



Special Attention of:

NOTICE PIH 2021-02

**Public Housing Agency Directors;
Public Housing Hub Office Directors;
Public Housing Field Office Directors;
Program Center Coordinators;
Resident Management Corporations;
Resident Councils**

Issued: January 7, 2021
Expires: This notice remains in effect until amended, superseded or rescinded

Subject: Request for Applications under the Moving to Work Demonstration Program for Fiscal Year 2021:
COHORT #3 – Work Requirements

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 (HUD).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 site selection 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

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: www.hud.gov/mtw.

program structure, details terms and conditions, and provides all available MTW waivers and associated activities.²

This Notice lays out the process by which PHAs will be selected for the third cohort of the MTW Expansion, which will test work requirements that aim to increase self-sufficiency. 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. Applications for other cohorts of the MTW Expansion will be sought through separate selection notices.

Section 2 of this Notice provides an overview of the evaluation and selection of PHAs in the third cohort of the MTW Expansion. Section 3 contains detailed information about what applicant PHAs must consider in developing a local work requirement policy and the evaluation of the third cohort of the MTW Expansion. Section 4 explains the selection process for this third cohort of the MTW Expansion. Section 5 provides information on eligibility requirements and the application package for the third cohort of the MTW Expansion. Finally, Section 6 gives administrative details and contact information.

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

The third cohort of the MTW Expansion will test the impact of implementing a work requirement policy on the PHA and the residents it serves. PHAs may choose to implement a work requirement policy in the public housing program, the HCV program, or both programs. As described in this Notice, HUD seeks to balance the goal of allowing applicant PHAs maximum flexibility to design a work requirement policy while still ensuring that the policies across the PHAs are similar enough to support rigorous evaluation.

To select PHAs for the third cohort of the MTW Expansion, HUD will first assess the eligibility of each applicant PHA according to the eligibility criteria in Section 5(B) of this Notice. PHAs may (but are not required to) request an eligibility determination by HUD before deciding whether to apply for the third cohort of the MTW Expansion. Applicant PHAs will fully develop a local work requirement policy as detailed in the MTW Operations Notice and vet that policy through the provided resident engagement, public comment and review process. More details on developing the local work requirement policy can be found in Section 3(A) of this Notice. The applicant PHA will then submit an MTW Plan and application package that describes the local work requirement policy and other elements of the proposed local MTW program 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

² The MTW Operations Notice is a Federal Register Notice and may be accessed at: <https://www.federalregister.gov/documents/2020/08/28/2020-18152/operations-notice-for-the-expansion-of-the-moving-to-work-demonstration-program>. An easier to review, reformatted version of the MTW Operations Notice is available at: <https://www.hud.gov/sites/dfiles/PIH/documents/FinalMTWExOpsNoticePartVIWeb.pdf>.

discussed in Section 5(C) of this Notice.

Upon receiving the MTW Plan and application packages from applicant PHAs, HUD will review eligibility of the applicant PHAs (if it has not already been assessed) and ensure that the MTW Plan and application packages are complete. HUD will then 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 third cohort of the MTW Expansion.³ The applicant PHAs not selected through the lottery will not receive MTW designation under the third cohort of the MTW Expansion but may apply to any future cohorts of the MTW Expansion to which they are eligible. All PHAs that submitted an MTW Plan and application package under this Notice will be notified of their status (selected, not selected, not eligible/no complete application) after the lottery has been conducted.

The evaluation of the third cohort of the MTW Expansion will be conducted by an independent research team and will assess whether households subject to a work requirement earn more income than assisted households that are not subject to a work requirement policy. In addition to measuring changes in earned income and other key outcomes for households, the evaluation will document how PHAs design and implement a work requirement policy. More details on the evaluation, which assisted households are eligible and the random assignment process are provided in Section 3 of this Notice.

3) Local Work Requirement Policy and Third Cohort Evaluation Details

This section details the factors applicant PHAs must consider and address in developing their local work requirement policy. The evaluation of the third cohort and associated requirements for PHAs selected to participate in the third cohort of the MTW Expansion are also provided.

A. Development of the Local Work Requirement Policy to be Tested

Allowing local flexibility for PHAs to shape their proposed local work requirement policy is critical. PHAs should design a local work requirement policy that is informed by the unique attributes of the households the PHA serves, the local job market and any other factors that define the employment opportunity in their community.

For purposes of the third cohort of the MTW Expansion, a local work requirement policy is defined as one that requires at least 10 hours of work activity per week per eligible individual (or at least 15 hours per week per eligible household). Work activity can include any combination of paid employment, education/training, and/or work-related activities as defined by the PHA.

In the MTW Plan and application package, applicant PHAs must utilize the work requirement waiver along with associated activities and safe harbors in Appendix I of the

³ If less than 11 eligible and complete MTW Plan and application packages are received by HUD, all of the applicant PHAs that submitted eligible and complete MTW Plan and application packages may receive MTW designation under Cohort #3.

MTW Operations Notice to develop the local work requirement policy. If selected to participate in the third cohort of the MTW Expansion, the PHA will seek to implement the local work requirement policy through the regular implementation process detailed in the MTW Operations Notice. That is, the PHA will include the local work requirement policy in the MTW Supplement to the PHA Plan and may seek a Safe Harbor Waiver if necessary. While applicant PHAs may incorporate possible Safe Harbor Waiver requests into their local work requirement policy for purposes this application, final HUD review of the Safe Harbor Waiver will occur through the process detailed in the MTW Operations Notice.

B. Eligibility of Households and Individuals with regard to the Local Work Requirement Policy

The local work requirement policy will be applied and evaluated according to four categories of households. Please note, the local work requirement policy must allow for exemptions when required as a reasonable accommodation for an individual with a disability.⁴ These are:

- **Excluded Households (Mandatory)**: Elderly households and disabled households⁵ will be in the “Excluded Households (Mandatory)” category. In addition, households where all the adult members of the household are excluded individuals (discussed below) will be in the Excluded Households (Mandatory) category. These households will not be subject to the local work requirement policy and will not be included in the third cohort evaluation.
- **Excluded Households (PHA Election)**: The PHA may elect to exclude other categories of households from the local work requirement policy subject to all applicable fair housing and civil rights requirements and the mandatory admission and prohibition requirements imposed by sections 576-578 of the Quality Housing and Work Responsibility Act of 1998 and Section 428 of P.L. 105-276. These households will be in the “Excluded Households (PHA Election)” category. These households will not be subject to the local work requirement policy and will not be included in the third cohort evaluation.

⁴ Reasonable accommodations are based on the ADA/ADA Amendments Act definition of disability found at 42 USC 12102 and 28 CFR 35.108.

⁵ For purposes of this Notice, the terms “disabled household” and “disabled family” are used interchangeably to mean the definition of “disabled family” found at 24 CFR 5.403. For purposes of this Notice, the terms “elderly household” and “elderly family” are used interchangeably to mean the definition of “elderly family” found at 24 CFR 5.403. Each individual with a disability has the right to a reasonable accommodation even if they are not the head of the household or otherwise eligible to work.

Within the scope of the MTW Operations Notice, MTW PHAs may amend the definition of an elderly person to increase the elderly age to an individual who is at least 65 years old. This MTW waiver and the associated activity, however, are restricted for PHAs that participate in the third cohort of the MTW Expansion. Rather than permitting an increase of the elderly age threshold, the threshold will be lowered to determine which households would be subject to the local work requirement policy. Any household with a head of household, co-head of household, spouse, or sole member aged 57 or older on the effective date would be excluded from the evaluation, because they would surpass the age 62 elderly threshold during the five-year evaluation period.

- **Evaluation Exempted Households**: Households that are included in other HUD programs that do not fit into the evaluation framework will be in the “Evaluation Exempted Households” category.⁶ These households may or may not be subject to a local work requirement policy, pursuant to the MTW Operations Notice and whether the PHA includes such a policy in the MTW Supplement to the PHA Plan. These households, however, will not be subject to the third cohort evaluation. Examples of types of households in this category are those: with special purpose vouchers, with homeownership vouchers, who are being served under any local, non-traditional program, and who are enrolled in the Family Self-Sufficiency (FSS) Program. Based on the research design, HUD and the research team may elect for other household types to be added to this category. Should this occur, PHAs would not be penalized.
- **Eligible Households**: Households in the public housing and HCV programs that are not included in the Excluded Households (Mandatory), Excluded Households (PHA Election) or Evaluation Exempted Households categories will be in the “Eligible Households” category. Eligible Households will be subject to the local work requirement policy and included in the third cohort evaluation. Eligible Households, and individuals that are members of the household, may seek relief from the local work requirement policy through the PHA’s hardship and/or reasonable accommodation policies.

The third cohort evaluation will include Eligible Households that are being served by the PHA as of the effective date of the local work requirement policy. The effective date is the date the PHA will begin to monitor and enforce the local work requirement policy. After this effective date, the PHA may choose whether newly admitted Eligible Households will be subject to the work requirement policy and whether random assignment would continue for those Eligible Households or not.

Within an Eligible Household, certain individuals may not be subject to the local, work requirement policy. These will be referred to as “Excluded Individuals.” If all adult members of the Eligible Household are Excluded Individuals, then that household would move to the Excluded Households (Mandatory) category. Excluded Individuals include:

- Individuals listed in the Waiver 12 Safe Harbors in Appendix I of the MTW Operations Notice in both the public housing and HCV programs;⁷ and
- Individuals that the PHA may elect to exclude from the local work requirement policy subject to all applicable fair housing and civil rights requirements and the mandatory admission and prohibition requirements imposed by sections 576-578 of the Quality Housing and Work Responsibility Act of 1998 and Section 428 of P.L. 105-276.

⁶ The PHA may apply any MTW waivers and associated activities, including work requirements, according to the requirements in the MTW Operations Notice to this category of households. Other evaluations and/or future evaluations may evaluate the effect of work requirements on households that are not eligible to be studied under this evaluation.

⁷ As provided in the MTW Operations Notice, PHAs may seek a Safe Harbor Waiver to include some individuals in this category. Should the PHA seek a Safe Harbor Waiver to that effect that was approved by HUD, that category of individuals would not be considered “Excluded Individuals.”

C. Restrictions for PHAs Participating in the Third Cohort of the MTW Expansion

In order to effectively evaluate the impact of a work requirement policy, PHAs selected under this third cohort of the MTW Expansion must forgo the ability to apply certain MTW waivers and associated activities on Eligible Households for a period of five years following the effective date of the local work requirement policy (referred to as the “evaluation period”). The following MTW waivers and associated activities in the MTW Operations Notice⁸ will not be available to PHAs selected under this third cohort of the MTW Expansion for Eligible Households for the evaluation period without the express permission of HUD:

- Waiver 1 on Tenant Rent Policies, Activities a-l, o-s and v-w;
- Waiver 3 on Reexaminations, Activities a-b;
- Waiver 6 on Short-Term Assistance, Activities a-b;
- Waiver 7 of Term-Limited Assistance, Activities a-b;
- Waiver 8 on Increase Elderly Age, Activity 8; and
- Waiver 12 on Work Requirements, Activities a-b (unless used as a part of the HUD-approved local work requirement policy to be evaluated).

In addition, while PHAs selected under this third cohort of the MTW Expansion may utilize Waivers 10 and 11 on Self-Sufficiency Programs, Waiver 13 on Public Housing as an Incentive for Economic Progress, Waiver 14 on the Moving On Policy, Waiver 16 on Deconcentration of Poverty in Public Housing and Waiver 17 on Local, Non-Traditional Activities, HUD must provide express permission from the research team to ensure the activity will not have a significant impact on the third cohort evaluation before any activities under these waivers may be implemented. This express permission will occur outside, and in addition to, the regular approval process for the MTW Supplement to the PHA Plan.

PHAs selected under this third cohort of the MTW Expansion may propose Safe Harbor Waivers and Agency Specific Waivers under the regular process as described in the MTW Operations Notice. HUD will review any such proposals with the independent research team to assess whether they conflict with the third cohort evaluation. No MTW waivers or associated activities that create a mandatory self-sufficiency program, impose a time limit, impose a separate work requirement, or alter rents/reexaminations for Eligible Households will be considered.

Participation in the third cohort of the MTW Expansion may also affect an MTW PHA’s participation in the Rental Assistance Demonstration (RAD). A PHA selected under this third cohort of the MTW Expansion may not pursue a RAD conversion to Project-Based Rental Assistance (PBRA) that affects households subject to the third cohort evaluation

⁸ MTW Waivers and associated activities for the MTW Expansion can be found in Appendix I of the MTW Operations Notice, found here: <https://www.federalregister.gov/documents/2020/08/28/2020-18152/operations-notice-for-the-expansion-of-the-moving-to-work-demonstration-program>.

for the evaluation period. A RAD conversion to project-based vouchers (PBVs) would be allowed.

D. Future Changes to the Local Work Requirement Policy

As part of the evaluation for the third cohort of the MTW Expansion, participating PHAs are required to seek to implement the local work requirement policy as it is described in their MTW Plan and application package to HUD through the process described in the MTW Operations Notice. Should the PHA wish to make changes to their local work requirement policy during the evaluation period, the PHA must first receive express permission from HUD.

E. Evaluation of the Third Cohort of the MTW Expansion

The third cohort of the MTW Expansion will test the impact of implementing a work requirement policy in the public housing and HCV programs. The evaluation will assess whether households subject to a work requirement earn more income than assisted households that are not subject to a work requirement policy. In addition to measuring changes in earned income, the evaluation will document how PHAs design and implement a work requirement policy, measure changes in key outcomes for households beyond earned income, such as decreases in housing tenure and occurrence of material hardship, and assess the financial costs and benefits to PHAs in implementing a work requirement policy.

To generate the strongest evidence of the impact of a work requirement policy, all PHAs selected into the third cohort of the MTW Expansion will be required to implement random assignment to determine which households will be subject to the local work requirement policy and which will not.⁹ By implementing random assignment *within* the PHA's public housing and HCV programs, the researchers will be able to compare the outcomes over time of those households that are subject to a work requirement to the outcomes of households that are not subject to a work requirement. PHAs will implement random assignment among only Eligible Households. Among the pool of Eligible Households, roughly half will be randomly assigned to be subject to the local work requirement policy, and the other half will *not* be subject to the local work requirement policy. Outcomes for households and residents from both groups will be compared over time to evaluate the impact of work requirement policies.

The evaluation will include random assignment of all Eligible Households that are being served by the PHA on the effective date of the local work requirement policy. Prior to the effective date of the local work requirement policy, all households will be pre-screened for eligibility for the local work requirement policy. Households determined to be eligible through the pre-screening will be notified of their eligibility, and subsequently

⁹ PHAs choosing to implement the local work requirement policy in public housing will be required to randomly assign Asset Management Projects (AMPs) (or other applicable groupings) to either a treatment group (subject to a work requirement) or a control group (not subject to a work requirement). PHAs choosing to implement the local work requirement policy in the HCV program will be required to randomly assign individual households to either a treatment group (subject to a work requirement) or a control group (not subject to a work requirement).

randomly assigned by the PHA to either a control group (these households are exempt from the local work requirement policy), or a treatment group (these households are subject to the local work requirement policy). The independent research team selected by HUD to conduct the evaluation will work with the PHAs selected into the third cohort of the MTW Expansion to provide support in pre-screening households for eligibility for the local work requirement policy and conducting random assignment.

The outcomes of Eligible Households in both the treatment and control groups will be measured for at least the evaluation period – that is the five years following the effective date of the local work requirement policy. Because the Eligible Households will have been randomly assigned to either the treatment group or the control group, any changes in earned income between the two groups will be attributable to a work requirement policy. Information pertaining to earned income will be measured largely using already available administrative data. Surveys of Eligible Households may also be administered, but this data collection would largely be the responsibility of the independent research team.

Because HUD is also interested in understanding how PHAs design their local work requirement policy and the financial costs and benefits to the PHA in implementing a local work requirement policy, PHAs selected for the third cohort of the MTW Expansion should anticipate participating in periodic surveys, site visits, and/or telephone interviews with the independent research team. Every effort will be made to minimize the burden of participating in the evaluation for both residents and PHA staff.

F. Technical Assistance for Third Cohort

HUD anticipates that following MTW designation, PHAs participating in the third cohort of the MTW Expansion may need approximately 18 months to prepare for the implementation of the local work requirement policy. Each PHA selected under the third cohort of the MTW Expansion will be required to include the local work requirement policy described in their MTW Plan and application package, and approved by the PHA Board during the application process, in the MTW Supplement to the PHA Plan per the requirements of the MTW Operations Notice. If applicable, the PHA would also include a Safe Harbor Waiver request per the requirements of the MTW Operations Notice. Once approved in the MTW Supplement to the PHA Plan, the PHA will bear primary responsibility for implementing the local work requirement policy and will be required to participate in the evaluation of the local work requirement policy, including abiding by the requirement of random assignment of the Eligible Households that will be subject to the local work requirement policy.

Technical assistance will be provided to all PHAs selected under the third cohort of the MTW Expansion by the independent research team. Technical assistance may include support on a range of implementation tasks, including, but not limited to: the development of materials to help communicate the new local work requirement policy to residents, pre-screening of households to identify Eligible Households, communicating information about the evaluation to impacted residents, conducting random assignment, and updating PHA software systems.

4) Selection Process for the Third Cohort of the MTW Expansion

All PHAs that are interested in testing work requirements and that meet the eligibility requirements outlined in Section 5(B) of this Notice by the eligibility determination date in Section 5(B) 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 estimates that approximately ten PHAs will be selected to participate in the third cohort of the MTW Expansion. HUD will conduct a lottery to select the PHAs that will be awarded MTW designation under the third cohort of the MTW Expansion.

PHAs interested in receiving MTW designation under the third cohort of the MTW Expansion that believe they meet the eligibility criteria in Section 5(B) of this Notice may submit an eligibility determination request to HUD before moving forward with the submission of an MTW Plan and application package. This eligibility determination request must be sent via email to: MTWCohort3@hud.gov. The email must request an eligibility determination and include the subject PHA name and PHA number. HUD must receive the eligibility determination request for the third cohort by April 16, 2021. The addressee that transmitted the eligibility determination request will receive an email confirming receipt within 72 hours of submission. The addressee that transmitted the eligibility determination request will receive a determination of eligibility for the PHA as soon as it is available. It is not required that interested PHAs submit an eligibility determination request to HUD. PHAs that submit an MTW Plan and application package that did not send an eligibility determination request by April 16, 2021, will have eligibility assessed as of the eligibility determination date in Section 5(B) of this Notice upon that submission.

PHAs that applied to the first or second cohort 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 the first or second cohort of the MTW Expansion and were found to be eligible for that cohort by HUD are eligible for the third 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 eligibility determination date in Section 5(B) of this Notice. These PHAs may also elect to submit an eligibility determination request to HUD according to the requirements above by April 16, 2021.

PHAs interested in the third 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 screen each MTW Plan and application package received to verify eligibility according to the date and requirements in Section 5(B) of this Notice. HUD will then 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'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 enter all eligible and complete MTW

Plan and application packages into a lottery. Those MTW Plan and application packages that were found to be not eligible and/or not complete will not be entered into the lottery.

A lottery of all eligible and complete MTW Plan and application packages will be conducted to determine which PHAs will be selected and offered MTW designation under the third cohort of the MTW Expansion. Following the lottery process, HUD will notify the selected applicant PHAs via email of their selection for the third 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 declines to participate in the third cohort of the MTW Expansion, HUD may randomly select another eligible and complete MTW Plan and application package (and the associated applicant PHA).

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)¹⁰ 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 this third cohort will not preclude PHAs from applying to a future cohort under the MTW Expansion and receiving MTW designation, provided the PHA is eligible under the terms of the selection notice for that future cohort.

Depending on the number of applications received, the geographic regions represented, and prevalence of RAD participation, HUD may adjust the lottery procedures to account for these factors. HUD will consider the location of current MTW PHAs in assessing geographic diversity.

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

A. MTW Plan and Application Package Submission Format Overview

The MTW Plan and application package for the third cohort of the MTW Expansion consists of the following:

- i. PART I - MTW Plan and Local Work Requirement Policy 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).**

¹⁰ 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 Third Cohort of the MTW Expansion

By **APRIL 16, 2021**, PHAs must meet all the eligibility requirements included in this section. All eligibility requirements will be verified as of **APRIL 16, 2021**. The list of completeness requirements will be assessed as of the submission deadline in Section 5(E) of this Notice. All eligibility requirements will be verified by HUD. 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 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 placed into the lottery. MTW Plan and application packages that fail to meet the completeness requirements listed here will also not be 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 Requirements¹¹

a) List of Statutory Eligibility Requirements

HUD will verify the following eligibility requirements through HUD systems as of April 16, 2021:

- (1) Administration of no more than 27,000 aggregate public housing and/or HCV units as verified by HUD;¹²
- (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.

b) List of Additional Eligibility Requirements¹³

HUD will verify the following eligibility requirements through HUD systems as of April 16, 2021:

- (1) The PHA is not “troubled” under either PHAS or SEMAP (as applicable to the PHA’s inventory);

¹¹ PHAs that applied to the first or second cohort of the MTW Expansion and were found to be eligible for that cohort by HUD are eligible for the third cohort of the MTW Expansion if they are not troubled in either PHAS or SEMAP as of the eligibility determination date in Section 5(B) 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.

¹² All authorized public housing and HCV units will be counted towards the aggregate amount, including any special purpose vouchers.

¹³ In assessing the additional eligibility requirements, HUD will take into consideration any HUD-provided flexibility granted to the PHA associated with emergency or disaster relief.

- (2) The PHA is not participating in the HCV Mobility Demonstration;¹⁴
- (3) The PHA did not accept formal designation as an MTW PHA in another cohort of the MTW Expansion;
- (4) The PHA has a reporting rate in the Inventory Management System/Public and Indian Housing Information Center (IMS/PIC) of at least 90% of households in both the public housing and HCV programs (as applicable to the PHA's inventory);
- (5) If the PHA administers an HCV program, the PHA is up to date on all required submissions into the Voucher Management System (VMS);
- (6) The PHA submitted all required submissions for the preceding three fiscal years into the Financial Assessment Sub-System (FASS-PH), Financial Data Schedule (FDS);
- (7) The PHA submitted its most recent PHA Plan that was due to HUD;
- (8) 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;
- (9) 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
- (10) 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, Local Work Requirement Policy Information, 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 third cohort of the MTW

¹⁴ Information on the HCV Mobility Demonstration can be found in the Federal Register at: <https://www.federalregister.gov/d/2020-15037>; <https://www.federalregister.gov/d/2020-22130>; <https://www.federalregister.gov/d/2020-26092>; and <https://www.federalregister.gov/d/2020-29266>.

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 local work requirement policy proposed in the MTW Plan and application package; 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 eligibility determination date in Section 5(B) of this Notice. Interested PHAs who after review are confirmed to have civil rights matters unresolved at the eligibility determination 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 eligibility determination date 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 eligibility determination date 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 deadline in Section 5(E) of this Notice.

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

a) Electronic Submission Requirement

The third cohort MTW Plan and application package consisting of the MTW Plan, Local Work Requirement Policy 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: MTWCohort3@hud.gov. The submittal e-mail should be titled “MTW Expansion Cohort #3 MTW 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 third 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 third 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: MTWCohort3@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 third cohort MTW Plan and application package will consist of two parts. The first part will include the MTW Plan and Local Work Requirement Policy Information. The MTW Plan will consist of narrative information responding to Section 5(C)(ii)(a) of this Notice. The Local Work Requirement Policy 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 Local Work Requirement Policy Information must contain page numbers and be no more than 30 pages in length (it is suggested that PHAs allot 10 pages for the MTW Plan and 20 pages for the Local Work Requirement Policy Information). Any pages beyond this limit will not be reviewed. A main cover page and the table of contents will not count towards the page limit. Any other cover pages in the MTW Plan and Local Work Requirement Policy Information sections will count towards the page limit. Information provided beyond the page limit will not be reviewed and may affect the PHA's completeness determination under Section 5(B) of this Notice.

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 page limits associated with Appendices 1-3 described below. Appendix 4 must contain page numbers and 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 third cohort MTW Plan and application package must undergo a public process period, elements of which include all of the following:¹⁵

¹⁵ All notices and communications must be provided 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 CFR 8.6; 28 CFR 35.160, 36.303).

Under Title VI of the Civil Rights Act of 1964, PHAs are required to provide individuals with limited English proficiency

- The PHA must notify public housing residents and/or HCV participants (as applicable to the PHA's inventory) of its intention to participate in the MTW Demonstration Program. This notification must be in advance of developing the MTW Plan (as described in Section 5(C)(ii)(a) of this Notice).
- The PHA must hold at least two resident/participant meetings (separate from, and before, the required public hearing).
- After the two resident/participant meetings, 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 Local Work Requirement Policy 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 Local Work Requirement Policy 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 third 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 local work requirement policy proposed in the MTW Plan and application package.

d) MTW Plan and Application Package Table of Contents

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

PART I (Contains no more than 30 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.
- Local Work Requirement Policy Information (suggested to be no more than 20 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 contains 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 II of

(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.

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 Local Work Requirement Policy Information

This section provides narrative information on the scope and quality of the PHA's planning for its proposed local MTW program and on the local work requirement policy. This section must be no more than a total 30 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 (included 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.¹⁶ 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 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) Local Work Requirement Policy Information (suggested to be no more than 20 pages)

(1) Describe the Local Work Requirement Policy

Provide a narrative description of the local work requirement policy that the PHA seeks to implement, including the goals of the policy and how it aligns with the PHA's overall vision for its local MTW program. In describing the local work

¹⁶ 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.

requirement policy, the PHA should ensure compliance with the MTW Operations Notice. Specifically, the PHA must adhere to the requirements of Waiver 12 (activities 12.a and/or 12.b) on work requirements in Appendix I of the MTW Operations Notice. If applicable, the PHA should also describe any Safe Harbor Waivers¹⁷ it will seek in the implementation of the local work requirement policy. The PHA must also include an impact analysis and hardship policy in accordance with Appendix II of the MTW Operations Notice.

(2) Complete the Work Requirement Policy Questionnaire

The PHA must address all questions in the Local Work Requirement Policy Questionnaire included in Attachment I of this Notice.

(3) Describe Work Requirement Policy to Public

The PHA must go through a public process as discussed in Section 5(C)(i)(c) of this Notice. It will be important for the PHA to clearly describe the proposed local work requirement policy to the public. The PHA must provide in this section the description of their local work requirement policy as it was provided to public, including:

- A timeline for implementing the local work requirement policy. HUD notes that it may take a PHA up to 18 months to prepare for the implementation of the local work requirement policy, and thus ample time must be budgeted in advance of the effective date and the start of the five year evaluation period;
- An overview of the Eligible Households for the local work requirement policy and an explanation that random assignment (i.e., a lottery) will be used to determine which Eligible Households are subject to the local work requirement policy; and
- An explanation of how the hardship policy will help assisted households if compliance with the local work requirement policy creates a significant hardship for families.

iii. PART II - Appendices

a) Appendix 1: Moving to Work Certifications of Compliance (Attachment II 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 II of this Notice. This should be completed and executed by the PHA according to the provided instructions and submitted with the MTW Plan and application package.

¹⁷ A description of Safe Harbor Waivers and the process to request a Safe Harbor Waiver is detailed in Section VI(4)(b) of the MTW Operations Notice available at: <https://www.federalregister.gov/documents/2020/08/28/2020-18152/operations-notice-for-the-expansion-of-the-moving-to-work-demonstration-program>.

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:

- Evidence that public housing residents and HCV participants (as applicable to the PHA's inventory) were notified of the PHA's intention to participate in the MTW Demonstration program;
- Evidence that two resident meetings (separate from the public hearing) were held;
- 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 third 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 local work requirement policy 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 third cohort website at: 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 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 Standard Time (EST) on August 8, 2021.**

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 to the third cohort of the MTW Expansion will find resources available in compiling the application package at: 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: MTWCohort3@hud.gov, or visit the MTW Demonstration Program website at: www.hud.gov/mtw.

/s/

R. Hunter Kurtz, Assistant Secretary for
Public and Indian Housing

ATTACHMENT I
Local Work Requirement Policy Questionnaire

As part of the Local Work Requirement Policy section of the MTW Plan and application package described in Section 5(C)(ii)(b) of this Notice, applicants must answer all questions contained in this Attachment I. It is recommended that the answers to these questions, along with other narrative requirements of Section 5(C)(ii)(b) of this Notice, not exceed 20 pages.

Components of the Local Work Requirement Policy

(For all answers, please ensure that the response comports with Waiver 12 (activities 12.a and/or 12.b) on work requirements in Appendix I of the MTW Operations Notice.

- (1) Who will be subject to the local work requirement policy?
- (2) How many hours of work per week will be required for those that are subject to the local work requirement policy?
- (3) What activities “count” as work for those subject to the local work requirement policy?
- (4) How will non-compliance with the local work requirement policy be addressed?

Additional Details About the Work Requirement Policy

- (5) Will any MTW waivers and associated activities other than Waiver 12 (activities 12.a and/or 12.b) from the MTW Operations Notice will be required to implement the local work requirement policy as designed?
- (6) Will the PHA seek to include any households in the Excluded Households (PHA Election) category and/or any individuals in the Excluded Individuals category (as explained on pages 4-5 of this Notice)?
- (7) What services to support compliance will be offered to individuals/households that are subject to the local work requirement policy or will the PHA seek a Safe Harbor Waiver?
- (8) If services designed to support employment are offered, how will the PHA support individuals/households that are exempt from the local work requirement policy that may wish to avail themselves of such services?
- (9) How will compliance with the local work requirement policy be monitored?
- (10) Who will be responsible for implementing the local work requirement policy, including: monitoring compliance, connecting individuals/households to services to support compliance, and administering/enforcing sanctions for households that are not compliant?
- (11) What hardship policy(ies) will be adopted by the PHA for households that are facing excessive financial or other hardships?
- (12) What is the number of existing Eligible Households that the PHA expects to participate in the local work requirement policy, as designed?
- (13) Does the PHA expect to apply the local work requirement policy to Eligible Households that are admitted *after* the effective date? If so, approximately how many eligible new admissions might be expected over the five-year evaluation period? [Note that the estimate of new admissions is not binding.]

- (14) Households with special purpose vouchers, with homeownership vouchers, who are being served under any local, non-traditional program, and who are enrolled in the Family Self-Sufficiency (FSS) Program will be excluded from the third cohort evaluation through the Evaluation Exempted Households category (as explained on pages 4-5 of this Notice). These households may, however, have work requirements applied to them in conformance with the MTW Operations Notice. Does the PHA intend to apply work requirements to Evaluation Exempted Households?
- (15) Eligible Households may be subject to work requirements as a part of other federal/state/local benefit programs. How will the PHA treat Eligible Households that are already subject to a work requirement policy under the program rules of another benefit program?¹⁸

Information Technology (IT) Modifications

- (16) Implementing a local work requirement policy will require modifications to the software/IT systems used to record information from the HUD-50058 form (or successor form) and to calculate rents. What, if any, vendor does the PHA use for software/IT systems related to rent calculations?
- (17) What is the estimated cost of modifying the aforementioned software/IT systems to accommodate the proposed local work requirement policy? [Note, this cost estimate is not binding.]

¹⁸ Participants in the Temporary Assistance for Needy Families (TANF) program, the Supplemental Nutrition Assistance Program (SNAP), or the Medicaid program may already be subject to work requirements.

ATTACHMENT II
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 Chairman 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 certify that the information provided on this form and in any accompanying documentation is true and accurate. I acknowledge that making, presenting, or submitting a false, fictitious, or fraudulent statement, representation, or certification may result in criminal, civil, and/or administrative sanctions, including fines, penalties, and imprisonment.

NAME OF AUTHORIZED OFFICIAL*

TITLE

SIGNATURE

DATE

*** Must be signed by either the Chairman 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.**