

SIXTH AMENDMENT
TO
AMENDED AND RESTATED MOVING TO WORK AGREEMENT AMENDING
ATTACHMENT A (CALCULATION OF SUBSIDIES) FOR THE
RENTAL ASSISTANCE DEMONSTRATION (RAD)
BETWEEN
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND
HOME FORWARD

This Sixth Amendment to the Moving to Work (“MTW”) Agreement (“Agreement”) is entered into by and between the United States of America through the U.S. Department of Housing and Urban Development (“HUD”) and Home Forward (“Agency”) to amend the Agency’s Attachment A dated October 16, 2008 and extended on April 14, 2016 through the Agency’s fiscal year 2028, and is effective on the date of execution by HUD. Unless otherwise defined herein, all capitalized terms used herein shall have the same meanings ascribed to them in the Agreement.

Attachment A is amended as follows:

1. The following is added to the **Definitions** section:

RAD Adjustment Factor: The Agency’s annual operating subsidy eligibility amount will be reduced by application of the RAD Adjustment Factor each year. An amount is calculated for each project or portion of a project (RAD Project) converted under the RAD Notice through the end of each calendar year immediately preceding the funding year by multiplying each RAD Project’s Operating Subsidy component of the RAD contract rent calculation on a per unit month (PUM) basis (as determined by HUD) by the number of units converted under the RAD Notice. For each RAD project, the product of the foregoing calculation will then be inflated using OCAF for each year after the Operating Subsidy funding year from which the RAD rent is calculated. The resulting amount for each RAD project will then be summed. The sum will then be annualized by being multiplied by 12 to derive the RAD Adjustment Factor.

2. The following language is added at the end of Section 1. A:

The RAD Adjustment Factor will then be subtracted from Agency’s annual operating subsidy eligibility calculated in accordance with the foregoing formula in this Attachment A. The RAD Adjustment Factor will be calculated each year, and subtracted from the Agency’s annual operating subsidy eligibility as part of the annual operating subsidy process.

3. Section 1.B., titled “Unit Months Available (UMAs)” is replaced as follows:

UMAs cannot exceed those 33,084 UMAs established pursuant to the Fifth Amendment, and as later adjusted pursuant to Attachment A. UMAs will be reduced by the number of units converted under the RAD Notice. The Agency may draw down additional UMAs up to 33,084 UMAs, provided that the Agency did not receive Section 8 replacement housing, or that these units have not converted under the RAD Notice; and, provided that the Agency remains accountable for serving substantially the same number of households.

For purposes of calculating the non-utility portion of the operating subsidy calculation only, the number of unit months for units converted under the RAD Notice and included in the RAD Adjustment factor (calculated by multiplying the number of units by 12) shall be included as part of the calculation.

4. Section 1.D. is replaced as follows:

For any units demolished during the term of this agreement, except for those units demolished in connection with a RAD conversion, the Agency will have the following options:

- Retain the UMAs by serving the same number of eligible families and not receive transitional funding or Section 8 replacement housing;
- Apply for Section 8 replacement housing. Once received, the Agency will no longer be eligible for transitional funding and will reduce its UMAs; or
- Receive transitional funding, but not Section 8 funding. The UMAs will then be reduced as the transitional funding becomes effective.

The Agency may include in its Operating Subsidy calculation eligibility for transition funding for disposition, except for units disposed of in connection with a RAD conversion, based upon 24 CFR 990, beginning in 2014.

5. Section 1.G. is added as follows:

In the event that all of the Agency’s public housing units are converted under RAD or otherwise removed from inventory (e.g. removed via Section 18), operating subsidy will cease to be provided under this Attachment beginning with the first Calendar Year (CY) after RAD conversion or demolition or disposition of the final public housing unit.

6. Section 3 of Attachment A is amended by replacing the language under the heading “Second and Subsequent Years of MTW Participation” with the following:

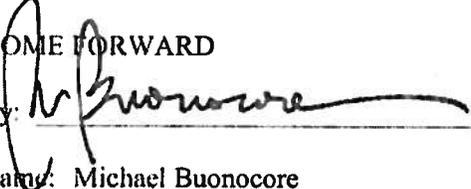
- a. Multiply the total MTW renewal funding eligibility established in the previous year (excluding reserves) by the annual inflation factor established for the calculation of renewal of Section 8 contracts, and subject to the applicable proration factor percentage, to arrive at the current year's inflation-adjusted Section 8 MTW funding. In each

subsequent year, the renewal inflation factors will be applied to the prior year's per unit funding eligibility prior to proration, adjusted by the applicable pro-ration factor for that subsequent year. In addition, any vouchers received as part of a RAD conversion shall be added to the Section 8 ACC via funding of \$1 for the remainder of the CY in which they are awarded. HUD will issue a new increment of voucher funding in the first full Calendar Year following a RAD conversion. These amounts will be renewed in subsequent years based on the per unit funding of the increment award, adjusted via the renewal inflation factor and the applicable proration factor percentage.

- b. Administrative fees for RAD vouchers will be earned per each year's posted administrative fee rates and RAD vouchers under lease each month. Fees for RAD vouchers will be prorated at the same level that applies to all non-MTW agencies.

IN WITNESS WHEREOF, the parties have caused this Amendment to Attachment A to be executed by their duly authorized representatives.

HOME FORWARD

By: 

Name: Michael Buonocore
Its: Executive Director

Date: 9/29/17

UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

By: 

Name: Dominique Blom
Its: General Deputy Assistant Secretary

Date: 10/19/17