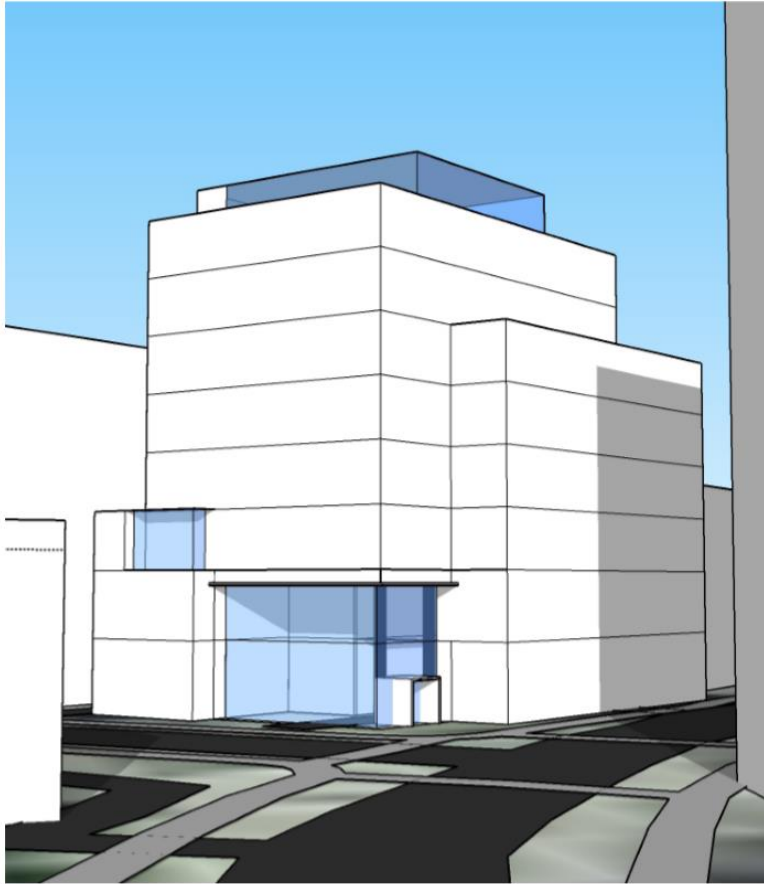
Lot Area: 16,117 sf
 Prior Dedications: 4,305 sf
 Fenwick Dedications: 465 sf

Gross Tract Area: 20,887 sf *
 Net Lot Area: 15,652 sf

Max. Commercial 83,550 sf *
 @4.0 FAR

HOC HQ – Massing

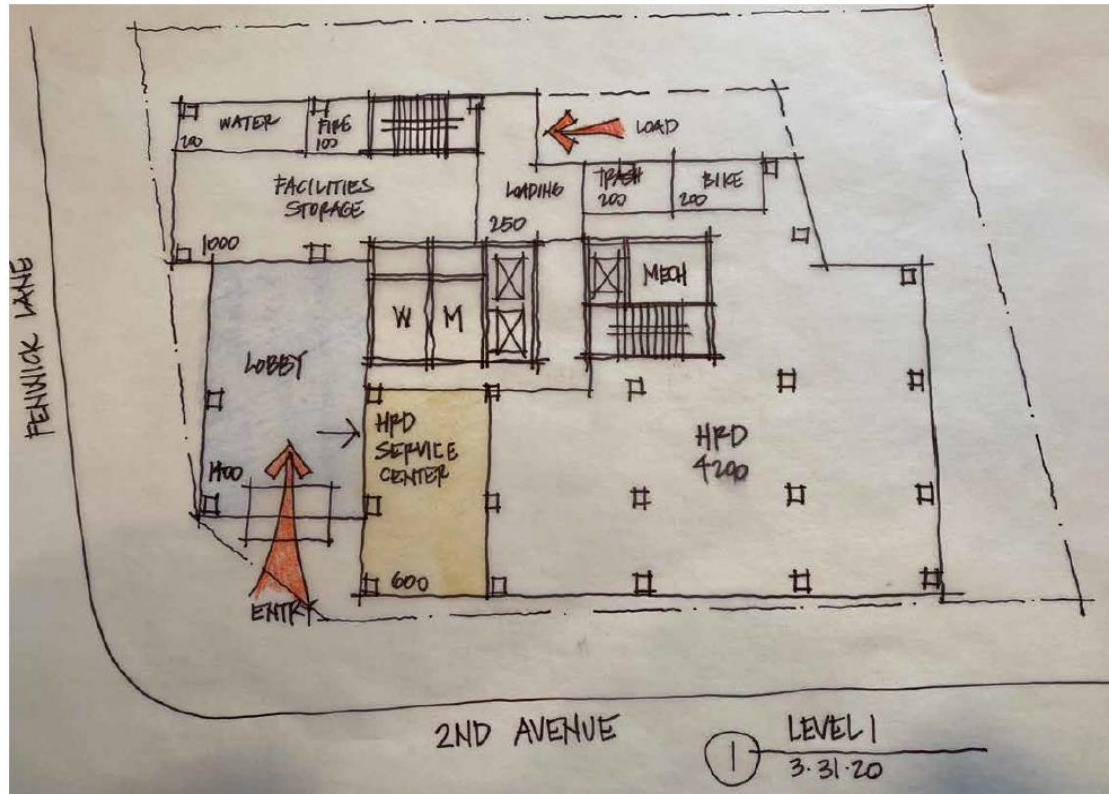
Preliminary massing layout for a nine (9) story building, with the top floor as a +/- 3500 SF Amenity Floor for all building occupants. Main entrance to lobby is at the corner of Fenwick Lane & Second Avenue. This massing allows a step back at floors 3 and 6 to allow not only the preservation of view shed and direct sunlight for the neighbor on Fenwick Lane, but also allows smaller floorplates which means more direct sunlight deeper into the office space to boost employee wellness. It also allows for more energy efficient floorplate and opportunities for rooftop amenities.



HOC HQ - Plan

Preliminary space layouts for the Ground Floor, showing the Service Center along with the lobby and general building functions, like facilities and loading.

HOC HQ - PLAN



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5/6/2020

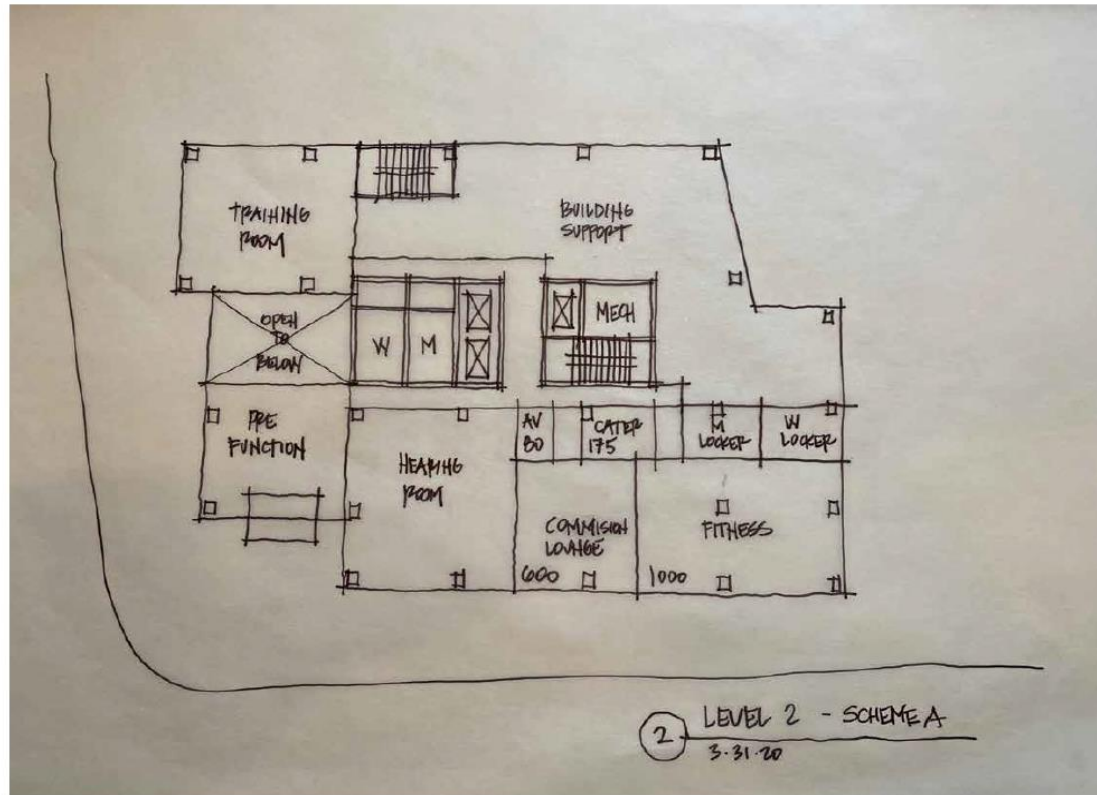


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HOC HQ - Plan

Preliminary space layouts for the Second Floor, showing the Commission Hearing Room, Pre Function Space, and Lounge. This floor would also house amenities for the rest of the building like training room capability, or Fitness..

HOC HQ - PLAN



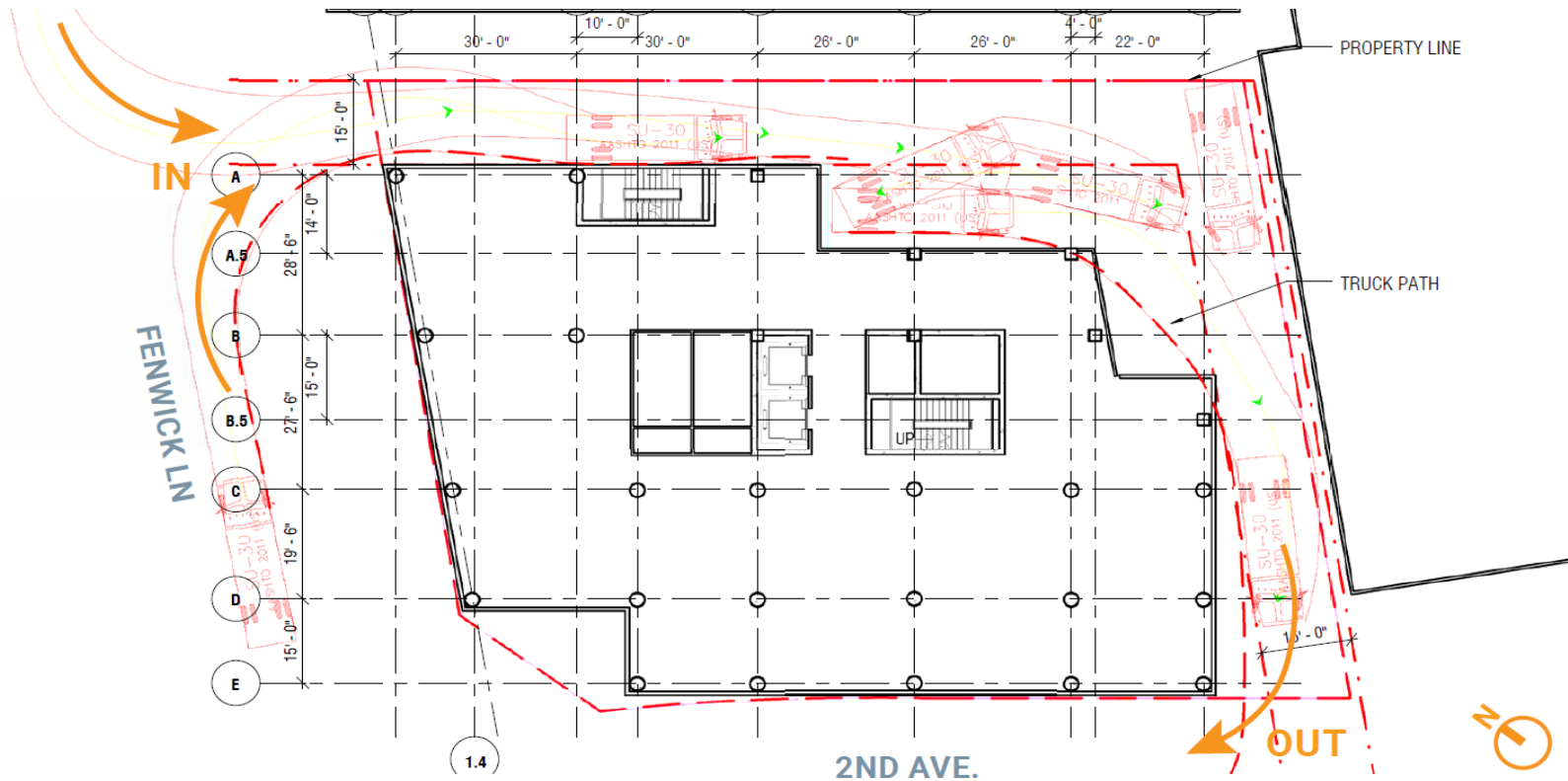
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HOC HQ – Site Circulation

Circulation around the ground floor of the site is important to determine flow of traffic for loading and unloading needs of the building.

HOC HQ - SITE CIRCULATION



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Predevelopment Budget Increase

The Commission is being asked to approve an increase to the budget to include revised costs of the traffic engineering as well as the permit & application fees required at the time of application.

			12.50%	12.50%	12.50%	12.50%	12.50%	12.50%	12.50%	12.50%
Design & Development Budget	Consultant	Total	Inception to 1Q20	2Q20	3Q20	4Q20	1Q21	2Q21	3Q21	4Q21
Ground Rent & Other Costs	[TBD]	\$291,000	\$36,375	\$36,375	\$36,375	\$36,375	\$36,375	\$36,375	\$36,375	\$36,375
Architectural Design (incl. MEP)	Design Collective, Inc.	\$945,000	\$118,125	\$118,125	\$118,125	\$118,125	\$118,125	\$118,125	\$118,125	\$118,125
Interior Design	[TBD]	\$15,000	\$1,875	\$1,875	\$1,875	\$1,875	\$1,875	\$1,875	\$1,875	\$1,875
LEED Design, Modeling, Admin.	[TBD]	\$25,000	\$3,125	\$3,125	\$3,125	\$3,125	\$3,125	\$3,125	\$3,125	\$3,125
Survey Work	[TBD]	\$10,000	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250
Civil Engineering	MHG	\$225,300	\$0	\$225,300	\$0	\$0	\$0	\$0	\$0	\$0
Environmental	[TBD]	\$7,500	\$938	\$938	\$938	\$938	\$938	\$938	\$938	\$938
Traffic Engineering	MJ Wells	\$28,350	\$0	\$28,350	\$0	\$0	\$0	\$0	\$0	\$0
[EMPTY]	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Soils Testing	ECS	\$10,000	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250
Title	Integrity	\$5,000	\$625	\$625	\$625	\$625	\$625	\$625	\$625	\$625
Legal - Entitlement	[TBD]	\$207,000	\$25,875	\$25,875	\$25,875	\$25,875	\$25,875	\$25,875	\$25,875	\$25,875
Legal - Transactional	[TBD]	\$35,000	\$4,375	\$4,375	\$4,375	\$4,375	\$4,375	\$4,375	\$4,375	\$4,375
Collaboration Software	Procorem	\$1,500	\$188	\$188	\$188	\$188	\$188	\$188	\$188	\$188
Development Fee	Promark	\$104,500	\$13,063	\$13,063	\$13,063	\$13,063	\$13,063	\$13,063	\$13,063	\$13,063
Construction Management	Promark	\$120,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Application & Permit Fees	DPS	\$520,000	\$0	\$75,000	\$0	\$75,000	\$0	\$0	\$0	\$370,000
Contingency	N/A	\$100,000	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500
TOTAL		\$2,650,150	\$234,563	\$563,213	\$234,563	\$309,563	\$234,563	\$234,563	\$234,563	\$604,563

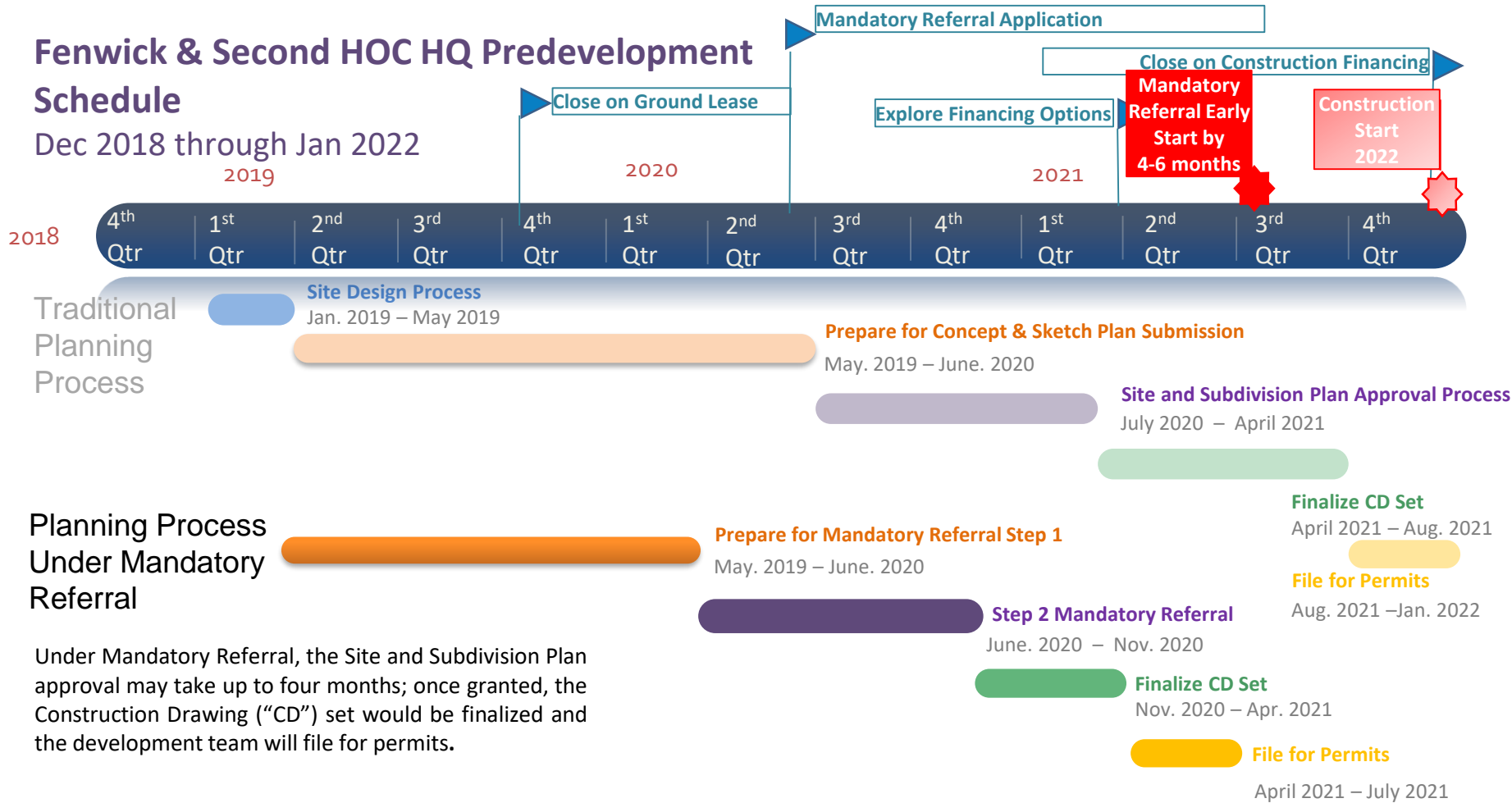
On September 5, 2018, the Commission approved the preliminary development budget of \$2,116,000 for the Property. The budget is based on a 24-month entitlement period and is expected to cover all needs through to the start of construction (Not included are permit fees, financing fees, and any construction closing costs).

Predevelopment Timeline

In the last quarter of 2019, the HOC began the site design process to explore concepts for the Fenwick / Second site. Staff anticipated the Site Design Process to take approximately nine to ten months. HOC has now arrived at the stage of formally preparing to submit a concept plan and will pursue Mandatory Referral instead of the traditional Planning's Sketch Plan submission and approval process.

Fenwick & Second HOC HQ Predevelopment Schedule

Dec 2018 through Jan 2022



Under Mandatory Referral, the Site and Subdivision Plan approval may take up to four months; once granted, the Construction Drawing ("CD") set would be finalized and the development team will file for permits.

Prior Commission Actions

Fenwick & Second, HOC HQ Site:

- **RESOLUTION No. 18-69AS**– On September 5, 2018, the Commission approved the Predevelopment Budget in the Amount of \$2,116,000 for the Design and Entitlement of Fenwick & Second; Approval to Draw on the \$60 million PNC Bank, N.A. Line of Credit (the “PNC \$60MM LOC”) to Fund a First Installment of Predevelopment Funding in the Amount of \$264,500.
- **RESOLUTION No.: 19-45AS₁** On April 3, 2019, the Commission approved to Enter into a Ground Lease with Fenwick Silver Spring, LLC and a Development Services Agreement with Promark Development, LLC for the Development and Ownership of HOC’s New Headquarters Building and Approval of the Architect Selected to Complete Design and Construction Management for the Development.

Summary and Recommendations

ISSUES FOR CONSIDERATION

Does the Commission wish to accept the recommendation of the Development and Finance Committee and:

1. Approve a revised predevelopment budget of \$2,650,150, up from \$2,116,000 previously approved in 2018, to account for the application and permit fees associated with Entitlement during the predevelopment phase and affirm the funding of the budget from the PNC \$60MM LOC?
2. Approve second installment of development budget funding of \$793,800 from the PNC \$60MM LOC?
3. Authorize the Executive Director to submit the Mandatory Referral Application for the redevelopment of the Second and Fenwick parcel known as the HOC HQ site?

BUDGET FISCAL/IMPACT

If approved, draws on the PNC \$60MM LOC will bear interest at the 30-day LIBOR plus 90 basis points. This will increase the interest expense in the Agency's operating budget by the imputed amount and paid from the Commission's general funds.

Additionally, the overall fiscal impact is a reduction in the Commission's borrowing capacity. All funds drawn on the PNC \$60MM LOC will be repaid from construction financing proceeds at closing of the loan.

COMMITTEE RECOMMENDATION

The Development and Finance Committee met on April 24, 2020 and voted to advance this item to the full Commission for approval.

TIME FRAME

For action at the May 6, 2020 meeting of the Commission.

Summary and Recommendations

STAFF RECOMMENDATION AND COMMISSION ACTION NEEDED

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

1. Approve a revised predevelopment budget of \$2,650,150, up from \$2,116,000 previously approved in 2018, to account for the application and permit fees associated with Entitlement during the predevelopment phase and affirm the funding of the budget from the PNC \$60MM LOC, which has an unobligated balance of \$6,854,297 as of March 31, 2020.
2. Approve second installment of development budget funding of \$793,800 from PNC \$60MM LOC.
3. Authorize the Executive Director to submit the Mandatory Referral Application for the redevelopment of the Second and Fenwick parcel known as the HOC HQ site.

RESOLUTION No. 20-37_A

RE: Approval of Mandatory Referral Application Submission and Approval to Increase the Predevelopment Budget in the Amount of \$2,650,150 for the Design and Entitlement of Fenwick & Second

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”), has secured three lots located at 1324 and 1328 Fenwick Lane, Silver Spring, MD 20910, as the site of a new headquarters building projected to be approximately 85,000 gross square feet or the maximum allowed by the current zoning regulations (the “New HQ”); and

WHEREAS, on September 5, 2018, the Commission approved a predevelopment budget in the amount of \$2,116,000 for the initial feasibility design and entitlement of the New HQ and a draw on the \$60 million PNC Bank, N.A. Line of Credit to fund the first installment of predevelopment funding in the amount of \$264,500; and

WHEREAS, in order to expedite the delivery of New HQ, reduce overall costs, and minimize development period risk, staff recommends submitting an application for Mandatory Referral for the New HQ; and

WHEREAS, the first installment of predevelopment funding has been exhausted, and unforeseen costs attributable to a required traffic engineering study and permit and application fees requires the total predevelopment budget to be revised; and

WHEREAS, the current revised predevelopment budget for the New HQ is \$2,650,150, and the cost of the second installment of predevelopment funding is \$793,800.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes the submission of a Mandatory Referral Application for the New HQ.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County approves a revised total predevelopment budget of \$2,650,150 for the design and entitlement of the New HQ.

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 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 May 6, 2020.

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Patrice M. Birdsong
Special Assistant to the Commission

RESOLUTION No. 20-37_B

RE: Approval to Draw on the PNC Bank, N.A. Line of Credit to Fund a Second Installment of Predevelopment

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”), has secured three lots located at 1324 and 1328 Fenwick Lane, Silver Spring, MD 20910, as the site of a new headquarters building projected to be approximately 85,000 gross square feet or the maximum allowed by the current zoning regulations (the “New HQ”); and

WHEREAS, on September 5, 2018, the Commission approved a predevelopment budget in the amount of \$2,116,000 for the initial feasibility design and entitlement of the New HQ and a draw on the \$60 million PNC Bank, N.A. Line of Credit (the “PNC \$60MM LOC”) to fund the first installment of predevelopment funding in the amount of \$264,500; and

WHEREAS, the first installment of predevelopment funding has been exhausted, and unforeseen costs attributable to a required traffic engineering study and permit and application fees requires the total predevelopment budget to be revised; and

WHEREAS, the current revised predevelopment budget for the New HQ is \$2,650,150, and the cost of the second installment of predevelopment funding is \$793,800; and

WHEREAS, the Commission may make draws on the PNC \$60MM LOC at a taxable rate equal to London Interbank Offered Rate (“LIBOR”) (at 1-month, 3-month, 6-month, or 12-month LIBOR) plus 90 basis points.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes a second draw in the amount of \$793,800 at a rate of one-month LIBOR plus 90 basis points on the PNC \$60MM LOC to fund a second installment of the total predevelopment budget to be repaid, including cost of interest, from the proceeds of the New HQ’s construction-period financing, and that this draw shall have a due date that coterminous with the termination date of the PNC \$60MM LOC, which is currently June 30, 2020.

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 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 May 6, 2020.

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Patrice M. Birdsong
Special Assistant to the Commission

Adjourn

Administrative Session