



Kendal Housing Authority Plan to Apply for Moving to Work Demonstration Program: Overall Impact of Moving to Work Flexibility and Administrative Efficiencies

The Kendall Housing Authority (KHA) is proud to announce it's plan to apply for the HUD Moving to Work Demonstration Program. The Moving to Work (MTW) Demonstration Program allows public housing authorities to design and test innovative, locally designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under Sections 8 and 9 of the United States Housing Act of 1937 more flexibly and by allowing certain exemptions from existing public housing and HCV program rules, as approved by the U.S. Department of Housing and Urban Development.

KHA intends to use MTW status to increase cost effectiveness, self-sufficiency, and housing choice. Part of achieving this will be to request waivers from the U.S. Department of Housing and Urban Development to allow alternate reexamination schedules, self certification of assets, alterative inspection schedules, and flexibility in the administration of the Project Based Voucher program.

A public comment period is currently underway, and written comments will be accepted until 4:30pm on Tuesday, November 14, 2023. A public hearing will take place from 11:00am until 12:00pm on Monday, October 30, 2023, in the boardroom at the Kendall County Health Department, located at 811 West John Street, Yorkville, IL. Written comment may be mailed to 711 E. Roosevelt Road, Wheaton, IL 60187, Attention MTW Comments, or emailed to MTW@dupagehousing.org.

For more information on the MTW Program, please see the following PIH Notice 2023-20



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Public Housing Agency Directors;
Public Housing Hub Office Directors;
Public Housing Field Office Directors;
Program Center Coordinators;
Resident Management Corporations;
Resident Councils

NOTICE PIH 2023-20

Issued: July 31, 2023

Expires: This notice remains in effect until amended, superseded or rescinded

Subject: Request for Applications under the Moving to Work Demonstration Program:
Overall Impact of Moving to Work Flexibility and Administrative Efficiencies

1. Purpose and Background

This Notice lays out the process by which public housing agencies (PHAs) with 1,000 or fewer combined units of public housing and Housing Choice Voucher (HCV) units will be selected for the fifth cohort of the Moving to Work Expansion (MTW), which will test the overall effects of MTW flexibility on a PHA and the residents it serves, with a particular focus on administrative efficiencies (MTW Flexibility II Cohort). Interested PHAs that meet the eligibility criteria in Section 5(B) of this Notice may submit an application package to HUD as detailed in Section 5(C) of this Notice.

MTW allows PHAs to design and test innovative, locally designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under Sections 8 and 9 of the United States Housing Act of 1937, as amended, 42 U.S.C. 1437, *et seq.*, (1937 Act) more flexibly and by allowing certain exemptions from existing public housing and HCV program rules, as approved by the U.S. Department of Housing and Urban Development.¹

The MTW Demonstration Program was originally authorized by Section 204 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, P.L. 104-134; 42 U.S.C. 1437f note (1996 MTW Statute). Section 239 of the Fiscal Year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Expansion Statute), authorizes HUD to expand the MTW

¹ The MTW Demonstration Program may only provide certain policy changes (flexibilities) related to provisions of the 1937 Act. The MTW Demonstration Program does not provide any waivers to other applicable federal, state, or local laws or regulations. For examples on types of MTW flexibilities and more information on the MTW Demonstration Program, please go to: <https://www.hud.gov/mtw>.

Demonstration Program by designating an additional 100 PHAs (hereafter, the “MTW Expansion”). The 2016 MTW Expansion Statute provides that PHAs selected as part of the MTW Expansion must be high performers, meet certain size and Rental Assistance Demonstration (RAD) requirements, and represent geographic diversity across the country. All PHAs selected as a part of the MTW Expansion must follow the selection notice for their applicable cohort. All PHAs selected as a part of the MTW Expansion must also follow the MTW Operations Notice, which governs the participation of all PHAs in the MTW Expansion, establishes program structure, details terms and conditions, and provides all available MTW waivers and associated activities.² Eligibility and selection criteria under this Notice are based on the requirements of the 1996 MTW Statute, the additional criteria in the 2016 MTW Expansion Statute, and other indicators that ensure qualified PHAs are selected. These criteria will also allow HUD to test important policy priorities of interest to the Department and the assisted housing community.

Section 2 of this Notice provides an overview of the evaluation and selection of PHAs in the MTW Flexibility II Cohort of the MTW Expansion. Section 3 contains information on the evaluation of the MTW Flexibility II Cohort of the MTW Expansion. Section 4 explains the selection process for the MTW Flexibility II Cohort of the MTW Expansion. Section 5 provides information on eligibility requirements and the application package for the MTW Flexibility II Cohort of the MTW Expansion. Finally, Section 6 gives administrative details and contact information.

2. Overview of Evaluation and Selection of PHAs in the MTW Flexibility II Cohort of the MTW Expansion

The MTW Flexibility II Cohort of the MTW Expansion will assess the overall effects of MTW flexibility on a PHA and the residents it serves, with emphasis on how/whether MTW PHAs seek to achieve administrative efficiencies through MTW. The MTW Flexibility II Cohort will consist of PHAs with 1,000 or fewer aggregate authorized public housing and HCV units.

PHAs seeking MTW designation in the MTW Flexibility II Cohort of the MTW Expansion will submit an MTW Plan and application package to HUD by the due date provided in Section 5(E) of this Notice. Specific elements and requirements of the MTW Plan and application package are discussed in Section 5(C) of this Notice.

Upon receiving the MTW Plan and application packages from applicant PHAs, HUD will ensure that the MTW Plan and application packages are eligible and complete according to Section 5(B) of this Notice. If there are enough MTW Expansion slots available³ for all of the PHAs that were found to have submitted eligible and complete application packages, HUD will offer MTW designation under the MTW Flexibility II Cohort of the MTW

² The MTW Operations Notice is a Federal Register Notice and may be accessed at: <https://www.federalregister.gov/d/202018152>.

³ Per the 2016 MTW Expansion Statute and incorporating PHAs already selected to the MTW Expansion, as of the publication date of this Notice, there are currently 14 slots left in the MTW Expansion for PHAs in the size category with 1,000 or fewer public housing and HCV units. There are no slots remaining in the MTW Expansion for PHAs in the size categories with more than 1,001 public housing and HCV units.

Expansion to all of the eligible applicant PHAs. If there are more applicant PHAs with complete and eligible application packages than MTW Expansion slots available, HUD will conduct a lottery of all eligible and complete MTW Plan and application packages. Those applicant PHAs selected through the lottery will be offered MTW designation under the MTW Flexibility II Cohort of the MTW Expansion. If a lottery is conducted, the applicant PHAs not selected through the lottery will not receive MTW designation under the MTW Flexibility II Cohort of the MTW Expansion but may apply for any future opportunities to join MTW under which they are eligible. All PHAs that submit an MTW Plan and application package under this Notice will be notified of their status (selected, not selected, not eligible/no complete application) after selections have been made.

Inclusion of a program or initiative in the MTW Plan and application package does not constitute approval of the program or initiative. If selected and designated as an MTW PHA, the PHA must pursue approval of all programs and initiatives through the MTW Supplement and all processes described in the MTW Operations Notice. This includes the approval of the waivers and associated activities in Appendix I of the MTW Operations Notice and the approval of any Agency-Specific Waivers and/or Cohort-Specific Waivers.

3. MTW Flexibility II Cohort Structure and Evaluation Details

This section provides information on how HUD will evaluate the MTW Flexibility II Cohort of the MTW Expansion. The final, actual program design will also depend on technical feasibility and research considerations determined by HUD.

A. Evaluation of the MTW Flexibility II Cohort of the MTW Expansion

The MTW Flexibility II Cohort of the MTW Expansion will assess the overall effects of MTW flexibility on a PHA and the residents it serves, with emphasis on how/whether MTW PHAs seek to achieve administrative efficiencies through MTW.

The evaluation of this cohort will first seek to further test outcome measures developed as a part of the evaluation for the first cohort of the MTW Expansion organized around the MTW statutory objectives of cost efficiency, self-sufficiency, and housing choice. HUD's testing of these outcome measures will require minimal participation from participating PHAs, allowing PHAs to concentrate their efforts on the administration of their local MTW program.

HUD will also capture how/whether PHAs applying to the MTW Flexibility II Cohort will be pursuing MTW flexibilities aimed at achieving administrative efficiencies in their local MTW program. Depending on the responses of the PHAs selected to participate in the MTW Flexibility II Cohort (through their responses to Section 5(C)(ii)(b) of this Notice), HUD may further explore the ways in which MTW PHAs seek to achieve administrative efficiencies through their local MTW programs. HUD anticipates that any PHA engagement in the evaluation of the MTW Flexibility II Cohort will not be overly burdensome.

The evaluation period for the MTW Flexibility II Cohort will not exceed five years from the date HUD offers designation to PHAs under this Cohort.

B. Restrictions for PHAs Participating in the MTW Flexibility II Cohort of the MTW Expansion

Participation in the MTW Flexibility II Cohort of the MTW Expansion may affect an MTW PHA's participation in RAD. A PHA selected under the MTW Flexibility II Cohort of the MTW Expansion may not pursue a full portfolio RAD conversion to Project-Based Rental Assistance (PBRA) for the evaluation period. A RAD conversion to project-based vouchers (PBVs) would be allowed. PHAs selected under the MTW Flexibility II Cohort of the MTW Expansion must follow the RAD Notice (Notice H2019-09 PIH-2019-23 (HA)).⁴

A PHA selected under the MTW Flexibility II Cohort of the MTW Expansion may pursue all MTW waivers and associated activities allowable under the MTW Operations Notice. PHAs in the MTW Flexibility II Cohort of the MTW Expansion must also follow all rules and approval processes contained in the MTW Operations Notice.

4. Selection Process for the MTW Flexibility II Cohort of the MTW Expansion

All PHAs that are interested in applying to the MTW Flexibility II Cohort and that meet the eligibility requirements outlined in Section 5(B) of this Notice by the submission deadline in Section 5(E) of this Notice are invited to submit an MTW Plan and application package, which consists of the materials detailed in Section 5(C) of this Notice. HUD will select PHAs to participate in the MTW Flexibility II Cohort to the extent slots are available in the MTW Expansion (see footnote 3 on page 2 of this Notice). If more eligible and complete MTW application packages are received than the number of slots available, HUD will conduct a lottery to fill the remaining slots in the MTW Expansion.

All PHAs that apply to the MTW Flexibility II Cohort will have eligibility assessed according to the full criteria in Section 5(B) of this Notice as described above, regardless of whether the PHA has applied to a prior cohort of the MTW Expansion.

PHAs interested in the MTW Flexibility II Cohort of the MTW Expansion must submit an MTW Plan and application package to HUD under this Notice by the submission deadline in Section 5(E) of this Notice. HUD will then screen each MTW Plan and application package received to verify eligibility according to the requirements in Section 5(B) of this Notice. HUD will next assess all eligible MTW Plan and application packages for completeness under the elements in 5(B) of this Notice. If there is a question as to the MTW Plan and application package's eligibility and/or completeness, the PHA may have the opportunity to cure the deficiency. Deficiencies will be addressed according to Section 5(D) of this Notice. After the opportunity to cure deficiencies has passed, HUD will select PHAs among the eligible and complete MTW Plan and application packages to participate in the MTW

⁴ Notices and laws related to RAD can be found at: <https://www.hud.gov/RAD/library/notices>.

Flexibility II Cohort. Those MTW Plan and application packages that were found to be not eligible and/or not complete will not be selected.

Following the review and selection process, HUD will notify the selected applicant PHAs via email of their selection in the MTW Flexibility II Cohort of the MTW Expansion. HUD will also notify those applicant PHAs not selected and those that were found to be not eligible and/or to not have completed the MTW Plan and application packages at that time. After HUD has made selections, if a selected applicant PHA declines to participate in the MTW Flexibility II Cohort of the MTW Expansion, HUD may select the next PHA from the list of randomly selected eligible and complete MTW Plans and application packages (and the associated applicant PHA) as available.

Selection does not constitute formal entry into the MTW Demonstration Program. Selected PHAs may not flexibly use Section 8 and Section 9 funding or invoke any MTW flexibility before formal entry into the MTW Demonstration Program. This will not occur until an MTW Amendment to the Annual Contributions Contract (ACC)⁵ detailing MTW participation is executed by both HUD and the PHA and any other requirements of the MTW Operations Notice are met.

Non-selection under the MTW Flexibility II Cohort will not preclude PHAs from seeking MTW designation at a future opportunity, provided the PHA is eligible under the terms of selection for that future opportunity.

Depending on the number of MTW Plan and application packages received, the geographic regions represented, and prevalence of RAD participation, HUD may adjust the potential lottery procedures to account for these requirements of the 2016 MTW Expansion Statute. HUD will consider the location of current MTW PHAs in assessing geographic diversity.

5. Submission of MTW Plan and Application Package for the MTW Flexibility II Cohort of the MTW Expansion

A. MTW Plan and Application Package Submission Format Overview

The MTW Plan and application package for the MTW Flexibility II Cohort of the MTW Expansion consists of the following:

- i.** PART I - MTW Plan and Administrative Efficiencies Information (according to Section 5(C)(ii) of this Notice); and
- ii.** PART II - Appendices 1-4 (according to Section 5(C)(iii) of this Notice).

⁵ The MTW Amendment to the ACC is available in the “Forms” section of the MTW Expansion website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/mtw/expansion.

B. Eligibility and Completeness Requirements for the MTW Flexibility II Cohort of the MTW Expansion

By the submission deadline in Section 5(E) of this Notice, PHAs must meet all the eligibility and completeness requirements included in this section. All eligibility and completeness requirements will be verified as of that date. All eligibility requirements will be verified by HUD systems. All completeness requirements will be demonstrated by items in the MTW Plan and application package submitted by the PHA. The sources used to verify the eligibility and completeness requirements are given below.

Applicant PHAs that fail to meet the eligibility requirements listed here will be deemed not eligible. MTW Plan and application packages from non-eligible applicants will not be selected for designation under this Cohort or placed into any potential lottery. MTW Plan and application packages that fail to meet the completeness requirements listed here will also not be selected for designation under this Cohort or placed into the lottery. Opportunities to cure deficiencies in eligibility and/or completeness may be available according to the terms in Section 5(D) of this Notice.

i. Eligibility and Completeness Requirements

a) List of Statutory Eligibility Requirements

HUD will verify the following eligibility requirements through HUD systems as of the submission deadline in 5(E) of this Notice:

- (1) Administration of no more than 1,000 aggregate public housing and/or HCV units as verified by HUD;⁶
- (2) Designation as a High Performer under the Public Housing Assessment System (PHAS) or Designation as a High Performer under the Section Eight Management Assessment Program (SEMAP) as verified by HUD; and
- (3) The applicant is a PHA.

b) List of Additional Eligibility Requirements⁷

HUD will verify the following eligibility requirements through HUD systems as of the submission deadline in 5(E) of this Notice:

- (1) The PHA is not “troubled” under either PHAS or SEMAP (as applicable to the PHA’s inventory);
- (2) The applicant did not accept formal designation as an MTW PHA in another cohort of the MTW Expansion;

⁶ All authorized public housing and HCV units will be counted towards the aggregate, including any special purpose vouchers.

⁷ In assessing eligibility, HUD will take into consideration any HUD-provided flexibility granted to the PHA associated with emergency or disaster relief.

- (3) The PHA has a reporting rate in IMS/PIC of at least 90% of households in both the public housing and HCV programs (as applicable to the PHA's inventory);
- (4) If the PHA administers an HCV program, the PHA is up to date on all required submissions into the Voucher Management System (VMS);
- (5) The PHA submitted all required submissions for the preceding three fiscal years into the Financial Assessment Sub-System (FASS-PH), Financial Data Schedule (FDS);
- (6) The PHA submitted its most recent PHA Plan that was due to HUD;
- (7) There are no unaddressed findings from Inspector General audits,

Independent Public Accountant (IPA) audits, Tier I or II reviews, litigation with HUD, Office of Housing Voucher Programs (OHVP) Quality Assurance Division, Office of Public Housing (OPH) Quality Assurance Team, or any other on-site or remote reviews for the PHA. The PHA has resolved outstanding nondiscrimination or equal opportunity charges, cause determinations, lawsuits, or letters of finding in accordance with Section 5(B)(i)(d) of this Notice. The PHA is not currently the subject of any unresolved Departmental challenge to the validity of the PHA's civil rights certification under 24 CFR 903.7(o) and 903.15;

- (8) If the PHA administers a public housing program, the PHA complied with obligation and expenditure deadlines of Capital Fund Program (CFP) grants in accordance with the requirements of Section 9(j) of the 1937 Act for the past three years; and
- (9) If an outstanding repayment agreement with HUD is in place, the PHA has made payments according to that agreement or has come into compliance with the agreement.

c) List of Completeness Requirements

HUD will verify the following completeness requirements from the MTW Plan and application package as submitted by the deadline in Section 5(E) of this Notice:

- (1) The PHA submitted an MTW Plan and application package consisting of the MTW Plan, Administrative Efficiencies Information (responding to Section 5(C)(ii)(b) of this Notice), and applicable appendices;
- (2) The PHA submitted a Board Resolution signed by the Board of Commissioners (or equivalent governing body) that: approves the PHA's desire to obtain MTW designation under the MTW Flexibility II Cohort of the MTW Expansion; states the intention to comply with the MTW objectives, MTW statutory requirements, and the MTW Operations Notice; and confirms that the PHA met the public process requirements in Section 5(C)(i)(c) of this Notice; and

- (3) The PHA met the public process requirements explained in Section 5(C)(i)(c) of this Notice.

d) Non-Eligible Applicants

An application submitted by multiple PHAs or from a consortium of PHAs will not be considered, nor will an application from individuals or other non-PHA entities.

Outstanding civil rights matters must be resolved before the submission deadline in Section 5(E) of this Notice. Interested PHAs that after review are confirmed to have civil rights matters unresolved at the submission deadline date will be determined ineligible, and the MTW Plan and application package will receive no further review. Interested PHAs having any of the charges, cause determinations, lawsuits, or letters of findings referenced immediately below that have not been resolved to HUD's satisfaction by the submission deadline in Section 5(E) of this Notice are ineligible. Such matters include:

- Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;
- Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance pursuant to 42 U.S.C. 3614(a);
- Status as a defendant in any other lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act, or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
- Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or Title II of the Americans with Disabilities Act; or
- Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

HUD will determine whether actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the submission deadline in Section 5(E)

of this Notice are sufficient to resolve the matter. Examples of actions that may be considered sufficient to resolve the matter include, but are not limited to:

- Current compliance with a voluntary compliance agreement signed by all the parties;
- Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- Current compliance with a consent order or consent decree;
- Current compliance with a final judicial ruling or administrative ruling or decision; or
- Dismissal of charges.

C. MTW Plan and Application Package and Submission Format

PHAs that meet the eligibility criteria in Section 5(B) of this Notice must submit an MTW Plan and application package as described in this section by the submission deadline in Section 5(E) of this Notice.

1. MTW Plan and Application Package - Application Contents and Organization

a) Electronic Submission Requirement

The MTW Flexibility II Cohort MTW Plan and application package consisting of the MTW Plan, Administrative Efficiencies Information, and appendices must be submitted electronically as a converted PDF or as a Microsoft Word document (1997 version or higher) to John Concannon; Director, Moving to Work Demonstration Program; e-mail: MTWFlexibilityII@hud.gov. The submittal email should be titled “MTW Expansion MTW Flexibility II Cohort - Application Package” and should include the name and number of the PHA and relevant contact information in the body of the email.

The addressee that transmitted the MTW Flexibility II Cohort MTW Plan and application package will be considered the main point of contact for the PHA and will receive an email confirming receipt within 72 hours of submission. That main point of contact for the PHA will also receive any other correspondence related to the PHA’s MTW Flexibility II Cohort application. If at any time that main point of contact for the PHA should be updated, the new main point of contact must send an email request to that effect to: MTWFlexibilityII@hud.gov. A PHA may only have one main point of contact at a time.

b) Instructions on Page Counts for the MTW Plan and Application Package

The MTW Flexibility II Cohort MTW Plan and application package will consist of two parts. The first part will include the MTW Plan and Administrative Efficiencies Information. The MTW Plan will consist of narrative information responding to Section 5(C)(ii)(a) of this Notice. The Administrative Efficiencies Information will consist of information responding to Section 5(C)(ii)(b) of this Notice. All pages should be numbered in this first part of the MTW Plan and application package. The second part of the MTW Plan and application package will include appendices and other supporting documentation responding to Section 5(C)(iii) of this Notice. Pages should be numbered only in Appendix 4 of this second part of the MTW Plan and application package.

The first part of the MTW Plan and application package containing the MTW Plan and the Administrative Efficiencies Information must contain page numbers and is suggested to be no more than 15 pages in length (it is suggested that PHAs allot no more than 10 pages for the MTW Plan and no more than five pages for the Administrative Efficiencies Information).

The second part of the MTW Plan and application package containing the appendices consists mainly of certifications and forms that must be submitted as provided in this Notice or as published by HUD. There are no suggested page limits associated with Appendices 1-3 described below. Appendix 4 must contain page numbers and is suggested to be no more than 10 pages. There is no prescribed format for the pages in Appendix 4 as they may be letters of support, meeting materials, sign-in sheets, resumes, etc.

c) Public Process Requirements

The MTW Flexibility II Cohort MTW Plan and application package must undergo a public process period, elements of which include all of the following:⁸

- The PHA must publish a notice that a hearing will be held on the full MTW Plan and application package. The draft MTW Plan and Administrative Efficiencies Information must be available for public inspection for at least 30 days before submission of the MTW Plan and application package to HUD.

⁸ All notices and communications must be provided, and all hearings whether in person, virtual or via telephone must be conducted, in a manner that ensures effective communication with persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act and HUD's Section 504 regulation, and Titles II or III of the ADA and implementing regulations. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters, accessible websites and other electronic communications (See 24 C.F.R. 8.6; 28 C.F.R. 35.160, 36.303).

Under Title VI of the Civil Rights Act of 1964, PHAs are required to provide take reasonable steps to ensure meaningful access to their programs and activities for individuals with limited English proficiency (LEP). Providing "meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents.

- The PHA must conduct a public hearing to discuss the MTW Plan and Administrative Efficiencies Information and invite public comment.
- The PHA's Board of Commissioners (or equivalent governing body) must approve the MTW Plan and application package by resolution no less than 15 days after that public hearing. This resolution must contain: confirmation of the PHA's desire to obtain MTW designation under the MTW Flexibility II Cohort of the MTW Expansion; a statement of the intention to comply with the MTW objectives, the MTW statutory requirements and the MTW Operations Notice; and confirmation that the PHA met the public process requirements in this section of this Notice.

d) *MTW Plan and Application Package Table of Contents*

All MTW Plan and application packages for the MTW Flexibility II Cohort of the MTW Expansion must be submitted with a table of contents arranged in the following order:

PART I (suggested to be no more than 15 pages and including page numbers).

- MTW Plan (suggested to be no more than 10 pages) – this is a narrative section that responds to Section 5(C)(ii)(a) of this Notice.
- Administrative Flexibilities Information (suggested to be no more than five pages) – this is a narrative section that responds to Section 5(C)(ii)(b) of this Notice.

PART II (no page limit or page numbers necessary for Appendices 1-3. Appendix 4 suggested to contain no more than 10 pages and includes page numbers).

- Appendix 1: Moving to Work Certifications of Compliance – this must be signed and submitted as described in Section 5(C)(iii)(a) and Attachment I of this Notice.
- Appendix 2: Public Process Documentation – this must be completed and submitted as described in Sections 5(C)(i)(c) and 5(C)(iii)(b) of this Notice.
- Appendix 3: Required Standard Forms – this must include the completed forms described in Section 5(C)(iii)(c) of this Notice.
- Appendix 4: Other Supporting Documentation – the PHA may provide supporting documentation as described in Section 5(C)(iii)(d) of this Notice.

2. PART I - MTW Plan and Administrative Efficiencies Information

This section provides narrative information on the scope and quality of the PHA's planning for its proposed local MTW program. This section should be no more than a total of 15 pages.

a) MTW Plan (suggested to be no more than 10 pages)

(1) Vision for PHA's Local MTW Program

Provide the PHA's overall vision for its local MTW program and the unique challenges and opportunities that participation in the MTW Demonstration Program would bring. The vision should be described as it relates to the three statutory objectives of the MTW Demonstration Program – cost effectiveness, self-sufficiency, and housing choice. Provide an explanation of the reason(s) why the PHA wants to participate in the MTW Demonstration Program.

Provide a description of the experience and skills of the PHA personnel with primary responsibility for the administration of the local MTW program.

Provide a statement of fair housing and other civil rights goals, strategies, and specific actions. This subsection parallels the fair housing statement in the PHA Plan template that corresponds to the type of PHA. The statement supports the PHA's civil rights certification in its efforts to comply with 24 CFR 5.151,

903.7(o), and 903.15.

(2) Plan for Future Community/Resident Engagement

Discuss how the PHA plans to continue to engage assisted households in its lowincome and affordable housing programs, as well as the broader community and stakeholders, in the implementation and development of its local MTW program. Describe any planned engagement efforts with the local community, including any outreach to racial and ethnic minorities, persons with limited English proficiency, persons with disabilities, families with children and groups representing such persons.

(3) PHA Operating and Inventory Information

Narratively provide a general description of the PHA's current public housing and HCV program units and the households that it serves. Discuss any major changes the PHA anticipates to the demographics of the households it serves. Discuss any major plans the PHA has for its housing stock as a result of its participation in the MTW Demonstration Program. Discuss challenges that the PHA faces in occupying public housing units, leasing HCV units and/or serving the special needs of specific populations.

Provide any specific examples of how the PHA has demonstrated innovation and creativity within its current program (including grants received, participation in other HUD programs, etc.)

(4) Plan for Local MTW Program

Describe what types of initiatives the PHA seeks to implement in its local MTW program and why. It is not necessary that the PHA put forth discrete activities but should discuss how the PHA seeks to utilize MTW flexibility in its community to address local needs. This discussion should be organized under the three statutory objectives of the MTW Demonstration Program, including: Cost Effectiveness, Self-Sufficiency, and Housing Choice.

(5) Proposed Use of MTW Funds

The PHA shall request authority to use public housing and HCV funds flexibly in this section.⁹ Then, list or describe the PHA's proposed uses of MTW Funds. Describe how/if the PHA plans to use funds in a flexible manner across the traditional Section 8 and Section 9 programs.

(6) Evidence of Significant Partnerships

Discuss any significant partnerships between the PHA and other public agencies, city/state/local governments, private nonprofits and/or for-profit entities (particularly local welfare offices and local providers of job training, financial empowerment, and related services). The PHA should clearly explain how such partnerships will help to achieve the vision of the PHA's local MTW program. Discuss how the PHA intends to leverage funding and/or other in-kind resources in the implementation of its local MTW program.

b) Administrative Efficiencies Information (suggested to be no more than five pages)

(1) Assessment of Past and Existing Efforts to Achieve Administrative Efficiencies

Provide a brief assessment of past and existing efforts of the PHA to achieve administrative efficiencies outside of the MTW Demonstration Program. This assessment may include a discussion of the achievements and limitations of those efforts, any challenges the PHA faced in trying to achieve administrative efficiencies, and any plans the PHA may have to achieve administrative efficiencies outside of MTW that they have not yet implemented.

(2) Assessment of Needed Administrative Efficiencies

Please list which MTW waivers and associated activities from the list below the PHA would be interested in implementing should they be designated as an MTW PHA under this cohort. If the PHA does not plan to implement any of these MTW waivers and associated activities, please state this.

⁹ Per the 1996 MTW Statute, applicant PHAs must request the authority to use public housing and HCV funds flexibly in the MTW Plan and application package.

The expression of interest in these MTW waivers and associated activities in this section will not be binding on the PHA should it receive MTW designation under the MTW Flexibility II Cohort of the MTW Expansion. The selection of MTW waivers and associated activities by the applicant PHA is for informational purposes only and will not be a factor in selection of PHAs for the MTW Flexibility II Cohort.

MTW Waivers and Associated Activities to Achieve Administrative Efficiencies¹⁰

- Tenant Rent Policies - 1(i) and 1(j): Alternative Utility Allowance (PH); Alternative Utility Allowance (HCV)
- Tenant Rent Policies - 1(r) and 1(s): Elimination of Deduction(s) (PH); Elimination of Deduction(s) (HCV)
- Tenant Rent Policies - 1(t) and 1(u): Standard Deductions (PH); Standard Deductions (HCV)
- Reexaminations - 3(a) and 3(b): Alternative Reexamination Schedule for Households (PH); Alternative Reexamination Schedule for Households (HCV).
- Reexaminations - 3(c) and 3(d): Self-Certification of Assets (PH); Self-Certification of Assets (HCV)
- Housing Quality Standards (HQS) - 5(d): Alternative Inspection Schedules (HCV)
- Project-Based Voucher Program Flexibilities - 9(c): Elimination of PBV Selection Process for PHA-owned Projects Without Improvement, Development, or Replacement
- Project-Based Voucher Program Flexibilities - 9(d): Alternative PBV Selection Process (HCV)

3. PART II - Appendices

a) Appendix 1: Moving to Work Certifications of Compliance (Attachment I of this Notice)

The PHA must provide a certification that the MTW Plan and application package is consistent with the “Moving to Work Certifications of Compliance.” A certification sheet for this purpose is provided in Attachment I of this Notice.

b) Appendix 2: Public Process Documentation

The PHA must provide documentation that the elements of the public process described in Section 5(C)(i)(c) of this Notice were met. There is no prescribed format or page limit for this appendix, but materials must include:

- The public notice advertising the public hearing;

¹⁰ More information on these MTW waivers and associated activities can be found in the MTW Operations Notice on pages 3565, available here: <https://www.hud.gov/sites/dfiles/PIH/documents/FinalMTWExOpsNoticePartVIWeb.pdf>.

- Evidence that the public hearing was held (items could include minutes, sign-in sheet, etc.); and
- A resolution signed by the Board of Commissioners (or equivalent governing body) adopting the MTW Plan and application package and the certifications contained therein. This resolution must contain: confirmation of the PHA's desire to obtain MTW designation under the MTW Flexibility II Cohort of the MTW Expansion; a statement of the intention to comply with the MTW objectives, the MTW statutory requirements and the MTW Operations Notice; and confirmation that the PHA met the public process requirements in Section 5(C)(i)(c) of this Notice.

c) Appendix 3: Required Standard Forms

The PHA must provide completed versions of the:

- Certification of Consistency with the Consolidated Plan (form HUD-2991);
- Certification of Payments (form HUD-50071); and
- Disclosure of Lobbying Activities (SF-LLL) if applicable.

Blank copies of these Standard Forms may be accessed on the MTW Flexibility II Cohort website at: <https://www.hud.gov/mtw>.

d) Appendix 4: Other Supporting Documentation

The PHA may elect to provide other materials such as letters of support, community meeting materials, resumes, memorandums of understanding, etc., to substantiate and reinforce narrative information provided in the MTW Plan and application package. Pages in this appendix must be numbered and length is suggested to be limited to 10 pages.

D. Corrections to Deficient Applications

HUD will uniformly notify each applicant of any curable deficiency by email, give instructions for how to address the curable deficiency, and give a date by which the PHA must respond to the curable deficiency. Failure to respond according to the instructions and deadline may result in the PHA failing to meet the requirements of this Notice.

E. Application Submission Deadline

MTW Plan and application packages in response to this Notice must be received by: **11:59 pm Eastern Daylight Time (EDT) on DECEMBER 8, 2023**.

6. Administrative and Contact Information

A. Paperwork Reduction Act

The information collection requirements contained in this document are approved by the

Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 2501-3520). The OMB control number is 2577-0216. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

B. Additional Resources

PHAs interested in applying for the MTW Flexibility II Cohort of the MTW Expansion will find resources available in compiling the application package at: <https://www.hud.gov/mtw>. On this webpage, HUD will post this Notice, links to the standard forms listed in Section 5(C)(iii)(c) of this Notice, Frequently Asked Questions and other resources.

C. Contact Information

For further information, contact: John Concannon; Director, Moving to Work Demonstration Program; e-mail: MTWFlexibilityII@hud.gov, or visit the MTW Demonstration Program website at: <https://www.hud.gov/mtw>.



Richard J. Monocchio
Principal Deputy Assistant Secretary
Office of Public and Indian Housing

ATTACHMENT I
Moving to Work Certifications of Compliance

CERTIFICATIONS OF COMPLIANCE

***U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE
OF PUBLIC AND INDIAN HOUSING***

**Certifications of Compliance with HUD and Federal Requirements and Regulations:
Board Resolution to Accompany Application to the Moving to Work Demonstration Program**

Acting on behalf of the Board of Commissioners of the applicant public housing agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the application to the Moving to Work (MTW) Demonstration Program for the PHA and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the application and implementation thereof:

- (1) The PHA will adhere to the MTW Operations Notice or successor notice and all requirements therein.
- (2) The PHA will adhere to HUD guidance in the MTW Operations Notice or successor notice in continuing to ensure at least 75% of families assisted are very low-income as defined in Section 3(b)(2) of the 1937 Act throughout the PHA's participation in the MTW Demonstration Program.
- (3) The PHA will adhere to HUD guidance in the MTW Operations Notice or successor notice in establishing a reasonable rent policy that is designed to encourage employment and self-sufficiency.
- (4) The PHA will adhere to HUD guidance in the MTW Operations Notice or successor notice in continuing to assist substantially the same total number of eligible low-income families as would have been served absent MTW throughout the PHA's participation in the MTW Demonstration Program.
- (5) The PHA will adhere to HUD guidance in the MTW Operations Notice or successor notice in continuing to maintain a comparable mix of families (by family size) as would have been provided had the funds not been used under the MTW Demonstration Program throughout the PHA's participation in the MTW Demonstration Program.
- (6) The PHA will adhere to HUD guidance in the MTW Operations Notice or successor notice in continuing to ensure housing assisted under the MTW Demonstration Program meets housing quality standards established or approved by the Secretary throughout the PHA's participation in the MTW Demonstration Program.
- (7) The PHA published a notice that a hearing would be held, that the application and all information relevant to the public hearing was available for public inspection for at least 30 days, that there were no less than 15 days between the public hearing and the approval of the application by the Board of Commissioners, and that the PHA conducted a public hearing to discuss the application and invited public comment.

- (8) The PHA took into consideration public and resident comments (including those of its Resident Advisory Board or Boards) before approval of the application by the Board of Commissioners or Board of Directors in order to incorporate any public comments into the application.
- (9) The PHA certifies that the Board of Commissioners has reviewed and approved the budget for the Capital Fund Program grants contained in the Capital Fund Program Annual Statement/Performance and Evaluation Report, form HUD-50075.1 (or successor form as required by HUD).
- (10) The PHA certifies that it will carry out its application in conformity with: Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-4); the Fair Housing Act (42 USC 3601-19); Section 504 of the Rehabilitation Act of 1973 (29 USC 794); Title II of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.); all regulations implementing these authorities; other applicable Federal, State, and local civil rights laws; and that it will affirmatively further fair housing by fulfilling the requirements set out in HUD regulations found at Title 24 of the Code of Federal Regulations, including regulations in place at the time of this certification, and any subsequently promulgated regulations governing the obligation to affirmatively further fair housing. The MTW PHA is always responsible for understanding and implementing the requirements of HUD regulations and policies and has a continuing obligation to affirmatively further fair housing in compliance with the 1968 Fair Housing Act, the Housing and Community Development Act of 1974, The Cranston-Gonzalez National Affordable Housing Act, and the Quality Housing and Work Responsibility Act of 1998. (42 U.S.C. 3608, 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), and 1437C-1(d)(16)).
- (11) The PHA will carry out its plan in conformity with HUD's Equal Access Rule at 24 CFR 5.105(a)(2) and will not make a determination of eligibility for housing based on sexual orientation, gender identity, or marital status.
- (12) The application is consistent with the applicable Comprehensive Plan (or any plan incorporating such provisions of the Comprehensive Plan) for the jurisdiction in which the PHA is located.
- (13) The application certifies that according to the appropriate State or local officials that the application is consistent with the applicable Consolidated Plan.
- (14) The PHA complies with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 and HUD's implementing regulations at 24 C.F.R. Part 146.
- (15) The PHA complies with the Violence Against Women Act and its implementing regulations at 24 C.F.R. Part 5, Subpart L and Parts 960 and 966.
- (16) The PHA complies with the Architectural Barriers Act of 1968 and its implementing regulations at 24 CFR Part 40, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
- (17) The PHA complies with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 75.
- (18) The PHA complies with requirements with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
- (19) The PHA complies with requirements with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.

- (20) The PHA complies with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
- (21) The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- (22) The PHA will provide HUD or the responsible entity any documentation needed to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58. Regardless of who acts as the responsible entity, the PHA will maintain documentation that verifies compliance with environmental requirements pursuant to 24 Part 58 and 24 CFR Part 50 and will make this documentation available to HUD upon its request.
- (23) With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
- (24) The PHA will keep records in accordance with 2 CFR 200.333-200.337 and facilitate an effective audit to determine compliance with program requirements.
- (25) The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
- (26) The PHA will comply with the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rewards at 2 CFR Part 200.
- (27) The application and all attachments are available at the primary business office of the PHA and at all other times and locations identified by the PHA in its Plan and will continue to be made available at least at the primary business office of the PHA.

PHA NAME

PHA NUMBER/HA CODE

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.S. §3729, 3802).

NAME OF AUTHORIZED OFFICIAL*

TITLE

SIGNATURE

DATE

**** Must be signed by either the Chairperson or Secretary of the Board of the PHA's legislative body. This certification cannot be signed by an employee unless authorized by the PHA Board to do so. If this document is not signed by the Chairman or Secretary, documentation such as the by-laws or authorizing board resolution must accompany this certification.***

