

**HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY**

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

**Minutes**

April 6, 2022

22-04

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted via an online platform and teleconference on Wednesday, April 6, 2022, with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:03 p.m. Those in attendance were:

**Present via Teleconference**

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

**Also Attending via Teleconference**

Timothy Goetzinger, *Acting Chief Financial Officer*  
Jennifer Arrington  
Nathan Bovelleville  
Darcel Cox  
Paige Gentry  
Lynn Hayes  
Bonnie Hodge  
Hyunsuk Choi  
Fred Swan  
Kathryn Hollister  
Francisco Vega  
Jessie Joseph

Aisha Memon, *General Counsel*  
Patrick Mattingly  
John Broullire  
Marcus Ervin  
Billy Buttrey  
Ian-Terrell Hawkins  
Matt Husman  
Zachary Marks  
Terri Fowler  
Olutomi Adebo  
Gail Willison

**IT Support**

Aries Cruz

**Commission Support**

Patrice Birdsong, *Spec. Asst. to the Commission*

Chair Priest opened the meeting welcoming all to the monthly meeting. There was a roll call of Commissioners participating. Kayrine Brown, Acting Executive Director, was necessarily absent, designating Timothy Goetzinger, Chief Development Funds Officer/Acting Chief Financial Officer, to assist in facilitating the meeting.

I. **Information Exchange**

**Community Forum**

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

**Executive Director's Report**

- Timothy Goetzinger, Chief Development Funds Officer/Acting Chief Financial Officer, provided an overview of the written report highlighting various activities HOC coordinated and/or participated

in. Commissioner Simon congratulated the staff on an excellent presentation provided during the PHED Committee meeting. Lynn Hayes, Director of Housing Resources and Fred Swan, Director of Resident Services, addressed Chair Priest and Commissioners question on housing location assistance. Chair Pro Tem Nelson complimented the staff for all their work in providing assistance to the residence of Montgomery County. Commissioner Simon also compliment on the Adopted Budget that can be found on HOC's webpage.

**Commissioner Exchange**

- Chair Priest commented on a human interest story he had recently seen regarding the explosion and fire at the Friendly Garden Apartments of a resident who frequents the site. He thanked staff for providing assistance to the residence and relocating to HOC's Paddington Square property.
- II. **Approval of Minutes** - The minutes were approved as submitted with a motion by Commissioner Byrd and seconded by Chair Pro Tem Nelson. Affirmative votes were cast by Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon.
- A. **Approval of Minutes of March 2, 2022**
  - B. **Approval of Minutes of March 2, 2022 Closed Session**
  - C. **Approval of Minutes of March 17, 2022 Special Session**
  - D. **Approval of Minutes of Mach 17, 2022 Closed Special Session**

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

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

1. **Public Housing Agency Plan (PHA):** Authorization to Submit HOC's Fiscal Year 2023 Annual Public Housing Agency Plan

Elliot Rule, Management and Compliance Analyst, was the presenter.

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

**RESOLUTION NO.: 22-22**

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

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

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

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

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

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

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

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

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

2. **Violence Against Women Act (VAWA):** Authorization to Implement Revisions to HOC's Violence Against Women Act Policy and Related Revisions to Housing Choice Voucher Administrative Plan

Elliot Rule, Management and Compliance Analyst, was the presenter.

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

**RESOLUTION NO.: 22-23**

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

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

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

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

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

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

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

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

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

Jessie Joseph, Management and Compliance Analyst, was the presenter.

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

**RESOLUTION NO.: 22-24**

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

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

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

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

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

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

1. **Hillandale Gateway:** Approval of a Preliminary Development Plan for the Non-Age Restricted Building and Approval of a Revised Affordability Mix for the Age-Restricted Building

Kathryn Hollister, Senior Financial Analyst, was the presenter.

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

**RESOLUTION NO.: 22-25**

**RE: Approval of Preliminary Development Plan for the Non Age-Restricted Building and Approval of a Revised Affordability Mix for the Age-Restricted Building for Hillandale Gateway**

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

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

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

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

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

**WHEREAS**, on March 2, 2022, the Commission approved a preliminary development plan for the AR Building, in which (a) 113 units are affordable to households earning 50% AMI or below; (b) 42 units are affordable to households earning 80% AMI or below; and (c) all 155 units are financed through the Low Income Housing Tax Credit (“LIHTC”) program, utilizing the program’s income average set aside; and

**WHEREAS**, the Commission desires to approve a revised affordability mix for the AR Building, in which (a) 15 units are affordable to households earning 30% AMI or below; (b) 15 units are affordable to households earning 40% AMI or below; (c) 25 units are affordable to households earning 50% AMI or below; (d) 50 units are affordable to households earning 60% AMI or below; (e) 25 units are affordable to households earning 70% AMI or below; and (f) 25 units are affordable to households earning 80% AMI or below; and

**WHEREAS**, the Commission desires to approve a preliminary development plan for the NAR Building, in which (a) 10 units are affordable to households earning 30% AMI or below; (b) 10 units are affordable to households earning 40% AMI or below; (c) 42 units are affordable to households earning 50% AMI or below; (d) 31 units are affordable to households earning 80% AMI or below; (e) 215 units are unrestricted; and (f) the 93 restricted units are financed through the LIHTC program, utilizing the program’s income average set aside.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves a revised affordability mix for the AR Building, in which (a) 15 units are affordable to households earning 30% AMI or below; (b) 15 units are affordable to households earning 40% AMI or below; (c) 25 units are affordable to households earning 50% AMI or below; (d) 50 units are affordable to households earning 60% AMI or below; (e) 25 units are affordable to households earning 70% AMI or below; and (f) 25 units are affordable to households earning 80% AMI or below.

**BE IT FURTHER RESOLVED** by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of HOC at Hillandale Gateway, LLC, acting for itself and on behalf of Hillandale Gateway, LLC, that it approves the preliminary development plan for the NAR Building, in which (a) 10 units are affordable to households earning 30% AMI or below; (b) 10 units are affordable to households earning 40% AMI or below; (c) 42 units are affordable to households earning 50% AMI or below; (d) 31 units are affordable to households earning 80% AMI or below; (e) 215 units are unrestricted; and (f) the 93 restricted units are financed through the LIHTC program, utilizing the program’s income average set aside.

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

2. **Garnkirk Farms:** Authorization to Execute a Construction and Development Service Agreement Between HOC at Garnkirk Farms, LLC and RJD Real Estate Advisors, LLC for the Development of Garnkirk Farms Apartments

Marcus Ervin, Director of Development, was the presenter.

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

**RESOLUTION NO.: 22-26**

**RE: Authorization to Execute a Construction and Development Services Agreement Between HOC at Garnkirk Farms, LLC and RJD Real Estate Advisors, LLC for the Development of the Garnkirk Farms Apartments in Clarksburg**

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

**WHEREAS**, the Duffie Companies ("Duffie"), is the owner of a parcel located at Shawnee Lane and Observation Drive in Clarksburg, which is fully entitled for a 184-unit, wood frame apartment community wrapped around a 254-unit structured parking deck ("Garnkirk Farms Apartments" or the "Property"); and

**WHEREAS**, on December 4, 2020, Duffie submitted to HOC an unsolicited offer providing HOC the opportunity to acquire Garnkirk Farms Apartments via ground lease ("Ground Lease"); and

**WHEREAS**, on September 17, 2021, HOC (as the sole member of HOC at Garnkirk Farms, LLC) closed on the Ground Lease, which included as part of the consideration a right of first offer by Duffie or its affiliates to perform development and/or construction management services for Garnkirk Farms Apartments, provided the parties are able to negotiate mutually agreeable terms for such services; and

**WHEREAS**, at closing, Duffie assigned to HOC all of its existing design and development work product, and HOC is required to reimburse Duffie for the same at the earlier of closing on the first construction loan or January 1, 2023; and

**WHEREAS**, the Ground Lease allows HOC to defer rent payments until the earlier of the closing on the first construction loan or January 1, 2023; and

**WHEREAS**, on November 3, 2021, the Commission approved an initial predevelopment budget ("Predevelopment Budget") and funding ("Predevelopment Funding") from the PNC Bank, N.A. Real Estate Line of Credit (the "\$150MM LOC") in the amount of \$5,344,731 to cover the predevelopment expenditures related to development of the Property that include the costs related to finalizing the building design, paying for building permits, professional/legal fees, and payment of deferred ground lease payments prior to construction, which will be repaid at the closing of the construction financing anticipated to occur around May of 2023;

**WHEREAS**, through the execution of a Construction and Development Services Agreement RJD Real Estate Advisors, LLC ("Developer") will serve as developer for the Garnkirk Farms Apartments with assistance from and oversight by HOC and will be responsible for the day-to-day project management, design, procurement, and general development for the project while sharing in a project development fee pursuant to terms presented to the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as the sole member of HOC at Garnkirk Farms, LLC, that HOC's Acting Executive Director, or her duly authorized designee, is authorized to execute a Construction and Development Services Agreement with RJD Real Estate Advisors, LLC, containing business terms substantially and materially similar to those outlined to the Commission.

**BE IT FURTHER RESOLVED** by the Housing Opportunities Commission of Montgomery County, acting in its own capacity and as the sole member of HOC at Garnkirk Farms, LLC, that HOC's Acting Executive Director, or her duly authorized designee, is authorized, without any further action on their respective parts, to take any and all other actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

**IV. ITEMS REQUIRING DELIBERATION and/or ACTION**

1. **Fiscal Year 2023 (FY'23) Recommended Budget:** Presentation of the Acting Executive Director's FY'23 Recommended Budget

Timothy Goetzinger, Chief Development Funds Officer/Chief Financial Officer, introduced Terri Fowler, Budget Officer, who provided the presenter. No action was required.

2. Approval to Increase the Acting Executive Director's Approval Limit to Fund a Transfer of Knowledge Agreement to Provide Transitional and Consulting Services to HOC

Timothy Goetzinger, Chief Development Funds Officer/Chief Financial Officer, was the presenter.

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

**RESOLUTION NO.: 22-27**

**Re: Approval to Increase the Acting Executive Director's Approval Limit to Fund a Transfer of Knowledge Agreement to Provide Transitional and Consulting Services to HOC**

**WHEREAS**, the Housing Opportunities Commission of Montgomery County's ("Commission" or "HOC") Procurement Policy ("Policy") establishes the maximum awarding authority for staff; and

**WHEREAS**, the maximum awarding authority for the Executive Director is \$250,000 for Purchase Orders, Contracts for Goods and Services, and Professional Service Contracts; and

**WHEREAS**, effective on February 1, 2021, HOC entered into a Transfer of Knowledge Agreement (the "Agreement") with one of its former Chief Financial Officers ("CFO") (the "Consultant") to provide transition and consulting services;

**WHEREAS**, staff has previously requested four amendments to the Agreement to increase the services to (i) support of the Acting CFO following the resignation of the CFO, (ii) to assist with Union negotiations, (iii) and to manage the fiscal year 2022 Single Audit and the overall HOC audit; and

**WHEREAS**, due to continued vacancies at the executive levels caused by HOC's ongoing recruiting of an Executive Director, it is necessary to enter into a fifth amendment to the Agreement to allow the Consultant to continue to (i) support the Acting CFO, (ii) assist a new CFO (when hired), (iii) assist with new rounds of Union negotiations, and (iv) provide institutional transfer of knowledge to the new Executive Director; and

**WHEREAS**, the fifth amendment would increase the cost of the Agreement above the Executive Director's awarding authority by \$75,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Housing Opportunities Commission of Montgomery County approves an increase of \$75,000 above the current maximum awarding authority for the Executive Director to provide full funding of the Agreement for a total amount of \$325,000 covering two calendar years.

Chair Priest read the Written Closing Statement and made a motion to adopt the statement and close the meeting. Chair Pro Tem Nelson seconded the motion, with Commissioners Priest, Kelleher, Nelson, Byrd, Croom, Merkowitz, and Simon voting in approval.

Based upon this report and there being no further business to come before this session of the Commission, the Commission adjourned the open session at 5:28 p.m. and reconvened in closed session at 5:35 p.m.

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the Housing Opportunities Commission of Montgomery County's closed session held on April 6, 2022 at approximately 5:35 p.m. via an online platform and teleconference, with moderator functions occurring at 10400 Detrick Avenue, Kensington, MD 20895. The meeting was closed under the authority of Section 3-305(b)(3) to discuss the potential acquisition of real property located in Silver Spring, Maryland for redevelopment into multifamily housing.

The meeting was closed and the closing statement dated April 6, 2022 was adopted on a motion made by Roy Priest, seconded by Richard Y. Nelson, Jr., with Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, Linda Croom, Jeffrey Merkowitz, and Jackie Simon voting in favor of the motion. The following persons were present: Roy Priest, Frances Kelleher, Richard Y. Nelson, Jr., Pamela Byrd, Linda Croom, Jeffrey Merkowitz, Jackie Simon, Timothy Goetzinger, Aisha Memon, John Broullire, Marcus-Ervin, Ellen Goff, Paige Gentry, Darcel Cox, Gail Willison, Patrick Mattingly, Nathan Bovelle, Hyunsuk Choi, Zachary Marks, Ian-Terrell Hawkins, and Patrice Birdsong.

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

1. **Topic:** The potential acquisition/purchase (via either a ground lease or purchase and sale agreement) of real property located in Silver Spring, Maryland for redevelopment into multifamily housing (pursuant to Section 3-305(b)(3)).
  - a. **Action Taken:** With a quorum present, Commissioners Priest, Kelleher, Nelson, Byrd, Merkowitz, and Simon adopted Resolution 22-28AS, which authorized (i) the submission of an offer to the property owner, and (ii) a draw on the Opportunity Housing Reserve Fund to complete a feasibility study. Commissioner Croom abstained.

The closed session was adjourned at 6:25 p.m.

Respectfully submitted,

Kayrine Brown  
Acting Secretary-Treasurer

/pmb

Exhibits – Available Upon Request

**Approved: May 4, 2022**