

Housing Counseling Federal Advisory Committee (HCFAC) By-Laws and Charter, renewed May 2020

Bylaws and Operating Procedures

Section I: Purpose:

The purpose of the Housing Counseling Federal Advisory Committee (HCFAC) is to provide advice regarding the carrying out of the functions of the Office of Housing Counseling as authorized under of the Department of Housing and Urban Development Act of 1965 (HUD Act) (42 USC 3531, *et seq.*).¹ The HCFAC is to provide strategic planning and policy guidance to the Office of Housing Counseling (OHC) to make housing counseling accessible, sustainable, and high quality. The HCFAC shall have no role in reviewing or awarding OHC grants or federal procurements.

All activities of the HCFAC will comply with the requirements of the Federal Advisory Committee Act (FACA) and the implementing regulations.²

Section II: Authority

The HCFAC shall be organized and operated in accordance with § 3533(g)(4) of the HUD Act. The HCFAC is subject to the requirements of the FACA and pertinent requirements at 41 C.F.R. parts 101-6 and 102-3.

Section III: Membership Selection and Appointment

The HCFAC shall consist of not more than twelve (12) individuals. The membership shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies approved by the Secretary. The members of the HCFAC shall be appointed by the Secretary for a term of three (3) years. Members may be reappointed at the discretion of the Secretary.

Nominations may be made by agency officials, members of Congress, the general public, professional organizations, and by self-nomination.

Selection of members is based on the candidates' qualifications and the ability to contribute to the accomplishment of HCFAC's objectives. HCFAC's membership shall be balanced to include a broad representation of geographic areas within the United States, with equitable representations of gender, ethnic and racial minorities, and persons with disabilities.

HCFAC members must be

¹ See 42 U.S.C. § 3533(g)(1)-(4).

² See 5 U.S.C. App. 2; and 41 CFR parts 101-6 and 102-3.

U.S. citizens, and cannot be full-time employees of the Federal Government. HCFAC members must not have unpaid obligations to the US government or have not been carrying out any businesses practices that would give rise to any legal and ethical violations.

Any information related to the screening of an applicant will be kept confidential. HCFAC members should not be subject to any unresolved finding from any Inspector General (IG). No person who is a federally registered lobbyist may serve on the HCFAC. Membership on the HCFAC is personal to the appointee.

Members of the HCFAC shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter 1 of chapter 57 of title 5 of the United States Code.

The Secretary of Housing and Urban Development shall review the HCFAC membership list annually using the approval criteria specified by the OHC, other applicable laws and regulations and such additional criteria as the Secretary may specify to ensure the character and integrity of the HCFAC. Members obligated to actively participate in the work of HCFAC. If a member is in habitual default of this obligation the Secretary may take appropriate action, including termination of membership.

Section IV: Role of HCFAC Officials

The Decision Maker (DM): The DM is the person with the authority to make decisions relative to the implementation of the HCFAC's recommendations. The DM will be the Deputy Assistant Secretary (DAS) for OHC.

Designated Federal Officer (DFO): The DFO will be an OHC employee as designated by the DAS for OHC. The DFO serves as the HUD's representative for all matters related to the HCFAC's activities. The DFO will: (1) approve or call meetings of the HCFAC; (2) approve meeting agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the HCFAC, when so directed by the DAS for OHC, or designee.

In addition, the DFO is responsible for ensuring adequate administrative support for HCFAC purposes including the performance of the following functions: (1) notifying members of the time and place for each meeting; (2) maintaining records of all meetings, including subgroup or working group activities, as required by law or administrative issuance; (3) maintaining 1; (4) preparing the minutes for all meetings of the HCFAC, including subgroup and working group activities; (5) attending to all correspondence; (6) maintaining all HCFAC's records and filing papers and submissions prepared for or by the HCFAC including those documents generated by subgroups and working groups; and, (7) preparing and handling all reports, including the annual report as required under § 6 of FACA.

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Section V: Meeting Procedures

The estimated number of meetings of the HCFAC within a fiscal year is two (2) and at other intervals as needed to render advice to OHC. The meetings will be held in person, or by electronic or telephonic means. Meetings will be scheduled by the DFO.

A. Agenda. The DFO will approve the agenda for all HCFAC meetings. The agenda will be distributed to HCFAC members prior to each meeting. A notice of each meeting will be published in the Federal Register. Items for the agenda may be submitted to the DFO by HCFAC members or non-members, including members of the public.

B. Minutes and Records. The DFO will prepare minutes of each meeting and will distribute copies to each HCFAC member. Minutes of open meetings will be available to the public. Minutes of closed meetings will also be available to the public upon request, subject to withholding of matters for which public disclosure would be harmful to the interests of the Federal Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act (5 U.S.C. § 552, *et seq.*). The minutes will include a record of the persons present (including the names of HCFAC members, names of staff, and the names of members of the public from whom written or oral presentations are received), a complete and accurate description of the matters discussed, and conclusions reached, and copies of all reports received, issued or approved by the HCFAC.

All documents, reports, or other materials prepared by, or for, the HCFAC constitute official U.S. government records and must be maintained according to General Services Administration policies and procedures.

C. Open Meetings. Unless otherwise determined in advance, all meetings of the HCFAC will be open to the public. Notices specific to each meeting will be published at least fifteen (15) business days in advance in the Federal Register. Once an open meeting has commenced it will not be closed for any reason. All materials brought before, or presented to, the HCFAC during the conduct of an open meeting, including the meeting minutes, will be available to the public for review or copying at the time of the scheduled meeting.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may, at the determination of the DFO, offer oral comment at such meeting. The DFO may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the HCFAC at any time.

D. Closed Meetings. Meetings of the HCFAC will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by HUD's Office of General Counsel (OGC) at least thirty (30) days prior to the meeting date.

Where the DFO has determined in advance that discussions during a HCFAC meeting will involve matters about which public disclosure would be harmful to the interests of the United States, industry, or others, an advance notice of a closed meeting citing the applicable exemptions to the Government in the Sunshine Act (5 U.S.C. § 552b, *et seq.*) (GISA), will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If during the course of an open meeting, matters inappropriate for public disclosure arise, the DFO will order such discussions to cease and will schedule the meeting for closed session. Notices of closed meetings will be published in the Federal Register at least fifteen (15) calendar days prior to the meeting date.

Section VI: Voting

When a decision or recommendation of the HCFAC is required, the DFO will request a motion for a vote. Any HCFAC member or the DFO may make a motion for a vote. No second after a proper motion will be required to bring any issue to vote. A decision or recommendation shall pass if such decisions or recommendation receives a majority of the votes at any meeting in which at least a quorum of voting members is present.

Two-thirds of the voting members of the HCFAC shall constitute a quorum for conducting business at a meeting. If a quorum is not present, the HCFAC will be unable to take any actions.

Section VII: Expenses and Reimbursement

Expenses related to the operation of the HCFAC will be managed by the DFO. Expenditures of any kind must be approved by the DFO in advance.

The DM and DFO for the HCFAC are not eligible for any additional compensation. HCFAC members shall be compensated for travel and per diem costs at a rate equivalent to that allowable for Federal employees.

Section VIII: Additional Information

HUD's Committee Management Officer (CMO) is responsible for Government-wide oversight of the HCFAC.

Section IX. Parliamentary Authority

In all matters of parliamentary procedure, the HCFAC shall be governed by Robert's Rules of Order, except where any such action shall be governed by law, regulation, the HCFAC Charter or these Bylaws.

Section X: Amendment of Bylaws

The Secretary of Housing and Urban Development shall have sole authority to amend these Bylaws.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Housing Counseling
451 7th St., SW, Room 9224
Washington, D. C. 20410

CHARTER
Housing Counseling Federal Advisory Committee
A Federal Advisory Committee

1. Committee Official Designation

The federal advisory committee re-established by this Charter shall be known as the Housing Counseling Federal Advisory Committee (hereinafter the "Committee").

2. Authority

The authority for the establishment and management of the Committee is found at 42 USC § 3533(g)(4) of the Department of Housing and Urban Development Act of 1965 (HUD Act) (42 USC § 3531, *et seq.*)

3. Objectives and Scope of Activities

The mission of the Office of Housing Counseling (OHC) is to provide individuals and families with the knowledge they need to obtain, sustain, and improve their housing. Therefore, OHC supports a strong national network of HUD-approved housing counseling agencies and counselors. The objective of the Committee is to provide advice to OHC regarding the carrying out of its mission consistent with § 3533(g)(3) of the HUD Act except that the Committee shall have no role in reviewing or awarding of housing counseling grants or procurements. To ensure input from stakeholders and program participants, the Committee will not be the sole source of advice for OHC.

4. Description of Duties

The purpose of the Committee is to provide strategic planning and policy guidance to the OHC to make housing counseling accessible, sustainable, and high quality. The purpose of the Committee is provided in § 3533(g)(4) of the HUD Act. The work of the Committee shall be solely advisory and shall have no role in reviewing or awarding of OHC grants or federal procurements.

5. Agency or Official to Whom the Committee Reports

The Committee shall provide advice to the Secretary of HUD through the Deputy Assistant Secretary (DAS) for OHC.

6. Support

Administrative support shall be provided to the Committee by OHC

7. Estimated Annual Operating Costs and Staff Years

The estimated annual cost including full-time equivalent (FTE) of a 1.5 position for fiscal year 2020 is \$661,726.

8. Designated Federal Officer

Designated Federal Officer (DFO) and no less than one alternate will be an OHC employee as appointed by the DAS for OHC. The DFO serves as the government's representative for all matters related to the Committee's activities. The DFO will: (1) approve or call the meeting of the Committee or subcommittees; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the Committee, when so directed by the DAS for OHC, or designee.

9. Estimated Number and Frequency of Meetings

The estimated number of meetings anticipated within a fiscal year is two (2) and at other intervals as needed to render advice to the Office of Housing Counseling. The meetings will be held in person, voice, or electronically. Unless otherwise determined in advance, all meetings of the Committee will be open to the public. Meetings of the Committee will be closed in accordance with the Freedom of Information Act (5 USC § 552, *et seq.*) (FOIA).

10. Duration

Unless this Charter is renewed it expires in two (2) years from the effective date.

11. Termination

The Committee will terminate two years from the date the Charter is filed or upon completion of its purpose, unless prior to that date it is renewed in accordance with the provisions of § 14 of FACA. There will be no Committee meetings without an active Charter

12. Membership and Designation

The Committee shall be composed of not more than twelve (12) individuals, as the Secretary may appoint. Membership of the Committee shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies approved by the Secretary. The Committee's membership will be fairly balanced to include a broad representation of geographic areas within the United States with equitable representation of sexes, ethnic and racial minorities and persons with disabilities. Committee members must be U.S. citizens and cannot be full-time employees of the federal government. Committee members may not have unpaid obligations to the US government or have not been carrying out any business practices that would give rise to any legal and ethical violations. Committee members should not be subject to any unresolved Inspector General (IG) findings. No person who is a federally registered lobbyist may serve on the Committee. Each member of the Committee shall be appointed for a term of three years. Members may be reappointed and serve at the discretion of the Secretary. Members of the Committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under 5 USC 5701, *et seq.*

13. Subcommittees

The Secretary of the Housing and Urban Development, or the Secretary's designee, shall have exclusive authority to create and disband subcommittees. Subcommittees may report only to the Committee established by this Charter and may not provide advice or work products directly to the HUD or any other entity.

14. Recordkeeping

The records of the Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the FOIA.

15. Filing Date

U.S. Senate Committee on Banking, Housing and Urban Affairs, May 02, 2020
U.S. Senate Committee on Finance, May 02, 2020
House Ways and Means Committee, May 02, 2020
U.S. House Committee on Financial Services, May 02, 2020
Library of Congress, May 02, 2020
Secretary, U.S. Department of Housing and Urban Development, May 02, 2020