

Housing Counseling Federal Advisory Committee (HCFAC) Bylaws and Operating Procedures

Section I: Purpose:

The purpose of the Housing Counseling Federal Advisory Committee (HCFAC or Committee) is to provide advice regarding the carrying out of the functions of the Office of Housing Counseling established pursuant to the authority of Section 4 of the Department of Housing and Urban Development Act (the HUD Act), 42 U.S.C. § 3533(g), as amended. The Committee shall have no role in reviewing or awarding HUD's Housing Counseling Program grants or federal procurements sponsored by the Office of Housing Counseling.

All activities of the Committee will be in compliance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

Section II: Authority

The HCFAC shall be organized and operated in accordance with Section 4(g)(4) of the Department of Housing and Urban Development Act, 42 U.S.C. § 3533(g)(4), as amended by the Expand and Preserve Homeownership Through Counseling Act, Pub. L. No. 111-203, §1442(g)(4), 124 STAT. 1376, 2164 (2010). The HCFAC is subject to FACA and its implementing regulations at 41 C.F.R. §§ 102-3, and as outlined in HCFAC's Charter and these Bylaws filed with Congress on May 2, 2016.

Section III: Membership Selection and Appointment

The Committee shall consist of not more than twelve (12) individuals. The membership shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies approved by the Secretary. The members first appointed to the Committee shall be designated by the Secretary to serve terms as follows: four shall be appointed for a term of one year; four shall be appointed for a term of two years; and four shall be appointed for a term of three years. If less than 12 individuals are initially appointed, the terms shall be assigned in a manner as to achieve the greatest possible equality of member rotation. Thereafter, each member of the Committee shall be appointed for a term of three years. Members may be reappointed at the discretion of the Secretary.

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

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

U.S. citizens, and cannot be full-time employees of the Federal Government. Committee members should have no outstanding unpaid government loans, sanctions, foreclosures, inappropriate transfers of real property, business relationships, etc. Any information related to the screening will be kept confidential. Committee members should not be subject to any unresolved Office of Inspector General (OIG) findings. No person who is a federally-registered lobbyist may serve on the HCFAC. Membership on the Committee is personal to the appointee.

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

The Secretary of Housing and Urban Development shall review the Committee membership list annually using the criteria specified by the Office of Housing Counseling, other applicable laws and regulations and such additional criteria as the Secretary may specify to ensure the character and integrity of the Committee. Members are expected to fulfill obligations of active participation. If a member is in habitual default of these obligations, the Secretary may take appropriate action, including termination of membership.

Section IV: Role of Committee Officials

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

Designated Federal Officer (DFO): The DFO will be an employee of the Office of Housing Counseling as designated by the Deputy Assistant Secretary for the Office of Housing Counseling. The DFO serves as the government's agent for all matters related to the Committee's activities. The DFO will: (1) approve or call meetings of the Committee; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the Committee, when so directed by the Deputy Assistant Secretary for the Office of Housing Counseling, or designee.

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

Section V: Meeting Procedures

The HCFAC will meet as required. Meetings will be called by the Designated Federal Officer (DFO).

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

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

All documents, reports, or other materials prepared by, or for, the Committee constitute official Government records and must be maintained according to GSA policies and procedures.

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

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

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

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

Section VI: Voting

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

Two-thirds (8) of the voting members of the Committee shall constitute a quorum for conducting business at a meeting. If a quorum is not present, the Committee will be unable to take any actions.

Section VII: Expenses and Reimbursement

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

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

Section VIII: Additional Information

HUD's Committee Management Officer is responsible for Government-wide oversight of the advisory committee.

Section IX. Parliamentary Authority

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

Section X: Amendment of Bylaws

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