



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

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:

NOTICE PIH 2021-03

**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Expires: This notice remains in effect until amended, superseded or rescinded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 #4 – Landlord Incentives

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 by September of 2022 (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

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.

also follow the MTW Operations Notice, which governs the participation of all PHAs in the MTW Expansion, establishes program structure, details terms and conditions, and provides all available MTW waivers and associated activities.²

This Notice lays out the process by which PHAs will be selected for the fourth cohort of the MTW Expansion, which will test landlord incentives. 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 fourth cohort of the MTW Expansion. Section 3 contains detailed information on the evaluation of the fourth cohort of the MTW Expansion. Section 4 explains the selection process for this fourth cohort of the MTW Expansion. Section 5 provides information on eligibility requirements and the application package for the fourth cohort of the MTW Expansion. Finally, Section 6 gives administrative details and contact information.

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

The fourth cohort of the MTW Expansion will evaluate landlord incentives and their effect on landlord participation in the HCV program. HUD identified seven MTW activities in the MTW Operations Notice that have the potential to act as landlord incentives. In addition, two Cohort Specific MTW Waivers and associated activities are available for PHAs participating in the fourth cohort. Together, these MTW Operations Notice and Cohort Specific MTW Waivers and associated activities are referred to as the “Cohort #4 MTW Activities List.” PHAs in the fourth cohort of the MTW Expansion must implement at least two activities from the Cohort #4 MTW Activities List. The Cohort #4 MTW Activities List can be found in Section 3 of this Notice.

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

Upon receiving the MTW Plan and application packages from applicant PHAs, HUD will review eligibility of the applicant PHAs and ensure that the MTW Plan and application packages are complete. HUD will then conduct a lottery of all eligible and complete MTW

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>.

Plan and application packages. Those applicant PHAs selected through the lottery will be offered MTW designation under the fourth cohort of the MTW Expansion. The applicant PHAs not selected through the lottery will not receive MTW designation under the fourth cohort of the MTW Expansion but may apply for 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 fourth cohort of the MTW Expansion will be conducted by an independent research team (also referred to as the evaluator). This independent research team will compare outcomes for the PHAs that were selected and the PHAs that were not selected through the MTW Expansion fourth cohort lottery. More details on the evaluation are provided in Section 3 of this Notice.

3) Landlord Incentive Activities and Fourth Cohort Evaluation Details

This section provides information on the MTW activities and other non-MTW initiatives that seek to incentivize landlords to participate in the HCV program. It also details how the effectiveness of these activities and initiatives will be evaluated in the fourth cohort of the MTW Expansion.

A. Cohort #4 MTW Activities List

All PHAs that apply for the fourth cohort of the MTW Expansion must choose at least two activities from the Cohort #4 MTW Activities List. PHAs should choose activities that are appropriate for their local circumstances—based on market conditions, concerns expressed by local landlords, and the PHA’s assessment of the strengths and weaknesses of their HCV program. Outreach to landlords (e.g. interviews, listening sessions, focus groups, etc.) is strongly recommended. PHAs should note that additional HUD funding to implement these initiatives will not be provided through this Notice.

MTW Operations Notice MTW Activities List

The MTW activities listed here can be found in Appendix I of the MTW Operations Notice. PHAs participating in the fourth cohort of the MTW Expansion may implement these MTW activities as listed in the MTW Operations Notice or may pursue a Safe Harbor Waiver for element(s) of the MTW activity as described in the MTW Operations Notice.

- **2.a. Payment Standards – Small Area Fair Market Rents (SAFMR):** The PHA may establish payment standards between 80% and 150% of the SAFMR. Without this MTW activity the range would be constrained between 90% and 110% of the SAFMR, so MTW PHAs have greater leeway, especially to set payment standards above the SAFMR. PHAs implementing this MTW activity are strongly encouraged to adopt a hold harmless policy (or a gradual phase-in), to limit *reductions* in payment standards, as reduced payment standards would likely discourage participation from

certain landlords.

- **2.b. Payment Standards – Fair Market Rents (FMR):** The PHA may establish payment standards between 80% and 120% of the FMR. Without this MTW activity the range would be between 90% and 110% of the FMR. PHAs implementing this MTW activity are strongly encouraged to adopt a hold harmless policy (or a gradual phase-in), to limit *reductions* in payment standards, as reduced payment standards would likely discourage participation from certain landlords.
- **4.a. Vacancy Loss:** The PHA may pay a landlord up to one-month contract rent as reimbursement for time the unit spent vacant in between HCV participants. This applies only when an HCV participant leaves a unit, and the next tenant is also an HCV participant. If the unit is vacant for one month between HCV participant tenants, the PHA may pay one month of the contract rent. If the unit is vacant for less than one month, the PHA may pay up to the prorated share of the contract rent, based on the number of days the unit was vacant.
- **4.b. Damage Claims:** The PHA may pay a landlord reimbursement for tenant-caused damages after accounting for any security deposit. The amount of compensation may not exceed the lesser of the cost of damages or two months contract rent. Damages must be documented and accepted by the PHA. The PHA may choose how aggressively to contest claims regarding tenant fault.
- **4.c. Other Landlord Incentives:** The PHA may provide incentive payments up to one month of contract rent to incentivize landlords to join the HCV program (i.e. a signing bonus). PHAs may decide how to target the incentives; HUD recommends providing incentives only for landlords who do not already have any HCV tenants.
- **5.a. Pre-Qualifying Unit Inspections:** The PHA may allow units to be pre-inspected for Housing Quality Standard (HQS) approval, to accelerate the lease-up process and minimize the landlord's lost revenue during a period of vacancy. The pre-inspection must happen within 90 days before the HCV participant begins occupancy of the unit.
- **5.d. Alternative Inspection Schedule:** The PHA may implement an alternative schedule for conducting HQS inspections. Typically, HCV units must be inspected each year. Under this MTW activity, units can be inspected less frequently but must be inspected at least once every three years.

Cohort Specific MTW Waivers and Associated Activities List

The MTW waivers and associated activities listed here were created specifically for MTW PHAs participating in the fourth cohort of the MTW Expansion. They are not contained in the MTW Operations Notice. PHAs participating in the fourth cohort of the MTW Expansion may implement these MTW activities as described below or may pursue a Safe Harbor Waiver for element(s) of the MTW activity as described in the MTW Operations Notice.

- **COHORT 4.1 Waiver of Mandatory Initial Inspection:** Normally, a unit must pass HQS inspection before an HCV participant can move into the unit. This MTW

waiver and associated activity eliminates that requirement for an initial inspection under certain circumstances.

COHORT 4.1. Waiver of Mandatory Initial Inspection
 The agency is authorized to eliminate the requirement for an initial inspection under certain circumstances.

Activity	COHORT 4.1. Waiver of Mandatory Initial Inspection (HCV) - The agency may eliminate the requirement for an <i>initial inspection</i> under certain circumstances.
Statutes and Regulations Waived	Waiver of Mandatory Initial Inspection (HCV) - Certain provisions of 24 CFR 982.405(a), 982.305(a)(2), 982.305(b), 982.305(b)(1)(ii), and 982.305(b)(2)).
Safe Harbor(s)	<p>COHORT 4.1.</p> <ul style="list-style-type: none"> i. One of the following must be met to eliminate the initial inspection: a) the unit is less than five years old (as demonstrated by a certificate of occupancy, provided by the landlord); b) the unit passed an HQS inspection (or equivalent inspection) within the previous three years; or c) the unit is located in a census tract with a poverty rate below 10 percent. ii. The participant must be able to request an interim inspection (<i>agencies may not seek a Safe Harbor Waiver on this safe harbor</i>). iii. This activity only applies to initial inspections. Units must still have regular inspections according to the agency’s schedule. iv. HQS inspection standards must not be altered as found at 24 CFR 982.401 (<i>agencies may not seek a Safe Harbor Waiver on this safe harbor</i>).

- **COHORT 4.2. Front-end Vacancy Loss Payment:** MTW Activity 4.a on Vacancy Loss in the MTW Operations Notice enables the PHA to compensate the landlord for time that a unit is vacant between HCV participant tenants. This MTW waiver and associated activity, in contrast, applies in circumstances where the previous tenant was not an HCV participant.

COHORT 4.2. Front-end Vacancy Loss Payment
 The agency is authorized to determine a vacancy loss policy and payment policy for units that differ from the policy requirements currently mandated in the 1937 Act and its implementing regulations. All policies are subject to state and local laws. The agency may combine this activity with activities 4.a, 4.b and 4.c in the MTW Operations Notice into one HCV leasing incentive. For HCV activities related to this

waiver, the Department has developed a standard rider to the Housing Assistance Payment (HAP) contract that reflects MTW authorizations that amend the current provisions of the HAP contract. The MTW HAP contracts and attached HAP riders are available in the “Forms” section of the MTW Expansion website.

Activity	COHORT 4.2. Front-end Vacancy Loss Payment (<u>HCV - Tenant-Based Assistance</u>) - To incentivize a landlord’s initial or continued participation in the HCV program, the agency is authorized to make additional payments to the landlord in circumstances where the previous tenant was not an HCV participant.
Statutes and Regulations Waived	Front-end Vacancy Loss Payment (<u>HCV - Tenant-Based Assistance</u>) - Certain provisions of section 8(o)(9) of the 1937 Act, and 24 CFR 982.311 and 982.352(c).
Safe Harbor(s)	COHORT 4.2. <ul style="list-style-type: none"> i. Payments made to the landlord must be equal or lesser than one month of the contract rent. ii. The payment must be made to the landlord when the next HAP contract is executed between the owner and the agency (<i>agencies may not seek a Safe Harbor Waiver on this safe harbor</i>). iii. The agency must update its Administrative Plan to reflect the vacancy loss policy (<i>agencies may not seek a Safe Harbor Waiver on this safe harbor</i>).

B. Other Landlord Incentive MTW Activities and Non-MTW Initiatives

All PHAs that apply for the fourth cohort of the MTW Expansion may also implement other landlord incentives with or without MTW flexibility to attract landlords to participate in their HCV program.

Other Landlord Incentive MTW Activities and the Agency-Specific Waiver Process

The MTW Operations Notice provides a mechanism for MTW Expansion PHAs to request additional MTW activities through the Agency-Specific Waiver process. If a PHA applying for the fourth cohort of the MTW Expansion knows that it will seek approval of a landlord incentive MTW activity through the Agency-Specific Waiver process, the PHA may include a description of it in the MTW Plan and application package. Any Agency-Specific Waiver MTW activity description will not count towards the required two MTW activities from the Cohort #4 MTW Activities List. The description of the Agency-Specific Waiver MTW activity will not affect a PHA’s likelihood of being selected for the fourth cohort of the MTW Expansion. If selected to participate in the fourth cohort of the MTW Expansion, the PHA would have the option to pursue HUD approval of the described Agency-Specific Waiver MTW activity, or any

other Agency-Specific Waiver MTW activity, as described in the MTW Operations Notice.

Other Landlord Incentive Non-MTW Initiatives

There are many things PHAs can do without MTW designation to attract the participation of landlords in the HCV program. A PHA may, for example, focus on performing basic landlord-facing functions in an exemplary way, including: the timely payment of HAP each month, offering direct deposit for convenient payment, conducting inspections promptly, providing good customer service, designating landlord liaisons and making information readily available online.

HUD is currently developing a web-based HCV Landlord Strategy Guidebook, which discusses best practices for running an effective HCV program that is attractive to landlords. As it is completed, HUD will publish this guidebook one chapter at a time.³ PHAs interested in participating in the fourth cohort of the MTW Expansion are strongly encouraged to review this guidebook while developing their MTW Plan and application package.

In the MTW Plan and application package, each PHA should discuss what *non-MTW initiatives* the PHA is implementing, or intends to implement, to improve its HCV program and attract more landlords.

C. Evaluation of the Fourth Cohort of the MTW Expansion

HUD will select PHAs for the fourth cohort of the MTW Expansion using a lottery, thereby establishing two groups: a “treatment group” of PHAs that join the fourth cohort of the MTW Expansion and a “control group” of PHAs that do not join the fourth cohort of the MTW Expansion. The PHAs participating in the fourth cohort of the MTW Expansion will implement landlord incentives (including the activities identified in their MTW Plan and application package from the Cohort #4 MTW Activities List) and maintain them for the duration of the evaluation (currently expected to be four years). HUD, and/or the evaluator, will consult with fourth cohort PHAs as needed to refine details of the MTW landlord incentives to be implemented. The PHAs in the control group will not receive MTW designation in the fourth cohort of the MTW Expansion and therefore will not implement the MTW landlord incentives.⁴ HUD’s evaluator will monitor outcomes for both groups of PHAs. Because PHAs are to be selected randomly, HUD expects to attribute any differences in outcomes achieved by the two groups to the

³ The guidebook can be accessed on HUD’s website at: https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/landlord/guidebook.

⁴ PHAs not selected for the fourth cohort of the MTW Expansion will not be restricted in the operation of their HCV program. They may implement any landlord incentive initiatives within the constraints of HUD rules. These PHAs will simply not have access to the flexibilities associated with MTW designation. PHAs not selected for the fourth cohort of the MTW Expansion may still apply for other MTW cohorts to which they are eligible. In order to preserve the characteristics of a control group PHA, if a PHA is not selected for the fourth cohort of the MTW Expansion, but is later selected for a subsequent cohort, the PHA would not be permitted to implement MTW activities in the Cohort #4 MTW Activities List for the duration of the evaluation of the fourth cohort of the MTW Expansion.

effect of the MTW landlord incentives.

HUD has not determined the full list of outcomes that the evaluation will monitor, but those under consideration include:

- **Landlord Receptiveness to the HCV Program:** HUD’s evaluator will conduct independent data collection to assess how landlords perceive the HCV program and whether they are willing to accept HCV participants.
- **Landlords/Units Advertised to HCV Participants:** When a family receives an HCV, the PHA provides them with a briefing and an information packet. This includes information about landlords known to the PHA who may be willing to lease a unit to the family. HUD’s evaluator will monitor the PHA’s list of landlords known to accept HCVs. Some PHAs also partner with third-party platforms that help landlords list units available to HCV holders. HUD’s evaluator will monitor the landlords and units listed on such platforms, if applicable.
- **HCV Success Rate:** HUD’s evaluator will analyze HUD and PHA data to determine what proportion of HCVs issued resulted in a completed lease-up (admission to the HCV program).
- **Number of Landlords Participating in the HCV Program and Location of HCV Participants:** HUD’s evaluator will analyze HUD data to determine the total number of landlords with HCV participants and the geographic distribution of HCV participants.

All PHAs that apply for the fourth cohort of the MTW Expansion (even PHAs not selected for MTW designation in the lottery) must cooperate with HUD’s evaluation. In particular, these PHAs must:

- Accurately report data into HUD’s Information Management System/PIH Information Center (IMS/PIC) related to the HCV issuance and leasing process.⁵
- Provide HUD’s evaluator with information regarding the PHA’s list of landlords, properties, and/or units available for HCV participants.
- Participate in site visits and/or interviews with PHA staff that HUD’s evaluator may conduct. HUD’s evaluation is not intended to focus on the performance of any particular PHA, and PHAs are encouraged to be candid with the evaluator. PHAs not selected to participate in the fourth cohort of the MTW Expansion may still be asked to participate in interviews, but HUD will minimize the burden of such requests.

D. Restrictions for PHAs Participating in the Fourth Cohort of the MTW Expansion

⁵ PHAs are already required (per PIH Notice 2011-65) to submit a HUD-50058 record (or MTW equivalent) each time certain actions are taken, including: voucher issuance (action code 10), new admission (action code 1), and voucher expiration (action code 11). Many PHAs, however, do not consistently report voucher issuances and voucher expirations. Without reliable data on HCV issuances and expirations, it is not possible to calculate success rates. It is essential for HUD’s evaluation that all PHAs that apply for the fourth cohort of the MTW Expansion (including PHAs in the both the treatment and control groups) comply with PIH Notice 2011-65 or its successor.

In order to effectively evaluate the impact of landlord incentives, PHAs selected under this fourth cohort of the MTW Expansion must forgo the ability to utilize certain MTW waivers and associated activities that might conflict with the goal of increasing landlord participation for a period of four years following the implementation date of the MTW activities from the Cohort #4 MTW Activities List (referred to as the “evaluation period”). The following MTW waivers and associated activities⁶ will not be available to PHAs selected under this fourth cohort of the MTW Expansion for the evaluation period without the express permission of HUD:

- Waiver 1 on Tenant Rent Policies, Activities d, f, l, o, q and s;
- Waiver 5 on Housing Quality Standards, Activity b; and
- Waiver 7 of Term-Limited Assistance, Activity b.

PHAs selected under this fourth 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 fourth cohort evaluation. HUD may also limit other MTW waivers or activities if they are determined to undermine the fourth cohort evaluation.

Participation in the fourth cohort of the MTW Expansion may also affect an MTW PHA’s participation in the Rental Assistance Demonstration (RAD). A PHA selected under this fourth cohort of the MTW Expansion may not pursue a RAD conversion to Project-Based Rental Assistance (PBRA) that affects households subject to the evaluation for the evaluation period. A RAD conversion to project-based vouchers (PBVs) would be allowed.

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

All PHAs that are interested in implementing at least two activities from the Cohort #4 MTW Activities List 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 up to 30 PHAs will be selected to participate in the fourth cohort of the MTW Expansion. HUD will conduct a lottery to select the PHAs that will be awarded MTW designation under the fourth cohort of the MTW Expansion.

PHAs interested in receiving MTW designation under the fourth 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

⁶ 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>.

must be sent via email to: MTWCohort4@hud.gov. The email must request an eligibility determination for the fourth cohort and include the subject PHA name and PHA number. HUD must receive the eligibility determination request 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 fourth 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 fourth 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 fourth cohort of the MTW Expansion. Following the lottery process, HUD will notify the selected applicant PHAs via email of their selection for the fourth 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 fourth 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)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 this fourth cohort will not preclude PHAs from applying for 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. However, any PHA that is not selected for the fourth cohort of the MTW Expansion and is selected for a subsequent cohort of the MTW Expansion, may not implement MTW activities on the Cohort #4 MTW Activities List for the duration of the fourth cohort evaluation.

Depending on the number of applications received, the size of the PHAs, 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 Fourth Cohort of the MTW Expansion

A. MTW Plan and Application Package Submission Format Overview

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

- i. PART I - MTW Plan and Landlord Incentive Activities 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 Fourth Cohort of 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.

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.

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 April 16, 2021:

- (1) Administration of no more than 27,000 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.

b) List of Additional Eligibility Requirements¹⁰

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);
- (2) The applicant is not participating in the HCV Mobility Demonstration;¹¹
- (3) The applicant did not accept formal designation as an MTW PHA in another cohort of the MTW Expansion;
- (4) 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);
- (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);

⁸ 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 fourth 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.

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

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

¹¹ 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>.

- (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, Landlord Incentive Activities 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 fourth 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 landlord incentive activities discussed 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 fourth cohort MTW Plan and application package consisting of the MTW Plan, Landlord Incentive Activities 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: MTWCohort4@hud.gov. The submittal e-mail should be titled “MTW Expansion Cohort #4 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 fourth 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 fourth 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: MTWCohort4@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 fourth cohort MTW Plan and application package will consist of two parts. The first part will include the MTW Plan and Landlord Incentive Activities Information. The MTW Plan will consist of narrative information responding to Section 5(C)(ii)(a) of this Notice. The Landlord Incentive Activities 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 Landlord Incentive Activities Information must contain page numbers and 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 Landlord Incentive Activities 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 Landlord Incentive Activities 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 fourth cohort MTW Plan and application package must undergo a public process period, elements of which include all of the following:¹²

- 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 Landlord Incentive Activities Information must be available for public inspection for at least 30 days before submission of the MTW Plan and application package to HUD.

¹² 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 (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 conduct a public hearing to discuss the MTW Plan and Landlord Incentive Activities 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 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 this section of this Notice; and a statement of the commitment to implement the landlord incentive activities 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 fourth cohort of the MTW Expansion must be submitted with a table of contents arranged in the following order:

PART I (Contains 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.
- Landlord Incentive Activities 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 contains no more than 10 pages and includes page numbers).

- Appendix 1: Moving to Work Certifications of Compliance and Commitment to Participate in the Fourth Cohort Evaluation – these must be signed and submitted as described in Section 5(C)(iii)(a) and Attachments I and II 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 Landlord Incentive Activities 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 landlord incentive activities. This section must 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 (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.¹³ 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) Landlord Incentive Activities Information (suggested to be no more than five pages)

(1) Landlord Needs Assessment

Provide an assessment of the local context related to the HCV program and landlord participation. This assessment should include a discussion of rental housing market conditions, the types of landlords active in the local market, reasons why some landlords do not accept HCVs, and the PHA's assessment of the strengths and weaknesses of the HCV program.

(2) MTW Cohort #4 Activities

Identify at least two activities from the Cohort #4 MTW Activities List (see Section 3(A) of this Notice) that the PHA will implement if selected for the fourth cohort of the MTW Expansion. The PHA must explain why these activities are likely to be effective, given the context discussed in the prior section.

¹³ 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.

(3) Other Landlord Incentives and Initiatives

If the PHA is planning to request any Agency Specific Waivers related to landlord incentives, a description of that request should be made and justified in this section. The PHA must also discuss other (non-MTW) initiatives that the PHA has implemented or will implement to improve the HCV program and attract landlords.

iii. PART II - Appendices

a) Appendix 1: Moving to Work Certifications of Compliance (Attachment I of this Notice) and Commitment to Participate in the Fourth Cohort Evaluation (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 I of this Notice. The PHA must also provide a “Commitment to Participate in the Fourth Cohort Evaluation.” A certification sheet for this purpose is provided in Attachment II of this Notice. These should be completed and executed by the PHA according to the provided instructions and submitted with the MTW Plan and application package.

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 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

landlord incentive activities 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: 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 for the fourth 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: MTWCohort4@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
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.**

ATTACHMENT II
Commitment to Participate in the HUD-Sponsored Evaluation of the
Fourth Cohort of the MTW Expansion

COMMITMENT TO PARTICIPATE

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

Commitment to Participate in the HUD-Sponsored Evaluation of the Fourth Cohort of the MTW Expansion

In addition to the elements described in PIH Notice 2021-03, HUD will provide additional scope and information about the HUD-sponsored evaluation of the fourth cohort of the MTW Expansion and any additional requirements that the PHA must adhere to.

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 agree to ensure participation of the PHA in the HUD-sponsored evaluation of the first cohort of the MTW Expansion as described in PIH Notice 2021-03 understanding the following considerations:

- (1) The PHA must participate in the HUD-sponsored evaluation of the fourth cohort of the MTW Expansion whether or not it receives an MTW designation through the lottery process described in PIH Notice 2021-03.
- (2) The PHA must follow PIH Notice 2011-65 or its successor notice whether or not it receives an MTW designation through the lottery process described in PIH Notice 2021-03. Adherence to PIH Notice 2011-65 regarding "Timely Reporting Requirements of the Family Report (form HUD-50058 and form HUD- 50058 MTW) into the Public and Indian Housing Information Center" is important to HUD's ability to evaluate the fourth cohort of the MTW Expansion.
- (3) In event the PHA is not selected to be in the treatment group, the PHA may apply to future cohorts of the MTW Expansion to which the PHA is eligible. Despite a potential designation under a future cohort, the PHA may continue to have obligations under the HUD-sponsored evaluation of the fourth cohort of the MTW Expansion as well. Despite a potential designation under a future cohort, the PHA may not implement MTW activities in the Cohort #4 MTW Activities List in PIH Notice 2021-03 for the duration of the HUD-sponsored evaluation of the fourth cohort of the MTW Expansion.
- (4) The PHA will cooperate fully with HUD and its contractors for the duration of the HUD-sponsored evaluation of the fourth cohort of the MTW Expansion. Failure to comply with the HUD-sponsored evaluation of the fourth cohort of the MTW Expansion may affect the PHA's ability to apply to future cohorts of the MTW Expansion.

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.*