

## PUBLIC NOTICE:



Home Forward  
BOARD OF COMMISSIONERS  
will meet on  
Tuesday, November 16, 2021  
At 5:15 pm  
Zoom Register here:

[https://homeforward.zoom.us/webinar/register/WN\\_zxgyhYYnTyGIGgte-TNLWg](https://homeforward.zoom.us/webinar/register/WN_zxgyhYYnTyGIGgte-TNLWg)



MEMORANDUM

To: Community Partners Date: November 9, 2021

From: Michael Buonocore, Executive Director Subject: Home Forward Board of Commissioners November Meeting

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The Board of Commissioners of Home Forward will meet on Tuesday, November 16, 2021 at 5:15 PM virtually using the Zoom platform. The meeting will be accessible to the public via phone and electronic device.

If you would like to provide public testimony or view the meeting, please use this link to sign up:

[https://homeforward.zoom.us/webinar/register/WN\\_zxgyhYYnTyGIGgte-TNLWg](https://homeforward.zoom.us/webinar/register/WN_zxgyhYYnTyGIGgte-TNLWg)

The commission meeting is open to the public.

# AGENDA



**BOARD OF COMMISSIONERS MEETING**

**HOME FORWARD  
135 SW ASH STREET  
PORTLAND, OREGON**

**VIA ZOOM**

[https://homeforward.zoom.us/webinar/register/WN\\_zxgyhYYnTyGIGgte-TNLWg](https://homeforward.zoom.us/webinar/register/WN_zxgyhYYnTyGIGgte-TNLWg)

**NOVEMBER 16, 2021 5:15 PM**

**AGENDA**

**INTRODUCTION AND WELCOME**

**PUBLIC COMMENT**

General comments not pertaining to specific resolutions. Any public comment regarding a specific resolution will be heard when the resolution is considered.

**MEETING MINUTES**

Topic
Minutes of October 6, 2021 and October 19, 2021 Board of Commissioners Virtual Meetings

**RESOLUTIONS/REPORTS**

Following Reports and Resolutions:			
21-11	Topic	Presenter/POC	Phone #
01	Authorize Changes to the Housing Choice Voucher Administrative Plan Related to Implementation of Emergency Housing Vouchers	Dena Ford-Avery Ian Slingerland	503.802.8568 503.802.8370
02	Authorize Withdrawal of the Stephens Creek Crossing New Markets Tax Credit Investor	Jonathan Trutt	503.802.8507

03	Authorize Financing, Construction and Operation of Traditions at Hazelwood	Jonathan Trutt	503.802.8507
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**THE NEXT MEETING OF THE BOARD OF COMMISSIONERS**

Home Forward is currently operating in a state of emergency. We will continue to conduct board-related business as it is currently scheduled but will update the public on the venue or forum by which it occurs as we assess the situation.

The next Board Work Session will be on Wednesday, December 8, 2021 at 5:30 PM. The next Board of Commissioners meeting will be Tuesday, December 21, 2021 at 5:15 PM.

**EXECUTIVE SESSION**

The Board of Commissioners of Home Forward may meet in Executive Session pursuant to ORS 192.660(2). Only representatives of the news media and designated staff are allowed to attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the session. No final decision will be made in the session.

**ADJOURN**

# MINUTES



**BOARD OF COMMISSIONERS WORK SESSION  
HOME FORWARD  
CONFERENCE CALL  
135 SW Ash Street Portland, OR 97204  
October 6, 2021**

**COMMISSIONERS PRESENT**

Chair Damien Hall, Vice Chair Matthew Gebhardt, Treasurer Jenny Kim, Commissioners Dina DiNucci, TomiRene Hettman, Vivian Satterfield, Rakeem Washington

**STAFF PRESENT**

Elise Anderson, April Berg, Michael Buonocore, Ian Davie, Dena Ford-Avery, Tonya Evans, Monica Foucher, Biljana Jesic, Kitty Miller, Amanda Saul, Kellie Shaw, Aimee Smith, Celia Strauss, Linda Uppinghouse

Ian Davie, Executive Director convened the meeting at 5:33 PM.

Human Resources Director Aimee Smith presented the hiring practices and criteria that would be used in the Executive Director recruitment. Smith reviewed the recruitment policy, the RFP process to identify the search team, the selection of Gans, Gans & Associates and their proposal, the proposed timeline and job description. The Board Executive Committee will work with the Gans Gans team and commissioners can expect regular updates on the search.

**RESOLUTION 21-10-01 Authorize 2022 Moving to Work Plan**

Deputy Executive Director Ian Davie presented the resolution. As a MTW agency we are required to submit our annual plan to HUD and as Davie noted this status provides us program flexibility. He noted that we are not proposing any new activities in this plan year.

The plan was presented at the September board work session and has been posted on our website. A public hearing was held with public comment received. These comments were in appreciation for the work around evictions and a suggestion we provide residents information on the eviction moratorium status.

Vice Chair Matthew Gebhardt echoed the appreciation of the public comments.

There being no further discussion, Deputy Ian Davie requested a motion to approve Resolution 21-10-01 on behalf of Chair Damien Hall. Commissioner TomiRene Hettman moved to adopt resolution 21-10-01. Commissioner Dina DiNucci seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Aye  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Abstained

Before closing this portion of the meeting, Chair Damien Hall requested a motion to adopt the Executive Director job description and hiring standards for the recruitment.

There being no discussion, Chair Hall moved to approve the motion. Commissioner TomiRene Hettman seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Aye  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Aye

## ADJOURN

There being no further business, Chair Damien Hall adjourned this portion of the work session meeting at 6:10 PM.



Celia M. Strauss  
Recorder, on behalf of  
Michael Buonocore, Secretary

ADOPTED: NOVEMBER 16, 2021

Attest:

Home Forward:

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Michael Buonocore, Secretary

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Damien R. Hall, Chair



**BOARD OF COMMISSIONERS MEETING  
HOME FORWARD  
CONFERENCE CALL  
135 SW Ash Street Portland, OR 97204  
October 19, 2021**

**COMMISSIONERS PRESENT**

Chair Damien Hall, Vice Chair Matthew Gebhardt, Treasurer Jenny Kim, Commissioners Dina DiNucci, TomiRene Hettman, Vivian Satterfield, Rakeem Washington

**STAFF PRESENT**

Elise Anderson, April Berg, Michael Buonocore, Odalis Crouse, Ian Davie, Dena Ford-Avery, Tonya Evans, Carolina Gomez, Donna Jensen, Biljana Jesic, Emily McCadden, Kitty Miller, Kandy Sage, Amanda Saul, Shannon Schmidt, Kellie Shaw, Ian Slingerland, Aimee Smith, Celia Strauss, Jonathan Trutt, Linda Uppinghouse, Taylor Smiley Wolfe

**COUNSEL PRESENT**

Sarah Stauffer Curtiss

Chair Damien Hall convened the meeting at 5:18 PM.

**PUBLIC COMMENT**

Cathy Millis, resident, at Dahlke Manor appreciated the quick response to her concern for the new windows. Project Manager Michael Fu, provided a thorough explanation of the 2014 building code changes, leading to the current type of window being installed at Dahlke. Millis added that the new ventilation system will be a benefit and was pleased some windows will open.

Millis expressed concerns with the replacement of the front doors and the spring-loaded closure. She said this doesn't give residents with walkers, electric chairs and scooters adequate time to get through presenting a safety concern.

Chair Hall said he appreciated knowing staff had responded to her concerns and she can expect to hear from staff regarding the doors.

Neil Goodman, resident at Hollywood East said there continues to be ventilation problems at the property with dust, odors and smoke cycling through. He raised concerns beyond the cooking odors and smoke and that of toxic germs such as Legionaries through the ventilation system. He expressed appreciation for a community wide housing conference and an opportunity to engage in his passion.

Chair Hall thanked Goodman for keeping us apprised and tabs on the political front.

## **MEETING MINUTES**

### **Minutes of the September 21, 2021 Board of Commissioners Conference Call Meeting**

Chair Damien Hall requested a motion authorizing approval of the minutes for September 21, 2021 Board of Commissioners meeting.

There being no discussion, Commissioner Vivian Satterfield moved to approve a motion for approval, and Vice Chair Matthew Gebhardt seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Aye  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Aye

## **MISSION MOMENT – Laptop Distribution/Digital Inclusion**

Odalis Perez-Crouse, Community Services Program Manager introduced the Mission Moment. This was an opportunity to work with residents as part of our “digital inclusion” work and partnership with Comcast. We have been engaged in this process for some time to optimize the use of technology providing an opportunity for our residents to have the ability to connect with us virtually and have access to technology.

It took a partnership with Comcast, the University of Pennsylvania and Chirp Research. In January information went out to residents over all our portfolios via postcards, posters,

surveys online (in five languages) and via phone calls. The objective of the research was to capture information about their experiences, behaviors and attitudes in using online services.

Responses are preliminary as the report is being finalized. Survey participation was successful with approximately 1500 responses. Participants were entered into a random raffle to win one of 500 laptops. Comcast also included one year of free internet access. Crouse described the process for notifying the winners, the event that took place at Tamarack Apartments to pick up their laptops, as well as a variety of ways to distribute laptops for those unable to attend the event.

It was a wonderful experience and Crouse said numerous calls and letters of gratitude were received, some of which she read.

Emily McCadden shared the next steps noting Comcast intends to follow up with residents who received a laptop to understand how this investment has supported them.

Chair Hall appreciated the report and will be interested in the outcome and how the resources were utilized. He thanked Crouse and her team for tackling the many components to distribute the laptops.

Commissioner TomiRene Hettman was overflowing with appreciation for this effort. To have conversations recruiting new members for the resident advisory committee the digital divide has been one of the biggest hurdles. This opportunity takes us to the next level, well done.

Commissioner Dina DiNucci thanked Crouse and staff for all the work on this project and many other ways she has benefited Home Forward. Computers are a great asset, adding the internet cost is huge. She asked if Comcast would cover outstanding balances or restore service. Crouse wasn't aware of anyone with arrears, although did hear of cancelled service due to cost.

Commissioner Vivian Satterfield appreciated hearing this outcome and hopes the needs for access will continue.

Community Services Director Biljana Jesic reported that we are working on a pilot project in three of our high rises. This will focus on closing the digital gap with seniors and those with disabilities. The plan is to train residents in the property to be a trainer. We will

continue our partnership to access equipment, as well as look at grant funding opportunities. Our goal is to provide this across all high-rise properties.

Commissioner Vivian Satterfield was pleased to hear this and thanked Crouse for her amazing contributions, saying she will be missed.

Jesic sincerely thanked Crouse for her amazing leadership, hard work in support of her team and every resident. She will especially miss her sense of humor.

### **NOMINATING COMMITTEE REPORT**

Chair Damien Hall presented the annual election of board officers, noting the nominating committee, is the board executive committee. Given the current situation with the executive director transition, the continued pandemic, awaiting the jurisdictions to fill vacant seats, we are proposing a status quo slate to hold the line. Chair Hall, Vice Chair Gebhart and Treasurer Kim.

Commissioner Vivian Satterfield thanked the committee for their continued leadership and supported the decision.

Executive Director Michael Buonocore adding, if the three continuing were status quo in the world we would be in a better place.

There being no further discussion, Chair Damien Hall requested a motion to approve the election of officers for 2022. Commissioner Dina DiNucci moved to adopt the 2022 slate as presented. Commissioner Vivian Satterfield seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Aye  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Aye

## RESOLUTIONS

### **RESOLUTION 21-10-02 Authorize the Renewal of Employee Health & Welfare Benefit Plans for the Plan Year January 1, 2022-December 31, 2022**

Human Resources Director Aimee Smith presented the resolution. The request for approval is the recommendation of our Labor Management Healthcare Plan Committee to renew the health benefits for plan year 2022. This is the largest benefit for employees and came in under budget. Smith walked through the additions and changes in the plan, noting that the significant change is to the plan cycle. To better align with budget planning the plan will be from January 1, 2022 to December 31, 2022.

There being no further discussion, Chair Damien Hall requested a motion to approve Resolution 21-10-02. Treasurer Jenny Kim moved to adopt resolution 21-10-02. Commissioner TomiRene Hettman seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Absent  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Aye

### **RESOLUTION 21-10-03 Authorize Intent to Issue Bonds for Grace Peck Bond Inducement**

Development Director Jonathan Trutt presented the resolution which declares our intention to issue and sell bonds for the renovation of Grace Peck Terrace. The property is a 95-unit apartment complex located on NE 14<sup>th</sup>. Trutt said Grace Peck is like Dahlke Manor several blocks away. The property is 50 years old with needed improvements. The resolution declares our intent to issues tax-exempt bonds. As seen in previous resolutions this is common practice and the action starts the clock. Trutt noted that the resolution was reviewed by the READ committee at their October 1, 2021 meeting.

There being no further discussion, Chair Damien Hall requested a motion to approve Resolution 21-10-03. Treasurer Jenny Kim moved to adopt resolution 21-10-03. Commissioner Vivian Satterfield seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Absent  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Aye

**RESOLUTION 21-10-04 Authorize Design Amendment to Contract for Design-Build Services for Grace Peck**

Assistant Development Director April Berg presented the resolution. With Trutt's background of the Grace Peck property, Berg jumped to the specifics of the resolution. We are prepared to execute an amendment to the design-build contract with Walsh Construction for the design phase of the renovation project. This phase of the project will generate construction documents and coordinate permitting and bidding activities to reach a guaranteed maximum price.

Once the guaranteed maximum price is established, Berg anticipates returning with a resolution. Closing is anticipated in September 2022. Berg added that the resolution was reviewed at the October READ committee meeting.

There being no further discussion, Chair Damien Hall requested a motion to approve Resolution 21-10-04. Commissioner TomiRene Hettman moved to adopt resolution 21-10-04. Vice Chair Matthew Gebhardt seconded the motion.

The vote was as follows:

Chair Damien Hall—Aye  
Vice Chair Matthew Gebhardt—Aye  
Treasurer Jenny Kim—Aye  
Commissioner Dina DiNucci—Absent  
Commissioner TomiRene Hettman—Aye  
Commissioner Vivian Satterfield—Aye  
Commissioner Rakeem Washington—Aye

ADJOURN

There being no further business, Chair Damien Hall adjourned the meeting at 6:10 PM.

Celia M. Strauss  
Recorder, on behalf of  
Michael Buonocore, Secretary

ADOPTED: NOVEMBER 16, 2021

Attest:

Home Forward:

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Michael Buonocore, Secretary

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Damien R. Hall, Chair



# RESOLUTIONS



## MEMORANDUM

To: Board of Commissioners  
Date: November 16, 2021

From: Dena Ford-Avery, Director of  
Housing Choice Vouchers  
503.802.8568  
Subject: Authorize Changes to the Housing  
Choice Voucher “Administrative  
Plan” related to the recent award  
of Emergency Housing Vouchers  
(EHV)  
Resolution 21-11-01

Ian Slingerland, Director of  
Homeless Services and  
Supportive Housing  
503.802.8370

The Board of Commissioners is requested to authorize changes to the Administrative Plan which governs Home Forward’s Housing Choice Voucher Program. These changes are in connection with our recent award of 476 Emergency Housing Vouchers as issued by HUD.

This action supports the One System section of the Strategic Plan, specifically: We leverage our role as the largest provider of affordable housing in Oregon to improve collaboration and efficacy between systems impacting people in poverty.

### BACKGROUND

Emergency Housing Vouchers are special purpose Housing Choice Vouchers. Emergency Housing Vouchers are to serve individuals and families who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability.

Home Forward received an allocation of 476 Emergency Housing Vouchers as authorized by the American Rescue Plan Act (ARP). Emergency Housing Vouchers will not be renewed at attrition beginning October 2023.

## **OVERVIEW**

In March 2021, President Biden signed the American Rescue Plan Act (ARP) to support the ongoing impacts of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses. ARP included funding for new Emergency Housing Vouchers which were allocated by formula to Public Housing Authorities.

In order to support expedited lease-up, generally, and to limit barriers to lease-up for EHV eligible families, HUD has required, in some cases, and allowed, in others, PHAs to administer Emergency Housing Vouchers in ways distinct from the larger Housing Choice Voucher (HCV) program. Additionally, the Emergency Housing Vouchers come with resources from HUD to support required housing search assistance for EHV eligible families. We are seeking approval for changes to our Administrative Plan that reflect the operational differences for our administration of the EHV.

### **Summary of Key Admin Plan Changes**

#### **Funding:**

Part I describes Housing Assistance and additional funding provided for Emergency Housing Vouchers. Section I.B. describes how Home Forward will utilize Service Fee funding made available with the EHV.

#### **Access to EHV and Waiting List management:**

Access to EHV for eligible families will happen in two ways as required by HUD:

- Home forward will take referrals from the Joint Office of Homeless Services as the Continuum of Care for Multnomah County. JOHS will be referring individuals and families eligible for EHV under all four categories utilizing Multnomah County's Coordinated Access systems for Adults, Families with Minor Children, Unaccompanied Youth and People Fleeing Domestic Violence
- Home Forward will make EHV available to facilitate and emergency transfer under VAWA in accordance with Home Forward's Emergency Transfer Plan for individuals and families in Home Forward's site-based subsidy programs.

HUD has waived the requirement that PHAs admit applicants for EHV through our Housing Choice Voucher Waitlist.

**Screening:**

For EHV, HUD established alternative requirements related to mandatory and permissive prohibitions of admissions. For EHV, Home Forward will only screen for the areas for which HUD requires mandatory denials:

- Prohibition on admission if any household member has been convicted for manufacture or production of methamphetamines on premises of federally assisted housing.
- Prohibition on admission if any member of the household is subject to lifetime registration requirement under a state sex offender registration program.
- Prohibition on admission if any member of the family fails to sign and submit consent forms for obtaining information as required by regulation.

**Documentation:**

To expedite intake and lease-up, and as allowed by HUD's alternative requirements for EHV, Home Forward will allow self-certification as initial verification for these demographic categories:

- Income
- Social Security Number and Citizenship Status
- Age
- Disability status

**Payment Standards:**

To expedite intake and lease-up, and as allowed by HUD's alternative requirements for EHV, Home Forward is setting a single payment standard for each bedroom size for all of Multnomah County set at 120% of FMR. Allowing a higher payment standard gives families more shopping money as they search for eligible housing units which we hope will better ensure successful initial leasing for homeless families that may come with lower incomes and greater barriers to housing.

**Rent Reform:**

For EHV, Home Forward was required to request approval to apply our MTW activities to EHV. To facilitate HUD approval, and consistent with our administration of Veterans Affairs Supportive Housing (VASH) special purpose vouchers, we will be administering all EHV vouchers using the "Senior and People with Disabilities" category of our Rent Reform activity regardless of the composition of the assisted family.

## **CONCLUSION**

We are asking the Board of Commissioners to approve resolution 21-11-01 authorizing changes to the Housing Choice Voucher Administrative Plan in connection with implementation of our award of 476 Emergency Housing Vouchers for individuals and/or families experiencing homelessness and who are referred from Multnomah County's Coordinated Access system.

## **ATTACHMENT**

Temporary Policy Supplement



## RESOLUTION 21-11-01

**RESOLUTION 21-11-01 AUTHORIZES HOME FORWARD TO AMEND LANGUAGE IN THE ADMINISTRATIVE PLAN WHICH GOVERNS PROCESSES AND PROCEDURES IN THE HOUSING CHOICE VOUCHER PROGRAM RELATED TO ADMINISTRATION OF EMERGENCY HOUSING VOUCHERS**

**WHEREAS**, Home Forward seeks leverage our role as the largest provider of affordable housing in Oregon to improve collaboration and efficacy between systems impacting people in poverty; and

**WHEREAS**, Home Forward is committed to continuing to provide leadership within A Home for Everyone, a community-wide effort to better assist people experiencing homelessness in Portland; and

**WHEREAS**, Home Forward is engaged in ongoing work with the City of Portland / Multnomah County Joint Office of Homeless Services to align permanent housing assistance with supportive services utilizing the Coordinated Access system when appropriate; and

**WHEREAS**, people experiencing homelessness are at high COVID-19 risk, and those experiencing unsheltered homelessness are at increased risk because they lack access to basic health, safety, nutrition resources to protect from COVID-19 transmission and to support recovery, and shelter services are often offered in high-risk congregate and semi-congregate environments; and

**WHEREAS**, Home Forward received an allocation of 476 Emergency Housing Vouchers.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Home Forward authorizes and directs the Executive Director to amend the Administrative Plan to administer the allocation of Emergency Housing Vouchers to eligible individuals and families who are experiencing homelessness, at risk of experiencing homelessness,

fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability and are referred from Multnomah County's Coordinated Access System.

**ADOPTED: NOVEMBER 16, 2021**

**Attest:**

**Home Forward:**

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Michael Buonocore, Secretary

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Damien R. Hall, Board Chair

## Temporary Policy Supplement

### EMERGENCY HOUSING VOUCHERS (EHVs)

#### INTRODUCTION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated \$5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD’s process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in this chapter are organized into six parts, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.



DRAFT

## **PART I: FUNDING**

### **TPS-I.A. FUNDING OVERVIEW**

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

#### **Housing Assistance Payments (HAP) Funding**

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

#### **Administrative Fee and Funding**

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - \$400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHVs.
  - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).

- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHV:
  - \$100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 14 days of voucher issuance or the date the system becomes available for reporting.
  - Placement fees:
    - o \$500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
    - o \$250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
    - o HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
  - Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- **Ongoing administrative fees**, which are calculated in the same way as the standard HCV program:
  - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
  - Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.
- **Services fee**, which is a one-time fee to support PHAs’ efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
  - The fee is allocated once the PHA’s CACC is amended to reflect EHV funding.
  - The amount allocated is \$3,500 for each EHV allocated.

## TPS-I.B. SERVICE FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA's administrative plan.

### PHA Policy

The eligible uses for service fees include:

**Housing search assistance**, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.

**Application fees/non-refundable administrative or processing fees/refundable application deposit assistance.** The PHA may choose to assist the family with some or all these expenses.

**Security deposit assistance.** The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The PHA may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, the PHA will require documentation that the family paid the security deposit.

**Utility arrears.** Some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may provide the family with assistance to help address these utility arrears to facilitate leasing.

**Owner recruitment and outreach for EHV's.** The PHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHV's. In addition to traditional owner recruitment and outreach, activities may include expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

**Owner incentive and/or retention payments.** The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Regardless of the frequency that the PHA chooses to make such payments, owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

**Moving expenses (including move-in fees and deposits).** The PHA may provide assistance for some or all of the family’s reasonable moving expenses when they initially lease a unit with the EHV. The PHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

**Tenant-readiness services.** The PHA may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

**Essential household items.** The PHA may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.

Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA’s EHV program ends must be remitted to HUD.

## **PART II: PARTNERING AGENCIES**

### **TPS-II.A. CONTINUUM OF CARE (CoC)**

PHAs that accept an allocation of EHV's are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHV's.

#### PHA Policy

The PHA has entered into an MOU with A Home For Everyone Coordinating Board (AHFE), also known as OR-501 Portland/Gresham/Multnomah County Continuum of Care. See Exhibit TPS-1 for a copy of the MOU. The City of Portland / Multnomah County Joint Office of Homeless Services is also party to the MOU as the lead agency for the Continuum of Care.

### **TPS-II.B. OTHER PARTNERING ORGANIZATIONS**

The PHA may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. If the PHA chooses to partner with such agencies, the PHA must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between the PHA and CoC.

#### PHA Policy

No other partners are included in the MOU between the PHA, the CoC, and the CoC lead agency. See Exhibit TPS-1 for a copy of the MOU.

### **TPS-II.C. REFERRALS**

#### **CoC and Partnering Agency Referrals**

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHV's. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

### PHA Policy

As the lead agency of the Continuum of Care, the City of Portland / Multnomah County Joint Office of Homeless Services (JOHS) will make referrals of eligible families to the PHA. JOHS will certify that the EHV applicants they refer to the PHA meet at least one of the four EHV eligibility criteria. The PHA will maintain a copy of the referral and certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork.

The JOHS will make referrals to the PHA on a schedule agreed upon with PHA. Referrals will be accompanied with a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

### **Offers of Assistance with CoC Referral**

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP) in Chapter 16.

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

## **PART III: WAITING LIST MANAGEMENT**

### **TPS-III. A. HCV WAITING LIST**

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 4 does not apply to the EHV program. Direct referrals are not added to the PHA’s HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of EHV’s by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

#### PHA Policy

The PHA will post information about the EHV program for families on the PHA’s HCV waiting list on their website. The notice will:

- Describe the eligible populations to which EHV’s are limited

- Clearly state that the availability of these EHV’s is managed through a direct referral process

- Advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance

The PHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. The PHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

### **TPS-III.B. EHV WAITING LIST**

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHV’s available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.



### **TPS-III.C. PREFERENCES**

#### **HCV Waiting List Preferences**

If local preferences are established by the PHA for HCV, they do not apply to EHV. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHV in accordance with Notice PIH 2021-15.

##### PHA Policy

The PHA does not have a homeless preference for the HCV waiting list.

The PHA does not have a preference for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the HCV waiting list.

The PHA will make an EHV available in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP).

#### **EHV Waiting List Preferences**

With the exception of a residency preference, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV. The PHA may, however, choose to not establish any local preferences for the EHV waiting list.

##### PHA Policy

No local preferences have been established for the EHV waiting list.

## **PART IV: FAMILY ELIGIBILITY**

### **TPS-IV.A. OVERVIEW**

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

### **TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file.

## **TPS-IV.C. PHA SCREENING**

### **Overview**

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

### **Mandatory Denials**

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

### PHA Policy

While the PHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, the PHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

**Permissive Denials**

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC’s recommendations into consideration.

PHA Policy

The PHA will not adopt any permissive prohibitions for the EHV program.

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## **TPS-IV.D. INCOME VERIFICATION AT ADMISSION**

### **Self-Certification at Admission**

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

#### PHA Policy

The PHA may consider self-certification the highest form of income verification at admission.

Applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request. Original documents are preferred. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified.

The PHA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. The PHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. The PHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, the PHA will terminate the family's assistance in accordance with the policies in Chapter 12.

If the PHA later determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

### **Recently Conducted Income Determinations**

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

#### PHA Policy

The PHA will not accept income calculations and verifications from third-party providers.

On a case-by case basis, the PHA may accept income calculations and verifications from an examination that the PHA conducted on behalf of the family for another subsidized housing program, provided they meet the criteria outlined above. Tracking and supervisory approval will be required.

At the time of the family’s annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 11.

### **EIV Income Validation**

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD’s EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 3.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 12.

### **TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION**

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

#### PHA Policy

The PHA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

### **TPS-IV.F. AGE AND DISABILITY VERIFICATION**

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

#### PHA Policy

The PHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the PHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. The PHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

### **TPS-IV.G. INCOME TARGETING**

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy in Chapter 3; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

#### PHA Policy

The PHA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

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## **PART V: HOUSING SEARCH AND LEASING**

### **TPS-V.A. INITIAL VOUCHER TERM**

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II.E. will apply.

#### PHA Policy

The initial EHV voucher term will be 120 calendar days.

For families moving to the PHA's jurisdiction under portability, the voucher expiration date will be 30 calendar days from the expiration date of the initial PHA's voucher.

The family must submit a Request for Tenancy Approval on or before the voucher expiration date, including any extensions granted by the PHA.

### **TPS-V.B. HOUSING SEARCH ASSISTANCE**

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

### PHA Policy

As identified in the MOU between the PHA and CoC, the following housing search assistance will be provided to each EHV family:

Home Forward and the City of Portland / Multnomah County Joint Office of Homeless Services (JOHS), the CoC lead agency for Multnomah County, will ensure application, housing search and flexible financial assistance is made available to all families and individuals referred for EHV. Services and financial assistance will generally be provided by partnering CoC service providers connected to referred families and individuals through the CoC's Coordinated Entry Systems. Housing services and financial assistance may be funded with a combination of "Service Fee" funding provided by HUD aligned with EHV awards, local General Funds, and Metro Supportive Housing Services funds.

Partnering CoC service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.

Partnering CoC service providers will support individuals and families in completing steps necessary to complete EHV application including supporting attendance at required EHV briefing orientations.

Partnering CoC service providers will make available housing search assistance that may include:

- Assistance identifying eligible units, including physically accessible units as needed as well as units in low-poverty neighborhoods;
- Outreach to owners of potentially eligible units;
- Provide transportation assistance and direction to potential units;
- Assist families and individuals with rental applications, rental agreements and other paperwork;
- Advocate directly, as needed, with landlords on behalf of the families and individuals; and
- Otherwise help expedite the EHV leasing process for families and individuals.

Partnering CoC service providers will support EHV families and individuals in accessing Home Forward and JOHS funded financial assistance to support lease-up. Assistance may include:

- Application fees;
- Security deposits;
- Utility deposits and utility arrears if it is necessary for EHV lease-up;
- Rent arrears and housing related debt if it is a barrier to EHV lease-up
- Moving expenses for initial EHV lease-up; and
- Essential household items.

Additionally, the PHA will:

Conduct owner outreach in accordance with policies in Chapter 13

Provide directions to potential units as part of the EHV briefing packet

Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter

### **TPS-V.C. HQS PRE-INSPECTIONS**

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

#### PHA Policy

The PHA will not conduct pre-inspections of available units. The PHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required reinspections.

### **TPS-V.D. OWNER INCENTIVE PAYMENTS**

The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family.

#### PHA Policy

The PHA will offer incentive payments to owners that lease a unit to an emergency housing voucher (EHV) holder when the family initially leases a unit with the EHV assistance for the first time. The PHA will make \$100 monthly incentive payments to the owner for a maximum of twelve months, provided the family resides in the unit with EHV assistance. Such payments are not housing assistance payments and are not part of the rent to owner. Owner incentive payments are not taken into consideration when determining whether the rent for the unit is reasonable.

### **TPS-V.E. INITIAL LEASE TERM**

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Section 9-I.E., Term of Assisted Tenancy.

### **TPS-V.F. PORTABILITY**

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHV. Exceptions are addressed below.

#### **Nonresident Applicants**

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Section 10-II.B.

#### **Billing and Absorption**

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHV under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

## **Family Briefing**

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family’s assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family’s portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

### PHA Policy

In addition to following PHA policy on briefings in Chapter 5, as part of the briefing packet for EHV families, the PHA will include a written notice that the PHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the PHA will provide interpretation services in accordance with policies in Chapter 2.

## **Coordination of Services**

If the portability move is in connection with the EHV family’s initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

### PHA Policy

For EHV families who are exercising portability, when the PHA contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, the PHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

### **Services Fee**

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1,750, unless the initial PHA and receiving PHA mutually agree to change the \$1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHV, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHV, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

### **Placement Fee/Issuance Reporting Fee**

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuance reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

## **TPS-V.G. PAYMENT STANDARDS**

### **Payment Standard Schedule**

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHV. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHV, HUD has provided other regulatory waivers:

- Defining the “basic range” for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).
- Allowing a PHA that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.
  - The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

#### PHA Policy

The PHA will establish separate higher payment standards for EHV. The EHV payment standards will be set at 120 percent of the FMR.

At no time will the EHV payment standards fall below the HCV payment standards. If the PHA increases the HCV payment standard, the PHA will also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard.

### **Rent Reasonableness**

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.



### **Increases in Payment Standards**

The requirement that the PHA apply increased payment standards at the family’s first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family’s first regular reexamination following the change.

#### PHA Policy

The PHA will not establish an alternative policy for increases in payment standard. PHA policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

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## **TPS-V.H. TERMINATION OF VOUCHERS**

After September 30, 2023, a PHA may not reissue EHV when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHV under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV to cease leasing any unleased EHV if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

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## **PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS**

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHV in accordance with the HCV program requirements at 24 CFR 982.158.

DRAFT



**MEMORANDUM**

To: Board of Commissioners

Date: November 16, 2021

From: Jonathan Trutt, Director,  
Development & Community  
Revitalization  
503.802.8507

Subject: Authorize Execution of  
Documents in Connection with the  
Withdrawal of the Stephens  
Creek Crossing' New Markets  
Tax Credit Investor  
Resolution 21-11-02

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Staff requests the Board of Commissioners to approve Resolution 21-11-02 authorizing the forgiveness of a state-leverage loan made in connection with the New Markets Tax Credit (NMTC) financing for the Children's Center at Stephens Creek Crossing.

These actions support Strategic Plan Goal, One Portfolio: Our real estate is stable for generations to come and meets the needs of the people and neighborhoods it serves.

**BACKGROUND**

The Children's Center at Stephens Creek Crossing supports a variety of child-focused programming for our residents and the adjoining community. It contains four Head Start classroom spaces, a covered outdoor play area, and a large multi-purpose space. Home Forward leases the Children's Center to Neighborhood House. Neighborhood House, in turn, runs the Children's Center programming.

To help fund the Children's Center's construction Home Forward and Neighborhood House participated in an NMTC Transaction. NMTC are akin to the Low Income Housing Tax Credits commonly used in Home Forward's real estate transactions in two respects:

- NMTC investors buy the tax credits. The Children’s Center’s investor is Wells Fargo.
- NMTC investors want to “unwind”—i.e., wrap up and exit—their transactions as soon as allowed by applicable law. The typical timeframe for a NMTC unwind is seven years after initial investment.

## **OVERVIEW**

Wells Fargo invested in the Children’s Center via NMTCs just over seven years ago. As we expected in 2014, it now seeks to unwind this transaction. To facilitate this process, staff retained specialized counsel with expertise in NMTC transactions to represent us in the unwinding process

Home Forward and Wells Fargo’s respective counsel have prepared a series of documents that remove both organizations entirely from the 2014 Stephen’s Creek Children’s Center NMTC transaction. These documents ensure that Home Forward has no continuing liability for any NMTC-related efforts once the unwind is completed.

## **CONCLUSION**

Staff recommends that the Board of Commissioners adopt the attached resolution to unwind the Children’s Center NMTC transaction. Staff presented a draft of this memo and resolution to the READ Committee on November 5, 2021.



## RESOLUTION 21-11-02

### RESOLUTION 21-11-02 AUTHORIZES THE FORGIVENESS OF A STATE-LEVERAGE LOAN MADE IN CONNECTION WITH NEW MARKETS TAX CREDIT FINANCING FOR THE CHILDREN'S CENTER AT STEPHENS CREEK CROSSING

**WHEREAS**, as authorized by Resolution 14-04-11, on June 10, 2014 (“**Finance Closing Date**”) Home Forward participated in the financing of the development of the Children’s Center at Stephens Creek Crossing (“**Project**”) using new markets tax credit (“**NMTC Financing**”) under ORS 315.526-315.436 and 285C.650-285C.656. The Project is located on certain real property belonging to Home Forward located at 6650 SW Capitol Highway, Portland, Oregon 97219 (“**Real Property**”);

**WHEREAS**, to facilitate the development of the Project, Home Forward entered into a long-term lease (“**Lease**”) for the Real Property with Neighborhood House, an Oregon nonprofit corporation (“**Sponsor**”). As consideration for the Lease, Sponsor made a capital lease payment in the amount of \$3,145,000 (“**Capital Lease Payment**”) on June 10, 2014;

**WHEREAS**, Sponsor constructed and developed the Project on the Real Property using NMTC financing, and since its completion, Sponsor has been operating the Project as a Headstart classroom facility and other programs supporting youth and families at Stephens Creek Crossing;

**WHEREAS**, in furtherance of its purpose and to enable the Project to benefit from the NMTC Financing, on the Finance Closing Date, Home Forward used the proceeds from the Capital Lease Payment to make a loan in the original principal amount of \$3,145,000 (“**Leverage Loan**”) to NH Enhanced Investment Fund, LLC (“**State Level Investment Fund**”). The State Level Investment Fund is wholly owned by Wells Fargo Community Investment Holdings, LLC (“**Tax Credit Investor**”);

**WHEREAS**, on June 10, 2021, the compliance period attributable to the NMTC Financing has expired, and the Tax Credit Investor desires to unwind the NMTC Financing by putting its interest in State Level Investment Fund to Sponsor (“**Unwind Transaction**”);



**WHEREAS**, Home Forward anticipated participating in an Unwind Transaction when it decided to participate in the Project's financing;

**WHEREAS**, as a result of the Unwind Transaction, Sponsor will become the sole owner of the State Level Investment Fund, and the Project will no longer be encumbered with the original NMTC Financing other than the Leverage Loan; and

**WHEREAS**, the Board of Commissioners desire to support Sponsor's continued operations of the Project by forgiving the Leverage Loan in full;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Home Forward authorizes and directs the Executive Director, or his designee, to take all such actions necessary to forgive the Leverage Loan, including, without limitation, releasing the pledge of collateral securing the Leverage Loan and returning or mark as 'cancelled' the original promissory note evidencing the Leverage Loan;

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of Home Forward authorizes and directs the Executive Director, or his designee, to execute, deliver, and/or file (or cause to be delivered and/or filed) any affidavits, certificates, letters, government forms, documents, agreements and instruments that any such determines to be necessary or desirable: (i) to give effect to this resolution and/or (ii) to consummate the transactions contemplated herein, including, without limitation, execution of a Loan Satisfaction Agreement memorializing the cancellation of the Leverage Loan;

**BE IT FURTHER RESOLVED**, that all actions previously taken by the Executive Director, or his designee, in connection to accomplish the forgiveness of the Leverage Loan is hereby confirmed and ratified by the Board of Commissioners;

**BE IT FURTHER RESOLVED**, that Home Forward is authorized to expend such funds as are necessary to pay for all filing fees, application fees, registration fees, and other costs relating to the actions authorized by this resolution.

This resolution shall be in full force and effect from and after its adoption and approval.

ADOPTED: NOVEMBER 16, 2021

Attest:

Home Forward:

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Michael Buonocore, Secretary

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Damien R. Hall, Chair



## MEMORANDUM

To: Board of Commissioners

Date: November 16, 2021

From: Jonathan Trutt, Director,  
Development & Community  
Revitalization  
503.802.8507

Subject: Authorize Execution of  
Documents in Connection with the  
Financing, Construction and  
Operation of Traditions at  
Hazelwood  
Resolution 21-11-03

Staff requests the Board of Commissioners to approve Resolution 21-11-03 authorizing the execution and delivery of documents by Home Forward, on its own behalf and in its capacity as the Administrative Non-Managing Member of Traditions at Hazelwood, LLC (the "LLC"), in connection with the financing, construction and operation of an apartment complex to be known as Traditions at Hazelwood (the "Development").

These actions support Strategic Plan Goal, One System: We will work tirelessly to add more affordable housing in our community, regardless of our role or ownership stake, in alignment with other systems of care.

## BACKGROUND

The following key facts are relevant to the Development:

- The Development is designed to be a six-story, elevator service building with 13 studio, 123 one-bedroom, and 75 two-bedroom units. The Development will be located at 10413, 10425, and 10439 E. Burnside Street, Portland, Oregon 97216, on land acquired by the LLC. The target population will be elderly persons (*i.e.* persons who are 55 years of age or older) whose incomes at initial occupancy are at or below 60% of the area median income.

- The Development is being developed by affiliates of The Inland Group, including Traditions Hazelwood Manager, LLC (the “Managing Member”), who will be the LLC’s sole managing member, and Traditions Hazelwood Developer, Inc., who will be the developer.
- The Managing Member has already formed the LLC. Home Forward will be admitted to the LLC as its sole administrative non-managing member, and Wells Fargo Affordable Housing Community Development Corporation (the “Investor Member”) will be admitted to the LLC as its sole investor member.
- The Development is expected to generate federal low income housing tax credits (LIHTCs) based, in part, on tax-exempt conduit bond financing to be provided by Oregon Housing and Community Services Department (“OHCS”). Wells Fargo Bank, National Association, will provide the construction financing, and Citibank, N.A., will provide the permanent financing.
- Home Forward will receive a fee, to be paid at closing, for development services related to the Development, and will receive rights to acquire the Development in the future (subject to purchase rights in favor of the Managing Member). Unlike LIHTC projects that are developed by Home Forward, Home Forward is not required to lend the LLC money, to lease property to the LLC, to provide financial guaranties to lenders or the investor, or to operate the Development.
- The Development is expected to qualify for a property tax exemption under ORS 307.092.
- The Development will not be a “public improvement” under the Public Contracting Code (ORS chapters 279A, 279B and 279C) because no funds of Home Forward will be directly or indirectly used with respect to its acquisition or construction.
- A Secretary’s Certificate of the Resolution is typical for lender due diligence and is included with the resolution. Exhibit A Project Documents includes a list of anticipated closing documents.

## OVERVIEW

Funding sources for the Development will include tax credit equity, tax-exempt construction and permanent loans with bonds issued by OHCS, and equity contributions from the Investor Member. We estimate the sources and timing in the table below.

Funders and Funding Amounts	Construction	Permanent
Investor Member capital contribution	\$4,418,667	\$21,799,049
Tax-exempt bond loan (issued by OHCS and initially purchased by Wells Fargo Bank, National Association)	\$41,100,000	\$26,000,000
Deferred Developer Fee		\$3,774,619
TOTAL	\$45,518,667	\$51,573,668

The overall budget is \$51.6 million, including acquisition costs estimated at \$2.2 million, construction costs of \$33.5 million including a construction contingency of \$1.7 million and soft costs of \$14.2 million.

By participating as a member of the LLC, Home Forward can avail the LLC of the property tax exception available under ORS 307.092. Home Forward has developed policy guidelines pursuant to which it will participate as a special limited partner in a limited partnership or as a non-managing member in a limited liability company to enable the project to obtain a property tax exemption.

The Development's development budget does not rely on any applications for competitive federal, state or local funding sources for which Home Forward is also applying. Staff presented a draft of this memo and resolution to the READ committee on November 5, 2021.

## CONCLUSION

Staff requests the Board of Commissioners authorize the delivery and execution of documents in connection with the financing, construction and operation of the Development.

## ATTACHMENTS

Exhibit A

Certificate of Secretary

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## RESOLUTION 21-11-03

RESOLUTION 21-11-03 AUTHORIZES THE EXECUTION AND DELIVERY OF DOCUMENTS BY HOME FORWARD, ON ITS OWN BEHALF AND IN ITS CAPACITY AS ADMINISTRATIVE NON-MANAGING MEMBER OF TRADITIONS AT HAZELWOOD, LLC, IN CONNECTION WITH THE FINANCING, CONSTRUCTION AND OPERATION OF TRADITIONS AT HAZELWOOD

**WHEREAS**, Home Forward seeks to encourage the provision of long-term housing for low income persons residing in the City of Portland, Oregon;

**WHEREAS**, ORS 456.120(20) authorizes Home Forward to have a nonstock interest in limited liability companies in order to further Home Forward's purposes;

**WHEREAS**, ORS 456.065 defines "housing project" to include, among other things, "any work or undertaking . . . to provide decent, safe and sanitary urban or rural housing for persons or families of lower income";

**WHEREAS**, ORS 307.092 provides a property tax exemption for property of a limited liability company for which a housing authority is a member, so long as the property is rented to persons of lower income for housing purposes, and the limited liability company complies with ORS 307.162;

**WHEREAS**, ORS 456.135 authorizes Home Forward to delegate to one or more of its agents and employees such powers as it deems proper;

**WHEREAS**, Traditions at Hazelwood, LLC (the "LLC"), was formed by Traditions Hazelwood Manager, LLC (the "Managing Member"), to acquire, own, construct and operate an apartment complex to be known as Traditions at Hazelwood (the "Development") located at 10413, 10425, and 10439 E. Burnside Street, Portland, Oregon, to serve persons who are 55 years of age or older whose incomes at initial occupancy are at or below 60% of the area median income;

**WHEREAS**, Oregon Housing and Community Services Department (“OHCS”) is expected to issue one or more tax-exempt bonds to finance the Development, which bonds are expected to be purchased (or funded) by Wells Fargo Bank, National Association (the “Construction Lender”), and later transferred (or refunded) by Citibank, N.A. (the “Permanent Lender”);

**WHEREAS**, the LLC expects that federal low income housing tax credits will be available for the Development;

**WHEREAS**, Wells Fargo Affordable Housing Community Development Corporation (the “Investor Member”) is expected to be admitted as the investor member of the LLC;

**WHEREAS**, the Managing Member has asked that Home Forward be a non-managing member of the LLC, and that Home Forward provide certain development services with respect to the Development, in exchange for the payment of a fee to Home Forward, a commitment to maintain the Development as affordable rental housing for 60 years, and a subordinate right to purchase the Development at the end of the tax credit compliance period; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. Participation in LLC. Home Forward is hereby authorized to acquire a member interest in, a become a member of, the LLC. Home Forward is further authorized to expend up to \$500 to make a capital contribution to the LLC upon the following terms and conditions:
  - An affordability covenant shall be recorded against the property restricting the Project to households with incomes at initial occupancy of 60% of the Area Median Income or less for a period of 60 years.
  - Home Forward shall provide no guarantees.
  - Home Forward shall accept no underwriting, operational or fiduciary responsibilities.
  - Sole recourse in the event of any default is limited to Home Forward's partnership or member interest.
  - Home Forward shall be fully indemnified by managing member and or an affiliate with net worth requirements acceptable to Home Forward for any and all claims arising from our participation in the project, including but not limited to any environmental claims.



- The property tax exemption is necessary for the project's sources and uses to balance appropriately.
  - The property tax exemption is necessary for the project's economic feasibility.
  - Payment of a fee (equal to 20% of the value of full property tax exemption for 20 years, assuming a 3% annual increase per year in property tax costs, discounted back at the current U.S. 20 Year Treasury Rate. The Fee is to be paid upon Home Forward's admission into the Company.
  - Home Forward's is granted a right of refusal to purchase the property- at the end of the fifteen year federal compliance period at the Minimum Purchase Price as defined by U.S.C. 26 Section 42 (i)(7) subordinate to any option or right of first refusal granted to the managing member or an affiliate.
  - Home Forward shall have unilateral right to withdraw from the partnership under certain circumstances—e.g. non-compliance with affordability covenants, acts of fraud, gross negligence.
2. Approval of Documents. Home Forward will be presented with drafts of the following documents to be executed and delivered by Home Forward in connection with the LLC and the Development (the "Documents"), which documents will, upon request, be placed on file with Home Forward's Secretary:
- Amended and Restated Operating Agreement among the Managing Member, Home Forward and the Investor Member;
  - Right of First Refusal and Option Agreement among the Managing Member, the LLC, Home Forward and the Investor Member; and
  - Indemnity Agreement between the Managing Member, Home Forward to principals of The Inland Group.
  - Such other documents as may be reasonably necessary to accomplish the foregoing.

While the titles of and parties to the Documents may change, no such change shall affect the authority conferred by this resolution to execute, deliver, file (if required), enforce and perform the Documents in their final form.

3. Execution of Documents. The Chair of the Board, Home Forward's Executive Director, Home Forward's Deputy Director of Finance, and their respective designees (each, an "Authorized Officer" and, collectively, the "Authorized Officers"), and each of them acting alone, are authorized and directed to

execute and deliver the Documents on behalf of Home Forward. The Authorized Officers (and each of them acting alone) are further authorized and directed to take any other action and to execute such other documents as may be required to be taken or executed by Home Forward under the provisions of or as necessary to carry out the transactions contemplated by the Documents and this resolution. From and after the date the Documents are executed, the Authorized Officers (and each of them acting alone) are authorized and directed, without further Board approval, to take such actions on behalf of Home Forward that are required to be taken by Home Forward in its capacity as the LLC's Administrative Non-Managing Member.

4. ORS 456.153 Determinations. On behalf of Home Forward, the Board finds and determines that a substantial number of persons of eligible income in the area served by Home Forward cannot obtain housing for 30% of less of their income. Based on the foregoing determination, the Board hereby declares, on behalf of Home Forward, the need for additional housing for persons or families of lower income that can be addressed by Home Forward participating in the financing, development, ownership, management and/or operation of mixed income housing projects.
5. Supplemental Authorization. The Authorized Officers, and each of them acting alone, are authorized on behalf of Home Forward to: (i) determine that any document authorized by this resolution is, at the time such document otherwise would be executed, no longer necessary or desirable and, based on such determination, cause Home Forward not to execute or deliver such document; and (ii) execute and deliver and, if applicable, file (or cause to be delivered and/or filed) any government forms, affidavits, certificates, letters, documents, agreements and instruments that such officer determines to be necessary or advisable to give effect to this resolution and to consummate the transactions contemplated herein.
6. Execution of Duties and Obligations. The Board authorizes Home Forward's Executive Director to cause Home Forward to fulfill Home Forward's duties and obligations under the Documents and other instruments authorized by this resolution.
7. Acting Officers Authorized. Any action required by this resolution to be taken by the Chair of the Board, Home Forward's Executive Director, or Home Forward's

Deputy Director of Finance, may, in the absence of such person, be taken by the duly authorized acting Chair of the Board, acting Executive Director of Home Forward, or acting Deputy Director of Finance, respectively.

8. Ratification and Confirmation. Any actions of Home Forward or its officers prior to the date hereof and consistent with the terms of this resolution are ratified and confirmed.

Effective Date. This resolution shall be in full force and effect from and after its adoption and approval.

**ADOPTED: NOVEMBER 16, 2021**

**Attest:**

**Home Forward:**

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Michael Buonocore, Secretary

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Damien R. Hall, Chair

CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Executive Director and Secretary-Treasurer of Home Forward and keeper of the records of Home Forward, CERTIFY:

1. That the attached Resolution 21-11-03 (the "Resolution") is a true and correct copy of the resolution of the Board of Commissioners of Home Forward, as adopted at a meeting of Home Forward held on November 16, 2021, and duly recorded in the minute books of Home Forward.

2. That such meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a majority of the members of the Board of Commissioners of Home Forward present at the meeting voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 16<sup>th</sup> day of November, 2021.

HOME FORWARD

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Michael Buonocore, Executive Director and Secretary

## EXHIBIT A

1. Amended and Restated Operating Agreement among Traditions Hazelwood Manager, LLC (the “Managing Member”), Wells Fargo Affordable Housing Community Development Corporation (the “Investor Member”), and Home Forward (the “Administrative Non-Managing Member”);
2. Development Fee Agreement between Traditions Hazelwood Developer, Inc. (the “Developer”) and Traditions at Hazelwood, LLC (the “Company”);
3. Right of First Refusal and Option Agreement among the Managing Member, the Company, the Administrative Non-Managing Member and the Investor Member;
4. Asset Management Fee Agreement between the Company and the Administrative Non-Managing Member;
5. Equity Disbursement Instruction Agreement between the Company and the Managing Member;
6. Guaranty by Darin Davidson (“Davidson”), PACT Partners, LLC (“PACT Partners”), and the Developer in favor of the Investor Member;
7. Managing Member Management Fee Agreement between the Company and the Managing Member;
8. Managing Member Representation Letter by the Managing Member;
9. Reimbursement and Assignment Agreement among the Company, the Managing Member, the Developer and Inland Oregon LLC (the “General Contractor”);
10. Security Agreement between the Investor Member and the Company;
11. Funding Loan Agreement among Wells Fargo Bank, National Association (the “Funding Lender”), the State of Oregon (the “Governmental Lender”), acting by and through its State Treasurer and its Housing and Community Services Department (“OHCS”), and U.S. Bank, National Association (the “Fiscal Agent”);
12. Housing Development Revenue Note (Traditions at Hazelwood Project) 2021 Series EE by the Governmental Lender payable to the Funding Lender;
13. Housing Finance Note Declaration by the Governmental Lender;
14. Borrower Loan Agreement among the Governmental Lender, the Company and the Funding Lender;
15. Construction Disbursement Agreement between the Company and the Funding Lender;
16. Promissory Note Secured by Security Instrument (One-Month SOFR, Adjusted Monthly) from the Company to the Funding Lender;
17. Allonge by the Governmental Lender to the Funding Lender;
18. Regulatory Agreement among the Governmental Funder, the Company, and the Fiscal Agent;
19. Tax Certificate and Agreement between the Governmental Lender and the Company;]
20. [Building Loan Agreement between the Company and the Funding Lender;]
21. [Promissory Note Secured by Security Instrument (Daily Simple SOFR)] from the Company to the Funding Lender;
22. Construction and Permanent Deed of Trust with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing from the Company in favor of the Funding Lender, as beneficiary;
23. Assignment of Security Instrument and Loan Documents between the Governmental Lender and the Funding Lender, and acknowledged by the Company;

24. Assignment and Subordination of Development Agreement among the Company, the Developer and the Funding Lender;
25. Assignment of Construction Agreements made by the Company for the benefit of the Funding Lender;
26. Assignment of Architectural Agreements and Plans and Specifications made by the Company for the benefit of the Funding Lender;
27. Assignment of Property Management Agreement made by the Company and FPI Management, Inc. for the benefit of the Funding Lender;
28. Pledge and Security Agreement made by the Company and the Managing Member in favor of the Funding Lender;
29. Repayment Guaranty made by the Developer, Davidson, PACT Partners, and the Managing Member in favor of the Funding Lender;
30. Completion Guaranty made by the Developer, Davidson, PACT Partners, Inland Construction & Development Co, and the Managing Member in favor of the Funding Lender;
31. Hazardous Materials Indemnity Agreement made by the Developer, Davidson, PACT Partners and the Managing Member in favor of the Funding Lender;
32. Certificate Evidencing the Authorization of the Execution of Guaranty and Indemnity and Endorsement and Hypothecation of Property by the Managing Member to the Funding Lender;
33. Certificate Evidencing the Authorization of the Execution of Guaranty and Indemnity and Endorsement and Hypothecation of Property by the Developer to the Funding Lender;
34. Certificate Evidencing the Authorization of the Execution of Guaranty and Indemnity and Endorsement and Hypothecation of Property by PACT Partners to the Funding Lender;
35. Disbursement Instruction Agreement by the Company;
36. Agreement for Disbursement Prior to Recording between the Company and the Funding Lender;
37. Forward Purchase Agreement among the Funding Lender, Citibank, N.A. ("Citibank"), and the Company;
38. Promissory Note (Forward Commitment Fee) from the Company payable to Citibank;
39. Forward Commitment Fee Multifamily Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (Oregon) granted by the Company in favor of Citibank, as beneficiary;
40. Payment Guaranty (Forward Commitment Fee) by Davidson for the benefit of Citibank;
41. Assignment and Assumption of Deed of Trust and Loan Documents to be entered by the Funding Lender and Citibank;
42. Allonge to Governmental Note to be delivered by the Funding Lender to Citibank;
43. Release and Termination Agreement to be entered by the Company, the Funding Lender and Citibank;
44. Amended and Restated Multifamily Note to be delivered by the Company to Citibank;
45. Amended and Restated Multifamily Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (Oregon) to be granted by the Company for the benefit of Citibank;
46. Loan Covenant Agreement to be entered by the Company and Citibank;
47. Exceptions to Non-Recourse Guaranty to be delivered by Davidson for the benefit of Citibank;

48. Replacement Reserve Agreement to be entered by the Company and Citibank;
49. Assignment of Management Agreement to be made by the Company and FPI Management, Inc., for the benefit of Citibank;
50. Agreement of Environmental Indemnification to be made by the Company and Darin Davidson for the benefit of the Beneficiary Parties named therein;
51. Conversion Certificate by the Company for the benefit of Citibank;
52. Continuing Disclosure Agreement between the Company and Citibank;
53. Tax Credit Management Agreement between the Company and FPI Management, Inc.;
54. Standard Form of Agreement Between Owner and Contractor between the Company and General Contractor;
55. Standard Form of Agreement Between Owner and Architect between the Company and Olson Projects;
56. 4% Low-Income Housing Tax Credit Reservation and Extended Use Agreement between OHCS and the Company;
57. Tripartite Agreement, Subordination, and Declaration of Restrictive Covenants among the Managing Member, the Company and OHCS; and
58. 4% Low-Income Housing Tax Credit Declarations of Land Use Restrictive Covenants between the Company and OHCS.

# STAFF REPORTS



**Procurement & Contracts Department**  
**MONTHLY CONTRACT REPORT**  
**Contracts Approved 09/01/21 - 10/31/21**

PUBLIC IMPROVEMENT  
(CONSTRUCTION & MAINTENANCE SERVICES)

Contract #	Amend #	Contractor	Contract Amount	Description	Dept.	Execution Date	Expiration Date
C2841	0	Prime Legacy	\$ 12,765.00	Deck rebuild at Madrona	Property Management	9/21/2021	11/30/2021
C2845	0	KO Construction	\$ 3,710.00	Replace siding at SCC	Property Management	9/21/2021	10/24/2021
<b>Subtotal</b>			<b>\$ 16,475.00</b>				<b>2</b>

GOODS & SERVICES

Contract #	Amend #	Contractor	Contract Amount	Description	Dept.	Execution Date	Expiration Date
C2831	0	Anderson Heating & Cooling	\$ 20,000.00	Replace 3 air compressor units and air handlers at Richmond Place	Asset Mgmt	9/2/2021	12/31/2021
C2790	0	WCTJ Inc.	\$ 12,200.00	Painting on SW side of HWE using swing stage	Property Management	9/21/2021	10/31/2021
C2842	0	Better Air Northwest	\$ 4,480.00	Clean air ducts and dryer vents, replace filters at Celilo	Property Management	9/21/2021	10/29/2021
C2839	0	Neighborhood Tree LLC	\$ 2,000.00	Arborist Services for Troutdale Project	DCR	9/24/2021	9/15/2022
C2843	0	Purcor Pest Solutions	\$ 150,000.00	On-call pest control services; Replacing HALT Pest Control (C2524) due to name change	IFS	10/22/2021	5/3/2025
C2863	0	Diversity Alliance Protection Agency (DAPA)	\$ 66,000.00	Security Services at Humboldt	Property Management	10/25/2021	10/31/2022
C2864	0	Hibu Inc.	\$ 20,000.00	Social media marketing for the Landlord Guarantee Program	Executive	10/27/2021	6/30/2022
<b>Subtotal</b>			<b>\$ 274,680.00</b>				<b>7</b>

PERSONAL SERVICE CONTRACTS

Contract #	Amend #	Contractor	Contract Amount	Description	Dept.	Execution Date	Expiration Date
C2829	0	Cascade Radon Inc.	\$ 3,050.00	Radon Testing at Medallion and Williams	DCR	9/1/2021	12/31/2021
C2828	0	Cascade Radon Inc.	\$ 3,050.00	Radon Testing at Floresta and Powellhurst	DCR	9/7/2021	3/30/2022
C2833	0	Columbia West Engineering	\$ 7,535.00	Special Inspections for Head Start Clegg Child Care Facility project, 1425 NE Dekum St.	DCR	9/9/2021	3/31/2022
C2837	0	PBS Engineering & Environmental, Inc.	\$ 2,140.00	Asbestos Testing at Grace Peck	DCR	9/9/2021	3/30/2022
C2836	0	Carlson Testing, Inc.	\$ 320.00	Special Inspection for NMW cooling tower replacement	DCR	9/16/2021	3/30/2022
C2844	0	Environmental Works	\$ 5,500.00	Radon testing for Tillicum north, tillicum south, hunter's run	DCR	9/21/2021	12/31/2021
C2848	0	Nelson & Nelson PLLC	\$ 15,000.00	Dissolving NMTC structure from SCC Children's Center	DCR	9/27/2021	3/15/2022
C2849	0	Great Northwest Environmental	\$ 495.00	Albina Head Start: abatement monitoring including air sampling, one additional sample testing during construction, wipe clearance testing, and a closeout report for records.	DCR	9/28/2021	2/28/2022
C2850	0	Great Northwest Environmental	\$ 875.00	Proposal to provide Bulk Sampling for Asbestos for 6 residential buildings roofing material at 2402 – 2434 NE Morgan Street, Portland OR. 97217 (Dekum Court Redevelopment).	DCR	9/28/2021	2/28/2022
C2851	0	PBS Engineering & Environmental, Inc.	\$ 7,000.00	Phase II ESA for Fairfield	DCR	9/30/2021	12/31/2023
C2847	0	Cogan Consulting Partners LLC	\$ 50,000.00	Re-design of employee orientation and on-boarding program	Talent & Organizational Development	10/4/2021	1/31/2022
C2853	0	Cascade Radon Inc.	\$ 550.00	Additional radon testing at select Humboldt Gardens units	DCR	10/5/2021	3/31/2022
C2856	0	Motus Recruiting & Staffing Inc.	\$ 20,000.00	Temporary staffing for HR Admin	HR	10/25/2021	3/31/2022
<b>Subtotal</b>			<b>\$ 115,515.00</b>				<b>13</b>

PROFESSIONAL SERVICE CONTRACTS (A&E)

Contract #	Amend #	Contractor	Contract Amount	Description	Dept.	Execution Date	Expiration Date
C2835	0	Global Transportation Engineering	\$ 5,055.00	Parking study for the Troutdale Project	DCR	9/14/2021	1/31/2022
C2838	0	Central Geotechnical Services, LLC	\$ 15,555.00	Killingsworth Housing - geotechnical engineering services described as Phases I, II & III in attached proposal.	DCR	9/16/2021	12/31/2024
C2840	0	Central Geotechnical Services, LLC	\$ 40,000.00	Geotechnical investigation for Fairfield	DCR	9/20/2021	12/31/2022
C2846	0	MKE Associates, Inc	\$ 4,000.00	Update original construction documents to create permit docs at Schiller Way	DCR	10/4/2021	12/31/2021
C2852	0	Geotechnical Resources, Inc. (GRI)	\$ 105,000.00	Geotechnical construction administrative services for Powell	DCR	10/4/2021	10/1/2023
C2826	0	Professional Associates Construction Services Inc.	\$ 1,600.00	PML Report for Powell Apartments	DCR	10/15/2021	9/27/2021
<b>Total</b>			<b>\$ 171,210.00</b>				<b>6</b>

AMENDMENTS TO EXISTING CONTRACTS

Contract #	Amend #	Contractor	Contract Amount	Description	Dept.	Execution Date	Expiration Date
C2381	3	Overland, Pacific, and Cutler LLC	\$ -	Covid-19 Amendment, plus added time	Asset Mgmt	7/21/2021	6/30/2021
C2255	9	Walsh Construction Co.	\$ 74,900.00	CO #9	DCR	7/29/2021	6/27/2022
C2255	10	Walsh Construction Co.	\$ 133,067.00	Dahlke--Replace wood doors and trim on floors 4-5, purchase of refrigerators	DCR	8/25/2021	7/12/2022
C2327	6	LMC, Inc.	\$ 32,950.37	Group 7 GMP CO #3	DCR	9/4/2021	12/31/2022
C2348	1	On-Call Painting Services	\$ 200,000.00	On-Call Painting Services; amended to add funds	Property Management	9/7/2021	10/7/2024
C2228	4	Otis Elevator	\$ 500.00	Elevator Modernization at Medallion and Williams; amended for emergency power testing at WP	DCR	9/15/2021	10/15/2021
C2606	1	Pegasus Moving & Cleaning	\$ 25,000.00	Packing and moving services for relocation; amended to extend contract and add funds	DCR	9/17/2021	8/31/2022

C2833	1	Columbia West Engineering	\$ 800.00	Provide geotechnical construction monitoring and inspection during site drywell testing at Dekum Head Start	DCR	9/21/2021	3/31/2022
C2255	11	Walsh Construction Co.	\$ 110,692.00	Interior Doors 4 and 5, remaining refrigerators	DCR	9/22/2021	7/12/2022
C2038	3	Landscaping services for Tamarack, Eliot Square, Camelia	\$ 50,000.00	Landscaping services for Tamarack, Eliot Square, Camelia Court, Maple Mallory; amended to extend services	Property Management	9/22/2021	6/30/2021
C2707	2	Easbey Consulting, LLC	\$ 4,500.00	The additional charge and scope are for additional reviews completed in an expedited time frame and providing extra support and instruction.	DCR	9/24/2021	10/31/2021
C2795	1	Colas Construction	\$ 14,686.00	Nighttime potholing work at Powell	DCR	9/29/2021	11/30/2021
C2607	2	Lile Moving & Storage	\$ 50,000.00	Packing and moving services for relocation; amended to add funds and extend contract	DCR	9/30/2021	8/31/2022
C2533	4	KASA Architects, inc	\$ 1,900.00	Additional design services for structural engineering for Head Start Clegg Child Care Facility, 1425 NE Dekum.	DCR	10/5/2021	7/2/2022
C2556	1	Arrakis Professional Services	\$ -	On-call security for Gallagher Plaza & Sellwood; amended to add time	Prop Mgmt	10/19/2021	1/31/2022
C1894	5	ValleyScapes Landscape Solutions	\$ 44,694.71	Landscaping at Stephen's Creek Crossing; amended to extend contract	Prop Mgmt	10/26/2021	12/31/2021
<b>Subtotal</b>			<b>\$ 743,690.08</b>				<b>16</b>

OTHER AGREEMENTS (Revenue contracts, 3rd Party contracts, MOU's, IGA's)

Contract #	Amend #	Contractor	Contract Amount	Description	Dept.	Execution Date	Expiration Date
GO2719	0	Human Solutions, Inc.	\$ 170,285.00	Provide resident services at 10506 E. Burnside Project; Rule 46-0340	Community Services	10/29/2021	10/31/2024
<b>Subtotal</b>			<b>\$ 170,285.00</b>				<b>1</b>
<b>Total</b>			<b>\$ 1,491,855.08</b>				<b>45</b>

**Procurement & Contracts Department  
 FUTURE FORMAL PROCUREMENTS  
 6-Month Look Ahead - November 2021**

Estimated Contract Amount	Description	Dept.	Solicitation Period
\$1.5 million	CHSP Housekeeping & Personal Care	Community Services	TBD