

# Forum Annual Meeting Update

*Michael Hopkins and Ian Adams*

The Forum on Affordable Housing and Community Development Law's Annual Meeting was held May 23–25, 2018, in Washington, D.C. The conference kicked off at the Department of Housing and Urban Development (HUD) with remarks from HUD General Counsel Paul Compton and an opportunity for leadership in the HUD Office of General Counsel (OGC) to discuss OGC priorities with the private bar. Meanwhile, the Tax Credit Practice Committee held a deep-dive discussion on Qualified Opportunity Zones, introducing attendees to this new technical tool.

At the first plenary session, attendees heard from newly appointed HUD leadership about the priorities and agenda for HUD and its programs, including additional remarks from HUD General Counsel Paul Compton, Assistant Secretary for Fair Housing Anna Maria Farias, Assistant Secretary for Community Planning & Development Neal Rackleff, General Deputy Assistant Secretary for Public and Indian Housing Dominique Blom, and Deputy Assistant Secretary for Multifamily Housing Programs C. Lamar Seats.

Panels brought together a wide range of experts to talk about trending topics and recurring themes in the affordable housing, fair housing, and community economic development practice areas. HUD-related topics included disaster recovery efforts, RAD conversions, and the latest news in FHA-insured multifamily housing, including suggestions on ways to improve the FHA closing process. Tax topics included the effect of the Tax Cuts and Jobs Act on transactions, Income Averaging, and the new trend of combining 9% and 4% tax credits in low income housing tax credit developments. A Community Economic Development Practice Clinic offered an inside view into attorney/client discussions of obstacles and solutions for local developments in Washington, D.C., and fair housing experts discussed civil rights and rights to housing beyond the Fair Housing Act.

On the final morning of the conference, the Forum convened a plenary in honor of the 50th anniversary of the Fair Housing Act. Lisa Rice, president and CEO of the National Fair Housing Alliance, and Faith Schwartz of Housing Finance Strategies reflected on this important milestone and the current state of fair housing in the United States.

As always, attendees enjoyed catching-up with old friends and building new relationships at our Wednesday Speed Networking Event and Thursday Night Reception.

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*Michael Hopkins (mhopkins@bocarsly.com) and Ian Adams (iadams@kantortaylor.com) served as Program Co-Chairs of the 2018 Annual Meeting. Ms. Hopkins is a partner in the Bethesda, Maryland, office of Bocarsly Emden and Mr. Adam is an attorney with Kantor Taylor PC in Seattle.*

We would like to thank the panel moderators and speakers for providing excellent content and our generous sponsors for hosting the receptions. The Forum will be conducting a Law School Initiative and Boot Camp in Boston on October 3–5, and we look forward to seeing everyone again at next year's Annual Conference, which will be held May 22–24, 2019, in Washington, D.C.

The *Michael Scher Award* was presented at the Annual Conference to Robert S. Kenison, selected by the Forum's Nominating Committee as an attorney who exemplifies the spirit and commitment that our colleague Michael S. Scher demonstrated in the field of affordable housing and community development law. It was an honor to have Bob and his family attend the Annual Conference luncheon to receive the award. It is with great sadness that we share that Bob passed away just a few weeks after the Annual Conference. He was a much-loved colleague and friend to many members of the Forum and he will be greatly missed. We send our sincere condolences to Bob's family, friends, and former colleagues. In further recognition of Bob's exemplary career in affordable housing and the contributions he made to people he knew and the countless beneficiaries of HUD programs who never knew him, the *Journal* is printing the nomination submitted on his behalf.

#### **Nomination of Robert S. Kenison for the Michael Scher Award**

Each year at the ABA's Annual Affordable Housing and Community Development Forum's Conference, the Forum presents the Michael Scher Award to an attorney who "exemplifies the spirit and commitment that Michael demonstrated in the field of affordable and community development law." With the overwhelming support of HUD's Office of General Counsel, we submit this nomination of Robert S. Kenison ("Bob") for this award.

Although Bob retired from HUD over 10 years ago, his leadership and long-term role and contributions in affordable housing and community development initiatives continue to be felt and sustain HUD's efforts in this field. First, to illustrate a little about Bob's educational background, he received a B.A. from St. Anselm College, *summa cum laude*, 1960; LL.B. Harvard, 1963; Mid-Career Fellow at the Woodrow Wilson School of Public and International Affairs, Princeton University, 1972; HUD Representative at Dartmouth Institute in 1970; and Research Fellow, Yale Divinity School 1991. Before joining HUD, he served as a Peace Corps Volunteer in Urban Community Development in Columbia, South America from 1963–65.

To illustrate the massive role Bob played in the area of affordable and community development law, he started as a Public Housing staff attorney and rose through the ranks of Urban Renewal and Block Grants to become HUD's Associate General Counsel for Assisted Housing and Community Development in 1977 and served in that role until 2007. He primarily provided and supervised legal advice on a broad range of pro-

grams, including CDBG, public housing, Indian housing, Section 8 (all varieties), Turnkey 3 and other Homeownership programs, Modernization programs (CIAP, CGP, Capital Fund), Development programs (UDAG, HOPE VI, and Mixed Finance), Section 202 Supportive Housing for the Elderly, Section 811 Supportive Housing for the Disabled, HOME, Homeless programs, Resident Initiative programs (TOP, ROSS, FIC), and countless other important housing and community development programs. Bob is the only official at HUD to have received three times the President's Rank Award, the highest award for career Senior Executives, under President's Reagan, Bush, and Clinton. With other members of his staff, he was a recipient of the Congressional Excalibur Award, in recognition of legal work to facilitate the role of religious providers in housing programs. He received the National Association of Housing and Redevelopment Officials (NAHRO) Memorial Award for demonstrated commitment to providing a decent home and suitable living environment for every American family. At HUD, he has received numerous awards and most significantly, a Curry Award (1993), the highest award presented in HUD OGC, and the FHA Commissioner's Award (2007).

It is impossible to read through HUD's Basic Laws for public housing and block grants and not see and feel the influence contributed by Bob in developing the legal basis of numerous programs. Equally visible is Bob's hand and role in structuring guidance for these programs in the form of regulations and General Counsel opinions. Formidable was Bob's presence in meetings with various Secretaries of HUD, who relied and benefited from his advice. Cooperation and consensus-building was Bob's role both within the Department and with the ABA and trade associations. At HUD, he built a strong and collegial network across all program areas supported by his ethical principles and playful annual "It's Trivial" parties, where he would as game show host challenge three HUD teams (the "A Team" of Lawyers, the "B Team" of Program Staff, and the "C Team" of Schedule C Political Appointees) to some of the deepest and most esoteric questions to be found on the face of the earth—but everyone loved it and it was always standing room only. Everyone anxiously anticipated Bob's presentations on the "Heard from HUD" panel at the Forum's annual meetings, where he would set the tone with various quotes or literary references and then go on to regale us with the latest and most insightful legal observations. Well-crafted and clear written guidance was a hallmark of Bob's influence. Bob mentored many of the lawyer members of this ABA Forum and has left a lasting influence on HUD's OGC Office of Assisted Housing and Community Development. After leaving HUD, Bob has shared his experiences and knowledge as an adjunct law faculty member at the University of Maryland Law School.

With admiration and gratitude for Bob's contributions to the field of affordable housing and community development, his development of structures and concepts that have played an important and positive effect in this field, his efforts in creating and sustaining a vast number of programs,

his role in preserving resident rights, his contributions to this ABA Forum, his mentoring of legal students and staff at HUD, his standards of legal excellence that serves as a model to this legal community and his lifetime commitment to public service.

**Past recipients of the *Michael Sher Award***

2007 Robert N. Ungerleider  
2008 Chuck Edson  
2009 Roger Clay  
2010 Betty Park  
2011 Alexander Polikoff

2012 Art Hessel  
2013 Paul Casey  
2014 Gordon Cavanaugh  
2015 Jonathan Klein  
2016 Paul Handleman