

MEMORANDUM

May 26, 2022

To: Gary Schmidt, Clackamas County Administrator

From: Toni Karter, Interim Executive Director, Housing Authority of Clackamas County (HACC)
Rodney Cook, Director of Health Housing and Human Services (H3S)

RE: HUD Application for Move-To-Work (MTW) Status under the Asset Building Cohort

The Housing Authority of Clackamas County, a Division of the Health, Housing and Human Services Department of Clackamas County is seeking approval to apply for MTW Status with HUD and hire a consultant to assist in the application. This MTW application directly aligns with our long-term strategic direction for development, the County's strategic plan to grow a vibrant economy, and the County's newly approved Values on Housing and Shelter. This MTW award would allow us to design and test innovative self-sufficiency strategies for low-income families that encourage the growth of saving accounts and/or aim to build credit for assisted households.

There is no financial impact to our funding levels from HUD if we get MTW status. The change to MTW empowers us to use our normally very restricted funding in a more flexible way that promotes self-sufficiency. No new funds will be needed to operate under MTW as we recently were awarded new family self-sufficiency coordinator funding that can focus on establishing a stronger program. There are opportunities for increased funding, in the future, if we prove successful, as we likely would qualify for more self-sufficiency coordinators in the future.

Background

The MTW Demonstration Program was established in 1996 by congress and in 2016, HUD was further authorized to expand the program by designating an additional 100 Housing Authorities over seven years with MTW status. MTW status allows a housing authority more flexibility and exemption from certain existing public housing and housing choice voucher (HCV) program rules as approved by HUD.

Our neighboring Housing Authorities in Portland, Vancouver and Washington County have all been awarded MTW status. Clackamas County wishes to apply at this time as the application heavily aligns with our County's goals and objectives. This particular application for MTW status allows the housing authority to design and test innovative self-sufficient strategies for low income families by permitting flexibility in funding and rules that limit our abilities now. Our goal would be make families currently be assisted, more self-sufficient, and hopefully build escrow and individual development plan accounts that can be used to purchase homes and graduate off assistance.

Healthy Families. Strong Communities.

The application (PIH Notice 2022-11 attached) lays out the process by which a housing authority with 6,000 or less combined units of public housing and hcv units will be selected for this particular MTW status. The application requires the assistance of an outside consultant that has successfully aided in the award of MTW status for other agencies. It is estimated this consultant would cost around \$10,000 for the application and an additional funding for consultation on building our new asset-building program. The housing authority has local project funds that could cover these costs. The application is due by July 28, 2022.

Healthy Families. Strong Communities.

2051 Kaen Road, Oregon City, OR 97045 • Phone (503) 742-5300 • Fax (503) 742-5352

www.clackamas.us



OFFICE OF PUBLIC AND INDIAN HOUSING

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

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 2022-11

Issued: April 26, 2022
Expires: This notice remains in effect until amended, superseded or rescinded

Subject: Request for Applications under the Moving to Work Demonstration Program:
Asset Building Cohort

1) Purpose and Background

This Notice offers eligible public housing agencies (PHAs) the opportunity to apply for admission to the Moving to Work (MTW) Demonstration Program. 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 Housing Choice Voucher (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 Demonstration Program by designating an additional 100 PHAs over seven years (here after, 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

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>.

all available MTW waivers and associated activities.²

This Notice lays out the process by which PHAs with 6,000 or less combined units of public housing and HCV units will be selected for the fourth cohort of the MTW Expansion, which will test asset building initiatives (Asset Building Cohort). For purposes of this Notice, Asset Building Initiatives are defined as activities that encourage the growth of savings accounts and/or aim to build credit for assisted households. 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. Eligibility and selection criteria 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 Asset Building Cohort of the MTW Expansion. Section 3 contains information on the evaluation of the Asset Building Cohort of the MTW Expansion. Section 4 explains the selection process for the Asset Building Cohort of the MTW Expansion. Section 5 provides information on eligibility requirements and the application package for the Asset Building Cohort of the MTW Expansion. Finally, Section 6 gives administrative details and contact information.

2) Overview of Evaluation and Selection of PHAs in the Asset Building Cohort of the MTW Expansion

The Asset Building Cohort of the MTW Expansion will evaluate Asset Building Initiatives and their effect on assisted households in the public housing and HCV programs. This Notice provides three options under which PHAs may seek to participate in the Asset Building Cohort of the MTW Expansion. Under the first option, titled the Opt-Out Savings Account Option, PHAs must deposit a set amount of funds per month into an escrow account for the benefit of assisted households with the goal of increasing the number of households that have bank accounts and strengthening household stability through asset building. Under the second option, titled the Credit Building Option, PHAs must report public housing rent payments to credit bureaus with the goal of increasing the credit score of assisted households. Under the third option, titled the PHA-Designed Asset Building Option, PHAs must design a local asset building program that encourages the growth of savings accounts and/or aims to build credit for assisted households. More information on each of these options is discussed in Sections 3(A)-(C) of this Notice.

PHAs seeking MTW designation in the Asset Building 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.

² The MTW Operations Notice is a Federal Register Notice and may be accessed at: <https://www.federalregister.gov/d/2020-18152>.

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 Asset Building Cohort of the MTW Expansion to all of those 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 in the affected size category. Those applicant PHAs selected through the lottery will be offered MTW designation under the Asset Building 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 Asset Building 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.

The evaluation of the Asset Building Cohort of the MTW Expansion will be conducted by an independent research team (also referred to as the evaluator). The research methods this evaluator will utilize will vary depending on the Asset Building Cohort option selected by the PHA at the time of application. More details on the evaluation are provided in Section 3 of this Notice.

3) Asset Building Cohort Options and Evaluation Details

This section provides information on the three options available to PHAs applying to the Asset Building Cohort of the MTW Expansion. It also details how the effectiveness of Asset Building Initiatives will be evaluated for this Cohort.

All PHAs that are selected to participate in the Asset Building Cohort of the MTW Expansion must participate in a “Community of Practice” that will seek to develop ideas and best practices in furthering the goals of Asset Building Initiatives. It is anticipated that the time commitment associated with this “Community of Practice” will be no more than two hours per quarter (or eight hours per year).⁴

All PHAs that apply to the Asset Building Cohort of the MTW Expansion must choose to participate in one of the following three options: Opt-Out Savings Account Option, Credit Building Option, or PHA-Designed Asset Building Option. These options are explained in greater detail below. The final, actual program design will also depend on technical feasibility and research considerations determined by HUD.

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 19 slots left in the MTW Expansion for PHAs in the size category with 1,000 or less public housing and HCV units and 11 slots left in the MTW Expansion for PHAs in the size category with between 1,001 and 6,000 public housing and HCV units. There are no slots remaining in the MTW Expansion for PHAs in the size category with more than 6,000 public housing and HCV units.

⁴ Many outstanding policy details regarding the Asset Building Initiatives described in this Notice have not yet been determined. PHAs selected to participate in the Asset Building Cohort will use the Community of Practice as a resource in finalizing these policy details for the PHA.

A. Opt-Out Savings Accounts Option

Under this option, the PHA would create an “opt-out” savings program to deposit a set amount of funds from HCV Housing Assistance Payment (HAP) or Operating Fund funding each month into an escrow account for the benefit of an assisted household. PHAs may also choose to supplement the savings program with other private and/or public funding sources. After one year, the assisted household would then have access to these funds.

In implementing the Opt-Out Savings Accounts Option of the Asset Building Cohort, PHAs must incorporate the following elements into their policy design:

- 1) *Structure*: The PHA must contribute a PHA-determined, set amount of funds per household, per month into an escrow or personal savings account for the benefit of each assisted household participating in the savings program. The PHA must utilize the Cohort-Specific Waiver and the associated activities titled “COHORT 5.1 Opt-Out Savings Account” found at the end of this section in implementing the savings program.
- 2) *Eligibility*: All Section 8 and Section 9 assisted households must be eligible to participate in the savings program, regardless of elderly and/or disabled status.
- 3) *Implementation Period*: The PHA must provide the monthly contributions to assisted households participating in the savings program for at least 24 consecutive months.
- 4) *Number of Households*: The PHA must offer the savings program to at least 25 of its Section 8 and/or Section 9 assisted households. The PHA may not offer the savings program to more than 50% of its Section 8 and/or Section 9 assisted households during the 24-month implementation period without express permission from HUD. The Asset Building Cohort evaluator may assist the PHA in randomly selecting assisted households to participate in the savings program as needed.
- 5) *Amount of Savings Contribution*:⁵ The PHA must contribute at least \$10 per month for the benefit of each assisted household participating in the savings program. The PHA must not contribute more per month for the benefit of each assisted household participating in the savings program than the applicable fair market rent of the unit in which they reside.⁶ This amount must be the same for each assisted household participating in the savings program.
- 6) *Access to Banking*: The PHA must develop and implement a strategy to connect assisted households participating in the savings program with banking resources in the community. Banking resources should seek to maximize access to banking and minimize fees and other risks to the financial position of assisted households. This

⁵ Any amount of HUD funds provided to households under this option must meet the reasonable cost requirements of 2 CFR 200.404.

⁶ PHAs may supplement the amount of HUD funds provided to households with philanthropic and non-federal funding sources above the ceiling provided here.

strategy could be developed internally at the PHA or in conjunction with a partner organization. Assisted households participating in the savings program must have or obtain a bank account in order to receive funds from the savings program.

- 7) *Access to Funds by Assisted Households*: The PHA must let the funds accumulate in the escrow account for one year or until the account has reached a balance of \$120 before the assisted household may access them. The PHA may establish guidelines where assisted households can receive funds for an urgent need before the account has reached a balance of \$120. The PHA may not place restrictions on how the funds are utilized by the assisted household after the account has reached a balance of \$120.

The Cohort-Specific Waiver and associated activities for the Opt-Out Savings Account Option are:

COHORT 5.1 Opt-Out Savings Account: Normally, a household must opt-in under a contract of participation in a Family Self-Sufficiency (FSS) program to receive funds from the PHA through an escrow account. This MTW waiver and associated activities does not require participation in a traditional FSS program by the PHA or the household, eliminates the FSS contract of participation and other requirements, and allows the PHA to contribute funds to assisted households with the goal of increasing savings. A PHA may, but is not required to, operate an FSS program or other self-sufficiency program in conjunction with this waiver and associated activities.

COHORT 5.1. Opt-Out Savings Account
 The agency is authorized to provide funds to assisted households with the goal of increasing savings of assisted households.

COHORT 5.1.a., COHORT 5.1.b. Opt-Out Savings Accounts		
Activity	<p>COHORT 5.1.a. <u>Opt-Out Savings Accounts (PH)</u> - The agency is authorized to provide funds to assisted households with the goal of increasing savings of assisted households.</p> <ul style="list-style-type: none"> • Funds shall be provided in the form of a savings account that will accrue for at least one year or until the account reaches \$120; • No contract of participation will be required; • Households do not need to meet eligibility requirements in the FSS statute; • All public housing assisted households must be eligible 	<p>COHORT 5.1.b. <u>Opt-Out Savings Accounts (HCV)</u> - The agency is authorized to provide funds to assisted households with the goal of increasing savings of assisted households.</p> <ul style="list-style-type: none"> • Funds shall be provided in the form of a savings account that will accrue for at least one year or until the account reaches \$120; • No contract of participation will be required; • Households do not need to meet eligibility requirements in the FSS statute; • All HCV assisted households must be eligible to participate in

	<p>to participate in the savings program, regardless of elderly and/or disabled status; and</p> <ul style="list-style-type: none"> The amounts of contributions are not tied to income and contributions will be made whether or not there is a corresponding increase in tenant rent. 	<p>the savings program, regardless of elderly and/or disabled status; and</p> <ul style="list-style-type: none"> The amounts of contributions are not tied to income and contributions will be made whether or not there is a corresponding increase in participant contribution.
Statutes and Regulations Waived	<p>Opt-Out Savings Accounts (PH & HCV) - Certain provisions of sections 23(b)-(f), and (n)(1) of the 1937 Act and 24 CFR 984.101-105, 984.201-204, 984.301-306 and 984.401.</p>	
<p>Safe Harbor(s) COHORT 5.1.a and COHORT 5.1.b</p> <ul style="list-style-type: none"> i. The PHA must continue to follow all requirements of 2 CFR part 200. ii. 24 CFR 984.305(a) on accounting and reporting must be retained. iii. The PHA must contribute at least \$10 per month for the benefit of each assisted household participating in the savings program. iv. The PHA must not contribute more per month for the benefit of each assisted household participating in the savings program than the applicable fair market rent of the unit in which they reside. v. The PHA must provide an opportunity for households to opt-out of this activity. 		

B. Credit Building Option

Under this option, the PHA would report the public housing rent payments of public housing households that enroll in the program through an informed consent process to one or more credit bureaus with the goal of building credit for those households.

In implementing the Credit Building Option of the Asset Building Cohort, PHAs must incorporate the following elements into their policy design:

- 1) *Structure*: The PHA would offer the opportunity to participate in the credit building program to a set number of public housing households. The households would then enroll through an informed consent process in the credit building program or decide not to participate in the credit building program. The PHA must seek to report all public housing rent payments (on-time, late, and missed) for the public housing households participating in the credit building program to one or more credit bureaus at regular intervals. Rent reporting should be in accord with standard practices that protect consumers, such as not reporting unpaid balances that are small. During the informed consent process, the PHA must explain potential risks and benefits of participating in the credit building program. After deciding to participate in this credit building program, the household may contact the PHA and withdraw their participation at any time.

- 2.) *Eligibility*: All Section 9 assisted households must be eligible to participate in the credit building program, regardless of elderly and/or disabled status.
- 3.) *Implementation Period*: The PHA must implement the overall credit building program by providing data itself or through a third-party entity to credit bureaus on public housing rent payments made by public housing households participating in the credit building program for at least 24 consecutive months. There is no implementation or participation time requirement per household.
- 4.) *Number of Households*: The PHA must offer the credit building program to at least 25 of its public housing households. The PHA may not offer the credit building program to more than 50% of its public housing assisted households during the 24-month implementation period without express permission from HUD. The Asset Building Cohort evaluator may assist the PHA in randomly selecting the public housing households to offer participation in the credit building program as needed.

C. PHA-Designed Asset Building Option

As stated earlier, for purposes of this Notice, Asset Building Initiatives are defined as activities that encourage the growth of savings accounts and/or aim to build credit for assisted households. Under this option, the PHA would design a local asset building program to further one, or both, of these goals. PHAs should tie the PHA-Designed Asset Building Option to one or more of the following: activities requiring MTW statutory or regulatory flexibility, MTW funding flexibility, and/or building credit.

If a PHA seeks to implement both the Opt-Out Savings Account Option described in Section 3(A) of this Notice and the Credit Building Option described in Section 3(B) of this Notice, it should apply under this PHA-Designed Asset Building Option.

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.

D. Evaluation of the Asset Building Cohort of the MTW Expansion

HUD will contract with an outside evaluator to conduct evaluations at each participating PHA. PHAs will be required to assist evaluators by providing information and facilitating access to participating households, but PHAs will not be responsible for evaluating Asset Building Initiatives. HUD anticipates that PHA engagement in the evaluation of its Asset Building Initiatives will not be burdensome.

HUD anticipates that the evaluation of Asset Building Initiatives will begin approximately six months after PHAs are selected for the Asset Building Cohort with the

collection of baseline data from participating households. The term of evaluation will be five years from the collection of baseline data.

HUD anticipates that the goals of the evaluation will be to document the implementation of the Asset Building Initiatives, understand perspectives and experiences of assisted households with these initiatives, and determine the impacts of the initiatives on outcome measures such as amount of savings, uses of accumulated savings, credit scores and other measures obtainable from credit reports, assessments of households' financial well-being, and participants' understanding of banking and credit.

E. Restrictions for PHAs Participating in the Asset Building Cohort of the MTW Expansion

Participation in the Asset Building Cohort of the MTW Expansion may affect an MTW PHA's participation in RAD. A PHA selected under the Asset Building Cohort of the MTW Expansion may not pursue a full RAD conversion to Project-Based Rental Assistance (PBRA) for the evaluation period. A RAD conversion to project-based vouchers (PBVs) would be allowed.

There are no other restrictions on the types of MTW waivers and associated activities that a PHA selected under the Asset Building Cohort of the MTW Expansion may pursue. All flexibilities and MTW waivers and associated activities available in the MTW Operations Notice are available to PHAs designated under this Cohort. PHAs in the Asset Building Cohort of the MTW Expansion must also follow all rules and approval processes contained in the MTW Operations Notice.

4) Selection Process for the Asset Building Cohort of the MTW Expansion

All PHAs that are interested in implementing one of the three options detailed in Section 3(A), 3(B) or 3(C) of this Notice 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 Asset Building Cohort to the extent slots are available in the MTW Expansion (see footnote 3 on page 3 of this Notice). If more eligible and complete MTW application packages are received than slots available, HUD will conduct a lottery in the affected size category to fill the remaining slots in the MTW Expansion.

PHAs that have not applied to prior cohorts of the MTW Expansion, or that applied to prior cohorts of the MTW Expansion and were found not to be eligible for that cohort by HUD, will have eligibility assessed according to the full criteria in Section 5(B) of this Notice as described above.

PHAs that applied to prior cohorts of the MTW Expansion and were found to be eligible for that cohort by HUD are eligible for the Asset Building Cohort of the MTW Expansion if they are not troubled in either the Public Housing Assessment System (PHAS) or the Section Eight Management Assessment Program (SEMAP) as of the submission deadline in Section

5(E) of this Notice.

PHAs interested in the Asset Building 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 Asset Building 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 Asset Building 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 Asset Building Cohort of the MTW Expansion, HUD may randomly select another eligible and complete MTW Plan and application package (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)⁷ 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 Asset Building 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 size of the PHAs, 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. HUD may also consider the number of PHAs applying to participate under each of the three options described in Sections 3(A)-3(C) of this Notice in structuring potential lottery procedures.

5) Submission of MTW Plan and Application Package for the Asset Building Cohort of the MTW Expansion

⁷ 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.

A. MTW Plan and Application Package Submission Format Overview

The MTW Plan and application package for the Asset Building Cohort of the MTW Expansion consists of the following:

- i. PART I - MTW Plan and Asset Building Initiatives 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).

B. Eligibility and Completeness Requirements for the Asset Building 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 Requirements⁸

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 6,000 aggregate public housing and/or HCV units as verified by HUD;⁹
- (2) Designation as a High Performer under the PHAS or Designation as a High Performer under SEMAP as verified by HUD; and
- (3) The applicant is a PHA.

⁸ PHAs that applied to the prior cohorts of the MTW Expansion and were found to be eligible for that cohort by HUD are eligible for the Asset Building Cohort of the MTW Expansion if they are not troubled in either PHAS or SEMAP as of the submission deadline in Section 5(E) of this Notice. Additional verification of the statutory and additional eligibility requirements will not be conducted for these PHAs. There will be verification of the completeness requirements for these PHAs.

⁹ All authorized public housing and HCV units will be counted towards the aggregate amount, including any special purpose vouchers.

b) List of Additional Eligibility Requirements¹⁰

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;
- (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, 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, Asset Building Initiatives Information, and applicable appendices;

¹⁰ In assessing eligibility, HUD will take into consideration any HUD-provided flexibility granted to the PHA associated with emergency or disaster relief.

- (2) The PHA chose to implement one of the three options detailed in Section 3(A), 3(B) or 3(C) of this Notice;
- (3) 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 Asset Building Cohort of the MTW Expansion; states the intention to comply with the MTW objectives, MTW statutory requirements, and the MTW Operations Notice; confirms that the PHA met the public process requirements in Section 5(C)(i)(c) of this Notice; and states the commitment to implement the Asset Building Cohort option discussed in the MTW Plan and application package; and
- (4) 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 who 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 Office of Fair Housing and Equal Opportunity'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 if 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.

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

a) Electronic Submission Requirement

The Asset Building Cohort MTW Plan and application package consisting of the MTW Plan, Asset Building Initiatives Information, and appendices must be submitted electronically as a converted PDF or as a Microsoft Word document (1997 version or higher) to Marianne Nazzaro; Director, Moving to Work Demonstration Program; e-mail: MTWAssetBuilding@hud.gov. The submittal e-mail should be titled “MTW Expansion Asset Building 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 Asset Building 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 Asset Building 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: MTWAssetBuilding@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 Asset Building Cohort MTW Plan and application package will consist of two parts. The first part will include the MTW Plan and Asset Building Initiatives Information. The MTW Plan will consist of narrative information responding to Section 5(C)(ii)(a) of this Notice. The Asset Building Initiatives 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 Asset Building Initiatives Information must contain page numbers and is suggested to be no more than 15 pages in length (it is suggested that PHAs allot 10 pages for the MTW Plan and five pages for the Asset Building Initiatives 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 Asset Building Cohort MTW Plan and application package must undergo a public process period, elements of which include all of the following:¹¹

¹¹ 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 individuals with limited English proficiency (LEP) with meaningful access to their programs and services. Providing "meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents.

- 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 Asset Building Initiatives Information must be available for public inspection for at least 30 days before submission of the MTW Plan and application package to HUD.
- The PHA must conduct a public hearing to discuss the MTW Plan and Asset Building Initiatives 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 Asset Building 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; confirmation that the PHA met the public process requirements in this section of this Notice; and a statement of the commitment to implement the Asset Building Cohort option discussed in the MTW Plan and application package.

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

All MTW Plan and application packages for the Asset Building 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.
- Asset Building Initiatives 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.

ii. PART I - MTW Plan and Asset Building Initiatives Information

This section provides narrative information on the scope and quality of the PHA's planning for its proposed local MTW program and Asset Building Initiatives. 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 low-income 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.¹² 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) Asset Building Initiatives Information (suggested to be no more than five pages)

(1) Assessment of Existing Asset Building Programs

Provide an assessment of past and existing efforts of the PHA on asset building for assisted households, including efforts that encourage the growth of savings accounts and/or aim to build credit for assisted households. This assessment should include a discussion of any current or past participation in HUD's FSS or other self-sufficiency programs, any PHA resources related to asset building education, and any partnerships with local organizations related to asset building and/or asset building education.

(2) Choice of Asset Building Initiatives Option

Identify one of the three options detailed in Section 3(A), 3(B) or 3(C) of this Notice that the PHA will implement if selected for the Asset Building Cohort of the MTW Expansion. The PHA must explain why it chose this option.

(3) Information Specific to Asset Building Initiatives Option Chosen by PHA

¹² 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 PHA should only provide information under this item that is applicable to the Asset Building Initiative Option that was chosen.

If the PHA chose the **Opt-Out Savings Account Option** in Section 3(A) of this Notice:

- State the goal of implementing the savings program and the anticipated benefits of the savings program for assisted households.
- In the table below, identify the number of assisted households that the PHA anticipates will participate in the savings program and the amount of savings that will be contributed per household, per month.¹³ These numbers must meet the thresholds and boundaries set in Section 3(A) of this Notice.

(A) Anticipated Number of Assisted Households Participating in Savings Program <i>(must be at least 25 households)</i>	
(B) Anticipated Percentage of Assisted Households Participating in Savings Program <i>(must be no more than 50% of total Assisted households)</i>	
(C) Anticipated Amount of Savings Contributed Per Household Per Month <i>(must be at least \$10 per household, per month)</i>	
Total PHA Investment Per Month <i>(A) x (C)</i>	
Total Anticipated PHA Investment Per Year <i>((A) x (C)) x 12 months</i>	
Total Anticipated PHA Investment for Life of Program <i>((A) x (C)) x 24 months</i>	

- Discuss if and how implementing the savings program will impact the PHA’s overall budget. If the total costs of the savings program to the PHA are projected to exceed 5% of the PHA’s overall budget, please state this and explain how the PHA will continue to meet utilization and occupancy goals. Discuss whether the PHA plans to seek funding or other resources from any other public or private sources to support the savings program.

¹³ For example, if an applicant PHA with 200 assisted households anticipated that 50 assisted households would participate in the savings program with an anticipated amount of \$15 per month, per household, the table the PHA submitted would read as follows:

(A) Anticipated Number of Assisted Households Participating in Savings Program <i>(must be at least 25 households)</i>	50
(B) Anticipated Percentage of Assisted Households Participating in Savings Program <i>(must be no more than 50% of total Assisted households)</i>	25%
(C) Anticipated Amount of Savings Contributed Per Household Per Month <i>(must be at least \$10 per household, per month)</i>	\$15
Total PHA Investment Per Month <i>(A) x (C)</i>	\$750
Total Anticipated PHA Investment Per Year <i>((A) x (C)) x 12 months</i>	\$9,000
Total Anticipated PHA Investment for Life of Program <i>((A) x (C)) x 24 months</i>	\$18,000

- Discuss preliminary ideas on how the PHA strategy to increase assisted households' access to banking resources would be structured.

If the PHA chose the ***Credit Building Option*** in Section 3(B) of this Notice:

- State the goal of implementing the credit building program and the anticipated benefits of the credit building program for assisted households.
- Identify the percentage and number of public housing households to which the PHA anticipates it will offer participation in the credit building program. This number must meet the threshold set in Section 3(B) of this Notice.
- Discuss preliminary ideas on how the PHA would implement credit reporting of public housing rent payments on its own or with a partner organization.
- Discuss if and how implementing the credit building program will impact the PHA's overall budget. Discuss whether the PHA plans to seek funding or other resources from any other public or private sources to support the credit building program.

If the PHA chose the ***PHA-Designed Asset Building Option*** in Section 3(C) of this Notice

- Describe the asset building program envisioned by the PHA. State the goal of this program and the anticipated benefits of the program for assisted households. If the PHA utilized any evaluations or existing demonstrations to develop its policy, please include a description of these.
- State whether the primary program goal is to encourage the growth of savings accounts or to build credit for assisted households.
- Discuss the elements of the PHA's program that will encourage the growth of savings accounts and/or aim to build credit for assisted households.
- Distinguish between the elements that will require MTW statutory or regulatory flexibility, MTW funding flexibility and/or that are tied to building credit. The PHA should also distinguish related or adjacent elements that will not require MTW flexibility.
- Identify the percentage and number of assisted households that the PHA anticipates will be affected by the PHA's program.
- Discuss if and how implementing the PHA's program will impact the PHA's overall budget. Discuss whether the PHA plans to seek funding or other resources from any other public or private sources to support the PHA's program.

iii. 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;
- 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 fourth 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; confirmation that the PHA met the public process requirements in Section 5(C)(i)(c) of this Notice; and a statement of the commitment to implement the Asset Building Cohort option proposed in the MTW Plan and application package.

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 fourth 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 JULY 28, 2022.**

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 Asset Building 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: Marianne Nazzaro; Director, Moving to Work Demonstration Program; e-mail: MTWAssetBuilding@hud.gov, or visit the MTW Demonstration Program website at: <https://www.hud.gov/mtw>.

_____/ s /_____
Dominique Blom
General Deputy Assistant Secretary
for 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 41, 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.*