



**BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M., Friday, January 24, 2018
GHURA's Main Office
1st floor, Conference Room, Sinajana
AGENDA**

I. ROLL CALL

II. APPROVAL OF PREVIOUS BOARD MINUTES – January 12, 2018

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III. CORRESPONDENCE AND REPORTS

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| 1. Section Eight Management Assessment (SEMAP) | 1 - 2 |
| Final Score for fiscal year ending September 30, 2017 | |
| 2. Annual Community Assessment for PY2016 | 3 - 10 |
| HUD letter dated January 10, 2018 | |
| 3. Consolidated Annual Performance and Evaluation Report | 11 - 14 |
| 4. 2018 Low-Income Housing Tax Credit | 15 - 18 |
| Qualified Allocation Plan (DRAFT) | |
| 5. Authority Financial Report | 19 - 24 |
| 6. Procurement FY2018 1 st quarter activity report | 25 - 26 |

IV. OLD BUSINESS

V. NEW BUSINESS

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| 1. Request for waiver of attorney-client privilege | 27 - 43 |
| regarding GHURA attorney billings | |
| 2. Request for Tenant Account Receivables Write-Off | 44 - 51 |
| through October 31, 2017 | |
| 3. Resolution No. FY2018-010 | 52 - 96 |
| Resolution adopting GHURA's Code of Conduct and Ethical Standard (CoCES) | |
| (to supersede BOC FY90-017 and FY08-063) | |

VI. GENERAL DISCUSSION / ANNOUNCEMENTS

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| 1. Next proposed scheduled Board Meetings – February 9 th and 23 rd |
|---|

VII. ADJOURNMENT

BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 p.m., January 24, 2018

GHURA Main Office, 1st floor conference room
Sinajana, Guam

MINUTES

After notice was duly and timely given pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regular scheduled meeting of **January 24, 2018** at 12:00 p.m. at the GHURA Sinajana Main Office, 1st Floor Conference Room was conducted.

I. ATTENDANCE, QUORUM, AND CALL TO ORDER

COMMISSIONERS PRESENT: George A. Santos, Chairman
 Thomas E. B. Borja, Vice-Chairman
 George F. Pereda, Member
 Joseph M. Leon Guerrero, Resident Commissioner
 Carl V. Dominguez, Member

COMMISSIONERS ABSENT: Eliza U. Paulino, Member (excused)

LEGAL COUNSEL: Anthony Perez

MANAGEMENT & STAFF: Michael J. Duenas, Executive Director
 Melinda Taitano, Special Assistant
 Albert Santos, A&E Manager
 Katherine Taitano, Chief Planner
 Kimberly Bersamin, HR Administrator

PUBLIC: Bill Bischoff, Guam Legal Services
 (Attorney for R. Selvidge)

Meeting was called to order at 12:00 p.m. by Chairman Santos who acknowledged the presence of the above attendees. The Chairman then indicated that the minimum number of Commissioners required for a quorum was present and that the meeting could proceed.

Minute No.	Ref. No.	Approval of Previous Board Meeting	Action By:
013/18		Chairman Santos called for a motion to be made on the approval of the Minutes for the previous Board Meeting on January 12, 2018.	
014/18		After review and further discussion by the Board Members, a motion was made by Commissioner Dominguez and seconded by Vice Chairman Borja to approve the Board Minutes of January 12, 2018 as corrected.	
Minute No.	Ref. No.	CORRESPONDENCE AND REPORTS	Action By:
015/18		<p>Section Eight Management Assessment (SEMAP) Final Score for fiscal year ending September 30, 2017</p> <p>Director Duenas stated that this is HUD's response to our self-certification of our SEMAP scores that we submitted towards the end of December. HUD adopted our scores giving us 100 percent for the SEMAP.</p>	Michael Duenas
016/18		<p>Annual Community Assessment for PY2016, HUD letter dated January 10, 2018</p> <p>Director Duenas stated that one of our requirements for our formula grant under the Community Planning and Development Division is to submit an annual report called the Consolidated Annual Performance Evaluation Report (Caper). This is their response: their reviews and comments to our CAPER. HUD finds no major issues with our report and also states that we are in compliance with all the grant requirements for the program year 2016 in regards to the drawdown ratio being at 2.0 or less and we are at 1.9.</p>	Michael Duenas

Minute No.	Ref. No.	CORRESPONDENCE AND REPORTS	Action By:
017/18		<p>Consolidated Annual Performance and Evaluation Report</p> <p>Director Duenas stated this is a summary of the Consolidated Annual Performance and Evaluation Report we submitted to HUD electronically on December 29th. It basically states the accomplishments we said we were going to pursue and what we actually achieved.</p>	Michael Duenas
018/18		<p>2018 Low-Income Housing Tax Credit, Qualified Allocation Plan (DRAFT)</p> <p>Director Duenas stated that this is a summary of the changes we plan to incorporate into the 2018 Qualified Allocation Plan. The Qualified Allocation Plan is a document that we issued stating what our priorities are and what are the criteria that we will use to evaluate and score applications. As our priorities change or the laws and regulations have changed over the years, we have been making incremental changes. For 2018, a total of 23 changes will be made to the existing QAP that was issued out for 2016. There was no QAP for 2017 because with 2016, we awarded 2016 tax credits and did a forward commitment for 2017 tax credits therefore funding two different projects in 2016.</p> <p>The proposed changes will be published for Public Comment and after the Public Comment period, necessary changes will then be incorporated based on the comments and presented to the Board for review and approval.</p>	Katherine Taitano

Minute No.	Ref. No.	CORRESPONDENCE AND REPORTS	Action By:
018/18 (continuation)		<p>Ms. Katherine Taitano summarized the important issues within the 2018 QAP. She stated that there are two items that will be removed from the existing QAP which are providing housing for larger families and the requirement that if the applicant has an ongoing LIHTC project, they have to be at least 70 percent completed with it before they come in. Other changes are intended to strengthen the selection criteria.</p>	Katherine Taitano
019/18		<p>Authority Financial Report</p> <p>Ms. Lucele Leon Guerrero presented the Fiscal Years 2016 and 2017 Financials.</p> <p>Ms. L. Leon Guerrero stated that GHURA's assets, which is what we own, have increased by \$3 thousand, our liabilities, which is what we owe, has increased by \$99 thousand and GHURA's total equity, which is what we are worth if we were to sell, decreased by \$96 thousand.</p> <p>With the Revenue & Expense Comparison, GHURA ended FY2017 with a decrease of net assets or a net loss of \$96 thousand, a total decrease of \$324 thousand.</p> <p>There is a decrease of \$3.1 million in revenues and a decrease of \$2.8 million in expenses for the year. The majority of it comes from the S8 program with less housing choice vouchers leased, less payments to the landlords, and less utility reimbursements to tenants.</p> <p>There is a \$1 million increase of excess cash for the Public Housing which is in reserves for usage of only the AMPS.</p>	Lucele Leon Guerrero

Minute No.	Ref. No.	CORRESPONDENCE AND REPORTS	Action By:
019/18 (continuation)		With the equity for S8, there is an increase in Housing Assistance Payments (HAP) of \$66 thousand and an increase of \$400 thousand in admin fee.	
020/18		<p>Procurement FY2018 1st quarter activity report</p> <p>Director Duenas stated that this is a summary of the purchase orders that have been issued. Half of the purchased orders are generated by the AMPS and the balance is generated here by the various divisions.</p>	Michael Duenas
Minute No.	Ref. No.	NEW BUSINESS	Action By:
021/18		<p>Request for waiver of attorney-client privilege regarding GHURA attorney billings statements</p> <p>Legal Counsel Anthony Perez provided some background information stating that in August 2017, GHURA received a FOIA from Attorney Bischoff seeking legal billings from 2010 to 2015. Any documents of legal work performed between the client and the attorney are subjected to the attorney-client privilege in which is exempt for closure in the FOIA. Attorney Bischoff came before the Board two Board Meetings ago asking for them to waive the attorney-client privilege and fully disclose legal billings.</p> <p>Attorney Bischoff stated that in hopes of assisting his client, he would like to see those legal billings to confirm whether the legal counsels were aware of the working sessions held or even</p>	Chairman Santos

Minute No.	Ref. No.	NEW BUSINESS	Action By:
021/18 (continuation)		<p>whether they attended them.</p> <p>Chairman Santos stated that his main concern is the amount of work performed by the staff and the time it will consume that will take away from their daily operations and is requesting that it could be minimized in a way. Director Duenas stated that the difficult part is having to redact information, how much is going to be released or release everything un-redacted. He also stated that the information requested is filed away, many of them in storage due to the years requested and will take time and cost to get to them.</p> <p>Commissioner Dominguez recommended that we assist Attorney Bischoff by providing him with legal billings within a certain year in two meetings time and then come back and report how much time and money was spent to do this and giving the Board an idea if the assistance shall continue.</p> <p>Attorney Bischoff agreed requesting to start with the year of 2015. A status will be presented to the Board on February 23rd.</p> <p>Director Duenas stated that he has tasked Deputy Director Leon Guerrero to take the lead with this FOIA response due to a Conflict of Interest.</p>	

Minute No.	Ref. No.	NEW BUSINESS	Action By:
022/18		<p>A motion was made by Vice - Chairman Borja and seconded by Commissioner Dominguez to approve the Request for waiver of attorney-client privilege from Attorney Bischoff with a partial response to Attorney Bischoff that legal invoices for the Calendar Year 2015 be made available to him here at out GHURA office for his review and his selection. Copies will be made as requested with the necessary redactions of all non-public information such as personnel information or information non-related to the criminal case he is referring to. Without any further discussion and objection, the Motion was approved.</p>	
023/18		<p>Request for Tenant Account Receivables Write-Off through October 31, 2017</p> <p>Mr. Pedro Leon Guerrero discussed the Request to the Board to write-off the amount of \$14, 226.68 from AMP1, 2, & 3. AMP4 is still going through the process of contacting the families and is not ready to go forward to the Board at this time. This impacts our overall scoring for financials. We have to write-off those accounts that are uncollectable more frequently.</p> <p>Deputy Director Leon Guerrero stated that we are requesting approval to write off for Tenant Receivables through October 31st: \$4,244.39 for AMP1, \$4,346.75 for AMP2, and \$5,635.54 for AMP3 for a total of \$14,226.68.</p>	Pedro Leon Guerrero

Minute No.	Ref. No.	NEW BUSINESS	Action By:
023/18 (continuation)		<p>AMP4 is going through the last process today of mailing out the letters to the individuals giving them one last chance to make payment. It will be presented to the Board on March with the others with write-off for Tenant Receivables through December 31st.</p> <p>The cleaning charges seem to be the main reason why the write-offs are high as compared to the security deposit. There are many reasons why many tenants leave Public Housing. Leaving due to receiving a S8 voucher, termination due to criminal activity, unpaid rent, and termination to utility disconnections are to name a few. The balance from the tenants who leave Public Housing are then collected by Revenue and Taxation through tax garnishment.</p> <p>Deputy Director Leon Guerrero stated that that we are becoming more aggressive with the collection and the procedure with the write off policy is more standardize which is an improvement.</p>	
024/18		<p>A motion was made by Commissioner Dominguez and seconded by Vice Chairman Borja to approve the Request for Tenant Account Receivables Write-Off through October 31, 2017 for AMPS 1, 2, & 3 in the amount of \$14,226.68. Without any further discussion and objection, the Motion was approved.</p>	

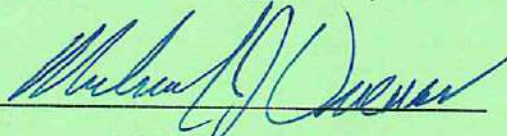
Minute No.	Ref. No.	NEW BUSINESS	Action By:
025/18		<p>Resolution No. FY2018-010, adopting GHURA's Code of Conduct and Ethical Standard (CoCES) (to supersede BOC FY90-017 and FY08-063)</p> <p>Director Duenas stated that this is a resolution that will adopt our Code Of Conduct and will update our current Code of Conduct that was adopted in 1990. Our Legal Counsel has worked with our HR in developing this. It is extensive and needs more time for a decision therefore Director Duenas recommends that we table this until next meeting giving more time for the Board to understand since it affects them as well. This draft is different from the 1990 because it includes more citations of our local statutes, the procurement conflict of interest, and S8 Mini Hatch Act.</p> <p><i>Tabled until the 1st meeting in March</i></p>	Michael Duenas
Minute No.	Ref. No.	General Discussion / Announcements	Action By
026/18		Next Proposed Scheduled Meeting: February 9 th and 22 nd	

027/18

ADJOURNMENT

There being no further business before the Board, a motion was made by **Commissioner Dominguez** and Seconded by **Vice Chairman Borja** which was unanimously agreed upon, to adjourn the meeting. The meeting was adjourned at 1:18 p.m.

(SEAL)



MICHAEL J. DUENAS


Board Secretary/Executive Director



U.S. Department of Housing and Urban Development

Honolulu Field Office
1132 Bishop Street, Suite 1400
Honolulu, Hawaii 96813
<http://www.hud.gov>

January 10, 2018


Mr. Michael J. Duenas
Executive Director
Guam Housing and Urban
Renewal Authority
117 Bien Venida Avenue
Sinajana, Guam 96910

Dear Mr. Duenas:

Thank you for completing the Guam Housing and Urban Renewal Authority's Section Eight Management Assessment Program (SEMAP) certification for fiscal year ending September 30, 2017. We appreciate your time and attention given to the SEMAP assessment process. The SEMAP enables the Department of HUD to better manage the Section 8 tenant-based program by identifying a Public Housing Agency's capabilities and deficiencies related with the administration of the Section 8 program. The Department of HUD will, as a result, be able to provide more effective program assistance to Public Housing Agencies.

The Guam Housing and Urban Renewal Authority's final SEMAP score for fiscal year ending September 30, 2017, is 100. The score for each Indicator is listed below.

Indicator

1	Selection from Waiting List (24 CFR 982.54(d)(1) and 982.204(a))	15
2	Reasonable Rent (24 CFR 982.4, 982.54(d)(15), 982.158(f)(7) and 982.507)	20
3	Determination of Adjusted Income (24 CFR part 5, subpart F and 24 CFR 982.516)	20
4	Utility Allowance Schedule (24 CFR 982.517)	5
5	HQS Quality Control (24 CFR 982.405(b))	5
6	HQS Enforcement (24 CFR 982.404)	10
7	Expanding Housing Opportunities	NA
8	Payment Standards (24 CFR 982.503)	5
9	Timely Annual Reexaminations (24 CFR 5.617)	10
10	Correct Tenant Rent Calculations (24 CFR 982, Subpart K)	5
11	Pre-Contract HQS Inspections (24 CFR 982.305)	5
12	Annual HQS Inspections (24 CFR 982.405(a))	10
13	Lease-Up	20
14	Family Self-Sufficiency (24 CFR 984.105 and 984.305)	10
15	Deconcentration Bonus	NA

Thank you for your cooperation with the SEMAP process.



Mr. Michael J. Duenas
Executive Director
January 10, 2018

If you have any questions, you may contact Darlene Kaholokula by email at darlene.l.kaholokula@hud.gov or at (808) 457-4670.

Sincerely,



Jesse Wu
Director
Office of Public Housing



U.S. Department of Housing and Urban Development

Honolulu Field Office – Region IX
1132 Bishop Street, Suite 1400
Honolulu, Hawaii 96813
www.hud.gov
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January 10, 2018

The Honorable Edward J.B. Calvo
Governor of Guam
Office of the Governor
P.O. Box 2950
Hagatna, GU 96932



Dear Governor Calvo:

Subject: Annual Community Assessment for Program Year 2016

This letter encloses HUD's assessment of the Government of Guam's (Guam's) performance for its 2016 Community Planning and Development (CPD) Program Year. The report reflects Guam's efforts to ensure compliance with HUD Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) programs.

As part of HUD's annual review, the Department wants to take this opportunity to address the CDBG program timeliness requirements, and the importance it plays in ensuring that the intent of the CDBG program is achieved. HUD CDBG regulations require recipients to carry out their CDBG activities in a timely manner thus ensuring low- and moderate-income persons are assisted. The standard requires insular grantees to be at a 2.0 CDBG timeliness ratio 60 days prior to the end of their program year. In other words, Guam's CDBG line of credit cannot exceed its current years grant times two. Guam's program year ends September 30 of each year. About August 2nd of each year, or 60 days prior to the end of Guam's program year, Guam must have a CDBG grant ratio of 2.0 or less. During this period, Guam had a CDBG timeliness ratio of 1.91.

HUD congratulates Guam for taking affirmative steps to meet the HOME Investment Partnerships (HOME) Program commitment and expenditure requirements. HUD encourages Guam to continue to closely monitor its CDBG and HOME projects to ensure the programs' continued success.

HUD would like to recognize that the staff responsible for Guam's CPD programs is highly committed to the programs. Their commitment to the program objectives has resulted in Guam achieving many of the CPD programs' objectives and ensuring that low- and moderate-income persons have an opportunity to succeed. To further this endeavor, HUD has provided opportunities for your staff to receive technical assistance on various topics.

In closing, should Guam wish to comment on the enclosed report, please provide your comments to HUD within 30 days of the date of this letter. Should Guam choose not to comment or fails to comment within the period identified above, the report will be considered final and must be made available to the public. HUD recommends you handle availability of the report the same way you handle your regular program reports by providing a notice in the newspaper, identifying the report contents and where it is available for review.

Again, HUD looks forward to our continued partnership with Guam in serving the needs of its citizens. If you have any questions, please call me at 808-457-4678.

Sincerely,



Mark A. Chandler, Director
Office of Community Planning
and Development

Enclosure

cc:
Mr. Michael Duenas (w/enclosure)
Executive Director
Guam Housing and Urban Renewal Authority
117 Bien Venida Ave.
Sinajana, GU 96910

bcc:
9CS Okahara Hawaii State Office (w/enclosure)
9CES Madaraka Hawaii State Office (w/enclosure)

ANNUAL COMMUNITY ASSESSMENT REPORT

Guam

Program Year: October 1, 2016 to September 30, 2017

HUD Point of Contact:

Mr. Brian R. Johnson
CPD Representative
Office of Community Planning
and Development
HUD Honolulu Field Office
500 Ala Moana Boulevard, Suite 3A
Honolulu, HI 96813
808-522-8180, x263

Guam Point of Contact:

Mr. Michael Duenas
Executive Director
Guam Housing and Urban
Renewal Authority
117 Bien Venida Ave.
Sinajana, GU 96926
671-475-1378

Introduction

The regulations implementing the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, require federal grant recipients receiving federal assistance to submit an annual performance report disclosing the status of grant activities. The Department of Housing and Urban Development (HUD) is required by 24 CFR 91.525 to determine whether the grant recipient is in compliance with the statutes and has the continuing capacity to implement and administer the programs for which assistance is received. In accordance with 24 CFR 91.525, the comments below incorporate HUD's assessment of Guam's Program Year 2016 performance.

In assessing Guam's performance, HUD relied primarily upon Guam's Program Year 2016 Consolidated Annual Performance and Evaluation Report (CAPER), technical assistance, on-site monitoring, and communications with Guam's federal programs staff. During this period, HUD has determined that Guam generally met the intent of the Community Planning and Development (CPD) programs.

Significant Performance Conclusions

Based on Guam's accomplishments through the Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), the Emergency Solutions Grant (ESG), and Continuum of Care programs, Guam has demonstrated its ability to carry out various housing and community development programs.

Guam satisfactorily administers the CPD grant funds. In accordance with the CDBG regulations, the timeliness ratio benchmark should be 2.00 sixty days prior to the

end of Guam's program year. Guam's CDBG timeliness ratio was 1.91 as of August 2, 2016. HUD congratulates Guam on its accomplishments and encourages Guam to continue seeking ways for timely project implementation.

CPD Programs

CDBG

Guam used CDBG funds to address housing and special needs housing, fair housing, homelessness, and community development needs during program year 2016. Guam's management of its CDBG program has ensured that low- and moderate-income persons will primarily benefit and receive program assistance. During the Program Year, 100 percent of CDBG funds (excluding funds expended for administration and planning) were spent on activities that benefited low and moderate-income persons.

HUD noted that Guam has continued with construction of the of the Central Precinct Command, the rehabilitation of the Umatac Baseball Field, and the rehabilitation and upgrade of the Astumbo Gym.

Ongoing projects include the funding the Lighthouse Recovery Center, a 28-bed transitional substance abuse facility that provides evidence-based substance abuse treatment to homeless, low-and moderate-income, and at-risk men seeking recovery services. CDBG funds were used to provide services to increase economic and educational opportunities through on-site enrichment activities and curriculum-based programs to enhance work readiness and literacy skills for adults and youth through the Opportunity Initiative which is managed by the Big Brothers Big Sisters of Guam. Also, CDBG funds were used to fund the Ayuda Foundation's Island Girl Power program, which provides youth leadership and development activities.

Guam's Consolidated Plan describes the following four priority concerns that will be addressed through the CDBG program: homelessness, community development, housing and special needs housing, and fair housing.

Guam has seven at risk CDBG activities. Guam needs to complete the following at risk activities and bring them into national objective compliance: Rehabilitation of the Sinajana Community Recreational Facility (Central Playground PY2011), Renovation of 5 Staff Housing at Talofoto, Renovation of 5 Staff Housing at Dededo, Renovation of 5 Staff Housing at Yigo, One-Stop Homeless Assistance Center, General Planning 2013 and the Macheche Neighborhood Multi-Purpose Facility.

In regard to the Macheche Neighborhood Multi-Purpose Facility, GHURA had confirmed that the The Dededo Mayor's Office would take over the facility after the Ilocano Association stopped operating it in January 2017. HUD did not receive a status on the use of the facility, since the CDBG monitoring visit in June 2017. Guam must report back to HUD on the status and use of the facility within 30 days of the date of this letter.

HUD congratulates Guam on meeting its CDBG timeliness requirement for Program Year 2016. As a reminder, please be informed that maintaining timeliness for the CDBG program is an essential program requirement. HUD and Congress have mandated that grantees meet the timeliness standard and that failure to comply with this standard would result in Guam being placed on a CDBG Timeliness Workout Plan and the potential loss of future funds. Therefore, HUD strongly encourages Guam to continue its timely implementation of the CDBG program.

HOME

In Program Year 2016, Guam received \$748,722 in HOME funds and expended \$1,569,217 of which \$175,202 was program income. All funds are required to be committed within 24 months and expended within 60 months of the grant award. Failure to commit and expend funds within the required time period will result in the deobligation of the funds. During this period Guam's HOME program funded the construction of eight (8) new homes. HUD recognizes that Guam is expending its HOME funds toward projects that will assist low and moderate-income persons.

Guam has a HOME Program outcome in the Consolidated Plan, Homeowner Housing Rehab, that is not attainable. Guam has stated that it will revise to reflect a more achievable outcome. The proposed 100 rehabilitated houses may have included housing that is funded by other programs. Guam is preparing to submit an update on its proposed outcomes under the HOME Program.

ESG and Continuum of Care

In Program Year 2016, Guam has implemented its ESG and Continuum of Care (CoC) programs in a manner that is assisting Guam's homeless population. HUD encourages Guam to continue its successful homeless programs. During the program year, Guam and its sub-recipients have utilized its homeless funds to operate a transitional housing facility providing shelter and supportive services to homeless men recovering from chronic substance abuse, provide tenant-based rental assistance to homeless and disabled individuals, and provide permanent supportive housing to homeless adults with disabilities. Also, ESG covered rental and utility assistance for persons and individuals on the verge of becoming homeless. Eligible households can also receive housing relocation and stabilization services such as counseling, case management and money management classes.

During PY 2016, Guam Housing and Urban Renewal Authority (GHURA) was the collaborative applicant for the Guam Continuum of Care (CoC). The Guam CoC application was awarded \$1,121,767 in CoC funding for five permanent housing projects, one HMIS, and one CoC planning project. GHURA works in partnership with Guam Homeless Coalition to develop, enhance and implement a Continuum of Care strategy for the homeless. HUD wishes GHURA and its partners continued success in implementing actions to end homelessness.

Community Empowerment

As part of its Consolidated Plan, Guam developed a Citizen Participation Plan. The Plan is intended to generate ways to involve the public in planning and the reporting process for the CPD programs. GHURA received no oral public comments and four written public comments during the citizen participation period for the 2016 CAPER. HUD encourages Guam to continue to foster public participation, as well as to explore additional opportunities to involve the public in its planning process.

Management of Funds

HUD has noticed that Guam is continuing to expend funds in a timely manner and is in compliance with the HUD regulations. HUD acknowledges that Guam staff who are responsible for the CPD programs are working diligently to ensure HUD funding is spent in accordance with program requirements.

Areas for Improvement and Recommendations

Guam needs to identify project obstacles and develop plans to address these obstacles in order to strengthen its programs.

CAPER Submission

HUD notes that the CAPER was submitted on time and completed using the report in the Integrated Disbursement and Information System (IDIS). Overall, Guam's report was informative and generally educated the public regarding the status of Guam's CPD projects. HUD commends the GHURA staff for its efforts in improving the CAPER.

Fair Housing & Equal Opportunity

HUD notes that Guam's Analysis of Impediments (AI) was completed in July 2011, and the Comprehensive Housing Study was completed in August 2009 which included the compiling of data relevant to developing the updated AI. HUD encourages Guam to continue its activities that address the impediments identified in the AI document. The CAPER was forwarded to Mr. Jelani Madaraka, Lead Civil Rights Analyst, Honolulu Field Office, to review for compliance with Fair Housing and Equal Opportunity requirements. He will forward any comments or questions he may have under separate cover.

Conclusion

Overall, Guam is meeting its community needs by planning and executing a Consolidated Plan with a vision for the future, and by implementing this Plan through its Annual Action Plan. As a result, Guam has assisted many communities and especially low- to moderate-income persons. HUD encourages Guam to continue its support of various housing and community development programs, and especially wants to recognize GHURA's staff for their dedication to the CPD programs. Their hard work and efforts are a credit to Guam and its CPD programs.



GHURA

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Website: www.ghura.org



Memorandum

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lt. Governor of Guam

George A. Santos
Chairman

Thomas E. B. Borja
Vice Chairman

Carl V. Dominguez
Commissioner

George F. Pereda
Commissioner

Eliza U. Paulino
Commissioner

Joseph M. Leon Guerrero
Resident Commissioner

Michael J. Duenas
Executive Director

Pedro A. Leon Guerrero, Jr.
Deputy Director

To: GHURA Board of Commissioners

From: Executive Director

Date: 18 January 2018

Subject: Consolidated Annual Performance and Evaluation Report (CAPER)

Enclosed is HUD's favorable assessment of the Government of Guam's performance for its 2016 Community Planning and Development (CPD) Program Year. Also included herewith are the highlights of the CAPER for Program Year 2016, which summarizes the progress GHURA has made toward the goals identified in the 2015-2019 Consolidated Plan. The goals include the following: Special needs and low-to moderate-income housing; Increase homeowner education and counseling; Infrastructure improvements to public transportation; Sustain affordable housing stock; Public facilities and improvement; Promote Fair Housing; Community enhancement; Housing and support services; and Job creation and job retention.

Guam made progress toward meeting several of its goals, but also fell short of hitting targets in other categories. Challenge areas include public transportation and job creation. Accomplishments can be found in the following:

- Increasing housing for eligible families through the awarding of \$2.17 million in tax credits to Summer Town III for the construction of 66 units
- Construction of five new homes in Astumbo, Dededo as part of the HOME Renewal Affordable Homes program
- Groundbreaking for Guam Police Departments's Central Precinct Command, a public facility that will serve multiple villages in central Guam
- Start of the planning for construction of the Umatac Baseball Field and continued work on the rehabilitation of the Astumbo Gym
- Continued public services that include homeless prevention, family enrichment programs, jobs assistance and substance abuse treatment services.
- Various education activities to promote fair housing and home ownership

The enclosed CAPER includes additional information on Guam's accomplishments this past program year. The report is available to the public and can be accessed on the GHURA website.

HUD CPD Funds Authorized PY16

CDBG Grant Award
CDBG Program Inc. (Act.)
CDBG Reprogrammed Funds
HOME Grant Award
HOME Reprogrammed Funds
HOME Program Inc. (Act.)
ESG Grant Award

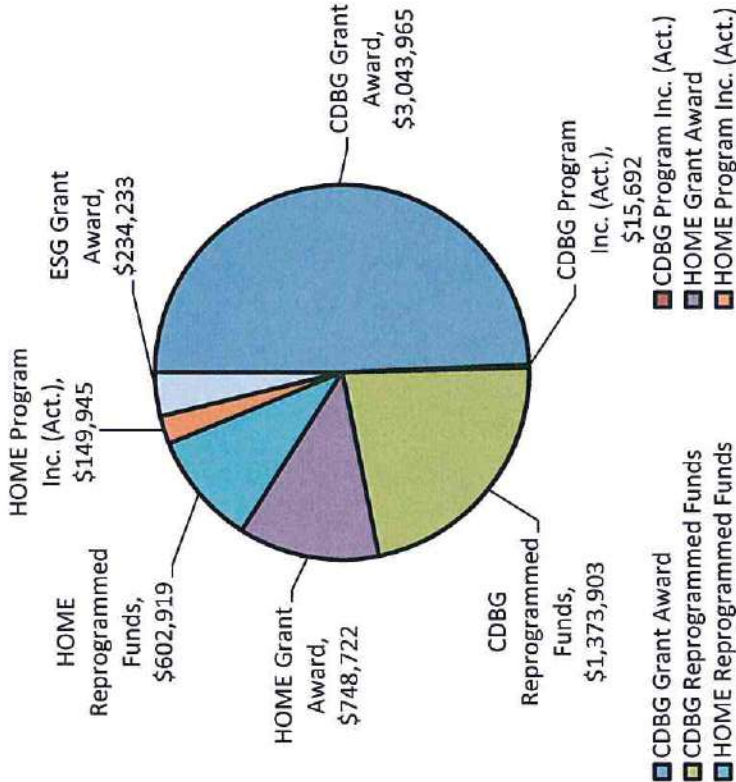
3,043,965.00
15,692.00
1,373,902.90
748,722.00
602,919.00
149,944.62
234,233.00

N#1 Program Income Estimate (Per Table 3C)

Project
CDBG CDBG-PI (CPC, Astumbo Gym)
HOME DPCCA, Rehab, GHC

Amount
15,692.00
149,944.62

HUD CPD Funds Authorized PY16



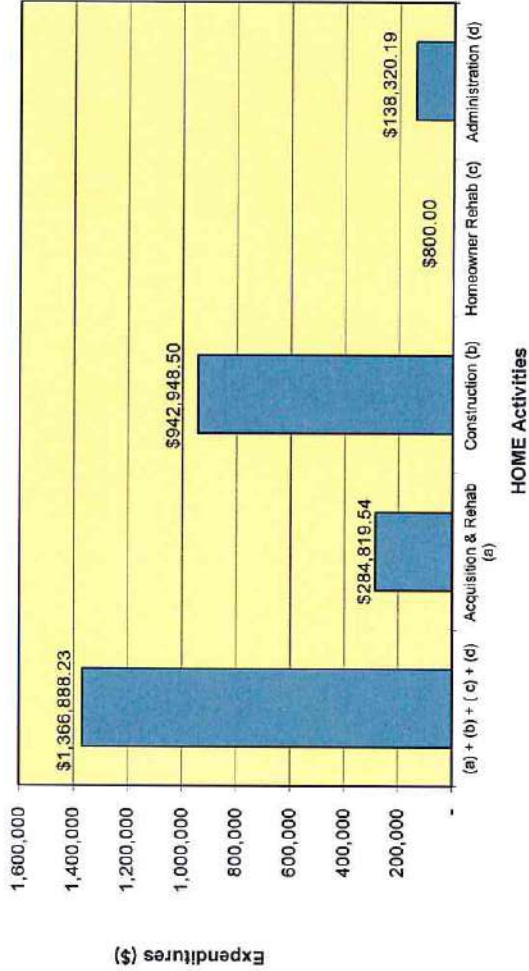
HOME EXPENDITURES PY16

(a) + (b) + (c) + (d)	1,366,888.23
Acquisition & Rehab (a)	284,819.54
Construction (b)	942,948.50
Homeowner Rehab (c)	800.00
Administration (d)	138,320.19

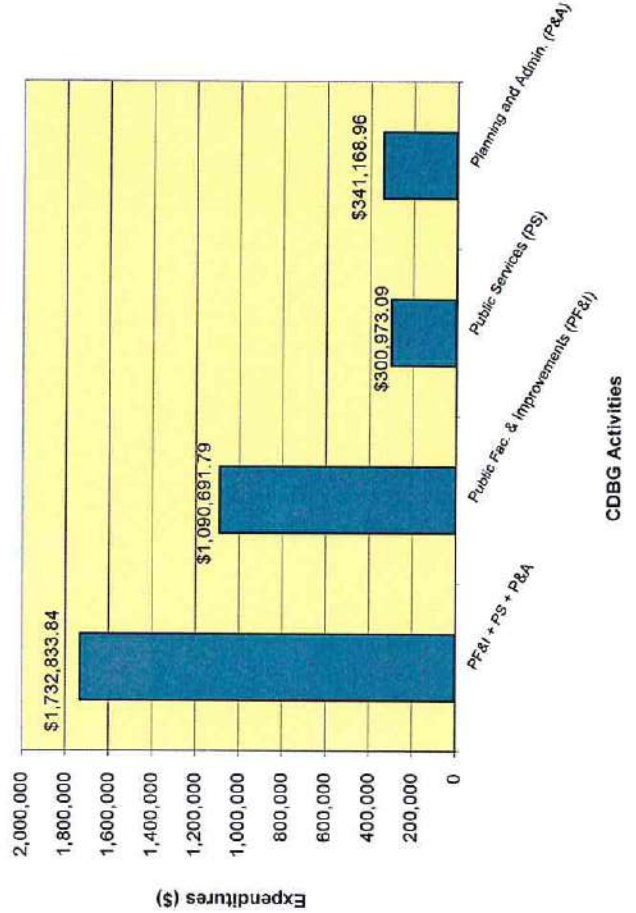
Home Expenditures PY16

Acquisition and Rehab program	134,874.92
Construction	942,948.50
Homeowner Rehab	800.00
Administration	138,320.19
Subtotal	1,216,943.61
Program Income	149,944.62
Total HOME expenditures	1,366,888.23

HOME Expenditures PY16



CDBG Expenditures PY16



CDBG EXPENDITURES PY16

PF&I + PS + P&A	1,732,833.84	100.00%
Public Fac. & Improvements (PF&I)	1,090,691.79	62.94%
Public Services (PS)	300,973.09	17.37%
Planning and Admin. (P&A)	341,168.96	19.69%

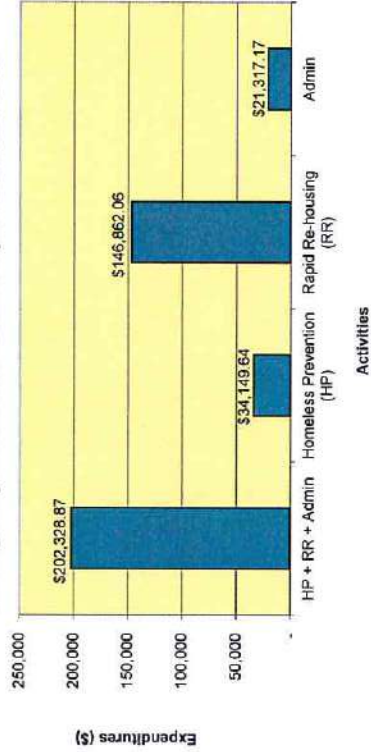
CDBG Expenditures PY16

Public Fac. & Improvements (PF&I)	1,074,999.79
Public Services (PS)	300,973.09
Planning and Admin. (P&A)	341,168.96
Subtotal	1,717,141.84
Program Income	15,692.00
Total CDBG expenditures	1,732,833.84

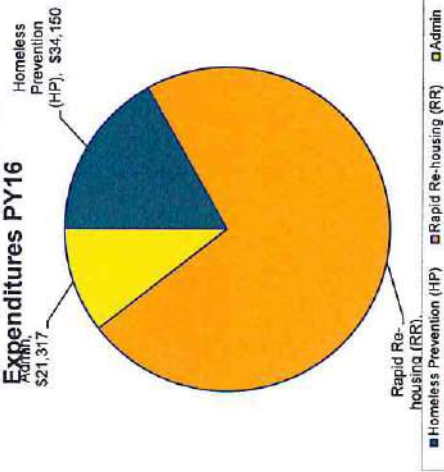
ESG (Solutions) EXPENDITURES PY16

HP + RR + Admin	202,328.87
Homeless Prevention (HP)	34,148.64
Rapid Re-housing (RR)	146,862.06
Admin	21,317.17

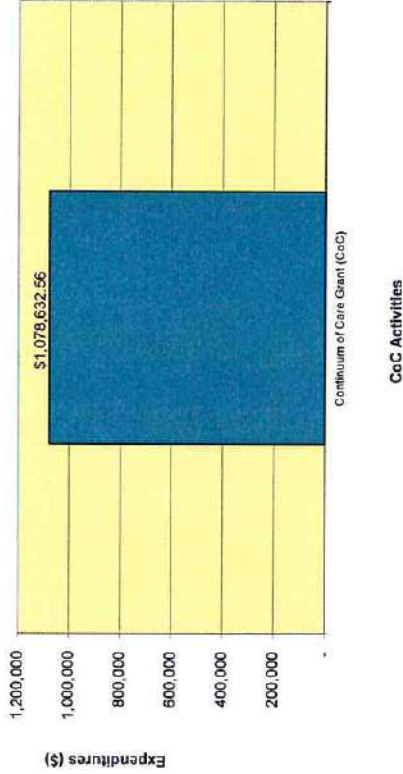
Emergency Solutions Grant Expenditures PY16



Emergency Solutions Grant Expenditures PY16



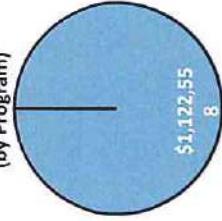
Continuum of Care Grant Expenditures PY16 (by Program)



Continuum of Care Grant Expenditures PY16 (by Program)
Continuum of Care Grant (CoC)

1,078,632.56

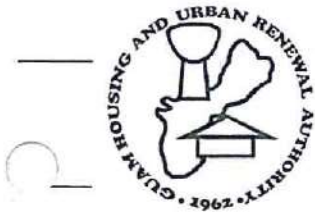
Continuum of Care Program 2016 Funding Awards (by Program)



Continuum of Care Program 2016 Funding Awards (By Program)
(a) + (b)
Continuum of Care

1,122,558.00

Continuum of Care



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701



MEMORANDUM

To Board of Commissioners

From Executive Director

Date January 17, 2018

Subject 2018 Low-Income Housing Tax Credit Qualified Allocation Plan (Draft)

Hafa Adai,

A summary of the draft QAP is submitted for Board review and will be released for public comment. This is the first step in preparation for the 2018 LIHTC Application Cycle.

Guam seeks to allocate an estimated \$2,988,891 in tax credits in 2018. The LIHTC program requires each state housing agency that allocates tax credits to have a Qualified Allocation Plan (QAP). The QAP sets out Guam's eligibility priorities and criteria for awarding the tax credits to prospective developers. GHURA is the designated state housing agency for Guam.

Significant changes to the QAP are outlined in the table attached to this memo. A copy of the draft 2018 QAP is provided separately for your review. All changes made come together to address Guam's current housing needs for local low-income households in accordance with program requirements.

The anticipated opening of the 2018 LIHTC Application cycle is March 16, 2018.

Thank you,


MICHAEL J. DUEÑAS
Executive Director

2018 QAP SUMMARY OF CHANGES

Change No.	Description of Change	2016 QAP Page No.	2018 QAP Page No.	Heading	Paragraph	Modified	Added	Removed
1	The 2016 Guam QAP will focus on housing for large families, deconcentration of poverty and prevention of disparate impact to the neighborhood and surrounding community GHURA hopes to award two separate, non-contiguous projects. These projects will be comprised of 3 to 4 bedroom units with each project having no more than 50 units.	4	N/A	Introduction	3			<input checked="" type="checkbox"/>
2	Applicants with ongoing or unfinished LIHTC projects are eligible to submit a 2016 LIHTC application if project has been 70% completed as determined by GHURA.	4-5	N/A	Application Process	Last			<input checked="" type="checkbox"/>
3	"Applicants must meet the following Minimum Threshold requirements to receive consideration for an allocation or award of Low Income Housing Tax Credits" (2016) "It is GHURA's intent to maximize the use of the Territory's..." (2018)	5	5	Selection Criteria Minimum Thresholds	1	<input checked="" type="checkbox"/>		
4	Policy	N/A	5	Selection Criteria Policy			<input checked="" type="checkbox"/>	
5	Capital Needs Assessment	N/A	5-6	Minimum Thresholds Capital Needs Assessment			<input checked="" type="checkbox"/>	
6	Public Housing Waitlist Programs	N/A	6	Minimum Thresholds Public Housing Waiting List			<input checked="" type="checkbox"/>	

2018 QAP SUMMARY OF CHANGES

Change No.	Description of Change	2016 QAP Page No.	2018 QAP Page No.	Heading	Paragraph	Modified	Added	Removed
7	Smoke Free	N/A	6	Minimum Thresholds Smoke Free			<input checked="" type="checkbox"/>	
8	Contractor Profit Limitation	N/A	6-7	Minimum Thresholds Contractor Profit Limitation			<input checked="" type="checkbox"/>	
9	Developer Fee	N/A	7	Minimum Thresholds Developer Fee			<input checked="" type="checkbox"/>	
10	Debt Service Ratio	N/A	7	Minimum Thresholds Debt Service Ratio			<input checked="" type="checkbox"/>	
11	Phase I Environmental Assessment	N/A	7	Minimum Threshold Phase I Environmental Assessment			<input checked="" type="checkbox"/>	
12	Proof of Non-Profit Status	N/A	7	Minimum Threshold Proof of Non-Profit Status			<input checked="" type="checkbox"/>	
13	Low Income Housing Tax Credit Project financed w/ Tax-Exempt Bonds	N/A	7-8	Low Income Housing Tax Credit Project financed w/ Tax-Exempt			<input checked="" type="checkbox"/>	
14	20 Developer Fee addition to Criteria Table	N/A	8	Selection Criteria Point System Criteria Table			<input checked="" type="checkbox"/>	
15	Criteria 2 "60%..80%...100% of the project households earning 60% or less of AMGI"	7	10	Criteria 2		<input checked="" type="checkbox"/>		

2018 QAP SUMMARY OF CHANGES

Change No.	Description of Change	2016 QAP Page No.	2018 QAP Page No.	Heading	Paragraph	Modified	Added	Removed
16	Criteria 3 Change in the \$ amounts to accommodate for increased costs for construction	8	11	Criteria 3		<input checked="" type="checkbox"/>		
17	Criteria 5 Adjustment for number of bedrooms and percentage of low-income housing units	9	12	Criteria 5		<input checked="" type="checkbox"/>		
18	Criteria 8 Project Location and Housing Needs Characteristics Addition of Project Location Table and Points Available	10-11	13-14	Criteria 8		<input checked="" type="checkbox"/>		
19	Criteria 9 Developer Experience Descriptions adjustment and Point allocation adjustment	11	14	Criteria 9		<input checked="" type="checkbox"/>		
20	Criteria 14 Local/Federal Government Support Omit "other than GHURA"	14	17	Criteria 14		<input checked="" type="checkbox"/>		
21	Criteria 16 Green Building/Energy Efficiency "must incorporate energy efficiency" "must be individually metered" Addition of LEED certification table and points	15	18-19	Criteria 16		<input checked="" type="checkbox"/>		
22	Criteria 20 Developer Fee	N/A	20	Criteria 20			<input checked="" type="checkbox"/>	
23	Fees - "A Compliance monitoring fee of up to \$100 per	25	29	Compliance Monitoring Plan Fees		<input checked="" type="checkbox"/>		

Highlights of GHURA FDS
FY 2017 Unaudited as compared to FY 2016 Audited

Balance Sheet Comparison:

1. Total Assets (What GHURA owns)
 - FY 2017 is \$49.039 M
 - FY 2016 was \$49.036 M
 - o reflects an increase of \$3 K
2. Total Liabilities (What GHURA owes)
 - FY 2017 is \$22.767 M
 - FY 2016 was \$22.668 M
 - o reflects an increase of \$99 K
3. Total Equity (What GHURA is worth)
 - FY 2017 is \$26.272 M
 - FY 2016 was \$26.368 M
 - o reflecting a decrease of \$96 K

Revenue & Expense Comparison:

GHURA ended fiscal year (FY) 2017 with a decrease in net assets (net loss) of \$96 K compared to an increase in net assets (net income) of \$228 K in FY 2016; a decrease of \$324 K.

1. Revenues
 - FY 2017 totaled \$45.0 M
 - FY 2016 totaled \$48.1 M
 - o a decrease of \$3.1 M
2. Expenses
 - FY 2017 totaled \$45.0 M
 - FY 2016 totaled \$47.8 M
 - o a decrease of \$2.8 M.
3. Excess Cash for the AMPs
 - FY 2017 is \$8.1 M
 - FY 2016 at \$7.1 M
 - o an increase of \$1.0 M.
4. Equity for HCV
 - FY 2017 is \$862 K for HAP and -\$1.4 M for Admin Fee as compared to
 - FY 2016 is \$796 K for HAP and -\$1.8 M for Admin Fee
 - o an increase in HAP of \$66 K and Admin Fee of \$0.4 M or \$400 K.

Report	Category	Unaudited FY 2017	Audited FY 2016	Increase (Decrease)	% Change	Comments (K = Thousands and M = Millions)
Balance Sheet						Increase (+)/Decrease (-)
	Total Assets	49,039,930	49,036,967	2,963	0.01%	AMPs (-\$148 K), HCV (\$641 K), State/Local (-\$387 K), GT (\$113 K), COCC (-\$59 K), CDBG (-\$173 K), FSS (\$14 K), HOME (\$10 K), Compact Impact (-\$9 K), ESG (\$30 K), SHP (-\$17 K), NSP (-\$13 K), ROSS (\$13 K), CoC (-\$16 K), MFSCG (\$5 K) and SPC (-\$1 K)
	Total Liabilities	22,767,498	22,668,413	99,085	0.44%	AMPs (-\$239 K), HCV (\$136 K), State/Local (\$111 K), GT (-\$44 K), COCC (\$31 K), CDBG (\$75 K), FSS (\$21 K), HOME (\$12 K), Compact Impact (-\$9 K), ESG (\$30 K), SHP (-\$17 K), NSP (-\$13 K), ROSS (\$13 K), CoC (-\$16 K), MFSCG (\$9 K) & SPC (-\$1 K)
	Total Equity	26,272,432	26,368,554	(96,122)	-0.36%	AMPs (\$91 K), HCV (\$505 K), State/Local (-\$498 K), GT (\$157 K), COCC (-\$90 K), CDBG (-\$248 K), FSS (-\$7 K), HOME (-\$2 K) & MFSCG (-\$4 K)
Revenue & Expense						
	Total Revenues	44,951,116	48,053,086	(3,101,970)	-6.46%	AMPs (\$0.4 M), HCV (-\$2.0 M), State/Local (-\$0.3 M), GT (\$0.02 M), COCC (-\$0.08 M), CDBG (-\$1.3 M), FSS (\$0.03 M), HOME (\$0.6 M), Compact Impact (-\$0.03 M), ACA (-\$0.04 M), Community (-\$0.2 M) ESG (-\$0.009 M), SHP (-\$0.6 M), NSP (\$0.01 M), ROSS (-\$0.02 M), SAMHSA (-\$0.07 M), CoC (\$0.8 M), MFSCG (-\$0.003 M) and SPC (-\$0.3 M)
	Total Expenses	45,047,238	47,825,205	(2,777,967)	-5.81%	AMPs (-\$0.9 M), HCV (-\$1.4 M), State/Local (\$0.1 M), COCC (\$0.3 M), CDBG (-\$1.2 M), FSS (-\$0.05 M), HOME (\$0.7 M), Compact Impact (-\$0.03 M), ACA (-\$0.04 M), Community (-\$0.1 M), SHP (-\$0.6 M), NSP (\$0.01 M), ROSS (-\$0.02 M), SAMHSA (-\$0.07 M), CoC (-\$0.8 M) & SPC (-\$0.3 M)
	Excess (Deficiency) of Total Revenue Over (Under)	(96,122)	227,881	(324,003)	-142.18%	AMPs (\$1.7 M), HCV (-\$1.0 M), State/Local (-\$0.4 M), GT (-\$0.01 M), COCC (-\$0.4 M), CDBG (-\$0.1 M), FSS (-\$0.01 M), HOME (-\$0.1 M), HOME (-\$0.1 M) & Community (-\$0.01 M)
	Beginning Equity	26,368,554	26,140,673	227,881	0.87%	FY 2016 Net Income
	Ending Equity	26,272,432	26,368,554	(96,122)	-0.36%	FY 2017 Net Loss
	Equity Variance	0				

		AMPs	HCV	GT	CDBG	HOME	ESG	SHP	SPC	NSP	Community	Subtotal
Total Assets	2017	31,554,042	3,250,562	2,554,469	559,164	440,079	68,298	-	-	7,751	-	38,434,365
& Deferred	2016	31,701,843	2,610,006	2,441,703	731,715	430,387	37,827	17,056	1,244	20,726	-	37,992,507
	Increase (Decrease)	(147,801)	640,556	112,766	(172,551)	9,692	30,471	(17,056)	(1,244)	(12,975)	-	441,858
	% Change	-0.47%	24.54%	4.62%	-23.58%	2.25%	80.55%	-100.00%	-100.00%	-62.60%	0.00%	1.16%
Total Liabilities & Deferred	2017	6,047,297	3,601,221	1,478,602	2,092,321	691,988	68,298	-	-	7,149	-	13,986,876
	2016	6,285,988	3,465,254	1,522,708	2,017,430	680,204	37,827	17,056	1,244	20,726	295	14,048,732
	Increase (Decrease)	(238,691)	135,967	(44,106)	74,891	11,784	30,471	(17,056)	(1,244)	(13,577)	(295)	(61,856)
	% Change	-3.80%	3.92%	-2.90%	3.71%	1.73%	80.55%	-100.00%	-100.00%	-65.51%	-100.00%	-0.44%
Total Equity	2017	25,506,745	(350,659)	1,075,867	(1,533,157)	(251,909)	-	-	-	602	-	24,447,489
	2016	25,415,855	(855,248)	918,995	(1,285,715)	(249,817)	-	-	-	-	(295)	23,943,775
	Increase (Decrease)	90,890	504,589	156,872	(247,442)	(2,092)	-	-	-	602	295	503,714
	% Change	0.36%	-59.00%	17.07%	19.25%	0.84%	0.00%	0.00%	0.00%	0.00%	-100.00%	2.10%
		CoC	Compact-	ROSS	SAMHSP	MFSCG	State/LOCAL	COCC	ACA	FSS		Total
Total Assets	2017	46,950	1,300	43,873	-	16,586	9,212,909	1,232,830	-	51,117	-	49,039,930
& Deferred	2016	62,847	10,051	30,645	-	11,565	9,600,234	1,291,851	-	37,267	-	49,036,967
	Increase (Decrease)	(15,897)	(8,751)	13,228	-	5,021	(387,325)	(59,021)	-	13,850	-	2,963
	% Change	-25.29%	-87.07%	43.17%	0.00%	43.42%	-4.03%	-4.57%	0.00%	37.16%	0.00%	0.01%
Total Liabilities & Deferred	2017	46,950	1,300	117,812	-	20,671	5,428,415	2,955,987	-	209,487	-	22,767,498
	2016	62,847	10,051	104,896	-	11,565	5,317,065	2,925,214	-	188,043	-	22,668,413
	Increase (Decrease)	(15,897)	(8,751)	12,916	-	9,106	111,350	30,773	-	21,444	-	99,085
	% Change	-25.29%	-87.07%	12.31%	0.00%	78.74%	2.09%	1.05%	0.00%	11.40%	0.00%	0.44%
Total Equity	2017	-	-	(73,939)	-	(4,085)	3,784,494	(1,723,157)	-	(158,370)	-	26,272,432
	2016	-	-	(74,251)	-	-	4,283,169	(1,633,363)	-	(150,776)	-	26,368,554
	Increase (Decrease)	-	-	312	-	(4,085)	(498,675)	(89,794)	-	(7,594)	-	(96,122)
	% Change	0.00%	0.00%	-0.42%	0.00%	0.00%	-11.64%	5.50%	0.00%	5.04%	0.00%	-0.36%

		AMPs	HCV	GT	CDBG	HOME	ESG	SHP	SPC	NSP	CoC	Subtotal
Revenues	2017	6,381,140	31,408,723	713,944	1,605,796	1,323,684	253,240	-	-	14,785	-	41,701,312
	2016	6,002,277	33,431,857	695,344	2,939,819	697,866	262,518	629,795	304,919	-	-	44,964,395
	Increase (Decrease) % Change	378,863 6.31%	(2,023,134) -6.05%	18,600 2.67%	(1,334,023) -45.38%	625,818 89.68%	(9,278) -3.53%	(629,795) -100.00%	(304,919) -100.00%	14,785 0.00%	-	(3,263,083) -7.26%
Expenses	2017	6,290,250	30,904,134	557,072	1,853,238	1,325,776	253,240	-	-	14,183	-	41,197,893
	2016	7,212,057	32,322,104	525,969	3,042,507	596,583	262,518	629,795	304,919	-	-	44,896,452
	Increase (Decrease) % Change	(921,807) -12.78%	(1,417,970) -4.39%	31,103 5.91%	(1,189,269) -39.09%	729,193 122.23%	(9,278) -3.53%	(629,795) -100.00%	(304,919) -100.00%	14,183 0.00%	-	(3,698,559) -8.24%
Net												
Income/(Loss)	2017	90,890	504,589	156,872	(247,442)	(2,092)	-	-	-	602	-	503,419
	2016	(1,584,997)	1,484,970	169,375	(102,688)	101,283	-	-	-	-	-	67,943
	Increase (Decrease) % Change	1,675,887 -105.73%	(980,381) -66.02%	(12,503) -7.38%	(144,754) 140.96%	(103,375) -102.07%	-	-	-	602 0.00%	-	435,476 640.94%
Revenues	2017	1,051,416	338,383	50,571	-	43,317	42,445	1,624,694	-	98,978	-	44,951,116
	2016	215,206	370,905	65,975	74,071	45,976	353,404	1,702,454	39,792	67,881	153,027	48,053,086
	Increase (Decrease) % Change	836,210 388.56%	(32,522) -8.77%	(15,404) -23.35%	(74,071) -100.00%	(2,659) -5.78%	(310,959) -87.99%	(77,760) -4.57%	(39,792) -100.00%	31,097 45.81%	(153,027) -100.00%	(3,101,970) -6.46%
Expenses	2017	1,051,416	338,383	50,259	-	47,402	540,825	1,714,488	-	106,572	-	45,047,238
	2016	215,206	370,905	65,580	74,071	45,976	418,143	1,398,711	39,792	161,320	139,049	47,825,205
	Increase (Decrease) % Change	836,210 388.56%	(32,522) -8.77%	(15,321) -23.36%	(74,071) -100.00%	1,426 3.10%	122,682 29.34%	315,777 22.58%	(39,792) -100.00%	(54,748) -33.94%	(139,049) -100.00%	(2,777,967) -5.81%
Net												
Income/(Loss)	2017	-	-	312	-	(4,085)	(498,380)	(89,794)	-	(7,594)	-	(96,122)
	2016	-	-	395	-	-	(64,739)	303,743	-	(93,439)	13,978	227,881
	Increase (Decrease) % Change	-	-	(83) (83)	-	(4,085)	(433,641) 669.83%	(393,537) -129.56%	-	85,845 -91.87%	(13,978) -100.00%	(324,003) -142.18%

***Highlights of GHURA
Public Housing Assessment System (PHAS) – Interim Rule
Financial Indicator
FY 2017 Unaudited Financial Data Schedule***

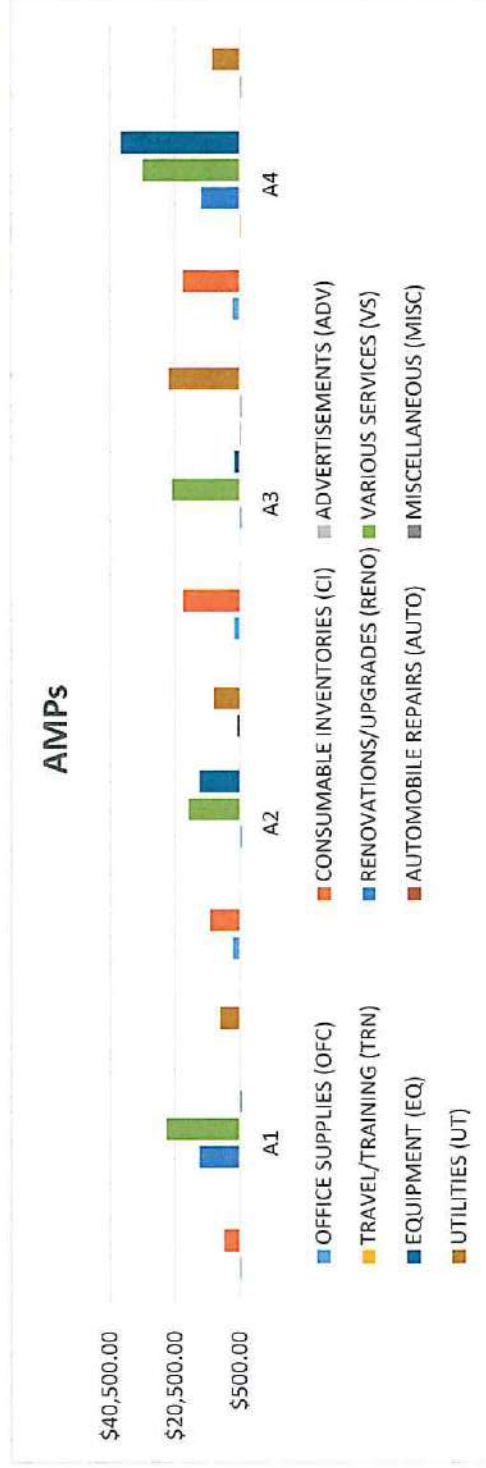
- 4 Indicators with total points of 100:
 - (1) Physical Condition
 - (2) Financial Condition
 - (3) Management Operations
 - (4) Capital Fund Program

- Financial Condition – 25 points (must be 15 points or higher, 60%)
 - 3 Sub-indicators:
 - (1) Quick Ratio – (QR) 12 points max: measures liquidity or the availability of cash to pay debt,
 - (2) Months Expendable Net Assets Ratio (MENAR) 11 points max: measure adequacy of reserves or reserves should cover at least 4 months of expenses and
 - (3) Debt Service Coverage Ratio (DSCR) 2 points max: measures capacity to cover debt

GHURA's preliminary point is 25.

	Points				
Quick Ratio (QR): Measures Liquidity	12				
Months Expendable Net Assets Ratio (MENAR): Measures Adequacy of Reserves	11				
Debt Service Coverage Ratio (DSCR): Measures Capacity to Cover Debt	2				
Total Points	25				
Quick Ratio (QR):	AMP 1	AMP 2	AMP 3	AMP 4	Total
FDS 111 + FDS 114 + FDS 115 + FDS 120 + FDS 131 + FDS 135 + FDS 142 + FDS 144	2,066,926	2,310,078	2,710,752	3,302,064	10,389,820
FDS 310 - 343-010	194,672	634,668	969,100	184,493	1,982,933
Quick Ratio	10.6	3.6	2.8	17.9	5.2
Quick Ratio Points	12.0	12.0	12.0	12.0	12.0
Months Expendable Net Assets Ratio (MENAR):					
FDS 111 + FDS 114 + FDS 115 + FDS 120 + FDS 131 + FDS 135 + FDS 142 + FDS 144 - FDS 310	1,872,254	1,675,410	1,741,652	3,117,571	8,406,887
(FDS 96900 + FDS 97100 + FDS 97200 + FDS 97800)/12	72,654	71,612	77,679	115,412	337,357
MENAR	25.8	23.4	22.4	27.0	24.9
MENAR Points	11.0	11.0	11.0	11.0	11.0
Debt Service Coverage Ratio (DSCR):					
FDS 97000 + FDS 96700	190,969	485,717	765,224	890,944	2,332,854
FDS 96710 + FDS 96720 + FDS 11020	-	-	-	-	-
DSCR	-	-	-	-	-
DSCR Points	2.00	2.00	2.00	2.00	2.00
Preliminary Points	25.0	25.0	25.0	25.0	25.0

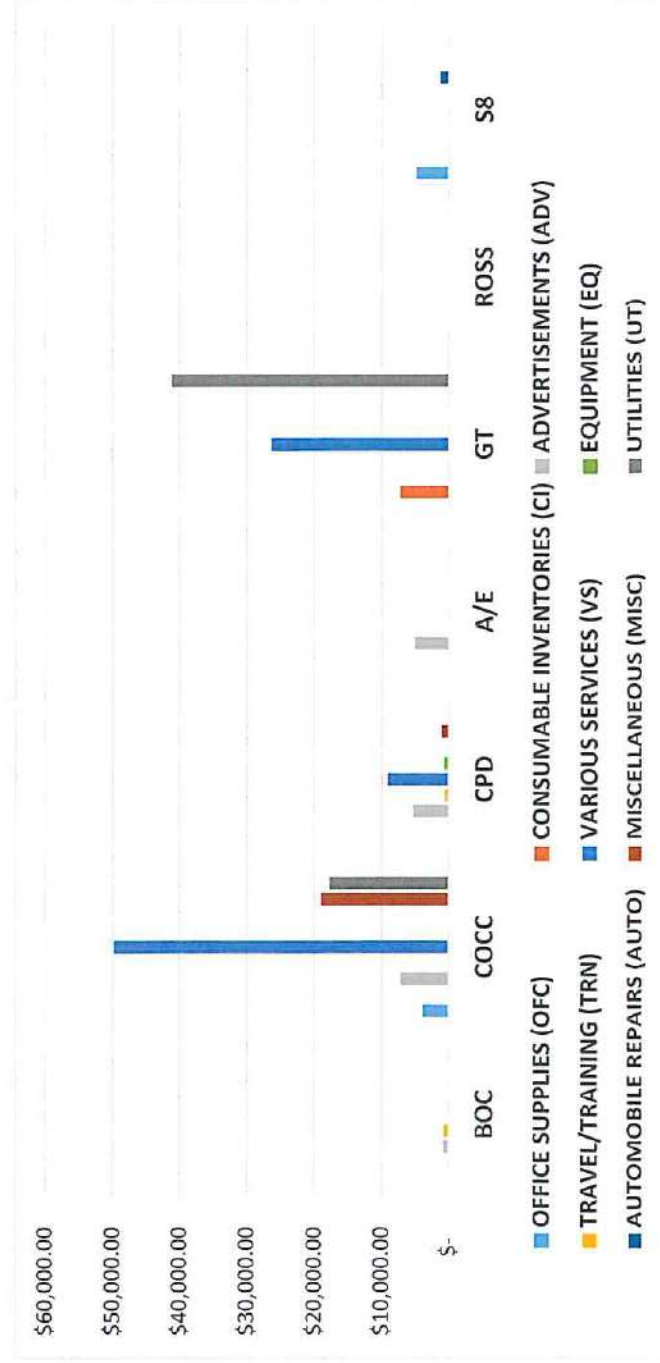
	A1	A2	A3	A4	TOTAL
OFFICE SUPPLIES (OFC)	\$ -	\$ 2,528.38	\$ 2,160.81	\$ 2,515.86	\$ 7,205.05
CONSUMABLE INVENTORIES (CI)	\$ 5,157.92	\$ 9,553.38	\$ 17,906.55	\$ 17,924.09	\$ 50,541.94
ADVERTISEMENTS (ADV)	\$ 772.25	\$ 772.25	\$ 772.25	\$ 772.25	\$ 3,089.00
TRAVEL/TRAINING (TRN)	\$ 208.00	\$ 208.00	\$ 208.00	\$ -	\$ 624.00
RENOVATIONS/UPGRADES (RENO)	\$ 12,800.00	\$ -	\$ -	\$ 12,300.00	\$ 25,100.00
VARIOUS SERVICES (VS)	\$ 23,040.93	\$ 16,353.59	\$ 21,273.88	\$ 30,355.33	\$ 91,023.73
EQUIPMENT (EQ)	\$ -	\$ 12,900.00	\$ 2,088.94	\$ 37,103.00	\$ 52,091.94
AUTOMOBILE REPAIRS (AUTO)	\$ 295.00	\$ 798.44	\$ 129.95	\$ 748.00	\$ 1,971.39
MISCELLANEOUS (MISC)	\$ 476.00	\$ 1,245.03	\$ 56.00	\$ 56.00	\$ 1,833.03
UTILITIES (UT)	\$ 6,443.80	\$ 8,414.09	\$ 22,212.97	\$ 8,906.54	\$ 45,977.40
TOTAL:	\$ 49,193.90	\$ 52,773.16	\$ 66,809.35	\$ 110,681.07	\$ 279,457.48



	A1	A2	A3	A4	TOTAL
NUMBER OF PURCHASE ORDERS	18	37	49	77	181
NUMBER OF CANCELLED POS	0	0	0	4	4
NUMBER OF AMENDED POS	0	0	0	2	8

FY2018 1st quarter activity Report (Oct 2017-Dec 2017)

	BOC	COCC	CPD	A/E	GT	ROSS	S8	TOTAL
OFFICE SUPPLIES (OFC)	\$ -	\$ 3,813.00	\$ -	\$ -	\$ -	\$ -	\$ 4,797.91	\$ 8,610.91
CONSUMABLE INVENTORIES (CI)	\$ -	\$ -	\$ -	\$ -	\$ 7,188.88	\$ -	\$ -	\$ 7,188.88
ADVERTISEMENTS (ADV)	\$ 752.00	\$ 7,136.00	\$ 5,300.50	\$ 5,010.00	\$ -	\$ -	\$ -	\$ 18,198.50
TRAVEL/TRAINING (TRN)	\$ 710.00	\$ -	\$ 531.00	\$ -	\$ -	\$ -	\$ -	\$ 1,241.00
VARIOUS SERVICES (VS)	\$ -	\$ 49,767.99	\$ 9,025.35	\$ -	\$ 26,337.70	\$ -	\$ -	\$ 85,131.04
EQUIPMENT (EQ)	\$ -	\$ -	\$ 669.00	\$ -	\$ -	\$ -	\$ 35.96	\$ 704.96
AUTOMOBILE REPAIRS (AUTO)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,239.90	\$ 1,239.90
MISCELLANEOUS (MISC)		\$ 18,910.39	\$ 956.00	\$ -	\$ -	\$ -	\$ -	\$ 19,866.39
UTILITIES (UT)	\$ -	\$ 17,669.00	\$ -	\$ -	\$ 41,088.07	\$ -	\$ -	\$ 58,757.07
TOTAL:	\$ 1,462.00	\$ 97,296.38	\$ 16,481.85	\$ 5,010.00	\$ 74,614.65	\$ -	\$ 6,073.77	\$ 200,938.65



DIRECTOR
Stephen P. Hattori



DEPUTY DIRECTOR
Richard S. Dirix
ADMINISTRATIVE DIRECTOR
Cathyan C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajana, Guam 96910-5174
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844

STAFF ATTORNEYS
Jocelyn M. Roden
Peter J. Sablan
Ali N. Nusbaum
William B. Jones
Kristine B. Borja
William C. Bischoff
Alisha L. Molyneux
Rocky P. Kingree
Zachary C. Taimanglo
Eric R. Overton
Kristin D. Smith

December 28, 2017

Mr. George A. Santos
Chairman of the Board of Commissioners
Guam Housing & Urban Renewal Authority
117 Bien Venida Avenue
Sinajana, Guam 96910
Tel. 477-9851

Re: Request for waiver of attorney-client privilege regarding GHURA attorney billings

Dear Chairman Santos,

As I briefly explained to the Board at its December 28, 2017 meeting, on behalf of Mr. Roland Selvidge, who I am representing in Guam Superior Court Criminal Case No. CM 431-17, I request that the Board waive its attorney-client privilege with respect to the billings to GHURA from its legal counsels in the years 2010 – 2015; which privilege was asserted by GHURA attorney Perez in the attached August 31, 2017 letter to me, in response to my Sunshine Act request that is attached to Mr. Perez's letter.

Thank you.

Sincerely,

William C. Bischoff
Assistant Public Defender

At the Regular Board Meeting of January 24, 2018, a motion was made by Vice Chairman Borja and seconded by Commissioner Dominguez to approve the Request for waiver of attorney-client privilege from Attorney Bischoff with a partial response as agreed to by Attorney Bischoff that legal invoices for the Calendar Year 2015 be made available to him here at our GHURA office for his review and his selection. Copies will be made as requested with the necessary redactions of all non-public information such as personnel information or information non-related to the criminal case he is referring to. Without any further discussion and objection, the Motion was approved.

2017 DEC 29 PM 12:33

GUAM HOUSING & URBAN
RENEWAL AUTHORITY

Law Office of Anthony C. Perez

August 31, 2017

Attorney William C. Bischoff
Public Defender Service Corporation
779 Route 4
Sinajana, Guam 96910

Re: GHURA Legal Counsel Billings - Sunshine Act Request.

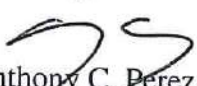
Dear Bill:

I am legal counsel to the Guam Housing and Urban Renewal Authority ("GHURA"), and am in receipt of your Sunshine Act request for information concerning legal counsel billings at GHURA from 2010-2015. This request was received on August 25, 2017, and a response is due by August 31, 2017. Pursuant to 5 GCA § 10103(d), responsive documents are provided for your review.

I note that there is a limitation on rights of inspection for records that fall under the attorney-client privilege. *See* 5 GCA § 10108 (i). Legal invoices identifying the work performed and nature of services are privileged, and not subject to disclosure pursuant to 5 GCA § 10108, *In re Grand Jury Witness*, 695 F.2d 359 (9th Cir. 1982), and *In re Horn*, 976 F.2d 1314 (9th Cir. 1992.). However, a spreadsheet of the amounts billed for legal services is provided and attached hereto for the time-period requested.

Thank you for your consideration in this matter and please contact me with any questions or concerns.

Sincerely,


Anthony C. Perez
Legal Counsel, GHURA

Suite 802, DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96932
Pn: 475-5055-7
Fx: 477-5445

ATTACHMENT

DIRECTOR
Stephen P. Hattori



DEPUTY DIRECTOR
Richard S. Dirks
ADMINISTRATIVE DIRECTOR
Cathyann C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
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Zachary C. Taimanglo
Eric R. Overton
Kristin D. Smith

August 25, 2017

Michael J. Duenas, Executive Director
Guam Housing & Urban Renewal Authority
117 Bien Venida Avenue
Sinajana, Guam 96910
Tel. 477-9851

Re: Sunshine Act Request

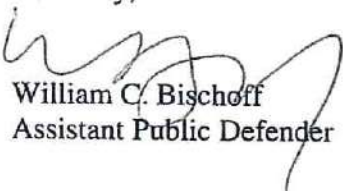
Dear Director Duenas,

Pursuant to the Sunshine Reform Act of 1999 (5 GCA §10101 et seq.), on behalf of Mr. Roland Selvidge, a former member of the Board of Commissioners of GHURA, I hereby request to inspect and receive, within four working days from the date of this request, a copy of the following records within the custodial control of your Office:

1. All billings to GHURA from its legal counsel(s) in the years 2010 – 2015.

Thank you.

Sincerely,


William C. Bischoff
Assistant Public Defender



2017 AUG 25 AM 11:17

GHURA



Vendor # VN00092604 Full Name RENO & CAVANAUGH, PLLC

Main | Category | Check History | Vendor Totals



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0000110809	06/03/2015	2015-05-5043	05/01/2015	Inv#25358(4/30/15)Ref:GenLegalSvcs(QAP	No	\$300.00
0000110732	05/05/2015	2015-04-5013	04/01/2015	Inv#25133(03/31/15)Ref: Summer Town PB'	No	\$450.00
0000110628	04/02/2015	2015-03-5044	03/01/2015	Inv#24816(02/28/15)Ref: Summer Town PB'	No	\$950.00
0000110584	03/13/2015	2015-03-5006	03/01/2015	Inv#24681(1/31/15) Matter# DC159-101 Re:	No	\$450.00
0000110584	03/13/2015	2015-03-5005	03/01/2015	Inv#24571(1/31/15)Matter#DC159-100	No	\$900.00
0000110535	02/20/2015	2015-02-5006	02/01/2015	Inv#24499:12/31/14 - Matter#DC159-101 Si	No	\$60.00
00110364	01/05/2015	2015-12-5038	12/01/2014		No	\$210.00
0000110302	12/03/2014	2015-11-5020	11/01/2014	Inv#23748(10/31/14)Ref:SummerTownPBV	No	\$900.00
0000110302	12/03/2014	2015-11-5019	11/01/2014	Inv#22362(5/31/14)Ref:Summer Town PBVI	No	\$930.00
0000110209	10/31/2014	2015-10-5043	09/30/2014	Inv#23568(9/30/14)Aug7-Sep29: Ref: Sumr	No	\$630.00
0000028090	09/30/2014	2014-09-5064	09/01/2014	Inv#23143(8/31/14) Aug2014 Legal Service	No	\$180.00
0000110060	09/09/2014	2014-09-5003	09/01/2014	Inv#22975(7/31/14)Review&discuss Ref: St	No	\$360.00
0000109915	08/05/2014	2014-07-5048	07/01/2014	Inv#22678(6/30/14) Matters: DC159-101 Re	No	\$2,460.00
0000109915	08/05/2014	2014-07-5047	07/01/2014	Inv#22641(6/30/14) Summer Homes Land U	No	\$210.00
0000109822	07/08/2014	2014-07-5007	07/08/2014		No	\$812.66
0000109822	07/08/2014	2014-07-5004	07/08/2014		No	\$1,830.00
0000109712	06/05/2014	2014-05-213	05/01/2014	Inv#218949: LIHTC Legal Services-March 20	No	\$2,580.00
0000106937	11/08/2011	2012-11-031	11/07/2011	2012-11-031 - PMT#2 - INV#14581 - GUAM	No	\$7,492.15
						\$26,722.66

☒ (Date Paid = 1/1/2010) and (Date Paid = 12/31/2015)

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Vendor # VN00092604 Full Name RENO & CAVANAUGH, PLLC

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0000110809	06/03/2015	2015-05-5043	05/01/2015	Inv#25358(4/30/15)Ref:GenLegalSvcs(QAP	No	\$300.00
0000110732	05/05/2015	2015-04-5013	04/01/2015	Inv#25133(03/31/15)Ref: Summer Town PB'	No	\$450.00
0000110628	04/02/2015	2015-03-5044	03/01/2015	Inv#24816(02/28/15)Ref: Summer Town PB'	No	\$950.00
0000110584	03/13/2015	2015-03-5006	03/01/2015	Inv#24681(1/31/15) Matter# DC159-101 Re:	No	\$450.00
0000110584	03/13/2015	2015-03-5005	03/01/2015	Inv#24571(1/31/15)Matter#DC159-100	No	\$900.00
0000110535	02/20/2015	2015-02-5006	02/01/2015	Inv#24499:12/31/14 - Matter#DC159-101 S	No	\$60.00
0000110364	01/05/2015	2015-12-5038	12/01/2014		No	\$210.00
00110302	12/03/2014	2015-11-5020	11/01/2014	Inv#23748(10/31/14)Ref:SummerTownPBV	No	\$900.00
0000110302	12/03/2014	2015-11-5019	11/01/2014	Inv#22362(5/31/14)Ref:Summer Town PBV	No	\$930.00
0000110209	10/31/2014	2015-10-5043	09/30/2014	Inv#23568(9/30/14)Aug7-Sep29: Ref: Sumr	No	\$530.00
0000028090	09/30/2014	2014-09-5064	09/01/2014	Inv#23143(8/31/14) Aug2014 Legal Service	No	\$180.00
0000110060	09/09/2014	2014-09-5003	09/01/2014	Inv#22975(7/31/14)Review&discuss Ref: Su	No	\$360.00
0000109915	08/05/2014	2014-07-5048	07/01/2014	Inv#22678(6/30/14) Matters: DC159-101 Re	No	\$2,460.00
0000109915	08/05/2014	2014-07-5047	07/01/2014	Inv#22641(6/30/14) Summer Homes Land U	No	\$210.00
0000109822	07/08/2014	2014-07-5007	07/08/2014		No	\$812.66
0000109822	07/08/2014	2014-07-5004	07/08/2014		No	\$1,830.00
0000109712	06/05/2014	2014-05-213	05/01/2014	Inv#218949: LIHTC Legal Services-March 20	No	\$2,580.00
0000106937	11/08/2011	2012-11-031	11/07/2011	2012-11-031 - PMT#2 - INV#14581 - GUAM	No	\$7,492.15
0000106759	09/12/2011	2011-09-043a	07/31/2011	2011-09-043 - #14581 - PMT#1 - GENERAL	No	\$4,507.85

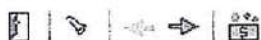
\$26,722.66

☒ (Date Paid = 12/31/2014) and (Date Paid = 12/31/2015)

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Vendor # VN00201585 Full Name LUJAN, AGUIGUI & PEREZ, LLP

Main | Category Check History | Vendor Totals |



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0000027825	10/17/2013	2013-09-241	10/08/2013	INV#4042-JUL-24-09-GHURA LEGAL MATT	No	\$337.50
0000027759	07/26/2013	2013-07-166	07/26/2013	#4042 - AMP4 & COCC	No	\$393.75
0000027756	07/25/2013	2013-07-052	07/01/2013	Inv#3503(11/19/08)File#259-99 RE: Ironwor	No	\$2,581.25
0000027612	01/11/2013	2013-01-011	01/07/2013	2013-01-011 - #3546	No	\$393.75
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0000027612	01/11/2013	2013-01-012	01/09/2013	2013-01-012 - INV#4042	No	\$3,187.50
0000027614	01/11/2013	2013-01-014	01/08/2013	2013-01-014 - #5964	No	\$175.00
00027578	11/30/2012	2013-11-106	11/14/2012	2013-11-106 - LAP INVOICES (PARTIAL PM	No	\$4,357.50
0000027165	12/16/2011	2012-12-090	11/07/2011	2012-12-090 - #6191 / #6244	No	\$9,920.94
0000027165	12/16/2011	2012-12-070	12/14/2011	2012-12-070 - #3943; #6192; #6245	No	\$1,087.50
0000027041	09/02/2011	2011-08-090	07/01/2011	2011-08-090 - #5964	No	\$1,225.00
0000027041	09/02/2011	2011-07-032	07/01/2011	2011-07-032 - #5824/5827	No	\$1,268.75
0000027029	08/19/2011	2011-08-086	08/19/2011	2011-08-086 - LEGAL	No	\$4,715.00
0000026912	04/21/2011	2011-04-091	01/31/2011	2011-04-091 - #4771/4816/5528 - LEGAL SI	No	\$7,983.50
0000026872	02/09/2011	2011-02-062	01/22/2011	2011-02-062 - #5611/5612/5613/5614/561	No	\$4,681.25
0000026836	12/30/2010	2011-12-140	12/01/2010	2011-12-140 - #5507/5505/5525 - LEGAL SI	No	\$7,063.25
0000026824	12/23/2010	2011-12-119e	11/01/2010	2011-12-119 - #5527/5529/5525 - NOV 2011	No	\$4,297.25
0000026824	12/23/2010	2011-12-119d	10/01/2010	2011-12-119 - #5505/5506/5507/5508/393	No	\$4,071.00
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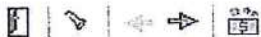
\$148,632.21

☒ ☐ (Date Paid <= 1/1/2010) and (Date Paid <= 12/31/2010) and (Voided? = No)

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Vendor # VN00201585 Full Name LUJAN, AGUIGUI & PEREZ, LLP

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0000026814	12/17/2010	2011-12-105	10/01/2010	2011-12-105 - #5000/4771/4372/2260/180	No	\$6,846.13
0000026795	11/19/2010	2011-11-059	09/30/2010	2011-11-059 - #3605/#4307/ #3548/ #4291	No	\$8,565.75
0000026786	11/08/2010	2011-11-014d	09/30/2010	2011-11-014 - #5333 - F#252-26 - SEPT 201	No	\$962.50
0000026786	11/08/2010	2011-11-014c	09/30/2010	2011-11-014 - #5332 - F#252-43 - SEPT 201	No	\$1,580.00
0000026786	11/08/2010	2011-11-014b	09/30/2010	2011-11-014 - #5331 - F#252-00 - SEPT 201	No	\$2,330.00
0000026786	11/08/2010	2011-11-014a	09/30/2010	2011-11-014 - #5116 F#252-00 - JULY 2010	No	\$6,740.60
0000026786	11/08/2010	2011-11-014e	09/30/2010	2011-11-014 - #5334 - F#252-105 - SEPT 20	No	\$1,893.75
0000026766	10/07/2010	2011-10-022	09/30/2010	2011-10-022 - #5167 F#252-105- AUG 2010	No	\$843.00
0000026766	10/07/2010	2011-10-018	09/09/2010	2011-10-018 - #5117/5118/5119 - JULY 201	No	\$4,550.00
0000026745	09/13/2010	2010-09-048f	08/31/2010	2010-09-048 - #5002 - F#252-105 - JUNE 20	No	\$5,988.00
0000026745	09/13/2010	2010-09-048e	08/31/2010	2010-09-048 - #5000 F#252-00 - JUNE 2010	No	\$87.50
0000026745	09/13/2010	2010-09-048d	08/31/2010	2010-09-048 - #5003 F#252-108 - JUNE 201	No	\$5,206.25
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0000026745	09/13/2010	2010-09-048a	08/31/2010	2010-09-048 - #4304 - LEGAL SERVICES	No	\$962.50
0000026705	07/16/2010	2010-06-176b	06/23/2010	2010-06-176 - #4730 (FINAL) - MARCH 2010	No	\$3,543.75
0000026704	07/16/2010	2010-07-110	06/30/2010	2010-07-110 - #4772/ 4773/ 4774/ 4775/ 47	No	\$3,334.50
0000026689	07/02/2010	2010-06-176a	06/23/2010	2010-06-176 #4730 PARTIAL PMT) / #4731	No	\$3,291.25

\$148,632.21

☒ ☐ (Invoice Date = 12/23/2010) and (Date Paid <= 12/31/2010) and (Voided? = No)

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Vendor # VN00201585 Full Name LUJAN, AGUIGUI & PEREZ, LLP

Main | Category | Check History | Vendor Totals |



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0000026636	05/10/2010	2010-05-040	02/08/2010	2010-05-040 - INV#4309/4367/4372/4307 -	No	\$1,829.25
0000026636	05/10/2010	2010-05-037	04/30/2010	2010-05-037 - #4548/4550/4551 - FEB 2010	No	\$3,552.79
0000026622	04/23/2010	2010-04-080a	01/28/2010	2010-04-080 - #4253/#4044	No	\$306.25
0000026622	04/23/2010	2010-04-080b	02/10/2010	2010-04-080 - #4327	No	\$2.75
0000026622	04/23/2010	2010-04-080c	02/10/2010	2010-04-080 - #4328	No	\$218.75
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0000026615	04/19/2010	2010-03-121a	02/20/2010	2010-03-121 - #4367/4368/4369/4373/425	No	\$9,113.00
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\$148,632.21

☒ 10 days Paid = 1/1/2010 and Date Paid = 12/31/2010 and Voided? = No

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Main | Category | Check History | Vendor Totals |

[illegible]

$$\boxed{\times} \quad \boxed{\checkmark} \quad (1) \text{ a.i.e. } "a" = \frac{1}{2014} \text{ and } (2) \text{ a.i.e. } "a" = \frac{1}{2014} \text{ and } (3) \text{ a.i.e. } "a" = \frac{1}{2014}$$

Customize...

Vendor # VN00092704 Full Name LAW OFFICE OF CYNTHIA V. ECUBE, ESQ., P.C.

Main | Category Check History | Vendor Totals |



Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000111352	12/18/2015	2016-12-6003	12/01/2015	INV#368 - DTD 12/1/15 - FILE#G-0004.24,	No	\$787.50
0000111352	12/18/2015	2016-11-6040	11/30/2015	PO160159 - NOVEMBER 2015 LEGAL SER	No	\$2,512.50
0000111352	12/18/2015	2016-10-6018	10/31/2015	PO160158 - OCTOBER 15 LEGAL SERVICE	No	\$2,053.50
0000111262	11/07/2015	2015-09-6100	09/30/2015	2015-09-6100 - LEGAL FEES FOR SEPTEMI	No	\$5,554.50
0000111212	10/23/2015	2015-09-6058	09/04/2015	2015-09-6058 - LEGAL FEES FOR AUGUST	No	\$10,752.75
0000111050	09/04/2015	2015-09-6013	08/12/2015	INV#15-0713 - JULY'15 LEGAL SERVICES -	No	\$3,887.23
0000110957	08/01/2015	2015-07-6025	07/02/2015	INV#15-0603 - LEGAL SERVICES - CSC RO	No	\$2,381.24
0000110829	06/12/2015	2015-06-6033	06/08/2015	INV#15-0506 - MAY 2015 - LEGAL SERVICE	No	\$2,472.50
00110759	05/14/2015	2015-05-6013	05/08/2015	INV#15-0452 - LEGAL SERVICES - AMP4	No	\$270.00
0000110706	04/30/2015	2015-04-6061	04/13/2015	2015-04-6061 - INV#15-0313 - CSC CASTRO	No	\$2,325.00
0000110521	02/19/2015	2015-02-6033	02/09/2015	2015-02-6033 - INV#15-0101 - CSC CASTRO	No	\$1,178.75
0000110475	02/06/2015	2015-02-6018	01/05/2015	2015-02-6018 - INV#14-1214 - CSC BAMBA	No	\$1,875.00
0000110340	12/12/2014	2015-11-6048	11/30/2014	2015-11-6048 - Inv#14-1136, CSC Bamba	No	\$187.50
0000110279	11/26/2014	2015-11-6019	11/12/2014	October 2014 Legal Services-Invoice DTD 1	No	\$1,200.00
0000110183	10/17/2014	2014-09-6100(b)	10/14/2014	#14-0923 SEPT 2014 LEGAL SERVICES-INV	No	\$187.50
0000110183	10/17/2014	2014-09-6100(a)	10/14/2014	#14-0922 - SEPT 2014 Legal Services - INV	No	\$37.50
0000110183	10/17/2014	2014-09-6100	10/14/2014	#14-0914-SEPT 2014 - Legal Services - INV	No	\$975.00
0000110080	09/18/2014	2014-09-6015(a)	09/03/2014	#14-0540 - CaseNo.: D. ROSARIO - AUGUS	No	\$525.00
0000110080	09/18/2014	2014-09-6015	09/18/2014	#14-0822CaseNo.:CSC BAMBA/#14-0540Ca	No	\$1,087.50
0000110080	09/18/2014	2014-09-6015(b)	09/18/2014	#14-0836 - CaseNo.: OJEDA - INVDTd:8/31/	No	\$637.50

\$101,863.47

☒ 10/18/2015 (10/1/2015) and 10/18/2015 (10/1/2015)

Customize...

Vendor # VN00092704 Full Name LAW OFFICE OF CYNTHIA V. ECUBE, ESQ., P.C.

Main | Category | Check History | Vendor Totals |



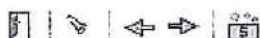
Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000109979	08/22/2014	2014-07-6033(b)	08/01/2014	#14-0625 - INV DTD: 6/30/14 - CASE No.: CSC	No	\$639.75
0000109979	08/22/2014	2014-08-6038(c)	08/19/2014	#14-0727. INV DATE: 7/31/14 CASE No.: DE	No	\$37.50
0000109979	08/22/2014	2014-08-6038(b)	08/19/2014	#14-0721. INV DATE: 7/31/14 - CASE No.: C	No	\$450.00
0000109979	08/22/2014	2014-08-6038(a)	08/19/2014	#14-0720. INV DATE: 7/31/14 - CASE No.: DJ	No	\$487.50
0000109979	08/22/2014	2014-08-6038	08/19/2014	#14-0704. INV DATE: 7/31/14 - CASE No.: H	No	\$1,365.00
0000109979	08/22/2014	2014-07-6033(e)	08/01/2014	#14-0631 - INV DTD: 6/30/2014 CASE No.: A	No	\$750.00
0000109979	08/22/2014	2014-07-6033(d)	08/01/2014	#14-0642 - INV DTD: 6/30/2014 - CASE No.: I	No	\$75.00
0000109979	08/22/2014	2014-07-6033(c)	08/01/2014	#14-0632 - INV DTD: 6/30/2014 - CASE No.: C	No	\$75.00
0000109979	08/22/2014	2014-07-6033(a)	08/01/2014	#14-0603 - INV DTD: 6/30/14 - CASE No.: DJE	No	\$1,387.50
0000109925	08/07/2014	2014-07-6033	07/01/2014	#13-0730 - INV DTD: 7/31/2013 - CASE No.: EL	No	\$150.00
0000109846	07/10/2014	2014-06-6052	07/01/2014	#14-0503/#14-0519/#14-0533/#14-0534 - M	No	\$712.50
0000109846	07/10/2014	2014-06-6052(c)	07/01/2014	#14-0503/#14-0519/#14-0533/#14-0534 - M	No	\$150.00
0000109846	07/10/2014	2014-06-6052(b)	07/01/2014	#14-0503/#14-0519/#14-0533/#14-0534 - M	No	\$1,284.75
0000109846	07/10/2014	2014-06-6052(a)	07/01/2014	#14-0503/#14-0519/#14-0533/#14-0534 - M	No	\$862.50
0000109778	06/26/2014	2014-05-178(a)	06/01/2014	#14-0401, #14-0402, #14-0412 - APRIL 2014	No	\$675.00
0000109744	06/13/2014	2014-05-178(b)	05/28/2014	#14-0401, #14-0402, #14-0412 - APRIL 2014	No	\$1,482.75
0000109744	06/13/2014	2014-05-178	05/28/2014	#14-0401, #14-0402, #14-0412 - APRIL 2014	No	\$525.00
0000109679	05/30/2014	2014-05-177(b)	05/27/2014	#14-0315 - INV DTD 3/31/14 - MARCH LEG	No	\$1,125.75
0000109679	05/30/2014	2014-05-177(a)	05/27/2014	#14-0309 - INV. DTD-3/31/14 - MARCH 201	No	\$1,612.50
0000109679	05/30/2014	2014-05-177	05/27/2014	#14-0319, #14-0309, #14-0315 - ALL INV D	No	\$525.00
						\$101,863.47

☒ ☐ (Print) Print: 4/1/2014 and Date Paid: 12/31/2014

Customize...

Vendor # VN00092704 Full Name LAW OFFICE OF CYNTHIA V. ECUBE, ESQ., P.C.

Main | Category Check History | Vendor Totals |



Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000109530	04/04/2014	2014-03-203(a)	03/31/2014	#14-0246 - InvDtd: 2/1/2014 CaseNo: Admin	No	\$300.00
0000109530	04/04/2014	2014-03-203	03/31/2014	#14-0216 - InvDtd: 2/1/2014 - CaseNo: CSC	No	\$1,257.75
0000109370	02/19/2014	2014-02-062(b)	02/12/2014	#14-0106 - DTD 1/31/2014 CaseNo.: CSC B	No	\$112.50
0000109370	02/19/2014	2014-02-062(a)	02/12/2014	#12-0102 - DTD: 1/31/2014 CASENo.: CSC -	No	\$10,095.00
0000109370	02/19/2014	2014-02-062	02/12/2014	#14-0105-DTD: 1/31/2014-CASENo.: CSC B.	No	\$951.00
0000109293	01/29/2014	2014-01-139	01/24/2014	INV#13-1005 - HR MATTERS - OCTOBER 2	No	\$2,034.00
0000109293	01/29/2014	2014-01-092	01/02/2014	INV#13-1110 - HR MATTERS - NOVEMBER	No	\$7,987.50
0000027870	12/27/2013	2014-12-005	12/01/2013	Inv#13-0921(9/30/13) Alfdbl Hsng	No	\$1,312.50
000027870	12/27/2013	2014-12-045	12/11/2013	#13-1051 - Invdte: 10/31/13- Case No.: MOA	No	\$1,004.25
0000027870	12/27/2013	2014-12-044	12/11/2013	#13-1011 - Invdte: 10/31/13- Case No.: PRIV	No	\$1,362.75
0000027867	12/12/2013	2014-11-117	11/25/2013	#13-0929 - Inv DATE: 9/30/13 - PRIVACY IS	No	\$637.50
0000027867	12/12/2013	2014-11-116	11/25/2013	#13-0923 - Inv.date: 9/30/13 - CSC MATTEF	No	\$337.50
0000027867	12/12/2013	2014-11-118	11/25/2013	#13-0920 - MOA/GPD - Inv Dtd: 9/30/2013 -	No	\$1,200.00
0000027867	12/12/2013	2014-11-157	11/18/2013	INV#131005 - HR - CASTRO/BAMBA - AMP	No	\$2,034.00
0000027867	12/12/2013	2014-11-143	12/02/2013	#13-0927 - INVDT: 9/30/13 - Case No.: ADM	No	\$335.25
0000027854	11/18/2013	2013-09-260	09/01/2013	#13-0706 - CASE No.: JUVENILE ISSUES - I	No	\$187.50
0000027854	11/18/2013	2013-09-286(c)	09/01/2013	INV#13-0837 - CASE No.: PERES - INVOIC	No	\$825.00
0000027854	11/18/2013	2013-09-286(b)	09/01/2013	#13-0863 - Case No.: ADMIN - 8/6/2013	No	\$68.25
0000027854	11/18/2013	2013-09-286(a)	09/01/2013	#13-0854 - Case No.: - MOA/GPD AMPS1, 2	No	\$600.00
0000027854	11/18/2013	2013-09-286	09/01/2013	#13-0851 - CSC MATTERS - HR & AMP4	No	\$337.50

\$101,863.47

☒ ☐ (Date Paid = 1/1/2014) and (Date Paid = 12/31/2013)

Customize...

Vendor # VN00092704 Full Name LAW OFFICE OF CYNTHIA V. ECUBE, ESQ., P.C.

Main | Category Check History | Vendor Totals |



Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000027854	11/18/2013	2013-09-260	09/01/2013	#13-0706 - CASE No.: JUVENILE ISSUES - I	No	\$187.50
0000027854	11/18/2013	2013-09-286(c)	09/01/2013	INV#13-0837 - CASE No.: PERES - INVOIC	No	\$825.00
0000027854	11/18/2013	2013-09-286(b)	09/01/2013	#13-0863 - Case No.: ADMIN - 8/6/2013	No	\$68.25
0000027854	11/18/2013	2013-09-286(a)	09/01/2013	#13-0854 - Case No.: - MDA/GPD AMPS1, 2	No	\$600.00
0000027854	11/18/2013	2013-09-286	09/01/2013	#13-0851 - CSC MATTERS - HR & AMP4	No	\$337.50
0000027839	10/31/2013	2014-10-033	09/30/2013	Inv#13-0842(8/31/13)Affordable Hsgn HOMI	No	\$450.00
0000027824	10/17/2013	2013-09-279	09/01/2013	Inv#13-0736 (7/31/2013) GH500/DEED	No	\$1,950.00
0000027806	10/04/2013	2013-09-122a	09/30/2013	INV#13-0709 - 7/31/13 - MDA CAFETERIA I	No	\$300.00
00027806	10/04/2013	2013-09-122	09/01/2013	Inv#13-0709(7/31/2013)MDA-AyudaFounda	No	\$2,250.00
0000027784	09/06/2013	2013-08-117	08/21/2013	#13-0717 - SAAG	No	\$41.25
0000027784	09/06/2013	2013-08-117(b)	08/21/2013	#13-0734 - ADMIN	No	\$1,200.00
0000027784	09/06/2013	2013-08-117(c)	08/21/2013	#13-0743 - PERES	No	\$262.50
0000027784	09/06/2013	2013-08-117(a)	08/22/2013	#13-0733 - PERSONAL RULES & PROPOSE	No	\$937.50
0000027784	09/06/2013	2013-08-127	08/01/2013	INV#13-0707(7/31/13)LIHTC PROJ&BID PR	No	\$300.00
0000027784	09/06/2013	2013-08-128	08/01/2013	INV#13-0715(7/31/13)COC(TSA)SUBRE-AG	No	\$1,212.00
0000027784	09/06/2013	2013-08-129	08/01/2013	INV#13-0739(7/31/13)COC/GH-SUBRE-AGI	No	\$1,437.00
0000027784	09/06/2013	2013-08-130	08/01/2013	INV#13-0747(7/31/13)COC/SANCTUARY-S	No	\$762.00
0000027784	09/06/2013	2013-08-178	08/01/2013	2013-08-178 - #13-0746 / #13-0716 - JULY	No	\$1,012.50
0000027774	08/22/2013	2013-08-022	08/06/2013	#13-0644	No	\$1,125.00
0000027750	07/25/2013	2013-07-105	07/01/2013	Inv#13-0632(6/30/13)MDA-Ayuda; Review F	No	\$383.00

\$101,863.47

☒ (Date Paid >= 1/1/2010) and (Date Paid <= 12/31/2015)

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Vendor # VN00092603 Full Name CABOT MANTANONA LLP

Main | Category Check History | Vendor Totals |



Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000027758	07/26/2013	2013-07-165	07/26/2013	#14304 - DTD: 6/11/2013	No	\$87.50
0000108085	12/06/2012	2013-10-080a	10/10/2012	2013-10-080 - #14006	No	\$2,362.50
0000108052	11/30/2012	2012-09-116	10/01/2012	2012-09-116 - #13968 - PROC REVIEW	No	\$525.00
0000107808	09/06/2012	2012-08-119	08/07/2012	2012-08-119 - #13928 - REF: PROC. REVIEW	No	\$2,143.75
0000107682	08/03/2012	2012-07-059	07/01/2012	2012-07-059 - #13872 REF: PROCUREMENT	No	\$2,275.00
0000107682	08/03/2012	2012-06-077	07/01/2012	2012-06-077 - #13843 5/03-24/2012 REF: P	No	\$1,400.00
0000107682	08/03/2012	2012-05-125	07/01/2012	2012-05-125 - #13794 4/4-20/2012 - REF: P	No	\$525.00
0000107410	05/03/2012	2012-04-125	04/13/2012	2012-04-125 - #13747 - REF: PROCUREMENT	No	\$87.50
000107192	02/27/2012	2012-02-071	02/09/2012	2012-02-071 - #13647	No	\$262.50
0000107106	01/24/2012	2012-01-079	01/11/2012	2012-01-079 - #13598	No	\$787.50
0000107106	01/24/2012	2012-01-011a	12/14/2011	2012-01-011 - #13546	No	\$262.50
0000107106	01/24/2012	2012-01-011b	11/14/2011	2012-01-011 - #13499 -	No	\$43.75
0000107012	12/16/2011	2012-12-050	10/07/2011	2012-12-050 - #13453	No	\$1,050.00
0000106852	10/20/2011	2011-09-214	09/16/2011	2011-09-214 - #13414	No	\$1,400.00
0000106773	09/16/2011	2011-09-042	08/10/2011	2011-09-042 - #13359	No	\$3,106.25

\$16,318.75

☒ ☐ 1 of 20 (1 of 20) and (Date Paid) 12/31/2013

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Vendor # VN00092683 Full Name PEREZ, ANTHONY C.

Main | Category Check History | Vendor Totals |



Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000110478	02/06/2015	2015-02-6024	02/04/2015	LEGAL SERVICE - INVOICE FOR JANUARY	No	\$337.50
0000110454	02/04/2015	2015-01-5047	01/01/2015	Invoice dtd 01/08/2015 Dec2014 Legal Svc	No	\$4,912.50
0000110436	01/28/2015	2015-01-6027	01/08/2015	LEGAL SERVICES - INVOICE FOR DECEME	No	\$487.50
0000110363	01/05/2015	2015-12-5024	12/03/2014		No	\$2,337.50
0000110349	12/12/2014	2015-11-6049	12/03/2014	LEGAL SERVICES - INVOICE FOR NOVEME	No	\$2,862.50
0000110252	11/14/2014	2015-11-5002	11/03/2014	Inv.dtd 11/03/2014(10/3/14)	No	\$600.00
0000110252	11/14/2014	2015-11-5009	11/01/2014	Inv.dtd 10/02/2014(9/23/14)	No	\$3,750.00
0000110263	11/14/2014	2015-11-6015	11/10/2014	October2014LegalServices-InvoiceDTD:11/1	No	\$6,012.50
0000110226	10/31/2014	2015-10-6010	10/27/2014	LegalServices for September2014-INVDTD:1	No	\$6,212.50
0000110148	10/03/2014	2014-09-6038	09/02/2014	LEGAL SERVICES INVOICE AUGUST 2014:	No	\$4,987.50
0000110100	09/25/2014	2014-09-5027	09/02/2014	Invoice dated 9/02/2014 for August 2014 Se	No	\$1,650.00
0000110015	09/05/2014	2014-08-5031	08/04/2014	(Inv: 8/04/14)Per:7/3/14 - Legal Services Ju	No	\$3,825.00
0000109995	08/26/2014	2014-08-6039	08/04/2014	LEGAL SERVICES INVOICE - JULY 2014, IN	No	\$4,087.50
0000109891	07/25/2014	2014-07-6038	07/19/2014	LEGAL SERVICES FOR JUNE 2014 - 6/2, 6,	No	\$1,312.50
0000109871	07/24/2014	2014-07-5028	07/01/2014	Inv. dtd 7/1/14 Ref: LIHTC/GH500	No	\$2,925.00
0000109871	07/24/2014	2014-07-5027	07/01/2014	Inv. dtd 7/1/14 Ref: Server Fee-Asan Trespa	No	\$55.00
0000109860	07/14/2014	2014-07-5006	07/10/2014	Inv dtd 5/08/14(4/11/14)Salvation Army agm	No	\$2,850.00
0000109860	07/14/2014	2014-07-5008	07/10/2014		No	\$787.50
0000109821	07/08/2014	2014-07-5005	07/08/2014	Inv dtd 5/8/14 (4/1/14)Asan trespass issues	No	\$2,137.50
0000109821	07/08/2014	2014-07-5003	07/08/2014	Inv dtd 6/3/14 for period May2014	No	\$937.50

\$190,137.50

☒ (Date Paid <= 11/1/2015) and (Date Paid <= 12/31/2015) and (Voided? = No)

Customize...

Vendor # VN00092683 Full Name PEREZ, ANTHONY C.

Main | Category Check History | Vendor Totals



Check #	Date Paid	Invoice #	Invoice Date	Invoice Description	Voided?	Check Amount
0000109786	06/26/2014	2014-06-6035	06/19/2014	JUNE 03, 2014.LEGAL SERVICES INVOICE	No	\$3,375.00
0000109755	06/13/2014	2014-05-179	05/28/2014	LEGAL SERVICES INVOICES - APRIL 2014	No	\$2,437.50
0000109620	05/06/2014	2014-04-096	04/02/2014	Inv dtd 4/2/14 Mar2014 Legal Services	No	\$6,337.50
0000109620	05/06/2014	2013-09-281b	05/05/2014	Inv dtd 10/09/13 (9/18/13)Sinajana land isst	No	\$375.00
0000109620	05/06/2014	2013-09-176b	05/05/2014	Inv dtd 09/18/14 (08/26/13) Sinajana land is	No	\$300.00
0000109620	05/06/2014	2014-01-183b	05/05/2014	Inv dtd 01/15/14(12/13/13)re:GH500issues:	No	\$375.00
0000109620	05/06/2014	2014-04-148	04/01/2014	Inv dtd 1/15/14 Reimburse Process Server F	No	\$55.00
0000109573	04/18/2014	2014-04-079	04/14/2014	LEGAL SERVICES FOR JANUARY 2014 - D	No	\$3,450.00
0000109573	04/18/2014	2014-04-080	04/14/2014	MARCH 2014 LEGAL SERVICES DTD APRIL	No	\$3,562.50
0000109551	04/17/2014	2014-03-056a	04/01/2014	Inv dtd 2/27/14(1/08/14)Finalize Renaissanc	No	\$2,250.00
0000109551	04/17/2014	2014-03-057a	04/01/2014	Inv dtd 3/6/14 (2/6, 20, 21/2014)Review TS	No	\$1,650.00
0000109537	04/04/2014	2014-03-200	03/31/2014	2014-03-200-LEGAL SERVICES FOR FEB 20	No	\$2,475.00
0000109537	04/04/2014	2014-03-195	03/28/2014	LEGAL SERVICES FOR JAN 2014 - INVDT	No	\$37.50
0000109477	03/21/2014	2014-03-057	03/10/2014	InvDTD:MARCH 6, 2014- LEGAL SERVICES	No	\$3,900.00
0000109477	03/21/2014	2014-03-056	03/10/2014	INVDtd:FEB 27, 2014 - LEGAL SERVICES FI	No	\$4,762.50
0000109450	03/11/2014	2014-01-183a	03/01/2014	01/15/2014-LegalSvcPeriod-12/12-19/13:As	No	\$3,075.00
0000109449	03/07/2014	2014-02-132	02/24/2014	LEGAL SERVICES INVOICE - DECEMBER 2	No	\$3,000.00
0000109393	02/21/2014	2014-01-183	02/01/2014	01/15/2014 - Legal Svcs Period - Dec2013	No	\$525.00
0000109379	02/19/2014	2014-02-023	02/06/2014	LTR DTD SEPT 27, 2013 - LEGAL MATTER	No	\$351.00
0000109327	02/06/2014	2014-01-057	01/01/2014	Ltr dtd 9/27/13 Server/Filing Fee Civil Case#	No	\$439.00

\$190,137.50

☒ ☒ Inv dtd: Paid <= 1/1/2014 and Date Paid <= 12/31/2013 and Voided? = No

Customize...



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org



MEMORANDUM

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lt. Governor of Guam

George A. Santos
Chairman

Thomas E. B. Borja
Vice Chairman

Carl V. Dominguez
Commissioner

George F. Pereda
Commissioner

Eliza U. Paulino
Commissioner

Joseph M. Leon Guerrero
Resident Commissioner


Michael J. Duenas
Executive Director

Pedro A. Leon Guerrero, Jr.
Deputy Director

DATE: January 16, 2018

TO: Board of Commissioners

VIA: Michael J. Duenas  Pedro A. Leon Guerrero, Jr. 
Executive Director Deputy Director

FROM: Lucele D. Leon Guerrero 
Controller

SUBJECT: Request for Tenant Account Receivables Write-Off through October 31, 2017

The Property Site Managers provided me with memorandums recommending to write-off the attached lists of tenant accounts receivables totaling \$14,226.68:

Property Site	Write-Off Amount
AMP 1	\$ 4,244.39
AMP 2	4,346.75
AMP 3	<u>5,635.54</u>
Total	<u>\$14,226.68</u>

The amounts represent outstanding receivable balances of former tenants. They had been informed through certified mail letters. Staff also have attempted to contact them; however, to no avail.

These balances are affecting the Authority's financial performance. Therefore, I concur with the Property Site Managers to write-off these delinquent balances. Based on the recommendations and concurrences, I am requesting your approval to write-off these balances and forward them to the Department of Revenue & Taxation for Collection.

Your favorable response to this request is greatly appreciated. Please note that AMP 4 will include its request to write-off through December 31, 2017 during the BOC Meeting in month of March 2018. Please let me know if you have any questions.

Attachments

At the Regular Board Meeting of January 24, 2018, a motion was made by Commissioner Dominguez and seconded by Vice Chairman Borja to approve the Request for Tenant Account Receivables Write-Off through October 31, 2017 for AMPs 1, 2, & 3 in the total amount of \$14,226.68. Without any further discussion and objection, the Motion was approved.



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910

Phone: (671) 477-9851 • Fax: (671) 300-7565 • TTY: (671) 472-3701



Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lt. Governor of Guam

George A. Santos
Chairman

Thomas E. B. Borja
Vice Chairman

Carl V. Dominguez
Commissioner

George F. Pereda
Commissioner

Eliza U. Paulino
Commissioner

Joseph M. Leon Guerrero
Resident Commissioner

Michael J. Duenas
Executive Director

Pedro A. Leon Guerrero, Jr.
Deputy Director

January 11, 2018

TO: Lucele Leon Guerrero, Controller

FROM: Property Site Manager, AMP 1

SUBJECT: Recommend to Write-Off Tenant Accounts Receivables
as of October 2017

I have reviewed AMP1's Tenant Account Receivables and attached the listing of accounts recommended for write-off due to no response from former residents. These accounts have been close thru October 31, 2017 totaling \$4,244.39.

These inactive account balances are affecting the Authority's financial performance therefore; I recommend that these balances be written off and forwarded to the Department of Revenue and Taxation for collection.

Thank you,

Narcissa P. Ada
Property Site Manager, AMP 1





GHURA

Guam Housing and Urban Renewal Authority
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117 Bien Venida Avenue, Sinajana, GU 96910
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Website: www.ghura.org



January 4, 2018

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lt. Governor of Guam

George A. Santos
Chairman

Thomas E. B. Borja
Vice Chairman

Annabelle M. Dancel
Commissioner

Carl V. Dominguez
Commissioner

George F. Pereda
Commissioner

Eliza U. Paulino
Commissioner

Joseph M. Leon Guerrero
Resident Commissioner

Michael J. Duenas
Executive Director

Pedro A. Leon Guerrero, Jr.
Deputy Director

TO: Lucele Leon Guerrero, Controller

FROM: Gina M. Cura, Property Site Manager (AMP 2)

SUBJECT: Recommend to Write-Off Tenant Accounts Receivables
Total: \$4,346.75

I have reviewed AMP 2's Tenant Accounts Receivables for the period through October 31, 2017. Attached is a list of accounts to be written off due to non-activity from former residents. The accounts were closed through October 31, 2017.

<u>Aged-Balance Report</u>	<u>Write-Off Amount</u>	<u>(Variance)</u>
\$4,346.75	\$4,346.75	\$0

These inactive accounts are affecting the Authority's financial performance and I am recommending that these accounts be written off and forwarded to the Department of Revenue and Taxation for collection.

Attachment

RECEIVED
MPC 1/4/18

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
WRITE-OFF BALANCES FOR AMP 2
CLOSED OUT October 31, 2017

Unit #	Move Out Date	Reason for Termination	Last Payment Date	Closed Out Processed Date	(Utility Reimbursement)/Rent After Move Out (a)	Cleaning Charges (b)	Security Deposit (c)	A/R Balance (Closed) as of 10/31/2017 (a+b-c)	Comments
1 129 BATD, INRAJAN	10/2/2017	MOVE OUT	8/7/2017	10/20/2017	\$ 375.00	\$ 117.75	\$ (150.00)	\$ 342.75	Negative response to date
2 27 PD, TALOFOFO	8/10/2017	MOVE OUT	6/5/2017	9/8/2017	\$ 283.00	\$ -	\$ (250.00)	\$ 33.00	Negative response to date
3 6 FMD, TALOFOFO	06/22/17	MOVE OUT	5/11/2017	7/25/2017	\$ 140.00	\$ 235.00	\$ (150.00)	\$ 225.00	Negative response to date
4 5 FMD, TALOFOFO	07/10/17	MOVE OUT	3/10/2016	7/25/2017	\$ 125.00	\$ 860.00	\$ (150.00)	\$ 835.00	Negative response to date
5 2 JAP, YONA	08/23/17	ABANDON	11/30/2016	9/15/2017	\$ 48.00	\$ 590.00	\$ (150.00)	\$ 488.00	
6 11 JTO, YONA	05/26/17	MOVE OUT	11/1/2016	6/23/2017	\$ 220.00	\$ 530.00	\$ (150.00)	\$ 600.00	Negative response to date
7 12 JAP, YONA	06/06/17	MOVE OUT	5/15/2017	7/25/2017	\$ 46.00	\$ 105.00	\$ (150.00)	\$ 1.00	Negative response to date
8 41 SME, YONA	06/22/17	MOVE OUT	8/16/2012	7/18/2017	\$ 49.00	\$ 440.00	\$ (150.00)	\$ 339.00	Negative response to date
9 41 JME, YONA	07/20/17	MOVE OUT	6/19/2017	8/1/2017	\$ 1,140.00	\$ -	\$ (150.00)	\$ 990.00	Negative response to date
10 37 SME, YONA	05/24/17	MOVE OUT	9/2/2016	7/25/2017	\$ 53.00	\$ 590.00	\$ (150.00)	\$ 493.00	Negative response to date
				TOTAL:	\$ 2,479.00	\$ 3,467.75	\$ (1,600.00)	\$ 4,346.75	

For 1.11.18



GHURA

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Website: www.ghura.org



January 3, 2018

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lt. Governor of Guam

George A. Santos
Chairman

Thomas E. B. Borja
Vice Chairman

Annabelle M. Dancel
Commissioner

Carl V. Dominguez
Commissioner

George F. Pereda
Commissioner

Eliza U. Paulino
Commissioner

Joseph M. Leon Guerrero
Resident Commissioner

Michael J. Duenas
Executive Director

Pedro A. Leon Guerrero, Jr.
Deputy Director

TO: Lucele Leon Guerrero, Controller

FROM: Property Site Manager

SUBJECT: Recommend to Write-Off Tenant Accounts Receivables
Total: \$5,635.54

I have reviewed AMP3's Tenant Accounts Receivables for the period through October 31, 2017. Attached is a list of accounts to be written off due to non-activity from former residents.

The accounts were closed through October 31, 2017.

These inactive accounts are affecting the Authority's financial performance and I am recommending that these accounts be written off and forwarded to the Department of Revenue and Taxation for collection.

Please feel free to contact me for any questions or concerns.


Pearl Jean J. Mendiola

Attachment

*Received
CJL
01/11/18*

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
 WRITE-OFF BALANCES FOR AMP 3 AS OF OCTOBER 31, 2017
 073-1 AGAT

NO	UNIT NO	MOVE OUT DATE	REASON FOR TERMINATION	DATE OF LAST PAYMENT	DATE CLOSE OUT PROCESSED	(U)R OR RENT BALANCE AFTER MOVE-OUT	CLEANING CHARGES	SECURITY DEPOSIT	A/R BAL ON ACCOUNT (AS OF 10/31/17)	COMMENTS
1	A17	6/2/17	CRIMINAL ACTIVITY	(URP)	10/3/17	\$ (3.00)	\$ 195.00	\$ 150.00	\$ 42.00	NO RESPONSE
2	53MAO	7/19/17	VOLUNTARY 30-DAYS	5/26/17	9/6/17	\$ 327.00	\$ 332.86	\$ 150.00	\$ 509.86	NO RESPONSE
3	64KAL	7/31/17	VOLUNTARY 30-DAYS	6/30/17	9/18/17	\$ 150.00	\$ 600.45	\$ 150.00	\$ 600.45	NO RESPONSE
4	19MAO	7/31/17	NON-COMPLIANCE 30-DAYS	6/5/17	9/18/17	\$ 620.60	\$ 987.97	\$ 150.00	\$ 1,458.57	NO RESPONSE
5	88MAO	10/2/17	NON-COMPLIANCE 24 HOURS	7/7/17	10/24/17	\$ 317.50	\$ 646.11	\$ 150.00	\$ 813.61	NO RESPONSE
6										
7										
8										
9										
10										
TOTAL									\$ 3,424.49	

AGAT	\$	3,424.49
UMATAC	\$	-
MERIZO	\$	2,211.05
GRAND TOTAL	\$	5,635.54

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
WRITE-OFF BALANCES FOR AMP 3 AS OF OCTOBER 31, 2017
073-2 MERIZO

NO	UNIT NO	MOVE OUT DATE	REASON FOR TERMINATION	DATE OF LAST PAYMENT	DATE CLOSE OUT PROCESSED	(UR) OR RENT BALANCE AFTER MOVE-OUT	CLEANING CHARGES	SECURITY DEPOSIT	A/R BAL ON ACCOUNT (AS OF 10/31/17)	COMMENTS
1	133ASD	7/3/17	NON-PAYMENT OF RENT.	5/4/17	7/13/17	\$ 1,209.00	\$ 1,152.05	\$ 150.00	\$ 2,211.05	NO RESPONSE
2										
3										
4										
5										
6										
7										
								TOTAL	\$ 2,211.05	

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
Aturidat Ginima Yan Rinueban Siudat Guahan
BOARD OF COMMISSIONERS
RESOLUTION NO. FY2018-010

Moved by: _____

Seconded by: _____

RESOLUTION ADOPTING GHURA's CODE OF CONDUCT AND ETHICAL STANDARDS (CoCES) superseding BOC FY90-017 and FY08-063

WHEREAS, pursuant to Section 5104, Title 12 of the Guam Code Annotated, the Board of Commissioners of the Guam Housing and Urban Renewal Authority (**GHURA**) is given the right and responsibility to govern and control the operations of the Authority, and to establish policies for its day-to-day operations, and generally to undertake its responsibilities as supreme authority for the agency; and

WHEREAS, it is the Board of Commissioners intent to promote and foster integrity throughout the organization. Such policy is implemented by prescribing a comprehensive Code of Conduct and Ethical Standards (CoCES) for employees, and agents to adhere to; and

WHEREAS, the Board of Commissioners recognizes the need to consolidate and update its Code of Conduct and Ethical Standards for its employees, officials, agents and/or contractors and thus is superseding BOC FY90-17 and FY08-063; and

WHEREAS, this Code of Conduct and Ethical Standard's core principles espouses explicitly that

1) Conflict of Interest – Do not exist when you are seeking to be a landlord in the Section 8 Program; and

2) No GHURA official or employee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest; and therefore be it

RESOLVED, the Board of Commissioners hereby adopts the GHURA's Code of Conduct and Ethical Standards Policy.

IN REGULAR BOARD MEETING, SINAJANA, GUAM – January 24, 2018

PASSED BY THE FOLLOWING VOTES:

AYES:

NAYS:

ABSENT:

ABSTAINED:

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners on **January 24, 2018**.

(S E A L)

MICHAEL J. DUENAS

Secretary / Executive Director



Guam Housing and Urban Renewal Authority

Aturidat Ginima' Yan Rinueban Siudad Guahan

CODE of CONDUCT

And

ETHICAL STANDARDS

(CoCES)



(October __, 2017)

- Grantee Legal Name: Guam Housing and Urban Renewal Authority
- DUNS#: 885031519
- Address: 117 Bien Venida Avenue, Sinajana, GU 96910
- Phone #: (671) 475-1378
- Email address: mjduenas@ghura.org
- Authorized Official: Mr. Michael J. Duenas

Code of Conduct and Ethical Standards (CoCES)

▪ Official's Title:



Director

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PREFACE

In accordance with the U.S. Department of Housing and Urban Development (HUD) Standards of Conduct as set forth in 2 CFR part 200, Section 19 "Conflict of Interest" in the Annual Contributions Contract executed between HUD and the Guam Housing and Urban Renewal Authority ("GHURA" or "the Authority"), and under the mandate of HUD Procurement Handbook No. 7460.8, Chapter 4, it is required that non-Federal entities receiving Federal assistance awards, excluding States, to develop and maintain written standards/codes of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, or administration of contracts. The GHURA Board of Commissioners hereby resolve to enact this Code of Conduct and Ethical Standards ("Code") that shall apply to all its employees, Commissioners, and agents.

PURPOSE

The purpose of this Code shall be to ensure the highest standards of behavior concerning the conduct of GHURA employees, who as members of a public body corporate and politic, hold positions of public trust. Employee shall mean any nominated, appointed, or elected officer or individual employed at GHURA, whether full or part-time, including members of boards or commissions, and persons under contracts with GHURA. This Code is created to provide employees with guidelines concerning the ethical requirements and codes of conduct related to the conduct of business at GHURA by:

1. ensuring accountability to the people they serve, and maintain public confidence in the integrity of the employees of the Authority;
2. ensuring that each are provided with guidelines to assist them with the assessment of potential ethics issues before they may develop;
3. avoiding potential conflict of interest situations;
4. to recognize and change behaviors not compatible with their position of public trust; and



5. providing a system for the fair and effective enforcement of this Code, to include mechanisms for sanctions and other disciplinary actions against employees who violate the standards set forth herein.

I. Annual Contributions Contract with HUD

- A. Conflicts of Interest** – Section 19 of the Annual Contributions Contract (the “ACC”) with HUD provides the following:

1. In addition to any other applicable conflict of interest requirements, neither the Authority nor any of its contractors or their subcontractors may enter into any contract, subcontract, or arrangement in connection with a project under this ACC in which any of the following classes of people has an interest, direct, or indirect, during his or her tenure or for one year thereafter:
 - a. Any present or former member or officer of the governing body of the Authority or any member of the officer's immediate family. There shall be excepted from this prohibition any present or former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the resident corporation, the Authority or a business entity.
 - b. Any employee of the Authority who formulates policy or who influences decisions with the respect to the project(s), or any member of the employee's immediate family or the employee's partner.
 - c. Any public official, member of local governing body, or State or Local legislator, or any member of such individual's immediate family, who exercises functions or responsibilities



with respect to the project(s) or the Authority.

2. Any member of these classes of persons must disclose the member's interest or prospective interest to the Authority and HUD.
3. The requirements of the subsection (A) (1) may be waived by HUD for good cause, if permitted under State and local law. No person for whom a waiver is requested may exercise responsibilities or functions with respect to the contract to which the waiver pertains.
4. The provisions of this subsection (A) (1) shall not apply to the General Depository Agreement entered into with an institution regulated by a Federal agency or to utility service for which the rates are fixed or controlled by a State or local agency.
5. Nothing in this section shall prohibit a tenant of the Authority from serving on the governing body of the Authority.

B. Nepotism

1. The Authority may not hire an employee in connection with a project under this ACC if the prospective employee is an immediate family member of any person belonging to one of the following classes:
 - a. Any person or former member or officer of the governing body of the Authority. There shall be excepted from this prohibition any former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the Authority.
 - b. Any employee of the Authority who formulates policy or who influences decision with respect to the project(s).
 - c. Any public official, member of the local governing body, or



State or local legislator, who exercises functions or responsibilities with respect to the project(s) or the Authority.

2. The prohibition referred to in Subsection (B) (1) shall remain in effect throughout the class member's tenure and for one year thereafter.
3. The class member shall disclose to the Authority and HUD the member's familial relationship to the prospective employee.
4. The requirements of this subsection (B) may be waived by the Authority's Board of Commissioners for good cause, provided that such waiver is permitted by State and local law.
5. The requirements of subsections (A) and (B) of this section do not apply to contracts entered into by an Indian Housing Authority, or its contractors or subcontractors, although such contracts remain subject to other applicable conflict of interest requirements.
6. For the purposes of this section, the term "immediate family member" means the spouse, mother, father, brother, sister, or child of a covered class member (whether related as a full blood relative, or as "half" or "step" relative, e.g. a half-brother or stepchild).

II. Section 8 Conflicts of Interest

24 CFR § 982.161 Conflict of interest:

- (a) Neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
 - (1) Any present or former member or officer of the PHA (except a participant commissioner);

Code of Conduct and Ethical Standards (CoCES)



- (2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;
 - (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
 - (4) Any member of the Congress of the United States.
- (b) Any member of the classes described in paragraph (a) of this section must disclose their interest or prospective interest to the PHA and HUD.
- (c) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

The Housing Assistance Payments Contract (HAP Contract) for the Section 8 Program, between the PHA and the owner of a unit occupied by an assisted family, details the types of interest that are prohibited under the HAP Contract. The HAP contract at Section 13, which is the operative document for Section 8 leases, describes those persons identified in 24 CFR § 982.161 (a) as "covered individuals" and further provides:

13. Conflict of Interest

- a. "Covered individual" means a person or entity who is a member of any of the following classes:
- (1) Any present or former member or officer of the PHA (except a PHA commissioner who is a participant in the program);
 - (2) Any employee of the PHA, or any contractor, sub-contractor or agent of the PHA, who formulates policy or who influences decisions with respect to the program;



- (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or
 - (4) Any member of the Congress of the United States.
- b. A covered individual may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or during one year thereafter.
 - c. "Immediate family member" means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.
 - d. The owner certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the HAP contract, or at any time during the HAP contract term.
 - e. If a prohibited interest occurs, the owner shall promptly and fully disclose such interest to the PHA and HUD.
 - f. The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.
 - g. No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of the HAP contract or to any benefits which may arise from it.

III. Mini Hatch Act



Title 4 Guam Code Annotated § 5103. Prohibited Activity.

- (a) An employee shall not use his official authority or influence for the purpose of interfering with or affecting the result of an election.
- (b) Specific activities in which employees are prohibited from participating include, but are not limited to:
 - (1) soliciting, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a political party, partisan political organization or candidate;
 - (2) organizing, selling tickets to, seeking support for or actively participating in a fund-raising activity of a political party, partisan political organization or candidate;
 - (3) taking an active part in managing the political campaign of a candidate;
 - (4) being a candidate;
 - (5) discharging, promoting, demoting or changing the compensation of any other employee or promising or threatening to do so, because said other employee advocates or fails to advocate through contribution, voting or otherwise, a candidate; and (6) using government travel allowances, government transportation, government supplies or government facilities for the benefit of any political party, partisan political organization or candidate; and
 - (6) using government travel allowances, government transportation, government supplies or government facilities for the benefit of any political party, partisan political organization or candidate.

Title 4 Guam Code Annotated § 5106. Other Restrictions: Penalty.



No person, whether or not an employee, shall solicit or receive a contribution or distribute literature for any political purpose in any room or building occupied in the discharge of official duties by any person employed by the Executive, Legislative or Judicial Branches of the government of Guam. For purposes of this Section, soliciting a contribution includes solicitation by letter or circular addressed to and delivered to any employee in said room or building. Any person who violated this Section is guilty of a misdemeanor.

IV. Federal Procurement Law Conflicts of Interest

2 CFR § 200.318(c)(1) provides for conflicts of interest in Federal procurements and provides in relevant part as follows:

The non-Federal entity must maintain written standards of conduct governing conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employ or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible benefit from a firm considered for a contract.

The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

V. Guam Procurement Law Conflicts of Interest

5 Guam Code Annotated § 5625. Statement of Policy.



Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the territorial procurement organization.

5 Guam Code Annotated § 5626. General Standards of Ethical Conduct.

- (a) General Ethical Standards for Employees. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust.

In order to fulfill this general prescribed standard, employees must also meet the specific standards set forth in §§ 5628 through 5633 of this Chapter.

- (b) General Ethical Standards for Non-Employees. Any effort to influence any public employee to breach the standards of ethical conduct set forth in this Section and §§ 5628 through 5633 of this Chapter is also a breach of ethical standards.

5 Guam Code Annotated § 5628. Employee Conflict of Interest.

- (a) Conflict of Interest. It shall be a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:
- (1) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
 - (2) a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
 - (3) any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

Code of Conduct and Ethical Standards (CoCES)



- (b) Financial Interest in a Blind Trust. Where an employee or any member of the employee's immediate family holds a financial interest in a blind trust, the employee shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the Civil Service Commission.
- (c) Discovery of Actual or Potential Conflict of Interest, Disqualification, and Waiver. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, apply to the Civil Service Commission in accordance with § 5676(c) of this Chapter for an advisory opinion as to what further participation, if any, the employee may have in the transaction.
- (d) Notice. Notice of this prohibition shall be provided in accordance with regulations promulgated by the Civil Service Commission.

5 Guam Code Annotated § 5629. Employee Disclosure Requirements.

- (a) Disclosure of Benefit Received from Contract. Any employee who has, or obtains any benefit from, any territorial contract with a business in which the employee has a financial interest shall report such benefit to the Civil Service Commission; provided, however, that this Section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.
- (b) Failure to Disclose Benefit Received. Any employee who knows or should have known of such benefit, and fails to report such benefit to the Civil Service Commission is in breach of the ethical standards of this Section.
- (c) Notice. Notice of this requirement shall be provided in accordance with regulations promulgated by the Civil Service Commission.

VI. Gratuities and Kickbacks

5 Guam Code Annotated § 5630. Gratuities and Kickbacks.



- (a) **Gratuities.** It shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract; or to any solicitation or proposal therefor.
- (b) **Kickbacks.** It shall be a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- (c) **Contract Clause.** The prohibition against gratuities, kickbacks and favors to the Territory prescribed in this Section shall be conspicuously set forth in every contract and solicitation therefor.
- (d) **Favors to the Territory.** For purposes of this Section, a favor is anything, including raffle tickets, of more than de minimus value and whether intended for the personal enjoyment of the receiver or for the department or organization in which they are employed or for any person, association, club or organization associated therewith or sponsored thereby. It shall be a breach of ethical standards for any person who is or may become a contractor, a subcontractor under a contract to the prime contractor or higher tier contractor, or any person associated therewith, to offer, give or agree to give any employee or agent of the Territory or for any employee or agent of the Territory to solicit or accept from any such person or entity or agent thereof, a favor or gratuity on behalf of the Territory whether or not such favor or gratuity may be considered a reimbursable expense of the Territory, during the pendency of any matter related to procurement, including contract performance warranty periods.

VII. Restrictions on Employment of Present and Former Employees.



5 Guam Code Annotated § 5632.

- (a) Contemporaneous Employment Prohibited. Except as may be permitted by regulations pursuant to this Chapter or pursuant to Title 4 GCA, or rulings of the Civil Service Commission pursuant to this Chapter, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Notice of this provision shall be provided in accordance with regulations promulgated by the Civil Service Commission.
- (b) Restrictions on Former Employees in Matters Connected with Their Former Duties.
- (1) Permanent Disqualification of Former Employee Personally Involved in a Particular Matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the Territory, in connection with any:
- (A) judicial or other proceeding, application, request for a ruling, or other determination;
- (B) contract;
- (C) claim; or
- (D) charge or controversy;
- in which the employee participated personally and substantially

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through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where the Territory is a party or has a direct and substantial interest.

- (2) One Year Representation Restriction Regarding Matters for Which a Former Employee Was Officially Responsible. It shall be a breach of ethical standards for any former employee, within one (1) year after cessation of the former employee's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the Territory, in connection with any:

(A) judicial or other proceeding, application, request for a ruling or other determination;

(B) contract;

(C) claim; or

(D) charge or controversy; in matters which were within the former employee's official responsibility, where the Territory is a party or has a direct or substantial interest.

- (c) Disqualification of Business When an Employee Has a Financial Interest. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the Territory, in connection with any:

(1) judicial or other proceeding, application, request for a ruling or other determination;

(2) contract;



- (3) claim; or
- (4) charge or controversy;

in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of the employee's official responsibility, where the Territory is a party or has a direct and substantial interest.

- (d) Selling to the Territory After Termination of Employment is Prohibited. It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed Twelve Thousand Dollars (\$12,000.00), to engage in selling or attempting to sell supplies, services other than personal services, or construction to the Territory for ninety (90) days following the date employment ceased. The term sell as used herein means signing a bid, proposal, or contract; negotiating a contract, contracting any employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this Section is not intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with this Territory, nor shall a former employee be precluded from serving as a consultant to this Territory.

VIII. Gifts and Reporting of Gifts

4 Guam Code Annotated § 15201. Gifts.

No employee shall solicit, accept, or receive, directly or indirectly, any gift valued singly or in the aggregate from a single source in excess of \$200, whether in the



form of money, prize, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, when a reasonable person would infer that the gift is intended to influence the employee in the performance of that individual's official duties or is intended as a reward for any official action on that individual's part.

4 Guam Code Annotated § 15202. Reporting of Gifts

- (a) Every employee shall file a gifts disclosure statement with the Guam Ethics Commission on June 30 of each year if all the following conditions are met
- (1) The employee, or spouse or dependent child of an employee, received directly or indirectly from any source any gift or gifts valued singly or in the aggregate from a single source in excess of \$200, whether the gift is in the form of money, services, goods, or in any other form;
 - (2) The source of the gift or gifts have interests that may be affected by the official action or lack of action by the employee; and
 - (3) The gift is not exempted by subsection (d) from reporting requirements under this section.
- (b) The report shall cover the period from January 1 of the preceding calendar year through December 31 of the year of the report.
- (c) The gifts disclosure statement shall contain the following information:
- (1) A description of the gift;
 - (2) A good faith estimate of the value of the gift;



- (3) The date the gift was received; and
 - (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.
- (d) Excluded from the reporting requirements of this section are the following:
- (1) Gifts received by will or intestate succession;
 - (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
 - (3) Gifts from a spouse, fiancé, fiancée, any relative within three degrees of consanguinity or the spouse, fiancé, or fiancée of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;
 - (4) Political campaign contributions that comply with territorial law. This section shall not exempt the recipient of campaign contributions from the reporting requirements of the Election Code.
 - (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
 - (6) Gifts that within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
 - (7) Exchange of approximately equal value on holidays,



birthday, or special occasions. (e) Failure of an employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.

- (e) Failure of an employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.

IX. Fair Treatment

4 Guam Code Annotated § 15204.

No employee shall use or attempt to use an official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or herself, a spouse, children, or others, including but not limited to the following:

- (a) seeking other employment or contract for services by the use or attempted use of the individual's office or position;
- (b) accepting, receiving, or soliciting compensation for the performance of official duties or responsibilities except as provided by law;
- (c) using government time, equipment, or other facilities for private business purposes;
- (d) soliciting, selling, or otherwise engaging in a financial transaction with a subordinate or a person or business whom the employee inspects or supervises in official capacity.
- (e) Nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or making statements or taking action in the exercise of legislative functions. Every legislator shall file with the Guam Ethics Commission a full



and complete public disclosure of the nature and extent of the legislator's interest on any legislative transaction which primarily affects only the legislator or legislators involved or their spouses and not the community as a whole or a segment thereof. Disclosure must be made at time of introduction of such legislation, or when the legislator shall first have knowledge of such legislation.

X. Public Officers and Employees: Conflicts of Interest

4 Guam Code Annotated § 15205. Conflicts of Interest.

- a. No employee shall take any official action directly affecting:
- (1) business or other undertaking in which the employee has a financial interest; or
 - (2) private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

A department head who is unable to be disqualified on any matter described in item (1) or (2) of this Subsection may be in violation of this Subsection even if the individual has complied with the disclosure requirements of § 15208; and a person whose position on a board, commission or committee is mandated by statute, resolution or executive order to have particular qualifications shall only be prohibited from taking official action that directly and specifically affects a business or undertaking in which such person has a financial interest; provided that the financial interest is related to the member's particular qualifications.

- (b) No employee shall acquire financial interests in any business or other undertaking which the employee has reason to believe may be directly involved in official action to be taken by the employee.

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- (c) No employee shall assist any person or business or act in a representative capacity before any territorial agency for any compensation in any transaction involving the Territory.
 - (d) No employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which the employee has participated or will participate as an employee, nor shall the employee assist any person, or business, or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the Legislature or territorial agency of which the individual is an employee.
 - (e) No employee shall assist any person or business or act in a representative capacity before a territorial agency for a fee or other compensation, on any bill, contract, claim, or other transaction or proposal involving official action by the agency if the employee has official authority over that agency unless such employee has complied with the disclosure requirements of § 15208.
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- (f) Nothing herein shall preclude an employee from having outside business interests or employment so long as such interests or employment do not interfere with performance of official duties and is not otherwise in direct conflict with this Chapter.
 - (g) All employees, as defined in this Section, who know, or with reasonable investigation should know, that the employee has a financial interest in any decision pending before that employee or the agency of which the employee is a member shall not vote for or against, discuss, decide, in any way participate in considering the matter, or seek to influence the votes or decisions of others on such matter.



Prior to any determination of the matter, the employee shall verbally disclose at the meeting, if any, the nature of such interest, and shall have such disclosure placed in the official records of the agency. Should an employee be absent from that meeting or a portion of that meeting, the employee is required to verbally disclose the nature of the conflict at the next attended meeting and said disclosure shall be placed in the official records of the agency. Further, the employee must complete a Disclosure of Conflicts of Interest form with the Guam Election Commission within three (3) working days upon the employee's recognition of said conflict.

- (h) A legislator who casts a vote with respect to any bill on the floor of the Guam Legislature in which the legislator has a financial interest shall prepare a written statement that identifies the bill, the legislator's vote and the nature of the legislator's financial interest. The legislator shall file the statement with the Office of the Speaker and a copy immediately provided to the Clerk of I Liheslaturan Guåhan prior to voting. The statement shall be posted on I Liheslaturan Guåhan's website.
- (i) The Guam Election Commission shall be the main repository for the Disclosure of Conflicts of Interest forms and shall create such form to be distributed to all departments, agencies, boards and commissions. Such form shall include, but not be limited to, the name of the employee, the entity represented, and a statement of disclosure describing the matter or decision pending before the employee, and the nature and description of the conflict.

XI. Contracts

4 Guam Code Annotated § 15206. Contracts.

- (a) A territorial agency shall not enter into any contract with an employee with a business in which an employee has a controlling interest, unless the contract has been awarded through an open, public process. A territorial



agency may, however, enter into such contract without resort to competitive bidding process when, in the opinion of the General Services Agency or the procurement officer of that branch of government, the property or services does not fall within the purview of competitive bidding; provided that written justification for the non-competitive award of such contract be made a matter of public record and shall be filed with the Guam Ethics Commission at least ten (10) days before such contract is entered into.

With regards to members of boards, commissions, and committees, this Subsection shall apply only to contracts entered into between a business in which a member has a controlling interest and a territorial agency in which the board, commission, or committee to which the individual is appointed has jurisdiction.

- (b) A territorial agency shall not enter into a contract with any person or business which is represented or assisted in a material manner in the matter by a person who has been an employee of that agency within the preceding twelve (12) months and who participated while in territorial office or employment in a material manner in the matter with which the contract is directly concerned. § 15207. Contracts Voidable. In addition to any other penalty provided by law, any contract entered into by the Territory in violation of this Chapter, is voidable by the Territory; provided that in any act to void a contract pursuant to this Section, the interests of third parties who may be damaged thereby, shall be taken into account, and the action to void the transaction is initiated within ninety (90) days after the determination of a violation under this Chapter. The Attorney General shall have the authority to enforce this provision.

4 Guam Code Annotated § 15207. Contracts Voidable.

In addition to any other penalty provide by law, any contract entered into by the Territory in violation of this Chapter, is voidable by the Territory; provided that in



any act to void pursuant to this Section, the interests of third parties who may be damaged thereby, shall be taken into account, and the action to void the transaction is initiated within ninety (90) days after the determination of a violation under this Chapter. The Attorney General shall have the authority to enforce this provision.

XII. Post Employment

4 Guam Code Annotated § 15210. Restrictions on Post Employment

- (a) No former employee shall disclose any information which by law is not available to the public and which the employee acquired in the course of official duties or use the information for personal gain or the benefit of anyone.
- (b) No former employee shall, within twelve (12) months after termination from employment, assist any person or business, or act in a representative capacity for a fee or other consideration, on matters involving official action by the particular territorial agency with which the employee had actually served.
- (c) This Section shall prohibit any agency from contracting with a former employee to act on a matter on behalf of the Territory within the period of limitations stated herein, unless exempted by law.

4 Guam Code Annotated § 2104. Conflict of Interest

- (a) No person who has served as a director, administrator, manager or who has had authority to approve, disapprove or direct territorial action of any department, agency, public corporation or instrumentality of the government of Guam may be appointed to any position, be employed in any capacity whatsoever, or enter into any contract in an individual



capacity or as a partner or as a director or shareholder of a corporation with any department, agency, public corporation or other instrumentality of the government of Guam in which such person had previously served in such capacity until after the expiration of one hundred eighty (180) days from termination of said service.

- (b) No person who has served as a Director, Administrator, Manager, or has held authority to approve, disapprove or direct territorial action of any department, agency, public corporation or instrumentality of the government of Guam may be appointed to any position, be employed in any capacity whatsoever, or may contract in an individual capacity or as a partner or as a director or shareholder of a corporation with any department, agency, public corporation or other instrumentality of the government of Guam in which he had previously served in such capacity until after the expiration of one (1) year from the termination of said service.

XIII. GHURA Projects: Conflict of Interest

12 Guam Code Annotated Chapter § 5107: Interest in Projects

During his tenure and for one (1) year thereafter, no Commissioner, officer or employee of the Authority shall voluntarily acquire any personal interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such Commissioner, officer or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a Commissioner, officer or employee, or thereafter, then in any such event, the Commissioner, officer or employee, shall immediately disclose his interest, in writing, to the Authority and such disclosure shall be entered upon the minutes of the Authority, and the Commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this



Subsection shall constitute misconduct in office. These provisions shall not be applicable to the acquisition of any interest in notes or bonds of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture or agreement, or to utility services the rates for which are fixed or controlled by a governmental agency.

XIV. Miscellaneous Prohibitions

4 Guam Code Annotated Chapter 4 § 4205:

- (a) Preferences, conditions and prohibitions concerning employment in the Government shall conform with the provisions of the Organic Act of Guam. No person shall be discriminated against in connection with any of the processes provided for by this Chapter or in the rules adopted thereunder because of race, color, political opinions or religious opinions or affiliations.
- (b) Any person who uses or attempts to use political influence or promises any advantage in connection with the selection or promotion of any employee in the classified services, solicits contributions for political purposes or solicits during office hours or at any time makes demands upon employees in the classified services for such contribution shall be guilty of a petty misdemeanor.
- (c) Any person who willfully makes a false or misleading statement in order to secure employment, advancement or other benefits under this Chapter or under the rules adopted thereunder shall be guilty of a petty misdemeanor and, in addition, shall forfeit the position, employment, benefit or advancement sought through the false or misleading statement or statements.
- (d) No person who advocates, or who aids or belongs to any party,

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organization or association which advocates the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold a Government position.

- (e) No officer or employee of the Government shall conduct or engage in any business or trade outside the government service without the prior approval of his department head as provided in § 4105 of this Chapter. In addition to the limitations contained in § 4105(d) of this Chapter:

(1) No approval shall be granted if such business or trade may be prejudicial to the best interests of the people or if there may be a conflict of interest between the officer's or employee's government position and the outside trade or business;

(2) Every officer or employee who has a direct or indirect interest in any firm, partnership, business or corporation which contracts with the Government, at the time of submission of bids or commencement of negotiations as the case may be, shall file a statement under oath with the Director of Administration for Executive Branch employees, and the Court Administrator for Judiciary employees describing such interest. Any such statement shall also be given to the department head of such employee and shall also be a public record for all purposes. As used in this Section, 'interest' includes ownership of not less than five percent (5%) of the firm, corporation or partnership or the employee having a position with the said firm, corporation or partnership equivalent to that of officer, manager or other decision-making position.

- (f) Failure by an officer or employee to comply with any of the provisions of Subsection (e) of this Section shall be grounds for dismissal from government service and the Director of Administration or Court Administrator, as the case may be, shall order the compensation stopped of any officer or employee found to be in violation.



- (g) Any contract entered into involving a violation of Subsection (e) of this Section may be declared null and void at the discretion of the Government.
- (h) No contract may be entered into whereby any officer or employee shall have any administrative, supervisory or directory power over the execution thereof if such officer or employee has any direct or indirect interest in the contractor or in the contract. All contracts entered into in violation of this Subsection are void.

XV. Confidential Information

5 Guam Code Annotated § 5633: Use of Confidential Information (Procurement)

It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

4 Guam Code Annotated § 15203: Confidential Information

No employee shall disclose information which is considered a private document by existing law, and which the employee acquires in the course of official duties, or use the information for personal gain or for the benefit of someone else.

XVI. Grant Conflicts of Interest

Community Development Block Grant-24 CFR § 570.611

- (a) Applicability

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- (1) In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict of interest provisions in 2 CFR 200.317 and 200.318 shall apply.
 - (2) In all cases not governed by 2 CFR 200.317 and 200.318, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).
- (b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.
- (c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.
- (d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.



- (1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:
- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
 - (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
 - (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
 - (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;
 - (v) Whether the interest or benefit was present before the affected person in a position as described in paragraph (b) of this section;
 - (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 - (vii) Any other relevant considerations.



HOME Grant-24 CFR § 92.356

- (a) **Applicability.** In the procurement of property and services by participating jurisdictions, State recipients, and subrecipients, the conflict of interest provisions in 2 CFR 200.317 and 2 CFR 200.318, apply. In all cases not governed by 2 CFR 200.317 and 2 CFR 200.318, the provisions of this section apply.
- (b) **Conflicts prohibited.** No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.
- (c) **Persons covered.** The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or subrecipient which are receiving HOME funds.
- (d) **Exceptions: Threshold requirements.** Upon the written request of the participating jurisdiction, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. An exception may be considered only after the participating jurisdiction has provided the following:
 - (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

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- (2) An opinion of the participating jurisdiction's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (e) Factors to be considered for exceptions. In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:
 - (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
 - (2) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
 - (3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
 - (4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
 - (5) Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 - (6) Any other relevant considerations.
- (f) Owners and developers.
 - (1) No owner, developer, or sponsor of a project assisted with HOME funds (or officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor or immediate family member or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor) whether private, for-profit or nonprofit (including a community housing development organization (CHDO) when acting as an owner, developer, or sponsor) may occupy a HOME-assisted affordable housing unit in a project during the required period of affordability specified in § 92.252(e) or § 92.254(a)(4). This provision does not apply to an individual who



receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

- (2) Exceptions. Upon written request of a housing owner or developer, the participating jurisdiction (or State recipient, if authorized by the State participating jurisdiction) may grant an exception to the provisions of paragraph (f)(1) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME program and the effective and efficient administration of the owner's or developer's HOME-assisted project. In determining whether to grant a requested exception, the participating jurisdiction shall consider the following factors:

- (i) Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (ii) Whether the person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted housing in question;
- (iii) Whether the tenant protection requirements of § 92.253 are being observed;
- (iv) Whether the affirmative marketing requirements of § 92.351 are being observed and followed; and
- (v) Any other factor relevant to the participating jurisdiction's determination, including the timing of the requested exception.

Emergency Shelter Grant- 24 CFR § 576.404

- (a) Organizational conflicts of interest. The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the recipient, the subrecipient, or a parent or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required



under § 576.401 or administer homelessness prevention assistance under § 576.103. Recipients and sub recipients must also maintain written standards of conduct covering organizational conflicts of interest required under 2 CFR 200.318.

- (b) Individual conflicts of interest. For the procurement of goods and services, the recipient and its subrecipients must comply with 2 CFR 200.317 and 200.318. For all other transactions and activities, the following restrictions apply:
 - (1) Conflicts prohibited. No person described in paragraph (b)(2) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.
 - (2) Persons covered. The conflict-of-interest provisions of paragraph (b)(1) of this section apply to any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients.
 - (3) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this subsection on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (b)(3)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (b)(3)(i) of this section.
 - (i) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:
 - (A) If the recipient or subrecipient is a government, disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

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- (B) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law.
- (ii) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph (b)(3)(i) of this section, HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective and efficient administration of the recipient's or subrecipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
 - (A) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
 - (B) Whether an opportunity was provided for open competitive bidding or negotiation;
 - (C) Whether the affected person has withdrawn from his or her functions, responsibilities or the decision-making process with respect to the specific activity in question;
 - (D) Whether the interest or benefit was present before the affected person was in the position described in paragraph (b)(1) of this section;
 - (E) Whether undue hardship results to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
 - (F) Any other relevant considerations.
- (c) Contractors. All contractors of the recipient or subrecipient must comply with the same requirements that apply to subrecipients under this section.

Continuum of Care Grant-24 CFR § 578.95

Code of Conduct and Ethical Standards (CoCES)



- (a) Procurement. For the procurement of property (goods, supplies, or equipment) and services, the recipient and its subrecipients must comply with the standards of conduct and conflict-of-interest requirements under 2 CFR 200.317 and 200.318.
- (b) Continuum of Care board members. No Continuum of Care board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.
- (c) Organizational conflict. An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or subrecipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under this part, or when a covered person's, as in paragraph (d)(1) of this section, objectivity in performing work with respect to any activity assisted under this part is or might be otherwise impaired. Such an organizational conflict would arise when a board member of an applicant participates in decision of the applicant concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee of a recipient or subrecipient participates in making rent reasonableness determinations under § 578.49(b)(2) and § 578.51(g) and housing quality inspections of property under § 578.75(b) that the recipient, subrecipient, or related entity owns.
- (d) Other conflicts. For all other transactions and activities, the following restrictions apply:
 - (1) No covered person, meaning a person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients and who exercises or has exercised any functions or responsibilities with respect to activities assisted under this part, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under this part, may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate



family or business ties, during his or her tenure or during the one-year period following his or her tenure.

- (2) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this section on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (d)(2)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (d)(2)(i) of this section.

- (i) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

(A) Disclosure of the nature of the conflict, accompanied by a written assurance, if the recipient is a government, that there has been public disclosure of the conflict and a description of how the public disclosure was made; and if the recipient is a private nonprofit organization, that the conflict has been disclosed in accordance with their written code of conduct or other conflict-of-interest policy; and

(B) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law, or if the subrecipient is a private nonprofit organization, the exception would not violate the organization's internal policies.

- (ii) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph (c)(3)(i) of this section, HUD must conclude that the exception will serve to further the purposes of the Continuum of Care program and the effective and efficient administration of the recipient's or subrecipient's project, taking into account the cumulative effect of the following factors, as applicable:

(A) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;



- (B) Whether an opportunity was provided for open competitive bidding or negotiation;
- (C) Whether the affected person has withdrawn from his or her functions, responsibilities, or the decision-making process with respect to the specific activity in question;
- (D) Whether the interest or benefit was present before the affected person was in the position described in paragraph (c)(1) of this section;
- (E) Whether undue hardship will result to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict;
- (F) Whether the person affected is a member of a group or class of persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; and
- (G) Any other relevant considerations.

Other Grants

Each employee, Board Member, and agent of GHURA shall further comply with the conflicts of interest provision for other grants, including but not limited to, the Family Self Sufficiency Grant, Resident Opportunities and Self Sufficiency, Shelter Plus Care, and the Supportive Housing Program.

XVII. Compliance with Code



It is the responsibility of each employee, Board Member, and agent of GHURA to comply with all provisions of this Code. In the event there is confusion or a question concerning the content or application of this Code, guidance may be sought from a Supervisor, Program Manager, Office of Human Resources, or the Executive Director. This Code is created to ensure that each employee, Board member and agent maintains the highest standards of integrity in conducting the business and functions of the Authority. It is expected that each employee will "do the right thing" to ensure the highest standards of integrity is practiced. (See **Appendix A-1 – HOTLINE Contact Information.**)

XVIII. Applicability of Law

This Code shall be in full compliance with all applicable Federal and Guam laws, rules and regulations. In the event there is a contradiction or inconsistency between Federal and/or Guam laws, rules and regulations, and this Code, then Federal and/or Guam laws, rules and regulations shall control. In the event Federal and/or Guam laws, rules and regulations are modified or eliminated, or a new law, rule or regulation is enacted, then to the extent the new law, rule or regulation is inconsistent with the provisions of this Code, it shall automatically supersede the applicable provision of this Code.

XIX. Administration-Reporting Suspected Violations

GHURA employees, Commissioners, and agents are responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. This applies to any fraud, theft, waste or abuse, or suspected fraud, theft, waste, or abuse involving any Commissioner, employee, consultant, vendor, contractor, or governmental agency with which they do business.

Specifics relating to fraud, theft, waste or abuse are supported and supplemented by a variety of existing policies and various accounting and reporting procedures. These codes further provide a framework to support compliance with this policy. GHURA does not tolerate any type of fraud, waste or abuse. The agency's policy is to promote consistent, legal and ethical organizational behavior.

Code of Conduct and Ethical Standards (CoCES)



- A. GHURA employees, Commissioners, and agents are required to report any suspected fraud, theft, waste or abuse, or other dishonest conduct to their supervisor, manager or Executive Director. The Executive Director has the authority to determine the merits of a report of suspected fraud including obtaining, if necessary, the assistance of its Legal Counsel. Any employee, Commissioner, or agent who suspects dishonest or fraudulent activity will notify the Executive Director or their immediate Manager or Supervisor immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act.
- B. There shall be no retaliation against any party who makes a good faith complaint concerning violations of this Code of Conduct and Ethical Standards regardless of whether it is ultimately determined that such violation has in fact not occurred. In addition, there will not be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Code of Conduct and Ethical Standards.
- C. All supervisors have a responsibility to be sensitive when dealing with violations of this Code of Conduct and Ethical Standards. This responsibility includes monitoring all relevant work activities and contacting a higher lever supervisor or the Executive Director if it is reasonably believed that a violation of the Code of Conduct and Ethical Standards has occurred. Any such report shall be investigated regardless of whether a formal complaint has been made.

XX. Discipline

GHURA employees, Commissioners, and agents who are deemed to have committed a violation of this Code, or who have failed to comply with any part thereof, shall be subject to disciplinary action, up to and including immediate termination, and if warranted, legal proceedings or criminal sanctions.

- A. The Authority will pursue prosecution if results of any investigation indicate



the possibility of criminal activity. Examples include, but are not limited to; (1) engaging in any form of fraud, theft, waste or abuse, (2) failing to report a discovery of fraudulent activity, or failing to report his/her suspicions as required by these codes, or (3) intentionally reporting/submitting false or misleading information.

B. In addition to existing remedies for breach of this Code of Conduct and Ethical Standards, herein, GHURA may issue one or more of the following:

1. oral or written warnings or reprimands;
2. suspension with or without pay for specified periods of time;
3. termination of employment;
4. in the case of a board member, a written recommendation to the appointing authority for removal of such official; and
5. in the case of a contractor or agent, suspension or debarment.

XXII. Dissemination

GHURA employees, Commissioners, and agents shall be provided and acknowledge receipt of this Code upon adoption and implementation, and shall abide by its mandates. Any and all changes to this Code will further be provided upon adoption and implementation.

SOURCES:



- 1) HUD Sample Template
- 2) *Code of Ethics* – The Housing Authority of the County of Dekalb
- 3) Code of Ethics/Standards of Conduct – The Housing Authority of the City of Charlotte
- 4) Guam Code Annotated
- 5) Code of Federal Regulations
- 5) BOC Resolution No. FY90-17 – Adopt a Conflict of Interest Policy
- 6) BOC Resolution No. FY08-063 – Resolution Approving the Ethics Policy and Procedures (An Update to Resolution No. FY90-17)

DRAFT



HOTLINE CONTACT INFORMATION

Contact any of the following entities to share concerns or report improper activities:

- 1) GHURA Hotline **(671) 477-9851 – Select Option “5”**
- 2) HUD Office of the Inspector General Hotline **(800) 347-3735**
- 3) Office of Public Accountability Hotline **(671) 472-8348**
- 4) Office of the Governor **(671) 475-9350/53**
- 5) Office of the Attorney General **(671) 475-3324**

DRAFT



GUAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

PROGRAM YEAR 2016

OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The projects named in this report advance the goals set forth in Guam's strategic plan and 2016 action plan. The goals fall into the following categories:

1. Public Facilities and Improvement
2. Sustain Affordable Housing Stock
3. Community Enhancement

The projects for this funding period are the Acquisition and Construction of the Central Precinct Command, the Rehabilitation of the Umatac Baseball Field, the Opportunity Initiative, Kurason Ysengsong, Homeless Management Information System, Lighthouse Recovery Center, Family Services Center, Homeowner New Construction, and Homeless Prevention and Rapid Rehousing Services.

Of the PY2016 Community Development Block Grant (CDBG) funds received, Guam proposed to utilize **68% of its funds for Public Facilities and Improvement projects**. These projects include: 1) Acquisition/Construction of the Central Precinct Command; and the 2) Rehabilitation of the Umatac Baseball Field. **Guam proposed to use 12% for Public Services for the following projects:** 3) The Opportunity Initiative; 4) Homeless Management Information System; 5) Lighthouse Recovery Center; and 5) Family Services Center. **Funds proposed for Administrative and Planning activities totaled 20%**, and these activities involve monitoring projects for regulatory compliance such as Fair Housing and Section 504, processing of payment requests, and implementation of proposed priorities and goals as established in the Consolidated Plan.

Guam set a goal of creating and/or retaining 500 jobs within the 5-year ConPlan period. Guam is pursuing a Section 108 Loan Guarantee that has potential to create several hundred new jobs. Guam has researched several ideas with various prospective partners, and while the project will create new jobs, Guam may need to reduce the goal of number of jobs created so that it is commensurate with the Section 108 Loan Guarantee.

Guam also proposed to assist 5000 individuals via improved public transportation infrastructure in its strategic plan. While Guam has entered into talks with the Guam Rapid Transportation Authority (GRTA) to discuss potential projects, GRTA is not prepared to submit proposals at this

time. Guam intends to revise its stated goals on transportation infrastructure.

Next, the proposed outcomes for *HOME - Homeowner Housing Rehabilitated* stated in the Consolidated Plan is not attainable, and will have to be revised to reflect a more achievable outcome. The proposed 100 rehabilitated houses may have included housing that is funded by other programs. Guam is preparing to submit an update on its proposed outcomes under the HOME program. Also, under *HOME - Rental Units Constructed*, the initial proposal of 200 rental units constructed is a conflated figure to include both HOME and LIHTC properties. When both programs are considered, Guam is on track to meeting its goal.

Guam remains on track to achieving its other stated goals in the Consolidated Plan.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Community Enhancement	Homeless Non-Homeless Special Needs	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	15000	8748	58.32%	6377	2896	45.41%
Community Enhancement	Homeless Non-Homeless Special Needs	CDBG: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	500	99	19.8%		54	
Community Enhancement	Homeless Non-Homeless Special Needs	CDBG: \$	Homelessness Prevention	Persons Assisted	200	53	26.5%	36	19	52.7%

Increase Homeowner Education and Counseling	Affordable Housing		Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	50	23	46%		23	
Job Creation and Job Retention	Non-Homeless Special Needs Non-Housing Community Development		Jobs created/retained	Jobs	500	0	0.00%		0	
Promote Fair Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	100	28	28.00%		28	
Public Facilities and Improvement	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	50000	49152	98.30%	28438	0	0.00%
Public Transportation Infrastructure Improvements	Non-Housing Community Development		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5000	0	0.00%		0	

Special Needs and Low-to-Moderate Income Housing	Affordable Housing Non-Homeless Special Needs	HOME: \$636414	Rental units constructed	Household Housing Unit	200	0	0.00%	0	
Special Needs and Low-to-Moderate Income Housing	Affordable Housing Non-Homeless Special Needs	HOME: \$636414	Homeowner Housing Added	Household Housing Unit	40	9	22.5%	3	8
Special Needs and Low-to-Moderate Income Housing	Affordable Housing Non-Homeless Special Needs	HOME: \$636414	Homeowner Housing Rehabilitated	Household Housing Unit	100	4	4 %	1	266%
Sustain Affordable Housing Stock	Affordable Housing	HOME: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	23	23%	23	
Sustain Affordable Housing Stock	Affordable Housing	HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	100	4	4%	1	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The two Public Facilities and Infrastructure projects funded under CDBG in PY2016 address the specific ConPlan and AAP priorities to acquire, construct or rehabilitate facilities to serve low-and-moderate income communities through improved access to safety services and access to

recreation and sports centers.

The Central Precinct Command broke ground on June 14, 2017 on property acquired during the previous project period. The project site is located along Route 4 in Sinajana, south of the intersection of Route 4 and Chalan Canton Tutujan. The facility will serve multiple villages in the central region, of which 28,004 or 54% of the population are low-and-moderate income persons. The completed facility will cover approximately 10,000 square feet and include separate juvenile and adult holding cells, training facilities, a Commander's Office, briefing and interview rooms, a mountain bike patrol center, among other features. The project includes construction for improved roadways in the immediate area.

The Rehabilitation of the Umatac Baseball Field Project was advertised for bid during the project year. However, Guam had to re-bid the project; therefore, work on the Umatac site will commence during PY2017. The completed project will serve both the Umatac and adjacent Agat communities with an accessible recreational facility that promotes physical fitness and the development of recreational sports teams.

The Rehabilitation and Upgrade of the Astumbo Gym, which began in PY2015, has continued through PY2016. Anticipated completion of this project is November 2017. The rehabilitated facility will qualify the gym as a Tier 2 shelter that can accommodate 400 individuals seeking shelter from a natural disaster. The upgrades will also include ADA accessibility features.

A project under the Renewal Affordable Homes Program used HOME funds for the construction of five houses for eligible low-and-moderate income individuals. The project, called Astumbo 5, continued through PY2016 and will be completed by the end of 2017. The new homes will be available for purchase by eligible first-time homebuyers. This project addresses the ConPlan priority of sustaining affordable housing stock.

The projects funded under Public Services address the priority of Community Support Services. During PY2016, CDBG funds helped support the work of organizations that provide suitable living environments and enhance the quality of life of very low and low-income individuals and special needs populations. These service providers include The Salvation Army's Lighthouse Recovery Center, HMIS and Family Services Center, Ayuda Foundation's Island Girl Power, and Big Brothers Big Sisters of Guam's Opportunity Initiative. These organizations run various programs, including assistance for homeless or near-homeless individuals, homeless prevention services, jobs placement and family enrichment programs for LMI individuals, and youth development programs.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME	ESG
White	130	0	5
Black or African American	33	0	3
Asian	291	5	0
American Indian or American Native	13	0	3
Native Hawaiian or Other Pacific Islander	2,282	15	170
Total	2,749	20	181
Hispanic	2	0	0
Not Hispanic	2,747	20	181

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The number of persons assisted in Table 2 does not include "Multi-Racial," a category that many of the sub-recipients tracked. Collectively, 328 individuals identified as "multi-racial", bringing the total number of individuals assisted up from 2749 to a total of 3077.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	3,059,657	1,732,833
HOME	HOME	1,651,641	1,569,217
HOPWA	HOPWA		
ESG	ESG	234,233	202,328
Other	Other		

Table 3 - Resources Made Available

Narrative

This reporting year, Guam received an allocation of \$4,026,920 in Community Planning and Development (CPD) funds. Of the total funds awarded, \$3,043,965, in addition to program income, was utilized for Community Development Block Grant projects that included the ongoing construction of the Central Precinct Command, the rehabilitation of the Umatac Baseball field, and public services to assist low and moderate income families. ESG funds in the amount of \$234,233 have been awarded to provide homeless prevention and rapid re-housing services. 70% of funds will go toward rapid re-housing services to assist families living in emergency shelters or on the streets. In addition to reprogrammed funds, the HOME Program received funds in the amount of \$748,722, of which \$636,413 was allocated for the Homeowner New Construction Project. Guam planned to acquire private property for 3 single family units for sale to eligible first-time homeowners.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

While Guam does not target specific geographic areas, prospective projects are evaluated based on feasibility, cost-effectiveness, impact in the community and need. The two Public Facilities projects meet HUD's requirements of benefiting low-and-moderate-income persons. Guam has allocated funds for the rehabilitation of the Umatac Baseball Field located in southern Guam, where the residents of the villages of Umatac and nearby Agat can utilize the project for recreation and physical fitness. Umatac and Agat qualify as LMI areas, and the Umatac project provides Guam's southern residents access to recreational facilities in their community. The funding of the Umatac Baseball Field project follows the rehabilitation of the Astumbo Gym in PY2015, which is located in northern Guam and is slated to be completed in PY2017. The Astumbo gym is located in Dededo, where 65% of village residents qualify as LMI

individuals. In prior project years, recreational facilities in the central village of Sinajana was rehabilitated, and another northern facility in Agafa Gumas was also rehabilitated. The Umatac project expands access to recreational facilities to LMI residents in southern Guam. The construction of the Central Precinct Command commenced in PY2016, and when completed, it will serve multiple villages in the central region of Guam. The total number of individuals served is approximately 28,004 individuals. The projects listed above (Central Precinct Command, Umatac Baseball Field) have not been completed during the reporting period; thus the Actual Percentage of Allocation per project is yet to be determined.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Resources from various funders provide additional support to Guam projects. These include corporate partners, federal agencies, and local government. Funding from federal agencies have come from the U.S. Dept. of Interior, U.S. Veterans Administration, U.S. Probation Office, U.S. Dept. of Health and Human Services, and the U.S. Dept. of Housing and Urban Development. Local government funding sources include Guam Behavioral Health and Wellness Center and Guam Dept. of Public Health and Social Services. Sub-recipients from the nonprofit sector contribute their resources that include private giving, corporate support and in-kind assistance.

Public Facilities and Infrastructure

Facilities constructed or rehabilitated with CDBG funds will be maintained by the respective organizations or government entities. This reporting year, construction on the Central Precinct Command and the Umatac Baseball Field commenced. The Guam Police Department will oversee the maintenance and upkeep of the Central Precinct Command, while the Umatac Mayor's Office will oversee their baseball field. Public Services sub-recipients involved in a CDBG public service program have all contributed additional resources to complete their projects. This reporting year, public services sub-recipients were all nonprofit organizations that reported leveraging funds from individual donations, corporate sponsorships, and funds from private foundations and other government grants.

Matching Requirements

Guam is waived from HOME and ESG matching requirements.

In this reporting year, Guam allocated less than 1% of its CDBG funds to match the Continuum of Care (CoC) Program's database project, the Homeless Management Information System (HMIS). The HMIS is a HUD-required tool that allows human service providers to enter, track and report on information on homeless clients. HMIS also allows GHURA to track its sub-recipients' progress on HUD-funded projects.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	0
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	0
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	0

Table 5 – Fiscal Year Summary - HOME Match Report

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	336,200	0	336,200	0	0	0
Number	1	0	1	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	336,200	336,200	0			
Number	1	1	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0		0		
Businesses Displaced		0		0		
Nonprofit Organizations Displaced		0		0		
Households Temporarily Relocated, not Displaced		0		0		
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	32	54
Number of Non-Homeless households to be provided affordable housing units	16	8
Number of Special-Needs households to be provided affordable housing units	1	0
Total	49	62

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	40	54
Number of households supported through The Production of New Units	3	8
Number of households supported through Rehab of Existing Units	1	0
Number of households supported through Acquisition of Existing Units	0	0
Total	44	62

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

In PY2016, Guam set out to provide 49 households with affordable housing through the HOME and ESG programs. 62 households were placed in affordable housing, exceeding the annual goal. The outlook for the next program period looks even more promising. Guam anticipates a further increase in Households Supported in the next program year as the inventory of affordable housing will increase. The increase is the result of the completion of several projects including the HOME Acquisition/Rehabilitation known as the AsTumbo 5 project and a 66-unit LIHTC development. Outside of CDBG, HOME and ESG, increases in

other resources will allow for more individuals to be served. For example, Guam is slated to receive additional resources through the HUD Veterans Affairs Supportive Housing program (HUDVASH). Partners working with the Dept. of Veteran's Affairs report that Guam is anticipating 5 additional HUDVASH vouchers, bringing Guam's total to 46 vouchers. Moreover, Guam's program partners in the Continuum of Care have received non-HUD funding to expand their services to homeless youth to provide housing and treatment services.

Discuss how these outcomes will impact future annual action plans.

Future annual action plans will include the ongoing prioritization of affordable housing. Partner organizations, working through the Continuum of Care, likewise will continue to work on rapid rehousing and housing prevention programs. Given the additional resources that have become available to Guam's homeless population, Guam may have to adjust or increase its targets in future annual action plans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	0	8
Moderate-income	0	0
Total	0	8

Table 13 – Number of Households Served

Narrative Information

Under the HOME program, a total of 8 individuals were served. 7 individuals qualified as low-income (at the 80% income limit) and were placed in affordable housing. 1 individual qualified as very low-income (at the 50% income limit) and was placed in a home under the Neighborhood Stabilization Program.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Continuum of Care's Guam Homeless Coalition continued providing outreach and services to homeless persons throughout PY2016. The following events and services took place during the reporting period:

Annual Homeless Passport to Services: The annual Passport to Services provides a variety of mainstream services such as vaccinations and employment services to those who are homeless and at-risk for becoming homeless. The event is facilitated by government, nongovernment and private sector entities that provide information and services. At this outreach, homeless persons are given assistance to apply for programs such as housing or veterans' benefits.

Homeless Point-in-Time Count: The Point-in-Time count gives service providers the opportunity to know where to find and provide services to homeless persons who otherwise would not avail themselves of such programs, either because of lack of transportation or lack of knowledge of programs. Dozens of volunteers helped to canvass the island to document the number of sheltered and unsheltered homeless individuals on Guam.

Service Providers: Guam's service providers, including the CoC, conduct regular outreaches to engage homeless, including those who are chronically homeless. Service providers of beds ensure their occupancy is at 100% by conducting regular outreaches. In addition to providing beds, services are often coupled with treatment for those with substance abuse issues. Organizations in the healthcare field also regularly engage homeless populations by visiting underserved areas and conducting outreaches in areas where homeless persons are known to congregate.

Medical Outreach: Several community organizations participated in an annual medical outreach to serve homeless individuals. Services provided included immunization, HIV/STI screenings, diabetes screenings, and eligibility screenings for Public Health and Dept. of Labor programs. The University of Santo Tomas Alumni Association organized the outreach, which was held at the Catholic Social Services campus on November 2016.

Addressing the emergency shelter and transitional housing needs of homeless persons

Guam has several emergency shelters and transitional housing programs to address the needs of homeless persons. The available resources are listed below:

Guma San Jose Guma San Jose consists of two shelters that provide temporary housing for males and families. One of the shelters was constructed with CDBG funds from a prior allocation. Both shelters receive local funds from the Department of Public Health and Social Services (DPHSS) for the operations of these facilities. Although non-HUD funded, information collected from persons served are inputted into the HMIS and are utilized for various reporting purposes. In addition, five homes previously renovated with CDBG funds in the village of Dededo located beside the Guma San Jose shelter has been repurposed. The five homes were renovated to provide affordable rental housing to income eligible individuals and families. Guam then reconsidered the target population, and although the units remain as permanent housing, they are now made available to homeless families and managed by Guma San Jose. Funding through the DPHSS has been identified to support the maintenance and operations of these homes which target homeless persons.

Catherine's Home/Alee Shelter (Women) This facility was constructed with CDBG funds from PY2010 to house adult females and their children who are victims of domestic violence. The project provides services to at least 350 women and children annually. Alee Shelter (Children) This 24-~~hour~~ emergency receiving home takes in children ages birth to seventeen who are victims of abuse and/or neglect. These children are referred by Child Protective Services (CPS), a division of the DPHSS.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

In past CAPERs, Guam has reported on the lack of housing for children in the care of Child Protective Services as a challenge. During this program year, some progress has been made on this front. In June 2017, the Government of Guam announced the building of a foster care home funded by the Dept. of Interior and to be completed by March 2018. The facility will assist several of the island's temporary shelter programs that have often been used to house foster care children.

The Emergency Solutions Grant continues to assist homeless and near-homeless individuals by providing rapid rehousing and homeless prevention services. ESG grants cover rental and utility assistance for persons and individuals on the verge of becoming homeless. Eligible households can also receive housing relocation and stabilization services such as counseling, case management and money management classes.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Help for homeless persons transition to a more stable life has come in various forms. For one, the use of HMIS has improved the quality of data collection significantly, thus allowing for improved services to homeless persons. HMIS has allowed for better coordination of data collection not just from CoC members, but has included data from non-HUD funded service providers, thus making services more streamlined and efficient.

GHURA and Guam's Continuum of Care have continued to prioritize Emergency Solutions Grant funds to provide rapid re-housing and homeless prevention services. Rapid re-housing consists of quickly moving homeless persons who reside on the streets or in one of Guam's homeless shelters into permanent housing. Persons are given rental and utility assistance of up to 6 months while receiving housing relocation and stabilization services which consists of case management, counseling, and money management classes. Because the program is not long-term individuals and families are screened to ensure those who are entered into the program have the capacity to stabilize their housing once the program ends.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Guam has successfully utilized tax credits to assist large developers in their projects as in prior years. In 2016, GHURA awarded over \$2.17M in tax credits to Summer Town Estates III, LLC to support the development of 66 rental units that include 33 three-bedroom/2 bathroom units and thirty-three 4-bedroom/2 bathroom units in Lada, Dededo. These units will income eligible individuals and their families.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Guam's public housing residents can prepare for homeownership through the Family Self-Sufficiency (FSS) program. The program links Section 8 and public housing residents with services to help build their financial assets while working toward personal goals that include home ownership, improving credit scores and finding employment. During the program year, Guam enrolled 117 participants, and of this total, 42 individuals are contributing to an escrow account in anticipation of purchasing a home.

Guam engages public housing residents in management through the appointment of one public housing tenant to GHURA's Board of Commissioners. This program year, there is one such representative serving as a Resident Commissioner.

Public housing residents are also encouraged to be involved in management through participation in the Resident Advisory Board (RAB). Two out of the four public housing properties have established RABs that meet monthly. Recruitment for the RABs are ongoing. Members take an active role in deciding what improvements need to occur, such as capital improvements or long-term self-sufficiency programs. For example, the agenda for an upcoming RAB meeting will include a discussion on the smoke-free policy and plans to designated smoking areas on the property site.

Actions taken to provide assistance to troubled PHAs

N/A

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Since 2016, Guam has been impacted by the shift in the U.S. Dept. of Labor's processing of temporary alien workers under the H-2B visa program. The U.S. Dept. of Labor has not approved H-2B visa petitions since 2016, and this visa program typically includes skilled and semi-skilled tradesmen for the construction industry. The lack of visa approvals has slowed construction projects significantly. The Guam business community is pursuing a legal resolution, and lawmakers are working with Guam's congressional delegate to address the matter. The visa rejections has not only affected commercial development and home construction, but has impacted other sectors such as the health industry.

Guam has successfully utilized tax credits to assist large developers in their projects as in prior years. In 2016, GHURA awarded over \$2.17M in tax credits to Summer Town Estates III, LLC to support the development of 66 rental units that include thirty-three 3-bedroom/2 bathroom units and thirty-three 4-bedroom/2 bathroom units in Lada, Dededo. These units will target income-eligible individuals and their families.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Special Needs and Low-to-Moderate Income Housing:

- Guam was successful in closing the homeowner loans of 8 eligible first-time homebuyers through the Renewal Homes Program. The Marianas Community Development Corporation was successful in placing an additional 13 homeowners in affordable homes under the Renewal Homes Program.
- 1 household completed the renovations to their home to bring it up to code compliance. Assistance was made available under the Homeowner Rehabilitation Program.

Public Facilities and Improvement

- Guam acquired property for the Central Precinct Command project, and began construction during the program year. A ground-breaking ceremony was held June 14, 2017 in the village of Sinajana. Construction continues into PY2017.
- Rehabilitation of the Astumbo Gym was ongoing in PY2016.

- Rehabilitation of the Umatac Baseball Field commenced in PY2016.

Community Enhancement

- Guam funded the following Public Services projects under Community Enhancement: *the Salvation Army's Lighthouse Recovery Center*, an evidence-based substance abuse treatment for homeless and low-and-moderate income, at-risk men seeking treatment services; *Big Brothers Big Sisters of Guam's Opportunity Initiative*, a project to provide enrichment activities, work readiness and literacy skills trainings, and jobs placement; *Ayuda Foundation's Kurason Ysenqson*, a program to provide youth leadership and development activities and other educational and recreational programs; *the Salvation Army's Family Services Center* to prevent homelessness among individuals and families with rapid rehousing and emergency and transitional housing; *the Homeless Management Information System* that captures client level information on persons served through various homeless programs.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Guam complies with local and federal statutes pertaining to lead-based paint. Additionally, Guam contractors are required to comply with 40 CFR Part 745. The federal law requires contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities and schools built before 1978 to be certified and to follow specific work practices to prevent lead contamination.

GHURA maintains an allocation of approximately 2,500 housing vouchers under the Housing Choice Voucher Program (HCVP). New HCVP tenants attend an initial briefing as part of their entrance into the program. Participants are instructed on the hazards of lead-based paint and are provided HUD-approved materials on the subject. HCVP building inspectors conduct lead-based paint inspections to ensure safety compliance prior to permitting occupancy for an individual or family participating in the program. An equivalent process is maintained for the 750 units of Public Housing (PH) administered by GHURA. PH administration is mandated to comply with all federal laws regarding the operation and upkeep of units receiving federal funds. Guam conducts inspections also for CoC funded tenant-based rental assistance units, housing units acquired through HOME funds for acquisition and rehabilitation, homeowner units under the HOME-funded Homeowner Rehabilitation Program, and for facilities that are acquired and rehabilitate where children will occupy the building. Families who are occupying units that are built prior to 1980 that have been inspected and passed are provided a Lead-Based Paint brochure that discusses the hazards of lead-based paint poisoning. These inspections are part of Guam's housing policies and procedures.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Guam has taken actions to reduce the number of poverty-level families by working toward the goals set

forth in the 2015-2019 ConPlan.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Guam dedicates time and resources to ensure that its existing policies and routine practices concur with federal and local requirements. And when necessary, staff will make the requisite revisions to policies and procedures. Similarly, when relevant opportunities for training and development arise, Guam participates by ensuring appropriate staff participate.

The following trainings were undertaken in the current program year to develop GHURA's institutional structure:

- Ethics training conducted by Lora Han, Chief Counsel, HUD
- Fair Housing and Equal Opportunity training conducted by Jelani Madaraka, Lead Civil Rights Analyst, HUD Honolulu Field Office
- CDBG HUD Monitoring Visit by Brian Johnson, CPD Sr. Representative, HUD Honolulu Field Office
- 5-day Quadel Certification Training and Testing for Public Housing Management (PHM), Uniform Physical Condition Standards (UPCS), and Public Housing Assessment System (PHAS)
- Staff attended various webinars offered through HUD Exchange and Novogradac; Board of Commissioners attended webinars on ethics and board fundamentals offered through the National Association of Housing and Redevelopment Officials, HUD and the Government of Guam.
- Resident Opportunities and Self-Sufficiency (ROSS) staff attended a national conference for service coordinators.
- Procurement training for management staff

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

GHURA maintains a strong network among social service providers in its capacity as the Public Housing Authority and as the Collaborative Applicant for Guam's Continuum of Care. These providers work in partnership to address populations facing homelessness, domestic violence, mental illness, disabilities, financial hardship, among other challenges. In engaging these social service providers, GHURA is also working to advance the goals and priorities identified in the Five-Year Consolidated Plan (2014-2019).

These organizations include the following:

Ayuda Foundation
Big Brothers Big Sisters of Guam
Catholic Social Services
Dept. of Public Health and Social Services
GovGuam Association of Retired Persons
Guahan Academy Charter School
Guam Association of Realtors
Guam Behavioral Health and Wellness Center
Guam Dept. of Education
Guam Division of Integrated Services for Individuals with Disabilities
Guam Facilities Foundation Inc. (GFFI)
Guam Fire Department
Guam Homeless Coalition
Guam Police Department
Habitat for Humanity Guam
Mayors' Council of Guam
Micronesia Community Development Corp. (MCDC)
Oasis Empowerment Center
Sanctuary Guam, Inc.
The Salvation Army
University of Guam
U.S. Dept. of Veterans Affairs
Victim Advocates Reaching Out
Westcare Pacific

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Guam's latest Analysis of Impediments to Fair Housing, conducted in 2011, cites the lack of understanding of the fair housing complaint system as one barrier to fair housing. Since that finding, Guam has regularly taken the lead to conduct outreach and informational sessions to improve the public's understanding of fair housing. The information sessions have incorporated how to identify and report complaints. In the past program year, Guam facilitated two fair housing trainings that included a broad audience of public housing personnel, real estate agents, nonprofit LIHTC property managers, veterans groups and other members of the community. A similar training also took place in partnership with the Guam Association of Realtors.

To further improve understanding of fair housing rights and resources among non-English speakers, Guam through its network of community partners, has sought assistance from multi-lingual interpreters who help cross linguistic barriers to provide information assistance about housing issues.

Another barrier cited in the 2011 report is the difficulty in enforcing fair housing laws due to Guam's landlord and tenant code. Guam has taken steps to address this impediment by consulting with the Guam Legislature and its working group to provide input on a tenants' bill of rights. This bill of rights will encompass fair housing practices, among other concerns. Additionally, Guam is enlisting guidance from HUD to form a broad network of service providers who could provide referral services and basic guidance on fair housing issues.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

During this project year, the following monitoring activities took place:

- Guam conducted onsite monitoring of all construction-related activities throughout the construction process. Monitoring includes compliance with applicable federal and local laws.
- CDBG Public Service projects were monitored for performance measured against programmatic and financial requirements.
- CDBG public facilities constructed through past awards were physically inspected for continued compliance with HUD regulatory requirements. As government-owned public facilities are held to compliance in perpetuity, monitoring is continual.
- On-site and remote monitoring of HOME activities is conducted for homebuyer and homeowner programs.

Standards and Procedures for Monitoring Activities:

To achieve a strong program, Guam regularly provides technical assistance, training and monitoring of sub-recipients and grantees. The following activities took place during the program year:

- Mandatory orientation for new grantees and sub-recipients at the start of the program year
- Planners and program coordinators are assigned full responsibility for oversight of individual projects
- Technical assistance is provided upon request
- GHURA monitors the timely submission of expenditure reimbursement request, which is within 60 calendar days of the close of the period the expenses were incurred. Sub-recipients and grantees are informed that non-compliance with deadlines may result in delays to future reimbursement processing
- GHURA holds sub-recipients and grantees responsible for timely submission of periodic reports in compliance with the terms of the award.

Physical Inspections

GHURA's Architect and Engineering (A/E) Division regularly monitors the CDBG and HOME –funded construction activities. A/E staff conducts physical inspections of project sites prior, during and after the

completion of a project to ensure strict compliance. These visits ensure construction timelines and quality requirements throughout the construction process are met. The monitoring process continues annually once CDBG and HOME-funded projects are completed to ensure the use of the buildings is in compliance with HUD regulations.

Program Monitoring

GHURA continues to conduct monitoring activities such as desk-reviews and on-site reviews throughout the program year. These activities allow GHURA to administer the funded programs effectively and ultimately improve services rendered to the community. GHURA continues to increase efforts to educate, train and work in partnership with sub-recipients and stakeholders to ensure compliance with the laws and regulations governing those funds. Additionally, improving monitoring activities is a goal the agency continues to build upon to effectively administer funded activities /programs.

Guam conducts desk reviews or on-site monitoring of homeless program activities of the Continuum of Care Program and the Emergency Solutions Grant on an annual basis.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Guam conducts a public hearing to allow the public to provide oral and written commentary on the draft performance report, or the Consolidated Annual Performance Evaluation Report (CAPER). Comments are then incorporated into the report prior to Guam's final submission to HUD. Guam publishes a total of three advertisements, or Notice to the Public ads, that include details of the purpose of the report, important dates and timelines concerning the public comment period, public hearing and deadline to receive written comments. The ads are placed in a newspaper of general circulation. The CAPER is also submitted to the Guam State Clearinghouse as part of an inter-governmental review process.

This CAPER was made available for public review and comment on November 24, 2017 to December 12, 2017. Guam advertised the availability of the report on two different dates: November 24, 2017 and December 11, 2017 in the Guam Daily Post. Guam held a public hearing on December 12, 2017 to give the public an opportunity to provide oral comments. The report was also published online on the GHURA website, www.ghura.org, and hard copies were made available at GHURA's Main Office located at 117 Bien Venida Ave., Sinajana, Guam 96910.

The following oral/written comments were received:

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There are no changes to the program objectives for the reporting period.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

GHURA on-site inspections are conducted for the following programs:

Public Housing

Housing Choice Voucher Program/Section 8/UDVASH

CoC Housing First Rental Assistance

CoC Y'Jahame Permanent Housing Program

CoC Empowered Together

HOME - Acquisition and Rehabilitation

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

Guam ensures widespread access to information about affordable housing programs by publicly posting notices in the Guam Daily Post, a newspaper of general circulation, and through posts on the GHURA website. Other publications are also used to ensure broader circulation of HOME programs. This includes purchasing ads in the Pacific Daily News and the U Matuna, a faith-based publication. Guam utilizes similar marketing actions to advertise construction projects funded through HOME funds.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

During PY2016, Guam utilized CDBG Program Income funds in the amount of \$15,692 toward the Construction of the Central Precinct Command project. Situated in Sinajana, this facility will increase access to public safety services for residents from multiple villages in Guam's central region. Also during PY2016, Guam utilized HOME Program Income funds in the amount of \$149,994.62 toward acquisition and rehabilitation activities for the Renewal Program.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Guam continues to support the development of new affordable rental housing through the issuance of annual federal tax credits as allowed through Internal Revenue Service's regulations. The LIHTC developments on Guam have benefited individuals at or below 60% area median gross income, elderly through the Project Based Voucher program, and veterans in the HUD VASH program.

During this reporting period, Guam awarded over \$2.17M in tax credits to Summer Town Estates III, LLC to support the development of 66 rental units that includes 33 three-bedroom/two-bathroom units and 33 four-bedroom/two-bathroom units for income-eligible families.

CR-60 - ESG 91.520(g) (ESG Recipients only)

ESG Supplement to the CAPER in *e-snaps*

For Paperwork Reduction Act

1. Recipient Information—All Recipients Complete

Basic Grant Information

Recipient Name	GUAM
Organizational DUNS Number	855031519
EIN/TIN Number	960001279
Identify the Field Office	HONOLULU
Identify CoC(s) in which the recipient or subrecipient(s) will provide ESG assistance	

ESG Contact Name

Prefix	Ms
First Name	Katherine
Middle Name	E
Last Name	Taitano
Suffix	0
Title	Chief Planner

ESG Contact Address

Street Address 1	117 Bien Venida Avenue
Street Address 2	0
City	Sinajana
State	GU
ZIP Code	-
Phone Number	6714751322

CAPER

Extension 0
Fax Number 6713007565
Email Address katherine@ghura.org

ESG Secondary Contact

Prefix
First Name
Last Name
Suffix
Title
Phone Number
Extension
Email Address

2. Reporting Period—All Recipients Complete

Program Year Start Date 10/01/2016
Program Year End Date 09/30/2017

3a. Subrecipient Form – Complete one form for each subrecipient

Subrecipient or Contractor Name: GUAM

City: Sinajana

State: GU

Zip Code: 96910, 3643

DUNS Number: 855031519

Is subrecipient a victim services provider: N

Subrecipient Organization Type: Unit of Government

ESG Subgrant or Contract Award Amount: 216666

Subrecipient or Contractor Name: The Salvation Army

City: Tiyan

State: GU

Zip Code: 96913,

DUNS Number: 855033457

Is subrecipient a victim services provider: N

Subrecipient Organization Type: Other Non-Profit Organization

ESG Subgrant or Contract Award Amount: 17567

CR-65 - Persons Assisted

4. Persons Served

4a. Complete for Homelessness Prevention Activities

Number of Persons in Households	Total
Adults	19
Children	4
Don't Know/Refused/Other	0
Missing Information	0
Total	23

Table 16 – Household Information for Homeless Prevention Activities

4b. Complete for Rapid Re-Housing Activities

Number of Persons in Households	Total
Adults	73
Children	71
Don't Know/Refused/Other	0
Missing Information	0
Total	144

Table 17 – Household Information for Rapid Re-Housing Activities

4c. Complete for Shelter

Number of Persons in Households	Total
Adults	0
Children	0
Don't Know/Refused/Other	0
Missing Information	0
Total	0

Table 18 – Shelter Information

4d. Street Outreach

Number of Persons in Households	Total
Adults	0
Children	0
Don't Know/Refused/Other	0
Missing Information	0
Total	0

Table 19 – Household Information for Street Outreach

4e. Totals for all Persons Served with ESG

Number of Persons in Households	Total
Adults	92
Children	75
Don't Know/Refused/Other	0
Missing Information	0
Total	167

Table 20 – Household Information for Persons Served with ESG

5. Gender—Complete for All Activities

	Total
Male	73
Female	94
Transgender	0
Don't Know/Refused/Other	0
Missing Information	0
Total	167

Table 21 – Gender Information

6. Age—Complete for All Activities

	Total
Under 18	75
18-24	14
25 and over	78
Don't Know/Refused/Other	0
Missing Information	0
Total	167

Table 22 – Age Information

7. Special Populations Served—Complete for All Activities

Number of Persons in Households

Subpopulation	Total	Total Persons Served – Prevention	Total Persons Served – RRH	Total Persons Served in Emergency Shelters
Veterans	5	3	2	0
Victims of Domestic Violence	2	0	2	0
Elderly	0	0	0	0
HIV/AIDS	0	0	0	0
Chronically Homeless	1	0	1	0
Persons with Disabilities:				
Severely Mentally Ill	12	6	6	6
Chronic Substance Abuse	9	4	4	0
Other Disability	21	13	8	0
Total (Unduplicated if possible)	42	23	19	0

Table 23 – Special Population Served

CR-70 – ESG 91.520(g) - Assistance Provided and Outcomes

10. Shelter Utilization

Number of New Units - Rehabbed	0
Number of New Units - Conversion	0
Total Number of bed-nights available	0
Total Number of bed-nights provided	0
Capacity Utilization	0.00%

Table 24 – Shelter Capacity

11. Project Outcomes Data measured under the performance standards developed in consultation with the CoC(s)

As the administrator of HUD funds, GHURA in collaboration with the local Continuum of Care (CoC) developed the performance standards for the project outcomes. Guam utilized the Homeless Management Information System (HMIS) to measure the performance of all homeless programs inclusive of the ESG. The various components that are evaluated include client eligibility, services rendered, compliance with the households Individual Service Plan or the Housing Stability and Affordability Plan, and progress of households receiving assistance such as permanent placement of housing. General performance standards such as housing are also reported and evaluated.

CR-75 – Expenditures

11. Expenditures

11a. ESG Expenditures for Homelessness Prevention

	Dollar Amount of Expenditures in Program Year		
	2014	2015	2016
Expenditures for Rental Assistance	22,612	16,722	10,006
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	1,556	3,162	4,307
Expenditures for Housing Relocation & Stabilization Services - Services	20,550	44,101	19,837
Expenditures for Homeless Prevention under Emergency Shelter Grants Program	0	0	0
Subtotal Homelessness Prevention	44,718	63,985	34,150

Table 25 – ESG Expenditures for Homelessness Prevention

11b. ESG Expenditures for Rapid Re-Housing

	Dollar Amount of Expenditures in Program Year		
	2014	2015	2016
Expenditures for Rental Assistance	71,734	87,244	88,358
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	14,503	12,509	30,945
Expenditures for Housing Relocation & Stabilization Services - Services	45,755	63,684	27,559
Expenditures for Homeless Assistance under Emergency Shelter Grants Program	0	0	0
Subtotal Rapid Re-Housing	131,992	163,437	146,862

Table 26 – ESG Expenditures for Rapid Re-Housing

11c. ESG Expenditures for Emergency Shelter

	Dollar Amount of Expenditures in Program Year		
	2014	2015	2016
Essential Services	0	0	0
Operations	0	0	0
Renovation	0	0	0

Major Rehab	0	0	0
Conversion	0	0	0
Subtotal	0	0	0

Table 27 – ESG Expenditures for Emergency Shelter

11d. Other Grant Expenditures

	Dollar Amount of Expenditures in Program Year		
	2014	2015	2016
Street Outreach	0	0	0
HMIS	13,593	18,796	21,317
Administration	0	0	0

Table 28 - Other Grant Expenditures

11e. Total ESG Grant Funds

Total ESG Funds Expended	2014	2015	2016
638,850	190,303	246,218	202,329

Table 29 - Total ESG Funds Expended

11f. Match Source

	2014	2015	2016
Other Non-ESG HUD Funds	0	0	0
Other Federal Funds	0	0	0
State Government	0	0	0
Local Government	0	0	0
Private Funds	0	0	0

Other	0	0	0
Fees	0	0	0
Program Income	0	0	0
Total Match Amount	0	0	0

Table 30 - Other Funds Expended on Eligible ESG Activities

11g. Total

Total Amount of Funds Expended on ESG Activities	2014	2015	2016
638,850	190,303	246,218	202,329

Table 31 - Total Amount of Funds Expended on ESG Activities

Guam 2018 Low-Income Housing Tax Credit Qualified Allocation Plan (Draft)

Guam Housing and Urban Renewal Authority

Submission for Review and Approval by GHURA BOC
1/17/2018

GHURA developed this Qualified Allocation Plan (QAP) which sets forth (1) the criteria to evaluate and allocate tax credits to projects which best meet the housing needs of Guam, and (2) the procedure to monitor for compliance with the provisions of the Low-Income Housing Tax Credit Program.

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GOVERNMENT OF GUAM
LOW-INCOME HOUSING TAX CREDIT PROGRAM
2018 QUALIFIED ALLOCATION PLAN

I. Introduction

The Low-Income Housing Tax Credit (LIHTC) Program, created by the Tax Reform Act of 1986, is intended to encourage the construction or rehabilitation of low-income rental units. The regulations which govern this Program are contained in Section 42 of the Internal Revenue Code (the “Code” or IRC). The LIHTC Program provides Federal tax credits to qualified project owners who agree to maintain all or a portion of a project's units for low-income individuals or families. The Guam Housing and Urban Renewal Authority (GHURA) has been designated as the agency responsible for the administration of the Low-Income Housing Tax Credit Program for Guam.

GHURA developed this Qualified Allocation Plan (QAP) which sets forth (1) the criteria to evaluate and allocate tax credits to projects which best meet the housing needs of Guam, and (2) the procedure to monitor for compliance with the provisions of the Low-Income Housing Tax Credit Program.

**This allocation plan shall be effective for reservations and awards of LIHTC
for calendar year 2018. The allocation plan is subject to amendment by the
GHURA Board of Commissioners.**

The QAP will utilize a point system to rank projects based upon the evaluation criteria established. The ranking of projects, along with all other relevant data, will determine the priorities to be followed by GHURA in allocating tax credits to the projects under consideration. The scores derived from the point system will be a component of the overall evaluation, and not the sole determining factor for the awarding of tax credits. In addition to the scores derived, GHURA will review all relevant data required in the application. GHURA retains the option to approve or reject applications based on GHURA’s assessment of Guam’s housing needs during the period covered by the QAP. Projects selected under this QAP shall be evaluated as to the minimum amount of tax credits required in order to make the project feasible.

Guam’s 2018 tax credit allocation total is \$2,988,891. Applicants seeking housing credit allocations in excess of the 2018 total must demonstrate the financial capability to complete the project or show that the project can be scaled to fit the available 2018 funding. GHURA supports and encourages applicants to consider the merits of mixed financing in pursuit of sustainable affordable development.

II. Application Process

Applications for the Low-Income Housing Tax Credit are available at GHURA's website at www.ghura.org or by submitting a written request to GHURA at the address shown below.

Guam Housing and Urban Renewal Authority (GHURA)
c/o Executive Director
117 Bien Venida Avenue
Sinajana, Guam 96910

Applications for tax credits should be submitted to GHURA by no later than **2:00 p.m., Friday, June 15, 2018**. GHURA shall have the right to defer the consideration of any application if such deferral is deemed in the best interests of meeting housing needs.

GHURA reserves the right to reject any and all applications that fail to comply with the requirements of the QAP. GHURA further reserves the right to waive minor informalities and/or minor irregularities in any application at its discretion.

Application forms provided by GHURA must bear original signatures where signatures are required. Photocopies of supporting documents will be accepted. Application should be computer-generated or typed. Handwritten applications are prohibited. Application should have content, formatting and pagination identical to that of the 2018 Application Form provided by GHURA. It should have no missing information or any information that is erroneous, incomplete or inconsistent. All attachments and supporting documentation required must be included in the Application package.

GHURA shall review the application and supporting documents to ensure that it is complete and contains all required information. Complete applications shall then be evaluated in accordance with the QAP to determine the project's rank in relation to other projects in the evaluation. Projects must meet a minimum score of 88 out of 126 to be evaluated to determine the minimum amount of tax credits required to make the project feasible. Projects with a score of 87 or less shall not be considered for award or reservation. The amount of tax credits reserved or allocated to a particular project will be limited to the amount GHURA, in its sole discretion, deems necessary to make the project feasible.

The allocation plan will utilize a point system to rank projects based upon the evaluation criteria established. In addition to the scores derived, GHURA will review all relevant data required in the application which include, but are not limited to, the applicant's financial statements, experience in producing low-income housing units, reasonableness of development and operating budgets, and an independent market study in awarding the tax credits. If GHURA determines clarification is required, applicant will be notified via written notice. Applicant will be given 5 business days from the date of the notice to provide the information.

Projects selected under this allocation plan shall then be evaluated as to the minimum amount of tax credits required in order to make the project feasible.

III. Selection Criteria

It is GHURA's intent to maximize the use of the Territory's limited resources to address the substantial need for rental homes that are accessible and affordable to Guam's low-income households. Emphasis is placed on serving lower income people and on efficiently leveraging LIHTCs and other GHURA financing resources to increase and sustain the supply of affordable rentals in communities that are suitable for such development.

A. Policy:

- 1) 9% LIHTC to be used for the following:
 - a. New Construction
 - b. Rehabilitation of existing inventory but excluding acquisition costs of real estate, buildings, and depreciable assets from eligible basis (no acquisition LIHTC).
- 2) Project owner/applicant must be established and registered with the Territory of Guam.

B. Minimum Thresholds

Applicants must meet the following Minimum Threshold requirements to receive consideration for an allocation or award of Low Income Housing Tax Credits.

- 1) **Market Study:** A comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project by a disinterested party must be submitted as part of this application. The Market Study shall be completed at the Owner's expense. Any application failing to submit a Market Study or submits a Market Study with a date older than 6 months before the date of application submission will not be considered for an award of tax credits. Market Study requirements are specified in Appendix 1.
- 2) **Site Control:** To receive consideration for an award of LIHTC, the applicant must have control of the site in a form acceptable to GHURA. Evidence of site control shall be submitted with the application for Low Income Housing Tax Credits. Site control shall be substantiated by providing evidence in the form of an executed lease or sale option agreement, fee simple deed, executed land lease, or any other documentation acceptable to GHURA. Evidence of site control must be provided for all proposed sites.

For example: Applicant shall provide evidence that the seller in a purchase agreement or the lessor under the ground lease is the actual owner of the property. Acceptable evidence is a copy of the recorded deed or a title commitment referencing the owner and the seller or lessor are the same.

- 3) **Capital Needs Assessment** (For projects acquiring an existing property. All Units need to be reviewed.)

To ensure that the proposed rehabilitation of the project is adequate and that the property will have a useful life that exceeds the compliance and additional use period (collectively the Extended Use Period). A capital needs assessment of the property by a competent third party shall be submitted with the application. A capital needs assessment is a qualified professional's opinion of a property's current physical condition. It identifies deferred maintenance, physical needs and deficiencies, and material building code violations that affect the property's use, structural and mechanical integrity, and future physical and financial needs. The Capital Needs Assessment shall identify any work that must be completed immediately to address health and safety issues, violation of Federal or State law, violation of local code, or any work necessary to ensure that the building can continue to operate as affordable housing.

4) **Public Housing Waitlist Programs**

Applicant shall certify that all low-income units will be made available to people on the waiting list for low-income public housing. The following shall be submitted with the application:

- a) Public Housing Waitlist Certification
- b) Copy of the letter submitted to the local public housing authority which administers the public housing waiting list

5) **Smoke Free**

All projects will be smoke free. Owners must prohibit smoking in all indoor common areas, individual living areas (including balconies and car ports), and within 25 feet of building entries or ventilation intakes. A non-smoking clause must be included in the lease for each household.

6) **Contractor Profit Limitation**

- a) Contractor's profit, including general requirements and overhead, shall not exceed 14.0% of hard construction costs.
 - i) Contractor General Requirements include insurance, security, fencing, etc.
- b) The Project shall evidence compliance with this section in the application
- c) The Project shall evidence compliance with this section at project completion through the audited final cost certification.
- d) The contractor profit limitation is a requirement of the developer and the contractor.
- e) Contractor Profit Percentage is calculated as follows:
 - i) Contractor Profit (numerator) is the sum of the following items on Exhibit Bravo:
 - Site work: Contractor Profit
 - Site Work: Contractor Overhead
 - Site Work: Contractor General Requirements
 - New Building/Rehabilitation: Contractor Profit
 - New Building/Rehabilitation: Contractor Overhead
 - New Building/Rehabilitation: Contractor General Requirements
 - ii) Construction Costs (denominator) is the sum of the following items:
 - Site Work: Cost

- New Building/Rehabilitation: Cost
 - Excluding Contractor Profit for Sitework and New Building/Rehabilitation
 - iii) Contractor Profit Percentage is Contractor Profit Divided by hard Construction Costs and shall not exceed 14.0%
 - iv) If there are multiple prime contractors, each contractor's profit, including general requirements and overhead, shall not exceed 14.0% of the hard construction costs for that contract.
- 7) **Developer Fee – Developer Fee includes developer fee, developer overhead, management fee, consultant fee, etc.**
- a) 9% LIHTC:
 - i) New Construction – maximum developer fee of 15% of the total development costs (excluding developer fee)
 - ii) Acquisition/Rehabilitation – maximum developer fee of 10% of the acquisition costs and 15% of the rehabilitation costs (excluding developer fee)
- 8) **Debt Service Ratio**
- a) Hard Debt Service:
 - i) Defined as scheduled regular and periodic principal and/or interest payments of project loan obligations made for its direct benefit, as evidenced by a note and loan agreement.
 - ii) The Applicant is required to support all hard debt service loans and terms with executed lenders' commitment letters, letters of interest, or term sheets on the Application.
 - b) Underwriting Criteria:
 - i) The Project shall evidence compliance with this section through the operating Proforma on the application.
- 9) **Phase I Environmental Assessment**
Required for all applications.
For acquisition/rehabilitation projects (if applicable), the Phase I Environmental Assessment should address lead based paint and asbestos.
- 10) **Proof of Non-Profit Status**
If applying under the Federal non-profit set aside, submit the following:
- a. Articles of Incorporation
 - b. Copy of current 501(c)(3) IRS Tax Exemption Letter

C. Low Income Housing Tax Credit project financed with Tax-exempt Bonds:

Projects financed with tax-exempt private activity bonds may qualify for LIHTC in excess of the State's volume cap. Applicants may apply for an allocation of LIHTC with a commitment to issue private activity bonds from a state or local government. Applicants may submit an application for an allocation for LIHTC concurrently with an application for Private Activity Tax-exempt bonds from GHURA.

Applicant requesting LIHTC must submit all documentation required in the application and will be subject to all feasibility reviews as required for an application for LIHTC from the State's volume cap, with the exception of scoring under the Criteria Point System.

IV. Selection Criteria Point System

Each application will be evaluated and awarded points in accordance with the following criteria. Unless otherwise indicated, all references to low-income unit(s) or low-income rental unit(s) shall mean low-income housing tax credit unit(s).

Application must have a **minimum score of 88 out of 126 points to be considered for award.**

	CRITERIA	POINTS
1	Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.	0 to 6
2	Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.	2 to 8
3	Project's federal tax credit/low-income rental unit ratio.	0 to 7
4	Project has the appropriate zoning or the applicant has secured the necessary exemptions/variances to construct the project as proposed.	0 to 4
5	Project will serve tenant populations of individuals with children.	0 to 12
6	Project will serve tenant populations with special housing needs.	0 or 1
7	Qualified Non-Profit Organization	0 to 4
8	Project location and housing needs characteristics	0 to 16
9	Developer experience	0 to 5
10	Project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan	0 to 2
11	Replacement of existing public housing units	0 to 1
12	Total Project Cost Percentage	0 to 10
13	Project will receive project-based rental assistance	0 to 5
14	Local/Federal Government Support	0 to 2
15	Projects intended for eventual tenant ownership	0 to 2
16	Green Building / Energy Efficiency	0 to 12
17	Historic nature of the project	0 to 1
18	Public Housing Waiting List	0 to 3
19	Project Reasonableness	0 to 18
20	Developer Fee	0 to 7

Criteria 1. (0-6 Points)

Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.

Applicants electing to commit to an Extended Use Period beyond the 15-year LIHTC compliance period will be awarded points based on the table below. By making this election, the applicant elects to waive its right to exercise a request for a qualified contract pursuant to Section 42(h)(6)(E)(i)(II). The elections will be recorded in the Restrictive Covenant Document. Points will be awarded based on the following:

Extended Use Period (number of years after the 15-year compliance period)	Points Available
46 years or more	6 Points
30 to 45 years	4 Points
16 to 29 years	2 Points
0 to 15 years	0 Point

Criteria 2. (2-8 Points)

Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.

With respect to the set-aside affordability, if project provides:

Description	Points Available
40% of the project to households earning 50% or less of AMGI, and 60% of the project to households earning 60% or less of AMGI	2 Points
60% of the project to households earning 50% or less of AMGI, or 80% of the project to households earning 60% or less of AMGI.	4 Points
100% of the project to households earning 60% or less of AMGI	8 Points

Criteria 3. (0-7 Points)

Project's federal tax credit/low-income rental unit ratio.

The ratio is derived as: "Total Federal Tax Credits Requested (Annual)/Total Number of Proposed Low-Income Rental Units".

Greater than	Less than	Points Available
\$45,999.00		0
\$41,999.00	\$45,999.00	1
\$37,999.00	\$41,999.00	3
\$33,999.00	\$37,999.00	4
\$29,999.00	\$33,999.00	6
	\$29,999.00	7

Criteria 4. (0-4 Points)

Project has the appropriate zoning or the applicant has secured the necessary exemptions/variances to construct the project as proposed.

The applicant's readiness to proceed with the development of this project with respect to development approvals:

	Points Available
The applicant has obtained all necessary zoning and entitlements for the property, including subdivision approvals and upon receipt of credits, is ready to proceed with the development of the project (keeping the project concept within the allowable land use parameters) without any additional development approvals other than customary land disturbance and building permits.	4 Points
Project is not appropriately zoned and/or does not conform to Land Use regulations or requires variances, subdivision approval or any other exemption from any local or state land use restrictions.	0 Points

Criteria 5. (0 to 12 points)

Project will serve tenant populations of individuals with children.

The Project will serve tenant populations of individuals with children and provide three (3) bedroom units or larger for at least 60% of all low-income housing units.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	12 Points

Criteria 6. (0 or 1 point)

Project will serve tenant populations with special housing needs

	Points Available
<p>Special needs. Special needs groups are "persons for whom social problems [including homelessness], age or physical or mental disabilities impair their ability to live independently and for whom such ability can be improved by more suitable housing conditions."</p> <p>Projects may receive 1 point for this criterion if it commits to the following:</p> <p>The project will set-aside at least 20% of all units for tenant populations with special housing needs. Persons with special housing needs may include the physically and mentally disabled. Units intended to serve the homeless must be used as permanent supportive housing, as regulation forbids the use of LIHTC projects as transient homeless shelters. To receive consideration for this criterion:</p> <p>ii) The project must commit to provide case management or services specific to this population or special facilities to accommodate the physically disabled. (Please provide details of the services and/or special facilities)</p> <p>iii) The Market Study shall specifically address the housing needs for the special needs group.</p>	1 Point

Criteria 7. (0-4 Points)**Qualified Non-profit Organization**

An interest in the Project is owned by a qualified non-profit organization as defined in Section 42(h)(5)(B), (C) of the Internal Revenue Code.

	Points Available
If the answer to the question is NO	0 Points
<p>If the answer to the question is YES, the organization must be a qualified non-profit organization at time of application submission. Organization must exist in and be qualified to do business in Guam. According to IRC Section 42(h)(5)(C), qualified non-profit organization:</p> <ul style="list-style-type: none"> a) must "...own an interest in the project (directly or through a partnership) and materially participate (within the meaning of section 469(h)) in the development and operation of the project throughout the compliance period"; b) "...is described in paragraph (3) and (4) of section 501(c) and is exempt from tax under section 501(a)"; c) "...is determined by the State housing credit agency not to be affiliated with or controlled by a for-profit organization"; and d) "one of the exempt purposes of such organization includes the fostering of low-income housing." <p>Documents to show proof of qualified non-profit organization should be submitted with application.</p>	4 Points

Criteria 8. (0-16 Points)**Project location and housing needs characteristics**

Application must include a comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project. It must be conducted by a disinterested party. The Market Study must be completed at the Owner's expense. Any application which fails to submit a Market Study or submits a Market Study dated over 6 months from the time of application submission, shall be returned to the applicant and will not receive further consideration.

Market Study requirements are specified in Appendix 1.

The points awarded will be based on GHURA's evaluation of following factors:

Description	Points Available
Documented/supported market demand.	10 Points
Proposed rental rates are below market rents for the immediate surrounding area.	
Housing characteristics (e.g., design, density) appropriate for neighborhood.	
Impact to the existing public systems of education, public safety, and utilities infrastructure.	
Neighborhood conducive to family use.	

Additional points will be awarded to projects located in the following areas:

Project Location	Points Available
Northern Region: Dededo, Tamuning, or Yigo	1 Points
Central Region: Agana Heights, Asan, Barrigada, Chalan Pago/Ordot, Hagåtña, Mangilao, Mongmong/Toto/Maite, Piti, or Sinajana	3 Points
Southern Region: Agat, Inarajan, Merizo, Santa Rita, Talofofo, or Umatac	6 Points

Criteria 9. (0 to 5 Points)

Developer experience

The points awarded will be based on GHURA's evaluation of the following factors:

Description	Points Available
Developer (or any member/staff of the development team) has a record of successfully completing LIHTC projects or projects on a scale equal to or greater than that of the proposed project and in accordance with the original project schedule.	5 Points
Developer (or any member/staff of the development team) has a record of successfully completing LIHTC projects or similar projects but on a scale smaller than the proposed project. Developer's (or any member/staff of the development team) failure in meeting the objectives of the program on past proposals. Developer (including general partners, affiliates, and members/staff of development team) has a history of chronic and/or substantive noncompliance and/or failed to meet the requirements of the Low Income Housing Tax Credits Program for previous projects.	3 Points
Developer has no experience in completing LIHTC projects or projects on a similar or lesser scale than the proposed project.	0 Points

Criteria 10. (0-2 Points)

Project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan

Project is located in Qualified Census Tract. The project will redevelop existing housing, which contributes to a concerted community revitalization plan as determined by GHURA.

Description	Points Available
The project is located in a Qualified Census Tract.	1 Point
The project will contribute to a community revitalization plan. (Copy of the plan to be submitted with the completed Application for GHURA's review to claim the point.)	1 Point
The project is neither located in a Qualified Census Tract nor contributing to a community revitalization plan.	0 Points

To receive consideration for this criterion, applicant must provide an explanation on how this project is in compliance with such plan and its benefit to the overall community. The applicant must provide a letter of interest or a binding agreement with the government agency administering the community revitalization plan.

Criteria 11. (0-1 Points)

Replacement of existing public housing units

Project includes the development of new housing to replace existing public housing units.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	1 Point

To receive consideration for this criterion, the applicant must provide a letter of interest or a binding agreement from the local administering Public Housing Authority to participate in a HUD-approved activity.

Criteria 12. (0 to 10 Points)

Total Project Cost Percentage

If total federal tax credit requested (gross) as a percentage of total project cost is:

Description	Points Available
Greater than 80% of total project cost	0 Points
71 % through 80% of total project cost	1 Point
61 % through 70% of total project cost	2 Points
51 % through 60% of total project cost	4 Points
41 % through 50% of total project cost	6 Points
40% or less of total project cost	10 Points

Criteria 13. (0-5 Points)

Project will receive project-based rental assistance.

Project will be receiving project-based rental assistance subsidies which would result in eligible tenants paying approximately 30% of their gross monthly income towards rent. Eligible programs shall include, but not be limited to, the Rural Development 515 Loan Program and HUD Housing Choice Voucher/Section 8 Project-Based Rental Assistance Program.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	5 Points
<p>If the whole project has a secured authorization for project-based subsidies then 5 points are awarded. If only a portion of a project has project based subsidies, then the scoring will be adjusted based upon the percentage of units subsidized. The percentage is derived as "Number of Subsidized Units / Tax credit and non-tax credit subsidized units," provided they are developed simultaneously.</p>	

Criteria 14. (0-2 Points)

Local/Federal Government Support

The project will receive a below market loan or grant from a federal agency or Government of Guam agency other than GHURA which, in total amounts to 10% or more of the total development cost.

Description	Points Available
(i) The project has not applied for a below market loan or grant from a federal agency or Government of Guam agency, or if the total amount applied for is less than 10% of total development costs.	0 Points
(ii) The project has applied for a below market loan or grant from a federal agency or Government of Guam agency. Documentation must provide evidence that an application for financing has been submitted.	1 Point
(iii) The project has received a commitment from a federal agency or Government of Guam agency. A copy of a commitment letter or contractual agreement must be included in the application.	2 Points

Criteria 15. (0-2 Points)

Projects intended for eventual tenant ownership

Developer will sell the units with a preference towards selling to current residents after 15 years.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	2 Points

Projects will offer tenants the opportunity for home ownership. The applicant will offer tenants a Right of First Refusal to acquire the property in accordance with Section 42(i)(7) of the Internal Revenue Code. The applicant must provide a plan discussing how the project will offer the units for homeownership to tenants.

Criteria 16. (0-12 Points)

Green Building / Energy Efficiency

Projects **must incorporate** energy-efficient practices that promote resource conservation and all features listed below. In addition, all project units **must be individually metered**.

	Points Available
Projects that elect to include all eight of the listed features	8 Points
Projects that elect fewer than eight of the following features in their project	0 Points

Required features:

1. Installation of solar thermal, tank less, or tank-type water heaters that meet ENERGY STAR standards.
2. Installation of water conserving plumbing fixtures: water sense high efficiency toilets (less than 1.28 gallons per flush), showerheads with rated flow less than 1.75 gallons per minute (gpm), kitchen aerators with rated flow less than 1.5 gpm, and bathroom aerators with rated flow less than 1.0 gpm.
3. Installation of five or more ENERGY STAR qualified light fixtures, ceiling fans equipped with lighting fixtures, and/or ventilation fans in each unit.
4. Installation of photo sensors or timers on all outdoor lighting and ENERGY STAR or high-efficiency commercial grade lighting fixtures (T8) in all common areas.
5. Installation of ENERGY STAR appliances including refrigerators, dishwashers, and clothes washers (horizontal axis) in each unit.
6. Reducing heat effects by using ENERGY STAR low emissive roofing products for at least 50 percent of the roof area; or a combination of high-albedo and vegetated roof covering 75 percent of the roof area. Reduce asphalt surface areas and use low emissive pavement coatings and materials for at least 25% of paved surfaces.
7. Provide an easily accessible area dedicated to recycling (at a minimum) newspaper, corrugated cardboard, glass bottles and jars, aluminum cans, and plastic containers (#1 and #2).
8. Equip with "Grid-tied Solar Power System" panels that are to be under warranty for no less than 12 years.

In addition to the Energy Star Standards, the Developer will receive additional points for incorporating LEED Certification within their projects:

	Points Available
Projects will include a LEED certification	4 Points
Projects will not include a LEED certification	0 Points

Upon completion of the project, a certification from a third party, architect, or engineer verifying the green building practices listed above have been used to construct or rehabilitate the building shall be submitted. Failure to provide the certification by six months after the issuance of the IRS Form 8609 will result in forfeiture of the good faith deposit. (Reference Section VI. Fees – Good Faith Deposit)

Criteria 17. (0-1 Points)

Historic Nature of the Project

The proposed project will preserve the historic nature of an existing building.

The proposed project involves the preservation of a building(s) on a national or state historic registry.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	1 Point

Criteria 18. (0-3 Points)

Public Housing Waiting List

The applicant demonstrates that all low-income units will be made available to people on the waiting list for low-income public housing.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	3 Points

Criteria 19. (0 to 18 Points)

Project Reasonableness

The points awarded will be based on GHURA's evaluation of any and all factors that could impact project reasonableness, such as, but not limited to:

Description	Points Available
Reasonableness of development costs & Feasibility of financing structure	0-5 Points
Operational feasibility (for example, unreasonable operating expenses)	0-5 Points
Adequacy of Reserves including but not limited to Operating Reserve and Repair and Replacement Reserve	0-3 Points
Services and amenities provided to tenants that will enhance the livability of the project. (Please cite the services to be provided and the partners involved within the project.)	0-3 Points
Adequacy of project contingencies in the development budget	0-2 Points

Criteria 20. (0 to 7 Points)

Developer Fee

The applicant elects to limit the total Developer Fee as a percentage of the total development cost (excluding developer fee) as presented in the application. The Developer Fee includes total fees paid to the Developer, including, but is not limited to, consulting fees, project management fees, developer overhead, and developer fees. Architectural, Engineering, Accounting, and Legal fees are not included as the Developer Fee.

Developer Fee is subject to a maximum threshold cap. Please refer to Section III (B) (7) of this QAP for details. Exceeding of this threshold cap results an immediate rejection of the application.

Applicants receive scores for this criterion based on the table below. Please note the different categories for New Construction vs. Acquisition / Rehabilitation applications.

9% LIHTC Applicants:

New Construction		Acquisition / Rehabilitation			
		Fee on Acquisition		Fee on Rehabilitation	
Fee	Points	Fee	Points	Fee	Points
15% > Fee ≥ 13%	0	10% > Fee ≥ 8%	0	15% > Fee ≥ 13%	0
13% > Fee ≥ 11%	1	8% > Fee ≥ 7%	1	13% > Fee ≥ 11%	1
11% > Fee ≥ 9%	2	Fee < 7%	3	11% > Fee ≥ 9%	2
9% > Fee ≥ 7%	3			Fee < 9%	4
7% > Fee ≥ 6%	5				
Fee < 6%	7				

V. Rights of GHURA

The awarding of tax credits rests solely with the GHURA Board of Commissioners. Further, GHURA retains its discretionary authority to approve or disapprove any post-award modifications to the project.

GHURA reserves the right to disapprove any application or project for any tax credit reservation or allocation, regardless of ranking under the criteria and point system as contained in Sections III and IV of this QAP. GHURA shall have the authority to defer consideration of any application if such deferral is deemed in the best interest of meeting housing needs.

GHURA reserves the right, in its sole discretion, to (i) hold back a portion of the annual federal housing credit ceiling for use during later reservation cycles, (ii) carryover a portion of the current year's housing credit ceiling for allocation to a project which has not yet been Placed in Service, and (iii), issue a reservation for the next year's housing credit ceiling.

GHURA is required under the IRC of 1986, as amended, to allocate the minimum amount of tax credits required to make a project feasible. The determination of the amount of tax credits to be reserved or allocated to a project shall be made solely at the discretion of GHURA. GHURA may, at the time of issuance of the IRS Form(s) 8609 for the project, decrease the amount of tax credits allocated to a project based on the actual cost and financing of the project.

GHURA may, at its sole discretion, conduct a special round after the final scheduled round for a year for projects (i) where the applicant's tax counsel has attested to an itemization of how the ten percent test prescribed by Internal Revenue Code Section 42(h)(1)(E) will be met; (ii) which have no deficient application items; and (iii) for which all exhibits have been submitted ("Year-End Round"). Year-End Round projects will receive a Carryover Allocation, not a reservation of LIHTCs, which may contain certain conditions and time periods for satisfying them. The circumstances for conducting a Year-End Round are (1) availability of LIHTCs and (2) potential loss of LIHTCs to the national pool. When a Year-End Round is being conducted, applicants need to satisfy the above requirements in order to receive a Carryover Allocation; and LIHTCs will be processed on a first-come-first-served basis and allocated to the extent available and to the extent applications can be processed.

GHURA in no way represents or warrants to any interested party which may include, but is not limited to, any developer, project owner, investor or lender that the project is, in fact, feasible or viable.

No GHURA member, officer, agent or employee shall be personally liable concerning any matters arising out of, or in relation to, the reservation or allocation of Low-Income Housing Tax Credits.

VI. Fees

The following fees are associated with the Low Income Housing Tax Credit program. GHURA reserves the right to adjust the fees due to changing circumstances annually each January 1. All fees shall be paid via Cashier's Check and made payable to **Guam Housing and Urban Renewal Authority**.

Application Fee

An Application Fee of \$1,500 per application shall be payable at the time of submission of the application. The fee shall be the same for all applicants.

Good Faith Deposit

A good faith deposit of ten percent (10%) of the first year's federal tax credits reserved shall be payable at the time the executed binding agreement is submitted to GHURA. Upon allocation and issuance of the IRS Form 8609, sixty percent (60%) of the good faith deposit shall be retained by GHURA as an administrative fee. The remainder of the good faith deposit may be refunded to the applicant in the sole discretion of GHURA. Failure to meet any of the elections made in the scoring criteria at the time of application will result in the retention of the entire good faith deposit by GHURA.

Compliance Monitoring Fee

Please refer to Section 'VII. Compliance Monitoring Plan' for more details regarding the Compliance Monitoring Fee.

Qualified Contract Processing Fee

Qualified Contract Fee of \$150 per unit for all units

Attorney's Fees and Costs:

In the event of a dispute or litigation regarding a QAP Agreement, the prevailing party shall be entitled to collect reasonable attorney's fees, costs, and expenses.

VII. Compliance Monitoring Plan

A. Summary

GHURA shall monitor compliance with all applicable Federal Program requirements for the period a project is committed to providing low-income rental units. GHURA will require that all qualified tenants of a project be certified upon occupancy and be re-certified annually to ensure compliance. Projects shall be required to maintain copies of the income certification for each tenant on forms approved by GHURA. Projects will also be required to maintain records regarding number of rental units (including number of bedrooms and size of square footage of each bedroom); percentage of total rental units that are low-income units; rent charged on each rental unit including utility allowances; number of occupants in each low-income unit for those buildings receiving tax credits prior to 1990; documentation regarding vacancies in the building; eligible and qualified basis of the building at the end of the first year of the credit period, and at the end of each year until required set-asides are met; and character and use of the nonresidential portion of the building that is included in the building's eligible basis, all in accordance with the

rules published by the Internal Revenue Service. GHURA may perform an audit annually but at a minimum, once every three years, and shall have access to all books and records upon notice to the project owner.

Annually, owners of low-income housing tax credit projects will be required to certify to GHURA that for the previous year, the minimum set-aside requirement was met; there was no change in the applicable fraction, or an explanation if there was a change; appropriate income certifications and documentation have been received for each low-income tenant; each low-income unit was rent-restricted in accordance with the Code; all units were for use by the general public and used on a no transient basis (except for transitional housing for the homeless as provided for in the Code); each building was suitable for occupancy, taking into account local health, safety and building codes; there was no change in the eligible basis in the project, or an explanation if there was a change; all tenant facilities included in the eligible basis were provided on a comparable basis without charge; rentals of vacancies were done in accordance with the Code; rentals of units were done in accordance with the Code if any tenant's income increased above the limit allowed by the Code; and a Restrictive Covenant document was in effect for the project, for those buildings receiving credits after 1989, all in accordance with the rules published by the Internal Revenue Service.

If GHURA becomes aware of non-compliance, the Internal Revenue Service shall be notified in accordance with the rules published by the Internal Revenue Service.

Please consult with your tax attorney and/or LIHTC consultant regarding Internal Revenue Code regulations. Owners are responsible for keeping abreast of current LIHTC Program requirements.

The guidelines outlined below in sections B through K pertain to projects allocated Low Income-Housing Tax Credits in Guam.

B. Compliance

Owner/Manager Training

Owners, managing agents, and on-site managers should attend or document that they have recently attended training on management and compliance prior to leasing any units, but no later than receipt of IRS Form 8609, which certifies an allocation of tax credits. Training may be required following significant or repeated noncompliance events. At minimum, such training should cover key compliance terms, qualified basis rules, determination of rents, tenant eligibility, file documentation, next available unit procedures and unit vacancy rules, agency reporting requirements, record retention requirements, and site visits.

Set Aside

The project must comply with the low-income set-aside requirements of Section 42 of the Internal Revenue Code- as chosen by the owner at the time of receiving the credits. The minimum requirements are either:

1. 20 percent or more of the units are occupied by tenants having a household income of 50 percent or less of the area median gross income (the "20-50 requirement"), or
2. 40 percent or more of the units in the project are occupied by tenants having a household income of 60 percent or less of the area median gross income (the "40-60 requirement").

Tenant income is calculated in a manner consistent with the determination of annual income under Section 8 of the United States Housing Act of 1937, as directed by the Internal Revenue Code. Area median incomes are determined annually by the U.S. Department of Housing & Urban Development (HUD), and are available from GHURA.

Rent

Units in the project must be rent-restricted to thirty (30) percent of the imputed income limitations based on unit size as provided in Code Section 42(g)(1). This rent restriction must be maintained throughout the Term of the Compliance and Extended-use period. See 'D. Rent Restrictions' in this section for further information.

Term of Compliance

Projects receiving a LIHTC allocation after January 1, 1990, must comply with eligibility requirements for the extended use period [initial 15-year period (compliance period), in addition to the 15 or more years (extended use period)] determined by elections indicated in the Restrictive Covenant Document. The Restrictive Covenant Document must be recorded before credits are allocated.

Annual Certification

These and other compliance requirements as listed in Section 'A. Summary' must be certified annually by the owner through the submission of the Annual Report. The Annual Report includes the Owner's Certificate of Continuing Program Compliance and shall be submitted by February 1 of each year throughout the compliance/extended-use period.

Records Retention

The Annual Report and the supporting documentation verifying the information on the Annual Report must be kept for a minimum of six (6) years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building, in accordance with published IRS guidelines.

IRS Form 8609

Owner shall complete Part II of IRS Form 8609 and submit with subsequent Annual Reports.

Qualified Basis Tracking Sheet (QBTS)

This form shall be submitted annually until the required set-asides are established. Documents will provide information on original tenants qualifying each building for tax credits minimum set-asides, and other set-asides.

Status Reports

This report is to be submitted annually by owners in such format as required by GHURA or its Authorized Delegate to document and track the continuous compliance of tax credit units. The documents report data that tenants are income eligible at move-in, that the occupants of LIHTC units are re-certified at least on an annual basis and that the unit rents are restricted. Documentation will also indicate compliance with the vacant unit rule and 140% rule. The tracking of tax credit units substantiates the maintenance, increase or reduction of each BIN's qualified basis.

C. Qualifying Households

Applicants for low-income units should be advised early in their initial visit to the project that there are maximum income limits which apply to these tax credit qualified units. Management should explain to the tenants that the anticipated income of all persons expecting to occupy the unit must be verified and included on a Tenant Income Certification (TIC) prior to occupancy, and re-certified on an annual basis. Applicants should be informed of other Internal Revenue Service requirements such as the Student Rule and Recertification.

Unborn Children

In accordance with the HUD Handbook 4350.3, owner shall include unborn children in determining household size and applicable income limits. If permitted by state laws, owner shall require documentation of pregnancy in such circumstances.

Student Households

In accordance with the Internal Revenue Code, a household comprised entirely of full-time students may not be counted as a qualified household, unless the household meets at least one exception. Refer to the Internal Revenue Code for additional guidelines on the exceptions. Owner shall utilize a lease provision requiring tenants to notify managing agent of any change in student status.

Calculating Anticipated Tenant Income

Owner shall qualify tenants by calculating household income using the gross income the household anticipates it will receive in the 12-month period following the effective date of the income verification or Recertification. Anticipated income should be documented in the tenant file by third party verification whenever possible, or by an acceptable alternate method of verification with documentation as to why third party verification was not available. Owner shall use current circumstances to project income, unless verification forms or other verifiable documentation indicate that an imminent change will occur. Owner shall refer to HUD Handbook 4350.3 for guidance on the proper calculation and verification of income and assets per IRC regulations.

Certification

Upon acceptance of an applicant to the project, a TIC must be completed for the applicant and certified to by the applicant and the owner. The form is a legal document which, when fully executed, qualifies the applicants to live in the set-aside units in the project.

The TIC must be executed along with the lease prior to move-in. No one may live in a unit in the project unless certified and under lease.

The original copy of the executed TIC form is to be retained in the applicant's file. The TIC and the supporting documentation verifying the TIC must be kept for a minimum of six (6) years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building, in accordance with published IRS guidelines.

Recertification

For 100% LIHTC set-aside projects, annual recertifications are not required after January 1, 2014. Owners **must recertify** households **at least once** on the first anniversary of their initial tenancy.

For projects with less than 100% set-aside:

To ensure each unit is complying with the LIHTC income restrictions, GHURA requires (a) the owner to annually recertify each tenant's income and household composition and (b) each tenant is to report certain changes in income and household composition which occur between regularly scheduled recertification.

If the income of the tenants in a unit who have been previously verified increases above 140 percent of the applicable income limitation, the unit may continue to be counted as a low-income unit as long as the next available unit of comparable or smaller size is occupied by a qualified low-income tenant, and the rent continues to be restricted for the initial unit.

Each tenant's annual recertification is to be completed within one year of last recertification. The request for recertification shall be made between 60 and 90 days before the effective date, and it must clearly state that the tenant has ten (10) calendar days in which to contact the owner to begin recertification processing. The notice must also state the days and hours available for the interview, the information the tenant should bring to the interview, and how and whom to contact to schedule the interview.

Upon re-verification of the tenant's income, the owner shall complete a new TIC, which shall be certified to by the owner or owner's designee.

Past-Due Recertification

A recertification is considered past due if the TIC form for the tenant is not certified by tenant and owner within twelve months of the last recertification.

D. Rent Restrictions

Projects receiving Low-Income Housing Tax Credits after January 1, 1990 must comply with the following procedures:

- Units in the project must be rent-restricted to 30% of the imputed income limitations for each unit, based upon HUD area median incomes and size of units. Rents are imputed by bedroom size in the following manner: a unit which does not have a separate bedroom - 1 individual; and a unit with 1 or more separate bedrooms - 1.5 individuals per bedroom.
- Gross rent does not include any payment for various rental assistance programs and supportive service assistance as outlined in Section 42 of the Code. Gross rent must include any allowance for utilities.

HUD publishes the area median incomes for each state and territory annually. Updated income limits must be implemented pursuant to IRS Revenue Ruling 94-57, "Taxpayers may rely on a list of income limits released by HUD until 45 days after HUD releases a new list of income limits, or until HUD's effective date for the new list, whichever is later." Rents may be increased accordingly as the area median income increases.

If the income of the tenants in a unit who have been previously verified increases above 140 percent of the applicable income limitation, the unit may continue to be counted as a low-income unit as long as the next unit of comparable or smaller size is occupied by a qualified low-income tenant, and the rent continues to be restricted for the initial unit.

E. Eviction of Tenants

Once an eligible tenant has been certified and admitted to the project, the tenant may not be displaced solely due to an increase in the tenant's household income beyond the restricted limit.

F. Audits

The project may be subject to a management audit by GHURA or its Authorized Delegate annually but, at a minimum, once every three years. Notification of an audit shall be given to the owner at least 30 days prior to such audit. The results of the management audit and the recommendations for corrective action to protect and maintain the project shall be transmitted to the owner within thirty (30) days following the completion of the audit.

The purpose of the audit will be to conduct a physical inspection of the building and/or project, and, for at least 20 percent of the project's low-income units, to inspect the units and review the low-income certifications, documentation supporting the certifications, and rent records for the tenants in those units. The audit may also consist of a review of first year tenant records, a review of the documentation supporting the Annual Report, and any other documentation necessary for GHURA to make a determination as to whether the project is not in compliance with the Code.

When conducting tenant file reviews, GHURA's and its Authorized Delegate's reviews shall include, but not be limited to:

- completed rental application, including certification of assets and disposal of assets, if applicable;
- tenant income certification completed for move-in and current year, including all required signatures and dates;
- income verification(s) completed and documented;
- assets verified in accordance with IRC regulations;
- student eligibility documentation;
- lease and lease addendums completed at move-in;
- utility allowance on file;
- review of first year tenant records which qualified the project initially for tax credits

The owner shall have a period of thirty (30) days in which to respond to the findings of the management audit. GHURA shall review the owner's response to determine the extent to which the issues raised in the management audit letter are addressed. Findings, whether corrected or not, will be reported to the IRS.

See Section 'J. Non-compliance Penalties' for information on notification to the IRS of any non-compliance found in the management audit.

G. Rural Housing Service (RHS) and Tax-exempt Bond Issue Projects

In accordance with the published IRS guidelines on compliance monitoring, an exception may be granted to RHS projects under its section 515 program and buildings or projects of which 50 percent or more of the aggregate basis is financed with the proceeds of tax-exempt bonds.

The IRC regulations allow for exception of a building from the inspection requirement if the building is financed by RHS under the section 515 program, the RHS inspects the building [under 7 CFR part 1930(C)], and the RHS and the allocating agency enter into a memorandum of understanding, or other similar arrangement, under which the RHS agrees to notify the allocating agency of the inspection results. Irrespective of the physical inspection standard selected by the allocating agency, a low-income housing project under section 42 of the Internal Revenue Code must continue to satisfy local

health, safety and building codes. A memorandum of understanding has not been executed between GHURA and RHS.

Annual Reports, QBTS, Compliance Monitoring Status Reports and other reports are still required of RHS projects. Although GHURA has allowed the use of the RD 1944-8, the form does not determine eligibility for specific LIHTC requirements. Owners need to determine whether the TIC will be used or a worksheet will be attached to RD 1944-8 to determine eligibility under the IRC. Management audits will still be conducted as indicated herein.

An owner who for some reason is not able to make any of the required certifications stated on the Annual Report or other requirements must inform the Agency immediately of such inability, as well as explain the reason for said inability.

H. Reporting Requirements

- a. The LIHTC Annual Report must be submitted annually by February 1 of each year throughout the compliance/extended use period.
- b. Part II of the IRS Form 8609 must be completed by the owner and submitted with initial Annual Report.
- c. Qualified Basis Tracking Sheets (QBTS) are submitted at a minimum annually with LIHTC Annual Report until all set-asides are established.
- d. Status Reports are submitted annually by owners with Annual Report to document and track the continuance compliance of tax credit units throughout the compliance/extended-use period.

These forms must be sent in to GHURA or its Authorized Delegate at the address shown in Section II.

The Certification of Eligibility and LIHTC forms listed above are available from GHURA. Additionally, GHURA has data regarding HUD area median incomes, maximum rental rates, income verification information and third party verification forms.

I. Fees

A compliance monitoring fee of up to \$100 per unit for all units within each project shall be charged annually for administrative expenses. This fee shall be submitted with the LIHTC Annual Report for each year of the compliance/extended-use period. GHURA reserves the right to adjust fees due to changing circumstances annually each January 1. It will be the responsibility of GHURA to inform the owner of any changes in the annual compliance fee prior to the submission of fees. The compliance monitoring fee will be effective as of the Placed in Service date for the first building.

J. Non-compliance Penalties

The penalty for non-compliance with the LIHTC Program is the potential recapture of the credits awarded and interest on the amount recaptured. The Internal Revenue Service shall determine penalties for non-compliance.

Upon determination by GHURA of non-compliance with the LIHTC Program, the owner shall be notified and given thirty (30) days to correct any discovered violations. In accordance with the Internal Revenue Service's published guidelines on compliance monitoring, GHURA will be required to notify the IRS within forty-five (45) days after the end of the thirty day correction period, whether or not the non-compliance is corrected. GHURA will be given the opportunity on the IRS form to indicate whether the owner has corrected the non-compliance. GHURA may extend the correction period, up to a total of six (6) months, if it is determined by GHURA that good cause exists for granting such an extension. In such case, the IRS will not be notified until the end of the extended correction period.

K. Extended Use Period

After the initial 15-year compliance period is the Extended Use Period, GHURA is no longer required to report instances of non-compliance to the IRS. Compliance during the Extended Use Period (EU Compliance Policy) will concentrate on enforcing the requirements of the LIHTC program through the term of the Declaration of Restrictive Covenants for Low Income Housing Credit recorded on the property. The EU Compliance Policy is largely based on the procedures of the initial compliance period. Unless noted below, the policy and procedure for compliance during the initial compliance period shall continue to apply to the extended use period.

Effective Date

The EU Compliance Policy shall be effective on the first day after the expiration of the initial 15-year compliance period for the last building placed in service in the project. Generally, the extended use compliance period will begin on January 1 of the year after the expiration of the initial 15 year compliance period of the last building placed in service and be in effect until the end of the extended use period.

Income and Rent Set Aside

Owners are subject to the Section 42 occupancy and rent restrictions required in the Declaration of Land Use Restrictive Covenants for Low-Income Housing Credits.

Student Households

As GHURA wants to ensure that properties in the extended use period are not used as dormitory housing, a modified student eligibility requirement will be enforced. During the extended use period, a household comprised entirely of full time students will qualify as long as at least one member of the household is an independent student or is a student in grades Kindergarten through 12 (including home schooled minors studying course material within these grades). An independent student is defined as one who is not claimed as a dependent on his/her parent's tax return (proof required).

Available Unit Rule / 140% Rule

For projects which include market rate units, the Available Unit Rule and the 140% Rule do not apply during the extended use period. The percentage of tax credit units as specified in the Declaration of Restrictive Covenants for Low Income Housing Credits must be maintained throughout the extended use period.

Certification and Recertification

Certification of tenants at the time of move-in shall be required during the extended use period according to the same procedure as the compliance period. Recertification of tenants will not be required during the extended use period. However, if any adults are added to the household, then the household must be re-certified.

Unit Transfers

During the extended use period, unit transfers are allowed without a new income qualification. Documentation of all unit transfers that occur shall be submitted as part of the Reporting Requirements.

Reporting Requirements

1. The **LIHTC Annual Report** must be submitted annually by February 1 of each year throughout the extended use period.
2. **Status Reports** are submitted annually by owners with the Annual Report to document and track the continuing compliance of tax credit units throughout the extended use period.

Site Audits

Commencing within three years after the expiration of the Compliance Period, site audits for projects may be conducted at least once every **five** years. Projects that have substantial outstanding non-compliance beyond the correction period based on the findings of the most recent site audit may be subject to more frequent site audits.

Owner Inspection

Owners shall conduct an annual physical inspection of each unit and common areas in the project.

Correction Period and Non-compliance Penalties

Upon determination by GHURA of non-compliance with the LIHTC Program during the extended use period, the owner shall be notified and given thirty (30) days to correct any discovered violations. GHURA may extend the correction period on a case-by-case basis, up to a total of six (6) months, if it is determined by GHURA that good cause exists for granting such an extension. Owners may request GHURA to review all outstanding non-compliance issues for a property once per calendar year after the initial correction period. Any owner and constituent entities involved in management and ownership of a project with an unresolved finding of non-compliance beyond the initial correction period may be deemed to be Not in Good Standing by GHURA's Fiscal Department. Owners must clear all outstanding non-compliance issues to be deemed in Good Standing with GHURA.

VIII. Appeal

All appeals shall be resolved in accordance with GHURA's Appeals and Process Procedure, copies of which are maintained at GHURA's office.

IX. Other

High Cost Area Designation. Newly constructed buildings located outside of designated Difficult to Develop Areas or Qualified Census Tracts qualify as a high cost area. The additional LIHTC available from the "basis boost" will be used to offset the high cost of construction and land throughout the island.

Appendix 1 Market Study

In accordance with Section 42(m)(1)(A)(iii) of the Internal Revenue Code, GHURA requires a comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project. The Market Study is to be conducted by a disinterested party approved by GHURA and must be submitted as part of the application. The Market Study shall be completed at the Owner's expense. Any applicant that fails to submit a Market Study, or submits a Market Study dated more than 6 months earlier than the date of application shall be returned to the applicant and the application will not receive further consideration.

The Market Study shall address the following information:

- A statement of the competence of the market analyst.
- A description of the proposed site.
- Demographic analysis of the number of households in the market area which are income eligible and can afford to pay the rent. Estimate of capture rates for the market areas.
- Geographic definition and analysis of the market area.
- Identification of the project including location, unit counts, income levels and target population. Market Study must be consistent with the proposed project.
- Analysis of household sizes and types in the market.
- A description of comparable developments in the market area.
- Analysis of practically available rents, vacancy rates, operating expenses and turnover rates of comparable properties in the market area.
- Analysis of practically available rents, vacancy rates and turnover rates of market rate properties in the market area. Projected operating funds and expenses, when available at the time of the study.
- Expected market absorption of the proposed rental housing, including a description of the effect of the market area.
- Identification and commentary of proposed projects in the market areas.
- Analysis of market demand for tenants with special housing needs when applicable.
- Analysis of impacts of development to the area's existing education, public safety, and utilities infrastructure.

Projects that are requesting credits from eligible basis generated from a Community Service Facility as defined in Section 42(d)(4)(C)(iii) must provide a market study that addresses the following:

- A description of Services provided that improve the quality of life for community residents.
- The market area and demand for services provided.
- The applicability of service provided to the community.
- The affordability of the services provided to persons of 60% AMGI or less.