

SECOND AMENDMENT

TO

**AMENDED AND RESTATED MOVING TO WORK AGREEMENT
BETWEEN
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND
HOUSING AUTHORITY OF THE CITY OF NEW HAVEN**

This Second Amendment to the Moving to Work (“MTW”) Agreement dated May 2, 2008 (“Agreement”) is entered into by and between the United States of America through the U.S. Department of Housing and Urban Development (“HUD”) and the Housing Authority of the City of New Haven (“Agency”) and is effective as of July 1, 2010 ____, 2010. Unless otherwise defined herein, all capitalized terms used herein shall have the same meanings ascribed to them in the Agreement. Attachment D is amended as follows:

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Add the following language before the Section entitled “Suspension of Current Evaluation and Reporting Requirements.”

Section D-4 Use of MTW Funds

The Agency and HUD acknowledge that Section 204(a) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134) provides that an agency participating in the MTW demonstration program may combine public housing operating and capital funds provided under Section 9 of the U.S. Housing Act of 1937 (the “1937 Act”) and voucher program funds provided under Section 8 of the 1937 Act “to provide housing assistance for low-income families, as defined in section 3(b)(2) of the 1937 Act, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.”

The Agency and HUD further acknowledge that the terms of the agreement under which the Agency participated in the MTW demonstration program prior to the Amended and Restated MTW Agreement (the “Original MTW Agreement”) did not state that the use of such combined public housing operating and capital funds and voucher program funds (collectively, “MTW Funds”) was restricted to those uses specified in Sections 8 and 9 of the 1937 Act.

The Agency and HUD hereby agree that they do not intend for the Amended and Restated MTW Agreement to limit or restrict the authority to use MTW Funds as provided by the Original MTW Agreement, that notwithstanding any language to the contrary, those provisions in this Agreement or its attachments that restrict the use of funds to Sections 8 and 9 are repealed, and the Agency may use MTW Funds to provide housing assistance for low-income families, as defined in section 3(b)(2) of the 1937 Act, and services to facilitate the transition to work, whether or not any such use is authorized by Sections 8 or 9 of the 1937 Act, provided such uses

are consistent with other requirements of the MTW statute [i.e., including but not limited to the requirements to maintain a comparable mix of families and serve substantially the same number of families as would have been assisted if the Agency were not in the MTW demonstration, assuring that housing assisted under the demonstration meets housing quality standards established or approved by the Secretary, that at least 75 percent of the families assisted be very low income families, that the agency has established a reasonable rent policy that is designed to encourage employment and self-sufficiency by participating families, that the requirements of sections 12 of the 1937 Act are applied to any housing assisted under the demonstration other than housing assisted solely because of occupancy by families receiving tenant-based assistance, and that Section 18 of the 1937 Act shall continue to apply to public housing notwithstanding the use of any use of the housing under the demonstration] and have been proposed in an Agency's Annual MTW Plan and approved by HUD.

Notwithstanding the above, such funds remain Federal funds, and are subject to any and all other Federal requirements outside of the 1937 Act (e.g., including but not limited to Appropriations Acts, competitive HUD notices of funding availability under which the Agency has received an award, state and local laws, Federal statutes other than the 1937 Act, and OMB Circulars and requirements), as modified from time to time.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed by their duly authorized representatives.

HOUSING AUTHORITY OF THE CITY OF NEW HAVEN

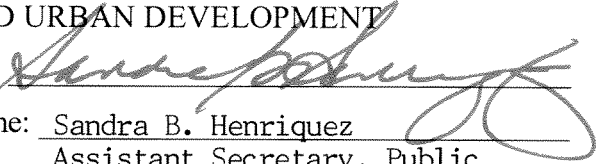
By: 

Name: Karen DuBois-Walton

Its: Executive Director

Date: 6/16/2010

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

By: 

Name: Sandra B. Henriquez

Its: Assistant Secretary, Public and Indian Housing

Date: 07/01/2010

ATTACHMENT D

LEGACY AND COMMUNITY SPECIFIC AUTHORIZATIONS **TO** **AMENDED AND RESTATED MOVING TO WORK AGREEMENT** **BETWEEN** **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** **AND THE** **HOUSING AUTHORITY OF THE CITY OF NEW HAVEN**

The waivers set forth in the Legacy and Specific Authorization are required by the Agency to implement its Annual MTW Plan and to accomplish the objectives of the Public Housing/Section 8 Moving to Work Program as set forth under Section 204(a) of the 1996 Appropriations Act.

Section D-1 Project Based Vouchers for Park Ridge Associates

A waiver of the certain requirements of Section 8(o)(13) of the Housing Act of 1937(42 U.S.C. 1437 8(o)(13)), and 24 CFR Part 983.152(a) is needed by the Agency to enable it to enter into a Housing Assistance Payment Agreement (AHAP) to provide project-based assistance for 60 units to Park Ridge Associates (the "Owner"), provided the Owner meets all of the other requirements of Section 8(o)(13) of the Act as promulgated pursuant to 24 CFR Part 983, including the requirement to comply with the federal labor standards referenced in the regulation at 24 CFR Part 983.4. Said waiver of 983.152(a) is being granted by HUD to eliminate the prohibition against the Owner commencing construction before the execution of an AHAP, and applies only to the AHAP for Park Ridge Associates.

Section D-2 "Continuum for Success" - Supportive Housing Matching Program

HANH is authorized to develop and adopt a voluntary program for all of its properties that matches housing with health, social services and/or economic development programs tailored to each resident's level of need to increase residents' opportunities to become self-sufficient. The services will be offered through a consortium of primary health, behavioral health, social service providers and groups involved in supporting the transition from welfare or unemployment to work that will be providing the service component of the project.

In carrying out this program, HANH may assign individual units, blocks of units or voucher set-asides to maximize service provision. This program will not exclude anyone based on age, level of functioning, employment status or other considerations. Rather, individuals and families eligible for public housing (current residents at the time of recertification, current residents in the process of transferring to a new public housing unit or other HANH program, applicants to HANH programs and other income-eligible individuals identified by community service providers) may choose to be assessed to determine the nature and scope of their unmet needs for primary medical and mental health services, social services, assistance with transportation, and educational and/or vocational remediation and rehabilitation and matched to services available within HANH's overall programs. As these individuals progress in their residential and

community stability, they will be able to disengage gradually from the network of services provided on-site to access other community resources, including but not limited to HANH's more conventional (i.e., less service-intensive) housing programs. All information obtained about applicants and residents through the assessment process and provision of services will be kept confidential unless a release is obtained.

Since participation is voluntary, applicants and residents may choose to participate in all, some or none of the offered assessments and services. Participation in this program will not affect housing choices available; applicants will receive the same offers of housing whether or not they choose to participate in this program. Efforts will be made to match needed services with residents regardless of housing site.

Section D-3 Energy Performance Contracting

HANH requests a waiver of the requirements of 24 CFR 990.185, which requires the recalculation of the Rolling Base Consumption Level (RBCL). Notwithstanding the provisions of 24 CFR 990.185, HANH shall retain its frozen energy consumption level as provided in the previously executed MTW Agreement, and the frozen utility consumption shall remain in full force and effect even if HANH engages in Energy Performance Contracting, as follows:

Utility subsidy. The agency's per unit month utility consumption is frozen for the life of the demonstration based on the three-year rolling-base in effect in the base year. Each year thereafter, the agency multiplies this frozen consumption by utility rates that are in effect at the time of budget submission. The agency is held harmless for any changes in utility prices (resulting in year-end adjustments for actual utility rates) but takes the risk/reward for any change in consumption. Any reduction in utility rates that result from administrative actions taken by the agency will be shared equally with HUD in accordance with regulations in effect upon execution of this agreement.

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